



- b. Supports individual storage containers for abalone (Option 4).
- c. Unclear on the wording for the annual limit reduction (Option 2).
- d. Opposes the Fort Ross early season closure (Option 3) because it will increase pressure in other areas.
- e. States that Cal-Tip program isn't advertised enough and that he doesn't see enough wardens. Suggests a task force including other local law enforcement agencies.

Response

- a. The Commission did not adopt Option 1. Based on public testimony and the uncertainty expressed in data provided to the Commission, the Commission was not convinced that action was needed under the Abalone Fishery Management Plan (ARMP). The adopted Options 3 and 4 are sufficient to provide for a sustainable fishery at this time.
- b. Support noted. The Commission adopted this option.
- c. The Commission did not adopt Option 2; however, this option would have allowed the Commission to set the annual abalone limit at some number within the range of 12 and 24, inclusive.
- d. The Commission adopted Option 3 to reduce take and provide additional protection for abalone at Fort Ross, which has the lowest abalone density of all the index sites, and suffered the greatest impact from the September die-off. (Additional information about the die-off is provided in Rulemaking File 2011-0927-02E).
- e. This comment is outside the scope of the proposed regulations. However, each year Department Game Wardens and local law enforcement agencies convene for pre-season abalone meetings. These meetings include officers from local police departments and highway patrol and sheriff offices and State Park Rangers..

**2. Bill Keka in email received by Commission September 10, 2011**

Comments

- a. Suggests increasing minimum size limit to eight inches to increase the difficulty of taking legal sized abalone.
- b. Opposes reducing the annual bag limit (Option 2)

Response

- a. Rejected. While increasing the size limit to eight inches may allow a longer period of reproduction, it will likely increase mortality related to injuries sustained during inadvertent removal and subsequent replacement of undersized animals between 7- and 8-inches in size, Also, the effect of natural mortality would reduce the number of 8-inch animals available to the

- fishery, compared to 7-inch animals. Thus the overall fishery yield could decrease, with little or no biological benefit to the stock.
- b. Comment noted. The Commission did not adopt Option 2.

**3. Jim Yarnell, [President, Humboldt Area Saltwater Anglers (HASA)] in email received by Commission September 13, 2011**

Comments

- a. HASA opposes the early morning closure (Option 1) and annual limit reduction (Option 2) because they are too excessive to manage the localized problem at Fort Ross. Implementing these regulatory changes will create financial hardships for coastal communities and decrease the number of fishery participants, thus decreasing state revenue.
- b. HASA strongly supports the Fort Ross early season closure (Option 3), which will reduce impacts on the area, and the individual container possession requirement (Option 4), which will assist enforcement.

Response

- a. Comments noted. The Commission did not adopt Options 1 and 2.
- b. Support noted. The Commission adopted these options.

**4. Paul Weakland in oral comment at the September 15, 2011, Commission Meeting**

Comments

Aquaculture introduced the sabellid worm and withering syndrome, the hybridization of species is unnatural and too much genetic diversity causes large die-offs.

Response

These comments are outside the scope of the proposed regulations.

**5. Josh Russo in oral comment at the September 15, 2011, Commission Meeting**

Comments

Opposes reducing annual limit to 12 (Option 2). Believes that the value of abalone on black market would increase and lead to increased poaching in easily accessed areas.

Response

Comment noted. The Commission did not adopt Option 2.

**6. Joe Baker in oral comment at the September 15, 2011, Commission Meeting**

Comments

- a. Opposes early morning closure (Option 1) due to safety issues.
- b. Opposes lowering annual limit (Option 2) because of the abundance of abalone he's heard about.
- c. Opposes closing Fort Ross (Option 3) because area closures concentrate fishermen.
- d. Wants southern coast opened to abalone fishing.

Response

- a. Comment noted. The Commission did not adopt Option 1.
- b. Comment noted. The Commission did not adopt Option 2.
- c. See response to Comment 1.d.
- d. The comment on opening fishing within the abalone fishing moratorium area is outside the scope of this regulatory package.

**7. Judy Trumper in oral comment at the September 15, 2011, Commission Meeting**

Comments

- a. Opposes early morning closure (Option 1) due to detrimental effects on local businesses.
- b. States that people won't bother coming to the coast if we lower annual limits (Option 2).

Response

- a. Comment noted. The Commission did not adopt Option 1.
- b. Comment noted. The Commission did not adopt Option 2.

