

Staff Summary for October 8-9, 2025

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

Discuss proposed amendments to regulations to extend the temporary red abalone recreational fishery closure in northern California 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, until April 1, 2026 | December 2020 |
| • Marine Resource Committee (MRC) discussed and recommended a rulemaking to extend the fishery closure for ten years (approved by Commission in April 2025) | March 13, 2025; MRC |
| • Notice hearing | August 13-14, 2025 |
| • Today's discussion hearing | October 8-9, 2025 |
| • Adoption hearing | December 10-11, 2025 |

Background

At its August 13-14, 2025 meeting, the Commission authorized publication of a notice of its intent to amend Section 29.15 related to the recreational red abalone closure extension. The Commission's proposal extends the closure date of the recreational fishery until April 1, 2036 and clarifies that the fishery closure preempts any harvest opportunities contained in Section 29.15. Further background pertaining to this proposal can be found in exhibits 1 and 2.

The initial statement of reasons for regulatory action (ISOR; Exhibit 2) was made publicly available through the Commission website and publication in the California Regulatory Notice Register on September 26, 2025 (OAL #Z2025-0916-03). The ISOR was informed by discussion at the March 13, 2025 MRC meeting, the MRC recommendation to the Commission (approved in April 2025), and the Department's memo and notice hearing presentation.

Today's meeting provides an opportunity for public discussion of the proposed regulation amendments.

Significant Public Comments***Support for Extending Closure Ten Years***

- An environmental non-governmental organization (NGO) and a fishing and conservation NGO support the proposed ten-year closure extension, consistent with analysis of the best available science, noting that data and monitoring needs can be effectively done using non-harvest methods (exhibits 5 and 6). One encourages the

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Commission to support restorative aquaculture through its aquaculture lease permitting process (Exhibit 5); another requests that the rights and needs of California's tribes be considered before any general recreational allowances are discussed in the future (Exhibit 6).

Support for Shorter Extension

- A former abalone fisherman opposes a ten-year closure extension as proposed, advocating instead for a series of two-year extensions as proposed by the Mendocino County Fish and Game Commission. The commenter believes that a prolonged closure could lead to a loss of valuable knowledge and reduced engagement from abalone fishermen and related organizations, despite their current commitment to restoration efforts like the Caspar Cove Project. (Exhibit 7)

Support for Limited Harvest

- A member of the public supports minimal harvest of one or two abalone per year (Exhibit 8).
- A former commercial abalone fisherman and consultant to the California Abalone Association advocates for opening carefully-managed and limited recreational harvest in northern California (exhibits 9 and 10). One letter supports a "limited TAC" (total allowable catch) recreational fishery in Mendocino County as well as at San Miguel Island in Santa Barbara County (Exhibit 10). The other letter, focused principally on the history of abalone management and sources of abalone decline in southern California, urges the Commission to use Appendix H of the "Abalone Restoration and Management Plan" for a limited fishery in both northern and southern California (Exhibit 9).

Recommendation (N/A)**Exhibits**

1. [Staff summary for Agenda Item 21, August 13-14, 2025 Commission meeting \(for background purposes only\)](#)
2. [ISOR](#)
3. [Proposed regulatory language](#)
4. [Economic and fiscal impact statement \(STD 399\)](#)
5. [Letter from Zoe Collins, Marine Protected Area Program Coordinator, Heal the Bay, received August 12, 2025](#)
6. [Letter from Anupa Asokan, Founder and Executive Director, Fish On, received September 24, 2025](#)
7. [Letter from Jack Likins, received August 26, 2025](#)
8. [Email from Brandon Scott, received August 8, 2025](#)
9. [Letter from Steve Rebuck, received August 18, 2025](#)
10. [Email from Steve Rebuck, received August 22, 2025](#)

Motion (N/A)

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(*For background purposes only*)

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 |
| • Today's notice hearing | August 13-14, 2025 |
| • 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

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abalone restoration plan until evidence of restoration is shown. In April 2025, the Commission approved the MRC recommendation and scheduled today's rulemaking.

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

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(*For background purposes only*)

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.

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.

