California Fish and Game Commission

Marine Resources Committee

Meeting Binder

November 9, 2017

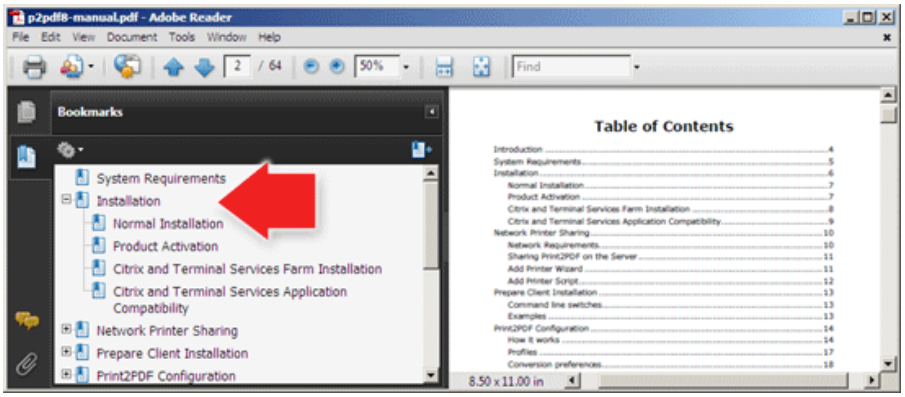
Marina

EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.

2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.

3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It’s helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.

5. You can resize the two panels by placing your cursor in the dark, vertical line located between the panels and using a long click /tap to move in either direction. ↔

6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.

7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.

8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.

9. Do not hesitate to contact staff if you have any questions or would like assistance.

OVERVIEW OF FISH AND GAME COMMISSION COMMITTEE MEETING

- Our goal today is informed discussion to guide future decision making, and, we need your cooperation to ensure a lively and comprehensive dialogue.

- We are operating under Bagley-Keene Open Meeting Act, but the Committee is not a decision making body and only makes recommendations to the full Commission for possible action.

- These proceedings may be recorded and posted to our website for reference and archival purposes.

- Items may be heard in any order pursuant to the determination of the Committee Co-Chairs.

- In the unlikely event of an emergency, please locate the nearest emergency exits.

- Restrooms are located _____.

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- Committee meetings operate informally and provide opportunity for everyone to provide comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:
    1. Raise your hand and wait to be recognized by the Committee.
    2. Provide your name, affiliation (if any), and the number of people you represent.
    3. Time is limited; please keep your comments precise to give others time to speak.
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- **Warning!** Laser pointers may only be used by a speaker doing a presentation.

INTRODUCTIONS FOR FISH AND GAME COMMISSION MARINE RESOURCES COMMITTEE

FISH AND GAME COMMISSIONERS

Eric Sklar	Co-Chair (Saint Helena)
Peter S. Silva	Co-Chair (El Cajon)

COMMISSION STAFF

Valerie Termini	Executive Director
Susan Ashcraft	Marine Advisor

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Bob Puccinelli	Captain, Law Enforcement Division
Craig Shuman	Regional Manager, Marine Region
Sonke Mastrup	Environmental Program Manager, Marine Region
Julia Coates	Environmental Scientist, Marine Region
Travis Tanaka	Environmental Scientist, Marine Region

I would also like to acknowledge special guests who are present:
(i.e., key DFW staff, elected officials, tribal chairpersons, other special guests)

Paige Berube, staff to Ocean Protection Council

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

Fish and Game Commission

Wildlife Heritage and Conservation
Since 1870

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

MARINE RESOURCES COMMITTEE

Committee Chairs: Commissioner Sklar and Commissioner Silva

Meeting Agenda
November 9, 2017, 8:30 a.m.

Marina Branch Public Library
190 Seaside Circle, Marina, CA 93933

This meeting may be audio-recorded

NOTE: Please see important meeting procedures and deadline information at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department. All agenda items are informational and/or discussion only. The Committee develops recommendations to the Commission but does not have authority to make policy or regulatory decisions on behalf of the Commission.

Call to order

1. Approve agenda and order of items

2. Public forum for items not on the agenda
   The Committee may not discuss or take action on any matter raised during this item, except to consider whether to recommend that the matter be added to the agenda of a future meeting. [Sections 11125, 11125.7(a), Government Code]

3. Discuss and possible recommendation for draft 2018 Marine Life Management Act (MLMA) master plan amendment

4. Fisheries Bycatch Workgroup (BWG)

   (A) BWG member presentation of BWG recommendations report
   (B) Staff overview of recommendations report integration into bycatch section of 2018 MLMA master plan
   (C) Discuss and possible recommendation for bycatch considerations in 2018 MLMA master plan, including topics where BWG consensus was not reached

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5. Incidental take in invertebrate commercial fisheries

   (A) Discuss regulation change options to address increases in box crab and king crab incidental take
   (B) Discuss requests for experimental fishing permits to target box and king crab

6. Pink shrimp

   (A) Department overview of commercial trawl fishery and capacity goal
   (B) Discuss and possible recommendation for pink shrimp fishery regulations

7. Discuss California halibut commercial trawl fishery permit structure and transferability

8. Update on red abalone fishery management plan development

9. Update on California coastal fishing communities regional public meetings

10. Marine debris

    (A) California Ocean Protection Council's (OPC) 2017 draft Ocean Litter Prevention Strategy - presentation by OPC staff, and discuss possible recommendation for endorsement
    (B) Best practices for lobster trap loss prevention - video and introduction by Channel Islands National Marine Sanctuary staff

11. Staff and agency updates

12. Future Committee agenda topics

    (A) Review work plan agenda topics and timeline
    (B) Potential new agenda topics for Commission consideration

Adjourn

CALIFORNIA FISH AND GAME COMMISSION
2017 AND 2018 MEETING SCHEDULE

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

Meeting Date	Commission Meetings	Committee Meetings	Other Meetings
December 5			**Coastal Fishing Communities Public Meeting** Handlery Hotel 950 Hotel Circle North San Diego, CA 92108
December 6-7	Handlery Hotel 950 Hotel Circle North San Diego, CA 92108		
2018			
January 11		**Wildlife Resources** Justice A. Rattigan State Building 50 D Street Conf. Room 410 (4th Floor) Santa Rosa, CA 95404	
February 6		**Tribal** Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
February 7-8	Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		
March 6		**Marine Resources** Justice A. Rattigan State Building 50 D Street Conf. Room 410 (4th Floor) Santa Rosa, CA 95404	
March 15	Teleconference — Arcata, Napa, Sacramento, Los Alamitos, and San Diego		
April 12	Teleconference — Arcata, Napa, Sacramento, Los Alamitos and San Diego		
April 18-19	Ventura		
May 17		**Wildlife Resources** WestEd Building- Edwin C. Myers Classroom 4665 Lampson Avenue Los Alamitos, CA 90702	

Meeting Date	Commission Meetings	Committee Meetings	Other Meetings
June 19		**Tribal** Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
June 20-21	Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		
July 17		**Marine Resources** San Clemente	
August 22-23	North Coast		
September 20		**Wildlife Resources** Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
October 16		**Tribal** San Joaquin Valley	
October 17-18	San Joaquin Valley		
November 14		**Marine Resources** Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
December 12-13	Los Angeles or San Diego		

OTHER MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 9-12, 2018, Tampa, FL

Pacific Fishery Management Council

- November 14-20, 2017, Costa Mesa, CA
- March 7-14, 2018, Rohnert Park, CA
- April 4-11, 2018, Portland, OR
- June 6-14, 2018, Spokane, WA
- September 5-12, 2018, Seattle, WA
- November 1-8, 2018, San Diego, CA

Pacific Flyway Council

- March 2018
- August 2018

Western Association of Fish and Wildlife Agencies

- January 3-8, 2018, San Diego, CA
- July 12-17, 2018, Eugene, OR

Wildlife Conservation Board

- November 30, 2017, Sacramento, CA
- February 2018, Sacramento, CA
- May 2018, Sacramento, CA
- August 2018, Sacramento, CA
- November 2018, Sacramento, CA

IMPORTANT COMMITTEE MEETING PROCEDURES INFORMATION

Welcome to a meeting of the California Fish and Game Commission's Marine Resources Committee. The Committee is chaired by up to two Commissioners; these assignments are made by the Commission.

The goal of the Committee is to allow greater time to investigate issues before the Commission than would otherwise be possible. Committee meetings are less formal in nature and provide for additional access to the Commission. The Committee follows the noticing requirements of the Bagley-Keene Open Meeting Act. It is important to note that the Committee chairs cannot take action independent of the full Commission; instead, the chairs make recommendations to the full Commission at regularly scheduled meetings.

The Commission's goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Committee meetings are vital in developing recommendations to help the Commission achieve that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

PERSONS WITH DISABILITIES
Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

SUBMITTING WRITTEN MATERIALS
The public is encouraged to attend Committee meetings and engage in the discussion about items on the agenda; the public is also welcome to comment on agenda items in writing. You may submit your written comments by one of the following methods (only one is necessary): **Email** to fgc@fgc.ca.gov**; deliver** to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Committee meeting.**

Comment Deadlines: Written comments received at the Commission office by **5:00 p.m. on October 27** will be made available to the Committee prior to the meeting. Written comments received between **5:00 p.m. on October 27 and noon on November 6** will be made available to the Committee at the meeting. **After November 6 at noon**, five copies of written comments must be delivered at the meeting, otherwise they will not be made available to the Committee until after the meeting.

The Committee **will not** consider comments regarding proposed changes to regulations that have been noticed. If you wish to provide comment on a noticed item, please provide your comments during Commission business meetings, via email, or deliver to the commission office.

NOTE: Materials provided to the Committee may be made available to the general public.

COMMITTEE STAFF SUMMARY FOR NOVEMBER 9, 2017

2. PUBLIC FORUM

Today's Item **Information** ☒ **Direction** ☐

Receive public comments for items not on the agenda.

Summary of Previous/Future Actions (N/A)

Background

MRC generally receives two types of correspondence or comment under public forum: Requests for MRC to consider new topics, and informational items. As a general rule, requests for regulatory change need to be directed to FGC and submitted on the required petition form, FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (Section 662, Title 14, CCR). However, at the discretion of MRC, staff may be requested to follow up on items of potential interest to MRC and possible recommendation to FGC.

Significant Public Comments (N/A)

Recommendation

If MRC wants to recommend any new future agenda items based on issues raised and within FGC's authority, staff recommends holding for discussion under today's Agenda Item 12(B), *Potential new agenda topics for FGC consideration*.

Exhibits (N/A)

Committee Direction/Recommendation (N/A)

COMMITTEE STAFF SUMMARY FOR NOVEMBER 9, 2017

3. MLMA MASTER PLAN

Today's Item **Information** ☐ **Direction** ☒

Receive DFW initial draft amended Marine Life Management Act (MLMA) master plan for fisheries, and consider making recommendations.

Summary of Previous/Future Actions

- Received overview of plan and timeline — Nov 4, 2015; MRC, Ventura
- Receive updates on progress — Mar 2016 – Jul 2017; MRC meetings
- **Today receipt and possible recommendation — Nov 9, 2017; MRC, Marina**

Background

In 2001, FGC adopted *The Master Plan: A Guide for the Development of Fishery Management Plans* (Master Plan), developed by DFW with input from stakeholders, pursuant to the Marine Life Management Act (MLMA). A DFW effort to amend the Master Plan has been underway since Nov 2015, to broaden the policy scope of the document and facilitate moving more fisheries under active management and fishery management plans, as envisioned in the MLMA. The amendment process is significant and substantial enough that DFW's Marine Region elevated priority of the process to one of five strategic work plan objectives.

Since Nov 2015, MRC has received overviews and updates from DFW on the Master Plan amendment process, expected timeline, and initial details on the draft framework. DFW has developed a number of information resources to engage the public (e.g., Master Plan amendment webpage, public information documents, and stakeholder engagement strategies) that are available on DFW's webpage created specifically for the effort. The website includes an overview document summarizing information-gathering projects that have helped to inform development of an amended draft. Note that MRC's Fisheries Bycatch Workgroup was identified as a stakeholder information-gathering project, and details about this contribution will be discussed under Agenda Item 4 for this meeting.

At MRC's Jul 2017 meeting, DFW indicated that it intended to provide an opportunity for public comment on an initial public review draft prior to DFW delivery of a proposed draft to FGC in Feb 2018. The initial public review draft, titled *2018 Master Plan for Fisheries: A guide for Implementation of the Marine Life Management Act,* was released Oct 10 and the public comment period closes Nov 9 (Exhibit 1). Note that Fisheries Bycatch Workgroup input was integrated into Chapter 6 of the initial public review draft, and the bycatch component will be discussed under Agenda Item 4.

Today DFW will present an overview of the initial public review draft for MRC consideration and possible recommendation, as well as highlight the process and timeline for submittal to FGC for adoption in 2018.

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

1. Initial public review draft of 2018 master plan, dated Oct 2017

Committee Direction/Recommendation

Solicit public input on DFW initial draft 2018 master plan document and identify any MRC recommendation, if appropriate.

4. FISHERIES BYCATCH WORKGROUP

Today's Item **Information** ☐ **Direction** ☒

Review Fisheries Bycatch Workgroup (BWG) final recommendations report, discuss BWG comments and non-consensus topics, and develop recommendations.

Summary of Previous/Future Actions

- Previous MRC update on BWG progress — Jul 20, 2017; MRC, Santa Rosa
- Previous BWG meeting — Aug 1, 2017; BWG, Los Alamitos
- BWG subgroup teleconference — Sep 19, 2017; BWG, teleconference
- Previous BWG meeting — Oct 19, 2017; BWG, Oxnard
- **Today's update and recommendation — Nov 9, 2017; MRC, Marina**

Background

The need for a more systematic approach to considering fisheries bycatch in California's fisheries was identified as a focal area by MRC in 2014; in Dec 2014, FGC approved forming a staff-directed workgroup for this purpose as recommended by MRC. BWG was formed in late 2015 with representatives from recreational and commercial fishing interests, environmental non-governmental organizations, and the general public-at-large, all of whom volunteered to participate.

BWG's charge was to focus on reviewing bycatch guidance within the MLMA master plan for fisheries, and recommending changes to clarify and expand definitions and guidance within an amended master plan (see Exhibit 1 for work plan).

***BWG meetings and deliverables*:** BWG met intermittently from May 2016 to Oct 2017 through in-person and teleconference meetings, sub-group calls, caucuses, and emails, and received regular guidance at MRC meetings (Exhibit 2). This year, BWG and a sub-group of BWG focused efforts on facilitating timely delivery of a recommendations report for consideration in the amended MLMA master plan (which was due in Aug). BWG accomplished its goal through six staff-led, in-person or teleconference meetings as well as numerous member-led sub-group calls and collaborations.

Recommendations report: The recommendations report delivered by BWG includes a proposed draft bycatch section for the amended MLMA master plan and a bycatch "definitions" appendix (see staff overview and report in Exhibit 3). At the direction of MRC in Jul 2017, and supported by FGC in Aug 2017, the report was delivered directly to DFW prior to delivery of the report to MRC today.

The BWG report was considered by DFW staff in developing the initial public review draft of the 2018 MLMA master plan that was released in Oct 2017 and is scheduled for discussion at this meeting under Agenda Item 3 (See Chapter 6 of master plan, Exhibit 3.1). The report reflects areas of consensus in the workgroup and, where consensus was not reached, provides options that reflect the different viewpoints represented within the workgroup.

If desired, non-consensus options within the report could be considered through MRC and FGC discussion. To facilitate potential discussion today, the table in Exhibit 4 summarizes 13 non-consensus options and provides arguments "for" or "against" each. In consultation with BWG members, staff has placed a subset of higher priority topics for MRC discussion in the top rows.

BWG held a final meeting on Oct 19, 2017 in Oxnard and identified almost 25 comments on the Oct 2017 initial public review draft to submit as a group comment to DFW for consideration (Exhibit 5). In addition, BWG members believe they have now completed their charge.

Today's discussion is organized into three parts:

(A) Presentation from BWG member Joe Exline on the process leading to the BWG recommendations report;
(B) Staff overview of BWG recommendations report integration into the bycatch section of the draft 2018 MLMA master plan document.
(C) Staff-led discussion and possible recommendations for bycatch considerations in the 2018 MLMA master plan, including topics where consensus was not reached by BWG members.

Significant Public Comments (N/A)

Recommendation

Focus on prioritized non-consensus topics for MRC discussion and recommendation. If time allows, staff will highlight other topics in the non-consensus list. Staff recommends disbanding BWG at this time, as it has successfully completed the charge given by FGC.

Exhibits

1. BWG final work plan, May 2017
2. BWG meeting timeline, 2016-2017
3. Fisheries bycatch recommendations: Staff overview and recommendations report of BWG, Aug 1, 2017
4. Non-consensus comments and trade-offs , Nov 2, 2017
5. BWG comments on initial public review draft of 2018 master plan for fisheries, Oct 19, 2017

Committee Direction/Recommendation

The Marine Resources Committee recommends that the Department consider additional non-consensus options when revising the initial public review draft of the 2018 master plan, to include _____.

AND

The Marine Resources Committee, recognizing the hard work and dedication of the Fisheries Bycatch Workgroup, and finding that the workgroup successfully completed and fulfilled the charge given it by the California Fish and Game Commission, recommends the workgroup hereby be disbanded.

5. INCIDENTAL TAKE IN COMMERCIAL INVERTEBRATE FISHERIES

Today's Item **Information** ☐ **Action** ☒

Discuss take of box crab and king crab. Specifically, discuss:

(A) Regulation change options proposed by DFW to address increases in incidental take; and

(B) requests for experimental gear permits (EGP) for targeted fisheries.

Summary of Previous/Future Actions

- FGC refers EGP request to MRC and DFW for review Aug 16, 2017; Sacramento

Background

Marine invertebrates are commonly caught incidental to other target fisheries. While California Fish and Game Code allows that any fish (including invertebrates) can be commercially taken within state waters unless otherwise restricted (Section 8140), the code specifically authorizes incidental take of several marine invertebrates. For example, in the rock crab trap fishery, incidental take of Kellet's whelk, octopus, and crabs other than of the genus *Cancer* is allowed; no limit on the amount of take is specified (Section 8284).

Recently, DFW has observed a rapid increase in landings of box crab and California king crab from different gear types in response to developing market demands. Neither of these species is an established fishery in California (Section 7090), and little biological or ecololgical information exists to determine what harvest levels are sustainable. Thus, DFW has identified that a limit on the amount of incidental take is advisable until biological information can be collected.

In addition, some fishermen have contacted FGC with interest in EGPs (sometimes referred to as an "experimental fishery permit") to target these species. In Jun 2017, FGC received a request for an EGP for box crab and California king crab and, in Aug 2017, referred the request to DFW and MRC for review (Exhibit 1). Another request was received at the Oct 2017 FGC meeting (Exhibit 2).

At this meeting, DFW will present an overview of the increase in incidental catch of crabs, propose an approach to managing this increase, and discuss options for possible EGPs to help assess sustainability (Exhibit 3). DFW is proposing an incidental trip limit in commercial trap fisheries for all non-*Cancer* crabs (except Tanner crab), and a lower commercial trip limit for the specific crabs in genus *Lithodidae* (including box crab and California king crab). The lower limit proposed for *Lithodidae* is intended to ensure sustainable fisheries in the case where an EGP collaborative research program is established for box crab.

Significant Public Comments

1. Requests for FGC to approve EGPs to target California king crab and/or box crab (exhibits 1-2)

Recommendation

FGC staff:

(A) Support DFW recommendation to establish incidental take limits for non-*Cancer* crab species, and

(B) provide direction related to possible EGP effort concurrent with regulatory effort, including development of the proposed EGP design and participation prior to considering formal applications for EGPs.

DFW:

(A) Establish a regulatory limit for incidentally-caught crabs of 25 pounds per trip for *Lithodidate* crabs (including box crab and California king crab), and 50 pounds per trip for all other non-*Cancer* crab species (except Tanner crab); and

(B) DFW development of possible EGP collaborative research program for box crab with traps to evaluate sustainability.

Exhibits

1. Letter from Chris Markoff, received Jun 6, 2017
2. Email from Ron Ellis, F/V *Defiance*, received Sep 28, 2017
3. DFW presentation

Motion/Direction

The committee recommends that the Commission approve development of a proposed regulation to set an incidental take commercial trip limit for *Lithodidate* crabs (including box crab and California king crab), and a limit for all other non-*Cancer* crab species (except Tanner crab) as proposed by the Department, and support development of an experimental gear permit collaborative research program by the Department for future consideration.

6. PINK SHRIMP

Today's Item **Information** ☒ **Action** ☐

(A) Receive DFW overview of the commercial pink shrimp trawl fishery and capacity goal.

(B) Discuss and possible recommendation for pink shrimp fishery regulations.

Summary of Previous/Future Actions

- FGC refers petitioner for transferable permit to DFW — Oct 19-20, 2016; Eureka
- FGC refers non-transferable permits petition to MRC — Aug 16-17, 2017; Sacramento
- FGC receives DFW fishery update — Aug 16, 2017; Sacramento
- **Today's vetting of potential options — Nov 9, 2017; MRC, Marina**

Background

FGC has had authority to regulate the commercial pink shrimp trawl fishery since 2004 (Fish and Game Code sections 8841 and 8842). Section 120.2 of Title 14 defines permit requirements for separate northern and southern pink shrimp trawl permits, and sets initial permit issuance criteria, vessel length endorsement, permit renewal and transfer conditions, and fees.

FGC has been petitioned twice for additional access to commercial pink shrimp trawl permits. The first (Aug 2016) highlighted that the number of existing permits was less than the minimum permit capacity goal established in regulation, and requested that FGC direct DFW to issue a new transferable permit accordingly (Exhibit 2). FGC denied the petition and referred the petitioner to DFW as the source for permit issuance. The second (Jun 2017) petitioned FGC to create 20 new, non-transferable permits with prescribed conditions (Exhibit 3). FGC referred the petition to MRC for review in the context of a review of pink shrimp trawl fishery capacity.

At the Aug 2017 FGC meeting, DFW presented an overview of the fishery, including review of capacity, management improvements and goals, and initial recommendations; DFW also recommended further review by MRC (Exhibit 1). Today, DFW will give a presentation to recap the history of the fishery permits, capacity, and management; highlight fishing industry goals associated with California pink shrimp; and make initial recommendations for MRC discussion.

Significant Public Comments

1. Scott Fosmark, a fisherman interested in purchasing an existing permit, has not been able to find an available, transferable permit for sale; in 2016 he petitioned FGC to direct DFW to issue a new transferable permit consistent with the capacity goal in regulation (Exhibit 2). Mr. Fosmark has requested time to give a brief presentation to MRC.
2. Scott Hartzell, fisherman, petitioned FGC to create 20 new, non-transferable, northern pink shrimp trawl permits with specified fees, annual renewal requirements, modified boundaries, and forfeiture conditions (Exhibit 3).

Recommendation

FGC staff: Discuss options for pink shrimp fishery regulations and possible recommendations associated with the capacity goal, permit issuance, and future management. Develop committee recommendation for further discussion or action.

DFW: Initial recommendation (Aug 2017) is for no new transferable permits at this time; consider addition of limited-term, non-transferable permits, and/or replace vessel size restriction for permit transfer to facilitate permit transfers; and initiate further evaluation of the fishery.

Exhibits

1. DFW presentation, given at FGC meeting on Jun 22, 2017
2. Petition #2016-021, received Aug 24, 2016
3. Petition #2017-005, received Jun 6, 2017

Motion/Direction (N/A)

7. COMMERCIAL HALIBUT TRAWL FISHERY PERMITS

Today's Item **Information** ☒ **Action** ☐

Review and discuss California halibut commercial trawl fishery permit structure and transferability.

Summary of Previous/Future Actions

- FGC granted request for MRC referral — Jun 21-22; Smith River
- **Today's review of trawl permit transferability** — **Nov 9; MRC, Marina**

Background

Since Apr 2006, any vessel using bottom trawl gear in the state-managed halibut fishery must possess a valid California halibut bottom trawl vessel permit (CHBTVP) issued pursuant to Fish and Game Code Section 8494, transferable only under specific conditions. The transfer conditions are: (1) The permitholder has died, is permanently disabled, or is at least 65 years of age and is retiring from commercial fishing; and (2) California halibut landings contributed significantly to the record and economic income derived from the vessel, as determined by regulations adopted by FGC.

Today, MRC will host a discussion of current fishery and permit transferability concerns and interest within the halibut trawl fishery. DFW will begin the topic with an overview of the California halibut fishery, trawl vessel permit history, and existing transferability provisions specified in Fish and Game Code (Exhibit 1).

Significant Public Comments

Requests received at the Apr FGC meeting from two California commercial halibut trawl fishermen describing challenges in the commercial halibut fishery resulting, in part, from restrictions on permit transferability, and requesting the topic be scheduled for MRC discussion (exhibits 2-3).

Recommendation (N/A)

Exhibits

1. DFW presentation
2. Letter from Morgan Castagnola, F/V Cecelia, received Apr 27, 2017
3. Handout from Mike McCorkle, Southern California Trawlers's Assocation, during oral testimony, received Apr 27, 2017

Committee Direction/Recommendation (N/A)

8. RED ABALONE FISHERY MANAGEMENT PLAN

Today's Item **Information** ☒ **Direction** ☐

Receive progress update on development of the red abalone fishery management plan (FMP).

Summary of Previous/Future Actions

• FGC accepts MRC recommendation to develop red abalone FMP	Oct 8, 2014; FGC, Mt. Shasta
• DFW update on FMP process and timeline	2015-2016; MRC meetings
• DFW update on FMP process and timeline	Mar 23, 2017; MRC, San Clemente
• DFW update on FMP development	Jul 20, 2017; MRC, Santa Rosa
• **Today's update on FMP development**	**Nov 9, 2017; MRC, Marina**
• FGC agenda item to discuss FMP development	Dec 6-7, 2017; San Diego

Background

This is a standing agenda item to receive DFW updates on the red abalone FMP, which has been under development since fall of 2014. DFW has provided updates at MRC meetings through 2015 to the present on stakeholder input and next steps for MRC discussion.

Since Feb 2016, DFW abalone project staff has kept FGC and MRC updated on impacts to abalone stocks from unprecedented environmental conditions and subsequent biological impacts to abalone, and how those are affecting the FMP process and possible provisions within the FMP. Today DFW will provide a brief update on red abalone FMP progress. A more detailed discussion is scheduled at the Dec 2017 FGC meeting, based on a stakeholder request approved in Oct 2017.

Significant Public Comments

1. A former commercial abalone fisherman from southern California provided several recommendations for management of abalone under the current *Abalone Recovery and Management Plan,* adopted in Dec 2005, and the future FMP. Related to the FMP, he recommends it include provisions to open the recreational fishery south of San Francisco, and a commercial fishery at San Miguel Island. He supports citizen science (including commercial abalone divers) and reduced reliance on density methods (Exhibit 1).

Recommendation (N/A)

Exhibits

1. Letter from Steve Rebuck, received Aug 7, 2017

Committee Direction/Recommendation (N/A)

COMMITTEE STAFF SUMMARY FOR NOVEMBER 9, 2017

9. CALIFORNIA'S COASTAL FISHING COMMUNITIES

Today's Item **Information** ☒ **Direction** ☒

Receive staff update on coastal public meetings concerning California's fishing communities.

Summary of Previous/Future Actions

• MRC initial discussion on fishing communities	Mar 4, 2015; MRC, Marina
• MRC discussion on fishing communities	Nov 4, 2015; MRC, Ventura
• Public meeting and discussion	Jul 20, 2016; Petaluma
• FGC approval for series of meetings	Aug 24-25, 2016; FGC, Folsom
• Update on planning efforts	Nov 15, 2016; MRC, Los Alamitos
• Review of proposed meeting locations	Mar 15, 2017; MRC, San Clemente
• Update on meetings	Jul 20, 2017; MRC, Santa Rosa
• FGC approval of revised meeting schedule	Aug 16, 2016; FGC, Sacramento
• **Today's update**	**Nov 9, 2017; MRC, Marina**

Background

Discussions in Mar and Nov 2015 between MRC and members of various coastal fishing communities demonstrated the potential value in expanding a conversation surrounding challenges facing California's coastal fishing communities. An initial public meeting and discussion was held Jul 20, 2016 in Petaluma. Based on public feedback in support of continuing the coastal fishing communities discussion, in Aug 2016 FGC supported an MRC recommendation to schedule a series of fishing community discussions with more locally-focused public meetings along the coast. As a result, a series of seven public meetings were scheduled for 2017 and early 2018.

The focus of the public meetings is on current and future needs in specific fishing-dependent coastal communities, and how FGC could potentially support localized efforts to foster stability and long-term well-being in California's diverse fishing communities. As of this meeting, four of the seven public meetings have been held (Exhibit 1). A sample agenda and regional fisheries "snap shots" are provided in exhibits 2 and 3. Today provides an opportunity for a staff update and public input and discussion on the public meetings.

Significant Public Comments

One fisherman commented that collaborative fisheries research, partnerships, and co-management with DFW will support coastal fishing ports (Exhibit 3).

Recommendation (N/A)

Exhibits

1. Agenda for coastal fishing communities public meeting in Monterey, Nov 8, 2017
2. Regional fisheries snapshots for Morro Bay/San Luis Obispo and Ventura/Santa Barbara port areas
3. Email from Chris Miller, received Aug 7, 2017

Committee Direction/Recommendation (N/A)

Authors: Susan Ashcraft and Heather Benko

10. MARINE DEBRIS

Today's Item **Information** ☒ **Direction** ☐

(A) Receive overview of 2017 draft Ocean Protection Council (OPC) California *Ocean Litter Prevention Strategy* and discuss possible recommendation for endorsement.

(B) Receive video related to best practices for lobster trap loss prevention, produced collaboratively between government agencies and industry members.

Summary of Previous/Future Actions

(A)

- Informational presentations on marine debris — Mar 21, 2016; MRC, Los Alamitos
- FGC accepts MRC recommendation to engage OPC — Apr 13-14, 2016; FGC, Santa Rosa
- MRC update from OPC — Jul 21, 2016; MRC, Petaluma
- MRC update from OPC — Nov 15, 2016; MRC, Los Alamitos
- MRC update from OPC — Jul 20, 2017; MRC, Santa Rosa
- **Today's overview of OPC draft strategy — Nov 9, 2017; MRC, Marina**

(B) N/A

Background

This item is an informational update on issues associated with preventing and addressing marine debris originating from land-based and ocean-based activities. Related topics have been discussed at MRC since Mar 2016.

(A) OPC has identified ocean litter reduction and prevention as a priority focal area and has pursued a review and update of its *2008 Implementation Strategy for the 2007 OPC Resolution to Reduce and Prevent Ocean Litter.* In May 2017, FGC staff participated in the first of two OPC-hosted interagency workshops to update and expand the strategy. A draft strategy was released Sep 14, 2017 for public comment through Oct 16 (exhibits 1-2); this version incorporates recommendations from FGC staff regarding marine debris associated with marine aquaculture and fishing gear. A second workshop is scheduled to take place Nov 15-16, before which OPC staff anticipates circulating an updated version of the draft strategy. FGC staff is unable to attend the second workshop due to staffing constraints, but will be working with OPC staff to ensure that FGC interests and commitments are appropriately represented in the final draft strategy.

Today, OPC staff will provide an overview of the draft strategy and provide an opportunity for potential FGC endorsement of the final draft strategy.

(B) A video funded by the National Oceanic and Atmospheric Administration's Marine Debris Program, and produced collaboratively by the Channel Islands National Marine Sanctuary with DFW and veteran commercial lobster fishermen, describes methods for preventing loss of lobster traps and will be shown following an introduction by agency staff (video link below).

Significant Public Comments

Heal the Bay offers support for FGC and DFW engagement in considering marine debris reduction in areas within their purview; provides several recommendations for DFW involvement in related topics (Exhibit 4).

Recommendation

Consider any other subject areas to suggest including in the litter strategy and discuss potentially recommending endorsement of the final draft strategy.

Exhibits

1. OPC notice of availability, dated Sep 15, 2017
2. OPC draft ocean litter prevention strategy, dated Sep 14, 2017
3. Email from Sean Hastings, Channel Islands National Marine Sanctuary, regarding a video on lobster trap loss prevention (video available at https://vimeo.com/216612437)
4. Email from Heal the Bay, received Oct 9, 2017

Committee Direction/Recommendation (N/A)

11. STAFF AND AGENCY UPDATES

Today's Item **Information** ☒ **Action** ☐

Receive staff and agency updates, including from LED and DFW.

Summary of Previous/Future Actions (N/A)

Background (N/A)

This is a standing item for DFW and other government agencies to provide an update on marine-related activities of interest. FGC staff will also provide an update.

(A) Calfornia Ocean Protection Council: Paige Berube, Program Manager, will provide an update.

(B) DFW

I. Marine Region: Dr. Craig Shuman, Regional Manager, will provide an update.

II. Law Enforcement Division: Captain Bob Puccinelli will provide a marine enforcement update.

III. Aquaculture Program: Randy Lovell, State Aquaculture Coordinator, will provide an update on marine aquaculture management topics currently underway, including best management practices for state water bottom leases, consideration of new lease applications, and progress on developing a programmatic environmental impact report as described in Fish and Game Code Section 15008. A detailed discussion on aquaculture items has been deferred to the Mar 2018 MRC meeting.

(C) Other

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits (N/A)

Committee Direction/Recommendation (N/A)

12. FUTURE AGENDA ITEMS

Today's Item **Information** ☐ **Direction** ☒

(A) Review work plan and upcoming agenda topics scheduled for future MRC meetings;
(B) Identify new items for FGC consideration

Summary of Previous/Future Actions

- **Today's discussion** **Nov 9, 2017; MRC, Marina**
- FGC approves draft MRC topics Dec 6-7, 2017; FGC, San Diego
- Next MRC meeting Mar 6, 2018; MRC, Santa Rosa

Background

MRC topics are referred by FGC and scheduled as appropriate. MRC agendas currently include several complex and time-intensive topics. MRC has placed emphasis on issues of imminent regulatory importance, and thus consideration of new topics will require planning relative to existing MRC workload.

FGC-referred topics and the draft timeline for those topics are shown in Exhibit 1, which also reflects FGC action in Oct 2017.

Today provides an opportunity to confirm timing for any additional referred topics, and to identify any potential new agenda topics to recommend to FGC for referral to MRC.

Significant Public Comments (N/A)

Recommendation

Review current rulemaking calendar (Exhibit 2) and draft MRC schedule, schedule or re-schedule recommended projects for the end of 2017 and 2018, and consider any potential new topics to recommend.

Exhibits

1. MRC 2017-18 draft work plan, updated Oct 2017
2. *Perpetual Timetable for California Fish and Game Commission Anticipated Regulatory Actions*, updated Oct 17, 2017

Committee Direction/Recommendation

Identify any recommended changes to the current work plan or new topics.

Initial Public Review Draft

2018 Master Plan for Fisheries
A Guide for Implementation of the Marine Life Management Act

October 2017
State of California
The Natural Resources Agency
Department of Fish and Wildlife

Acknowledgements

The Marine Life Management Act emphasizes the importance of stakeholder engagement in all areas of management, including developing and revising the Master Plan. The Department thanks and acknowledges Tribes and stakeholders for the thoughtful input that has been provided in a range of venues and formats throughout the two-year development of this Draft. The Department also appreciates the generous funding from the Ocean Protection Council and the Resources Legacy Fund, and the numerous partners who provided background material and tools for consideration as part of the Draft's preparation. Please see **Appendix B** for a complete list of these partnerships and engagement efforts.

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List of acronyms

ABC - Acceptable Biological Catch
ACL - Annual Catch Limit
APA - Administrative Procedure Act
B_{MSY} – Population Biomass at Maximum Sustainable Yield
B_0 - Unfished Biomass
BWG – Bycatch Working Group
CCE - California Current Ecosystem
CDFW - California Department of Fish and Wildlife
CEQA - California Environmental Quality Act
CFR - Collaborative Fisheries Research
CHTG - California Halibut Trawl Grounds
CPFV - Commercial Passenger Fishing Vessel
CPS - Coastal Pelagic Species
CPUE - Catch Per Unit Effort
CSUC - California Sea Urchin Commission
DB-SRA - Depletion-Based Stock Reduction Analysis
DCAC - Depletion-Corrected Average Catch
DLMtool - Data-Limited Methods Toolkit
DRCR -Density Ratio Control Rule
DSS - Decision Support Systems
EBFM - Ecosystem Based Fishery Management
EEP - Exempted Fishing Permit
EFI - Essential Fishery Information
EIR - Environmental Impact Report
EM - Electronic Monitoring
ERA - Ecological Risk Assessment
ESA - Endangered Species Act
ESR - Enhanced Status Report
FGC - Fish and Game Code
FMP - Fishery Management Plan
GIS - Geographic Information System
HCR - Harvest Control Rule
HMS - Highly Migratory Species
ITQ - Individual Transferable Quotas
MBTA - Migratory Bird Treaty Act
MEY - Maximum Economic Yield
MLMA - Marine Life Management Act
MLPA - Marine Life Protection Act
MMPA - Marine Mammal Protection Act
MOCI - Multivariate Ocean Climate Index
MOU - Memorandum of Understanding
MPA - Marine Protected Area
MRC – Fish and Game Commission’s Marine Resources Committee
MSA - Magnuson-Stevens Act
MSY – Maximum Sustainable Yield
MSE - Management Strategy Evaluation
NGO - Non-Government Organization
NMFS - National Marine Fisheries Service

NOAA - National Oceanic and Atmospheric Administration
NRC - National Research Council
OFL - Over Fishing Limit
OST - Ocean Science Trust
OY - Optimal Yield
PISCO - Partnership for Interdisciplinary Studies of Coastal Oceans
PSA - Productivity and Susceptibility Analysis
PSMFC - Pacific States Marine Fisheries Commission
RCA - Rockfish Conservation Area
SAFE – Stock Assessment and Fishery Evaluation
SPR - Spawning Potential Ratio
TAC - Total Allowable Catch
TAE - Total Allowable Effort
TOR - Terms of Reference
WSSCAP - White Seabass Scientific and Constituent Advisory Panel
YPR - Yield Per Recruit

Glossary terms are **bolded** upon first use

Executive summary

The **Marine Life Management Act (MLMA)** is California's primary fisheries management law. It directs the California Department of Fish and Wildlife (Department) to develop a Master Plan to guide its implementation. The original Master Plan, adopted in 2001, is being updated to reflect new priorities and emerging management strategies for achieving the MLMA's goals, and to better describe the Department's inclusion of MLMA principles in management decisions. The 2018 Master Plan replaces the original and is re-structured around meeting the specific management objectives identified in the MLMA. It is intended to be both a roadmap and a toolbox for implementation, providing guidance and direction in the following areas:

Prioritization of management efforts
The Master Plan includes an interim list of prioritized species for management action based on the results of a **productivity and susceptibility analysis (PSA)**. It also describes a more comprehensive prioritization framework to be applied as part of Master Plan implementation that includes an assessment of the risks fishing poses to a given **stock** and the **ecosystem**, the extent to which current management is addressing those risks, and socioeconomic and community opportunities. The goal is to allow the Department to focus limited management resources on the fisheries with the greatest need as well as those where there are the greatest opportunities for resource and ecosystem benefits to the State of California.

Meeting stock sustainability objectives
The MLMA identifies sustainability of fish stocks and the fisheries which depend on them as its primary fishery management goal (§7056). There are new tools and approaches available to help consider and identify the most appropriate management strategies for achieving sustainability. Even when limited information is available, it is possible to be specific about potential benefits and the costs of different management strategies. The Master Plan identifies some of these approaches and provides guidance regarding their use.

Meeting ecosystem objectives
The MLMA also emphasizes the importance of conserving the health of marine ecosystems (§7050(b)(1)), and specifically, the need to consider impacts to **habitat** and **bycatch** species when prioritizing and managing fisheries (§7056(b) and §7085). The Master Plan provides a step-wise approach to considering and addressing these issues.

Integrating Marine Protected Areas into fisheries management
California has an extensive network of **marine protected areas (MPAs)** that affect fisheries management and **stakeholders**. Accounting for these MPAs when considering how to meet stock and ecosystem-related objectives is a key aspect of MLMA implementation. If successful, integration of the MPA network into fisheries management may make California a global model and provide significant benefits to fisheries and resources alike.

Adapting to climate change
The effects of climate change can pose challenges to fisheries management and underscore the need for adaptive and responsive management that can adjust to changing species distribution and **abundance**, habitat alteration, and damage to port infrastructure. Targeted research, consideration of multiple **indicators**, and collaborations with stakeholders can help make management better able to adapt to these shifts. Climate change considerations factor into species prioritization, identification of appropriate management strategies, **adaptive management** structures, and understanding the effects of management on fishery economics and communities.

Collaborating with partners
California is home to a diverse suite of academic and research institutions, Tribes and Tribal communities, engaged stakeholders, cooperating agencies, and a range of supplemental public and private funding sources. Well-designed collaborations can be an important means of increasing the Department's limited capacity and allowing for enhanced management. The Master Plan seeks to identify a range of areas where collaboration may be beneficial and the preconditions necessary to ensure they can achieve their objectives.

Advancing socioeconomic and community objectives
The MLMA has sustainability as its primary goal but also seeks to promote healthy fisheries (§7056). Understanding the range of stakeholders' economic and community interests is critical to identifying opportunities to enhance profitability during prioritization and creating management measures that have the support of those affected. The Master Plan describes key socioeconomic questions and identifies strategies for obtaining related information as part of the Master Plan's implementation.

Engaging stakeholders
Engaging the public in management, research, and decision-making is a central tenet of the MLMA. Ensuring that engagement is meaningful, cost-effective, and leads to well-supported management requires strategies for tailoring efforts to the needs of specific situations. The Master Plan provides guidance on considering and crafting potential engagements.

Making management adaptive
The ocean is a highly variable environment and, as previously noted, climate change may amplify that variability. Adaptive management can help to ensure that harvest strategies reflect current population levels and ocean conditions and can also effectively respond to future changes to the **fishery** or resources. Targeted data collection, strategically selected indicators, and responsive decision frameworks can help management be as adaptive and flexible as possible. The Master Plan identifies a range of structures, strategies, and recommendations for meeting the adaptive management objectives of the MLMA.

Using the best available information
The MLMA stipulates that decisions shall be based on the best available information and other relevant information (§7050(b)(6) and 7056(g)) and places significant emphasis on the role of scientific peer review in the development of **fishery management plans (FMPs)**, research protocols, and other documents that have a scientific basis (§7062(a)). The appropriate scope, scale, and timing of scientific peer review, however, needs clarification and guidance to ensure that it is carried out in a consistent way. The Master Plan identifies tiers of potential review and considerations for identifying when each may be appropriate.

Enhancing MLMA-based management
The state's fisheries vary dramatically in terms of their complexity, geographic scope, value, level of participation, and management needs. A comprehensive and complex FMP may not be appropriate for all fisheries. The ability to scale management efforts to the needs and characteristics of a specific fishery is critical to optimizing the use of management resources. FMPs remain an important tool for achieving the objectives of the MLMA, but other tools can be used including Enhanced Status Reports (ESRs), targeted **rulemakings**, and more streamlined FMPs. The Master Plan describes a continuum of management intensity and identifies criteria for determining where a given fishery may fall along the continuum. The goal is to make more efficient and effective use of available tools and resources to implement the MLMA across a wider range of California's fisheries.

Ensuring the Master Plan is an effective resource and guide
The MLMA emphasizes the need for openness and transparency in management and the importance of communicating with the public regarding management decisions and the condition of fisheries (§7056(h)). However, planning documents like the Master Plan can become outdated over time. The Master Plan therefore describes the use of a new, easy-to-navigate, web-based, central repository for its policies, tools, and for California fisheries information. Its goal is to organize and share the considerable efforts that are already underway and to implement the new strategies described in the Master Plan.

Chapter 1 – Introduction

Background

California has a rich fishing culture that is an integral part of the history of the state. The state is also home to a vibrant marine ecosystem. The MLMA was designed to safeguard both. Enacted in 1999, the law reshaped the management and conservation of **marine living resources** in California. It identified sustainability of those resources as its primary objective (§7056) and emphasized the need for a comprehensive, ecosystem-based approach to the management of the state's fisheries (§7056(b)(1)). The MLMA also underscored the importance of informed public involvement in decision-making and science (§7056(h)).

Successfully managing hundreds of species of fish and invertebrates (**Appendix C**) across the state's 1,100 miles of coastline requires prioritization and strategic use of limited resources. For that reason, the MLMA requires the Department to develop a roadmap for implementation called the Master Plan. The original Master Plan was adopted by the **California Fish and Game Commission (Commission)** in 2001 and has helped guide MLMA implementation to date. Since that time however, new tools, insights, and priorities have emerged. The 2018 Master Plan seeks to reflect these changes to enhance implementation of the law.

Section 7073 of the MLMA describes the minimally required elements of the Master Plan. The 2001 Master Plan was largely focused on guidance for the development of FMPs. The amendment process presents an opportunity to consider the full range of the MLMA's objectives (§7056(a-m)) and identify additional tools and strategies that will help achieve its vision of healthy ecosystems, sustainable fisheries and fishing communities, and transparent and strategic management.

The scope of the Master Plan includes marine species found in California ocean waters that are managed solely under state jurisdiction. The management of federal species and those managed jointly with the **National Marine Fisheries Service (NMFS)** and the **Pacific Fishery Management Council (Council)** is not addressed by the Master Plan. Provisions of the MLMA related to specific topics are identified and discussed in the chapters that follow. However, it is useful to first provide a brief overview of the MLMA and its implementation to date.

Sustainability

The MLMA's overarching policy is to ensure the conservation, **sustainable use**, and restoration of California's marine living resources (§7050(b)). To achieve this goal, the MLMA calls for allowing only those uses that are sustainable. Section 99.5 defines sustainability as:

> (a) Continuous replacement of resources, taking into account fluctuations in abundance and environmental variability
> (b) Securing the fullest possible range of present and long-term economic, social, and ecological benefits, maintaining **biological diversity**, and, in the case of fishery management based on **maximum sustainable yield (MSY)**, taking in a fishery that does not exceed **optimum yield (OY)**

The MLMA also emphasizes the importance of **commercial** and **recreational fisheries** to the culture and economy of California and requires that the effects of conservation and management measures be allocated fairly between both **sectors** (§7072(c)).

Principal strategies

To achieve its goals, the MLMA calls for using several basic tools:

- FMPs: Management should be strategic and comprehensive (§7072)
- Status of the Fisheries Reports: The Department will prepare reports on the status of California's fisheries and the effectiveness of management programs (§7065)
- Science: Management is to be based on the best available scientific information and other relevant information. However, a lack of information should not be the basis for continued inaction. Research protocols should be used to identify and acquire **essential fishery information (EFI)**. To help ensure the scientific soundness of decisions, scientific documents should be peer reviewed by experts (§7050(b)(6))
- Constituent involvement: The MLMA directs the Department and the Commission to engage in decision-making that involves all interested parties (§7050(b)(7))
- Master Plan: The Master Plan serves as a roadmap for the implementation of the MLMA, by prioritizing management efforts and providing tools to guide them (§7073)

Implementation to date

After more than 15 years, the MLMA still serves as a strong foundation for guiding management of the state's marine fisheries. The Department has prepared FMPs for White Seabass (2002), 19 species of nearshore finfish (2002), Market Squid (2005), and Spiny Lobster (2016), along with a Recovery and Management Plan for abalone (2005). FMPs for Pacific Herring and the recreational Red Abalone fishery are currently under development. The rock crab, California Halibut, and **trawl** fisheries are also expressly required to be managed in ways that are consistent with the MLMA (see respectively §8282, §8494, and §8841). In addition, the Department has developed stand-alone rulemakings to help achieve sustainability in a wide range of other fisheries including Kellet's Whelk, saltwater basses, Pacific Hagfish, Pacific Herring, and sea urchin. While the Department has integrated the core principles of the MLMA into its fishery management practices, it has not always been able to clearly track and demonstrate adherence to the MLMA for fisheries without FMPs.

Future MLMA implementation can benefit from the accumulated experience of the Commission, Department, and stakeholders as well as from recent developments in fisheries management. It is with these lessons, experiences, and innovations in mind that the 2018 Master Plan sets out the goals and strategies below.

Orientation to the 2018 Master Plan

To enhance MLMA implementation, the following goals, objectives and approach have been identified:

Goals

- Enhance the sustainability of the state's ocean fisheries
- Elevate ecosystem health in decision-making
- Help promote more efficient, effective, and streamlined fisheries management
- Establish a clear pathway for improving the management of individual fisheries
- Set clear expectations for managers and the public
- Foster transparency and flexibility in fisheries management with Tribes and native communities, stakeholders, and interested members of the public

Objectives

- Provide a clear and consistent management framework that conveys how the MLMA is to be implemented and how key issues will be addressed
- Establish priorities for fisheries management efforts
- Consistently apply the MLMA's policies and approaches to a greater number of the state's fisheries
- Capitalize on new innovations to identify effective fishery management strategies
- Consistently address the MLMA's **ecosystem-based management** goals, specifically habitat protection, bycatch management, consideration of forage needs, and the use of **ecosystem indicators**
- Incorporate consideration of the benefits of MPAs for sustainability into how fisheries are prioritized, how individual fisheries are managed, and how the economic impacts of that management are assessed
- Increase understanding through prioritized and targeted research and data collection
- Make management more flexible and adaptive in the face of a changing climate
- Tailor **stakeholder engagement** efforts in a way that makes more efficient and effective use of their time and expertise
- Use well-designed collaborations to enhance management capacity, increase buy-in, and improve management
- Use a more consistent and efficient approach to scientific peer review
- Design and maintain the Master Plan in way that keeps it an adaptive and living guide for MLMA implementation
- Identify resources needed for effective implementation

Framework

Providing a cohesive approach for applying the strategies above is an essential role of the Master Plan. An overarching framework for MLMA implementation will describe how management efforts should proceed and where specific MLMA policies should be addressed (Figure 1). It is based on the listed objectives of the MLMA that are referenced at each step. Full application of this framework will require sufficient resources and a collaborative effort among the Department, the Commission, the Legislature, Tribes, stakeholders, and the public.

The Master Plan is structured around providing details on the framework's components and guidance in its application. Chapter 2 outlines the approach to prioritization, Chapter 3 describes a continuum of levels of management, and Chapter 4 discusses how stakeholders should be engaged across those levels. Chapters 5-12 provide guidance on how specific issues and MLMA objectives should be addressed in ESRs, FMPs, and management. Chapter 13 outlines the process for updating and amending the Master Plan.

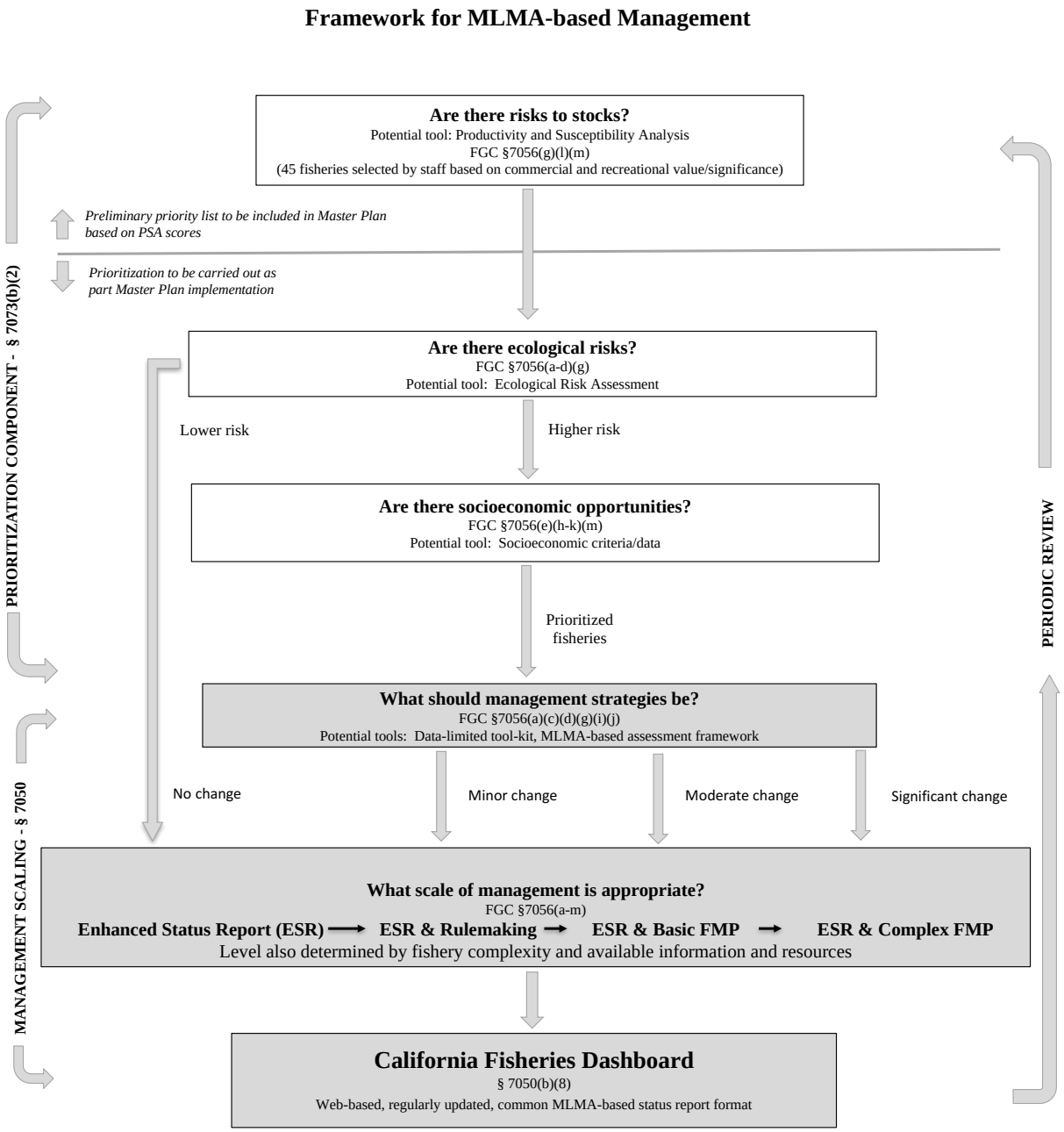


Figure 1. A framework for implementation of the MLMA**.**

Appendices

The 2018 Master Plan makes significant use of appendices and web links. The main body of the Master Plan provides a high-level overview of topics. However, important details are often in the appendices which are intended to be an additional resource. For example, the main body discusses the value of data-limited **stock assessment** methods, but the appendices describe what these methods are.

These appendices are to be updated through the process described in Chapter 13 as new information becomes available and best practices change. This approach seeks to keep the Master Plan digestible and allow for updates to help ensure it remains a valuable resource over time.

Guidance

The Master Plan is not prescriptive and does not stipulate specific actions that will be taken. It does, however, contain a wide range of new directions and guidance to help establish a shared set of expectations for how implementation can occur and guide the Department's efforts.

Glossary

Key terms are bolded on their first use in the Master Plan and detailed definitions are provided in a glossary.

Climate change

The Master Plan is primarily structured around achieving the objectives of the MLMA as described above. However, climate change is a critical challenge that underscores the importance of effective MLMA implementation. As such, the Master Plan includes a dedicated chapter on climate change-based impacts and management strategies.

Marine Protected Areas

California has a network of MPAs, many of which were created under the **Marine Life Protection Act (MLPA)**. These MPAs have implications for fisheries management in a variety of areas including data-limited stock assessments, data collection, maintaining stock sustainability, protecting habitat, fishing effort capacity, and socioeconomics. Given this, MPAs are discussed throughout the Master Plan where relevant. However, due to the specific interest and importance of this issue, the Master Plan also includes a dedicated **Appendix P** that consolidates these concepts into one location (*NOTE: this appendix is still in development and will be included for public review when the Draft Master Plan is submitted to the Commission).*

Workplan

The Master Plan does not stipulate how much is to be accomplished in a specified period. This will depend on the resources and capacity that are available and focused on implementation. Prior to implementation, the Department will work with the Commission, Tribes, and stakeholders to develop a workplan that will describe what can be accomplished with current resources in a given time period to help focus effort and establish a shared set of goals and expectations.

Chapter 2 – Prioritizing management efforts

Given the large number of fisheries under state jurisdiction and limited Department resources, prioritizing management efforts is essential. Section 7073(b) of the MLMA requires the Master Plan to include a priority list of fisheries for the preparation of FMPs where highest priority is given to fisheries that have the greatest need for changes in management in order to comply with the objectives of the Act. The 2001 Master Plan included such a list, however, it proved difficult to focus work solely on priority fisheries. A variety of factors including new and competing mandates, unforeseen events, emergencies, and a changing regulatory landscape hampered the Department's ability to focus efforts exclusively on the priority species. Future prioritization efforts must be made in close coordination with the Commission, Tribes, and stakeholders to ensure there is a shared understanding of how the priorities will be addressed and what resources will be required. It will also be important to establish a shared understanding for when it may be necessary, or desirable, to shift focus away from and/or reevaluate the existing list of priorities. Criteria for considering new priorities are provided below.

Potential approaches to prioritization vary in terms of their scope and intensity. The 2001 Master Plan used a method that focused on the **vulnerability** of specific stocks to fishing. However, the MLMA includes other objectives related to the potential impacts of fisheries to habitat and bycatch species, and socioeconomics which should also be considered when identifying priorities. A prioritization framework that addresses the full range of MLMA objectives should be adopted by the Commission as part of the Master Plan before it is applied. As such, this Master Plan includes both an updated interim priority list to guide near-term Department efforts and to satisfy the requirements of Section 7073, and a framework for more comprehensive prioritization to be conducted as part of plan implementation.

In order to focus the analyses described below, the Department identified 36 **finfish** and invertebrate species that are the **target** of 45 distinct fisheries for initial prioritization. While these 36 species are only a small subset of the hundreds of species under state jurisdiction, they were selected by the Department for analysis because they represent the vast majority of commercial **landings** value, as well as commercial and recreational participation. These 45 fisheries include multiple gears targeting a single species. For example, the halibut trawl fishery is considered separately from the halibut gill net fishery. This is because different gear types are often deployed in different areas and with varying impacts. Once these initial fisheries have been addressed through the prioritization and management framework depicted in Figure 1, additional fisheries may be selected for analysis.

Interim priority list

The 45 fisheries were evaluated using an established method known as a productivity and susceptibility analysis (PSA), which identifies the relative risk fishing may pose to each fishery (Patrick et al. 2009). That relative risk was assessed first by a consultant (MRAG Americas) then reviewed and adjusted by Department subject matter experts, using relative scaling scores ranging from 1 to 3 for two sets of attributes (Patrick et al. 2009). The first set of attributes measures the "productivity" of the species, which is derived from life-history characteristics such as age at maturity and trophic level. The second is "susceptibility," which includes, for example, overlap of a species' distribution with fishing effort. This set is designed to assess the species' response to fishing pressure. The productivity and susceptibility metrics are combined to calculate the relative vulnerability of each fishery, among other state-managed fisheries, using a prescribed formula. The PSA also includes an index that scores the quality of information and the level of confidence in each attribute.

It is important to note that a PSA does not provide information on the current status of a stock and does not specify harvest guidelines or management actions. Instead, the main purpose of the PSA is to identify fisheries that are likely to be more vulnerable to a particular method of fishing. It also identifies

fisheries with more data gaps than others through the inclusion of a data quality factor. The full results, additional details on the methodology, and the interim priority list are available at (http://www.oceansciencetrust.org/wp-content/uploads/2017/07/CDFW-PSA-Report-on-Select-CA-Fisheries_Final-.pdf). The relative PSA scores were used to bin the 45 fisheries into low, medium, and high priorities as provided in Table 1 below.

Table 1: Interim priority list based on PSA results

Priority	Fishery - *(C) commercial (S) sport*	Gear
High	Pacific Angel Shark (C)	Gillnet
	Brown Smoothhound Shark (S)	Hook and line
	Ocean Whitefish (S)	Hook and line
	Giant Red Sea Cucumber (C)	Trawl
	White Sturgeon (S)	Hook and line
	CA Spiny Lobster (C)	Trap
	CA Spiny Lobster (S)	Hoop Net
	CA Sheephead (C)	Trap
	Kelp Bass (S)	Hook and line
	CA Sheephead (S)	Hook and line
	Barred Sand Bass (S)	Hook and line
	Spotted Sand Bass (S)	Hook and line
	Pacific Herring (C)	Gill net
	White Seabass (C)	Gill net
	Red Abalone (S)	Abalone iron
Med.	Pink Shrimp (C)	Trawl
	CA Barracuda (S)	Hook and line
	CA Barracuda (C)	Hook and line
	Geoduck Clam (S)	Clam fork
	CA Halibut (C)	Gill net
	CA Halibut (C)	Trawl
	CA Halibut (C)	Hook and line
	CA Halibut (S)	Hook and line
	Market Squid (C)	Purse seine
	CA Bay Shrimp (C)	Beam trawl
	White Seabass (S)	Hook and line
	Barred Surfperch (S)	Hook and line
	Warty Sea Cucumber (C)	Diver
	Spot Prawn (C)	Trap
	Red Sea Urchin (C)	Trap
Low	Kellet's Whelk (C)	Trap
	Redtail Surfperch (C)	Hook and line
	Ridgeback Prawn (C)	Trawl
	Ca. Corbina (S)	Hook and line
	Pacific Hagfish (C)	Trap
	Bonito (S)	Hook and line
	Bonito (C)	Hook and line
	White Croaker (S)	Hook and line
	Pismo Clam (S)	Clam fork
	Brown Rock Crab (C)	Trap
	Night Smelt (C)	A-frame
	Dungeness Crab (C)	Trap
	Dungeness Crab (S)	Trap
	Shiner Seaperch (C)	Trap
	Jacksmelt (C)	Hook and line

This interim priority list can help guide Department efforts while the more comprehensive prioritization approach described below is implemented.

