

Staff Summary for April 16-17, 2025

20. Commercial Take of Red and Other Sea Urchin and Sea Cucumber (Consent)**Today's Item**Information Action

Consider adopting proposed amendments to regulations for commercial take of red and other sea urchin and sea cucumber.

Summary of Previous/Future Actions

- | | |
|---|--------------------------|
| • Petition 2023-04 submitted by California Sea Urchin Commission | June 2023 |
| • Referred to Marine Resources Committee (MRC) for vetting and Department for review and recommendation | August 2023 |
| • MRC vetting and recommendation | July 18, 2024; MRC |
| • Approved MRC recommendation to advance regulation changes | August 14-15, 2024 |
| • Notice hearing | February 12-13, 2025 |
| • Today's discussion and adoption hearing | April 16-17, 2025 |

Background

The Department requests amendments to commercial sea urchin fishing regulations, as detailed in the initial statement of reasons (ISOR) and proposed regulatory language (exhibits 4 and 5). The amendments improve fishing opportunities and improve clarity and efficiency of existing regulations. The proposed amendments modify the regulations consistent with petition #2023-04, in part; that petition was submitted by the California Sea Urchin Commission and granted by the Commission for consideration. Exhibits 1 and 2 provide additional background.

Proposed Regulatory Amendments

The proposed amendments will: (1) allow commercial fishermen to assist urchin divers, (2) remove the Friday fishing prohibition in the northern fishery for June-October, (3) remove a portion of the South Caspar Point Sea Urchin Closure, (4) increase clarity and efficiency in the regulations, and (5) make non-substantive changes, including to the commercial dive log (Exhibit 6) and to commercial sea cucumber regulations.

Significant Public Comments

A commercial fisherman (Exhibit 10) requests regulatory changes that are not included in the ISOR: the fisherman requests to open closed areas and adjust the red sea urchin size limit to three inches.

Recommendation

Commission staff: Under a motion to adopt the consent calendar, adopt the proposed amendments to regulations as recommended by the Department.

Department: Adopt the proposed amendments to regulations as described in the ISOR and identified in the proposed regulatory language.

Staff Summary for April 16-17, 2025

Exhibits

1. [Staff summary for Agenda Item 6 of the July 18, 2024 MRC meeting \(for background purposes only\)](#)
2. [Staff summary for Agenda Item 20 of the February 12-13, 2025 Commission meeting \(for background purposes only\)](#)
3. [Department memo, received January 17, 2025](#)
4. [ISOR, dated February 18, 2025](#)
5. [Proposed regulatory language](#)
6. [Proposed amendments to commercial dive log \(form DFW 120.8\)](#)
7. [Economic and fiscal impact statement \(STD 399\)](#)
8. [Department presentation for Agenda Item 20 of the February 12-13, 2025 meeting](#)
9. [Department email, received March 24, 2025](#)
10. [Email from Jeff Baldwin, received February 13, 2025](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for items 19 through 21 on the consent calendar.

Committee Staff Summary for July 17-18, 2024 MRC
For background purposes only

6. Commercial Sea Urchin Fishing

Today's Item

Information

Action

Receive and discuss Department findings and recommendations for proposed changes to commercial urchin regulations, and potential committee recommendation.

Summary of Previous/Future Actions

- Petition 2023-04 submitted by California Sea Urchin Commission (CSUC) June 14-15, 2023
- Commission referred petition to Marine Resources Committee (MRC) and Department for review August 22-23, 2023
- Received and discussed Department recommendations for changes to commercial urchin fishing regulations March 19, 2024; MRC
- **Today receive and discuss Department recommendations and potential MRC recommendation July 17-18, 2024; MRC**

Background

Since the 1970s, sea urchins (primarily red) have been commercially harvested throughout California for “uni,” a delicacy prepared from urchin gonads. Section 9054 of the California Fish and Game Code authorizes the Commission to set the conditions for issuing commercial sea urchin diving permits to prevent overutilization of sea urchin and “...to ensure efficient and economic operation of the fishery...” on both a statewide basis and in specific geographic areas.

Current regulations for commercial sea urchin harvest are regionally-based, with differing regulations in northern and southern California (divided by the Monterey/San Luis Obispo county management line). In addition, management recommendations are periodically provided by CSUC, a statutory body established within the California Food and Agricultural Code in 2002 to “...ensure a reliable, sustainable supply of sea urchin products to consumers and to enhance California’s sea urchin industry performance through research funding, supporting industry standards and marketing, and promoting responsible fishery management recommendations.”

In June 2023, CSUC submitted a regulation change petition (2023-04) to propose changes to the fishery in northern California. Specifically, the petition requests to: (1) Remove Friday as a prohibited commercial urchin fishing day between June 1 and October 1 in northern California; and, (2) remove the commercial urchin fishing prohibition at South Caspar Point, Mendocino County, which was closed in 1989 to allow for sea urchin refuge and research endeavors (see Exhibit 1 for petition and CSUC rationale). In August 2023, the Commission referred the petition to MRC for discussion, supported by Department evaluation and input.

At the March 2024 MRC meeting, the Department presented an overview of the petitioned changes to commercial sea urchin regulations, the Department’s review of the proposed changes, and potential next steps. The Department also introduced potential additional changes related to creating a new daily sea urchin permit — as requested by urchin divers — and

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changes needed to enhance clarity, such as size limit measuring methods. MRC expressed support for further development of the full scope of proposed regulatory options as proposed in Petition 2023-04 and by the Department, and to return to today's meeting for a final recommendation.

Update

Since March, the Department has continued collaborating with CSUC to develop proposed options. Consistent with MRC direction, today the Department will present proposed regulation changes in four categories:

1. Develop a new daily sea urchin crew permit.
2. Remove Friday as a prohibited day in northern California (from petition).
3. Remove the commercial closure at South Caspar Point (from petition; see below for three options).
4. Make other changes for clarity.

For the commercial sea urchin fishing closure at South Caspar Point, the Department has identified three options for discussion:

- *Option 1:* Maintain the closure until the sunset date of April 1, 2029 as specified in regulation (*status quo*).
- *Option 2:* Remove the closure and open the area to commercial sea urchin fishing immediately
- *Option 3:* Reduce the closure area to only include the northeast bay until April 1, 2029 (*Department-preferred*)

Option 3 is preferred by the Department because it restores commercial sea urchin fishing in most of the previous closure area but maintains the closure in those areas of the cove with active kelp restoration projects that are anticipated to continue until April 1, 2029.

The Department supports scheduling a rulemaking and, if MRC concurs, seeks MRC guidance on the options for the South Caspar Point closure area. MRC could recommend a single one of the three options to advance in a future rulemaking, or could recommend the Commission schedule notice with more than one option. Today is an opportunity to clarify and discuss the options and consider an MRC recommendation for the Department's proposed regulation changes (proposed for notice in December 2024).

If MRC recommends scheduling a rulemaking, the Department will continue working with CSUC to refine the daily sea urchin crew permit concepts to build into proposed regulations.

Significant Public Comments (N/A)

Recommendation

Commission staff: After discussing Department options and trade-offs, recommend the Commission support granting petition 2023-04 with either full or partial lifting of South Caspar

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Point closure area. Develop a recommendation to schedule a rulemaking to consider proposed changes to commercial urchin regulations as recommended by the Department, specifying the option(s) to include for the South Caspar Point closure area.

Department: Provide feedback on Department options to address the commercial sea urchin fishing closure at South Caspar Point (Option 3 preferred), and support scheduling a rulemaking to consider proposed changes to commercial urchin fishing regulations on a timeline commencing with notice in December 2024, as reflected in Exhibit 2.

Exhibits

1. Petition 2023-04
2. Department presentation

Committee Direction/Recommendation

The Marine Resources Committee recommends that the Commission grant Petition 2023-04 *in concept* for consideration in a rulemaking, using [option 1, 2 or 3 OR options 2 and 3] as proposed by the Department for lifting the commercial urchin closure at South Caspar Point, Mendocino; and schedule a rulemaking to consider potential changes to commercial sea urchin regulations, as recommended by the Department, to commence with notice in December 2024.

Staff Summary for February 12-13, 2025
For background purposes only

20. Commercial Take of Red and Other Sea Urchin

Today's Item

Information

Action

Consider authorizing publication of notice of intent to amend regulations for commercial take of red and other sea urchin.

Summary of Previous/Future Actions

- | | |
|---|-----------------------------|
| • Petition 2023-04 submitted by California Sea Urchin Commission | June 2023 |
| • Referred to Marine Resources Committee (MRC) for vetting and Department for review and recommendation | August 2023 |
| • MRC vetting and recommendation | July 18, 2024; MRC |
| • Approved MRC recommendation to advance regulation changes | August 14-15, 2024 |
| • Today's notice hearing | February 12-13, 2025 |
| • Discussion and adoption hearing | April 16-17, 2025 |

Background

The Department requests changes to commercial sea urchin fishing regulations, as detailed in a draft initial statement of reasons (ISOR) and draft proposed regulatory language (exhibits 3 and 4), to improve fishing opportunities and improve clarity and efficiency of existing regulations. The proposed regulations incorporate changes from regulation change petition #2023-04, submitted by the California Sea Urchin Commission (CSUC) and granted by the Commission for consideration. (Exhibit 1 provides additional background.)

The proposed amendments reflect Department discussions, incorporating input from CSUC, the Nature Conservancy, and Reef Check California. The proposed amendments also address new requirements under California Fish and Game Code Section 9054.5, established through Senate Bill 500 (Chapter 876, Statutes of 2023), and MRC's July 2024 recommendation that was approved by the Commission in August 2024.

Proposed Regulatory Changes

The proposed changes will: (1) allow commercial fishermen to assist urchin divers, (2) remove a Friday fishing prohibition, (3) remove part of a sea urchin closure, and (4) increase clarity and efficiency in the regulations.

Allow Commercial Fishermen to Assist Sea Urchin Divers

Currently, only sea urchin diving permit holders (limited entry, through a lottery system) can take and sell sea urchin commercially. Sea urchin crewmember permit holders (open access) can assist a sea urchin diving permittee, but cannot dive to harvest sea urchins; these permit holders earn points to qualify for entering the diving permit lottery. The proposed regulation

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allows anyone with a commercial fishing license to assist a sea urchin diver; however, assistants would not be eligible for the diving permit lottery.

Remove Friday Fishing Prohibition in the Northern Fishery June-October

Current regulations prohibit commercial red sea urchin harvest on Fridays, Saturdays and Sundays from June through October north of the Monterey-San Luis Obispo county line, and on Saturdays and Sundays from June through October south of that line. The proposed change removes the Friday prohibition for the northern fishery, creating a consistent statewide seasonal closure. The proposed change aligns with CSUC's petition #2023-04.

Remove a Portion of South Caspar Point Sea Urchin Closure

Commercial sea urchin fishing is currently prohibited at South Caspar Point, Mendocino County, a closure established in 1989. The proposal is to eliminate 89% of the closed area as the adjacent Point Cabrillo State Marine Reserve, established in 2012, makes the urchin closure redundant. A small portion of Caspar Cove would remain closed, to avoid interfering with ongoing kelp restoration research, including unlimited recreational purple sea urchin harvest, until those recreational regulations expire on April 1, 2029. The proposed change is derived from CSUC's petition, as modified, consistent with the MRC recommendation.

Increase Clarity and Efficiency in the Regulations

The proposed regulations add provisions to:

- Clarify permitted activities under each sea urchin permit type
- Hold all participants on a joint sea urchin trip accountable for violation on board the vessel
- Clarify sea urchin measurement methods
- Distinguish permit-related regulations from fishery-related regulations by separating them into separate sections of Title 14, with corresponding renumbering

Commission Staff-Proposed Changes

After receiving the draft ISOR and proposed regulatory language, staff identified necessary, non-substantive changes to commercial sea cucumber regulations (in Section 128) and the commercial dive log. The changes are necessary for consistency with the proposed, renumbered subsection, which is cross-referenced, and to update the Commercial Dive Fishing Log form for clarity (i.e., update form number, provide separate fields for "port" and "dealer", add instructions for requesting new logbooks, update example of completed form, and other minor edits). See Exhibit 7 for more details.

