

Staff Summary for December 10-11, 2025

22. Recreational Red Abalone Closure Extension**Today's Item**Information Action

Consider adopting 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 Resources 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 |
| • Discussion hearing | October 8-9, 2025 |
| • Today's adoption hearing | December 10-11, 2025 |

Background

At its August 13-14, 2025 meeting, the Commission authorized publication of a notice of intent to amend Section 29.15 to extend the current temporary closure of the recreational red abalone closure fishery. The proposed amendment would extend the fishery closure until April 1, 2036, and clarify that the closure preempts any harvest opportunities otherwise described in Section 29.15. Additional background on the proposed amendments is provided 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), and a discussion hearing was held in October 2025.

Update

For today's hearing, the Department summarized comments received during the notice period and provided recommended responses (Exhibit 5), and recommends no changes to the proposed amendments as noticed. Today, the Commission may consider adopting the proposed regulations.

Significant Public Comments

1. A commenter suggests a modified open season to allow abalone free divers to remain engaged with the fishery and its stewardship (Exhibit 6).

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2. A commenter opposes any ongoing closure of the abalone fishery and expresses dissatisfaction with recent fishery management decisions and supporting data (Exhibit 7).

Recommendation

Commission staff: Adopt the proposed regulatory amendments to extend the temporary red abalone recreational fishery closure in northern California until April 1, 2036 as recommended by MRC and the Department.

Committee: Extend the temporary red abalone recreational fishery closure in northern California until April 1, 2036.

Department: Adopt the proposed regulatory amendments to extend the temporary red abalone recreational fishery closure in northern California until April 1, 2036, as detailed in the ISOR and proposed regulatory language.

Exhibits

1. [Staff summary for Agenda Item 21, August 2025 Commission meeting \(for background purposes only\)](#)
2. [ISOR](#)
3. [Proposed regulatory language](#)
4. [Economic and fiscal impact analysis \(STD. 399\)](#)
5. [Department memo, including summary of and recommended responses to public comments, received November 21, 2025](#)
6. [Email from John Cottingham, received November 21, 2025](#)
7. [Email from Steve Rebuck, received November 25, 2025](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the proposed amendments to Section 29.15 related to the recreational red abalone fishery.

Staff Summary for August 13-14, 2025
 (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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(For background purposes only)

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

Staff Summary for August 13-14, 2025
(*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.

