

STAFF SUMMARY FOR DECEMBER 14-15, 2022

7. REGULATORY CHANGE PETITIONS (MARINE)**Today's Item**Information ☐Action ☒

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

- (A) Receive new petitions for regulation change
- (B) Act on previously received petitions for regulation change

Summary of Previous/Future Actions**(A) *New Petitions for Regulation Change – Receipt***

- Today receive new petitions **Dec 14-15; San Diego**
- Potentially act on new petitions Feb 8-9; Sacramento

(B) *Regulation Change Petitions – Scheduled for Action*

- Received new petitions Oct 12-13; Kings Beach
- Today's potential action on petitions **Dec 14-15; San Diego**

Background**(A) *Receipt of new petitions for regulation change***

Pursuant to Section 662, any person requesting that FGC 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 FGC meeting under (A) if they are delivered by the comment deadline (included in meeting materials) or by the supplemental comment deadline.

Under the Bagley-Keene Open Meeting Act, FGC cannot discuss or take action on any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change generally follow a two-meeting cycle (receipt and direction); FGC will determine the outcome of the petitions for regulation change received at today's meeting at the next regularly scheduled FGC meeting (currently Feb 8-9, 2023) under (B), following staff evaluation, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b).

FGC received one new petition by the comment deadline; the petition is summarized in Exhibit A1 and provided as Exhibit A2.

(B) *Action on previously-received petitions for regulation change*

Petitions received at the previous meeting are scheduled for FGC consideration at the next regularly scheduled business meeting under (B). A petition may be (1) denied, (2) granted, or (3) referred to a committee, staff, or DFW for further evaluation or information-gathering. Referred petitions are scheduled for action once the evaluation is completed and a recommendation made.

STAFF SUMMARY FOR DECEMBER 14-15, 2022

For today, three marine petitions are scheduled for action:

- I. *Petition 2022-04*: Request to revise boundaries of Vandenberg State Marine Reserve to allow some shore fishing (Exhibit B2)
- II. *Petition 2022-12*: Request to establish a slot limit for recreational take of striped bass in marine waters (Exhibit B3)
- III. *Petition 2022-14*: Request to add gooseneck barnacles to list of harvestable species (Exhibit B4)

Staff recommendations and rationales, developed with input from DFW staff, are provided in Exhibit B1. DFW's evaluation of Petition 2022-04, including its recommendation and rationale, is provided as Exhibit B5.

Significant Public Comments (N/A)

Recommendation

FGC staff: Defer action on referred Petition 2022-04 until DFW completes its evaluation, as recommended by DFW, grant Petition 2022-12, and deny Petition 2022-14, based on the rationales provided in Exhibit B1.

DFW: Continue DFW review of Petition 2022-004 until after the marine protected areas decadal management review in early 2023, based on the rationale presented in Exhibit B4. Grant Petition 2022-12 for consideration with granted Petition 2020-005.

Exhibits

- A1. [Summary of new petitions for regulatory change received through Dec 1, 2022](#)
- A2. [Petition 2022-17, received Oct 11, 2022](#)
- B1. [Summary of non-regulatory requests and staff recommendations for requests scheduled for action, updated Dec 7, 2022](#)
- B2. [Petition 2022-04, received Feb 23, 2022](#)
- B3. [Petition 2022-12, received Aug 1, 2022](#)
- B4. [Petition 2022-14, received Aug 19, 2022](#)
- B5. [DFW memo on Petition 2022-04, received Dec 7, 2022](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations reflected in Exhibit B1 to defer action on petition 2022-04, grant petition 2022-12, and deny petition 2022-14.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations as reflected in Exhibit B1, except _____.

CALIFORNIA FISH AND GAME COMMISSION

RECEIPT LIST FOR PETITIONS FOR REGULATION CHANGE: RECEIVED BY 5:00 PM ON DECEMBER 1, 2022

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
2022-17	10/11/2022	David Kasheta	Recreational fishing: Crab buoys	Request to amend the number of buoys and buoy markers required while fishing recreationally for crab.	12/14-15/2022	2/8-9/2023



Tracking Number: (____2022-17____)

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: David Kasheta

Address: _____

Telephone number: _____

Email address: _____

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: **Section 200, 205, 265, 275, 7074, 7078**

3. Overview (Required) - Summarize the proposed changes to regulations: Amend from one main buoy and marker buoy to two main buoys plus a marker buoy.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: At times of strong currents the vertical line and buoy can become submerged making retrieval in a timely fashion impossible due to lack of buoyancy with only one main buoy. This increases the risk of gear loss and whale entanglements. Also, it is more difficult to sight and gaff/retrieve only one buoy during times of rough seas.

