

STAFF SUMMARY FOR JUNE 21-22, 2017

29. SEA CUCUMBER**Today's Item****Information** ☐**Action** ☒

Authorization to publish notice of intent to add a section for commercial sea cucumber regulations.

Summary of Previous/Future Actions

- | | |
|--|-------------------------------------|
| • Receive/accept DFW recommendation to add sea cucumber to 2016 rulemaking calendar | Dec 3, 2014; Van Nuys |
| • FGC approved MRC recommendation to add an update on this fishery to a future MRC meeting | Dec 9-10, 2015; San Diego |
| • MRC vetting | Mar 23, 2017; MRC, Oceanside |
| • Receive/accept MRC recommendation | Apr 26-27, 2017; Van Nuys |
| • Today's notice hearing | Jun 21-22, 2017; Smith River |
| • MRC recommendation | Jul 20, 2017; MRC, Santa Rosa |
| • Discussion hearing | Aug 16-17, 2017; Sacramento |
| • Adoption hearing | Oct 11-12, 2017; Atascadero |

Background

The commercial sea cucumber fishery is a limited entry fishery with separate permits for the dive and trawl fisheries, which primarily target warty and giant red (*A. californicus*) species, respectively. The fisheries are governed by Fish and Game Code, which specifies gear types, fees, records, the number of permits, and permit renewal and transfer processes. Currently there are no statutes or regulations that specify seasons, size limits, catch limits or limits on dive gear usage. However, Fish and Game Code Section 8505.3 gives authority to FGC to adopt regulations that are reasonably necessary to protect the sea cucumber resource.

At the Mar 23, 2017 MRC meeting, DFW presented its research findings and information on the status of the warty sea cucumber commercial fishery; the results indicate a significant risk to the long-term sustainability of this fishery (exhibits 2-3). From 2013 to 2016 DFW conducted fishery analyses and collected additional essential fishery information required to inform the development of management measures for the fisheries. At its Apr 26-27, 2017 meeting, FGC accepted MRC's recommendation to add a rulemaking to FGC's 2017 rulemaking calendar to address DFW's concerns.

Informed by an evaluation of fishery trends, reproductive patterns of the species, a 2014 survey of fishery participants, and meetings with the fleet in Mar and Apr 2017, DFW determined that a seasonal closure during the key spawning period for warty sea cucumber is the preferred first step for addressing sustainability concerns. DFW is proposing three closure options: (1) Apr 1 – Jun 30; (2) Mar 1 – Jun 14; (3) or Jan 1 – Jun 14. A survey of commercial divers was distributed in early Jun; results will be presented at the Jun 2017 FGC meeting.

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DFW is requesting authorization to prepare and publish an initial statement of reasons (ISOR) that includes the three seasonal closure options. The ISOR and rulemaking documents will be available for public review and comment prior to the Aug 2017 FGC meeting.

Significant Public Comments (N/A)**Recommendation**

FGC staff: Authorize publication of the notice as recommended by DFW.

Exhibits

1. [DFW memo, received Jun 5, 2017](#)
2. [Mar 23, 2017, committee staff summary and exhibit for item 6](#)
3. [Mar 23, 2017, MRC meeting summary \(see item 6\)](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to add Section 128, Title 14, California Code of Regulations, related to commercial take of sea cucumbers.

Memorandum

2017 JUN -5 AM 11:10

Date: June 1, 2017

To: Valerie Termini, Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: **Agenda Item for June 22, 2017, Fish and Game Commission Meeting**
Re: Request to Publish Notice of Commission's Intent to Add Section 128,
Commercial Take of Sea Cucumber

The Department of Fish and Wildlife (Department) requests the Fish and Game Commission (Commission) authorize publishing notice of its intent to add Section 128 to Title 14, California Code of Regulations concerning commercial take of sea cucumbers. Authorization of this request to publish notice will allow for discussion and possible adoption at the August 17 and October 12, 2017 Commission meetings, respectively.

At the March 2017 meeting of the Marine Resource Committee (MRC), the Department presented its research findings and information on the status of the warty sea cucumber commercial fishery. The results indicate a significant risk to the sustainability of this fishery. After a discussion with Department staff and constituents in attendance, the MRC recommended adding a rulemaking to the Commission's 2017 calendar to address concerns raised by the Department.

Informed by a 2014 survey of fishery participants and meetings with the fleet in March and April of this year, it has been determined that a seasonal closure for warty sea cucumber is the preferred first step for addressing sustainability concerns. Based on the results of recent research, the Department recommends a seasonal closure that includes a significant portion of the key spawning period that spans from March through July.

At this time, the Department is considering three closure options. A survey of commercial divers will be sent out in early June and the results will be presented at the June Commission meeting. The three closure options currently include:

1. From April 1 through June 30;
2. From March 1 through June 14; or,
3. From January 1 through June 14.

Valerie Termini, Executive Director
Fish and Game Commission
June 1, 2017
Page 2 of 2

The Department is requesting authorization to prepare and publish an Initial Statement of Reasons (ISOR) that includes the three seasonal closure options. The ISOR and rulemaking documents to establish a closed season for the commercial take of warty sea cucumber will be available to the public for review and comment prior to the Commission's August discussion meeting.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Region Regional Manager at (805) 568-0216.

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Stafford.Lehr@Wildlife.ca.gov

Craig Shuman, D. Env.
Regional Manager
Marine Region (Region 7)
Craig.Shuman@wildlife.ca.gov

Sonke Mastrup, Program Manager
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Tom Mason, Senior Environmental
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Robert Puccinelli, Captain
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COMMITTEE STAFF SUMMARY FOR MARCH 23, 2017

6. SEA CUCUMBER**Today's Item****Information** ☒**Direction** ☐

Receive DFW overview of the sea cucumber fishery and potential commercial sea cucumber regulation changes.

