

## STAFF SUMMARY FOR AUGUST 16, 2017

**16. MARINE RESOURCES COMMITTEE****Today's Item**Information Action 

Receive summary from Jul 20, 2017 MRC meeting and adopt MRC recommendations.  
Receive update on MRC work plan and draft timeline, and approve new topics for MRC review.

**Summary of Previous/Future Actions**

- |  |                                 |
|--|---------------------------------|
| • Most recent MRC meeting                  | Jul 20, 2017; MRC, Santa Rosa   |
| • <b>Today approve MRC recommendations</b> | <b>Aug 16, 2017; Sacramento</b> |
| • Next MRC meeting                         | Nov 9, 2017; MRC, Marina        |

**Background**

MRC works under FGC direction to set and accomplish its current work plan (Exhibit 1).

***Previous Direction from FGC***

In Jun, FGC discussed progress related to the MRC's coastal fishing communities project. Based on public comment, FGC directed staff to prepare a letter to the California Coastal Commission (CCC) emphasizing the importance of considering coastal fishing communities when evaluating potential impacts of proposed projects. Staff has prepared a draft for FGC consideration and approval today (Exhibit 2).

***MRC Meeting Summary***

MRC met on Jul 20 and discussed the following topics:

1. Red abalone
  - fishery management plan progress
  - update on recreational fishery
2. Pacific herring – fishery management plan progress
3. Marine Life Management Act master plan for fisheries – amendment process update
4. Aquaculture leases
  - developing best management practices
  - considering future state water bottom lease applications
5. Fisheries Bycatch Workgroup – update
6. Fishing communities – regional meetings planning
7. Federal oversight of California drift gillnet swordfish fishery

A summary of the meeting is provided as Exhibit 3. During the meeting, MRC developed three recommendations (see below); in addition, following MRC discussion of the federal drift gillnet swordfish fishery, President Sklar requested that a discussion be added to the Aug FGC meeting agenda (see Agenda Item 24, this meeting).

## STAFF SUMMARY FOR AUGUST 16, 2017

**MRC Recommendations**

Based on the July 20 meeting discussion, MRC has three recommendations for FGC consideration:

1. *Abalone recreational fishery*: DFW surveys indicate that more catch reduction measures than the 2017 emergency regulations are likely needed for 2018. Therefore, consider a range of catch reduction management measures for 2018 in the categories proposed by DFW, excluding a total fishery closure and adding rotating partial closures.
2. *Fisheries Bycatch Workgroup*: Support delivery of the draft bycatch section for the amended MLMA master plan, as proposed by the workgroup, directly to DFW for inclusion with the amended master plan to be submitted to MRC in Nov 2017 and to FGC in Dec 2017.
3. *Coastal fishing communities*: Approve the revised schedule for coastal public meetings in 2017 (Exhibit 4).

**New Agenda Topics**

None identified.

**Significant Public Comments (N/A)****Recommendation**

**FGC staff:** Approve the draft letter to CCC regarding coastal fishing communities; consider MRC recommendation #1 under Agenda Item 19 – *Recreational red abalone regulations* (this meeting); approve MRC recommendation #2; approve MRC recommendation #3 as proposed in Exhibit 4.

**Exhibits**

1. [MRC 2017 Work Plan, updated Jul 20, 2017](#)
2. [Draft letter from FGC to CCC regarding fishing communities](#)
3. [Meeting summary from Jul 20, 2017 MRC meeting](#)
4. [Proposed coastal fishing communities meeting schedule with staff revisions, Aug 2017](#)

**Motion/Direction**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission approves recommendations 2 and 3 from the July 20, 2017 Marine Resources Committee meeting, as proposed, and directs staff to send the letter to the California Coastal Commission regarding coastal fishing communities, as recommended by staff.

**OR**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission approves recommendations 2 and 3 from the July 20, 2017 Marine Resources Committee meeting as

STAFF SUMMARY FOR AUGUST 16, 2017

proposed, except \_\_\_\_\_, and directs staff to send the letter to the California Coastal Commission regarding coastal fishing communities, as recommended by staff and with the changes discussed today.

