

Appendix A. Historical Summary of Laws and Regulations Governing the Abalone Fishery in California

A.1 Recreational Fishery

Prior to 1901 there were no state laws that specifically regulated the recreational abalone fishery in California. However, between 1891 and 1911, the County Government Act and the Political Code authorized County Boards of Supervisors to enact local ordinances to protect fish and game. Although some counties may have enacted ordinances to regulate the recreational abalone fishery, many such ordinances exceeded the authority granted by the County Government Act and the Political Code. As these local ordinances were often invalid, they are not included here.

Until 1945, sport fisheries were regulated by the Legislature. Fish and Game laws were included as part of the California Penal Code from 1901 to 1932. Sport fishery regulations were codified in the Fish and Game Code from 1933 to 1945.

Because abalone were not considered “game fish”, no sportfishing license was required for recreational abalone fishing until 1931.

In 1945, the State Legislature granted the Commission the authority to regulate recreational fisheries. These regulations were originally published as General Order No. 21 of the Fish and Game Commission. Since 31 March 1945, orders of the Commission pertaining to the recreational abalone fishery have been published in Title 14, Division 1, Chapter 1 of the California Administrative Code. In 1989, the California Administrative Code was renamed as the California Code of Regulations. The orders of the Commission modify and supersede the provisions of the Fish and Game Code where there is any conflict.

The laws and regulations governing the recreational abalone fishery in California are summarized herein by category. Individual entries remain in effect unless specifically superseded by subsequent revisions. The year in which the law or regulation was enacted, adopted, amended, revised, or repealed is indicated in the left column. However, sportfishing laws enacted by the Legislature or regulations adopted by the Commission generally become effective on March 1, the first day of sport fishing season.

References used to compile this summary include: McCully 1955; Cox 1962; Karpov *et al.* 1993; statutes published in the California Penal Code, 1901-1932; and the Fish and Game Code, 1933-1995; and orders of the Commission published in the California Administrative Code, 1945-1988; and the California Code of Regulations, 1989-1995.

A.1.1 Licensing

- 1931 Sportfishing license required for recreational take, including abalone. Initially, fees were \$2.00 for residents, \$3.00 for U.S. citizens, and \$5.00 for aliens.
- 1945 Prohibited the sale of abalone taken by the holder of a sport fishing license.
- 1951 Ocean angling license required for the recreational take of any marine fish, mollusc, or crustacean, commencing with the 1952 sport fishing season.
- 1966 Required the recreational user to have a valid sport fishing license, on his person or in his immediate possession, while engaged in taking any fish, amphibian, or reptile.

- 1994 Required recreational users to display valid sportfishing license on outer clothing while engaged in taking aquatic resources, except when diving or snorkeling. Required persons diving from boat or shore to keep licenses aboard their boat, or within 500 yards of shore, respectively.
- 1998 Required abalone stamp for taking abalone (see annual limit below).

A.1.2 Purpose of Use

- 1911 Restricted use of abalone to food purposes only.
- 1949 Permitted the use of black abalone for bait, within 5 miles of Anacapa, Santa Cruz, Santa Rosa, and San Miguel Islands.
- 1953 Permitted the use of black abalone for bait, in the waters surrounding Anacapa, Santa Cruz, Santa Rosa, and San Miguel Islands, or use as lobster bait, along the mainland shore.
- 1955 Repealed provision for use of black abalone for bait, other than in commercial lobster traps.

A.1.3 Species Subject to Take

- 1933 Prohibited possession of abalone species other than pink, red, black, and green abalones.
- 1955 All species of abalone may be possessed.
- 1993 Recreational take of black abalone prohibited until 01 March 1995.
- 1995 Resumed prohibition of black abalone take until 01 January 1997.
- 1996 Closure of green, pink, and white fishery.
- 1997 *22 May*. Emergency 120 day closure of all abalone in southern and central California.
19 Sept. 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.

A.1.4 Season

- 1911 Closed, 01 March to 01 July, statewide, for all abalone species. Possession of abalone prohibited during closed season.
- 1913 Closed, 01 February to 01 April, statewide, for all abalone species.
- 1915 Red abalone closed during February, statewide.
Pink, black, and green abalone closed during February, March, and April, statewide.
- 1921 Pink, black, and red abalone closed 15 January to 15 March, statewide.
- 1925 Possession of sliced abalone meat permitted during closed season, provided that the abalone was legally taken.
- 1933 Open 16 March to 14 January statewide, for pink, red, black, and green abalones; laws regulating seasons changed from prohibitive to permissive wording, giving protection to species not named.
- 1976 North of Yankee Point, open during April, May, June, August, September, October, and November.
South of Yankee Point, open 16 March to 14 January, except that on the northeasterly side of Santa Catalina Island between the extreme westerly end

and the U.S. Government light on the southeasterly end, open only from April 1 to October 1.

1980 Prohibited the take of all invertebrates on the mainland shore within Año Nuevo State Reserve between November 30 and March 16.

1990 South of Yankee Point: open season changed to: March, April, May, June, July, August, and September.

Discontinued April 1 to October 1 special season for the northeasterly side of Santa Catalina Island, between the extreme westerly end and the U.S. Government light on the southeasterly end.