Summary of Previous/Future Actions (N/A)**Background**

DFW has been evaluating the sea cucumber fishery since approximately 2012 with the intent of bringing FGC a fishery status update and proposed regulations to better manage the fishery. MRC recently requested an update on the status of DFW's evaluation. At this meeting, DFW will present an update on the requested status of the fishery, and identify potential commercial sea cucumber regulation changes.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits**

1. [DFW presentation: *Status of the California Sea Cucumber Dive Fishery*](#)

Committee Direction/Recommendation (N/A)

Status of the California Sea Cucumber Dive Fishery



Carlos Mireles
Marine Region
Marine Resources Committee Meeting
23-March-2017

Species Fished in California



Giant Red Sea Cucumber
(*Apostichopus californicus*)
Subtidal-300 ft
Alaska to Baja



Warty Sea Cucumber
(*Apostichopus parvimensis*)
Subtidal-150 ft
Monterey to Baja



Dive Fishery



- 81 total dive permit holders

Regulations:

- Requirement to complete a daily dive logbook
- Restrictions on the number of permittees



Market and Processing



Cut/Slit Drained, Boiled, Dried (Shipped to China)



Live Whole (Domestic Market)



* Condition unknown when landed

Global Sea Cucumber Market

\$209/lb USD

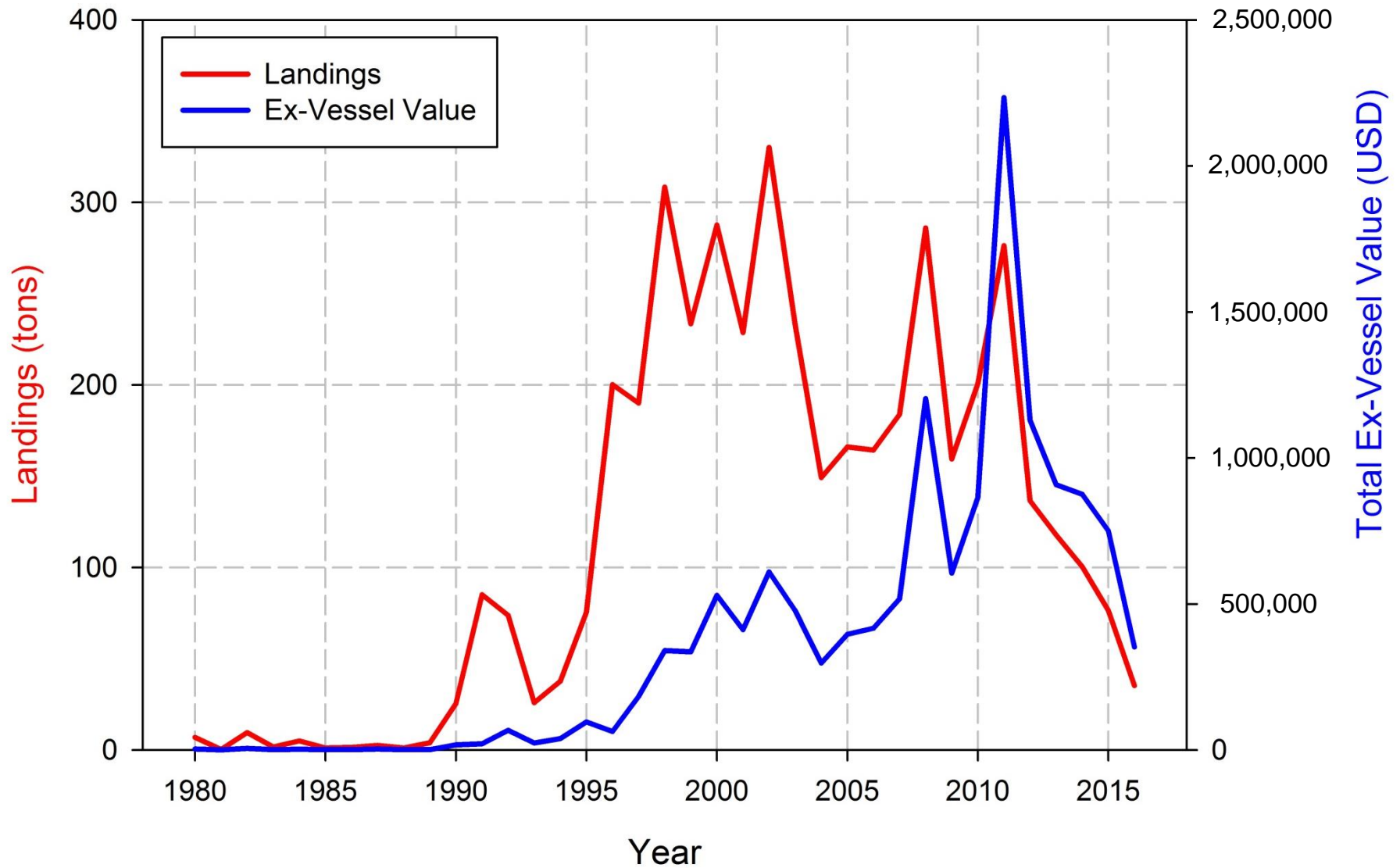
\$195/lb

\$181/lb

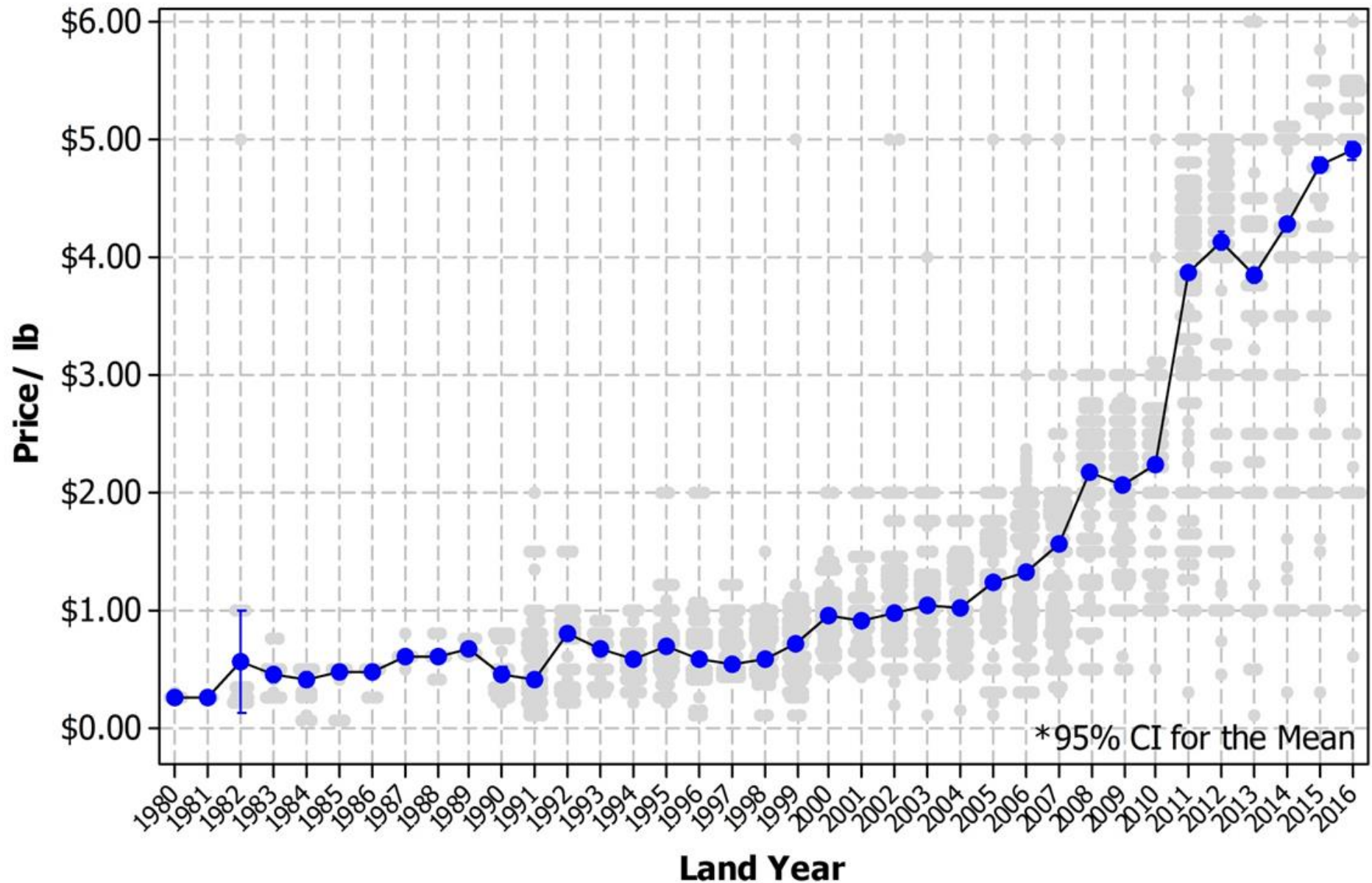
\$949/lb



Landings and Value

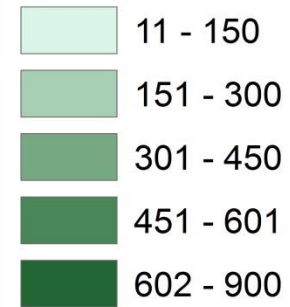


Value (price/lb)