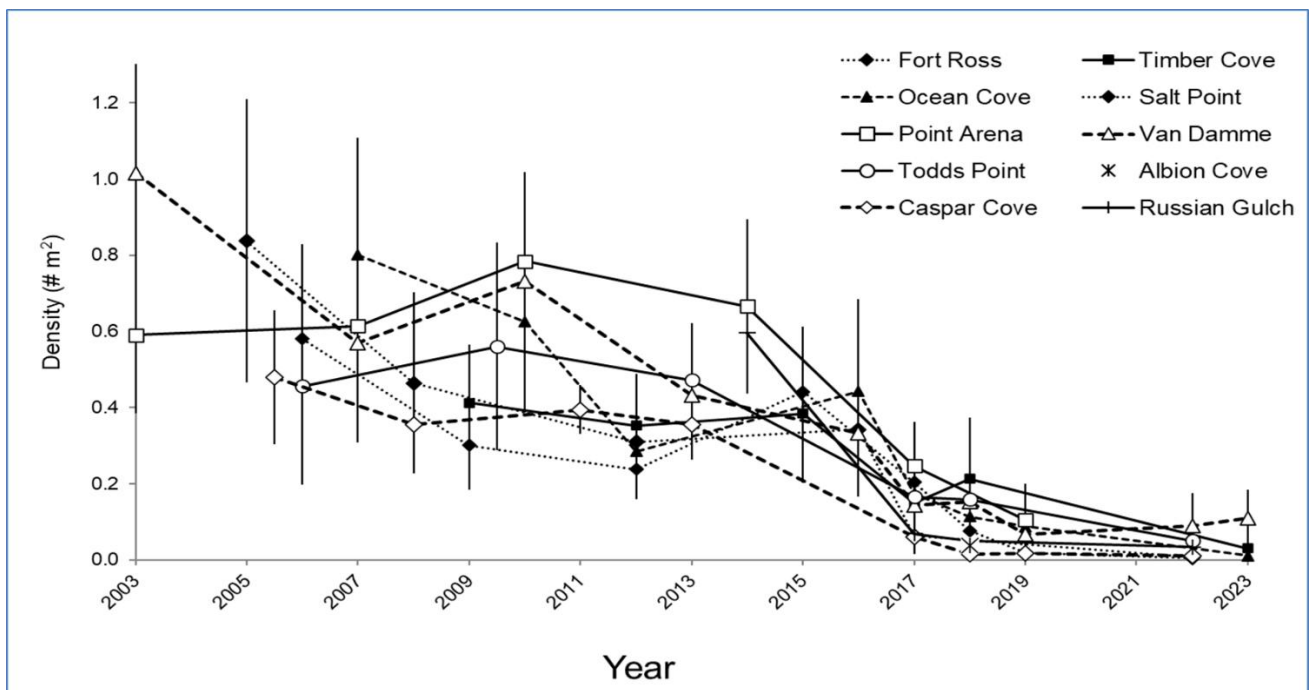


Figure 1: The decline in red abalone density at ten survey sites along the northern California coast from 2003 to 2023, with error bars indicating standard error. Data Source: CDFW, 2025

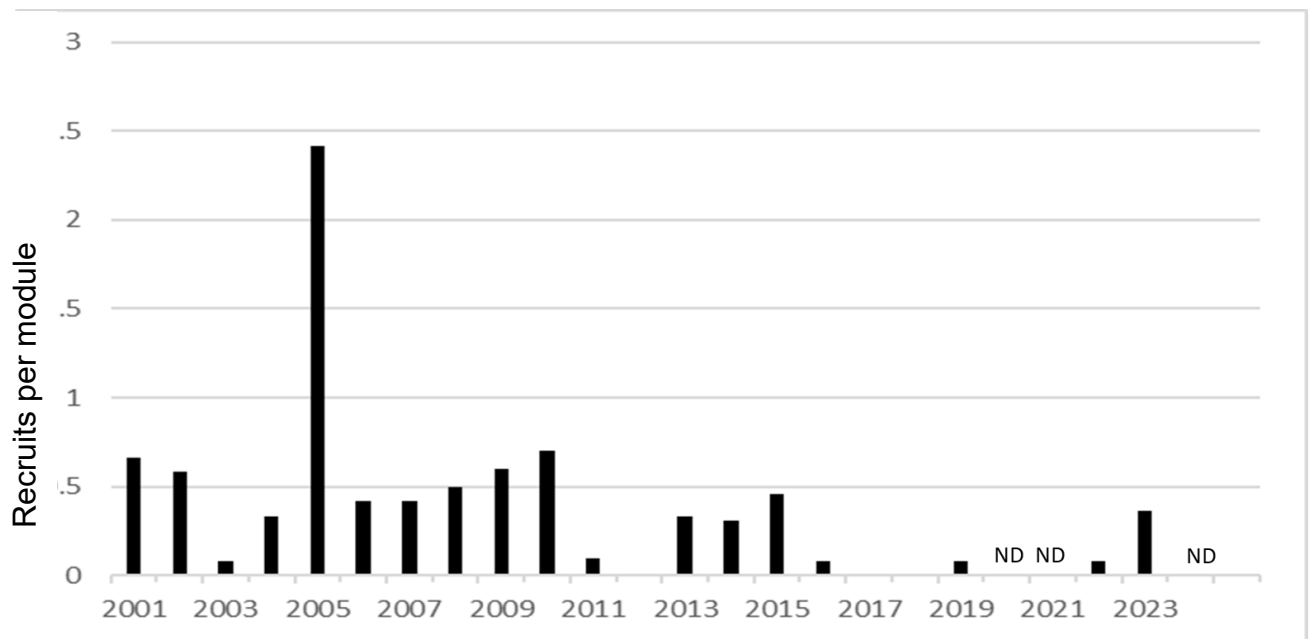


Figure 2. The number of red abalone recruits per module (y axis) in northern California by year (x axis), from 2001 to 2024; "ND" indicates years in which no data was collected. Data Source: CDFW, 2025.

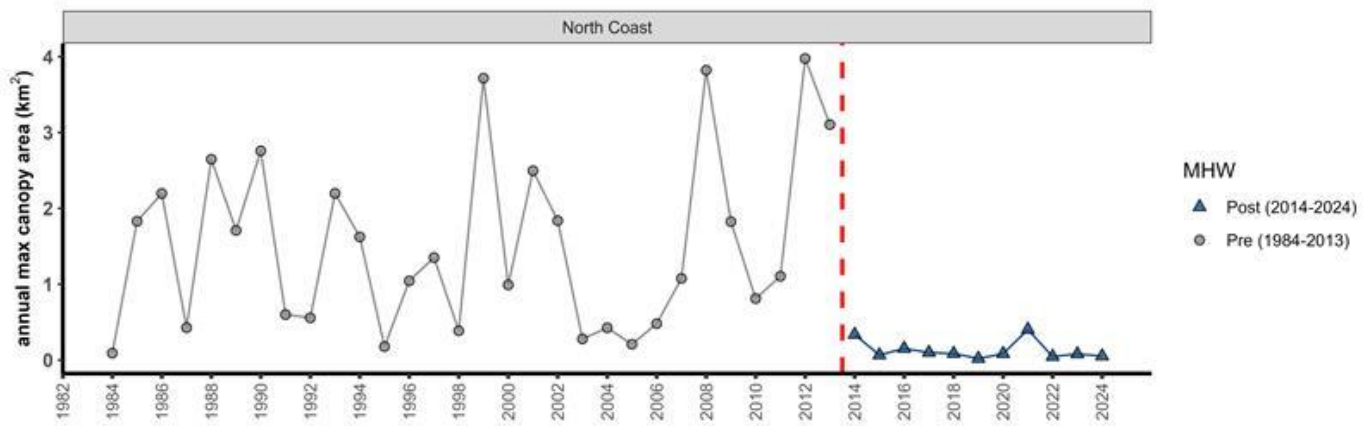


Figure 3. The annual maximum kelp area observed using satellite imagery, from Marin County to the Oregon border from 1984 to 2024, dotted line indicates the start of marine heat wave. Data source: Santa Barbara Coastal LTER et al. 2025.

