

STAFF SUMMARY FOR AUGUST 16, 2017

27. MARINE NON-REGULATORY REQUESTS**Today's Item****Information** ☐**Action** ☒

This is a standing agenda item for FGC to act on non-regulatory requests from the public that are marine in nature. For this meeting:

- (A) Action on non-regulatory requests received at the Jun 2017 meeting.
- (B) Update on pending non-regulatory requests referred to staff or DFW for review.

Summary of Previous/Future Actions

(A)

- FGC receipt of requests Jun 21-22, 2017; Smith River
- **Today's action on requests Aug 16, 2017; Sacramento**

(B)

- **Today's update Aug 16, 2017; Sacramento**

Background

FGC provides direction regarding requests from the public received by mail and email and during public forum at the previous FGC meeting. Public requests for non-regulatory action follow a two-meeting cycle to ensure proper review and consideration.

- (A) **Non-regulatory requests.** Non-regulatory requests scheduled for consideration today were received at the Jun 2017 meeting in one of three ways: (1) submitted by the comment deadline and published as tables in the meeting binder, (2) submitted by the late comment deadline and delivered at the meeting, or (3) received during public forum.

Six non-regulatory requests received in Jun 2017 are scheduled for action today. Exhibit A1 summarizes and contains staff recommendations for each request; for those received in writing, individual requests are provided in exhibits A2-A3.

- (B) **Pending non-regulatory requests.** This item is an opportunity for staff to provide a recommendation on non-regulatory requests that were scheduled for action at a previous meeting and referred by FGC to DFW or FGC staff for further review. FGC may act on any staff recommendations made today.

No updates on pending requests were received from FGC staff or DFW for this meeting.

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

- (A) Adopt staff recommendations for non-regulatory requests to (1) deny; (2) grant; or (3) refer to committee, DFW staff, or FGC staff for further evaluation or information-gathering. See Exhibit A1 for staff recommendations for each non-regulatory request.

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Exhibits

- A1. [FGC table of marine non-regulatory requests received through Jun 22, 2017](#)
- A2. [Email from Marin Audubon Society, received May 31, 2017](#)
- A3. [Email from Chris Markoff, received May 31, 2017](#)

Motion/Direction

- (A) Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for actions on June 2017 non-regulatory requests.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for actions on June 2017 non-regulatory requests, except for item(s) _____ for which the action is _____.

CALIFORNIA FISH AND GAME COMMISSION
DECISION LIST FOR MARINE, NON-REGULATORY REQUESTS RECEIVED THROUGH JUN 22, 2017, FOR FGC ACTION
Revised 08-02-2017

FGC - California Fish and Game Commission **DFW** - California Department of Fish and Wildlife **WRC** - Wildlife Resources Committee **MRC** - Marine Resources Committee

Date Received	Name of Petitioner	Subject of Request	Short Description	Staff Recommendation	FGC Decision
5/31/2017	Barbara Salzman and Phil Peterson Marin Audubon Society	Aquaculture leases	Recommends FGC not approve any new aquaculture leases in Tomales Bay until an ecological assessment is completed.	DENY ; review of new lease area applications can be accomplished through mandatory environmental review pursuant to the California Environmental Quality Act, which considers ecological baseline.	RECEIPT: 6/21-22/2017 ACTION: Scheduled 8/16/2017
5/31/2017	Chris Markoff	Experimental fishing permit	Requests a box crab and California king crab experimental fishing permit.	REFER to DFW and MRC for further evaluation and recommendation.	RECEIPT: 6/21-22/2017 ACTION: Scheduled 8/16/2017
6/21/2017	Charlie Helms Crescent City Harbor District	Rockfish regulations	Requests DFW review rockfish data and revise the bag limit.	DENY ; review of data and bag limits occurs through the Pacific Fishery Management Council (PFMC) process. Requestee referred to the PFMC process and encouraged to work with DFW representatives.	RECEIPT: 6/21-22/2017 ACTION: Scheduled 8/16/2017
6/22/2017	James Ramsey, Crescent City Harbor Commission, and Kenyon Hensel	Rockfish regulations	(1) Requests change in bag limit for rockfish to at least the same as Oregon's bag limit. (2) Request FGC look into potential over-estimation of rockfish catch in model.	(1) DENY ; requestee referred to Pacific Fishery Management Council (PFMC) process and encouraged to work with DFW representatives. (2) DENY ; review of the model occurs through the PFMC process. Requestee referred to the PFMC process.	RECEIPT: 6/21-22/2017 ACTION: Scheduled 8/16/2017
6/22/2017	Dan Yoakum	Coastal fishing communities	Request FGC continue coastal fishing communities meetings.	GRANT ; a series of coastal fishing communities meetings are planned for 2017.	RECEIPT: 6/21-22/2017 ACTION: Scheduled 8/16/2017
6/22/2017	Bill James	Commerical fees	Requests DFW work more closely with fishermen to develop more reasonable commerical fishing fee proposals.	No FGC action required ; requestee referred to DFW.	RECEIPT: 6/21-22/2017 ACTION: Scheduled 8/16/2017