Significant Public Comments

The Giant Kelp Restoration Project (Exhibit 8) requests the Commission increase the number of fishing days per week (specific number not provided). In addition, they request multiple regulatory changes, which are not included in the ISOR: remove the existing red sea urchin size limit; allow new entrants into the sea urchin fishery; reduce the permit fee; allow regenerative sea urchin fishing on the California central coast; allow new entry into a select

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portion of the commercial fishery to focus on kelp restoration; provide guidance on disposal and/or ranching of urchin shells and establish royalties payable to CSUC; and create new “regenerative take” and “tribes and tribal community take” categories in regulation.

Recommendation

Commission staff: Authorize staff to publish notice of the Commission’s intent to amend the commercial sea urchin fishing regulations as recommended by the Department, described in exhibits 3 and 4, with the addition of non-substantive changes to Section 128 Sea Cucumber and the Commercial Dive Fishing Log, as reflected in Exhibit 7.

Department: Authorize staff to publish notice of the Commission’s intent to amend the commercial sea urchin fishing regulations as described in the draft ISOR and draft proposed regulatory language (exhibits 3 and 4).

Exhibits

1. Staff summary from Agenda Item 6, July 18, 2024 MRC meeting (*for background purposes only*)
2. Department memo, received January 17, 2025
3. Draft ISOR
4. Draft proposed regulatory language
5. Draft economic and fiscal impact statement (STD 399)
6. Department presentation
7. Additional proposed changes to Section 128 and Commercial Dive Fishing Log
8. Email from Keith Rootsart, received January 30, 2025

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend Section 120.7, Section 128 and form DFW 120.7, and to add Section 120.8 related to commercial take of sea urchin and sea cucumber, as reflected in the initial statement of reasons and updated pursuant to Exhibit 7.

Memorandum

Received January 17, 2025
Original on file

Date: January 13, 2025

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

From: Charlton H. Bonham
Director

Subject: **Submission of Initial Statement of Reasons for the February 12-13, 2025 Fish and Game Commission meeting to Amend Section 120.7 and add Section 120.8, Title 14, California Code of Regulations, Re: Commercial Sea Urchin**

The Department of Fish and Wildlife (Department) requests the Fish and Game Commission (Commission) authorize publishing notice of its intent to amend Section 120.7 and add Section 120.8 to improve fishing opportunities and streamline existing regulations. Authorization of the request to publish notice will be at the February 13, 2025 Commission meeting and discussion and adoption will occur at the April 17, 2025 Commission meeting.

The proposed rulemaking will allow any person with a commercial fishing license to assist a permitted sea urchin diver, eliminate Fridays during the seasonal closure for the northern fishery, reduce the size of the sea urchin closure at South Caspar Point, repeal the South Caspar Point closure in 2029, and streamline remaining regulations for clarity and ease of readability for the public.

If you have any questions regarding this item, contact Dr. Craig Shuman, Marine Regional Manager, at (805) 568-1246. The public notice for this rulemaking should identify Environmental Scientist Derek Stein as the Department's point of contact. His contact information is (562) 343-0295 or R7RegionalMgr@wildlife.ca.gov.

ec: **Department of Fish and Wildlife**

Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Eric Kord, Assistant Chief
Law Enforcement Division

Craig Shuman, D. Env., Region Manager
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Joanna Grebel, Env. Program Manager
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Fish and Game Commission
January 13, 2025
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State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Sections 120.7 and 128, and Add Section 120.8
Title 14, California Code of Regulations
Re: Commercial Sea Urchin and Sea Cucumber Fishing

I. Date of Initial Statement of Reasons: February 18, 2025

II. Dates and Locations of Scheduled Hearing

(a) Notice Hearing

Date: February 13, 2025

Location: Sacramento, CA

(b) Discussion/Adoption Hearing:

Date: April 17, 2025

Location: Sacramento, CA

III. Description of Regulatory Action

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

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

The California Fish and Game Commission (Commission) proposes to amend Section 120.7, Title 14, CCR, regarding commercial sea urchin fishery regulations. The amendments will allow a person to accompany, perform minor duties with, and monitor the safety of, a licensed sea urchin diver, if the person has a commercial fishing license without a sea urchin permit. Additionally, a new Section 120.8 will move certain provisions from Section 120.7 to simplify existing sea urchin regulations. Further amendments include removing a seasonal Friday prohibition in the northern portion of the fishery, reducing the spatial size of a sea urchin closure at South Caspar Point, clarifying how sea urchins are measured, and adding an accountability provision to ensure that all participants on a joint sea urchin trip are accountable for any violation on board a vessel supporting the fishing operation. Non-substantive amendments to Section 128 and Commercial Dive Fishing Log (DFW 120.7) are also proposed.

Background

Sea Urchin Fishery Seasonal Changes

Current regulation allows for statewide red sea urchin (*Mesocentrotus franciscanus*) commercial take seven days a week from November through the end of May. For the remainder of the year (June 1 through October 31), red sea urchin regulations differ north and south of the Monterey-San Luis Obispo County line. The statewide fishery has gone through multiple changes in the fishing season, and in 2008, regulations were changed to align regulations in ocean waters north and south of the Monterey-San Luis Obispo county line. However, in 2017, regulations were modified in the south to allow one more fishing day (Friday open) from June through October. Thus, commercial take remained prohibited for the fishery north of the Monterey-San Luis Obispo county line Friday, Saturday, and Sunday from June through October.

Since implementation of the Friday regulation for the southern fishery in 2018, there have been no noticeable negative effects on the red sea urchin resource. Harvest effort has not increased appreciably but has merely shifted effort more equally to Friday from the other open days. Allowing the divers to harvest on Friday has increased other market opportunities by making product available for lucrative weekend markets and increased safety by providing an additional day to fish when weather conditions are more favorable. The northern fishery is requesting to remove the existing harvesting prohibition on Fridays to receive the same benefits currently afforded to the southern fishery (Commission Petition 2023-04).

During 2014 through 2016, statewide kelp canopies (both giant and bull kelp) suffered historical losses caused by unfavorable environmental conditions, which decimated the statewide red sea urchin fishery. This was even more apparent in Northern California, where kelp canopy was reduced by at least 90 percent. The loss of the primary food source for sea urchin caused a failure in the northern fishery, which resulted in a subsequent qualification for Federal Fishery Disaster Relief in 2016 through 2019.

Sea Urchin Closure at South Caspar Point

A sea urchin closure at South Caspar Point was created in the late 1980s to act as a refuge to replenish nearby fished populations and to study management effectiveness (a no-take control site) during at time of high sea urchin take. In 2012, the Marine Protected Area (MPA) network implementation and the establishment of the Point Cabrillo State Marine Reserve, which borders the current South Caspar Point Sea Urchin Closure to the south, protects all species including sea urchin.

Recreational fishing regulations for Caspar Cove were recently amended to allow the continuation of unlimited purple sea urchin harvesting until April 1, 2029, for kelp restoration purposes (Section 29.06, Office of Administrative Law's File ID #2024-0301-02S). Using recreational divers to cull urchins is currently being considered as an option to be included in the Kelp Restoration and Management Plan (KRMP).

Current regulations

Subsection 120.7(a)(1) requires any person assisting a sea urchin diver to have a sea urchin permit. Subsections 120.7(b)(1) and (2) specify two classes of sea urchin permits, which include 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; however, sea urchin crewmember permittees may not dive from a vessel to harvest sea urchins. Sea urchin crewmembers must purchase both a crewmember permit and a commercial fishing license. Currently, an individual possessing only a commercial fishing license cannot assist a sea urchin diver.

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 (subsections 120.7(n)(1) and (2), respectively).

Subsections 120.7(c) through (m) and (q) 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, logbook requirements and authorization for an assistant for a sea urchin diving permittee who has become physically unable to dive.

Subsection 120.7(o) specifies closed areas, including subsection 120.7(o)(2) which specifies that the South Caspar Point area located in Mendocino County and just south of the city of Fort Bragg is closed to all commercial fishing for sea urchins (See Figure 1).

Finally, subsection 120.7(p) describes how a sea urchin should be measured by excluding the spines and any portion of the ball and socket (See Figure 2).

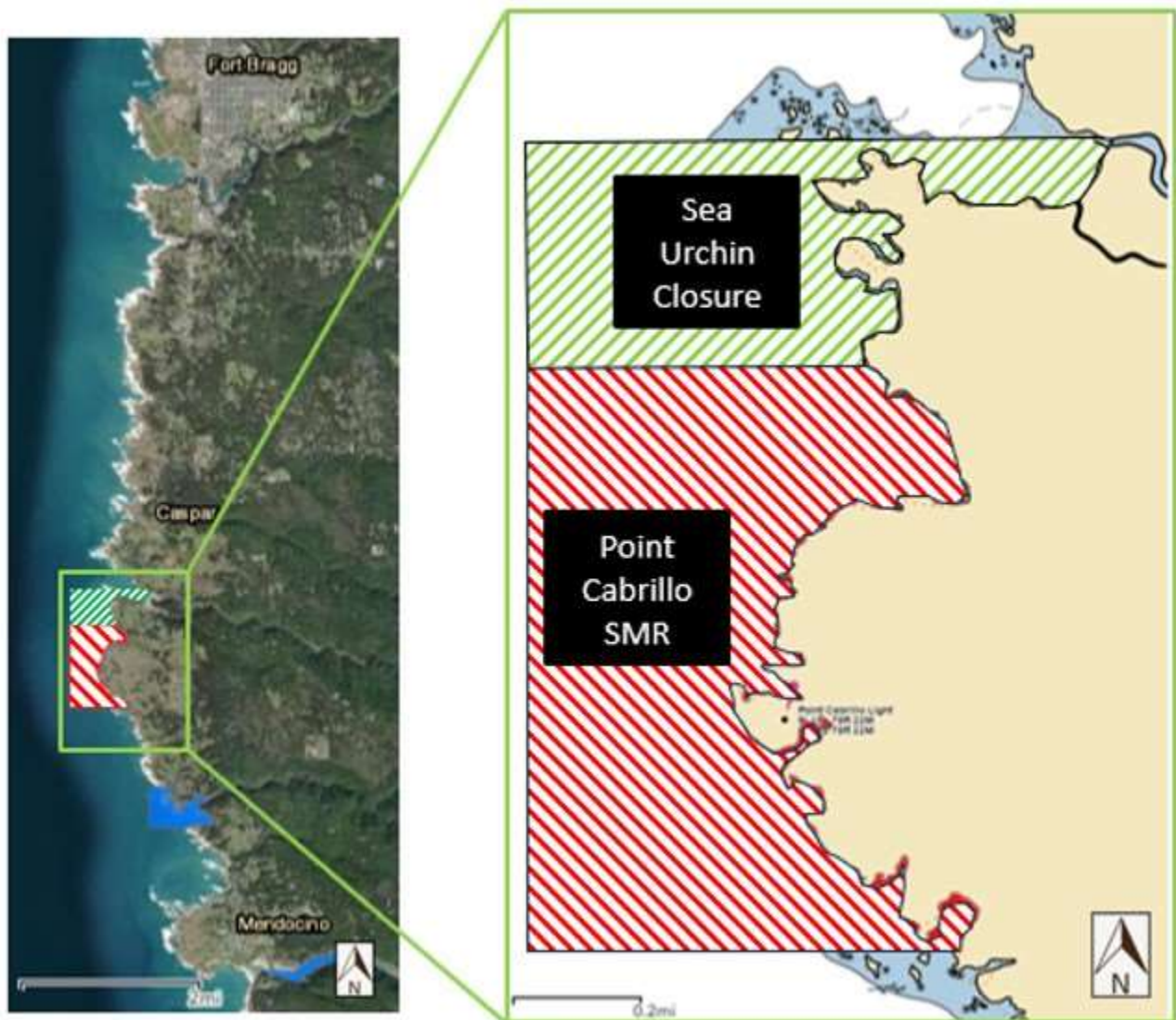


Figure 1. Current area of South Caspar Point Sea Urchin Closure (green striped area) and Point Cabrillo State Marine Reserve (red striped area).



Figure 2. Measuring the shell (test) width of a sea urchin, the ball-and-socket attachment, and an example of the irregularity of a sea urchin test.

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.

