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## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

### **MARINE RESOURCES COMMITTEE**

Committee Chair: Commissioner Sklar

#### **Meeting Summary**

**March 21, 2016, 11:00 a.m.**  
**West Ed Building - Ed Meyers Classroom**  
**4655 Lampson Ave., Suite A, Los Alamitos**

**Note: Item 9 was moved to immediately before agenda item 6. The agenda items are summarized in this document in the original order as noticed.**

The following is a summary of the meeting as prepared by staff.

#### **1. Call to order / roll call to establish quorum**

The meeting was call to order at 11:00 a.m. by Commissioner Sklar, who 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:

*Committee Chair*

Eric Sklar Present

*Commission Staff*

Susan Ashcraft Acting Deputy Executive Director, Marine Advisor  
Caren Woodson Analyst  
Erin Chappell Wildlife Advisor

*DFW Staff*

Dave Bess Chief, Law Enforcement Division  
Bob Puccinelli Captain, Law Enforcement Division  
Craig Shuman Regional Manager, Marine Region  
Tom Barnes Program Manager, State Managed Finfish, Marine Region

Sonke Mastrup  
Ian Taniguchi

Program Manager, Invertebrate Fisheries, Marine Region  
Senior Environmental Scientist Specialist, Marine Region

## **2. Approve agenda**

Commissioner Sklar approved the agenda without changes but noted that agenda item 9 may be moved depending on timing.

## **3. Public forum for items not on agenda**

Public comments were received.

A commenter inquired when the public would have an opportunity to see the ISOR for California spiny lobster regulations to implement the fishery management plan. DFW indicated the ISOR is currently under DFW Executive review and will be available to the public with publication of the April 2016 FGC meeting materials.

A commenter suggested changing regulations to allow for recreational take of prawns for sport fishing. Ms. Ashcraft provided a brief overview of the process to submit regulatory petitions.

Comments were received regarding the sea cucumber limited entry fishery, and a possible market for commercially harvested purple sea urchins.

## **4. Agency updates**

### ***DFW***

Marine Region: Dr. Shuman noted that the recreational Dungeness crab fishery received the green light from OEHHA and CDPH to open below the Sonoma/Mendocino counties line, the commercial fishery will open Saturday, March 26, and DFW will monitor the fishery closely. Results for the Channel Island rock crab test results are still pending. DFW is working on testing protocols with CDPH/OEHHA and still working with the Governor's Office on the emergency declaration. Reported whale entanglements in 2015 reached a record high 62 (49 confirmed). FGC adopted the April salmon season, PFMC will meet on April 12 to set the remainder of the season, FGC adoption is scheduled for the April 18 teleconference.

Law Enforcement Division: Captain Puccinelli detailed multiple enforcement actions, most notably several related to recreational take of abalone over the legal limit and the take of undersized lobsters and bass.

### ***California Ocean Protection Council (OPC)***

Susan Ashcraft provided an update on the recent staff changes at OPC.

## **5. Update on Red Abalone Fishery Management Plan**

Ian Taniguchi gave a presentation on the progress to develop the red abalone fishery management plan (FMP) including focused and improved outreach efforts. The structure of this FMP will differ slightly from the lobster FMP to provide greater

emphasis on the essential fishery information. DFW staff is working with The Nature Conservancy to host a 2-day Control Rules Workshop in early May to bring together an international group of experts and the public to discuss possible options. The workshop will focus on the science the first day and implementation on the second day. This will result in some delay in the original FMP timeline but DFW still expects to submit the final draft to the FGC in August 2017.

Public discussion: Some stakeholders expressed feeling excluded from the FMP process in 2015 and expressed concern if the current process would be more inclusive of public input, would consider MPA linkages, and encourage the use of citizen science, and asked how recovery would be addressed by an FMP while poaching continues. DFW confirmed that the public workshop in August will be the roll out for soliciting input, and reiterated the timeframe for completing the FMP had been extended. There was a general discussion regarding the FMP framework and the role of adaptive management. President Sklar agreed with the importance of ensuring the best possible science to inform management decisions including the FMP process. Dr. Shuman confirmed that concepts would be brought back to the MRC for continued discussion.

