

## Staff Summary for August 13-14, 2025

**21. Recreational Red Abalone Closure Extension****Today's Item****Information** ☐**Action** ☒

Consider authorizing publication of notice of intent to amend regulations to extend the temporary red abalone recreational fishery closure until April 1, 2036, extending the “sunset” date by ten years.

**Summary of Previous/Future Actions**

- |   |                           |
|---|---------------------------|
| • Adopted regulation to close recreational red abalone fishery for one year (effective 2018 season)                             | December 2017             |
| • Extended closure for two years (effective 2019 and 2020 seasons)  | December 2018             |
| • Extended closure for five years, to April 2026  | December 2020             |
| • MRC discussed and recommended a rulemaking to extend the fishery closure for ten years (approved by Commission in April 2025) | March 13, 2025; MRC       |
| • <b>Today's notice hearing</b>   | <b>August 13-14, 2025</b> |
| • Discussion hearing  | October 9-10, 2025        |
| • Adoption hearing  | December 11-12, 2025      |

**Background**

The recreational red abalone fishery in northern California is currently guided by the statewide Abalone Recovery and Management Plan (ARMP). A beloved and once thriving species, in 2016 the Department presented the Commission with data documenting a dramatic, large-scale decline of red abalone populations, attributed to a confluence of factors leading to sustained bull kelp loss and resulting abalone starvation.

In 2017, the Department notified the Commission of further abalone declines and that the average density of red abalone populations declined below the ARMP fishery closure trigger. In December 2017, the Commission adopted regulations to close the recreational abalone fishery consistent with the ARMP for a period of one year. Between 2018 and 2020, the Commission took several actions to extend the fishery closure as poor conditions persisted or worsened, for a cumulative closure duration of nearly eight years (see Exhibit 1 for detailed background). The current closure is set to expire on April 1, 2026, meaning that the recreational fishery will automatically reopen under harvest regulations that existed prior to the 2017 closure.

At the March 2025 MRC meeting, the Department reported trends documenting continued large-scale limited red abalone populations on the north coast, despite small pockets observed in shallow water. MRC recommended: (1) prioritizing a focus on red abalone restoration, rather than harvest opportunities, (2) extending the recreational fishery closure for an additional ten years, and (3) building monitoring partnerships for data collection and implementation of a red abalone restoration plan until evidence of restoration is shown. In April 2025, the Commission approved the MRC recommendation and scheduled today's rulemaking.

## Staff Summary for August 13-14, 2025

The Department developed a draft initial statement of reasons (ISOR) and draft regulatory language, and staff made minor, non-substantive revisions for purposes of improved clarity. For today's meeting, the draft proposed regulations and rationale are detailed in the draft ISOR (Exhibit 4) and draft regulatory language (Exhibit 5). Today, the Department will present an overview of the background and proposed regulations (Exhibit 7).

### Significant Public Comments

The Mendocino County Fish and Game Commission opposes a ten-year extension of the red abalone fishery closure, stating that the continued closure in effect since 2018 has already caused significant negative economic and cultural impacts. They believe the management program is underfunded and propose public-private partnerships for data collection in the absence of harvest reporting. They request that any future closure extensions be limited to a maximum of two years to allow for reevaluation and to prevent further erosion of the fishery's cultural and economic importance. (Exhibit 8)

### Recommendation

**Commission staff:** Authorize publication of a notice of intent to extend the closure of the red abalone fishery for ten years as detailed in exhibits 4 and 5.

**Committee:** Support continuing the recreational red abalone fishery closure beyond the current sunset of April 1, 2026, as recommended by the Department, for a period of ten years to focus on recovery rather than de minimis harvest options, and explore partnerships for data collection and monitoring.

**Department:** Extend sunset date of red abalone fishery closure to April 1, 2036, as proposed in exhibits 4 and 5.

### Exhibits

1. [Staff summary for Agenda Item 12, August 2018 Commission meeting \(for background purposes only\)](#)
2. [Staff summary for Agenda Item 4, March 13, 2025 MRC meeting \(for background purposes only\)](#)
3. [Department memo transmitting draft ISOR, received July 7, 2025](#)
4. [Draft ISOR](#)
5. [Draft proposed regulatory language](#)
6. [Draft economic and fiscal impact statement \(STD 399\)](#)
7. [Department presentation](#)
8. [Letter from Randall Vann, Chair, Mendocino County Fish and Game Commission, received June 12, 2025](#)

### Motion

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission authorizes publication of a notice of its intent to amend Section 29.15 related to the recreational red abalone fishery.

**STAFF SUMMARY FOR AUGUST 22-23, 2018***For background purposes only***12. RED ABALONE****Today's Item****Information** ☐**Action** ☒

Consider authorizing publication of notice of intent to amend regulations to extend the fishery closure sunset date for the recreational red abalone fishery.

**Summary of Previous/Future Actions**

- |                                 |                                 |
|---------------------------------|---------------------------------|
| • <b>Today's notice hearing</b> | <b>Aug 22-23, 2018; Fortuna</b> |
| • Discussion hearing            | Oct 17-18, 2018; Fresno         |
| • Adoption hearing              | Dec 12-13, 2018; Oceanside      |

**Background**

In Sep 2017, DFW identified sweeping changes in density, occurrence, depth distribution, size and health of red abalone as well as the kelp upon which it depends for food. In addition, DFW found that the average density of red abalone populations has declined below the Abalone Recovery and Management Plan (ARMP) fishery closure trigger of 0.30 abalone per square meter, indicating that the stock could no longer support a fishery.

In response to the DFW findings of a dramatic fishery-wide decline of red abalone populations from severe starvation conditions, in Dec 2017 FGC adopted regulations to close the recreational abalone fishery consistent with the ARMP. FGC also adopted a sunset provision for the closure based on significant public comments received during the rulemaking process to address concerns about having a fishery closure for an indeterminate period. Under existing regulations, the fishery would re-open on Apr 1, 2019, or upon adoption of a red abalone fishery management plan (FMP) and the guidance it provides for fishery reopening, whichever comes first.

The regulations closing the recreational abalone fishery became effective on Mar 29, 2018. If the existing regulations are not amended to delete or extend the sunset date (subsection 29.15(j)), the fishery will re-open on Apr 1, 2019, which will allow for the recreational take of abalone in open fishing areas during the open season (subsections 29.15(a), (b), and (c)).

Since the closure of the recreational fishery, DFW has found no meaningful changes in the abalone resource conditions described in the Sep 2017 initial statement of reasons. DFW received documented reports from the public of dead and dying abalone washed ashore at various locations in Sonoma and Mendocino counties over the 2017/18 winter and spring seasons. This information suggests that abalone continue to be weak and die due to current environmental conditions and, thus, there are no substantial positive population changes since last year. DFW concludes that re-opening the fishery at this time would be inconsistent with the ARMP and would be detrimental to the recovery of red abalone populations.

***Proposed Amendment***

DFW proposes to extend the closure of the abalone fishery beyond the current Apr 1, 2019 sunset date for another two years, until Apr 1, 2021. Effective dates for take and possession

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contained in the abalone fishing regulations would be updated as well to reflect the proposed change.

DFW's proposal allows for consideration of a fishery re-opening prior to reaching full recovery (i.e., re-opening the fishery before density standards are fully realized under the ARMP or a red abalone FMP upon adoption by FGC). DFW recommends, however, considering the management triggers in the ARMP or a red abalone FMP once adopted by FGC to determine whether re-opening the fishery to recreational harvesting is warranted. The proposed regulation change is necessary to facilitate recovery of the red abalone population while preparation of the red abalone FMP is currently underway.

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

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

**DFW:** Authorize publication of the notice as detailed in the draft initial statement of reasons (ISOR).

**Exhibits**

1. DFW memo, received Jul 30, 2018
2. Draft ISOR

**Motion/Direction**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Fish and Game Commission authorizes publication of a notice of its intent to amend Section 29.15, related to recreational red abalone fishing regulations.

## Committee Staff Summary for March 13, 2025

*For background purposes only***4. Red Abalone Recovery****Today's Item**Information ☐Action ☒

- (A) Discuss risk tolerance for considering limited harvest opportunities for red abalone in the context of statewide recovery planning; and
- (B) Discuss an extension of the recreational red abalone fishery closure beyond the current sunset date of April 1, 2026, and a potential Marine Resources Committee (MRC) recommendation.

**Summary of Previous/Future Actions****(A) Risk tolerance for reopening limited harvest**

- Closed the commercial abalone fishery in southern California 1997
- Adopted *Abalone Recovery and Management Plan* (ARMP); December 2005
- Collaborative process for considering potential San Miguel Island red abalone fishery, per Commission direction 2006-2009
- Denied petition 2021-001 to open commercial red abalone fishery at San Miguel Island October 14, 2021
- Received petition 2024-02 to reconsider San Miguel Island fishery or approve a test fishery via experimental fishing permit April 17-18, 2024
- Denied Petition 2024-02; referred discussion to MRC about harvest risk tolerance prior to potential experimental fishing permit applications for harvest June 19-20, 2024
- Risk tolerance agenda item postponed November 6-7, 2024; MRC
- **Today: Discuss risk tolerance for reopening limited harvest March 13, 2025; MRC**

**(B) Recreational red abalone fishery closure**

- Adopted one-year recreational fishery closure (effective 2018 season) December 7, 2017
- Extended closure for two years December 12, 2018
- Extended closure for five years December 9, 2020
- **Today: Discuss fishery closure extension and potential MRC recommendation March 13, 2025; MRC**
- Fishery automatically reopens without new regulatory action April 1, 2026

**Committee Staff Summary for March 13, 2025***For background purposes only***Background**

California's abalone populations have experienced significant declines, leading to the closure of commercial fisheries and, more recently, the recreational fishery. Factors have included environmental conditions, disease, and fishing pressure. Despite these closures, a strong passion for these fisheries, a desire to actively monitor and aid abalone recovery, and the aspiration to reinstate harvests, even at small scales, has persisted since the commercial closure in 1997 and the recreational closure in 2018.

***Commercial Abalone Fishery***

The commercial abalone fishery was closed by the state in 1997, followed by adoption of "Abalone Recovery and Management Plan" (ARMP) in 2005 to guide recovery and management efforts statewide.

Since adoption of the ARMP, a localized population of red abalone at San Miguel Island has been an area of interest for a potential limited commercial fishery. From 2006-2009, a concerted collaborative evaluation process culminated in a Commission decision not to approve a fishery due to concerns over the health and abundance of the San Miguel Island population, and uncertainty over its ability to sustain harvest.