A.1.5 Fishing Hours

1959 Take of abalone permitted between one half hour before sunrise to one half hour after sunset.

A.1.6 Method of Take (Special Gear Provisions)

1913 Prohibited the use of spears to take abalone.

1947 Prohibited the use of gaff hooks, or any device larger than 36 inches long to take abalone.

Diving prohibited: 1) Oregon border to Yankee Point, Monterey County; 2) Malibu Point to Rocky Point (Los Angeles County); and 3) around Santa Catalina Island.

1952 Prohibited the use of any artificial underwater breathing devices to take abalone.

1953 Permitted the use of SCUBA gear to take abalone, in all ocean waters south of Yankee Point, Monterey County.

Restricted methods of take, for abalone to: 1) hand; or 2) devices less than 36 inches long (abalone irons).

1974 Abalone iron dimensions limited to: ≤ 36 inches in length; $\geq 3/4$ inch in width; and $1/16$ inch in thickness.

Required radius of curved abalone irons (such as those made from automobile leaf springs or similarly curved material) to be > 18 inches.

Required edges of abalone iron to be rounded and free of sharp edges.

Prohibited the use of knives, screwdrivers and sharp instruments to take abalone.

A.1.7 Measuring Device

1939 Required all individuals to carry a measuring device while taking abalone.

1983 Required measuring device to be U-shaped, with fixed, opposing measuring arms long enough to measure abalone by placing the gauge over the shell.

A.1.8 Replacement of Undersized Abalone and Abalone Not Retained

1939 Required immediate replacement of abalone smaller than the minimum legal size, upon rock from whence detached, by hand.

1954 Required abalone to be returned to the substrate, shell-side up, if not retained.

A.1.9 Abalone Retained

1976 Required all legal-sized abalone detached to be retained.

Required persons to stop detaching abalone when the bag limit is reached.

A.1.10 Minimum Size Limit (inches)

Year	Red	Green	Pink	White	Black	Others
1901*	15	15	15	n/a	15	15
1905*	15	15	15	n/a	12	15
1909*	17	n/a	n/a	n/a	n/a	n/a
1913*	19	18	16	n/a	14	n/a
1917	7	6 ½	6	n/a	5	n/a
1947	7	6 ¼	6	n/a	5	n/a
1949	7	6 ¼	6	n/a	5	n/a
1955	7	6 ¼	6	6	5	6
1968	7	6 ¼	6	6	5	5
1971	7	6 ¼	6	6	5	4
1973	7	6	6	6	5	4

* prior to 1917, lengths were measured by circumference

A.1.11 Bag and Possession Limit

- 1913 Ten daily, south and east of Santa Barbara County
- 1915 Ten daily, south of San Luis Obispo County, except in bays not on Santa Catalina Island.
- 1917 Ten daily, south of San Luis Obispo County, except: 1) bays of Santa Barbara and Ventura Counties; 2) Santa Catalina Island; 3) Point Loma to San Diego breakwater.
Twenty weekly, from Point Santa Cruz to the Carmel River.
- 1921 Ten daily: 1) from Point Santa Cruz to the Carmel River; 2) south of San Luis Obispo County, except in bays not on Santa Catalina Island; 3) within 20 feet of extreme low tide line: a) Mendocino County to Point Santa Cruz; and b) Carmel River to Santa Barbara County.
Twenty weekly, from Soquel Point to the Carmel River, excluding Point Piños to Seaside, Monterey County.
Ten black abalone daily, from Point Loma to the San Diego breakwater.
No bag limit elsewhere.
- 1925 Ten daily and 20 weekly in areas where commercial diving was allowed: 1) Point Santa Cruz to the Carmel River; and 2) south of Santa Barbara County, including the Channel Islands, and excluding all bays not on Santa Catalina Island.
Ten daily, within 20 feet of extreme low tide line: 1) Mendocino County to Point Santa Cruz; and 2) Carmel River to Santa Barbara County.
No bag limit north of Sonoma County.
- 1929 Ten daily and 20 weekly: 1) Humboldt Bay to Sonoma County; and 2) Pigeon Point to Point Santa Cruz.

- 1931 Ten daily: 1) from Humboldt Bay to Sonoma County; and 2) in waters less than 20 feet deep: a) Mendocino County to Pigeon Point; and b) Carmel River to Ventura County.
Twenty weekly, Humboldt Bay to Sonoma County.
- 1933 Ten black abalone daily, Point Santa Cruz to Mexico border.
- 1935 Five daily, in waters less than 20 feet deep, Mendocino County to Pigeon Point.
- 1937 Ten daily and 20 weekly, Humboldt Bay to the Oregon border.
- 1941 Ten daily in Marin County.
Five daily in: 1) Mendocino County to Marin County; 2) San Francisco County to Pigeon Point.
- 1945 Ten daily, all species in the aggregate, statewide.
- 1947 Ten daily but no more than 5 red abalone, statewide.
- 1949 Five daily, all species in the aggregate, statewide, except for black abalone taken for use as bait, within 5 miles of Anacapa, Santa Cruz, Santa Rosa, and San Miguel Islands (no bag limit).
- 1973 Permitted possession of up to three bag limits during a multi-day trip (one bag limit per day if two-day trip), provided that a Multi-Day Fishing Trip Declaration has been filed, in accordance with provisions set forth by the Commission.
- 1976 Four abalone per day, in combination of species, statewide.
Maximum possession limit for multi-day fishing trips reduced to two bag limits. Required that all legal-sized abalone detached must be retained and that a person must stop detaching abalone when the bag limit is reached.
- 1990 Two abalone per day, in combination of species, south of Yankee Point, Monterey County.
- 2002 Three red abalone per day.

