

STAFF SUMMARY FOR JUNE 24-25, 2020

14. MARINE ITEMS OF INTEREST FROM PREVIOUS MEETINGS**Today's Item**Information Action

This is a standing agenda item to provide FGC with updates on items of interest from previous meetings. Today, FGC will receive an update on the red abalone recreational fishery closure sunset date and discuss a potential rulemaking to continue the closure.

Summary of Previous/Future Actions

- | | |
|--|--|
| • FGC closed recreational red abalone fishery for one year | Dec 7, 2017; San Diego |
| • FGC extended fishery closure to 2021 | Dec 12-13, 2018; Oceanside |
| • Today's update and possible direction | Jun 24-25, 2020; Webinar/teleconference |

Background

Red abalone fishery management is currently guided by the Abalone Recovery and Management Plan (ARMP). In 2017, following dramatic environmental conditions leading to extensive loss of bull kelp beds and significant abalone die-off, FGC took action to close the recreational red abalone fishery; this unprecedented action was taken consistent with the ARMP and DFW observations, data and analysis. The closure included a sunset provision to re-open the fishery on April 1, 2019, or upon adoption of an abalone fishery management plan (FMP), whichever came first. The hope was that the need for a closure would be temporary and the fishery could re-open after conditions improved. In 2018, FGC determined that conditions had continued to worsen and, in Dec 2018, FGC took action to extend the fishery closure sunset date from Apr 1, 2019 to Apr 1, 2021. See Exhibit 1 for additional background information.

As FGC approved the revised sunset date regulation, it noted that the change was necessary to facilitate recovery of the red abalone population while preparing a red abalone fishery management plan (FMP); the FMP is underway and continues to be on the Marine Resources Committee (MRC) work plan. In early 2020, in light of current conditions, the FMP approach was revised to establish guidance and options to move from closure to scaled reopening of the fishery, including a *de minimis* option, as environmental indicators and abalone stock condition meet reopening criteria (see staff summary from Mar 17, 2020 MRC meeting, agenda item 4 for more background).

DFW recently confirmed that poor conditions continue to persist or worsen and advises that continuing the closure is necessary. A rulemaking to revise or remove the sunset date must be scheduled should FGC wish to extend the closure.

This agenda item today provides an opportunity to hear an update from DFW on environmental and abalone stock conditions and explore possible pathways to extend the closure per DFW recommendation (Exhibit 2). Recognizing that current modeling results project a long recovery period, the sunset date could be extended for longer periods of time (e.g., five-year intervals) or removed entirely, recognizing that the FMP under development and its implementing regulations may adjust the closure once adopted.

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Significant Public Comments

Two comments were submitted for this agenda item; however, they are provided under Agenda Item 11, as they are more germane to an MRC topic.

Recommendation

FGC staff: Provide direction regarding extending or eliminating the recreational red abalone fishery closure sunset date and potentially add a rulemaking to the FGC rulemaking timetable.

DFW: Add a rulemaking to the FGC rulemaking timetable to remove the fishery closure sunset date.

Exhibits

1. [Staff summary from Aug 22-23, 2018 meeting, Agenda Item 12](#) (for background purposes only)
2. [DFW presentation](#)

Motion/Direction (N/A)

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12. RED ABALONE

Today's Item

Information

Action

Consider authorizing publication of notice of intent to amend regulations to extend the fishery closure sunset date for the recreational red abalone fishery.

Summary of Previous/Future Actions

- | | |
|--|---|
| <ul style="list-style-type: none"> • Today's notice hearing • Discussion hearing • Adoption hearing | <p>Aug 22-23, 2018; Fortuna</p> <p>Oct 17-18, 2018; Fresno</p> <p>Dec 12-13, 2018; Oceanside</p> |
|--|---|

Background

In Sep 2017, DFW identified sweeping changes in density, occurrence, depth distribution, size and health of red abalone as well as the kelp upon which it depends for food. In addition, DFW found that the average density of red abalone populations has declined below the Abalone Recovery and Management Plan (ARMP) fishery closure trigger of 0.30 abalone per square meter, indicating that the stock could no longer support a fishery.

In response to the DFW findings of a dramatic fishery-wide decline of red abalone populations from severe starvation conditions, in Dec 2017 FGC adopted regulations to close the recreational abalone fishery consistent with the ARMP. FGC also adopted a sunset provision for the closure based on significant public comments received during the rulemaking process to address concerns about having a fishery closure for an indeterminate period. Under existing regulations, the fishery would re-open on Apr 1, 2019, or upon adoption of a red abalone fishery management plan (FMP) and the guidance it provides for fishery reopening, whichever comes first.