**8. Karen Garrison in oral comment at the September 15, 2011, Commission Meeting**

Comments

Supports taking action to sustain the fishery. Supports early morning closure (Option 1) and states that the problem of taking and discarding undersized abalone must be worse in the dark.

Response

See Response to Comment 1.a.

**9. Shawn Anstein in oral comment at the September 15, 2011, Commission Meeting**

Comments

- a. States that very few fishermen fill their quotas and the reasons for the limit reduction (Option 2) are unclear.
- b. Would like to see the recreational abalone minimum size limit increased to eight inches like Oregon.
- c. Supports the early morning closure (Option 1)
- d. Supports the Fort Ross closure (Option 3) and individual catch containers (Option 4).

Response

- a. Comment noted. The Commission did not adopt Option 2.
- b. See response to Comment 2.a.
- c. See response to Comment 1.a
- d. Support noted. The Commission adopted these options.

**10. Christopher Lin in oral comment at the September 15, 2011, Commission Meeting**

Comment

- a. States that some of the proposed changes are unnecessarily restrictive. Two of the index sites show increases in density and the error bars are extremely large, therefore it can't be positively stated that densities are decreasing.
- b. Suggests an eight inch minimum size limit to allow abalone to live longer and continue to spawn and reproduce.
- c. Opposes reduction in the annual limit (Option 2)

## Response

- a. Comments noted. However, based on survey results, there is a 36 percent probability that actual density for the index sites is below the critical management threshold specified in the ARMP. The statistically probability, due to survey uncertainty, is discussed in the Initial Statement of Reasons.
- b. See response to Comment 2.a.
- c. Comment noted. The Commission did not adopt Option 2.

## **11. Jack Likins in email received by Commission September 17, 2011**

### Comments

- a. Opposes Commission's decision to close the abalone fishery in Sonoma County in response to the die-off because he states that no one knows for sure what caused the die-off. He states that the die-off is a natural occurrence resulting from the severe plankton bloom, a lack of oxygen in the water, calm ocean conditions and a high density of abalone in certain areas – which a study he read concludes contributes more to die-offs than hypoxic conditions. He will support actions necessary to protect the abalone resource if the die-off turns out to be something more than a natural occurrence. He states that he was in the water the week of September 11, 2011 and observed a large number of dead urchins, but only four dead abalone, and there was still a plankton bloom in effect.
- b. He agrees that action needs to be taken to protect heavily fished areas like Fort Ross, but thinks that part of the problem is the closure of other popular fishing areas like Fisk Mill Cove.
- c. He states that the abalone resource is in good health, especially at depths beyond average diver range.
- d. He proposes changing regulations to allow fishers to keep the first 3 abalone they take regardless of size. He states that the mortality of undersized abalone will be decreased by half, and most of the mortality of undersized abalone occurs in shallow water by rock pickers.
- e. He opposes reducing the daily bag limit and annual limit because it will have a negative economic impact on the north coast.
- f. He supports implementing the early morning fishery closure (Option 1)
- g. He suggests creating new index sites, including sites inside MPA's, allowing existing index sites to be "fished out" and used as study areas. He states that abalone fishing will naturally curtail itself and that the resource will replenish naturally.
- h. He also suggests curtailing rock picking while leaving divers unaffected
- i. He supports the individual container regulation (Option 4).

## Response

- a. These comments address the Commission's emergency action in rulemaking file 2011-0927-02E and are therefore outside the scope of the proposed regulations.
- b. Support of protection of the abalone resources at Fort Ross noted.
- c. Comment noted
- d. Reject. The current size limit is in place to maximize the fishery yield while allowing abalone time to reach sexual maturity and spawn before entering the fishery. Allowing the take of abalone of any size will potentially remove immature abalone from the fishery, thus reducing the chance for reproduction. There is also no guarantee that poaching or incidental mortality will be reduced.
- e. Comments noted. Reduction of the daily bag limit was not part of the proposed regulations. The Commission did not adopt a reduction in the annual limit (Option 2)
- f. See response to Comment 1.a.
- g. These comments are outside the scope of the proposed regulations; however, the Department has surveyed areas inside and outside existing MPA's in addition to our index sites. The Stornetta Ranch site near Point Arena has been studied extensively since 2004, just before it was opened to fishing. This location is an example of the impacts abalone fishing can have on a virtually untouched population. In just three years the abalone populations declined by 72 percent, and densities there are the lowest of any survey site. In order to reproduce successfully, abalone need to be close to each other, when densities decrease below a minimum viable population size the population can collapse.
- h. Comments noted. Option 1 would have restricted take by rock pickers more than divers, but was not adopted by the Commission. See response to Comment 1.a.
- i. Support noted. The Commission adopted this option.