A.1.12 Abalone Brought Ashore

- 1911 Required all abalone landed to be alive and attached to shell.
- 1947 Prohibited the possession or transportation of abalone removed from the shell, except when being prepared for immediate consumption.
- 1976 Prohibited undersized abalone from being brought ashore or aboard any boat, placed in any type receiver, kept on the person, or retained in any person's possession or under his control.

A.1.13 Special Abalone Take Closure Areas

- 1976 Prohibited the take of abalone along the mainland between Palos Verdes Point (Los Angeles County) and Dana Point (Orange County), for a five-year period.
- 1979 Extended the southern boundary of the mainland abalone closure zone (Palos Verdes Point to Dana Point) to northern boundary of the Doheny Beach Marine Life Refuge.
- 1981 Renewed the mainland abalone closure between Palos Verdes Point and Dana Point for an additional five-year period.
- 1986 Renewed the mainland abalone closure between Palos Verdes Point and Dana Point for an additional five-year period.
- 1992 Renewed the mainland abalone closure between Palos Verdes Point and Dana Point for an additional five-year period.

- 1996 Closure of green, pink, and white fishery.
- 1997 May 22. Emergency 120 day closure of all abalone in southern and central California.
Sept 19. Extended emergency closure.
Closure of fishery for all abalone south of San Francisco.

A.1.14 Penalties for Violations

- 1905 Established fines and/or prison terms for persons found guilty of violating California fishing or hunting laws.
- 1933 Authorized the Commission to revoke the sportfishing license of any person who has been convicted of three violations of the state's sport fishing laws or regulations.
- 1968 Amended grounds for sport license revocation to three convictions within a five-year period.
- 1990 Increased penalties for those convicted of violating recreational abalone take regulations.

A.1.15 Abalone Permit Report Card and annual limit

- 2000 Required Abalone Permit Report Card for taking abalone. Annual limit 100.
- 2002 Annual limit 24.

A.1.16 Miscellaneous

- 1921 Prohibited the sale of abalone taken from waters closed to commercial take (i.e., where only recreational take is permitted).
- 1939 Required recreational abalone fishermen to obtain proof of legal take prior to transporting legally-taken abalone into districts in which take is prohibited.
- 1945 Prohibited the sale of abalone taken under a sport fishing license.
- 1947 Discontinued proof of legal take requirement when legally-taken abalone are transported into districts where take is prohibited.
- 1997 Established the Recreational Abalone Advisory Committee.

A.2 Commercial Fishery

Prior to 1901 there were no state laws that specifically regulated the abalone fishery in California. Although licensing of commercial fisheries had been in place since 1887, the abalone fishery was exempt until 1909 because it did not involve the use of both boats and nets. Between 1891 and 1911, the County Government Act and the Political Code authorized County Boards of Supervisors to enact local ordinances to protect fish and game. Although some counties may have enacted ordinances to regulate the commercial abalone fishery, many such ordinances exceeded the authority granted by the County Government Act and the Political Code. As these local ordinances were often invalid, they are not included here.

The State Legislature enacts most of the laws governing commercial fisheries in California. Fish and game laws were published as part of the California Penal Code from 1901 to 1932. A separate Fish and Game Code was established in 1933.

In 1939, the Commission was delegated the authority to regulate certain aspects of the commercial fisheries, including those of abalone. These regulations were

originally published as General Order No. 21 of the Fish and Game Commission. Since March 31, 1945, orders of the Commission pertaining to the commercial abalone fishery have been published as Section 100 of Title 14, Division 1, Chapter 1 of the California Administrative Code. In 1989, the California Administrative Code was renamed as the California Code of Regulations. Generally, the regulations adopted by the Commission have closed "loopholes" in the Fish and Game Code, streamlined enforcement, and provided for issuance and revocation of commercial permits. The orders of the Commission modify and supercede provisions of the Fish and Game Code where there is any conflict.

The laws and regulations governing the commercial abalone fishery in California are summarized herein by category. Individual entries remain in effect unless specifically superseded by subsequent revisions. The year in which the law or regulation was enacted, adopted, amended, revised, or repealed is indicated in the left column. The actual effective dates of the laws or regulations have been omitted in order to keep this list to a reasonable length.

References used to compile this summary include: McCully 1955; Cox 1962; Karpov et al. 1993; statutes published in the California Penal Code (1901-1932) and the Fish and Game Code (1933-1995); and orders of the Commission published in the California Administrative Code (1945-1988) and the California Code of Regulations (1989-1995).