Landings by Area

Dive Landings (tons)
Grand Total 1980_2016



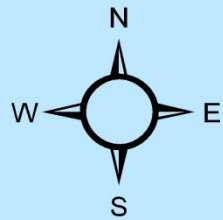
Santa Barbara

Ventura

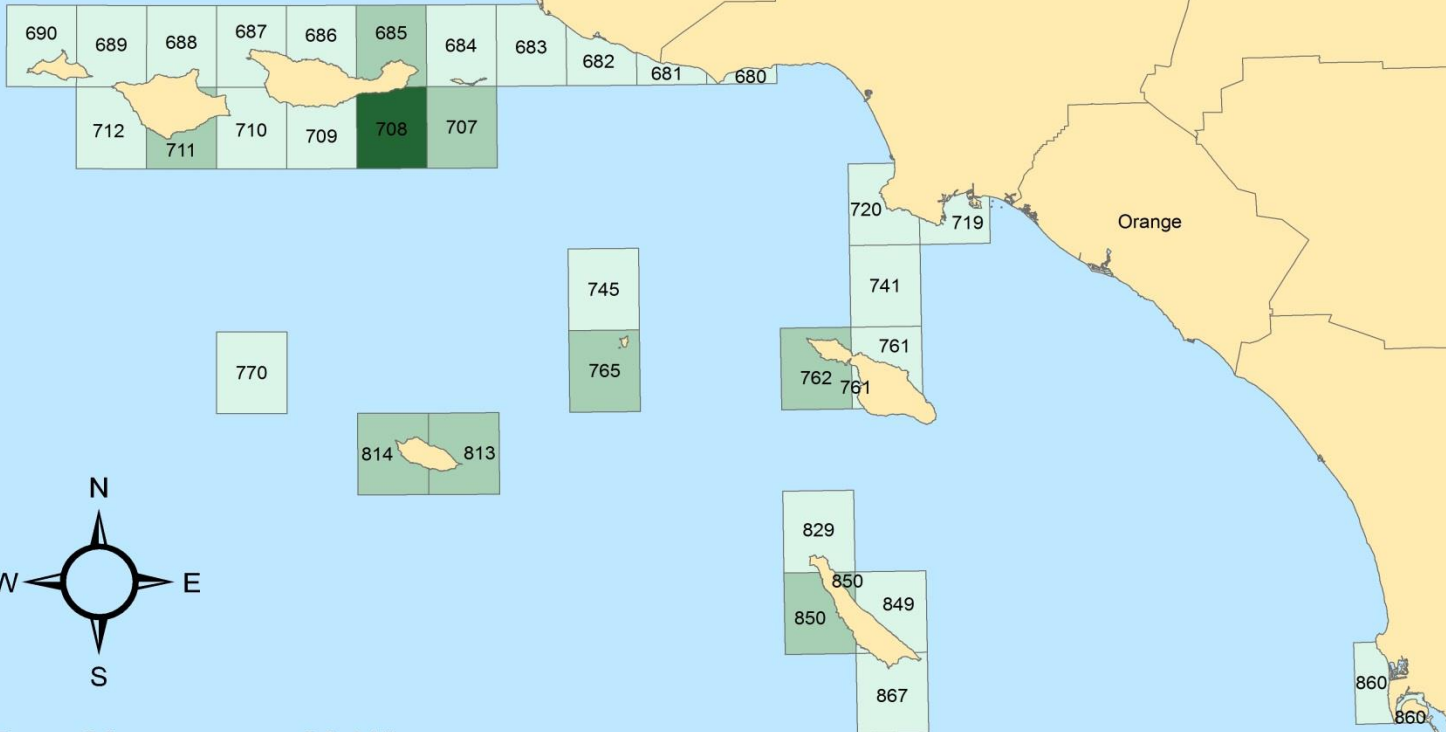
Los Angeles

Orange

San Diego



0 15 30 60 Miles



Department Concerns/Questions



- Fishery shows signs of not being sustainable
 - Current landings are trending down as value goes up
 - Independent monitoring data show downward trend
- Are changes in seasonal commercial landings due to biological or fishery drivers? Both?
- Are sexually immature individuals being harvested?
- Data poor species with limited biological information


Dive Fishery Mail Survey



Fishery Surveys (2014):

- Q's related fishery/market dynamics, biology, management
- Mailed to 86 dive permittees
- 30 returned, 35% return rate
- Divers provided valuable feedback

California Department of Fish and Wildlife
Commercial Sea Cucumber Diver Survey



*Please return pages 3-6 by mail no later than January 15, 2014 or fax to (805) 568-1235

Dear Sea Cucumber Dive Fishery License Holder,

The California Department of Fish and Wildlife (Department) is currently analyzing landing receipts and logbook data in an effort to better understand trends in the dive and trawl fisheries for sea cucumbers. Currently, we are the only state in the US to have both an established dive and trawl fishery. In 2011, we set state records in the total number of landing receipts reporting sea cucumber (Figure 1, pg. 2), ex-vessel value (Figure 2), and tons landed (Figure 3). There was a large increase in both landings and effort in 2011, likely due to the considerable increase in average price per pound (\$1.16 in 2005 vs. \$3.80 in 2011)(Figure 4). This increase was then followed by a significant decline in landings a year later (2012), despite an even higher average price per pound (\$4.22). The amount of dive hours reported on logbooks targeting sea cucumber has also increased significantly over the past several years, resulting in decreased CPUE. In addition, fisheries independent monitoring data demonstrate a decrease in the number of sea cucumber observed.

These findings raise concerns both within and outside the Department regarding the sustainability of the sea cucumber fishery. To better understand the fishery and current trends we want to start a dialog between Department fishery managers and sea cucumber permit holders about ideas and solutions for managing this important resource. Included is a short survey designed to help fill critical data gaps about fishing behavior, processing, and landings data. Central to this effort is the evaluation of our current management strategies and our ability to promote sustainable populations of warty and giant red sea cucumbers in order to maintain a long term, high value fishery.

The Department greatly appreciates your much valued feedback and insight when taking the time to answer the following questions. This survey should take approximately 15-30 minutes to complete. Please provide any additional comments/questions/concerns in the space provide or add extra pages if your response requires additional space. Your responses are confidential; however, the aggregated results of this survey will be shared with the industry. We are planning a similar questionnaire for the trawl fishery.

We look forward to receiving your comments.

Sincerely,

Craig Shuman, D. Env.
Marine Region Manager

- 1 -

Dive Fishery Mail Survey Key Results



Biology

- Aggregation (March-July), spawning behavior (April-July)

Fishery

- 68% of divers cut 100% of their product
- 32% of divers land some portion of catch whole (1-100%)
- Hookah only (57%), Scuba only (17%), both (26%)