Comprehensive prioritization framework

In order to prioritize fisheries based on a fuller suite of MLMA objectives, an approach that considers more than risks to the target stock is needed. To advance the objectives identified in the MLMA the prioritization framework should:

- Provide a clear and systematic means of utilizing best available science and other relevant information to guide use of limited Department resources in managing the state's fisheries consistent with the MLMA
- Identify target populations and/or ecosystem features at relatively greater risk from fishing
- Identify where current management is inconsistent with the policies and requirements of the MLMA, and how those inconsistencies overlap with the ecological risks that have been identified
- Advance socioeconomic and community objectives in a manner consistent with the MLMA's definition of sustainability
- Be robust and clear enough for stakeholders to understand and for the Department to implement;
- Provide a strategic means of addressing emerging fisheries without unduly displacing existing priorities
- Allow for re-evaluation when deemed necessary or at least every five years. Identify a reasonable time-frame in which to re-apply the prioritization framework

Ecological risk assessment

In addition to the sustainability of the target stock, the MLMA is concerned with impacts to habitat and bycatch species. §7084 and §7085 are aimed at minimizing the impacts to habitat and bycatch, respectively. In the years since the original Master Plan was adopted new tools have been developed that can help develop a broader assessment of the state's fisheries. Specifically, a diversity of **ecological risk assessment (ERA)** frameworks have been developed and used to prioritize management efforts across the globe. These frameworks consider a broader range of risks than a PSA. Specifically, they can examine:

- The impact from fishing activity to target species (similar to a PSA)
- The risk from fishing activity to bycatch species
- The risk from fishing activity to habitats which it encounters
- Aspects such as the potential benefits to the resource and the fishery from California's network of MPAs

ERAs are similar to PSAs in concept, but may use a broader range of attributes. Both tools in combination provide an understanding of relative potential risks of fishing to target stocks, bycatch species, and habitats across fisheries. The **California Ocean Science Trust (OST**) conducted a review of available ERA frameworks worldwide and considered certain approaches appropriate for California. Drawing from this experience, the Department will integrate the PSA and ERA tools into the prioritization process in a way that capitalizes on their respective strengths. Specifically, for potential risk to target fisheries the Department will use the PSA scores with the addition of four attributes from the target species component of the ERA (estimated fishing mortality rate, population connectivity, temporal intensity of fishing, and potential benefits from MPAs). For habitat and bycatch, the Department will use the ERA as developed and piloted by OST, and modified by Department and stakeholder input. The pilot ERA process scored nine of the 45 fisheries which were previously analyzed using PSA. Once the four additional target attributes and bycatch and habitat ERAs are completed for the remaining 36 fisheries, scores will be presented as three groups. Additional details and considerations associated with the ERA can be found at http://www.oceansciencetrust.org/projects/era/.

Application of this approach should provide opportunity for stakeholder input and the results should be used to categorize fisheries into low, medium and high-risk from a biological and ecological perspective. Low-risk fisheries will not require further evaluation or new conservation measures, and current management can simply be characterized through an ESR as described in Chapter 3. High-risk fisheries will be further prioritized based on socioeconomic opportunity as described below (see Figure 1). If an FMP-managed species is identified as high-risk, an FMP amendment may be necessary to address those risks.

Socioeconomics

Among the fisheries that are identified as high priority from an ecological/biological perspective, management efforts should first be directed towards those where ensuring sustainability has the highest economic value to the state. These will generally be fisheries with high commercial value and participation, and/or high recreational participation levels. However, an approach based on just value and participation could result in missed opportunities for the Department to achieve socioeconomic goals. Therefore, the Department will consider augmenting value and participation data with its own understanding of the socioeconomic goals of the fisheries. Additionally, consideration of community vulnerability indices and other human dimensions indicators such as those generated by **National Oceanic and Atmospheric Association (NOAA)** on the West Coast, can help identify vulnerable ports and regions and provide additional insight into where management action may have the most benefit. See: https://swfsc.noaa.gov/publications/CR/2014/2014Breslow.pdf.

Priority list

Provided that adequate resources and/or funding are available, the Department will apply the comprehensive prioritization framework described, generate a priority list of fisheries, and provide it to the Commission. The entire prioritization framework should be re-applied no less than every five years.

In addition to their role in prioritization, it is important to note that the information gathered through the PSA, ERA, and socioeconomic analyses described above can also help inform management action with specific fisheries. Whatever form that management action takes, these analyses help provide background information, identify data gaps, and aspects of a fishery that may need management attention. Therefore, as these analyses are conducted, information will be generated, structured, and retained with this additional goal in mind.

Consideration of emerging and emergency issues when implementing priorities

In order for the priority list of fisheries to be meaningful, new or emerging issues should be considered in light of existing priorities, staffing, and other resources. Emergency issues (as defined by §11346.1(b), §5654, §7710, §7715, and §8598) requiring immediate attention will inevitably arise, however the Department and the Commission should evaluate more discretionary efforts based on the following:

- Does the proposed new priority require immediate action in order to address sustainability or conservation concerns? If so, how?
- Does the proposed new priority require immediate action in order to address serious economic hardship to fishery participants? If so, how?
- Do current conditions create a unique or one-time opportunity to address the proposed new priority? If so, how?
- Does the fishery that is the subject of the proposed new priority appear on the current prioritization list? If so, where does it rank?
- Do available data allow for effective decision making on the proposed new priority?

- How does the proposed new priority advance the goals of the MLMA?
- Are partnership opportunities available to help address the issue and reduce Department resource requirements?
- What would accomplishing the proposed new priority require (FMP, rule promulgation, research, etc.), and what are the required staff, time involved, and other resources?
- What existing priorities on the Department's work plan would have to be eliminated or postponed in order to address the new priority?

Whether it is the Department, the Commission, Tribes, or stakeholders that are proposing the new priority, the proposal or directive to address the new priority should be accompanied by responses to these inquiries. This will help ensure that any deviations from the existing priority list are deliberate, strategic, and serve to advance the goals of the MLMA.

Chapter 3 – Scaled management

Since the MLMA was adopted, implementation has focused on the preparation and implementation of four FMPs: White Seabass, nearshore finfish (19 species), Market Squid, and Spiny Lobster. FMPs for Pacific Herring and the recreational take of Red Abalone are currently under development. Controversy and complexity in these fisheries led to intense FMP development efforts and high demands on the Department. Each took three to five years to complete, and cost between an estimated one and 11 million dollars. As a result of these intensive processes focused on a few species, most of the state's fisheries have not fully benefited from all the provisions of the MLMA. They are still effectively managed through other, less structured, approaches to management. However, there is a clear need to identify additional cost-effective approaches to apply the appropriate level of MLMA-based management more broadly and consistently across California's fisheries.

A key to achieving cost-effective implementation will be to scale management approaches and the scope of the public process used to develop them to the specific fishery. Traditional, resource-intensive FMPs will remain an important tool and an effective way to address the management needs of high-risk or complex fisheries. However, it may not be appropriate or necessary to undergo a complex and comprehensive FMP process for a single-sector fishery that is deemed to have an adequate management framework that meets the sustainability provisions of the MLMA. Management scaling seeks to match the scope and intensity of management effort with the needs and complexity of a given fishery. The goal is to extend the MLMA's benefits to a greater number of fisheries in a way that is consistent and explicit.

Current management

In addition to the Master Plan, there are two principal documents that the MLMA identifies for implementing its policies and managing fisheries: status of the fishery reports and FMPs.

Status reports are overviews of a fishery (including annual landings or **catch** information), the species' biology, and current management, **monitoring**, and assessment efforts. The MLMA requires the Department to prepare these reports for the sport and commercial marine fisheries managed by the state and is encouraged to partner with outside experts in generating them (§7065(b)). The first status report covering all of California's state-managed living marine resources was published in 2001 and updates were published in 2003, 2006, 2008, and 2011. (https://www.wildlife.ca.gov/Conservation/Marine/Status).

In addition to developing status reports and FMPs, the Department also engages in regular rulemakings to address specific issues. Rulemakings and accompanying analyses are currently required to meet the provisions of the **Administrative Procedure Act (APA)** and the **California Environmental Quality Act (CEQA)**, and efforts are made to address the applicable goals and requirements of the MLMA for the specific regulatory action being taken.

Management scaling design principles

The current approach can be adapted to better demonstrate MLMA application to a greater number of the state's fisheries. The design principles below are provided to help guide the management scaling approach towards that goal.

The management scaling strategy should:

- Match the level of management effort with the needs of the fishery, the availability of information useful for management, the Department's capacity, and the interests of stakeholders and the Commission
- Increase MLMA-based management and create a foundation for MLMA implementation across a broader number of fisheries
- Be adaptive and identify potential triggers/conditions when a fishery may need more or less intensive management
- Use assessments to identify the potential management needs of fisheries
- Provide increased transparency regarding current management efforts and gaps in science and management
- Be focused on the priorities identified in Chapter 2
- Make strategic use of collaborations and stakeholder engagement

Defining the management scale

Fisheries vary significantly in terms of the intensity of management effort that is appropriate. The scaling concept shown in Figure 2 below reflects this range. It depicts the basic levels of management responses that might be appropriate for a given fishery under the MLMA. This ranges from an ESR for relatively low priority species, to a complex FMP for fisheries that are relatively high priority and more complex. The appropriateness of each level is discussed in detail below.

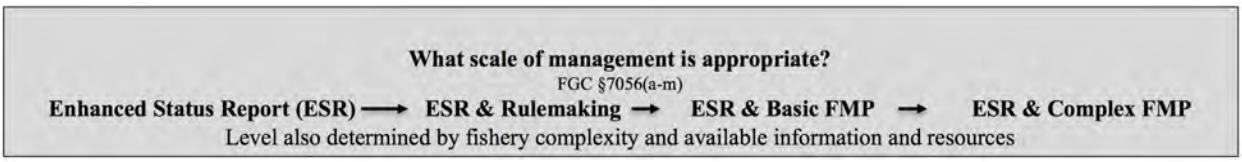


Figure 2. The management continuum.

Enhanced status reports

The base of the continuum is an ESR that systematically addresses the objectives and requirements of the MLMA. Status reports are currently less effective than they could be in demonstrating management's consistency with the goals of the MLMA. Section 7065(b) describes general topics that should be addressed in status reports including "landings, fishing effort, areas where the fishery occurs, and other factors affecting the fishery" but this list is not exclusive. Within these subject areas, status reports include varying types of information that are not always relevant to management or stakeholders. Status reports are infrequently updated and not stored or displayed in a way that maximizes their use or takes advantage of web-based technologies.

ESRs may help to better achieve MLMA goals by being more structured, robust, current, and easily accessed. The revised format below purposely aligns itself with the MLMA's requirements for an FMP. An ESR will include a summary of the available information under each required segment, with a focus on relevance to management. This format ensures that a basic standard of MLMA-based management is applied across all fisheries in a consistent fashion. It summarizes all of the available EFI for each fishery, and makes it readily apparent what is not available.

ESRs should follow the following outline:

1. The Fishery

Fishing

- Species of fish and location of the fishery (§7080a)
- Number of vessels and **participants** over time (§7080a)
- Historical landings in the sport and commercial sectors (§7080a)
- Economic factors related to the fishery (§7080e)
- Social factors related to the fishery (§7080e)

The species

- Natural history of the species (§7080b)
- Population status and dynamics (§7080b and §7081b))
- Effects of changing oceanic conditions on the target species (§7080b)

The ecosystem

- Ecosystem role of the target species (§7080d)
- Habitat for the fishery and known threats (§7080c and §7084a)
- Information on the amount and type of bycatch and analysis of sustainability (§7085)

2. Current management

Past and current management measures

- History of conservation and management measures (§7080a)
- Existing conservation and management measures that contribute to a sustainable fishery (§7080a)
- Limitations on fishing for target species (§7082a)
- Criteria to identify when fisheries are **overfished** or subject to overfishing, and measures to rebuild (§7086)
- Measures to reduce unacceptable levels of bycatch (§7085c)
- Measures to minimize any adverse effects on habitat caused by fishing (§7084a)
- Description of and rationale for any **restricted access** approach (§7082b)
- The procedure to establish and periodically review and revise any catch **quota** (§7082c)
- Requirements for person, gear, or vessel permit and reasonable fees (§7082d)

3. Monitoring and EFI (research protocol)

- Past and ongoing monitoring of the fishery (§7081a)
- Steps to take to monitor the fishery (§7081c)
- Steps to obtain EFI (§7081b)

4. Future management needs and directions

- Research
- Management
- Stakeholder engagement
- Climate readiness

ESRs can be a repository of information documenting the consistency of a fishery's management with the MLMA. They can also serve as sources of information for future analyses and inform FMP development. Given that ESRs serve to focus additional management efforts that may be needed, they should be generated for a fishery before an FMP is developed for that fishery. Up-to-date ESRs should also be generated and maintained for species managed under FMPs.

The information gathered as part of the prioritization process described in Chapter 2, as well as through application of the MLMA-based assessment tool described in **Appendix D**, can be used to populate some key elements in ESRs. For example, the MLMA-required information on the target species overlaps with the information necessary to determine a "productivity" score as part of the PSA, and information on the fishery and current management are similar to that needed to determine the "susceptibility" score. The sections on ecosystem impacts and bycatch management correspond with the information necessary to complete the ERA. The MLMA-based assessment can help inform the discussion on future needs and directions. Nevertheless, some information will usually be lacking for at least some element of the ESR outline. A lack of complete information should not prevent the development of an ESR for a given species. Gaps in management or understanding should simply be identified as areas needing further attention.

As depicted in Figure 1, these ESRs can be used as the foundation of a web-based fisheries dashboard that organizes and presents ESRs in a way that is easy to navigate. The dashboard also presents an opportunity to provide mapping and data querying tools as well as place to convey the policies and approaches of this Master Plan.

Enhanced status reports plus focused rulemakings

For low priority fisheries, no additional management activities may be necessary in the near-term and an ESR may be adequate. However, other fisheries may need to adjust management measures to address specific concerns, but at a level that does not warrant a comprehensive overhaul of its management through an FMP (see following section). An ESR plus a tailored rulemaking to address relatively minor or discrete issues may be an effective combination for many fisheries. The development of regulatory documents for the focused rulemakings can be a source of updated material into the ESRs to more explicitly track with the areas of concern identified in the MLMA. Where regulatory changes are made, the ESR and rulemaking documents may address some of the additional FMP elements described below. Specifically, these include the elements focused on new management measures and their anticipated effects. When these elements are addressed and integrated with the ESR, it will contain many of the principal components of an FMP and more fully reflect MLMA-based management.

Scaled fishery management plans

In cases where the degree of management change, fishery complexity and information needs are high, and a comprehensive management approach is required, a FMP is appropriate. In these situations, the ESR will serve as a foundation for FMP development by providing material for many of its sections, thereby streamlining preparation. The additional MLMA requirements that pertain specifically to new conservation and management measures (§7082 – §7086) will need to be addressed. Although an FMP is a more involved process, it provides an opportunity to address more complex issues, consider multiple sectors, and allows existing statutes and regulations to be rendered inactive if they conflict with the FMP.

Below is an outline for FMPs that builds upon the ESR outline and is based on the FMP requirements set forth in Chapter 7 of the MLMA. Elements four through seven are additions to, or modifications of, what will already be contained in the ESR.

1. The fishery (*included in ESR*)

Fishing

- Species of fish and location of the fishery (§7080a)
- Number of vessels and participants over time (§7080a)
- Historical landings in the sport and commercial sectors (§7080a)
- Economic factors related to the fishery (§7080e)

- Social factors related to the fishery (§7080e)

The species

- Natural history of the species (§7080b)
- Population status and dynamics (§7080a and §7081b))
- Effects of changing oceanic conditions on the target species (§7080a)

The ecosystem

- Ecosystem role of the target species (§7080d)
- Habitat for the fishery and known threats (§7080c and §7084a)
- Information on the amount and type of bycatch and analysis of sustainability (§7085)

2. Current management (*included in ESR*)

Past and current management measures

- History of conservation and management measures (§7080a)
- Existing conservation and management measures that contribute to a sustainable fishery (§7080a)
- Limitations on fishing for target species (§7082a)
- Criteria to identify when fisheries are overfished or subject to overfishing, and measures to rebuild (§7086)
- Measures to make management adaptive
- Measures to reduce unacceptable levels of bycatch (§7085c)
- Measures to minimize any adverse effects on habitat caused by fishing (§7084a)
- Description of and rationale for any restricted access approach (§7082b)
- The procedure to establish and periodically review and revise any catch quota (§7082c)
- Requirements for person, gear, or vessel permit and reasonable fees (§7082d)

3. Monitoring and EFI (research protocol) (*included in ESR*)

- Past and ongoing monitoring of the fishery (§7081a)
- Steps to take to monitor the fishery (§7081c)
- Steps to obtain EFI (§7081b)

4. New conservation and management measures (*not included in ESR*)

- Limitations on fishing for target species (§7082a)
- Overfishing criteria and measures (§7086)
- Measures to reduce unacceptable levels of bycatch (§7085c)
- Measures to minimize any adverse effects on habitat caused by fishing (§7084a)
- Creation or modification of a restricted access fishery (§7082b)
- A procedure to establish and periodically review and revise a catch quota (§7082c)
- Requirements for person, gear, or vessel permit and reasonable fees (§7082d)

5. Anticipated effects of additional management measures (*not included in ESR*)

- On fish populations (§7083b)
- On habitats (§7083b)
- On fishery participants (§7083b)
- On Tribes, coastal communities, and businesses that rely on the fishery (§7083b)

6. Future management needs and directions (*as revised from ESR*)

- Research
- Management

- Stakeholder engagement
- Climate readiness

7. Review and amendment procedures (*not included in ESR*)

- Procedure for review and amendment of the plan (§7087a)
- Types of regulations that the department may adopt without a plan amendment (§7087b)

While all FMPs are at the high end of the management continuum, not all FMPs require the same amount of resources, time, or engagement. The need for a cost-effective way to advance MLMA implementation has led to discussion focused on the concept of "streamlined FMPs" or "FMP-lites". Providing less intensive FMP options is essential, but it is important to note that none of the required elements described in Chapter 7 of the MLMA can be excluded. Nevertheless, the level of detail of the document and the extent of the process needed to develop it can be tailored to match the needs of the fishery. A fishery with multiple sectors will require a more substantial discussion and analysis to address the distinct issues of each sector. Similarly, a fishery facing resource constraints or controversial **allocation** decisions will require a FMP developed through a more significant public process (strategies for that engagement are addressed in Chapter 4). There is no clear distinction between what constitutes a basic and a complex FMP. It is a continuum defined by the scope and scale of the document, and the level of public process required. Every fishery will be unique but considerations for identifying where on the continuum a fishery may fall are below.

Determining where a fishery falls on the continuum

The management continuum outlined above aims to identify a range of MLMA-based management options. Identifying the scale appropriate for a given fishery's management depends on 1) the degree of management change required to ensure sustainability and improve consistency with the MLMA, and 2) the complexity of the fishery. These are addressed separately below.

What degree of management change is needed?

Determining the degree of management change needed involves identifying necessary management actions. A number of tools can help inform this determination. First, the results from the PSA and ERA analyses developed through the prioritization process can help identify areas of relative risk. Second, frameworks such as the MLMA-based assessment tool described in **Appendix D** can help identify where management may be inconsistent with the goals of the MLMA. Finally, the quantitative assessment tools and approaches described in Chapter 5 can assist in identifying the degree of management change that may be necessary to achieve the sustainability and socioeconomic goals for the fishery. A change in decision-making framework, or from effort- to catch-based controls, may constitute a major change. Examples of relatively minor changes may include a modification to the gear used in a fishery or changing a season or **size limit**.

How complex is the fishery?

In addition to the anticipated degree of management change, the level of complexity of the fishery will influence both how extensive the public process will be as well as the scope and scale of the resulting management document. The degree of public process required will be unique to each fishery and will vary in terms of the scope, amount, and form of stakeholder engagement. There are certain issues that should be taken into consideration when determining the level of engagement, the depth of analyses, and the resources required.

Complexity criteria include:

- Number of gear types
- Number of sectors
- Extent of geographic distribution of the fishery
- Number of participants
- Competing regional or port perspectives
- Allocation issues
- Bycatch issues
- Stock conditions (healthy, **depressed**, **depleted**)
- Critical ecosystem interactions
- **Limited entry** or permitting issues
- Degree of stakeholder interest and variety of stakeholder views
- Availability of information on which to base management

Taken together, these factors can be used to help identify where on the continuum a fishery may be most appropriately managed. When an FMP is deemed necessary, these factors can help the Department understand the level of resources and staff effort that will be needed. Figure 3 below provides an overarching view of the management scaling framework.

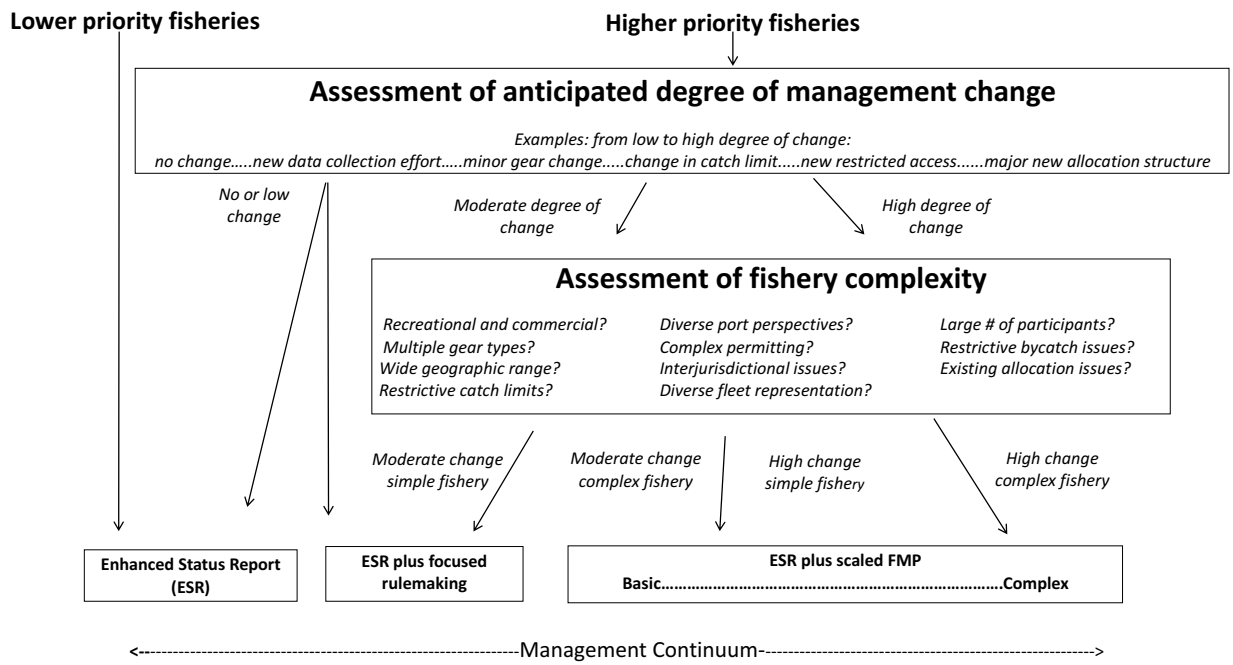


Figure 3. Scaling management efforts.

Increasing efficiency and capacity

Regardless of where on the scale a fishery is, there is opportunity to improve efficiencies and leverage outside resources. Developing the four existing FMPs was a learning process for the Department, the Commission and stakeholders. After the first three FMPs significantly impacted the Department's

limited resources, there was a move to procure outside funding, as well as to outsource individual pieces of subsequent FMPs. However, the Department retained oversight of the processes and the products produced. The FMP processes for Spiny Lobster (completed) and Pacific Herring (in progress) are good examples of leveraging outside funding to advance MLMA implementation while minimizing costs to the Department.

While effective stakeholder engagement is a central goal of the MLMA, it can also be one of the most resource-intensive aspects of the management process. Efficiencies can be gained by carefully focusing engagement on the areas of highest relevance to stakeholders and where their expertise is most informative. Chapter 4 addresses stakeholder engagement in more detail.

There are also opportunities for increasing efficiency through effective process design. For example, creating ESRs as a first step in implementing the amended Master Plan allows the Department to flag missing EFI in fisheries that have been prioritized for additional management action. This provides an opportunity for the Department to work with outside partners to incentivize the collection of this information. ESRs also serve to facilitate FMP development efforts by identifying gaps in understanding and management. Finally, strategic focusing and timing of peer review can provide a solid scientific foundation early in the management process, enabling managers and stakeholders to evaluate management options that are supported by the best available scientific information and other relevant information. Chapter 10 provides guidance on the appropriate scope, scale, and timing of effective scientific peer review under the MLMA.

Chapter 4 – Stakeholder engagement

Engaging stakeholders in the management process is a central theme of the MLMA and can be a critical factor to the long-term success of any management strategy. Effective stakeholder engagement is important to help ensure that stakeholders with relevant local knowledge, and who are most likely directly affected by regulatory changes, are provided the opportunity to be involved in the management process. By adhering to core stakeholder engagement principles, the Department and stakeholders can build trust, create resilient relationships, and increase "buy-in" for – and ultimately **compliance** with – marine resource management decisions. This chapter provides guidance regarding best practices and identifies considerations associated with the use of various engagement strategies. It draws from an overview of stakeholder engagement developed by Kearns and West and the Center for Ocean Solutions with Department and stakeholder input and review.

Requirements related to stakeholder engagement

In addition to the policies of the MLMA, the Department and the Commission are subject to a variety of other procedural and public participation mandates designed to inform and protect the public's interests. These include CEQA, the APA, and the Bagley-Keene Open Meeting Act. Among their other provisions, these Acts define a minimum level of stakeholder engagement, primarily focused on advanced notice of public hearings and on public comment. The MLMA builds on the foundation created by these requirements by directing the Department to engage with stakeholders throughout the decision-making process. Section 7059 places significant emphasis on the importance of collaboration, and directs the Department to involve interested parties when developing FMPs, status reports and research plans. It also states that the Department shall periodically review fishery management efforts with a view to improving communication, collaboration, and dispute resolution, seeking advice from interested parties as part of the review.

Key stakeholder engagement principles and guidance

Five overarching stakeholder engagement principles have been identified by Kearns and West that should be integrated into any engagement strategy under the MLMA. The Department will draw on these key principles to inform the selection and implementation of stakeholder engagement strategies.

1. Engage early and often
2. Set clear goals
3. Build relationships
4. Ensure transparency
5. Pursue inclusivity

Table 2 provides details regarding each principle and provides key process guidance for applying them. It is important to note that every strategy will involve trade-offs. The challenge is to select the most appropriate approach given engagement goals and timing, stakeholder audiences, and available resources.

Table 2. Five Key Stakeholder Engagement Principles and Implementation Guidance (Kearns and West 2017).

Principle	Description	Why Implement?	Guidance to Implement in Practice
Engage early and Often	Engaging stakeholders early and often identifies the boundaries of stakeholder values and preferences around management issues and strives to ensure that management alternatives remain in the public interest.	Early public involvement can reduce delays in the approval process and the likelihood of issues becoming contentious. Engaging stakeholders early can also nurture trust, expand management options, improve communication, improve process efficiency, enable conflict management, and increase representation.	✓ Involve stakeholders in defining the management problem; decision-making reflects the interests and concerns of stakeholders at that time. ✓ Involve stakeholders before management alternatives are identified and solidified to ensure all viable options are on the table ✓ Use consistent mechanisms for updating and engaging stakeholders in the decision-making process (e.g., town hall meetings, website is updated regularly). ✓ Employ engagement strategies over a time frame during which stakeholders can feasibly influence the management decision (e.g., stakeholders are contacted 1-2 months ahead of an engagement opportunity that will inform decision-making; stakeholders are engaged *before* management decisions are made).
Set Clear Goals	Setting goals helps managers and stakeholders alike are working towards a common endpoint.	Clear goals, and roles and responsibilities for stakeholder engagement, particularly when established in collaboration with stakeholders, improve clarity around decision-making expectations and opportunities for public participation.	✓ Involve stakeholders in identifying clear long- and short-term planning and agency management goals (measurable, achievable, and specific). ✓ Have clear goals for stakeholder engagement (e.g., goals based on this checklist). ✓ Employ metrics to determine the efficacy of stakeholder engagement and adapt strategies over time based on this evaluation.
Build Relationships	Building key relationships can strengthen trust by putting a human face to management actions, connecting agency staff to communities through key communicators, and increasing	Relationships and agency visibility contribute to public acceptance and allow timely response to pressing stakeholder concerns—creating social resilience	✓ Respond to or contact stakeholders individually, and meet in-person when requested or appropriate. ✓ Acknowledge and recognize stakeholders for their efforts to engage. ✓ Interact with stakeholders informally in community settings.

Principle	Description	Why Implement?	Guidance to Implement in Practice
	understanding between managers and stakeholders.	around management decision-making.	
Ensure Openness	Openness ensures the goals, motivations, and activities for management decision-making are communicated publicly and engagement processes are clearly documented. The public should be aware of how they can, and cannot, influence outcomes, and how their perspectives were ultimately considered within decision-making.	Openness around decision-making processes builds trust and interest in contributing. It also helps establish stakeholder expectations and illuminate where interpretation or understanding may differ across stakeholders. Clarity in messaging is critical for reducing public misunderstanding, negative views, and distrust of agency actions.	✓ Provide mechanisms for stakeholders to easily identify the status of the decision-making process and how they may engage proactively (website, listserves). ✓ Clearly and openly communicate why and how the management decision is made (i.e., who will make the final decision, what is the role of stakeholders and marine resource users in the decision-making process, what information was used to influence the decision, how the decision will lead to optimal outcomes for the public as well as the Department). ✓ If information is withheld, communicate the reasons for doing so to stakeholders. ✓ Use clear, simple, and accessible language (e.g., language, structure, vocabulary); employ analogies and real-world examples in communications. ✓ If a mistake is made, admit it. Rectify it as soon as possible, and establish processes and procedures to help avoid future errors. ✓ Provide clear rationale and need for stakeholder participation (e.g., stakeholders will be able to contribute to management goal-setting, invitations to engage clearly state how participation is in the stakeholders' best interest).
Pursue Inclusivity	Ensuring an inclusive and public process is critical for safeguarding equitable decision-making and receiving a diversity of stakeholder voices.	The marginalization of voices can lead to the delay or preclusion of management action, and the exclusion of voices can limit the information accrued to inform decision-making and stakeholder buy-in.	✓ Engage a representative cross section of stakeholder interests affected by the management decision and confirm this selection with the affected communities. ✓ Disseminate information in the languages and formats that all potential stakeholders can understand.

Selecting an effective stakeholder engagement approach

Appendix E includes an inventory of potential engagement strategies (i.e. advisory bodies, townhall meetings, listservs, etc.) as well as resources required for their use. Identifying which strategy or combination of strategies to employ is driven by several factors, including the goals and timing of the engagement process and stakeholder characteristics. These may include:

1. *Potential goals of engagement*
    a. Inform stakeholders – educate the affected community regarding potential or pending regulatory changes or general management efforts
    b. Solicit input – understand the perspectives of various stakeholders and capitalize on their expertise
    c. Involve stakeholders in two-way dialogue to inform management decisions-collaborate to develop alternatives
    d. Build trust – develop a mutual understanding of objectives and transparency regarding the efforts to achieve them

2. *Timing of stakeholder involvement in the planning process* (e.g., early, middle, or late phases of the planning or regulatory or implementation process)

3. *Stakeholder characteristics*
    a. Is the stakeholder community well defined?
    b. What is the geographic size and geographical distribution of the fishery?
    c. What is the level of linguistic diversity?
    d. Do organized institutions exist within the fishery?
    e. What is the relative capacity for engagement?
    f. To what extent do they use email and social media?
    g. Are there leaders within the fishery?
    h. What is the history of engagement with stakeholders on regulatory or other issues?

These considerations should also be weighed against additional opportunities and constraints, taking into consideration such factors as:

- Whether resources such as funding, staff availability, and necessary skills are available to implement the strategy
- Whether the legal and regulatory landscape affecting the process may place some constraints on which strategies are appropriate - for example, litigation associated with the management of a particular marine resource can constrain options for stakeholder engagement
- The history of past experiences associated with the use of specific engagement strategies in the fishery or resource management area - if the strategy was used in previous efforts and resisted by stakeholders, it may not be appropriate for the next management process
- Whether the current management process is contentious - in some cases, highly contentious stakeholder processes are best addressed using in-person strategies

Engagement strategies for the specific levels of the management continuum

The general considerations provided above have been used to develop some specific recommendations regarding how to engage stakeholders at the various levels of the management continuum described in Chapter 3. Since the characteristics of specific fisheries will vary, the

following discussion is intended to guide the development of a strategy for engaging stakeholders when generating three types of management documents: an ESR, rulemakings, or FMPs.

Stakeholder engagement for ESRs

While ESRs do not require a public process like FMPs, they do present an important opportunity for stakeholder input. The following process has been identified for their development:

- Consult with stakeholders and outside experts and make use of partnerships where helpful in the development of draft ESRs
- Each ESR should identify a contact for the public to direct comments
- ESRs should be living documents maintained by the Department, and once approved, can be updated without returning to the Commission. Within that period, stakeholders and researchers can suggest changes and provide information at any time.

A primary purpose of ESRs is to identify gaps in research and understanding that researchers and stakeholders can help fill. ESRs are Department documents, but they are intended to capitalize on the interest and expertise of the outside community

Stakeholder engagement for ESRs plus focused rulemakings

When an ESR needs to be augmented with a rulemaking, additional public processes are required as outlined below. In addition to what is legally required, the Department should take additional steps to ensure that stakeholders and the public are engaged and involved in decision-making. Every fishery and rulemaking is different and the appropriate course will vary, however, in a typical case the Department should:

- Have preliminary discussions with participants in the affected fishery to understand perspectives and underlying issues
- Brief the Marine Resources Committee (MRC), and the full Commission as directed, on the purpose and need for a rulemaking and present the Department's approach for engaging stakeholders in the decision-making
- Conduct broader outreach to stakeholders likely to be affected to understand their perspectives and ideas regarding potential regulations
- Discuss proposed regulations with the MRC
- Refine proposed regulations if possible based on MRC and public input

FMPs

When more comprehensive management changes are needed (see Chapter 3) an FMP may be necessary. While management changes that occur via an FMP may be more substantial, it is important to note that stakeholder engagement should still be as focused and targeted as possible. The prior development of an ESR should help to focus FMP development efforts on the areas where change is needed and on issues of most direct relevance to stakeholders. As with rulemakings, the needs of each FMP development process will vary, however, the following activities can help ensure effective MLMA-based engagement:

- Where appropriate, engage fishery participants in application of **management strategy evaluation (MSE)** (see Chapter 5 and **Appendix J**) as a means of scoping FMP issues and options
- Consider opportunities for attracting funding or other resources and leveraging partnerships

- Brief the MRC on the purpose, need, and proposed scope and scale for an FMP, describe the relationship to the priorities identified through Chapter 3, and identify the plan for engaging stakeholders in decision-making
- Alert the public to the intent to develop an FMP specifying the issues to be addressed through the use of the Department website, list serves, social media, and mailings
- Where possible, conduct targeted outreach to help inform management and understand stakeholder perspectives regarding specific issues
- Convene ad-hoc advisory group(s) as needed to address issues involving new regulations. (As discussed in **Appendix E**, these groups can be relatively resource intensive, especially when addressing contentious issues. Their use may be a primary difference between streamlined and traditional FMPs in terms of stakeholder engagement and process intensity)
- Hold standing agenda items at MRC during draft development, highlighting key issues and soliciting input where needed
- Hold meetings, conference calls, or webinars during draft development highlighting key issues and soliciting input where needed
- Provide draft FMP for public review at least 30 days prior to submission to the Commission

Regardless of the strategy used, the Department should regularly evaluate stakeholder engagement to measure whether current strategies are achieving their target outcomes. Additionally, the most effective approach may change over time, and the Department may need to adapt strategies to better suit the changing needs of marine resources and stakeholders.

Chapter 5 – Stock sustainability objectives

The MLMA declares that it is the policy of the state to conserve the health and diversity of marine ecosystems and resources, and encourage the sustainable use of those resources (§7050(b)). This chapter is focused on the specific objectives regarding fish stocks and the tools and approaches for achieving them across different scales of management. As noted in Chapter 1, the MLMA defines sustainability to mean both the continuous replacement of marine resources and securing the fullest possible range of ecological and social benefits. To achieve this goal the MLMA states the following:

- Each FMP shall specify criteria for identifying when a fishery is overfished (§7086(a))
- Overfishing is defined to mean a rate or level of taking that the best available scientific information, and other relevant information that the commission or department possesses or receives, indicates is not sustainable or that jeopardizes the capacity of a marine fishery to produce the MSY on a continuing basis (§98)
- If a fishery is overfished or where overfishing is occurring, the FMP shall contain measures to prevent, end, or otherwise address overfishing and to rebuild the fishery (§7086(b))
- If a fishery is overfished, FMPs or regulations shall specify a time period for addressing overfishing and **rebuilding** the fishery. The time period should be as short as possible, and shall not exceed 10 years except in cases where the biology of the population of fish or other environmental conditions dictate. Overfishing restrictions and recovery benefits must be allocated fairly and equitably among sectors of the fishery (§7086(c))
- Every sport and commercial marine fishery shall be managed so that the long-term health of the resource is not sacrificed for short-term benefits (§7056(a))

Achieving sustainability

Sustainable management of fisheries requires information on the status of a population relative to management targets. In other words, it requires estimates of abundance and how many individuals can be removed without harming the population or the ecosystem. To develop these estimates, fisheries scientists have devised increasingly complex statistical **models**, which have become a recognized tool in fisheries management. These models typically require long time-series of catch, effort, biological, and survey data.

Many California fisheries lack this type of information, or have unique biological or ecological characteristics that violate the assumptions of traditional stock assessment models. Such fisheries are often referred to as "**data-limited**" or "**data-poor**". However, a lack of data should not prevent the adoption of management measures. Indeed, in recent years, alternative approaches have been developed that require less data, rely on basic fishery statistics rather than models, and adjust exploitation rates based on the level of uncertainty. At the federal level, scientists have developed new techniques for setting **Annual Catch Limits (ACL)** for hundreds of previously unassessed stocks and found that it is possible to develop good management policies using limited data. These new approaches create opportunities to advance the MLMA's sustainability goals in California's fisheries as well.

This section provides considerations and guidance regarding traditional and more data-limited approaches to fisheries management at each stage of the fisheries management cycle. It also provides recommendations for making management decisions more consistent and structured through the use of MSE.

The fishery management cycle

The fishery management cycle is composed of the following components (Figure 4, clockwise from top left): 1) data collection on population status, **life history** parameters, and fishing trends and impacts, 2) data analysis to understand stock status, 3) a **harvest control rule**, and, 4) the implementation of those management measures as regulations. An orchestrated approach to this cycle represents an ideal scenario that may be beyond what is necessary or feasible for some California fisheries with very low economic value or participation. Nevertheless, there are strategies within each component that can advance the management of all fisheries that are important to consider. These components are summarized below and guidance and considerations are identified for each. A more detailed discussion of each stage of the cycle is provided in **Appendices F-I**.

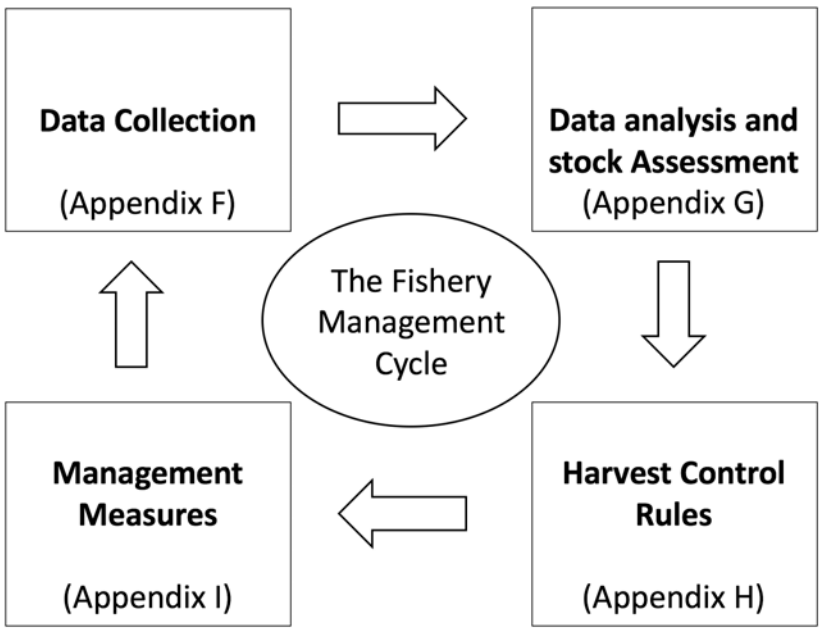


Figure 4. Components of the fishery management cycle.

Data collection

A key component of the adaptive management mandated by the MLMA is a process to use the data collected to understand how the system is responding to management. This monitoring process allows managers to learn more about the system generally, and provides inputs for the determination of stock status and the subsequent decision making process. Fisheries management decisions are ideally based on knowledge of the **biomass** of the stock, typically provided by population models that use high-quality data (e.g., fisheries, fishery-independent and biological) that are analyzed by staff with advanced quantitative modeling skills to be effective.

ESRs and FMPs should identify EFI for the fishery. EFI is defined as any information related to the biology of a fish species or fishing activities that is necessary to managing the fishery in accordance with the objectives of the MLMA (§93). It includes information on the species' life history, habitat requirements, stock status in terms of abundance and size or age

structure, fishing effort, catch levels, and fishery impacts on other marine living resources. The data used to monitor and manage fisheries come from two primary sources, fishery-dependent and fishery-independent monitoring programs.

Below are some higher-level considerations in designing and implementing data collection efforts. **Appendix F** provides details on types of EFI, data collection strategies to support decision making in both **data-rich** and data-limited fisheries, and an overview of the Department's current data collection efforts.

Key considerations in identifying data collection strategies:

- While the Department is the primary agency responsible for collecting EFI, it shall encourage the participation of fishery participants to the maximum extent practicable (§7060(a-c))
- **Fishery-dependent data**, which are collected directly from fishing activities, have lower sampling costs, but may be biased, unreliable, inadequate, or missing. These problems may be accounted for if management and market changes influencing fishing behavior are carefully documented
- **Fishery-independent data** are collected from surveys designed and conducted by Department staff, fishermen, other scientists, and trained volunteers. These data are less biased but more costly to collect
- In fisheries that lack any data other than landings or catch information, abundance, distribution, and basic biological data are often the easiest to collect, and can provide initial information regarding stock status
- Long-established MPAs may represent an opportunity for the assessment of data-poor fisheries by acting as a reference area, allowing for the comparison of fished vs. unfished conditions
- Historical information may be available from non-traditional sources such as **processors**/buyers or from stakeholders or researchers with a long history of involvement in the fishery
- The transition to electronic data collection programs presents key opportunities to streamline data collection, involve fishermen and processors, and ensure that data collected helps inform management
- The FMP development process also represents an opportunity to ensure that data are collected as part of a research protocol that is designed to support decision making

Stock assessments

"Stock assessment" is a generic term for any type of data analysis that can provide an estimate of the status of a fish stock. This can provide one or more indicators of the stock's present and projected abundance given varying conditions including environmental change and fishing pressure. Most commonly this indicator is an estimate of the size of the fish stock (abundance), but it may also be an estimate of the fishing mortality rate or stock resilience. Stock assessment tools range from very simple estimators that rely on a single data stream to complex models that require many different kinds of data and simultaneously analyze those diverse data to find the best overall fit. These complex population models are often referred to as "integrated assessments".

Stock assessments can be valuable to the fishery management process. They provide estimates of past and present stock abundance, and of difficult-to-measure processes such as spawner-recruit relationships and annual **recruitment**, which can help managers understand stock productivity and resilience. Assessments also may provide a platform for forecasting how the

stock is likely to fare under alternative management measures in the future such as changes in season length or size requirements. Finally, these types of assessment models allow scientists to calculate **reference points**, which are quantitative benchmarks that capture the management objectives for the fisheries (either desired targets, or limits to be avoided). However, assessments rely on a number of assumptions, which frequently introduce uncertainty into the process, and their results must be interpreted with an understanding of the nature and degree of that uncertainty. In the federal management process, consideration of uncertainty and evaluation of assumptions and results occurs during a rigorous, multi-day stock assessment review process before the results are used for management.

Data-limited assessment techniques

There are many reasons why traditional assessment methods may be inappropriate or infeasible for specific fisheries. Small fisheries are often data-limited, and while they may represent important fisheries for their users, their relatively low economic value may make it difficult to justify the allocation of limited resources for monitoring. Fisheries may be in developmental phases, only fished opportunistically given sporadic stock availability, or recovering from collapse or closure. Many nearshore fisheries exhibit high spatial variation within a relatively small area, and this may violate the assumption of uniformity across the stock area required by many traditional assessment methods. For all of these reasons, there has been increasing interest in developing assessment methods that use available information in a less complex modeling environment than for integrated assessments. The choice of the right assessment approach is governed by the types of data available, but there are some other factors involved in the choice, including life history characteristics and management capacity. Data-limited methods have the potential to help advance the MLMA goals in many of California's data-limited fisheries. **Appendix G** includes a list and description of data-limited assessment techniques and provides considerations associated with their use. A summary of those considerations is provided below.

Key considerations in selecting assessment strategies:

- Traditional stock assessments often rely on time series of fishery-dependent and fishery-independent data. They are a recognized tool for fisheries management, but may not be possible to conduct for fisheries with limited data, or because of the considerable expertise, time, and effort needed to conduct such assessments
- Data-limited assessments are generally easier and faster to conduct than integrated assessments, and offer potential for improving management for many California fisheries
- The appropriate assessment (and supporting data collection) strategy will depend on goals and acceptable risks. MSE (discussed below and in detail in **Appendix J**) can help identify strategies that are appropriate given the fishery's characteristics
- Catch-based methods use historical catch data to attempt to set sustainable catch limits. They are most appropriate for management systems that accurately monitor catch and can enforce fishery closures once **catch limits** are met
- Some length-based methods use length composition data to estimate key biological processes and the productivity of the stock using a single year of data
- MPA-based assessment methods compare data collected inside an MPA in which fishing for the target stock is prohibited to data collected from adjacent fishing grounds. These methods are most reliable when the target species is known to receive significant protection from fishing with the state's network of MPAs, the MPAs have been in place for 10+ years, are large relative to the home range of the fish, and are well enforced

- Empirical indicators do not use an assessment method to calculate stock status. Instead, catch or fishing effort is adjusted up or down depending on where the indicator (such as **catch per unit effort (CPUE)** falls compared to a target

Harvest control rules and reference points

A key component of many effective harvest strategies is the harvest control rule (HCR), which is simply a rule used to determine which management actions should be applied when pre-specified triggers are met. Typically, HCRs compare results from the stock assessment phase (also known as indicators) against reference points. Reference points are metrics that combine several components fishery performance into a single index. Management actions may be required depending on where the indicator falls relative to the reference point. Reference points are commonly expressed as either a biomass level, or as the fishing mortality rate that would achieve that biomass level under long-term equilibrium fishing conditions.

In the absence of an HCR, once a stock assessment is conducted decision makers and stakeholders most often negotiate on what management changes are appropriate. This negotiation process can lead to slow management response times and high levels of controversy between user groups with differing objectives. HCRs improve this process by creating predetermined decision-making frameworks that reflect management objectives as well as the best available science.

HCRs explicitly link the outcomes of monitoring and assessment with the management response. This is important because while stock assessments often return estimates of “fishing mortality” and “abundance”, these parameters cannot be directly controlled. Instead, regulations are established to modify fishing behavior in a way that is expected to result in the desired effect on fishing mortality and abundance. HCRs should be developed in the management planning stage with the involvement of appropriate stakeholders. One way to involve stakeholders in the process is to seek their input on management objectives and the performance metrics by which to evaluate possible HCRs.

HCRs should be evaluated to ensure they perform reasonably well under a range of uncertainties in stock status, environmental conditions, harvester behavior, and the ability to implement effective regulations. In systems with more uncertainty, the HCR should be more precautionary. **Appendix H** provides details on the types of harvest control rules available and considerations for how their use can advance the goals of the MLMA.

Key considerations in selecting harvest control rule strategies:

- HCRs are a procedure for linking a change in one or more fishery indicators with a corresponding change in management during the following season
- The MLMA requires criteria for determining when a fishery is overfished (§7086(a)). Reference points are quantitative benchmarks defining zones of fishery performance (e.g., healthy, precautionary, and critical/overfished zones). The reference points included in HCRs can provide a mechanism for defining these criteria. Different management actions are required based on where a fishery indicator falls relative to these reference points
- HCRs can range in complexity based on the data availability and needs of the fishery. Examples include triggering a management action when a reference point is passed, a “traffic light” system where multiple indicators are monitored simultaneously, a decision tree where reference points are sequentially assessed, or a mathematical formula linking stock status to the following year’s catch or effort level

- When insufficient information is available to set reference points, proxies for key biological reference points can be used. Often, these proxies are easier to calculate and require less data

Management measures to regulate fishing activities

Fisheries managers have a suite of possible regulatory mechanisms, known as controls or management measures, available to them, including restrictions on catch, effort, gear, season, size of fish, number of participants, and areas fished. Fishery controls are usually classified as either "output controls" or "input controls" (Morrison 2004). If the control measure implemented directly constrains the catch, it is an output control, and if constrains fishing effort (by restricting who can fish when, where, and how) it is an input control. An appropriate choice will depend on a variety of factors, including the biology of the species, how the fishery is prosecuted, socio-economic issues, community objectives, and governance capacity. Input and output controls are not mutually exclusive; some fisheries employ both. Specifics regarding available management measures and the considerations associated with their use are provided in **Appendix I**.

Key considerations in selecting management measures:

- **Input controls** are an indirect way to control the number of fish caught by limiting who, when, where, and how fish are captured. They include restrictions on gear type or amount, season, fishery participation, vessel number and size, geographic area, and time spent fishing
- **Output controls** are direct limits on the amounts and kinds of fish that can be caught. These include **total allowable catches (TACs)** and limits on size, sex, or species
- Fisheries management is usually composed of a suite of input and output controls, because each control type has different advantages and disadvantages. Each requires different kinds of monitoring and **enforcement**, and each has different socio-economic and biological implications
- Working closely with the affected stakeholder community is essential to crafting effective management measures

Management strategy evaluation

The fisheries management cycle described above functions best when each of the components is chosen with the other components in mind. Management Strategy Evaluation (MSE) is the generic term used for a class of analyses that test potential variations of these management procedures and explicitly address the tradeoffs and levels of uncertainty associated with varying approaches. In MSE, the entire fisheries management cycle is simulated over a specified time period (i.e. 50 years) to understand how each aspect of the management procedure is likely to perform in both the short and long term. The procedure uses many repeated simulations with randomly drawn variables to explore the risk of unwanted outcomes due to uncertainty stemming from natural variation, lack of knowledge, and imperfect implementation of management measures. MSE allows the identification of what is known and what is unknown, and examination of tradeoffs among alternative management strategies. Those tradeoffs can include a risk analysis based upon a comparison of the probability of achieving the desired management result among alternative management options.

While MSE is useful for creating effective management strategies based upon risk tolerance, it can be complex, and require extensive time and resources to conduct. In the past, significant quantitative expertise was required to build and run simulation models, though recent advances have made MSE faster, more affordable, and more accessible to a wider range of

fisheries, including those with limited data. However, even with these technological advances the behavior of the fishery must be modeled as accurately as possible, and that usually requires gathering information from the stakeholders, biologists, and managers who know the fishery best. This is an iterative process as well as continuous dialogue among groups to accurately and comprehensively characterize the fishery and its management goals, determine which performance metrics are most informative, interpret results, and evaluate tradeoffs. **Appendix J** provides guidance on each step of the MSE process.

Available tools

Fisheries scientists have recently recognized that MSE can be used to compare a wider range of management procedures and be applied to a number of data-limited scenarios with relatively simple data indicators and iterative harvest control rules (Carruthers 2014). From this premise, the Data-Limited Methods Toolkit (DLMtool) was developed by fishery modelers at the University of British Columbia (UBC). The DLMtool can evaluate a wide variety of potential management approaches and allows users to develop customized management procedures and included them in the MSE analysis. It also provides options for stock assessment that stakeholders and managers can evaluate and select. For certain high-value, high-volume, or high-risk fisheries, significant investment in management, such as that required to produce an integrated stock assessment, may be warranted, but many stocks can be effectively managed using less data-intensive methods or baseline monitoring. The DLMtool can provide an efficient analytical technique for designing and implementing these types of management procedures. The Department partnered with UBC and the Natural Resources Defense Council to pilot the tool on a small group of state managed fisheries (see: http://www.datalimitedtoolkit.org/wp-content/uploads/2017/07/Applying-MSE-to-CA-Fisheries-Case-Studies-Recommendations.pdf).

The DLMtool is one of many similar tools that have been developed. For example, FishPath is a decision-making software application developed by The Nature Conservancy (TNC) that provides a step-by-step guide to selecting monitoring, assessment and management methods for data-limited fisheries. In selecting among available tools, a key criterion should be that it is a peer reviewed and proven approach for the kind of fishery to which it is applied.

Application of these tools and their underlying approaches will be a major step towards extending more active and strategic management to a greater proportion of the state's fisheries and achieving the sustainability goals of the MLMA. They will be applied to priority fisheries wherever resources and capacity permit.

Chapter 6 – Ecosystem-based objectives

The MLMA seeks to preserve the health of fish stocks and the ecosystems that support them (§7050). When the law was passed, the concept of ecosystem-based fisheries management was relatively new, but has since become a common foundation of fisheries law and policy at the state, national, and international levels. This chapter focuses on three specific objectives described in the MLMA: 1) limiting bycatch to acceptable types and amounts (§7056(c)), maintaining habitat health (§7056(b)), and conserving ecosystem health and diversity (§7050(b)(1)).

Limiting bycatch to acceptable types and amounts

(NOTE: This section draws largely from the work of the Bycatch Workgroup (BWG), a group of stakeholders convened by the Commission in 2015. The BWG was created to help inform MRC and Commission review of bycatch management, specifically through the Department's effort to amend the Master Plan. The BWG has generated a report which can be viewed at http://www.fgc.ca.gov. In developing the section on bycatch below, the Department used as much of the consensus language from the report as possible.)

Definition of bycatch

During most fishing activity, fishing gear may catch some fish and other marine species in addition to what is being targeted. For example, commercial and recreational fishermen using hook and line often cannot tell which species of fish they will catch. There are many terms used to describe this: bycatch, discards, non-target, incidental catch, and so forth. Sometimes these terms are used interchangeably, but their implications differ subtly.

In California, the species or species-complex managed by an FMP has historically been considered the target of the fishery by the Department. The definition of bycatch includes target species that are discarded because they are of undesirable size, sex, or quality, or prohibited due to size, season, catch limit, or sex restrictions, as well as non-target species that are either undesirable or required by law to be discarded (§91). The MLMA mandates that unacceptable amounts or types of bycatch be addressed through conservation and management measures. What may constitute unacceptable bycatch and how it may be addressed is the focus of this section. However, it is first useful to clearly define the following categories of catch and the standards to which they should be managed.

Target species

A target species is defined as any species that is a primary target of the fishery and the principal focus of management efforts. Identification of target species is discussed in Step 2 below. These species are managed to the sustainability standard of the MLMA (see Chapter 5).

Incidental catch

Incidental catch is defined as fish caught incidentally during the pursuit of the primary target species, but legal and desirable to be sold or kept for consumption. While some may define these species as "secondary targets" or "retained bycatch", for purposes of FMP development these species should be accounted for and managed under the sustainability standard of the MLMA. Identification of incidental species is discussed in Step 2 below.

Bycatch

Bycatch, as defined by California law, means *"fish or other marine life that are taken in a fishery but are not the target of the fishery. Bycatch includes discards"* (§90.5). The MLMA

goes on to clarify that *discard* means fish that are taken in a fishery but not retained because they are of an undesirable species, size, sex, or quality, or because they are required by law not to be retained (§91). This includes:

- Discretionary discards:
  - Fish that are legal but undesirable or unmarketable fish due to species, size, quality, condition, etc.
  - Legal fish that are less desirable than other fish by species or size (high grading), particularly when total take is limited in number or weight by species, species complex, or not retained due to limited storage capacity
- Regulatory discards:
  - Fish that are required by law not to be retained

As noted in Step 3 below, discarded catch may be returned to the sea alive, or dead or dying. While all discards are defined as bycatch (§90.5), the discard of live catch may not pose a risk to a bycatch species, so it is important to assess the mortality rate to evaluate impacts.

Assessing and addressing bycatch impacts

To achieve the goal of minimizing unacceptable bycatch, the MLMA requires that the Department manage every sport and commercial marine fishery in a way that limits bycatch to acceptable types and amounts (§7056(d)).

Consistent with this objective, each FMP must include all of the following:

- Information on the amount and type of bycatch (§7085(a))
- An analysis of the amount and type of bycatch based on the following criteria (§7085(b)):
  - Legality of the bycatch under any relevant law
  - Degree of threat to the sustainability of the bycatch species
  - Impacts on fisheries that target the bycatch species
  - Ecosystem impacts
- In the case of unacceptable amounts or types of bycatch, FMPs must include conservation and management measures with the first priority to minimize bycatch and the second priority to minimize mortality of discards that cannot be avoided (§7085(c))

Section 7085 can be used as the basis for a four-step process to identify bycatch and consider its impacts, as follows:

<u>Step 1. Collection of information on the amount and type of catch</u>

In order to determine how to minimize unacceptable bycatch, first information on all the species caught in a fishery should be gathered. Some fisheries require state or federal observers or electronic monitoring to record catch data. However, most recreational fisheries and many commercial fisheries operate without state or federal observers or electronic monitoring equipment. If observer data are not available, dockside sampling, log books and landing receipts, Federal Stock Assessment and Fishery Evaluation (SAFE) reports, recreational report cards and creel surveys, directed fishing surveys, or communications with participants can be used to identify the full suite of species caught and the amounts of bycatch.

If information is unavailable or insufficient to understand what is caught in a fishery, the Department can prioritize the collection of these data and clearly state this as a research priority in ESRs and FMPs.

Step 2. Distinguishing target, incidental, and bycatch species

Once information about the type and amount of catch is identified, it is necessary to determine which species are the targets of the fishery, which are incidental catch species, and which are bycatch species. It is important to note that in some situations target or incidental catch species of the wrong size, sex or condition may be discarded and become bycatch per the MLMA's definition. Differentiating target species from incidental catch and bycatch species is not always obvious (e.g. recreational "catch and release" species). Targets can change over time and vary among participants. Nevertheless, the development of ESRs and FMPs present opportunities to engage with stakeholders and consider criteria for categorizing catch.

These criteria may include:

- The intended target(s) of participants as evidenced by landings data
- The marketability of landed commercial species or the desirability of recreational species
- Historical use patterns of the fishery

It is important to note that while the MLMA creates a distinction between target species and bycatch, regardless of the determination, impacts to any species caught must be understood and addressed appropriately. In the case of target and incidental catch species, impacts need to be managed so that "sustainability" is maintained. In the case of bycatch, impacts need to be managed so that they are "acceptable" as discussed below. While the statutory language surrounding these two standards is different, their goals are similar and as a practical matter, achieving them may often involve the same strategies and management measures.

Step 3. Determining "acceptable" types and amounts of bycatch (§7085(b))

The MLMA assesses the acceptability of the amount and type of bycatch using four criteria: (1) *legality of the take of bycatch species;* (2) *degree of threat to the sustainability of the bycatch species;* (3) *Impacts on fisheries that target the bycatch species; and (*4) *ecosystem impacts* (§7085(b)). These criteria have not been further defined in regulation, and identifying a uniform definition of "acceptable" that is appropriate across California's diverse suite of fisheries may not be possible. However, structured, MLMA-specific inquiries may provide a practical means of conducting fishery-specific analysis of impacts and identifying means for minimizing unacceptable types of bycatch.

If after considering all four criteria the Department determines the amount and type of bycatch to be unacceptable, then further management action is required. The questions provided for each of the four criteria below (§7085(b)(1)-(4)) can be used to consistently assess what is "acceptable" bycatch within a particular fishery. Responses to these questions are not proposed to be used in a formulaic or prescriptive way, but are intended to provide a structured basis for managers to consider the issue and articulate the findings.

(1) Legality of take of bycatch species

This criterion includes any species that might be illegal to take or retain under any relevant state, federal, or international law.

Inquiries:

1. Is the species covered under the Endangered Species Act, Marine Mammal Protection Act, the Migratory Bird Treaty Act, the Billfish Conservation Act, Magnuson Stevens Fishery Conservation and Management Act, the Fish and Game Code, Title 14 of the California Code of Regulations, Title 50 of the Code of Federal Regulations, or another FMP?
2. Are there prohibitions against the take of the bycatch species using a specific gear type employed in prosecuting the fishery?
3. Is the species a target species that requires discard of individuals based on size limits, seasons, or gear type restrictions?
4. Is the discard mortality rate known?
5. Are special permits required to retain or interact with the species (such as Incidental Take Permits), does the fishery currently have such permits, and do the levels of bycatch comply with them?
6. Does the species have incidental catch allowance, annual catch limits, or other restrictions on the amount, size, or sex restrictions on catch allowed, and does the catch comply with them?

