

California Fish and Game Commission Meeting Binder

Part 1 (Items 2-10)



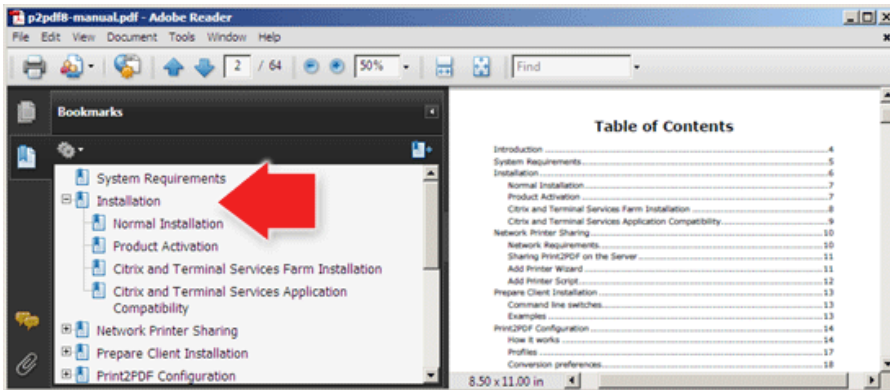
April 17-18, 2024
San Jose


EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It's helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line  located between the panels and using a long click /tap to move in either direction.
6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.
8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.
9. Do not hesitate to contact staff if you have any questions or would like assistance.

Overview of California Fish and Game Commission Meeting

- Welcome to a meeting of the California Fish and Game Commission. This is the 155th year of operation for the Commission, in partnership with the California Department of Fish and Wildlife. Both organizations originated from the Board of Fish Commissioners in 1870.
- The Commission's goals include preserving our wildlife heritage and conserving our natural resources through informed decision making. These meetings are vital in achieving those goals and, in that spirit, we provide the following information to be as effective and efficient toward that end.
- We are operating under the Bagley-Keene Open Meeting Act and these proceedings are being recorded and broadcast.
- In the unlikely event of an emergency, please note the location of the nearest emergency exits at your location.
- Items may be heard in any order pursuant to the determination of the presiding commissioner, which is President Murray today.
- The amount of time for each agenda item may be adjusted based on time available and the number of speakers.
- If you are here in the in-person location, speaker cards need to be filled out **legibly** and turned in to staff **before** we start the agenda item.
- If you are online or on the phone, you will receive additional instructions in a few minutes.
- We will ask how many speakers we have before taking public comment; please be prepared and listen closely for your name or phone number to be called.
- When you speak, please state your name and any affiliation. Please be respectful and note that disruptions will not be tolerated. Time is precious so please be concise.
- To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, www.fgc.ca.gov, and sign up for our electronic mailing lists.
- If you want the Commission to consider a regulation change, all petitions for regulation change must be submitted in writing on the authorized form, FGC 1, which is available on the Commission's website or directly from staff.
- For members of the public, if you have access to the Internet and are not planning to make public comment, you may listen to the meeting via our regular webcast by visiting the commission website at www.fgc.ca.gov (link is on right side).
- **Reminder!** Please silence your mobile devices and computers to avoid interruptions.

Introductions for California Fish and Game Commission Meeting

Commission Members

Samantha Murray	President (La Jolla)
Erika Zavaleta	Vice President (Santa Cruz)
Jacque Hostler-Carmesin	Member (McKinleyville)
Eric Sklar	Member (Saint Helena)
Darius W. Anderson	Member (Kenwood)

Commission Staff

Melissa Miller-Henson	Executive Director
David Thesell	Deputy Executive Director
Mike Yaun	Legal Counsel
Susan Ashcraft	Marine Advisor
Ari Cornman	Wildlife Advisor
Kimi Rogers	Environmental Scientist
Sherrie Fonbuena	Associate Governmental Program Analyst
Jenn Bacon	Associate Governmental Program Analyst
David Haug	Associate Governmental Program Analyst
Kelsey Leaird	Executive Analyst
Jessica Shaw	Seasonal Clerk
Devon Rossi	California Sea Grant State Fellow

California Department of Fish and Wildlife Staff

Chuck Bonham	Director
Chad Dibble	Deputy Director, Wildlife and Fisheries Division
Nathaniel Arnold	Acting Deputy Director and Chief, Law Enforcement Division
Josh Grover	Deputy Director, Ecosystem Conservation
Craig Shuman	Regional Manager, Marine Region
Scott Gardner	Branch Chief, Wildlife Branch
Sarah Mussulman	Acting Branch Chief, Fisheries Branch

I would also like to acknowledge special guests who are present:
(i.e., elected officials, including tribal chairpersons, and other special guest

Commissioners
Samantha Murray, President
La Jolla
Erika Zavaleta, Vice President
Santa Cruz
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Darius W. Anderson, Member
Kenwood

STATE OF CALIFORNIA
Gavin Newsom, Governor

Melissa A. Miller-Henson
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fgc@fgc.ca.gov
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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

Revised* Meeting Agenda **April 17-18, 2024**

Participate in Person

**San Jose Scottish Rite Center
2455 Masonic Drive
San Jose, CA 95125**

or

Participate via Webinar/Phone

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting to watch or listen. To provide public comment during the meeting, please join at the in-person location, via Zoom, or by telephone; you may join the webinar directly at <https://us02web.zoom.us/j/85095560390>. For complete instructions on how to join via Zoom or telephone, [click here](#) or visit fgc.ca.gov/meetings/2024.

*** This revised agenda is amended to clarify the scope of item 3, and add a sub-item to item 9(C).**

- Notes:**
- (1) See important meeting deadlines and procedures, including written public comment deadlines, starting on page 11.**
 - (2) Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.**
 - (3) All section and subsection references are to Title 14 of the California Code of Regulations, unless otherwise noted.**

Invitation: The Commission invites members of the public to join commissioners and staff for a field trip currently under development for Wednesday, April 17. Details will be available in advance of the Commission meeting. Members of the public are welcome to join but must provide their own transportation.

Call to Order and Roll Call to Establish a Quorum

1. **Consider approving agenda and order of items**

Discussion and Action Items

2. **Commission executive director and Department reports**

- (A) ***Commission executive director's report***

- I. Justice, equity, diversity and inclusion (JEDI) plan update

- (B) ***Department director and Law Enforcement Division***

3. **Commercial California halibut and white seabass set gill net**

Consider authorizing publication of notice of intent to amend regulations regarding set gill net service interval, gear marking, and mesh depth in the commercial California halibut and white seabass set gill net fisheries.

(Add Section 174.1)

4. **Fisheries logbook forms and fishing block charts**

Consider authorizing publication of notice of intent to amend regulations regarding fisheries logbook forms and fishing block charts.

(Amend sections 120.7, 122, 165, 180, 190, 197 and 705.1)

5. **Experimental Fishing Permit (EFP) Program Major Amendment Request**

Consider approving a major amendment to the permit for EFP Application 2023-02 related to pop-up gear testing in the Dungeness and rock crab fisheries.

(Pursuant to Section 91)

6. **Commission policies**

Discuss potential amendments to five Commission policies currently under review.
(Pursuant to Section 703, California Fish and Game Code)

- (A) ***Code of Conduct***

- (B) ***Planting Fish in Youth Camps***

- (C) ***Youth Fishing Programs***

- (D) ***Research***

- (E) ***Naming Installations***

7. **Regulation change petitions (marine, wildlife, and inland fisheries)**

- (A) ***New petitions***

Receive new petitions for regulation change.

(Pursuant to Section 662)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the June 19-20, 2024 meeting.

(B) ***Previously received petitions***

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings.

(Pursuant to Section 662)

- I. *Petition 2023-12*: Request to amend recreational groundfish regulations to require use of descending devices to protect groundfish stocks
- II. *Petition 2024-01*: Request to amend sport fishing regulations to allow increased take and reduce size limitations of trout in Stony Creek in Colusa County
- III. *Petition 2018-016(a)*: Request to remove Hope Valley Wildlife Area from the Department Lands Pass Program

8. Non-regulatory requests from previous meetings (marine, wildlife and inland fisheries)

Consider and potentially act on requests for non-regulatory action received from members of the public at previous meetings.

9. Committee and Department reports

Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.

(A) ***Tribal Committee***

Receive summary and consider approving recommendations from the April 16, 2024 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

(B) ***Marine Resources Committee***

Receive summary and consider approving recommendations from the March 19, 2024 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

(C) ***Department Marine Region***

- I. Update on annual recreational ocean salmon and Pacific halibut regulations, and automatic conformance to federal regulations
- II. Public discussion of action taken by the director of the Department in the recreational Dungeness crab fishery to temporarily prohibit the use of crab traps between the Sonoma/ Mendocino county line and Point Conception, Santa Barbara County (fishing zones 3, 4 and 5), and remain under a fleet advisory for all open fishing zones (1, 2 and 6), to protect marine life from entanglement risk. (Pursuant to Section 29.80)

General Public Comment

10. General public comment for items not on the agenda

Receive public comment regarding topics within the Commission's authority that are not included on the agenda. Agenda item 28 on day 2 is an extension of this general public comment agenda item; as such, speakers may comment on one day or the other.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

Call to Order and Roll Call to Establish a Quorum

Consent Items

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

11. Initial private lands wildlife habitat enhancement and management area (PLM) plan and licence (consent)

Consider approving initial PLM plan and 2024-2028 license for:
(Pursuant to Section 601)

- (A) Merced
 - I. Stevinson Ranch

12. Five- year PLM plans (consent)

Consider approving five-year PLM plans and 2024-2028 licenses for:
(Pursuant to Section 601)

- | | |
|------------------------|---------------------|
| (A) Del Norte | (D) Monterey |
| I. Smith River PLM | I. Gabilan Ranch |
| (B) Humboldt | (E) San Luis Obispo |
| I. Redwood House Ranch | I. Carrizo Ranch |
| (C) Mendocino | II. Herst Ranch |
| I. Capistran Ranch | (F) Tehama |
| II. Four Pines Ranch | I. Bell Ranch |
| III. Schneider Ranch | |

13. Annual PLM plans (consent)

Consider approving annual PLM plans for:
(Pursuant to Section 601)

- | | |
|--------------------------|------------------------------|
| (A) Del Norte | (C) Humboldt and Trinity |
| I. Alexandre Dairy | I. Wilkinson Hunting Club |
| (B) Humboldt | (D) Kern and San Luis Obispo |
| I. Big Lagoon | I. Temblor Ranch |
| II. Diamond C Outfitters | |
| III. Hunter Ranch | |
| IV. Klamath PLM | |
| V. Rainbow Ridge PLM | |
| VI. Stover Ranch | |
| VII. Wiggins Ranch | |

- (E) Mendocino
 - I. Ackerman-Southy Daughtery WMA
 - II. Amann Ranch
 - III. Antler Hill Ranch
 - IV. Bridges Ranch
 - V. Carley Ranch
 - VI. Christensen Ranch
 - VII. Eden Vellely Ranch
 - VIII. Miller-Eriksen Ranch
 - IX. R-R Ranch
 - X. Seven Springs Ranch
 - XI. Shamrock Ranch
 - XII. Six Point Ranch
 - XIII. Spring Valley Ranch
 - XIV. Summer Camp Ranch
- (F) Merced
 - I. DeFrancesco / Eaton Ranch
- (G) Monterey
 - I. Alexander Ranch
 - II. Bardin Ranch
 - III. Hartnell Ranch
 - IV. Indian Valley Cattle Company – Lombardo Ranch
 - V. Peachtree Ranch
 - VI. San Bartolome Ranch
 - VII. Sky Rose Ranch
- (H) Monterey and San Benito
 - I. Morisoli Ranch
- (I) Monterey and San Luis Obispo
 - I. Camp 5 Outfitters - Roth Ranch
- (J) San Benito
 - I. Lewis Ranch
 - II. Lone Ranch
 - III. Pine Mountain Ranch
 - IV. Rancho Le Cuesta
 - V. Trincherero Ranch
- (K) San Joaquin
 - I. Corral Hollow Ranch
- (L) San Luis Obispo
 - I. Avenales Ranch
 - II. Carnaza Ranch
 - III. Chimney Rock Ranch
 - IV. Clark & White Ranch
 - V. D-Rafter L Ranch
- (M) Santa Clara
 - I. Coon Creek Ranch
- (N) Shasta
 - I. Stackhouse Ranch
- (O) Stanislaus
 - I. Rooster Comb Ranch
- (P) Tehama
 - I. 3D Ranch
 - II. R Wild Horse Ranch
- (Q) Trinity
 - I. Stewart Ranch
 - II. Travis Ranch

14. Readoption of white sturgeon emergency regulation (consent)

Consider adopting a 90-day extension of emergency regulations concerning recreational take of white sturgeon (*Acipenser transmontanus*) to support recovery populations and to track fishing pressure and success.

(Amend sections 5.79, 5.80, 27.90 and 27.92)

15. Greater sage-grouse (consent)

Consider approving the Department's request for a six-month extension to deliver the one-year status review report on the petition to list greater sage-grouse (*Centrocercus urophasianus*) as threatened or endangered under CESA.

(Pursuant to Section 2074.6 Fish and Game Code)

Discussion and Action Items

16. Inland sport fishing

Consider authorizing publication of notice of intent to amend regulations for freshwater sport fishing bag limits, gear, and low-flow information.
(Amend sections 2.30, 5.50, 7.50, 8.00, and 703)

17. White sturgeon sport fishing regular rulemaking

Consider authorizing publication of notice of intent to amend regulations through a regular rulemaking to adopt the emergency rules for the recreational take of white sturgeon.
(Amend sections 5.79, 5.80, 27.90 and 27.92)

18. Central Valley sport fishing

Discuss proposed amendments to Central Valley sport fishing regulations.
(Amend subsections 7.40(b)(4), (43), (66) and (80))

19. Klamath River Basin sport fishing

Discuss proposed amendments to Klamath River Basin sport fishing regulations.
(Amend subsection 7.40(b)(50))

20. Waterfowl hunting

Consider adopting proposed amendments to waterfowl hunting regulations and taking final action under the California Environmental Quality Act (CEQA).
(Amend Section 502)

21. Mammal hunting

Consider adopting proposed amendments to mammal hunting regulations and taking final action under CEQA.
(Amend sections 362, 363, 364, 364.1, 554, 555 and 708.14 and add Section 555.1)

22. Southern California steelhead

Consider the petition, Department's status review report, and comments received to determine whether listing southern California steelhead (*Oncorhynchus mykiss*) as endangered under the California Endangered Species Act (CESA) is warranted.
(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

23. Mohave desert tortoise

Consider the petition, Department's status review report, and comments received to determine whether changing the status of Mohave desert tortoise (also known as Agassiz's desert tortoise) (*Gopherus agassizii*) from threatened to endangered under CESA is warranted.
(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

24. Ballona Wetlands Ecological Reserve

Ballona Wetlands Ecological Reserve consistency determination as to whether the visitor uses associated with the parking lots in Area A and the baseball fields in Area C are compatible with the purposes of the reserve.

25. California grizzly bear

Recognize the 100-year anniversary of the extirpation of California’s state animal, grizzly bear (*Ursus arctos californicus*).

26. Committee and Department reports

Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.

(A) ***Wildlife Resources Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics and changing the meeting location for the next committee meeting on May 16, 2024.

(B) ***Department Wildlife and Fisheries Division, and Department Ecosystem Conservation Division***

27. Commission administrative items

(A) ***Legislation***

Receive updates on legislative activity and consider providing direction to staff on potential actions.

(B) ***Rulemaking timetable updates***

Review and potentially approve changes to the perpetual timetable for anticipated regulatory actions.

(C) ***Future meetings and new business – May 15, 2024 and June 19-20, 2024***

Review logistics and approve draft agenda items for the next Commission meetings, consider any changes to approved meeting dates or locations, or introduce new business for a future meeting agenda.

General Public Comment

28. General public comment for items not on the agenda

Receive public comment regarding topics within the Commission’s authority that are not included on the agenda. This item is an extension of the “general public comment for items not on the agenda (Agenda Item 9); as such, speakers may comment on one day or the other.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

Adjourn

Public Receipt of Documents

This section of the agenda highlights reports or other documents received by the Commission since the previous meeting. Any Commission discussion or action on these documents will be noticed and placed on the agenda of a future meeting. Since February 15, 2024, the Commission received two documents:

1. The Department's evaluation report on the petition to list white sturgeon (*Acipenser transmontanus*) as threatened under California Endangered Species Act. Additional information about the petition is available at <https://fgc.ca.gov/CESA#ws>.
2. A petition from the Center for Biological Diversity, Defenders of Wildlife, Burrowing Owl Preservation Society, Santa Clara Valley Audubon Society, Urban Bird Foundation, Central Valley Bird Club, and San Bernardino Valley Audubon Society to list western burrowing owl (*Athene cunicularia hypugaea*) as threatened or endangered under the California Endangered Species Act. The petition is available at <https://fgc.ca.gov/CESA#wbo>.

Executive Session

(Not open to the public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
 - I. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - II. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (California Environmental Quality Act determination regarding amendments to inland trout regulations)
 - III. United Water Conservation District v. California Fish and Game Commission (southern California steelhead "may be warranted" determination under the California Endangered Species Act and regulation authorizing limited take under Fish and Game Code Section 2084)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Consider the proposed decision in FGC Case No. 21ALJ02-FGC, regarding revocation of Attila Molnar's application to renew a restricted species exhibiting permit.

California Fish and Game Commission Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations. All Commission meetings will include a webinar/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

Meeting Date	Commission Meeting	Committee Meeting
May 15, 2024	Teleconference Trinidad, Fairfield, Sacramento, Santa Cruz and La Jolla (see website for facility details)	
May 16, 2024		Wildlife Resources Yreka
June 19-20, 2024	Mammoth Lakes	
July 18, 2024		Marine Resources Santa Rosa area
August 13, 2024		Tribal River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540
August 14-15, 2024	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
September 12, 2024		Wildlife Resources San Jose
October 9-10, 2024	California Natural Resources Headquarters Building Auditorium, 1 st Floor 715 P Street Sacramento, CA 95814	
November 7, 2024		Marine Resources California Natural Resources Headquarters Building 715 P Street, 2 nd Floor Sacramento, CA 95814
December 10, 2024		Tribal San Diego area
December 11-12, 2024	San Diego area	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 22-25, 2024 – Madison, WI

Pacific Fishery Management Council

- June 6-13, 2024 – San Diego, CA
- September 18-24, 2024 – Spokane, WA
- November 13-19, 2024 – Costa Mesa, CA
- March 5-11, 2025 – Vancouver, WA
- April 9-15, 2025 – San Jose, CA

Pacific Flyway Council

- August 30, 2024 – Jackson, WY

Western Association of Fish and Wildlife Agencies

- June 3-7, 2024 – Stevenson, WA

Wildlife Conservation Board

- May 23, 2024 – Sacramento, CA
- August 22, 2024 – Sacramento, CA
- November 21, 2024 – Sacramento, CA

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks the 155th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal and we provide this information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Civil Rights Office (CRO) at civilrights@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the CRO immediately.

Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814 (you must call at least one business day in advance to arrange delivery); or hand-deliver to a Commission meeting. Materials provided to the Commission will be available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on April 4, 2024**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on April 12, 2024**. Comments received by this deadline will be made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting. Please bring 12 copies of written comments to the meeting and give them to the designated staff member just prior to speaking.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change*, available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must be delivered by the

Supplemental Comment Deadline (or delivered in person at the meeting during the regulation change petitions agenda item). Petitions received at this meeting will be scheduled for consideration at the next regularly scheduled business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b).

Non-Regulatory Requests

All non-regulatory requests follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Supplemental Comment Deadline** (or heard during general public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next regularly scheduled business meeting.

Speaking at the Meeting

To speak on an agenda item in-person, please complete a “speaker card” and provide it to the designated staff member before the agenda item is announced. Please complete one speaker card per item. Cards will be available near the entrance of the meeting room.

To speak on an agenda item by webinar/phone, please “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

In-person and Webinar

1. In-person speakers will be identified in groups; please line up when your name is called. Speakers by webinar/phone will be identified by your Zoom display name or last three digits of your phone number; please pay attention to when your name or number is called.
2. When addressing the Commission, please give your name and the name of any organization you represent before providing your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
 - b. In-person participants ceding their time shall complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time. If you are participating via Zoom and ceding your time to another speaker, please notify the Commission at fgc@fgc.ca.gov prior to the start of the agenda item, including to whom you are ceding your time, and be present on Zoom during the agenda item.
 - c. Individuals may receive advance approval for additional time to speak if such requests are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.

- d. An individual requiring an interpreter is entitled to at least twice the allotted speaking time pursuant to Government Code Section 11125.7(c).
- e. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Agenda items may be heard in any order and on either day pursuant to the discretion of the presiding commissioner.

Visual Presentations and Associated Materials

All electronic presentations must be submitted by the ***Supplemental Comment Deadline*** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov. If the presentation file is too large to send via email, contact staff to identify an alternative method for submitting the file.
2. All electronic formats must be Windows PC compatible.
3. If presenting at the in-person meeting location, it is recommended that you bring a print copy of your presentation in case of technical difficulties.
4. If you have written materials to accompany your presentation, please bring 12 copies to the meeting and give them to the designated staff member just prior to presenting.

Staff Summary for April 17-18, 2024

2B. Department Director and Law Enforcement Division Reports

Today's Item

Information

Action

The Department will highlight items of note since the last Commission meeting.

Summary of Previous/Future Actions (N/A)

Background

Verbal reports are expected for the Department director's report and Law Enforcement Division's report.

A news release of potential interest related to a salmon mortality event on the Klamath River is provided as Exhibit 1.

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

1. [Department news release: Fall Run Chinook Salmon Fry Succumb to Gas Bubble Disease in Klamath River, dated March 2, 2024](#)

Motion (N/A)

Staff Summary for April 17-18, 2024

3. Commercial California halibut and white seabass set gill net**Today's Item**Information Action

Consider authorizing publication of notice of intent to amend regulations regarding set gill net service interval, gear marking and mesh depth in the California halibut and white seabass set gill net fisheries.

Summary of Previous/Future Actions

- | | |
|--|---------------------------|
| • Marine Resources Committee (MRC) vetting | 2022 – 2023, various; MRC |
| • MRC discussion and recommendation | November 16, 2023; MRC |
| • Today's notice hearing | April 17-18, 2024 |
| • Discussion hearing | June 19-20, 2024 |
| • Adoption hearing | August 14-15, 2024 |

Background

California's commercial set gill net fisheries are governed by state law and regulations set by the Commission; these fisheries utilize distinct net types: a larger mesh (minimum 8.5 inches) for targeting California halibut, and a smaller net (minimum 6 inches) for targeting white sea bass. Both fisheries are inherently multi-target, but also catch non-targeted species as bycatch. Bycatch is discarded due to size, sex, legality, and/or marketability. The regulations being proposed today focus on improving bycatch management.

The impetus for the proposed regulations stems from a bycatch evaluation specifically focused on the California halibut fishery, which is part of the Department's broader California halibut fishery management review referred to MRC by the Commission in 2020. The Department's bycatch evaluation, guided by the Marine Life Management Act (MLMA), involved collaborating with research partners, Commission staff, industry representatives, and non-governmental organizations. The multi-year process aimed to assess the "acceptability" of bycatch in the California halibut set gill net fishery based on legal considerations, sustainability threats, impacts on other fisheries, and ecosystem effects, consistent with the MLMA. The process is outlined in the *2018 Master Plan for Fisheries, A Guide for Implementation of the Marine Life Management Act*.

The proposed regulations represent the culmination of a four-step evaluation process, leading to developing management measures to address bycatch deemed unacceptable in the California set gill net fishery and to improved data collection efforts. MRC served as a public forum that facilitated robust stakeholder discussions throughout 2022 and 2023, addressing data analyses and interpretations, information gaps, and potential solutions for bycatch concerns (see exhibits 1 and 2 for more details). The MRC recommendation for this initial regulatory phase was approved by the Commission in December 2023, with the understanding that the Department continues to explore longer-term management options.

Staff Summary for April 17-18, 2024

Proposed Regulations

The proposed regulations, as detailed in exhibits 3-6, would add a new Section 174.1 and serve as an initial phase of management measures in the California set gill net fishery. The proposal aims to reduce bycatch and fill data gaps through improved data collection with three elements: A net service interval, gear marking, and a maximum net height.

1. Establish a net service interval for checking or raising set gill nets (also known as *soak time*). Currently there is no requirement in regulation limiting how long gill nets are left unattended, which can affect the survival rate of discarded fish, and the survival rates of sharks and other elasmobranchs. A service interval range of 24 to 48 hours is proposed, with provisions for flexibility in complying during unsafe weather, catastrophic events, or undue hardship, and for determining net abandonment. The Commission would select the final service interval before or at the adoption hearing.
2. Require set gill net permittees to mark gear by incorporating a 1-inch wide, 1-foot-long colored nylon strap weaved into the existing head rope every 20 fathoms. In the event of entanglement with marine life, this marking will clearly identify the gear as being from the California set gill net fishery. Three color options are included to provide opportunity for input from fishermen and manufacturers; the Commission would select the required color(s).
3. Establish a maximum net height (also known as *mesh depth*) for both California halibut and white seabass set gill nets. Current law establishes specific dimensions for mesh size and net length for the California halibut fishery, as well as a minimum mesh size for the white seabass fishery, but does not establish requirements for net height in either fishery. The proposed maximums of 25 meshes deep for California halibut and 50 meshes deep for white seabass are anticipated to reduce bycatch and prevent the expansion of set gill net gear height.

Today the Department will present an overview of the proposed regulations and rationale for each (Exhibit 7).

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

Commission staff: Authorize publication of a notice of intent to amend regulations as recommended by the Department and MRC. Request that the Department provide a recommendation for soak time and gear marking color at the discussion hearing.

Committee: Authorize publication of a notice of intent to amend regulations with a range for the required service interval of 24 to 48 hours.

Department: Authorize publication of a notice of intent to amend regulations with a required service interval range of 24 to 48 hours and three options for gear marking colors as described in the draft initial statement of reasons (ISOR; Exhibit 4).

Staff Summary for April 17-18, 2024

Exhibits

1. [Staff summary from November 16, 2023 MRC meeting \(for background purposes only; exhibits for the item are available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216813&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216813&inline)
2. [Staff summary from March 19, 2024 MRC meeting \(for background purposes only\)](#)
3. [Department memo transmitting draft ISOR, received April 9, 2024](#)
4. [Draft ISOR](#)
5. [Draft proposed regulatory language](#)
6. [Draft economic and fiscal impact statement \(Std. 399\)](#)
7. [Department presentation](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to add Section 174.1 related to commercial California halibut and white seabass set gill nets, with a required service interval range of 24 to 48 hours and three options for gear marking color as discussed today. The Commission requests that the Department provide a recommendation for soak time and gear marking color at the discussion hearing for the rulemaking.

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4. Fisheries Logbook Forms and Fishing Block Charts**Today's Item**Information Action

Consider authorizing publication of notice of intent to amend regulations regarding fisheries logbook forms and fishing block charts.

Summary of Previous/Future Actions

- | | |
|---------------------------------|--------------------------|
| • Today's notice hearing | April 17-18, 2024 |
| • Discussion hearing | June 19-20, 2024 |
| • Adoption hearing | August 14-15, 2024 |

Background

The Department produces charts defining areas of commercial fishing activity, commonly referred to as "fishing blocks" and has relied on these fishing blocks since at least 1934 to document fishing locations for reported catch. While the charts have been consistently used, inaccuracies have accumulated over time. To ensure fishing records provide the most precise data possible, the Department is proposing updates to the fishing block system, that will allow the Department to better distinguish where fish are caught. The improvements aim to provide more accurate information to support effective fishery management decisions.

Proposed revisions to the charts aim to address two issues with the current version of the charts:

- Blocks that overlap with other blocks of a different scale, leading to inconsistent reporting and ultimately poor resolution of location, and
- blocks with poor alignment with the U.S./Mexico border where, in some cases, U.S. catch cannot be distinguished from Mexico catch.

In addition, various logbook and fishing activity forms reference the fishing block chart version to be used when block codes must be reported, but are inconsistent regarding the particular chart version to be used. The proposed revisions would ensure that all forms, where a fishing block is reported, use the same and most current chart maintained by the Department.

Proposed changes will support collecting fishing location information at the spatial resolution (level of detail) initially intended and will be more effective at informing fishery management decisions. Additionally, the proposed changes will improve spatial resolution to a level that will allow for correct distinction between catch originating in United States waters versus foreign waters and between inshore and offshore waters of California.

Proposed Regulations

Note: Section 197 is *not proposed for amendment in this rulemaking* and was erroneously listed on the agenda for today's meeting.

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The proposed regulation changes include:

- In subsection 705.1(d), remove references to three charts: Northern California Fisheries, Central California Fisheries, and Southern California Fisheries. The charts will, instead, be referenced in Section 190 with a universal provision applicable to all forms requiring fishing origin block number data.
- In Section 190, add a new subsection (f) to specify the California Fisheries Chart Series to be referenced when a Department form requires that the origin block number be specified.
- Amend Section 165 to refer to Subsection 190(f) instead of Section 705.1.
- Make minor updates to Form DFW 120.7, Commercial Dive Fishing Log, and Form DFW 122, Daily Lobster Log.
- Amend sections 120.7 and 122 to reference the updated DFW Form 120.7 and Form 122, respectively.

Further details on the proposed changes are available in the initial statement of reasons (ISOR), proposed regulatory language, and proposed DFW forms 120.7 and 122 (exhibits 2 through 4).

Today, the Department will present an overview of the proposed changes (Exhibit 6).

Significant Public Comments (N/A)

Recommendation

Commission staff: Authorize publication of notice of intent to amend sections 120.7, 122, 165, 190 and 705.1 related to marine logbooks and coastal charts, as recommended by the Department.

Department: Authorize publication of notice of intent to amend sections 120.7, 122, 165, 190 and 705.1.

Exhibits

1. [Department memo transmitting the draft ISOR, received March 26, 2024](#)
2. [Draft ISOR](#)
3. [Proposed regulatory language](#)
4. [Proposed DFW forms 120.7 and 122](#)
5. [Economic and fiscal impact statement \(STD. 399\) and addendum](#)
6. [Department presentation](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 120.7, 122, 165, 190 and 705.1, as discussed today.

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5. Experimental Fishing Permit (EFP) Program Major Amendment Request**Today's Item**Information Action

Consider approving a major amendment to the permit for EFP Application 2023-02 related to pop-up gear testing in the Dungeness and rock crab fisheries. (Pursuant to Section 91)

Summary of Previous/Future Actions

- | | |
|---|--------------------------|
| • Commission approved EFP | June 14-15, 2023 |
| • Department informed the Commission about an EFP major amendment request | February 6, 2024 |
| • Published notice of receipt of EFP major amendment request | February 13, 2024 |
| • Department transmitted recommendation for EFP major amendment request | February 29, 2024 |
| • Published notice of receipt of Department recommendation | March 14, 2024 |
| • Today discuss and consider approving EFP major amendment request | April 17-18, 2023 |

Background

The Commission and Department jointly administer the EFP Program, authorized by the California Fisheries Innovation Act of 2018 (California Fish and Game Code Section 1022) and established through regulations adopted by the Commission (Section 91). The EFP Program fosters innovation and experimentation in California's commercial and recreational marine fisheries to inform the conservation and sustainable use of the state's marine resources. The program provides opportunities for fishers and scientific partners to obtain limited, short-term exemptions from state fishing laws and regulations to test and deploy new management approaches or pursue fishery-related research. For additional information about the program, see the Department's EFP webpage at <https://wildlife.ca.gov/Conservation/Marine/EFP> and the Commission's at <https://fgc.ca.gov/EFP>.

At its June 14-15, 2023 meeting, the Commission approved an [EFP to the National Marine Sanctuary Foundation \(Commission Application Tracking 2023-02\)](#) to test the commercial use of pop-up fishing systems in the California Dungeness crab fishery to inform alternative gear under the Department's Risk Assessment Mitigation Program (RAMP).

Pursuant to subsection (k)(2) of Section 91, an EFP holder may request amendments to an approved EFP at any time during the term of the permit. Proposed amendments are categorized into three types: administrative updates, minor amendments, or major amendments. Section 91 authorizes the Department to approve administrative and minor amendments; however, major amendments are subject to the same Department review, public notice, Commission action, and Department issuance procedures as a new application [subsection (k)(2)(A)(3)]. Major amendments are described as modifications to an approved EFP that exceed the allowances placed on the permit concerning the amount and type of

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species that may be taken, the geographic location where fishing may occur, the amount or type of gear that can be used, or the number of vessels or persons that may conduct the authorized activities.

EFP Amendment Request Overview

On February 6, 2024, the Department notified the Commission of an accepted major amendment request for the National Marine Sanctuary Foundation EFP (Exhibit 1). The foundation is requesting to amend several special conditions, including the season (retaining Dungeness crab during RAMP closures), the number of authorized agents and vessels, gear (number of pop-up systems and traps, gear marking), the fishing location, and adding rock crab fishery testing. The Commission provided a [notice of receipt to interested parties](#) on February 13, 2024.

The Department conducted its technical review of the applicant's amendment request and transmitted its recommendation to the Commission on February 29, 2024, including special conditions as specified on form DFW 1103 (exhibits 1 and 2). The Commission provided a [notice of receipt of the Department recommendation](#) to interested parties on March 14, 2024. A table summarizing current EFP conditions, the permittee's major amendment requests, and the Department's recommendations for each, including rationale, is provided as Exhibit 4.

Today's Meeting

The Department will present an overview of the major amendment request and provide its recommendations and rationale for each of the requests for Commission consideration and potential approval (Exhibit 5).

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

Commission staff: Approve the major amendment request to the National Marine Sanctuary Foundation EFP with proposed special conditions as specified in Exhibit 2, as recommended by the Department.

Department: Approve the National Marine Sanctuary Foundation EFP major amendment with proposed special conditions as specified on form DFW 1103.

Exhibits

1. [Amendment request, transmitted to the Commission from the Department on February 6, 2024](#)
2. [Department recommendation memo, received February 29, 2024](#)
3. [Draft form DFW 1103, including standard terms and proposed amended special conditions for major amendment](#)
4. [Commission staff table summarizing some of the current EFP conditions, the EFP holder's requests, and the Department's proposed special conditions, dated April 5, 2024.](#)
5. [Department presentation](#)

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Motion

Moved by _____ and seconded by _____ that the Commission approves the major amendment request for the National Marine Sanctuary Foundation EFP with special conditions as recommended by the Department.

OR

Moved by _____ and seconded by _____ that the Commission approves the major amendment request for the National Marine Sanctuary Foundation EFP with special conditions as recommended by the Department, except as follows: _____.

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7. Regulation Change Petitions (Marine, Wildlife, and Inland Fisheries)**Today's Item**Information Action

This is a standing agenda item for the Commission to receive new regulation change petitions and act on regulation change petitions received from the public at previous meetings. For this meeting:

- (A) Receive new petitions for regulation change
- (B) Act on previously received regulation change petitions

Summary of Previous/Future Actions**A. New Petitions for Regulation Change – Receipt**

- **Today receive new petitions** **April 17-18, 2024**
- Potentially act on new petitions **June 19-20, 2024**

B. Petitions for Regulation Change – Scheduled for Action

- Received Petition 2023-12 **October 10-11, 2023**
- Commission referred Petition 2023-12 to Department for review and recommendation **December 13-14, 2023**
- Teleconference for recreational fishing regulations for federal groundfish **March 26, 2024**
- Received Petition 2024-01 **February 14-15, 2024**
- **Today potentially act on petitions** **April 17-18, 2024**

Background**(A) Receive New Petitions for Regulation Change**

Pursuant to Section 662, any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1. Regulation change petition forms submitted by the public are “received” at this Commission meeting under (A) if they are delivered by the public comment or supplemental comment deadlines or delivered in person to the Commission meeting.

Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or act on any matter not included on the agenda, other than to determine whether to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change generally follow a two-meeting cycle of receipt and decision. The Commission will determine the outcome of petitions received at today’s meeting at the next regularly scheduled Commission meeting (currently June 19-20, 2024) under (B), following staff evaluation, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b).

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Two new petitions for regulation change were received by the comment deadline; the petitions are summarized in Exhibit A1 and provided as exhibits A2 and A3.

(B) Act on Previously-Received Regulation Change Petitions

Petitions received at the previous meeting are scheduled for Commission consideration at the next regularly scheduled business meeting under (B). A petition may be (1) denied, (2) granted, or (3) referred to a committee, staff or the Department for further evaluation or information-gathering. Referred petitions are scheduled for action once the evaluation is completed and a recommendation made.

Today, two petitions are scheduled for action:

1. *Petition 2023-12*: Require anglers to possess and use descending device capable of returning rockfish to depth taken when fishing for or possessing groundfish.
2. *Petition 2024-01*: Request to amend sport fishing regulations to allow increased take and reduce size limitations of trout in Stony Creek in Colusa County.

Staff recommendations for these petitions, developed with input from Department staff, are provided in Exhibit B1. See Individual petitions in exhibits B2 and B3.

Comments on Referred Petitions Under Review

This item also includes public comments related to petitions that the Commission has previously referred for review and recommendation; these petitions are not yet ready for final action.

Significant Public Comments**(A) New Petitions**

Support for newly-received Petition 2024-02 (exhibits A5 and A6) regarding re-opening the commercial abalone fishery at San Miguel Island:

- Five former commercial abalone divers or their relatives support Petition 2024-02, and describe their personal histories with the closed fishery, commenting that the current population of abalone at San Miguel Island should support some harvest of the species (exhibits A4 through A9). One individual (Exhibit A8) suggests re-opening the fishery as an opportunity to begin observational studies to understand the impacts of abalone harvesting and guide the abalone recovery and management plan.
- A former abalone diver supports and outlines concepts for testing a new commercial abalone fishery, consistent with Petition 2024-02, through an experimental fishing permit, which would also inform an abalone fishery [recovery and] management plan (Exhibit A10).
- The mayor of the City of Santa Barbara lauds commercial fishermen in from the area and asserting that a limited commercial fishery for abalone in Santa Barbara's local waters is viable.

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(B) Previously-Received Petitions

1. *Support for referred Petition 2023-10 regarding donation of fish, currently under Department review:* A recreational fisherman supports granting Petition 2023-10, emphasizing that donating such fish is a way to reduce waste (Exhibit B4).
2. *Comments on referred marine protected area (MPA) petitions currently under Department review:*
 - a. A representative from an environmental non-governmental organization provides written scientific information relevant to its Petition 2023-27MPA — which was referred to the Department for review and recommendation — for agency staff to use as they review the petition (Exhibit B5).
 - b. Opposition to MPA redesignation or expansion
 - i. The Mayor of the City of Capitola opposes expanding Natural Bridges State Marine Reserve and establishing a new MPA at or near Pleasure Point (Petition 2023-33MPA), *unless* the petition is amended to allow for recreational hook-and-line fishing and spearfishing, expressing concern for restricting public access to resources and potential negative impact on Santa Cruz County (Exhibit B6).
 - ii. Ten commenters oppose Petition 2023-33MPA (exhibits B7 through B16). Seven particularly oppose expanding MPA designations in Santa Cruz (exhibits B7 through B13), and one opposes the proposal at Point Loma (Exhibit B14). Three oppose the petition and restricting fishing access in general (exhibits B15 through B17). Commenters include several coastal community members, such as recreational fishermen, a lifeguard, and a commercial passenger fishing vessel (CPFV) business owner. Comments expressed concern regarding restricting fishing access, changes to current lifestyle, potential severe economic impacts, and inability to pass on fishing traditions to new generations. The CPFV business owner shared that proposed areas have important roles in each local fishery that support seasonal adaptation; closing these areas to fishing would have significant impacts on the charter community, commercial fishermen, and sportfishing communities (Exhibit B13).
 - iii. A recreational fisherman opposes expansion of MPAs in Laguna Beach, Carpinteria (near Santa Barbara), and the Monterey Peninsula areas citing impacts to opportunities for kayak fishermen and spearfishing (Exhibit B18).
 - iv. Two commenters oppose expansion of MPAs in general (exhibits B19 and B20).
 - v. One spearfisherman opposes expansion of MPAs in California and specifically requested denying 2023-23MPA, 2023-33MPA, 2023-34MPA, 2023-29MPA, and 2023-24MPA (Exhibit B21).

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- c. One commenter expressed support for Vice President Zavaleta's comments made during the February 14-15, 2024 Commission meeting regarding Petition 2023-33MPA (Exhibit B22).

Recommendation

Commission staff: Grant in concept Petition 2023-12 as recommended by the Department and as integrated into the 2024 recreational groundfish rulemaking adopted on March 26, 2024. Refer Petition 2024-01 to the Department for review and recommendation.

Department: Grant in concept Petition 2023-12; a requirement to possess ready-to-use descending devices was integrated into the recreational groundfish rulemaking for 2024 that was adopted by the Commission on March 26, 2024.

Exhibits

- A1. [Summary of new petitions for regulation change received through April 4, 2024](#)
- A2. [Petition 2024-02, received February 14, 2024](#)
- A3. [Petition 2024-03, received February 2, 2024](#)
- A4. [Email from Leonard Marcus, received February 13, 2024](#)
- A5. [Email from Jefferey Baldwin, received February 13, 2024](#)
- A6. [Email from Gwen Marcus, received February 15, 2024](#)
- A7. [Email 1 from Mark Becker, received February 15, 2024](#)
- A8. [Email 2 from Mark Becker, received March 24, 2024](#)
- A9. [Email from John Becker, received April 2, 2024](#)
- A10. [Letter from Robert Duncan, received April 1, 2024](#)
- A11. [Letter from Randy Rouse, mayor of the city of Santa Barbara, received March 1, 2024](#)
- B1. [Summary of petitions for regulation change scheduled for action](#)
- B2. [Petition 2023-12, received October 2, 2023](#)
- B3. [Petition 2024-01, received January 10, 2024](#)
- B4. [Email from Dave Layer, received February 26, 2024](#)
- B5. [Email and attachment from Azsha Hudson, Marine Conservation Analyst, Environmental Defense Center, received February 21, 2024](#)
- B6. [Letter from Kristen Brown, Mayor, City of Capitola, received April 4, 2024](#)
- B7. [Letter from Mike Fixter, received April 4, 2024](#)
- B8. [Email from David Smith, received March 25, 2024](#)
- B9. [Email from Vic Giacalone, received March 21, 2024](#)
- B10. [Email from Paul Meltzer, received March 22, 2024](#)
- B11. [Email from Jason Wright, received March 19, 2024](#)
- B12. [Email from Jerry Kulm, received March 19, 2024](#)
- B13. [Email from Rodney Armstrong, commercial passenger fishing vessel business owner, received March 18, 2024](#)
- B14. [Email from Calin Brammer, received March 19, 2024](#)

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- B15. [Email from Marinus Gruter, received March 18, 2024](#)
- B16. [Email from Justin Elder, received March 18, 2024](#)
- B17. [Email from Ryan Springer, received March 19, 2024](#)
- B18. [Email from Alejandro Mereulo, received March 19, 2024](#)
- B19. [Email from Dave Rice, received March 19, 2024](#)
- B20. [Email from David Schwier, received March 18, 2024](#)
- B21. [Email from Patrick Spalding, received March 19, 2024](#)
- B22. [Email from Janelle L, received March 18, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations to grant in concept Petition 2023-12 and refer petition 2024-01 to the Department for review and recommendation.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendation for regulation change petitions, except: _____.

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8. Non-Regulatory Requests from Previous Meetings**Today's Item**Information Action

Consider and potentially act on requests for non-regulatory action received from members of the public at previous meetings.

Summary of Previous/Future Actions

- Commission received requests February 14-15, 2024
- **Today potentially act on request April 17-18, 2024**

Background

Requests for non-regulatory action are received from members of the public under general public comment. All non-regulatory requests follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests received in writing or public testimony during general public comment at the previous Commission meeting are scheduled for consideration at the next regular meeting. Referred non-regulatory requests are scheduled for action once the evaluation is completed and a recommendation made.

One non-regulatory request received in December is scheduled for action today. Exhibit 1 provides the staff recommendation and rationale, developed with input from the Department; see Exhibit 2 for individual request.

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

Commission staff: Adopt the staff recommendation for the non-regulatory request as reflected in Exhibit 1.

Exhibits

1. [Summary of non-regulatory request and staff recommendation for request scheduled for action, updated March 27, 2024](#)
2. [Email from Dr. Kerry Kriger, Founder, Executive Director, and Ecologist, SAVE THE FROGS!, received January 3, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendation for action on the non-regulatory request as reflected in Exhibit 1.

OR

Moved by _____ and seconded by _____ that the Commission does not adopt the staff recommendation for action on the non-regulatory request as reflected in Exhibit 1, for which the action is _____.

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9A. Tribal Committee (TC)**Today's Item**Information Action

Receive summary and consider approving recommendations from the April 16, 2024 committee meeting. Discuss referred topics and consider revisions to topics and timing.

Summary of Previous/Future Actions

- Previous tribal committee meeting April 16, 2024; TC
- **Today consider approving any tribal committee recommendations** **April 17-18, 2024**
- Next tribal committee meeting August 13, 2024; TC

Background

TC works under Commission direction to set and accomplish its work plan. Today, the Commission will receive a report on the previous TC meeting and any recommendations, as well as provide direction for any referred topics and revisions to TC topics and timing.

Previous Committee Meeting

TC met on April 16 in San Jose, with options for webinar and phone participation. Official minutes (video) will be posted next week on the [Commission's YouTube page](#) with a link also available on the Commission's meeting page at [2024 Meetings \(ca.gov\)](#). Discussions included:

1. *Co-management roundtable*: Discussed tribal co-management initiatives and projects planned or underway in collaboration with public agencies and California tribes. Tribal representatives shared their co-management interests and experiences, including co-management between the Yurok Tribe and California State Parks at the Chah-pek-w O' Ket'-toh "Stone Lagoon" Visitor Center.
2. *Annual tribal planning meeting*: Discussed updates on priorities identified at the July 20, 2022 tribal planning meeting, held annually pursuant to the Commission's Tribal Consultation Policy, and continued discussions about 2024 meeting planning.
3. *Commission policies review*: Received update on planning and coordination for review of Commission policies, with five policies currently under review (code of conduct, fish planting in youth camps, youth fishing programs, research, and naming installations).
4. *Tribal subsistence definition and related management mechanisms*: Received and discussed outcomes from the December 2023 Tribal Committee and Commission meetings discussions about how the tribal subsistence definition workgroup will advance its efforts in the near future.
5. *Marine protected area (MPA) regulation change petition evaluation process*: Received and discussed approach to reviewing and evaluating petitions for MPA regulation changes following the decadal management review of the MPA network and management program, as proposed by the Department and recommended by the Commission Marine Resources Committee.

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In addition to the primary topics, staff and agencies provided updates to TC:

- *The Department Tribal Liaison* provided an update on the Western Joshua Tree Conservation Act implementation.
- *The Department Law Enforcement Division* presented 2023 MPA enforcement statistics.
- *Department Wildlife and Fisheries Division* provided an update on multiple activities within the division.
- *Department Marine Region* provided an update on red abalone recovery plan development and commercial sea palm harvest regulations.
- *Commission staff* provided updates on development of a Commission justice, equity, diversity and inclusion plan, and Commission rulemakings, regulation change petitions, and other pending actions.

Committee Work Plan

Topics that have been referred from the Commission to TC are displayed within a work plan to assist with scheduling and tracking (Exhibit 1). Proposed changes to the work plan will be presented verbally during today's meeting.

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

Commission staff: Any recommendations from TC will be presented verbally during today's meeting.

Exhibits

1. [TC work plan, updated April 11, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the recommendations from the April 16, 2024 Tribal Committee meeting, as discussed today. Further, the Commission approves changes to the Tribal Committee work plan as recommended by the Committee and discussed today.

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9B. Marine Resources Committee (MRC)**Today's Item**Information Action

Receive summary and consider approving recommendations from the March 19, 2024 committee meeting. Discuss referred topics and consider revisions to topics and timing.

Summary of Previous/Future Actions

- Previous MRC meeting March 19, 2024; MRC
- **Today consider MRC recommendations** **April 17-18, 2024**
- Next MRC meeting July 18, 2024; MRC

Background

MRC works under Commission direction to set and accomplish its work plan (Exhibit 1). Today, the Commission will receive a report on the previous MRC meeting and recommendations, as well as provide direction for any referred topics and revisions to MRC topics and timing.

Previous Committee Meeting

MRC met on March 19 in San Clemente. Official meeting minutes (video) are posted on the [Commission's YouTube page](#) with a link also available on the Commission's meeting page at fgc.ca.gov/Meetings/2024; an abbreviated summary is included in this document.

Discussion Topics

1. California Halibut Trawl Grounds Review

The Department presented its evaluation of trawling performance in the California halibut trawl grounds in southern California as required by law, and to support a broader halibut management review process (Exhibit 2). MRC requested further investigation into tow time distribution within the grounds.

2. Evaluation of Bycatch in the California Halibut Set Gill Net Fishery in Support of the Fishery Management Review

The Department provided an update on developing management measures for the set gill net fishery (all fisheries) for the rulemaking scheduled to begin in April (today's meeting), and on exploring potential longer-term management options. MRC supported the Department's proposal to move forward with evaluating bycatch in the California halibut trawl fishery (both federal and state waters) and suggested a July discussion of lessons learned to apply from the set gill net evaluations.

3. Commercial Sea Urchin Regulations North of San Luis Obispo/Monterey Counties line, Concerning Fishing Days and Area Closure

The Department presented a range of potential changes to commercial sea urchin regulations north of San Luis Obispo-Monterey counties line, including considerations from Petition 2023-04 to add a fishing day and lift a long-standing urchin closure. MRC

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supported developing regulation options in collaboration with the California Sea Urchin Commission, for discussion in July.

4. Market Squid Fishery Management and FMP Review

The Department summarized discussions from Department Squid Fishery Advisory Committee meetings to date. The Department will present a draft report in July, with final advisory committee recommendations for MRC discussion and potential recommendation in November.

5. Marine Protected Area (MPA) Regulation Change Petitions Evaluation Process

The Department proposed a three-phase approach for evaluating MPA petition requests. Following public input and discussion, MRC endorsed the Department's proposed evaluation framework and timeline. An overview of the proposed approach is described in Exhibit 3 and displayed in the presentation that was given during the MRC meeting (Exhibit 4).

Additional Staff and Agency Updates

- California Ocean Protection Council staff provided verbal updates on various initiatives, including 30x30 coastal planning, MPAs, and offshore wind, among others.
- The Department Marine Region provided updates on upcoming rulemakings, which will be discussed at the July MRC meeting: (1) Electronic recreational fishing report cards; (2) commercial fishing block charts and logbook forms; and (3) recreational crab trap gear, trap validation for commercial passenger fishing vessels, and recreational Risk Assessment Mitigation Program regulations.
- The Department aquaculture coordinator provided an update on existing aquaculture lease requests and new lease applications, including outreach to agencies to support coordination goals.

MRC Recommendations

MRC developed two recommendations for Commission consideration.

1. *Evaluation of bycatch in the California halibut fishery in support of the fishery management review (trawl gear)*
 - (a) Support the Department's recommendation to move forward with evaluating bycatch for California halibut trawl gear, in both federal and state waters; and
 - (b) refer to MRC a discussion on lessons learned from the California halibut set gill net bycatch evaluation, for potential application to California halibut trawl bycatch evaluation, and schedule the discussion for July 2024.
2. *MPA regulation change petitions evaluation process*

Support the Department's proposed three-phase petition evaluation framework and anticipated timeline to review and evaluate MPA petition requests (Exhibit 4), beginning

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with Phase 1 to sort and discuss during the July 2024 MRC meeting the placement of petitions into one of two “bins.”

Committee Work Plan

The MRC work plan (Exhibit 1) includes topics and timelines for items referred by the Commission to MRC. The work plan has been updated to reflect proposed updates to topics and timing, as reviewed and recommended by MRC in March.

Significant Public Comments

Halibut Trawl

1. A commercial fisherman who has participated in the California halibut trawl fishery for 25+ years, concurs that his observations on halibut trawl grounds are in alignment with the Department’s report given at the meeting: the mortality rate is very low for both retained catch and discarded fish. In addition, the fisherman expresses support for opening the Port San Luis California halibut trawl area. (Exhibit 5)

MPA Petition Evaluation Process

2. A member of All Waters Public Access Coalition is concerned about the transparency and objectivity of the Department’s proposed MPA petition evaluation process, and that non-public sector entities are able to create biased outcomes by providing funding for consensus-building, lacking robust stakeholder outreach and inclusion, and collecting data for or from the Department or Commission. The individual urges the Commission to facilitate parity in access to the process, suggesting that if the Commission partners with any private entities, it should follow public meeting protocols. Additionally, they ask that any separate meetings be recorded and include a video teleconference option to ensure robust participation from a variety of stakeholder groups. (Exhibit 6)
3. Fourteen non-governmental organizations (NGOs) offer three requests regarding the Department’s proposed MPA petition evaluation process. First, schedule MRC meeting discussions on a separate day for petition reviews to ensure engagement and reinforce community feedback. Second, request that the Department design evaluation criteria and a rubric with public input to ensure transparency in the evaluation process. Third, urge the Commission to commit to only support petitions that strengthen, not weaken, the MPA network, and are informed by the best available science. (Exhibit 7)
4. A representative of Blue Tuna Spearfishing emphasized that, when evaluating MPA petitions, it is critical for the Department to consider fishermen, small business owners, and sectors that would be significantly impacted by proposed changes. The individual also suggests that evaluations account for potential bias in the diversity of stakeholders who have signed on to support specific petitions, being mindful of those petitions that do not have support from fishers and businesses that would be directly impacted. (Exhibit 8).

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Recommendation

Commission staff: Approve the MRC recommendations and approve the MRC work plan as reflected in Exhibit 1, including any changes identified during today's meeting.

Exhibits

1. [MRC work plan, updated April 2, 2024](#)
2. [Department report: *Evaluation of the California Halibut Trawl Grounds*, dated March 2024](#)
3. [Department memo regarding MPA petition evaluation approach and attachment regarding MPA evaluation framework, received April 4, 2024](#)
4. [Department presentation of proposed MPA petitions evaluation approach and timeline, presented to MRC on March 19, 2024 \(for background purposes only\)](#)
5. [Email from Keith Andrews, received March 19, 2024](#)
6. [Email from Matt Bond, Member, Board of Directors, All Waters Public Access Coalition, received March 22, 2024](#)
7. [Letter from Emily Parker, Coastal and Marine Scientist, Heal the Bay, transmitting joint letter from 14 NGOs, received April 4, 2024](#)
8. [Email from Chris Davidson, representing Blue Tuna Spearfishing, received March 19, 2024](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the recommendations from the March 19, 2024 MRC meeting and approves changes to the work plan as discussed today.

Staff Summary for April 17-18, 2024

9C. Department Marine Region Report**Today's Item**Information Action

The Department will highlight items of note since the last Commission meeting.

Summary of Previous/Future Actions (N/A)**Background**

A verbal report is expected for the Department Marine Region report, including:

- I. Annual recreational ocean salmon and Pacific halibut regulations, and automatic conformance to federal regulations.
- II. Public discussion of action taken by the director of the Department in the recreational Dungeness crab fishery to temporarily prohibit the use of crab traps between the Sonoma/Mendocino county line and Point Conception, Santa Barbara County (fishing zones 3, 4 and 5), and remain under a fleet advisory for all open fishing zones (1, 2 and 6), to protect marine life from entanglement risk (see news release in Exhibit 1).

A Department news release of interest is included as Exhibit 2.

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

1. [Department news release: CDFW Closes Dungeness Crab Fishery and Restricts Recreational Crab Traps in the Central Management Area, Limits Commercial Fishing to Inside 30-Fathoms in Northern Management Area to Protect Whales from Entanglement, dated March 28, 2024](#)
2. [Department news release: Federal Funding Allocated for California 2023 Salmon Fishery Disaster; CDFW Seeks Public Input on Spending Plan, dated April 5, 2024](#)

Motion (N/A)

Staff Summary for April 17-18, 2024

10. General Public Comment for Items Not on the Agenda**Today's Item**Information Action

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Summary of Previous/Future Actions

- **Today receive requests and comments** **April 17-18, 2024**
- Consider granting, denying, or referring **June 19-20, 2024**

Background

This item is to provide the public an opportunity to address the Commission on topics not on the agenda. Staff may include written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by the written comment deadline), or as supplemental comments at the meeting (if received by the supplemental comment deadline).

General public comments are categorized into two types: (1) requests for non-regulatory action and (2) informational-only comments. Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or take action on any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, non-regulatory requests generally follow a two-meeting cycle (receipt and direction); the Commission will determine the outcome of non-regulatory requests received at today's meeting at the next regularly scheduled meeting, following staff evaluation (currently June 19-20, 2024).

Significant Public Comments

1. New, non-regulatory requests are summarized in Exhibit 1, and the original request is provided as exhibit 2.
2. Informational comments are provided as exhibits 3 through 21.

Recommendation

Commission staff: Consider whether to add any future agenda items to address issues that are raised during public comment.

Exhibits

1. [Summary of new non-regulatory requests received by April 4, 2024 at 5:00 p.m.](#)
2. [Email from Don Striepeke, requesting that the Commission discuss gooseneck barnacles at a future meeting, received April 1, 2024](#)
3. [Letter from Robert Duncan in support of an abalone fishery management plan, outlining a potential experimental fishing permit \(EFP\) for commercial harvest of abalone at San Miguel Island, received February 12, 2024](#)
4. [Email from Keith Rootsart, Founder of Giant Kelp Restoration Project \(G2KR\), expressing frustration about the time it has taken to pursue a scientific collecting permit \(SCP\), noting the G2KR restoration project sunset on April 1, 2024. G2KR plans to continue documenting decline of kelp forests at Tanker Reef and pursue other kelp](#)

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- restoration projects. Provides Department correspondence and initial SCP application from June 2023, received March 26, 2024
5. One representative example of several emails from Eric Mills, Action for Animals, expressing concern regarding importation and sales of frog and turtle species, received between March 6, 2024 and March 18, 2024
 6. Email from Colin Gallagher, sharing weblinks documenting hunting of wild pig with BB guns/devices, received March 6, 2024
 7. Email from Guy Kilburn, stating opposition to a proposal raised at the Pacific Fisheries Management Council for ocean and river salmon catch, received March 9, 2024
 8. Letter from Jeff Miller, Senior Conservation Advocate, Center for Biological Diversity, supporting California Endangered Species Act listing for California white sturgeon, received March 11, 2024
 9. Email from April Lance, citing multiple grievances with environmental changes for salmon protection and restoration in Dry Creek, received March 11, 2024
 10. Email from Alicia Bonnette, formerly the secretary of California Abalone Association (CAA), requests that all efforts and developments regarding red abalone over the past 20 years be thoroughly considered when drafting the red abalone [recovery and] fishery management plan. Provides documentation summarizing CAA membership's efforts regarding the abalone fishery in southern California, received March 11, 2024
 11. Letter from "Lulu the Bullfrog" expressing interest in future coexistence with bullfrogs in California ecosystems and posing a number of questions to the Commission about bullfrog cohabitation, received March 13, 2024
 12. Email from Mollie Hogan, Founder/CEO, The Nature of Wildworks, highlighting difficulties encountered with acquisition and upkeep of a restricted species permit and frustration with Department decision-making regarding animal confiscation, received March 19, 2024
 13. Email from Elisa Sabatini, Executive Director, Yolo Habitat Conservancy, endorsing California Endangered Species Act listing of burrowing owls, received March 20, 2024
 14. Email from Daniel Childs, recommending stiffer penalties for poaching and raising violation fines with inflation, received March 21, 2024
 15. Email from Michael Costello, highlighting the need for timely and transparent data reporting regarding mountain lion attacks, received March 23, 2024
 16. Email from Cynthia Hanson, supporting a ban on the importation of live frogs and turtles, received March 24, 2024
 17. Email from Eric Mills, sharing an article about the resignation of an official from the Colorado Wildlife Commission, received March 25, 2024
 18. Email from Rebecca Rhode, expressing opposition to the euthanasia of a mountain lion involved in a fatal attack, received March 25, 2024
 19. Email from Brian Tillemans, opposing mountain lion management policies that are, in turn, harming Sierra bighorn sheep population, received March 26, 2024
 20. Email from Joyce Tischler, supporting a ban on importation and sales of frogs and turtles at live animal markets, received March 26, 2024

Motion (N/A)



CDFW NEWS

March 2, 2024

Media Contacts:

[Jordan Traverso](#), CDFW Communications, (916) 212-7352

[Jason Roberts](#), CDFW Northern Region, (530) 526-2168



Fall-Run Chinook Salmon Fry Succumb to Gas Bubble Disease in Klamath River

The California Department of Fish and Wildlife (CDFW) announced today that fall-run Chinook salmon fry released for the first time from its Fall Creek Fish Hatchery in Siskiyou County are presumed to have succumbed to gas bubble disease in the Klamath River.

On Monday, Feb. 26, CDFW released approximately 830,000 fall-run Chinook salmon fry into Fall Creek, a tributary of the Klamath River above Iron Gate Dam. The fish were hatched at CDFW's new, \$35 million, state-of-the-art Fall Creek Fish Hatchery, which represents California's long-term commitment to supporting and restoring both Chinook and coho salmon runs on an undammed Klamath River.

The salmon fry experienced a large mortality based on monitoring data downstream. Indications are the cause of mortality is gas bubble disease that likely occurred as the fry migrated through the Iron Gate Dam tunnel, old infrastructure that is targeted for removal along with the Iron Gate Dam itself later this year. Gas bubble disease results from environmental or physical trauma often associated with severe pressure change.

There is no indication the mortality is associated with other Klamath River water quality conditions such as turbidity and dissolved oxygen, which were reading at suitable levels on Feb. 26 and the days prior to release. The visual appearance of the dead fry detected by monitoring equipment points to gas bubble disease. Monitoring equipment documented other healthy yearling coho and Chinook salmon that came from downstream of the dam.

The problems associated with the Iron Gate Dam tunnel are temporary and yet another sad reminder of how the Klamath River dams have harmed salmon runs for generations. CDFW will plan all future salmon releases below Iron Gate Dam until this infrastructure is removed. Poor habitat conditions caused by the dams and other circumstances such as this are reasons why CDFW conducts releases of hatchery fish at various life stages.

CDFW's Fall Creek Fish Hatchery continues to hold approximately 3.27 million healthy, fall-run Chinook salmon. Additional releases are planned later in the month.

The annual fall-run Chinook salmon production goal for the hatchery is to raise and release 3.25 million fish – 1.25 million released as fry, 1.75 million as smolts, and 250,000 as yearlings. The additional stock of fall-run Chinook salmon

remaining in the hatchery exceeds the annual production goal and will help offset losses experienced with the initial release of fry.

Persons with disabilities needing reasonable accommodation to participate in public meetings or other CDFW activities are invited to contact CDFW's Accessibility Coordinator in the CRO Office at (916) 902-5577, or send an email to CivilRights@wildlife.ca.gov. Reasonable Accommodation requests for facility and/or meeting accessibility should be received at least 21 days prior to the event. Requests for American Sign Language Interpreters should be submitted at least two weeks prior to the event, and requests for Real-Time Captioning at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but due to circumstances is no longer needed, please contact the Accessibility Coordinator immediately.

COMMITTEE STAFF SUMMARY FOR NOVEMBER 16, 2023 MRC
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development and completion of steps 1 and 2 for the California halibut set gill net and trawl fisheries.

For steps 3 and 4 of the bycatch evaluation framework, MRC recommended and the Commission supported separating set gill nets from trawl fisheries. The Commission is currently focused on completing steps 3 and 4 of the bycatch evaluation framework for set gill nets before transitioning to trawl fisheries.

In July 2023, the Department presented its California halibut set gill net bycatch evaluation report that included analysis of the master plan bycatch inquiries for twelve species, thereby fulfilling Step 3 of the bycatch evaluation framework. See Exhibit 2 for background information about the development and completion of Step 3.

Following in-depth dialogue among diverse participants and the Department, MRC recommended the bycatch evaluation framework proceed to Step 4, to develop potential management measures for reducing bycatch within the California halibut targeted fishery, noting the measures would also apply to other set gill net target fisheries. MRC recommended the Department focus on potential management measures in 11 categories: (1) soak time limits, (2) gear marking (to address potential for undocumented entanglements), (3) fisher-suggested bycatch reduction measures (e.g., reduced gill net height [mesh depth]), (4) gear loss reporting, (5) logbook improvements, (6) electronic monitoring technology, (7) observer coverage, (8) potential limits on permit transferability and/or retiring latent permits, (9) non-retention of giant sea bass and white sharks (may require legislative action), (10) temporal closures, and (11) other measures that may reduce bycatch and/or discard mortality of white sharks and tope sharks.

In August 2023, the Commission approved the MRC recommendation and requested that the Department develop the potential measures in consultation with fishery participants and stakeholders. In addition, the Commission requested the Department look into the potential ramifications of legislative action to prohibit retention of white sharks, such as possible negative effects to white shark researchers who have historically utilized commercial set gill nets to assist with research initiatives.

Update

In response to the Commission's request, Department staff has had meetings with set gillnet fishermen and has met with representatives from environmental non-governmental organizations (ENGOS) to discuss potential management measures that would address bycatch concerns that are congruently feasible for the fleet. Department staff met with set gillnet fishermen in person the week prior to the November MRC meeting, to further discuss management options and Department recommendations. In addition, Commission and Department staff met with staff from the National Marine Fisheries Service to discuss and better understand entanglements of marine mammals within the set gillnet fishery, and met with academics regarding options to reduce bycatch mortality of sensitive elasmobranch species (such as certain sharks).

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Today's Meeting

The Department will present a summary of outreach efforts to engage the set gillnet fleet and interested stakeholders, present the findings and options for potential management measures, and highlight areas for potential MRC guidance (Exhibit 3). The Department identifies near-term recommendations, including a proposal for regulation changes (referred to as "Phase 1") consisting of soak time limits, increased gear markings, and mesh depth limits (management measures 1, 2 and 3), as well as developing a pilot project for electronic monitoring, electronic logbooks, and observer coverage (management measures 5, 6 and 7) intended to improve data collection. The proposed improvements could help fill data gaps and provide information needed to inform the development of other management measures (such as 10 and 11); as a result, the other measures may require more time to fully develop for a potential, subsequent rulemaking once data gaps are filled. The Department currently does not have recommendations for the remaining management measures (4, 8 and 9) but will discuss their exploration at today's meeting.

Lastly, consistent with the Commission's request, the Department will share data on commercial white shark landings and highlight that white sharks caught in set gill nets have not been utilized for research purposes since 2012.

Today's discussion is intended to help shape a potential MRC recommendation.

Significant Public Comments

1. Four ENGOs (exhibits 4-7) and a joint letter signed by 27 ENGOs (Exhibit 8) support pursuing management measures consistent with Commission direction, and offer recommendations for specific measures, including:
 - A 24-hour soak time limit (exhibits 6 – 8)
 - Temporal closures to protect tope (aka soupfin) sharks (exhibits 5 – 8)
 - Area closures for biodiversity hotspots, such as the Channel Islands (exhibits 6 – 8)
 - Robust gear markings (exhibits 4 and 6 – 8)
 - Gear loss reporting (exhibits 6 – 8)
 - Bycatch hard caps (exhibits 6 and, 7)
 - Prohibiting take of giant sea bass and white sharks (exhibits 4 and 7)
 - Phasing out permits (Exhibit 4)
 - Net height restrictions (exhibits 4, 7, and 8)
 - Logbook requirements (exhibits 7 and 8)
 - Observer programs (exhibits 6 – 8), for which one ENGO attached a observer program scoping report (Exhibit 7)

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2. One of the ENGOs completed an analysis on the underreporting of marine mammal bycatch within California set gillnet fisheries, which it submitted by the October supplemental comments deadline and resubmitted for today's discussion (Exhibit 9). The report compares self-reported logbook data to observer-based estimates of marine mammal take in the set gillnet fishery, concluding that only 6% of marine mammal interactions were reported by fishermen. Based on the analysis, the ENGO advocates for resuming observer coverage, electronic monitoring, and increased logbook requirements within set gillnet fisheries to obtain accurate bycatch data.

Recommendation

Commission staff: Support the Department's near-term recommendations, and request the Department return to MRC in March 2024 with specific details for the proposed management measures and a timeline for initiating in 2024 the Department-recommended rulemaking. In addition, request that the Department continue to explore other long-term management options with fishery participants and stakeholders for a potential future rulemaking.

Department: Pursue near-term recommendations including a Phase 1 rulemaking (including soak time limits, increased gear marking, and mesh depth restrictions), and a pilot project developed to evaluate data improvements, including observer coverage and electronic logbooks and monitoring (Exhibit 3).

Exhibits

1. [Staff summary from November 17, 2022 MRC meeting, Agenda Item 5 \(for background purposes only\)](#)
2. [Staff summary from July 20, 2023 MRC meeting, Agenda Item 3 \(for background purposes only\)](#)

Committee Direction/Recommendation

The Marine Resources Committee recommends that the Commission (1) support development of a rulemaking to include soak time limits, increased gear marking, and mesh depth restrictions in the set gillnet fishery, (2) add the rulemaking to the rulemaking timetable for 2024 with a specific timeline to be determined, and (3) request the Department return to the next Committee meeting with details for the proposed measures and potential timeline. In addition, support the Department pursuing a pilot project for data improvements, including observer coverage and electronic logbooks and monitoring.

COMMITTEE STAFF SUMMARY FOR NOVEMBER 17, 2022 MRC*For background purposes only***5. ASSESSING AND ADDRESSING BYCATCH IN CALIFORNIA FISHERIES****Today's Item**Information Action

- (A) **Overview of process for evaluating and addressing fishery bycatch**
Review the four-step process for limiting bycatch to acceptable types and amounts as outlined in the 2018 Marine Life Management Act (MLMA) master plan for fisheries.
- (B) **Evaluating bycatch in the California halibut fishery**
Receive Department update on analysis of bycatch data for the California halibut fishery to support fishery management review.
- (C) **Determining acceptable bycatch types and amounts**
Discuss potential approaches to completing inquiries for determining what bycatch is "acceptable" within a specific fishery and develop potential committee recommendation.

Summary of Previous/Future Actions

- FGC referred California halibut management review to MRC Aug 19-20, 2020; Webinar/Teleconference
- DFW update on California halibut stock assessment and management review Mar 16, 2021; MRC, Webinar/Teleconference
- DFW update; MRC recommendation to schedule bycatch review discussion Nov 9, 2021; MRC, Webinar/Teleconference
- FGC referred bycatch review to MRC Dec 15-16, 2021; Webinar/Teleconference
- FGC received update on bycatch evaluation for California halibut management review Mar 24, 2022; MRC, Webinar/Teleconference
- DFW written update on bycatch evaluation for California halibut Jul 14, 2022; MRC, Santa Rosa
- **Today's update and discussion on bycatch evaluation for halibut; potential MRC recommendation** **Nov 17, 2022; MRC, San Diego**

Background

The California halibut fishery is a multi-sector commercial and recreational fishery managed under FGC authority. In 2019, as part of the fisheries prioritization process required by the Marine Life Management Act (MLMA) and outlined in *2018 Master Plan for Fisheries, A Guide for Implementation of the Marine Life Management Act*, California halibut was prioritized for management review. In Aug 2020, DFW recommended that it initiate the management review process for California halibut; FGC concurred and referred the topic to MRC.

One key driver in halibut's high priority ranking included potential risks to bycatch species (including sub-legal-sized halibut) in commercial trawl and set gillnet fisheries. Bycatch, as defined by MLMA for state-managed fisheries, means "...fish or other marine life that are taken in a fishery but are not the target of the fishery. Bycatch includes discards" (California Fish and Game Code Section 90.5). MLMA requires that DFW manage every sport and commercial

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marine fishery in a way that *limits bycatch to acceptable types and amounts* (Fish and Game Code Section 7056(d)), and specifies information, analysis, and management measures required to accomplish this for each fishery (Fish and Game Code Section 7058).

The master plan established a bycatch evaluation framework in Chapter 6 (“Ecosystem-based objectives”) as guidance for achieving the requirements of Section 7058. The framework is detailed in a section titled “Limiting bycatch to acceptable types and amounts” (Exhibit 1). The section draws largely from the work of a group of diverse stakeholders, called the Bycatch Working Group, convened by FGC in 2015 to help inform review of bycatch management. The framework in the master plan is, in part, designed to help determine what constitutes “acceptable types and amounts” of bycatch for each fishery evaluated.

The California halibut fishery management review presents the first opportunity to utilize the master plan’s bycatch evaluation framework. In Dec 2021, FGC requested that MRC pursue the halibut bycatch evaluation as a separate work plan topic from the related fishery management review that the bycatch evaluation will inform, to ensure robust public engagement through this first evaluation process. In Mar 2022, DFW presented MRC with its approach to evaluating halibut fishery bycatch and, in Jul 2022, DFW provided a written update about its continued efforts and hurdles it is facing in analyzing halibut bycatch from the available data.

Today’s meeting is an opportunity to focus on the master plan guidance and discuss options for how to complete the steps in the process.

(A) *Overview of process for evaluating and addressing fishery bycatch*

FGC staff will recap the four-step process laid out in the master plan framework to identify bycatch and consider its impacts (Exhibit 1):

- Step 1 – Collect information on the amount and type of catch
- Step 2 – Distinguish target, incidental, and bycatch species
- Step 3 – Determine “acceptable” types and amounts of bycatch
- Step 4 – Address unacceptable bycatch

Note that today’s meeting is focused on steps 1-3.

(B) *Evaluating bycatch in the California halibut fishery (steps 1 and 2)*

Consistent with MRC discussion in Jul 2022, DFW has provided the recently-completed bycatch assessment report for the trawl and set gillnet California halibut fisheries that DFW developed in collaboration with an academic partner, which authored the final report (Exhibit 2). DFW believes that the report accomplishes the goals of steps 1 and 2 and is adequate to support the Step 3 analysis. DFW will present an overview of the complex assessment, methods and results—to help build a common understanding of the foundational data that can support the Step 3 evaluation of bycatch acceptability—and potential next steps for MRC consideration (Exhibit 3).

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(C) **Determining acceptable bycatch types and amounts (Step 3)**

The master plan specifies that DFW will determine if the amount and type of bycatch is unacceptable for a particular fishery using four criteria mandated in MLMA (Fish and Game Code Section 7058):

1. Legality of take of bycatch species
2. Degree of threat to the sustainability of the bycatch species
3. Impacts on fisheries that target the bycatch species
4. Ecosystem impacts

The master plan bycatch evaluation framework (Exhibit 1) lays out a detailed series of inquiries and recommended actions for each criterion under Step 3 that would be applied to each species of bycatch. The inquiries provide a structural basis for managers to consistently assess each criterion to determine what is “acceptable” bycatch in the fishery and to articulate the findings. However, given the number of bycatch species and the detailed inquiries that would need to be applied to each, it is necessary to prioritize which species to include in the Step 3 assessment. It is possible that selecting a handful of representative species for the assessment would be sufficient, as the benefit of proposed management actions will likely have benefits across multiple species.

Today’s meeting provides an opportunity to explore how DFW might accomplish the bycatch inquiries for California halibut in a manner that is transparent, inclusive and timely. This discussion will inform MRC’s direction or potential recommendation regarding an approach.

Significant Public Comments

A joint comment from two environmental non-governmental organizations emphasizes the importance of FGC’s commitment to minimize fishery bycatch, with an initial focus on California halibut trawl and gill net gears, consistent with DFW’s ecological risk assessment and prioritization. The organizations have conducted their own bycatch assessments of trawl and set gillnet gear in California using federal observer data and request a collaborative approach to implementing the bycatch inquiry. They also request that MRC provide direction on what additional analyses are needed and to outline the public process and timeline MRC will follow to make a recommendation to FGC (Exhibit 4).

Recommendation

FGC staff: (1) Recommend FGC support DFW moving forward with Step 3 of the bycatch evaluation to determine bycatch acceptability, using the bycatch analysis report DFW provided today (Exhibit 2) and a DFW-led workgroup of key communicators representing various interests to provide a forum for discussing responses to the Step 3 inquiries prior to bringing recommendations to MRC. (2) Recommend using MRC as a forum for broader discussion and, ultimately, MRC recommendation to FGC on DFW’s findings. (3) Provide guidance on selection of bycatch species to begin Step 3.

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DFW: Move forward with Step 3 of the framework in the master plan analysis based on the information contained in the steps 1 and 2 bycatch analysis report (Exhibit 2), and provide guidance on options for public engagement in determining bycatch acceptability.

Exhibits

1. Chapter 6 – “Ecosystem-based objectives: Limiting bycatch to acceptable types and amounts”, extracted from *2018 Master Plan for Fisheries, A Guide to Implementation of the Marine Life Management Act*, dated June 2018
2. Report by Christopher M. Frees, DFW contractor: *Assessment of associated landed species and bycatch discards in the California halibut gill net and trawl fisheries*, received Nov 4, 2022
3. DFW presentation
4. Letter from Geoff Shester, Oceana, and Scott Webb, Turtle Island Restoration Network, received Nov 3, 2022

Committee Direction/Recommendation

The Marine Resources Committee recommends that the Commission (1) support the Department moving forward with evaluation of bycatch acceptability based on the analysis report submitted by the Department at the committee’s November 2022 meeting; and (2) request that the Department pursue the following approach for completing the inquiries within the Step 3 evaluation framework and engaging stakeholders in the process: _____

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set gillnet halibut fisheries. Utilizing federal observer data provided by the National Marine Fisheries Service (NMFS), the Department and the contracted scientist used fishery expertise along with logbook and landings data to differentiate the subsets of observed sets targeting California halibut from other observed trawl and gillnet fishery sets. The report summarized target catch, top incidentally-caught species landed, top incidentally-caught species discarded, and discard mortality, fulfilling the information needs for steps 1 and 2 of the bycatch evaluation framework. See Exhibit 1 for additional background and context.

MRC supported relying on the Department-presented report as the foundation for completing Step 3 – evaluating acceptability of bycatch types and amounts. MRC discussed priorities for completing the detailed bycatch inquiries based on the new evaluation report, favoring an initial focus on top bycatch species from set gill nets targeting California halibut. In December 2022, the Commission approved an MRC recommendation to request the Department to (1) commence the step 3 evaluation of acceptability of bycatch in the *California halibut set gillnet fishery*, using the inquiries outlined in the master plan; (2) focus on completing bycatch inquiries for the *top ten species*; (3) engage stakeholders (halibut gillnet fishermen and stakeholder groups); and (4) bring results back to MRC in March 2023 for discussion and potential committee recommendation.

March MRC

In March 2023, the Department reported that it had completed Step 3 bycatch inquiries for 12 top bycatch species, as requested by the Commission, to help assess acceptability of bycatch types and amounts against the four criteria specified in the MLMA for determining acceptability: (1) legality of the take of bycatch species; (2) degree of threat to the sustainability of the bycatch species; (3) impacts on fisheries that target the bycatch species; and (4) ecosystem impacts (Fish and Game Code Section 7085(b)). The Department presented a summary of the inquiry results during the meeting, and committed to preparing a written report documenting its responses to inquiries and articulating its findings.

Discussion also centered around a separate evaluation conducted by two non-governmental organizations (NGOs), Oceana and Turtle Island Restoration Network (TIRN), in which they evaluated bycatch acceptability in set nets for all gillnet gear combined, in contrast to the subset of halibut sets analyzed by Department. The MRC co-chairs noticed discrepancies between the NGO and Department approaches, reporting and conclusions, and asked questions to help clarify differences in the differing analyses, and sources of divergent data and findings.

Following public discussion, MRC made four requests of the Department.

1. Look more closely at discrepancies between the NGO bycatch data and the Department data, including in relation to marine mammal and leatherback sea turtle entanglement.
2. Create a more comprehensive list of species that are retained and sold as incidental catch, including:
 - (a) the percentage of fish that are caught and marketed, and
 - (b) the percentage of species caught and discarded.

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3. Clarify the bycatch percentage relative to pounds and number of individuals, to help reconcile the differences between the percentages reported by the NGOs and fishermen.
4. Provide a written report of the Department's evaluation of 12 top bycatch species that were summarized in the presentation, and return to today's MRC meeting with sufficient information to support a recommended determination regarding acceptability of bycatch types and amounts, to allow the process to advance to Step 4 (*addressing unacceptable bycatch types and amounts*) in the bycatch evaluation framework.

MRC also asked that Commission staff, the Department, and the two NGOs work together to reconcile differences in data and interpretations, where possible, to further advance discussions today.

Update

Since March, Commission and Department staff have strived to meet the MRC requests.

Commission, Department, and NGO Meetings

From April to July 2023, staff from the Commission, the Department, Oceana, and TIRN invested significant time through several meetings, covering multiple hours, to discuss and seek a shared understanding of bycatch within the California halibut set gillnet fishery and an analysis on the set gillnet fishery in general. Oceana and TIRN shared their raw data and methodology for several components of their report, including a description of how they extrapolated the combined California halibut and white seabass observer data to obtain fleetwide estimates. The Department summarized its raw observer data to share overall catch and bycatch rates of California halibut-only set gill nets. Each entity independently followed up with NMFS staff, researchers, and the literature to vet conclusions or interpretations or to clarify inconsistencies or uncertainty.

Commission staff completed an in-depth analysis of the NGO report (formally released in April), which included replicating analyses, evaluating assumptions, and reviewing key conclusions. Commission staff verbally shared with the NGOs where it disputed their conclusions due to inconsistencies with what the cited literature stated, flagged areas where there appeared to be erroneous information, and offered potential recommendations that would allow for a more conducive dialogue.

Overall, there was a collective exploration of respective findings and conclusions and, although there remain disagreements in interpretations, the discussions helped to expose limitations with the various sources of data, highlighted areas of concern related to particular species, and facilitated a deeper understanding of the potential impacts of the fishery. In addition, the dialogue identified areas where it may be possible to move forward with potential management measures; although the potential measures have not yet been formally vetted with fishermen – a crucial step in the overall process – staff have discussed potential management measures that could improve understanding of the impacts of this fishery through increased data collection and monitoring, and options intended to reduce bycatch impacts.

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Discussions and Opportunities with Fishermen

Several fishermen in the set gillnet fishery who attended the last two MRC meetings reached out to Commission and Department staff to share their knowledge and expertise of the fishery. They are interested in helping shape future management measures and are offering new ideas to explore. In addition, they invited the MRC co-chairs, and Commission and Department staff to join them on the water to observe fishery operations first-hand. To date, staff from the Department has joined one set gillnet fishing trip, while the MRC co-chairs and Commission staff are scheduling potential dates.

Today's Meeting

The Department prepared a bycatch evaluation report that summarizes the information presented in March (Exhibit 2). The report summarizes the methods and results of the California halibut bycatch evaluations in Step 1 (species type and amount of catch) and Step 2 (distinguish target, incidental and bycatch species), as well as the outcomes of completing Step 3 (determine acceptable types and amounts of bycatch) bycatch inquiries from the master plan for 12 species (spreadsheet copies in report appendix). The report offers movement toward considering management measures under Step 4, to help fill significant data gaps that limit information about the actual impacts of gill nets used in the California halibut fishery, and explores others to minimize bycatch types and amounts found to be unacceptable.

In addition, the Department has shared a table with six years of cumulative observed catch data from the NMFS California Set Gill Net Observer Program filtered for California halibut-targeted sets (447 sets of 1,258 observed sets) (Exhibit 3). The data are in the same format as the summary table of unfiltered set gill net observed catch, prepared by Oceana and shared with the Commission in June, derived from the publicly available observed catch data for all set gill net (1,258 sets) for the same years. Together, these tables assist in differentiating between observed catch data attributable to the California halibut set gillnet fishery specifically.

The Department report acknowledges that "...there are significant data limitations and knowledge gaps to determine amounts and types of bycatch and potential risks to sustainability, fisheries, and ecosystems. Lack of data to understand the total amount of bycatch in an individual fishery may potentially be considered 'unacceptable' under the MLMA and could lead to discussions with industry, stakeholders, and managers to address the insufficient and uncertain sources of data. Regardless of an acceptability determination, Department staff continue to move forward towards solutions and have identified potential management measures to address information gaps related to data limitations and interactions with some bycatch species in the set gill net fishery" (from Exhibit 2, page 23).

Staff believes that the Department's analyses of the top bycatch species types and amounts as requested by MRC support responding to provide a solid foundation for addressing bycatch in the California halibut fishery through potential management measures, as well as to set additional goals for enhanced understanding of sustainability in the fishery. MRC may wish to clarify what knowledge gaps remain, and identify areas of uncertainty to pursue (e.g., further partitioning incidental catch species to identify those to be managed by target species standards

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and those to be managed under bycatch management standards, defining what constitutes bycatch “types” and “amounts” for purposes of bycatch acceptability evaluations, etc.).

The Department’s presentation for today’s meeting (Exhibit 4) will highlight species that are caught and landed in the fishery, species that are caught and discarded in the fishery, and potential management measures for MRC and the Commission to consider if they support advancing to Step 4 without additional analyses.

Significant Public Comments

The Commission received nine comment letters related to bycatch with California set gillnet fisheries. General themes of the comments are summarized below; see Exhibit 5 for all comment letters combined.

Comments about the Department’s California Halibut Bycatch Report

1. Oceana and TIRN express appreciation for the amount of work Department and Commission staff and MRC have dedicated to addressing the concerns arising from California set gill nets, including understanding data complexities, listening to stakeholder concerns, and undertaking California’s first bycatch acceptability determination. However, they critique several aspects of the Department’s recent bycatch evaluation report for California halibut set gill net (in Exhibit 2), expressing concern that it deviates from the MLMA standards and falls short on appropriate and precautionary management actions to reduce unacceptable bycatch. They also recommend three alternatives for potential comprehensive management pathways, which include specific management actions such as full observer coverage, hard bycatch caps, reduced soak time, and temporary or long-term phase-out of permits (see comment letters 3 and 8 in Exhibit 5).

Comments Regarding Bycatch Concerns in Set Gillnet Fisheries (All Targets)

2. Oceana completed a white paper with analysis on bycatch within the set gill net fishery (all targets) using publicly available federal observer data. The report investigates soak time, catch composition, discard mortality, and post-release mortality, and suggests bycatch mitigation measures as options to reduce overall bycatch and discard mortality. In addition, for incidentally caught and retained species, it highlights those species most commonly retained as ‘secondary targets’ and evaluates which target species have or lack management measures to ensure sustainability. The analysis includes appendices of observer data and extrapolates total estimates of catch, discard, and discard mortality for all observed species across 15 years combined. See comment letter 3 in Exhibit 5.
3. An academic research scientist expresses concern over take with set gill net of two protected species: giant sea bass – a species he actively studies – and juvenile white sharks. He underscores the importance of having management plans and stock assessments that can inform catch limits and sustainable harvests (comment letter 1 in Exhibit 5). An individual also expressed concern over set gill net impacts on highly impaired giant sea bass in Santa Barbara, is concerned that recent observer coverage

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has been minimal, and would like to see a transition away from this gear type (comment letter 2).

4. A joint letter from 5 California senators and 14 assembly members expresses concern about the types and rates of bycatch in California's set gillnet gear fishery, and urges the Commission and Department to follow the approach and criteria laid out in the MLMA regarding determining acceptable bycatch. They acknowledge the management measures taken thus far in the fishery but believe further management measures are needed to protect California's biodiversity (comment letter 6).
5. Four comments letters coalesce around similar key points, such as the historical and global threat of set gill nets to regional population levels; the effects of set gill nets on the health and biodiversity of southern California's unique ecosystem; the high discard rate and discard mortality recorded by federal observers; and a request to the Commission to formally determine that the types and amounts of bycatch in set gill nets are unacceptable. One commenter is specifically concerned about the threat to pinnipeds, cetaceans, and elasmobranchs (comment letter 5), while another expresses that ecosystem-based fisheries management should take a precautionary approach (comment letter 4). Two commenters contrast set gill net gear with the lower bycatch rate of California halibut caught with hook and line gear (comment letters 7 and 9).

Recommendation

Commission staff: Initiate discussions about potential management measures that may improve set gill net data collection and fill data gaps, and aid in reducing impacts of bycatch types and/or amounts that the Commission finds to be potentially unacceptable in the California halibut fishery. Request that the Department continue exploring possible management options with fishery participants and stakeholders, and provide an update for discussion at the November 2023 MRC meeting.

Department: Discuss potential improvements to data collection and fill information gaps, and support Department to continue stakeholder discussions and prioritize management actions.

Exhibits

1. Staff summary from November 17, 2022 MRC meeting, Agenda Item 5 (for background purposes only)
2. Department bycatch evaluation report, dated June 21, 2023
3. NMFS observed catch in the set gill net sets targeting California halibut, 2007-2017
4. Department presentation on its evaluation of bycatch in the California halibut set gill net fishery, received July 7, 2023
5. Compilation of comment letters received between June 20 and July 7, 2023

Committee Direction/Recommendation

The Marine Resources Committee recommends that the Commission support the Department exploring potential management measures with fishery participants and stakeholders to improve set gill net data collection, fill information gaps, and aid in reducing unacceptable bycatch

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impacts in the California halibut set gillnet fishery; and schedule the topic for discussion at the November 2023 MRC meeting.

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3. Bycatch Evaluation in Support of the California Halibut Fishery Management Review (*Agenda item limited to 60 minutes*)

Today's Item

Information

Action

- (A) ***Evaluation of bycatch in the California halibut set gillnet fishery:*** Receive a verbal update on the Department's progress in developing regulatory options for near-term fishery management measures and the longer-term management measures supported by the Commission to address bycatch concerns and information gaps.
- (B) ***Committee direction on next steps for bycatch evaluation, specific to the California halibut trawl fishery***

Summary of Previous/Future Actions

- Commission referred California halibut management review to Marine Resources Committee (MRC) August 19-20, 2020
- Commission referred bycatch evaluation for California halibut management review to MRC December 15-16, 2021
- Received updates on bycatch evaluation for commercial California halibut *set gillnet and trawl fisheries* March 24 and July 14, 2022; MRC
- Received and discussed Department bycatch evaluation report; MRC recommendation to conduct bycatch acceptability evaluation for California halibut *set gillnet fishery* (approved by Commission in December 2022) November 17, 2022; MRC
- Received and discussed Department update on bycatch evaluation for the California halibut *set gillnet fishery* March 14 and 16, 2023; MRC
- Received and discussed Department evaluation of bycatch acceptability for *set gill net gear*; MRC recommendation to develop management options to address bycatch concerns (approved by Commission in August 2023) July 20, 2023; MRC
- Received and discussed potential management measures to address set gillnet bycatch; MRC recommendation for near- and long-term regulatory approach for specified measures (Commission approved MRC recommendation in December 2023 and scheduled near-term rulemaking) November 16, 2023; MRC
- **Today receive and discuss Department's progress in developing near- and long-term regulatory options for California halibut *gillnet fishery*** March 19, 2024; MRC
- Commission notice hearing for near-term rulemaking April 17-18, 2024

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Background

Management review of the California halibut fishery commenced in late 2020, consistent with the requirements of the Marine Life Management Act (MLMA) and using the framework outlined in *2018 Master Plan for Fisheries, A Guide for Implementation of the Marine Life Management Act* (master plan) for meeting those requirements. A key requirement of the fishery management review is evaluating and addressing unacceptable bycatch in a way that limits bycatch to acceptable types and amounts.

The California halibut fishery management review has presented the first opportunity to use the [four-step framework for evaluating bycatch laid out in Chapter 6 of the master plan](#), to: (1) collect information on the type and amount of catch, (2) distinguish target, incidental, and bycatch species, (3) determine “acceptable” types and amounts of bycatch, and (4) address unacceptable bycatch.

In November 2022, the Department provided a bycatch assessment report for the commercial trawl and set gillnet California halibut fisheries, fulfilling steps 1 and 2 of the bycatch evaluation framework. In December 2022, the Commission approved an MRC recommendation to separate evaluation of the set gill net gear type from the trawl gear type for the remaining California halibut bycatch evaluation steps. The Commission supported moving forward with steps 3 and 4 for the California halibut set gillnet fishery first, to be followed by the California halibut trawl fishery.

(A) Evaluation of Bycatch in the California Halibut Set Gillnet Fishery

In July 2023, the Department completed Step 3 of the bycatch evaluation framework and, in August 2023, the Commission approved the MRC recommendation to proceed to Step 4 of the bycatch evaluation framework to develop a suite of potential management measures to address bycatch concerns and data gaps.

In November 2023, the Department presented a suite of potential management measures for the set gillnet fishery, proposing a regulatory approach focused on several measures for near-term implementation and others to be explored and developed on a longer timeline. The near-term recommendations included soak time limits, increased gear markings, and mesh depth limits, while the long-term recommendations included developing a pilot project for electronic monitoring, electronic logbooks, and observer coverage. See Exhibit 1 for background information about the potential management measures.

At its December 2023 meeting, the Commission approved the MRC recommendation to support the Department developing a set gillnet rulemaking consisting of soak time limits (with a range of 24 to 48 hours), mesh height restrictions (25-mesh depth or net height maximum for California halibut-targeted set gill nets and 50-mesh depth or net height maximum for white seabass-targeted set gill nets), and gear marking developed in consultation with stakeholders. In addition, the Commission requested that, at today’s MRC meeting, the Department provide an update on the rulemaking as well as information about potential electronic monitoring, electronic technology, and observer coverage for discussion purposes.

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Update

Since December, Department staff has focused on engaging with members of the set gillnet fleet and Department law enforcement, to discuss elements of the near-term rulemaking. In February, the Commission approved adding the near-term rulemaking to its schedule to begin in April 2024. The Department has been developing rulemaking documents while simultaneously initiating exploratory efforts into potential long-term management measures.

Moreover, Commission and Department staffs learned about additional analyses of set gillnet bycatch recently conducted by the academic partner who completed the bycatch assessment report for trawl and set gill net California halibut fisheries, along with his graduate student. Their additional analyses use modeling techniques to better understand the impacts and drivers of bycatch in the set gillnet fishery for several sensitive species (e.g., marine mammals, tope sharks). They have shared preliminary results with Commission and Department staffs on estimated historical bycatch, drivers of bycatch risk, and bycatch hotspots, providing important context that could help inform soak time limits and potential future spatial/temporal closures. Their results also reinforce the Department's review of bycatch acceptability and demonstrate the type of analyses that would be helpful if conducted prior to any spatial or temporal closures. Key results, which the researchers agreed to allow us to share, include:

- The estimated yearly bycatch of California sea lion, northern elephant seal, harbor seal, and harbor porpoise falls well below the potential biological removal¹ for each species.
- Temporal and spatial variables (latitude, longitude, and depth) were more important than distance to shore, temperature, soak time, mesh size, or island area in determining the drivers of bycatch risk for the species evaluated.
- Marine mammal and shark species demonstrated different spatial bycatch hotspots. For example, California sea lions and harbor seals were more frequently captured in the northern region (at or above 34°N) around the Channel Islands, closer to shore, and in shallow water depths. In contrast, tope sharks were more often captured in the southern region away from the Channel Islands, offshore, and in deep water depths.

The academics are currently finishing their final report and manuscript, which will be shared with the Commission and Department to help inform future potential management measures.

Today's Meeting

Today the Department will provide a verbal summary of outreach efforts to engage the set gillnet fleet and interested stakeholders on the proposed near-term management measures, development of the near-term set gillnet rulemaking, and expected timeline. For long-term measures, the Department will share progress on options for electronic monitoring; it does not have an update on observer coverage or spatial/temporal closures at this time.

¹ Potential biological removal is defined by the Marine Mammal Protection Act as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.

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(B) Committee Direction on Next Steps for Bycatch Evaluation, Specific to the California Halibut Trawl Fishery

Given the anticipated timeline for completing Step 4 of the bycatch evaluation framework for the California halibut set gillnet fishery, the Department is poised to continue the bycatch evaluation process for the California halibut trawl fishery, starting at Step 3 of the framework. As mentioned in Agenda Item 2, the Department's evaluation of the California halibut trawl grounds in state waters will contribute to the broader evaluation of bycatch in the fishery for the trawl gear type. The Department is ready to proceed with Step 3 of the bycatch evaluation framework across both state and federal waters for the California halibut trawl fishery.

Today also presents an opportunity to reflect on and learn from the California halibut set gillnet fishery's bycatch evaluation process and identify any key insights or potential areas for improvement, and for MRC to provide direction and guidance to apply to the California halibut trawl fishery evaluation.

Significant Public Comments

An environmental non-governmental organization expresses gratitude for the analysis of bycatch in the California set gillnet fishery, but deems the current level of bycatch unacceptable and states a belief that there is a need for immediate action to protect oceans. For the short-term regulatory changes, they recommend implementing an 18-hour soak time limit, enforcing stricter regulations on gear loss, and managing mesh depth. In addition, they suggest a pilot project for electronic monitoring systems and observer coverage to support data improvements. Lastly, they advocate for the retirement of latent permits, establishing hard caps on bycatch, and gradually phasing out the fishery. (Exhibit 2)

Recommendation

Commission staff: (A) Discuss updates on advancing near- and long-term management measures for the California halibut set gillnet fishery; and (B) support initiating Step 3 of the bycatch evaluation framework for the California halibut trawl fishery, encompassing both federal and state waters, and offer guidance on the evaluation approach, drawing on the experience from the set gill net process.

Department: Continue the bycatch evaluation for California halibut trawl gear in both federal and state waters.

Exhibits

1. [Staff summary from November 16, 2023 MRC meeting, Agenda Item 2](#) (for background purposes only)
2. Email and letter from Elizabeth Purcell, Environmental Policy Coordinator, and Teri Shore, Board of Directors, Turtle Island Restoration Network, received March 5, 2024

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Committee Direction/Recommendation

The Marine Resources Committee recommends that the Commission support the Department's recommendation to move forward with an evaluation of bycatch for California halibut trawl gear, in both federal and state waters.

Memorandum

Date: April 2, 2024

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

From: Charlton H. Bonham
Director

Subject: **Submission of Initial Statement of Reasons for the April 17-18, 2024 Fish and Game Commission meeting to Add Section 174.1 to Title 14, California Code of Regulations, re: Set Gill Net Service Interval, Gear Marking and Mesh Depth**

Please find attached the Initial Statement of Reasons to add section 174.1, Title 14, California Code of Regulations. The proposed addition to the gill net or trammel net commercial fishing regulation aims to establish a set gill net service interval, require gear marking to identify set gill nets from California, and establish mesh depth (net height) limits for take of white seabass and California halibut. It is expected that the new regulation would become effective January 1, 2025. The proposed management measures are necessary to address potential bycatch concerns for the set gill net fishery.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov. The Department point of contact for this regulation should identify Environmental Scientist Miranda Haggerty. She can be reached at Miranda.Haggerty@wildlife.ca.gov.

cc: Chad Dibble, Deputy Director
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Craig Shuman, D. Env., Region Manager
Marine Region

Kirsten Ramey, Env. Program Manager
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Miranda Haggerty, Environmental Scientist
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Fish and Game Commission
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Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Add Section 174.1
Title 14, California Code of Regulations
Re: Set Gill Net Service Interval, Gear Marking and Mesh Depth

I. Date of Initial Statement of Reasons:

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: April 17-18, 2024

Location: San Jose

(b) Discussion Hearing:

Date: June 19-20, 2024

Location: Mammoth Lakes

(c) Adoption Hearing:

Date: August 14-15, 2024

Location: Fortuna

III. Description of Regulatory Action

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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The state of California manages the commercial set gill net fishery. The Department of Fish and Wildlife (Department) monitors the current 91 set gill net permits that are issued, of which 34 were active in the past year. The number of set gill netters has declined over time with increasing restrictions. From 1985-1990s there was a series of depth and area general gill net bans throughout northern California that limited all gill net fishing south of Point Conception. In 2000, an emergency gill net closure limited the use of all gill nets to federal waters south of Point Arguello in Santa Barbara County. In 2002, the gill net closure in northern California was made permanent. In 1994, Proposition 132 established the Marine Resource Protection Zone which banned all gill nets in nearshore waters. This banned gill nets within 3 miles of the mainland and 1 mile or 70 fathoms, whichever is less, surrounding the Channel Islands.

There are two main types of set gill nets, 8.5 minimum mesh which primarily targets California halibut (halibut), and 6-inch minimum mesh which primarily targets white seabass. Set gill nets have the potential to result in bycatch, where fish or other marine life taken in a fishery are not targeted and may be discarded because they are of an undesirable species, size, sex or quality or because they are not legal to take. "Acceptable bycatch" considers legality of take, potential threat to sustainability, impacts to other fisheries and the ecosystem (Department, 2018). Pursuant to the Marine Life Management Act (MLMA), over the past several years the Department has worked in coordination with research partners, Fish and Game Commission (Commission) staff, industry representatives, and the non-government organization (NGO)

community to complete a four-step process for determining whether the amount and type of bycatch are considered “acceptable” (Fish and Game Code (F&G Code) Section 7085). Step 4 of this bycatch evaluation is to develop management measures to address unacceptable bycatch and to improve data collection for the California set gill net fishery (Department, 2018). Subsections (a) through (c) of Section 174.1 outlined in this regulatory proposal are a direct result of this process, and an initial phase of regulations aimed to reduce bycatch in the California set gill net fishery.

CURRENT REGULATIONS

Current laws governing set gill nets are as follows:

Section 174 describes the permit required to use gill or trammel nets for commercial purposes, including qualifications, renewal, keeping records, conditions, revocations, and exemptions (implements F&G Code Section 8682). There are currently no service interval regulations for set gill nets.

Current gear marking regulations state set gill nets must be marked at both ends with buoys displaying fisherman’s identification number and specify the distance between markers shall not exceed 45 fathoms (F&G Code Section 8601.5).

Current laws specify that set gill nets with mesh size of not less than 8.5 inches may be used to take California halibut (F&G Code Section 8625(a)), and gill nets with meshes of a minimum length of 6 inches may be used to take white seabass (F&G Code Section 8623(d)).

PROPOSED REGULATIONS

Subsection 174.1(a)

Service interval is the amount of time that fishing gear remains in the water, between when it is first set and when it is retrieved. Service intervals vary among fisheries and are dependent on the target species, the specifications of the fishing gear, and the time it takes to service the gear and bring it aboard.

The Necessity of a Set Gill Net Service Interval Regulation

Currently, the California set gill net fishery does not have a maximum service interval defined in regulation, meaning gill netters can leave their nets in the water for any amount of time. Currently 72% of gill net logs report a 24 hour or less soak time, 23% report a 37–48-hour soak time and only 3% report over 56 hours (Figure 1). When asked during fleet outreach efforts, gill netters stated that they base the amount of time they soak their nets on how active fishing is. When fishing is slow, they will leave their nets out for 2 days, as their catch increases and it is a savings as fuel costs are cut in half.

Establishing a service interval duration has the potential to reduce bycatch impacts on some species, specifically discard mortality of sensitive species such as elasmobranchs. With a 24 hour or less soak time, 80% of all finfishes released are alive (except mackerel since they are an uncommon species with high discard mortality that skews the data- 53% with mackerel included), and 87% of all released elasmobranchs are alive (Figure 2). This mortality rate increases with longer service intervals, with 41% of finfish and 50% of elasmobranchs released

alive with soak times over 56 hours. However, there is an increase in the number of halibut caught in nets soaked over 24 hours (Figure 3), so allowing a longer soak time increases catch of halibut. Comparatively, the same trend is not seen in white seabass with the highest numbers being caught in 24 hour-soaked nets.

Proposed language in 174.1(a) for a service interval includes a range to be decided through the Commission public noticing process of 24 to 48 hours. The flexibility of allowing up to 48 hours between servicing nets would allow for fishers to determine the best time to pull nets depending on conditions and target species while also allowing for decreased fuel costs. During outreach efforts gill netters have voiced concern that a strict 24-hour service interval would be challenging to comply with given it takes longer to retrieve nets than to set them. Selecting a service interval between 25-35 hours could benefit fishers by providing reasonable time to pull their nets and still reduce bycatch mortality. It has been expressed that a 36-hour service interval is not reasonable to enforce as most gill netters deploy nets in the morning so retrieval would be in the middle of the night. The mortality rate does not substantially change in the 25–36-hour range for either finfishes or elasmobranchs. Additionally, the highest number of halibut per trip is reported from 25–36-hour range trips.

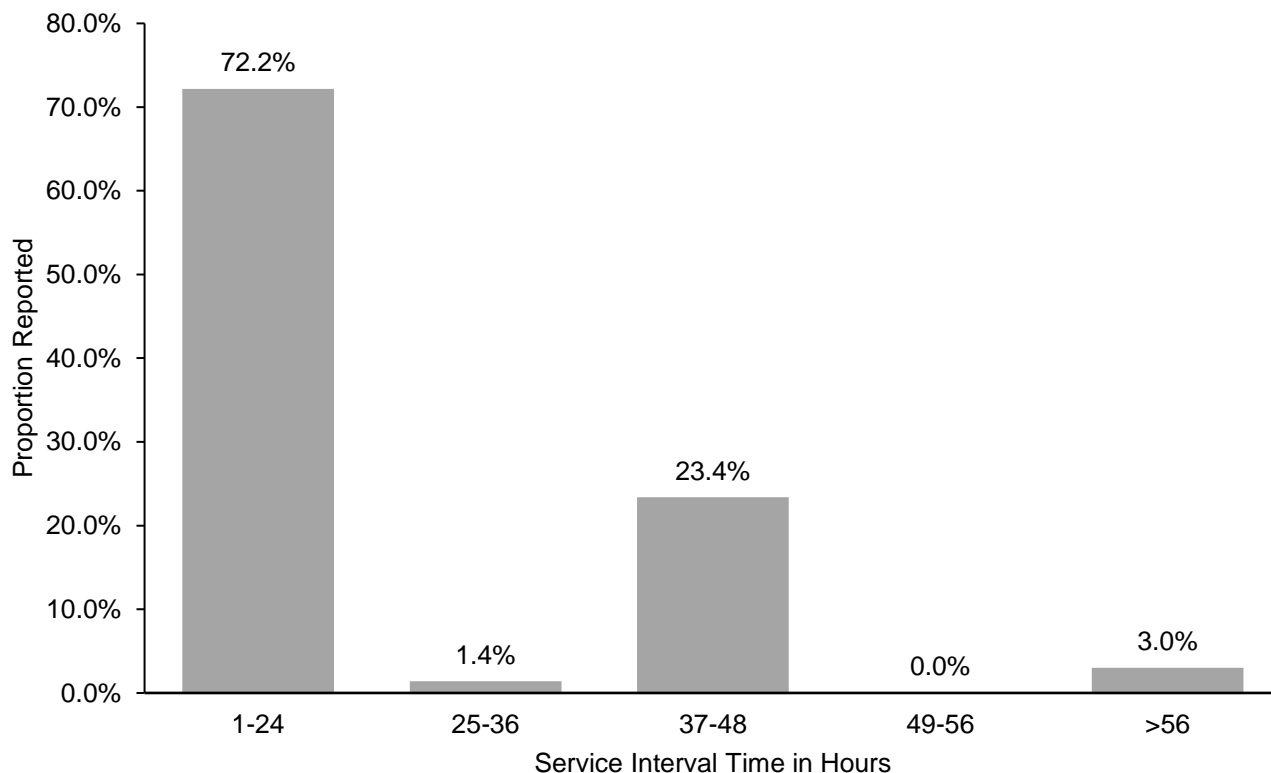


Figure 1. Range of service interval times and frequency reported in CDFW Gillnet Logs (2007-2022).

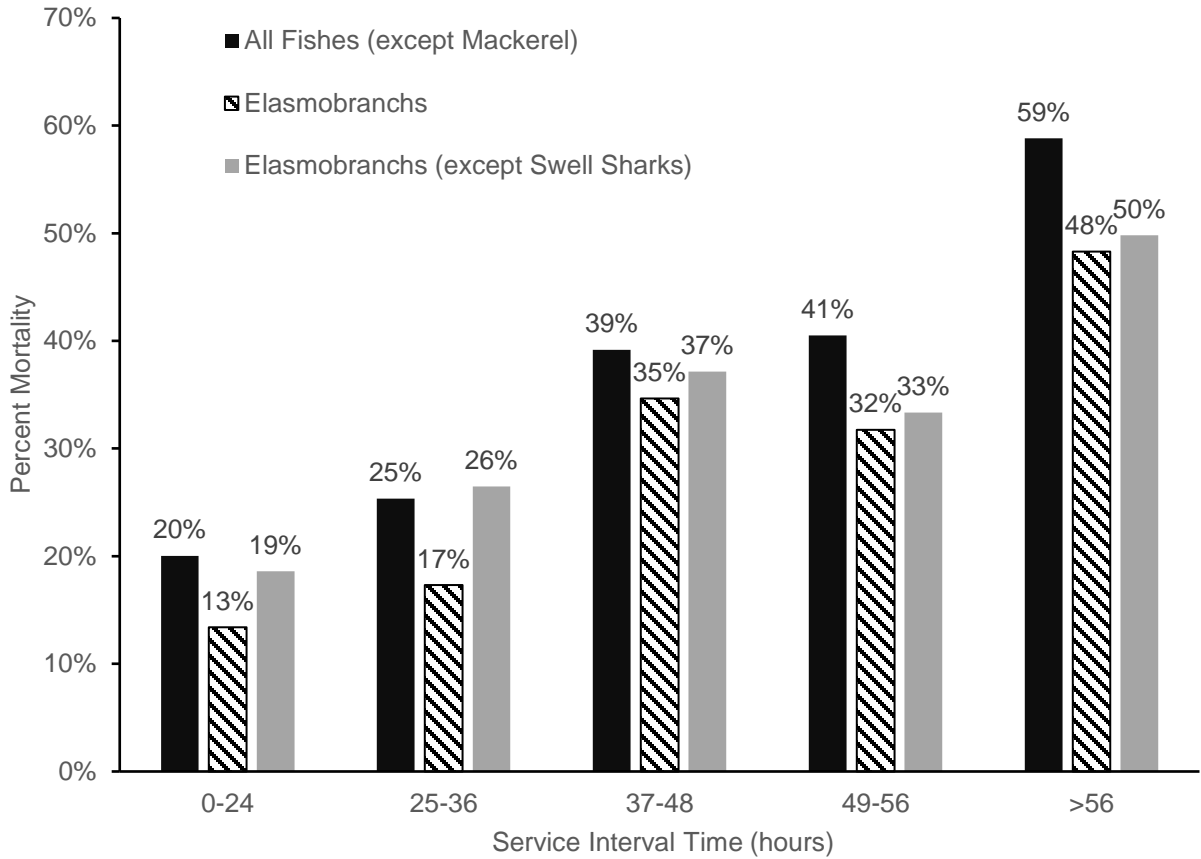


Figure 2. Percent mortality of species groups by service interval time based on federal observer data (Years- 2007, 2010, 2013, 2017). Mackerel are not commonly captured in gill nets and are excluded to prevent their high discard mortality skewing the rate. Elasmobranchs are shown with and without swell sharks as they have a high survivability rate compared to other shark species.

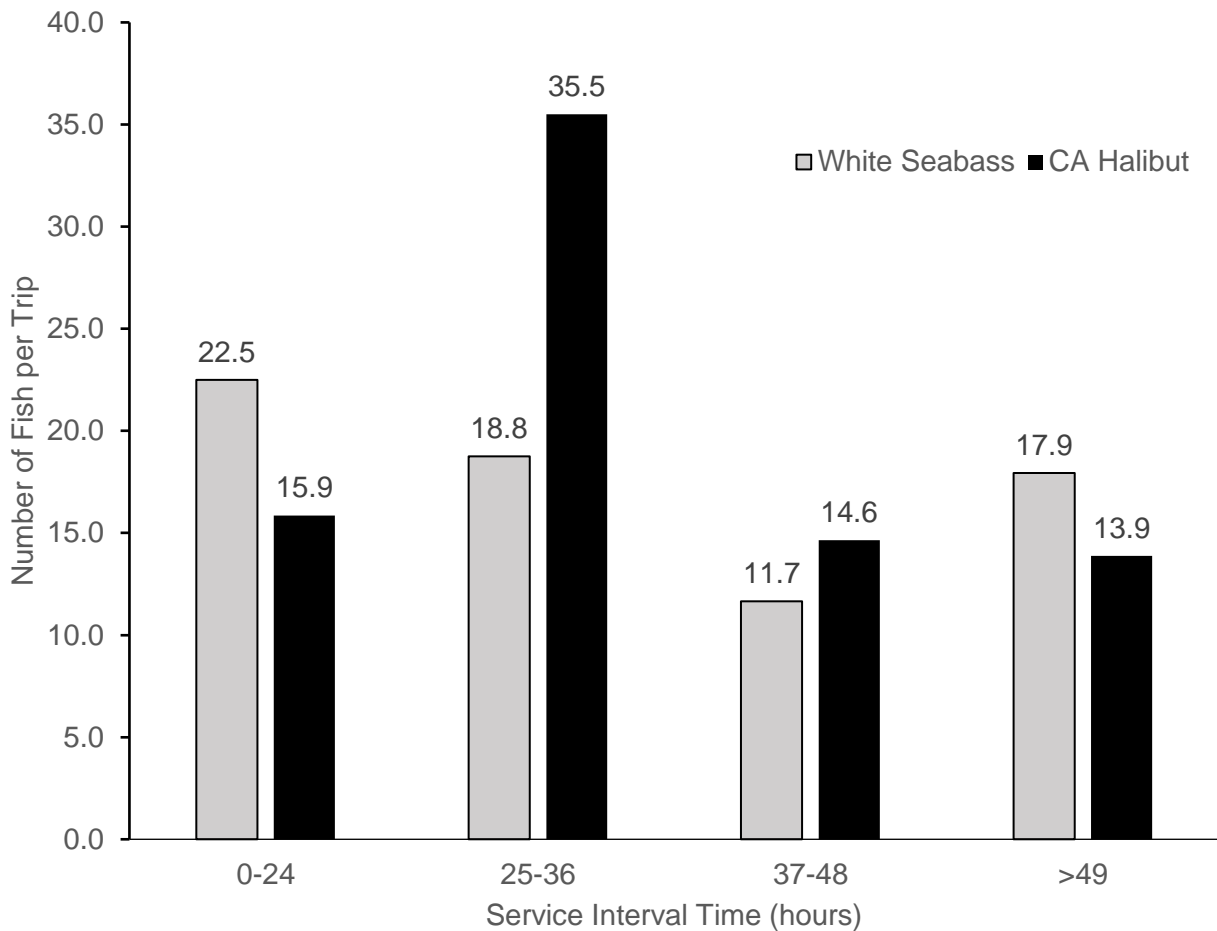


Figure 3. Number of California halibut and white seabass per soak time reported in CDFW Gillnet Logs (2007-2022).

Enforcement of the service interval regulation will be challenging without some type of electronic monitoring informing law enforcement officers of the location of gill net vessels when setting or retrieving nets. Monitoring service intervals through fishing activity logs is limited and cannot be verified unless enforcement is present or observing at all times. Electronic logbooks will only provide an honor-based system of reporting service intervals. Many of the vessels have the federal VMS system, but this system is only required for those landing or retaining groundfish and not for landing halibut or white seabass caught in gill nets. Electronic monitoring is anticipated to be pursued as part of a second phase of management improvements aimed to reduce bycatch in the California set gill net fishery but is not being included in this rulemaking.

Subsection 174.1(a)(1) and (2)

When implementing a service interval, it is important to include exemptions for the cases where a permittee might not be able to comply with the regulation due to undue hardship, or unsafe weather conditions or catastrophic events.

174.1(a)(1) - Due to the strict service interval time during outreach efforts, permittees have requested an allowance for alternative compliance where they may grant another permittee permission to remove their nets from the water if they are facing catastrophic events such as

vessel mechanical failure or debilitating illness. The process to request the Department's License and Revenue Branch to approve such an exemption and waiver allows the opportunity for a net to be serviced by another permittee. The issued waiver may provide flexibility for time constraints, landing prohibitions, or other conditions the Department may deem pertinent. This provision is necessary to provide flexibility for the permittee to still comply with the service interval for non-weather related unforeseen circumstances.

174.1(a)(2) - Law enforcement has expressed that email is the most efficient way for a permittee to notify the Department of unsafe weather conditions at sea. An email specific to set gill net unsafe weather exemption notifications has been set up (gillnetnotifications@wildlife.ca.gov) and it is required that permittees must send a message prior to the end of the service interval stating the reason for delay and the anticipated date and time of retrieval. Proposed subsection 174.1(a)(2)(B) provides that unsafe weather conditions include the issuance of a Small Craft Advisory by the National Weather Service, or issuance of another advisory that indicates winds of over 25 knots. This provision is necessary to provide flexibility for the permittee to still comply with the service interval for unforeseen or changing weather conditions.

Subsection 174.1(a)(3)

When set gill nets are not retrieved or are not marked with identification, they are considered abandoned. Proposed subsection 174.1(a)(3) includes a timeframe of 7 consecutive days for determination of abandonment without servicing, cleaning, or otherwise raising the net if there is no approved exemption pursuant to 174.1(a). Additionally, a set gill net is abandoned if the valid, required gear markings, per F&G Code Section 8601.5 and Title 14, CCR, Section 174.1(b) are not present or legible on the set gill net. The timeframe of 7 consecutive days was chosen as it provides ample time for Department staff to determine whether any permittee has been identified as the responsible party for the net. This subsection is necessary to establish a time limit for the Department's Law Enforcement Division to determine when set gill net gear is no longer in use and to provide a means for citation to any identified permittee, if abandonment is documented, consistent with F&G Code Section 8630.

Subsection 174.1(b)

Gear marking has been identified as an important tool to address concerns related to unidentified set gill net gear in marine mammal entanglements. While there are current gear marking regulations for set gill nets, mandating buoys with the fisher's identification number every 45 fathoms (F&G Code Section 8601.5), it does not clearly identify the set gill nets are from California fisheries.

The Necessity of a Gear Marking Regulation

In 2022, there were reports of 2 humpback whales and 1 gray whale entangled with unidentified gill nets off the California coast (NOAA 2022). Through outreach with the California set gill net fleet, an idea to incorporate a 1- inch wide, 1- foot long colored nylon strap weaved into the existing head rope was developed (Figure 4). Two set gill netters have trialed this marking system and have found no issues with backlash or entanglement, and have confirmed the markings can be added to existing gear while nets are being deployed preventing the economic burden of necessitating a break from fishing to install gear markings.

- Proposed language in 174.1(b) for marking of the headrope includes three options of colors to be decided through the Commission public noticing process of red, orange, or yellow, or possibly all of these. Providing three color options through this process would allow for permittee input on the final color or flexibility in all three colors, considering manufacturing availability of such nylon straps. These colors are necessary options to provide maximum visibility in ocean conditions.
- Proposed language in 174.1(b) for marking interval is proposed for 20 fathoms based on discussions with NOAA, industry representatives, stakeholders, or other organizations. Initial outreach with set gill net permittees indicates that this interval marking would be reasonable in terms of the labor it would take to add the markings to the net. Mandating this additional set gill net marking system to be displayed every 20 fathoms will allow for confirmation that a set gill net is from the California set gill net fishery if entangled.



Figure 4. Images of proposed gill net gear marking system submitted by gill netter trialing the system on their net. Individual fisher's identification number blurred out to protect identity.

During outreach with the fleet, they have requested to be given a year to update their gear with gill net markings to be in compliance with the proposed regulations. The planned compliance date would be January 1, 2026, given the overall planned regulation effective date of January 1, 2025.

Subsection 174.1(c)

There is currently no specification on the maximum net height (also known as mesh depth) for set gill nets. Fish and Game Code establishes specific dimensions for mesh size and net length for the California halibut fishery (F&G Code Section 8625(a)) and a minimum mesh size for the white seabass fishery (F&G Code Section 8623(d)). However, there are no standards for the maximum depth for either California halibut or white seabass.

The Necessity of a Mesh Depth Regulation

During bycatch evaluation outreach efforts with the set gill net fleet, it was brought up that standardizing net height for set gill nets is a management measure that has a potential to

reduce bycatch and prevent the expansion of set gill net gear. For the California halibut fishery, a maximum of 25 meshes deep, and for white seabass, a maximum of 50 meshes deep has received support from industry representatives. According to the Federal observer program observations that included mesh depth parameters on set gill net sets observed from 2006-2017, 91% of halibut targeted gill nets fish with nets a maximum of 25 mesh panels deep, and 93% of white seabass targeted nets fish with nets a maximum of 50 mesh panels deep.

(b) Goals and Benefits of the Regulation

The MLMA is intended to ensure the conservation, sustainable use, and restoration of California's marine living resources. In 2019, the Department assessed the state's fisheries under the 2018 Master Plan for Fisheries framework (Department, 2018). A prioritization process identified halibut as a species in need of management attention due to potential risks to bycatch species (including sub legal-sized halibut) and from a changing climate. The three proposed regulations are a direct result of the MLMA process, and the first phase of regulations aimed to reduce bycatch in the California set gill net fishery.

The benefits of the proposed regulation change include, but are not limited to:

- Opportunity to create a positive conservation impact in southern California.
- Imposing soak time restrictions that reduce the mortality of both discarded elasmobranchs and finfishes in the set gill net fishery.
- Reducing discarded bycatch in the set gill net fishery.
- Creating a gear marking system that will clearly identify where set gill nets are from if entangled on marine mammals.
- Industry supported and trialed gear marking system increases chances of success and prevents undue economic burden to the set gill net fleet.
- Preventing the expansion of set gill net fishing gear.
- Opportunity to be responsive to stake holder's feedback. The proposed regulations were created in response to constituents' comments throughout the California Halibut Scaled Management Process.

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

Authority: 7085, 8682

Reference: 1050, 1700, 7056, 8026, 8568, 8573, 8574, 8601, 8601.5, 8604, 8609, 8623, 8625, 8626, 8630, 8680, 8681

(d) Specific Technology or Equipment Required by Regulatory Change:

This regulation will require set gill netters to purchase nylon straps for gear marking.

(e) Identification of Reports or Documents Supporting Regulation Change

Evaluating Bycatch in the California Halibut Set Gill Net Fishery. CDFW 2023. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213366&inline>

California Department of Fish and Wildlife. 2018. 2018 master Plan for Fisheries: A guide for Implementation of the Marine Life Management Action. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=159222&inline>

California Department of Fish and Wildlife. 2023. California Halibut Scaled Management Process. Available from: <https://wildlife.ca.gov/Conservation/Marine/CA-Halibut-Scaled-Management>

NOAA Fisheries. 2022. West Coast Whale Entanglement Summary. [2022 West Coast Whale Entanglement Summary \(noaa.gov\)](https://www.noaa.gov/species/whales-and-manatee/whale-entanglement-summary)

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

- Invites were sent to the entire fleet, 104 gill net permit holders, for two fleet-only information meeting options:
 - November 9, 2023 at the Santa Barbara Harbor
 - November 15, 2023 at the San Diego field office for the Department of Fish and Wildlife
- November 16, 2023, Marine Resources Committee meeting, San Diego
- March 19, 2024, Marine Resources Committee meeting, San Clemente
- Contacted active gill netters by phone on multiple occasions to get their input on the following topics:
 - Rationale for current gill net soak times
 - Reasonable distance between proposed gear marking system
 - Definition of net abandonment

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives to a regulatory change were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect. Imposition of performance standards is not a reasonable alternative to these specifically prescribed procedures because management measures require action to be taken to address unacceptable bycatch, and a service interval would reduce bycatch. Similarly for mesh depth, specifications on mesh depth would mean improved efficiency in targeting halibut and white seabass, while reducing bycatch of other species. Alternative markings were voluntarily trialed including a colored tracer line weaved into the headrope, but during outreach efforts with the fleet it was decided the colored nylon strap was the most cost effective and efficient.

(b) No Change Alternative

Without the proposed changes, the outstanding issues concerning unacceptable bycatch in the set gill net fishery would remain unaddressed. The Department would be unable to meet its objectives under the 2018 Master Plan for Fisheries or requirements of the MLMA.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no

mitigation measures are 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 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 because this action will not affect the demand for goods and services related to the set gill net fisheries within the state.

(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, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The Commission does not anticipate any benefits to the health and welfare of California residents, or worker safety. The Commission anticipates benefits to the State's environment by sustainably managing California's marine resources.

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

The Commission is aware of the cost impacts that a representative private business would necessarily incur in reasonable compliance with the proposed action. Set gill net permit holders would have some additional gear-marking time and material costs and may have to undertake some additional vessel travel time to monitor nets if they do not already adhere to the proposed maximum gill net service interval (see STD399 and Addendum).

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

The Department Law Enforcement Division (LED) staff anticipates a temporary increase in patrol boat time until the set gill net fleets adjust to the proposed regulations (see STD399 and Addendum).

(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 impacts on the creation or elimination of jobs within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for jobs.

(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 business or the elimination of existing businesses within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for goods and services related to the set gill net fishery within the state.

(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 because this action will not affect the demand for goods and services related to the set gill net fisheries within the state.

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

The Commission does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate benefits to worker safety in California.

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

The Commission anticipates benefits to the state's environment through compliance with the MLMA and the 2018 Master Plan for Fisheries framework working to ensure the conservation, sustainable use, and restoration of California's marine living resources. The three proposed regulations are a direct result of the MLMA process, and the first phase of regulations aimed to reduce bycatch in the California set gill net fishery. These regulations aim to reduce discarded bycatch in the set gill net fishery, impose soak time restrictions that reduce the mortality of both discarded elasmobranchs and finfishes, and creating a gear marking system that will clearly identify where set gill nets are from, if entangled on marine mammals.

(g) Other Benefits of the Regulation

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The state of California manages the commercial set gill net fishery. The Department of Fish and Wildlife (Department) monitors the existing 91 set gill net permits that are issued, of which 34 were active in the past year. There are two main types of set gill nets: 8.5 minimum mesh which primarily targets California halibut, and 6-inch minimum mesh which primarily targets white seabass. Gill nets have the potential to result in bycatch, where fish or other marine life taken in a fishery are not targeted and may be discarded as they are not legal to take.

“Acceptable bycatch” considers legality of take, potential threat to sustainability, impacts to other fisheries and the ecosystem. Pursuant to the Marine Life Management Act (MLMA), over the past several years the Department has worked in coordination with research partners, Fish and Game Commission (Commission) staff, industry representatives, and the non-government organization (NGO) community to complete a four-step process to determine whether the amount and type of bycatch are considered “acceptable” (Fish and Game Code (F&G Code) Section 7085). Step 4 of this bycatch evaluation is to develop management measures to address unacceptable bycatch and to improve data collection for the California set gill net fishery.

Proposed subsections (a) through (c) of Section 174.1 outlined in this regulatory proposal are a direct result of the bycatch evaluation process, and an initial phase of planned regulations aimed to reduce bycatch in the California set gill net fishery. The proposed regulations would establish a service interval for checking or raising set gill nets, require marking of gill net gear to address concerns related to unidentified set gill net gear in marine mammal entanglements, and define mesh depth for California halibut or white seabass to potentially reduce bycatch and prevent the expansion of set gill net gear.

Subsection 174.1(a). Proposes a service interval includes a range to be decided through the Commission public noticing process of 24 to 48 hours. The flexibility of allowing up to 48 hours between servicing nets would allow for fishers to determine the best time to pull nets depending on conditions and target species while also allowing for decreased fuel costs.

- Subsections (a)(1) and (a)(2) consider exemptions for the cases where a permittee might not be able to comply with the regulation due to unsafe weather conditions or catastrophic events. An allowance for alternative compliance may grant another permittee permission to remove their nets from the water if they are facing catastrophic events, such as vessel mechanical failure or debilitating illness.

Subsection 174.1(a)(3). Includes a timeframe of 7 consecutive days for consideration of abandonment without servicing, cleaning, or otherwise raising the net if there is no approved exemption pursuant to 174.1(a). Additionally, a set gill net is abandoned if the valid, required gear markings, per F&G Code Section 8601.5 and subsection 174.1(b) are not present or legible on the set gill net.

Subsection 174.1(b). Proposes a requirement for permittees to incorporate a 1- inch wide, 1-foot-long colored nylon strap weaved into the existing head rope. A proposed marking interval for the straps along the headrope is proposed for 20 fathoms based on discussions with

NOAA, industry representatives, stakeholders, or other organizations. Initial outreach with set gill net permittees indicates that this interval marking would be reasonable in terms of the labor it would take to add the markings to the net. Mandating this additional set gill net marking system to be displayed every 20 fathoms will allow for confirmation that a set gill net is from the California set gill net fishery if entangled.

Subsection 174.1(c). Current law establishes specific dimensions for mesh size and net length for the California halibut fishery (F&G Code Section 8625(a)) and a minimum mesh size for the white seabass fishery (F&G Code Section 8623(d)). However, there are no standards for the maximum net height (also known as mesh depth) for either California halibut or white seabass. A standard net height for set gill nets is a management measure that has a potential to reduce bycatch and would prevent the expansion of set gill net gear. For the California halibut fishery, a maximum of 25 meshes deep is proposed and for white seabass, a maximum of 50 meshes deep is proposed.

Benefit of the Regulations:

The Marine Life Management Act (MLMA) is intended to ensure the conservation, sustainable use, and restoration of California's marine living resources. In 2019, the Department assessed the state's fisheries under the 2018 Master Plan for Fisheries framework. A prioritization process identified halibut as a species in need of management attention due to potential risks to bycatch species (including sub legal-sized halibut) and from a changing climate. The three proposed regulations are a direct result of the MLMA process, and the first phase of regulations aimed to reduce bycatch in the California set gill net fishery.

The benefits of the proposed regulation change include, but are not limited to:

- Opportunity to create a positive conservation impact in southern California.
- Imposing soak time restrictions that reduce the mortality of both discarded elasmobranchs and finfishes in the set gill net fishery.
- Reducing discarded bycatch in the set gill net fishery.
- Creating a gear marking system that will clearly identify where set gill nets are from if entangled on marine mammals.
- Industry supported and trialed gear marking system increases chances of success and prevents undue economic burden to the set gill net fleet.
- Preventing the expansion of set gill net fishing gear.
- Opportunity to be responsive to stakeholder's feedback.

The proposed regulations were created in response to constituents' comments throughout the California Halibut Scaled Management Process.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing aspects of the commercial gill net industry (F&G Code Section 8682). No other state agency has the authority to adopt regulations governing the issuance of

gill net permits as necessary to establish an orderly gill net fishery. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has examined the CCR for other gill net regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Proposed Regulatory Language

Section 174.1, Title 14 CCR, is added to read:

§174.1. Set Gill Net Service Interval, Gear Marking and Mesh Depth

(a) Set Gill Net Service Interval: Every set gill net shall be raised, cleaned, serviced, and emptied at intervals not to exceed [24-48] hours, and no net shall be abandoned in the waters of this state.

(1) Undue Hardship Exemption – A permittee may request a waiver for exemption from the set gill net service interval requirement described in subdivision (a) if the permittee cannot comply due to a major mechanical failure or undue hardship resulting from circumstances beyond the control of the permittee.

(A) Waiver Request: The permittee shall request a waiver from the Department by sending an email to LRBCOMM@wildlife.ca.gov prior to the end of the service interval. The permittee's email request must include all of the following in order to be considered by the Department: (1) the permittee's general gill net permit number, (2) circumstances explaining the undue hardship or mechanical failure that prevent the permittee from complying, (3) the retrieving individual's general gill net permit number, and (4) coordinates indicating location of the nets. The permittee shall comply with the set gill net service interval unless the Department grants the waiver request.

(B) Waiver Compliance: All permittees shall follow all terms and conditions of the waiver. The waiver may include conditions such as time restrictions, landing prohibitions, or any other conditions the Department deems necessary. The waiver shall be null and void upon violation of the waiver terms and conditions. A copy of the waiver approved by the Department shall be onboard the retrieving vessel.

(2) Unsafe Weather Condition Exemption - Unsafe Weather Conditions: Upon notification to the Department, a permittee may be exempt from the set gill net service interval requirement described in subdivision (a) due to unsafe weather conditions at sea. The permittee shall raise, clean, and service all set gill nets for which they claim an exemption within 24 hours after the end of the unsafe weather conditions.

(A) Department Notification: The permittee shall notify the Department of the unsafe weather conditions by sending an email to gillnetnotifications@wildlife.ca.gov prior to the end of the service interval. The permittee's email request shall describe (1) the unsafe weather conditions which meet the definition below and (2) the affected coastal waters zone.

(B) Unsafe Weather Conditions Defined: Weather conditions at sea are considered unsafe if the National Weather Service issues a Small Craft Advisory or other advisory predicting sustained winds greater than 25 knots. The Small

Craft Advisory or other qualifying advisory shall apply to the same coastal waters zone where a set gill net is located, or the same coastal waters zone where the vessel must transit to reach a set gill net. The Small Craft Advisory or other qualifying advisory must also have been declared on the same calendar day that the set gill net service interval ends.

(3) Abandoned Set Gill Nets - It is unlawful to abandon a set gill net. Abandoned set gill nets may be seized by any person authorized to enforce these regulations or their authorized agent. A set gill net is abandoned if:

(A) a permittee leaves the set gill net in the water for 7 consecutive days and during that time fails to raise, clean, service, and empty the set gill net without an approved exemption or

(B) the valid, required gear markings are not present or legible on the set gill net.

(b) Gear marking: In addition to the requirements in Fish and Game Code Section 8601.5, starting January 1, 2026, all set gill nets shall be marked with a colored [red, orange and/or yellow] 1-inch-wide nylon strap and shall be woven into the corkline at intervals not to exceed every 20 fathoms. Each strap must contain the fisherman's identification number and hang a minimum of 1 foot in length to uniquely identify the gear as a California set gill net.

(c) Mesh depth: Gill nets used to take white seabass with meshes of a minimum length of six inches shall be no more than 50 meshes deep. Gill nets used to take California halibut with meshes of a minimum length of 8.5 inches shall be no more than 25 meshes deep.

Authority: Sections 7085 and 8682, Fish and Game Code.

Reference: Sections 1050, 1700, 7056, 8026, 8568, 8573, 8574, 8601, 8601.5, 8604, 8609, 8623, 8625, 8626, 8630, 8680 and 8681, Fish and Game Code.

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME California Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 653-4899
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Section 174.1 Title.14, CCR, Re: Set Gill Net Service Interval, Gear Marking and Mesh Depth			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input checked="" type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below): |

***If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***

2. The California Fish and Game Commission estimates that the economic impact of this regulation (which includes the fiscal impact) is:

(Agency/Department)

- Below \$10 million
 Between \$10 and \$25 million
 Between \$25 and \$50 million
 Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: 34 active

Describe the types of businesses (Include nonprofits): Set Gill Net Permit holders: 91 permits with 34 Active (reported landings 2023)

Enter the number or percentage of total businesses impacted that are small businesses: 80%

4. Enter the number of businesses that will be created: 0 eliminated: 0

Explain: No impact on the demand for labor

5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): Southern CA off shore below Pt. Arguello

6. Enter the number of jobs created: 0 and eliminated: 0

Describe the types of jobs or occupations impacted: N/A

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly:

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 19,890
- a. Initial costs for a small business: \$ 1,989 Annual ongoing costs: \$ 1,639 Years: 1
- b. Initial costs for a typical business: \$ 350 Annual ongoing costs: \$ 0 Years: 1
- c. Initial costs for an individual: \$ N/A Annual ongoing costs: \$ N/A Years: N/A
- d. Describe other economic costs that may occur: Typical (72% of permittees) will have one time \$350 gear marking costs. The (28% that reported >24 hr service intervals) will have initial & ongoing higher service costs.

2. If multiple industries are impacted, enter the share of total costs for each industry: N/A

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ N/A

4. Will this regulation directly impact housing costs? YES NO
- If YES, enter the annual dollar cost per housing unit: \$ _____
- Number of units: _____

5. Are there comparable Federal regulations? YES NO

Explain the need for State regulation given the existence or absence of Federal regulations: California Fish and Game Commission has authority to regulate marine fisheries

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ N/A

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Reduced bycatch, improved data to identify marine mammal entanglements.

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?

Explain: California Fish and Game Commission has authority to regulate marine fisheries.

3. What are the total statewide benefits from this regulation over its lifetime? \$ difficult-to-monetize

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: N/A

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: No other alternatives were identified

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

Draft Document

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ reduce bycatch Cost: \$ \$19,890

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison

of estimated costs and benefits for this regulation or alternatives:

The benefits are reduced bycatch; save nontargeted species; help to identify unknown sources of marine mammal entanglement; maintain marine ecosystems.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a

regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?

 YES NOExplain: Specific gear and techniques are found to be more effective and enforceable for marine fisheries.**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? YES NO***If YES, complete E2. and E3******If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

 YES NO*If YES, agencies are required to submit a **Standardized Regulatory Impact Assessment (SRIA)** as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- a. Implements the Federal mandate contained in _____

- b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ 16,291

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain CDFW anticipates shifts in work effort for the Department law enforcement division (LED) totalling approx. \$16,291 that is absorbable and expected to taper off in next FY.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE



The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

DATE



Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



ECONOMIC AND FISCAL IMPACT STATEMENT

STD. 399 Addendum

Add Section 174.1

Title 14, California Code of Regulations

Re: Set Gill Net Service Interval, Gear Marking and Mesh Depth

Economic Impact Statement

Overview

Over several years following guidance of the Marine Life Management Act (MLMA), the Department has worked in coordination with research partners, Commission staff, industry representatives, and the NGO community to complete a four-step process to determine whether the amount and type of bycatch associated with set gill net fishing are considered “acceptable”. The proposed management measures are to address bycatch concerns and to improve data collection for the California set gill net fishery. The three proposed regulations are a direct result of this process and the first phase of regulations aimed to reduce bycatch in the California set gill net fishery.

Cost Impacts of Proposed Actions

Potential economic impacts include costs to gill net permittees to service their gear at more frequent intervals and update their gear with specific markings. Through discussions with permittees, efforts have been made to moderate and/or phase the cost impacts of the proposed regulations.

Most gill net permittees already service their gear every 24 hours, although for those who service their gear at longer intervals a 24-hour interval would introduce additional fuel costs. The service interval options under consideration range from 24 to 48 hours.

The gill net marking system under consideration is specifically tailored to allow for the augmentation of existing nets with nylon webbing to avoid the higher cost burden of necessitating full net replacement.

Furthermore, the addition of electronic monitoring regulations to assist in monitoring service interval requirements is not being proposed at this time, only to be considered at a later date, to ease cost impacts to the set gill net fishery.

Gill Net service interval - The gill net service interval is the amount of time that fishing

gear remains in the water, between when it is first set and when it is retrieved. Reducing service interval time duration has the potential to reduce bycatch impacts on some species, specifically discard mortality for sensitive species such as sharks. Currently, no maximum service interval is defined in regulation. Service interval options range from 24 to 48 hours.