In 2021, the Commission received and subsequently denied a regulation change petition to reopen a red abalone fishery at San Miguel Island; the petitioner submitted supporting video documentation. In 2024, petition 2024-02 was submitted, requesting to open a San Miguel Island red abalone fishery for both recreational and conditioned commercial take; the petition proposed achieving this either through regulations or via an experimental fishing permit (EFP) with required data collection. In June 2024, the Commission denied the regulatory portion of petition 2024-02; however, in response to the EFP option, the Commission directed MRC to initiate a broader discussion on risk tolerance concerning any abalone harvest, including through EFPs, in the context of the overarching statewide abalone recovery efforts.

***Recreational Red Abalone Fishery***

The recreational red abalone fishery in northern California, once a thriving and beloved resource, was closed by the Commission in late 2017; this action was taken in response to Department findings of a dramatic, large-scale decline of red abalone populations attributed to a confluence of factors leading to severe starvation. The fishery closure has been extended a total of eight years following the original closure due to ongoing poor conditions (see Exhibit 1 for detailed background). The current recreational fishery closure is set to expire on April 1, 2026, meaning that, if no further action is taken, the fishery will automatically reopen under the previous harvest regulations in place prior to the limited-term closure.

***Today's Discussion***

Today's discussion will focus on two aspects of red abalone recovery and fishery considerations: (A) Risk tolerance for limited harvest opportunities, and (B) considering the potential extension of the recreational fishery closure.

## Committee Staff Summary for March 13, 2025

*For background purposes only*

(A) *Risk tolerance for limited harvest opportunities for red abalone in the context of statewide recovery planning*

The Department will provide context for discussion by presenting information on the commercial abalone fishery catch history, the current status of California abalone species, recreational red abalone fishery and density trends before and after the 2018 closure, San Miguel Island abalone and kelp status trends, and corresponding recommendations and rationale (Exhibit 2).

(B) *Extension of the recreational fishery closure (due to sunset April 1, 2026) and potential committee recommendation.*

The Department will present the history of recreational red abalone fishery closures, an assessment of current red abalone stock abundance based on recent surveys, updates on key environmental factors (bull kelp, purple sea urchin, and *Pycnopodia* sea star populations), and its recommendation (Exhibit 3).

Due to the continuing severe depletion of the red abalone stock and the complex interplay of environmental factors, predicting the timing and extent of stock recovery remains highly uncertain. Therefore, the Department does not recommend establishing a new, predetermined, future sunset date for a continuing closure, regardless of whether the time frame is measured in years or decades. Furthermore, a return to previous harvest regulations (which occurs upon closure sunset) would no longer be sustainable for any future fishery, particularly in its early stages after recovery. Instead, the Department recommends implementing an indefinite moratorium, which best reflects the necessary precaution and focus on stock recovery.

The Department's presentation will provide essential context for the current situation and articulate the rationale behind its recommendation.

For both (A) and (B), staff acknowledges that transitioning to an indefinite moratorium on recreational red abalone fishing, and maintaining the current state of no new harvest, including experimental fisheries, will likely be a significant concern for fishing communities and former fishermen given the historical importance of this fishery and the ongoing economic impacts. The Department's presentation and subsequent discussion will offer valuable opportunities to enhance understanding of the rationale underpinning the Department's recommendation, to hear concerns from stakeholders, particularly former fishermen, and to reinforce and build on the shared commitment to collaborative recovery efforts among fishermen, other stakeholders, the Department, and the Commission.

### Significant Public Comments

1. A coalition of five organizations, representing the public interest, marine science, environmental justice, and recreational/subsistence fishing interests, seeks to work with the Department and Commission to ensure the resilience of California's marine species and resources to increasing stressors. They advocate for a precautionary approach to red abalone recovery, urging MRC to prioritize scientific evaluation to ensure any potential harvest will not impede population recovery, acknowledge environmental stressors such as climate change and ocean acidification. and require



## Committee Staff Summary for March 13, 2025

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robust evidence of recovery before reopening any harvest to ensure long-term population stability and sustainable future harvests (Exhibit 4).

2. A commercial abalone diver advocate, and petitioner for petition 2024-02, reflects on the historical context of the 2005 ARMP development and adoption meetings, advocating for the Commission to reinstate similar practices of ample speaker time and equitable conduct. They express concerns regarding the lack of current surveys and canceled research cruises, and frustration that their video evidence of healthy abalone populations at San Miguel Island was not duly considered. Implicit in their comments regarding past commitments and present conditions is a desire to see the commercial fishery reopened, along with an assertion that the tools are available to facilitate this change (Exhibit 5).

### Recommendation

**Commission staff:** (A) Support the Department recommendations to focus on species recovery, the KRMP process, and partnerships for abalone monitoring and recovery. (B) Support the Department recommendation to continue the recreational red abalone closure through a rulemaking to commence in August 2025 and, in lieu of identifying a new sunset date, to enact a moratorium for an indefinite period of time.

**Department:** (A) Focus efforts on species recovery, not harvest opportunities; continue to monitor the KRMP process; and build partnerships for abalone monitoring and recovery. (B) Continue the fishery closure and implement an indefinite moratorium by scheduling a rulemaking for notice in August 2025, discussion in October, and adoption in December.

### Exhibits

1. Staff summary from the August 2018 Commission meeting, Agenda Item 12, regarding red abalone (*for background purposes only*)
2. Department presentation – (A) Risk tolerance for harvest
3. Department presentation – (B) Recreational fishery closure extension
4. Letter from Fish On, WILDCOAST, California Marine Sanctuary Foundation, Heal the Bay, and Environment California, received February 28, 2025
5. Email from Steve Rebuck, received December 23, 2024

### Committee Direction/Recommendation

Recommend the Commission support the Department to: (1) Prioritize a focus on species recovery, not harvest opportunities; (2) continue to monitor the kelp restoration and management plan development process; and (3) build partnerships for abalone monitoring and recovery.

**AND**

Recommend the Commission schedule a rulemaking to commence in August 2025 to continue the recreational red abalone fishery closure by implementing an indefinite moratorium and/or\_\_\_\_\_.



Signed original on file,  
received July 7, 2025

## Memorandum

**Date:** July 10, 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 August 13-14, 2025 Fish and Game Commission Meeting to Amend Section 29.15, Title 14, California Code of Regulations, re: Recreational Take of Abalone.**

Please find attached the Initial Statement of Reasons to amend Section 29.15, Title 14, California Code of Regulations to request notice at the August Fish and Game Commission meeting. The proposed amendment to subsection 29.15(b) will extend the closure of the recreational abalone fishery ten years until April 1, 2036.

If no action is taken before the current sunset date of April 1, 2026, the fishery will reopen on that date posing significant risks to already vulnerable abalone populations. The Department recommends that the amended regulation become effective no later than March 31, 2026.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at [R7RegionalMgr@wildlife.ca.gov](mailto:R7RegionalMgr@wildlife.ca.gov). The notice for this rulemaking should identify the Department point of contact as Doyle Coyne, Environmental Scientist.

ec: **Department of Fish and Wildlife**

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Craig Shuman, D. Env., Region Manager  
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Initial Statement of Reasons for Regulatory Action

Amend Section 29.15  
Title 14, California Code of Regulations

Re: Extension of the sunset date of the current recreational  
red abalone closure for 10 years

I. Date of Initial Statement of Reasons: May 29, 2025

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: August 14, 2025

Location: Sacramento, CA

(b) Discussion Hearing

Date: October 9, 2025

Location: Sacramento, CA

(c) Adoption Hearing

Date: December 11, 2025

Location: Sacramento, CA

III. Description of Regulatory Action

(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 Title 14, Section 29.15 of the California Code of Regulations (CCR) related to the recreational red abalone fishery. The proposed amendment will extend the sunset date of the current recreational red abalone closure for 10 years, until April 1, 2036.

**Background**

Red abalone populations in northern California have experienced a significant decline, estimated at around 80%, since the marine heatwave of 2014. This decline is primarily due to the loss of large portions of California's kelp forests, which serve as the abalone's main food source. Factors contributing to kelp forest degradation include warm ocean temperatures, large storm events, the proliferation of purple sea urchins, and other climate-driven factors.

Prior to the marine heat wave, the recreational red abalone fishery in northern California was open for a six-month season, from April 1 to October 31 each year, except for July, which was closed. In response to the dramatic collapse of the fishery, the Commission closed the fishery for the 2018 fishing season and subsequently extended that closure in 2019 for two years and again in 2021 for five years, through the 2025 fishing season. If no

regulatory action is taken, the regulatory closure will sunset, and the fishery will reopen on April 1, 2026. However, recent data indicate that red abalone populations have continued to decline even since 2018.

Permitting the abalone fishery to reopen in 2026 would likely lead to further collapse of the resource. Therefore, the recommendation is to extend the sunset date of the current recreational red abalone closure for 10 years, expiring April 1, 2036.

The collapse of the recreational red abalone fishery in northern California is primarily due to environmental degradation resulting from climate change. The loss of kelp forests, a crucial habitat and food source for red abalone, has significantly impacted the species. Factors such as sea urchin overpopulation and warming ocean temperatures have contributed to the decline of kelp forests. The marine heatwave of 2014 exacerbated the situation, leading to widespread mortality among abalone populations.

To address this decline, the Commission's Marine Resources Committee (MRC) recommended at their November 2022 meeting that the California Department of Fish and Wildlife (Department) shift its focus from developing a fishery management plan to developing a recovery plan.

Long-term monitoring by the Department in Mendocino and Sonoma counties has revealed a sustained decrease in abalone density, with the lowest levels recorded in recent years (2022 and 2023) (Figure 1). Recruitment also remains low and inconsistent (Figure 2). Research indicates that, under various growth models, it can take approximately 12 years for red abalone to grow to the minimum size accessible in the fishery (Rogers-Bennett, L. *et al.*, 2007). This extended growth period underscores the significant time needed for red abalone recovery. Additionally, satellite data show persistent loss of kelp canopy through 2023, particularly on the north coast where red abalone are most abundant (Figure 3). The continued increase in purple sea urchin (*Strongylocentrotus purpuratus*) densities on the north coast (Figure 4) and the continued absence of sunflower sea stars (*Pycnopodia helianthoides*), a key predator of sea urchins, present significant obstacles to kelp forest and red abalone recovery. At the March 2025 MRC meeting, Department staff presented a history of recreational red abalone fishery closures, an assessment of current red abalone stock abundance based on recent surveys, and updates on key environmental factors (bull kelp, purple sea urchin, and sunflower sea stars). Department staff also recommended that the Commission implement an indefinite closure of the fishery until it shows evidence of recovery.