Recommended actions:

1. If legality is not assessed, this should be conducted
2. If legality has been assessed and found to be illegal, it may be considered unacceptable and Department action or consultation with responsible state or federal agencies may be necessary
3. If legally-sanctioned rates of mortality exist, the Department should evaluate if the rate of injury and mortality is being exceeded, potentially through consultations with other responsible state and federal agencies
    a. If the rate is within legally sanctioned injury or mortality rates, then bycatch is likely acceptable in relation to this criterion
    b. If the rate exceeds legally sanctioned injury or mortality rates, the bycatch may be unacceptable and management action may be necessary

(2) Degree of threat to the sustainability of the bycatch species

This criterion considers the impact of the relative level within the fishery on the biological health of the bycatch species: that is, if the type or amount of bycatch compromise the ability of a population to maintain sustainable levels. If the bycatch species is the target of another, managed fishery, it may be possible to refer to a state or federal stock assessment or management plan in order to understand how the current level of additional catch is likely to impact that species. If there is little information about the status of the stock, the Department should identify a pathway and a timeline for determining the fishery's impacts. An initial step could be a PSA which may provide insight on the degree of threat to that species' sustainability. Impacts to species that are identified as relatively vulnerable through a PSA could be identified as research priorities. A level of take that compromises the sustainability of the population would be unacceptable under the standards of the MLMA.

Inquiries:

1. Has a peer-reviewed risk assessment of the vulnerability of bycatch species (e.g., the NOAA PSA method) to overfishing (risk assessment) been conducted?
2. Does a population status/stock assessment exist for this species and is there confidence in that data such that a reasonable determination can be made if the stock considered healthy, overfished, or depleted?
3. Are there any existing state/federal management measures and are they effective in ensuring sustainability?

4. Is the bycatch the product of recreational catch and release practices?
5. What is the estimated discard mortality rate given the characteristics of the fishery and gear type?
6. Do any post-release studies exist to verify the estimated mortality rate?
7. What is the probability of mortality exceeding scientifically determined levels necessary for the continued viability of the species?

Recommended actions:

1. If a risk assessment has not been conducted, the Department should identify it as a research priority in ESRs and FMPs
2. If a risk assessment has been conducted:
    a. If it is low, bycatch of the species is likely acceptable for this criterion
    b. If it is high, bycatch of the species may be unacceptable and the Department should consider additional management measures

(3) Impacts on fisheries that target the bycatch species

This criterion considers whether the current level of bycatch within the fishery negatively impacts the management of another fishery or the fishermen that the target fishery resource. This is particularly an issue for fisheries which may only land the primary target species (e.g. spot prawn). Factors to consider may include increasing competition between fleets that target certain species, by capturing species managed under federal rebuilding plans, or by increasing mortality of juveniles targeted by another fishery.

Inquiries:

1. Are the socioeconomic impacts of bycatch considered and made explicit in an ESR or FMP?
2. Does a directed fishery exist on the species?
3. If there is a directed fishery for the species, have there been:
    - Reductions in opportunities or income for participants in fisheries that target the bycatch species?
    - Reductions in fishery quotas or opportunities (time and area closures, for example) based on bycatch issues?
    - Early closures of a fishery based on higher than expected bycatch?
    - Changes in fishing, processing, disposal, and marketing costs due to bycatch?
    - Changes in the social or cultural value of fishing activities due to bycatch?
    - Negative socio-economic impact from bycatch on fisheries/fishing communities which target or need incidental catch of this species?
4. Is there a management allowance for percent of catch or a prohibition on retention?

Recommended actions:

1. If socioeconomic impacts of bycatch have not been considered, this should be done as soon as feasible and integrated into future updates of ESRs or subsequent FMPs
2. If any impacts under inquiry 2 above are identified, the Department should consult with fishery participants and others regarding these potential impacts and depending on their presence and severity, may find bycatch to be unacceptable and management measures may be necessary

(4) Ecosystem impacts

This criterion explores whether the current level of bycatch within the fishery impedes the ability of the bycatch species to fulfill its functional role within the ecosystem. This is

difficult to assess for most species, but tools such as ERA may help provide useful guidance and qualitative information, even in data-poor circumstances.

Inquiries:

1. What is the ecosystem role of the bycatch species: keystone, habitat-forming, top predator, basal prey, other?
2. Does scientific evidence show the amount of bycatch significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?

Recommended actions:

a. If this information is not available, its collection should be identified as a priority need in ESRs and FMPs. Managers should consider collaborations with external marine ecologists and other researchers to collect this information.
b. If species ecosystem function is unlikely to be impeded then bycatch is likely acceptable under this criterion
c. If species ecosystem function is likely to be impeded, then bycatch may be unacceptable per this criterion and management measures may be necessary

If the current level of bycatch is deemed to be unacceptable based on the four criteria above, conservation and management measures are required that minimize that bycatch, and in cases where discards are inevitable, minimize the mortality of those discards (§7085c).

Step 4. Addressing unacceptable bycatch (§7085(c))

Inquiries:

1. Are measures in place to minimize the impact of the fishery on bycatch species and ensure the fishery does not overfish or hinder the recovery of bycatch species?
2. Are bycatch management measures likely to decrease unintended, non-retainable and/or dead catch of non-target species?
3. Are bycatch management measures being implemented successfully?
4. Have bycatch management measures been shown to be effective at reducing bycatch and/or bycatch mortality in similar fisheries?
5. What is the economic impact of implementing management measures to reduce bycatch and bycatch mortality to those participating in the fishery in which the bycatch occurs?

There are a number of frequently used strategies for reducing bycatch and discard mortality. These measures and considerations associated with their use are detailed in **Appendix K**. They include minimum mesh size requirements, escape ports, descending devices, closed areas, depth restrictions, acoustic pingers, LED lights, and incidental take caps to name a few. Bycatch can affect the profitability of a fishery in terms of time taken away from harvesting target species, fuel used and damage to gear, and may have unintended impacts on the marine ecosystem. However, understanding and implementing the most effective means of reducing bycatch while maintaining economic viability typically requires input from all stakeholders and close collaboration with the fishing industry.

Maintaining habitat health

The MLMA emphasizes the importance of habitat protection as a means of preserving healthy and productive marine resources (§7056). While there are factors external to fishery management which may negatively impact habitat (e.g. storms, climate change, habitat loss due to development, pollution, etc.), protecting habitat from potential fishery impacts is essential to help maintain fisheries, ecosystems, and communities in California. Healthy habitats provide spaces for the various life history functions necessary to create sustainable marine populations, including spawning, growth, feeding, and reproduction. Marine habitats are often utilized in different ways by an array of different species, so impacts from fishing activities may have cascading effects on the ability of other marine species of ecological or economic significance to sustain themselves. To achieve the goal of protecting habitats the MLMA requires the Department to:

- Manage every sport and commercial marine fishery with the objective that the health of the fishery habitat is maintained, restored, and where appropriate, enhanced (§7056)
- Include in FMPs information about the habitat and known threats to the habitat (§7080)
- Include measures in FMPs that, to the extent practicable, minimize adverse effects on habitat caused by fishing (§7084)

Steps for habitat protection

The following describes steps for protecting habitat:

<u>Step 1. Describe the habitat utilized by the target species at each life stage</u>

ESRs and FMPs should summarize the readily available information regarding the habitats of the target stock (7080(c)). While ocean waters and their associated salinities, temperature, and nutrients are an important part of marine habitats, most marine habitat management focuses on **benthic** habitats, including habitat-forming plants and invertebrates. Benthic habitats are usually classified by three general types of **substrate**: hard, mixed, and soft. In addition to substrate types, habitats are frequently classified by depth, which influences the amount of light available to the species that live there. Benthic marine communities are often grouped by depth categories such as coastal, continental shelf, continental slope, and abyssal.

ESRs and FMPs should give particular focus to habitats of particular sensitivity. These include estuaries, sea grass beds, **intertidal** areas, rocky reef habitats, and kelp forests, which have been found to support a high diversity of species at critical life stages. In addition, these areas are often home to “structural” or “biogenic” organisms, which are those species that create habitats for other species. These include some plants, such as giant kelp and sea grass, as well as animals such as corals, gorgonians, and sponges.

Marine species may use multiple habitat types during different life stages or for different activities. It is important for managers to describe the habitats utilized for all activities that are crucial to survival and reproduction. If there are some life stages or activities where the habitat association is unknown, then that should be noted as an area for future study. In addition to habitat associations, ESRs and FMPs should identify where additional understanding of habitat characteristics, functions, and fluctuations would improve management. Please see **Appendix L** for more information on habitat types and their characteristics and sensitivities.

Inquiries and recommended actions:

1. What are the habitat needs of the target stock? How do these needs change throughout its life cycle?
    a. For each life stage and major activity, identify the habitats utilized
    b. If multiple habitats are used, it may be useful to rank the habitats in order of importance to the target stock
2. What is the spatial distribution of the habitats utilized by the target stock?
    a. If possible, use existing habitat maps and what is known about the distribution of the stock to determine the spatial distribution of the habitats utilized
3. Are there particular life stages or activities where the habitat needs of the target stock are unknown or are only partially known?
    a. For life stages and/or major activities where the habitats utilized are unknown, note this as an area of uncertainty and a need for future research

<u>Step 2. Describe the threats to the habitats utilized</u>

After describing the habitats utilized by the target species, the threats (from both fishing and non-fishing activities) to these habitats should be described using available information. For the vast majority of fish habitats, empirical measurements of habitat health over time are unavailable. However, some fishing gears are known to have greater impact than others, and some habitats are more vulnerable to disturbance. Most habitat damage from fishing gears occurs when the fishing gear comes in contact with the seafloor and with biogenic habitats in particular. For this reason, habitat threats from fishing gear are often assessed by considering the gear type, the habitat type, and the interaction between the two. **Appendix L** contains additional details regarding these interactions. It's important to note that abandoned or lost fishing gear can also have negative impacts on habitats. These potential impacts should also be considered and addressed in ESRs and FMPs.

Threats based on non-fishing activities may include climate change, storms, pollution, coastal development, etc. While these threats are for the most part beyond the Department and Commission's authority to regulate, they are required to be characterized (§7080). Other state and federal agencies that do have authority over some of these impacts may be required by statute, regulation or policy to consult with the Department. Having as complete an understanding as possible of habitat threats will help the Department effectively engage in these consultations and minimize impacts where possible.

Inquiries and recommended actions:

1. What gear types does the fishery utilize? What is the spatial extent and intensity of the use of each gear?
    a. Map the approximate spatial extent of the fishery in terms of location, depth, and preferred fishing habitats
    b. Map the approximate intensity of fishing gear applied in terms of gear per unit area
2. Which habitats utilized by the target stock are most vulnerable to that fishing gear?
    a. Characterize the threat each gear type poses. If no local information on habitat impact is available, a resource such as the table in **Appendix L** may be used to understand the likely impacts of the major gear types
    b. Rank the habitats utilized by the target stock in terms of their vulnerability to the gear

3. What is the spatial overlap between the footprint of the fishing gear and these vulnerable habitats?
    a. Areas with overlap between high impact gear (or high intensity of moderate impact gear) and vulnerable habitats may need habitat mitigation activities
4. What other (non-fishery) habitat threats exist?
    a. Consider anthropogenic threats that may exist

Step 3. Minimize or mitigate adverse effects fishing activity may have on habitat

There are a number of strategies available to managers to protect habitats, and many of these have already been employed to protect California's most vulnerable marine habitats. The most common strategies include MPAs, restrictions on the type of gear employed, or how and where that gear type can be used. In some fisheries, fishermen have also developed gear modifications can also help lessen the impact of bottom gear on habitat.

Whether developing ESRs or FMPs, the habitat needs of the target stock should be described to the extent possible, as well as the threats to that habitat, using the full suite of inquiries outlined above.

Guidance for addressing habitat

- Identify and describe the habitat needs of the target species at all life stages
- Identify which of the habitats utilized are most vulnerable to threats from fishing gears and non-fishing activities
- Note areas where there is no or limited information available
- Identify the fishing gears used, the spatial extent and intensity of these fishing gears, and how gear usage overlaps with vulnerable habitats
- Work with stakeholders to determine what mitigation or protection measures may be necessary to lessen impacts in sensitive habitat areas from fishing activities
- Monitor and evaluate the effectiveness of habitat protection measures

Conserving ecosystem health and diversity

The MLMA highlights the connection between healthy fisheries and healthy ecosystems and underscores the importance of considering the impact of a fishery relative to the ecosystem. Preserving ecosystem function involves considering impacts to the ecosystem beyond fisheries such as climate and environmental change. This reflects a broader recognition worldwide of the need for holistic approaches to fisheries management. However, ecosystems are complex and in constant flux, and there is much that we don't know about how they function. Making management decisions in this context can be challenging even in data-rich environments.

It is important to note that fluctuations in environmental or ecological conditions can have significant impacts on the abundance of target species. The development of 'ecosystem indicators' can be a valuable tool to help management track and respond to changing conditions. The discussion of HCRs in Chapter 5 and **Appendix H** addresses the development and use of ecosystem indicators. However, this section is focused on impacts of fishing on the ecosystem and provides guidance on ecosystem information to integrate into ESRs and FMPs and how ecosystem based management approaches can be applied utilizing the information and available tools.

An ecosystem based approach to managing fisheries

Ecosystem based fisheries management (EBFM) requires that ecosystem impacts be considered broadly and consistently in managing fisheries. It is a departure from traditional single species management, in which management decisions consider each species in isolation and do not account for ecosystem dynamics, such as interactions with other species, the effects of environmental changes, or pollution and other stresses on habitat and water quality. While there is widespread recognition of the importance of taking a holistic approach to fisheries management, implementing such an approach has proven difficult. As with other aspects of fisheries management, lack of data and information can limit understanding of biological and human dynamics but need not prevent taking action based on general principles and thoughtful use of available data and knowledge. It is possible to apply the principles of EBFM when making management decisions even in the absence of the data underpinning complex models of entire ecosystems.

Identify species that play key roles in the ecosystem

One of the goals of the MLMA is to preserve the ecosystem functions that are essential for sustaining commercial and recreational fishery species over the short- and long-term (§7050). While the literature on ecosystem function continues to evolve, one practical approach to preserving these functions has been to identify the species that play key roles within the ecosystem and trophic levels, and to ensure that these species are managed in a way that is sustainable. Conserving the species that play these key roles provides a way to protect the ecosystem functions and services these species play, both directly and indirectly.

The following types of key species and their ecosystem roles have been identified:

- Keystone species are those that have been shown or are expected to have community-level effects disproportionate to their biomass
- Foundation, structural, or biogenic species are habitat-forming species, e.g., oyster beds, sponges, corals
- Basal prey species (small pelagic forage species such as krill, pink shrimp, herring, squid, anchovies and sardines). The high natural variability in the dynamics of these species can have large impacts on both their predators and their prey
- Top (or apex) predators (predators for which the removal of a small number of the species could have large or disparate ecosystem effects)

Changes to the structure of these species' populations, which may include changes to the abundance, size structure, genetic structure, or distribution, should be carefully monitored, and management measures should strive to maintain appropriate population structures for species in these roles to the extent possible. For example, the Commission has adopted a policy specifically for the management of **forage fish**, which play a major role in the California Current Ecosystem (Commission 2012). Forage fish are small pelagic organisms, such as Northern anchovy, Pacific sardine, market squid, and Pacific herring that provide an important food source for larger marine organisms. They fill the critical ecosystem role of transferring energy from planktonic plant and animal life to larger fishes, marine mammals and seabirds. Environmental conditions and climate regimes can have major effects on forage fish distribution and abundance.

Consider management strategies with multiple control measures

Recent studies have found that an integrated management strategy, which is defined as one that involves a combination of management measures (such as size limits, **gear restrictions**,

spatial restrictions, effort restrictions, and quotas) to control fishing, is more likely to achieve EBFM objectives than those strategies that rely on a single restriction (Fulton et al. 2014). This is because while a single management measure may maximize catch in a single species management context, different management controls may provide protection to different aspects of ecosystem function. For example, size limits or restrictions on mesh sizes might help preserve more natural size and age structures in a population, so that the target species can continue to fulfill its ecological role (i.e., as predator or prey for other species in the ecosystem). Gear and spatial restrictions may reduce habitat and bycatch impacts. Seasonal restrictions may not only allow the target species to spawn, but may also reduce bycatch of the species that feed on spawn during that time period. In this way, strategically employing a wider range of management measures may have benefits to the ecosystem as a whole.

Conduct ecological risk assessments to understand which ecological links are most critical

The inherent variability, complexity and uncertainty in ecological systems makes a complete understanding of ecosystem dynamics impossible. Nevertheless, the MLMA requires that management be based on the best available scientific information (§7050(b)(6)). Some experts have suggested that even a qualitative understanding of these relationships, such as an understanding of "who eats whom", can be used to make decisions that account for ecosystem interactions (Patrick and Link 2015). In addition, there are analytical tools available, such as the ERA (described in Chapter 2), that can help identify which processes are most likely to impact ecological function, even when only qualitative or semi-quantitative information is available. While understanding the main drivers of a system are important, knowing where the major uncertainties are allows applying precautionary approaches only where needed, as well as to identify areas for future research.

Inquiries and recommended actions:

1. Has the ecological role of the target species been identified? Does the target species play a key ecosystem role as defined above?
    a. Describe what is known about the trophic level, predators and prey of the target stock throughout its life cycle
    b. If the target species plays one or more key roles, management should consider this
    c. If the ecological role of the target species has not been identified, consider prioritizing this as a research need in ESRs and FMPs
2. Is the target species a basal prey species?
    a. If so, additional consideration may be necessary to comply with the Commission's Policy on Forage Species (Commission 2012).
3. Has an ERA been conducted for the target species?
    a. If so, identify any major ecological threats, and consider applying management measures to mitigate those threats
    b. If not, consider conducting an ERA for the fishery
4. Have the major areas of uncertainty in ecosystem dynamics been identified?
    a. If not, seek to identify the areas of uncertainty
    b. Consider additional precaution to reflect the level of uncertainty
5. Are multiple control measures in place that may help to achieve EBFM objectives?
    a. If not, consider what, if any, additional measures may be needed to create an integrated management strategy as defined above
6. Has there been an assessment of how the target stock is likely to be impacted by changing environmental or ecological conditions?

a. If not, consider the collection of EFI that can inform the development of environmental or ecological indicators
b. As indicators are developed, integrated into MSE analyses and HCRs as appropriate

Chapter 7 – Socio-economic objectives

While sustainability is the primary goal of the MLMA (§7056), the MLMA requires that the fishery management system consider the long-term interests of people dependent on fishing for food, livelihood, or recreation. It also requires that adverse impacts of fishery management on small-scale fisheries, coastal communities, and local economies be minimized. It also highlights a number of fishery management issues such as excess effort and conflict related to allocation and access, which pertain directly to human behavior and social context. Therefore, both the risk to the sustainability of the target stock and its ecosystem, and the impacts of management measures on the people, communities and economies that depend on those stocks must be considered in developing, evaluating and adapting management.

The MLMA directs the Department to:

- Manage California's marine sport and commercial fisheries in a way that ensures the long-term economic, recreational, ecological, cultural, and social benefits of those fisheries (§7055(a))
- Work to ensure a sufficient resource to support reasonable recreational use (§7055(c))
- Encourage the growth of commercial fisheries (§7055(d))
- Allocate management benefits and restrictions fairly among recreational and commercial sectors (§7072(c))
- When developing FMPs, describe economic and social factors related to the fishery (§7080(e))
- Minimize the adverse impacts of fishery management on small-scale fisheries, coastal communities, and local economies (§7056(j))
- Observe the long-term interests of people dependent on fishing for food, livelihood, or recreation (§7056(i))
- When developing FMPs, summarize anticipated effects of new management measures on fishery participants and on coastal communities and businesses that rely on the fishery (§7083(b))

The Master Plan separates the MLMA objectives into those that focus on the biological/ecological system and those that focus on the human system. This is due in large part to differences in information needs, data types, sources and analyses and practicalities related to how they can be effectively considered and addressed. However, these sets of objectives are in fact linked. For example, management issues such as bycatch and depressed fisheries affect the well-being of people dependent on fishing and have adverse impacts on communities and economies. Solutions to ecological issues can hinge on understanding the source of the problem and identifying practical, feasible options for addressing them. As one of the information gathering projects associated with the Master Plan's amendment, California Sea Grant developed an overview of socioeconomic considerations under the MLMA. This chapter draws from that review.

Types and uses of socioeconomic information

In fisheries, human systems consist of diverse components, relationships, and dynamics. They include the people, practices, institutions, and facilities involved, and their environmental, regulatory, economic, and social context. It is important to have a clear understanding of current socioeconomic conditions and the likely impacts of regulatory changes. This includes the direct impacts to resource users as well as indirect impacts, such as local employment or community

identity and cohesion. It also includes understanding how fishery participants are likely to adapt their operations and relationships to adjust to change. The following are basic types of socioeconomic EFI relevant to understanding the human dimensions of the fisheries. Additional details regarding each are provided in **Appendix F.**

- *Demographics* - data relating to a population and particular groups that comprise it
- *Practices* - where, when, and how fishermen participate in fisheries and fishery-related activities
- *Motivations*- why people do the things they do
- *Institutions* - the norms, rules, and strategies that govern peoples' behavior
- *Relationships* - the social and economic connections among people
- *Capital* - the natural, human, physical, and financial resources needed and used by participants
- *Employment* - jobs in fishing, seafood production, and supporting infrastructure
- *Expenditures* – amounts paid by participants for goods and services to participate in the fishery
- *Revenue* - payments received for fish landed, handled, processed, and sold

Integrating socioeconomic information

The various types of socioeconomic EFI described above should be considered together where possible to provide a more complete and meaningful understanding of the human dimensions of fisheries. For example, combining data on demographics, practices, and use patterns can be used to evaluate the impacts of changes in management on fishery participants and how these impacts are distributed among various groups.

Socioeconomic information must also be considered along with environmental factors. Environmental factors such as changing ocean conditions, resource abundance and distribution can affect access to fishery resources. They also affect the distribution of fishery activity along with the associated social and economic impacts to fishery participants and communities (see Chapter 11). Information about environmental factors and how fishery participants are affected by and respond to them is useful for interpreting fishery trends, designing management, and distinguishing natural and anthropogenic source of change.

Collecting socioeconomic information

Much of the human dimensions information described in **Appendix F** has not been collected, synthesized and/or analyzed for many of California's fisheries and communities. In some cases, this information is collected by the Department via ongoing programs or one-time, targeted efforts. It is also collected by other state and federal agencies, and non-agency researchers, and can be accessed and analyzed to meet management needs. In other cases, the information may not be readily available, requiring new data collection and analyses. Given the breadth and scope of potential data collection efforts, it is important to identify the information that is most essential to informing management decisions and develop strategies and partnerships for collecting it. What is realistic in terms of data collection will depend on available resources and capacity.

Using socioeconomic information

ESRs should summarize available socioeconomic information, if and why additional information is required, and the efforts underway and/or needed to collect it. Rulemakings and

FMPs should expand on this by using available information to describe the anticipated impacts of management on participants (§7083(b)). The information described above will help answer case-specific questions (provided in **Appendix M**) regarding those impacts and other considerations related to the management of a particular fishery. The information needed to fully address these questions may not always be available. However, whether preparing ESRs, FMPs, or rulemaking packages, these questions provide a means of systematically considering impacts across a range of potential management actions and of identifying important data gaps.

Chapter 8 – Partnerships

The MLMA emphasizes the importance of collaboration as a means of achieving its objectives and the importance of capitalizing on the expertise and resources that exist outside of the Department (§7056(k)). Collaboration simply means working with interested parties on some aspect of the management process. However, it can vary significantly in terms of the degree of responsibility-sharing, structure, and duration. On one end of the spectrum is stakeholder engagement where the Department solicits targeted input on specific management actions. This is described in detail in Chapter 4. On the other end are partnerships that are more formal, structured, and often intended to be longer-lasting. This chapter focuses on partnerships, their benefits, and the preconditions necessary for them to achieve their purposes. It draws from an overview of partnerships in California fisheries developed by the Nature Conservancy as part of the information gathering stage for the Master Plan amendment (Wilson et al. 2016). Please see **Appendix N** for additional details.

In order to meet the MLMA's objectives regarding collaboration, the MLMA encourages the Department to:

- Involve all interested parties in marine living resource management decisions (§7050(b)(7))
- Manage fisheries in a way that is collaborative and cooperative (§7056(k))
- Find creative new ways to involve outside experts with the necessary expertise at colleges, universities, private institutions, and other agencies (§7059(a)(2))
- Use the collaborative process to develop FMPs, research plans, status reports, and other management documents (§7059(a)(3))
- Periodically review marine life and fishery management operations with a view to improving communication, collaboration, and dispute resolution, seeking advice from interested parties as part of the review (§7059(b)(1))
- Develop a process for the involvement of interested parties appropriate to each element in the fishery management process (§7059(b)(2))
- Consider the appropriateness of various forms of fisheries **co-management** when developing and implementing FMPs (§7059(b)(3))
- Consider the gear used, the involvement of different commercial, recreational or processing sectors, and where the fishery is conducted to ensure adequate involvement of fishery participants (§7059(b)(4))
- Use collaborative approaches to collecting EFI (§7060(a))
- Encourage the participation, collaboration, and cooperation of fishermen in research design and data collection (§7060(c))
- Consider contracting with qualified individuals or organizations to assist in the preparation of FMPs (§7075(b))
- Seek advice and assistance from participants in the affected fishery, marine scientists, and other interested parties when developing FMPs (§7076(a))

Benefits

California is home to engaged fishermen, active NGOs, a wide range of academic and research institutions, Tribes, and public and private funding institutions that are interested in helping the Department and Commission advance the goals of the MLMA. Well-structured partnerships can help support short and long-term fishery management goals and enhance and increase the state's capacity to effectively manage all fisheries under the MLMA. In the face of increasingly variable ocean conditions, collaborations may provide an effective mechanism to

promote ecological, social and economic resilience, and use varied skill sets as well as have direct benefits to fisheries managers. The following are examples of potential benefits resulting from fisheries partnerships (Wilson et al. 2016):

Ecological benefits

- Fisheries maintain sustainable stock levels with long-term stability in abundance and stock health
- Improve the conservation of sensitive habitats, nursery grounds and spawning grounds.

Economic benefits

- Potential decrease in cost of management for Department
- Potential increase or maintained revenue streams through stabilized landings, and reduced risk of fishery collapse by improving assessments and harvest levels that reflect actual stock sizes.

Political benefits

- A more democratic and participatory system where the interests of government, fishermen, and community members become better aligned
- Reduced conflict in decision making.

Benefits to the Department

- Increased support for cost and task sharing opportunities creating the potential for more efficient and productive management over time
- Support and buy in for fisheries management regulations and policies leading to enhanced compliance and better working relationships with industry and NGOs

Partnership continuum

Fisheries management consists of a wide variety of tasks, each of which present specific opportunities for collaboration and partner prerequisites. Figure 5 shows categories of common management tasks (green boxes) ordered by the degree of capacity (blue arrow) that is needed by partners to effectively engage in a partnership. For these purposes partner "capacity" is proposed to consist of three characteristics, 1) how representative the group is of the broader community, 2) the resources the group has available to allocate to the collaboration, and 3) how long-standing and durable the partner is.

Figure 5. Partnership continuum

Partnerships involving sharing responsibility for more inherently agency-led functions will also require a greater degree of organizational capacity on the part of partner organizations. While situations will vary, it is important to closely match the task with the stakeholder capacity to help ensure a successful partnership. Please see **Appendix N** for additional details.

Inquiries to assess prospective partnerships

If a partnership is well-designed, it can help advance the objectives of the MLMA. If not, it can distract from other high priority activities and frustrate partners. To assess a prospective partnership, the Department should consider the following inquiries below. These are not intended to be applied in a prescriptive or formulaic way, rather they are provided to help managers carefully consider prospective partnerships to help ensure they advance the goals of the MLMA:

Regarding the partnership

- Will the partnership advance an identified research or management goal?
- Is there trust among partners or the ability to build trust through the partnership?
- Is there an identified source of funding or capacity to support the partnership?
- Will the partnership involve the exchange knowledge and information necessary to accomplish the goals of the project?
- Will the partnership unduly burden Department staff in partnership management responsibilities?

Regarding the partner

- What is the partner's motivation to engage?
- Does the partner organization have effective leadership?
- What is the partner's long-term relationship with the resource or stakeholders who target the resource?
- Does the partner organization with the necessary capacity to effectively collaborate on the proposed task?
- What unique knowledge or skills regarding the resources does the partner have?
- What is the partner's historical or cultural connection to the resource?
- What is the partner's economic or social reliance on the resource?
- How compatibility are the partner's interests and uses with those of other stakeholders?

Engaging in constructive partnerships

Once the decision to engage in a partnership has been made, there are number of best practices that can help ensure the partnership is productive. These are informed by the Department's own considerable experience with partnerships. Examples include the Department's engagement with the Pacific Herring FMP development steering committee and the efforts to address management needs of the Dungeness crab fishery by the Dungeness Crab Task Force.

Guidance:

- Develop clear goals, roles, and objectives at the outset of the partnership
- Ensure regular and effective communication among parties
- Ensure transparency by informing stakeholders outside the partnership of its goals
- Provide stability and direction to partnerships involving multiple groups with diverse perspectives
- Plan ahead for anticipated funding and resource requirements
- Long-term planning based around the partnership should take into account any uncertainties regarding the partner's longevity of continued funding
- Periodically evaluate if the partnership is meeting its goals
- Periodically assess how the partnership affects staff workload and the ability to meet other obligations

The development of the Master Plan itself is also an example of a suite of partnerships that have helped to develop tools and considerations. Similarly, full implementation of the Master Plan will require additional capacity and well-designed partnerships to effectively carry out its strategies and achieve its goals.

Chapter 9 –Adaptive management

The MLMA requires that fishery management be adaptive. Successful adaptive management detects and responds to changing environmental or socio-economic conditions within an appropriate time scale. The requirement applies across the various issues addressed by the Master Plan, such as determining the appropriate level for management in the continuum, the use of management strategy evaluation, managing bycatch, or adapting to climate change. However, this chapter seeks to provide a focused discussion of the mechanics of adaptive management, specifically how it should be integrated into ESRs, rulemakings and FMPs and how it relates to emerging fisheries.

The MLMA defines adaptive management as a policy that seeks to improve management by viewing management actions as tools for learning, even if they fail (§90.1). The MLMA stipulates that management systems should:

- Ensure that decisions are adaptive and are based on the best available scientific information (§7056(g))
- Ensure that management is proactive and responds quickly to changing environmental conditions and market or other socioeconomic factors and to the concerns of fishery participants (§7056(l))
- Periodically review the management system for effectiveness in achieving sustainability goals and for fairness and reasonableness in its interaction with affected stakeholders (§7056(m))

Adaptive management is a continuous cycle (Figure 6) which applies to any aspect of management, whether the objective is meeting socioeconomic objectives, managing bycatch, or having effective engagement. Most often, however, the process is applied to maintaining the sustainability of the target stock.

Figure 6. A generalized view of the adaptive management cycle. Gray circles represent the systematic identification of the problem, objectives, and the associated decision-making, while white circles represent the learning associated with implementation.

Adaptive management requires effective stakeholder engagement as outlined in Chapter 4 and well-structured and supportive framework described in an ESR or FMP. The following section focuses on the supportive structures and mechanisms that can be included in management documents.

Adaptive management approaches and structures

FMPs require the identification of goals for the fishery, the strategies for achieving those goals, the metrics by which management success will be measured, and the process for assessing and adjusting strategies over time. Since FMPs afford greater opportunities for stakeholder engagement, they are more conducive to the creation of comprehensive, adaptive management strategies. ESRs can be used to clearly articulate the adaptive nature of current management and research efforts.

Chapter 5 and the appendices related to the fishery management cycle describe in detail how the use of reference points, harvest control rules, targeted data collection, and management strategy evaluation are structured around adaptively responding to new information. More generally however, when incorporating adaptive management FMPs should identify:

- What will be monitored and how. A research protocol in the FMP should explain what data will be collected, how observations will be analyzed, and how results of the analysis will be used in management decision-making related to implementation of the selected management strategy
- The process for strategic review to update understanding of the managed system and revisit selection of the management strategy. This review includes updating models, assumptions, and uncertainties about dynamics of the managed system and comparing the performance of alternative management strategies in light of this updated understanding
- Uncertainty regarding the current state of knowledge and consider the implications of that uncertainty in the design and evaluation of management strategies
- The alternative management strategies that were considered prior to selecting the preferred approach for implementation. MSE can be a valuable tool for accomplishing this
- Timelines and triggers for re-considering management choices. Clarifying the timelines and triggers improves predictability
- The necessary institutional capacity for monitoring and analysis

Current FMP strategies

The White Seabass and Spiny Lobster FMPs include specific examples of adaptive management that should be emulated where appropriate. Management of the white seabass fishery is carried out by the Department with the advice of the White Seabass Scientific and Constituent Advisory Panel (WSSCAP), consisting of representatives from the scientific community, recreational and commercial fishers, and environmental groups. The FMP requires the Department and the WSSCAP to evaluate the status of the White Seabass fishery against six “Points of Concern” annually, using fishery-dependent data, and fishery-independent data on recruitment if available. The Spiny Lobster FMP provides a more recent example through its use of a ‘harvest control rule toolbox’ which describes a variety of indicators, considerations in interpreting them, and a range of potential management responses. While it does not include a standing stakeholder body like the WSSCAP, its use of triggers, the tool-box approach, and targeted research and data collection provide a framework for effective adaptive management as well.

Experimental gear and emerging fisheries

Adaptive management can apply to the management of existing fisheries as described above. However, adaptive management also requires the availability of a policy pathway to address new fisheries and gear that emerge. To that end, the MLMA gives the Commission the regulatory authority to identify and govern these new fisheries. This section provides an overview of, and considerations associated with, the existing pathway for experimental gear and emerging fisheries.

Experimental gear

Any fish species may be landed commercially unless fishing regulations are currently in place to restrict catches of that species (§8140). However, an **experimental gear permit** is needed for new types of commercial fishing gear and new methods of using existing gear that are otherwise prohibited. This is the case for new or existing fisheries in which experimental gear is used. Section 8606(b) states:

> *A permit may authorize the use of new types of commercial fishing gear and new methods of using existing gear otherwise prohibited by this code and may authorize that use or the use of existing gear in areas otherwise closed to that use by this code.*

Since Commission action is required before experimental gear can be used, the issuance of these permits presents a good opportunity to strategically take the steps contained in Figure 6. The Commission can be pro-active and precautionary by requiring certain measures for the use of that new gear type, including data collection and minimizing damage to the environment and other marine resources. The Commission may also revoke a permit if it finds that the fishery or gear is causing damage or creating conflict among user groups. If the experimental gear is ultimately approved for broader use, the fishery that results may then be managed pursuant to elements of the emerging fisheries policies referenced below.

New fisheries using existing gear

New fisheries may develop using gear approved through the process above, or using already approved gear. The emerging fisheries provisions in the MLMA are aimed at fostering a proactive approach to management. The goal is to prevent such fisheries from growing faster than the understanding necessary to sustainably manage them. More specifically, the MLMA requires the Department and the Commission to “encourage, manage, and regulate” fisheries that are perceived to be increasing. It also states that the Department shall closely monitor landings and other factors it deems relevant in each **emerging fishery** and shall notify the commission of the existence of an emerging fishery (§7090(c)).

Section 7090 of the MLMA defines an emerging fishery as:

1. A fishery that the director has determined is an emerging fishery, based on criteria that are approved by the commission and are related to a trend of increased landings or participants in the fishery and the degree of existing regulation of the fishery
2. A fishery that is not an established fishery. "Established fishery," means, prior to January 1, 1999, one or more of the following:
    a. A restricted access fishery has been established in this code or in regulations adopted by the commission
    b. A fishery, for which a federal FMP exists, and in which the catch is limited within a designated time period

c. A fishery for which a population estimate and catch quota is established annually.
d. A fishery for which regulations for the fishery are considered at least biennially by the commission
e. A fishery for which the Fish and Game Code or Title 14 regulations adopted by the Commission prescribes at least two management measures developed for the purpose of sustaining the fishery. Management measures include minimum or maximum size limits, seasons, time, gear, area restriction, and prohibition on sale or possession of fish

The Commission adopted an additional set of criteria to determine whether a fishery qualifies as "emerging". (See http://www.fgc.ca.gov/policy/p2fish.aspx#emerging). If the Commission designates a fishery as "emerging", it has two possible courses of action. The first is to adopt regulations to limit catch or effort. If adopted, these regulations can stay in effect until a FMP is adopted. The second is to direct the Department to develop a new FMP. The Department may make a recommendation to the Commission regarding the best course of action in consideration of the existing set of priority fisheries. Emerging fisheries are by nature data-poor and tools such as Productivity-Susceptibility Analysis may be needed to inform management measures and strategies.

Guidance

- Application of the fishery management cycle described in Chapter 5 and **Appendices F-J** will advance adaptive management goals of the MLMA
- In particular, the Department should make strategic use of reference points and harvest control rules wherever appropriate and resource permit
- ESRs should describe if and how current management is adaptive (see Chapter 3) and responsive to changing ecological, environmental, or socioeconomic conditions. This includes identification of any indicators considered in management, the data collection efforts that inform decision making, and any harvest control rules or processes in place to systematically consider new information
- In developing FMPs, the Department should include adaptive management mechanisms such as those employed in the White Seabass and Spiny Lobster FMPs
- As described later in Chapter 11, climate change may be a catalyst for emerging fisheries going forward. However, prioritizing management effort is central to effective implementation of the MLMA. Therefore, when the Commission considers new fisheries or new uses of gear it should considered them in light of the criteria for evaluating new proposed priorities described in Chapter 2

Chapter 10 – Best available information and peer review

Ensuring the use of the best available information in management of fisheries is a central tenet of the MLMA. One step in achieving this is external peer review of certain scientific information used in management. The discussion below describes the requirements of the MLMA regarding best available scientific information and external peer review. As part of the information gathering effort associated with the 2018 Master Plan, the California Ocean Science Trust developed a report on best practices regarding peer review under the MLMA. Please see: http://www.oceansciencetrust.org/projects/peer-review-and-california-fisheries-management/. This chapter as well as the additional details provided in **Appendix O** draw from that report.

Section 7050(b)(6) of the MLMA sates that management should be based on "the best available scientific information and other relevant information." This includes the following:

- Determinations whether a fishery is "depressed" (§90.7)
- Determinations whether "overfishing" is occurring (§98)
- Management of marine living resources (§7050(b)6), including fishery management decisions (§7056(g)) and FMPs (§7072(b))
- Dissemination of information on the condition and management of marine resources and fisheries (§7050(b)(8))
- The effects of management measures on fish populations, habitats, fishermen, and coastal communities (§7083(b))
- Identification of measures that might minimize damage to habitat from fishing (§7084(a))
- level of bycatch and its effects on other fisheries, conservation of bycatch species, and the ecosystem (§7085)
- identification of criteria for determining when a fishery is overfished (§7086(a))

The Department should apply the criteria developed by the National Research Council in determining the best available scientific information (National Research Council 2004):

- *Relevance.* Scientific information should be representative of the fish stock, habitat, and socio-economic context of the fishery being managed, although the data need not be site specific or species specific. In some cases, analogous information from a different region or the biological characteristics of a related species or species with similar life-history strategies will be informative and relevant, and may constitute the best information available.

- *Inclusiveness.* Scientific advice should be sought widely and should involve scientists from all relevant disciplines. The goal should be to capture the full range of scientific thought and scientific opinion on the topic at hand. Critiques and alternative points of view should be acknowledged and addressed openly. Anecdotal (experiential, narrative, or local) information should be acknowledged and evaluated during the process of assembling scientific information. When no other information is available, anecdotal information may constitute the best information available. In addition, anecdotal information may be used to help validate other sources of information and identify topics for research.

- *Objectivity.* Data collection and analysis should be unbiased and obtained from credible sources. Scientific processes should be free of undue nonscientific influences and considerations.

- *Openness.* The public should have information about each phase of the process from data collection to data analysis to decision making. Decision makers should provide a clear rationale for the choice of the information that they use or exclude when making management decisions. The processes of collecting data and selecting research for use in support of management decision-making should be open, broad-based, and carefully documented. All scientific findings and the analysis underlying management decisions should be readily accessible to the public. The limitations of research used in support of decision-making should be identified and explained fully. Stock assessments and economic and social impact assessments should clearly describe the strengths and weaknesses of the data used in analyses.

- *Timeliness.* There are two primary aspects to timeliness. First, timeliness refers to the acquisition of data in such a manner that sufficient time exists to analyze it adequately before it is used to make management decisions. Second, timeliness refers to whether the data are applicable to the current situation. Uncertainties that arise from an incomplete study should be acknowledged, but interim results may be better than no new results at all. Management decisions should not be delayed indefinitely on the promise of future data collection or analysis.

Peer review

In Section 7062, the MLMA requires that the Department "establish a program for external peer review of the scientific basis of marine living resources management documents." Peer review is the most accepted and reliable process for assessing the quality of scientific information. Its use as a quality control measure enhances the confidence of the community (including scientists, managers, and stakeholders) in the findings presented in scientific reports and, consequently, in decisions based on that scientific information.

The MLMA identifies some but not all types of documents that can be submitted to external peer review; these documents are "marine resource and fishery research plans" (§7062(a)), Interim Fishery Research Protocols (§7074(c) if justified), and FMPs or plan amendments (§7075(a)). The MLMA does not address data sets, analyses, and other documents developed by the Department or other entities, which may be cited within a management document (e.g., ESRs). However, scientific information developed by the Department is subject to the Department's Policy for Quality in Science and Key Elements of Scientific Work, which allows internal review of documents unless the document will have "a substantial management impact or large expenditure of funds" (CDFW 2008).

The MLMA does not provide guidance on other specific documents that should be submitted to peer review. In general, the Department and Commission should consider submitting to peer review all scientific analyses central to the development of FMPs and management measures as well as the scientific portions of FMPs themselves. The process for this review is described below.

Exemption of documents from external peer review

The MLMA authorizes the Commission, with the advice of the Department, to adopt criteria for exempting certain documents from external peer review (§7074(d) and 7075(c)). In

making this determination, the Commission should be guided by the criteria below used by the NRC:

- The product does not contain scientific or technical information upon which decisions are based
- The work product has already been subject to a prior adequate peer review within a reasonable time period
- A peer review process would significantly interfere with the need for promptness in decision-making or secrecy of information
- The information is routine data, generated using properly applied, scientifically accepted methods
- Information involving a health or safety issue where dissemination is time-sensitive
- The information consists of accounting, budget, actuarial and financial information

Scope of external peer review

At a general level, the MLMA characterizes the scope of external peer review as "the scientific basis of marine living resources management documents" (§7062(a)). At §7062(c), the MLMA calls for the external review panel to determine whether "a scientific portion of the document is based on sound scientific knowledge, methods, and practices." Given the breadth of issues in FMPs and related documents, properly establishing the scope of an external peer review so that it focuses upon the scientific elements of the documents is crucial to implementing these provisions of the MLMA. Due to the significant workload associated with conducting an independent peer review, including the logistics and coordination among reviewers, it is expected that it will not be possible to accomplish most reviews with volunteers and therefore contractors will likely be engaged. This will require dedicated funding and capacity to manage.

Regardless of whether contractors or volunteers are employed, to conduct an external peer review, the Department and coordinating entity managing the external peer review process should develop a detailed scope for scientific review of the target documents before selection of the panel of reviewers. The Department should notify the public of the scope upon its formulation. In many cases, it will be useful to delineate between the scientific basis of the management document undergoing review and the management recommendations contained therein, which typically would not be subject to peer review. Table 4 provides guidance on types of reviews, example applications and the benefits and limitations to the use of that review type.

Levels of peer review

Depending upon the document, the intensity of peer review may vary. For example, routine updates based upon previously reviewed methods may be reviewed internally while novel or complex methods, data, and analysis will require more formal review by an external panel of experts. The table below identifies four levels of external scientific peer review and considerations associated with each. Please see **Appendix O** for additional details on best practices regarding each potential work product.

Table 4: Levels of peer review and associated considerations.

Review mode	Example Applications	Potential work product	Benefits	Limitations
Internal review	Routine actions with limited management implications or associated controversy	Status of the fisheries reports, fishery research protocols,	Agile, cost-effective	Limited opportunity for alternative perspectives
Expert written review	Products of short to moderate length, and low to moderate complexity Work products that are unlikely to have highly significant management implications	Draft FMP of low to moderate complexity	Quick, less costly Multiple independent reviews offer diverse viewpoints	No group discussion or deliberation Reviewers may have contrasting or opposing views
Panel review (remote)	Moderately complex methodologies, models or data analyses that require group discussion and participation of agency staff Reviews requiring international participants Work products that are likely to have moderately to highly significant management implications	Draft FMPs or methodologies of moderate to high complexity	Allows for deliberation among reviewers and managers Relatively easy to accommodate public participation	Moderately costly, moderately time-intensive Does not allow for in-depth group working sessions
Panel workshop review (in-person)	Complex methodologies, models or data analyses that require group discussion and participation of agency staff Newly applied methodologies (first application in California fisheries management) Reviews requiring additional analyses or model runs Work products that are likely to have moderately to highly significant management implications	Stock assessment, complex or highly complex draft FMP or methodology Highly controversial reviews	Allows for deliberation among reviewers and managers, real-time analysis, discovery and back and forth deliberation. Workshops open to the public may increase buy-in	Requires extensive pre-workshop planning Costly, time intensive
Journal peer review	Complex methodologies, models or data analyses, and novel science Decisions or scientific information that would benefit from highly rigorous scientific vetting Scientific information that could be built upon or would benefit the wider academic community Controversial findings or results inform influential or costly management decisions	Varied; Methodology, models, new data, analyses	Ensures product meets high standards of scientific quality	Not reviewed openly, may not allay public concerns Time-intensive – may not be appropriate for time-sensitive findings or conclusions; Manuscript must align with journal publication timelines Competitive process

The level of review for specific kinds of documents is included in the table above. However, in determining the appropriate level of review, the following criteria should be considered:

- *Complexity* – The nature and complexity of scientific information presented in models, analyses, and methods
- *Management risk* – The significance of information and decision-making risk potential impact on sustainability for incorrect management decisions
- *Uncertainty* – The level of confidence surrounding a body of scientific knowledge
- *Socioeconomics* – The social and/or economic value of the fishery and economic impacts of decisions that will be informed by the scientific information; cost-benefit analysis of additional review
- *Level of previous review* –A determination of the type and amount of previous peer review of the information used
- *Precedent* – Whether science is regarded as "precedent setting," particularly novel, or is the first application of a new tool or model
- *Group discussion* – The benefits to be gleaned from group deliberations

External peer review timing

The MLMA does not dictate the timing of peer review within the regulatory process, and practice has varied. In general, the Department should consider seeking peer review of scientific information that will be used to inform management decisions before regulatory options are developed and before agency or stakeholder positions have formed, to the extent that is feasible. External peer review of FMPs and similar documents might begin only upon completion of a draft document and before public review. Where feasible, it is advantageous for the Department to include an opportunity for the external peer review panel to review the Department's responses to panel findings as well as public comments. See Figure 7 for suggested checkpoints for peer review during the management process.

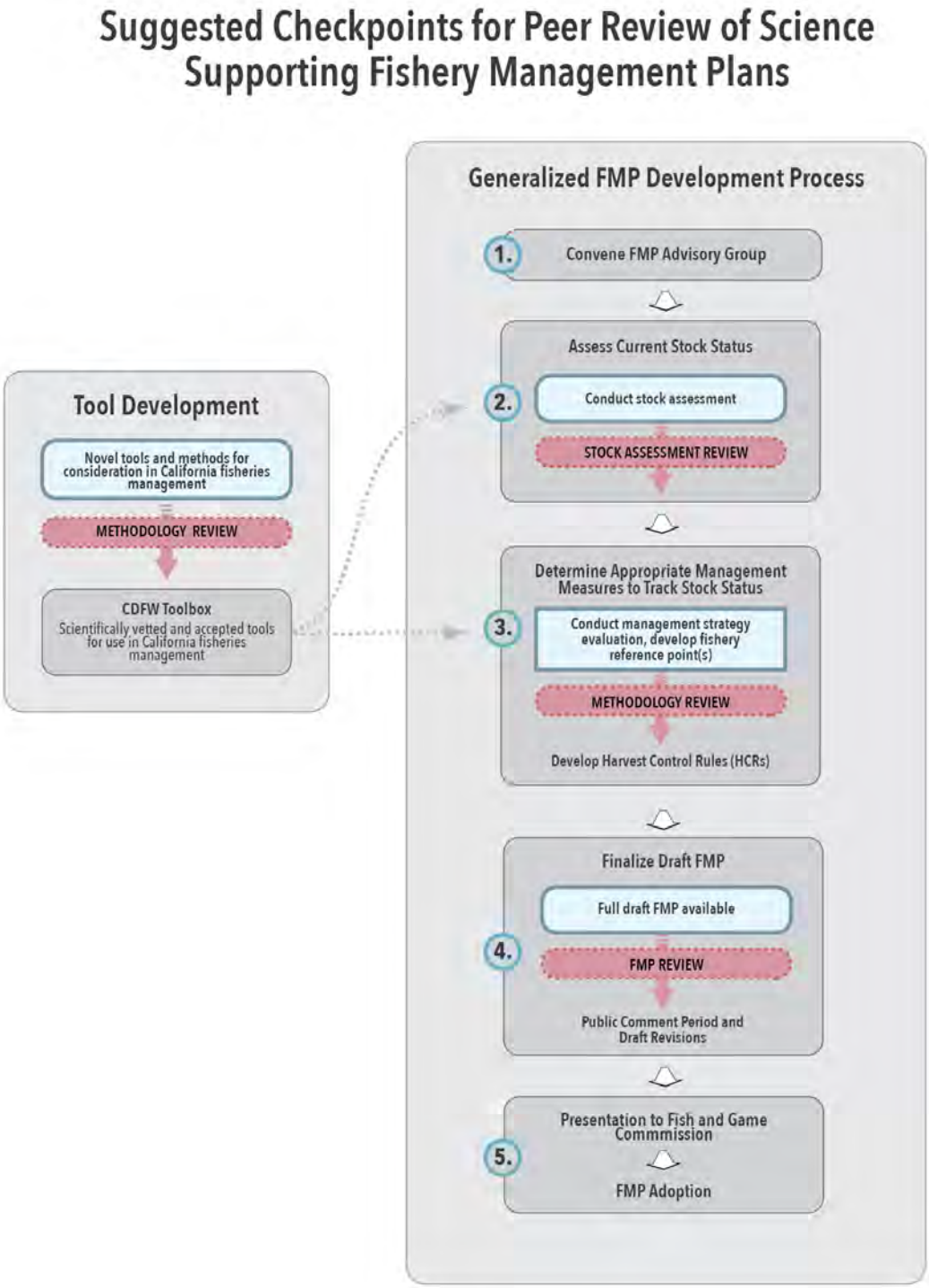


Figure 7. Suggested checkpoints for scientific peer review of science in a generalized FMP development process (OST 2017).

Management and design of the external peer review process

In conducting external peer reviews of scientific information, the MLMA authorizes the Department to enter into an agreement with outside entities "that are significantly involved with research and understanding marine fisheries and are not advocacy organizations" (§7062(b)).

The contracted entity is to select and administer the peer review panel and is responsible for the scientific integrity of the peer review process (§7062(b)). The Act does not define scientific integrity; however, in designing a peer review process with a contracted entity, the Department should aim for a process that has the following characteristics (Office of Management and Budget, 2005):

- Incorporates the right expertise and balance
- Identifies the key scientific issues and provides a clear charge to reviewers
- Supports deep, focused, and high-quality discussions among members of the panel
- Ensures that the rationale for the panel's findings is clear and well-documented
- Produces a highly accurate report summarizing the review findings

The Department will also seek to ensure that external peer reviews have high process integrity, including the following characteristics:

- Are open and consistent
- Avoid real or perceived conflicts of interest
- Include a workable process for public comment and involvement
- Adhere to their defined procedures

The management and activities of external peer review panels should also be guided by the Department's Procedural Guidelines for DFG ad hoc Independent Scientific Advisory Committees (CDFW 2012).

Composition of external peer review panels

Among other things, the Act mandates that external peer review panels be made up of "individuals with technical expertise specific to the document to be reviewed" (§7062(b)). In addition, "Peer reviewers shall not be employees or officers of the Department or the Commission and shall not have participated in the development of the document to be reviewed." Reflecting best practices, membership of external peer review panels should have the following characteristics:

- Reflect the right types and diversity of expertise relative to the scientific information under review
- Meet standards for expertise as demonstrated by degrees, publications, experience
- Have not participated in the development of the information being reviewed
- Be free from conflicts of interest, including any financial or other interest that could impair objectivity or confer unfair competitive advantage

The review of highly specialized information may sometimes require exceptions to these conflict of interest rules, particularly where the pool of potential reviewers is narrow. In such situations, the real or perceived conflict of interest should be promptly identified and disclosed to the public.

Dealing with disagreements among reviewers or conflicting reviews

While it is not the goal of peer review to achieve consensus among reviewers, contrasting viewpoints or recommendations about major components of the subject matter can be difficult to resolve. This may occur more frequently during written reviews where experts do not communicate with one another during the process. However, panel workshops may also produce conflicting recommendations.

Any review output should appropriately represent any dissenting or contrasting views, however it is not the role of a review coordinating body to resolve or prescribe which recommendation to consider or accept over another. This role could be deferred to the review committee chair, or depending on the level and subject of disagreement, the Department or the review coordinating body may choose to consult with an outside expert.

As noted here, the Department is required to provide written explanation if it disagrees with any aspect of the review findings. A written response and justification could also be appropriate when responding to conflicting reviews. The review committee chair, outside expert, or the Commission could serve as moderator to make a final determination of whether an issue was adequately addressed.

Reporting of peer review findings

Section 7062(c) of the MLMA requires that the external scientific peer review entity provide the Department with "the written report of the peer review panel that contains an evaluation of the scientific basis of the document," including any findings of scientific deficiencies in the document and the basis for those findings. As required by the MLMA, the Department is to then accept the findings and alter the document, or if it disagrees with a finding, to include as part of the record its basis for its disagreement, including its reasons for determining the document is based on sound scientific knowledge, methods, or practice. The Act requires that the Department submit the peer review report and its response to peer review findings with the reviewed document to the Commission and will make these materials publicly accessible to strengthen the transparency of the peer review process.

While scientific review can be a resource and time-intensive process, it can help demonstrate that fishery management decisions are based on valid and defensible science. An open process can also demonstrate a commitment to objectivity and help build relationships with stakeholders. Many of the recommendations contained in this Chapter require standardizing and formalizing existing practices and processes, as well as dedicated funding, to ensure consistency across review implementations. For additional details regarding the peer review process including a peer review checklist, sample terms of reference, and report template, please see **Appendix O**.

Chapter 11 – Adapting to climate change

The preceding chapters each address a central objective of the MLMA. When each objective is effectively achieved, the management system as a whole is robust, responsive, and resilient. While this is an important goal under typical conditions, the challenges of climate change will further underscore the need of effective MLMA-based management.

Since the MLMA was drafted, the potential long-term impacts of climate change have become more clearly understood. As discussed below, climate change is expected to have broad impacts across marine ecosystems, as well as the societies and economies that depend on those ecosystems. Climate change may result in a number of physical changes to oceanic and nearshore systems, including increased temperature, ocean acidification, altered currents, increased storm frequency and severity, and higher sea levels. These physical changes may in turn affect ecosystem productivity and function, species abundances and distributions, habitat use and availability, and cues that some species rely on that indicate changes in the season. They may also affect the ability of fishing fleets to access resources, impact port infrastructure, and potentially change the ability to catch and land fish. These changes are already occurring, and may have wide-ranging implications for California's fish stocks and fishing communities.

This chapter draws from a 2017 report by the Ocean Science Trust on adapting to climate change which was developed as part of the information gathering phase of the Master Plan amendment (see: http://www.oceansciencetrust.org/wp-content/uploads/2016/06/Climate-and-Fisheries_GuidanceDoc.pdf). The chapter focuses on how climate change may impact California's fisheries and discusses the various ways in which management can prepare for these changes to maintain resilient ecological and socio-economic systems.

A naturally variable system

Even in the absence of climate change the California Current Ecosystem (CCE) is already one of the most variable marine ecosystems in the world due to the influence of the El Niño Southern Oscillation, the Pacific Decadal Oscillation, and the North Pacific Gyre Oscillation (Chavez et. al. 2017). Because of these systems, climatic factors fluctuate on yearly and decadal (or longer) timescales. These factors create a challenging management landscape that is further complicated by the additional variability that climate change will bring.

The CCE varies generally between relatively cool and warm regimes that differ in their environmental conditions, species composition and distribution, and overall food web productivity. Historically, warm and cool phases have been relatively consistent in term of their accompanying conditions. In general, cool phases tend to be more productive, because movement of subarctic water, cooler ocean temperatures, and stronger upwelling results in more nutrients available for phytoplankton, and consequently more food for higher trophic levels (Chhak and Di Lorenzo 2007). Warm phases are generally less productive. As the CCE cycles between cool and warm regimes, these environmental conditions drive recruitment, species composition and distribution, and overall production, all affecting fishermen and their communities.

Species tend to respond differently to cool or warm periods. Within California, under cool regimes market squid, Dungeness crab, ocean shrimp, northern anchovy, and most **groundfish** are particularly productive. Under warmer regimes, including those associated with El Niño events, Pacific sardine, spiny lobster, and California halibut tend to thrive (Chavez et. al. 2017). These species form the basis of major fisheries in California's waters, and management must become more flexible to deal with potentially increased fluctuations due to climate change.

In addition, the extent to which a given species is likely to be affected by climatic fluctuations depends on the life history and trophic level of the species (Chavez et. al. 2017). For short-lived, planktivorous species such as market squid and ocean shrimp, populations can respond dramatically to environmental conditions, and these fisheries tend to experience cyclical conditions. Conversely, long-lived piscivores, such as rockfish, are generally able to withstand climatic fluctuations with more modest year-to-year shifts in total population abundance or availability to fisheries (Field et al 2006).

Measuring change

Understanding how normal climatic fluctuations within the CCE have affected fish stocks in the past may help managers prepare for climate change. Environmental indicators such as sea surface temperature and the Multivariate Ocean Climate Index (MOCI) which looks at a range of oceanic conditions, can serve as valuable tools to characterize the degree to which the system is operating in a warm or cool regime. This information may be used to help better assess the status of fish stocks and determine appropriate management responses. In addition, this information can help provide some insight into how these species, and the fishing communities that depend on them, may fare under climate change scenarios.

Environmental and ecological changes

Increased variability under climate change

Climate change may alter the natural cycles of the CCE by increasing the magnitude of variability in the system, leading to more extreme conditions. These changes are likely to result in large-scale impacts rather than the local-scale impacts that fishing pressure often exerts. For example, changes in atmospheric and oceanographic forcing may change the timing of natural fluctuations by increasing or decreasing the length of warm or cool states. Extreme environmental conditions, in turn, may increase the frequency or intensity of disease, parasite, or biotoxin outbreaks such as withering syndrome in abalone, sea star wasting disease, and harmful algal blooms, all of which can have direct or indirect impacts on fisheries. For example, extremely warm temperatures contributed to unprecedented size and persistence of the 2015-2016 harmful algal bloom event that led to temporary closures of the razor clam, Dungeness crab, and rock crab fisheries.

Extended warming events and higher storm activity may also lead to declines in kelp abundance and distribution. Extreme marine heat waves have also contributed to a dramatic reduction in kelp distribution, particularly in northern California. Persistent warming over several consecutive years may reduce the capacity of annual kelp species (e.g., *Nereocystis luetkeana*) to successfully reproduce. Reduction in kelp has had both direct and indirect effects on species that depend on it for food and habitat. If the magnitude and timing of CCE's variability changes, synergism among these impacts could lead to dramatic shifts in CCE dynamics with significant long-term implications for fisheries.

Changes in spatial distribution

Species that favor cool regimes, such as Dungeness crab, rockfishes, anchovies and salmon, are particularly vulnerable to climate change in California. Species favored by cool regimes are predicted to shift poleward where conditions are likely to be more favorable. The distribution of subtropical species such as tunas, White Seabass, and Pacific Sardine is likely to expand poleward, leading to emerging fisheries in the north (Chavez et. al. 2017). Some species may decline in abundance, particularly those with characteristics that prevent them from

expanding their range (e.g., limited dispersal potential, specific habitat or prey requirements, etc.). Long-lived species such as rockfish are likely to be more resilient to high variability. However, individual species declines or shifts may alter food web dynamics. Highly specialized species are more vulnerable to increased variability (e.g. specialized diets, habitat requirements, or complicated reproductive strategy).

Changes to species life histories and food web dynamics

Changes in temperature may drive changes in the phenology (seasonal timing) and phenotypic expression (physical traits) of fishes and invertebrates. Species may display a shorter pelagic larval duration, faster growth, and younger age at maturity more commonly observed in the tropics (Asch 2015). Changes in life history traits, particularly changes in timing, could lead to recruitment failures if shifts in timing result in temporal mismatches with the seasonal abundance of prey resources (e.g. spring bloom in productivity). For example, earlier spawning, and shorter larval stages could result in a temporal mismatch between peak larval production and the production of zooplankton prey. Snyder et al. (2003) found evidence that climate change may lead to delays in the onset of the upwelling season, which further increases the likelihood of a temporal mismatch between larval production and spring blooms in productivity. Species that time reproduction and larval release to the spring bloom in productivity are particularly vulnerable to match mismatch dynamics and, ultimately, reduced recruitment (e.g. rockfishes, Dungeness crab).

