

## Staff Summary for December 11-12, 2024

**9. Regulation Change Petitions (Marine)****Today's Item**Information Action 

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

- (A) Act on previously received regulation change petitions
- (B) Receive new petitions for regulation change
- (C) Receive comments on referred petitions not yet scheduled for action

**Summary of Previous/Future Actions****(A) *Petitions for Regulation Change – Scheduled for Action***

- Received Petition 2024-04 June 19-20, 2024
- Referred Petition 2024-04 to Department for review and recommendation August 14-15, 2024
- Received Petition 2024-10 August 14-15, 2024
- Referred Petition 2024-10 to staff to work with the Department for review and recommendation October 9-10, 2024
- Received Petition 2024-12 October 9-10, 2024
- **Today potentially act on petitions December 11-12, 2024**

**(B) *New Petitions for Regulation Change – Receipt***

- **Today receive new petitions December 11-12, 2024**
- Potentially act on new petitions February 12-13, 2025

**(C) *Comments Received on Referred Petitions (N/A)*****Background****(A) *Act on Previously-Received Regulation Change Petitions***

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

Action on previously-received marine protected area (MPA) petitions will be considered under Agenda Item 8.

Today, three petitions are scheduled for action:

- I. *Petition 2024-04*: Request to amend recreational ocean fishing regulations to authorize use of harpoon to assist in landing finfish, especially tunas (Exhibit A2).

## Staff Summary for December 11-12, 2024

- II. *Petition 2024-10*: Request to amend recreational fishing regulations to add use of a hookah and air lift system to collect urchins; amend petition 2023- 23MPA to use this method as well (Exhibit A3).
- III. *Petition 2024-12*: Request to allow unlimited recreational take of purple and red sea urchin in ten counties (Humboldt to Santa Barbara counties) (Exhibit A4).

The staff recommendations and rationale, developed with input from Department staff, are provided in Exhibit A1.

**(B) *Receive New Petitions for Regulation Change***

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

Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or act on any matter not included on the agenda, other than to determine whether to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change generally follow a two-meeting cycle of receipt and decision. The Commission will act on petitions received at today’s meeting at the next regularly scheduled Commission meeting (currently February 12-13, 2025), following staff evaluation, unless the petition is rejected under the 10-day staff review as prescribed in subsection 662(b).

No new marine petitions for regulation change were received by the comment deadline.

**(C) *Comments Received on Referred Petitions***

This agenda sub-item is for receiving public comments for any petition previously referred for review and recommendation, but not yet ready for Commission action. Action on any referred petition will be scheduled once the Commission receives a recommendation.

Comments on previously-referred MPA petitions will be received under Agenda Item 8.

No comments were received for previously referred petitions.

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

**Recommendation**

**Commission staff:** Grant Petition 2024-04 (harpoon) in part for consideration in a rulemaking, consistent with Department’s recommendation; deny Petition 2024-10 (recreational urchin gear) based on Commission staff and Department rationale outlined in exhibit A6; and deny Petition 2024-12 (unlimited recreational urchin take) based on rationale outlined in Exhibit A1.

**Department:** Grant Petition 2024-04 in part for consideration in a rulemaking based on rationale in Exhibit A5; and deny Petition 2024-10 based on rationale outlined in Exhibit A6.

Staff Summary for December 11-12, 2024

**Exhibits**

- A1. [Summary of petitions for regulation change scheduled for action, and recommendations](#)
- A2. [Petition 2024-04, received April 22, 2024](#)
- A3. [Petition 2024-10, received August 1, 2024](#)
- A4. [Petition 2024-12, received September 10, 2024](#)
- A5. [Department memo regarding Petition 2024-04, received December 2, 2024](#)
- A6. [Commission staff and Department evaluation and recommendation regarding Petition 2024-10, dated December 2, 2024](#)

**Motion**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission adopts the staff recommendations to grant Petition 2024-04 and deny petitions 2024-10 and 2024-12.