To estimate service interval costs for a diesel-powered vessel to service a set gill net, we assume that: the nets are 10 miles out or a 20-mile roundtrip; and fuel cost is \$6.00 per gallon; and the average-sized vessel gets 2 miles per gallon during average sea conditions.

One service interval roundtrip = 20 miles at 2 MPG = 10 gallons x \$6.00 = \$60.00.

Currently 72% of gill net logs report a 24 hour or less service interval, 23% report a 37–48-hour service interval and only 3% report over 56 hours. If the reported service intervals are accurate, then 72% will not face higher fuel and time costs if a 24-hour service interval is adopted; and 95% would have no new costs if 48-hour service interval is adopted. To be conservative we will assume that the 24-hour interval is adopted such that about **28% will face additional service interval costs or \$60 per roundtrip trip.** Those 28%, will have an extra 16 trips per season = \$60 + \$42 (1.5 hours of time) = **\$102 per roundtrip x 16 trips = \$1,632/year**

Gear marking - Additional gear markings to the ones already defined below in Fish and Game Code (8601.5) are necessary to uniquely identify California set gill net gear. Through outreach with gill net permittees an option to incorporate a colored nylon strap into the existing head rope is being proposed.

Permittees explained that a one foot hanging strap would include about another foot or two to weave the strap into the headrope such that one yard of strap would be the maximum length needed per marking. The set gill nets are 1500 fathoms (F) long and gear marking is proposed to be displayed every 20-30 fathoms. This results in 1,500 F/20 F = 75 points on the headrope that would be marked. Each gear mark would need a maximum of 1 yard (3 ft) per point on the headrope, resulting in 75 yards of nylon strap per gill net. The current price for the colored nylon straps is about \$28 for 50 yards; one and one half would be needed for 75 yards = \$42 per net.

One net = \$42/net to add gear markings every 20 fathoms. The average of 6 nets per permittee would cost **\$252 in one-time gear marking cost.**

Mesh depth- Fish and Game Code establishes specific dimensions for mesh size and net length for the California halibut fishery (8625(a)) and a minimum mesh size for the white seabass fishery (8623(d)). However, there are no standards for the maximum net

height (also known as mesh depth) for either California halibut or white seabass. A standard net height for set gill nets is a management measure that has a potential to reduce bycatch and would prevent the expansion of set gill net gear. For the California halibut fishery, a maximum of 25 meshes deep and for white seabass, a maximum of 50 meshes deep has received support from industry representatives.

No startup or ongoing costs are identified from proposed mesh depth regulations.

Section A, Estimated Private Cost Impacts, Question 1.

a. Impacts businesses

b. Impacts small businesses.

3. Total number of businesses impacted: Maximum of 91 gill net permittees: **34** active permit holders had at least one landing using set gill net gear in 2023. Of those, ten permit holders landed 78% of set gill net landings, and 12 permit holders had just 1-5 landings.

Section B. Estimated Costs, Question 1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime?

a. Initial costs for a small/typical business: Gear Marking: \$252 materials + \$98 (3.5 hours time¹) = **\$350** (total for a 72% typical business); 24-hr Service Interval 28% (10 permit holders) require 16 more roundtrips x \$60 fuel + \$42 (1.5 hrs. time) = **\$1,639 summing to \$1,989 per season.**

b. Annual ongoing costs for a small/typical business: Service Interval trips = **\$1,639 for 28% of the fleet; for 72% (typical) no ongoing costs.**

Section C. Estimated Benefits, Question 3. Total statewide benefits = difficult-to-monetize (The statewide environmental benefits of reducing the set gill net bycatch are difficult to monetize as the bycatch is not traded and thus cannot be easily priced. See 2.3. below)

D. Alternatives to the Regulation. 1. List Alternatives considered:

No other alternatives to the proposed regulatory change were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect. Alternative markings were voluntarily trialed including a colored tracer line weaved into

¹ First-Line Supervisors of Fishing Workers 2022 mean hourly wage, \$28.28
<https://www.bls.gov/oes/current/oes451011.htm>

the headrope, but during outreach efforts with the fleet it was decided the colored nylon strap was the most cost effective and efficient.

No Change Alternative

Without the proposed changes, the outstanding issues concerning unacceptable bycatch in the set gill net fishery would remain unaddressed. The Department would be unable to meet the requirements of the MLMA.

2. Summarize the total statewide costs and benefits from this regulation:

Regulation Benefits: difficult-to-monetize

Regulation Costs: \$1,989 x 28% (10 permit holders) = \$19,890 per season (see Section B.1. Estimated Costs.)

3. Discuss any quantification issues that are relevant to a comparison of the estimated costs and benefits for this regulation:

The benefits include: reduced mortality of discarded elasmobranchs and finfishes in the set gill net fishery. A gear marking system that will clearly identify whether set gill nets played a role in entangled marine mammals. Some bycatch species caught and discarded may not survive. The carcass provides some ecosystem services but would have also done so in the course of their natural lifecycle. The role of California set gill nets in entangling large marine mammals, such as whales, is currently unknown, due to the lack of clear gear marking.

Fiscal Impact Statement

A. Fiscal Effect on Local Government

Answer 5. *No fiscal impact exists. This regulation does not affect any local entity or program.* No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution.

B. Fiscal Effect on State Government

Answer 1. Additional expenditures in the current State Fiscal Year = **\$16,291**

- a. Absorb these additional costs within existing budgets and resources.

4. Other. California Department of Fish and Wildlife Law Enforcement Division (LED) anticipates an initial increase and shift in effort to field monitoring and enforcement totally approximately \$16,291, in the first year that is absorbable within currently existing

budgets. This initial shift in field monitoring and extra patrol boat time LED is anticipated to taper off as the set gill net fleet adjusts to the new regulations.

Table 1. Set Gill Net LED Initial Implementation Costs

Program	Classification	Task	Rate	Hours	Total
LED	Fish and Game Warden – Range B	Inspections/Enforcement (at Sea)	\$66.08	50.0	\$3,304
LED	Patrol Boat	Inspections/Enforcement (at Sea)	\$196.00	50.0	\$9,800
		Subtotal			\$13,104
		Overhead	24.32%	--	\$3,187
		Program Total		273.5	\$16,291

Notes: CalHR California State Civil Service Pay Scales by Classification July 2023; Rate is the median hourly salary including benefits (staff benefit rates: Peace Officer= 60.960%, and (24.32%) overhead.

C. Fiscal Effect on Federal Funding of State Programs

3. No fiscal impact exists.



Set Gill Net: Service Interval, Gear Marking & Mesh Depth

April 17, 2024

Presented to:

**California Fish and Game
Commission**

Presented by:

**Miranda Haggerty
Environmental Scientist
Marine Region**



Overview

- Background
- Phase I Regulatory Proposals
 - Service Interval
 - Gear Marking
 - Mesh Height
- Outreach Efforts
- Timeline





Background

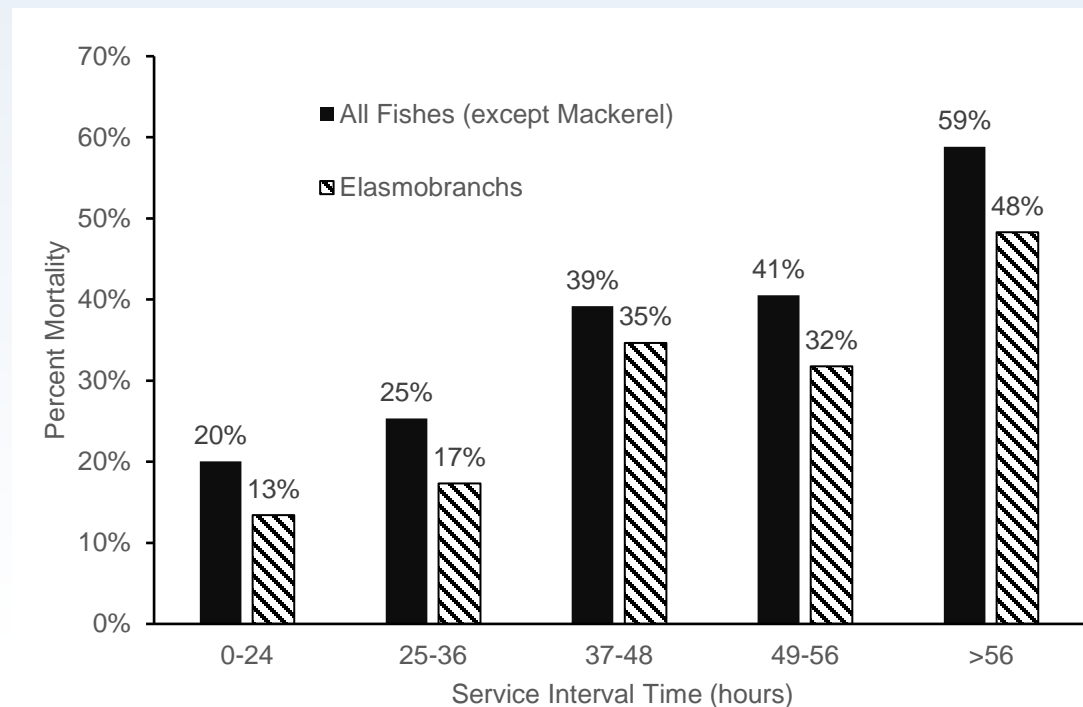
- MLMA Bycatch Evaluation Process
- First phase of regulations to address bycatch in CA set gill net fishery





Service Interval Considerations

- Service interval options range from 24-48 hours
 - 72% of gill net logs report 24 hour or less soak time
 - Shorter service intervals have reduced mortality of discarded species
 - Longer service intervals allow gill netters to determine the best time to retrieve nets depending on conditions





Service Interval Exemptions

- Unsafe Weather Condition Exemption
 - Must send email to gillnetnotifications@wildlife.ca.gov prior to end of service interval
- Undue Hardship Exemption
 - Must request a waiver from the Department by sending an email to LRBCOMM@wildlife.ca.gov
- Abandoned nets- a set gill net is considered abandoned if left in the water for 7 consecutive days without an approved exemption request



Gear Marking Proposal

- Clearly identify set gill nets from California
- A one-inch colored nylon strap every 20 fathoms
 - Red, orange and/or yellow
 - Hang one foot off headrope
 - Includes fisherman's identification number

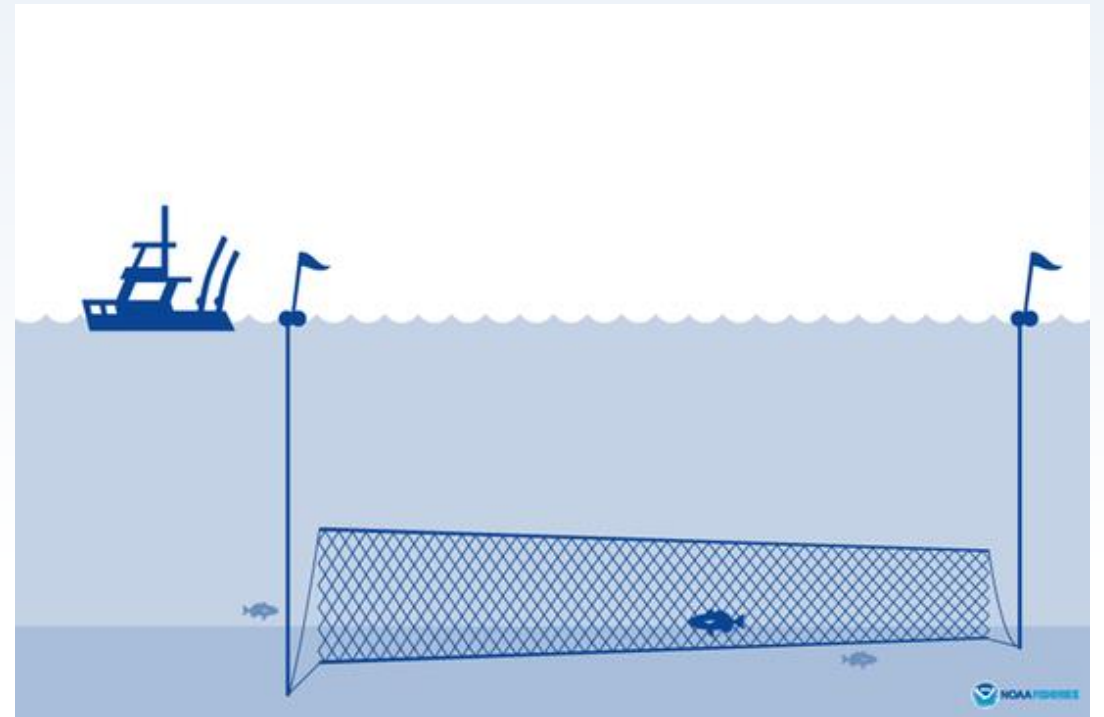


Photo Credit: Gill net permittee



Mesh Height Proposal

- No specifications for maximum mesh height (mesh depth)
- Maximum height regulation prevents expansion
- California halibut set nets (>8.5 in):
25 meshes deep maximum
- White seabass set nets (>6 in.):
50 meshes deep maximum





Outreach

- Fleetwide discussions in San Diego and Santa Barbara – November 2023
- NOAA Protected Resource Division
- Statewide Tribal notification sent on January 17, 2024



Timeline

- Notice: April 17, 2024
- Discussion: June 19, 2024
- Adoption: August 14, 2024
- Effective Date: after October 1, 2024



Thank You



Miranda Haggerty, Environmental Scientist

m1mafishesmgmt@wildlife.ca.gov

<https://wildlife.ca.gov/Conservation/Marine/Nearshore>

<https://marinespecies.wildlife.ca.gov/california-halibut/>

Memorandum

Date: March 25, 2024

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

From: Charlton H. Bonham
Director

Subject: **Submission of Initial Statement of Reasons for the April 17-18, 2024 Fish and Game Commission meeting to Amend Subsections 120.7(m), 122(e), and 165(a)(1)(C), Add New Subsection 190(f) and Repeal Subsection 705.1(d), Title 14, California Code of Regulations, Re: Marine Logbooks and Coastal Charts**

The Department of Fish and Wildlife (Department) requests the Fish and Game Commission (Commission) authorize publishing notice of its intent to amend subsections 120.7(m), 122(e), and 165(a)(1)(C), add new subsection 190(f) and repeal subsection 705.1(d), Title 14, California Code of Regulations to provide a universal and up to date reference of Commercial Fishing Block Charts in all forms where fishing blocks are reported. Authorization of the request to publish notice at the April 17-18, 2024 Commission meeting will allow for discussion at the June 19-20, 2024 Commission meeting and adoption at the August 14-15, 2024 Commission meeting.

The current reference for commercial fishing block codes creates ambiguity in the information collected and corrections are needed to collect the information at the resolution that was initially intended. The proposed changes in regulations will improve data quality and add clarity in which reference to use for all commercial fishery data reporting where commercial fishing blocks are required. These regulation changes specify that a single, most up to date, chart provided by the Department and hosted online will be used as a reference in all required forms. This will enhance the quality of the fishery location data used to inform fishery management decisions.

If you have any questions regarding this item, contact Dr. Craig Shuman, Marine Regional Manager, at (805) 568-1246. The public notice for this rulemaking should identify Senior Environmental Scientist Paulo Serpa as the Department's point of contact. His contact information is (805) 729-5309 or R7RegionalMgr@wildlife.ca.gov.

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env., Region Manager
Marine Region

Melissa Miller-Henson, Executive Director
Fish and Game Commission
March 25, 2024
Page 2

Todd Neahr, Env. Program Manager
Marine Region

Paulo Serpa, Senior Env. Scientist
Marine Region

Ross Cooper, Research Data Supervisor I
Marine Region

Eric Kord, Assistant Chief
Law Enforcement Division

Ona Alminas, Env. Program Manager
Regulations Unit
Wildlife and Fisheries Division

Mike Randall, Regulatory Analyst
Regulations Unit
Wildlife and Fisheries Division

Susan Ashcraft, Marine Adviser
Fish and Game Commission

Jenn Bacon, Analyst
Fish and Game Commission

David Thesell, Program Manager
Fish and Game Commission

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Sections 120.7, 122, 165, 190, 705.1
Title 14, California Code of Regulations
Re: Marine Logbooks and Coastal Charts

I. Date of Initial Statement of Reasons: February 5, 2024

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: April 17, 2024

Location: San Jose, CA

(b) Discussion Hearing

Date: June 19, 2024

Location: Mammoth Lakes, CA

(c) Adoption Hearing

Date: August 14, 2024

Location: Fortuna, CA

III. Description of Regulatory Action

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

All section references are within the California Code of Regulations, Title 14, unless otherwise noted.

The Department of Fish and Wildlife (Department) produces charts defining areas of fishing activity, commonly referred to as “fishing blocks.” The earliest record of these charts is published in the Division of Fish and Game of California Bureau of Commercial Fisheries, Fish Bulletin No. 44, which describes use in logbooks distributed to the trawler fleet in 1934. These charts, with some modifications made over time, have been in consistent use for reporting fishing activity locations for all marine commercial fisheries.

Some ambiguity has existed for decades, and correction is needed to collect accurate information as initially intended. The proposed changes are necessary for the betterment of fishery management decisions based on this information. Improved data collection will better distinguish between catch originating in U.S. versus foreign waters (i.e., U.S. – Mexico border), and between inshore and offshore waters of California.

Recent evaluation of these charts revealed areas where improvements can be made to reduce ambiguity. The proposed revision of the charts aims to improve on the following issues that are present in the current version of the charts:

- Blocks that overlap with other blocks of a different scale, leading to inconsistent reporting and ultimately poor resolution of location.
- Blocks with poor alignment with the U.S. Mexico border where in some cases U.S. catch cannot be distinguished from Mexican catch.

Within Title 14, the regulatory reference to these charts is made only in Section 705.1 relating to kelp. While the “fishing block” information is required on many fishery reporting forms, the charts are included only two times among those many forms. In order to reduce ambiguity in location reporting and to improve the resolution of the information collected, the proposed action would update the block chart references in each of these logbook forms listed below with a revision in the master set of block code charts. The result is reduction in total number of block codes that can be selected from, accurate alignment with U.S. – Mexico border, and removal of overlapping block areas which have been misinterpreted and incorrectly referenced during reporting. These revisions also condense the charts into a single series for both commercial logbooks and commercial landings. The Department believes that a more universal reference to the charts will add clarity and benefit all fisheries.

Proposed Amendments to Regulations

Section 705.1. Commercial Kelp Harvester’s Monthly Report

Delete subsection “(d) Maps of department origin blocks also known as fishing blocks” which incorporates by reference the three charts: Northern California Fisheries (September 2015); Central California Fisheries (September 2015); and Southern California Fisheries (April 2016).

The charts will instead be referenced in Section 190 with a universal provision applicable to all forms requiring fishing origin block number data.

Section 190. Fishing Activity Records.

Add a new subsection “(f) Fishing Block Charts” which will specify that when a Department form requires that the origin block number be specified, this location number shall be referenced on the California Fisheries Chart Series, as prescribed by the Department at <https://wildlife.ca.gov/Fishing/Commercial/MFSU>.

Providing this provision within Section 190 adds clarity and consistency to record reporting requirements for all commercial fisheries.

Section 165. Commercial Harvesting of Kelp and Other Aquatic Plants.

Amend subsection (a)(1)(C) by deleting the phrase “(incorporated by reference in Section 705.1)” and replacing it with “(specified in Section 190(f))”

The charts will be referenced in Section 190 with a universal provision applicable to all forms requiring fishing origin block number data.

Section 122. Spiny Lobster Permits and Restricted Areas.

Amend subsection (e), Records. States that pursuant to Section 190, any person who owns and/or operates any vessel used to take lobsters for commercial purposes shall complete and submit an accurate record of his/her lobster fishing activities on a form Daily Lobster Log (DFW 122 (REV. 03/04/16)). The form is incorporated by reference in Section 122. In this version of form 122, the Southern California Fisheries Chart (June 2001) are attached as a part of the instructions and are therefore a permanent part of the form. The amendment will strike out this outdated version of the block chart, amend text for clarity. and specify a revised form, not including the charts, which will then be subject to the universal provisions of Section 190, Fishing Activity Records.

Section 120.7. Taking of Sea Urchins for Commercial Purposes.

Amend subsection (m) Logbooks. States that pursuant to Section 190, each permittee shall complete and submit an accurate record of all sea urchin fishing activities on a form “Commercial Dive Fishing Log (DFW 120.7 (REV. 12/08/17))”. The form is incorporated by reference in Section 120.7. In this version of form 120.7, the Northern and Southern California Fisheries Charts (September 2015) are attached as a part of the instructions and are therefore a permanent part of the form. The amendment will amend text for clarity, delete a sentence which is redundant relative to provisions covered in Section 190, and specify a revised form, not including the charts, which will then be subject to the universal provisions of Section 190, Fishing Activity Records.

Proposed Revisions to Forms Incorporated by Reference.

Multiple Department forms used in mandated reporting of fishing activity include a field for reporting where fishing took place, referred to as “origin block,” “fishing block,” “F & W block number,” “F & G block number,” or “block number.” This is required on forms: 113A, 120, 120.7, 149b, 174, 176, 180A, 180B, 195A, 195B, 625m, 626 and 2025. In addition, required commercial fishing landing reporting requirements for electronic fish tickets and paper receipts outlined in Section 197 include a required field for “Department origin block number where the fish were caught.” Most of these forms do not specify a version of the fishing chart to be used. The fisheries charts are provided within only two forms (DFW 120.7 and DFW 122), and these forms will need revision so that one universal version of block chart as proposed in Section 190 is used in all forms.

Commercial Dive Fishing Log (DFW 120.7 (REV. 12/08/17)).

In the current version of form 120.7, the California Fisheries Charts (September 2015) are attached as a part of the instructions for finding and entering the origin block. Since the form is incorporated by reference in Section 120.7, the charts are therefore a permanent part of the form. The revision will remove the charts from the instructions on the form, clarifying that the log will then be subject to the universal provisions of Section 190, Fishing Activity Records with the newly proposed subsection 190(f). The revised form will also update office addresses, nomenclature for field names, and include fields for “Species” and “Fish Ticket Number.” A new revision date Rev. 03/2024 on the form

indicates the change. These changes are necessary to update the dive log for users to access the most recent procedures and block charts proposed for standardization.

Daily Lobster Log (DFW 122 (REV. 03/04/16)).

In the current version of form 122 the California Fisheries Charts (June 2001) are attached as a part of the instructions for finding and entering the origin block. The form is incorporated by reference in Section 122, and the charts are therefore a permanent part of the form. The revision will remove the charts from these instructions on the form, clarifying that the log will then be subject to the universal provisions of Section 190, Fishing Activity Records (third page, under “Definitions”).

The revised form will also update an office address and nomenclature for some field names. “Landing receipt” is changed to “Fish Ticket” to reflect potential submissions via the electronic fish ticket (E-tix) or landing receipts associated with the catch. The “F & W Vessel Number” is proposed for update to “CDFW Boat Registration Number” to more accurately reflect terminology used in lobster fishing. A new revision date Rev. 03/2024 on the form indicates the change. These changes are necessary to update the lobster log for users to access the most recent procedures and block charts proposed for standardization.

(b) Goals and Benefits of the Regulation

Improvement in fisheries charts will improve the quality of the data used by the Department in its ocean fisheries management recommendations resulting in net benefits to stakeholders.

The current reference for block codes creates ambiguity in the information collected. Corrections are needed in order to collect the information at the resolution initially intended. The proposed changes are necessary for the betterment of fishery management decisions based on this information. Additionally, the proposed changes will improve spatial resolution to a level that will allow for correct distinction between catch originating in U.S. versus foreign waters and between inshore and offshore waters of California.

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

§ 120.7 Authority cited: Sections 713, 1050, 9054 and 9055, Fish and Game Code.

Reference: Sections 713, 1050, 7850, 7852.2, 7857, 9054 and 9055, Fish and Game Code.

§ 122 Authority cited: Sections 1050, 7075, 7078, 8254 and 8259, Fish and Game Code.

Reference: Sections 1050, 2365, 7050, 7055, 7056, 7071, 7852.2, 8026, 8043, 8046, 8250, 8250.5, 8254, 9002, 9005, 9006 and 9010, Fish and Game Code.

§ 165 Authority cited: Sections 6653 and 6653.5, Fish and Game Code. Reference:

Sections 51, 6650, 6651, 6652, 6653, 6653.5, 6654, 6656 and 6680, Fish and Game Code.

§ 190 Authority cited: Sections 7920, 7923, 7924, 8022, 8026 and 8587.1, Fish and Game Code. Reference: Sections 7055, 7056, 7058, 7060, 7923, 7924, 8022, 8026 and 8587.1, Fish and Game Code.

§ 197 Authority cited: Sections 1050(b), 8046, 8046.1 and 8047, Fish and Game Code. Reference: Sections 8031, 8032, 8033, 8033.1, 8034, 8035, 8040, 8043, 8045 and 8047, Fish and Game Code; and Title 50, Sections 660.113, 660.213 and 660.313, Code of Federal Regulations.

§ 705.1 Authority cited: Sections 1050, 6651, 6653 and 6653.5, Fish and Game Code. Reference: Sections 713, 1050, 6650, 6651, 6652, 6653 and 6653.5, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change. None

(e) Identification of Reports or Documents Supporting Regulation Change

Landings and logbook database records going back to the origin for each of these datasets show that some block codes have never been used. This is because they do not accurately represent correct areas of effort. In addition, the current chart shows where block areas do not align with the U.S./ Mexico border.

Due to data confidentiality specified in FGC § 8022, access to raw database records in the Department's Marine Landings Data System and Marine Logs System is available internally only and is not a publicly accessible record. Public summary of the landings data is available in the Marine Fisheries Data Explorer: <https://wildlife.ca.gov/MFDE>.

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

March 19, 2024, Marine Resources Committee meeting, San Clemente, CA

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives to this regulatory change were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect. Changes to the Fisheries Charts and the necessary fishing block information cannot be accomplished by different means.

(b) No Change Alternative

Without a change, the collection of location data will continue with ambiguity and lower resolution.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

There is no alternative that would lessen the burden on Small Business. The proposed regulations have no impact on small businesses such as charter boats, fishing vessel owners, commercial fishing license holders, and fish receivers. The requirement for reporting fishing block information has pre-existed for decades and is already being

provided to the Department by these businesses. The proposal entails a requirement only that they use a new lookup reference with marginal change in the updated version as compared to the existing version. Use of the new look up reference will not require any additional effort, time, or equipment.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are 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 Commission does not anticipate that the proposed action will have significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes provide clarification of existing regulations that aid in the continued preservation of marine resources, while continuing to maintain commercial and sport fishing opportunities and thus, the prevention of adverse economic impacts.

(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 adverse impacts on the creation or elimination of jobs within the state. The Commission does not anticipate adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed changes are to provide clarification of existing regulations that are not anticipated to change the level of fishing activity and thus the demand for goods and services related to marine resource harvest that could impact the demand for labor, nor induce the creation of new businesses, the elimination, nor the expansion of businesses in California. The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

The Commission anticipates benefits to the State's environment indirectly through improved accuracy in information collected for the betterment of fisheries management, which improves fish stocks and the marine coastal ecosystem.

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

The Commission 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.

No changes to costs or savings to state agencies or in federal funding are anticipated by the proposed clarification of existing regulations. The Department program implementation and enforcement are projected to remain the same with a stable volume of marine resource harvest activity.

- (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 that the proposed regulation will prompt the creation or the elimination of jobs within the state. Modifications to fishing block charts for clarity and consistency will not affect current reporting procedures for affected parties and would not precipitate the creation of jobs or the elimination of jobs.

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

The Commission anticipates that the proposed regulation will not prompt the creation of new businesses or the elimination of existing businesses within the state. Modifications to fishing block charts for clarity and consistency will not affect current reporting procedures for affected parties and would not precipitate the need for new businesses or cause the elimination of existing businesses.

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

The Commission does not anticipate that the proposed clarification of fishing block charts would induce impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve individuals who engage in marine resource harvest.

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

The Commission does not anticipate benefits to the health and welfare of California residents because the proposed regulatory change has no relation to health or welfare.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety from the proposed regulations because there is no nexus with working conditions.

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

The Commission anticipates benefits to the environment because the data collected will improve the quality of the information used by the Department in its ocean fisheries management decisions resulting in net benefits to management of these resources and their related ecosystem. It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of waters under the authority and influence of the state for the benefit of all the citizens of the state.

(g) Other Benefits of the Regulation

Provides the Department consistency and a more clear and efficient common reference for information collected across all states required commercial fishery reporting.

Informative Digest/Policy Statement Overview

The Department of Fish and Wildlife (Department) produces charts defining areas of fishing activity in California waters, commonly referred to as “fishing blocks.” The earliest record of these charts is published in the Division of Fish and Game of California Bureau of Commercial Fisheries, Fish Bulletin No. 44 which describes use in logbooks distributed to the trawler fleet in 1934. These charts, with some modifications made over time, have been in consistent use for reporting fishing activity locations for all marine commercial fisheries.

Some ambiguity has existed for decades regarding accuracy of the block charts, and correction is needed to collect accurate information as initially intended. The proposed changes are necessary for the betterment of fishery management decisions based on this information. Improved data collection will better distinguish between catch originating in U.S. versus foreign waters and between inshore and offshore waters of California.

Proposed Amendments

In order to implement the proposed improvement in the block charts and to reconcile and clarify which version of block charts should be referenced universally across all forms when reporting block origin in California commercial marine fisheries, the Department proposes amendment to the following sections:

- Delete subsection (d) of Section 705.1 removing references to the California Fisheries Charts
- Add subsection (f) to Section 190 providing for universal use of the California Fisheries Chart Series that all commercial fishing activity records requiring fishing origin block data will use. Charts can be accessed here: <https://wildlife.ca.gov/Fishing/Commercial/MFSU>
- Amend subsection 165(a)(1)(C) by deleting the phrase “(incorporated by reference in Section 705.1)” and replacing it with “(specified in Section 190(f))”.
- Amend sections 120.7 and § 122 to reflect revised versions of forms DFW 120.7 and DFW 122 where the existing block chart is removed as a figure in the instruction.
- Amend forms DFW 120.7 and DFW 122, Rev. March 2024, in accordance with the changes to the regulatory sections.

Benefits of the regulations

The benefits of the proposed regulations are clarity and consistency for the commercial fishery when required to use the charts in reporting their fishing activity. Universal use of the charts is beneficial for the improvement of fishery management decisions based on this information.

Evaluation of incompatibility with existing regulations

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated

to the Commission the power to adopt regulations governing aspects of the commercial marine fishing logs (California Fish and Game Code sections 8026, 8254, and 9054). No other state agency has the authority to adopt regulations governing marine logs. The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other marine fishing regulations and marine protected area regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Proposed Regulatory Language

Section 120.7, Title 14, California Code of Regulations, is amended as follows:

§ 120.7. Taking of Sea Urchins for Commercial Purposes.

. . . [No changes to subsections (a) through (l)]

(m) Logbooks. Pursuant to Section 190 ~~of these regulations~~, each permittee shall ~~complete and submit an~~ keep and submit a complete and accurate record of all sea urchin fishing activities on a form Commercial Dive Fishing Log (DFW 120.7 ~~(REV. 12/08/17)~~ (REV. 03/2024)), incorporated herein by reference, provided by the department. ~~The completed daily records shall be sent to the department address specified on the logbook on or before the tenth day of each month following the month to which the records pertain.~~

. . . [No changes to subsections (n) through (q)]

NOTE: Authority cited: Sections 713, 1050, 9054 and 9055, Fish and Game Code.
Reference: Sections 713, 1050, 7850, 7852.2, 7857, 9054 and 9055, Fish and Game Code.

Proposed Regulatory Language

Section 122, Title 14, California Code of Regulations, is amended as follows:

§ 122. Spiny Lobster Permits and Restricted Areas.

. . . [No changes to subsections (a) through (d)]

(e) Records. Pursuant to Section 190 of these regulations, any person who owns and/or operates any vessel used to take lobsters for commercial purposes shall ~~complete and submit an~~ keep and submit a complete and accurate record of his/her all lobster fishing activities on a form (Daily Lobster Log, DFW 122 (REV. 03/04/16) (REV. 03/2024), incorporated herein by reference) provided by the department.

. . . [No changes to subsections (f) through (h)]

NOTE: Authority cited: Sections 1050, 7075, 7078, 8254 and 8259, Fish and Game Code.

Reference: Sections 1050, 2365, 7050, 7055, 7056, 7071, 7852.2, 8026, 8043, 8046, 8250, 8250.5, 8254, 9002, 9005, 9006 and 9010, Fish and Game Code.

Proposed Regulatory Language

Section 165, Title 14, California Code of Regulations is amended as follows:

§ 165. Commercial Harvesting of Kelp and Other Aquatic Plants.

. . . *[No changes to subsections (a) through (a)(1)(B)]*

(C) License applications, informational maps depicting administrative kelp beds (defined in Section 165.5) and maps of fishing blocks (~~incorporated by reference in Section 705.1~~) (specified in subsection 190(f)) for edible seaweed and agar-bearing marine algae, and Monthly Harvest Reports are available on request by contacting the department's Seal Beach office by phone at (562) 342-7100.

. . . *[No changes to subsections (a)(2) through (g)]*

NOTE: Authority cited: Sections 6653 and 6653.5, Fish and Game Code.

Reference: Sections 51, 6650, 6651, 6652, 6653, 6653.5, 6654, 6656 and 6680, Fish and Game Code.

Proposed Regulatory Language

Section 190, Title 14, California Code of Regulations, is amended as follows:

§ 190. Fishing Activity Records.

. . . *[No changes to subsections (a) through (e)]*

(f) Fishing Block Chart. When a department form requires the origin block number, this block number shall be referenced using the California Fisheries Chart Series prescribed by the department and available at <https://wildlife.ca.gov/Fishing/Commercial/MFSU>.

NOTE: Authority cited: Sections 7920, 7923, 7924, 8022, 8026 and 8587.1, Fish and Game Code. Reference: Sections 7055, 7056, 7058, 7060, 7923, 7924, 8022, 8026 and 8587.1, Fish and Game Code.

Proposed Regulatory Language

Section 705.1, Title 14, California Code of Regulations, is amended as follows:

§ 705.1. Commercial Kelp Harvesting and Drying Application, Monthly Harvest Reports.

(a) Application

- (1) 2023 Kelp Harvesting License and Drying Application DFW 658 (REV. 01/01/23), incorporated by reference herein.
- (2) Permit Fees. \$174.75 (does not include the fees specified in subsection 700.4(e)).

(b) Monthly Harvest Reports

- (1) Commercial Kelp Harvester's Monthly Report DFW 113 (REV. 01/01/23), incorporated by reference herein.
- (2) Commercial Edible Seaweed/Agarweed Aquatic Plant Harvester's Monthly Report DFW 113A (REV. 01/01/23), incorporated by reference herein.

(c) Release of Property

- (1) Release of Property DFW 1108 (NEW 07/01/22), incorporated by reference herein.

~~(d) Maps of department origin blocks also known as fishing blocks~~

- ~~(1) Northern California Fisheries Chart (September 2015), incorporated by reference herein.~~
- ~~(2) Central California Fisheries Chart (September 2015), incorporated by reference herein.~~
- ~~(3) Southern California Fisheries Chart (April 2016), incorporated by reference herein.~~

NOTE: Authority cited: Sections 1050, 6651, 6653 and 6653.5, Fish and Game Code.
Reference: Sections 713, 1050, 6650, 6651, 6652, 6653 and 6653.5, Fish and Game Code.

Log Book No. DL

COMMERCIAL DIVE FISHING LOG



**CALIFORNIA NATURAL
RESOURCES AGENCY**

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

INSTRUCTIONS

➤ **Each sea urchin or sea cucumber permittee is required to prepare a daily log. Use one log for each month of fishing activity (use additional pages if necessary). Do not submit a log for the months not fished.**

➤ Place flyleaf under duplicate copy. No carbon paper is required. Do not allow book to get wet.

➤ Use a ball-point pen. Enter all information at top of the log.

Field descriptions for each location fished:

- “Day” is the calendar day fished
- “Block Number” is ~~the Fish and Wildlife block number from the charts provided in this logbook~~ is the origin block number from the California Fisheries Chart Series available at <https://wildlife.ca.gov/Fishing/Commercial/MFSU>
- “Lat/Lon” is the latitude and longitude, to the 0.01 minute, of the catch location
- “Species” is the species of the catch
- “Landmark” is the most generally recognizable feature near the area fished
- “Depth Range” is the minimum and maximum depths fished (in feet)
- “Diver Hours” is the total time underwater, to the nearest ½ hour, at each dive site
- “Pounds Harvested” is the combined weight of all harvested catch species
- “Port and Dealer” is the port of landing and the name of the dealer buying the catch
- “Fish Ticket Number” is the serial number of the electronic fish ticket (E-tix) or landing receipt associated with the harvested catch.
- “Remarks” incidental species taken or comments on the catch or other noteworthy conditions

➤ One line should be completed for each location fished, if more than one location is fished on a single day.

➤ Please mail to the Department of Fish and Wildlife the top Department’s copy of the logs on a monthly basis in compliance with Section 190 of ~~the Fish and Game Commission regulations.~~ Title 14, California Code of Regulations

➤ By the 10th day of the following month, completed logs should be returned to:

(All sea cucumber logs)

Calif. Dept. of Fish and Wildlife
1933 Cliff Drive, Suite #9
Santa Barbara, CA 93109

(Southern California sea urchin logs)

Calif. Dept. of Fish and Wildlife
4665 Lampson Ave, Suite C
Los Alamitos, CA 90720

3030 Old Ranch Parkway, Suite 400
Seal Beach, CA 90740

(Northern California sea urchin logs)

Calif. Dept. of Fish and Wildlife
32330 N Harbor Drive
Fort Bragg, CA 95437

3637 Westwind Blvd.
Santa Rosa, CA 95403

NOTICE

1. Information requested by:
**California Natural Resources Agency
Department of Fish and Wildlife
Marine Resources Region**
2. Responsible Agency Official:
**Regional Manager, Marine Region
California Dept. of Fish and Wildlife
3030 Old Ranch Parkway, Suite 400 ~~4665 Lampson Avenue, Suite C~~
Seal Beach, CA 90740 ~~Los Alamitos, CA 90720~~**
3. Authority:
**California Code of Regulation
Title 14, Sections 190 and 120.7(m)
California Fish and Game Code
Sections 8026 and 8405.1**
4. Each sea urchin or sea cucumber permittee is required to prepare a daily log. Failure to keep and submit complete and accurate logs may result in revocation or suspension of your diving permit by the Department.
5. Fishing activity records shall be kept on forms provided by the Department.
6. All fishing activity records shall be deemed confidential upon receipt by the Department. Information provided on the logs is summarized and used to develop a profile of the fishery, including catch area and depth, relative changes in population, catch-per-unit-of effort, etc. This data will aid in developing management measures to insure a long-term viable fishery. Summaries, without reference to individuals, will be available to the public.
7. Information provided on logs may be made available to the National Marine Fisheries Service, Pacific Fisheries Management Council, and the Pacific States Marine Fisheries Commission.
8. Every individual has the right of access to his or her own information: California Civil Code

Draft Document

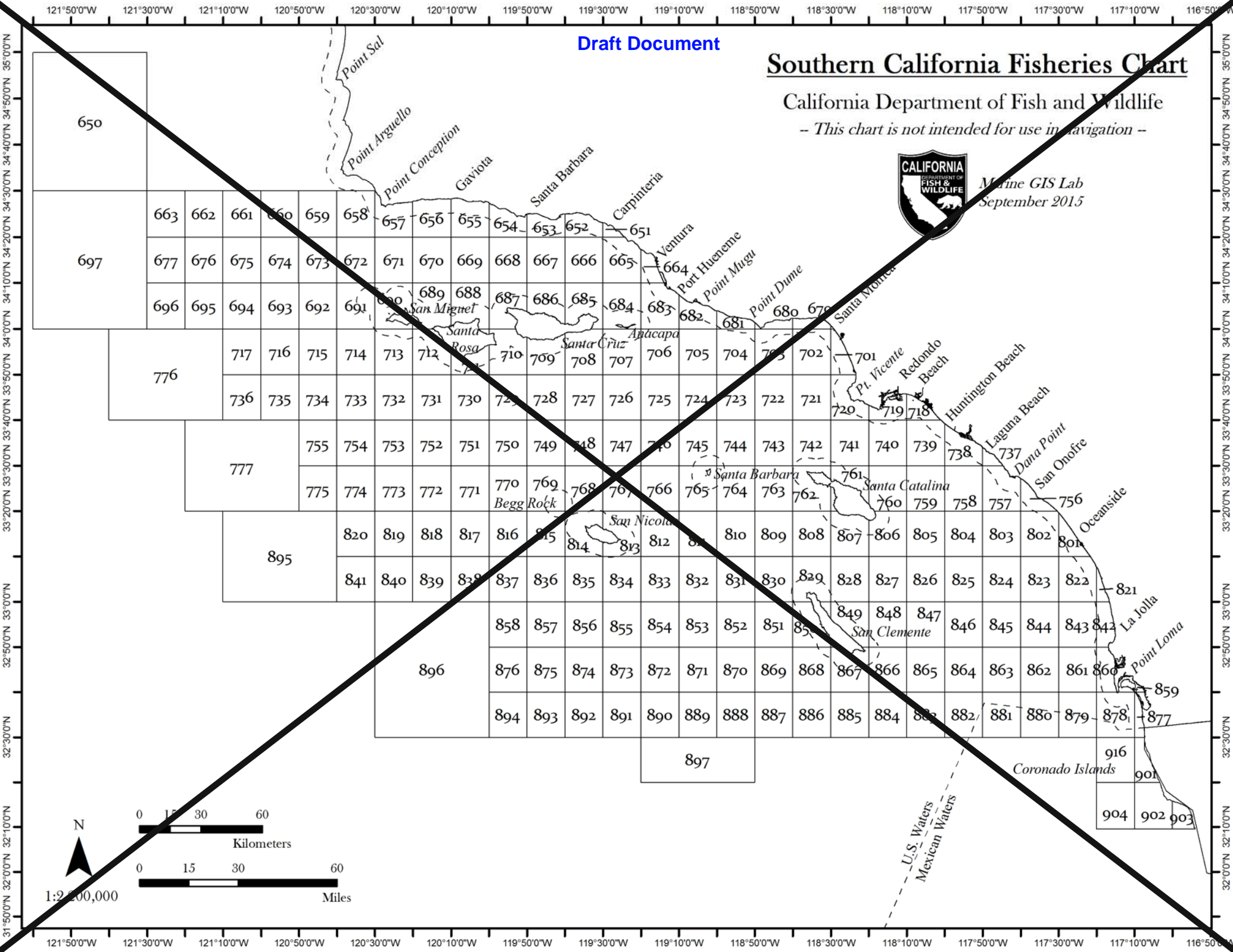
Southern California Fisheries Chart

California Department of Fish and Wildlife

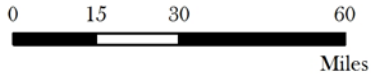
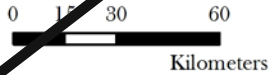
- This chart is not intended for use in navigation -



Marine GIS Lab
September 2015



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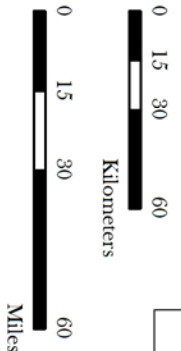
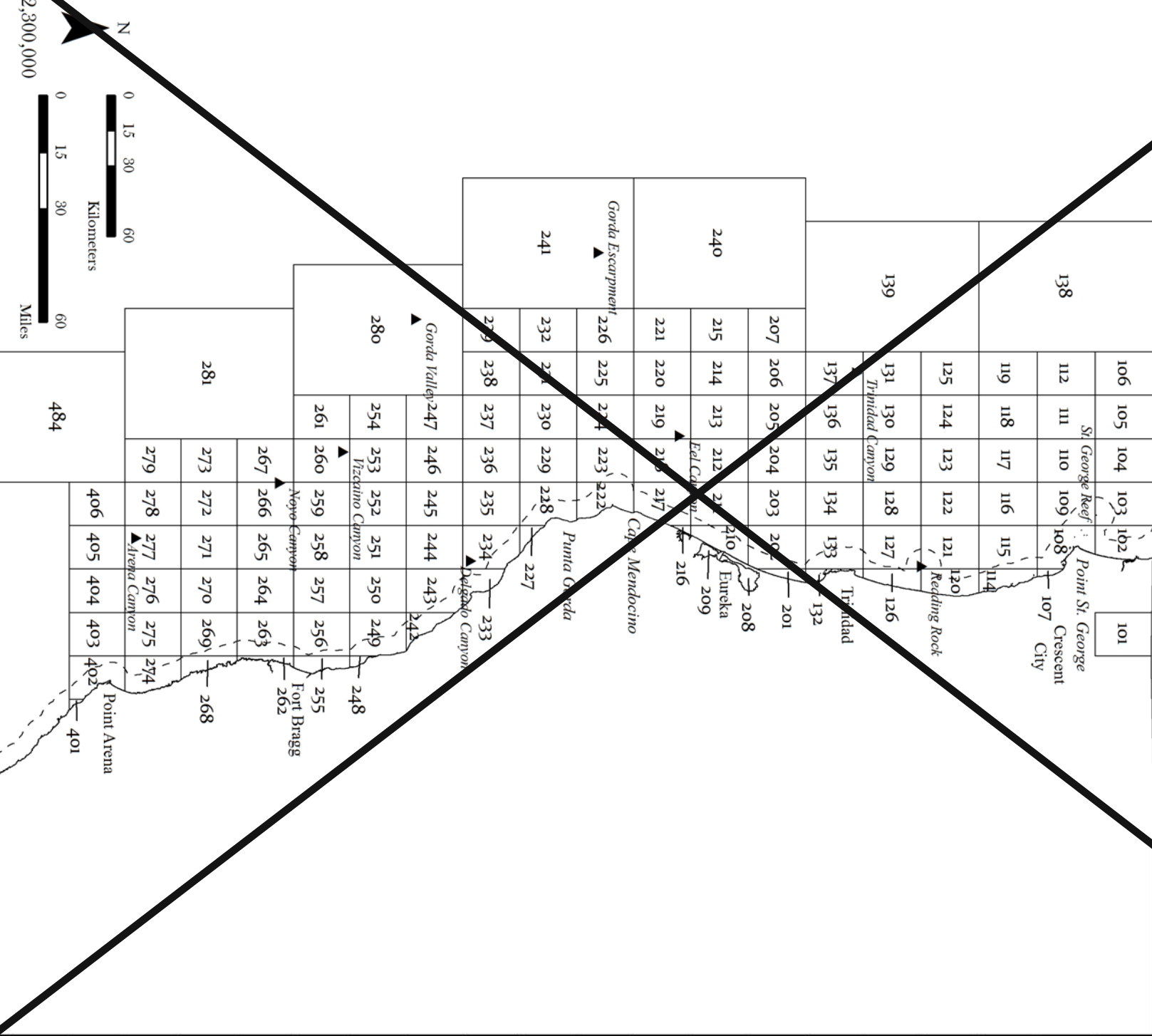
Northern California Fisheries Chart

California Department of Fish and Wildlife

- This chart is not intended for use in navigation -



Marine GIS Lab
September 9, 2015





STATE OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

DAILY LOBSTER LOG

NOTICE TO PERMITTEES

- This information is being requested by THE STATE OF CALIFORNIA, Department of Fish and Wildlife, Marine Region, for the principal purposes of fisheries research and management. The official responsible for maintaining this information is:

Regional Manager, Marine Region

~~4665 Lampson Avenue, Suite G~~ 3030 Old Ranch Parkway, Suite 400

~~Los Alamitos, CA 90720~~ Seal Beach, CA 90740

- Any person who owns and/or operates any vessel used to take lobsters must keep and submit a complete and accurate record of all lobster fishing activities on forms provided by the Department. This information is required pursuant to Fish and Game Code Sections 7923 and 8026, and California Code of Regulations, Title 14, Sections 122 and 190.
- Fish and Game Code Sections 8026 and 12002 impose permit/license suspension or revocation, and other penalties, for failing to provide this information.
- Pursuant to Fish and Game Code Section 8022, this Form and the information contained therein is confidential and shall not be public records. The information shall be compiled or published as summaries, so as not to disclose the individual records or business of any person. The Department may release this information to any federal fishery management agency for the purposes of enforcing fishery management provisions, provided the information otherwise remains confidential. The Department may also release this information for law enforcement purposes, or pursuant to a court order.
- An individual may access records maintained by the Department that contain their personal information by contacting the official at the above address.



NAME:

ADDRESS:

FISHERMEN ID:

IS THIS A CHANGE OF ADDRESS? YES NO

MORE ENVELOPES NEEDED? YES NO

Send this form in with monthly logs or call (562) 342-7130

FOR DEPARTMENT USE ONLY

LOGBOOK NUMBER:

ISSUE DATE:

ISSUED BY:

OFFICE LOCATION:



IMPORTANT INSTRUCTIONS

General

1. Complete a separate fishing activity section for each day traps are pulled, this includes multi-day trips. If more than 5 locations were fished in one day, continue recording fishing information in the next section and enter the **same date** in the data box. For multi-day trips or received catch, record the ~~landing receipt fish ticket~~ number(s) for the entire load on the last day traps were pulled.
2. If multiple permittees are aboard the vessel, only one logbook entry should be submitted for that day's fishing. If the fisherman or vessel ID number changes before the 2 fishing activity sections are completed, proceed to the following page and record new information.
3. Return the completed top copies to the Department on or before the 10th day of the following month (MFSU, ~~4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720~~ 3030 Old Ranch Parkway, Suite 400, Seal Beach, CA 90740). Voided logs must also be submitted. Notification is not needed for months not fished. Do not fold or staple these forms.
4. The duplicate copy is the property of the permittee and it remains in the book as your permanent fishing record.
5. All logbook and/or envelope requests will be processed through the ~~Los Alamitos Seal Beach~~ office. Please use thereorder form printed on the front flap of this logbook and submit with monthly logs.

Specific

1. Please print all characters in ink (no pencil) using CAPITAL letters only. Print each character entirely within the boxes that are provided.
2. The current log format **cannot** accommodate ranges in depth, block numbers, nights in water, etc. Please record information as described in the DEFINITIONS section below.
3. For those cases where mechanical failure, major storm events, etc. precludes trap tending in compliance with Fish and Wildlife regulations, record exact nights soaked with explanation in the note pad area.

DEFINITIONS

Fishing Activity Section: The area of the log where specific trapping information (Trap Location, Depth, etc.) is recorded for EACH day of trapping. One log page can accommodate two (2) separate days of fishing.

Trap Locations: Report the **Latitude and Longitude** for a specific set of traps. Use decimal minutes to the hundredths place. Example 34° 05.15N, 120° 04.85W.

F&W Block Number: ~~The block number where most of the fishing occurred.~~ The origin block number from the California Fisheries Chart Series available at <https://wildlife.ca.gov/Fishing/Commercial/MFSU>

Depth (in feet): Depth at which **most** of the traps within the set are placed.

No. Traps Pulled: Number of traps tended within the set.

No. Shorts Released: Number of sub-legal lobsters immediately returned to the water.

No. Legals Retained: Number of legal lobsters kept for commercial/personal use.

Date Traps Pulled: Date the specified traps were tended.

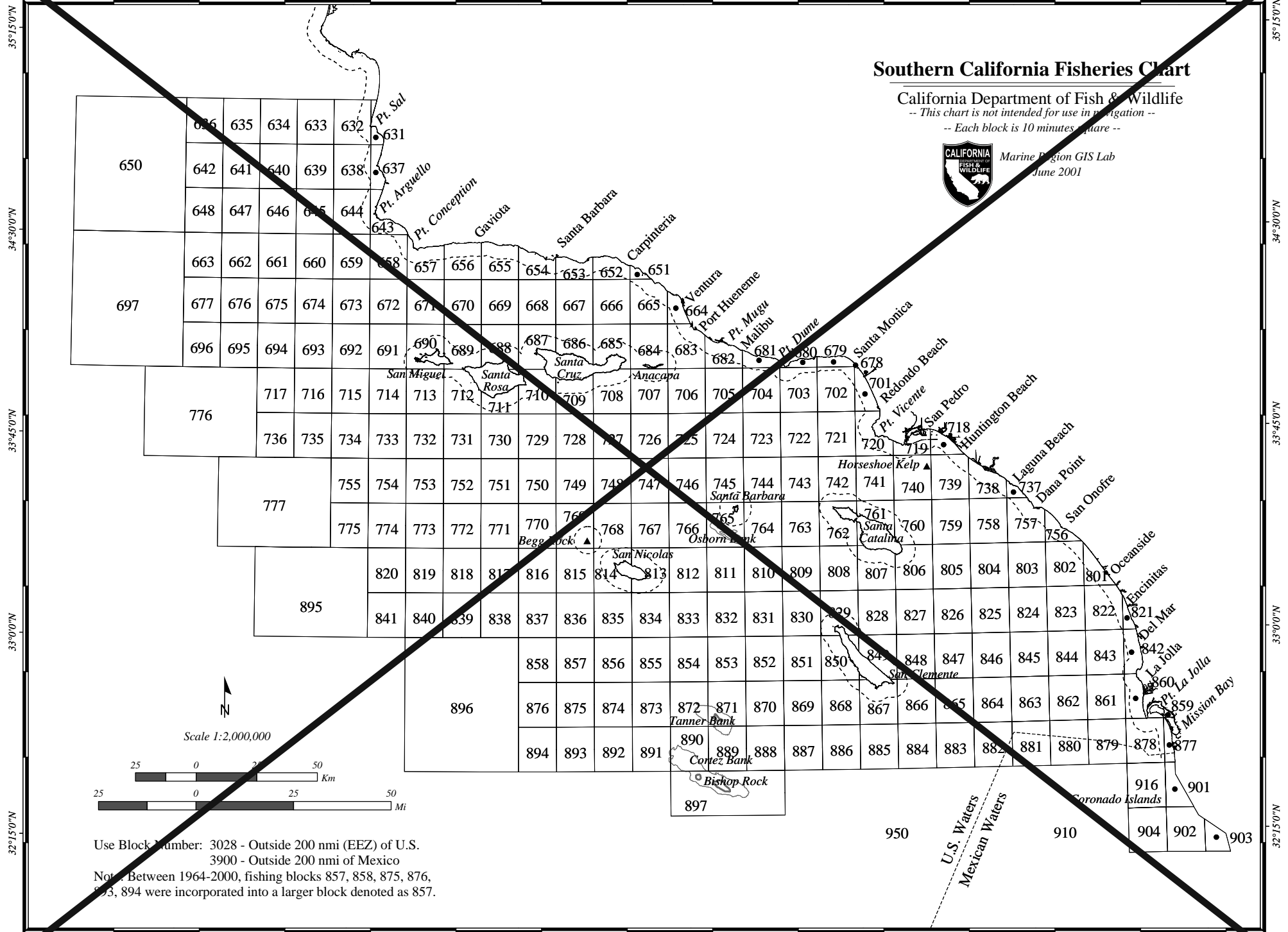
Note Pad: For permittee's use. Shall be used for additional landing receipts and Crew ID numbers as well as vessel failure/storm notification..

Multi-day trip/Received: To be marked if the day's fishing activity is associated with a multi-day trip or if lobsters are received for future sale.

No. Traps Currently Deployed: Total number of traps currently deployed in the water.

Landing Receipt -Fish Ticket Number(s): ~~Landing receipt associated with the lobsters retained for that day's fishing. Please remember to enter the Alpha character for the receipt in first box (Ex- **Q** 215435 or **P** 532076).~~ Serial number of the electronic fish ticket (E-tix) or landing receipt associated with the harvested catch.

121°30'0"W 120°45'0"W 120°0'0"W 119°15'0"W 118°30'0"W 117°45'0"W 117°0'0"W



35°15'0"N
34°30'0"N
33°45'0"N
33°0'0"N
32°15'0"N

35°15'0"N
34°30'0"N
33°45'0"N
33°0'0"N
32°15'0"N

121°30'0"W 120°45'0"W 120°0'0"W 119°15'0"W 118°30'0"W 117°45'0"W 117°0'0"W



State of California – Department of Fish and Wildlife

DAILY LOBSTER LOG

DFW 122 (REV. 03/04/16 03/2024) Previously DFG 122

SL

Draft Document

CDFW Boat Registration Number

FISHERMAN LAST NAME	F. I.	FISHERMAN ID NUMBER	VESSEL NAME	F & W VESSEL NUMBER
		L		

TRAP LOCATIONS				F & W Block No.	DEPTH (IN FEET)	No. of TRAPS PULLED	No. NIGHTS IN WATER	No. of SHORTS RELEASED	No. of LEGALS RETAINED	DATE TRAPS PULLED		
LATITUDE		LONGITUDE								MONTH	DAY	YEAR
Degree	Minutes	Degree	Minutes									
Ex. 34°	Ex. 05.15'	Ex. 120°	Ex. 04.85'									
FISH TICKET NUMBERS (S)										# OF TRAPS CURRENTLY DEPLOYED <input type="text"/> <input type="text"/> <input type="text"/>		

NOTE PAD:

MULTI-DAY TRIP

LANDING RECEIPT NUMBER (S)										CREW ID NUMBERS		
1) <input type="text"/>	2) <input type="text"/>	3) <input type="text"/>	4) <input type="text"/>	L _____								
										L _____		

TRAP LOCATIONS				F & W Block No.	DEPTH (IN FEET)	No. of TRAPS PULLED	No. NIGHTS IN WATER	No. of SHORTS RELEASED	No. of LEGALS RETAINED	DATE TRAPS PULLED		
LATITUDE		LONGITUDE								MONTH	DAY	YEAR
Degree	Minutes	Degree	Minutes									
Ex. 34°	Ex. 05.15'	Ex. 120°	Ex. 04.85'									
FISH TICKET NUMBERS (S)										# OF TRAPS CURRENTLY DEPLOYED <input type="text"/> <input type="text"/> <input type="text"/>		

NOTE PAD:

MULTI-DAY TRIP

LANDING RECEIPT NUMBER (S)										CREW ID NUMBERS		
1) <input type="text"/>	2) <input type="text"/>	3) <input type="text"/>	4) <input type="text"/>	L _____								
										L _____		

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State of California – Department of Fish and Wildlife

DAILY LOBSTER LOG

DFW 122 (REV. 03/04/16 03/2024) Previously DFG 122

CDFW Boat Registration Number

FISHERMAN LAST NAME	F. I.	FISHERMAN ID NUMBER L	VESSEL NAME	F & W VESSEL NUMBER
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TRAP LOCATIONS				F & W Block No.	DEPTH (IN FEET)	No. of TRAPS PULLED	No. NIGHTS IN WATER	No. of SHORTS RELEASED	No. of LEGALS RETAINED	DATE TRAPS PULLED		
LATITUDE		LONGITUDE								MONTH	DAY	YEAR
Degree	Minutes	Degree	Minutes									
Ex. 34°	Ex. 05.15'	Ex. 120°	Ex. 04.85'									
										# OF TRAPS CURRENTLY DEPLOYED		

LANDING RECEIPT NUMBER (S)				CREW ID NUMBERS			
1) <input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	2) <input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>
<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	3) <input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>
<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	4) <input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>
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TRAP LOCATIONS				F & W Block No.	DEPTH (IN FEET)	No. of TRAPS PULLED	No. NIGHTS IN WATER	No. of SHORTS RELEASED	No. of LEGALS RETAINED	DATE TRAPS PULLED		
LATITUDE		LONGITUDE								MONTH	DAY	YEAR
Degree	Minutes	Degree	Minutes									
Ex. 34°	Ex. 05.15'	Ex. 120°	Ex. 04.85'									
										# OF TRAPS CURRENTLY DEPLOYED		

LANDING RECEIPT NUMBER (S)				CREW ID NUMBERS			
1) <input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	2) <input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>	<input style="width:20px; height:20px;" type="text"/>
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**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9012
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Sections 120.7, 122, 190, 705.1, Title 14, CCR, Re: Marine Logbooks and Coastal Charts			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- a. Impacts business and/or employees
- b. Impacts small businesses
- c. Impacts jobs or occupations
- d. Impacts California competitiveness
- e. Imposes reporting requirements
- f. Imposes prescriptive instead of performance
- g. Impacts individuals
- h. None of the above (Explain below):

No new costs necessarily incurred in reasonable compliance with proposed

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

Fish and Game Commission

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- Below \$10 million
- Between \$10 and \$25 million
- Between \$25 and \$50 million
- Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: ~7,166

Describe the types of businesses (Include nonprofits): Commercial Fishers, Fish Buyers, Comm. Passenger Fishing Vessels, Kelp Harvest

Enter the number or percentage of total businesses impacted that are small businesses: ~ 70 %

4. Enter the number of businesses that will be created: 0 eliminated: 0

Explain: No impact on business creation or elimination is anticipated from updating fishing block zones.

5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): California marine waters

6. Enter the number of jobs created: 0 and eliminated: 0

Describe the types of jobs or occupations impacted: N/A

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly: _____

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 0
- a. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- c. Initial costs for an individual: \$ N/A Annual ongoing costs: \$ _____ Years: _____
- d. Describe other economic costs that may occur: No new costs are anticipated from updating fishing block zones

2. If multiple industries are impacted, enter the share of total costs for each industry: No new costs in terms of necessary expenditures, or time expended on already existing tasks.

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ N/A

4. Will this regulation directly impact housing costs? YES NO
- If YES, enter the annual dollar cost per housing unit: \$ _____
- Number of units: _____

5. Are there comparable Federal regulations? YES NO

Explain the need for State regulation given the existence or absence of Federal regulations: Fishing zones are designated by the State.

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ N/A

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Improved marine harvest data to support resource management which benefits the environment and marine resource harvest economies. No impact to the health and welfare of CA residents or to worker safety.

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?

Explain: The Commission manages marine resources in state waters for the benefit of the state's environment.

3. What are the total statewide benefits from this regulation over its lifetime? \$ no monetary change

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: No expansion of businesses anticipated.

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: No other alternatives considered as this action is for clarity and consistency.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

Draft Document**ECONOMIC IMPACT STATEMENT (CONTINUED)**

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ non-monetary Cost: \$ 0

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:

N/A

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?

 YES NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? YES NO***If YES, complete E2. and E3******If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

 YES NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- a. Implements the Federal mandate contained in _____

- b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE



The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

DATE



Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



Addendum to Form STD 399

Economic and Fiscal Impact Statement

Amend Sections 120.7, 122, 165, 190, 705.1
Title 14, California Code of Regulations
Re: Marine Logbooks and Coastal Charts

Overview

Commercial marine resource harvesters and fish businesses have been reporting the location of fishing activity by referencing block numbers that have been defined in established fishing block charts. These fishing block charts, originating in 1934, have been in consistent use for reporting fishing activity locations for all marine commercial fisheries with some modifications over time. Recent evaluation of these charts found areas where additional improvements could be made to reduce ambiguity. The proposed revision of the charts aims to improve on the following issues that are present in the current version of the charts:

- Blocks that overlap with other blocks of a different scale, leading to inconsistent reporting and ultimately poor resolution of location.
- Blocks with poor alignment with the U.S. Mexico border where in some cases U.S. catch cannot be distinguished from Mexican catch.

Economic Impact Statement

A. Estimated Private Sector Costs Impacts

Answer 1: h.¹ None of the above (Explain below):

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

While marine logbooks and fish tickets (that reference fishing block charts) are accessed by commercial fishing license holders, kelp harvesters, fish buyers/dealers, commercial fishing vessel owners and Commercial Passenger Fishing Vessel (CPFVs) operators, the proposed modifications to fishing blocks will not introduce changes to compliance costs. These business entities are currently required to report marine harvest by fishing block. This action does not introduce any additional reporting requirements, new equipment, nor new tasks. For many the fishing blocks that they

¹ The STD 399 form states that, "If box in Item 1.h. is checked, (skip the Economic Impact Statement section and complete the Fiscal Impact Statement as appropriate." However, we provide some more information on the STD 399 than is required.

have typically referenced will remain the same; for a few a new fishing, block designation will substitute for the same location.

Additionally, the fishing block charts are public information and available at no cost.

2023 Fishing Block Chart Users

Type of User	Number of Users
Commercial Fishing License (CFL) holders:	5,537 (especially lobster, sea urchin, and sea cucumber fisheries)
Commercial Fish Businesses (FBUS)*	1,000 (receiver, multifunction, and retailer license)
Commercial Kelp Harvesters	20 (edible seaweed and agar-bearing marine algae harvesters)
Commercial Passenger Fishing Vessels (CPFV)	609 licensed vessels

Sources: Department License and Revenue Branch (LRB) and Automated License Data System (ALDS). *Possible overlap between CFL and FBUS.

Fiscal Impact Statement

A. Fiscal Effect on Local Government

Answer 5. No fiscal impact exists. This regulation does not affect any local entity or program. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution.

B. Fiscal Effect on State Government

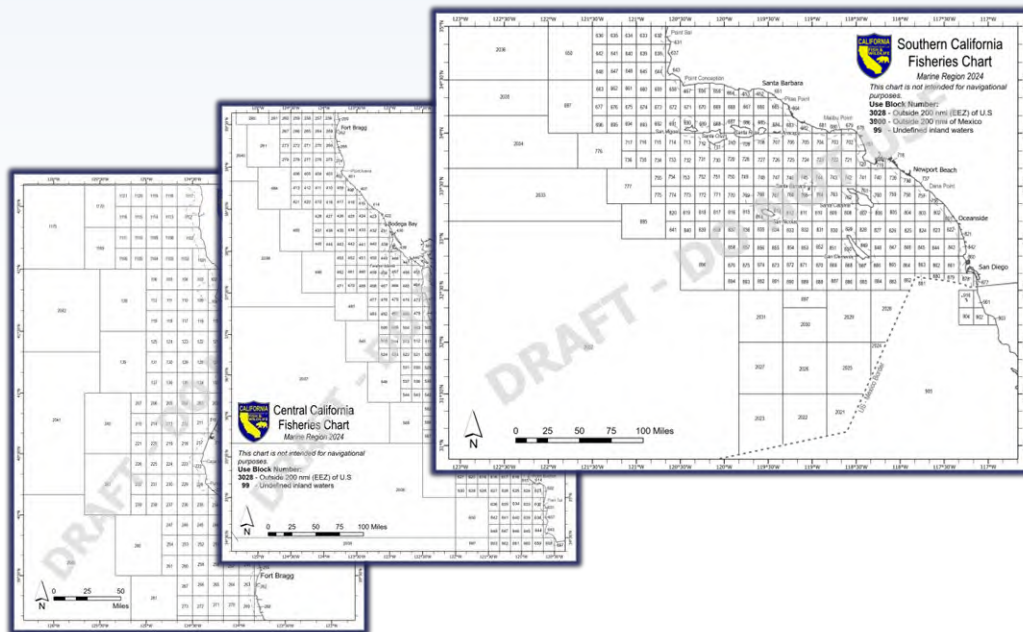
Answer 3. No fiscal impact exists. This regulation does not affect any State agency or program. The Department program implementation and enforcement are projected to remain the same with a stable volume of commercial marine harvest activity.

C. Fiscal Effect on Federal Funding of State Programs

Answer 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.



Proposed: Updating Commercial Fishing Block Charts and Forms



17 April 2024

Presented to:

California Fish and Game Commission

Presented by:

Paulo Serpa
Senior Environmental Scientist
Marine Region

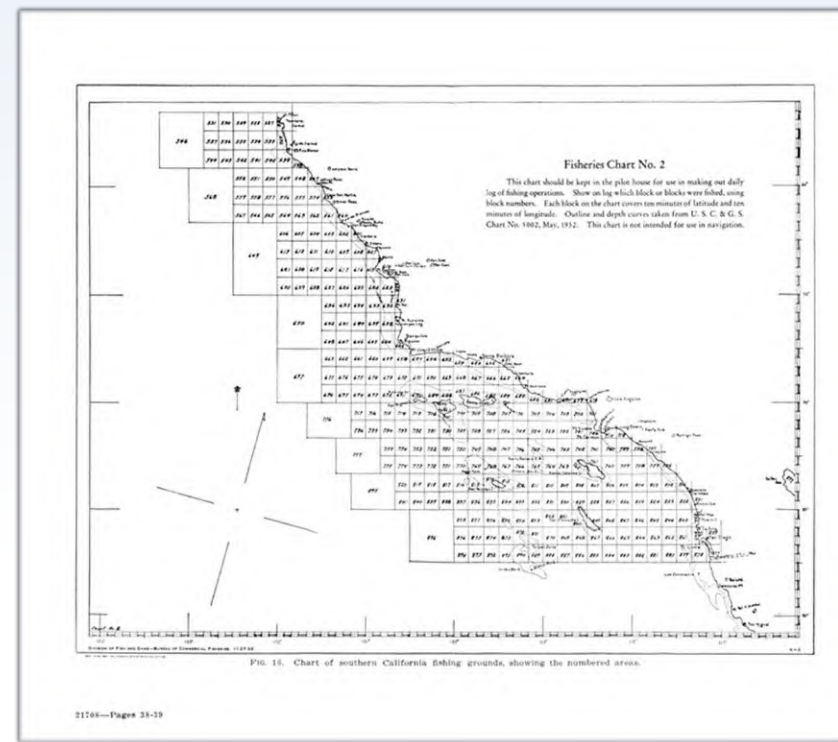
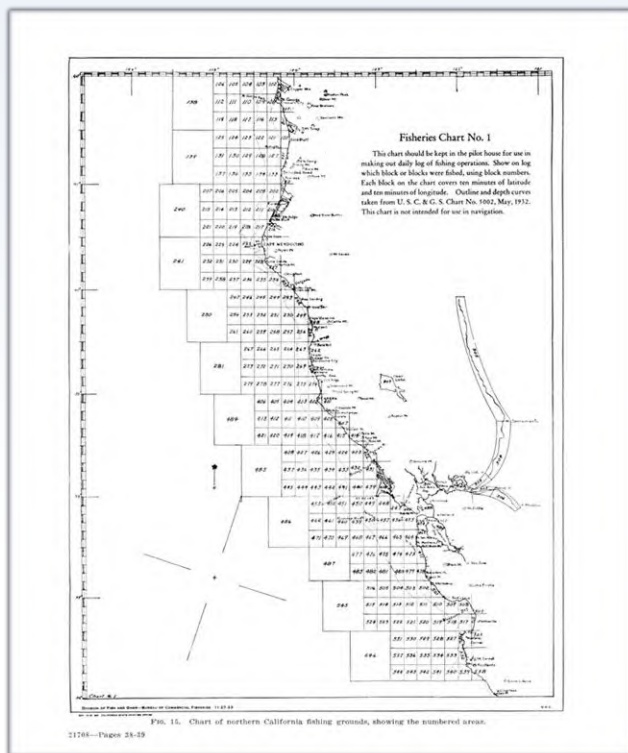


Overview

- Origins of Fishing Blocks
- Areas Needing Improvement
- Proposed Changes to Improve Data Quality
- Forms and Regulations Impacted
- Summary and Estimated Timeline

Origin of Fishing Blocks

Blocks first documented in Fish Bulletin No. 44
– Created for the trawl log (1933)

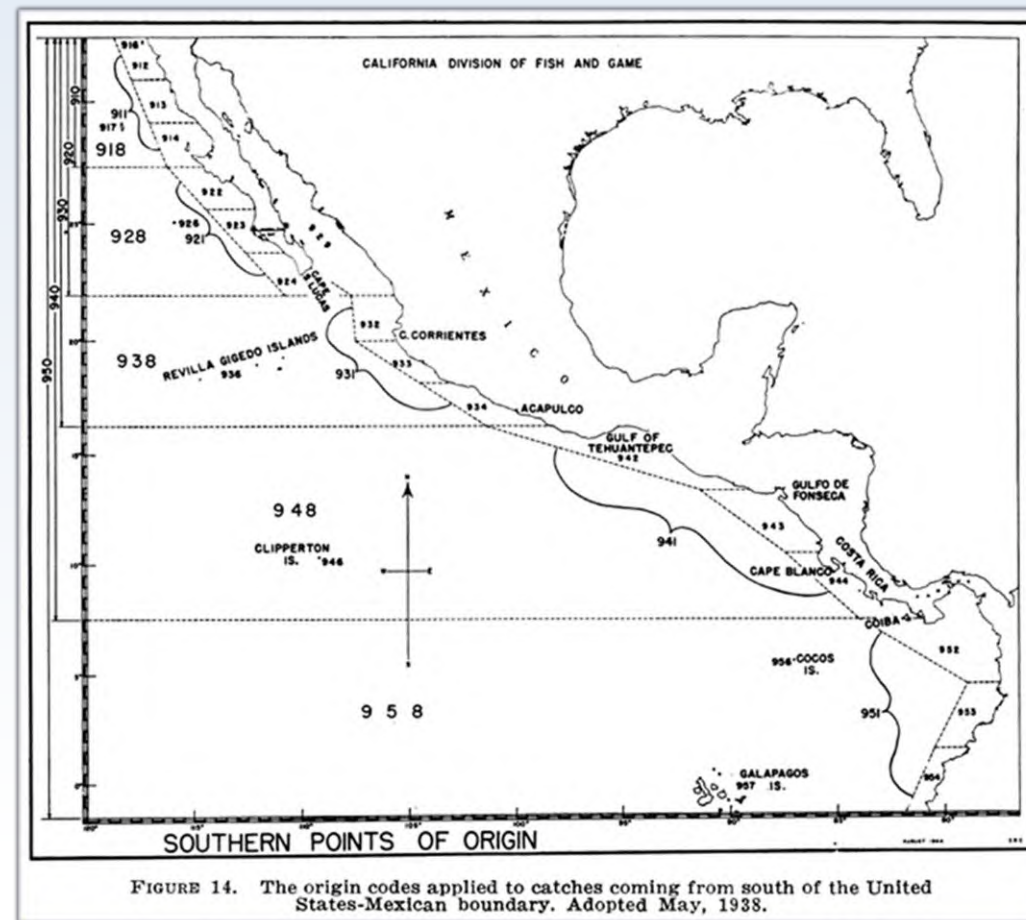




Origin of Fishing Blocks (Cont. 1)

Additional areas south of
U.S./Mexico border added in
1938

– Fish Bulletin No. 86

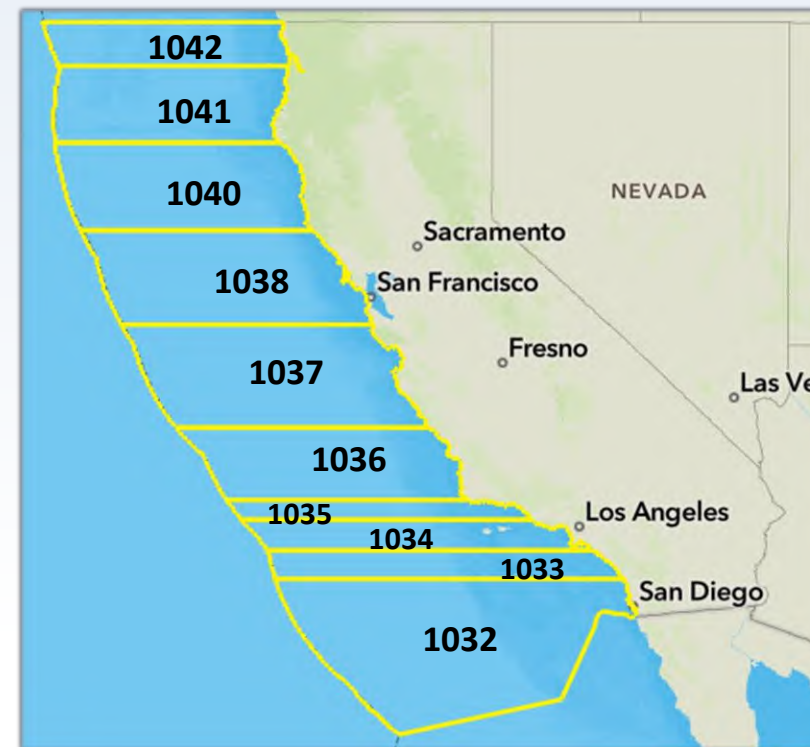




Origin of Fishing Blocks (Cont. 2)

Large “catch area” blocks added in 1984

INDEX TO CATCH AREAS				
		CATCH AREA		
NAME	ABBREVIATIONS		DESCRIPTION (APPROX.)	LATITUDE (N)
MEXICO & SO.	MEX & SOUTH	3029	MEXICO & SOUTH AMERICA	SOUTH OF 32° 30'
SAN DIEGO	SDC	1032	SAN DIEGO AREA	32° 30' TO 33° 10'
ORANGE	ORG	1033	ORANGE AREA	33° 10' TO 33° 40'
LOS ANGELES	LAC	1034	LOS ANGELES AREA	33° 40' TO 34° 10'
SANTA BARBARA	SBC	1035	SANTA BARBARA AREA	34° 10' TO 34° 30'
MORRO BAY	MRB	1036	MORRO BAY AREA	34° 30' TO 35° 40'
CENTRAL CALIF.	CCN	1030	CENTRAL CALIFORNIA AND NORTH	NORTH OF 35° 40'



*Limited documentation is available of these origins. Table shows definition of southern portion only.

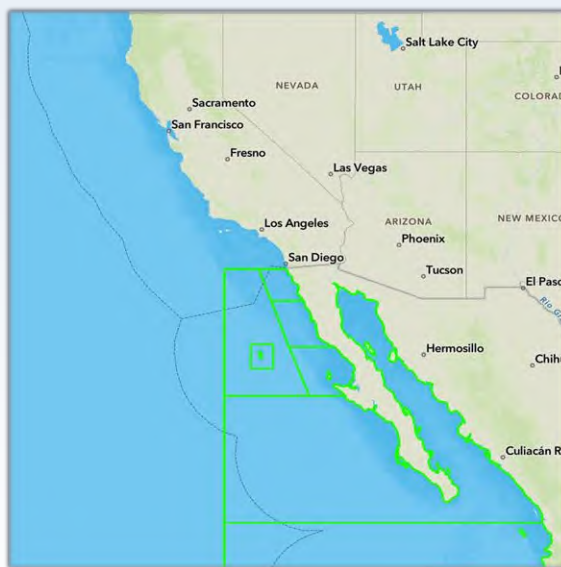


Origin of Fishing Blocks (Cont. 3)



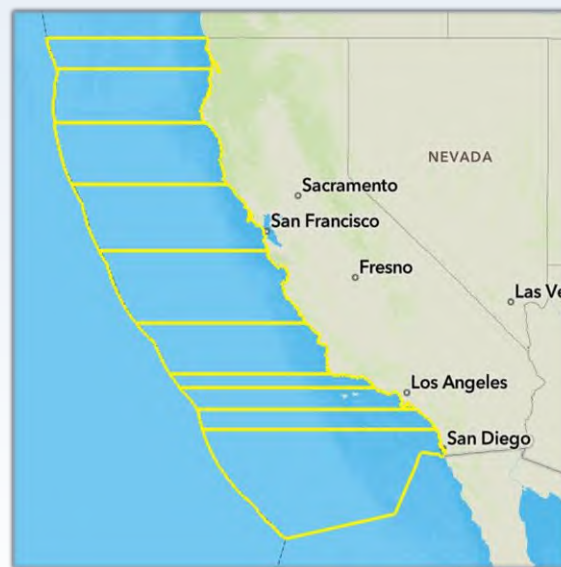
Original Blocks
(1933)

+



Southern Blocks
(1938)

+



Catch Area Blocks
(1984)

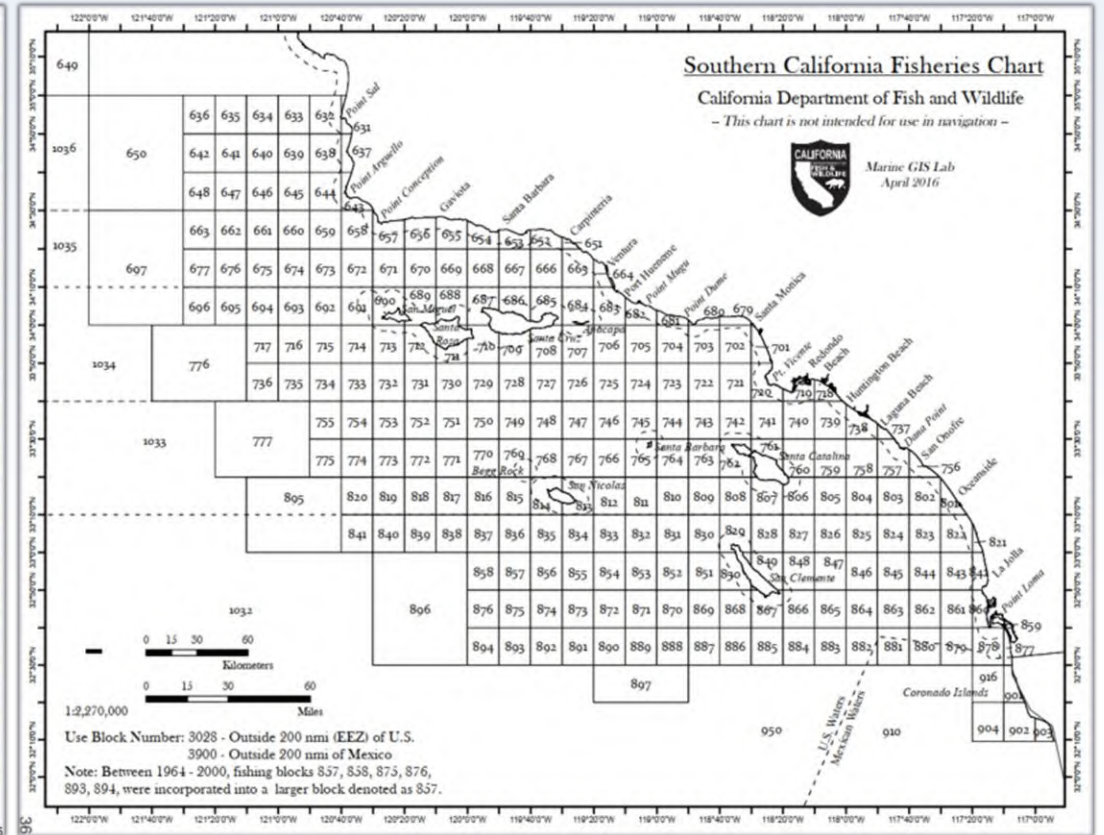
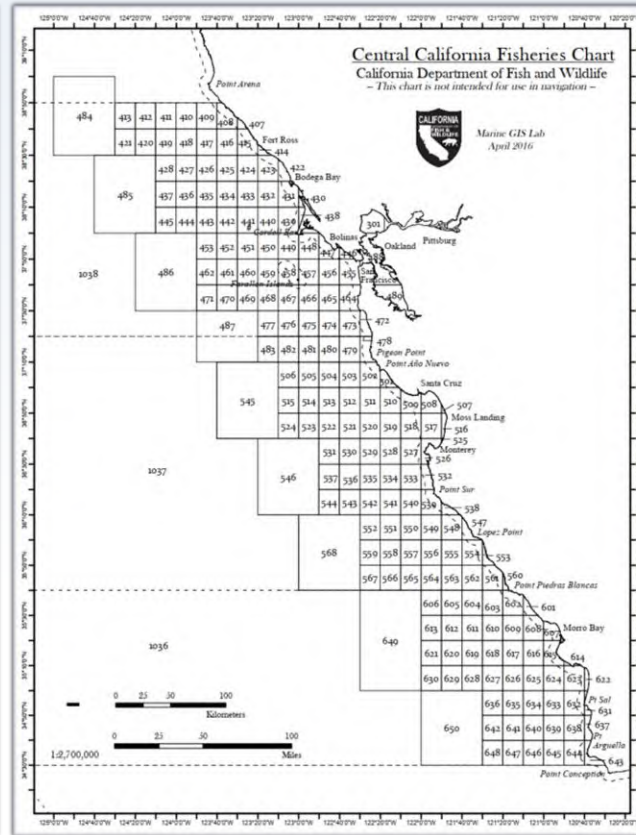
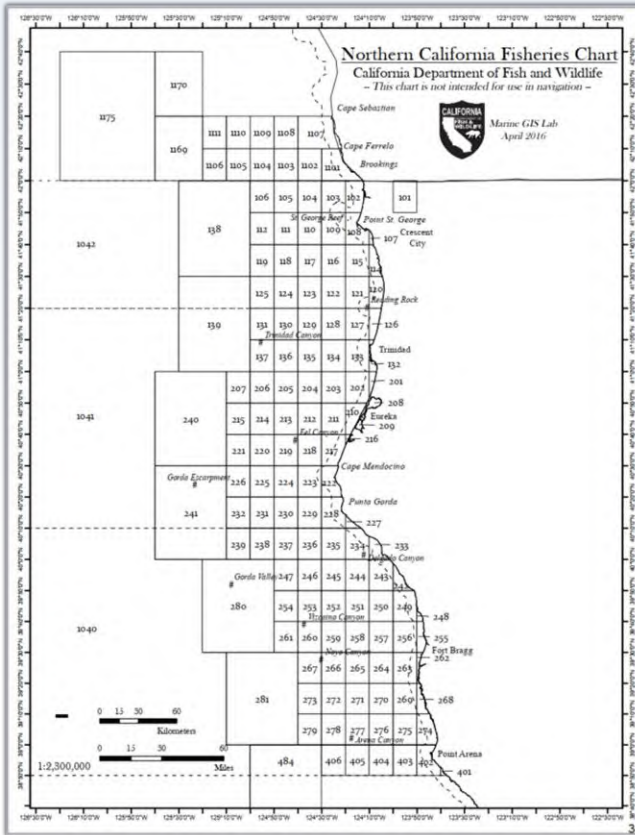
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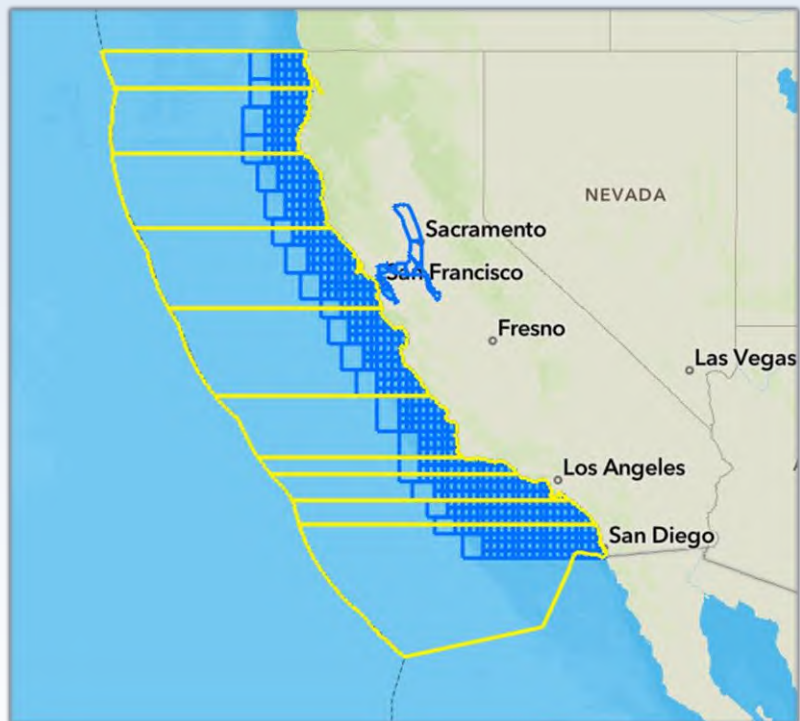


Fishing Block Chart Series

All blocks have since been combined into a single chart series used across many CDFW forms

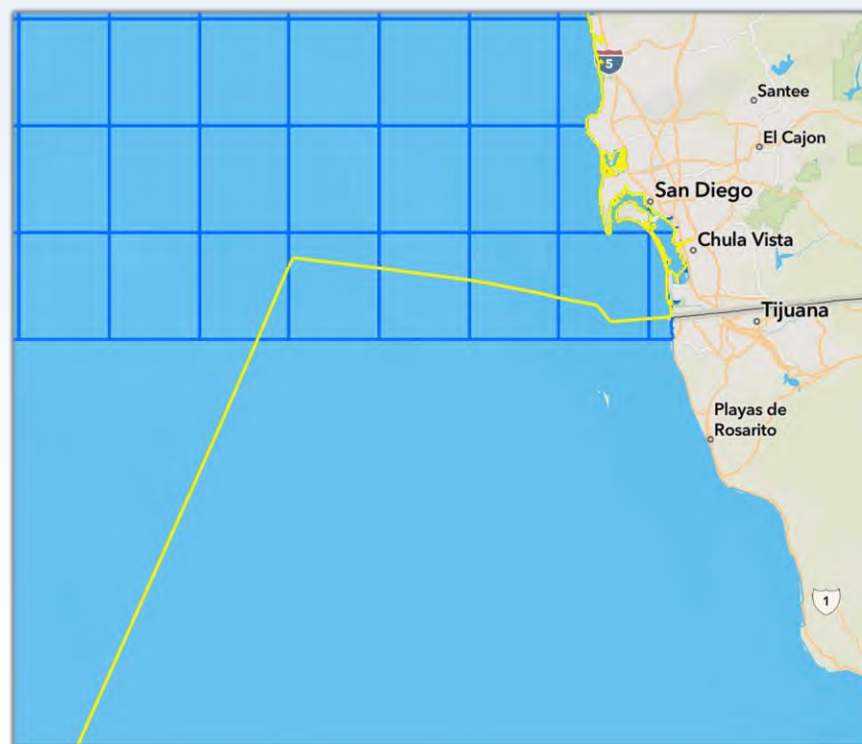


Areas Needing Improvement



Low resolution blocks
(yellow) overlap higher
resolution blocks (blue)

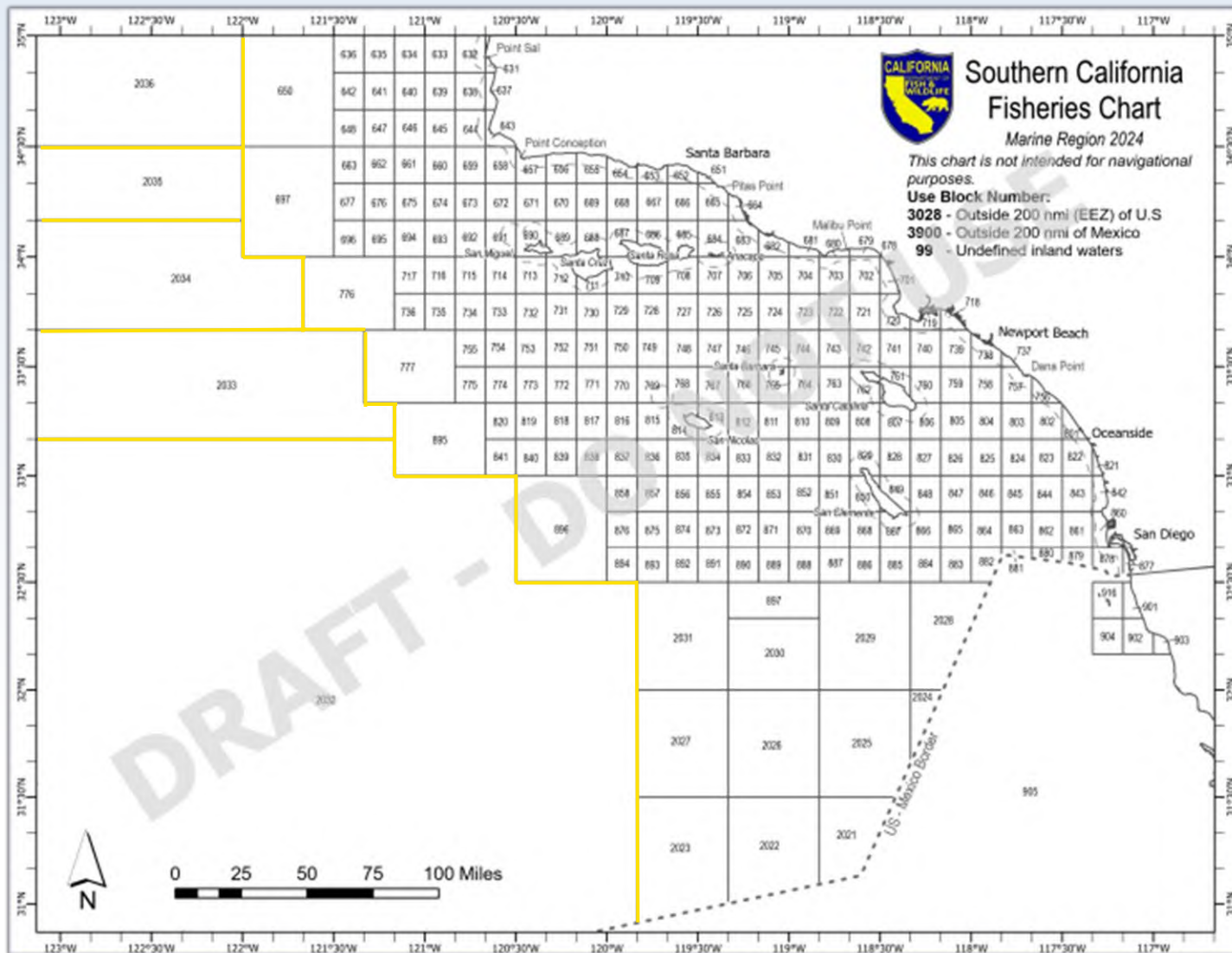
Blocks don't align with
U.S./Mexico border



* Only the U.S. blocks are shown on this slide to simplify this example.



Proposed Changes

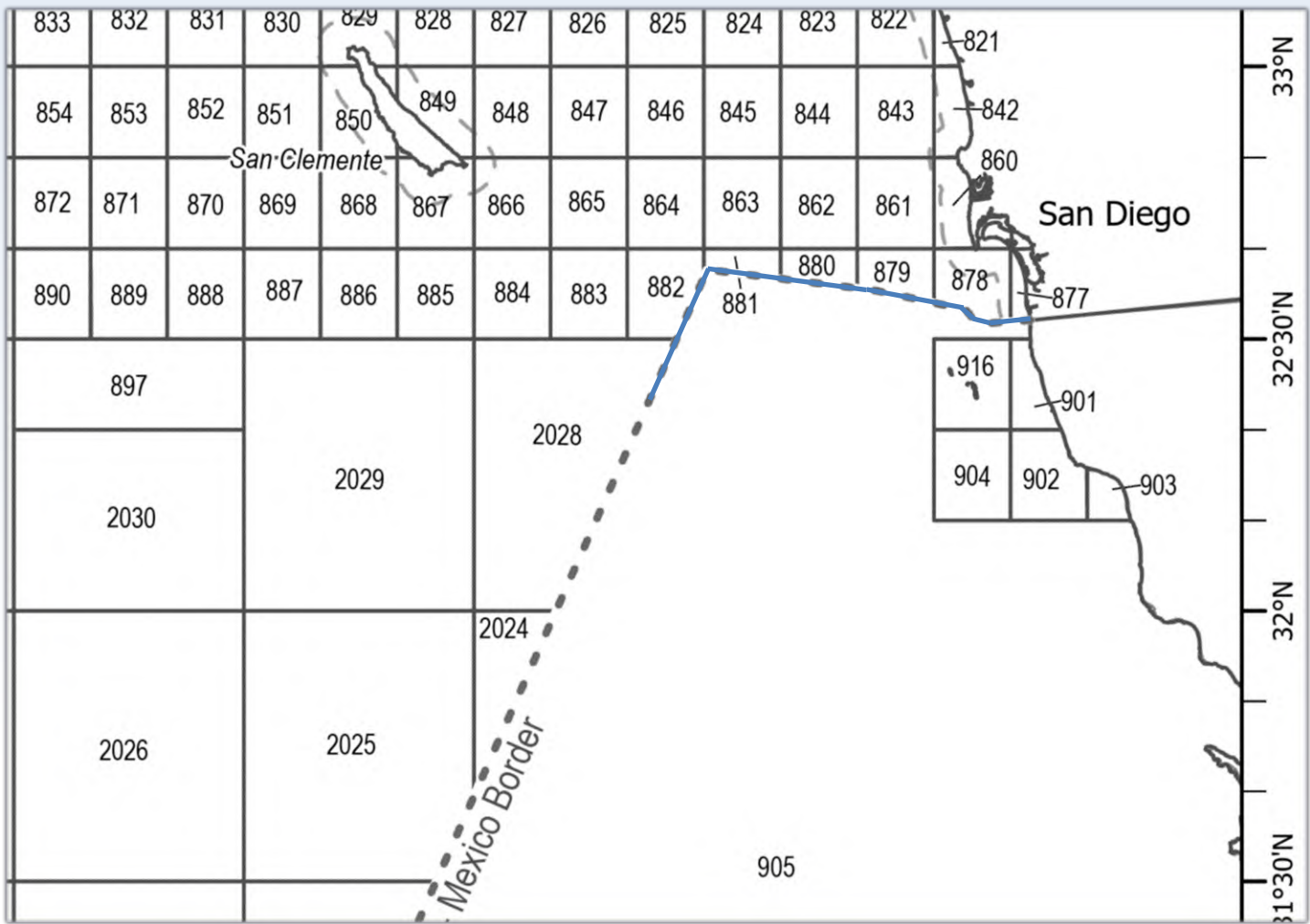


Large blocks no longer overlap inshore blocks.

- Same latitudinal range
- Extend from edge of inshore blocks to EEZ
- New blocks nest within the old
 - 2032 is a subset of what was 1032 before.



Proposed Changes (Cont. 2)



- Blocks 877 – 882 are modified to reflect they only apply to U.S. Catch
- Mexican block #905 aligns.

Proposed Changes (Cont. 3)



Southern catch blocks better align with Mexico

- Five 10' x 10' blocks around Coronado Islands
- + One new large block (#905) for all other Mexican EEZ waters.
- Improves resolution relative to previous and is supported by HMS and GF



Where Block Codes Are Used

Blocks used in 14 different forms as well as fish tickets & receipts

Edible Seaweed (113A)*

Shrimp/Prawn Trawl (120)

Dive (120.7)*

Lobster (122)*

Squid Light/Brail Boat (149b)

Gill Net (174)

Trawl (176)

+ Electronic Fish Tickets and Paper Receipts Specified in 14 CCR § 197

Daily Trap (180A)

Sablefish Trap (180B)

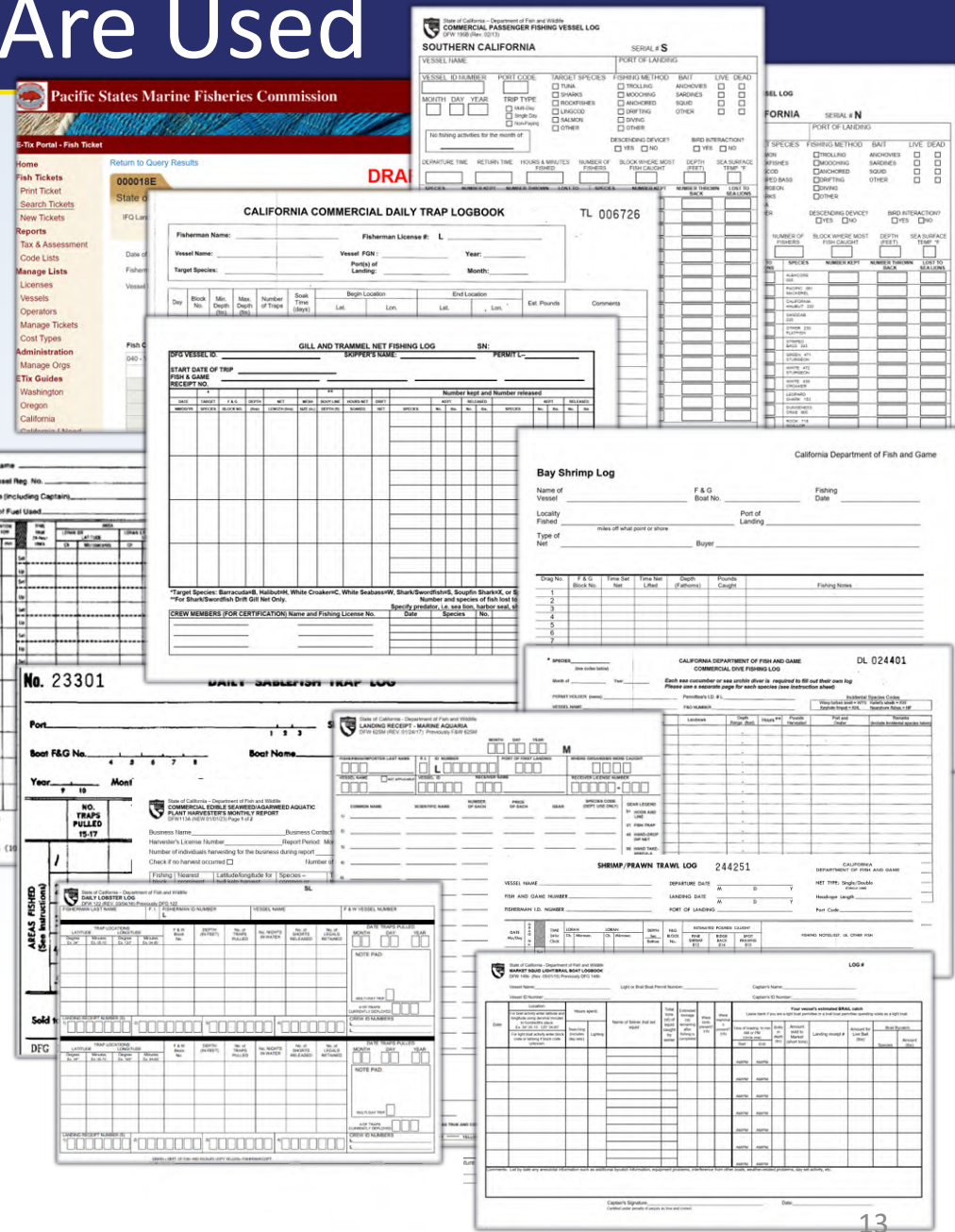
CPFV Central & North (195A)

CPFV South (195B)

Bay Shrimp (2025)

Marine Aquaria Receipt (625M)

Fish Transportation Receipt (626)





Summary of Status

- Need to make small refinements to how fishing blocks are referenced to improve data quality.
- Three forms are required by code to use specific charts.
- Many forms do not specify any specific chart to use.
- There is inconsistent direction in using block charts.
- This proposal will accommodate use of a new chart series and will correct regulatory inconsistency on which chart version to use going forward.



Timeline

- Tribal notification letter sent - January 17th
- MRC written update provided - March 19th Meeting
- FGC Hearings
 - ***Notice: April 17, 2024 (Today)***
 - Discussion: June 19, 2024
 - Adoption: August 14, 2024
- Effective Date: January 1, 2025

Thank You

Paulo Serpa

MFSU@Wildlife.ca.gov

Proposed Fishing Block Chart Series

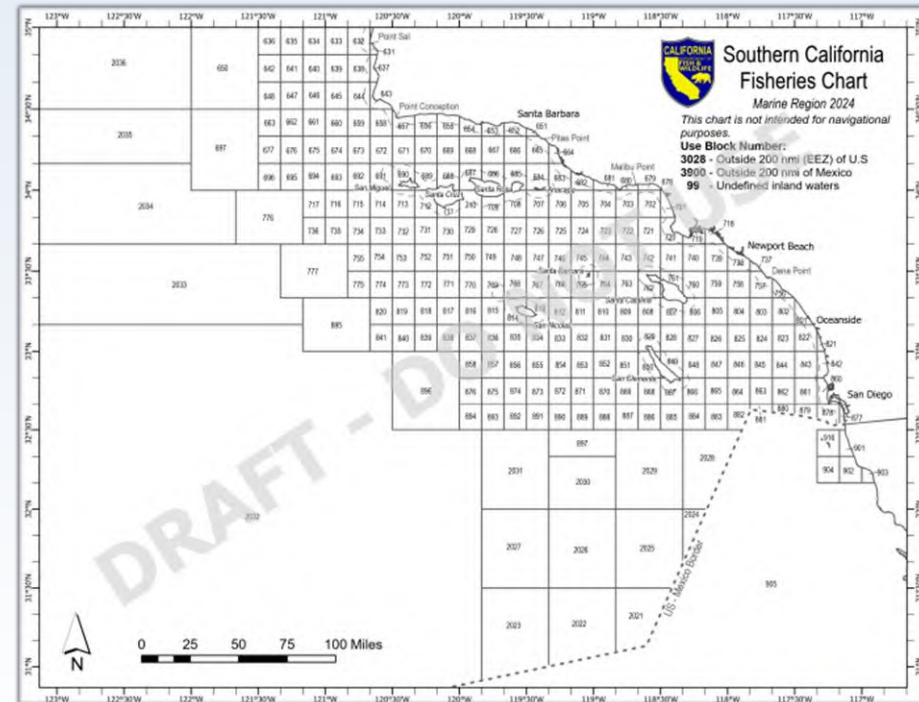
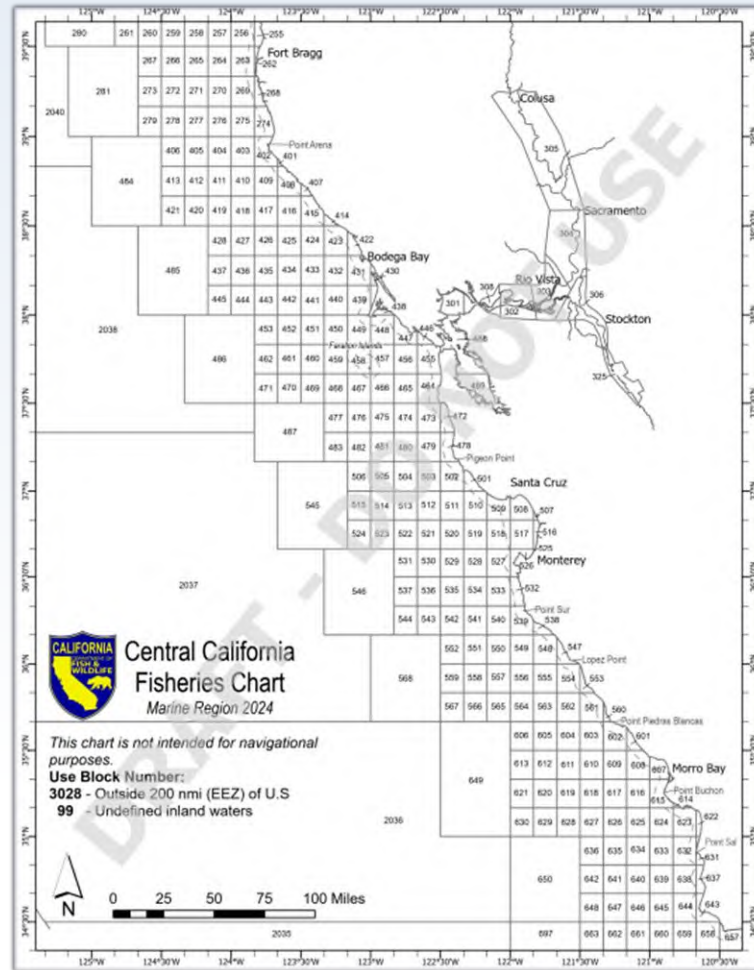
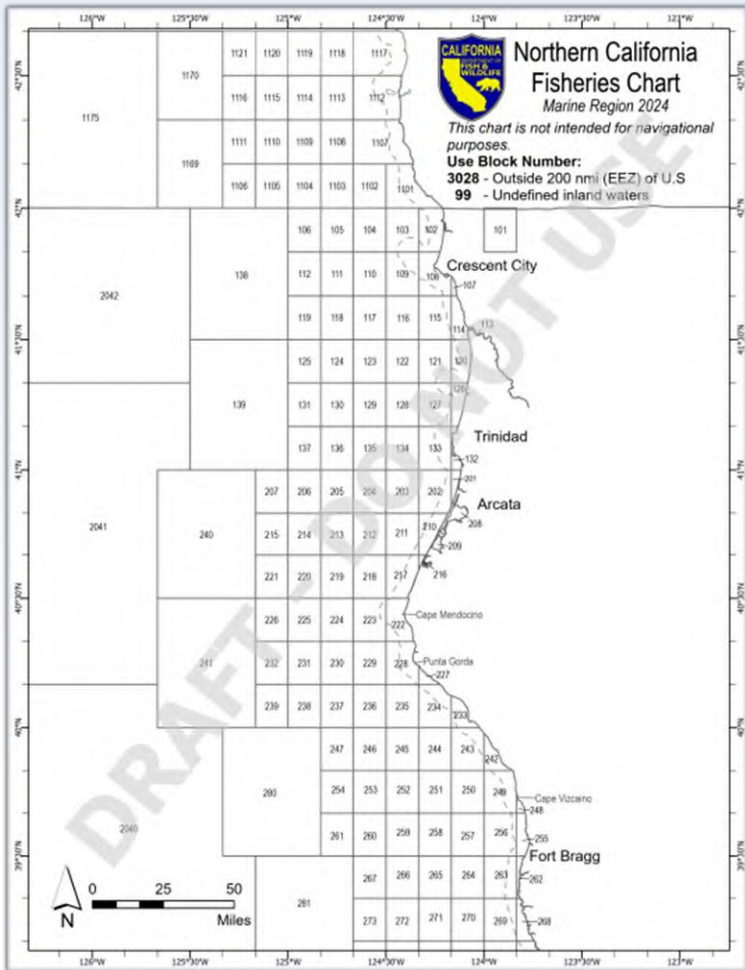
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=218656&inline>

Existing Fishing Block Chart Series

<https://wildlife.ca.gov/Fishing/Commercial/MFSU#48329364-resources>



Proposed New Fishing Block Charts





To: CDFW Marine Region
Attn: EFP Coordinator
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940
efp@wildlife.ca.gov

From: Greg Wells, Gear Innovations Manager
National Marine Sanctuary Foundation
[REDACTED]
[REDACTED]

Date: ~~November 16, 2023~~ revised on January 31, 2024

Subject: Experimental Fishing Permit [REDACTED] Amendment Request

We would like to request the following amendments to our currently issued Experimental Fishing Permit [REDACTED]. It is our understanding that these changes would constitute a major amendment, and the associated fee has been paid. Please let me know if you have any questions regarding these amendments or require additional information.

- 1) **Allow the retention of catch.** Under the issued EFP and special conditions, participating vessels may retain and land Dungeness crab if the Fishing Zone where gear was deployed is open for commercial activity (Authorized Species, Take, and Landing Requirements, Special Condition 7). Special Condition 13 also specifies that when fishing within any area closed to commercial Dungeness crab fishing all deployed traps must be closed and unbaited. We request to allow vessels to retain and land Dungeness crab during the statutory commercial crab fishing season, including during fishing zone closures implemented under the RAMP. Additionally, we request that vessels also be allowed to retain and land incidentally caught rock crab if they hold a valid permit. When conducting EFP activities after the statutory season, all deployed traps will be closed and unbaited.
- 2) **Allow vessels to conduct testing activities in the rock crab fishery.** Under current regulations (CCR Title 14 Section 125(b)(3)), pop-up devices cannot be used or possessed in the rock crab fishery. We request to allow vessels to test pop-up gear with rock crab traps if they hold a valid permit. Vessels would use pop-up fishing systems with single traps or at one end of multi-trap trawls. Because the rock crab fishery is year-round and occurs in shallow waters (typically less than 20-30 fathoms), vessels would have the option to trial pop-up gear using hybrid trawls, with a pop-up fishing system on one end and a traditional buoy line on the other. The basis for this request is: (1) we have received interest from fishermen to test pop-up gear in the rock crab fishery due to operational/economic considerations and because the season is open year-round, (2) to allow gear to be tested across a broader range of fishing and weather conditions throughout the year, and (3) to expand the testing and use of pop-up gear in other fixed gear fisheries that pose entanglement risk to whales and other marine life.

- 3) **Allow pop-up gear testing with multi-trap trawls.** Under the issued EFP and special conditions, all gear shall be deployed as single traps, i.e., multiple traps cannot be connected by a common groundline (Gear Allowances, Specifications and Marking Requirements, Special Condition 17). We request to allow vessels to fish pop-up gear with multi-trap trawls (up to 20 traps) with a pop-up system on one end of each trawl. Vessels will have the option to deploy pop-up systems on the other end of their trawls to allow gear to be hauled from either end based on sea conditions or other operational circumstances. We anticipate vessels conducting EFP activity outside the statutory season (with no retention of crab) would use shorter trawls and only connect traps as necessary to permit safe and efficient grappling of gear should any pop-up gear failures occur.
- 4) **Increase the number of pop-up systems and traps that can be deployed.** As described in our EFP application, we proposed that vessels would trial up to 20 pop-up systems using single traps and expected no more than 50 traps would be deployed at any given time. Under the issued EFP and special conditions, a maximum of 20 traps per vessel may be deployed per trip (Gear Allowances, Specifications and Marking Requirements, Special Condition 18) and the cumulative number of traps deployed by all vessels shall not exceed 50 traps (Gear Allowances, Specifications and Marking Requirements, Special Condition 19). We request to allow vessels to deploy up to 200 traps per trip and to remove the cumulative limit on the number of traps deployed at any given time. Based on the number of pop-up systems available in the Foundation's gear cache, this would allow 10 vessels to fish up to ten 20-trap trawls with pop-up systems deployed on one end of each trawl.
- 5) **Consider backup releases as optional approaches to gear recovery.** As described in our EFP application, each pop-up system would be configured with a backup release mechanism (i.e., Resqunit reserve buoys, galvanic time releases, biodegradable twine) to allow gear to be retrieved in the event of any failures. We request that deploying gear with backup releases be optional, rather than required. For most participants, grappling provides a more practical, effective, and efficient means of recovering gear if a pop-up system fails. Vessels using pop-up gear with single traps will connect a length of line attached to a weight or anchor to provide a larger target for grappling.
- 6) **Allow additional authorized agents and vessels.** Under the issued EFP and special conditions, a maximum of five authorized agents and five vessels may participate in the EFP (Authorized Agents and Vessels, Special Condition 1). The initially issued permit listed two authorized agents and vessels, and three additional authorized agents and vessels were added through a minor amendment. We request to allow up to ten authorized agents and ten vessels to participate in the EFP. As part of this amendment, we request to add the following authorized agents and vessels to the EFP:
 - Sean Cross; [REDACTED]
[REDACTED]
- 7) **Expand the geographic area where gear may be deployed.** Under the issued EFP and special conditions, traps may only be deployed between the Sonoma/Mendocino County line (38°

46.125' N. latitude) and Lopez Point (36° 00' N. latitude) (Allowable Fishing Area and Time of Year, Special Condition 10). We request to expand the northern boundary where gear may be deployed from the Sonoma/Mendocino County line to the California/Oregon border (42° N. latitude) to allow interested vessels in fishing zones 1 and 2 to participate in the EFP.

- 8) **Allow testing of additional gear types.** Under the issued EFP, participating vessels have the option to test four pop-up fishing systems (i.e., Desert Star Systems ARC-1XD, EdgeTech 5112, Fiomarine Fiobuoy, Guardian Ropeless System). We request that the following gear types be added as options under the EFP.
- Sub Sea Sonics Timed Release Pop-up System (TR4RT) and Acoustic Release Pop-up System (AR4RT). Both will be used with the Guardian line management system and Sub Sea Sonics Trap Timer for gear location marking. Descriptions of the gear, including the Trap Timer app, are provided in [Sub Sea Sonics EFP application](#).
 - Ashored Innovations MOBI (Modular Ocean Based Instrument) and Automated Tracking and Location Aggregation System (ATLAS) for gear location marking. A summary description of the gear is provided as an attachment.
 - NOAA Fisheries-approved weak rope. Since there is a possibility that time-released buoys may be on the surface for a longer period than acoustic on-demand systems, we propose testing [NOAA Fisheries-approved fully formed weak rope](#) (1,700-pound breaking strength) on a portion of the gear during field trials to evaluate the feasibility of its use.
- 9) **Clarify marking requirements when testing Fiobuoy units.** Since the Fiobuoy units do not use buoys, it's not possible to mark the gear as specified in Special Condition 25. We propose to mark one end of the spool body with the identification letters "EC" and the operator's commercial fishing license number. The license numbers and identification letters would be at least 1.5" high.

Ashored Innovations Rope-on-Command Fishing System

Ashored Innovations develops sustainability-enabling technologies for the commercial fishing industry. The Ashored Rope-on-Command sustainable fishing system is designed to remove the vertical buoy lines from the water column. This system's capabilities are further augmented by a software package that allows users to track gear deployments and gather data. Ashored's rope-on-command fishing gear minimizes risks of catch or gear theft, ship strikes, heavy weather, and marine life entanglement.

The Ashored MOBI system is comprised of an acoustic release mechanism, a stainless-steel cage that holds the line and buoys, a deck box and transducer, and a tablet that has the ATLAS software application installed. Ashored's MOBI (Modular Ocean Based Instrument) is designed to contain a fisher's coiled rope on the ocean floor until they return to the area to collect their gear. MOBIs are activated with an acoustic release (with a passive backup timer) and can be triggered to surface by an on-vessel deck box transducer at ranges up to 1.5 nautical miles. The acoustic system is also capable of performing range, reporting under water temperature, and enforcement IDs to allow agencies to release gear.

Ashored's MOBI sustainable fishing gear has been tested and used by fishermen in Canada and the United States. It has also been successfully deployed in a zone closed to conventional fishing gear due to sightings of the North Atlantic right whale, allowing fishermen to fill their quota of snow crab before the end of the fishing season.

Figure 1. MOBI



Figure 2. MOBI with Rope Containment Unit



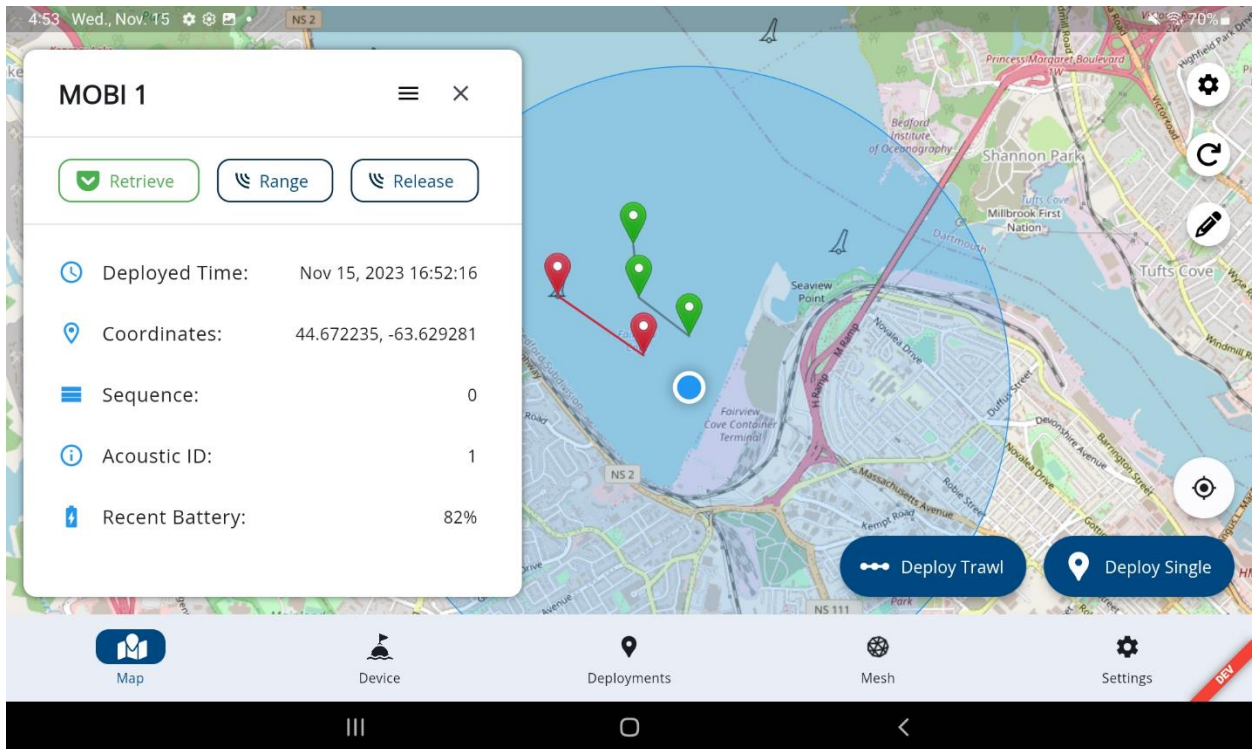
Figure 3. Deckbox



Figure 4. Transducer (Hydrophone)



Figure 5. Tablet with ATLAS Software



Release Mechanism – MOBI (Modular Ocean Based Instrument)

The MOBI (Figure 1) is the main component to the ROC system. It is responsible for communicating with the deck box and ATLAS+ software via acoustic signaling or Bluetooth functions. It is bolted to the Rope Containment Unit (Figure 2) that is attached to fishing gear by a groundline. The Rope Containment Unit is a stainless-steel cage that is used to hold the buoy and buoy line in place until the acoustic release is activated. The MOBI is depth rated to 350 meters (191 Fathoms). The release mechanism consists of a powder coated steel magnetic release key (with key float to reduce mechanical interference when releasing). The release key is placed on the key slot on the MOBI by the buckle, and the lid is held in place by the buckle. Upon receiving the release request, the MOBI engages the magnet and the flotation of the attached buoys allows the lid to surface.



The deck box acts as the on-board command center for the MOBI and ATLAS+ software. The transducing hydrophone (Figure 4) is connected to the deck box by a cable. It connects to the ATLAS+ software via Bluetooth, and together they communicate to send and receive acoustic signals from the MOBI's receiver hydrophone (Figure 7).

ATLAS+ software and tablet are used to control the deck box and transducing hydrophone to release gear, track gear deployments, range to the gear, and configure the backup release timer, and monitor gear status/battery levels. Additional environmental data such as bottom temperature can be easily

retrieved as well. It supports limitless trawl deployments, pre-configured trawls with automatic overboard detection, and the ability to anonymously display other fishermen's gear from shared databases and contribute to the databases with their own gears deployment location.

Memorandum

Date: February 29, 2024

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

From: Charlton H. Bonham
Director

Subject: **Transmittal of California Department of Fish and Wildlife Recommendation on Experimental Fishing Permit Major Amendment Application for Pop-Up Gear Testing in the Dungeness and Rock Crab Fisheries (Greg Wells, National Marine Sanctuary Foundation)**

On November 20, 2023, the California Department of Fish and Wildlife (Department) accepted an Experimental Fishing Permit (EFP) major amendment application submitted by Greg Wells from the National Marine Sanctuary Foundation (applicant) for technical review to amend the following items: allow the retention of Dungeness crab catch during the full statutory season, allow testing in the rock crab fishery, allow pop-up gear testing with multi-trap trawls, increase the number of pop-up systems and traps that can be deployed from a given vessel, consider backup releases as optional approaches to gear recovery, allow additional authorized agents and vessels, expand the geographic area where gear may be deployed, and allow testing of additional gear types, pursuant to subsection 91(d)(1)(B), Title 14, California Code of Regulations (CCR).

Subsection 91(d)(2), Title 14, CCR requires the Department to develop and transmit a recommendation to the California Fish and Game Commission (Commission), including any permit special conditions, within 60 days from the date of application acceptance unless a time extension is needed pursuant to subsection 91(d)(3), Title 14, CCR. On December 18, 2023, the department determined that an extension was required to carefully evaluate the proposed major amendment and any permit special conditions.

The Department recommends that the Commission approve the EFP major amendment with special conditions as specified on form DFW 1103. The proposed special conditions together with the standard terms of the EFP will allow the Department to adequately enforce the permit in accordance with Fish and Game Code Section 1022 and Section 91, Title 14, CCR.

If approved, this option would allow the collection of data and information that will help inform future management decisions regarding alternative gear including whether this gear has the potential to reduce marine life entanglement when scaled up fleetwide.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
February 29, 2024
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Next Steps

Pursuant to subsection 91(f), Title 14, CCR, the Department requests the Commission provide notice of receipt of the recommendation and schedule the application and any proposed permit special conditions for consideration no sooner than 30 days after public notice is given.

If you have any questions on this item, please contact Dr. Craig Shuman, Marine Regional Manager, at (805) 568-1246 or by email at R7RegionalMgr@wildlife.ca.gov.

Attachments: EFP Application (confidential information omitted)
Standard Terms and Proposed Special Conditions (DFW 1103)
Public Notice of Department Recommendation
CEQA Overview Memo and Draft Notice of Exemption

cc: California Department of Fish and Wildlife

Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env.
Marine Regional Manager

Garrett Wheeler, Attorney III
Office of General Counsel

Eric Kord, Assistant Chief
Marine Enforcement Division

Jason Kraus, Captain
Marine Enforcement Division

Kevin Hare, Lieutenant
Marine Enforcement Division

Kirsten Ramey, Environmental Program Manager
Marine Region

Joanna Grebel, Environmental Program Manager
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Ryan Bartling, Senior Environmental Scientist Supervisor
Marine Region

Morgan Ivens-Duran, Environmental Scientist
Marine Region

Melissa Miller-Henson, Executive Director
Fish and Game Commission
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Owen Mulvey-McFerron, EFP Coordinator
Marine Region

James Steffey, EFP Analyst
Marine Region



Experimental Fishing Permit No. [REDACTED]

Revision Date:

MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND CONDITIONS

Pursuant to California Fish and Game Code (FGC) Section 1022 and Section 91, Title 14, California Code of Regulations (CCR), the Experimental Fishing Permit (EFP) holder is authorized to conduct experimental fishing activities according to the requirements of the EFP approved by the Fish and Game Commission (Commission) and issued by the California Department of Fish and Wildlife (Department).

EFP Holder/Entity Administrator Name: **National Marine Sanctuary Foundation (EFP Holder)**

Greg Wells [REDACTED] Gear Innovations Manager (Entity Administrator)

EFP Holder Address: [REDACTED]

Entity Administrator Address: [REDACTED]

Authorized Agent Name: **See authorized agent list on Page 3**

Authorized Agent Address: **See authorized agent list on Page 3**

Vessel Name and ID #: **See authorized vessel list on Page 3**

Description of authorized activity:

Test and commercial use of several pop-up fishing systems (i.e., Desert Star ARC-1XD, EdgeTech 5112, Fiomarine Fiobuoy, Guardian Ropeless System, Sub Sea Sonics TR4RT and AR4RT, Ashored Innovations MOBI) in the California Dungeness crab and rock crab fisheries. The experimental fishing activities may only be conducted under the following conditions:

STANDARD TERMS

These standard terms shall apply to all persons or vessels conducting authorized activities under the EFP.

1. The permit shall be operated only on the vessels named on this form, if applicable. Either the EFP holder or the authorized agent must be aboard the vessel when activities are being conducted under this permit, and both are responsible and accountable for meeting the requirements and limits of this permit.
2. Pursuant to FGC Section 7857(d), the EFP holder or authorized agent shall have a valid copy of the Department issued EFP attached to a signed copy of this form in possession when activities are being conducted under this permit.
3. All persons conducting activities under an EFP must comply with all appropriate state and federal fishing laws and regulations, including but not limited to those relating to protected species, minimum size limits, and seasons or areas closed to fishing that are not otherwise exempted by the permit (see special conditions).



MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND CONDITIONS

- 4. The EFP holder and authorized agent shall cooperate with the Department by allowing personnel designated by the Department to board the fishing vessel on any fishing trip (if applicable) or enter a place of business operated by the EFP holder or authorized agent under this permit, to retrieve, observe, or inspect any logbook, records, data, equipment, procedures, or catch throughout the duration of the permit.
- 5. The EFP holder or authorized agent shall provide Department staff with a 24-hour notice prior to every fishing trip. The contact information for Department staff will be provided for this purpose at the time of permit issuance.

SPECIAL CONDITIONS

As set forth in subsection 91(i), Title 14, CCR, special conditions may be placed on this permit for research purposes and the conservation and management of marine resources and the environment (see following page).

As set forth in subsection 91(k), Title 14, CCR, special conditions may be amended or repealed as necessary for research purposes and the conservation and management of marine resources and the environment.

RECEIPT AND ACKNOWLEDGEMENT

The permit is not valid until the EFP holder has certified by their signature below that they have: 1) read and understand the standard terms and special conditions of the permit; 2) unless otherwise specified in special conditions, paid the appropriate fees specified in Section 704, Title 14, CCR; and 3) returned a signed copy of this form to the Department.

I have read, understand and agree to abide by all standard terms and special conditions of this permit.

EFP Holder Signature

Date

Received by License and Revenue Branch (LRB)

Fee \$ _____

Experimental Fishing Permit No. _____

Revision Date _____

By: LRB

Date



Experimental Fishing Permit No. EFPT2-002

Revision Date: February 23, 2024

Authorization and Special Conditions

List of approved special conditions, names and addresses of any additional authorized agents, and/or names and identification number of any additional authorized vessels.

Authorized Agents and Vessels

1. This EFP is valid only for the authorized agents and vessels named below. The Department may allow up to a maximum of 10 authorized agents and 10 vessels for this EFP, as it deems necessary for research purposes.

a. Authorized Agent Name and Address

- 1. Marc E. Alley [REDACTED] – Owner/Operator F/V Ronna Lynn
[REDACTED]
- 2. Khevin R. Mellegers [REDACTED] – Owner/Operator F/V Areona
[REDACTED]
- 3. Rick Hauschel [REDACTED] – Owner/Operator F/V Polaris
[REDACTED]
- 4. Holly Fruehling [REDACTED] – Owner/Operator F/V Pacific Legend
[REDACTED]
- 5. Sean Cross [REDACTED] – Owner/Operator F/V Smeagol
[REDACTED]

b. Authorized Project Vessel

- 1. F/V Ronna Lynn ([REDACTED])
- 2. F/V Areona ([REDACTED])
- 3. F/V Polaris ([REDACTED])
- 4. F/V Pacific Legend ([REDACTED])
- 5. F/V Smeagol ([REDACTED])

2. All parties (as specified in 1, above) operating under the authority of this permit must be informed of and agree to abide by all standard terms and special conditions of this permit.

General

- 3. For the purposes of this EFP the terms “Dungeness crab” and “rock crab” are as defined in FGC Section 8275.
- 4. The authorized agent and any person who assists the authorized agent shall possess a valid commercial fishing license issued pursuant to FGC Section 7850 prior to engaging in any commercial fishing operations authorized by this permit. All authorized agents, vessels, and any person assisting the authorized agents must also hold the appropriate permits governing commercial take of Dungeness or rock crab.
- 5. The authorized agent shall possess a valid commercial boat registration issued pursuant to FGC Section 7881 for the vessel named above and display the Department Boat Registration numbers in plain sight on each side of the vessel pursuant to FGC Section 7880.
- 6. All authorized agents shall only participate in one EFP per fishing trip when participating in multiple EFPs.



7. No other EFP or commercial fishing activities shall take place on the same trip as this EFP, unless specifically authorized by this EFP.

Authorized Species, Take, and Landing Requirements

8. Authorized agents may fish for Dungeness crab and rock crab within the same trip if the authorized agent holds valid permits for those species. Unless specifically exempted by this EFP, adherence to all other regulations regarding the take of these species is required.
9. Authorized agents may retain, possess, and land Dungeness crab when the commercial season is open in that Fishing Zone. Pursuant to FGC Section 8278, only male Dungeness crabs may be taken. No Dungeness crab less than 6 and one-quarter inches in breadth may be taken, possessed, bought, or sold. ~~Except that not more than one percent in number of any load or lot of Dungeness crab may be less than six and one quarter inches in breadth but not less than five and three quarters inches in breadth.~~ Dungeness crab shall be measured by the shortest distances through the body from the edge of shell to edge of shell directly from front of points, ~~lateral spines~~ (lateral spines).
10. Pursuant to FGC Section 8282(a), rock crab less than 4 and one-quarter inches measured in a straight line through the body, from edge of shell to edge of shell at the widest part, shall not be taken, possessed, bought or sold.
11. All incidental catch will be returned to the waters immediately to reduce mortality.
12. All landing receipts must have the state EFP number recorded in the “State Permit #” field, the number of individual crabs recorded under the “# of Fish” field, species of crab specified in the “Notes”, and be transmitted within 24-hours.
13. All authorized agents shall notify the Department’s Law Enforcement Division (LEDMarineNotifications@wildlife.ca.gov) and Marine Region (WhaleSafeFisheries@wildlife.ca.gov) of any landings of Dungeness crab made with EFP fishing gear during a fishery closure due to RAMP. The notification shall include the date, port of landing, number of pounds landed, electronic fish ticket number, and the full name of the receiver.

Allowable Fishing Area and Time of Year

14. Traps may only be placed between the California/Oregon border (42° N. latitude) and Lopez Point (36° 00' N. latitude), and no traps or gear shall be used placed in the water seaward of the 100-fathom line as defined in the Federal regulations and published in Title 50, Code of Federal Regulations Part 660.
15. Authorized agents shall be exempted from the requirement to remove all Dungeness crab traps from state waters by 11:59 pm on the last day of the fishing season, as defined in FGC Section 8276(d), when operating ~~under this EFP because fishing activities may occur at any time during the calendar year.~~ or fishing with traps with pop-up fishing gear systems as authorized under this EFP. No traps shall be placed into the water 30 days prior to the pre-soak period prescribed in FGC Section 8283 or commercial Dungeness crab season opener, whichever comes first.
16. Dungeness crab may only be taken, possessed, or landed during the open statutory season



MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND CONDITIONS

~~and subject to domoic acid and quality take restrictions pursuant to FGC Sections 5523, 8276, and 8276.2. as specified in FGC Sections 8276 and Section 8276.1(d) and Section 132.8, Title 14, CCR. Take, possession, and landing of Dungeness crab is subject to domoic acid take restrictions specified in FGC Section 5523. This permit exempts the agent from an early season closure pursuant to Section 132.8, Title 14 CCR, however, take, possession, and landing are prohibited when a season is delayed pursuant to Section 132.8, Title 14 CCR. Take, possession, and landing of Dungeness crab is prohibited when fishing in an area closed pursuant to Section 132.8, Title 14, CCR.~~

17. Possession, take, and landing of rock crab is subject to domoic acid restrictions pursuant to FGC Section 5523.
18. When fishing within any area ~~closed to~~ where take, possession, and landing of commercial Dungeness crab ~~fishing or rock crab is prohibited as defined in 16 or 17,~~ all deployed traps shall be closed and unbaited.
19. The authorized agents must suspend fishing operations or move fishing gear per Department direction in response to circumstances including elevated entanglement risk or in the event of entanglement report in the fishing or testing location. The Department will provide notice by contacting each authorized agent via the phone and/or email address provided on the EFP application.
20. Fishing operations shall abide by all applicable Essential Fish Habitat closures for bottom contact gear as described in Federal Regulations (Title 50, Part 660, Subpart F).
21. Fishing activities shall not occur in any state Marine Protected Areas pursuant to Section 632, Title 14, CCR.

Gear Allowances, Specifications and Marking Requirements

- ~~22. Unless otherwise authorized by the Department, all gear shall be deployed as single traps. Multiple traps shall not be connected by a common groundline.~~
22. All authorized agents must comply with the following requirements with respect to deployment of the authorized pop-up gear fishing systems:
 - a. When fishing single traps, an authorized pop-up fishing gear system shall be connected to each trap. Vessels may connect the trap to a length of line attached to a weight or anchor to provide a larger target for grappling.
 - b. When fishing a string of traps (“trawl”), no more than ten traps shall be connected by a common groundline. An authorized pop-up gear fishing system shall be connected to at least one terminal trap of each trawl.
23. A maximum of ~~20~~ 150 traps per vessel may be used, possessed, or deployed per trip. ~~Such traps are in addition to the tiered allocations specified in FGC Section 8276.5 and Section 132.1, Title 14, CCR. This limitation shall not apply to lost or abandoned gear recovered pursuant to Sections 132.2 and 132.7, Title 14, CCR.~~
- ~~24. The cumulative number of traps deployed by all vessels operating under the authority of this permit shall not exceed 50 traps at any given time.~~
24. All traps must comply with the requirements specified in FGC Section 9011 for Dungeness



MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND CONDITIONS

crab or rock crab. All traps used or deployed must have at least one destruct device pursuant to FGC Section 9003 and Section 180.2, Title 14, CCR.

25. The EFP holder shall provide the Department access to the gear marking web-based applications (Ropeless Fisher, Ropeless Control, Trap Tracker, Trap Timer, ATLAS, and the rmwHUB) as identified in the EFP application and amendment for data sharing and enforcement purposes.
26. Authorized agents shall not affix buoy tags specified in subsection 132.1(b), Title 14, CCR and FGC Section 8276.5 to Dungeness crab gear deployed under this EFP. Deployed Dungeness crab gear shall include a trap tag as defined in subsection 132.1(a), Title 14, CCR.
27. For the interval between gear deployment and activation of the pop-up mechanism, authorized agents shall be exempted from the requirements to mark each trap with a buoy as defined pursuant to FGC Section 9005 and Sections 132.6(a) and 180.5, Title 14, CCR. Following release of the pop-up mechanism as identified in the EFP application, the location of each single trap or at least one terminal end of each trawl shall be indicated by the presence of one or more buoys at the surface, as specified in ~~24 and 25~~ 28 and 29. When testing FioBuoy pop-up units, the location of each single trap or at least one terminal end of each trawl shall be indicated by the presence of one or buoyant spools at the surface, as specified in 30.
28. The main buoy and any trailer buoys shall be marked with the operator's commercial fishing license identification number. All identification numbers shall be at least 1.5 inches in height and drawn with a line no less than ~~1/4~~ 0.25 inch thick.
29. Buoy markings shall comply with requirements specified in Section 180.5, Title 14, CCR. Every buoy shall be marked exclusively with the Identification Letters "EC" with at least one buoy marked with the operator's commercial fishing license identification number followed by the Identification Letters "EC".
 - a. Buoys that are 4 inches in diameter or greater shall have Identification Letters marked on four opposing sides.
 - b. Buoys that are smaller than 4 inches in diameter shall have Identification Letters marked on two opposing sides.
 - c. The commercial fishing license identification number shall be at least 1.5 inches in height and drawn with a line no less than 0.25 inch thick.
 - d. The Identification Letters "EC" shall be at least 3 inches in height and drawn with a line no less than 0.25 inch thick.
 - e. All Identification Numbers and Identification Letters on a buoy shall be clearly and distinctly marked, and in a color that contrasts with the buoy; the numbers and letters shall be applied and maintained so that they are visible and legible.
30. When testing FioBuoy pop-up units, one end of the spool body shall be marked exclusively with the operator's commercial fishing license identification number and the Identification Letters "EC". All markings shall be drawn with a line no less than 0.25 inch thick and at least 1.5 inches in height, and larger if available space allows. All markings shall be clearly and distinctly marked, and in a color that contrasts with the spool body; the numbers and letters shall be applied and maintained so that they are visible and legible.
31. Buoy Line Marking Requirements. The authorized agents will test and report on the efficacy and durability of marking lines when requested by the Department.



