STAFF SUMMARY FOR APRIL 18-19, 2018

18. MARINE PETITIONS FOR REGULATON CHANGE

Today's Item **Information ☐** **Action ☒**

This is a standing agenda item for FGC to act on regulation petitions from the public that are marine in nature. For this meeting:

(A) Action on petitions for regulation change received at the Feb 2018 meeting

(B) Update on pending regulation petitions referred to staff or DFW for review

Summary of Previous/Future Actions

(A)

- Receipt of new petitions — Feb 7-8, 2018; Sacramento
- **Today's action on petitions** — **Apr 18-19, 2018; Ventura**

(B)

- **Today's update and action on referrals** — **Apr 18-19, 2018; Ventura**

Background

Pursuant to Section 662, Title 14, any request for FGC to adopt, amend, or repeal a regulation must be submitted on form FGC 1, "Petition to the California Fish and Game Commission for Regulation Change." Petitions received at an FGC meeting are scheduled for consideration at the next business meeting, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b).

Petitions scheduled for consideration today under (A) were received at the Feb 2018 meeting in one of three ways: (1) submitted by the comment deadline and published as tables in the meeting binder, (2) submitted by the late comment deadline and delivered at the meeting, or (3) received during public forum.

Petitions considered under (B) were scheduled for action at a previous meeting and were referred by FGC to DFW or FGC staff for further evaluation prior to action.

(A) ***Petitions for regulation change.*** Exhibit A1 summarizes the regulation petitions scheduled for action today and provides staff recommendations for each. Two non-marine regulation petitions from Feb 2018 are scheduled for FGC action at this meeting:

I. *Petition #2017-011, Part B (Limit recreational abalone methods of take to shore-only and non-motorized vessels or floats)* (Exhibit A2).

II. *Petition #2018-001 (Exempt shore-based anglers from salmon closures at the mouths of the Smith, Klamath, and Eel rivers)* (Exhibit A3).

(B) ***Pending regulation petitions.*** This item is an opportunity for staff to provide a recommendation on marine petitions previously referred by FGC to staff or DFW for review. FGC may act on any staff recommendations made today. One pending marine petition referred to FGC staff or DFW is scheduled for action at this meeting:

I. *Petition #2017-006 (Add European green crab to the list of restricted species)* (Exhibit B1)*:* DFW's Marine Region completed its evaluation and concurs with the petition to list green crab as an invasive aquatic species on the restricted species list, for reasons outlined in Exhibit B2. Therefore, DFW recommends that the petition be granted for consideration in a rulemaking the next time the regulation section is opened for FGC action.

Significant Public Comments (N/A)

Recommendation

(A) Adopt the staff recommendation for each regulation petition to (1) deny, (2) grant, or (3) refer to committee, staff or DFW for further evaluation or information-gathering. See Exhibit A1 for staff recommendations.

(B) Adopt DFW recommendation for Petition #2017-006.

Exhibits

A1. FGC table of marine petitions for regulation change received through Feb 2, 2018, for action in Apr 2018

A2. Petition #2017-011, Part B: Limit recreational abalone methods of take to shore-only and non-motorized vessels or floats

A3. Petition #2018-001: Exempt shore-based anglers from salmon closures at the mouths of the Smith, Klamath and Eel rivers

B1. Petition #2017-006: Add European green crab to the list of restricted species

B2. DFW memo regarding Petition #2017-006, received Mar 20, 2018

Motion/Direction

(A-B) Moved by _____ and seconded by _____ that the Commission *adopts* the staff recommendations for action on February 2018 petitions for regulation change, and *adopts* the staff recommendation for pending Petition #2017-006 for regulation change.

OR

Moved by _____ and seconded by _____ that the Commission *adopts* the staff recommendations for action on October 2017 petitions for regulation change, and *adopts* staff recommendations for action on pending Petition #2017-006 for regulation change, except for item(s) _____ for which the action is _____.

CALIFORNIA FISH AND GAME COMMISSION
DECISION LIST FOR MARINE PETITIONS FOR REGULATION CHANGE RECEIVED THROUGH FEBRUARY 2, 2018
Revised 3-26-2018

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 petition through a process **Deny:** FGC is *not willing to consider* the petition **Refer:** FGC *needs more information* before deciding whether to grant or deny the petition

Tracking No.	Date Received	Accept or Reject	Name of Petitioner	Subject of Request	Code or Title 14 Section Number	Short Description	FGC Decision	Staff Recommendation
2017-011 (B)	10/27/2017	A	Richard J. Oba	Abalone	29.15(b)(2), T14	Amend gear allowances for take of abalone; restrict to shore-only, with non-motorized or paddle-assisted float.	**Receipt scheduled: 2/7-8/2018** **Action scheduled: 4/18-19/2018**	**Deny;** Vessels used to take abalone help distribute fishing effort over a wider area and reduces effort on the more popular dive sites. This can result in better use of the resources.
2018-001	1/3/2018	A	Terrance P. Healey	Exempt shore-based angling	27.75 (a)(b) and (c)	The proposal would limit the application of state law to ocean fishing vessels by specifically exempting shore-based angling for salmon from the mouths of the Smith, Klamath and Eel rivers.	**Receipt scheduled: 2/7-8/2018** **Action scheduled: 4/18-19/2018**	**Deny**; the existing seasonal closure of these river mouths is intended to provide protection to aggregating salmon from harvest, both from vessels and from shore.

State of California – Fish and Game Commission
PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE
FGC 1 (NEW 10/23/14) Page 1 of 2

Tracking Number: (**2017-011 - Part B**)

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, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 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: Richard J. Oba
   Address:
   Telephone number:
   Email address:

2. **Rulemaking Authority (Required) -** Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 200, 205,255,265 of the Fish and Game Code

3. **Overview (Required) -** Summarize the proposed changes to regulations: Modify means of take of red abalone

4. **Rationale (Required) -** Describe the problem and the reason for the proposed change: Reduce poaching and ease enforcement

SECTION II: Optional Information

5. **Date of Petition: 10-24-2017**

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.

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: 2018 Abalone Season

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

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: Reduce enforcement costs

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

    Add to 29.15(e), Special Gear Provisions: abalone can only be taken from shore or with devices commonly called float tubes, or boogey boards and must be self-propelled with no oars or paddles.

SECTION 3: FGC Staff Only

Date received: Click here to enter text.