Changing ocean chemistry

California is already experiencing physical changes to the properties of seawater that are consistent with climate change projections and have the potential to contribute to dramatic ecological shifts. Scientists have observed an overall decline in seawater pH (Somero et al. 2016). Additionally, there has been an increase in frequency of conditions that can destabilize, dissolve or prevent the creation of calcified structures such as shells and urchin tests, and projections indicate that these conditions will continue to increase (Feely et al. 2008; Harris et al. 2013). In addition to declining seawater pH, long-term declines in oxygen content, as well as short-term hypoxic events during upwelling, have also been observed in California (McClatchie et al. 2010; Feely et al. 2008). Due to regional differences in oceanography, the impacts of climate change will differ in northern and southern regions of California. Upwelling intensification in northern regions may likely lead to more extreme acidification and hypoxia relative to the Southern California Bight.

Shifts in ecosystem function

Climate change may cause the CCE to undergo a dramatic shift in community structure, such that food web dynamics and ecosystem function are disrupted. There are many potential causes for this. Global warming and changes to atmospheric forcing in the Northeast Pacific will alter circulation patterns, mixing and ultimately the physical parameters of seawater. Changing ocean conditions are projected to occur gradually over the coming decades, but the ecological impacts of these changes may manifest in sudden biological tipping points that shift ecosystems into dramatically altered states (i.e. crossing thresholds) (Selkoe et al. 2015). This could result in large changes to ecosystem function, with a possible effect being the rapid change in a fish stock’s abundance. Crossing this type of biological tipping point may reverberate through the food web and cause shifts in the state of the ecosystem.

Managing for climate change

Climate change adaptation will require detecting the changes described above and responding to them in a timely manner to maintain sustainable fisheries. The following sections provide an overview of some management approaches that may be applicable to California's fisheries.

Maintaining ecological resiliency

Resilience is defined as the "capacity of an ecosystem to absorb recurrent disturbances or shocks and adapt to change while retaining essentially the same function and structure" (McClanahan et al. 2012). The following management approaches are designed to maintain ecosystem resilience in fisheries affected by climate change.

Reduce external stressors

One strategy for increasing resilience of stocks (and ecosystems) to climate change is to decrease existing stressors already impacting the stocks expected to be negatively affected by climate change (Sumaila et al. 2011; Stein et al. 2013; Pinsky and Mantua 2014). For species expected to be negatively impacted by climate change, the impacts from other stressors are more likely to have rapid and more acute reactions. Some examples of existing stressors include high fishing mortality, habitat degradation, invasive species, disease, and pollution.

Apply a precautionary approach to fisheries management

The precautionary approach guides decision-making by assessing risks and then managing for them. Precaution in management actions is necessary because knowledge of ecosystems is incomplete. The precautionary approach ensures that excessive harvests are not made in the face of the considerable uncertainty associated with environmental variation. While it does not address climate impacts explicitly, the ERA framework described in Chapter 2 can help identify risks in fisheries and where precaution may be particularly warranted. As noted in Chapter 5, MPAs may help to provide additional precaution for some species.

Protect age structure

Protecting or recovering the full age structure of a stock (the fraction of the population at different ages) can increase that population's resilience to a changing environment. In a population with a full age structure, larger females tend to have larger, healthier eggs and more of them, which contribute to subsequent recruitment success. In addition, older and larger fish spawn over a longer time period, depth gradient, and an extended area when compared to younger fish. These mechanisms may help buffer stocks from recruitment fluctuations due to environmental conditions. Management options that may improve a population's age structure include use of MPAs, minimum or maximum size limits, gear modifications to avoid catching juvenile fish, or fishery closures during times and over areas when large individuals congregate.

Manage for genetic diversity

There are three components to the adaptive capacity of marine populations: 1) ability to adjust to new conditions, 2) ability to relocate if or when conditions change, and 3) ability to evolve strategies to survive in the new conditions (Beever et al. 2015). Each of these components requires high levels of genetic diversity within the population. Given the high rate of expected environmental change, genetic adaptation to climate change may be necessary, and management should aim to increase or preserve current genetic diversity. This may be difficult due to a lack of information about the genetic makeup of marine populations, but a **precautionary management** approach may help by decreasing existing stressors.

Protection of key habitats

As discussed in Chapter 6, protecting key habitats and species can promote healthy marine ecosystems that are more resilient to environmental changes. Gear modifications that reduce impacts on habitats will result in a more resilient ecosystem (Sumaila et al. 2011). If habitats have become degraded, active restoration or creation of new habitat may be a viable management option. Efforts should be targeted at habitats that provide a role for many species during key periods of their lives, such as nursery grounds that protect larval stages, or those that provide a number of ecosystem services, such as wetlands. Since climate change is expected to decrease important coastal habitats, adaptation efforts aimed at offsetting anticipated losses could be helpful.

MPAs can be a valuable tool for protecting habitats from fishing impacts, and may increase the resiliency to climate effects of both the species being protected and the associated ecosystem. For example, reserves with full protection have been shown to increase the abundance of older females of some species, which in turn improves the age structure of a stock while decreasing the influence of environmental variability on stock abundance (Berkeley et al 2004). In addition, because marine reserves protect multiple trophic levels, they can help retain the functional diversity of an area, improving its ability to maintain basic ecosystem functions through a changing environment. MPAs also provide locations to observe and study how ecosystems react to climate change without the added stress of fishing.

Maintaining socio-economic resiliency

As fish stocks adjust their distributions and abundances, fishing effort may also have to adjust by changing the species targeted and the locations and times fished, as well as landing or processing locations. To adapt to a changing climate, fishermen may need to adjust where, when, and what they catch depending on conditions. Enabling them to do so may require changes in management, including permitting. The impacts of changes to the composition, magnitude, and timing of landings could be amplified if the shore-side processing and supply chain is not adaptable as well.

Flexible permitting

Flexible permitting mechanisms could provide a means to allow fishery participants to hedge their risk, adapt to variable production or unexpected closures, and respond to shifts in species spatial distribution or range shifts. Flexible permitting could include transferrable permits and integrating gear flexibility into permits or other regulations. One of the challenges of flexible permitting mechanisms, however, is effectively controlling effort and balancing the interests of all affected stakeholders. It is important to note that any such increase in flexibility would need to be consistent with the Commission's restricted access policy (see: http://www.fgc.ca.gov/policy/p4misc.aspx#restrict).

Evaluate community vulnerability

Some communities will be more impacted by climate change than others. There is a need to consider vulnerabilities of fishing communities to climate change impacts. For example, a vulnerability index that incorporates social and ecological indicators would allow ranking communities by their vulnerability, as well as enhancing abilities to minimize adverse impacts on fishing communities when developing management plans and regulations. Vulnerability assessments should be scaled appropriately and consider the interconnectedness of fishing communities at a regional scale.

Emerging fisheries

Changes in species distributions and abundance may lead to emerging fisheries (see Chapter 9). The Department and the Commission will need to carefully balance the needs of fishing communities to remain flexible and diversify their portfolios, while protecting fish stocks during a time when their range may be changing. As noted, the development of emerging fisheries needs to be considered in light of existing priorities. The criteria for evaluating new proposed priorities identified in Chapter 2 can help ensure that limited management resources are effectively targeted.

Prioritize additional monitoring

Monitoring will be an important component of any strategy to detect and respond to climate change. Current monitoring programs may benefit from re-evaluation of their design and scope in light of climate change. It may be possible to use information that is already currently collected in a new way to monitor climate change. For example, tracking the spatial distribution of fishing effort and landings may alert managers to range shifts. Newer technologies could be considered when planning monitoring programs to improve information acquisition while keeping costs low. For example, cell phones allow stakeholders to provide real-time catch or sightings information and satellite remote sensing results can be used to estimate area-specific phytoplankton productivity and predict the fish distribution and abundance. Development of new indicators—such as duration of spring blooms and the size or species composition of phytoplankton—could provide even better information relevant to predicting climate effects on fishing resources (Chassot et al. 2011). Understanding the link between physical oceanographic conditions and ecosystem health is critical and supporting and partnering with organizations that conduct monitoring should be a priority.

Incorporate environmental parameters into stock assessments, MSEs, and HCRs

There is strong evidence to suggest that the productivity of many fish stocks is directly influenced by environmental variables. For species whose productivity is known to be dependent upon environmental conditions, appropriate environmental parameters may be integrated into stock assessments, MSEs, and Harvest Control Rules. Please see **Appendix J** for more details. As knowledge of relationships between managed fish stocks and environmental dynamics continues to improve, there will be more basis for incorporating environmental factors into stock assessment and management.

Incorporate spatial information into stock assessments, MSEs, and HCRs

Changes in species distributions can create management challenges, particularly when they cross jurisdictional boundaries. As the abundance or distribution of fish species is impacted by a changing climate, following the common practice of basing allocations on historical catch rates may no longer be appropriate. Fish may be in a new location because their distribution has shifted or because they are more abundant and have expanded into new habitat. Additionally, changes in habitat availability may result in changes in fish distribution. Including spatially-explicit information in stock assessments will assist in capturing regional differences in environmental conditions that affect stock productivity. This may require coordination with neighboring states and countries.

Addressing potential climate change impacts in ESRs and FMPs

In order to identify and better address the potential impacts of climate change and to allow for the adaptive management, ESRs and FMPs should specifically incorporate information on each of the following aspects:

- Changes in spatial distribution - a description of whether the species is anticipated to shift its distribution
- Changes in abundance - a description of whether the species is anticipated to increase or decrease in abundance
- Changes to species life histories - a description of whether the subject species is anticipated to alter breeding, feeding, growth, or other life history patterns
- Changing ocean chemistry - a description of how potential changes in ocean chemistry might affect the species
- Measuring change - a description of how these possible changes could be measured, and if possible, forecast
- How these changes may impact the HCRs and other management strategies

California's oceanographic and ecological system is dynamic, and this variability is likely to increase as climate change progresses. A flexible and responsive management system will be necessary to mitigate negative ecological impacts while capitalizing on new opportunities. Given the uncertainty inherent in climate change, a multi-pronged approach to facilitate adaption and resilience in California's fisheries must be employed.

Chapter 12 – Tribal consultation

California Tribes and Tribal governments are the traditional users and stewards of California's marine resources. Partnerships with them are important to the Department and the Commission for sustainably managing California's ocean fisheries. The Department and Commission are demonstrating their growing commitment through issuance and adoption of policies that provide the foundation to work cooperatively, communicate effectively, and consult with tribes.

In 2011, the Governor issued Executive Order B-10-11 directing state agencies to encourage communication and consultation with tribes to allow meaningful input into the development of laws and policies that may affect tribal communities (see: https://www.gov.ca.gov/news.php?id=17223). This was followed in 2012 by the California Natural Resources Agency issuing its Tribal Consultation Policy (see: http://resources.ca.gov/tribal_policy). The purpose of that policy is to improve consultation and communication with tribes and to promote durable outcomes by including tribes throughout the decision-making processes of its departments. The Department adopted its own Tribal Communication and Consultation Policy (Tribal Policy) in October 2014 (see: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=122905&inline). The Tribal Policy is the foundation for the Department's interaction with federally recognized tribes and tribes on the contact list maintained by the Native American Heritage Commission for purposes of tribal cultural resource protection. The purpose of the Tribal Policy is to establish effective tools for communication and consultation between the Department and tribes.

Under the Tribal Policy, the Department seeks tribal input on its actions in order to identify potential issues, to ensure to the maximum extent feasible that tribal interests are considered before undertaking actions, and to avoid or minimize impacts whenever practicable. The Tribal Policy communication procedures and mechanisms effectuate the policy.

In October 2013, to strengthen communication and collaboration between the Commission and California federally-recognized Tribes and tribal communities, the Commission created the Tribal Committee as one of its working committees. The Tribal Committee was tasked with the development of an effective government-to-government consultation policy to guide work between the Commission and Tribes on policies that affect California tribal communities. In July 2015, the Commission adopted its Tribal Consultation Policy that focuses on early communication and coordination rather than on formal consultation. The purpose of the policy is to create a means by which tribes and the Commission can effectively work together to sustainably manage natural resources of mutual interest.

Chapter 13 – Periodic review and amendment process

As outlined in Chapter 9, adaptive management to achieve sustainability is a central objective of the MLMA. In order to meet this and the other objectives of the MLMA over time, it is essential that the Master Plan be periodically evaluated and updated as needed. Regular review will provide an opportunity for amendments that address unplanned needs, incorporate new tools, and respond to changes in circumstances and stakeholder interests. Additionally, allowing for minor revisions to the guidance and background information that the Master Plan provides, will help to keep it a living and dynamic document in the interim. This Chapter addresses:

- Initiation – how any changes to the Master Plan can be initiated
- Ongoing revisions – minor changes that can be made by the Department at any time and the process for making them
- Evaluation – the process, criteria and timeline for evaluating Master Plan implementation
- Amendment – comprehensive updates to the Master Plan and the process and timeline for development

Initiation

Changes to the Master Plan can be initiated by the Department or in response to requests by members of the public. Requests by the public must be made in writing to the Commission clearly stating the reasons why the Master Plan should be changed. The Commission will determine whether a change recommended by the Department or request by the public is appropriate and direct the Department to begin an amendment or revision process.

Ongoing revisions

The Master Plan includes background information that can be a resource for ESRs, rulemaking packages, and FMPs. Much of this material reflects current understanding and knowledge that continues to evolve, such as in data-limited stock assessments. The Master Plan is structured to provide guidance that both promotes consistency with Commission policy while allowing for this evolution in understanding about effective means of implementation. This information will change over time and for the Master Plan to remain relevant and useful, the Department will need to update it as new information becomes available. At the same time however, the Master Plan is a Commission document and it is necessary to ensure that it continues to reflect Commission guidance over time. To that end, all proposed revisions shall be cited, summarized, justified, and placed on the Commission's consent file before they are to be integrated into the Master Plan. More significant changes should be addressed through the comprehensive amendment process described below.

A significant change for this purpose is defined as any of the following:

1. Re-prioritization of fisheries
2. An addition or deletion to the process for meaningful public involvement
3. Change to the MLMA-based management framework

Any changes other than those listed above may be considered minor and addressed through the revision process as outlined above.

Periodic evaluation

The Department should evaluate implementation of the Master Plan at least every five years. In evaluating effectiveness, the Department should assess the extent to which the framework and approaches described in this plan have been implemented, including:

- The number of fisheries that are under active, MLMA-based management (§7065, §7081)
- The quality and number of opportunities for meaningful public engagement in management (§7056, §7059, §7076)
- The measures the Department has taken to identify and minimize unacceptable bycatch (§7056, §7085)
- The measures the Department has taken to adapt to climate change (§90.1, §7056)
- The efforts the Department has made to collect EFI and manage and present data (§7056)

The **MLMA-based assessment framework** described in Appendix F can also serve as a tool for assessing progress in individual fisheries. The Department should use this tool for all priority fisheries at the outset of Master Plan implementation, both to inform FMP development efforts, and as a means of tracking progress over time.

The Department will report the results of the evaluation to the Commission. The Commission may choose to initiate Master Plan revisions, amendments, or other action as necessary to address to any needs identified through the evaluation.

Amendment

Depending on the outcome of periodic evaluations, the Department may recommend amendments to the Master Plan. Amendments may also be initiated by the public as described above. At the outset of the amendment process the Department should again evaluate implementation based on the criteria provided above. The Department and Commission will also invite suggestions for the amendment by holding meetings, workshops, or formal hearings, by using advisory bodies or taking written comment. After reviewing public suggestions and comments, the Department will initiate drafting of the amendment. The Department is encouraged to partner with stakeholders and outside experts in the development of information, tools, and analyses that will inform the process. The Department will then submit the amendment to the Commission for adoption. The amendment will be available in written form at appropriate Department offices, and on the Department's web site at least 45 days prior to Commission adoption. The Commission must hold at least one public meeting before adoption.

References

Asch, R. G. 2015. Climate change and decadal shifts in the phenology of larval fishes in the California Current ecosystem. Proceedings of the National Academy of Sciences 112(30): E4065-E4074.

Barbier, E. B., S. D. Hacker, C. Kennedy, E. W. Koch, A. C. Stier, and B. R. Silliman. 2011. The value of estuarine and coastal ecosystem services. Ecological Monographs 81(2):169-193.

Berkeley, S. A., M. A. Hixon, R. J. Larson, and M. S. Love. 2004. Fisheries Sustainability via Protection of Age Structure and Spatial Distribution of Fish Populations. Fisheries 29(8):23-32.

Beever, E. A., J. O'Learly, C. Mengelt, J. M. West, S. Julius, N. Green, D. Magness, L. Petes, B. Stein, A. B. Nicotra, J. J. Hellmann, A. L. Robertson, M. D. Staudinger, A. A. Rosenberg, E. Babijj, J. Brennan, G. W. Schuurman, and G. E. Hofmann. 2015. Improving conservation outcomes with a new paradigm for understanding species' fundamental and realized adaptive capacity. Conservation Letters 9(2):131-137.

California Department of Fish and Wildlife (CDFW). 2008. Strategic Initiative to Expand Scientific Capacity: Policy for Quality in Science and Key Elements of Scientific Work. Accessed at https://nrm.dfg.ca.gov/documents/ContextDocs.aspx?cat=ScienceInstitute

California Department of Fish and Wildlife (CDFW). 2012. Procedural Guidelines for DFG Ad Hoc Independent Scientific Advisory Committees. Accessed at https://nrm.dfg.ca.gov/documents/ContextDocs.aspx?cat=ScienceInstitute

California Fish and Game Commission (Commission). 2012. Fisheries Policies: Forage Species. Adopted November 7, 2012. Accessed at http://www.fgc.ca.gov/policy/p2fish.aspx#FORAGE

California Ocean Science Trust (OST). 2017. Peer Review: Guidance and Recommendations for the California Department of Fish and Wildlife. Oakland, CA. Accessed at http://www.oceansciencetrust.org/projects/peer-review-and-california-fisheries-management/

Carruthers, T. R., A. E. Punt, C. J. Walters, A. MacCall, M. K. McAllister, E.J. Dick, and J. Cope. 2014. Evaluating methods for setting catch limits in data-limited fisheries. Fisheries Research 153:48-68.

Chassot, E., S. Bonhommeau, G. Reygondeau, K. J. Polovina, M. Huret, N. K. Dulvy, and H. Demercq. 2011. Satellite remote sensing for an ecosystem approach to fisheries management. ICES Journal of Marine Science 68:651-666.

Chavez, F. P., C. Costello, D. Aseltine-Neilson, H. Doremus, J.C. Field, S.D. Gaines, M. Hall-Arber, N.J. Mantua, B. McCovey, C. Pomeroy, L. Sievanen, W. Sydeman, and S.A. Wheeler (California Ocean Protection Council Science Advisory Team Working Group). 2017. Readying California Fisheries for Climate Change. California Ocean Science Trust, Oakland, CA. Accessed at http://www.oceansciencetrust.org/projects/climate-change-and-california-fisheries/

Chhak, K, and E. Di Lorenzo. 2007. Decadal variations in the California Current upwelling cells. Geophysical Research Letters 34(14): L14604.

Feely, R. A., C. L. Sabine, J. M. Hernandez-Ayon, D. Ianson, and B. Hales. 2008. Evidence for upwelling of corrosive “acidified” water onto the continental shelf. Science 320:1490-1492.

Field, J. C., R. C. Francis, and K. Aydin. 2006. Top-down modeling and bottom-up dynamics: Linking a fisheries-based ecosystem model with climate hypotheses in the Northern California Current. Progress in Oceanography 68:238-270.

Fulton, E.A., A. D. M. Smith, D. C. Smith, and P. Johnson. 2014. An Integrated Approach Is Needed for Ecosystem Based Fisheries Management: Insights from Ecosystem-Level Management Strategy Evaluation. PLoS ONE 9(1): 84242–16.

Gleason, M., S. Iudicello, and J. Caselle. 2017. Collaborative fisheries research in California: A situational analysis. The Nature Conservancy.

Harris, K., M. D. DeGrandpre, and B. Hales. 2013. Aragonite saturation state dynamics in a coastal upwelling zone. Geophysical Research Letters 40: 2720–2725.

McClanahan, T. R., S. D. Donner, J. A. Maynard, M. A. MacNeil, N. A. J. Graham, J. Maina, A. C. Baker, J. B. Alemu, M. Beger, S. J. Campbell, E. S. Darling, C. M. Eakin, S. F. Heron, S. D. Jupiter, C. J. Lundquist, E. McLeod, P. J. Mumby, M. J. Paddack, E. R. Selig, and R. van Woesik. 2012. Prioritizing key resilience indicators to support coral reef management in a changing climate. PLoS ONE 7:e42884.

McClatchie, S., R. Goericke, R. Cosgrove, G. Auad, and R. Vetter. 2010. Oxygen in the Southern California Bight: Multidecadal trends and implications for demersal fisheries. Geophysical Research Letters 37:L19602.

Morrison, A. K. 2004. Input and output controls in fisheries management: a plea for more consistency in terminology. Fisheries Management and Ecology 11(6):411-413.

MRAG. 2017. Productivity and Susceptibility Analysis for Selected California Fisheries. Accessed at http://www.oceansciencetrust.org/wp-content/uploads/2017/06/CDFW-PSA-Report-on-Select-CA-Fisheries_Final-1.pdf

National Marine Fisheries Service (NMFS). 2005. Essential Fish Habitat Designation and Minimization of Adverse Impacts Final Environmental Impact Statement. Accessed at http://www.westcoast.fisheries.noaa.gov/publications/nepa/groundfish/final_groundfish_efh_eis.html

National Research Council. 2002. Effects of Trawling and Dredging on Seafloor Habitat. Washington, DC: The National Academies Press.

National Research Council. 2004. Improving the use of the “best scientific information available” standard in fisheries management. Washington, DC: The National Academies Press.

Office of Management and Budget. 2005. Final information quality bulletin for peer review. Federal Register 70(10):2664-2677.

Pacific Fishery Management Council. 2016. Terms of Reference for the Methodology Review Process for Groundfish and Coastal Pelagic Species, 2017-2018. Accessed at http://www.pcouncil.org/groundfish/stock-assessments/terms-of-reference/

Patrick, W.S., and J. S. Link. 2015. Hidden in plain sight: Using optimum yield as a policy framework to operationalize ecosystem-based fisheries management. Marine Policy 62:74-81.

Patrick, W.S., P. Spencer, O. Ormseth, J. Cope, J. Field, D. Kobayashi, T. Gedamke, E. Cortés, K. Bigelow, W. Overholtz, J. Link, and P. Lawson. 2009. Use of Productivity and Susceptibility Indices to Determine Stock Vulnerability, with Example Applications to Six U.S. Fisheries. NOAA Tech. Memo. NMFSF/SPO-101, U.S. Department of Commerce, Washington, D.C. Accessed at http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/psa.html

Pinsky, M. L. and N. J. Mantua. 2014. Emerging adaptation approaches for climate-ready fisheries management. Oceanography 27:17-29.

Selkoe, K. A., T. Blenckner, M .R. Caldwell, L. B. Crowder, A. L. Erickson, T. E. Essington, J. A. Estes, R. M. Fujita, B. S. Halpern, M. E. Hunsicker, and C. V. Kappel. 2015. Principles for managing marine ecosystems prone to tipping points. Ecosystem Health and Sustainability 1(5):17.

Snyder, M. A., L. C. Sloan, N. S. Diffenbaugh, and J. L. Bell. 2003. Future climate change and upwelling in the California Current. Geophysical Research Letters 30(15).

Somero, G. N., Beers, J. M., Chan, F., Hill, T. M., Klinger, T., and S. Y. Litvin. 2016. What Changes in the carbonate system, oxygen, and temperature portend for the Northeastern Pacific Ocean: A physiological perspective. BioScience 66:14-26.

Stein, B., A. Staudt, M. S. Cross, N. S. Dubois, C. Enquist, R. Griffis, L. J. Hansen, J. J. Hellmann, J. J. Lawler, E. J. Nelson, and A. Pairis. 2013. Preparing for and managing change: climate adaptation for biodiversity and ecosystems. Frontiers in Ecology and Environment 11:502-510.

Sumaila, U. R., W. W. L. Cheung, V. W. Y.Lam, D. Pauly, and S. Herrick. 2011. Climate change impacts on the biophysics and economics of world fisheries. Nature Climate Change 1:449-456.

Tillin, H. M., J. G. Hiddink, S. Jennings, and M. J. Kaiser. 2006. Chronic bottom trawling alters the functional composition of benthic invertebrate communities on a sea-basin scale. Marine Ecology Progress Series 318:31-45.

Valls, A., M. Coll, and V. Christensen. 2015. Keystone species: toward an operational concept for marine biodiversity conservation. Ecological Monographs 85(1):29-47.

Wilson JR, H McGonigal, T Dempsey, M Gleason, S Rienecke. 2016. Partnerships in Fisheries Management: An Exploration of Ideas for Enhancing Capacity and Resources in California Fisheries.

Glossary

Adaptive management
In regard to a marine fishery, a scientific policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that even if they fail, they will provide useful information for future actions. Monitoring and evaluation shall be emphasized so that the interaction of different elements within the system can be better understood.

Administrative Procedures Act (APA)
Statute that governs the regulatory process for federal agencies such as NOAA and other regulatory bodies. The state of CA has its own APA in addition to the federal APA, which governs regulatory bodies such as the **Department** and **Commission**. The California APA requires that all proposed agency regulations be published in the California Regulatory Notice Register and remain open for public review and comment for a specified period of time. If a hearing is held, notice must be provided 45 days in advance and public comment by mail or at the hearing must be allowed. If the proposed regulation is then changed, the agency must make the revised regulation public 15 days before final action.

Allocation
In regard to fisheries, means the direct and deliberate distribution of the opportunity to participate in a fishery, or to receive a share of a catch quota, among identifiable, discrete user groups or individuals.

Acceptable Biological Catch (ABC): Maximum amount of fish stock than can be harvested without adversely affecting recruitment of other components of the stock. The ABC level is typically higher than the total allowable catch, leaving a buffer between the two.

Annual Catch Limit (ACL)
A harvest specification set equal to or below **Acceptable Biological Catch** in consideration of conservation objectives, socioeconomic concerns, management uncertainty, ecological concerns, and other factors. The ACL is a harvest limit that includes all sources of fishing-related mortality including landings, discard mortality, research catches, and catches in exempted fishing permit activities. Sector-specific ACLs can be used, especially in cases where a sector has a formal, long-term allocation of the harvestable surplus of a stock or stock complex.

Bag limit
A limit per day or per trip on the number or weight of fish, invertebrates, or plants that a recreational fisherman may legally retain.

Benthic
On or relating to the region at the bottom of a sea or ocean.

Biological diversity / biodiversity
A component and measure of **ecosystem** health and function. It is the number and genetic richness of different species found within a natural community or ecosystem, and of different communities and ecosystems found within a region.

Biomass
The total weight or numbers of a stock or population.

Bycatch
Fish or other marine life that are taken in a fishery but which are not the target of the fishery. Bycatch includes discards.

California Current
The waters of the eastern Pacific Ocean that move south along the western coast of North America, beginning off southern British Columbia, flowing southward past Washington, Oregon and California, and ending off southern Baja California. The California Current is part of the North Pacific Gyre and brings cool waters southward. Additionally, extensive upwelling of colder sub-surface waters occurs, supporting large populations of whales, seabirds, phytoplankton, zooplankton, forage fishes, and important fisheries.

California Environmental Quality Act (CEQA)
This Act (Public Resources Code §21000 et seq.) 1) identifies the significant environmental effects of California's public agencies' actions; and either 2) avoids those significant environmental effects where feasible, or 3) mitigates those significant environmental effects where feasible.

Capacity
The potential of a vessel or a fleet of vessels to capture fish if not restricted by management measures. It is expressed as the number of fishery participants; size, gross tonnage, or horsepower of vessels; or the maximum amount of catch retainable on the vessel.

Catch (noun)
In regard to fisheries, means the total amount (numbers or weight) caught, and sometimes only the amount landed or kept. Catch which is not landed is called discards.

Catch limit
A limit on the total fishing mortality, including both landed catch and discard mortality. See Annual Catch Limit.

Catch per Unit Effort (CPUE)
The catch obtained by a vessel, gear or fisherman per unit of fishing effort (e.g., number or weight of fish caught per hour of trawling). CPUE is sometimes used as a relative abundance index as well.

Catchability
A value that modifies a unit of fishing effort in the calculation of fishing **mortality** which usually will depend on the habits of the fish or invertebrate, its abundance, and the type and deployment of fishing gear.

Coastal pelagic species (CPS)
Schooling fish or invertebrates, not associated with the ocean bottom, that migrate in coastal waters. They usually eat plankton and are the main food source for higher level predators such as tuna, salmon, most groundfish, and humans. Examples are herring, squid, anchovy, sardine, and mackerel.

Co-management
Traditional "co-management" refers to shared decision-making with government devolving (i.e., transferring or delegating) some of its power to others. The term has been used in a broader sense to refer to a variety of arrangements, with different degrees of power sharing, for joint decision-making by the state and community or user groups, about a set of resources or areas. No single standardized definition is used for fisheries or other natural resource sectors.

Commercial fishery
Fishing in which the fish, invertebrates, or plants harvested, either in whole or in part, are intended to enter commerce through sale, barter or trade.

Commercial passenger fishing vessel (CPFV)
A licensed fishing vessel that takes recreational anglers fishing for a fee. The vessel operator must follow certain requirements such as providing the **Department** with a log that, among other things, includes listing the number of anglers and an enumeration of the catch. Sometimes referred to as "charter vessels" or "party boats".

Compliance
In regard to fisheries, fishing in a manner that is in accordance with fishing regulations such as obtaining the required permits or licenses, with the allowed gears and within allowed areas and within seasons.

Cooperative fisheries research
A process that involves two or more stakeholders (e.g., scientists, commercial fishermen, recreational fishermen, non-governmental organizations [NGOs]) in at least some aspect of research on a marine species or fishery.

Data-poor / data-limited
Classification for a state in which **essential fishery information** is limited to an extent where traditional stock assessment methods may not be feasible or results have a relatively high degree of uncertainty.

Data-rich
Classification for a state in which there is a relatively high level of **essential fishery information**.

Depletion
In regard to fisheries, harvesting to unsustainably low levels, to the point that the population's ability to grow and replenish is significantly reduced.

Depressed
In regard to fisheries, the condition of a fishery for which the best available scientific information, and other relevant information that the **Commission** or **Department** possesses or receives, indicates a declining population trend has occurred over a period of time appropriate to that fishery. With regards to fisheries for which management is based on **maximum sustainable yield**, or in which a natural mortality rate is available, "depressed" means the condition of a fishery that exhibits declining fish population abundance levels below those consistent with maximum sustainable yield.

Discards
Fish that are taken in a fishery but are not retained because they are of an undesirable species, size, sex, or quality (i.e. **bycatch**), or because they are required by law not to be retained.

Ecosystem
The physical and climatic features and all the living and dead organisms in an area that are interrelated in the transfer of energy and material, which together produce and maintain a characteristic type of biological community. Marine ecosystems can be particularly complex due to the vastness of the marine environment, the large number of organisms, and the intricacies of the physical, chemical, biological, and social processes involved.

Ecosystem-based management (EBM)
An environmental management approach relying on credible science that recognizes the full array of interactions within an **ecosystem**, including humans, rather than considering single issues, species, or ecosystem services in isolation.

Ecosystem indicator
An **indicator** that can serve as a proxy for overall condition of the ecosystem. It could be the abundance of a keystone species, **biodiversity** measurement, or **biomass**, etc. Selection of appropriate indicators is key to properly communicating between stakeholders and managers.

Ecological Risk Assessment (ERA)
The assessment of environmental effects of certain stressors and their immediate and long-term potential damage or harm to an ecosystem. Risk assessment is aimed at better identifying which species might be most adversely affected by a stressor by assessing the probability, or risk, of effects. Within the context of marine systems, risk assessment has been applied to compare the importance of individual stressors and to identify which species face the greatest threat from individual or multiple stressors.

Effort
The amount of time and fishing power used to harvest fish, invertebrates, or plants, whether by individuals or vessels. For vessels, fishing power includes gear size, boat size, and horsepower. Used to calculate **catch per unit effort**.

Effort control
Management action intended to reduce fishing activities in order to conserve resources. These may include **limited entry** programs, **ITQs**, catch limits per license, and gear restrictions.

Electronic monitoring (EM)
In regard to fisheries, means technologies such as digital cameras, sensors, tablets, and online entries to track fishing vessels' **catch**, **bycatch**, and **discards** at sea. These are increasingly being used in place of human observers onboard vessels that lack the space or funds for them.

Entanglement
In regard to fisheries, occurs when a marine species become trapped or tangled in fishing gear. It is not used to describe fish that are caught in nets but rather species including sea turtles, marine mammals, and seabirds that are unintentionally entangled.

Essential fishery information (EFI)
In regard to fisheries, information about fish, invertebrate, or plant life history and habitat requirements; the status and trends of populations, fishing effort, and catch levels; fishery effects on age structure and on other marine living resources and users, and any other information related to the biology of a species or to its take in a fishery that is necessary to permit fisheries to be managed according to the requirements of this code.

Experimental Gear Permit
Permit issued under special review of the Commission that allows the use of gear that is not permitted under any other permits or licenses in order to allow new gears to be developed and improved.

External peer-review panel
In the MLMA context, means a group of experts who review the scientific basis of a fishery management document and evaluate the scientific soundness of the document. The panel members cannot be employees or officers of the **Department** or the **Commission**, and cannot have helped with the development of the document.

Finfish
Any species of bony fish (teleosts) or cartilaginous fish (sharks, skates and rays). Finfish do not include reptiles, amphibians, invertebrates, plants or algae.

Fishery
Means either of the following:
(a) One or more populations of marine fish, invertebrates, or plants that may be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics.
(b) Fishing for or harvesting of the populations described in (a).

Fishery-dependent data
Information collected directly from a fishery, such as sampling catch at landing sites and information from commercial landing receipts and commercial and CPFV logbooks.

Fishery-independent data
Information collected separately or independent of fishery landing or catch data.

Fishery Management Plan (FMP)
A planning document based on the best available scientific knowledge and other relevant information, that contains a comprehensive review of the fishery along with clear objectives and measures to ensure its sustainability. Components of an FMP are described in the MLMA.

Fishing season
A management tool that only permits fishing within set dates. This tool can be used to reduce effort or to protect target stocks during reproductive or other sensitive periods. Different fisheries and species have different seasons as decided by managers; the season is the period of time within which the fish may be caught and retained.

Forage fish
May refer to vertebrate and invertebrate species that provide food for marine fish, mammals, and birds. Forage fish may be targeted for direct human consumption, such as anchovies or sardines, but are most often targeted for fishmeal production or as bait for other species.

Gear restrictions
A management tool that is intended to limit fishing effort or impacts from fishing by limiting the use of, or banning, certain gears or types of gear. This may be done by only specifying allowed gears and banning the use of all others, specifying banned gears and allowing the use of all others, and/or banning or requiring gear components or specifications (e.g. mesh size).

Gill net
A passive capture gear constructed of vertical panels of netting, hung between a ground line and a float line, and set in a straight line, in which fish can become entangled. Gill nets are classified as either “set” or “drift”.

Groundfish
Finfish species that live and feed on or near the bottom of the seafloor. Groundfish are often managed as a single multispecies fishery. Common targeted groundfish species include rockfishes, flatfishes, skates, cod, and whiting.)

Habitat
The physical, chemical, and biological features of the environment where an organism lives.

Harvest control rule
A primary mechanism for achieving sustainable use, preventing **overfishing**, preserving habitat, rebuilding depressed stocks, and recognizing the importance of non-consumptive uses. Harvest control rules must be based on objective, measurable criteria such as population size, productivity, or density, or other inputs. A harvest control rule specifies the approach to setting **ABC**, **MSY**, or another catch parameter for a stock or stock complex as a function of the scientific uncertainty in the estimate of **OFL** and any other scientific uncertainty. The harvest control rule may include explicit, stock- or complex-specific definitions of “overfished” or other categories. Once established, a harvest control rule becomes the default harvest policy for managers. In general, harvest control rules help identify key management measures appropriate to the fishery.

Highly Migratory Species (HMS)
Tuna species, marlin *(Tetrapturus spp*. and *Makaira spp.*), oceanic sharks, sailfishes (*Istiophorus spp*.), and swordfish (*Xiphias gladius*).

Hook-and-line
Any type of fishing gear involving a fishing line with attached hooks (e.g. longline, rod-and-reel, troll, and stick gear).

Indicator
A measure of a component or process that can serve as a proxy for values that are difficult to calculate, such as abundance of a species or **ecosystem** health. For example, **CPUE** is often used as an indicator of stock abundance or availability.

Individual Transferable Quota (ITQ)
A **limited access** system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person.

Input controls
Regulations created by fishery managers to limit or control fishing **impacts** by limiting **fishing effort**, such as **fishing seasons** and area closures, gear restrictions, and **limited access programs**.

Landing receipt
A document provided by the **Department** to commercial fish markets, fish dealers, fish processors, and fishermen for recording landing information. Information required includes date, port of landing, species or market category of fish, pounds landed, and price paid.

Landing
The number or weight of fish unloaded at a dock by commercial fishermen or brought to shore by recreational fishermen for personal use. A landing is reported at the point at which fish are brought to shore. Note that **landings**, **catch**, and **harvest** are all distinct metrics.

Life history
The history of changes an organism passes through in its development from egg, spore or other primary stage until its natural death.

Limited access/entry
See **restricted access.**

Logbooks
Records of fishing activity and catch maintained by commercial fishermen as required for some fisheries.

Management Strategy Evaluation (MSE)
A formal process to evaluate the performance of alternative management procedures for a fishery, prior to any implementation. MSEs vary between fisheries, but typically utilize models to assess the current status of the fishery, and assumptions or additional models to determine the effects of potential management actions.

Marine Life Management Act (MLMA)
Passed in 1998 by the California Legislature under Assembly Bill 1241, the MLMA significantly changes the way California's marine fisheries are managed and regulated. It expanded the responsibilities of the Department and Commission, and increased stakeholder involvement in the development of FMPs.

Marine Life Protection Act (MLPA)
The MLPA was passed in 1999 by the California Legislature, directing the Department to redesign California's existing system of MPAs to increase its coherence and effectiveness for protecting the state's marine life, habitats, and ecosystems.

Marine living resources
Includes all wild mammals, birds, reptiles, fish, and plants that normally occur in or are associated with ocean and estuarine waters, and the marine habitats upon which these animals and plants depend for their continued viability.

Marine Mammal Protection Act (MMPA)
Passed in 1978, protects all marine mammals in U.S. waters and prohibits their take except that which is permitted specifically for tribal subsistence, scientific research, and limited incidental catch that is inherent in other fishing activities.

Marine Protected Area (MPA)
A named, discrete geographic marine or estuarine area seaward of the mean high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its

overlying water and associated flora and fauna that has been designated by law, administrative action, or voter initiative to protect or conserve marine life and habitat. An MPA includes marine life reserves and other areas that allow for specified commercial and recreational activities, including fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided that these activities are consistent with the objectives of the area and the goals and guidelines of this chapter. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs), which are broader groups of named, discrete geographic areas along the coast that protect, conserve, or otherwise manage a variety of resources and uses, including living marine resources, cultural and historical resources, and recreational opportunities.

Maximum Economic Yield (MEY)
The maximum possible revenue after accounting for the costs of fishing that may be achieved in a fishery. MEY typically is reached at smaller catches than **MSY**.

Maximum Sustainable Yield (MSY)
The highest average yield over time that does not result in a continuing reduction in stock abundance, taking into account fluctuations in abundance and environmental variability.

Migratory Bird Treaty Act (MBTA)
Implemented in 1916 between Great Britain and the US, the MBTA prohibited the harvest of birds that migrate between Canada and the US, as well as the take of their feathers, eggs or nests. Similar agreements have expanded these protections to birds that migrate to/from the US and Japan, Mexico, and Russia.

Model
An equation that can be used to predict management outcomes based on hypothetical and/or measured values. Management tools such as **MSY, OSY,** and **stock assessments** utilize models.

Monitoring
In regard to fisheries, management activities that keep records of fishing and biological data, such as landings records or sampling of the catch. Monitoring may also refer to the monitoring of compliance with environmental regulations during fishing activities.

Mortality (total or fishing)
Total mortality is the sum total of individual deaths within a population. Usually, it is stated as an annual rate and calculated as the sum of **fishing mortality** (deaths due to fishing), deaths due to natural causes (e.g., predation, disease), and deaths due to non-fishing, artificial causes (e.g., pollution, seismic surveys).

Non-consumptive activities
Activities which involve a specified marine resource or area but in which no harvest or take occurs, such as divers observing or photographing fish species.

Offshore
All oceanic waters outside state waters or deeper than 100 fathoms, in comparison to **nearshore**.

Optimum yield (OY)
In regard to a marine fishery, means the amount of fish taken in a fishery that does all of the following:
(a) Provides the greatest overall benefit to the people of California, particularly with respect to

food production and recreational opportunities, and takes into account the protection of marine **ecosystems**.
(b) Is the **maximum sustainable yield** of the fishery, as reduced by relevant economic, social, or ecological factors.
(c) In the case of an **overfished** fishery, provides for rebuilding to a level consistent with producing maximum sustainable yield in the fishery.

Output Controls
Management tools used to limit or control fishing **impacts** by limiting catch, such as **TACs**, **trip limits**, and **bycatch** limits.

Overfished
A fishery is labeled "overfished" based on quantitative thresholds established by the agency with authority over that fishery. The MLMA definition is:
(a) A depressed fishery.
(b) A reduction of take in the fishery is the principal means for rebuilding the population.

Overfishing
A rate or level of take that the best available scientific information, and other relevant information that the **Commission** or **Department** possesses or receives, indicates is not sustainable or that jeopardizes the capacity of a marine fishery to produce the **maximum sustainable yield** on a continuing basis.

Overfishing limit (OFL)
The maximum sustainable yield (MSY) harvest level or the annual abundance of exploitable biomass of a stock or stock complex multiplied by the maximum fishing mortality threshold or proxy thereof and is an estimate of the catch level above which overfishing is occurring.

Participants
In regard to a fishery, means the sport fishing, commercial fishing, and fish receiving and processing sectors of the fishery.

Pelagic
Pertaining to the water column, or referring to organisms living in the water column, as opposed to those living on the seafloor.

Permit fees
Money paid to the respective regulatory body to obtain a permit, fees typically go to conservation funds or are used to offset management costs.

Precautionary management
A resource management framework that implements conservation measures even in the absence of scientific certainty that fish stocks are being overexploited.

Processor
In regard to fisheries, a business, individual or vessel that is involved in the preparation or packaging of fish/marine resources to render them suitable for human consumption, pet food, industrial uses or long-term storage, including; but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless there is additional preparation.

Productivity
The birth, growth, and death rates of a stock. A highly productive stock is characterized by high birth, growth and mortality rates, and as a consequence has a high turnover. Such stocks can usually sustain higher exploitation rates and, if depleted, could recover more rapidly than comparatively less productive stocks.

Productivity and Susceptibility Analysis (PSA)
A model that scores the productivity (ability to recover following depletion) and susceptibility (potential impacts from fishing) of a species, collectively known as **vulnerability.**

Quota
A limit on the amount of fish which may be landed in any one fishing season or year. May apply to the total fishery, a geographical area, or an individual share.

Rebuilding
The implementation of management measures that increase a fish stock to its target size. Rebuilding measures are commonly implemented for overfished species.

Recreational/Sport Fishery
Fishing with no intentions of, or ability to, sell catch.

Recruitment
A measure of the number of fish that survive to a particular life stage, often used to predict future population size. Some examples include: the number of offspring that survive the larval stage and reach the juvenile stage (larval recruitment), the number of individuals that survive (i.e., recruit) to the next year (e.g., age 2 recruits), the number of fish that reach sexual maturity (i.e., recruit to the spawning population), or in the case of a fishery, the number of fish that recruit to the catchable component of the population.

Reference point
Reference points are quantitative (numerical) values that inform managers about the current status of a stock. Two important types must be considered, target and threshold (or limit) reference points. *Target reference point* is a numerical value that indicates that the status of a stock is at a desirable level; often management is geared towards achieving or maintaining this target. *Threshold (limit) reference point* is a numerical value that indicates that the status of a stock is unacceptable (e.g. overfished or too small), and that management action should be taken to improve stock status.

Regulatory discard
Fish harvested unintentionally in a fishery that fishermen are required by regulation to discard whenever caught, or are required by regulation to retain but not sell.

Restricted access
Restriction of the right to participate in a fishery, by the use of permits or other means. This is one method managers may use to ensure sustainable fisheries, reduce fishing effort, or protect recovering or threatened stocks.

Rulemaking
The process of developing regulations which occurs in several steps, including publishing proposed rules, accepting comments on the proposed rule, and publishing the final rule.

Rulemaking is used to create specific actions and regulations that are designed to carry out the intent of environmental legislation and policy.

Sector
Different, although sometimes overlapping, groups of fishermen that are subject to their own regulations. For example, the federal groundfish fishery off the West Coast is managed by the following sectors: limited-entry trawl, limited-entry fixed gear, tribal, recreational, and open-access.

Seine
A type of net that is deployed by encircling fish. Purse seines are used to catch fish within the water column or near the surface, while demersal seines are used to target fish on the seafloor.

Set net
A type of **gill** net that is set in place with buoys and/or anchors and catches fish that swim into it and become entangled.

Size limit
A regulation requiring that landed fish fall below or above a certain size threshold. Minimum size limits are typically intended to prevent the harvest of juvenile or young individuals before they have reproduced. Maximum size limits are typically intended to prevent the harvest of highly fecund female fish. Size limits may be sex-specific for some species.

Spawning Potential Ratio (SPR)
A ratio of the number of eggs produced during the lifetime of an average female in a fished population to the number of eggs produced during the lifetime of an average female in an unfished population; used to characterize the amount of impact fishing has on a population's ability to reproduce.

Stakeholder
One who has an impact on, is impacted by, or is interested in something, such as a **fishery** or **MPA**.

Stakeholder engagement/involvement (in MLMA)
Also referred to as "public involvement" in the **MLMA** Master Plan, and may mean establishing communication between managers and stakeholders through outreach, workshops or meetings. It may also involve receiving feedback and input from stakeholders in the creation of management goals, or settling formal disputes.

Stock
In regard to fisheries, means a species, subspecies, geographical grouping, or other category of fish, invertebrate, or plant capable of management as a unit.

Stock assessment
A management tool that utilizes modeling and historic and current population data or trends to determine the status (productivity, biomass, population size) of a fishery, in order to determine at what level it may be sustainably exploited.

Substrate
The surface or medium on or in which an organism lives (e.g. mud, sand, rocks).

Sustainable
"Sustainable," "sustainable use," and "sustainability," with regard to a marine fishery, mean both of the following:
(a) Continuous replacement of resources, taking into account fluctuations in abundance and environmental variability.
(b) Securing the fullest possible range of present and long-term economic, social, and ecological benefits, maintaining biological diversity, and, in the case of fishery management based on maximum sustainable yield, providing for a fishery that does not exceed optimum yield.

Total Allowable Catch (TAC)
A specified numerical catch (including discard **mortality**) for each fishing season, the attainment (or expected attainment) of which may cause closure of the fishery.

Total Allowable Effort (TAE)
A specified numerical effort objective for each fishing season. This can be expressed in number of boats, amount of gear used, etc., and is controlled and adjusted through permits and licenses.

Trap limit
A regulatory measure that restricts the number of traps a fisherman may have in the water at the same time.

Trawl
A large net that is tapered and forms a flattened cone. The mouth of the net is kept open while it is towed or dragged, either in the pelagic habitat (midwater trawl) or over the sea bottom (otter trawl or bottom trawl).

Tribal consultation
In regard to fisheries, means the process of engaging in government-to-government dialogue with Tribes in a timely manner and in good faith to provide Tribes with necessary information and to seek out, discuss, and give full and meaningful consideration to the views of Tribes in an effort to reach a mutually agreed upon resolution of any concerns expressed by the Tribes or the managers.

Unfished biomass
The hypothetical predicted **biomass** of a fish or invertebrates within a stock if no fishing was occurring.

Vulnerability
In regard to fisheries, a stock’s susceptibility to suffer mortality from fishing or to experience overfishing.

Yield
The total number or biomass of fish, invertebrates, or plants harvested.

Yield per recruit (YPR)
A theoretical value that describes the yield to a fishery that is contributed by a given number of recruits (usually a single recruit).

Appendix A – The Marine Life Management Act

(Unless indicated otherwise, all sections were added to the Fish and Game Code in 1998, and became effective on January 1, 1999.)

90.

The definitions in this chapter govern the construction of Chapter 7 (commencing with Section 1700) of Division 2 and Division 6 (commencing with Section 5500) and all regulations adopted pursuant to those provisions.

90.1.

"Adaptive management," in regard to a marine fishery, means a scientific policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that even if they fail, they will provide useful information for future actions. Monitoring and evaluation shall be emphasized so that the interaction of different elements within the system can be better understood.

90.5.

"Bycatch" means fish or other marine life that are taken in a fishery but which are not the target of the fishery. "Bycatch" includes discards.

90.7.

"Depressed," with regard to a marine fishery, means the condition of a fishery for which the best available scientific information, and other relevant information that the commission or department possesses or receives, indicates a declining population trend has occurred over a period of time appropriate to that fishery. With regard to fisheries for which management is based on maximum sustainable yield, or in which a natural mortality rate is available, "depressed" means the condition of a fishery that exhibits declining fish population abundance levels below those consistent with maximum sustainable yield.

91.

"Discards" means fish that are taken in a fishery but are not retained because they are of an undesirable species, size, sex, or quality, or because they are required by law not to be retained.

93.

"Essential fishery information," with regard to a marine fishery, means information about fish life history and habitat requirements; the status and trends of fish populations, fishing effort, and catch levels; fishery effects on fish age structure and on other marine living resources and users, and any other information related to the biology of a fish species or to taking in the fishery that is necessary to permit fisheries to be managed according to the requirements of this code.

94.

"Fishery" means both of the following:
(a) One or more populations of marine fish or marine plants that may be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics.
(b) Fishing for, harvesting, or catching the populations described in (a).
(Amended January 1, 2003.)

96.

"Marine living resources" includes all wild mammals, birds, reptiles, fish, and plants that normally occur in or are associated with salt water, and the marine habitats upon which these animals and plants depend for their continued viability.

96.5.

"Maximum sustainable yield" in a marine fishery means the highest average yield over time that does not result in a continuing reduction in stock abundance, taking into account fluctuations in abundance and environmental variability.

97.

"Optimum yield," with regard to a marine fishery, means the amount of fish taken in a fishery that does all of the following:
(a) Provides the greatest overall benefit to the people of California, particularly with respect to food production and recreational opportunities, and takes into account the protection of marine ecosystems.
(b) Is the maximum sustainable yield of the fishery, as reduced by relevant economic, social, or ecological factors.
(c) In the case of an overfished fishery, provides for rebuilding to a level consistent with producing maximum sustainable yield in the fishery.

97.5.

"Overfished," with regard to a marine fishery, means both of the following:
(a) A depressed fishery.
(b) A reduction of take in the fishery is the principal means for rebuilding the population.

98.

"Overfishing" means a rate or level of taking that the best available scientific information, and other relevant information that the commission or department possesses or receives, indicates is not sustainable or that jeopardizes the capacity of a marine fishery to produce the maximum sustainable yield on a continuing basis.

98.2.

"Participants" in regard to a fishery means the sport fishing, commercial fishing, and fish receiving and processing sectors of the fishery.

98.5.

"Population" or "stock" means a species, subspecies, geographical grouping, or other category of fish capable of management as a unit.

99.

"Restricted access," with regard to a marine fishery, means a fishery in which the number of persons who may participate, or the number of vessels that may be used in taking a specified species of fish, or the catch allocated to each fishery participant, is limited by statute or regulation.
(Amended effective January 1, 2000.)

99.5.

"Sustainable," "sustainable use," and "sustainability," with regard to a marine fishery, mean both of the following:
(a) Continuous replacement of resources, taking into account fluctuations in abundance and environmental variability.
(b) Securing the fullest possible range of present and long-term economic, social, and ecological benefits, maintaining biological diversity, and, in the case of fishery management based on maximum sustainable yield, taking in a fishery that does not exceed optimum yield.

CHAPTER 1. General Policies [7050 - 7051]

7050.

(a) The Legislature finds and declares that the Pacific Ocean and its rich marine living resources are of great environmental, economic, aesthetic, recreational, educational, scientific, nutritional, social, and historic importance to the people of California.
(b) It is the policy of the state to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the state. The objective of this policy shall be to accomplish all of the following:
(1) Conserve the health and diversity of marine ecosystems and marine living resources.
(2) Allow and encourage only those activities and uses of marine living resources that are sustainable.
(3) Recognize the importance of the aesthetic, educational, scientific, and recreational uses that do not involve the taking of California's marine living resources.
(4) Recognize the importance to the economy and the culture of California of sustainable sport and commercial fisheries and the development of commercial aquaculture consistent with the marine living resource conservation policies of this part.
(5) Support and promote scientific research on marine ecosystems and their components to develop better information on which to base marine living resource management decisions.
(6) Manage marine living resources on the basis of the best available scientific information and other relevant information that the commission or department possesses or receives.
(7) Involve all interested parties, including, but not limited to, individuals from the sport and commercial fishing industries, aquaculture industries, coastal and ocean tourism and recreation industries, marine conservation organizations, local governments, marine scientists, and the public in marine living resource management decisions.
(8) Promote the dissemination of accurate information concerning the condition of, or management of, marine resources and fisheries by seeking out the best available information and making it available to the public through the marine resources management process.

(9) Coordinate and cooperate with adjacent states, as well as with Mexico and Canada, and encourage regional approaches to management of activities and uses that affect marine living resources. Particular attention shall be paid to coordinated approaches to the management of shared fisheries.

7051.

(a) A regulation adopted pursuant to this part shall apply only to ocean waters and bays. Notwithstanding any other provision of this part, nothing contained in this part grants the department or any other agency of the state any regulatory authority not in existence on January 1, 1999, in any river upstream of the mouth of such river, in the Sacramento-San Joaquin Delta or in any other estuary.
(b) The policies in this part shall apply only to fishery management plans and regulations adopted by the commission on or after January 1, 1999. No power is delegated to the commission or the department by this part to regulate fisheries other than the nearshore fishery, the white sea bass fishery, emerging fisheries, and fisheries for which the commission or department had regulatory authority prior to January 1, 1999.

CHAPTER 2. Marine Fisheries Generally [7055 - 7059]

7055.

The Legislature finds and declares that it is the policy of the state that:
(a) California's marine sport and commercial fisheries, and the resources upon which they depend, are important to the people of the state and, to the extent practicable, shall be managed in accordance with the policies and other requirements of this part in order to assure the long-term economic, recreational, ecological, cultural, and social benefits of those fisheries and the marine habitats on which they depend.
(b) Programs for the conservation and management of the marine fishery resources of California shall be established and administered to prevent overfishing, to rebuild depressed stocks, to ensure conservation, to facilitate long-term protection and, where feasible, restoration of marine fishery habitats, and to achieve the sustainable use of the state's fishery resources.
(c) Where a species is the object of sport fishing, a sufficient resource shall be maintained to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport.
(d) The growth of commercial fisheries, including distant-water fisheries, shall be encouraged.

7056.

In order to achieve the primary fishery management goal of sustainability, every sport and commercial marine fishery under the jurisdiction of the state shall be managed under a system whose objectives include all of the following:
(a) The fishery is conducted sustainably so that long-term health of the resource is not sacrificed in favor of short-term benefits. In the case of a fishery managed on the basis of maximum sustainable yield, management shall have optimum yield as its objective.
(b) The health of marine fishery habitat is maintained and, to the extent feasible, habitat is restored, and where appropriate, habitat is enhanced.
(c) Depressed fisheries are rebuilt to the highest sustainable yields consistent with environmental and habitat conditions.
(d) The fishery limits bycatch to acceptable types and amounts, as determined for each fishery.

(e) The fishery management system allows fishery participants to propose methods to prevent or reduce excess effort in marine fisheries.
(f) Management of a species that is the target of both sport and commercial fisheries or of a fishery that employs different gears is closely coordinated.
(g) Fishery management decisions are adaptive and are based on the best available scientific information and other relevant information that the commission or department possesses or receives, and the commission and department have available to them essential fishery information on which to base their decisions.
(h) The management decision making process is open and seeks the advice and assistance of interested parties so as to consider relevant information, including local knowledge.
(i) The fishery management system observes the long-term interests of people dependent on fishing for food, livelihood, or recreation.
(j) The adverse impacts of fishery management on small-scale fisheries, coastal communities, and local economies are minimized.
(k) Collaborative and cooperative approaches to management, involving fishery participants, marine scientists, and other interested parties are strongly encouraged, and appropriate mechanisms are in place to resolve disputes such as access, allocation, and gear conflicts.
(l) The management system is proactive and responds quickly to changing environmental conditions and market or other socioeconomic factors and to the concerns of fishery participants.
(m) The management system is periodically reviewed for effectiveness in achieving sustainability goals and for fairness and reasonableness in its interaction with people affected by management.

7058.

Any fishery management regulation adopted by the commission shall, to the extent practicable, conform to the policies of Sections 7055 and 7056.
(Amended effective January 1, 2003.)

7059.

(a) The Legislature finds and declares all of the following:
(1) Successful marine life and fishery management is a collaborative process that requires a high degree of ongoing communication and participation of all those involved in the management process, particularly the commission, the department, and those who represent the people and resources that will be most affected by fishery management decisions, especially fishery participants and other interested parties.
(2) In order to maximize the marine science expertise applied to the complex issues of marine life and fishery management, the commission and the department are encouraged to continue to, and to find creative new ways to, contract with or otherwise effectively involve Sea Grant staff, marine scientists, economists, collaborative factfinding process and dispute resolution specialists, and others with the necessary expertise at colleges, universities, private institutions, and other agencies.
(3) The benefits of the collaborative process required by this section apply to most marine life and fishery management activities including, but not limited to, the development and implementation of research plans, marine managed area plans, fishery management plans, and plan amendments, and the preparation of fishery status reports such as those required by Section 7065.
(4) Because California is a large state with a long coast, and because travel is time consuming and costly, the involvement of interested parties shall be facilitated, to the extent practicable, by conducting meetings and discussions in the areas of the coast and in ports where those most affected are concentrated.

(b) In order to fulfill the intent of subdivision (a), the commission and the department shall do all of the following:
(1) Periodically review marine life and fishery management operations with a view to improving communication, collaboration, and dispute resolution, seeking advice from interested parties as part of the review.
(2) Develop a process for the involvement of interested parties and for factfinding and dispute resolution processes appropriate to each element in the marine life and fishery management process. Models to consider include, but are not limited to, the take reduction teams authorized under the Marine Mammal Protection Act (16 U.S.C. Sec. 1361 et seq.) and the processes that led to improved management in the California herring, sea urchin, prawn, angel shark, and white seabass fisheries.
(3) Consider the appropriateness of various forms of fisheries comanagement, which involves close cooperation between the department and fishery participants, when developing and implementing fishery management plans.
(4) When involving fishery participants in the management process, give particular consideration to the gear used, involvement of sport or commercial sectors or both sectors, and the areas of the coast where the fishery is conducted in order to ensure adequate involvement.
(Amended effective January 1, 2000.)

CHAPTER 3. Fisheries Science [7060 - 7062]

7060.

(a) The Legislature finds and declares that for the purposes of sustainable fishery management and this part, essential fishery information is necessary for federally and state-managed marine fisheries important to the people of this state to provide sustainable economic and recreational benefits to the people of California. The Legislature further finds and declares that acquiring essential fishery information can best be accomplished through the ongoing cooperation and collaboration of participants in fisheries.
(b) The department, to the extent feasible, shall conduct and support research to obtain essential fishery information for all marine fisheries managed by the state.
(c) The department, to the maximum extent practicable and consistent with Section 7059, shall encourage the participation of fishermen in fisheries research within a framework that ensures the objective collection and analysis of data, the collaboration of fishermen in research design, and the cooperation of fishermen in carrying out research.
(d) The department may apply for grants to conduct research and may enter into contracts or issue competitive grants to public or private research institutions to conduct research.

7062.

(a) The department shall establish a program for external peer review of the scientific basis of marine living resources management documents. The department, in its discretion and unless otherwise required by this part, may submit to peer review, documents that include, but are not limited to, fishery management plans and plan amendments, marine resource and fishery research plans.
(b) The department may enter into an agreement with one or more outside entities that are significantly involved with researching and understanding marine fisheries and are not advocacy organizations. These entities may include, but not be limited to, the Sea Grant program of any state, the University of California, the California State University, the Pacific States Marine Fisheries Commission, or any other entity approved by the commission to select and administer peer review panels, as needed. The peer review panels shall be composed of individuals with

technical expertise specific to the document to be reviewed. The entity with which the department enters into an agreement for a peer review shall be responsible for the scientific integrity of the peer review process. Each peer reviewer may be compensated as needed to ensure competent peer review. Peer reviewers shall not be employees or officers of the department or the commission and shall not have participated in the development of the document to be reviewed.
(c) The external peer review entity, within the timeframe and budget agreed upon by the department and the external scientific peer review entity, shall provide the department with the written report of the peer review panel that contains an evaluation of the scientific basis of the document. If the report finds that the department has failed to demonstrate that a scientific portion of the document is based on sound scientific knowledge, methods, and practices, the report shall state that finding, and the reasons for the finding. The department may accept the finding, in whole or in part, and may revise the scientific portions of the document accordingly. If the department disagrees with any aspect of the finding of the external scientific peer review, it shall explain, and include as part of the record, its basis for arriving at such a determination in the analysis prepared for the adoption of the final document, including the reasons why it has determined that the scientific portions of the document are based on sound scientific knowledge, methods, or practice. The department shall submit the external scientific peer review report to the commission with any peer reviewed document that is to be adopted or approved by the commission.
(d) The requirements of this section do not apply to any emergency regulation adopted pursuant to subdivision (b) of Section 11346.1 of the Government Code.
(e) Nothing is this section shall be interpreted, in any way, to limit the authority of the commission or department to adopt a plan or regulation.

