



# COMMUNITY

**News in Brief for December, 2009**

## **President's Report**

By Bob Bertelli

This last year has been rather tumultuous for fishing in general and the Sea Urchin Fishery in particular. MPA's, Navy and Coast Guard issues, a change in the make-up of the CSUC, legislation that effects us (AB 489 tax), and sea otters have all had impacts. There are many other issues that the Commission must keep an eye on, too, to be ready to act, if we see a potential threat or benefit to our industry: Wave energy, federal incursions into state fisheries management, water quality; the list goes on. And add to those the day to day management of the commission, including the budget, priorities for now and long range planning. The Commission has quite a full plate.

### **MPA's:**

For the past 18 months CSUC representatives, including Jeff Maasen, Bruce Steele, Dave Rudie and myself, have been heavily involved in the South Coast phase of the MLPAI as members of the Regional Stakeholders Group (RSG). The CSUC committed tens of thousands of dollars and countless hours to this endeavor. *-Cont. on pg. 3*

## **Executive Director's Report**

By Vern Goehring

### **Welcome to 2010**

If you're like me it always takes a little while getting used to writing a new year number. It's even harder taking advantage of the spirit of the New Year and making desired changes in my life. It usually seems external events take control and before long I've lost what seemed like a perfect opportunity for mid-course corrections (or possibly a bit beyond mid-course).

The Sea Urchin Commission is in the same predicament, not quite a year ago the structure of the CSUC changed with the departure of processors. It began a dialogue regarding changed priorities but sea otters, among other things, got in the way. (See other articles in this newsletter.)

A meaningful re-examination of the purpose, priorities, and goals of the CSUC is important for divers and the sea urchin fishery. The Commission will address the future at its meeting in February, 2010. Check out the information in this newsletter regarding the planning discussion and submit your comments and suggestions via *-Cont. on pg. 5*

## **CSUC FIGHTS FOR BETTER SEA OTTER MANAGEMENT**

The Commission has taken on two major initiatives in the past couple of months, both concerning the management of sea otters south of Point Conception.

On November 24<sup>th</sup>, the Commission, along with the Sonoma County Abalone Network, the California Abalone Association, the Commercial Fishermen of Santa Barbara, Jerome Betts and Peter Halmay sent a letter to Interior Sec. Ken Salazar outlining the reasons it intends to sue the Dept. of the Interior (DOI) over the impacts to two endangered abalone species that will occur should sea otters be allowed into the current no-otter zone. *cont. on pg. 4*

## CSUC ELECTIONS

The time for elections is rolling around again. The California Sea Urchin Commission elects commissioners every two years, and this March will be your chance to help shape the future of the new, divers-only CSUC, either by voting for the best diver to represent you, or choosing yourself to run as the best diver to represent your peers!

In January, divers should expect receiving a nomination form; to be nominated, a diver must have five signatures of support. Elections will take place in March, so the nomination forms must be returned to the CSUC office sometime in mid February (specific dates to be determined).

Please seriously consider the election of divers to this new Commission, especially in light of the expectations found in our policies and procedures manual. Commissioners are expected to:

- Have a commitment to the mission and goals of the Commission and be willing to fully participate in the business of the Commission.
- Serve as a steward of the Commission by actively engaging in the work of the Commission and volunteering to undertake specified activities in support of the Commission.
- Participate in Commission workshops and other planning efforts to develop an annual budget and work plan.
- Attend regularly scheduled Commission meetings, and as many special meetings as possible, and work with others to accomplish the goals of the Commission.
- Be informed about the purpose, policies, projects and accomplishments of the Commission and work to increase knowledge of the Commission among industry participants and the general public.
- Take a leadership role in communicating with industry participants for the purpose of reporting the work of the Commission and gathering input from participants via port meetings and other appropriate means.
- Act in ways that reflect favorably on themselves, the Commission, and the fishery in their business and personal relationships.

Consider the best fit for the job, and help get that person elected. It's important to you and your fellow divers to ensure proper direction and priorities for your Commission.

## REPORTS FROM THE PORTS

### ***Santa Barbara Port Report***

#### ***From notes prepared by Harry Liquornik and Bruce Steele***

The Santa Barbara Port Meeting was held November 9<sup>th</sup>, concerning sea otters, the Commission budget, and the MLPA. 10 divers participated in the meeting, which ran about three hours.