SECTION II: Optional Information

5. Date of Petition: October 12, 2022

6. Category of Proposed Change

☒ 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>)*
- ☐ Amend Title 14 Section(s): 29.80 (c) (3)
 - ☐ 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 ☐ 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 possible so it can be used this recreational crab season
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Click here to enter text.](#)
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: [Click here to enter text.](#)
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: 10/17/22

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

CALIFORNIA FISH AND GAME COMMISSION PETITIONS FOR REGULATION CHANGE - ACTION ON DECEMBER 14-15, 2022

FGC - California Fish and Game Commission DFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

Grant: FGC is willing to consider the petitioned action through a process Deny: FGC is not willing to consider the petitioned action Refer: FGC needs more information before the final decision

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Receipt	FGC Initial Action Date	Initial Staff Recommendation	Referral Date	Referred to	Final Staff Recommendation
2022-04	2/23/2022	Dean Albro City of Lompoc	Marine protected areas: Vandenberg State Marine Reserve (SMR)	Request to revise boundaries of Vandenberg SMR to allow some shore fishing	4/20-21/2022	4/20-21/2022	REFER to DFW for review and recommendation.	6/15-16/2022	DFW	DEFER action until DFW evaluation and recommendation is completed following the marine protected areas network decadal management review, scheduled for early 2023, as reflected in DFW memo under Agenda Item 7 in December 2022 meeting materials.
2022-12	8/1/2022	James Stone Nor-Cal Guides & Sportsmen's Association	Sport fishing: Striped bass slot limit (marine)	Request to establish a slot limit for striped bass in marine waters, consistent with proposed slot limit for inland waters.	8/17/2022	10/12-13/2022	REFER to DFW for review and recommendation.	10/13/2022	DFW	GRANT for consideration in a future rulemaking with granted Petition 2020-005 (striped bass freshwater slot limit), and align specific proposed regulations with those developed for Petition 2020-005.
2022-14	8/19/2022	Daniel Schoen	Ocean recreational fishing: Gooseneck barnacles	Request to add gooseneck barnacles to list of harvestable species	10/12-13/2022	12/14-15/2022	DENY ; existing fisheries have been prioritized for management focus under the Marine Life Management Act master plan framework. Opening a new fishery for the petitioned species would require collecting sufficient data to determine sustainability and redirecting staff away from prioritized management needs.			



Tracking Number: (2022-04)

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: Dean Albro, City Manager

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: The Commission has authority over most hunting and fishing regulations in California. 200, 205 (c), 265,1590,1591, 2860, 2861, 6750

3. Overview (Required) - Summarize the proposed changes to regulations: [Click here to enter text.](#)

The City of Lompoc, formally requests a minor modification to the area of Surf Beach known as the Vandenberg Marine Preserve. This Preserve is located adjacent to Vandenberg Air Force Base, which itself is located directly adjacent to the City of Lompoc.

From the time of the earliest inhabitants, the Santa Ynez Band of Chumash Indians, to many generations of settlers thereafter, and to the citizens of Lompoc (established in 1888), Surf Beach has been used as a resource by many. Not only was the beach used for fishing to provide food to eat for their families, fishing was also enjoyed by many for its simple enjoyment and relaxation.

The opportunity to fish at Surf Beach was available until 2007, when the Vandenberg Marine Preserve was created. This preservation area, encompassing approximately 33 square miles of marine protection, has had a detrimental impact on the City of Lompoc and its surrounding areas. Unfortunately, the creation of the Preserve removed any opportunity for fishing from the beach, located at what is known as Surf Beach. As mentioned earlier, this new preserve designation, implemented with little to no true input from the citizens or City of Lompoc, has placed a great hardship upon the City, in terms of family



subsistence, as well as creating a negative financial impact on the City of Lompoc due to a reduction in tourism related revenues.

The City of Lompoc is a regionally isolated community, and is also recognized as a disadvantaged community by the State of California. The residents of the City and surrounding areas are limited in many areas including recreational activities, particularly those offered at a low or no-cost level of participation. Surf Beach fishing is one of the activities that was eliminated by the creation of the marine preserve.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: [Click here to enter text.](#)

The City's formal request for consideration by the California Department of Fish & Wildlife is a small modification to the existing marine preserve restrictions. This request would be to allow fishing on the one-half mile stretch of beach known as Surf Beach. The City sees this modification as a minor request considering that the entire preserve is approximately 33 square miles. However small, the modification would allow for families to once again fish for subsistence, and/or provide a low cost/no-cost recreational alternative for the residents of Lompoc and the surrounding area.