## **12. Charles Notthoff (Humboldt Skin Divers) in email received by Commission October 3, 2011**

### Comments

- a. Humboldt Skin Divers opposes the early morning fishery closure (Option 1) because the regulation will reduce the number of shore pickers purchasing abalone cards, therefore reducing fees which contribute to enforcement.
- b. Humboldt Skin Divers oppose the annual limit reduction (Option 2) because it will negatively affect the north coast economy.
- c. They support the reduced Fort Ross season (Option 3) and site-specific management.
- d. They support the individual container regulation (Option 4) because it will assist enforcement.

Response

- a. Comment noted. The Commission did not adopt Option 1
- b. Comment noted. The Commission did not adopt Option 2.
- c. Support noted. The Commission adopted this option.
- d. Support noted. The Commission adopted this option.

**13. Curtis Haney (President, Barbary Coast Dive Club) in email received by Commission October 7, 2011**

Comments

- a. The Barbary Coast Dive Club assisted the Department this year with abalone creel surveys, reported die-off conditions along the Mendocino and Sonoma coast, conducts Reef-Check surveys and reports regulation violations to Cal-Tip.
- b. They support the early morning fishery closure (Option 1).
- c. They oppose the wording of the annual limit reduction option to less than 12.
- d. They would support a reduction of the daily bag limit to 2 while keeping the annual limit at 24, instead of reducing the annual limit and state that this could increase revenue to local businesses since more trips would be needed to obtain an annual limit.
- e. They support the Fort Ross early season closure (Option 3) and would support complete closure of Fort Ross if the red tide has caused extreme damage.
- f. They support the individual container regulation (Option 4).

Response

- a. The Department and Commission appreciate the participation and support of the Barbary Coast Dive Club.
- b. See response to Comment 1.a.
- c. Comment noted. The Commission did not adopt Option 2; however, Option 2 did not propose to reduce the annual limit to less than 12. Also see response to Comment 1.c.
- d. Reject. Reducing the daily bag limit is outside the scope of the proposed regulations. The Commission did not adopt Option 2
- e. Support noted. The Commission adopted this option.
- f. Support noted. The Commission adopted this option..

#### **14. Brandi Easter in email received by Commission October 14, 2011**

##### Comments

- a. She is undecided on the early morning fishery closure (Option 1) and states that, if Option 1 is adopted, clarification is needed to address spearfishing prior to 8 a.m.
- b. She opposes the annual take reduction (Option 2)
- c. She supports the early season Fort Ross fishery closure (Option 3) and the individual container regulation (Option 4).
- d. She encourages a continued discussion on site-specific management.

##### Response

- a. Comments noted. The Commission did not adopt Option 1.
- b. Comment noted. The Commission did not adopt Option 2.
- c. Support noted. The Commission adopted these options
- d. Comment noted.

#### **15. Trevor Vantrease in fax received by Commission October 17, 2011**

##### Comments

- a. He states that creel survey data is biased because it is based on averages from telephone surveys, and the density surveys are unscientific and wants a better solution to the ARMP. He states that the density surveys include miscalculations from abalone missed during surveys.
- b. He states that an early morning closure (Option 1) would limit accessibility and produce unsafe conditions and states that economic impacts have been overlooked.
- c. He recommends an eight inch size limit,
- d. He recommends an increase in the fee for the abalone punch card.
- e. He recommends a requirement that abalone cards must be returned before the next card will be issued.

##### Response

- a. Comment noted
- b. Comment noted. The Commission did not adopt Option 1.
- c. See response to Comment 2.a.
- d. This comment is outside the scope of the proposed regulation and outside the authority of the Commission. The abalone punch card fee is set by the Legislature.
- e. This comment is outside the scope of the proposed regulation. Section 1.74(c)(8), Title 14, CCR, addresses this issue.

**16. Carl V. Tuttle in email received by Commission October 17, 2011**

Comments

- a. The San Jose Flipper Dippers support the early morning fishery closure (Option 1).
- b. They support the individual storage container regulation (Option 4).
- c. They oppose the annual limit reduction (Option 2) due to economic concerns for the north coast.
- d. They oppose the reduced season at Fort Ross (Option 3).