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

MS

May 31, 2017

VIA EMAIL

Valerie Termini, Executive Director
CA Fish and Game Commission
Members of the Fish and Game Commission

Dear Ms. Termini and Commissioners:

This is to convey Marin Audubon Society's concern about possible Commission approval of new aquaculture leases for oyster and geoduck farming on Tomales Bay. We recommend that an environmental assessment be prepared before any further leases are approved. The assessment should recommend whether any leases, in addition to those that already exist, be approved.

As stated in Audubon California's April 13, 2013 letter on this subject, "Tomales Bay's intertidal and subtidal habitats have extraordinary resource values for birds, commercial fish and herring."

Aquaculture farms are a monoculture that exclude the diversity of species that depend on Tomales Bay. Tomales Bay waters are essential habitat for migratory waterfowl particularly Black Brant which are only found along the coast and nowhere else in the San Francisco Bay Area. It is our understanding that the Black Brant population is showing signs of stress and that scientists think declining habitat quality along migratory routes and overwintering areas is the cause. Eelgrass is a valuable resource that supports many fish and bird species. Aquaculture directly impacts shorebird use of intertidal habitats. As identified in John Kelly's 2001 study, western sandpipers and dunlin avoid intertidal aquaculture areas. During their critical winter migratory period, waterbirds are disturbed by vessel traffic to maintain the aquaculture facilities. In addition, Lagunitas Creek, which empties into Tomales Bay, is a major spawning habitat for the endangered Coho and steelhead. Young of these species depend on wetlands and shallow waters of Tomales Bay as they make their way to the ocean.

A new 45-acre aquaculture farm would cover intertidal habitat and affect water quality of the Bay. It is essential that any approvals for an activity that would have such significant influence on this marine ecosystem be approached with caution and study, and be based on understanding of the resources that it could impact. To ensure Tomales Bay and its resources are not damaged and destroyed, we recommend that:

- A biological assessment be prepared that provides basic information on the biological resources of Tomales Bay to inform the current and any future decision on aquaculture in the Bay. The assessment should identify the potential impacts of aquaculture farming the resources that could be impacted, the locations that are most vulnerable, and sensitive and those that should be avoided.

- A cumulative impact analysis that looks at current uses that already impact the resources, including aquaculture, boating, camping and agriculture, must be prepared.
- Suitable areas that would avoid or minimize impacts to biological resources should be identified, should it be determined that additional aquaculture farms could be operated without damage to the resources.
- A CEQA document must be prepared to analyze the potential impacts of the project

The goal of the environmental assessment, along with review and planning, should be to ensure that the resources of Tomales Bay are not adversely impacted. Whether or not to issue additional leases should be determined after the above assessment and planning efforts are completed.

Thank you for considering our input. The Marin Audubon is a 501(c) (3) organization and the chapter of National Audubon Society in which county Tomales Bay is located. We have approximately 2,000 members.

Sincerely,



Barbara Salzman, Co-chair
Conservation Committee



Phil Peterson, Co-chair
Conservation Committee

cc: Craig Shuman, Director Marin Region CDFW
Susan Ashcraft, Marine Advisor CFGC

F/V JOANNA

CHRIS MARKOFF, Owner and Captain:

May 31, 2017

TO: California Fish and Game Commission

RE: experimental permit for Box Crab and California King Crab


Dear Commission members-

I am a commercial fisherman in San Diego fishing Spot Prawns and Rock Crab. I understand there is a pending experimental permit targeting Box Crab and California King Crab. I would like to be included in this fishery. There is one commercial fisherman in SD that is bragging that he is the only one to get this permit and will have the market cornered for these two products. I don't know if that is accurate but I'd find it very unfair if it were. I am honest, work hard and would like not to be excluded from this experimental fishery.

From reading on the internet. NOAA considers these two species underutilized species.

Please include me in this experimental fishery. The traps I would like to use are made of 2"X2" mesh

Thank You Very Much,



Chris Markoff

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COMMISSION

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