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

Mr. Richard J. Oba

October 24, 2017

California Dept. of Fish and Wildlife
32330 N. Harbor Drive
Ft. Bragg, CA 95437-5554

Sirs:

Earlier in the year or last year I participated in your abalone survey. As a former board member of United Anglers of California, I have always been concerned about the state of our fisheries in California and want to ensure that future generations have the pleasure I have had in my lifetime to enjoy the outdoors. But the abalone survey left a lot to be desired in gauging the health of the abalone fishery and the motivations of participants. It was the most confusing survey that I have ever taken. To me it did not discern the motives of the participants or gauge their concern about the state of the abalone fishery. It was clear that whomever wrote it forgot the basic tenets of gathering information.

WHO WHAT WHERE WHEN and HOW

Who could have been simple demographics, age, years of participation in the fishery, domicile, and distance traveled.
What could have been why you are taking the survey and the motivation to dive for abalone.
Where is obvious. Use the punch card location codes.
When could be time of day, high tide or low tide or not concerned, during the week or weekend only, first season or second season.
How could be the method of take. From a kayak or other vessel or from shore or rock-picking.

It could have been made with a simple 1-5 or 1-10 scale. People are accustomed to them. Most internet surveys are designed to get the most information with a simple numerical scale. If the survey had been designed properly, you could have cross-correlated the data that you have been getting from the Abalone punch cards.

I would urge DFW to work with its stakeholders to design such an important measure of participant motives and concern.

On a second note, as DFW has steadily lowered the catch limits and total harvest limits on abalone, I feel that it is time to address the impact of the use of vessels in the take of abalone. I realize that the abalone resource is being impacted by environmental changes in addition to greater pressure from human harvesting. But in the years that I have been diving for abalone, I have anecdotally seen the rise of the use of kayaks and other vessels to take abalone. I do not count float tubes or boogey boards as a vessel. They are hand propelled with no oar or paddle. As the easily accessible entry points are depleted, those with vessels can range far a field to harvest abalone. Often out of sight of enforcement officers. I have been able to harvest my catch with simply a float tube. I would ask that DFW ban the use of vessels in the take of abalone.

I realize that the response of DFW has been to lower the catch limits and total harvest as a response to increased pressure on the resource. One measure that DFW has taken is to restrict the hours of harvesting abalone from the traditional game hours of sunrise to sunset to 8 AM as the earliest time that one can harvest abalone. I assume to allow easier enforcement of the fishery. I was and still am opposed to this regulation. It has placed people's lives in danger and several divers have lost their lives as a result of this regulation. Abalone diving is unlike any other fishery. Abalone are taken from shoreline rocks. But during king tides, they can be exposed for divers to take from shore. Divers who are elderly or inexperienced often choose to dive at these tides. Several divers have been overcome by the rip currents that form after the nadir of the low tide since this regulation has been enacted. They started diving after the 8AM curfew on a low tide day when the tide was changing as they entered the water.

I would ask that DFW rescind this regulation and return to the traditional hunting hours. It would save lives. A better approach to protect the resource would be better enforcement and banning vessels from taking abalone. A person's life is worth more than a misguided regulation.

Yours,

Richard J. Oba

cc: B. Halsey, DFW Commission

Independent
Coast Observer

DESTINATION MENDONOMA
2016 Visitors' Guide

Community Commitment
Since April, 1969

VOLUME 48, NUMBER 8 TWO SECTIONS GUALALA, CALIFORNIA PRICE $1.62+TAX MAY 20, 2016

Charter costs could reach $300,000, says Mendo County Exec

By Chris McManus
news@mendonoma.com

The Mendocino County Executive Office delivered its assessment of the fiscal impacts of Measure W, the proposal to form a Charter Commission. The price tag? $50,000 to $300,000, not including the cost of defending against any lawsuits brought against the Charter Commission.

The costs were limited to those incurred in forming the Charter Commission and writing the proposed charter, and did not include ongoing costs once the initial charter draft is completed.

Costs examined included election costs for the election on the actual charter draft, which would be limited to staff time and producing hard copies of the sample ballots in the case of a regular election, but would climb to between $100,000 and $150,000 in a special election.

Proponents have said when the charter is ready for a vote, it will go on a regularly

See Charter...
Continued on page 4

Pirates sweep undefeated Anderson Valley to win North Coast League III championship

By David Torres
sports@mendonoma.com

The Point Arena High School varsity boys baseball team, coached by Trevor Sanders, swept both games of a doubleheader Tuesday, 7-3 and 5-2, against the previously undefeated Anderson Valley Panthers to become the North Coast League III Champions.

The Panthers arrived in Point Arena sporting a 14-0 record, including a sweep of Laytonville. The Pirates' only loss this year was against Laytonville. The Pirates needed to win game one for a league tie and a second game to

See Champions...
Continued on Page 13

Pirate Coach Trevor Sanders gives winning pitcher Gavin Malik a hug after the Pirates first game win over Anderson Valley on Tuesday. David Torres photo.

Missing diver's body found at Moat Creek; second 2016 diver death at Russian Gulch

By Brian Park
news@mendonoma.com

The body of David Tan Le, 57, of Oakland, washed ashore at Moat Creek Beach near to where he went missing on May 9, according to Coast Commander Greg Stefani of the Mendocino County Sheriff's department.

The discovery of Tan Le's body was made just two days after Kevin Francis Frewen, 57, of Carmichael, died in a diving accident near Russian Gulch State Park, according to the Mendocino Volunteer Fire Department.

On Tuesday, a person checking on surf conditions at Moat Creek Beach found a body in a wetsuit lying face down on the beach. Mendocino County Sheriff deputies were summoned and investigated the scene, Stefani said.

The body was wearing a wetsuit and weight belt, and a dive mask was found on the beach nearby. The person appeared to have been washed onto the beach by the natural action of the sea, according to Stefani.

He was subsequently identified as Tan Le, who was last seen diving for abalone in the area May 9. Tan Le vanished in the waters off of Moat Creek Beach while his family hunted abalone nearby. The search for Tan Le was suspended last Wednesday when Mendocino Search and Rescue had exhausted the search site. Autopsy results for Tan Le are pending, said Stefani.

On Saturday, May 15, Kevin Francis Frewen, 57, of Carmichael, died near Russian Gulch State Park, according to the Mendocino Fire Chief Ed O'Brien. Frewen was abalone diving alone in a cove about 100 yards from shore. A man on the beach spoke to Frewen earlier in the day but noticed he was floating facedown in the same spot for a long time about 11:30 a.m.

The diver wasn't breathing and was unresponsive when the man on the beach attempted to rescue Frewen, officials said. Frewen was dragged to shore and CPR was performed. Frewen was declared dead when emergency personnel were called to the scene. Autopsy results are pending in Frewen's death.

Mendo passes urgency ordinance on medical cannabis cultivation

By J. Stephen McLaughlin
news@mendonoma.com

On Tuesday, the Mendocino County Board of Supervisors unanimously adopted an ordinance regulating the growing of medical cannabis in the county. The urgency ordinance will go into effect immediately, but will expire June 30, 2017, in anticipation of enactment of a broader, so-called permanent ordinance by the end of this year.