Response

- a. See response to Comment 1.a.
- b. Support noted. The Commission adopted this option.
- c. Comment noted. The Commission did not adopt Option 2.
- d. See response to Comment 1.d.

**17. Joshua Russo in email received by Commission October 19, 2011**

Comments

- a. He supports the 8 a.m. start time (Option 1), but states that clarification is needed regarding spearfishing before 8 a.m. with the intent to take abalone after 8 a.m.
- b. He supports the early season closure of Fort Ross (Option 3), but would like the site broken into smaller management zones.
- c. He supports the individual container regulation (Option 4) but would like the regulation to specify that two plastic bags in one float tube is not allowed.
- d. He opposes the annual limit reduction (Option 2)
- e. He suggests the Department issue a card with 12 tags with an option to purchase a second card.

Response

- a. See response to Comment 1.a.
- b. Support noted. The Commission adopted Option 3. The establishment of smaller management zones is outside the scope of the proposed regulations and is rejected because it would add unnecessary complexity to the regulations.
- c. Support noted. The Commission adopted Option 4. The proposal to specify that two plastic bags in one float tube is not allowed is rejected because it would be unnecessarily restrictive.
- d. Comment noted. The Commission did not adopt Option 2.
- e. This comment is outside the scope of the proposed regulations and outside the authority of the Commission.

**18. Milo Vukovich in oral comment at the October 20, 2011, Commission Meeting**

Comments

- a. States that Fort Ross abalone density increased after the die-off, illustrating problems with the Departments survey methodology.
- b. He opposes the annual limit reduction (Option 2) because the ARMP trigger has not been reached.
- c. He opposes the early morning closure (Option 1) because it targets rock pickers, who can potentially switch efforts to afternoon tides and the early morning is the safest time to dive.
- d. He supports the early season Fort Ross closure (Option 3) and the individual container regulation (Option 4).

Response

- a. Comments noted.
- b. Comment noted. The Commission did not adopt Option 2.
- c. Comment noted. The Commission did not adopt Option 1.
- d. Support noted. The Commission adopted these options.

**19. Paul Weakland in oral comment at the October 20, 2011, Commission Meeting**

Comments

- a. States that the testing methods have changed and wants to know the percentage of error.
- b. Concerned about outplantings on the Sonoma coast and a Trojan gene identified by Scripps.

Response

- a. See response to Comment 10.a.
- b. This comment is outside the scope of the proposed regulations.

**20. Christopher Lin in oral comment at the October 20, 2011, Commission Meeting**

Comments

States that the Department's analysis is incomplete and the conclusions premature. Disagrees with sampling methodology and states that the data are not relevant to the whole fishery. States that the margin of error is too large and 25 times more measurements are needed.

Response

Comments noted. Also, see response to Comment 10.a.

**21. Brook Bowman in oral comment at the October 20, 2011, Commission Meeting**

Comments

- a. States that he observes more legal sized abalone now than when he first started diving.
- b. He would like to see enforcement increased and concentrated on poachers.
- c. Supports early season closure of Fort Ross (Option 3) and individual container option (Option 4).

Response

- a. Comment noted.
- b. Comment noted.
- c. Support noted. The Commission adopted these options.

**22. Jim Martin in oral comment at the October 20, 2011, Commission Meeting**

Comments

- a. Agrees with emergency closure, but states that closure of entire Sonoma coast was overboard.
- b. He opposes the early morning fishery closure (Option 1) because rock pickers are not the resource problem.
- c. States that he is seeing an increased abundance of abalone and that enforcement efforts are having an impact.

Response

- a. These comments address the Commission's emergency action in rulemaking file 2011-0927-02E and are therefore outside the scope of the proposed regulations.
- b. Comments noted. The Commission did not adopt Option 1.
- c. Comments noted.

**23 Jeff Richards in oral comment at the October 20, 2011, Commission Meeting**

Comments

- a. States that the confidence levels are too wide to draw conclusions and the model is too vague.
- b. He supports the early season fishery closure at Fort Ross (Option 3).
- c. He supports the individual container option (Option 4).
- d. He opposes the early morning fishery closure (Option 1).
- e. He opposes and the annual limit reduction (Option 2).

Response

- a. Comments noted. Also, see response to Comment 10.a.
- b. Support noted. The Commission adopted this option.
- c. Support noted. The Commission adopted this option.
- d. Comment noted. The Commission did not adopt Option 1.
- e. Comment noted. The Commission did not adopt Option 2.

