

State of California
Fish and Game Commission

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 Fishery Closure

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 restoration 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 restoration. 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 restoration.

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.

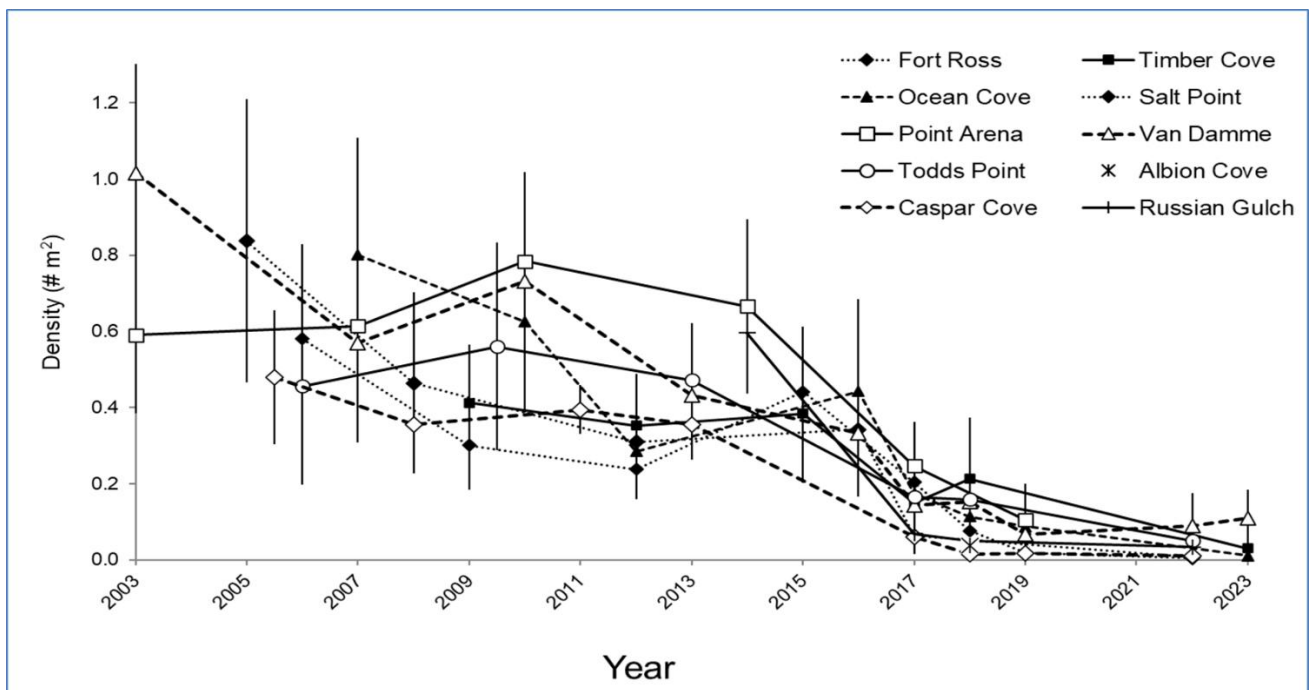


Figure 1: The decline in red abalone density at ten survey sites along the northern California coast from 2003 to 2023, with error bars indicating standard error. Data Source: CDFW, 2025