Only current medical marijuana growers in Mendocino County may obtain permits under the ordinance, instituting a de facto moratorium on new medical marijuana grow operations. Individual patients are exempt from the permit requirements if they grow no more than 100 square feet of medical marijuana on a legal parcel for personal medical use.

The law passed on Tuesday amends Chapter 9.31 of the Mendocino County Code to establish registration and permitting requirements as well as additional measures to protect the environment, that will provide for additional enforcement capability by the County and limit further degradation of the environment due to growing of medical cannabis.

Instead of just a numeric limit for plants, the supervisors also added an option for square footage to accommodate for small nursery plants or clones. A growing area of 100 sq. ft. (10 x 10 feet) is considered equivalent to a single, full-grown plant. The temporary amendment limits the number of plants to 99 (or 9,900 sq. ft. growing area) on a single 10-acre parcel, or up to 50 plants (or 5,500 sq. ft.) on a five-acre parcel. Each individual is limited to 25 plants or the equivalent. (Multiple independent households on larger parcels would be limited to 25 plants each, the total not to exceed the parcel maximum.)

The supervisors added a "grandfather" clause to avoid a "green rush" of growers into Mendocino County. To obtain a permit under the urgency ordinance, applicants must give evidence to the Sheriff that they were already

See Ordinance...
Continued on Page 4

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VOLUME 48, NUMBER 7 ONE SECTION GUALALA, CALIFORNIA PRICE $1.62+TAX MAY 13, 2016

Splash

Mark Your Calendar

Twofish grand opening

The Coast Guard performs search and rescue efforts to find a missing abalone hunter. Photo by Tom Reid.

One abalone diver missing from Moat Creek and two divers rescued at Arena Cove

By David Torres
and Brian Park
news@mendonoma.com

On Monday, May 9, three abalone divers wound up in trouble and desperately needed help. At Moat Creek Beach near Point Arena, abalone diver David Tan Van Le, 59, of Oakland went missing in the water around 9 a.m., according to Kevin Callanan, a director of the South Coast Fire Protection District. At press time, Van Le was still missing. About an hour later on Monday, two divers in Arena Cove needed to be rescued when the rising tide trapped them. They were more fortunate than Van Le.

Moat Creek

"My cousin made several dives alongside me, when suddenly he did not surface. I could not find him and 911 was called," said Thuy Le, cousin of the missing diver.

The search for Van Le by the Mendocino County Search and Rescue team, the Redwood Coast Fire Department and the Coast Guard District 11 helicopters and Fish and Wildlife rescue boat continued through the day and into Tuesday and Wednesday.

"When you get a really low tide people really come out in force and there were around 100 abalone pickers and divers at Moat Creek on Monday," Callanan said. "The diver who went missing was about five-foot-seven in height, he was not wearing swim fins and he was heavily weighted to withstand the six foot swells as he hunted abalone along the shore."

The reef in that area has long, angled crev-

See Rescues...
Continued on Page 9

Open during construction

Arena pharmacy begins remodel

By J. Stephen McLaughlin
news@mendonoma.com

Arena Pharmacy in downtown Point Arena is in the midst of a storewide remodeling project, but pharmacist Jeff Retter says prescription orders and refills will continue while construction is under way.

While the front door will not be open, customers may use the side door for prescription service and pick-up from 9 a.m. to 5:30 p.m., Monday through Friday.

The updated and enlarged pharmacy area will be more efficient for filling prescriptions, Retter said, and the front of the store will be modernized for easier shopping.

Home delivery of prescriptions will still be available during the remodeling project, which is expected to take about a month.

Marine Sanctuary sewage dumping meeting Thursday

A public meeting will be held Thursday, May 12, from 6 to 7 p.m. at the Gualala Community Center on a proposal to loosen offshore sewage dumping regulations for the United States Coast Guard in the Greater Farallones National Marine Sanctuary, off the Mendonoma coast.

The Coast Guard is asking NOAA to allow the following discharges within the Sanctuary: 1) untreated vessel sewage, 2) vessel graywater that does not meet federal water pollution standards, and 3) ammunition and flare materials used in training exercises for use of force and search and rescue.

Three women survive ordeal at Gualala River mouth

J. Stephen McLaughlin
news@mendonoma.com

No matter how calm and serene the Gualala River looks, three women say they will never again go kayaking without wearing their lifejackets. On Friday afternoon, two of them were dragged through the mouth of the river and out of their boats, one of them into the turbulent surf beyond. After a dangerous struggle, the two women dragged themselves onto the beach, but one of their kayaks was lost.

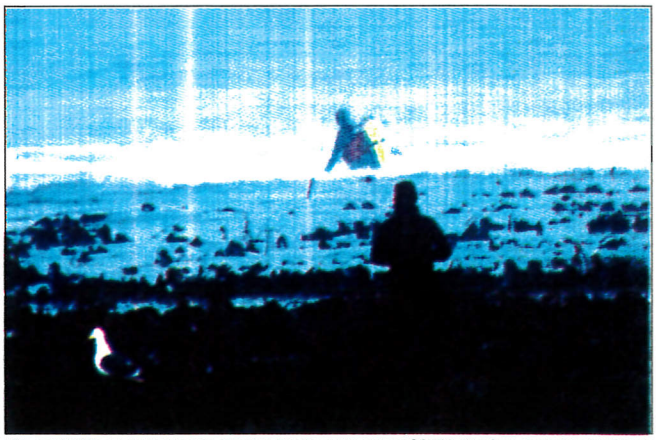
While several people reportedly watched the life-threatening drama from the bluff across the river, apparently no one ever called 911 for help.

Sisters Tara Bennett of Maryland and Tina delaBriandais of Oakley, were camping with their best friend Tamara Ndoye of Concord, part of more than 200 friends and family who gather each Mother's Day weekend at Gualala River Redwood Park, a four-decades-old tradition.

About 2:30 p.m. they launched three kayaks from the campground into the docile Gualala River. Their lifejackets were in the boats, but none of them had put them on. An hour later they had paddled down under the bridge and into the estuary in front of the town of Gualala.