**OR**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission adopts the staff recommendations for regulation change petitions, except: \_\_\_\_\_.

**California Fish and Game Commission**  
**Marine Petitions for Regulation Change — Action (updated November 27, 2024)**

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee , MR - Marine Region  
 MPA - marine protected area SMR - state marine reserve SMCA - state marine conservation area  
 Grant: CFGC is willing to consider the petitioned action through a process Deny: Not willing to consider the petitioned action Refer: Need more information before the final decision

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	CFGC Receipt	CFGC Initial Action Date	Initial Staff Recommendation	Scheduled for Final Action	Final Staff Recommendation
2024-04	4/22/2024	Ben Mitchell	Recreational ocean fishing: Use of harpoon to land fish	Add use of harpoons with gaff or net as a legal aid to assist in landing fin fish (especially highly migratory species) in recreational fisheries.	6/19-20/2024	8/14-15/2024	REFER to CDFW for review and recommendation.	12/11-12/2024	GRANT in part, for otherwise-legally-caught tuna species only, based on the rationale in CDFW's memo (Exhibit 9A.5 for December 11-12, 2024 meeting).
2024-10	8/1/2024	Keith Rootsart, Giant Kelp Restoration Project	Recreational ocean fishing: Using hookah and air lift bags to collect urchins	Add use of a hookah and air lift system to collect urchins in the recreational fishery, and amend petition 2023-23MPA to use this method as well	8/14-15/2024	10/9-10/2024	REFER to staff to work with CDFW for review and recommendation	12/11-12/2024	DENY, based on rationale included in staff's and DFW's evaluation and recommendation (Exhibit 9A.6 for December 11-12, 2024 meeting), related to the type of gear proposed, sufficiency of existing fishing methods, bycatch potential, and kelp restoration and management plan under development.
2024-12	9/10/2024	Keith Rootsart, Giant Kelp Restoration Project	Marine sport fishing: Unlimited take of red and purple sea urchins	Remove the recreational daily bag limit for purple and red sea urchins (to allow unlimited take) in the counties of Humboldt, Mendocino, Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, Monterey, San Luis Obispo and Santa Barbara.	10/9-10/2024	12/11-12/2024	DENY, based on the following rationale: (1) Unlimited recreational harvest of purple sea urchin was authorized as a limited-term test for restoration techniques in Caspar Cove and Tanker Reef – results and analyses from those removal efforts are still not available. (2) Kelp restoration techniques are currently being explored and addressed through the kelp restoration and management plan (KRMP) development process. (3) Red sea urchin is the target of an economically important, limited-entry commercial fishery. Authorizing unlimited recreational harvest of red sea urchin in areas with established commercial fisheries would be incompatible with sustainable management goals for the commercial fishery, regardless of whether red sea urchin harvest is currently occurring in a particular location. Federal fishery disaster declarations are still ongoing for the commercial red sea urchin fishery in California, and another is likely in the future due to declining numbers and quality.		



Tracking Number: ( \_\_2024-04\_\_ )

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

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

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

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

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

Name of primary contact person: Benjamin D. Mitchell

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: ben [REDACTED]

### **2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 200, 205, 265 and 275, Fish and Game Code**

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

Clarification of the regulations to authorize the use of a harpoon as a landing aid.

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

Harpoons are a common landing aid for large tuna on small boats. In recent years, more and larger bluefin tuna have been caught along the California coast, bringing to the fore the lack of clarity in the regulations regarding the use of a harpoon as a landing aid.

Online discussions, questions to wardens, etc all struggle to make sense of whether it is legal to harpoon a hook-and-line caught fish at the boat as a way to control and land the fish.

Most of the discussions revolve around references to harpoons as a method of take, and extrapolate to form an opinion about whether a fish landed with a harpoon was “taken” with a harpoon. Some point out that a netted salmon or a gaffed lingcod were not “taken” with a net or a gaff. Others have a different read.