**24 Karen Garrison in oral comment at the October 20, 2011, Commission Meeting**

Comments

- a. She recognizes that the data are not perfect, but states that we need to stay ahead of the curve.
- b. She supports the early morning fishery closure (Option 1).
- c. She supports the early season Fort Ross closure (Option 3) and the individual container option (Option 4).

Response

- a. Comments noted.
- b. See response to Comment 1.a.
- c. Support noted. The Commission adopted these options.

**25. Bill Bernard in oral comment at the October 20, 2011, Commission Meeting**

Comments

- a. He supports site-specific management and states that broader areas should be sampled.
- b. He supports the individual container option (Option 4).
- c. He opposes the annual limit reduction (Option 2).
- d. He states that the reduced season at Fort Ross (Option 3) might be a good idea, but he needs more sampling/information.

Response

- a. Comments noted.
- b. Support noted. The Commission adopted this option
- c. Comment noted. The Commission did not adopt Option 2.
- d. Comment noted. The Commission adopted this option.

**26. Milo Vukovich in letter received from Jim Martin at the Commission's October 20, 2011 meeting** *(This letter was originally received by the Commission on June 27, 2011, for the Commission's June 29, 2011 meeting.)*

Comments

- a. Sonoma County Abalone Network (SCAN) has participated in the Department's abalone creel surveys, worked on legislation, and supported abalone punch cards and tags.
- b. SCAN opposes all proposed regulation changes because they have observed healthy abalone populations.
- c. They state that the ARMP is in need of review and wants to see the long-term management plan in effect.
- d. They state that there are several unanswered questions they have asked to be answered and ask that the ISOR be removed from consideration because of lack of data.
- e. They state that the Commission ignored the warning during the MPA process about effort shift.
- f. They ask for an analysis of the recovery of abalone populations within MPA's.
- g. They disagree with the Department's survey methodology and outline their concerns about the proposed regulations.

Response

- a. Comments noted.
- b. Mr. Vukovich subsequently supported Options 3 and 4. See comment 18
- c. Comments noted.

- d. This comment was directed at an earlier version of the ISOR.
- e. Comment noted.
- f. Comment noted. Also see response to Comment 11.g.
- g. Comment noted.

**27. Christopher Lin in email received by Commission October 20, 2011**

*(This e-mail message was received after the close of the public comment period but is included herein because it contains a copy of the Power Point presentation given by Dr. Lin at the October 20, 2011 meeting.)*

Comments

- a. He suggests the implementation of an in-season monitoring system of abalone catch at each site.
- b. Support early morning closure (Option 1)
- c. Oppose reduction in annual limit (Option 2)
- d. If further statistical analysis of the available index site data for highly fished sites is completed and if that analysis indicates a declining abalone density, would support an early season closure at Fort Ross (Option 3)
- e. Support individual container option

Response

- a. Comments noted.
- b. See response to Comment 1.a.
- c. Comment noted. The Commission did not adopt Option 2.
- d. Comment noted. The Commission adopted this option
- e. Support noted. The Commission adopted this option.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VII. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

The Department has presented four options for Commission consideration: reduce the fishing hours, reduce the annual limit, reduce the season at a specific site and/or prohibit commingling of untagged abalone.

Alternative regulations were presented by Mendocino Abalone Watch (MAW). The Department's evaluations of and recommendations regarding MAW's proposal are included in ISOR Attachment A.

(b) No Change Alternative:

Evidence exists that current levels of take may be unsustainable. If current declining trends in density continue for both the fishery overall and the Fort Ross area, more restrictive regulations, as prescribed in the ARMP, may be necessary.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

IX. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts is difficult to assess because available socio-economic and fishing effort data were not designed to address this question, and therefore assumptions must be made in the analyses that are not amenable to quantitative estimation of statistical uncertainty. In particular, changes in expenditures and fishing effort by abalone fishermen in response to new regulations could be expected to differ depending upon several factors such as distance traveled to fishing grounds and the avidity of the individual fishermen, but these kinds of variables can not be stratified from the available data sets. Consequently, estimates of economic impacts are unavoidably imprecise and possibly biased, and alternative conclusions could be reached under a different set of underlying assumptions. Notwithstanding these limitations, the potential for significant statewide adverse economic impacts that might result from the proposed regulatory actions has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The adopted actions will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, since these activities focus on resources and features unique to the North Coast.

Option 1: Early morning closure

Economic impact: This option was not adopted by the Commission, and consequently there is no associated economic impact. If it had been adopted, the economic impact was expected to be less than that for Option 2 (below).