The divers present (minus one) voted in favor of the Commission participating in the sea otter lawsuits and interventions as proposed by the briefing papers, and there was additional discussion about outreach to other fisheries and organizations to help.

Much time was devoted to the Commission budget and reserve, with conversations about the nature of payment and work-plans for the Executive Director, and a general agreement that the annual budget needs to be developed and distributed one month in advance of the Commission meeting to allow adequate input from commissioners. The budget reserve was also discussed, with a focus on whether or not reserves should be used for the sea otter lawsuit and intervention. All agreed that the full commission should decide any expenditures of reserve money.

Jeff Maasen and Bruce Steele gave an update and presented the latest maps from the MLPA South Coast RSG. They felt they had done a pretty good job of minimizing impacts.

*(Editor's note: In future issues, we hope to print reports from each respective port region of the CSUC. As of publication, no other port reports were presented to the editors.)*

**President's Report (cont. from page 1)**

I think the four of us, taken as a whole, represent the varied interests of our community and, given the complexities of the "process" and the nature of our foes, did a commendable job, though less than perfect. No one was perfect, on any side.

On the enviro- "side", there were at least 7 members of the RSG who were full-time paid employees of various environmental organizations, who often had their own staff and leaders at the meetings: all paid full time employees (well paid). There were also many representatives from different government agencies and public and private institutions, pushing for an outcome to benefit themselves and not, in my opinion, the public interest. There were several notable exceptions to this and the radical preservationists went after them with a vengeance, including job harassment and other forms of intimidation. In the face of this they continued to try to find true "middle ground" solutions. They are to be commended, but for now privately.

In the face of this, we were able to build a strong sport and commercial fishing coalition through the CFC (FIN/FIC). Then, through the "process", we were able to put together a true middle-ground group of fishermen, cities, marinas, harbors, scientists and government agencies. The result was the Work Group 2 proposal (WG2), which drew strong majority support of the RSG. In a shameful act of deceit, the I-team and BRTF never allowed a promised vote on the 3 work group proposals to take place. These usurpers of the public resources could not let that happen; their corrupt masters in Sacramento and in the large funders of the MLPAAI could not let this happen. However, neither could they forward the "Preferred Alternative" that their masters wanted. The BRTF's so called "Integrated Preferred Alternative" that has been forwarded to the Fish and Game Commission, along with the three WG proposals and the "0" or no-change option, is a much watered down version of what Big Green and corrupt politicians in Sacramento wanted.

The Fish and Game Commission was clearly disturbed, by this, and will be very cautious in moving toward adoption of one of these plans, and in making some changes of their own. We must continue to keep the pressure up and ever vigilant during the final South Coast actions and the now-developing North Coast phase.

**San Clemente Island (SCI):**

The Navy, through the Coast Guard, is in the process of changing the security zones around SCI. In general, the fishing community supports these changes and we have been and continue to work with both agencies in this process. However, we do have some concerns about the continued use of the anchorages at SCI. We are working to resolve those issues and when a final determination is made, it will be posted.

**Legislation:**

Every year there seems to be at least one or two pieces of legislation in Sacramento that require a great deal of Vern's time and our money. AB 489, the bill that would increase our landing taxes to the State, is back from last year. Sooner or later, this or something like it is going to pass. Now may be the time to see if the author of the bill will make the necessary changes in it so we can support it. In its present form, we can not: it would put many of us out of business!

**Sea Otters:**

Last May, Jerome Betts sent me some very disturbing information concerning sea otters. The U.S. Fish and Wildlife Service had just requested 15k sq. kilometers of near-shore shallow waters, primarily 20 meters deep and 100 meters from the mean tide mark in Alaska be declared sea otter critical habitat. The request stated "....sea otters eat primarily benthic (bottom-dwelling) invertebrates... Once critical habitat has been designated, federal agencies that undertake, fund, or permit activities that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat." Harvesting sea otters' food source would fall under this review. At the very next MLPA SAT meeting the subject of "essential otter habitat" came up and is now part of all SAT marine mammal discussions. Then in September, the Environmental Defense Center (EDC), filed suit to force the U.S. Wildlife Service to issue a final decision to repeal the no-otter zone south of Pt. Conception.

