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Fish and Game Commission



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MARINE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Rogers and Commissioner Sutton

Meeting Summary

March 4, 2015, 12:30 p.m.
Marina Public Library
190 Seaside Circle, Marina, CA 93933

Following is a summary of the meeting as prepared by staff.

Introductions

The meeting was called to order at 12:30 p.m. by Commissioner Sutton, who introduced Commissioner Rogers, Fish and Game Commission (FGC) staff, and California Department of Fish and Wildlife (CDFW) staff.

Commission Staff

Sonke Mastrup	Executive Director
Susan Ashcraft	Marine Advisor
Mary Brittain	Administrative Assistant

CDFW Staff

David Bess	Deputy Director and Chief, Law Enforcement Division
Craig Shuman	Regional Manager, Marine Region
Bob Puccinelli	Captain, Law Enforcement Division
Tom Barnes	Program Manager, State Managed Fisheries, Marine Region
Ian Taniguchi	Senior Environmental Scientist, Marine Region

Susan Ashcraft outlined meeting procedures and guidelines for participating in Committee discussions, noting that the Committee is a non-decision making body that provides recommendations to FGC on marine items. She reminded participants that the meeting was being audio-recorded for posting to the website with a meeting summary prepared by staff.

1. Public forum

Public comment was received.

A commenter from Marina Del Rey Anglers expressed concern over declines in local California halibut catch trends in Santa Monica Bay, as reflected in data collected from its annual California halibut derby, and recommended potential actions to CDFW.

A commenter from Heal the Bay announced that it will conduct pier angler outreach in Santa Monica Bay as part of a “Shark Ambassadors” program resulting from the 2014 shark-swimmer incident off Santa Monica Pier. Heal the Bay has received funding to support stakeholder meetings to vet issues and develop regulatory or management proposals, which may support FGC’s current Pier and Jetty Project. FGC staff will contact Heal the Bay to coordinate.

2. Agency updates

California Ocean Protection Council (OPC)

Jacki Meyer, staff to OPC on rotational assignment from the National Marine Fisheries Service, provided an update on recent and upcoming activities of OPC. Activities include plans for a lessons learned project to evaluate OPC’s approach to funding projects, additional agencies have signed on to the Marine Life Protection Act Implementation Memorandum of Understanding, and a recent workshop of OPC’s Science Advisory Team titled “Readying California’s Fisheries for Climate Change,” in which both Sonke Mastrup and Craig Shuman participated.

CDFW

Marine Region: Craig Shuman provided an overview of proposed changes that will be included in a marine protected area (MPA) regulations package scheduled to go to notice in August. CDFW will present an overview of the regulation proposal at the April FGC meeting. Progress is being made on the Marine Region Strategic Workplan, including a comprehensive update to *The Master Plan: A Guide for the Development of Fishery Management Plans*. He underscored CDFW’s preference for putting new fisheries management efforts on hold until the master plan update is completed and resulting benefits can be applied.

Law Enforcement Division: Bob Puccinelli detailed multiple enforcement actions on MPA citations, most notably from commercial fishery violations. He provided an update on an MPA “woblet” bill introduced in the legislature that would increase enforcement flexibility for recreational fishing violations in MPAs.

3. Update on Red Abalone Fishery Management Plan

Ian Taniguchi gave an update on progress to develop a red abalone fishery management plan (FMP), including a month-long, online, angler survey due to close March 6.

Public discussion: Commenters appreciated the opportunity to provide input through the angler survey. There was also support for CDFW’s pursuit of external scientific input and consideration of new ideas for management and survey methods.

Ongoing concern over the FMP focus on the recreational fishery in open areas was expressed by those who wish to include discussions of a potential future commercial fishery or opening recreational fishing in new areas. The Committee reinforced that FGC supports the approach to focus on the existing fishery and fished areas first. This focus needed to be prioritized in light of current management concerns. However, it is not at the exclusion of input on the

commercial fishery or expanding recreational fishing.

Public comment included a discussion about reflecting in the FMP the prospective role of citizen science in abalone fisheries management; the importance of persistent and rigorous sampling regimes was emphasized to ensure results and data are credible. One angler proposed using the abalone card as an enhanced data source by adding data fields for anglers willing to contribute.