The lack of certainty creates a risk of unintentional illegal activity for fishermen, and a difficult enforcement issue for wardens. It seems it should be fairly straightforward to amend the regulations to speak specifically to the use of harpoons as a landing aid. Likewise, it doesn’t seem like permitting harpoons as a landing aid should be overly controversial vs. a gaff.



**SECTION II: Optional Information**

5. **Date of Petition:** 04/21/2024

6. **Category of Proposed Change**

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

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- X Amend Title 14 Section(s):
  - 14.1.195(e)(1): add “harpoon” in addition to “gaff” and “net”
  - 14.27.90(d): update to read “gaffed or harpooned”
  - 14.28.65(d): update to read “No gaff hook or harpoon”

Note: I’m not policymaker or lawyer, so there may be better ways to articulate this change in the regs. I simply searched for “gaff” and suggested additional language to include harpoons as a landing aid.

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

Repeal Title 14 Section(s): [\[Click here to enter text.\]](#)

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [\[Click here to enter text.\]](#)

Or X Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: As soon as practicably possible.

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

Here are two examples of detailed discussions highlighting the confusion caused by the current regs:

<https://forums.coastsidefishingclub.com/threads/made-a-harpoon.89260/>

<https://www.bdoutdoors.com/forums/threads/why-dont-we-harpoon-bluefin-on-the-west-coast.810404/>

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: None

12. **Forms:** If applicable, list any forms to be created, amended or repealed:

[\[Click here to enter text.\]](#)

**SECTION 3: FGC Staff Only**



Date received: 04/22/2024

FGC staff action:

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

Date petitioner was notified of receipt of petition and pending action: \_\_\_\_\_

Meeting date for FGC consideration: \_\_\_\_\_

FGC action:

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



Tracking Number: ( 2024-10 )

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**SECTION I: Required Information.**

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

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

Name of primary contact person: Keith Rootsart.

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

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

**2. Overview (Required)** - Summarize the proposed changes to regulations: Ammend 29.06 to allow recreational sportfishing divers to take urchins by improved methods.

**3. Rationale (Required)** - Describe the problem and the reason for the proposed change: California’s Central Coast kelp forests are in rapid decline due to multiple stressors and in need of restoration if they are to continue to support the hundreds of species that live therein. One of the primary stressors is a super overabundance of purple and red sea urchins that eat remnant kelp forests and produce more offspring.

At Tanker’s Reef, G2KR proved that recreational divers with proper training, equipment, and motivation could cull 749,320 urchins and grow an 11 acre kelp forest in a former urchin barren. To achieve this, we had to pass over our 2.5 acre survey area 8.70 times to keep the urchin numbers down to allow giant kelp to recruit, grow, and persist. It is necessary to remove very small urchins that continue to grow on the reef but are too difficult to cull effectively with a hammer, requiring more frequent passes as they mature. We are proposing in 2023-23MPA to improve our methods and efficiency by baiting and trapping urchins, out-planting kelp where needed, and pruning the kelp canopy in coordination with kelp restoration activities.



Our method for the recreational take of urchins is using CDFW approved welding hammers to hand-cull the urchins. There was concern from MBNMS that this method would cause by-catch and damage the benthic substrate, but a NOAA study confirmed that the effect was minimal and of short duration.

On July 28<sup>th</sup> G2KR traveled to Caspar Cove in Mendocino to evaluate the air-lift system used by Jon Holcomb and Harry Barnard since 2018 on commercial fishing boat Miss Michelle to collect urchins. We found the air-lift method to be about 15 times more efficient than culling the urchins and also collected the very small urchins that we struggled to cull with hammers. Sonke Mastrup, retired CDFW invertebrate czar, evaluated this system the week before and stated to Jon that there was very little bycatch from this method. We similarly found that only some shells, snails, and hermit crabs were bycatch which were easily placed back into the ocean. There was no visible damage to the granitic benthic substrate.