32. Pursuant to FGC Section 9004, authorized agents shall service their traps at intervals not to exceed 96 hours ~~weather conditions and sea permitting~~. Additionally, when using gear where a Galvanic Time Release (GTR) device serves as the primary release mechanism, authorized agents must service their traps within two hours of the selected release interval. If an authorized agent is unable to comply with these requirements due to hazardous conditions at sea, mechanical breakdown of their vessel, or another circumstances, they must notify the Department as soon as possible via email to the Department's Law Enforcement Division (LEDMarineNotifications@wildlife.ca.gov) and Marine Region (WhaleSafeFisheries@wildlife.ca.gov). Any exemptions will be granted on a case-by-case basis and will be provided in writing.

Other Requirements

33. No testing or fishing for crab may take place unless a functioning electronic monitoring system is installed and used as specified by the Department. The electronic monitoring system must be a satellite or cellular based system designed to monitor location and movement of vessels using global positioning system (GPS) coordinates. The electronic monitoring system must be capable of accurately tracking and recording vessel location at a frequency of at least no less than once per minute without interruption during the entire fishing trip when participating in fishing operations covered under this EFP, including transiting to and from the fishing area. Vessel location data shall be uploaded automatically and made available to the Department or an authorized agent within 24 hours. Authorized agents shall grant the Department access to all data upon request.
34. At least 24 hours prior to commencing a fishing trip during which EFP activity is expected to be conducted, notice of vessel name, anticipated fishing dates, port of departure, and expected landing port shall be made via email to the Department's Law Enforcement Division (LEDMarineNotifications@wildlife.ca.gov) and Marine Region (WhaleSafeFisheries@wildlife.ca.gov). Upon request from the Department, authorized agents shall coordinate with the Department and allow for inspections of the traps and associated gear prior to deployment or when gear is being serviced at sea.
35. Authorized agents shall follow the best practices for avoiding whale entanglement described in the attached guide. This includes fishing gear and incident reporting requirements.
36. The permittee shall provide training to Department personnel on any aspect of the permitted project on request.
37. The permittee shall comply with data reporting requirements as described in Attachment A.
38. The vessel shall be capable of safely carrying an observer when requested by the Department and provide that observer with accommodations equivalent to those provided to the captain and crew for both single and multi-day trips if multi-day trips are conducted. The observer shall be permitted to collect additional opportunistic biological data.
- ~~39. The permittee shall adhere to the gear recovery plan as described in the EFP application. The permittee will further document all lost gear, including traps, buoys and other equipment and submit to the Department at least annually. Failure to keep or submit required information may result in revocation or suspension (including non-renewal) of the permit.~~
39. In instances where gear cannot be retrieved via the primary release mechanism, authorized agents may use grappling or back-up release mechanisms to recover the gear as described



in the EFP application and amendment. The permittee will document all unrecovered gear, per the data reporting requirements in Attachment A, including traps, buoys and other equipment. Failure to keep or submit required information may result in revocation or suspension (including non-renewal) of the permit.

40. Unless otherwise specified by the Department, the permittee shall submit reports pursuant to subsection 91(l), Title 14, CCR to the EFP Coordinator (EFP@wildlife.ca.gov) no later than 60 days after the permit expiration date.
41. Prior to commencing at-sea testing, permittee shall ensure all authorized agents have completed the freely available Level 1 entanglement response training provided by the National Marine Fisheries Service, available at <https://west-coast-training.whaledisentangling.org/#/>. Completion emails shall be forwarded to the EFP Coordinator (EFP@wildlife.ca.gov), Department's Law Enforcement Division (LEDMarineNotifications@wildlife.ca.gov) and Marine Region (WhaleSafeFisheries@wildlife.ca.gov).



Attachment A: Data Reporting Requirements

1. Deployment Data. Permittee or authorized agent shall provide to the Department as soon as practical, but no more than 12 hours after deployment, the following data for each crab trap deployed. Data shall be provided via email to LEDMarineNotifications@wildlife.ca.gov and WhaleSafeFisheries@wildlife.ca.gov.
 - a. The latitude and longitude of each trap, given to the highest precision allowed by onboard instrumentation (“location”), and whether or not the trap was deployed with weak rope. If multiple traps are deployed on a single line (“trawl”), the number and configuration of traps in the trawl and the location of the first and last traps of the trawl.
 - b. The name and vessel ID of the vessel the trap was deployed from.
 - c. The experimental fishing permit number the trap is deployed under.
 - d. The time and date of deployment.
 - e. For non-acoustic releases, the time and date the release mechanism is programmed to allow the marker buoy to surface.
 - f. Which virtual gear marking application(s) were used.
2. Recovery Data. Permittee or authorized agent shall provide to the Department as soon as practical, but no more than 12 hours after recovery or attempted recovery, the following data for each crab trap deployed. Data shall be provided via email to LEDMarineNotifications@wildlife.ca.gov and WhaleSafeFisheries@wildlife.ca.gov.
 - a. The time and date of recovery or attempted recovery.
 - b. The location the gear was recovered or attempted to be recovered.
 - c. The distance between the location where the gear was deployed and recovered.
 - d. The time elapsed between the programmed release time and recovery or attempted recovery.
 - e. The location of any unrecovered traps, and whether they were deployed as single traps or part of a trawl. If deployed as part of a trawl, the number of connected traps.
 - f. Documentation of any pop-up system malfunctions (e.g., early release or unresponsive to release signal).
3. Gear Location Marking. The permittee or authorized agent shall make fishing locations publicly available to other fishers and the public subject to direction of the Department. Communication of fishing location may include notification to local harbor districts and to the Department web pages, and/or other publicly accessible web pages. Via the Desert Star Ropeless Fisher, EdgeTech TrapTracker, Subsea Sonics TrapTimer, or Ashored ATLAS gear marking applications, the permittee or authorized agent shall make available the location following information for the purpose of avoiding gear conflict:
 - a. The location of deployed single traps.
 - b. The location of the first and last traps in a trawl, an indication that they are part of a trawl, and the orientation of the trawl with respect to each terminal end.
4. Coordination with other EFPs. Permittee shall use all available resources to understand where gear may be set, including review of pending and approved EFP applications identified on the [Fish and Game Commission website](#) and checking gear marking applications.
5. In addition to the requirements of subsection 91(l), Title 14, CCR, annual and final reports



shall include:

- a. A table or other database containing deployment and recovery data (requirements 1 and 2 of this attachment) for each trip conducted under the authority of this permit.
- b. A summary of landing data including the number of each crab species landed at each port by each vessel.
- c. The number of trips conducted by each vessel participating in the EFP, the total number of trap deployments, and the number of unsuccessful recoveries.
- d. A summary of the efforts taken to recover lost gear, and the outcome of those efforts.

Major Amendment Request for National Marine Sanctuary Foundation Experimental Fishing Permit: Summary of Current Permit Conditions, Requested Amendments, and Recommendation

April 5, 2024

To support California Fish and Game Commission decision-making at its April 17-18, 2024 meeting regarding a major amendment to the National Marine Sanctuary Foundation’s current experimental fishing permit (EFP; Commission Application Tracking #2023-02), Commission staff has prepared Table 1 summarizing the requested amendments and the California Department of Fish and Wildlife’s recommendation (with rationale) for each.

Requested amendments to the EFP include the season (retaining Dungeness crab during Risk Assessment Mitigation Program closures), the number of authorized agents and vessels, gear (number of pop-up systems and traps, gear marking), the fishing location, and adding rock crab fishery testing. Details of the Department’s proposed special conditions are in the materials for Item 5 of the April 17-18, 2024 Commission meeting, at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=220272&inline>.

Table 1. Summary of current EFP conditions, requested amendments, and the Department’s recommendation

*Key: *Starred, bolded and italicized words indicate where the Department’s recommended special conditions are different from the permit holder’s amendment requests. Rationale for differences are provided.*

Current EFP Condition	Permit Holder’s Amendment Request	Department’s Recommendation and Rationale
Retention, possession, and landing of Dungeness crab may occur when the commercial season is open in that Fishing Zone	Allow retention of Dungeness crab during entire statutory season, including fishing zone closures enacted under Risk Assessment Mitigation Program (RAMP).	*Retention, possession, and landing of Dungeness crab when commercial fishery is open in that Fishing Zone and during early closures under RAMP . <i>Rationale:</i> Preserves consistency with other Dungeness crab EFPs, which do not allow harvest during season delays
Testing limited to Dungeness crab fishery	Expand testing to rock crab fishery with appropriate permits (i.e., use with rock crab traps and retention of rock crab)	Supports request
A per-vessel maximum of 20 traps per trip is permitted; cumulative limit on number of traps deployed by all vessels shall not exceed 50 traps at any given time	Per-vessel limit of 200 traps and remove cumulative limit	*Per-vessel maximum of 150 traps/trip; remove cumulative limit; <i>Rationale:</i> Enforcement concern if more than 150 traps are included, and aligns with recently-approved Sub Sea Sonics amendment

Current EFP Condition	Permit Holder's Amendment Request	Department's Recommendation and Rationale
All gear shall be deployed as <i>single traps</i> . Multiple traps shall not be connected by a common groundline	Testing with <i>up to 20 traps</i> connected by a common groundline and at least one pop-up system	*Trawls with up to 10 traps connected by a common groundline and at least one pop-up system; <i>Rationale:</i> Enforcement and safety concerns if more traps are included
The permittee shall adhere to the gear recovery plan as described in the EFP application, which <i>includes a backup release system for gear recovery</i>	Remove requirement to deploy gear with back up release system	Supports request, but specify that grappling or back up mechanisms <i>may be used</i>
Authorize up to 5 agents and 5 vessels	Authorize up to 10 agents and 10 vessels	Supports request
Testing area is bounded by the Sonoma/Mendocino county line (38° 46.125' N. latitude), Lopez Point (36° 00' N. latitude), and the 100-fathom line	Expand testing area northward to California/Oregon border	Support request, with 100-fathom line maintained
Required markings on main and any trailer buoys to comply with Section 180.5, Title 14, CCR;.	Clarify Fiomarine Fiobuoy marking requirements (which do not include a buoy)	Supports request to make explicit, although marking for Fiomarine FioBuoy pop-up units are implied in current EFP conditions.
Testing limited to Desert Star ARC-1XD; EdgeTech 5112; Fiomarine Fiobuoy; and Guardian Ropeless System	Add testing of Sub Sea Sonics TR4RT and AR4RT systems; and Ashored Innovations MOBI + Atlas systems	Supports request
No mention of rope breaking strength in application's descriptions of gear configuration	Specify that incorporation of NOAA-approved weak rope is allowed when testing pop-up units	Supports request



National Marine Sanctuary Foundation EFP Major Amendment

April 17, 2024

Presented to:

**California Fish and Game
Commission**

Presented by:

**Morgan Ivens-Duran
Environmental Scientist
Marine Region**



Outline

- Overview of previously approved EFP
- EFP amendment requests
- Proposed terms and conditions
- CDFW recommendation



Previously Approved EFP

- In June 2023, FGC approved a Tier 2 EFP with:
 - Single traps in the Dungeness crab fishery
 - Dungeness crab retention during the open commercial season
 - Per-vessel limit of 20 traps and cumulative limit of 50 traps
 - Required use of back-up releases
 - Up to 5 agents and vessels
 - Testing between Lopez Point and the Sonoma/Mendocino county line

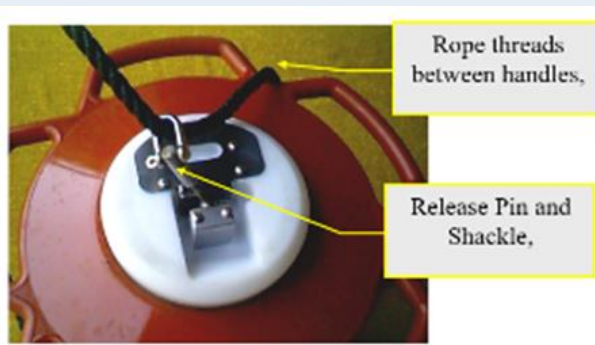


Previously Approved EFP, cont.

Desert Star ARC-1XD



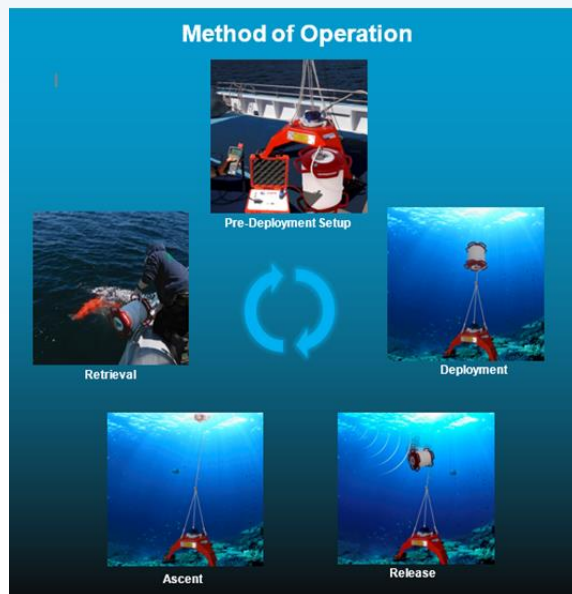
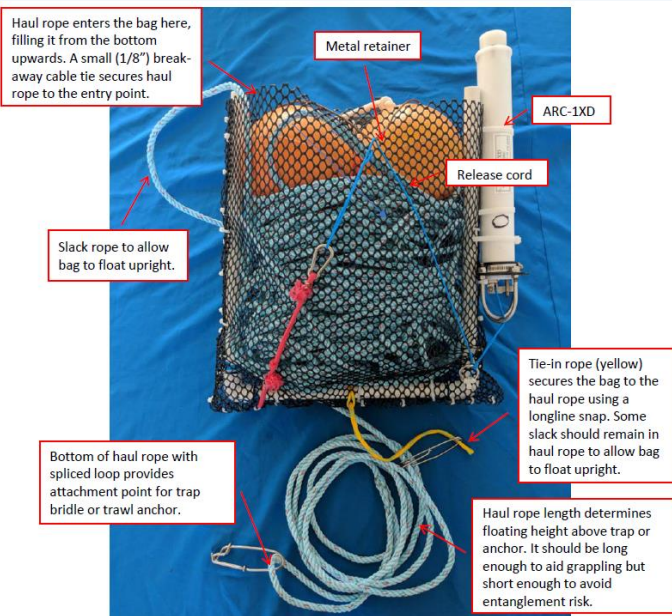
Fiomarine Fiobuoy



EdgeTech 5112



Longsoaker Guardian Ropeless System





NMSF EFP Major Amendment Request

- EFP amendment requests:
 - Retention of Dungeness crab during entire statutory season
 - Testing with rock crab traps and retention of rock crab (with appropriate permits)
 - Per-vessel limit of 200 traps and remove cumulative limit
 - Testing with up to 20 traps connected by a common groundline and at least one pop-up system.

Potential “Trawl” Set Ups

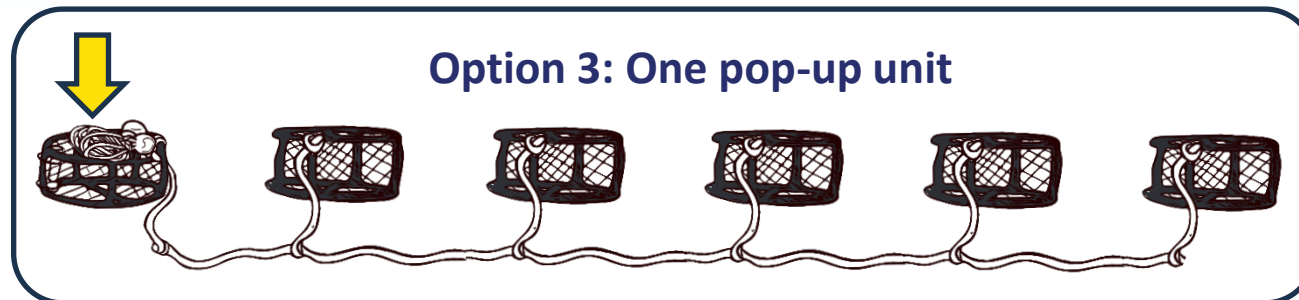
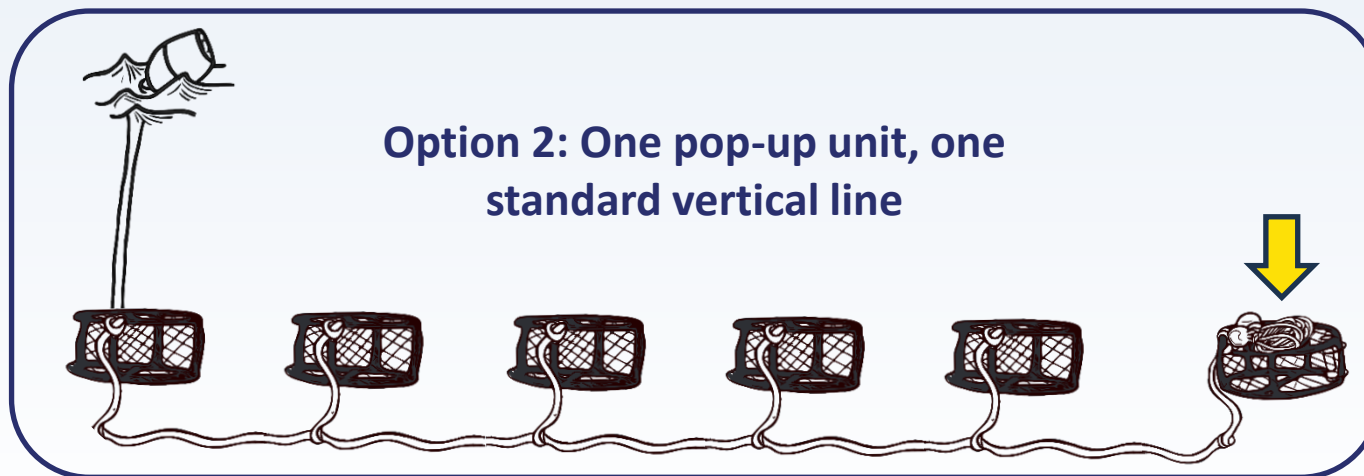
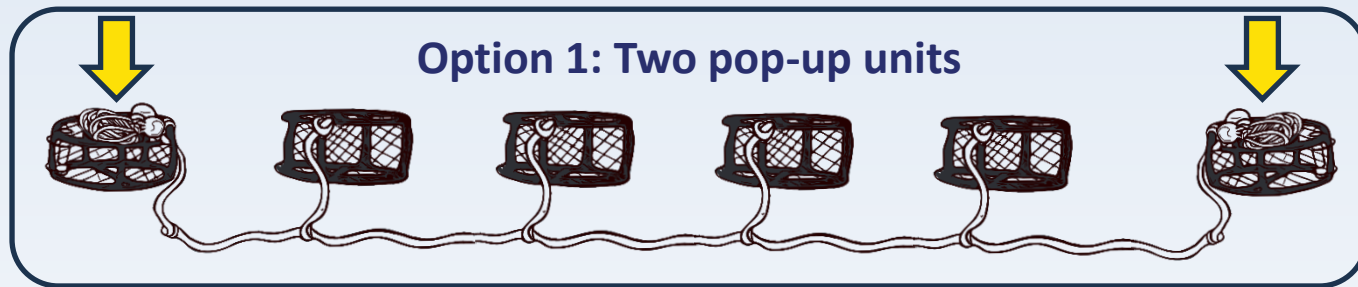


Illustration by E. Brauer (CDFW)

Note: Illustrations are not to scale

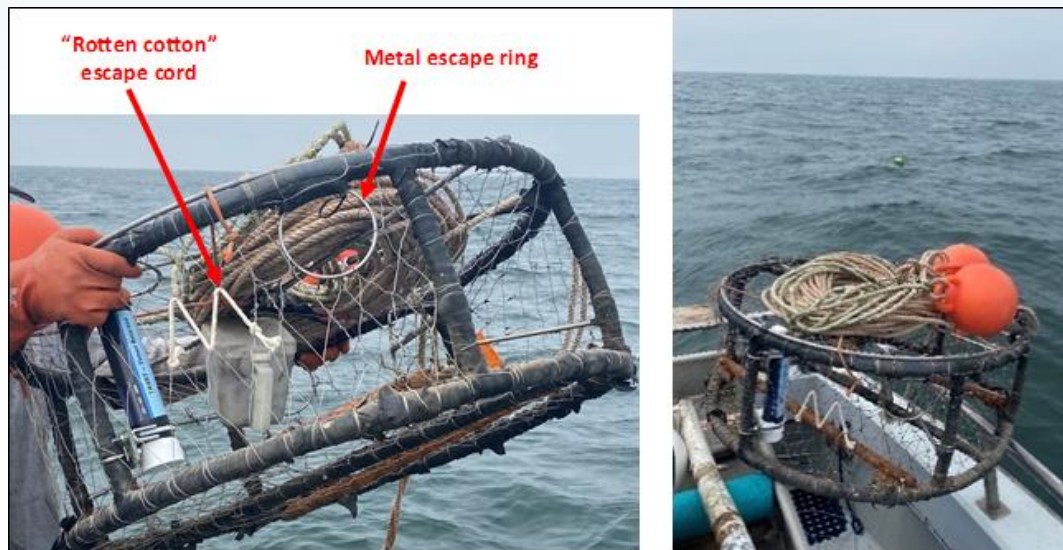
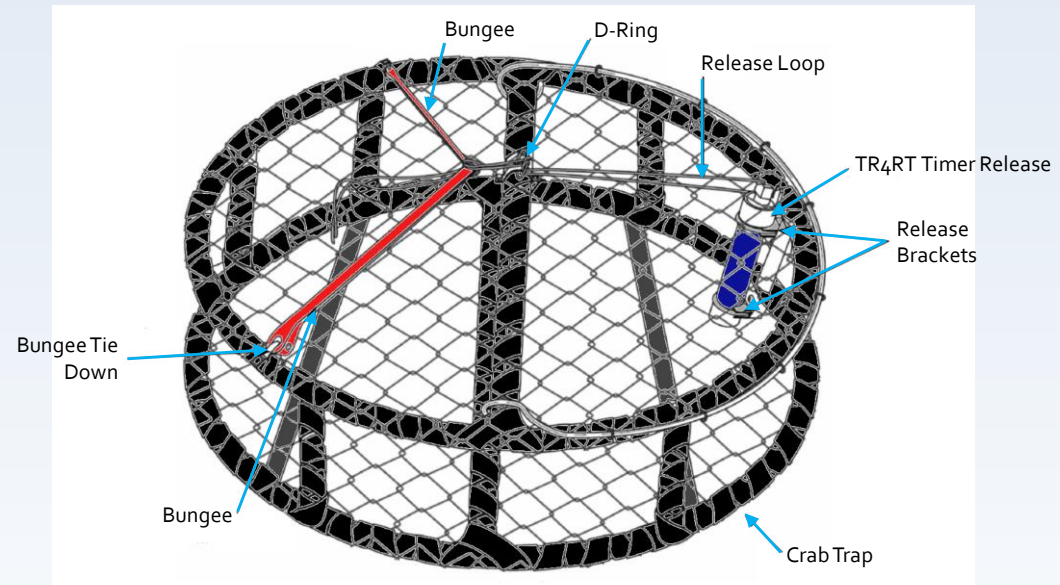
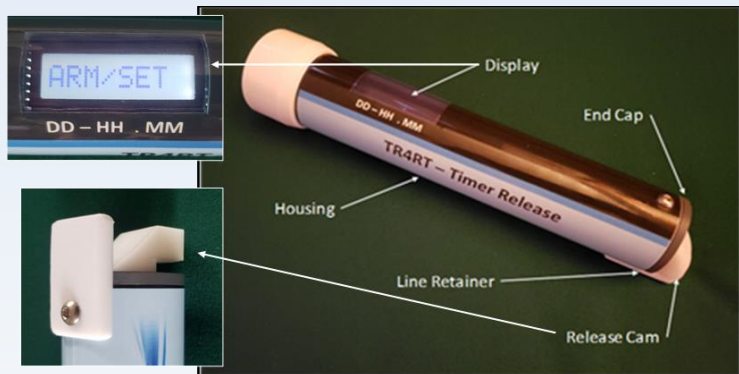


NMSF EFP Major Amendment Request, cont.

- EFP amendment requests:
 - Remove requirement to deploy gear with back up releases
 - Authorize up to 10 agents and vessels
 - Expand testing area northward to CA/Oregon border
 - Clarify Fiomarine Fiobuoy marking requirements
 - Allow testing of Sub Sea Sonics TR4RT and AR4RT systems
 - Allow testing of Ashored Innovations MOBI + ATLAS systems
 - Allow incorporation of NOAA-approved weak rope



Subsea Sonics TR4RT and AR4RT



Photos provided by Bart Chadwick

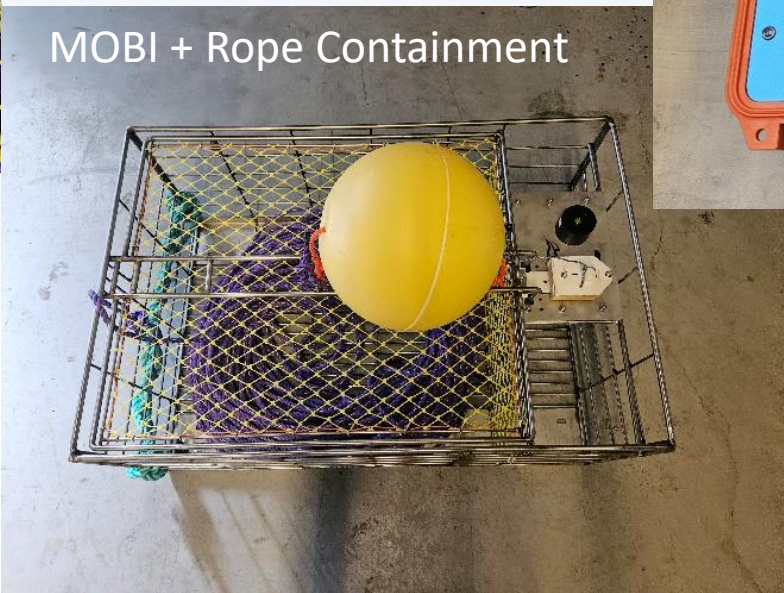


Ashored Innovations MOBI and ATLAS

MOBI Unit



MOBI + Rope Containment



Deck Box



Transducer



Photos provided by applicant



NOAA-Approved Weak Rope

- Used with pop-up gear
- ~1700lb breaking strength, based on modeling for North Atlantic Right Whale

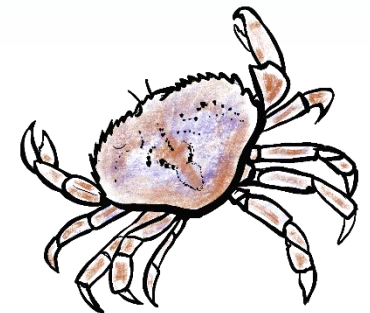




Proposed Special Conditions

(Specific changes to the proposed EFP project are marked with an asterisk* and are in ***bold italics***)

- Authorized agents and vessels that may participate in the project
- General requirements for valid commercial licenses, permits, and vessel registration
- Testing in rock crab or Dungeness crab fishery with appropriate permits
- ****Retention, possession, and landing of Dungeness crab when commercial fishery is open and during early closures under RAMP***
- Traps can be deployed at any time of year





Proposed Special Conditions, cont.

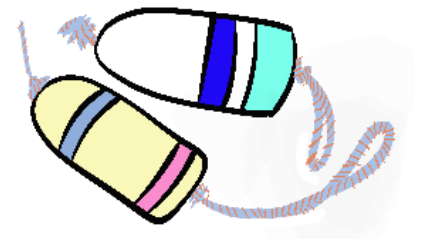
- Record EFP number and catch information, notify CDFW of landings
- Fishing area bounded by CA/Oregon border, Lopez Point, and the 100-fathom line
- ****Trawls with up to 10 traps connected by a common groundline***
- ****Per-vessel maximum of 150 traps/trip; remove cumulative limit***
- Gear specifications and marking requirements
- ****Gear servicing interval: 96 hours (all gear); for Galvanic Timed Releases, within 2 hours of selected release interval***





Proposed Special Conditions, cont.

- Electronic monitoring and pre-trip notification requirements
- Best practices for avoiding whale entanglement for conservation and management purposes
- ****Authorized agents to complete Level 1 entanglement response training before commencing at-sea testing***
- ****Data sharing requirements for research, management, and enforcement purposes***
- Lost gear recovery plan and reporting requirements





CDFW Recommendation

Approval of Major Amendment with proposed special conditions.

Thank You

Morgan Ivens-Duran, Environmental Scientist
Whale Safe Fisheries Project
Email: EFP@wildlife.ca.gov



California Fish and Game Commission
New Petitions for Regulation Change: Received by 5:00 PM on April 4, 2024

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
2024-02	2/14/2024	Steve Rebuck, commercial fisheries consultant	Re-open abalone fishery at San Miguel Island, Santa Barbara County	Re-open the red abalone commercial and recreational fisheries at San Miguel Island, Santa Barbara County, to former abalone divers to take abalone and provide data to the Department.	4/17-18/2024	6/19-20/2024
2024-03	4/2/2024	Mary Maerz, Counsel, Animal Law, PETA Foundation	Prohibit using carbon dioxide as a method to remove coyotes and prohibit local governments from contracting private trappers for coyote removal	Request to amend regulations to prohibit local governments from contracting with private trappers to trap coyotes on public land and to prohibit use of carbon dioxide as a killing method for coyotes.	4/17-18/2024	6/19-20/2024

Ms. Melissa Miller-Henson
Executive Director
California Fish and Game Commission
715 "P" St. 16th Floor
Sacramento, Ca 95814

February 1, 2024

Dear Ms. Miller-Henson:

Enclosed, please find two proposals:

- 1) Petition for Regulatory Change
- 2) Experimental Fishery Program

These proposals are intended to complement one another. We chose to do it this way out of respect for the California Fish and Game Commission (Commission) and the fact these instruments have been developed to support fishing.

Ours is an aging community. When abalone was closed in 1997, there were 101 commercial abalone divers. We recently were able to identify approximately 50 who are still active and interested. Of these individuals, we do not know how many might actually go fishing. But, with those who do, should the fishery reopen, we will soon know how many can still successfully participate.

Diving is difficult. We have divers with 10,000 to 40,000 hours underwater. There is one diver still diving sea urchins at the age of 80. Most of these divers are now age 60-70.

There are some advantages for the Department of Fish and Wildlife (Department) and Commission. First, these proposals could provide biological data which is currently not available. Second, there is a reported problem of \$25, million in organized crime poaching. The commercial divers,

in the field, watching out, will aid law enforcement. Third, a traditional fishery is restored. A win-win for all.

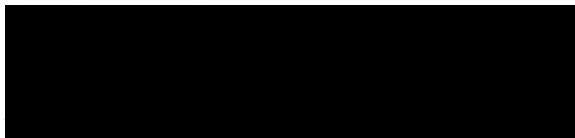
Thank you for your consideration of these proposals. We are also sending a copy of the Experimental Fishery Program proposal the Department in Monterey as directed.

If there are any questions, please contact me at your convenience.

Respectfully,

A handwritten signature in black ink, appearing to read "Steven Rebeck". The signature is written in a cursive style with a large initial "S" and "R".

Steven L. Rebeck



Attachments

Cc: California Department of Fish and Wildlife
Monterey



Tracking Number: (2024-02)

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 J. Rebeck (agent)]
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, 100, 200, 203, 205, 206, 209, 210, 211, 215, 218, 219, 220, 265, 3990]

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

4. Rationale (Required) - Describe the problem and the reason for the proposed change: [See attachment Rationale text]

SECTION II: Optional Information

5. Date of Petition: [February 1, 2024]

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** [2019-027]
 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 2020]
- 10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [See Rationale, Citations, and Supportive Literature]
- 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 funding for DFW , jobs for citizens and 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: [02/14/2024 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

Rationale and Overview by Steven L. Rebuck (Agent)

Senate Bill, 463 (Thompson) was passed by the California Legislature in 1997 and provided future management decision on abalone to the California Fish and Game Commission (FGC). FGC Section 5522 includes the following:

"(e) if the Commission determines that commercial fishing is an appropriate management measure, priority for participation in the fishery shall be given to those persons who held a commercial abalone permit during the 1996-97 permit year."

This Petition for Regulatory Change proposal is intended to:

- 1) Reopen the red abalone fishery at San Miguel Island, Santa Barbara County only.
- 2) Allow all former commercial abalone permit holders to participate. Qualifier: In 1997, the California Abalone Association (CAA) had a list of 101 permitted commercial abalone divers. Some DFG documents identified 105 divers. We are currently seeking out those former divers who are still living and have interest in resuming this fishery. As of January 31, 2024, we have identified 50+ former abalone divers who qualify under the terms identified above.
- 3) We propose that the identified Total Allowable Catch (TAC) for San Miguel Island (SMI) as identified in the Abalone Recovery and Management Plan (ARMP) Appendix H (AH) of 15,000 red abalone will be allocated equally between these divers. Each former diver would be permitted to harvest a personally identified share of the TAC between August 1, 2024 to December 31, 2024. Once this season is completed, depending on success, the resource may be reevaluated and the TAC raised or lowered as need should a

2025 fishery be considered. Revision of Fish and Game Code/ Regulations may be considered, early 2025.

- 4) Divers will be obligated to photograph using cell phone cameras, all individual abalone harvested. These data will be collected and transmitted promptly (Cell reception permitting) to DFW biological and law enforcement agents per this agreement.

RATIONALE/HISTORY/JUSTIFICATION/BIOLOGICAL FISHERY/TERRITORIAL USE RIGHTS/INDIVIDUAL TRANSFERABLE QUOTA

" 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

RATIONALE

- 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 recognized threatened and/or endangered species.
- 3) Although this proposal is not an "Experimental Fishery" as defined by the California Fisheries Innovation Act of 2018 and Marine Fisheries Experimental Fishing Permits (2018), we propose to reestablish former abalone fishing regulations used prior to 1998, pursuant to the FGC citation above.
- 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 using a Total Allowable Catch (TAC) limit of 15,000 for commercial red abalone fishing.

- 6) Multiple studies have been produced demonstrating the possibility of reestablishing commercial and recreational fisheries at San Miguel Island:(SUPPORT DOCUMENTS: 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 30, 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, including Log Books.
- 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/or law enforcement and allow them to examine all abalone harvested.
- 4) Once DFW biological team has examined and/or taken tissue samples, abalone may be marketed.
- 5) Catch reporting: Title 14, S 197, E-Tix, <http://etix.psmfc.org>

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)

Individual Transferable Quota/Annual Catch Entitlement

Individual Transferable Quotas (ITQ) or Individual Fishery Quota (IFQ) are used in the United States and Internationally to manage fisheries. Commercial abalone divers are supportive of these concepts and propose transferability of permits be considered if there is support for an abalone fishery post 2024. Another concept being used successfully in New Zealand are Annual Catch Entitlement (ACE) which allows individual quota owners to lend or rent their existing quota allotments to other qualifying commercial fishermen.

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, 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.
9. Schiel, David R., S. Gerrity, S Orchard, 2023, Allocations, quota and abalone fishery management: the Tragety of the commons revisited, New Zealand Journal of Marine and Freshwater Research.
10. Rebuck, Steven L., 2003, Towards an orderly fishery: Establishing Annual Catch Entitlements (ACE) and Individual Transferable Quota (ITQ) for harvest of red abalone, Submission to the California Fish and Game Commission. 2003.

Experimental Fishery Program (EFP)

Project Title: Subsistence Abalone Fishery at San Miguel Island, California, 2024

(Subsistence is defined as: the action or fact of maintaining or supporting oneself at a minimum level "the minimum income needed for subsistence." (Source: Google)

1) Applicant

*Name: Steven L. Rebuck

* Title and Affiliation: Agent for former commercial abalone divers with permits 1996-97.

*Mailing Address: PO Box 571, San Luis Obispo, CA 93406

* Email Address: ABSFORMAN@sbcglobal.net

Telephone Number: 895/540-1966

*GOID or CFL Number:NA

2) Entity Administrator: Same

Repeat 1 list

3) Authorized Agents: See attached mailing list

* Name

* Title and Affiliation

* Mailing Address

*Email Address

*Telephone Number

GOID or CFL Number

Repeat all Agents: Same

B. Statement of Purpose: Resume commercial abalone fishing at San Miguel Island, Santa Barbara County, California

1-Describe the purpose and goals of the proposed project, including how the project meets or is consistent with the policies of Fish and Game Code (FGC) Section 7050:

*Experiment:

Commercial abalone divers will document their fishery using underwater Go-Pro cameras. Once catch is onboard the fishing vessel, fishermen will photograph their catch and forward data to Department of Fish and Wildlife biological and law enforcement. I-Pads may also be used to document catch as well as log books.

*Fishery Biological Research:

Documenting the catch will provide DFW with data which is currently unavailable to them: Sex, maturity, size, size frequency, health and other factors will be documented. Also, oral history of how the commercial abalone fishery operates can be capture. Some of these divers have up to 40,000 hours underwater over many decades of diving. Much of this experience remains unknown to scientific data collectors. This is educational information.

*Gather essential fishery information:

Go Pro cameras, Remote Operated Vehicles (ROVs), and cameral phones can revolutionize data collection. We propose to use these devices to collect biological data for research biologists, historians, sportsmen and others.

*_Implement a limited test fishery:

We propose to use the former commercial divers who had abalone permits in the 1996/97 season to fish and collect data. We also propose a season beginning August 1, 2024 and ending December 31, 2024.

*_Work with future approved participants to certify competency:

No divers are more competent to do this job than the former commercial abalone divers. We have identified

approximately 50% of these former divers who may still have the ability and equipment to fish abalone. These divers will help identify how many will be able to continue fishing in the future. Should the allocation of the ARMP/AH of 15,000 red abalone not be met, the balance of the TAC will remain in the water. Or, an in season adjustment in TAC may be advised.

* Alternative Gear Testing:

The commercial abalone fishery has evolved over an approximate 175 year history. Tech-Diving, NITROX, mixed-gas, and other innovations may be used in future diving operations, along with ROVs, GoPros, and camera phones.

* Provide necessary information:

Fishing operations will be limited to those who had active abalone permits in the 1996/97 abalone season. Regulations from this era are proposed for a 2024 season.

* Work with CDFW Law Enforcement Division (LED):

Divers agree to work with DFW Law Enforcement. This includes reporting potential poaching operations cited by DFW, 2014: "...organized criminal gangs poaching \$25,000,000. of abalone annually in California."

* Work with future CDFW approved participants:

Divers agree to work with DFW staff as required by DFW/FGC.

Secondary Goals

* Provide experience:

Former commercial divers have been recognized historically as "keen observers" of the abalone resource and fishery. (Bonnot, CDFG, 1948, et al).

* Expand outreach opportunities with other fisheries: Individual Transferable Quota (ITQ) and Individual Fishery Quota (IFQ) are used in the United States and Internationally to manage and regulate commercial fisheries. The crab fishery in Alaska is a good domestic example.

2. Provide a list of proposed projects activities that are prohibited under current state fishing laws or regulations (cite the specific section number(s), if known, and the reasons to justify authorization (exemption) of those activities under the EFP:

A) California Fish and Game Commission, Section 5522 (e): "If the commission determines that commercial fishing is an appropriate management measure, priority for participation in the fishery shall be given to those persons who held a commercial abalone permit during the 1996-97 permit year."

B) FGC Sec.4. Section 1022 is added to the Fish and Game Code to read:

1022. (a) the commission may authorize, for research, education, limited testing, data collection, compensation, fishing, conservation engineering, or exploratory fishing, or any combination of these purposes, an EFP to be issued by the department that authorizes commercial or recreational marine fishing activity otherwise prohibited by this code or any regulation adopted pursuant to this code, subject, at a minimum, to all of the following:

(1) Activities conducted under EFP shall be consistent with policies set forth in Section 7050 and any applicable fishery management plan.

We cite: Abalone Recovery and Management Plan, Appendix H as our example of a Fishery Management Plan (FMP) for red abalone at San Miguel Island.

a) Applicant is requesting authorization to target:
Resume red abalone commercial fishing at San Miguel Island only, August 1, 2024-December 31, 2024.

b) Mark devises:
Since 2005, the former abalone diver members of the California Abalone Association (CAA) have proposed to the California Fish and Game Commission (FGC) the use of a fixed tag to be used on all commercially caught abalone. These tags will include the divers name, permit number and any other relevant information. A fee of \$10. Per tag will be paid to DFW for the use of these tags. 15,000 tags at \$10. totals \$150,000. to DFW for monitoring a fishery.

c) Applicant is requesting:
To support the economic requirements of commercial fishing, we request that the abalone permit holders be allowed to produce "mixed loads" meaning they may fish sea urchin, crab or lobster--in season—along with their abalone catch.

C. Statement of Qualifications:

1. Lead and provide supervisory oversight for all activities of the permit under the authorization, standard terms, and special conditions. These divers are recognized, by statute, as being qualified for this job.

1. Experience to identification, methods, and protocols specific to the requested species:
Each of these divers have several decades of successful production of various species of abalone.

2. Obtain all appropriate authorizations and oversee quality control measures to assure conformance to the specified standards or requirements (e.g., take

appropriate measures to ensure, promote, and facilitate compliance):
DFW Law Enforcement is a formidable deterrent.

4. Train all persons operating under the permit:
Mentorship will be important to any future entrants to the fishery. This could also be used to educate recreational fishermen, reducing bar-cut problems for example.
3. Coordinate field activities and communicate findings with CDFW marine region:
Agree.
4. Collect, analyze, and transmit biological data gathering under the EFP to CDFW marine region:
Modern electronic devices: ROVs, Go-Pros, camera phones can enhance transmission of biological information.

D. Permit Application Type:

1. Tier 1

2. Request permit fee reduction option consideration:
Yes.

1. Has pre-application consultation with CDFW taken place with respect to this proposal? (Required for Tier 2 EFP, Tier 4 EFP, or permit fee reduction option):
No

E. Project Description:

Resume commercial red abalone fishing at San Miguel Island using only former commercial abalone divers.

1. A description of the experimental design and research plan, including specific procedures for data collection, storage, processing, and analysis; and a timeline for implementing the project, including, if applicable, when compensation fishing is expected to occur:
Commercial fishing to resume at San Miguel Island. Divers will document the fishery using underwater Go-Pro cameras to document their dives and camera phones and/or I-Pads to relay biological and law enforcement data to DFW personnel.

* Fishery/Biology:

Biological data will be provided by divers to DFW. Data which currently is nonexistent.

* Logbooks:

The use of Log Books is standard practice and may be replaced by electronic devices and tools like I-Pads.

* Samples detailed information about composition, quantities, sexes, reproductive status, size, weights of target species:

Divers will have access to an equal proportion of the Total Allowable Catch (TAC), as identified in ARMP Appendix H of 15,000 red abalone. A size limit of 7 $\frac{3}{4}$ inches is proposed. Season shall be August 1, 2024-December 31, 2024.

* Tag Recapture Study:

Tag have not been used on commercial abalone yet. Suggested tags would be placed on abalone through holes in their shells and stay attached through ultimate sales of these shells.

* Electronic Monitoring:

Go-Pro, I-Pad, camera phones as previously described.

***Biological Sampling:**

Phase 1—Dockside/Inshore configuration

Phase 2-Finalizing Individual Gear Configuration

Phase 3-Fishing

List of target Species:

1Red abalone only.

1. A list of incidental catch:
Misc. barnacles, boring sponges, etc.
2. A description of mechanisms that will be utilized to ensure any proposed harvest limits for target and incidentally caught species are not exceeded:
NA
3. A description of any potential impacts on existing fisheries, habitats, or possible incidental interactions with threatened, endangered, or protected species (e.g. sea turtles, marine mammals, and birds) that could occur as a result of this project:
NA
4. The type and amount of gear to be used, including gear specifications and design, and, if applicable, a description of any measures and/or devices that will be used to reduce bycatch:
NA
5. The location and timing of the project. The description must include trip specifications, such as fishing depth, anticipated number of trips, expected trip duration, and estimated number ...per day.
* San Miguel Island only.
* Trip limits as required by DFW.

- * Multi-day trips are standard practice.
- * Bag limits may be imposed by DFW.

F. Project Vessels. Provide vessel information:

Available EFP examples suggest 10 agents (fishermen) and 5 boats. We find nowhere in the California Fisheries Innovation Act of 2018 any existing limitation on how many participants (agents) nor any limitation on boats. Active participants and boats to be determined.

- * Vessel Name
- * Boat Registration Number or Documentation
- * Owner Name
- * Owner telephone number
- * Owner Address
- * Operator Name
- * Operator Address
- * Operator phone number

Repeat, owners and operators:
To be determined

G. Signatures:
To be determined

H. Application Fee Payment:
To be determined


List of former commercial abalone divers who had permits in 1996/97 season. This list created in January 2024 by phone calls, emails and personal communications.

(Prepared by: S. Rebeck, J. Baldwin, L. Marcus, J. Becker)

Name	Address	phone/email
------	---------	-------------

Apodaca, Austin		
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Askew, Robert		
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Baldwin, Jeffery		
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Becker, John		
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Becker, Mark		
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Bertelli, Robert		
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Betts, Jerome		
---------------	--	--

Brooker, Craig		
----------------	--	--

Brubaker, Mark		
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Canterbury, Steve

Charest, Pierre

Colgate, John

Conklin, Gary

Duncan, Robert

Gill, David

Grover, Doug

Harrington, Michael

Hastie, Bob

Hay, Bob

Herrin, Mark

Hooten, Bill

Kitahara, Mike

Kuphal, Steve

Liquornik, Harry

Marcus, Leonard

Marshall, James

McKinley, Bobby

Morgan, Ernie

Mulcahy, Tim

O'Brien, Jeremiah

Parkinson, Gaylord

Petterson, Cappy

Petterson, Curt

Ed Pierce

Price, Brian

Radon, Mike

Schmidt, Kenny

Shea, Bob

Shupe, Andy

Shupe, Bob

Shrout, Sam

Spur, David

Thompson, Don

Urquhart, Jim

S

Verhagen, Gary

Vogal, Harry

Voss, Chris

Woodcock, John

Zertuche, Raul

Zertuche, Ruben

Weakland, Paul

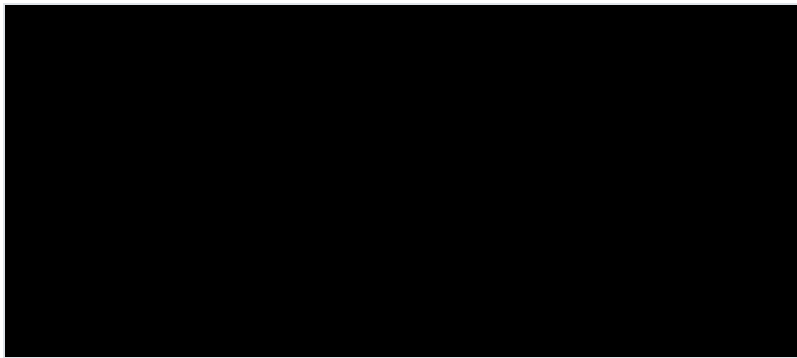
Attention David Thesell: This is the video shot in 2020. We have been attempting to up date but the weather has yet to cooperate. We will keep trying. Video shot by Jeffery Baldwin.

Thank you, Steve Rebuck

----- Forwarded Message -----

From: Steve Rebuck <[REDACTED]>
Cc: Steve Rebuck <[REDACTED]>; Leonard Marcus <[REDACTED]>; John Becker <[REDACTED]>; Mike and Susy Kitahara <[REDACTED]>
Sent: Friday, March 29, 2024, 10:07:56 AM PDT
Subject: San Miguel Island, Abalone YouTube - Jeff Baldwin

[San Miguel Island Abalone November 2020](#)



San Miguel Island Abalone November 2020



Tracking Number: (2024-03)

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:

Organization Requesting Change: People for the Ethical Treatment of Animals

Contact Person: Mary Maerz, PETA Foundation

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:

California Fish and Game Code §§ 200(a), 203(c), 203(d)

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

PETA urges the Commission to take the following actions:

1. Enact additional regulations that would prohibit local governments from contracting with private trappers to trap coyotes on public land.
2. Amend existing regulations to prohibit the use of carbon dioxide as a killing method for coyotes.



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

A more detailed rationale is included in the attached document.

PETA urges the Commission to enact regulations that prohibit local governments from contracting with private trappers to trap coyotes on public land. Research has continuously demonstrated that these trap-and-kill programs are ineffective, a waste of resources, and threaten the health of urban ecosystems. Moreover, the cities' particular programs do not, even in theory, address the public safety concerns they cite as reasons for implementing these programs, and California law already provides solutions for managing "harmful" coyotes. Specifically, the lethal removal programs are inconsistent with other state statutes and regulations, which give authority to the state entities with expertise to address harmful coyotes and do not support the propriety of local government's use of a private trapper to indiscriminately trap coyotes on public land.

Second, PETA urges the Commission to amend its regulations to prohibit the use of carbon dioxide as a killing method for coyotes because it is incredibly inhumane for larger animal species, as California recognized when it outlawed its use for cats and dogs, the latter of which are nearly the same species as coyotes.

SECTION II: Optional Information

5. Date of Petition: April 1, 2024

6. Category of Proposed Change

Sport Fishing

Commercial Fishing

Hunting

Other, please specify: Trapping and killing of nongame mammals for purposes other than fur or recreation.

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): 14 C.C.R. § 465.5(g)(1)

Add New Title 14 Section(s): 14 C.C.R §§ 472(a)(1), 475(d)(1)

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:

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:

Please see the attached document, a more detailed petition that includes data, reports, and other documents.



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: | April 2, 2024 |

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

**Petition
Before the California Fish and Game Commission**

April 1, 2024

**Requesting Rulemaking to Add Regulations Prohibiting Local Governments from
Employing Private Trappers to Trap and Kill Coyotes on Public Land and to Amend
Regulations to Prohibit the Use of Carbon Dioxide as a Killing Method for Coyotes**

Submitted by People for the Ethical Treatment of Animals

Mary Maerz, Counsel, PETA Foundation
(417) 619-4829
MaryM@petaf.org

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I. Introduction

People for the Ethical Treatment of Animals (PETA) submits this petition pursuant to the California Administrative Procedure Act, Cal. Gov't Code § 11340 et seq., requesting that the California Fish and Game Commission (“Commission”) commence rulemaking proceedings to (1) add new regulations to prohibit local governments from contracting with private trappers to trap and kill coyotes on public land, and (2) amend existing regulations to prohibit the use of carbon dioxide as a killing method for coyotes.

The California legislature delegated to the Commission “the power to regulate the taking or possession of birds, mammals, fish, amphibians, and reptiles.” Cal. Fish & G. Code § 200(a). The Commission has the authority to “[p]rescribe the manner and means of taking” mammals, *id.* § 203(d), and “[e]stablish and change areas of territorial limits for their taking,” *id.* § 203(c). “When adopting regulations pursuant to Section 203, the commission shall consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony.” *Id.* § 203.1.

Native to southern California, evidence suggests that coyotes (*Canis latrans*) have existed in the area well before European colonization.¹ They have become established in urban environments.² and in southern California, coyote occurrence has increased with both proximity and intensity of urbanization.³ They play a vital role in maintaining healthy and viable ecosystems, as they directly or indirectly help to control disease transmission, keep rodent populations in check, consume animal carcasses, remove sick animals from the gene pool, and protect crops.⁴ Unexploited coyote populations can also contribute to ecosystem health through trophic cascade effects, such as indirectly protecting ground-nesting birds from smaller carnivores and increasing the biological diversity of plant and wildlife communities.⁵ State wildlife management agencies across the country, including the California Department of Fish and Wildlife (CDFW), recognize the benefits that coyotes provide to ecosystems.⁶

¹ James W. Hody & Roland Kays, *Mapping the expansion of coyotes (Canis latrans) across North and Central America*, 759 *Zookeys* 81, 81-97 (2018).

² Sharon A Poessel et al., *Environmental factors influencing the occurrence of coyotes and conflicts in urban areas*, 157 *Landscape and Urban Planning* 259-69 (Jan. 2017).

³ *Human-Wildlife Conflicts: Coyotes*, California Department of Fish and Wildlife, <https://wildlife.ca.gov/HWC/Coyotes> (citing Ordenana et al., *Effects of urbanization on carnivore species distribution and richness*, 91(6) *Journal of Mammalogy* 1322-31 (Dec. 2010)).

⁴ *Why Killing Coyotes Doesn't Work*, Project Coyote, https://projectcoyote.org/wp-content/uploads/2020/08/PC_SAB_Coyote-Facts_FINAL_2020_08.pdf.

⁵ S. E. Henke and F. C. Bryant, *Effects of Coyote Removal on the Faunal Community in Western Texas*, *Journal of Wildlife Management* 63, no. 4 (1999); K. R. Crooks and M. E. Soule, *Mesopredator Release and Avifaunal Extinctions in a Fragmented System*, *Nature* 400, no. 6744 (1999); E. T. Mezquida, S. J. Slater, and C. W. Benkman, *Sage-Grouse and Indirect Interactions: Potential Implications of Coyote Control on Sage-Grouse Populations*, *Condor* 108, no. 4 (2006); N. M. Waser et al., *Coyotes, Deer, and Wildflowers: Diverse Evidence Points to a Trophic Cascade*, *Naturwissenschaften* 101, no. 5 (2014).

⁶ See, e.g., *Human-Wildlife Conflicts: Coyotes*, *supra* note 3 (“Coyotes provide many ecosystem benefits, such as controlling rodent and other small mammal populations. They will consume nearly anything, including rodents, rabbits, birds and eggs, reptiles, fruits, and plants, as well as pet food, human food, and trash.”).

Although the majority of urban coyotes tend to utilize the landscape in ways that avoid humans, some coyotes may become involved in coyote-human conflicts.⁷ It is well-established that a program combining education and hazing practices is the best practice for handling and preventing conflicts with coyotes.⁸ CDFW endorses this research-backed approach, and has created guidelines and recommendations for California cities to address coyote presence and incidents.⁹

Many southern California cities—as well as cities throughout the U.S.—have created coyote management plans reflecting this best practice to address coyote presence in the localities and mitigate human-coyote conflicts with successful outcomes.¹⁰ However, defying accepted research and the recommendation of experts, some southern California cities, including Torrance, Anaheim, and Rancho Palos Verdes, currently operate lethal removal programs (also referred to as “trap-and-kill programs”), which are widely considered to be ineffective for controlling coyote populations or mitigating coyote-human conflicts.¹¹ In each of these three cities, the lethal removal programs involve the localities contracting with a private trapper to place indiscriminate snare traps on public land with the intent to capture and kill coyotes. All of these cities contract with the same trapping service, Coyote, Wildlife, and Pest Solutions, Inc. (CWPS), for which employee Jimmie Rizzo is the sole trapper.¹² Rizzo exclusively uses dangerous snare traps, frequently in close proximity to residents’ homes,¹³ and—if the snares do not slowly strangle trapped coyotes to death—he cruelly kills them using a mobile carbon dioxide gas chamber.¹⁴

These cities created trap-and-kill programs in apparent response to public pressure related primarily to some citizens’ perceived increase in coyote sightings¹⁵ and, frequently, the general

⁷ Poessel et al., *supra* note 2.

⁸ *Take Action: Coexisting With Coyotes*, National Park Service, <https://www.nps.gov/samo/learn/management/support-coyotes.htm>.

⁹ See *Wildlife Watch*, California Department of Fish and Wildlife, <https://wildlife.ca.gov/wildlife-watch>.

¹⁰ See Alexander Heeren et al., *Coyote Management Plans and Wildlife Watch: implications for community coaching approach to public outreach in southern California*, 107(3) *California Fish and Wildlife* 278-283 (2021).

¹¹ *Living with Wildlife*, Washington Department of Fish and Wildlife, <http://wdfw.wa.gov/living/coyotes.html>; R. Crabtree and J. Sheldon, *Coyotes and Canid Coexistence in Yellowstone, in Carnivores in Ecosystems: The Yellowstone Experience*, ed. T. Clark et al. (New Haven [Conn.]: Yale University Press, 1999); F. F. Knowlton, E. M. Gese, and M. M. Jaeger, *Coyote Depredation Control: An Interface between Biology and Management*, *Journal of Range Management* 52, no. 5 (1999); J. M. Goodrich and S. W. Buskirk, *Control of Abundant Native Vertebrates for Conservation of Endangered Species*, *Conservation Biology* 9, no. 6 (1995); F.F. Knowlton, *Preliminary interpretations of coyote population mechanics with some management implications*, *J. Wildlife Management* 36:369-382; S.D. Gehrt, *Chicago Coyotes part II*, *Wildlife Control Technologies* 11(4):20-21, 38-9, 42 (2004).

¹² Ex. 1, Current contract between Torrance and CWPS; Ex. 2, Current contract between Anaheim and CWPS, Ex. 3, Current contract between Rancho Palos Verdes and CWPS.

¹³ As of the time of submission of this petition, trapper Jimmie Rizzo is apparently under investigation for the possible violation of 14 C.C.R. § 465.5(g)(3) in Torrance, which prohibits the placement of traps within 150 yards of a residence without written permission. PETA submitted a complaint to CDFW on Feb. 14, 2024, detailing how Rizzo self-reported placing traps within 150 yards of dozens of residences on multiple occasions, with no evidence that he or the City of Torrance obtained written permission from residents. Ex. 4.

¹⁴ Ex. 5, Declaration of Matt Duncan.

¹⁵ An increase in coyote sightings is not correlated to an increase in the number of coyotes in an area. See, e.g., Annette Giachino, *DNR: More coyote sightings in populated areas does not mean population increase*, *Upper Michigan’s Source* (Sep. 9, 2022), <https://www.uppermichiganssource.com/2022/09/08/dnr-more-coyote-sightings-populated-areas-does-not-mean-population-increase/>.

fear of possible coyote incidents.¹⁶ A smaller number of concerns related to companion animal fatalities, which generally were reported to take place on private property.¹⁷ Other southern California cities have attempted to operate similar lethal removal programs in the past, but ultimately ended the programs.¹⁸ Recently, the Pasadena City Council rejected a proposal to enact a trap-and-kill program after, in part, studying Torrance’s program and determining it was ineffective.¹⁹

II. Request for Agency Action

As described in more detail below, the indiscriminate trap-and-kill programs implemented by some southern California cities, including Torrance, Anaheim, and Rancho Palos Verdes, are ineffective and do not address residents’ safety or mitigate human-coyote conflicts. It is well-established by research that such programs are ineffective, and instead present a danger to the environment and public. Allowing local governments to effectively delegate authority to engage in harmful and useless wildlife management practices to a private trapper—who operates for financial gain—is not only dangerous, but also inconsistent with existing California law which places the appropriate authority with State departments and agencies with the necessary expertise to safely manage harmful coyotes.

The cities’ use of a private trapper has resulted in the needless deaths and suffering of coyotes and other nontargeted species in the indiscriminate snare traps used. In particular, the cities’ private trapper cruelly kills trapped coyotes in a mobile carbon dioxide gas chamber. Scientists recognize that killing by gas chamber is not humane and cannot be considered “euthanasia” in these circumstances. The practice is apparently inconsistent with both Commission regulations and California statutes that recognize the State’s interest in humanely killing trapped animals and preventing the cruel use of carbon dioxide gas chambers.

Accordingly, PETA urges the Commission to take the following actions:

1. Enact additional regulations that would prohibit local governments from contracting with private trappers to trap coyotes on public land.
2. Amend existing regulations to prohibit the use of carbon dioxide as a killing method for coyotes.

¹⁶ See, e.g., Ex. 6, Supplemental Material to Council Agenda Item #9C, Torrance City Council Meeting (Nov. 27, 2018).

¹⁷ *Id.*

¹⁸ See *Victory! Calabasas, CA Votes to End Coyote Trapping*, Project Coyote (Oct. 13, 2011), <https://projectcoyote.org/victory-calabasas-ca-votes-to-end-coyote-trapping/>; Christopher Yee, *Arcadia rescinds decision to trap, kill coyotes*, Pasadena Star News (Apr. 7, 2021), <https://www.pasadenastarnews.com/2017/04/07/arcadia-rescinds-decision-to-trap-kill-coyotes/>.

¹⁹ Keither Calayag, *City Council Approves Non-Lethal Solutions to Address Coyote Concerns in Pasadena*, Pasadena Now (Jul. 18, 2023), <https://www.pasadenastarnews.com/2017/04/07/arcadia-rescinds-decision-to-trap-kill-coyotes/>.

III. Description of Petitioner

PETA entities have more than 9 million members and supporters globally, and PETA U.S. is the largest animal rights organization in the world. PETA operates, in part, to promote and further the principle that animals are not ours to abuse in any way. Since its inception in 1980, it has championed ending the mistreatment of animals, including with respect to the trapping and killing of coyotes and other wildlife.

IV. Arguments in Support of Requested Actions

A. The Commission Should Implement New Regulations That Prohibit Local Governments from Contracting with Private Trappers to Trap Coyotes on Public Land

PETA urges the Commission to enact regulations that prohibit local governments from contracting with private trappers to trap coyotes on public land for several reasons, as discussed in more detail below. First, research has continuously demonstrated that these trap-and-kill programs are ineffective, a waste of resources, and threaten the health of urban ecosystems. Moreover, the cities' particular programs do not, even in theory, address the public safety concerns they cite as reasons for implementing these programs, and California law already provides solutions for managing "harmful" coyotes and aggressive coyote incidents. Specifically, the lethal removal programs are inconsistent with other state statutes and regulations, which give authority to the state entities with expertise to address harmful coyotes and do not support the propriety of local government's use of a private trapper to indiscriminately trap coyotes on public land.

i. Southern California Cities' Use of Private Trappers to Indiscriminately Trap and Kill Coyotes is Demonstrably Ineffective, a Waste of Taxpayer Money, and Threatens Urban Ecosystems

The best available, peer-reviewed science shows that indiscriminately killing coyotes is counterproductive and a threat to healthy ecosystems.²⁰ There is no credible evidence that indiscriminate killing of coyotes effectively serves any beneficial wildlife management purpose. The cities that implemented trap-and-kill programs are aware of this information. For example, as of the time of submission of this petition, the City of Rancho Palos Verdes' coyote management webpage²¹ provides a document entitled "Solutions for Coyote Conflicts: Why Killing Does Not Solve Conflicts With Coyotes," which outlines why lethal removal is not an effective solution to managing coyote populations or incidents.²² The only Coyote Management Plan available on the city's website, which appears to have been updated prior to the city's

²⁰ See, e.g., *Why Killing Coyotes Doesn't Work*, Project Coyote, *supra* note 4.

²¹ *Coyote Management Plan*, City of Rancho Palos Verdes, <https://www.rpvca.gov/1113/Coyote-Management-Plan>.

²² *Solutions for Coyote Conflicts: Why Killing Does Not Solve Conflicts with Coyotes*, The Humane Society of the United States, <https://www.rpvca.gov/DocumentCenter/View/12084/Solutions-for-Coyote-Conflicts-Why-Killing-does-Not-Solve-Conflicts-with-Coyotes-PDF?bidId=>.

decision to contract with a private trapper, clearly recognizes that trapping is generally ineffective and that only a targeted approach should be considered on a case-by-case basis:

The City has entered into a contract with the County of Los Angeles to provide trapping services in the City only when it has been determined by the City that an “aggressive” coyote exists. **As it is well known that trapping and the resulting euthanization of a coyote is not as effective as other methods of hazing contact with coyotes as discussed within this Management Plan**, the City shall be the one to determine, based on field observations and assessing the incident, if a case needs to be brought to the County’s attention or simply additional education instruction is needed.²³

Despite the fact that these local governments know that trap-and-kill programs are unsupported by science and have shown time and again to be ineffective, the cities have apparently chosen to take a reactionary and performative approach to public concern in implementing and maintaining lethal removal programs that have not demonstrated any positive outcomes.

Not only is this a waste of hundreds of thousands of taxpayer dollars, but allowing a private person, with apparently little to no oversight, to set snare traps on public land within dense cities is dangerous to healthy urban ecosystems, other wildlife, the public, and companion animals—all in blatant disregard of science- and State-supported coyote management principles. The State of California and the Commission have a substantial interest in safely and effectively regulating coyote management, and it should not allow local governments to harmfully circumvent proper practices in conflict with the State’s authority.

1. Lethal Removal Programs Are Ineffective

Lethal removal programs that indiscriminately trap and kill coyotes, such as those employed by some southern California cities, have consistently proven to be ineffective at controlling coyote populations or mitigating human-coyote conflicts. Findings from the longest-term study of urban coyote ecology to date show that the void created by the removal of non-problem coyotes may actually be filled by loner coyotes who are less wary of humans, thus potentially increasing conflict.²⁴ Moreover, research suggests that to suppress a coyote population over the long-term, more than 70% of the coyotes would need to be removed annually.²⁵ Aside from the ethical concerns such intense control efforts raise,²⁶ such practices are effective over the long-term since

²³ *Coyote Management Plan*, City of Ranchos Palos Verdes, https://www.rpvca.gov/DocumentCenter/View/12546/Revised-coyote-management-plan-AM-9-25-18-edits_2. (emphasis added).

²⁴ S.D. Gehrt, *Chicago Coyotes part II*, 11(4): Wildlife Control Technologies 20-42 (2004); C. H. Fox, 2006. *Coyotes and humans: can we coexist?* Pp. 287-293 in: R.M. Timm and J. H. O’Brien (eds.), Proceedings, 22nd Vertebrate Pest Conference. Publ. Univ. Calif.-Davis (2006).

²⁵ G.E. Connolly and W.M. Longhurst, *The Effects of Control on Coyote Populations*, *Bulletin of the Division of Agricultural Sciences*, University of California, Berkeley, 1-37 (1975).

²⁶ C.H. Fox, *Taxpayers say no to killing predators*, *Animal Issues* 31:27 (2001); M.W. Fox, *Bringing Life to Ethics: Global Bioethics for a Humane Society*. State University of New York Press, Albany, NY (2001); C.H. Fox and C.M. Papouchis, *Coyotes in our Midst: Coexisting with an Adaptable and Resilient Carnivore*, Animal Protection Institute, Sacramento, CA (2005).

lethal removal may stimulate improved reproductive success and pup survival in the remaining coyote population, thus compensating for the human-caused mortality.²⁷ In other words, the current coyote removal program is effectively counterproductive to what the applicable cities are attempting to accomplish.

It is well-established that in the absence of conflict, coyotes should not be removed.²⁸ Scientists have also stressed the importance of suspending lethal removal programs that are not supported by research or data, such as the southern California cities' trap-and-kill programs.²⁹ The extensive research demonstrating the ineffectiveness of such programs underscores the importance of determining and addressing the ultimate causes of human-coyote problems (e.g., feeding and food supply) and the potential negative repercussions of indiscriminate removal.³⁰ Studies note that public education should be a prominent component of any urban coyote management plan.³¹ Research consistently supports the use of nonlethal control methods to effectively manage coyote incidents.³² Best practice coyote management practices, which are comprised of primarily nonlethal methods, form the basis of countless cities' effective coyote management plans.³³ To the extent lethal removal is considered appropriate, only selective, targeted trapping of known aggressive or dangerous coyotes is recommended.³⁴

In the absence of private trappers, cities like Torrance, Anaheim, and Rancho Palos Verdes have numerous strategies to increase public safety and mitigate human-animal conflicts. In fact, each of these cities already created and implemented effective coyote management plans that include science-backed and recommended practices prior to implementing useless and dangerous trap-and-kill programs. Therefore, prohibiting cities from contracting with private trappers does not meaningfully limit their ability to effectively manage human-coyote conflicts. The three cities referenced throughout this petition—Torrance, Anaheim, and Rancho Palos Verdes—all currently contract with the same private trapping company, CWPS, and its sole trapper, Jimmie Rizzo.³⁵ In each location, CWPS is hired to conduct indiscriminate trapping activities³⁶ in a substantially similar manner. The contracts generally provide:

²⁷ Connolly and Longhurst, *supra* note 25; G.E. Connolly, *Predator control and coyote populations: a review of simulation models*, pp. 327-345 (Ch. 14) in: M. Bekoff (Ed.), *Coyotes: Biology, Behavior, and Management*, Academic Press, New York, NY (1978); R.P. Davison, *The effect of exploitation on some parameters of coyote populations*, Ph.D. dissert., Utah State University, Logan, UT (1980).

²⁸ Gerht, *supra* note 24.

²⁹ Adrian Treves et al., *Predator control should not be a shot in the dark*, 14(7) *Frontiers in Ecology and the Environment* 380-88 (2016).

³⁰ Gerht, *supra* note 24.

³¹ *Id.*

³² *See* Treves et al., *supra* note 29.

³³ Model coyote management plans include nonlethal control methods including reducing coyote attractants in urban areas, public education and outreach, and hazing. Lethal control is limited to specific, targeted removal of dangerous coyotes. *See A Template Coyote Management & Coexistence Plan*, The Humane Society of the United States, <https://pasadenahumane.org/wp-content/uploads/2020/07/HSUS-Template-Coyote-Management-Plan-Resize.pdf>.

³⁴ *See id.*

³⁵ Ex. 1 – 3.

³⁶ At least one city has argued that its trap-and-kill program is not indiscriminate. *See* Ex. 7, Letter from City of Rancho Palos Verdes City Attorney (Sep. 21, 2021). As detailed in this section, the trapping activities involved in the city's lethal removal program are not designed to target specific coyotes, but rather to capture any animal that gets

A. Consultant will use snares as traps in locations the City deems as priority. To this end, the traps will be placed in strategic locations according to noted activity and in response to notification and complaints by the public, and will remain in place for 10 days. Typical duration for a specific site is 10 days. This is based on the typical cycle of the coyote's territorial hunting cycle. At certain times of the year this cycle may vary and Consultant may adjust accordingly. Should a specific area need more attention, Consultant will adjust the timetable to achieve the desired results. All traps will be checked a minimum of once daily and captured animals will be removed. Consultant will use equipment to capture specific species. Although non-targeted animals are occasionally caught, it is extremely rare. Any non-targeted animals will be released on site. Traps are disabled every Friday and reset on Monday morning.

B. Consultant's use of the number of traps placed, will be based on availability of space, visibility from the public, and activity level of the target animals and Consultant's professional judgement of how many it needs to achieve the desired results.

...

D. Per California law, all trapped coyotes must be euthanized on-site humanely or released on the spot. All coyotes trapped will be considered target animals and the Consultant will euthanize them.

In Anaheim and Rancho Palos Verdes, Rizzo sets indiscriminate snare traps in various locations on public land,³⁷ leaves them there to capture any animal that stumbles into them from Monday through Friday, disables them on the weekend, and then sets them again for the subsequent Monday through Friday. According to Anaheim's contracts with CWPS, Rizzo is actively trapping animals for up to 40 weeks of the year.³⁸ In Rancho Palos Verdes, the contracts provide for active trapping every week of the year.³⁹ Torrance's trap-and-kill program is the most prolific, currently contracting for year-round trapping, including on weekends.⁴⁰

While the cities cite an interest in removing dangerous or aggressive coyotes, the trap-and-kill programs are not designed to do so. Companion animal fatalities, which are the most prominent public safety concern, generally occur on private property, and only selective, targeted trapping may be a potentially effective approach to removing the applicable aggressive coyotes. However, counterintuitively, the cities' lethal removal programs involve paying a private trapper to leave

caught in snares left out for days at a time apparently year-round. Moreover, in response to a public records request, Rancho Palos Verdes apparently had no documentation of any kind concerning the number of coyotes trapped and killed by its contractor or any other records related to the trapper's activities, demonstrating that the city has no role in determining how traps are used and which coyotes are trapped and killed.

³⁷ In response to public records requests asking for records of where traps are placed, no documentation has produced that would indicate that private trappers have ever placed traps on private property with permission from the property owner.

³⁸ Excluding weekends. Ex. 2, Anaheim Master Agreement Purchase Order to CWPS.

³⁹ Excluding weekends. Ex. 3 at "Exhibit C" of Rancho Palos Verdes Contract with CWPS.

⁴⁰ Ex. 8, Torrance City Council Staff Report at 1-2 (Sep. 26, 2023).

various snare traps open on public land, generally unmonitored,⁴¹ for days at a time. There is no apparent directive or ability for CWPS, under its own approach, to target specific, dangerous coyotes. The trap-and-kill programs are, therefore, designed to capture and kill random coyotes regardless of whether those coyotes have been aggressive, and known-to-be-dangerous coyotes almost certainly continue to roam the cities.

This is additionally concerning given the already indiscriminate nature of neck snares,⁴² which is the only type of trap Rizzo uses. It is widely acknowledged that neck snares result in non-target animals being caught in traps and killed.⁴³ Some species of wildlife, such as raptors, deer, and foxes, may be particularly vulnerable.⁴⁴ Domestic animals are no exception and there are innumerable media reports documenting the unintentional deaths of cats and dogs in wire cable snares.⁴⁵ Neck snares may similarly pose a risk to humans, and in particular small children, who may happen to stumble upon a set trap. All of these risks raise legitimate reservations about the use of snares on public land in densely populated cities. Moreover, despite the fact that the contracts with CWPS state that coyotes shall be euthanized, Rizzo uses a mobile carbon dioxide gas chamber located in the back of a truck to brutally kill any and all coyotes that are caught in the snare traps.⁴⁶

These appalling trap-and-kill programs are operated, according to the contracts with CWPS, in part based on Rizzo's "professional judgment."⁴⁷ As detailed above, any person or entity with knowledge of coyote management research would not approve of indiscriminate trapping. It would, therefore, appear that this professional judgment is in stark contrast to the expert judgment of the Commission, CDFW, the California Department of Agriculture, and other scientists. Additional regulations are needed to prevent cities from causing harm by dangerously giving authority to engage in larger-scale wildlife management practices to a private trapper who apparently does not follow the scientifically-supported approach to managing coyote populations or incidents, and operates with seemingly little to no city oversight⁴⁸ for financial gain.

Unsurprisingly, the only available data concerning the effectiveness of the cities' trap-and-kill programs shows that they have not produced any positive results. In response to public records

⁴¹ While trappers are required by law to check on traps, at minimum, daily, Cal. Fish & Game Code § 4152(b), no city, in response to public records requests, has produced any documentation or records related to any assurance that Rizzo does so or that the cities monitor his daily activities to the detail. Even if the traps are checked daily, they are not used or monitored in a way that can target specific, harmful coyotes.

⁴² Neck snares are also inhumane. Fox and Papouchis, *supra* note 26 at 16 ("Neck snares...consist of a light wire cable looped through a locking device and are designed to tighten as the animal struggles. While small victims may become unconscious from strangulation in five to ten minutes, larger animals may suffer for hours or days. Trappers use the term 'jellyhead' to refer to a neck-snared animal whose head and neck are swollen with thick, bloody lymph fluid...Trapped animals are subject to dehydration, exposure to weather, and predation by other animals. Young may be orphaned as well if adults are trapped and killed.").

⁴³ The language of the cities' contracts with CWPS states that it is "extremely rare" that non-target wildlife is caught in snare traps, which is not supported by any evidence.

⁴⁴ Fox and Papouchis, *supra* note 26.

⁴⁵ Christina Russo, *Entire Family of Dogs Killed In Less Than One Week*, The Dodo (Mar. 25, 2015), <https://www.thedodo.com/wyoming-trapping-laws-1058977987.html>.

⁴⁶ Ex. 5.

⁴⁷ Ex. 1 – 3.

⁴⁸ See discussion below in section III(A)(iv).

requests, only Torrance produced any documentation of data collected beyond the sheer number of coyotes trapped and killed.⁴⁹ Since entering into the contract with CWPS in 2019, Torrance’s lethal removal program has killed at least 83 coyotes.⁵⁰ The only potentially meaningful data indicate that companion animal fatalities overall have not decreased since trapping began.⁵¹

In short, the trapping programs run by these southern California cities are exactly what scientists have warned against—the dangerous arbitrary removal of coyotes from the ecosystem with no scientific support for mitigating human-coyote conflicts.

2. Cities’ Costly Use of a Private Trapper to Indiscriminately Trap Coyotes Has Wasted Hundreds of Thousands of Dollars of Taxpayer Money

Not only are trap-and-kill programs ineffective and result in the needless suffering and death of any animal—coyote or otherwise—that happens upon the snare traps placed on public land throughout dense California cities, the efforts are incredibly costly. In the past five years alone, cities have paid up to hundreds of thousands of dollars to the private trapping service, CWPS, to operate the lethal removal programs. Specifically, since 2019, Torrance and Anaheim have contracted to pay CWPS up to \$213,600 and \$107,400 respectively.⁵² Rancho Palos Verdes has contracted to pay CWPS up to \$180,000 since 2021.⁵³ While Rancho Palos Verdes was unable to produce *any* records concerning the number of coyotes killed by CWPS within its boundaries, the apparent cost per single trapped coyote in Torrance and Anaheim is approximately \$2,573 and \$3,069, respectively.⁵⁴

As discussed above, there is no evidence that any of these three cities’ specific trap-and-kill programs have increased public safety, decreased the number of companion animal fatalities, or otherwise mitigated human-coyote conflicts. Still, each continues to renew costly contracts with a private trapper, presumably with the intent to appease public concern and criticism. Yet it appears as though local governments have not been entirely transparent with residents as to the operations and outcomes of the lethal removal programs,⁵⁵ and the use of taxpayer dollars to

⁴⁹ According to documents provided by Anaheim, the city’s program has trapped and killed 35 coyotes between 2019 and August 2023. Ex. 9, Anaheim Trapped Coyote Numbers. Rancho Palos Verdes apparently has no documentation of the number of coyotes killed by its trap-and-kill program.

⁵⁰ Ex. 10, Torrance Coyote Lethal Removal Data (Sep. 26, 2023).

⁵¹ *Id.* The data collected and presented by Torrance is not particularly useful in determining the results of the lethal removal program, as it otherwise only tracks coyote incidents, regardless of whether the “incident” was a sighting or dangerous encounter. Sightings are generally not considered “incidents,” as they are expected in urban areas where coyotes are native and present no danger to the public. Torrance also utilizes proven nonlethal methods as part of its CMP, which, as discussed, data suggests are the true factors influencing mitigating human-coyote conflicts.

⁵² Ex. 2, 8.

⁵³ Ex. 11, Rancho Palos Verdes City Council Meeting Minutes (Sep. 5, 2023).

⁵⁴ Calculated based on the contracted payment amounts to CWPS divided by the known number of coyotes trapped and killed since CWPS began trapping for the cities. Notably, the data on the number of coyotes killed in Torrance and Anaheim is incomplete, and the numbers are only recorded through August 2023 for both cities.

⁵⁵ Torrance, for its part, has collected some data and formally addresses the lethal removal program frequently at city council meetings, though the data is extremely limited and there is no apparent assessment as to the efficacy of the program. The Anaheim City Council has apparently not discussed or brought the issue of coyote management to residents since it was enacted in November 2019, and the only available data is limited to the number of coyotes

fund the barbaric use of gas chambers to kill coyotes by CWPS trapper Jimmie Rizzo has also apparently not been made public to residents of any of these cities despite known public opposition to the method.⁵⁶

Indiscriminate trap-and-kill programs are demonstrably a waste of time and resources. Even if created with good intentions, local governments, particularly municipalities, clearly lack the expertise to implement lethal removal programs that use private trappers instead of or in addition to the guidance and services available via the state departments and agencies with the requisite expertise. As discussed throughout this petition, these programs pose a threat to wildlife and communities, and the Commission should use its authority to prohibit local governments from contravening the proper management of wildlife and knowingly wasting public funds to do so.

3. Trap-and-Kill Programs Threaten Healthy Ecosystems

Not only are indiscriminate lethal removal programs cruel, ineffective, and a waste of resources, but they are also destructive to the environment. Coyotes play a vital role in maintaining healthy and viable ecosystems in urbanized environments. Their crucial function as top predator aids in directly regulating the abundance of small rodents and indirectly increasing the diversity of songbird species.⁵⁷ Likewise, as opportunistic carnivores and scavengers, coyotes help reduce rabbit and insect populations⁵⁸ and actively feed upon carrion of large wild animals.⁵⁹ As a consequence of coyote trapping and death, coyotes reproduce at faster rates resulting in doubling or tripling of the number of pups who all need to be fed.⁶⁰ This leads to larger animals, such as deer, becoming prey rather than the usual rodents and rabbits, further disrupting the ecosystem. Additionally, through preying on rodents and other animals, coyotes help control disease transmission by reducing the spread of diseases such as plague, hantavirus, and Lyme disease.

Through their highly adaptable nature, coyotes impact various portions of a community's food web and their importance in such ecological systems cannot be overstated. By arbitrarily removing coyotes from the environment, California localities may be setting off a cascade of negative environmental consequences, which the Commission and CDFW have a substantial interest in preventing.

ii. Local Governments' Employment of Private Trappers to Trap Coyotes on Public Land Is Inconsistent with California Law

Existing California statutes and regulations do not support the propriety of local governments contracting with private trappers to indiscriminately trap coyotes on public land. The mosaic of

killed rather than any broader community outcomes. Rancho Palos Verdes has no records of any data, including the number of coyotes trapped and killed, yet the city continues to increase the amount of trapping CWPS and Rizzo may conduct within the city.

⁵⁶ Discussed below in section III(B).

⁵⁷ Crooks & Soulé, *supra* note 5.

⁵⁸ J.M. Fedriani et al., *Does availability of anthropogenic food enhance densities of omnivorous mammals? An example with Coyotes in southern California*, 24 *Ecography* 325-331 (2001).

⁵⁹ R.M. Timm and R.O. Baker, *A History of Urban Coyote Problems*, Proceedings of the 12th Wildlife Damage Management Conference (D.L. Nolte, W.M. Arjo, D.H. Stalman, Eds) (2007).

⁶⁰ See R.P. Davison, *supra*, note 27.

laws indicates the State’s intent to vest the primary authority to address the management of “harmful” coyotes to the Commission, CDFW, and the California Department of Agriculture (CDOA). This authority should remain with these State entities, as opposed to local governments, because they possess the necessary knowledge and expertise concerning coyote and wildlife management.

Not only do local governments lack the expertise or resources to undertake larger-scale coyote management practices, let alone ineffective and indiscriminate lethal removal programs, but the southern California cities with these programs apparently effectively delegate all authority to a private trapper who operates for financial gain. As demonstrated, this has resulted in useless, wasteful, and dangerous trap-and-kill programs that cause the suffering and deaths of nonharmful coyotes and other nontargeted animals. These activities do not mitigate human-coyote conflicts but rather likely decrease public and ecosystem safety.

Considering the California legislature’s clear delegation to the Commission, CDFW, and CDOA the authority to manage coyotes on public land, and the intent that only “harmful” coyotes warrant lethal control, additional regulations are required to prevent local governments from interfering with or contravening the safe, effective wildlife management practices of expert entities.

1. Statutes Grant Authority to CDFW and CDOA to Manage Harmful Coyotes on Public Land

Several statutes indicate the California legislature’s and the Commission’s intent to give CDFW and CDOA the primary authority to control “harmful” coyotes on public land.

California Food and Agricultural Code section 11281 grants the CDOA the discretionary authority to manage “coyotes that are found to be causing damage on public or private land,” including by contracting with the Commission:

If any coyotes are found to exist on land which is owned by the state, other than lands subject to the control of the Department of Parks and Recreation and other than ecological reserves established pursuant to Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code and the coyotes are found to be causing damage on public or private land, the director may control, may employ persons pursuant to Article 1 (commencing with Section 11221) to control, or may contract with the [Fish & Game] commissioner to control, the coyotes which are determined to be the cause of the damage.

The statutory scheme also provides that CDOA may employ hunters and trappers to control harmful coyotes. Section 11221 states:

The [CDOA] director may employ hunters and trappers throughout the state to control or eradicate coyotes and other harmful predatory animals and to shoot or trap bears which are damaging livestock, agricultural crops, or standing timber.

Additionally, CDFW has the authority to control harmful nongame mammals⁶¹ and cooperate with other state and federal agencies to do so. California Fish and Game Code section 4153 provides:

- (a) The department may enter into cooperative agreements with any agency of the state or the United States for the purpose of controlling harmful nongame mammals;
- (b) The department may take any mammal that, in its opinion, is unduly preying upon any bird, mammal, or fish.

The sum of the relevant statutes vests the authority to manage harmful coyotes to CDOA, CDFW, and the Commission—the entities with the necessary expertise and resources to engage in wildlife management activities—including by contracting with private trappers if deemed necessary. Accordingly, municipalities’ contracting with private trappers to indiscriminately trap coyotes is inconsistent with statutory authority, unnecessary and ineffective in addressing harmful coyotes, and dangerously gives authority to private trappers—who operate in stark contrast to the scientifically proven and State-recognized best practices for mitigating human-coyote conflicts—to operate their own harmful and ineffective operations for financial gain. This practice is harmful to animals, the environment, and the public, and the Commission should enact additional regulations to protect the State and agency’s expert ability to safely and effectively manage harmful coyotes.

Furthermore, the cities’ lethal removal programs, which consist of contracting with a private trapper to place traps on public land within densely populated areas are inconsistent with California Code of Regulations title 14 section 465.5(g)(3), which states:

Traps may not be set within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps.

Within the boundaries of large cities, the number of places that do not implicate section 465.5(g)(3) is extremely limited. Not only does this contribute to the indiscriminate nature of the trap-and-kill programs (i.e., traps are placed based on the availability of land, rather than to target specific coyotes), but it suggests that the Commission’s regulatory scheme does not contemplate such activities within municipalities.

The placement of snares on public land, as is done by the cities’ private trapper, creates a high risk of violations of section 465.5(g)(3) given the dense population and number of residences within these southern California cities. In fact, there is evidence that Rizzo has possibly violated section 465.5(g)(3) on multiple occasions,⁶² underscoring the conflict between the trap-and-kill programs and the Commission regulations as well as the dangers of cities effectively allowing a

⁶¹ Coyotes are classified as “nongame mammals.” Cal. Fish & Game Code §§ 4150, 3950, 4000.

⁶² See, *supra*, note 13.

private trapper free reign to engage in trapping activities with apparently little to no oversight to ensure compliance with the law.

2. California Law Indicates an Intent to Only Manage “Harmful” Coyotes

The statutes above also indicate the State’s intention to only target “harmful” coyotes in controlling coyote populations. In addition to the plain language of the statutes cited above, California Fish and Game Code section 4152(a) states:

[N]ongame mammals...*that are found to be injuring growing crops or other property* may be taken at any time or in any manner in accordance with this code and regulations adopted pursuant to this code by the owner or tenant of the premises or employees and agents in immediate possession of written permission from the owner or tenant thereof. (Emphasis added.)

However, as discussed in detail above, trap-and-kill programs are not designed or able to target specific aggressive or known-to-be dangerous coyotes. There is no legal, scientific, or other basis to support the operation of these indiscriminate trapping activities. Given the dangers they present, it is imperative that the Commission act to protect wildlife and the public.

To the extent the cities represent their respective trap-and-kill programs as targeting harmful coyotes, this is, at best, misleading to their citizens. At worst, it is blatantly false and deceptive. In any event, it highlights municipalities’ lack of expertise to manage harmful or dangerous coyotes and the inconsistency between the programs and California law.

3. The Law Already Provides Solutions for Managing “Harmful” Coyotes on Private Land, Where Coyotes Present the Most Danger in Cities

The primary threat posed by coyotes in southern California cities is attacks on companion animals. These conflicts occur most frequently on private land, such as backyards. While there are simple, nonlethal measures people can employ to improve companion animal safety,⁶³ California law also provides for targeted, specific lethal removal of coyotes that cause harm or present a legitimate danger by the private resident and/or CDOA.

Residents can initiate action, including trapping and removal, to protect themselves and their property from coyote attacks. *See* 14 C.C.R. 472(a). They may also employ licensed private trappers to do so. Furthermore, California Fish and Game Code section 4152 gives CDFW and CDOA the authority and ability to manage animals that injure or may injure property:

⁶³ Known precautions and methods to keep companion animals safe include keeping trash off the ground and sealed in trash cans; not leaving pet food outside; keeping cats indoors, keeping dogs on leashes, and hazing techniques. *Keeping You and Your Pets Safe From Urban Coyotes*, California State University, Long Beach, <https://www.csulb.edu/biological-sciences/mammal-lab/keeping-you-and-your-pets-safe-urban-coyotes#:~:text=Keep%20trash%20off%20the%20ground,leash%2C%20even%20in%20your%20yard.>

[N]ongame mammals...that are found to be injuring growing crops or other property may be taken at any time or in any manner in accordance with this code and regulations adopted pursuant to this code by the owner or tenant of the premises or employees and agents in immediate possession of written permission from the owner or tenant thereof. They may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city officers or employees when acting in their official capacities pursuant to the Food and Agricultural Code pertaining to pests.

These provisions further demonstrate that municipalities' lethal removal programs are ineffectively and dangerously attempting to address a problem that already has effective solutions provided by law.

* * *

Southern California cities such as Torrance, Anaheim, and Rancho Palos Verdes have contracted with a private trapper to operate indiscriminate trap-and-kill programs that are proven to be ineffective. Yet the cities continue to spend hundreds of thousands of dollars on these programs that cause the suffering and death of random coyotes and other nontargeted animal species that do not mitigate human-coyote conflicts. These lethal removal programs additionally defy established scientific findings, ignore Commission and CDFW guidance, threaten urban ecosystems, and do not target—and likely do not remove—coyotes causing harm. The programs are inconsistent with California law that grants the Commission, CDFW, and CDOA the authority to manage harmful coyote populations and provide solutions to private property owners. Because these municipalities have effectively given private trappers the ability to engage in trapping activities based on their own subjective judgment, without regard to proper coyote management methods, municipal trap-and-kill programs create a substantial threat to the State's authority to manage harmful coyotes safely and productively.

In addition, research into the trap-and-kill programs of Torrance, Anaheim, and Rancho Palos Verdes exposed an alarming pattern, in which the contracted private trapper is effectively allowed to conduct dangerous snaring activities throughout densely populated cities with little to no oversight by the city or any other entity.⁶⁴ For example, Anaheim and Rancho Palos Verdes produced no records indicating that the cities had any knowledge of where snare traps are placed throughout the cities or Rizzo's day-to-day activities. Moreover, Rancho Palos Verdes had *no* records of how many coyotes had been trapped and killed by its contracted trapper, which is particularly disturbing given that the city continues to shovel taxpayer money into an operation that it seemingly knows nothing about. Given the known harms and proven ineffectiveness of the programs, it stands to reason that the only entity benefitting from these lethal removal programs is the trapper, CWPS. Yet the cities apparently allow what appears to be free reign to the trapper to place snares on public land without regard for how the trapping activities are actually

⁶⁴ Multiple public records requests to all three cities resulted in no records related to the daily activities of Rizzo or general operations of the trap-and-kill programs. Consequently, an unavoidable conclusion is that these cities have allowed CWPS and Rizzo authority to operate the program without meaningful oversight or accountability.

conducted, what materials are used, whether laws are being complied with, or the danger to the ecosystem and public.

For these reasons, PETA urges the Commission to enact additional regulations to prohibit local governments from subverting the expertise of State departments and agencies by contracting with private trappers to indiscriminately trap coyotes on public land.

B. The Department Should Amend Its Regulations to Prohibit the Use of Carbon Dioxide as a Killing Method for Coyotes

PETA urges the Commission to amend its regulations to prohibit the use of carbon dioxide as a killing method for coyotes because it is incredibly inhumane for larger animal species, as California recognized when it outlawed its use for cats and dogs, the latter of which are nearly the same species as coyotes.

This request stems, in part, from the use of mobile carbon dioxide gas chambers to kill coyotes by municipalities' contracted private trappers as part of their trap-and-kill programs. The practice of throwing coyotes into a gas chamber in the back of a truck⁶⁵—deceptively represented as vague “euthanasia” to the public—is barbaric and should not happen, let alone be effectively endorsed by California cities and paid for by citizens who oppose the practice.⁶⁶

i. The Use of Carbon Dioxide to Kill Coyotes Is Extremely Cruel and Cannot Be Considered “Humane” or “Euthanasia”

It is recognized in the scientific community and beyond that the use of carbon dioxide gas chambers is inhumane, and causes significant suffering, pain, and distress to larger animal species, which includes domesticated dogs and coyotes.

Carbon dioxide kills animals by asphyxiation, or, in other words, choking them to death. The use of gas for stunning and killing animals is considered to compromise welfare due to air hunger, anxiety, fear, and pain.⁶⁷ Evidence suggests that carbon dioxide causes pain and distress even at low concentrations.

⁶⁵ Ex. 5.

⁶⁶ The public opposes the cruel form of killing coyotes, particularly with respect to municipal trap-and-kill programs. See Donna Littlejohn, *Mix-Up in Torrance Coyote Trapping Program Leads to Gas Chamber Euthanasia*, Daily Breeze (Oct. 1, 2016, updated Sep. 6, 2017), <https://www.dailybreeze.com/2016/10/01/mix-up-in-torrance-coyote-trapping-program-leads-to-gas-chamber-euthanasia/>. As discussed below, no city at issue—Torrance, Anaheim, or Rancho Palos Verdes—has apparently publicized the use of gas chambers to kill coyotes as part of their lethal removal programs. In response to public records requests requesting any and all records concerning the use of carbon dioxide by Rizzo or other contractors, each city has produced zero responsive records. Assuming, for the sake of argument, that public records laws were complied with, this would indicate that the cities have no knowledge of how their hired trapper carries out killing coyotes within city boundaries, which is unacceptable given the immense suffering caused to coyotes and the frequent representation to the public that coyotes are “euthanized” in a “humane” manner at great cost to them. See, e.g., Ex. 3 at “Exhibit C”.

⁶⁷ A.R. Steiner et al., *Humanely Ending the Life of Animals: Research Priorities to Identify Alternatives to Carbon Dioxide*, 9(11) *Animals* (Basel) 911 (Nov. 2019).

In humans, according to the Centers for Disease Control and Prevention, certain concentrations of carbon dioxide can be “immediately dangerous to life or health”,⁶⁸ and humans describe the effects of carbon dioxide exposure as “excruciating.”⁶⁹ Such exposure can cause a multitude of other pain and/or distress indicators, including headache, dizziness, paresthesia, breathing difficult, sweating, discomfort, increased heart rate, increased cardiac output, increased blood pressure, coma, asphyxia, and convulsions.⁷⁰

When carbon dioxide is used to kill animals, they continue to suffer for several minutes until they lose consciousness.⁷¹ There are many reports of animals dying slow, painful, and panicked death in carbon dioxide gas chambers. For example, Missouri House representative Adam Schwadron, who introduced a bill to ban the use of carbon dioxide in shelters stated, “It can take upwards of 30 minutes to kill an animal this way, and we’ve seen examples in some of these gas chambers where the animal just panicked and tried to claw their way out and ripped their claws out.”⁷²

The scientific community has questioned the ethics of using carbon dioxide to kill laboratory animals—who are generally considered to experience less pain and distress than larger animals—for decades:

Exposing animals to carbon dioxide can cause distress because acutely sensitive CO₂ chemoreceptors and pH receptors have evolved in vertebrates, with the result that carbon dioxide is a potent respiratory stimulant that rapidly induces dyspnoea [impaired breathing, often called “air hunger”] or breathlessness. It can also cause discomfort and pain because it is converted to carbonic acid in the mucosa of the eyes, nose and mouth, which activates polymodal nociceptors [specialized nerve cells that send pain signals in response to stimuli]. Given a free choice, animals avoid carbon dioxide when concentrations rise above a certain threshold. When they do not have a free choice, i.e. they are confined to a chamber, animals will sometimes attempt to escape from the gas. All methods of delivering carbon dioxide with the aim of killing animals can therefore present welfare problems, because concentrations of CO₂ that will induce anaesthesia or cause death will inevitably cause some degree of aversion.⁷³

The American Veterinary Medical Association (AVMA) only recommends the use of carbon dioxide for certain small species, namely rodents, in laboratory-like settings where the use of the gas can be highly controlled:

⁶⁸ *Carbon Dioxide*, Centers for Disease Control and Prevention, <https://www.cdc.gov/niosh/npg/npgd0103.html>.

⁶⁹ *HSUS Statement on Gas Chambers*, Humane Society of the United States, <https://humanepro.org/page/hsus-statement-gas-chambers>.

⁷⁰ *Carbon Dioxide*, *supra* note 68.

⁷¹ *HSUS Statement on Gas Chambers*, *supra* note 69.

⁷² Annelise Hanshaw, *Missouri lawmaker works with Humane Society to stop use of gas to kill shelter animals*, *Missouri Independent* (Jan. 20, 2023).

⁷³ P. Hawkins et al., *Newcastle Consensus Meeting on Carbon Dioxide Euthanasia of Laboratory Animals* (2006).

Carbon dioxide exposure using a gradual-fill method is less likely to cause pain due to nociceptor activation by carbonic acid prior to onset of unconsciousness; a displacement rate from 30% to 70% of the chamber volume/min is recommended for rodents...Carbon dioxide and CO₂ gas mixtures must be supplied in a precisely regulated and purified form without contaminants or adulterants, typically from a commercially supplied cylinder or tank. The direct application of products of combustion or sublimation is not acceptable due to unreliable or undesirable composition and/or displacement rate. As gas displacement rate is critical to the humane application of CO₂, an appropriate pressure-reducing regulator and flow meter or equivalent equipment with demonstrated capability for generating the recommended displacement rates for the size container being utilized is absolutely necessary.⁷⁴

The AVMA guidelines do not recommend the use of carbon dioxide to kill dogs, because the species is not one “where aversion or distress can be minimized.”⁷⁵ The same considerations apply to coyotes, which are so closely genetically related to domesticated dogs that the two species can interbreed.⁷⁶ The AVMA’s specific recommended conditions above, *even if* they applied to coyotes, almost certainly cannot be reliably met where the killing is effectuated by a mobile carbon dioxide gas chamber, located in the back of a truck, as is used by Rizzo and other private trappers.⁷⁷

Researchers have questioned whether the use of carbon dioxide, even if compliant with AVMA recommendations, can *ever* be considered “euthanasia.”⁷⁸ For a method to meet AVMA’s definition of “euthanasia,” it must (a) produce a rapid loss of consciousness and (b) minimize pain and distress.⁷⁹ Although some methods of introducing carbon dioxide to animals are much more painful than others, even at the lowest concentrations, observers document signs of distress as early as 30 seconds after the gas is introduced, and that distress continues for several minutes until consciousness is lost.⁸⁰

The weight of scientific studies and data demonstrate that the use of carbon dioxide is certain to cause pain and distress to every animal—particularly larger species such as coyotes—who is exposed to it, regardless of concentration level or method of introduction. As such, it is one of the most inhumane methods of euthanasia being practiced today.⁸¹

⁷⁴ *AVMA Guidelines for the Euthanasia of Animals: 2020 Edition*, American Veterinary Medical Association, pp. 28-31, <https://www.avma.org/sites/default/files/2020-02/Guidelines-on-Euthanasia-2020.pdf>.

⁷⁵ *Id.* at 30-31 (citing H. Raff et al., *Vasopressin, ACTH, and corticosteroids during hypercapnia and graded hypoxia in dogs*, 244 *Am J Physiol* 244, E453–E458 (1983)). *See also* Steiner, *supra* note 67.

⁷⁶ *See* Sharon Levy, *Coyotes Are the New Top Dogs*, *Scientific American* (May 17, 2012), <https://www.scientificamerican.com/article/coyotes-are-the-new-top-dogs/>.

⁷⁷ Ex. 5. Previous private trapping services employed by cities, including Critter Busters, were documented using mobile carbon dioxide gas chambers to kill coyotes. *See* Littlejohn, *supra* note 66.

⁷⁸ *See* Presentation of Dr. Debra Hickman (DVM, MS, DACLAM, DACAW), Director of the Laboratory Animal Resource Center at Indiana University, 2014 AVMA Humane Endings Symposium.

⁷⁹ *See AVMA Guidelines for the Euthanasia of Animals: 2020 Edition*, *supra* note 73.

⁸⁰ *See, supra*, note 78.

⁸¹ *HSUS Statement on Gas Chambers*, *supra* note 69.

ii. California Law Is Inconsistent with the Use of Carbon Dioxide Gas Chambers to Kill Coyotes

California law provides that coyotes caught in traps cannot be relocated, 14 C.C.R. § 679(f)(4), and must be “immediately killed,” *id.* § 465.5(g)(1). California Fish and Game Code section 4004(f) prohibits any person from “[k]ill[ing] any trapped mammal...by intentional drowning, injection with any chemical not sold for the purpose of euthanizing animals, or thoracic compression, commonly known as chest crushing.” Commission regulations further specify the manner in which trapped animals are to be humanely killed. Section 465.5(g)(1) specifically states, “Unless released, trapped animals shall be killed by shooting where local ordinances, landowners, and safety permit. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals.” While discharging firearms is widely prohibited by local ordinances, the regulations clearly contemplate that employees of local government would and should use chemical euthanasia to kill trapped animals.

It would be an absurd interpretation of section 465.5(g)(1) to allow persons or municipalities to kill trapped animals in a cruel manner when humane methods are available. In fact, municipalities in the past have employed veterinarians to humanely use chemical euthanasia to kill coyotes trapped in the course of trap-and-kill programs.⁸² In 2016, in Torrance, the practice was publicly adopted after the public learned of the use of a carbon dioxide gas chamber by a previous private trapper.⁸³ Now, Torrance, like other cities contracting with CWPS, is quietly allowing the use of gas chambers once more, likely because it is cheaper than chemical euthanasia. Commission regulations, particularly section 465.5(g)(1) do not support this practice, and the use of carbon dioxide should be prohibited in favor of the humane methods prescribed by the agency.

Furthermore, California criminal law prohibits the use of carbon dioxide to kill dogs or cats. California Penal Code section 597u(b)(3). This subsection was enacted to ensure that all types of gas chambers are illegal in state, as the statute previously only outlawed the use of carbon monoxide for all animals.⁸⁴ Through section 597u, the California legislature explicitly recognizes that gas chambers, including those that use carbon dioxide, are cruel and inhumane. While the use of carbon dioxide specifically is only criminalized with respect to dogs and cats, the reasoning extends to coyotes, due to how genetically similar the two species are.⁸⁵

In sum, California statutes and the Commission regulations demonstrate an intent that trapped animals be killed in a humane manner and that the use of carbon dioxide as a killing method is inhumane for dogs and, by logical extension, coyotes. As discussed above, scientific evidence

⁸² Littlejohn, *supra* note 66.

⁸³ *Id.* See also Louis Sahagun, *In war on coyotes, some argue for learning to live with them*, Los Angeles Times (Dec. 17, 2014), <https://www.latimes.com/science/la-me-coyotes-20141218-story.html>.

⁸⁴ See Colleen Jaskot, *Closing the door on the gas chamber*, Animal Sheltering Magazine (Jan/Feb. 2017), available at: <https://humanepro.org/magazine/articles/closing-door-gas-chamber>.

⁸⁵ See Levy, *supra* note 76.

demonstrates that animals killed by carbon dioxide gas chambers suffer immensely, and the method cannot be considered humane or euthanasia.⁸⁶

iii. The Public Is Strongly Opposed to the Use of Gas Chambers to Kill Coyotes

Public opinion on the use of gas chambers to kill coyotes as part of a municipality’s trap-and-kill program is overwhelmingly negative. When residents have been made aware of the practice by cities’ contracted private trappers, they have strongly opposed the practice and influenced city practices.⁸⁷ For example, in 2016, Torrance residents found out that the city’s then-trapping service, Critter Busters, killed coyotes with a mobile carbon dioxide gas chamber, despite the city’s supposed stipulation that trapped coyotes be euthanized by lethal injection administered by a veterinarian.⁸⁸ The information immediately “sparked concern that the program may have to be discontinued,” and city officials quickly assured the public that lethal injection would be used from that point forward.⁸⁹ It is unclear at what point the city stopped ensuring that trapped coyotes would be humanely euthanized, and there is no record of the practice even being considered since the published article.

Elsewhere, in 2014, upon learning that Critter Busters used its mobile gas chamber to kill coyotes in Seal Beach, both residents and city officials came out in strong opposition to the practice.⁹⁰ At the time, then-city councilman Mike Levitt stated, “When Critter Busters told us that it used gas to dispatch coyotes, I assumed it meant the animals were put to sleep. So I voted to approve the contract. I found out [afterward] that the animal does not go to sleep. There are spasms. They choke.”

These instances also highlight a serious concern raised throughout this petition. Whether it is intentional or a result of the cities’ own lack of knowledge of their private trapper’s daily activities, cities like Torrance, Anaheim, and Rancho Palos Verdes are notably untransparent to residents as to the use of gas chambers to kill coyotes. Assuming none of these cities are purposefully withholding relevant records related to carbon dioxide use, an unavoidable conclusion is that the municipalities have an alarmingly dangerous lack of oversight or control over the private service that is trapping and killing animals for its own financial gain.

* * *

According to the weight of scientific evidence, as also recognized by the California legislature through California Penal Code section 597u, the use of carbon dioxide to kill animals like coyotes is inhumane and cruel, causing the animals to experience pain and distress likely for minutes before they eventually choke to death. The Commission’s regulations already indicate

⁸⁶ All municipal contracts with CWPS misleadingly represent that the trapper, Rizzo, will humanely euthanize trapped coyotes. *See, e.g.*, Ex. 3 at “Exhibit C.”

⁸⁷ Littlejohn, *supra* note 66; Sahagun, *supra* note 83.

⁸⁸ Littlejohn, *supra* note 66. The supposed stipulation was not recorded in any version of Torrance’s coyote management plan, nor were any records received that referenced lethal injection or any killing method.

⁸⁹ *Id.*

⁹⁰ Sahagun, *supra* note 83.

the intent that trapped animals be humanely killed. Accordingly, PETA urges the Commission to amend its regulations to specifically prohibit the use of carbon dioxide to kill coyotes.

V. Proposed Regulations

First, the Commission should enact a new regulation or regulation to prohibit local governments from contracting with private trappers to trap coyotes on public land. Specifically, the Commission should add a subsection under 14 C.C.R. § 472(a) to read:

Except as otherwise provided in Sections 478, 485, and subsections (a) through (d) below, nongame birds and mammals may not be taken.

(a) The following nongame birds and mammals may be taken at any time of the year and in any number except as prohibited in Chapter 6: English sparrow, starling, domestic pigeon (*Columba livia*) except as prohibited in Fish and Game Code section 3680, coyote, weasels, skunks, opossum, moles and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species).

(1) Nothing in these regulations shall permit local governments, including officials, agents, departments, and agencies thereof, to contract with private parties to take coyotes by the use of traps on public land.

The Commission could also add a subsection under 14 C.C.R. § 475(d):

Nongame birds and nongame mammals may be taken in any manner except as follows...

(d) Traps may be used to take nongame birds and nongame mammals only in accordance with the provisions of Section 465.5 of these regulations and sections 3003.1 and 4004 of the Fish and Game Code.

(1) Local governments, including officials, agents, departments, and agencies thereof, may not contract with private parties to take coyotes by the use of traps on public land.

Second, the Commission should prohibit the use of cruel and inhumane carbon dioxide as a killing method for coyotes. Specifically, the Commission should amend 14 C.C.R. § 465.5(g)(1) to read:

(1) Immediate Dispatch or Release. All furbearing and nongame mammals that are legal to trap must be immediately killed or released. Unless released, trapped animals shall be killed by shooting where local ordinances, landowners, and safety permit. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals. The use of carbon dioxide to kill trapped coyotes is prohibited.

Exhibit 1

SECOND AMENDMENT TO CONTRACT SERVICES AGREEMENT (C2022-069)

This Second Amendment to Contract Services Agreement C2022-069 (the "Second Amendment") is made and entered into as of September 26, 2023, by and between the CITY OF TORRANCE ("CITY"), a municipal corporation, and Coyote, Wildlife and Pest Solutions, Inc., a California Corporation ("CONTRACTOR").

RECITALS:

- A. CITY previously circulated a Request for Proposal for City-wide Coyote Trapping Services, RFP No. B2021-45 (the "RFP").
- B. CONTRACTOR submitted a Proposal (the "Proposal") in response to the RFP. In its Proposal, CONTRACTOR represented that it was qualified to perform those services requested in the RFP. Based upon its review of all proposals submitted in response to the RFP, the CITY decided to award the Agreement to CONTRACTOR.
- C. On November 22, 2021, CITY and CONTRACTOR entered into Contract Services Agreement C2022-069 (the "Agreement"), whereby CONTRACTOR agreed to provide coyote trapping services Monday through Friday, through October 7, 2022, for an amount not to exceed \$55,200.
- D. On September 27, 2022, CITY and CONTRACTOR entered into a First Amendment to Contract Services Agreement C2022-069 (the "First Amendment") to: extend the term of the Agreement through October 7, 2023; add two (2) separate options to extend the term of the Agreement for one (1) additional year each; increase service to Monday through Sunday; and, add \$79,200 to CONTRACTOR's compensation under the Agreement.
- E. CITY is satisfied with the level of service provided by CONTRACTOR.
- F. CITY now wishes to exercise the first option to extend the term of the agreement for one (1) year, and add \$79,200 to CONTRACTOR's compensation under the Agreement.
- G. Additionally, CITY wishes to further amend the Agreement and update the Public Records Act language to comport with recent changes to the California Government Code Sections that govern public records and public records requests.

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NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

AGREEMENT:

1. Section 2 of the Agreement entitled "TERM" is hereby amended to read in its entirety as follows:

"2. TERM

Unless earlier terminated in accordance with Paragraph 4 below, this Agreement will continue in full force and effect from the Effective Date through October 7, 2024. This Agreement includes one (1) option to extend the term by one (1) additional year. The option to extend can be exercised only by CITY."

2. Section 3 of the Agreement entitled "COMPENSATION", Subsection A entitled "CONTRACTOR's Fee", is hereby amended to read in its entirety as follows:

"3. COMPENSATION

A. CONTRACTOR's Fee.

For services rendered pursuant to this Agreement, CONTRACTOR will be paid in accordance with the compensation schedule set forth in the Proposal, provided, however, that in no event will the total amount of money paid the CONTRACTOR, for services initially contemplated by this Agreement, exceed the sum of \$213,600 (the "Agreement Sum"), unless first approved in writing by CITY."

3. Section 33 of the Agreement entitled "PUBLIC RECORDS ACT" is hereby amended to read in its entirety as follows:

"33. PUBLIC RECORDS ACT

Any documents submitted by the CONTRACTOR; all information obtained in connection with the CITY's right to audit and inspect the CONTRACTOR's documents, books, and accounting records pursuant to paragraph 14 CONTRACTOR's Accounting Records; Other Project Records; as well as those documents which were required to be submitted in response to the Request for Proposals (RFP) used in the solicitation process for this Contract, become the exclusive property of the City. All such documents become a matter of public record and shall be regarded as public records. Exceptions will be those elements in the California Government Code Section 7920.000 et seq. (Public Records Act) and which are marked "trade secret", "confidential", or "proprietary". The CITY shall not in any way be liable or responsible for the disclosure of any such records including, without limitation, those so marked, if disclosure is required by law, or by an order issued by a court of competent jurisdiction.

In the event the CITY is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked "trade secret", "confidential", or "proprietary", the CONTRACTOR agrees to defend and indemnify the CITY from all costs and expenses, including reasonable attorney's fees, in action or liability arising under the Public Records Act."

4. Except as expressly modified by this Second Amendment, in all other respects, the Agreement dated November 22, 2021, and the First Amendment dated September 27, 2022, between CITY and CONTRACTOR are ratified and reaffirmed and remain in full force and effect.

CITY OF TORRANCE,
a municipal corporation

Coyote, Wildlife and Pest Solutions, Inc.
a California Corporation

By: _____
Aram Chaparyan, City Manager

By: _____
Pamela Parker, CEO

APPROVED AS TO FORM
PATRICK Q. SULLIVAN
City Attorney

By: _____
Galen W. Bean
Legal Counselor

Exhibit 2



Master Agreement Purchase Order

200 S. Anaheim Blvd.
Purchasing, Suite 620
Anaheim, CA 92805-3820
Phone: 714-765-5110
Fax: 714-765-5288

MA #: 106-497035
Revision #: 1
Attachments: 2
Council Award: SSJ

COYOTE, WILDLIFE, AND PEST SOLUTIONS, INC.
8775 E. WILEY WAY
ANAHEIM HILLS, CA 92808

Vendor ID Code #: VC0000156321
Master Agreement : 106-497035
Begin Date: 09/01/23
Expiration Date: 08/31/24
Supercedes MA: 106 - 496010
Renewal options: Yes
Total purchase Not to Exceed: \$49,000.00
Payment terms: NET 30 DAYS

Contact Name: JIMMIE RIZZO
Phone: 714-943-4121
Email: coyotewildlifesolutions@gmail.com
FOB: Services, Not Applicable

Authorized Departments:
PLANNING

This agreement documents the general terms, conditions and pricing of the City's purchases of the goods and/or services described below. This Master Agreement does not authorize specific quantities or shipping dates; authorization to ship goods or deliver services will be made by issuing Delivery Order referencing this document. Shipping location, delivery date, items, quantities and prices will be confirmed on the Delivery Orders. All invoices must clearly indicate the relevant, authorizing Deliver Order # they pertain to.

COMMODITIES AND SERVICES COVERED BY THIS MASTER AGREEMENT:
Coyote Trapping: 418: Code Enforcement

Special notes:
PRICING TO REMAIN THE SAME.
Per Proposal/Contract # 1006, Trapper ID # 7868

AGREEMENT FOR COYOTE ABATEMENT

Line #	CC	Description	Qty	U of M	Unit Price
1	96210	COYOTE ABATEMENT FOR A PERIOD OF TEN (10) BUSINESS DAYS	0.00	EACH	\$2,300.0000

CONTINUED ON NEXT PAGE
INSTRUCTIONS TO VENDORS
This Purchase Order subject to and governed by all Terms and Conditions printed at the end of this order.

Buyer's Signature:

Angelo Heidt (714) 765-5207 aheidt@anaheim.net

MARIA RODRIGUEZ



Master Agreement Purchase Order

200 S. Anaheim Blvd.
Purchasing, Suite 620
Anaheim, CA 92805-3820
Phone: 714-765-5110
Fax: 714-765-5288

MA #: 106-497035
Revision #: 1
Attachments: 2
Council Award: SSJ

Special notes:

This Master Agreement ("MA"), along with the City's Standard Terms and Conditions, documents the items, prices and terms and conditions of the City's agreement with the supplier to provide the goods and/or services shown. Quantities and/or dollars shown are estimates only. The City is under no obligation to purchase any or all of the items or services shown on this Master Agreement.

The City shall be obligated only for the specific quantities of materials or services that are authorized by the issuance of a specific Delivery Order ("DO") referencing this Master Agreement. Delivery Orders will be issued by the requesting department and shall specify the delivery date, location and unique Delivery Order Number.

Prices shown are to remain firm for the first year of this Agreement, unless otherwise specified in the body of this Master Agreement.

The total purchase limit shown for this Master Agreement is inclusive of all taxes. Supplier is not authorized to accept orders, nor provide goods or services in excess of this amount.

All invoices are to be sent to Accounts Payable ONLY, and must reference the specific Delivery Order number applicable to the invoice.

This Master Agreement may be renewable, in accordance with the terms of the applicable bid and/or City Council award.

This order may be terminated by either party, without cause, upon a thirty (30) day written notice.

HOLD HARMLESS & INDEMNIFICATION: By acceptance of this purchase order, the Supplier hereby agrees to defend, indemnify, and hold harmless, the City, (including its officers and employees) for/from any and all claims or actions of any kind presented against the City arising out of Supplier's (including Supplier's employees, representatives, products and subcontractors) performance under this Agreement, excepting only such claims, costs, or liability which may arise out of the sole negligence of the City.

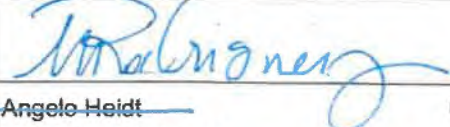
Supplier's insurance and hold harmless indemnification are required prior to any work being performed under this order.

INSURANCE REQUIREMENTS: This Purchase Order or Master Agreement requires the Supplier to carry the following types and coverages of insurance: 1. **COMPREHENSIVE GENERAL LIABILITY INSURANCE:** (including product liability coverage, when applicable) in the amount of \$1,000,000 per occurrence. 2. **AUTO LIABILITY INSURANCE:** \$1,000,000 per occurrence, combined single limit ("CSL"). 3. **WORKERS' COMPENSATION INSURANCE:** as required by state statutes. 4. The City of Anaheim is to be named as an additional insured on the above captioned insurance coverages as respects the City's interests under this Agreement. Supplier shall provide an appropriate insurance certificate to the City prior to commencement of work under this Agreement; and present to the City an endorsement to the policy, signed by an officer of the insurance company within thirty (30) days of the inception date of this Agreement. 5. All insurance policies shall provide for a minimum of thirty (30) days written notice of any change or cancellation of the policy. 6. Insurance policies to be in a form and written through companies acceptable to the City and shall include those endorsements which are necessary to extend the coverage which is appropriate to the nature of the Agreement. 7. All insurance certificates, endorsements, cancellation notices or other items relating to the Agreement are to be sent in care of the Contract Administrator at the "SHIP TO" address on the purchase order OR delivery order.

CONTINUED ON NEXT PAGE
INSTRUCTIONS TO VENDORS

This Purchase Order subject to and governed by all Terms and Conditions printed at the end of this order.

Buyer's Signature:


Angelo Heidt (714) 765-5207
aheidt@anaheim.net

MATRA RODRIGUEZ



Master Agreement Purchase Order

200 S. Anaheim Blvd.
Purchasing, Suite 620
Anaheim, CA 92805-3820
Phone: 714-765-5110
Fax: 714-765-5288

MA #: 106-497035
Revision #: 1
Attachments: 2
Council Award: SSJ

STANDARD TERMS & CONDITIONS

- 1. TERMS OF ORDER:** This order is limited to the terms herein unless expressly agreed in writing by the City's Purchasing Division.
- 2. ACCEPTANCE:** Seller's shipment of goods, commencement of any work, or performance of any services hereunder shall constitute acceptance by Seller of this order and all of its terms and conditions. No additional terms or conditions stated by Seller in acknowledging or otherwise accepting this order shall be binding upon the City unless specifically accepted in writing by Buyer. No oral agreements shall be binding unless confirmed by a written revision to this purchase order.
- 3. SELL OR ASSIGN:** The supplier shall not sell, assign, or transfer any obligations resulting from this order without the specific written consent of the City's Purchasing Division.
- 4. MATERIAL SAFETY DATA SHEETS:** Supplier shall submit Material Safety Data Sheets with all orders of hazardous substances.
- 5. COMPLIANCE WITH LAWS:** All goods and services provided shall comply with all current federal, state, and local laws relative thereto. Supplier further agrees to indemnify, defend, and hold the City harmless for any failure to so conform.
- 6. TAXES:** Unless otherwise indicated on the P.O., this order is subject to California Sales Tax, at the current Orange County tax rate. The City is exempt from Federal Excise Tax.
- 7. WARRANTY:** Supplier fully warrants all materials and equipment, including without limitation, any optional equipment purchased by the City under the terms of this order, against poor and inferior quality and workmanship of equipment, labor and materials, for one year after the date of final acceptance by the City, unless otherwise stated herein.
- 8. LAWS GOVERNING CONTRACT:** This order will be administered and interpreted under the laws of the State of California.
- 9. BUSINESS LICENSE:** Firms providing goods or services to the City of Anaheim must have a current City business license.
- 10. AUTHORIZED DISTRIBUTOR:** Vendor represents that vendor is an authorized distributor of the product ordered. The City reserves the right to cancel this order at any time if it is determined that the vendor is not an authorized distributor of the product ordered.
- 11. CANCELLATION:** Time is of the essence in the performance of this Purchase Order. The City reserves the right to cancel any portion of this order with respect to goods not delivered, or services not performed, on or before the required delivery date.
- 12. REJECTION OF MATERIALS/SERVICES:** All materials and services furnished shall be as specified and are subject to inspection and approval by the City. The City reserves the right to reject any material or service which does not comply with the specifications and/or terms of this order.
- 13. F. O. B. POINT:** All orders are to ship F. O. B. Destination, unless otherwise specified in the P.O.
- 14. TITLE:** Except as otherwise and expressly provided herein, title to and risk of loss on all items shipped by vendor or vendor's agent to the City shall pass to the City upon the City's inspection and acceptance of such items at the City's premises.
- 15. SHIPPING & HANDLING CHARGES:** Shipping, handling, packing, transportation, and any other fees or charges are not allowed unless specified otherwise herein.
- 16. PACKING SLIPS:** Packing slips specifying quantity, description and purchase order number must be included with each delivery.
- 17. INVOICES:** The purchase order number and department name must appear on all invoices, shipping papers, packages, and correspondence. Unless otherwise specified, the invoice shall contain the following information; purchase order number, item number, description of supplies or services, sizes, quantities, unit prices, extended totals, all applicable taxes, and freight and handling charges, where authorized.
- 18. PAYMENT:** Payment will be made only upon receipt of all materials, services, and invoices which are as specified and in accordance with the terms of this order, unless otherwise stated herein.
- 19. HOLD HARMLESS AND INDEMNIFICATION:** By acceptance of this purchase order, the vendor hereby agrees to indemnify, defend, and hold harmless the City (including its officers and employees) for/ from any and all claims or actions of any kind presented against the City arising out of vendor's (including vendor's employees, representatives, products, and subcontractors) performance under this agreement, excepting only such claims, costs, or liability which may arise out of sole negligence of the City.
- 20. INSURANCE:** Vendors who perform work on City property are required to provide acceptable proof of insurance prior to commencing work. Specific insurance requirements are contained within the body of the purchase order.
- 21. NEW MATERIALS:** Unless a bid specification calls for used, refurbished or recycled materials, all items or materials bid and supplied to the City are to be new, unused products.

Exhibit 3

PROFESSIONAL SERVICES AGREEMENT

By and Between

CITY OF RANCHO PALOS VERDES

and

COYOTE WILDLIFE AND PEST SOLUTIONS, INC.

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF RANCHO PALOS VERDES AND
COYOTE WILDLIFE AND PEST SOLUTIONS, INC.**

THIS AGREEMENT FOR PROFESSIONAL SERVICES (“Agreement”) is made and entered into on September 5, 2023 by and between the **CITY OF RANCHO PALOS VERDES**, a California municipal corporation (“City”) and **COYOTE WILDLIFE AND PEST SOLUTIONS, INC.**, a California corporation (“Consultant”). City and Consultant may be referred to, individually or collectively, as “Party” or “Parties.”

RECITALS

A. City has sought, by issuance of a Request for Proposals, the performance of the services defined and described particularly in Article 1 of this Agreement.

B. Consultant, following submission of a proposal for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by the City to perform those services.

C. Pursuant to the City of Rancho Palos Verdes Municipal Code, City has authority to enter into and execute this Agreement.

D. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, the Consultant shall provide those services specified in the “Scope of Services”, as stated in the Proposal, attached hereto as Exhibit “A” and incorporated herein by this reference, which may be referred to herein as the “services” or “work” hereunder. As a material inducement to the City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the work and services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. Consultant covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials will be both of good quality as well as fit for the purpose

intended. For purposes of this Agreement, the phrase “highest professional standards” shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Consultant’s Proposal.

The Scope of Service shall include the Consultant’s Proposal which shall be incorporated herein by this reference as though fully set forth herein. In the event of any inconsistency between the terms of such Proposal and this Agreement, the terms of this Agreement shall govern.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning, and shall render all services hereunder in accordance with, all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered.

1.4 California Labor Law.

If the Scope of Services includes any “public work” or “maintenance work,” as those terms are defined in California Labor Code section 1720 *et seq.* and California Code of Regulations, Title 8, Section 16000 *et seq.*, and if the total compensation is \$1,000 or more, Consultant shall pay prevailing wages for such work and comply with the requirements in California Labor Code section 1770 *et seq.* and 1810 *et seq.*, and all other applicable laws, including the following requirements:

(a) Public Work. The Parties acknowledge that some or all of the work to be performed under this Agreement is a “public work” as defined in Labor Code Section 1720 and that this Agreement is therefore subject to the requirements of Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code relating to public works contracts and the rules and regulations established by the Department of Industrial Relations (“DIR”) implementing such statutes. The work performed under this Agreement is subject to compliance monitoring and enforcement by the DIR. Consultant shall post job site notices, as prescribed by regulation.

(b) Prevailing Wages. Consultant shall pay prevailing wages to the extent required by Labor Code Section 1771. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages are on file at City Hall and will be made available to any interested party on request. By initiating any work under this Agreement, Consultant acknowledges receipt of a copy of the DIR determination of the prevailing rate of per diem wages, and Consultant shall post a copy of the same at each job site where work is performed under this Agreement.

(c) Penalty for Failure to Pay Prevailing Wages. Consultant shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. The

Consultant shall, as a penalty to the City, forfeit \$200 (two hundred dollars) for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the DIR for the work or craft in which the worker is employed for any public work done pursuant to this Agreement by Consultant or by any subcontractor.

(d) Payroll Records. Consultant shall comply with and be bound by the provisions of Labor Code Section 1776, which requires Consultant and each subconsultant to: keep accurate payroll records and verify such records in writing under penalty of perjury, as specified in Section 1776; certify and make such payroll records available for inspection as provided by Section 1776; and inform the City of the location of the records.



(e) Apprentices. Consultant shall comply with and be bound by the provisions of Labor Code Sections 1777.5, 1777.6, and 1777.7 and California Code of Regulations Title 8, Section 200 *et seq.* concerning the employment of apprentices on public works projects. Consultant shall be responsible for compliance with these aforementioned Sections for all apprenticeable occupations. Prior to commencing work under this Agreement, Consultant shall provide City with a copy of the information submitted to any applicable apprenticeship program. Within 60 (sixty) days after concluding work pursuant to this Agreement, Consultant and each of its subconsultants shall submit to the City a verified statement of the journeyman and apprentice hours performed under this Agreement.

(f) Eight-Hour Work Day. Consultant acknowledges that 8 (eight) hours labor constitutes a legal day's work. Consultant shall comply with and be bound by Labor Code Section 1810.

(g) Penalties for Excess Hours. Consultant shall comply with and be bound by the provisions of Labor Code Section 1813 concerning penalties for workers who work excess hours. The Consultant shall, as a penalty to the City, forfeit \$25 (twenty five dollars) for each worker employed in the performance of this Agreement by the Consultant or by any subcontractor for each calendar day during which such worker is required or permitted to work more than 8 (eight) hours in any one calendar day and 40 (forty) hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code section 1815, work performed by employees of Consultant in excess of 8 (eight) hours per day, and 40 (forty) hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of 8 hours per day at not less than one and 1½ (one and one half) times the basic rate of pay.

(h) Workers' Compensation. California Labor Code Sections 1860 and 3700 provide that every employer will be required to secure the payment of compensation to its employees if it has employees. In accordance with the provisions of California Labor Code Section 1861, Consultant certifies as follows:

“I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.”

Consultant's Authorized Initials  

(i) Consultant's Responsibility for Subcontractors. For every subcontractor who will perform work under this Agreement, Consultant shall be responsible for such subcontractor's compliance with Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code, and shall make such compliance a requirement in any contract with any subcontractor for work under this Agreement. Consultant shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractor's compliance, including without limitation, conducting a review of the certified payroll records of the subcontractor on a periodic basis or upon becoming aware of the failure of the subcontractor to pay his or her workers the specified prevailing rate of wages. Consultant shall diligently take corrective action to halt or rectify any such failure by any subcontractor.

1.5 Licenses, Permits, Fees and Assessments.

Consultant shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Consultant's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless City, its officers, employees or agents of City, against any such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder.

1.6 Familiarity with Work.

By executing this Agreement, Consultant warrants that Consultant (i) has thoroughly investigated and considered the scope of services to be performed, (ii) has carefully considered how the services should be performed, and (iii) fully understands the facilities, difficulties and restrictions attending performance of the services under this Agreement. If the services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of services hereunder. Should the Consultant discover any latent or unknown conditions, which will materially affect the performance of the services hereunder, Consultant shall immediately inform the City of such fact and shall not proceed except at Consultant's risk until written instructions are received from the Contract Officer in the form of a Change Order.

1.7 Care of Work.

The Consultant shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by City, except such losses or damages as may be caused by City's own negligence.

1.8 Further Responsibilities of Parties.

Both parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonably necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither party shall be responsible for the service of the other.

1.9 Additional Services

City shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written Change Order is first given by the Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Contract Sum for the actual costs of the extra work, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Consultant.

Any increase in compensation of up to 15% (fifteen percent) of the Contract Sum; or, in the time to perform of up to 90 (ninety) days, may be approved by the Contract Officer through a written Change Order. Any greater increases, taken either separately or cumulatively, must be approved by the City Council. It is expressly understood by Consultant that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services. Consultant hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor. City may in its sole and absolute discretion have similar work done by other Consultants. No claims for an increase in the Contract Sum or time for performance shall be valid unless the procedures established in this Section are followed.

If in the performance of the Services, the Contractor becomes aware of material defects in the Scope of Work, duration, or span of the Services, or the Contractor becomes aware of extenuating circumstance that will or could prevent the completion of the Services, on time or on budget, the Contractor shall inform the City's Contract Officer of an anticipated Change Order. This proposed change order will stipulate the facts surrounding the issue, proposed solutions, proposed costs, and proposed schedule impacts.

1.10 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, City agrees to pay Consultant the amounts specified in the "Schedule of Compensation" attached hereto as Exhibit "C" and incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed **\$180,000 (One Hundred Eighty Thousand Dollars)** (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.9. Annual compensation shall not exceed \$60,000 (Sixty Thousand Dollars).

2.2 Method of Compensation.

(a) The method of compensation may include: (i) a lump sum payment upon completion; (ii) payment in accordance with specified tasks or the percentage of completion of the services; (iii) payment for time and materials based upon the Consultant's rates as specified in the Schedule of Compensation, provided that (a) time estimates are provided for the performance of sub tasks, and (b) the Contract Sum is not exceeded; or (iv) such other methods as may be specified in the Schedule of Compensation.

(b) A retention of 10% shall be held from each payment as a contract retention to be paid as part of the final payment upon satisfactory and timely completion of services. This retention shall not apply for on-call agreements for continuous services or for agreements for scheduled routine maintenance of City property or City facilities.

2.3 Reimbursable Expenses.

Compensation may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual subcontractor expenses of an approved subcontractor pursuant to Section 4.5, and only if specified in the Schedule of Compensation. The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by the City. Coordination of the performance of the work with City is a critical component of the services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending said meetings.

2.4 Invoices.

Each month Consultant shall furnish to City an original invoice, using the City template, or in a format acceptable to the City, for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the Agreement. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-contractor contracts. Sub-contractor charges shall also be detailed by such categories. Consultant shall not invoice City for any duplicate services performed by more than one person.

City shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 7.3, City will use its best efforts to cause Consultant to be paid within 45 (forty-five) days of receipt of Consultant's correct and undisputed invoice; however, Consultant acknowledges and agrees that due to City warrant run procedures, the City cannot guarantee that payment will occur within this time period. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by City for any invoice provided by the Consultant shall not constitute a waiver of any rights or remedies provided herein or any applicable law.

2.5 Waiver.

Payment to Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this reference. When requested by the Consultant, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Contract Officer through a Change Order, but not exceeding 60 (sixty) days cumulatively.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Consultant, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Consultant shall within 10 (ten) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Consultant be entitled to recover damages against the City for any delay in the performance of

this Agreement, however caused, Consultant's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Term.

Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not exceeding June 30, 2025, except as otherwise provided in the Schedule of Performance (Exhibit "D"). The City may, in its discretion, extend the Term by one additional one-year term.

ARTICLE 4. COORDINATION OF WORK

4.1 Representatives and Personnel of Consultant.

The following principals of Consultant ("Principals") are hereby designated as being the principals and representatives of Consultant authorized to act in its behalf with respect to the work specified herein and make all decisions in connection therewith:

<u>Pamela Rizzo Vandalsem</u> (Name)	<u>CEO</u> (Title)
<u>Jimmie Vance Rizzo III</u> (Name)	<u>CFO</u> (Title)

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing principals were a substantial inducement for City to enter into this Agreement. Therefore, the foregoing principals shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Principals. For purposes of this Agreement, the foregoing Principals may not be replaced nor may their responsibilities be substantially reduced by Consultant without the express written approval of City. Additionally, Consultant shall utilize only the personnel included in the Proposal to perform services pursuant to this Agreement. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement, prior to and during any such performance. City shall have the right to approve or reject any proposed replacement personnel, which approval shall not be unreasonably withheld.

4.2 Status of Consultant.

Consultant shall have no authority to bind City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in

writing by City. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees, or agents are in any manner officials, officers, employees or agents of City. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

4.3 Contract Officer.

The Contract Officer shall be Octavio Silva, Interim Director of Community Development, or such person as may be designated by the City Manager. It shall be the Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the services and the Consultant shall refer any decisions which must be made by City to the Contract Officer. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of the City required hereunder to carry out the terms of this Agreement.

4.4 Independent Consultant.

Neither the City nor any of its employees shall have any control over the manner, mode or means by which Consultant, its agents or employees, perform the services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision or control of Consultant's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. Consultant shall perform all services required herein as an independent contractor of City and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed to be a partner of Consultant in its business or otherwise or a joint venturer or a member of any joint enterprise with Consultant.

4.5 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, its principals and employees were a substantial inducement for the City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the services required hereunder without the express written approval of the City; all subcontractors included in the Proposal are deemed approved. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more 25% (twenty five percent) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 5. INSURANCE AND INDEMNIFICATION

5.1 Insurance Coverages.

Without limiting Consultant's indemnification of City, and prior to commencement of any services under this Agreement, Consultant shall obtain, provide and maintain at its own expense during the term of this Agreement, policies of insurance of the type and amounts described below and in a form satisfactory to City.

(a) General liability insurance. Consultant shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted.

(b) Automobile liability insurance. Consultant shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with Services to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than \$1,000,000 combined single limit for each accident.

(c) Professional liability (errors & omissions) insurance. Consultant shall maintain professional liability insurance that covers the Services to be performed in connection with this Agreement, in the minimum amount of \$1,000,000 per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement and Consultant agrees to maintain continuous coverage through a period no less than three (3) years after completion of the services required by this Agreement.

(d) Workers' compensation insurance. Consultant shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least \$1,000,000).

(e) Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall include all of the requirements stated herein.

(f) Additional Insurance. Policies of such other insurance, as may be required in the Special Requirements in Exhibit "B".

5.2 General Insurance Requirements.

(a) Proof of insurance. Consultant shall provide certificates of insurance to City as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be

approved by City's Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with City at all times during the term of this Agreement. City reserves the right to require complete, certified copies of all required insurance policies, at any time.

(b) Duration of coverage. Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Services hereunder by Consultant, its agents, representatives, employees or subconsultants.

(c) Primary/noncontributing. Coverage provided by Consultant shall be primary and any insurance or self-insurance procured or maintained by City shall not be required to contribute with it. The limits of insurance required herein may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

(d) City's rights of enforcement. In the event any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain and continuously maintain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(e) Acceptable insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance or that is on the List of Approved Surplus Line Insurers in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VI (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City's Risk Manager.

(f) Waiver of subrogation. All insurance coverage maintained or procured pursuant to this agreement shall be endorsed to waive subrogation against City, its elected or appointed officers, agents, officials, employees and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

(g) Enforcement of contract provisions (non-estoppel). Consultant acknowledges and agrees that any actual or alleged failure on the part of the City to inform Consultant of non-compliance with any requirement imposes no additional obligations on the City nor does it waive any rights hereunder.

(h) Requirements not limiting. Requirements of specific coverage features or limits contained in this section are not intended as a limitation on coverage, limits or other

requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

(i) Notice of cancellation. Consultant agrees to oblige its insurance agent or broker and insurers to provide to City with a 30 (thirty) day notice of cancellation (except for nonpayment for which a 10 (ten) day notice is required) or nonrenewal of coverage for each required coverage.

(j) Additional insured status. General liability policies shall provide or be endorsed to provide that City and its officers, officials, employees, and agents, and volunteers shall be additional insureds under such policies. This provision shall also apply to any excess/umbrella liability policies.

(k) Prohibition of undisclosed coverage limitations. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to City and approved of in writing.

(l) Separation of insureds. A severability of interests provision must apply for all additional insureds ensuring that Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the insurer's limits of liability. The policy(ies) shall not contain any cross-liability exclusions.

(m) Pass through clause. Consultant agrees to ensure that its subconsultants, subcontractors, and any other party involved with the project who is brought onto or involved in the project by Consultant, provide the same minimum insurance coverage and endorsements required of Consultant. Consultant agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Consultant agrees that upon request, all agreements with consultants, subcontractors, and others engaged in the project will be submitted to City for review.

(n) Agency's right to revise specifications. The City reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the Consultant 90 (ninety) days advance written notice of such change. If such change results in substantial additional cost to the Consultant, the City and Consultant may renegotiate Consultant's compensation.

(o) Self-insured retentions. Any self-insured retentions must be declared to and approved by City. City reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by City.

(p) Timely notice of claims. Consultant shall give City prompt and timely notice of claims made or suits instituted that arise out of or result from Consultant's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies.

(q) Additional insurance. Consultant shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the work.

5.3 Indemnification.

To the full extent permitted by law, Consultant agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of Consultant, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which Consultant is legally liable ("indemnitors"), or arising from Consultant's or indemnitors' reckless or willful misconduct, or arising from Consultant's or indemnitors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, and in connection therewith:

(a) Consultant will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) Consultant will promptly pay any judgment rendered against the City, its officers, agents or employees for any such claims or liabilities arising out of or in connection with the negligent performance of or failure to perform such work, operations or activities of Consultant hereunder; and Consultant agrees to save and hold the City, its officers, agents, and employees harmless therefrom;

(c) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Consultant for such damages or other claims arising out of or in connection with the negligent performance of or failure to perform the work, operation or activities of Consultant hereunder, Consultant agrees to pay to the City, its officers, agents or employees, any and all costs and expenses incurred by the City, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

Consultant shall incorporate similar indemnity agreements with its subcontractors and if it fails to do so Consultant shall be fully responsible to indemnify City hereunder therefore, and failure of City to monitor compliance with these provisions shall not be a waiver hereof. This indemnification includes claims or liabilities arising from any negligent or wrongful act, error or omission, or reckless or willful misconduct of Consultant in the performance of professional

services hereunder. The provisions of this Section do not apply to claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions, but, to the fullest extent permitted by law, shall apply to claims and liabilities resulting in part from City's negligence, except that design professionals' indemnity hereunder shall be limited to claims and liabilities arising out of the negligence, recklessness or willful misconduct of the design professional. The indemnity obligation shall be binding on successors and assigns of Consultant and shall survive termination of this Agreement.