**Marine Resources Committee (MRC) 2017-18 Draft Work Plan:** Scheduled topics and timeline for items referred to MRC from the California Fish and Game Commission (Updated July 20, 2017)

Topic	Type of Topic	2017			2018
		MAR	JUL	NOV	MAR
		San Clemente	Santa Rosa	Marina	TBD
<b>Management Plans</b>					
MLMA Master Plan for Fisheries	Amendment	X	X	X / R	
Abalone FMP / ARMP Update	FMP development	X	X	X	X
Herring FMP Updates	FMP development	X	X	X	
<b>Regulations</b>					
Electronic Landings Data System	DFW project	X			
Kelp & Algae Harvest	DFW project			X	
Nearshore Fishery Structure	Referral for review	X / R			
Commercial Sea Cucumber Fishery	Referral for review	X / R			
Aquaculture Best Management Practices	DFW project		X	X / R	
Pink Shrimp Trawl Fishery	Referral for review			X	
California halibut trawl permit transferability	Referral for review			X	
<b>Emerging Management Issues</b>					
California's Fishing Communities	MRC project	X	X	X	X
Aquaculture - Consideration of New Lease Applications	Referral for review		X		
<b>Special Projects</b>					
Fisheries Bycatch Workgroup	MRC workgroup	X	X	X / R	
<b>Informational / Special Topics</b>					
Marine Debris and Plastic Pollution	Informational		X		
Offshore Wind Energy (BOEM Project)	Informational	X			
Federal Drift Gillnet Fishery for Swordfish & Shark	Informational		X		

KEY: X Discussion scheduled X/R Recommendation developed and moved to FGC

**Commissioners**

**Eric Sklar**, President  
Saint Helena

**Jacque Hostler-Carmesin**, Vice President  
McKinleyville

**Anthony C. Williams**, Member  
Huntington Beach

**Russell E. Burns**, Member  
Napa

**Peter S. Silva**, Member  
El Cajon

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Valerie Termini, Executive Director**  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

August XX, 2017

Dayna Bochco, Chair

Members

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Dear Chair Bochco and members of the California Coastal Commission:

I am writing on behalf of the California Fish and Game Commission (FGC) to urge the Coastal Commission to support California's coastal fishing communities by taking their infrastructure and economic needs into consideration when approving coastal development projects.

Fisheries are an important component of California's economy, and careful management will ensure their viability into the future. In 2014, California's commercial and recreational fishing industries supported 166,000 jobs and generated \$25.9 billion in sales.<sup>1</sup> Increasingly, there are many challenges faced by coastal fishing communities including climate change impacts on habitats and fisheries, declining fish populations or changes in their distribution, commercial development of working waterfronts, and increasing pressures from agencies and non-governmental organizations. Management and planning decisions impact fishing communities and their economic well-being; recognizing this, FGC seeks to strengthen the shared commitment of our partner coastal management agencies to maximize support for California's coastal fishing communities.

In an effort to preserve and balance California's maritime heritage and economy and its coastal and ocean environments, FGC initiated a project in 2016 to connect with coastal fishing communities and explore what may contribute to their resiliency and long-term prosperity. We have learned a great deal about the challenges facing these communities, and we support efforts to minimize these challenges by evaluating potential impacts of proposed projects or management actions to fishing communities, as well as to fisheries as a whole. As such, we urge the Coastal Commission to ensure that proposals for coastal development avoid or minimize impacts on fishing

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<sup>1</sup> National Marine Fisheries Service. 2016. Fisheries Economics of the United States, 2014. U.S. Dept. of Commerce, NOAA Tech. Memo. NMFS-F/SPO-163, 237pp

communities and fishing infrastructure through best available siting, design, and technology.

Minimizing impacts through thoughtful design is consistent with “California Coastal Commission Sea Level Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise on Local Coastal Programs and Coastal Development Permits” which was adopted in 2015. As you are aware, the guidance requires planners to account for potential impacts to coastal-dependent development and uses such as commercial and recreational fishing areas and facilities. The guidance is also consistent with Section 30234 of the California Coastal Act, which states:

*“Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.”*

Additionally, California’s “State General Plan Guidelines” offer direction to managers on considering the preservation of fishing communities during development of water-adjacent facilities, and also calls for such facilities to be consistent with the California Coastal Act guidelines.