A.2.1 Licensing

- 1909 Required commercial fishing license to take abalone for profit; fee for citizens \$2.50, aliens \$10.00.
- 1913 Commercial fishing license fee changed to \$10.00 for all.
- 1939 Established revocable permits for commercial abalone take, to be issued under Commission rules and regulations.
Transfer of abalone permits prohibited.
Required tender boats to display permit numbers.
- 1943 Commercial abalone permits issued only to those using full deep-sea diving gear.
- 1946 Provided for master abalone permits to be issued to the diver and crew as a unit, and supplemental permits to each crew member.
Provided for revocation of all permits (boat, diver and crew) if any diver, boat, or crew member was convicted of violating any fishing laws.
Prohibited renewal of revoked permits for a one-year period.
- 1954 Discontinued issuance of master abalone permits.
Abalone permits issued to each individual participant, for each abalone season.
- 1955 Assessed special abalone boat registration fee of \$40 per year, in addition to the general boat registration fee of \$10.00.
- 1959 Repealed special abalone boat registration fee.
- 1969 Fee of \$100 assessed for each abalone permit, beginning with the 1970 fishing season.
- 1972 Introduced separate permits for abalone divers and crew members.
Diving permits issued only to those who had previously held a diving permit or had passed a proficiency test administered by the Department.

- Crew member permits issued to persons who did not qualify for the diving permit. The holder of a crew member permit was authorized to assist a diver, but not engage in diving to take abalone.
- 1976 Limited entry system imposed upon the abalone fishery: 1) restricted all 1977 season permit renewals to those who possessed valid permits during the 1976 season; 2) limited the number of new entrants to 5%, to be selected by lottery from a pool of qualified applicants. New applicant qualifications were based upon demonstration of proficiency and minimum of 3 years prior experience as diver or crew member. Subsequent permit renewals to be contingent upon the minimum number or weight of landings made during the previous calendar year; those who have failed to meet minimum landing requirement were allowed to appeal to the Commission for exemption. Increased the abalone diver permit fee to \$200 and established a fee of \$100 for the abalone crew member permit.
- 1986 Increased the abalone diver permit fee to \$250 for the 1987 season and abolished the fee for the crew member permit.
- 1990 Increased the abalone diver permit fee to \$330 for the 1991 season. New entrants into the abalone fishery permitted only upon surrender of two existing permits. Established new target limit of 70 abalone diving permits.
- 1992 Re-instituted a fee for the abalone crew member permit (\$33) for the 1993 season.

A.2.2 Minimum Landing Requirement

- 1976 Required permit holder to land a minimum of 10,000 pounds of abalone, or make at least 20 landings of abalone per calendar year, in order to renew their abalone permit.
- 1979 Minimum landing requirement amended to 6,000 pounds of abalone or at least 20 landings (of at least 2 dozen abalone - i.e., 480 abalone) per calendar year.
- 1990 Minimum landing requirement amended to 1,200 pounds or 320 abalone per calendar year.

A.2.3 Use of Diving Gear

- 1907 Prohibited use of diving gear to take abalone statewide.
- 1909 All restrictions on diving gear to take abalone repealed statewide.
- 1913 Diving prohibited south and east of Santa Barbara County.
- 1915 Diving prohibited south of San Luis Obispo County.
- 1917 Diving prohibited: 1) from Point Santa Cruz (Santa Cruz County) to the Carmel River (Monterey County), except between a) Point Santa Cruz and Soquel Point (Santa Cruz County); and b) Point Piños and Seaside (Monterey County); and 2) in all waters south of Santa Luis Obispo County, except the west side of Santa Catalina Island, from Southeast Rock to the extreme westerly end of the island.
- 1921 Diving prohibited: 1) from Point Santa Cruz to Soquel Point; 2) from Point Piños to Seaside; and 3) all around Santa Catalina Island.

- 1925 Removed diving prohibitions along Santa Barbara County, excluding the Channel Islands.
- 1929 Diving prohibited: 1) Humboldt Bay (Humboldt County) to Sonoma County; 2) Pigeon Point (San Mateo County) to Point Santa Cruz (Santa Cruz County) (this section of coastline was reassigned to the Monterey Bay district).
- 1937 Diving prohibited from Mendocino County to Pigeon Point.
- 1939 Removed diving prohibition around San Miguel, Santa Rosa, and Santa Cruz Islands.
- 1941 Diving prohibited at Channel Islands off Santa Barbara County (San Miguel, Santa Rosa, and Santa Cruz Islands).
- 1943 Removed diving prohibitions: 1) south of Santa Barbara County and islands south of San Luis Obispo County, except Santa Catalina Island; 2) from Mendocino County to Pigeon Point, in water deeper than 20 feet.
- 1945 Diving prohibited: 1) Oregon border to Humboldt Bay; 2) Mendocino County to Point Lobos (San Francisco County); 3) Malibu Point to Rocky Point (Los Angeles County).
Diving permitted only in waters over 20 feet deep: 1) from Point Lobos to Pigeon Point; 2) Carmel River to San Simeon; 3) Cambria State Park to Malibu Point; 4) Rocky Point to the Mexican border.
- 1947 Diving prohibited, from Carmel River to Yankee Point (Monterey County).
Removed diving prohibition around Santa Catalina Island, in waters over 20 feet deep.
- 1949 Diving prohibited on the northeastern side of Santa Catalina Island, from the extreme westerly end of the island to Southeast Rock.
- 1955 Diving prohibited along the mainland, from Gaviota Creek (Santa Barbara County) to the northern city limit of San Diego.
Prohibited abalone boats or divers from operating in waters less than 20 feet deep or 150 feet from shore along the mainland: 1) Point Lobos to Pigeon Point; 2) Yankee Point to Gaviota Creek; and 3) northern city limit of San Diego to the Mexican border.
Diving permitted, in waters over 20 feet deep, along the shores of the Farallon Islands and Channel Islands (except the northeastern side of Santa Catalina Island).
- 1957 Removed diving prohibitions along the mainland, in waters over 20 feet deep: 1) Gaviota Creek to Malibu Point; and 2) Rocky Point to northern city limit of San Diego.
Replaced the 150 foot distance from shore restriction with the 20-foot depth restriction: 1) Point Lobos to Pigeon Point; 2) Carmel River to San Simeon; 3) Cambria State Park to Gaviota Creek; 3) northern city limit of San Diego to the Mexican border; and 4) southwestern side of Santa Catalina Island, from the extreme west end to Southeast Rock.
Re-instituted the diving closure between San Simeon and Cambria State Park.
- 1984 Permitted the use of diving gear to take abalone only in those areas where commercial take was allowed.