Overview of Proposed Changes

The proposed amendments represent the cumulation of the California Department of Fish and Wildlife’s (Department) internal discussions and incorporate input from the California Sea Urchin Commission (CSUC). The Nature Conservancy and Reef Check California were also consulted on the South Caspar Point closure to better understand their research activities at this location. Proposed amendments to sea urchin permits were also made to reflect new requirements under Fish and Game Code 9054.5 (Senate Bill 500, McGuire, 2023). Finally, the proposed changes are necessary to create more opportunities for the commercial sea urchin fishery.

The proposed actions are as follows:

1. Allow commercial fishermen to assist sea urchin divers

Existing regulations prohibit any person without a sea urchin permit from assisting a sea urchin diver while fishing. The proposed regulation would remove this restriction and allow anyone with a commercial fishing license to assist a sea urchin diver harvesting urchins.

2. Remove Friday prohibition in the north from June-October

The CSUC submitted a petition (Commission Petition 2023-04), requesting Fridays be re-opened to the northern commercial sea urchin fishery to allow for more favorable weather conditions, increased market opportunities, and more days to harvest red sea urchins.

3. Remove South Caspar Point sea urchin closure

The CSUC petition also requests to eliminate the sea urchin closure at South Caspar Point. The petition requested removal of the closure because it is no longer necessary due to adequate protections in the nearby marine protected areas, its elimination will not

result in a further loss in harvestable sea urchins, and sea urchin harvest will not interfere with ongoing kelp restoration activities.

4. Provide clarity to Section 120.7, and add new Section 120.8

Additional changes are proposed to improve clarity of existing regulations. Key items addressed in the proposed amendments include:

- Clarifying permitted activities under each type of sea urchin permit,
- Adding 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,
- Separating 120.7 into two sections to group regulations relating to permits in one section (120.7), and regulations that govern the fishery into another section (120.8), including clarifying how sea urchins should be measured.

5. Update Section 128, commercial take of sea cucumber, to reflect that the commercial dive fishing log will be incorporated by reference in new Section 120.8.

6. Update the commercial dive fishing log.

Additional changes are proposed to the structure of the regulations, making them easier to read and understand for the public. These changes, along with renumbering subsections, are non-substantive in nature.

Proposed Regulations

The regulatory changes the Commission is proposing are described below.

Amend Section 120.7.

Change the title of the section to “Permits Required to Commercially Take Sea Urchins,” referring only to the permits needed for the commercial harvest sea urchins.

Amend subsection 120.7(a) Permit Required.

The first sentence of subsection 120.7(a)(1) is renumbered as 120.7(a) and amended. Since a new exception is added in proposed new subsection 120.7(a)(2) to allow non-permit holders to assist permitted sea urchin divers, the provision “assisting in the taking of” is proposed to be repealed. Additionally, the word “possession” is being added to conform with current management measures in other fisheries where a permit is required for both take and possession thereafter as an enforceability measure. Therefore, this subsection specifies that any person taking or possessing sea urchins for commercial purposes shall have a valid sea urchin permit and have that permit in possession.

A portion of the second sentence of subsection 120.7(a)(1) “A sea urchin diving permit is not required to operate or assist in operating a vessel used to take sea urchins” is moved to subsection 120.7(a)(2)(B) and revised to state that a sea urchin diving or crewmember permit is not required to operate or assist in operating a vessel used to take sea urchins. The addition of “crewmember permit” is added for clarity and consistency with proposed new subsection 120.7(a)(2).

That portion of the second sentence of subsection 120.7(a)(1) “no person without a valid sea urchin diving permit shall engage in diving from a vessel from which sea urchins are

being taken or possessed for commercial purposes” is moved with amendment to subsection 120.7(a)(1)(A)ii.

The last part of the text in subsection 120.7(a)(1) which reads, “unless authorized by the department’s marine region regional manager or his or her designee for the purposes of sea urchin management or research” is repealed. It is necessary to remove this language completely from Section 120.7 as any management changes or research can be authorized through existing regulatory provisions such as a Scientific Collecting Permit (Section 650) or an Experimental Fishing Permit (Section 91).

Renumber subsection 120.7(a)(2) as (j).

This provision is moved to a new location.

Add subsection 120.7(a)(1) Classes of Permits.

This subsection now clearly defines the types (classes) of permits, which is necessary to improve the public’s understanding of what is required and/or prohibited while commercially fishing sea urchins.

Add subsection 120.7(a)(1)(A) Sea Urchin Diving Permit.

Subsection 120.7(a)(1)(A)i. Provisions are moved from the current subsection 120.7(b)(1) with amendment that specify that commercial fishermen who have qualified for permits pursuant to renumbered subsections 120.7(d) and (e) may be issued a sea urchin diving permit, and stipulates that this is the only permit that can be obtained to take and land sea urchins for commercial purposes. The age limit requirement of “must be 16 years or older” for this permit is proposed to be repealed as it’s redundant with the same age limit requirement for obtaining a commercial fishing license specified in Section 7852 of the California Fish and Game Code. A commercial fishing license is required to obtain a sea urchin diving permit.

Subsection 120.7(a)(1)(A)ii. Text from subsection 120.7(a)(1) is moved to this subsection, with amendment for clarity, to ensure that only a person with a valid sea urchin diving permit can enter the water at any time, primarily for enforcement of urchin harvest. This change is necessary to clarify the prohibition of any assistants or crewmembers who are helping on the vessel from also entering the water to reduce over harvesting of the population and ensure a one-to-one ratio of divers in the water to sea urchin diving permits issued to better manage the fishery.

Add subsection 120.7(a)(1)(B) Sea Urchin Crewmember Permit.

This provision is modified from the existing subsection 120.7(b)(2) to clarify that a person holding a sea urchin crewmember permit may only assist a sea urchin diving permittee during fishing operations. Additional text is added to clarify that a crewmember permittee may qualify for a sea urchin diving permit. The age limit requirement of “must be 16 years or older” for this permit is proposed to be repealed as it’s redundant with the same age limit requirement for obtaining a commercial fishing license. A commercial fishing license is required to obtain a sea urchin crewmember permit. Pursuant to subsection 120.7(a)(1)(A)ii., a crewmember permittee is not authorized to enter the water during a trip where sea urchins are being taken or possessed from commercial purposes

Add subsection 120.7(a)(2) Exceptions.

This new subsection is added to group all the exceptions to possessing a commercial sea urchin permit into one subsection.

Add subsection 120.7(a)(2)(A).

The new provisions in this subsection specify that individuals with a commercial fishing license are not required to obtain a sea urchin crewmember permit to assist a sea urchin diver in taking sea urchins. This provision is necessary to allow non-permitted persons to participate in the fishery to improve recruitment and safety. Additionally, allowing commercial fishermen to assist divers would align with the other major dive fishery, sea cucumber, which does not require a crewmember permit for diver assistance. This change would provide consistency across both fisheries. 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 as described in subsections 120.7(d) and (e). Pursuant to subsection 120.7(a)(1)(A)ii., a licensed commercial fisherman assisting a sea urchin dive permittee under this provision is not authorized to enter the water during a trip where sea urchins are being taken or possessed from commercial purposes.

Add subsection 120.7(a)(2)(B).

This provision is moved from the second sentence of current subsection 120.7(a)(1) and amended to specify that neither a diving nor crewmember permit is required to operate a vessel used to take sea urchins.

Add subsection 120.7(a)(2)(C).

The current subsection 120.7(l) has been moved here and renumbered. The words "Exemption from Tidal Invertebrate Permit" are removed for consistency with the language structure of each paragraph of subsection 120.7(a)(2).

Add subsection 120.7(a)(3).

This addition makes clear that any person without a sea urchin diving permit or sea urchin crewmember permit would not qualify for a new sea urchin diving permit, nor would any of the persons operating under subsection 120.7(a)(2) qualify for preference points in the sea urchin lottery which is used to issue new sea urchin diving permits.

Add subsection 120.7(a)(4).

Specific language is added to address accountability on a sea urchin fishing vessel when multiple permittees are mixing their catch on the vessel. This provision clarifies that together all permittees, assistants, and anyone who should possess a permit who are working together on the vessel must adhere to the regulations and are responsible for all violations.

Renumber subsections 120.7(b)(1) and (2).

These provisions have been moved whole or in part to subsection 120.7(a) and modified as described above.

Renumber subsections 120.7(c) through (h) as (b) through (g). The date range in subsection (b)(1) is changed from a dash (-) to “through” for consistency with accessibility guidelines. The word “subsection” was corrected to “subdivision” in renumbered subsection 120.7(c)(3) to correct terminology used in the California Fish and Game Code. In renumbered subsection 120.7(e)(13), a grammar correction was made to change “...commercial fishermen that...” to “...commercial fishermen who...”.

Renumber subsections (i) and (j).

These provisions are moved to the new Section 120.8.

Renumber subsection 120.7(k) as (h), without change.

Renumber subsection 120.7(l) as subsection (a)(2)(C), with a non-substantive amendment as described above.

Renumber subsection 120.7(m).

These provisions are moved to the new Section 120.8, with a non-substantive amendment as described below.

Renumber current subsections 120.7(n), (o), and (p).

These provisions are moved to the new Section 120.8 and modified.

Renumber subsection 120.7(q) as (i).

This subsection is renumbered with minor amendment. The word “assistant” is being replaced by the word “designee” throughout this subsection, as this is a more accurate way to portray the fishermen chosen by a sea urchin diving permittee as their replacement should a medical emergency occur. Additionally, this change alleviates any confusion with those commercial fishermen assisting a sea urchin diver either through a sea urchin crewmember permit, or through the exception added allowing any licensed commercial fishermen to assist a sea urchin diver. In addition, “his or her” is replaced with the gender-neutral term “their.” These changes are non-substantive.

Add subsection 120.7(j).

This provision was moved from subsection 120.7(a)(2), and amended to replace “his or her” with the gender-neutral term “their.”

Authority and reference citations are proposed to be amended to reflect the splitting of Section 120.7 into two separate sections, leaving only those citations related to permits.

Add Section 120.8 Taking of Sea Urchin for Commercial Purposes

The regulations in new Section 120.8 describe the requirements for the operation of the sea urchin fishery. Those requirements related to permits will be retained in Section 120.7. The requirements within the current 120.7 pertaining to how the fishery operates will be moved to Section 120.8. Separating permitting regulations and fishery operation regulations will improve the clarity of the regulations.

Add subsection 120.8(a) Fishing Season.

Add subsection 120.8(a)(1).

Subsections 120.7(n)(1) through (3) are moved to subsection 120.8(a)(1) and amended to remove Friday from the June through October seasonal closure north of the Monterey-San Luis Obispo county line. This change would make the seasonal closure consistent with the fishery south of the Monterey-San Luis Obispo county line, leaving a statewide seasonal closure in place. Allowing harvest on Friday would give the fleet one more day (approximately 21 days per year from June through October) to take red sea urchin, which would benefit the fleet. The extended fishing week would provide more flexibility in selecting dive days with safer ocean conditions. The current closures for the red sea urchin fishery were instituted in 1993 to curb resource depletion and did not account for evolving market dynamics. Given the current capacity reduction framework and historically low sea urchin landings in the last ten years, keeping Friday closed is not necessary for effort reduction or resource concerns. In addition, the scientific name of red sea urchin is added for clarity.

Add subsection 120.8(a)(2).

This subsection clarifies that all other species of sea urchin remain open all year without closures. Existing regulations are silent on the season for all other species of urchins, except red urchin. This addition provides more clarity to the public that other sea urchins may be harvested year-round pursuant to Section 8140 of the California Fish and Game Code.

Add subsection 120.8(b). Closed Areas.

Add subsection 120.8(b)(1). South Caspar Point.

Subsection 120.7(o) is moved to subsection 120.8(b) and amended. The new South Caspar Point closure area would be bounded by the mean high tide line and a straight line connecting the two boundaries. This change reduces the closed area (indicated as green in Figure 3) of the South Caspar Point Sea Urchin Closure and reopens the remaining area to commercial sea urchin fishing as indicated in Figure 3. The closed area would be reduced by 89 percent, greatly increasing the area that divers can commercially harvest sea urchin while avoiding a disruption in data collections from purple sea urchin removals assisting in the development of the KRMP.

This closure is also no longer necessary to protect standing stock of the urchin population due to the implementation of California's Statewide MPA network in 2012, which includes the adjacent Point Cabrillo State Marine Reserve. Moreover, recreational take of sea urchin is allowed in the area, which reduces any protections established by the commercial sea urchin closure.

