

STAFF SUMMARY FOR JUNE 21-22, 2017

33. ABALONE**Today's Item****Information** ☒**Action** ☐

DFW update on the status of the recreational abalone fishery and development of a red abalone fishery management plan.

Summary of Previous/Future Actions

- | | |
|--|-------------------------------|
| • Adopted emergency regulations | Dec 7-8, 2016; San Diego |
| • Today's update from DFW | Jun 21-22; Smith River |
| • Proposed emergency action and notice hearing for compliance rulemaking | Aug 16-17, 2017; Sacramento |

Background

On Dec 7, 2016, FGC took emergency action to change abalone regulations by reducing the annual limit from 18 to 12 (except for Sonoma County, which remained at 9) and reducing the months open to fishing from seven to five by closing Apr and Nov. The emergency regulations became effective on Apr 1, 2017 and will expire on Sep 29, 2017.

Early indications, based on recent DFW creel surveys and in-water reports and observations, suggest conditions continue to be very poor and are not likely to quickly improve. Body shrinkage score for red abalone (N=3800) assessed from nine sites throughout the fishery in May 2017 show 25% of the abalone are shrunken and starving. Kelp food resources continue to be poor and the density of purple sea urchin competitors remains high.

There is also growing concern that this summer's density survey results could trigger recommendations for additional restrictions, including closures. Therefore, DFW recommends FGC schedule consideration of readoption of the emergency regulation for 2017 and notice of its intent to amend regulations to make the 2017 or more restrictive regulations effective for the 2018 fishery season (Exhibit 1).

DFW, under direction of FGC, is in the process of drafting a fishery management plan for abalone and will provide an update on progress and next steps.

Significant Public Comments

1. Letter to Senator McGuire and similar letter sent to Assemblyman Wood from Mr. Guil Dye regarding the abalone fishery, stating that Mendocino County in particular is in serious trouble (Exhibit 2)
2. Photos showing bare kelp stalks and bleached rocks where there should be a kelp forest (Exhibit 3).
3. Fort Bragg resident concerned about the decline of our ocean ecosystem (Exhibit 4)

Recommendation

FGC staff: Accept DFW's recommendation.

STAFF SUMMARY FOR JUNE 21-22, 2017

DFW: FGC schedule at its Aug meeting consideration of readoption of the emergency regulation for 2017 and notice of its intent to amend regulations to make the 2017 regulations effective for the 2018 fishery season.

Exhibits

1. [DFW memo, dated May 23, 2017](#)
2. [Email from Guil Dye, received Jun 5, 2017](#)
3. [Email from Guil Dye, received Jun 5, 2017](#)
4. [Email from Chad Swimmer, received Jun 6, 2017](#)

Motion/Direction (N/A)

Note that action on the proposed regulatory timetable changes will be addressed under agenda item 38C.

Memorandum

2017 MAY 26 AM 11:26

Date: May 23, 2017

To: Valerie Termini
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: **Agenda Item for the June 21-22, 2017 Fish and Game Commission Meeting - Request to Amend Section 29.15, Title 14, CCR**

The California Department of Fish and Wildlife (Department) would like to update the Fish and Game Commission (Commission) on its recommendation regarding the 2018 recreational abalone fishery season. The 2016 season saw continued declines in key fishery indicators resulting in the Department recommending emergency action to reduce fishing pressure in 2017. On December 7, 2016, the Commission took emergency action to change the regulations by reducing the annual limit from 18 to 12 (except for Sonoma County, which remains at 9) and reducing the months open to fishing from 7 to 5 by closing April and November. The emergency regulations became effective in April and will expire the end of September.

The Department does not possess any information indicating that conditions have improved. Therefore, the Department recommends the Commission schedule at its August meeting consideration of readoption of the emergency regulation for 2017 and notice of its intent to amend regulations to make the 2017 regulations effective for the 2018 fishery season.