## **6. Update on Marine Life Management Act Master Plan for Fisheries revision process**

Tom Barnes provided an overview of the four phase process to update the Master Plan for Fisheries (Master Plan). Notably, FGC adoption (Phase 3) is expected to occur in the first half of 2018. Currently DFW does not have the funds and staff time necessary to complete the plan so they are partnering with other state agencies and NGOs. A project manager, Kelly Sayce (Strategic Earth), has been hired and DFW is in the process of getting a senior editor and technical writers with additional contractor support. Partial funding has been secured and DFW will provide MRC with updates on progress.

Public discussion: Discussion about how to determine the best time for continuing and ongoing public engagement occurred. It was confirmed that workshops, online survey, and draft review in 2017 will all provide opportunities and that DFW will have list of interested participants for future outreach. Questions regarding the authority to develop and involve the public in FMP development were raised. It was confirmed that FGC does have the authority and discretion for prioritization and that DFW will provide public outreach opportunities throughout the process. It was recommended that interested parties sign up for updates through the FGC email list, and Project Manager Kelly Sayce provided contact information.

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

Susan Ashcraft highlighted one proposed change to the 2016 ocean sport fishing regulations, This proposed change is to more clearly define the for razor clamming boundary at the original mouth of Strawberry Creek in Humboldt County, as Strawberry Creek has migrated southward on the beach. DFW intends to move this change forward.

Public discussion: One commenter asked DFW to open rockfish boundary to 80 fathoms. It was clarified this is a federal issue and should be directed to PFMC. Another commenter requested to open harvest of abalone south of San Francisco, and reiterated it was repeated request. One commenter reported seeing abuse of lobster multi-day permits. DFW will follow-up with enforcement.

**Recommendation:** The MRC recommends that FGC support DFW's intent to correct the clamming boundary at Strawberry Creek in Humboldt County as part of the 2016 sportfish regulations package.

## **8. Update on Pacific herring fishery and fishery management plan planning process**

Tom Barnes provided a detailed history of the fishery, information from the 2015-16 season, and an update on the FMP planning process. Notably, FGC adoption is scheduled to occur in May 2018.

The Pacific herring fishery is now almost exclusively a San Francisco Bay commercial sac roe fishery. Historically, both gill nets and purse seines were used but purse seining has been phased out. DFW does not have a biomass estimate yet for 2015-16 season. Despite a normal number of spawning events, the total spawn was smaller than expected which will affect the biomass estimate. Last season, the biomass was considerably below average due to low ocean productivity. For 2015-16 the catch quota was set at 5% (or 834 tons overall) for 11 vessels. There has been a recent increase recreational take for which there is no limit, which will be addressed in the FMP. DFW is exploring possible recommendation to not change quota for next season given that the current biomass estimate is close and risk is low.

DFW has secured the funding for the FMP update and the selection of a project manager is underway. The herring 'discussion group' will transition to a 'steering committee' which will provide consensus-based recommendations.

Public discussion: Comments clarifying the management of the fishery were asked, specifically if FGC managed the fishery, what is the % error on biomass estimates, what is the number of fisherman. One commenter expressed support of the FMP and DFW efforts to complete the FMP, and specifically supported how well DFW could measure this fishery relative to other fisheries. One commenter noted that he had seen people taking far more than "personal use" and asked about marine mammal take (specifically if increased fecal matter increased mortality). Management authority by FGC was confirmed and it was explained that fecal matter exposure was generally considered a 'natural' mortality but DFW would have to look at it.

## **9. Informational presentation on marine debris and plastic pollution**

(A) Dianna Cohen (Plastic Pollution Coalition) presented an overview of the data on marine debris and plastic pollution in the oceans and discussed potential impacts to marine life from entanglement and ingestion.

Public discussion: It was noted that while fishing 3-4miles offshore lots of debris was caught when this was brought to DFW it resulted in signs on party boats, but was not addressed on private boats. Santa Barbara area has seen improvements since plastic bag ban (15 miles from harbor) but plastic debris is still evident and that garbage barge contribution needs to be considered.

(B) Sarah Sikich (Heal the Bay) provided an overview on economic costs associated with coastal pollution and highlighted efforts by the State to address this issue. Entities on the West Coast are spending more than a half a billion dollars a year to combat litter. State efforts include: OPC resolution (2007) and

prevention and reduction plan (2009); State Water Resources Control Board (SWRCB) trash policy (2015); nurdle loss prevention (2007); California microbeads ban (2015); the plastic bag ban (2014); plus several other legislative attempts. Local actions include polystyrene bans and single use bag bans/fees. The plastic industry challenging these efforts both legally and through public campaigns. Ms. Sikich also highlighted opportunities for FGC including coordination across agencies (OPC/SWRCB), examining current regulations for impediments to marine debris prevention and removal, and data gathering.