Based on the evidence presented, including the significant decline in red abalone populations, kelp forest loss, and ongoing environmental challenges, the MRC recommended that the Commission support extending the recreational red abalone fishery closure beyond its current sunset date of April 1, 2026, as originally recommended by the Department. However, the MRC ultimately recommended, and the Commission approved, scheduling a rulemaking to amend Section 29.15 to extend the closure for an additional 10 years, rather than indefinitely. In making this recommendation, the MRC considered the value of reviewing the status of both kelp and red abalone in ten years, before determining whether to continue the closure for a longer period.

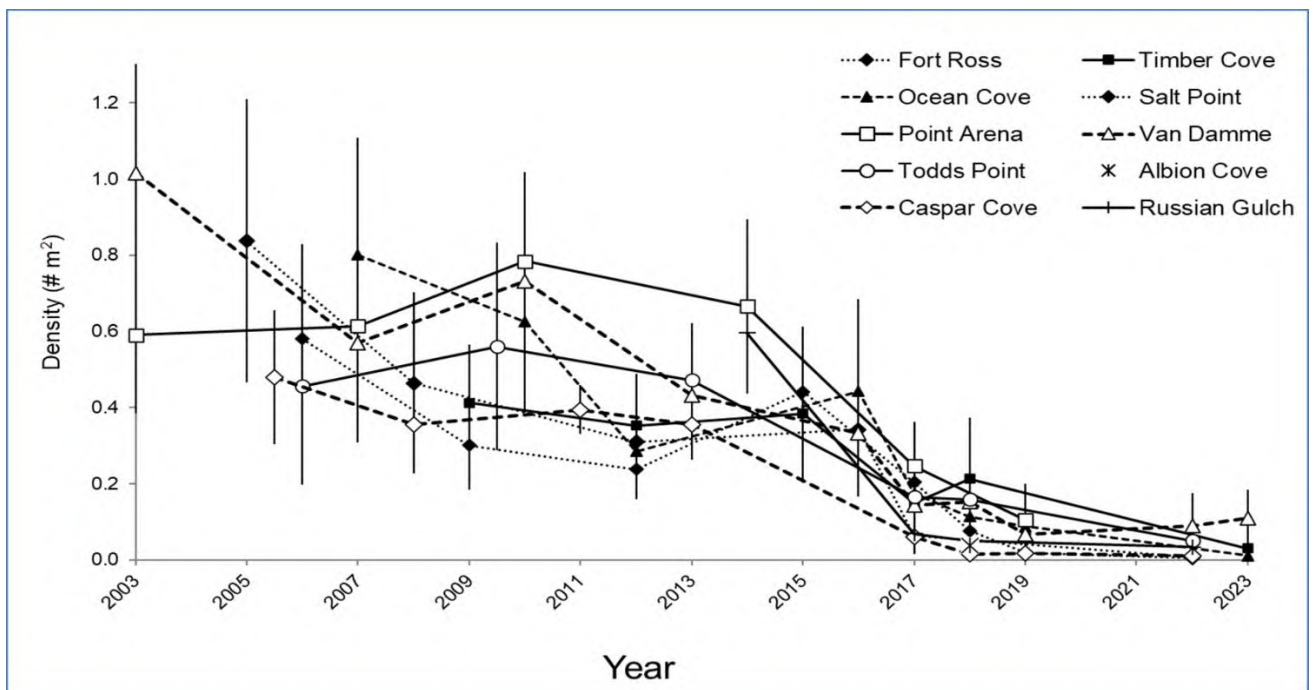


Figure 1: The decline in red abalone density at ten survey sites along the northern California coast from 2003 to 2023, with error bars indicating standard error. Data Source: CDFW, 2025

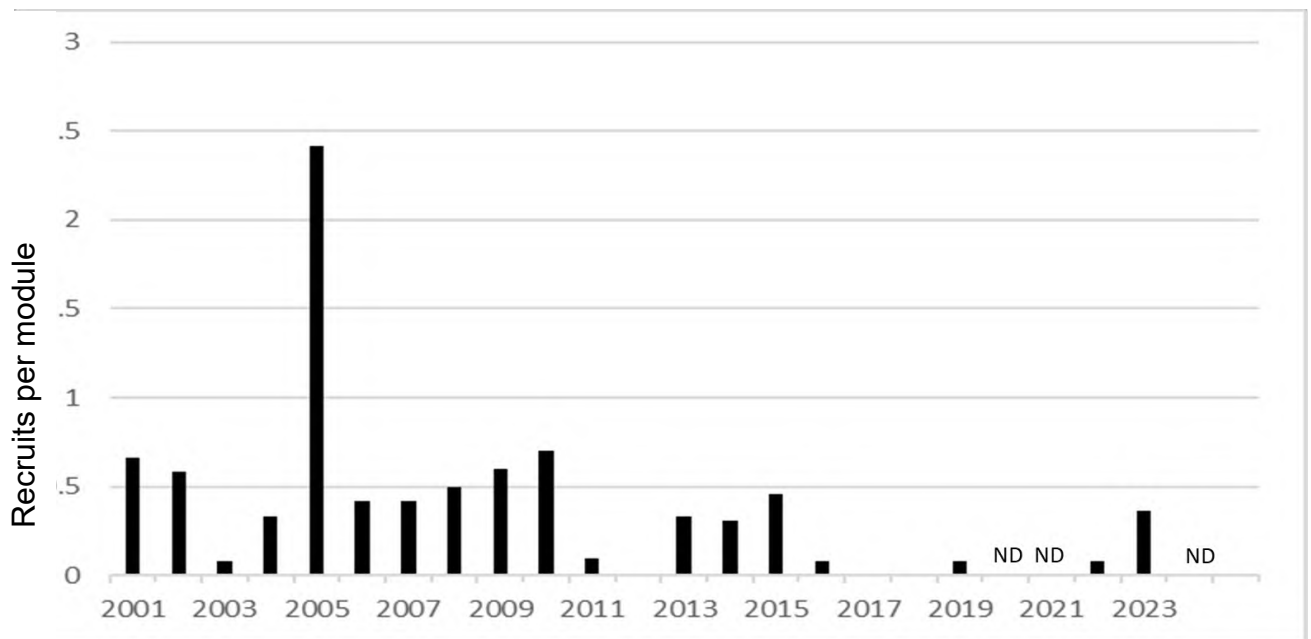


Figure 2. The number of red abalone recruits per module (y axis) in northern California by year (x axis), from 2001 to 2024; "ND" indicates years in which no data was collected. Data Source: CDFW, 2025.

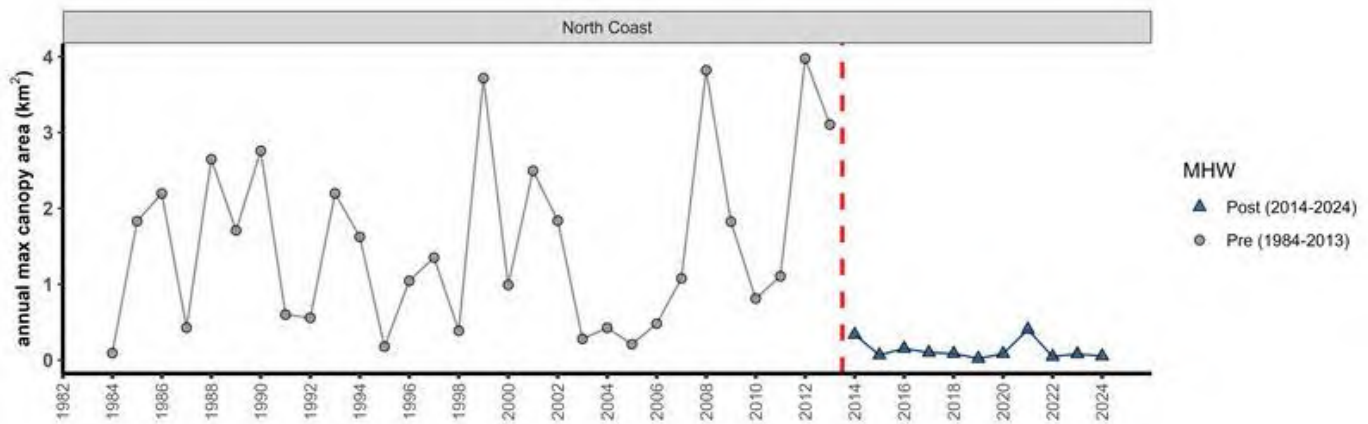


Figure 3. The annual maximum kelp area observed using satellite imagery, from Marin County to the Oregon border from 1984 to 2024, dotted line indicates the start of marine heat wave. Data source: Santa Barbara Coastal LTER et al. 2025.

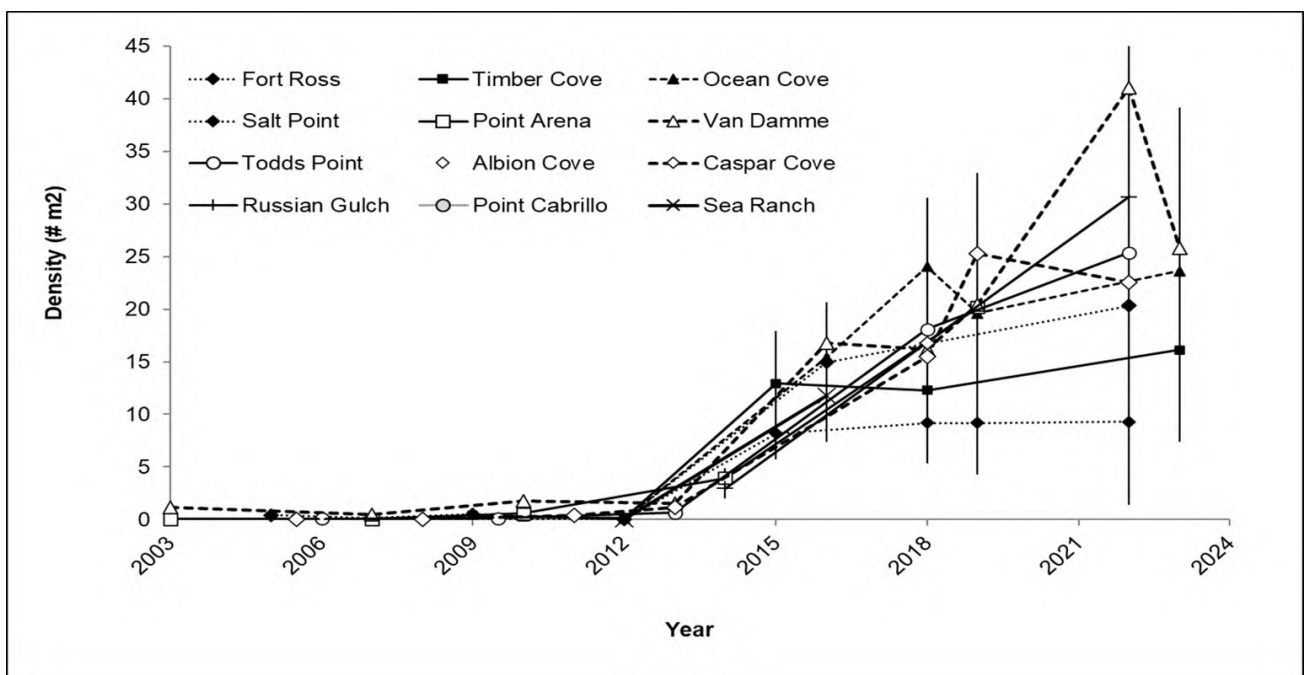


Figure 4. Purple sea urchin (*Strongylocentrotus purpuratus*) density in number of urchins per meter squared, across 12 sites on the north coast from 2003 to 2023. Data Source: CDFW, 2025

