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September 20, 2018

California Department of Fish and Wildlife
Attn: Ryan Bartling, Environmental Scientist
5355 Skylane Blvd, Suite B
Santa Rosa, CA 95403

Via electronic delivery to: Ryan.Bartling@wildlife.ca.gov

Re: Comments on the Pacific Herring Fishery Management Plan Scoping

Dear Mr. Bartling,

The Environmental Action Committee of West Marin is based in Point Reyes Station and has been working to protect the unique lands, waters, and biodiversity of West Marin since 1971. Since our inception, we have been committed to the health of Tomales Bay. We submit these brief comments in regard to the Pacific Herring Fishery Management Plan (herring FMP), specifically as it relates to Tomales Bay.

Regarding the scope of the herring FMP, we request that the herring FMP addresses the following: 1) updates to the current commercial limits, 2) updates to the current recreational limits, and 3) whether additional research is needed to make these updates. In addressing the above three points, the herring FMP should consider direct and indirect environmental impacts to the Pacific herring (herring) fishery and other fisheries, to wildlife including special status bird species and protected marine mammals, cumulative impacts, and changing climate conditions.

Based on our knowledge of the historic Tomales Bay fishery, we also present our recommendations for recreational and commercial limits on the herring fishery, when additional research is needed, and how this research should be conducted.

September 20, 2018

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We support the Pacific Herring Steering Committee (Committee)’s management objective as part of the herring FMP to “update existing commercial herring regulations where possible.”¹ Many of these regulations are woefully out of date and are based on historic numbers and landings.

In regard to commercial regulation updates, we recommend that the commercial regulations be updated so that Tomales Bay is closed to commercial herring fishing due to a number of factors including extremely low herring numbers, environmental considerations, and poor market conditions. The current commercial season limit or quota is 350 tons², which is outdated since no commercial fishing has taken place in the Bay since 2007.³ Furthermore, the most recent commercial herring fishing efforts in Tomales Bay resulted in dead unsalable fish and/or very low pricing in part due to poor market conditions.

Following the proposed closure of the Tomales Bay herring fishery, any future decisions to reopen the Tomales Bay herring fishery should only be made after a comprehensive and scientifically based assessment and analysis is made of the herring stocks, current and future spawning estimates, biomass, etc. led by qualified Department of Fish and Wildlife staff and/or other trained and independent researchers, with the involvement of multiple stakeholders. Regarding the Committee’s management objective to “[d]evelop *collaborative* research opportunities to monitor and assess herring populations in Tomales Bay...”⁴ we request that these opportunities are truly collaborative and include stakeholders representative of multiple interests including local West Marin fisherman, individuals from non-extractive industries, and environmental organizations.

Any future analysis to consider whether to reopen the Tomales Bay herring fishery should take into consideration all recent research including Dr. John Kelly’s June 2018 paper *Echoes of Numerical Dependence: Responses of Wintering Waterbirds to Pacific Herring Spawns*, which found a functional relationship between water bird numbers and the availability of herring.⁵

We also support the Committee’s management objective as part of the herring FMP to “[d]evelop regulations for the recreational herring fishery.”⁶ Regarding the recreational fishery in

¹ See California Department of Fish and Wildlife, *Pacific Herring Fishery Management Plan*, available at:

<https://wildlife.ca.gov/Fishing/Commercial/Herring/FMP>

² See California Department of Fish and Wildlife, 2017-18 *California Commercial Herring Fishery FAQ Sheet*, available at:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=151147&inline>

³ See California Department of Fish and Wildlife, *State-Managed California Commercial Pacific Herring Fishery*, available at: <https://www.wildlife.ca.gov/Fishing/Commercial/Herring>

⁴ See California Department of Fish and Wildlife, *Pacific Herring Fishery Management Plan*, *emphasis added*, available at:

<https://wildlife.ca.gov/Fishing/Commercial/Herring/FMP>

⁵ See John P. Kelly, *et al.*, *Echoes of Numerical Dependence: Responses of Wintering Waterbirds to Pacific Herring Spawns*, Marine Ecology Progress Series, June 11, 2018, page 253.

⁶ See California Department of Fish and Wildlife, *Pacific Herring Fishery Management Plan*, available at:

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Tomales Bay, consistent with the Fish and Game Commission Marine Resource Committee's July 2018 recommendation to limit recreational herring take and the submitted comments, we recommend a limit of two five-gallon buckets per day, which is approximately 75 lbs. A volume limit is preferable as most fishermen do not carry scales.

In closing, we also support the Committee's management objective to "[d]escribe habitat and ecosystem considerations"⁷ in the herring FMP, and we thank you for your consideration of our comments.

Sincerely,



Morgan Patton
Executive Director



Ashley Eagle-Gibbs
Conservation Director