4. Update on Spiny Lobster Fishery Management Plan and possible endorsement of proposed implementing regulations

Tom Barnes and Bob Puccinelli gave a joint presentation to summarize the status of FMP process milestones, including release of a courtesy draft FMP and the scientific peer review underway, and a revised timeline for the FGC public process to adopt the FMP and implementing regulations. They reviewed each Lobster Advisory Committee (LAC) recommendation and any additional regulatory details developed through consultation between LAC fishery representatives and CDFW's Law Enforcement Division, as delegated by the LAC, and provided CDFW comments and recommendations.

Public discussion: Some LAC members in attendance expressed concern that only LAC consensus proposals were forwarded, rather than also forwarding "near-consensus" proposals for consideration. The MRC co-chairs recognized that the LAC agreed to advance full consensus recommendations, but encouraged CDFW to keep watching trends in the fishery that may warrant additional management measures in the future.

The proposed trap limit was discussed at length. Some commercial fishermen defended alternative proposals, including a proposal for higher trap limits to accommodate a qualifying subset of large operations and avoid economic detriment, and a proposal to allow non-transferable permits to convert to transferable under a lower trap limit tier (of 200 traps). Tom Barnes clarified the goals of the LAC that underpinned the trap limit and stacking recommendations.

Committee discussion: Following discussion, MRC emphasized the importance of properly honoring a robust committee process, such as that of LAC. The LAC process provided a robust opportunity to involve everyone and to consider the full range of perspectives, including accommodation of larger boats, which it addressed through the stacking provision. MRC formed a recommendation based on these considerations.

Committee Recommendation: MRC recommends that FGC endorse the LAC regulatory recommendations to implement the spiny lobster FMP in their entirety, along with CDFW-identified recommendations and additions.

5. Identify and discuss possible amendments to ocean sport fishing regulations for 2016 season (Sections 27.00, et al., Title 14, CCR)

Public comment was received concerning spotted bay bass size limits and a continued desire to re-open abalone fishing in closed areas. Craig Shuman stated that CDFW will not be advancing any ocean sport fishing regulation changes this year. However, the Committee reinforced that FGC can determine at any meeting to initiate a sport fishing regulation change.

6. Presentation by California Sportfishing League on enhancing participation in ocean sport fishing

George Osborn, representing California Sportfishing League (CSL), presented a verbal overview of proposed legislation, sponsored by CSL, related to sportfishing opportunities and consolidating commercial fishing authority under FGC. A package containing the draft bill language was provided. CSL has a legislative vehicle identified, and George Osborn believes that the bill will be sponsored soon. His request is for MRC to review the draft bill and make a recommendation to FGC to consider supporting the bill.

Committee discussion: The MRC co-chairs expressed a willingness to review the draft bill once it is formally introduced as proposed legislation. While FGC may be able to agree in concept with the proposal, the bill needs to be formally introduced before FGC could review and consider endorsing it.

7. Presentation and discussion of U.S. Fish and Wildlife Service request to consider special closures for seabird and marine mammal protection along the central coast

Gerry McChesney, U.S. Fish and Wildlife Service (USFWS), presented a proposal to consider special closures in the central California coast region on behalf of the Seabird Protection Network, a multi-agency interest group. He reviewed the purpose of special closures adopted by FGC within the north and north central California coast as part of the marine protected areas network, which is to provide long-term protection from humans at key seabird and marine mammal breeding locations. The central coast region is also important for breeding seabirds and marine mammals. He reviewed data evaluating the benefits derived from special closures in the north central coast, and data used to identify similar potential special closures in the central coast. The Seabird Protection Network has identified a short list of approximately nine locations it proposes for consideration.

Discussion focused on interest in the project, emphasis on data, and the importance of consulting with various stakeholders and agencies (e.g., fishermen, kayak shops, California Coastal Commission) to refine the proposal to address stakeholder interests and alleviate potential user conflicts, as done through work groups in other study regions. Given limitations on FGC and CDFW staff capacity to lead a stakeholder process, MRC advised the proponent to initiate a stakeholder workgroup effort to refine the proposal, and return with a refined proposal in 2016.

Committee Recommendation: MRC recommends that FGC accept the request to consider establishing special closures along the central coast, but requests the proponent work with stakeholders and agencies and return with a revised proposal for consideration in 2016.

8. Review of regulations for issuing experimental squid fishing permits under Section 149.3, Title 14, CCR

Susan Ashcraft presented a review of regulations and Market Squid FMP sections governing experimental squid fishing permits, which excluded initial issuance landings history criteria but did not exclude the permit application deadline in 2005. The deadline provision could be reconsidered through a review of the FMP pursuant to the Marine Life Management Act, and subsequent regulatory change. The required steps for an FMP review process and rulemaking are anticipated to take a minimum of 12 months. Susan Ashcraft reminded the Committee of several other requests for Market Squid FMP and regulation changes from squid fishery permit

holders over the past few years; these are anticipated to increase the complexity and timeline for an FMP review.