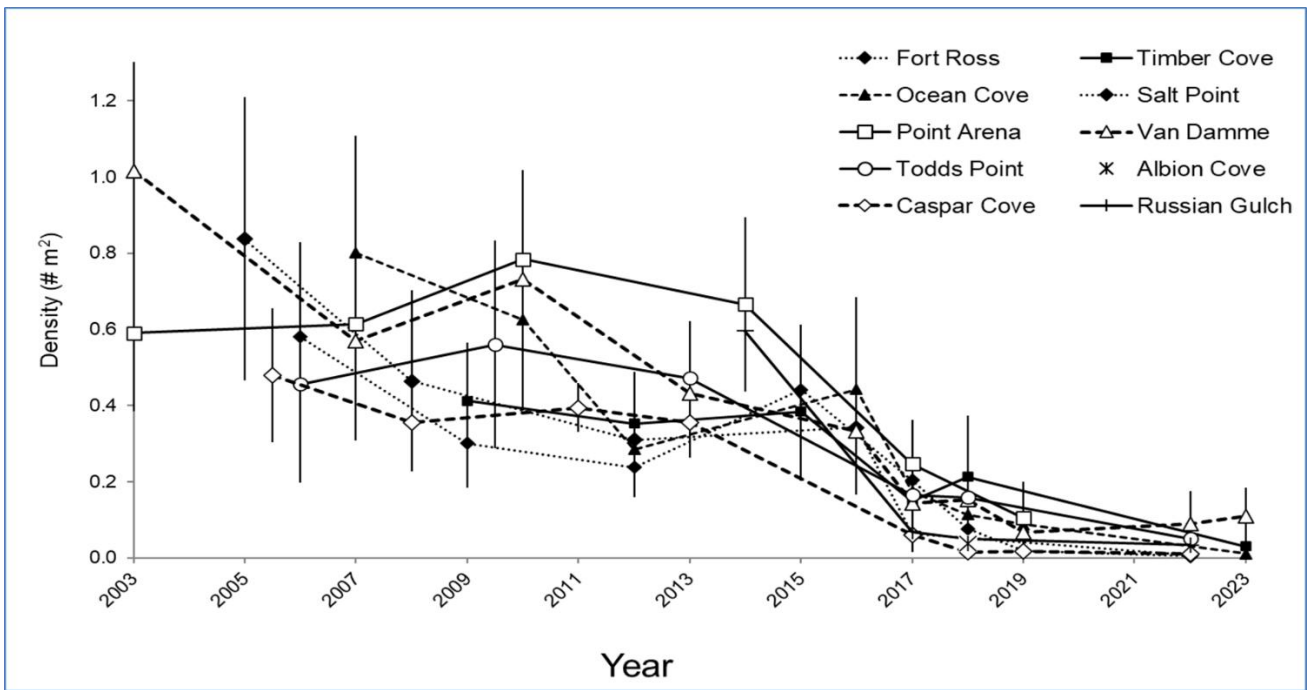


Figure 1: The decline in red abalone density at ten survey sites along the northern California coast from 2003 to 2023, with error bars indicating standard error. Data Source: CDFW, 2025

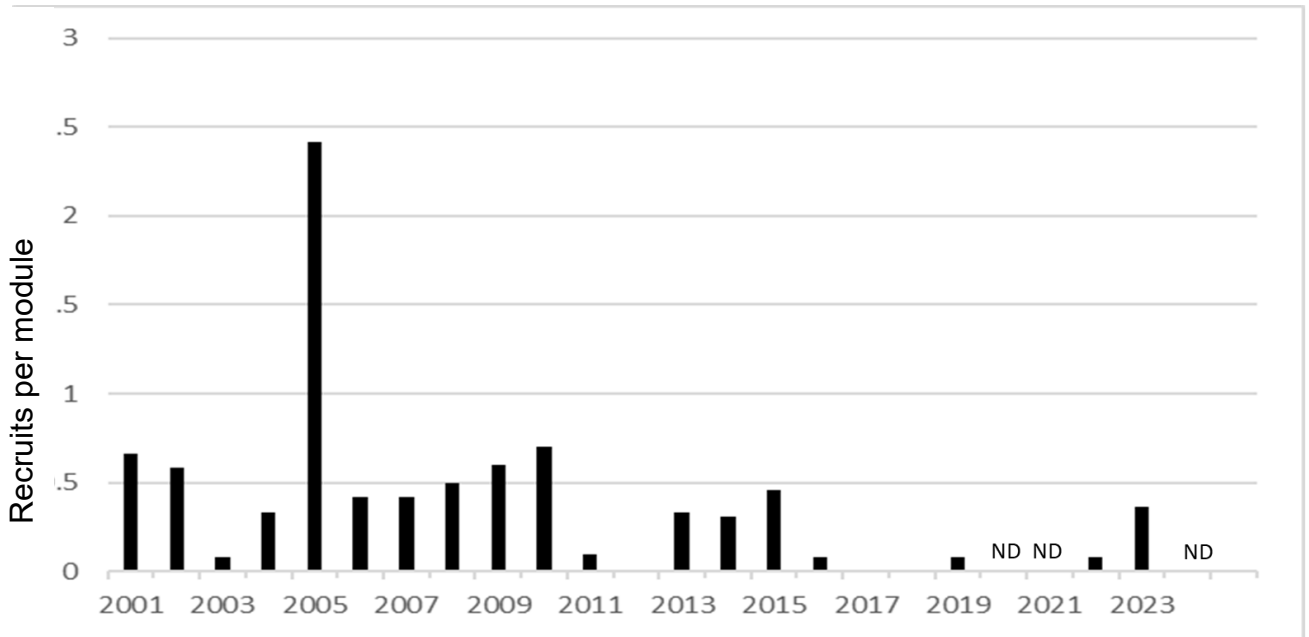


Figure 2. The number of red abalone recruits per module (y axis) in northern California by year (x axis), from 2001 to 2024; "ND" indicates years in which no data was collected. Data Source: CDFW, 2025.