Ndoye and delaBriandais told the ICO they knew to stay back from the river mouth. Bennett said she wanted to put up her kayak on Gualala Beach, but the sudden powerful flow "tore me out" into the river mouth and dumped her from the boat. She scrambled to grab her kayak, but grasped only the life-

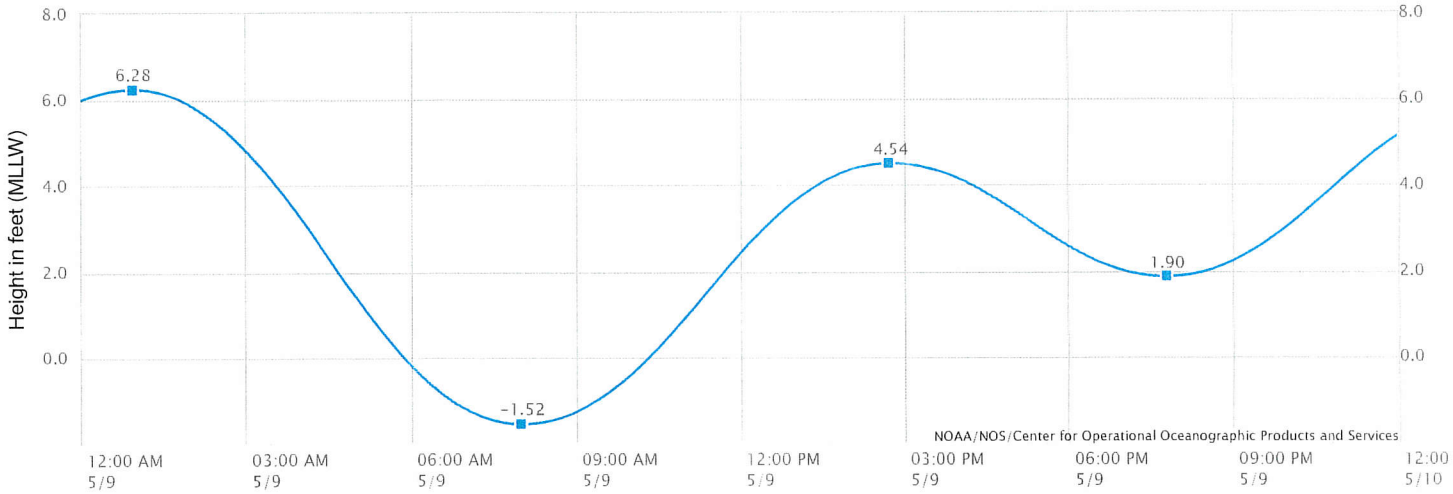
See River...
Continued on Page 9



Fish and Wildlife warden and scuba diver Pat Freeling looks out at a SCUBA diver from the Mendocino County Search and Rescue team who were trying to locate a missing abalone diver on Tuesday morning at Moat Creek. David Torres photo.

Help Print

NOAA/NOS/CO-OPS
Tide Predictions at TWC0771, Point Arena
From 2016/05/09 12:00 AM LST/LDT to 2016/05/09 11:59 PM LST/LDT
Subordinate Station | Ref. Station (Arena Cove 9416841) | Time offsets (high: 3 min. low: 1 min.) | Height offsets (high: *0.98 ft. low: *0.95 ft.)



Note: The interval is High/Low, the solid blue line depicts a curve fit between the high and low values and approximates the segments between.

Disclaimer: These data are based upon the latest information available as of the date of your request, and may differ from the published tide tables.

High/Low Tide Prediction Data Listing

Station Name: Point Arena,
Action: Daily
Product: Tide Predictions
Start Date & Time: 2016/5/9 12:00 AM
End Date & Time: 2016/5/9 11:59 PM

Source: NOAA/NOS/CO-OPS
Prediction Type: Subordinate
Datum: MLLW
Height Units: Feet
Time Zone: LST/LDT

Date	Day	Time	Hgt	Time	Hgt	Time	Hgt	Time	Hgt
2016/05/09	Mon	12:57 AM	6.28 H	08:00 AM	-1.52 L	2:44 PM	4.54 H	7:47 PM	1.90 L

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VOLUME 49, NUMBER 9 ONE SECTION GUALALA, CALIFORNIA PRICE $1.63+TAX JUNE 2, 2017

Splash
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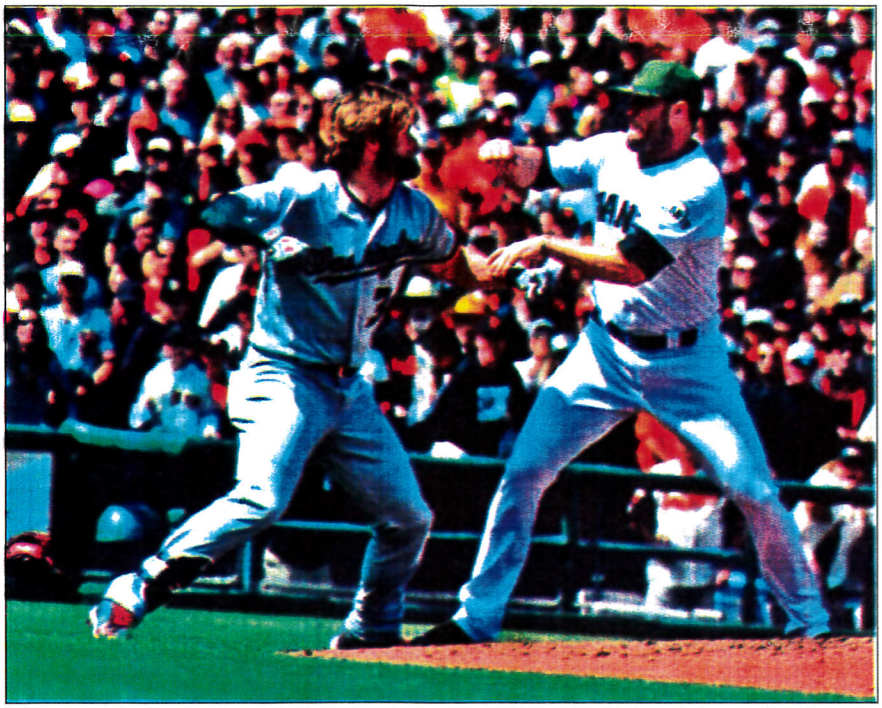
Mendo Film Festival



On Monday in San Francisco Bryce Harper of the Washington Nationals and Hunter Strickland of the Giants gave the home crowd an extra sporting event, a boxing match that cleared the dugouts and injured one Giants player who tried to break up the fight. Photo by John Torres. See story on Page 13.

Waterways, wetlands key for Sonoma County preservation

By Zoë Smith

Participants at Sonoma County's Thematic Workshop on Natural Resources in Santa Rosa last week agreed that aquatic systems — from headwaters to coastal areas, riparian habitats, wetlands and salmonid streams — ranked highest in priority for protection. Concern was also expressed for threatened and endangered species, contiguous and fragmented habitats as well as specific areas such as Laguna de Santa Rosa, or historic oak woodlands.