This newly established closure area will remain closed until April 2, 2029, which is one day after the sunset date of a provision that exempts recreational fishermen from the purple sea urchin recreational bag limit within a defined area in this cove as specified in Section 29.06. The one-day delay will ensure that the two dates are not overlapping and eliminate any conflict.

The proposed amendment also removes text in current subsection 120.7(o)(1) and the sentence “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)”, included in the current subsection 120.7(o)(2). Elimination of this text is necessary as it is duplicative with regulations overseeing MPAs found in Section 632.

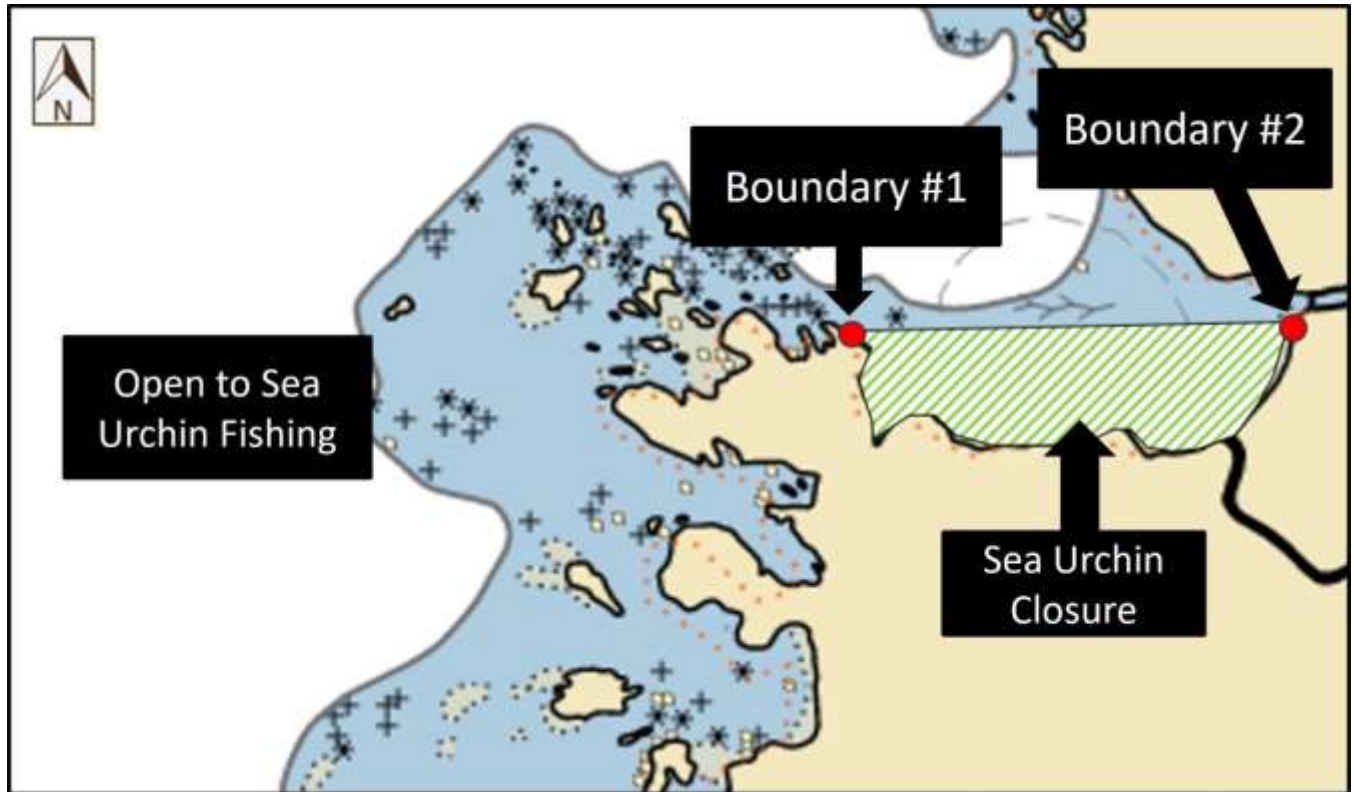


Figure 3. Proposed boundaries of South Caspar Point Sea Urchin Closure (green striped area).

Add subsection 120.8(c). Size Limits.

Subsection 120.8(c) defines how the sea urchins should be measured. The proposed regulation specifies that sea urchin shall be measured using the greatest shell diameter to avoid confusion about which part of the shell is used in the size restrictions since a sea urchin shell does not have a uniform shape (See Figure 2). Commercial red sea urchin regulations for Oregon and Washington use the words “largest” and “greatest”, respectively, when describing how to gauge the shell of red sea urchins, so this change would be consistent with other states.

Add subsection 120.8(c)(1)(A).

Subsection 120.7(p)(1) is moved to this subsection and amended to remove the words “In southern California” to reduce redundancy in the text, since the description of the boundary line describes which region of the state the size limit applies to (i.e., south of the Monterey-San Luis Obispo county line). Additionally, the text “or any portion of their ball-and-socket attachment to the shell” was also removed, as it is an ambiguous way to measure the urchin. Removing the reference to the spines’ ball and socket attachment will make it easier for enforcement and the urchin fishermen to measure an urchin’s diameter. Text relating to

shell diameter and text stating “not including the spines” has been moved to new subsection 120.8(c). The proposed regulation also replaces text stating “between one and one-half (1 ½) and three and one-quarter (3 ¼) inches” with text stating “greater than one and one-half (1 ½) and less than three and one-quarter (3 ¼) inches” and replaces “per load” with “per load or lot” for clarity since both are commonly used to describe offloading sea urchin catch.

Add subsection 120.8(c)(1)(B).

Subsection 120.7(p)(2) is moved to this subsection and amended to remove the words “In northern California” to reduce redundancy in the text, since the description of the boundary line describes which region of the state the size limit applies to (i.e., north of the Monterey-San Luis Obispo county line”). Additionally, the text “or any portion of their ball-and-socket attachment to the shell” was also removed, as it is an ambiguous way to measure the urchin. Removing the reference to the spines’ ball and socket attachment will make it easier for enforcement and the urchin fishermen to measure an urchin’s diameter. Text relating to shell diameter and text stating “not including the spines” has been moved to new subsection 120.8(c). The proposed regulation also replaces text stating “between one and one-half (1 ½) and three and one-half (3 ½) inches” with text stating “greater than one and one-half (1 ½) and less than three and one-half (3 1/2) inches” and replaces “per load” with “per load or lot” for clarity.

Add subsection 120.8(c)(2).

This addition is necessary to clarify that there is no size limit on all other sea urchins taken commercially, excluding red sea urchins. Although “no size limit” is not explicitly described in the existing text, there is currently no size limit prescribed for other sea urchins in regulation or statute. There has not been any evidence presented that size limits are necessary to manage all other species of urchins in order to protect their populations.

Add subsection 120.8(c)(3).

Subsection 120.7(p)(3) is moved to this subsection and amended to delete text stating “as specified herein, while diving for sea urchins for commercial purposes.” to remove extraneous language. A comma is removed to correct a punctuation error.

Add subsection 120.8(d). Vessel Identification.

Subsection 120.7(i) is moved to this subsection without change.

Add subsection 120.8(e).

Subsection 120.7(j)(1) is moved to this subsection and amended to add a title of “Lobster Prohibition” and to remove “abalone”. The take of abalone is already prohibited recreationally and commercially pursuant to sections 29.15 and 100, respectively.

Add subsection 120.8(f).

Subsection 120.7(j)(2) is moved to this subsection without change except to add a title of “Lift Conditions.”

Add subsection 120.8(g).

Subsection 120.7(m) is moved to this subsection and amended to update the reference to the commercial dive fishing log to reflect the proposed new form number (DFW 120.8) and revision date (04/2025).

Amend Section 128 Commercial Taking of Sea Cucumber

Subsection 128(c) is revised to update the reference to the location of the commercial dive fishing log to reflect its proposed incorporation by reference in Section 120.8.

Amend Commercial Dive Fishing Log (DFW 120.7)

The commercial dive fishing log is amended to update the form number to DFW 120.8, update the revision date to 04/2025, provide separate fields for “port” and “dealer”, add instructions for requesting new logbooks, update example of completed form, and other minor edits.

(b) Goals and Benefits of the Regulation

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 a 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 the 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.

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

Section 120.7

Authority: Sections 9054 and 9054.5, Fish and Game Code

Reference: Sections 713, 1050, 7850, 7857, 8500, 9054, 9054.5 and 9055, Fish and Game Code

Section 120.8

Authority: Sections 7880, 8026 and 9054, Fish and Game Code.

Reference: Sections 7880, 8026, 8140 and 9054, Fish and Game Code.

Section 128

Authority: Section 8405.3, Fish and Game Code.

Reference: Sections 8026, 8405.1, 8405.3 and 8500, Fish and Game Code.

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

(e) Identification of Reports or Documents Assisting Regulation Change

- Petition to the California Fish and Game Commission for Regulation Change (2023-04) requested by David Goldenberg, Executive Director, California Sea Urchin Commission.

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

- March 19, 2024, Marine Resources Committee meeting.
- July 18, 2024, Marine Resources Committee meeting.

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 the proposed changes, the outstanding issues concerning the regulations currently governing commercial sea urchin would remain unaddressed. This would mean that licensed commercial fishermen would still need a permit to assist a sea urchin diver harvesting urchins, Friday in the north would remain closed during June through October, the South Caspar Point Sea Urchin Closure would remain in effect, and some of the subsections in this regulation would remain confusing and unclear.

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 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

VII. Economic Impact Assessment

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

The cumulative effects of the proposed regulations are expected to be neutral with regard to the creation or elimination of jobs within the State.

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

The cumulative effects of the proposed regulations are expected to be neutral about the creation or elimination of businesses within the State.

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

The cumulative effects of the proposed regulations are expected to be neutral about the expansion of businesses within the State.

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

The Commission does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission anticipates that there may be some benefits from the regulation to worker safety. Allowing Fridays to be available to the northern commercial sea urchin fishery to allow for more good weather options may reduce the risk of fishing in adverse weather conditions, and allowing an individual with a commercial fishing license to assist a permitted diver harvesting sea urchins will increase safety during fishing operations.

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

The Commission anticipates benefits to the State's environment by sustainably managing California's sea urchin fishery resources.

(g) Other Benefits of the Regulation

None.

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 California Fish and Game Commission (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:

- Clearly define the permitted activities of each type (class) of sea urchin permit and consolidate each subsection related to permit and permits issuance.
- 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.
- 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.
- 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:

- Allow the harvest of red sea urchin on Fridays north of the Monterey-San Luis Obispo county line from June through October.
- Greatly reduce the size of the South Caspar Point Sea Urchin Closure and eliminate the entire closure after April 1, 2029.
- Repeal language related to commercial take of sea urchins in marine protected areas.
- Clarify that there are no size limits or seasonal closures for all other species of sea urchin, other than red sea urchin.
- Specify how sea urchins should be measured and clarify language regarding the red sea urchin size limit.
- Update the reference to the commercial dive fishing log to reflect the proposed new form number and revision date.

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.

Proposed Regulatory Language

Section 120.7, Title 14, CCR, is amended to read:

§ 120.7. Taking of Sea Urchins for Commercial Purposes. Permits Required to Commercially Take Sea Urchins

- (a) Permit Required. ~~(1) Any person taking or assisting in the taking of possessing sea urchins for commercial purposes shall have a valid sea urchin permit and shall be in possession of said permit when engaged in such activities. A sea urchin diving permit is not required to operate or assist in operating a vessel used to take sea urchins, however, no person without a valid sea urchin diving permit shall engage in diving from a vessel from which sea urchins are being taken or possessed for commercial purposes, unless authorized by the department's marine region regional manager or his or her designee for the purposes of sea urchin management or research.~~
- ~~(2) To provide an economic incentive for cooperative sea urchin management and research activity, and notwithstanding any other portion of this section, the department may authorize the holder of a valid sea urchin diving permit to harvest (take, possess, land and/or sell) red sea urchins during a closed season or in a closed area, subject to such restrictions regarding date(s), location(s), time(s), size, poundage or other matters as specified by the department. Any data collected during such harvest activity shall be made available to the department. The form of this authorization shall be a letter from the department's marine region regional manager or his or her designee issued to the permittee and containing all conditions of use.~~

(1) Classes of Permits.

