



# COUNTY OF SANTA CRUZ

## FISH AND WILDLIFE ADVISORY COMMISSION

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060  
(831) 454-3154 FAX: (831) 454-3128

### AGENDA

March 5, 2020

7:00 PM

**Fifth Floor Redwood Conference Room, 701 Ocean Street**

PLEASE NOTE: Outside doors will be open 6:45-7:30 and then locked for security.

Please arrive during this time.

Staff can be contacted at 831-227-7404 but may not be available to answer the call during the meeting.

Agenda Item #	Start Time	End Time	Description
1	7:00	7:00	Call to Order
2	7:00	7:05	Roll Call
3	7:05	7:10	Approval of Minutes
4	7:10	7:15	Public Comments
5	7:15	7:30	Review response from Bruce McPherson re: expanding Significant Tree Protection Ordinance outside Coastal Zone
6	7:30	7:45	Update on Funding for Coho Salmon Broodstock Program and discuss letter to Board of Supervisors
7	7:45	7:55	Follow up from February presentation from IPM Advisory Group – discuss questions to ask
8	7:55	8:10	Discuss Cotoni-Coast Dairies Public Access
9	8:10	8:25	Discuss possible action regarding shark fin legislation
10	8:25	8:35	Discuss 2020 Work Plan
11	8:35	8:45	Commissioner Reports and Announcements
12	8:45	8:55	Staff Reports
13	8:55	9:00	Discuss May agenda / Review Correspondence
14	9:00		Adjourn

### 13. CORRESPONDENCE

- a. Notice of Proposed Emergency Action re: Recreational Purple Sea Urchin Emergency Plan
- b. Notice of Receipt of Petition to list Pacific leatherback sea turtle as an endangered species under the California Endangered Species Act.

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Planning Department Conference Room is located in an accessible facility. If you are a person with a disability and require special assistance in order to participate in the meeting, please contact Kristen Kittleson at (831)454-3154 or TDD number (454-2123) at least 72 hours in advance of the meeting in order to make arrangements. Persons with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those affected, please attend the meeting smoke and scent free.



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### Meeting Minutes February 6, 2020

1. **CALL TO ORDER** – 7:02 pm
2. **ROLL CALL**

Present: Commissioners Berry, Baron, Lee, Hoffman, Gómez, Wise, Buchwald, Michelsen  
Excused: Somerton  
Absent: none

Guests included Dave Stanford, Josh Reilly and John Ricker, County of Santa Cruz; Jon Jankovitz, Eric Larson and Steve Schindler, California Dept of Fish and Wildlife; Chad Thomas, Institute for Wildlife Studies; Joe Kiernan and Mandy Ingham, NOAA Fisheries; Ben Harris, Monterey Bay Salmon and Trout Project (MBSTP); Maya Vavra and Alex Johanson, Watershed Stewards Project.

3. **APPROVAL OF MINUTES** – Commissioner Hoffman made a motion to approve the minutes; Commissioner Lee seconded the motion. All aye; the minutes were approved.
4. **PUBLIC COMMENTS.** Chad Thomas, Institute for Wildlife Studies, reported that his organization advocates for non-lead ammunition. They educate and assist hunters with the transition to non-lead ammunition, including areas with lead bullet prohibitions, such as within condor protection areas.
5. **Santa Cruz County Integrated Pest Management (IPM) Departmental Advisory Group: rodent control and anticoagulant use.** Josh Reilly, County of Santa Cruz, staffs the IPM Advisory Group, and Dave Stanford, works in the Agricultural Commissioner's Office. The County developed an IPM plan in 1999/2000 and has become more restrictive over time. The County still allows the use of anti-coagulant rodenticides for structural protection (buildings) and for gophers in athletic fields. There was a discussion about rodenticides and impacts on predators. This advisory group is for County activities only and does not cover pest control by the general public. Currently, the Advisory Group does not have a mandate to eliminate rodenticide use, but the County continues to work towards reducing rodenticides. Josh Reilly expressed interest in having an ongoing relationship with the commission. The FWAC will follow up and decide if they have questions for the Advisory Group.
6. **Discuss Lack of Funding for Coho Salmon Broodstock Program**  
The Coho Salmon Broodstock Program relies on the joint efforts of the Monterey Bay Salmon and Trout Project (MBSTP) and National Marine Fisheries Service (NMFS) Southwest Science Center. The program maintains a broodstock (fish raised to adulthood in captivity) to preserve regional coho salmon genetics and raises coho salmon juveniles for release. The broodstock program is critical to the ongoing presence of coho salmon in Santa Cruz County and a lack of funding will likely lead to the local extinction in the near future. Eric Larson, CDFW, explained that the broodstock program has been funded through the California Department of Fish and Wildlife's Fisheries Restoration Grants Program, which is not a good funding source for an ongoing program. While the federal government allocates funding for salmon and steelhead projects, CDFW has the autonomy to decide how to spend the funds. He shared a CDFW statement that the broodstock program is critical to Region 3 and NMFS priorities.

