

Commissioners

Eric Sklar, President
Saint Helena

Anthony C. Williams, Vice President
Huntington Beach

Jacque Hostler-Carmesin, Member
McKinleyville

Russell E. Burns, Member
Napa

Peter S. Silva, Member
Jamul

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director

1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MARINE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Sklar and Commissioner Silva

March 6, 2018 Meeting Summary

Following is a summary of the Marine Resources Committee (MRC) meeting as prepared by staff.

Call to order

The meeting was called to order at 8:30 a.m. by Commissioner Silva at the Justice A. Rattigan State Building, 50 D Street, Santa Rosa. Commissioner Silva gave welcoming remarks.

Susan Ashcraft introduced California Fish and Game Commission (Commission) staff and California Department of Fish and Wildlife (Department) staff, and outlined the meeting procedures and guidelines, noting that the Committee is a non-decision making body that provides recommendations to the Commission. She reminded participants that the meeting was being audio-recorded and that the recording will be posted to the Commission website. The following Committee co-chairs, Commission and Department staff, and invited speakers were in attendance:

Committee Co-Chairs

Eric Sklar	Absent
Peter Silva	Present

Commission Staff

Valerie Termini	Executive Director
Susan Ashcraft	Marine Advisor
Rick Pimentel	Analyst

Department Staff

Randy Lovell	Statewide Aquaculture Coordinator
Bob Puccinelli	Captain, Law Enforcement Division
Sonke Mastrup	Invertebrate Fisheries Program Manager, Marine Region
Kirsten Ramey	Senior Environmental Scientist Supervisor, Marine Region
Dr. Cynthia Catton	Environmental Scientist, Marine Region
Rebecca Flores-Miller	Environmental Scientist, Marine Region

Invited Speakers

Sarah Valencia	Herring Fishery Management Plan project manager (on contract)
----------------	---

1. Approve agenda and order of items

The Committee chair approved the agenda and order of items.

2. Public forum for items not on the agenda

Chris Voss (commercial fisherman): Continues to support a review of the Commission's Policy on Restricted Access, but reiterated his recommendation that the Commission look to Alaska's Commercial Fisheries Limited Entry Commission as a model to work through challenges associated with policy implementation.

Ashley Eagle-Gibbs (West Marin Environmental Action Committee): Shared efforts with MPA Watch to train volunteers out of Point Reyes area; over 200 volunteers have been trained to collect data which is accessible to inform management and agencies.

Jason Giffin (Port of San Diego): Many lessons learned from the port's work on aquaculture planning with the California State Lands Commission; the Port is interested in supporting aquaculture, including engaging in the Commission's process.

Paul Weakland (commercial fisherman): Expressed concern about the original development of the Abalone Recovery and Management Plan (ARMP), and stated that a fishery management plan (FMP) should encompass the entire range of the species under Commission authority.

3. Staff and agency updates

(A) California Ocean Protection Council (OPC)

Update on draft California Ocean Litter Prevention Strategy, implementation priorities, and action items: Susan Ashcraft gave highlights provided in advance by OPC staff. OPC requested that the Commission clarify whether it wishes to be identified as either a *partner* or *lead* in any implementation actions of relevance (notably, related to aquaculture or fishing gear). In addition, OPC requested to give a presentation to the Commission in June, the next meeting scheduled after OPC's April adoption of the strategy.

Public Discussion

Commenters expressed support for the collaborative approaches identified in the strategy. A fisherman highlighted the value of collaborative outreach resources (e.g., lobster trap video) to educate fishermen on how to manage their gear to avoid gear loss (a marine debris topic); he noted that the trap limit of 300 pieces has led to greater vigilance in trap recovery by fishermen. An environmental non-governmental organization representative expressed support for strategy implementation, and for the Commission's role.

MRC Recommendation

Within the OPC's revised draft ocean litter strategy, identify the Commission as a *co-lead* in developing an aquaculture best management practices rulemaking, and as a

partner in planning for collaborative clean-up of legacy aquaculture debris; and schedule a presentation of the strategy by OPC staff for the June Commission meeting.

(B) California Department of Fish and Wildlife

Marine Region: Sonke Mastrup highlighted the proposed increase in Department funding under the Governor's proposed budget and Marine Region priorities for use of funds if granted; the statewide Marine Protected Area Monitoring and Action Plan is near completion and will be submitted to the Commission for public review and adoption this year.

Law Enforcement Division: Bob Puccinelli provided an update on recent enforcement actions in the marine environment.

(C) Other

Commission: Susan Ashcraft announced that a new Sea Grant State Fellow named Leslie Hart will join Commission staff for a year-long fellowship beginning March 26.

4. Department presentation of proposed collaborative strategy for purple sea urchin removal to support kelp recovery, and possible recommendation.

Dr. Cynthia Catton gave a presentation on approaches being explored to support kelp restoration through a broad coalition of partners. The Department proposes to use recreational harvest as part of a multi-pronged and coordinated approach toward kelp recovery on the north coast. Specifically, it will recommend increasing the recreational daily limit from the current 35 purple urchins to 5-20 gallons per day in Sonoma and Mendocino counties only, through an emergency action scheduled for April.