(A) Sea Urchin Diving Permit.

- i. This permit is required for taking and landing sea urchins for commercial purposes and may be issued to licensed commercial fishermen who have qualified for this permit pursuant to subsections (d) and (e).
- ii. No person without a valid sea urchin diving permit shall enter the water at any time during a trip where sea urchins are being taken or possessed for commercial purposes.

(B) Sea Urchin Crewmember Permit. This permit may be issued to licensed commercial fishermen who do not qualify for a sea urchin diving permit. This permit allows an individual to assist a sea urchin diver and is required for qualification of a new sea urchin diving permit, pursuant to subsections (d) and (e).

(2) Exceptions

(A) A sea urchin crewmember permit is not required for individuals with a valid commercial fishing license to assist a permitted sea urchin diver, as long as the permitted sea urchin diver is present.

(B) A sea urchin diving or crewmember permit is not required to operate or assist in operating a vessel used to take sea urchins.

(C) A sea urchin diver or sea urchin crewmember operating under the provisions of this section is not required to possess a Tidal Invertebrate Permit, but is subject to the provisions of Section 123.

(3) Individuals operating under subsections (a)(2)(A) through (B) do not qualify for a sea urchin diving permit.

(4) On any day when sea urchins are taken or possessed for commercial purposes, all sea urchin diving permittees, sea urchin crewmember permittees, assistants supporting these permittees, and any person who should possess a sea urchin diver or crewmember permit who are working together may be cited for violations of this section or any other regulation or law during the fishing trip.

~~(b) Classes of Permits.~~

~~(1) Sea Urchin Diving Permit. Sea urchin diving permits will be issued to licensed commercial fishermen 16 years of age or older who have qualified for permits pursuant to subsection (c).~~

~~(2) Sea Urchin Crewmember Permit. Sea urchin crewmember permits will be issued to licensed commercial fishermen 16 years of age or older who do not qualify for sea urchin diving permits.~~

~~(c)~~ (b) Permit Renewal.

(1) Applicants for renewal of sea urchin diving permits must have held a valid, unrevoked sea urchin diving permit in the immediately preceding permit year (~~April 1– March 31~~ April 1 through March 31).

(2) Applications for renewal of sea urchin diving permits shall be received by the department or, if mailed, postmarked no later than April 30. Late fees, late fee deadlines, and late renewal appeal provisions are specified in Fish and Game Code Section 7852.2.

~~(d)~~ (c) Number of Permits.

(1) All qualified prior sea urchin diving permittees shall be eligible to receive diving permits regardless of the number issued.

(2) If the number of diving permits issued to prior permittees is less than 150, the number of new sea urchin diving permits to be issued shall only be the difference between the number of diving permits issued to prior permittees in the immediately preceding permit year (ending March 31) and 150.

- (3) While the number of diving permits issued to prior permittees is greater than 150, only one new sea urchin diving permit shall be available for every 11 permits that are retired pursuant to Fish and Game Code ~~subsection~~ subdivision 7852.2(c).

~~(e)~~ (d) Applications for New Permits:

- (1) A drawing shall be held annually for any new sea urchin diving permits that become available for issuance.
- (2) Applications for new sea urchin diving permits shall be made available each year through the department's Automated License Data System, at department license sales offices, the department's Internet Sales site, and at department's license agents authorized to sell commercial fishing licenses.
- (3) Applicants shall apply by March 31 of each year.
- (4) Applicants shall possess a valid Commercial Fishing License and a valid sea urchin crewmember permit for each of the two permit years immediately preceding the permit year when the drawing is done.
- (5) Applicants shall pay the nonrefundable processing fee as specified in Section 705 for each drawing application.
- (6) Each applicant shall receive a drawing receipt printed from the terminal or downloaded from the Internet. The receipt shall contain the applicant's name and permanent identification number, proof of entry into drawing, and their current preference points for the drawing.
- (7) Applicants shall not submit more than one drawing application for the same license year.

~~(f)~~ (e) Drawings for New Permits

- (1) The department shall award any new permits using a Modified-Preference Point drawing system.
- (2) The Modified-Preference Point drawing system shall award proportions of permit quota using the following drawing methods:
 - (A) Preference Point Drawing: Permits in the preference quota are awarded based on the following order of priority: accumulated preference point totals (highest to lowest), and computer-generated random number (lowest to highest).
 - (B) Random Drawing: Permits in the random quota are awarded according to computer-generated random number (lowest to highest), without consideration of accumulated preference points.
- (3) The available new permit quantity shall be split into separate quotas. Every fifth permit that becomes available shall belong to the random quota while all other permits shall

belong to the preference quota. This four-to-one ratio for sorting will continue indefinitely.

- (4) Successful applicants and a list of alternates shall be determined by drawing within 20 business days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible.
 - (5) Alternates shall be selected using a Preference Point Drawing.
 - (6) Successful applicants will be notified as soon as practical. Successful applicants shall submit the fee for a Sea Urchin Diving Permit, as specified in Fish and Game Code Section 9055 to the department's License and Revenue Branch by 5:00 p.m. on or before or, if mailed, postmarked no later than May 15 each year. If the deadline to submit the fee falls on a weekend or holiday payment will be accepted until the close of business on the first state business day following the deadline to submit payment.
 - (7) Should the available permit quota remain unfilled after that date, the alternate list shall be used to award any available permits.
 - (8) An applicant shall earn one (1) preference point each time the applicant participates in a drawing for sea urchin diving permit.
 - (9) Successful applicants or alternates that are issued a sea urchin diving permit shall lose all accumulated preference points for the drawing.
 - (10) Preference points shall not be transferred to another person.
 - (11) The department shall maintain records of preference points earned by each applicant based on the identification number assigned to each customer by the department's Automated License Data System. The customer's identification number, Get Outdoors ID (GO ID) will be printed on each drawing receipt issued by the Automated License Data System. Applicants shall notify the department's License and Revenue Branch in Sacramento in writing of any changes or corrections regarding name, mailing address, or date of birth.
 - (12) Persons not applying in the sea urchin diving permit drawing for five (5) consecutive years starting in 2018 shall have their preference points for the sea urchin drawing reduced to zero (0). For the purposes of this subsection, persons whose applications are disqualified from drawing shall be considered the same as persons not applying.
 - (13) Eligible commercial fisherman ~~that~~ who applied in the sea urchin diving permit drawing from 2006–2017 and were not awarded a sea urchin diving permit in any of these years shall be assigned one preference point for each year they applied in these drawings.
- ~~(g)~~ (f) Fee. The applicant for a sea urchin crewmember permit shall submit the fees and the completed application, as specified in Section 705, to the address listed on the application.

~~(h)-(g)~~ Renewal Appeals. Late renewal appeal provisions are specified in Fish and Game Code Section 7852.2.

~~(i) Vessel Identification~~. When sea urchins are taken under these regulations, the vessel's commercial registration number shall be displayed on both sides of the boat. The number shall be black, at least 10 inches high, and on a white background. All permittees aboard the boat shall be mutually responsible for the proper display of the vessel's commercial registration number.

~~(j) Conditions of the Permit:~~

~~(1) No person shall take or possess lobsters or abalone aboard any boat used to take sea urchins under these regulations on any day that sea urchins have been taken or are to be taken.~~

~~(2) Hydraulic lifts and air lifts shall be used only in such a manner that no rocks or other mineral matter, aquatic plants, fish or other aquatic life except sea urchins, shall be removed from the bottom or otherwise disturbed.~~

~~(k)-(h)~~ Revocation of Permits. Any permit may be suspended, revoked, or canceled by the commission upon breach or violation of any fish and game regulation pertaining to the take of sea urchins or abalone; or violation of the terms or conditions of the permit by the holders thereof, their agents, servants, employees or those acting under their direction and control.

~~(l) Exemption from Tidal Invertebrate Permit~~. A sea urchin diver or sea urchin crewmember operating under the provisions of this section is not required to possess a Tidal Invertebrate Permit, but is subject to the provisions of Section 123.

~~(m) Logbooks~~. Pursuant to Section 190, each permittee shall keep and submit a complete and accurate record of all sea urchin fishing activities on a form Commercial Dive Fishing Log (DFW 120.7 (REV. 03/2024)), incorporated herein by reference, provided by the department.

~~(n) Fishing Season:~~

~~(1) Red sea urchin shall not be taken for commercial purposes on Friday, Saturday, and Sunday north of the Monterey-San Luis Obispo county line from June 1 through October 31.~~

~~(2) Red sea urchin shall not be taken for commercial purposes on Saturday and Sunday south of the Monterey-San Luis Obispo county line from June 1 through October 31.~~

~~(3) During any closed period, no red sea urchins may be possessed on any commercially registered vessel, except that any commercially registered vessel may transport red sea urchins after any closure goes into effect, provided that the vessel is in port no later than 0800 hours on the first day of the closed period.~~

~~(o) Closed Areas:~~

- ~~(1) Sea urchins shall not be taken for commercial purposes in state marine reserves or state marine parks. Specific regulations in state marine conservation areas may prohibit the commercial take of sea urchins as per subsection 632(b).~~
- ~~(2) 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).~~

~~(p) Size Limit.~~

- ~~(1) In southern California (south of the Monterey-San Luis Obispo county line) no more than thirty (30) red sea urchins between one and one-half (1 1/2) and three and one-quarter (3 1/4) inches in shell diameter, not including the spines or any portion of their ball-and-socket attachment to the shell, per permittee per load, may be taken, possessed, sold or purchased.~~
- ~~(2) In northern California (north of the Monterey-San Luis Obispo county line) no more than thirty (30) red sea urchins between one and one-half (1 1/2) and three and one-half (3 1/2) inches in shell diameter, not including the spines or any portion of their ball-and-socket attachment to the shell, per permittee per load, may be taken, possessed, sold or purchased.~~
- ~~(3) Every sea urchin permittee shall carry and use an accurate measuring device, to determine the size of red sea urchins being taken as specified herein, while diving for sea urchins for commercial purposes.~~

~~(q) (i) Authorization of an Assistant Designee for a Sea Urchin Diver Permittee.~~

- ~~(1) The holder of a sea urchin diving permit may designate a licensed commercial fisherman as a sea urchin diver assistant designee upon written approval from the department, provided that:
 - ~~(A) The sea urchin diving permit has not been suspended or revoked;~~
 - ~~(B) The permittee has become physically unable to dive due to a severe unforeseen or catastrophic long-term (expected to be for one year or longer) or permanent injury or disease; and,~~
 - ~~(C) The injury or disease occurred after entering the sea urchin fishery.~~~~
- ~~(2) The department may authorize, in writing, the particular licensed commercial fisherman to be designated by the permittee as a sea urchin diver assistant designee, providing the following conditions have been met:~~

- (A) The permittee provides documentation within 90 days of the request to the department from a qualified physician that the permittee suffers from a disease or injury and it will prevent the permittee from diving. Such conditions shall not include short or long-term common illnesses, conditions caused or primarily exacerbated by aging, or any other condition which appears to be marginal or common, such as routine back or neck problems;
 - (B) The permittee has no violations or pending violations for which ~~his or her~~ their permit could be revoked; and,
 - (C) The proposed sea urchin diver ~~assistant~~ designee has a valid California commercial fishing license and has not had any California commercial fishing license or permit suspended or revoked; has never been convicted, and no charges are pending for a violation of any provision of the Fish and Game Code or Title 14, California Code of Regulations.
- (3) Special Provisions:
- (A) The authorized sea urchin diver ~~assistant~~ designee may take or assist in the taking of sea urchin only when in the company of the permittee and only for the duration of the permit year in which the authorization is issued.
 - (B) The permittee shall have no authority to, and shall not dive for sea urchin while a valid letter authorizing the permittee to designate ~~an assistant~~ a designee exists, regardless of whether or not the ~~assistant~~ designee is actively diving.
 - (C) The authorized sea urchin diver ~~assistant~~ designee shall have no right to ownership or transfer of the permit beyond that which is otherwise provided by law.
 - (D) The sea urchin diving permit, in addition to the sea urchin diver ~~assistant~~ designee authority shall be subject to revocation, suspension or other actions provided in law or regulation, upon violations committed by the sea urchin diver ~~assistant~~ designee, when acting under the authority of a sea urchin diver ~~assistant~~ designee. The ~~assistant~~ designee shall take no actions authorized pursuant to a sea urchin diver permit without the consent of the permittee.
 - (E) The department shall review the authority authorized pursuant to this section at least once every year and may withdraw the authority if any of the conditions are not met.
- (4) Fee Requirement. Any person authorized as a sea urchin diver ~~assistant~~ designee pursuant to this subsection shall annually pay a fee to the department equal to the amount required of permittees pursuant to Fish and Game Code Section 9055.
- (5) Required Possession of Department Authorization. The sea urchin diver ~~assistant~~ designee shall carry the department's letter of authority whenever conducting activities authorized pursuant to the subsection.