What threatens these important resources varies from water diversion to sea level rise and from misinformation to a lack of communication. Vineyard conversions were thought to be a threat to existing protected lands. In District parlance, development, subdivisions and high-intensity conversions were highlighted as the biggest threats, the most taxing on natural resources.

Since its inception, the Sonoma County Agricultural and Open Space District has brought about 111,200 acres under its protection. Of that, 25,281 acres are in northwest Sonoma County, or about 23 percent of the total. These lands are diverse: greenbelts, urban open spaces, recreation, agriculture and natural resources.

Funded by a one-quarter percent sales tax, the District is eager for input about its expendi-

See Vital lands...
Continued on Page 24

School struggling to find replacement math teacher

By J. Stephen McLaughlin
news@mendonoma.com

Even after spending thousands of dollars in the search, Point Arena High School is still trying to hire a full-time high school math teacher to replace Daniel Huddleston, who resigned in January in a cloud of controversy.

At a special meeting on Friday, the Point Arena school board discussed offering a signing bonus, borrowing a teacher from a junior college, and encouraging the few prospects who have expressed interest to actually fill out applications for the job.

Point Arena's problem of attracting talent is not unique. "Everybody's struggling," Superintendent Brent Cushenbery said. "The Ukiah District is down seven math teachers." Missing just one of the two math teachers is a critical situation in a small school like Point Arena.

Cushenbery said a fully-credentialed teacher without a special math

See Math...
Continued on Page 20

Governor seeks salmon disaster declaration

Lack of fish devastates tribal communities

By S.J. Black
news@mendonoma.com

Gov. Jerry Brown sent a letter seeking a salmon disaster declaration from the federal government, Wednesday, May 24, hoping to receive federal aid for fishery-dependent communities.

The past two years have seen some of the lowest numbers of salmon, substantially restricting the fishing industries from operating, wrote Brown along with co-author Oregon Gov. Kate Brown. Several causes are to blame for the salmon population decrease, including climate change and human-made decreased waterflow.

California tribes were given an outlet during Joint Committee on

See Tribes...
Continued on Page 27

Oakland man dies while diving

Experienced diver aided by companions

By J. Stephen McLaughlin
news@mendonoma.com

An Oakland man died Saturday morning while diving for abalone at Bowling Ball Beach south of Point Arena.

The Mendocino County Sheriff's Office identified the man as Steve Nguyen, 58, of Oakland. Capt. Greg Van Patten said Nguyen was reportedly an experienced diver, and after about 30 minutes in the water, apparently experienced some sort of distress while diving. Cause of death is pending results of toxicology tests.

Redwood Coast Fire Department chief Mike Suddith told the ICO that RCFD, Coast Life Support District ambulance and Sonoma County Sheriff's Henry 1 helicopter responded to the 9:17 a.m. call.

Suddith said Nguyen had been pulled from the water by his companions, and responders' CPR efforts were unsuccessful.

Help Print

NOAA/NOS/CO-OPS
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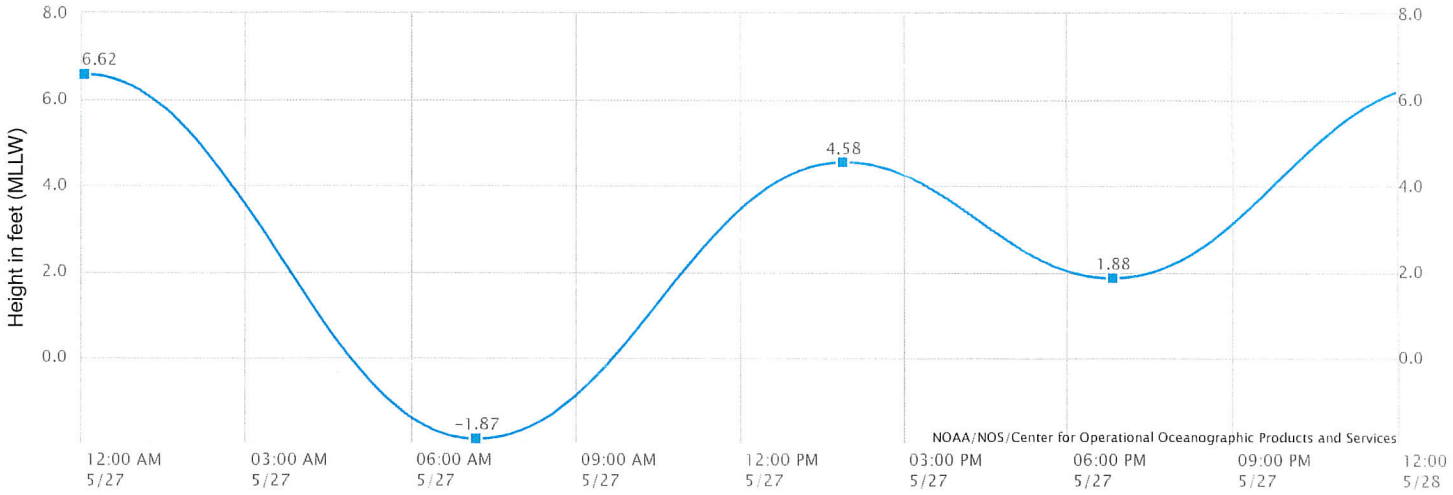

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Source: NOAA/NOS/CO-OPS
Prediction Type: Subordinate
Datum: MLLW
Height Units: Feet
Time Zone: LST/LDT

Date	Day	Time	Hgt	Time	Hgt	Time	Hgt	Time	Hgt
2017/05/27	Sat	12:04 AM	6.62 H	07:11 AM	-1.87 L	1:54 PM	4.58 H	6:50 PM	1.88 L

State of California – Fish and Game Commission
PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE
FGC 1 (NEW 10/23/14) Page 1 of 2

Tracking Number: (2018-001 Click here to enter text.)

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, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 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: TERRANCE P. HEALEY Click here to enter text.
   Address:
   Telephone number: Click here to enter text.
   Email address: NONE Click here to enter text.

2. **Rulemaking Authority (Required) -** Reference to the statutory or constitutional authority of the Commission to take the action requested: FGC 200, 205, 265, 275 Click here to enter text.

3. **Overview (Required) -** Summarize the proposed changes to regulations: ATTACHED Click here to enter text.

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

SECTION II: Optional Information

5. **Date of Petition:** 12/21/17 Click here to enter text.

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): 27.75 ATTACHED
   ☐ 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: MARCH 1, 2018

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

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: ATTACHED

12. **Forms:** If applicable, list any forms to be created, amended or repealed:
    ATTACHED

SECTION 3: FGC Staff Only

Date received: Click here to enter text.

