

## 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](#)

## Staff Summary for April 17-18, 2024

- 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)**

**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  
Behrs [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 9<sup>th</sup> 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
<b>Total Acres requested for urchin culling</b>				28.95			
<b>Portion of 3 SMCA's</b>				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.

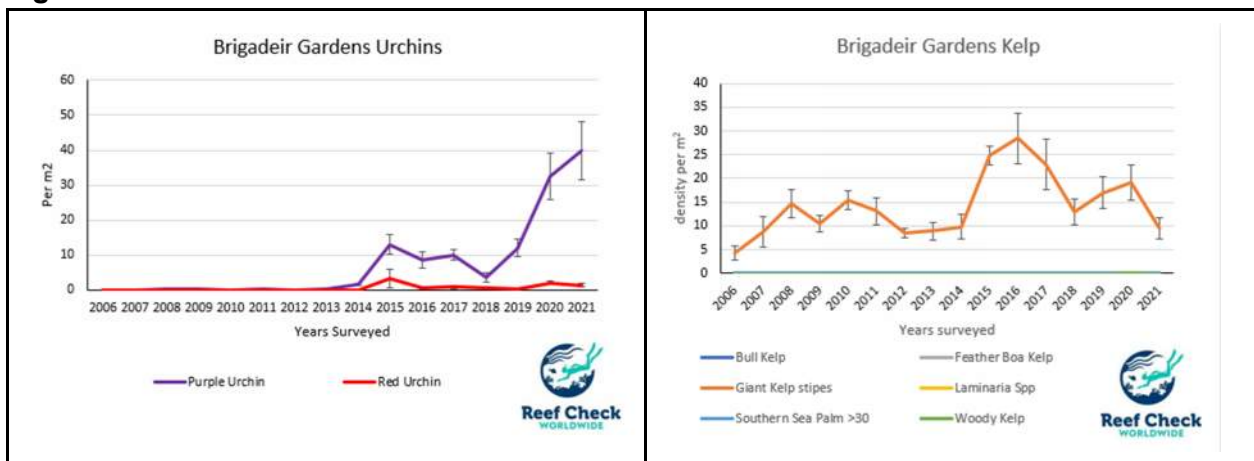
It should be noted that at Reef Check's instructor training 3/15/20, the average count of purple urchins was  $>40/m^2$ . The continued survival of kelp is attributed anecdotally to the surreptitious effort of unaffiliated divers culling urchins that surpasses the G2KR effort at Tanker's Reef.



**Figure 2: Brigadeir Gardens - Proposed site**



**Figure 3: Reef Check Data**



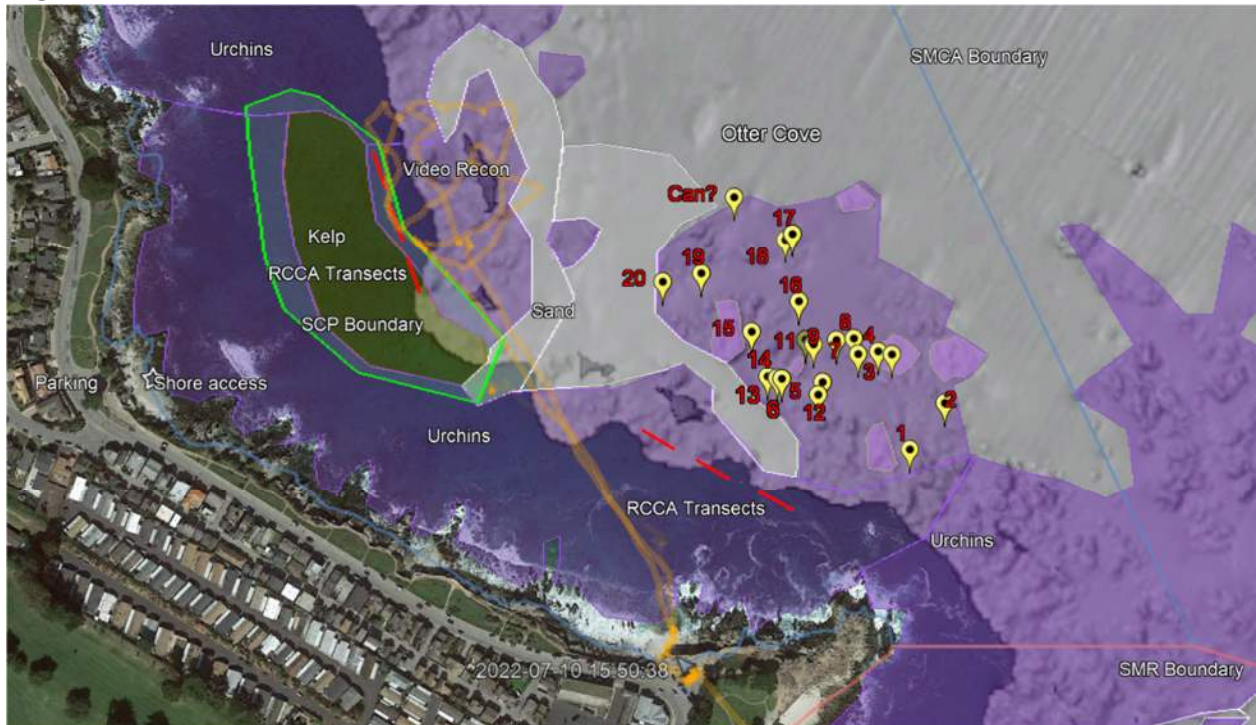
Otter Cove - 14.1 acres SMCA

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.