(j) To provide an economic incentive for cooperative sea urchin management and research activity, and notwithstanding any other portion of this section, the department may authorize the holder of a valid sea urchin diving permit to harvest (take, possess, land and/or sell) red sea urchins during a closed season or in a closed area, subject to such restrictions regarding date(s), location(s), time(s), size, poundage or other matters as specified by the department. Any data collected during such harvest activity shall be made available to the department. The form of this authorization shall be a letter from the department's marine region regional manager or their designee issued to the permittee and containing all conditions of use.

NOTE: Authority cited: Sections ~~713, 1050~~, 9054 and 9054.5, Fish and Game Code.

Reference: Sections 713, 1050, 7850, ~~7852.2, 7857~~, 8500, 9054, 9054.5 and 9055, Fish and Game Code.

Proposed Regulatory Language

Section 120.8, Title 14, CCR, is added to read:

120.8 Taking of Sea Urchin for Commercial Purposes

(a) Fishing Season.

(1) Red sea urchin (*Mesocentrotus franciscanus*) shall not be taken for commercial purposes on Saturday and Sunday, statewide, from June 1 through October 31. During any closed period, no red sea urchins may be possessed on any commercially registered vessel, except that any commercially registered vessel may transport red sea urchins after any closure goes into effect, provided that the vessel is in port no later than 0800 hours on the first day of the closed period.

(2) Other Sea Urchins. May be taken year-round.

(b) Closed Areas.

(1) Notwithstanding other provisions of this section and until April 2, 2029: The South Caspar Point area in Mendocino County is closed to all commercial fishing for sea urchins. This area is bounded by the mean high tide line and a straight line connecting the following points: 39° 21.693' N latitude 123° 49.360' W longitude and 39° 21.714' N latitude 123° 49.024' W longitude.

(c) Size Limits. Sea urchin shall be measured by the greatest shell diameter (not including the spines).

(1) Red Sea Urchin.

(A) South of the Monterey-San Luis Obispo county line, no more than thirty (30) red sea urchins greater than one and one-half (1 1/2) and less than three and one-quarter (3 1/4) inches per permittee per load or lot, may be taken, possessed, sold or purchased.

(B) North of the Monterey-San Luis Obispo county line, no more than thirty (30) red sea urchins greater than one and one-half (1 1/2) and less than three and one-half (3 1/2) inches per permittee per load or lot, may be taken, possessed, sold or purchased.

(2) Other Sea Urchins. No size limit.

(3) Every sea urchin permittee shall carry and use an accurate measuring device to determine the size of red sea urchins being taken.

(d) Vessel Identification. When sea urchins are taken under these regulations, the vessel's commercial registration number shall be displayed on both sides of the boat. The number shall be black, at least 10 inches high, and on a white background. All permittees aboard the boat shall be mutually responsible for the proper display of the vessel's commercial registration number.

(e) Lobster Prohibition. No person shall take or possess lobsters aboard any boat used to take sea urchins under these regulations on any day that sea urchins have been taken or are to be taken.

(f) Lift Conditions. Hydraulic lifts and air lifts shall be used only in such a manner that no rocks or other mineral matter, aquatic plants, fish or other aquatic life except sea urchins, shall be removed from the bottom or otherwise disturbed.

(g) Logbooks. Pursuant to Section 190, each permittee shall keep and submit a complete and accurate record of all sea urchin fishing activities on a form Commercial Dive Fishing Log (DFW 120.8 (REV. 04/2025)), incorporated herein by reference, provided by the department.

NOTE: Authority cited: Sections 7880, 8026 and 9054, Fish and Game Code.
Reference: Sections 7880, 8026, 8140 and 9054 Fish and Game Code.

Proposed Regulatory Language

Section 128, Title 14, CCR, is amended to read:

§ 128. Commercial Taking of Sea Cucumber.

(a) Closed Season. Warty sea cucumber may not be taken for commercial purpose from March 1 through June 14.

(b) All warty sea cucumber taken during the closed season shall be immediately returned to the water. Warty sea cucumber may not be possessed aboard or landed from any commercial fishing vessel during the closed season.

(c) Pursuant to Section 190 of these regulations, each sea cucumber dive permit holder shall complete and submit an accurate record of ~~his/her~~ their sea cucumber fishing activities on the logbook form incorporated by reference under Section ~~420.7~~, 120.8, of these regulations. The completed daily records shall be sent to the department address specified on the logbook.

Note: Authority cited: Section 8405.3, Fish and Game Code. Reference: Sections 8026, 8405.1, 8405.3 and 8500, Fish and Game Code.

COMMERCIAL DIVE FISHING LOG



**CALIFORNIA NATURAL
RESOURCES AGENCY**

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

INSTRUCTIONS

- Each sea urchin or sea cucumber permittee is required to prepare a daily log. Use one log for each month of fishing activity (use additional pages if necessary). Do not submit a log for the months not fished.
- Place flyleaf under duplicate copy. No carbon paper is required. Do not allow book to get wet.
- Use a ball-point pen. Enter all information at top of the log.

Field descriptions for each location fished:

- “Day” is the calendar day fished
- “Block Number” is the origin block number from the California Fisheries Chart Series available at <https://wildlife.ca.gov/Fishing/Commercial/MFSU>
- “Lat/Lon” is the latitude and longitude, to the 0.01 minute, of the catch location
- “Species” is the species of the catch
- “Landmark” is the most generally recognizable feature near the area fished
- “Depth Range” is the minimum and maximum depths fished (in feet)
- “Diver Hours” is the total time underwater, to the nearest ½ hour, at each dive site ~~is~~ site
- “Pounds Harvested” is the combined weight of all harvested catch species
- “Port and Dealer” is the port of landing ~~and the name of the dealer buying the catch~~ are
- “Dealer” is the name of the dealer buying the catch
- “Fish Ticket Number” is the serial number of the electronic fish ticket (E-tix) or landing receipt associated with the harvested catch.
- “Remarks” are comments on the catch or other noteworthy conditions

- One line should be completed for each location fished, if more than one location is fished on a single day.
- Please mail to the Department of Fish and Wildlife the top Department’s copy of the logs on a monthly basis in compliance with Section 190 of Title 14, California Code of ~~Regulations~~ Regulations.
- By the 10th day of the following month, completed logs should be returned to:

(All sea cucumber logs)

Calif. Dept. of Fish and Wildlife
1933 Cliff Drive, Suite #9
Santa Barbara, CA 93109

(Southern California sea urchin logs)

Calif. Dept. of Fish and Wildlife
3030 Old Ranch Parkway, Suite 400
Seal Beach, CA 90740

(Northern California sea urchin logs)

Calif. Dept. of Fish and Wildlife
3637 Westwind Blvd.
Santa Rosa, CA 95403

- | | |
|---|--|
| 1. Information requested by: | NOTICE
California Natural Resources Agency
Department of Fish and Wildlife
Marine Resources Region |
| 2. Responsible Agency Official: | Regional Manager, Marine Region
California Dept. of Fish and Wildlife
3030 Old Ranch Parkway, Suite 400
Seal Beach, CA 90740 |
| 3. Authority: | California Code of Regulation
Regulations
Title 14, Sections 190 and 120.7(m)
120.8
California Fish and Game Code
Sections 8026 and 8405.1 |
| 4. Each sea urchin or sea cucumber permittee is required to prepare a daily log. Failure to keep and submit complete and accurate logs may result in revocation or suspension of your diving permit by the Department. | |
| 5. Fishing activity records shall be kept on forms provided by the Department. | |
| 6. All fishing activity records shall be deemed confidential upon receipt by the Department. Information provided on the logs is summarized and used to develop a profile of the fishery, including catch area and depth, relative changes in population, catch-per-unit-of effort, etc. This data will aid in developing management measures to insure a long-term viable fishery. Summaries, without reference to individuals, will be available to the public. | |
| 7. Information provided on logs may be made available to the National Marine Fisheries Service, Pacific Fisheries Fishery Management Council, and the Pacific States Marine Fisheries Commission. | |
| 8. Every individual has the right of access to his or her <u>their own</u> information: California Civil Code | |

To request a new dive fishery logbook, visit <https://wildlife.ca.gov/Fishing/Commercial/MFSU/Logbook-Request> or call CDFW Marine Fisheries Statistical Unit at (562) 342-7130



Each diver is required to fill out their own log
 Please use a separate row for each species (see instruction sheet)

Month of NOV Jan Year 2017-2025

Permit Holder (name) Bill Smith Christopher Cabezon

Permittee's I.D. # L 98765 56799

Vessel Name ORCA # Uni-licious

CDFW Commercial Boat Registration Number 33000

Day	Block Number	Lat/Lon. (to 0.01 minutes)		*Species (see codes below)	Landmark	Depth Range (feet)	Hours**	Pounds Harvested	Port and Dealer	Dealer	Fish Ticket Number	Remarks
		Latitude	Longitude									
14	704	33 57.57	119 43.62	RSU	Bowen PT	20-20	3	800 750	C.I./Unico-SB	Unico LLC	316658E	Big Swell
5	685	34 01.71	119 36.71		Mutlexa Bay	10 - 50	2				923456E	Good day
15	687	34 02.02	119 53.15	RSU	Black PT	25-30	3.5	1,100 556	Vent/Unico-	Browens	316723E	Good
10	684	34 01.29	120 23.75	WSC	Kladdy reef	5 - 24	3		SB	Fish	917581E	Rough Conditions
20	711	33 54.86	120 02.86	WSC	East PT.	30-40	2.5	600 180	C.I./PSFCO-	Unico LLC	303547E	Survey
27	708	33 59.41	119 32.34	PSU	Riens ridge	45 - 70	1.5		SB		966211E	Big Swell
27	710	33 55.33	119 58.77	RSU	Sterek rock	27 - 92	3	672	SB	Leberg	934761E	Large urchin
						-						
						-						
						-						
						-						
						-						
						-						
						-						
						-						

*Species Codes: red sea urchin = RSU, purple sea urchin = PSU, warty sea cucumber = WSC, giant red sea cucumber = GRS
 Wavy turban snail = WTS, Kellet's whelk = KW, Keyhole limpet = KHL

**Diver hours = Total hours spent harvesting underwater at this location, to the nearest 1/2 hour

Signature: Bill Smith Christopher Cabezon
 Permit Holder

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME California Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Sections 120.7 and 128, and add Section 120.8, T14, CCR re: Commercial Sea Urchin Fishing			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): |

[See addendum](#)

***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 _____ 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: _____

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: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

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. 10/2019)

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? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

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.* \$ _____

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: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

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, worker safety and the State's environment: _____

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

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: _____

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? YES NO

***If YES, complete E2. and E3
If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES NO

If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

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

STD. 399 (Rev. 10/2019)

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 _____

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

DocuSigned by:

6558B761E2D347D

DATE
 2/21/2025

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

 Bryan Cash

2/24/2025

DATE
 02/21/2025

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

STD. 399 Addendum
Amend Sections 120.7 and 128, and Add Section 120.8
Title 14, California Code of Regulations
Regarding Commercial Sea Urchin Fishing and
Commercial Take of Sea Cucumber

The California Fish and Game Commission (Commission) proposes changes to commercial sea urchin fishery regulations; the last major amendments were in 2017. The proposed amendments represent a cumulation of California Department of Fish and Wildlife (Department) internal discussions, a regulation change petition from the California Sea Urchin Commission (CSUC), and additional input from CSUC, the Nature Conservancy, and Reef Check California. The proposed changes are necessary to help build resilience and create more opportunities and flexibility for the commercial sea urchin fishery.

Proposed Regulatory Actions

The proposed regulation changes will allow commercial fishermen without a sea urchin crewmember permit to assist sea urchin divers, remove a seasonal Friday prohibition in the northern portion of the fishery, reduce the spatial size of a sea urchin closure, and improve clarity and efficiency of existing sea urchin regulations.

