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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MARINE RESOURCES COMMITTEE

Committee Chairs: Commissioner Sklar and Commissioner Silva

Meeting Summary

July 21, 10:30 a.m.
Petaluma Regional Library
100 Fairgrounds Dr., Petaluma

The following is a summary of the meeting as prepared by staff. Note that agenda item 8 was moved to immediately after agenda item 4. The agenda items are summarized in this document in the original order as noticed.

Call to order; roll call

The meeting was called to order at 10:30 a.m. by Commissioner Sklar, who with Co-Chair Commissioner Silva established a quorum.

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 the Fish and Game Commission (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 and introduced FGC and California Department of Fish and Wildlife (DFW). The following Committee member(s), Commission and DFW staff were in attendance, as well as invited speakers (introduced with the appropriate agenda item):

Committee Chairs

Eric Sklar	Present
Peter Silva	Present

Commission Staff

Susan Ashcraft	Acting Deputy Executive Director, Marine Advisor
Elizabeth Pope	Acting Marine Advisor
Caren Woodson	Analyst

DFW Staff

Steve Riske	Assistant Chief, Law Enforcement Division
Dr. Craig Shuman	Regional Manager, Marine Region
Tom Barnes	Program Manager, State Managed Finfish, Marine Region
Sonke Mastrup	Program Manager, Invertebrate Fisheries, Marine Region
Dr. Laura Rogers-Bennett	Senior Environmental Scientist, Marine Region
Dr. Cynthia Catton	Environmental Scientist, Marine Region
Brian Owens	Environmental Scientist, Marine Region

Other Invited Speakers

Dr. Karina Nielsen	Director, Ronberg Tiburon Center for Environmental Studies
Emily Knight	Senior Program Manager, Ocean Science Trust (OST)
Jennifer Phillips	Program Manager, Ocean Protection Council, OPC
Holly Wyer	Program Manager, OPC
Sarah Valencia	Pacific Herring FMP Program Manager (on contract)
Bruce Steele	Commercial fisherman

1. Approve agenda

Commissioner Sklar approved the agenda without changes but noted that agenda item 8 may be moved depending on timing.

2. Public forum for items not on the agenda

One commenter requested a nearshore permit discussion. President Sklar confirmed that the topic would be on the November MRC agenda.

A commenter discussed the insolvency of the inland hatchery fund. It was noted that this was a topic more relevant to the work of the WRC.

A comment on entanglement issues between marine species (e.g., blue whales and leatherback turtles) and the crab fishery was provided with the commenter recognizing and appreciating the DFW efforts associated with the whale entanglement working group.

A request was made to repair breached levees due to the negative impact on salmon and steelhead. It was confirmed that this request was outside the scope of the MRC but that if the commenter came to staff he would be directed to appropriate agencies.

One request for meetings to be video recorded was made. Staff confirmed that MRC meetings are available as an audio, and meeting materials are posted to the FGC webpage.

3. Agency Updates

DFW Marine Region

Dr. Craig Shuman gave an overview of the efforts DFW has made to review the nearshore fishery as requested by FGC in 2015. This has included a DFW survey sent to all 215 shallow and deeper nearshore permit holders, of which 126 responded. DFW agrees that something needs to be done about the permit structure and aging fleet, which will require

some broad discussion to determine the best approach. This will be scheduled for discussion in November; DFW will give a presentation.

Discussion: One fisherman commented that fishing for nearshore in their region (near Bolinas) has been made more complicated by federal rules that fishermen without VMS cannot transit across federal waters with groundfish on board. As a result, the small vessels in their area, who do not have VMS, cannot fish the Farallon Islands as it requires transit through federal waters back to the mainland. President Sklar asked for clarification on the transport of state managed fish across federal waters. Dr. Shuman replied that a well thought out process to lay out specific issues and then make decisions about actions with Federal managers would be a good first step in the process.

Sonke Mastrup provided an update on the Whale Entanglement Working Group and reported back that they had confirmed State authority on entanglement with the federal government. The working group is looking to better understand the cause of increased entanglement, and develop options on how to encourage practices that might avoid entanglements (e.g., working with fleet managers, vessel navigation systems). Overall, an increased understanding of whale population location occurrence is needed. Education and outreach will be an important part of the process including a possible notification system for migrating populations. Fishing gear is a problem that FGC might want to consider regulations such as restricting surface gear restrictions for sport fishing.