## Current Regulations

Title 14, Section 29.15 provides a comprehensive set of rules governing the recreational harvest of abalone in California. This section contains the current prohibition on the take of red abalone. As stated in subsection (b), the recreational fishery is closed through 2025 fishing season, with a possible reopening on April 1 (the first day) of the 2026 fishing season. However, reopening the fishery is likely to exacerbate the decline of red abalone



populations.

Additionally, Section 29.15 outlines permissible methods of take, restricting them to the use of hands or abalone irons only. It also prohibits the use of scuba or other artificial breathing devices and details size limits for abalone, establishing the minimum legal size for harvest. Section 29.15 also specifies open seasons and closed areas, bag limits, applicable tagging requirements, and other specific regulations pertaining to the recreational abalone fishery.

### **Overview of Proposed Changes**

To address the significant decline of red abalone populations in California waters, the proposed regulatory change will extend the current recreational abalone fishery closure for an additional ten years. This closure is necessary to protect these populations from further exploitation and to facilitate their recovery. The proposed change to subsection 29.15(b) amends the reopening date to April 1, 2036 and clarifies that the closure defined in subsection (a) preempts the bag limits, open areas and seasons defined in subsections (i), (j) and (k), thereby removing ambiguity that harvest opportunity exists while the fishery is closed.

Similarly, for subsections (i), (j), and (k), the “Effective April 1, 2026” is deleted as including this date is redundant with subsection 29.15(b). If Section 29.15 remains active in the year 2036, these subsections will take effect starting April 1, 2036 along with the other subsections within Section 29.15.

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

The proposed change to Title 14, Section 29.15 is essential to protect and restore red abalone populations in California. Extending the closure of the recreational abalone fishery is necessary to safeguard these vulnerable populations from further decline and allow them to recover. This will contribute to a healthy marine ecosystem, support other species, and maintain the overall health of our coastal waters.

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

Authority: Sections 200, 205, 275, 399, 1050, 5520, 5521, and 7149.8, Fish and Game Code.

Reference: Sections 275, 1050, 5520, 5521, 7145, and 7149.8, Fish and Game Code.

#### **(d) Specific Technology or Equipment Required by Regulatory Change: N/A**

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

Rogers-Bennett, L., Rogers, D. W., & Schultz, S. A. (2007). Modeling growth and mortality of red abalone (*Haliotis rufescens*) in Northern California. *Journal of Shellfish Research*, 26(3), 719-727.

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

At the March 2025 MRC meeting, Department staff presented the history of recreational red abalone fishery closures, an assessment of current red abalone stock abundance based on recent surveys, and updates on key environmental factors (bull kelp, purple sea urchin, and

sunflower sea stars). Department staff also recommended that the Commission implement an indefinite closure of the fishery until it shows evidence of recovery.

Based on the evidence presented, including the significant decline in red abalone populations, kelp forest loss, and ongoing environmental challenges, the MRC recommended that the Commission support the Department to: (1) prioritize a focus on species recovery, not harvest opportunities; (2) continue to monitor the kelp restoration and management plan development process; and (3) build partnerships for abalone monitoring and recovery. The MRC also recommended that the Commission consider amending Section 29.15 to continue the closure of the recreational red abalone fishery by extending the sunset date for ten years.

#### IV. Description of Reasonable Alternatives to Regulatory Action

##### (a) Alternative 1: Indefinite Closure of the Abalone Recreational Fishery

This alternative would extend the fishery closure for an indefinite period with no reopening date specified. An indefinite closure would likely necessitate the repeal of Section 29.15. Other regulations pertaining to the abalone fishery may also require amendment, including: 29.05(b)(1) to remove “red abalone” from the list of invertebrates that may be taken; and Section 29.16 regarding abalone report card and tagging requirements.

The indefinite closure would achieve the same goal as the recommended action of setting a new sunset date of 2036, namely the preservation and recovery of severely depleted abalone populations. This alternative would also provide more time for population recovery. Furthermore, an indefinite closure option would simplify regulations and could reduce confusion about the fishery's status. However, this alternative would not provide the public with a future date by which this popular fishery might reopen. It would also likely necessitate future regulatory action to reopen the fishery once sufficient population recovery is observed and documented, as regulations suitable for a recovered population would likely differ from those previously in effect. The MRC rejected this alternative considering the value of reviewing the status of both kelp and red abalone in ten years, before determining whether to continue the closure for a longer period.

##### (b) No Change Alternative

###### Maintain Current Schedule and Reopen the Fishery in 2026

If the Commission does not act, the current red abalone fishing moratorium will end on April 1, 2026, and the fishery will reopen under existing regulations. Reopening this popular fishery at that time poses significant risks to an already vulnerable population. While it might temporarily satisfy public pressure, it would cause a potentially irreversible population decline.

#### V. Mitigation Measures Required by Regulatory Action

The purpose of the current closure of the fishery until 2026 and the proposed closure until 2036 is the preservation and recovery of the abalone population, therefore no further mitigation measures are required.

#### 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. The regulatory action will not impact compliance costs or fishery activity due to the existing closure and applies to a fishery that is unique to the State of California.

(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 within the state, the creation of new businesses, the elimination of existing businesses or worker safety. The Commission anticipates generalized benefits to the health and welfare of California residents and benefits to the state's environment. The proposed action continues an existing closure designed to ensure the long-term sustainability and quality of the fishery, promoting future participation, fishing activity, and economic activity.

(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 merely extends the current closure of the recreational fishery.

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

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

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

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

(h) Effect on Housing Costs: None.

## VII. Economic Impact Assessment

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

The Commission does not anticipate any new negative impacts on the creation or elimination of jobs within the state, although annual impacts from fewer visits to abalone fishing sites and the related travel expenditures that were previously identified may continue to occur. The abalone fishery has been closed since April 1, 2018. No change in employment is anticipated in direct relation to the proposed extension to April 1, 2036. The proposed extension is designed to ensure the long-term sustainability and quality of the fishery, promoting future participation, fishing activity, and associated economic activity. In the event of a fishery closure, as the abalone fishery is currently experiencing, effort may

increase or transfer to the pursuit of different species or entirely out of fishing towards other recreational pursuits in the area, which may offset impacts to closed or limited fisheries by shifting sport-fishing activity towards other open fisheries.

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

The Commission does not anticipate any new impacts on the creation of new businesses or the elimination of existing businesses within the state. The abalone fishery has been closed since April 1, 2018, and no change is anticipated in relation to the creation of new businesses or elimination of existing businesses within the state from the proposed action. Continuing the fishery closure is proposed to support the long-term sustainability of the abalone resource and, thus, the future viability of the fishery that may support fishery-related businesses.

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

The Commission does not anticipate any new impacts on the expansion of businesses currently doing business within the state. The abalone fishery has been closed since April 1, 2018. Continuing the fishery closure is proposed to support the long-term sustainability of the abalone resource and, thus, the future viability of the fishery that may support fishery-related businesses. The value of the recreational abalone fishery was estimated by the Department to be approximately \$33.4 million to \$61.3 million in 2013 (adjusted to 2025 dollars), and includes expenditures for traveling and purchasing goods and services related to the fishery. While the continuation of the closure does not present a new cost impact, it does extend the economic shift from businesses and individuals who have adjusted their activities in anticipation of a prolonged closure.

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

The Commission anticipates no benefits because the proposed regulation will not affect the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety:

None. The proposed regulation does not impact working conditions.

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

The Commission anticipates benefits to the environment in the sustainable management of abalone resources. Other benefits of the proposed regulations are the possible return of recreational harvest of abalone in 2036.

(g) Other Benefits of the Regulation: None.

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

The California Fish and Game Commission (Commission) proposes to amend Title 14, Section 29.15 of the California Code of Regulations regarding the recreational red abalone fishery. The amendment will extend the sunset date of the current recreational red abalone closure for 10 years, through the 2035 season until April 1, 2036.

To address the significant decline of red abalone populations in California waters, the proposed regulatory change will keep the recreational abalone fishery closed for an additional ten years. This closure is necessary to protect these populations from further exploitation and to facilitate their recovery. Without this change, the fishery will automatically reopen on April 1, 2026, exacerbating the decline of red abalone populations and jeopardizing the long-term health of the marine ecosystem. The proposed change to Section 29.15(b) modifies the reopening date to April 1, 2036. Similarly, for subsections (i), (j), and (k), the "Effective April 1, 2026" is deleted as including this date is redundant with subsection 29.15(b). If Section 29.15 remains active in the year 2036, these subsections will take effect starting April 1, 2036 along with the other subsections within Section 29.15.

### **Benefits of the Proposed Regulations**

The Commission anticipates benefits to the environment in the sustainable management of abalone resources. Other benefits of the proposed regulations are the possible return of some recreational harvest of abalone in 2036.

### **Consistency and Compatibility with Existing Regulations**

Article IV, Section 20 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 regulate sport fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission searched the California Code of Regulations and finds no other state agency regulations pertaining to recreational abalone fishing.

