

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 120.7  
Title 14, California Code of Regulations  
Re: Commercial Sea Urchin Fishing

- I. Date of Initial Statement of Reasons: December 30, 2015
- II. Date of Final Statement of Reasons: May 2, 2016
- III. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: February 10, 2016  
Location: Sacramento
  - (b) Discussion/Adoption Hearing Date: April 13, 2016  
Location: Santa Rosa

IV. Update:

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

At its April 13, 2016, meeting in Santa Rosa the Commission adopted the regulations as originally proposed.

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

Oral testimony at the April 13, 2016, Commission meeting. Paul Weakland:  
What is the capacity goal that you are going to adopt today?

Response: The proposal is not intended to change the capacity goal but to specify that no new permits shall be available when the number of renewed permits is equal to or greater than 300.

Why one more day of fishing in the south? Regulations should be statewide.

Response: Fishing opportunity is not in the scope of this regulatory package.

No other public comments, written or oral, were received during the public comment period.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Wildlife  
1416 Ninth Street  
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

Provide for transferability of sea urchin diving permits. This alternative was considered and rejected because the qualifying criteria for receiving a transferable permit are more appropriate to consider through development of a fishery management plan and after the permit capacity has reached a stable and desirable level.

(b) No Change Alternative:

The no change alternative would keep the existing regulations in place. The schedule for counting total permit renewals and determining if new permits will be made available would remain April 1 to July 31, before the total number of renewed permits in the permit year is known. This "lottery loophole" would continue to result in issuance of new permits above the capacity goal.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is

proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

IX. 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 because the proposed action will not increase costs or reduce harvest quotas. These actions are intended to align the number of permits issued with the existing fishery permit sales restrictions which should increase the average catch per unit of effort and ensure the long-term sustainability of the fishery.

(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:

No impacts on the creation or elimination of jobs within the state, the creation of new businesses, the elimination of existing businesses or the expansion of businesses are anticipated because the proposed action will not increase costs or reduce harvest quotas. These actions are intended to align the number of permits issued with the existing fishery permit sales restrictions which should increase the average catch per unit of effort and ensure the long-term sustainability of the fishery. The Commission does not anticipate any benefits to the health and welfare of California residents or worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:  
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (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

State law (Section 9054, Fish and Game Code) authorizes the Commission to set the conditions for issuance of commercial sea urchin diving permits, and to limit the number of permits that may be issued when necessary to prevent overutilization or to ensure efficient and economic operation of the fishery on a statewide basis or within selected geographical areas.

Proposed changes to regulations:

- Subsection 120.7(d)(2), Title 14, CCR, currently provides for new sea urchin diving permits to be issued annually, dependent on whether the number of renewed permits from the prior year is less than or greater than the capacity goal of 300. The proposed amendments to the regulation would ensure that if any new permits are added, the capacity goal of 300 permits will not be exceeded. All qualified diving permits from the previous year are eligible to be renewed.
- Existing regulations (subsection 120.7(m), Title 14, CCR) require that each permittee shall record daily fishing activity records on a logbook provided by the Department, and specifies to which office the completed daily records shall be sent based on the location of fishing activity. The proposed regulation would add a cross-reference to Section 190, Title 14, CCR, regarding fishing activity records, and would delete the location of Department offices where fishing activity records shall be sent, since this information is already specified on the logbook forms.

The proposed regulatory action will benefit fishermen, processors, and the State's economy in the form of a healthy sustainable fishery, and future harvestable sea urchin populations.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game 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 the commercial take of sea urchins (Sections 9054 and 9055, Fish and Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Commission has searched the California Code of Regulations and finds no other State agency regulations pertaining to the commercial take of sea urchins.

**There have been no changes in applicable laws or to the effect of the proposed**

**regulations from the laws and effects described in the Notice of Proposed Action.**

**The Commission adopted the proposed amendments at the April 13, 2016 Commission meeting.**