

Staff Summary for February 12-13, 2025

27A. Marine Resources Committee (MRC)**Today's Item**Information Action

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on March 13, 2025.

Summary of Previous/Future Actions

- | | |
|---|-----------------------------|
| • Previous MRC meeting | November 6-7, 2024; MRC |
| • Today consider approving MRC meeting agenda topics | February 12-13, 2025 |
| • Next MRC meeting | March 13, 2025; MRC |

Background

MRC works under Commission direction to set and accomplish its work plan.

Committee Work Plan

Topics that have been referred by the Commission to MRC are displayed in a work plan for scheduling and tracking. The updated work plan is provided as Exhibit 1, which includes updates to proposed timing of topics; potential new topics are summarized below.

New Topics

The Department proposes that the topic of commercial coonstripe shrimp trap fishery management be referred to MRC, for an update in March and discussion with a potential recommendation in July.

Commission staff proposes to update the topic *Application for New [State Water Bottom] Leases* to specify the two companies with aquaculture lease applications under committee review, consistent with the Commission's enhanced leasing process:

- San Andreas Shellfish Company lease application (in Tomales Bay), which was vetted in November 2024; and
- Santa Barbara Sea Ranch lease application (offshore Santa Barbara County), proposed for vetting in March 2025.

Next Committee Meeting

The next committee meeting is scheduled for March 13, 2025 in Sacramento, with webinar and phone options for public participation. Staff has conferred with the Department on the readiness of various proposed topics for March. In addition to standing agenda items, such as general public comment, next meetings and work plan review, there are two discussion topics and four updates identified for the next MRC meeting.

Discussion Topics

1. Red Abalone Recovery – Discussion and potential recommendation
 - Recreational fishery closure sunset date extension

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- Risk tolerance for reopening fishery harvest in the context of statewide recovery plan development (*continued from November 2024*)
2. Marine Aquaculture and State Water Bottom Leases
 - Application for new lease from Santa Barbara Sea Ranch offshore Santa Barbara County: presentation and public vetting (if referred)
 - Status of existing leaseholder requests

Updates from Staff and Other Agencies (generally in written format)

1. California Ocean Protection Council: Update and demonstration of the SeaSketch mapping tool, to support the review of marine protected areas (MPAs) and potential changes
2. Department Law Enforcement Division: 2023 MPA network enforcement statistics
3. Department Marine Region
 - MPA regulation change petition evaluations – * Proposed timeline and process for MPA petitions in bin 2
 - Commercial coonstripe shrimp fishery management (pending referral)
4. Commission staff: Coastal Fishing Communities Project and policy implementation

** Note on Marine Protected Area (MPA) Regulation Change Petition Evaluations*

For the March MRC meeting, the Department proposes to focus on an update related to timeline and process (including amended petition integration and recommendation development) rather than evaluations of specific petitions. Additional sorting of bin 2 petitions and associated individual actions will not be completed in time for the March MRC meeting, with two factors contributing: (1) Amended petitions are due the day after the MRC meeting, and (2) the Department's preliminary reviews of "bin 2" petitions and actions has highlighted the need for further refinement of evaluation standards, reporting format, and recommendation processes.

The Department will reconvene the "bin 2" working group (with Commission and Ocean Protection Council staff) to develop a refined evaluation framework following the March MRC meeting. Staff supports the Department recommendation to focus March MRC updates on the process and an update and demonstration of the SeaSketch mapping tool, allowing Department staff to dedicate the time needed to develop a robust and transparent evaluation format and public process, to ensure thoroughness and consistency when its evaluations are presented.

Significant Public Comments

1. *Red Abalone*: An advocate for commercial abalone fishing requests that the Commission and staff review the 2005 commercial abalone meeting recordings before the abalone recovery discussion rescheduled for March. They cite the respectful approach at those meetings as a contrast to their recent negative experience with the Commission, alleging unfair treatment. They also express concerns about the 28-year fishery closure, lack of surveys, poaching estimates, and the suspected removal of the "preferred alternative" designation for Abalone Recovery and Management Plan

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Alternative 8 online. They request legal counsel's opinion on the legality of acting on Alternative 8 (Exhibit 2).