## Proposed Regulatory Language

Section 29.15, Title 14, CCR, is amended to read:

### **§ 29.15. Abalone.**

- (a) All ocean waters are closed to the take of abalone. Abalone may not be taken or possessed.
- (b) Subsection (a) preempts subsections (i), (j), and (k). This subsection and subsection (a) shall remain in effect only until April 1, ~~2026~~ 2036, and as of that date are repealed, unless a later enacted amendment deletes or extends that date.
- (c) Notwithstanding subsection (a), subsections (c)(1) and (c)(2) are applicable for abalone in possession prior to April 1, 2018:
  - (1) Minimum Abalone Size: All red abalone must be seven inches or greater measured along the longest shell diameter.
  - (2) Abalone Possession and Transportation: It shall be unlawful to possess any untagged abalone or any abalone that have been removed from their shell, except when they are being prepared for immediate consumption.
- (d) Minimum Abalone Size: All red abalone must be seven inches or greater measured along the longest shell diameter. No undersized abalone may be brought ashore or aboard any boat, placed in any type of receiver, kept on the person, or retained in any person's possession or under his control. Undersize abalone must be replaced immediately to the same surface of the rock from which detached. Abalones brought ashore shall be in such a condition that the size can be determined.
- (e) Special Gear Provisions: The use of SCUBA gear or surface supplied air to take abalone is prohibited. Abalone may not be taken or possessed aboard any boat, vessel, or floating device in the water containing SCUBA or surface supplied air. Abalone may be taken only by hand or by devices commonly known as abalone irons. Abalone irons must be less than 36 inches long, straight or with a curve having a radius of not less than 18 inches, and must not be less than 3/4 inch wide nor less than 1/16 inch thick. All edges must be rounded and free of sharp edges. Knives, screwdrivers and sharp instruments are prohibited.
- (f) Measuring Device. Every person while taking abalone shall carry a fixed caliper measuring gauge capable of accurately measuring seven inches. The measuring device shall have fixed opposing arms of sufficient length to measure the abalone by placing the gauge over the shell.
- (g) Abalone Possession and Transportation: Abalones shall not be removed from their shell, except when being prepared for immediate consumption.
  - (1) Individuals taking abalone shall maintain separate possession of their abalone. Abalone may not be commingled in a float tube, dive board, dive bag, or any other container or device, until properly tagged. Only after abalones are properly tagged, as described in Section 29.16(b), Title 14, CCR, may they be commingled with other abalone taken by another person.

- (h) Report Card Required: Any person fishing for or taking abalone shall have in their possession a nontransferable Abalone Report Card issued by the department and shall adhere to all reporting and tagging requirements for abalone defined in Sections 1.74 and 29.16, Title 14, CCR.
- (i) ~~Effective April 1, 2026:~~ Bag Limit and Yearly Trip Limit: Three red abalone, *Haliotis rufescens* may be taken per day. No more than three abalone may be possessed at any time. No other species of abalone may be taken or possessed. Each person taking abalone shall stop detaching abalone when the limit of three is reached. No person shall take more than 18 abalone during a calendar year. In the Open Area as defined in subsections 29.15(j) and 29.15(j)(1), not more than 9 abalone of the yearly trip limit may be taken south of the boundary between Sonoma and Mendocino Counties.
- (j) ~~Effective April 1, 2026:~~ Open Area: Except in the area described in subsection (j)(1) below, abalone may only be taken north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. No abalone may be taken, landed, or possessed if landed south of this line.
- (1) No abalone may be taken in the Fort Ross area bounded by the mean high tide line and a line drawn due south true from 38°30.63' N, 123°14.98' W (the northern point of Fort Ross Cove) and a line drawn due west true from 38°29.45' N, 123°11.72' W (Jewel Gulch, south boundary Fort Ross State Park).
- (k) ~~Effective April 1, 2026:~~ Open Season and Hours:
- (1) Open Season: Abalone may be taken only during the months of April, May, June, August, September, October, and November.
- (2) Open Hours: Abalone may be taken only from 8:00 AM to one-half hour after sunset.

NOTE: Authority cited: Sections 200, 205, ~~260, 265, 275~~, 399, 1050, 5520, 5521 and 7149.8, Fish and Game Code.

Reference: Sections ~~200, 205, 265, 275~~, 1050, 5520, 5521, 7145 and 7149.8, Fish and Game Code.



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

STD. 399 (Rev. 10/2019)

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME <b>California Fish and Game Commission</b>	CONTACT PERSON <b>Dixie Van Allen</b>	EMAIL ADDRESS <b>fgc@fgc.ca.gov</b>	TELEPHONE NUMBER <b>916-201-6201</b>
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 <b>Amend Sec. 29.15, Title 14, CCR re: Extension of the sunset date for rec. red abalone closure by 10 years</b>			NOTICE FILE NUMBER <b>Z</b>

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

*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 California Fish and Game Commission estimates that the economic impact of this regulation (which includes the fiscal impact) is:  
(Agency/Department)

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

3. Enter the total number of businesses impacted: 100-200

Describe the types of businesses (Include nonprofits): Recreational services, sport equip. shops, retail, food/accommodations, auto/fuel

Enter the number or percentage of total businesses impacted that are small businesses: ~80%

4. Enter the number of businesses that will be created: 0 eliminated: 0

Explain: Continued reduced spending by ~37k abalone fishers not enough to create or eliminate businesses, status quo.

5. Indicate the geographic extent of impacts: ☒ Statewide  
☐ Local or regional (List areas): \_\_\_\_\_

6. Enter the number of jobs created: 0 and eliminated: 0

Describe the types of jobs or occupations impacted: Continued reduced spending by ~37k abalone fishers is not enough to create or eliminate jobs related to the fishery, as it continues the fishery's status quo of closure from the 2018 regulatory action.

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? \$ 0
- a. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: 10
- b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: 10
- c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: 10
- d. Describe other economic costs that may occur: None. The proposed regulation extends the current abalone fishery closure to 2036 and imposes no further direct costs on individuals or businesses.
2. If multiple industries are impacted, enter the share of total costs for each industry: The continuation of the closure established in 2018 does not impose new direct costs onto businesses, and while there is an indirect loss of potential revenue from decreased fishing, this revenue has not been realized since the establishment of the closure.
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ N/A
4. Will this regulation directly impact housing costs? ☐ YES ☒ NO  
If YES, enter the annual dollar cost per housing unit: \$ \_\_\_\_\_  
Number of units: \_\_\_\_\_
5. Are there comparable Federal regulations? ☐ YES ☒ NO  
Explain the need for State regulation given the existence or absence of Federal regulations: State regulations are necessary to mitigate decline of red abalone.
- Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Continued closure of recreational abalone fishery during this environmentally challenging period may result in long-term benefits to abalone sport fishers and related businesses by maintaining a sustainable abalone fishery fishery and the possible return of the recreational diving for abalone in 2036.
2. Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?  
Explain: FGC sections 200, 205, 315 and 316.5 delegates regulatory power over recreational fishing to the Commission.
3. What are the total statewide benefits from this regulation over its lifetime? \$ see addendum
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: None. The continuation of the recreational abalone fishery's closure from 2018 will not provide incentive to any businesses within the state to expand their operations.

**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: Alternative 1: Indefinite closure of the abalone recreational fishery. Alternative 2: no change alternative, maintain current schedule and reopen the fishery on April 1, 2026. See addendum for further details.

**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: \$ 0 Cost: \$ 0

Alternative 1: Benefit: \$ 0 Cost: \$ 0

Alternative 2: Benefit: \$ 33.4M - 61.3M Cost: \$ 0

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: Benefits of the proposed reg. is to restore abalone and the future viability of the fishery. Benefits with reopening the fishery are limited due to poor fishery conditions for the species.

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: Specific prescriptive regulations are more fairly enforced than performance standards in the recreational abalone fishery.

**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: No change in investment in the state. The proposed regulations do not change the status of the recreational abalone fishery and maintains the status quo, thus there is no impetus for an increase or decrease in investment opportunities.

The incentive for innovation in products, materials or processes: There is no change to the incentive for innovation in products, materials, or processes. The continuation of the fishery closure maintains current conditions and provides no impetus to innovate in the field of abalone fishing and harvesting.

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: Generalized benefits to the health and welfare of CA residents, no benefits to worker safety, and potential benefits to state's environment via ensuring long-term sustainability of abalone.

**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 \_\_\_\_\_  
\_\_\_\_\_

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

STD. 399 (Rev. 10/2019)

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

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

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

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

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

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

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

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

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

FISCAL OFFICER SIGNATURE

DATE

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

AGENCY SECRETARY

DATE

*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 Section 29.15**

#### **Title 14, California Code of Regulations**

#### **Re: Extension of the sunset date of the current recreational red abalone fishery closure**

### **BACKGROUND**

The California Fish and Game Commission (Commission) proposes to amend Title 14, Section 29.15 of the California Code of Regulations (CCR) regarding the recreational red abalone fishery. The amendment will extend the sunset date of the current recreational red abalone closure for 10 years, until April 1, 2036.

The collapse of the recreational red abalone fishery in northern California is primarily due to environmental degradation as a result of climate change. The loss of kelp forests, a crucial habitat and food source for red abalone, has significantly impacted the species. Factors such as sea urchin overpopulation and warming ocean temperatures have contributed to the decline of kelp forests. The marine heatwave of 2014 exacerbated the situation, leading to widespread starvation and mortality among abalone populations.

To address the significant decline of red abalone populations in California waters, the proposed regulatory change will keep the recreational abalone fishery closed for an additional ten years. This closure, which was initially established via regulatory action in 2018 and extended through the 2025 fishing season, is necessary to protect survivors within these populations from further exploitation and to facilitate their recovery. Without this change the fishery will automatically reopen on April 1, 2026, exacerbating the decline of red abalone populations and jeopardizing the long-term health of the marine ecosystem. The proposed change to Section 29.15(b) modifies the reopening date to April 1, 2036. No other changes to section 29.15 are being proposed.

### **ECONOMIC IMPACT STATEMENT**

#### ***Section A. Estimated Private Sector Cost Impacts***

#### **Question 4. Number of businesses that will be created or eliminated.**

The Commission does not anticipate any impacts on the creation of new businesses or the elimination of existing businesses within the state. The abalone fishery has been closed since April 1, 2018. No change is anticipated in relation to the creation of new businesses or the elimination of existing businesses within the state from the proposed action. Continuing the fishery closure is proposed to support the long-term sustainability of the abalone resource and, thus, the future viability of the fishery that may support fishery related businesses in the future.

**Question 6. Number of jobs that will be created or eliminated.**

The Commission does not anticipate any negative impacts on the creation or elimination of jobs within the state. The abalone fishery has been closed since April 1, 2018, and no change in employment is anticipated in direct relation to the proposed extension through 2036. The proposed extension is designed to ensure the long-term sustainability and quality of the fishery, promoting future participation, fishing activity, and economic activity.

