

State of California
Fish and Game Commission
Final 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. Date of Final Statement of Reasons: December 18, 2025
- III. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing:

Date: August 13, 2025

Location: Sacramento, CA

(b) Discussion Hearing:

Date: October 8, 2025

Location: Sacramento, CA

(c) Adoption Hearing:

Date: December 11, 2025

Location: Sacramento, CA

IV. Update:

No changes have been made to the originally proposed regulatory language. At its December 11, 2025 meeting, the Fish and Game Commission (Commission) adopted the proposed regulations, as set forth in an Initial Statement of Reasons dated May 29, 2025. The adopted amendment to Section 29.15, Abalone, extends the closure of the recreational red abalone fishery until April 1, 2036.

One non-substantive modification was made to the originally proposed regulatory language in the Initial Statement of Reasons (ISOR). Removal of Fish and Game Code (F&G Code) Section 265 was shown to be stricken from the Authority section of the proposed regulatory text. This was an inadvertent removal and was not intentional. This non-substantive change was not supported by the Initial Statement of Reasons, and therefore with the final regulatory text is shown as reversed (with the strikeout removed).

Other changes to the Authority and Reference section previously noticed with the ISOR are detailed as follows:

- Strike of F&G Code Section 260 as an authority: this change was made given that section 260 pertains to the printing and contracts for printing of regulations, and is not needed.
- Addition of F&G Code Section 275 as an authority: this change was made given that the regulation aims to extend the closure for the recreational abalone fishery through 2036 and this code section pertains to timing of regulations in effect.
- Addition of F&G Code Section 1050 as an authority and reference: this change was made given that this code section pertains to the issuance of licenses and other entitlements, and the recreational red abalone fishery, when open and in operation, utilizes a report card as an entitlement.

There have been no other changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

Responses to public comments received were included in Attachment 1.

VI. 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.

(c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

VII. 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 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

Updated 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.

UPDATE

At its December 11, 2025 meeting, the Commission adopted the regulations as proposed in the notice of proposed action posted on September 16, 2025. One non-substantive modification was made to the originally proposed regulatory language in the Initial Statement of Reasons. Removal of Fish and Game Code (F&G Code) Section 265 was shown to be stricken from the Authority section of the proposed regulatory text. This was an inadvertent removal and was not intentional. This non-substantive change was not supported by the Initial Statement of Reasons, and therefore with the final regulatory text is shown as reversed (with the strikeout removed).

There have been no other changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the original Notice of Proposed Action.

Attachment 1 – 29.15 Recreational Red Abalone Department Responses to Public Comments

Department and Fish and Game Commission responses to comments received during the Public Notice period between September 16 through October 15, 2025

Comments are paraphrased for succinctness.

#	Name, Affiliation, Format, Date	Public Comment	Response
1	Anupa Asokan, Fish On, Email, September 24, 2025	Commenter supports extending the recreational red abalone fishery closure to April 1, 2036. Comment states desire for tribal rights to be considered before discussion of recreational fishing.	The Commission and Department recognize the significance of red abalone to California tribes and is committed to working with tribes and the public to develop a statewide red abalone restoration plan.
2	Steve Rebuck, Email, September 29, 2025	The Commenter expresses distrust and anger towards the Department and Commission, alleging they have intentionally mismanaged the abalone resource, violated rights, and engaged in scientific bias by blaming the decline of abalone on factors other than sea otters and pollution. Commenter states that if adopted, the proposed regulations will deny him rights granted by Article 1 Section 25 of the California Constitution and traditional history.	<p>The current rulemaking proposal aims to extend the closure for an additional ten years to allow time for the fishery to recover. While the reasons for the decline of abalone could be attributed to multiple factors, the Commission will evaluate when data shows improvement to the red abalone population at a scale large enough to support a fishery.</p> <p>The Commission respects the right of the people to fish as articulated in Article 1, Section 25 of the Constitution of the State of California. This right is expressly conditioned on limits imposed by the legislature. California courts have recognized that this right is subject to reasonable limitations imposed by law. That would include the provisions such as section 5520 of Fish and Game Code directing the Commission to undertake management of abalone. The previous iteration of the Commission's abalone regulation in section Title 14, section 29.15 reasonably implemented that code section. The recently adopted amendment likewise is a reasonable implementation of the code section. Pursuant to Article III, Section 3.5 of the California Constitution, the Commission cannot disregard the direction of Fish and Game Code 5520</p>

