

## STAFF SUMMARY FOR DECEMBER 12-13, 2018

**9. RECREATIONAL TAKE OF PURPLE SEA URCHIN****Today's Item****Information** ☒**Action** ☐

Discuss proposed changes to regulations concerning the recreational take of purple sea urchin.

**Summary of Previous/Future Actions**

- |  |                                   |
|--|-----------------------------------|
| • Emergency regulation adopted           | Apr 18-19, 2018; Ventura          |
| • Emergency regulation extension adopted | Oct 17, 2018; Fresno              |
| • Notice hearing for Section 29.06       | Oct 17, 2018; Fresno              |
| • <b>Today's discussion hearing</b>      | <b>Dec 12-13, 2018; Oceanside</b> |
| • Adoption hearing                       | Feb 6, 2019; Sacramento           |

**Background**

On Apr 18, 2018, FGC adopted emergency regulations to increase recreational take of purple sea urchin from 35 individuals to 20 gallons in coastal waters off Mendocino and Sonoma counties; the purpose for this increase is to address conditions adversely affecting bull kelp and red abalone. FGC approved a 90-day extension of the emergency regulation at its Oct 17, 2018 meeting.

This regulatory proposal, under a regular rulemaking, would add Section 29.06 to provide for a daily recreational bag limit of 40 gallons of purple sea urchins while skin or SCUBA diving off waters of Humboldt, Mendocino and Sonoma counties. The proposal would exempt from any possession limit all recreationally-taken purple sea urchin, as does the emergency regulation. An option to this action would add Del Norte County.

Severe environmental conditions over the past several years have caused a collapse of the bull kelp (*Nereocystis luetkeana*) forest in the waters of the northern California coastline. The combination of unprecedented environmental and biological stressors has led to severe impacts on marine life that inhabit kelp forests, including widespread starvation and death of abalone (*Haliotis spp.*). In 2016 and 2017, more than 25 percent of abalones assessed (> 6,000 abalone per year) in nine creel surveys at key fished sites in Sonoma, Mendocino, and Humboldt counties had shrunken foot muscle due to starvation. Starved abalones have increased chance of mortality and severely reduced fecundity.

FGC closed the red abalone fishery for the 2018 season in Dec 2017, and it remains closed. Recovery of the abalone fishery will not be possible without the eventual recovery of bull kelp forests and the return of sufficient food to support abalone survival and reproduction.

Kelp recovery has been severely limited in part due to the proliferation of purple sea urchins (*Strongylocentrotus purpuratus*). Unlike abalone, sea urchins are generally resilient to food shortage and can survive longer without food, and therefore grazing pressure from surviving sea urchins may prevent kelp recovery. The urchin population boom is further exacerbated by the absence of important predatory sea stars (*Pisaster spp.*), which were severely impacted by

## STAFF SUMMARY FOR DECEMBER 12-13, 2018

the sudden onset of sea star wasting syndrome in 2013. Sea stars have since been recovering at a very slow pace, providing only marginal impact on purple sea urchins.

DFW will provide a presentation at the meeting on this item. See Exhibit 3 for additional background information.

**Significant Public Comments**

1. A commenter supports expansion of take and would like to see more organized events for take of urchins (Exhibit 5).
2. The Pala Band of Mission Indians supports any action which protects coastal resources (Exhibit 6).
3. A commenter would like FGC to remove restrictions related to Section 1.87, Waste of Fish, to make legal the waste of urchins (Exhibit 7).