Public discussion: One commenter stated the trap limit has not decreased the number of pots, which relates to the issue of increased whale populations. Another commenter highlighted the National Marine Sanctuary where movement of whales is monitored and ships are encouraged to use alternative shipping channels, as an example to decrease negative interactions. President Sklar asked if late timing of crab season was a factor. Sonke Mastrup stated this had been an overall bad combination of events but that the good news was higher whale populations and that Monterey Bay is a hot spot. One commenter stated the U.S. Navy is responsible for killing thousands of whales each year, and whales are closer to the beach because of sonar issues. President Sklar confirmed that was not under FGC jurisdiction but FGC was tracking ongoing lawsuits.

DFW Law Enforcement Division (LED)

Assistant Chief Riske provided an update of marine-related enforcement activities and confirmed LED was continuing to monitor whale entanglement issues and to record lost fishing gear. The late Dungeness crab season required significant effort with several violations recorded. Three saturation patrols for abalone produced 151 citations and 3 arrests. Fines were issued in San Mateo County for MPA violations. Additional significant lobster violations (including one with a dead sea otter), and abalone occurred in central California. There were also several Southern California violations including a trawl vessel.

California Ocean Protection Council

An update on OPC staffing was provided by Jennifer Phillips, including the appointment of Deborah Halberstadt as Deputy Secretary for Oceans at Natural Resources Agency and Executive Director of OPC.

4. Red Abalone Fishery Management Plan (FMP) – progress update

Dr. Cynthia Catton and Dr. Laura Rogers-Bennett gave a joint presentation. Dr. Catton provided an informational presentation on the combined effects of a harmful algal bloom (2011), sea star wasting disease (2013), unprecedented purple sea urchin population increase (2015), and persistent warm water conditions, and their respective impacts on abalone population health, and on the north coast marine environment. This is not expected to be an isolated incident; DFW is looking to inform management by leveraging DFW knowledge of past conditions to monitor abalone health and reproduction, monitor future environmental conditions, and research recovery potential.

Public discussion: President Sklar asked about potential purple sea urchin removal and the option to increase take limits. Dr. Shuman cited that the Fish and Game Code prohibits resource waste, and advised that use be looked at before discussing modifying take allowance. A comment was provided that purple urchin could be used as a fertilizer and a jar of commercial product was passed to the group. One commenter was concerned that DFW was underestimating the impact of collapse, was optimistic about recovery time, and offered that purple urchin could be air lifted without harming other species (citing YouTube footage). Additional comments about species recovery, limits, and a concern about a DFW image indicating abalone health were made. A final comment was provided that red and purple urchin are facing different issues and the sea urchin industry needs to be involved- don't make carte blanche changes to the industry.

Dr. Laura Rodgers-Bennett presented an updated on the status of the red abalone FMP and focused on the strength of abalone. On May 2, DFW in conjunction with The Nature Conservancy (TNC) held a public workshop designed to encourage public participation in the development of the North Coast Recreational Red Abalone FMP. A brief overview of this workshop was provided by DFW; however results and incorporation into the red abalone FMP by DFW have yet to be determined. This was one step in completing the larger FMP.

Public discussion: One possible action was suggested that ropes be suspended in the water column to assist the development and protection of kelp as a food source for abalone. One comment asked for site specific or zonal approaches in looking at recovery and asked that this be considered in the FMP. DFW confirmed that it is looking at how different kinds of data could be used within the FMP, such as catch, density, and reproduction rate.

5. Pacific Herring Fishery Management Plan – progress update

Tom Barnes introduced Sarah Valencia, contracted project manager for the Pacific herring FMP development process. She provided an update and general overview of the process including a timeline of the FMP, stock assessment peer review, and tribal consultation.

Public discussion: A commenter spoke regarding landing taxes, permit fees and DFW errors. An additional commenter highlighted the need to protect forage species and provided a handout.

6. Marine Life Management Act (MLMA) Master Plan for Fisheries amendment process update

Dr. Craig Shuman provided an update describing the process and status of the timeline and framework for MLMA amendment process. All components of the framework update are

still being developed and tested for relevance and feasibility and will be the focus of workshops and stakeholder discussions. FMPs are a good tool to help identify fishery priorities and focus.

Public discussion: One commenter was not supportive of cost or process. One question about data poor workshops was provided. DFW recognized potential obstacles associated with FMP development.

OST commented they were also looking at climate change and fisheries as a project for the master plan update.