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2018 JAN -3 PM 2:05

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

3. Overview (Required) - What has been in essence a defacto exemption for shore based angling at the mouth of the Smith, Klamath, and Eel Rivers under Section 27.75, that has existed for several decades in recognition of the river recreational fisheries, is in need of clarification because of recent misinterpretation and unwarranted enforcement actions. The shore based sport fisheries at the mouths of these rivers, legally defined as inland waters, are legitimate uses of the rivers . Shore based angling was never intended to be regulated the same as ocean fishing vessels.. A specific exemption for shore based angling is now necessary and is proposed herein to eliminate the ambiguity that has remained since the regulation was last amended in March 2015.

4. Rationale (Required) - I believe further clarification of Section 27.75 (a), (b) and (c) (last amended in March 2015), is necessary because of recent misinterpretation and wrongful enforcement actions taken against shore based anglers. Based on my recent observations of the situation at the mouth of the Smith River, I have learned that people simply fishing from the shore at the Smith River are now being cited for violation of Section 27.75 (a), should they venture near or land a fish in the surf zone at the mouth of the river. Very likely, this is also occurring on the Klamath and Eel (Sub-Sections (b) and (c)) as well. Therefore, these comments pertain to all three rivers.

Section 27.75 (a),(b) and (c) contain no defined boundaries between the mouths of the rivers and the ocean (attachment #1). This makes it impossible for anyone to know where the mouth of the river ends and the "ocean" begins. Without boundaries being described in the text of the regulation, Section 26.75 (a),(b) and (c) can not legally preclude sport fishing and take of salmon from the shore at the mouths of the rivers. The present wording in the regulation applies only to fishing vessel operations within the zone and provides virtually a defacto exemption to shore based angling.

Despite this reality, one warden and likely others are now ignoring the limitations built into the law by this omission and arbitrarily decide where a boundary between river and "ocean," should be located for the purpose of unfairly and wrongfully issuing citations to shore anglers for "fishing for salmon in closed area" (Attachment #2). The regulation as written, simply does not provide anyone with authority to make this determination.

The omission of a defined shoreside boundary in the text of the regulation is understandable.. It is impossible for anyone, at any time, to precisely determine the exact location of the mouth of any river because it is always changing with the tide and out flow volume. Therefore, establishing such a boundary can only be done arbitrarily, which would legally require a written description of its location in the regulation and posting with signs on the shore to inform the public. The problems associated with trying to establish one make it impractical because of such issues as tidal fluctuations, shifting locations of the mouths from year to year, legal posting requirements and maintenance of

signs, and private property matters. Finally, a defined shoreside boundary is not needed for two reasons (1) The ocean itself is a natural barrier to encroachment. It is impossible for shore based anglers to even enter the ocean closure zones beyond the insignificant margin at the shore/ocean interface. (2) The regulation as written, cannot legally be enforced against shore based angling but satisfies its intent to regulate offshore ocean fishing vessel activity. It is fully enforceable in the "ocean" proper without the inclusion of a shoreside boundary because the north, south and west boundaries in the ocean are clearly defined and adequate for the purpose of regulating vessel fishing activities.

Background - I believe the first salmon closure zone was established in 1957 by the State Legislature. Commercial take of salmon then and now, is permitted only in the ocean with hook and line by vessels and these vessels must be licensed. The original wording of this regulation is still current and reads as follows:

California 2017 Fish and Game Code - Division 6, Fish - Part 3, Commercial Fishing - Chapter 2, Particular Varieties of Fish - Article 4, Salmon - Section 8219, Taking in District 6 and 7.

"Salmon may not be taken for commercial purposes in District 6 at the mouths of the Smith and Klamath Rivers within three nautical miles north and south of a line drawn due west for three nautical miles from the center of the mouths of each of those streams, or during the months of August and September in District 7 at the mouth of the Eel River within two nautical miles north and south of a line drawn due west from the center of the mouth of that stream".

Following the enactment of Section 8219, Section 27.75 under Title 14 CCR , Chapter 4: Ocean Fishing was enacted by the Fish and Game Commission and patterned after Section 8219 to regulate sport, as well as commercial fishermen, in the offshore ocean waters.

Conclusions - There is nothing I have been able to find to suggest that shore anglers at the mouths of the rivers were ever a reason for the enactment of either of these regulations. However, the initial wording of Setion 8291 provides good evidence that the ocean closures were enacted to prevent fishing vessels, mainly commercial salmon trollers, from fishing too close the mouths of these rivers and competing with the river recreational fisheries.

Shore based angling at the mouths of Smith, Klamath, and Eel Rivers have long been recognized as a legitimate recreational use of these rivers. It is apparent that the regulation was enacted based on a reasonable assumption that the depletion of the fish by commercial fishing vessels in the ocean, where the fish are known to concentrate before

entering the rivers, could have a negative impact on spawning runs, as well as the recreational fisheries in the rivers, including the shore based fisheries at the mouths of the rivers. The regulation is clearly aimed at preventing over harvest of salmon in the ocean by fishing vessels to insure that enough fish return to the rivers for spawning and recreational harvest.

The use of nautical terminology in the wording of the regulation is further evidence that the regulations were intended to be understood and directed toward persons operating ocean fishing vessels.

The waters at the mouths of the Smith, Klamath and Eel rivers are "brackish" and can be legally defined as such, based on their salinity being less than about 34.5 ppt. The waters at the mouths of these rivers cannot legally be defined as "ocean" waters without violating Title 14, Chapter 1 General Provisions and Definitions - Section 1.53, Inland Waters. This section specifically defines fresh and brackish waters as "inland waters"(Attachment #3).

Also, Section 1.53 is consistent with Title 14, Chapter 4: Ocean Fishing Section 27.00. Definition where "ocean" is defined as the "open seas" adjacent to the coast and islands "or the waters of open or enclosed bays contiguous to the ocean", including Elkhorn Slough etc....."(Attachment #4). There is no wording in Section 27.00 or 27.75 describing the brackish tidal waters of the Smith, Klamath and Eel Rivers as "ocean waters or open or enclosed bays."

I am proposing that five words be added to each sub-section of Section of 27.75 to clearly and concisely reflect the intent of the law. This proposal would limit the application of the law to ocean fishing vessels, as originally intended, by specifically exempting shore based angling, and would follow the example set forth by Title 14, Chapter 4: Ocean Fishing Section 27.20, (b), (1), (C) concerning groundfish management areas (Attachment #5).

7. The Proposal is to: Amend Title 14 Section 27.75 (a); (b) and (c).

27.75 Salmon Closures.
(a) No Salmon may be taken, **except by shore based angling**, at any time in ocean waters at the Smith River Mouth bounded on the north by 41 degrees 59' 36" N. lat. (approximately 3 nautical miles north of the Smith River mouth), on the west by 124 degrees 16' 24" W. long (approximately 3 nautical miles offshore), and on the south by 41 degrees 53' 30" N. lat. (approximately 3 nautical miles south of the Smith River mouth).

