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Edmund G. Brown Jr., Governor

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## Fish and Game Commission



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### MARINE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Rogers and Commissioner Sutton

**Staff Meeting Summary**  
**November 5, 2014, 10:00 a.m.**  
**West Ed Building**  
**Ed Meyers Classroom**  
**4655 Lampson Ave., Suite A, Los Alamitos, CA 90720**

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

#### 1. INTRODUCTIONS

The meeting was called to order at 10:00 a.m. by Commissioner Sutton, who introduced Commissioner Rogers, Fish and Game Commission (FGC) staff, and California Department of Fish and Wildlife (DFW) staff.

##### *Commission Staff*

Sonke Mastrup	Executive Director
Susan Ashcraft	Marine Advisor
Caren Woodson	Analyst

##### *Department Staff*

Dr. Craig Shuman	Regional Manager, Marine Region
Tom Barnes	Program Manager, State Managed Fisheries, Marine Region
Becky Ota	Program Manager, Habitat Conservation, Marine Region
Rebecca Hartman	Patrol Captain, Law Enforcement Division
Steve Wertz	Senior Environmental Scientist, Marine Region
Ian Taniguchi	Senior Environmental Scientist, Marine Region
Rebecca Flores-Miller	Environmental Scientist, Marine Region
Brian Owens	Environmental Scientist, Marine Region

Susan Ashcraft outlined meeting procedures and guidelines for participating in Committee discussions, specifically noting that the Committee is a non-decision making body which provides recommendations to the full FGC on marine items, and reminding participants that the meeting would be audio-recorded and posted to the website with a meeting summary.

## 2. INFORMATIONAL AGENCY UPDATES

### A. CALIFORNIA OCEAN PROTECTION COUNCIL (OPC) UPDATES

Catherine Kuhlman, Executive Director of the OPC, and Deputy Secretary for Ocean and Coastal Policy at California Natural Resources Agency (Agency), provided an update on recent activities of the OPC, including OPC funding priorities which include fisheries management. Ms. Kuhlman provided an overview of a recently-completed final draft document titled “The California Collaborative Approach: Marine Protected Areas Partnership Plan”. Ms. Kuhlman requests that FGC provide its endorsement of the Partnership Plan at its December 3, 2014 meeting. FGC endorsement would be reflected through FGC logo display on the plan. The Partnership Plan is scheduled for OPC approval on December 2, 2014.

**MRC Recommendation:** Following public comment and discussion, the MRC recommended that FGC endorse the MPA Partnership Plan and approve use of its logo on the plan.

### B. DEPARTMENT UPDATES

Dr. Craig Shuman provided an update on recent Marine Region activities. Staff is preparing to engage the Pacific Fishery Management Council on actions scheduled for November 12-19, 2014 regarding bluefin tuna and Pacific halibut meeting. Dr. Shuman also provided an overview of a new Marine Region strategic work plan to strengthen fisheries management. The strategic work plan, recently presented to DFW Director Bonham and Agency Secretary Laird, identifies specific projects for Marine Region priority focus, and for public and private funding partners interested in contributing to fisheries management improvement (including OPC) over the next two years. This includes updating the Master Plan for Fisheries, developing electronic fisheries data reporting systems, and addressing Marine Region structure and capacity.

Discussion explored the benefits to future fisheries management that may result from a focused effort on the projects, but recognized the potential need to postpone other management efforts in order to complete this effort first. There was general support for the DFW’s approach and focus, and a strong interest in active public involvement throughout development of these projects.

Captain Rebecca Hartman gave a DFW enforcement update associated with marine-related enforcement actions.

## 3. UPDATE ON RED ABALONE FISHERY MANAGEMENT PLAN AND RECENT PUBLIC WORKSHOPS

Tom Barnes gave a presentation of recent efforts toward development of the red

abalone Fishery Management Plan (FMP). He reviewed the outcomes of four public workshops held in September and October 2014, described tribal outreach and consultation efforts, and provided an update on next steps. The next step planned is an angler survey designed to solicit input from a broader angler audience regarding their preferences for a future fishery. In addition, DFW has added a step in the FMP process milestones and timeline, to add external scientific input before drafting the FMP.