- 1990 Limited the use of diving apparatus (to take abalone) to those types approved by the Commission.
Permitted the use of diving gear to take abalone only while the diver is submerged.

A.2.4 Special Commercial Abalone Closure Areas

- 1907 Take of all shellfish, including abalone, prohibited between Point Piños and Seaside (Monterey Bay Shellfish Refuge, Monterey County).
- 1913 Take of black abalone prohibited south and east of Santa Barbara County.
- 1915 Take of black abalone prohibited south of San Luis Obispo County.
- 1917 Removed black abalone closure south of San Luis Obispo County.
- 1921 Take prohibited: 1) between Point Bacon and Pico Creek (San Luis Obispo County); and 2) inside a line 20 feet beyond extreme low tide in: a) Mendocino County to Point Santa Cruz (Santa Cruz County); b) Carmel River (Monterey County) to Point Bacon; and c) Pico Creek to Santa Barbara County.
Monterey Bay Shellfish Refuge, between Point Piños and Seaside, closed to diving.
- 1925 Take prohibited inside a line 20 feet beyond extreme low tide along the mainland, within Santa Barbara County.
- 1929 Removed closure along the mainland, between Point Bacon and Pico Creek. The section of coastline between Pigeon Point (San Mateo County) and Point Santa Cruz was reassigned to a commercial take closure district.
Take prohibited inside a line 20 feet beyond extreme low tide, from Humboldt Bay to Sonoma County (this section was also closed to diving).
- 1931 Changed the commercial take exclusion zone to waters less than 20 feet deep: 1) Mendocino County to Pigeon Point; 2) Carmel River to Ventura County.
- 1937 Take prohibited from San Simeon Pier to south boundary of Cambria State Park (San Luis Obispo County).
- 1943 Take prohibited in waters less than 20 feet deep, south of Santa Barbara County and about the Channel Islands south of San Luis Obispo County.
- 1949 Take prohibited: 1) in all waters less than 20 feet deep; 2) Oregon border to Point Lobos (San Francisco County); 3) Pigeon Point to Yankee Point (Monterey County); 4) San Simeon Pier to Cambria State Park; 5) Malibu Point to Rocky Point (Los Angeles County).
Black abalone take prohibited along the mainland.
- 1953 Removed black abalone take closure along the mainland, for use as bait in lobster traps.
- 1955 Take prohibited along mainland coast from Gaviota Creek (Santa Barbara County) to northern city limit of San Diego (effective only until September 11, 1957).
Take prohibited within 150 feet of land and in waters less than 20 feet deep, along the mainland: 1) Point Lobos to Pigeon Point; 2) Carmel River to Gaviota Creek; and 3) northern city limit of San Diego to Mexican border.
Removed closure area between San Simeon Pier and Cambria State Park.
Black abalone take prohibited along the mainland: 1) Point Lobos to Pigeon

