



Tracking Number: (2020-001)

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: Keith Rootsart
Address: 681 Seely Ave
Telephone number: 408-206-0721
Email address: keith.rootsart@salasobrien.com

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

Overview (Required) - Summarize the proposed changes to regulations:

Request to add Section 29.12, Title 14, CCR, as follows:

§ 29.12. Sea Urchin

- (a) The daily bag limit for sea urchin taken while skin or SCUBA diving at Tanker's Reef and the Doc Ricketts Marine Conservation Area in Monterey County is forty (40) gallons.
- (b) Tanker's Reef is defined as the area between the following coordinates:
36°36'4.54"N, 121°53'13.47"W;
36°36'19.70"N, 121°53'13.45"W;
36°36'42.67"N, 121°52'20.15"W; and
36°36'20.33"N, 121°52'4.06"W.
- (c) Edward F. Ricketts SMCA is bounded by straight lines connecting the following points in the order listed:^[3] 36°36.50'N 121°53.37'WCoordinates: 
36°36.50'N 121°53.37'W, 36°37.25'N 121°53.78'W, and 36°37.10'N 121°54.09'W, then the mean high tide line along the coast back to the breakwater of Monterey Harbor.
- (d) There is no possession limit for sea urchin.



Authority cited: Sections 200 and 205, Fish and Game Code.

Reference: Sections 200 and 205, Fish and Game Code.

3. **Rationale (Required)** - Describe the problem and the reason for the proposed change: The urchin barren problem in the central coast was brought before the Commission previously and was publicly noticed as 2019-003. Petition 2019-003 is referenced as justification for this petition. I believe that the denial of this petition by CDFW was not based on objective scientific criteria. The primary reason for denial was due to Southern sea otters at the site, which is not a factual condition and a miscalculation. The second reason for denial was because this was not considered an emergency, even though this opinion was shared by Sonke Mastrup, CDFW. The emergency condition designation was perhaps more subjective, so I am submitting this as a regular rulemaking petition.

It has been a year since this matter was brought before the commission and the condition has only worsened and become more desperate. Reef Check data shows that the number of purple urchins on the Monterey Peninsula have doubled in 2019 from 10 urchins /m² to 21 urchins/m². There is a new cohort of urchins in the 2cm size class. An experiment conducted by Reef Check California reveal that removing only purple urchins is insufficient to restore kelp and red urchins must be removed as well for kelp restoration. This is no longer a single species issue and that is significantly different from what was proposed previously. It is time to ask for regulatory language change again, but for a larger area to preserve what little kelp remains in Monterey Bay.

SECTION II: Optional Information

4. **Date of Petition:** 1-20-20

5. **Category of Proposed Change**

- Sport Fishing
 Commercial Fishing
 Hunting
 Other, please specify:

6. **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) |
 Add New Title 14 Section(s): 29.12
 Repeal Title 14 Section(s): | |

7. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition 2019-003**

Or Not applicable.

8. **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: April 2020



- 9. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: See submitted FG-1 2019-003
- 10. **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: See submitted FG-1 2019-003
- 11. **Forms:** If applicable, list any forms to be created, amended or repealed:

n/a

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 _____
- Granted for consideration of regulation change

Tracking Number