ARTICLE 6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records.

Consultant shall keep, and require subcontractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services. Any and all such documents shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of three (3) years following completion of the services hereunder, and the City shall have access to such records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the books and records may be given to City, and access shall be provided by Consultant's successor in interest. Notwithstanding the above, the Consultant shall fully cooperate with the City in providing access to the books and records if a public records request is made and disclosure is required by law including but not limited to the California Public Records Act.

6.2 Reports.

Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement as the Contract Officer shall require. Consultant hereby acknowledges that the City is greatly concerned about the cost of work and services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if Consultant is providing design services, the cost of the project being designed, Consultant shall promptly notify the Contract Officer of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Consultant is providing design services, the estimated increased or decreased cost estimate for the project being designed.

6.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "documents and materials") prepared by Consultant, its employees, subcontractors and agents in the performance of this

Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement, and Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Any use, reuse or assignment of such completed documents for other projects and/or use of uncompleted documents without specific written authorization by the Consultant will be at the City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use, reuse or assignment. Consultant may retain copies of such documents for its own use. Consultant shall have the right to use the concepts embodied therein. All subcontractors shall provide for assignment to City of any documents or materials prepared by them, and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom. Moreover, Consultant with respect to any documents and materials that may qualify as "works made for hire" as defined in 17 U.S.C. § 101, such documents and materials are hereby deemed "works made for hire" for the City.

6.4 Confidentiality and Release of Information.

(a) All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

(b) Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(c) If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorney's fees, caused by or incurred as a result of Consultant's conduct.

(d) Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed there under. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

ARTICLE 7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law.

This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Los Angeles, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in the County of Los Angeles, State of California.

7.2 Disputes; Default.

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default. Instead, the City may give notice to Consultant of the default and the reasons for the default. The notice shall include the timeframe in which Consultant may cure the default. This timeframe is 15 (fifteen) days, but may be extended, though not reduced, if circumstances warrant. During the period of time that Consultant is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, the City may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Consultant does not cure the default, the City may take necessary steps to terminate this Agreement under this Article. Any failure on the part of the City to give notice of the Consultant's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Agreement.

7.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, and (ii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Consultant to insure, indemnify, and protect City as elsewhere provided herein.

7.4 Waiver.

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other

provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.6 Legal Action.

In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant shall file a statutory claim pursuant to Government Code Sections 905 et seq. and 910 et seq., in order to pursue a legal action under this Agreement.

7.7 Termination Prior to Expiration of Term.

This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of the Consultant, the period of notice may be such shorter time as may be determined by the Contract Officer. Upon receipt of any notice of termination, Consultant shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. Consultant shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 7.3. In the event of termination without cause pursuant to this Section, the City need not provide the Consultant with the opportunity to cure pursuant to Section 7.2.

7.8 Termination for Default of Party.

If termination is due to the failure of the other Party to fulfill its obligations under this Agreement:

(a) City may, after compliance with the provisions of Section 7.2, take over the work and prosecute the same to completion by contract or otherwise, and the Consultant shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the

compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Consultant for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

(b) Consultant may, after compliance with the provisions of Section 7.2, terminate the Agreement upon written notice to the City's Contract Officer. Consultant shall be entitled to payment for all work performed up to the date of termination.

7.9 Attorneys' Fees.

If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 8. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

8.1 Non-liability of City Officers and Employees.

No officer or employee of the City shall be personally liable to the Consultant, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Consultant or to its successor, or for breach of any obligation of the terms of this Agreement.

8.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to the Agreement which affects her/his financial interest or the financial interest of any corporation, partnership or association in which (s)he is, directly or indirectly, interested, in violation of any State statute or regulation. The Consultant warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry or other protected class in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry or other protected class.

8.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*, as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 9. MISCELLANEOUS PROVISIONS

9.1 Notices.

Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City Manager and to the attention of the Contract Officer (with her/his name and City title), City of Rancho Palos Verdes, 30940 Hawthorne Blvd., Rancho Palos Verdes, California 90275 and in the case of the Consultant, to the person(s) at the address designated on the execution page of this Agreement. Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in 72 (seventy two) hours from the time of mailing if mailed as provided in this section.

9.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

9.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

9.4 Integration; Amendment.

This Agreement including the attachments hereto is the entire, complete and exclusive expression of the understanding of the parties. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. No amendment to or modification of this Agreement shall be valid unless made in writing and approved by the Consultant and by the City Council. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

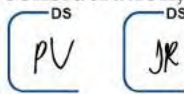
9.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

9.6 Warranty & Representation of Non-Collusion.

No official, officer, or employee of City has any financial interest, direct or indirect, in this Agreement, nor shall any official, officer, or employee of City participate in any decision relating to this Agreement which may affect his/her financial interest or the financial interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any State or municipal statute or regulation. The determination of "financial interest" shall be consistent with State law and shall not include interests found to be "remote" or "noninterests" pursuant to Government Code Sections 1091 or 1091.5. Consultant warrants and represents that it has not paid or given, and will not pay or give, to any third party including, but not limited to, any City official, officer, or employee, any money, consideration, or other thing of value as a result or consequence of obtaining or being awarded any agreement. Consultant further warrants and represents that (s)he/it has not engaged in any act(s), omission(s), or other conduct or collusion that would result in the payment of any money, consideration, or other thing of value to any third party including, but not limited to, any City official, officer, or employee, as a result of consequence of obtaining or being awarded any agreement. Consultant is aware of and understands that any such act(s), omission(s) or other conduct resulting in such payment of money, consideration, or other thing of value will render this Agreement void and of no force or effect.

Consultant's Authorized Initials _____



9.7 Corporate Authority.

The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) that entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

CITY:

CITY OF RANCHO PALOS VERDES, a municipal corporation

DocuSigned by:
Barbara Ferraro
8148E3E489434A7...

Barbara Ferraro, Mayor

ATTEST:

DocuSigned by:
Teresa Takaoka
F4B15081212C4C0

Teresa Takaoka, City Clerk

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

DocuSigned by:
William Wynder
9F096A23BACC45F

William W. Wynder, City Attorney

CONSULTANT:

COYOTE WILDLIFE AND PEST SOLUTIONS, INC., a California corporation

DocuSigned by:
Pamela R Vandalsem
27B6DACADE3E477

By: Pamela Rizzo Vandalsem

Title: Chief Executive Officer

DocuSigned by:
Jimmie Rizzo
27B6DACADE3E477

By: Jimmie Vance Rizzo III

Title: Chief Finance Officer

Address: 8775 E. Wiley Way
Anaheim, CA 92808

Two corporate officer signatures required when Consultant is a corporation, with one signature required from each of the following groups: 1) Chairman of the Board, President or any Vice President; and 2) Secretary, any Assistant Secretary, Chief Financial Officer or any Assistant Treasurer. CONSULTANT'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2023 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER	DESCRIPTION OF ATTACHED DOCUMENT
<input type="checkbox"/> INDIVIDUAL	_____
<input type="checkbox"/> CORPORATE OFFICER	TITLE OR TYPE OF DOCUMENT

TITLE(S)	
<input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED	_____
<input type="checkbox"/> GENERAL	NUMBER OF PAGES
<input type="checkbox"/> ATTORNEY-IN-FACT	
<input type="checkbox"/> TRUSTEE(S)	_____
<input type="checkbox"/> GUARDIAN/CONSERVATOR	DATE OF DOCUMENT
<input type="checkbox"/> OTHER _____	

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2023 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER	DESCRIPTION OF ATTACHED DOCUMENT
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE OFFICER _____ TITLE(S)	_____ TITLE OR TYPE OF DOCUMENT
<input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL <input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER _____	_____ NUMBER OF PAGES
_____	_____ DATE OF DOCUMENT

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT "A"

SCOPE OF SERVICES

- I.** Consultant will provide City with coyote control, abatement, trapping, and removal related services, as directed by the City's Contract Officer and in accordance with the tiered system outlined in the City's Coyote Management Plan, and specifically for coyotes which: (1) have engaged in a take (resulting in injury or death) of domestic pets whether on a leash or in a yard; (2) are so habituated to human interaction as to lose the natural aversion to such interactions and who have exhibited aggressive behavior, including showing teeth, back fur raised, lunging, or nipping, and/or (3) have attacked a human being.
- A.** Consultant will use snares as traps in locations the City deems as priority. To this end, the traps will be placed in strategic locations according to noted activity and in response to notification and complaints by the public, and will remain in place for 10 days. Typical duration for a specific site is 10 days. This is based on the typical cycle of the coyote's territorial hunting cycle. At certain times of the year this cycle may vary and Consultant may adjust accordingly. Should a specific area need more attention, Consultant will adjust the timetable to achieve the desired results. All traps will be checked a minimum of once daily and captured animals will be removed. Consultant will use equipment to capture specific species. Although non-targeted animals are occasionally caught, it is extremely rare. Any non-targeted animals will be released on site. Traps are disabled every Friday and reset on Monday morning.
- B.** Consultant's use of the number of traps placed, will be based on availability of space, visibility from the public, and activity level of the target animals and Consultant's professional judgement of how many it needs to achieve the desired results.
- C.** Consultant will use some traps that use a scent and others that do not. With the traps that use a scent, the scent is applied to a ball of wool. The type of scent used depends on the time of year. It is used to work on the animals' curiosity. No food or food based scent is used in the process so as to minimize the chance of attracting non-target animals. Other types of traps use no attractant at all. They are used along the animals natural corridors. All traps are humane and approved for depredation by the State of California. No toxic substances are used in the process.
- D.** Per California law, all trapped coyotes must be euthanized on site humanely or released on the spot. All coyotes trapped will be considered target animals and Consultant will euthanize.
- II.** All labor and materials, including snares, will be provided by Consultant.

- III.** All traps used by Consultant are approved by the Department of Fish and Game.
- IV.** In addition to the requirements of Section 6.2, during performance of the Services, Consultant will keep the City apprised of the status of performance by delivering the following status reports:
 - A. As requested by the Contract Officer.

EXHIBIT "B"

SPECIAL REQUIREMENTS

(Superseding Contract Boilerplate)

Added text indicated in ***bold italics***, deleted text indicated in ~~strikethrough~~.

[INTENTIONALLY LEFT BLANK]

EXHIBIT "C"**SCHEDULE OF COMPENSATION**

- I. The cost for every 10 business days is \$2,300. Consultant will provide services twice a month for a not to exceed amount of \$4,600 per month. The annual cost shall not exceed \$60,000.**
- II. The City will compensate Consultant for the Services performed upon submission of a valid invoice. Each invoice is to include:**
 - A. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.
 - B. Line items for all materials and equipment properly charged to the Services.
 - C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.
 - D. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.
- IV. The total compensation for the Services shall not exceed the Contract Sum as provided in Section 2.1 of this Agreement.**
- V. The Consultant's billing rates for all personnel are attached as Exhibit C-1. N/A.**

EXHIBIT "D"

SCHEDULE OF PERFORMANCE

- I. Consultant shall perform services twice a month with at least a 10 day business interval between rounds in a timely manner.**
- II. The Contract Officer may approve extensions for performance of the services in accordance with Section 3.2. Any further extensions require City Council approval.**

Certificate Of Completion

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 Document Pages: 30 Signatures: 5
 Certificate Pages: 5 Initials: 4
 AutoNav: Enabled
 Envelope Stamping: Enabled
 Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:
 Lisa Garrett

IP Address: 72.34.97.146

Record Tracking

Status: Original
 9/6/2023 9:36:54 AM

Holder: Lisa Garrett

Location: DocuSign

Signer Events

Pamela R VanDalsem
 coyotewildlifesolutions@gmail.com
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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Timestamp

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Jimmie Rizzo
 coyotewildlifesolutions@gmail.com
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Barbara Ferraro
 barbara.ferraro@rpvca.gov
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William Wynder
 wwinder@awattorneys.com
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Signer Events	Signature	Timestamp
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Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
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 Not Offered via DocuSign

<p>City Clerk Office CityClerk@rpvca.gov Security Level: Email, Account Authentication (None)</p>	<div style="border: 2px solid blue; padding: 5px; text-align: center; font-weight: bold; color: blue;">COPIED</div>	<p>Sent: 9/25/2023 12:25:07 PM Viewed: 9/25/2023 1:59:25 PM</p>
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Notary Events	Signature	Timestamp
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Envelope Sent	Hashed/Encrypted	9/6/2023 9:48:50 AM
Certified Delivered	Security Checked	9/25/2023 12:24:56 PM
Signing Complete	Security Checked	9/25/2023 12:25:04 PM
Completed	Security Checked	9/25/2023 12:25:07 PM

Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Rancho Palos Verdes (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Rancho Palos Verdes:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: terit@rpvca.gov

To advise City of Rancho Palos Verdes of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at terit@rpvca.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from City of Rancho Palos Verdes

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to terit@rpvca.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Rancho Palos Verdes

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to terit@rpvca.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify City of Rancho Palos Verdes as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Rancho Palos Verdes during the course of your relationship with City of Rancho Palos Verdes.

Exhibit 4

AN INTERNATIONAL ORGANIZATION DEDICATED TO PROTECTING THE RIGHTS OF ALL ANIMALS



PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

PETA FOUNDATION IS AN OPERATING
NAME OF THE FOUNDATION TO
SUPPORT ANIMAL PROTECTION.

ENTITIES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

as possible, dozens of residences were still within 150 yards of the trap.⁴ On July 20, 2023, Rizzo reported a coyote caught in a trap in the “[v]icinity of Merrill Street Basin.”⁵ Any placement within this area similarly would have been less than 150 yards from numerous residences.⁶

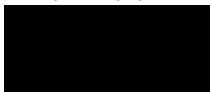
These possible violations of § 465.5(g)(3) are not new occurrences. On multiple occasions in 2022, Rizzo reported trapping coyotes in snares in the Vine Avenue Basin location.⁷ As noted above, any placement in this area would have required the written consent of dozens of landowners, which neither Rizzo nor the City of Torrance apparently received. In addition, the repeated use of the Vine Avenue Basin as a trapping location suggests that Rizzo is an ongoing threat to contravene CDFW regulations.

Section 465.5(g)(3) was enacted to protect people from the dangers of snares and other traps. Rizzo’s actions not only appear to violate the law but consequently put residents in danger and infringe on their right to consent to any trap placement within 150 yards of their homes. Rizzo’s history strongly suggests that this conduct will continue to occur unless law enforcement takes action. Accordingly, we request that CDFW investigate Rizzo’s trapping and refer any violations of the regulation to a prosecuting authority.

Additionally, in the event CDFW does refer violations of § 465.5(g)(3) to the Torrance City Attorney’s Office,⁸ we request that the City Attorney transfer the case to the LA District Attorney’s Office based on the clear conflict of interest that charges against Rizzo would create for the City of Torrance. Not only is Rizzo the City’s contracted coyote trapper, but Torrance was made aware of alleged violations of the regulation both before Rizzo’s contract was renewed on September 26, 2023, and before his most recent report that indicates he may have violated § 465.5(g)(3) again. There is no evidence that Torrance has made any attempt to address the possible violations of California law, or to stop Rizzo from trapping in close proximity to homes since then. The City Attorney’s Office cannot maintain a case against Rizzo without bias, and therefore it is crucial that the LA District Attorney’s Office handles any charges stemming from CDFW’s investigation.

Thank you for your attention to this matter.

Very truly yours,



Mary Maerz
Counsel, PETA Foundation
marym@petaf.org | 

⁴ The Vine Avenue Sump is located at the coordinates 33.828506, -118.356137. Ex. 3, Map of Vine Avenue Basin with 150-yard (450-foot) radius indicated.

⁵ Ex. 4, Rizzo’s July 20, 2023, daily trapping report.

⁶ The Merrill Street Basin is located at the coordinates 33.828536, -118.356219. Ex. 5, Map of Merrill Street Basin with 150-yard (450-foot) radius indicated.

⁷ Ex. 6, Rizzo’s October 12, 2022, and November 30, 2022, daily trapping reports.

⁸ The City Attorney has primary authority over state law misdemeanors that occur within the city.

Exhibit 1

SECOND AMENDMENT TO CONTRACT SERVICES AGREEMENT (C2022-069)

This Second Amendment to Contract Services Agreement C2022-069 (the "Second Amendment") is made and entered into as of September 26, 2023, by and between the CITY OF TORRANCE ("CITY"), a municipal corporation, and Coyote, Wildlife and Pest Solutions, Inc., a California Corporation ("CONTRACTOR").

RECITALS:

- A. CITY previously circulated a Request for Proposal for City-wide Coyote Trapping Services, RFP No. B2021-45 (the "RFP").
- B. CONTRACTOR submitted a Proposal (the "Proposal") in response to the RFP. In its Proposal, CONTRACTOR represented that it was qualified to perform those services requested in the RFP. Based upon its review of all proposals submitted in response to the RFP, the CITY decided to award the Agreement to CONTRACTOR.
- C. On November 22, 2021, CITY and CONTRACTOR entered into Contract Services Agreement C2022-069 (the "Agreement"), whereby CONTRACTOR agreed to provide coyote trapping services Monday through Friday, through October 7, 2022, for an amount not to exceed \$55,200.
- D. On September 27, 2022, CITY and CONTRACTOR entered into a First Amendment to Contract Services Agreement C2022-069 (the "First Amendment") to: extend the term of the Agreement through October 7, 2023; add two (2) separate options to extend the term of the Agreement for one (1) additional year each; increase service to Monday through Sunday; and, add \$79,200 to CONTRACTOR's compensation under the Agreement.
- E. CITY is satisfied with the level of service provided by CONTRACTOR.
- F. CITY now wishes to exercise the first option to extend the term of the agreement for one (1) year, and add \$79,200 to CONTRACTOR's compensation under the Agreement.
- G. Additionally, CITY wishes to further amend the Agreement and update the Public Records Act language to comport with recent changes to the California Government Code Sections that govern public records and public records requests.

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NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

AGREEMENT:

1. Section 2 of the Agreement entitled "TERM" is hereby amended to read in its entirety as follows:

"2. TERM

Unless earlier terminated in accordance with Paragraph 4 below, this Agreement will continue in full force and effect from the Effective Date through October 7, 2024. This Agreement includes one (1) option to extend the term by one (1) additional year. The option to extend can be exercised only by CITY."

2. Section 3 of the Agreement entitled "COMPENSATION", Subsection A entitled "CONTRACTOR's Fee", is hereby amended to read in its entirety as follows:

"3. COMPENSATION

A. CONTRACTOR's Fee.

For services rendered pursuant to this Agreement, CONTRACTOR will be paid in accordance with the compensation schedule set forth in the Proposal, provided, however, that in no event will the total amount of money paid the CONTRACTOR, for services initially contemplated by this Agreement, exceed the sum of \$213,600 (the "Agreement Sum"), unless first approved in writing by CITY."

3. Section 33 of the Agreement entitled "PUBLIC RECORDS ACT" is hereby amended to read in its entirety as follows:

"33. PUBLIC RECORDS ACT

Any documents submitted by the CONTRACTOR; all information obtained in connection with the CITY's right to audit and inspect the CONTRACTOR's documents, books, and accounting records pursuant to paragraph 14 CONTRACTOR's Accounting Records; Other Project Records; as well as those documents which were required to be submitted in response to the Request for Proposals (RFP) used in the solicitation process for this Contract, become the exclusive property of the City. All such documents become a matter of public record and shall be regarded as public records. Exceptions will be those elements in the California Government Code Section 7920.000 et seq. (Public Records Act) and which are marked "trade secret", "confidential", or "proprietary". The CITY shall not in any way be liable or responsible for the disclosure of any such records including, without limitation, those so marked, if disclosure is required by law, or by an order issued by a court of competent jurisdiction.

In the event the CITY is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked "trade secret", "confidential", or "proprietary", the CONTRACTOR agrees to defend and indemnify the CITY from all costs and expenses, including reasonable attorney's fees, in action or liability arising under the Public Records Act."

- 4. Except as expressly modified by this Second Amendment, in all other respects, the Agreement dated November 22, 2021, and the First Amendment dated September 27, 2022, between CITY and CONTRACTOR are ratified and reaffirmed and remain in full force and effect.

CITY OF TORRANCE,
a municipal corporation

Coyote, Wildlife and Pest Solutions, Inc.
a California Corporation

By: _____
Aram Chaparyan, City Manager

By: _____
Pamela Parker, CEO

APPROVED AS TO FORM
PATRICK Q. SULLIVAN
City Attorney

By: _____
Galen W. Bean
Legal Counselor

COYOTE, WILDLIFE, AND PEST SOLUTIONS

TRAPPER NO. 7868

E: [REDACTED] P: 714.943.4121

DAILY REPORT

EMPLOYEE NAME: Jimmie Rizzo DATE: 10/5/23

JOB NAME: City of Torrance

LOCATION: Sump in vicinity of Vine Avenue

NO. COYOTES CAPTURED: (1)

WEIGHT: 28 lbs 2 oz.

AGE:

- PUP
- ADOLESCENT
- ADULT
- N/A

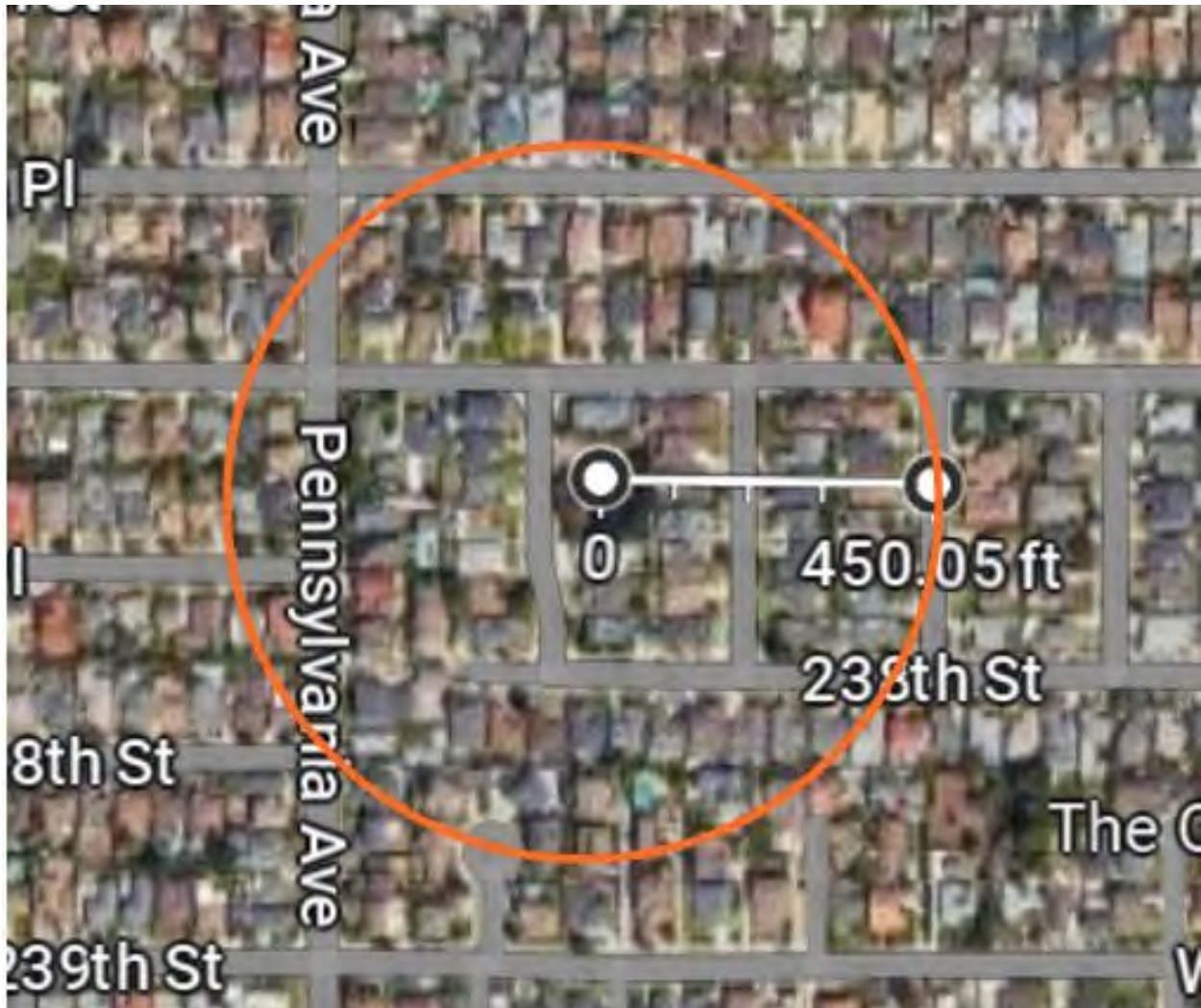
SEX:

- FEMALE
- MALE
- UNKNOWN

PHYSICAL CONDITION:

- HEALTHY
- UNHEALTHY
- UNKNOWN

GENERAL COMMENTS: _____



Map of Vine Avenue Basin

Residences within 150 yards (450 feet) of a trap placed in the middle of the basin are indicated by the orange circle.

COYOTE, WILDLIFE, AND PEST SOLUTIONS

TRAPPER NO. 7868

E: [REDACTED] P: 714.943.4121

DAILY REPORT

EMPLOYEE NAME: Jimmie Rizzo DATE: 7/20/23

JOB NAME: City of Torrance

LOCATION: Vicinity of Merrill Street Basin

NO. COYOTES CAPTURED: (1)

WEIGHT: 28lbs 3 oz

AGE:

- PUP
- ADOLESCENT
- ADULT
- N/A

SEX:

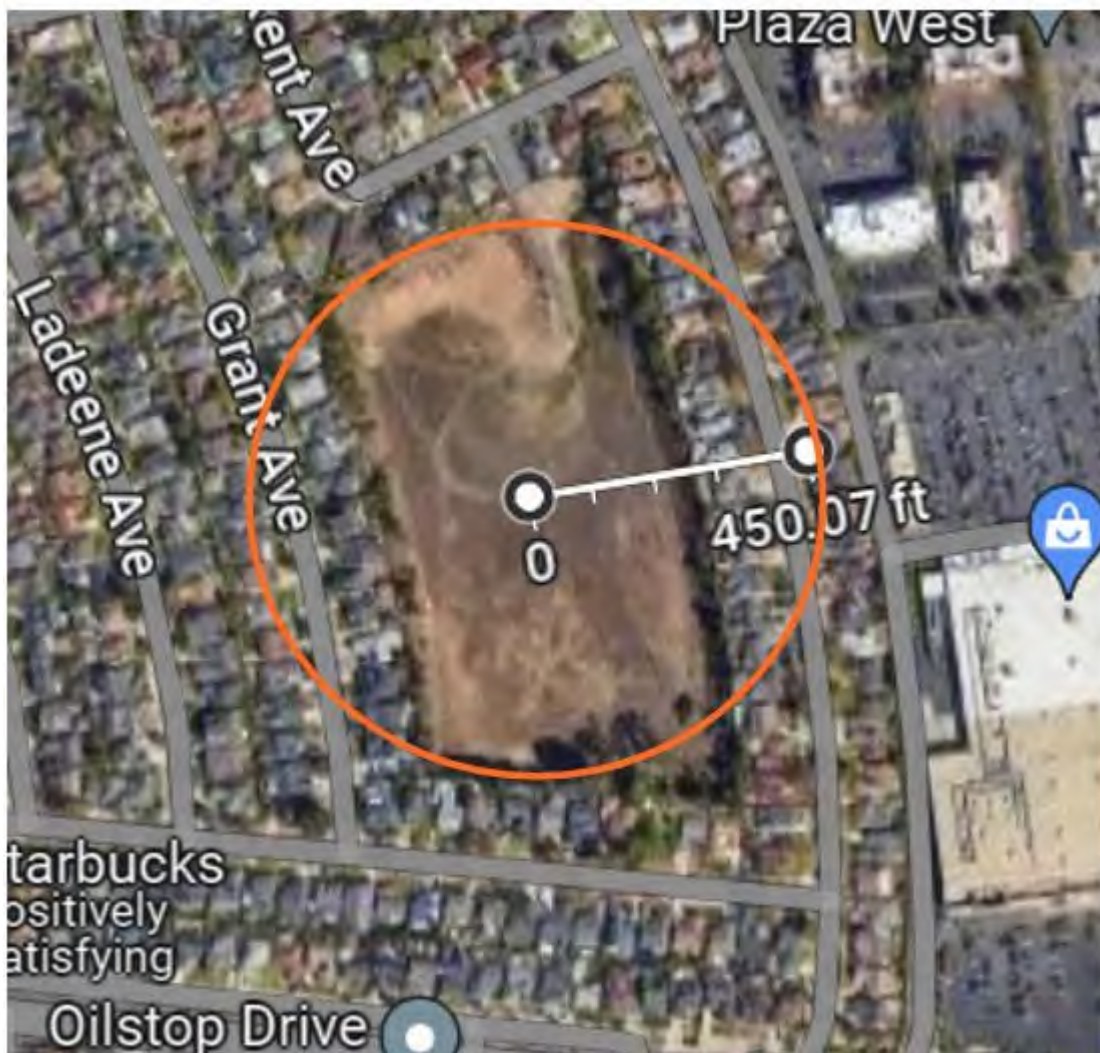
- FEMALE
- MALE
- UNKNOWN

PHYSICAL CONDITION:

- HEALTHY
- UNHEALTHY
- UNKNOWN

GENERAL COMMENTS: _____

Exhibit 5



Map of Merrill Street Basin

Residences within 150 yards (450 feet) of a trap placed in the middle of the basin are indicated by the orange circle.

COYOTE, WILDLIFE, AND PEST SOLUTIONS

TRAPPER NO. 7868

E: [REDACTED] P: [REDACTED]

DAILY REPORT

EMPLOYEE NAME: Jimmie Rizzo DATE: 11/30/22

JOB NAME: City of Torrance

LOCATION: Vicinity of Vine

NO. COYOTES CAPTURED: 29 lbs

WEIGHT: 3 oz

AGE:

- PUP
- ADOLESCENT
- ADULT
- N/A

SEX:

- FEMALE
- MALE
- UNKNOWN

PHYSICAL CONDITION:

- HEALTHY
- UNHEALTHY
- UNKNOWN

GENERAL COMMENTS: One Adult Female, Healthy

COYOTE, WILDLIFE, AND PEST SOLUTIONS

TRAPPER NO. 7868

E: [REDACTED] P: [REDACTED]

DAILY REPORT

EMPLOYEE NAME: Jimmie Rizzo DATE: 10/12/22

JOB NAME: City of Torrance

LOCATION: Vicinity of Vine Street Sump

NO. COYOTES CAPTURED: (1)

WEIGHT: 23 lbs

AGE:

- PUP
- ADOLESCENT
- ADULT
- N/A

SEX:

- FEMALE
- MALE
- UNKNOWN

PHYSICAL CONDITION:

- HEALTHY
- UNHEALTHY
- UNKNOWN

GENERAL COMMENTS: (1) Adult Male, Healthy

Exhibit 5

STATEMENT OF MATTHEW DUNCAN

I, Matthew Duncan, declare as follows:

1. My name is Matthew Duncan. I am a citizen of California. I am over the age of 18 years and competent to make this declaration. The information set forth in this declaration is based on my personal knowledge of events described herein unless stated otherwise.
2. I was a resident of Anaheim, California, for 27 years. As a long-time resident, I have continued to be interested and involved in issues affecting the City of Anaheim. Specifically, I am opposed to the City's decision to implement a coyote management plan that includes trapping and killing coyotes, and I monitor the process of the program. I believe that the trap-and-kill program is inhumane and ineffective, and I regularly attend City Council meetings to address this issue.
3. Through monitoring the City of Anaheim's trap-and-kill program, I became aware that the City contracts with Coyote, Wildlife, and Pest Solutions, Inc. ("CWPS"), to carry out the trapping and killing of coyotes within the city. I also learned that CWPS employs one trapper to perform these activities, Jimmie Rizzo, who uses snare traps to trap coyotes and subsequently "euthanizes" them.
4. In approximately December of 2023, I came across the information that Rizzo was working with Dr. Niamh Quinn, Human-Wildlife Interactions Advisor at the University of California South Coast Research and Extension Center. Specifically, I learned that Dr. Quinn uses coyotes for their research, including collaring live coyotes to track them and using dead coyotes for other research or instructional purposes. I learned that Rizzo provided coyotes—both dead and alive—to Dr. Quinn.
5. On December 28, 2023, I called Dr. Quinn to ask about their working relationship with Rizzo, and I left a voicemail inquiring about the same. Later that day, I received a call from Rizzo in response to the voicemail I left for Dr. Quinn. The call lasted approximately 30 minutes. On this phone call, I told Rizzo that I grew up in Anaheim and that I oppose the trap-and-kill program and support co-existence. I asked Rizzo how he "euthanizes" coyotes that he traps, and Rizzo stated that he kills them by putting them in a mobile carbon dioxide gas chamber.
6. I hereby attest that the information contained in this statement is accurate to the best of my knowledge.

DocuSigned by:
Matthew P. Duncan
95ATCC3C36ED45E...

Matthew Duncan

Subscribed on this day of 3/20/2024 by Matthew Duncan.

Exhibit 6

Council Meeting of
November 27, 2018

SUPPLEMENTAL #1

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Supplemental Material to Council Agenda Item #9C

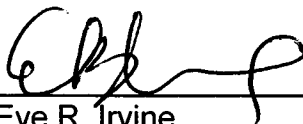
Attached, for your consideration, please find additional correspondence and a petition related to the Council Agenda Item #9C- Coyote Management Plan Report received after the completion of the Council item.

Respectfully submitted,

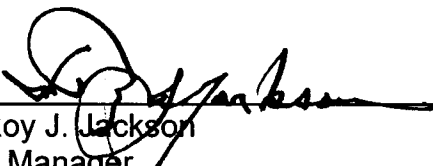
Eve R. Irvine
Chief of Police

By 
Diane Megerdichian
Sr. Business Manager

CONCUR:



Eve R. Irvine
Chief of Police



LeRoy J. Jackson
City Manager

Attachment A: Correspondence
Attachment B: Petition

----- Original message -----

From: Sharon Pizzulli <[REDACTED]>
 Date: 11/21/18 9:05 AM (GMT-08:00)
 To: "Mattucci, Aurelio" <[REDACTED]>, "Furey, Pat"
 <[REDACTED]>, "Chen, George" <[REDACTED]>, "Griffiths, Mike"
 <[REDACTED]>, "Herring, Milton" <[REDACTED]>, "Goodrich,
 Tim" <[REDACTED]>, "Rizzo, Geoffrey" <[REDACTED]>
 Subject: Fw: IMG_4813.MOV - Humane trapping method - Nov 27th meeting Coyotes

Mayor and Councilman,

Please view the attached video. It shows a girl trapper sticking her hand in the trap with no pain.

If you are having troubles please follow up with Viet as he has been able to view it and can show it to you.

Sincerely,
 Sharon Pizzulli

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Wednesday, November 14, 2018, 8:40 AM, Skye Goode (via Google Drive)
 <[REDACTED]> wrote:

Skye Goode has shared the following video:



IMG_4813.MOV



Hand in humane foothold trap video

From: <[REDACTED]>
Date: November 21, 2018 at 7:19:28 AM PST
To: [REDACTED]
Subject: Insanity Vs Humanity

Dear Mayor Furey And City Council Members,

This email is meant to address two important issues— Public Safety & Discernment (sustainability for ones-self).

As the new “**Movement**” —takes hold for citizens & residents of Torrance to incorporate into their —

“**New Lifestyle**” — of expectations — for humans to become **habituated** to the “ Resident Coyote’s” — It infers who — Dominates.

Myself and my encounter with a Coyote atop of my alley dumpster, staring down at me sends chills up & down my aged spine. Not to mention...the fear projected of being pounced upon.

My own experience:

Upon taking out the trash to the dumpster.....I was met face to face with a Coyote. (I reside behind Chase Bank on Arlington). I did what was outlined in the Coyote Management Plan to — no avail. Upon calling — TPD Animal Control, Officer La Rose, I was informed, repeatedly to learn to co-exist. She reiterated, more than once — “You encroached their territory not visa versa.”

Here I am before you — with facts. Facts — Hazing our “**New Resident Coyote Plan**” is not working!!

In my efforts, with an unsteady gait (I use a cane 75 % of the time)....I shouted for the Coyote to — “Get down” & shook my bags as a rustling noise is said to deter, waved my hands over my head (to show larger presence), stomped my feetand yelled without anyresolution. The Hungary predator, stood defiantly, not even slightly flinching atop the dumpster. Coyotes have an advantage atop a trash dumpster to assess, looking down onto any living, breathing, moving thing — be it a person or a pet thus being selective. Hence, prey becomes their next meal.

My — “SAFETY” & SAFETY FOR OTHERS” is paramount. I began, walking backward slowly, to avoid further confrontation as it was obvious that there was no fear from the Coyote. Only — fear for ones-self (me). Adrenaline rushing.....I began asking myself, what should I do now??

Upon hearing, my neighbors garage door open, my thought was if I can enter the parking stall... as they parked their vehicle...car — I could avoid being confronted, pounced on or challenged by the encroaching “ **New Local Resident Coyote**” — REALLY !!!!

Is this the “**New Normal**” for Torrance - A once Balanced City ?? Life **compromised** is not “**promised.**”

It is very discouraging, as an semi- retired, aging resident, to re-learn how to live in a City you once considered a — forever home. The need to re-learn how to co-exit with wild life and see them as - Residents too. It’s Insanity - verses Humanity simply stated.

Please think, common sense is essential to find a better resolution before tragedy strikes at the heart of our Community. Too little too late — is not an option. Think responsibly.

Respectfully submitted,

Terreah Dietel (resident 33 years)

----- Original message -----

From: [REDACTED]
 Date: 11/20/18 4:33 PM (GMT-08:00)
 To: "Rizzo, Geoffrey" <[REDACTED]>
 Subject: Stop the Coyote Killings

Message to Geoff Rizzo:

I have heard of other communities killing coyotes, but I never thought my own town would resort to such short-sighted, ineffective, and inhumane methods. Traps, regardless of the type, are incredibly cruel and may inadvertently catch pets or protected wildlife. In addition, scientific research has shown that coyote culling actually increases the number of coyotes because the remaining coyotes have larger litters and breed more to make up their numbers.

What has proven successful are programs to educate the public about how to haze coyotes (frighten them away from people) and how to avoid erroneously feeding coyotes. I urge the Torrance City Council to pursue scientific wildlife management methods in addressing coyote concerns within the community.

Thank you.

Sincerely,
 MS. Karen Winter

[REDACTED]
 Torrance, CA
 US

From: Sharon Pizzulli <[REDACTED]>
 Sent: Monday, November 19, 2018 7:00 PM
 To: Furey, Pat <[REDACTED]>; Chen, George <[REDACTED]>; Goodrich, Tim <[REDACTED]>; Griffiths, Mike <[REDACTED]>; Herring, Milton <[REDACTED]>; Mattucci, Aurelio <[REDACTED]>; Rizzo, Geoffrey <[REDACTED]>; City Clerk <[REDACTED]>; Barthe-Jones, Eleanor <[REDACTED]>
 Subject: Re: Coyote Issue for Nov 27th meeting

Dear Council,

This just happened today in Placentia! A 3yr old bitten in the head by a coyote.

How many more attacks and blood shed before we do something?

<https://patch.com/california/orange-county/coyote-attacks-toddler-placentia>

Sincerely,
 Sharon Pizzulli

On Monday, November 19, 2018, 10:07 AM, Sharon Pizzulli <[REDACTED]> wrote:

To The Mayor and Council of Torrance,

PEASE do **not** keep the same coyote plan from 2016 (when this issue got exasperated and now is ten times worse). It isn't working.

While we wait for the next city council meeting regarding the coyotes, more pets are being killed every day. Another dog got carried away on ANZA and DEELANE in TORRANCE on 11/14/18. Blood dripping everywhere all the neighbors saw it. The SPCA even came out.

PLEASE we need the city to prepare a new CEQA EIR. The EIR should include the impacts of the supported plan as well and be performed by a neutral organization.

Also, I feel the color code level for Orange needs to be updated:

Level Orange – Coyote entering a yard - Your plan reads, “If MUTLIPLLE incidents have occurred in the same vicinity within a short amount of time, lethal removal may be considered”. It should read FOR EVERY incident of a coyote entering a yard or a pet loss, lethal removal should be considered. The coyote will always come back if there is nothing to fear.

Multiple incidents of pet deaths have been taking place for the last two years in Torrance and it's getting worse because nothing is being done. We **cannot** accommodate these predators.

When our pets are being killed in their own back yard, there absolutely needs to be a consequence to the coyote or it will keep doing it. (Right now the coyote thinks it's okay to hunt in our back yard since there is no danger or repercussions).

Coyotes need to know they should not be entering into back yards (They need consequences so they learn).

Also, there are humane traps that hold the foot and are so safe that a human can put their hand in it and there is no pain. Its just like a pair of handcuffs. (I will show a video at the meeting.)

PLEASE THE COMMUNITY IS BEGGING YOU,

Sincerely,
Sharon Pizzulli

From: " [REDACTED] " >
Date: November 19, 2018 at 6:18:02 PM PST
To: [REDACTED]
Subject: Please stop killing coyotes!

Message to Patrick J. Furey:

I was disgusted to learn that at least seven coyotes have been killed in Torrance since August. Not only are lethal measures 100 percent ineffective, they're also extremely stressful for any wild species. The traps used (even the padded or rubber-coated variety) are extraordinarily cruel—ensnared animals often sustain horrific injuries in their frantic attempts to escape. Killing also tears wild families apart, leaving orphaned young to starve, and traps endanger companion animals as well as protected wildlife.

Please pursue only humane, long-term solutions that have proved effective in other cities, such as Arcadia, Pasadena, South Pasadena, and many others in the state and throughout the country.

Thank you.

Sincerely,
Ms. Rebecca Hoeschler

[REDACTED]
El Segundo, CA
US
[REDACTED]

From: Janet Schoenfeld <[REDACTED]>
Date: November 19, 2018 at 5:03:32 PM PST
To: [REDACTED]
Subject: Public Comment: 11/27 Item 9C

Public Comment Submitted for City Council Meeting of 11/27/2018

Agenda Item 9C

Dear Mayor Furey,

The coyote issue is a challenge for Torrance and indeed for all communities in the South Bay area. It's a shared challenge and it requires a cooperative, thoughtful approach with the full engagement of both citizens and various jurisdictions' government agencies. I am a former Torrance resident currently residing in RPV. My family and I spend significant time and money in Torrance at its shopping, entertainment, and recreational destinations.

I'm writing today to urge that Torrance officials pursue the following measures offered in Staff report concerning Options Regarding 2016 Urban Coyote Management Plan:

1. Maintain the 2016 Urban Coyote Management Plan ("CMP") and conduct robust educational and outreach initiatives;
3. Hire a full-time civilian program Staff Assistant to oversee the CMP;
4. Request Los Angeles County to develop a Regional Coyote Management Program;
5. Specify and enforce Wildlife Feeding Consequences;
6. Establish a 24/7 phone hotline for reporting coyote activity;
7. Enhance mobile platform for reporting (either use Torrance platform or partner with an established platform such as Coyote Cacher), and

8. Staff weekend and holiday response teams using the City's park rangers.

Torrance has a robust, well considered CMP. An important first step is for both the citizens and the municipality to adhere to its provisions. Education is the nonnegotiable, absolute first step. Without public engagement in actively deterring coyotes, even the most drastic and expensive controls will serve only as stopgap measures with minimal preventive value. Partnership with neighboring cities and even with LA County will help leverage resources and strategize together to address a shared challenge.

Thank you for your consideration and for your leadership in this matter.

Sincerely,

Janet Schoenfeld Mori

From: Ruth Hart [REDACTED]
Sent: Monday, November 19, 2018 3:10 PM
To: Furey, Pat; Chen, George; Goodrich, Tim; Griffiths, Mike; Herring, Milton; Mattucci, Aurelio; Rizzo, Geoffrey
Cc: Poirier, Rebecca
Subject: Coyotes - Item 6A for 11/27 Agenda

I am writing in reference to item 6a on the City Council Agenda for November 27, 2018. I have previously expressed my views on the coyote problem in Torrance and surrounding communities and I have attached that information to this email. What I want to do here is express my views on the Options submitted by the Police Department. As before, I apologize for the length of this email but the 3 minutes available for oral presentation at the City Council meeting is completely inadequate for me to express everything that needs to be said.

At the September 18th meeting, Mayor Furey made the decision to limit public comments to one hour. As it turned out, this provided sufficient time for all interested members of the community to speak, but there was only one representative of the Animal Rights community in attendance at that meeting. Based on the number of emails from PETA included in the agenda, that will not be the case this time. This is too important an issue to limit discussion, whether or not that extends the length of the meeting to a very late hour. It is important that ALL views be heard.

By the way, as I'm sure you realize, the emails from PETA supporters were all generated automatically by pushing a button on the PETA website. Most of the correspondents do not live in the South Bay, and only a few live in Torrance. These people do not have to live with the daily consequences of letting coyotes roam wild in an urban environment. You can see the PETA agenda at the following link:

<https://support.peta.org/page/7816/action/1?locale=en-US>

Following are my specific comments on the recommendations by the Police Department:

1. Maintain the Urban Coyote Management Plan

One definition of insanity is doing the same thing over and over again and expecting a different result. Maintaining the 2016 plan would be an insane action. This plan is totally inadequate for controlling the coyote population and has a number of flaws, at least one of which is fatal. The tiered Coyote Response Plan looks good, but it makes no sense, except to promote coexistence with coyotes. Here are my specific criticisms:

- As I said in my earlier email, the current plan is reactive, not proactive. No action is taken until some undesired coyote behavior is observed. But it is already too late at that point. The coyotes are one step ahead of us. We should be acting to **prevent** certain behaviors, not **react** to them.
- In many cases, the response to a specific coyote action is inadequate. For example, action should be taken against any coyote that enters a yard, especially one with pets. Hazing is effective in the near-term, in getting a coyote to leave for the moment, but recent studies have shown that hazing is ineffective in changing long-term coyote behavior. (See the attachment for details.) Furthermore, the hazing guidelines tell us that we shouldn't haze an injured coyote, but not all injuries are visible, and the average layman has no way to determine if a specific coyote is injured. Likewise, if an animal is injured or killed in its own yard, lethal removal should be recommended; that is, that should be in the red, not orange, tier.
- The most severe (and, in my view, fatal) problem with the tiered response plan is that, even when lethal removal is considered or recommended, there is no way to identify the offending animal, since the coyotes are not tracked. Even if Animal Control were to respond immediately, the coyote would be long gone. There is no way to identify the offending animal and thus it is free to resume its predatory ways. This is why in the 2 years since the plan has been adopted, the only coyotes that have been lethally removed are the seven trapped by Los Angeles County in the Walteria Sump and the one injured coyote that was captured near the major intersection of Torrance and Anza and humanely euthanized thereafter. It, or another coyote, was seen stalking children walking to a nearby school earlier that morning.

The only conclusion to be drawn is that the plan is designed to promote coexistence with coyotes. This is an unrealistic goal, simply because no one has yet succeeded in getting the coyotes to modify their behavior. Coexistence implies that the entire responsibility of "coexistence" belongs to humans.

2. Direct staff to conduct CEQA analysis to measure any adverse impacts of a full time coyote trap and euthanize program.

I support this recommendation. For one thing, the experience of the City of Arcadia demonstrates that there would be financial consequences to the city if a Trap and Euthanize Program were adopted without such a plan. HOWEVER, I would request that the staff ALSO conduct CEQA analysis of the current Coyote Management Plan, which would include things such as impact on other wildlife (foxes, raccoons, skunks, squirrels), pets, and humans, including psychological impacts on residents.

Based on the results of the CEQAs, I would hope that the city would invest in a full-time Trap and Euthanize Program. Since coyotes are on the "least concern" tier of the Endangered Species Act, I see no adverse impact to their overall population. On the other hand, since they have no natural predators in this area, their population will continue to increase unchecked without human intervention.

3. Hire full-time civilian program Staff Assistant

This is a good idea. However, if the city cannot afford both a Staff Assistant and a Trap and Euthanize program. I strongly recommend that they implement the latter. Therefore, I don't recommend approval of a Staff Assistant at this time. Also, the person hired must not have a political agenda and must not blame residents if their pets are killed.

4. Request Los Angeles County to develop a Regional Coyote Management Program

I strongly support this recommendation. Coyotes do not respect city boundaries and pushing them out of only one community will not work. This program should recognize differences between communities which border wilderness areas, where coyotes have lived for many years and generally don't interact with people, and urban communities, such as Torrance, Long Beach, and Culver City, where coyotes have recently taken up residence and have presented a problem to both people and domestic animals.

5. **Post quarterly reports to City's website regarding coyote activity**
6. **Establish 24/7 phone hot-line for residents to report coyote activity**
7. **Enhance mobile platform for photographic and geocode reporting**
8. **Weekend follow up utilizing City's Park Rangers**

I support these recommendations for improving the reporting process. However, it should be realized that NONE of these recommendations will have ANY impact on the number of predator coyotes roaming our streets. Furthermore, as long as the public does not believe that the city really cares about their concerns, there is no incentive to report to the city. There is a reason that many more incidents are reported to the Facebook site than to the city. The city has a public relations problem, but frankly, any money spent on these efforts could be better spent on controlling the coyote population through a Trap and Euthanize program.

Thank you for your consideration. I look forward to (briefly) addressing the Council on November 27th.

Ruth Hart

[REDACTED]
Redondo Beach, CA 90277 (Hollywood Riviera, City of Torrance)

From: Jacquie Gomez <[REDACTED]>
Date: November 19, 2018 at 12:58:03 PM PST
To: [REDACTED]
Subject: Coyotes PROBLEMS

Mayor,

The city has allowed the population of coyotes to get completely out of hand! When are you going to bring back trapping and euthanize of coyotes?

The residence of Torrance deserve protection from these predators! Pets are being killed on a daily basis by coyotes. Children's lives are literally in danger!

We are scared for our families safety!

TORRANCE

Press Release
Police Department
September 26, 2018



Coyote Management & Response

On Wednesday, September 26, 2018, at approximately 8:27 AM, a Torrance Police Crossing Guard reported a coyote in the area of Torrance Boulevard and Anza Avenue where multiple residents were walking with their children. The Torrance Police Department received additional information that the coyote appeared sick.



Adhering to the City of Torrance Coyote Management Plan, Torrance Police Department Animal Control Officers immediately responded due to the potential threat to public safety. Patrol Officers were also dispatched to assist with this incident.

Within an hour, Animal Control personnel were able to catch the coyote. In accordance with state law prohibiting the relocation of this animal, the coyote was transported to a local veterinarian hospital where it was later euthanized.

To prevent public safety, the Torrance Police Department will continue to abide by the City of Torrance Coyote Management Plan. It is the responsibility of the City to manage the unwanted presence of coyotes with an emphasis on education, trapping, and, if necessary, consider employing lethal means of removal only when the safety of the public is at risk.

This investigation was conducted under the command of Torrance Police Captain Mark Underwood of the Special Operations Bureau. Anyone with information regarding this incident is encouraged to contact the Torrance Police Department at (310) 328-3456 (DR# 180046377).



Sergeant Ronald Harris
Torrance Police Department Public Information Officer
(310) 318-1403
RHarris@TorranceCa.gov

TORRANCE POLICE DEPARTMENT
3300 CIVIC CENTER DRIVE, TORRANCE CALIFORNIA 90503
T.P.D. (310) 328-3456

From: leslee pitschke <[REDACTED]>

Date: November 19, 2018 at 12:04:41 PM PST

To: [REDACTED]

Subject: Coyote issue

We need to bring back trapping and euthanization in our city of Torrance. Otherwise someone is going to get hurt by a coyote or arrested for taking action into their own hands.

Thank you,
Leslee Pitschke and family

----- Original message -----

From: Erin Cotton <[REDACTED]>

Date: 11/19/18 12:22 PM (GMT-08:00)

To: "Furey, Pat" <[REDACTED]>, "Chen, George" <[REDACTED]>,

"Goodrich, Tim" <[REDACTED]>, "Griffiths, Mike"

<[REDACTED]>, "Herring, Milton" <[REDACTED]>, "Mattucci,

Aurelio" <[REDACTED]>, "Rizzo, Geoffrey" <[REDACTED]>

Subject: Re: Coyote Issue

Hello, Please vote to trap/euthanize coyotes on Nov 27 and control the population. I am very concerned for the quality of life for the people that reside in Torrance. Thank You, Erin Cotton

From: Erin Cotton <[REDACTED]>

Sent: Monday, September 17, 2018 6:18 AM

To: [REDACTED]

Subject: Coyote Issue

Hello,

About a month ago the first thing my eyes saw on my phone was a picture of a mauled dog lying dead on my neighbors lawn. My neighbor was going out for an early walk, and this is what she came across. This is horrible! As a lifelong Torrance resident (I also have a community garden in coyote zone), I expect our city government to take action AND listen to the good folks of this city who voted you in office.

Please keep this item on the agenda, and listen to what these people have to say. It is a problem you can not ignore anymore.

We shouldn't have to live in fear in Torrance.

Thank You,
Erin Cotton

From: "[REDACTED]" >
To: "Furey, Pat" <PFurey@TorranceCA.gov>, "Mattucci, Aurelio" <AMattucci@TorranceCA.gov>, "Goodrich, Tim" <TGoodrich@TorranceCA.gov>, "Rizzo, Geoffrey" <GRizzo@TorranceCA.gov>, "Chen, George" <GChen@TorranceCA.gov>, "City Clerk" <CityClerk@TorranceCA.gov>, "Barthe-Jones, Eleanor" <EBJones@TorranceCA.gov>, "Griffiths, Mike" <MGriffiths@TorranceCA.gov>, "Herring, Milton" <MHerring@TorranceCA.gov>
Subject: Coyote Agenda Nov 27th -Petition with Torrance Sigs only

To the Mayor and the Council members please find the attached signatures for Torrance residents only. I previously submitted my entire petition with over 1000 signatures and this is an addendum to that petition which this shows Torrance residents only.

241 Torrance Residents Signatures
 Demand Coyotes Posing Threat to Public Safety be removed

First Name	Last Name	City	State/Prov	Country	Why is this important to you?
1	Joni	Weiss	Torrance	California	United Sta: The safety of my pets and children in the neighborhood
2	Tim	Alderete	Torrance	California	United Sta: Coyotes have taken my dogs and killed them and all the neighborhood cats are
3	Natalie	Tisherman	torrance	California	United Sta: To get rid of these terrible predators. They are killing our innocent pets and at
4	Debbie	Shewfelt	Torrance	California	United States
5	Mary	Kotecki	Torrance	California	United Sta: I use to enjoy walking my dog at night. It was a stress reliever for me. Now Iâ€
6	Kimberly	Pittman	Torrance	California	United Sta: There was a den found at the end of my street with the carcasses of 6 dogs an
7	Jennifer	DobosBubi	Torrance	California	United Sta: My quality of life
8	Jacqueie	Gomez	Torrance	California	United Sta: The coyotes are adapting and are out during the day humans have been attack
9	Pamela	Conbar	Torrance	California	United States
10	Patti	Harrison	Torrance	California	United Sta: The coyotes are killing our pets and soon they may attack people. My animals
11	Sally	Lopez	Torrance	California	United Sta: The welfare of our pet
12	Judith	Simmons	Torrance	California	United Sta: Iâ€™m not living in a safe community with marauding predator coyotes. My
13	Nancilyn	Burruss	Torrance	California	United Sta: Coyotes have negatively impacted the life of my family and my pet. We live in
14	Kevin	Tanaka	Torrance	California	United Sta: Because the city dwellers have no clue what a wild animal will do to survive! S
15	Erin	Keady	Torrance	California	United Sta: Because coyotes sightings and attacks are becoming too common in my neigh
16	Debbie	Meny	Torrance	California	United Sta: Coyotes do not belong in our cities with around our children or around our Ou
17	Kathryn	Turman	Torrance	California	United Sta: Are children and pets deserve to be safe in our yards and neighborhoods.
18	Tricia	Sholl	Torrance	California	United Sta: I have small pets and children, and their protection is more important to me th
19	Lorene	Floyd	Torrance	California	United Sta: My cat was killed and I fear for all the animals.
20	karen	cofer	Torrance	California	United States
21	Elizabeth	Choi	Torrance	California	United States
22	Cheryl	Barnett	Torrance	California	United States
23	Marilyn	Day	Torrance	California	United States
24	michelle	Johnson	torrance	California	United Sta: It is sad that we have to live in fear for our pets and ourselves...
25	Randy	Garrett	Torrance	California	United Sta: I found remains of a cat that had been gnawed to the bone on my lawn recent
26	Courtney	Piscitelli	Torrance	California	United Sta: Coyotes killing cats daily around my neighborhood, next will be children!
27	Cindy	Szerlip	Torrance	California	United Sta: I live in a neighborhood besieged by coyotes.
28	Gina	Alvarez	Torrance	California	United Sta: We are very concerned as to the fact they have no fear for humans at all. We
29	Aurelio	Mattucci	Torrance	California	United States
30	Laura	Felix	Torrance	California	United Sta: I have small dogs & children that canâ€™t go out in the backyard unless closeh
31	Shana	Baldwin	Torrance	California	United States
32	Nori	Taylor	Torrance	California	United Sta: Trapping them is being nice. I'm all for just shooting 'em!
33	Dana	Davis	Torrance	California	United States

34 Amanda Pease Torrance California United Sta: I have dogs and I'm tired of seeing so many around our home. And I don't
35 Kimberly Bright Torrance California United Sta: Animals in my neighborhood have been murdered on several occasions. Coyote
36 Peggy Pifer Torrance California United Sta: I have animals and it's out of control
37 scot crofut torrance California United Sta: SAFETY OF HUMANS AND ANIMALS.
38 Sherri Oye Torrance California United States
39 Vicki Jackson Torrance California United Sta: My dog, Molly, was attacked two years ago by a coyote that jumped our fence
40 Ila Vafa Torrance California United Sta: I lost my beautiful Yorkie to these devil dogs.. they are stalking my backyard. V
41 Irina Denitskaya Torrance California United Sta: I have little grandkids, who play at our yard. I have a dog and two cats, who are
42 Monique Happy Torrance California United Sta: Cats, possums, skunks, raccoons and other critters are being decimated in our
43 Jennifer Dobos Torrance California United States
44 Sandra Goetz Torrance California United States
45 Jeanette Wolff Torrance California United Sta: Coyotes have taken away my freedom of living safely and my ability to keep m
46 Linda Gottshall-S Torrance California United Sta: Because I have a puppy and a medium size dog and would like to be able to all
47 Melissa Glorioso Torrance California United Sta: DUH, the coyote population has exploded since there is no higher predator. It
48 Ricki Decker Torrance California United Sta: These coyotes are getting. Older and bolder, and have no fear of humans. The
49 Deborah Beach Torrance California United States
50 Nicolle Fazis Torrance California United States
51 Lori Zern Torrance California United Sta: I have a dog that is part of my family.
52 Mark Glover Torrance California United Sta: The coyote problem in Southern California is so far out of control that Public S
53 Chryl Deppe Torrance California United Sta: It's time to take back our freedom to own pets without fear of the dying fri
54 Marsha Bannon Torrance California United Sta: My backyard is next to the sump where coyotes live. I can't goin my backy
55 Kari K Torrance California United States
56 Gloria Vail Torrance California United States
57 Kristina katsouridis torrance California United States
58 Danelle Beach Torrance California United States
59 Barbara Cocking Torrance California United States
60 Marla S Torrance California United Sta: The coyotes are predators and so co-existence in an urban area with family pe
61 Judy Tolin Torrance California United Sta: coyotes are invading our neighborhoods and attacking our pets! It has to stop
62 Samantha Stout torrance California United States
63 Richard Campbell TORRANCE California United States
64 Louis Harley Torrance California United States
65 Patricia Maki Torrance California United Sta: The coyotes are starving - they are now out during the day and that absolutely
66 Anne Basile Torrance California United States
67 teresa davis torrance California United Sta: I am in fear for my life as well as my dog. Im sick of NO ONE DOING ANYTHING

68 Jose Gomez Torrance California United Sta: My families safety
69 Tracee Peterson Torrance California United Sta: Because these coyotes are getting way to aggressive to live in the city. They ha
70 Louise Forsberg Torrance California United States
71 pam sheerin torrance California United States
72 Paul Gasper Torrance California United Sta: To prevent heartbreak from losing a pet to a coyote.
73 sylvia gonzales torrance California United States
74 Jennifer Turquand Torrance California United Sta: Our pets and children come first
75 Graham Mac Innis Torrance California United States
76 Jen Ralph Torrance California United States
77 Elisa Sgobbo Torrance California United States
78 Susan Lopez Torrance California United Sta: Because coyotes pose a safety threat to the citizens and their pets
78 Todd Turquand Torrance California United Sta: Countless pets have been murdered and coyotes are growing at an alarming r
79 Holly Prieto Torrance California United States
80 Mary Scotti Torrance California United States
81 Jeraldine Tanemura Torrance California United Sta: Please trap and release Coyotes back in the wild. Our children€™s and pets a
82 Kathleen De Cuir Torrance California United States
83 Cecelia Nieto Torrance California United Sta: Many pets are missing from our neighborhood.
84 Danielle Poli Torrance California United States
85 Carrie Bach Torrance California United Sta: Lost a cat to coyotes. Still see them on occasion walking down our street at ni
86 Cheryl Petrucelli Torrance California United States
87 Vikki Hughes Torrance California United States
88 Joylene Borg Torrance California United States
89 Rich Masuda Torrance California United Sta: They pose a danger to my dog and all the pets in the neighborhood. Many of n
90 Anita Barth Torrance California United Sta: For the safety of our neighborhoods! So many children and pets in danger!
91 Paula La Rose Torrance California United Sta: I have a cat. I don't think that humans and animals should be in danger becaus
92 Mariana Adly Torrance California United States
93 Charles Carroll Torrance California United Sta: Coexistence of any definition is not an option in an urban environment where
94 rosine sorbom torrance California United Sta: I am concerned about the safety of our small children and pets. The coyotes h
95 Bonnie McKaig Torrance California United States
96 Leanne Dawson torrance California United Sta: feel like a prisoner....cant go outside or let my kitties out at night (they used to
97 Lileana Mazariego Torrance California United Sta: I have small pets that we consider family members and little kids on the block
98 Jodi Caldwell Torrance California United Sta: I love my pets and I'm tired of living in fear!!!
99 Kathy Wixom Torrance California United States
100 Lavon Heinemani Torrance California United Sta: Because I think my animals should be able to be safe in my our backyard

101 Greg Resin Torrance California United Sta: IT'S UNSAFE HAVING THEM AROUND!
102 Julie Meredith Torrance California United Sta: Our pets are not safe in their own backyard. Cost of living here is expensive bu
103 Michael Taylor Torrance California United Sta: Cities will remove domesticated animals who roam the streets unattended un
104 Christina Cole Torrance California United Sta: It's all about saving our pets
105 Roger Evans Torrance California United Sta: Two of my cats disappeared and my neighbors dog was grabbed by one in fror
106 Stacey Bautista Torrance California United Sta: They do not belong in an urban setting. Pets, children and adults should not h
107 Leslee Pitschke Torrance California United States
108 Amber Whitson Torrance California United Sta: I want to let my children and animals play safely outside without worrying abo
109 Brett Harris Torrance California United Sta: They are in backyard frequently and have eaten two of my pets, it doesn't
110 Megann Lee Torrance California United States
111 Rolando Navalta Torrance California United Sta: I've
112 Joseph Risk Torrance California United Sta: It's just a matter of time till one is bold enough to attack a child.
113 Janis Verret Torrance Uganda
114 Marian Eskander Torrance California United Sta: I love in front of a park where there have been multiple sightings. How could th
115 Maria Shwartz Torrance California United Sta: I want the coyote/predators trapped and euthanized on a daily basis as they a
116 Crystal Jarrett Torrance California United Sta: We have owned our home for 20 years. Not once did we ever have a concern
117 Rita Carroll Torrance California United Sta: Loss of freedom in our own yard for human and pets in an urban community b
118 Rise Howe Torrance California United Sta: Our cat was killed by a coyote in 2016 the same morning our neighbor was ap
119 Kathy F Torrance California United Sta: I should be able to walk out into my backyard or let my dog out without havin
120 Linda Lenton Torrance California United Sta: Our dog was attacked in our backyard by a coyote
121 Chris Mann Torrance California United Sta: Urbanized Coyotes are bold, fearless and brazen. My infant son and dog are at
122 Susan Garcia Torrance California United Sta: Animals held hostage in our homes. Can't safely play, sun or take walk in th
123 Brian Reynolds Torrance California United Sta: They are killing our pets. They are increasing in numbers and feeling more em
124 Rich Gossett TORRANCE California United Sta: We need the Council's action now!!
125 William Braaten Torrance California United States
126 Sonali Mukherjee Torrance California United Sta: Coyotes are dangerous to everyone because they are wild. They can be better
127 Laurie Jester Torrance California United Sta: A coyote attacked my dogs in my fenced backyard two years ago in broad day
128 Misti Guenther Torrance California United Sta: I have small pets and small children.
129 Kitty Shiao Torrance California United States
130 marlene grosch Torrance California United Sta: I've lived here my entire life and never heard or saw a coyote until 2 years ago
131 Teresa Coulter Torrance California United Sta: Our pets should not be part of the food chain.
132 Terreah Dietel Torrance California United States
133 Tina Blakeman Torrance California United Sta: Coyotes are predatory and carry disease that can be transmitted to pets and p
134 Isabel andrau torrance California United Sta: My cat is gone, probably dead because of these coyotes in our area. I'm devas

135 Chang Soo Noh Torrance California United States
136 Maria Sepulveda Torrance California United Sta: We have a dog and know coyotes are in the neighborhood and people walk fo
137 Michael McIlroy Torrance California United Sta: I have had two coyote sightings outside of my house and I have pets.
138 Judy Emerson TORRANCE California United States
139 Kristal Jetkins Torrance California United States
140 Kim Vavak Torrance California United Sta: personally having to supervise my furbabies just to go in our backyard yard is c
141 Emily Atkins Torrance California United Sta: Coyote killed one of my dogs....15 year old Silky Terrier wea€™ve had since he
142 Sarah Carter Torrance California United Sta: Our pets are more important than these wild coyotes!!!
143 Melissa Atkins Torrance California United Sta: Safety of family and pets.
144 Lynne Onak Torrance California United States
145 Robyn Saldana Torrance California United Sta: I have a small dog. I'm terrified to walk her and let her in the backyard. Have s
146 Monica Blackey Torrance California United States
147 Virginia Minami Torrance California United Sta: Safety
148 Elizabeth Dye Torrance California United Sta: Because my puppy and I are now prisoners in my home. Not only can she not e
149 Elizabeth MacDonak Torrance California United Sta: Coyotes will attack children if the opportunity arises. Reduce the population n
150 Teresa Bundoc Torrance California United Sta: I am frightened for the safety of my 1 small dog and 3 cats...and my future gra
151 Mark Scheidema Torrance California United Sta: Too many pets have fallen victim to the escalating coyote population in the LA
152 Debra Nawa Torrance California United States
153 Elizabeth Clifford Torrance California United Sta: Population of coyotes is getting out of so much that they are not afraid of peo
154 Gloria Pedersen Torrance California United Sta: Our pets and people deserve to live and to live in peace and safety.
155 Susan Collins Torrance California United Sta: I have already lost two cats to the coyotes and even had one in backyard fighti
156 Jan Judah Torrance California United Sta: Many coyote sightings and attacks/killings of domestic pets in my area. This is
157 Donald Tippiie Torrance California United Sta: Have a toddler
158 Leslie Estrada Torrance California United Sta: .
159 Orlye Stephenso Torrance California United States
160 John Kwon Torrance California United Sta: I love my pet and want to see anything that would harm it destroyed!
161 Kim Cesario Torrance California United States
162 Irma Mercado Torrance California United States
163 Melinda Jennings Torrance California United States
164 Austin Nuchols Torrance California United Sta: Lost our dog Sammy to a coyote attack.
165 Nancy Whiteheac Torrance California United States
166 Norma Hostetler Torrance California United Sta: Pets are like family. Wild coyotes should not be allowed to intrude into our ya
167 Christina Cole Torrance California United Sta: I don't feel safe in my own yard and have too look over my shoulder when I wa
168 Shelley La Rue Torrance California United Sta: Because I have dogs and cats and family that I worry about. They are not safe.

69 Jacqueline Thompson Torrance California United States
70 I Mercado Torrance California United Sta: As a pet owner breaks my heart to see so many fur babies been kill.
71 Jill S Torrance California United Sta: As a small pet owner and knowing people who have lost or had injured pets di
72 Alyssa Diaz Torrance California United Sta: Public safety on top of our pets safety is becoming a real threat as they contini
73 Nicholas Acosta Torrance California United States
74 Paul Gasper Torrance California United States
75 Patty Burkhardt Torrance California United Sta: I am so tired to leave in fear. When, I walked out my front door, I have to look
76 Terry Maglietto Torrance California United States
77 Matt Girouard Torrance California United Sta: Coyotes have killed 2 neighbor's pets. We've seen coyotes running down Mon
78 susan R Mulledy Dr Torrance California United States
79 Colleen Johnson Torrance California United Sta: I have three cats that can no longer go outside. Several of my neighbors have l
180 Mike Moran Torrance California United States
181 Marc Danziger Torrance California United States
182 Michele Cahill Torrance California United Sta: Iâ€™m sick of hearing about peopleâ€™s pets being killed by coyotes that don
183 Jerry Blanks Torrance California United Sta: For the safety & quality of life of my family & pets
184 Elin Tachin-Livi Torrance California United Sta: My cat was killed by a coyote. I don't want this to happen to other pets.
185 Ramiro Andrade Torrance California United Sta: For the safety of my kids.
186 Jacquie Gomez Torrance California United Sta: For the safety of our residence and children and fur babies.
187 Robin Hill Torrance California United Sta: Coyotes pose a threat to public safety.
188 Rosalinda Walcher Torrance California United Sta: I'm tired of living in fear for the safety of my small pet and all other pets and k
189 Elizabeth Choi Torrance California United States
190 Stuart Fujinami Torrance California United Sta: I have pets and am concerned about the safety of my neighborhood!
191 Khandice Smith Torrance California United States
192 Anjanette Reyes Torrance California United Sta: I have a small pet that I canâ€™t even let outside by himself.
193 Pamela Santonello Torrance California United Sta: I had a dog killed by coyotes years ago and I understand the anguish these pec
194 Tina Wagner Torrance California United States
195 Dan Thomas Torrance California United States
196 Dianne Scheidema Torrance California United Sta: To protect the citizens of Torrance and surrounding communities, as well as oi
197 Katie Mann Torrance California United States
198 Bill Everett Torrance California United Sta: Coyotes must go 1 way or another but get them out of torrance
199 Nancilyn Burruss Torrance California United Sta: I no longer feel safe walking alone with my little dog in the evening when I alw
200 Maureen Ruiz Torrance California United States
201 Sarah Matthews Torrance California United States
202 Susan Tanori Torrance California United Sta: Safety reasons

203 Trisha Maes Torrance California United States
 204 Hal Rounds Torrance California United States
 205 Rod Guyton Torrance California United Sta: Safety first
 206 Kathy Fruth Torrance California United Sta: A coyote killed our cat in front of our house. We chased it throughout our neigh
 207 Cheryl Deppe Torrance California United Sta: There are too many coyotes in our neighborhood now
 208 Bob Grimes Torrance California United Sta: To protect our pets.
 209 Lois Sandeen Torrance California United States
 210 Karen Tina Greene Torrance California United Sta: i have pets i cant let outside
 211 Christine Bolinas Torrance California United States
 212 Robin Smith Torrance California United Sta: While letting my dog out in the backyard to go to the bathroom I noticed a coy
 213 Christy Hyer Torrance California United States
 214 Charles Sanborn Torrance Ukraine I do not want my dog killed by an animal that should hunt only in the wild. Cal
 215 Terry Ison Torrance California United Sta: Children will be next.
 216 Michele Gravett Torrance California United Sta: Because so many pets have been killed and there are so many heartaches and
 217 Claudina Vuotto Torrance California United Sta: My grandchildren are not allowed in my backyard because of these coyotes th
 218 Terri Lucas Torrance California United Sta: I am frightened and concerned for the safety of our children and pets. We sho
 219 Hayley Demar Torrance California United States
 220 Valerie Laflamme Torrance California United Sta: Safety if children and pets
 221 Karen Houske Torrance California United States
 222 Christy Kennedy Torrance California United States
 223 Nicole Bynon Torrance California United States
 224 Tricia Sholl Torrance California United Sta: Protect my children & pets.
 225 Mark Glover Torrance California United States
 226 Susan Gietzen Torrance California United States
 227 Chenoa Sloss Torrance California United Sta: We have pets and kids and while we are mostly indoors we do like to enjoy ou
 228 Jennifer Johnson Torrance California United Sta: I was in my backyard with my small dog and a coyote jumped up on the wall oi
 229 Mechele Rodriguez Torrance California United Sta: safety
 230 Adonica Keese Torrance California United Sta: I don't feel safe letting my pet and children outside on their own.
 231 Kathryn Saldamand Torrance California United Sta: My pet was killed and several in my area experienced the same horror of seeir
 232 Wendy Moon Torrance California United States
 233 Christie Torres Torrance California United Sta: Safety
 234 Irmgard Lake Torrance California United Sta: Public Safty
 235 Roman Hernandez Torrance California United States
 236 Brittany Beebe Torrance California United Sta: Our petâ€™s safety.

237 Joe Palompo Torrance California United Sta Sooner or later a little child is going to get harmed.
238 Kevin Lenton Torrance California United States
239 Celeste Mattucci TORRANCE California United States
240 Kaity O'Keefe Torrance California United States
241 Mark Tsuneishi Torrance California United States

Exhibit 7

September 17, 2021

Mayor Eric Alegria
 City of Rancho Palos Verdes
 30940 Hawthorne Blvd.
 Rancho Palos Verdes, CA 90275

Via E-mail: eric.alegria@rpvca.gov

Re: Letter Advising Opposition to Proposed Coyote Trapping Program

Dear Mayor Alegria:

I'm writing on behalf of People for the Ethical Treatment of Animals (PETA)—PETA entities have more than 9 million members and supporters globally—to convey our opposition to coyote trapping. It has been brought to our attention that Rancho Palos Verdes is considering awarding a contract services agreement to Coyote, Wildlife & Pest Solutions, Inc. to conduct coyote trapping. Not only is coyote trapping cruel and damaging to the environment, but it is also ineffective. Additionally, any decision to move forward with a contract to trap and kill coyotes without conducting the requisite environmental analysis arguably violates the California Environmental Quality Act (“CEQA”). Indeed, the City of Arcadia quickly rescinded a similar plan in response to a lawsuit filed by PETA and Arcadia resident Sarah Rosenberg, which alleged that the city council of Arcadia had unlawfully voted to approve a coyote-trapping plan without first considering the impact on the environment, as required under CEQA. After scrapping the coyote trap and kill plan, settling the above-mentioned suit, and paying PETA \$15,000 in legal fees, Arcadia implemented a widely successful comprehensive coyote management plan focused on education and non-lethal alternatives.¹ For the reasons detailed below, we urge you not to move forward with the trapping program.

Trapping devices are notoriously indiscriminate as there is no way to solely target coyotes. This poses large risks to companion animals and “nontarget” wildlife, including protected species. Animals are left struggling to escape until they are overcome with exhaustion, shock, exposure to the elements, and even death. Even if the traps do not kill them, they are certain to sustain great injuries and trauma from being trapped.

In addition to the inherent cruelty of trapping programs, they are also destructive to the environment. Coyotes are an important part of our environment, as they help keep many populations under control; without coyotes, rodent populations are likely to explode. Coyotes also increase bird diversity and abundance. As a

¹ See, e.g., Annakai Geshlinder, Report Card: Managing Coyotes Regionwide in the San Gabriel Valley, Pasadena Star-News (Jul. 6, 2021), <https://www.pasadenastarnews.com/2021/07/04/report-card-managing-coyotes-regionwide-in-the-san-gabriel-valley/>.

PEOPLE FOR
 THE ETHICAL
 TREATMENT
 OF ANIMALS
 FOUNDATION

Washington
 1536 16th St. N.W.
 Washington, DC 20036
 202-483-PETA

Los Angeles
 2154 W. Sunset Blvd.
 Los Angeles, CA 90026
 323-644-PETA

Norfolk
 501 Front St.
 Norfolk, VA 23510
 757-622-PETA

PETA FOUNDATION IS AN
 OPERATING NAME OF FOUNDATION
 TO SUPPORT ANIMAL PROTECTION

AFFILIATES

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

consequence of coyote trapping and death, coyotes reproduce at faster rates resulting in doubling or tripling of the number of pups who all need to be fed. This leads to larger animals such as deer becoming prey rather than the usual rodents and rabbits, further disrupting the ecosystem. Additionally, through preying on rodents and other animals, coyotes help control disease transmission by reducing the spread of diseases such as plague, hantavirus, and Lyme disease.

In light of the important role coyotes play in the maintenance of a healthy ecosystem, the proposed commencement of trapping conflicts with Rancho Palos Verdes' Natural Community Conservation Plan and Habitat Conservation Plan ("NCCP/HCP")—a "comprehensive habitat protection program that addresses multiple species habitat needs and the conservation of natural communities in the City of Rancho Palos Verdes."² This important Plan seeks, in part, "to maintain biological values of the Preserve over time by reducing human-related impacts to Covered Species and their habitats," and to "ensure that the biological values of natural resources . . . are maintained over time."³ To achieve the biological objectives of the NCCP/HCP, the Plan mandates, in part, "institu[ting] an educational program to explain the role and necessity of large native predators within the ecosystem and the need to protect them from disturbance."⁴

Not only does Rancho Palos Verdes' proposed plan conflict with the City's NCCP/HCP, its significant effects on the environment arguably require the preparation of an environmental analysis under CEQA.⁵ As noted above, in 2017 the City of Arcadia paid \$15,000 to settle a lawsuit that contended that Arcadia's city council approved a coyote-trapping contract without an environmental report mandated by CEQA.⁶ In response, Arcadia successfully adopted non-lethal programs to address concerns about coyotes and, according to a City of Arcadia Staff Report, "[t]he evidence suggests that human/coyote interactions are becoming less frequent, less concerning, and that fewer residents are expressing concerns about how to interact with a coyote when one is seen near a residential neighborhood."⁷

Trapping and killing coyotes is not only cruel and detrimental to the environment, it is ineffective. Trapping and killing initiatives are ineffective at controlling coyote populations, as surviving pack members simply breed to replace coyotes that were killed and additional coyotes move in from neighboring areas due to the increased availability of food. Researchers from The University of Nebraska, Lincoln found that after randomly removing 60% of coyotes from the population, coyote

² Rancho Palos Verdes, Natural Community Conservation Plan and Habitat Conservation Plan 140 (Nov. 19, 2019), <https://www.rpvca.gov/DocumentCenter/View/17121/NCCPHCP>.

³ *Id.*

⁴ *Id.* at 149.

⁵ *See, e.g.*, 59 Ops. Cal. Att'y Gen. 173 (Mar. 30, 1976) (then-Attorney General Evelle Younger's opinion, which found that Mendocino County's annual budgeting and expenditure of funds for trapping predatory animals, including coyotes, was a "project" that may have a significant effect on the environment under CEQA, and therefore required the preparation of an environmental impact report prior to any expenditures).

⁶ City of Arcadia, Arcadia History Collection, <https://arcadiahistory.andornot.com/en/permalink/newspaper34928> (last accessed Sept. 17, 2021).

⁷ Dominic Lazzaretto, Arcadia City Manager, Staff Report (Sept. 4, 2018), <http://laserfiche.ci.arcadia.ca.us/WebLink/0/edoc/775091/Item%2012a%20-%20Coyote%20Management%20Plan%20Update.pdf>.

populations recovered within one year.⁸

There are much more humane, environmentally friendly, and effective ways to work to alleviate issues associated with coyotes. Making areas unappealing via deterrents and curtailing food sources will encourage coyotes to move on naturally. Ammonia-soaked rags placed in dens will successfully repel coyotes, as they dislike the smell. Trimming vegetation away from buildings, trails, and fence lines will eliminate or at least reduce the number of hiding places for coyotes as well as their prey. Sonic deterrents, motion-activated sprinklers, flashing lights, and outdoor radios also work effectively to deter coyotes and their prey.

This integrative approach is *the only effective means of coyote control*, and its nonlethal nature makes it acceptable to the public. We hope to hear soon that Rancho Palos Verdes has not awarded a contract services agreement to conduct coyote trapping and will look into some of the alternatives suggested in this letter.

Thank you for your time and attention to this important matter, and if there are any questions please don't hesitate to reach out.

Very truly yours,

Zeynep J. Graves, Associate Director of Litigation
323-210-2263 | ZeynepG@petaf.org

⁸ W.C. Pitt et al., *A new approach to understanding canid populations using an individual-based computer model: Preliminary results*, 18 *Endangered Species* 103-106 (2001).



September 21, 2021

SENT VIA E-MAIL ZeynepG@petaf.org ONLY

Zeynep J. Graves, Esq.,
Associate Director of Litigation
PETA Foundation
2154 West Sunset Blvd.
Los Angeles CA 90026

Subject: Your Letter of September 17, 2021

Counsel:

We are the City Attorney for the City of Rancho Palos Verdes. As noted in my e-mail to you of September 17, 2021, your letter to the Mayor has been forwarded to us for review and a response. We are directed to advise you that the concerns raised in your letter are addressed in the City's comprehensive "Coyote Management Plan" (the "Plan"), and that your legal objections to the agenda item proposing to augment the City's existing program(s) are without legal merit.

First, your letter conflates objections to widespread, indiscriminate trapping of coyotes, with the focused augmentation program that the City Council will be asked to consider. In response to numerous citizen concerns, the City Council will consider entering into a contract with a certified and licensed trapper for selective "catch and removal" of coyotes based on the Plan's tiered response and who meet one or more of the following specific criteria:

- (1) coyotes who have engaged in a take (resulting in injury or death) of domestic pets whether on a leash or in a yard,
- (2) coyotes who are so habituated to human interaction as to lose the natural aversion to such interactions *and* who have exhibited aggressive behavior, including showing teeth, back fur raised, lunging, or nipping, and/or
- (3) coyotes who have attacked a human being.

As we trust you are aware, the City has a long-standing, yet targeted, coyote trapping program through its contract with the Los Angeles County Agricultural Commissioner. The contract that will be presented for City Council consideration simply supports the Agricultural Commissioner in the tiered response in implementation of the Plan. Your objections seem to assume that the City will be engaged in large scale coyote population reduction or that coyote trapping is a *new* program for the City. Neither of these assumptions are accurate.

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As already noted, the City *currently* engages in coyote trapping through a contract with the Los Angeles County Agricultural Commissioner. This trapping is conducted in accordance with the protocols and procedures in the Plan.¹ Under this existing program, eight traps were set in the past year and one coyote was trapped. The contract that will be presented for City Council consideration will simply support this effort by responding to residents reports that meet the specific criteria noted above. There will be no wholesale coyote population reduction.

Second, the traps that will be used are humane and have been approved for depredation by the State of California. Specifically, the trapper will use snare traps, which is a legal method for trapping coyotes. (See 14 CCR §§ 465.5 & 475.) Traps will be checked every 24 hours at a minimum and will be disabled on weekends.

While it is possible that non-targeted animals will be caught in the traps, the proposed trapper has informed the City that this is incredibly rare, based on its substantial and professional experience. PETA may believe that all trapping programs are “inherently cruel;” however, your letter fails to acknowledge the terror and trauma experienced by residents and their domestic pets who are attacked and sometimes killed by coyotes, not to mention other wildlife found in the City.

Third, the City fully concurs with PETA that a spectrum of approaches are needed for successfully managing coyotes in areas populated by humans. That is why the City began implementing its Plan back in 2013. Trapping is only one of *a number of strategies* identified for use of the City in the Plan. The opening section of the Plan, entitled “Goals,” lays out this comprehensive outlook:

“The goal of this Management Plan is to support coexistence with urban coyotes using education, behavior modification and development of a tiered response to aggressive coyote behavior. The tiered response requires active participation on the part of the entire community including residents, homeowners associations, volunteers and city personnel.

This Management Plan is based on research and best known management practices and includes a full spectrum of management tools. Basic principles that guide this Plan are based on the following:

1. Urban wildlife is valued for biological diversity, as members of natural ecosystems, and reminders of larger global conservation issues.
2. Urban wildlife and wildlife habitats are important to Rancho Palos Verdes residents. Although urban environments are more favorable to some species than

¹ Available at rpvca.gov/coyotes.

others, coexistence is the foundation of City's general wildlife management programs.

3. Human safety is a priority in managing wildlife/human conflicts that pose a danger to people.

4. Preventive practices such as, reduction and removal of wildlife attractants, habitat manipulation (e.g. removal of potential coyote denning areas), and responding appropriately during human and wildlife interactions when interacting with wildlife are key to minimizing potential human conflicts.

5. Rancho Palos Verdes management techniques and decisions are based on a thorough understanding of the biology and ecology of urban wildlife species.

6. Education and communication are essential in supporting human and animal needs and coexistence.

7. Emphasis of this Management Plan is placed on preventative measures and nonlethal controls."

We invite your careful review of the City's Plan, which discusses the importance of public education, public outreach, and hazing, in addition to the option of trapping in limited circumstances. The City's Coyote Management Website² also includes links to multiple educational brochures from the Humane Society, including "Coyote Hazing Guidelines: How to Haze for Effective Reshaping of Coyote Behavior," "Preventing Coyote Conflicts: How to Keep Coyotes Out of Your Yard and Keep Your Pets Safe," and "Solutions for Coyote Conflicts: Why Killing Does Not Solve Conflicts with Coyotes."

Fourth, the City Council-adopted Natural Communities Conservation Plan/Habitat Conservation Plan ("NCCP/HCP") was created in partnership with the U.S. Department of Fish and Wildlife, the California Department of Fish and Wildlife, and the Palos Verdes Peninsula Land Conservancy. The NCCP/HCP covers 10 species consisting of 4 animals and 6 plants. The 4 animals protected by the NCCP/HCP include the Palos Verdes Blue Butterfly, El Segundo Blue Butterfly, Coastal California Gnatcatcher, and the Cactus Wren. Contrary to your letter, coyotes are **not protected** by the NCCP/HCP.

Finally, unlike the City of Arcadia, City staff have conducted, and the City Council of Rancho Palos Verdes will consider, appropriate environmental review of the contract that will be presented for possible City Council action. As best we can determine, the Arcadia City Council

² Available at rpvca.gov/coyotes.

did not consider its trapping contract to even be a “project” within the meaning of the California Environmental Quality Act (“CEQA”) requiring any environmental review. Neither did Arcadia have a coyote management plan in place when that city initiated its trapping contract. The folly of that approach is evidenced by the litigation to which your letter makes reference.

On the other hand, the City, acting through its staff, *has* acknowledged that the proposed contract is a “project” for purposes of CEQA review. City staff *have* concluded, following review, the project is exempt from CEQA under the Guidelines. The grounds for this recommendation are detailed in the staff report, including our office’s independent analysis of the applicable CEQA exemptions, for this agenda item. Your letter fails to address any of these identified exemptions, nor does it cite to any legal authority holding such exemptions would not apply under the circumstances of this proposed contract.

The City shares PETA’s “dedication to the protection of all animals.” We feel certain that your members will appreciate the City’s “Coyote Management Plan,” its current trapping protocols, and its proposed selective targeted “catch and removal” of coyotes meeting specific and narrow criteria represents both the “ethical” and “legal” balance required by the interaction of humans, their pets, and the wildlife population of coyotes.

Very truly yours,



William W. Wynder
of ALESHIRE & WYNDER, LLP

Copies: (v/e-mail only)
Honorable Mayor & Councilmember,
City of Rancho Palos Verdes
Mr. Ara Mihranian, AICP
City Manager
Mr. Ken Rukavina,
Community Development Director
Mr. Ramzi Awwad,
Public Works Director
Elena Gerli,
Assistant City Attorney

Exhibit 8

Council Meeting of
September 26, 2023

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Services – Accept and File Status Report on Coyote Management Plan and Approve Second Amendment to Contract Services Agreement for Citywide Coyote Trapping Services. Expenditure: \$79,200 (General Fund).

RECOMMENDATION

Recommendation of the Community Services Director that City Council:

- 1) Accept and file a status report on the City's Coyote Management Plan; and
- 2) Approve a second amendment to the contract services agreement with Coyote, Wildlife and Pest Solutions, Inc. of Anaheim, CA (C2022-069) in the amount of \$79,200, for a new not-to-exceed contract amount of \$213,600, to provide citywide coyote trapping services and to extend the term for a one-year period beginning October 8, 2023 and ending October 7, 2024.

FUNDING

Funding is available in the Community Services Department's fiscal year 2023-24 operating budget.

BACKGROUND/ANALYSIS

In response to increased public reports of coyote sightings, a Coyote Management Plan was first submitted to your Honorable Body in June 2016 to address coyote conflicts and educate the community about coyotes. In September 2018, your Honorable Body directed the Police Department to evaluate the Coyote Management Plan and to present any changes and updates. On September 10, 2019, your Honorable Body adopted the 2019 Coyote Management Plan Update, which established an annual trapping cycle between October and February, created a 24-hour coyote hotline, recommended hiring a Staff Assistant for the Program, and sought to enhance community education and outreach regarding coyote interactions.

On November 9, 2021, your Honorable Body received an update on the Coyote Management Program. The program update included data and reports for two cycles of coyote trapping services, the hiring of a part-time Coyote Management Staff Assistant, the Program transfer from the Police Department to the Community Services Department (August 2020), continued community education and outreach efforts, and regional collaboration and efforts.

As outlined in the 2019 Coyote Management Plan Update, the City procured trapping services for the annual trapping cycle in October 2021. The initial vendor procured was utilized for four weeks while a Request for Proposals for year-round trapping services was advertised. After two Request for Proposals processes, on November 9, 2021, your Honorable Body approved a contract services agreement with Coyote, Wildlife and Pest Solutions, Inc. (CWPS) of Anaheim, CA for

year-round trapping services. At the time, traps were active Monday through Friday and removed for the weekends. Staff was directed to provide a 6-month interval progress report, which was presented to your Honorable Body on April 26, 2022, of which your Honorable Body directed staff to continue with the abatement services through the year. On September 27, 2022, your Honorable Body approved of a first amendment to the contract with CWPS to change the trapping frequency to Monday through Sunday, and to allow the option for two additional one-year contract extensions. This second amendment to the contract with CWPS would increase the not-to-exceed amount by \$79,200 and allow the City to exercise the option for a one-year term extension.

In the first year of service with CWPS, from November 2021 through September 2022, 31 coyotes were captured and removed with 7 coyotes recorded as deceased by other means (such as found dead). Trapping frequency had been Monday through Friday from November 2021 to May 2022, and then revised to include the weekends starting in May 2022. From October 2022 through August 2023, 23 coyotes were captured and removed. The contract costs to date have been consistent with the approved cost of services: \$50,600 in the first year (November 2021 – October 2022), \$79,200 in the second year (October 2022 – September 2023), and a projected \$79,200 in this next year (October 2023 – September 2024).

California Environmental Quality Act (CEQA) Assessment Results

Included in their action on September 10, 2019, City Council adopted a Negative Declaration (EAS19-00001) and approved updates to the Coyote Management Plan which allowed the Torrance Police Department to enter a five-month active trapping season between the months of October and March. The Initial Study demonstrated that the proposed 2019 Program updates would not have a significant effect on the environment as provided in CEQA Section 15070(a).

On August 18, 2020, City Council directed the Community Services Department to explore the operational and financial feasibility of extending the coyote trapping season from 5 to 12 months. In response to this inquiry, the Community Development Department retained the consulting services of DUDEK, an external environmental planning firm, to conduct an analysis and determine if a potential extension of the five-month active trapping season to a year-round active trapping of coyotes is consistent with CEQA (Attachment E). The analysis determined no impacts to sensitive biological resources would occur from extending the five-month active trapping season to a year-round active trapping schedule.

Moreover, the analysis included a literature and database review for sensitive biological resources found within Torrance and the surrounding vicinity, and a review of the data collected by the Torrance Police Department Coyote Management Program. The thresholds for biological resources included in Attachment F (Environmental Checklist Form) of the CEQA Statute and Guidelines were used to determine if the proposed changes would cause a significant impact to existing sensitive biological resources. As noted in the analysis, a CEQA Consistency Analysis (Attachment F) had previously been conducted in 2019 for updates to Urban Coyote Management Plan and it found that there would be no impacts to sensitive biological resources from the implementation.

Pursuant to Public Resources Code Section 21166, no subsequent or supplemental analysis to the previously adopted Negative Declaration was required when your Honorable Body extended the five-month active trapping cycle to a year-round schedule. The facts supporting these findings are set forth in the attached CEQA Consistency Analysis (Attachment F) as: a) there are no

substantial changes that are proposed in the project which will require major revisions of the adopted Negative Declaration; b) there are no substantial changes that occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the previously adopted Negative Declaration; and c) no new information, which was not known and could not have been known at the time the Negative Declaration was adopted, became available.

Furthermore, per CEQA Guidelines Section 15162, no subsequent or supplemental analysis is required as no substantial changes are proposed which would require major revisions to the previously adopted Negative Declaration resulting from new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The facts supporting these findings are set forth in the attached CEQA Consistency Analysis (Attachment F). The trapping of coyotes is strictly regulated by the California Department of Fish and Wildlife. Trapping occurs on City owned property and on select private property that is at least 150 yards from any occupied structure or residence through access agreements.

Program Update

As of August 31, 2023, the following goals have been accomplished with ongoing activities:

- The City contracted year-round coyote abatement services
- Increased social media educational information and community coyote education content in Seasons Catalog, weekly Torrance e-Newsletter, New Horizons Community Monthly Newsletter, and a point-of-education display in the West Annex Lobby of City Hall
- Community outreach with emphasis on utilizing public reporting through the existing online portal, 24-Hour Coyote Hotline, and MyTorrance mobile device application
- Weekly and monthly coyote activity reports based on community reporting
- Coordinated outreach and education with Homeowners Associations and individuals reporting interactions
- Participated in the state-wide “Wildlife Watch” agency partner monthly meetings hosted by the California Department of Fish and Wildlife
- Shared coyote management best practices with regional agencies and municipalities
- Engaged the City Manager’s Round Table at the South Bay Cities Council of Governments to initiate a regional approach to public education and share best practices for coyote mitigation

Next Steps

Staff will continue to collect data from coyote abatement services for the remainder of the services agreement term. The Program will also continue to implement community outreach and education in the following areas:


- Increase social media educational information and coyote content in Seasons Catalog and weekly Torrance e-Newsletter
- Identify hot spots for targeted intensive outreach and education
- Promote public reporting of coyote incidents via the online portal and MyTorrance mobile device application
- Utilize Torrance Neighborhood Associations for in-person and virtual educational forums and assessments of hot-spot areas to identify and mitigate coyote enticements, i.e. unsecured composting, open trash, feral animals, and unsecured pet foods
- Distribute information and guides for residents and businesses to conduct audits of their properties for the purpose of identifying and mitigating coyote attractants

- Collaboration with the City of Rancho Palos Verdes on a comprehensive community education package for adoption and implementation by all member cities of the South Bay Cities Council of Governments

It is the recommendation of the Community Services Director that your Honorable Body accept and file this update on the Coyote Management Plan and approve a second amendment to the existing contract with Coyote, Wildlife and Pest Solutions, Inc. for a new not-to-exceed amount of \$213,600 and extend the services for an additional year through October 7, 2024.

Respectfully submitted,

JOHN LA ROCK
COMMUNITY SERVICES DIRECTOR

By 
Shane Lee
Administrative Analyst

CONCUR:


John La Rock
Community Services Director


Aram Chaparyan
City Manager

- Attachments:
- A) Council Item 9H – September 27, 2022
 - B) Second Amendment to Contract Services Agreement C2022-069
 - C) First Amendment to Contract Services Agreement C2022-069
 - D) Contract Services Agreement C2022-069
 - E) California Environmental Quality Act (CEQA)
 - F) CEQA Consistency Analysis

Council Meeting of
September 27, 2022

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Services – Accept and File Status Report on Coyote Management Plan and Approve First Amendment to Contract Services Agreement for City-Wide Coyote Trapping Services. Expenditure: \$79,200 (General Fund).

RECOMMENDATION

Recommendation of the Community Services Director that City Council:

1. Accept and file a status report on the City's Coyote Management Plan; and
2. Provide Direction on Coyote Trapping Services for the next interval period; and
3. Approve first amendment to the contract services agreement with Coyotes, Wildlife and Pest Solutions, Inc. of Anaheim, CA (C2022-069) in the amount of \$79,200 for a new not-to-exceed contract amount of \$134,400 and to extend the term for one year through October 7, 2023; and
4. Appropriate \$9,200 to the Community Services Coyote Management program expenditure budget.

FUNDING

\$70,000 is available to provide weekday abatement services in the current Community Services Department Operating Budget. \$9,200 is available in the fund balance of the General Fund for weekday and weekend abatement services.

BACKGROUND/ANALYSIS

In response to increased public reports of coyote sightings, a Coyote Management Plan was first submitted to your Honorable Body in June 2016 to address coyote conflicts and educate the community about coyotes. In September 2018, your Honorable Body directed the Police Department to evaluate the Coyote Management Plan and to present any changes and updates. On September 10, 2019, your Honorable Body adopted the 2019 Coyote Management Plan Update, which established an annual trapping cycle between October and February, created a 24-hour coyote hotline, recommended hiring a Staff Assistant for the Program, and sought to enhance community education and outreach regarding coyote interactions (Attachment A). On November 9, 2021, your Honorable Body received an update to the Coyote Management Program. The program update included data and reports for two cycles of coyote trapping services, the hiring of a part-time Coyote Management Staff Assistant, the Program transfer from the Police Department to the

Community Services Department (August 2020), continued community education and outreach efforts, and regional collaboration and efforts (Attachment B).

As outlined in the 2019 Coyote Management Plan Update, the City procured trapping services for the annual trapping cycle in October 2021. An interim coyote trapping services vendor was utilized for a four-week period between October and November prior to approval of a year-round trapping vendor agreement. On November 9, 2021, Your Honorable Body approved an agreement with a coyote abatement vendor for a year-round trapping service, expanding the seasonal trapping cycle through September 2022. The City entered into an agreement with Coyote, Wildlife and Pest Solutions, Inc. (CWPS) of Anaheim, CA, after two Request for Proposal open bid processes (Attachment C). The contracted cost with CWPS is \$4,600 per month for an all-inclusive service that includes placements of traps. Traps are active Monday through Friday and removed on weekends. Your Honorable Body directed staff to provide a 6-month interval progress report, which was presented to Your Honorable Body on April 26, 2022 (Attachment D). At the time, the direction to staff was to continue with the abatement services provided by CWPS for an additional six months. The current contract term is set to expire on October 7, 2022.

Expenditures for the initial eight months of coyote abatement services with CWPS totaled \$36,800, which is consistent with the \$4,600 per month approved cost. Since services began in November 2021, a total of 28 coyotes have been captured and removed as of July 31, 2022. Additionally, 6 coyotes have been recorded as deceased by other means.

In efforts to continue working with CWPS for the next annual trapping cycle beginning in October, staff is presenting an amendment to the existing contract services agreement to include contract extension options. The vendor has expressed their willingness to continue working with the City should Your Honorable Body provide direction to extend the contract.

Staff has prepared two versions of the contract amendment, with the differences dependent on Your Honorable Body's direction regarding the trapping period and the trapping frequency (Attachments E and F). Both versions include an option for the City to extend the contract with two additional 1-year extensions. Current pricing would be unchanged for the contact extensions, which is \$2,300 per every ten business days (Monday through Friday abatement services), or \$4,600 per month. Staff requests direction from Your Honorable Body regarding the trapping period, which can continue with year-round abatement or restore to the six-month interval. Additionally, Your Honorable Body may provide direction on the weekly trapping schedule, which can continue for weekdays only (five days of trapping) or be expanded to seven days per week (Monday through Sunday).

Option 1:	Full Year Abatement Services (October 2022-September 2023) Monday through Sunday (*requires additional funding)	\$79,200*
Option 2:	6 Month Abatement Services (October-March) Monday through Sunday	\$39,600
Option 3:	Full Year Abatement Services (October-September) Monday through Friday	\$55,200

Option 4:	6 Month Abatement Services (October-March) Monday through Friday	\$27,600
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Under the original contract, weekend abatement services were not available due to vendor staffing shortages. For the recommended contract amendment, CWPS has the ability to provide weekend services should Your Honorable Body provide direction for the options which include seven days per week (Options 1 & 2). The recommended amendment includes two (2) one-year renewal options to maintain the services and current pricing.

CEQA Assessment Results:

Included in their action on September 10, 2019, City Council adopted a Negative Declaration (EAS19-00001) and approved updates to the Coyote Management Plan which allowed the Torrance Police Department to enter into a five-month active trapping season between the months of October and March. The Initial Study demonstrated that the proposed 2019 Program updates would not have a significant effect on the environment as provided in California Environmental Quality Act (CEQA) Section 15070(a).

On August 18, 2020, City Council directed the Community Services Department to explore the operational and financial feasibility of extending the coyote trapping season from 5 to 12 months. In response to this inquiry, the Community Development Department retained the consulting services of DUDEK, an external environmental planning firm, to conduct an analysis and determine if a potential extension of the five-month active trapping season to a year-round active trapping of coyotes is consistent with the CEQA (Attachment G).

The analysis determined no impacts to sensitive biological resources would occur from extending the five-month active trapping season to a year-round active trapping schedule. The analysis included a literature and database review for sensitive biological resources found within Torrance and the surrounding vicinity, and a review of the data collected by the Torrance Police Department Coyote Management Program. The thresholds for biological resources included in Attachment G (Environmental Checklist Form) of the CEQA Statute and Guidelines were used to determine if the proposed changes would cause a significant impact to existing sensitive biological resources. As noted in the analysis, a CEQA Consistency Analysis had previously been conducted in 2019 for updates to Urban Coyote Management Plan and it found that there would be no impacts to sensitive biological resources from the implementation.

Should the City Council wish to pursue an extension of the five-month active trapping cycle to a year-round active trapping schedule, pursuant to Public Resources Code Section 21166, no subsequent or supplemental analysis to the previously adopted Negative Declaration shall be required. The facts supporting these findings are set forth in the attached CEQA Consistency Analysis (Attachment H) as: a) there are no substantial changes that are proposed in the project which will require major revisions of the adopted Negative Declaration; b) there are no substantial changes that occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the previously adopted Negative Declaration; and c) no new information, which was not known and could not have been known at the time the Negative Declaration was adopted, became available.

Furthermore, per CEQA Guidelines Section 15162, no subsequent or supplemental analysis is required as no substantial changes are proposed which would require major revisions to the previously adopted Negative Declaration resulting from new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The facts supporting these findings are set forth in the attached CEQA Consistency Analysis (Attachment H). The trapping of coyotes is strictly regulated by the California Department of Fish and Wildlife. Trapping occurs on City owned property and on select private property that is at least 150 yards from any occupied structure or residence through access agreements.

Program Update:

As of July 31, 2022, the following goals have been accomplished with ongoing activities:

- The City contracted year-round coyote abatement services for the 2021-2022 trapping season
- Increased social media educational information and community coyote education content in Seasons Catalog, weekly Torrance e-Newsletter, New Horizons Community Monthly Newsletter, and a point-of-education display in the West Annex Lobby of City Hall
- Community outreach with emphasis on utilizing public reporting through the existing online portal, 24-Hour Coyote Hotline, and MyTorrance mobile device application
- Weekly and monthly coyote activity reports based on community reporting
- Coordinated outreach and education with Homeowners Associations and individuals reporting interactions
- Participated in the state-wide "Wildlife Watch" agency partner monthly meetings hosted by the California Department of Fish and Wildlife
- Shared coyote management best practices with regional agencies and municipalities
- Engaged the City Manager's Round Table at the South Bay Cities Council of Governments to initiate a regional approach to public education and share best practices for coyote mitigation

Next Steps:

Staff will continue to collect data from coyote abatement services for the remainder of the services agreement term. The Program will also continue to implement community outreach and education in the following areas:


- Increase Social Media educational information and coyote content in Seasons Catalog and weekly Torrance e-Newsletter
- Identify hot spots for targeted intensive outreach and education
- Promote public reporting of coyote incidents via the online portal and MyTorrance mobile device application
- Utilize Torrance Neighborhood Associations for in-person and virtual educational forums and assessments of hot-spot areas to identify and mitigate coyote enticements, i.e. unsecured composting, open trash, feral animals, and unsecured pet foods
- Distribute information and guides for residents and businesses to conduct audits of their properties for the purpose of identifying and mitigating coyote attractants

- Collaboration with the City of Rancho Palos Verdes on a comprehensive community education package for adoption and implementation by all member cities of the South Bay Cities Council of Governments

It is the recommendation of the Community Services Director that your Honorable Body accept and file updates on the Coyote Management Plan, and approve the first amendment with Coyote, Wildlife and Pest Solutions, Inc. to provide abatement services under Option 1, Option 2, Option 3 or Option 4 and to include term extension options, and, if selecting Option 1, that the coyote management budget be increased \$9,200 as per the cost for services.

Respectfully submitted,

JOHN LA ROCK
COMMUNITY SERVICES DIRECTOR

By 
Shane Lee
Administrative Analyst

CONCUR:


John La Rock
Community Services Director


Aram Chaparyan
City Manager

Attachments:

- A. 2019 Coyote Management Plan Update
- B. 2021 Coyote Management Plan Update - Staff Report
- C. Contract Services Agreement (C2022-069)
- D. April 26, 2022 Staff Report
- E. First Amendment to Contract Services – Monday - Friday Abatement
- F. First Amendment to Contract Services – Monday – Sunday Abatement
- G. CEQA Consistency Analysis
- H. CEQA Environmental Checklist
- I. Public Comment received

SECOND AMENDMENT TO CONTRACT SERVICES AGREEMENT (C2022-069)

This Second Amendment to Contract Services Agreement C2022-069 (the "Second Amendment") is made and entered into as of September 26, 2023, by and between the CITY OF TORRANCE ("CITY"), a municipal corporation, and Coyote, Wildlife and Pest Solutions, Inc., a California Corporation ("CONTRACTOR").

RECITALS:

- A. CITY previously circulated a Request for Proposal for City-wide Coyote Trapping Services, RFP No. B2021-45 (the "RFP").
- B. CONTRACTOR submitted a Proposal (the "Proposal") in response to the RFP. In its Proposal, CONTRACTOR represented that it was qualified to perform those services requested in the RFP. Based upon its review of all proposals submitted in response to the RFP, the CITY decided to award the Agreement to CONTRACTOR.
- C. On November 22, 2021, CITY and CONTRACTOR entered into Contract Services Agreement C2022-069 (the "Agreement"), whereby CONTRACTOR agreed to provide coyote trapping services Monday through Friday, through October 7, 2022, for an amount not to exceed \$55,200.
- D. On September 27, 2022, CITY and CONTRACTOR entered into a First Amendment to Contract Services Agreement C2022-069 (the "First Amendment") to: extend the term of the Agreement through October 7, 2023; add two (2) separate options to extend the term of the Agreement for one (1) additional year each; increase service to Monday through Sunday; and, add \$79,200 to CONTRACTOR's compensation under the Agreement.
- E. CITY is satisfied with the level of service provided by CONTRACTOR.
- F. CITY now wishes to exercise the first option to extend the term of the agreement for one (1) year, and add \$79,200 to CONTRACTOR's compensation under the Agreement.
- G. Additionally, CITY wishes to further amend the Agreement and update the Public Records Act language to comport with recent changes to the California Government Code Sections that govern public records and public records requests.

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NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

AGREEMENT:

1. Section 2 of the Agreement entitled "TERM" is hereby amended to read in its entirety as follows:

"2. TERM

Unless earlier terminated in accordance with Paragraph 4 below, this Agreement will continue in full force and effect from the Effective Date through October 7, 2024. This Agreement includes one (1) option to extend the term by one (1) additional year. The option to extend can be exercised only by CITY."

2. Section 3 of the Agreement entitled "COMPENSATION", Subsection A entitled "CONTRACTOR's Fee", is hereby amended to read in its entirety as follows:

"3. COMPENSATION

A. CONTRACTOR's Fee.

For services rendered pursuant to this Agreement, CONTRACTOR will be paid in accordance with the compensation schedule set forth in the Proposal, provided, however, that in no event will the total amount of money paid the CONTRACTOR, for services initially contemplated by this Agreement, exceed the sum of \$213,600 (the "Agreement Sum"), unless first approved in writing by CITY."

3. Section 33 of the Agreement entitled "PUBLIC RECORDS ACT" is hereby amended to read in its entirety as follows:

"33. PUBLIC RECORDS ACT

Any documents submitted by the CONTRACTOR; all information obtained in connection with the CITY's right to audit and inspect the CONTRACTOR's documents, books, and accounting records pursuant to paragraph 14 CONTRACTOR's Accounting Records; Other Project Records; as well as those documents which were required to be submitted in response to the Request for Proposals (RFP) used in the solicitation process for this Contract, become the exclusive property of the City. All such documents become a matter of public record and shall be regarded as public records. Exceptions will be those elements in the California Government Code Section 7920.000 et seq. (Public Records Act) and which are marked "trade secret", "confidential", or "proprietary". The CITY shall not in any way be liable or responsible for the disclosure of any such records including, without limitation, those so marked, if disclosure is required by law, or by an order issued by a court of competent jurisdiction.

In the event the CITY is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked "trade secret", "confidential", or "proprietary", the CONTRACTOR agrees to defend and indemnify the CITY from all costs and expenses, including reasonable attorney's fees, in action or liability arising under the Public Records Act."

4. Except as expressly modified by this Second Amendment, in all other respects, the Agreement dated November 22, 2021, and the First Amendment dated September 27, 2022, between CITY and CONTRACTOR are ratified and reaffirmed and remain in full force and effect.

CITY OF TORRANCE,
a municipal corporation

Coyote, Wildlife and Pest Solutions, Inc.
a California Corporation

By: _____
Aram Chaparyan, City Manager

By: _____
Pamela Parker, CEO

APPROVED AS TO FORM
PATRICK Q. SULLIVAN
City Attorney

By: _____
Galen W. Bean
Legal Counselor

FIRST AMENDMENT TO CONTRACT SERVICES AGREEMENT (C2022-069)

This First Amendment to Contract Services Agreement C2022-069 is made and entered into as of September 27, 2022, by and between the CITY OF TORRANCE ("CITY"), a municipal corporation, and Coyote, Wildlife and Pest Solutions, Inc, a California Corporation ("CONTRACTOR").

RECITALS:

- A. The CITY previously circulated a Request for Proposal ("RFP") for City-wide Coyote Trapping Services, RFP No. B2021-45 (the "RFP").
- B. CONTRACTOR submitted a Proposal in response to the RFP. In its Proposal, the CONTRACTOR represented that it was qualified to perform those services requested in the RFP. Based upon its review of all Proposals submitted in response to the RFP, the CITY awarded the Agreement to CONTRACTOR.
- C. On November 22, 2021, CITY and CONTRACTOR entered into Contract Services Agreement (C2022-069) (the "Agreement"), whereby CONTRACTOR agreed to provide coyote trapping services in an amount not to exceed \$55,200 through October 7, 2022 for services for Monday through Friday.
- D. CITY is satisfied with the level of service provided by CONTRACTOR.
- E. CITY wishes to extend the agreement for one year, include 2 additional one-year options, increase service to be Monday through Sunday, and add \$79,200 to the Agreement.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

AGREEMENT:

1. Section 1 of the Agreement entitled "SERVICES TO BE PERFORMED BY CONTRACTOR" is amended to read in its entirety as follows:

"1. **SERVICES TO BE PERFORMED BY CONTACTOR**
CONTRACTOR will provide the services and install those materials listed in CONTRACTOR's Proposal submitted in response to the RFP. A copy of the RFP is attached as Exhibit A. A copy of the Proposal is attached as Exhibit B. Attached as Exhibit C is the Scope of Services. The services will be performed Monday through Sunday."

2. Section 2 of the Agreement entitled "TERM" is amended to read in its entirety as follows:

2. **TERM**

"Unless earlier terminated in accordance with Paragraph 4 below, this Agreement will continue in full force and effect from the Effective Date through October 7, 2023. This Agreement includes 2 additional one-year options. The option to extend can be exercised only by the CITY."

3. Section 3 of the Agreement entitled "COMPENSATION" is amended to read in its entirety as follows:

"3. **COMPENSATION**

"A CONTRACTOR's Fee.

For services rendered pursuant to this Agreement, CONTRACTOR will be paid in accordance with the compensation schedule set forth in the Proposal, provided, however, that in no event will the total amount of money paid the CONTRACTOR, for services initially contemplated by this Agreement, exceed the sum of \$134,400 ("Agreement Sum") (\$79,200 per year), unless approved in writing by CITY."

4. In all other respects, the Agreement between the CITY and CONTRACTOR is ratified and reaffirmed as amended and remains in full force and effect.


CITY OF TORRANCE,
a municipal corporation

Coyote, Wildlife and Pest Solutions, Inc.
a California Corporation

By: 
Aram Chaparyan, City Manager

By: 
Pamela Parker, CEO


APPROVED AS TO FORM
PATRICK Q. SULLIVAN
City Attorney

By: 
Patrick Q. Sullivan, City Attorney

CONTRACT SERVICES AGREEMENT

This CONTRACT SERVICES AGREEMENT ("Agreement") is made and entered into as of November 22, 2021 (the "Effective Date"), by and between the CITY OF TORRANCE, a municipal corporation ("CITY"), and Coyote, Wildlife and Pest Solutions, Inc., a California corporation ("CONTRACTOR").

RECITALS:

- A. The CITY wishes to retain the services of an experienced and qualified CONTRACTOR to provide all services necessary for conducting coyote abatement efforts to mitigate potential human-coyote conflict.
- B. In order to obtain the desired services, the CITY has circulated its Request for Proposals for City-wide Coyote Trapping Service, RFP No. B2021-45 (the "RFP").
- C. CONTRACTOR has submitted a Proposal (the "Proposal") in response to the RFP. In its Proposal CONTRACTOR represents that it is qualified to perform those services requested in the RFP. Based upon its review of all proposals submitted in response to the RFP, the CITY is willing to award the contract to CONTRACTOR.

AGREEMENT:

1. **SERVICES TO BE PERFORMED BY CONTRACTOR**
CONTRACTOR will provide the services and install those materials listed in CONTRACTOR's Proposal submitted in response to the RFP. A copy of the RFP is attached as Exhibit A. A copy of the Proposal is attached as Exhibit B. Attached as Exhibit C is the Scope of Services.
2. **TERM**
Unless earlier terminated in accordance with Paragraph 4 below, this Agreement will continue in full force and effect from the Effective Date through October 7, 2022.
3. **COMPENSATION**
 - A. CONTRACTOR's Fee.

For services rendered pursuant to this Agreement, CONTRACTOR will be paid in accordance with the compensation schedule set forth in the Proposal, provided, however, that in no event will the total amount of money paid the CONTRACTOR, for services initially contemplated by this Agreement, exceed the sum of \$55,200 ("Agreement Sum"), unless first approved in writing by CITY.

B. Schedule of Payment.

Provided that the CONTRACTOR is not in default under the terms of this Agreement, upon presentation of an invoice, CONTRACTOR will be paid the fees described in Paragraph 3.A. above, according to the Compensation Schedule. Payment will be due within 30 days after the date of the invoice.

4. TERMINATION OF AGREEMENT

A. Termination by CITY or CONTRACTOR for Convenience.

1. Either party may, at any time, terminate the Agreement upon thirty days written notice for convenience and without cause.
2. Upon receipt of written notice from CITY of such termination for CITY's convenience, CONTRACTOR will:
 - a. cease operations as directed by CITY in the notice;
 - b. take actions necessary, or that CITY may direct, for the protection and preservation of the work; and
 - c. except for work directed to be performed prior to the effective date of termination stated in the notice, terminate all existing subcontracts and purchase orders and enter into no further subcontracts and purchase orders.
3. In case of such termination for CITY's convenience, CONTRACTOR will be entitled to receive payment for work executed; and costs incurred by reason of such termination, along with reasonable overhead and profit on the work not executed.

B. Termination for Cause.

1. If either party fails to perform any term, covenant or condition in this Agreement and that failure continues for 15 calendar days after the nondefaulting party gives the defaulting party written notice of the failure to perform, this Agreement may be terminated for cause; provided, however, that if during the notice period the defaulting party has promptly commenced and continues diligent efforts to remedy the default, the defaulting party will have such additional time as is reasonably necessary to remedy the default.
2. In the event this Agreement is terminated for cause by the default of the CONTRACTOR, the CITY may, at the expense of the CONTRACTOR and its surety, complete this Agreement or cause it to be completed. Any check or bond delivered to the CITY in connection with this Agreement, and the money payable thereon, will be forfeited to and remain the property of the CITY. All moneys

due the CONTRACTOR under the terms of this Agreement will be retained by the CITY, but the retention will not release the CONTRACTOR and its surety from liability for the default. Under these circumstances, however, the CONTRACTOR and its surety will be credited with the amount of money retained, toward any amount by which the cost of completion exceeds the Agreement Sum and any amount authorized for extra services.

3. Termination for cause will not affect or terminate any of the rights of the CITY as against the CONTRACTOR or its surety then existing, or which may thereafter accrue because of the default; this provision is in addition to all other rights and remedies available to the CITY under law.

C. **Termination for Breach of Law.**

In the event the CONTRACTOR or any of its officers, directors, shareholders, employees, agents, subsidiaries or affiliates is convicted (i) of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of a contract or subcontract; (ii) under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a public consultant or contractor; (iii) under state or federal antitrust statutes arising out of the submission of bids or proposals; or (iv) of violation of Paragraph 20 of this Agreement; or for any other cause the CITY determines to be so serious and compelling as to affect CONTRACTOR's responsibility as a public consultant or contractor, including but not limited to, debarment by another governmental agency, then the CITY reserves the unilateral right to terminate this Agreement or to impose such other sanctions (which may include financial sanctions, temporary suspensions or any other condition deemed appropriate short of termination) as it deems proper. The CITY will not take action until CONTRACTOR has been given notice and an opportunity to present evidence in mitigation.

5. **FORCE MAJEURE**

If any party fails to perform its obligations because of strikes, lockouts, labor disputes, embargoes, acts of God, inability to obtain labor or materials or reasonable substitutes for labor or materials, governmental restrictions, governmental regulations, governmental control, judicial orders, enemy or hostile governmental action, civil commotion, fire or other casualty, or other causes beyond the reasonable control of the party obligated to perform, then that party's performance shall be excused for a period equal to the period of such cause for failure to perform.

6. **RETENTION OF FUNDS**

CONTRACTOR authorizes CITY to deduct from any amount payable to CONTRACTOR (whether or not arising out of this Agreement) any amounts the payment of which may be in dispute or that are necessary to compensate CITY for any losses, costs, liabilities, or damages suffered by CITY, and all amounts for which CITY may be liable to third parties, by reason of CONTRACTOR's acts or omissions in performing or failing to perform CONTRACTOR's obligations under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by CONTRACTOR, or any indebtedness exists that appears to be the basis for a claim of lien, CITY may withhold from any payment due, without liability for interest because of the withholding, an amount sufficient to cover the claim. The failure of CITY to exercise the right to deduct or to withhold will not, however, affect the obligations of CONTRACTOR to insure, indemnify, and protect CITY as elsewhere provided in this Agreement.

7. **CITY REPRESENTATIVE**

Shane Lee, Administrative Analyst is designated as the "City Representative," authorized to act in its behalf with respect to the work and services specified in this Agreement and to make all decisions in connection with this Agreement. Whenever approval, directions, or other actions are required by CITY under this Agreement, those actions will be taken by the City Representative, unless otherwise stated. The City Manager has the right to designate another City Representative at any time, by providing notice to CONTRACTOR.

8. **CONTRACTOR REPRESENTATIVE(S)**

The following principal(s) of CONTRACTOR are designated as being the principal(s) and representative(s) of CONTRACTOR authorized to act in its behalf with respect to the work specified in this Agreement and make all decisions in connection with this Agreement:

Pamela Parker
Jimmie Rizzo

9. **INDEPENDENT CONTRACTOR**

CONTRACTOR is, and at all times will remain as to CITY, a wholly independent contractor. Neither CITY nor any of its agents will have control over the conduct of CONTRACTOR or any of CONTRACTOR's employees, except as otherwise set forth in this Agreement. CONTRACTOR's agents and employees are not and shall not be considered employees of CITY for any purpose. CONTRACTOR may not, at any time or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of CITY. CITY has no duty, obligation, or responsibility to CONTRACTOR's agents or employees under the Affordable Care Act. CONTRACTOR is solely responsible for any tax penalties associated with the failure to offer affordable coverage to its agents and employees under the Affordable Care Act and any other liabilities, claims and obligations regarding compliance with the Affordable Care Act with respect to CONTRACTOR's agents and employees. CITY is not responsible and shall not

be held liable for CONTRACTOR's failure to comply with CONTRACTOR's duties, obligations, and responsibilities under the Affordable Care Act. CONTRACTOR agrees to defend, indemnify and hold CITY harmless for any and all taxes and penalties that may be assessed against CITY as a result of CONTRACTOR's obligations under the Affordable Care Act relating to CONTRACTOR's agents and employees.

10. BUSINESS LICENSE

The CONTRACTOR must obtain a City business license prior to the start of work under this Agreement, unless CONTRACTOR is qualified for an exemption.

11. OTHER LICENSES AND PERMITS

CONTRACTOR warrants that it has all professional, contracting and other permits and licenses required to undertake the work contemplated by this Agreement.

12. FAMILIARITY WITH WORK

By executing this Agreement, CONTRACTOR warrants that CONTRACTOR (a) has thoroughly investigated and considered the scope of services to be performed, (b) has carefully considered how the services should be performed, and (c) fully understands the facilities, difficulties and restrictions attending performance of the services under this Agreement. If the services involve work upon any site, CONTRACTOR warrants that CONTRACTOR has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of services set forth in this Agreement. Should CONTRACTOR discover any latent or unknown conditions that will materially affect the performance of the services set forth in this Agreement, CONTRACTOR must immediately inform CITY of that fact and may not proceed except at CONTRACTOR's risk until written instructions are received from CITY.

13. CARE OF WORK

CONTRACTOR must adopt reasonable methods during the term of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and other components to prevent losses or damages, and will be responsible for all damages, to persons or property, until acceptance of the work by CITY, except those losses or damages as may be caused by CITY's own negligence.

14. CONTRACTOR'S ACCOUNTING RECORDS; OTHER PROJECT RECORDS

Records of the CONTRACTOR's time pertaining to the project, and records of accounts between CITY and the CONTRACTOR, will be kept on a generally recognized accounting basis. CONTRACTOR will also maintain all other records, including without limitation specifications, drawings, progress reports and the like, relating to the project. All records will be available to CITY during normal working hours. CONTRACTOR will maintain these records for three years after final payment.

15. **PREVAILING WAGE** [INTENTIONALLY OMMITTED]

16. **INDEMNIFICATION**

CONTRACTOR will indemnify, defend, and hold harmless CITY, the Successor Agency to the former Redevelopment Agency of the City of Torrance, the City Council, each member thereof, present and future, members of boards and commissions, its officers, agents, employees and volunteers from and against any and all liability, expenses, including defense costs and legal fees, and claims for damages whatsoever, including, but not limited to, those arising from breach of contract, bodily injury, death, personal injury, property damage, loss of use, or property loss however the same may be caused and regardless of the responsibility for negligence. The obligation to indemnify, defend and hold harmless includes, but is not limited to, any liability or expense, including defense costs and legal fees, arising from the negligent acts or omissions, or willful misconduct of CONTRACTOR, its officers, employees, agents, subcontractors or vendors. It is further agreed, CONTRACTOR's obligations to indemnify, defend and hold harmless will apply even in the event of concurrent negligence on the part of CITY, the City Council, each member thereof, present and future, or its officers, agents and employees, except for liability resulting solely from the negligence or willful misconduct of CITY, its officers, employees or agents. Payment by CITY is not a condition precedent to enforcement of this indemnity. In the event of any dispute between CONTRACTOR and CITY, as to whether liability arises from the sole negligence of the CITY or its officers, employees, agents, subcontractors or vendors, CONTRACTOR will be obligated to pay for CITY's defense until such time as a final judgment has been entered adjudicating the CITY as solely negligent. CONTRACTOR will not be entitled in the event of such a determination to any reimbursement of defense costs including but not limited to attorney's fees, expert fees and costs of litigation.

17. **NON-LIABILITY OF CITY OFFICERS AND EMPLOYEES**

No officer or employee of CITY will be personally liable to CONTRACTOR, in the event of any default or breach by the CITY or for any amount that may become due to CONTRACTOR.

18. **INSURANCE**

A. CONTRACTOR and its subcontractors must maintain for the duration of the contract at its sole expense the following insurance, which will be full coverage not subject to self-insurance provisions:

1. Automobile Liability, including owned, non-owned and hired vehicles, with combined single limits of \$50,000 per occurrence.
2. Commercial General Liability including coverage for premises, products and completed operations, independent contractors/vendors, personal injury and contractual obligations with combined single limits of coverage of at least \$1,000,000 per occurrence, \$2,000,000 aggregate.

Workers' Compensation coverage [waived]

- B. The insurance provided by CONTRACTOR will be primary and non-contributory.
- C. CITY ("City of Torrance"), the Successor Agency to the former Redevelopment Agency of the City of Torrance, the City Council and each member thereof, members of boards and commissions, every officer, agent, official, employee and volunteer must be named as additional insured under the automobile and general liability policies. Coverage can be provided in the form of an endorsement to the CONTRACTOR's insurance or applicable policy language.
- D. CONTRACTOR must provide certificates of insurance including all required mandatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) indicating appropriate coverage, to the City Clerk of the City of Torrance before the commencement of work.
- E. Each insurance policy required by this Paragraph must contain a provision that no termination, cancellation or change of coverage can be made without notice to CITY.
- F. CONTRACTOR must include all subcontractors as insureds under its policies or must furnish separate certificates and endorsements for each subcontractor. All coverage for subcontractors will be subject to all of the requirements of this Paragraph 18.
- G. If the CONTRACTOR maintains broader coverage and/or higher limits than the minimums shown above, the CITY requires and shall be entitled to the broader coverage and/or the higher limits maintained by the CONTRACTOR. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY.
- H. The procuring of insurance shall not be construed as a limitation on liability nor as full performance of the indemnification provisions of the CONTRACTOR.
- I. CONTRACTOR hereby grants to CITY a waiver of any right to subrogation which any insurer of said CONTRACTOR may acquire against the CITY by virtue of the payment of any loss under such insurance. CONTRACTOR agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the CITY has received a waiver of subrogation endorsement from the insurer.

- J. Self-insured retentions must be declared to and approved by the CITY. The CITY may require the CONTRACTOR to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or CITY.

19. SUFFICIENCY OF INSURERS

Insurance required by this Agreement will be satisfactory only if issued by companies admitted to do business in California, rated "A" or better in the most recent edition of Best's Key Rating Guide, and only if they are of a financial category Class VII or better, unless these requirements are waived by the Risk Manager of CITY ("Risk Manager") due to unique circumstances. In the event the Risk Manager determines that the work or services to be performed under this Agreement creates an increased or decreased risk of loss to CITY, the CONTRACTOR agrees that the minimum limits of any insurance policies or performance bonds required by this Agreement may be changed accordingly upon receipt of written notice from the Risk Manager; provided that CONTRACTOR will have the right to appeal a determination of increased coverage by the Risk Manager to the City Council of CITY within 10 days of receipt of notice from the Risk Manager.

20. CONFLICT OF INTEREST

- A. No officer or employee of the CITY may have any financial interest, direct or indirect, in this Agreement, nor may any officer or employee participate in any decision relating to the Agreement that effects the officer or employee's financial interest or the financial interest of any corporation, partnership or association in which the officer or employee is, directly or indirectly interested, in violation of any law, rule or regulation.
- B. No person may offer, give, or agree to give any officer or employee or former officer or employee, nor may any officer or employee solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation or any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any way pertaining to any program requirement, contract or subcontract, or to any solicitation or proposal.

21. NOTICE

- A. All notices, requests, demands, or other communications under this Agreement will be in writing. Notice will be sufficiently given for all purposes as follows:

1. **Personal delivery.** When personally delivered to the recipient: notice is effective on delivery.
2. **First Class mail.** When mailed first class to the last address of the recipient known to the party giving notice: notice is effective three mail delivery days after deposit in a United States Postal Service office or mailbox.
3. **Certified mail.** When mailed certified mail, return receipt requested: notice is effective on receipt, if delivery is confirmed by a return receipt.
4. **Overnight delivery.** When delivered by an overnight delivery service, charges prepaid or charged to the sender's account: notice is effective on delivery, if delivery is confirmed by the delivery service.
5. **Facsimile transmission.** When sent by fax to the last fax number of the recipient known to the party giving notice: notice is effective on receipt. Any notice given by fax will be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a non-business day.
6. **Addresses for purpose of giving notice are as follows:**

CONTRACTOR

Pamela Parker
 Coyote, Wildlife and Pest Solutions,
 Inc.
 8775 E. Wiley Way
 Anaheim, CA 92808
 Fax: N/A

CITY:

City Clerk
 City of Torrance
 3031 Torrance Boulevard
 Torrance, CA 90503
 Fax: (310) 618-2931

- B. Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified, will be deemed effective as of the first date the notice was refused, unclaimed or deemed undeliverable by the postal authorities, messenger or overnight delivery service.

- C. Either party may change its address or fax number by giving the other party notice of the change in any manner permitted by this Agreement.

22. PROHIBITION AGAINST ASSIGNMENT AND SUBCONTRACTING

This Agreement and all exhibits are binding on the heirs, successors, and assigns of the parties. The Agreement may not be assigned or subcontracted by either CITY or CONTRACTOR without the prior written consent of the other.

23. INTEGRATION; AMENDMENT

This Agreement represents the entire understanding of CITY and CONTRACTOR as to those matters contained in it. No prior oral or written understanding will be of any force or effect with respect to the terms of this Agreement. The Agreement may not be modified or altered except in writing signed by both parties.

24. INTERPRETATION

The terms of this Agreement should be construed in accordance with the meaning of the language used and should not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction that might otherwise apply. To the extent that the terms of the RFP or the Proposal are inconsistent with the terms of this Agreement, the terms of this Agreement shall control.

25. SEVERABILITY

If any part of this Agreement is found to be in conflict with applicable laws, that part will be inoperative, null and void insofar as it is in conflict with any applicable laws, but the remainder of the Agreement will remain in full force and effect.

26. TIME OF ESSENCE

Time is of the essence in the performance of this Agreement.

27. GOVERNING LAW; JURISDICTION

This Agreement will be administered and interpreted under the laws of the State of California. Jurisdiction of any litigation arising from the Agreement will be in Los Angeles County, California.

28. COMPLIANCE WITH STATUTES AND REGULATIONS

CONTRACTOR will be knowledgeable of and will comply with all applicable federal, state, county and city statutes, rules, regulations, ordinances and orders.

29. WAIVER OF BREACH

No delay or omission in the exercise of any right or remedy by a nondefaulting party on any default will impair the right or remedy or be construed as a waiver. A party's consent or approval of any act by the other party requiring the party's

consent or approval will not be deemed to waive or render unnecessary the other party's consent to or approval of any subsequent act. Any waiver by either party of any default must be in writing and will not be a waiver of any other default concerning the same or any other provision of this Agreement.

30. ATTORNEY'S FEES

Except as provided for in Paragraph 16, in any dispute, litigation, arbitration, or other proceeding by which one party either seeks to enforce its rights under this Agreement (whether in contract, tort or both) or seeks a declaration of any rights or obligations under this Agreement, the prevailing party will be awarded reasonable attorney's fees, together with any costs and expenses, to resolve the dispute and to enforce any judgment.

31. EXHIBITS

All exhibits identified in this Agreement are incorporated into the Agreement by this reference.

32. CONTRACTOR'S AUTHORITY TO EXECUTE

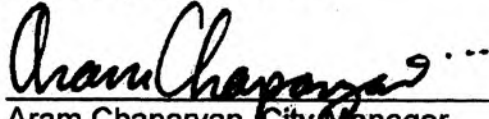
The persons executing this Agreement on behalf of the CONTRACTOR warrant that (i) the CONTRACTOR is duly organized and existing; (ii) they are duly authorized to execute this Agreement on behalf of the CONTRACTOR; (iii) by so executing this Agreement, the CONTRACTOR is formally bound to the provisions of this Agreement; and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which the CONTRACTOR is bound.

33. PUBLIC RECORDS ACT

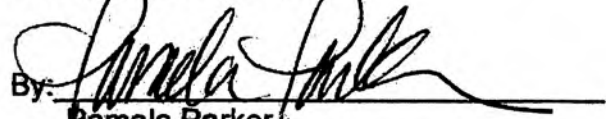
Any documents submitted by the CONTRACTOR; all information obtained in connection with the CITY's right to audit and inspect the CONTRACTOR's documents, books, and accounting records pursuant to paragraph 14 CONTRACTOR's Accounting Records; Other Project Records; as well as those documents which were required to be submitted in response to the Request for Proposals (RFP) used in the solicitation process for this Contract, become the exclusive property of the City. All such documents become a matter of public record and shall be regarded as public records. Exceptions will be those elements in the California Government Code Section 6250 et seq. (Public Records Act) and which are marked "trade secret", "confidential", or "proprietary". The CITY shall not in any way be liable or responsible for the disclosure of any such records including, without limitation, those so marked, if disclosure is required by law, or by an order issued by a court of competent jurisdiction.

In the event the CITY is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked "trade secret", "confidential", or "proprietary", the CONTRACTOR agrees to defend and indemnify the CITY from all costs and expenses, including reasonable attorney's fees, in action or liability arising under the Public Records Act.

CITY OF TORRANCE,
a municipal corporation


Aram Chaparyan, City Manager

Coyote, Wildlife and Pest Solutions, Inc.
a California corporation

By: 
Pamela Parker
CEO

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN
City Attorney

By: 
Tatia Y. Strader
Deputy City Attorney

Attachments: Exhibit A Request for Proposals
 Exhibit B Proposal

Rev.1120



City of Torrance, Community Development Department

3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990

Environmental Checklist Form

1. **Project Title:** 2019 Coyote Management Plan Update
2. **Lead Agency Name and Address:** City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503
3. **Contact Person and Phone Number:** Oscar Martinez, Acting Planning and Environmental Manager
City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503
4. **Project Location:** City of Torrance
5. **Project Sponsor's Name & Address:** City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503
6. **General Plan Designation:** NA (City-wide)
7. **Zoning:** NA (City-wide)
8. **Description of the Project:**

Background

The City of Torrance covers approximately 21 square miles (12,312 acres) of land and is situated in southwestern Los Angeles County¹. The population of the city is approximately 147,175.²

Coyotes have existed within the City of Torrance since the area first developed. Coyotes are members of the dog family which are highly adaptive to their surrounding environment.³ Due to their adaptive behavior, coyotes have adjusted to human population expansion in the City. Furthermore, the ready supply of food, water, and shelter in the City helps coyotes survive and makes them tend to lose their fear of humans. Urban coyotes have access to rodents, household garbage, compost piles, pet food, domestic pets and water from ponds and landscape irrigation run-off.

Since 2015, the City has experienced an increase in reported urban coyote activities within its boundaries affecting the residents and their pets. These activities have been manifested through observations of coyotes in neighborhoods, and coyote sightings along public streets and in residential yard areas, parks, or green spaces. Interactions have also included coyotes biting or killing pets. Instances of coyotes stalking small pets (cats, guinea pigs, hamsters, and rabbits), and even those on leashes, have been reported as well in the City. Coyote sightings and/or attacks were raised as a serious issue of concern by residents. To solve this issue, the City prepared its first Coyote Management Plan in 2016, which remains in effect. It contains various strategies to educate residents about the coyotes and how to avoid them. The management plan also highlights certain coyote removal techniques such as the use of firearms, traps, and lethal control. Although the City has implemented the Coyote Management Plan, coyote activities may have increased in the last few years.

¹ City of Torrance Website, <https://www.torranceca.gov/government/city-manager/residents/about-torrance>, Accessed February 2019.

² Profile of the City of Torrance by Southern California Association of Governments (2017).

³ Article #L-5473 on Managing Suburban Coyotes by Texas A&M Agrilife Extension.



City of Torrance, Community Development Department

3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990

Environmental Checklist Form

On September 18, 2018, the City's Police Department was asked by the City Council to evaluate the 2016 Coyote Management Plan and to recommend relevant updates to it. At the Council meeting of November 27, 2018, the City Council received a staff report update and heard public comment regarding coyote encounters, threats to pets and other associated concerns, and recommendations to updating the 2016 Coyote Management Plan. After hearing comments and discussing the item, the Council directed staff to update the existing plan based on feasible and effective options available. One option includes implementing the use of coyote traps and euthanization programs. Other options for updating the plan included: sustaining the Coyote Response Plan, enhancing Coyote education and outreach programs, hiring a program staff assistant, and prohibiting wildlife feeding.