The Kingfisher Flat Conservation Hatchery, operated by the MBSTP, is critical to continuing the broodstock program. However, this facility will not be adequate in the long-term for coho salmon

recovery due to capacity limitations. CDFW estimates that a new conservation hatchery will cost \$98 million to site, design, build and operate over a 20-year period. CDFW is currently working on getting a feasibility plan started.

CDFW and National Marine Fisheries Service (NMFS) have been meeting over the past several months and CDFW has committed to allocate \$1 million each year to fund this important program. Even with this commitment, there is still a funding shortfall for the MBSTP, who have 3 full-time employees. There was also discussion of the importance of outreach and education for coho salmon recovery.

Commissioner Michelsen made a motion to create a subcommittee to write a letter to the Board of Supervisors in support of funding for the Coho Salmon Captive Broodstock Program. The motion was seconded by Commissioner Gómez. The subcommittee will include commissioners Michelsen, Berry and Buchwald. All aye; the motion passed.

7. **Review response from Bruce McPherson re: expanding Significant Tree Ordinance outside the Coastal Zone.** This item was mislabeled as expanding the Riparian Ordinance on the agenda. There was a brief discussion including the idea of reconvening the subcommittee, inviting Rich Sampson, CalFire, to attend a FWAC meeting, whether to include protection of eucalyptus, and consider protection of identified heritage trees. Due to lack of time, this item will be considered again at the March 5 meeting.
8. **Discuss 2020 Work Plan.** There was a brief discussion of the work program. Commissioner Baron suggested a format change to group the issues by broad topic. Commissioner Hoffman wanted to include wildfire protection. Commissioners will be asked to prioritize items at the next meeting.
9. **Commissioner Reports:**
10. **Staff Reports and announcements.**
11. **ADJOURNMENT.** The meeting adjourned at 9:02 pm.



# County of Santa Cruz

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## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069  
(831) 454-2200 • FAX: (831) 454-3262 TDD/TTY - Call 711

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FIFTH DISTRICT

January 29, 2020

Fish and Wildlife Advisory Commission  
Santa Cruz County Government Center  
701 Ocean Street, Room 312  
Santa Cruz, CA 95060

Dear Chair Berry and Commissioners,

Thank you for your letter dated July 11, 2019, stating your support for extending the Significant Tree Ordinance outside of the Coastal Zone. I appreciate your patience as my office considered the ideas and concerns expressed in your letter.

Since this ordinance expansion would include the San Lorenzo Valley, my staff and I had extensive conversation with members of the County Planning Department, County Counsel and CalFire to hear various perspectives on this proposed ordinance expansion from regulatory and enforcement perspectives.

From these conversations, we understand that large trees can be important landmarks and contribute to neighborhood character. We know trees are also critical to sequestering carbon in support of our Climate Action goals.

However, CalFire is concerned about how an ordinance expansion could conflict with state regulations and authority on forestry management and fire protection. There are also concerns about enforcement and property rights to remove dead and dying trees.

The Planning Department will be reviewing and revising the resource protection ordinances in the next several years and would prefer to consider the expansion of protection for trees through this process.

We encourage the Fish and Wildlife Advisory Commission to continue studying the issue and providing future input into the ordinance revision process.

Page 2  
January 29, 2020

Thank you for sharing your recommendations with the Board of Supervisors and your service to the County of Santa Cruz.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce McPherson". The signature is written in a cursive style with a large, sweeping initial "B".

BRUCE MCPHERSON, Supervisor  
Fifth District

# California's ban on shark fins doesn't stop the trade from passing through its ports

 [mercurynews.com/2020/02/24/californias-ban-on-shark-fins-doesnt-stop-the-trade-from-passing-through-its-ports/](https://mercurynews.com/2020/02/24/californias-ban-on-shark-fins-doesnt-stop-the-trade-from-passing-through-its-ports/)

By Jeremiah  
Oetting

February 24,  
2020

Three years ago, a cargo container purportedly transporting thousands of pounds of pickles from Panama was placed on a Hong Kong-bound ship that stopped at the Port of Oakland on a chilly February night. Hundreds of rectangular containers were stacked on the giant vessel like Lego blocks, but state and federal wildlife agents knew there was something fishy about this one.

