

MEETING Summary and Outcomes
Recreational Abalone Advisory Committee (RAAC)
Saturday, January 13, 2018
10:00 AM – 3:30 PM

Location: Marin/Sonoma Mosquito and Vector Control boardroom, 595 Helman Lane, Cotati, CA.

RAAC Members Present: Joel Hendricks, Ian Taniguchi, Chris Voss, Josh Russo, Doug Laughlin, Brooke Halsey, Peter Haaker (phone), Ed Schulze (Alternate)

Absent: Nancy Caruso, Dennis Haussler

CDFW Staff: Sonke Mastrup (Chair), Laura Rogers-Bennett, Cynthia Catton, Jerry Kashiwada, Captain Bob Puccinelli, Don Powers, Jim Jones

Public attendance: Carol Rose (RAAC note taker), 28+ persons

Key Outcomes and Summary:

1. The enforcement report for 2017 summarizing the abalone enforcement activities for the year was given to the RAAC
2. The FGC decision to close the 2018 season was explained and the next steps in rulemaking for 2019 was outlined. Rulemaking and decision for a possible fishery next year is associated with the completion and adoption of the red abalone Fishery Management Plan (FMP)
3. A presentation on bull kelp recovery and the collaborative projects to further understand the northern California sea urchin/kelp forest dynamics was given. Issues and next steps were discussed. **RAAC recommended the Director request that the FGC consider regulation changes to allow no recreational bag limit for purple sea urchins**
4. Presentations and discussion of the draft management frameworks for the FMP was held. Time line and next steps were identified. More frequent meetings in the next coming months to further discuss the FMP were decided
5. The abalone account budget was discussed in light of the closure of the fishery and corresponding cessation of income from report card sales. The RAAC made three recommendations for the Director:
 - a. **Recommendation to shift \$50,000 in the budget over to fund Enforcement overtime**
 - b. **Recommendation to shift Invertebrate Management staff salaries and expenses off the account to other department funding.**
 - c. **Recommendation that the Department prepare a budget strategy for adjusting fees and reopening of the fishery**

Notes:

1.0 10:00-10:15 Introductions & Announcements

2.0 10:15-10:45 CDFW Enforcement Report 2017 Activities

2.1 Captain Bob Puccinelli presented the report. Abalone enforcement and management continues to be a high priority with CDFW in 2017. There were a few changes to regulations for the 2017 season with a shortening of the season by two months and a reduction in the annual limit to 12 abalone. Wildlife officers continue to observe a shift in fishing effort from the south (Sonoma Co.) to the north (Mendocino Co.). Wildlife officers in southern Humboldt Co. have noticed an increase in abalone activity in 2017. The effort shift could be attributed to reduced annual limits, and fishery and MPA area closures that prohibit or limit abalone take. Abalone

related citations for the year continue to follow past year patterns of violations and include the following:

2.1.1 Report card related violations such as: no report card; failure to fill out card and/or tags; failure to attach tags; alteration of card or reuse of tags; failure to return card to CDFW.

2.1.2 Abalone take violations such as: over limits (daily & annual); high grading (trading for bigger abalone); commingling of abalone with other people's bag limits; failure to reattach retained abalone; dry-sacking (the transfer of over limits to other individuals in the water); take of undersize abalone; possession of abalone out of the shell; and taking of abalone during closed hours or in closed areas.

There has also been a noticeable increase of large over limit cases this year involving take of 10 or more abalone.

2.2 Enforcement statistics - CDFW wildlife officers made 6,043 contacts, issued 432 citations and 485 warnings, and seized 963 abalone during the year. Wildlife officers spent 3,245 hours and 494 over time hours in enforcing abalone fishery regulations.

2.3 Outcomes of two major court cases from 2015-17

2.3.1 A case that began back in 2015 with observations made by Wildlife officers from the Special Operations Unit (SOU) and Mendocino Coast squad has led to the convictions of Steven Yuan Qin Liang, 47 of Fort Bragg and Bryant Chiu Shiu Lee, 44 of Sacramento. Liang plead guilty to felony conspiracy charges for his role in purchasing and sales of sport caught abalone for commercial purposes. Liang received 360 days in the Mendocino County Jail, was placed on probation for 36 months, is prohibited from obtaining a sport or commercial fishing license for life, and was ordered to pay a fine of \$15,000. Lee plead guilty to the misdemeanor charge of purchasing abalone for commercial purposes. Lee received 36 months probation, is prohibited from obtaining a sport or commercial fishing license for life, and was ordered to pay a fine of \$40,000.