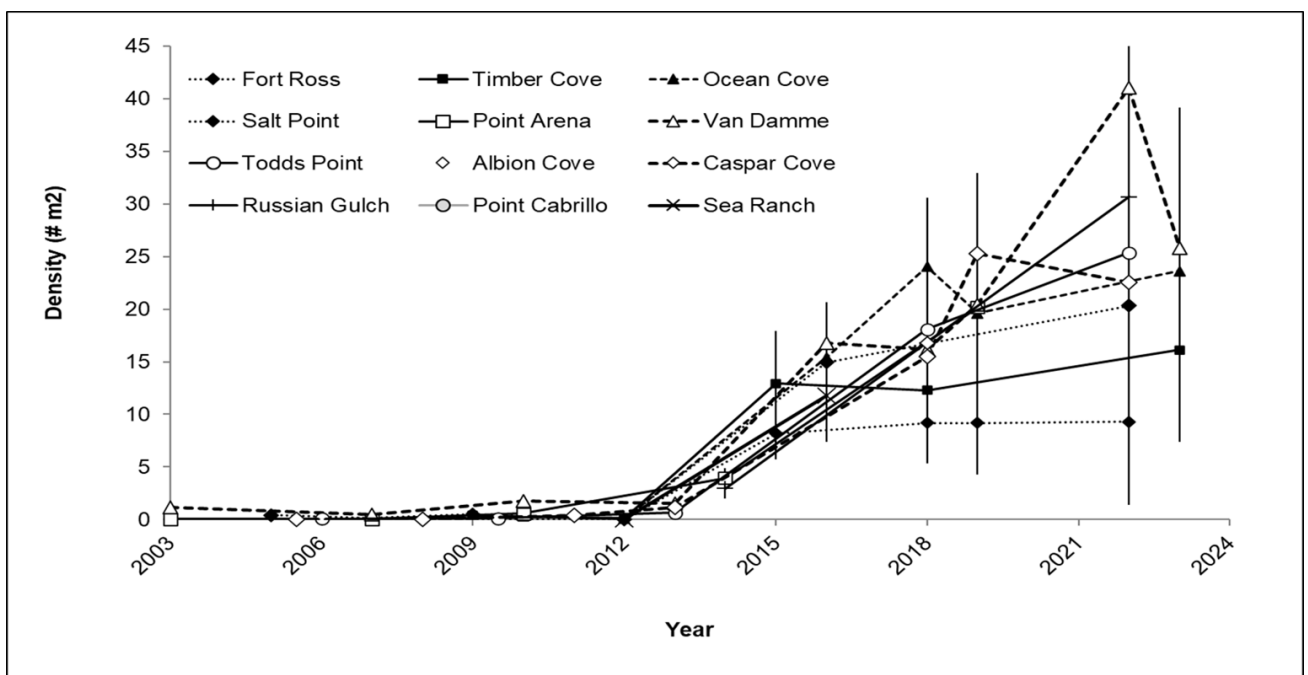


Figure 4. Purple sea urchin (*Strongylocentrotus purpuratus*) density in number of urchins per meter squared, across 12 sites on the north coast from 2003 to 2023. Data Source: CDFW, 2025

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.

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 IMPACT STATEMENT

DEPARTMENT NAME California Fish and Game Commission	CONTACT PERSON Dixie Van Allen	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916-902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Sec. 29.15, Title 14, CCR re: Extension of the sunset date for rec. red abalone closure by 10 years			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:
- | | |
|--|---|
| <input 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 (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:
- ☒ 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.
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: Continuing the closure doesn't impose new direct costs on businesses; while there is an indirect loss of potential revenue from decreased fishing, the revenue has not been realized since the closure in 2018.
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 collapsed red abalone populations.
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 the recreational abalone fishery during this environmentally challenging period may result in long-term benefits to red abalone sport fishers and related businesses by supporting reestablishment and restoration of red abalone populations and the possible return of 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: F&G Code sections 200, 205, 315 & 316.5 delegate regulatory authority for 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. Continuing the recreational abalone fishery's closure will not provide incentive to any businesses within the state to expand 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 recreational red abalone fishery. Alternative 2: No change; maintain current schedule to 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: \$ Uncertain* 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 regulation are to reestablish and restore red abalone populations for ecosystem health and future viability of a recreational fishery. *See addendum.

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 red 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. Continuing the fishery closure provides no impetus to innovate in the field of recreational red 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 benefit to the health and welfare of CA residents, no benefits to worker safety, and potential benefits to state's environment via restoration of abalone.

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Annual Savings. (approximate)

\$ _____

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☐ 6. Other. Explain _____

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____
It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.
☐ b. Increase the currently authorized budget level for the _____ Fiscal Year
- ☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____
- ☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.
- ☐ 4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____
- ☐ 2. Savings in the current State Fiscal Year. (Approximate)

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

FISCAL OFFICER SIGNATURE		DATE
<div><div><div><div><div><div></div><div>DocuSigned by:</div><div><div><div><div><div></div><div></div><div></div></div></div><div>Dan Reagan</div></div></div><div>6558B761E2D347D...</div></div></div></div></div></div>		9/19/2025
<i>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.</i>		
AGENCY SECRETARY		DATE
<div><div><div><div><div><div></div><div></div><div></div></div></div><div>Melissa A. Miller-Hewson</div></div><div>Bryan Cash</div></div></div>		9/16/2025
<i>Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.</i>		
DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER		DATE
<div><div><div><div><div><div></div><div></div><div></div></div></div></div></div></div>		

STD. 399 Addendum
Amend Section 29.15 of
Title 14, California Code of Regulations,
Regarding 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 northern California waters, the proposed regulatory change will keep the recreational abalone fishery closed for an additional ten years. The closure, which was initially established via regulatory action in 2018 and extended through the 2025 fishing season, is necessary to protect survivors within the remaining populations from further exploitation and facilitate their restoration. Without the regulation 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 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 from the proposed action as the recreational red abalone fishery has been closed since April 1, 2018. Continuing the fishery closure is proposed to support the long-term restoration and, ultimately, sustainability of red abalone and, thus, the future viability of a 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 restoration, sustainability and quality of a 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 jobs lost.