The regulations closing the recreational abalone fishery became effective on Mar 29, 2018. If the existing regulations are not amended to delete or extend the sunset date (subsection 29.15(j)), the fishery will re-open on Apr 1, 2019, which will allow for the recreational take of abalone in open fishing areas during the open season (subsections 29.15(a), (b), and (c)).

Since the closure of the recreational fishery, DFW has found no meaningful changes in the abalone resource conditions described in the Sep 2017 initial statement of reasons. DFW received documented reports from the public of dead and dying abalone washed ashore at various locations in Sonoma and Mendocino counties over the 2017/18 winter and spring seasons. This information suggests that abalone continue to be weak and die due to current environmental conditions and, thus, there are no substantial positive population changes since last year. DFW concludes that re-opening the fishery at this time would be inconsistent with the ARMP and would be detrimental to the recovery of red abalone populations.

Proposed Amendment

DFW proposes to extend the closure of the abalone fishery beyond the current Apr 1, 2019 sunset date for another two years, until Apr 1, 2021. Effective dates for take and possession

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contained in the abalone fishing regulations would be updated as well to reflect the proposed change.

DFW's proposal allows for consideration of a fishery re-opening prior to reaching full recovery (i.e., re-opening the fishery before density standards are fully realized under the ARMP or a red abalone FMP upon adoption by FGC). DFW recommends, however, considering the management triggers in the ARMP or a red abalone FMP once adopted by FGC to determine whether re-opening the fishery to recreational harvesting is warranted. The proposed regulation change is necessary to facilitate recovery of the red abalone population while preparation of the red abalone FMP is currently underway.

Public Comments (N/A)

Recommendation

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

DFW: Authorize publication of the notice as detailed in the draft initial statement of reasons (ISOR).

Exhibits

1. DFW memo, received Jul 30, 2018
2. Draft ISOR

Motion/Direction

Moved by _____ and seconded by _____ that the Fish and Game Commission authorizes publication of a notice of its intent to amend Section 29.15, related to recreational red abalone fishing regulations.



Amend §29.15: Rec. Abalone Closure



California Fish and Game Commission
June 24, 2020

Ian Taniguchi, Senior Environmental Scientist
CDFW Invertebrate Management Project