2.3.2 In April 2017 Wildlife Officers received information from the Mendocino County Sheriff's and Fire Departments that a cliff rescue was performed at the Elk Cemetery. Justin Joseph Adams, 44 of Alameda, was rescued from the intertidal area around midnight. Wildlife Officers investigated the area of the rescue the following day locating two bags containing 38 abalone. DNA evidence collected linked Adams to the bags of poached abalone. Adams plead guilty to taking abalone for commercial purposes, and conspiracy. Adams was ordered to serve 210 days in the Mendocino County Jail, received 36 months probation, is prohibited from obtaining a sport or commercial fishing license for life, and was ordered to pay a fine of \$15,000.

2.4 Funding and Needs: Funding continues to be a critical piece of abalone enforcement efforts. The additional allotted \$24,000 from the abalone dedicated account to augment the existing \$21,686 for over time was critical for supporting LED efforts during the abalone season. The overtime funding helps provide a continued enforcement presence on the coast during peak times and in high impact areas during the abalone season.

2.5 Conclusions: Enforcement of abalone violations is still a priority for the LED. The funding of overtime from the abalone account continues to be an important tool in protection to the abalone stocks. The overtime provided additional and diverse abalone patrols by wildlife officers. Sport abalone being trafficked on the black market continues to pose a significant enforcement problem for LED. Black market values could potentially increase with the closure of the 2018 season. Wildlife officers working in both an overt and covert capacity will continue to conduct in depth investigations and arrests those who continue to poach and commercialize abalone.

2.6 Questions for Enforcement: How much of the fines from court cases go back to funding enforcement? Court case fines vary by county and court. Typically half the fines go to the court, the remaining half is split between the county and CDFW. The portion of fines that goes to the county usually goes to the county Fish and Wildlife fines commission. The portion that goes to CDFW is deposited into the Fish and Game Preservation Fund. Any change in fine disposition requires legislation

2.6 Future discussion on how to support enforcement in closed year

3.0 10:45-11:45 FGC Decision and Fishery Associated Updates

3.1 FGC closed season for 2018 at December meeting – sunset clause opens season April 1, 2019, unless amended or extended. The FGC wants to adopt FMP in December and rulemaking to implement any changes for the 2019 season.

Next steps are:

3.1.1 Present the draft management chapter to the FGC at the June 20 meeting in Sacramento (Marine issues are Wednesday June 20)

3.1.2 Start the rulemaking process for 2019 season with the rulemaking notice at the August 22 FGC meeting in Fortuna

3.1.3 FGC holds the Discussion hearing for proposed rulemaking options at the October FGC meeting in Fresno

3.1.4 Decision meeting for FGC to adopt the FMP and rulemaking for 2019 season at the December meeting in Oceanside

The Commission is always looking for public input and advice on proposed rulemakings and issues that are before them for consideration and action (ie. red abalone FMP). Letters, emails, public testimony, and in person meetings are effective avenues to reaching commissioners. Direct concise suggestions and input on issues without commentary and/or insults is the most effective way to reach them.

Chapter in MLMA on collaboration

3.2 Bull Kelp Recovery presentation: Dr. Cynthia Catton gave a presentation on present status and progress on building partnerships to address kelp issues

3.2.1 Provided a brief review of the series of unfortunate events that lead to broadscale kelp deforestation of the north coast. 93% of kelp loss as of 2014 with some additional losses in 2015. Some recovery in 2016-17

3.2.2 The overabundant population of purple sea urchins is hindering kelp recovery. Urchins are over grazing the bottom, including the encrusting coralline algae (87% of rock substrate in 2017 surveys was bare rock with no coralline). Overgrazing may severely limit annual regrowth of bull kelp sporophytes (spores that are sloughed off in adult kelp fronds that settle to the bottom and sprout new kelp plants)

3.2.3 CDFW is developing partnerships (Kelp Ecosystem & Landscape Partnership for Research and Resiliency, KELPRR) to better understand the bull kelp ecosystem dynamics and to assess potential recovery actions that may help enhance recovery of the forests

