

## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 7880, 8026, 8405.3, 9054 and 9054.5 of the Fish and Game Code and to implement, interpret or make specific sections 713, 1050, 7850, 7857, 7880, 8026, 8140, 8405.1, 8405.3, 8500, 9054, 9054.5 and 9055 of said Code, proposes to add section 120.8 and amend sections 120.7 and 128, Title 14, California Code of Regulations, relating to commercial take of red and other sea urchins and sea cucumber.

### **Informative Digest/Policy Statement Overview**

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The Commission proposes to amend Section 120.7 Taking of Sea Urchins for Commercial Purposes and Section 128 Commercial Taking of Sea Cucumber.

### **Background**

Current regulations in Section 120.7 specify commercial sea urchin fishery regulations.

Subsection 120.7(a) specifies that any person taking or assisting in taking sea urchin for commercial purposes must possess a valid sea urchin permit. Only persons with a valid sea urchin diving permit may dive from a vessel to harvest sea urchins. An individual possessing only a commercial fishing license cannot assist a sea urchin diver. This subsection also includes a provision which allows the California Department of Fish and Wildlife (Department) to authorize the holder of a valid sea urchin diving permit to harvest red sea urchins during a closed season or in a closed area for the purposes of cooperative sea urchin management and research activity.

Subsection 120.7(b) specifies two classes of sea urchin permits: a sea urchin diving permit and a sea urchin crewmember permit. A sea urchin diving permit is a limited entry permit with access through a lottery system and is the only permit that allows for the take and sale of sea urchin for commercial purposes. The sea urchin crewmember permit is an open access permit and is required to assist a sea urchin diving permittee with commercial activities.

Subsections 120.7(c) through (m) specify permit renewal procedures, number of permits, new permit application procedures, drawings for new permits, permit fee, renewal appeal procedures, vessel identification requirements, the prohibition of possession of lobsters and abalone aboard a vessel used to take sea urchins, conditions under which a permit may be revoked, exemption from possessing a tidal invertebrate permit, and logbook requirements.

Subsection 120.7(n) specifies that statewide commercial red sea urchin harvest is allowed seven days a week from November through the end of May, but prohibited on Friday, Saturday, and Sunday from June through October north of the Monterey-San Luis Obispo county line, and on Saturday and Sunday from June through October south of the same county line.

Subsection 120.7(o) specifies closed areas, including South Caspar Point, located in Mendocino County, which is closed to all commercial fishing for sea urchins.

Subsection 120.7(p) describes how a sea urchin should be measured by excluding the spines and any portion of the ball and socket.

Subsection 120.7(q) authorizes an assistant for a sea urchin diving permittee who has become physically unable to dive.

Current regulations in Section 128 specify commercial sea cucumber regulations.

Subsections 128(a) and (b) specify the warty sea cucumber closed season, require that any warty sea cucumber taken during the closed season be returned to the water, and prohibit the possession of warty sea cucumber aboard, or landing of warty sea cucumber from any commercial fishing vessel during the closed season.

Subsection 128(c) specifies that sea cucumber dive permit holders must complete and submit accurate records on the logbook form incorporated by reference under Section 120.7.

### Proposed Changes to the Regulations

The section title will be changed to “120.7 Permits Used to Commercially Take Sea Urchins”, consolidating the requirements and conditions for various permits needed for the commercial harvest of sea urchins. Additionally, a new Section 120.8 Taking of Sea Urchin for Commercial Purposes will be added consolidating the conditions for the operation of the sea urchin fishery.

The amendments to 120.7 will:

- o Clearly define the permitted activities of each type (class) of sea urchin permit and consolidate each subsection related to permit and permits issuance.
- o Allow licensed fishermen to accompany and assist a sea urchin diving permittee during a fishing trip while providing additional safety to that diver. The assisting fishermen is required to have in possession a commercial fishing license, however, the limited assistance does not require a sea urchin permit. The goal is to increase the availability of fishermen for hire and to increase safety on fishing trips when the sea urchin diving permittee is alone. The only difference between fishermen assisting under this provision and those with a sea urchin crewmember permit is the non-permitted fishermen do not qualify for a sea urchin diving permit nor qualify for preference points in the sea urchin lottery which is used to issue new sea urchin diving permits.
- o Add a new provision to ensure that all participants on a joint sea urchin trip are accountable for any violation on board a vessel assisting the fishing operation.
- o Revise the language concerning an “assistant” for a sea urchin diving permittee who has become physically unable to dive, by changing “assistant” to “designee” to differentiate this from others who assist sea urchin divers.

