



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Secretary of Commerce**  
Washington, D.C. 20230

September 24, 2018

The Honorable Edmund G. Brown, Jr.  
Governor of California  
Sacramento, CA 96814

Dear Governor Brown:

Thank you for your letter requesting a determination of a commercial fishery failure due to a fishery resource disaster. Your request relates to the impacts to the 2016 red sea urchin fishery in California as a result of warm ocean water that caused a decline in kelp, the primary food source for red sea urchins.

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) evaluated whether a commercial fishery failure occurred due to a fisheries resource disaster. After reviewing the information for the 2016 California red sea urchin fishery provided in the Pacific States Marine Fisheries Commission database, I have found that the request meets the criteria for a fishery disaster and allowable cause, but not the criteria for a positive determination of a commercial fishery failure under Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. The request also did not meet the criteria for harm under Section 308(d) of the Interjurisdictional Fisheries Act.

The recent five-year average revenue (2011-2015) from the California red sea urchin fishery was \$8,538,815. In 2016, California red sea urchin fishery revenues were \$7,255,593, which is a 15% revenue loss as compared with the previous five-year average. Compared to the previous five-year average, this percentage loss in revenue is substantially lower than the 35% revenue loss minimum called for in the NMFS Policy Guidance to justify a determination of a commercial fishery failure, serious disruption, or harm.

If you have any further questions, please contact Michael Platt, Jr., Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,

Wilbur Ross