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 an uncertain future even with a closure. Factors that impact the fishery beyond the recreational take of red abalone include sea urchin overpopulation and warming ocean temperatures, which have contributed to the decline of abalone's kelp forest habitats. The marine heatwave of 2014 exacerbated the situation, leading to widespread mortality among abalone populations; a similar, future event could have equally disastrous impacts to the species and the ecosystem of which it is a part.

The value of the recreational abalone fishery in northern California was estimated in 2013 by the Department and a team of researchers led by John Reid¹ 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 participants in the recreational red abalone fishery using the travel-cost estimation method, a non-market valuation approach, and 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 restore the fishery under the closure to potentially preserve its value for future generations, though this is uncertain in the face of a changing climate and adverse kelp forest conditions.

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 via a sunset date. A closure without a sunset date may necessitate the repeal of Section 29.15. Other regulations pertaining to the red abalone fishery might also need amendment, including 29.05 (b)(1) by removing "red abalone" from the list of invertebrates that may be taken and Section 29.16 pertaining to 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, that is, the opportunity for restoration and reestablishment of severely depleted abalone populations over a possibly longer period of time. The indefinite

¹ 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.

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 the certainty of a future date when this popular fishery may 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 necessitate future regulatory action to reopen the fishery, even after sufficient population reestablishment; 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 costs for the indefinite closure of the recreational red 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 Commission Marine Resources Committee rejected this alternative because an indefinite closure could limit the investment into continued monitoring and data collection that are necessary to track the population status and determine the appropriate timing for potentially reopening access to a restored stock.

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

If the Commission does not act, the current recreational red abalone fishing moratorium will end on April 1, 2026, and the fishery will reopen under existing regulations. Reopening this popular fishery in 2026 poses significant risks to already vulnerable and starving abalone populations. While reopening the fishery might temporarily satisfy public pressure, it would cause further population declines and potentially irreversible population and ecosystem damage.

As stated in Section C. Estimated Benefits, the value of the recreational red abalone fishery in northern California was estimated in 2013 by the Department and a team of researchers 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 a portion of the range of values for the economic activity related to the fishery may materialize immediately after reopening the fishery under the no-change alternative, it would not be sustainable for any significant period of time given the dire conditions that the fishery already faces from sea urchin overpopulation and warming ocean temperatures, which have contributed to the decline of the abalone's kelp forest habitats. The initial value would disappear after a few years, at most, if the abalone population was to decline at a faster rate from overharvesting starving animals. Natural reestablishment and restoration could be hampered by fishing the limited number of 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 those trips. In the event of a closure, effort may increase or transfer to the pursuit of different species or entirely out of fishing toward other recreational pursuits in the region. The benefits of fishing for red 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 red abalone. Red 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 red 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 likely underestimates the true value, monetary and non-monetary, of the sport fishery to 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 fishing regulations. The quality of the targeted species, 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 red abalone fishery would initially increase if the fishery were to reopen under the no-change alternative to the regulation, it is unlikely red abalone populations will be able to rebound to previous levels due to the 85% mortality that the species already faces with the current status of the fishery.

STD. 399 Addendum
Amend Section 29.15 of
Title 14, California Code of Regulations,
Regarding 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 northern California waters, the proposed regulatory change will keep the recreational abalone fishery closed for an additional ten years. The closure, which was initially established via regulatory action in 2018 and extended through the 2025 fishing season, is necessary to protect survivors within the remaining populations from further exploitation and facilitate their restoration. Without the regulation 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 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 from the proposed action as the recreational red abalone fishery has been closed since April 1, 2018. Continuing the fishery closure is proposed to support the long-term restoration and, ultimately, sustainability of red abalone and, thus, the future viability of a 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 restoration, sustainability and quality of a 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 jobs lost.

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 an uncertain future even with a closure. Factors that impact the fishery beyond the recreational take of red abalone include sea urchin overpopulation and warming ocean temperatures, which have contributed to the decline of abalone's kelp forest habitats. The marine heatwave of 2014 exacerbated the situation, leading to widespread mortality among abalone populations; a similar, future event could have equally disastrous impacts to the species and the ecosystem of which it is a part.

The value of the recreational abalone fishery in northern California was estimated in 2013 by the Department and a team of researchers led by John Reid¹ 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 participants in the recreational red abalone fishery using the travel-cost estimation method, a non-market valuation approach, and 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 restore the fishery under the closure to potentially preserve its value for future generations, though this is uncertain in the face of a changing climate and adverse kelp forest conditions.

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 via a sunset date. A closure without a sunset date may necessitate the repeal of Section 29.15. Other regulations pertaining to the red abalone fishery might also need amendment, including 29.05 (b)(1) by removing "red abalone" from the list of invertebrates that may be taken and Section 29.16 pertaining to 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, that is, the opportunity for restoration and reestablishment of severely depleted abalone populations over a possibly longer period of time. The indefinite

¹ 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.

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 the certainty of a future date when this popular fishery may 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 necessitate future regulatory action to reopen the fishery, even after sufficient population reestablishment; 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 costs for the indefinite closure of the recreational red 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 Commission Marine Resources Committee rejected this alternative because an indefinite closure could limit the investment into continued monitoring and data collection that are necessary to track the population status and determine the appropriate timing for potentially reopening access to a restored stock.