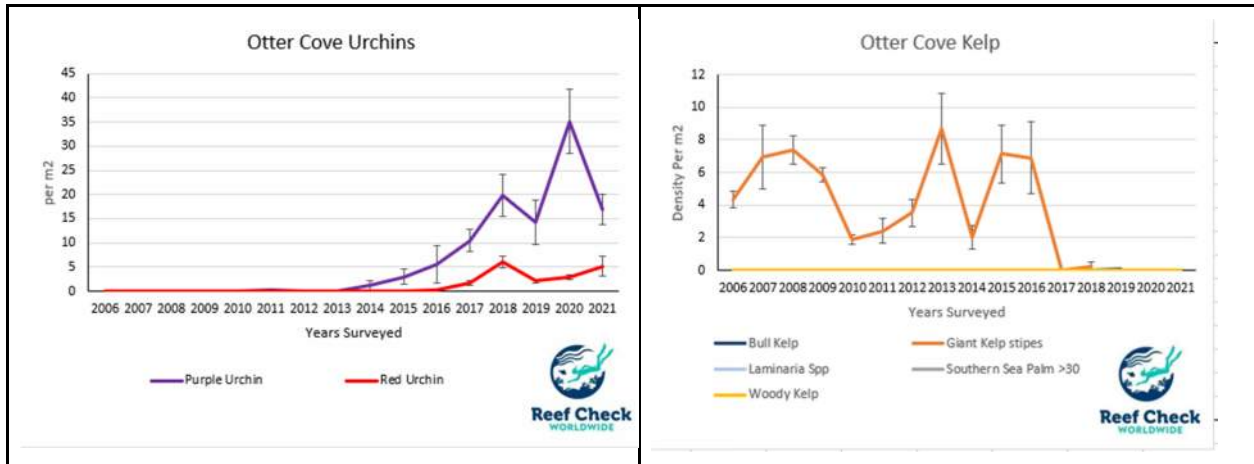
**Figure 4:** Otter Cove - Stitched Panoramic drone image, May 31, 2019



**Figure 5:** Otter Cove - Proposed site



**Figure 6: Reef Check Data**



Stillwater Cove - 216.8 acres SMCA

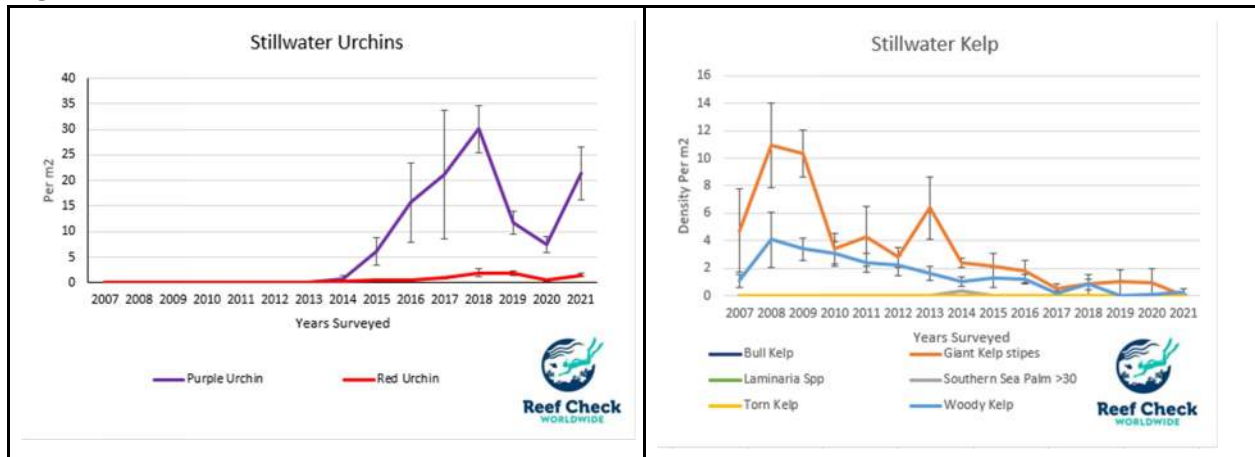
Stillwater cove is adjacent to the Pebble Beach golf course and has limited beach access. 2022 surveys found that the kelp within the cove persists and has an overabundance of urchins. This site is within the 1,368 acre Carmel Bay SMCA. The depth of the giant kelp beds are from 5' - 40'. There is a large 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**