- Point; 2) Carmel River to Gaviota Creek; and 3) northern city limit of San Diego to the Mexican border.
- 1957 Removed take closure along mainland coast: 1) from Gaviota Creek to Malibu Point; and 2) Rocky Point to northern city limit of San Diego, except for that of black abalone.
Reinstated take closure between San Simeon Pier and Cambria State Park.
- 1970 Removed take closure zone inshore of the 20-foot isobath, within one mile of shore at San Nicolas and San Miguel Islands.
- 1974 Removed take closure zone inshore of the 20-foot isobath, within one mile of shore at San Clemente Island.
Included provision for the re-closure of waters less than 20 feet deep, at San Nicolas, San Clemente, and San Miguel Islands or parts thereof, if the Director finds that the taking of abalone will endanger the resource.
- 1976 Black abalone take prohibited within one mile of shore at Santa Cruz and Anacapa Islands.
Take prohibited along the mainland between Palos Verdes Point (Los Angeles County) to Dana Point (Orange County), for a period of five years.
- 1979 Palos Verdes to Dana Point closure zone extended southward to northern boundary of Doheny Beach Marine Life Refuge (Orange County).
- 1981 Palos Verdes to Doheny Beach closure extended for an additional five-year period.
- 1984 Removed take closure between San Simeon Pier and Cambria State Park.
Removed take closure zone inshore of the 20-foot isobath, within one mile of shore at Anacapa, Santa Barbara, and Santa Cruz Islands.
- 1986 Palos Verdes to Doheny Beach closure extended for an additional five-year period.
- 1990 Removed take closure zone inshore of the 20-foot isobath, between Point Lobos and Pigeon Point, except within the James V. Fitzgerald Marine Reserve (San Mateo County).
Removed take closure within the James V. Fitzgerald Marine Reserve, in waters deeper than 20 feet.
Reinstated take closure inshore of the 20-foot isobath, within one mile of shore at Anacapa and Santa Barbara Islands.
Included provision for the re-closure of take areas, if the Director makes a written finding that the taking of abalone will endanger the resource therein.
Black abalone take, within one mile of shore of Anacapa, Santa Barbara, and Santa Cruz Islands scheduled for closure from January 1, 1991 through January 1, 1994.
Black abalone take along the mainland scheduled for closure beginning January 1, 1994.
Black abalone take, within one mile of shore of Anacapa, Santa Barbara, and Santa Cruz Islands scheduled for closure from January 1, 1994 through January 1, 1997.
- 1991 Palos Verdes to Doheny Beach abalone closure extended for an additional five-year period.

- 1993 Amended black abalone closure along the mainland scheduled to begin January 1, 1994 to include all areas where this species is found, and added January 1, 1997 as the sunset date.
Effective date of statewide black abalone closure amended to August 2, 1993 by the Commission.
Amended black abalone closure date for Anacapa, Santa Barbara, and Santa Cruz Islands, to January 1, 1997.
- 1996 Closure of green, pink, and white fishery.
- 1997 May 22. Emergency 120 day closure of all abalone in southern and central California.
Sept 19. Extended emergency closure.
Closure of fishery for all abalone south of San Francisco.

A.2.5 Special Gear Provisions (Devices for Taking Abalone)

- 1913 Use of spears prohibited.
- 1939 Required divers to carry a measuring device, to gauge whether abalone are legal to take.
- 1947 Prohibited the use of gaff hooks to take abalone.
Prohibited the use of any device larger than 36" long (except diving equipment) to take abalone.
- 1952 Prohibited the use of SCUBA to take abalone.
- 1954 Required divers to use: surface-supplied air, pumped from the diver's boat through a 100-foot air line; two baskets for gathering abalone; and a measuring device when commercially taking abalone.
- 1990 Restricted the type of diving apparatus that may be used to take abalone for commercial purposes (required approval by the Commission to use).

A.2.6 Species Subject to Take

- 1909 Only red abalone may be possessed.
- 1911 Possession of all abalone species permitted.
- 1913 Take of black abalone prohibited south and east of Santa Barbara County.
- 1915 Take of black abalone prohibited south of San Luis Obispo County.
- 1917 Removed black abalone closure south of San Luis Obispo County.
- 1933 Prohibited the possession of species other than pink, red, black, and green abalones.
- 1949 Prohibited the take of black abalone along the mainland.
- 1953 Removed black abalone take closure along the mainland, for use as bait in lobster traps.
- 1955 Permitted the take of species other than red, green, black, or pink abalones.
Prohibited the take of black abalone along the mainland: 1) Point Lobos to Pigeon Point; 2) Carmel River to Gaviota Creek; and 3) northern city limit of San Diego to the Mexican border.
- 1957 Named only red, pink, green, and black abalones as species that may be taken.
- 1976 Prohibited the take of black abalone within one mile of shore at Santa Cruz and Anacapa Islands.

- 1990 Black abalone take, within one mile of shore of Anacapa, Santa Barbara, and Santa Cruz Islands scheduled for closure from January 1, 1991 through January 1, 1994.
 Black abalone take along the mainland scheduled for closure beginning January 1, 1994.
 Black abalone take, within one mile of shore of Anacapa, Santa Barbara, and Santa Cruz Islands scheduled for closure from January 1, 1994 through January 1, 1997.
- 1993 Amended black abalone closure along the mainland scheduled to begin January 1, 1994 to include all areas where this species is found, and added January 1, 1997 as the sunset date.
 Effective date of statewide black abalone closure amended to August 2, 1993 by the Commission.
 Amended black abalone closure date for Anacapa, Santa Barbara, and Santa Cruz Islands, to January 1, 1997.
- 1997 Moratorium on the take of all abalone south of San Francisco Bay including the Farallon Islands.