**Recommendation (N/A)****Exhibits**

1. [DFW memo, received Nov 14, 2018](#)
2. [Initial statement of reasons](#)
3. [Staff summary from Oct 17, 2018 meeting, Agenda Item 6](#)
4. [Economic and fiscal impact statement \(Std. 399\)](#)
5. [Email from Jeff Libarle, received Nov 27, 2018](#)
6. [Email from Kurt Broz, Pala Band of Mission Indians, received Nov 27, 2018](#)
7. [Email from Ben Wolfe III, received Nov 21, 2018](#)

**Motion/Direction (N/A)**

2018 NOV 14 AM 9:30

# Memorandum

Date: November 9, 2018

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

From: Charlton H. Bonham  
Director



Subject: **Submission of Initial Statement of Reasons to Add Section 29.06, Title 14, Recreational take of Purple Sea Urchin**

The Fish and Game Commission (Commission) authorized publication of its intent to add Section 29.06 of Title 14 of the California Code of Regulations (CCR) regarding the recreational take of purple sea urchins, at its October meeting. The proposed regulation includes the following:

- Increase the daily recreational take limit to 40 gallons
- Apply the take allowance to waters off Sonoma, Mendocino, and Humboldt counties
- Include an option to extend the take allowance to Include waters off Del Norte county
- Exempt all recreationally taken purple sea urchin from possession limit

Transmittal of the attached Initial Statement of Reasons (ISOR) to the Commission will allow for the publication of the ISOR prior to the scheduled discussion hearing in December.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at (916) 445-6459. The public notice for this rulemaking should identify Environmental Scientist, Anthony Shiao as the Department's point of contact. His contact information is (805) 560-6056 or [Anthony.Shiao@Wildlife.ca.gov](mailto:Anthony.Shiao@Wildlife.ca.gov).

ec: Stafford Lehr, Deputy Director  
Wildlife and Fisheries Division  
[Stafford.Lehr@wildlife.ca.gov](mailto:Stafford.Lehr@wildlife.ca.gov)

Craig Shuman, D. Env., Regional Manager  
Marine Region  
[Craig.Shuman@Wildlife.ca.gov](mailto:Craig.Shuman@Wildlife.ca.gov)

Melissa Miller-Henson  
Acting Executive Director  
Fish and Game Commission  
November 9, 2018  
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Cynthia Catton, Environmental Scientist  
Marine Region  
[Cynthia.Catton@wildlife.ca.gov](mailto:Cynthia.Catton@wildlife.ca.gov)

Robert Puccinelli, Captain  
Law Enforcement Division  
[Robert.Puccinelli@wildlife.ca.gov](mailto:Robert.Puccinelli@wildlife.ca.gov)

Mary Loum, Staff Counsel  
Office of General Counsel  
[Mary.Loum@wildlife.ca.gov](mailto:Mary.Loum@wildlife.ca.gov)

Michelle Selmon, Program Manager  
Regulations Unit  
Wildlife and Fisheries Division  
[Michelle.Selmon@wildlife.ca.gov](mailto:Michelle.Selmon@wildlife.ca.gov)

Mike Randall, Analyst  
Regulations Unit  
Wildlife and Fisheries Division  
[Mike.Randall@wildlife.ca.gov](mailto:Mike.Randall@wildlife.ca.gov)

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION

Add Section 29.06  
Title 14, California Code of Regulations  
Re: Purple Sea Urchin

I. Date of Initial Statement of Reasons: November 5, 2018

II. Dates and Locations of Scheduled Hearings

- |                         |           |                   |
|-------------------------|-----------|-------------------|
| (a) Notice Hearing:     | Date:     | October 17, 2018  |
|                         | Location: | Fresno, CA        |
| (b) Discussion Hearing: | Date:     | December 12, 2018 |
|                         | Location: | Oceanside, CA     |
| (c) Adoption Hearing:   | Date:     | February 7, 2019  |
|                         | Location: | Sacramento, CA    |

III. Description of Regulatory Action

- a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The addition of Section 29.06 increases the recreational take of purple sea urchin. This is one of several actions taken by the Department that is necessary to protect the historic and valuable ocean habitat on the northern California coast. Unchecked, the purple sea urchin has impacted the recovery of kelp beds off the coast of northern California, thus causing the ensuing decline of abalone and other important marine life dependent on this unique ecosystem.