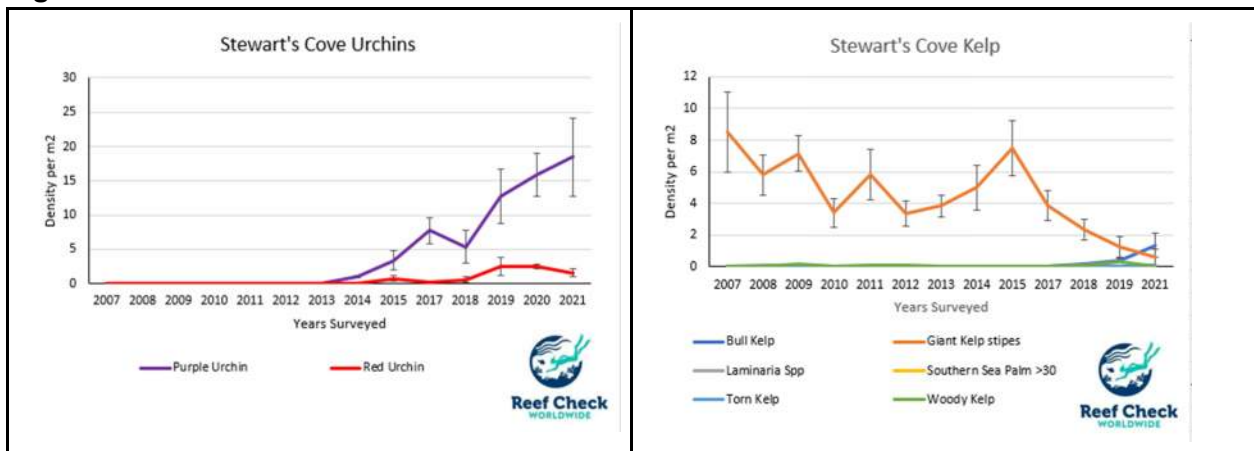
This site still has kelp on the portion behind and around the washrock and there is an overabundance of urchins within the kelp forest. This site is within the 1,368 acre Carmel Bay

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.

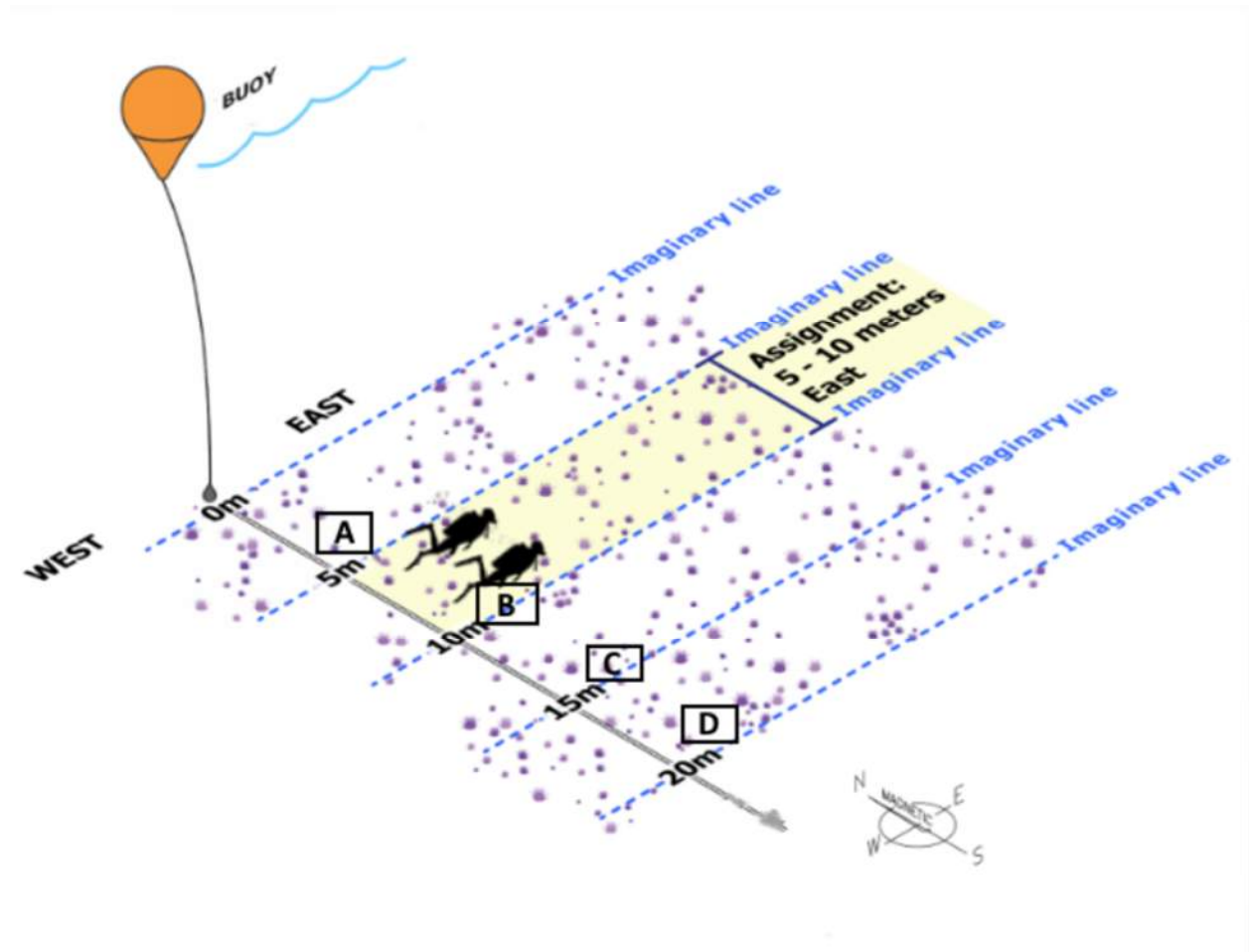
Dive data will be entered into an updated G2KR website. Each diver will be required to provide the date, name, dive buddy's name, G2KR #, Site location, lane assignment taken and completed, time spent culling urchins, number of purples, number of reds, distance traveled if on a grid, disturbance to marine 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 m<sup>2</sup> 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.