The local area economies that would normally absorb abalone divers' expenditures may have had to reduce employment in the first years of the original closure, and some have reported adjusting their equipment sales/rentals, and class offerings to alternative north coast activities such as spearfishing, scuba diving, paddle-boarding and kayak fishing. Since this action is to continue the existing closure, we anticipate that the proposed extension will not in itself prompt job losses, thus the potential of zero (0) job losses.

**Section C. Estimated Benefits****Question 3. What are the total statewide benefits from this regulation over its lifetime?**

It is unclear what the quantitative value of the statewide benefits from the regulation will be over its lifetime, as the fishery faces uncertain sustainability even with the closure. Factors that impact the fishery beyond the recreational taking of abalone include sea urchin overpopulation and warming ocean temperatures, which have contributed to the decline of the abalone's kelp forest habitats. The marine heatwave of 2014 exacerbated the situation, leading to widespread mortality among abalone populations, and a similar event could have equally disastrous impacts to the species.

The value of the recreational abalone fishery was estimated in 2013 by the Department and a team of researchers led by John Reid<sup>1</sup> to be approximately \$24 million to \$44 million (adjusted for inflation to \$33.4 million and \$61.3 million in 2025 dollars using the Consumer Price Index) based on the value to the fishers of the recreational red abalone fishery using the travel-cost estimation method, a non-market valuation approach, using data for the 2013 season at more than 50 sites and from approximately 31,000 fishers. The cultural and traditional abalone fishing opportunities that have been lost are priceless to the families, coastal communities and indigenous peoples who have been abalone fishing in these waters since time immemorial. It is incumbent on the Department and the Commission to protect and rebuild the fishery under the closure to potentially preserve its value for future generations, though again this is uncertain in the face of a changing climate and adverse kelp forest conditions.

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<sup>1</sup> Reid, J. *et al.* The economic value of the recreational red abalone fishery in northern California; (2016) Vol 102, *California Fish and Game*. CA Fish and Game Commission.



## **Section D. Alternatives to the Regulation**

**Question 1. List all alternatives considered and describe them below. If no alternatives were considered, explain why not:**

### **Alternative 1: Indefinite Closure of the Abalone Recreational Fishery**

This alternative would keep the fishery closed indefinitely with no reopening date. Closure may necessitate the repeal of Section 29.15. Other regulations pertaining to the abalone fishery may need amendment including: 29.05 (b)(1), removal of “red abalone” from list of invertebrates that may be taken; and Section 29.16 pertaining to abalone report card and tagging requirements.

The indefinite closure would achieve the same goal as the recommended action of setting a new sunset date of 2036, e.g. preservation and recovery of the severely depleted abalone populations, possibly providing more recovery time. The indefinite closure option would simplify regulations and could reduce confusion about the fishery's status. However, the indefinite closure alternative would not provide the public with a future date that this popular fishery may reopen. It would also likely necessitate future regulatory action to reopen the fishery after sufficient population recovery, as regulations suitable for a recovered population would likely differ from previous ones.

The costs for the full closure of the abalone fishery are identical to those for the proposed extension of the closure to April 1, 2036, in that no new costs are imposed beyond the current status quo.

The Marine Resources Committee rejected this alternative because an indefinite closure could limit the investment into continued monitoring and data collection which would be necessary to track the population status and determine the appropriate timing for potentially reopening access to a recovered stock.

### **Alternative 2: Maintain Current Schedule and Reopen the Fishery in 2026**

If the Fish and Game Commission does not act, the current red abalone fishing moratorium will end on April 1, 2026, and the fishery will reopen under existing regulations. Reopening this popular fishery at that time poses significant risks to an already vulnerable and starving abalone population. While it might temporarily satisfy public pressure, it would cause further population decline and potentially irreversible population and ecosystem damage. As stated in Section C. Estimated Benefits, the value of the recreational abalone fishery was estimated in 2013 by the Department and a team of researchers led by John Reid<sup>2</sup> to be approximately \$24 million to \$44 million (adjusted for inflation to \$33.4 million and \$61.3 million in 2025 dollars using the Consumer Price Index). While the range of values for the economic activity related to the abalone fishery may materialize after reopening the fishery under the no-change alternative, it is unlikely that this would be sustainable given the dire conditions that the fishery

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<sup>2</sup> Reid, J. *et al.* The economic value of the recreational red abalone fishery in northern California; (2016) Vol 102, *California Fish and Game*. CA Fish and Game Commission.

faces from sea urchin overpopulation and warming ocean temperatures, which have contributed to the decline of the abalone's kelp forest habitats. It is possible that this value would disappear after a few years if the abalone population was to decline at a faster rate from overharvesting starving animals. Natural recovery/rebuilding could be hampered by fishing survivors leading to the need for more costly captive breeding-based restoration efforts.

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

It is challenging to assess the cost of a closed recreational fishery. There are the costs associated with the fishery in terms of the number of trips, overnight stays, length of the trips and all the spending associated with these trips. In the event of a closure, as the abalone fishery is currently experiencing, effort may increase or transfer to the pursuit of different species or entirely out of fishing towards other recreational pursuits in the area. The benefits of fishing for abalone include enjoyment, quality of life, community cohesion as well as cultural and traditional food benefits which are difficult to monetize.

Travel costs and related expenditures can approximate what sport fishers are willing to pay to access and enjoy the pursuit of abalone resources. Abalone has no similar substitutes and cannot be pursued in any areas outside of the Northern California coast. Proposed regulatory options that would place limits on take or complete closure may be enough to induce some to not undergo the direct and incidental costs involved in abalone fishing. However, for some, the consumer surplus (the value in excess of the dollar value of the abalone, fuel, food, lodging and other costs) could be high enough to continue to participate in alternative sport fishery activities. Consequently, expenditure information alone may underestimate the true value, monetary and non-monetary, of the resource to sport fishery participants.

While quantitative estimates can give a sense of the magnitude of economic effect, reasoned predictions that are informed by field observation, survey data, public comment, and years of experience in fisheries management provide the nuance. Many variables affect potential recreational fishing effort in addition to seasons, bag limits, closures, and possession limits. As such, the choices of people may be swayed by any number of factors unrelated to fish and game regulations. The quality of the targeted resource, gas prices, the timing of low tides, weather conditions, and competing recreational options are just some of the possible influences that may introduce uncertainty in quantifying the economic effects of regulatory options.

Finally, while expenditures related to participation in the recreational abalone fishery would increase if the fishery were to reopen under the 2026 sunset date from the no-change alternative to the regulation, it is uncertain whether the red abalone population is able to rebound to previous levels due to the 85% mortality that the species currently faces in the current status of the fishery.



# Recreational Red Abalone: Fishery Closure Sunset Date

*August 14, 2025*

*Presented to:*

**Marine Resources Committee**  
**CA Fish and Game Commission**

*Presented by:*

**Brian Owens**  
**Senior Environmental Scientist (Sup.)**  
**Marine Region**



# Overview

- Background on Fishery Closure
- Current Status - Environment/Population
- Recommendation

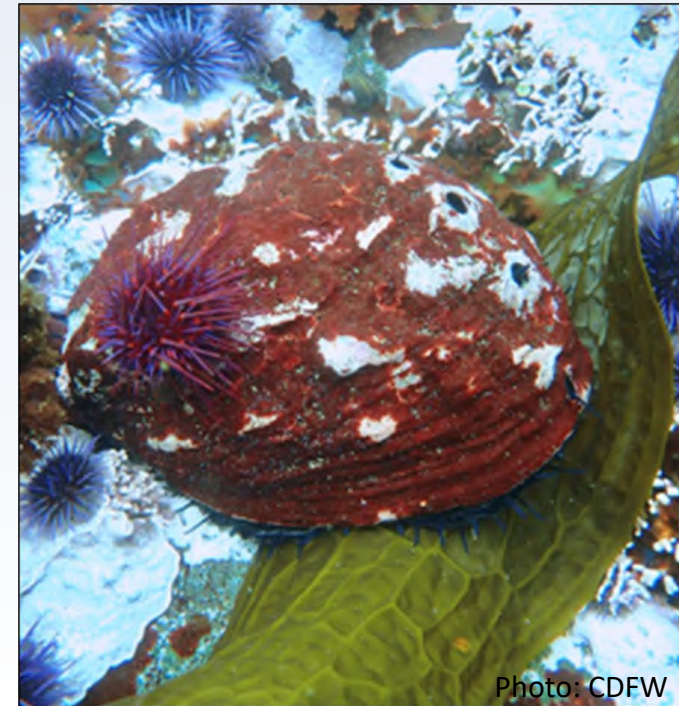


Photo: CDFW





# Background – Red Abalone Population Decline



Population Status:  
Estimated 80% decline  
since 2014 marine  
heatwave



Primary driver: Loss of kelp  
forests, particularly bull  
kelp, abalone's main food  
source on the north coast



Sustaining Factor:  
Continuation of limited  
kelp recovery





# Background – Recreational Red Abalone

- Prior to 2018- several management actions taken
- Fishery initially closed in 2018 (one year)
- Second sunset implemented in 2019 (two years)
- Last sunset implemented in 2021 (five years)
- Fishery to automatically reopen on April 1, 2026