3.2.4 The goal of the partnership work is to protect the spore bank for bull kelp by developing a program that, 1) supports widespread recovery of the kelp forest as ocean conditions improve; 2) supports development of a market for purple sea urchins; 3) supports science to monitor dynamics between urchins and kelp; and 4) Engage community partners and citizen scientists

- 3.2.5 Accomplishments to date: 1) developed partnerships; 2) Assess urchin clearing methods; 3) Designed surveys; 4) Started pilot projects
- 3.2.6 Goals for 2018: initiate next level of moderate scale urchin clearing at two identified ares in Mendocino Co. (Noyo Bay, Caspar Cove)
- 3.2.7 A broad discussion of the issues and concerns by the group ensued. Some of the key concerns are the slow progress in ramping up projects to reduce urchins, funding such projects, and regulatory limitations on taking and disposing of purple urchins removed.
- 3.2.8 RAAC suggested that there are many issues to further discuss and resolve and that a separate RAAC meeting be devoted to this. A sign up list was circulated so people can be notified of further discussions.

4.0 11:45-14:45 Red Abalone Fishery Management Plan (working lunch)

4.1 CDFW gave an overview presentation on the draft Fishery Management Plan goals and harvest control rules (HCRs). The purpose of the presentation was to review both the standards and basic red abalone management principles for the FMP, share current thinking on EFI, and to discuss the two draft HCRs and the next steps in FMP development.

4.1.1 Goals of FMP – must be consistent with MLMA (FGC §7056) and address the following: 1) ensure long term sustainability; 2) rebuild depressed fisheries; 3) provide sufficient & diverse use; 4) use best available science; 5) be inclusive, adaptive and responsive; and 6) minimize adverse impacts.

4.1.2 FMP Overview - long term sustainability is cornerstone of the FMP and proposes to use key productivity indicators that monitor the stock size distribution, fishery catch, and stock abundance (density). Other important indicators include abalone health and environmental triggers. The FMP will include area based management rather than managing the entire fishery as one body. There are two draft HCRs for consideration in the FMP at this time

4.1.3 Importance of density – because of abalone biology (ie. broadcast spawners and sporadic successful recruitment), a measure of density should be one of the key productivity indicators that informs fishery management

4.1.4 Area based management – there are three proposed management areas at this time, Sonoma, Mendocino, others (Marin, Humboldt, Del Norte). This allows local management flexibility based on performance and amount of indicators available for management.

4.1.5 Different management approach (New FMP vs ARMP) – a major difference between the ARMP and the FMP is that catch data is an active feature in management of the fishery. Average annual catch (from years 2002-06) serves as the baseline for calculating a target catch using all other indicator information to adjust the base catch to current conditions and fishery level. A target catch range is also established (+/- 25%) around the target catch. As long as the next year catch falls within the catch range then no management action is needed for the following year. However if the catch goes outside the range then small (fine tuning) management adjustments are prescribed. If the catch falls outside the range for two consecutive years then larger (course) adjustments are recommended (ie. changes in bag or annual limits).

4.1.6 Key features of CDFW HCR – 1) use of Target Catch; 2) incorporates two types of fishery adjustments, small vs. large; 3) incorporates environmental and abalone health indicators; 4) designed to operate under current level of management resources but can

adapt to more or less resources; 5) the FMP is more adaptable than the current ARMP interim management system

4.1.7 CDFW Proposed HCR – A series of slides were presented to describe the indicators and their use, describe how the HCR operates, and the types of management actions (fishery adjustments) that are prescribed in fine tuning and course tuning modes. The scenario of HCR operation during limited indicator information availability was also described. Additional information on various aspects of the HCR operation and further development were presented including:

4.1.7.1 Management response framework for reopening the fishery – the basic criteria that need to be met before a fishery is reopened include, reaching reopening density threshold, environmental and abalone health indicators are positive, size structure of the stock is “normal”. Key issues that need further discussion and decision relate to the limits to fishing at the start.

4.1.7.2 Working with partners on FMP – There is much more work ahead to refine and further develop the management framework within the FMP. CDFW is relying on its partners to help finish this work.