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

If the Commission does not act, the current recreational red abalone fishing moratorium will end on April 1, 2026, and the fishery will reopen under existing regulations. Reopening this popular fishery in 2026 poses significant risks to already vulnerable and starving abalone populations. While reopening the fishery might temporarily satisfy public pressure, it would cause further population declines and potentially irreversible population and ecosystem damage.

As stated in Section C. Estimated Benefits, the value of the recreational red abalone fishery in northern California was estimated in 2013 by the Department and a team of researchers 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 a portion of the range of values for the economic activity related to the fishery may materialize immediately after reopening the fishery under the no-change alternative, it would not be sustainable for any significant period of time given the dire conditions that the fishery already faces from sea urchin overpopulation and warming ocean temperatures, which have contributed to the decline of the abalone's kelp forest habitats. The initial value would disappear after a few years, at most, if the abalone population was to decline at a faster rate from overharvesting starving animals. Natural reestablishment and restoration could be hampered by fishing the limited number of 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 those trips. In the event of a closure, effort may increase or transfer to the pursuit of different species or entirely out of fishing toward other recreational pursuits in the region. The benefits of fishing for red 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 red abalone. Red 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 red 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 likely underestimates the true value, monetary and non-monetary, of the sport fishery to 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 fishing regulations. The quality of the targeted species, 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 red abalone fishery would initially increase if the fishery were to reopen under the no-change alternative to the regulation, it is unlikely red abalone populations will be able to rebound to previous levels due to the 85% mortality that the species already faces with the current status of the fishery.



Heal the Bay

August 12, 2025

California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814

Sent electronically via email to fgc@fgc

RE: August 14, 2025 Fish and Game Commission Meeting; Items 21 and 23B

Dear President Zavaleta and Honorable Commissioners:

Heal the Bay is a non-profit environmental organization with 40 years of experience dedicated to making the coastal waters and watersheds of Greater Los Angeles safe, healthy, and clean. We use science, education, community action, and advocacy to fulfill our mission. The scope of our work takes place across the unceded lands of coastal Indigenous Peoples and Native Nations of the Tongva, Chumash, Fernandeño Tataviam Band of Mission Indians, and Kizh Nation tribes. We would like to acknowledge and pay our respects to elders past, present, and emerging, as they continue their stewardship of these lands and waters.

We want to first thank the Fish and Game Commission (FGC) and the California Department of Fish and Wildlife (CDFW) for their dedication to the effective management of coastal resources and species in California waters based on best available science. We are grateful for the opportunity to provide comment on agenda items 21 and 23B. A brief summary of our positions are as follows, with further details outlined below:

- I. Agenda Item 21: Recreational red abalone closure extension; Support
- II. Agenda Item 23B: Committee and Department reports – Marine Resources Committee; Support, with suggestions

Agenda Item 21: Recreational red abalone closure extension

We are in strong support of the staff recommendation to extend the temporary red abalone recreational fishery closure by ten years. This fishery was closed to prevent its irreversible loss, and the staff recommendation reflects not only analysis of the best available science but an investment into the future for access to this beloved fishery down the line. Data supports that this precautionary approach could allow this species to recover and enrich the lives not only of anglers but also for recreational tidepoolers and beachgoers. Additionally, we acknowledge the ongoing successes in restorative aquaculture for this species in the state of California and encourage the Commission to continue supporting those endeavors through its aquaculture



Heal the Bay

permitting process. Thank you for your work to protect this species for generations to come; Heal the Bay wholeheartedly supports the staff recommendation to extend this fishery closure.

Agenda Item 23B: Committee and Department reports – Marine Region

Heal the Bay would like to extend our gratitude for another successful Marine Resources Committee (MRC) meeting hosted in Sacramento in July. We reiterate our gratitude for the informal, discussion-based setting that the MRC provides and its importance in fostering multidisciplinary collaboration between stakeholders. Our team is grateful for the time and thoughtfulness it took to create a framework for the petitions and the transparency your staff have given to stakeholders regarding how these petitions will be evaluated.

As shared in previous letters as well as during public comment, we are in general support for the MPA Bin 2 Petition Evaluation Framework¹ discussed at the July MRC meeting. We would particularly like to share our resounding support for the Commission's recommendation to include equity in the evaluation framework as part of Question 14. We understand that equity, environmental justice, and access are topics that can be difficult to navigate in resource management due to their inherent complexities, and we are grateful to see it outlined as a priority. This was one of the primary gaps in the framework's original design and we are grateful to see it remedied.

One additional comment we have on the framework lies in climate resiliency. The Decadal Management Review² outlines two goals related to climate resiliency as follows:

25. Develop and implement climate change research and monitoring priorities and metrics for California's MPA Network.
26. Consider climate change impacts from the outset of planning for monitoring MPA human dimensions.

While we are grateful for the MRC recommendation to add a climate resiliency consideration into the preamble of the document, we believe that climate resiliency should be a standalone question within the framework itself. This consideration would require external literature review and should be evaluated pointedly and intentionally. The DMR recommends evaluating climate change research as a part of any MPA network changes, which should remain at the forefront of decision making when evaluating the MPA petitions to ensure California's network achieves the conservation and climate benefits it was outlined to address. Our oceans and climate are changing rapidly, and the adaptive management process was crafted to ensure resource management addresses the needs of our ecosystems today and into the future and not be static.

¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=232901&inline>

² <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=209209&&inline>



Heal the Bay

We respectfully offer the following recommended language for this additional climate resiliency question for the framework:

“Question 17: Does the proposed change implement climate change research to increase climate resilience?”

Thank you again for the work your Commission has undertaken and your dedication to effectively managing California’s marine resources. We are happy to answer any questions or clarify any of the elements addressed in this letter. Please contact [REDACTED] with any queries.

Sincerely,

[REDACTED]

Zoe Collins
Marine Protected Area Program Coordinator



September 24, 2025

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted via email to fgc@fgc

RE: Item 26. Recreational red abalone closure extension

Dear President Zavaleta and Honorable Commissioners,

Thank you for your dedication to the effective management of species in California waters. On behalf of our community of recreational and subsistence anglers, spearfishers and harvesters, Fish On is committed to our role in ensuring marine species and shared resources in California's waters are resilient to climate change and other stressors, and managed equitably.

