

## Regulatory Language

### OPTION ONE

Section 29.15, Title 14, CCR is amended to read:

#### **§ 29.15. Abalone.**

~~(a) Open Area: Except in the area described in subsection (a)(1) below, abalone may only be taken north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. No abalone may be taken, landed, or possessed if landed south of this line.~~

~~(1) No Abalone may be taken in the Fort Ross area bounded by the mean high tide line and a line drawn due south true from 38°30.63' N, 123°14.98' W (the northern point of Fort Ross Cove) and a line drawn due west true from 38° 29.45' N, 123°11.72' W (Jewel Gulch, south boundary Fort Ross State Park).~~

(a) Effective April 1, 2018, all ocean waters are closed to the take of abalone. Abalone may not be taken or possessed. The following exceptions are for abalone in possession prior to April 1, 2018:

(1) Minimum Abalone Size: All red abalone must be seven inches or greater measured along the longest shell diameter.

(2) Abalone Possession and Transportation: It shall be unlawful to possess any untagged abalone or any abalone that have been removed from their shell, except when they are being prepared for immediate consumption.

~~(b) Open Season and Hours:~~

~~(1) Open Season: Abalone may be taken only during the months of May, June, August, September and October.~~

~~(2) Open Hours: Abalone may be taken only from 8:00 AM to one-half hour after sunset.~~

~~(c) Bag Limit and Yearly Trip Limit: Three red abalone, *Haliotis rufescens*, may be taken per day. No more than three abalone may be possessed at any time. No other species of abalone may be taken or possessed. Each person taking abalone shall stop detaching abalone when the limit of three is reached. No person shall take more than 12 abalone during a calendar year. In the Open Area as defined in subsections 29.15(a) and 29.15(a)(1) above, not more than 9 abalone of the yearly trip limit may be taken south of the boundary between Sonoma and Mendocino Counties.~~

~~(d) Minimum Abalone Size: All legal size abalone detached must be retained. No undersized abalone may be brought ashore or aboard any boat, placed in any type of receiver, kept on the person, or retained in any person's possession or under his control. Undersize abalone must be replaced immediately to the same surface of the rock from which detached. Abalones brought ashore shall be in such a condition that the size can be determined.~~

~~(e) Special Gear Provisions: The use of SCUBA gear or surface supplied air to take abalone is prohibited. Abalone may not be taken or possessed aboard any boat, vessel, or floating device in the water containing SCUBA or surface supplied air. Abalone may~~

~~be taken only by hand or by devices commonly known as abalone irons. Abalone irons must be less than 36 inches long, straight or with a curve having a radius of not less than 18 inches, and must not be less than 3/4 inch wide nor less than 1/16 inch thick. All edges must be rounded and free of sharp edges. Knives, screwdrivers and sharp instruments are prohibited.~~

~~(f) Measuring Device. Every person while taking abalone shall carry a fixed caliper measuring gauge capable of accurately measuring seven inches. The measuring device shall have fixed opposing arms of sufficient length to measure the abalone by placing the gauge over the shell.~~

~~(g) Abalone Possession and Transportation:~~

~~Abalones shall not be removed from their shell, except when being prepared for immediate consumption.~~

~~(1) Individuals taking abalone shall maintain separate possession of their abalone. Abalone may not be commingled in a float tube, dive board, dive bag, or any other container or device, until properly tagged. Only after abalones are properly tagged, as described in Section 29.16(b), Title 14, CCR, may they be commingled with other abalone taken by another person.~~

~~(h) Report Card Required: Any person fishing for or taking abalone shall have in their possession a nontransferable Abalone Report Card issued by the department and shall adhere to all reporting and tagging requirements for abalone defined in Sections 1.74 and 29.16, Title 14, CCR.~~

## **OPTION TWO**

**There are 4 Sub-Options for subsections (a), (c), (d) and (h)**

Section 29.15, Title 14, CCR is amended to read:

### **§ 29.15. Abalone.**

**[Sub-Option A – Opens Fort Ross for no site closures in Northern California]**

~~(a) Open Area: Except in the area described in subsection (a)(1) below,~~  
Abalone may only be taken north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. No abalone may be taken, landed, or possessed if landed south of this line.

~~(1) No Abalone may be taken in the Fort Ross area bounded by the mean high tide line and a line drawn due south true from 38°30.63' N, 123°14.98' W (the northern point of Fort Ross Cove) and a line drawn due west true from 38° 29.45' N, 123°11.72' W (Jewel Gulch, south boundary Fort Ross State Park).~~

(b) Open Season and Hours:

- (1) Open Season: Abalone may be taken only during the months of April, May, June, August, September, October, and November.
- (2) Open Hours: Abalone may be taken only from 8:00 AM to one-half hour after sunset.

**[Sub-Option B – Reduces daily bag/possession and/or annual limits]**

(c) Bag Limit and Yearly Trip Limit: ~~Three~~<sup>[1-3]</sup> red abalone, *Haliotis rufescens*, may be taken per day. ~~No more than three abalone may be or~~ possessed at any time. No other species of abalone may be taken or possessed. Each person taking abalone shall stop detaching abalone when the limit of ~~three~~<sup>[1-3]</sup> is reached. No person shall take more than ~~48~~<sup>[2-9]</sup> abalone during a calendar year. ~~In the Open Area as defined in subsections 29.15(a) and 29.15(a)(1) above, not more than 9 abalone of the yearly trip limit may be taken south of the boundary between Sonoma and Mendocino Counties.~~

**[Sub-Option C – Increases minimum size limit for take]**

(d) Minimum Abalone Size: All red abalone must be ~~seven~~<sup>eight</sup> inches or greater measured along the longest shell diameter. All legal size abalone detached must be retained. No undersized abalone may be brought ashore or aboard any boat, placed in any type of receiver, kept on the person, or retained in any person's possession or under his or her direct control. Undersize abalone must be replaced immediately to the same surface of the rock from which detached. Abalones brought ashore shall be in such a condition that the size can be determined.

*[...No changes to subsections (e) through (g)]*

**[Sub-Option D – Provides limit on report card sales]**

(h) Report Card Required: Any person fishing for or taking abalone shall have in their possession a nontransferable Abalone Report Card issued by the department and shall adhere to all reporting and tagging requirements for abalone defined in Sections 1.74 and 29.16, Title 14, CCR.

(1) Starting January 1, 2018, a total of not more than [5,000-25,000] Abalone Report Cards may be issued by the department per season.

(2) Abalone report cards will be available on a first-come, first served basis no earlier than 45 days prior to the first day of the abalone season.

Note: Authority cited: Sections 200, ~~202~~, 205, ~~240~~, 220, ~~240~~<sup>260</sup>, 265, 399, 5520, 5521 and 7149.8, Fish and Game Code. Reference: Sections 200, ~~202~~, 205, ~~220~~<sup>265</sup>, 5520, 5521, 7145 and 7149.8, Fish and Game Code.