The addition of 120.8 will:

- o Allow the harvest of red sea urchin on Fridays north of the Monterey-San Luis Obispo county line from June through October.
- o Greatly reduce the size of the South Caspar Point Sea Urchin Closure and eliminate the entire closure after April 1, 2029.
- o Repeal language related to commercial take of sea urchins in marine protected areas.

- o Clarify that there are no size limits or seasonal closures for all other species of sea urchin, other than red sea urchin.
- o Specify how sea urchins should be measured and clarify language regarding the red sea urchin size limit.
- o Update the reference to the commercial dive fishing log to reflect the proposed new form number and revision date, and incorporate by reference the revised and renumbered form Commercial Dive Fishing Log (DFW 120.8 (REV. 04/2025)).

The amendment to Section 128 will revise the reference to the location of the commercial dive fishing log to reflect its proposed incorporation by reference in Section 120.8.

The proposed amendments to the commercial dive fishing log (DFW 120.7) will update form number to DFW 120.8, update the revision date, provide separate fields for “port” and “dealer”, add instructions for requesting new logbooks, update example of completed form, and other minor edits.

Minor editorial changes are proposed to improve the clarity and consistency of the regulations, correct formatting, grammar and punctuation, and to conform to accessibility guidelines.

#### Benefit of the Regulations:

It is the policy of this State to ensure the conservation, sustainable use, and, where feasible, restoration of California’s marine living resources for the benefit of all the citizens of the State. The objectives of this policy include, but are not limited to, conserving the health and diversity of marine ecosystems and marine living resources; allowing and encouraging only those activities and uses of living marine resources that are sustainable; and recognizing the importance to the economy and the culture of California of sustainable sport and commercial fisheries.

The proposed regulations allow and encourage activities and uses of sea urchin that are sustainable and recognize the importance to the economy and culture of California of sustainable commercial sea urchin fishery. Allowing an individual with a commercial fishing license to assist a permitted diver harvesting sea urchins will increase safety during fishing operations and provide opportunities for interested persons to participate in the fishery without the commitment of purchasing a permit. The sea urchin fishery will also benefit from increased opportunities to fish by removing a sea urchin closure area adjacent to Caspar Cove and removing Fridays as a prohibited fishing day during June through October in the north without jeopardizing the sustainability of the sea urchin resource. Opening Fridays in the north also provides increased opportunities to the northern fishery and aligns regulations with the south.

#### Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing the commercial take of sea urchin. No other state agency has the authority to adopt such regulations. The Commission has searched the CCR for any regulations regarding commercial sea urchin fishing; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

## Public Participation

### Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before April 3, 2025 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, or emailed to the Commission office, must be received on or before April 14, 2025.** If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

### Meetings

**NOTICE IS HEREBY GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Sacramento, California, which will commence at 8:30 a.m. on Wednesday, April 16, 2025, and may continue at 8:30 a.m., on Thursday, April 17, 2025. The exact location of this meeting has not yet been determined. As soon as this information is available but not less than thirty days before the hearing, a continuation notice will be sent to interested and affected parties providing the exact location. The continuation notice will also be published in the California Regulatory Notice Register and will be published on the Commission's website. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

### Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sherrie Fonbuena at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Environmental Scientist Derek Stein, Department of Fish and Wildlife, (562) 343-0295 or R7RegionalMgr@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.**

### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

## Impact of Regulatory Action/Results of the Economic Impact Assessment

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 Business, 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 as the proposed regulations impose no fees or costs and do not require further actions from any businesses that would incur indirect costs.

- (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 impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The Commission does not anticipate any benefits to the health and welfare of California residents, though there may be some benefits to commercial sea urchin worker safety by allowing Fridays to be available to the northern commercial sea urchin fishery to allow for more good weather options. Additionally, allowing an individual with a commercial fishing license to assist a permitted diver harvesting sea urchins will increase safety during fishing operations. The Commission anticipates benefits to the State's environment by sustainably managing California's sea urchin fishery resources.

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action as it imposes no new fees or costs.

- (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.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: February 18, 2025

Melissa Miller-Henson  
Executive Director