Background

Severe environmental conditions over the past several years have caused a collapse of the bull kelp (*Nereocystis luetkeana*) forest in the waters of the northern California coastline. The combination of unprecedented environmental and biological stressors has led to severe impact on marine life that inhabit kelp forest, including widespread starvation and death of abalone (*Haliotis spp.*). In 2016 and 2017, more than 25 percent of abalones assessed (> 6,000 abalone per year) in nine creel surveys at key fished sites in Sonoma, Mendocino, and Humboldt counties had shrunken foot muscle due to starvation. Starved abalones have increased chance of mortality and severely reduced fecundity.

The Fish and Game Commission (Commission) voted to close the red abalone fishery for the 2018 season in December 2017. Since then, the poor condition of the kelp forests has continued to persist. In August 2018, after considering stakeholder input, the Commission agreed to consider extending the closure.

Recovery of the abalone fishery will not be possible without the prompt recovery of the bull kelp forests and the return of sufficient food to support abalone survival and reproduction.

Kelp recovery has been severely limited (<10% remaining in Sonoma and Mendocino counties) in part due to the proliferation of purple sea urchins (*Strongylocentrotus purpuratus*). Unlike abalone, sea urchins are generally resilient to food shortage and can survive longer without food, and grazing pressure from surviving sea urchins may prevent kelp recovery even as ocean condition rebounds. The urchin population boom is further exacerbated by the absence of important predatory sea stars (*Pisaster spp.*), which were severely impacted by the sudden onset of the disease sea star wasting syndrome in 2013. Sea stars have since been recovering at a very slow pace, providing only marginal if any top-down control on purple sea urchin.

The red abalone population has not recovered as of 2018, which indicates a similar lack of recovery for the kelp forests. Red abalone density has dropped from 0.2 abalone m<sup>-2</sup> in 2017 to 0.08 abalone m<sup>-2</sup> in 2018 at the Department's Fort Ross index survey site. Density has remained mostly unchanged at the Department's Van Damme survey site (2017 – 0.14 abalone m<sup>-2</sup>; 2018 – 0.16 abalone m<sup>-2</sup>).

#### Emergency Rule 29.11 Implemented

The default recreational take limit for all marine invertebrates is 35 individuals (Section 29.05, Title 14, California Code of Regulations (CCR)), and is well below levels that would impact current purple urchin population abundances. Commission thus adopted Section 29.11, Title 14, CCR, effective May 10, 2018, as an emergency rule to significantly increase the recreational daily bag limit for purple sea urchin to 20 gallons and exempts the species from any recreational possession limit. The new limits only apply to purple sea urchins taken while skin or SCUBA diving off the coast of Sonoma and Mendocino Counties.

The higher take limit of 20 gallons was adopted to catalyze a growing recreational interest in harvesting purple sea urchins along the northern California coast to reduce destructive grazing pressure in urchin barrens, supporting recovery of the kelp forest ecosystem.

As an emergency rule, Section 29.11, readopted in October 2018, is due to sunset on February 7, 2019. The Commission anticipates that recreational interest in purple sea urchins will increase, and a standard rulemaking is necessary to continue to allow the higher take limit. Furthermore, bull kelp, the dominant kelp in northern California, is an annual species. Any restoration attempt would yield observable results only after it has been conducted for over a year. As such, both the goal of supporting a growing recreational interest and the goal of restoring habitat require the new regulation Section 29.06 for at least the next two or more years.

Department staff has collaborated with other stakeholders in three successful coordinated recreational harvest events in 2018 since the emergency rule was first

adopted. Each restoration event attracted 75-100 divers and collected 60,000-80,000 purple urchins at each two-day event respectively. Conversations with stakeholders suggest that generally 4-6 such events could be held each year.

#### Option 1: New Take Limit for Humboldt, Mendocino, and Sonoma Counties

##### Proposed Regulation

This regulatory proposal would add Section 29.06, Title 14, CCR. The new regulation would provide for a daily recreational bag limit of 40 gallons of purple sea urchins while diving off waters of Humboldt, Mendocino and Sonoma counties. The proposal would exempt all recreational possession for recreationally taken purple sea urchin.

