



Tracking Number: (2023-04)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

### **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

**1. Person or organization requesting the change (Required)**

Name of primary contact person: David Goldenberg, Executive Director, California Sea Urchin Commission

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

**2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Authority Fish and Game Code 713, 1050, 9054, 9055. References: Fish and Game Code 713, 1050, 7850, 7852, 7852.2, 7857, 9054, 9055**

**3. Overview (Required) - Summarize the proposed changes to regulations: Two changes are being requested: 1) Remove Friday as a prohibited commercial urchin fishing day north of the San Luis Obispo/Monterey county line between June 1 and October 31. 2) Remove the commercial urchin fishing prohibition in the area identified as South Caspar Point.**

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

Request 1:

Friday was one of the closure days originally established to reduce fishing pressure in the northern area; however, the Friday closure is no longer necessary to limit take due to the small number of fishermen in the northern zone. For instance, in 2022 there were 16 divers with landings in Northern California, compared with 49 in 2014 before the El Nino and Warm Water events of 2014 and 2015 when the number of active divers began to decline. During this same period harvest poundage decline from 3.7 million pounds to 284,000 pounds within the same time period. The area is not overharvested as there are abundant urchins in the North. The issue is the lack of kelp canopy which reduces the ability to find harvestable urchins. Thus, it requires more dive time to find quality urchins. Additional dive time is dangerous to divers as they must spend more time during the day under water and deeper depths, thus potentially subjecting themselves



to decompression sickness or the “bends”. Several divers experienced bends in recent years and two died. Providing an additional day could avoid the need to search in deep water for longer periods of time versus using the additional day to explore a wider diving area. Lack of urchins is not beneficial to the industry due to the need to better service seafood markets. Consumers are seeking out more opportunity to purchase urchins. In response, there are more direct sales dockside than ever before in the North. The most convenient day for dockside sales occurs on weekends. Having Fridays to fish allows for fresher product for weekend sales. For the same reasons, the Fish and Game Commission has reduced closed days in the southern fishery area in the last decade. In addition, the Fish and Game Commission recently implemented a new regulatory framework to achieve a capacity goal of 150 permits, which was identified in the current Enhanced Status Report (ESR) as a key tool to manage effort in this fishery. Although the ESR identifies increasing the number of closure days as a possible way to limit effort, there is no evidence that it has been or will be effective. The industry feels the capacity goal of 150 will be effective at limiting effort and servicing the markets so critical to this fishery.

#### Present Regulations.

Current regulations in subsection (n 1) allow sea urchins to be harvested seven days a week from November through May and Monday through Thursday from June through October.

#### Proposed Regulation

The proposed amendment would allow the harvest of sea urchin on any weekday (Monday-Friday) from June-October in both northern and southern California south of the Monterey-San Luis Obispo county line. This will add 21 additional days of fishing during the summer season.

The CSUC has discussed this proposal at every board of directors meeting and at local northern California port meetings. In addition, The CSUC conducted industry surveys. The divers and processors in northern industry are in favor of adding Fridays back to their season.

#### Rationale

The current closures for the sea urchin fishery were instituted in 1993 to curb resource depletion and did not account for evolving market dynamics. Long-term market trend of sea urchin roe has since evolved from large-scale international exports to one encompassing significant domestic consumption. A reliable supply of a quality product at a fair price is now essential to maintaining and expanding the market share of California's urchin gonads. The current June-October harvest schedule of Monday through Thursday is resulting in delayed market replenishment at the beginning of each week. Sea urchins held over for shipments from the previous Thursday also lose some of their freshness and thus quality. Friday deliveries will allow for fresher product for weekend consumption at sushi restaurants.

In addition, an increasing number of fishermen are selling sea urchins directly to the end users at local ports. These markets tend to be open during weekends, and are more amenable to products obtained the day before as opposed to ones that have sat in storage for over a day.

The extended weeks are not expected to increase fishing pressure on the red sea urchin resource in total. Most urchin divers do not currently dive for more than 75 percent of his/her available dive days during the restricted season. Making Fridays available to commercial divers would allow them to further exploit the high-end niche market catered to specific restaurants and end consumers. Divers are expected to divert more time and effort into marketing their catch,



preserving the products, and interacting with end users. The extended fishing week is also expected to benefit fishermen by giving them more flexibility in selecting dive days with safer water conditions.