With numerous coastal development projects poised for your consideration now and into the future, it is critical to uphold the protections offered to coastal fishing communities by both the California Coastal Act and the Coastal Commission’s adopted policies. Prioritizing fishing communities when making management decisions on coastal development will help ensure California’s maritime heritage is sustained in the long-term.

Thank you for your leadership in the effort to protect California’s maritime heritage and the economic well-being of coastal fishing communities along the California coast.

Sincerely,

Valerie Termini  
Executive Director

ec: Members, California Fish and Game Commission  
John Laird, Secretary, California Natural Resources Agency  
Charlton Bonham, Director, California Department of Fish and Wildlife

**Commissioners**  
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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

### **MARINE RESOURCES COMMITTEE**

Committee Co-Chairs: Commissioner Sklar and Commissioner Silva

### **July 20, 2017 Meeting Summary**

Following is a summary of the meeting as prepared by staff.

#### **Call to order**

The meeting was called to order at 10:05 a.m. by Commissioner Silva at the Flamingo Hotel, 2777 Fourth Street, Santa Rosa California. Commissioner Silva gave the opening remarks.

Susan Ashcraft introduced Fish and Game Commission (FGC) and California Department of Fish and Wildlife (DFW) staff, and outlined meeting procedures and guidelines, noting that the Committee is a non-decision making body that provides recommendations to FGC on marine items. She reminded participants that the meeting was being audio-recorded and that the audio-recording would be posted to the FGC website. The following Committee chairs, FGC and DFW staff, and invited speakers were in attendance:

#### *Committee Chairs*

Eric Sklar	Present
Peter Silva	Present

#### *FGC Staff*

Valerie Termini	Executive Director
Susan Ashcraft	Marine Advisor
Heather Benko	State Sea Grant Fellow

#### *DFW Staff*

Randy Lovell	Statewide Aquaculture Coordinator
Mike Stefanak	Assistant Chief, Law Enforcement Division
Bob Puccinelli	Captain, Law Enforcement Division
Dr. Craig Shuman	Regional Manager, Marine Region
Sonke Mastrup	Program Manager, Invertebrate Fisheries, Marine Region
Dr. Cynthia Catton	Environmental Scientist, Marine Invertebrate Fisheries

*Other Invited Speakers*

Heidi Taylor	Highly Migratory Species Branch Chief, National Marine Fisheries Service, West Coast Region
Dr. Jono Wilson	The Nature Conservancy
Paige Berube	Program Manager, California Ocean Protection Council
Sarah Valencia	Program Manager (DFW contractor), Herring Fisheries Management Plan (FMP)

**1. Approve agenda and order of items**

The Committee approved the agenda with the exception of moving Agenda Item 5 to immediately after Agenda Item 6.

**2. Public forum for items not on agenda**

A commenter notified MRC that a regulation petition will be submitted regarding adding European green crab to the prohibited species list.

Multiple comments were made about the market squid fishery and the potential to open access to northern California fishermen (reference to Petition #2017-004, scheduled for action at the Aug FGC meeting). A discussion ensued with comments that squid policies are outdated, that the fishery is monopolized by a few rich fishermen, that there is a need to diversify fisheries and fish processing in the north, and an explanation that the fishermen are asking for this opportunity as an experiment to determine if the squid fishery could be successful in the north. Commissioners and DFW and FGC staff responded that they understand the need to re-examine the squid policy and the upcoming coastal fishing communities meetings would be a good venue to discuss these concerns.

Commissioner Silva requested that additional background information on the history of the fishery and development of restricted access in the fishery management plan (FMP) be provided when Petition #2017-004 is considered at the Aug FGC meeting in order to provide context for this issue.

One comment was made about white, pink, and black abalone closures and whether there has been any improvement in the populations as a result.

**3. Staff and agency updates**

**(A) California Ocean Protection Council (OPC)**

Paige Berube provided high-level updates across OPC's priority areas (sustainable fisheries, marine protected areas, climate change, emerging uses, marine pollution). She highlighted statewide projects including the California Collaborative Fisheries Research Project, Ocean Litter Strategy Update, Bureau of Ocean Energy Management Offshore Wind Project, and aquaculture best management practices.

**(B) DFW**

Craig Shuman provided a Marine Region update including the “Marine Region By-the-Numbers” report and a presentation on DFW’s “Fishing and the Ocean” workshops.