A.2.7 Open Season

- 1911 Closed from March 1 to July 1. Stats
- 1913 Closed from February 1 to April 30.
- 1915 Red abalone closure during February.
 Pink, black, and green abalone closure during February, March, and April.
- 1921 Red, pink, black, and green abalone closure from January 15 to March 15.
- 1933 Laws regulating seasons changed from prohibitive to permissive wording, giving protection to species not named.
 Permitted the take of red, pink, black, and green abalones from March 16 to January 14.
- 1949 Permitted the take of black abalone at any time, only if used as bait within 5 miles of Anacapa, Santa Cruz, Santa Rosa, and San Miguel Islands only.
- 1953 Permitted the take of black abalone at any time, for use as bait in the waters surrounding Anacapa, Santa Cruz, Santa Rosa, San Nicolas, and San Miguel Islands, and for use as lobster bait along the mainland shore.
- 1955 Amended the open season regulation to include all abalone species.
 Permitted the take of black abalone during the commercial lobster season only, for use as lobster bait, within one mile of Anacapa, Santa Cruz, Santa Rosa, Santa Barbara, San Nicolas, San Clemente, and San Miguel Islands.
- 1957 Permitted the take of red, pink, black, and green abalones during the open season.
- 1970 Amended the season regulation to prohibit the take of pink, green, red, and black abalones during the months of February and August.
- 1976 Amended the season closure regulation to include all abalone species.
- 1990 Added one additional month (January) to the season closure period.

A.2.8 Fishing Hours

1974 Prohibited the commercial take of abalone from one-half hour before sunset to one-half hour before sunrise.

A.2.9 Minimum Size Limit

- 1901 Size measured around edge of abalone shell.
Statewide, all species, 15".
- 1905 Statewide, black abalone, 12"; all other species, 15".
- 1909 Statewide, red abalone, 17" around edge of shell.
- 1911 Statewide, reds 17"; greens 16"; pinks 14"; and blacks 12".
- 1913 Statewide, reds 19"; greens 18"; pinks 16"; and blacks 14".
- 1917 Measurement method changed to greatest diameter.
Statewide, reds 7"; greens 6½"; pinks 6"; and blacks 5".
- 1921 Red abalone, 8": 1) from Mendocino County to Point Santa Cruz (Santa Cruz County); and 2) from the Carmel River (Monterey County) to Santa Barbara County.
- 1929 Red abalone, 8", from Humboldt Bay (Humboldt County) to Sonoma County.
Red abalone, 7", between Pigeon Point to Point Santa Cruz (Santa Cruz County).
- 1939 Statewide, 8", all species; required that all undersized abalone be replaced on the rock by hand, and must not be sent to the surface.
- 1943 Red abalone, 8": 1) Humboldt Bay to Sonoma County; 2) Carmel River to Mexican border, including the Channel Islands.
Green abalone, 7¼": Carmel River to Mexican border, including the Channel Islands.
All abalone, 8": between Mendocino County and Pigeon Point.
In all other districts: reds, 7"; greens, 6½"; pinks, 6"; and blacks, 5".
Commission regulations on minimum size limits conformed to those in the Fish and Game Code.
- 1945 All species, 8" in: 1) Point Lobos (San Francisco County) to Pigeon Point; 2) Carmel River to Mexican border, including the Channel Islands.
- 1947 Statewide: reds, 8"; greens, 7¼"; pinks, and blacks, 6".
- 1949 Black abalone size limit of 6" continued by the Commission.
Black abalone taken for lobster bait (permitted at Anacapa, Santa Cruz, Santa Rosa, and San Miguel Islands), 5".
- 1950 Statewide: black abalone, 5", including those taken for use as lobster bait.
- 1955 Statewide: reds, 8"; greens, 7¼"; blacks, 5"; all other species, 6".
- 1959 Red abalone minimum size increased to 7¾".
- 1969 Red abalone, 7¾"; green, 7½"; pink and white, 6"; black, 5".
- 1970 Pink and white abalone, increased to 6¼".
- 1971 Decreased minimum size for pinto, threaded, and flat abalone to 4".
- 1972 Decreased minimum size for green abalone to 7".
- 1974 Increased minimum size for black abalone to 5¾".
- 1984 Provided alternate minimum size limits, to become operative only if the number of abalone permits issued was reduced to 100 or fewer: Red abalone, 7½"; green, 6¾"; white, 6¼"; pink, 6"; black, 5¾"; all other species, 4".

- 1990 Repealed alternate minimum size limits established in 1984, which were to become effective only if the number of abalone permits issued was reduced to 100 or fewer.

A.2.10 Landing Limit

- 1949 No limit imposed upon black abalone taken and used as bait, within 5 miles of shore, of Anacapa, Santa Cruz, Santa Rosa, and San Miguel Islands
- 1953 No limit imposed upon black abalone taken for use as bait in the waters surrounding Anacapa, Santa Cruz, Santa Rosa, San Nicolas, and San Miguel Islands, or those taken for use as lobster bait along the mainland shore.
- 1955 No limit imposed upon black abalone taken for use as lobster bait within one mile of Anacapa, Santa Cruz, Santa Cruz, Santa Rosa, Santa Barbara, San Nicolas, San Clemente, and San Miguel Islands.
- 1974 Limited the number of black abalone that can be possessed aboard a commercial permit holder's boat to 20 dozen (240 abalone).
- 1990 Imposed a daily landing limit of 84 (7 dozen) abalone of each species, per permittee, or total of 168 abalone per vessel, between Point Lobos and Pigeon Point.
In all other districts where commercial take is permitted: daily limit of 180 (15 dozen) abalone of each species, per permittee, or 360 abalone per vessel 15 dozen (180 abalone) of each species per day.