We support an extension of the temporary red abalone recreational fishery closure until April 1, 2036. Any consideration to reopen the fishery must be supported by scientific information to confirm that the abalone population is at a level capable of withstanding additional extractive pressure—in addition to increasing environmental stressors that this species now faces, like climate change and ocean acidification. At this time, there is no strong scientific evidence to demonstrate that red abalone have recovered sufficiently.

While fishery-dependent data is helpful to management of many marine species, harvest is not a necessary component to continued monitoring of red abalone. Opening up the fishery in this or any other capacity will risk further collapse of the species. **We support the recommendation of a continued closure for the next ten years** before revisiting whether or not red abalone can be harvested from a stable population which can be sustained for generations to come. At that time—**given the cultural significance of abalone to California's Tribal communities—we encourage Tribal rights to be considered before any general recreational allowances are discussed.**

Respectfully,

Anupa Asokan
Executive Director
Fish On

August 26, 2025

California Fish and Game Commission

715P Street, 16th Floor

Sacramento, CA 95814

Via email to [FGC@fgc](mailto:FGC@fgc.ca.gov) [REDACTED]

RE: Recreational red abalone closure extension

Dear Commissioners,

As a lifelong diver and former abalone fisherman, I have worked with the California Department of Fish and Wildlife (CDFW) and the Commission for more than 20 years to strengthen fishery management and protect California's marine environment.

I write today in strong support of the Mendocino County Fish and Game Commission's recommendation to shorten the proposed red abalone closure from 10 years to 2 years. Their reasoning is sound, and I would like to add an important perspective.

At your last meeting, Commissioner Hostler-Carmesin emphasized the critical need to "build partnerships" with fishermen, tribes, and the public. This cannot be overstated. Abalone fishermen... recreational, commercial, and tribal... remain deeply invested in restoring kelp forests and rebuilding abalone populations. Many continue to put in extraordinary effort, not for immediate benefit, but for the long-term health of the ecosystem and the hope of a future fishery.

The Caspar Cove Project is a prime example (see link [The Caspar Cove Project](#)). What began in 2018 as a grassroots effort by Waterman's Alliance divers has since expanded to include commercial fishermen in support of studies by Cal Poly Humboldt, The Nature Conservancy, Reef Check, and the CDFW. These

partnerships are thriving because fishermen remain engaged. They provide labor, funding, and knowledge that the State and ENGOs cannot easily replicate. Their passion is not abstract; it is demonstrated in ongoing urchin removal, monitoring, and research support.

A decade-long closure risks undoing this momentum. Without a shorter, clearer path toward reopening, many fishermen, including tribal communities, may disengage. If that happens, California risks losing the very organizations, resources, and practical knowledge that are driving restoration today. Given limited State and NGO capacity, the continued involvement of fishermen is not optional—it is essential.

There are also broader risks: over the next decade, Commission membership will turn over, and many CDFW staff with historical knowledge of this fishery will retire. Institutional memory will fade, leaving future decisions to be made without the benefit of today's context and continuity.

Biologically, the case for a fixed 10-year closure is not as clear as it may seem. While abalones can take 8–12 years to reach legal size, many mature animals still exist and are reproducing in pockets of good habitat, particularly in intertidal zones not covered by CDFW's transect surveys. In addition, Humboldt and Del Norte counties have been excluded from CDFW surveys, leaving major spatial gaps in the dataset. In areas where kelp recovers, which it can do rapidly where urchins are controlled, these abalone populations can quickly expand back into the subtidal zone, accelerating recruitment and growth sooner than a decade. As Commissioner Zavaleta stated, “recovery has to come from somewhere”. These pockets of healthy abalone will be the sources.

It has been eight years since the fishery closed; and the Red Abalone Restoration Plan has been pending funding for nearly four years. It is not conservation that is at risk now... it is the loss of the very community that has been driving restoration forward. A closure of two years, or at most five,

strikes a far better balance: it supports biological recovery while sustaining the energy, knowledge, and commitment of the fishing community.

If we lose them, we lose capacity, momentum, and hope. If we keep them engaged, we keep alive the possibility of not only restoring the fishery but restoring it with a broad base of public support and shared stewardship. This is not a compromise of conservation, it is the only way to keep restoration efforts alive, resilient, and collaborative.

Thank you for considering this perspective, and for your continued leadership in protecting California's marine resources.

Sincerely,

Jack Likins
Former Abalone Fisherman

Copies Via Email:

Chuck Bonham, Director, CDFW

Craig Shuman, Director of the Marine Division, CDFW

Josh Russo, President, The Waterman's Alliance

FGC@FGC

From: FGC
Sent: Monday, September 29, 2025 4:33 PM
To: [REDACTED]
Subject: Fw: Abalone season

From: brandon scott [REDACTED]
Sent: Friday, August 8, 2025 04:12 PM
To: FGC [REDACTED]
Subject: Abalone season

Hi my name is brandon scott. I live in auburn california and if the ab population can support it i would like to see abalone opened back up. Even if it was only one or two ab a year limit. Thank you
Sent from my iPhone

President Eric Sklar and members
California Fish and Game Commission



July 8, 2017

Steven L. Rebuck



Dear President Sklar and Commissioners:

It has now been 20 years since the recreational and commercial red abalone fisheries south of San Francisco were closed to human use. We can now assess the success and/or failure of Department of Fish and Wildlife (DFW) policies in regards to red abalone fishing.

At the time of the closure in May 1997, I was a consultant to the California Abalone Association (CAA) representing the commercial abalone fishermen. I also served as the Abalone Technical Consultant to the Southern Sea Otter Recovery Team (TC-SSORT), 1993-2004.