Allow Commercial Fishermen to Support Sea Urchin Divers

Existing regulations prohibit any person without a sea urchin permit from supporting a sea urchin diver while fishing. The proposed regulation would remove this restriction and allow anyone with a commercial fishing license to assist a sea urchin diver harvesting urchins. To ensure compliance and enforceability of all participants on a sea urchin trip, a new provision is being added to address accountability should a violation occur during a trip where multiple persons are on board a vessel supporting the fishing operation.

Remove Friday Prohibition in the North from June through October

Current regulations prohibit commercial red sea urchin harvest on Fridays, Saturdays, and Sundays from June through October north of the Monterey-San Luis Obispo county line, and on Saturdays and Sundays from June through October south of that line. CSUC submitted a petition in May 2023 requesting that Fridays be available to the northern commercial sea urchin fishery to allow for more good weather options, increased market opportunities, and more days to harvest red sea urchins.

Remove Caspar Point Sea Urchin Closure

The CSUC petition also requests to eliminate the sea urchin take prohibition at South Caspar Point, a closure established in 1989. The petition suggests that the closure is no longer necessary because there is adequate protection for sea urchins in the adjacent Point Cabrillo State Marine Reserve (established in 2012), opening the closure will not result in a further loss in harvestable sea urchins, and sea urchin harvest will not interfere with ongoing kelp restoration activities. Opening the area would be beneficial to the commercial fishery while eliminating redundancy of the protections in the adjacent marine protected area.

Increase Clarity and Efficiency

Additional changes are proposed to improve clarity and efficiency of the existing regulations. Key items addressed in the proposed amendments include:

- Clearly defining permitted activities of each sea urchin permit type
- Improving the description of size limit restrictions and measurement methods
- Splitting Section 120.7 into two sections to group regulations relating to permits in one section (120.7), and regulations that govern the fishery into another section (120.8).
- Updating Section 128, commercial take of sea cucumber, to reflect the proposal to incorporate by reference the commercial dive fishing log currently in Section 120.8.
- Revising the commercial dive fishing log form to update the form number, update the revision date, provide separate fields for “port” and “dealer,” add instructions for requesting new logbooks, update the example of a completed form, and other minor edits.

Additional changes are proposed to the structure of the sections, making it easier to read and understand for commercial fishermen. These changes, along with renumbering subsections, will not have any regulatory impact.

Economic Impact Statement

A. Estimated Private Sector Cost Impacts

Answer: 1. h. None of the above

The Commission anticipates that the proposed regulatory action will have negligible economic impacts on businesses and small businesses that operate in the commercial sea urchin industry; it expects the overall effect on the industry and the fishery to be economically neutral.

Existing regulations prohibit any person without a sea urchin permit from supporting a sea urchin diver while fishing. The proposed regulation would remove this restriction and allow anyone with a commercial fishing license to assist a sea urchin diver harvesting urchins. Removing this restriction is not anticipated to affect the wage rate for workers in the commercial sea urchin industry due to it not affecting the fees related to the applicable permit and commercial fishing license, nor is it anticipated to affect any of the costs related to commercial sea urchin harvest.

Additionally, including Fridays in the northern commercial sea urchin fishery to allow for more good weather options, increased market opportunities, and more days to harvest red sea urchins, is expected to allow for more flexibility, which should not impact the costs associated with harvesting sea urchins in an adverse or beneficial way. Opening the current closure at Caspar Point will not result in a further loss in harvestable sea urchins while maintaining harvest opportunities for fishers in that location.

Finally, the proposed regulatory changes to improve the structure of Section 120.7 will make the regulations easier to read and understand for commercial fishermen and will not have any beneficial or adverse economic impact on the fishery due to the changes being non-substantial that do not affect the nature of the regulations.

Fiscal Impact Statement

A. Fiscal Effect on Local Government

Answer: 5. No fiscal impact.

The Commission anticipates that the proposed regulatory action will have no fiscal effect on any local government entity or program.

B. Fiscal Effect on State Government

Answer: 3. No fiscal impact.

The Commission anticipates that the proposed regulatory action will have no fiscal effect on state government. The Department has determined that the proposed regulatory action will not affect the Department's existing level of staff effort involved in monitoring the permitting program or law enforcement activities, nor would this action increase or decrease license or other fee revenue.

Additionally, no other state agencies or programs would be affected by this emergency regulatory action.

C. Fiscal Effect on Federal Funding of State Programs

Answer: 3. No fiscal impact.

The proposed regulatory action will not have a fiscal effect on federal funding of state programs.



Notice: Regulation Change Considerations Commercial Sea Urchin

13 February 2025

Presented to:

**California Fish and Game
Commission**

Presented by:

**Joanna Grebel
Invertebrate Program Manager
Marine Region**



Overview

- Background
- Overview of proposed changes
- Outreach efforts
- Timeline



Photo Credit: CDFW



Background

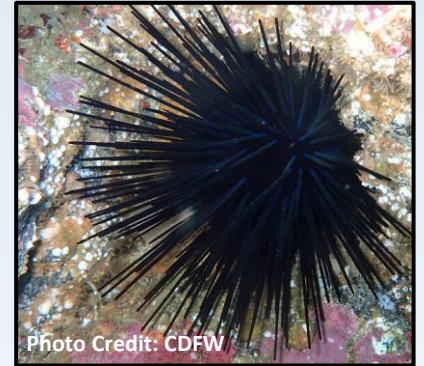
- Fishery began in 1970s
- Commercially harvested for “uni”
- Divers use surface supplied air (hookah) or SCUBA
- Fishery occurs in southern California and Mendocino / Sonoma Counties





Background (Cont.)

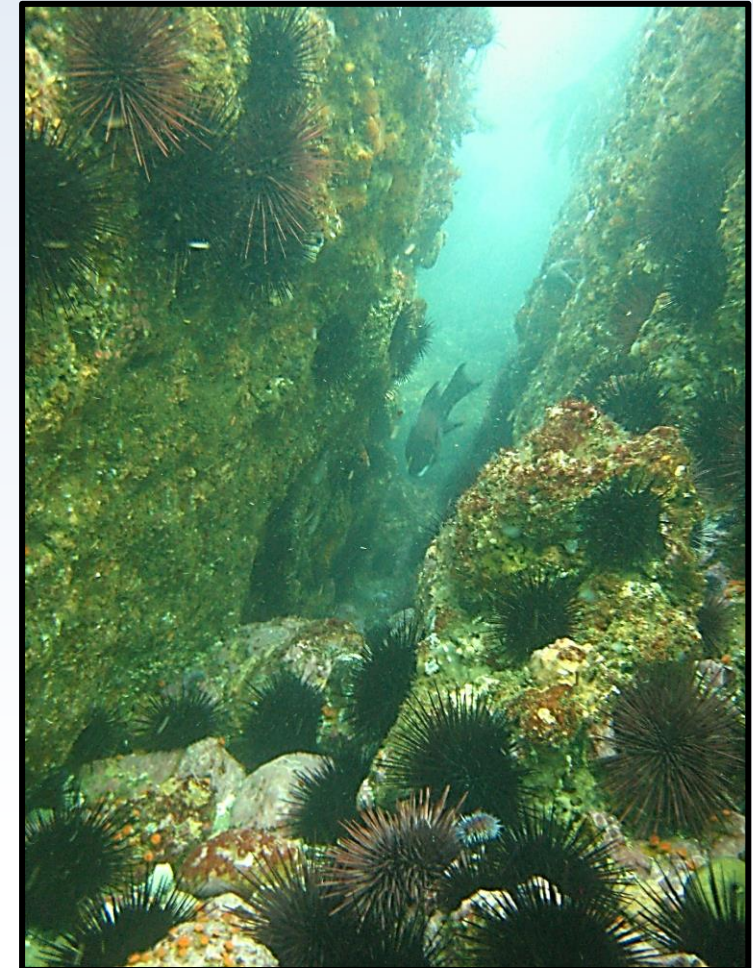
- Limited entry fishery with a capacity reduction
- Managed by size limits and seasonal closures
- Landings over last decade declined due to loss of kelp
- Co-management with California Sea Urchin Commission





Proposed Changes

1. Allow commercial fishermen to assist sea urchin divers
2. Modify seasonal closure in the North
3. Modify South Caspar Point Sea Urchin Closure Area
4. Streamline regulations
5. CDFW proposed regulations





1) Allow Commercial Fishermen to Assist Sea Urchin Divers

Background

- Current regulations only permit a Sea Urchin Crewmember to assist a sea urchin diver
- Allowing commercial fishermen to assist divers will increase available pool of assistants and increase safety
- Fish and Game Code 9054.5 – effective January 1, 2024





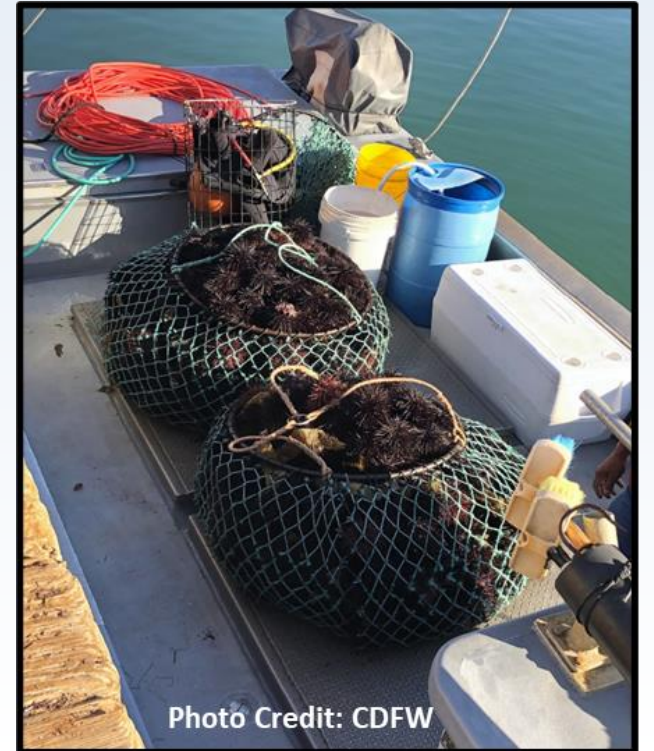
1) Allow Commercial Fishermen to Assist Sea Urchin Divers (Cont.)

	<u>Current Permits</u>		<u>Proposed (MRC)</u>	<u>New Option</u>
	DIVING	CREWMEMBER	DAILY Permit	Comm. License
Permit Access	Limited Entry	Open Access	Open Access	Open Access
Take and Sell Sea Urchin	✓	✗	✗	✗
Assist Fishing Operations	NA	✓	✓	✓
Comm. Fishing License	✓	✓	✓ ✗	✓
Permit Fees	✓	✓	✓	✗
Lottery Preference Points	NA	✓	✗	✗