The City's belief is that there will be, on average, no more than three or four individuals fishing at any given time. This level of 'take' from the Preserve should pose no harm to the Preserve as the act of fishing has been going on for centuries, but at least from the 1800's when Lompoc was settled, with no true harm to the volume of marine life.

Should the Department of Fish & Wildlife decide to modify the restrictions to allow surf fishing, but impose a limit on the number of fish that could be caught by a single, licensed individual, the City of Lompoc requests that a minimum of four (4) fish caught be allowed, such that families using fishing for subsistence can survive on the limit.

SECTION II: Optional Information

5. Date of Petition: Originally on 1/22/2020 – Reiterated on 2/8/2022.

6. Category of Proposed Change

☒ 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>)*

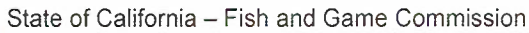
☐ Amend Title 14 Section(s): [Click here to enter text.](#)

☐ 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 ☒ Not applicable.



FGC 1 (Rev 06/19) Page 3 of 3

- ### SECTION 3: FGC Staff Only

FGC staff action:

- Tracking Number

Meeting date for FGC consideration: Receive 4/20-21/22; act 4/20-21/22

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition _____
- Tracking Number
- ☐ Granted for consideration of regulation change
- X Referred to DFW



January 22, 2020

Mr. Charlton H. Bonham, Director
California Department of Fish & Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090

SUBJECT: Surf Fishing at Surf Beach, Lompoc, Ca

Dear Mr. Bonham:

This letter is being sent to you to by the City of Lompoc, to formally request a minor modification to the area of Surf Beach known as the Vandenberg Marine Preserve. This Preserve is located adjacent to Vandenberg Air Force Base, which itself is located directly adjacent to the City of Lompoc.

From the time of the earliest inhabitants, the Santa Ynez Band of Chumash Indians, to many generations of settlers thereafter, and to the citizens of Lompoc (established in 1888), Surf Beach has been used as a resource by many. Not only was the beach used for fishing to provide food to eat for their families, fishing was also enjoyed by many for its simple enjoyment and relaxation.

The opportunity to fish at Surf Beach was available until 2007, when the Vandenberg Marine Preserve was created. This preservation area, encompassing approximately 33 square miles of marine protection, has had a detrimental impact on the City of Lompoc and its surrounding areas. Unfortunately, the creation of the Preserve removed any opportunity for fishing from the beach, located at what is known as Surf Beach. As mentioned earlier, this new preserve designation, implemented with little to no true input from the citizens or City of Lompoc, has placed a great hardship upon the City, in terms of family subsistence, as well as creating a negative financial impact on the City of Lompoc due to a reduction in tourism related revenues.

The City of Lompoc is a regionally isolated community, and is also recognized as a disadvantaged community by the State of California. The residents of the City and surrounding areas are limited in many areas including recreational activities, particularly those offered at a low or no-cost level of participation. Surf Beach fishing is one of the activities that was eliminated by the creation of the marine preserve.

The City's formal request for consideration by the California Department of Fish & Wildlife is a small modification to the existing marine preserve restrictions. This request would be to allow fishing on the one-half mile stretch of beach known as Surf Beach. The City sees this modification as a minor request considering that the entire preserve is approximately 33 square miles., However small, the modification would allow for families to once again fish for subsistence, and/or provide a low cost/no-cost recreational alternative for the residents of Lompoc and the surrounding area.

Mr. Charlton H. Bonham, Director
January 8, 2020
Page 2 of 2

The City's belief is that there will be, on average, no more than three or four individuals fishing at any given time. This level of 'take' from the Preserve should pose no harm to the Preserve as the act of fishing has been going on for centuries, but at least from the 1800's when Lompoc was settled, with no true harm to the volume of marine life. In addition, the City would suggest that the change for surf/beach fishing be changed from a Preserve designation, to a 'Conservation' designation, such that fishing would be limited to the taking of Sand Perch, and/or similar species, and Sand Crabs, which are commonly used as bait.

The City is requesting a response from the Department of Fish & Wildlife by February 28, 2020, such that there will be a modification to the existing marine preserve restrictions, or a response informing the City of Lompoc on the proper procedures to follow to request a modification.