2. *MPA adaptive management process and public venue:* In a joint letter, 17 environmental non-governmental organizations advocate for a robust and forward-thinking approach to the MPA adaptive management process, emphasizing the importance of adhering to the guidance and principles of the Marine Life Protection Act Master Plan. They make two key arguments: (1) the importance of inclusive public participation, strongly recommending the continued use of MRC as the primary forum for discussions, and (2) the need for the adaptive management process to proactively address current and future ocean stressors, including climate change and environmental challenges, as explicitly called for in the master plan. They argue against limiting the process to minor adjustments, instead urging a comprehensive review that considers the evolving ocean landscape, strengthens the MPA network's resilience, fills gaps, and fulfills the master plan's vision for science-based adaptive management (Exhibit 3).

Recommendation

Commission staff: Approve the MRC work plan as reflected in Exhibit 1, including any changes identified during today's meeting, and approve the draft agenda topics for the MRC meeting on March 13, 2025.

Exhibits

1. [MRC work plan, updated February 3, 2025](#)
2. [Email from Steve Rebuck, received December 23, 2024](#)
3. [Letter from 17 environmental non-governmental organizations, received January 30, 2025](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the changes to the work plan and approves the topics for the March 13, 2025 Marine Resources Committee meeting, as discussed today.

California Fish and Game Commission Marine Resources Committee (MRC) Work Plan

Updated February 3, 2025

Note: Proposed changes to topics/timing are shown in blue underline or ~~strike-out~~ font.

Topics	Category	Nov 2024	Mar 2025	Jul 2025
Planning Documents, Fishery Management Plans (FMPs)				
MLMA Master Plan for Fisheries – Implementation Updates	Plan Implementation			
Red Abalone Recovery Plan (statewide)	Recovery Plan			
- Risk Tolerance for Reopening Fishery Harvest	Recovery		X	
California Halibut Fishery Management Review (CA Halibut Review) – CA Halibut Trawl Grounds Review	Management Review			
CA Halibut Review – Bycatch Evaluation for Trawl Gear	Management Review			<u>X</u>
Market Squid Fishery Management and FMP Review	Management/ FMP Review	X/R		
Kelp Recovery and Management Plan (KRMP) Development	Recovery/ Management Plan	*		<u>X</u>
Marine Protected Area (MPA) Network 2022 Decadal Management Review Implementation: <i>MPA Petitions</i>	Management Review	X/R	* -	<u>X</u>
Regulations				
Kelp and Algae Commercial Harvest – Sea Palm (<i>Postelsia</i>)	Commercial Take	X/R		
Recreational Crab Trap Gear Options and Trap Validation for Commercial Passenger Fishing Vessels	Recreational Take	X/R		
Recreational Barred Sand Bass Fishery	Recreational Take	X/R		
Recreational Red Abalone Fishery Closure Sunset Date	Recreational Take		X	
<u>Commercial coonstripe shrimp fishery management</u>	<u>Commercial Take</u>		* -	<u>X/R</u>
Marine Aquaculture and State Water Bottom Leases				
Statewide Aquaculture Action Plan	Planning Document			
Status of Existing Leaseholder Requests	Current Leases		X	
Applications for New Leases	Lease Applications			
- <u>San Andreas Shellfish Company (in Tomales Bay)</u>		<u>X</u>		
- <u>Santa Barbara Sea Ranch (off Santa Barbara County coast)</u>			<u>X</u>	
Lease Best Management Practices Plans (Hold, TBD)	Leases–Regulatory			
Special Projects, Informational Topics, and Emerging Management Issues				
Coastal Fishing Communities Project	MRC Project	*	*	
Kelp Restoration and Recovery Tracking	Kelp			<u>X</u>
Experimental Fishing Permit (EFP) Program				
Box Crab Exploratory Fishing	EFP	X		
Pop-Up Gear in State-Managed Fisheries	EFP	X		

Key: X = Discussion X/R = Recommendation and may move to Commission * = Written or oral agency update