CHAPTER 4. Commission and Department [7065 - 7066]

7065.

(a) The director shall report annually in writing to the commission on the status of sport and commercial marine fisheries managed by the state. The date of the report shall be chosen by the commission with the advice of the department. Each annual report shall cover at least one-fourth of the marine fisheries managed by the state so that every fishery will be reported on at least once every four years. The department shall, consistent with Section 7059, involve expertise from outside the department in compiling information for the report, which may include, but need not be limited to, Sea Grant staff, other marine scientists, fishery participants, and other interested parties.
(b) For each fishery reported on in an annual report, the report shall include information on landings, fishing effort, areas where the fishery occurs, and other factors affecting the fishery as determined by the department and the commission. Each restricted access program shall be reviewed at least every five years for consistency with the policies of the commission on restricted access fisheries.
(c) Notwithstanding subdivision (a), the first annual report shall be presented to the commission on or before September 1, 2001, and shall cover all the marine fisheries managed by the state. To the extent that the requirements of this section and Section 7073 are duplicative, the first annual report may be combined with the plan required pursuant to Section 7073.
(Amended effective January 1, 2000.)

7066.

(a) The Legislature finds and declares that a number of human-caused and natural factors can affect the health of marine fishery resources and result in marine fisheries that do not meet the policies and other requirements of this part.
(b) To the extent feasible, the director's report to the commission pursuant to Section 7065 shall identify any marine fishery that does not meet the sustainability policies of this part. In the case of a fishery identified as being depressed, the report shall indicate the causes of the depressed condition of the fishery, describe steps being taken to rebuild the fishery, and, to the extent practicable, recommend additional steps to rebuild the fishery.
(c) The director's report to the commission pursuant to Section 7065, consistent with subdivision (m) of Section 7056, shall evaluate the management system and may recommend modifications of that system to the commission.
(Amended effective January 1, 2000.)

CHAPTER 5. Fishery Management Plans—General Policies [7070 - 7074]

7070.

The Legislature finds and declares that the critical need to conserve, utilize, and manage the state's marine fish resources and to meet the policies and other requirements stated in this part require that the state's fisheries be managed by means of fishery management plans.

7071.

(a) Any white seabass fishery management plan adopted by the commission on or before January 1, 1999, shall remain in effect until amended pursuant to this part.
Notwithstanding paragraph (2) of subdivision (b) of Section 7073, any white seabass fishery management plan adopted by the commission and in existence on January 1, 1999, shall be amended to comply with this part on or before January 1, 2002.
(b) In the case of any fishery for which the commission has management authority, including white seabass, regulations that the commission adopts to implement a fishery management plan or plan amendment for that fishery may make inoperative, in regard to that fishery, any fishery management statute that applies to that fishery, including, but not limited to, statutes that govern allowable catch, restricted access programs, permit fees, and time, area, and methods of taking.
(c) On and after January 1, 2000, the commission may adopt regulations as it determines necessary, based on the advice and recommendations of the department, and in a process consistent with Section 7059, to regulate all emerging fisheries, consistent with Section 7090, all fisheries for nearshore fish stocks, and all fisheries for white seabass. Regulations adopted by the commission may include, but need not be limited to, establishing time and area closures, requiring submittal of landing and permit information, regulating fishing gear, permit fees, and establishing restricted access fisheries.
(Amended effective January 1, 2003.)

7072.
(a) Fishery management plans shall form the primary basis for managing California's sport and commercial marine fisheries.
(b) Fishery management plans shall be based on the best scientific information that is available, on other relevant information that the department possesses, or on the scientific information or other relevant information that can be obtained without substantially delaying the preparation of the plan.
(c) To the extent that conservation and management measures in a fishery management plan either increase or restrict the overall harvest or catch in a fishery, fishery management plans shall

allocate those increases or restrictions fairly among recreational and commercial sectors participating in the fishery.
(d) Consistent with Article 17 (commencing with Section 8585), the commission shall adopt a fishery management plan for the nearshore fishery on or before January 1, 2002, if funds are appropriated for that purpose in the annual Budget Act or pursuant to any other law.
(Amended effective January 1, 2003.)

7073.

(a) On or before September 1, 2001, the department shall submit to the commission for its approval a master plan that specifies the process and the resources needed to prepare, adopt, and implement fishery management plans for sport and commercial marine fisheries managed by the state. Consistent with Section 7059, the master plan shall be prepared with the advice, assistance, and involvement of participants in the various fisheries and their representatives, marine conservationists, marine scientists, and other interested persons.
(b) The master plan shall include all of the following:
(1) A list identifying the fisheries managed by the state, with individual fisheries assigned to fishery management plans as determined by the department according to conservation and management needs and consistent with subdivision (f) of Section 7056.
(2) A priority list for preparation of fishery management plans. Highest priority shall be given to fisheries that the department determines have the greatest need for changes in conservation and management measures in order to comply with the policies and requirements set forth in this part. Fisheries for which the department determines that current management complies with the policies and requirements of this part shall be given the lowest priority.
(3) A description of the research, monitoring, and data collection activities that the department conducts for marine fisheries and of any additional activities that might be needed for the department to acquire essential fishery information, with emphasis on the higher priority fisheries identified pursuant to paragraph (2).
(4) A process consistent with Section 7059 that ensures the opportunity for meaningful involvement in the development of fishery management plans and research plans by fishery participants and their representatives, marine scientists, and other interested parties.
(5) A process for periodic review and amendment of the master plan.
(c) The commission shall adopt or reject the master plan or master plan amendment, in whole or in part, after a public hearing. If the commission rejects a part of the master plan or master plan amendment, the commission shall return that part to the department for revision and resubmission pursuant to the revision and resubmission procedures for fishery management plans as described in subdivision (a) of Section 7075.
(Amended effective January 1, 2000.)

7074.

(a) The department shall prepare interim fishery research protocols for at least the three highest priority fisheries identified pursuant to paragraph (2) of subdivision (b) of Section 7073. An interim fishery protocol shall be used by the department until a fishery management plan is implemented for that fishery.
(b) Consistent with Section 7059, each protocol shall be prepared with the advice, assistance, and involvement of participants in the various fisheries and their representatives, marine conservationists, marine scientists, and other interested persons.
(c) Interim protocols shall be submitted to peer review as described in Section 7062 unless the department, pursuant to subdivision (d), determines that peer review of the interim protocol is not

justified. For the purpose of peer review, interim protocols may be combined in the following circumstances:
(1) For related fisheries.
(2) For two or more interim protocols that the commission determines will require the same peer review expertise.
(d) The commission, with the advice of the department, shall adopt criteria to be applied in determining whether an interim protocol may be exempted from peer review.
(Amended effective January 1, 2000.)

CHAPTER 6. Fishery Management Plan Preparation, Approval, and Regulations [7075 - 7078]

7075.

(a) The department shall prepare fishery management plans and plan amendments, including any proposed regulations necessary to implement plans or plan amendments, to be submitted to the commission for adoption or rejection. Prior to submitting a plan or plan amendment, including any proposed regulations necessary for implementation, to the commission, the department shall submit the plan to peer review pursuant to Section 7062, unless the department determines that peer review of the plan or plan amendment may be exempted pursuant to subdivision (c). If the department makes that determination, it shall submit its reasons for that determination to the commission with the plan. If the commission rejects a plan or plan amendment, including proposed regulations necessary for implementation, the commission shall return the plan or plan amendment to the department for revision and resubmission together with a written statement of reasons for the rejection. The department shall revise and resubmit the plan or plan amendment to the commission within 90 days of the rejection. The revised plan or plan amendment shall be subject to the review and adoption requirements of this chapter.
(b) The department may contract with qualified individuals or organizations to assist in the preparation of fishery management plans or plan amendments.
(c) The commission, with the advice of the department and consistent with Section 7059, shall adopt criteria to be applied in determining whether a plan or plan amendment may be exempted from peer review.
(d) Fishery participants and their representatives, fishery scientists, or other interested parties may propose plan provisions or plan amendments to the department or commission. The commission shall review any proposal submitted to the commission and may recommend to the department that the department develop a fishery management plan or plan amendment to incorporate the proposal.

7076.
(a) To the extent practicable, and consistent with Section 7059, the department shall seek advice and assistance in developing a fishery management plan from participants in the affected fishery, marine scientists, and other interested parties. The department shall also seek the advice and assistance of other persons or entities that it deems appropriate, which may include, but is not limited to, Sea Grant, the National Marine Fisheries Service, the Pacific States Marine Fisheries Commission, the Pacific Fishery Management Council, and any advisory committee of the department.
(b) In the case of a fishery management plan or a plan amendment that is submitted to peer review, the department shall provide the peer review panel with any written comments on the plan or plan amendment that the department has received from fishery participants and other interested parties.

7077.

A fishery management plan or plan amendment, or proposed regulations necessary for implementation of a plan or plan amendment, developed by the department shall be available to the public for review at least 30 days prior to a hearing on the management plan or plan amendment by the commission. Persons requesting to be notified of the availability of the plan shall be notified in sufficient time to allow them to review and submit comments at or prior to a hearing. Proposed plans and plan amendments and hearing schedules and agendas shall be posted on the department's Internet website.

7078.

(a) The commission shall hold at least two public hearings on a fishery management plan or plan amendment prior to the commission's adoption or rejection of the plan.
(b) The plan or plan amendment shall be heard not later than 60 days following receipt of the plan or plan amendment by the commission. The commission may adopt the plan or plan amendment at the second public hearing, at the commission's meeting following the second public hearing, or at any duly noticed subsequent meeting, subject to subdivision (c).
(c) When scheduling the location of a hearing or meeting relating to a fishery management plan or plan amendment, the commission shall consider factors, including, among other factors, the area of the state, if any, where participants in the fishery are concentrated.
(d) Notwithstanding Section 7550.5 of the Government Code, prior to the adoption of a fishery management plan or plan amendment that would make inoperative a statute, the commission shall provide a copy of the plan or plan amendment to the Legislature for review by the Joint Committee on Fisheries and Aquaculture or, if there is no such committee, to the appropriate policy committee in each house of the Legislature.
(e) The commission shall adopt any regulations necessary to implement a fishery plan or plan amendment no more than 60 days following adoption of the plan or plan amendment. All implementing regulations adopted under this subdivision shall be adopted as a regulation pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The commission's adoption of regulations to implement a fishery management plan or plan amendment shall not trigger an additional review process under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
(f) Regulations adopted by the commission to implement a plan or plan amendment shall specify any statute or regulation of the commission that is to become inoperative as to the particular fishery. The list shall designate each statute or regulation by individual section number, rather than by reference to articles or chapters.

CHAPTER 7. Contents of Fishery Management Plans [7080 - 7088]

7080.

Consistent with subdivision (b) of Section 7072, each fishery management plan prepared by the department shall summarize readily available information about the fishery including, but not limited to, all of the following:
(a) The species of fish and their location, number of vessels and participants involved, fishing effort, historical landings in the sport and commercial sectors, and a history of conservation and management measures affecting the fishery.
(b) The natural history and population dynamics of the target species and the effects of changing oceanic conditions on the target species.
(c)The habitat for the fishery and known threats to the habitat.

(d) The ecosystem role of the target species and the relationship of the fishery to the ecosystem role of the target species.
(e) Economic and social factors related to the fishery.

7081.

Consistent with subdivision (b) of Section 7072, each fishery management plan or plan amendment prepared by the department shall include a fishery research protocol that does all of the following:
(a) Describe past and ongoing monitoring of the fishery.
(b) Identify essential fishery information for the fishery, including, but not limited to, age and growth, minimum size at maturity, spawning season, age structure of the population, and, if essential fishery information is lacking, identify the additional information needed and the resources and time necessary to acquire the information.
(c) Indicate the steps the department shall take to monitor the fishery and to obtain essential fishery information, including the data collection and research methodologies, on an ongoing basis.

7082.

Each fishery management plan or plan amendment prepared by the department shall contain the measures necessary and appropriate for the conservation and management of the fishery according to the policies and other requirements in this part. The measures may include, but are not limited to, all of the following:
(a) Limitations on the fishery based on area, time, amount of catch, species, size, sex, type or amount of gear, or other factors.
(b) Creation or modification of a restricted access fishery that contributes to a more orderly and sustainable fishery.
(c) A procedure to establish and to periodically review and revise a catch quota in any fishery for which there is a catch quota.
(d) Requirement for a personal, gear, or vessel permit and reasonable fees.

7083.

(a) Each fishery management plan prepared by the department shall incorporate the existing conservation and management measures provided in this code that are determined by the department to result in a sustainable fishery.
(b) If additional conservation and management measures are included in the plan, the department shall, consistent with subdivision (b) of Section 7072, summarize anticipated effects of those measures on relevant fish populations and habitats, on fishery participants, and on coastal communities and businesses that rely on the fishery.

7084.

(a) Consistent with subdivision (b) of Section 7072, each fishery management plan or plan amendment prepared by the department for a fishery that the department has determined has adverse effects on marine fishery habitat shall include measures that, to the extent practicable, minimize adverse effects on habitat caused by fishing.
(b) Subdivision (a) does not apply to activities regulated by Chapter 6 (commencing with Section 6650) of Part 1.

7085.

Consistent with subdivision (b) of Section 7072, each fishery management plan or plan amendment prepared by the department, in fisheries in which bycatch occurs, shall include all of the following:
(a) Information on the amount and type of bycatch.
(b) Analysis of the amount and type of bycatch based on the following criteria:
(1) Legality of the bycatch under any relevant law.
(2) Degree of threat to the sustainability of the bycatch species.
(3) Impacts on fisheries that target the bycatch species.
(4) Ecosystem impacts.
(c) In the case of unacceptable amounts or types of bycatch, conservation and management measures that, in the following priority, do the following:
(1) Minimize bycatch.
(2) Minimize mortality of discards that cannot be avoided.

7086.

(a) Consistent with subdivision (b) of Section 7072, each fishery management plan or plan amendment prepared by the department shall specify criteria for identifying when the fishery is overfished.
(b) In the case of a fishery management plan for a fishery that has been determined to be overfished or in which overfishing is occurring, the fishery management plan shall contain measures to prevent, end, or otherwise appropriately address overfishing and to rebuild the fishery.
(c) Any fishery management plan, plan amendment, or regulation prepared pursuant to subdivision (b), shall do both of the following:
(1) Specify a time period for preventing or ending or otherwise appropriately addressing overfishing and rebuilding the fishery that shall be as short as possible, and shall not exceed 10 years except in cases where the biology of the population of fish or other environmental conditions dictate otherwise.
(2) Allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery.

7087.

(a) Each fishery management plan prepared by the department shall include a procedure for review and amendment of the plan, as necessary.
(b) Each fishery management plan or plan amendment prepared by the department shall specify the types of regulations that the department may adopt without a plan amendment.

7088.

Each fishery management plan and plan amendment shall include a list of any statutes and regulations that shall become inoperative, as to the particular fishery covered by the fishery management plan or plan amendment, upon the commission’s adoption of implementing regulations for that fishery management plan or plan amendment.

CHAPTER 8. Emerging Fisheries [7090- 7090.]

7090.

(a) The Legislature finds and declares that a proactive approach to management of emerging fisheries will foster a healthy marine environment and will benefit both commercial and sport fisheries and other marine-dependent activities. Therefore, the commission, based upon the advice and recommendations of the department, shall encourage, manage, and regulate emerging fisheries consistent with the policies of this part.
(b) “Emerging fishery,” in regard to a marine fishery, means both of the following:
(1) A fishery that the director has determined is an emerging fishery, based on criteria that are approved by the commission and are related to a trend of increased landings or participants in the fishery and the degree of existing regulation of the fishery.
(2) A fishery that is not an established fishery. “Established fishery,” in regard to a marine fishery, means, prior to January 1, 1999, one or more of the following:
(A) A restricted access fishery has been established in this code or in regulations adopted by the commission.
(B) A fishery, for which a federal fishery management plan exists, and in which the catch is limited within a designated time period.
(C) A fishery for which a population estimate and catch quota is established annually.
(D) A fishery for which regulations for the fishery are considered at least biennially by the commission.
(E) A fishery for which this code or regulations adopted by the commission prescribes at least two management measures developed for the purpose of sustaining the fishery. Management measures include minimum or maximum size limits, seasons, time, gear, area restriction, and prohibition on sale or possession of fish.
(c) The department shall closely monitor landings and other factors it deems relevant in each emerging fishery and shall notify the commission of the existence of an emerging fishery.
(d) The commission, upon the recommendation of the department, may do either, or both, of the following:
(1) Adopt regulations that limit taking in the fishery by means that may include, but not be limited to, restricting landings, time, area, gear, or access. These regulations may remain in effect until a fishery management plan is adopted.
(2) Direct the department to prepare a fishery management plan for the fishery and regulations necessary to implement the plan.
(e) A fishery management plan for an emerging fishery shall comply with the requirements for preparing and adopting fishery management plans contained in this part. In addition to those requirements, to allow for adequate evaluation of the fishery and the acquisition of essential fishery information, the fishery management plan shall provide an evaluation period, which shall not exceed three years unless extended by the commission. During the evaluation period, the plan shall do both of the following:
(1) In order to prevent excess fishing effort during the evaluation period, limit taking in the fishery by means that may include, but need not be limited to, restricting landings, time, area, gear, or access to a level that the department determines is necessary for evaluation of the fishery.
(2) Contain a research plan that includes objectives for evaluating the fishery, a description of the methods and data collection techniques for evaluating the fishery, and a timetable for completing the evaluation.
(f) The commission is authorized to impose a fee on an emerging fishery in order to pay the costs of implementing this chapter. The fees may include, but need not be limited to, ocean fishing stamps and permit fees. The fees may not be levied in excess of the necessary costs to implement and administer this chapter. The commission may reduce fees annually if it determines that sufficient revenues exist to cover costs incurred by the department in administering this chapter. The commission and the department, with the advice of fishery participants and other interested parties, shall consider alternative ways to fund the evaluation of emerging fisheries.

(g) An emerging fishery is subject to this section unless the department incorporates the fishery into a fishery management plan developed under Sections 7070 to 7088, inclusive.
(h) In the event that this section is found to conflict with Section 8606, 8614, or 8615, this section shall prevail.
(Amended effective January 1, 2003.)

ARTICLE 17. Nearshore Fisheries Management Act [8585 - 8589.7]

8585.

This article shall be known and may be cited as the Nearshore Fisheries Management Act.

8585.5.

The Legislature finds and declares that important commercial and recreational fisheries exist on numerous stocks of rockfish (genus *Sebastes*), California sheephead (genus *Semicossyphus*), kelp greenling (genus *Hexagrammos*), cabezon (genus *Scorpaenichthys*), and scorpionfish (genus *Scorpaena*), in the nearshore state waters extending from the shore to one nautical mile offshore the California coast, that there is increasing pressure being placed on these fish from recreational and commercial fisheries, that many of these fish species found in the nearshore waters are slow growing and long lived, and that, if depleted, many of these species may take decades to rebuild. The Legislature further finds and declares that, although extensive research has been conducted on some of these species by state and federal governments, there are many gaps in the information on these species and their habitats and that there is no program currently adequate for the systematic research, conservation, and management of nearshore fish stocks and the sustainable activity of recreational and commercial nearshore fisheries. The Legislature further finds and declares that recreational fishing in California generates funds pursuant to the Federal Aid in Sport Fish Restoration Act (16 U.S.C. Secs. 777 to 777l, inclusive), with revenues used for, among other things, research, conservation, and management of nearshore fish. The Legislature further finds and declares that a program for research and conservation of nearshore fish species and their habitats is needed, and that a management program for the nearshore fisheries is necessary. The Legislature further finds and declares that the commission should be granted additional authority to regulate the commercial and recreational fisheries to assure the sustainable populations of nearshore fish stocks. Lastly, the Legislature finds and declares that, whenever feasible and practicable, it is the policy of the state to assure sustainable commercial and recreational nearshore fisheries, to protect recreational opportunities, and to assure long-term employment in commercial and recreational fisheries.
(Amended effective January 1, 2000.)

8586.

The following definitions govern the construction of this article:
(a) “Nearshore fish stocks” means any of the following: rockfish (genus *Sebastes*) for which size limits are established under this article, California sheephead (*Semicossyphus pulcher*), greenlings of the genus *Hexagrammos*, cabezon (*Scorpaenichthys marmoratus*), scorpionfish (*Scorpaena guttata*), and may include other species of finfish found primarily in rocky reef or kelp habitat in nearshore waters.
(b) “Nearshore fisheries” means the commercial or recreational take or landing of any species of nearshore finfish stocks.
(c) “Nearshore waters” means the ocean waters of the state extending from the shore to one nautical mile from land, including one nautical mile around offshore rocks and islands.

(Amended effective January 1, 2000.)

8586.1.

Funding to pay the costs of this article shall be made available from the revenues deposited in the Fish and Game Preservation Fund pursuant to Sections 8587, 8589.5, and 8589.7, and other funds appropriated for these purposes.

8587.

Any person taking, possessing aboard a boat, or landing any species of nearshore fish stock for commercial purposes shall possess a valid nearshore fishery permit issued to that person that has not been suspended or revoked, except that when using a boat to take nearshore fish stocks at least one person aboard the boat shall have a valid nearshore fishery permit. Nearshore fishing permits are revocable. The fee for a nearshore fishing permit is one hundred and twenty-five dollars ($125).
(Amended effective January 1, 2000.)

8587.1.

(a) The commission may adopt regulations as it determines necessary, based on the advice and recommendations of the department, to regulate nearshore fish stocks and fisheries. Regulations adopted by the commission pursuant to this section may include, but are not limited to, requiring submittal of landing and permit information, including logbooks; establishing a restricted access program; establishing permit fees; and establishing limitations on the fishery based on time, area, type, and amount of gear, and amount of catch, species, and size of fish.
(b) Regulations adopted by the commission pursuant to this section may make inoperative any fishery management statute relevant to the nearshore fishery. Any regulation adopted by the commission pursuant to this subdivision shall specify the particular statute to be made inoperative.
(c) The circumstances, restrictions, and requirements of Section 219 do not apply to regulations adopted pursuant to this section.
(d) Any regulations adopted pursuant to this section shall be adopted following consultation with fishery participants and other interested persons consistent with Section 7059.
(Amended effective January 1, 2003.)

8589.

Funding to prepare the plan pursuant to subdivision (d) of Section 7072 and any planning and scoping meetings shall be derived from moneys deposited in the Fish and Game Preservation Fund pursuant to Section 8587 and other funds appropriated for these purposes.

8589.5.

The commission shall temporarily suspend and may permanently revoke the nearshore fishing permit of any person convicted of a violation of this article. In addition to, or in lieu of, a license or permit suspension or revocation, the commission may adopt and apply a schedule of fines for convictions of violations of this article.

8589.7.

(a) Fees received by the department pursuant to Section 8587 shall be deposited in the Fish and Game Preservation Fund to be used by the department to prepare, develop, and implement the nearshore fisheries management plan and for the following purposes:
(1) For research and management of nearshore fish stocks and nearshore habitat. For the purposes of this section, “research” includes, but is not limited to, investigation, experimentation, monitoring, and analysis and “management” means establishing and maintaining a sustainable utilization.
(2) For supplementary funding of allocations for the enforcement of statutes and regulations applicable to nearshore fish stocks, including, but not limited to, the acquisition of special equipment and the production and dissemination of printed materials, such as pamphlets, booklets, and posters aimed at compliance with nearshore fishing regulations.
(3) For the direction of volunteer groups assisting with nearshore fish stocks and nearshore habitat management, for presentations of related matters at scientific conferences and educational institutions, and for publication of related material.
(b) The department shall maintain internal accounts that ensure that the fees received pursuant to Section 8587 are disbursed for the purposes stated in subdivision (a).
(c) The commission shall require an annual accounting from the department on the deposits into, and expenditures from, the Fish and Game Preservation Fund, as related to the revenues generated pursuant to Section 8587. Notwithstanding Section 7550.5 of the Government Code, a copy of the accounting shall be provided to the Legislature for review by the Joint Committee on Fisheries and Aquaculture, and if that committee is not in existence at the time, by the appropriate policy committee in each house of the Legislature.
(d) Unencumbered fees collected pursuant to Section 8587 during any previous calendar year shall remain in the fund and expended for the purposes of subdivision (a). All interest and other earnings on the fees received pursuant to Section 8587 shall be deposited in the fund and shall be used for the purposes of subdivision (a).

Appendix B – Partnerships and engagement efforts in the amendment of the Master Plan

Information Gathering Projects

Beginning in late 2015 and culminating in early 2017, thirteen 'Information Gathering Projects' involving ten contractor groups of expert scientists and investigators explored and considered new tools, approaches, and products to inform the amendment of the Master Plan and development of the Amended Framework for MLMA-based Management.

The Information Gathering Projects and supporting contractors include:

- ***Approach to MLMA-based Management-*** A proposed framework was developed based on the objectives of the MLMA to help focus the Department's management efforts on fisheries with the greatest management need and organize the results of Information Gathering Projects into a comprehensive management system that was designed to fully implement the principles of the MLMA. The proposed framework was modified throughout the amendment process based on changes in Department priorities and feedback heard from the ocean community during engagement efforts. *Department Lead: Paul Reilly; Contractor: Fathom Consulting.*

- ***Productivity and Susceptibility Analysis (PSA) and Ecological Risk Assessment (ERA)-*** Existing PSA and ERA tools were explored as a systematic way to determine the biological and ecological risk of the prosecution of fisheries to target and non-target species as well as habitat. Results from a PSA on 45 commercial and recreational fisheries were used to help the Department prioritize fisheries for FMP development and other management action, as well as inform plans for future data collection and monitoring activities. An existing ERA was modified to meet the Department's needs for assessing the ecological impacts of fisheries to habitat and bycatch species and was piloted on five fisheries with stakeholders during two workshops. *Department Lead: Paul Reilly; Contractor: MRAG Americas and Ocean Science Trust*

- ***MLMA-based Assessment Framework-*** A tool was developed and tested to help assess the degree to which the management of six fisheries is consistent with the provisions of the MLMA. *Department Lead: Tom Mason; Contractor: Center for Ocean Solutions*

- ***Socioeconomic Value and Opportunity-*** This project identified the need and opportunities for analyzing and assembling socioeconomic and human dimension information to guide fishery management efforts consistent with the MLMA. *CDFW Leads: Debbie Aseltine-Neilson and Ryan Bartling; Contractor: California Sea Grant*

- ***California Fisheries Data-limited Toolkit-*** An existing software tool that uses Management Strategy Evaluation (MSE) was customized and tested on four fisheries to compare the performance of a number of stock-assessment approaches for data-limited fisheries. *Department Leads: Pete Kalvass and Chuck Valle; Contactors: Natural Resources Defense Council and University of British Columbia*

- ***Streamlined Fishery Management-*** This project provided guidance on an approach to scale management efforts to the size and complexity of a fishery. A cost-effective,

flexible, and streamlined approach to meeting the goals of the MLMA through an MLMA-based management continuum was proposed and ranged from expanded and better-structured (enhanced) status reports to traditional, resource-intensive FMPs. *Department Leads: Ian Taniguchi; Contactor: Fathom Consulting*

- ***Status of the Fisheries Reports and Web-based Dashboard***- A blueprint for a regularly updated, user-friendly, web-based "California Fishery Dashboard" was developed to serve as a library for fisheries information. Status of the Fisheries Reports will be transformed from a static paper or digital document to a dynamic website structure. The dashboard will be available to the public, fisheries managers, scientists, and others to learn about the state of knowledge about a fishery, management issues and current research needs. *Department Lead: Tom Mason; Contractor: Fathom Consulting*

- ***Climate Change and Fisheries***- This project considered the issue of climate change in the sustainable management of California fisheries, and provided an evaluation of the effects of changing climate and ocean chemistry on fisheries (including social, ecological and governance dimensions), and explored ways of building resilience to buffer against potential effects. *Department Lead: Debbie Aseltine-Neilson; Contractor: Ocean Science Trust*

- ***Bycatch***- A working group composed of fishermen, non-governmental organizations, and state agencies was convened by the Fish and Game Commission to review bycatch and associated issues in California's fisheries. The working group helped to inform the draft Master Plan through their review of bycatch language and definitions, and other action items within the scope of Commission authority. *Department/FGC Lead: Susan Ashcraft and Elizabeth Pope*

- ***Data Review***- The Department's current data collection activities were inventoried and their use and relevance to management evaluated. Recommendations were developed for adapting the Department's fishery dependent data collection activities to more closely meet management needs and leverage existing monitoring programs while also considering trade-offs between costs, coverage, timeframes for implementation, and potential strategies and partners. *Department Lead: Kirsten Ramey; Contractor: MRAG Americas and Kate Wing Consulting*

- ***Fisheries Partnerships***- Opportunities, benefits, and limitations that partnerships between the Department and fishery stakeholders can play in securing effective and efficient fisheries management were evaluated. The project also explored the necessary elements of effective partnerships and the requirements for collaboration on different types of fisheries management activities. *Department Leads: Elizabeth Pope and Ian Taniguchi; Contractor: The Nature Conservancy*

- ***Stakeholder Engagement Toolkit***- This project surveyed the best practices regarding engagement of stakeholders in fisheries management in California and beyond. Tools to help managers foster targeted and meaningful stakeholder involvement in fisheries management by assembling information on a range of stakeholder engagement methods, including costs, necessary expertise, benefits, and challenges, were developed. *Department Leads: Toby Carpenter and Elizabeth Pope; Contractors: Center for Ocean Solutions and Kearns & West*

- ***Peer Review***- Utilizing lessons learned from previous peer reviews under the MLMA (e.g., FMP processes) as well as from best practices of other agencies and scientific organizations, this project developed recommendations to help inform the Department's approach to peer review for FMPs. *Department Lead: Pete Kalvass; Contractors: Ocean Science Trust*

Tribal Communications and Consultation

The Department reached out to Tribes and tribal communities to seek input on the Master Plan amendment process through direct communications and consultation via:

- Letters sent in June 2016 and 2017 that provided general information about the amendment process and solicited tribal input and feedback;
- Presentations at the March 2016 and June 2017 Fish and Game Commission Tribal Committee meetings that included updates on the amendment process;
- Sharing a draft Table of Contents and highlighting tribal communications and consultation as an important component to the draft amended Master Plan as well as soliciting input;
- Individual conversations with interested Tribes to provide additional information and help to address any questions and concerns; and
- Invitations to public discussions (i.e., conference calls, webinars, workshops, and meetings) about the amendment process.

Stakeholder Engagement

The Department engaged with the California ocean community to ensure the amended Master Plan reflects the knowledge, expertise, needs and priorities of the California ocean community. Throughout the amendment process, the Department worked to:

- Continue to support and maintain open lines of communication with target audiences (e.g., Tribes and tribal communities, fishermen, environmental nongovernmental organizations, citizen scientists, academic institutions) and key leaders;
- Learn about the most effective ways to communicate with target audiences and share information about the amendment process;
- Share and discuss draft ideas, tools, approaches, and preliminary findings from the information gathering process, and solicit feedback and input to inform the development of an amended Master Plan, including the Draft Amended Framework for MLMA-based management; and
- Develop a draft amended Master Plan that considers the needs, priorities, and input of the ocean community in advance of and throughout the approval process by the Fish and Game Commission.

The Department designed and implemented a suite of formal and informal engagement strategies to:

- Develop an internal communications and engagement strategy that identified key goals, target audiences, anticipated outcomes, timeframes, and other Department priorities;
- Identify and subsequently work with community leaders, or "Key Communicators" that have direct access to target audiences and were willing to play a liaison role to disseminate information and encourage involvement in "stakeholder discussions";
- Conduct informal informational interviews with Key Communicators to learn about appropriate communications tools and pathways, identify local events to participate in, and establish interest in providing feedback on outreach materials development;
- Engage with target audiences through in-person meetings and presentations at Marine Resources Committee Meetings;

- Develop outreach materials to summarize and help frame the components of the amendment process, as well as present the results and findings of the Information Gathering Projects;
- Utilize a variety of communications channels (i.e., webpage announcements, information blogs, internal Department newsletters, Commission listserv) to share information and outreach materials and promote participation in stakeholder discussions;
- Host a series of stakeholder discussions in the form of in-person meetings, conference calls, and webinars to share information and solicit feedback; and
- Share a pre-draft of the amended Master Plan for stakeholder review and input in advance of review by the Fish and Game Commission.

Outreach Materials
The Department developed several outreach materials to complement stakeholder discussions and provide additional information on the amendment process. The core set of outreach materials include:

- Overview of a Draft Amended Framework for MLMA-based Management
- MLMA Master Plan Amendment Timeline
- MLMA Objectives Overview
- Information Gathering Projects Overview
- Frequently Asked Questions

Additional outreach materials were developed to accompany many of the stakeholder discussions. All outreach materials were made available to stakeholders on the Department's MLMA Master Plan Amendment webpage at https://www.wildlife.ca.gov/Conservation/Marine/MLMA/Master-Plan.

Stakeholder Discussions
In an effort to ensure the amended Master Plan reflected and considered stakeholder input, needs, and priorities, the Department engaged with stakeholders through a series of stakeholder discussions during the amendment phase from December 2016 through December 2017. The goal of these discussions was to share information about the projects and components of the amendment process, including the draft Amended Framework for MLMA-Based Management, and invite input and feedback from a broad and diverse audience of interested tribes, native communities, and stakeholders to help inform the development of the amended Master Plan.

Stakeholder discussions took the form of conference calls, webinars, in-person workshops and public meetings (i.e., Marine Resources Committee meetings, and Fish and Game Commission Tribal Committee meetings). Participation at each discussion ranged from 30-75 people. Stakeholders and tribes provided valuable insight and suggestions that the Department considered during the amendment process.

The following is a complete list of Department stakeholder discussions in chronological order:

- December 13, 2016- A conference call titled "*Marine Life Management Act 101: Orientation Brown Bag Conference Call for Interested Stakeholders"*
- February 1, 2017- A webinar titled "*Draft Approach to Scaled Management and a Fisheries Web-based Data Portal"*
- March 23, 2017- A presentation and discussion at the Marine Resources Committee meeting in San Clemente titled, "*Considering Stakeholder Engagement in Fisheries Management."*

- May 25, 2017- A webinar titled, "*Management Strategies for Achieving Sustainability of Marine Fisheries Under the MLMA"*

Appendix C – Species landed commercially or recreationally from 2006-2016

IN DEVELOPMENT

Appendix D –MLMA-based assessment framework

This appendix provides an overview of an assessment framework developed by the Center for Ocean Solutions during the information gathering phase of the Master Plan amendment. As described in Chapter 4, the framework was co-developed with Department staff and scientists, and is designed to provide a systematic, practical, and flexible means for measuring California state fisheries management outcomes. It can help identify future needs and directions in ESRs and be applied at the outset of an FMP development process to help scope the effort by identifying areas where management efforts should be directed. This is expected to allow the Department to systematically identify future management needs, prioritize limited resources, and more effectively communicate decision-making rationale.

The framework was created through the careful repurposing of relevant metrics from well-known, widely applied sustainability assessment frameworks, peer-reviewed literature, and experts. It has been extensively reviewed and tested by Department staff.

Structure and organization of the MLMA-based assessment framework

The assessment framework comprises six questionnaires, each containing metrics associated with the following requirements of the MLMA, respectively:

1. Manage for abundance of the target stock(s)
2. Minimize unacceptable bycatch
3. Maintain, restore, enhance habitat
4. Conserve entire ecosystems
5. Minimize adverse effects on fishing communities
6. Ensure good management process (compliance, evaluation, and stakeholder engagement)

The main component of the questionnaires is a list of metrics. The first four questionnaires (#1-4 above) deal with the ecological outcomes of management efforts. These questionnaires contain metrics that assess how much scientific information is available on the fishery, the effects of the fishery on the stock(s) and associated marine resources, and the management measures currently in place to address potential and/or known effects. Specifically, the metrics within each questionnaire are organized into the following three categories, consistent with the structure of the MLMA's expectations.

Understand	Managers understand the basic sustainability concerns for each fishery and identify scientific information relevant to affected marine resources and fishing activities.
Assess	Managers assess the magnitude of effect the fishery has on the biophysical system and how management measures affect fishing communities.
Manage	Managers take action to address actual and potential impacts of the fishery and management activity.

The questionnaire on minimizing adverse effects on fishing communities (#5) is based on the broad MLMA goals of recognizing the interests of fishery participants and minimizing adverse impacts to fishing communities. This questionnaire contains metrics that assess understanding of the fishery participants and their concerns and effects of regulation on fishing communities. Metrics within the final questionnaire on management processes (#6) focus on compliance, data needs, research plans, evaluation of management actions and responsiveness to

those evaluations, and stakeholder engagement throughout the management process. The metrics are primarily in multiple choice format, but some require the input of narrative information.

The questionnaires that compose the tool are generally linear. The repondent should answer questions in numerical order, except where the questionnaires provide explicit instructions to do otherwise. Guidance and text about navigating to various sub-questions is included in the questionnaire to demonstrate the intended flow of the self-assessment.

In addition to the metrics, each questionnaire has several additional components. User guidance is incorporated throughout the questionnaires, pointing the questionnaire-taker to specific, vetted examples, definitions, and useful tools developed elsewhere. Such guidance is expected to result in more accurate and consistent answers as well as direct managers to possibilities for improving management strategies and outcomes. To reduce response biases and gain further useful information for scoping and prioritizing future management actions, the questionnaires also include an uncertainty scale and a best available science scale. These components are designed to gauge the precision and rationale underlying responses to each question. The uncertainty scale appears after each question, while the best available science scale follows certain questions (e.g., queries about the collection of scientific information or making decisions based on scientific information). The questionnaires also include space to provide comments after each question where the questionnaire-taker can identify missing information, barriers, or any other comments that allows for more discretionary and narrative responses and compiles information that can be utilized to inform future management decisions.

Each questionnaire was developed with several principles in mind.

- Flexible – The questionnaire balances guidance and discretion. Metrics provide enough guidance so that the differences between various responses are clear and defined. The questionnaire also provides enough discretion to enable the assessment of a diverse array of fisheries that may be characterized by different ecological and socioeconomic issues and managed using distinct management strategies.
- Manageable – The questionnaire is a reasonable length.
- Theoretically sound – The questionnaire is based on best available science and best practices in fisheries management.
- Legally accurate – The questionnaire accurately evaluates legal compliance and requires no more or less than the MLMA.

Suggested best practice for utilizing the MLMA-based assessment framework

Step 1 – Identify the appropriate person(s) to complete the questionnaire.

Several options for utilizing the framework exist. The framework could be applied by the Department to self-assess their management outcomes and identify both successes and areas for potential improvement. In a complimentary or collaborative manner, the framework could also be utilized as a mechanism for scientific peer review by outside entities such as Sea Grant, California Ocean Science Trust, academic or other institutions, or could be applied in collaboration with interested constituents as an approach for improved engagement and dialogue.

Step 2 – Conduct assessment

Completing the entire assessment may require reference to management documents and/or consultation with colleagues. Two of the questionnaires—habitat and bycatch—are designed to be taken for each different sector (e.g., recreational, commercial) or gear type in the fishery. The remaining questionnaires are designed to be taken only once for each fishery. However, if the reviewer feels that the geography or fishing activities of different sectors warrants multiple assessments under any of the remaining questionnaires, the reviewer has discretion to do so. For example, if a fishery has a northern and southern component, and different stock health information that is specific to each, the reviewer should take the "managing target stock" questionnaire separately for the two geographic components.

As noted above, each questionnaire contains metrics and several additional components. Each question is accompanied by background and guidance, designed to define key terms and provide specific examples where appropriate. Each question is followed by a comment box that may be used to provide narrative explanations, identify gaps in understanding, or specify other important information. Comments are fully incorporated into the assessment results and have the potential to add valuable information to the outputs where gaps in understanding or uncertainty about the most accurate response exist. Certain questions are also accompanied by confidence scales that track how certain the reviewer is that the response selected fully captures the fishery being assessed. This scale can be used to identify when the reviewer feels that none of the possible responses are entirely accurate, that an accurate response falls somewhere between the possible responses, or that data are too sparse to answer with full confidence. Low confidence scores should be explained in the comment box. Finally, many questions are accompanied by a request to identify the sources of information that support either the scientific understanding of the fishery or the management measures that have been implemented for the fishery. The categories of sources are defined each time they appear.

Step 3 – Review results to scope and prioritize future management actions and resource allocation

The results of this assessment framework can be used to scope and prioritize future management actions and to efficiently allocate resources. Designed to evaluate consistency with the MLMA, the framework generates a comprehensive picture of the current status of implementation. The Department can use these results to inform development of management documents (e.g., ESRs and FMPs) within the new scaled management approach and other management actions or decisions. Outputs will also be valuable for informing internal discussions, facilitating communication with constituents about management outcomes and processes, allocating limited resources to focus on areas of need, or directly supporting decision-making through clearer identification of priorities.

The following are suggested options for quantifying and visualizing results:

Unweighted: The possible responses for each metric sum to a maximum value of 1, with each individual response allocated an equal fraction thereof. For example, for a question with 4 possible responses where the lowest answer represents "no information available" the values are 0, 0.33, 0.66, and 1.0. The mean value is then calculated for each set of answers, per questionnaire.

Weighted: A weighting scheme could be applied to individual responses, questions, categories, questionnaires, or some combination of the aforementioned. For example, critical questions can be identified by reviewing the metrics and selecting those deemed most important as a policy matter. Specific multipliers (i.e., 1.5, 2) can then be applied to

the results of these questions to reflect their importance. Proposed weighting schemes should be vetted by experts familiar with California fisheries and the assessment framework.

Threshold: A threshold methodology could set pre-determined results for questions, categories, or questionnaires that are used to indicate an area of concern. Utilizing the underlying scoring methods from either the unweighted or weighted options, selecting thresholds would translate results into a system akin to "pass/fail" or "no concern/concern."

Once a scheme is selected, results can be presented through a series of summary tables with all of the tool's questions and selected responses for a hypothetical fishery. The tables can include descriptions of the questions and display the total response value, the response value per category, and the response value per question (See Table D1). Tables can also include weighting and thresholds (See Table F2).

Table D1. Summary results Manage Target Stock.

Category	Question #	Short description	Response Value	Value per category	Total value
INFORMATION 2 questions	Q1	Information on fishery and stock to support management decisions	52%	**43%**	**80%**
	Q2	Ongoing collection of data sufficient to support management decisions	33%		
ASSESSMENT 5 questions	Q3	Criteria defining depressed fisheries in place	100%	**92%**	
	Q4	Presence of stock assessment	100%		
	Q5	Result of the stock assessment	75%		
	Q6	Presence of risk-based assessment	n/a		
	Q7	Result of the risk-based assessment	n/a		
MANAGEMENT 4 questions	Q8	Frequency of revision of the stock assessment	100%	**100%**	
	Q9	Management strategy to control exploitation in healthy fisheries	100%		
	Q10	Management strategy to minimize non-fishing pressures on depressed stock	n/a		
	Q11	Management strategy to control exploitation and rebuild overfished stocks	n/a		

Table D2. Summary results for Maintain, Restore, Enhance Habitat. Includes weighting and areas of concern based on pre-determined thresholds.

Maintain, Restore, Enhance Habitat

Category and number of question per category	Area of concern	Weight	Question #	Response Value	Value per category	Total value	New Value per category	New Total value
INFORMATION 3 questions		1	Q1	50%	63%	**72%**	69%	**75%**
		1.5	Q2	100%				
		1	Q3	40%				
ASSESSMENT 4 questions		1	Q4	n/a	78%		73%	
	X	2	Q5a)	33%				
		1	Q5b)	100%				
		2	Q5c)	100%				
MANAGEMENT 3 questions		1.5	Q6	50%	75%		82%	
		1	Q7	75%				
		3	Q8	100%				

X area of concern

critical question ("up-weighted")

score of a critical question under a certain threshold (e.g. <35%)

Results can also be translated into visual representations of data (e.g., figures, charts, or diagrams) to compare areas of concern within a fishery, or to compare overall results for multiple fisheries. Example conceptual results for hypothetical fisheries are included below:

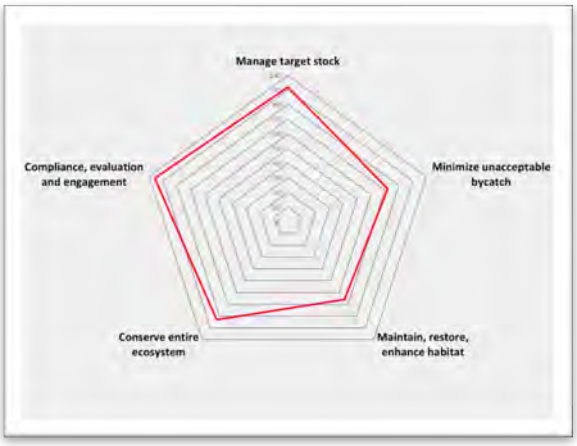


Figure D1. The current state of MLMA implementation for a hypothetical fishery across five questionnaires on a scale from 0% to 100%.

Figure D1 provides a visual way to compare elements of an individual fishery, as a step toward allocating resources and prioritizing management action. Specifically, this figure demonstrates that for this hypothetical fishery, focusing management efforts and resources on minimizing bycatch and maintaining habitat would likely result in more meaningful and significant gains than focusing on managing the target stock or conserving ecosystem functions.

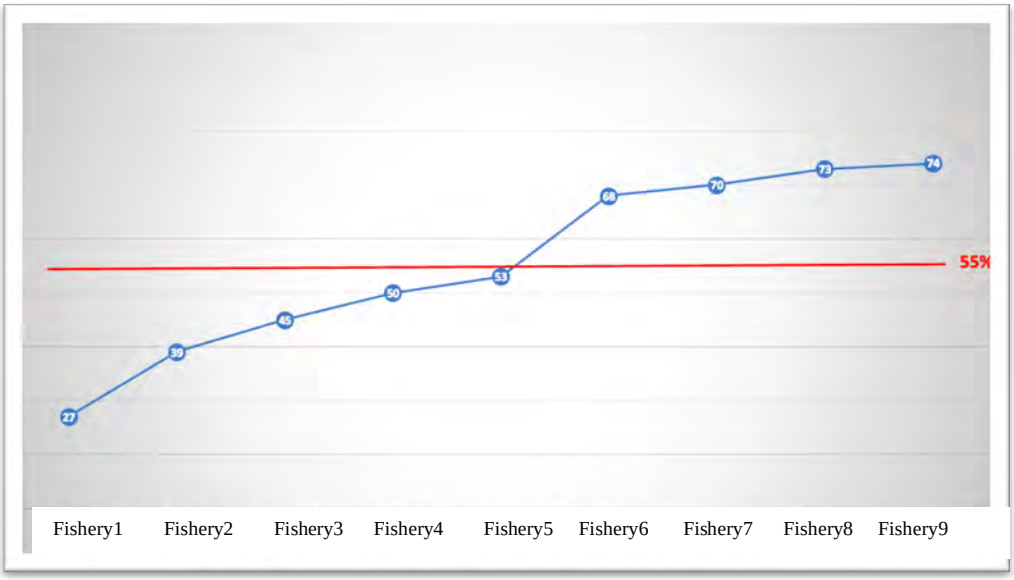


Figure D2. Overall response values for a suite of hypothetical fisheries on a scale from 0% to 100%.

Figure D2 provides an example visual to compare the overall implementation results for a suite of hypothetical fisheries. Specifically, this figure demonstrates that hypothetical fishery 1 is furthest from full achievement of the goals of the MLMA, while fishery 9 is the closest. A cutoff line of 55% implementation is included to demonstrate the possible use of a threshold for triggering resource allocation or management review.

Step 4 – Regularly revisit and review

In addition to scoping initial management actions and priorities, the framework can be re-applied periodically by Department staff, on an as needed basis or as resources permit. If conducted regularly, this self-reporting exercise will provide benefits such as monitoring management effectiveness, prioritizing efforts and allocation of resources, and facilitating adaptive management. The assessment process and/or results can also serve as a stakeholder engagement and communication tool. While an initial assessment is expected to take several hours to complete, subsequent assessments will likely require significantly less time and resources, as the results of previous assessments will provide a baseline. If the need exists to only analyze or re-analyze one component of management (e.g., bycatch), the Department can use the questionnaires individually.

Appendix E – Stakeholder engagement strategies and considerations

This appendix draws from an overview of stakeholder engagement strategies by Kearns and West and the Center for Ocean Solutions and includes brief descriptions and considerations associated with individual stakeholder engagement strategies. Table E1 below provides guidance regarding which strategy may be most effective at achieving the possible management goals identified in Chapter 4.

Potential strategies are organized into two groups; passive strategies and active strategies. Passive strategies do not require direct engagement with individual stakeholders, are generally easier to conduct, and have the potential to reach large audiences. Passive strategies provide less feedback and do not necessarily build the same relationships or engage or empower stakeholders to the same degree. They are often best used when the need is purely information sharing. Active strategies provide a better chance of receiving information and engaging stakeholders in meaningful ways. Active strategies, however, typically require greater effort and need to be carefully planned to ensure the engagement is effective.

Passive engagement strategies

BLOGS

Description:

- Blogs are an internet-based method for writing informally about management status and processes. Managers use blogs to share information and ideas.
- Comments can provide a forum for more active engagement, but must be carefully moderated which can significantly increase workload and effort.

Purpose:

- Managers can use this forum as an online Frequently Asked Questions message board, increase the visibility of management staff perspectives, and highlight current management interests and concerns.
- Stakeholders can use blogs to highlight their own perspectives, and share information, updates, and ideas about the marine resource.

Required resources:

- Staffing: Low - Medium
    - Write blog posts and, if needed, respond to comments on a regular basis.

  Budget: Low

EMAILS

Description:

- Emails typically include relatively brief messages used to inform or share information with intended recipients. Emails may also contain attached documents. Recipients may range from individuals to large groups of stakeholders accessed via a listserv.

Purpose:

- Personal emails to key individuals can help build relationships and create two-way dialogue between active marine resource participants and managers.
- Mass emails to stakeholders and listservs can serve to efficiently disseminate timely information to a targeted

Required resources:
- Staffing: Low
- Budget: Low

NEWSLETTERS

Description:
- Electronic newsletters can be used to disseminate information to a large number of stakeholders in a formal and consistent manner.

Purpose:
- Newsletters communicate a message to a large number of stakeholders (e.g., upcoming management changes or rulemaking processes).

Required resources:
- Staffing: Low-Medium
    - Draft, vet, and send newsletters on a consistent, as-needed basis, and to maintain and update the newsletter listserv contacts.
- Budget: Low

PHONE APPLICATIONS

Description:
- Phone applications provide cell phone users with a method to input information about marine resource conditions and catch, or to quickly and efficiently receive information.

Purpose:
- Phone apps provide a fast and easy method for managers to collect real-time data about resource collection, marine resource conditions, and socioeconomic and demographic information.
- Managers can use apps to disseminate timely information about updated resource regulations, current rulemaking processes, and other relevant information.

Required resources

- Staffing: Low
- Budget: Medium

SOCIAL MEDIA

Description:

- Facebook, Twitter, Instagram, Flickr, and YouTube are online social media tools that can be used to inform a large number of people (beyond those on existing listservs) of key information and increase the visibility of managers among specific stakeholder groups.

Purpose:

- Social media is a low-cost and efficient method for reaching a large number of people, including marine resource stakeholders who may be underrepresented in other engagement processes or the general public. Social media requires more effort to ensure it is current, interesting, and providing the information that users are seeking. It does not engage people who are more passively waiting for information to be delivered.
- Comments can provide a forum for more active engagement, but must be carefully moderated which can significantly increase workload and effort.

Required resources:

- Staffing: Low-Medium
- Maintain social media accounts and current content. If applicable, respond to comments and manage dialogue.
- Budget: Low

PRINTED MATERIAL (Pamphlets/Flyers/Posters)

Description:

- Educational and information pamphlets, flyers, and posters can be placed in locations where recreational and/or commercial fishermen are known to frequent. Tackle shops, fuel docks, marine supply stores and other marine related businesses are located throughout the California coast. Management information in the form of flyers or brochures can be placed at the check-out counter or storefront or posted on bulletin boards in these locations to disseminate details to stakeholders that are not electronically connected.

Purpose:

- Distribute timely information efficiently to a broad stakeholder audience. Sharing messages in this fashion is particularly helpful when the stakeholder groups are undefined, speak a different language, or are difficult to reach using electronic methods.

Required resources:

- Staffing: Low
    - Develop, vet and distribute flyers.
- Budget: Low -Medium
    - Print and distribute materials.

WEBSITES

Description:

- Websites are internet sites where organizations can share structured and searchable information.

Purpose:

- Websites have the capacity to inform a large number of stakeholders about agency structure, process, and activities.

- Websites can have varying degrees of interactivity, with online comment sections, videos, live feeds, or links to other methods of engagement (e.g., blogs, newsletters, documents, etc.). Websites require people to seek information out and will not reach passive stakeholders who are expecting information to be provided more directly.

Required resources:
- Staffing: Low-Medium
    - Maintain the website and generate material.
- Budget: Low - Medium
    - Custom website designs and applications increase costs.

PRESS RELEASES

Description:
- Written or recorded communication directed at members of the news media to announce something newsworthy (often a major project milestone or regulatory decision).

Purpose:
- Press releases reach a broad audience quickly, inform members of the public about a major decision or milestone, and target individuals who may not otherwise be aware of marine resource management. Publications carrying releases typically have a broader customer base than agency listservs.

Required resources:
- Staffing: Low
- Budget: Low

Active engagement strategies

WRITTEN PUBLIC COMMENT

Description:
- Written public comment is an opportunity for members of the public to provide input (e.g., via email, letter, or website) on draft policy and regulatory documents. This can take place as part of a formal regulatory process; resource managers can also solicit written comments on draft materials or concepts in the pre-regulatory phase.

Purpose:
- Public comment provides marine resource managers or agency staff with a formal written record of public opinion on a regulatory process.
- Public comment provides stakeholders with an opportunity to provide input to inform management decisions, both early in planning processes and during formal regulatory processes.
- Public comment does not necessarily require response but can help influence responses at a later date.

Required resources:

- Staffing: Low to High
- Staff time for written public comment is entirely dependent on the number of comments received and on whether marine resource managers plan to, or are required to, respond to the comments (this acknowledges that agencies cannot always respond to all comments).
- At a minimum, one staffer or project/regulatory lead and one support staff to manage, catalogue, and respond to public comments as they come in. Resource managers often contract these services out to an outside consulting firm to support large-scale efforts.
- Budget: Low - Medium
- For larger projects, likely will require use of external consultant.
- Assumes consultant would manage, catalogue, and respond to public comments as they come in.

ONLINE FISHING FORUMS

Description:

- Online forums are similar to social media feeds targeted to a specific interest group. Proactive participation in forums allows staff to virtually meet stakeholders to exchange ideas and build an understanding of stakeholder interests.

Purpose:

- Online forums provide a venue to increase the visibility of management staff, promote agency messaging within trusted channels, and limit the proliferation of unclear or inaccurate information.
- Online forums, if not moderated by the agency, can often lead to ineffective, off topic, or even inappropriate engagement that is counterproductive to the intended use.

Required resources:

- Staffing: Low - Medium
- Budget: Low

SURVEYS

Description:

- An evaluation or information collection technique consisting of a series of questions designed to solicit opinions from stakeholders on specific marine resource management issues and/or to collect data (e.g., human dimensions of the resource or otherwise). Surveys can be distributed online or via hard copy (to be completed in-person or mailed by the respondent at a later date).

Purpose:

- Surveys solicit input on a specific topic, such as evaluating the socioeconomic demographics of a marine resource or soliciting feedback on a proposal for a management alternative, from a targeted list of stakeholders.
- Surveys need to be carefully designed to achieve the desired outcome and can suffer from low response rates, limiting their applicability in some cases.

Required resources:

- Staffing: Medium
- Budget: Low

POLLING

Description:

- Polling samples or collects opinions on a subject, taken from either a selected or a random group of stakeholders. Polling can be done through a survey or real time using mobile devices (mobile polling).

Purpose:

- Polling is similar to surveys but with a greater level of specificity (usually a single or small number of questions). The purpose of a poll is to solicit input on a specific issue quickly.
- If taken in person, polling results can provide greater participation than simple surveys.

Required resources:

- Staffing: Medium - High
    - Design, implement, compile, and interpret results of a poll.
- Budget: Medium - High

PHONE CALLS

Description:

- Phone calls are an opportunity for staff to communicate orally with individual stakeholders via telephone. These may be initiated by staff or the stakeholder.

Purpose:

- Phone calls provide staff with an informal opportunity to reach out directly to individual stakeholders to ask questions, receive input, and build relationships.
- Phone calls initiate two-way communication to test ideas on sensitive subjects: this may be useful in cases where stakeholders or marine resource managers don’t feel comfortable creating a written record.

Required resources:

- Staffing: Low (requirements are variable depending on communication needs)
- Budget: Low

CONFERENCE CALLS

Description:

- Managers engage a group of stakeholders remotely via telephone.

Purpose:

- Conference calls facilitate two-way dialogue between marine resource managers and stakeholders.
- They provide an efficient and accessible method of engagement by reducing the cost and travel time for participants.

Required resources:

- Staffing: Low – Medium

    - Plan, convene, schedule and lead calls. Notes and summary documents are often provided after calls to provide a written record of the discussion.
- Budget: Low

FISHERIES ASSOCIATION MEETINGS

Description:
- Managers attend marine resource association meetings convened by industry associations or recreational marine resource users to make announcements and meet stakeholders.
- Association meetings usually involve their membership, but may also include the broader resource user community.

Purpose:
- Attending association meetings provides marine resource managers with the opportunity to present and share information directly to resource users.
- Managers can receive input from resource users in an environment where they are likely to share information more freely than in a venue with more conflicting interests present (e.g., an advisory group).
- Attending association meetings is an efficient method for meeting marine resource users face-to-face and building relationships.

Required resources:
- Staffing: Low – Med
    - Effort depends on the number and location of meetings, and level of pre-planning (e.g., presentation development).
    - Marine resource association meetings are often 1-3 hours and take place close to the docks. Some meetings, however, are full days or even multiple days depending on the association and topic.
- Budget: Low – Med
    - Travel costs need to be considered.

TRADE SHOWS

Description:
- Trade shows are periodic events (typically annual) that bring together gear suppliers and resource users (commercial and recreational). Agency staff can host a booth at trade shows to disseminate general information about and increase visibility of agency structure, process, and activities.

Purpose:
- Trade show booths can be used to target underrepresented stakeholder groups in conversation, distribute information about agency processes, and generally build trust and visibility among the general public. They are a good opportunity for agency staff to engage in informal, one-on-one discussion with interested resource users.

Required resources:
- Staffing: Low - Medium
    - Plan for and attend trade shows. Frequency of attendance impacts staffing.
- Budget: Low - Medium

    - Travel costs for staff, depending on location, any communication materials for dissemination and booth banners.

INFORMAL MEET AND GREETS

Description:
- Small group or one-on-one discussions between marine resource managers and stakeholders, often located in public establishments close to the docks.

Purpose:
- Meet-and-greets provide marine resource managers with the opportunity to build personal relationships with individual marine resource users in an informal environment.
- They allow marine resource stakeholders to share concerns and input with marine resource managers in an informal environment.

Required resources:
- Staffing: Low (per meeting)
    - One staffer per meeting, with additional staff support as needed
- Budget: Low

LISTENING SESSIONS

Description:
- Listening sessions are in-person meetings between managers and stakeholders focused on providing a venue for stakeholders to voice their interests and concerns. Managers are present primarily in a listening (rather than information presentation) capacity.

Purpose:
- Listening sessions help managers get a pulse on the range of options for crafting management alternatives, potentially identify creative management opportunities by introducing new perspectives, and elevate the voices of underrepresented stakeholder groups.

Required resources:
- Low-Medium (depending on the number of sessions)
- Budget: Low-Medium (depending on the number of sessions)
    - Facilitation materials and travel costs for staff.

OPEN HOUSES

Description:
- Open houses are often structured in an open-floor format with different ‘stations’ placed around a large room. Stakeholders may engage in dialogue with content experts and provide comment as desired

Purpose:
- Individual stakeholders interact directly with agency staff and build relationships.
- Agency staff have the opportunity to learn stakeholder issues and key concerns.
- Interested marine resource stakeholders become more knowledgeable about a specific rulemaking process.

Required resources:

- Staffing: Medium - High
    - Develop materials, plan, and participate in the event.
- Budget: Low - High
    - Outreach materials and travel costs for staff.

WEBINARS

Description:

- Webinars are virtual meetings with auditory and visual components that allow participants to share information and dialogue across distances.

Purpose:

- Webinars can be used to communicate management options early in the rulemaking process, educate stakeholders about a particular issue, or electronically stream public meetings. More advanced webinars allow for breakout groups, instant polling, and other innovative tools to provide a high degree of stakeholder input and collaboration in virtual meetings.