A.2.11 Possession and Condition at Landing

- 1911 Required all abalone to be landed (brought ashore) alive and attached to shell.
- 1925 Permitted possession of abalone in sliced condition during the closed season, provided that the abalone were taken by legal means.
- 1955 Prohibited the transportation of black abalone, taken for use as bait in lobster traps, to the mainland or to Santa Catalina Island.
- 1967 Repealed provisions allowing the possession of abalone in sliced condition during the closed season.
Prohibited the transportation or possession of abalone detached from shells unless the meat has been prepared for immediate consumption or has been commercially processed.
- 1976 Prohibited the possession of black abalone aboard any boat within one mile of shore at Santa Cruz and Anacapa Islands, except in specified areas and conditions.

A.2.12 Uses

- 1911 Restricted use of abalone to food purposes only.
- 1949 Permitted the use of black abalone for bait, within 5 miles of shore, of Anacapa, Santa Cruz, Santa Rosa, and San Miguel Islands only.
- 1953 Permitted the use of black abalone for bait in the waters surrounding Anacapa, Santa Cruz, Santa Rosa, San Nicolas, and San Miguel Islands, and for use as lobster bait along the mainland shore.
- 1955 Permitted use of black abalone as bait in lobster traps, within one mile of Anacapa, Santa Cruz, Santa Barbara, Santa Rosa, San Nicolas, San Miguel,

and San Clemente Islands, only during the commercial lobster season.
Repealed provision for use of black abalone for bait, other than in commercial lobster traps. [§801.5]

- 1979 Restricted use of abalone to food purposes only.
Repealed provision allowing the use of black abalone for lobster bait during the commercial lobster season.

A.2.13 Processing Methods

- 1915 Drying prohibited.
1970 Permitted drying of all abalone, except for black abalone.
Prohibited the canning and drying of black abalone.
1971 Drying of black abalone permitted.

A.2.14 Exportation of Abalone Products

- 1913 Prohibited out-of-state exportation of: 1) fresh or dry abalone meat; 2) canned abalone, packed in tins larger than one pint; and 3) abalone shells, except articles manufactured from them.
1915 Permitted out-of-state exportation of canned abalone meats, in containers smaller than one pint.
1917 Prohibited out-of-state exportation of canned abalone meats.
1941 Permitted out-of-state exportation of abalone meal or chowder, made from trimmings by a reduction process.
Required exported chowder to be packed in No. 10 size cans or larger.
1947 Discontinued requirement on size of can in which abalone chowder may be shipped out of state.
1953 Permitted out-of-state exportation of abalone trimmings when ground, canned, or frozen, or made into meal or chowder.
1967 Temporarily inactivated ban on out-of state exportation of abalone meat.
1971 Repealed all restrictions upon out-of-state abalone exportation.

A.2.15 Landing (Privilege) Taxes

- 1917 Required wholesale shellfish dealers to pay a privilege tax of 2½ cents for each 100 pounds (i.e., \$0.00025 per pound) of any fish, other than salmon, purchased, received, or taken.
1953 Increased privilege tax rate to 5 cents per 100 pounds (i.e., \$0.0005 per pound).
1971 Adjusted privilege tax for all mollusks and crustaceans, except squid and crab, to \$0.01 per pound.
1978 Adjusted privilege tax for all mollusks and crustaceans, except squid and crab, to \$0.0125 per pound.
1990 Assessed an additional tax of \$0.195 per pound of abalone landed, to fund abalone enhancement and restoration projects.

A.2.16 Penalties for Violations

- 1972 Established grounds for abalone permit suspension for persons charged with abalone season, possession/transportation, or size limit violations.

1990 Increased penalties for those convicted of illegal abalone take, including permanent revocation of the person's commercial fishing license and any commercial fishing permits, and loss of sport fishing privileges.

A.2.17 The Commission's Regulatory Authority

1939 Authorized the Commission to regulate the abalone permit process.

1949 The Legislature repealed the Commission's authority to close waters greater than 20 feet deep: 1) Point Lobos to Pigeon Point; 2) Yankee Point to Mexican border, except: a) all bays along the mainland, south of Point Rincon (Ventura County); b) seaward side of Santa Catalina Island, from Southeast Rock to the westerly point of the island.

1972 Authorized the Commission to hold hearings to decide whether the Department should suspend commercial abalone permits of persons charged with season, size limit, illegal possession, or transportation violations.

1979 Authorized the Commission to: 1) close or open areas, for up to two years, to commercial take, when necessary to prevent overuse or to rehabilitate abalone resources, provided that the area closed is also closed to the sport taking of abalone (operative date, March 1, 1992); and 2) establish the number of commercial abalone diving permits to be issued each annual season, as necessary to protect the resource.

1990 Authorized the Commission to regulate the type of diving apparatus that can be used to take abalone for commercial purposes.

1999 Commission given responsibility to develop a recovery and management plan for abalone.

A.2.18 Miscellaneous

1939 Required unuseable dark-meated abalone rejected by divers to be replaced by hand upon the rock from whence it was taken.

1945 Prohibited the sale of abalone taken by a holder of a sport fishing license.

1983 Made it unlawful for any person to knowingly purchase, for the purpose of resale, any abalone taken illegally from California waters.