If you have any questions or need additional information, please contact Sonke Mastrup, Environmental Program Manager, Marine Region, at (916) 799-0398, or Sonke.Mastrup@wildlife.ca.gov.

ec: **Department of Fish and Wildlife**

Stafford Lehr, Deputy Director
Wildlife and Fisheries Division
Stafford.Lehr@wildlife.ca.gov

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

Valerie Termini, Executive Director
Fish and Game Commission
May 23, 2017
Page 2

Craig Martz
Regulations Unit Manager
Wildlife and Fisheries Division
Craig.Martz@wildlife.ca.gov

Scott Barrow
Senior Environmental Scientist
Regulations Unit
Scott.Barrow@wildlife.ca.gov

Fw: Request for emergency closure of Abalone harvest in Mendocino County

FGC

Tue 6/6/2017 10:40 AM

To: FGC <FGC@fgc.ca.gov>;

From: guil dye <[REDACTED]>
Sent: Monday, June 5, 2017 4:00 PM
To: FGC
Subject: Request for emergency closure of Abalone harvest in Mendocino County

The following is a letter I have written to Senator McGuire. As similar letter was sent to Assemblyman Wood.

Subject: Ecological crisis on our coast. Very Urgent.

Dear Senator McGuire,

The abalone fishery in your district, particularly Mendocino County is in serious trouble. There has been a die off of kelp and at the same time a huge increase in the harvest. The abalone are starving and greatly diminished in size but foraging in the open for the last kelp to feed on. They are unusually vulnerable, plainly visible with no kelp to hide under. At the same time record numbers of divers/pickers from the bay area have descended on our local access points, partly because of preserve area closures south of us. Literally hundreds of visiting harvesters were counted this weekend during three days of minus tides. Most likely took their three abalone home. Roadsides were packed with vehicles where we observed them from the Navarro River to Fort Bragg. From our house overlooking Jug Handle cove, we counted well over a hundred divers daily where in the past it was unusual to see more than a couple dozen.

I have taken the liberty of emailing you some photos from my phone under separate cover. One shot shows bare kelp stalks and bleached rocks where there should be a forest.

This is the second year with minimal kelp growth and overwhelming numbers of harvesters coming from out of the area. The majority are now known to take the abalone and immediately go home leaving little or no contribution to the economy.

After all the cost and efforts at law enforce, research, preservation, curtailed seasons etc, it appears that this sport fishery will be devastated by this season's end unless emergency measures are taken. The local economy and culture will suffer.

It is very plain, clear and obvious that Department of Fish and Wildlife should be given the mandate to close the fishery until the kelp growth returns to normal. The abundant small purple urchins are being blamed for eating the kelp but there are no known ways to stop that. There are cycles in nature that humans can either magnify or reduce. California has wasted many fishery resources by mismanagement. Closing abalone harvest temporarily is a responsible way to save this one before it is too late.

Do you know if Fish and Wildlife Department is addressing this situation? Is there any awareness of what will probably be the end of this unique and valuable resource of your district in California? Are you concerned about it?

Sincerely,

Guilford Dye,

President, Broadcasting Corporation of Mendocino County, KWine and Max Radio, Ukiah.

I shall send a separate email with the photos.

photos of abalone harvest during low tide event Mendocino County

guil dye < >

Mon 6/5/2017 4:07 PM

To:FGC <FGC@fgc.ca.gov>;

Cc:Weseloh, Tom <Tom.Weseloh@sen.ca.gov>; konstantin karpov < >; frank merritt
< >; jack mason < >; Larry Falk < >;

Begin forwarded message:

From: Guil Dye <
Date: May 30, 2017 at 3:37:28 PM PDT
To: senator.maguire@senate.ca.gov
Cc:

Sent from my U.S. Cellular® Smartphone



Begin forwarded message:

From: Guil Dye < >
Date: May 30, 2017 at 3:35:58 PM PDT
To: senator.maguire@senate.ca.gov,

Sent from my U.S. Cellular® Smartphone



Begin forwarded message:

From: Guil Dye < >
Date: May 30, 2017 at 3:35:00 PM PDT
To: senator.maguire@senate.ca.gov
Cc:

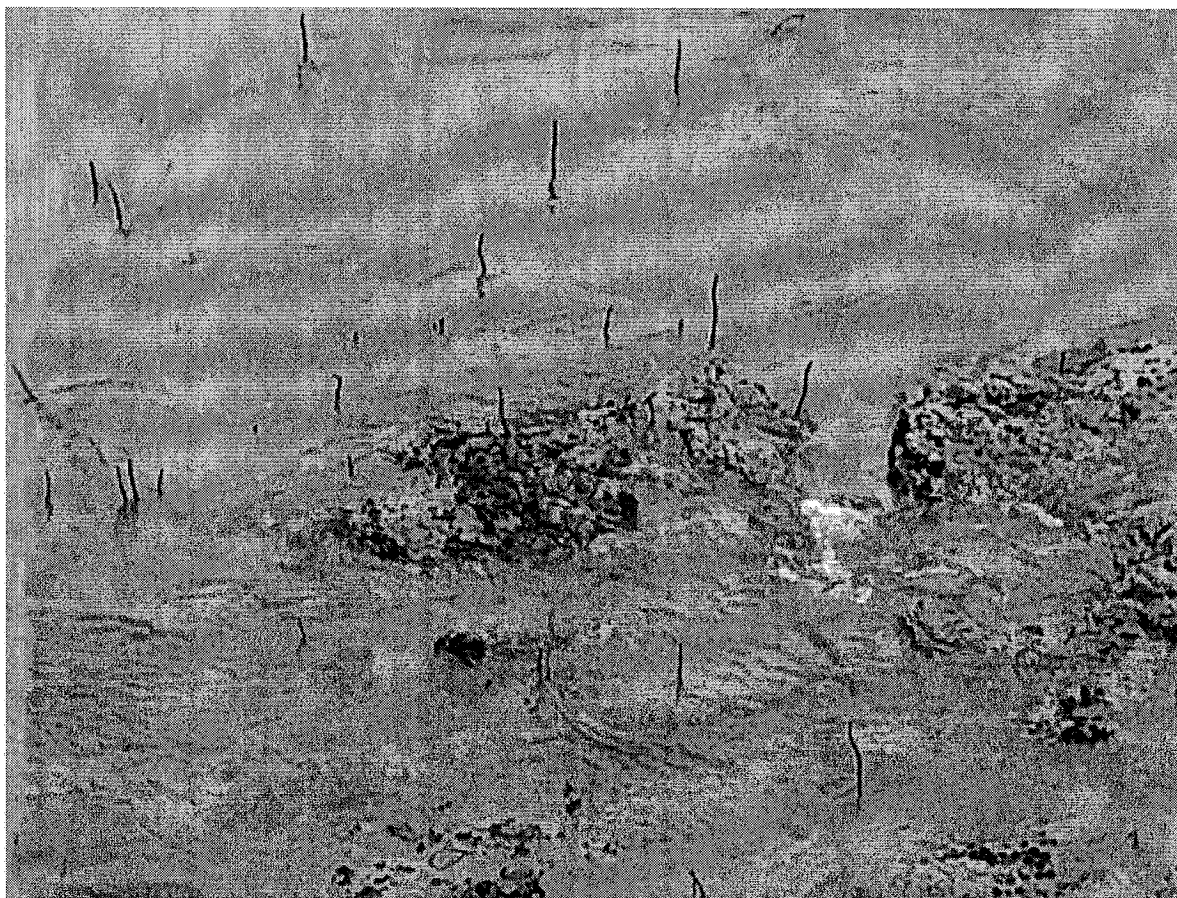
Sent from my U.S. Cellular® Smartphone



Begin forwarded message:

From: Guil Dye
Date: May 30, 2017 at 3:39:10 PM PDT
To: senator.maguire@senate.ca.gov,

Sent from my U.S. Cellular® Smartphone



Begin forwarded message:

From: Guil Dye <
Date: May 30, 2017 at 3:38:11 PM PDT
To: senator.maguire@senate.ca.gov