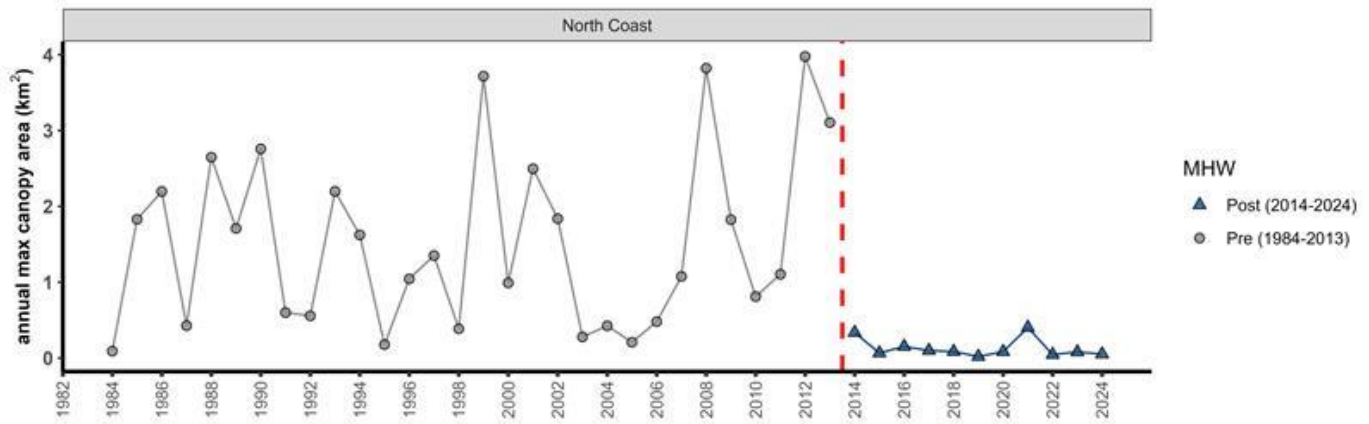


Figure 3. The annual maximum kelp area observed using satellite imagery, from Marin County to the Oregon border from 1984 to 2024, dotted line indicates the start of marine heat wave. Data source: Santa Barbara Coastal LTER et al. 2025.