We carefully measured the air-lift system and custom urchin rake and [video documented](#) the instruction from Jon of how to employ this method. We dove with Jon and watched the air-lift in action and returned home convinced this was a proven, better and more thorough method than anything currently available.

The red sea urchin [ESR](#) states that there is no restriction on the method of take for recreational urchin fishing. This petition seeks to add this proven method to the 29.06 recreational sportfishing regulations to explicitly allow take of urchins “by hookah and air-lift”. This petition also serves as an amendment to 2023-23MPA, currently under consideration by the FGC, to use this method as well.

The empty urchins removed from the barrens have no commercial value, and on the north coast, they are discarded as fertilizer. The commercial fishers are not paid for their catch. In Monterey there is not a [viable red urchin](#) fishery to compete with or use this method. The last urchins collected prior to the marine heat wave of 2014-2016 commercially was about 500 pounds and the Monterey Area accounts for only 0.01% of all California urchin landings.

By removing the urchins efficiently and intact these urchins can be sorted at the dock, the large ones delivered to urchin ranching efforts, and the small ones donated as fertilizer and chicken feed for the Salinas Valley agricultural industry. The recreational fishers will not be paid for delivering urchins directly or indirectly. Wonton waste prohibition rule does not apply because there is some beneficial use of the urchins.

## SECTION II: Optional Information

4. **Date of Petition:** August 1, 2024.

5. **Category of Proposed Change**

x Sport Fishing

Commercial Fishing

Hunting

Other, please specify: [Click here to enter text.](#)



- 6. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*  
 x Amend Title 14 Section(s): 29.06 |  
 Add New Title 14 Section(s):   
 Repeal Title 14 Section(s):
  
- 7. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition**   
 Or X Not applicable.
  
- 8. **Effective date:** If applicable, identify the desired effective date of the regulation.  
 If the proposed change requires immediate implementation, explain the nature of the emergency:
  
- 9. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents:
  
- 10. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:
  
- 11. **Forms:** If applicable, list any forms to be created, amended or repealed:

**SECTION 3: FGC Staff Only**

Date received:

FGC staff action:

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

Tracking Number

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

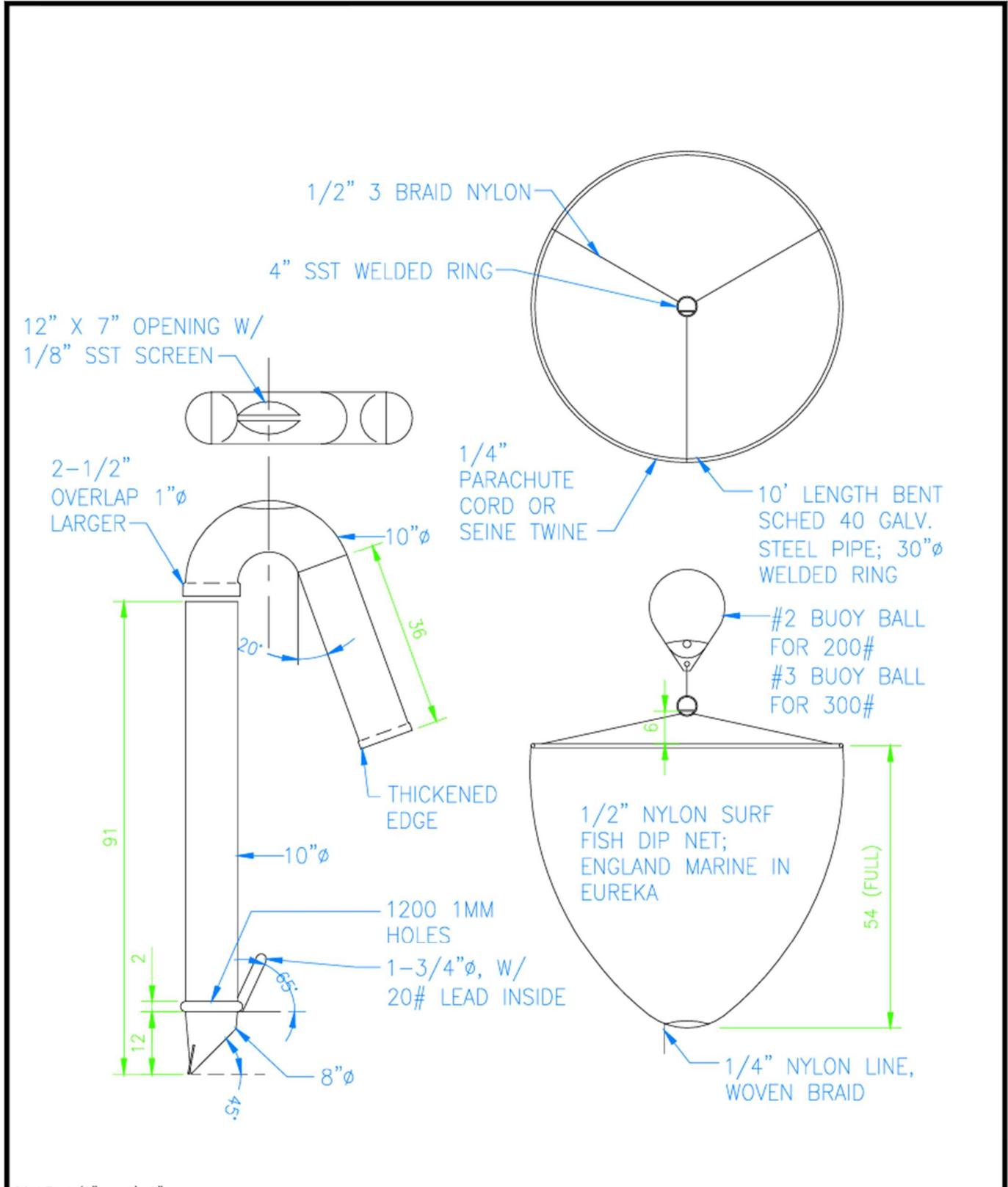
Meeting date for FGC consideration:

FGC action:

- Denied by FGC
- Denied - same as petition

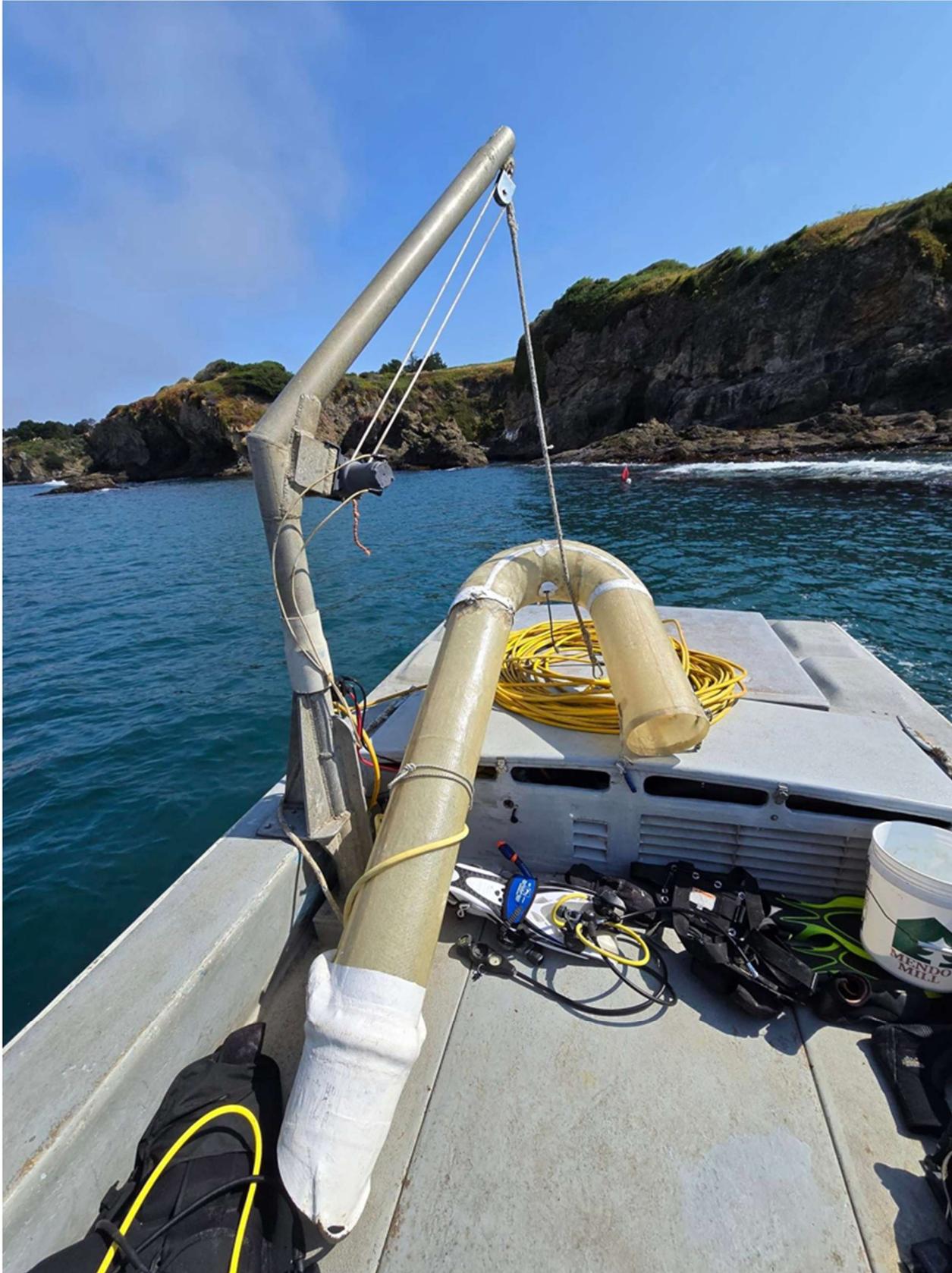
Tracking Number

- Granted for consideration of regulation change



SCALE: 1/2" = 1'-0"

GIANT GIANT KELP RESTORATION PROJECT		DATE: 07/31/24
		HOLCOMB
URCHIN AIR LIFT		AL-1
		SHT 1 OF 1





Tracking Number: ( 2024-12 )

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**SECTION I: Required Information.**

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

Name of primary contact person: Keith Rootsart.

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

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

**2. Overview (Required)** - Summarize the proposed changes to regulations: Amend 29.06 to allow recreational sportfishing divers to take both purple and red urchins in additional counties and in unlimited quantities.

**3. Rationale (Required)** - Describe the problem and the reason for the proposed change: California’s coastal kelp forests are in rapid decline due to multiple stressors and in need of restoration if they are to continue to support the hundreds of species that live therein. One of the primary stressors is a super overabundance of purple and red sea urchins that eat remnant kelp forests and produce more offspring.

The north coast was devastated by the onslaught of urchins quickly after the 2014-2016 warm water blob that tipped the balance from kelp forest to persistent urchin barrens in only 3 years to a point now where 96% of the kelp forests are gone. The central coast of California has suffered a similar fate over the last 10 years where 88% of kelp forests have disappeared.

In 2017, when we first proposed new recreational urchin fishing methods to remove urchins, the revised rules were only afforded to the north coast counties as an emergency fishing regulation change to allow 20 gallons and subsequently 40 gallons of purple urchins to be removed in Sonoma, Mendocino, and eventually Humboldt counties.