Required resources:

- Staffing: Low - Medium
    - Design, market, and manage webinars, plus staff time for individual presentation development and implementation per webinar.
- Budget: Low

KEY COMMUNICATORS

Description:

- Managers work with key members (usually leaders) of a marine resource community and other stakeholder groups as nodes for building trust, communicating with other participants within their marine resource community about management processes, and providing critical feedback on management options.

Purpose:

- By disseminating information to key communicators and requesting they distribute it to their representative communities, key communicators can help build relationships and ensure resource management information is distributed to and received from key stakeholders.
- Key communicators provide a means of engaging hard-to-reach marine resource groups: they speak the same language as users; have established, positive relationships within the particular resource community; and are sometimes seen as being able to speak for the resource in question.

Required resources:

- Staffing: Low (variable effort: depends on the project and how often communication is needed)

    - At least one agency staff member per fishery who is aware of the relevant key communicators for that fishery and maintains contact with them throughout the management process.
- Budget: Low

WORKSHOPS

Description:
- In-person meetings (one hour to two days) that are informal, problem-solving focused, interactive, and often involve a combination of small group and plenary discussions.

Purpose:
- Workshops provide marine resource managers and stakeholders with the opportunity to interact directly with each other in a small group format as well as in a standard, plenary format.
- Workshops are useful spaces for brainstorming, sharing ideas, joint-problem solving, and trust and relationship building.

Required resources:
- Staffing: Medium - High
    - Workshops tend to be staff intensive events although the effort may only be required over 2-3 months.
- Budget: Medium - High

Often requires facility rental and use of contractors to assist with planning and facilitation. Travel costs for staff need to be considered.

EDUCATION PROGRAMS

Description:
- Education programs train stakeholders and increase their understandings of the management process and capacity to engage in scoping or revising management rules.
- Education programs can occur over single or multiple days with the goal of training key stakeholders in how to engage effectively, participate in management processes more generally (e.g., rulemaking 101), and where attendees are given the opportunity to socialize with other stakeholders and agency staff.

Purpose:
- Education programs increase stakeholder understandings of management and engagement processes and thereby better equip them to more fully participate in dialogues about the resource and take on leadership roles.

Required resources:
- Staffing: High
    - Dedicated staff to develop, implement and manage the educational aspects of agency decision-making processes.
- Budget: Low-High
    - Depends on facility needs and curriculum development.

TOWN HALLS

Description:

- Town hall-style meetings are open, public meetings often structured around a brief presentation on a specific topic followed by time for questions and discussion.

Purpose:

- Town halls give stakeholders an opportunity to speak freely about a specific or general issue of management concern. They can also be structured to disseminate information to a geographically-specific stakeholder community. They are helpful during rulemaking processes or while implementing a management policy, as a means of disseminating information and clarifying uncertainties among geographically-specific communities.

Required resources:

- Staffing: Medium - High
    - Develop materials, plan, and participate in the event.
- Budget: Low - High
    - Outreach materials and travel costs for staff.

PUBLIC HEARINGS/TESTIMONY

Description:

- Public hearings are opportunities for members of the public to provide oral testimony at formal public meetings or as part of a regulatory process.

Purpose:

- Public hearings provide marine resource managers or agency staff with a formal spoken record on a regulatory process.
- They provide stakeholders with a formal opportunity to provide input to inform management decisions.

Required resources:

- Staffing: Medium - High
    - Public hearings often require high level staff and support staff.
- Budget: Low - High Depends on whether external facilitation is needed and how many meetings are involved.
    - Low if a single meeting and if convened and facilitated by an existing Board or Commission.
    - Medium – High if multiple meetings, facilities, and external facilitation is required.

STAKEHOLDER ADVISORY GROUPS

Description:

- Stakeholder advisory groups are multi-interest bodies of appointed stakeholders convened for a pre-determined period of time to provide individual or collective advice to a decision-making body. Stakeholder advisory groups can serve to identify key issues, generate management alternatives, or liaise between managers and advisory group constituencies. They typically have charters describing their core charge and participants, and they can meet once or multiple times.

- There are two kinds of stakeholder advisory group:
    - Standing stakeholder advisory groups (often required by statue or regulation):
        - Typically focused on a particular fishery.
        - Typically meet at set intervals throughout a year.
        - Formalized, rotating membership.
    - Ad hoc stakeholder advisory groups:
        - Typically focused on a particular policy, planning, or regulatory issue.
        - Typically convened for multiple meetings. May range from a few months to multiple years.

Purpose:

- For either ad hoc or standing advisory groups, the purpose is to solicit input from a group of individuals representative of larger interest groups (e.g., environmental NGOs, fishing industry, recreational interests, research, regulators, etc.) collaboratively to support development of solutions to policy challenges.

Required resources:

- Staffing: High
    - Staffing assignments are largely dependent on the size of the group in question. For smaller advisory groups, a single staff member, one support staff, and one group facilitator may be sufficient. Larger groups may require additional staff to support group activities.
- Budget: High (assuming at least 4 Advisory Group meetings)
    - Cost will depend on the number of meetings and the complexity of the advisory process.
    - Third party neutral, professional facilitation is often necessary.

COLLABORATIVE RESEARCH

Description:

- Managers, researchers, and fishermen co-design and co-conduct research to assess marine resource status or test a management option. Note that the engagement component of collaborative fisheries research is secondary to the primary purpose of conducting research.

Purpose:

- Collaborative fisheries research evaluates hypotheses around the efficacy of various management alternatives or tests specific management-relevant technology.
- Collaborative research serves to engage marine resource stakeholders with relevant context or expertise in a rigorous and intensive process of formulating research questions and executing research design, thus fostering and building relationships and trust in the process.
- Collaborative research increases buy-in and ownership of the decision-making process, increases transparency around the use of data in decision-making, improves the valuation of scientific information in decision-making, and motivates co-development of management goals.

Required resources:

- Staffing: High
- Budget: High

Table E1: Engagement strategy effectiveness for achieving specific engagement goals

Engagement Strategy	Build Trust	Efficiency Educate	Build Relationships	Engage Underrepresented Stakeholders	Socioeconomic	Research	Inform	Solicit Input	Involve	Collaborate	Empower
Passive Strategies											
Blogs	SL	ML	SL	LL	LL	LL	ML	SL	SL	LL	LL
Emails	SL	SL	SL	ML	SL	LL	ML	SL	SL	SL	LL
Newsletters	LL	SL	SL	ML	SL	LL	ML	LL	SL	SL	LL
Phone Apps	LL	ML	LL	LL	LL	ML	ML	LL	SL	LL	LL
Social Media	SL	ML	SL	SL	ML	LL	ML	ML	ML	LL	LL
Printed Material	LL	SL	LL	LL	ML	LL	ML	LL	SL	LL	LL
Websites	LL	ML	LL	LL	LL	LL	ML	LL	LL	LL	LL
Press Releases	LL	ML	LL	LL	LL	LL	ML	LL	LL	LL	LL
Active Stratetgies											
Written Public Comment	LL	SL	LL	LL	LL	LL	LL	LL	SL	LL	LL
Online Fishing Forums	SL	SL	LL	SL	SL	LL	ML	SL	SL	LL	LL
Surveys	LL	ML	LL	LL	LL	ML	LL	LL	LL	LL	LL
Polling	LL	SL	LL	LL	LL	ML	LL	LL	LL	LL	LL
Phone Calls	SL	SL	LL	SL	SL	LL	ML	SL	LL	SL	LL
Conference Calls	LL	ML	LL	SL	LL	LL	ML	SL	SL	LL	LL
Fishery Association Meetings	ML	ML	SL	ML	LL	LL	ML	SL	SL	LL	LL
Trade Shows	SL	SL	LL	SL	ML	LL	ML	SL	LL	LL	LL
Informal Meetings	ML	SL	SL	ML	ML	LL	ML	ML	ML	LL	LL
Listening Sessions	SL	SL	LL	SL	SL	LL	SL	ML	SL	LL	LL
Open House	ML	ML	ML	ML	SL	LL	ML	SL	SL	LL	LL
Webinar Meetings	SL	ML	SL	LL	LL	LL	ML	SL	SL	LL	LL
Key Communicators	ML	ML	ML	ML	ML	LL	ML	ML	ML	LL	LL
Workshops	SL	SL	SL	SL	LL	LL	ML	ML	ML	SL	LL
Education Programs	ML	ML	ML	ML	SL	SL	ML	ML	ML	LL	LL
Townhalls	LL	SL	LL	SL	LL	LL	ML	LL	SL	LL	LL
Public Hearings	LL	SL	LL	LL	LL	LL	SL	ML	LL	LL	LL
Stakeholder Advisory Groups	ML	LL	SL	ML	ML	LL	ML	ML	ML	ML	SL
Collaborative Research	ML	LL	ML	ML	SL	SL	SL	ML	ML	ML	ML
Co-management	ML	LL	ML	ML	SL	LL	SL	ML	ML	ML	ML
KEY:	ML = Most Likely to be Effective										
	SL = Somewhat Likely										
	LL = Least Likely										

Appendix F: Essential Fishery Information and data collection strategies

Data collection is an essential component of fisheries management. Data collected through ongoing-monitoring provides the scientific and technical information necessary to understand fishery operations, estimate the status of exploited stocks, evaluate fishery impacts on the ecosystem, and develop appropriate management regulations. It is this ongoing source of information that allows future management decisions to be adaptive, even when there is uncertainty during the design phase. A well-designed data collection and monitoring program is central to meeting management objectives.

The Master Plan is required to contain a description of the research, monitoring and data collection efforts that the Department conducts (§7073(b)(3)). This appendix defines the various kinds of biological, ecological, and socio-economic EFI, and maps them onto the categories of data needed to make fishery management decisions. It then gives an overview of the types of data collection protocols that can be used to collect the various kinds of data required for fisheries management, and describes the monitoring procedures in place in California. Finally, it describes some alternative sources of data that may be available when it is necessary to assess data poor fisheries that lack historical information.

As with the other appendices, it is anticipated that this overview will continue to be expanded and refined as part of Master Plan implementation so that it can serve as an effective resource to managers and stakeholders.

Primary data needs for fisheries management

Fisheries management is primarily concerned with estimating the abundance of a fish stock, and determining whether that abundance is at a healthy level. Data is collected in order to monitor fish stocks, and these data are then analyzed to estimate stock status. This is primarily done by fitting this data to population models (known as stock assessments), or by using other analytical techniques to estimate some metric of stock status (See **Appendix G** for more information).

Stock assessments usually require three primary categories of information: abundance, biological, and catch data. These three types of data and their collection methods are described in Table F1.

Table F1. Description of types of data used in fisheries management, and their collection methods.

	Definition	**Types of Data**	**Collection Methods**
Abundance	Absolute or relative index of the number or weight of fish in the stock	Size and or weight of fish collected or observed per sample unit.	Statistically-designed, fishery-independent survey that samples fish at many locations throughout the stock's range. CPUE can be used as a proxy for abundance

Biological	Information on population dynamics processes	Fish size, age (via otoliths or scales), maturity, fecundity, natural mortality, and movement.	May be collected during fishery-independent surveys or tag-recapture studies, or be obtained from observers and other fishery sampling programs. Academic programs and cooperative research with the fishing industry are other important sources of biological data.
Catch	The amount of fish removed from a stock by fishing, and the effort used to remove those fish.	Number, weight, and species composition of removals (including discards). Effort data, including type and amount of gear used, time, day, location of fishing.	Dockside monitoring (also known as port sampling), logbooks, on-board observers, electronic monitoring, telephone surveys

Additional data needs for fisheries management

While Table F1 summarizes the core data needs for assessing the status of target stocks and developing harvest control rules, the population health of target stocks are just one component of fisheries. Fisheries are complex socio-ecological systems, and in recognition of this, the MLMA specifies both socioeconomic and ecological goals and objectives for management of the state's fisheries.

As discussed in Chapter 7, the MLMA's socioeconomic objectives for fishery management include: 1) observing the long-term interests of people dependent on fishing for food, livelihood, or recreation (§7056(i)); minimizing the adverse impacts of fishery management on small-scale fisheries, coastal communities, and local economies (§7056(j)); and being proactive and responding quickly to changing environmental conditions and market or other socioeconomic factors and to the concerns of fishery participants (§7056(l)). In addition, the Act requires that fishery management plans include: a summary of the economic and social factors related to the fishery (§7080(e)); and if additional conservation and management measures are included in the plan, a summary of the anticipated effects of those measures on relevant fish populations and habitats, on fishery participants, and on coastal communities and businesses that rely on the fishery (§7083(b)).

Additionally, as fisheries management agencies around the world move towards EBFM, there is increased focus on collecting data to monitor the impacts of fishing at the ecosystem level. The MLMA lists the following as an objective: *Support and promote scientific research on marine ecosystems and their components to develop better information on which to base marine living resource management decisions* (§7050(b)5)). This suggests that the ongoing collection of ecological data is also important for managing California's fisheries in a holistic manner.

Essential fishery information (EFI)

The MLMA states that FMPs are to summarize the best scientific and other relevant information available, and to collect necessary additional information if this does not significantly delay FMP preparation (§7072(b)).

Table F2 demonstrates how the major EFI categories link to the major types of data required to make fishery management decisions, and provides examples of each. In addition, the various EFI categories are explained in detail below.

Table F2. Summary of the kinds of information that may be applicable for each EFI category, and how they meet the basic data requirements necessary for fisheries management.

Data Needs for Fishery Decisions	EFI Categories	Examples
Abundance	Estimates of abundance	Absolute or relative abundance of fishable population, standardized CPUE index
Biological	Age and growth characteristics	Size at age, length frequency, max length, max age
	Distribution of stocks	Habitat preferences by life history stage, range, genetics, depth preferences
	Movement patterns	Seasonal migration, ontogenetic movements, changing environmental conditions, home range
	Reproductive characteristics	Fecundity, size/age at maturity, sex ratio, spawning periodicity, and areas, size/age of sex change
Catch	Total mortality	Landings, dead loss, discard mortality rate, discards (species and amount), research take, natural mortality, target species catch in other fisheries
	Effort	Gear type and specifications, fishing location, # trips, fleet capacity, effort/trip, boat size/capacity. Note: Catch-per-Unit-Effort can be used as an index of abundance.
Socio-Economic	Economic	Price/lb., market dynamics revenues, business costs, cost of management
	Social	Gear type and specifications, fishing location, # trips, fleet capacity, effort/trip, boat size/capacity
Ecological	Ecological interactions	ETP species interactions, predator/prey, trophic role, other species encountered, habitat interaction, amount and type of bait

Target stock EFI

Age and growth

Age and growth studies typically measure how long a species lives, the age at which it reproduces, and how fast individuals grow. This information is very important to determine a population's ability to replenish itself, at what rate it might be harvested, and when individuals will reach a harvestable size. Changes in the age structure and growth rate of a population also

serve as indicators of that population's health. Fish age often cannot be determined externally, so individuals must be harvested for age information.

Stock distribution

A stock is a population unit that is selected for management purposes. It may be defined based on its ecology, genetics, harvesting location, and/or geographic separation. Discrete stocks of a given species may have very different growth rates, reproductive schedules and capacity, and even ecological relationships. Stock distribution refers to where a stock is found, and is important in addressing jurisdictional issues.

Indices of abundance

By its very nature and size, the ocean prevents highly accurate animal population counts. Managers and scientists rely instead on estimates and indices of abundance. An index of abundance is an indirect measure of the size of a population, and is often obtained by counting a portion of the population in the same way each year, or by comparing counts between areas using similar techniques. This information is used by managers to calculate estimates of the total population size that are then used to determine appropriate harvest levels.

Movement patterns

Information on distribution patterns and movement of fish is important to resource managers because of the insights gained on a stock's vulnerability to harvest. Certain species may aggregate in specific areas for spawning, or travel in predictable patterns, or move to certain locales that make them especially vulnerable. Insights into the movement patterns of fish are vital to the development of management strategies based on regional catch quotas or marine protected areas.

Recruitment

Recruitment refers to a measure of the number of fish that survive to a particular life stage, and is often used to predict future population size. Some examples include: the number of offspring that reach the juvenile stage (larval recruitment), the number of individuals that survive (i.e., recruit) to the next year (e.g., age 2 recruits), the number of fish that reach sexual maturity (i.e., recruit to the spawning population), or in the case of a fishery, the number of fish that recruit to the catchable component of the population. Young-of-the-year (individuals less than one year old) are frequently counted for many fish species and used as an index of larval recruitment success.

Many highly-valued species depend on successful recruitment events for replenishment. Recruitment success can be highly variable because it depends on the proper combination of many factors. As a result, sustainable harvest of the fishery may depend on only a few strong cohorts (born the same year) to provide harvestable stocks until the next successful recruitment event. Resource managers must consider this variable recruitment success when setting harvest levels by allowing sufficient portions of stocks to "escape" harvest and provide spawning biomass for future recruitment successes.

Reproduction

Reproduction encompasses information such as the number of eggs a female produces, the average age an individual becomes sexually mature, and whether a female bears live young or broadcasts eggs in the water. This type of information helps managers determine the ability of a population to replenish itself, and at what level it might be harvested. This knowledge allows them to set appropriate open seasons, areas, size limits, escape mechanisms for traps, and net mesh-size restrictions based on spawning considerations.

Total mortality

Natural and fishing mortality rates comprise the sum of all individuals removed from a population over a fixed period of time (often over one year). Fishing mortality is the rate at which animals are removed from the population by fishing, and can be calculated from landings information if the population size can be estimated. Natural mortality refers to all other forms of removal of fish from the population such as predation, old age, or disease. This information is used to predict how many animals remain to reproduce and replenish the population. Mortality figures are used by managers to calculate the number or weight (biomass) which may be safely harvested from a population or stock on a sustainable basis.

Ecological EFI

Ecological interactions

Studies of ecological interactions assess the relationship of the species with other animal and plant species and its physical environment. For example, the harvest of an organism has an effect on its predators and on the prey organisms upon which it feeds. In addition, fishing activity may have unintended effects on fish habitat or on other species inhabiting the area. Ecosystem-based studies consider how oceanographic parameters, habitat, trophic (food and energy) dynamics, community structure, competition, or fishing mortality affect the health and abundance of organisms.

Oceanographic features include many biological (e.g. primary production, nutrient levels) or physical variables (e.g. current, temperature, salinity patterns) that can provide valuable insights into the abundance, distribution, and condition of a particular species or stock. Their predictive value makes long-term trends in oceanographic data, coupled with other biological information parameters, especially important in fisheries management. Pristine habitat is integral to maintaining the productivity and diversity of marine ecosystems.

Habitat

Habitat investigations are useful to fisheries managers because they can identify the importance of specific physical parameters to the species of interest, and to associated biological assemblages.

Socio-economic EFI

It is important that fisheries managers have a clear understanding of the current economic condition of the community and fishery under regulation, and of the likely socioeconomic consequences of regulatory changes to the fishery. This includes direct impacts to resource users, such as reduction in landings revenue due to lower catch quotas and shorter fishing seasons, as well as indirect or “downstream” economic impacts to local employment or associated industries.

Demographics

Demographic information typically consists of data relating to a population and particular groups that comprise it. Examples of demographic data include age, gender, ethnicity, race, education level, income level, residence location and type, household size. In a fisheries context, the population includes fishery participants (commercial, recreational and subsistence fishermen, and fish buyers), those who provide goods and services in support of their activities, other members of the communities where they are based or operate, and consumers of seafood. Demographic data and analyses may be used to characterize individuals, communities and other aggregates of people, including sociocultural groups, fisheries, and associated communities; to

identify historic variability and change in populations and groups; and to measure change (impacts) resulting from management action or other factors. Demographic changes, in turn, can signal changes in motivations, values and practices.

Practices

Practices are the ways people do things and include where, when and how they participate in fisheries and fishery-related activities. More specifically, practices include how vessels, equipment and gear are configured and used, whether and how certain species are targeted, caught and handled, and how the catch is distributed. Practices also include patterns of use in time and space - of fishery resources and marine areas, and coastal harbors and infrastructure. These necessarily includes analyses of characteristics such as vessel length, hull material, fish holding capacity, engine type and horsepower; type of navigation, fish-finding and gear-handling equipment; gear types, configurations and number of units; and number of crew and their roles. The characteristics of the shoreside operations, including whether operations for receiving fish may be mobile or fixed, the size and function of these operations; handling, processing and distribution operations vary in many ways as well. Understanding fishery-related practices is key to identifying sources and solutions for ecological concerns as well as socioeconomic concerns.

Motivations

Motivations are the reasons why people do the things they do. Although it often is assumed that individual behavior is fully rational and driven by reason, with economic motivations, growing evidence indicates that individuals are motivated by a complex mix of social, cultural and economic values. Understanding of fishery participants' motivations in fishing and related activities can be used to develop management options that create appropriate and effective incentives for compliance, and to evaluate those options in terms of their acceptability, compliance, and socioeconomic outcomes.

Institutions

Institutions are the norms, rules and strategies that govern peoples' behavior, whether formally (e.g., regulations) or informally (e.g., shared understandings of where and how gear is set, the distance between operations). Formal institutions include not only those specific to a given fishery, but those that pertain to other state and federally-managed fisheries, broader marine space use, coastal land use, environmental protection, food production, public heath, and other relevant topics. Understanding the formal and informal institutions that affect fishery participants and associated communities is useful for evaluating the potential efficacy and outcomes of fishery management actions, and for guarding against unintended consequences such as effort shifts from one species or area to other, potentially sensitive or vulnerable areas.

Relationships

Relationships include the social and economic connections among people that are ongoing and meaningful to those people. In fisheries, such relationships include those among fishermen, buyers and providers of supporting goods and services, within and among fishing families and communities, and between fishery participants and fisheries managers. Relationships can also be among organizations and communities, through which information and social and economic resources flow. They reflect interdependencies among those connected for a range of tangibles (e.g., income, goods, services, practical support) and intangibles (e.g., information, shared identity, sense of belonging). Information about these relationships is useful for understanding how the fisheries human system functions, and for assessing social and economic impacts of change.

Capital

Fisheries-relevant capital includes the natural, human, physical and financial resources needed and used by fishery participants and communities to sustain their activities and generate associated benefits (e.g., livelihood, recreation, sustenance). Natural capital consists of the ecological system including living resources and habitat. Human capital includes people, and the skills and knowledge they possess, individually and collectively. Physical capital includes vessels, equipment, gear, ports and other landing sites and facilities, and seafood processing facilities. Financial capital includes the monetary resources used to purchase or provide physical capital and goods and services to enable human activities. Understanding the types of capital needed, available and used by fishery participants, fisheries and communities is useful for better understanding fisher-related behavior, social and economic impacts, and opportunities and challenges to effective adaptation to environmental and regulatory change.

Employment

Employment relevant to fisheries and their management includes not only part- and full-time, seasonal and year-round jobs in fishing and seafood production, but also those associated with the provision of supporting infrastructure, goods and services, including related research and management activities. Changes in fishing opportunities and activities can have direct, indirect and induced effects on employment among fishery participants, goods and service providers, and others in the associated communities and economies. Jobs gained or lost in one part of the human system affect those in other parts of the system. Employment information is useful for evaluating the impacts of management change on fishery participants, communities and economies.

Expenditures

Expenditures are the amount paid by fishery participants for goods and services used directly in fishing or indirectly to enable fishery-related activities to occur. Expenses related directly to fishing include those for durable goods such as vessels, equipment and gear, licenses and permits, and expendable items such fuel, bait and ice. Indirect expenditures include items that are ancillary to fishing per se such as vessel taxes, medical insurance, and worker's compensation, angling accessories and clothing. Expenditures also include those by fish receivers and others engaged in seafood production and other fishery-related activities. Information on these types of expenditures is used to help estimate the economic value of fisheries and the impacts of changes in resource availability and management on those fisheries and associated businesses and communities. For example, changes in expenditures related to fisheries affect the viability and wellbeing of associated businesses and communities.

Revenue

Revenues consist of payments received by fishery participants and businesses for fish landed, handled, processed and sold, and for fishery-related goods and services, ranging from charter fishing trips to vessel, gear and equipment and gear sales, boat rentals, fuel, bait and ice. Revenues may originate and circulate primarily within a community, although they typically come from and/or circulate outside a given community. Information about fishery-related revenues is useful for assessing the impacts of changing resource availability and management on fishery participants, fisheries, fishing communities and the overall economy. Moreover, changes in revenues, such as the ex-vessel price for commercially caught species can signal a change in fishing practices.

Data collection strategies for fisheries management

The EFI outlined above provide a comprehensive list designed to guide fisheries managers in improving their understanding about a stock. While ideally managers would have all categories of EFI for all stocks, the Department is always working with limited resources and currently information is lacking for many fisheries in CA. In prioritizing data collection efforts to support the acquisition of EFI, it is necessary to think about how the data collected will inform management. One strategy for this is to consider all of the components of the management strategy (data collection protocol, data analysis/assessment harvest control rules, and management measures) simultaneously because the available data will dictate which assessment methods and HCRs are feasible. Managers will need to assess the potential costs and benefits associated with implementing additional data collection activities. To aid in that process, this section gives a broad overview on the various monitoring options available to fisheries managers, their relative costs, and the type of data they produce.

Fishery-dependent data

The MLMA dictates that, while the Department is the primary agency responsible for the acquisition of EFI, collection of the necessary data is best collected through the ongoing cooperation and collaboration of participants in fisheries (§7060(a-c)). For this reason, fishery-dependent monitoring is often the primary mechanism for monitoring fish stocks. Fishery-dependent data are collected directly from the commercial and recreational fisheries. Data are usually collected via dockside monitors, at-sea observers, self-reporting through logbooks, electronic monitoring and reporting systems, telephone surveys, vessel-monitoring surveys, or cooperative research initiatives, and can provide information on fishing effort, landings, catch per unit effort, discards, species composition, and biological information.

Fishery-dependent data are generally more economical to collect and typically consist of a relatively large sample size. Because of this, fishery dependent sampling protocols usually form a core component of any management strategy. Table F3 summarizes the kinds of data that can be collected with commonly used fishery-dependent monitoring protocols, as well as the relative cost of each, while Table F4 summarizes the Department's current monitoring activities. This table can be used to help select the type of monitoring program needed to implement a particular stock assessment technique and harvest control rule when developing a new management strategy. Additionally, it can be used to assess an existing monitoring protocol to determine whether the existing protocol is providing all possible data.

There are known biases associated with data obtained via fishery-dependent monitoring. These biases must be identified before fishery-dependent data can be incorporated into stocks assessments. For example, the most common (and easily collected) fishery-dependent data is catch and effort information from commercial or recreational fishers, usually summarized in the form of catch-per-unit-of-effort (CPUE), or catch rate. CPUE is often used as an index of abundance in stock assessments when fishery independent abundance data are absent, because it can be assumed that the catch is proportional to the product of fishing effort and the density of the fish. If catch and effort can be measured, then density (and abundance) can be estimated. However, CPUE can change for many reasons, including changes to the gear over time (either through increasing efficiency or regulations designed to decrease efficiency), changes in the spatial distribution of fishing, or changes to the time of day or year when fishing occurs. Changes in any of these variables may lead to a change in the CPUE when there is actually no change in the underlying abundance of the stock, sometimes limiting the applicability of CPUE as an index of abundance. The impact of these additional factors can be accounted for through a statistical process called 'catch-effort standardization'. For this reason, it is important to fully document any historical management or market changes that may have influenced these factors, and FMPs

provide managers with an opportunity to do this in a comprehensive manner. Additionally, a comprehensive management program that employs both fishery-dependent and fishery-independent studies in a complementary fashion can be used to help identify these biases and provide a more complete picture of the stock status.

Table F3. Common fishery-dependent sources and the type of data they can produce.

Monitoring Approach	Landing receipts/sales dockets	Logbooks	Creel surveys/ Dockside monitoring	Onboard observers	Interviews with fishery participants	Market/processor sampling
Description	Records the species, weight landed and price paid by processors receiving fish. May also record sex or size composition (categorical) if prices differ.	Information the Department requires all licensed fishermen to report. Vulnerable to self-reporting errors.	Sampling protocol used to intercept fishermen when they are fishing from shore or landing their catch.	Viable option for large-scale, industrial fleets. Can provide fine-scale information on all aspects of the fishery. A high proportion of observer coverage may be required.	Useful for gathering historical information when data is lacking. Often provides qualitative rather than quantitative information.	Sampling catch at the processor/market site. Useful when fishing activities spatially disparate, but there are a small number of processors/ marketing sites.
Data Collected						
Historical Information					x	
Socio-Economic/ Operational information	x				x	x
Gear Type/Amount Used		x		x	x	
Effort	x	x	x	x	X	
Fishing Location		x	x	x	x	
Catch per Vessel	x	x	x	x	approximate	
Total Catch for Fleet	x	x	x			
CPUE	x			x		
Species Composition			x	x	x	x
Bycatch/ Discards		possibly		x		
Size Composition (detailed)	possibly		x	x		x
Size Composition	possibly		x	x	x	x
Sex Composition	possibly		x		x	
Reproduction/Maturity	possibly		x			
Age composition			x			
Relative Cost to Implement	Low	Low	Moderate	High	Moderate	Low to Moderate

Table F4. Summary of Department's current data collection activities. *(NOTE: this table is still in development)*

Tool	Sector	Collection frequency	Description
License applications	Both	Annual	Online registration (vessels and individuals) with fee collection using third-party software, managed by the Department
Logbooks	Commercial	Per trip	Paper except for CPFV logs, which run on dedicated tablets
Landing receipts	Commercial	Per landing	Paper, except for eight dealers registered with eTix system. Full transition to eTIX in 2019
Report cards	Recreational	Per season	Paper, but anglers can enter data online via ALDS web portal
On-board observers	Commercial	Set percentage of fleet covered per season	Usually only for federal fisheries through NOAA federal observer program. Data not easily available to the Department.
Port/dock samplers	Both	Set percentage of fleet/docks covered per season	Coverage varies by fishery and by season; core component of California Recreational Fishery Survey (CRFS)
Catch monitors	Commercial	Per landing	Independent staff who oversee landings; may or may not also be certified to collect biological samples
Vessel Monitoring Systems (VMS)	Commercial	Constant data stream while vessel is fishing	Required for some federal fisheries, data collected by NMFS but not readily available to Department science/management staff.
Electronic monitoring/ video cameras	Commercial	Constant data stream while vessel is fishing	Only for a limited number of federal trawl fishery participants. Summarized data treated as federal observer data and may be unavailable to Department staff or available only in aggregate

Landing receipts

The Department's first major attempt to gather EFI began in 1916 with the use of landing receipts, or "fish tickets," as they are commonly known. Commercial buyers are required to complete landing receipts when the catch is off-loaded onshore to track the amount of fish landed by weight or number, along with the fee due on those landings. These forms contain information on the species, general location fished, weight of the catch, and price paid for the catch. Many

fish species are often grouped into multispecies market categories, based on similar market value, rather than separated into species-specific categories. This can provide a problem when attempting to use this information in analyses. Although limited in scope and accuracy, information on landing receipts are often the only information available on a particular fishery.

Logbooks

Logbooks were developed to augment information obtained from landing receipts and require that fishermen record information such as catch, location fished, and time spent fishing for each time their fishing gear is deployed. The log is then sent to the Department. Logbooks seek to access the professional knowledge and observations of fishermen to improve fishery management. The utility of the information that they provide is dependent on its accuracy, timeliness, and return rate. However, logbooks have the potential to be a very valuable source of fishery dependent information, especially considering the relatively low cost to administer the program statewide.

The Department is in the process of shifting from paper to electronic logbooks, and this transition provides an opportunity to revise the data that is collected, as well as overcome the lags associated with return and data entry that have been obstacles in the past. A 2017 review in support of the Department's transition to electronic logbooks suggested that logbooks be redesigned to collect the information in Table F5 to increase their utility.

Table F5. Suggested data to be collected using the logbook format.

EFI Category	Data Element	Example Data Fields
Effort	Activity and capacity	Boat size/capacity Date & time of trip start/end (# of trips) # of hooks # of traps set # of anglers on a charter boat Gear type and specifications Time of gear in water Time spent targeting a species Fishing location (fishing block) Lat/long, automated as much as possible
Total Mortality	Landed and Discarded Catch	Number of individuals Weight Weight Length Species Sex
Economic	Price	Price per pound Landed condition

Ecological interactions	Bycatch and Discards	Predation of hooked or discarded fish, by species

Creel surveys

Creel surveys entail interviews of sport fishermen at boat-launching ramps or at points where they are fishing from land (e.g., beaches, piers, and rocky coastline). Samplers typically gather information on: number of each species caught, number of each species kept, size and sex of kept fish, number of fish returned to the water, type of gear used, number of fishermen in the party, and total hours fished. Certain creel surveys may also collect socioeconomic data such as distance traveled from home or from port, length of stay in the area, and expenditures. The accuracy and precision of these surveys depend largely on a good working relationship between Department staff and the fishermen being surveyed. Information collected on catch composition, catch-per-unit-of-effort, size limits, and fishing mortality are used to determine how the recreational sector of a fishery affects a resource.

Dockside/market sampling

Dockside or fish market sampling is used to collect commercial landings data after the catch has been off-loaded and, in the case of multiple-species landings, separated into market categories. These data provide important information on total weight, species composition, size, sex, age, and maturity of the species being landed. It is important to note, however, that this type of sampling provides imprecise estimates of fishing effort, and little or no information on bycatch or discards. Fishery landing statistics collected from this sampling allow fishing mortality rates to be calculated (excluding any discard mortality).

On-board sampling

Scientific observers accompany commercial and sport fishermen on fishing trips to collect biological and socioeconomic data at sea. Observers collect information on the location fished, total catches (not just landed), and the species, size, sex, and maturity of fish caught. In some fisheries they also collect (or have collected in the past) data on bycatch, discards, and interactions with birds and marine mammals. This information also can be used to verify logbook and creel survey data. On-board sampling also has the potential to address socioeconomic gaps in EFI. On-board observers collect EFI that cannot be obtained by other means (e.g., bycatch, precise fishing locations of each unit of fishing effort, etc.).

Fishery-independent data

Fishery-independent data come from sources other than directly from the fishery. They are collected from surveys designed and conducted by scientists for the purpose of gathering information on fish stock abundance and biology. These surveys are specifically designed to follow consistent methods using the same gear for the duration of the survey in order to develop unbiased and independent indices of abundance. Since the data are not influenced by specific management measures (size and bag limits, season closures, mesh sizes) or socioeconomic factors, they present an unbiased accounting of stock health. These surveys often collect biological data and abundance information, and may be able to sample components of the fish stock that are not accessible using commercial gears (for example, juvenile fish). They can also collect information on fish habitat characteristics and environmental factors.

Fishery independent survey methods vary widely, and may include standardized trawl surveys, dive surveys, hook and line surveys, etc. The choice of survey mode is driven principally

by the species being monitored, availability of suitable vessels and personnel, and the ability to maintain continuity of survey time series. The Department may contract with commercial fishing vessels to conduct sampling provided it occurs separately from fishing activities.

Fishery-independent research collects standardized information, often on all life stages, not just what is marketable or utilized by the fishery. Often greater technology and more sophisticated equipment are required than for typical fishery-dependent data collection. While fishery-independent data usually have fewer biases they are relatively more expensive to collect, they may have smaller sample sizes, smaller spatial scales, and may not be collected every year. Historical data collection protocols, and any changes in protocols that may have occurred over time, should be fully documented in an FMP or elsewhere.

Fishing surveys

Rather than rely on a commercial or recreational fishery to provide the Department with samples, biologists often collect their own using a variety of gear. Since fisheries often use gear that selects certain sizes or a sex of fish or invertebrates, their catches usually do not represent the entire population. By using gear that catches a representative sample of the entire population, such as trawls for some fisheries, the Department avoids such limitations of fishery-dependent samples.

Tagging

Tagging animals provides EFI such as their movement, age, growth, and population size. Fish or invertebrates are captured alive, size and catch location recorded, tagged externally (typically), and released. If they are recaptured at a later date, information can be obtained on how far they traveled, how much they grew, and how old they are since being released. Tagging studies are most frequently conducted with the advice and participation of fishermen, who are most likely to recapture tagged animals and return the tag, and/or the animal, to the Department. Information on distribution patterns and movement of fish is valuable to resource managers because it allows insight into the areas and times that stocks are most vulnerable to harvest or environmental effects.

Egg abundance surveys

Surveys to estimate the abundance of eggs spawned by a particular species of fish or invertebrate are also used to estimate the size of a population, especially the reproductive portion of a population. This method also provides information on the amount of reproduction that has occurred, its locations, and spawning habitat preferences.

Underwater (in situ) surveys

The ability to deploy divers or equipment underwater to make direct observations of animals and habitats is important. These methods allow a variety of EFI to be collected which cannot be collected in any other way such as: detailed habitat preferences, many ecological interactions, movement patterns, and non-lethal size/abundance information. Scuba-based projects are equipment-intensive, and require a relatively large staff or partnership to ensure the requisite sampling effort.

Submarines and remotely operated vehicles (ROVs) are also capable of direct, in situ observation of the environment and living resources. Unlike divers, however, their operation is not as severely constrained by depth, ocean conditions, or operating time. In addition, these units are capable of carrying a wide array of sensory equipment.

Hydroacoustic surveys

Hydroacoustic technology is familiar to most fishermen because it is the same technology used by depth finders and sonar to locate schooling fish or the ocean bottom. This method can be used to measure the size, distribution, and movement of fish schools, and to map and characterize the associated bottom or habitat type. It is most useful for species that exhibit schooling behavior.

Genetic investigations

Recently, scientists have refined genetic assessment techniques to sample populations to differentiate discrete fish or invertebrate stocks. Separate stocks of a given species may have very different life histories and this type of EFI may be used by resource managers in regional management strategies.

Alternative data sources for use in data-poor management

In many fisheries, management is hampered by a lack of data, specifically time series of the kinds of data described above. Data-poor fisheries are characterized by uncertainty in the status and dynamics of the stock or species, uncertainty in the nature of fishing (e.g. in terms of fleet dynamics and targeting practices), having only basic or no formal stock assessments. Under this definition many of California's fish stocks can be characterized as "data-limited".

However, the MLMA requires that the fishery management systems in place protect the sustainability of the stock, regardless of the level of information available. When data are insufficient for a conventional stock-assessment, alternative methods can be used to inform management decisions. Frequently, and as discussed in (**Appendix G**), stock assessment methods rely on time series of catch, CPUE, or abundance to estimate how fishing has impacted a stock over time. Without information on historical conditions, it becomes difficult to estimate the current stock status relative to sustainable targets. However, a number of simple length-based assessment methods have been developed to provide insight into stock status from size composition data. Measurements of length composition of an exploited stock are inexpensive and simple to collect via port sampling, and representative samples of the catch can often be obtained within a single fishing season.

The addition of no-take marine protected areas to California's seascape also provides an opportunity to improve the monitoring of California's data-poor fish stocks. MPAs represent an opportunity for the assessment of data-poor fisheries by acting as a reference area, allowing for the comparison of fished vs. unfished conditions in much the same way as comparisons against historical data. MPA-based stock assessment methods have relied on comparisons of catch rates, survey data, and size compositions inside and outside of MPAs. The Spiny Lobster FMP identifies reserve monitoring as a primary source of data used to estimate growth rates, longevity, natural mortality, fishing mortality, and stock size structure.

Market based sources provide an additional opportunity for the gathering the data necessary to assess fish stocks. Size and species composition data may be available from processors and other buyers, who often keep records of the approximate size of fish purchased. This data may be binned into categories, but can still provide some sense of how fishing is impacting the stock, often over many years. Market-based data can also provide information on how stock composition and trophic level has changed over time, which provides a means of estimating the level of fishing pressure.

In fisheries that are essentially data-free, it's possible to gather qualitative information on the fishery from participants. By gathering information on the history of the fishery, the gear types used, species caught, fishing locations, and how things have changed over time it is possible

to characterize the likely risk fishing poses to the stock. This is especially true when this method is paired with what's known as the "Robin hood" approach (Punt 2011), which borrows biological parameters estimated from related fish stocks in data-rich systems to understand the biological vulnerability based on the species life history. Additionally, a number of 'rule of thumb' reference points have been developed based on life-history characteristics, and borrowing this information may allow these reference points to be applied to stocks for which no local data exists.

References

Punt, A. E., D. C. Smith, and A. D. M. Smith. 2011. Among-stock comparisons for improving stock assessments of data-poor stocks: the "Robin Hood" approach. ICES Journal of Marine Science 68(5):972-981.

Appendix G - Stock assessment and data-limited techniques

This appendix provides an overview of stock assessments and data-limited techniques in particular. As with the other appendices, it is anticipated that this overview will continue to be expanded and refined as part of Master Plan implementation so that it can serve as an effective resource to managers and stakeholders.

Overview

The existing data, and the quality of those data, will generally dictate what types of assessment options are available to aid managers in making management decisions. The term "assessment" is generally interpreted to mean a quantitative analysis, but there are a number of data-limited assessment techniques to assist managers in analyzing the available information and making management recommendations. In fisheries with little data, qualitative assessments that rely on stakeholder information, expert judgment, and borrowed information from related fish stocks can be used to fill in gaps and understand relative vulnerability.

This appendix groups different data types into tiers and suggests some data-limited assessment techniques that may be available at each. The tiers are in ascending order with higher levels having more data available. The data required at each tier are explained in more detail below, along with types of data-limited techniques available at that level. The types of reference points these assessments produce are also provided. This is intended to both assist managers in understanding what assessment techniques are available now, as well as what data should be collected in the future to employ a particular assessment technique.

Tier 1 – Qualitative information

In the lowest informational tier, there is little or no quantitative data available with which to conduct an assessment. However, there is generally qualitative information that can be used to make management decisions. Table G1 provides a summary of these types of methods. Some of them are frameworks that have been developed to address vulnerabilities and threats at a wide variety of scales, including for target species, bycatch species, and entire ecosystems. In these tools, the current level of knowledge about the fishery is assessed using information gathered from managers, stakeholders, and expert judgment. Extrapolation, or borrowing information from related fish stocks, can be used to fill in the gaps to better understand the biology of the species (Punt 2011). Outputs from this tier might include whether this fishery is likely to be vulnerable to exploitation, and recommendations on what data are most valuable to collect to improve the current level of understanding of the fishery (for example, size of maturity and mean length of the catch).

In highly data-limited California fisheries, the Department may be able to use data collected through landing receipts to monitor for major changes in species landed, participation, price, gear used, spatial extent, etc. A significant change in these indicators over a short period time could alert managers to changes in abundance or fishing effort that might need to be addressed through increased management or data collection.

Tier 2 – Size data

A number of methods have been developed to infer fishing mortality and the reproductive capacity of the stock from size information. One of the simplest indicators of stock status is the average length of fish in the catch. If an understanding of the approximate mean size of the catch is available, this can be compared against the size at first maturity to understand how much of the catch is composed of mature vs. immature individuals (size relative to size-at-maturity; Table G1). Management recommendations from this tier might include altering size limits, seasons, or gear selectivity to target mature fish, and suggested data collection protocols may involve collection of an unbiased size structure that is representative of the population. For some species, MPAs could protect a portion of the adult biomass in unfished areas which could increase spawning stock biomass and potentially allow for less stringent fishery controls. This is described in more detail in the MPA data section below.

With some additional knowledge of growth parameters, average length can be used to estimate the total mortality (both fishing and natural) the stock is undergoing. With an estimate of the natural mortality (which can be empirically derived, estimated from the maximum age of the stock, or borrowed from a related stock), the fishing mortality can then be calculated by subtracting the natural mortality from the total mortality (Mean Length; Table G1). While this method only requires a single year of data, multiple years of size data could be used to track exploitation trends over time, and can be compared against targets.

Length composition data can be used to calculate the proportion of mature fish, optimally sized fish, and large, highly fecund females in a population to determine if stock spawning biomass is at or above a specified target reference point (Length-based Reference Point; Table G1). Length composition data can also be used to infer the Spawning Potential Ratio (SPR), which is the ratio of the total egg production in fished and unfished states, of the stock (Fractional Change in Lifetime Egg Production and Length-based SPR; Table G1).

Length-based methods are relatively straight forward to use, but it is important to understand the implications of each method. Typically these methods assume that the current population is in equilibrium, which allows them to be applied with only a single year of data. While no stock is ever truly in equilibrium, length-based methods are not appropriate for very short-lived stocks, which tend to be dominated by a single year class, or stocks whose abundance fluctuates a great deal from year to year. Additionally, length-based methods assume a constant growth rate, and thus are not appropriate for species that have highly variable growth between cohorts or from year to year.

Tier 3 – Catch data

If time series of catch data are available, data-moderate assessment methods may be used. There are a number of methods that have been developed to estimate a sustainable catch level based on the logic that historic catches during times of stock stability reflect a level of exploitation the stock can sustain (Zhou, 2013a). Thus a simple average catch taken from a period of stability is assumed to be sustainable. The Depletion-Corrected Average Catch (DCAC: Table G1) method is based on this principle, but it uses historical catch data and an estimated natural mortality rate to correct for the initial depletion in fish abundance typical during the “fish-down” phase in many fisheries (MacCall 2009). The Depletion-Based Stock Reduction Analysis (DB-SRA: Table G1) combines DCAC with a probability analysis to account for uncertainties in historical biomass estimates (Dick & MacCall 2011). The Cumulative Sum (CUSUM: Table G1) technique uses catch data as an indicator of trends in abundance. It looks for deviations beyond the standard deviation from the mean to determine trends in catch and, by extension, biomass.

With historical catch information, biological parameters, and approximate estimates of the biomass in the first and last years of data, it's possible to use what's known as a Schaefer production model to calculate annual biomasses. The Schaefer production model is most widely known as the model which is used to estimate the biomass that will produce MSY. This can be used to set catch limits, even with uncertainty about the carrying capacity and growth rate of the population. With in-season CPUE data, it is possible to use the In-season Depletion Estimator to set sustainable catch limits. This method assumes that effort efficiency is constant throughout the season, and thus any declines in CPUE are due to a reduction in abundance. By graphing the cumulative catch and effort over the season it is possible to see the point at which an additional unit of effort no longer yields additional catch.

Catch based methods tend to be thought of as data-moderate assessment techniques, because many data-poor fisheries have very little historical data, or have no way to accurately monitor catch. However, with California's logbook system, catch-based methods may be appropriate for many fisheries that lack the other types of data necessary for a stock assessment. Catch based methods are primarily used to set catch limits, and they are most appropriate for fisheries with systems in place to monitor catch in real time and enforce closures once catch limits have been reached.

Tier 4 - Age or size structure, time series of catch, and indices of abundance

At this information level, there are a large number of quantitative stock assessment methods available to managers. Nearly all of these models are based on some kind of population dynamics model. They use mathematical equations to model the recruitment, growth from one age or size class to the next, and mortality (from fishing and natural causes) that happen each year to a fish population. Modelers fit these population models to the available data to estimate parameters of interest (usually, the number of fish in the stock and the current fishing mortality rate). Having time series of a number of different types of data makes the ability to estimate these parameters more robust. Table G1 doesn't provide information on the various types of quantitative stock assessment models available for use, but there are a number of resources available online and in the literature which describe the kinds of analytical techniques available (see http://www.pewtrusts.org/~/media/legacy/uploadedfiles/peg/publications/report/aguidetofisheriesstockassessmentpdf.pdf for a simple description of the different stock assessment models available).

MPA Data – Fishery-independent surveys within MPAs

MPAs present new opportunities for fisheries management by acting as reference areas and sources of biological information, and a number of data-poor assessment methods have been developed to use data from MPAs to assess stock status. One such method, called the Density Ratio Control Rule (DRCR), compares a survey-based estimate of the density of fish outside an MPA to an estimate of density inside the MPA, which provides a representation of the stock under unfished conditions. Another MPA-based method, a decision tree that compares size and CPUE data inside and outside MPAs (Wilson et al. 2010), uses no-take areas as a proxy for historical conditions to determine targets. One potential benefit of this method over those that compare current stock status against historical unfished conditions is that the MPA incorporates contemporary environmental conditions. MPAs may also provide a way to estimate biological parameters that are usually biased by the effects of fishing. In particular, natural mortality is very

difficult to estimate in any fished system, but is one of the most informative biological parameters for fish stocks because it provides information about their natural productivity level. Length-based mortality estimators have been applied to size data sampled from inside MPAs in the Channel Islands to estimate natural mortality of spiny lobster (Kay and Wilson 2012).

While MPA-based assessment methods are promising, they have some caveats. Because no fishing is allowed in MPAs, these methods rely on fishery independent sampling protocols, which are typically costlier. Additionally, the MPA must be well enforced. The size of the MPA relative to the size of the species' home range must also be considered, because MPAs can provide effective protection from species that spend a significant portion of time in fished areas. Thus, MPAs generally provide more appropriate information for relatively sedentary species with local reproductive input. Finally, MPAs take time to return to equilibrium unfished conditions, and so may not be useful in assessing fish stocks for a 15+ years (depending on the life history of the species).

Stock assessments traditionally assume that the stock in question is homogeneously distributed over the management area and targeted with uniform fishing intensity. MPAs violate this assumption (Bohnsack 1999), creating patches of high biomass inside their borders, and potentially fueling stock depletion outside (Hilborn 2006). As such, MPAs and their effects on the spatial distribution of both fish and fishermen may introduce biases in stock assessments (McGilliard et al. 2015). This can lead to mis-specification of catch or effort limits. There is also the question of whether populations within MPAs should be considered "on the table" or "off the table" when assessing depletion levels and setting harvest limits (Field et al. 2006). Given the mandates to rebuild populations, there is an incentive for managers to count protected biomass in stock assessments to demonstrate increased stock health (Field et al. 2006). There may be pressure from the fishing industry to count the fraction of population in MPAs as part of the total stock when setting catches. Including protected fish when calculating catch limits based on the total vulnerable biomass can lead to unsustainable fishing mortality rates because in reality only a portion of the stock is targeted. Conversely, not taking protected populations into account when determining stock status is likely to lead to a reduction in catch limits in the short term as well as extend the time period until recovery targets are achieved, both of which may have severe economic impacts.

Empirical vs. model-based indicators to assess stock status

Usually, the output of a stock assessment model is some form of indicator (for example, an estimate of fishing mortality or stock abundance) that can then be compared against a pre-determined reference point in order to assess whether the stock is overfished, or if overfishing is occurring. However, empirical indicators, which are based on directly measureable indicators such as CPUE or average length, are being used in a number of data-poor fisheries (Dowling et al. 2016). In some cases, these empirical indicators lead directly to harvest control rules, and so the monitoring aspect of the harvest strategy effectively replaces the assessment. In others, the data feeds into a harvest control rule, which includes calculations that effectively function as a type of stock assessment (such as decision tree type HCRs; Prince et al. 2011, Dowling et al. 2016). The Department's Spiny Lobster FMP uses two empirical indicators (catch and CPUE) and one modeled indicator (SPR). As long as empirical indicators can be used to infer stock status and make decisions to adjust fishing behavior, they can serve as a type of stock assessment tool. Empirical harvest indicators are not constrained by the need for quantitative population models, but are still able to provide some measure of exploitation status. As quantitative models are often difficult to apply to data-poor fisheries, empirical harvest strategies are often more applicable to data-poor fisheries management. Even in data-poor fisheries, it is possible to design

indicators that reflect whether the stock is in an acceptable state, in an unacceptable state, or somewhere in between.

Determining the appropriate level of complexity for assessments

Management strategies based on integrated stock assessments have been shown to outperform those based on data-poor assessments or empirical indicators, which is why they are considered the gold standard for fisheries management (Punt et al. 2002). However, these kinds of assessments require many different kinds of data, collected over many years. It is very costly to initiate and maintain these types of sampling programs. This type of investment may be practical only for specific situations, such as high value fisheries or high-risk stocks. For other stocks, alternative assessment methods, which have been shown to adequately achieve management targets and prevent stock collapse, may be more appropriate. In addition, harvest strategies based on simple assessment methods can be designed in such a way that they scale in complexity as needed by requiring further data collection or a more defensible assessment when a reference point is passed.

In deciding on what complexity of management system is warranted, tradeoffs between ecological and economic risks, as well as the costs associated with management must be considered. In scenarios with lower data quality and quantity, management responses can be adjusted in proportion to data limitations in order to buffer against scientific uncertainty. This may result in less catch than might be obtained under a management system with higher levels of monitoring to offset uncertainty, but the increase in potential management costs to implement such a system might outweigh the potential benefits of increased yield. Prioritization, Management Strategy Evaluation and the management scaling considerations discussed in Chapter 3 can provide objective methods for deciding what level of assessment is appropriate for a given fishery.

Tier	Method	Description and Reference	Necessary Data	Assumptions/Caveats	Reference Point
1	**Ecological Risk Assessment (ERA)**	Information from the literature, surveys and stakeholder interviews are used to generate a risk assessment that identifies the most vulnerable parts of the system. This is used to detect high-risk activities that require immediate management attention and to screen out low-risk activities from further analysis (Smith et. al 2007).	• Knowledge of the fishery • Knowledge of other activities that could potentially impact the system	Assumes fishing to be the most important threat facing any given system. Predicts potential future risk based on current (static) conditions.	None
1	**Comprehensive Assessment of Risk to Ecosystems (CARE)**	Quantitatively considers the interaction of all system threats and assesses the risk to the entire ecosystem through inclusion of a comprehensive suite of attributes to characterize system productivity and functioning. CARE generates risk values for each Threat-Target pair, for ecosystem service production, and for the ecosystem as a whole.	• Knowledge of the fishery and external threats • Knowledge of ecosystem characteristics and processes • Life history parameters (may be borrowed)	Relies on expert knowledge (where data are missing). Precautionary approach may result in overestimation of risk. Predicts potential future risk based on current (static) conditions.	None
1	**Productivity-Susceptibility Analysis (PSA)**	Productivity is ranked from low to high and based life history parameters. Susceptibility of the stock to fishing pressure is scaled from low to high based on the fishing mortality rate (including discards) and species behavior, such as schooling and seasonal migrations, which may alter catchability (Patrick et al. 2009).	• Knowledge of the fishery • Life history parameters, including fecundity	Assumes that risk depends on the extent of the impact due to fishing, and the productivity of the stock. Where information is missing the scores are set "high", so final risk scores may overestimate actual risk.	None
1	**Monitoring for Major Changes**	Examining logbook/landing receipt data for major changes in a fishery over 5 year period. Could be changes in participation, price, spatial extent of fishery, gear type, etc, that would signal a change in either fishery demand or population status (Dowling et al. 2016).	• Knowledge of 1 or more of the following: species ratios, dominant species landed, spatial extent of fishing, price, number of	Assumes that sudden changes in peripheral fishery information may be indicative of changes in fishing mortality or abundance.	None

			participants, or gear type		
2	**Length-based Reference Point**	Catch length data are used to calculate the proportion of mature fish, optimally sized fish, and large, highly fecund females in a population to determine if stock spawning biomass is at or above a specified target reference point (Cope and Punt 2009)	• Length data for at least one year (catch data are not needed) • Life history parameters	Does not estimate optimal harvest levels. Assumes length data are representative of the stock.	Proxy for Depletion
2	**Size relative to size-at-maturity**	Compares the size of the catch to the average size at maturity to understand whether the fishery is catching mature fish. If a large proportion of the catch is immature a size limit should be recommended (Punt et al. 2001).	• Mean size or approximate proportions at size • Size at maturity data	Assumes length data are representative of the stock.	Proxy for F
2	**Mean Length (LBAR)**	Uses average length and biological parameters from a single year of data to estimate exploitation status (Ault et al. 2005).	• Length data from the catch and independent monitoring • Life history parameters	Assumes length data are representative of the stock and equilibrium dynamics.	F
2	**Fractional Change in Lifetime Egg Production (FLEP)**	Length-frequency data from an unfished (or early exploited) population and the current population, along with information on growth and maturity, are used to determine a limit reference point that represents the persistence of a population. The fractional change is calculated as the ratio of LEP between the unfished and current populations (O'Farrell and Botsford 2006).	• Length data from the fishery and an unfished population • Length-egg production relationship • Life history parameters	Does not estimate optimal harvest levels. Can use historical size data or data from an MPA.	SPR and F
2	**Length-Based Spawning Potential Ratio (LBSPR)**	Uses length composition, life history, and selectivity information to estimate SPR and fishing mortality. SPR has been shown to track depletion for some life history types	• Length data from the fishery • Selectivity at length • Life history parameters	Assumes length data are representative of the stock. Assumes an equilibrium population.	SPR, F, and Depletion

		(long lived, slow growing; Hordyk et al. 2015)			
2	**Visual Survey Spatial Assessment**	Uses visual survey of fish length frequencies and habitat quality/extent to extrapolate stock depletion estimates (Prince 2010).	• Fishery independent length frequency and habitat data	Assumes species-habitat associations are a good indicator of species presence.	Depletion
2	**Spawning Potential Ratio-based Decision Tree**	The Spawning Potential Ratio-Based Decision Tree uses length data from the catch and catch-per-unit-effort (CPUE) to improve an initial allowable catch limit by adjusting it based on changes in the size composition of the catch using a target spawning potential ratio as a reference point. Size composition of the catch is broken down into three length classes: small (recruits), medium (prime), and large (old). The decision tree then uses CPUE of each length class (Prince 2011).	• Length data from catch • Catch-per-unit-effort (CPUE) • Life history parameters, including fecundity	Assumes linear relationship between CPUE and abundance.	TAC
3	**In-Season Depletion Estimator**	Calculates the current stock biomass of target species. Abundance data from completed seasons is compared to current season information, allowing managers to apply harvest rates to biomass estimates to determine appropriate catch limits (Hilborn and Walters 1992).	• Life history characteristics. • CPUE over the course of the season. • Cumulative catch	Trend indicator only. CPUE is not always accurate due to effort creep, fishermen behavior, and/or stock dynamics. Assumes ecosystem and fishery dynamics in equilibrium.	TAC
3	**Cumulative Sum (CUSUM)**	Uses catch data as an indicator to detect trends in abundance and discern significant changes away from the mean (Scandol 2003).	•Time Series of landed catch	Assumes that the underlying dynamic of the system have remained constant over time. Assumes that catch is proportional to abundance.	Depletion

3	**Static Average Catch**	Average catches are used to estimate an overfishing limit. Catches can be adjusted downward to reflect uncertainty about stock status Carruthers et al. 2013).	•Historical average catch for a period where there was no evidence of decline •Adequate catch data stream to objectively identify such a time period.	Assumes a period of no depletion existed, assumes average catch during this period is representative of MSY.	Over Fishing Limit
3	**Depletion-Corrected Average Catch (DCAC)**	Uses historical catch data (10+ yrs) and an estimated natural mortality rate (preferably 0.2 or smaller) to determine potential sustainable yield. An extension of potential-yield models, DCAC is based on the theory that average catch is sustainable if stock abundance has not changed substantially. DCAC divides the target stock into two categories: a sustainable yield component and an unsustainable "windfall" component, which is based upon a one-time drop in stock abundance for a newly established fishery. DCAC calculates a sustainable fishery yield, provided the stock is kept at historical abundance levels (MacCall 2009).	• Catch records >10 years • Estimated initial catch • Life history parameters	Requires reliable catch data (landings plus bycatch); does not work well for highly depleted stocks	TAC
3	**Depletion-based Stock Reduction Analysis (DB-SRA)**	Combines DCAC with a probability analysis to more closely link stock production with biomass and evaluate potential changes in abundance over time. Using Monte Carlo simulations, DB-SRA provides probability distributions for stock size over a given time period, under varying recruitment rates (Dick and MacCall 2011).	• Catch records >10 years • Estimated initial catch • Life history parameters	Requires reliable catch data (landings plus bycatch); does not work well for highly depleted stocks	TAC
3	**Catch MSY**	Estimates MSY from catch data, resilience of the respective species, and simple assumptions about relative stock sizes at the first and final year of the catch data time series. Uses the Schaefer production model to calculate annual biomasses for a given set	• Catch records • Estimated ranges of stock size in the first and final years of the catch data	Assumes population growth rate and carrying capacity do not change over time	TAC

		of r and k parameters (Martell and Froese 2012).	• Life history parameters		
MPA	**MPA Density Ratio**	Fish densities (measured in kg/ha) inside and outside the MPA can be estimated from the results of fishing or visual surveys. The MPA Density Ratio (fished/unfished fish density) can then be calculated to serve as an indicator of stock status (McGilliard et al. 2011)	• Fish density inside and outside effectively managed MPAs • Life history parameters	Assumes reserves are well-enforced and conditions inside represent an unfished population	Depletion
MPA	**Reserve-Based Spawning Potential Ratio**	Combines age or length data from inside and outside no-take marine reserves with life-history characteristics to estimate sustainable yield from spawning potential ratios (Kay and Wilson 2012).	• Length or age data inside and outside MPAs • Life history parameters, including fecundity	Assumes reserves are well-enforced and conditions inside represent an unfished population	SPR and F
MPA	**MPA-based Decision Tree**	Similar to the Length-Based Reference Point method, the Marine Protected Area-Based Decision Tree uses spatially explicit, easy to gather catch and age-length data to set and further refine total allowable catch. Additionally, data gathered from inside no-take marine protected areas (MPAs) are used as a baseline for an unfished population. Total allowable catch (TAC) is calculated using the current CPUE and target CPUE levels, and then further adjusted with each successive step of the decision tree (Wilson et al. 2010).	• Catch-per-unit-effort (CPUE), fish density surveys, or visual census data • Age-length data inside and outside MPAs • Life history parameters	Assumes reserves are well-enforced, conditions inside represent an unfished population and CPUE surveys are unbiased by targeting or aggregation behavior. Assumes linear relationship between CPUE and abundance.	TAC

Table G1. A summary of the data-limited assessment techniques available at various levels of information

References

Ault, J. S., Smith, S. G., and Bohnsack, J. A. 2005. Evaluation of average length as an estimator of exploitation status for the Florida coral-reef fish community. e ICES Journal of Marine Science, 62: 417e423.