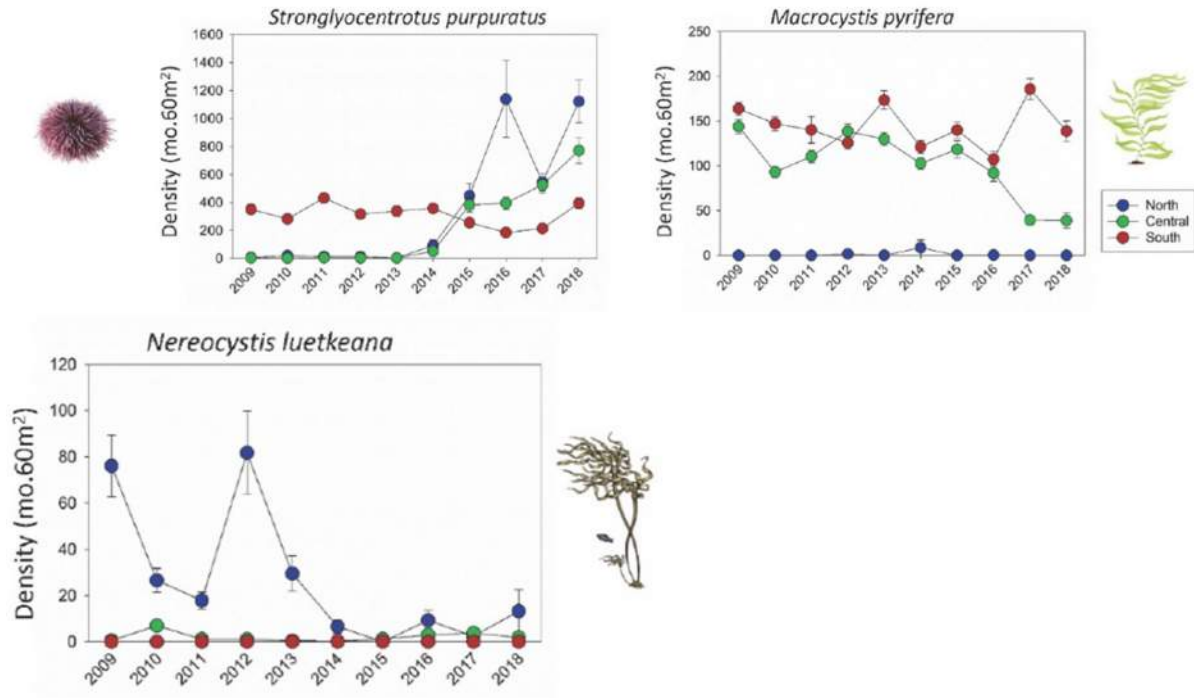
- There is also evidence that urchins prefer large clearings than areas with dense kelp (Konar et al. 2014). In this study, it is suggested that the presence of macroalgae prevents urchin encroachment. This study also suggests that community states may be maintained by interactions between urchins and 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