From: Steve Rebuck [REDACTED]
Sent: Monday, December 23, 2024 09:43 AM
To: Miller-Henson, Melissa [REDACTED] Ashcraft, Susan [REDACTED]
[REDACTED] Rogers, Kimberly [REDACTED] FGC
<FGC@fgc.ca.gov>; Bob Treanor [REDACTED] Shuman, Craig [REDACTED]
[REDACTED]
Cc: TRENT ROBERT PETERSEN [REDACTED] [REDACTED]
[REDACTED] Generic Bonnette [REDACTED]
[REDACTED] Robert Duncan
[REDACTED]
Bobby McKinley [REDACTED] Ed Pierce [REDACTED]
[REDACTED] Bob_McMillen [REDACTED]
[REDACTED] Bill Bernard
[REDACTED]
Arapawabluepearls Co Info [REDACTED]
[REDACTED] Mark Becker [REDACTED]
[REDACTED] Verhagen
[REDACTED]
Subject: Red Abalone Conservation Plan

To: California Fish and Game Commission
From: Steven L. Rebuck
Date: December 23, 2024
RE: Red Abalone Conservation Plan

Dear Ms. Miller-Henson:

Concerning your Red Abalone Recovery/Conservation Plan. It was my understanding this plan was to be heard at the next meeting, following the one in November 2024. Apparently this Marine Resources Committee (MRC) agenda item is postponed.

This may be a good thing. In preparation for this meeting, I watched the FGC meetings on abalone conducted in 2005. These meetings are conveniently available on your Fish and Game Commission (FGC) website. The dates are:

- * July 12, 2005, Santa Barbara
- * August 16, 2005, San Diego
- * August 19, 2005, San Luis Obispo
- * September 30, 2005 Susanville
- * November 3, 2005 Santa Barbara
- * December 8, 2005 Concord

Of these, July 12, August 19, September 30, and November 3, are the more important meetings. I suggest your staff and Commissioners view these meetings over the next couple months. There are

important differences between how the FGC currently operates in comparison to how Mr. Treanor and President Kellogg previously conducted meetings.

At the 2005 meetings on abalone, speakers were not rushed. Speakers were given adequate time to express their concerns and opinions. Some speakers were allowed 10 minutes or more to make their comments. The benefits were obvious. These professional divers have considerable years of experience. In comparison, the Department of Fish and Game (Department) representatives could not answer questions asked by the Commissioners. Their incompetence was obvious. Lead Department biologist Peter Haaker was embarrassing in his lack of preparation. There was a very useful exchange of information between the divers and Commissioners who were very patient and respectful.

In comparison, our experience with the current Commissions during the last 5 years of testimony has been extremely difficult and unfair. For example, at the April FGC meeting in San Jose, I thought we had negotiated at minimum, 2 minutes per speaker opportunity. Immediately, President Samantha Murray cut our speaker time to 1 minute. Several former divers had driven hundreds of miles, spent considerable dollars on fuel, hotels etc to speak for 1 minutes. Not very gracious nor kind.

One of our speakers, Ed Pierce was not called to speak. We were later told his speaker card was "lost." None of us believed that. Some of the Commissioners typically gush over Native Californians. Besides being a former abalone diver and processor, Ed Pierce is an elder in the California Salinan Tribe. While he did get to speak, it was an hour late and out of context with our previous agenda item. Many people watching online asked me later what had taken place.

Next was the Mammoth Lakes meeting in June. Ed Pierce and I attended and were the only civilians in the room. President Murray limited our time and at the end told me to. "Take your seat!" In my opinion, President Murray is in constant violation of the FGC Code of Conduct. Yet she continually gets away with this behavior. She treats fishermen like they are just so much clutter to be dismissed as soon as possible. She asked no questions concerning the health of the abalone resource, instead read a list of what we cannot fish: Need for a risk assessment, a new survey, and even used my own words against me. And, no mention of the video evidence of resource health at San Miguel Island we showed the FGC at the April meeting.

Then there was the rude behavior of Dr. Craig Shuman in San Jose. He lectured me from the dias: "Why are you here again? We told you before you could not do this" (go fishing again?)! I reminded him it is our US Constitution Right: "...Petition the Government for redress of grievance."

1st Amendment, Bill of Rights, US Constitution.

Again, continued arrogance, ridicule and disrespect by a government agent.