# Obstacles Confronting Abalone Population



Food Source



Competition



Density



Absence of  
Sunflower Stars



Recruitment

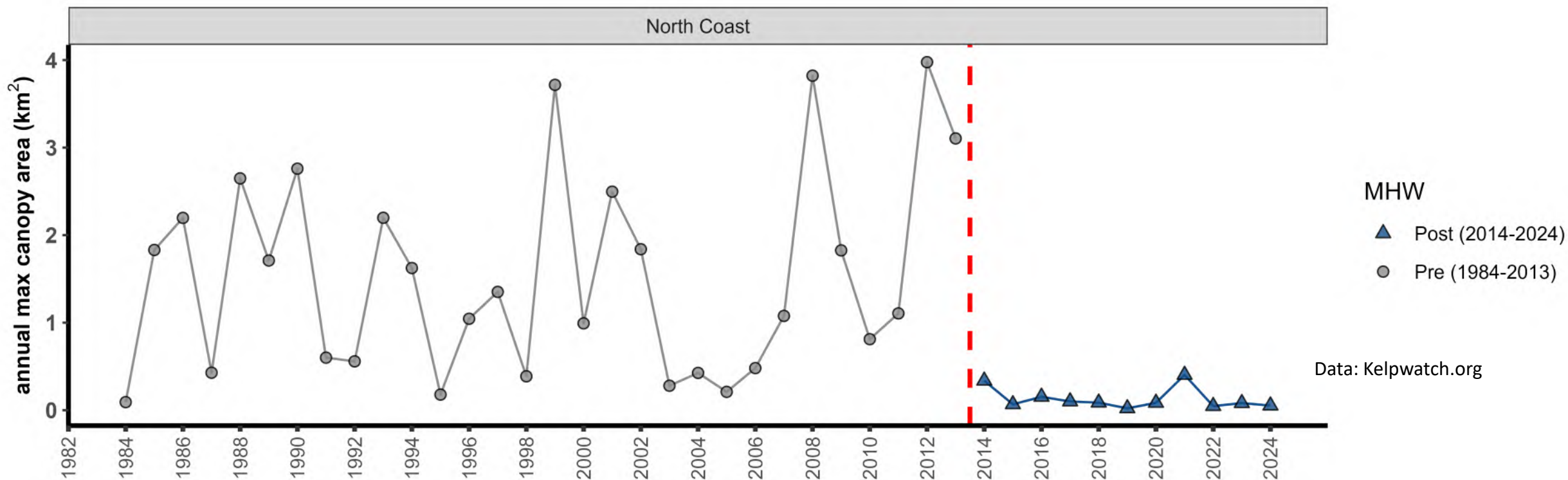


Growth Period



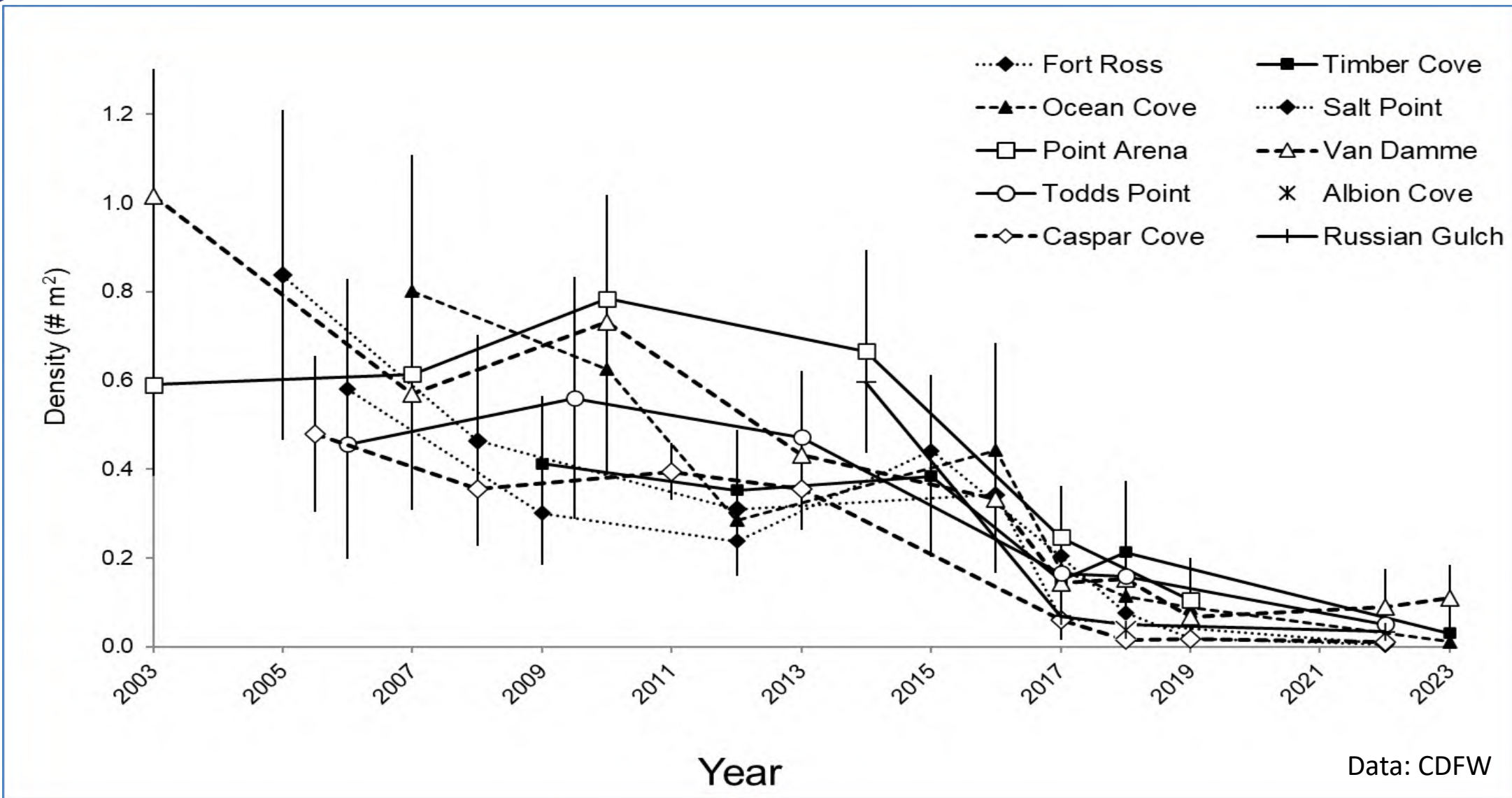


# Current Status- Limited Food Source (Kelp)



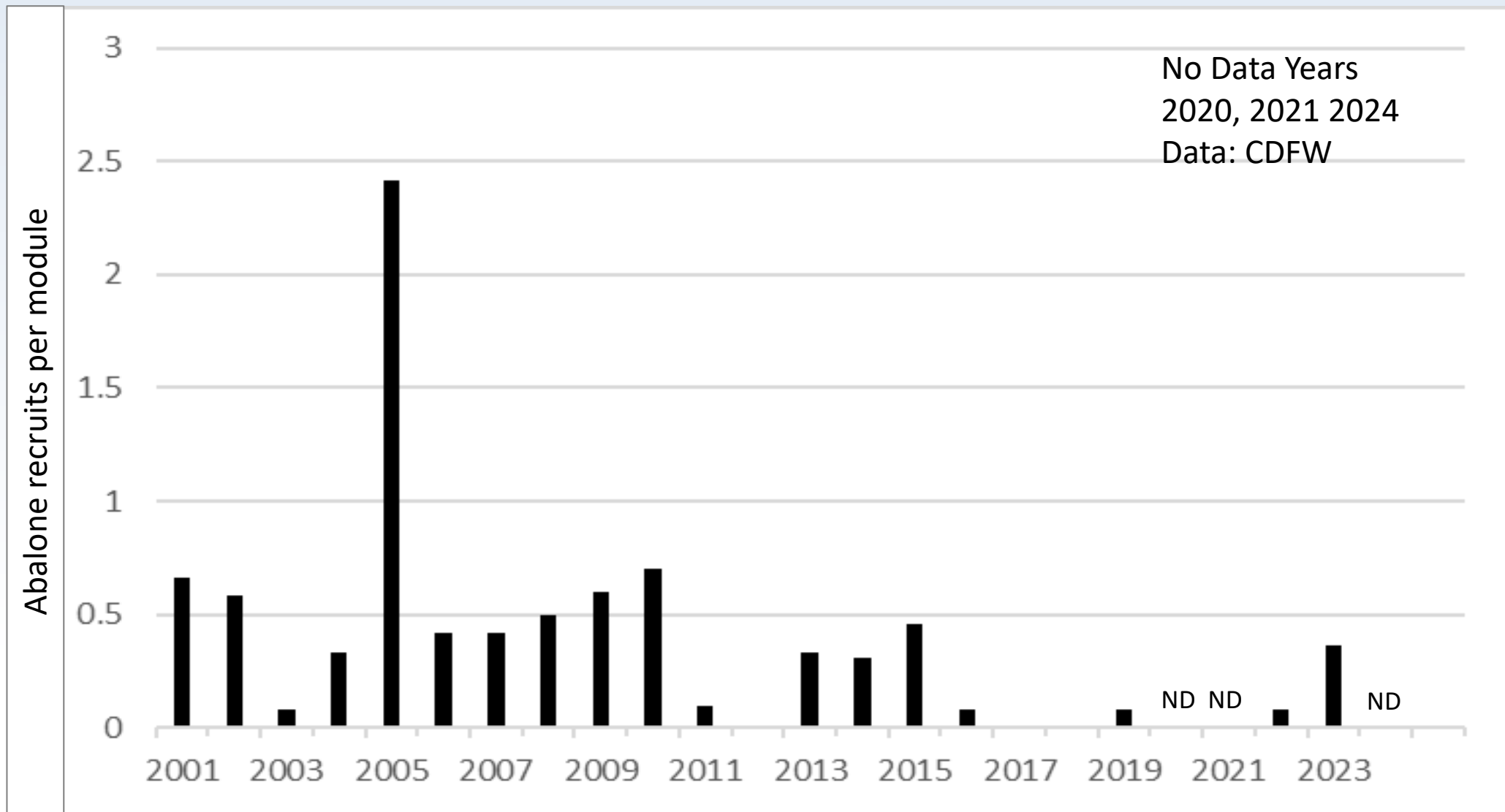


# Current Status – Declining Red Abalone Density



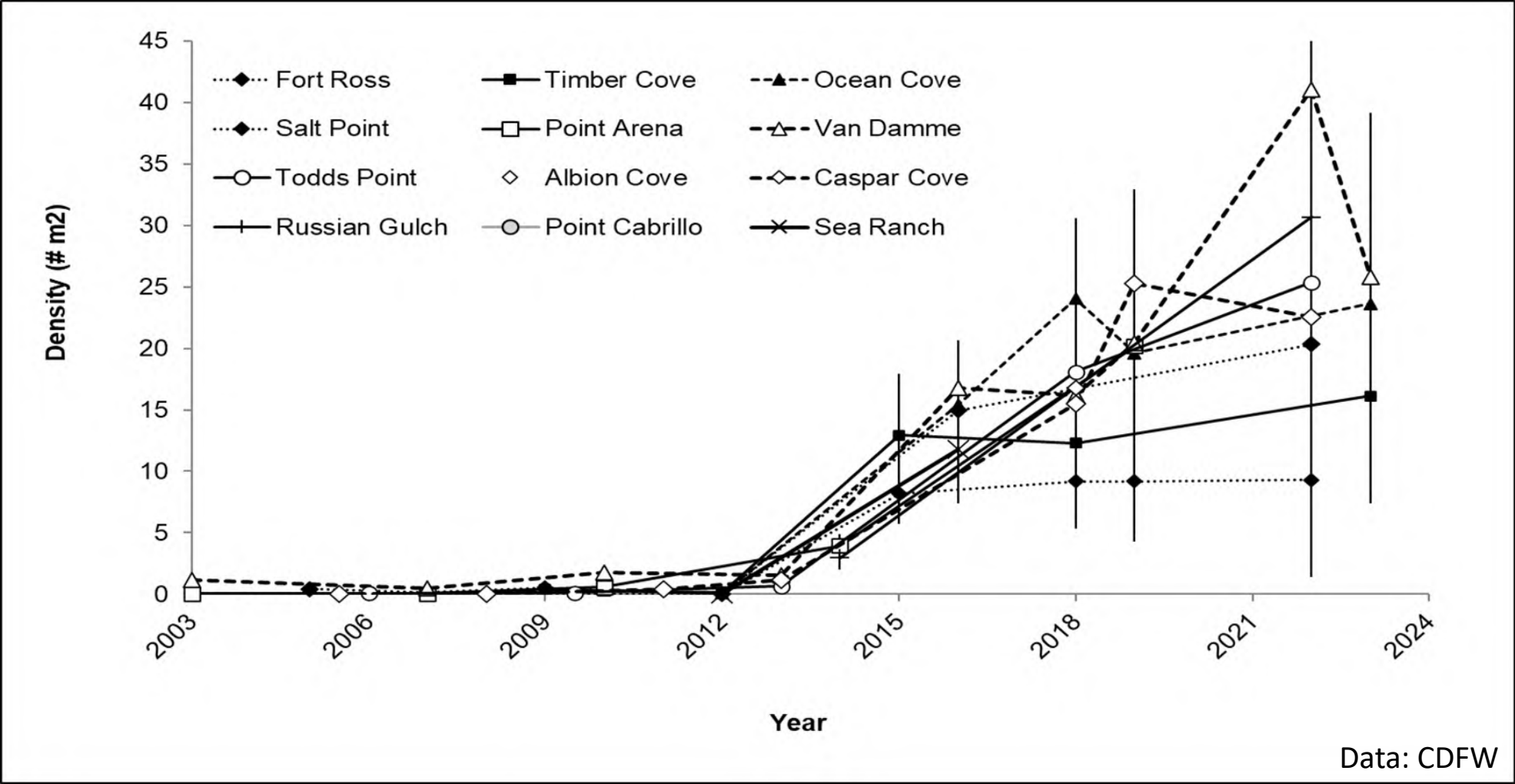


# Current Status – Red Abalone Recruitment





# Current Status – Purple Sea Urchin







## Current Status – *Pycnopodia sp.*

- *Pycnopodia sp.* are a key predator of purple urchins
- Near disappearance in California waters due to disease



Photo: CDFW

# Red Abalone Growth



- Very slow growing and takes approximately 12 years for abalone to reach the minimum fishery size





# Summary

- Abalone: No widescale recovery.
- Kelp: No widescale recovery.
- Purple Sea Urchin: Still impacting kelp recovery
- *Pycnopodia*: Slow recovery





# Recommendation

Extend sunset date to April 1, 2036

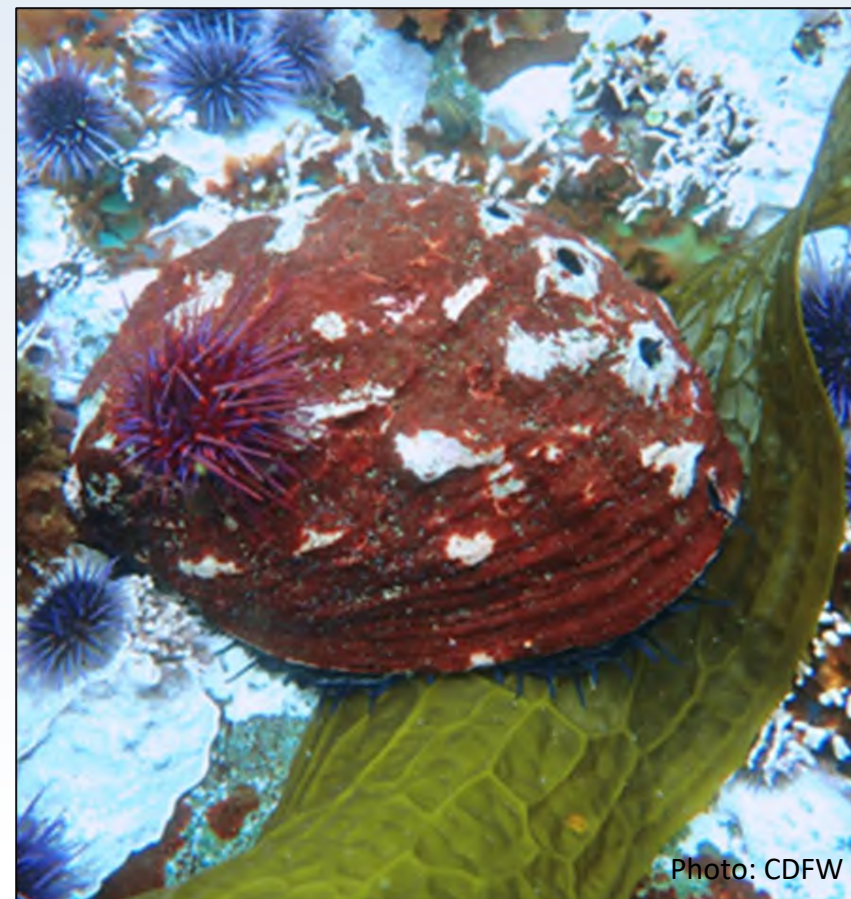


Photo: CDFW





# Regulatory Timeline

- ✓ Marine Resources Committee: March 2025
- ✓ Letter to California Native American Tribes: Late March 2025
- ✓ Tribal Committee Meeting: April 2025
- **Notice: Aug 13, 2025**
- Discussion: October 8, 2025
- Adoption: December 10, 2025
- Target effective date for regulation: March 31, 2026

# Thank You



Photo: CDFW

Questions: [Abalone@wildlife.ca.gov](mailto:Abalone@wildlife.ca.gov)

**From:** Adrienne Thompson <[REDACTED]>  
**Sent:** Thursday, June 12, 2025 09:19 AM  
**To:** FGC <FGC@fgc.ca.gov>  
**Cc:** Randy Vann <[REDACTED]>; dweaver16[REDACTED]; John Burkes  
<[REDACTED]>; Jocelyn Gonzalez-Thies <[REDACTED]>  
**Subject:** Red Abalone Management Measures and proposed Extended Closure

Good Morning California Fish and Game Commission,

Please see attached opposition letter regarding the suggested 10 year closure to the North Coast recreational red abalone fishery, submitted by the Mendocino County Fish and Game Commission. Should you have any questions or comments, please contact staff or Chair Vann and Commissioner Weaver, copied on this email. Thank you.

Adrienne Thompson  
Administrative Services Manager  
Mendocino County Department of Planning and Building Services  
860 N. Bush Street, Ukiah CA 95482  
707-234-6650  
[www.mendocinocounty.gov/pbs](http://www.mendocinocounty.gov/pbs)





## MENDOCINO COUNTY FISH AND GAME COMMISSION

June 11, 2025

California Fish and Game Commission  
715 P Street, 16<sup>th</sup> floor  
Sacramento, CA 95814  
*Via Email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)*

RE: Red Abalone Management Measures and proposed Extended Closure

Dear Commissioners,

After reviewing the Staff Summary available online from the April 16-17, 2025 California Fish and Game Commission meeting, specifically the MRC Recommendations regarding Red Abalone in Item 30A, we are writing to voice our strong opposition to the proposed extension of the recreational red abalone fishery closure for an additional 10 years.

The Mendocino County Fish and Game Commission's primary mission is to ensure that renewable resources including fish, game, and wildlife, along with their habitats, are conserved for current and succeeding generations of Mendocino County residents. As one of the primary counties where recreational abalone fishing occurs, we are very familiar with the current state of the fishery, the ecosystem, and the impacts the closure has on our community as well as our culture. We are a community that relies on fishing and tourism, and have deep, historical ties to the harvest of red abalone since the first indigenous people settled here. Red abalone not only provides food, but also family traditions, a healthy connection with the ocean and is essential to some Native ceremonies.