Inside, the agents found nearly 52,000 pounds of frozen shark fins, cut from an estimated 9,500 sharks. A cursory inspection revealed that some of the fins were from protected species that require permits to be legally traded. So officials seized the shipment, valued at just under \$1 million, making it one of the largest single shark fin seizures in U.S. history.

California may have banned the shark fin trade years ago, but the container is hardly the only one of its kind passing through the state's bustling ports: A recent report from the Natural Resources Defense Council estimated that hundreds of thousands of pounds of shark fins from Latin America transit West Coast and other U.S. ports each year, destined to land in a bowl of shark fin soup in Hong Kong and other Asian cities.

"We think we've just found the tip of the iceberg, and it's a little hard to say how big the iceberg is," said the report's author, Elizabeth Murdock, the San Francisco-based director of the environmental group's Pacific Oceans Initiative.

The wildlife agents and scientists waiting for the container in Oakland on Feb. 10, 2017, had been tipped off by U.S. Customs and Border Protection, whose agents had cracked open the container at the Port of Long Beach. An agency spokesperson declined to comment on what led to the container's initial inspection, but its contents were a far cry from the "cucumbers/gherkins" listed as the shipment's tariff code.

The fin trade is driven by the high demand for shark fin soup, a Chinese delicacy that has caused the value of fins to skyrocket to as much as \$500 a pound.

Historically, shark fins were scarce, and so too was the soup, which was reserved for the rich and powerful. But the rise of China's middle class in the last several decades led to increasing demand at big celebrations such as weddings and the Lunar New Year. The soup also became more popular as an exotic delicacy in foreign markets. California had the largest demand for shark fins outside of Asia until the Legislature banned them beginning in January 2013.

Former state Assemblyman Paul Fong, a Silicon Valley Democrat, led the effort to outlaw shark fins after seeing photos and videos of the practice of “finning,” which entails cutting off a shark’s fins and throwing the shark overboard to die.

“I thought it was really gruesome and horrific,” Fong said in a recent interview. “I knew they were doing that to millions of sharks.”

Congress banned finning in U.S. waters in 2000. But possessing shark fins is still legal in most U.S. states if the whole shark is harvested — as opposed to just its fins. Unfortunately, once part of a fin is in a bowl of soup, it’s virtually impossible to know how it got there.

California’s shark fin ban, signed into law by then-Gov. Jerry Brown in 2011, removed the state’s demand from the trade by making it illegal to possess, sell and buy shark fins. California and 12 Twelve other states now have similar bans.

Capt. Patrick Foy, a law enforcement officer for the California Department of Fish and Wildlife, said the ban is enforced by inspecting restaurants, markets and fishing vessels throughout the state. In the six months after the law went into full effect in July 2013, most of the citations issued by state wildlife agents were for minor violations. But in January 2014, agents busted a San Francisco fish vendor after they found 2,000 pounds of shark fins inside his business.

Foy said the seized product was worth at least \$200,000, but possibly up to half a million dollars. And while violating the shark fin ban is only a misdemeanor, the huge loss of a valuable product sent a message that trafficking in illegal shark fins is risky in California.

“I think it’s safe to say that the shark fin ban ... has significantly reduced the black market for shark fins” in California, he said.

But state laws don’t apply to products moving through U.S. ports, where a shipment’s legality largely depends on federal laws and international trade agreements.

Monitoring cargo has been a high priority since 9/11, when U.S. ports were found particularly vulnerable to terrorist attacks because of the constant flow of opaque, faceless containers — about 11 million of which arrive at our ports each year, according to U.S. Customs and Border Protection. The Cargo Security Initiative was enacted in 2002 to beef up security, establishing an automated system to identify high-risk containers with X-rays, gamma rays and other technologies.

The initiative also increased collaboration with officials at foreign ports to identify and prescreen containers before they’re put on U.S.-bound ships. But while this helps prevent terrorist attacks, it is unlikely to identify shipments of contraband like illegal shark fins.

International treaties such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or CITES, govern which species can be legally traded between countries. There are now 38 CITES-listed shark and ray species, many of which can still be traded with permits from the countries where they were harvested.