7. Update on progress and completion of new ecological impact assessment tool for scientific collecting permit applications in marine protected areas (MPAs)

A joint presentation was given by Brian Owens and Dr. Karina Nielsen. Brian provided background and overview of the lengthy development of the ecological impact assessment tool (tool) designed by a subgroup of the OPC science advisory team to quantify impacts and acceptable levels of take from permitted research activities within MPAs. Application of the tool helps to achieve research goals while still providing ecosystem protections by ensuring that if take exceeds impact thresholds it will not be permitted by DFW.

Public discussion: One commenter asked about the timeline for scientific collecting permits. DFW confirmed that reviews take 8-12 weeks. One commenter asked how take could be justified in no-take areas designated under the MLPA. DFW commented that the MLPA specifically allows for permitted research in all MPAs to occur and the purpose of the tool was to minimize impact while still allowing for research. One commenter expressed concern about all scientific collecting permit activities and associated costs. President Sklar noted that once the final program was in place it would be good to get an update about the types and numbers of permits to assess overall impacts.

8. California's Fishing Communities: Summary of July 20 public meeting and discuss next steps

Elizabeth Pope gave an overview of the process and outcomes from the community discussion. The day was largely a guided discussion intended to understand the perspective, issues, and needs facing California's fishing communities to begin to identify options to address key concerns.

Public discussion: One comment was made about the repetitive nature of the topic. Several comments of support for the discussion were provided by participants from the previous day, with the request that ports and communities stay involved. Comments asking that the discussion continue to look at infrastructure, defining communities and access issues were provided. President Sklar commented that the MRC was committed to leading the discussion and efforts but that local communities needed to participate by including and working with local agencies (e.g., planning boards and elected officials). Following discussion, the MRC developed a recommendation.

MRC Recommendation: The MRC recommends that FGC direct staff to continue to seek public input through regionally-focused FGC-hosted scoping discussions as follow-up to the July 20 meeting.

9. Update on Fisheries Bycatch Workgroup (BWG)

Elizabeth Pope provided a summary of the BWG's first meeting held on May 21, discussed next steps, and summarized components of the soon-to-be-developed work plan. Staff acknowledged that BWG identified staff to draft an initial draft work plan for the BWG to use as a starting point to build out and refine, to include goals and action items; however, the work plan was still being drafted and had yet to be provided to the group. She gave a verbal overview of the key components of the draft work plan, and the BWG interest in MRC support for the direction they are heading.

Discussion: Members of the BWG described what elements the group discussed for the work plan from their various perspectives.

MRC Recommendation: The MRC recommends that the BWG develop a work plan that emphasizes review of and recommended changes to the bycatch section of the Master Plan for Fisheries, including clarified definitions, and identify possible action items within FGC authority.

10. Informational Presentation and Discussion: Ocean Acidification and Hypoxia

A panel of three invited speakers included Emily Knight, Bruce Steele, and Jennifer Phillips.

Emily Knight provided an overview on the findings of the West Coast Ocean Acidification & Hypoxia (OAH) Science Panel Study with a specific focus on fisheries outcomes and how panel findings indicate the need to look at the OAH issue across the spectrum (terrestrial and aquatic). Public involvement opportunities, web information, and handouts were provided. Bruce Steele provided a brief overview based on his study and observations of how eelgrass and kelp might provide benefits to offset ocean acidification impacts. Bruce suggested that kelp and seagrass might help to offset carbon footprint and encouraged study, and specifically estuarine restoration. Jennifer Phillips stated responses to the findings and that specific management actions are long term goals with California working towards a west coast wide monitoring program.

Discussion: Commissioner Silva asked to what extent hypoxia is an issues for the west coast. Panel members confirmed it was significant and referenced the 2006 hypoxia event and a global feedback loop for hypoxia that needs local response. Panel members confirmed it can be difficult to talk to fishing communities about the issues in a way that resonates with them. Two comments spoke to excess carbon in the ocean was a large problem and asked for personal accountability. President Sklar remarked that monitoring and public outreach and education on the topic would help. Commissioner Silva stated he would speak with the State Water Board to find areas for potential impact reduction and alignment.

11. Finding Dory: Opportunities to encourage environmental stewardship

Based on a discussion about the role media can play in helping or hindering conservation measures while undertaking the collection of marine organisms (whether through fisheries or the aquarium trade), President Sklar suggested that staff reach out to Disney and Pixar to encourage their involvement in helping communicate the importance of seeking sustainable sources when purchasing aquarium trade species, and to explore options for a joint public service announcement. There were no comments on the topic.