##### Rationale

Adding Section 29.06 through standard rulemaking would ensure that interests in the recreational take of purple sea urchin in northern California continues to develop. The regulations would promote the continued involvement of recreational divers in efforts to restore the severely impacted kelp forest ecosystems in northern California.

The proposed regulatory package is part of a larger strategy of controlling the purple sea urchin population in northern California. It was determined through dives conducted in 2018 that when coordinated in conjunction with other tools, such as incentivizing commercial sea urchin divers to target purple sea urchins, the higher bag limit of 40 gallon will contribute to reduction efforts without adversely affecting the long-term health of the purple sea urchin population.

The original emergency rule applied only to the coasts of Sonoma and Mendocino counties because these two counties constitute the core range of the northern California red abalone fishery and suffered the most bull kelp loss. Observations of abalone body condition during abalone creel surveys (2016 and 2017) as well as recent reports from recreational divers in Humboldt County suggest that purple urchins may be affecting that region as well. The continued deterioration in the north coast has prompted the Department to recommend extending the higher take limit to the coast off Humboldt County.

The proposed regulation retains the condition that only urchins taken while skin or SCUBA diving qualify under the higher limit. This is to ensure that foot traffic does not increase in the intertidal zone, where other marine life are vulnerable to being trampled on. The proposed regulation also retains the exemption from possession limit, facilitating the transportation of a large amount of purple sea urchins as may be harvested during coordinated events.

#### Option 2: New Take Limit for Del Norte, Humboldt, Mendocino, and Sonoma Counties

## Proposed Regulation

This regulatory proposal under this option is the same as Option 1, except that the new recreational bag limit will also be extended to purple sea urchins taken off the coast of Del Norte County.

### Rationale

The northward trend of the deteriorating kelp condition suggests that the higher recreational take limit and possession limit exemption may be warranted in Del Norte County as well.

#### (b) Goals and Benefits of the Regulation:

The proposed regulation would add a recreational bag limit for purple sea urchin and exempts such take from any possession limit so long as the urchins are taken while skin or SCUBA diving in Sonoma, Mendocino, and Humboldt Counties, as well as potentially Del Norte County. The regulation is necessary to both maintain a developing recreational interest in purple sea urchin as well as help reduce grazing pressure in a vulnerable ecosystem.

#### (c) Authority and Reference Sections from Fish and Game Code for Regulation:

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

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

#### (d) Specific Technology or Equipment Required by Regulatory Change: None

#### (e) Identification of Reports or Documents Supporting Regulation Change:

Fish and Game Commission. (Commission 2017). Initial Statement of Reasons for Regulatory Action to Amend Section 29.15, Title 14, California Code of Regulations, Re: Abalone Regulations.  
<http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161274>

Fish and Game Commission. (Commission 2018). Initial Statement of Reasons for Regulatory Action to Amend Section 29.15, Title 14, California Code of Regulations, Re: Abalone Regulations.  
<http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161271>.

#### (f) Public Discussions of Proposed Regulations Prior to Notice Publication:

April 2018 Commission Meeting, Ventura, CA

August 2018 Commission Meeting, Fortuna, CA

## IV. Description of Reasonable Alternatives to Regulatory Action



(a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative:

Without regulatory change, the current Section 29.11 will eventually sunset. The daily recreational bag limit for purple sea urchin would default back to 35 sea urchins per person per day. The default bag limit would be too low to encourage recreational divers to go to northern California to seek purple sea urchins, and the take of urchins would be too low to support kelp forest recovery.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Option 1: New Take Limit for Humboldt, Mendocino, and Sonoma Counties, and Option 2: New Take Limit for Del Norte, Humboldt, Mendocino, and Sonoma Counties would both create permanent incentives for more tourists to travel to coastal northern California and help stimulate local economy.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impact on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed regulation is not likely to substantially increase or decrease recreational fishing opportunities within California. The proposed regulation, (both Option 1 and Option 2) is expected to increase interests in recreational diving in northern California that previously did not exist, which may provide a small increase in

economic stimulus to local economies.