Option 2: Reduce the annual limit.

Economic impacts: This option was not adopted by the Commission, and consequently there is no associated economic impact.

If the Commission had elected to reduce the annual limit of abalone from 24 to 12 per year, annual trips and trip expenditures by abalone sport fishermen could decrease, perhaps by as much as 37 percent. This scenario assumes a shortened season for the individual abalone fishermen since their reduced annual limits would be filled sooner. This assumption is based on historic monthly harvest rates and trip activities, which under a reduced annual limit could cause the seven months abalone season to effectively shrink to two-and-a-half months for many fishermen. A 37 percent reduction in activities and trip expenditures could translate into \$4.8 million (2009\$) in potential direct revenue losses to businesses. In the area affected by these potential direct revenue losses, the economic impact could be about \$8.5 million (2009\$) in total economic output losses (due to the ripple effect). Since expenditures per trip tend to be higher for people making fewer trips and those people are less affected by a reduced annual limit, these impacts should be considered worst case scenarios.

Option 3: Fort Ross Early Season Closure

Economic impacts: A minor adverse economic impact far below the overall economic impact associated with Option 2 (above) is anticipated for the regulation change altering the season opening at Fort Ross to June 1. Most abalone fishermen may shift to other areas to the north in response to this alternative, thus mitigating the overall potential economic impacts.

#### Option 4: Individual Container Possession Requirement

Economic impacts: No adverse economic impact is anticipated based on this proposed option.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Impacts to jobs associated with an early season closure for Fort Ross are likely to be minimal. Trips to Fort Ross are largely day trips and a reduction in such trips is not likely to generate significant economic losses under the Fort Ross early season closure.

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

There are no increased costs or new fees, nor new reporting requirements for private persons or businesses in the proposed regulations.

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

Unknown, though some potential loss in recreational abalone report card sales revenue could likely occur.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

## Updated Informative Digest/Policy Statement Overview

Under existing regulations (Section 29.15, Title 14, CCR), red abalone may only be taken for recreational purposes north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. Current regulations also specify: season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and sizes.

The regulation change is being proposed in response to the guidelines in the Abalone Recovery and Management Plan (ARMP), adopted by the Commission in 2005, with regard to average abalone density at eight index sites (surveyed on a three year cycle) within Mendocino and Sonoma counties. Recent scuba surveys indicate that the average density of emergent abalone (sublegal and legal sized) has trended downward over the past six years. Average density is now at 0.54 abalone/m<sup>2</sup> for the index sites which is substantially below the 0.68/m<sup>2</sup> average from the previous three years. Abalone creel surveys based on interviews with fishermen have recently shown indications of declining abalone populations. Wardens have also observed fishermen experiencing increased difficulty in catching limits of abalone. Low average densities and declining trends indicate a risk that leaving regulations unchanged could result in further reductions in average density, to values below the ARMP trigger level of 0.50 abalone/m<sup>2</sup>, a density level that requires a 25 percent reduction in the total allowable catch (TAC) for the fishery. Abalone fishing effort, as well as catch, in the Fort Ross area is much higher than other sites and abalone densities there are approaching levels which would trigger closure for the site. Consequently, the Department is proposing regulations which will reduce the catch in the hopes that further reductions in average density and the closure of Fort Ross can be prevented.

The regulatory change will amend the existing regulations by either reducing fishing hours, reducing the annual limit, and/or reducing the season in the Fort Ross area, depending on which option(s) is chosen. The proposed regulation would also require every person using a container to store abalone prior to tagging to possess his own container and to retain abalone only in his own container. The following summarizes the options for regulatory change in Title 14, Section 29.15.

Option 1:

- Change the legal fishing hours to begin at 8:00 AM instead of one-half hour before sunrise

Option 2:

- Reduce the annual limit from 24 abalone per year to no less than 12 abalone per year.

Option 3:

- Reduce the season at Fort Ross area by closing the months of April and May

Option 4:

- Require every person who uses a container to store abalone, prior to

tagging, to possess his own container and to retain abalone only in his own container.

**The Commission voted to adopt alternatives 3 and 4 which will delay the abalone opening day at Fort Ross by two months and require persons taking and storing abalone in a container to possess their own container to retain their abalone catch prior to tagging the abalone. These changes are expected to reduce the total abalone catch by about 10 percent and offer added protection to the resource in the heavily impacted Fort Ross area.**