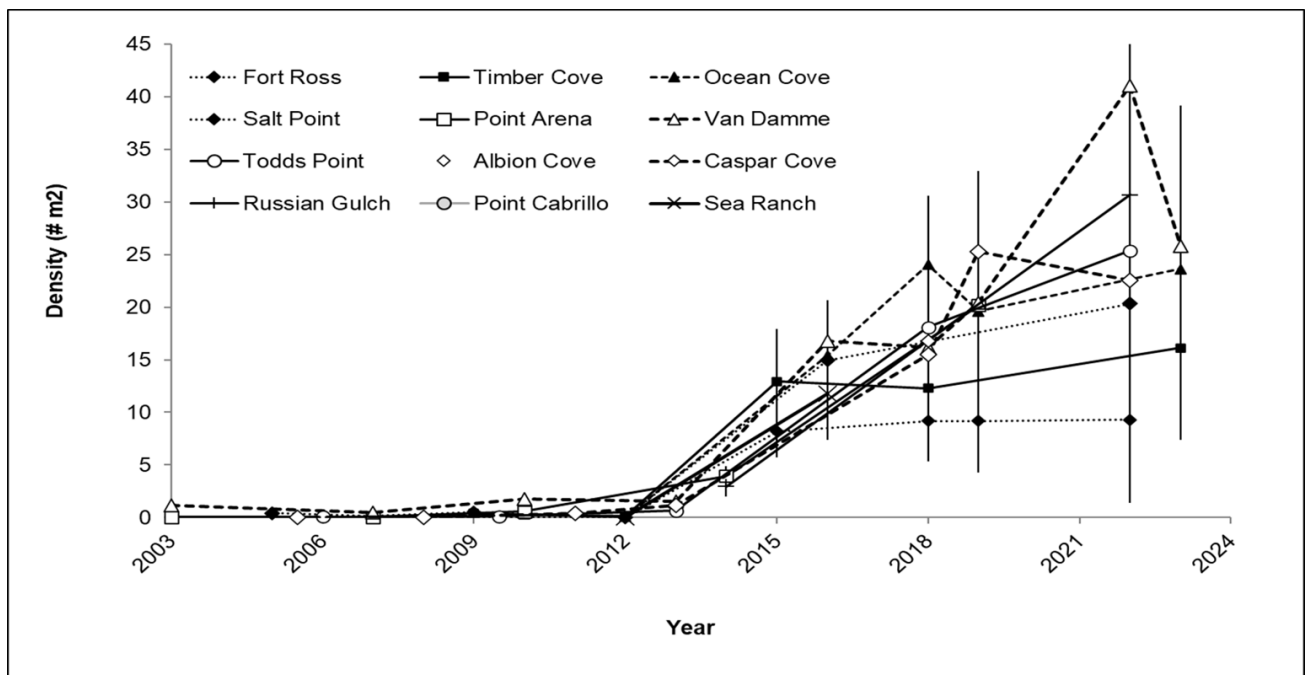


Figure 4. Purple sea urchin (*Strongylocentrotus purpuratus*) density in number of urchins per meter squared, across 12 sites on the north coast from 2003 to 2023. Data Source: CDFW, 2025

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 AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

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 estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

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

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

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

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

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

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

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.

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT

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

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

\$ _____

a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

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

\$ _____

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

a. Implements the Federal mandate contained in _____

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

Case of: _____ vs. _____

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

Date of Election: _____

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

Local entity(s) affected: _____

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

Authorized by Section: _____ of the _____ Code;

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

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

3. Annual Savings. (approximate)

\$ _____

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

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

6. Other. Explain _____

FISCAL IMPACT STATEMENT (CONTINUED)

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

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

\$ _____

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

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

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain _____

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

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

\$ _____

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

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DocuSigned by:

Dan Reagan

6558B761E2D347D...

DATE

9/19/2025

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

AGENCY SECRETARY

Melissa A. Miller-Hewson Bryan Cash

9/19/2025

DATE

9/16/2025

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE

STD. 399 Addendum
Amend 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.

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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.

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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

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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

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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.

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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.

Memorandum

Date: November 19, 2025

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

From: Charlton H. Bonham
Director

Subject: **Submission of Memo in lieu of Pre-Adoption Statement for the December 11-12, 2025 California Fish and Game Commission Meeting to Amend Section 29.15, Title 14, California Code of Regulations, re: Recreational Red Abalone**

The California Department of Fish and Wildlife (Department) has prepared this memo to provide an update to the California Fish and Game Commission regarding the potential adoption of the proposal to amend section 29.15, Title 14, California Code of Regulations regarding the recreational take of red abalone.

Public comments received between September 16, 2025 and October 15, 2025 are summarized, and responses are provided in Attachment 1.

There have been no amendments to the regulatory text or additional information gathered for this rulemaking. The Department does not recommend changes to the proposed rulemaking.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov. The Department point of contact for this rulemaking is Environmental Scientist, Doyle Coyne, who can be contacted via email at abalone@wildlife.ca.gov.

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

ec: **California Department of Fish and Wildlife**

Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env., Region Manager
Marine Region

Melissa Miller-Henson, Executive Director
Fish and Game Commission
November 19, 2025
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Attachment 1 – 29.15 Recreational Red Abalone Responses to Public Comments

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	Commission and Department 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.	Comment noted. 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.	This comment is outside the scope of this rulemaking. 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.
3	Steve Rebuck, 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 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.

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#	Name, Affiliation, Format, Date	Public Comment	Commission and Department Response
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 Native American 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 are committed to using the best available science to ensure that the population is healthy enough to support a fishery before reopening. The Commission and Department will work with tribes, NGOs, and the public to develop population monitoring as a part of the Red Abalone Restoration Planning process.
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. Commenter 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 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.
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.

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#	Name, Affiliation, Format, Date	Public Comment	Commission and Department Response
9	Steve Rebeck, Email, October 14, 2025	Commenter states that sea otters do not enhance kelp in California.	See response to comment 3.
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.

Abalone closure

From John Cottingham [REDACTED]
Date Fri 11/21/2025 04:28 PM
To FGC <FGC@fgc.ca.gov>

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 environment 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.