To travel by car from the Bay Area to the Sonoma or Mendocino urchin removal effort sites takes 3-6 hours and requires an additional two days of travel. Divers must be equipped and willing to camp in a crowded campground while rinsing and drying wetsuits. There are no air fills or even cell phone service available in the area. Very often ocean conditions on the north coast change unexpectedly and a second day of diving is not safe or possible. Since the kelp forest loss has obviously expanded into more than these three counties it is important to expand the area where divers can address the problem in safer and predictable places where there are more volunteer divers living south of Sonoma County.

Where urchin removals are allowed in Sonoma and Mendocino, efforts are hampered by unnecessary and discouraging limitations on effort. Additional non-divers are required topside to sort, crush, and transport thousands of pounds of urchins to landfill. Removing red urchins is critical for kelp restoration, but they are not allowed to be removed. Culling urchins is 4 times more efficient than removing urchins and eliminates most of the topside effort. Volume measurements of urchins are an unnecessary and unreasonable burden. Urchins are more efficiently measured by weight. Regardless of the measure of take, the data is not solicited or collected as meaningful informative data by scientists or the Department.

There should not be unreasonable burdens or limitations on volunteer divers trying to help conserve California's kelp forests! The unfounded fear by the Department that divers might cause harm to other species, damage the benthic substrate, or make urchins "locally extinct" proved to be laughable by those participating. Divers organized and provided meaningful data in persistent efforts that dramatically reduced urchin grazing pressure and in the case of Tanker's Reef grew a kelp forest in a former urchin barren. This petition seeks to not restrict diver take or methods and allow them to strategically evolve safe methods as the field situation warrants.

The strategy to reduce grazing pressure in the places most likely to be successful is confounded by the best places on the central coast to access granitic substrate being in State Marine Protected Areas. G2KR has proposed to allow culling and other methods in State Marine Conservation Areas as part of the Decadal Management Review Petition 2023-23MPA. The timeline for potential approval of that petition may take several years. In the meantime, better methods can be explored in the central coast region. This petition seeks to allow unlimited take of urchins outside of Marine Protected Areas and keep up diver momentum until better places and methods are allowed for removal by the California Ocean Protection Council in 2027.

This petition asks to change sportfishing regulation 26.06 as follows:

**Purple Sea Urchin (T14 CCR §29.06)**

(a) Except as provided in this section, the daily bag limit for sea urchin is 35 individuals for each species.

(b) The daily bag limit for purple-sea urchin is ~~forty (40) gallons~~ **unlimited** when taken while skin or scuba diving in ocean waters of the following counties: Humboldt, Mendocino, and Sonoma, **Marin, San Francisco, San Mateo, Santa Cruz, Monterey, San Luis Obispo and Santa Barbara.**



(c) There is no possession limit for purple sea urchin.

(d) Notwithstanding other parts of this Section and until April 1, 2029: (1) In ocean waters seaward of Caspar Headlands State Beach commonly referred to as Caspar Cove, in Mendocino County, in the area eastward of a straight line connecting points between 39° 22.045' N. lat. 123° 49.462' W. long. and 39° 21.695' N. lat. 123° 49.423' W. long., purple sea urchins may be taken in any number for the purpose of restoring the kelp ecosystem. Purple sea urchins may only be taken by hand or with manually operated hand-held tools. |

## SECTION II: Optional Information

4. **Date of Petition:** |August 1, 2024. |

5. **Category of Proposed Change**

Sport Fishing

Commercial Fishing

Hunting

Other, please specify: |Click here to enter text. |

6. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

Amend Title 14 Section(s):|29.06 |

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

Repeal Title 14 Section(s): |Click here to enter text. |

7. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** |Click here to enter text. |

Or  Not applicable.