(C) Dr. Sherry Lippiatt (NOAA) provided an overview of the NOAA Marine Debris Program. The program is the federal lead on marine debris (non-regulatory arm of NOAA) and has four main focus areas: research; prevention; removal; and emergency response. Research efforts include a study on economic impact of debris on Orange County beaches where NOAA found that residents were going to beaches outside of Orange County to avoid debris; another study in Chesapeake Bay evaluated impacts of lost fishing gear (economic benefits from preventing ghost fishing). The Marine Debris Program also has a lobster trap loss prevention and recovery effort underway in the Channel Islands and are participating in the California Lost Fishing Gear Recovery Project (UC Davis) – a 2014 pilot project on Dungeness crab pot retrieval (funding expires in 2016). Additional activities include participating in the west coast marine debris alliance (spin-off from West Coast marine debris action coordination team) and developing State action plans. They are currently working with stakeholders to assess the need for a California state action plan. Noted that cross-sector communication and collaboration is key to addressing this issue.

Public discussion: DFW raised the need for coordination on Channel Islands work. One attendee asked to be included in Channel Islands work. Heavy catch of Mylar balloons was noted along with the occurrence of heavy debris from storm runoff, and according to one commenter, this marine debris was small in comparison to global marine debris contributions.

(D) Group discussion: FGC President Sklar commented on why bringing this forward is an important issue, however FGC is responsible for resources up to 3 miles offshore and so in that context must consider the best actions on how to reduce impacts including a statewide plan key to supporting State agency coordination. It was stated that a white paper on marine debris will be coming out next month may help inform future decisions. It was proposed FGC workshop on this issue to kick off possible steering committee.

- 1) **Recommendation:** MRC recommends that FGC direct staff to work with California Ocean Protection Council (OPC) regarding:
  - a. Possible formation of an interagency workgroup to coordinate on efforts to address marine debris; and
  - b. Convening of a workshop on multi-jurisdictional and stakeholder efforts to reduce marine debris.

Plastic Pollution Coalition and Heal the Bay expressed support for this recommendation and offered assistance. Dr. Lippiatt highlighted that there is real potential that such would help inform development of a prospective California state action plan under her lead.

## **10. Update on topics previously before the Committee**

### **(A) Fisheries Bycatch Workgroup –**

Susan Ashcraft provided an update on progress on establishing the workgroup. She has had correspondence with ten stakeholders who previously expressed interest. Planning is underway for the first meeting, which is tentatively scheduled for Santa Barbara in late April or early May. The workgroup will work on recommendation for MLMA Master Plan update. Susan will send out meeting details via the MRC listserv once they are set. All output from the workgroup will come to MRC. The workgroup is open to everyone. Interested parties were asked to see Susan if interested in participating.

Public discussion: One commenter asked about target size for the workgroup. It was clarified that at this point there is no plan for FGC to formally appoint members as was done for the Wildlife Resources Committee Predator Policy Workgroup, rendering it subject to Bagley-Keene, but may need to depending on interest level.

### **(B) Other**

Susan Ashcraft announced that FGC is planning two workshops on the needs of fishing communities. The workshops are tentatively scheduled for May 17 and 19 with one in northern California and the other in southern California. These workshops are intended to initiate discussion on this topic and any findings will be brought back to the MRC for discussion.

Public discussion: One commenter asked if there is any link to MLMA Master Plan. There was a yes response and acknowledgement that would be good to have a MLMA Master Plan representative attend.

## **11. Future agenda items**

### **(A) Review work plan agenda topics and timeline –**

Susan Ashcraft noted that this agenda topic is intended to provide an opportunity for the public and CDFW to have input on proposed topics scheduled for the MRC. Susan discussed each item on the MRC work plan.

Public discussion: One commenter hopes the fishing communities workshop will take up sea cucumber fishery issue; another had a comment regarding location for pier/jetty topic – as more of northern CA issue – maybe better to move to MRC meeting up north – could move to November since the meeting likely to move from Ventura to Sacramento.

### **(B) Potential new agenda topics for FGC consideration**

Commission Sklar reviewed upcoming meetings. It was noted that the Chumash are interested in meeting with FGC to discuss take in MPAs. MRC did not identify any potential new agenda topics to recommend to FGC for referral.

## **12. Adjournment**

The Marine Resource Committee meeting adjourned at 3:15 p.m.