Attachment 1

Public comment responses

#	Name, Affiliation, Format, Date	Public Comment	Response
3	Steve Rebeck, Email, September 30, 2025	Commenter forwarded a letter from another member of the public regarding sea otters and other marine mammal management issues. The original letter was not specifically addressed to the Commission.	This comment is outside the scope of this rulemaking. Sea otters live south of Marin County, which is outside the northern recreational red abalone fishing grounds. Additionally, marine mammals and their management are not the subject of this rulemaking.
4	Matt Bond, All Waters, Oral Comment, October 9, 2025	Called for coastal community involvement in long-term management.	The Department will be developing a statewide abalone restoration plan by working with tribes, recreational and commercial fishermen, interested members of the public, and coastal communities and will keep the Commission and public informed of this planning process as it gets underway.
5	Anupa Asokan, Fish On, Oral Comment, October 9, 2025	Requested that the tribal significance of red abalone be considered before any general recreational take is authorized. Expressed support for the proposed 10-year closure and reminded the Commission that the 10-year closure represents a compromise reached by the Marine Resources Committee, from an original proposal of a moratorium with no end date, to ensure the population has sufficient time to recover before any reopening is considered. Stated that the red abalone decline is a coast-wide, ecosystem-level issue. While acknowledging that there are small pockets of recovery the commenter requested that the Commission focus on the larger population-level trends and ensure the population is healthy before revisiting the discussion of reopening the fishery.	The Commission and Department recognize the significance of red abalone to California tribes and is committed to working with tribes and the public to develop a statewide red abalone restoration plan. The Commission and Department acknowledge the observation of localized pockets of abalone and is committed to using the best available science to ensure that the population is healthy enough to support a fishery before reopening. The Department will work with tribes, NGOs, recreational and commercial fishermen, and the public to develop population monitoring as a part of the Red Abalone Restoration Planning process.

Attachment 1

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6	Jack Likins, Oral Comment, October 9, 2025	Requested the Commission reduce the moratorium to two or five years and begin the restoration plan as soon as possible. Shared his concern that ten years will result in a loss of inertia (staff retirements, fishermen aging out, delays in urchin removals, etc.) for management activities and stakeholder engagement.	The 10-year extension of the sunset date does not preclude the Commission from reopening the fishery sooner if red abalone stocks recover before the sunset date expires. The Commission has publicly stated its intent to have regular updates from the Department on the status of the red abalone population, with a formal update after five years, and if the fishery can be opened sooner than ten years, as currently proposed in the regulation, then the Commission will evaluate that opportunity when data shows improvement to the red abalone population at a scale large enough to support a fishery. The Department acknowledges concerns about maintaining stakeholder engagement and will continue working with tribes, recreational and commercial users, and other interested parties during the closure period.
7	Chris Voss, Oral Comment, October 9, 2025	Endorsed Jack Likins' comments and believes that recovery can happen in less than ten years.	See response to comment 6.
8	Jack Likins, Email, October 10, 2025	Commenter criticized Commissioner comments regarding sea otters and abalone.	See response to comment 3.
9	Steve Rebuck, Email, October 14, 2025	Commenter states that sea otters do not enhance kelp in California.	See response to comment 3.

Attachment 1

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#	Name, Affiliation, Format, Date	Public Comment	Response
10	Steve Rebeck, Email, October 15, 2025	Commenter criticized Commissioner comments regarding sea otters at the October 9, 2025 Commission meeting. Criticized the lack of discussion regarding abundance of red abalone at San Miguel Island.	See response to comment 3.

Attachment 1

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Department and Commission responses to comments received during the Public Notice period between October 16 through the Adoption Hearing December 11, 2025

Comments are paraphrased for succinctness.

#	Name, Affiliation, Format, Date	Public Comment	Response
11	John Cottingham, Email, November 21, 2025	We protect what we value. Closing the season for another 10 years will lose to time forever abs best advocates. Few value abalone and their environments more than ab free divers. Keep a modified season open – limits and time – and keep the resources best caregivers engaged. DFG can find a balance.	The Commission and Department value the advocacy and engagement of abalone divers. The extension of the closure is necessary until kelp forests on the north coast show significant recovery. The Commission and Department are committed to reopening the fishery as soon as the abalone population increases and environmental indicators show the ecosystem has recovered enough to support a sustainable harvest.
12	Steve Rebeck, Email, November 25, 2025	Commenter proposes reinstating the commercial abalone fishery in Southern California as occurred prior to 1997.	This comment is outside the scope of this rulemaking. The rulemaking applies only to the recreational red abalone fishery in northern California.
13	Katie O'Donnell, Wildcoast, Email, December 4, 2025	Comment in support of the proposed 10-year extension of the sunset date.	Support noted.
14	Fish On, (representing 23 recreational anglers and spearfishers) Email, December 5,	Comment in support of the proposed 10-year extension of the sunset date. Comment requests that tribal take should be considered before recreational fishing.	Support noted. See response to comment 1.