Thank you for your consideration and assistance in this matter.

Sincerely,



Jim Throop
City Manager

Cc: Gavin Newsom, Governor
Wade Crowfoot, Secretary of Natural Resources
Jenelle Osborne, Mayor
Dirk Starbuck, Mayor Pro-tem
Victor Vega, Council Member
Jim Mosby, Council Member
Gilda Cordova, Council Member



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 4, 2020

Mr. Jim Throop
Lompoc City Manager
100 Civic Center Plaza
Lompoc, CA 93436

RECEIVED
MAY 08 2020
City Manager's Office

SUBJECT: Response to Request for Amending Vandenberg State Marine Reserve Area Regulations

Dear Mr. Throop:

Thank you for your inquiry regarding the Vandenberg State Marine Reserve. I apologize for the delayed response to your inquiry. The California Department of Fish and Wildlife (Department) has reviewed your request to allow shore fishing at Surf Beach within the Vandenberg State Marine Reserve (SMR). This letter provides a brief background of the establishment of the Vandenberg SMR, a summary of the adaptive management framework that governs the management of State's Marine Protected Area network, and guidance for advancing your request, if so desired, to the California Fish and Game Commission (Commission) for consideration.

In 1999, the State Legislature approved, and the Governor signed into law the Marine Life Protection Act (MLPA). The MLPA required the Department to redesign California's existing patchwork of marine protected areas (MPAs) into a science-based, cohesive, ecologically connected network. From 2005 to 2012, a very extensive public planning process took place sequentially across four coastal regions resulting in 124 MPAs and 15 special closures along California's 1100-mile coastline and offshore islands.

The public planning process for the central coast region took place from 2005 to 2007. Following planning, the Commission took action to adopt regulations for 28 central coast MPAs, including the Vandenberg SMR. The SMR designation prohibits any type of take, thus it is considered the backbone of the MPA network. The Vandenberg SMR was intended to protect unique and diverse habitats and species in an area where vessel traffic/extensive human use was already limited due to the Vandenberg Air Force Base.

The Commission has authority over most hunting and fishing regulations in California and oversees the establishment of wildlife areas, ecological reserves, and the designation of MPAs under the MLPA. As part of the adaptive management process, the Commission will be conducting a decadal review of the statewide MPA network in 2022. As part of this review, the Commission will receive information on the four focal

Conserving California's Wildlife Since 1870

Mr. Throop, Lompoc City Manager
May 4, 2020
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areas of MPA Program: 1) policy and permitting; 2) enforcement and compliance; 3) outreach and education; and 4) monitoring and research. The Commission will also receive recommendations, if any, for future management actions utilizing all available sources of information. In addition to the decadal review, the Commission may consider amendments to the MPA network in response to petitions for regulatory change. Every person or agency recommending that a regulation be added, amended, or repealed must submit a petition to the Commission. Details regarding the regulatory petition process can be found on the Commission's website at www.fgc.ca.gov.

If you need additional information please do not hesitate to contact Stephen Wertz, Senior Environmental Scientist at (562) 342-7184 or at [REDACTED]

Sincerely,



Craig Shuman, D. Env.
Regional Manager, Marine Region
[REDACTED]

cc: Melissa Miller-Henson, Executive Director
Fish and Game Commission
[REDACTED]

Becky Ota, Program Manager
Marine Region
[REDACTED]

Stephen Wertz, Senior Environmental Scientist
Marine Region
[REDACTED]



Tracking Number: (2022-12)

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: James Stone

Address: PO Box 111, Sutter CA 95982

Telephone number: [REDACTED]

Email address: jstone@ncgasa.org

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: NCGASA and our partners are proposing a slot limit on striped bass from 20-30 inches. This would increase, from 18 inches to 20 inches, the size of a fish that may be harvested, and further restrict the harvest of any mature fish in the system above 30 inches. This slot limit would apply in both fresh and salt water, since striped bass are an anadromous species. Our organizations believe the 20-30 inch slot limit is an appropriate starting point to balance angler harvest, recreational enthusiasm, and protection of the species; we understand the Commission and Department may have perspectives on other limits and we welcome that discussion.