8. **Effective date:** If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency: |April 2025. |

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

10. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: |By allowing unlimited take of urchins a regenerative fishery can be established which would create jobs and profit for fishers, processors, farmers, hospitality, recreation, and tourism industries. Including closer coastal counties reduces travel time, expense, and days off work for participants. |

11. **Forms:** If applicable, list any forms to be created, amended or repealed:

|N/A |

## SECTION 3: FGC Staff Only



Date received: [Click here to enter text.](#) |

September 10, 2024

FGC staff action:

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

Tracking Number

Date petitioner was notified of receipt of petition and pending action: \_\_\_\_\_ |

Meeting date for FGC consideration: \_\_\_\_\_ |

FGC action:

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

Tracking Number

## Memorandum

**Date:** November 27, 2024

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

**From:** Charlton H. Bonham  
Director

**Subject:** **Petition to authorize the use of harpoon as a landing aid (Tracking Number: 2024-04)**

At their August 14, 2024, meeting, the California Fish and Game Commission (Commission) referred a petition for regulation change (2024-04) to the Department of Fish and Wildlife (Department) for review and recommendation. The petition submitted by Benjamin D. Mitchell (Applicant), requests to amend Section 27.90, 28.65 and 195 of Title 14, CCR. The proposed change would explicitly allow the use of a harpoon as a landing aid for tuna species in the recreational fishery.

Section 28.20, Title 14, CCR, allows for the use of a harpoon to assist with the take of Pacific halibut with limitations set forth by section 28.95, Title 14, CCR. Section 28.95, specifies that harpoons may be used to take skates, rays, and sharks and to assist in the taking of Pacific halibut. No other species are explicitly allowed to be taken or landed with harpoons.

Outside of California, harpoons are a common landing aid for large tuna on small recreational boats. In recent years, more and larger (250+ lbs) bluefin tuna have been caught along the California coast, highlighting the need for a new regulation allowing the use of a harpoon as a landing aid for tunas.

The Department recommends this petition be granted in part and that a future rulemaking be considered to increase clarity and explicitly allow for the use of harpoons to assist with the landing of otherwise-legally-caught tuna species in the recreational fishery.

If you have any questions regarding this item, please contact Dr. Craig Shuman, Marine Regional Manager at (805) 568-1246 or by email at [r7regionalmgr@wildlife.ca.gov](mailto:r7regionalmgr@wildlife.ca.gov).

ec: California Department of Fish and Wildlife

Chad Dibble, Deputy Director  
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**California Fish and Game Commission and  
California Department of Fish and Wildlife  
Staff Evaluation and Recommendation for  
Regulation Change Petition 2024-10**

*December 2, 2024*

In October 2024, the Commission referred Regulation Change Petition 2024-10 to staff with a request to work with the Department to review and provide a recommendation on the petition. The petition requests to amend recreational fishing regulations to add use of a hookah and air lift system to collect urchins, and to amend Regulation Change Petition 2023-23MPA to use this method as well.

After reviewing and assessing the petitioned regulation changes with the Department, staff recommends the Commission *deny the petition*, based on the type of gear proposed, sufficiency of existing fishing methods, bycatch potential, and kelp restoration and management plan under development.

*Commercial Gear Type*

The gear type proposed for recreational use is designed for commercial fishing operations and has the potential to significantly increase harvest levels that far exceed recreational bag limits. Recreational fishing is intended as a personal activity, not commercial-scale harvesting.

*Sufficient Recreational Fishing Methods*

The petitioner's rationale emphasizes more efficient urchin removal, but existing recreational harvest methods are adequate for harvesting urchins within established recreational bag limits. Outside of the specific, limited-term, restoration area at Caspar Cove, new methods are unnecessary to provide sufficient recreational harvest opportunity. In addition, introducing new methods into the limited-term Caspar Cove project could potentially confound research results and hinder the evaluation of the ongoing restoration efforts.

*Unknown Bycatch Potential*

The proposed suction-based gear type raises concerns about potential bycatch; to explore this proposal further, a dedicated bycatch study would be required. Established pathways, such as a scientific collecting permit (SCP), could be utilized for such a study.

*Kelp Restoration and Management Plan (KRMP)*

Issues related to kelp restoration activities should be addressed through the KRMP process, rather than through recreational take regulations. The KRMP process provides a comprehensive, science-based framework for exploring and implementing strategies to support kelp restoration.