While the current conditions may necessitate a closure, this closure began in 2018, and we have experienced a significant reduction in visitors to the area, with less people seeking lodging and campsites. Restaurants have seen decreased traffic, and businesses that serve the diving community have closed. These impacts have resulted in the loss of revenue to our county as well as put people out of work.

We understand that the setting of seasons is a multi-step process with many stakeholders involved. We, along with many other coastal communities rely on you as well as other agencies to establish seasons using the best available science. As you move closer to deciding on a direction for the recreational red abalone fishery, please consider the following:

- The management of the red abalone fishery is underfunded and the CDFW Abalone Recovery Plan has been stalled. There is a considerable lack of data supporting either the reopening or the justification of such a long-term closure of the fishery. Funding annual surveys and exploring additional survey sites may reveal new information that would be helpful in establishing the direction of the fishery. Public/private partnerships as well as input from commercial urchin divers and "citizen scientist" divers would help to bring additional data in the absence of harvest reporting for the last 7 years.
- The recreational red abalone season has been closed for 7 years. The length of time spent in a recreational red abalone fishery closure further erodes the cultural and economic significance that abalone, and abalone fishing have to California, to Mendocino County, and it's people.
- That the longer the recreational red abalone fishery remains closed, the harder it will be to acquire the necessary funding and data to make informed decisions that affect the fishery, the habitat, and the people who rely on abalone for food, recreation and cultural ceremony.

Kyle Farmer  
1<sup>st</sup> District

Joe Prestino  
2<sup>nd</sup> District

Traci Pellar  
3<sup>rd</sup> District

Domenick Weaver  
4<sup>th</sup> District

Patty Madigan, Vice chair  
5<sup>th</sup> District

Randy Vann, Chair  
At Large-Inland

Vacant  
At Large-Coastal

In closing, the Mendocino County Fish and Game Commission OPPOSES the suggested 10 year closure to the North Coast recreational red abalone fishery as recommended by the MRC. Alternatively, we would suggest that adequate resources be dedicated to the red abalone management program, and that decisions regarding North Coast abalone season closures be limited to 2 years at a time. We ask that the California Fish and Game Commission and the California Department of Fish and Wildlife work together to achieve that goal, providing for the sustainability of the fishery, the return of our people to abalone fishing, and to prevent exacerbating the negative impacts on our coastal communities.

Respectfully submitted,

Mendocino County Fish and Game Commission



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Signed: Chair Randall Vann for the Commission

CC: CDFW Director

US Congressman Jared Huffman

CA Assemblyman Chris Rogers