The Commission anticipates benefits to the health and welfare of California residents (from both Option 1 and Option 2) through the vigorous activity required to pursue purple sea urchin. The Commission does not anticipate any benefits to worker safety because the proposed regulation will not affect existing working conditions. The Commission anticipates some benefit (from both Option 1 or Option 2) to the state's environment through the restoration of kelp forest habitats to foster and support a diverse balance of species.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action (for both Option 1 and Option 2).

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

## VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The Commission does not anticipate impacts on the creation or elimination of jobs within the state because the proposed action (Option 1: New Take Limit for Humboldt, Mendocino, and Sonoma Counties, and Option 2: New Take Limit for Del Norte, Humboldt, Mendocino, and Sonoma Counties) is anticipated to provide a partial substitute for the economic stimulus formerly brought by the recreational abalone fishery that has been closed due to low population density counts. Whether the purple sea urchin fishery will attract as many repeat participants as abalone is not known yet, but the purple sea urchin fishery activity is not anticipated to induce substantial, long-term changes in the demand for labor.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The Commission does not anticipate any new businesses, or elimination of existing businesses, because the proposed regulation (both Option 1 and

Option 2) is not likely to substantially increase or decrease recreational fishing opportunities within California.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The Commission does not anticipate any effects from this action (both Option 1 and Option 2) to be substantial enough to induce the expansion of businesses currently doing business in the state.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents:

The Commission anticipates benefits to the health and welfare of California residents (from both Option 1 and Option 2) through the vigorous activity required to pursue purple sea urchin.

- (e) Benefits of the Regulation to Worker Safety:

The Commission does not anticipate any benefits to worker safety because the proposed regulation (both Option 1 and Option 2) does not affect existing working conditions.

- (f) Benefits of the Regulation to the State's Environment:

The Commission anticipates some benefit (from both Option 1 or Option 2) to the state's environment through the restoration of kelp forest habitats to foster and support a diverse balance of species.

- (g) Other Benefits of the Regulation: None.

## Informative Digest/Policy Statement Overview

The addition of Section 29.06 increases the recreational take of purple sea urchin to 40 gallons. This is one of several actions taken by the Department that is necessary to protect the historic and valuable ocean habitat on the northern California coast. The recent increase in population of the purple sea urchin has led to significant losses of ocean habitat. Unchecked, the purple sea urchin has decimated kelp beds leading to the decline of abalone and other important marine life dependent on this unique ecosystem.

As an emergency rule, Section 29.11 increased recreational take of purple sea urchin to 20 gallons. This provision is due to sunset on February 7, 2019. In order to maintain recreational interest in purple sea urchins, to the end that will benefit kelp and abalone recovery, a standard rulemaking is necessary to allow a higher take limit.

Furthermore, bull kelp, the dominant kelp in northern California, is an annual species. Any restoration attempt would yield observable results only after it has been conducted for a year or more. As such, both the goal of supporting a growing recreational interest and the goal of restoring habitat require the new regulation 29.06 for at least the next two or more years.

The addition of Section 29.06 extends the higher take limit to Humboldt, Mendocino, Sonoma, and possibly Del Norte counties.

### Benefits of the Regulations

The regulation would maintain a developing recreational interest in purple sea urchin as well as help reduce grazing pressure in a vulnerable ecosystem.

### Consistency and Compatibility with Existing Regulations

The proposed regulations are consistent with Section 29.05, Title 14, CCR. Commission staff has searched the CCR and found no other regulations that address the recreational take of purple sea urchin and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt regulations necessary to regulate the recreational take of fish, including purple sea urchins (FGC Section 205). No other state agency has the authority to regulate the recreational take of purple sea urchin.