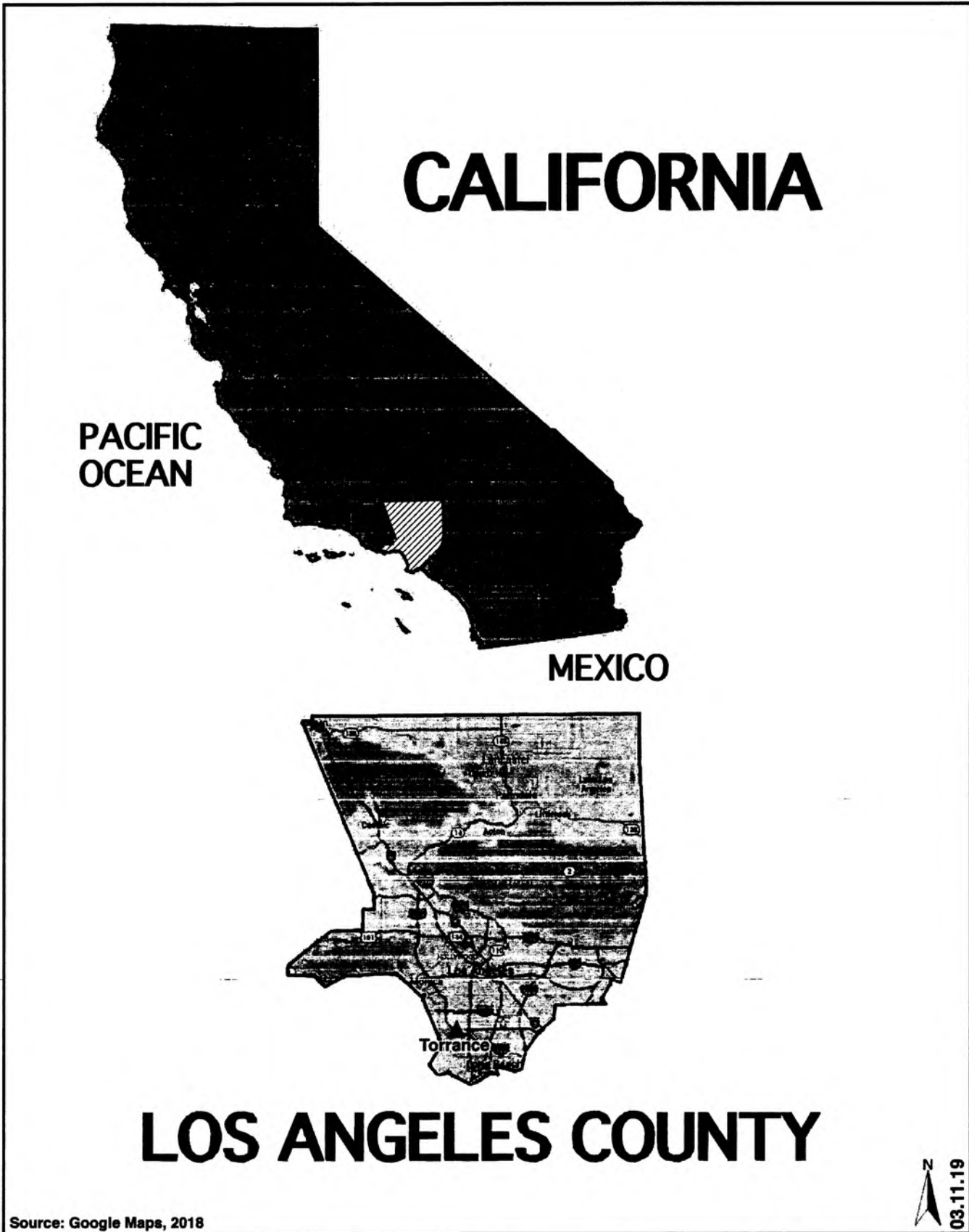
The purpose of this Initial Study is to provide an overall evaluation of the environmental impacts that could occur upon updating the City's 2016 Coyote Management Plan, more specifically, implementation of the proposed strategies included in it.

Project Description

The purpose of the City of Torrance's 2016 Coyotes Management Plan Update is to establish strategies to minimize conflicts between humans, their pets and urban coyotes using education, behavior modification, and implementation of a tiered response to aggressive coyote behavior. The proposed project involves updates to the 2016 Coyote Management Plan which consists of a determination of more stringent strategies to solve human-coyote conflicts and secure household pets. The following are the recommended strategies which would be implemented:

1. Sustain Coyote Management Response Plan;
2. Prohibit wildlife feeding;
3. Enhance coyote education and outreach;
4. Consider addition of program staff assistant;
5. Implement an annual Coyote Trap and Euthanize Program between October and February.

This Initial Study provides an overall evaluation of the impacts on the environment that could occur upon implementation of these strategies.



Source: Google Maps, 2018

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03.11.19

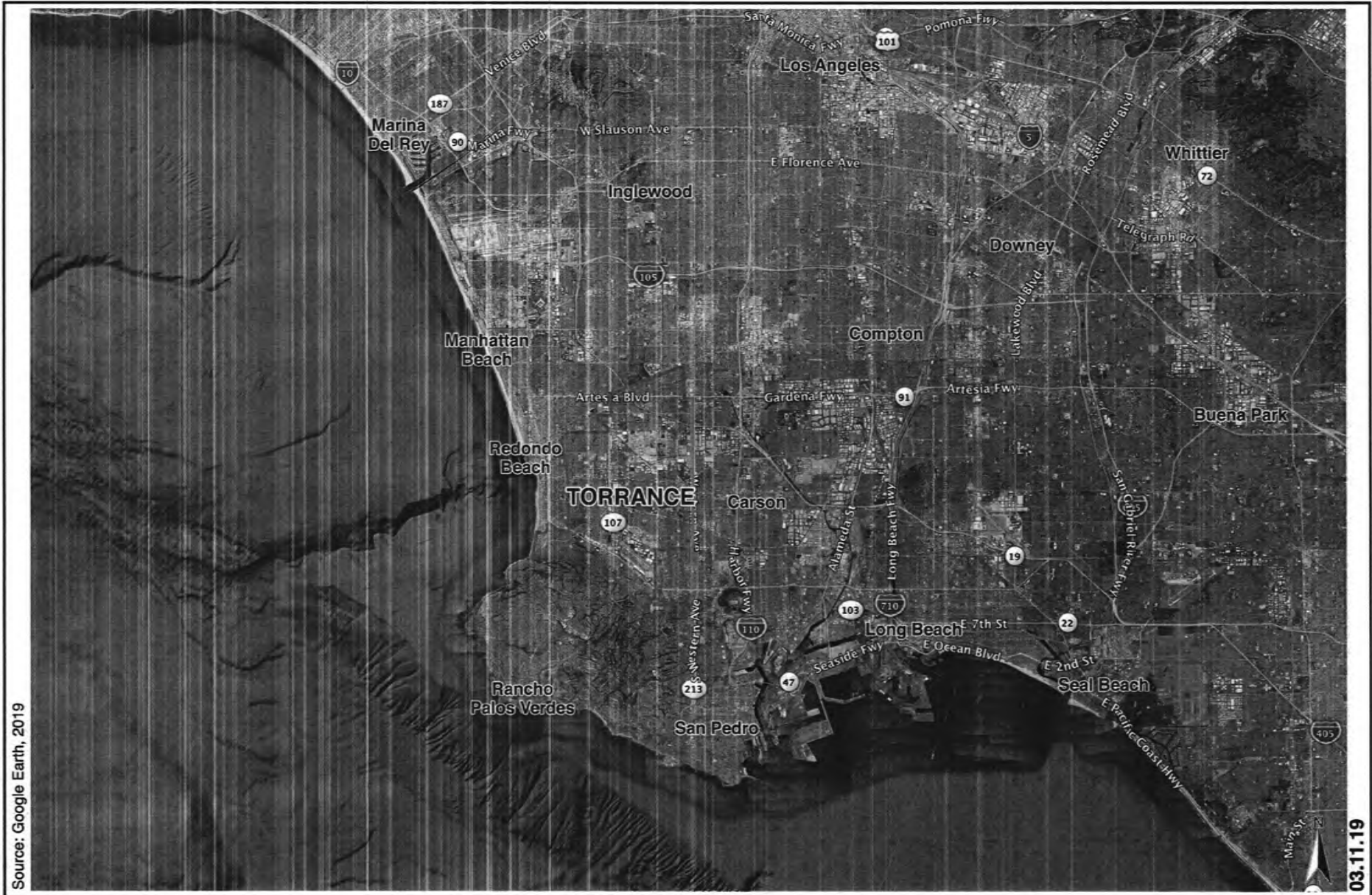


2019 Coyote Management Plan Update
Regional Location Map
Torrance, California



Exhibit

1



Source: Google Earth, 2019

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City of Torrance, Community Development Department

3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990

Environmental Checklist Form

9. Surrounding Land Uses and Environmental Setting:

The City of Torrance is situated in southwestern Los Angeles County and is bounded on the north by Gardena and Lawndale, on the east by Los Angeles, on the west by Redondo Beach, and on the south by Rolling Hills Estates and Palos Verdes Estates (Exhibit 1, 2, and 3).

The City covers approximately 21 square miles (12,312 acres). The majority of the city is developed with residential (49%), commercial (12%), and industrial (22%) projects.

10. Other public agencies whose approval is required:

California Department of Fish and Wildlife.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

The City of Torrance submitted a request to the Native American Heritage Commission (NAHC) in Sacramento for a Sacred Lands File Search and a Tribal Consultation Contact List for the proposed project. The NAHC provided a Tribal Consultation List of California Native American tribes within the project area, and the Sacred Lands File (SLF) record results, which were "negative," indicating there is no significant tribal cultural resource within the City.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

In mid-February 2019, the City sent cultural consultation requests, as mandated by AB 52, regarding the proposed project to three Tribes that have requested formal notification under AB 52. As of the preparation of the assessment, one response has been received from the Gabrieleño Band of Mission Indians – Kizh Nation which stated that since the Plan update does not involve ground disturbance, no further consultation is necessary.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input type="checkbox"/>	Geology / Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials
<input type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Wildfire	<input type="checkbox"/>	Mandatory Findings of Significance

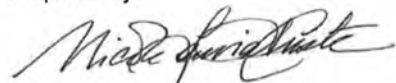
DETERMINATION: On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


 Oscar Martinez, Acting Planning and Environmental Manager
 City of Torrance

7/10/19
 Date

Prepared by:



Nicole Sauviat Criste, Principal
 Terra Nova Planning & Research, Inc.

7/10/19
 Date

ENVIRONMENTAL ISSUES:	Sources	Potentially Significant Impact	Less Than Significant	Less than Significant Impact	No Impact
			With Mitigation Incorporation		

1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:

Environmental Background

The City of Torrance is located in southwestern Los Angeles County. Neighboring communities include Rolling Hills Estates and Palos Verdes Estates to the south, Redondo Beach to the west, Gardena and Lawndale to the north, and Carson, City of Los Angeles, unincorporated County of Los Angeles and Lomita to the southeast.

Trees such as acacias, palms, camphors, jacarandas, and California pepper trees are valuable assets for the City because they contribute to the community aesthetic. Many of these trees were planted in the early 1900s as street trees in residential neighborhoods and windbreak areas. For example, eucalyptus trees along Torrance Boulevard between Madrona Avenue and Border Avenue are approximately 60 feet in height and 80 years in age. The City has adopted street policies to protect and conserve these trees.

In addition to trees, natural topography creates many scenic vistas throughout the City. The San Gabriel Mountain Range and the Pacific Ocean are visible to the north and west, respectively, from the hillsides along the City's western and southern boundaries. The City has adopted policies to protect these scenic views within hillside areas.

- (a) Have a substantial adverse effect on a scenic vista?
- (b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

a, b) The proposed project proposes management strategies and actions whose physical elements would include placing temporary coyote traps at affected areas in the City; no buildings, structures, or other improvements or facilities would be constructed. Traps would be located on the ground and would involve minimal to no ground disturbance or vegetation removal. Therefore, the project would not include any component that would substantially affect any scenic vista such as trees, mountain and Pacific Ocean views, or historic buildings within a state scenic highway. No impact is anticipated.

- (c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

c) The City of Torrance is predominantly developed in an urban environment. The implementation of the Plan will result in management activities, including hazing, community education and the trapping of coyotes. The proposed Plan will be generally consistent with the standards in the City's current Coyote Management Plan, and will not change standards or zoning associated with height, mass or scale, which have the potential to affect scenic quality. Therefore, no impact is anticipated.

- (d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

d) Project related activities are not expected to change the lighting environment as a result of the proposed update. No new permanent light sources and no temporary light sources beyond perhaps an occasional use of flashlights by City staff to implement the proposed Plan. As such, there would be no impacts associated with new lighting sources. No new structures would be built, and no existing structures would be modified. Therefore, no impact is anticipated.

2. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Environmental Background

The City of Torrance is located in southwestern Los Angeles County, and is not mapped in the Los Angeles County Important Farmland Map published in 2016.⁴ In addition, no agricultural resource is shown within the City in the County’s Agricultural Resource Areas Policy Map.⁵ However, according to the City’s Zoning Map (2015), limited Light Agriculture (A1) lands occur on the southern boundary of the City. The City’s General Plan identifies lands within the municipal airport, approximately 140 acres, as having been used for agriculture.

- (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

a) No prime or unique farmland, or farmland of statewide importance exists within the City of Torrance. Project activities do not include any changes to zoning, land use, or other landform alteration that would result in the conversion of prime farmland to other uses. No impact would occur.

- (b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

b) No land in the City is under Williamson Act contract⁶. None of the Plan’s activities will involve the alteration of landforms, or conflict with zoning for agricultural uses or a Williamson Act contract, because no construction is planned as part of the Plan. Therefore, no impact would occur.

- (c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

⁴ Los Angeles County Important Farmland 2016 Map, [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/los16.pdf](http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/los16.pdf), Accessed February 2019.

⁵ Los Angeles County Agricultural Resource Areas Policy Map.

⁶ California Department of Conservation GIS Online Farmland Map, <https://maps.conservation.ca.gov/DLRP/CIFF/>.

- (d) Result in the loss of forest land or conversion of forest land to non-forest use?

c, d) The majority of lands in the City are zoned for various types of residential, commercial, or industrial development. No lands within the City are identified, either in the General Plan or the Zoning Ordinance, for forest land, timberland, or timberland zoned as Timberland Production. No impacts would occur.

- (e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

e) The City is urbanized and surrounded by urban areas. Limited agriculturally zoned lands occur in the City. No forest lands are designated or occur in the City. The management of the coyote population that will be implemented by the Plan will not result in the alteration of land, or any change in land use. There will be no change in the environment with implementation of the Plan. No impact would occur.

3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

Environmental Background

The City of Torrance is located in the South Coast Air Basin, which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD).⁷ The SCAQMD is one of the 35 air quality regulatory agencies in the State of California and all development within the South Coast Air Basin is subject to SCAQMD's 2016 Air Quality Management Plan (2016 AQMP). The SCAQMD operates and maintains regional air quality monitoring stations at numerous locations throughout its jurisdiction. The City is located within Source Receptor Area (SRA) 3.⁸

The City's location near the Pacific coast results in better air quality than many inland Los Angeles County cities. However, the air basin is a "non-attainment" area for federal and state air quality standards for ozone and state standards for particulate matter less than 10 microns in diameter (PM₁₀).

- (a) Conflict with or obstruct implementation of the applicable air quality plan?

a) The implementation of the Plan would not result in increases in population, housing, or other development and therefore would not generate emissions. Management activities will occur within existing land uses and activities, and will not impact those activities. The Plan would not conflict with or obstruct implementation of the SCAQMD 2016 AQMP. No impact would occur.

- (b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

⁷ Final 2016 Air Quality Management Plan by South Coast Air Quality Management District, <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>, Accessed March 2019.

⁸ SCAQMD online GIS Map.

- (c) Expose sensitive receptors to substantial pollutant concentrations?

b, c) The Plan's management activities would have a negligible effect on the existing air emissions profile of the City. To implement the proposed Plan, a staff member may be added to conduct community education, assist with hazing, inspect open areas for the presence of coyotes, and install and remove traps. These activities could result in a marginal increase in the number of automobile trips per day occurring from City Hall, which would generate a minimal, and less than significant amount of air pollutants in exhaust emissions. These activities and associated trips would be consistent with other municipal activities and will not result in a measurable increase in air emissions. The project activities would be conducted at various locations throughout the City, wherever needed. They would not expose any sensitive receptor to substantial pollutant concentrations.

The proposed Plan would not violate or contribute to an existing violation of an air quality standard, and would not result in a cumulatively considerable net increase of ozone or particulate matter, which are pollutants for which the region is in nonattainment with respect to federal and state air quality standards. Less than significant impact is anticipated.

- (d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

d) Implementation of the Plan will not generate odors, nor will it generate emission which could be considered objectionable, because management activities such as hazing, education and the setting of traps have no potential to generate odor-causing emissions. There is no potential for the project to expose people to objectionable odors.

4. BIOLOGICAL RESOURCES. Would the project:

Environmental Background

The majority of the City is urbanized. Some open spaces in the City contain unique vegetation and wildlife communities, including Madrona Marsh. The General Plan has identified other open space areas that have the potential for ecological restoration throughout the City.

The proposed Coyote Management Plan update has been developed to address the presence of coyotes in the City's urban environment. Coyotes are found throughout California, from desert and mountain habitats to urban areas. Coyotes are not a federally- or state-listed species and are controlled in California to protect infrastructure, agricultural resources, public health, and special-status species. Coyotes are classified as a "nongame mammal" by the California Fish and Game Commission. According to the California Fish and Game Commission, killing a problem coyote does not require any permit, however, a hunting license and legal methods must be used.⁹ The 2019 Coyote Management Plan encourages the City's Police Department to work with the California Department of Fish and Wildlife on the management and removal of coyotes within the City.

The strategies proposed in the 2019 Coyote Management Plan were reviewed by Wood Environment and Infrastructure Solutions, Inc. (Wood) for consistency with CEQA, as discussed below. Please see Appendix A for the Technical Memorandum in full.

- (a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

⁹ Living with California Coyotes by California Fish and Game Commission, <https://sagehen.ucnrs.org/Documents/visitors/wildlife/coyote.pdf>, Accessed March 2019.

a) Coyotes are not classified as sensitive, or special status species in any local or regional plans, policies, or regulation, including those of the California Department of Fish and Wildlife. The proposed Plan update will not result in direct impacts or habitat modification for any special status species. The coyote is not considered a candidate, sensitive or other special status species under local, State or federal regulations. The proposed Plan update will not result in habitat modification, insofar as no construction will occur, and existing native and ornamental plant communities and habitats will not be changed by implementation of the Plan. There is no published evidence that the elimination of coyotes will indirectly impact sensitive species such as coastal California gnatcatcher or least Bell's vireo. No impact is expected.

The use of traps has the potential to inadvertently trap other species. Live traps are the only type of trap permitted in California for such a purpose. As a result, should another species be captured in a trap intended for a coyote, that animal would not be harmed, and would be released by City staff when the trap was checked for activity. The use of live traps will assure that impacts associated with inadvertent capture of other species will assure that the impact to those species is less than significant.

- (b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b) The implementation of the Plan does not involve modification or removal of any riparian habitat. Proposed Plan activities would result in the trapping of a species which is not considered sensitive by local, State or federal agencies, or their regulations. The proposed Plan update would not cause direct or indirect impacts to sensitive natural communities, and thus there would be no impact.

- (c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

c) The implementation of the Plan does not include any development or construction activities. Coyote management activities do not include any removal, filling, or hydrological interruption to wetlands or other waters of the U.S. Therefore, there would be no impact.

- (d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

d) Implementation of the Plan does not include any activities in rivers or streams which may impact migratory fish species. Wildlife movement in the City would not be impacted by proposed program operations. Should species other than coyotes be inadvertently trapped, the use of live traps would assure that that animal would be released as soon as the traps were checked by City staff. The Plan update would not affect migratory species movement or corridors, and there would be no impact.

- (e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

- (f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

e, f) There is no policy, plan or ordinance in the City, other than the proposed Plan update, relating to coyotes. There is no Habitat Conservation Plan applicable to the City. The City and County have identified significant ecological areas in the City, including the Madrona Marsh. The Plan's implementation, however, will not impact the Marsh, insofar as it will not result in any alteration to this area.

The Plan is, in and of itself, a program for the management of a wildlife species. The Plan proposes management strategies and techniques intended to manage the existing coyote population in the City, and protect citizens and their pets from coyote attack.

Implementation of the proposed Plan update will have no impact on local or regional policies, ordinances, or habitat conservation plans.

5. CULTURAL RESOURCES. Would the project:

Environmental Background

Cultural resources consist of prehistoric and historic sites, structures, and districts or any other physical evidence associated with human activity considered important to a culture, subculture, or community for scientific, traditional, or religious reasons. According to the Gabrieleño Band of Mission Indians (Kizh Nation), the City occurs within the traditional territory of the Kizh nation. Their territory extended throughout a large portion of Southern California, including most of Los Angeles County. Please also see Section 18, Tribal Cultural Resources.

Historical resources, as described in CEQA, include buildings, sites, structures, objects, or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance and be listed or eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or a local register of historical resources.

The City has identified and studied locally significant historic resources, such as Torrance High School, the Southern Pacific Railroad Bridge, and Fern Avenue School. The City has adopted a number of policies to preserve historic sites.

- (a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

a) The Plan's activities, such as community education and outreach programs and the installation of traps will not involve the modification, construction or alteration of historic structures or other facilities within the City. No impact to historical resources is anticipated.

- (b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

b) The majority of the City is developed with residential, commercial, and industrial land uses. The implementation of the Plan will not result in ground disturbance, or the excavation of land, and therefore has no potential to impact buried cultural resources. No impact to archaeological or cultural resources is anticipated.

The Native American Heritage Commission (NAHC) in Sacramento was contacted by the City in early January 2019 regarding the project. NAHC provided the City a letter on February 27, 2019. The letter indicated that a Sacred Lands File (SLF) records check of the NAHC registry shows negative results, indicating that no known resources have been recorded by NAHC. NAHC

recommended contacting local tribes regarding potential Native American Cultural resources. The City also extended an opportunity for consultation to the three tribes that have requested to be contacted under the provisions of AB 52, and received a response and request for consultation from the Gabrieleño Band of Mission Indians - Kizh Nation. The results of consultation are provided in Section 18, Tribal Cultural Resources.

- (c) Disturb any human remains, including those interred outside of formal cemeteries?

c) None of the Plan's activities are anticipated to occur within known cemeteries. In addition, the project does not include activities that would result in grading or excavation, so there is no potential for the implementation of the Plan to disturb human remains. No impact to human remains is anticipated.

6. ENERGY. Would the project:

Environmental Background

Primary energy sources include fossil fuels (oil, coal and natural gas) and renewable sources like wind, solar, geothermal and hydropower. The City of Torrance is located within the Southern California Edison (SCE) service area.^{10,11} Currently, SCE serves approximately 4.4 million residential service accounts and 520,000 commercial service accounts which use up to 69% of the electricity generated by SCE in its service area. Natural gas in the City is provided by the Southern California Gas Company (SoCalGas). Its service territory encompasses approximately 20,000 square miles in Central and Southern California, from the City of Visalia to the Mexican border.

- (a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

a) **Electricity:** The proposed updates to the existing Coyote Management Plan do not include any activity which would consume electricity, since project activities involve education, inspection, and the setting and removal of traps, none of which will result in an increase in electrical use. No impact is anticipated.

Natural Gas: None of the project activities are anticipated to use natural gas. No impact is anticipated.

- (b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

b) The project would not result in the construction or operation of any facility which could interfere with any state or local plan that promotes renewable energy or energy efficiency, since it involves management activities that would occur in existing buildings, including City Hall. No impact is anticipated.

¹⁰ Southern California Edison Company Territory Map, https://www.scholarsapply.org/uploads/edison/service_territory.pdf, Accessed February 2019.

¹¹ Torrance Office of Economic Development Website (Utilities), <https://business.torranceca.gov/our-city/economic-development/utilities>, Accessed February 2019.

7. GEOLOGY / SOILS. Would the project:

Environmental Background

The City of Torrance is located within the Los Angeles basin.¹² This basin is an alluviated lowland or coastal plain bounded on the north by the Santa Monica Mountains and the Elysian, Repetto, and Puente Hills and on the east and southeast by the Santa Ana Mountains and San Joaquin Hills.

The City predominantly consists of marine and non-marine sedimentary rocks of Pleistocene and Oligocene age. Tectonically, it is bisected by two faults, the Palos Verdes and Redondo Canyon faults, which could generate earthquakes of magnitude >7 on the Richter scale.

The City is located on the western edge of the greater floodplain of the Los Angeles and San Gabriel Rivers where flooding is unpredictable. The City participates in the National Flood Insurance Program to reduce potential flood hazards. In addition to these rivers, there are two enclosed water reservoirs (i.e. WALTERIA and Ben Haggot reservoirs) in the City which could discharge up to 7,300 cubic feet of water per second if breached.

In the City, the greatest risk of liquefaction occurs along the bluffs overlooking Torrance Beach. Liquefiable areas along the channel of Dominguez Creek are already built upon with residential and commercial developments which could be damaged during moderate to strong earthquake events.

(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- | | | | | | |
|------|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) | Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) | Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) | Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) | Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

i-iv) None of the coyote's management practices outlined in the proposed Plan update would have the potential to expose people or structures to ground rupture, seismic ground shaking, seismic-related ground failure, or landslides. Coyote control activities occur intermittently, involve limited staff resources, and would not involve any new construction or repair of buildings or other structures. There would be no associated impacts.

(b) Result in substantial soil erosion or the loss of topsoil?

b) As stated above, the proposed Plan update would implement more stringent coyote management practices, primarily through the implementation of community education, hazing and the placement of traps. Coyote control activities occur at the ground's surface and do not require the exposure of soils. None of these types of activities would induce soil erosion or otherwise adversely affect soil stability. There would be no associated impacts.

¹² Geology of the Los Angeles Basin California – An Introduction by R. F. Yerkes et al., 1965, Geological Survey Professional Paper 420-A.

- (c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

c) The project does not involve construction or operation of any facility on an unstable geologic unit or soil to cause landslide, lateral spreading, subsidence, liquefaction or collapse. Management activities would occur in or in close proximity to already developed areas. No impact is anticipated.

- (d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

d) The majority of the city is developed with residential, commercial, and industrial land uses where coyote activities have been reported. Implementation of coyote control strategies will not involve construction of structures or other activities susceptible to expansive soils. No impact is anticipated.

- (e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

e) No septic tanks or alternative, soils-based wastewater disposal systems are required for the Plan update. Current coyote control activities do not affect existing subsurface wastewater disposal systems. The management activities included in the Plan update will not require the installation of wastewater disposal systems, as no structures will be constructed. No impact is anticipated.

- (f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

f) The Plan update does not include activities that would result in grading or excavation, and would therefore not have any potential to destroy any unique paleontological resource or geologic feature. No impact is anticipated.

8. GREENHOUSE GAS EMISSIONS. Would the project:

Environmental Background

Greenhouse gas emissions are generated by both moving and stationary sources, including vehicles, the production of electricity and natural gas, water pumping and fertilizers. The principal greenhouse gases (GHGs) include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), Ozone (O₃), and water vapor (H₂O). Some GHGs, such as CO₂, CH₄, and N₂O, occur naturally and are emitted to the atmosphere through natural processes and human activities. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely byproducts of fossil fuel combustion, whereas CH₄ results mostly from off-gassing associated with agricultural practices and landfills. Manmade GHGs, which have a much greater heat-absorption potential than CO₂, include fluorinated gases, such as hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and nitrogen trifluoride (NF₃), which are associated with certain industrial products and processes.

The City experiences an "heat island effect" because of its urbanized environment, and concentration of heat-absorbing structures and pavements. The City encourages open space, light-colored development materials, and the planting and preservation of trees for shading of streets and buildings to help reduce the heat island effect in the city.

In addition, the City has joined the Cities for Climate Protection (CCP) Campaign, and is participating in the Climate Action Planning efforts of the South Bay Council of Governments. The City's goal is to reduce GHG emissions by 15% from 2005 levels by 2020, and 49% by 2035.

- (a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

a) The project would not result in increases in population, housing, or other development that would increase energy use, motor vehicle usage or solid waste production, which are currently the primary sources of greenhouse gas (GHG) emissions in the City. Management activities consistent with the proposed Plan update may continue to include the use of vehicles in response to coyote sightings. However, these vehicle trips currently occur under the approved Plan, and would not be expected to increase significantly, even with the addition of a staff person. As such, GHG emissions associated with vehicle use would remain similar to existing conditions. Overall, the minimal increase in vehicle trips would represent a nominal amount of greenhouse gas emissions and a less than significant impact.

- (b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

b) Management activities associated with the Plan update will continue existing activities, and will implement strategies developed in the City's Climate Action Planning efforts as those are implemented throughout the City. Implementation of the proposed Plan activities would not conflict with any plans or programs adopted to reduce greenhouse gases.

9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

Environmental Background

Hazardous material is defined as any material that, due to quantity, concentration, physical, or chemical characteristics, poses a significant potential hazard to public health and safety or to the environment.¹³ In the City of Torrance, hazardous materials transport, storage, and use is strictly regulated for large quantity users, such as industrial processing plants and commercial dry cleaners. There are several hazardous sites in the City which are referred to as Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) sites, Toxic Release Inventory (TRI) sites, closed landfills, oil fields, or large quantity generator sites.¹⁴

Beginning in the 1970s, governments at the federal, state, and local levels became increasingly concerned about the effects of hazardous materials on human health and the environment. Numerous laws and regulations were developed to investigate and mitigate these effects. Hazardous materials are regulated by state, federal, and local agencies, including the US Environmental Protection Agency, the California Environmental Protection Agency (CalEPA), the California Department of Toxic Substances Control (DTSC), the Occupational Safety and Health Administration (OSHA), and the Torrance Fire Department. As a result, the storage, use, generation, transport, and disposal of hazardous materials are highly regulated by federal, state, and local laws and regulations. Furthermore, the City has provided numerous policies and programs in its General Plan to regulate the use of hazardous materials and hazardous sites within its boundaries.

(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

(b) Create significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

a, b) The proposed management activities included in the Plan update do not include the use of hazardous materials. The use, transport, and/or disposal of any substances used in euthanizing coyotes would be subject to federal, state, and local regulations regarding the handling of such materials, including the regulations associated with medical waste. Therefore, the proposed Plan update would not create a significant hazard to the public or the environment through the routine transport, use, release, or disposal of hazardous materials, nor would it create a risk of upset or accident.

(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

c) The proposed project would not involve or authorize use of hazardous materials or wastes within one-quarter mile of a school. No impact would occur.

(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

¹³ California Health and Safety Code definition.

¹⁴ City's General Plan – Figure S-4 (Hazardous Materials Sites).

d) *The majority of the management activities would be conducted near residential units, parks, and open areas where the coyotes have been identified. It is not expected that any management activities would result in the disturbance of structures or ground surfaces at sites identified as having had hazardous materials incidents, or large generators. Therefore, no impact is anticipated.*

- (e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

e) *Torrance Municipal Airport is located in the southern portion of the City. The airport covers approximately 500 acres of land which is a restricted area. None of the Plan's component would be affected by airport operations. All activities occur at the ground level, and there are no environmental effects that could obstruct pilot visibility or otherwise interfere with normal flight operations and air traffic patterns in the area. No impact is anticipated.*

- (f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

f) *Coyote management activities occur for short periods of time in residential, park and open space areas of the City. These activities are typically carried out by one or two people at a time, who arrive/depart via passenger automobiles and light-duty trucks. As such, these activities would not physically interfere with emergency plans or would have no effect on any emergency evacuation routes. No impact is anticipated.*

- (g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

g) *The project would not generate housing and/or population, nor would it increase nonresidential development in the wildland fires zone. Management activities do not generate a risk of fire in any part of the City. No impact is anticipated.*

10. HYDROLOGY / WATER QUALITY. Would the project:

Environmental Background

The City of Torrance is located within the Los Angeles basin. Average yearly precipitation in the area is about 13 inches.¹⁵ Drinking water to the City is supplied by multiple water agencies, the Torrance Municipal Water Department (TMWD) and the Rancho Dominguez and Hermosa-Redondo Districts of the California Water Service Company (CWS). Approximately 78 percent of water is provided by TMWD which works with the State Health Department of Health Services to control water quality. Metropolitan Water District (MWD) provides approximately 88 percent of the City's portable water supply. MWD mainly imports water from the Colorado River Aqueduct, State Water Project via the California Aqueduct, and groundwater basins. MWD also purchase water from the Water Replenishment District of Southern California and recycled water from the West Basin Municipal Water District.

The federal Water Pollution Control Act (CWA) prohibits the discharge of any pollutant to navigable waters from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. In California, the NPDES program is administered by the State Water Resources Control Board (SWRCB) through the Regional Water Quality Control Boards (RWQCB) and requires municipalities to obtain permits that outline programs and activities to control wastewater and stormwater pollution. The City is permitted under NPDES No. CAS004001 to discharge water to the Pacific Ocean, however, it is obligated to keep waterways clean by reducing or eliminating contaminants from storm water and dry-weather runoff.¹⁶

(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

a, e) None of the Plan's management activities would trigger requirements for any waste discharge or jeopardize compliance with water quality standards, because coyote management activities do not involve the construction of impermeable surfaces, or the discharge of wastewater. Therefore, no impact is anticipated.

(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

b) The Plan update would not involve the use of domestic water supplies, insofar as management activities include community education, site inspections and installation and removal of traps in existing developed areas. No new water demand would be created, and no recharge activities affected. No impact is anticipated.

(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

¹⁵ City's General Plan – Page CR-45.

¹⁶ City's General Plan – Page CR – 48.

- (i) Result in substantial erosion or siltation on- or off-site;

c, i) The proposed project would not result in modifications to any drainage patterns in the City that could lead to substantial erosion of soil or siltation during storm events because no construction or soil disturbance would occur. No impact is anticipated.

- (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

- (iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

- (iv) Impede or redirect flood flows?

- (d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

c. ii-iv, d) The Plan update would not result in the construction of housing or other structures. Therefore, the implementation of the Plan's management strategies would not generate surface runoff or result in exposure of, or increase exposure of, people or structures to flooding, or affect the capacity of existing storm drain systems, or inundation by seiche, tsunami, or mudflow. No impact would occur.

11. LAND USE / PLANNING. Would the project:

Environmental Background

The City of Torrance covers approximately 21 square miles (12,312 acres) of land which are governed by its land use policies and designations and Zoning Ordinance. Development in the City consists of 49% residential, 12% commercial, and 22% industrial developments. The balance is composed of open space, parks and other uses.

The City adopted its first Coyote Management Plan in 2016 to secure its residential communities from hazards associated with coyote presence in parks, residential neighborhoods, and private yards. The original Plan was prepared in response to increased sightings. The update is being considered to modify the Plan to better respond to the community's concerns, based on data and evidence collected by the City and its police department.

- (a) Physically divide an established community?

a) The proposed Plan update focuses on the control of coyote activities in existing neighborhoods throughout the City. None of the strategies contemplated in the proposed update would involve construction activities or any modification of the layout of the City's residential neighborhoods, park sites, City Hall, street medians, or any other elements of the community. None of the project related activities would physically divide an established community, and there would be no impact to the physical structure of any part of any community.

- (b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

b) One of the important missions of the City of Torrance is to provide a safe and secure community and environment to its residents. The proposed project is one of the City's efforts to reduce recently increased coyote presence in the community, and to increase resident safety. None of the coyote management practices (traps, euthanization, community education and outreach programs etc.) that may be implemented under the Plan update would conflict with a land use plan or program established by the City or any regional agencies with jurisdiction over areas within City boundaries. The proposed Plan update would further support the following General Plan policies:

Policy LU.5.6. Strictly enforce City codes, including building and safety, zoning and land use regulations, and property maintenance codes, to maintain safe, high-quality residential neighborhoods.

Policy LU. 9.1. Preserve, protect, and maintain open space, parks, and recreation facilities as desirable land uses, recognizing that such uses contribute to the high quality of life in Torrance.

Policy S.6.5. Maintain sufficient and adequate police stations and substations, facilities, services, and staffing to meet high public safety standards.

Policy CR.8.2. Maintain, promote, and enhance programs that provide recreational, educational, cultural, and community services for families and residents of all ages.

The Plan update is designed to protect and preserve existing neighborhoods in a safe and community-minded manner. Its management strategies will preserve the quality of open space, and community safety. As a result, the proposed Plan update supports and enhances the General Plan's vision of a high quality of life for City residents. No impact is anticipated.

12. MINERAL RESOURCES. Would the project:

Environmental Background

According to the State Mining and Geology Board, the majority of land within City of Torrance is classified as MRZ-1 and MRZ-3 which designates an "area containing mineral deposits of no significance importance," or "area containing mineral deposits; however, the significance of these deposits cannot be evaluated from available data." A small strip of land, south of Pacific Coast Highway, is designated as MRZ-2 which designate an "area containing mineral deposits of significant importance."

- (a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- (b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

a, b) The City of Torrance is predominantly developed on land that is classified as MRZ-1 and MRZ-3, which is land with limited mineral resource potential. The City's General Plan and Zoning maps do not include areas reserved for mineral extraction. The proposed Plan update does not involve any extraction of mineral resources, nor will it result in the development of any structure which would prevent the use or removal of state or local mineral resource. No impact would occur.

13. NOISE. Would the project result in:

Environmental Background

The main sources of noise include road traffic, aircraft, railroads, construction, industry, noise in buildings, and consumer products.¹⁷ Other noise sources include stationary sources, such as pool and spa equipment or heating, ventilating and air conditioning (HVAC) units.

In the City of Torrance, street and freeway traffic represent the primary source of noise. Interstate 405 (I-405) is the main source of noise in the northeastern portion of the City. Other significant sources of noise in the City include the Santa Fe Railroad and Torrance Municipal Airport. The effective methods to reduce the impacts of noise on sensitive land uses implemented by cities include vehicle trip reduction, noise barriers, and setbacks.

- (a) Generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

a) The management strategies included in the Plan update do not have the potential to generate substantial noise. Activities will include automobile and truck trips, which are currently occurring as a result of coyote sightings and incidents, and are not expected to increase as a result of the Plan update. Project activities are temporary and would not exceed any noise levels. No impact is anticipated.

- (b) Generation of excessive groundborne vibration or groundborne noise levels?

b) The Plan update does not include vibration-producing activities or the use of vibration-producing construction equipment, such as bulldozers, jackhammers, or pile drivers. No impact would occur.

- (c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

c) The proposed Plan update would not generate housing or population, nor would it increase nonresidential development. Therefore, the project would not result in, or increase exposure of people or structures to, excessive noise from the municipal airport. No impact would occur.

¹⁷ EPA Clean Air Act Title IV - Noise Pollution.

14. POPULATION / HOUSING. Would the project:

Environmental Background

The current population of the City of Torrance is approximately 147,175, with an average household size of 2.623 persons for single-family units. The City is composed of low, medium, and high density residential development, but the majority of housing units (27,210 units) are single family homes.

- (a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

a) The proposed Plan update would not directly or indirectly induce unplanned population growth in the City, as it does not include the construction of new homes or result in the need for new homes. In addition, the project would not result in or encourage the extension of paved roadways or public service/utility infrastructure into an undeveloped area and thus indirectly encourage population and housing growth. No impact would occur.

- (b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

b) The proposed Plan update would not displace existing people or housing to necessitate the construction of housing elsewhere, because it does not propose construction or other physical alteration to the current City environment. No impact would occur.

15. PUBLIC SERVICES.

Environmental Background

Fire Protection: Fire protection services to the City are provided by the Torrance Fire Department whose headquarters is located on 1701 Crenshaw Boulevard. Currently, there are six fire stations in the City: Fire Station 1 (Headquarters), Fire Station 2 (25135 Robinson Way), Fire Station 3 (3535 W. 182nd Street), Fire Station 4 (5205 Calle Mayor), Fire Station 5 (3940 Del Amo Blvd), and Fire Station 6 (21401 Del Amo Circle).¹⁸

Police Protection: Police protection services to the City are provided by the Torrance Police Department which is located at 3300 Civic Center Drive. The police department is responsible for the City's emergency management planning. It also administers a Neighborhood Watch Program which involves residents in neighborhood activity. The department manages current coyote management efforts in the City.

Schools: The City of Torrance is located within the jurisdiction of the Torrance Unified School District. Currently, this district is operating approximately seventeen elementary, eight middle schools, and five high schools in the City.¹⁹ The district also offers several preschool and adult educational programs.

¹⁸ City of Torrance General Plan.

¹⁹ Torrance Unified School District Website, <https://www.tusd.org/schools>, Accessed February 2019.

Parks and Recreation Facilities: *The City's Community Services Department operates and manages over 40 parks and recreation facilities, libraries, and open spaces in its boundaries. The size of parks in the city ranges from 0.1 acre to 52 acres, which provide different levels of recreation use. The two largest parks in City are Columbia Park (52 acres) and Wilson Park (44 acres).*

(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

(i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Fire Protection: *None of the proposed Plan activities would generate housing and/or population increases, nor would it increase nonresidential development. Therefore, the project would not increase the demand for fire services. No impact is anticipated.*

Police Protection: *Currently, the City's police department is responsible for response to coyote sightings or incidents. The proposed Plan update is designed to include programs to reduce incidents, including pet and food-source management, and removal of coyotes within the City. Implementation of the Plan update will also increase resident security and safety, thereby reducing the calls for service currently required by the police department. No impact is anticipated.*

Schools: *The proposed Plan update will result in management activities which would not directly or indirectly increase the City's student population or require the construction of a new school facility. No impact is anticipated.*

Parks or Other Public Facilities: *As discussed above, the proposed Plan update would not result in an increase in population that would require the provision of additional parks or other public facilities in the City. In addition, management activities will assure public safety in parks and public open space areas by removing coyotes when the safety of the public is at risk. Therefore, there would be no change in the level of use or activity as a result of the Plan. No impact is anticipated.*

16. RECREATION.

Environmental Background

The City owns and maintains approximately 1,218 acres of public parks and open space. Open space for outdoor recreation in the City includes regional, community, and neighborhood parks; public school grounds; golf courses; and public trails for walking and biking. Some open spaces in the City are restricted and protected due to unstable geological conditions or the presence of unique vegetation and wildlife communities, including coastal hillsides and Madrona Marsh.

- (a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- (b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

a, b) The proposed Plan update will result in management activities throughout the City, but will not induce population growth. As a result, it would also not increase the use of existing neighborhood or regional parks or other recreational facilities such that the facilities would be substantially degraded, nor will it require the construction or expansion of recreational facilities. No impact is anticipated.

17. TRANSPORTATION. Would the project:

Environmental Background

The circulation network in the City of Torrance consists of six roadway categories (i.e. freeways, principal arterial, major arterial, minor arterial, minor arterial, and collectors) all interconnected to adjoining jurisdictions. Regionally, the City is served by Interstate 405, and California Highway 107. The City's industrial districts are served by rail lines of the Union Pacific and the Burlington Northern and Santa Fe Railways which are used to transport and deliver goods and materials throughout the region.

The City's acceptable Level of Service (LOS) for both roadway and intersection operations is Level-of-Service (LOS) D or better.²⁰

- (a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- (b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

a, b) Proposed coyote management practices will have a negligible effect on traffic. The proposed Plan components could introduce a negligible number of new trips if an additional staff person were hired to respond to and inspect sightings of coyotes. As such, there would be no impact to the performance of the local or regional vehicular transportation network. There would be no impacts involving any physical modifications to streets, highways, sidewalks, transit stops, or bicycle routes, and no changes in usage of any of these modes of travel. Overall, no impact is anticipated.

- (c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- (d) Result in inadequate emergency access?

c, d) None of the proposed Plan activities would require any physical modifications to streets, sidewalks, transit stops, or bicycle routes, and there would be no effect on any of these modes of travel or their uses. There would be no changes to the physical design of the local or regional transportation network or to the access to any particular property. As such, there would be no impact involving a design hazard or emergency access.

18. TRIBAL CULTURAL RESOURCES. Would the project:

Environmental Background

As discussed in the Section 5, cultural resources consist of prehistoric and historic sites, structures, and districts or any other physical evidence associated with human activity considered important to a culture, a subculture, or a community for scientific, traditional, or religious reasons. Whereas, historical resources include buildings, sites, structures, objects, or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance and be listed or eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or a local register of historical resources.

- (a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

- (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

i, ii) As described above in Section 5, Cultural Resources, based on the NAHC's analysis, no known resources occur in the City. The City also conducted tribal consultation under the requirements of AB 52, and contacted those tribes who have requested to be contacted under the provisions of law. As of this writing, one response has been received from the Gabrieleño Band of Mission Indians (Kizh Nation). According to the Kizh Nation, the City occurs within its traditional territory, and is therefore a sensitive area and potentially contains sub-surface archaeological resources. To avoid any impact to their resources, the City arranged a consultation with Kizh Nation representatives to consider their concerns. The Kizh Nation subsequently responded that because the Plan update does not involve ground disturbance, no consultation was necessary.

The Plan update does not include activities that would result in grading or excavation. No impact to tribal cultural resources is anticipated.

19. UTILITIES / SERVICE SYSTEMS. Would the project:

Environmental Background

Domestic Water

Drinking water in the City of Torrance is supplied by two water agencies: the Torrance Municipal Water Department (TMWD) and the Rancho Dominguez and Hermosa-Redondo Districts of the California Water Service Company (CWS). Approximately 78 percent of water is provided by TMWD. Metropolitan Water District (MWD) provides approximately 88 percent of the City's portable water supply. MWD imports water from the Colorado River Aqueduct, State Water Project via the California Aqueduct, and groundwater basins. MWD also purchase water from the Water Replenishment District of Southern California and recycled water from the West Basin Municipal Water District.

Sewer System

The Public Works Department maintains local sewer and storm drain systems in the City. The Sanitation Districts of Los Angeles County (LACSD) is the regional agency responsible for the collection and treatment of wastewater. The City of Torrance lies within Sanitation Districts No. 5 and 30. The nearest wastewater treatment facility to the city is the Joint Water Pollution Control Plant (JWPCP) in Carson. JWPCP treats approximately 320 million gallons of wastewater a day. About five million gallons of the treated water is reused for irrigation purposes. The remainder of the treated water is discharged into the Pacific Ocean.

Storm Water Management and Flooding

The City of Torrance works with the County of Los Angeles to manage the storm drain and flood control facilities within the City. The Los Angeles County Department of Public Works provides plans, develops, operates, and maintains flood control facilities; whereas the City is responsible for local drainage from developments in the City and ensuring that storm drains properly feed into the regional system.

Utilities and Telecommunications

Natural gas and electric power services in the City is provided by the Southern California Gas Company and Southern California Edison Company, respectively. There are a number of telecommunications providers serving the City, including, AT&T, Frontier, Spectrum, and Cox Communications.²¹

Solid Waste Disposal

Solid waste and recyclable collection services in the City are provided by the City's Sanitation Division and other private haulers. The Sanitation Division is responsible for residential and municipal trash and recycling collection. Commercial development and multifamily homes secure private service from independent services.

- | | | | | | |
|-----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| (a) | Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) | Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

²¹ HighSpeed Internet Website, <https://www.highspeedinternet.com/ca/torrance>, Accessed March 2019.

- (c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

a-c) The proposed Plan update does not require connections to any water, wastewater, storm drainage, electric power, or telecommunications infrastructure. There is no wastewater generation and no stormwater runoff associated with any project activities. There will be no increase in the demand for these services, and therefore no need for the construction of new or physical modification to existing infrastructure. There will be no need for the acquisition of any new or expanded water supply entitlements. No impact would occur.

- (d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- (e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

d, e) The Plan update involves management practices which will not generate solid waste beyond that already generated by City Hall and police department activities. The Plan update has no potential to exceed the capacity of local infrastructure or conflict any local, regional, and federal standards for solid waste disposal. No impact is anticipated.

20. WILDFIRE.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Environmental Background

The potential for wildland fires represents a hazard where development is adjacent to open space or within close proximity to wildland fuels or designated fire severity zones. The City of Torrance is located in Los Angeles County, which has been exposed to the deadliest and most destructive wildfires between 2017 and 2018. Historically, wildland fires in the County have occurred in the brush-covered hills of many communities, including the Palos Verdes Hills, south of the City, in what is Rolling Hills, Rolling Hills Estates, and Palos Verdes Estates. Wildfire hazards are highest in areas of the community near the wildland-urban interface (WUI). Southern portions of the City are susceptible to the risk of wildland fires.

- (a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

a) The proposed Plan activities occur for short periods of time in limited areas in residential areas, parks, and open space area where incidents have been reported. These activities are typically carried out limited number of staff, who arrive/depart via passenger automobiles and light-duty trucks. The Plan's activities will not result in any construction activity, road detours or other actions that could affect evacuation routes or emergency response plans. As such, these activities would have no effect on any emergency evacuation routes or plans.

- (b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

b) As discussed above, the majority of the southern portion of the city is subject to wildfire. These existing open space areas have potential to be occupied by coyotes proposed for management under the Plan, and could be subject to Plan management activities. These activities, however, have no potential to create or exacerbate wildfire risk, insofar as Plan activities do not include any fire-causing activity. The proposed Plan update would not require the construction of any new buildings, structures, or other facilities, and no coyotes control activities are proposed that would involve burning vegetation or using machinery that generates sparks or flames. There would be no impact involving exposure of people or structures to wildland fire hazards.

- (c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

c) The proposed Plan update proposes no physical modifications to the urban environment, and will not result in any infrastructure, including roads or water sources. No impact is anticipated.

- (d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

d) The project would not result in any ground-disturbing activity, nor would it have the potential to cause wildfire. Therefore, the implementation of the proposed Plan update would not expose people or structures to significant risks such as downslope or downstream flooding or landslides, post-fire slope instability, or drainage changes. No impact is anticipated.

21. MANDATORY FINDINGS OF SIGNIFICANCE:

- (a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

a) Biological Resources: The majority of the City of Torrance is urbanized. Some open spaces in the City contain unique vegetation and wildlife communities, including Madrona Marsh. Implementation of the proposed Plan update will not impact any protected or sensitive species. Implementation of the Plan does not include any activities in areas such as rivers or streams which may impact migratory fish species. Wildlife movement corridors in the City would not be impacted by proposed program operations. Overall, the Plan activities will not reduce fish or wildlife habitat or otherwise adversely impact a fish or wildlife species. No impact is anticipated; therefore, no mitigation is required.

Cultural Resources: There are a number of locally significant historic resources in the City of Torrance. The City occurs within the traditional territory of the Kizh Nation. None of the Plan's activities are anticipated to result in grading or excavation, so there is no potential for the implementation of the Plan to affect any cultural resource. No impact is anticipated; therefore, no mitigation is required.

- (b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

b) A significant impact could occur if the proposed project, in conjunction with related projects, would result in impacts that would be less than significant when viewed separately, but would be significant when viewed together. The impacts of the proposed Plan update are individually limited and will not impact the physical environment. Cumulative projects in the City involve development of vacant sites, and redevelopment of existing projects to achieve General Plan buildout. The proposed Plan update is not related to, nor will it impact, other cumulative development projects.

The Plan update proposes the management and control of a common, unprotected mammalian species, whose presence has caused a demonstrated hazard within the community. The Plan's implementation will have a cumulatively beneficial impact in the City, by managing an existing, known hazard.

- (c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

c) The proposed project would continue to implement the City's coyote management activities, which are intended to protect, rather than have adverse effects on human beings. The stated goal of the Plan is to conduct sound, safe, and responsive coyote management to assist the City in resolving human-coyote conflicts, as well as to conduct control activities in accordance with applicable federal, state, and local laws and regulations. No significant impacts affecting human beings have been identified for any of the topics analyzed in this Initial Study.

22. EARLIER ANALYSIS:

N/A.

23. SOURCE REFERENCES:

Los Angeles County Important Farmland 2016 Map, <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/los16.pdf>, Accessed February 2019.

Los Angeles County Agricultural Resource Areas Policy Map.

Living with California Coyotes by California Fish and Game Commission, <https://sagehen.ucnrs.org/Documents/visitors/wildlife/coyote.pdf>, Accessed March 2019.

Southern California Edison Company Territory Map, https://www.scholarsapply.org/uploads/edison/service_territory.pdf, Accessed February 2019.

Torrance Office of Economic Development Website (Utilities), <https://business.torranceca.gov/our-city/economic-development/utilities>, Accessed February 2019.

Geology of the Los Angeles Basin California – An Introduction by R.F. Yerkes et al., 1965, Geological Survey Professional Paper 420-A.

California Health and Safety Code definition.

City's General Plan – Figure S-4 (Hazardous Materials Sites).

Detailed Discussion of Animal Euthanasia by Alexandra Kleinfeldt (2017), Animal Legal & Historical Center.

The Humane Society of the United States – Euthanasia Reference Manual (2013).

City's General Plan – Page CR-45.

City's General Plan – Page CR – 48.

EPA Clean Air Act Title IV - Noise Pollution.

Torrance Unified School District Website, <https://www.tusd.org/schools>, Accessed February 2019.

City's general Plan – Chapter 2 (Circulation and Infrastructure Element) – Page CI-7

HighSpeed Internet Website, <https://www.highspeedinternet.com/ca/torrance>, Accessed March 2019.

24. ATTACHMENTS:

A. Wood Environment and Infrastructure Solutions, Inc., Technical Memorandum, April 1, 2019.



Technical Memorandum

To **Nicole Criste, Principal** Project No. **32252098**
Terra Nova Planning and Research
42635 Melanie Place, Suite 101
Palm Desert, CA 92211
Tel: (760) 341-4800
Fax: (760) 341-4455

From **Scott Crawford**
Office **(951) 369-8060 ext. 102**
Mobile **(951) 634-9765**
Fax **(951) 369-8035**
Date **1 April 2019**

Subject **Draft CEQA Review of the 2018 Draft Urban Coyote Management Plan for the City of Torrance, California**

Terra Nova Planning and Research has requested that Wood Environment & Infrastructure Solutions, Inc. (Wood) conduct a California Environmental Quality Act (CEQA) review of the 2018 Urban Coyote Management Plan (plan) for the city of Torrance (City), Los Angeles County, California. The plan was approved by Torrance City Council on 27 November 2018. The purpose is to review the existing plan for consistency with CEQA.

There are six separate CEQA items on the standard checklist. This memo addresses each of those individually below. Would the project:

- a. **Have a Substantial adverse effect, either directly or through habitat modification on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Since coyotes are not identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, any impact to a single coyote or group of coyotes are not considered significant under this CEQA guideline. There is some speculation, but no published documentation, that removal of coyote(s) will indirectly increase the loss of sensitive species such as least Bell's vireo and coastal California gnatcatcher by allowing feral cat populations to increase. Under this CEQA guideline, only direct impacts or impacts associated with habitat removal are considered for substantial adverse effects. Therefore, under this section, the impacts associated with the coyote eradication plan are not considered significant under CEQA.

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Riverside, CA 92507 USA
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woodplc.com
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Technical Memorandum
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 Terra Nova Planning and Research
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b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

The coyote management plan will not impact any riparian habitat, because it will not result in physical alteration of the environment. Since the removal of coyotes are not identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, any impact to a single coyote or group of coyotes are not considered significant under this CEQA guideline.

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Since the coyote management plan does not include the removal of any wetlands, it is not considered a significant impact under this CEQA guideline.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The management of coyotes within the city limits will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. The implementation of the coyote management plan will not significantly impact this specific CEQA guideline.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

There are no city ordinances or policies that restrict the removal of coyote in the city of Torrance. There are also no specific Los Angeles County ordinances that restrict the removal of nuisance coyotes.

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There are no Habitat Conservation Plans or Multiple Species Habitat Conservation Plans associated with the city of Torrance. Los Angeles County has designated a number of Significant Ecological Areas that are located in incorporated cities. The Madrona Marsh

Technical Memorandum

Nicole Criste

Terra Nova Planning and Research

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Preserve is a vernal marsh that occurs in the middle of the city but is not to be impacted as part of the coyote management plan. Therefore, any impacts to coyotes are not considered significant with regards to any implemented HCPs or MSHCPs.

This concludes Wood's CEQA review of the City's proposed Coyote Management Plan. If you have any questions regarding this survey, please contact me at (951) 369-8060 ext. 102 or at scott.crawford@woodpic.com.

Sincerely,

**Wood Environment & Infrastructure Solutions,
Inc.**

Scott Crawford
Biology Group Manager

October 2, 2020

13010

Oscar Martinez
Planning and Environmental Manager
City of Torrance, Community Development Department
Via email: [REDACTED]

Subject: CEQA Consistency Analysis for Revisions to the City of Torrance Coyote Management Plan in Regard to Sensitive Biological Resources

Dear Mr. Martinez:

This letter documents Dudek's review of the changes that the City of Torrance (City) proposes for their Coyote Management Plan (Plan)ⁱ regarding consistency with the California Environmental Quality Act (CEQA). Dudek understands that the proposed revisions involve extending the trapping season for coyote (*Canis latrans*) from five months (October to February) to year-round. A literature/database review for sensitive biological resources found within Torrance and the surrounding vicinity was conducted as part of the analysis. The thresholds for biological resources included in Appendix G (Environmental Checklist Form) of the CEQA Statue and Guidelinesⁱⁱ were then used to determine if the proposed changes would cause a significant impact to existing sensitive biological resources. A CEQA consistency analysis had previously been conducted for the Plan and it found that there would be no impacts to sensitive biological resources from the implementation of the Planⁱⁱⁱ.

Historically, coyotes were most commonly found on the Great Plains region; however, the species can now be found throughout North America in natural and urban environments. The species is omnivorous, and its prey can include domesticated dogs and cats. During the 2019-2020 trapping period there were 12 cat and 3 dog fatalities attributed to coyote.^{iv} During the same period there were 231 reports of coyote activity including the trapping of 14 individuals of the species. The coyote activity in the 2019-2020 trapping period was an increase of 37% over the 2018-2019 period. Coyote is considered a non-game wildlife and is not protected under state or federal regulations. The methods for trapping are assumed to use live traps, with any caught coyote being euthanized per the Plan.

Environmental Setting

In 2005, residential development covered almost half of the City's land area. Industrial uses occupied the second largest land area, at 22 percent. Commercial and Public/Quasi-Public/Open Space uses represented the third largest land uses in the City (12 percent each). Torrance also had a limited supply of vacant land mostly within commercial and industrial areas. Given the built-out character of the community, only minor land use changes from baseline year 2005 conditions will occur over the long term. Natural open space areas within the city is limited to the Madrona Marsh Nature Preserve (Preserve)^v. There are five habitat types within the Preserve: upland scrub, riparian, alkali margin, seasonal marsh, and vernal pools.^{vi}

CEQA Consistency Analysis

Would the changes to the duration of the coyote trapping period:

Subject: CEQA Consistency Analysis for Revisions to the City of Torrance Coyote Management Plan in Regard to Sensitive Biological Resources

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

No Impact. Relevant databases that contain information on candidate, sensitive, and/or special status wildlife species (it is assumed that trapping would not affect plant species since vegetation and soil removal are not required) include: the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database^{vii} (CNDDDB) and the U.S. Fish and Wildlife Services (USFWS) Information for Planning and Consultation (IPaC) Database^{1viii} (included as attachments). The results of these queries included 46 special-status wildlife species have recorded occurrences in the U.S. Geologic Survey's *Torrance, California* 7.5-minute topographic quadrangle, which contains most of the city, and surrounding quadrangles. Sixteen species are listed under the federal or state Endangered Species Act, and a small portion of critical habitat designated for coastal California gnatcatcher (*Polioptila californica californica*) is located on the southern edge of Torrance, south of the intersection of Hawthorne Boulevard and Pacific Coast Highway.

Only one special-status species with CNDDDB occurrences in the vicinity of Torrance could potentially be affected by trapping, American badger (*Taxidea taxus*); however, there are no records within Torrance (too highly developed) or within the adjacent open space areas of Palos Verde Estates or Rolling Hills Estates, so the species is not expected to occur within the city. The remaining wildlife species are invertebrates, amphibians, reptiles, birds, bats, and rodents that would not be expected to be caught in traps set for coyote. Additionally, most of the species are associated with habitat that is not found within Torrance. Therefore, an increase in the trapping period for coyote would not have an impact on special-status species. An increase in trapping in critical habitat for coastal California gnatcatcher is not expected have an impact on the species or the protected habitat, since the activity does not require the removal of vegetation that could support the species.

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

No Impact. The USFWS' National Wetlands Inventory^{ix} and CDFW's CNDDDB were queried to review any riparian habitat and sensitive vegetation communities within Torrance. No riparian habitat and sensitive vegetation communities have been recorded in the city. The city is highly developed and primarily devoid of natural vegetation communities. An exception occurs in Madrona Marsh where riparian habitat and sensitive vegetation communities are expected. However, the proposed increase in the trapping period would not have an impact to this location since the activity does not require the removal of vegetation. Therefore, an increase in the trapping period for coyote would not have an impact on riparian habitat and sensitive vegetation communities. —

- c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No Impact. The USFWS' National Wetlands Inventory was queried to review any recorded wetlands in Torrance. The city is highly developed with most rainfall being directed into the municipal stormwater systems. Wetlands may be found associated with the Madrona Marsh, Walteria Lake, and Entrado Park. However, increasing the trapping period for coyote would not have an impact to these locations since the activity does not require earthwork or

¹ Since impacts to species listed under the federal Endangered Species Act are not expected by increasing the trapping period for coyote, Section 7 or Section 10 consultation is not expected and only an informal IPaC Resource List was generated.

Subject: CEQA Consistency Analysis for Revisions to the City of Torrance Coyote Management Plan in Regard to Sensitive Biological Resources

vegetation removal. Therefore, an increase in the trapping period for coyote would not have an impact on protected wetlands.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. Torrance is highly developed and surrounded by developed areas, and it does not reside within any designated wildlife corridors and/or habitat linkages identified in the South Coast Missing Linkages^x analysis project or California Essential Habitat Connectivity^{xi} project. Wildlife expected in the city are those that are adapted to the urban environment and only local movement is expected. Thus, the increase in the trapping period for coyote would not substantially interfere with the movement of any native wildlife species or with established native resident or migratory wildlife corridors and no impact would occur. An increase in trapping does not require the removal of vegetation that could support native wildlife nursery sites, so no impacts would be expected.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands)?

No Impact. There are no City ordinances or policies within the General Plan that restrict the removal of coyote in Torrance. There are also no specific Los Angeles County ordinances or policies that restrict the removal of coyote. Therefore, an increase in the trapping period for coyote would not have an impact on local policies or ordinances protecting biological resources.

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. CDFW's California Natural Community Conservation Plans map^{xii} was reviewed to determine if Habitat Conservation Plans (HCPs) or Natural Community Conservation Plans (NCCPs) have been approved in Torrance. The city is a highly urbanized area, and there is no adopted HCPs or NCCPs for the city or adjacent areas. The closest is the City of Rancho Palos Verdes NCCP/HCP. No conflict with a HCPs, NCCPs, or other plans would occur with the increase duration for trapping coyote within Torrance. Therefore, an increase in the trapping period for coyote would not have an impact on HCPs or NCCPs.

Conclusion

Impacts to sensitive biological resources will not occur if the City modifies the Plan by increasing the period for trapping coyote from five months to year-round.

Sincerely,



Michael Cady
Senior Biologist

Att.: Database Query Results
cc: Tatia Strader, Assistant City Attorney

References

- ⁱ The City of Torrance. 2019. Updated Coyote Management Plan, revised July 2019. Accessed September 30, 2020. <https://www.torranceca.gov/our-city/community-development/planning-division/coyote-management-plan-update>.
- ⁱⁱ Association of Environmental Professionals. 2020. California Environmental Quality Act Statute and Guidelines. Accessed September 30, 2020. https://www.califaep.org/docs/2020_ceqa_book.pdf.
- ⁱⁱⁱ Wood Environment & Infrastructure Solutions. 2019. Draft CEQA Review of the 2018 Draft Urban Coyote Management Plan for the City of Torrance, California. Provided by the City of Torrance.
- ^{iv} The City of Torrance. 2020. Urban Coyote Management Program: 2019-2020 Trapping Period Summary, October 7, 2019- March 7, 2020. Provided by the City of Torrance.
- ^v City of Torrance. 2010. General Plan. Accessed September 30, 2020. <https://www.torranceca.gov/our-city/community-development/general-plan/plan-2009>.
- ^{vi} Drake. T.E. 2005. The Madrona Marsh Preserve and Nature Center Management Plan. Accessed September 30, 2020. <https://friendsofmadronamarsh.com/pdfs/MadronaMarshPreserveNatureCenter-ManagementPlan.pdf>.
- ^{vii} CDFW. 2020. California Natural Diversity Database, RareFind 5 web-viewer. Accessed September 30, 2020. <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.
- ^{viii} U.S. Fish and Wildlife Service. 2020. Information for Planning and Consultation (IPaC) Database; results for the Project site. Accessed September 30, 2020. <https://ecos.fws.gov/ipac/>.
- ^{ix} USFWS. 2020. National Wetlands Inventory, online Wetland Mapper. Accessed September 30, 2020. <https://www.fws.gov/wetlands/data/mapper.html>.
- ^x South Coast Wildlands. 2008. South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion. Produced in cooperation with partners in the South Coast Missing Linkages Initiative. Accessed September 30, 2020. <http://www.scwildlands.org>.
- ^{xi} Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration. Accessed September 30, 2020. <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18366>.
- ^{xii} CDFW (California Department of Fish and Wildlife). 2018. California Natural Community Conservation Plans [map]; dated April 2019. Accessed September 30, 2020. <https://www.wildlife.ca.gov/Conservation/Planning/NCCP>.

Attachment

Database Query Results



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: Quad IS (Torrance (3311873) OR Venice (3311884) OR Inglewood (3311883) OR South Gate (3311882) OR Redondo Beach (3311874) OR Long Beach (3311872) OR San Pedro (3311863))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Agelalus tricolor</i> tricolored blackbird	ABPBXB0020	None	Threatened	G2G3	S1S2	SSC
<i>Anniella stebbinsi</i> Southern California legless lizard	ARACC01060	None	None	G3	S3	SSC
<i>Aphanisma biltoides</i> aphanisma	PDCHE02010	None	None	G3G4	S2	1B.2
<i>Astragalus hornii</i> var. <i>hornii</i> Horn's milk-vetch	PDFAB0F421	None	None	GUT1	S1	1B.1
<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i> Ventura Marsh milk-vetch	PDFAB0F7B1	Endangered	Endangered	G2T1	S1	1B.1
<i>Astragalus tener</i> var. <i>titi</i> coastal dunes milk-vetch	PDFAB0F8R2	Endangered	Endangered	G2T1	S1	1B.1
<i>Athene cunicularia</i> burrowing owl	ABNSB10010	None	None	G4	S3	SSC
<i>Atriplex coulteri</i> Coulter's saltbush	PDCHE040E0	None	None	G3	S1S2	1B.2
<i>Atriplex pacifica</i> south coast saltscal	PDCHE041C0	None	None	G4	S2	1B.2
<i>Atriplex parishii</i> Parish's brittle scale	PDCHE041D0	None	None	G1G2	S1	1B.1
<i>Atriplex serenana</i> var. <i>davidsonii</i> Davidson's saltscal	PDCHE041T1	None	None	G5T1	S1	1B.2
<i>Bombus crotchii</i> Crotch bumble bee	IIHYM24480	None	Candidate Endangered	G3G4	S1S2	
<i>Brennania belkini</i> Belkin's dune tabanid fly	IIDIP17010	None	None	G1G2	S1S2	
<i>Caroëlla busckana</i> Busck's gallmoth	IILEM2X090	None	None	G1G3	SH	
<i>Centromadla parryi</i> ssp. <i>australis</i> southern tarplant	PDAST4R0P4	None	None	G3T2	S2	1B.1
<i>Centromadla pungens</i> ssp. <i>laevis</i> smooth tarplant	PDAST4R0R4	None	None	G3G4T2	S2	1B.1
<i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i> Orcutt's pincushion	PDAST20095	None	None	G5T1T2	S1	1B.1
<i>Charadrius alexandrinus nivosus</i> western snowy plover	ABNNB03031	Threatened	None	G3T3	S2S3	SSC
<i>Chenopodium littoreum</i> coastal goosefoot	PDCHE091Z0	None	None	G1	S1	1B.2



Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Chloropyron maritimum ssp. maritimum</i> salt marsh bird's-beak	PDSCR0J0C2	Endangered	Endangered	G4?T1	S1	1B.2
<i>Chorizanthe parryi var. fernandina</i> San Fernando Valley spineflower	PDPGN040J1	None	Endangered	G2T1	S1	1B.1
<i>Cicindela gabbii</i> western tidal-flat tiger beetle	IICOL02080	None	None	G2G4	S1	
<i>Cicindela hirticollis gravida</i> sandy beach tiger beetle	IICOL02101	None	None	G5T2	S2	
<i>Cicindela latesignata latesignata</i> western beach tiger beetle	IICOL02113	None	None	G2G4T1T2	S1	
<i>Cicindela senilis frosti</i> senile tiger beetle	IICOL02121	None	None	G2G3T1T3	S1	
<i>Coccyzus americanus occidentalis</i> western yellow-billed cuckoo	ABNRB02022	Threatened	Endangered	G5T2T3	S1	
<i>Coelus globosus</i> globose dune beetle	IICOL4A010	None	None	G1G2	S1S2	
<i>Coturnicops noveboracensis</i> yellow rail	ABNME01010	None	None	G4	S1S2	SSC
<i>Crossosoma californicum</i> Catalina crossosoma	PDCRO02020	None	None	G3	S3	1B.2
<i>Danaus plexippus pop. 1</i> monarch - California overwintering population	IILEPP2012	None	None	G4T2T3	S2S3	
<i>Dithyrea maritima</i> beach spectaclepod	PDBRA10020	None	Threatened	G1	S1	1B.1
<i>Dudleya vires ssp. insularis</i> island green dudleya	PDCRA040S2	None	None	G3?T3	S3	1B.2
<i>Empidonax traillii extimus</i> southwestern willow flycatcher	ABPAE33043	Endangered	Endangered	G5T2	S1	
<i>Emys marmorata</i> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<i>Eryngium aristulatum var. parishii</i> San Diego button-celery	PDAPI0Z042	Endangered	Endangered	G5T1	S1	1B.1
<i>Eucosma henei</i> Henne's eucosman moth	IILEM0R390	None	None	G1	S1	
<i>Eumops perotis californicus</i> western mastiff bat	AMACD02011	None	None	G5T4	S3S4	SSC
<i>Euphillotes battoides allyni</i> El Segundo blue butterfly	IILEPG201B	Endangered	None	G5T1	S1	
<i>Glaucopsyche lygdamus palosverdesensis</i> Palos Verdes blue butterfly	IILEPG402A	Endangered	None	G5T1	S1	
<i>Glyptostoma gabrielense</i> San Gabriel chestnut	IMGASB1010	None	None	G2	S2	



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Horkella cuneata</i> var. <i>puberula</i> mesa horkelia	PDR0S0W045	None	None	G4T1	S1	1B.1
<i>Isocoma menziesii</i> var. <i>decumbens</i> decumbent goldenbush	PDAST57091	None	None	G3G5T2T3	S2	1B.2
<i>Lasionycteris noctivagans</i> silver-haired bat	AMACC02010	None	None	G5	S3S4	
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i> Coulter's goldfields	PDAST5L0A1	None	None	G4T2	S2	1B.1
<i>Laterallus jamaicensis coturniculus</i> California black rail	ABNME03041	None	Threatened	G3G4T1	S1	FP
<i>Lycium brevipes</i> var. <i>hassel</i> Santa Catalina Island desert-thorn	PDSOL0G0N0	None	None	G5T1Q	S1	3.1
<i>Microtus californicus stephensi</i> south coast marsh vole	AMAFF11035	None	None	G5T1T2	S1S2	SSC
<i>Nama stenocarpa</i> mud nama	PDHYD0A0H0	None	None	G4G5	S1S2	2B.2
<i>Navarretia fossalis</i> spreading navarretia	PDPLM0C080	Threatened	None	G2	S2	1B.1
<i>Navarretia prostrata</i> prostrate vernal pool navarretia	PDPLM0C0Q0	None	None	G2	S2	1B.2
<i>Nemacaulis denudata</i> var. <i>denudata</i> coast woolly-heads	PDPGN0G011	None	None	G3G4T2	S2	1B.2
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	AMAFF08041	None	None	G5T3T4	S3S4	SSC
<i>Nyctinomops femorosaccus</i> pocketed free-tailed bat	AMACD04010	None	None	G4	S3	SSC
<i>Nyctinomops macrotis</i> big free-tailed bat	AMACD04020	None	None	G5	S3	SSC
<i>Onychobaris langei</i> Lange's El Segundo Dune weevil	IICOL4W010	None	None	G1	S1	
<i>Orcuttia californica</i> California Orcutt grass	PMPOA4G010	Endangered	Endangered	G1	S1	1B.1
<i>Panoquina errans</i> wandering (=saltmarsh) skipper	IILEP84030	None	None	G4G5	S2	
<i>Passerculus sandwichensis beldingi</i> Belding's savannah sparrow	ABPBX99015	None	Endangered	G5T3	S3	
<i>Pelecanus occidentalis californicus</i> California brown pelican	ABNFC01021	Delisted	Delisted	G4T3T4	S3	FP
<i>Pentachaeta lyonii</i> Lyon's pentachaeta	PDAST6X060	Endangered	Endangered	G1	S1	1B.1
<i>Perognathus longimembris pacificus</i> Pacific pocket mouse	AMAFD01042	Endangered	None	G5T1	S1	SSC



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Phacella stellaris</i> Brand's star phacelia	PDHYD0C510	None	None	G1	S1	1B.1
<i>Phrynosoma blainvillii</i> coast horned lizard	ARACF12100	None	None	G3G4	S3S4	SSC
<i>Polioptila californica californica</i> coastal California gnatcatcher	ABPBJ08081	Threatened	None	G4G5T2Q	S2	SSC
<i>Potentilla multijuga</i> Ballona cinquefoil	PDR0S1B120	None	None	GX	SX	1A
<i>Rhaphiomidas terminatus terminatus</i> El Segundo flower-loving fly	IIDIP05022	None	None	G1T1	S1	
<i>Riparia riparia</i> bank swallow	ABPAU08010	None	Threatened	G5	S2	
<i>Sidalcea neomexicana</i> salt spring checkerbloom	PDMAL110J0	None	None	G4	S2	2B.2
<i>Siphateles bicolor mohavensis</i> Mohave tui chub	AFCJB1303H	Endangered	Endangered	G4T1	S1	FP
<i>Sorex ornatus salicornicus</i> southern California saltmarsh shrew	AMABA01104	None	None	G5T1?	S1	SSC
<i>Southern Coastal Bluff Scrub</i> Southern Coastal Bluff Scrub	CTT31200CA	None	None	G1	S1.1	
<i>Southern Coastal Salt Marsh</i> Southern Coastal Salt Marsh	CTT52120CA	None	None	G2	S2.1	
<i>Southern Dune Scrub</i> Southern Dune Scrub	CTT21330CA	None	None	G1	S1.1	
<i>Spea hammondi</i> western spadefoot	AAABF02020	None	None	G3	S3	SSC
<i>Sternula antillarum browni</i> California least tern	ABNNM08103	Endangered	Endangered	G4T2T3Q	S2	FP
<i>Streptocephalus woottoni</i> Riverside fairy shrimp	ICBRA07010	Endangered	None	G1G2	S1S2	
<i>Suaeda esteroa</i> estuary seablite	PDCHE0P0D0	None	None	G3	S2	1B.2
<i>Symphotrichum defoliatum</i> San Bernardino aster	PDASTE80C0	None	None	G2	S2	1B.2
<i>Taxidea taxus</i> American badger	AMAJF04010	None	None	G5	S3	SSC
<i>Trigonoscuta dorothea dorothea</i> Dorothy's El Segundo Dune weevil	IICOL51021	None	None	G1T1	S1	
<i>Tryonia imitator</i> mimic tryonia (=California brackishwater snail)	IMGASJ7040	None	None	G2	S2	
<i>Vireo bellii pusillus</i> least Bell's vireo	ABPBW01114	Endangered	Endangered	G5T2	S2	

Record Count: 82

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Los Angeles County, California



Local office

Carlsbad Fish And Wildlife Office

☎ (760) 431-9440

📅 (760) 431-5901

2177 Salk Avenue - Suite 250
Carlsbad, CA 92008-7385

<http://www.fws.gov/carlsbad/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are not shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Pacific Pocket Mouse *Perognathus longimembris pacificus* Endangered
 No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/8080>

Birds

NAME

STATUS

California Least Tern *Sterna antillarum browni* Endangered
 No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/8104>

Coastal California Gnatcatcher *Polioptila californica californica* Threatened
 There is **final** critical habitat for this species. Your location overlaps the critical habitat.
<https://ecos.fws.gov/ecp/species/8178>

Least Bell's Vireo *Vireo bellii pusillus* Endangered
 There is **final** critical habitat for this species. Your location is outside the critical habitat.
<https://ecos.fws.gov/ecp/species/5945>

Western Snowy Plover *Charadrius nivosus nivosus* Threatened
 There is **final** critical habitat for this species. Your location is outside the critical habitat.
<https://ecos.fws.gov/ecp/species/8035>

Insects

NAME

STATUS

El Segundo Blue Butterfly *Euphilotes battoides allyni* Endangered
 There is **proposed** critical habitat for this species. The location of the critical habitat is not available.
<https://ecos.fws.gov/ecp/species/3135>

Palos Verdes Blue Butterfly *Glaucopsyche lygdamus palosverdesensis* Endangered
 There is **final** critical habitat for this species. Your location is outside the critical habitat.
<https://ecos.fws.gov/ecp/species/8535>

Crustaceans

NAME

STATUS

Riverside Fairy Shrimp *Streptocephalus woottoni*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/8148>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Coastal California Gnatcatcher <i>Polioptila californica californica</i> https://ecos.fws.gov/ecp/species/8178#crithab	Final

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures as described below.

1. The Migratory Bird Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds
<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird

species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES IN WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Allen's Hummingbird *Selasphorus sasin*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9637>

Breeds Feb 1 to Jul 15

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Jan 1 to Aug 31

Black Oystercatcher *Haematopus bachmani*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9591>

Breeds Apr 15 to Oct 31

Black Scoter *Melanitta nigra*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

<p>Black Skimmer <i>Rynchops niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234</p>	Breeds May 20 to Sep 15
<p>Black Turnstone <i>Arenaria melanocephala</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere
<p>Black-chinned Sparrow <i>Spizella atrogularis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9447</p>	Breeds Apr 15 to Jul 31
<p>Black-vented Shearwater <i>Puffinus opisthomelas</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere
<p>Bonaparte's Gull <i>Chroicocephalus philadelphia</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Brown Pelican <i>Pelecanus occidentalis</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/6034</p>	Breeds Jan 15 to Sep 30
<p>Burrowing Owl <i>Athene cunicularia</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9737</p>	Breeds Mar 15 to Aug 31
<p>California Thrasher <i>Toxostoma redivivum</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Jan 1 to Jul 31
<p>Clark's Grebe <i>Aechmophorus clarkii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Jan 1 to Dec 31

<p>Common Loon <i>gavia immer</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/4464</p>	Breeds Apr 15 to Oct 31
<p>Common Murre <i>Uria aalge</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds Apr 15 to Aug 15
<p>Common Tern <i>Sterna hirundo</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/4963</p>	Breeds May 10 to Sep 10
<p>Common Yellowthroat <i>Geothlypis trichas sinuosa</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/2084</p>	Breeds May 20 to Jul 31
<p>Costa's Hummingbird <i>Calypte costae</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/2470</p>	Breeds Jan 15 to Jun 10
<p>Double-crested Cormorant <i>phalacrocorax auritus</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/3478</p>	Breeds Apr 20 to Aug 31
<p>Herring Gull <i>Larus argentatus</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds Apr 20 to Aug 31
<p>Lawrence's Goldfinch <i>Carduelis lawrencei</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9464</p>	Breeds Mar 20 to Sep 20

Least Tern *Sterna antillarum*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds Apr 20 to Sep 10

Long-billed Curlew *Numenius americanus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/5511>

Breeds elsewhere

Manx Shearwater *Puffinus puffinus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds Apr 15 to Oct 31

Marbled Godwit *Limosa fedoa*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9481>

Breeds elsewhere

Northern Fulmar *Fulmarus glacialis*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

Nuttall's Woodpecker *Picoides nuttallii*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9410>

Breeds Apr 1 to Jul 20

Oak Titmouse *Baeolophus inornatus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9656>

Breeds Mar 15 to Jul 15

Parasitic Jaeger *Stercorarius parasiticus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

Pink-footed Shearwater *Puffinus creatopus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Pomarine Jaeger *Stercorarius pomarinus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

Red Phalarope *Phalaropus fulicarius*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

Red-breasted Merganser *Mergus serrator*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

Red-necked Phalarope *Phalaropus lobatus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

Red-throated Loon *Gavia stellata*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Ring-billed Gull *Larus delawarensis*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

Royal Tern *Thalasseus maximus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds Apr 15 to Aug 31

Rufous Hummingbird *elasphorus rufus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8002>

Breeds elsewhere

Scripps's Murrelet *Synthliboramphus scrippsi*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Feb 20 to Jul 31

Song Sparrow *Melospiza melodia*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds Feb 20 to Sep 5

Spotted Towhee *Pipilo maculatus clementae*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/4243>

Breeds Apr 15 to Jul 20

Surf Scoter *Melanitta perspicillata*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

Tricolored Blackbird *Agelaius tricolor*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3910>

Breeds Mar 15 to Aug 10

Whimbrel *Numenius phaeopus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9483>

Breeds elsewhere

White-winged Scoter *Melanitta fusca*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

Willow Ptarmigan *Tringa semipalmata*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Wrentit *Chamaea fasciata*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Mar 15 to Aug 10

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

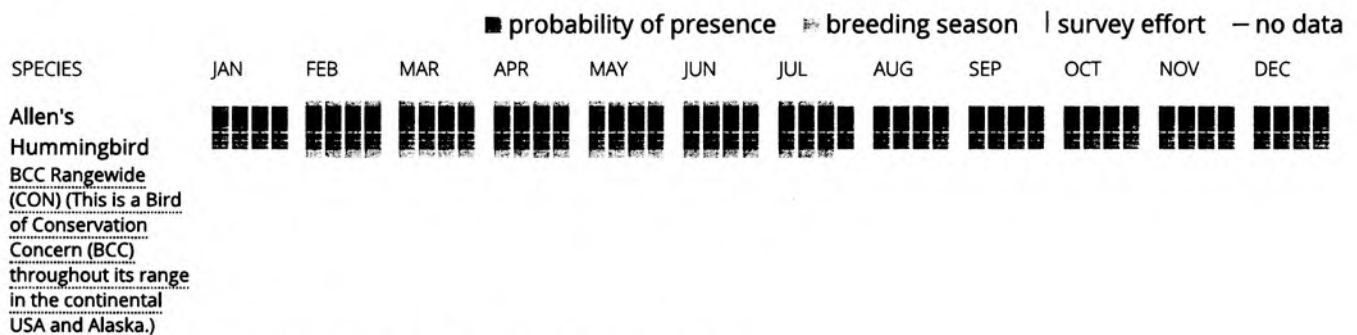
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



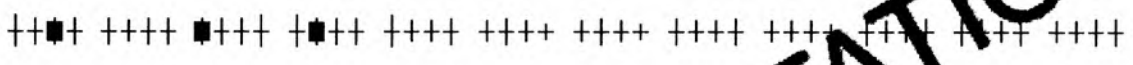
Bald Eagle
 Non-BCC Vulnerable
 (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Black Oystercatcher
 BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



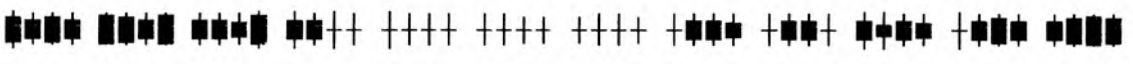
Black Scoter
 Non-BCC Vulnerable
 (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



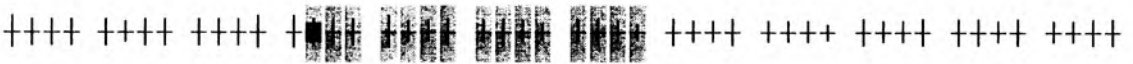
Black Skimmer
 BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



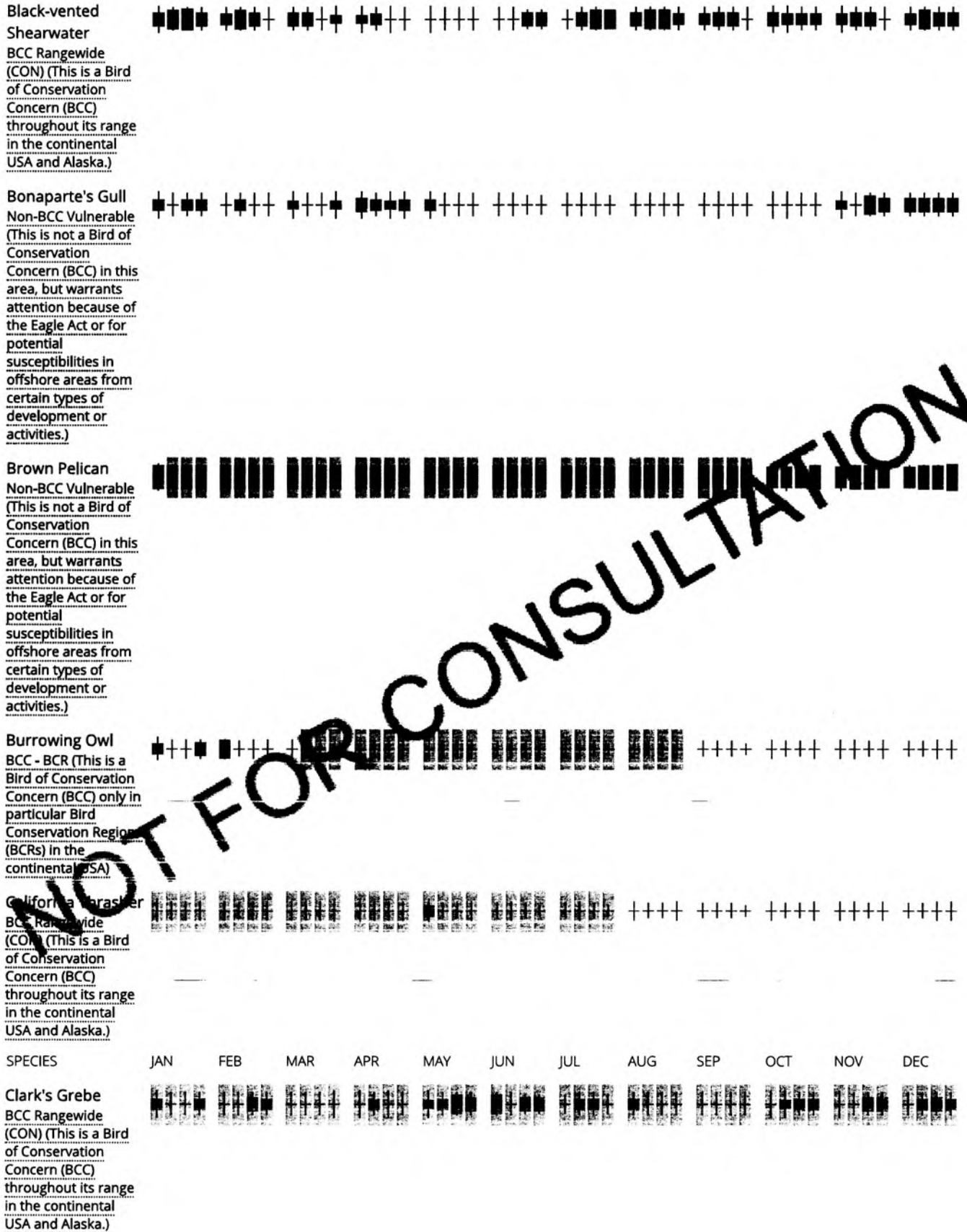
Black Turnstone
 BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Black-chinned Sparrow
 BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



NOT FOR CONSULTATION



Common Loon
 Non-BCC Vulnerable
 (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Common Murre
 Non-BCC Vulnerable
 (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



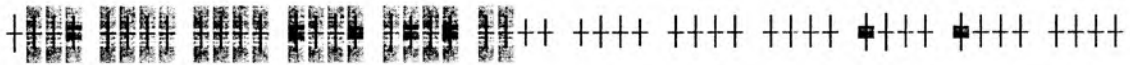
Common Tern
 Non-BCC Vulnerable
 (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Common Yellowthroat
 BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



Costa's Hummingbird
 BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



NOT FOR CONSULTATION

Double-crested
Cormorant
Non-BCC Vulnerable
(This is not a Bird of
Conservation
Concern (BCC) in this
area, but warrants
attention because of
the Eagle Act or for
potential
susceptibilities in
offshore areas from
certain types of
development or
activities.)



Herring Gull
Non-BCC Vulnerable
(This is not a Bird of
Conservation
Concern (BCC) in this
area, but warrants
attention because of
the Eagle Act or for
potential
susceptibilities in
offshore areas from
certain types of
development or
activities.)



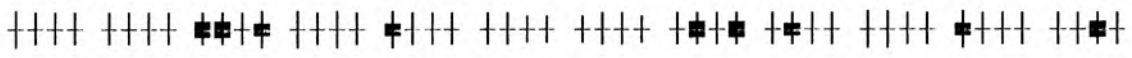
Lawrence's
Goldfinch
BCC Rangewide
(CON) (This is a Bird
of Conservation
Concern (BCC)
throughout its range
in the continental
USA and Alaska.)



Least Tern
Non-BCC Vulnerable
(This is not a Bird of
Conservation
Concern (BCC) in the
area, but warrants
attention because of
the Eagle Act or for
potential
susceptibilities in
offshore areas from
certain types of
development or
activities.)



Long-billed Curlew
BCC Rangewide
(CON) (This is a Bird
of Conservation
Concern (BCC)
throughout its range
in the continental
USA and Alaska.)



NOT FOR CONSULTATION

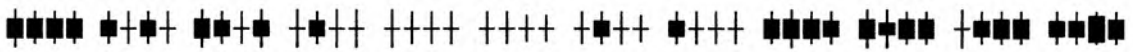
Manx Shearwater
 Non-BCC Vulnerable
 (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



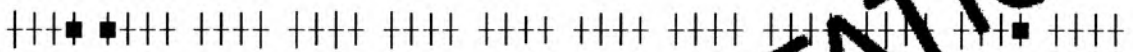
SPECIES

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Marbled Godwit
 BCC Rangewide
 (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



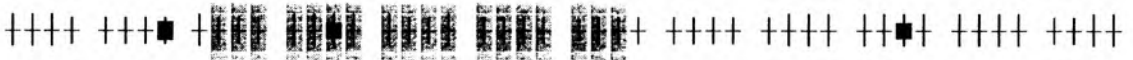
Northern Fulmar
 Non-BCC Vulnerable
 (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



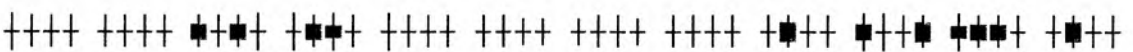
Nuttall's Woodpecker
 BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



Oak Titmouse
 BCC Rangewide
 (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

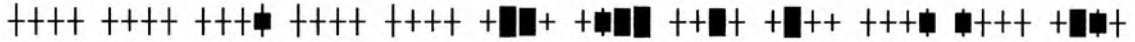


Parasitic Jaeger
 Non-BCC Vulnerable
 (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)

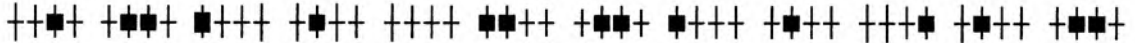


NOT FOR CONSULTATION

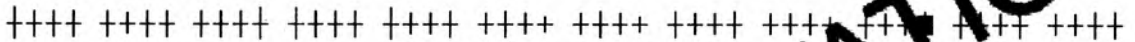
Pink-footed Shearwater
 BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



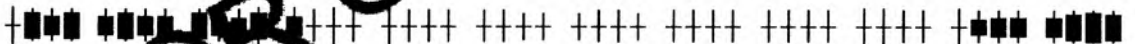
Pomarine Jaeger
 Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



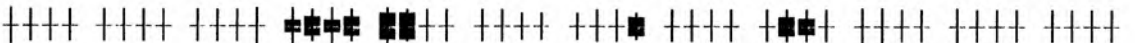
Red Phalarope
 Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Red-breasted Merganser
 Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Red-necked Phalarope
 Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



NOT FOR CONSULTATION

Red-throated Loon
 BCC Rangewide
 (CON) (This is a Bird
 of Conservation
 Concern (BCC)
 throughout its range
 in the continental
 USA and Alaska.)

Ring-billed Gull
 Non-BCC Vulnerable
 (This is not a Bird of
 Conservation
 Concern (BCC) in this
 area, but warrants
 attention because of
 the Eagle Act or for
 potential
 susceptibilities in
 offshore areas from
 certain types of
 development or
 activities.)

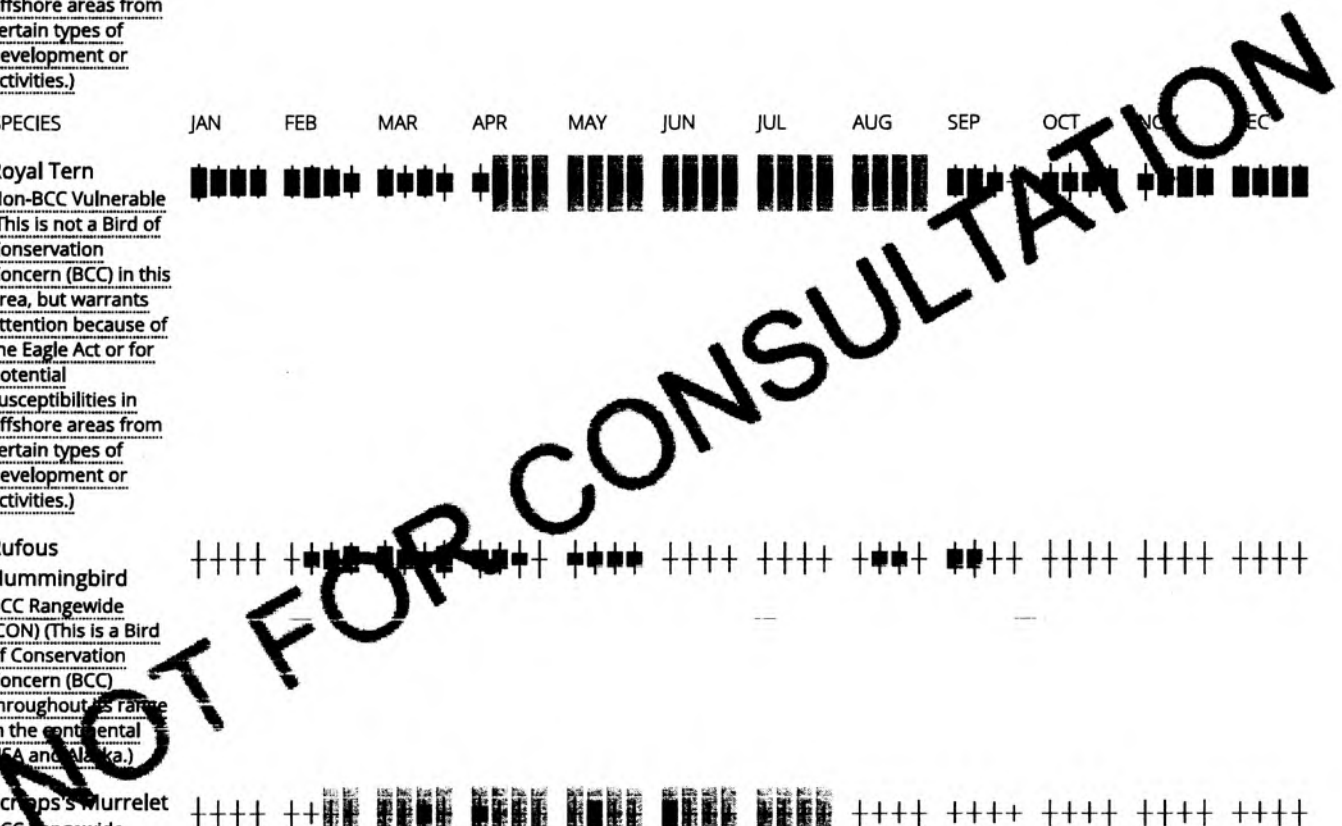
SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Royal Tern
 Non-BCC Vulnerable
 (This is not a Bird of
 Conservation
 Concern (BCC) in this
 area, but warrants
 attention because of
 the Eagle Act or for
 potential
 susceptibilities in
 offshore areas from
 certain types of
 development or
 activities.)

Rufous
 Hummingbird
 BCC Rangewide
 (CON) (This is a Bird
 of Conservation
 Concern (BCC)
 throughout its range
 in the continental
 USA and Alaska.)

Screech's Murrelet
 BCC Rangewide
 (CON) (This is a Bird
 of Conservation
 Concern (BCC)
 throughout its range
 in the continental
 USA and Alaska.)

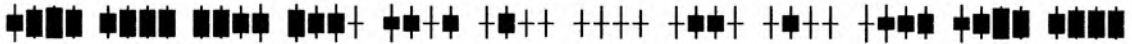
Song Sparrow
 BCC - BCR (This is a
 Bird of Conservation
 Concern (BCC) only in
 particular Bird
 Conservation Regions
 (BCRs) in the
 continental USA)



Spotted Towhee
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



Surf Scoter
Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



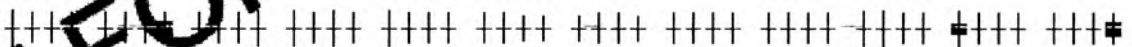
Tricolored Blackbird
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



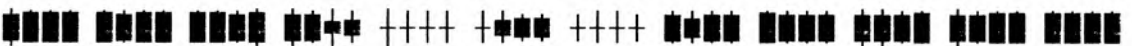
Whimbrel
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



White-winged Scoter
Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Willet
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



NOT FOR CONSULTATION

Wrentit
 BCC Rangewide
 (CON) (This is a Bird
 of Conservation
 Concern (BCC)
 throughout its range
 in the continental
 USA and Alaska.)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Photography Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the naritag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

ESTUARINE AND MARINE WETLAND

M2U5P

FRESHWATER EMERGENT WETLAND

PEM1Ax

PEM1Cx

PEM1Ah

PEM1As

PEM1Cs

FRESHWATER FORESTED/SHRUB WETLAND

PFOCx

PSSAx

PSSCx

FRESHWATER POND

PUSAx

PUBFx

PUBHx

PUSC_x
PUBK_x
PABF_x
PUSA
PUSK_x
PUSC_r

RIVERINE

R4SBC_x
R4SBC_r
R4SBA_r

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Exhibit 9

Exhibit 10

Council Meeting of
September 26, 2023

SUPPLEMENTAL #1

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Services – Supplemental Item #1 FOR ITEM 8D

Attached is the Coyote Management Program Report which was not included as an attachment to Item 8D at the time of posting the Agenda.

Respectfully submitted,



John La Rock
Community Services Director

CONCUR:



Aram Chaparyan
City Manager

Attachment A) Coyote Management Program Report

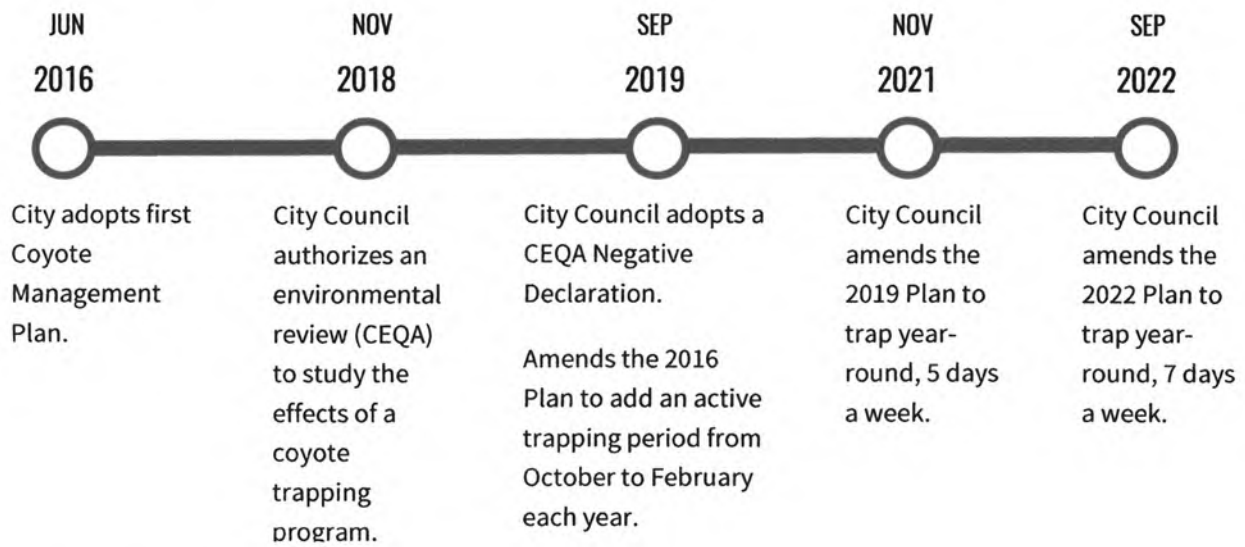
#1
SUPPLEMENTAL MATERIAL



CITY OF TORRANCE COYOTE MANAGEMENT PROGRAM REPORT

October 2019 – August 2023

Program History



Summary

Table 1

Year-by-Year Comparison					
	Year 1	Year 2	Year 3	Year 4*	
	2019-2020	2020-2021	2021-2022	2022-2023	
Start Date	Oct. 7	Oct. 29	Oct. 11	Oct. 1	
End Date	Mar. 7	Mar. 19	Sep. 30	Data to Aug. 31/ Ends Sep. 30	Total
Trapped Coyotes	14	15	31	23	83
Carriion (non-trapped) Coyotes	2	1	7	5	15

*Year 4 is not a complete data-set.

Active trapping is ongoing. Only data for Oct. 1, 2022 – Aug. 31, 2023 is included.

Trapped Coyotes Monthly Summary
Year 2019-2023

Table 2

	Trapped Coyotes by Month				
	Year 1	Year 2	Year 3	Year 4*	Monthly Total
	2019-2020	2020-2021	2021-2022	2022-2023	
OCT.	1	1	0	4	6
NOV.	1	1	2	3	7
DEC.	5	9	4	1	19
JAN.	5	0	3	2	10
FEB.	1	2	2	2	7
MAR.	1	2	3	2	8
APR.	x	x	4	2	6
MAY.	x	x	3	2	5
JUN.	x	x	4	2	6
JUL.	x	x	3	1	4
AUG.	x	x	2	2	4
SEP.	x	x	1	--	1
Total	14	15	31	23	83

Notes

	Symbol	Definition
➤	x	Trapping did not take place during this month.
➤	--	Trapping data not available at time report was drafted.

(continued)

Total Reported Coyote Activity by Program Year:
October 1 – September 30

Table 3

	Reported Coyote Activity by Month			
	Year 1	Year 2	Year 3	Year 4*
	2019-2020	2020-2021	2021-2022	2022-2023
OCT.	53	135	30	66
NOV.	45	61	20	23
DEC.	46	47	28	34
JAN.	44	28	21	21
FEB.	44	24	22	35
MAR.	15**	19	27	13
APR.	33	35	32	37
MAY.	75	42	23	34
JUN.	120	36	21	31
JUL.	91	30	17	24
AUG.	112	29	21	31
SEP.	102	22	42	--
Total for Year	780	508	304	349

Notes

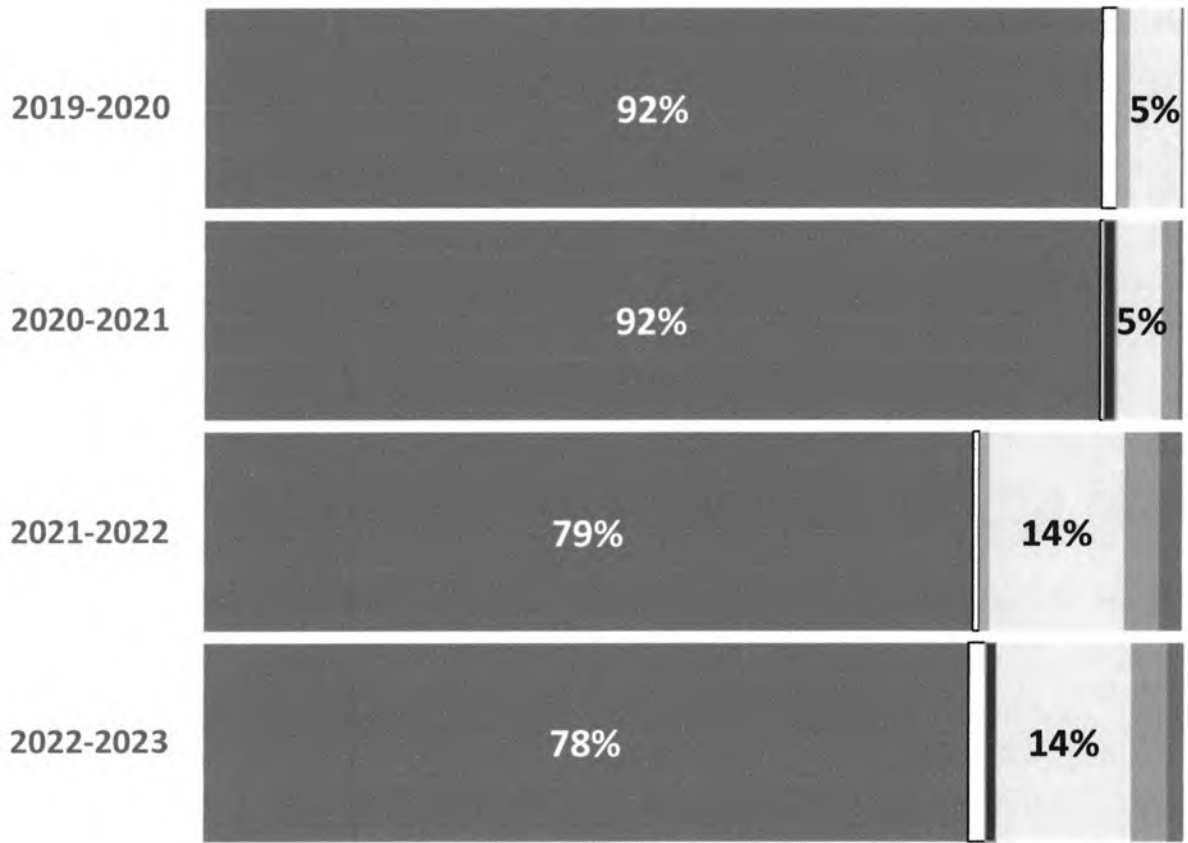
- **In March 2020 a cyber-attack affected City of Torrance communication channels, including the coyote management website. Reports were called in and recorded.
- Reported coyote activity in Table 3, include:
 - Coyote Sighting by Residents
 - Dog Attack
 - Cat Attack
 - Wild Animal Fatality
 - Dog Attack, Fatal
 - Cat Attack, Fatal
 - Injured/ Carrion Coyote

(continued)

Reported Coyote Activity by Category and Trapping Year:
October 1 – September 30

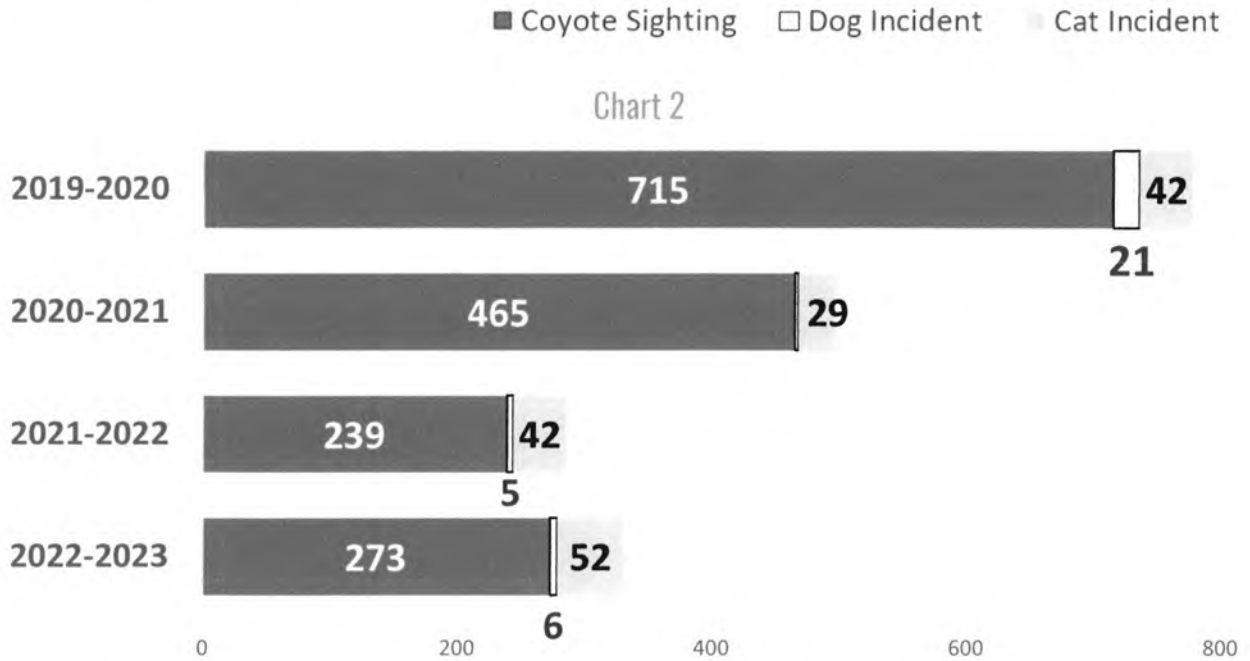
- Coyote Sighting
- Dog Attack, Fatal
- Cat Attack, Fatal
- Injured or Carrion Coyote
- Dog Attack
- Cat Attack
- Wild Animal Fatality

Chart 1



(continued)

Reported Coyote Incidents by Year:
October 1 – September 30

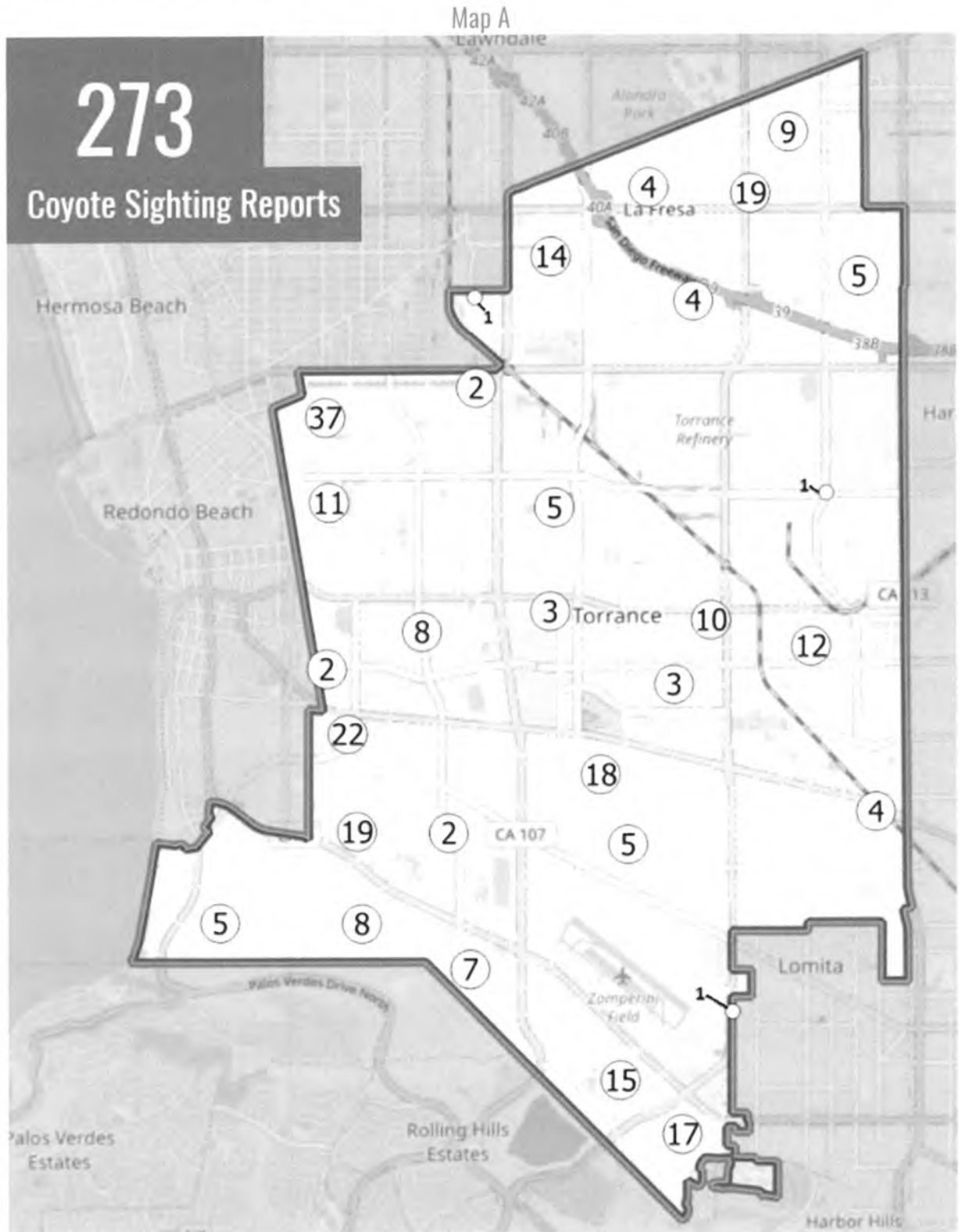


Notes

- Reported coyote incident totals in Chart 2 vary from total reported coyote activity by trapping year Table 3. The following categories are not included in Chart 2:
 - Wildlife animal fatality
 - Injured or carrion (non-trapped) coyotes.

(continued)

Reported Coyote Sightings
October 1, 2022 – August 31, 2023



Data Dictionary

- The City of Torrance offers members of the community a range of opportunities to report coyote activity.

Sightings or coyote encounters with people or pets:

- **Telephone:** 24-Hour Coyote Hotline (310) 618-3898
- **Web:** www.torrancecoyote.customerportal.help/en
- **App:** [MyTorranceCA](#)

Report injured, sick or deceased coyote:

- **Telephone:** Torrance Animal Control (310) 618-3850

Threat to human safety:

- **Telephone:** Call 9-1-1 immediately.

- Data collection methods vary over trapping periods.
 - Torrance Police Department used Spillman software for collecting coyote reports. Aside from the type of coyote encounter reported, date and time, no other information was recorded.
 - TPD categories: (sighting, dog attack, cat attack, fatal dog attack, fatal cat attack, fox, and human attack).
 - The coyote management program transferred from the Torrance Police Department to the Community Services Department July 2020. Data continued to be collected on Spillman until December 2020. An interim spreadsheet database was developed.
 - The existing coyote management portal went live April 2021. An expanded list of variables added provide more details about coyote encounters.
- Time-frame varies over program periods. To standardize data, the following time-frame adjustments were made:
 - Year 1 and 2 trapping period is defined as October 1 – March 31, in their respective years.
 - Year 3 and 4 trapping period is defined as October 1 – June 30, in their respective years.
- In March 2020 a cyber-attack affected City of Torrance communication channels, including the coyote management website. Reports of coyote activity were submitted over telephone.

Exhibit 11

**MINUTES
RANCHO PALOS VERDES CITY COUNCIL AND IMPROVEMENT AUTHORITY
REGULAR MEETING
SEPTEMBER 5, 2023**

CALL TO ORDER:

A Regular Meeting of the Rancho Palos Verdes City Council and the Improvement Authority for the purpose of a Closed Session was called to order by Mayor Ferraro at 6:01 P.M. at Fred Hesse Community Park, McTaggart Hall, 29301 Hawthorne Boulevard. This meeting took place remotely in accordance with the requirements of the Ralph M. Brown Act, Section 54950 et seq. of the Government Code. Remote participation by any Councilmember shall be in accordance with Subdivisions (b)(3) or (f) of Government Code Section 54953. Members of the public could observe and participate using the Zoom participation feature, and with options called out in the public participation form provided under a separate cover with the agenda. Notice having been given with affidavit thereto on file.

City Council roll call was answered as follows:

PRESENT: Alegria, Bradley, Seo, Mayor Pro Tem Cruikshank and Ferraro

ABSENT: None

Also present were Ara Mhrianian, City Manager; William Wynder, City Attorney; Octavio Silva, Interim Community Development Director and Karina Bañales, Deputy City Manager.

PUBLIC COMMENTS FOR CLOSED SESSION:

City Clerk Takaoka noted that there were no requests to speak.

CLOSED SESSION ITEM(S) ANNOUNCED:

City Attorney Wynder announced the items to be discussed in Closed Session.

**1. PENDING LITIGATION – POTENTIAL LITIGATION AGAINST THE CITY
GC 54956.9(d)(2) and (e)(1)**

A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency in two (2) cases.

At 6:03 P.M., the Council recessed to Closed Session.

RECONVENE TO REGULAR MEETING:

At 7:03 P.M. the Closed Session was reconvened to the Regular meeting.

REGULAR MEETING – OPEN SESSION

CALL TO ORDER:

A Regular Meeting of the Rancho Palos Verdes City Council and of the Improvement Authority was called to order by Mayor Ferraro at 7:03 P.M. at Fred Hesse Community Park, McTaggart Hall, 29301 Hawthorne Boulevard, notice having been given with affidavit thereto on file.

ROLL CALL:

City Council roll call was answered as follows:

PRESENT: Alegria, Bradley, Cruikshank, Seo, and Mayor Ferraro

ABSENT: None

Also present were Ara Mihranian, City Manager; Karina Bañales, Deputy City Manager; William Wydner, City Attorney; Vina Ramos, Interim Director of Finance; Cory Linder, Director of Recreation and Parks; Daniel Trautner, Deputy Director of Recreation Parks; Ramzi Awwad, Public Works Director; Octavio Silva, Interim Director of Community Development; Shaunna Hunter, Administrative Analyst; Enyssa Sisson, Administrative Analyst and Teresa Takaoka, City Clerk.

Also present, was Lieutenant Michael White, Interim Captain from the Los Angeles County Sheriff's Department.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by City Manager Mihranian.

CLOSED SESSION REPORT:

City Attorney Wynder reported that the City Council had two items on the Closed Session agenda, both were facts and circumstances which could give rise to the exposure litigation in two cases. In each case, there was a privileged and confidential briefing of the City Council, and questions were asked and answered. City Council unanimously approved litigation avoidance strategies in both such facts and circumstances.

MAYOR'S ANNOUNCEMENTS:

Remarks by invited electeds/representatives and Council Members

The following representatives spoke and presented a certification for the City's 50th anniversary celebration:

Janice Hahn, County Board of Supervisors; Raymond Jackson, Mayor of Hermosa Beach; Britt Huff, Mayor of Rolling Hills Estates; Patrick Wilson, Mayor of Rolling Hills; Bea Dieringer, Councilmember of Rolling Hills; Lieutenant Michael White, Interim Captain of Los Angeles County Sheriff's Department; Jennifer Addington, District Director and Trustees of Palos Verdes Library District; Ami Gandhi, Board President of Palos Verdes Peninsula Unified School District; Edward Feves, Representative of Senator Ben Allen's Office; Melissa Ramoso, District Director Representative of Assemblymember Al Muratsuchi's Office; Tim McOsker, Los Angeles Councilmember; and Ken Dyda, Former Councilmember.

Mayor Ferraro called for a brief recess at 7:49 P.M., Without objection, Mayor Ferraro so ordered. The meeting reconvened at 8:11 P.M.

RECYCLE AND EMERGENCY PERSONAL PREPAREDNESS KIT DRAWING:

Mayor Ferraro announced the Recycle Winners for the August 15, 2023 City Council meeting: Rocio Martinez and Beverley Western. She indicated that all winners receive a check for \$250 and urged everyone to participate in the City's Recycling Program. She noted that in addition to winning the Recycler Drawing, the two individuals also won a personal emergency preparedness kit from the City valued at \$40.

APPROVAL OF THE AGENDA:

Mayor Pro Tem Cruikshank moved, seconded by Councilmember Bradley, to approve the agenda as presented.

The motion passed on the following roll call vote:

AYES: Alegria, Bradley, Cruikshank, Seo, and Mayor Ferraro
NOES: None

PUBLIC COMMENTS FOR NON-AGENDA ITEMS:

City Clerk Takaoka noted that late correspondence was distributed and there were four requests to speak.

The following members of the public addressed the City Council: Joan Carbonel, Chris Carbonel, Casey Carbonel, and Craig Weintraub.

CITY MANAGER REPORT:

City Manager Mihranian provided updates on the following: Awarded 23.33 Million FEMA Grant for Portuguese Bend Landslide Remediation Project; Open recruitment to become a docent; City Hall open house on September 7 from 2:00- 6:00 P.M.; RPV's Run for Myles will be held on September 9; the City's 50th Anniversary Gala Banquet

will be held on September 9; Thanking all sponsors who assisted with the City's Gala event; September is National Emergency Preparedness month, stay connected and stay informed with PVPready; Remembering September 11th and all those who lost their lives; National POW/MIA recognition day will be honored with a 24hr relay on September 14; Wishing Everyone a Happy Rosh Hashanah and Happy Hispanic Heritage Month.

CONSENT CALENDAR:

City Clerk Takaoka reported that there was one request to speak on Item E.

Councilmember Bradley moved, seconded by Mayor Pro Tem Cruikshank, to approve the Consent Calendar with Item E to be considered immediately after the Consent Calendar.

The motion passed on the following roll call vote:

AYES: Alegria, Bradley, Cruikshank, Seo, and Mayor Ferraro
NOES: None

A. Approval of Minutes (Zweizig)

Approved the Minutes of August 15, 2023, Regular Meeting.

B. Registers of Demands (Mata)

1) Adopted Resolution No. 2023-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING FUNDS FROM WHICH THE SAME ARE TO BE PAID (Check run dated 20230818); Adopted Resolution No. 2023-42, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING FUNDS FROM WHICH THE SAME ARE TO BE PAID (Check run dated 20230804); and, 2) Adopted Resolution No. IA 2023-09, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING FUNDS FROM WHICH THE SAME ARE TO BE PAID.

C. Consideration and possible action to authorize the Mayor to sign a letter opposing Assembly Constitutional Amendment (ACA) 10 (Fundamental Right to Housing). (Hunter)

(1) Authorized the Mayor to sign a letter opposing ACA 10 (Fundamental Right to Housing).

D. Consideration and possible action to support Senate Bill (SB) No. 244 (Right to Repair) (Hunter)

(1) Authorized the Mayor to sign a letter supporting SB 244 (Right to Repair Act).

E. Consideration and possible action to change the audio-visual equipment vendor for the Ladera Linda Community Park Project. (O'Neill)

This item was removed for separate consideration immediately after the adoption of the consent calendar.

F. Consideration and possible action to award a professional services agreement to Coyote, Wildlife and Pest Solutions, Inc. to conduct selective coyote trapping. (Monroy)

(1) Authorized a professional services agreement with Coyote, Wildlife and Pest Solutions, Inc. for a two-year term with an optional one-year extension to be exercised at the discretion of the Contract Officer, in an amount not to exceed \$180,000 for all three years for supplemental selective coyote trapping services.

(2) Authorized the Mayor and City Clerk to execute the professional services agreement in a form approved by the City Attorney.

CONSENT CALENDAR ITEM(S) PULLED FOR PUBLIC COMMENT:

E. Consideration and possible action to change the audio-visual equipment vendor for the Ladera Linda Community Park Project. (O'Neill)

City Clerk Takaoka noted that there was one request to speak.

The following member of the public addressed the City Council: Ken Dyda.

Discussion ensued among Council Members, and questions were asked of Staff.

Mayor Pro Tem Cruikshank moved, seconded by Councilmember Bradley to approve Staff recommendations:(1) Authorized using AMG & Associates, the project's primary general contractor and the existing project budget, to procure and install audio-visual equipment for the Ladera Linda Community Park project by increasing the contract contingency in the amount of \$179,119.98 above the existing 7.5% contingency.

The motion passed on the following roll call vote:

AYES: Alegria, Bradley, Cruikshank, Seo, and Mayor Ferraro

NOES: None

PUBLIC HEARINGS:

None.

REGULAR BUSINESS:

1. Consideration and possible action to approve a continuation of the existing Landslide Monitoring Program. (Awwad)

City Clerk Takaoka noted that there were three requests to speak.

Director of Public Works Awwad presented a brief staff report and PowerPoint presentation.

The following members of the public addressed the City Council: Mickey Rodich, Nikki Nonshkam; and Eva Albuja.

Discussion ensued among Council Members, and questions were asked of Staff. Director of Public Works introduced consultant Sam Hout with Hout Construction Services, to provide further information.

Councilmember Bradley moved, seconded by Councilmember Seo to approve Staff recommendations: (1) Approved a continuation of the landslide monitoring program for September 2023 through June 30, 2024, with some enhancements; (2) Awarded a professional services agreement to Michael R. McGee, PLS DBA McGee Surveying Consulting for landslide surveying and monitoring services in the amount of \$64,400 with a 15% contingency of \$9,660 for a total cost of \$74,060 through June 30, 2024; (3) Awarded a professional services agreement to Hout Construction Services, Inc. DBA Hout Engineering for management and related services for landslide surveying and monitoring in the amount of \$59,513 with a 15% contingency of \$8,927 for a total cost of \$68,440; and (4) Authorized the Mayor to execute both professional services agreements in a form approved by the City Attorney.

The motion passed on the following roll call vote:

AYES: Alegria, Bradley, Cruikshank, Seo, and Mayor Ferraro
NOES: None

CONSENT CALENDAR ITEM(S) PULLED BY A COUNCIL MEMBER:

None.

FUTURE AGENDA ITEMS:

Councilmember Seo requested an update from Cal Water regarding their responsiveness to water pipe breaks within the Portuguese Bend Landslide.


Mayor Ferraro requested a letter be sent to California Public Utilities Commission regarding the Portuguese Bend Landslide and the utilities responsiveness.

CITY COUNCIL ORAL REPORTS:

Each Council Member present reported on his/her attendance at various organization and association meetings.

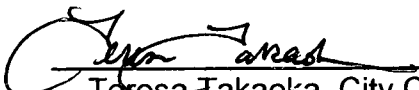
ADJOURNMENT:

At 9:26 P.M., Mayor Ferraro adjourned to 6:00 P.M. on September 19, 2023, for a Closed Session, followed by a Regular meeting at 7:00 P.M.



for Barbara Ferraro, Mayor

Attest:



Teresa Takaoka, City Clerk

From: Leonard Marcus <[REDACTED]>
Sent: Tuesday, February 13, 2024 11:04 AM
To: FGC <FGC@fgc.ca.gov>
Cc: Steve Rebeck <[REDACTED]>
Subject: Attn.Director Miller -Henson

Director Miller Henson and Fellow Commissioners

My name is Leonard Marcus, I'm writing today in support of the effort to reopen the Abalone Fishery which is being spearheaded by Steve Rebeck and CAA .

I have been fishing out of Santa Barbara Harbor since 1973. I started as a deckhand, became a walk on diver, and eventually bought my boat the "Little Wing" which I still fish today.

I am now seventy and soon I may be to old to dive. I am writing this letter so others may have the opportunities to dive which I enjoyed for years.

Thank You for your consideration,

Leonard Marcus

[REDACTED]
[REDACTED]
[REDACTED]

From: jefferey baldwin <[REDACTED]>
Date: February 13, 2024 at 8:34:27 AM PST
To: fgc@fgc.ca.gov
Cc: Steve Rebuck <[REDACTED]>
Subject: Abalone fishery at San Miguel island

To Melissa Miller Hanson Executive Director of California Fish and Wildlife.
Commission And commissioners.

My name is Jeff Baldwin I Have been a commercial diver since the early 70s and still currently diving for sea urchins out of Santa Barbara Harbor. my age now is 72. I represent 25 Commercial Abalone Diver's that are in favor of regulatory change at San Miguel Island. Some are still active and can participate in the Proposed Red abalone fishery. I support Steve Rebuck's Plan for regulatory change. At San Miguel Island. We are anxious to bring back Abalone to California Consumers. To enhance our Harbor create new jobs. In my years of diving I've seen remarkable recovery of Abalone Beds at San Miguel Island , San Clemente Island , Santa Rosa Island Santa Cruz Island And many other places. Our Abalone's are the best abalone's in the world. With Steve Rebuck's plan and Managed correctly it's a A boost for the economy and for the state. The Harbor And for the people who are harvesting abalone.... Also for the people that are consuming it and are enjoy eating it again..... it's time for us to be world leaders again Abalone's have recovered in 28 years of closures Thank you for your consideration. And your support For regulatory change and your time on this matter).

Sincerely.Jeff Baldwin commercial Diver scientific collector and author.....

My phone number is [REDACTED] my email is [REDACTED] I'd be happy to answer any questions you may have thank you again for your support and consideration.

[REDACTED]

From: Gwen Marcus <[REDACTED]>
Sent: Thursday, February 15, 2024 11:24 AM
To: FGC
Subject: Attn: Director Miller-Henson

Dear Director Miller-Henson,

I am writing in support of re-opening the commercial abalone fishery at San Miguel Islands.

I have been married for 38 years to Leonard Marcus, a commercial urchin diver, and former commercial abalone diver from before the closure of the fishery.

I would like to forestall the possible perception that the divers' motives for supporting the re-opening of the fishery are purely self-serving, as that is not the case.

My husband began diving when he was 20 years old. He is now 70 years old. He may benefit from a re-opening of the fishery for a few years but, to be honest, he is supporting the re-opening because he loved his career and hopes other young divers can also "live his dream".

My husband has always told me he views himself as a farmer. He assiduously followed the size limits and other guidelines because, as he says, shorts are essentially the "seeds" for next year's "crop". As a responsible steward of the fishery and the ocean, he wanted to ensure the next year's harvest, and protect the health of the ecosystem.

My husband still dives urchins and, while surveying, he has seen the abalone population come back with a vengeance in recent years.

I hope that the Fish and Game Commission will re-open the commercial abalone fishery.

Thank you for considering this request.

Gwen Marcus
Santa Barbara, CA
[REDACTED]

From: Mark Becker <[REDACTED]>
Sent: Thursday, February 15, 2024 7:43 AM
To: FGC <FGC@fgc.ca.gov>
Cc: Steve Rebeck <[REDACTED]>
Subject: Abalone Fishery

Dear Ms. Miller-Henson and fellow Commissioners

I have been a commercial fisherman since 1977, I started my career in 1977 and participated in the abalone fishery until it closed. I am based in Santa Barbara and my entire career has been at the Channel Islands.

At the time of the closure closing the fishery to allow the recovery of the abalone population from withering foot was responsible and I supported that decision.

The time to reopen the fishery was many years ago once the abalone recovered from withering foot which has been well documented.

I fully support the proposals submitted by Steve Rebeck, as there is solid evidence that the abalone have recovered and can support a California fishery.

1: Findings from the Ca Fish and Game survey conducted about 10 years ago at San Miguel Island, " A biomass estimate of 3 million emergent abalone indicate a harvestable population of 75000 to 150000 red abalone at SMI. An initial total allowable catch (TAC) of 15000 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.

2: The abalone fishery has been closed for 28 years, long past the time a fishery could have successfully been reopened. The existing abalone divers are well aware of the importance of the Channel Islands ecosystem and the valuable part abalone contributes to that ecosystem. We feel we are well prepared to participate in a conservative fishery to supply abalone to the people of the state.

I encourage you give these proposals the attention they deserve and act to bring them to fruition.

Sincerely,

Mark Becker

[REDACTED]
[REDACTED]

From: mark becker <[REDACTED]>
Sent: Sunday, March 24, 2024 06:55 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Re: Abalone Testimony 2

Melissa A. Miller-Henson March 20, 2024 Executive Director
California Fish and Game Commission

Petition for Regulatory Change Tracking Number 2024-002

Good morning,

My name is Mark Becker, I started my fishing career in 1977 as a commercial abalone diver. I began diving while a marine biology student at UCSB working on research projects for abalone and sea urchins which inspired me to begin a commercial diving career.

I am encouraging the Commission to allow this Petition for Regulatory Change and an experimental abalone fishery similar to what is described in Appendix H of the ARMP. The primary reason I believe these should be allowed is that I believe there is extremely low risk for the abalone population as a whole to be impacted by this regulatory change and an experimental fishery. Secondly it is a tremendous opportunity to begin real time observational studies that will help answer questions about the impacts of abalone harvesting in real time which will contribute to the enhancement of the ARMP.

I supported the abalone closure in 1997 because of the real concern abalone populations were too low to support good spawning and recruitment of juvenile abalone. Now however I believe we are well past the time a viable fishery could have been established. The main reason I believe these changes are so low risk are the presence of the marine reserves at the Channel Islands. What is different now between 1997 and 2024 are the abalone populations in the reserves which will never be harvested and will always serve as a strong dense population of abalone that will provide sufficient spawning to ensure a stable healthy abalone resource. I was involved in the discussions of the creation of the reserves at the Channel Islands and the main rationale for the reserves was that they would provide sufficient reproductive resources for stable healthy marine life regardless of the impact of harvesting outside the reserves. Personally I have been fishing lobster at the Channel Islands since 1997 and I can attest to the accuracy of that rationale.

The experimental fishery is to take place at San Miguel Island and the two reserves are situated very well to ensure sufficient abalone spawning will always take place at the island. The Adams cove reserve though small is absolutely in one of the densest red abalone areas on the island. The Harris Point reserve is much larger and has red abalone throughout the entire reserve. Personally my best ever day of abalone harvesting took place on what is now the west edge of the reserve. The combination of these two reserves I believe are completely sufficient to support the abalone population at San Miguel.

The experimental fishery will also allow real time observational studies that can answer several questions that were always a matter of contention between harvesters and managers. First what does the take of large abalone look like on the bottom compared to the exact same bottom in the adjacent reserve? Second does the removal of the large abalone create much needed space for the new juvenile abalone to settle and grow? Third will the abalone in the reserve sense the new open area outside the reserve and move to it? This is just a start, I believe there are many studies that could be designed to answer questions about abalone management that could be useful throughout the state.

Since 1977 I have fished primarily at the Channel Islands, particularly San Miguel, Santa Rosa and Santa Cruz. I believe that the reserves at Gull Island and South Point are both located in excellent abalone habitat and with the reserves at San Miguel Island will ensure that the overall abalone population at the Channel Islands are completely safe and protected and that the changes considered today can safely and prudently take place.

I would be happy to answer any questions about my experience fishing at the Channel Islands, what changes I have witnessed over the years and what do I currently observe today.

Thank you for considering these changes and I encourage the commission to allow them to proceed.

Thank you,
Mark Becker A110 F/V Martha Jane

California Fish and Game Commission
PO Box 944209, Sacramento, CA 94244-2090
Email address: FGC@FGC.ca.gov

February 10, 2024
Attn: Ms. Melissa Miller-Henson, Executive Director

Re; Support for commercial abalone fishery, San Miguel Island

Dear Ms. Miller-Henson,

I am commenting on the Abalone Fishery Management Plan, how the restoration of the commercial fishery for red abalone at San Miguel Island (SMI) can move forward with the Experimental Fishery Program (EFP), and how this dovetails with the CA. Fisheries Innovation Act of 2018, signed by the Governor on September 18, 2018.

Quick history: I am a licensed commercial abalone and sea urchin diver and saw the closure of the fishery in 1997, with the promise from the Ca. Department of Fish and Game of a sunset clause of 1 to 2 yrs for studies. Divers voluntarily contributed to an enhancement fund, managed by the DFG to help fund studies on abalone numbers and environmental effects. 26 years later, the Department has used the funds but no results of studies or the accounting of the funds has been disclosed. Numerous advisory groups have been created to recommend actions to move forward with a viable working fishery plan but these do not seem to be taken into consideration by the DFG. The actions of divers voluntarily funding an enhancement fund and forming a committee to help monitor numbers of abalone during the closure of the fishery demonstrates the dedication and sincerity of the divers to responsibly manage the abalone fishery.

In the Abalone Advisory Group, 2010, Management Options for a Potential Fishery on San Miguel Island, Appendix H, states,

Within the Review Committee's recommendations are suggestions that the fishery can begin while other management

actions are conducted in parallel. A more precautionary approach we would argue would be to have the TAC Framework, Risk Analyses, BRP, management methods and sampling methods determined prior to the opening of any fishery. With the amount of work that has been completed within the TP and the AAG this would not be an onerous task and could be accomplished within 6 months with funding. It has now been 13 years with no outcomes.

Also Section 6. Section 7712 of the California Fish and Game code which is amended to read:

Where a fishery is closed or restricted due to the need to protect a fishery resource, marine mammals, or sea birds, or due to conflicts with other fisheries or use of the marine environment, *it shall be the policy of the department and the commission, consistent with budgetary and personnel considerations to assist and foster the development of alternative fisheries, and alternative fishing gear for those commercial fishermen affected by the restrictions, closure, or resource losses, including but not limited to, the issuing of experimental fishing permits pursuant to Section 1022.*

The Experimental Fishery Program would be consistent with policies set forth in Section 7050 and any applicable fishery management plan.

Proposed structure for an EFP:

- Number of divers and boats would be negotiable with the DFG.
- Divers would electronically monitor their harvests and report to the DFG.
- The fishing ground would be San Miguel Island only. Initial season would be August-December 2024.
- Divers would be open to negotiating a Tag Fee.
- Transferability of permits
- AMRP TAC: 15,000 red abalone

Thank you for the opportunity and your consideration of my comments.

Sincerely,
Robert Duncan





City of Santa Barbara

Office of the Mayor

SantaBarbaraCA.gov

RRowse@SantaBarbaraCA.gov

Randy Rowse
Mayor

City Hall
735 Anacapa Street
Santa Barbara, CA
93101-1990

Mailing Address:
PO Box 1990
Santa Barbara, CA
93102-1990

Tel: (805) 564-5322
Fax: (805) 564-5475

Ms. Melissa Miller-Henson
Executive Director
California Fish and Game Commission
715 "P" St. 16th Floor
Sacramento, CA 95814

2/14/2024

Dear Ms. Miller-Henson,

The City of Santa Barbara has a rich tradition of commercial fisheries and values their significant contribution to our local culture and economy. This area also has been at the forefront of environmental action, particularly as it pertains to the marine environment, including the ongoing existence and nurturing of sustainable fisheries.

Our local waters have provided ample harvests of a diverse variety of fish, shellfish, and urchins, dating back to our indigenous populations. Abalone fishing was a major staple for many years, until the population was challenged by several factors. Those Abalone beds have rebounded nicely and have reached a level where a limited commercial fishery can be considered viable. Please consider a cooperative relationship with some of our veteran commercial abalone divers. They are the foremost authority on the health and level of sustainability for harvesting this species once again.

On behalf of the City of Santa Barbara, I want to express heartfelt support for our commercial fishing industry and their significance as part of our historical civic fabric.

Very Truly Yours,

Randy Rowse
Mayor, City of Santa Barbara



Please consider the environment before printing this letter.