(b) No Salmon may be taken, **except by shore based angling**, at any time in ocean waters at the Klamath River mouth bounded on the north by 41 degrees 35' 30" N. lat. (approximately 3 nautical miles north of the Klamath River mouth), on the west by 124 degrees 08' 54" W. long. (approximately 3 nautical miles offshore), and on the south by 41 degrees 29' 24" N. lat. (approximately 3 nautical miles south of the Klamath River mouth). In August, the ocean salmon closure expands into the "Klamath Control Zone." The Klamath Control Zone is defined in federal regulations as the ocean area at the Klamath River mouth bounded on the north by 41 degrees 38' 48" N. lat. (approximately 6 nautical miles north of the Klamath River mouth), on the west by 124 degrees 23' 00" W. long (approximately 12 nautical miles offshore), and on the south by 41 degrees 26' 48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth).

(c) No Salmon may be taken, **except by shore based angling**, at any time in ocean waters at the Eel River Mouth bounded on the north by 40 degrees 40' 24" N. lat. (approximately 2 nautical miles north of the Eel River mouth), on the west by 124 degrees 21 ' 24" W. long (approximately 2 nautical miles offshore), and on the south by 40 degrees 36' 24" N. lat. (approximately 2 nautical miles south of the Eel River mouth).

8. Not applicable.

9. Effective date: March 1, 2018.

10. Supporting Documentation:
Attachment #1 - CCR Title 14, Section 27.75 (entire).
Attachment #2 - Copy of citation and court summons issued to shore angler at mouth of Smith. River in 2017.
CFGC, Section 8219. (See entire wording in **4. Rational**).
Attachment #3 - CCR Title 14, Section 1.53 (entire).
Attachment #4- CCR Title 14, Section 27.00 (entire).
Attachment #5- CCR Title 14, Sections 27.20 (applicable portions).

11. Economic or Fiscal Impacts: Without a detailed accounting, the amount of money that has been improperly taken from anglers by the counties of Del Norte and Humboldt and to the State of California Department of Fish and Wildlife, cannot be determined. To allow this practice to continue for the sake of making money would be wrong from a moral, as well as a legal standpoint.

12. Forms: 2018-2019 CALIFORNIA SALTWATER SPORT FISHING REGULATIONS.

10. Supporting documentation: (continued) Attachments.

Attachment 1.

27.75. Salmon Closures.

(a) No salmon may be taken in ocean waters at the Smith River mouth bounded on the north by 41degrees 59'36 N. lat. (approximately 3 nautical miles north of the Smith River mouth), on the west by 124 degrees 16' 24" W. long.(approximately 3 nautical miles offshore), and on the south by 41degrees 53' 30" N. lat. (approximately 3 nautical miles south of the Smith River mouth).

(b) No salmon may be taken in ocean waters at the Klamath River mouth bounded on the north by 41degrees 35' 30" N. lat. (approximately 3 nautical miles north of the Klamath River mouth), on the west by 124 degrees 08' 54" W. long." (approximately 3 nautical miles offshore), and on the south by 41degrees 29' 24" N. lat. (approximately 3 nautical miles south of the Klamath River mouth). In August. the ocean salmon closure expands into the "Klamath Control Zone." The Klamath Control Zone is defined in federal regulations as the ocean area at the Klamath River mouth bounded on the north by 41degrees 38' 48" N. lat. (approximately 6 nautical miles north of the Klamath River mouth), on the west by 124 degrees 23' 00" W. long. (approximately 12 nautical miles offshore), and on the south by 41degrees 26' 48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth).

(c) No salmon may be taken during the months of August and September in ocean waters at the Eel River mouth bounded on the north by 40degrees 40'24 N lat. (approximately 2 nautical miles north of the Eel River mouth), on the west by 124 degrees 21' 24" W. long. (approximately 2 nautical miles offshore), and on the south by 40degrees36' 24" N. lat. (approximately 2 nautical miles south of the Klamath River mouth.

ATTACHMENT 2

Citation and Court Summons issued Erroneously to Shore Based Angler at Smith River Mouth.

DEPARTMENT OF FISH AND GAME — NOTICE TO APPEAR FG-900 — ☐ Misdemeanor ☒ Traffic ☐ Non-traffic — AD2016833

Date of Violation	Time		Day of Week	Case No.
10/05/2017	5:05	☐ AM ☒ PM	THUR	—

☐ Owner's Responsibility (Veh. Code, § 40001)

Veh. Lic. No. or VIN — State

Yr. of Veh.	Make	Model	Body Style	Color

☐ COMMERCIAL VEHICLE (Veh. Code, § 15210(b))
☐ HAZARDOUS MATERIAL (Veh. Code, § 353)

Evidence of Financial Responsibility

Registered Owner or Lessee — ☐ Same as Driver

Address — ☐ Same as Driver

City — State — ZIP Code

Correctable Violation (Veh. Code, § 40610) Yes	No	Code and Section	Description	☐ Booking Required	Misdemeanor or Infraction (Circle)
☐	☒	CCR T-14 27.75(a)	FISHING FOR SALMON IN OCEAN CLOSURE		M (I)
☐	☐				M I
☐	☐				M I
☐	☐				M I

Speed Approx.	P.F./Max. Spd.	Veh. Lmt.	GPS Lat	Long
	—		—	—

Location of Violation(s): at MOUTH OF SMITH RIVER / DEL NORTE — City/County of Occurrence — CalTIP: Yes / (No)

Evidence Seized: NONE

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

T. PINNOW — Arresting or Citing Officer — 872 Badge No.

Date — Name of Arresting Officer, if different from Citing Officer — Badge No.

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. Signature

WHEN: ON OR BEFORE THIS DATE NOV 30 2017 Time: 1:00 ☐ AM ☒ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE: Name of Court DEL NORTE SUPERIOR
Section or Division, Room No: —
Street Address 450 H ST., CRESCENT CITY, CA, 95531
Phone Number (707) 464-8115 Ext — Court 08100

☐ Juvenile ☐ To be notified ☐ You may arrange with the clerk to appear at a night session of the court.