## Proposed Regulatory Language

### Option 1:

Section 29.06, Title 14, CCR, is added to read:

#### **§29.06. Purple Sea Urchin.**

(a) Except as provided in this section, the daily bag limit for purple sea urchin is 35 individuals

(b) The daily bag limit for purple sea urchin is forty (40) gallons when taken while skin or SCUBA diving in ocean waters of the following counties: Humboldt, Mendocino, and Sonoma

(c) There is no possession limit for purple sea urchin

Note: Authority cited: Section 200 and 205, Fish and Game Code. Reference: Section 200 and 205, Fish and Game Code.

### Option 2: Adds Del Norte County

Section 29.06, Title 14, CCR, is added to read:

#### **§29.06. Purple Sea Urchin.**

(a) Except as provided in this section, the daily bag limit for purple sea urchin is 35 individuals

(b) The daily bag limit for purple sea urchin is forty (40) gallons when taken while skin or SCUBA diving in ocean waters of the following counties: Del Norte, Humboldt, Mendocino, and Sonoma

(c) There is no possession limit for purple sea urchin

Note: Authority cited: Section 200 and 205, Fish and Game Code. Reference: Section 200 and 205, Fish and Game Code.

## STAFF SUMMARY FOR OCTOBER 17, 2018

**6. RECREATIONAL TAKE OF PURPLE SEA URCHIN (REGULAR RULEMAKING)****Today's Item**Information ☐Action ☒

Consider authorizing publication of notice of intent to add Section 29.06 for the recreational take of purple sea urchin.

**Summary of Previous/Future Actions**

- |                                 |                              |
|---------------------------------|------------------------------|
| • MRC vetting                   | Mar 6, 2018; MRC, Santa Rosa |
| • Adopted emergency regulations | Apr 18-19, 2018; Ventura     |
| • <b>Today's notice hearing</b> | <b>Oct 17, 2018; Fresno</b>  |
| • Discussion hearing            | Dec 12-13, 2018; Oceanside   |
| • Adoption hearing              | Feb 6-7, 2019; Redding       |

**Background**

On Apr 18, 2018, FGC took emergency action to increase the recreational take limit of purple sea urchin to 20 gallons per day in Sonoma and Mendocino counties, to address the population growth's severe negative impact to bull kelp forests and red abalone (see agenda item 18, this meeting).

Following the emergency action, DFW has not observed any significant improvement to bull kelp and red abalone, and reports that northern California kelp forests continue to decline. Because of severe ecosystem decline, the maximum duration of the emergency regulation is insufficient to ensure that DFW and stakeholders can conduct adequate research to inform management decisions, necessitating this regular rulemaking.

The proposed regulation would add a new section (29.06), and modify the provisions of the emergency regulation in three ways:

1. Increase the daily recreational take limit to 40 gallons;
2. Apply the take allowance to waters off Humboldt County in addition to Sonoma and Mendocino counties; and
3. Include an option to extend the take allowance to waters off Del Norte County.

Based on information collected from recreational harvesting efforts in 2018, doubling the bag limit from the emergency regulation is not expected to affect the long-term sustainability of the purple sea urchin population and is expected to create more lasting benefits to the northern California kelp forest ecosystem. DFW recommends extending the coverage of the higher recreational take limit to Humboldt County to support bull kelp beds in three counties.

Finally, the regulation would maintain a developing recreational interest in purple sea urchin and help reduce the effects of an overpopulated species to a vulnerable ecosystem.

**Significant Public Comments (N/A)**

## STAFF SUMMARY FOR OCTOBER 17, 2018

**Recommendation**

**FGC staff:** Authorize publication of the notice as recommended by DFW.

**DFW:** Authorize publication of the notice as proposed.

**Exhibits**

1. DFW memo, received Oct 4, 2018

**Motion/Direction**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission authorizes publication of a notice of its intent to add Section 29.06 related to the recreational take of purple sea urchin as proposed, including an option to include Del Norte County.