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

NCGASA previously submitted a Petition for Regulatory Change for a striped bass slot limit, for the purpose of protecting the species, on April 3rd, 2020. NCGASA and our partners believed that petition would cover both inland and marine waters, given that striped bass are an anadromous species. Recently, we have been informed by Department staff that they interpreted this request to apply only to inland waters. After consultation with Department staff we have been encouraged to submit this clarifying petition. Therefore, we are additionally submitting this petition to clarify that the proposed slot limit should apply for the protection of this species in both inland (fresh) and marine (salt) waters.



NCGASA has been collaborating with nearly every other angling organization in the state that cares about striped bass, both inland and in marine waters. Our organizations collectively represent the voice of California's recreational angling community, from charter boats in the estuary and ocean to inland guides, fly fishers, and others. Together, we represent the vision of the majority of California's recreational angler communities, whose fishing license revenue fund fishery-related research, and enforce regulatory protection of fish and wildlife.

The Fish and Game Commission (FGC) recently approved changes to California's 1996 Striped Bass policy which our collective organizations strenuously objected. In addition to removing numeric targets for one of California's most heavily sought-after recreational angling species (Striped Bass), the FGC further directed the Department of Fish and Wildlife (DFW) to deprioritize investment in Striped Bass population research because of their non-native status. This despite the fact that Striped Bass were introduced 146 years ago and face exactly the same poor aquatic habitat conditions and water conveyance threats to survival as native fishes, including listed anadromous salmonids.

Over the past two years, our recreational angling community has been a committed party in discussions with FGC's and the DFW's leadership to present pragmatic solutions to the management of Striped Bass as a game fish. This included finding fiscal and non-fiscal management actions, including funding for the DFW to study, develop and implement a Fisheries Management Plan and/or other alternatives geared toward Striped Bass long term health and viability (conservation).

This proposal is one of those alternatives. The regulatory change petition proposed by NCGASA and supported by our organizations offers a low-cost alternative management tool that will promote the conservation of Striped Bass. By restricting take to a specific target size range, younger, sub-adult, Striped Bass females will have an opportunity to reach reproductive maturity and older large adults will be prevented from catch from the SFEW during their most reproductive years.

Additionally, NCGASA has committed financial resources to collect real time data on the Striped Bass population to facilitate management decisions based upon defensible science. It is our sincere hope that our recreational angling community can team with DFW to provide credible science on the current status of the Striped Bass to conserve Striped Bass for future generations of anglers.

It is not just the salmon and delta smelt populations that are in crisis. The striped bass population is collapsing parallel to the salmon populations and for the same reasons. The striped bass population is in desperate trouble at each life stage critical to supporting a viable population. Striped bass are broadcast spawners with each female producing hundreds of thousands if not millions of eggs/larvae. In a healthy ecosystem only a very few of these larvae ever survive to become adults. It's been documented for over a 10 year period that maternal transfer of contaminants causes over 90% of striped bass larvae to die prior to first feeding (Ostrach et al. PNAS, 2008, Ostrach et al. POD final report 2009) . It has been documented in the pelagic organism decline studies that the few larvae that survive as juveniles are subjected to poor water quality and contaminants such that extremely high incidences of parasitism and disease are found in these young fish and very few survive as young of the year fish (Ostrach



D.J. et al., POD final report 2009, Durieux E.D. et al. 2010, Spearow J.L. et al. 2010). This provides clear credible scientific evidence as to why the young of the year index for striped bass has been near zero for the past decades. The young of the year index directly relates to population recruitment. The latest fall midwater trawl data for striped bass indicates one of the lowest indices ever recorded. In addition, current fishing regulations allow for the removal of female striped bass before they reach sexual maturity removing them from the breeding population resulting in having fewer females to spawn in subsequent years. Current regulations also allow for the removal of the largest females from the system. Typically the larger/older fish produce the most and the highest quality eggs. Removing them from the system causes the most successful and fecund striped bass to be taken out of the breeding pool. Striped bass growth rates are approximately half of what they were 25 or 30 years ago which relates to poor quality food and environmental conditions. For there to be a robust viable recreational fishery the striped bass population needs to be stabilized and restored.

In order to sustain Striped Bass populations, several East Coast states (e.g., Maine, Massachusetts, New York, and others), adopted slot lengths. These slot length limits ensure that female Striped Bass reach sexual maturity and have more than one opportunity to spawn before been captured. Over the decades of the slot length limit regulation implementation, small changes have been made based upon the health of the Striped Bass population which is tied to riverine, estuarine, and marine habitat conditions and food availability. The recreational angling community strongly supports the principles for Adaptive Management which must be built into Fishery Management Plans due to unpredictable environmental changes to sustain viable recreational angling opportunities in California. Bradley et al (2019) provided a new approach to fisheries data systems which promotes innovation to increase data coverage, accuracy and resolution, while reducing costs and allowing adaptive, responsive, near real-time management decision-making to improve fisheries outcomes.