AD2016833

RESPONDENT COPY

Judicial Council of California Form — Rev. 09-20-05, (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9) — SEE REVERSE TR-130

KEEP THIS PORTION FOR YOUR RECORDS

Name:

Docket Number: DNJC-INNT-2017-3667-1

Citation No.: AD2016833

Date of Birth

Driver's License

Violation Date

Due Date: 11/30/2017

Agency: DNFG

Officer: T PINNOW

POC	Sections	Violations	Description	Bail Amount
	CCR	27.75(a)	SALMON CLOSURES	395.00
			COURT OP ASSESSMENT	40.00
			SECRET WITNESS ASS.	15.00
			CONV. ASSM. INFRACT	35.00

RETURN THIS PORTION WITH YOUR PAYMENT

NAME:

CITATION# AD2016833

DUE DATE 11/30/2017

RETURN THIS PORTION WITH YOUR PERSONAL CHECK OR MONEY ORDER (US FUNDS ONLY)

(*WITH POC: $485.00)

TOTAL DUE $485.00

(SEE BACK FOR FURTHER OPTIONS)

Attachment 3.
1.53 Inland Waters.

Inland waters are all the fresh, brackish and inland saline waters of the state, including lagoons and tidewaters upstream from the mouths of coastal rivers and streams. Inland waters excludes the waters of San Francisco Bay and the waters of Elkhorn Slough, west of Elkhorn Road between Castroville and Watsonville. See Section 27.00 for the description of San Francisco Bay.

Attachment 4.
27.00 Definition.

The Ocean and San Francisco Bay District consists of the Ocean and San Francisco Bay as described herein. **The Ocean is the open seas adjacent to the coast and islands and the waters of open and enclosed bays contiguous to the ocean**, including the waters of Elkhorn Slough, west of Elkhorn Road between Castroville and Watsonville. San Francisco Bay and San Pablo Bay and all their tidal bay, sloughs, estuaries, and tidal portions of their rivers and streams between the Golden Gate Bridge and the west Carquinez Bridge. For purposes of this section, waters downstream of The Trancas Bridge on the Napa River, downstream of the Highway 121 Bridge on Sonoma Creek, and downstream of the Payran Street Bridge on the Petaluma River are tidewater portions of the Napa River, Sonoma Creek and the Petaluma River, respectively. Also see Section 1.53.

Attachment 5.
27.20
Groundfish Management Areas, Depths Exceptions, and Fishery Closure/ Rule Change Process described.

(b) General Provisions.

(1) Take and Possession:
(C) Shore Based Angling: When angling from shore (includes beaches, banks, piers, jetties, breakwaters, docks, and other man made structures connected to the shore), all species may be taken or possessed year-round (See 27.50 (b) (1) for exceptions in the Cowcod Conservation Areas) No vessel or watercraft (motorized or non-motorized) may be used to assist in taking or possessing these species while angling from shore under this provision.

State of California – Fish and Game Commission
PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE
FGC 1 (NEW 10/23/14) Page 1 of 2

Tracking Number: (2017-006 ~~Click here to enter text.~~)

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, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 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: Joshua Russo, President, Watermen's Alliance
   Address:
   Telephone number:
   Email address:

2. **Rulemaking Authority (Required) -** Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish and Game Code Sections 2118(i) and 2118(k)

3. **Overview (Required) -** Summarize the proposed changes to regulations: Amend Title 14 CCR 671 (c) (12) to add subsection (C) Carcinus maenas (European Green Crab) to the list of restricted species.

4. **Rationale (Required) -** Describe the problem and the reason for the proposed change: The European Green Crab is considered one of the world's worst invasive species. In areas where the crab have been able to establish reproducing populations they have had dramatic impacts on other species, particularly smaller shore crab, clams, and small oysters. While the crab cannot crack the shell of a mature oyster, it can prey upon young oysters, and will dig down six inches to find clams to eat.

SECTION II: Optional Information

5. **Date of Petition: 7/5/2017**

6. **Category of Proposed Change**
   - ☐ Sport Fishing
   - ☐ Commercial Fishing
   - ☐ Hunting

☒ Other, please specify: Restricted Species

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):671 (c) (12)
☐ 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: Click here to enter text.

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: ~~Click here to enter text.~~ August 8, 2017

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: August 16, 2017

Meeting date for FGC consideration: October 11-12, 2017

FGC action:
☐ Denied by FGC
☐ Denied - same as petition _____
Tracking Number
☐ Granted for consideration of regulation change

State of California
Department of Fish and Wildlife

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2018 MAR 20 AM 8:43

Memorandum

Date: March 19, 2018

To: Valerie Termini
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **RESPONSE TO PETITION TO LIST EUROPEAN GREEN CRAB AS AN INVASIVE AQUATIC SPECIES**

The California Department of Fish and Wildlife (Department) has reviewed California Fish and Game Commission (Commission) Petition # 2017-006 and recommends including the European Green Crab on the restricted species list when Title 14, CCR Section 671 is next open for a Commission rulemaking.

The European Green Crab (Green Crab), *Carcinus maeans*, is a small littoral crab native to the north-east Atlantic Ocean and northern Africa. Green Crab are up to 4 inches in length across the carapace and inhabit a variety of marine and estuarine habitats with the exception of very high velocity outer coast locations. Green Crab have general diets that include other crustaceans, marine worms, bivalves and other mollusks.

Green Crab first arrived in North America in the early 1800's within ships ballasts and/or attached to ships hulls. In 1989-1990, Green Crab were first identified in California in southern San Francisco Bay. It is suspected that the crab arrived in seaweed wrapped bait shipments from Maine. Since then, Green Crab have spread throughout California and have been identified in many locations including, but not limited to, San Francisco Bay and Bay Delta, Elkhorn Slough, Bolinas Lagoon, Bodega Bay, Tomales Bay, and Humboldt Bay.

On July 7, 2017 the California Fish and Game Commission received a petition from Mr. Joshua Russo, President of the Watermen's Alliance requesting that regulations be adopted to list Green Crab as an invasive aquatic species. The Department agrees with the Petition for listing due to the following reasons:

- Green Crab inhabit most types of marine and estuarine habitats in Northern and Central California which would suggest there is potential for further population expansion.

- Green Crab have caused impacts to bivalve aquaculture, native fisheries, and sensitive habitat in other established populations outside of its native range.

- There is concern that Green Crab can continue to expand beyond currently established populations in California and cause extensive damage to recreational and commercial fishery resources.
- Washington, Oregon, northeastern States, and Canadian Providences on the east and west coast have identified Green Crab as an aquatic invasive species through listing as a restricted species or implementing various control measures.

The Department intends to update the restricted species list next time this section of regulation is opened for a Commission rulemaking.

If you have any questions regarding this item, please contact Dr. Craig Shuman, Marine Regional Manager, at (916) 445-6459 or by email at Craig.Shuman@wildlife.ca.gov.

ec: Deborah Halberstadt
Deputy Secretary for
Ocean and Coastal Matters
Natural Resources Agency
Deborah.Halberstadt@resources.ca.gov

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