Management

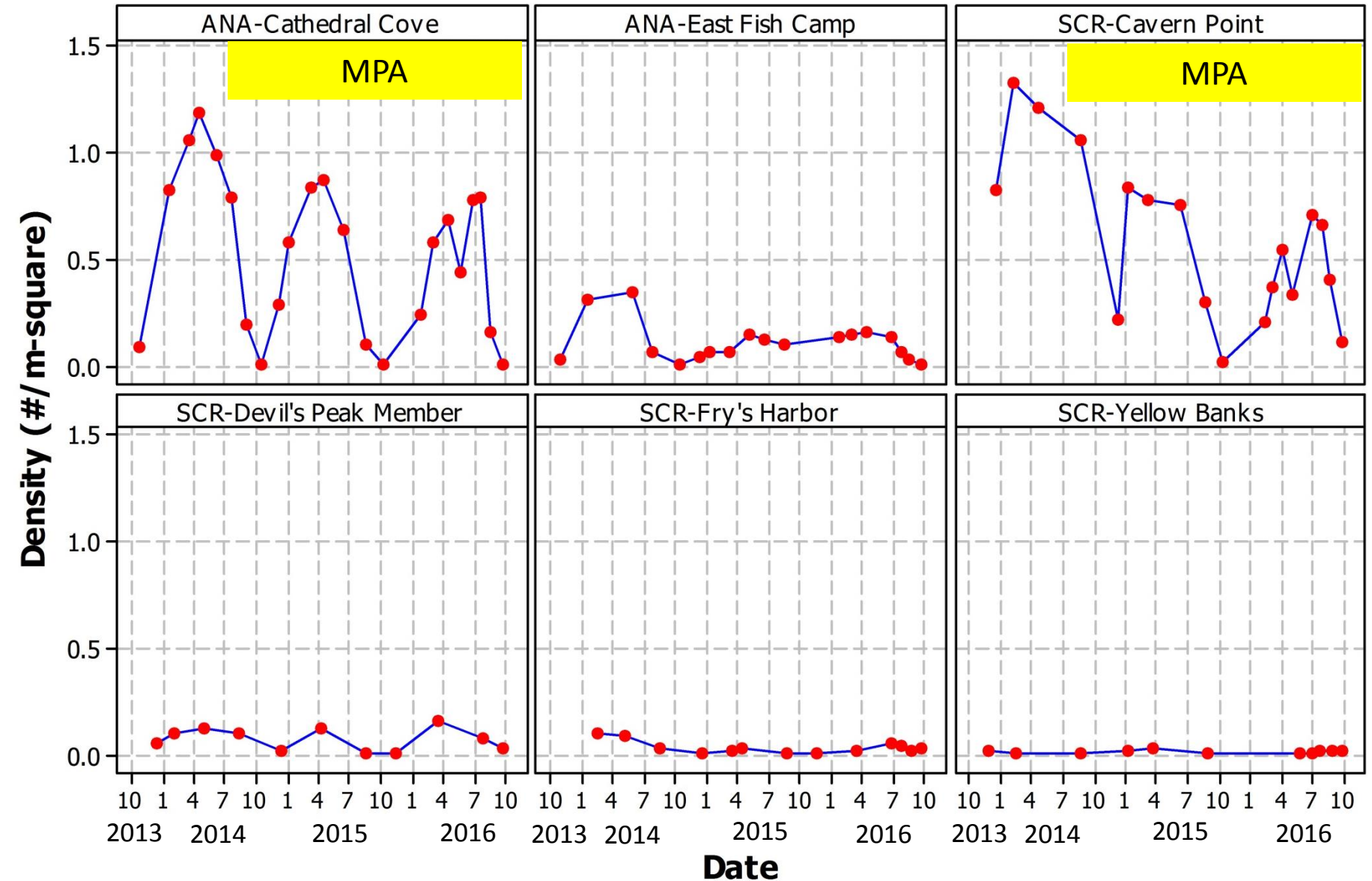
- 74% (20/27) of divers felt current regulations are not sufficient
- Seasonal closure (55%), banning scuba (26%), size limit (19%)

CDFW Dive Surveys

- 3 years (2013-2015)
- 100 m transects (1x1 m) (all existing KFM sites)
- Counted and measured (Length x Width x Height)