*Public Discussion*

One commenter suggested that it may be beneficial to include commercial fishermen in these workshops in order to facilitate new entrants into “graying” fisheries. The potential value of scheduling fishing “summits” to get people outdoors was discussed.

Sonke Mastrup presented on the efforts of the Whale Entanglement Working Group and reported that the group would have more to share after completing an initial test on different gear configurations.

On behalf of the Law Enforcement Division, Bob Puccinelli presented on marine prosecution cases including abalone poaching, illegal crab pots in marine protected areas (MPAs), and poaching of whelks and octopus.

*Public Discussion*

There was a comment made about the reduction of transgressions to misdemeanors in wildlife prosecution and how this is severely restricting the ability of local fish and game commissions to operate due to lack of funds.

**4. Update on Pacific Herring Fishery Management Plan development**

Sarah Valencia presented on the ongoing development of the Pacific herring FMP.

*Public Discussion*

There was general agreement among commenters that the herring FMP should include some merit-based element. There were mixed comments over the fact that this FMP would be the blueprint for others even though there is not a lot of interest in this fishery by fishermen, though idea of having a blueprint was generally supported. A request was made for changes to the FMP to encourage new participation. One commenter emphasized the important of independent assessment in state-managed fisheries as well as inclusion of ecosystem considerations in FMPs.

**5. Update on Marine Life Management Act (MLMA) master plan amendment and stakeholder engagement (\*Note: Discussion on Agenda Item 5 occurred after Agenda Item 6)**

Craig Shuman presented on the MLMA master plan amendment process, including upcoming workshops on management strategies and fisheries partnerships. He highlighted the current schedule to provide the draft document to MRC in November and submit it to the Commission in December. He announced that DFW has added a new step, to release the draft in advance of the MRC meeting to provide opportunity for public

review before then. He emphasized the need for improved communication with stakeholders.

No public comments.

## **6. Red abalone**

### **(A) *Update and potential recommendation regarding recreational fishery***

A presentation was given by Sonke Mastrup on the state of the red abalone fishery in northern California. DFW surveys indicate that more catch reduction measures than what was included in the 2017 emergency regulations are likely needed for 2018.

#### *Public Discussion*

Comments were made on the economic importance of the recreational abalone fishery, the difficulty of managing the fishery under such uncertain environmental conditions, the booming urchin population and competition with abalone for food sources, perceived lack of sound science used to make management decisions, and a desire to keep the fishery open even if bag limits are very low. Following discussion, MRC developed a recommendation.

#### *Committee Recommendation*

MRC recommends that FGC consider a range of catch reduction management measures for 2018, excluding a total fishery closure, from options to be developed by DFW for the August notice hearing, with the addition of rotating partial closures.

### **(B) *Update on fishery management plan development***

A presentation was given by Sonke Mastrup on the status of the FMP development for red abalone, and that lessons from the current emergency are being integrated into the FMP management framework to provide management flexibility in unpredictable conditions

#### *Public Discussion*

General support was offered by commenters.

Dr. Jono Wilson gave a presentation under public comment on the work that The Nature Conservancy (TNC) has done to explore a potential new data stream derived from citizen science. TNC has engaged with recreational abalone divers and rock pickers on collecting abalone length data using a new phone application; Dr. Wilson highlighted how this data stream could contribute to management and be integrated into the FMP framework.

*\*Note that the audio recording ended at this time due to loss of battery power.\**

## **7. Marine state water bottom leases for purposes of aquaculture**

### **(A) *Discuss best management practices planning for existing lease areas and scope of future rulemaking***

Randy Lovell presented on the July 17 aquaculture best management practices public meeting held in Tomales Bay. The project is ongoing and will be followed with a similar public meeting in southern California.

#### *Public Discussion*

Several commenters provided general support for the development of best management practices and appreciation for the public meeting held July 17.

### **(B) *Discuss planning for and consideration of applications for new leases***

Randy Lovell presented on progress made in planning for and considering applications for new leases.

#### *Public Discussion*

There were comments expressing concern over approving new leases or expanding existing leases without fully understanding impacts to the environment. Some issues such as impacts to sensitive habitats, marine debris, and external accountability measures were discussed. Multiple comments supported having a marine spatial planning exercise. Oyster growers expressed that they care about stewardship of the bay.