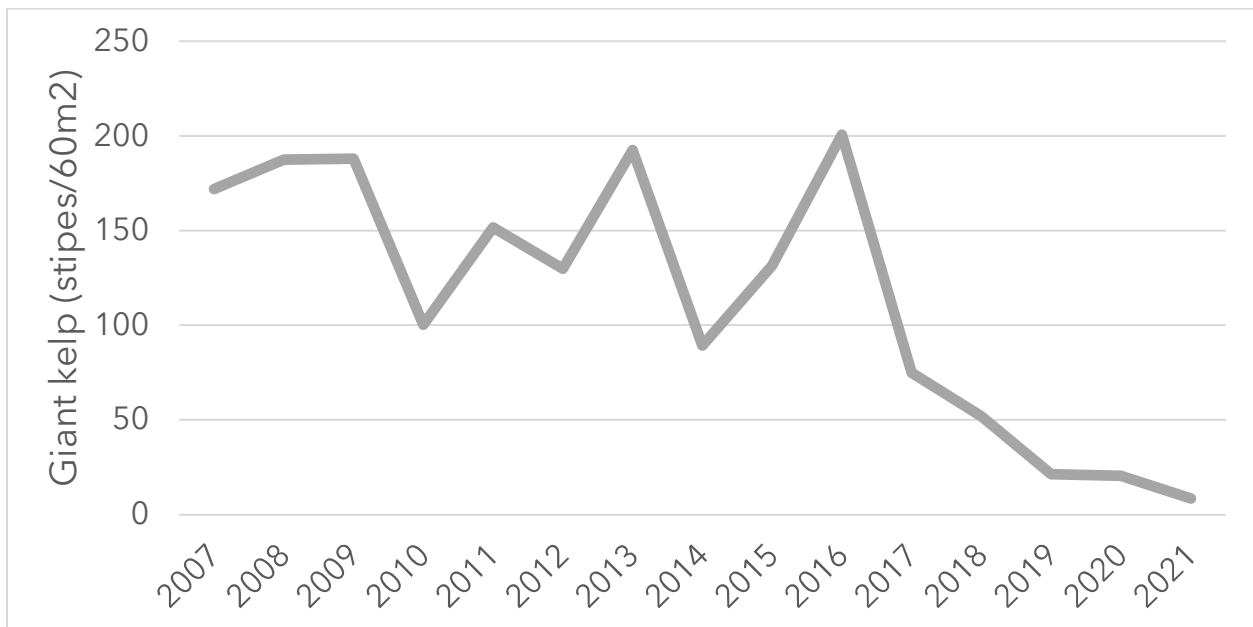
This work will be conducted over the course of three years, see Table 2 detailed monitoring plan.

- 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

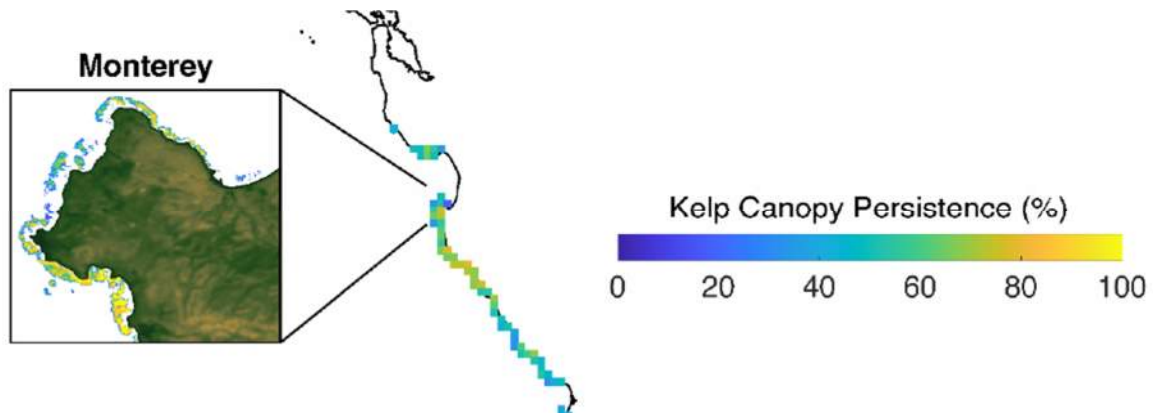


**Figure 12:** Figure adapted from Figure adapted from OPC Intern Kelp Forest Action Plan for Protecting and Restoring California's Kelp Forests (2021). It shows dive survey data (number per 60/m<sup>2</sup>) of key kelp forest species in northern (blue), central (green) and southern (red) California from 2009-2018. Includes Reef Check urchin and kelp survey data for three California regions.