This differs from the outright ban on trade of products like elephant ivory, which are protected by the tightest CITES restrictions — a distinction that challenges enforcement officials at ports. To determine whether a shipment requires CITES permits, officials need to visually identify each species of shark from its fin, which requires specialized training and often needs to be verified with genetic testing.

No CITES permits were included with the container full of fins at the Port of Oakland. And by the time Special Agent Matt Martin of the U.S. Fish and Wildlife Service was staring at the 684 bags of frozen shark fins stuffed in the container, the only way to verify the shipment's legality was to pick it apart.

According to a U.S. Fish and Wildlife report on the investigation obtained by this news organization, Martin, aware that smugglers often conceal contraband in hard-to-reach spots, climbed over all the cargo to inspect the least accessible part of the container first. Sure enough, he found fins that seemed different from the legally traded blue shark fins near its entrance. A forensic wildlife scientist then identified them as being from smooth hammerhead sharks, a protected species that can be traded legally only if accompanied by a CITES permit.

Several days of digging through the container ensued, as federal agents and scientists pulled apart the frozen-together fins to determine what species were in the shipment. The arduous process was made even more unpleasant by the clinging odor of rancid shark fins.

"My vehicle hasn't smelled the same since," Martin said.

The seizure was a shining example of CITES enforcement working well, showing effective collaboration across state and federal agencies that dealt a blow to the illegal shark fin trade. But it was a rare one. The investigation revealed evidence of a larger shipment only months earlier in 2016, going from the same Panamanian supplier to the same destination in Hong Kong. But unlike its 2017 counterpart, the shipment was never seized.

Both containers also had the same tariff code, which investigators found was most likely caused by an error by the shipping company that owned the container, which had no motive to smuggle shark fins on behalf of the seafood companies involved. But the apparent attempt to hide the nine CITES-listed species in the container pointed to smuggling.

The U.S. Fish and Wildlife investigation also described the fins' complex journey from small fishing boats in Panamanian waters to the giant container ship that stopped in Oakland.

Each link in the supply chain provided an opportunity to dodge laws that would undercut profits. And the same seedy techniques that allow fin smuggling to proliferate might also aid more serious criminal trafficking.

The shark fins were first amassed on a transshipping vessel — a large ship that meets up with smaller fishing boats to relieve them of their catch so they can remain at sea — called the Victoria 168.

The ship Victoria 168 has a sordid history. In 2015, an American marine biologist named Keith Davis went missing at sea while working on the boat as a fisheries observer for the Florida-based consulting company MRAG Americas. Fisheries observers like Davis are tasked with ensuring that fish brought aboard are in accordance with international laws. Transshipping vessels like the Victoria 168 are mandated to have such observers on board by an international fisheries organization called the Inter-American Tropical Tuna Commission.

While Panamanian officials concluded that he simply fell off the boat, an investigation by Hakai magazine highlighted evidence that the Victoria 168 may have been involved in human trafficking. Images on Davis' phone and other evidence indicated he may have been killed because he witnessed illicit activities, the online Canadian magazine reported.

The story of Keith Davis reflects the knot of criminality that surrounds the shark fin trade. According to environmental advocacy groups like the Natural Resource Resources Defense Council, this shadow of illegality, which is responsible for crashing shark populations around the world, demands an immediate response.

One way to simplify enforcement in the U.S. would be for Congress to pass a shark fin ban similar to the one that already exists in California, making all fins illegal regardless of the species of shark. New Jersey Sen. Cory Booker introduced such a bill last March when he was still running for the Democratic presidential nomination.

The NRDC backs that approach in its report, arguing that it would reduce U.S. participation in the shark fin trade. But the group notes that the federal fin ban won't necessarily address the transport of fins through U.S. ports.

And some experts argue that a ban may have unintended negative consequences.

"It's actually going to remove one of the only sources of legal and sustainably harvested shark fins in the international fin trade," Debra Abercrombie, a shark conservationist based in Miami, said of the proposed ban.

She contends that a federal ban would punish law-abiding fishermen by requiring them to discard the most valuable part of their catch, wasting a part of the animal that could otherwise be consumed.

Abercrombie works as a consultant on shark and ray conservation initiatives internationally and in the U.S. She trains wildlife inspectors to differentiate fins of unprotected species from those that require CITES permits to be legally traded. And traveling around the world with her own fins from CITES-listed species, which she uses for training purposes, requires navigating the very customs laws she helps train officials to enforce.