In 1997, I utilized much of the available published literature created by the California Department of Fish and Game (CDFG) to defend my clients. Commercial harvest of abalone began in 1850. Abalone was California's first commercial fishery. I was dismayed in 1997 and later that the CDFG/DFW has ignored this rich historic literature. In my experience, this denial of our history has been a hallmark of CDFG/DFW abalone policy over the past 20 years.

Fact is, it was California counties which first created abalone laws, followed by the California Legislature, enforced

through the Fish and Game Code. Although it was the duty of citizens to obey these laws, by 1997, it was the citizens who were blamed for failed resource management by CDFG managers. It can be assumed that the basic CDFG/DFW task is to prevent the overutilization of living natural resources. The state, not the citizens, created the abalone fishing laws.

Between 1916 and the early 1960s, Morro Bay, California was the site of annual landings averaging 2,000,000 pounds per year (Cox, 1962). This "sustainable" fishery was terminated by sea otters, not human use (Fisher, 1939; Ebert, 1968 a&b; Wild and Ames, 1974; Odemar and Wilson, 1974; Miller, 1975,1980; Hardy, 1982; Silva, 1982; Wendell, 1986b, 1995;Gotshall, 1984; et al).

For 1987, CDFG reported 41% of red abalone landing originated from San Nicolas Island, Ventura County, (CDFG, Abalone Ocean Sport Fishing, August 1991) which in 1987, became the site for an experimental relocation of sea otters by the US Fish and Wildlife Service (FWS). Within 5 years following relocation of sea otters to SNI, these red abalone landings reached zero. This fact was not considered by CDFG in 1997. Commercial red abalone landings were 391,030 in 1987 and 229,252 in 1996 (Annual Status of the Fisheries Report, 2003) reflecting the impact of sea otter relocation.

Using published research from CDFG, one can demonstrate that sea otters, between Monterey and San Luis Obispo County dominated approximately 90% of the former commercial abalone grounds by the mid-1970s. Fishermen were forced to relocate to the Channel Islands in order to continue fishing. Basically, the commercial fishery by the 1990s was fishing approximately 10% of their historic red abalone grounds and were landing approximately 10% of their former catch. One then has to ask: What was the commercial use problem?

Despite the rich literature on sea otters and the abalone fisheries, CDFG in 1997 unfairly focused all blame for resource declines on the commercial divers.

The primary political problem in 1997 was not commercial landings, it was export to China. Sport divers and some at CDFG resented this export. The most obvious solution was to ban export, making the fishery domestic only. Although suggested by CAA, this option/solution was not considered.

The fact was that of the 101 commercial abalone permit holders in 1997, 91 of them also held commercial sea urchin permits. At the time, sea urchin diving was far more lucrative than abalone diving. But, to maintain ones abalone permit, divers were forced to make fixed annual landings. The commercial abalone divers had attempted for years to have this landing requirement waved. In fact, in 1997, legislation was introduced to wave this requirement (Assemblyman Bordonaro), but emergency closure pre-empted this legislation.

A couple of what can only be characterized as dirty tricks were used in 1997 and the years leading up. One of these dirty tricks was the release of "draft" data by CDFG Marine Biologist, Konstantine Karpov. For the years before 1997, Karpov was leaking draft data and other information to the San Francisco Chronicle and other newspapers. These leaks inflamed the recreational dive community against the commercial divers.

A second leak was from CDFG Marine Biologist, Peter Haaker who claimed that sex ratios in red abalone were skewed. These claims were made to the FGC and had an alarming effect. However, after the closure, Haaker admitted his claims were false, but the damage was done. In all my decades of experience with CDFG, I had never seen CDFG biologist act so reckless with draft data.

In the first draft of the Abalone Recovery and Management Plan (ARMP) it states: "...two year closure..." The document also makes the statement that this was a "Fisheries Management Plan" (FMP) (Draft, Informational Document, California Abalone fishing, November 1997; And, Final Draft, 10-9-97 8:08 AM, Appendix 1, Draft Fisheries Recovery/Management Plan for California Abalones.)

Of course, the excuse for not completing this 20 year old FMP was the passage of the Marine Life Protection Act of 1998 (MLMA). So, here we are, now 19 years later and no FMP for the abalone fisheries.

In 2014, DFW announced plans to begin the FMP for abalone fishing. The timeline was to produce a draft FMP by spring, 2015 and a final version by spring 2017. To date, the draft does not yet exist. Is August 2017 a real date?

In 2005, CAA drafted a plan (Alternative 8) which was later incorporated into the ARMP of 2005. One component of this plan was to create a \$10. per abalone "fixed tag". The CAA proposal suggested an experimental harvest of 17,000. red abalone. Had CDFG/DFW accepted this experiment, \$170,000. would have been provided the first year before one abalone was harvested. This money could have been used for monitoring the fishery and for law enforcement. Each tag was to have the permit holders information. In addition, harvest size was to be increased to 8". Over the past 12 years, the tags alone would have generated over \$3.4 million dollars. With the combined landing taxes and permit fees, this amount would have been many millions of dollars more. It is curious why DFW said no.

During the 1980s, the commercial abalone divers self imposed a tax on abalone landings to support their research into abalone re-seeding. There was about \$250,000. in 1997. After 1997, CDFG siphoned off most of the tax money to fund black hole projects like a "risk assessment" which

they funded, then rejected. Only about 1% of this money remains.

In addition, other proposals for a southern abalone fishery have been put forth by the Abalone Advisory Group (AAG) in 2009 and by CAA/Dr. Jeremy Prince and Sarah Valencia, 2009 . Both proposals rejected by DFW.

In 2014, the California Fish and Game Commission (FGC) requested an assessment of their methodologies from the California Ocean Science Trust (OST). OST suggested in their final report that DFW methods were flawed. One area was reliance on "density" as their primary management method. (Density was also critiqued by Dr. Prince). A second area of concern was DFWs reliance on "index sites" for collection of density data. DFW was not able to monitor all of their index sites on an annual basis. DFW decided to round-file OSTs report and has continued to rely on failed methodology.