Public comment and discussion reinforced public interest to be directly and actively engaged in designing management options beyond the public workshops and survey. In addition, there was strong support for inclusion of external scientific input into abalone management design.

**MRC Recommendation:** Based on public discussion, the MRC recommends that the FGC accept a new step in the FGC-approved red abalone FMP process to seek external scientific input prior to drafting of the FMP.

#### 4. KELP HARVESTING

##### A. UPDATE ON NEXT PHASE FOR REVISING KELP HARVEST REGULATIONS

Rebecca Flores-Miller reviewed the three-phase approach identified in 2012 to revise antiquated kelp regulations over several years. Phase 1 is complete (includes required kelp harvest plans in Item 4.B below); Phase 2 to review fee structures is now scheduled for 2016.

##### B. UPDATE AND DISCUSSION ON PENDING KELP HARVEST PLANS AND PROPOSAL FOR NEW KELP BED LEASES

Ms. Flores-Miller presented an overview of kelp harvest plans required for mechanical harvest of kelp as of April 1, 2014. There are two mechanical harvesters currently operating in California. She provided a review of The Abalone Farm, Inc., harvest plan; a harvest plan from The Cultured Abalone Farm, LLC, still needs to undergo DFW review. FGC will receive the harvest plans at its December 3, 2014 meeting, the final meeting before FGC-approved harvest plans are required. DFW evaluations will help inform the FGC decision.

Ms. Flores-Miller also presented an application from Natural Sciences, LLC, to lease kelp beds 102 and 103 at San Clemente Island, and beds 107 and 108 at San Nicolas Island. The application proposes much higher harvest levels than have occurred in the past decade, akin to historic high levels that discontinued in 2005.

Comments at the meeting included a presentation from Mr. John Ugoretz, representing the U.S. Navy. Mr. Ugoretz highlighted many relevant changes in conditions since the historic harvest levels at the islands. These include a significant increase in restricted access to waters adjacent to San Clemente Island for Navy operations, possibly incompatible with the frequency of harvest

trips proposed, and potential interactions with fully protected sea otters at San Nicolas Island. Mr. Ugoretz urged DFW and FGC to coordinate with the Navy and other agencies on the topic. Based on discussion, there was agreement that further discussion and evaluation would be required.

**MRC Recommendation:** After public discussion on proposed harvest plans submitted by existing harvesters (The Abalone Farm, Inc., and The Cultured Abalone Farm, LLC), the MRC expressed its support for the ongoing small kelp harvesting operations that supply kelp as food for cultured abalone, and recommends that FGC approve kelp harvest plans for existing harvesters following completion and presentation of DFW evaluations to FGC, where DFW evaluations indicate no concerns.

5. DISCUSSION OF CONCERNS ASSOCIATED WITH PIER FISHING, RELATED TO ACTIONS TAKEN BY THE CITY OF MANHATTAN BEACH AND REQUEST FROM THE CITY OF HERMOSA BEACH

Susan Ashcraft provided a review of a recent incident involving a swimmer, a shark, and a fisherman on the Manhattan Beach pier that resulted in a series of actions by the City of Manhattan Beach, and a request for FGC regulatory action by the City of Hermosa Beach.

David Lantzer, Fire Chief, represented the City of Hermosa Beach at the meeting and provided an overview of the city's concerns for public safety related to sharks adjacent to piers, and proposed fishing regulations intended to proactively enhance public safety.

Public discussion explored issues of jurisdiction, what the goals are, whether existing fishing regulations are appropriate to manage present-day user conflicts, and whether tools other than fishing regulations are available. Public education and outreach to pier anglers has increased with support from Heal the Bay.

**MRC Recommendation:** The MRC agreed that a holistic review of pier fishing and tools to address public safety is warranted, and recommends that FGC direct staff to undertake a review of pier and jetty regulations in Southern California.