The U.S. contribution of shark products to global markets is small, but sharks in U.S. waters are harvested sustainably from a well-managed fishery. Abercrombie said a fin ban wouldn't prevent other countries from participating in the trade, but may shift demand to other less regulated shark fisheries.

The NRDC report also urges the U.S. to tighten regulations, increase collaboration between federal and state agencies, and pressure countries where many fins are sourced to increase their own enforcement and fisheries management.

"If there were unlimited funds and unlimited enforcement, that would be great," Abercrombie said. "But the U.S. is already a leader in shark conservation, including with global initiatives."

Martin echoes Abercrombie, noting that state and federal wildlife enforcement agencies have traditionally been underfunded and understaffed. "You have to prioritize what you're going to look for," he said. "There's things going on other than shark fin trafficking in the world that we're trying to catch."

Martin said U.S. laws are unlikely to cripple the shark fin market. Much more effective, he said, would be tougher oversight by the nations where the sharks are fished — and stepping up efforts to reduce demand.

"Extra regulations are great and they might help a little bit," Martin said. "But I still have a job because people don't follow those regulations."

WildAid, a San Francisco-based conservation organization, has used advertising to dramatically decrease demand in China. In 2011, one of China's most famous celebrities, retired basketball player Yao Ming, appeared in a number of commercials highlighting the horrors behind shark fin soup.

That ad campaign, combined with other efforts, resulted in an 80% reduction in demand over the last decade, according to China's CITES management authority. China also banned shark fin soup from government banquets in 2012.

But WildAid says that demand is increasing in other Asian countries such as Indonesia, Thailand and Vietnam. And just like enforcement will never be perfect at regulating an expansive international trade, demand will likely never entirely go away.

"I'm very sympathetic to the fact this is a large task," the NRDC's Murdock said. "When you look at those photos of the containers lined up at the Port of Oakland, you get a sense of how big a task it is to find illegal anything in those containers."

But, she said, the search for illegal shark fins needs to be a higher priority.

"We know it's passing through" U.S. ports, Murdock said. "We should be looking."

*County of Santa Cruz*  
**Fish and Wildlife Advisory Commission**  
**2020 Work Plan**  
**Dated: March 2, 2020**

**Coho salmon and steelhead recovery planning**

**Action** – send letter to BOS re: support for coho salmon captive broodstock program funding

**Learn** about current status and research

**Monitor** low-flow fishing closure studies and outreach

**Monitor** progress for new coho salmon conservation hatchery

**Expand Significant Tree Ordinance outside Coastal Zone**

**Action** – Identify next steps

**Wildlife Corridors and Open Space Conservation and Management**

**Monitor** Cotoni-Coast Dairies and San Vicente Redwoods public access process

**Learn** about Cotoni-Coast Dairies and San Vicente Redwoods forestry management

**Learn** about how conservation easements are being used in County

**Learn** about how much open space is in the County

**Learn** about how to support wildlife corridors

**Public Grants Program**

**Action** – Discuss fund balance to proceed with Public Grants program in 2020 and when to send out Request for Proposals

**Action** – Create criteria for considering urgent funding requests

**Monitor** code enforcement and Fish and Game Propagation Fund

**Wildfire Safety**

**Action** – invite Rich Sampson to present on wildfire safety and discuss Calfire perspective on expanding Significant Tree Ordinance.

**Monitor** PG & E's Community Wildfire Safety Program

### **Riparian Corridor Enhancement**

Monitor progress on County efforts to develop a Riparian Enhancement Program

Action – support riparian corridor enhancement when appropriate

### **Monarch butterfly conservation**

Learn more about monarch butterfly conservation and planting milkweed in coastal areas

Action – consider including this topic as focus for grants program

### **Vision Santa Cruz Wild**

Action – Create a strategic plan for habitat and wildlife

Learn about invasive species

### **Oak Tree Protection**

Learn about how the County currently protects oak trees

### **Cannabis cultivation ordinance**

Learn about current status of Cannabis and Hemp Cultivation

Monitor implementation of Cannabis Cultivation Ordinance

Monitor enforcement

Learn about enforcement of Fish and Game regulations

### **Marine Protection**

Learn about new and ongoing marine protection issues  
what community considers important fish and wildlife topics

Action take action when appropriate to support Marine Protection

Monitor new legislation and actions

### **Provide a forum for public input regarding fish and wildlife issues**

Learn about what community considers important fish and wildlife topics