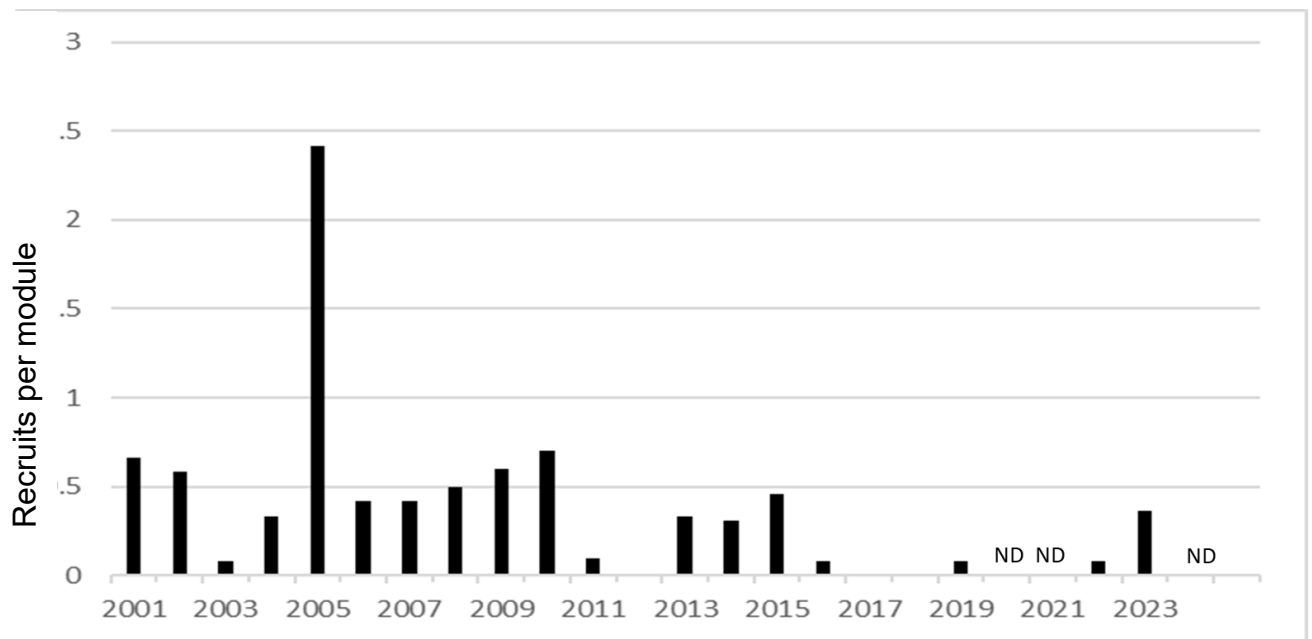


Figure 2. The number of red abalone recruits per module (y axis) in northern California by year (x axis), from 2001 to 2024; "ND" indicates years in which no data was collected. Data Source: CDFW, 2025.

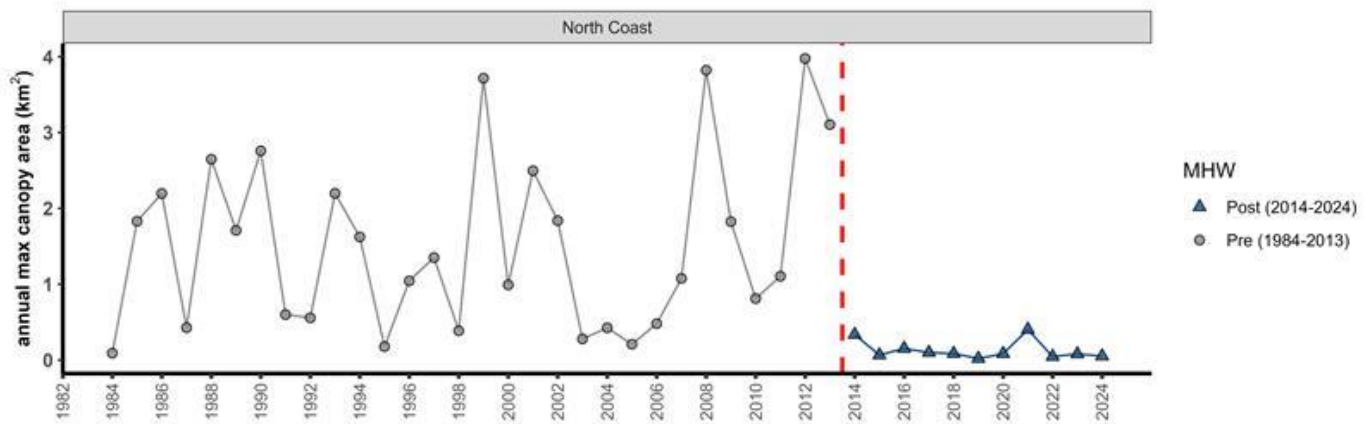


Figure 3. The annual maximum kelp area observed using satellite imagery, from Marin County to the Oregon border from 1984 to 2024, dotted line indicates the start of marine heat wave. Data source: Santa Barbara Coastal LTER et al. 2025.