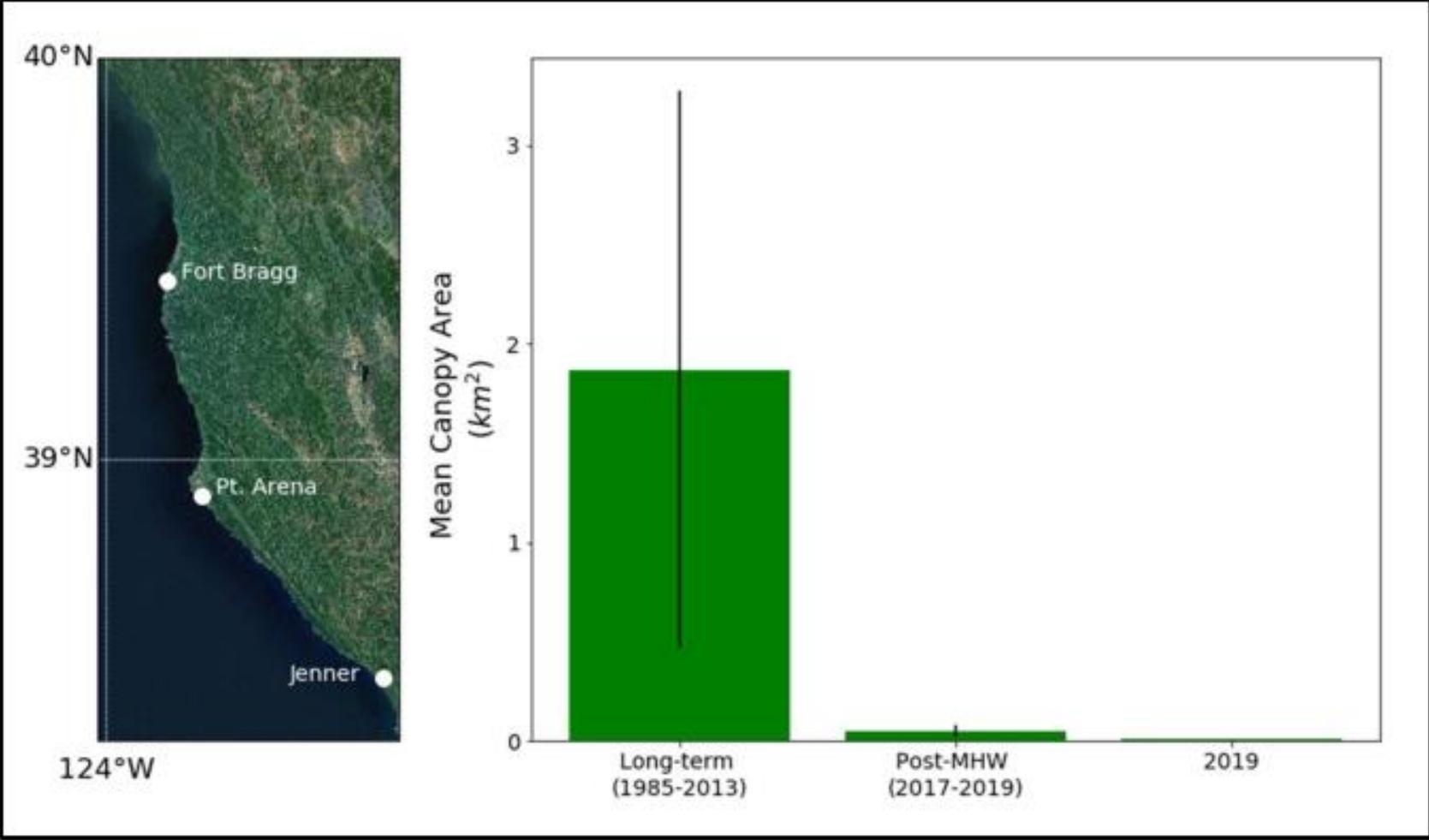


Summary

- Fishery closed since April 1, 2018 due to poor environmental and stock conditions
- Stock and environmental conditions have continued to decline
- Proposed amendment removes current sunset date on closure (April 1, 2021)
- Recently completed collaborative process is informing development of FMP, which will specify thresholds for reopening



Landsat Kelp Cover Decline



Mean Bull Kelp Coverage in Northern California in km² before Marine Heat Wave (MHW), after MHW, and in 2019 (Source: McPherson, Finger, Housekeeper, Bell, Carr, Rogers-Bennett, & Kudela 2020)



CDFW Dive Survey Density Data

Location	2012-2016 Average Density (ab/m ²)	2017-2018 Average Density (ab/m ²)	% Decline in Density
Sonoma County (5 Sites)	0.39	0.15	61%
Mendocino County (5 Sites)	0.49	0.13	73%
Combined Average	0.44	0.12*	72%

* The ARMP fishery closure is 0.30 abalone/m². The overall average, when including past densities as a proxy for sites not sampled since 2016, is 0.28.

- Limited dive surveys in 2019 suggest continued decline in density
 - Density at Van Damme in 2019 was 0.09 ab/m², compared to 0.15 (2018) and 0.33 (2016)



Opportunities for Engagement

- Recreational Abalone Advisory Committee
 - Via webinar date TBA July 2020
- FGC Hearing Schedule:
 - Notice: August 19-20, 2020 (Fortuna)
 - Discussion: October 14-15, 2020 (Oakland)
 - Adoption: December 9-10, 2020 (San Diego)
- Contact: Ian.Taniguchi@wildlife.ca.gov



Current Density Data (Supplemental)

Index Site (Sonoma-SC or Mendocino-MC)	Past Density (ab/m ²) (year sampled)	2017-2019 Density (ab/m ²)	% Decline In Density
Fort Ross (SC)	0.44 (2015)	0.08 (2018) &	81%
Timber Cove (SC)	0.38 (2015)	0.10 (2018)	74%
Ocean Cove (SC)	0.44 (2016)	0.11 (2018) &	75%
Salt Point (SC)	0.38 (2016)	0.06 (2017)	84%
Sea Ranch (SC)	0.37(2012)	0.27 (2017)	27%
SONOMA AVERAGE	0.39	0.15	61%
Point Arena (MC)	0.66 (2014-15)	0.25 (2017) &	62%
Van Damme (MC)	0.33 (2016)	0.15 (2018) 0.09 (2019)	55% 73%
Russian Gulch (MC)	0.60 (2014)	0.05 (2018)	92%
Caspar Cove (MC)	0.35 (2013)	0.01 (2018)	97%
Todd's Point (MC)	0.47 (2013)	0.13 (2018)	72%
MENDOCINO AVERAGE	0.49	0.13	73%
Overall Average	0.44	0.12*	72% 74%

* The ARMP fishery closure is 0.30 abalone/m². The overall average, when including past densities as a proxy for sites not sampled in 2017, is 0.28.

Source: CDFW dive surveys. Red ampersands (&) indicate sites where surveys occurred in 2019 but data were insufficient to calculate densities.