**OR**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission authorizes publication of a notice of its intent to add Section 29.06 related to the recreational take of purple sea urchin as proposed, without an option to include Del Norte County.

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON Margaret Duncan      margaret.duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER 916-653-4676
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Add section 29.06, Title 14, CCR, Re: Purple Sea Urchin			NOTICE FILE NUMBER Z

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- |  |   |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees  | <input type="checkbox"/> e. Imposes reporting requirements                |
| <input type="checkbox"/> b. Impacts small businesses           | <input type="checkbox"/> f. Imposes prescriptive instead of performance   |
| <input type="checkbox"/> c. Impacts jobs or occupations        | <input type="checkbox"/> g. Impacts individuals                           |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

No costs anticipated to comply.

***If any box in Items 1 a through g is checked, complete this Economic Impact Statement.******If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***2. The Fish and Game Commission estimates that the economic impact of this regulation (which includes the fiscal impact) is:  
(Agency/Department)

- ☒ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: 0

Describe the types of businesses (Include nonprofits): \_\_\_\_\_

Enter the number or percentage of total  
businesses impacted that are small businesses: \_\_\_\_\_4. Enter the number of businesses that will be created: 0 eliminated: 0Explain: Proposed permanent increased limit on recreational take of purple sea urchins would not impact businesses.5. Indicate the geographic extent of impacts: ☐ Statewide  
☒ Local or regional (List areas): Del Norte, Humboldt, Mendocino, Sonoma counties6. Enter the number of jobs created: 0 and eliminated: 0

Describe the types of jobs or occupations impacted: \_\_\_\_\_

7. Will the regulation affect the ability of California businesses to compete with  
other states by making it more costly to produce goods or services here? ☐ YES ☒ NO

If YES, explain briefly: \_\_\_\_\_



**ECONOMIC AND FISCAL IMPACT STATEMENT****(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT (CONTINUED)****B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 0
- a. Initial costs for a small business: \$ N/A Annual ongoing costs: \$ N/A Years: \_\_\_\_\_
- b. Initial costs for a typical business: \$ N/A Annual ongoing costs: \$ N/A Years: \_\_\_\_\_
- c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- d. Describe other economic costs that may occur: Proposed increase in bag limit for recreational purple sea urchin take affects only individuals with no change in compliance costs and no commercial uses allowed.
2. If multiple industries are impacted, enter the share of total costs for each industry: N/A
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ N/A
4. Will this regulation directly impact housing costs? ☐ YES ☒ NO  
If YES, enter the annual dollar cost per housing unit: \$ \_\_\_\_\_  
Number of units: \_\_\_\_\_
5. Are there comparable Federal regulations? ☐ YES ☒ NO  
Explain the need for State regulation given the existence or absence of Federal regulations: Purple sea urchins are within state waters  
Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0

**C. ESTIMATED BENEFITS** *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents may benefit from health and welfare of California residents, worker safety and the State's environment: \_\_\_\_\_  
the vigorous exercise required to pursue purple sea urchin. Worker safety is not affected by the proposed action. Benefits to the State's environment are anticipated through the restoration of kelp forest habitats to foster and support a diverse balance of species.
2. Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?  
Explain: FGC code section 200 provides the "Commission's Power To Regulate Taking of Fish & Game"
3. What are the total statewide benefits from this regulation over its lifetime? \$ potential habitat restoration
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: N/A

**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: 1) No change alternative would result in return to a lower (35 purple sea urchin) bag limit (after the sunset of the emergency regulation that had increased the bag limit to 20 gallons).



**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT****A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

- ☐ a. Funding provided in \_\_\_\_\_

Budget Act of \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

- ☐ b. Funding will be requested in the Governor's Budget Act of \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

*Check reason(s) this regulation is not reimbursable and provide the appropriate information:*

- ☐ a. Implements the Federal mandate contained in \_\_\_\_\_

- ☐ b. Implements the court mandate set forth by the \_\_\_\_\_ Court.