Fw: Permits Draft 3

From Steve Rebuck [REDACTED]
Date Tue 11/25/2025 07:58 PM
To FGC <FGC@fgc.ca.gov>

----- Forwarded Message -----

From: Steve Rebuck [REDACTED]
To: Melissa Miller-Henson F&G Commission [REDACTED]
Cc: Susan Ashcraft [REDACTED]
Sent: Tuesday, November 25, 2025 at 01:21:02 PM PST
Subject: Permits Draft 3

Ms. Melissa Miller-Henson
Executive Director
California Fish and Game Commission
715 P St. 16 Floor
Sacramento, Ca 95814
November 25, 2025

RE: December 9, 2025 Meeting, Abalone Agenda Item, For the Record

Proposal:

Restoration of the Commercial Abalone Fishery, south of San Francisco, as occurred prior to May 1997

Rationale:

The surviving commercial abalone divers from the 1997 season, Petition the California Fish and Game Commission (Commission) to:

- 1) Eliminate the Indefinite Moratorium which now exists
- 2) Allow the surviving commercial abalone divers to fish the balance of their 1997 season under existing regulations of 1997.
- 3) Department was clearly punitive, blaming commercial fishermen for failed management regimes they did not create.
- 4) Department biologists intentionally falsified data in order to disparage the commercial divers.

There were 101 commercial abalone divers in 1997 (CDFG data). Several of these divers purchased Commercial Abalone Diving Permits for a nine month season. The Indefinite Moratorium limited their season in 1997 to just under three months. This leaves a remaining 6 months of the 1997 season which they paid for but they were prohibited from fishing.

A Commercial Fishing License is a contract between the State of California and the party involved. Clearly, the commercial divers did not get what they paid for, We respectfully request this injustice be resolved by allowing these men to complete their purchased season.

Justification:

In 1990, the Department allowed Commercial Abalone Dive Permits to transfer, therefore collateralizing them. A new diver entering the fishery was required to purchase two permits and retire one. The price for these permits was generally \$10,000. to \$20,000. each. Most felt they did not recoup their investments. (SR.Pers. Comm. 2025).

Several of these divers were recently contacted. Six responded.

:

Diver 1 (DT): 1995. 2 Permits at \$10,000. each. Boat, \$50,000.

Diver 2 (GC): 1995. 1 Permit \$10,000. 2nd Permit \$11,000. Boat \$20,000. replacement engine, 3,000. Total: \$44,000.

Diver 3 (BP): 2 Permits, \$10,000. each, Walk-on no boat, 20% to boat owner. Total: \$20,000.

Diver 4 (BF): 1993, 1 Permit at \$12,500. 2nd Permit \$15,000. Boat \$15,000. Trailer \$3000. Truck (1989 Dodge diesel) \$9,000. Dive Gear \$5000. Total \$59,000.

Diver 5 (RK) 1993. 1 Permit \$14,000. 2nd Permit \$13,000. New Radon boat \$85,000. Total \$112,000.

Diver 6 (EP) 199?. 2 Permits \$10,000. each Boat \$70,000. Processing shop, building, tools \$100,000. Total \$190,000.

MISMANAGEMENT AND MISINFORMATION FROM THE DEPARTMENT.

Department abalone biologist Kon Karpov was quoted in a newspaper (San Francisco Chronicle October 15, 1990) claiming all abalone landed in southern California were coming from northern California and were poached by dual permit abalone/sea urchin permit holders. Karpov claimed these abalone were transferred using commercial abalone boats. Dive boat fuel use is one mile per gallon of fuel. In addition, abalone being out of water and on a boat for multiple days would render them unmarketable. This had the affect of alarming the northern California sport diving community who rallied against the commercial divers and pushed closure of the commercial fishery only beginning 1995.

Karpov quotes:

"I don't think collapse is too strong a word to describe the abalone situation in southern California. From the 30's through the early 70's, over 2 million pounds of abalone were landed at the docks annually. But, in the late 70s, that figure had dropped to almost zero." Karpov does not mention the role of the sea otter between Monterey to Morro Bay, nor the Burge data (1974-1975) cited below which found significant bar-cut mortality in the recreational fishery, equal to the annual recreational harvest SF. (Chronicle, October 15, 1990)..

Department biologist and abalone specialist, Peter Haaker testified to the Commission in 1997 that red abalone were showing signs of "altered sex ratios." Haaker sent emails to recreational divers and elsewhere, claiming red abalone sex ratios were skewed, twenty five females to one male. This alarmed the Commission and led to them voting for closure. A couple months later, Haaker had to retract his misinformation where he had used draft data.

Another biologist, Gary Davis of the National Park Service (NPS) was also quoted in a newspaper article concerning the status of abalone and advocating for closure. (Simi Valley Daily News, August 21, 1994).