A robust discussion ensued in which diverse viewpoints were shared. Fishermen outside the limited entry (LE) fishery are seeing squid that have migrated out of their normal distribution show up in northern California port areas, but the fishermen cannot access the local resource. They believe that granting access for their small-scale operations would not have a negative economic impact on the squid seine fleet, but it would have a very immediate and urgently-needed positive economic impact to their local communities.

Fishermen within the LE fishery indicated that they were able to travel to Eureka to harvest squid, which did benefit the local communities. They recognized the concerns expressed by local fishermen, but as members of the squid fleet, they have experienced losses and investments over time for this fishery. Any changes made to existing LE fisheries to provide opportunities for new entrants (even to benefit fishing communities) will have implications and consequences for the LE permit holders. There are challenges in the existing fleet that need to be addressed before considering anything additional (e.g., vessels modified to hold significantly higher volumes than their capacity ratings indicate).

An environmental organization representative reminded the Committee that if the Market Squid FMP is opened for review, the organization has a strong interest in reviewing the FMP's restricted access components, adding climate change considerations, and applying the FGC policy on forage species; this scale of review is what the organization considers to be the expectation under the law.

Following public input, the Committee, staff, and CDFW discussed the requests, concerns, and context relative to other pressing management issues. The need for and appropriateness of an FMP review is not disputed. However, timing for an FMP review process needs to consider 1) complexity - likely to encompass a range of squid fishery issues raised before the most recent request; 2) staffing - staff capacity to commit to a review process is very limited; and 3) prior commitments and other competing priorities – such as revising the master plan for fisheries. If a squid FMP review is scheduled to follow completion of the master plan revision, the resulting benefits from that effort can be applied.

The discussion turned more broadly to the plight of fishing communities and a recognition of the challenges they face, including trying to adapt to conditions such as fishery declines and management structures developed at state and federal levels over the past two decades, increasingly variable ocean patterns related to climate change, and other features that may affect resilience of coastal communities. Nonetheless, these needs must be evaluated in an orderly and strategic manner. Is FGC's policy on restricted access still appropriate for these conditions, or might FGC consider a new vision statement that recognizes needs of fishing communities and moves away from consolidating fisheries? A review of the restricted access policy alongside the master plan for fisheries revision may serve to benefit discrete FMP reviews such as squid.

Committee recommendation: MRC did not advance a recommendation to initiate a review of the Market Squid FMP at this time.

9. California's fishing communities: Initial discussion of challenges and opportunities

A discussion of needs, challenges, and opportunities to support California's fishing communities began as part of the discussion under Agenda Item 8. However, due to meeting facility time constraints, the staff presentation prepared for this item was not given. Staff recommended continuing this agenda item to the July 2015 MRC meeting.

10. Update on topics previously before the Committee

A. Pacific Herring Fishery Management Plan

CDFW provided a brief update that a herring FMP funding proposal is being distributed by FMP working group partners to prospective funders. In discussion, topics for consideration under an FMP were identified, including interest in a bait herring fishery, reevaluation of requiring fishery experience to qualify for permits as was originally required, concern about an environmental organization's proposal to close herring fisheries outside San Francisco Bay due to lack of data, and opportunities for CDFW to partner with herring fishermen to fill data collection gaps if the fishermen are compensated.

B. Fisheries Bycatch Workgroup

Susan Ashcraft provided a brief update that staff is working with partners to develop a draft work plan for a fisheries bycatch workgroup. Participation in the workgroup will be solicited via FGC electronic mailing lists later this year; the workgroup will have the opportunity to contribute to the draft work plan.

C. Other

Susan Ashcraft provided two updates:

- Pier and Jetty Project: FGC received a letter from the City of Santa Monica welcoming the planned FGC pier and jetty project. As noted under Public Forum, staff will coordinate with partner stakeholder outreach efforts, and staff plans to launch as soon as is practicable.
- Natural Sciences, LLC lease application reviewed by MRC in November 2014: Natural Sciences, LLC has withdrawn its application for administrative kelp bed leases at San Clemente and San Nicolas Islands.

11. Future agenda items

Susan Ashcraft summarized that no changes have been made to the MRC work plan since being presented to FGC in February. Staff will bring an update to FGC in June.

Adjourn: The Marine Resources Committee meeting adjourned at 6:20 p.m.