Case of: \_\_\_\_\_ vs. \_\_\_\_\_

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_

Date of Election: \_\_\_\_\_

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: \_\_\_\_\_

- ☐ e. Will be fully financed from the fees, revenue, etc. from: \_\_\_\_\_

Authorized by Section: \_\_\_\_\_ of the \_\_\_\_\_ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in \_\_\_\_\_

- ☐ 3. Annual Savings. (approximate)

\$ \_\_\_\_\_

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain \_\_\_\_\_



**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT (CONTINUED)****B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

*It is anticipated that State agencies will:*☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the \_\_\_\_\_ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain \_\_\_\_\_**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain \_\_\_\_\_

FISCAL OFFICER SIGNATURE



DATE

11/13/18

*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY



DATE

11/13/18

*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

 Reply |   Delete Junk |  ...





(No subject)

JL

Jeff Libarle <

@

.com>

 Reply | 

Tue 11/27, 12:02 PM

FGC 

To Whom it Concerns, Just want to thank you guys for extending the ab moratorium and opening up the purple urchin take. I was just in Elk and noticed some bull kelp mounds on the beach. More than I've seen in a while. I hope it's not too late for the abalone. Thanks, Jeff PS I think the more you encourage organized outings in designated areas to harvest purple urchins the quicker the resource might recover. Thanks !

 Reply |   Delete Junk |  ...





## Pala Comment Letter about Purple Sea Urchin Rule Change


KB

Kurt Broz <[kbroz@palatribe.com](mailto:kbroz@palatribe.com)>

Tue 11/27, 10:33 AM

FGC 

 Reply | 

PalaReplyLetter\_PurpleS... 

174 KB

[Download](#) [Save to OneDrive - California Department of Fish and Wildlife](#)

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**From:** Kurt Broz

**Sent:** Tuesday, November 27, 2018 10:31 AM

**To:** 'FGC@dfg.ca.gov' <[FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov)>

**Subject:** Pala Comment Letter about Purple Sea Urchin Rule Change

Please accept this comment letter about the proposed purple sea urchin rule change on behalf of the Pala Band of Mission Indians.

Sincerely,

Mr. Kurt Broz  
Natural Resources Specialist  
Pala Band of Mission Indians  
(760) 891-3550



**PALA ENVIRONMENTAL DEPARTMENT**

PALA BAND OF MISSION INDIANS

PMB 50, 35008 Pala Temecula Road | Pala, CA 92059

Phone 760-891-3510 | Fax 760-742-3189

<http://ped.palatribe.com>

**RE: Purple Sea Urchin Recreational Take Proposed Rule Change Section 29.06 Title 14**

To Whom It May Concern:

The Pala Band of Mission Indians has received your letter regarding a proposed rule change for purple sea urchin recreational take. After review by personnel in the Pala Environmental Department, we have determined that this action does not appear to affect Pala's Tribal interests at this time, but we support any action that protects valuable coastal resources. Should the Tribe's position change, or in the event that California Fish and Game further revises these regulations or their implementation, Pala reserves the right to make future comments.

Pala looks forward to continuing to work with the California Fish and Game Commission on protecting cultural and natural resources of importance to the Tribe.

Sincerely,

Shasta Gaughen, PhD  
Environmental Director/THPO  
Pala Band of Mission Indians

 Reply |   Delete Junk |  ...





## Section 29.06, Title 14, CCR, Purple Sea Urchin

BI

Ben Wolfe III <@.net>

Wed 11/21, 09:39 AM

FGC 

 Reply | 

Purple Sea Urchin (DT)

Commisioners,

This proposed regulation should include an exception to Section 1.87 "Waste of Fish" making it legal to waste the 40 gallon daily diver take of purple urchins.

Respectfully,

Ben Wolfe III

Getting too much email from Ben Wolfe III

>? [You can unsubscribe](#)