CDFW Dive Survey Results



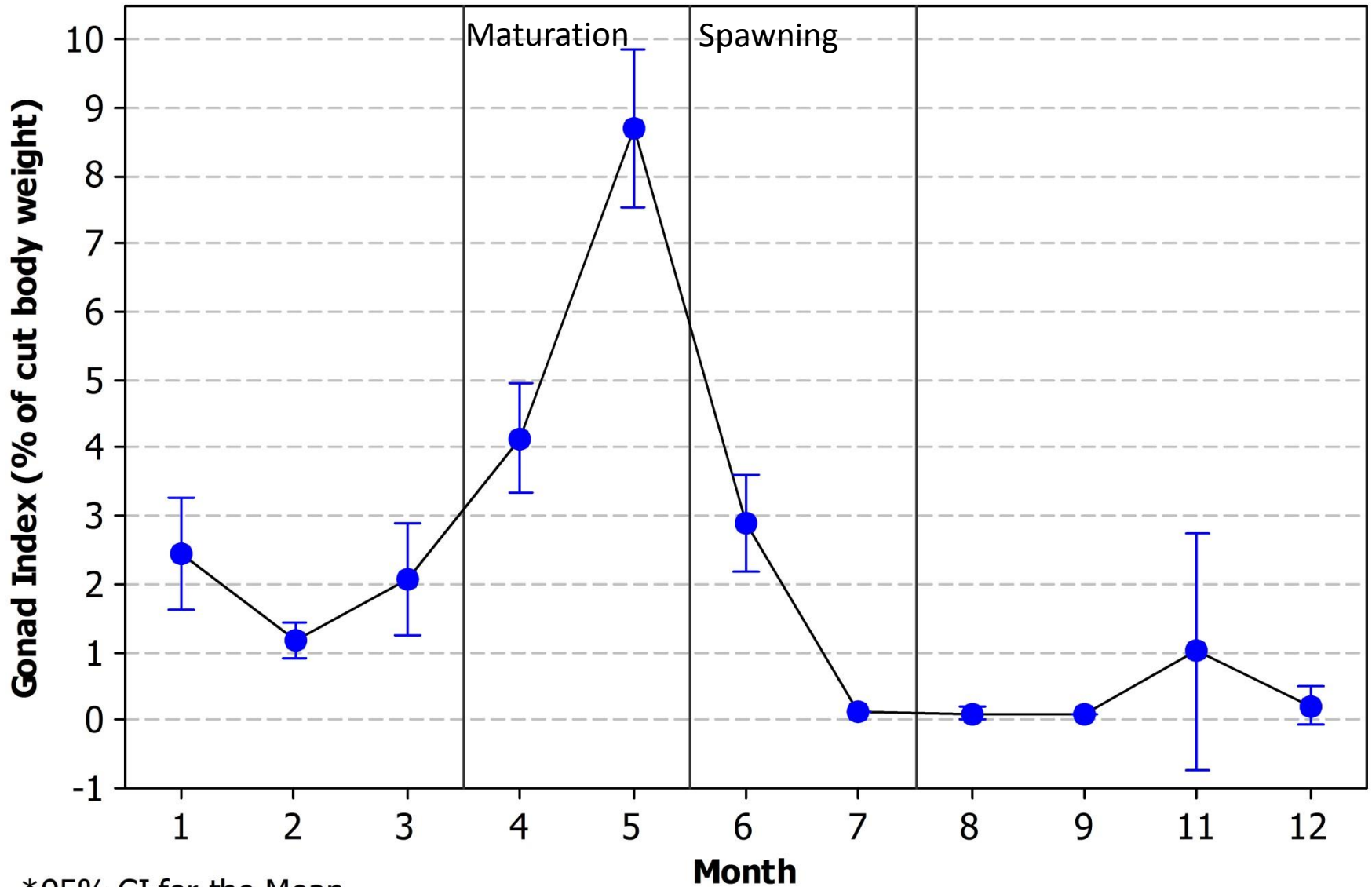
Laboratory Research



- Individuals dissected seasonally/monthly to determine:
 - size relationships
 - reproductive condition
 - fecundity
 - size at 1st sexual maturity

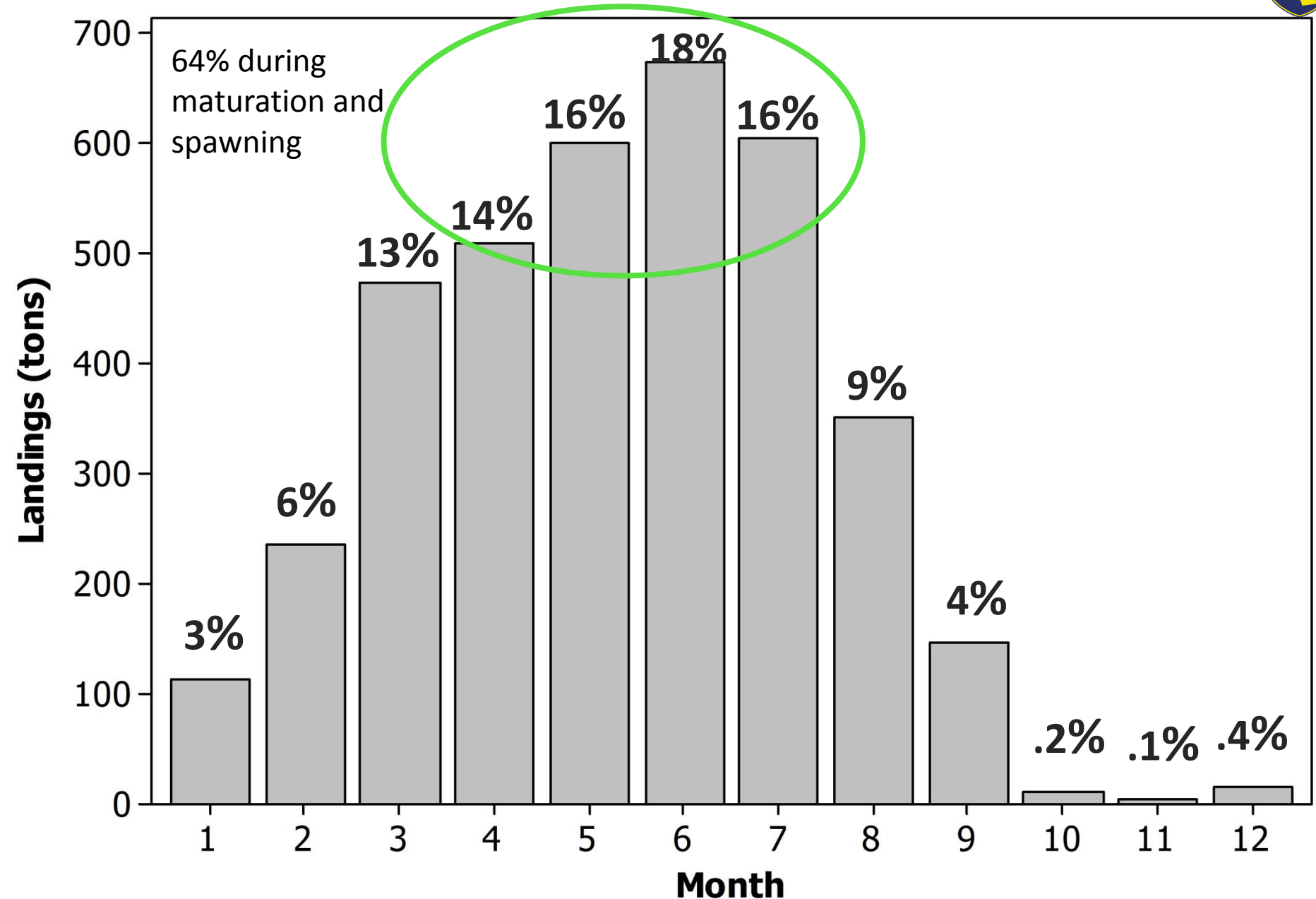


Lab Results: Reproductive Condition



*95% CI for the Mean

Monthly Landings (1997-2015)



Key Findings



- Landings and CDFW data indicate management measures are necessary
- Reporting of landing condition essential to landings data
 - weight reduced by ~50% when processed at sea
- Management challenge: Peaks in population densities and commercial landings coincide with peaks in spawning
- MPAs provide important habitat to allow for undisturbed spawning and provide a critical tool for monitoring wary sea cucumber populations

Next Steps



- Work with the divers and processors to develop regulatory options to ensure sustainability
- Early communications with the fishery suggest a seasonal closure is preferred
- Create landing codes for whole vs cut
- Determine data gaps that need to be filled to inform potential management options
- Determine regulatory scope and timeline

Commissioners
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Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell E. Burns, Member
Napa
Peter S. Silva, Member
El Cajon

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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Fish and Game Commission



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MARINE RESOURCES COMMITTEE

Committee Co-Chairs: President Sklar and Commissioner Silva

March 23, 2017 Meeting Summary

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

Call to order

The meeting was called to order at 9:05 a.m. by Co-chair Sklar at the Holiday Inn Express, 35 Via Pico Plaza, San Clemente, California. Co-chair Sklar gave the opening remarks.