The changes in the market require a smaller but steadier supply of urchin roe. The value of the domestic market for California red sea urchin has grown dramatically during the last decade and is continuing to expand, helping to offset the economic damage the fishery suffered with the loss of a substantial portion of its sales to the Japanese market and imports from Mexico. The U.S. market experiences its highest product demand during the summer months into early fall. By adding one day a week to the current harvesting schedule (June through October), the fishery will be on a more equal footing with the rest of the world. The additional day would also bring an added benefit of giving divers more flexibility to manage their dive schedules.

#### Request 2:

Open the Caspar Point area to urchin harvesting provided the industry does not harvest in areas where ongoing research is taking place. The South Caspar Point commercial urchin closure was originally created in the early 1990s to study management effectiveness during the “gold rush” period of the developing urchin fishery. Those studies were completed decades ago and the study area no longer serves any purpose. Additionally, with the implementation of the MLPA, a much more effective network of study areas was created that could be used as reference sites to study commercial urchin fishing impacts and potential management measures, if necessary. Allowing commercial urchin fishing within that area may also support the kelp recovery efforts recently approved by the Fish and Game Commission, which increased the recreational take of purple urchins in that area in an effort to restore kelp forests.

#### Present Regulations.

Current regulations restrict harvesting in the South Caspar Point off Mendocino's coast. Once considered a reserve to prevent overfishing, the use of the area diminished with the advent of MPAs in 2012. The geographical boundaries of the South Caspar Point are not well defined and vague. In the regulations they are defined under Title 14, Section 120.7 (O) Closed Areas “The South Caspar Point area in Mendocino County is closed to all commercial fishing for sea urchins. This area is bounded on the north by a line extending 90° magnetic from sea to the mouth of Caspar Creek (north bank) in Caspar Cove, on the south by the northern boundary of the Point Cabrillo State Marine Conservation Area and its westward extension to the 120-foot depth contour, on the west by 120-foot depth contour line connecting the north and south boundary lines, and on the East by the mainland shore. The Point Cabrillo State Marine Conservation Area remains closed to the take of all forms of marine life except as permitted in subsection 632(b).”

#### Rationale

There are currently 20 MPAs and 7 special closure areas in northern California. These MPAs represent 137 square miles or 13% of state waters. There are adequate reserve areas to protect resources and ocean management. The South Caspar Point has ongoing research activities that will remain in force should the area become opened by the Fish & Game Commission. The industry will collaborate with the Department to maintain safe distances from ongoing projects so they will not disturb monitored areas.

In 2010 a Maximum Sustainable Yield (MS&) study was conducted by the Department when 3.3 million pounds was considered to be the MSY for Northern California and there were 250 active



divers in the California at the time. During this same time period the CSUC was co-funding a larval settlement project with the University of California Santa Barbara, and continues to do so to present day. The larval distribution is shown to be impacted more by temperature fluctuations in the ocean than any other influence. What the study has shown is that harvest of legal sized red or purple urchins does not impact larval settlement. Therefore, opening the Caspar Point area will not result in further loss of future harvestable urchins.

Observation by local divers indicate there is kelp growth on the Southside of Caspar Bay and has the potential for additional regrowth as the reef consists of a hard substrate and stretches towards the middle of the bay on the inside of the cove. This area has maintained persistent kelp throughout the downturn period.

The CSUC has discussed this proposal at every board of directors meeting and at local northern California port meetings. In addition, The CSUC conducted industry surveys. The divers and processors in northern industry are in favor of opening the Caspar Point closed area.

**SECTION II: Optional Information**

5. **Date of Petition:** May 25, 2023

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): Request 1) Amend Section 120.7(n)(1) ...Friday, ...

Add New Title 14 Section(s): Click here to enter text.

Repeal Title 14 Section(s): Request 2) Strike Section 120.7(o)(2)

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: 2024

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Red Sea Urchin Enhanced Status Report (See California Department of Fish and Game website). Status of the Fisheries Report 2003 (See California Department of Fish and Game website).

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: No known negative economic or fiscal impacts of the proposed changes. It is expected that there will be some positive economic benefits by opening a formally closed area to fishing and increasing fishing opportunities by allowing fishing on Fridays.

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

| N/A |

**SECTION 3: FGC Staff Only**

Date received: | 05/25/2023 |

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: | \_Aug 22-23, 2023\_ |

FGC action:

Denied by FGC

Denied - same as petition | \_\_\_\_\_ |

Tracking Number

Granted for consideration of regulation change