## **8. Marine Resources Committee project updates and discussion**

### **(A) *Fisheries Bycatch Workgroup***

Susan Ashcraft presented on progress made by the Fisheries Bycatch Workgroup (BWG) toward completing its deliverables of recommendations for an updated bycatch section for the amended MLMA master plan. She proposed an updated timeline and approach for submittal directly to DFW's MLMA master plan team, to integrate into the draft amended master plan for MRC review in November. She also expressed appreciation for the hard work of the BWG subgroup developing the draft deliverable for BWG review.

#### *Public Discussion*

BWG members in attendance expressed support for the new approach, but requested that any alternatives in the BWG recommendation be brought as drafted to MRC rather than DFW making discretionary selections. The alternatives reflect areas of divergence amongst BWG members on some thorny topics. DFW could bring its recommended alternatives to MRC for consideration. Dr. Shuman agreed to this approach, provided that the BWG recommended section be delivered to DFW by mid-August.

### *Committee Direction*

MRC supported delivery of a BWG-recommended draft bycatch section for the amended MLMA master plan as proposed by BWG, directly to DFW for inclusion with the draft amended master plan for MRC discussion in November.

### **(B) California's fishing communities public meetings**

Heather Benko provided an overview on the coastal fishing communities planning process and proposed a revised meeting schedule.

#### *Public Discussion*

One commenter expressed concern over the Commission's Policy on Restricted Access, citing that this has had major consequences in fishing community vitality, opportunities for new fishery entrants "for the next generation of fishermen" due to the price to purchase permits on the market, and inability for fishermen and ports to adapt fishing strategies and targets as other fishery opportunities decline (e.g., salmon closures, crab closures) or emerge (e.g., migration or redistribution of species outside of historic fishing areas due to climate change). He suggested that FGC undertake a review of its restricted access policy and redistribute access more broadly.

One commenter reinforced interest in accessing fisheries that were not traditionally fished in their port areas, as new opportunities are needed (specifically, the northern California squid quota proposal).

#### *Committee Recommendation*

MRC recommends approval of revised coastal fishing communities public meetings schedule for 2017 as proposed.

### **9. Informational presentation on federal oversight of California drift gillnet swordfish fishery** *(Note: this item was moved up in agenda order to just after Agenda Item 5 to accommodate the schedule of the presenter.)*

Heidi Taylor gave a presentation on the history of the federal drift gillnet swordfish fishery, management measures that have significantly reduced bycatch rates in the fishery, reductions in fishing effort that have led to increases in swordfish importation, and the involved process by Pacific Fishery Management Council (PFMC) to consider authorization of selective deep-set buoy gear through exempted fishing permits. Ms. Taylor also provided the analysis and rationale that led the National Marine Fisheries Service to reject the proposed rule to impose bycatch caps, as recommended by PFMC.

#### *Public Discussion*

Several comments were made expressing concern about bycatch in the fishery and the rejection of the hard bycatch caps, although there were multiple comments offered supporting the use of deep-set buoy gear to replace drift gillnets, and higher value of fish from deep-set buoy gear.

One fisherman commented that due to numerous management measures, bycatch is now well below scientifically-derived limits; the commenter highlighted a concern that replacing drift gillnets with deep-set buoy gear is economically infeasible- based on exempted fisheries tests to date, and the increased price per pound does not compensate for the loss of volume.

During the discussion, Commissioner Sklar expressed concern about the failure of NMFS to approve hard bycatch caps, requested that a discussion of the federal drift gillnet swordfish fishery be added to the August FGC meeting agenda, and requested that DFW develop possible options for FGC to play a role in encouraging fishermen to transition to more selective gear types.

DFW agreed to develop options to bring to FGC in August for this new agenda item on this topic.

#### **10. Future agenda items**

(A) *Review work plan, agenda topics, and timeline*

Susan Ashcraft reviewed the current work plan and proposed agenda topics for the November MRC meeting.

(B) *Potential new agenda topics for Commission consideration*

No new items were proposed for consideration.

#### **Adjourn**

Commissioner Sklar adjourned the meeting at approximately 4:15 p.m.



# Coastal Fishing Communities Updated Public Meetings Schedule

Revised August 8, 2017