Sent from my U.S. Cellular® Smartphone



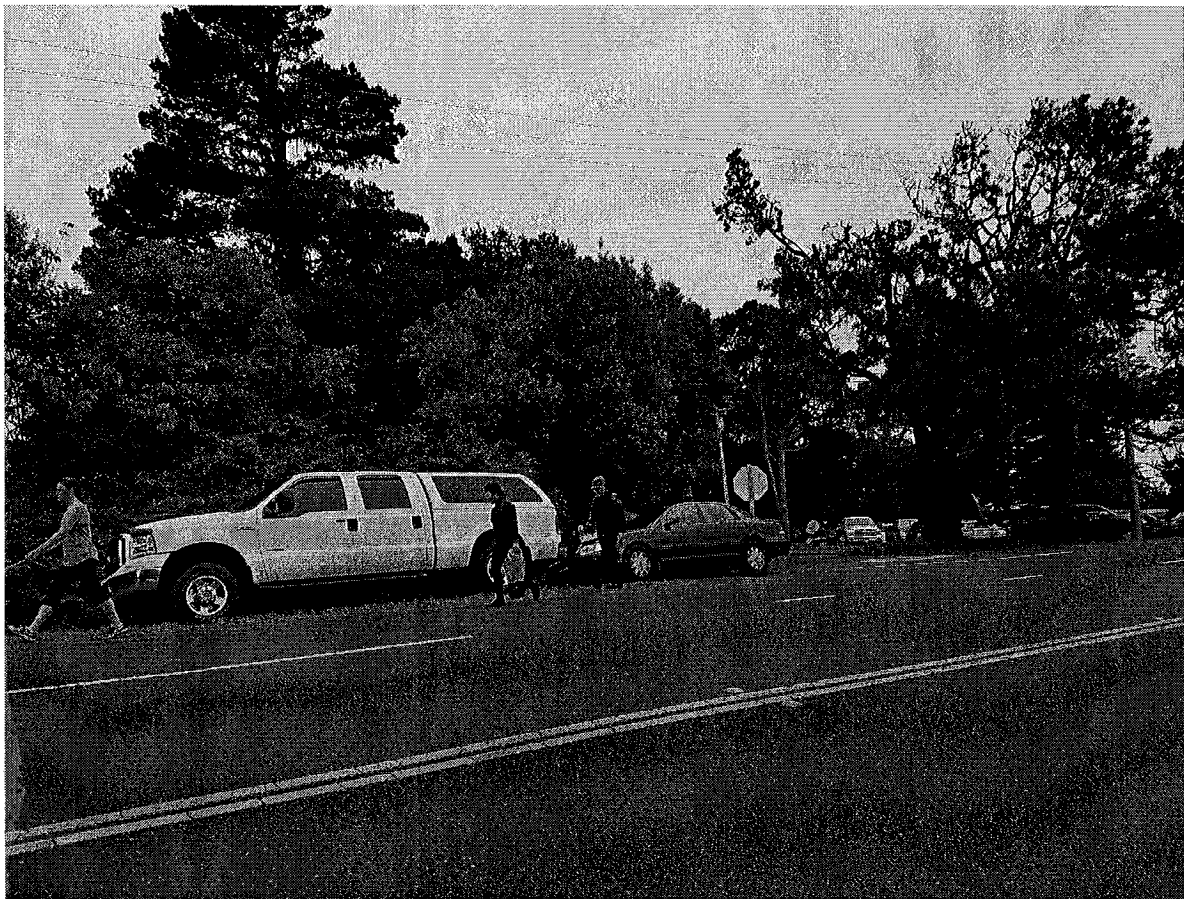
Begin forwarded message:

From: Guil Dye < >

Date: May 30, 2017 at 3:36:41 PM PDT

To: senator.maguire@senate.ca.gov, _____

Sent from my U.S. Cellular® Smartphone



From: Chad Swimmer [REDACTED]
Sent: Tuesday, June 6, 2017 3:33:18 PM
To: FGC
Subject: Comments on Ocean and Abalone Health in the Fort Bragg Area

To Whom It May Concern--

I am a Fort Bragg resident who has been diving the Mendocino Coast since 1986. It has been painful and depressing watching the decline of our ocean ecosystem, but what I saw last week was, to me the worst of all. I dove the North side of Caspar Bay, a spot I hadn't been to in two years. Below the intertidal zone, it was a wasteland. It was high tide, so I was only able to reach to about 15 feet below the low tide range, but aside from the intertidal kelp, it was a wasteland. Aside from the thousands of purple urchins, there was very little life. The rocks were scraped clean of even the kelp roots. There were few live abalone, but many shells. Apart from abalone, there were a few perch, but hardly any other creatures, this in an area of unbelievable diversity even just a couple years ago. I did take two abalone, but when I went to clean them, something strange happened. Their lips came off in my hands, their muscles like jelly. I have never seen such a thing. Needless to say, I did not eat them. I should have brought them straight to CDFW, but I was kind of shell-shocked. Now it's too late.
Chad Swimmer, [REDACTED]