SECTION II: Optional Information

5. Date of Petition: 8/1/2022

6. Category of Proposed Change

☒ Sport Fishing

☐ Commercial Fishing

☐ Hunting

☐ Other, please specify:

7. 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): 27.85 |

☐ Add New Title 14 Section(s):

☐ Repeal Title 14 Section(s): |

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:

Implementation consistent with the original petition for a striped bass slot limit which is under discussion.

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: NONE

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: NONE |

SECTION 3: FGC Staff Only

Date received: Originally rec'd 8/1 (incomplete); updated 8/4/22 |

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: (2022-14_)

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: Daniel Schoen

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: Sections 200, 205 and 265, Fish and Game Code

Overview (Required) - Summarize the proposed changes to regulations: addition of Gooseneck barnacles to the list of ocean animals that recreational California Sportsmen may harvest.

2. Rationale (Required) - Describe the problem and the reason for the proposed change:

Gooseneck barnacles are currently illegal to harvest in California. This is not because they were delisted due to population concerns. It is because they were never included in a list of harvestable animals when the list was drafted, likely due to its lack of culinary popularity at the time. Current populations are more than sufficient to support a recreational allowance for California foragers and will improve the public knowledge of these members of our California ecosystem. Outdoorsmen are consistently the strongest group of conservationists and adding this species to their table fare will bring all barnacles into their realm of awareness, and protection.

SECTION II: Optional Information

3. Date of Petition: 14 August, 2022



4. Category of Proposed Change

- ☐ Sport Fishing
- ☐ Commercial Fishing
- ☐ Hunting

X Other, please specify: Foraging of invertebrates in Tidepools or other areas between the high tide mark (defined as Mean Higher High Tide) and 1,000 feet seaward and lateral to the low tide mark (defined as Mean Lower Low Water)

5. 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): 29.05 B 1 |

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

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

6. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition : Not applicable.

7. 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: January 1, 2023

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

- a. https://animaldiversity.org/accounts/Pollicipes_polymerus/
- b. <https://www.iucnredlist.org/search?query=pollicipes%20&searchType=species>
- c. <https://marine.ucsc.edu/target/target-species-pollicipes.html>
- d. <https://www.centralcoastbiodiversity.org/goose-neck-barnacle-bull-pollicipes-polymerus.html>

9. 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: Addition of Pollicipes Polymerus to the list of forageable invertebrates would not negatively affect businesses, jobs, schools or housing. It's main effect is to involve conservationists in the protection of an important piece of California's ecosystem by including barnacles in their diet.

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

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: 8/19/2022 |

FGC staff action:

x 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

Memorandum

Date: December 5, 2022

Received 12/7/2022
Signed copy on file

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

From: Charlton H. Bonham
Director

Subject: **Petition 2022-04: Vandenberg State Marine Reserve**

A petition submitted by the City of Lompoc to the Fish and Game Commission (Commission) proposes to allow surf fishing within a portion of the Vandenberg State Marine Reserve. The California Department of Fish and Wildlife (Department) is in the process of developing a report for the first decadal management review (DMR) of the California Marine Protected Area (MPA) network and the Marine Protected Areas Management Program (Management Program). As part of this review, the Commission will receive information on progress towards meeting the goals of the [Marine Life Protection Act](#) along with adaptive management recommendations within the four focal areas of [MPA Program](#): 1) policy and permitting; 2) enforcement and compliance; 3) outreach and education; and 4) monitoring and research. The Department will be submitting the DMR to the Commission at their February 2023 meeting. Commission discussion of the DMR is scheduled to begin at their April 2023 meeting.

Given the pending DMR, the Department recommends consideration of this petition after the Commission receives and considers the DMR and provides adaptive management guidance.

Please direct further questions to Dr. Craig Shuman, Marine Regional Manager, at (805) 568-1246 or by email at r7regionalmgr@wildlife.ca.gov.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

David Bess, Chief
Law Enforcement Division

Eric Kord, Assistant Chief
Law Enforcement Division

Becky Ota, Program Manager
Marine Region

Melissa Miller-Henson, Executive Director
Fish and Game Commission
December 5, 2022
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Stephen Wertz
Senior Environmental Scientist
Marine Region