

Section 127, Title 14, CCR is added to read:

§127. Commercial Take of Kellet's Whelk.

(a) Method of Take.

(1) Kellet's whelk may be taken incidentally in lobster traps, as defined in Fish and Game Code Section 9010, being fished under the authority of a valid lobster permit and in crab traps, as defined in Fish and Game Code Section 9011(b)(2), being used to take rock crab under a valid southern rock crab trap permit in Districts 19 and 118.5.

[**Option 3** – If rejected would be subsection (a)(2) to allow take by diving]

(2) Kellet's whelk may be taken by hand by a licensed commercial fisherman.

[**Option 1** – If accepted would establish seasonal closure in (b)]

(b) Seasonal Closure. Kellet's whelk may not be taken for commercial purposes from **[March 1 – May 1]** through **[May 31 – July 31]**.

(1) All Kellet's whelk taken during the seasonal closure shall be immediately returned to the water. No Kellet's whelk shall be possessed aboard, or landed from, any commercial fishing vessel during the closed season.

[**Option 2** – If accepted would cap annual take at level adopted by Commission]

(c) Total Allowable Catch. For the period from April 1 through March 31 of the following year, a total of not more than **[86,000 - 173,000]** pounds of Kellet's whelk may be landed in California.

(1) Mechanism for Fishery Closure. The department will estimate from the current trends in catch and using available scientific information the time at which the catch limit will be reached. The department will close the fishery at the time that catch limit is reached or is projected to be reached prior to the end of the fishing year.

(2) The department shall give no less than 10 days notice to any individual who has landed Kellet's whelk within the previous five years and all individuals who hold a current and valid lobster operator permit or southern rock crab trap permit via a notification letter sent to the permittee's address on file with the department. The department shall give the public and the commission no less than 10 days notice of the closure via a department news release.

Note: Authority cited: Sections 200, 202, 205, 210, 220, 7090 and 8500, Fish and Game Code. Reference: Sections, 7090, 7850, 7857, 8140, 8250.5, 8254, 8284, 8500, 8603, 9000, 9001, 9010 and 9011, Fish and Game Code.

Section 29.17. Title 14, CCR is added to read:

§29.17. Kellet's Whelk

(a) Open Season: From [May 31 – July 31] through [March 1 – May1]

Note: Authority cited: Sections 200, 202, 205, 210 and 220, Fish and Game Code.
Reference: Sections 200, 202, 205, 210 and 220, Fish and Game Code.