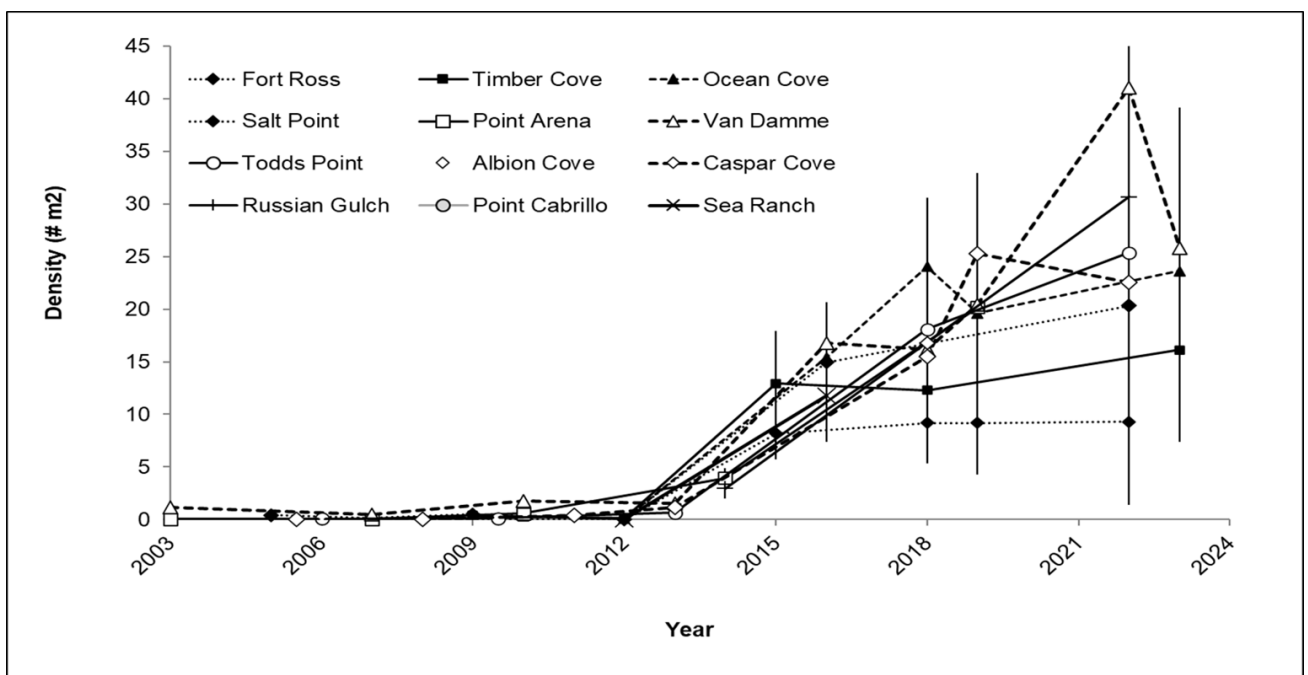


Figure 4. Purple sea urchin (*Strongylocentrotus purpuratus*) density in number of urchins per meter squared, across 12 sites on the north coast from 2003 to 2023. Data Source: CDFW, 2025

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 survivors within the remaining populations from further exploitation and to facilitate their restoration. 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 for natural restoration. 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 restoration.

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 restoration, not harvest opportunities; (2) continue to monitor the kelp restoration and management plan development process; and (3) build partnerships for abalone monitoring and restoration. 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 via a sunset date specified. A closure without a sunset date may necessitate the repeal of Section 29.15. Other regulations pertaining to the red 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.

An indefinite closure would achieve the same goal as the recommended action of setting a new sunset date of 2036, namely the opportunity for restoration and reestablishment of severely depleted abalone populations over a possibly longer period of time. This alternative would also provide more time for population reestablishment. 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 the certainty of a future date when this popular fishery might reopen and eliminates a key milestone before which the public can expect the Commission and Department to reassess the status of abalone populations. An indefinite closure would also likely necessitate future regulatory action to reopen the fishery, even after once sufficient population reestablishment is observed and documented; additionally regulations suitable for a recovered population after an indefinite closure that lasted more than a decade would likely differ from previous fishery regulations. 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 restoration 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 does not anticipate this proposal will affect the health and welfare of California residents. The Commission anticipates benefits to the state's environment in the sustainable management of abalone resources. 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.

(g) Other Benefits of the Regulation: Other benefits of the proposed regulations are the possible return of recreational harvest of abalone in 2036.

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 restoration. 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.