4.1.7.3 Citizen Science Opportunities – One of the concepts that needs further development (and help from partners) is incorporating citizen science into the management framework. Opportunities for citizen science information to be utilized include, 1) Core management indicator information (ie. providing accurate catch data and collecting size and density data via Reef Check); 2) Informing productivity indicators by reporting unusual conditions (ie. weak and/or dying abalone, reduced kelp, many urchins etc.); 3) Report poaching activity.

4.2 TNC Collaborative Harvest Control Rule proposal – Dr. Alexis Jackson (TNC) gave a presentation on the collaborative HCR proposal. Dr. Jackson outlined the TNC lead collaborative HCR by first reviewing the HCR development timeline, explaining the HCR indicators of Spawning Potential Ratio (SPR) and Catch-Maximum Sustainable Yield (MSY), explaining how the HCR works, and explained and summarized the results of Management Strategy Evaluation (MSE) that was performed to evaluate the HCR. Additionally Dr. Jackson highlighted some advantages to the HCR proposal and posed general questions to the RAAC to consider in evaluating both HCRs.

4.2.1 HCR indicators – SPR and Catch-MSY are indicators used in assessing the stock and recommending fishery adjustments

4.2.1.1 SPR is the proportion of eggs produced by a fished population, relative to the eggs produced by an unfished population over time. SPR reflects the influence of mortality from all sources on the stock’s ability to successfully reproduce on a continual basis

4.2.1.2 Catch-MSY is the estimated maximum catch at a site that can occur without affecting long term productivity of the stock. The actual catch at a site is compared to that site’s MSY estimate to determine if the catch is below, stable, or above MSY.

4.2.2 HCR – Length Based SPR is determined for each of the 56 report card locations that have size data and stock status is evaluated as either low, stable or high. Then catch-MSY is applied to each stock status category to recommend catch adjustments based on MSY trajectory (ie. low, stable, high).

4.2.3 MSE results - According to MSE results the HCR was effective in meeting management objectives and could adjust catch levels to maintain a fishery even under extreme environmental conditions. The MSE also determined that catch and size data were most informative to decision making

4.2.4 Collaborative HCR advantages – 1) uses best management practices (ie. MSE to evaluate HCR performance); 2) it is cost effective; 3) utilizes more frequently collected data streams over more sites; 4) was collaboratively developed and revised by all partners and is ready for peer review

4.2.5 Questions for RAAC – 1) Is this control rule, objective and easy for stakeholders to follow?; 2) Are you confident in the data streams included? And if not, are there others you would like to see used for management?; 3) Does the control rule improve upon status quo?; 4) Will this control rule meet long term management objectives?

4.2.6 Mr. Jack Likins, one of the fishery constituent collaborators on the HCR proposal provided his thoughts on the proposal.

4.3 Summarization of the two presentations and HCRs

4.3.1 Differences between the HCRs – DFW utilizes catch, area, and density data streams as the base of their HCR. TNC collaborative utilizes catch, area, and size data streams as the base of their HCR

4.3.2 Similarities – both HCRs use a decision tree matrix with multiple area specific indicators, both utilize fishery dependent data including catch, and both use empirical indicators (DFW uses health and environmental indicators)

4.3.3 Each HCR have utility, strengths, and weaknesses

4.3.4 Both are or will be evaluated through MSE

4.3.5 Next steps for draft management frameworks – communication to stakeholders begins in early 2018 with this meeting; the Commission will be presented with the two management frameworks and outreach results in mid 2018; MSE and peer review will occur mid 2018; FGC adoption process of entire FMP by late 2018

4.3.6 Watch for Poachers – The closure of the fishery may spur additional incentive for poaching so it is even more important to be vigilant and report any poaching activities.

Caltip number: 888 334 2258

Text (Tip411): 847411

Include name, address, age and description of suspect

Provide vehicle description, direction of travel, license #, type of violation, and when and where occurred

4.4 Discussion of HCRs (including public expression on this topic) – Following the presentations a broad discussion on the draft management frameworks ensued. The following list are the issues and topics that were captured from the discussion.