Valerie Termini introduced Fish and Game Commission (FGC) and California Department of Fish and Wildlife (DFW) staff, and outlined meeting procedures and guidelines, 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 and would be posted to the FGC website. The following Committee chairs, FGC and DFW staff, and invited speakers were in attendance:

Committee Chairs

Eric Sklar	Present
Peter Silva	Present

FGC Staff

Valerie Termini	Executive Director
Elizabeth Pope	Acting Senior Environmental Scientist
Heather Benko	Sea Grant Fellow

DFW Staff

David Bess	Deputy Director and Chief, Law Enforcement Division
Mike Stefanak	Assistant Chief, Law Enforcement Division
Bob Puccinelli	Captain, Law Enforcement Division
Craig Shuman	Manager, Marine Region
Tom Barnes	Program Manager, State Managed Fisheries, Marine Region
Sonke Mastrup	Program Manager, Invertebrate Fisheries, Marine Region
Tom Mason	Senior Environmental Scientist Supervisor, Marine Region
Traci Larinto	Senior Environmental Scientist, Marine Region

Ian Taniguchi	Senior Environmental Scientist, Marine Region
Carlos Mierles	Environmental Scientist, Marine Region
Travis Tanaka	Environmental Scientist, Marine Region

Other Invited Speakers

Chris Potter	Environmental Scientist, California Ocean Science Trust (OST)
Sara Shen	Program Manager (DFW contractor), Marine Life Management Act master plan amendment process
Sarah Valencia	Program Manager (DFW contractor), Herring Fisheries Management Plan (FMP) development process

1. Approve agenda

The Committee approved the agenda without changes.

Co-chair Silva invited David Bess to present Bob Puccinelli with an award in recognition of 25 years with DFW.

2. Public forum for items not on the agenda

Pete Halmay: Made a presentation on issues and challenges facing small scale, spatially explicit, and sedentary fisheries such as sea urchin. He cited the need for additional data collection and DFW support, and recommended an apprenticeship program for new entrants and exploring a permit buyback program for those leaving the fishery.

Sara Shen: Announced a “community gathering” to discuss south coast marine protected areas (MPA) baseline information was scheduled after the MRC meeting and that a joint presentation by DFW and OST will be provided at the April 2017 FGC meeting.

George Osborn (representing California Sport Fishing League): Commented that proposed SB 234 was recently amended to require FGC to compile and report to the California State Legislature on local regulations affecting pier fishing, and requested MRC support the bill as amended. President Sklar requested that staff review the bill as amended and report to FGC on feasibility of the project at its April meeting.

Butch Powers: Commented that the nearshore fishery community in San Luis Obispo is suffering impacts from recent stormy weather. When there is a closure in March and April preceded by stormy weather, fishers are missing their quota. He requested that FGC allow fishers to fish during closed months to reach their allotted quota. A commenter expressed concern over the State’s proposal for landing tax increases, and requested clarification if the nearshore permit transfer fees are associated with them. President Sklar clarified that the potential landing tax increase was part of a broader budget discussion before the Legislature on closing the budget gap, and MRC does not have direct input.

Paul Weakland: Requested DFW improve record keeping.

Tara Brock (Pew Charitable Trusts): Requested an update on the set gill net sword fish fishery be scheduled as it had been some time since the last update.

3. Staff and agency updates

(A) FGC - Climate change policy

Valerie Termini provided an update on FGC efforts to develop a policy; a draft will be available for public comment later this year.

(B) DFW - Electronic reporting for commercial fishery landing

Travis Tanaka gave a progress report on DFW implementation of electronic reporting, highlighting the proposed regulatory timeline.

DFW confirmed that there would still be a paper record for personal record keeping and that the format is the same as the current federal standard. Attendees provided general support for the transition to electronic reporting.

(C) DFW - Kelp and algae harvest

Craig Shuman provided an update on DFW's tribal outreach efforts on possible kelp and algae harvest regulatory changes, originally presented to the MRC in November 2016. He also provided a general update on a series of upcoming artificial reef scoping meetings to share perspectives, needs, and concerns around the topic.

(D) DFW - Law enforcement

David Bess provided an update on prosecution of lobster fishery violations. He highlighted the need to engage with district attorneys (DAs) to provide training on wildlife and environmental crime and process bottlenecks. Two primary issues were identified as diversion and the effects of Proposition 47, which reduces many transgressions to misdemeanors. He identified that engaging with local DAs is essential to creating a better outcomes with DA offices.

4. U.S. Bureau of Ocean Energy Management (BOEM) offshore wind stakeholder engagement

Chris Potter provided an informational overview of the offshore wind energy planning process under development through the BOEM Intergovernmental Renewable Energy Task Force. This was an information-sharing opportunity to notify the public that the process is beginning; no final projects have been proposed.

Chris Potter and FGC staff confirmed that projects would be sited in federal waters, outside FGC authority. If a future project traverses state waters with potential impacts to State-managed fisheries, FGC authority might be a more direct issue.

MRC Recommendation

MRC recommends continued MRC tracking and scheduling general updates as necessary.

5. Nearshore and deeper nearshore fishery permits

Traci Larinto provided an update on the proposed changes to the nearshore and deeper nearshore permit structure. At the November 2016 MRC meeting, DFW had three recommendations: (1) change the nearshore fishery permit transfer rate from 2-to-1 to 1-to-1; (2) make deeper nearshore permits transferable; and (3) increase transfer fees that would apply to both types of permits, within a range of \$1,000 to \$2,000.

Previously MRC had requested that DFW bring to the March 2017 meeting a specific transfer fee proposal. As follow-up, Ms. Larinto informed MRC that the cost analysis was still underway by DFW staff, but that the specified range still applied. She also highlighted new administrative fixes to the permit process identified since the last MRC meeting, including the process and timeline to transfer permits upon the death of a permittee.