Public Discussion

Comments focused on types of intervention that may support kelp recovery, which generally fell into three categories: Recreational take, commercial take, and kelp restoration and research removal.

- Recreational take: Recreational divers were concerned that the limit proposed by the Department would be too small to make an impact and suggested no daily limit. They expressed a willingness to coordinate efforts and contribute to data needs.
- Commercial take: Some commenters suggested that increasing sea urchin commercial limits would have more of an impact than increasing sport fishing limits. The Department stated that commercial divers do not have a limit on purple urchin, however they are not lucrative because the urchins are lacking gonads. A commenter responded that new uses such as making commercial fertilizer from purple urchins could offer an alternative product.
- Kelp restoration and research removals: Attention was brought to the massive macro algae cultivation plans in other parts of the world that advocate for kelp farms in California on the order of thousands of acres. The Bay Foundation in Santa Monica reported that it has returned 44 acres back to kelp forests and offered support. A representative from Reef Check highlighted that purple urchin overabundance and kelp loss are not restricted geographically to Sonoma and Mendocino counties. He

presented data from sample sites in the Monterey area that have become urchin barrens, and would like to restore these areas. The Department noted that most of the highlighted areas are within marine protected areas (MPAs). There is a provision in the law for restoration within MPAs; however, there are not well-defined goals/criteria to support this broadly. A scientific collecting permit is required.

MRC Recommendation

Support the proposed regulation change to temporarily increase recreational harvest of purple sea urchin through emergency action in April, as recommended by the Department.

5. Update on kelp and algae harvest management review

Rebecca Flores-Miller gave a presentation highlighting the status of its current review of commercial kelp and algae harvest regulations and management. The Department will return to MRC when a suite of proposed regulation changes are developed.

Public Discussion

A commercial edible seaweed harvester suggested establishing spatial management and lease areas for harvesting edible seaweed, similar to those established for harvesting giant kelp. Susan Ashcraft replied that the Commission's authority only includes leasing kelp harvest beds and does not include leasing of areas for edible seaweed harvest.

6. Identify and discuss initial recommendations for 2019-20 sport fishing regulations

Susan Ashcraft highlighted that the Department is carrying forward one proposed change regarding sport fishing report card requirements defined in Section 1.74, Title 14, CCR for sport fisheries with mandatory report cards. The proposal would establish a mechanism for confirmation that data from a report card has been reported, and would update procedures regarding lost report cards. The change would apply to two marine fisheries (spiny lobster and red abalone).

Public Discussion

No public comments were received.

7. Update on Pacific Herring Fishery Management Plan (FMP) development

Sarah Valencia presented a detailed update on development, scope, and timing of an FMP for Pacific herring. A new predictive model has been developed for San Francisco Bay populations to predict the size of the herring spawning stock biomass using sea surface temperature, the number of recruits from three years ago, and last year's spawning stock biomass. The proposal contemplates regulation of the recreational fishing sector, which currently has no take limits; a daily take limit (e.g., 100 pounds per day) is being considered. The draft FMP and implementing regulations will be ready to submit to the Commission in October of this year.

Public Discussion

The discussion generally focused on three topics, a predictive biomass model, recreational harvest, and a new gear type for the commercial fresh fish market.

- **Predictive biomass model:** Some participants had questions about the data being applied to the model, and suggested that the data should be reviewed ahead of FMP development or peer review. One commenter asked why eel grass availability was not included in the measured parameters; Sarah responded that this was not included due to the lack of a long-term data series to spatially match with herring.
- **Recreational harvest:** Sport fishing representatives considered a daily bag limit to be too constraining, and instead proposed a 3000 pound cap. Sarah responded that recreational take has increased substantially, and the purpose of a limit is to help address Department concerns about possible illegal commercialization of the fishery.
- **New gear type (throw net) for commercial fresh fish market:** Commercial fishing industry representatives proposed adding a new gear type for small commercial harvest levels intended for the fresh fish market (as opposed to roe herring). Throw/cast nets and dip nets would improve the quality of fish for fresh fish markets, as opposed to using a gill net, and are cheaper and easier to deploy. A fisherman highlights the importance of net mesh size and broadcasting the age distribution, and a cast net with 2-inch mesh was recommended by another fisherman. The Pacific Coast Federation of Fisherman's Associations (PCFFA) encouraged an additional commercial sector for a fresh market fishery. The Department agreed to work with PCFFA and will introduce this concept in the FMP to allow for future development; however, the department is not certain that development will be completed in time for the initial implementing regulations later this year.

No action was taken by the Committee.

8. Aquaculture conducted on state water bottom leases issued by the Commission

(A) Overview of current leases

(B) Current management efforts (including best management practices, or BMPs)

Kirsten Ramey and Randy Lovell provided a joint presentation on current aquaculture leases in California. Kirsten presented (A) an overview of the existing 17 state water bottom leases issued by the Commission and (B) highlighted several current projects underway to support enhanced management of the aquaculture program. The Department is conducting site inspections, documenting culture species and methods on each lease, and recording infrastructure locations to obtain third-party clean-up estimates, which will be used to adjust financial sureties required from each grower.