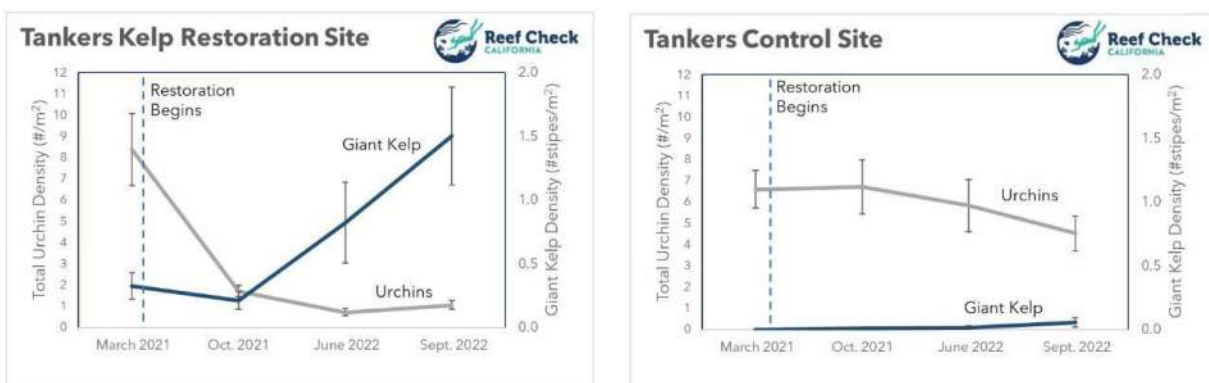


**Figure 13:** Long term monitoring data from 19 Reef Check sites from 2007-2021 in the Monterey Area.





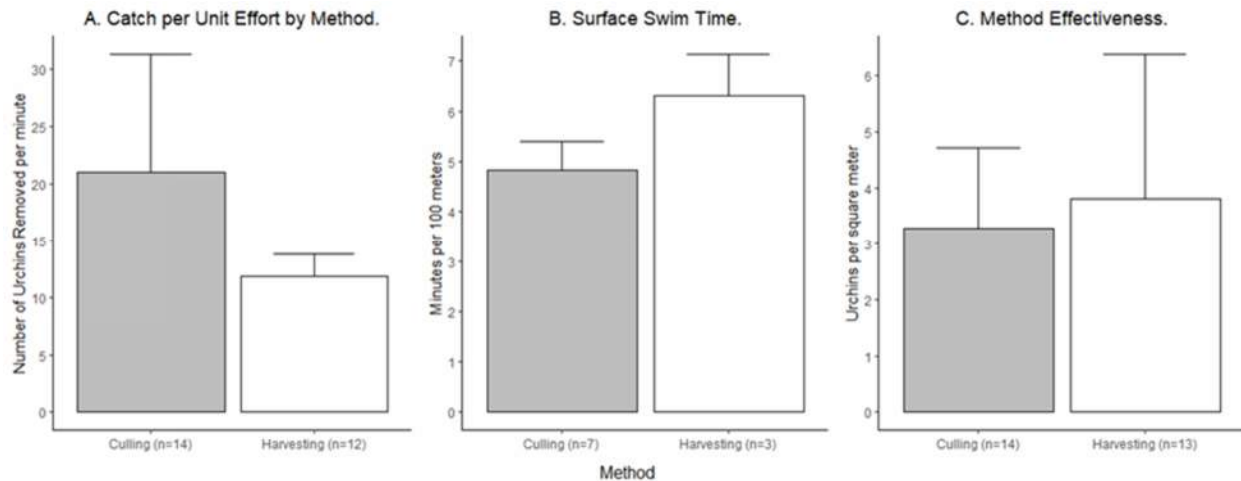
**Figure 14:** Figure adapted from OPC Interim Kelp Forest Action Plan for Protecting and Restoring California's Kelp Forests (2021). It shows kelp persistence around the Monterey Peninsula using kelp canopy data derived from Landsat satellite sensors. Boxes along the coast show the mean kelp persistence 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

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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

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**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-laws-and-regulations) 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](mailto:Lara.Slatoff) or [REDACTED]

Sincerely,

*Lara Slatoff*

Lara Slatoff  
California Department of Fish and Wildlife  
Environmental Scientist, Marine Region  
[Lara.Slatoff](mailto:Lara.Slatoff) [REDACTED]

ec:

Dr. Craig Shuman  
California Department of Fish and Wildlife  
Regional Manager, Marine Region  
[Craig.Shuman](mailto: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

[Becky.Ota](#)

Stephen Wertz

California Department of Fish and Wildlife

Senior Environmental Scientist (Supervisor), Marine Region

[Stephen.Wertz](#)

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 pasteuria (all potentially fatal in humans), plus giardia, blood parasites, even one case of malaria. Local Health Depts. have been remarkably silent.

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## 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](mailto:gavin.newsom) [redacted] [dana.williamson](mailto:dana.williamson) [redacted]

Wade Crowfoot, Resources Secretary - [secretary](mailto:secretary) [redacted]

Chuck Bonham, Director, CDFW - [director](mailto:director) [redacted]

State Fish & Game Commission - [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

Ari Cornman, Wildlife Resources - [ari.cornman](mailto:ari.cornman) [redacted]

State Senators - [senator.lastname](mailto:senator.lastname) [redacted]

State Assemblymembers - [assemblymember.lastname](mailto: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](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](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](http://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](mailto: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 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 agendized. 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/m<sup>2</sup>) **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.