Public Discussion

The majority of comments were in general support for the transfer structure as proposed by DFW, although one commenter opposed changes to the current \$500 transfer fee. Additional clarification on proposed administrative aspects of permits in cases of permit holder death was provided.

MRC Recommendation

MRC recommends that FGC approve for inclusion in the proposed rulemaking a range of fees of \$1,000-\$2,000 for each permit as identified by DFW for commercial nearshore and deeper nearshore fishery permits, and include processing procedure changes as proposed by DFW. MRC supports the rulemaking scheduled to commence in June 2017.

6. Discussion of potential commercial sea cucumber regulation changes

Carlos Mireles presented DFW's evaluation of the commercial sea cucumber fishery and status of the stock, and findings that the fishery is showing a trend of significant declines. Currently the fishery may operate year-round with no closures; therefore DFW recommends that a season length be established around the spawning season of the sea cucumber. Enacting a commercial regulatory season would be an immediate step to help populations rebuild while also allowing the fishery to continue.

Public Discussion

Fishery participants confirmed that they have seen a decrease in the fishery attributed to increased year-round pressure, although not all agreed that the resource itself was in jeopardy.

Commenters expressed general support for some type of closed season or management measures to assist the population and avoid fishery collapse.

Additional discussion took place regarding scientific monitoring techniques for sea cucumber. While there was support for long-term monitoring, commenters recognized that the declines in the fishery observed by both DFW and the commercial fleet were significant enough to warrant implementation of a closed season now as an important initial step.

MRC Recommendation

MRC recommends that FGC support DFW's recommendation to schedule a rulemaking for the commercial sea cucumber fishery in 2017, with a specific regulatory timeline to be proposed by DFW at the April 2017 FGC meeting.

7. Updates on current fishery management plan (FMP) development efforts

(A) Red Abalone FMP

Sonke Mastrup presented an update on progress in development of a red abalone FMP, including a general timeline, associated California Environmental Quality Act (CEQA) review, and regulatory processes. DFW estimates that a draft management framework for the FMP will be completed in time for discussion at the July 2017 MRC meeting, and that the FMP and CEQA documents will be finalized in 2018, leading to FGC adoption and regulatory process in 2019. DFW will continue to update MRC and FGC as appropriate.

Public Discussion

Paul Weakland asked what benefit the “no fishing” policy has had on black abalone and expressed concern about the FMP process.

The MRC co-chairs both supported continued updates on the FMP progress to MRC. Sonke Mastrup offered that July MRC could be a good avenue for an update given the proximity to the abalone fishery.

MRC Direction

MRC requested an update on the FMP at the July 2017 MRC in Santa Rosa.

(B) Pacific Herring FMP

Sarah Valencia provided an update on the progress of the FMP including how and why specific stakeholder comments were addressed in the FMP.

Public Discussion

One general comment of support was provided for the Pacific Herring FMP as an apparent successful model for FMP implementation, and support was expressed for

the decision to not include round haul gear in the fishery.

(C) *Marine Life Management Act master plan for fisheries (MLMA Master Plan) and discussion on stakeholder engagement*

Craig Shuman provided an update and overview of stakeholder engagement processes, DFW outreach efforts, and products developed as part of information-gathering projects. This included discussion on DFW testing of an outreach decision support tool (DST) developed by Kerns & West and the Center for Ocean Solutions that identifies potential outreach methods based on audience needs and required scope. DFW staff tested the tool and found it re-affirmed approaches already utilized by DFW and does not anticipate employing it as a MLMA Master Plan tool.

Public Discussion

Comments were made that the selection of management approaches should consider cost when looking at a data set or management structure, including priority, timeline, and “how-to” for DFW actions.

Co-chair Sklar and Craig Shuman both supported outreach as valuable within the MLMA amendment process but that outreach and management efforts need to be at appropriate scale and level of funding in order to make informed decisions about management strategies.

8. Marine Resources Committee special projects

(A) *Fisheries Bycatch Workgroup*

Elizabeth Pope reported on Fisheries Bycatch Workgroup (BWG) progress toward completing its work plan and future meeting schedule. BWG had a teleconference meeting on March 17, 2017, during which members supported alignment of work products with the MLMA Master Plan amendment process, with a final BWG product by late 2018. BWG members supported FGC staff commitment to integrate member comments in the work plan and provide a version for review before the next meeting, targeted for April or May.

Public Discussion

A BWG member expressed support for BWG focus on aligning products with the MLMA Master Plan amendment timeline, but also supported looking at existing statutes and policies and an assessment of bycatch data. While BWG does not have capacity to do the data assessment, it should be able to provide recommendations for consideration.

Co-chair Sklar supported the continued efforts of BWG and alignment with the MLMA Master Plan timeframe.

(B) *Fishing Communities*

Heather Benko reported that regional fishing communities meetings were being

developed for spring/summer 2017. She presented two options for scheduling: (1) to have a sequential series of meetings along the coast in one short time frame, or (2) schedule meetings to align with the existing FGC 2017 schedule.

Co-chair Sklar suggested a hybrid method for meeting planning, to maximize staff and public participation by aligning meetings with the existing FGC and MRC schedule where possible, and scheduling separate meetings where smaller ports are farther apart (e.g., along the north coast).

MRC Direction

Directed staff to schedule fishing communities meetings, commencing in late spring/early summer 2017.

9. Future agenda items

(A) Review work plan, agenda topics, and timeline

Following discussion, MRC recommended that staff explore scheduling a sea cucumber fishery update, best management practices for aquaculture leases, and possible BOEM project update for the July MRC meeting.

(B) Potential new agenda topics for Commission consideration

Based on request under Item 2 public forum, MRC recommends that an informational overview of the federal process related to the drift gill net swordfish fishery be added to the MRC work plan for July 2017.

The meeting adjourned at 2:30 p.m.