Randy provided an overview of efforts to develop an aquaculture best management practices (BMPs) rulemaking that would define categories required for inclusion in lease-specific BMP plans, which each grower would submit to the Commission for approval. A public meeting will be held in Southern California by early summer 2018, similar to the meeting held near Tomales Bay in June 2017. The Department is

partnering with academic groups to document and better define culture gear types and methods, and contribute to BMPs.

Public Discussion

Discussion focused on developing BMP requirements. Members of the public and environmental non-governmental organization representatives urged the Commission to move forward with BMPs as soon as possible; they have provided lists of proposed BMPs for consideration and request that efforts resume without delay. Some commenters identified concerns that they hope can be addressed in BMP plans, such as nitrification and mercury levels produced from aquaculture farms, negative impacts of aquaculture on shorebirds that inhabit muddy habitats, and avoiding introduction of non-native oysters brought in with aquaculture operations. Another environmental non-governmental organization stated the importance of moving the BMP process forward with a focus on marine debris reduction, including a process that addresses wildlife, proper disposal of shells, and escrow accounts.

(C) Future planning

Susan Ashcraft opened the discussion about how current management efforts and other potential efforts may contribute to future aquaculture planning and enhance management of the State aquaculture program. Possible topics include alignment of lease terms with Department-documented species and methods through a regional environmental review process, agency efforts and academic research and partnerships, and possible approaches to planning for siting and consideration of new or expanded shellfish farms, either individually or regionally.

The Department has also explored funding for legacy aquaculture debris removal where prioritized; recently it obtained third-party cost estimates for an area of concern offshore from Santa Barbara with abandoned aquaculture gear. The Department is also moving forward with the programmatic environmental impact report as described in Fish and Game Code.

Public Discussion

A productive discussion was held with input from aquaculture industry representatives and growers, port and harbor representatives, environmental non-governmental organizations, and community members. Aquaculture industry representatives support the idea of expanding aquaculture in California through new aquaculture leases and to open opportunities for seaweed aquaculture; however, they expressed concern about uncertainties for new lease costs and potential for additional burdensome permit conditions that may be required across the spectrum of permitting agencies, and confusion regarding the existing regulatory/bureaucratic process to develop a new lease.

An environmental non-governmental organization representative highlighted the public controversy related to competition between the natural habitats people would like to conserve, particularly eelgrass and seabird habitat, and possible cultivation areas.

Several environmental non-governmental organization representatives expressed support for a spatial planning effort in Tomales Bay, perhaps in a manner that meets the Department's interest to align culture species and methods with lease terms. A programmatic planning approach could help to address the cumulative impacts and involve everyone. PCFFA emphasized the importance of including commercial fisheries in any marine spatial planning exercise. The Port of San Diego expressed the opportunity for ports to serve as a catalyst for aquaculture, which can also benefit fishing communities.

Following public discussion, Susan recapped the various potential projects and the need for prioritization. Commissioner Silva concurred and provided direction through and MRC recommendation.

MRC Recommendation

MRC recommends that potential aquaculture projects be prioritized in the following order:

- (A) Complete the statewide information-gathering and public engagement efforts needed to define requirements for BMP plans in regulation
- (B) Continue ground-truthing and reconciliation of culture methods and species with existing leases
- (C) Pursue more regionally-targeted efforts (via funding, information-gathering, and partnership development)
 - A regional planning effort for Tomales Bay as recommended by the Department
 - Potential legacy debris clean-up in prioritized areas where funding can be identified
 - Engage non-governmental organizations, aquaculture and fishing industries, other stakeholders, and academia to partner in these efforts
- (D) Complete the programmatic environmental impact report

9. Staff update on California coastal fishing communities project

Susan Ashcraft gave a presentation on the Commission's fishing communities project and summarized common themes from five coastal community public meetings held in 2017. Two additional meetings will be held in 2018 and a staff recommendations report will be presented to MRC.

Public Discussion

Broad support for the coastal fishing communities project was expressed; PCFFA expressed eagerness to collaborate. The Department mentioned that the only way we are going to save some of the northern California ports is to get product across the docks. A commercial fisherman asked MRC to encourage the Commission to authorize experimental gear or another process to facilitate more rapid development of a small scale experimental fishery for box crabs. Small-scale fishing for anchovy or other less traditional species to supply fresh fish markets can help fishing communities adapt. Support from ports and synergy with aquaculture development (e.g., shoreside infrastructure) should also be considered in this project.

Following discussion, the committee chair expressed support and looks forward to seeing recommendations for possible actions.

10. Future Committee agenda topics

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

Susan Ashcraft reviewed the updated work plan and highlighted potential agenda topics for the July 2018 MRC meeting.

(B) Potential new agenda topics for Commission consideration

No new topics were identified.

The Marine Resources Committee adjourned at 3:05 p.m.