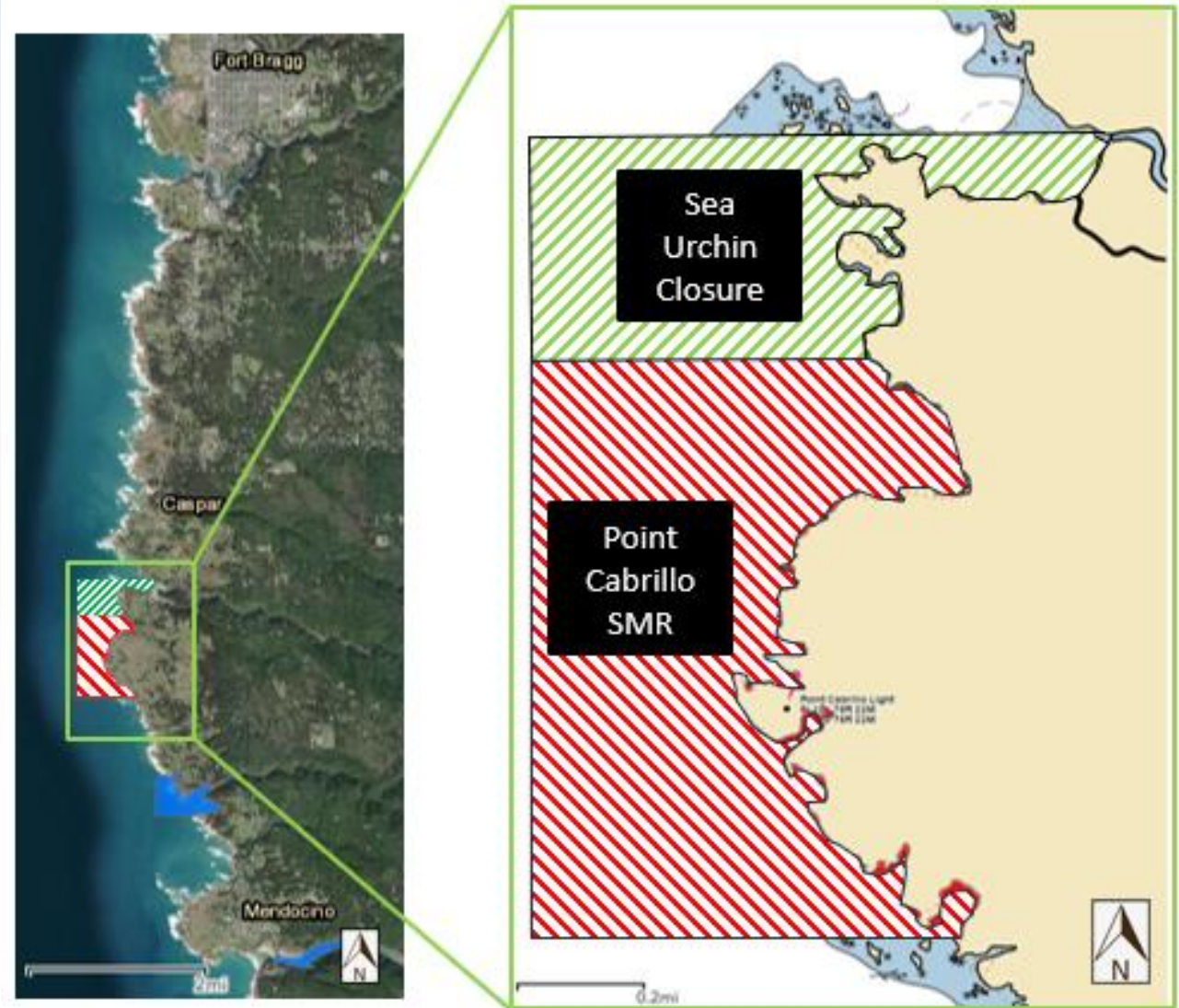
2) Modify Seasonal Closure in North

- Current regulation: prohibits red sea urchin take Friday-Sunday, north of the Monterey-San Luis Obispo county line (June-October)
- New regulation: prohibits red sea urchin take Saturday-Sunday, north of the Monterey-San Luis Obispo county line (June –October)





3) Modify South Caspar Point Sea Urchin Closure Area



South Caspar Point closure (1989)

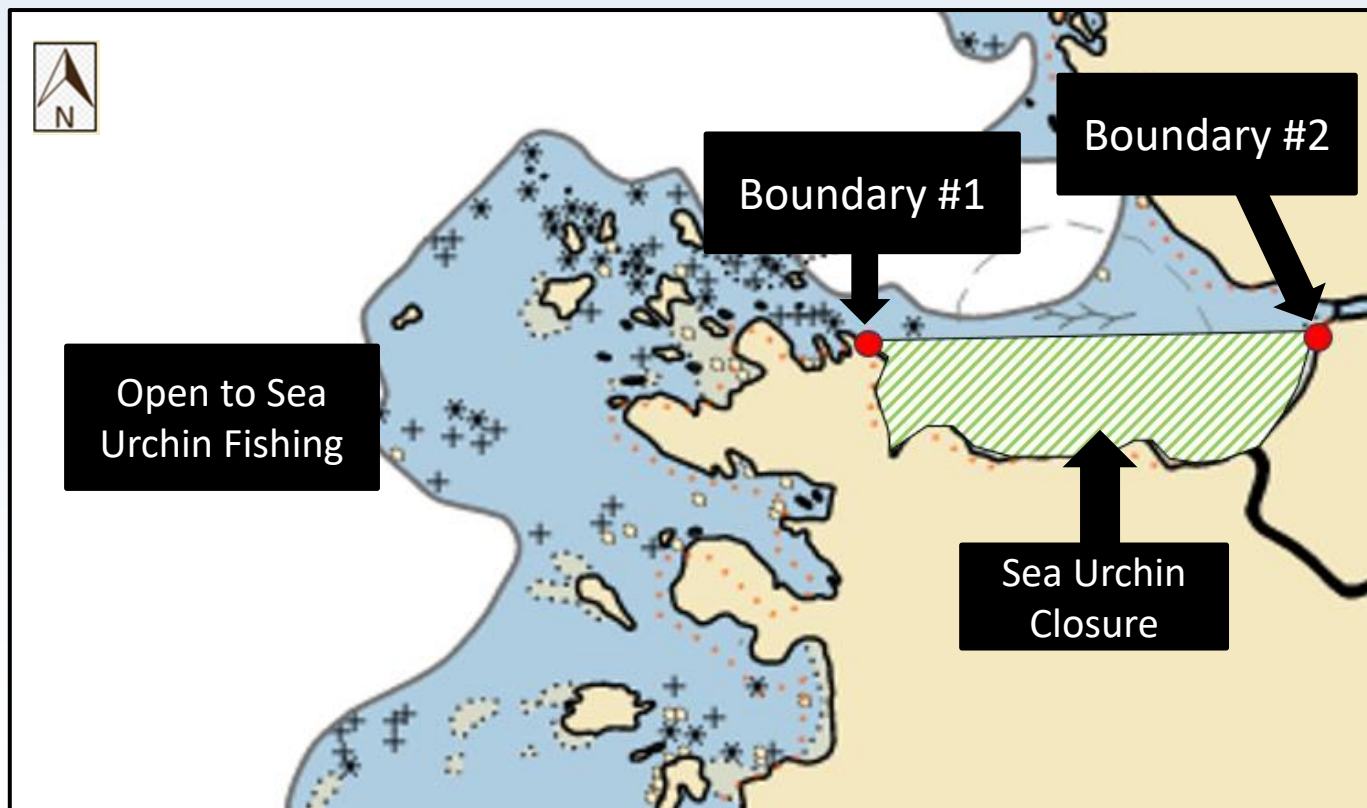
- Small area, 0.19 sq. mi.
- Created as a red sea urchin refuge and study area
- Prohibits only commercial sea urchin harvest

Point Cabrillo (1975 Reserve)

- Larger area, 0.44 sq. mi.
- Became SMR (fully protected) in 2012



3) Modify South Caspar Point Sea Urchin Closure Area (Cont.)



- Opens coastal area
- Maintains existing closure in the bay until April 2029



4) Streamline Regulations

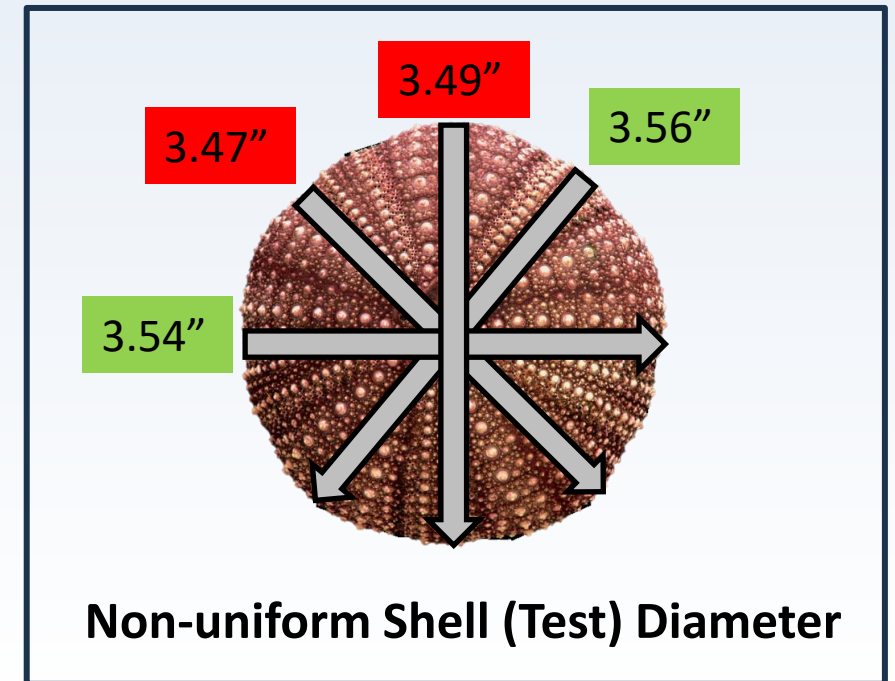
Divide Title 14, CCR § 120.7 into two sections:

- § 120.7 – Permits and how they are managed (e.g., types, exceptions, renewals, etc.)
- § 120.8 – Fishery Management Measures (e.g., fishing season, size limits, other restrictions/requirements, etc.)



5) CDFW Proposed Regulation Changes

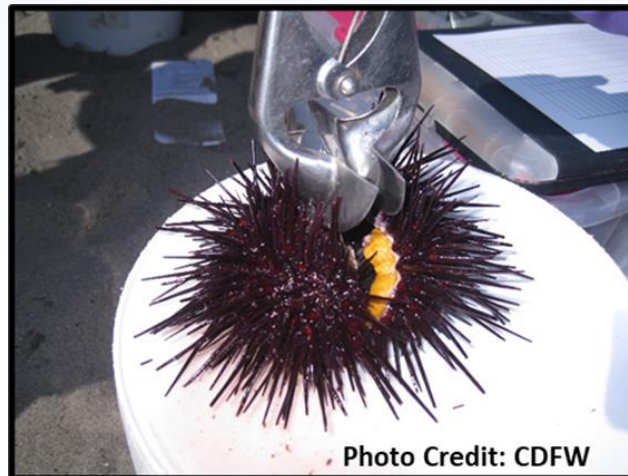
- Clarify method of measurement
 - Old language: shell diameter not including the spines or any portion of the ball-and-socket attachment to the shell
 - New language: greatest shell diameter not including the spines
- Add accountability provision





Outreach Efforts

- MRC Meetings: March 2024 and July 2024
- Tribal Notification: August 2024
- CSUC Meetings: March 2024, October 2024, and November 2024





Timeline

- FGC Meetings:
 - Notice: February 13, 2025 (Today)**
 - Adoption: April 17, 2025
- Expected Effective Date: July 2025

Thank You



Questions:

AskMarine@wildlife.ca.gov

April 2025 FGC Meeting - 120.7 sea urchin regs - Email PSOR

From Maxey, Samara [REDACTED]
Date Fri 03/21/2025 01:18 PM
To FGC <FGC@fgc.ca.gov>
Cc Grebel, Joanna [REDACTED] Owens, Brian [REDACTED]
[REDACTED] Ashcraft, Susan [REDACTED]

Good Afternoon,

The Department of Fish and Wildlife is submitting this email to notify the California Fish and Game Commission that there have been no substantive comments received, amendments to the proposed regulatory text, or additional information gathered for the proposed 120.7 Commercial Sea Urchin Fishing rulemaking since the filing of the Initial Statement of Reasons. Therefore, this email is prepared in lieu of a PSOR.

Please let me know if you have any questions.

Thank you,

Samara Maxey (she/her)

Staff Services Manager I, Marine Region
Department of Fish and Wildlife
1010 Riverside Parkway
West Sacramento, CA 95605

CALIFORNIA DEPARTMENT OF
FISH and WILDLIFE 

Regarding Sea Urchins regulations

From jefferey baldwin <[REDACTED]>

Date Thu 02/13/2025 10:13 AM

To FGC <FGC@fgc.ca.gov>

Attention, Susan Ashcroft. My name is Jeff Baldwin I have a been Sea urchin Diver since early 70s . it is very important at this time to open closed areas for Sea Urchins harvest. , there are so many sea urchin in the closed areas they are Eating all the kelp. and now it is just Baron areas with no kelp beds. Also, we need to adjust the size limit to 3 inches in the Open areas we're We are working now . Thank you for your time and consideration on this matter . sincerely Jeff Baldwin. If you have any questions, please call or email me phone number [REDACTED] or [REDACTED]
[REDACTED]