At the FGC June 22, 2017 meeting, former FGC Executive Director, Zonke Mastrup made the statement that "..abalone fishing has never been better ." This is the result of relying on density in the ARMP. Clearly, there is a serious problem with the recreational only abalone fishery under the ARMP. The lack of recruitment will likely spell doom for the fishery in a few short years.

Having only a fishery in northern California means that approx. 5250 southern, south-central California and out-of-state divers converge on the north coast annually, further depleting the remaining abalone (Kashiwada, 2016).

During the 1997 abalone debate, the majority of "blame" for declining stocks was focused on the commercial men. The commercial fishery was harvesting approximately 229,252 (low 1996)-448,593 (high 1992) pounds per year, last decade of the fishery. The recreational fishery on the north

coast has been estimated at 1,500,000-3,000,000 pounds per year. "Incomplete data for year 2000 indicated approx.. 728,000 red abalone were taken on the north coast" (Annual Status of the Fisheries Report, 2003) (At 3 pound each, this would be over 2.m pounds of north coast abalone). In the same report, recreational poaching was estimated at 217,000 pounds. Yet, the rhetoric was: "The commercial divers take too many" which was not supported by landing data.

DFW has told us that the current FMP will be for the northern California recreational fishery only. At the pace they are moving, it could be several more years before an FMP is prepared for the area south of San Francisco.

At the June 22, 2017 FGC meeting, there was discussion about "citizen scientists." I would submit that by ignoring the commercial divers over the past 20 years, DFW has cut off some of the most knowledgeable "citizen scientists" that exist. An examination of the CDFG literature demonstrate this fact. Bonnot (1948) reported it was commercial abalone divers at Morro Bay who first taught CDFG biologists how to dive and that they were "keen observers." Parker (1986) reported that in cooperative dives between CDFG biologist and commercial divers on the north coast, it was the commercial divers who were far better at finding abalone in non-destructive surveys.

One of the requirements of SB 463 (Thompson, 1997) was the creation of a Recreational Abalone Advisory Committee (RAAC). For the majority of the RAAC history, the appointed members were primarily those recreational divers who wanted the commercial abalone fishery to remain closed, basically creating a kangaroo court.

To recap, DFW continues down a political, unscientific road:

* Ignoring CDFG published historic literature.

* Ignoring alternative plans: Alternative 8, 2005/07 (ARMP Amendment H); Abalone Advisory Group 2009; CAA, Red Abalone Market Fishery, 2009; California Ocean Science Trust, 2014.

* Ignoring alternative funding sources like the \$10. commercial tag and/or commercial resource rents.

*Red abalone are not threatened or endangered with extinction statewide.

*DFW ignores significant recovery of pink and green abalone in southern California and red abalone at San Miguel Island. It is easily said these abalone in southern California are “dying of old age” while DFW does nothing but punish the California citizens.

In my opinion, for the past 20 years, CDFG/DFW has mislead the FGC about the status of abalone in California. And, DFW has demonstrated gross incompetence in it’s management strategies.

However, as cited above, CAA did submit an “alternative” in 2005, which was included in the ARMP, (Appendix H, H.1, An Amendment to the Abalone Recovery and Management Plan’s alternative 1). This alternative could provide relief by reducing the amount of red abalone currently being harvested from northern California, providing south-central and southern Californians an alternative fishing ground. It would appear within the power of the CFGC to open immediately San Miguel Island (SMI) to red abalone fishing.

In 2005, in the ARMP, H.1, it was estimated there were 3,000,000 emergent red abalone at SMI (H-4). Of these, 10% to 20% were estimated to be of commercial size—7 ¾” (H-9). This was 300,000 to 600,000 abalone in 2005. (ARMP, Appendix H, pages H.1-H.11) What are the

emergent population/ legal size percentage now? Our \$10. tag proposal was changed to a 10% "resource rent." At 15,000 red abalone, this would generate \$72,000. (ARMP, H-10) 3,000 sport tags/cards would generate an estimated \$18,000 (ARMP, H-10).

Opening SMI now could immediately reduce considerable pressure off the northern resource, providing an alternative for those who must now travel hundreds of miles to fish.

"Harvesting 10-20% of these abalone falling within the slot (197mm-203mm) size should have no negligible effect on the population as a whole." ARMP, H.1, H-9).

The ARMP is the law of the land. It appears the CFGC has the discretion now to open this fishery. Please consider using the ARMP, Amendment H now to help reduce the harvest of red abalone in northern California.

Respectfully submitted,

From: Steve Rebuck [REDACTED]
Sent: Friday, August 22, 2025 4:45 PM
To: Miller-Henson, Melissa [REDACTED]; Ashcraft, Susan [REDACTED]; FGC; Eric Sklar; samanthamurray [REDACTED]
Cc: J [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Abalone MPAs

Ms. Meissa Miller-Henson
Executive Director
California Fish and Game Commission

August 22, 2025

Re: California MPAs protecting red abalone in California.

Dear Ms. Miller-Henson:

As you would know, the range of red abalone, *Haliotis rufescans*, is from, Sunset Bay, Oregon to Turtle Bay, Baja California, Mexico. Also the Channel Islands and Farallon Islands. (Source, Cox 1962, et al)

At the recent hearing of the California Fish and Game Commission (FGC) Commissioner Eric Sklar referenced restoration of red abalone should occur throughout their entire range.

It appears to me that the State of California has already created a mechanism for protection of red abalone: The current statewide network of 124 (Source: Sea Grant, 2025) Marine Protected Areas (MPAs). These MPAs cover the entire range of red abalone. After all, this network of MPAs are working so well, the State of California is in the process of creating more.

This should be obvious, but sometimes, it is those most obvious things which are missed.

This in support of limited TAC fisheries: Commercial and sport diving, San Miguel Island, Santa Barbara County and a similar limited TAC fishery in northern California, pursuant to the Mendocino County Fish and Game Commission request.

Thank you for your considerations.

Steve Rebuck