12. Update on topics previously before the Committee

(A) Marine debris and plastic pollution

- *OPC efforts on marine debris:* Holly Wyer provided an update and overview of the updates to the 2008 OPC Marine Debris Implementation Strategy. OPC is working with NOAA to develop a joint effort to build on and expand the implementation strategy. Updates will begin with an inter-agency review of what has been accomplished and what has changed since the 2008 strategy, and will focus on increased stakeholder participation in the update. President Sklar expressed support for the interagency meeting and FGC staff involvement. Holly noted that public meetings will be scheduled for after the November election to wait on results from the voter initiative (Proposition 67) to ratify the ban on plastic bags, which Secretary Laird is endorsing as Chair of the Ocean Protection Council.
- *Overview of Proposition 67:* Susan Ashcraft gave an overview of the voter referendum to uphold the statewide ban on single-use plastic bags passed by the Legislature in 2014; this will be on the November ballot as Proposition 67.

Public discussion: Following discussion, President Sklar proposed an MRC recommendation for FGC to issue a public statement of support for Proposition 67 to uphold the statewide ban on plastic bags, specifically as a mean to reduce ocean debris and protect marine life. One commenter recommended that the statement only be provided with unanimous FGC support. However, both MRC co-chairs agreed that the accustomed majority vote would still be appropriate. The MRC recommended that staff highlight the proposition at the August FGC meeting.

MRC Recommendation: The MRC recommends that FGC issue a public statement of support for Proposition 67 to uphold the statewide ban on plastic bags, specifically as a mean to reduce ocean debris and protect marine life.

- *Lost fishing gear* – Dr. Craig Shuman provided an update on recent lost fishing gear discussions, which he emphasized are distinctly different from marine debris and how mechanisms to address lost fishing gear are being incorporated into management (e.g., SB 1287 currently under review). The 2015 pilot program to remove lost gear was successful; DFW will also look at successful efforts in Oregon and Washington and continue to think about ways to minimize gear loss.

Public discussion: President Sklar asked if mostly crab gear was lost. Dr. Shuman confirmed DFW was still looking at data but that lobster is another area of concern and that fixed gear can also be a loss problem.

- *Aquaculture bottom leases and debris* – Richard James, resident of Tomales Bay, was approved to give a presentation on observed debris associated with aquaculture lease operations in Tomales Bay.

Public discussion: An aquaculture lease holder provided comment regarding the photos being out of context; for example that several of the photos provided in the presentation were “legacy gear” that had been removed, questioned whether Mr. James had permission to enter the lease areas, and stated that as an aquaculture business he would like to invite more DFW site inspections. President Sklar encouraged collaborative efforts to identify solutions.

(B) Pier and jetty fishing review

Susan Ashcraft provided a re-cap of the issue to date and confirmed that legal input on the issue is forthcoming with concern that cities were acting to restrict fishing activities on public piers outside the authority they may exercise to restrict for purposes of public safety. This might unfairly limit access to specific populations. Local governments may enact safety protocols but need to justify the action. However, charter cities did have exemptions. Next steps identified were for legal consideration of city actions to impose fishing restrictions on public piers, FGC outreach to cities when appropriate to confirm specific city authority and action on restrictions to ensure they are due to specific health and safety concerns and not actions within FGC authority.

Public comment: One commenter, from Heal the Bay in Santa Monica, provided information that a white paper on the subject would be coming out with data collection as an aspect and that there was a “Pier Summit” from 2015 that had good suggestions. Another commenter was concerned about the loss of recreational angling opportunities related to pier fishing restrictions put into effect by cities in order to limit access and stated that it was wrong, illegal, and usurped Commission authority. President Sklar confirmed staff would work with legal counsel on the issue and requested an update at the November MRC meeting.

Recommendation: The MRC recommends that staff continue to review local ordinances related to pier fishing in Southern California and provide an update at the November MRC.

13. Future agenda topics

(A) Review work plan agenda topics and timeline

Susan Ashcraft provided an overview of work plan topics and timeline for comment by MRC chairs. The MRC did not suggest any revisions or additions for the work plan.

(B) Potential new agenda topics for FGC consideration

Three agenda items identified during the June FGC meeting were confirmed by co-chairs for inclusion on the November MRC agenda: the nearshore fishery permit discussion, progress on best management practices for aquaculture, and an update on Phase 2 of kelp harvest and management review currently underway with DFW. No new agenda topics were proposed.

Adjournment

The MRC meeting adjourned at 4:30 p.m.