As a result of these actions the CSUC and several other fishing groups filed a 60-day notice of intent to sue, to force FWS to look at sea otter impacts. We felt there was no other choice. Think about it: they do not have to wait for natural range expansion, or trans-location; they can just set aside one or two of the Channel Isl. as "critical habitat", or a 50 mile stretch of the North Coast. No otters, but no take! **(cont. on pg. 4)**

President's Report (cont. from page 3)A New Commission:

A divers-only commission means the divers, and 2 processors who are voluntarily paying dues, are carrying the whole load. That needs to change and fast. You can help by talking to your processor and encouraging him to start helping or they just might find out how well they can do with only imported uni. In the midst of all of this, the CSUC is investigating possible ways to improve the lot of the diver. So please continue to share your ideas.

**YOU CAN INFLUENCE THE FUTURE OF THE COMMISSION**

If you haven't been keeping up on the CSUC Google Group conversations, then you may have missed an important series of questions posted two months ago on changing the direction and priorities of the Commission.

In early 2009, the make-up of the Commission changed dramatically, as processors voted to leave. This shift to a divers-only Commission presents new opportunities and challenges, and changing the focus and direction of the Commission may be in order to accurately reflect the needs and priorities of sea urchin divers.

On October 27<sup>th</sup> the Commission posted four topics on the Google Groups list to help drive the conversation toward actions that the Commission can accomplish. However, no suggestions or comments were offered. No diver offered any idea, comment, or question about any changes to the Commission, any new focus, or direction.

If you are interested in the direction of the Commission; if you believe that the new make-up of the Commission should provide divers and the fishery new opportunities; if you have ever thought, "the Commission should try that", then now is your chance!

You can participate in three ways: If you saved your CSUC Google Group emails, find the emails titled by topic from October 27.

Better yet, go to the California Sea Urchin Commission Google Group website at <http://groups.google.com/group/CSUC> and sign in. If you haven't already created an account there, Google will ask you to use your existing email (the one where you already get your Google Groups mail), and create a password and a nickname. Once you do that, you are in! At the website, you can access all the documents the Commission has posted there, as well as find all the emails sent out over Google Groups. Look up October 27<sup>th</sup>, and find the four topics on the future of the Commission and share your ideas and suggestions.

If you don't have internet access, contact your local commissioner to share your ideas:

**Bob Bertelli, Los Angeles – 310-357-8708**

**Dan Williams, Ventura – 805-452-9560**

**Tom Trumper, Fort Bragg – 707-962-0877**

**Robert Case, San Diego – 760-945-1722**

**Harry Liquornik, Santa Barbara – 805-451-2504**

The Commission will address this issue at its February, 2010 meeting.

Sea Otter Management (cont. from page 1)

When an individual or group plans to sue a federal agency, it must file a letter with that agency, a "60-day notice of intent to sue." This notice begins a legal process: a threat to sue the agency, with the possibility for the agency and the parties to come to an agreement without going to court. The Commission doesn't have to sue at the end of the 60 days, but the letter makes clear to the agency that it fully intends to do so.

In addition, on December 17<sup>th</sup> the Commission and its allies filed a request to be admitted as intervenors in the lawsuit between The Otter Project and the Environmental Defense Center against DOI. This is the legal process that allows groups or individuals to defend themselves in court over a case that may impact them. These requests, filed with documents to support our case, explain that the results of the lawsuit could impact us, yet we currently have no representation to argue our own cause.

*(cont. on pg. 5)*

**Sea Otter Management (cont. from pg. 4)**

The lawsuit is a fight over sea otter management. The plaintiffs demand that the Fish & Wildlife Service declare sea otter translocation and the “no-otter” zone failures. In its notice, the plaintiffs specifically declared that the southern sea otter should be allowed south of Point Conception.

The California Sea Urchin Commission has fought a number of battles to ensure proper management of our marine environment and resources, and this is no different. In this fight, two environmental impacts must be addressed in any sea otter management. First, if otters move permanently into waters south of Point Conception, not only would we lose a viable sea urchin fishery, but two endangered species, the Black and White abalone, would also be threatened. These abalone are, along with red sea urchin and lobster, among the most extensively preyed-upon species by sea otters. The Endangered Species Act requires that government actions that will impact endangered species must be reviewed, and it also prohibits “taking” of an endangered species. We argue that allowing sea otters into the existing range of the white and black abalone will result in a “taking” of abalone, and so the FWS is acting illegally by allowing sea otters south of Point Conception.