6. DISCUSS STATUS OF RISK ASSESSMENT TOOL FOR EVALUATING APPLICATIONS FOR SCIENTIFIC COLLECTING WITHIN MARINE PROTECTED AREAS

Brian Owens gave a presentation covering DFW efforts to improve management of scientific collecting within marine protected areas (MPAs), to which DFW gives special consideration. To assist DFW in improving the rigor of its evaluation and consideration of multiple projects, DFW requested assistance from the OPC's Science Advisory Team. A workgroup of this team has met since June 2012 to develop a tool for this purpose. Mr. Owens provided an update on the tool being developed, and its potential applications in management. Implementation of the tool is anticipated in June 2015.

Public comment and discussion was held, in which staff clarified that in the case of scientific collecting of wildlife, DFW, rather than FGC, has regulatory authority under the Fish and Game Code.

7. UPDATE ON DEVELOPING THE CALIFORNIA SPINY LOBSTER FISHERY MANAGEMENT PLAN

Tom Barnes provided an update on the status of the lobster FMP development process currently underway and an updated timeline, including FMP scientific peer review by December 1, and a courtesy public draft release by Thanksgiving. The draft FMP will be delivered to FGC at its February 2015 meeting, which will launch the formal comment period. A rulemaking process will follow adoption of the FMP.

Mr. Barnes also presented the Lobster Advisory Committee (LAC) recreational and commercial regulatory recommendations and where there is DFW alignment. There was discussion regarding dissenting opinions from the industry, specifically the alternative trap limit options presented by commercial trappers that oppose the LAC trap limit and permit stacking recommendation. Craig Shuman emphasized the need for early FGC input on which, if any, alternative proposals to include as regulatory options in the notice.

**MRC Recommendation:** Based on discussion, the MRC recommends that FGC schedule receipt and action on DFW recommendations for the scope of proposed regulatory actions to include in a lobster Initial Statement of Reasons, as early as February 2015.

8. UPDATE AND DISCUSSION OF ITEMS PREVIOUSLY BEFORE THE COMMITTEE  
A. PACIFIC HERRING FISHERY MANAGEMENT PLAN

Tom Barnes gave an update on herring FMP planning efforts following a meeting of the planning group (non-governmental organizations, industry, and DFW as Lead Agency) on October 31, 2014. The group intends to test new ideas for FMP preparation, and emphasizes the importance of the participatory nature of public processes. Further effort is on hold until a fiscal sponsor for the herring FMP is identified.

B. BYCATCH IN CALIFORNIA'S STATE FISHERIES

Susan Ashcraft reviewed the August 5, 2014 MRC discussion on bycatch definitions and guidelines relevant to state-managed fisheries under the MLMA, and identified potential options for future effort on this topic. DFW recommended using the Master Plan for Fisheries update as a vehicle to review bycatch policy. Some non-governmental organization representatives reinforced support for creating a workgroup to make some progress before the Master Plan update. The group might engage in a preliminary assessment of what we know today, what the knowledge gaps are and how to bridge the gaps, and may identify potential projects where data are available.

**MRC Recommendation:** Based on discussion, the MRC recommends that further review of fisheries bycatch be pursued through a staff-directed workgroup.

C. OTHER - NA

9. FUTURE AGENDA ITEMS

Susan Ashcraft reviewed the list of agenda topics identified for the March 2015 MRC meeting. She provided an update regarding requests to issue experimental squid vessel permits, and staff discovery that regulations and the FMP specified an application deadline of July 31, 2005. Unless FGC is prepared to consider amending the FMP and regulations, staff recommended that this item not be added to the March MRC agenda.

10. PUBLIC FORUM

Public testimony was received. A commenter noted that the PFMC will adopt protection of unmanaged forage fish in federal waters, and urges consideration of conforming action in State waters to avoid awkward dissonance or discontinuity between State and federal regulations.

The Marine Resources Committee meeting adjourned at 5:00 p.m.