California Fish and Game Commission Petitions for Regulation Change — Action on April 17-18, 2024

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

MPA - marine protected area SMR - state marine reserve SMCA - state marine conservation area

Grant: CFGC is willing to consider the petitioned action through a process Deny: Not willing to consider the petitioned action Refer: Need more information before the final decision

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	CFGC Receipt	CFGC Initial Action Date	Initial Staff Recommendation	Referral Date	Referred to	Scheduled for Final Action	Final Staff Recommendation
2023-12	10/3/2023	Wayne Kotow, Coastal Conservation Association California	Recreational ocean fishing: Nearshore groundfish	Require anglers to possess and use descending device capable of returning rockfish to the depth taken when fishing for or possessing groundfish	10/11-12/2023	12/13-14/2023	REFER to CDFW for review and recommendation.	12/14/2023	DFW	4/17-18/2024	<p>CFGC: Grant in concept as recommended by CDFW and as integrated into the 2024 recreational groundfish rulemaking adopted on March 26, 2024.</p> <p>CDFW: Grant in concept; a requirement to possess ready-to-use descending devices was integrated into the recreational groundfish rulemaking for 2024 that was adopted by CFGC on March 26, 2024.</p>
2024-01	1/10/2024	Jon Wrynski, Chairman, Colusa County Fish and Game Advisory Commission	Inland sport fishing: Trout	Request to amend sport fishing regulations to allow increased take and reduce size limitations of trout in Stony Creek in Colusa County.	2/14-15/2024	4/17-18/2024	REFER to DFW for review and recommendation.				



Tracking Number: (_2023-12_)

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: Wayne Kotow

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: For Section 27.20 regs: **Sections 200, 205, 265, 702, 7071 and 8587.1 of Fish and Game Code** Added sections for Section 28.65 regs: **Sections 270, 275, and 7110 of Fish and Game Code**

- 3. Overview (Required)** - Summarize the proposed changes to regulations: All boats in marine environment engaged in fishing activity are required to carry a descending device on board their vessel. Other wording: Require the possession of a descending device on board a vessel when harvesting fish in state waters or requires a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing groundfish.

- 4. Rationale (Required)** - Describe the problem and the reason for the proposed change: We are all stewards of our resources and need to be responsible in caring for them. Descending devices have been proven effective in returning fish suffering from barotrauma back to depths

SECTION II: Optional Information

- 5. Date of Petition: Sept 29, 2023**



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>)*

Amend Title 14 Section(s): [Click here to enter text.](#)

X 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: Jan 1, 2025

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

[FWC approves rule to help improve survival of released reef fish | FWC \(myfwc.com\)](#)

[Barotrauma | FWC \(myfwc.com\)](#)

[Reef Fish Gear Rules | FWC \(myfwc.com\)](#)

[Rockfish recompression | Oregon Department of Fish & Wildlife \(myodfw.com\)](#)

[Sport bottomfish seasons | Oregon Department of Fish & Wildlife \(myodfw.com\)](#)

[Protecting Washington's rockfish | Washington Department of Fish & Wildlife](#)

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: Local businesses will get increased sales from descending device sales which could lead to additional jobs for manufacturers or spur new technology.

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: [10/02/2023](#)

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 _____
Tracking Number
- Granted for consideration of regulation change



Tracking Number: (_2024-01_)

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: Jon Wrynski.

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 of the California Fish and Game Code gives the State Fish and Game Commission the authority to change or modify existing regulations. Our local Commission is formally requesting the State Commission change the trout fishing regulations in Colusa County.**

3. Overview (Required) - Summarize the proposed changes to regulations: Request regulations be changed from current regulation to previous regulation for area in question.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: Recent regulation change has changed fish limits from (previously) five fish to effectively catch and release only. Please see attached letter.

SECTION II: Optional Information

5. Date of Petition: January 10, 2024.

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 7.50\(148\)](#)
 - Add New Title 14 Section(s): [Change to allow five fish limit, using artificial or natural lures or bait, with normal hooks as had been previously allowed.](#)
 - Repeal Title 14 Section(s): [Repeal current section](#)
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 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: [County Commission and local officials would prefer regulation change take effect as soon as possible.](#)
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Discussions with local DFW biologist and DFW fisheries biologist indicate that no studies or data was used to change the fishing regulations on Stony Creek in Colusa County from five fish limit to catch and release only; the change was made to simplify enforcement of regulations.](#)
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: [Revenues to local businesses has likely decreased as there are fewer people frequenting the area because of the reduced fishing opportunities.](#)
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: [1/10/2024](#)

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

November 21, 2022

State Dept. of Fish and Wildlife
Regulation Petition Branch
Sacramento, Ca

To Whom it may concern:

Recent changes to the sport fishing regulations within the State that affect fishing within Colusa County are of concern to our County Fish and Game Commission and to anglers within our County. Specifically, the trout fishing regulations on Stony Creek which runs through the northwest portion of Colusa County west of the town of Stonyford.

Discussions with State Fish and Wildlife Staff have indicated the reasoning behind the change in regulations was to "simplify" regulations within the state and thus make it easier for people interested in fishing to know what rules apply where, and to simplify enforcement of the regulations for wardens and other officials. We were informed that no studies were made on the fish population in Stony Creek.

Stony Creek is virtually the only creek within Colusa County which has a healthy trout population and has historically offered reasonably good prospects for anglers. Approximately thirty years ago a local group petitioned the State to change the regulations for Stony Creek above "Red Bridge" based on a brief biological study to only allow fish smaller than eight inches in length to be kept and to only allow the use of single barbless hooks and no natural bait. The area with that restriction is very rugged and difficult to traverse and thus did not get much fishing "pressure" to begin with and so the restriction did not greatly affect things. The remainder of Stony Creek below "Red Bridge" remained having a five fish limit and allowed anglers to keep fish larger than eight inches.

The recent changes in regulations, as we understand them, has made the entire area a catch-and-release creek.

We are not aware of any biological study or data that justifies this change, and it is our belief that the native trout population was very strong prior to the change. The opportunity for anglers to keep any fish appears to be gone. If anything is currently threatening the fish numbers in the area it is likely the increasing numbers of wild river otters which have spread through the area.

The Colusa County Fish and Game Commission strongly implores you to reconsider the recent regulation change in trout fishing regulations on Stony Creek in our County and to effectively "put them back" as they were. This would allow anglers to keep five fish without an eight inch limitation during normal trout season. The local economy in western Colusa County relies greatly on recreational opportunities such as hunting and fishing and restoring previous regulations would be helpful. Please contact this Commission if we can discuss this matter further.

Sincerely,

Jon S. Wrynski
Chairman

From: David Layer <[REDACTED]>

Sent: Monday, February 26, 2024 09:43 AM

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

Subject: Petition number 2023-1

Howdy Ms. Miller-Henson,

Regarding petition 2023-10

I am a fisherman and annually take family members with me on long range fishing trips. We never know how much fish we will catch and do NOT want it to go to waste.

I am aware of Todd Bluechel's efforts to amend current California Fish and Game regulation, section : CCR T14 231(b)

His amendment would allow sport fishermen to donate their fish to non profits. I support the amended language (in CAPS) so that it reads:

“Any legally taken species of sport-caught fish may be possessed for filleting, smoking, or canning, if the same fish is returned to the angler pound for pound OR IF THE FISH IS DONATED BY THE ANGLER TO A NONPROFIT(S) INSTEAD OF BEING RETURNED TO THE ANGLER.”

I've been on trips where the fish count is low, and then many where many fish are given away. It would be great to open up the donation a gate a bit further.

Thank you for your efforts.

Dave Layer, retired, but grandpa of 14, many of which have been with me on these trips.

From: Azsha Hudson <[REDACTED]>
Sent: Wednesday, February 21, 2024 02:58 PM
To: FGC <FGC@fgc.ca.gov>
Subject: 2023-27 MPA Supplemental Research

Good afternoon,

I have attached a three-page write-up for agency staff to use as they review MPA Petition 2023-27MPA. It is addressing some of the questions posed by a Commissioner during the February FGC Meeting.

Thank you!



environmental
DEFENSE CENTER

AZSHA HUDSON (she/her/hers)
MARINE CONSERVATION ANALYST
906 Garden Street
Santa Barbara, CA 93101
o: 805.963.1622 X 105 c: 805.263.7071
www.EnvironmentalDefenseCenter.org

Petition 2023-27MPA Response to Questions posed by Commissioner's

Please see the below report responding to questions (bolded) posed by Commissioner Zavaleta in a follow up email after the February 14, 2024 Fish and Game Commission meeting. The response to Commissioner Zavaleta's questions were addressed by Jessie Altstatt, a researcher that has studied eelgrass at Anacapa island for years and wrote a report on her findings that prompted us at the Environmental Defense Center to submit an MPA petition.

Clarifying the spatial and temporal extent of impact on eelgrass beds from the traps and anchoring that you identified as damaging to those beds. For example, how do anchorage pits compare in size and density to natural disturbances (such as feeding pits, storm events) to eelgrass?

The species of eelgrass found at Anacapa Island, *Zostera pacifica*, has very short rootlets and typically grows within the top few centimeters of sediment. This makes it extremely sensitive to disturbance, which is why it is found only in the most sheltered areas. Deploying and pulling traps disturbs the sediment and dislodges the eelgrass and causes it to drift away. It will only "grow back" if there is still material left behind. Deploying and pulling traps is akin to anchoring, which is known to be a major threat to eelgrass beds world-wide, and it's no coincidence that Channel Islands National Marine Sanctuary ("CINMS") is very concerned about anchoring and disturbing the seafloor in areas of eelgrass.

I (Jessie Altstatt) have attached a figure from a talk I gave at the 2016 California Islands Symposium, showing the main permanent transect within my restoration area at Frenchy's. Note the abandoned trap.

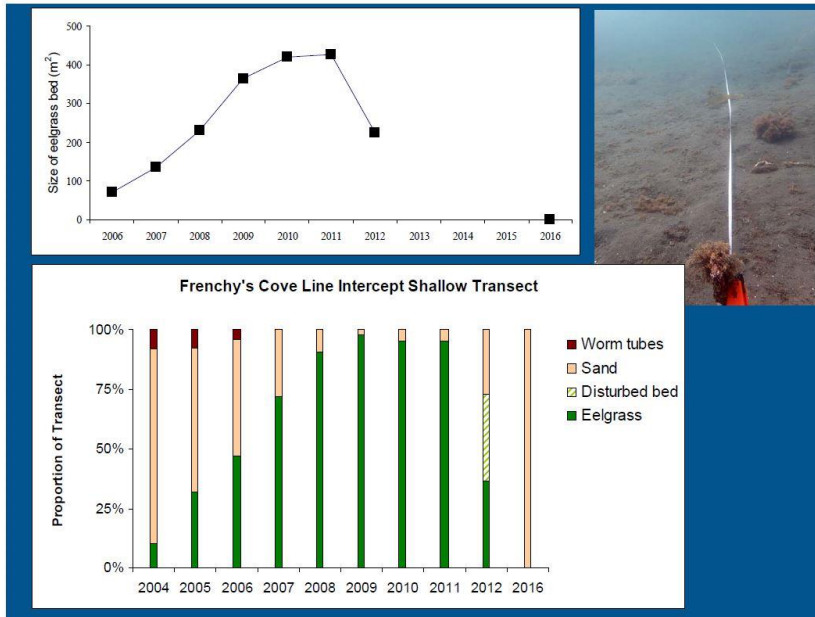


How long does it take for the eelgrass to grow back from each of these disturbance types? In terrestrial grasslands (which I [Commissioner Zavaleta] understand are different), for example, patchy disturbances increase overall biodiversity and vegetation recovery in them is quick.

To answer the question, how long does it take for recovery, I (Jessie Altstatt) would argue that it could take many decades if there was not a wild source of seeds or vegetative material upstream. The closest bed up current of Frenchy's is at Smugglers, > 4 miles away and across a channel between the islands. And, for any recovery, the fishing effort needs to stop. There is no other lobster fishing area that I (Jessie Altstatt) know of that specifically targets soft-sediment bottom. Frenchy's once had the largest eelgrass bed at Anacapa island (Jack Engle data). We were on our way to seeing recovery following our restoration work, and now it is gone.

The fishing pressure within the Special Closure in Frenchy's Cove is extremely intense during the two months that the commercial fishermen are allowed to enter (Nov, Dec). I (Jessie Altstatt) have routinely counted over one hundred traps within a small area. The traps are repeatedly picked up, re-baited and dropped again (~every 72 hours). In a natural system, a bat ray may create a feeding pit which disturbs an area of eelgrass possibly ~ 1 meter across, but then the ray moves on, and that area can gradually recover vegetatively growing in from all sides towards the center of the pit. My permanent transects went from nearly 100% healthy eelgrass in 2011, to ~60% cover, half of which was severely distressed.

Another figure shows numerical data (size of restoration area in square meters) and % cover along a permanent transect). During the restoration work, it took > 5 years to reach solid cover of eelgrass, and this was destroyed within a year (although I do not have the quantitative survey data from 2013-2015, I learned from other divers that most of the solid grass bed was gone by 2013).



I (Jessie Altstatt) have also attached (see below) a picture from 2016 from within Frenchy's Cove, showing how damaged the eelgrass bed was at that time. Note that the abandoned trap contains the bones of a drowned cormorant.



I (Commissioner Zavaleta) want to understand not whether there are effects of fishing and boat anchorages, but how large, spatially extensive (what % of a meadow?) and long-lasting they are.

In support of my (Jessie Altstatt) observation that traps were responsible for the damage, in 2016 there were still a few scattered eelgrass plants within the cove, but they were shallower than 20' as that is the inner limit for trap fishing. However, there is very limited habitat of the right sediment grain size in shallower than 20' due to wave action.

To address the wave action question, eelgrass is very limited by depth to areas where there is not much exposure to wave action. Frenchy's Cove is the most protected area at Anacapa Island, which is why the historic bed once grew as shallow as 20' depth.

Please also note that recently CINMS performed a Climate Vulnerability Assessment and protecting eelgrass habitat was among the top 2 proposals discussed by the group. There was a list of action items created by the group, and excluding trap fishing was on that list- but ultimately NMS has no control over state-managed fisheries.



420 Capitola Avenue
Capitola, California 95010
Telephone: (831) 475-7300
FAX: (831) 479-8879

Website: <http://www.cityofcapitola.org>

*FGC
Rec'd 4/4/24*

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

March 28, 2024

Opposition to Proposed Modifications to the California Marine Protected Area Network

Dear President Sklar and Honorable Commissioners,

I am writing to express our opposition to the Environment California Research & Policy Center's petition to modify the California Marine Protected Areas Network to expand the Natural Bridges State Marine Reserve and establish a new Marine Protected Area (MPA) at or near Pleasure Point, unless the petition is amended to allow for recreational hook-and-line fishing and spearfishing.

While we recognize the critical importance of nearshore kelp forests and the Marine Life Protection Act's adaptive management process, we believe the current proposal unfairly restricts access to public resources. Recreational fishing is a popular activity in northern Monterey Bay, and the proposed expansion would hinder the ability of residents and visitors to enjoy this coastal area.

Moreover, the expansion plan raises concerns about the economic impact on Santa Cruz County. Surfing, diving, and fishing are major draws for tourism, generating revenue for local businesses. Restricting access to these activities could negatively affect the economic well-being of our community.

In conclusion, we oppose the current petition to propose a new Pleasure Point State Marine Reserve unless amended to allow for recreational hook-and-line fishing and spearfishing. We urge you to consider the importance of this amendment, which would effectively balance kelp forest protection with the needs of our community.

We remain committed to collaborating with you to find a solution that safeguards the marine environment while ensuring continued public access and economic prosperity for Santa Cruz County.

Thank you for your time and consideration.

Sincerely,

DocuSigned by:
Kristen Brown
9845E01983E9448...

Kristen Brown, Mayor
City of Capitola

REC'D 4/4/24 FGC 1

HELLO, MY NAME IS MIKE FIXTER. I AM 77 YEARS OLD & HAVE LIVED IN SANTA CRUZ SINCE 1951. DURING THAT TIME I HAVE FISHED OUR LOCAL WATERS BOTH SPORT & COMMERCIALY, SURFED, PICKED ABALONE, CRABBED, DUG BOTH PISMO & COCKLE CLAMS, RAISED A FAMILY & SPENT 30 YEARS WITH CENTRAL FIRE PROTECTION DISTRICT, MOST OF IT AS A FIRE CAPTAIN WHO'S RESPONSE AREA EXTENDED FROM THE SANTA CRUZ YACHT HARBOR TO NEW BRIGHTON STATE BEACH. I AM ACCUTELY FAMILIAR WITH BOTH THE SHORELINE & OUTER WATERS, INCLUDING THOSE WATERS WITHIN THE NEWLY PROPOSED MPA'S IN THE SANTA CRUZ AREA.

MY FIRST EXPERIENCE WITH OUR KELP FORESTS TOOK PLACE AT AGE 6 WHEN MY FATHER RENTED A SKIFF OFF THE CAPITOLA WHARF & WE FISHED IN & AROUND THE NEARBY KELP FORESTS. THIS ADVENTURE LED TO MY LIFE LONG PASSION OF EXPLORING OUR COASTAL WATERS. SOMETHING YOUNG KIDS & ADULTS ALIKE COULD NEVER EXPERIENCE SHOULD THIS NEW MPA INITIATIVE EVER BECOME IMPLEMENTED.

I AM VERY MUCH AGAINST THIS INITIATIVE & HERE ARE SOME REASONS WHY:

1. TO MY KNOWLEDGE NO LEGITIMATE, IMPARTIAL, UP TO DATE SCIENTIFIC RESEARCH EXISTS THAT SUPPORTS THE BELIEF OUR KELP FORESTS ARE BEING NEGATIVELY AFFECTED IN EITHER THE EXISTING MPA FROM NATURAL BRIDGES TO FOUR MILE STATE BEACH, THE PROPOSED EXPANSION OF THAT AREA OR THE NEWLY PROPOSED MPA AROUND CAPITOLA, PLEASURE POINT & SANTA CRUZ.
2. CLOSING THOSE WELL ESTABLISHED EXISTING AREAS TO ESTABLISH NEW MPA'S WILL INTURN PUT MORE PRESSURE ON THOSE EXISTING OPEN AREAS.

3. THE ECONOMIC IMPACT UPON ALL THOSE AFFECTED WOULD BE CATASTROPHIC. FISHERMAN (BOTH SPORT + COMMERCIAL), FISH MARKETS, RESTAURANTS, BOAT RENTALS, TACKLE SHOPS, THE SANTA CRUZ YACHT HARBOR, SKIN DIVERS, KAYAKERS, WHALE WATCHERS, MARINE REPAIR FACILITIES + TOURISM WOULD ALL SUFFER.
4. THE POTENTIAL LOSS IN REVENUE GENERATED BY ALL THE VARIOUS USER GROUPS PAYING FOR LOCAL, STATE + FEDERAL PERMITS, LICENSE FEES + TAXES WOULD CREATE A HUGE FINANCIAL CRISIS HERE IN SANTA CRUZ + BEYOND.
5. CURRENT LIFESTYLES + EMPLOYMENT OPPORTUNITIES WOULD BECOME A THING OF THE PAST SHOULD THIS NEW MPA PROPOSAL EVER BECOME LAW.
6. TODAY'S YOUTH, YOUR CHILDREN, MY CHILDREN + GRAND CHILDREN ALONG WITH ALL OTHERS INTERESTED IN OUR MARINE ENVIRONMENTS DESERVE THE OPPORTUNITY TO EXPERIENCE IT FIRST HAND. TO DEPRIVE THEM OF THIS IS IN NO ONES BEST INTEREST.

PLEASE JOIN US IN DEFEATING THIS NEW MPA PROPOSAL.

SINCERLY
Mike Fister

[REDACTED]@fgc

From: BETSY SMITH <[REDACTED]>
Sent: Monday, March 25, 2024 12:18 PM
To: FGC
Subject: Proposed Pleasure Point, Santa Cruz MPA

Dear Fish and Game,

My Name is David M. Smith, I am from Santa Cruz, CA and I am speaking in opposition with Petition 2023-2033, the proposal for a new state marine reserve in Pleasure Point Area of Santa Cruz County. I have lived and fished in Santa Cruz and Capitola since 1982 and over the years I have observed the kelp forest between 26th Ave to Capitola which includes Pleasure Point. In my opinion this is a healthy kelp forest and I have seen no decline in kelp or fish that it holds. Over the years we have seen a rise in the population of white sea bass and I also know from local friends who dive and fish that there are Sea Bass living in these kelp beds. We have had an abundance of Jack Smelt, Sardines, Anchovies, and Mackerel that move in and out of the Kelp beds. The Halibut, Ling cod and rock fish population has been healthy locally in Santa Cruz. Unfortunately there is more pressure recently because of Salmon Season closure. To have a local coastline which is healthy and the community is using it for sportfishing and free diving is a great thing. Maybe you can study this Pleasure Point coastline to understand its ecology and why it is healthy. To make a MPA of Pleasure Point has no science to the decision. Pleasure Point is a healthy ecosystem in the Monterey Bay and should not be taken away from our local community.

Thank you,

David M Smith

[REDACTED]
[REDACTED]
[REDACTED]

From: Vic Giacalone [REDACTED]
Sent: Thursday, March 21, 2024 9:27 AM
To: FGC
Subject: Potential MLPA near Santa Cruz

To whom it may concern;

I am a 77 year old man, who has fished in Monterey Bay for many years. My boat is docked in the Santa Cruz harbor. I am highly opposed to the implementation of a Marine Life Protected Area designation for the "Pleasure Point" area of Monterey Bay I - Petition 2023-2033.

This is an area of the bay, which is accessible to many anglers, who do not possess or have access to larger vessels to travel off shore. And, there does not seem to be any objective reason for this area to be designated, as an MLPA.

I urge you to reject this proposal.

Thank you.

Vic Giacalone

From: Paul Meltzer
Sent: Friday, March 22, 2024 12:06 PM
To: FGC
Subject: MPA Expansion in Santa Cruz

Dear Members of the Commission:

I am writing in opposition to the expansion of the MPA in the SANTA CRUZ area. I am very familiar with the kelp beds in Santa Cruz as I have surfed, fished, windsurfed and paddled around the kelp beds for 60 years.

The proposed rule seeks to ban activities that have no effect on the health of the kelp beds, all done under the misleading battle cry of "Save The Kelp Beds!"

Petitioners submit no scientific evidence that fishing has caused a decline in the health of the kelp beds in Santa Cruz. This is one of the reasons that the Santa Cruz City Council voted against the proposed expansion of the MPA.

Another misleading aspect of the rule change is the idea of mass fishing in the kelp beds. Almost no one fishes in the kelp beds because the kelp will fowl your propeller. Fishing is done adjacent to the kelp with your engine turned off.

The Petitioners further fail to scrutinize the factual basis for their assumptions. While they can show correlation--kelp has declined in California while there was fishing--they fail to show causation, that fishing has caused any decline in Santa Cruz kelp beds.

Everyone agrees that the Santa Cruz kelp beds were healthier 60 years ago. Yet at that time Pleasure Point had an active sewage outflow, thus the name of one of the surf spots, Sewer Peak. Kelp beds were healthier during the outflow (correlation) yet no serious person would suggest that one caused the other.

This is the danger of Petitioner's reliance on correlation. There are many events that correlate with healthy kelp but have nothing to do with the result. For example, there was more kelp when there was logging, less emissions controls on vehicles, an active carbon burning power plant at Moss Landing and a polluting Cement Plant at Davenport.

And the converse is equally true, that there are events that have occurred at the same time as a decline in kelp health that had nothing to do with the result. Fishing near kelp is a perfect example.

There are other serious issues that have not been addressed. The Commission should consider the recreational opportunities that will be lost to a generation if these bans are approved. It should also consider the economic impact on the fishermen, their families and the many related businesses such as markets and restaurants, if fishermen are banned from fishing for kelp adjacent fish such as halibut.

I urge a rejection of the expansion of the MPA.

Respectfully submitted,

Paul B. Meltzer

From: jason
Sent: Tuesday, March 19, 2024 9:37 AM
To: FGC
Subject: Objection to Proposed New MLPA Zones in Natural Bridges and Pleasure Point

Hello,

This email is to express objection to proposed new MLPA zones in Natural Bridges and Pleasure Point. My understanding is that this is to be done to protect the kelp forests, which we all want, but I fail to see the logic in preventing fishing in the areas. Urchins are the primary problem here and otters and sea stars eat the urchins. I'm not aware of any proof that rockfish, lingcod, halibut, or sea bass eat urchins. It seems a more effective use of time and resources is to continue to promote harvest of sea urchins.

I live in the area and recreational fish Northern California ocean waters with my friends and family. Restricting sustainable use of our resources reduces awareness and the large population of people that care and rely on our resources.

Thanks,

Jason

From: jerry kulm
Sent: Tuesday, March 19, 2024 8:46 AM
To: FGC
Subject: Proposal for MLPA at Natural Bridges and Pleasure Point

I am writing in response to a recent article regarding implementing an MLPA in Monterey Bay, specifically Natural Bridges and Pleasure Point. I am a long-time surfer, fisherman, father, and grandfather. Some of the best memories I have are fishing near Santa Cruz and I lived by Pleasure Point for years. I see no impact to the kelp beds from fishing or boating. Most boaters completely avoid those areas due to tangling of kelp in props and fishing line. Please reject this proposal for one of the most enjoyable activities we as tax paying citizens can still enjoy.

Regards,

Jerry Kulm

From: [REDACTED]
Sent: Monday, March 18, 2024 6:33 PM
To: FGC
Subject: MPA proposal feedback

California Fish and Game Commission
P.O. Box 944209, Sacramento, CA 94244-2090
Dear California Fish and Game Commission:

My name is Rodney Armstrong and I own and operate a charter fishing business based in Santa Cruz. I am writing to oppose and express my concern with petition 2023-2033, especially as it pertains to the Santa Cruz/Monterey Bay areas. These proposed New MPAs, and MPA expansions would deny access to nearshore fishing grounds, which I, and the small community of charter fishing vessels would consider to be essential grounds that serve as a key component to adapting with the seasonal nature of our industry, and play a vital role in the success of our fishing seasons. Moreover, these grounds have a role to play in each individual local fishery. These changes would not only severely impact the charter community, but that of the commercial fishermen, and sport fishing community as a whole. All of these communities would proudly identify as passionate stewards of our great ocean. It is also my opinion that the greatest importance of these grounds is what they offer the young generations that we usher in to ocean stewardship. For their passion to flourish, they need places to roam and explore, and these grounds offer a safe way for them to do that.

I believe the complete removal of fishing activity in these areas will have little to no effect on the regrowth or proliferation of kelp populations. As it has already been stated in the petition, the issue lies with the sustained elevated sea temperatures, which has led to the decline of kelp stands, which is cause for the southern sea otter populations to find new grounds, leaving the urchin populations to go unchecked, thus making it harder for kelp stands to grow back. And because fishing activities don't fit well into that chain of events, I don't believe the removal of them does anything to address the problem. I believe that all of the powers involved bare the creative capacity to devise a strategy that would aid the regrowth of kelp populations without dealing damage to its neighboring inhabitants, the fishermen. I hope these ideas will be considered before a final decision is reached. Thank you.

-Rodney Armstrong
Captain and business owner of Santa Cruz Coastal Charters, a family business
Sent from my iPhone

From: Calin Brammer
Sent: Tuesday, March 19, 2024 10:32 AM
To: FGC
Subject: Opposing Petition 2023-2033

Hello,

My name is Calin Brammer, I live in San Diego, CA and I am writing to strongly oppose Petition 2023-2033 specifically, the proposed MPA reserves in the Point Loma area.

I have been diving and fishing this area for years, sustainably harvesting only what I need for my family. The ability to continue to perform these recreational activities is an important part of my family's lives and central to our identity living in this area so close to the coast. If these areas are closed off for any take this will negatively impact myself and the livelihood of many other locals. We pay a premium to live where we do because of the access that we have. If these areas are closed off for any take this will negatively impact myself and the livelihood of many other.

Please do not take this away from us.

Respectfully,
Calin Brammer

From: Marinus Gruter [REDACTED]
Sent: Monday, March 18, 2024 3:08 PM
To: FGC
Subject: Opposed to Petition 2023-33 MPA

To whom it may concern:

Hello, my name is Marinus Gruter. I live in Ventura county and I am writing to you to explain why I believe closing down fishing with the idea that it will protect kelp from climate change is completely illogical. My family has been fishing for decades now and growing up with the ocean fishing, surfing, etc. I know will be a detrimental blow to not just my family but so many others that are like minded and use the ocean just like me for fishing and spearfishing if it is indeed closed down in the proposed regions. Taking away access for divers to carefully select a fish in these planned MPA regions can really hurt a lot of us and our future generations. Divers are not part of the problem with this so called climate change protection of kelp.

I am completely against this idea. Thank you for your time,

Sincerely,
Marinus

From: Justin Elder [REDACTED]
Sent: Monday, March 18, 2024 9:02 AM
To: FGC
Subject: Opposed to 2023-33 mpa

Good morning,

My name is Justin Elder and I have been heavily involved with many aspect of our heart california wildlife since birth. The salt water mpas that the state is purposing are of great concern to me as they will horribly reduce the level of sustainable take fish I am able to harvest of of the santa barbara coast. This lack of ability to provide for myself and family as well as the extreme financial hardship it would place on our ethical Comercial fleet this should not even be considered as an option. I believe the science will show we as fisherman and divers have a positive result on this echo system and these mpas will not yield the result they are intended too.

Thanks

From: rspringe [REDACTED]
Sent: Tuesday, March 19, 2024 12:09 AM
To: FGC
Subject: Opposed to petition 2023-33MPA

Hello,

I am a California State Parks Lifeguard II, with just shy of a decade of experience and over 100 rescues. I have worked in 4 different counties that will be affected by this proposition if it is implemented. I also have multiple years of emergency and non-emergency vessel assistance experience in Santa Cruz county. Between these two jobs I have worked with numerous environmental agencies to keep the ocean, as well as the public, safe. In my free time, like most of the people around me, I try to enjoy the ocean, mostly spearfishing for scallops and rockfish. I also love being able to feed my loved ones with fresh, sustainable seafood.

Working at the beach every day, I get to see first hand how laws with specific intentions are implemented on the ground, versus how they play out in reality. When our legislators have passed laws that affect the beaches, it is obvious to me, my coworkers and fellow beachgoers when those laws have been informed by the input of the effected people and when they have not. Think back to COVID beach closures, myself and all of my lifeguard coworkers were verbally (and physically) attacked by the public over this for weeks. I can assure you that despite having conservation intentions, this proposition will not protect MPAs the way it is being presented, and the consequences will far outweigh any positive environmental impact. Laws being passed need input from those on the ground to be effective and as someone who is very involved in the coastal community, I'm not seeing that here.

Who knows if the response from the public would be as severe as there was for the COVID beach closures if this proposition becomes law, but I'm speaking within my Lifeguard mission statement that I am against any law that I know will harm the parks that I serve. I would love to support a scientific peer reviewed proposition, with the input from the local stewards of the land that shows a clear path to healthier kelp beds, but I don't think this is it.

Thanks for your time, see you at the beach, Ryan Springer

From: Alejandro Meruelo [REDACTED]
Sent: Tuesday, March 19, 2024 12:48 PM
To: FGC
Subject: Oppose MPA expansion

Hello,

Hope all is well! My name is Alejandro Meruelo and I live in San Diego; I represent myself. I was writing in opposite to the proposed MPA expansion of Laguna Beach, Carpinteria, and the Monterey Peninsula. These are areas that rich in resources for selective spear fishers and kayakers who have little impact compared to commercial interests, and offer species unavailable in other areas of California.

It would be of great detriment to these groups of fishermen/women given that the areas are largely already surrounded by numerous MPAs that have served an important role in these areas.

Thank you for considering my opinion,
Alejandro

From: Dave Rice [REDACTED]
Sent: Tuesday, March 19, 2024 1:52 PM
To: FGC
Subject: MPA's

To Whom it May Concern,

Thank you for taking the time to review my email. Writing to express my concern about adding additional MPA's in California and possibility to continue and reduce our areas of public waters, public land and access to recreational fishing. Recreational fishing can be managed without full closures. I believe we have an opportunity to be pragmatic to the process and I hope you allow the public a chance to please make their case without the taking of public resources in these specific areas.

Items to consider:

- Issuance of Tag's for legal take of Pelagic species within current closures like Palos Verdes.
Benefit of Tags
- Tags can limit catch
- Tags generate income for future investment in public resources
- Tags help track catch numbers with appropriate reporting data
- The tag issuance process is a known process and effective in managing Big Game

I am pro-environment and pro-recreational fishing and want to protect my right and my family's rights and my children's right to public lands and fishing within pragmatic guidelines. This should not be an all or nothing decision, but we can protect our resources and serve both conservation and recreational fishing with regulation that is beneficial for recreational fishing and environmental protection in mind.

Kindest Regards,
Dave

Dave Rice
Vice President of Sales, International

Aspen Medical Products
[REDACTED]

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From: David Schwier [REDACTED]
Sent: Monday, March 18, 2024 9:38 PM
To: FGC
Subject: Attn: Marine Resources Committee - citizen letter for 3/19 meeting

Dear Committee members,

I write this to say my family and I love the ocean, spearfishing and conservation. We recreate a couple dozen times a year on our boat in local waters around Orange County and Catalina Island. It is important to show my kids that our seafood also comes from local waters too and we can actively learn about them and maybe pursue some ourselves to catch. They love eating all of our minimal catches and are very thankful for the full experience.

We all take care of our beautiful environment and do beach cleanups, creating awareness, and respect for nature. My memories growing up with my father (deceased) and fishing his "secret spot" in Laguna Beach, cannot be replicated with my daughter because we are not allowed to fish there anymore. While I did take her snorkeling there to see the fish (amazing just the same), it just didn't fulfill the dream of mine to hook a "big one" like dad and I did there years ago.

Please stop closing our access to these resources and all the joys that come with it. Our local impact can be sustainable with just more educating of the public. Please reopen the protected areas and then do another review in due time and see how to best proceed in keeping our oceans healthy and abundant in all life!

Thank you for reading my letter,
David Schwier

From: Patrick Spalding [REDACTED]
Sent: Tuesday, March 19, 2024 3:49 PM
To: FGC
Subject: Opposition to Proposed petitions

Dear Commission,

I was born in San Francisco and have lived my entire life along the central California coast. I have been actively engaged in freedive spearfishing since 2011. Based on the current scientific research, I do not support expansion of any MPAs in California. I specifically request that the Commission deny the petitions listed below. I appreciate your consideration, and I'm grateful for your support of our natural resources.

Sincerely,

Patrick Spalding

Petition 2023-23MPA

Petition 2023-33MPA

Petition 2023-34MPA

Petition 2023-29MPA:

Petition 2023-24MPA

From: Janelle L. <[REDACTED]>
Sent: Monday, March 18, 2024 9:02 AM
To: FGC
Subject: 2023-33MPA: Marine protected areas for kelp forests

My name is **Janelle L**, from La Jolla, CA. I'm writing to you today with comments about **2023-33MPA: Marine protected areas for kelp forests**.

I watched a portion of the Fish & Game Commission recording pertaining to MPAs from Feb 14 and was listening to what Commissioner Zavaleta has to say starting at 5:12:35. I really think her comments there should be considered.

**California Fish and Game Commission
Non-Regulatory Requests for Action – Updated March 27, 2024**

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife
WRC - Wildlife Resources Committee MRC - Marine Resources Committee

Date Received	Name of Requestor	Subject of Request	Short Description	Category	FGC Receipt Scheduled	FGC Initial Action Scheduled	Initial Staff Recommendation
1/3/2024	Kerry Kriger, Save the Frogs	American bullfrog import ban	Requests that CFGC place the recently adopted regulations [sic] concerning American bullfrog on the agenda for its next available meeting to allow for public address of questions, concerns, and clarification regarding implementation.	Wildlife	2/14-15/24	4/17-18/24	Staff is consulting with CDFW to formulate a plan for addressing the strategies approved by the Commission. Staff will report back to the Commission with a plan and timetable. No further action recommended at this time.

Written Comment For FGC WRC Meeting

Kerry Kriger [REDACTED]

Wed 01/03/2024 04:01 PM

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

Dear FGC/WRC,

Please find my comments attached, to be made available to the Commissioners prior to the meeting/

Thank you!

Kerry



[Dr. Kerry Kriger](#)

SAVE THE FROGS!

Founder, Executive Director & Ecologist



SAVE THE FROGS! protects amphibian populations and empowers ordinary citizens to make extraordinary contributions to the betterment of the planet. We work in California, across the USA and around the world to create a better planet for humans and wildlife.





SAVE THE FROGS!

SAVE THE FROGS!
1968 S Coast Hwy Suite 622
Laguna Beach, CA 92651

To The California Fish & Game Commission:

I would like to express my appreciation for the California Fish & Game Commission's recent decision to ban the importation and sale of American Bullfrogs, a significant step towards preserving California's native wildlife.

I am writing to request additional clarity regarding the timeline of this ban's implementation. Specifically, I seek to understand the exact date that the issuance of importation permits will cease (or has ceased if the cessation has already taken place).

Additionally, I would like to encourage the Commission to include a discussion on the American Bullfrog ban as an agenda item at the next FGC meeting. This would provide an opportunity to address any lingering questions and concerns from the public, and to further clarify the details of the implementation of the actions the Commission unanimously approved in December 2023.

Finally, I would like to raise a concern regarding the cutoff date for written public comments to be included in meeting materials. Currently, this cutoff is two weeks prior to the meetings. However, meeting agendas and accompanying materials are seldom available that far in advance, which makes meaningful participation challenging for concerned citizens. I kindly request that this process be reviewed to provide sufficient time for public engagement.

Once again, I commend the commissioners for their efforts to protect California's native wildlife.

Dr. Kerry Kriger
SAVE THE FROGS!
Founder, Executive Director & Ecologist
savethefrogs.com/kerry-kriger

January 3rd, 2024



California Fish and Game Commission Tribal Committee (TC) Work Plan

Updated April 4, 2024

Proposed changes to topics/timing are shown in blue underline or ~~strike-out~~ font.

Topic / Goal	Type / Lead	Dec 2023	Apr 2024	Aug 2024
CFGFC justice, equity, diversity and inclusion plan	CFGFC Project	X	X	<u>X</u>
Commission Tribal Consultation Policy (begin discussions when tribal advisor and liaison is hired)	CFGFC Policy			<u>X</u>
Tribal subsistence definition and related management mechanisms	TC Project	X	X	
Co-management roundtable discussion	TC Project	X	X	<u>X</u>
Coastal fishing communities policy <u>implementation</u>	MRC Project	X/R		<u>X</u>
Sheep, deer, antelope, trout, abalone, kelp/seaweed: Updates and guidance (timing as appropriate)	CDFW	X	X	<u>X</u>
Annual tribal planning meeting		X	X	<u>X</u>
California Natural Resources Agency		X		<u>X</u>
OPC – MPA Statewide Leadership Team; Tribal Marine Stewards Network	OPC	X	X	<u>X</u>
CDFW – Possible items include: - Marine protected areas <u>(MPA)</u> decadal management review, <u>MPA petitions</u> - Drought/wildfire impacts and state response - Climate adaptation, mitigation, science - Statewide kelp and abalone recovery efforts - Proposition 64 (cannabis) implementation - Other items as identified by CDFW	CDFW	X	X	<u>X</u>
Cross-pollination with MRC and WRC: Identify tribal concerns and common themes with MRC and WRC	CFGFC Committees	X	X	<u>X</u>
Coastal Fishing Communities Project updates	MRC Project		X	<u>X</u>
CFGFC regulatory and non-regulatory updates	CFGFC staff	X	X	<u>X</u>

Key: X = Discussion scheduled X/R = Recommendation developed and moved to CFGFC

CFGFC = California Fish and Game Commission

MRC = CFGFC's Marine Resources Committee

CDFW = California Department of Fish and Wildlife

WRC = CFGFC's Wildlife Resources Committee

OPC = California Ocean Protection Council

California Fish and Game Commission Marine Resources Committee (MRC) Work Plan

Updated April 2, 2024

Note: Proposed changes to topics/timing are shown in blue underscore or strike-out font.

Topics	Category	Nov 2023	Mar 2024	Jul 2024
Planning Documents and Fishery Management Plans (FMPs)				
MLMA Master Plan for fisheries – implementation updates	Plan Implementation			
Red abalone recovery plan (statewide)	Management Plan	X		
California halibut fishery management review; trawl grounds review	Management Review		X	
California halibut bycatch evaluation for fishery management review – set gill net	Management Review	X/R	X	
<u>California halibut bycatch evaluation for fishery management review – trawl gear</u>	<u>Management Review</u>			
Market squid fishery management and FMP review	Management/ FMP Review	*	X	X/R
Kelp recovery and management plan (KRMP) development	Management Plan	X		
Marine protected area (MPA) network 2022 decadal management review implementation: MPA petitions	Management Review	*	X	X
Regulations				
Kelp and algae commercial harvest – sea palm (<i>Postelsia</i>)	Commercial Take			
<u>Commercial sea urchin fishing regulations, including consideration of Petition 2023-04 : Commercial sea urchin for fishing the fishery north of San Luis Obispo/Monterey County line</u>	Commercial Take		X	X/R
Recreational crab trap gear options and trap validation for commercial passenger fishing vessels; recreational RAMP regulations	Recreational Take		*	X
Commercial fisheries logbook forms and fishing block charts	Commercial Take		X	
Marine Aquaculture				
Statewide aquaculture action plan	Planning Document			
Aquaculture state water bottom leases: Status of existing leaseholder requests	Current Leases		*	
Aquaculture state water bottom leases: Applications for new leases	Lease Applications	*		X
Aquaculture lease best management practices plans (Hold, TBD)	Regulatory			
Informational Topics / Emerging Management Issues				
Kelp restoration and recovery tracking	Kelp	X		
Special Projects				
Coastal Fishing Communities Project	MRC Special Project			
Box crab experimental fishing permit (EFP) research project	EFP			

Key: X = Discussion scheduled X/R = Recommendation may be developed and may move to Commission
* = Written or verbal agency update

Evaluation of the California Halibut Trawl Grounds



California halibut, *Paralichthys californicus*.
Photo credit: S. Lescht-Smith, CDFW

**California Department of Fish and Wildlife
Marine Region**

March 2024



Citation: California Department of Fish and Wildlife. 2023. Evaluation of the California Halibut Trawl Grounds.

Contributors: Travis Tanaka, Shoshana Lescht-Smith, Kirsten Ramey, Paul Reilly, Michael Patton, Matthew Warren

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LIST OF ACRONYMS

CCR	California Code of Regulations
CHTG	California Halibut Trawl Grounds
EFI	Essential Fishery Information
ERA	Ecological Risk Assessment
ESR	Enhanced Status Report
FGC	Fish and Game Code
FMP	Fishery Management Plan
IUCN	International Union for Conservation and Nature
LE	Limited Entry
MLMA	Marine Life Management Act
MPA	Marine Protected Area
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OA	Open Access
PSA	Productivity Susceptibility Analysis
WCGOP	West Coast Groundfish Observer Program

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EXECUTIVE SUMMARY

Background

The Marine Life Management Act (MLMA) (Fish and Game Code (FGC) Sections (§) 7050-7090) provides for the conservation, sustainable use, and restoration of California's living marine resources. It requires an ecosystem-based approach for managing the State's fisheries, using the best available science, and involving stakeholders in a comprehensive and transparent process. The 2018 MLMA Master Plan for Fisheries (Master Plan) provides guidance and a toolbox for implementing MLMA goals and objectives, and it is the Department of Fish and Wildlife's (Department) primary guidance document for managing state finfish, invertebrate, and algal commercial and recreational fisheries.

The California Halibut Trawl Grounds (CHTG), created through legislation in 1971, has provided trawl fishermen nearshore soft bottom access to target California halibut, *Paralichthys californicus* (halibut) off the coast of Santa Barbara and Ventura counties. Current legislation requires the Fish and Game Commission (Commission) to evaluate trawl gear effects on specific Performance Criteria contained within FGC (§8495). The first and last evaluation of the CHTG occurred in 2008.

Recent legislation modified FGC §8495 creating potential trawl grounds off San Luis Obispo County and within Monterey Bay. Trawl fishermen local to these areas have asked the Department and Commission to take action to open these areas to halibut trawl fishing. Concurrently, stakeholders requested the Commission to assess the southern CHTG as required in FGC. FGC §8495 requires the Commission to close any area within the CHTG where trawl gear: 1) does not minimize bycatch; 2) is likely damaging the seafloor; 3) is adversely affecting ecosystem health; or 4) impedes restoration to kelp, coral, or other biogenic habitats (Performance Criteria).

Fishery Performance Criteria

In 2021, the Department proposed to assess the existing and new sections of the CHTG, using the performance criteria in FGC §8495(e). While the new sections were created by the Legislature, statute requires these areas remain closed to trawling unless the Commission takes action to open them. Department staff evaluated the potential permitting pathways to allow commercial trawling to occur as part of an evaluation effort within the new trawl grounds off Port San Luis and within Monterey Bay. A Scientific Collecting Permit could allow for the activity to occur; however, the sale of the trawled catch would be prohibited, which would be cost prohibitive for permittees to participate. An Experimental Fishing Permit is a program that is intended to support exploratory fishing and limited testing in commercial and recreational marine fisheries; however, the

statutory language for the program limits bottom trawling to locations where bottom trawling is already an authorized fishing activity. Due to these constraints of existing regulations and statute, the Department paused efforts on evaluating the new trawl areas and proceeded with evaluating the existing southern CHTG in 2022. The data collected and analyzed in this study will provide the Commission with information to determine if the CHTG fishery meets the mandated Performance Criteria and could provide the Commission with guidance on how to evaluate the additional potential trawl areas.

Department staff observed 29 tows, documenting catch and disposition (live or dead) of available catch according to the Performance Criteria. Staff counted and assessed 21 invertebrate and 34 finfish species totaling 2,152 organisms. Of the 2,152, 77.9% were assessed as live and released, 12.9% were assessed as dead, and 9.2% were retained and sold. No finfish or invertebrate species of concern were caught, and no significant bottom contact was evident. While California sea lions, *Zalophus californianus*, were observed taking fish from the net and following the vessel, none were observed to be caught, injured, or killed during the study. No marine birds were observed by staff to be caught, injured, or killed during the study.

Performance Criteria 1. Does not minimize bycatch

One of the key ecosystem-based objectives in the Master Plan is to characterize bycatch of nontarget organisms in California's fisheries and develop appropriate management measures to minimize impacts to habitats and species. The Department used the four-step process, as outlined in the Master Plan, to identify bycatch from the halibut trawl fishery and assess its potential impacts on sustainability and the ecosystem within the CHTG:

1. collection of information on the types and amounts of bycatch.
2. distinguishing target, incidental, and bycatch species.
3. determining "acceptable" types and amounts of bycatch and
4. addressing unacceptable bycatch.

During the evaluation, staff observed 29 tows over nine trawl trips aboard permitted trawlers fishing in the CHTG during the period July 2022 through March 2023. To assess Performance Criteria 1, staff counted and assessed (live or dead) 21 invertebrate species and 34 finfish. No finfish or invertebrate species of special concern, marine mammals, or birds were taken or injured. Of the 2,152 organisms counted, 77.9% were assessed as live and released and 9.2% of species caught were retained and sold. Based on total count, staff used the bycatch criteria from the Master Plan to evaluate the top ten bycatch species encountered during the observation period.

Discard mortality observed during the 29 tows for all assessed species combined, was 12.9%. California sea lion, *Zalophus californianus*, induced mortality on finfish and debris plugging the cod-end mesh contributed to an overall increased mortality percentage. The plugged cod-end had the greatest effect on small finfish species.

Using West Coast Groundfish Observer Program (WCGOP) data for the last five years (2018-22), observers documented 148 finfish and invertebrate species, including species groups, from trawl tows within the CHTG. WCGOP does not assess for disposition and except for a few species, all other species have a default mortality rate of 100%. Noted finfish species of concern were five giant sea bass, *Stereolepis gigas* and one soupfin shark, *Galeorhinus galeus*. WCGOP observers also take data on marine mammals and seabird interactions. Observers documented four California sea lions and eight Brandt's cormorants, *Phalacrocorax penicillatus* were observed entangled or killed by trawl gear while fishing within the CHTG.

Performance Criteria 2. Likely damaging the seafloor

The CHTG is located in the Santa Barbara Channel (SBC) over a shallow, broad shelf with an average depth of 28 fathoms. The total area of the CHTG is 172.05 nm². The seafloor within the CHTG is comprised of approximately 98.7% soft substrate and 0.92% hard substrate. The Department utilized logbook data to evaluate fishing locations. Additionally, the Department reviewed information prepared by the National Marine Fisheries Service (NMFS) that indicates that habitat impacts by bottom trawl gear in areas where California halibut trawling occurs have the lowest sensitivity classification for impacts to seafloor habitat by bottom trawl gears. Mean recovery time for trawl gear impacts in the CHTG is estimated by NMFS to be less than one year in the absence of continued fishing (CDFG 2008).

Staff observed net retrieval at the conclusion of every tow looking for evidence of significant bottom contact. The only consistent signs of direct bottom contact were where rust was removed from hanging chains on the foot rope and the bottom, leading edge of the trawl doors. This contact was consistent with the results from a 2013 NOAA study where bottom contact with light touch trawl gear was documented with GoPro cameras mounted on the head rope and trawl doors (Wick et al. 2014). Video analysis showed the footrope skimmed the bottom without contact. The footrope was seen going over the top of several flatfish and crab. Light touch trawl doors were shown to have minimal contact, depending on the contour of the soft bottom.

Performance Criteria 3. Adversely affecting ecosystem health

There are no agreed upon quantitative measures of ecosystem health that can be specifically applied to this fishery. Current state and federal halibut management measures were not implemented to specifically address ecosystem management,

although the current management measures may collectively foster a sustainable bottom trawl fishery and indirectly promote a healthy ecosystem by reducing potential fishery impacts on the system. These measures include:

- Limited entry program to control fishing capacity
- Logbook program to monitor catch location and effort information
- Seasonal closure in the CHTG to protect spawning adults
- Minimum size limit of 22 inches total length (TL) to allow spawning before being available to the fishery
- Within the CHTG, minimum cod-end mesh size of 7.5 inches in length and cod-end not less than 29 meshes long and 47 meshes in circumference to reduce bycatch of immature fish
- Area restrictions (Essential Fish Habitat [EFH] and non-trawl zone)
- Federal at-sea observer coverage to document catch, discards, and bycatch
- Federal and state incidental trip limits for non-target groundfish and non-target halibut to minimize mortality of overfished groundfish species and non-target species
- If taking groundfish in the CHTG and transiting federal waters, or fishing with trawl gear in federal waters, vessel monitoring system is required

The Master Plan provides guidance on how to apply the principles of ecosystem-based fisheries management when making management decisions and identifies a three-step practical approach, including additional inquiries, to managing ecosystem health:

Step 1. Identification of species that play key roles in the ecosystem.

There are many finfish and invertebrate species that utilize the soft bottom habitat of the CHTG. Based on species observed by Department staff and those within the WCGOP dataset, staff identified their key roles and ecological function.

Step 2. Consider management strategies with multiple control measures.

Staff identified management strategies and subsequent control measures which ensure ecosystem health. All control measures are currently in place as regulations governing fishing in the CHTG.

Step 3. Conduct ecological risk assessments (ERA) to understand which links are most critical.

Department subject matter experts identified and scored ERA attributes on multiple fisheries, including halibut trawl. For halibut trawl, the risk to species was considered high, mostly due to high scores for the bycatch and habitat attributes. Samhuri et al. (2018) found that bycatch risk for this fishery was higher compared to other fisheries

evaluated due to the amount of bycatch and perceived relative mortality. Similarly, risk to habitat was considered high for halibut trawl due to possible impacts to soft bottom and structure forming invertebrates (Samhuri et al. 2018). The authors noted that while risk was elevated, soft bottom and habitat forming invertebrates are not that sensitive. Samhuri et al. (2018) suggested that regional ERAs would improve accuracy and are better to address local issues.

Performance Criteria 4. Impedes restoration to kelp, coral, or other biogenic habitats

Giant kelp, *Macrocystis pyrifera* is the dominant canopy-forming kelp species in southern California. Aerial surveys of coastal kelp beds since 1989 have not shown kelp beds in the CHTG, although it can be found in adjacent waters. At least four taxa of coral or coral like species occur in waters within and adjacent to the CHTG, and all but sea pens require hard substrate for attachment. Coral habitats are susceptible to damage from bottom trawling, however direct study of the areas impacted by the halibut trawl fleet in the CHTG has not been done. While trawlers generally avoid hard substrate where corals are found, trawling does occur on the soft substrate where sea pens occur.

The MLMA (FGC §7056(b)) emphasizes the importance of habitat protection and that protecting habitat from potential fishery impacts is essential for preserving healthy and productive marine resources. The Master Plan provides guidance on assessing and addressing potential impacts to achieve the goal of protecting habitats. Staff used the current halibut Enhanced Status Report (ESR) to address the Master Plan's three steps:

Step 1. Describe the habitat utilized by the target species at each life stage.

Step 2. Describe the threats to the habitat utilized.

Step 3. Minimize or mitigate adverse effects fishing activity may have on habitat.

Based on up-to-date information on sensitive habitat, staff mapped current locations and calculated coverage within the CHTG. Mapping showed no kelp habitat within the CHTG and that biogenic/hard bottom habitat within the CHTG was minimal at less than 0.9% coverage. Trawl tows from both vessel logs and Department observations were also mapped to show that the fishermen avoid these sensitive habitats.

INTRODUCTION

Trawling, an effective method for catching California halibut, *Paralichthys californicus*, (halibut), is allowed only in Federal waters and designated trawl ground areas within State waters. Legislation (Fish and Game Code (FGC), Sections (§)8494 to 8497) created the original California Halibut Trawl Grounds (CHTG) in 1971. The original trawl grounds were described as not less than 1 nautical mile off the coast of Santa Barbara and Ventura counties. Subsequent legislative amendments modified the scope and dimensions of the CHTG. In 2004, Senate Bill 1459 was passed, which amended FGC §8495 and §8842, and added §8494 and §8841.

FGC §8495(e) required the Fish and Game Commission (Commission) to review every 3 years, beginning January 1, 2008, information from the groundfish observer program, monitoring information, and any other relevant research, and close any area within the CHTG where trawl gear: 1) does not minimize bycatch; 2) is likely damaging the seafloor; 3) is adversely affecting ecosystem health; or 4) impedes restoration to kelp, coral, or other biogenic habitats. The Department of Fish and Wildlife (Department) considers these four factors as Performance Criteria, which are described below in the Methods section of this report. The Department evaluated the four CHTG sub-areas (A-D) which were defined in 2008 (Figure 1) with the caveat that they must meet the Performance Criteria.

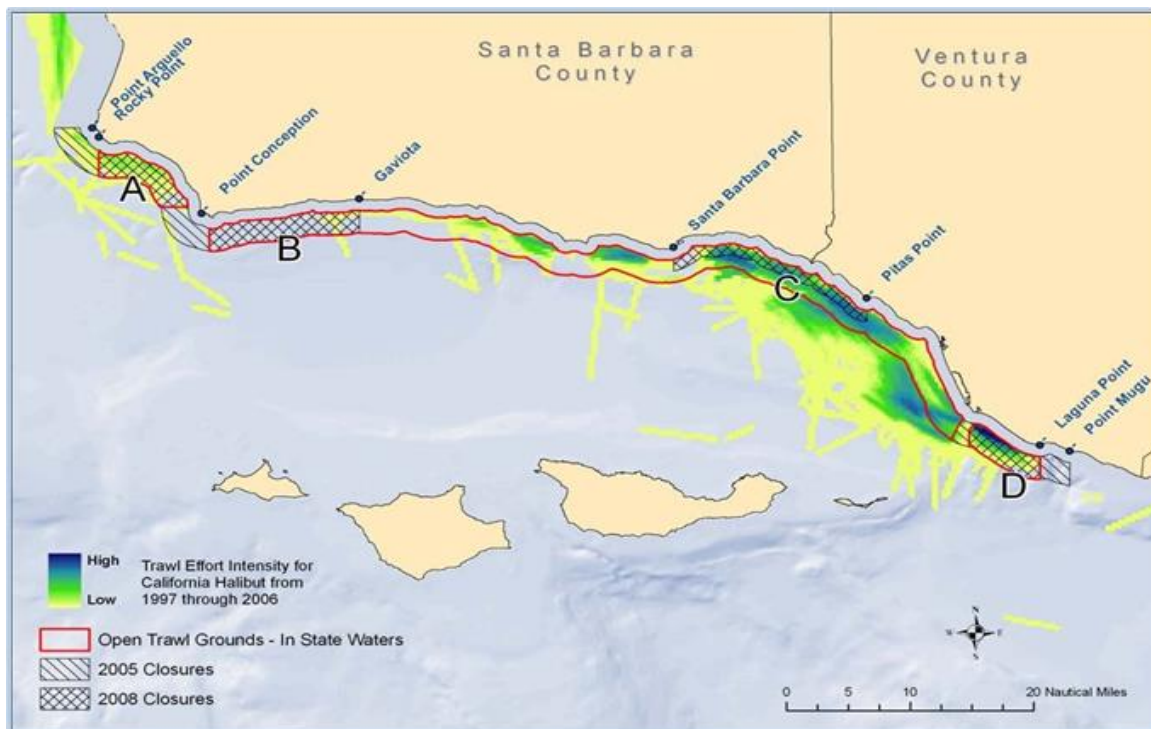


Figure 1 Southern California Halibut Trawl Grounds, including trawl activity based on logbooks, pre-2008. The areas A, B, C, D were evaluated for possible closure by the Commission if performance criteria were not met (CDFG 2008).

In 2008, the Department completed the first evaluation and produced The Review of California Halibut Trawl Fishery in the California Halibut Trawl Grounds that was provided to the Commission at their June meeting (CDFG 2008). As a result of that analysis, the Commission adopted a closure of one sub-area within the CHTG, located between Gaviota and Point Conception (Figure 1, area B). This area, based on data at the time, had the highest percentage of hard bottom substrate and smallest economic benefit. The Commission found that the halibut trawl fishery satisfied the Performance Criteria in the three other subareas and no other changes were made. Since the first evaluation in 2008, the CHTG have not been reviewed.

In 2018, Senate Bill 1309 (which became FGC §8495 (a)(2) and (a)(3)) created two additional CHTG areas within State waters, one in the formerly trawled area of Monterey Bay and the other near Port San Luis (San Luis Obispo County). While created in FGC, both areas remain closed to trawling since neither area has been fully assessed. Industry has requested the Commission open these new areas so Monterey Bay and Port San Luis trawl fishermen can fish their local trawl grounds. Concurrently, stakeholders requested the Commission to assess the southern CHTG as required in FGC. In 2021, the Department proposed to assess the existing and new sections of the CHTG, using the Performance Criteria in FGC §8495(e). However, due to constraints of using trawl gear in a closed area and the inability to sell fish taken under a scientific study, the Department paused efforts on evaluating the new trawl areas and proceeded with evaluating the existing southern CHTG (Figure 2) in 2022.

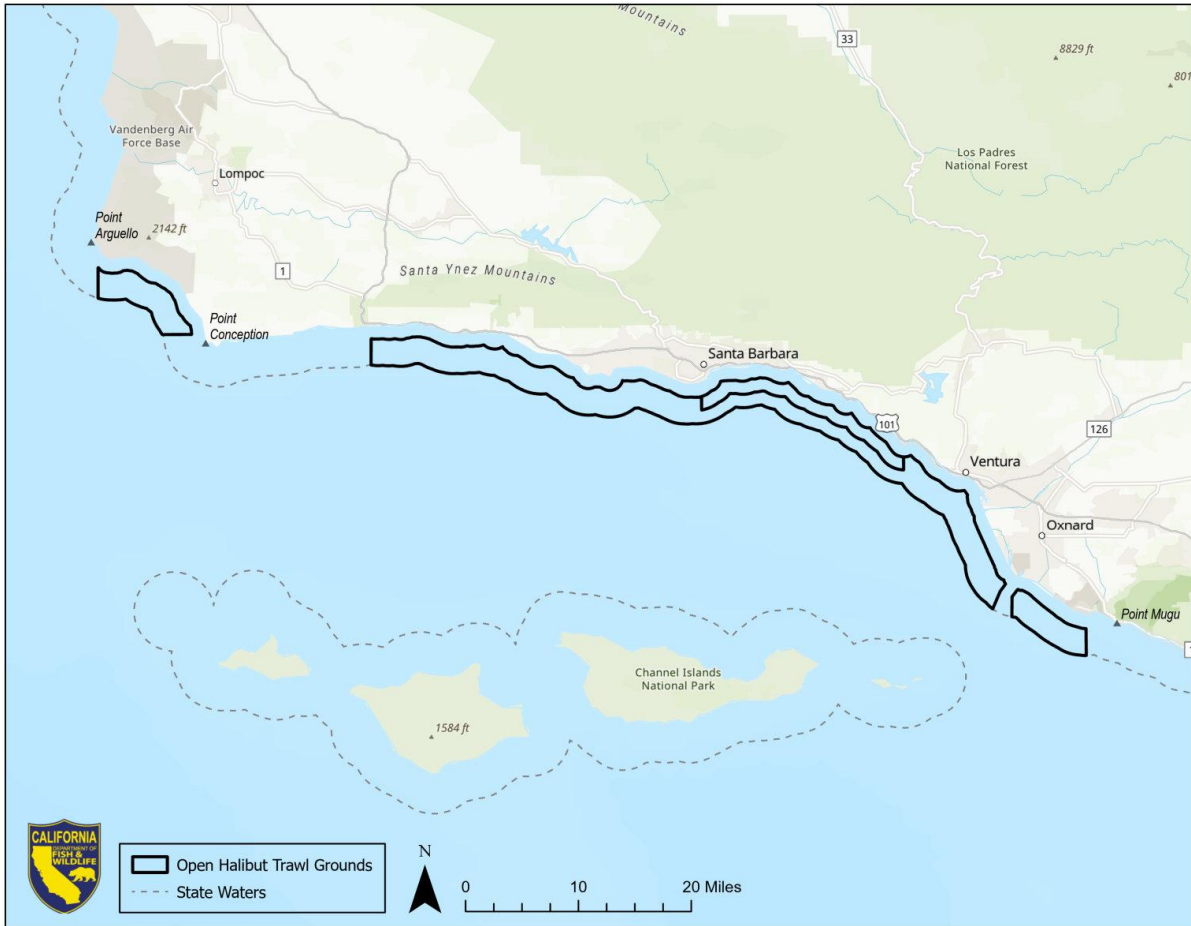


Figure 2 Current California Halibut Trawl Grounds

Overview of the Southern Trawl Fishery

Halibut is an important flatfish species in the commercial fisheries of central and southern California. Historically, the trawl fishery operating within the CHTG was a low-volume, high-price fishery that supplied local seafood restaurants with a live product that generally commanded a premium price about 1.5 times greater than a dead product. This component of the fishery was developed in the early 1990s, continuing into the mid-2000's, and was unique because the tow duration for live halibut is approximately a third of the average tow duration for the northern dead fish fishery. However, the live halibut fishery ceased in the early 2010's due to a decline in market demand for live halibut and competition for market share by lower priced halibut imports. Despite these challenges, a small vessel CHTG fishery continues to supply fresh and local halibut to consumers, utilizing the same short tow duration to provide a high-quality product.

Fleet Profile

Statewide, there are 41 Halibut Bottom Trawl state permitted trawlers (2022-23 license year) with vessel lengths up to 71 feet (ft). These vessels operate from federal waters near San Francisco to federal waters off southern California and within the CHTG. Groundfish trawlers, using conventional trawl gear in federal waters, may land up to 150 pounds (lb) of incidentally taken halibut without a Halibut Bottom Trawl Permit. Halibut trawlers with groundfish and Halibut Bottom Trawl Permits are considered Limited Entry (LE) under federal standards and trawlers without a groundfish permit are classified as Open Access (OA). In 2011, all West Coast Groundfish Observer Program (WCGOP) observed data from LE trawl activities, whether groundfish or halibut, were included in catch share trawl estimates (Jannot et al 2021). As of 2023, the halibut trawl fishery has seven LE trawlers, but none have been active in the halibut fishery since 2013 (Somers et al. 2023). South of Point Arguello, there are 14 state permitted trawlers with vessel lengths from 26 to 50 ft with an average length of 41 ft. Of the 14, 11 trawlers have home ports within the area of the CHTG (CDFW 2022). Vessels are usually fished with a single fisherman; some may take a deckhand. However, not all permitted trawlers are active in the fishery.

CHTG Regulatory History and Current Regulations

The laws governing the CHTG reside in FGC and Title 14, California Code of Regulations (CCR). Since 1971, the design of the CHTG off the Santa Barbara coast and laws governing trawl fishing have changed (Table 1). No vessel can use bottom trawling gear without a state or federal permit. FGC §8494 requires anyone who uses bottom trawl gear in state-managed halibut fisheries to possess a Halibut Bottom Trawl Permit issued by the Department. A total of 61 permits were initially issued in 2006 and through attrition these permits have decreased in number. For the 2022-23 license year, there were 41 Halibut Bottom Trawl permits renewed. There is a 3-month seasonal closure (March 15-June 15) for trawl gear within the CHTG.

Table 1 Rules governing trawl fishing within the CHTG (CDFW 2022).

Year enacted	FGC section	Action
1971	8495	California Halibut Trawl Grounds (CHTG) creation, 1 nautical mile (nm) minimum from shore and 25 fathoms (fm) maximum depth. Point Arguello (Santa Barbara Co) to Point Mugu (Ventura Co).
1971	8496	Established CHTG season of June 1-January 30. Amended in 1972 to open season of June 16-March 14.
1971	8497	Gives Director authority to close any part of the CHTG if irreparable damage to the halibut resource or other fishery operations were to occur due to trawl nets.
1972	8843	Minimum cod-end mesh of 7.5 inches (in) required.
1989	8495	25 fm maximum depth removed.

Year enacted	FGC section	Action
1993	8495	3 nm seaward boundary established.
2005	8495	Area closures at Point Arguello, Point Conception, and Point Mugu. These areas account for 13% of the CHTG.
2008	8495	Four sub-areas identified for possible closure (additional 42%). Performance criteria to evaluate trawling in the CHTG established. The Commission was granted authority to close any of these areas if Performance Criteria were not met. Only one sub-area (B) has been closed. Requires a review of the CHTG every 3 years.
2008	124	Defines and requires light touch trawl gear within the CHTG.
2018	8495	Additional CHTG areas created off Port San Luis and within Monterey Bay. Areas to remain closed unless the Commission takes action to open these areas to halibut trawl fishing.

Permitted trawlers must use light touch trawl gear within the CHTG. Required in Title 14 CCR §124(b), light touch trawl gear limits door weight to 500 lb, requires 7.5-in cod-end mesh, and prohibits use of rollers or bobbins. Nets are also constructed with thinner twine and shall have a maximum headrope length of 90 ft. Drop loop chains (Figure 3) are allowed and commonly used by fishermen.

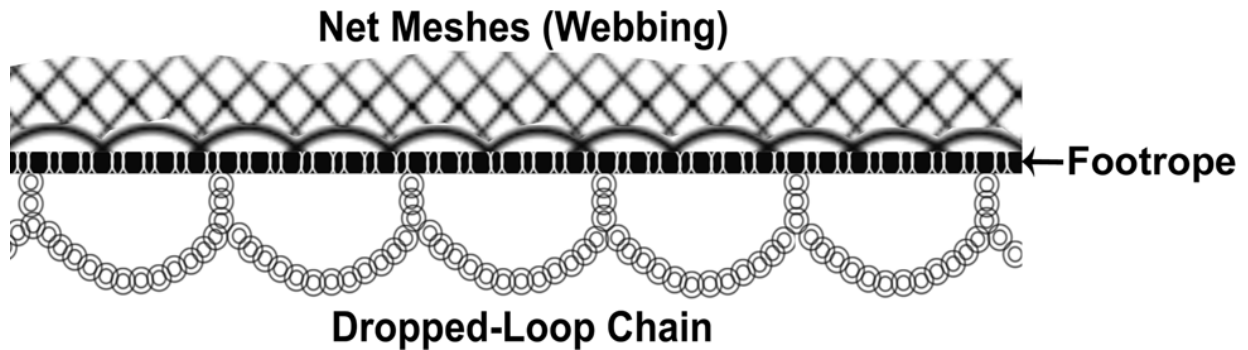


Figure 3 Example of dropped-loop chain common on light touch trawl gear (CDFG 2008).

While each fisherman will design and make their nets to comply with legal standards, each fisherman's net is a variation of the paranzella net (Figure 4).

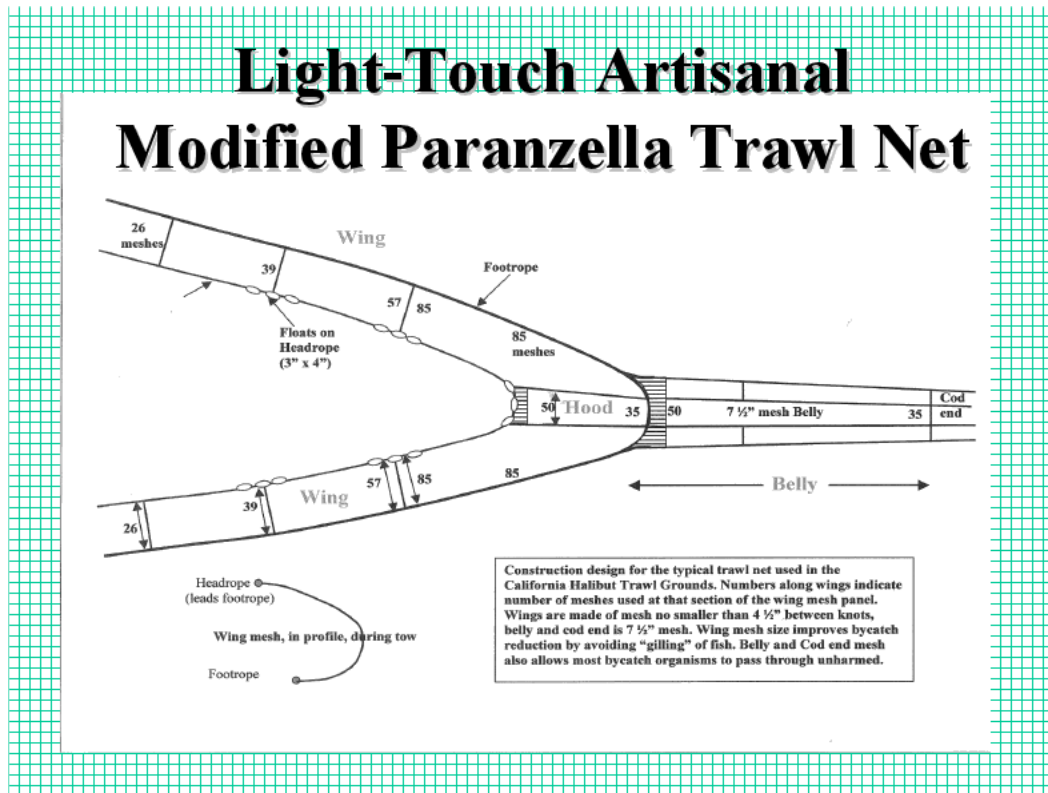


Figure 4 Diagram of a light touch trawl paranzella net (CDFW 2022).

Vessel operators are required to self-report fishing activities through a mandatory logbook and submit these monthly to the Department. Trawl vessels are also subject to mandatory observation by NMFS' WCGOP due to the incidental capture of groundfish species. WCGOP observers document discarded species and encountered protected species (including marine mammals and sea birds) and collect biological data depending on management needs. Historically, median observer coverage for the statewide OA halibut trawl fleet is 7% with coverage of 4% in 2022 (Somers et al. 2023). LE coverage is 100%, but none of the vessels have targeted halibut since 2013 (Somers et al. 2023). The data collected by WCGOP observers contributes to fleet level catch estimates produced by National Oceanic and Atmospheric Administration's (NOAA) Fisheries Observation Science Program.

Southern Trawl Landings

Trawl gear is a significant producer of southern halibut catch, second to commercial set gill net and greater than hook and line gear. Halibut trawl catch from the CHTG contributes a majority of southern trawl halibut landings (Table 2) and about 19% of all southern commercial halibut landings.

Table 2 Halibut catch (2018-22) from CHTG compared to catch from southern trawl and all commercial gears combined.

Year	Southern California Halibut Landings All Gears Combined	Southern Trawl Landings All Areas	CHTG Landings Only	CHTG Percentage of Southern Trawl Catch	CHTG Percentage of All Commercial Gears
2018	220,497	65,486	41,412	63%	19%
2019	248,831	54,555	41,786	77%	17%
2020	201,139	49,111	40,950	83%	20%
2021	246,154	59,117	46,334	78%	19%
2022	221,868	49,982	41,435	83%	19%

METHODS

During the CHTG open season of June 16, 2022 to March 14, 2023, Department staff conducted nine observation trips aboard permitted trawlers to document species composition and disposition of catch caught by light touch trawl gear within the grounds. FGC §8495(e) mandates the Commission evaluate information from WCGOP and other available research and monitoring information to determine the acceptability of bycatch, assess seafloor and habitat impacts from trawl gear, determine if trawling negatively effects ecosystem health, and determine if trawling harms coral, kelp, or other biogenic habitats. The statute specifically mandates that special attention be paid to areas with kelp, hard bottom, and other biogenic habitats that may be particularly sensitive to bottom trawl impacts.

Observation day selection and fishing location

Department staff observed trawl trips aboard permitted trawl vessels targeting halibut within the CHTG. With an observation goal of one trip per month, days were selected pending staff availability, weather, and federal observer assignments for that vessel (the latter to avoid duplication of effort). Other scheduling considerations included market orders which dictated delivery dates and each fisherman’s availability to fish on the day staff was available.

Onboard observations reflected trawl fishing reality with participating fishermen selecting their trawl locations based on swell direction, depth, forage, previous halibut catch at that location, presence of storm runoff debris, and fuel cost. Tow duration and direction were at the discretion of the fisherman and not directed by the observer. Observers recorded start, mid, and end positions/time and depths for each tow. Mapped in GIS, tow positions were compared to known areas of biogenic habitat and kelp beds.

Onboard catch observation and bycatch assessment

Once the contents of the cod-end from an observed trawl tow were emptied on the deck, Department staff and the fisherman separated catch by species type into bins containing fresh seawater. For high numbers of a single species, a single bin was used for that species. The fisherman would then set course and prepare to set again. All assessed catch remained in bins with fresh seawater and then were released when the next tow was hauled to avoid double counting of individuals. Department staff documented observed catch and discard information to inform bycatch acceptability as directed by the MLMA Master Plan (CDFW 2018).

For each tow, except for legal-sized halibut and marketable finfish, all finfish and invertebrates caught were assessed as live or dead when the contents of the bag were emptied. All finfish and invertebrates were counted and weighed to the nearest 0.1 lb (if possible) in aggregate by species and disposition. Species not retained for market or scientific sampling were released at the end of the preceding tow. All live sublegal-sized halibut were assessed for condition and released. Dead sublegal-sized halibut were retained by Department staff for Essential Fishery Information (EFI) if time allowed for processing. Legal-sized halibut were also sampled for EFI, including collecting otoliths from randomly selected fish for length at age information.

Analysis of WCGOP data

As described briefly above, the halibut trawl fishery is observed by NMFS' WCGOP. Observers document discarded species by counts and weights and retained species by weight (WCGOP 2022). While observers document bycatch species, disposition at time of capture (live or dead) is not recorded, with a few exceptions. Observers also document marine mammal and seabird interactions.

Historic data for evaluation

In 2007, legislation closed state waters within Monterey Bay to trawling for halibut. While this present study was not able to obtain new observer data in this area, a state/federal collaborative study from 2013 on the habitat impacts of light touch trawl gear within Monterey Bay is referenced to provide some perspective. This study (Wick et al. 2014) documented bottom impacts, species composition and disposition, and reviewed economic influence of light touch trawl gear. The Department also conducted two trawl surveys (2007 and 2010) (using 4.5 in. mesh) in the formerly trawled area of Monterey Bay. These surveys documented catch composition. No special status or species of concern were caught during either survey (CDFG 2007; CDFG 2010).

Applying Performance Criteria

Performance Criteria 1. Does not minimize bycatch

The MLMA defines bycatch as “fish or other marine life that are taken in a fishery but are not the target of the fishery. Bycatch includes discards” (FGC §90.5). The MLMA goes on to provide additional clarification on discards to include regulatory discards or discretionary discards. Discarded catch may be returned to the sea alive, dead, or dying, and it is important to assess the mortality rate to evaluate impacts. It is also important to note that while all discards are defined as bycatch under the definition, the discard of live catch may not pose a risk to a bycatch species, and discarding can be an effective management strategy to protect some individuals in which survival is expected to be high. To achieve the goal of minimizing unacceptable bycatch, the MLMA requires that the Department manage every sport and commercial marine fishery in a way that limits bycatch to acceptable types and amounts (FGC §7056). The Master Plan outlines a four-step process to identify bycatch and assess its potential impacts on sustainability, the ecosystem, and socioeconomics:

1. Collect information on the amount and type of catch
2. Distinguish which species are target, incidental, and bycatch
3. Determine acceptable types and amounts of bycatch as prescribed in §7085(b)
 - a. Legality of catch
 - b. Degree of threat to the sustainability of the bycatch species
 - c. Impacts on fisheries that target the bycatch species
 - d. Ecosystem impacts
 - e. Address unacceptable bycatch as prescribed in §7085(c)
4. Are measures in place to minimize the impact of the fishery on bycatch species and ensure the fishery does not overfish or hinder the recovery of bycatch species?
 - a. Are bycatch management measures likely to decrease unintended, non-retainable, and/or dead catch of non-target species?
 - b. Are bycatch management measures being implemented successfully?
 - c. Have bycatch management measures been shown to be effective at reducing bycatch and/or bycatch mortality in similar fisheries?
 - d. What is the economic impact of implementing management measures to reduce bycatch and bycatch mortality to those participating in the fishery in which the bycatch occurs?

The Department evaluated select bycatch from the CHTG study using the above criteria from the Master Plan. Since no threatened, endangered, or species of concern were caught, staff selected ten species for analysis based on the number captured during the

study (Appendices 1a-1j). Each analysis considers the legality of take, current management, threats to sustainability, impacts to fisheries and impacts to ecosystems. The analysis was performed with reference to the West Coast Groundfish Fishery Management Plan (FMP) (Pacific Fishery Management Council 2022a), Fishbase.org, and input from Department subject matter experts.

Performance Criteria 2. Likely damaging the seafloor

The CHTG occurs over a shallow, relatively wide portion of the continental shelf within the northern section of the Southern California Bight. However, there are two deep submarine canyons, Hueneme Canyon and Mugu Canyon that also transect the CHTG. The average depth of the grounds is 28 fathoms and ranges from 6-212 fathoms. Most fishing effort is focused in the shallowest areas, over average depths of 18 fathoms. The seafloor is primarily described as soft bottom habitat (approximately 98.7%) that is relatively flat, with some sand ripples and burrows that provide vertical relief and some bedrock found between Pt. Arguello and Pt. Conception (Figure 5) and the shelf area between Gaviota and Goleta (Figure 6). There is limited hard substrate in the CHTG off Santa Barbara to Point Mugu (Figures 7 and 8). Overall, there are patches of hard or mixed substrate (approximately 0.87%) (CDFG 2023) throughout the CHTG; however, halibut trawlers generally avoid these areas.

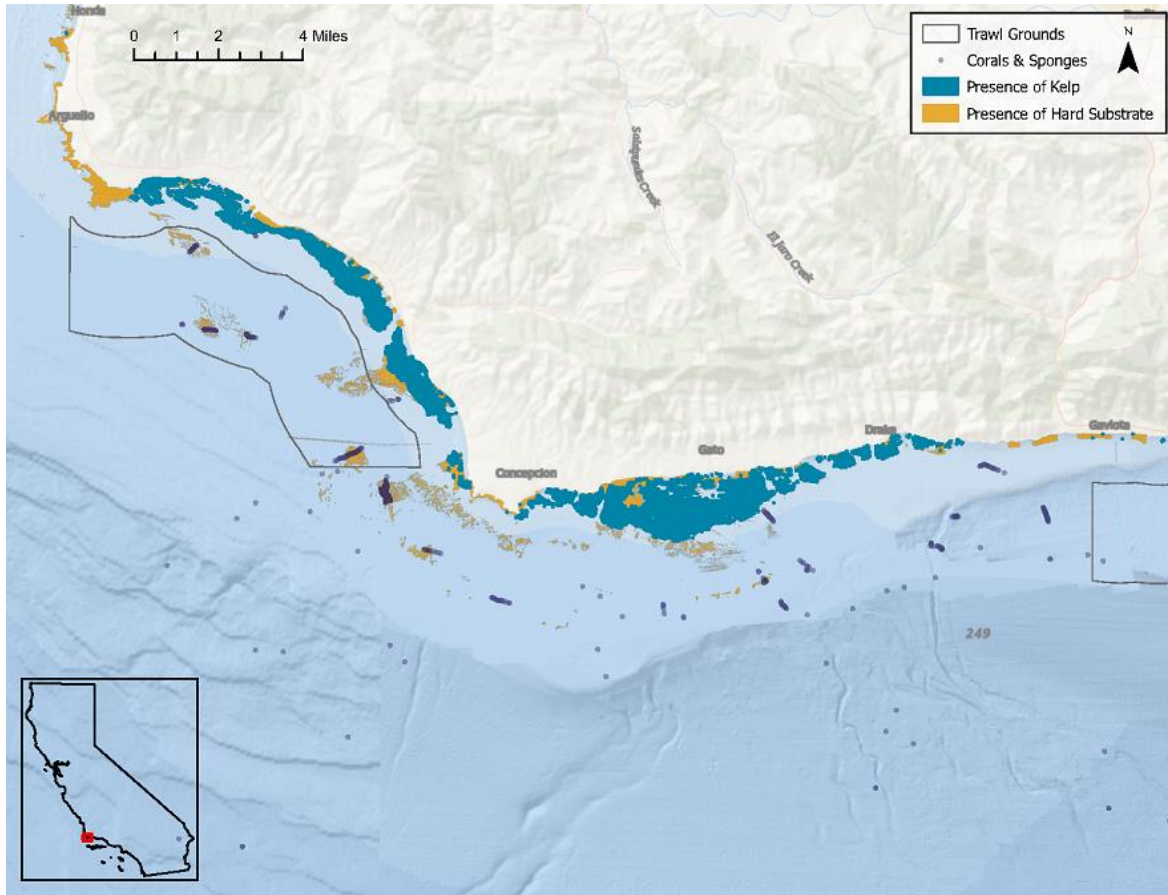


Figure 5 Biogenic habitat from Point Arguello to Point Conception (CDFW 2016, 2023) (NOAA 2023).

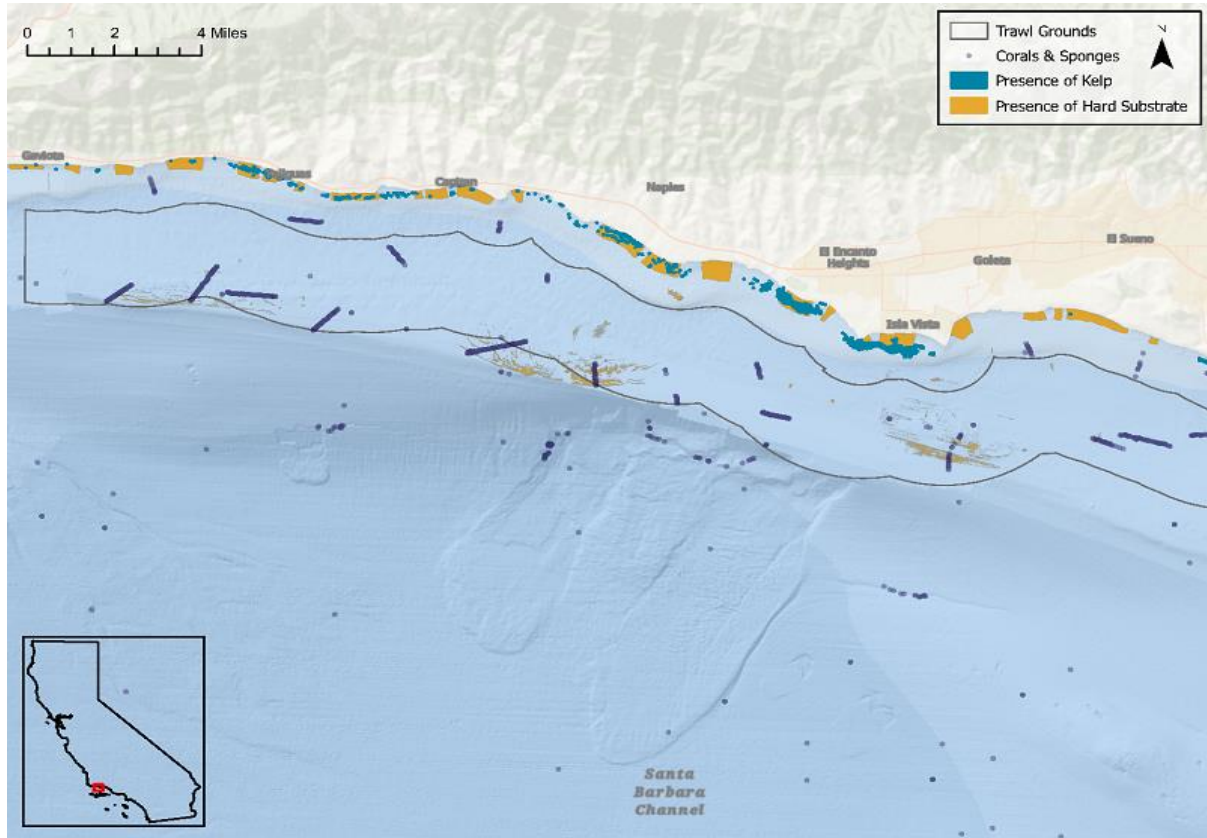


Figure 6 Biogenic habitat from Gaviota to Santa Barbara (CDFW 2016, 2023) (NOAA 2023).

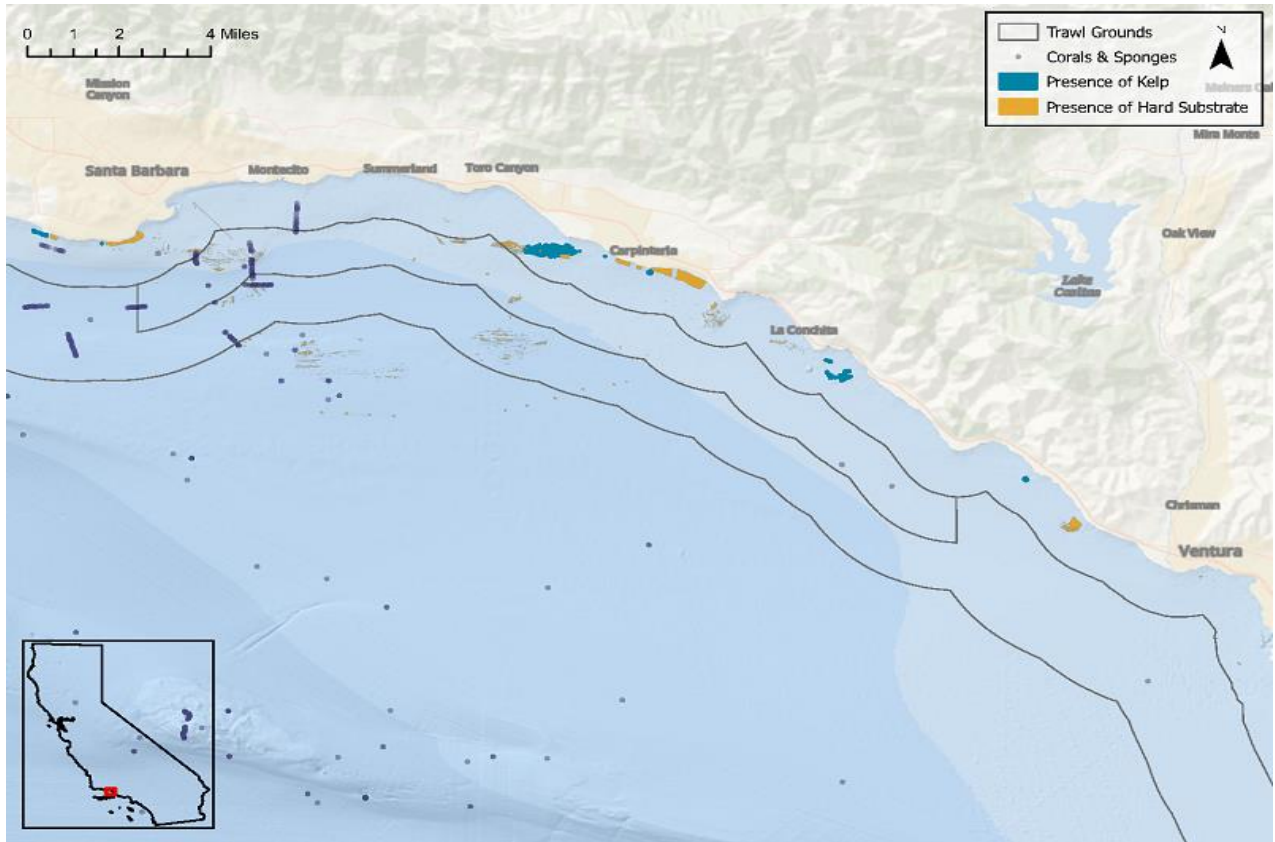


Figure 7 Biogenic and hard bottom habitat Santa Barbara to Ventura (CDFW 2016, 2023) (NOAA 2023).

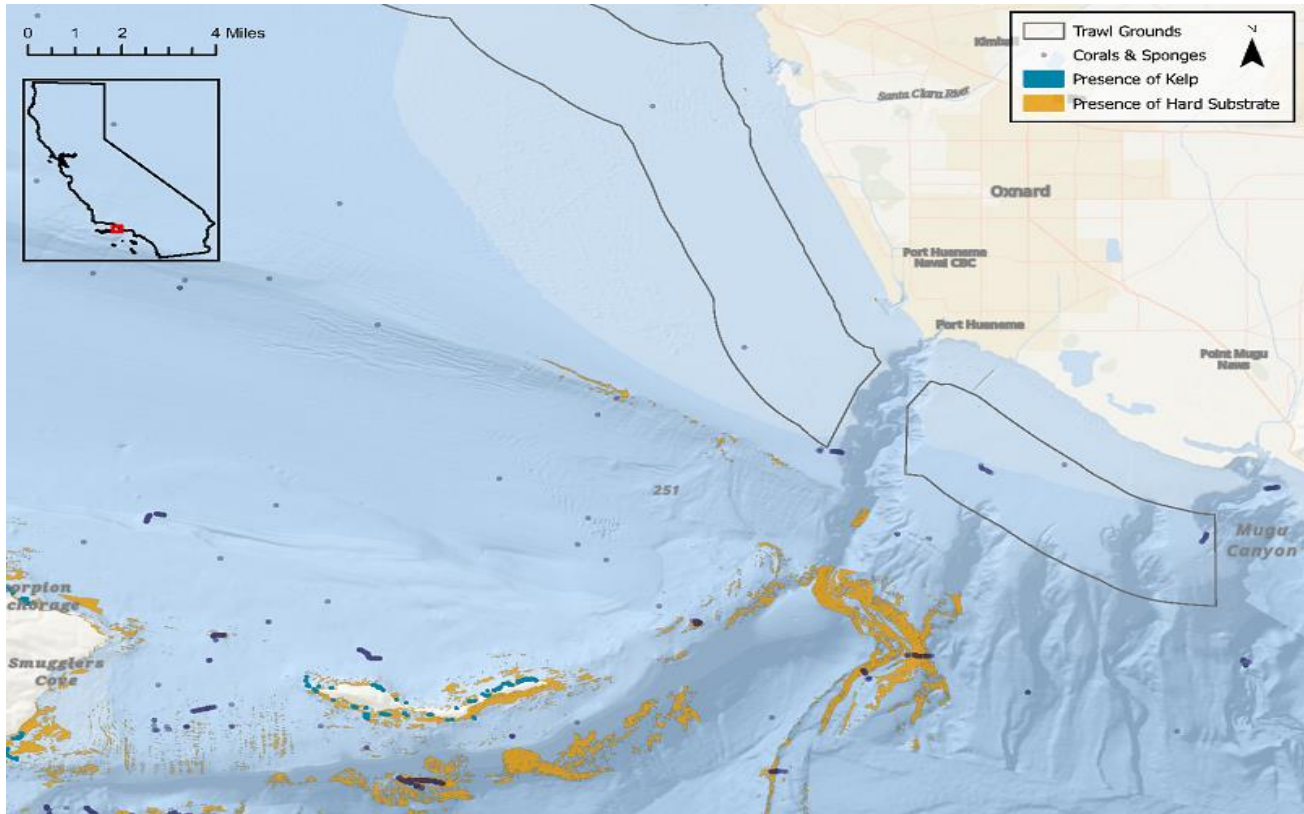


Figure 8 Biogenic and hard bottom habitat off Oxnard and Point Mugu (CDFW 2016, 2023) (NOAA 2023).

Few studies have been undertaken to evaluate the impacts of trawl gear off the west coast; however, in 2013, NOAA staff, Department staff, and fishermen from the Southern California Trawlers Association tested the bottom impact (Wick et al. 2014) of light touch trawl gear in the formerly trawled area of Monterey Bay. Since the same trawl gear in this study was observed, Department staff referenced this document to discuss potential impacts of using light touch trawl gear in the CHTG. In unrelated work, Lindholm (2014) investigated the impacts of small footrope gear on softbottom habitat in federal waters off central California.

While onboard, during the 2013 evaluation of light touch trawl gear, observers documented evidence of bottom contact by trawl gear by examining the gear after each tow and video coverage. NOAA staff placed cameras on the doors and headrope to document bottom contact. For the 2022 assessment, Department staff inspected the trawl doors and foot rope for evidence of bottom contact.

Performance Criteria 3. Adversely affecting ecosystem health

The Master Plan recognizes that managing a resource at the ecosystem level has several challenges due to a lack of data. However, the Master Plan recommends that

despite the challenges, managers should apply principles of managing at the ecosystem level. The process to evaluate ecosystem impacts includes:

1. Identification of species that play key roles in the ecosystem.
2. Considering management strategies with multiple control measures.
3. Conducting an ecological risk assessment to understand which links are most critical. There are several inquiries and recommendations for this step.

The MLMA identifies preserving ecosystem function as a primary goal for sustaining commercial and recreational species over time. Sustainably managing species that play a key role within the ecosystem to maintain their population structures and the ecosystem services and functions these species provide is necessary to meet this goal. To identify important species with significant ecosystem function, staff considered the known life history function of those non-groundfish species captured. To determine the status of groundfish species, Department staff will look to NOAA's list of Ecosystem Component species which is Table 3-2 within the Groundfish FMP (Pacific Fishery Management Council 2022a).

An ecosystem-based fisheries management goal is more likely to be achieved through an integrated management strategy, involving multiple combinations of management measures, such as quotas, size limits, gear controls, and effort restrictions, when compared to a single restriction strategy. To meet the ecological, economic and social objectives for successful ecosystem-based management, a combination of management measures may provide protection to different aspects of ecosystem function and should be considered.

Additionally, understanding which ecological links, even a qualitative or semi-qualitative understanding of these relationships, can be used to make decisions to support ecosystem interactions. Understanding the main drivers and uncertainties in the ecosystem allows for precautionary management approaches to be considered or where additional information is needed for management. Utilizing the Master Plan's process for a Productivity and Susceptibility Analysis (PSA), the Department identified and ranked 36 finfish and invertebrate species with management priority. The halibut trawl fishery was ranked as medium priority based on the PSA results. To address and balance policy, stakeholder, and ecological needs, researchers and the Department further developed the Ecological Risk Assessment (ERA) process to identify species which may require additional management action (Samhuri et al 2019). Statewide, halibut trawl was ranked as high risk due to bycatch and potential habitat impacts.

Performance Criteria 4. Impedes restoration to kelp, coral, or other biogenic habitats

Biogenic habitats, made by living organisms, provide structure for other species and contribute significant ecological functions (Loh et al. 2019). The MLMA recognizes the importance of biogenic habitat protection and that managers must manage commercial fisheries with the goal of maintaining, restoring, or enhancing fishery habitat. The most common biogenic habitats off southern California include kelp and coral species, seagrasses, and other structure-forming invertebrates. Seagrasses are restricted to shallower depths in nearshore waters and are not directly influenced by trawling activity within the CHTG. A variety of kelp, coral and other biogenic habitats do occur in waters within or adjacent to the CHTGs; however, the CHTG's primary habitat is soft bottom (sand/mud) with isolated areas of hard bottom habitat.

There are three steps, each with sub-steps, described in the Master Plan on how to assess and address habitat impacts:

1. Describe the habitat utilized by the target species at each life stage.
2. Describe the threats to the habitat utilized.
3. Minimize or mitigate adverse effects fishing activity may have on habitat.

The Department used available information in the California Halibut Enhanced Status Report (ESR) (CDFW 2022) and current GIS data (CDFW 2016, 2023) (NOAA 2023) to address questions 1 and 2. To answer question 3, the Department referred to the results from the 2013 Monterey Bay light touch trawl study (Wick et al. 2014) to discuss potential impacts of this trawl gear on soft bottom habitats. The 2013 study used the same light touch trawl gear used in the CHTG today. No video surveys were conducted for the 2022 CHTG assessment. However, to determine the extent that the CHTG trawl fishery encountered kelp, coral, or hard bottom habitat, Department staff reviewed recent tow activity from logbooks and mapped these tow locations along with the observed tows from the assessment against known biogenic habitat locations.

RESULTS

Staff observed nine trawl trips aboard permitted trawlers, totaling 29 tows fishing in the CHTG during the period July 2022 through March 2023; 25 of the 29 tows occurred in sub-area C (Figure 1). Staff conducted an observation trip within the CHTG every month within the open fishing season except June 2022, and January and February 2023. Based on the number of landings by the fleet during the open season of the CHTG, staff was able to observe approximately 4.9% of available landings for the period. No observation trips were conducted during June due to staff travel conflicts and the participating vessel having a federal observer aboard. One trip was taken in January,

but fishing activity occurred outside of the CHTG due to storm debris found within the normal CHTG fishing grounds. No observations were conducted in February 2023 due to extended periods of storms and high winds. Offshore debris from high storm runoff posed a safety issue on the water, temporarily limiting fishing effort.

Performance Criteria 1. Does not minimize bycatch

Staff counted and assessed (live or dead) 21 invertebrate species and 34 finfish (Table 3). No finfish or invertebrate species of special concern, marine mammals, or birds were taken or injured. California sea lions, *Zalophus californianus*, were observed taking fish from the cod-end and following the vessel. Of the 2,152 organisms counted, 77.9% were assessed as live and released and 9.2% of species caught were retained and sold. Across all observed trips, the largest fantail sole, *Xystreurus liolepis*; legal-sized Pacific angel sharks, *Squatina californica*; and legal-sized halibut were the only species retained for sale. Marketable species such as mantis shrimp, *Hemisquilla ensigera californiensis*; starry flounder, *Platichthys stellatus*; and sand sole, *Psettichthys melanostictus*, were not retained due to the low number caught. Federally-managed groundfish species were not retained due to lack of market demand. Sea pens were encountered on the foot rope during the first observation trip. While noted, they were not counted.

Table 3 Observed and assessed catch from the net cod-end. *= killed by sea lions. **= includes four killed by sea lions.

Scientific Name	Common Name	Count (kept for market)	Count (release live)	Count (released dead)	Total Count	Total Weight
<i>Raja inornata</i>	California skate		640	2	642	735.9
<i>Zaniolepis latipinnis</i>	longspine combfish		99	120	219	9.7
<i>Paralichthys californicus</i>	halibut-legal	153		4*	157	1195.3
<i>Paralichthys californicus</i>	halibut-sublegal		119	24**	143	347.7
<i>Squatina californica</i>	Pacific angel shark	19	90		109	1291.2
<i>Metacarcinus gracilis</i>	slender crab		100	5	105	32.9
<i>Pleuronichthys verticalis</i>	hornyhead turbot		86	2	88	42.8
<i>Metacarcinus anthonyi</i>	yellow rock crab		79		79	54.7
<i>Loxorhynchus grandis</i>	sheep crab		75	2	77	198
<i>Zalembius rosaceus</i>	pink seaperch		7	59	66	2.7
<i>Octopus spp.</i>	Octopus		35	1	36	
<i>Parophrys vetulus</i>	English sole		32	3	35	17.4
<i>Xystreurus liolepis</i>	fantail sole	27	3		30	36.8
<i>Kelletia kelletii</i>	Kellets whelk		24		24	6.5

Scientific Name	Common Name	Count (kept for market)	Count (release live)	Count (released dead)	Total Count	Total Weight
<i>Scorpaena guttata</i>	California scorpionfish		22		22	15.8
<i>Genyonemus lineatus</i>	white croaker		14	8	22	4.8
<i>Cancer productus</i>	red rock crab		19		19	12.5
	sea star		19		19	0.4
<i>Squalus suckleyi</i>	spiny dogfish		13	6	19	76.8
<i>Citharichthys sordidus</i>	Pacific sanddab		6	12	18	0.9
<i>Tetronarce californica</i>	Pacific electric ray		17		17	39.45
<i>Nudibranchia</i>	Nudibranch		16		16	
<i>Salpidae</i>	Salp		15		15	
<i>Platymera gaudichaudii</i>	armed box crab		14		14	3.4
<i>Paralabrax nebulifer</i>	barred sand bass		9	5	14	28.4
<i>Ophiuroidea</i>	brittle star		12		12	
<i>Porichthys notatus</i>	plainfin midshipmen		10	1	11	5.3
	skate eggs		11		11	
<i>Sebastes semicinctus</i>	halfbanded rockfish		3	7	10	0.8
<i>Pagurus spp.</i>	hermit crab		10		10	5.9
<i>Aplysia californica</i>	sea hare		8	1	9	0.2
<i>Myliobatis californica</i>	bat ray		8		8	57.8
<i>Porichthys myriaster</i>	specklefin midshipman		8		8	3.8
<i>Pleuronichthys decurrens</i>	curlfin turbot		4	3	7	3.6
<i>Cephaloscyllium ventriosum</i>	swell shark		7		7	7.9
<i>Synodus lucioceps</i>	California lizardfish		4	2	6	2.1
<i>Leptocottus armatus</i>	Pacific staghorn sculpin		6		6	
<i>Seriphus politus</i>	queenfish		1	5	6	0.5
<i>Panulirus interruptus</i>	CA spiny lobster		4		4	3.7
<i>Symphurus atricauda</i>	California tonguefish		2	2	4	
<i>Rhinobatos productus</i>	shovelnose guitarfish		4		4	21.7
<i>Doryteuthis opalescens</i>	market squid		3		3	
<i>Armina californica</i>	striped nudibranch		3		3	
<i>Heterodontus francisci</i>	horn shark		2		2	3.5
<i>Hemisquilla ensigera californiensis</i>	mantis shrimp		2		2	0.3
<i>Sicyonia ingentis</i>	ridgeback prawn		2		2	

Scientific Name	Common Name	Count (kept for market)	Count (release live)	Count (released dead)	Total Count	Total Weight
<i>Psettichthys melanostictus</i>	sand sole		1	1	2	1.7
<i>Beringraja binoculata</i>	big skate		1		1	22
<i>Blenniidae</i>	blenny		1		1	
<i>Romaleon antennarium</i>	brown rock crab		1		1	0.2
<i>Sebastes auriculatus</i>	brown rockfish		1		1	4.4
<i>Menticirrhus undulatus</i>	California corbina			1	1	2.1
<i>Pugettia gracilis</i>	kelp crab		1		1	0.1
<i>Acanthodoris lutea</i>	orange peel doris		1		1	
<i>Agonopsis sterletus</i>	southern spearpoint poacher			1	1	
<i>Roncador stearnsii</i>	spotfin croaker		1		1	0.2
<i>Platichthys stellatus</i>	starry flounder		1		1	0.4
	Grand Total	199	1,676	277	2,152	4,302.25

Following the bycatch criteria from the Master Plan, the Department evaluated ten species for analysis based on the number captured (Appendices 1a-1j). No threatened, endangered, or species of concern were caught. The ten species (seven finfish, three invertebrates) that were evaluated included: California skate, *Raja inornate*; slender crab, *Metacarcinus gracilis*; longspine combfish, *Zaniolepis latipinnis*; halibut (sublegal), Pacific angel shark, hornyhead turbot, *Pleuronichthys verticalis*; yellow rock crab, *Metacarcinus anthonyi*; sheep crab, *Loxorhynchus grandis*; pink seaperch, *Zalembeus rosaceus*; and English sole, *Parophrys vetulus*.

Except legal-sized Pacific angel shark, the remaining nine species analyzed are released as discards due to lack of market demand, management measures, or the species is not marketable. Two of the ten species are federally managed and one (California skate) is an Ecosystem Component species. Ecosystem Component species are not targeted or retained, are not overfished or approaching overfished status. Six of the ten have management regulations in place. Unmarketable species included pink sea perch, longspine combfish, and slender crab. Marketable species not retained included English sole, yellow rock crab, sheep crab, and hornyhead turbot.

Discard mortality

Kelp pieces, broken kelp holdfasts, plastic trash, abandoned crab traps, and other debris were present during five of seven observation trips. This debris had the effect of plugging the cod-end mesh, increasing the presence and likely mortality of smaller fish such as pink seaperch and longspine combfish. All observed holdfasts and kelp parts

were already senesced before capture by the net. While noted, these items were not counted or weighed.

Total mortality for all assessed species combined, including species killed by sea lions was 12.9%. Finfish mortality was 15.9% when including those that were killed by sea lions. Without sea lion induced mortality, finfish mortality was 15.4%. Invertebrate mortality was 2%. Of those species released dead during the assessment, the majority (64.6%) consisted of longspine combfish and pink seaperch.

Using the same gear in the north Monterey trawl study, observed mortality was 14.5% for all finfish combined. Invertebrate mortality was lower than finfish mortality at 2.7% (Wick et al. 2014).

By comparison WCGOP uses calculated trawl release mortality estimates of 50% for big skate, *Beringraja binoculata*; lingcod, *Ophiodon elongatus*; longnose skate, *Raja rhina*; and sablefish, *Anoplopoma fimbria* (Somers et al. 2023). These estimates were developed by the Pacific Fisheries Management Council's Groundfish Management Team and Scientific and Statistical Committee for management and stock assessments. Somers (2023) noted that these rates reflect potential survivorship of these species based on previous studies. Due to the lack of relevant studies, all other observed species have a default mortality rate of 100% (Somers et al. 2021) regardless of on deck disposition. While the observer program uses a default 100% mortality estimate for most trawl-caught bycatch species, CHTG fishery participants assert that the majority of bycatch is released in a live condition, which was confirmed by Department observers.

Analysis of WCGOP data

WCGOP observers document discarded species by number and weight and retained species by weight. Observers also recorded non-fisheries catch such as debris, traps, and kelp. Animals not identified to species were grouped together by genera or as unidentified. WCGOP observer coverage rates are made at the fleet level, but locally vary based on landings and the number of observable vessels assigned to an area observer. For the period of 2002-22, WCGOP observed the statewide Open Access halibut trawl fleet a minimum of 2% and a medium of 7% (Somers et al. 2023). Based on the last five years (2018-2022) of confidential observer data specific to the CHTG, WCGOP observers documented 148 finfish and invertebrate species caught (including species groups) (Appendix 2a and 2b.) (WCGOP 2022). Within the dataset, there were several cases when the observer took a subsample, and the subsequent count or weight was expanded to the haul level according to WCGOP protocols (Northwest Fisheries Science Center 2023). Encountered species of concern included giant sea bass, *Stereolepis gigas* (5 fish) and soupfin shark, *Galeorhinus galeus* (1 fish). This dataset does not indicate disposition upon discard.

Of the 73 finfish identified to species, 29 are under federal management. Except for soupfin shark, 28 of these species are not identified as species of concern. NOAA Fisheries began a status review in April 2022 to determine if listing soupfin shark as endangered is warranted under the Endangered Species Act (ESA). The status review is still in progress and in the interim, soupfin shark are considered a candidate species under the ESA. The remaining 44 finfish species are state managed. Of these 44 species, only giant sea bass is a species of concern.

WCGOP observers document take and interaction of marine mammals, seabirds, and sensitive species with trawl gear. WCGOP data show that during the period of 2018-22, there were four California sea lions and eight Brandt's cormorants, *Phalacrocorax penicillatus* were observed entangled or killed by open access trawl gear while fishing within the CHTG (WCGOP 2024).

Bycatch mortality estimates for west coast fisheries, including marine mammals and seabirds are reported through NOAA's West Coast Fishery Observer Bycatch and Mortality Reports. These reports and estimates are applied to the entire observed fishery and are not specific to a geographic area, such as the CHTG. The at-sea data taken by WCGOP observers contribute to NOAA's estimates.

Performance Criteria 2. Likely damaging the seafloor

Staff observed net retrieval at the conclusion of every tow looking for evidence of significant bottom contact. The only consistent signs of direct bottom contact were where rust was removed from hanging chains on the foot rope and the bottom, leading edge of the trawl doors as seen previously in the 2013 light touch trawl study (Figure 9). The other indication of bottom contact was the presence of sea pens on the foot rope during the first observation trip. Sea pens were not caught for the remainder of the assessment.



Figure 9 Trawl door showing evidence of minimal contact with seafloor (Wick et al. 2014) (Photo credit: NOAA Fisheries)

In the Wick et al. (2014) study, light touch trawl gear was proven to have minimal contact with the seafloor. NOAA researchers utilized GoPro cameras mounted on the head rope and trawl doors, oriented down, to video the extent of bottom contact. Of the 20 videos that were taken, seven had the best quality for analysis. Overall, the videos showed that the dropped chain loops and leading edge of the trawl doors made contact with the bottom. Video analysis showed the footrope skimmed the bottom without contact. The footrope was seen going over the top of several flatfish and crab.

Light touch trawl doors were shown to have minimal contact, depending on the contour of the soft bottom. Video footage documented that the trawl door edge left periodic 1-inch furrows within the sediment. Inspection after the tows confirmed that the leading edge of the door made contact with the bottom as evidenced by the rust on the door being cleaned off where contact was made.

Performance Criteria 3. Adversely affecting ecosystem health

An ecosystem-based approach to managing fisheries requires that ecosystem dynamics, such as interactions with other species, and ecosystem impacts be considered broadly. The Master Plan provides guidance on how to apply the principles

of ecosystem based fisheries management when making management decisions and identifies a three-step practical approach to managing ecosystem health:

Step 1. Identification of species that play key roles in the ecosystem.

Ecosystem roles as described in the Master Plan include keystone species, foundational or biogenic species, basal prey species, and apex predators. There are many finfish and invertebrate species that utilize the soft bottom habitat of the CHTG. A list of Department-observed species are found in Table 3 and species documented by WCGOP observers are found in Appendix 2a and 2b.

As described earlier, biogenic habitat is defined as habitat created by living organisms that contributes to significant ecological functions and provides structure for other living species. Department staff did not document any biogenic species other than sea pens within the CHTG during the observed assessment tows. Similarly, during the WCGOP trips, federal observers documented sea pens (56), and a small number of horny gorgonian (5), *Holaxonia* spp.

All the finfish species encountered during the Department observation are predators, but not all are considered apex predators. Noted apex predators included Pacific angel shark and spiny dogfish, *Squalus suckleyi*.

Additionally, WCGOP observer data (Appendix 2b) showed encounters with apex species such as common thresher shark, *Alopias vulpinus*; sevengill shark, *Notorynchus cepedianus*; and giant sea bass.

Several crustaceans were documented during the Department's observations and by WCGOP observers (Appendix 2a). Crustaceans are scavengers and predators of demersal invertebrates. WCGOP observers also noted basal prey species such as market squid, *Doryteuthis opalescens*; octopus, and smaller finfish such as unidentified midshipman, *Batrachoididae*; unidentified croaker, *Sciaenidae*; queenfish, *Seriphus politus*; unidentified combfish, *Zaniolepis*; and pink seaperch.

Step 2. Consider management strategies with multiple control measures.

To ensure ecosystem health, several management measures are in place and applicable to the trawl grounds.

1. *Gear restrictions.* Light touch trawl gear required. Previous work has shown that light touch trawl gear minimizes bottom contact (Wick et al. 2014).
2. *Effort restrictions.* A limited entry permit is required to trawl in the CHTG (FGC §8494).

3. *Temporal restriction.* The CHTG is closed March 15-June 15 to protect halibut from take during the spawning season (CDFW 2022).
4. *Area or Spatial restriction.* The CHTG encompass a defined area within state waters between 1 and 3 nm from shore within the Southern California Bight (Figure 2).
5. *Quotas and size limits.* There is a minimum length requirement of 22 in. to take halibut. Trawl fishermen without a federal groundfish permit are allowed to take minimal quantities of open access groundfish quota. This take is factored into the overall federal management allocation of groundfish per fishery sector. (Pacific Fishery Management Council 2022b)
6. Other management measures (federal observer coverage, logbooks, fish tickets). Federal observers collect data at sea to document discards, which in turn contributes to fleetwide bycatch estimates (Northwest Fisheries Science Center 2023). Mandatory logbooks provide fishery reported data on retained catch, tow position, and total time of tow (CDFW 2022). Weight and species are reported to the Department via electronic fish tickets.

Step 3. Conduct ecological risk assessments (ERA) to understand which links are most critical.

Department subject matter experts identified and scored ERA attributes on multiple fisheries, including halibut trawl. Using these attributes, Samhuri et al. (2018) evaluated the fisheries ecosystem risk based on target species, bycatch groups, and habitat groups. This analysis utilized exposure and sensitivity indices to calculate relative risk.

For halibut trawl, the risk to species was considered high, mostly due to high scores for the bycatch and habitat attributes. Samhuri et al. (2018) found that bycatch risk for this fishery was higher compared to other fisheries evaluated due to the amount of bycatch and perceived relative mortality. Similarly, risk to habitat was considered high for halibut trawl due to possible impacts to soft bottom and structure forming invertebrates (Samhuri et al. 2018). The authors noted that while risk was elevated, soft bottom and habitat forming invertebrates are not that sensitive.

The halibut trawl ERA encompasses the statewide fishery, of which there are many differences between the CHTG and southern and central fleets. Samhuri et al. (2018) suggests that regional ERAs would improve accuracy and are better to address local issues.

The Master Plan offers the following inquiries and recommended actions to help identify potential impacts to ecological function:

1. *Has the ecological role of the target species been identified? Does the target species play a key ecosystem role as defined above?*

The ecological role of the target species (halibut) is described in the Department's ESR. Halibut are predators of finfish and benthic invertebrates with food size preference depending on halibut size. Juvenile halibut prefer smaller finfish and benthic invertebrates, switching to larger fish later in life. (CDFW 2022). Halibut are not known to have a special ecological role; however, juvenile halibut may be preyed upon by sharks, rays, marine birds and mammals (CDFW 2022).

2. *Is the target species a basal prey species?*

No, halibut is not a basal prey species.

3. *Has an ERA been conducted for the target species?*

An ERA was completed for each of the four halibut sectors- trawl, gillnet, commercial hook-and-line, and recreational hook-and-line. For halibut trawl, the ecological threats identified for the statewide fishery are bycatch and habitat (soft bottom and habitat forming invertebrates). However, the trawl ERA did not consider the specifics of the CHTG fishery and was a general assessment applied to the entire fishery. A regional ERA would more appropriately address specific issues within the CHTG and improve accuracy.

4. *Have the major areas of uncertainty in ecosystem dynamics been identified?*

Major areas of uncertainty in ecosystem dynamics for the CHTG have not been identified. However, the ESR (CDFW 2022) has identified research needs which could reduce this uncertainty. These identified needs are:

- Population genetics-collect information about stock structure and stock separation/connectivity.
- Distribution and movement across all life stages-explore distribution and population connectivity across the geographic range and all life stages, including information on biological parameters such as sex, maturity, spawning condition, seasonality, prey availability, environmental conditions including temperature and salinity, and latitude. Identify nursery habitat areas and examine sex-specific seasonal movement.

- Potential climate change impacts on all life stages-determine the optimal range and upper and lower thresholds for temperature, salinity, pH, and dissolved oxygen for egg, larval, juvenile, adult stages. Determine if halibut exhibit temperature-dependent sex determination, and at what life stage sex determination occurs. Determine if water temperature influences spawning activity.
5. *Are multiple control measures in place that may help to achieve EBFM objectives?*

There are several control measures in place for the CHTG trawl fishery that provide protection to different aspects of ecosystem function. The minimum size limit and mesh size restrictions for the trawl fishery help preserve the spawning and age structure within the population. The light touch gear requirements and spatial, and temporal restriction are intended to reduce habitat and bycatch impacts and allow the target species to spawn. The limited entry program and federal and state incidental trip limits for non-target groundfish and fish other than halibut are intended to control fishing activities and minimize mortality of overfish species and non-target species. This combination of management measures is intended to have benefits to the ecosystem as a whole. See Performance Criteria 3, Step 2 for CHTG management measures.

6. *Has there been an assessment of how the target stock is likely to be impacted by changing environmental or ecological conditions?*

There is no formal ecosystem model to determine the effect of changing environmental/ecological conditions on the halibut stock. However, halibut respond positively to warm water conditions with improved larval recruitment and conversely with cold water conditions (CDFW 2022). Within the ESR (CDFW 2022), the Department has recognized the importance of understanding the impact of weather and climate trends on population recruitment.

Performance Criteria 4. Impedes restoration to kelp, coral, or other biogenic habitats

The MLMA (FGC §7056(b)) emphasizes the importance of habitat protection and that protecting habitat from potential fishery impacts is essential for preserving healthy and productive marine resources. The Master Plan provides guidance on assessing and addressing potential impacts to achieve the goal of protecting habitats:

- Step 1. Describe the habitat utilized by the target species at each life stage.

Halibut, except for the egg and larval stages, are benthic animals for their entire life. Young halibut prefer sheltered bays and estuaries before moving offshore. For their adult life, halibut prefer soft bottom habitat of varying depths, depending on their spawn cycle (CDFW 2022). Soft bottom (sand, mud) is the predominate habitat type and the one targeted by the halibut trawl fishery. Soft bottom accounts for 98.7% of the available habitat within the CHTG (CDFW 2023).

Step 2. Describe the threats to the habitat utilized.

There are several possible applicable threats to the CHTG bottom habitat. Threats could include nearshore dredging, beach nourishment, infrastructure, oil industry operations, shoreline hardening, and bottom disturbing fishing gear (North Carolina Department Environmental Quality 2023). Beach nourishment and dredging could have the negative effect of increasing turbidity and sedimentation. Shoreline hardening could affect soft bottom habitats by increasing loss of habitats (wetlands, intertidal) near the CHTG. Of these possible threats to the CHTG bottom habitat, only bottom disturbing fishing gear falls under Commission and Department regulatory authority. While fishing gear is a possible threat, the shallow, soft bottom habitat of the CHTG may have a short recovery time after trawling. Lindholm et al. (2004) found that shallow soft bottom habitat with mobile substrate movement could have a short recovery period from bottom contact gear.

According to the Master Plan, bottom trawl gear (doors, foot rope, net) has potential interactions with bottom habitat resulting significant damage to biogenic habitat and death to burrowing organisms. The solution posed is to limit trawling to resilient soft bottom habitat and use lighter gear. The CHTG halibut trawl fishery utilizes light touch trawl gear which limits door weight to 500 lb, requires 7.5-in cod-end mesh, and prohibits use of rollers or bobbins. Trawl nets are also constructed with thinner twine and have a maximum headrope length of 90 ft. Fishery practice in the CHTG indicate that fishermen avoid vulnerable habitats as shown by position data from trawl logs and trawl tows observed during this evaluation (Figures 9 and 10). These habitats also pose a risk to snagging or damaging nets. Biogenic habitats are a very small percentage of the overall area of the CHTG.

Step 3. Minimize or mitigate adverse effects fishing activity may have on habitat.

There are many strategies available to protect habitats, and many of these strategies have already been implemented to protect the State's most sensitive marine habitats. The most common strategies include MPAs, and restrictions on the type of gear employed, or how and where a gear type can be used. The trawl fishery in the CHTG has gear restrictions (light touch trawl gear required) that are known to minimize bottom impact. The trawl fishery is limited in space to the boundaries of the CHTG and there is

also a restricted access system that limits the number of vessels that may participate in the overall fishery.

DISCUSSION

The CHTG fishery is managed with a combination of regulations, intended to reduce impacts to bycatch, ecosystem health, and seafloor and biogenic habitats. Using performance criteria as required in FGC §8495 and direction from the Master Plan, Department staff evaluated the effect of halibut trawl fishing in the southern CHTG. In accordance with FGC §8495, information about the halibut trawl fishery operating within the CHTG was compiled from monitoring data, such as logbooks and landing receipts, relevant scientific literature, federal observer data, information published by NOAA Fisheries, Department biographical data, and Department at-sea observations. This assessment evaluated bycatch, habitat and ecosystem impacts, and the effect of trawl gear on kelp/biogenic habitats. Based on the criteria outlined in FGC §8495 and the information compiled, the Department is providing the Commission with the best available information about the halibut fishery operating within the CHTG.

Performance Criteria 1. Does not minimize bycatch

The CHTG assessment provides current information on the species composition, catch by weight, and disposition of catch in the halibut trawl fishery. All catch quantities and disposition documented by Department staff are found in Table 2. For all tows, halibut (22 in. or greater) was the intended target. Utilizing onboard observation, staff assessed over 2,100 animals with 78% released in live condition and 9% retained for market. Several species caught, depending on buyer demand, can be considered incidental and marketable. Halibut trawlers may retain a small amount of groundfish but often do not do so due to price, market demand, or the requirement to comply with Federal groundfish requirements, which includes a vessel monitoring system. For the duration of the CHTG study, incidental/marketable species included larger fantail sole and legal-sized Pacific angel shark.

Staff utilized confidential, but aggregated WCGOP data from 2018 to 2022 to determine catch trends, including encounters with species of concern. Except for the catch of five giant sea bass and one soupfin shark, no other species of concern were encountered. Due to WCGOP protocols, all species, except for a select few, have a default mortality of 100% regardless of actual disposition. The MLMA suggests the importance of determining mortality to determine discard impacts.

Discard impacts were evaluated using the Master Plan's four-step evaluation. The results from the assessment of the top ten captured species indicate that the bycatch encountered in the CHTG fishery is acceptable. A majority of the species encountered

through Department observation were released in a live condition. Many species caught were managed federally or by the state and have regulations dictating take, thus promoting sustainability. Additionally, the regulations governing fishing in the CHTG, such as the use of 7.5-inch cod-end mesh and having a closed season of March 15-June 15 minimizes impact to encountered bycatch species and spawning adult halibut.

Performance Criteria 2. Likely damaging the seafloor

The CHTG fishery occurs over shallow, soft bottom habitat characterized by sand and mud. The CHTG is also subject to sediment transport from creek flows and the California current (CDFG 2008). Bordered by the shallow nearshore at one nautical mile and two submarine canyons, the CHTG consists of a shallow, soft bottom shelf with an average depth of 28 fathoms. (CDFG 2023) “Light Touch” trawl gear, as defined in Title 14 CCR §124 is required in the CHTG.

In 2013, NOAA staff and the Southern Trawl Association partnered in a joint study to test the feasibility of using light touch trawl gear over shallow soft bottom habitat in Monterey Bay. Department staff participated in the research cruise as local subject matter experts and to assist with the permitting process. Using video cameras on the trawl doors and head rope, NOAA staff documented trawl gear-seafloor interactions. In addition to video, staff critically examined both trawl doors for evidence of bottom contact. This study, especially with the contribution of video footage showed that light touch trawl gear “successfully caught fish with minimal disturbance to the seafloor while minimizing bycatch” (Wick et al. 2014).

While light touch trawl gear is the only trawl method allowed in any of the trawl grounds, this assessment would have limitations if applied to the central CHTG (San Luis Obispo and Monterey Counties). Gear contact to the bottom would be comparable, but species composition and habitat substrate would not. Additional work would be required to address Performance criteria 1,3, and 4. Under FGC§8495(c)(1) the two central trawl ground areas would remain closed unless the Commission takes action to collect the data necessary to address the other criteria.

Using smaller scale trawl gear can also minimize impact to soft bottom habitat. After studying the effects of trawling off central California, Lindholm et al. (2015) found that trawling with “with small-footrope gear may have limited impacts in sandy habitats”.

Halibut trawl fishermen, by general practice to prevent gear damage, avoid areas with hard bottom. The CHTG also has many snags and obstructions leftover from previous oil exploration in the Santa Barbara channel; these areas are also avoided by trawlers.

Performance Criteria 3. Adversely affecting ecosystem health

The California-wide ERA performed on the halibut trawl fishery showed high risk to all ecosystem components. (Samhouri et al. 2019). However, this ERA did not take into account the regional specifics of the CHTG, posing a challenge to managers. The Master Plan suggests that despite the challenges of ecosystem level management, managers should apply principles to manage at that level, including evaluation of ecosystem impacts. The process to evaluate ecosystem impacts includes:

1. Identification of species that play key roles in the ecosystem.
2. Considering management strategies with multiple control measures.
3. Conducting an ecological risk assessment to understand which links are most critical. There are several inquiries and recommendations for this step.

After analyzing the top ten species encountered, key ecosystem roles for those species were evaluated, which ranged from apex predators, such as the Pacific angel shark to basal prey species, such as longspine combfish and pink sea perch. The discard mortality for the top ten species analyzed was less than 5% for the majority of these species, except for sublegal halibut, longspine combfish, and pink seaperch. While the discard mortality rate is high for these two basal prey species, the number of fish caught was relatively low and would not result in changes to the structure of these species' populations.

Staff considered the management strategies with control measures that are in place for the trawl fishery. The CHTG fishery is managed with a combination of regulations, intended to reduce impacts to bycatch, ecosystem health, and seafloor and biogenic habitats. The halibut minimum size limit and cod-end mesh size requirement for the trawl fishery helps preserve the spawning and age structure within the population. The light touch gear requirements and spatial, and temporal restriction are intended to reduce habitat and bycatch impacts and allow the target species to spawn. The limited entry program and federal and state incidental trip limits for non-target groundfish and non-target halibut are intended to control fishing activities and minimize mortality of overfished species and non-target species.

Finally, staff identified the important links within the halibut ERA using the Master Plan's inquiries and recommendations. The inquiry process helped identify the uncertainties around population genetics, distribution and movement across life stages, and potential climate impacts on halibut life stages. These information gaps have been described in the ESR and that external funding and resources are needed to supplement Department resources to accomplish these studies.

There is uncertainty, particularly regarding identification of ecosystem dynamics. While mostly unknown, the Department's ESR identified research needs to minimize this uncertainty.

This CHTG assessment showed that, based on the Master Plan's suggested control measures and recommendations to assess ecosystem health, that the management measures in place for trawl fishery may be effective in minimizing adverse effects on ecosystem health in the CHTG.

Performance Criteria 4. Impedes restoration to kelp, coral, or other biogenic habitats

The overall area of the CHTG does have known locations of biogenic habitat. Kelp locations are located outside the trawl grounds near the intertidal zone. Potential impacts to biogenic/kelp habitats by trawl gear were mapped using trawl log tow position data against known biogenic habitat and kelp (Figures 10 and 11). According to current Department Biogeographic Information and Observation System data (CDFW 2016, 2023) (NOAA 2023) the CHTG contains 0.0015% biogenic habitat, and hard bottom habitat is 0.87%. Observed tows from this assessment and those previously reported by the fleet showed that fishing activities avoided biogenic halibut and known kelp locations. While small in surface area, fishermen prefer to not fish in these areas to avoid snagging their net or doors. Trawl fishermen tend to deploy their gear at known locations free of snags or structure than can damage nets or result in lost gear.

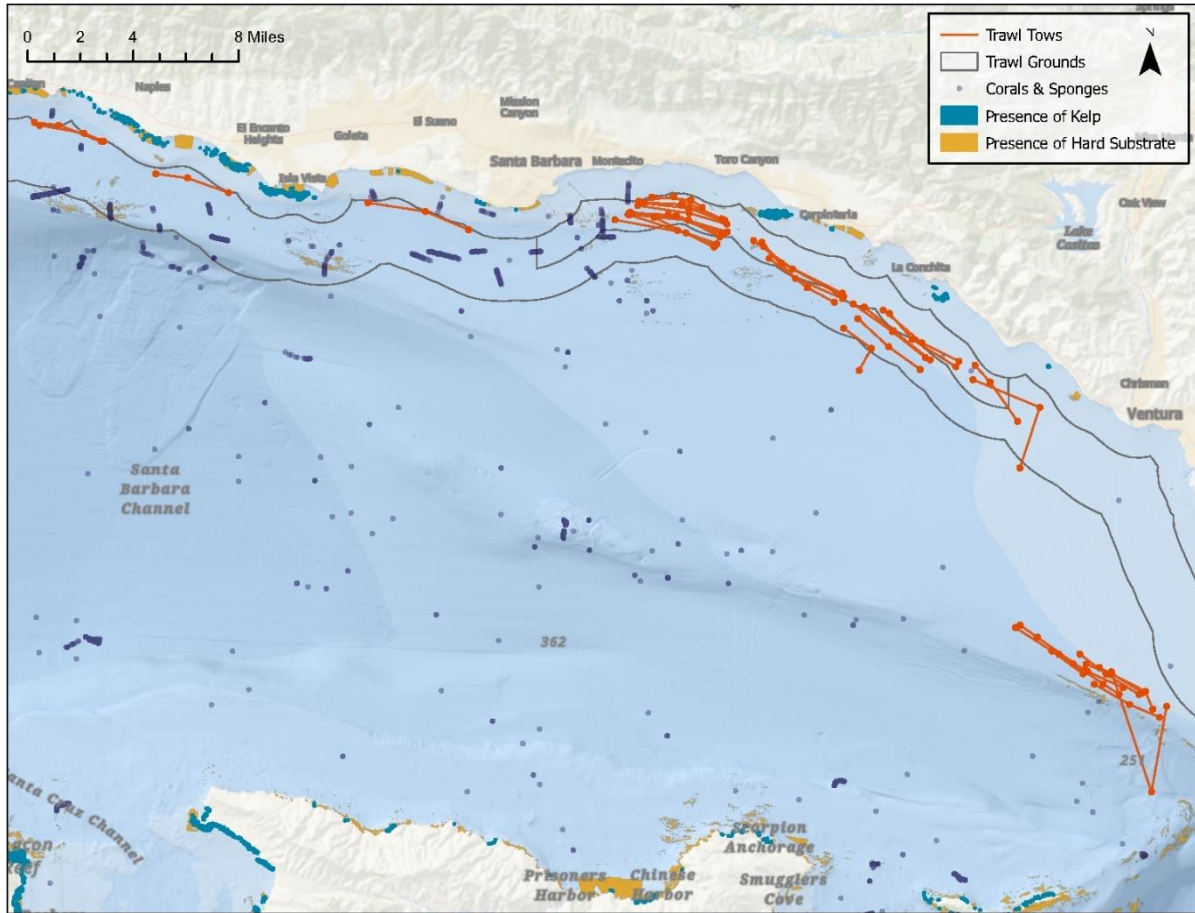


Figure 10 Biogenic habitat, kelp, and hard bottom locations relative to observed tow locations (CDFW 2016, 2023) (NOAA 2023).

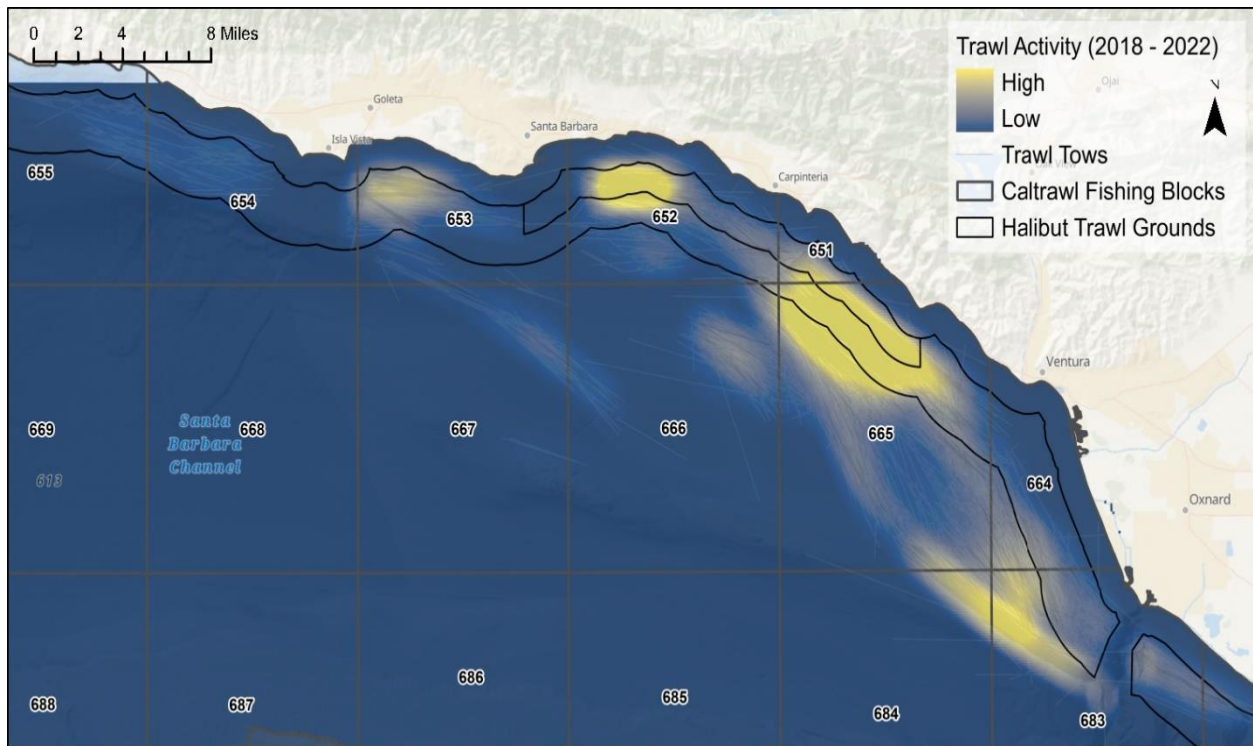


Figure 11 Trawl location frequency, inside and outside, the Trawl Grounds (Marine Log System 2023).

CONCLUSION

As directed by the Master Plan, the Department began a process to prioritize our state-managed species based on their inherent productivity and their susceptibility to environmental and fishing pressures. In December, 2019, the Department presented the prioritization of 17 state-managed commercial fisheries and 14 state-managed recreational fisheries to the Commission (Fish and Game Commission 2019). Through this process, halibut was identified as a high priority species for management attention, primarily due to the potential risk to the species from fishing activities, and to other species that may be caught as bycatch in the fishery.

The Master Plan calls for a scaled management approach to fisheries management, in which a suite of management alternatives, ranging from the completion of ESRs to rule-makings to more comprehensive Fishery Management Plans, is considered. In 2020, the Department began the initial stages of considering the best scale of management for the halibut fishery and partnered with stakeholders to identify areas of concerns.

Learning from the knowledge gained in the stakeholder process and information gathering stage, the Department engaged in an internal strategic planning process from September 2021 to February 2022 to identify management priorities for the halibut fishery. This strategic planning process confirmed six management priorities for the

halibut fishery: 1) refinement of the 2020 stock assessment; 2) completion of the ESR; 3) completion of an ecosystem evaluation; 4) conducting a California Halibut Southern Trawl Ground assessment; 5) expansion of the halibut MSE; and 6) performing a bycatch evaluation.

These six management priorities are in different stages of completion and continue to be a high priority for the Department. Staff are actively working with outside contractors to refine the 2020 stock assessment (item 1) and expansion of the halibut MSE (item 5). The halibut ESR (item 2) has been published on the Department's Marine Species Information Portal and receives periodic updates with new information and data. The Farallon Institute partnered with the Department to evaluate predator-prey relationships for halibut as part of the ecosystem evaluation (item 3) and final results are currently in press. As summarized in this report, the Department has successfully completed the assessment of the southern CHTG (item 4) using the Performance Criteria, as required in FGC §8495(e). Results of this assessment have documented significant bycatch by way of discards (live or dead) and low discard mortality within the CHTG fishery. The amount of retained incidental catch fluctuates depending on market order and whether species caught meet management standards such as minimum length, thus affecting potential discard rate. There are minimal or no impacts to the seafloor, kelp or biogenic habitat from the light touch trawl gear, and there are several management control measures in place that provide protection to different aspects of ecosystem function. Despite the potential of the CHTG trawl fishery to have a significant discard rate, the majority of species are released in a live condition (~78%), and with no observed impacts to the seafloor, ecosystem health, or biogenic habitats, the Department concludes that the light-touch trawl gear fishery in the CHTG meets the Performance Criteria as evaluated using the standards established in the Master Plan and thus does not recommend any closures within the CHTG.

Looking forward, the Department will continue to explore opportunities to improve management of the statewide halibut fishery and is prioritizing completion of the six management priorities identified above. A key next step in this process is to incorporate this data and engage in a comprehensive bycatch evaluation of the federal trawl gear type utilized within the federal trawl grounds. Learning from the recent process to evaluate bycatch in the set gill net fishery, as part of the scaled-management process, Department staff are prepared to complete the four-step process to identify potential concerns surrounding bycatch in the state-wide trawl fleet and to collect necessary data in the two new CHTG off the central coast.

LITERATURE CITED

California Department of Fish and Game. 2007. Fishery independent trawl survey in Monterey bay. Unpublished report. 7p.

California Department of Fish and Game. 2008. Review of California halibut trawl fishery in the California halibut trawl grounds. Report. 40p.

California Department of Fish and Game. 2010. California halibut trawl survey of north Monterey bay. Unpublished report. 5p.

CDFW (2016) Aerial Kelp Surveys, 2016.

<https://www.wildlife.ca.gov/Conservation/Marine/Kelp/Aerial-Kelp-Surveys>. California Department of Fish and Wildlife and Sandoval & Associates, LLC

California Department of Fish and Wildlife. 2018. Master Plan for Fisheries, A Guide for Implementation of the Marine Life Management Act. 247 p.

California Department of Fish and Wildlife. 2022. California halibut, *Paralichthys californicus*, Enhanced Status Report.