Second, FWS understands that water quality affects sea otter deaths, it knows which diseases kill sea otters, and it knows how to find them. The Commission, therefore, in our request for intervenor status, insists that the FWS recognize and manage the impacts of water quality on sea otters. If sea otters are allowed into the waters south of Point Conception, without determining the pollution impacts they will face, FWS may be putting sea otters in harm’s way, while ignoring the opportunity to recover sea otters within their current range and avoid negative impacts to protected abalone and other shellfish. In fact, the Commission may bring up water quality as the subject of a future 60-day notice to sue the FWS over sea otter management.

The Commission has also argued, in its request for intervenor status, that the sea urchin fishery is a vital part of ports and coastal communities along the South Coast, and the impacts of otters would irretrievably destroy a way of life and an economic value for these places.

The Commission will make its case against sea otter range expansion over the next few months, either in court, or in settlement. The Fish & Wildlife Service has been negligent both in adequately working to recover sea otters within its current range, and in considering the impacts of sea otter range expansion on endangered species. The Commission’s first appearance in court, concerning our request for intervenor status, is on January 25, 2010. After that, we will learn what the next steps will be.

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**Executive Director’s report (cont. from pg. 1)**

Google Groups. If you don’t have online access, please call one of the Commission members.

You’ve undoubtedly heard that the CSUC has engaged the sea otter legal battles. At its meeting in November, the Commission heard the Sea Otter Committee, chaired by Peter Halmay, report on the status of an environmental law suit against the Fish & Wildlife Service. The Committee recommended that the CSUC aggressively pursue options to protect the geographic sea otter management program. Read more about this in this newsletter.

On December 16, 2009, Peter Halmay and I had a chance to meet informally with two representatives from the Purple Urchin Harvesters Association (British Columbia). These folks were in San Diego on other business and contacted us just days prior to see if we could meet with them. I enjoyed learning about their fishery and its similarities and differences to the California sea urchin fishery. We recognized areas where collaboration might be fruitful and agreed to pursue avenues to continue communications, including a larger representation of each organization.

Even though processors formally separated themselves from the CSUC, some recognize the importance of the political and legal challenges facing the fishery. Three processors so far signed a Memorandum of Agreement (MOA) to make contributions (1/2¢ per lb.) to help fund legal and legislative advocacy work. We thank Catalina Offshore Products, Ocean Fresh Seafood, and Pacific Rim Seafood. If you sell to a different processor, please encourage them to sign the MOA that will be resent to them shortly. We are committed, for their benefit, to significant legal cost regarding sea otters and their recognition of that is needed.

### Upcoming Events

January 13 <sup>th</sup> & 14 <sup>th</sup> , 9 AM	MLPA Blue Ribbon Task Force meeting, Crescent City
January 16 <sup>th</sup> – 31 <sup>st</sup>	Mendocino Crab & Wine Days at various locations
January 20 <sup>th</sup> & 21 <sup>st</sup>	MLPA Science Advisory Team meeting, Eureka
February 1 <sup>st</sup>	Deadline for community groups to submit North Coast MPA arrays
February 3 <sup>rd</sup> & 4 <sup>th</sup> , 10 AM	Ca. Fish & Game Commission meeting, Sacramento
February 8 <sup>th</sup> & 9 <sup>th</sup>	MLPA North Coast Regional Stakeholder Group meeting, Eureka
February 11 <sup>th</sup>	MLPA Science Advisory Team meeting, webinar/teleconference
March 3 <sup>rd</sup> & 4 <sup>th</sup> , 9 AM	MLPA Blue Ribbon Task Force meeting, Fort Bragg
March 3 <sup>rd</sup> & 4 <sup>th</sup> , 10 AM	Ca. Fish & Game Commission meeting, Upland/Ontario
March 6 <sup>th</sup> -11 <sup>th</sup>	PFMC session, Sacramento
March 10 <sup>th</sup> , 7 PM	Shore to Sea series lecture on kelp forest ecosystems, Santa Barbara Maritime Museum
March 11 <sup>th</sup> , 7 PM	Shore to Sea series lecture on kelp forest ecosystems, Channel Isl. Nat'l. Park, Ventura
March 16 <sup>th</sup> & 17 <sup>th</sup>	MLPA Science Advisory Team meeting, Eureka
March 22 <sup>nd</sup>	World Water Day
March 24 <sup>th</sup> & 25 <sup>th</sup>	MLPA North Coast Regional Stakeholder Group meeting, location TBD

More fishing related events and meetings are posted at [www.fishcalendar.net](http://www.fishcalendar.net).



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