There is considerable evidence that the commercial and recreational abalone divers were told by the Department, the abalone closure of 1997 would be for 2 years. It has now been 28 years with no return to fishing in sight. No surveys. Cancelled cruises. Estimated \$24.million in annual poaching (Department RAFMP, 2014),

Lastly, at the Mammoth Lakes meeting, I raised the issue of Abalone Recovery and Management Plan (ARMP) Alternative 8. This is where we found reference that Alternative 8 had been the "Preferred Alternative" when the 2005 FGC voted to approve the ARMP. I asked the question twice of the Attorney General (AG) representative, but got no answer. Marine Advisor Susan Ashcroft raised the question and she got no answer. I again asked by letter in July 2024. Still no answer. It is now been over 180 days. Why no answer from the AG? In addition, I went online and looked up Alternative 8 again, but could not find the reference to "Preferred Alternative." It appears this phrase has been deleted. How is this possible? Tampering with evidence? I hope I am wrong about this last one. I had eye surgery recently and maybe it is just my failing eye sight. But, maybe not. Nothing about the Department surprises me anymore.

END



January 30, 2025

California Fish and Game Commission
Marine Resources Committee
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

**RE: Comments on Fish and Game Commission February 2025 Meeting Agenda Item 27 C
II: Amendments to marine protected area (MPA) petitions**

Dear President Murray and Honorable Commissioners:

We want to first thank the Fish and Game Commission (FGC) and the California Department of Fish and Wildlife (CDFW) staff for their dedication to the adaptive management process of California's marine protected areas (MPA). The undersigned organizations – representing the public interest, marine science and environmental justice advocates, and recreational and

subsistence fishing interests – in collaboration with FGC and CDFW, are working to ensure that our MPA network is resilient to increasing stressors on the marine environment.

We write with two recommendations that pertain to the MPA network adaptive management process. The first supports a robust and inclusive public process, and the second applies to the overarching frame of the MPA adaptive management process.

- 1) We recommend the FGC retain Marine Resources Committee (MRC) meetings for MPA adaptive management discussions.
- 2) CDFW and FGC should refer to the 2016 Marine Life Protection Act (MLPA) Master Plan (Master Plan) for guidance on adaptive management of the MPA network. The Master Plan explicitly states that the ten-year adaptive management process should account for current and future ocean threats and conditions.

Recommendation 1: The MRC forum is crucial for transparent and collaborative public participation in MPA management.

The MRC plays a critical role as an official forum for discussion and shared learning, and we request that the MRC continues to be the forum for MPA decadal management review (DMR) discussions, which allows for more open and constructive dialogue. The MRC provides a unique space where agency staff, anglers, students, community members, NGO representatives, and scientists can engage in clarifications, relationship-building, and meaningful conversation. The MRC's structure emphasizes robust public engagement – essential for informed decision-making – by facilitating conversational discussions that include clarifying questions and explanations of positions. This format, coupled with recorded meetings, ensures transparency and accessibility for those unable to attend. The informal nature of MRC meetings fosters a collaborative environment where potential decisions can be explored, questioned, and refined.

Many communities were excluded, intimidated, or made to feel unwelcome in the MPA designation process.¹ Yet another reason to prioritize retaining the MRC meeting format is that it may offer a more accessible opportunity for public participation in what is otherwise a difficult meeting format to engage in. The MRC also creates a more inclusive and comfortable environment for new voices to participate, as the informal style is less intimidating. It is not feasible for the public to participate in such an iterative process in formal full FGC meetings.

We oppose shifting MPA adaptive management recommendation solely to the full FGC, since this would reduce opportunities for public participation and eliminate the more conversational format of MRC meetings, undermining the shared learning and public engagement essential to adaptive management.

¹ Grifman, P., et al. (2016). “A Study of the Stakeholder Experience in Developing Marine Protected Areas in Southern California.” https://repository.library.noaa.gov/view/noaa/43538/noaa_43538_DS1.pdf.

Recommendation 2: The adaptive management process should be responsive to current and future stressors on California’s ocean health.

California State agencies (CDFW, FGC, and the Ocean Protection Council) should frame this first-ever MPA network adaptive management process in the context of current and future ocean conditions. In previous meetings, Commissioners and CDFW staff have indicated that the adaptive management process is to result in minor modifications or tweaks to the MPA network. However, this approach may fail to protect the network and bolster California’s ocean health as new stressors arise and ocean conditions deteriorate. This adaptive management process is **the** opportunity to identify gaps in protection and should not be limited to minor tweaks if we are committed to ensuring that we protect California’s coastal resources for the future.