Bohnsack, J. A. 1999. Incorporating no-take marine reserves into precautionary management and stock assessment. In: Providing Scientific Advice to Implement Precautionary Approach Under the Magnuson-Stevens Fishery Conservation and Management Act. NOAA Tech. Memorandum NMFS-F/SPO-40.

Carruthers, T. R., A. E. Punt, C. J. Walters, A. MacCall, M. K. McAllister, E.J. Dick, and J. Cope. 2014. Evaluating methods for setting catch limits in data-limited fisheries. Fisheries Research 153:48-68.

Cope, J., Punt, A.E., 2009. Length-based reference points for data-limited situations: applications and restrictions. Mar. Coast. Fish. Dyn. Manage. Ecosyst. Sci. 1, 169–186.

Dick, E. J., and A. D. MacCall. 2011. Depletion-Based Stock Reduction Analysis: A catch-based method for determining sustainable yields for data-poor fish stocks. Fisheries Research 110(2):331-341.

Dowling, N.A., J.R. Wilson, M.B. Rudd, E.A. Babcock, M. Caillaux, J. Cope, D. Dougherty, R. Fujita, T. Gedamke, M. Gleason, N. Gutierrez, A. Hordyk, G.W. Maina, P.J. Mous, D. Ovando, A.M. Parma, J. Prince, C. Revenga, J. Rude, C. Szuwalski, S. Valencia, and S. Victor. 2016.

Field, J. C., A. E. Punt, R. D. Methot, and C. J. Thomson, 2006. Does MPA mean 'Major Problem for Assessments'? Considering the consequences of place-based management systems. Fish and Fisheries 7(4):284-302.

Hilborn, R., F. Micheli, and G. A. De Leo. 2006. Integrating marine protected areas with catch regulation. Canadian Journal of Fisheries and Aquatic Sciences 63(3):642-649.

Hordyk, A., and J. Prince. 2013. Extending the principal [sic] of Beverton-Holt Life History Invariants for length based assessment of SPR. In: ICES World Conference on Stock Assessment Methods for Sustainable Fisheries. Boston, USA.

Kay, M. C., and J. R Wilson. 2012. Spatially explicit mortality of California spiny lobster (*Panulirus interruptus*) across a marine reserve network. Environmental Conservation 39(03):215-224.

MacCall, A. D. 2009. Depletion-corrected average catch: a simple formula for estimating sustainable yields in data-poor situations. ICES Journal of Marine Science 66(10):2267-2271.

Martell, S. and Froese, R. (2013), A simple method for estimating MSY from catch and resilience. Fish Fish, 14: 504–514. doi:10.1111/j.1467-2979.2012.00485.x

McGilliard, C. R., A. E. Punt, R. D. Methot, Jr., and R. Hilborn. 2015. Accounting for marine reserves using spatial stock assessments. Canadian Journal of Fisheries and Aquatic Sciences 72(2):262280.

O'Farrell, M. R. and L. W. Botsford. 2006. Estimating the status of nearshore rock fish (Sebastes spp.) populations with length frequency data. Ecological Applications. 16:977-986.

Patrick, W.S., P. Spencer, O. Ormseth, J. Cope, J. Field, D. Kobayashi, T. Gedamke, E. Cortés, K. Bigelow, W. Overholtz, J. Link, and P. Lawson. 2009. Use of Productivity and Susceptibility Indices to

Determine Stock Vulnerability, with Example Applications to Six U.S. Fisheries. NOAA Tech. Memo. NMFSF/SPO-101, U.S. Department of Commerce, Washington, D.C. Accessed at http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/psa.html

Prince, J. D. 2010. Managing data poor fisheries: Solutions from around the world. Managing data-poor sheries: Case studies, models and solutions. 1:3-20.

Prince, J. D., Dowling, N. A., Davies, C. R., Campbell, R. A., and Kolody, D. S. 2011. A simple cost-effective and scale-less empirical approach to harvest strategies. – ICES Journal of Marine Science, 68: 947–960.

Punt, A., R. Campbell and A. Smith. 2001. Evaluating empirical indicators and reference points for sheries man- agement: Application to the broadbill sword fish fishery off eastern Australia. Marine and Freshwater Research. 52:819-832.

Punt, A. E., A. D. M. Smith, and G. R. Gui. 2002. Evaluation of management tools for Australia's South East fishery 3. Towards selecting appropriate harvest strategies. Marine and Freshwater Research53(3):645-660.

Scandol, J.P. 2003. Use of cumulative sum (CUSUM) control charts of landed catch in the management of fisheries. Fish. Res. 64:19-36.

Smith, A.D.M., Fulton, E.J., Hobday, A.J., Smith, D.C., Shoulder, P. (2007) Scientific tools to support the practical implementation of ecosystem-based fisheries management. IC*ES Journal of Marine Science 6*4**, 6**33-639.

Wilson, J. R., J. D. Prince, and H. S. Lenihan. 2010. A Management Strategy for Sedentary Nearshore Species that Uses Marine Protected Areas as a Reference. Marine and Coastal Fisheries 2:14-27.

Zhou, S. 2013. Catch-only methods: a brief review and possible improvement. In: Knowledge Based BioEconomy workshop. Hobart TAS, Austral

Appendix H – Harvest Control Rules

This appendix provides an overview and considerations associated with a range of harvest control rule (HCR) approaches. As with the other appendices, it is anticipated that this overview will continue to be expanded and refined as part of Master Plan implementation so that it can serve as an effective resource to managers and stakeholders.

Harvest Control Rules (HCRs)

As discussed in Chapter 5, HCRs are simply rules for the management of a fishery. They are usually composed of an equation, formula, or procedure that links a change in one or more indicators with a corresponding change in fishing behavior. The HCR connects the current status of the stock (as determined via the data collection and assessment procedures) with the measures that will control fishing.

HCRs can be based on either a single indicator or multiple indicators. Those indicators can be model outcomes (an estimate produced by a stock assessment method, such as the current fishing mortality or biomass of the stock) or empirical metrics (measured directly from the fishery, such as the mean length of the catch or the CPUE). Regardless of whether the indicator is empirical or estimated, it provides information on the status of the stock. HCRs provide a pre-determined method for comparing that indicator against a target or limit reference point, and adjusting fishing behavior either up or down as needed to avoid limits and reach the target.

Reference points

Reference points are metrics that combine several components of fishery performance into a single value. Reference points are commonly expressed as either a biomass level, or as the fishing mortality rate that would achieve that biomass level under long-term equilibrium fishing conditions. Management actions may be required depending on where the indicator falls relative to the reference point. Commonly used reference points include:

- F_{max}, the fishing mortality rate that produces the maximum yield per recruit;
- $F_{0.1}$, the fishing mortality rate corresponding to 10% of the slope of the yield-per-recruit curve at the origin;
- $F_{X\%SPR}$, the fishing mortality rate that would achieve X% of the spawning potential under no fishing;
- F_{MSY}, the fishing mortality rate which maximizes the total catch
- B_{MSY}, the biomass which produces the maximum catch.

Fishery managers also frequently use ‘target’ and ‘limit’ reference points. Limit reference points the point beyond which fishing is no longer considered sustainable and target reference points define the ideal fishery state. Their use is designed to constrain harvesting within safe biological limits. They are used in part because stocks fluctuate in response to natural ecological and environmental variability, and achieving a single point value is unlikely.

Some management strategies include a threshold reference point between target and limit reference points. The threshold reference point is defined as an “early warning” reference point, to reduce the probability that a limit point would be passed due to estimation or observation uncertainty or due to slow management reaction. Under these management approaches, limit points should never be reached, and if they were to be reached, severe and corrective management actions should be implemented.

Thresholds are advisable when there is an especially high probability of a negative outcome when the limit is crossed, e.g., in a highly variable environment, when species are at the edge of their geographic range or are relatively susceptible to overfishing; or other circumstances when the cost of exceeding the limit is high.

Because reference points are often set using biological models, it can be difficult to determine reference points for data-poor stocks. In situations where there is insufficient knowledge to develop a model, proxies can be used. Proxies are substitutes for key biological reference points, which are used in place of those key reference points because they are easier to calculate, or require fewer data, or are more robust. For example, 40% of unfished biomass is considered a proxy for MSY for rockfish off the west coast, though the true MSY value is likely different depending on the specific biology of each species.

In general, reference points from yield-per-recruit (YPR) and spawning-stock-biomass-per-recruit (SPR) analyses are easier to calculate because they only require biological information. For this reason, YPR and SPR reference points are often used as proxies for other reference points that require stock and recruitment data. However, it is also possible to set empirical reference points when biological or recruitment data is missing. Empirical reference points are functionally similar to model-based reference points in that they trigger some kind of management action when crossed, but they are not necessarily directly related to the biological productivity or resiliency of the stock. For many data-poor stocks, catch history, catch at length, or catch-per-unit-effort may provide empirical indicators that can be used to understand stock status relative to reference points and make management decisions, and reference points might be set based on historical trends during a time period when the fishery was perceived to be stable. Please see **Appendix G** for more details. In extremely data-poor situations, target and limit reference points may be identified by expert judgment, but these should be paired with a monitoring program to decrease uncertainty in the future.

The MLMA requires that FMPs include criteria for determining when a fishery is overfished (7086(a)). Limit reference points provide a simple and straightforward mechanism for defining this criterion. When a limit reference point is crossed, the MLMA requires that a recovery or rebuilding plan be implemented (7086(c)). A recovery plan is usually built into a comprehensive HCR, which specifies the appropriate management action at all stock levels. The HCR should be tested to ensure that it complies with MLMA requirements for overfished stocks, including the time requirements for rebuilding.

HCR frameworks

Data-rich HCRs

The most common types of HCRs provide a link between the current estimated stock status and the desired catch, effort, or fishing mortality level for the fishery. This relationship can take many functional forms. Figure J1 shows a suite of different kinds of HCRs that link a generic stock status parameter with the TAC, Total Allowable Effort, or Fishing Mortality (F) prescribed for each value of that stock status parameter. The types of HCRs illustrated demonstrate a tradeoff between simple but less responsive HCRs (such as the constant and threshold forms) and more responsive but more complex forms. These more complex forms are most commonly employed in data-rich fisheries, in which a quantitative stock assessment model is used to estimate biomass. They are usually designed and tested using Management Strategy Evaluation as described in **Appendix J**.

Data-poor HCRs

While most data-poor fisheries lack the means of obtaining an estimate of biomass for use as a single metric of stock status, there is still a need to link the information that is available to control measures. This is often achieved through identifying empirical reference points, which specify that some kind of action must take place when the indicator passes a certain level. Under this type of framework, the

indicator can be any type of data collected via the monitoring of the fishery (whether it undergoes analysis via a data-limited assessment technique or not), and the control measure can be any kind of mechanism for altering fishing behavior. For example, a simple HCR could specify that if the mean length of the catch (the indicator) drops below the average size of maturity (the trigger), a size limit will be instituted (the control measure).

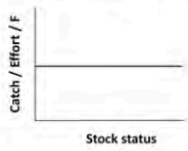
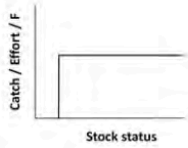
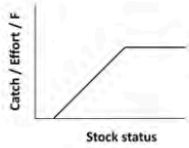
HCR	General Description	Graphic
Constant	A constant control rule maintains a single target value for the controlling measure, regardless of stock status. - TAC/TAE: promote stability but at the cost of either lower overall yields or higher levels of risk associated with reaching undesirable population states - TAF: harvest remains proportional to stock status	
Threshold	A threshold rule also maintains a single target value for the controlling measure up until a limit is reached at which point fishing ceases. - TAC/TAE: promote stability at healthy population sizes - reduces risk of fishery collapse - potential for fishing closures	
Step	A step rule incorporates discrete (or step-wise) increments in the control measure such that higher levels are permitted with improved stock status. - control measure adjusts with stock status - increased variation in yield - abrupt changes in the value of the control measure	
Sliding (simple linear)	A sliding (or "state-dependent" or "adjustable rate") rule allows for a continuous adjustment in the control measure. Higher levels are permitted with improved stock status. - moderate yields but generally with low levels of risk - increased variation in yield - gradual change in the value of the control measure	
Sliding (complex linear)	Same as above but linear combinations can be complex. - incorporate multiple transition points (e.g., according to limit, trigger, target, etc. management reference points) - contention from uncertainty in stock status when near transition points	
Sliding (non-linear)	Same as two above except continuous adjustment is non-linear. - smooth function - no major transition points so uncertainty in stock status tends to be less contentious	

Figure H1. Examples of six basic functional forms for harvest control rules (Reproduced from Aaron M. Berger et al., Introduction to Harvest Control Rules for WCPO Tuna Fisheries (November 2012), https://www.wcpfc.int/system/ files/MOW1-IP-06-Intoduction-HCRs-WCPO-Fisheries-%28MI-WP-03%29.pdf.)

There are many different kinds of indicators, triggers, and control measure combinations. For each fishery, the appropriate combination will depend on what types of data and biological information are available on a regular basis given the resource constraints of the managing agencies, the objectives of management, and which control measures are appropriate to the fishery. There are also many different

ways to specify how the control measure should be adjusted. Table H1 provides a list of examples for how various controls can be adjusted in response to changes in indicators.

Table H1. Examples of the types of HCRs than can be implemented for each kind of management control response (adapted from Dowling et al. 2016).

Harvest Control Rule Families	
Catch or Effort Limits	Adjust by fixed proportions up and down
	Adjust in proportion to distance from a reference point or proxy
	Adjust according to assessment outcomes
	Adjust from monitoring closed areas or marine protected areas
Gear	Adjust gear selectivity to achieve targets
	Adjust to counteract effort creep
	Adjust to avoid capture of undesired/overfished/at-risk species.
	Restrict location and or season in which certain gears can be employed to avoid bycatch or habitat impacts
Spatial Restrictions	Open or close areas in response to stock triggers
	Rotate after catch is achieved in a specific area
Size Limits	May be invoked or modified to adjust selectivity in response to targets
	May be indirectly achieved via temporal, spatial, or gear restrictions
Sex Restrictions	May be invoked in response to targets or triggers
Temporal Restrictions	Adjust time of day when fishing is allowed in response to trigger
	Adjust season duration in response to trigger
	Start and stop fishing in response to trigger
	Implement Seasonal closure
Other Management Responses	Trigger data collection (for example, when a catch or participation trigger is passed).
	Application of additional precaution/buffers
	Overrides in cases of exceptional circumstances
	Retain Status quo (apply a wait and see approach)
	Taxes, fees, or other financial incentives to alter fishing behavior

These trigger systems are useful because they are readily understood by stakeholders. For this reason they provide an opportunity for involving stakeholders in management by helping to identify triggers and consequent actions. They are inherently adaptive as the trigger level values can be revised as understanding improves. The HCR can also trigger increased monitoring, which provides management agencies with a way to keep management costs low provided the fishery stays in the healthy zone, but increases management activities when the fishery moves into a precautionary zone.

Multi-indicator HCRs

Increasingly, HCRs are being designed to respond to multiple indicators, instead of a single indicator. HCRs that are based on multiple indicators perform better because they track different aspects of the population. Sometimes there can be unidentified biases in indicators, and using multiple indicators provides a safeguard against being overly reactive, or not reactive enough. Additionally, attempting to control one aspect of fishing (for example, instituting a size or catch limit) can have unintended consequences (an increase in regulatory discards, which may result in increased mortality). For this reason, there is usually a need to monitor the population health on multiple fronts, and to institute or alter a number of different control measures in order to achieve management objectives.

"Traffic light" HCR frameworks are an example of a trigger system with multiple indicators. Indicators that pass their limit reference points function as "red lights", signaling to stop fishing. Those between their target and limit reference points function as "yellow lights", signaling to "proceed with caution", and indicators that are within a reasonable range of their target reference points are "green lights", signaling that the fishery is in a healthy zone. One issue that can arise with the traffic light approach is how to respond to "mixed signals", which occur when different indicators achieve different colors (Basson and Dowling 2008, Punt et al. 2001). These scenarios must be carefully thought through during the design phase to ensure that the management response is appropriate.

Hierarchical decision tree frameworks allow for a decision to be reached by a sequential series of intermediate decisions. The most important decision criteria are in the upper part of the tree and applied first, which is a useful filtering system. The questions lower down on the tree refine the management approach. Decision trees allow for more complex management than traffic light systems, but each decision point on the tree is relatively easy for stakeholders to understand, so transparency can be maintained. Because of this, decision tree HCRs are a powerful tool that allow for a series of simple HCRs to be combined in to form a relatively sophisticated management tool.

Ecosystem-based indicators in HCRs

There is a broad understanding of connection between ecosystem health and sustainable fisheries, and this has spurred calls for the implementation of Ecosystem-Based Fisheries Management (EBFM) to try and mitigate fishing impacts at the ecosystem level (Pikitch et al. 2004). In designing HCRs to make management decisions for target stocks, managers are embracing several of the central tenets of EBFM (Long et al. 2015), including:

- Long term sustainability
- Adaptive management
- Precautionary management
- Acknowledge uncertainty
- Use of scientific knowledge
- Appropriate monitoring
- Management decisions that reflect societal choice.

However, the complexities and scale of holistic ecosystem management have made it difficult to operationalize EBFM in a practical way, especially for data-poor fisheries. Including ecosystem indicators in HCRs facilitates implementation of some core principles of EBFM (Long et al. 2015), including:

- Consider ecosystem connections
- Account for dynamic nature of ecosystems
- Preserve ecological integrity and biodiversity

By including ecosystem indicators such as sea surface temperature in HCR frameworks, managers are able to explicitly acknowledge links between the decisions made for a target stock and the impacts of those decisions on the wider ecosystem. Many HCRs have bycatch indicators, in which fishing activities are altered or curtailed based on the catch of indicator bycatch species as a means of limiting the ecosystem impacts of fishing. Bycatch, especially of threatened or ecologically important species, has direct impacts on biodiversity and ecosystem integrity, and this is one way to attempt to mitigate those impacts.

Fishing has indirect impacts on other species which are not bycatch but which are trophically related to the target species, either as predators or prey. However, it is important to note that few predators are solely dependent on a single prey item, and the health of predators is likely dependent on a wide range of factors in addition to food availability, and so care must be taken to ensure that the HCR is not overly-reactive to predator fluctuations. In these situations, the HCR might require managers to assess the population of the predator in question during each decision-making cycle, but only trigger a change in fishing activities when very specific conditions are met. For management of a forage fish it may be possible to include an indicator of alternative forage to assess whether the needs to the ecosystem's predators are being met. A quantitative alternative forage indicator is currently being developed as part of NOAA's Integrated Ecosystem Assessment program for the California Current[1].

Including ecological and environmental indicators in HCR frameworks also provides a way to acknowledge and incorporate ecosystem dynamics, which are constantly fluctuating, into decision-making processes. Many fish species, especially those at lower trophic levels, are highly responsive to environmental changes that affect the productivity of the system as a whole. Examples of these types of indicators include temperature, salinity, or plankton levels. For example, the pink shrimp (*Pandalus jordani*) fishery uses a combination of ecosystem indicators (April sea surface height) and fishery dependent indicators (CPUE and number of age-0 shrimp in the catch) to determine the start and end dates of the season (Hannah 1993). The Pacific Sardine fishery is managed using a HCR that includes a temperature indicator to determine the harvest rate (Hurtado-Ferro and Punt 2014).

It is important to establish a link, usually via a regression analysis, to look for correlations between indicators and metrics of population health. This requires time series of data, and may not be possible for data poor fisheries. Additionally, when looking for correlations between indicators and response variables it is important to consider alternative temporal lags and spatial scales, because correlations might go undetected at the yearly timescale at which we normally consider stock management. If links between the environmental or ecological indicators and the productivity of the stock can be established it might allow mangers to recognize changing conditions, such as regime shifts or climate change, and proactively manage for these situations.

Note that the science on using ecosystem indicators in harvest control rules to make harvest decisions for target stocks is emerging, and should be applied cautiously. HCRs are usually crafted so that the indicator and the management control are causally linked. This helps ensure that managers can see results in the indicator of interest when they alter fishing behavior, which is an important component of the adaptive management process. However, because the links between ecological indicators and target stocks are rarely understood, implementing these types of indicators in an HCR framework may be difficult, and managers should proceed with caution.

References

Basson, M., and N. A. Dowling. 2008. Development of a robust suite of stock status indicators for the

[1] https://www.integratedecosystemassessment.noaa.gov/regions/california-current-region/index.html

Southern and Western and the Eastern Tuna and Billfish fisheries. Canberra, Australia: Fisheries Research and Development Corporation Project No. 2003/042. 348 pp.

Dowling, N.A., J.R. Wilson, M.B. Rudd, E.A. Babcock, M. Caillaux, J. Cope, D. Dougherty, R. Fujita, T. Gedamke, M. Gleason, N. Gutierrez, A. Hordyk, G.W. Maina, P.J. Mous, D. Ovando, A.M. Parma, J. Prince, C. Revenga, J. Rude, C. Szuwalski, S. Valencia, and S. Victor. 2016.

Long, R. D., Charles, A., & Stephenson, R. L. (2015). Key principles of marine ecosystem-based management. Marine Policy, 57, 53-60.

Hannah, R. W. (1993). Influence of environmental variation and spawning stock levels on recruitment of ocean shrimp (Pandalus jordani). Canadian Journal of Fisheries and Aquatic Sciences, 50(3), 612-622.

Hurtado-Ferro, F., & Punt, A. E. (2014). Revised Analyses Related to Pacific Sardine Harvest Parameters. Pacific Fishery Management Council, 7700 NE Ambassador Place, Portland, OR. 31(15), 97220.

Pikitch, E., Santora, C., Babcock, E.A., Bakun, A., Bonfil, R., Conover, D.O., Dayton, P.A.O., Doukakis, P., Fluharty, D., Heneman, B. and Houde, E.D., 2004. Ecosystem-based fishery management. Science, 305(5682): 346-347.

Punt, A. E., R. A. Campbell, and A. D. M. Smith. 2001. Evaluating empirical indicators and reference points for fisheries management: Application to the broadbill swordfish fishery of eastern Australia. Marine and Freshwater Research 52:819-832.

Appendix I - Management measures to regulate fishing activities

This appendix provides an overview and considerations associated with a range of management measures and approaches that are applied globally. Applicability of a specific management measure to a California needs to be considered on a case-by-case basis. As with the other appendices, it is anticipated that this overview will continue to be expanded and refined as part of Master Plan implementation so that it can serve as an effective resource to managers and stakeholders.

Overview

Managers have a suite of possible regulatory mechanisms, known as controls, available to them to ensure sustainability. These include restrictions on catch, effort, gear, season, size of fish, and fishing areas. The best choice will depend on a variety of factors, including the biology of the species, how the fishery is prosecuted, socio-economic issues, and governance capacity.

When used properly fishery controls not only provide conservation benefits but help make the fishery more sustainable and economically stable. Controls can also allow depressed stocks to recover, and prevent collapse. Controls on effort that limit fishing capacity may be especially useful in fisheries that experience increases in fishing due to volatile prices for fish or diminishing costs of fishing.

Fishery controls are usually classified as either “input controls” or “output controls”. If the control measure implemented directly constrains fishing effort, it is an input control, and if it constrains the catch, it is an output control (Morrison 2004). The controls summarized in this appendix provide an overview of the kinds of tools available in the fishery manager’s tool box as well as considerations associated with each.

Input controls

Input controls relate to who does the fishing, and when, where, and how they can fish. They include restrictions on the type and amount of fishing gear used, the number and size of fishing vessels, the amount of time fishing vessels are allowed to fish, and the number of participants in the fishery. Each of these restrictions effectively limit the amount of fishing effort and are thus referred to as “effort controls”.

Input controls are based on the assumption that fishing effort is a useful proxy for the amount of the fish stock captured each year. When fishing effort increases, all else being equal, managers expect the magnitude of fish caught to increase. As a result, managers may use input controls as an indirect way of limiting catches and, by extension, fishing mortality. However, there is frequently uncertainty regarding the relationship between effort and catch. This section discusses the various types of input controls available to managers, as well as their respective strengths and weaknesses (see Table I1 for a summary).

Table I1. Summary of types of input controls, and things to consider when applying each. Note that multiple controls may be applied simultaneously.

Type	Description	Benefits	Considerations and Limitations
Effort Limits	Limits on number of vessels or participants	Highly applicable across a wide range of fisheries. Requires less monitoring and is easier to enforce than catch limits. Limiting entry may help prevent over capitalization.	Requires knowledge of relationship between effort and catch to set limits. Usually requires multiple controls to curb "effort-creep". Limiting entry to fisheries may restrict access to fisheries and limit employment opportunities.
Gear Restrictions	Restrictions on the number, type, or size of fishing gear used.	Widely applicable to any fishery that uses gear. Often paired with other controls. May be used to: ● limit fishing efficacy ● protect particular size/age classes from harvest ● prevent bycatch of other species ● reduce the negative impacts of fishing gear on the habitat.	Restrictions may increase the cost of fishing for fishermen. Restrictions may remove ability for fishermen to innovate new gear types.
Temporal Restrictions	Restrictions on the time when fishing can occur. Includes: ● Seasonal closures ● Restrictions on time of day/ days of the week when fishing is allowed ● Tending requirements for passive gear	Temporal closures can indirectly reduce fishing mortality by reducing the number of days that fishing is allowed each year. Seasonal restrictions may be used to protect vulnerable life history stages (spawning aggregations, reproductive stages). Tending requirements reduce lost gear, bycatch mortality, and ghost fishing in passive gear fisheries	May not reduce fishing mortality if efficiency or amount of fishing gear is very high. May encourage fishing during hazardous sea conditions. May encourage change in type/amount of gear used during open times habits in response to closure; may encourage illegal fishing
Spatial Restrictions	Restrictions on where fishing can take place. May be rotational, in response to triggers, or permanent.	Easily understood by user groups. Easy to enforce in nearshore environments.	May increase crowding and cause a race to fish in remaining open areas. Not appropriate for managing highly mobile species. May require an understanding of spatial distribution of fishing and habitat.

Effort limits

Effort limits restrict the amount of effort that can be used in a fishery, and can come in many variations, such as limits on the number or capacity of vessels, number of participants, trip length, etc. These are primarily designed to reduce or cap the efficiency of the fleet by limiting how much can be caught in a given time period. These types of fisheries are often referred to as "limited entry" or "restricted access" fisheries, and require a permitting or licensing program to regulate access to the fishery.

The number of permits and vessel size are common metrics for assessing or limiting fleet capacity. If it is determined that the existing fleet is too large for the sustainable resource level, additional management actions may be needed to reduce the fleet capacity. One option for this it to create a certain number of non-transferrable permits, which cannot be transferred to another permit holder when the current holder decides to stop fishing. This may take many years to achieve the desired fleet size under this approach. Reducing fleet size on a faster time scale, which may be necessary in fisheries that are near collapse, may require a buyback program, which typically removes the least efficient and/or least active vessels in a fishery.

Effort limits usually require less management resources than catch limits, making them an attractive option for many fisheries. However, they provide managers with limited ability to achieve a specific catch level or harvest rate. And even with effort limits in place, fisheries are often subject to effort creep. This means that overfishing can occur even with effort limits in place. Effort restrictions that limit the number of participants can also reduce access to the fishery and employment opportunities.

Gear restrictions

Gear restrictions place limits on how the fishing gear is configured as well as prohibit certain types of gear in a fishery (e.g. prohibition on use of bottom trawls to take spot prawns). This could include mesh size requirements on trawl or gill nets, size of vessels, number of traps, length of nets, etc. Gear restrictions can be used in three different ways:.1) reduce the capacity or efficiency of each individual fisher, in order to reduce the amount each person can catch in a given time period; 2) modify the selectivity of the fishery so that particular sizes or species of fish are vulnerable to the gear, while others are immune, and 3) minimize or reduce habitat destruction and bycatch. Gear modifications are the primary way in which fisheries manage for ecosystem impacts.

Effective gear restrictions that are designed to reduce fishing capacity usually require that multiple restrictions be deployed at the same time to be effective. Otherwise, fishery participants will find mays to modify the gear to increase efficiency in unanticipated ways.

Spatial restrictions

Spatial restrictions, which limit or dictate the area in which fishing activities can occur, are another form of input control. They provide areas of refuge from harvest, which can reduce fishing mortality. These might be used to reduce the spatial footprint of the fishery, protect particular habitat, or remove fishing from areas where fish aggregate to spawn. Spatial restrictions can be either permanent, such as with MPAs, semi-permanent, such as Rockfish Conservation Areas (RCAs), or be part of a rotational management scheme designed to spread fishing activities over a wider area. Closures can also be invoked in response to stock related targets and limits.

Spatial restrictions are easily understood by user groups, and are relatively easy to enforce in nearshore settings. However, spatial restrictions might increase crowding and competition in open areas. In addition, they require a relatively high level of understanding about habitat types, as well as how those habitats relate to the health of the fish population. While fish in the closed areas are protected from fishing, fishing mortality may be very high in the open areas, which can have negative consequences for the stock. Additionally, spatial management is not suitable for high mobility species, because they are likely to range beyond the extent of the spatial closure and thus become vulnerable to fishing activities.

Temporal restrictions

Temporal restrictions limit the time frame in which fishing activities are allowed to take place. This can be done by specifying the time of day or particular days of the week when fishing activities can

take place. Temporal restrictions can also take the form of a seasonal limit. This can be used to limit fishing mortality provided there is some understanding about how fishing effort over time corresponds with harvest level. Seasonal limits are also used to protect species during important life stages. Examples include closures to protect spawning aggregations or to remove fishing reproductive during the reproductive season. Seasonal closures can also be used to restrict catch of non-target species. This type of management approach can both limit fishing mortality and make monitoring or enforcement easier for the managing agency. It has also been used in fisheries targeting spawning aggregations to allow some spawning to take place in the absence of fishing pressure.

As with other controls, temporal restrictions have potential drawbacks. If a fishery is constrained to a specific time frame, fishers may be incentivized to deploy more gear and/or make more trips, in an attempt to catch as much as possible before the fishery closes. This can lead to negative impacts from excess fishing gear on habitat and bycatch. In addition, increases in the amount or efficacy of fishing gear could undermine the ability of temporal closures to restrict fishing mortality.

Output controls

Output controls dictate what is allowed to be harvested. These include catch limits, which are restrictions placed upon the weight or number of fish that may be caught in a given period of time. Output controls also include limits on the species, size and sex of fish that may be landed. Output controls provide a more direct mechanism to control harvest than input controls. However, output controls may require higher levels of data collection and enforcement to apply them effectively, and may result in changes in fishing behavior that can negatively impact the stock. This section discusses considerations associated with each (see Table I2 for a summary).

Catch limits

The most common form of catch limit is a Total Allowable Catch (TAC), which is an aggregate limit for the entire season. Trip limits are another form of catch limits, in which the total catch per trip is capped. Often times this type of control is paired with a limit on the total number of trips to achieve a desired total catch level. Catch limits are the most direct way to control harvest and achieve a desired harvest rate. They also provide a direct way to build a precautionary buffer into a management strategy when there is uncertainty about the dynamics of the stock. Catch limits are most effective when they are set for the entire geographic range of the stock, because overfishing can occur in the remaining portion of the stock even when conservative catch limits are in place in the manage portion.

Catch limits work by closing the fishery when the TAC is reached to prevent overfishing. Because this creates uncertainty around how long the season will be open, catch limits can create a “race to fish”. This can have a number of unintended consequences. It can fuel excess capacity in terms of larger boats, more gear, etc. Catch limits also provide an incentive for under-reporting of catches, as well as high grading, in which fishermen discard their catch in favor of higher value catch, such as a particular size or sex. Discard may result in fishing mortality that is not accounted for in the landed catch data. To avoid this catch limits must be paired with some type of enforcement mechanism. In some fisheries TACs are monitored by having a series of short open periods and then counting the landed catch during the closures. These are known as “derby fisheries”, and can encourage fishing when conditions are dangerous. It also can have adverse effects on fishery profits by flooding the market and driving down the price, or by reducing the quality of the landed product due to time constraints. Allocating portions of the TAC to individuals (such as in the federally managed Pacific groundfish trawl fishery) can help address these issues but the costs of ensuring accountability through observers or electronic monitoring can be high.

Table I2. Summary of types of output controls, and considerations when applying each. Note that multiple controls may be applied simultaneously.

Type	Description	Benefits	Considerations and Limitations
Total Allowable Catch (TAC)	Restricts the total catch that can be taken by the fleet in aggregate during a particular time period (e.g., annual catch limits)	With proper data and enforcement, an effective means of achieving a desired harvest level. Appropriate for higher value fisheries with centralized landing sites.	May create an incentive for discarding/high grading as fishers attempt to maximize catch. May create a "race-to–fish" scenario. Allocating to individuals can help but has costs. Requires higher levels of monitoring and enforcement than other controls. Difficult in multi-species fisheries due to variable resilience/stock status.
Bag Limit	A limit on the daily amount a fisher can take.	Used to restrict catch in recreational fisheries.	May lead to high grading and discard mortality as fishers attempt to maximize their catch.
Size Restrictions	Minimum Size Limit	Increases the number of times a fish will reproduce before they are caught. Easily understood by participants. Easy to enforce.	Requires maturity at age/size information to be applied effectively. May result in unaccounted for injury/mortality as undersized individuals are handled and released. Not appropriate for fisheries where barotrauma or other conditions result in high discard mortality
	Maximum Size Limit	May provide some protection for the natural age structure of the stock. Protects larger spawning females (mega-spawners).	Not an effective means of protecting breeding capacity on its own. Not appropriate for fisheries where barotrauma or other conditions result in high discard mortality
	Slot Limit (upper and lower size limit)	Provides size refuge for both juvenile and large mega-spawners.	Not appropriate for slow growing species. May lead to unaccounted for injury/mortality as fishers discard restricted fish. Not appropriate for fisheries where barotrauma or other conditions result in high discard mortality
Sex Selective Fishery	A restriction on the harvest of one sex (usually on females)	Prohibition on the take of external egg-bearing females (crustaceans) is another sex selective provision that could be considered.	May lead to unaccounted for injury/mortality as fishers discard restricted fish. Not appropriate for fisheries where barotrauma or other conditions result in high discard mortality
Species Restrictions	A restriction on what species can be landed	Used to reduce bycatch of threatened or vulnerable species.	May lead to unaccounted for injury/mortality as fishers discard restricted fish.

While TACs are primarily used to restrict harvest rates to sustainable levels, they also provide a mechanism for the allocation of the resource between user groups. TACs can be allocated across time, space, and user groups to try and disperse fishing mortality. Allocating quotas to individuals or specific user groups can alleviate the race to fish by providing secure access to the resource. This allows fishers to plan their fishing activities when the weather is good and when the market is offering a good price.

To be effective, catch limits often require in-season monitoring. This can be achieved either by monitoring the catch in real time using self-reporting of landings (via fishers or processors), onboard observers, or dockside monitoring. Because of the need for in-season monitoring, catch limits generally have higher data collection and enforcement needs than other types of controls, and may be most appropriate to higher value fisheries with centralized landing sites. Catch limits also generally have higher data collection and analysis needs in order to determine what the catch limit should be. This is because catch limits are usually determined based on the current stock size and productivity of the stock, which is usually determined through population modeling and quantitative stock assessment modeling.

Bag limits

A bag limit is a form of recreational catch limit that restricts of the number of fish, invertebrates, or plants that may be landed in a day. Bag limits do not limit the total aggregate catch in the fishery unless there is some type of limit on participation as well (such as that realized through the requirement of a report card), but they may be effective mechanisms to limit harvest in small scale fisheries, especially those that occur over a high spatial scale. They are primarily designed to limit recreational catch to what could be reasonable utilized by an individual or family. They are usually combined with an overall possession limit to be most effective. Bag limits have the advantage of being simple for user groups to understand and relatively easy to enforce. However, bag limits do provide an incentive for high grading, and thus may result in discard mortality.

Size, sex, and species restrictions

Size limits are another output control that can be used to regulate what is landed in a fishery. Minimum size limits prohibit the take of fish until they reach a certain size, which can ensure that all fish have the opportunity to reproduce at least once before they become vulnerable to the fishery. Minimum size limits are simple to employ, easily understood by users, and highly effective at protecting breeding capacity of the stock. However, they require an understanding of the relationships between size/age and reproductive maturity to ensure that the size limit is appropriate. Maximum size limits can be used to protect the age structure of the stock by removing fishing pressure on older fish, which are more likely to be large mega-spawners. When minimum and maximum size limits are used in concert it is known as a "slot limit". Slot limits are most effective when fishing mortality is relatively low, so that a high proportion of fish have a chance of reaching a refuge size without being taken in the fishery.

Sex restrictions are prohibitions on taking fish or invertebrates of a particular sex, usually females. These types of controls are similar to size restrictions in that they are designed to protect the breeding capacity of the stock. Prohibitions on landing a particular species is another kind of output control used to manage bycatch. These are usually implemented to reduce the catch of non-target species, especially those that are ecologically sensitive. Regulations of this type may result in "regulatory discards," in which restricted species are returned to the water, sometimes dead or injured, leading to fishing mortality not accounted for in catch reporting.

References

Morrison, A. K. 2004. Input and output controls in fisheries management: a plea for more consistency in terminology. Fisheries Management and Ecology 11(6):411-413.

MRAG. 2016. Productivity and Susceptibility Analysis for Selected California Fisheries. Accessed at http://www.oceansciencetrust.org/wp-content/uploads/2017/06/CDFW-PSA-Report-on-Select-CA-Fisheries_Final-1.pdf

Appendix J - Guidance for conducting management strategy evaluation

This appendix provides an overview and best practices for conducting management strategy evaluation (MSE). As with the other appendices, it is anticipated that this overview will continue to be expanded and refined as part of Master Plan implementation so that it can serve as an effective resource to managers and stakeholders.

Management Strategy Evaluation

The fisheries management cycle functions best when each of the components is chosen with the other components in mind. For many fisheries the data collection protocol is designed with an understanding of the species' biology and what is achievable given the available resources. The stock assessment should provide indicators and reference points that can be used in the harvest control rule, and the harvest control rule should recommend regulations that are appropriate given biological constraints, management capacity, and objectives for the stock. To make these choices, it is necessary to consider the performance of the fisheries management cycle as a unit. Each component of the strategy should be chosen in order to maximize the likelihood of achieving management objectives given the current level of uncertainty, as well as the management agency's capacity for governance. A simulation tool called Management Strategy Evaluation (MSE) has been developed. MSE is not new and has been successfully employed around the globe to aid managers in making decisions. This section explains what MSE is, how it is used, and provides guidance on considerations when conducting one.

What is Management Strategy Evaluation?

Management strategy evaluation (MSE) is a simulation technique to evaluate the expected performance of each management strategy prior to implementation. During an MSE, everything that is known about the fishery, including the population dynamics of the stock and the behavior of this fishing fleet, is simulated in what is called an "operating model". Obviously, there are many areas of uncertainty in any ecological system, but MSE simulations include that uncertainty as well. In addition to the fishery, the four components that make up a management strategy (data collection, stock assessment, harvest control, and the implementation of management measures to control fishing) are also simulated in what is called a "management model".

The operating model and the management model are separate, but pass information back and forth during each simulated management cycle. This is done in a way that simulates the actual data collection protocols that occur for this fishery in the real world. This simulated data is then analyzed by stock assessment component, and an indicator is produced. That indicator is passed to the HCR, which dictates a management action that should be applied during the following simulated fishing season. That management measure is then passed from the management model back to the operating model, and the following fishing season is simulated with that management control in place. This process is repeated for a pre-specified number of management cycles (50 years, for example), and performance metrics such as fishery yield and population status are tracked to understand how the management strategy is likely to perform in both the short and long term.

The separation between the operating model and the management model is one of the strengths of MSE, because it allows managers to test how well a management strategy performs when some aspects of the ecological system are either unknown, or are thought to be known but are incorrect. An example would be simulating an assessment model that makes an assumption about the natural mortality of the fish stock. Using MSE, it is possible to quantify how management performance is impacted when the

assumed value in the assessment is different from the value actually governing the population biology in the operating model. Another strength of MSE is that the process is repeated many times with randomly drawn parameter values to simulate either the natural variation of the system, lack of knowledge about a particular process, or imperfect implementation of management measures. For these reasons it is widely considered to be the best way to quantify the impacts of uncertainty inherent in the system being managed, and to evaluate the trade-offs in the performance of alternative management strategies.

MSE is a very powerful tool, and has been applied in a number of ways. It is most frequently used to develop and test a comprehensive management strategy for a specific fishery. It has also been used to evaluate how well existing monitoring and data analysis methods are able to reflect the true status of the system with reasonable accuracy (Marasco et al. 2007). It can be used to compare one specific component of a management strategy (for example, two alternative HCRs) to understand which is more likely to meet management objectives given the current understanding of the fishery. This is possible because alternatives can be compared directly against each other while all other variables in the system are held equal, which is something we rarely have the ability to do in the real world. This provides valuable information on not only which management strategy is expected to work best, but also which management strategies are not expected to work and should therefore be eliminated from further consideration (Butterworth et al. 2010a).

How does MSE differ from traditional (assessment focused) management?

The traditional approach to providing fisheries management advice involved conducting a stock assessment using all available information to estimate the status of the resource. Uncertainty in stock status was evaluated using confidence intervals and sensitivity tests, and then a projection model, in which a static management policy (such as a set harvest rate or quota), was used to assess the risk associated with that management policy. MSE overcomes many of the shortcomings of this approach. MSE simulates data collection during each management cycle, and then management advice resulting from that data is fed back into the system and used to update the stock and fleet dynamics in the next time-step (Walters and Martell 2004). This feedback loop between the management strategy and the operating model is a fundamental aspect of MSE, and allows managers to design and test adaptive management strategies. In traditional fisheries management approaches, where a simple, unvarying management policy was tested, the risk of a given policy could be overestimated by failing to take into account the ability of management agencies to collect future information and react accordingly. On the other hand, approaches based on static projections would underestimate the risk associated with either the management agency's inability to perfectly implement the static policy, or through error propagation from unknown or incorrectly assumed dynamics. MSE accounts for both of these types of uncertainty.

Best practices for MSE

While MSE is useful for creating adaptive management strategies, they are complex, and time and resources are required to conduct them. In the past, significant quantitative expertise was required to build and run simulation models, though recent advances have made MSE faster, more affordable, and more accessible to a wider range of fisheries, including those with limited data. However, even with these technological advances the behavior of the fishery must be modeled as accurately as possible, and that usually requires gathering information from the stakeholders, biologists, and managers who know the fishery best. This usually requires an iterative process as well as continuous dialog between groups to accurately and comprehensively characterize the fishery and its management goals, determine which performance metrics are most informative, interpret results and evaluate tradeoffs. This section breaks down the steps required to conduct an MSE (Figure J1), and provides some guidance on each.

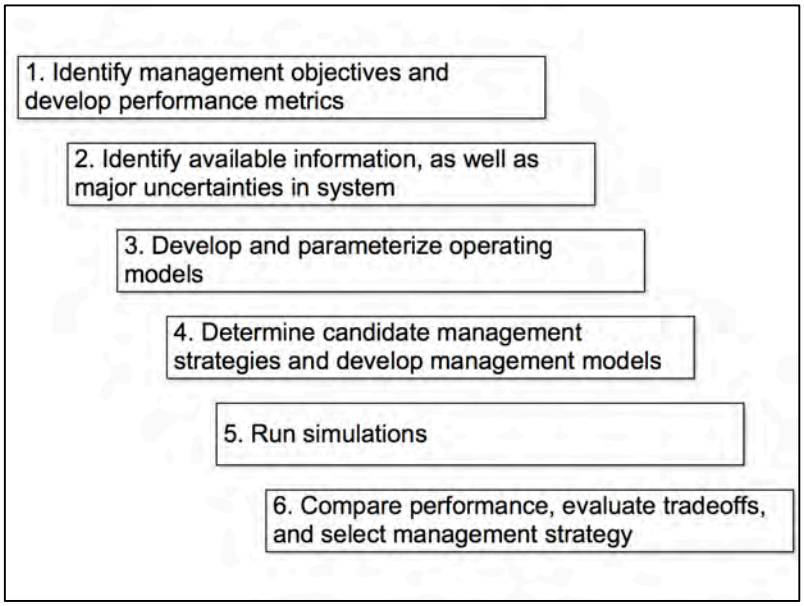


Figure J1. The schematic shows the six steps involved in conducting a MSE.

Best Practices for MSE

Step 1 — Identify management objectives, and develop quantitative performance metrics that reflect those objectives.

The first step of any MSE process is to identify the management goals and objectives of the fishery. This discussion should involve managers and stakeholders, and include biological, ecological, and socio-economic objectives, because different user groups may have different goals. Once a suite of management objectives is agreed upon, quantitative performance metrics that reflect those objectives should be defined. This is a very important part of the MSE process because simulation models can track a huge amount of information about the health of the stock and fishery yield for every management strategy and scenario tested. Performance metrics condense this vast amount of information down into a manageable suite of meaningful metrics, and provide a means for comparing each potential harvest strategy directly against each other. However, translating generic, high-level policy goals and conceptual definitions of sustainability into concrete, quantifiable performance metrics can be difficult.

One method for translating goals into quantitative performance metrics is to ensure that, for each management objective, three elements are defined: 1) the element to be achieved, 2) a time frame for achieving the objective, and 3) an acceptable rate of failure for achieving the objective (also known as an acceptable risk level). For example, a high-level policy goal for a fishery may include maintaining sustainable stock levels. Unsustainable levels are usually defined as those where recruitment may be impaired. For rockfish along the West Coast of North America, the Council has defined this to be 10% of unfished biomass. Managers who are translating the goal of “maintaining sustainable stock levels” into a performance metric may decide that they want their management strategy to achieve biomass levels >10% of unfished biomass over a 50 year time period with 90% probability. This performance metric clearly defines the objective (biomass above 10% of unfished), the time frame (50 years), and the acceptable rate of failure (above the objective 90% of the time or more).

Common management objectives for fisheries include maximizing economic benefits while minimizing the risk to the stock (Punt 2015). As a result, performance measures for MSEs usually focus on three dimensions of performance: catch, biomass of the target species, and variability of catch. However, there are many ways that performance within these categories can be tracked, and Table J1 provides examples of the different kinds of performance metrics that have been used.

Table J1. Types of management objectives, and example performance metrics.

Type of Management Objective	Example Performance Metrics
Population Health (Target species)	
	Biomass
	Biomass relative to unfished biomass (B_0)
	Biomass relative to reference biomass (such as B_{MSY})
	Biomass relative to initial/historical biomass
	Lowest biomass
	Lowest biomass relative to unfished biomass (B_0)
	Probability of local depletion
	Probability biomass is above or below threshold
	Number of consecutive years biomass is above or below threshold
	Percent of older/larger individuals in catch
	Average age of catch
Catch and Catch Variability	
	Catch - total, average, or median
	Catch variability
	Catch relative to reference value
	Probability catch < threshold value
	Lowest catch
	Probability of catching fish above a certain size
	Number of consecutive years catch > threshold value
	Catch per unit effort (CPUE, or catch rate)
	Catch rate relative to the reference catch rate
	Catch composition (percent of each species)
Socio-economic Performance	
	Discounted revenue
	Costs (monitoring, enforcement)
	Profit
	Profit variability
	Profit per ton or per unit effort
	Access and distribution equity among sectors and ports
	Conflict among sectors
	Effort
	Displaced effort
	Amount of quota trading
	Employment
Ecosystem Impacts	
	Biomass of non-target species
	Catch composition of non-target species
	Percentage of discards (by weight or number)
	Number or biomass of at-risk species
	Probability of interaction with at-risk/threatened species
	Proportion of total habitat fished

Careful consideration should be given when choosing performance metrics. The appropriate number of metrics will depend on the fisheries objectives, but in general it is difficult to compare more than about six metrics simultaneously. Performance metrics should be chosen so that they are easy for decision-makers and stakeholders to understand. For example, a common fishery objective includes minimizing large swings in the total allowable catch from year to year. Performance metric design should be an iterative process, and involve stakeholders to determine which metrics are best for each situation.

Guidance:

- Performance metrics should reflect management objectives. For each management objective, define the objective, time frame, and acceptable failure rate.
- Involve stakeholders in the process to clarify management objectives and define performance metrics
- Keep the number of performance metrics as small as possible.
- Choose performance metrics that are easily understood by a wide audience.

Step 2 — Identify what information is known about the fishery as well as major uncertainties.

The next step in conducting a MSE is to gather all the available data and information for the fishery, as well as to identify the gaps in information. This should include all available data on catch and effort, any other information that has been collected via monitoring, biological parameters, fishery management, ecological impacts, etc. This step serves two important purposes. First, this information will be used to develop and parameterize the operating model (step 3). Secondly, by collecting what is known, it will be possible to identify where the major areas of uncertainty lie in terms of biology, the environment, the fishery and the management system). This is an important step, because part of the MSE process involves determining which management strategies are robust to these uncertainties. For data rich stocks, this step usually coincides with a stock assessment model, which analyzes all of the available data to estimate stock status as well as other biologically important parameters. Stock assessments also provide quantitative information where there are major uncertainties. However, MSEs can be conducted for fisheries that are too data-poor to have a formal stock. For these fisheries, the process of gathering information may be more qualitative, but is no less important. This can be done through consultations among stakeholders, biologists, and other experts; by borrowing biological information from closely related stocks; or through a more formal risk assessment process such as a PSA, where participants are required to score how certain they are about each piece of information.

Guidance:

- The best available information for the fishery should be considered, and key areas of uncertainty should be identified.
- Many different forms of uncertainty should be considering, including process uncertainty, parameter uncertainty, model uncertainty, assessment uncertainty, and implementation uncertainty.
- Uncertainty scenarios should be ranked based on the participants' assessment of plausibility, and high and medium plausibility scenarios should form the basis for operating models.

Step 3 — Develop a set of operating models representing the fishery.

An operating model is a mathematical representation of all of the biological components of the system to be managed, as well the fishery which targets that modeled population. Usually, multiple operating models are required because of the need to cover the range of the ever-present uncertainties. Usually, the most plausible hypothesis about how the system functions is considered the reference (or base case) operating model, and a set of "uncertainty scenario" operating models are also developed to

represent the major uncertainties (Rademeyer et al. 2007). The reference operating model is usually based on the stock assessment model that best fits the data. The operating models should be developed using a widely available programming language so that the analysis is repeatable and the results are easily reproducible. In addition, the mathematical structure of each operating model should be well documented.

Guidance:

- Operating models should be created to represent all high and medium plausibility scenarios from step three.
- The most plausible scenario is considered the reference operating model.
- All models should be developed in a commonly used, widely available programming language, and should be well documented and reproducible.

Step 4 — Develop candidate management strategies, and create implementation models to simulate the application of those management strategies.

An implementation model that reflects how management regulations are applied in practice must also be developed for each candidate management strategy. This model describes how data are collected from the managed system (including the effect of measurement 'noise'), how that data is analyzed during the assessment phase, and how fishing activities should be changed in the following simulated time step (HCR). Ultimately, the choice of candidate management strategies should reflect the governance and scientific capacity of the managing agency, and should be realistic and implementable. MSE developers should strive to simulate data collection as realistically as possible, with careful consideration given to the current and future sampling effort the management agency can employ. In addition, multiple error structures for the sampled data should be considered. Commonly, MSEs generate age/length composition data from the survey or fishery catch in a way that matches the distributions assumed when fitting the assessment model, which can underestimate the number of samples needed when sampling is employed in the real world. As with the operating models, implementation models should be developed using a widely available programming language so that the analysis is repeatable and the results are easily reproducible.

Guidance:

- The choice of candidate management strategies should reflect the capacity of the managing agency
- The implementation models should attempt to capture the various aspects of each management strategy as realistically as possible.

Step 5 — Run simulations.

In this process, all of the candidate management strategies (implementation models) are applied to all of the uncertainty scenarios (operating models). This means that an MSE that tests 6 candidate management strategies on 6 different uncertainty scenarios will produce results from 36 different combinations. In addition, because each test simulates management over many years (usually at least 20), and includes repeated runs to understand how random variability impacts performance (frequently 1000 individual trials), considerable time, computing power, and an organized approach to storing and summarizing results is required. The calculation of the performance metrics selected in step one is coded into the MSE test so that these statistics will be readily available. Running simulations is frequently an iterative process, because frequently things are learned during the simulation process that cause the developers to alter either the candidate management strategies, the operating models, or both.

Step 6 — Compare performance, evaluate tradeoffs, and select a management strategy

Once the simulations are run, it is necessary to examine the results and select a management strategy that best meets management objectives, and is robust to the various types of uncertainty in the fishery. The analyst that conducted the MSE should participate in the process by explaining results and facilitating discussion, but the ultimate choice of which management strategy is "best" should be determined by the managing agency. Stakeholders and decision-makers should be fully involved in selecting among management strategies. This will not be a one-time exercise, but will likely be an iterative process where the analyst interacts with and respond to the needs of decision-makers. Consequently, there needs to be an investment of time in working with decision-makers to ensure that they understand what they are being presented.

When comparing the performance metrics for each candidate management strategy, it is necessary to determine a process for deciding on the best option. Occasionally a single management strategy will clearly dominate the others in all performance categories, but more likely there will be tradeoffs between the performance metrics (for example, a strategy that results in high yield, but also higher risk to the population). The ideal way to select among management strategies is to define a utility function that puts an a priori weight on each performance metric (essentially, a numeric factor reflecting how important it is), and then find the management strategy that achieves maximum utility. However, this method is very difficult to implement in the real world because stakeholder groups often have different values for different performance metrics, and those values are difficult to quantify objectively. Instead, the most commonly used method for selecting performance metrics usually involves the following steps:

1. The analyst explains all of the options and presents the relative results.
2. Those management strategies that do not meet the minimum sustainability criteria are eliminated, as these strategies often cannot legally be implemented, and would likely be considered unviable by all stakeholder groups.
3. Any management strategies that are outperformed in all performance metrics are eliminated to reduce the number of options as quickly as possible.
4. Decision makers select from the remaining candidates using either a "satisficing" or "trading off" approach. Satisficing involves specifying minimum performance standards for all performance measures and only considering management strategies that satisfy those standards. In contrast, trading-off acknowledges that any minimum performance standards will always be somewhat arbitrary, and that decision-makers should attempt to find management strategies that achieve the best balance among performance measures.

Climate change and MSE

Climate change and environmental variation can drive changes in a wide array of biological processes affecting fishery management, including spawning, spatial distributions, migratory patterns, gear selectivity, and diet, as well as growth, survival, mortality, and recruitment rates. Changes in any one of these parameters can profoundly affect the estimated value of fishery reference points such as "unfished" biomass (B0), MSY, OY, etc. MSE's provide an opportunity to examine how those types of changes are likely to affect the performance of a given management strategy by modeling environmental and climate impacts on population dynamics. These simulations can be used to evaluate the benefits of adopting a management strategy that explicitly accounts for environmental and climate impacts.

Two approaches have been developed to apply management strategy evaluation to evaluate the impact of environmental variation on the performance of management strategies. The "mechanistic approach" estimates the relationship between the environment and elements of the population dynamics of the fished species and makes predictions for population trends using the outputs from global climate models (Punt et al. 2014). This approach can be very difficult, especially in data-poor fisheries. A key

step when applying this approach is to represent uncertainty appropriately, because fishery models estimate how populations will respond to changing conditions by looking at past performance, which is not necessarily a representative of changes under future climate scenarios (Reifen and Toumi, 2009).

The second approach is the "empirical approach" which examines broad impacts of climate change, environmental variation, and ecosystem shifts without explicitly specifying a mechanism (Punt et al. 2014). This is done by imposing trends in the values of key parameters of the operating model in order to simulate plausible changes that might occur at the stock level under climate change, without attempting to link the operating model explicitly to global climate change models. The empirical approach can be used to understand how robust a management strategy is to changing conditions even when there are no actual environmental data available to use to relate to future changes in the parameters of the operating model, and has been recommended as a more appropriate approach for the majority of fisheries (Szuwalski and Punt 2013).

Guidance

- Stakeholders should be involved in the decision-making process, which usually requires some investment in explaining the process along the way.
- The analyst should refrain from deciding which management strategy is "best"; the decision should be made by the management agency and reflect their objectives.
- A four-step approach is usually used to eliminate unviable candidate procedures. At that point, decision makers will need to use either a "trading off" or a "satisficing" approach to decide on a management strategy.

References

Marasco, R. J., D. Goodman, C. B. Grimes, P. W. Lawson, A. E. Punt, and T. J. Quinn, II. 2007.Ecosystem-based fisheries management: some practical suggestions. Journal of the Fisheries Research Board of Canada 64(6):928-939.

Punt, A. E. 2015. Strategic management decision-making in a complex world: quantifying, understanding, and using trade-offs. ICES Journal of Marine Science 74(2):499-510.

Rademeyer, R. A., E. E. Plaganyi, and D. S. Butterworth. 2007. Tips and tricks in designing management procedures. ICES Journal of Marine Science 64(4):618-625.

Reifen, C., and R. Toumi. 2009. Climate projections: Past performance no guarantee of future skill? Geophysical Research Letters 36(13):L13704.

Szuwalski, C., and A. E. Punt. 2013. Regime shifts and recruitment dynamics of snow crab, *Chionoecetes opilio*, in the eastern Bering Sea. Fisheries Oceanography 22(5):345-354.

Walters, C. J., and S. J. Martell. 2004. Fisheries Ecology and Management. Princeton, USA: Princeton University Press. 448 pp.

Appendix K – Bycatch mitigation measures and considerations

This appendix provides an overview and considerations associated with a range of bycatch mitigation and discard mortality measures. As with the other appendices, it is anticipated that this overview will continue to be expanded and refined as part of Master Plan implementation so that it can serve as an effective resource to managers and stakeholders.

Overview

As discussed in Chapter 6, bycatch can increase the time, cost, and effort required to catch a desired amount of target species and can have adverse consequences for vulnerable stocks and ecosystems. As a result, fishermen, scientists, engineers, and resource managers have developed a wide array of strategies to reduce bycatch.

The MLMA requires that bycatch be limited to acceptable types and amounts. Where unacceptable bycatch occurs in a fishery, management measures that minimize bycatch and discard mortality should be implemented. This appendix provides a non-exclusive list of common bycatch mitigation measures that have been demonstrated to minimize bycatch and discard mortality when appropriately designed and implemented. It also provides associated considerations and existing California or West Coast examples of implementation where available.

Identifying appropriate methods for addressing bycatch concerns requires an intimate understanding of the fishery in question. This includes knowledge of the fishing gear and operational practices, details regarding the distribution and behavior of bycatch species, the spatial and temporal characteristics of fishing activity, and other variables. In most cases, some combination of bycatch mitigation measures may be necessary to effectively address unacceptable bycatch. For example, gear modifications are often paired with incentive programs for fishermen and supplemented by a time/area closure that prevents fishing when sensitive bycatch species are most likely to be present.

Evaluation and monitoring of bycatch

Information on the type and quantity of bycatch in an individual fishery is necessary to select appropriate bycatch mitigation measures. This information is not always available with sufficient certainty to identify mitigation strategies. In such cases, increased data collection may be the most appropriate short-term strategy. Data collection efforts using dockside monitoring, logbooks, observers, or fisheries independent or dependent studies can establish the information necessary to make informed decisions about bycatch mitigation strategies. Each of these data collection methods has its own set of considerations. For example, logbooks can be used to collect information at minimal cost to the Department, but fishermen may not have the knowledge or incentives to report completely and accurately. Dockside monitoring surveys or landing receipts can only collect data on retained species and thus will provide no information on discards. Observers are likely the most reliable and comprehensive data collection method, but costs can be prohibitive and observers may influence normal fishing activities.

No single data collection technique can effectively establish estimates of bycatch in the diverse range of state-managed fisheries. Different fishery-specific characteristics and factors must be considered when determining the appropriate methods of data collection and reporting. Standardized reporting methodologies can help ensure that effective bycatch data collection programs are developed for each fishery. Please see **Appendix F** for more details on data collection strategies.

Categories of bycatch mitigation measures and associated considerations

The International Guidelines on Bycatch Management and Reduction of Discards—prepared by the Food and Agriculture Organization of the United Nations and endorsed by the U.N.'s Committee on Fisheries—state that best practices for bycatch mitigation measures include ensuring that all measures are: "(i) binding; (ii) clear and direct; (iii) measurable; (iv) science-based; (v) ecosystem-based; (vi) ecologically efficient; (vii) practical and safe; (viii) socio-economically efficient; (ix) enforceable; (x) collaboratively developed with industry and stakeholders; and (xi) fully implemented" (FAO 2011). In some circumstances, however, voluntary or experimental measures may be the most appropriate.
The bycatch mitigation measures outlined below fall under seven main categories, each with general considerations regarding implementation:

1. Gear modifications: Modifying gear design, materials, and configuration has proven effective as a bycatch mitigation measure in many fisheries. Effective modifications are fishery-specific, depending on the type of gear used and the portfolio of bycatch species. As a result, fishery-specific studies may be necessary to establish the efficacy of particular gear configurations to mitigate bycatch. Gear modifications result in up-front and possible ongoing maintenance costs for fishermen, which can be defrayed by programs such as financial incentives. Dockside gear checks or patrols can ensure that fishing vessels are taking steps to comply with gear modification requirements, but on-board monitoring is necessary to ensure full compliance.