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#	Name, Affiliation, Format, Date	Public Comment	Response
	2025		
15	Jack Likins, Email, December 5, 2025	Comment requests that the final motion on the extension of the sunset date include a requirement for annual fishery status reports by the Department and increased monitoring of red abalone status.	While the final motion did not include a requirement for status updates, the Department will share updates on the status of red abalone throughout the closure at the Commission's request. The Department is committed to working with California tribes and the public to develop a statewide red abalone restoration plan and monitoring the population status will be a focus of the plan. The Department will also share updates with the Commission if there are significant changes to the status of red abalone.
16	Jacinthe Messier, Paskenta Band, Oral Comment December 11, 2025	Commenter related the importance of abalone to all California Tribes, not just on the coast, but also on the interior, with a history of tribal exchange. Expressed congratulations on the use of the term sunset, and requested that more information be shared on the status of the species throughout the ten year closure.	The Commission and Department recognize the significance of red abalone to California tribes and is committed to working with tribes and the public to develop a statewide red abalone restoration plan. The Department will share updates on the status of red abalone throughout the closure at the Commission's request.
17	Paul Weakland, Oral Comment, December 11, 2025	Commenter mentioned significance of abalone in his life. Accused the Commission of prioritizing abalone aquaculture over the recreational fishery over the last 30 years, and accused the Department of not doing enough to stop poaching.	The wild red abalone population has suffered a series of negative constraints due to environmental factors that led the Commission to keep the fishery closed. The Commission does not prioritize one sector over another and uses science based decisions to ensure fisheries are sustainable. At this time, the recreational red abalone fishery does not have a healthy enough population or environment to support a healthy population to ensure a sustainable fishery. Department law enforcement officers are working constantly to stop poaching across California.
18	Dakota Perez, Oral Comment, December 11, 2025	Commenter stressed the cultural importance of abalone for California Native American Tribes. Expressed support for the ten year extension of the closure, more pressure and efforts to prevent poaching, and a five year status review of the species.	Support noted. The Department will share updates on the status of red abalone throughout the closure at the Commission's request. See also response to comment 17 above.

Attachment 1

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19	Keith Rootseart, Giant Giant Kelp Project, Oral Comment, December 11, 2025	Commenter expressed concern about how many people don't read or understand the regulations, and rely on social media interpretations to understand them. He cited a post he made to an abalone social media group. He recommended removing section 29.15 subsections b-k, rules relating to the fishery to make the closure more clear. Keeping such language can cause confusion and problems for law enforcement to keep superfluous language.	The regulations retain subsections to preserve regulatory clarity and continuity during the temporary closure period. Because the regulations contain a sunset date, maintaining the existing structure allows for a smoother transition should any fishery be reopened before the sunset date. Additionally, the Department will provide educational outreach and enforcement guidance to ensure the public clearly understands the closure, the duration, and its implications.
20	Kasper Kazazian, California Surf Fishing, Oral Comment, December 11, 2025	Commenter expressed support for the closure extension and expressed hope for recovery and future reopening.	Support noted.
21	Zoe Collins, Heal the Bay, Oral Comment, December 11, 2025	Expressed support for the extension of the closure and for taking a precautionary approach that relies on the best available science.	Support noted.
22	Anupa Asokan, Fish On, Oral Comment, December 11, 2025	Expressed continued support for extension of the closure and support for consideration of tribal take before recreational take is considered. Responds to other comments on the extension of the closure - ten years was a compromise in lieu of a full moratorium on the fishery. Reiterates that a fishery will not be allowed if the abalone won't have the chance to recover.	Support noted. See also response to comment 1 above.

Attachment 1

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#	Name, Affiliation, Format, Date	Public Comment	Response
23	Lucas Gala, student at Scripps Institution of Oceanography, Oral Comment, December 11, 2025	Ecological thresholds for sustainable fishery still not met, given the collapse of kelp. Data from 2014-2016 heat wave showed drastic bull kelp canopy decline, the expansion of purple sea urchin population continues to suppress kelp recovery, and the main predator of urchins has declined across its range. Reopening the fishery would put major pressure on abalone which has gone through a major shift. Mentions cultural significance of the species and that the fishery is not ready to be open. Support for the closure.	Support noted.
24	Chris Voss, Oral Comment, December 11, 2025	Expressed support for reopening the fishery now in a way that does not impact recovery. Support for a de minimis fishery to give information about the stock. Ten year closure is way too long, appreciates regular reports to the Commission about the status of the species.	See response to comment 11.
25	Jack Likins, Oral Comment, December 11, 2025	Asked the Commission to require updates on the status of the fishery at least once per year. Department's abalone restoration plan includes gathering and summarizing outside entity data – Reef Check, PISCO, academic, NGOs, tribal data available for this that is underutilized. Support for using data from additional sources to assess the stock. Asked for more data collection in the intertidal zone and in Humboldt and Del Norte counties.	The Department agrees that external data sources such as Reef Check, PISCO, and tribal monitoring are valuable and will be considered during restoration planning. Also see response to comment 15.