California Department of Fish and Wildlife. 2023. Predicted Nearshore Benthic Substrates of California [ds3091] Biogeographic Information and Observation System (BIOS). <http://bios.dfg.ca.gov>

Jannot, J. E., A. Wuest, T. P. Good, K. A. Somers, V. J. Tuttle, K. E. Richerson, R. S. Shama, and J. T. McVeigh. 2021. Seabird Bycatch in U.S. West Coast Fisheries, 2002–18. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-NWFSC-165.

Jannot, J. E., K. A. Somers, V. J. Tuttle, J. Eibner, K. E. Richerson, J. T. McVeigh, J. V. Carretta, N. C. Young, and J. Freed. 2022. Marine Mammal Bycatch in U.S. West Coast Groundfish Fisheries, 2002–19. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-NWFSC-176.

Lindholm, J., P. Auster, and P. Valentine. 2004. Role of a large marine protected area for conserving landscape attributes of sand habitats on Georges Bank (NW Atlantic). *Mar. Ecol. Prog. Ser.* 269:61–68. doi: 10.3354/meps269061.

Lindholm, J., Clarey, L., Cramer, A., Gleason, M., Huertos, M.L., Kline, D. and Rienecke, S. 2015. Ecological effects of bottom trawling on the structural attributes of fish habitat in unconsolidated sediments along the central California outer continental shelf. *Fishery Bulletin* 113: 82-96.

Loh, T., Archer, S. K., and Dunham, A. 2019. Monitoring Program Design for data-limited marine biogenic habitats: A structured approach. *Ecology and Evolution*, 9(12), 7346–7359. <https://doi.org/10.1002/ece3.5261>

North Carolina Department Environmental Quality. 2023. Physical Threats to Coastal Habitats | NCDEQ. <https://www.deq.nc.gov/about/divisions/marine-fisheries/habitat-information/coastal-habitat-protection-plan/threats-habitat/physical-threats-coastal-habitats#Infrastructure-4458>

NOAA (2023) National Database for Deep-Sea Corals and Sponges (version 20230928-0). <https://deepseacoraldata.noaa.gov/>; NOAA Deep Sea Coral Research & Technology Program.

(NWFSC) Northwest Fisheries Science Center. 2023 Training Manual. West Coast Groundfish Observer Program. NWFSC, 2725 Montlake Blvd. East, Seattle, Washington, 98112.

Pacific Fishery Management Council. 2022a. *Pacific coast groundfish FMP - Pacific Fishery Management Council*. Fishery Management Plan and Amendments. <https://www.pcouncil.org/documents/2022/08/pacific-coast-groundfish-fishery-management-plan.pdf/>

Pacific Fishery Management Council. 2022b. (rep.). *Status-of-the-Pacific-coast-groundfish-fishery-stock-assessment-and-fishery-evaluation* (pp. 1–414). Portland, Oregon.

Samhuri, J. F., Ramanujam, E., Bizzarro, J. J., Carter, H., Sayce, K., and Shen, S. 2019. An ecosystem-based risk assessment for California fisheries co-developed by scientists, managers, and stakeholders. *Biological Conservation*. <https://www.sciencedirect.com/science/article/pii/S0006320718302696>

Somers, K. A., K. E. Richerson, V. J. Tuttle, and J. T. McVeigh. 2023. Estimated Discard and Catch of Groundfish Species in the 2022 U.S. West Coast Fisheries. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-NWFSC-187.

Somers, K. A., Jannot, J. E., Richerson, K., Tuttle, V. J., Riley, N. B., and McVeigh, J. 2021. *Estimated Discard and Catch of Groundfish Species in the 2019 U.S. West Coast Fisheries*. <https://doi.org/10.25923/z84a-w607>

Somers, K. A., K. E. Richerson, V. J. Tuttle, and J. T. McVeigh. 2023. Fisheries Observation Science Program Coverage Rates, 2002–22. U.S. Department of Commerce, NOAA Data Report NMFS-NWFSC-DR-2023-01. West Coast Groundfish

Observer Program trawl observer data. 2022. 2023. 2024) NOAA Fisheries, 2725 Montlake Blvd. East, Seattle, WA 98112.

Wick, T.L., Tanaka, T.H., Pradhan, N.C., and L. Enriquez. 2014. An assessment of the use of light-touch California halibut trawl gear within historic Monterey Bay Trawl Grounds: seafloor Interactions, catch composition, and economic feasibility. NOAA Fisheries and California Department of Fish and Wildlife.

APPENDICES

Appendix 1a. Evaluation of California skate based on MLMA Master Plan bycatch criteria.

Category and question	Response	Comments
A. Legality of take		
A1. Under what laws, regulations, or guidance documents is the species covered?	Fish and Game Code Federal Code of Regulations	The possession of skate wings on any boat is prohibited as there are no equivalents or conversion factors established in statute or regulation under which other than whole skates may be brought ashore (FGC §§5508, 8042). §8597.b(3) skates under 18 inches may be taken or possessed under marine aquaria collector permit. Title 14 CCR, §27.60 28.49(a); general bag limit of 10, §27.60 Federal groundfish seasonal closures,
A2. Are there prohibitions against take using specific gear type?	No	
A3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?	No	
A4. Is the discard mortality rate known?	Unknown	Unknown for trawl, however Department observers documented 0.3% mortality during the 2022-23 Department assessment.
A5a. Are special permits required to retain or interact with the species?	No	Open access quotas allow limited take, but generally all are released.
A5b. If yes, does the fishery currently have such permits?	Not applicable	
A5c. If yes, do the levels of bycatch comply with them?	Not applicable	
A6a. Does the species have an incidental catch allowance, ACL, or other restrictions on the amount, size, or sex of catch allowed?	No	Classified as an Ecosystem Component Species under federal GFMP, no harvest guidelines.
A6b. If yes, does the catch comply with them?	Not applicable	
B. Threats to sustainability		
B1. Has a peer-reviewed risk assessment of the vulnerability of the particular bycatch species to overfishing been conducted (e.g., PSA)	Yes	A vulnerability score of 2.12 indicates relatively high concern (Status of the Pacific Coast Groundfish Fishery 2020).
B2a. Does a population status estimate or stock assessment exist for this species?	No	

Category and question	Response	Comments
B2b. If yes, is there confidence in the underlying data such that a reasonable determination can be made if the stock is considered healthy, overfished, or depleted?	Not applicable	
B3a. Are there any existing state and/or federal management measures?	Yes	Possession of skate wings on any boat is prohibited as there are no equivalents or conversion factors established in statute or regulation under which other than whole skates may be brought ashore (FGC §§5508, 8042). §8597.b(3) skates under 18 inches may be taken or possessed under marine aquaria collector permit. Title 14 CCR, §27.60 28.49(a); general bag limit of 10, §27.60. Federal groundfish seasonal closures.
B3b. If yes, are they effective in ensuring sustainability?	Not applicable	
B4. Is the bycatch the product of recreational catch-and-release practices?	No	
B5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?	Unknown	Unknown for trawl, however Department observers documented 0.3% mortality during the 2022-23 Department assessment.
B6. Do any post-release studies exist to verify the estimated mortality rate?	No	
B7. What is the probability of mortality exceeding levels that have been scientifically determined to be necessary for the continued viability of the species?	Unknown	
C. Impacts on fisheries		
C1. Does a directed fishery exist for the bycatch species?	No	
C2. Has the bycatch and associated discard mortality been accounted for?	No	
C3. Is bycatch affecting the directed fishery management strategy (i.e., restrictions on size, sex, or season)?	No	
C4. Are the impacts of bycatch considered and made explicit in an ESR or FMP?	No	
C5a. Is the species constrained under a federal rebuilding plan?	No	
C5b. If yes, will bycatch compete with fleets that target the species?	Not applicable	

Category and question	Response	Comments
C6. Is there a management allowance for percent of catch or a prohibition on retention?	No	There is no federal harvest guideline for retention.
C7. If there is a directed fishery for the species, have there been any of the following?	Not applicable	
C7a. Reductions in opportunities or income for participants in fisheries that target the bycatch species	Not applicable	
C7b. Reductions in fishery quotas or opportunities (e.g., time and area closures) based on bycatch issues?	Not applicable	
C7c. Early closures of a fishery based on higher-than-expected bycatch?	Not applicable	
C7d. Changes in fishing, processing, disposal, and marketing costs due to bycatch?	Not applicable	
C7e. Changes in the social or cultural value of fishing activities due to bycatch?	Not applicable	
C7f. Negative socioeconomic impacts from bycatch on fisheries and/or fishing communities which target or need incidental catch of this species?	Not applicable	
C7g. Negative impacts to juveniles of a species targeted by another fishery?	Not applicable	
D. Impacts on ecosystem		
D1. What is the ecosystem role of the bycatch species?		CA skates are mesopredators; they eat primarily crustaceans and fishes.
D2. Does scientific evidence show the amount of bycatch mortality significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?	No	
References		Status of the Pacific Coast Groundfish Fishery Stock Assessment and Fishery Evaluation September 2020, https://www.pcouncil.org/documents/2020/09/status-of-the-pacific-coast-groundfish-fishery-stock-assessment-and-fishery-evaluation-september-2020.pdf/

Appendix 1b. Evaluation of slender crab based on MLMA Master Plan bycatch criteria.

Category and question	Response	Comments
A. Legality of take	-	-
A1. Under what laws, regulations, or guidance documents is species covered?	Fish and Game Code, Title 14-CCR	FGC 8834 max weight of crab to be take w/trawl is 500 lbs; Recreational under 29.85(c). Same bag and carapace limitations as rock crabs.
A2. Are there prohibitions against take using specific gear type?	No	Take is recreationally legal using same gear as other crabs (crab trap, hoop net, snares, or by hand)
A3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?	No	There is a minimum carapace length of 4" and a sport bag limit of 35.
A4. Is the discard mortality rate known?	Unknown	Unknown for trawl, however Department observers documented 4.8% mortality during the 2022-23 Department assessment.
A5a. Are special permits required to retain or interact with the species?	No	
A5b. If yes, does the fishery currently have such permits?	Not applicable	
A5c. If yes, do the levels of bycatch comply with them?	Not applicable	
A6a. Does the species have an incidental catch allowance, ACL, or other restrictions on the amount, size, or sex of catch allowed?	Not applicable	The slender crab typically not a target species because maximum size (4.5 in.) is smaller than other Cancridae crabs.
A6b. If yes, does the catch comply with them?	Not applicable	
B. Threats to sustainability		
B1. Has a peer-reviewed risk assessment of the vulnerability of the particular bycatch species to overfishing been conducted (e.g., PSA)	Not assessed	
B2a. Does a population status estimate or stock assessment exist for this species?	No	
B2b. If yes, is there confidence in the underlying data such that a reasonable determination can be made if the stock is considered healthy, overfished, or depleted?	Not applicable	
B3a. Are there any existing state and/or federal management measures?	Yes	Slender crab have a minimum carapace length of 4.5 in.
B3b. If yes, are they effective in ensuring sustainability?	Not applicable	Slender crab typically don't get large enough to meet the minimum length.
B4. Is the bycatch the product of recreational catch-and-release practices?	No	

Category and question	Response	Comments
B5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?	Unknown	Unknown for trawl, but Department observers documented a 4.8% discard mortality during the 2022-23 Department assessment..
B6. Do any post-release studies exist to verify the estimated mortality rate?	No	
B7. What is the probability of mortality exceeding levels that have been scientifically determined to be necessary for the continued viability of the species?	Unknown	
C. Impacts on fisheries		
C1. Does a directed fishery exist for the bycatch species?	No	
C2. Has the bycatch and associated discard mortality been accounted for?	No	
C3. Is bycatch affecting the directed fishery management strategy (i.e., restrictions on size, sex, or season)?	No	
C4. Are the impacts of bycatch considered and made explicit in an ESR or FMP?	No	
C5a. Is the species constrained under a federal rebuilding plan?	No	
C5b. If yes, will bycatch compete with fleets that target the species?	Not applicable	
C6. Is there a management allowance for percent of catch or a prohibition on retention?	No	
C7. If there is a directed fishery for the species, have there been any of the following?	Not applicable	
C7a. Reductions in opportunities or income for participants in fisheries that target the bycatch species	Not applicable	
C7b. Reductions in fishery quotas or opportunities (e.g., time and area closures) based on bycatch issues?	Not applicable	
C7c. Early closures of a fishery based on higher-than-expected bycatch?	Not applicable	
C7d. Changes in fishing, processing, disposal, and marketing costs due to bycatch?	Not applicable	

Category and question	Response	Comments
C7e. Changes in the social or cultural value of fishing activities due to bycatch?	Not applicable	
C7f. Negative socioeconomic impacts from bycatch on fisheries and/or fishing communities which target or need incidental catch of this species?	Not applicable	
C7g. Negative impacts to juveniles of a species targeted by another fishery?	Not applicable	
D. Impacts on ecosystem		
D1. What is the ecosystem role of the bycatch species?	Slender crabs are macropredators. They eat primarily crustaceans and fishes.	
D2. Does scientific evidence show the amount of bycatch mortality significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?	No	
References	Add specific references you used other than the general ones listed in Question A1.	

Appendix 1c. Evaluation of longspine combfish based on MLMA Master Plan bycatch criteria.

Category and question	Response	Comments
A. Legality of take		
A1. Under what laws, regulations, or guidance documents is species covered?	Fish and Game Code, Title 14-§27.60	There is a default recreational 10 fish limit.
A2. Are there prohibitions against take using specific gear type?	No	
A3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?	No	There is no directed fishery for longspine combfish.
A4. Is the discard mortality rate known?	Unknown.	Unknown for trawl, however Department observers documented 54.8% mortality during the 2022-23 Department assessment.
A5a. Are special permits required to retain or interact with the species?	No	
A5b. If yes, does the fishery currently have such permits?	Not applicable	
A5c. If yes, do the levels of bycatch comply with them?	Not applicable	
A6a. Does the species have an incidental catch allowance, ACL, or other restrictions on the amount, size, or sex of catch allowed?	Not applicable	
A6b. If yes, does the catch comply with them?	Not applicable	
B. Threats to sustainability		
B1. Has a peer-reviewed risk assessment of the vulnerability of the particular bycatch species to overfishing been conducted (e.g., PSA)	Not assessed	This species is not evaluated under the International Union for Conservation and Nature (ICUN).
B2a. Does a population status estimate or stock assessment exist for this species?	No	
B2b. If yes, is there confidence in the underlying data such that a reasonable determination can be made if the stock is considered healthy, overfished, or depleted?	Not applicable	
B3a. Are there any existing state and/or federal management measures?	Yes.	State recreational default bag limit of 10
B3b. If yes, are they effective in ensuring sustainability?	Not applicable	Not targeted or retained by recreational or commercial.
B4. Is the bycatch the product of recreational catch-and-release practices?	No	-

Category and question	Response	Comments
B5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?	Unknown	Unknown for trawl, but Department observers documented a 54.8% discard mortality for the 2022-23 Department assessment.
B6. Do any post-release studies exist to verify the estimated mortality rate?	No	
B7. What is the probability of mortality exceeding levels that have been scientifically determined to be necessary for the continued viability of the species?	Unknown	
C. Impacts on fisheries		
C1. Does a directed fishery exist for the bycatch species?	No	
C2. Has the bycatch and associated discard mortality been accounted for?	No	
C3. Is bycatch affecting the directed fishery management strategy (i.e., restrictions on size, sex, or season)?	No	
C4. Are the impacts of bycatch considered and made explicit in an ESR or FMP?	No	
C5a. Is the species constrained under a federal rebuilding plan?	No	
C5b. If yes, will bycatch compete with fleets that target the species?	Not applicable	
C6. Is there a management allowance for percent of catch or a prohibition on retention?	No	
C7. If there is a directed fishery for the species, have there been any of the following?	Not applicable	
C7a. Reductions in opportunities or income for participants in fisheries that target the bycatch species	Not applicable	
C7b. Reductions in fishery quotas or opportunities (e.g., time and area closures) based on bycatch issues?	Not applicable	
C7c. Early closures of a fishery based on higher-than-expected bycatch?	Not applicable	
C7d. Changes in fishing, processing, disposal, and marketing costs due to bycatch?	Not applicable	

Category and question	Response	Comments
C7e. Changes in the social or cultural value of fishing activities due to bycatch?	Not applicable	
C7f. Negative socioeconomic impacts from bycatch on fisheries and/or fishing communities which target or need incidental catch of this species?	Not applicable	
C7g. Negative impacts to juveniles of a species targeted by another fishery?	Not applicable	
D. Impacts on ecosystem		
D1. What is the ecosystem role of the bycatch species?		The longspine combfish is a predator of benthic invertebrates.
D2. Does scientific evidence show the amount of bycatch mortality significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?	Unknown	
References	Add specific references you used other than the general ones listed in Question A1.	

Appendix 1d. Evaluation of Pacific angel shark based on MLMA Master Plan bycatch criteria.

Category and question	Response	Comments
	IUCN Red List of Threatened Species	The species is listed as "Near threatened" on the IUCN Red List of Threatened Species in 2014. This category is between "Least concern" and "Vulnerable". Source: https://www.iucnredlist.org/species/39328/177163701
A. Legality of take		
A1. Under what laws, regulations, or guidance documents is species covered?	Fish and Game Code	A commercial minimum size limit established in 1986 was created to ensure that sharks had a chance to reproduce at least once before being retained in the catch. FGC §8388(a) states "No female angel shark measuring less than 42 inches in total length or 15 ¼ inches in alternate length and no male angel shark measuring less than 40 inches in total length or 14 ½ inches in alternate length may be possessed, sold, or purchased, except that 10 percent of the angel sharks in any load may measure not more than ½ inch less than the minimum size specified herein." There is a restricted access fishery for set gill nets (FGC §8610, 8680, 8681, and 8682).
A2. Are there prohibitions against take using specific gear type?	Yes	The set gill net fishery requires the use of a minimum mesh size and a maximum net length. Inside the CHTG, required cod-end mesh is 7.5 in, outside the CHTG in federal waters, the minimum mesh is 4.5 in.
A3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?	Yes	There is a minimum size limit which requires discard of undersize fish. See A1.
A4. Is the discard mortality rate known?	Unknown	Unknown for trawl. Department observers documented 0.0% discard mortality during the 2022-23 Department assessment.
A5a. Are special permits required to retain or interact with the species?	No	
A5b. If yes, does the fishery currently have such permits?	Not applicable	
A5c. If yes, do the levels of bycatch comply with them?	Not applicable	
A6a. Does the species have an incidental catch allowance, ACL, or other restrictions on the amount, size, or sex of catch allowed?	Yes	There is a minimum legal size; see A1.
A6b. If yes, does the catch comply with them?	Yes	Fishermen may not legally land undersize fish.
B. Threats to sustainability		
B1. Has a peer-reviewed risk assessment of the vulnerability of the particular bycatch species to overfishing been conducted (e.g., PSA)	Yes	Department PSA completed in 2019 indicated angel shark ranked first in vulnerability among 36 fish and invertebrate species analyzed.

Category and question	Response	Comments
B2a. Does a population status estimate or stock assessment exist for this species?	No	
B2b. If yes, is there confidence in the underlying data such that a reasonable determination can be made if the stock is considered healthy, overfished, or depleted?	Not applicable	Pacific angel shark are largely protected from fishing pressure. Therefore, it is presumed that the population remains stable in California (ESR).
B3a. Are there any existing state and/or federal management measures?	Yes	Commercial set gill net and trawl fishing is allowed in their primary inshore sandy-bottom habitat. There is a minimum length requirement for retention.
B3b. If yes, are they effective in ensuring sustainability?	Yes	The Pacific angel shark is largely protected from fishing pressure. Therefore, it is presumed that the population remains relatively stable in California (ESR).
B4. Is the bycatch the product of recreational catch-and-release practices?	No	Recreational anglers do not target this species.
B5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?	Unknown	Unknown for trawl gear. Department observers documented 0% release mortality during the 2022-23 Department assessment.
B6. Do any post-release studies exist to verify the estimated mortality rate?	No	There have been no post-release studies for this species.
B7. What is the probability of mortality exceeding levels that have been scientifically determined to be necessary for the continued viability of the species?	Unknown	The Pacific angel shark is largely protected from fishing pressure. Therefore, it is presumed that the population remains stable in California (ESR).
C. Impacts on fisheries		
C1. Does a directed fishery exist for the bycatch species?	Yes	It is taken as an incidentally caught species in the halibut set gill net fishery and halibut trawl fishery.
C2. Has the bycatch and associated discard mortality been accounted for?	No	Discard mortality unknown. Department observers documented 0% release mortality during the 2022-23 assessment.
C3. Is bycatch affecting the directed fishery management strategy (i.e., restrictions on size, sex, or season)?	No	The bycatch of Pacific angel shark is incidental catch since this is a desirable and marketable species.
C4. Are the impacts of bycatch considered and made explicit in an ESR or FMP?	Yes	This is discussed in the Pacific angel shark ESR.

Category and question	Response	Comments
C5a. Is the species constrained under a federal rebuilding plan?	No	This is not a federally managed species.
C5b. If yes, will bycatch compete with fleets that target the species?	Not applicable	-
C6. Is there a management allowance for percent of catch or a prohibition on retention?	Yes	There is a prohibition on landing fish below the minimum legal size.
C7. If there is a directed fishery for the species, have there been any of the following?		
C7a. Reductions in opportunities or income for participants in fisheries that target the bycatch species	Yes	A ban on set gill netting in state waters and north of Point Conception, and closure of primary processing plant for angel sharks, led to a significant decline in catch and effort in the 1990s.
C7b. Reductions in fishery quotas or opportunities (e.g., time and area closures) based on bycatch issues?	No	There is no quota for this species.
C7c. Early closures of a fishery based on higher-than-expected bycatch?	No	There are no early closures based on the amount of bycatch.
C7d. Changes in fishing, processing, disposal, and marketing costs due to bycatch?	No	There have been no changes for which the Department is aware.
C7e. Changes in the social or cultural value of fishing activities due to bycatch?	No	There have been no changes for which the Department is aware.
C7f. Negative socioeconomic impacts from bycatch on fisheries and/or fishing communities which target or need incidental catch of this species?	Yes	A ban on set gill netting in state waters and north of Point Conception, and closure of primary processing plant for angel sharks, led to a significant decline in catch and effort in the 1990s.
C7g. Negative impacts to juveniles of a species targeted by another fishery?	No	A minimum size limit offers protection to juveniles.
D. Impacts on ecosystem		
D1. What is the ecosystem role of the bycatch species?		"As apex predators, sharks play an important role in regulating trophic interactions. In California, Pacific angel shark prey on common reef fish, and thus probably exert some top-down regulation on the distribution and abundance of lower trophic level fishes and invertebrates in inshore food webs (Pittenger 1984, cited in ESR)."

Category and question	Response	Comments
D2. Does scientific evidence show the amount of bycatch mortality significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?	No	"There are no formal overfishing threshold criteria for Pacific angel shark. However, landings are tracked in both the commercial and recreational sectors, and, given the low landings that have occurred since the ban on set gill net and trammel nets in the early 1990s, there are currently no concerns about overfishing occurring on this stock." (ESR)
References		Pittenger G.G. 1984. Movements, distribution, feeding, and growth of the Pacific angel shark, <i>Squatina californica</i> , at Catalina Island, California. Long Beach, California. California State University. 83 p.

Appendix 1e. Evaluation of hornyhead turbot based on MLMA Master Plan bycatch criteria.

Category and question	Response	Comments
A. Legality of take	Fish and Game Code, Title 14-§27.60	There is a default recreational 10 fish limit.
A1. Under what laws, regulations, or guidance documents is species covered?	No	
A2. Are there prohibitions against take using specific gear type?	No	There is no directed fishery for hornyhead turbot
A3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?	No.	Unknown for trawl. Department observers documented 2.3% discard mortality during the 2022-23 Department assessment.
A4. Is the discard mortality rate known?	No	
A5a. Are special permits required to retain or interact with the species?	Not applicable	
A5b. If yes, does the fishery currently have such permits?	Not applicable	
A5c. If yes, do the levels of bycatch comply with them?	No	
A6a. Does the species have an incidental catch allowance, ACL, or other restrictions on the amount, size, or sex of catch allowed?	Not applicable	
A6b. If yes, does the catch comply with them?		
B. Threats to sustainability	No	No PSA has been done, but the species is listed as least concern by ICUN.
B1. Has a peer-reviewed risk assessment of the vulnerability of the particular bycatch species to overfishing been conducted (e.g., PSA)	No	
B2a. Does a population status estimate or stock assessment exist for this species?	Not applicable	

Category and question	Response	Comments
B2b. If yes, is there confidence in the underlying data such that a reasonable determination can be made if the stock is considered healthy, overfished, or depleted?	Yes	Per Title 14, 27.60, there is a default recreational 10 fish limit. Generally, not commercially retained.
B3a. Are there any existing state and/or federal management measures?	unknown	Hornyhead turbot are not encountered by the recreational fishery or commercially retained.
B3b. If yes, are they effective in ensuring sustainability?	No	
B4. Is the bycatch the product of recreational catch-and-release practices?	Unknown	Unknown for trawl. Department observers documented 2.3% discard mortality during the 2022-23 Department assessment.
B5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?	No	
B6. Do any post-release studies exist to verify the estimated mortality rate?	Unknown	
B7. What is the probability of mortality exceeding levels that have been scientifically determined to be necessary for the continued viability of the species?		
C. Impacts on fisheries	No	Hornyhead turbot are taken incidentally in the halibut trawl and gill net fisheries.
C1. Does a directed fishery exist for the bycatch species?	No	
C2. Has the bycatch and associated discard mortality been accounted for?	No	
C3. Is bycatch affecting the directed fishery management strategy (i.e., restrictions on size, sex, or season)?	No	There is no ESR or FMP for hornyhead turbot.
C4. Are the impacts of bycatch considered and made explicit in an ESR or FMP?	No	
C5a. Is the species constrained under a federal rebuilding plan?	Not applicable	

Category and question	Response	Comments
C5b. If yes, will bycatch compete with fleets that target the species?	No	
C6. Is there a management allowance for percent of catch or a prohibition on retention?	Not applicable	
C7. If there is a directed fishery for the species, have there been any of the following?	Not applicable	
C7a. Reductions in opportunities or income for participants in fisheries that target the bycatch species	Not applicable	
C7b. Reductions in fishery quotas or opportunities (e.g., time and area closures) based on bycatch issues?	Not applicable	
C7c. Early closures of a fishery based on higher-than-expected bycatch?	Not applicable	
C7d. Changes in fishing, processing, disposal, and marketing costs due to bycatch?	Not applicable	
C7e. Changes in the social or cultural value of fishing activities due to bycatch?	Not applicable	
C7f. Negative socioeconomic impacts from bycatch on fisheries and/or fishing communities which target or need incidental catch of this species?	Not applicable	
C7g. Negative impacts to juveniles of a species targeted by another fishery?	Not applicable	
D. Impacts on ecosystem		The hornyhead turbot is a predator of benthic invertebrates.
D1. What is the ecosystem role of the bycatch species?	None available	

Category and question	Response	Comments
D2. Does scientific evidence show the amount of bycatch mortality significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?	Add specific references you used other than the general ones listed in Question A1.	
References		

Appendix 1f. Evaluation of sheep crab based on MLMA Master Plan bycatch criteria.

Category and question	Response	Comments
A. Legality of take	-	-
A1. Under what laws, regulations, or guidance documents is species covered?	Fish and Game Code, Title 14	8598.2 legal for take with Marine aquaria permit; 8284(a) - any fish can be retained in crab traps used to take Dungeness crab 9011; 8284(c)(3) - Districts 19 and 118.5 in rock crab traps; 8250 (b)(1) - legal in lobster traps; 126(b)(3) legal for take in trap gear
A2. Are there prohibitions against take using specific gear type?	No	
A3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?	No	
A4. Is the discard mortality rate known?	Unknown	Unknown for trawl. Department observers documented 2.6% discard mortality during the 2022-23 Department assessment.
A5a. Are special permits required to retain or interact with the species?	No	
A5b. If yes, does the fishery currently have such permits?	Not applicable	
A5c. If yes, do the levels of bycatch comply with them?	Not applicable	
A6a. Does the species have an incidental catch allowance, ACL, or other restrictions on the amount, size, or sex of catch allowed?	Yes	Per Title 14-126(b)(3), 95,000 lb are allowed for take statewide in a calendar year
A6b. If yes, does the catch comply with them?	Yes	52,000 lb were landed in 2022
B. Threats to sustainability		
B1. Has a peer-reviewed risk assessment of the vulnerability of the particular bycatch species to overfishing been conducted (e.g., PSA)	Not assessed	
B2a. Does a population status estimate or stock assessment exist for this species?	Not assessed	
B2b. If yes, is there confidence in the underlying data such that a reasonable determination can be made if the stock is considered healthy, overfished, or depleted?	Not applicable	

Category and question	Response	Comments
B3a. Are there any existing state and/or federal management measures?	Yes	Per FGC 8598.2, sheep crab are legal for take with Marine aquaria permit; Per Title 14 126(b)(3), sheep crab are legal for take in trap gear.
B3b. If yes, are they effective in ensuring sustainability?	unknown	Take of sheep crab is relatively low.
B4. Is the bycatch the product of recreational catch-and-release practices?	No	
B5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?	Unknown	Unknown for trawl. Department observers documented 2.6% discard mortality during the 2022-23 Department assessment.
B6. Do any post-release studies exist to verify the estimated mortality rate?	No	
B7. What is the probability of mortality exceeding levels that have been scientifically determined to be necessary for the continued viability of the species?	Unknown	
C. Impacts on fisheries		
C1. Does a directed fishery exist for the bycatch species?	No	Sheep crab are taken incidentally in halibut trawl and gill net fisheries.
C2. Has the bycatch and associated discard mortality been accounted for?	No	
C3. Is bycatch affecting the directed fishery management strategy (i.e., restrictions on size, sex, or season)?	No	
C4. Are the impacts of bycatch considered and made explicit in an ESR or FMP?	No	There is no ESR or FMP for sheep crab.
C5a. Is the species constrained under a federal rebuilding plan?	No	
C5b. If yes, will bycatch compete with fleets that target the species?	Not applicable	
C6. Is there a management allowance for percent of catch or a prohibition on retention?	No	
C7. If there is a directed fishery for the species, have there been any of the following?	Not applicable	

Category and question	Response	Comments
C7a. Reductions in opportunities or income for participants in fisheries that target the bycatch species	Not applicable	
C7b. Reductions in fishery quotas or opportunities (e.g., time and area closures) based on bycatch issues?	Not applicable	
C7c. Early closures of a fishery based on higher-than-expected bycatch?	Not applicable	
C7d. Changes in fishing, processing, disposal, and marketing costs due to bycatch?	Not applicable	
C7e. Changes in the social or cultural value of fishing activities due to bycatch?	Not applicable	
C7f. Negative socioeconomic impacts from bycatch on fisheries and/or fishing communities which target or need incidental catch of this species?	Not applicable	
C7g. Negative impacts to juveniles of a species targeted by another fishery?	Not applicable	
D. Impacts on ecosystem		
D1. What is the ecosystem role of the bycatch species?		The sheep crab is a scavenger and predator of benthic invertebrates.
D2. Does scientific evidence show the amount of bycatch mortality significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?	None available	
References	Add specific references you used other than the general ones listed in Question A1.	

Appendix 1g. Evaluation of yellow rock crab based on MLMA Master Plan bycatch criteria.

Category and question	Response	Comments
A. Legality of take		
A1. Under what laws, regulations, or guidance documents is species covered?	Fish and Game Code, Title 14	Per FGC 8598.2, yellow rock crab are legal for take with Marine aquaria permit; 8284(a) - any fish can be retained in crab traps used to take Dungeness crab 9011; 8284(c)(3) - Districts 19 and 118.5 in rock crab traps; 8250 (b)(1) - legal in lobster traps; Per Title 14, 126(b)(3), yellow rock crab are legal for take in trap gear; Per FGC 8834, the maximum weight of crab to be take with trawl is 500 lbs; 125(a) - permit required to take rock crab with traps; FGC 8282 and 125.1 - minimum size of 4.25 in.
A2. Are there prohibitions against take using specific gear type?	Yes	Recreational fishing using traps is prohibited south of Point Arguello; there are limits to amount of recreational hoop net gear south of Point Arguello; Commercial trap fishing permit is open-access north of Lopez Point, limited-entry south of Lopez Point.
A3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?	Yes	Yes, there is a minimum size limit of 4.25 in commercial, 4 in recreational (sublegal crab must be discarded).
A4. Is the discard mortality rate known?	Unknown	Unknown for trawl. Department observers documented 0.0% discard mortality during the 2022-23 Department assessment.
A5a. Are special permits required to retain or interact with the species?	No	
A5b. If yes, does the fishery currently have such permits?	Not applicable	
A5c. If yes, do the levels of bycatch comply with them?	Not applicable	
A6a. Does the species have an incidental catch allowance, ACL, or other restrictions on the amount, size, or sex of catch allowed?	Yes	Yellow rock crab has a minimum legal carapace length.
A6b. If yes, does the catch comply with them?	Yes	
B. Threats to sustainability		
B1. Has a peer-reviewed risk assessment of the vulnerability of the particular bycatch species to overfishing been conducted (e.g., PSA)	Not assessed	
B2a. Does a population status estimate or stock assessment exist for this species?	Not assessed	

Category and question	Response	Comments
B2b. If yes, is there confidence in the underlying data such that a reasonable determination can be made if the stock is considered healthy, overfished, or depleted?	Not applicable	
B3a. Are there any existing state and/or federal management measures?	Yes	Yes. Yellow rock crab has a minimum legal carapace measurement; take is permitted in commercial trap fisheries, and there is a recreational bag limit of 35.
B3b. If yes, are they effective in ensuring sustainability?	Unknown	Yes. the sport limit has been 35 for many decades.
B4. Is the bycatch the product of recreational catch-and-release practices?	No	
B5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?	Unknown	Unknown for trawl. Department observers documented 0.0% discard mortality during the 2022-23 Department assessment.
B6. Do any post-release studies exist to verify the estimated mortality rate?	No	
B7. What is the probability of mortality exceeding levels that have been scientifically determined to be necessary for the continued viability of the species?	Unknown	
C. Impacts on fisheries		
C1. Does a directed fishery exist for the bycatch species?	Yes	Yes. There are northern and southern California rock crab trap fisheries. The species is also taken incidentally to Dungeness crab in the recreational fishery.
C2. Has the bycatch and associated discard mortality been accounted for?	No	
C3. Is bycatch affecting the directed fishery management strategy (i.e., restrictions on size, sex, or season)?	No	
C4. Are the impacts of bycatch considered and made explicit in an ESR or FMP?	No	Yes, as related to the trap fishery. Other gear types are not considered.
C5a. Is the species constrained under a federal rebuilding plan?	No	
C5b. If yes, will bycatch compete with fleets that target the species?	Not applicable	

Category and question	Response	Comments
C6. Is there a management allowance for percent of catch or a prohibition on retention?	No	
C7. If there is a directed fishery for the species, have there been any of the following?	Not applicable	
C7a. Reductions in opportunities or income for participants in fisheries that target the bycatch species	No	
C7b. Reductions in fishery quotas or opportunities (e.g., time and area closures) based on bycatch issues?	No	
C7c. Early closures of a fishery based on higher-than-expected bycatch?	No	
C7d. Changes in fishing, processing, disposal, and marketing costs due to bycatch?	No	
C7e. Changes in the social or cultural value of fishing activities due to bycatch?	No	
C7f. Negative socioeconomic impacts from bycatch on fisheries and/or fishing communities which target or need incidental catch of this species?	None	
C7g. Negative impacts to juveniles of a species targeted by another fishery?	None	Most trawl-caught yellow rock crabs are released live. The Department's 2022-23 CHTG assessment saw 0% yellow rock crab mortality.
D. Impacts on ecosystem		
D1. What is the ecosystem role of the bycatch species?		The yellow rock crab is a scavenger and predator of benthic inverts
D2. Does scientific evidence show the amount of bycatch mortality significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?	None available	

Category and question	Response	Comments
References	Add specific references you used other than the general ones listed in Question A1.	

Appendix 1h. Evaluation of sublegal halibut based on MLMA Master Plan bycatch criteria.

Category and question	Response	Comments
A. Legality of take	-	-
A1. Under what laws, regulations, or guidance documents is species covered?	Fish and Game Code: Title 14; Title 50 Federal Code of Regulations	Per FCG 8494-97: within the California Halibut Trawl Grounds, a trawl permit required; Per FGC 8392, there is a minimum length requirement with a tail sweep allowed;
		Per Title 14, 124: light touch trawl gear is required in trawl grounds, 124.1: requires halibut trawl permit renewal;
		Per Title 50 sec 660.333: participation in halibut trawl fishery defined,
A2. Are there prohibitions against take using specific gear type?	Yes	Sublegal-sized halibut are not allowed for retention with any gear.
A3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?	Yes	There is a minimum legal length of 22 in.
A4. Is the discard mortality rate known?	Unknown	Unknown for trawl. Department observers documented 16.8% discard mortality during the 2022-23 Department assessment.
A5a. Are special permits required to retain or interact with the species?	No	
A5b. If yes, does the fishery currently have such permits?	Not applicable	
A5c. If yes, do the levels of bycatch comply with them?	Not applicable	
A6a. Does the species have an incidental catch allowance, ACL, or other restrictions on the amount, size, or sex of catch allowed?	Yes	There is a minimum legal length for retention regardless of gear type.
A6b. If yes, does the catch comply with them?	Yes	
B. Threats to sustainability		
B1. Has a peer-reviewed risk assessment of the vulnerability of the particular bycatch species to overfishing been conducted (e.g., PSA)	Yes	
B2a. Does a population status estimate or stock assessment exist for this species?	Yes	Based on the 2011 California Halibut Stock Assessment, the southern population is estimated to be depleted to about 14% of its unexploited spawning biomass level); 2020 California Halibut Stock Assessment, Executive Summary; California Halibut 2020 Stock Assessment Review Panel Report
B2b. If yes, is there confidence in the underlying data such that a reasonable determination can be made if the stock is considered healthy, overfished, or depleted?	No	The CA halibut ESR states that the results of the 2020 efforts were reviewed by a panel of stock assessment experts and found not to be ready for use in management, particularly for the northern stock. The California Halibut 2020 Stock Assessment Review Panel Report outlined recommendations for additional data collection, analysis, and model improvements, including reconstructing historical halibut landings to reflect an unfished or nearly unfished condition and initial population estimates.
B3a. Are there any existing state and/or federal management measures?	Yes	From the CA halibut ESR: The minimum size limit is intended to allow halibut the opportunity to reproduce at least once before they become eligible for take by the fishery. Trawl fisheries are required to complete logbooks and under certain conditions they are subject to the requirements of the federal observer program and Vessel Monitoring Systems, which allows for monitoring of these gear types when fishing in federal waters or transiting federal waters with groundfish. Area closures and gear restrictions are intended to protect the halibut population, incidental co-occurring species, and habitat.

Category and question	Response	Comments
B3b. If yes, are they effective in ensuring sustainability?	Yes	From the CA halibut ESR: The Department has not established formal overfishing criteria for the halibut resource. The MLMA defines overfishing as a rate or level of take that the best available scientific information, and other relevant information, indicates is not sustainable or that jeopardizes the capacity of a marine fishery to produce the maximum sustainable yield on a continuing basis. Department staff continue to monitor catch, effort, and life history trends with fishery-dependent and fishery-independent datasets on a monthly to annual basis. These data are evaluated relative to historic trends and environmental factors. If a problem is detected by the Department or reported by stakeholders, Department resources and management attention focus on the situation. The halibut fishery is currently being evaluated with a Management Strategy Evaluation (MSE) using the Data Limited Methods Toolkit framework which is intended to establish formal overfishing rules. Should the MSE or the stock assessment indicate that the halibut population is overfished, a rebuilding plan will be required. There are currently no formal indications that the halibut resource is overfished, although the stock status may be different north compared to south of Point Conception.
B4. Is the bycatch the product of recreational catch-and-release practices?	No	
B5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?	Unknown	Unknown for trawl. Department observers documented 16.8% discard mortality during the 2022-23 Department assessment.
B6. Do any post-release studies exist to verify the estimated mortality rate?	No	
B7. What is the probability of mortality exceeding levels that have been scientifically determined to be necessary for the continued viability of the species?	Unknown	
C. Impacts on fisheries		
C1. Does a directed fishery exist for the bycatch species?	Yes	The fishery is for legal size halibut 22 in. and up.
C2. Has the bycatch and associated discard mortality been accounted for?	No	
C3. Is bycatch affecting the directed fishery management strategy (i.e., restrictions on size, sex, or season)?	No	Currently no, but this may be considered during a statewide process to determine bycatch acceptability with trawl gear.
C4. Are the impacts of bycatch considered and made explicit in an ESR or FMP?	No	Bycatch impacts of sublegal halibut are not explored in detail in the ESR.
C5a. Is the species constrained under a federal rebuilding plan?	No	
C5b. If yes, will bycatch compete with fleets that target the species?	Not applicable	
C6. Is there a management allowance for percent of catch or a prohibition on retention?	No	
C7. If there is a directed fishery for the species, have there been any of the following?		
C7a. Reductions in opportunities or income for participants in fisheries that target the bycatch species	No	

Category and question	Response	Comments
C7b. Reductions in fishery quotas or opportunities (e.g., time and area closures) based on bycatch issues?	No	
C7c. Early closures of a fishery based on higher-than-expected bycatch?	No	
C7d. Changes in fishing, processing, disposal, and marketing costs due to bycatch?	No	
C7e. Changes in the social or cultural value of fishing activities due to bycatch?	No	
C7f. Negative socioeconomic impacts from bycatch on fisheries and/or fishing communities which target or need incidental catch of this species?	None	

Appendix 1i. Evaluation of pink sea perch based on MLMA Master Plan bycatch criteria.

Category and question	Response	Comments
A. Legality of take		
A1. Under what laws, regulations, or guidance documents is species covered?	Title 14-§27.60	There is a default recreational 10 fish limit.
A2. Are there prohibitions against take using specific gear type?	No	
A3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?	NO	Pink sea perch are not commercially or recreationally targeted or retained.
A4. Is the discard mortality rate known?	Unknown	Unknown for trawl. Department observers documented 89.4% discard mortality during the 2022-23 Department assessment.
A5a. Are special permits required to retain or interact with the species?	No	
A5b. If yes, does the fishery currently have such permits?	Not applicable	
A5c. If yes, do the levels of bycatch comply with them?	Not applicable	
A6a. Does the species have an incidental catch allowance, ACL, or other restrictions on the amount, size, or sex of catch allowed?	No	Pink sea perch are not commercially or recreationally targeted or retained.
A6b. If yes, does the catch comply with them?	Not applicable	
B. Threats to sustainability		
B1. Has a peer-reviewed risk assessment of the vulnerability of the particular bycatch species to overfishing been conducted (e.g., PSA)	No	
B2a. Does a population status estimate or stock assessment exist for this species?	No	
B2b. If yes, is there confidence in the underlying data such that a reasonable determination can be made if the stock is considered healthy, overfished, or depleted?	Not applicable	

Category and question	Response	Comments
B3a. Are there any existing state and/or federal management measures?	Yes	There is a state default recreational 10 fish limit. However, this species is not targeted or retained by commercial or recreational fishermen.
B3b. If yes, are they effective in ensuring sustainability?	unknown	
B4. Is the bycatch the product of recreational catch-and-release practices?	No	
B5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?	Unknown	Unknown for trawl. Department observers documented 89.4% discard mortality during the 2022-23 CHTG assessment. Typically, the large cod-end mesh used in the CHTG allows pink sea perch to pass unless the net is clogged with debris.
B6. Do any post-release studies exist to verify the estimated mortality rate?	No	
B7. What is the probability of mortality exceeding levels that have been scientifically determined to be necessary for the continued viability of the species?	Unknown	
C. Impacts on fisheries		
C1. Does a directed fishery exist for the bycatch species?	No	
C2. Has the bycatch and associated discard mortality been accounted for?	No	
C3. Is bycatch affecting the directed fishery management strategy (i.e., restrictions on size, sex, or season)?	No	
C4. Are the impacts of bycatch considered and made explicit in an ESR or FMP?	No	
C5a. Is the species constrained under a federal rebuilding plan?	No	
C5b. If yes, will bycatch compete with fleets that target the species?	Not applicable	
C6. Is there a management allowance for percent of catch or a prohibition on retention?	No	
C7. If there is a directed fishery for the species, have there been any of the following?		There is no directed fishery for pink sea perch.

Category and question	Response	Comments
C7a. Reductions in opportunities or income for participants in fisheries that target the bycatch species	No	
C7b. Reductions in fishery quotas or opportunities (e.g., time and area closures) based on bycatch issues?	No	
C7c. Early closures of a fishery based on higher-than-expected bycatch?	No	
C7d. Changes in fishing, processing, disposal, and marketing costs due to bycatch?	No	
C7e. Changes in the social or cultural value of fishing activities due to bycatch?	No	
C7f. Negative socioeconomic impacts from bycatch on fisheries and/or fishing communities which target or need incidental catch of this species?	None	
C7g. Negative impacts to juveniles of a species targeted by another fishery?	No	
D. Impacts on ecosystem		
D1. What is the ecosystem role of the bycatch species?		The pink sea perch is a predator of benthic worms, brittle star, and small crustaceans.
D2. Does scientific evidence show the amount of bycatch mortality significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?	None available	
References	Add specific references you used other than the general ones listed in Question A1.	

Appendix 1j. Evaluation of English sole based on MLMA Master Plan bycatch criteria.

Category and question	Response	Comments
A. Legality of take		
A1. Under what laws, regulations, or guidance documents is species covered?	Title 50, Fed Code of Regulations; Managed groundfish	Title 50. 660.23 establishes fixed gear limits, Title 50. 660.55: established an allocation limit.
A2. Are there prohibitions against take using specific gear type?	No	
A3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?	No	
A4. Is the discard mortality rate known?	Unknown	Unknown for trawl, however Department observers documented 8.3% mortality during the 2022-23 Department assessment.
A5a. Are special permits required to retain or interact with the species?	No	
A5b. If yes, does the fishery currently have such permits?	Not applicable	
A5c. If yes, do the levels of bycatch comply with them?	Not applicable	
A6a. Does the species have an incidental catch allowance, ACL, or other restrictions on the amount, size, or sex of catch allowed?	Yes	A quota amount is set under Groundfish Management Plan (GMP).
A6b. If yes, does the catch comply with them?	Yes	Directed catch is primarily by the groundfish fleet. Retention by the halibut trawl fleet is minimal.
B. Threats to sustainability		
B1. Has a peer-reviewed risk assessment of the vulnerability of the particular bycatch species to overfishing been conducted (e.g., PSA)	No	
B2a. Does a population status estimate or stock assessment exist for this species?	Yes	English sole was assessed in 2013 under GMP and was not overfished.
B2b. If yes, is there confidence in the underlying data such that a reasonable determination can be made if the stock is considered healthy, overfished, or depleted?		The stock is not overfished. The directed catch is less than 1% of GF trawl quota.

Category and question	Response	Comments
B3a. Are there any existing state and/or federal management measures?	Yes	There is a state default recreational 10 fish limit. However, the species is not targeted or retained by recreational anglers. There are commercial catch limits established under GMP.
B3b. If yes, are they effective in ensuring sustainability?	Yes	
B4. Is the bycatch the product of recreational catch-and-release practices?	No	
B5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?	Unknown	Unknown for trawl, however Department observers documented 8.3% mortality during the 2022-23 Department assessment.
B6. Do any post-release studies exist to verify the estimated mortality rate?	No	
B7. What is the probability of mortality exceeding levels that have been scientifically determined to be necessary for the continued viability of the species?	Unknown	Unknown but probably low. The directed trawl fishery takes little of the quota and the southern halibut fishery retains little. The required large cod-end mesh may contribute to reduced net retention.
C. Impacts on fisheries		
C1. Does a directed fishery exist for the bycatch species?	Yes	A directed groundfish trawl fishery exists.
C2. Has the bycatch and associated discard mortality been accounted for?	Yes	They are accounted for under federal catch limits by fishing sector.
C3. Is bycatch affecting the directed fishery management strategy (i.e., restrictions on size, sex, or season)?	No	
C4. Are the impacts of bycatch considered and made explicit in an ESR or FMP?	Yes	The species is managed under the groundfish FMP.
C5a. Is the species constrained under a federal rebuilding plan?	No	
C5b. If yes, will bycatch compete with fleets that target the species?	Not applicable	
C6. Is there a management allowance for percent of catch or a prohibition on retention?	No	
C7. If there is a directed fishery for the species, have there been any of the following?		There is a federal groundfish fishery.

Category and question	Response	Comments
C7a. Reductions in opportunities or income for participants in fisheries that target the bycatch species	No	
C7b. Reductions in fishery quotas or opportunities (e.g., time and area closures) based on bycatch issues?	No	
C7c. Early closures of a fishery based on higher-than-expected bycatch?	No	
C7d. Changes in fishing, processing, disposal, and marketing costs due to bycatch?	No	
C7e. Changes in the social or cultural value of fishing activities due to bycatch?	No	
C7f. Negative socioeconomic impacts from bycatch on fisheries and/or fishing communities which target or need incidental catch of this species?	None	
C7g. Negative impacts to juveniles of a species targeted by another fishery?	No	
D. Impacts on ecosystem		
D1. What is the ecosystem role of the bycatch species?		The English sole is a predator of benthic worms, brittle stars, and small crustaceans.
D2. Does scientific evidence show the amount of bycatch mortality significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?	None available	
References	Add specific references you used other than the general ones listed in Question A1.	

Appendix 2a. Observed invertebrate trawl catch from 2018-2022 (June 16-March 14) for southern California CHTG (WCGOP 2022,2023). (Unid = unidentified to species). Discard counts include estimates based on species subsamples that are expanded to haul level. Weight in metric tons.

Species	Scientific Name	Retained MT	Discard Count	Discard MT
Armed box crab	<i>Platymera gaudichaudii</i>	0	1,030	0.17
Bivalve Unid	Bivalvia	0	62	0.002
Bobtail squid	Sepiolida	0	24	0.001
Brittle/Basket star unid	Ophiuroidea	0	2	0.0
CA sea cucumber	<i>Parastichopus californicus</i>	0	142	0.042
California spiny lobster	<i>Panulirus interruptus</i>	0	NA	0.011
Crab unid	Decapoda	0.086	NA	0.054
Crab unid	Brachyura/Anomura	0.094	NA	0
Decorator/Spider crab Unid	Majidae	0	4	0.0
Dungeness crab	<i>Cancer magister</i>	0	13	0.009
Graceful crab	<i>Cancer gracilis</i>	0	1,714	0.237
Horny gorgonian	Holaxonia	0	5	0.0
Humboldt (Jumbo) squid	<i>Dosidicus gigas</i>	0	NA	0.005
Invertebrate unid	N/A	0.001	NA	0.02
Isopod unid	Isopoda	0	22	0.0
Jellyfish unid	Scyphozoa	0	59	0.039
Kelp crab unid	Pugettia	0	14	0.002
King crab unid	Lithode	0.005	NA	0
Market squid	<i>Doryteuthis opalescens</i>	0.078	NA	0
Masking crab	<i>Loxorhynchus crispatus</i>	0	4	0.001
Mollusk unid	Mollusca	0	2	0.001
Non-Humboldt squid unid	Teuthida	0.054	4,563	0.146
Nudibranch unid	Nudibranchia	0	240	0.039
Octopus unid	Octopoda	0	441	0.018
Pacific rock crab	<i>Cancer antennarius</i>	0	89	0.027
Purple globe crab	<i>Randallia ornata</i>	0	13	0.002
Pyrosome unid	Pyrosoma spp	0	844	0.206
Red rock crab	<i>Cancer productus</i>	1.137	22	0.012
Ridgeback prawn	<i>Sicyonia ingentis</i>	0	1,101	0.013
Rock crab	N/A	0.008	2	0.007
Sea anemone unid	Actiniaria	0	17	0.008
Sea cucumber unid	Holothuroidea	0	127	0.026
Sea pansy	Renillidae	0	1	0.0
Sea pen	Pennatulacea	0	56	0.001
Sea star unid	Asteroidea	0	4,687	0.02
Sheep crab	<i>Loxorhynchus grandis</i>	0.007	932	1.062

Species	Scientific Name	Retained MT	Discard Count	Discard MT
Shrimp unid	Caridea	0.002	4,928	0.101
Spiny lobster unid	Palinura	0	169	0.111
Spot prawn	<i>Pandalus platyceros</i>	0	18	0.0
Tunicate unid	Tunicata	0	48	0.002
Urchin unid	Echinoidea	0	18	0.0
Xantus swimming crab	<i>Portunus xantusii</i>	0	16	0.0
Yellow rock crab	<i>Cancer anthonyi</i>	0	1,783	0.54

Appendix 2b. Observed finfish trawl catch from 2018-2022 (June 16-March 14) for southern California CHTG (WCGOP 2022,2023). (Unid = unidentified to species). Discard counts include estimates based on species subsamples that are expanded to haul level. Weight in metric tons.

Species- finfish	Scientific Name	Retained MT	Discard Count	Discard MT
Anchovy unid	Engraulidae	0.07	2	0.0
Banded guitarfish	<i>Zapteryx exasperata</i>	0	1	0.001
Barred sand bass	<i>Paralabrax nebulifer</i>	0	252	0.262
Bass unid	Percichthyidae/Serranidae	0	NA	0.002
Bat ray	<i>Myliobatis californica</i>	2.780	928	6.539
Bay pipefish	<i>Syngnathus leptorhynchus</i>	0	3	0.0
Big skate	<i>Raja binoculata</i>	0.166	54	0.278
Bocaccio rockfish	<i>Sebastes paucispinis</i>	0	1	0.0
Brown rockfish	<i>Sebastes auriculatus</i>	0.029	35	0.014
Brown smoothhound shark	<i>Mustelus henlei</i>	0	128	0.161
Cabezon	<i>Scorpaenichthys marmoratus</i>	0	2	0.002
California barracuda	<i>Sphyræna argentea</i>	0.012	NA	0
California butterfly ray	<i>Gymnura marmorata</i>	0	1	0.006
California halibut	<i>Paralichthys californicus</i>	10.918	2,663	3.554
California lizardfish	<i>Synodus lucioceps</i>	0.036	1,931	0.452
California scorpionfish	<i>Scorpaena guttata</i>	0.576	1,355	0.324
California sheephead	<i>Semicossyphus pulcher</i>	0.016	5	0.007
California skate	<i>Raja inornata</i>	0.358	12,917	4.808
C-O (C-O Turbot) sole	<i>Pleuronichthys coenosus</i>	0	3	0.0
Combfish unid	Zaniolepis	0	NA	0.342
Common thresher shark	<i>Alopias vulpinus</i>	0.084	2	0.004
Copper rockfish	<i>Sebastes caurinus</i>	0	52	0.002
Croaker unid	Sciaenidae	0.001	NA	0
Curlfin sole	<i>Pleuronichthys decurrens</i>	0.007	219	0.04
Cusk-eel unid	Ophidiidae	0	1	0.0
Diamond turbot	<i>Hypsopsetta guttulata</i>	0	2	0.001
Dover sole	<i>Microstomus pacificus</i>	0	57	0.004
Eelpout unid	Zoarcidae	0	4	0.0
Egg case unid	N/A	0	17	0.001
English sole	<i>Parophrys vetulus</i>	0.324	3,518	0.492
Fantail sole	<i>Xystreurus liolepis</i>	0.511	2,272	0.756
Flatfish unid	Pleuronectiformes	0.01	NA	0.014
Giant sea bass	<i>Stereolepis gigas</i>	0	5	0.01
Gray smoothhound shark	<i>Mustelus californicus</i>	0	3	0.004
Halfbanded rockfish	<i>Sebastes semicinctus</i>	0	34	0.001
Horn shark	<i>Heterodontus francisci</i>	0	76	0.072

Species- finfish	Scientific Name	Retained MT	Discard Count	Discard MT
Hornyhead turbot	<i>Pleuronichthys verticalis</i>	0.206	10,479	1.431
Kelp rockfish	<i>Sebastes atrovirens</i>	0	2	0.0
Leopard shark	<i>Triakis semifasciata</i>	0.042	1	0.02
Lingcod	<i>Ophiodon elongatus</i>	0	26	0.005
Longfin sanddab	<i>Citharichthys xanhostigma</i>	0	3,691	0.056
Longspine combfish	<i>Zaniolepis latipinnis</i>	0	103,977	2.479
Mexican rockfish	<i>Sebastes macdonaldi</i>	0	5	0.0
Midshipman (Toadfish)	Batrachoididae	0	4114	0.609
Mixed species	N/A	0.0	NA	0.007
Nearshore rockfish unid	Scorpaenidae	0.001	NA	0
Northern anchovy	<i>Engraulis mordax</i>	0.001	297	0.004
Ocean whitefish	<i>Caulolatilus princeps</i>	0	22	0.003
Pacific angel shark	<i>Squatina californica</i>	2.976	2,260.4	5.462
Pacific butterflyfish	<i>Peprilus simillimus</i>	0.003	172	0.007
Pacific hake	<i>Merluccius productus</i>	0	8	0.003
Pacific sanddab	<i>Citharichthys sordidus</i>	0.008	844	0.058
Pacific sardine	<i>Sardinops sagax</i>	0	3	0.0
Pacific staghorn sculpin	<i>Leptocottus armatus</i>	0	2	0.0
Painted greenling	<i>Oxylebius pictus</i>	0	1	0.0
Pink surfperch	<i>Zalembeus rosaceus</i>	0	263	0.008
Plainfin midshipman	<i>Porichthys notatus</i>	0	46	0.052
Queenfish	<i>Seriphus politus</i>	0	154	0.008
Ray unid	Myliobatiformes	0	1	0.014
Rock sole	<i>Pleuronectes bilineatus</i>	0.133	NA	0
Sand sole	<i>Psettichthys melanostictus</i>	0.004	2	0.001
Sanddab unid	Citharichthys	0.01	NA	0
Sarcastic fringehead	<i>Neoclinus blanchardi</i>	0	11	0.001
Sculpin unid	Cottidae	0	681	0.007
Sevengill shark	<i>Notorynchus cepedianus</i>	0	5	0.026
Shark unid	Squaliformes	0.012	16	0.082
Shark unid	Elasmobranchii	0.022	1	0
Shiner surfperch	<i>Cymatogaster aggregata</i>	0	3	0.0
Shovelnose guitarfish	<i>Rhinobatos productus</i>	0	37	0.087
Skate unid	Rajidae	0.372	2	0
Smooth stargazer	<i>Kathetostoma avertuncus</i>	0	81	0.03
Smoothhound shark unid	Mustelus	0.033	NA	0.012
Soupin shark	<i>Galeorhinus galeus</i>	0	1	0.034
Speckled sanddab	<i>Citharichthys stigmaeus</i>	0	22	0.001
Specklefin midshipman	<i>Porichthys myriaster</i>	0	289	0.095
Spiny dogfish shark	<i>Squalus suckleyi</i>	0.077	55	0.282
Splitnose searobin	<i>Bellator xenisma</i>	0	2	0.0

Species- finfish	Scientific Name	Retained MT	Discard Count	Discard MT
Spotted batfish	<i>Zalieutes elater</i>	0	19	0.001
Spotted ratfish	<i>Hydrolagus colliei</i>	0	56	0.025
Spotted turbot	<i>Pleuronichthys ritteri</i>	0	49	0.008
Squarespot rockfish	<i>Sebastes hopkinsi</i>	0	7	0.0
Starry skate	<i>Raja stellulata</i>	0	3	0.001
Stripetail rockfish	<i>Sebastes saxicola</i>	0	119	0.002
Surfperch unid	Embiotocidae	0	4,452	0.11
Thornback	<i>Platyrhinoidis triseriata</i>	0	72	0.054
Thresher shark unid	Alopias	0.009	NA	0
Vermilion rockfish	<i>Sebastes miniatus</i>	0.017	252	0.002
White croaker	<i>Genyonemus lineatus</i>	0.137	7,652	0.714
White sea bass	<i>Atractoscion nobilis</i>	0.025	2	0.016

Memorandum

Date: April 2, 2024

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

From: Charlton H. Bonham
Director

Subject: Proposed Marine Protected Area Petition Evaluation Process and Timeline

At their February 14-15, 2024, meeting, the California Fish and Game Commission (CFGF) referred 20 Marine Protected Area (MPA) regulation change petitions to the California Department of Fish and Wildlife (CDFW) for review, evaluation, and recommendation. In addition, the CFGF requested CDFW develop a proposed approach to evaluate the petitions to discuss at the Marine Resources Committee (MRC) meeting on March 19, 2024. After discussion and input from interested stakeholders, the MRC recommended approval of CDFW's proposed 3-phase approach to evaluate MPA petitions. The proposed approach is briefly described below and in the enclosed presentation that was provided to the MRC on March 19, 2024.

Proposed 3-Phase Approach to MPA Petition Evaluation

Phase 1: Petitions will be categorized into two bins using the criteria outlined below to determine which petitions can be evaluated in the near-term and which petitions will require additional policy guidance, information, and/or resources prior to evaluation.

- **Bin 1 petitions:** Petitions that can be evaluated in the *near-term* must meet all the following criteria:
 - Policy direction not needed for next phases.
 - Within CFGF authority.
 - Immediate evaluation possible.
 - Limited clarification needed from petitioner.
 - Limited controversy anticipated.

- **Bin 2 petitions:** Petitions that do not meet all the above criteria will be categorized into Bin 2. The analysis of these petitions will be more complex as they will require additional policy guidance, information, and/or resources before they can be evaluated. Due to the complexity of these petitions, these will be evaluated in the *longer term*.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 2, 2024
Page 2

Phase 2: Separate all Bin 1 petitions into individual actions and proceed to phase 3. Separate Bin 2 petitions into individual actions and identify additional policy guidance, information, and/or resources that are necessary to advance individual actions to phase 3.

Phase 3: Adaptive management evaluation and recommendations. Apply the evaluation framework approved by the CFGC to each petition action. The process will identify which petitions, and/or actions within each petition, would be recommended to be granted, denied, or considered through an alternative pathway.

Proposed MPA Petition Evaluation Anticipated Timeline

- **March-April 2024: Development of Evaluation Framework**
 - Receive and discuss proposed 3-phase evaluation process at the March 19 MRC and April 17 CFGC meetings.
- **April-August 2024: Phase 1— CDFW Sort Petitions into 2 Bins**
 - Discuss proposed bins at the July 18 MRC and August 14 CFGC meetings.
- **August 2024 and beyond: Phases 2 and 3—Separate petitions into individual actions**
 - Receive guidance on Bin 2 actions as needed.
 - Move forward with evaluation on both Bin 1 and 2 actions. Evaluation timelines for Bin 1 and Bin 2 actions will vary.

If you have any questions or need more information, please contact Dr. Craig Shuman, Marine Regional Manager, at (805) 568-1246.

Attachment 1: Proposed Marine Protected Area Petition Evaluation presentation.

Attachment 2: Evaluation Framework

cc: Jenn Eckerle, Deputy Secretary for Ocean and Coastal Policy
Natural Resources Agency

Craig Shuman, D. Env., Region Manager
Marine Region

Becky Ota, Environmental Program Manager
Marine Region

Stephen Wertz, Senior Environmental Scientist
Marine Region

Sara Worden, Environmental Scientist
Marine Region

Department of Fish and Wildlife: Summary of Marine Protected Area (MPA) Regulation Change Petition Framework Discussion

(07/27/23) Revised 08/10/23; Revised 8/17/23

At the California Fish and Game Commission's (CFGC) July 20, 2023 Marine Resources Committee (MRC) meeting, MRC, CFGC staff, California Department of Fish and Wildlife (CDFW) staff, and stakeholders discussed potential next steps in pursuing the MPA Decadal Management Review (DMR) report recommendations and goals. The discussion included a potential framework to assist in evaluation of petitions the CFGC may receive related to changes to the MPA network and management program. At the request of MRC, staff from CDFW summarized the input received at the July 20, 2023 MRC meeting regarding these MPA petition framework considerations.

Broadly, petitions submitted to the CFGC are evaluated on a case by case by basis. To help guide petition development and subsequent review by CDFW, the MRC received the following input for evaluating petitions related to MPAs:

- Compatible with the goals and guidelines of the Marine Life Protection Act (MLPA);
- Help advance one or more of the [six goals](#) of the MLPA;
- Garner strong community support; and/or
- Advance adaptive management recommendations under the cornerstones of MPA governance, MPA Management Program activities, and MPA Network Performance outlined in [DMR Table 6.1](#) to ensure that petitions meet MPA management priorities.

The MRC also received input organized by cornerstone as follows:

- MPA Governance:
 - Simplifies regulatory language or enhances public understanding
 - Addresses inaccuracies or discrepancies in regulations
 - Accounts for regional stakeholder group intent identified during the regional MLPA planning process (including MPA-specific goals/objectives and design considerations)
 - Accounts for CDFW's [MPA design and management feasibility guidelines](#)
 - Advances tribal stewardship and co-management, consistent with the CFGC [Co-Management Vision Statement and Definition](#)
 - Improves access for traditionally underserved or marginalized communities, consistent with the [CFGC Policy on Justice Equity, Diversity and Inclusion](#)
 - Acknowledges socio-economic implications, such as access for consumptive or non-consumptive users
- MPA Management Program Activities:
 - Clearly addresses or identifies scientific need for MPA Network based on best available science and scientific advancement since Network completion
 - Improves compliance and/or enforceability
- MPA Network Performance:
 - Maintains or enhances the protections and integrity of the MPA Network
 - Maintains or enhances habitat and species connectivity
 - Adheres to science guidelines, such as maintaining minimum size and spacing, and protection of diverse habitats
 - Enhances climate resilience and/or helps mitigate climate impacts



Proposed Marine Protected Area Petition Evaluation and Timeline

19 March 2024

Presented to:

Marine Resources Committee
California Fish and Game Commission

Presented by:

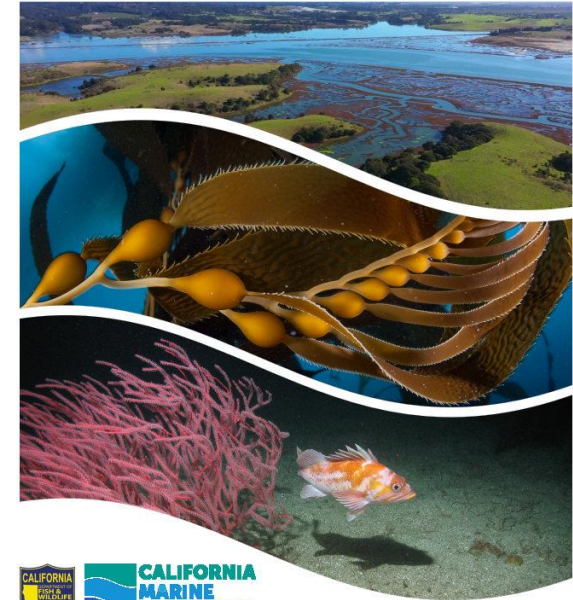
Dr. Craig Shuman
Marine Regional Manager



Petitions for Proposed MPA Network Changes

- CFGC received **20 petitions** to change MPAs at the December 2023 meeting
- At the February 2024 meeting, CFGC **referred all petitions** to CDFW
- **16 individual organizations** submitted petitions
- Petitions include **80+ proposed petition actions**
- **49+ MPAs and special closures affected** by proposals

California's Marine Protected Area Network **DECADAL MANAGEMENT REVIEW**

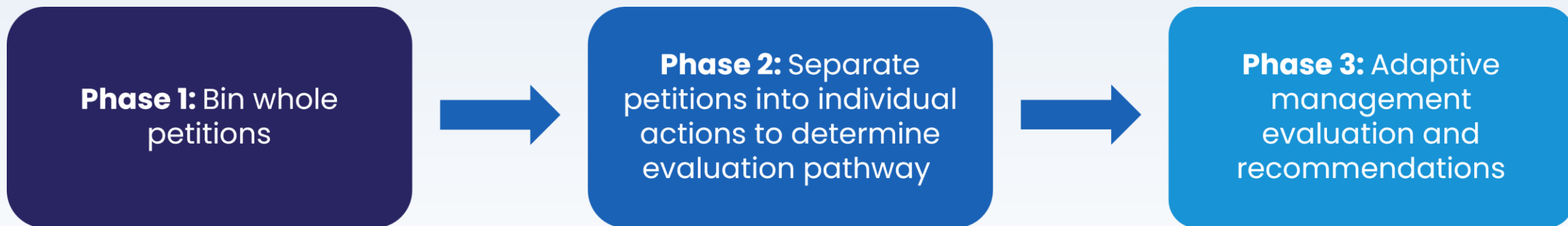


2022





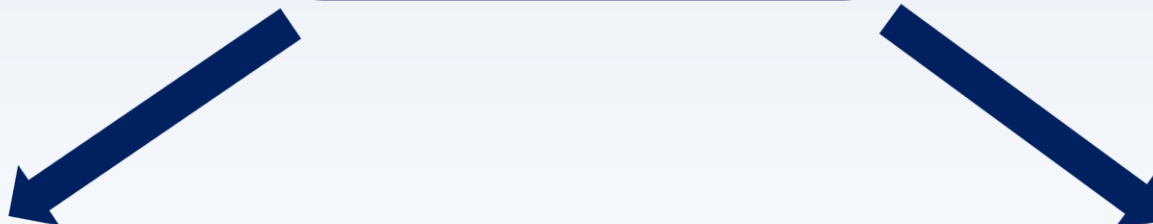
Proposed Petition Evaluation Framework: 3-phase Approach





Phase 1: Bin Whole Petitions

Phase 1:
Bin whole petitions



Bin 1

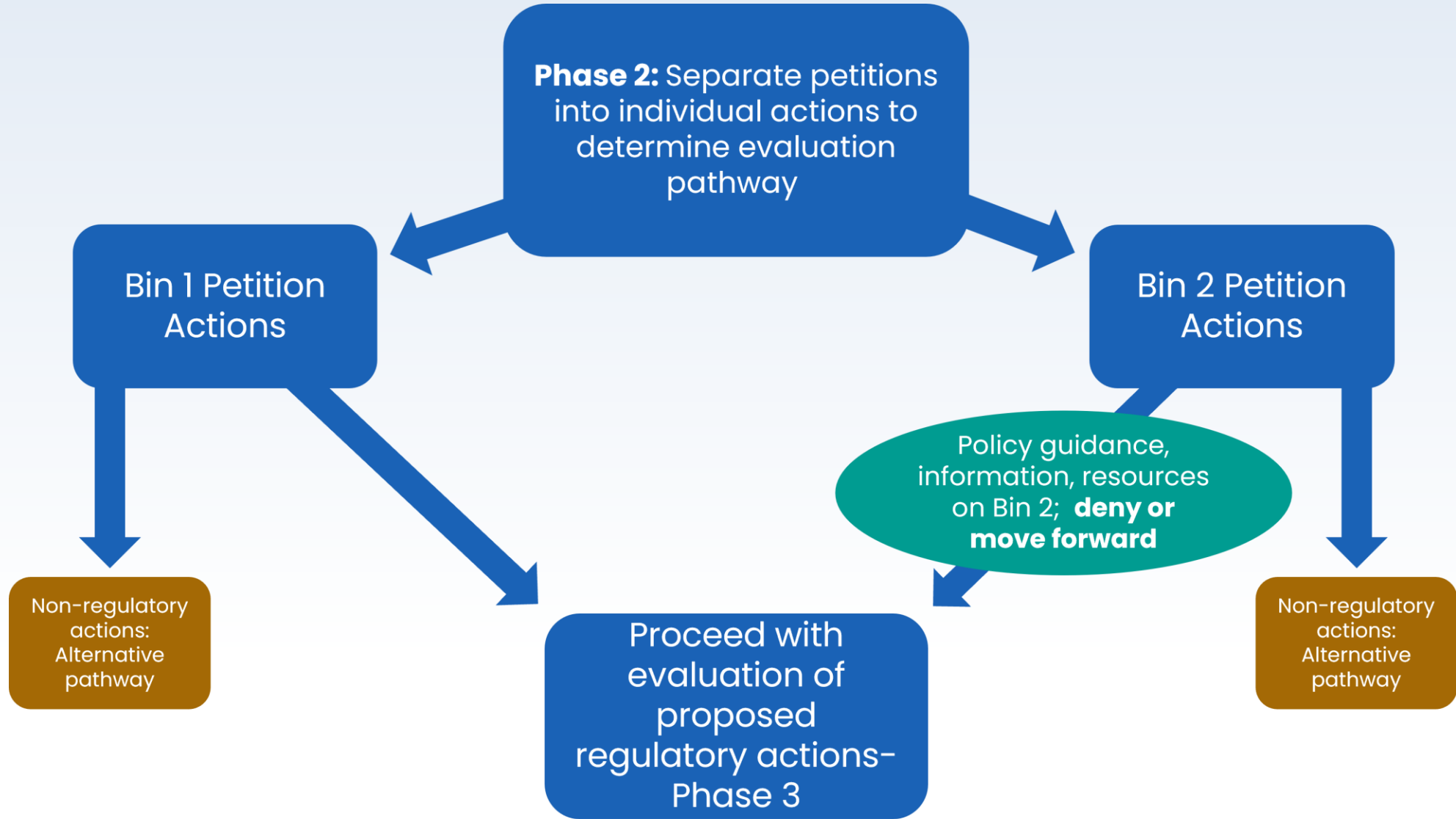
- Policy direction not needed for next phases
- Within CFGC authority
- Immediate evaluation possible
- Limited clarification needed from petitioner
- Limited controversy anticipated

Bin 2

Do not meet criteria for Bin 1

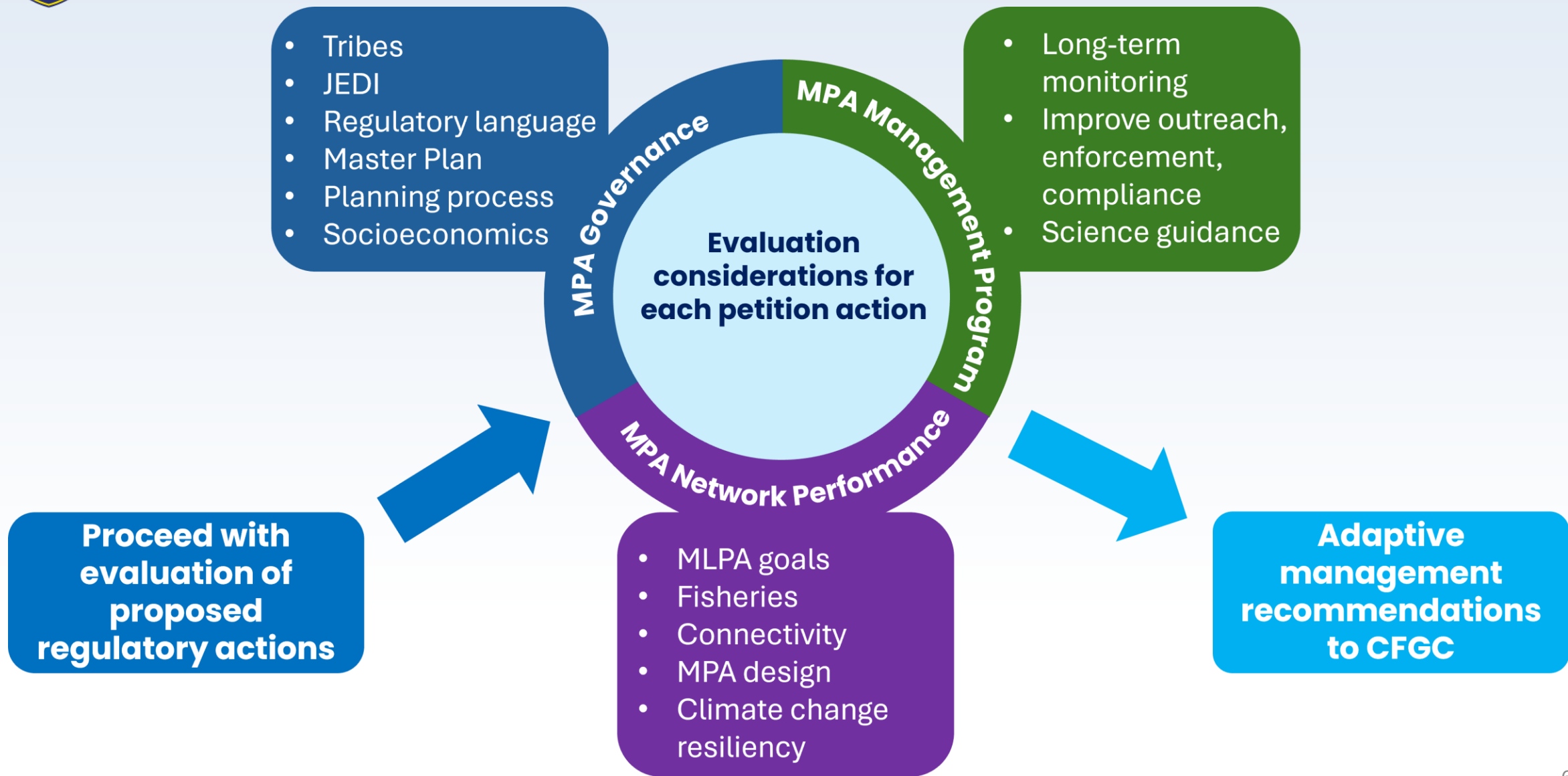


Phase 2: Actions and Evaluation Pathway



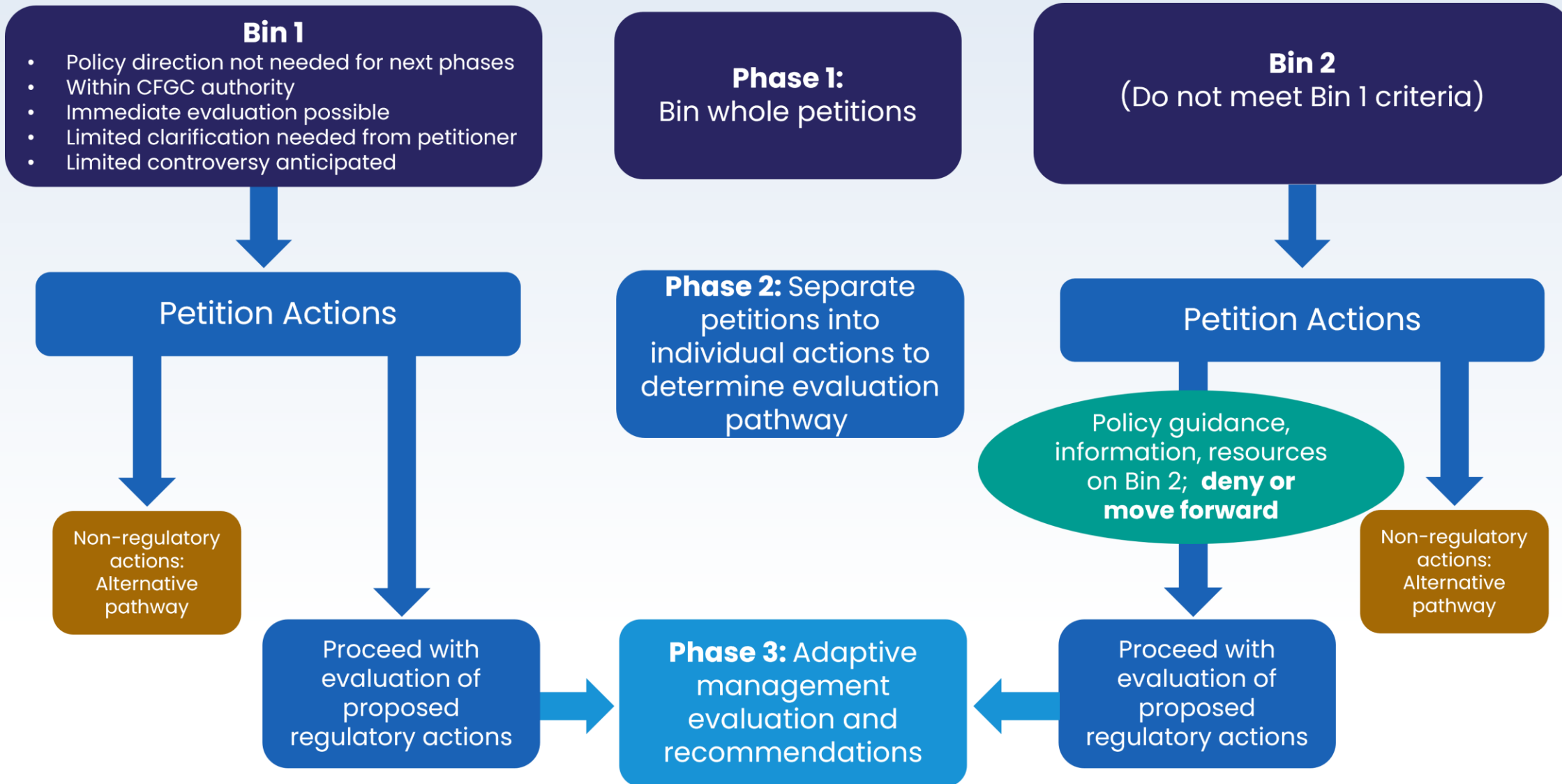


Phase 3: Evaluation Considerations and Recommendations





Proposed Petition Evaluation Framework: Detailed 3-Phase Approach





Proposed MPA Petition Evaluation: Anticipated Timeline

Development of evaluation framework

- MRC and FGC receive and discuss 3-phase evaluation process.
 - MRC: March 19
 - CFGC: April 17

Phase 1: Sort petitions into 2 Bins

- Sort petitions and discuss petitions in Bin 1 and Bin 2.
- MRC July 18
- FGC August 14

Phases 2 and 3: Separate petitions into individual actions, receive guidance on Bin 2 actions as needed, move forward with evaluation.

- Anticipate Bin 1 and 2 evaluation timelines will vary.



Thank You

Questions?

mpamanagementreview@wildlife.ca.gov



From: Keith <[REDACTED]>
Sent: Tuesday, March 19, 2024 02:04 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Tanaka, Travis@Wildlife <[REDACTED]>
Subject: March 19 MRC meeting comments

Hello,

My name is Keith Andrews, my wife and I own and operate the F/V Leonilda in Port San Luis Ca.

I have participated in the California halibut trawl fishery since 1997. Until 2019, almost exclusively in the California halibut trawl area. We have now moved from Santa Barbara to Port San Luis and now participate in the outside of 3 miles trawl halibut fishery from PSL.

I was unable to figure out how to raise my hand on the zoom meeting to comment on the halibut trawl grounds report given by Travis Tanaka.

In my experience, Travis's report closely resembles what I have seen in the past 25 years of being in this fishery. We see a very small mortality rate in both retained catch and discarded fish. We normally keep our catch in live tanks until we deliver at the dock, we have a better than 90% survival rate for delivered fish. I also believe that the large majority of released fish are put back into the ocean alive and have a good survival rate, if the discarded fish were dying, we would be re-catching the dead fish and I would imagine that the decaying fish would be noted on our observer data.

I also would like to support the opening of the Port San Luis California halibut trawl area. The area was previously trawled during the 1980's nearshore halibut trawl efp, there should be trawl logs available to verify the area was previously fished.

Thank you for accepting my comments

Keith Andrews
F/V Leonilda
Port San Luis Ca
Sent from my Phone

From: Matthew Bond <[REDACTED]>
Sent: Friday, March 22, 2024 7:54 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Point of concern: DFG proposed MPA petition evaluation process.



March 22, 2024

California Fish and Game Commission
715 P Street, 16th Floor,
Sacramento, CA 95814

RE: Point of concern DFG proposed MPA petition evaluation process.

President Murray, Vice President Zavaleta & Commissioners,

As we embark together on this journey of ratifying a process to evaluate and move toward action on the numerous MPA related petitions before the Commission, we want to highlight the obvious point that transparency and objectivity are paramount to equitable outcomes for all stakeholders involved and serve as the foundation of the trust the citizens of California put in the Commission as stewards of our marine resources.

With this in mind, we want to express our potential serious concerns should the eventual process permit any non-public sector entity, group, or organization to facilitate disparate stakeholder input gathering, provide funding, forum, or facilitation for disparate stakeholder group consensus building, or any other function of data collection or transmittal to the Department, the Commission, or any of their proxies. This is especially significant when unrelated stakeholder groups are represented in such data or analysis that commissioners may use to inform their opinions regarding stakeholder engagement and public perception of the various petitions before the Commission.

It is well established that factors such as facilitator selection, choice of agenda, meeting design, timing, and robustness of stakeholder outreach and inclusion can have profound influence on outcomes of discourse and consensus. In fact, manipulation of one or a multiple of these inputs can be used to lead participants toward predetermined, biased outcomes.

Uniformity of stakeholder input collection methodology and delivery are critical for the legitimacy of this process.

During the public input and discussion session, after the Department presented their proposal for process at the March MRC meeting, the topic of information gaps outlined in “Bucket 2” (marine science, sociological, and economic) came up. The conversation moved to address expected budgetary and manpower challenges related to filling these gaps, should individual petitions require extensive analysis. The leader of the MPA Collaborative Network offered her organization’s infrastructure to facilitate future stakeholder meetings if needed. She also offered to provide the Department with extensive stakeholder input and MPA working group participant consensus information that they have recorded over the last couple years during meetings they have facilitated in the 14 county wide MPA collaboratives they run. One of the MRC members thanked the speaker and remarked that before the MPA collaborative Network offered, he was thinking that “one or more of the collaboratives” were perfectly situated to help the Department and Commission in this area.

The concern with this is that the MPA Collaborative Network is solely funded by the Resource Legacy Fund (RLF) (1). RLF states themselves: “(RLF) designs and administers initiatives for philanthropic foundations and individuals that result in significant conservation outcomes” (2). As we are sure the Commission is well aware, RLF was instrumental in lobbying for the legislation which eventually became the MLPA, they entered into a public/private partnership with the state to overtly fund around half of the MLPA process. In this, they were permitted to create the advisory groups which steered the entire process; The Blue Ribbon Task Force (BRTF) and the Master Plan Team.

The Commission is probably equally aware that there were several lawsuits which sprung out of the MLPA process. One in particular, The Partnership for Sustainable Oceans Et al. Vs CFGC, resulted in a ruling that gives us clear guidance on how privately funded entities working with The Commission are treated when looking through the lens of "open and transparent" processes as outlined in the Public Records Act. “In this case, the Court declared that the BRTF and Master Science Team were "public bodies”(3). According to the Court: "Based on the facts present here, they cannot be characterized as private contractors or consultants or truly independent advisory bodies, but are "State bodies" engaged in state governmental decision making” (4).

Should inevitable funding and time deficiencies put the Commission, Department or their proxies in a position where public private partnerships are necessary, we urge the commission to head the legal lessons learned from the original MLPA process and apply the “open and transparent” standard to any privately funded entity doing work for the Department, Commission, or their proxies. Further, we ask that if these of arrangements are entered into, a purely public sector representative should be present and all public sector meeting protocols be followed. In addition, we ask that the meetings be recorded and include a video teleconference option in order to ensure robust participation from a variety of stakeholder groups.

Sincerely,

Matt Bond
AWPAC
San Jose, CA

- 1) MPA collaborative network website "about us"
- 2) <https://opc.ca.gov/marine-protected-areas/partnerships/>
- 3) [https://en.m.wikipedia.org/wiki/Marine Life Protection Act](https://en.m.wikipedia.org/wiki/Marine_Life_Protection_Act)
- 4) <https://en.m.wikipedia.org/wiki/>



April 4, 2024

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically via fgc@fgc.ca.gov

RE: Comments on Fish and Game Commission April 17, 2024 Meeting Agenda Item 9B - Marine Resources Committee, MPA Petition Review Process

Dear President Murray and Honorable Commissioners:

The undersigned organizations are dedicated to ocean protection in California, with a long history of working on marine protected area (MPA) management, research, compliance, education, and outreach. We strongly support the Fish and Game Commission (FGC) and staff's commitment to meeting the goals of the Marine Life Protection Act (MLPA) through ongoing support of the Marine Protected Area Network. As the FGC and California Department of Fish and Wildlife (CDFW) continue the review and evaluation of petitions to modify California's MPA Network, our organizations respectfully make the following requests in regard to petition review:

1. There should be a dedicated FGC MRC session for petition review,
2. A transparent evaluation criteria and rubric for petition review should be developed, and
3. Changes to the MPA network must ultimately strengthen, not weaken the network, and must be based on the best available science.

These requests are further detailed below:

1) *There Should be a Dedicated FGC MRC Session for Petition Review.*

On February 14, 2024, FGC referred all petitions for regulatory change to the California MPA Network to CDFW for further analysis, and on March 19th, 2024, CDFW provided the Marine Resources Committee (MRC) and the public an overview of how those petitions will be reviewed. We write to respectfully reiterate previous requests to MRC and staff to arrange for a special meeting of the MRC committee dedicated solely to the review of the 20 petitions. In the case of some petitions, local organizations have been vigorously supporting MPA management and monitoring for a decade and deserve the opportunity to meaningfully advocate for their proposals. Our groups would also like to be able to make clear to our networks how to engage so that our stakeholders know when and where to show up to be most effective and are given advance notice to understand the content of the meeting. A special petition review MRC meeting would help efficiently facilitate needed engagement and input to reinforce community feedback.

2) *A Transparent Evaluation Criteria and Rubric for MPA Petition Review Should be Developed.*

We urge CDFW and FGC to ground their previously noted Petition Review Criteria, captured in the FGC Staff Report “Summary of Marine Protected Area (MPA) Regulation Change Petition Framework Discussion,” in a formal rubric for evaluating petitions to clarify the process of selection and ensure equitable and objective review. The evaluation framework should consist of a "grading" rubric, where petitions can be evaluated against specific criteria; each with a quantifiable rating scale so that there is equity and transparency for all stakeholders. This grading process should allow for flexibility. For example, some petitions may not hit every criteria element, but in total may have the potential to rate highly.

In addition, we request the opportunity to provide feedback on the evaluation rubric before finalization and implementation. Many of the undersigned organizations have invested heavily to support outreach, education, compliance, and enforcement of the MPA Network, and hold invaluable information about local issues impacting the MPAs and their insight would be essential to the development of this rubric. We recognize that the development of this rubric would be an additional step in this process, but would be an invaluable tool and would increase efficiency in the review of petitions down the line.

3) *Changes to the MPA Network Must Ultimately Strengthen, Not Weaken the Network, and Must be Based on the Best Available Science.*

Our organizations support **petitions that strengthen** — not weaken — the MPA Network. Petitions aimed at weakening the MPA Network are contrary to the very goals of the MLPA and the Decadal Management Review (DMR) and should not be considered. The MLPA was enacted to “protect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems” and is founded upon science-based management. CDFW and FGC’s petition review priorities must include evaluation of petitions based on supporting evidence from best available science. Where local data is available, it must be used to inform decision-making; and where it is not, credible and relevant science from the global community should be referenced.

Science from other regions that informs adaptive management of MPA networks, for instance, can be highly relevant to ecosystems and management types in California. Considerable advances in the global scientific understanding of MPA management have occurred over the past decade, which must be applied to adaptive management of the MPA Network. As we move into the critical phase of evaluating petitions and continue to urge that all petition reviews be based on the best available science, our organizations feel it is relevant to elevate key findings to both FGC and CDFW and highlight how both local and relevant global data could be used in determining what changes should be made to the California MPA Network.

For example, a brand-new study published just last month found great economic benefits of MPAs for fishing and tourism industries. The study looked at 51 MPAs in over 30 countries¹ and concluded that in every case the existence of those MPAs boosted either fishing or tourism – with profits sometimes in the billions of dollars. Significantly, the study finds no evidence anywhere, at any time, that MPAs imperil the fishing industry, even in those places with outspoken opposition to ocean protection, and the MPAs delivering the greatest economic benefits were of the highest protection: “no-take” marine reserves.² This is just one example of new MPA research that, while not exclusive to California, can provide critical insight into the significance of MPAs and their beneficial impact across many stakeholders.

In closing, as the review of MPA petitions and overall MPA adaptive management decisions must be made keeping coastal access in mind, we remind FGC and CDFW that “access” to California MPAs goes far beyond fishing. Opportunities that facilitate diverse ocean and coastal use and enjoyment should be considered when reviewing a petition’s contribution to increased access. Notably, [MPA Watch](#) data shows that the vast majority (~97.5%) of ocean activities across more than 1.5 million data points in and around MPAs are recreational and non-consumptive activities such as wildlife viewing, leisure and relaxation, swimming, surfing, and diving. We urge the prioritization of petitions that would increase access to highly protected MPAs with the ecological benefits they confer, and to advance the MLPA, particularly Goal 3: “To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.”

Thank you for your consideration of these comments, and we look forward to continued collaboration.

Sincerely,

Laura Walsh
California Policy Manager
Surfrider Foundation

Emily Parker
Coastal and Marine Scientist
Heal the Bay

Rikki Eriksen, PhD
Marine Spatial Ecologist
California Marine Sanctuary Foundation

Chelsea Hsin-Feng Tu
Executive Director
Monterey Waterkeeper

¹ Costello, M. J. . (2024). Evidence of economic benefits from marine protected areas. *Scientia Marina*, 88(1), e080. <https://doi.org/10.3989/scimar.05417.080>

² Ibid

Ashley Eagle-Gibbs, Esq.
Executive Director
Environmental Action Committee of West
Marin

Laura Deehan
State Director
Environment California

Azsha Hudson
Marine Conservation Analyst
Environmental Defense Center

Lisa Gilfillan
Conservation Manager
WILDCOAST

Tomas Valadez
CA Policy Associate
Azul

Michael Quill, PhD
Marine Programs Director
Los Angeles Waterkeeper

Ray Hiemstra
Associate Director
Orange County Coastkeeper

Scott Webb
Director of Advocacy
Resource Renewal Institute

Penny Owens
Education & Outreach Director
Santa Barbara Channelkeeper

Greg Helms
California State Fisheries Director
Ocean Conservancy

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, March 19, 2024 4:21 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Comments Regarding Item #6 MPA Discussion

Good Afternoon President Murray and Honorable Commissioners,

I am Chris Davidson and represent Blue Tuna Spearfishing, BTS, has been in business for over 15 years in Ventura. We also work with All Waters and Back Country Hunters.

I commend the commission and staff for your hard work. I have worked in government for over 20 years and understand what it takes working on sensitive projects with a wide variety of stakeholders.

We hope CDFG's process of evaluating petitions and responses from the public recognizes the importance of fishers and small business owners that are directly affected by these rules. Along these lines, we have a couple of suggestions as it relates to evaluating petitions and practices in gathering petitions:

1. Method of signature solicitation such as compensation for collection of signatures supporting any petition, could be considered and
2. Assessment of relevance of signatories – are signatories fishers and/or represent companies, sectors or persons that are directly impacted by expanded restrictions on existing MPAs or imposition of new MPAs.

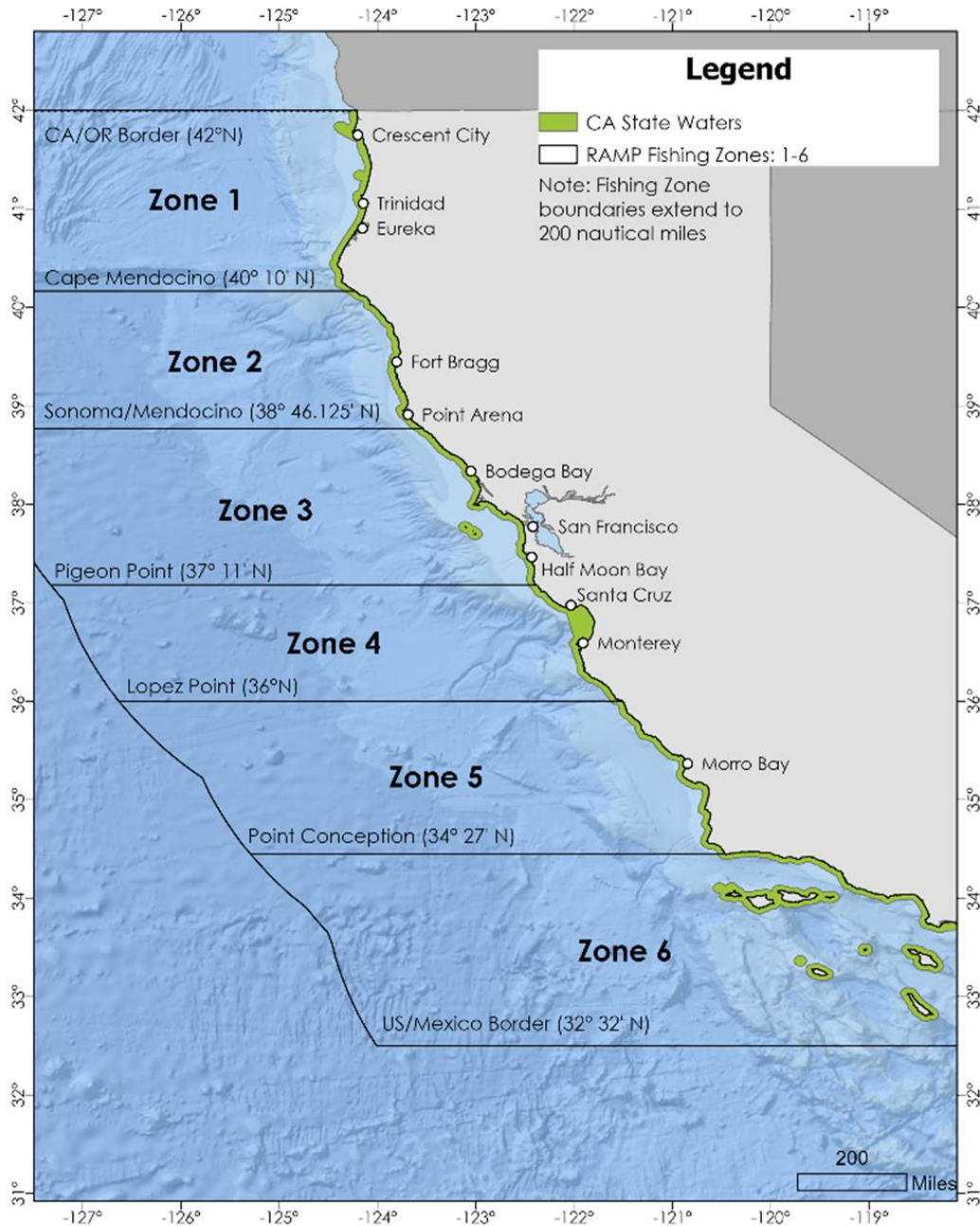
I appreciate this opportunity to address the commission and look forward to further clarification of this review process. Please send us a link to the video of this meeting and associated slides.

Respectfully,

Chris Davidson

CDFW Closes Commercial Dungeness Crab Fishery and Restricts Recreational Crab Traps in the Central Management Area, Limits Commercial Fishing to inside 30-Fathoms in Northern Management Area to Protect Whales from Entanglement

March 28, 2024



California Department of Fish and Wildlife (CDFW) Director Charlton H. Bonham has assessed entanglement risk under the Risk Assessment Mitigation Program (RAMP) and [announced changes to both commercial and recreational Dungeness crab fisheries](#). Aerial and vessel surveys conducted in mid-March show humpback whale numbers are increasing as they return

to forage off the coast of California, elevating entanglement risk. To minimize this risk for humpback whales, changes to the Dungeness crab fisheries, as detailed below, will be effective at 6:00 p.m. on April 8, 2024.

The commercial Dungeness crab fishery in Fishing Zones 3, 4, 5 and 6 (Sonoma/Mendocino county line to the U.S./Mexico border) will be closed, at which time the commercial take and possession of Dungeness crab from those waters is prohibited.

A 30-fathom depth constraint will be in effect for the commercial Dungeness crab fishery in Fishing Zones 1 and 2 (Sonoma/Mendocino county line to the Oregon border). Traps used by the commercial fishery in Fishing Zones 1 and 2 will be prohibited in waters seaward of the 30-fathom contour as defined in [Title 50 of the Federal Codes of Regulations, Part 660, Section 660.71](#). As a reminder all vessels must also carry onboard an [electronic monitoring system](#) capable of recording the vessel's location while engaged in fishing activity.

A recreational crab trap prohibition is being implemented in Fishing Zones 3, 4 and 5 (Sonoma/Mendocino county line to Point Conception). CDFW reminds recreational crabbers that take of Dungeness crab by other methods (including hoop nets and crab snares) is allowed through the close of the season.

All open Fishing Zones remain under a Fleet Advisory for both the commercial and recreational Dungeness crab fisheries. In addition, CDFW reminds all fishery participants to implement best practices, as described in the [Best Practices Guide](#), and to anticipate additional management measures in the coming weeks.

Under [emergency regulations](#) approved in early March, CDFW has also authorized commercial Dungeness crab vessels to retrieve an unlimited number of commercial Dungeness crab traps which are lost, damaged, abandoned or otherwise derelict in Fishing Zones 3 through 6 starting at 6:00 a.m. on April 15, 2024. CDFW requests that individuals operating under the emergency regulations regularly report retrieved gear to WhaleSafeFisheries@wildlife.ca.gov. Any vessel operating or transiting in an open Fishing Zone may not possess more than six traps belonging to another vessel, pursuant to Title 14, California Code of Regulations, Section 132.2(a)(2)(A).

CDFW anticipates the next risk assessment will take place in mid-April 2024. For more information related to the risk assessment process, please visit [CDFW's Whale Safe Fisheries page](#). For more information on the Dungeness crab fishery, please visit wildlife.ca.gov/crab.

Federal Funding Allocated for California 2023 Salmon Fishery Disaster; CDFW Seeks Public Input on Spending Plan

April 5, 2024



On April 6, 2023, the Pacific Fishery Management Council (PFMC) acted unanimously to recommend a full closure of California’s 2023 commercial and recreational ocean salmon seasons due to extremely low population estimates for Sacramento and Klamath river fall Chinook salmon. Within hours of the recommendation, Gov. Gavin Newsom announced his administration’s [request for a federal fishery disaster declaration](#) to support impacted communities.

The [U. S. Secretary of Commerce approved this request](#) on Oct. 30, 2023, which began the process of providing federal assistance to communities and businesses impacted by the disaster. On Feb. 15, 2024, the [California Department of Fish and Wildlife \(CDFW\) was notified](#) that \$20,625,729 had been allocated by the National Oceanographic and Atmospheric Administration to respond to the disaster. Following the announcement of fund allocation, and with support and input from industry representatives, CDFW developed the draft 2023 Salmon Disaster Spend Plan to distribute these disaster funds.

CDFW invites the public to submit comments on the [draft 2023 Salmon Disaster Spend Plan](#). CDFW is asking for input on the proposed allocations of relief funding to fishing sectors, qualifying criteria, individual payouts and other components of the plan. Following the comment period, CDFW will finalize the plan for submission to the Department of Commerce.

Comments may be provided via email through 5 p.m., April 19, 2024, at SalmonDisaster@wildlife.ca.gov.

Looking ahead to the 2024 season, the PFMC will consider the alternatives for the 2024 salmon seasons at its meeting April 5-11 in Seattle. This meeting is open to the public. Although returns of Sacramento River fall Chinook salmon are higher than last year, they are still well below historic averages. The Newsom Administration stands ready to seek additional federal fishery disaster assistance should California's iconic salmon fisheries and fishing communities continue to be impacted into 2024.

More information about [federal fishery disaster relief](#) and [ocean salmon fishing seasons](#) is available on the CDFW website. More information about the PFMC and the public meeting on April 5-11 in Seattle is available on the [PFMC website](#).

**CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR NON-REGULATORY REQUESTS RECEIVED BY 5:00 PM ON
APRIL 4, 2024 PUBLIC COMMENT DEADLINE FOR THIS MEETING**

Date Received	Name/Organization of Requestor	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
3/11/2024	Alicia Bonnette, formerly California Abalone Association (CAA)	Red abalone statewide recovery plan	Requests CFGC and CDFW to incorporate the full history of efforts, information collected, and plans, done statewide over the past 20 years when forming the "working group", including CAA work and The Nature Conservancy FMP work ; provides background document.	4/17-18/24	6/19-20/24
4/1/2024	Don Striepeke	Gooseneck barnacles	Requests that CFGC discuss gooseneck barnacles at a future meeting	4/17-18/24	6/19-20/24

barnacles

don striepeke [REDACTED]

Mon 04/01/2024 09:31 AM

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

ive addressed the gooseneck barnacle concern with the commission before. why no sport fishery? they live along side mussels and incidental killing takes place when harvestig mussels. excellent food . theres no shortage of mussels and no shortage of banacles. discuss this ,please.

California Fish and Game Commission
PO Box 944209, Sacramento, CA 94244-2090
Email address: FGC@FGC.ca.gov

February 10, 2024
Attn: Ms. Melissa Miller-Henson, Executive Director

Re; Support for commercial abalone fishery, San Miguel Island

Dear Ms. Miller-Henson,

I am commenting on the Abalone Fishery Management Plan, how the restoration of the commercial fishery for red abalone at San Miguel Island (SMI) can move forward with the Experimental Fishery Program (EFP), and how this dovetails with the CA. Fisheries Innovation Act of 2018, signed by the Governor on September 18, 2018.

Quick history: I am a licensed commercial abalone and sea urchin diver and saw the closure of the fishery in 1997, with the promise from the Ca. Department of Fish and Game of a sunset clause of 1 to 2 yrs for studies. Divers voluntarily contributed to an enhancement fund, managed by the DFG to help fund studies on abalone numbers and environmental effects. 26 years later, the Department has used the funds but no results of studies or the accounting of the funds has been disclosed. Numerous advisory groups have been created to recommend actions to move forward with a viable working fishery plan but these do not seem to be taken into consideration by the DFG. The actions of divers voluntarily funding an enhancement fund and forming a committee to help monitor numbers of abalone during the closure of the fishery demonstrates the dedication and sincerity of the divers to responsibly manage the abalone fishery.

In the Abalone Advisory Group, 2010, Management Options for a Potential Fishery on San Miguel Island, Appendix H, states,

Within the Review Committee's recommendations are suggestions that the fishery can begin while other management

actions are conducted in parallel. A more precautionary approach we would argue would be to have the TAC Framework, Risk Analyses, BRP, management methods and sampling methods determined prior to the opening of any fishery. With the amount of work that has been completed within the TP and the AAG this would not be an onerous task and could be accomplished within 6 months with funding. It has now been 13 years with no outcomes.

Also Section 6. Section 7712 of the California Fish and Game code which is amended to read:

Where a fishery is closed or restricted due to the need to protect a fishery resource, marine mammals, or sea birds, or due to conflicts with other fisheries or use of the marine environment, *it shall be the policy of the department and the commission, consistent with budgetary and personnel considerations to assist and foster the development of alternative fisheries, and alternative fishing gear for those commercial fishermen affected by the restrictions, closure, or resource losses, including but not limited to, the issuing of experimental fishing permits pursuant to Section 1022.*

The Experimental Fishery Program would be consistent with policies set forth in Section 7050 and any applicable fishery management plan.

Proposed structure for an EFP:

- Number of divers and boats would be negotiable with the DFG.
- Divers would electronically monitor their harvests and report to the DFG.
- The fishing ground would be San Miguel Island only. Initial season would be August-December 2024.
- Divers would be open to negotiating a Tag Fee.
- Transferability of permits
- AMRP TAC: 15,000 red abalone

Thank you for the opportunity and your consideration of my comments.

Sincerely,
Robert Duncan



FW: G2KR SCP Response

Keith Rootsart [REDACTED]

Tue 03/26/2024 01:55 PM

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

Cc:Ashcraft, Susan [REDACTED];Miller-Henson, Melissa [REDACTED];Andy Beahrs [REDACTED]

Dear FGC Commissioners,

Our kelp restoration project at Tanker's Reef sunsets in 5 days as was adopted by FGC February 14, 2024. We are removing our navigational buoys and have repurposed ourselves to documenting the demise of the 11 acre kelp forest 252 volunteer divers created from an urchin barren. We stopped culling urchins in the treatment area July 30, 2023 and the urchins quickly reinvaded the site. A March 9th video survey revealed about 70% of the kelp holdfasts in the treatment area were being eaten by urchins.

In the CDFW presentation by Brian Owens on 2/14 the Department proposed the project be reimagined in the form of a Scientific Collecting Permit and perhaps that pathway would be a better fit for the diver effort that has morphed into something larger. We first entered this SCP pathway almost two years ago and initial discussions were promising, but the Department posted their final response which is for a small scale scientific demonstration, preferably outside of MPAs, designed and implemented by an academic institution. This letter contradicted our previous discussions and is insufficient for the nature of the crisis and the capacity of the volunteer divers. We have already completed two scientific projects (Lovers and Tanker's) and our proven success prepared us to implement our methods broadly to benefit kelp and biodiversity. Attached is ResponseLetter-Rootsaert_SCP.pdf from the Department and below is the email thread including our response to the letter. Also attached is our June 2023 SCP pre-application for reference.

Now our best hope for Monterey's kelp is the Decadal Management Petition 2023-23MPA that we proposed. Considering the process outlined at the March 19, 2024 MRC meeting and the need for a policy "framework" from the OPC KRMP in 2027 as expressed in the ResponseLetter, it may be several years until culling urchins on the California central coast is allowed, if at all. In the meantime, we will continue to document the demise of the kelp forests in Monterey at Tanker's Reef and our five proposed sites to share publicly. We are also pursuing kelp restoration prospects in other US states and countries that are responding positively to diver intervention and where even more volunteers can engage in ocean stewardship and education in kelp/urchin dynamics.

Thank you,

Keith Rootsart
G2KR.com
[REDACTED]

Title: Using Citizen Science to assess restoration efficiency in patchy reefs in Monterey Bay.

Abstract

The request for this scientific permit is to use citizen science to conduct in-situ culling of purple urchins (*Strongylocentrotus purpuratus*) and red urchins (*Mesocentrotus franciscanus*) from four sites around the Monterey Bay peninsula. This project will assess the reliability of organized citizen science volunteers to both monitor and restore habitat on a large scale, as well as answer essential research questions to contribute to restoration science.

Section 4b(1). Permit Scope, Goals, and Objectives

Permit Scope

Giant kelp around the Monterey Peninsula is rapidly disappearing as warm water trends continue and increasing numbers of urchins that graze on what kelp remains. Giant Kelp Forest Restoration Project and Reef Check California are working collaboratively to continue to answer key questions surrounding the scalability, efficacy, and feasibility of urchin suppression techniques in the Monterey Peninsula.

Current assessments on kelp forest loss within the Monterey Bay have indicated significant losses of canopy kelps, as shown in Figure 12 (OPC 2021, and Reef Check data). In addition there has been significant increases of urchin densities as shown in Figure 3 (OPC 2021). These assessments have been documented in the OPC Interim Kelp Forest Action Plan for Protecting and Restoring California's Kelp Forests (2021). According to the Kelp Forest interim report by OPC, "further study is needed on the efficacy of such efforts at reducing urchin densities to the level required for kelp regrowth, including how long such efforts need to be maintained." If efforts are needed to maintain sites long term, on the ground research of which sites are most effective to restore and maintain long term are needed.

To date, there have been two sites that allow unlimited take of sea urchins, Tankers Reef and Caspar Reef. Tankers Reef, the only reef to be regularly and consistently maintained by recreational divers, has shown significant improvement on kelp growth over the last two years (Figure 15). No changes have been observed at the control site. Monitoring survey protocol will work using the same protocol as Tankers reef, which was co-designed and implemented by the Monterey Bay National Marine Sanctuary staff, California Ocean Protection Council, and the California Department of Fish and Game and will be replicated for this proposal.

The Monterey Peninsula meets many requirements needed to be ideal for restoration activities, and meets key requirements as outlined in kelp recovery management plans, such as the Bull Kelp Recovery Plan (Hohman et al. 2019). This includes:

- The availability of historical data available with subtidal ecosystem survey areas and sites by PISCO, CDFW, and Reef Check

- Historical satellite imagery
- Historical persistence of kelp canopy
- Opportunity for experimental replication of different environments
- Current persistence of kelp
- Minimal impacts by sediments
- Easily accessible for citizen scientists and long-term monitoring
- Availability of recreational divers and engaged community
- Protection from wave exposure
- Culturally and ecologically valued by the community

The objectives of this study is to understand how protecting degrading habitats, rather than restoration habitats that are already destroyed, can improve efficiency and long term maintenance of kelp restoration. The sites chosen in this study are all ‘transitioning’ or ‘patchy reefs’. These are all sites that have high presence of urchin densities approximately >20 urchins per square meter amount with declining kelp habitat. That is, kelp is present, but not completely removed from the area.

Monterey is unique in that it has supported different kelp habitats. For example, the north side of the peninsula (Monterey) has historically supported more canopy kelps, whereas the south side (Carmel) has had higher densities of understory kelp. There are likely to be multiple physical factors that drive this pattern, such as wind, upwelling and nutrient availability (Manzer et al. 2019). For example, it is well understood that kelp understory are typically characteristic of exposed sites (Harrold and Lisin 1988). Understanding how restoration differs between different communities not only provides information on how kelp forests recover in patchy habitats, but how different unique sites respond to restoration activities. There are 13 new research projects launched by the Monterey Bay National Marine Sanctuary Research Activity Panel and funded by \$2m by the MBNMS Foundation for expansion of kelp restoration knowledge and this project will coordinate with their research activities.

Citizen science has proved to be insurmountable to regulatory agencies, science and the community (Conrad and Hilchey, 2011), and can potentially be an important part of kelp forest restoration moving forward. Citizen scientists can not only be used to monitor environments efficiently and cost effectively, but also provide a sense of caring and stewardship for the environment for years to come (Conrad and Hilchey 2011,). The Tanker’s Reef has been instrumental in providing evidence that recreational divers and citizen scientists are capable of reducing urchin populations and improving kelp growth at a single site in Monterey. Moreover, the recreational diver community has demonstrated they can do this work safely, with minimal by-catch, and transparently share data to inform marine resource managers (preliminary results of Tankers studies). However, we are now interested if volunteers can continue to be organized to conduct restoration activities at a larger scale.

Project Goal and Research questions

Goal of this project is to use citizen science to improve upon the growing body of knowledge of kelp forest restoration and improve the health and resilience of Monterey kelp forests. This proposal will use historical data from the region and will examine differences in community composition, wave exposure, and benthic substrate to answer key knowledge gaps in kelp forest restoration. This research will focus on the following questions:

- (1) Will reducing urchin density to less than two per square meter in patchy and transitioning kelp forests result in the expansion of kelp forests in the Monterey Peninsula?
- (2) Does restoration effectiveness and efficiency differ between the south of the peninsula (Carmel) and the north side of the Peninsula (Monterey)?
 - a) What are the driving habitat characteristics of these sites as recovery continues?
 - b) Do these sites differ in ongoing kelp forest maintenance?
- (3) Can citizen science and community volunteers be an effective tool for large scale restoration?

Requested activities:

To conduct this work, we request permission on the following activities:

- Ability to reduce urchin populations using *in-situ* culling to conduct the above experiments.
- Ability to reduce urchin populations using hand harvest to conduct the above experiment.
- Unlimited culling of purple urchin (*Strongylocentrotus purpuratus*) of all sizes within the four disclosed areas (see site selection).
- Unlimited culling of red urchins (*Mesocentrotus franciscanus*) of all sizes within the four disclosed areas (see site selection).
- No seasonal or daily restriction on when urchin can be culled or harvested. No possession limit on urchins.
- CDFW enforcement division can verify if a diver working on the project is a trained and certified kelp restoration diver by presenting their KRS certification card and/or searching for the diver's name or number on the G2KR website.
- Diving assignments are provided through the G2KR website and divers will dive and cull urchins on the project site according to their assignment on their own schedule. A FG1379f Notice of Intent to Collect is not possible to complete and will not be provided.

Proposed procedures and location:

Research will be conducted in four locations across the Monterey Bay Peninsula (Figure 1). The proposed project will include two experimental restoration sites within the Monterey Bay and two sites on the Pacific as shown on Table 1. All sites have kelp forest ecological monitoring data to use as an historical reference.



Figure 1: Map of the proposed sites in Monterey Bay Peninsula. Sites coloured in green are the proposed restoration sites, and red are proposed control sites. See SCP 2022 R4.kmz for GPS boundaries.

Methods

Site Selection

Four sites have been chosen (two on either side of the peninsula) (Table 1), based on the urchin densities, historical kelp habitat and persistence. These sites have shown evidence on increasing urchin densities as shown in Reef Check long term monitoring surveys and reconnaissance conducted by G2KR, but urchin densities remain patchy. These areas are protected from commercial ground fishing and all invertebrate fishing which reduces the externalities that confound the study and the danger of boats hitting divers. All sites have shore access which is essential for safety and makes the project equitable to volunteer divers who can only afford to dive from shore. There are no other sites in Monterey that have defensible kelp remaining that are outside of Marine Protected Areas.

Recon videos of the proposed sites are published on an unlisted YouTube playlist [here](#):

Table 1: List of proposed sites to conduct restoration culling and controls.

Site	Location (Sheltered or Exposed)	Restoration Or Control	MPA type	# of acres	Portion of MPA	State of Kelp Forest	RCCA Long Term Monitoring site?
Brigadier Gardens	Sheltered	Restoration	SMCA	6.88	4.7%	Transitioning/Patchy	Yes
Hopkins	Sheltered	Control	SMR	4.6	2.4%	Transitioning/Patchy	Yes
Otter Cove	Sheltered	Restoration	SMCA	6.25	1.0%	Transitioning/Patchy	Yes
Stillwater Cove	Sheltered	Restoration	SMCA	2.82	0.2%	Transitioning/Patchy	No
Stillwater Cove	Sheltered	Control	SMCA	11.9	0.9%	Transitioning/Patchy	Yes
Stewart's Cove	Exposed	Restoration	SMCA	13	1.0%	Transitioning/Patchy	Yes
Total Acres requested for urchin culling				28.95			
Portion of 3 SMCAs				1.37%			

Site detailed descriptions

Brigadier Gardens - 6.88 acres SMCA

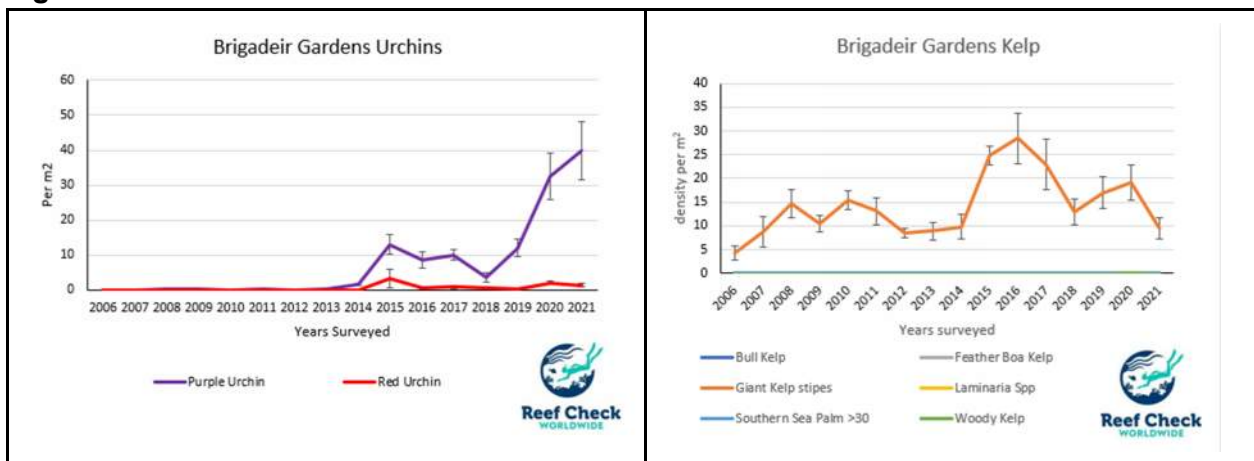
This site is named after Marge Brigadier who has made it her mission to single-handedly clean the Breakwater site and parking lot every weekend for over ten years. This area is within the 148 acre Edward F. Ricketts SCMA and includes the artificial reef of the breakwater wall and natural middle reef. There is existing kelp and an abundance of urchins at this site. Inclusion of this site is critical as it is the most heavily accessed dive site on the west coast of North America. Success here will be the most obvious and encouraging to volunteers.

It should be noted that at Reef Check's instructor training 3/15/20, the average count of purple urchins was $>40/m^2$. The continued survival of kelp is attributed anecdotally to the surreptitious effort of unaffiliated divers culling urchins that surpasses the G2KR effort at Tanker's Reef.

Figure 2: Brigadeir Gardens - Proposed site



Figure 3: Reef Check Data



Otter Cove - 14.1 acres SMCA

Beginning in 2018 we conducted a 3 year urchin removal experiment at Lovers #3 and took drone pictures from shore as the kelp forest to the west of the treatment area receded. This site is within the 601 acre Pacific Grove Marine Gardens SMCA and can best be accessed from shore at high tide only due to the shallow rocky reef near the shore. There is some kelp remaining in the 5-20 ft. range but there are urchin barrens all around it. The kelp here remains mostly because of the rocky site with intervening sand that slows urchin movements. The urchins in the kelp forest are starving with empty tests. We thought that this kelp forest would be gone by August 2022 but there is still thin kelp remaining. This is the most vulnerable kelp forest of the proposed sites.

Figure 4: Otter Cove - Stitched Panoramic drone image, May 31, 2019



Figure 5: Otter Cove - Proposed site

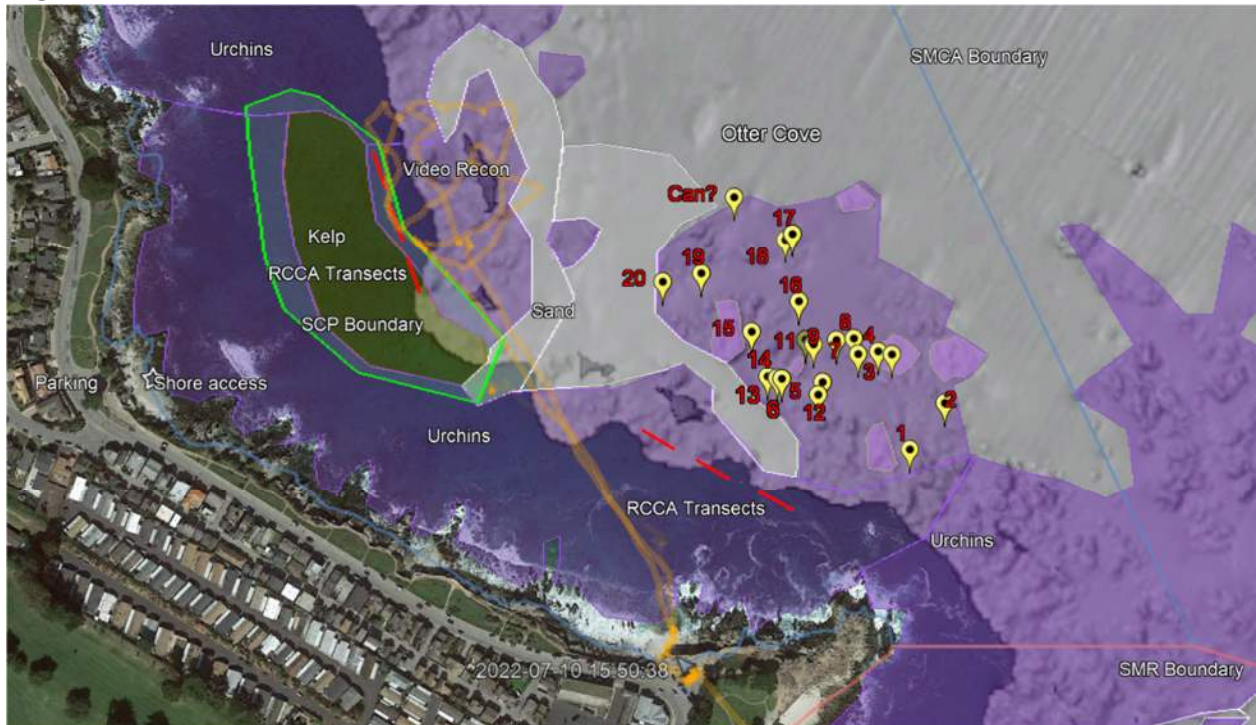
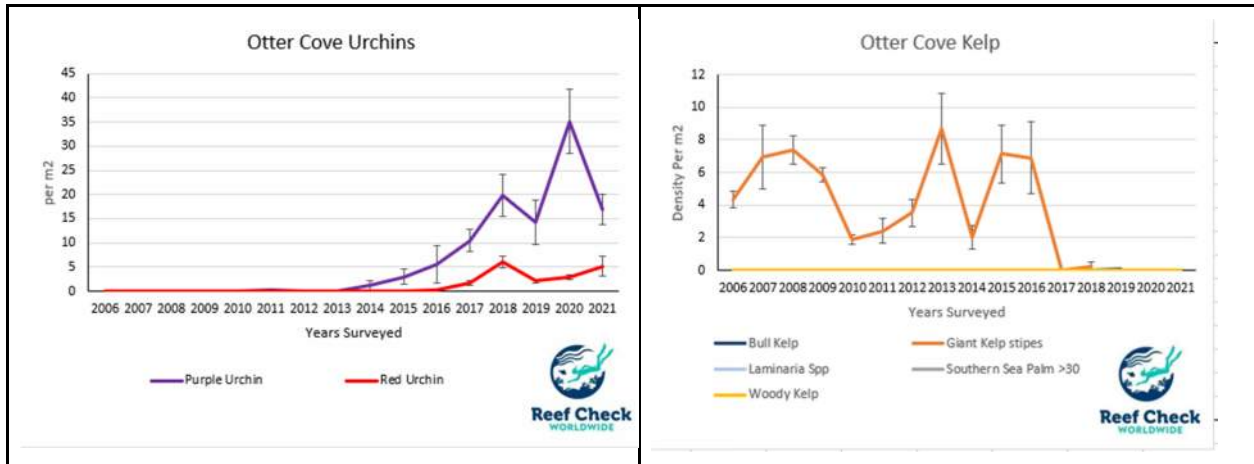


Figure 6: Reef Check Data



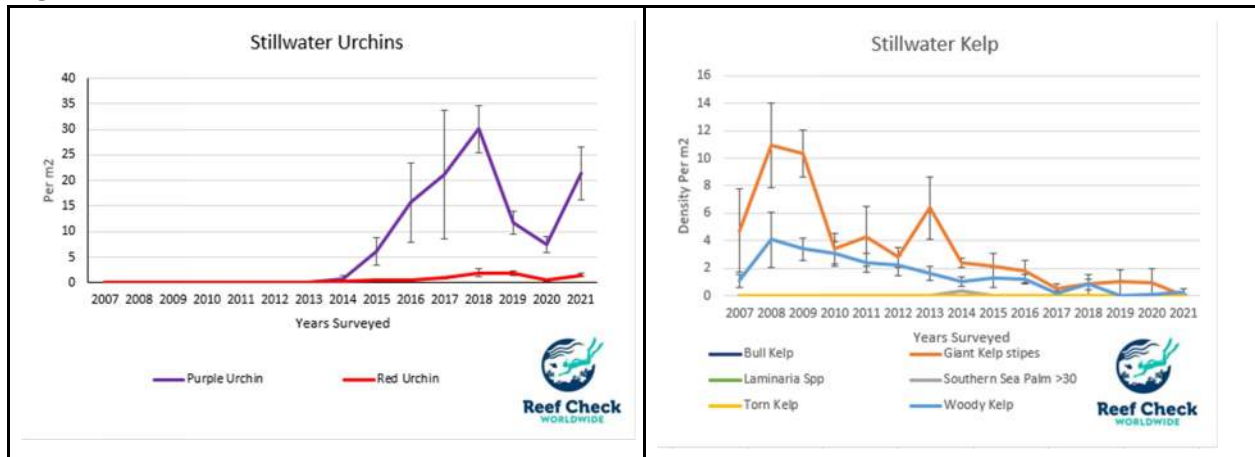
Stillwater Cove - 216.8 acres SMCA

Stillwater cove is adjacent to the Pebble Beach golf course and has limited beach access. 2022 surveys found that the kelp within the cove persists and has an overabundance of urchins. This site is within the 1,368 acre Carmel Bay SMCA. The depth of the giant kelp beds are from 5' - 40'. There is a large washrock attached by a shallow rocky reef to the shore that is not passable by divers swimming and is a long distance to travel into the protected cove to the north. The preferred method to reach the site is by kayak, DPV, or boat. The southern cove is protected from the typical northwest swell but is difficult to dive from October to December when the direction of the swell shifts to the southwest. The pier operates a floating boat platform that is normally accessible from May to October but is presently closed for repairs.

Figure 7: Stillwater South - Proposed site



Figure 8: Reef Check Data



Stewart's Cove - 16.8 acres SMCA

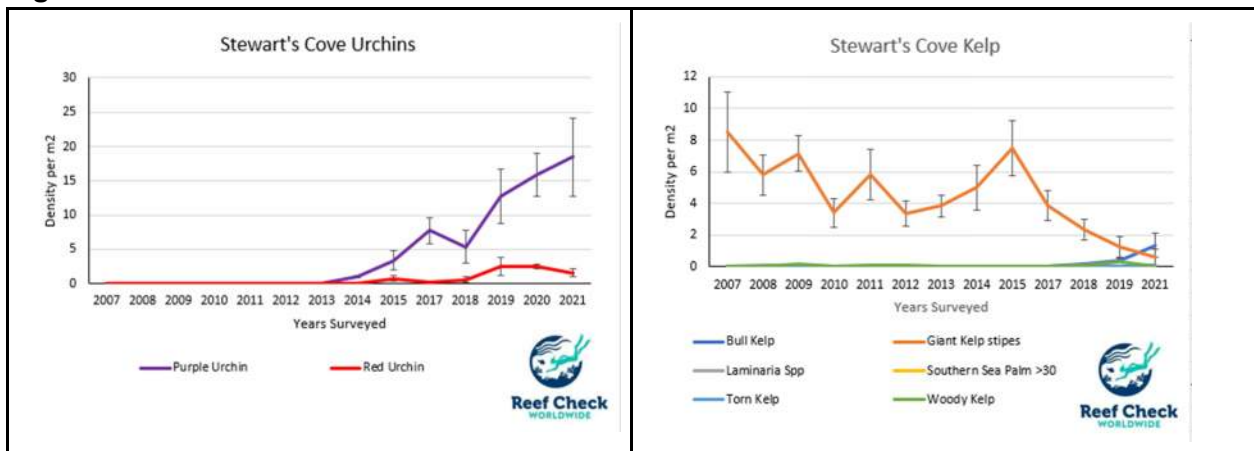
This site still has kelp on the portion behind and around the washrock and there is an overabundance of urchins within the kelp forest. This site is within the 1,368 acre Carmel Bay

SMCA. Shore access is via a long wooden stairs from the beach to the street where there is limited street parking. The beach entry is somewhat protected from the typical northwest swell, but in moderate swell has proven treacherous (personal experience). Because of the long swim out, this site will most likely be accessed by boat.

Figure 9: Stewart's Cove - Proposed Site



Figure 10: Reef Check Data



Urchin culling (led by G2KR)

Culling efforts will be conducted using certified kelp forest restoration citizen science divers directed by assignments on the G2KR website. Divers will cull using small welder's chipping hammers. Preliminary results shown by Monterey Bay National Marine Sanctuary Senior Researcher Steve Lonhart tested the efficacy of the hammer specified and found it to be the most effective with the least amount of bycatch. On granite substrate there was certainly less damage to substrate than shale. If there is damage to the reef or by-catch, methods will be changed through the instruction program.

All volunteer divers working on the SCP must have the Kelp Forest Restoration Specialty Diver certification (kelp restoration certification). There are two methods of earning this certification. The first being the Kelp Restoration Specialty Diver (KRS) courses are taught by licensed and insured PADI and NAUI instructors who are trained in teaching our G2KR curriculum. Students learn how to recognize and avoid harming cryptic invertebrates and other organisms. They learn how to navigate to the site buoys and locate their culling assignments. Students complete two dives with their instructor on a restoration site. KRS Divers are required to register with G2KR, get culling assignments, and submit their dive log data online. When the SCP is approved, the G2KR curriculum will be updated with the additional sites and requirements and distributed to the instructors and certified Kelp Restoration Specialty divers.

The second method of earning the certification is by being a current AAUS and Reef Check divers may attend an online training class and pass an online quiz to demonstrate content knowledge. In addition, they must join at least one dive with a highly experienced kelp restoration certified diver to demonstrate they are able to cull urchins correctly and without harm to adjacent marine life. AAUS and Reef Check divers must count culled urchins and submit their data through the G2KR website.

Dive data will be entered into an updated G2KR website. Each diver will be required to provide the date, name, dive buddy's name, G2KR #, Site location, lane assignment taken and completed, time spent culling urchins, number of purples, number of reds, distance traveled if on a grid, disturbance to marine life, damage to equipment, invasive species, trash removed, marine mammal disturbances, and any comments. Divers may elect to not count urchins and those who do count will inform workrates for those who do count. The number of urchins culled data points for those that do not count will be informed by a 90 day lookback calculation of urchins/minute workrate from the subsample. G2KR staff time will be entered separately from the culling times.

Urchin Culling Methods

At each site, divers will be directed to a buoy where they will cull outwardly (east or west) from a north-south line connected to the buoy anchor. To strategically cull urchins, effort will at first be directed within the kelp forest and then directed outward from the kelp into adjacent urchin barrens. G2KR will direct divers through assignments to swim down the buoy chain to the line and to the letter tag assigned to them and cull urchins either east or west from that mark. Divers will record their time, distance, and optionally the number of urchins of each species culled on an underwater slate. Upon returning home after the dive, divers will report their data online. G2KR staff will review all dive data to ensure that it is complete and accurate. As areas on the site are culled below the 2 urchins per m² threshold, the buoy and gear will be repositioned, and GPS coordinates recorded, to direct divers to cull in new areas. Culling assignments at the Breakwater wall will be achieved by utilizing the existing station marks on the face of the wall and depth contours to define culling assignments.

Site Navigation

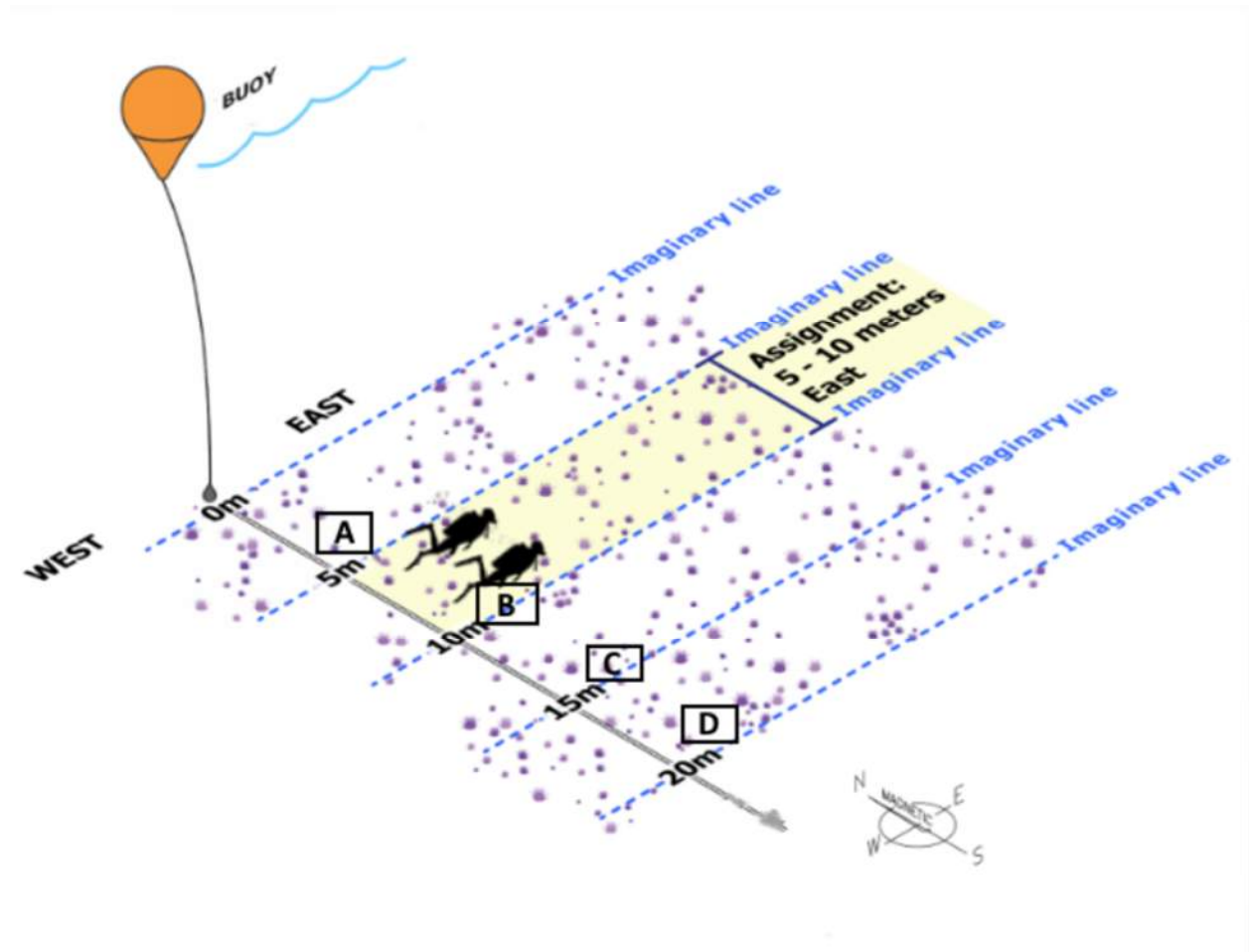


Figure 11: At each restoration site, the location to cull urchins will be marked with a 15" to 24" Taylor Made Sur-Moor buoy secured to a concrete or steel anchor by a 3/8" min. proof galvanized chain. Attached to the chain will be a 1/4" x 20-100m long plastic coated steel stranded cable with 2"x4" PVC engraved tags with sequential letters every 5m. This cable extends from the buoy chain north or south and is weighted at the other end with an anchor.

Environmental monitoring

Subtidal monitoring (Conducted by Reef Check)

Ongoing restoration will be monitored using Reef Check's survey protocol which will track urchin density and size frequency by species, and benthic invertebrate and algal community composition is occurring before, during, and after urchin removal at the treatment and control sites (Table 2). Surveys will be conducted in the exact same location, seasonally, and in an area that is representative of the site. Survey locations will occur in discrete, one hectare areas, ensuring that both kelp and barren are within the site. All 18 transects will be strategically located within that hectare. Reef Check staff and volunteers will conduct full ecological surveys which will be monitored annually (As per Reef Check

Manual with additional Restoration methods). Reef Check will also conduct targeted surveys focusing on just urchin and kelp populations will be monitored seasonally (Summer and Fall).