1. Scale – do we run each area with site-specific information or do we use some kind of indexing. Need to watch out for complexity.
2. De Minimis fishery opportunities – can we run some of this fishery at a much lower level under less than ideal conditions?
3. Need to consider impacts to the ability to enforce the system

4. Fishermen want access – let us fish, even if it's not that productive
5. Expand inputs by fishermen
6. Require return of report card with fines if no return
7. Do we limit access to protect individual opportunity
8. Promote habitat manipulation where appropriate (purple urchin removal)
9. Size limit (8") (should be accompanied by rule requiring measuring before removal)
10. Issue zone specific cards with small allowance (3)
11. Limit season length
12. Lottery or point system to access tags
13. Josh de minimis fishery idea: 45,000 -90,000 TAC, 3 per day, 15,000 cards, spread take out.
14. Urchin "clean-up" day
15. Don't use lottery, use first come first serve
16. Ask FGC to do an emergency removal of the bag limit for northern California purple urchins during period where it will not encourage artificial spawning.
17. Will having a de minimis fishery help with watching for poachers
18. Need to control poaching more – maybe through stiffer fines or penalties

4.5 RAAC recommendation - Brooke proposed a motion to ask the Director to advise the FGC to allow the unlimited recreational take of purple sea urchins during the months of May through August. MSPU (motion, second, passed unanimously)

5.0 14:45-15:00 Abalone Dedicated Account Update

5.1 The current fiscal year (2017/18) budget for the abalone account was shared with the group. CDFW staff reminded everyone that no new revenue will be going into the account in 2018 due to the closure of the fishery. The Department is looking into reducing expenses on this account to help conserve the remaining funds.

5.1.1 One possible avenue is the proposed funding increase specifically for the Marine Region that is in Governor's 2018-19 draft Budget. The proposed increase, if it survives through budget legislative negotiations between now and May, is a good opportunity to redirect staff salaries off the abalone account. Salaries and operating expenses, although reduced in recent years in this budget, are the main expenses on this account.

5.1.2 Discussion of the budget focused on maintaining or supplementing enforcement support to address the poaching concerns

5.2 RAAC recommendation - Chris proposed a motion to recommend to the Director that \$50,000 in the current budget be shifted over to enforcement overtime. The motion was seconded and passed with one vote against

5.3 RAAC recommendation – a motion was made to recommend to the Director that Invertebrate Management PYs and expenses be moved off the abalone account if other external funding sources become available to absorb them. MSPU

5.4 A motion was made to recommend to the Director an increase in the abalone card fee to \$30. The motion was not seconded so the motion failed.

5.5 RAAC recommendation – a motion was made to request that the Department develop a budget plan and strategy for the re-opening of the fishery. The motion was second and passed on 3 yes, 1 abstention, and 2 no votes

5.6 Prior to the start of this agenda item, Brooke had to excuse himself and leave the meeting. Ed, the RAAC alternate for Brooke, took Brooke's place during this agenda item discussion. A

question was raised whether alternates have voting privileges when substituting for an absent member. The issue of the role of alternates on the committee will be on the next meeting agenda

6.0 15:00-15:15 Other Business

6.1 Josh asked why a RAAC meeting was not held during the Commission's regulatory process to discuss the regulatory options for the fishery late last year. Sonke explained that 3rd party public discussions outside of the Commission meetings once rule making has started is not supported by the Commission. Thus the Department could not hold a RAAC meeting to specifically discuss the regulation alternatives that were before the Commission.

6.2 Sonke suggested that the RAAC meet more often during the first part of this year to further discuss and provide input to the Department on the draft FMP content. Monthly meetings for dealing with the FMP was suggested between now and June.

6.3 A concern was expressed about conducting the peer review of the FMP before the June Commission meeting. Sonke clarified that the Department plans to submit the draft management framework to the FGC in June and the peer review will follow as long as the Commission is ok with the framework.

7.0 15:15-15:30 Public Express on other agenda items

7.1 An inquiry about the feasibility of local northern California businesses affected by the abalone fishery closure applying for public emergency relief funds. Such funds are usually available through the federal government. The Dungeness Crab fishery applied for such relief funds during the Domoic Acid problem that kept most of the fishing season closed due to public health concerns. They were unsuccessful in getting such funds.

7.2 A suggestion was made that future RAAC meetings be recorded on video and made available on the web for the public to see. Will need to look into the possibility of this.

7.3 A request was made to have the meeting notes available for this meeting as soon as possible.

Next meeting: Will send out doodle for next meeting – suggesting February

Meeting adjournment