The 2016 Marine Life Protection Act Master Plan offers concrete guidance for adaptively managing California’s MPA network. The Master Plan notes the “need” to consider that ocean conditions will have changed by the first adaptive management review and are likely to change further, stating that the Marine Life Protection Plan (MLPP) will “need to evaluate MLPA objectives *in the context of changing ocean conditions and multiple ocean threats*, such as climate change, fishing pressure, water quality degradation, marine debris, invasive species, and other existing and emerging issues” (emphasis added).²

The changes to California’s ocean are occurring faster and more unpredictably than scientists expected,³ amplifying the impacts of current ocean stressors. For instance, the marine heatwave of 2014-2016 exacerbated the effects of sea star wasting syndrome and habitat compression has caused the number of California whale entanglements to compound.⁴ The Master Plan correctly anticipates that ocean conditions may change and that it will be necessary to evaluate the effectiveness of the MPA network in achieving the management objectives to account for this reality.⁵

² California Department of Fish and Wildlife (2016). California Marine Life Protection Act Master Plan for Marine Protected Areas. Adopted by the California Fish and Game Commission on August 24, 2016. Retrieved from www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan.

³ Emily Osborne et al., (2020). "Decadal variability in twentieth-century ocean acidification in the California Current Ecosystem." *Nature Geoscience* 13, no. 1 (2020): 43-49. doi:10.1038/s41561-019-0499-z; Andrew Leising, et al., 2023-2024 CALIFORNIA CURRENT ECOSYSTEM STATUS REPORT: A report of the NOAA California Current Integrated Ecosystem Assessment Team (CCIEA) to the Pacific Fishery Management Council, January 2024; Warren Cornwall, (2019). “Ocean Heat Waves Like the Pacific’s Deadly ‘Blob’ Could Become the New Normal,” *Science News*, Jan 21, no. 2019.

⁴ C.D. Harvell, et al., (2019), “Disease epidemic and a marine heat wave are associated with the continental-scale collapse of a pivotal predator (*Pycnopodia helianthoides*),” <https://www.science.org/doi/10.1126/sciadv.aau7042>; Ingman K, Hines E, Mazzini PLF, Rockwood RC, Nur N, Jahncke J (2021) Modeling changes in baleen whale seasonal abundance, timing of migration, and environmental variables to explain the sudden rise in entanglements in California. *PLoS ONE* 16(4): e0248557. <https://doi.org/10.1371/journal.pone.0248557>; Leising, et al.

⁵ California Department of Fish and Wildlife. (2016). California Marine Life Protection Act Master Plan for Marine Protected Areas. Adopted by the California Fish and Game Commission on August 24, 2016. Retrieved from www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan.

The final suite of California's 124 MPAs fell short of the Science Advisory Team (SAT) size and spacing guidelines. Ninety percent of the MPAs are smaller and almost seventy percent are farther apart than what the SAT recommended.⁶ Given that the final MPA network design fell far short of the scientific guidelines, ocean conditions have worsened, and ocean stressors are expected to increase, CDFW and FGC must consider both current and future ocean conditions in the adaptive management review. At a minimum, the adaptive management process is a once-in-a-decade opportunity to remedy some of the major connectivity, habitat representation, and size gaps reflected in the current network, as well as mitigate environmental injustices impacting un/under-represented communities and Tribes.

While we are pleased that some Fish and Game Commissioners have indicated that the adaptive management process should not weaken the MPA network, we are concerned that not addressing California's inevitable ocean challenges through this adaptive management process will adversely impact coastal communities. Our organizations urge FGC to fully consider the overarching context of California's ocean health as a frame for the adaptive management process.

Today, we face major ocean changes and an opportunity to address social inequities in ocean management,⁷ while building resilience for our MPA network and coastal communities. Otherwise, we risk losing the hard-earned benefits of protection. Thank you for considering these comments. As always, we are happy to answer any questions you may have.

Sincerely,

Katie O'Donnell
US Ocean Conservation Manager
WILDCOAST

Anupa Asokan
Founder and Executive Director
Fish On

Michael Blum
Director
Sea of Clouds

⁶ Rikki Eriksen analysis 2025 based CDFW MPA CMZ files.

⁷ Asokan, A. (2024). "Marine protected areas as a tool for environmental justice". *Frontiers in Marine Science*. Retrieved from <https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2024.1478023/full>.

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