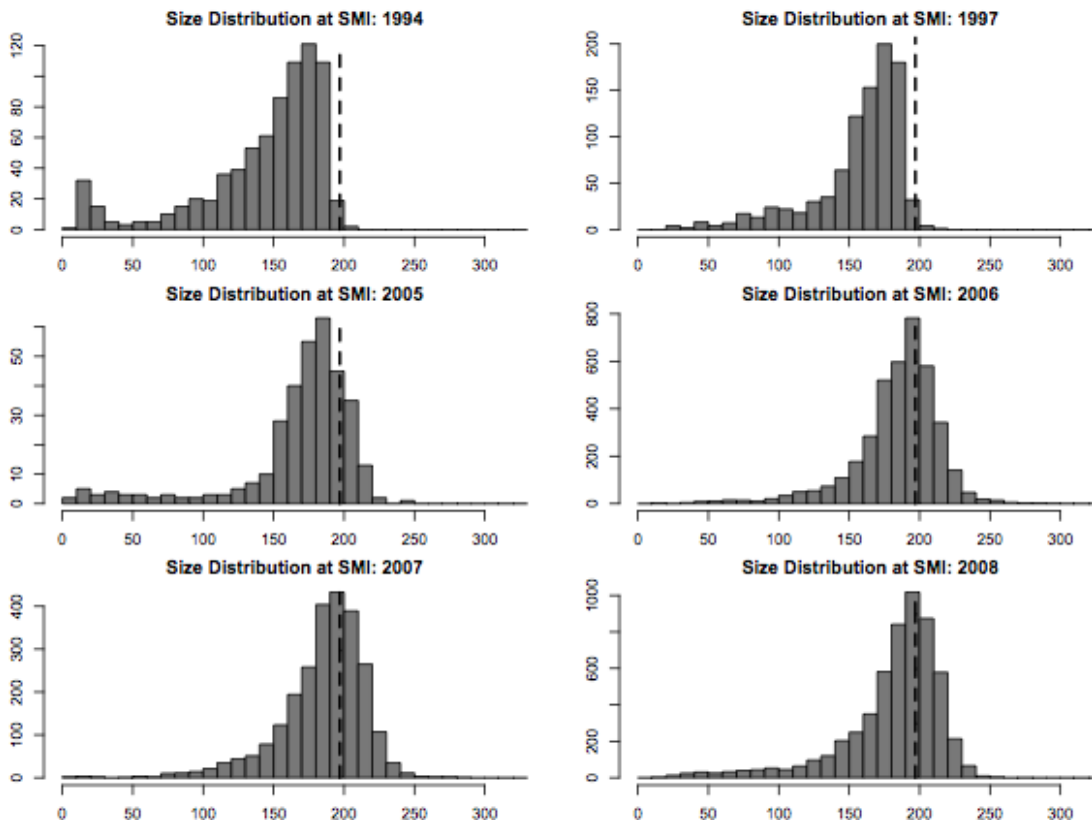


Figure 4. Length frequency histograms (maximum length in mm and number counted) for the abalone surveyed during CDFG surveys 1994-2008.

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.

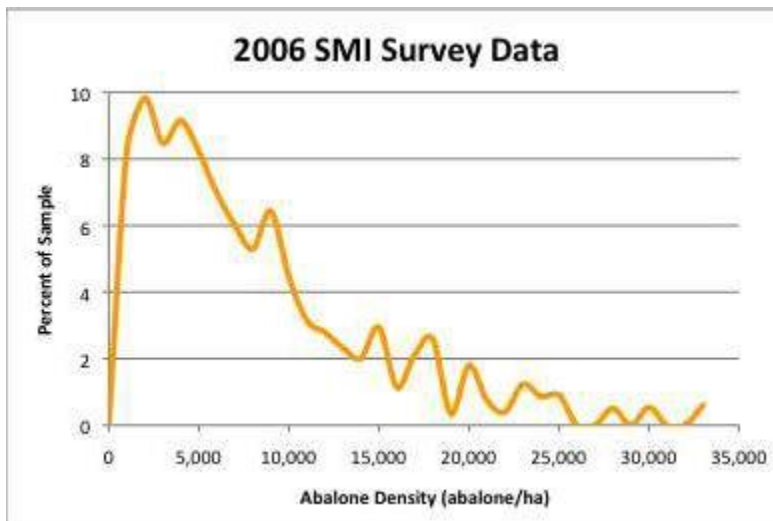


Figure 1. Percent of abalone sampled during the 2006 surveys plotted against the density at which they were observed within each 5m transect segment.

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).