2025: Department Invertebrate Manager, Ms. Joanna Grebel presented a slideshow to the Commission Marine Resources Subcommittee (MRC) March 13, 2025. Ms. Grebel misrepresented the historic facts of the commercial abalone fishery in her slideshow by putting all blame for the decline of the abalone fishery solely on the commercial component of the fishery. This is not factually or historically correct. Ms. Grebel omitted numerous published studies by the Department which demonstrate sea otters had the biggest impact on the red abalone fishery, not human use. Published studies by: Fisher, 1939; Cox, 1962; Ebert, 1968 a&b; Wild and Ames, 1972; Miller, 1976, 1980; Gotshall, 1984; Wendell, 1994; et al.

Also omitted was studies by Burge (1974, 1975) which demonstrated bar-cut mortality in the recreational fishery was producing nearly 100% bar cuts. High grading (returning a small abalone for a larger one), replacing shorts, added to mortality. Although sport landing data is not published, one Department publication, "California's Living Marine Resources", CDFG, 1971, reported annual southern California harvest by sportsmen at 3 to 4 million pounds. Including the Burge data (never published) one can conclude sport take of 6-8 million pounds during these years. Commercial harvest at this time was approximately 2,500,000. pounds. One can easily conclude why commercial landings dropped off during the 1970s-80s. The only regulatory change we can identify during this period, was the Department banned screwdrivers as a harvest tool.

Despite knowledge indicating significant problems in the 1970s, the Department initiated a "Minimum Landing Requirement" (MLR) in 1976. Each Abalone Permit holder was required to harvest 10,000 pounds annually to keep their permit. The objective was to reduce Abalone Dive Permits. Results:

	Permits	Minimum Landing requirement	Actual Landings
1976	392	3,920,000	1,730,111
1977	397	3,970,000	1,434,305
1978	272	2,720,000	1,292,517
1979	198	1,980,000	989,124

Minimum Landing requirement was twice actual landings. Later, the MLR was reduced, but continued.

In addition, Ms. Grebel did not include the loss of abalone fishing at San Nicolas Island. The Department, Commission and California Coastal Commission (CCC) supported the sea otter translocation to SNI in beginning 1986. The Department published a report in 1991 reporting commercial red abalone landings of red abalone were 41% of the total landings in 1987. This percentage slipped to 30% in 1988, 12% in 1989 and 3% in 1990 (DFG Published Data, 1991). This led to "Fishery Compaction" (all divers fishing smaller areas) which occurred at other islands. This was soon followed by Department claims of "over-fishing" by the commercial men.

This misinformation was demonstrated by Commission President, Erika Zaveretta, October 9, 2005, who made statements about sea otters consuming urchins, enhancing kelp and therefore enhancing abalone, a total incorrect conclusion. Why Ms. Grebel, representing the Department, was so disparaging of the commercial divers and misleading of published facts is unknown, other than intentional deception. This likely the source of Commission president Zaveretta's incorrect conclusions.

In 2014, the Department began a new Plan, the Red abalone Recovery Plan (RARP 1). This Plan was scrapped and replaced with the Red Abalone Restoration Plan (RARP 2). RARP 2 has been promoted and cited in numerous Commission/MRC Staff monthly reports. Unfortunately, this Plan has not been drafted and/or vetted. It simply does not exist at this juncture. The ARMP of 2005 is law and includes Regulations. The Commission.MRC agenda has been pushing to continue the Indefinite Moratorium going for another 10 years. ARMC Regulation, S 219 ((b) allows changes limited to 12 months, not 10 years. The Commission/MRC may be in violation of other Regulations by not following the ARMC.

Several commercial abalone divers have recently submitted claims for their lost income from what is considered an "Illegal Indefinite Moratorium" and a "Taking" of their business. Using State of California Government Claim DOS ORIM 006 (Rev09/19) Department of General Services Office of Risk and Insurance Management. At least nine divers have submitted financial loss Claims totaling \$12,500,000.

CONCLUSION

It is irresponsible and disrespectful for the California Department of Fish and Wildlife and the California Fish and Game Commission to continue this deception and fraud on the working citizens of California.

For these reasons and others, the California Fish and Game Commission must consider reopening the abalone fishery immediately.

Respectfully Submitted,

Steven L. Rebuck
Agent
25 Abalone Divers

[REDACTED]
[REDACTED]