After three years, Reef Check will continue to conduct annual monitoring at each experimental site.

Table 2: Monitoring plan that will be conducted for each restoration and control site.

Season	Year	Before/During/After	Type of Survey	# of Replicates
Summer	2023	Before	Restoration Surveys	Total of 18 surveys, 6 Ecological and 12 Targeted Surveys
Fall	2023	CULLING BEGINS		
Summer	2024	During	Restoration Surveys	Total of 18 surveys, 6 Ecological and 12 Targeted Surveys
Fall	2024	During	Targeted Surveys	18 Targeted only
Summer	2025	During	Restoration Surveys	Total of 18 surveys, 6 Ecological and 12 Targeted Surveys
Fall	2025	During	Targeted	18 Targeted only
Summer	2026	CULLING ENDS		
Summer	2026	After	Ecological and Targeted	Total of 18 surveys, 6 Ecological and 12 Targeted

In-situ canopy Mapping (Conducted by Reef Check & G2KR)

To monitor changes in kelp bed size and extent, canopy mapping will be conducted via kayak, drone, SUP, or underwater scooter by Reef Check staff and volunteers. This will be conducted seasonally along with every survey. The goal for this is to monitor how the patchy kelp beds are changing over time, and provide other metrics of kelp growth. The mapping exercises will also complement other data, such as satellite imagery.

Section 4b(2). Permit Need or Benefit

Over the last several years, the California coast has experienced a dramatic loss in the kelp forest ecosystem (Hohman et al. 2019, Rogers-Bennett and Catton 2019, McPherson et al. 2021), turning into sea urchin “barrens”. These barrens are characterized by the absence of kelps and fleshy algae and a very high abundance of purple sea urchins (*Strongylocentrotus purpuratus*) (Pearse et al. 1970).

As a result of the continued and growing pervasiveness of sea urchins, the canopy forming kelps, such as bull kelp (*Nereocystis luetkeana*) and giant kelp (*Macrocystis pyrifera*) along the west coast have been identified as a Habitat Area of Particular Concern by the Pacific Fishery Management Council (NOAA

Fisheries West Coast [Fisheries.NOAA.gov](https://www.fisheries.noaa.gov)). This loss has also had a significant impact on the kelp forest ecosystem and the species that depend on them. Extensive loss of kelp forests limits habitat and food availability for several NOAA Listed and Managed species in the region, including abalone and groundfish species.

In Monterey, long term surveys by Reef Check and PISCO have shown increased urchin presence but have not completely decimated all kelp forests yet. It has been defined by the state as an area of “particular concern” and where kelp has expanded “significant losses since 2014 (OPC 2021). The central coast kelp forests are characterized by patch kelp distribution, with some locations appearing to decline faster than others. There is now community investment in these restoration projects in Monterey, and there is interest in expanding restoration to protect the remaining forests before it is too late.

Understanding kelp forest restoration, its effectiveness and potential impacts are now considered a top priority to management agencies. There is interest in exploring different restoration methods to understand the most cost-efficient and effective methods (OPC 2021). Kelp Forest restoration by means of reducing urchin populations has shown early signs of improving kelp growth across the California coast (Claisse et al. 2013, Ward et al. 2022, Ford et al. 2022, Williams et al. 2021).

In-water culling via crushing or smashing has shown success in two areas of California, Tankers Reef and Palos Verdes. It is known to me the most effective method to reduce urchin grazing (Bauer-Civiello et al. 2022, Kristen Elmore personal communication). The Bay Foundation, for example, has reported restoration success across approximately 50 acres in Palos Verdes (Grime et al. 2020). In addition, Tankers Reef in Monterey has shown that after one year of in-situ culling has shown a 30% increase in kelp individuals (Section 4c, Figure 15).

Despite the recent successes, there are still key fundamental questions that include how to improve efficiency and if restoration can be replicable and scalable across different habitat and community types (OPC 2021). Moreover, there are questions about how restoration can occur on a larger scale, and if citizen science is an effective method or kelp restoration. Monterey and Carmel Bays are a perfect location for testing restoration techniques and efficiencies in different habitat types and to see if the community has interest to care for these sites long term.

Expanding on Existing Knowledge

- It is clear that by reducing urchin grazing pressure, either through commercial hand harvest (Ward et al. 2022), or through urchin culling (Bay Foundation and Tankers Reef, Figure 15), improves kelp growth. However, to date, restoration sites in California have been chosen in areas with limited kelp growth surrounding the restoration site. The aim of this study is to understand if culling in areas within patchy kelp distribution will expand kelp growth more efficiently than that of other sites in California. This research will improve our understanding if protection of degrading habitats (rather than protection of already degraded) allows restoration goals to be more attainable and manageable long term.
- Using Reef Check protocol, results & efficiency of this study can be directly compared to other restoration sites across the West Coast.
- Three of the four sites fall within sites considered to be within high priority for restoration based on preliminary results of spatial-temporal models using kelp dynamics (Giraldo Ospina et al. Personal communication, in prep). However, Otter Cover was categorized as ‘Low Priority’. The

information from this study would indirectly assist with ground truthing current modeling techniques that will likely inform restoration management.

- There is also evidence that urchins prefer large clearings than areas with dense kelp (Konar et al. 2014). In this study, it is suggested that the presence of macroalgae prevents urchin encroachment. This study also suggests that community states may be maintained by interactions between urchins and the existence of macro algae. Therefore, the proposed project explores how areas that are not completely degraded by urchins may improve efficiency of recovery.
- The proposed study also has a strong social component. We know that recreational participation in culling urchins can be successful at one site, but this study would test if this can be expanded across multiple sites (in addition to maintaining Tankers Restoration site). Moreover, including the community is likely to provide benefits in other ways (e.g. education, outreach, possible tourism attraction to the Monterey Bay area). The proposed project will record and assess these benefits ad hoc.

Section 4b (3) Study or Planned undertaking timeframe

This work will be conducted over the course of three years, see Table 2 detailed monitoring plan.

- Year 1 (2023): Initial removals begin
- Year 2 (2024): Culling and monitoring
- Year 3 (2025): Culling ends
- Year 4 (2026 & onward): Restoration site to be incorporated into Reef Check long term monitoring program, and ecological surveys will be conducted annually.

Section 4c. Background and Past Findings

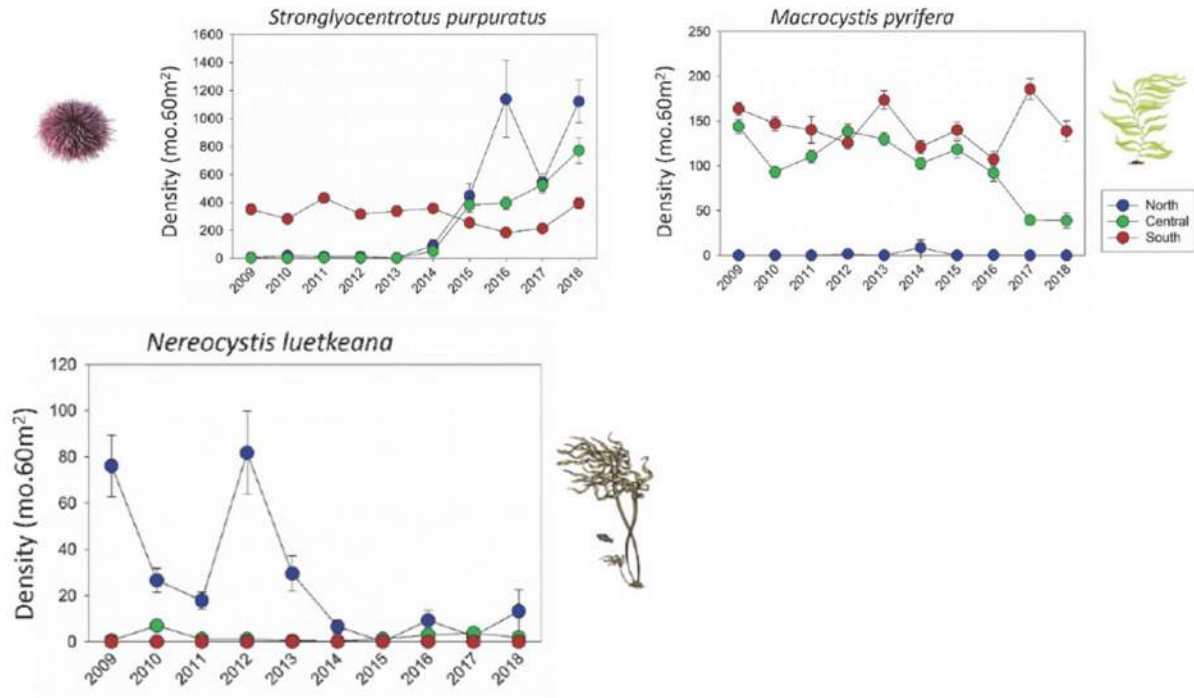


Figure 12: Figure adapted from Figure adapted from OPC Intern Kelp Forest Action Plan for Protecting and Restoring California's Kelp Forests (2021). It shows dive survey data (number per 60/m²) of key kelp forest species in northern (blue), central (green) and southern (red) California from 2009-2018. Includes Reef Check urchin and kelp survey data for three California regions.

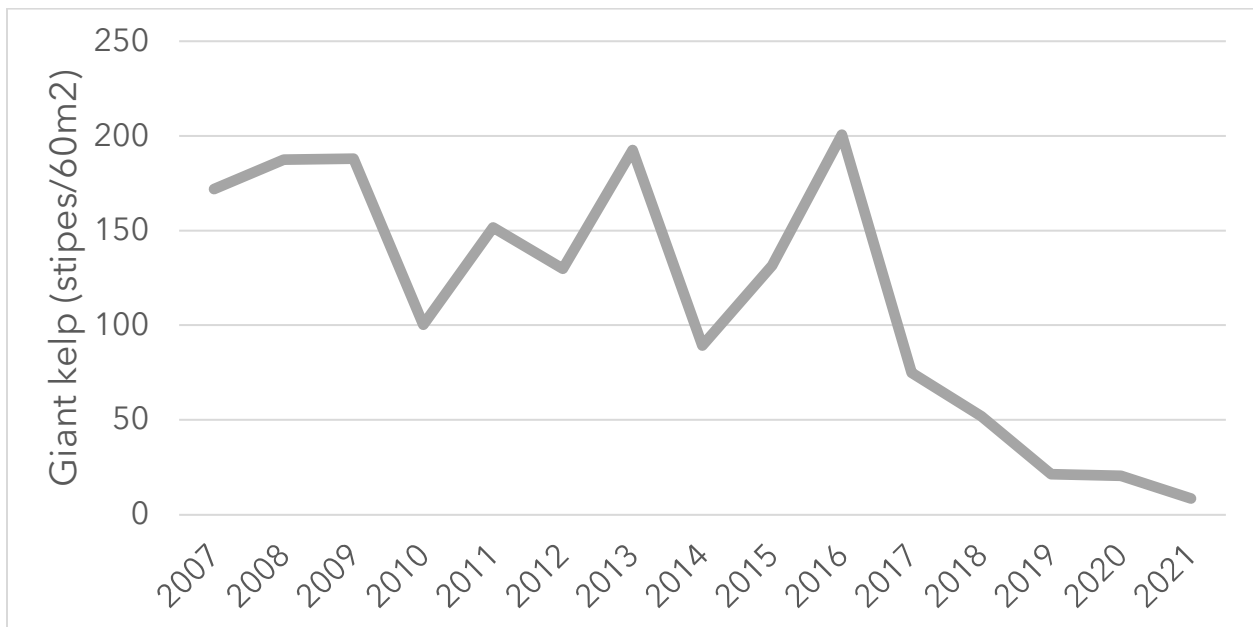


Figure 13: Long term monitoring data from 19 Reef Check sites from 2007-2021 in the Monterey Area.

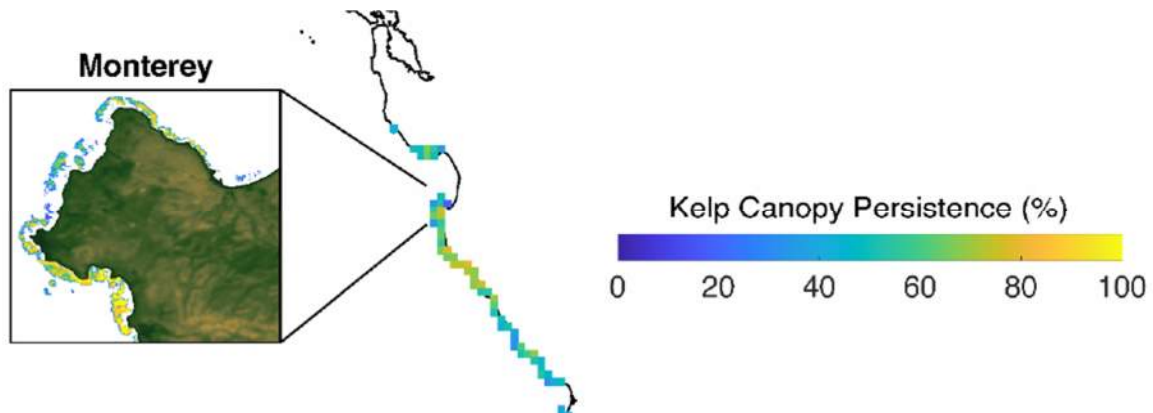


Figure 14: Figure adapted from OPC Interim Kelp Forest Action Plan for Protecting and Restoring California's Kelp Forests (2021). It shows kelp persistence around the Monterey Peninsula using kelp canopy data derived from Landsat satellite sensors. Boxes along the coast show the mean kelp persistence for all 30 x 30 m pixels within a 5 x 5 km area from 1884-2020. Landsat data does not differentiate between bull and giant kelp.

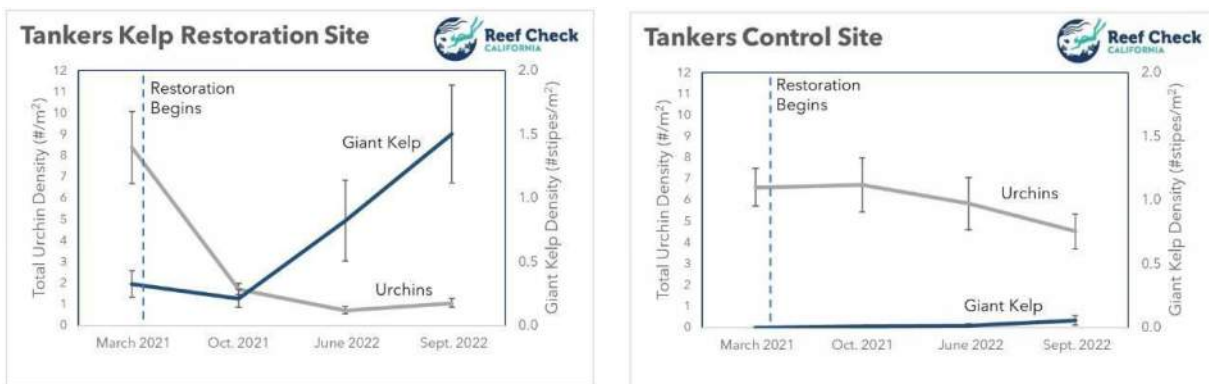


Figure 15: Reef Check survey data from two years of Tanker's Reef urchin culling effort.

Past findings for in-situ culling

Harvesting urchins has been shown to be a successful method to improve kelp growth (Ward et al. 2022), however, it is expensive in the long term, particularly in remote areas such as Big Sur. Recently, Reef Check had conducted an experiment funded by the California Ocean Protection Council to implement an experiment to compare the CPUE (catch per unit effort) of two urchin removal using recreational divers, hand harvest and *in situ* culling (Figure 7, Bauer-Civiello et al. 2022). The results of this experiment are provided in Figure 16 below, shows that culling urchins are approximately two times faster than hand harvest of urchins. This study, in addition to others (Tom Ford, personal communication, Kristen Elsmore, personal communication, Miller and Shears 2022) have provided clear evidence that in-situ culling is the more efficient and cost-effective and safer means to reducing urchin loads. This is particularly important when using citizen science divers.

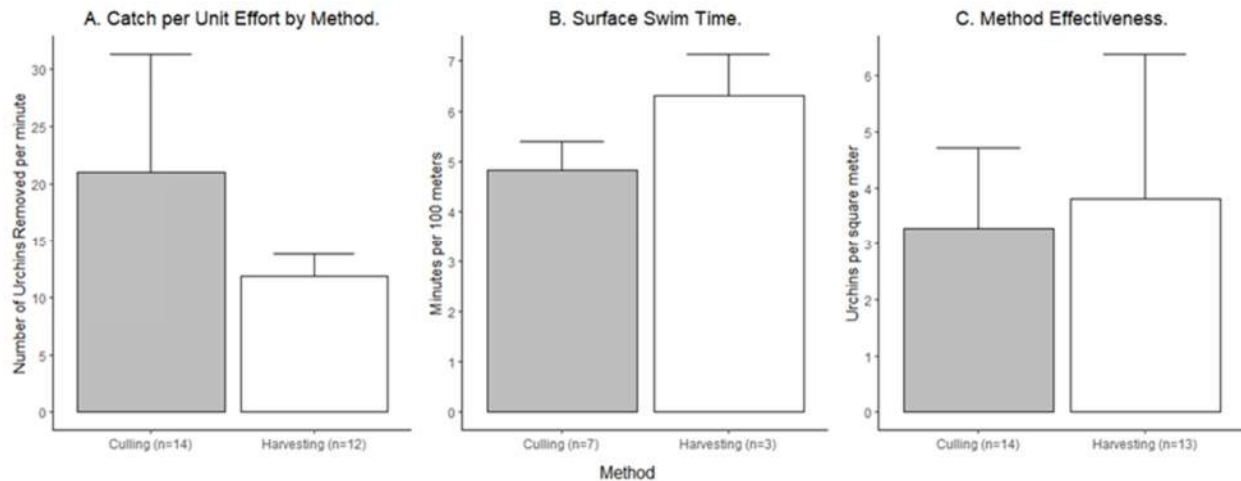


Figure 16: Figure from Bauer-Civiello et al. 2022 (attached). A comparison of the two restoration methods, culling (gray bar) versus hand-harvesting (harvesting, white bar) against (A) average number of urchins removed per minute (CPUE), (B) average surface swim by minutes per 100 meters and (C) average urchin per square meter remaining on transect after one pass of removals. Error bars indicate standard error.

References

Bauer-Civiello, A., Seale M., Murphy-Cannella, M., Norton, I., Freiwald, J., 2022. Assessment of Two Methods of Sea Urchin Removals by Recreational Divers for Kelp Forest Restoration. Reef Check Foundation, Marina del Rey, CA, USA.

California Ocean Protection Council, 2021. Interim Action Plan for Protecting and Restoring California's Kelp Forests.

Claisse et al. 2013, "Kelp forest habitat restoration has the potential to increase sea urchin gonad biomass." ESA. <https://doi.org/10.1890/ES12-00408.1>.

Conrad and Hilchey, 2011 A review of citizen science and community-based environmental monitoring: issues and opportunities.

Ford et al. 2022, "Palos Verdes Kelp Forest Restoration Project." The Bay Foundation: Home.

Freiwald, J., McMilan SM., Abbott, D., 2021. Reef Check California Instruction manual: A Guide to Monitoring California's Kelp Forests, 10th Edition. Reef Check Foundation, Marina del Rey, CA, USA.

Grime B., Sanders R., Burdick H., Ford T., 2020. Palos Verdes Kelp Forest Restoration Project. Project Year 7: July 2019-June 2020 (SC-3108). The Bay Foundation and Vanutuna Research Group.

Harrold and Lisin 1988 Spatial Variation in the Structure of Kelp Forest Communities Along a Wave Exposure Gradient <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1439-0485.1988.tb00204.x>

Hohman, R., Hutto, S., Catton, C., Koe F., 2019. Sonoma-Mendocino Bull Kelp Recovery Plan. Plan for the Greater Farallones National Marine Sanctuary and the California Department of Fish and Wildlife. San Francisco, CA. pp. 166

Konar et al. 2014, Global patterns of kelp forest change over the past half-century.

Manzer et al. 2019, Spatial Variation in the Structure of Kelp Forest Communities Along a Wave Exposure Gradient.

McPherson, M. L., D. J. I. Finger, H. F. Houskeeper, T. W. Bell, M. H. Carr, L. Rogers-Bennett, and R. M. Kudela., 2021. Large-scale shift in the structure of a kelp forest ecosystem co-occurs with an epizootic and marine heatwave. *Communications Biology* 4.

Miller and Shears 2022, The efficiency and effectiveness of different sea urchin removal methods for kelp forest restoration.

Rogers-Bennett, L., Catton, C.A., 2019. Marine heat wave and multiple stressors tip bull kelp forest to sea urchin barrens. *Sci Rep* 9, 15050.

Ward et al. 2022, Using the Resist-Accept-Direct management framework to respond to climate-driven transformations in marine ecosystems.

Williams et al. 2021, Sea urchin mass mortality rapidly restores kelp forest communities.



Giant Kelp Restoration Project

From: Keith Rootsart

Sent: Wednesday, March 20, 2024 9:18 PM

To: Slatoff, Lara [REDACTED]

Cc: Shuman, Craig [REDACTED]; Ota, Becky [REDACTED];
Wertz, Stephen [REDACTED]; Ramey, Kirsten [REDACTED]

[REDACTED]; Elsmore, Kristen [REDACTED]

Subject: RE: G2KR SCP Response

Good evening, Lara,

Thank you for your timely response before the MRC meeting.

I reviewed the response and I'm disappointed that this is contradictory to our previous discussions to work in three SMCA and scale up the sites as the effort scales. There is even a reference to the stepwise approach to scaling "above" that was apparently deleted. We were led to believe the new project would start in November of 2022 and we performed reconnaissance in advance, but the unreasonable delays in providing this response spoiled our opportunity.

We petitioned (2023-23MPA) the Fish and Game Commission to perform large scale culling, baiting, pruning, planting, etc. in entire SMCAs, Whaler's Cove at Point Lobos, and Tanker's Reef without an SCP. Repeating a small scale and piloted timeframe demonstration in only 1 of the 4 sites proposed is insufficient when G2KR has 252 divers and growing.

The unexpected termination of our kelp restoration project at Tanker's Reef for the sake of science also taught us that pilot scale science projects deliberately kill entire kelp forests at their conclusion. Defining a project as a science experiment is contradictory to our volunteer's goal of kelp restoration and they are unwilling to participate as free labor in a destructive experiment that spawns more urchins.

The continued insistence that we hire an academic institution or academic kelp forest researcher to design and implement the project is dismissive and prohibitive. Reef Check is our scientific partner, and we value our alliance. Our grassroots organization can't justify or afford to donate thousands to a university with 65% overhead as strongly suggested.

It is unprecedented and inappropriate for the fishers to be asked to reimagine actual work as a science experiment. We are happy to provide great data for scientific purposes, but scientific design must not define the goals of restoration by fishing.

I informed the MRC at the meeting yesterday that this SCP was unworkable. We will not be submitting an application in the SCP Portal.

Thank you for your consideration,

Keith Rootsart
G2KR.com
[REDACTED]



Giant Kelp Restoration Project

From: Slatoff, Lara [REDACTED]
Sent: Monday, March 18, 2024 3:48 PM
To: Keith Rootsart [REDACTED]
Cc: Shuman, Craig [REDACTED]; Ota, Becky [REDACTED];
Wertz, Stephen [REDACTED]; Ramey, Kirsten [REDACTED]
[REDACTED]; Elsmore, Kristen [REDACTED]
Subject: G2KR SCP Response

Good afternoon Keith,

The Department has reviewed your draft Scientific Collecting Permit (SCP) proposal materials for the project entitled "Using Citizen Science to assess restoration efficiency in patchy reefs in Monterey Bay". The attached letter outlines the Department's feedback. Should you wish to proceed with an SCP application, the next steps would be to sufficiently incorporate the feedback in the attached letter and submit an application into the SCP Portal to undergo formal review. If you have questions about the application process and portal, please do not hesitate to contact me.

Best,

Lara Slatoff
Environmental Scientist
Marine Protected Areas Management Project
California Department of Fish and Wildlife | Marine Region
20 Lower Ragsdale Drive, Suite 100 | Monterey, CA 93940
[REDACTED]



March 18, 2024

Mr. Keith Rootsart

Subject: RESPONSE TO SCP PROJECT PROPOSAL MATERIALS

Dear Mr. Rootsart:

The Department of Fish and Wildlife (Department) has reviewed your draft Scientific Collecting Permit (SCP) proposal materials for the project entitled “Using Citizen Science to assess restoration efficiency in patchy reefs in Monterey Bay”. This letter outlines feedback that the Department provided to you over the course of several meetings and iterations of proposed materials, as well as additional feedback based on the revised materials provided to the Department in July 2023, with the intent of providing guidance for an improved application.

The Department does not have any new or additional feedback on your pre-application materials beyond what has already been provided to date and outlined within this letter. Currently, the revised application materials still do not address the concerns and questions the Department has highlighted as fundamental criteria for a strong SCP application, particularly one that proposes to conduct work in Marine Protected Areas (MPA). The Department’s feedback, as well as additional questions, are outlined below.

General Feedback:

- At this time, the Fish and Game Commission and Department are considering policy around appropriateness and application of restoration in MPAs. Until clear policy guidance has been finalized, restoration activities will not be permitted within MPAs. Further, the Kelp Restoration Management Plan (KRMP) will provide the framework under which kelp restoration will be considered and permitted in state waters. Research that directly informs critical knowledge gaps for management may be permitted in certain MPAs, such that their impact is minimal, the study design(s) are scientifically robust, and the research questions are critical to informing resource management. There should be demonstration of success and compliance under the SCP regulatory authority at a small scale and piloted timeframe which is a critical step before efforts to expand to broader scale projects would be considered.
- The Department strongly suggests partnering with an academic institution or academic kelp forest researcher to assist with the design and implementation of the proposed work and who has expertise in the use of scientifically accepted study methods and survey protocols per Title 14, California Code of Regulations, Section 650(b)(19)(B) and 650(h). See [Scientific Collecting Laws and Regulations \(ca.gov\)](http://www.wildlife.ca.gov/scientific-collecting) for more information.

Site Selection Criteria:

- Include clear, science-based justification for why the research/work has to occur in an MPA, as opposed to adjacent or non-MPA areas. Convenience and safety, while

important logistical considerations, are not sufficient as primary site selection criteria for work conducted in MPAs.

- Include a description of the Hopkins control site.
- Kelp data provided for Brigadier Gardens shows kelp densities are within historical variability. Include a justification as to why this location is identified as a proposed restoration site.

Spatial Scale:

- Scale down to a smaller area (e.g., one site/focal area within one site); see feedback above regarding stepwise approach to scaling. A spatial scale of 29 acres across 4 sites is far too large for an initial project, especially within MPAs.

Study Questions and Design:

- Clarify what restoration techniques and efficiencies are being tested. There are contradictions throughout these materials articulating that the project will test different restoration techniques and efficiencies, but only hand-culling is proposed. Additionally, it is stated that other on the ground efforts and studies that are referenced, including the Reef Check study, have already assessed different methods and their respective efficiencies.
- Specify the metrics being used to define patchy and transitioning forests.
- Explain how the proposed work will inform restoration beyond the specific sites proposed and beyond application for the Monterey Peninsula (e.g., regional considerations).
- Remove the statements that suggest the effort at Tanker Reef has been a complete success, knowing the assessment of work conducted has not been concluded.
- Explain how the information provided by the proposed project is considered novel when “citizen science and community volunteers as an effective tool for large scale restoration” is being explored through the efforts occurring under the authority of the temporary recreational harvest regulations at Caspar Cove and Tanker Reef (California Code of Regulations, Title 14, Section 29.06(d)).
- Provide a clear, comprehensive study design that explicitly identifies metrics of success, including how parameters measured inform and address the specific research questions. Metrics of success and parameters measured should account for the co-occurrence of giant kelp and bull kelp as dominant canopy-forming species in the proposed study region.
- Include site-specific pre-restoration/treatment and control monitoring beyond leveraging long-term monitoring data from MPA monitoring programs (e.g. PISCO, RCCA).

Mr. Rootsart; SCP Materials Review

March 18, 2024

Page 3

- Explain how the monitoring design is reflective of the needs for the proposed project and questions/goals. Details in the monitoring section are sparse, and several methods are mentioned, but it is unclear how the methods will be combined.

Project Implementation and Compliance:

- Please be aware that conditions of SCPs, such as allowable take, method of take, and reporting requirements, are at the discretion of the Department per California Code of Regulations Section 650(n).
- Please be aware that Notifications for Intent to Collect are required by California Code of Regulations Section 650(o).
- Please be aware that Department staff are not responsible for conducting scientific monitoring of projects permitted under SCP authority. The responsibilities of SCP permit holders are defined by California Code of Regulations Section 650.
- Provide a plan that clearly outlines supervision, coordination, communication, and training on activities and compliance for volunteers. In addition, include measures for mitigating harm to wildlife – including identifying and mitigating potential impacts to the reef due to proposed methods (e.g., hammer impact to reef structure and suite of organisms).
- Include acknowledgment that all divers participating in the project would be operating under the authority of Department-issued permits and regulations.

Should you wish to proceed with an SCP application, the next steps would be to sufficiently incorporate the Department's feedback above and submit an application into the SCP Portal to undergo formal review. If you have questions about the application process and portal, please do not hesitate to contact the SCP team at Lara.Slatoff or [REDACTED]

Sincerely,

Lara Slatoff

Lara Slatoff
California Department of Fish and Wildlife
Environmental Scientist, Marine Region
Lara.Slatoff [REDACTED]

ec:

Dr. Craig Shuman
California Department of Fish and Wildlife
Regional Manager, Marine Region
Craig.Shuman [REDACTED]

Mr. Rootsart; SCP Materials Review

March 18, 2024

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Becky Ota

California Department of Fish and Wildlife

Environmental Program Manager, Marine Region

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Stephen Wertz

California Department of Fish and Wildlife

Senior Environmental Scientist (Supervisor), Marine Region

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Kirsten Ramey

California Department of Fish and Wildlife

Environmental Program Manager, Marine Region

[Kirsten.Ramey](#)

Dr. Kristen Elsmore

California Department of Fish and Wildlife

Senior Environmental Scientist (Specialist), Marine Region

[Kristen.Elsmore](#)

***3/24 DISPLAY AD - Live animal food markets - non-native frogs & turtles

afa

Wed 03/06/2024 03:20 PM

March 6, 2024

TO: MEMBERS OF THE CALIFORNIA DEPT. OF FISH & WILDLIFE, ET AL. -

ANONYMOUS STATEMENT FROM A DISGRUNTLED CDFW EMPLOYEE (2012?) -

"The challenges before the Department and Commission will continue to grow, and the invasive species/frog/turtle deal is one shining example of the pathetic politics that get in the way of doing what we're supposed to do. It drains the morale of employees who really want to do the right thing, it's illegal and it's harming our native wildlife. The unbelievable smugness and arrogance that some people display on this issue truly sickens me."

Me, too. 30 years and counting....

RELATEDLY, SEE ATTACHED DISPLAY AD, SOON TO RUN.

The letter below was sent to about 35 newspapers around the state.

ANY COMMENTS ON THIS ISSUE WOULD BE MUCH APPRECIATED. (CONFIDENTIAL, OF COURSE.)

Reportedly, after a four-year "study," the CDFW is currently considering a ban on the import permits for the two million bullfrogs, the majority of which test positive for the lethal chytrid fungus (Bd), responsible for the extinctions of 100+ amphibian species worldwide in recent years.

THE NON-NATIVE MARKET TURTLES SHOULD BE OUTLAWED, TOO. Oregon has banned both the frogs and turtles; Washington the frogs. California should follow suit, focusing on environmental protection, public health and law enforcement, rather than "racial politics."

Kind regards,

Eric Mills, coordinator
ACTION FOR ANIMALS



=====
=====

March 1, 2024

Letter to the Editor
SAN FRANCISCO CHRONICLE

WILDLIFE & PUBLIC HEALTH ALERT

Despite major opposition since the mid-1990's, California's Dept. of Fish & Wildlife (CDFW) continues to issue import permits for two million live American bullfrogs and 300,000 freshwater turtles for human consumption, non-natives all. All are diseased and/or parasitized, though it is illegal to import/sell such products (California Code of Regulations, Title 14, Section 236). The animals are sold in various "Chinatowns," primarily in Los Angeles, San Francisco, San Jose, Oakland and Sacramento. Where are the local health departments, pray?

Dozens of necropsies have documented cases of E. coli, salmonella and pasturella (all potentially fatal in humans), giardia, blood parasites, even one case of malaria. Worse, the majority of the bullfrogs carry a deadly chytrid fungus, Batrachochytrium dendrobatidis (Bd), responsible for the extinctions of 100+ amphibian species worldwide in recent years. The frogs and turtles are routinely bought en masse by "do-gooders" and illegally released into local waters, where they prey upon and displace our native species, while spreading all sorts of diseases and parasites, including Bd. Environmental groups should be all over this.

Our State Fish & Game Commission has twice voted to stop the permits, but ignored by the CDFW. Write: CDFW Director Chuck Bonham (director [redacted]), and Gov. Gavin Newsom (gavin.newsom [redacted]). EASY PARTIAL FIX: No live imports, frozen frog/turtle parts only, as Oregon has done.

x
Eric Mills, coordinator
ACTION FOR ANIMALS



(PAID ADVERTISEMENT)

WILDLIFE & PUBLIC HEALTH ALERT!



"I share your concern for the danger illegal wildlife trafficking and live animal importation poses to public health and the biodiversity of wildlife resources in California."

(--Chuck Bonham, Director, CA Dept. Fish & Wildlife, in a 5/19/20 letter to PawPAC & 40+ groups)

"The Director acts at the pleasure of the Governor."

(--CDFW Deputy Director, Sonke Mastrup, to the Fish & Game Commission, 2014)

The California Dept. of Fish & Wildlife (CDFW) is currently considering a ban on the importation of American bullfrogs for human consumption, sold in various "Chinatown" live markets, esp. in Oakland, San Jose, San Francisco, Los Angeles & Sacramento.

Freshwater turtles should be added to the list. Since the mid-1990's, the Dept. has received 3,000+ letters urging a stop to the import permits for both frogs and turtles, non-natives all. The late S.F. Judge William Newsom (Gavin's father) submitted such a letter. Resources Secretary Huey Johnson wrote twice, all to no avail. **TIME FOR SOME SERIOUS LITIGATION.**

WILDLIFE ISSUES: California annually imports some TWO MILLION bullfrogs and 300,000 freshwater turtles--non-natives all. The frogs are commercially-raised, the turtles all taken from the wild, depleting local populations. Most of the frogs come through Oakland. Several dozen necropsies have documented that ALL are diseased and/or parasitized, though it is ILLEGAL to import/sell such products (California Code of Regulations, Title 14, Section 236). Law enforcement has been nil. Oregon has banned non-native frogs and turtles, and Washington bans the frogs. Why not California, pray?

SPECIES EXTINCTIONS: The majority of the bullfrogs carry a deadly chytrid fungus (*Batrachochytrium dendrobatidis*, or Bd), responsible for the extinctions of 100+ amphibian species worldwide in recent years. The market animals are routinely bought en masse by various "do-gooders," then released into local waters, where they prey upon and displace our native species, while spreading all sorts of diseases and parasites.

PUBLIC HEALTH RISKS: Documented cases of E. coli, salmonella and pasteurilla (all potentially fatal in humans), plus giardia, blood parasites, even one case of malaria. Local Health Depts. have been remarkably silent.

EASY FIX: STOP LIVE IMPORTS, ALLOWING FROZEN FROG/TURTLE PARTS ONLY.

Legislation & litigation are long overdue. Contact the powers-that-be: Governor Gavin Newsom, The State Capitol, Sacramento, CA 95814.

Email - gavin.newsom [redacted] dana.williamson [redacted]

Wade Crowfoot, Resources Secretary - secretary [redacted]

Chuck Bonham, Director, CDFW - director [redacted]

State Fish & Game Commission - fgc@fgc.ca.gov

Ari Cornman, Wildlife Resources - ari.cornman [redacted]

State Senators - senator.lastname [redacted]

State Assemblymembers - assemblymember.lastname [redacted]

ACTION FOR ANIMALS, [redacted]

Eric Mills, coordinator, email - [redacted]

From: Colin Gallagher [REDACTED]
Sent: Wednesday, March 6, 2024 8:21 AM
To: Cornman, Ari@FGC [REDACTED]
Cc: Bess, David [REDACTED]; Stoots, Chris [REDACTED]
Subject: Additional (new) info on use of BB devices for hunting if wild pig

Here's some additional info on hunting wild pig with BB devices (still not allowed in backwards California, due to poor decision-making, but definitely allowed in most other states)

Latest example I can find of some documentation of such hunts (includes photos and discussion): <https://www.airgunnation.com/threads/af-457-first-hog-down.1304994/>

Latest Monterey County Herald article on wild pigs, published February 2024
2024 <https://www.montereyherald.com/2024/02/09/the-wild-pig-problem-in-monterey-county/>

List of states where BB devices are clearly allowed to be used to hunt wild pig generally:
https://www.pyramydair.com/airgun-map/?hunting=Big_Game#approved_Feral_Hogs

List of states where regulations exist allowing use of BB devices to hunt javelina:
https://www.pyramydair.com/airgun-map/#approved_Javelina

Salmon Regulations

Guy Kilburn [REDACTED]

Sat 03/09/2024 12:51 PM

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

Dear Commissioners,

I am opposed to the proposal by council member Yaremko to inequitably distribute salmon available for catch between the ocean and the rivers. The science is quite clear, dead fish don't make babies. 91% for the ocean and 9% for the rivers just makes no sense. Please advise her to adjust her thinking, and her position that grossly favors ocean fishing.

Thank you,
Guy Kilburn

[REDACTED]

From: Jeff Miller [REDACTED]
Sent: Monday, March 11, 2024 12:40 PM
To: FGC <FGC@fgc.ca.gov>
Subject: CBD support for white sturgeon CESA listing

Please see attached letter of support for listing the white sturgeon (*Acipenser transmontanus*) in California as a threatened species under the California Endangered Species Act.

Jeff Miller
Senior Conservation Advocate
Center for Biological Diversity
[REDACTED]
www.biologicaldiversity.org



March 11, 2024

California Fish & Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Support for CESA listing of California white sturgeon

The Center for Biological Diversity supports listing the white sturgeon (*Acipenser transmontanus*) in California as a threatened species under the California Endangered Species Act (CESA).

Mark-recapture surveys by the California Department of Fish and Wildlife have demonstrated a nearly 80% decline in sub-adult and adult white sturgeon in California over 25 years, before the devastating 2022 and 2023 algal blooms in San Francisco Bay, which resulted in significant mortality of white sturgeon.

The San Francisco Bay estuary, the only watershed in California that supports white sturgeon reproduction, has been severely degraded by excessive water diversions. Current regulation of Central Valley river flows and estuary water quality conditions is inadequate to support native fish viability, and is impairing successful spawning and rearing of white sturgeon. White sturgeon have also been subject to overharvest in the recreational fishery.

The continued existence of white sturgeon in California is jeopardized by increasingly frequent and prolonged droughts related to global climate change, combined with several planned water development and diversion projects in the San Francisco Bay watershed.

Please protect our unique and dwindling white sturgeon under the CESA.

Jeff Miller
Senior Conservation Advocate

Please forward to Melissa miller Henson, Wade Crowfoot

The proposal to enter the Dry Creek tributary that feeds into the Russian River, Healdsburg, California with D-9's and other heavy equipment, add new rip and new concrete, rip out the existing "working successfully" Fish Ladder and the Number 3 Sill located about about 1.5 miles and 2 miles up West Dry Creek Road is a very BAD Proposal.

Used as an excuse to proceed with this project is to help the COHO Salmon in that stream.

What has actually happened that has virtually wiped out the natural flora and fauna, fish and bird life along Dry Creek is as follows:

1. The emergency lower overflow gate at the Warm Springs DAM was stuck in the open position for several years, requiring scuba divers, welders, etc to repair said "gate". It was stuck in the open position for several years, which resulted in the silt from the bottom of Lake Sonoma to flow out of the lake and "COAT" the bottom of Dry Creek and the Russian River from this location all the way to the Pacific Ocean with said "silt" covering up the fine sands and gravels used by Salmon and Coho to lay their eggs in a natural setting.

Not only did this damage the creek bottom, but also negatively effected the "natural" wildlife that inhabited the creek for years, including cray fish, sand dabs, skippers, bull frogs, almost endangered ducks and mallard ducks, killdeer birds (that nested on the side of the creek), herons, butterflies, small local birds, creek otters and much more.

2. Of late, the numerous project along Dry Creek undertaken to provide "resting areas" for Pacific Salmon has been a joke. Basically neighbors along the creek have agreed to allow these areas to be "improved" spending millions of dollars of taxpayer monies and adding additional non native soil, chain link fencing, requiring heavy equipment to entering the water and sandbar creating more disturbance to the natural fish flow, natural habitat and natural bird, fish and plant life to improve the areas below their own properties, only for their own property improvement for Winery use, person areas, with nothing to do with fish. By the way, most of these expensive and damaging project have been "washed out" by winter storms, not even the Mother for ALL storms we could receive which comes to our area from time to time.

3. The fish hatchery installed at the foot of the earth filled dam creating Lake Sonoma, further up Dry Creek has had nothing but been a huge disappointment and unnecessary expense.

The multi million dollar generator installed at the Lake Sonoma fish Hatchery, to SAVE THE PROGRAM, in the event of a BLACK OUT, once thousands of fry, growing fish had been raised and have been set up in man-made ponds at the Hatchery failed during a "BROWN OUT". The generator did not come on as not set up to work during a brown out, but only a blackout of electricity.

Some hatchery supervisors, in their infinite wisdom, decided to quietly release all the thousands of dead fish of many sizes into DRY CREEK, CREATING A wild animal feeding frenzy where bob cats, mountain lions, scavenger birds and many other animals not usually in such high number descended from the surrounding hundreds of miles on to the creek to feed for the first few days creating an unsafe area for homeowners, homeowners pets and local occurring wildlife. If that wasn't bad enough, the dead fish in the thousands began to stink, decay, wreck havoc on the natural inhabitants of the Creek and Russian River from the fish hatchery all the way to the Pacific Ocean. A catastrophe! All news of this was never published.

On several occasions, fish that had been raised at the Lake Sonoma Hatchery at great expense were trucked to the Cloverdale, CALIFORNIA area to be released into the RUSSIAN RIVER IN THAT LOCATION. The trucks pulled up onto the Cloverdale overpass and bridge and the valves were opened letting this fish fly from a hundred feet above the river, to SPLATTER and die when hitting the water! Apparently, once was not enough, but multiple times, local people report this incident occurring, and residents went down to observe this situation, picking up dead fish for their dinners and photographing this occurrence with NO CORRECTION EVERY MADE to this procedure.

Other truckloads of fish were hauled to the a SACRAMENTO AREA, and released in an attempt to improve the salmon population in that area. Of course, confusing to the fish released there, the success of that project was most certainly ZERO! Again! (Fish go back up the stream where they smell, feel or intake water from the stream in which they are raised, if able to locate it, if any of the SACRAMENTO RELEASED FISH were able to navigate back out of the ocean, not to the SAC RIVER, but back to the mouth of the Russian River. Doubtful! Another huge waste of fish, that would normally spawn in Dry Creek, captured, both male and female and squeezed to obtain eggs and then male sperm.

4. No control or investigation of chemical used to wash down WINERY EQUIPMENT, BUILDINGS, PARKING LOTS, ROOFS, BUILDINGS etc. along DRY CREEK. Said 'wash water' of course, runs directly into DRY CREEK, MANY pvc pipes have been installed directing said poisonous water into the creek.

5. Not yet mentioned are the myriad of chemicals sprayed, pumped through irrigation lines, onto the grape vineyards along DRY CREEK and the Russian River, considered premiers growing reasons. ALL OF THESE SPRAYS, APPLICATION OF POISONS TO KILL WEEDS AND GRASSES UNDER THE VINES, IN CORRIDORS TO discourage the sharp shooter and also diseases, etc. eventually make it right into DRY CREEK AND EVENTUALLY INTO THE RUSSIAN RIVER.

PLEASE also refer to the Gaye LeBaron, Well respected columnist, PRESS DEMOCRAT article appearing many years ago chronicling "Where have all the bull frogs aGone" regarding the 1950's and 60's observations of many individuals growing up on the Dry Creek and Russian Rivers and returning to see the changes already evidenced at that late date.

6. There is much more. Qualified investigators need to review this situation before any additional project is undertaken.

Thank you,

APRIL [REDACTED]
[REDACTED]
[REDACTED]

From: Generic Bonnette [REDACTED]

Sent: Monday, March 11, 2024 06:24 PM

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

Subject: Letter and Attachment to Commission Executive Director Miller-Henson

Please accept the attached letter and attachment for Ms. Miller-Henson and provide copies to Commission and DFW staff listed.

Thank you. Alicia Bonnette

March 10, 2024

Melissa A. Miller-Henson, Executive Director
Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Ms. Miller-Henson,

I was the recording secretary for the California Abalone Association (CAA), under then President Chris Voss, from July 2004 until August 2012. During that time there were thousands of hours (see attached CAA Fishery Development History) dedicated to development of adaptative management and fishery plans related to California's red abalone. After many years of being absent in the world of abalone I see that the Commission and Marine Staff are once again engaging in conversations regarding this resource.

First is a petition (Tracking Number 2024-02) requesting regulation change to "reopen the red abalone fishery at San Miguel Island, Santa Barbara County only". This to be received by the Commission at its April 17-18, 2024 meeting. With subsequent action (to deny or grant for further consideration in a future rulemaking) scheduled for the Commission's June 19-20, 2024 meeting.

Second was a posting in the Marine Management News Blog on March 7, 2024 where the California Department of Fish and Wildlife is seeking individuals to join the Red Abalone Recovery Community Working Group to help develop California's Red Abalone Recovery Plan.

In assembling this "Working Group" I would like the Commission and Marine Management staff to recognize and take into consideration **ALL** of the efforts, information collected, and plans developed by dozens of individuals, groups, and organizations over the last twenty (20) years. Including, but not limited to, the most recent efforts by The Nature Conservancy in their draft of a Recreational Red Abalone Fishery Management Plan.

I believe these past efforts create a solid structural basis for a comprehensive abalone fishery management plan that embraces components of the Abalone Recovery Management Plan (ARMP) while incorporating principals of the Marine Life Management Act (MLMA).

Thank you for your consideration.



Alicia Bonnette

Attachment: CAA Fishery Development History

Copies To:

Susan Ashcraft, Commission Marine Advisor
Dr. Craig Shuman, DFW Marine Region 7 Manager
Joanna Grebel, DFW Invertebrate Program Manager
Samantha Murray, Fish & Game Commission President
Erika Zavaleta, Fish & Game Commission Vice President
Jacque Hostler-Carmesin, Fish & Game Commission Member
Eric Sklar, Fish & Game Commission Member
Darius W. Anderson, Fish & Game Commission Member
Don Thompson, California Abalone Association President

**CALIFORNIA ABALONE ASSOCIATION (CAA)
FISHERY DEVELOPMENT HISTORY
“PARALYSIS OF ANALYSIS”**

CAA MISSION STATEMENT

“To restore and steward a market abalone fishery in California that utilizes modern management concepts, protects and enhances the resource, and guarantees a sustainable resource for the future.”

The California Abalone Association (CAA) is dedicating the efforts of its membership to reopen a market abalone fishery in California. Below is a brief history of the activities that are bringing this dream to fruition. However, it should be noted that the CAA membership has never lost sight of their mission. Over the last nine (9) years, prior to July 2005, several members of the Association have consistently dedicated their efforts to keep the possibility of a fishery in the forefront of the public process.

Between August 26, 2004 and August 10, 2012 CAA members have participated in and/or attended the following meetings:

35	Commission
16	Marine Resource Committee
11	Limited Fishery Task Teams
14	AAG
<u>4</u>	Research Proposal Steering Group
80	TOTAL

May 22, 1997 (ARMP – Appendix A: Section A.1.3) 120 day closure of all abalone in southern and central California. **Sept 19, 1997** Extended emergency closure & closure of fishery for all abalone south of San Francisco. **2000** Only red abalone north of San Francisco Bay may be taken. (Unable to locate Commission documents regarding their findings or CDFG’s recommendation for emergency closure)

October 1997

Governor Pete Wilson signed SB463 into law. This bill imposed a “moratorium on the taking, possessing, or landing of abalone for commercial or recreational purposes in ocean waters of the state south of a line drawn due west magnetic from the center of the mouth of the San Francisco Bay, including all islands offshore the mainland of California”. Under this bill the California Department of Fish & Game was required to submit to the Commission “a comprehensive abalone recovery and management plan” before January 1, 2003 (the ARMP was not approved until December 2005). Under the bill “once a plan is submitted, the Department may apply to the Commission to reopen sport or commercial fishing in all of any portion of the waters closed by the moratorium”.

Moratorium: A delay or suspension of an activity or an authorized period of delay or waiting.

August 26, 2004

Commission Meeting (Morro Bay)

Public Forum: Don Thompson “stated that in discussions with Sen. Thompson, the original legislation was to include mitigation for those displaced divers, but to date there has been no aid. He indicated that the problems with the ARMP include inconsistencies in defining density; biomass estimates are not used in determining the health of the resource; and the goals of the plan are not feasible or reasonable given the current population data”.

Steve Rebeck (CAA Representative at that time) commented that “red abalone is not threatened or endangered and should not be included in the moratorium. He noted that the CDFG promised an ARMP by 1999 and that the fishery would be opened in as little as 18 months, and seven years later there has been no progress. He indicated that he did not think that the CDFG is data poor and that sea otters are not affecting red abalone.”

July 19, 2005

Special Commission Meeting to Receive Public Comments on the draft Abalone Recovery and Management Plan (Oakland)

CAA members heard Commission Executive Director Robert Treanor indicate that the possibility for an “experimental fishery” existed and they were encouraged to develop their ideas within the boundaries of the Abalone Recovery Management Plan (ARMP).

August 19, 2005

Commission Meeting (San Luis Obispo)

Item 24: Receipt of Public Testimony and Discussion of Timeline for Possible Adoption of the ARMP

The Commission received CDFG’s presentation and public testimony. CDFG indicated it would provide an update on its recent data collections at the Commission’s September meeting.

During Public Testimony Rebeck presented the first draft of a Limited Fishery Plan and received encouragement from the Commission to flush out the details of a progressive Plan.

September 30, 2005

Commission Meeting (Susanville)

Item 16.E: Update on Department Recent Surveys, Amendments to the ARMP, and Timeline for Possible Adoption

The Commission received a CDFG report and public testimony from Steve Rebeck, Chris Voss, Paul Weakland and Gary Verhagen regarding an experimental commercial abalone fishery in southern California and/or the Farallon Islands. The Commission discussed a time line for adoption of the ARMP and will receive additional information on the limited commercial fishery at its November meeting in Santa Barbara.

October 20, 2005

Marine Subcommittee (Santa Barbara)

Item 3.b: Proposal by Former Commercial Abalone Divers for a Limited Commercial Fishery at San Miguel Island.

Voss gave a brief presentation on the CAA's Limited Fishery Plan. The presentation was well received and Commissioner Rogers stated that he was willing to adopt a plan that is well managed, protects the resource, provides a wealth of data, and is self-sustaining. At that meeting CDFG was directed to develop another general option (Alternative 8) to the ARMP that included the elements of the Limited Fishery Plan. CAA members were excited to hear Rogers agree that the Limited Fishery Plan could be used as a model for a whole host of fisheries in the State of California. It was noted that details of such a plan could be resolved in legislative review and CEQA processes.

Following the 10/20/05 Marine Subcommittee meeting four (4) CAA members and Steve Rebeck met with CDFG Regional Marine Coordinator Gary Stacey, CDFG Deputy Director Sonke Mastrup, and Assistant Enforcement Chief Tony Warrington. This group discussed development of Alternative 8 and keeping the

components flexible. CAA members heard Warrington's concerns regarding enforcement issues. The group also discussed: a) data collection, b) inclusion of the sport section, c) developing a truly collaborative process, d) CAAC Enhancement Fund monies, and e) the CEQA process.

November 3, 2005

Commission Meeting (Santa Barbara)

Item 4: Presentation by the California Abalone Association Regarding a Proposed Limited Commercial Abalone Fishery at San Miguel Island.

The Commission received a presentation and heard public testimony. CDFG indicated that Alternative 8 (this eventually became Alternative 1/Section 7.3.1 of the ARMP) had been added to the draft ARMP which would allow for this request, if adopted by the Commission. The Commission will consider adoption of the ARMP at its December meeting.

Voss gave a detailed presentation of the "Experimental Fishery Plan" (components of this first plan are included in Appendix H/Section H.1.3.1 of the ARMP). The Plan was enthusiastically embraced by several of the Commissioners and endorsed by Tom Raftican of the United Anglers of Southern California. As a result of this presentation CDFG was officially directed to work with the CAA in developing an alternative that could be added to the ARMP. Alternative 8 was expected to incorporate the fishery concepts set forth in Voss's presentation and develop a public/private partnership that could become a model for other California fisheries.

December 8 & 9, 2005

Commission Meeting (Concord)

Item 8: Consideration and Possible Adoption of the draft Abalone Recovery and Management Plan

The Commission received the draft ARMP with latest amendments and public testimony.

CDFG personnel presented Alternative 8 to the Commission. After hearing comments from the public and CAA members, a lively discussion took place and CDFG was asked to make changes to the Alternative 8 language that would provide the Commission with more of a management role and the full authority to make changes to the ARMP without further formal review.

The Commission approved the ARMP with Alternative 8 and specified amendments to Section 7.1.2 and reference tables 7-2 and 7-4.

As the first item of business on December 9, CDFG staff presented the revised version of Alternative 8 and specified amendments to Section 7.1.2 and reference tables 7-2 and 7-4. Noting that the changes met his expectations Commissioner Rogers motioned approval of the ARMP with Alternative 8 as the preferred option. The Commission unanimously approved the ARMP with Alternative 8 as their preferred option. Fifteen (15) CAA members attended this Commission meeting and took to heart the support shown by the Commissioners to develop a public/private partnership to protect and preserve this valuable resource.

December 23, 2005

Quotes from the Los Angeles Times article "Abalone Fishery Off Southland May Reopen"

"The Commission decision . . . is likely to ignite another round of abalone wars, pitting recreational divers, biologists, and conservationist against commercial divers".

Stephen Benavides said "This is an unbelievable tragedy" and was incensed at the Commissioners.

January 14, 2006

Quotes from the Ventura Star article "State Agency Agrees to Look at Reopening Island Fishery"

Ian Taniguchi said "In my opinion, I think it's premature" and "In what we are proposing, I would not see a fishery in Southern California in my lifetime".

Gary Davis said "But the ultimate decision to reopen the fishery could be based on politics as much as science".

January 18, 2006

San Miguel Island Limited Fishery Task Team Meeting #1 (Santa Barbara)

CAA representatives Voss and Marshall met with CDFG representatives Pat Coulston, Pete Haaker, and Ian Taniguchi for five (5) hours. Agenda items included: a) discussion of ARMP Section 6.3.1, b) meeting participants and future participants and their roles, c) identification of major tasks, tentative timeline issues, and d) finalization, implementation, and funding of the monitoring

protocols (which the CAA believes is critical in order to move forward). Guiding documents discussed were the: ARMP, MLMA, CEQA, and the Experimental Fishery Proposal. Many ideas, opinions, and philosophies were exchanged and the CAA was hopeful that they could work collaboratively with CDFG.

January 31, 2006

Meeting at Santa Barbara Fish & Game Office with CDFG Assistant Director Sonke Mastrup

Ten (10) CAA members met with Mastrup. They traded ideas and Mastrup heard the commitment the divers had to develop a fishery management plan that would meet CDFG's needs and continue to enhance the resource. The importance of the public component and the need for more positive press was discussed.

February 2, 2006

Commission Meeting (Sacramento)

Public Forum: (1:58:08 to 2:07:41) Voss reported that the stakeholders continue to work on the proposal for a limited abalone fishery at San Miguel Island, which they will soon present to CDFG for further development. He reported on the first meeting and talked about the survey protocols being developed. He emphasized the progress the CAA has made to date and asked the Commission to continue pressure on CDFG to perform, meet expected deadlines (for a tangible result), and work with us in an honest & fair manner. Rogers stated "we have the opportunity of historic proportions to put together a joint private/public partnership for a resource that is at risk" . . . "we will have a significant improvement in the management of our resource if we can pull this off" . . . "we will develop something that will enhance a resource". Mastrup stated "the biggest challenge is getting people to open their minds".

February 22, 2006

San Miguel Island Limited Fishery Task Team Meeting #2 (Teleconference)

CAA representatives Voss and Marshall, along with five (5) other CAA members, and Carrie Culver from Sea Grant Extension met with CDFG representatives Pat Coulston and John Ugoretz (via telephone for five (5) hours. The agenda included: a) finalization, implementation, and funding of the monitoring protocols [culminating in a joint "Rapid Snapshot Data Collection" trip in late August 2006, followed by a data analysis workshop hosted by Sea Grant Extension], b) presentation and discussion on CDFG's "Draft SMI Fishery Development Timeline" (Attachment 5) in response to CAA proposed fishery development timeline, c) funding mechanisms, d) identification of future meeting participants and their roles, e) creation of document that fully develops CAA alternatives and concepts, and f) identification of tasks and future meeting dates.

It should be noted that significant progress was made on refining the Fishery Development Timeline and CAA members were encouraged that CDFG is willing and committed to work collaboratively with fisherman. In an effort to cement this commitment the divers requested that CDFG issue a positive press release. They asked for the release to focus on the present accomplishments, data collection, and a fishery that would be based on science and not speculation.

March 2, 2006

Commission Meeting (Riverside)

Item 7.C: Update on SMI Abalone Fishery

The Commission received a report and public testimony. CDFG indicated that it would provide future updates to the Commission electronically.

Voss and Woodcock attended the meeting. Both John Ugoretz (Department Nearshore Ecosystem Coordinator) and Voss made brief presentations regarding their recent accomplishments. Both reports were positive and demonstrated the collaborative working relationship being developed between the divers and CDFG. The most significant piece of both reports was the timeline (which indicated a fishery opening date of April 2008) and developing ways to expedite certain processes. Both reports were well received by the Commission. Voss distributed a summary report to the Commissioners outlining the CAA's activities from July 2005 to February 28, 2006. He also talked about the "rapid snapshot data collection" trip slated for August 27 to September 1, 2006.

March 24, 2006

Marine Resources Committee Meeting (Santa Barbara with Rogers and Gustafson)

Item 1.B: Status of Proposed Limited Abalone Fishery at San Miguel Island

Voss made a brief presentation on the collaborative efforts with CDFG to date and explained how a quota system with equal allocation can be beneficial to the fishery. Ugoretz noted that the ARMP will be used as the management plan for the abalone fishery (with minor tweaks). The upcoming CEQA and legislative processes were discussed. The possibility of redirecting funds contributed by the divers and what mechanism might be used was discussed briefly. The August 2006 Rapid Snapshot Data Collection trip was mentioned.

After a request by Voss the Commissioners directed CDFG to form an official advisory group that can make recommendations to the Commission on developing the fishery. Roles and responsibilities for the group will be discussed at the next Commission Meeting.

April 6, 2006

Commission Meeting (Monterey)

Item 5.G: (3:25:28 to 3:36:23)

John Ugoretz reported on the potential SMI fishery & noted that everyone is strongly behind the proposal and working toward a common goal. The current adhoc group has been advising CDFG and it is now necessary to form a more formal group with a specific role and clear charge (not a decision making & with no consensus required) that doesn't waste time. The timeline proposed had CEQA documents and proposed regulations coming before the full Commission in July 2007. The draft AAG charges were listed along with criteria for group participation which means discussion of a potential abalone fishery. The group was also supposed to include a fishery management scientist (and not the same old scientific participation).

Rogers talked about the “spectacular service within a genuine private/public partnership” “a model moving forward . . . and the process will be a jewel”. Gustafson agreed with the CDFG request for the Commission to select the members of the group.

April 7, 2006

San Miguel Island Limited Fishery Task Team Meeting #3 (Santa Barbara)

The Team met and discussed: a) finalizing the data collection protocols and sending the protocols to SAP for scientific review, b) June and July training for the CAA divers on the approved protocols, c) MOA between the CAA, CDFG, and the California Wildlife Foundation (CWF), d) various meetings and trips that group members had participated in, and e) planning for the August Rapid Snapshot data collection trip. Tasks were assigned throughout the meeting and the next meeting was scheduled for May 19, 2006.

May 3, 2006

Commission Meeting (Tahoe City)

Public Forum: (29:30 to 40:10) Voss reported that over the past few months great progress was made with CDFG (protocols developed, staff trained, boats scheduled for survey); however, the momentum toward achieving further significant results is in jeopardy; because the MOA to provide funding for the data collection process and the following symposium to analysis that data has been rejected by CDFG legal staff (at the last minute). Voss requested that the Commission direct CDFG to work with their lawyers in developing language that meets the necessary legal requirements for Enhancement Fund monies to be utilized. Mastrup noted that the funding has moved into a contract mode and the data collection survey process will proceed (it is an unfortunate set back) and the job will get done. Rogers did not “want to risk this effort one of the shining lights in the last decade.” “This marker process for us (Commission) to develop other public/private partnerships.” The entire Commission and CDFG are interested in this process.

Item 5.A.1.A: Update to Nomination Process for the SMI Abalone Fishery Advisory Group (2:21:33 to 2:41:30) The Commission received an update and public testimony. Mastrup reported that CDFG is still compiling the nominations for the AAG. Rogers noted that the composition of this Advisory committee is critical for a positive result that works correctly for the fishery and the resource. All the Commissioners agreed that committee members should embrace the stated purpose of the AAG (not be negative activists against all fisheries or “regional chauvinist” from Northern California to protect their own) and work toward consensus building to establish a viable fishery. Committee members were not supposed to debate policy already set by the Commission.

Jim Martin submitted a letter stating that the recreational divers do not want a fishery at SMI and they are opposed to Alternative 8, poaching is their big concern along with the time commitment. Recreational divers are skeptical that this (AAG) can work and that any “pockets” of abalone should be left where they are or translocated.

Milo Vokovich (sp?) listed his affiliations and indicated that the problem with the AAG is the “charge” (which is not broad enough) which does not include any other enhancement options (translocation & hatcheries) for the remainder of the California coastline. He felt that the remaining resource should not be talked about as a harvestable excess and the AAG should not be used as an allocation battleground.

May 19, 2006

San Miguel Island Limited Fishery Task Team Meeting #4 (Santa Barbara)

The Team met and discussed: a) data collection protocols, b) Research Activities Panel protocol review, c) training dates and participation, d) failure of MOA process with CWF, e) May 3 Commission meeting and formation of SMI Abalone Fishery Advisory Group, and f) Rapid Snapshot planning and post survey workshop.

May 25, 2006

Marine Resources Committee (Sacramento with Rogers and Hattoy)

Item 3: San Miguel Island Project Update and Possible Review of Candidates for Advisory Group

June 2, 2006

San Miguel Island Limited Fishery Task Team Meeting #5 (Santa Barbara)

The Team met and discussed: a) data collection protocols, b) Research Activities Panel protocol review, c) training dates and participation, d) data base development, e) RFP and Invitation to Bid, f) May 25 Marine Resources Committee meeting attended by Voss, g) SMI Abalone Fishery Advisory Group nominations and meeting schedule, h) structure of Safety Panel for Snapshot survey, i) NAUI/PADI certification requirements, j) Rapid Snapshot planning and post survey workshop, and k) presentation of CAA fishery plan to CDFG for their review.

June 16, 2006

San Miguel Island Limited Fishery Task Team Meeting #6 (Santa Barbara)

The Team met and discussed: a) protocol and gear testing, b) training dates and participation, c) data base development, d) RFP and Invitation to Bid, e) equipment needs and fabrication, f) videographer for Rapid Snapshot, g) NAUI/PADI certification requirements, h) Rapid Snapshot planning and post survey workshop, and i) presentation of CAA fishery plan to CDFG.

June 22 & 23, 2006

Commission Meeting (Mammoth Lakes)

Item 9. A.1.A: Update on or Possible Ratification of Nominees for the SMI Abalone Fishery Advisory Group (4:33:09 to 4:34:51). Gustafson was officially replaced by Hattoy on the MRC. Voss attended the meeting where the Commission discussed the list of CDFG’s nominees to the San Miguel Island Abalone Fishery Advisory Group (AAG). CDFG staff was directed to present their list to the Commissioners for continued discussion at their June 23, 2006.

The Marine Resource Priority Matrix was also presented (to prioritize the volume of work CDFG is asked to do).

Continuation of Item 9.A.1.A on June 23: (17:53 to 23:24). Hattoy presented CDFG's vetted list for the AAG and made a motion (seconded by Gustafson) to accept the nominees (unanimously accepted and AAG officially formed).

July 5, 2006

San Miguel Island Limited Fishery Task Team Meeting #7 (Teleconference)

The Team had a conference call meeting and discussed: a) protocol and gear testing, b) training dates and participation, c) data base development, d) RFP and Invitation to Bid outcome, e) equipment needs and fabrication, f) videographer for Rapid Snapshot, g) appointment of AAG members and draft workshop plan, h) Rapid Snapshot planning, and i) review of CAA fishery plan by CDFG.

July 24, 2006

San Miguel Island Limited Fishery Task Team Meeting #8 (Santa Barbara)

The Team met and discussed: a) protocol and gear testing, b) protocol training, c) data base testing and training, d) RFP outcome and contract timeline, e) equipment inventory, needs, and fabrication, f) videographer for Rapid Snapshot, g) draft logistics/cruise plan, h) Rapid Snapshot planning, i) review of CAA fishery plan by CDFG, j) initial AAG interaction, pre-meeting packet, and draft workshop concept, and k) San Diego sea urchin meeting.

August 10, 2006

San Miguel Island Limited Fishery Task Team Meeting #9 (Santa Barbara)

The Team met and discussed: a) protocol training, b) data base development and training, c) status of RFP contract documents, d) status of Truth Aquatics contract documents, e) equipment needs and fabrication, f) videographer for Rapid Snapshot, g) press release, h) media activities and logistics, i) draft logistics/cruise plan, j) status of enforcement resources for survey, k) AAG appointment letters, l) AAG conference call & meeting packet, and m) fishery concepts discussion during survey.

August 14, 2006

SMI Abalone Fishery Advisory Group/AAG Meeting #1 (Teleconference)

The Group held a conference call meeting and discussed: a) the group charge, b) the general group process and timeline, c) the August Rapid Snapshot Survey, d) the November Snapshot Survey Technical Workshop, and e) the group's organizational structure.

August 17, 2006

San Miguel Island Limited Fishery Task Team Meeting #10 (Santa Barbara)

The Team met and discussed: a) data base development and training, b) protocol changes and data sheet revisions, c) status of RFP contract documents, d) status of Truth Aquatics contract documents, e) equipment needs and fabrication, f) videographer for Rapid Snapshot, g) press release, h) media activities and logistics, i) final logistics/cruise plan, j) AAG appointment letters, and k) AAG conference call meeting.

August 24, 2006

Commission Meeting (Santa Barbara)

Item 8.E: Department Information Items

The Commission received an update on the upcoming cooperative data collection efforts regarding the proposed abalone fishery at San Miguel Island. Voss reported on the August 14 AAG meeting and invited the Commissioners to participate in the Rapid Snapshot Survey event.

August 27 to 31, 2006

“Rapid Snapshot Survey” Event

Twenty (20) CAA divers, six (6) CAA vessels, thirteen (13) CDFG personnel, three (3) CDFG vessels, five (5) UCSB divers, five (5) National Parks divers, six (6) Reef Check divers, and two (2) NOAA divers participated in the five (5) day event. Over 400 transects were surveyed and the entire event was videotaped and photographed by Jody Pesapane of Liquid Blue Media.

September 13, 2006

San Miguel Island Limited Fishery Task Team Meeting #11 (Santa Barbara)

The Team met and discussed: a) Rapid Snapshot debrief, b) data entry and availability of results, c) press coverage during event, d) availability of video and photos, e) video for October Commission meeting, f) AAG appointment letters, and g) September 29 AAG agenda and meeting packet. It was agreed that the purpose of this group has been served and the process now moves more into the AAG arena.

September 29, 2006

AAG Meeting #2 / First formal Meeting (Santa Barbara)

Agenda topics included: a) introductions and introductory remarks by Mastrup and Rogers, b) approval of minutes, c) Mission Statement, d) proposed ground rules, e) Snapshot Survey video, f) review of data collection protocols, g) presentation of preliminary survey data, h) December technical workshop development, and i) Group's priorities and expectations.

December 1, 2006

AAG sponsored Technical Workshop at the Bren School

Agenda topics for the first evening included: a) process of the AAG, b) a history of the abalone life and fishery, and population status, c) Snapshot Survey results, d) potential management options and comments on the data, and e) panel discussion and public questions.

December 2, 2006

AAG sponsored a Technical Workshop at the Bren School

The second day included: a) an AAG meeting (#3) at 8:00, b) a review of the Friday evening session, and c) concurrent working groups and reports back from each group on the various topics discussed.

January 12, 2007

AAG Meeting #4 (Santa Barbara)

The agenda included: a) approval of minutes, b) Snapshot Survey data analysis, c) TAC workshop development, d) additional data and information needs, e) timeline, f) preliminary discussion of alternative management strategies, g) preliminary discussion of allocation issues, and h) replacement of resigned AAG member (Hrabak).

February 1, 2007

Commission Meeting (Monterey)

Public Forum: Voss discussed the CDFG's management of commercial fisheries and requested that future efforts resulting from the MLPA be focused on fishery management and collaboration with the industry instead of fisheries science.

Item 9.F: Update on the SMI Abalone Resource (3:20:30 to 3:22). Gary Stacey reported that the 2006 Snapshot survey had been completed and CDFG is analyzing data to see what that means for a potential fishery, genetic research, and WS studies. The 2007 snapshot survey was mentioned. He reported on the process of the AAG and the need for professional facilitation. He stated that the timeline was adjusted forward into 2008.

Voss spoke (4:06:40 to 4:10) on the AAG process and noted that the group is making certain that none of the abalone at SMI are put at risk. Efforts are focused to compile information for an educated decision based on risk factors. He also asked the Commission to help with the facilitation process to provide focus for the group.

February 24, 2007

AAG Meeting #5 (Santa Barbara)

The agenda included: a) approval of minutes, b) introduction of facilitation team, c) revised timeline, d) Snapshot Survey data analysis, e) initial allocation scenarios, f) key management considerations, and g) replacement of resigned AAG member (Hrabak & Knight)

SAN MIGUEL ISLAND ABALONE FISHERY ADVISORY GROUP

February 24, 2007

CREATION

After the adoption of the Abalone Recovery and Management Plan (ARMP) in December 2005, the Department of Fish and Game (CDFG) moved forward with the consideration of a limited abalone fishery as San Miguel Island prior to full recovery. In order to maximize the DFG's ability to properly design this fishery a cooperative planning approach was created to directly involve stakeholders in development of potential fishery alternatives.

ROLE

“The Abalone Advisory Group will be empanelled to provide recommendations to the Department of Fish and Game. The Group will not be a decision making body; instead, they will provide recommendations to be considered by resource managers of the DFG and the Fish and Game Commission (Commission). The Abalone Advisory Group is not expected to reach consensus, rather it is expected to develop a reasonable range of alternatives that achieve the goals of the ARMP.”

CHARGE

The Abalone Advisory Group will provide recommendations to the Department of Fish and Game regarding the following areas:

- A Total Allowable Catch (TAC) for San Miguel Island red abalone
- Alternatives for allocation between recreational and commercial take
- Alternative regulations to achieve the TAC and allocation
- Potential management, enforcement, and monitoring techniques
- Possible individual quota and catch entitlement mechanisms

The DFG or Commission may bring other items to the Group for discussion. Advisory Group members may recommend other items for discussion, which will be considered if time allows.

MISSION STATEMENT

“The mission of the Abalone Advisory Group is to recommend a limited range of fully developed alternative for managing a potential red abalone fishery at San Miguel Island to the California Department of Fish and Game. The Department will use these management alternatives in recommendations to the California Fish and Game Commission when a red abalone fishery at San Miguel Island is considered.”

March 1, 2007

Commission Meeting (Arcata)

Public Forum: Voss discussed taking a closer look at the way the management of fisheries is funded and supplying the funds necessary in order to support a management system to assure sustainability.

Item 5.E: Update on SMI Abalone Resource

The Commission received a report from Gary Stacey regarding facilitation team and the 2007 survey event. The Commission heard from Voss on the AAG process.

April 6, 2007

AAG Meeting #6

The agenda included: a) facilitation team's role, b) use of KOM instead of minutes, c) update on project process and goals, d) findings of stakeholder assessments by facilitation team, e) Snapshot Survey data analysis, f) refined allocation concepts, g) key steps to fulfill AAG's charge, h) TAC expert panel, and i) 2007 survey event.

April 12, 2007

Commission Meeting (Bodega Bay)

Item 9.D: Update on SMI Abalone Resource

The Commission received a report and public testimony from Voss about how to save fisheries in California, the need to develop a TAC, and the lack of qualified modelers within CDFG.

May 3, 2007

Commission Meeting (San Diego)

Public Forum: Steven Benavides discussed the possible reopening of a commercial abalone fishery and requested that once a report from the AAG is received, that a coordinated presentation be made to the Board with the Recreational Abalone Advisory Committee, the Recreational Fishing Alliance, and the California Council of Divers.

Voss stated that with the implementation of the MLPA, commercial fisheries were being concentrated into smaller areas and there was a need to address how to effectively implement the MLMA.

Item 6.C: Department Information Items

Foley gave a report on the number of violations due to abalone poaching, the amount of abuse, and she embraced the tag concept.

Item 6.E: Update on SMI Abalone Resource

The Commission received a report and public testimony from Voss about keeping all meetings open (because he and Marshall had recently been excluded from a technical AAG related meeting).

June 7, 2007

Commission Meeting (Truckee)

Public Forum: Voss discussed commercial fisheries and the cost to the state to manage them in relationship to what they generate in revenue. He suggested the need for more participation from the industry in determining how the money generated is distributed. He also requested that the Commission allow fisheries to be more directly involved in the data collection process that is necessary to manage fisheries in a sustainable way.

Item 8.D: Update on SMI Abalone Resource

The Commission received a report and public testimony from Voss about the allocation options being developed by the AAG.

June 22, 2007

AAG Meeting #7 (Santa Barbara)

The agenda included: a) agenda review, b) membership update, c) Terms of Reference for TAC development, d) status of Technical Panel, e) management of SMI abalone policy memo, f) draft 2006 SMI survey final report, g) goals and design of 2007 survey process, h) allocation options, i) AAG final report outline, and j) public comment.

July 31 to August 3, 2007

“Rapid Snapshot Survey” Event

CDFG staff conducted first survey at SMI.

August 9, 2007

Commission Meeting (Santa Barbara)

Public Forum: Voss requested that the sea urchin fishery be agendized for the next Marine Resources Committee meeting to explore management options regarding the harvesting and processing of sea urchins. He also talked about the “destructive dynamic” in the urchin fishery with the untrustworthy processors.

Harry Vogl requested the reopening of abalone season and that the Commission directs CDFG to schedule a collaborative survey with concerned groups at the Farallon Islands.

Harry Liquornik requested that the Marine Resources Committee address restricted access issues, as well as administrative aspects of managing fisheries, with a possible workshop, so the fisheries would have clear guidelines to follow.

Richard Pogre discussed legislation that will soon be enacted which would affect the future of the commercial abalone industry. He requested that the Commission allow commercial divers to work with CDFG and other interested parties to collect data in the North Central Region affected by the abalone closure, in order to provide data to the health of the fishery.

Item 8.F: Update on SMI Abalone Resource

The Commission received a report and public testimony from Voss about the allocation options being developed by the AAG and the upcoming survey event.

September 6, 2007

AAG Meeting #8 (Santa Barbara)

The agenda included: a) agenda review, b) membership update, c) appointment of Dr. Yan Jiao and Robert Leaf as the Technical Panel modelers, d) steps for Technical Panel Review Committee, e) presentation of 2006 SMI final survey report, f) 2007 survey training and preliminary report, g) 2,000 abalone per hectare policy memo, h) alternative matrix, i) policy memo on enforcement considerations, and j) Marine Committee meeting.

September 11 to 14, 2007

“Rapid Snapshot Survey” Event

CDFG, CAA, and Reef Check conducted the second survey at SMI. During the survey 38 individual divers on 7 vessels covered 133 survey stations during four cruises over eleven days. This information and experience gained through the survey coupled with the 2006 survey provides additional essential information for initiating the fishery consideration process and designing future collaborative surveys.

In the **October 2007 CDFG Report** under “Size Frequency” the following was stated: Similar to the 2006 survey, the 2007 survey revealed that a large portion of the emergent abalone population is of legal size according to past fishery minimum size limits. The similar results greatly increase the confidence of our data collection process. Additionally, non-transect efforts revealed small size classes in and out of MPA areas, **indicating that recruitment is occurring at SMI**. If a fishery is considered, ongoing surveys of recruitment should be incorporated into the management structure. This will help ensure that adaptive management takes into account reproductive success.

September 21, 2007

Marine Resources Committee (Santa Barbara with Rogers and Sutton)

Item 3.A: Proposed Marine Resource Committee Priorities/Short Term Priorities

CDFG suggestions included the San Miguel Island abalone fishery review process and lessons learned so far as a potential model for future management, as a short term priority for the MRC.

September 25 to 28, 2007

“Rapid Snapshot Survey” Event

CDFG staff conducted third survey at SMI.

October 11, 2007

Commission Meeting (Concord)

Public Forum: Voss stated that in order to save and manage fisheries effectively, a community-based approach needs to be taken, with sustainability of the fisheries as the primary goal.

Harry Liquornik requested that the California Sea Urchin Commission’s request for minor regulatory changes be expedited. He also thanked the Commission for having the Marine Resources Committee (MRC) meeting in Santa Barbara, and stated that he looks forward to working with the MRC regarding Restricted Access Fisheries.

Item 12.E: Department Informational Items

Foley reported that abalone poaching on the North Coast is out of control.

Item 12.F: Update on SMI Abalone Resource

Received CDFG’s report from Mastrup and received public testimony from Voss about a setback in the Technical Panel process and the three survey events. The Commission formally approved the appointment of Terry Maas to the Abalone Advisory Group.

November 1, 2007

Commission Meeting (Sacramento)

Item 8.F: Update on SMI Abalone Resource

Received CDFG report from Mastrup on the completion of the 2007 SMI surveys and the next AAG meeting set for November 29, 2007.

Item 10.A.1: MRC.

Received report from Commissioner Sutton and public testimony. Commission approved the Marine Resources Committee (MRC) priority list.

November 29, 2007

AAG Meeting #9 (La Jolla)

The agenda included: a) update on AAG membership, b) presentation and discussion of revised Workgroup Alternatives, c) launch of TAC development process (with presentation by Jiao, d) public comments, and e) update on process coordination and discussion of timeline.

December 6, 2007

Commission Meeting (Sacramento)

Public Forum: Voss indicated that the California Abalone Association, with support from the CDFG, would be conducting an informal survey at the Farallon Islands, and will submit the data to assist in the MPA decision making process regarding the economic impact to the Farallon Islands (unfortunately this never happened).

Item 7.D: Update on SMI Abalone Resource

Received CDFG report and public testimony from Voss about the modeling process which begins in January 2008. Voss also read a statement prepared by the AAG regarding the essential nature of expanding collaborative survey efforts.

December 13, 2007

Marine Resources Committee (Monterey with Rogers and Sutton)

Voss and Woodcock attended, agenda topics included: a) analysis of commercial fishery fees under current FGC authority and discussion of possible rulemaking recommendations, and b) analysis of the current FGC restricted access policy and discussion of implementation and conflicts.

February 7, 2008

Commission Meeting (San Diego)

Item 12.E: Update on SMI Abalone Resource

Received CDFG report from Vojkovich to move these reports to a quarterly schedule because monthly reports were "overkill" and public testimony from Voss.

May 8, 2008

Commission Meeting (Monterey)

Public Forum: Voss reported on the AAG modeling process. Rogers and Sutton asked Voss for updates as the cooperative (being proposed by the CAA) is being formed. Both Rogers and Sutton commended Voss.

August 7, 2008

Commission Meeting (Carpinteria)

Item 6.G: Update on SMI Abalone Resource

Received CDFG report from Tom Barnes about focus on TAC by Technical Panel, final modeling results to be available in the late fall, and formation of Review Committee.

Voss and Marshall gave a PowerPoint presentation on cooperative development.

September 22 to 27, 2008

“Rapid Snapshot Survey” Event

Divers from various agencies and organizations participated in this survey and a final report from CDFG was never provided.

November 14, 2008

Commission Meeting (Huntington Beach)

Public Forum: Voss asked the Commission to direct CDFG to establish the process for opening a fishery at SMI.

December 10, 2008

AAG Meeting #10 (Teleconference)

The agenda included: a) update on Technical Panel and development of models, b) update on TAC, c) SMI survey update, d) Review Committee development, and e) timeline to complete AAG process.

February 4, 2009

Marine Resources Committee (Sacramento with Rogers and Sutton)

Voss and Liquornik attended, agenda included: a) discussions on Committee roles and responsibilities, b) the MLMA lessons learned study, and c) a review of the existing MRC short and long term priority list.

February 17 & 18, 2009 – Dr. Doug Butterworth, Dr. Harry Gorfine, Dr. Steve Schroeter, and Dr. Ed Weber met in La Jolla California with members of the AAG Technical Panel (including Dr. Yan Jiao) for a scientific review of the modeling work performed by the TP. The agenda topics included: a) discussion of data inputs, b) discussion of model description and use, c) discussion of model results and sensitivities, d) discussion of TAC development and risk analysis, and e) presentation of the final review findings and recommendations. The Review Committee subsequently prepared and distributed their final report titled “Evaluation of the Red Abalone Stock Assessment by the Review Committee in Support of Deliberation of the AAG”.

April 2, 2009

Marine Resources Committee (Santa Barbara with Rogers and Sutton)

Item 2.c: Innovative Approaches to Fisheries Management (California Abalone Association: Framework of proposed fishing cooperative and co-management strategy). The CAA made a presentation of the proposed framework and the two Commissioners asked the CDFG to schedule a presentation on the CAA’s proposed management regime to the full Commission in the summer of 2009.

At that meeting the Commissioners were reminded that Fish and Game Code Section 5521 gives the Commission authority to lift the moratorium (which was specifically contemplated to be lifted in the Legislature when the moratorium was imposed) on the commercial abalone fishery. Fish and Game Code Section 5522 describes the circumstances in which CDFG may apply to the Commission to reopen fishing if the Commission “makes a finding that the resource can support additional harvest activities and that these activities are consistent with the ARMP”.

April 17, 2009

AAG Meeting #11 (Los Alamitos)

The agenda topics included: a) two different PowerPoint presentations by Rogers-Bennett (stock assessment and TAC framework), b) Review Committee comments on Jiao model, and c) AAG timeline.

May 13, 2009

Commission Meeting (Sacramento)

Public Forum: Voss reported on the AAG progress.

June 16, 2009

“The Santa Barbara Initiative: Developing Social Capital, Infrastructure and Scientific Techniques for Reforming Californian Fisheries” which outlined a position by Jeremy Prince to nurture and develop the capacity of the fishing community to consider and implement management change. Starting from a position of outright opposition and a culture of entrenched conflict between and amongst industry, academics and the key agencies, awareness, communication and engagement have grown to the extent that there is now widespread support in the port of Santa Barbara for a program of change in partnership with UCSB academics, the F&G Commission, CDFG, the OPC and NGOs.

July 21, 2009

Marine Resources Committee (Monterey with Rogers and Sutton)

Voss and Liquornik attended to learn about the MLMA lessons learned study.

September 23, 2009

AAG Meeting #12 (Teleconference)

The agenda topics included: a) draft 2009 survey protocols, b) additional modeling, c) four management options, d) Marine Stewardship Council (MSC) pre-assessment by Alison Cross (WWF), and e) timeline for presenting recommendations to Commission.

October 2009

“A New Beginning for Abalone Management in California: Critique and Comment on the Abalone Advisory Group’s Discussions” by Jeremy Prince and Sarah Valencia.

October 20 to 22, 2009 – Four (4) CAA boats with eight (8) divers participated in the 2009 abalone survey at San Miguel Island (Tyler, Crook Point, Judith Rock, and Markers). The primary goal of this survey was to detect changes in year-to-

year (relative) abundance between impact areas (fished) vs. control areas (unfished) based on procedures currently used to monitor fished stocks in Victoria and South Australia and adapts them to best fit red abalone ecology and the logistics at SMI.

Selection of Survey Areas

Areas will be surveyed that exhibit abalone densities that could potentially support a sustainable commercial fishery. Using the previous three years of survey data and utilizing knowledge of the area from commercial fishermen and biologists

November 17, 2009

Marine Resources Committee (Santa Barbara with Rogers and Sutton)

Voss attended to learn about the MLMA lessons learned draft report. Vojkovich gave an update on abalone that indicated that CDFG did not have enough information to make a decision on reopening the fishery and suggested a closed meeting to discuss the process.

December 2009

The “San Miguel Island Red Abalone Fishery MSC Pre-Assessment” was completed by Dr. Craig Mundy, Dr. Sabine Daume, Team Leader, and Dr. Stephen Mayfield. In the report under “Indicator 1.1.1 - Stock Status” it was stated that “From the documents provided, it is difficult to ascertain the current status of red abalone stocks at SMI relative to the status during the period of active fishing (e.g. late 1980’s), and a judgment is not made here. The key problem is that detailed, robust, fishery-independent research data were not collected in the final years prior to closure to match the current data series (2006 to 2008), and there is currently not an active fishery to compare against the performance of the fishery prior to closure. Using the 2006 to 2008 survey data, a range of methodological approaches have been used to consider stock status in the context of supporting a commercial fishery, including Yield per Recruit (YPR) and Statistical Catch at Age (SCA) modeling, Replacement Density Analysis (RDA), and Minimum Viable Population (MVP) size. Relative abundance is used in the SCA model, but TAC’s estimated as a fraction of absolute abundance. RDA and MVP methods appear to use absolute abalone abundance per Hectare as the basis for calculations.

Obtaining an independent assessment of absolute abalone abundance is a difficult task, and arguably unreliable for most abalone fisheries. The use of abundance data estimates (abalone/m²) **to calculate absolute abundance (abalone/Ha) based on assumed habitable area is problematic, not well accepted amongst abalone biologists**, and with few exceptions (e.g. *Haliotis laevis* fishery in South Australia), is rarely used in the management of abalone fisheries elsewhere. Two key reasons for this are 1) abundance of abalone is highly spatially variable from scales of meters, to 10’s of meters, and is often not linked to apparently suitable habitat; and 2) calculation of absolute abundance should include some knowledge of the proportion of the total abalone at a site that are available to be seen by divers. Circumstances where absolute abundance calculations might be permitted are reef systems where spatial variability in abalone abundance and reef complexity are low.”

December 8, 2009

AAG Meeting #13 (Teleconference)

The agenda topics included: a) review of the draft AAG report, b) distribution of the final AAG report, and c) status of additional modeling.

December 10, 2009

Commission Meeting (Los Angeles)

Public Forum: (24:19 to 31:20). Voss presented the Commission with the “Red Abalone Market Fishery Operating Guidelines” (which included the MSC Pre-Assessment). He thanked Sutton and Rogers for setting the February 16, 2010 MRC meeting to discuss the AAG results. Sutton stated that the CAA has been responsible and progressive in their approach to innovative management of the abalone resource. He also indicated that opening the fishery is a “heavy lift” both politically and biologically and that the CAA has taken a “responsible and progressive approach to innovative fishery management”. Rogers stated that the full Commission will get the opportunity to hear a presentation on the AAG results.

February 16, 2010

Marine Resources Committee (Santa Barbara with Rogers and Sutton)

Item 5: Report from California Abalone Advisory Group

The four AAG options were presented, and a discussion on the level of CEQA requirements that might be necessary to support the CAA’s proposal took place. Rogers indicated that the existing data was not enough to support a sustainable fishery. Sutton did not indicate a preference for any of the four options. CDFG staff was directed to take the next steps: 1) complete Jiao modeling ASAP, 2) provide comprehensive cost estimate for CEQA process, 3) recess AAG, and 4) schedule another MRC briefing when steps 1 and 2 were completed.

March 3, 2010

Commission Meeting (Ontario)

Item 7.A: MRC (2:49 to 3:19:24)

Don Thompson spoke about the significant impacts the abalone fishery closure had on him personally and asked them not to lose sight of Alternative 1 which was “preferred” when the ARMP was adopted. Jim Marshall spoke about the scope of work for the modeling. Alicia Bonnette read the first two paragraphs of Alternative 1 and emphasized all the scientific support for a limited fishery. She also indicated her disappointment with the AAG process and asked for help from the Commission. Voss spoke about the model management plan created by the CAA, successful collaborations, survey data collected, Bren School projects, and the misinformation of the flawed modeling that has weakened all of the CAA’s efforts. He requested the Commission direct CDFG to: 1) follow Review Committee recommendations, 2) require modeler to include the 2008 data, 3) and direct CDFG to submit future modeling work in an open bid process, and Commission be aware of the CAA proposal and its limited impact to the resource at SMI.

Sutton recognized that the abalone discussion was controversial and there is not enough information to make a recommendation to the full Commission. He has

respect for the management regime presented by the CAA (“on the cutting edge”). Recommendation to not reopen a fishery until there is more information from CDFG and modeler. Rogers requested that CDFG provide him with the known areas of disagreement (which cannot be resolved) for the modeling. He would like there to be agreement before the additional modeling is completed (using ALL the data sets) and would like it to be completed in 2010. Commissioner Richards talked about the “paralysis of analysis” and the need for setting a date to receive the final analysis. Shuman talked about funding for the supplemental modeling and noted that there is disagreement on the AAG about the validity of the initial modeling. Mastrup added that CDFG wants the work to be finished and they are committed to finding funding to “finish” and he asked the Commission to remember that “science is not a one step process”.

April 7, 2010

Commission Meeting (Monterey)

Public Forum: Voss presented the revised 2009 “Pre-Fishery Survey of Index Sites” survey protocol and explained the methodology which utilizes the past three years of broad surveys to determine areas with densities high enough to support an experimental fishery.

April 20, 2010

Summerland

Meeting with Commissioner Rogers, Commission Science Advisor Craig Shuman, Sarah Valencia, Voss, Woodcock, and Bonnette.

May 25, 2010

Marine Resources Committee (Monterey with Rogers and Sutton)

Dr. Jeremy Prince, Sarah Valencia, and Voss attended to learn about the final MLM lessons learned project and hear a presentation on data poor fisheries management and alternatives from Burr Henneman, Alex MacCall, and Tom Barnes.

May 26, 2010

Monterey Bay Aquarium (Sutton’s Office)

Meeting with Deputy Director Mastrup, Commissioner Michael Sutton, Commissioner Richard Rogers, Commission Science Advisor Craig Shuman, Huff McConglin, Voss, Dr. Jeremy Prince, Sarah Valencia, and Bonnette. A discussion on the status of the CAA’s proposal took place that ended in a recommendation to create a specific research fishery proposal that could be peer reviewed. Immediately after Mastrup, Prince, Valencia, McConglin, Voss, and Bonnette met to discuss next steps. It was agreed that Prince and Valencia would develop an outline for a research fishery proposal and determine the number of abalone needed for scientifically validated experimental sampling.

June 2010

“Outline of a Proposed Research Proposal for SMI Abalone” by Jeremy Prince and Sarah Valencia. This was the first document submitted to Mastrup and CDFG to provide an outline or framework around which a proposal can be developed for a program of abalone research to be conducted on the south side of SMI.

September 30, 2010

California Abalone Marketing Association, Inc. (cooperative) incorporated in the State of California.

October 12, 2010**Marine Resources Committee (Santa Barbara with Rogers and Sutton)**

Voss and Marshall attended to hear Taniguchi report on the status of the Northern California Recreational Fishery and potential proactive regulatory changes that would protect that abalone resource. During that meeting Shuman was tasked to work with CDFG and evaluate the merit of the CAA’s revised proposal and report back to the MRC on suggested regulation(s) (amend ARMP, etc.) that would support the proposal. He was also tasked with gaining a legal opinion on the CAA’s proposal.

December 16, 2010**Commission Meeting (Santa Barbara)**

Public Forum: Voss listed the CAA’s partners and reported on the revised proposal for a scaled down experimental fishery (with research as the focus) and requested that a vote regarding this experiment be agendaized. Rogers and Sutton agreed that they are impressed with the CAA and reminded the Commission that the issue is being discussed by the MRC, which is working toward a recommendation for the full Commission.

February 15, 2011**Marine Resources Committee (Monterey with Rogers and Sutton)**

Voss attended to learn about the OPC Strategic Plan and hear a presentation on the Collaborative Fisheries Research Organization.

May 24, 2011**Meeting at Santa Barbara Harbor**

Voss, Marshall, Harrington, Colgate, and Valencia met with Craig Shuman, Commissioner Rogers, and newly appointed Commission Executive Secretary Sonke Mastrup to discuss the following agenda topics: a) rigor of research proposal to be developed by Valencia and Prince, b) abalone festival, and c) next steps.

May 25, 2011**Marine Resources Committee (Santa Barbara with Rogers and Sutton)**

Voss and Marshall attended, agenda items included: a) MRC priorities and approach to review of Commission’s policy on restricted access fisheries, and b) MPA monitoring on South Coast.

September 27, 2011

Marine Resources Committee (Monterey with Rogers and Sutton)

Voss attended the morning session and presented Commissioners, Shuman, and Mastrup with the “Proposal for Red Abalone Research Fishery at San Miguel Island (SMI)” created by Dr. Prince. This same Proposal was e-mailed to CDFG staff (Barnes, Taniguchi, Vojkovich, and Foley) the following day.

November 17, 2011

Commission Meeting (Santa Barbara)

Public Forum: (27:33 to 34:30) Marshall described the efforts of the CAA to reopen a fishery and reminded the Commissioners about the progress made to date. He noted that the CAA is waiting to discuss the new science based Proposal with CDFG. Rogers talked about how “inspirational” the participants have been and thanked Jim for the CAA’s persistence even after the “ridiculous” amount of time spent in the process. Sutton stated that the AAG “was a model for other stakeholder groups”. Rogers and Sutton both agreed that the CAA was spoken about in glowing terms by Bren School academics and there was mutual respect shown during those collaborations.

December 13, 2011

Proposal Steering Group Meeting #1 (Santa Barbara)

Jeremy Prince, Sarah Valencia, Chris Voss, Jim Marshall, and Alicia Bonnette met with Craig Shuman, Tom Barnes to discuss the first draft of the Research Proposal developed by Prince and Valencia. Thirty-one (31) CDFG comments were reviewed and addressed in a very positive and productive meeting environment.

February 16, 2012

Proposal Steering Group Meeting #2 (Los Alamitos)

Prince, Valencia, Barnes, Taniguchi, Shuman, Voss, Marshall, Lampson, Stein, Carlos Mirelis, and Laura Rogers-Bennett discussed: a) revised Proposal, b) implementation logistics, and c) next steps.

May 29, 2012

Proposal Steering Group Meeting #3 (Teleconference)

Prince, Valencia, Barnes, Taniguchi, Cpt. Bob Farrell, Voss, Marshall, Stein, and Rogers-Bennett discussed: a) International abalone symposium in Tasmania, b) enforcement issues with the Proposal, c) revised Proposal, d) Jiao additional modeling, and e) next steps.

July 30, 2012

Proposal Steering Group Meeting #4 (Teleconference)

Barnes, Marshall, Voss, Taniguchi, Rogers-Bennett, Valencia, Button, Prince, Cpt. Farrell, Stein, and Shuman discussed: a) comments by Review Committee on SMI research proposal, b) status of Jiao additional modeling, c) enforcement hours needed to support proposal, and d) next steps.

August 8, 2012

Commission Meeting (Ventura)

Voss attended to maintain communication link with Commission members.

August 10, 2012

Marine Resources Committee (Ventura with Rogers and Sutton)

Voss attended to learn about the MPA monitoring.

Summary:

It continues to be the position of the CAA that Criterion 1 and 2 of the ARMP have been met (using data from the 2006 to 2008 surveys) and that Criterion 3 is trumped by the Commission's preferred Alternative 1.

ARMP

"Recovery is a stepwise process, where goals must be met sequentially. Once recovery goals are met, a species may be evaluated and considered for a fishery." Criterion 1 is satisfied when a broad range of sizes is present in the population, from small, younger abalones to large, older individuals. Satisfying Criterion 1 is considered a milestone in recovery.

6.2.1.1 Criterion 1 - Broad Size Distribution Over the Former Abalone Range

Populations are more stable when there are more individuals occupying a broad size range at multiple locations. To evaluate resource conditions using this measure, two categories, intermediate (100 mm to recreational minimum legal size, or RMLS), and large (larger than RMLS), are defined, and each of those categories is further subdivided into 5 mm groups. When abalone observed during timed surveys (Appendix E Survey Methods) at an index site occupy 90% and 25% of the intermediate and large categories, respectively, then the broad size frequency distribution aspect of Criterion 1 will have been met at that site (Table 6-1 and Section 6.4.1.1 Assessment for Criterion 1). A category smaller than 100 mm is not used, because abalone smaller than 100 mm are usually cryptic and not easily assessed.

Since the ARMP is relying on 20 year old science it seems more prudent to concentrate on recent scientific research that is explained in "**A New Beginning for Abalone Management in California**" (Prince & Valencia 2009).

Survey protocols with regard to searching for small abalone have changed radically through the years. The original survey protocol in the early 1970s (1974) was simple: swim and count emergent abs. This protocol changed in the 1990s (1993-97). The Cruise report 93-M-6 shows the procedures during timed swims then started including some invasive searching of cryptic habitat targeting juveniles, in addition to counting emergent abalone along survey transects: "When possible, boulders were turned to search for juvenile abalone." Reports 97-M-1 and 97-M-5 also describe the use of these invasive techniques. In 1997 surveys were part of a collaboration with commercial fishermen who were asked to direct CDFG researchers to where juvenile abalone might be easily found and CDFG researchers specifically targeted these areas with the aim of constructing length frequency histograms for the cryptic juvenile size classes (Karpov et al.

1998). In 1999 the protocol changed to counting aggregations, reflecting a growing interest in the Allee effect, and this protocol continued through 2000 and 2001 using the timed swim method, with some searching of cryptic habitats for juveniles, some aggregation counting and only a little transect work. So in these earlier surveys researchers mainly conducted timed swims during which they counted and measured emergent abalone, and then turned boulders looking for juveniles, and there was much less emphasis on swimming along randomly placed transect lines.

By point of reference, since 2006 the survey protocol has been based on randomly placing 60m transects within the boundary of the kelp canopy mapped by aerial photography over several years. Within a 2m wide strip along either side of the 60m transect line, emergent abalone have been counted within 5m segments. There has been no searching of cryptic habitats for juveniles.

Clearly this evolution of survey protocols will have produced marked changes in the actual selectivity curve of the surveys. Without modeling this as a different selectivity curve for each survey protocol, the model will have been constrained to attribute the changes in the proportion of small abalone measured to changes in abalone recruitment, when they were actually produced by changing survey protocols. In this case the length-frequency data from early 1990s, when survey divers searched cryptic habitats for small abalone, and particularly in 1997 where commercial divers told research divers where juveniles would be most easily found, will have been interpreted by the model as indicating a higher previous level of recruitment. The 1997 protocol seems to have been interpreted by the model as a pulse of previous recruitment on top of normal, while the current survey protocol is being interpreted as continuing current lack of recruitment. According to the logic built into the population model this must over time start decrease estimated adult biomass.

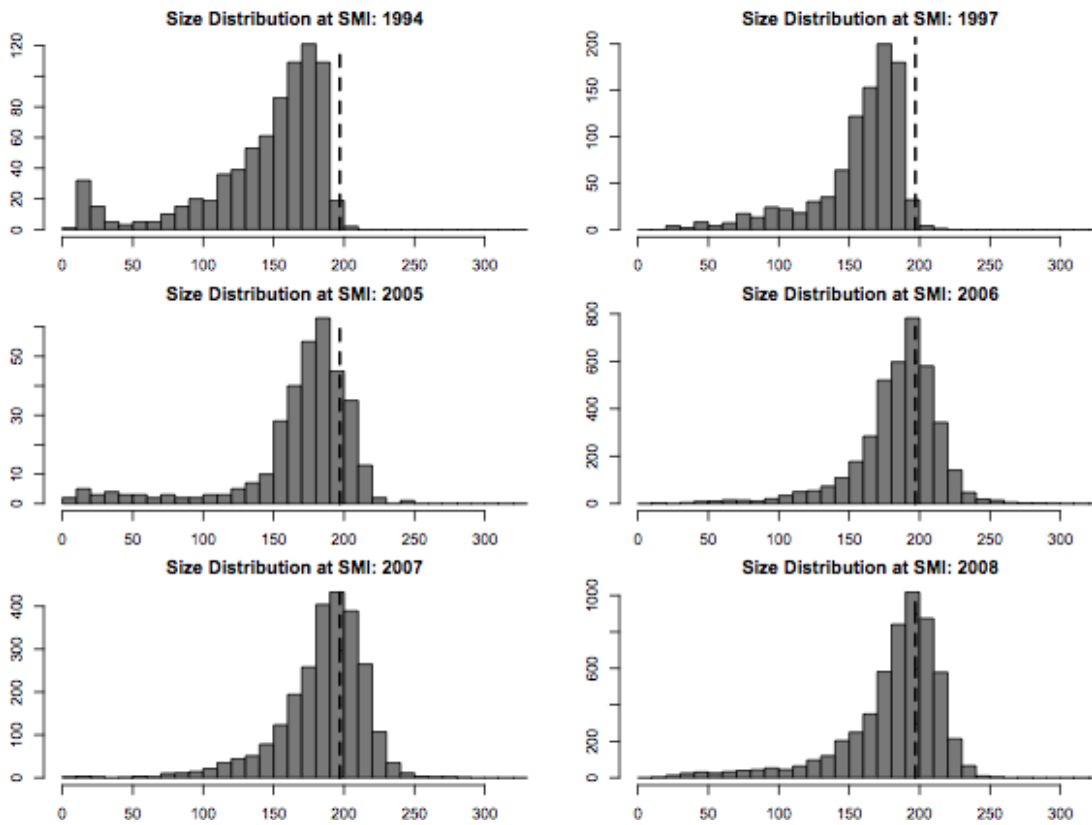


Figure 4. Length frequency histograms (maximum length in mm and number counted) for the abalone surveyed during CDFG surveys 1994-2008.

It should be noted that the historic time series of length frequency data is more reliable where it pertains to the size range of the larger, fully-emerged and -recruited size classes, because that part of the size structure has not varied with changing survey protocols. In this respect the time series shows that there has been a considerable increase in the proportion of the population larger than the old legal size limit. The percentage of the population larger than 197mm has increased from less than 1% in 1997 (the year the moratorium was enacted) to 47.8% in 2008 (Figure 4). In light of the high fecundity of these large individuals (Rogers-Bennett et al. 2006) one can assume that gamete production has similarly increased in magnitude and that the area their aggregations now cover has grown as well i.e. biomass is growing. This is what commercial, recreational, and research divers alike are uniformly reporting as well.

ARMP

Populations must reach MVP levels in multiple locations to satisfy Criterion 2.

6.2.2.1 Criterion 2 - First Density Level (2,000 ab/ha)

When Criterion 1 has been satisfied, emergent density surveys will be conducted in key locations to determine average abalone density. MVP is the density level that indicates that the population is not at risk for collapse. The MVP used in the ARMP is based on two sources of information: minimum spawning densities determined by Shepherd and Brown (1993), and the density preceding sharp declines of red abalone in southern California (Tegner *et al.* 1989; Karpov *et al.*

1998) (Section 2.1.2.2 Spawning and Fecundity). Shepherd and Brown (1993) found that recruitment started to decline when densities fell below 3,000 ab/ha. Stock collapsed when adult densities fell below 1,000 ab/ha. Comparable densities and consequences were found with red abalone on Santa Rosa Island in southern California. Densities under 1,000 ab/ha were not sustainable and were followed by a collapse of the population (Karpov *et al.* 1998).

An MVP level was therefore established at 2,000 ab/ha for each species based on the best available red abalone density information. The MVP for each species may change as more information on recovering populations is obtained.

Satisfaction of Criterion 2 does not trigger consideration of take. Criterion 2 requires that MVP levels be achieved at all key locations in all recovery areas that continue to satisfy Criterion 1.

“A New Beginning for Abalone Management in California” (Prince & Valencia 2009).

Figure 1 plots the percent of abalone sampled against the density at which they were observed within each 5m segment of transect. It shows that almost 10% of the sample was recorded at densities of around 2,000 abalone/ha and that only 8% of the sample was found occurring at densities below this level. Figure 2 shows a similar view to figure 1 but plotted as the cumulative percent of the abalone sampled.

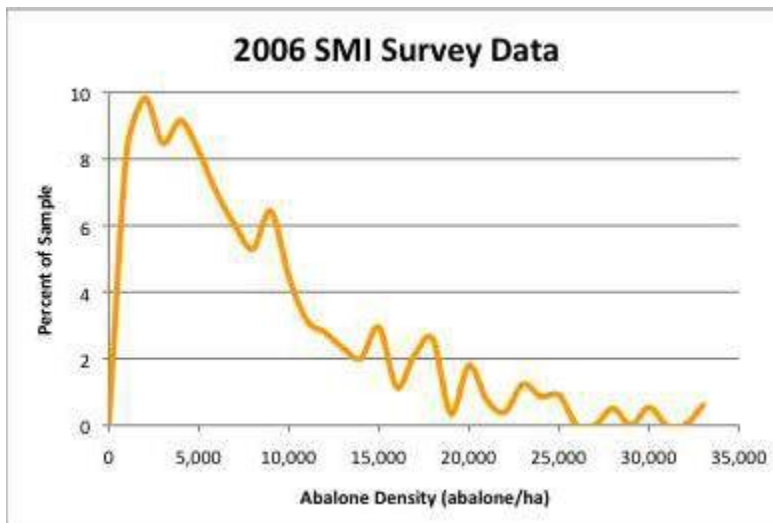


Figure 1. Percent of abalone sampled during the 2006 surveys plotted against the density at which they were observed within each 5m transect segment.

In figure 2 it can be seen that >73% of the sample occurred at densities of 3,000 abalone/ha or greater and at those densities they cover approximately 10% of the broader survey area. This concentration profile is a common feature of abalone populations with 70-80% of the population normally occurring in 10-20% of the potential area (Prince *et al.* 1998).

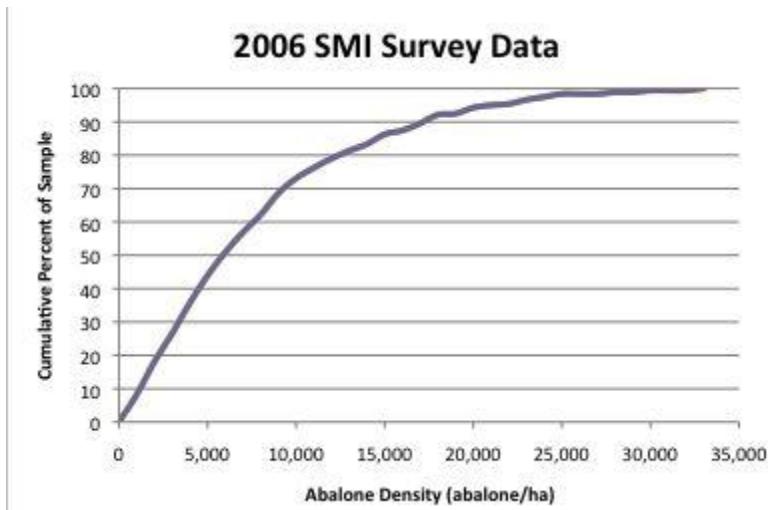


Figure 2. Cumulative percent of abalone sampled during the 2006 surveys plotted against the density at which they were observed within each 5m transect segment.

ARMP Section 7.1.2.2 Total Allowable Catch

Fisheries that have been closed will be considered for reopening only when recovery criteria are met, and the stock has rebuilt to sustainable fishery densities at refuge depths and all depths (more than 3,300 and more than 6,600 ab/ha respectively). Fisheries will be initially reopened with low TAC levels that can be incrementally increased to former levels over a number of years, depending on stock conditions.

BULLFROG SEEKING ADVICE

Dear humans at the California Fish and Game Commission, My name is Lulu, and I am a Bullfrog living near Glenwood Pond, San Lorenzo watershed

I have recently been appointed a Bullfrog Ambassador to the human world

I'm not here to beg you to overrule your latest decision banning the entry of new Bullfrogs to the state. We all understand that position and seek to take accountability for our actions. We know we can't fix what happened... especially to the Red-Legged frogs... but we want to learn, shift course and see how we can help. Some of us still think we can return east, others just want to eat as much as possible. I'm part of a council who thinks we can make a true home here - if we reach out across species and ask the right questions.

Would you be willing to answer a few questions for me?

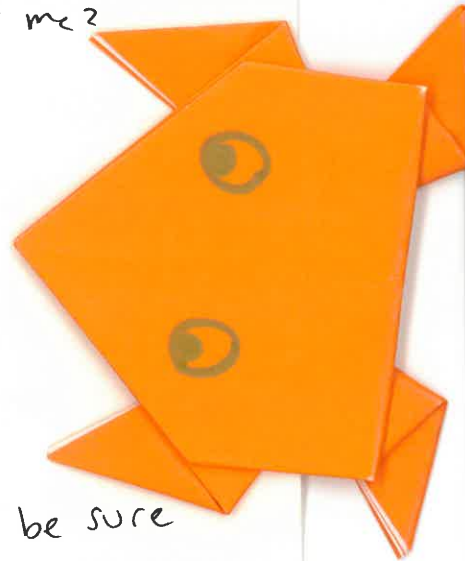
- Can you imagine a future where we are at home on the land here?
- How can we help restore balance at our ponds?
- Who decides what is worth protecting?
- What if protecting something involves killing something else?
- What is your favorite food?

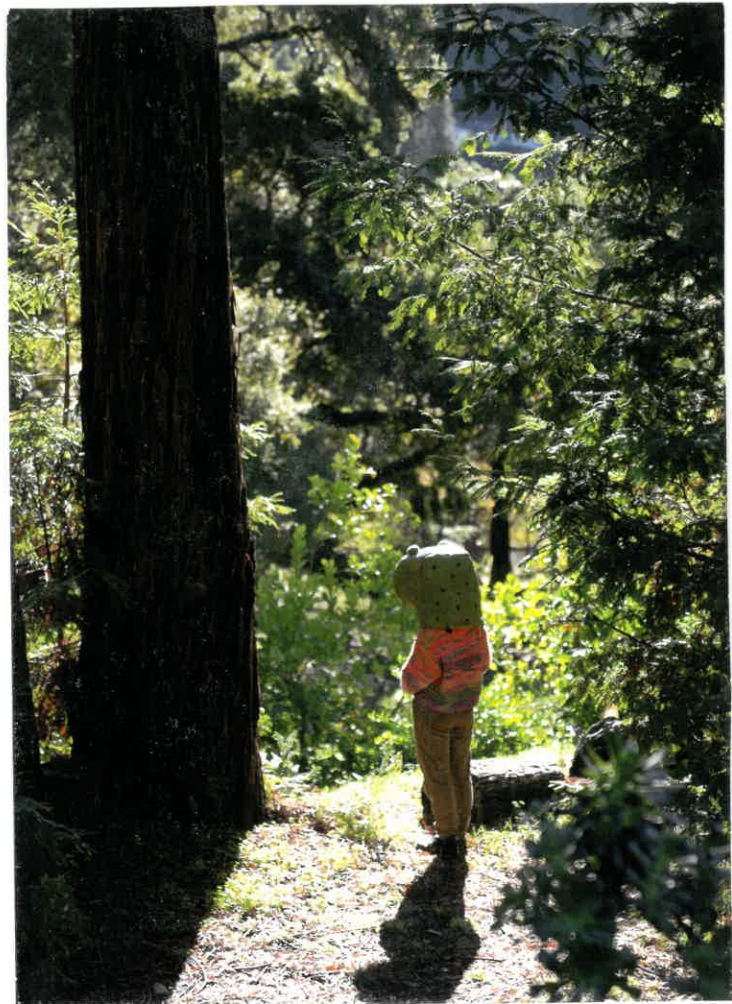
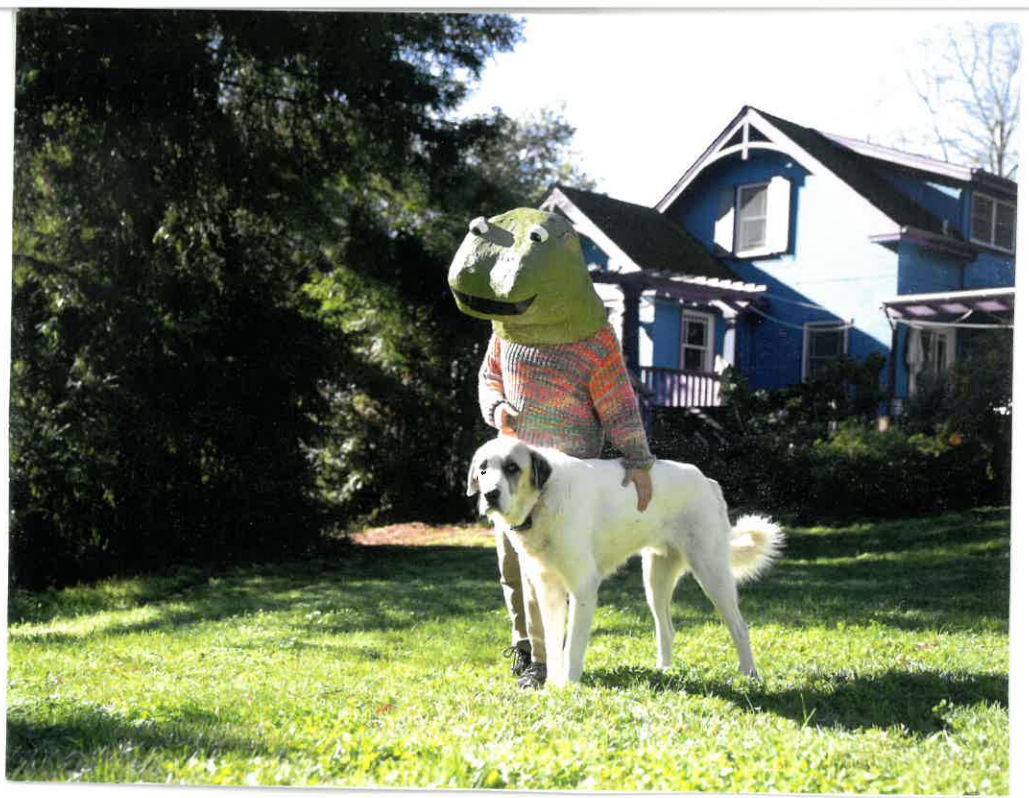
I am grateful for your response, and I will be sure to share my final report.

With gratitude in these strange times,

Lulu

P.S. here are a few pictures of me!





Information from Mollie Hogan

Mollie Hogan [REDACTED]

Tue 03/19/2024 04:04 PM

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

To Whom it may Concern;

I spoke with David last week and he requested that I send information. I have attached a letter for him to review. This is regarding 2 opossums and one great-horned owl that have been transferred from The Nature of Wildworks in Coarsegold CA, restricted species permit # 2467

Thank you for your time and attention to this matter

Mollie Hogan

.....

.....

.....

March 19, 2024

Dear David, (my apologies for not knowing your title)

This is Mollie Hogan. I spoke with you briefly last week about a situation involving my restricted species permit # 2467. The CDFW employees involved are listed in their emails below. This is pertaining to the transfer of 2 imprinted Virginia opossums and an imprinted great-horned owl housed at the Nature of Wildworks Care Center in Coarsegold. These 3 individuals had been rescued and cared for by private people in Oakhurst. The people had tried to release the owl but it kept landing on people. He was very thin when we got him. The opossums were about 6 months old and had also been raised by people.

***I hope all this is not too confusing but I wanted to try and include some info that was sent to me.

History

In the 80's and early 90s I was an animal keeper at the Los Angeles Zoo. For most of my 13 years as an employee there I presented two on-site public programs, The Cat Show and Wild in the City which featured animals native to California. In 1993 the shows were suddenly terminated due to budget cuts and the animals need to be relocated so after 2 years of paperwork (this was before the internet) I took them home to Topanga, where I lived on rented property(including 2 mountain lions) and formed a non-profit called The Nature of Wildworks so I could provide lifetime care for animals. Working at the Zoo I didn't like the way that animals were transferred here and there and after raising all the show animals I wanted to give them a more stable life and made it my mission to provided a forever home for them and any animals that came my way.

The Nature of Wildworks housed 50 animals in Topanga for the next 25 years until the zoning changed and we needed to relocate. We purchased a 10 acre property in Coarsegold CA and have made this our permanent home. We have been here for 3 years. I live here and there is someone on-site 24 /7. I have employed two full-time animal care staff for over 6 years and we already have 25 dependable volunteers. The birds and mammals have large enclosures and are provided with various kinds of enrichment on a daily basis. I was an instructor at America's Teaching Zoo and my 2 employees are graduates of the program and also have bachelors' degrees in biology. We are located in Madera County and the County and communities are very supportive of our work.

I have had restricted species permits with CA Dept of Fish and Wildlife, USDA and US Fish and Wildlife permits since 1995. I have a perfect public safety record and have never had an incident with the department. My permit has been submitted and issued on time every year. Even during covid.

This year it was different. My renewal application arrived in August 2023 and was submitted 2 weeks after receiving it. In late October I received a call from Zao saying that I was missing some documents.

He said I was requesting to add species (a serval and opossums) that weren't on my permit and so I needed a letter of recommendation and a resume stating that I'd worked with these species and because these weren't included I may not get my permit issued by the expiration date. Even though he was incorrect (both species were on my permit within the past five years) I sent these documents to him within a couple of days (we were legitimately missing a map of the facility which we immediately sent) .

In January Claire Butkus called my cell phone and asked me if I had 2 opossums and a great horned owl.

She said that in the paperwork we had sent in was incorrect. We had taken the animals to the veterinarian at Critter Creek Wildlife Station in the Fresno area stating that these individuals were non-releasable and it should have been a letter from a licensed rehabilitator. Therefore, they have to go to a rehabilitation center to be assessed and you might not get them back. Having never had an experience like this I was very surprised and upset. Claire said" I'm going to send a piece of paper for you to fill out and send back."

Here is the email

Information needed about Great horned owl and 2 Virginia opossums: CDFW

External

Claire... [REDACTED]

Tue, Jan 2,
3:50 PM

to me, Trevor [REDACTED] Nathan, Heather [REDACTED] Xiao [REDACTED]

Hi Ms. Hogan,

Thank you for discussing the great horned owl and two Virginia opossums that are currently at Nature of Wildworks.

Please provide the following information about all three animals:

1. Approximate age of each animal, including:
 - a. Age at intake to Nature of Wildworks
 - b. Current age

2. Sex of each animal (if known)
3. Date of intake of each animal to Nature of Wildworks
4. Geographic origin of each animal
 - a. Where was the animal found. Exact address, if possible. If exact address is not known, please provide the closest approximate location (example: Town, County, etc)
5. Indicate if the animal was seen at a permitted native wildlife rehabilitation facility prior to presentation at Nature of Wildworks: Yes vs No
 - a. If Yes:
 - i. Name of permitted wildlife rehabilitation facility
 - ii. Date animal presented to the rehabilitation facility
 - iii. Time spent at the rehabilitation facility
 - iv. Provide the medical records (typically WRMD records) from the rehabilitation facility
6. Reason each animal was considered non-releasable
7. Any diagnosed medical conditions or long term health concerns of each animal (as determined by a veterinarian and the veterinarian's name)
8. A photo of each animal (labeled to indicate which animal is which)

Please note that if a native species of California wildlife is dropped off at your facility in the future, there is a 48 hours grace period before the animal must be brought to a permitted native wildlife rehabilitation facility. Here is a link with a list of native wildlife rehabilitation facilities that are permitted through CDFW: <https://wildlife.ca.gov/Conservation/Laboratories/Wildlife-Health/Rehab/Facilities>

Kind regards,
-Dr. Butkus

Claire Butkus, DVM MPVM
Wildlife and Restricted Species Veterinarian

Wildlife Health Laboratory, Rancho Cordova CA
Office: [REDACTED]
[Claire.Butkus@\[REDACTED\]](mailto:Claire.Butkus@[REDACTED])



Mollie Hogan [REDACTED]

to Claire.Butkus

Tue, Jan 2,
5:08 PM

I have received your instructions. We will get this back to you in a timely manner

I sent the info back and a couple of weeks passed then I suddenly received this email.

Butkus, Claire

Fri, Jan 19,
4:14 PM

to me, Trevor Xiao

Ms. Hogan,

Thank you for your patience in awaiting instructions on how to proceed with the great horned owl and 2 Virginia opossums that are currently in possession at your restricted species facility.

Please transport all three animals to Stanislaus County Wildlife Care no later than January 28th 2024, 3pm PST.

B

Stanislaus County Wildlife Care:

Address: 1220 Geer Rd, Hughson, CA 95326

Phone number: (209) 883-9414

Hours of animal intakes: 10am-3pm, 7 days a week

Website: www.stanislauswildlife.org

Please let CDFW know ASAP by responding to this email if you or your staff will not be able to transport these animals to Stanislaus County Wildlife Care by this date. CDFW can assist by coordinating transportation with local CDFW staff.

Kind regards,
-Dr. Butkus

Within a few days I personally transferred the animals to The Stanislaus center. I immediately sent an email letting them know and never got a response so finally I asked if someone could

confirm that they had received my email and a name I didn't recognize responded with "Yes we have."

Time passed and it's February (our permit expired Dec 31) and we still don't have our permit. I asked if they could issue our permit without those individuals for now and Trevor said "No We're just trying to get you in compliance". I kept in touch with Veronica at the Stanislaus Center and she said they had required that she take them to the veterinarian (apparently Critter Creeks veterinarian from San Joaquin Veterinary Clinic in Fresno (Dr Alfaro) wasn't enough) and that I would probably hear from them soon.

Then I received this letter

California Natural Resources Agency GAVIN NEWSOM, Governor

DEPARTMENT OF FISH AND WILDLIFE CHARLTON H. BONHAM, Director

<http://www.wildlife.ca.gov>

Law Enforcement Division – Headquarters

P.O. Box 944209

Sacramento, California 94244

Conserving California's Wildlife Since 1870

February 27, 2024

Mollie Hogan

Nature of Wildworks

[REDACTED]

[REDACTED]

Dear Ms. Hogan,

This letter is in regards to your application to receive a California Restricted Species Permit ("Permit") and your unlawful possession of two Virginia opossums and a great horned owl at the Nature of Wildworks restricted species facility. While the California Department of Fish and Wildlife ("Department") is not taking any enforcement action, the Department is notifying you that it is aware of these violations and is warning you

that future violations could result in criminal charges and/or licensing disciplinary actions (e.g., permit suspension, denial, or revocation) being filed or taken against you.

Background

On September 22, 2023, the Department received your 2023 restricted species permit renewal application. On your application, you listed that you had recently acquired two Virginia opossums and a great horned owl. You provided a letter from Dr. Aubrey Alfaro, with the San Joaquin Veterinary Hospital in Fresno, stating she felt the animals were imprinted and they would not survive in the wild. Dr. Alfaro is the veterinarian of record for Critter Creek, a licensed California Wildlife Rehabilitator. In subsequent conversations with Department staff, you indicated that the three animals originated from the wild and had not been to Critter Creek, or any other licensed California Wildlife Rehabilitator. You stated you used to be a permitted wildlife rehabilitator with the Department and you knew the animals were non-releasable. You told Department staff that you were unaware of the requirement that native wildlife be processed through wildlife rehabilitators prior to being placed on restricted species permits.

Department staff discovered that the possession of the two Virginia opossums and great horned owl was never approved by the Department's Wildlife Health Laboratory as required by CCR T-14 671.1(b)(7). Department staff found that you had previously been a permitted wildlife rehabilitator, with your last permit expiring in March of 2020.

Department staff found your last MOU contained language explaining the requirements for Department approval of non-releasable wildlife.

On January 19, 2024, Department restricted species veterinarian Dr. Claire Butkus sent you an email, requesting you to transfer the opossums and great horned owl to Stanislaus Wildlife Care Center no later than January 28, 2024. On January 23, 2024,

February 27, 2024

Mollie Hogan

Nature of Wildworks

Page 2 of 3

Conserving California's Wildlife Since 1870

you notified Dr. Butkus that you had complied with the request and that the animals were dropped off with Stanislaus Wildlife Care Center on January 22, 2024.

Additionally, you requested the animals be returned to your facility after being assessed.

Department Determination

a. Violations

You violated the following native restricted species-related regulations:

1. CCR T-14 section 679(a), which states in part:

General Prohibition on Possession of Wildlife. Except as provided in subsection (b) below or as otherwise authorized, it is unlawful for any person to possess any live game mammal or bird, nongame mammal or bird, furbearer, reptile or amphibian.

Based upon your statements to Department staff, the Department has determined you possessed two wild Virginia opossums and one wild great horned owl, which are non-game mammals and birds, without notifying the department within forty-eight (48) hours, in violation of CCR T-14 section 679(b).

2. CCR T-14 section 671.1(b)(7), which states in part:

For the purposes of this permit, native species are defined as the restricted birds and mammals that are found injured and/or orphaned in the wild in California and are not suitable for release into the wild, but are suitable for educational purposes. Native species shall only be acquired from the department or, upon approval by the department, from a California Wildlife Rehabilitation Facility that is permitted with the department. The department shall receive written documentation for each animal from a permitted California Wildlife Rehabilitation Facility's licensed

veterinarian stating why the animal to be acquired is unsuitable for wildlife rehabilitation and release, but suitable for education purposes.

Based on your permit application, and your statements, the Department has determined that you acquired the wild Virginia opossums and great horned owl from someone other than a California Wildlife Rehabilitation Facility, and without the approval of the Department. As a permitted native-species restricted species permittee, you are authorized to possess approved native wildlife, however in this case you failed to get approval from the Department for these specific animals and the animals were never assessed by a permitted wildlife rehabilitation facility as required.

b. Animal Disposition

February 27, 2024

Mollie Hogan

Nature of Wildworks

Page 3 of 3

Conserving California's Wildlife Since 1870

The two Virginia opossums and one great horned owl turned over by you, at the Department's request, to Stanislaus Wildlife Care Center are being assessed by the staff at the facility. Upon final determination as to the suitability of the animals for release or determination of non-releasability, the Department will make the decision on

the final disposition of the animals. Should the animals be determined to be non-releasable, the Department will not return the animals to Nature of Wildworks, and

instead will be seeking placement of them at a different facility.

c. Licensing Determination

CCR T-14 section 671.1(c)(5) allows the Department to deny the issuance of a restricted species permit if the applicant or permittee has failed to comply with any provision of the Fish and Game Code or regulations adopted pursuant thereto.

Despite the violations in this case related to the unapproved possession of native wildlife species, the Department is approving your application and allowing a facility inspection to be conducted. This approval and warning letter will be retained by the Law Enforcement Division for its' records.

Please note, it is your responsibility to know, understand, and follow all applicable state and federal laws and regulations related to the confinement, possession, and exhibition of native wildlife. If you commit any additional violations in the future, you may be subject to criminal and/or licensing disciplinary actions.

If you have any questions, please contact Lieutenant Specialist Trevor Pell at

[REDACTED]

Sincerely,

Lieutenant Specialist Trevor Pell, #840

Law Enforcement Division

Cc: Acting Chief Nathaniel Arnold, LED

Acting Deputy Chief Christy Wurster, LED

Assistant Chief Jennifer Ikemoto, LED

Captain Nathan Smith, LED

Mr. David Kiene, OGC

Dr. Claire Butkus, WHL

Ms. Heather Perry, WHL

Mr. Xiao Yang, LRB

I tried to speak with Dr Butkus and Heather Perry since the others had said it was not their decision but they would not return my calls. Finally, Nathan Smith called me and told me this was their policy. I asked him to send me a copy of the policy and this is what he sent.

“Once an animal is seized pursuant to subsection (a) or (b), the enforcing officer may: (1) transfer the animal to an appropriate facility, (2)

transfer the animal out of the state, (3) humanely destroy the animal, or (4) for animals specified in subsection (a) only, release the animal to the wild.”

In accordance with the regulations listed above, the animals you acquired illegally will be placed at an appropriate facility.

Captain Nathan Smith
Special Operations

[REDACTED]

[REDACTED]

I didn't acquire them illegally. Someone who had them illegally brought them to me for care. The animals weren't seized from a non-permitted individual. All that happened is that **I made a mistake** in the paperwork and then willingly complied with all requests. They simply could have worked with us instead of against us. They still can. I saved the animals lives and want to care for them for their lifetimes which is OUR policy.

No one at the department will return my calls or emails

When the permit was finally issued mistakes were made and I had to send it back for corrections. Why are these mistakes not important?

All the people I have shared this with—peers, staff, volunteers, donors-- can't believe it. I will be happy to forward all their comments but they aren't nice. In my nearly 30 years of serving the Department I have never experienced this kind of inhumane treatment. So unfair to the people and the animals and a waste of time energy and money that could be spent on poaching or other serious actual wildlife crimes. We are being punished for making a mistake. This type of "punishment" teaches people to not be honest.

I hope you can help

Sincerely,

Mollie Hogan

Founder /CEO natureofwildworks.org

[REDACTED]

[REDACTED]

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From: Chris Alford [REDACTED]
Sent: Wednesday, March 20, 2024 09:07 PM
To: FGC <FGC@fgc.ca.gov>
Subject: support for listing of burrowing owl

Fish and Game Commission,

Attached is a letter expressing support for the petition submitted to the Fish and Game Commission on March 5, 2024 to list burrowing owls.

Thank you,
-Chris

Chris Alford
Yolo Habitat Conservancy
www.yolohabitatconservancy.org



Yolo Habitat Co:

Cities of Yolo • City of Davis • City of Marysville



Yolo Habitat Conservancy

County of Yolo • City of Davis • City of Winters • City of West Sacramento
City of Woodland • University of California, Davis

March 20, 2024

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Support for CESA listing of imperiled burrowing owl populations

Dear President Murray and Commissioners,

The Yolo Habitat Conservancy supports the petition to list imperiled populations of the western burrowing owl in California under the California Endangered Species Act (CESA). As the implementing agency for the Yolo Habitat Conservation Plan / Natural Community Conservation Plan (Yolo HCP/NCCP), we are actively working to identify and protect burrowing owl habitat within Yolo County. There has been a rapid decline in the Central Valley burrowing owl population over the past twenty years and many of the areas of Yolo County that were documented as being occupied habitat in the early 2000's were no longer occupied by burrowing owls by the time the Yolo HCP/NCCP was permitted in 2019.

We support protecting the Southwestern California, Central-Western California, and San Francisco Bay Area burrowing owl populations as endangered, and the Central Valley and Southern Desert populations as threatened. Alternatively, we support listing the western burrowing owl in the entirety of California as a threatened species under CESA.

Sincerely,

Elisa Sabatini, Executive Director
Yolo Habitat Conservancy



Poaching Fines

Daniel Childs [REDACTED]

Thu 03/21/2024 08:49 AM

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

Good morning. I recently heard about a big poaching group that were caught down in San Diego. After hearing what their fines were it really makes me upset! Fines for poaching in this state is not hard enough and it's always has been just a slap on the wrist. Hearing about abalone poachers over the years getting caught who made a lot of money destroying our resources and only getting a little fine. They pay it and go right back out there, fishing license or not. The poachers make so much money that when they get caught the fines are just pennies on the dollar of what they made. If the penalties for poaching were a lot harsher, it would deter a lot of these people from making illegal decisions and save our resources from declining in numbers. If our natural resources are in such a decline and threaten by our climate changing as being claimed, the fines should reflect that and be a very steep penalty, including some jail time on extreme cases! Also the San Diego article said the guys were being under investigation for 6 months, tax payers paid way more money for all the officers involved then what the poachers ended up paying. Just doesn't make any sense!! I'm talking about actual poachers and not the recreational guy that just forgets his license at home. I do believe and think most of the people in California who enjoy the outdoors would agree that most of the CDFG fines should be raised and reflecting today's economy but the poaching fines and penalties should and need to be addressed immediately!

Thank you for your time

Daniel Childs

Mtn Lion data - timely and transparent reporting

Michael Costello [REDACTED]

Sat 03/23/2024 04:06 PM

To: Wildlife WHLAB <WILAB [REDACTED]>; FGC <FGC@fgc.ca.gov>; Benedet, Jennifer [REDACTED]

[REDACTED]; Gardner, Scott [REDACTED]

Hello CDFW team, and Commissioners,

In light of today's mtn lion attack and tragic killing of a young man, is it possible to get Dept. data and reporting up to speed regarding lion, bear, wolf and other conflicts involving large predators in CA?

It seems as though lion attacks in North America are becoming more frequent; having data quickly available for the general public to make informed decisions is critical.

<https://www.cbsnews.com/sacramento/news/mountain-lion-attacks-2-people-in-california-foothills-killing-1/>

<https://wildlife.ca.gov/Conservation/Mammals/Mountain-Lion/Attacks> (2022)

<https://wildlife.ca.gov/Conservation/Mammals/Mountain-Lion#562311019-human---mountain-lion-conflict> (2021)

I hope this is a low lift, to make consistent and accurate updates to online data for public consumption.

Thank you in advance.

Mike Costello
[REDACTED]

FW: Stop Imports of Live Frogs and Turtles

From: Cynthia Hanson [REDACTED]
Sent: Sunday, March 24, 2024 7:50 PM
To: dana.williamson [REDACTED] Office of the Secretary CNRA <secretary [REDACTED] Wildlife DIRECTOR <DIRECTOR [REDACTED] fgc [REDACTED] Cornman, Ari [REDACTED]>
Subject: Stop Imports of Live Frogs and Turtles

Gov. Newsom, Mr. Crowfoot, Mr. Bonham, State Fish & Game Commission, and Mr. Corman:

The illegal trafficking and importation of live frogs and turtles poses a danger to public health and the biodiversity of wildlife in California.

Please stop the importation of live frogs and turtles now.

Thank you,

C. and S. Hanson

COLORADO F&G COMMISSION - RESIGNATION

afa [REDACTED]

Mon 03/25/2024 06:04 PM

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

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcoloradosun.com%2F2024%2F03%2F20%2Fopinion-colorado-wildlife-commission-resign%2F&data=05%7C02%7Cfgc%40fgc.ca.gov%7Cb878e36b9e9c4d41362608dc4d30b509%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C638470118814850271%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=L87hNycjhl21WnD9lxUGLisOxYm9q1R4qG53zDYOZ%2B0%3D&reserved=0>

FYI -

x

Eric Mills, coordinator
ACTION FOR ANIMALS

[REDACTED]

Mountain lion euthanasia

Rebecca Rhode [REDACTED]

Mon 03/25/2024 04:41 PM

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

To Whom It May Concern:

THIS NEEDS TO STOP!

Just because a mountain lion who is in HIS own territory, his home, the only home he knows, the wilderness, is shot dead because he felt threatened by human intruders.

This is a complete outrage and this kind of reckless killing must stop.

If the fish and game department were doing their jobs then there would be signs posted at entrances and exits of this area and signs posted throughout stating the dangers and that entering these areas should be done so at the persons own risk. It was the teenagers fault for entering areas where this was a risk.

No excuses. Period. This disgusts me and I assure you that I will make every effort to make this story heard throughout the wildlife community across the country.

Sincerely,

Rebecca Rhode

Sent from Becky's iPhone 15 Pro

Sacramento Policies are Crippling Sierra Bighorn Recovery

BRIAN TILLEMANS [REDACTED]

Tue 03/26/2024 08:08 AM

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

Sacramento Policies are Crippling Sierra Bighorn Recovery

Since our allotted time is too short to adequately address the issues, I'll get straight to the point. Policies made in Sacramento regarding lion management for Sierra Bighorn are crippling the recovery program. Sacramento policy makers do not realize the serious ramifications they inflict on Bighorn resources and the ability to effectively manage them. Field biologists and managers know what to do to recover Sierra bighorn, but policies decreed from Sacramento do not allow for efficient, real time needs of the recovery program to be implemented. As I stated before, the biopolitics of lion management in California is literally threatening the endangered Bighorn's existence. This has got to change.

The approval process to remove lions killing endangered Sierra bighorn is cumbersome and does not allow for necessary real time management of problem lions. By the time approval gets back to field managers several months later the culprit lion has killed many more ewes or has temporarily left the area; leaving the problem to be dealt with later.

Administrators do not realize the seriousness of losing ewes when overall population numbers are so low and metapopulations are being reestablished. Lions taking multiple ewes out of a small population can make or break the success of translocation efforts or natural dispersal movements. Addressing the lion issue before it becomes a roadblock to recovery is key. The current lion removal process only allows for addressing the problem lion after it has created irreparable harm to the recovery process. It doesn't make sense. We have to allow for real time management.

The policy to remove lions and release them only within 150 miles of their trap site is essentially a catch and release program, especially with males. The problem lion that has acquired a taste for the endangered Bighorn returns to its former home range in a short timeframe. This policy does not rectify the problem, it postpones the inevitable. Again, Sacramento is out of touch with actual field scenarios.

Why the mountain lion has become a "sacred cow" in California is beyond understanding. We are yielding to every whim of mountain lion special interest groups at the cost of losing two important iconic species, the endangered Sierra Bighorn and Eastern Sierra mule deer. If the public could see the bloody havoc that lions are inflicting on our deer and Sierra bighorn on a daily basis, they might have a different perspective. Again, if we continue letting the biopolitics of the day prevail over common sense, we can say goodbye to two magnificent species. The citizens of Inyo County have had enough and are frustrated and mad over our local wildlife resources being disregarded for the political desires of an uninformed public and special interest group.

Ban Import and Sales of Frogs and Turtles at Live Animal Markets

Joyce Tischler [REDACTED]

Tue 03/26/2024 11:07 AM

To: Wildlife DIRECTOR [REDACTED] FGC <FGC@fgc.ca.gov>; Office of the Secretary CNRA
<secretary [REDACTED] dana.williamson [REDACTED]>

Importing and selling frogs and turtles at live animal markets degrades the environment, harms wildlife and leads to cruelty.

Act now to ban this practice.
Joyce Tischler