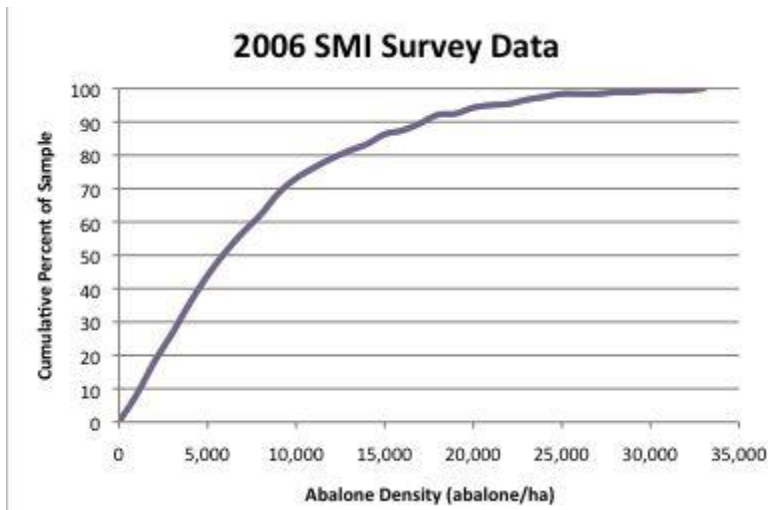


Figure 2. Cumulative percent of abalone sampled during the 2006 surveys plotted against the density at which they were observed within each 5m transect segment.

### **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?

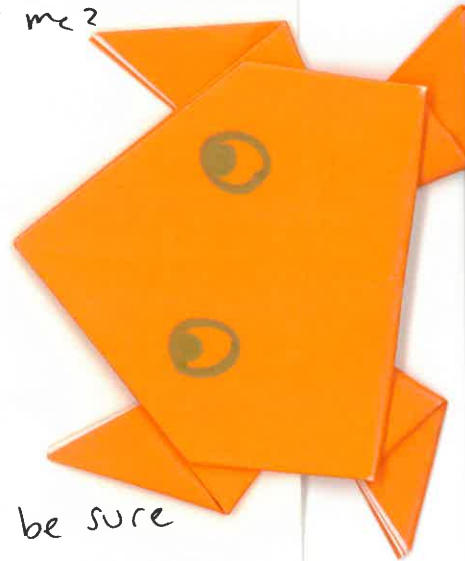
- Can you imagine a future where we are at home on the land here?
- How can we help restore balance at our ponds?
- Who decides what is worth protecting?
- What if protecting something involves killing something else?
- What is your favorite food?

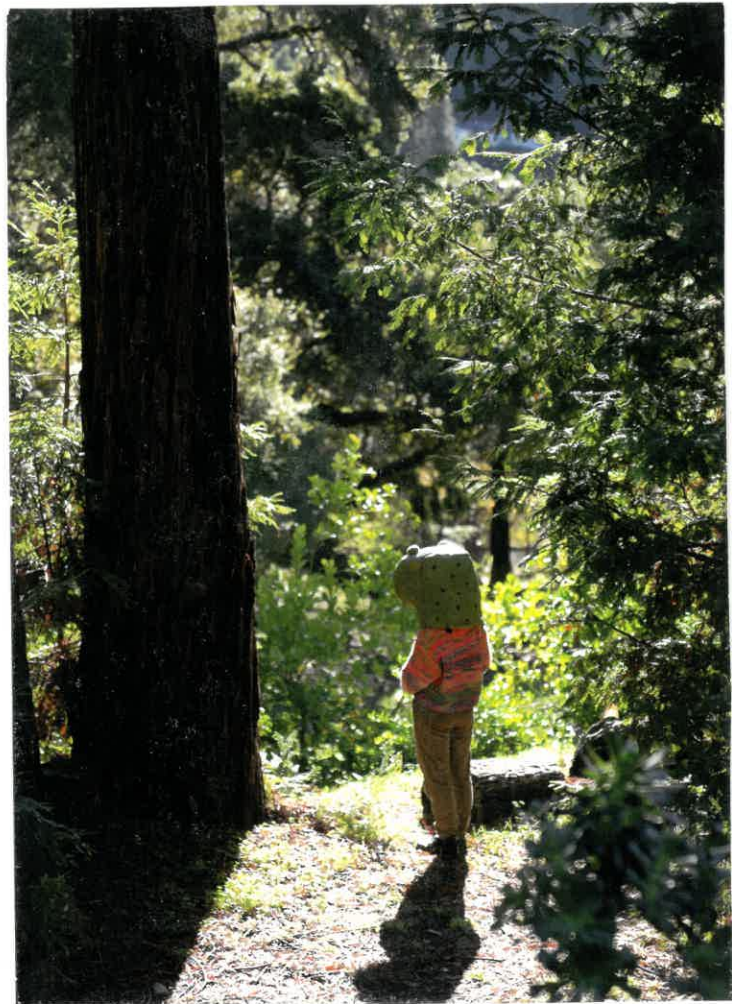
I am grateful for your response, and I will be sure to share my final report.

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] Xao [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** [REDACTED]

Fri, Jan 19,  
4:14 PM

to me, Trevor [REDACTED] Xao [REDACTED]

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 28<sup>th</sup> 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](http://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](http://natureofwildworks.org)

[REDACTED]

[REDACTED]

[REDACTED]

**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](http://www.yolohabitatconservancy.org)



**Yolo Habitat Co:**

Conservancy 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 

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