2. Bycatch catch limits: Placing limits on the number of individuals or weight of bycatch in a fishery is perhaps the most straightforward way to reduce bycatch. Catch limits can include zero quotas and required release, quotas requiring full retention and reporting of bycatch, or hard caps that completely close a fishery after they are exceeded. Depending on the design of a bycatch quota program, monitoring may be a substantial cost that's borne by participants, the Department, or a combination of the two. Landing receipts or logbooks may provide some assurance of compliance, but on-board monitoring (human or electronic) is the only way to ensure full compliance. Catch limits may result in lost fishing opportunities if hard caps are imposed. To ensure that catch limits or hard caps are protective of the species without unjustifiably damaging economic opportunities, data on the abundance, productivity, and mortality of the bycatch species is required.

3. Spatial and temporal measures: Spatial and temporal measures restrict fishing or use of certain gear types at a time of year and/or in a geographic location when bycatch is expected. Other measures that fall under this category may dictate the manner and timing of gear deployment, such as night setting or depth restrictions. Establishing spatial and temporal measures will require sufficient scientific information to demonstrate their efficacy. Enforcement can be accomplished by patrols, vessel monitoring systems (VMS), or on-board observers. These measures may result in lost fishing opportunities and may have direct costs to fishermen depending on how responsibility for monitoring costs is assigned.

4. Incentive / disincentive programs: Programs that provide incentives or disincentives related to bycatch can encourage fishermen to innovate their practices to avoid bycatch. Certain incentive programs can also ease the burden of regulatory requirements on fishermen. For example, rebates, tax breaks, or other discounts/subsidies can facilitate the transition of a fishery to more selective gear. Likewise, establishing a system of performance standards (e.g., rewards and/or penalties based on bycatch rates) can spur innovation and encourage good practices. These programs will have some administrative costs, but can ultimately be revenue neutral or positive if penalties are

designed to equalize or exceed rewards. Purchasing incentive programs will have minimal enforcement needs, while performance standards may require significant monitoring to guarantee fairness.

5. Strategies to minimize “ghost fishing”: The ongoing effects of abandoned or lost fishing gear can be mitigated by these strategies, including gear recovery programs and design standards. These programs will have some administrative costs, particularly gear recovery programs that require vessel trips to recover gear. These costs can be defrayed by mandatory or voluntary buyback of recovered gear that is marked with ownership identification. Gear design using degradable materials may have some up-front and ongoing costs to fishermen.

6. Full retention programs: Full retention reduces discard mortality to zero. These programs may not improve bycatch outcomes on their own, but they can reduce waste, enable comprehensive monitoring of bycatch, and may incentivize fishermen to innovate gear or fishing practices to avoid low-value bycatch. Full retention programs may reduce overall profit from fishing due to low-value catch. These programs have minimal direct cost to the Department, but may result in increased analysis and reporting needs if paired with requirements to report the type and amount of bycatch in the fishery.

7. Other: Several other strategies have demonstrated success in reducing bycatch or discard mortality. These include descending devices, use of predictive mapping applications, education and training programs, and improved monitoring and enforcement. Burdens on the Department and fishermen vary depending on the strategy.

In addition to the bycatch mitigation strategies outlined above, many management measures focused on target species have incidental benefits for bycatch. For example, where a target stock is overfished, a reduction in overall effort may be necessary. Such effort reductions will often also reduce total mortality of bycatch species. Please see **Appendix I** for more information.

Table K1 below provides a range of common bycatch mitigation strategies and identifies considerations and examples associated with each. Considerations include evidence for the efficacy of the mitigation measure under different circumstances, the potential economic effect on fishing communities, and implementation and enforcement needs.

Table K1. Common bycatch mitigation strategies, and associated considerations and examples.

Table K1 – Available Bycatch Mitigation Measures						
Category	**Sub-category**	**Concept**	**Considerations**			**California (or Pacific) Examples**
			Efficacy in mitigating bycatch	**Economic effects on fishermen**	**Enforcement requirements**	
Gear modifications	Acoustic devices (e.g., pingers)	Alert animals to presence of fishing gear. Effective for sound sensitive species (e.g., marine mammals).	Several trials of pingers on fishing nets resulted in 70-90% reduction in cetacean bycatch (Cox et al 2007). Pingers recommended by the International Whaling Commission in 2001 (IWC 2001).	Cost of individual pingers is low. Longer nets will require more pingers at increased cost. These costs may be offset by reductions in net damage or loss from interactions with marine mammals (NMFS 1997).	Dockside gear checks or patrols can ensure presence of pingers.	As part of the Pacific Offshore Cetacean Take Reduction Plan, all drift gillnets must have acoustic deterrent devices. 50 C.F.R. § 229.31(c). Studies show a 75% reduction in cetacean entanglement (NMFS 1997).
	Visual devices (e.g., light emitting devices (LEDs), bait dyes, colored gear)	Alert animals to presence of fishing gear. Effective for light/color sensitive species.	The use of LED lights along the fishing line dramatically reduces bycatch of threatened and depressed fishes in pink shrimp trawl nets with no effect on target catch (Hannah et al 2015).	Cost of bait dye and lights of LED systems is relatively low.	Dockside gear checks or patrols can ensure use	LED lights are suggested for pink shrimp trawl nets to reduce bycatch of eulachon smelt and other sensitive species, although no regulations are currently in place. Studies show a 70-90% reduction in bycatch (Hannah et al 2015).
	Mesh size optimization	Alterations to mesh size in nets.	The use of larger mesh sizes results in a reduction of	Changes to mesh size requirement may require	Dockside gear checks or patrols can	Trawl vessels targeting California Halibut in California Halibut Trawl Grounds must use a minimum

			smaller and sub-legal sized bycatch (Alverson et al 1994).	production or purchase of all new netting, or alterations to existing netting. Cost and time required will vary.	ensure appropriate mesh sizes.	codend mesh size of 7.5 inches. Cal. Fish & Game Code § 8496 (g–h). Studies show a reduction in bycatch of sub-legal halibut (Schott 1975).
	Bycatch reduction devices (BRDs) in trawl nets	A hard grid, large-hole mesh, and/or escape hatch designed to allow escape or exclude catch of turtles, debris, large animals, free swimming fish in trawl nets.	BRDs are recognized as effective in reducing bycatch. The efficacy of specific BRDs depends on their design, the fishery in which they are used, and the profile of bycatch species (Eayrs 2007; Alverson et al 1994).	Cost of BRDs varies considerably. Small mesh windows may cost a few dollars, while large steel grates may cost up to $1,000 (Eayrs 2007).	Dockside gear checks or patrols can ensure presence of BRDs.	Pink shrimp trawl nets must have bycatch reduction devices to reduce bycatch of groundfish (e.g., Pacific hake, sablefish, yellowtail rockfish). Cal. Fish & Game Code § 8841; Cal. Code Regs. tit. 14 § 120.1 (c). Studies show a 66-88% reduction of bycatch (Hannah and Jones 2007).
	Escape ports in traps	Allow bycatch species to escape traps	Escape ports reduce sub-legal sized individuals in traps (Stewart 1974).	The use of escape ports in pots and traps is common practice. Any increases in the minimum port size would require alterations to existing traps.	Dockside gear checks or patrols can ensure presence of escape ports.	Lobster and crab traps must have escape openings of varying number and size. Cal. Fish & Game Code § 9010–9011.
	Streamers	A line runs from a high point of a vessel to a drag buoy towed behind. Streamers are	Streamers reduce seabird interactions with longline gear (Melvin et al 2004).	This measure does not require significant changes to the fishing gear or vessel and has	Dockside gear checks or patrols can ensure presence of streamer lines.	Groundfish longline vessels in Alaska state and federal waters must have streamers. 50 C.F.R. § 679.24(e)(3–4); Alaska Admin. Code tit. 5 § 28.055. Streamers are most necessary for use with pelagic

		attached to the line and scare birds away from surface lines, bait, and hooks.		minimal costs (Sato et al 2012).		longlines, which are not currently used in California.
	Hook selection	Some hooks types—such as circle hooks—may result in reduction in bycatch and/or increase in post release survival of bycatch	Circle hooks can reduce rates of bycatch and post-release mortality in longline fisheries or hook-and-release fishing (NMFS 2008; PFMC 2000). Hook size also influences bycatch mitigation.	Transitioning hook type or size will have relatively low cost to fishermen. May impact catch rates of target species.	Dockside gear checks or patrols can ensure presence of appropriate hook type and size.	Use of circle hooks required for some Salmon fishing. Cal. Code Regs. tit. 14 § 27.80(a); Cal. Code Regs. tit. 14 § 182(c).
	Bait selection	Use of different baits can increase selectivity.	The use of fish instead of squid as bait reduces bycatch of turtles and sharks in longline fisheries (NMFS 2008).	Transitioning bait type will usually have minimal cost to fishermen but may impact fishing efficacy.	Dockside gear checks or patrols can ensure presence of appropriate bait.	No existing regulatory examples in California
	Whale entanglement gear modifications	Several modifications to the material or configuration of gear have been proposed to reduce whale entanglements in lines (CDFW/OPC 2017; PSMFC 2017).	Suggested gear modifications include reducing length of vertical and trailer lines to minimize slack and changing rope color and material. Preliminary evidence suggests reducing slack and accessory lines may have the greatest	Adjusting length of lines may take some time when changing set location across depths. Breakaway lines may have more materials cost and potential for lost gear. Straightforward gear modifications are likely less costly than a Take	Dockside gear checks or patrols can ensure appropriate gear configuration.	Updated best practices guide for crab fishing strongly recommends reducing slack in vertical lines and the number of accessory lines and trailer buoys (CDFW/NOAA 2017). Measures are not mandatory at this time.

			positive effect (CDFW/NOAA 2017).	Reduction Team (PSMFC 2017).		
Bycatch catch limits	Quotas / catch limits / hard caps / triggers	Reduce absolute numbers of bycatch. May have no/minimal effect on post-release mortality. Can be vessel or fishery specific and transferable or nontransferable.	Catch limits reduce landings of bycatch. Defensible quotas or hard caps should be based on the abundance, productivity, mortality, and ecosystem role of species and subject to effective monitoring. Quotas can function as incentive to change fishing gear or practices to avoid bycatch (Alverson et al 1994). Quotas can exacerbate discard mortality and derby fishing unless paired with comprehensive tracking of catch and consequences for quota exceedance (Marine Fish Conservation Network 2004).	Costs to fishermen may include monitoring costs and any lost fishing opportunities (O'Keefe et al 2012; Patrick and Benaka 2013). For example, hard cap limits lead to fishery closures when exceeded.	Requires significant monitoring and reporting to achieve compliance. High monitoring needs. Hard caps typically require 100% monitoring (NMFS 1997).	Bycatch of sturgeon, halibut, salmon, steelhead and striped bass may not be taken by or possessed on any herring fishing vessel. Cal. Code Regs. tit. 14 § 163(e). Federal groundfish management on the west coast allows for and utilizes sector- and vessel-specific total catch limits for some bycatch species and prohibits retention of others (PFMC 2016; 50 C.F.R. §660.55(m)). These bycatch limits have led to early season closures several times. E.g., 73 Fed. Reg. 53,763. Proposed hard caps for marine mammal and sea turtle interactions in California drift gillnet fishery were withdrawn in 2017 due to potential economic impacts. 82 Fed. Reg. 26,902

Spatial and temporal measures	Closures with temporal (time) and/or spatial (area) dimensions	Restrict fishing or use of certain gear types at a time of year and/or in a geographic location when bycatch is expected.	Time/area closures can reduce bycatch when target and bycatch species segregate spatially or temporally (Alverson et al 1994). The occurrence of bycatch species can be gleaned from behaviors and physiological traits of the species (Dunn et al 2011).	Depending on the size and complexity of time/area closures, they could be either an inconvenience for or adversely affect fishermen (Erickson and Berkeley 2008).	Closed areas must be monitored and enforced. Patrols or VMS (see below) are likely necessary to ensure compliance.	Depth and season restrictions apply in Cowcod Conservation Areas to protect several rockfish species. Cal. Code Regs. Tit. 14 § 27.50 Certain areas of the California Habitat Trawl Grounds are closed to fishing to protect bycatch, as well as habitat and ecosystems. These closures have spatial but no temporal dimension. Cal. Fish & Game Code § 8495 (c). CDFW data shows a range of bycatch and discard percentages for each of the closed areas that are now avoided (CDFG 2008). Spatial restrictions can also be voluntary. The California Goundfish Collective and the Nature Conservancy work together to develop fishing plans to manage bycatch risk in the Pacific groundfish fishery. (See www.cagroundfish.org)

	Dynamic ocean management	Adaptive closures or avoidance schemes based on real-time information sharing between government, scientists, and fishermen. May be mandatory or voluntary.	Implementation of dynamic ocean management can both reduce overall restrictions on fishing communities and mitigate bycatch concerns (Dunn et al 2016).	Complexity of the program and possible information reporting may present some cost or inconvenience to fishermen. Possible benefits by replacing large static closures with smaller dynamic closures.	Closed areas must be monitored and enforced. Patrols or VMS (see below) are likely necessary to ensure compliance with mandatory closures	Proposed use of the "EcoCast" model to avoid areas of predicted bycatch in California drift gillnet fishery EFP (NMFS 2016). SMAST Bycatch Avoidance Program collects the geographic location of yellowtail bycatch from scallop fishermen in New England. Each day, the data is compiled in an email notice describing spatial areas to avoid based on bycatch of yellowtail from the previous day (O'Keefe and DeCelles 2013). Use of Sea State in the Pacific Whiting fishery cooperative to avoid bycatch.
	Altering the time or depth of gear setting	Can influence bycatch by avoiding parts of water column or times of day in which bycatch is most active.	The time or depth of setting can reduce certain types of bycatch in certain fisheries. For example, setting drift gillnets lower in the water column reduces cetacean and sea turtle bycatch (NMFS 1997). Likewise, night setting can reduce seabird bycatch in longline fisheries (Peterson 2008).	Minimal direct cost. Possible lost opportunity costs, but study on depth setting requirements for the California drift gillnet fishery show minimal effect on target catch rates. Potential loss of catch may be offset by reductions in net damage or loss (NMFS 1997).	Human or electronic monitoring and/or patrols required to effectively enforce.	As part of the Pacific Offshore Cetacean Take Reduction Plan, all drift gillnets must have extenders, which ensure nets are a minimum of 36 feet below the surface of the water. 50 C.F.R. § 229.31(b). Studies show a 25% reduction in marine mammal bycatch (NMFS 1997).

	Limit soak time	Reducing the amount of time gear is in the water can reduce bycatch and improve survival of discards.	Mortality of catch increases with increased soak time in pelagic longlines (Erickson and Berkeley 2008). Appropriate soak time will vary by fishery.	Minimal direct cost. Possible lost opportunity cost, but studies show that limiting soak time has no effect on target catch of some species (Erickson and Berkeley 2008).	Human or electronic monitoring and/or patrols required to effectively enforce.	All traps have maximum soak times of 96 hours. Cal Fish & Game Code § 9003.
Incentive / disincentive programs	Performance standards	Reward (e.g., increase quota, longer season, monetary reward) or penalize fishermen based on conformity with predetermined bycatch or bycatch mortality performance standards.	Rewards and/or penalties can incentivize compliance and innovations in fishing practice (PFMC 2007).	This program could provide rewards for voluntary reductions in bycatch. May provide for penalties as well.	May require 100% monitoring.	NA
	Permit attrition programs or buybacks	Buying out capacity of certain permit types or allowing transition to other permit types.	Selectively-targeted buybacks can facilitate transition to more selective gear or reduce overcapacity (Squires et al 2007).	Possible costs to outgoing fishermen, depending on administration of the program. May result in increased revenues if overcapacity is addressed (Squires et al 2007).	Dockside gear checks and/or patrols needed to ensure phased out gear types are not in use.	A buyback was conducted in the Pacific groundfish fishery in 2005, however, the motivation was primarily related to target stock sustainability.

	Gear recovery programs	Government program or incentive for fishermen. Focused on recovering lost gear.	Gear recovery programs are an established method to reduce ghost fishing (Macfadyen et al 2009).	No cost to fishermen, unless recovery costs must be reimbursed by identified gear owners. Possible compensation for fishermen that participate in recovery.	No enforcement needs.	California Lost Fishing Gear Recovery Project has removed more than 60 tons of fishing gear from California waters since 2006 (Seadoc 2009). Also see SB 1287 (McGuire).
Strategies to avoid / reduce ghost fishing by lost or derelict gear. Lost gear is known to continue catching target and non-target species (Macfadyen et al 2009).	Use of degradable materials or destruct devices in gear design	Use of materials in gear design that will destruct over time and allow trapped catch to escape.	Use of biodegradable materials in nets and pots reduces ghost fishing (Macfadyen et al 2009).	Use of biodegradable gear is likely to have upfront and ongoing maintenance costs for fishermen	Dockside gear checks or patrols can ensure appropriate gear configuration. Full observer coverage necessary to ensure 100% proper use.	All traps must have one destruction device. Cal. Fish & Game Code § 9003. Approved destruction devices are outlined in regulation. Cal. Code Regs. tit. 14 § 180.2.
	Ownership identification on gear	Establishes accountability and places more responsibility on the owner to track and recover their lost gear.	Required marking of gear facilitates gear recovery programs and encourages responsible fishing (Macfadyen et al 2009).	Minimal costs to fishermen. Fishermen incentivized to do this already to indicate gear ownership.	Enforcement efforts not likely necessary, as this is common practice with non-regulatory incentives.	All traps must be marked with a buoy that identifies the operator. Cal. Fish & Game Code § 9006. Herring gillnets must be marked with a buoy that identifies the vessel number. Cal. Code Regs. tit. 14 § 163(f)(2)(F).
	Require full retention of all or a portion of a vessel's catch	Reduce discards and increase utilization of species that would otherwise be dead discards. Useful when retained catch cannot be released alive.	Full retention programs can be effective when tailored to avoid increases in total mortality of overfished species. Retention programs enable more comprehensive	Possible costs to fishermen if required to land species with lower economic values (PFMC 2007).	Must be accompanied by an appropriate monitoring and enforcement strategy. Full monitoring coverage only way to ensure 100% compliance.	Participants in Electronic Monitoring EFPs in the Pacific groundfish fishery are required to operate under full retention rules with limited exceptions for some species. (See: http://www.pcouncil.org/groundfish/trawl-catch-share-program-em/em-efps/)

		Must consider the status and productivity of bycatch species. This does not necessarily minimize mortality.	enumeration of bycatch and encourage fishermen to alter their activities so they are less likely to encounter non-target species (PFMC 2007).			
Full retention programs	Restrictions on offal discharge	Require offal discharge away from lines to distract seabirds, or prohibit discharge.	Discharging offal on the opposite side of the vessel from gear deployment minimizes seabird bycatch (Cox et al 2007).	Minimal costs to fishermen.	Full monitoring coverage only way to ensure 100% compliance.	Groundfish longline vessels in Alaska state and federal waters must discharge offal in a manner that distracts seabirds from baiter hooks. 50 C.F.R. § 679.24(e)(2)(v); Alaska Admin. Code tit. 5 § 28.055.
Other bycatch mitigation, accountability, and data collection strategies	Training	Share fishing methods or proper handling and release techniques to minimize bycatch and maximize post release survival	Education and training programs are a recognized method to mitigate bycatch concerns (PFMC 2007).	Government funded trainings may have some attendance cost to fishermen. Costs can be defrayed by travel reimbursements or stipends.	Minimal enforcement costs. Administration of training program will have monetary costs that depend on the length and complexity of trainings.	As part of the Pacific Offshore Cetacean Take Reduction Plan, all drift gillnet vessel operators must attend skipper education workshops after notification from the National Marine Fisheries Service. 50 C.F.R. § 229.31(d). This program is expected to facilitate successful implementation of the take reduction plan and accompanying regulations (NMFS 1997).
	Descending and de-hooking devices	Increase post release survival of bycatch	Appropriate use reduces post-release mortality (Hannah and Matteson 2007).	Cost of devices vary from homemade to commercial devices (CDFW 2014).	Dockside monitoring to ensure all vessels are equipped.	The Department currently encourages the use of a variety of descending devices for rockfish (CDFW 2014). When descending devices are utilized, survival rates increase.
	Observers and Electronic	Observers and EM can collect data on bycatch	Observer and EM programs can ensure compliance	Costs to fishermen will depend on the cost-sharing	In some fisheries, observers report violations	Tanner crab permittees must have observers on board who collect a variety of information including

	Monitoring (EM)	and fishing operations. Observers can function as a spotter for protected species and/or report violations.	with many regulations and support management decisions through data collection. Possibility of inaccurate data due to the presence of observers or EM influencing fishing behavior (Alverson et al 1994; NMFS 2013). Observers may be most useful for emerging or experimental fisheries with no data on their effect (CFGC 2005)	arrangement between government and fishermen for observers (NMFS 2013). Observers can have significant logistical costs to fishermen.	themselves, while in others law enforcement officers can use the data. Observer programs are some of the most expensive and funding is a primary concern (Department of Commerce 2003; NMFS 2013). EM can reduce these costs but typically collect more limited information focused on accountability.	bycatch, incidental take, and discards. Cal. Code Regs. tit. 14 § 126(a)(8). This observer program was vital for understanding the effects of this relatively new fishery and establishing its management approach (CFGC 2005).
	Vessel monitoring systems (VMS)	VMS allows monitoring of the location of vessels.	VMS is a more cost-effective method to ensure compliance with area closures (Department of Commerce 2003).	Equipment and communication costs are estimated at $3,250–$6,750 up front and $1,750 annually per boat. Costs to fishermen will depend on the cost-sharing arrangement between government and fishermen (Department of Commerce 2003).	Monitoring personnel required. High potential costs of implementation, but the VMS program costs are significantly less than traditional surveillance methods using ships and aircraft (Department of Commerce 2003).	Certain vessels in the west coast groundfish fishery must carry and operate a VMS unit when at sea. 50 C.F.R. § 660.14. VMS data is communicated to NOAA's office of law enforcement for use in focusing patrol efforts, preventing violations, and as evidence in prosecutions. (see: http://www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html)

	Avoiding protected species through operational techniques	Using spotters or fleet communications to avoid bycatch hotspots; establishing procedures (e.g., back-down procedure for purse seines) to release protected species caught in gear.	Changes in operational techniques and patterns can effectively avoid bycatch of large or easily identifiable protected species.	Possible lost opportunity costs if large bycatch species impede fishing efforts.	Patrols or observers may be necessary to ensure compliance with required procedures.	Use of Sea State and operational and communication protocols in the Pacific Whiting fishery cooperative designed to avoid bycatch. (See: http://www.pacificwhiting.org)

References

Alverson, D.L., M.H. Freeberg, J.G. Pope, S.A. Murawski. 1994. A global assessment of fisheries bycatch and discards. FAO Fisheries Technical Paper. No. 339. Rome, FAO. Ch.9.

CDFG (California Department of Fish and Game). 2008. Review of California Halibut Trawl Fishery in the California Halibut Trawl Grounds, Report to the Fish and Game Commission. Accessed athttps://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=36120&inline=true.

CDFW (California Department of Fish and Wildlife). 2014. Bring That Rockfish Down. Accessed at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=36345&inline.

CDFW and OPC (Ocean Protection Council). May 2017. California Whale Entanglement Discussion, Dungeness Crab Fishing Gear Working Group, Meeting Summary. Accessed at http://www.opc.ca.gov/webmaster/_media_library/2016/08/Whales_WGSummary_May2017_FINAL.pdf

CFGC (California Fish and Game Commission). 2005. Initial Statement of Reasons for Regulatory Action Re: Commercial Tanner Crab Fishery Provisions. Accessed at http://www.fgc.ca.gov/regulations/2005/126isor.pdf.

Cox, T.M., R.L. Lewison, R. Zydelis, L.B. Crowder, C. Safina, and A.J. Read. 2007. Comparing effectiveness of experimental and implemented bycatch reduction measures: the ideal and the real. Conservation Biology 21:1155-1164.

Department of Commerce, Office of the Inspector General. 2003. NMFS Should Take a Number of Actions to Strengthen Fisheries Enforcement (IPE-15154). Accessed at https://www.oig.doc.gov/OIGPublications/IPE-15154.pdf.

Dunn, D.C., A.M. Boustany, and P.N. Halpin. 2011. Spatio-temporal management of fisheries to reduce by-catch and increase fishing selectivity. Fish Fish 2011;12:110–9.

Dunn D.C., S.M. Maxwell, A.M. Boustany, and P.N. Halpin. 2016. Dynamic Ocean Management Increases the Efficiency and Efficacy of Fisheries Management. 113 PNAS 668.

Eayrs, S. 2007. A Guide to Bycatch Reduction in Tropical Shrimp-Trawl Fisheries. FAO.

Erickson D.L., and S.A. Berkeley. 2008. Methods to Reduce Bycatch Mortality in Longline Fisheries. In Camhi M.D., Pikitch E.K., Babcock E.A. (eds) Sharks of the Open Ocean: Biology, Fisheries and Conservation.

FAO (United Nations Food and Agriculture Organization). 2011. International Guidelines on Bycatch Management and Reduction of Discards. Accessed at http://www.fao.org/docrep/015/ba0022t/ba0022t00.pdf

Hannah, R.W., and K.M. Matteson. 2007. Behavior of nine species of Pacific rockfish after hook-and-line capture, recompression, and release. Transactions of the American Fisheries Society, 136(1), 24-33.

Hannah, R. W., and S. A. Jones. 2007. Effectiveness of bycatch reduction devices (BRDs) in the ocean shrimp (*Pandalus jordani*) trawl fishery. Fisheries Research 85:217-225.

Hannah, R.W., M.J.M. Lomeli, and S.A. Jones. 2015. Tests of artificial light for bycatch reduction in an ocean shrimp (*Pandalus jordani*) trawl: Strong but opposite effects at the footrope and near the bycatch reduction device. Fisheries Research. 170.

IATTC (Inter-American Tropical Tuna Commission). 2005. Minutes of the 73rd Meeting (Revised) 20-27 June 2005. Accessed at https://www.iattc.org/PDFFiles2/IATTC-73Minutes-Jun05-REV.pdf.

IWC (International Whaling Commission). 2001. Report of the Scientific Committee Annex I. Report of the sub-committee on small cetaceans. Journal of Cetacean Research and Management 2(Suppl.):235–257.

Marine Fish Conservation Network. 2004. Individual Fishing Quotas: Environmental, Public Policy, and Socioeconomic Impacts. Accessed at http://www.pcouncil.org/bb/2004/0404/C16d_PC_Apl04BB.pdf.

Macfadyen G., T. Huntington, and R. Cappell. 2009. Abandoned, lost or otherwise discarded fishing gear. FAO Fisheries Technical Paper. No. 523. Rome, FAO.

Melvin, E. F., B. Sullivan, G. Robertson, and B. Wienecke. 2004. A review of the effectiveness of streamer lines as a seabird bycatch mitigation technique in longline fisheries and CCAMLR streamer line requirements. CCAMLR Sci. 11:189-201.

NAS (National Academy of Sciences). 1992. Dolphins and the Tuna Industry. Accessed at https://www.nap.edu/read/1983/chapter/1.

NMFS (National Marine Fisheries Service). 1997. Environmental Assessment of Final Rule to Implement the Pacific Offshore Cetacean Take Reduction Plan. Accessed at http://www.nmfs.noaa.gov/pr/pdfs/interactions/poctrp_ea.pdf.

NMFS. 2008. Report of the U.S. Longline Bycatch Reduction Assessment and Planning Workshop. NOAA Technical Memorandum NMFS-OPR-41.

NMFS. 2013. National Observer Program FY 2012 Annual Report. NOAA Tech. Memo. NMFS F/SPO-127.

NMFS. 2016. Magnuson-Stevens Fishery Conservation and Management Act; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit. 81 Fed. Reg. 10,593. (Mar. 1, 2016). Accessed at https://www.gpo.gov/fdsys/pkg/FR-2016-03-01/pdf/2016-04368.pdf.

O'Keefe, C.E., S.X. Cadrin, K.D.E. Stokesbury. 2012. Evaluating Success of Bycatch Mitigation Measures. ICES CM 2012/C:17.

O'Keefe, C.E., and G.R. DeCelles. 2013. Forming a partnership to avoid bycatch. *Fisheries* 38:434-444.

PFMC (Pacific Fishery Management Council). 2000. Salmon Technical Team Recommendations for Hooking Mortality Rates in 2000 Recreational Ocean Chinook and Coho Fisheries.

PFMC. 2007. Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species, Appendix C.

PSMFC (Pacific States Marine Fisheries Commission). March 2017. Crab Gear/Whale Entanglement Workshop Summary. Accessed at http://www.psmfc.org/crab/2017workshop/1-Summary%20final.pdf.

Patrick, W.S., and L.R. Benaka. 2013. Estimating the economic impacts of bycatch in U.S. commercial fisheries. Marine Policy 38:470-475.

Petersen, S.L. 2008. Understanding and mitigating vulnerable bycatch in southern African longline and trawl fisheries. PhD thesis, University of Cape Town.

Sato N., D. Ochi, H. Minami, and K. Yokawa. 2012. Evaluation of the Effectiveness of Light Streamer Tori-Lines and Characteristics of Bait Attacks by Seabirds in the Western North Pacific. Plos One. 10.1371/journal.pone.0037546.

Schott, J. W. 1975. Otter trawl cod-end escapement experiments for California halibut. California Fish and Game 61:82-94.

Seadoc Society, U.C. Davis Wildlife Health Center. 2009. California Lost Fishing Gear Recovery Project Policies and Procedures. Accessed at http://www.seadocsociety.org/wp-content/uploads/p+pmanual2009.pdf.

Segerson K. 2010. Policies to reduce stochastic sea turtle bycatch: an economic efficiency analysis. In Dutton P, D Squires, and M Ahmed (eds) Conservation of Pacific Sea Turtles. Honolulu: University of Hawaii Press.

Stewart, N. 1974. Discussion on the Use of Escape Ports in Crab Traps. Report to the State/Federal Dungeness Crab Management Program Policy Committee Meeting.

Squires D., J. Joseph, and T. Groves. 2007. Buybacks in Fisheries. In Bayliff, W.H., and J. Majkowksi. Methodological Workshop on the Management of Tuna Fishing Capacity. FAO Fisheries Proceedings. No. 8. Rome, FAO.

Appendix L – Habitats, gear impacts, and management strategies

This appendix provides a general overview of potential fishing impacts on some California marine habitats. As with the other appendices, it is anticipated that this overview will continue to be expanded and refined as part of Master Plan implementation so that it can serve as an effective resource to managers and stakeholders.

California's marine habitats are vast and diverse with a wide range of fisheries that interact with them. Fortunately, significant mapping and research efforts have provided an array of resources for managers to draw on. These include:

- CDFW Marine Biogeographic Information and Observation System (BIOS) https://www.wildlife.ca.gov/Conservation/Marine/GIS/MarineBIOS
- USGS California Seafloor Mapping Program https://walrus.wr.usgs.gov/mapping/csmp/
- CSU Monterey Bay Seafloor Mapping Lab statewide database http://seafloor.otterlabs.org/SFMLwebDATA.htm
- Essential Fish Habitat Data Portal http://efh-catalog.coas.oregonstate.edu/overview

While these resources provide detailed information and spatial data regarding habitats and their distribution, this Appendix provides an overview of concepts for understanding potential fishing impacts to habitats.

Concepts for understanding habitat resilience

Not all habitats respond the same way when subjected to the same fishing activities. For instance, an area of soft muddy habitat that is trawled may show no ecological changes, while even one pass of a trawl in deep rocky habitat could destroy coral habitat that could take decades to recover (Auster and Lang 1999; Lindholm et al. 2015). For the purposes of fishery management, biological and geological habitat components are typically the most important when evaluating potential impacts from fishing activities. Biological habitat components include organisms that provide physical structure that can increase growth, survival, and productivity, such as structure-forming invertebrates. Many seafloor habitats are comprised of structure forming organisms, or, biogenic structures. Kelp, other algae, seagrass, sea whips, and sea pens, are some of the more common biogenic structures in California waters. Plant and algae species can typically regrow quickly, while structure forming invertebrates (corals, pens, etc.) are often slow growing or are slow to repopulate depleted areas. Geological habitat components include nonliving structures where organisms can seek shelter and feed, such as rocky crevices that protect juvenile fish from predators, burrows, depressions, and mounds (Bailon et al. 2012).

Common habitat classifications

Soft sediment seafloor

This habitat is characterized by expanses of unconsolidated sediments, such as sand and silt. Because they are unconsolidated, the sediments shift and are frequently disturbed by bottom currents, though the intensity of this disturbance lessens with depth. This prevents many sessile organisms from

growing. However, species like sea whips and sea pens are exceptions and can commonly be found in deep (50-2600m) soft sediment (Stone 2006). Sea whips can create miniature "forests" in high concentrations. Studies have found that sea whip aggregations are frequently associated with several groundfish species (Brodeur, 2001). Sea pen fronds have been observed to be important habitat for rockfish and other fish species larval settlers once they leave their planktonic life stage in the water column (Bailon et al. 2012). For roundfish, these organisms can provide habitat forming structure (Auster et al. 2003). Sea whips have a thin rigid "stem" that is vulnerable to breakage. Studies have found evidence that they can break with very little force and begin to die over the course of a year following breakage or abrasion (Malecha and Stone 2009). Lindholm et al. 2009 found a negative correlation between trawling activity in California and density of sea whips.

The most abundant physical structure within soft sediment habitat are depressions and crests. They can be created by flatfish or rays as they kick up the sediment, or from bottom currents (these structures are then referred to as "wave form depressions"). In shallower soft sediment habitats that experience stronger currents, these depressions are especially important forms of shelter for flatfish and juvenile roundfish (Auster et al., 1996).

Fishing impacts

Fishing activities that contact the seafloor in these habitats are primarily traps and pots for crabs, lobster, groundfish, and hagfish, as well as bottom trawling for California Halibut, groundfish, and sea cucumbers. Other bottom tending gear used in California such as bottom longline and set nets have a smaller footprint in terms of area impacted and have limited impacts on the bottom (Chuenpagdee et al. 2003). The impacts from bottom trawling to physical structures created in the sediment may be temporary (Lindholm et al. 2015). The impacts to biogenic habitat such as sea whips and pens is potentially more significant and long-lasting (Wilson et al. 2002, Lindholm et al. 2009).

Mixed substrate seafloor

These seafloor habitats are comprised of low-relief cobble and boulders, sometimes mixed with silt and mud. Structure forming organisms such as anemones, sponges, and algae may be found covering these rocks. In shallow mixed substrate habitats that are subject to frequent disturbance from high wave action, long-lived sessile organisms are rare and species diversity is lower (Collie et al. 2000). Other areas may be home to soft sediment species as well, such as sea whips and pens that can sometimes grow in the sediment that aggregates between cobbles. Deeper mixed substrate habitats tend to be populated by species that are more vulnerable to disturbance, such as branching corals and sponges (Asch and Collie 2008). This habitat has been shown to provide shelter to small groundfish species and juvenile rockfish as they transition to deeper offshore waters (Yoklavich et al. 2000). Small scale habitats such as amphipod tubes that form encrusting colonies over cobbles have been shown to be vital to many fish species throughout their life stages (Auster et al. 1991). These structures can be vulnerable to disturbances significant enough to move or disturb the rocks on which these encrusting organisms grow, however they can recover from disturbance faster than sponges and corals (Henry et al. 2006)

Fishing impacts

Trawling has been shown to have varied impacts on the biomass of biogenic habitat (Freese et al. 1999; Freese et al. 2001; Henry et al. 2006). The higher and more varied the relief of the substrate, the more likely it will be that habitat will be damaged (Auster et al. 1996). In areas that lack corals and sponges and are instead covered with encrusting species like coralline algae, there may be little to no detectable differences in their biomass even after repeated trawling (Henry et al. 2006). In deeper mixed substrates where corals and sponges are more common, there have been significant decreases in biomass and biogenic structures following trawling activity (Freese et al. 1999; Freese et al. 2001). Traps and

bottom longlines have less impact given their smaller spatial footprint and lower intensity of bottom contact (Auster and Langton 1998).

Rocky seafloor

Hard rock, shale, or compacted substrate allows for a wide variety of organisms to grow on their surface. At greater depths the rock is often covered with sponges, anemones, and branching corals that provide food and shelter for crustaceans and fish (Auster et al. 1991, Auster et al. 2003). Vast expanses of skate eggs have been found in deep reef in the Southern California Bight (Love et al. 2008). In rocky areas with high relief, the rock itself provides shelter for mobile species and is closely associated with rockfish species (Yoklavich et al. 2000). Deep offshore bare rock faces are also vital nurseries. In California's waters, these deep rock faces are frequently covered in corals and sponges. Corals in deep rocky reefs are home to high levels of biodiversity. They provide shelter for small organisms, and are correlated with aggregations of larger fish species (Tissot et al. 2006, D'Onghia et al. 2010).

Fishing impacts

Deep rocky reef is the most susceptible to long-lasting damage from fishing activity (Watling and Norse 1998; Freese et al., 1999). The corals that provide habitat are extremely long lived, slow growing and often very fragile. Even minor lacerations can lead to mortality in these species (Henry and Hart 2005). Bottom trawling poses the greatest potential threat to this habitat, however spatial restrictions and footrope requirements that reduce access to high relief areas mitigate this risk in many locations. Other bottom tending gear types, even those with relatively small spatial footprints such as bottom longlines, can have impacts on deep rocky reefs.

Kelp Forest

Kelp forests are among the most productive and biodiverse habitats on the planet (Mann 1973). Kelp forests are well adapted to strong disturbance forces from storms and wave action. Kelp has very large dispersal distances and canopies can regrow within months of a storm event. The distribution of kelp forest is constrained by physical factors including light, substrate, sedimentation turbidity, nutrients, water motion, salinity, and temperature (Steneck and Dethier 1994). If water becomes too turbid or if kelp blades become smothered by sediment or algal growths, then kelp cannot receive enough light to grow. California kelp beds experience seasonal die-offs from warming waters and winter storms, but quickly regrows in the spring and summer. However, extreme marine heat waves can have more severe and longer lasting effects. Many commercially and recreationally important species such as California sheephead, spiny lobster, abalone and seabass reside in kelp forests. Several juvenile rockfish and bass species rely on kelp fronds for shelter from predators in their juvenile stage (DeAlteris et al. 2000). Urchins and abalone are voracious kelp grazers, requiring large amounts of kelp to grow. Kelp forests are sustained through complex food-web interactions; removal or disruption of one species has led to massive kelp deforestation event on the West Coast (Steneck et al. 2002). Managers must therefore be mindful of the physical disturbances that can hinder kelp growth, as well as prevent the depletion of species that maintain healthy ecosystems

Fishing impacts

While there is some limited entangling of gear and impacts from vessels, fishing has minimal direct impacts on kelp.

Common gear types

Habitat impacts and appropriate management strategies will be unique to each fishery. However, Table N1 below provides an overview of common gear types used in California and the impacts and management responses that are often associated with them.

Table L1. California gear types, associated habitat impacts and common mitigation measures

Common Gear Types	Common Gear Interactions	Habitat Risks	Common Management Response	California Examples
Bottom trawl	Net, footrope, and doors dig into sediment and organisms on the seafloor; can create large sediment plumes in soft habitat (DeAlteris et al. 2000)	Contact with gear can kill biogenic habitat and burrowing species and alter species composition; can reduce food and shelter for other fish species (Bergman and Stanbrink 2000)	Limiting trawling to more resilient soft bottom habitats; use of lighter touch gear to reduce bottom contact and sediment plume (Oniell and Summerbell 2011)	Footrope regulations and closures of EFH areas protect sensitive habitat (Cal Code regs tit 14 § 27.51); designation of Halibut Trawl Grounds with requirements for light touch gear (Cal Fish & Game Code § 8494 – 8497)
Set nets	Weights pulled along sea floor as net is hauled up; net itself snags and may pull up organisms growing on seafloor (Chuenpagdee et al. 2003)	Area of seafloor that weights contact may lose structural species and fragile species may catch and break on net (Auster 1998)	Limit length of net to reduce long hauls; limit use to areas of low relief with few structure forming organisms	NA
Pots and Traps	Gear rests on seafloor; storms may cause them to drag; can drag during hauling	Structure forming organisms or high relief habitat may be damaged as gear is dragged during hauling or storms; large numbers of traps can have a cumulative impact (Jenkins and Garrsion 2013)	Limit number of traps per line; limit use in high relief habitat	Trap limits cap the total amount of traps being fished at the same time, thereby limiting total impacted area (Cal Fish & Game Code §8276.5)
Drift gill nets	Net hangs from buoys in water column and rarely contacts habitat	NA	NA	NA
Purse Seine	Net only contacts bottom when deployed in very shallow water	Has potential to impact bottom in shallow locations but risk is relatively low (Dayton et al. 1995)	Limit use in heavily vegetated shallow waters	NA

Mid-water trawl	Trawl doors and net are dragged through water column rarely touching seafloor with most of the weight supported by the water (Sala et al. 2009)	Has potential to impact bottom but risk is low	NA	NA
Hook-and-line	Light line suspends hook above seafloor, sometimes very light weight or hooks come into contact with seafloor	Gear may snag on structure forming organisms, but risk is relatively low (Dayton et al. 1995)	NA	NA
Bottom longline	Weighted longline with multiple hooks must be dragged across seafloor to retrieve but it contacts a very small area	Gear may snag on structure forming organisms, but risk is relatively low (Chuenpagdee et al. 2003)	NA	NA

References

Allen, J. I., S. D. Archer, J. C. Blackford, F. J. Gilbert, A. H. Taylor. 2006. Changes in DMS production and flux in relation to decadal shifts in oceanic circulation. Tellus 58B:242-254.

Asch, R., and J. Collie. 2008. Changes in a benthic megafaunal community due to bottom fishing and the establishment of a fishery closure. *Fishery Bulletin* Vol.106(4): 438-456

Auster, P. J. 1998. A conceptual Model of the Impacts of Fishing Gear on the Integrity of Fish Habitats. Conservation Biology, 12(6):1198-1203

Auster, P. J., R. J. Malatessta, S. C. LaRosa, R. A. Cooper, and L. L. Stewart. 1991. Microhabitat utilization by the megafaunal assemblage at a low relief outer continental shelf site - Middle Atlantic Bight USA. *J. Northwest Atl. Fish. Sci.* Vol. 11:59-69

Auster, P. J., R. J. Malatesta, R. W. Langton, L. Watling, P. C. Valentine, C. L. S. Donaldson, E. W. Langton, A. N. Shepard, and W. G. Babb. 1996. The impacts of mobile fishing gear on seafloor habitats in the gulf of Maine (Northwest Atlantic): implications for conservation of fish populations. *Rev. Fish. Sci.* 4:185–202.

Auster, P. J., J. Lindholm, and P. Valentine. 2003. Variations in habitat use by acadian redfish, Sebastes fasciatus. Environmental Biology of Fishes, 2003, Vol. 68(4):381-389
Auster, P. J., and R. W. Langton. 1991. The effects of fishing on fish habitat. *J. of Am. Fish. Soc. Symp.* Vol. 22:150-187Brodeur, R. D. 2001. Habitat-specific distribution of Pacific ocean perch (Sebastes alutus) in Pribilof Canyon, Bering Sea. *Cont. Shelf. Res.* 21:207-224

Baillon, S., J. F. Hamel, V. E. Wareham, A. Mercier. 2012. Deep cold water corals as nurseries for fish larvae. *Frontiers in Ecology and the Environment*, Vol.10(7), pp.351-356[Peer Reviewed Journal]

Bergman, M. J. N., and J. W. van Santbrink. 2000. Mortality in megafaunal benthic populations caused by trawl fisheries on the Dutch continental shelf in the North Sea in 1994. *ICES Journal of Marine Science*, Vol. 57: 1321–1331.

Collie, J. S., G. A. Escanero, P. C. Valentine. 2000. Photographic evaluation of the impacts of bottom fishing on benthic epifauna. *ICES Journal of Marine Science*, Vol. 57: 987–1001.

Chuenpagdee, R., L. Morgan, S. Maxwell, E. Norse, and D. Pauly. 2003. Shifting gears: assessing collateral impacts of fishing methods in US waters. *Front Ecol Environ* Vol. 1(10): 517-524

Dayton, P. K., S. F. Thrush, M. T. Agardy, and R. J. Hofman. 1995. Environmental effects of marine fishing. *Aquat. Conserv.: Mar. Freshwat. Ecosyst*. 5:205–232.

Dayton, P. K., M. J. Tegner, P. B. Edwards, K. L. Riser. 1999. Sliding baselines, ghosts, and reduced expectations in kelp forest communities. *Ecological Applications*. Vol. 8, No. 2, pp. 309-322

DeAlteris, J. T., L. G. Skrobe, K. M. Castro. 2000. Effects of mobile bottom fishing gear on biodiversity and habitat in offshore New England waters. *Northeastern Naturalist* Vol. 7(4):379-394.

D'Onghia, G., P. Maiorano, L. Sion, A. Giove, F. Capezzuto, R. Carlucci, and A. Tursi. 2010. Effects of deep-water coral banks on the abundance and size structure of the megafauna in the Mediterranean Sea. *Deep-Sea Research* 57:397-411.

Eno, N. C., D. S. MacDonald, J. A. M. Kinnear, S. C. Amos, C. J. Chapman, R. A. Clark, F. Bunker, and C. Munro. 2001. Effects of crustacean traps on benthic fauna. ICES Journal of Marine Science 58: 11–20.

Freese, L., P. J. Auster, J. Heifetz J., B. L. Wing. 1999. Effects of trawling on seafloor habitat and associated invertebrate taxa in the Gulf of Alaska. Marine Ecology Progress Series. 182:119-126

Freese, J. 2001. Trawl-induced damage to sponges observed from a research submersible. Marine Fisheries Review 63(3): 7-13

Henry, L. A., Hart M. 2005. Regeneration from injury and resource allocation in sponges and corals: a review. *Int Rev Hydrobiol* 90:125–158

Henry, L., E. L. R. Kenchington, T. J. Kenchington, K. G. MacIsaac, C. Bourbonnais-Boyce, and D. C. Gordon Jr. 2006. Impacts of otter trawling on colonial epifaunal assemblages on a cobble bottom ecosystem on Western Bank (northwest Atlantic). Marine Ecology Progress Series 306:63–78

Hughes, B., K. Hammerstrom, N. Grant, U. Hoshijima, R. Eby, K. Wasson. 2016. Trophic cascades on the edge: fostering seagrass resilience via a novel pathway. *Oecologia*, Vol. 182(1):231-241

Jenkins L. D. and K. Garrison. 2013. Fishing gear substitution to reduce bycatch and habitat impacts: An example of social–ecological research to inform policy. *Marine Policy*, Vol.38, pp. 293-303

Lindholm, J., M. Kelly, D. Kline, and J. de Marignac. 2009. Patterns in the local distribution of the sea whip (*Halipteris willemoesi*), in an area impacted by mobile fishing gear. Mar. Technol. Soc. J. 42:64–68.

Lindholm, J., P. Auster and P. Valentine. 2004. Role of a large marine protected area for conserving landscape attributes of sand habitats on Georges Bank (NW Atlantic). *Mar Ecol Prog Ser.* 269:61-68.

Lindholm, J., M. Gleason, D. Kline, L. Clary, S. Rienecke, A. Cramer, M. Los Huertos. 2015. Ecological effects of bottom trawling on the structural attributes of fish habitat in unconsolidated sediments along the Central California outer continental shelf . *Fish. Bull.* 113:82–96 (2015).

Love, M. S., D. M. Schroeder, L. Snook, A. York, G. Cochrane. 2008. All their eggs in one basket: a rocky reef nursery for the longnose skate (*Raja rhina* Jordan and Gilbert 1880) in the Southern California Bight. *Fisheries Bulletin* 106:471-475.

Malecha, P. W., and R. P. Stone. 2009. Response of the sea whip *Halipterus willomoesi* to simulated trawl disturbance and its vulnerability to subsequent predation. *Mar. Ecol. Prog. Ser*. 388:197–206.

Mann, K.H. 1973. Seaweeds: their productivity and strategy for growth. *Science* Vol. 182: 975–981.

Morrisey, D. J., L. Howitt, A. J. Underwood, and J. S. Stark. 1992. Spatial variation in soft-sediment benthos. *Mar. Ecol. Prog. Ser.* 81:197–204.

O'Niell, F. G., and K. Summerbell. 2011. The mobilisation of sediment by demersal otter trawls. Marine Pollution Bulletin, 62: 1088-1097.

Steneck, R. S., M. H. Graham, B. J. Borque, D. Corbett, J. L. Erlandson, J. A. Estes, and M. J. Tegner. 2002. Kelp forest ecosystems: biodiversity, stability, resilience and future. *Environmental Conservation* 29 (4): 436–459.

Stone, R. P. 2006. Coral habitat in the Aleutian Islands of Alaska: depth distribution, fine-scale species associations, and fisheries interactions. *Coral Reefs* 25:229–238.

Tissot, B. N., M. M. Yoklavich, M. S. Love, K. York, and M. Amend. 2006. Benthic invertebrates that form habitat on deep banks off southern California, with special reference to deep sea coral. *Fisheries Bulletin* 104:167–181 (2006)

Sala, A., J. D. P. Farran, J. Antonijuan, and A. Lucchetti. 2009. Performance and impact on the seabed of an existing- and an experimental-otterboard: Comparison between model testing and full-scale sea trials. *Fisheries Research*, Vol. 100:156-166

Steneck, R. S., M. H. Graham, B. J. Bourque, D. Corbett, J. M. Erlandson, J. A. Estes, and M. J. Tegner. 2002. Kelp forest ecosystems: biodiversity, stability, resilience and future. Environmental Conservation Vol. 29(4):436–459

Steneck, R.S., and M. N. Dethier. 1994. A functional group approach to the structure of algal-dominated communities. *Oikos* Vol. 69: 476–498.

Watling, L., and Norse E.A. 1998. Disturbance of the seabed by mobile fishing gear: a comparison to forest clearcutting. *Conservation Biology* 12(6): 1180-1197

Wilson, M.T., A.H. Andrews, A.L. Brown and E.E. Cordes. 2002. Axial rod growth and age estimation of the sea pen, *Halipteris willemoesi* Kolliker. *Hydrobiologia*. 471:133–142.

Yoklavich, M. M., H. G. Greene, H. M. Calliet, D. E. Sullivan, R. N. Lea, M. S. Love. 2000. Habitat associations of deep-water rockfishes in a submarine canyon: an example of natural refuge. *Fisheries Bulletin* 98:625-641

Appendix M – Socioeconomic and community considerations

As discussed in Chapter 7, the following questions are provided to help managers systematically considered the socio-economic impacts of management whether developing an ESR, an FMP or a rulemaking package. They are suggested as a starting point for building information and understanding about the human dimensions/socioeconomics of the state's fisheries to support management consistent with the MLMA. Most of the following questions can be applied across fishery sectors: commercial (including for-hire), recreational, and subsistence. Further definition and operationalization of the questions and terms is fishery-specific.

SOCIOECONOMIC OBJECTIVES

Sustainable use

1. How do people use the state's fishery resources?
2. What social, cultural, and economic benefits do fishery participants derive from fishing?
3. What is necessary (and sufficient) to sustain resource use?
4. Is the fishery's human system sustainable (viable ecologically and socioeconomically)?
5. How do fishery management actions affect:
   a) Fishery participation?
   b) Fishery activity/production?
   c) Infrastructure?
   d) Fishing communities?

Long-term well-being of fishing-dependent people observed

1. How are people dependent on fishing for food, livelihood, or recreation?
2. How does fishing contribute to the well-being of:
   a. Fishing-dependent people?
   b. Fishing communities?
   c. Fishing economies?
3. What conditions/factors affect people's fishing for food, livelihood or recreation?
4. How do changes in management, individually and cumulatively, affect their long-term well-being?

Adverse impacts on small-scale fisheries, fishing communities and economies minimized

1. How does management affect the function of:
   a) Small-scale fisheries?
   b) Fishing communities?
   c) Fishing economies?
2. How does management affect the well-being of:
   a) Small-scale fisheries?
   b) Fishing communities?
   c) Fishing economies?
3. What are the cumulative impacts of management on:
   a) Small-scale fisheries?
   b) Fishing communities?
   c) Fishing economies?

Catches allocated fairly

1. What are the criteria for allocating resources among fishery participants (e.g., equal shares, need, fishing history)?
2. How is fairness defined and perceived by fishery participants?
3. Do allocation options meet criteria for fairness?
4. What are the social and economic impacts and implications of allocation options for:
   a) Fishery participants?
   b) Fishing communities?
   c) Fishing economies?

Prevent/reduce excess effort

1. What constitutes excess effort in the fishery?
2. What factors contribute to excess effort in the fishery?
3. How does excess effort affect the fishery's human (as well as ecological) system?
4. What are the impacts and implications of measures to reduce excess effort for the fishery's human system?

MANAGEMENT SYSTEM OBJECTIVES

Proactive/responsive to changing environmental, market or other socioeconomic factors and concerns

1. What environmental factors or concerns affect the fishery?
2. What market (or broader economic) factors or concerns affect the fishery?
3. What social factors or concerns affect the fishery?
4. Are there new/emerging opportunities in the fishery?
5. Are there new/emerging challenges or problems in the fishery?
6. What are the impacts and implications of changing factors, concerns or opportunities for the fishery's human system?

Conflict resolution

1. Are there actual or potential conflicts related to gear, access to the resource, or other aspects of the fishery?
2. What are the impacts and implications of conflict for the fishery's human (as well as the ecological) system?
3. What are the options for avoiding, mitigating or eliminating conflict?
4. What are the impacts and implications of measures to avoid, resolve or mitigate conflict?

ECOLOGICAL SYSTEM OBJECTIVES

Sustainable resource

1. How do fishing practices affect the long-term health of the resource?
2. What are the options for modifying or eliminating fishing practices that negatively affect the long-term health of the resource?
3. How do those options affect:
   a) Fishery participation?
   b) Fishery activity/production?
   c) Infrastructure?
   d) Fishing communities?

Healthy habitat

1. What are the impacts of fishing practices (gear, equipment, and their use) on habitat?
2. How do measures to maintain, restore and/or enhance habitat affect the fishery's human system?
3. How do fishery participants' responses (e.g., changes in practices) to management change affect the achievement of fishery objectives?

Restore/rebuild depressed fisheries

1. What factors contribute to the depressed fishery?
2. What are the impacts and implications of the depressed fishery for the human system?
3. How do management options for rebuilding the depressed fishery affect the human system?
4. How do human system responses, in turn, affect the fishery's human and ecological systems?

Bycatch limited

1. What fishing practices are associated with unacceptable types and amounts of bycatch?
2. What are the social and economic impacts of modifying these practices to address bycatch concerns?
3. What are the implications of modifying these practices for fishery's human and ecological system?

Appendix N – Partnerships

This appendix draws information and conclusions from a report by the Nature Conservancy that was prepared during the information gathering phase of the Master Plan review (Wilson et al 2017). It provides additional details regarding the potential role of partnerships in fisheries management. It also elaborates on the varying levels of capacity and longevity that stakeholder organizations should possess in order to effectively partner with the Department on certain tasks. As with the other appendices, it is anticipated that this overview will continue to be expanded and refined as part of Master Plan implementation so that it can serve as an effective resource to managers and stakeholders.

Fishery partnerships

As discussed in Chapter 8, partnerships between agencies, Tribes, communities, NGOs, funders, and others span a broad continuum and differ in how responsibility and authority are shared. Regardless of the exact arrangement, the principles of partnerships typically infer that some management or governance tasks—research and monitoring, regulatory scoping, decision-making, enforcement and surveillance, and conflict resolution—are shared with non-government actors.

Where a particular fisheries partnership falls on this continuum depends on numerous features, particularly the complexity of the task to be addressed and the capacity of the partnering entities. On the low end of this continuum, individuals might participate in a one-time stakeholder engagement process, which requires minimal investment and commitment. The opposite end of this continuum includes formal partnerships typically laid out in a memorandum of understanding (MOU) detailing their contribution to a shared management goal to be achieved by sustained collaboration over a long time period. Between these two extremes lie numerous opportunities for partnerships with varying formality, investment, and duration. Key to forming a successful partnership is understanding the capacity of partnering individuals or entities to fulfill what is expected of them. The discussion below identifies specific common tasks that the Department engages in as part of management. These tasks are generally ordered by the degree of capacity and longevity required on the part of stakeholders. See Figure N1.

Figure N1. A spectrum of partnership-based approaches. The management tasks and types of partnerships are arranged along this continuum in terms of how much organizational capacity, funding and longevity is required for successful partnerships to help meet management objectives or tasks. (adapted from Wilson et al 2017)

All partnerships require investment. In considering new partnership opportunities to improve fisheries management, the Department will need to evaluate whether a proposed partnership is mutually beneficial. The investment of funds, staff time, and other resources must be weighed against the benefits that will be realized from the partnership under consideration. As detailed below, some management activities likely lend themselves to beneficial partnerships more than others. Nevertheless, well-

conceived fisheries partnerships can enhance the Department's ability to fulfill its mission and achieve the objectives of the MLMA.

Benefits of partnerships

When designed effectively and thoughtfully, partnerships are a powerful tool to support short and long-term management and conservation goals, as well as strengthen the scope and integrity of data used to inform management decisions. Empowering Tribes, fishermen, local community members, and nonprofit organizations to become active partners in management can help tailor regulations and decisions to reflect current fishing practices and realistic on-the-water conditions. Localized knowledge and expertise can provide additional context to improve approaches to management. Previous studies have found that fishermen that possess an understanding of the rationale and legitimacy for certain decisions typically operate more responsible fishing practices and exhibit better compliance (McCay & Jentoft 1996; Nielsen 2003).

In the face of increasingly variable ocean conditions, partnerships provide an effective mechanism to promote ecological and social resilience as discussed in Chapter 11. Fisheries management systems that rely on cooperative approaches and partnerships are often better equipped to address environmental change when compared with conventional, top-down approaches (McClenachan et al. 2015). Resource users and harvesters, such as fishermen, are often first to notice changes in the environment (Dietz et al. 2003). Furthermore, effective climate change adaptation in marine fisheries demands improved knowledge of future ecosystem states. Developing collaborative partnerships with university researchers provides the opportunity to integrate best-available climate science directly into fisheries management decisions.

While the involvement of stakeholders as partners can require an investment of resources to support high start-up costs (Nielsen & Vedsmand 1997; Coglan & Pascoe 2015), the long-term investment in building support and cultivating stewardship offers ecological, economic, and social benefits, as well as direct benefits to fisheries managers. Below are examples of the ecological, economic, social, and direct benefits that have been realized through fisheries partnerships elsewhere.

Potential ecological benefits

- Maintain sustainable stock levels that are represented by long-term increases in abundance and stock health (Gutiérrez et al. 2011; Defeo et al. 2014)
- Improved conservation of sensitive habitats, nursery grounds and spawning grounds (Pinkerton 2009)

Potential economic benefits

- Decreased cost of management for government agencies, especially in high value fisheries (Coglan & Pascoe 2015)
- Increased or maintained revenue streams through stabilized landings, and prevention of fishery collapse by ensuring assessments and harvest levels reflect actual stock sizes (Gutiérrez et al. 2011)

Potential social benefits

- Increased community empowerment (Gutiérrez et al. 2011) and a more democratic and participatory system where the interests of government, fishermen, and community members become better aligned

Potential benefits to the Department

- Increased support for cost and task sharing opportunities (Pinkerton 1994; Pinkerton 2009)

creating the potential for more efficient and productive management
- Support and buy in for fisheries management regulations and policies leading to enhanced compliance and better working relationships with industry

Success of Partnerships

Lessons learned in California and elsewhere provide some guidance and best practices for forming successful partnerships. The following elements are crucial to realize the potential of partnerships to contribute to fisheries management in California:

- The need for durable and lasting fisheries organizations and strong fishing leadership;
- The important role of change agents;
- Access to consistent funding by stakeholder organizations;
- Multi-directional generation and exchange of knowledge/information;
- Presence of strong top down governance and management regulations;
- Ability to build trust and social capital; and
- The degree to which management decisions are decided upon in an open and transparent process.

Fisheries organizations and fishing leadership

Fisheries organizations, from legislatively mandated arrangements to volunteer associations, can differ in their motivation and capacity depending, in great part, on the size and scope of the fleet. Typically, high valued fisheries with complex regulations tend to be better organized and have identifiable leadership that plays a direct role in informing and/or overseeing management decisions. Typically, those organizations that have a formal legal structure offer more secure partnerships with agencies like the Department. Fishery organizations that do not have a legal structure have greater opportunities with successful in the long-term partnerships if they are designed and/or equipped to be durable, resilient, and flexible.

Change agents

Through their role as intermediaries, external change agents or “bridging organizations” can help empower fishermen, scientists, and Department staff to enhance their capabilities and available resources (Pomeroy et al. 2001). Change agents can provide resources and expertise in plan development, brainstorming, problem solving, information gathering and sharing, and participatory facilitation and communication. Change agents are often nonprofit organizations, academic and research institutions, or development agencies that rarely play a role in decision-making. Rather, they are objective and seek to expedite the partnership process by setting in place a process of discovery and social learning. External change agents’ connection with local communities, their ability to focus on community objectives, and linkages with donors and other supportive organizations are factors that favor their role.

Consistent funding

Partnerships take time to become established and can take years to evolve into a process that can support collaborative decision-making. Consistent funding sources for fishery organizations and agencies contribute to the success of partnerships, providing the security for both resource managers and fishermen to invest time and resources in establishing relationships, identifying common goals, implementing collaborative efforts, and evolving from lessons learned.

Typically, there is infrastructure established to support fisheries partnerships that evolve beyond initial start-up funds and grow to diversify their funding portfolio. Fundraising and project management skills, good financial judgment, and political savvy increase a partnership’s likelihood of long-term viability and success. For example, partnerships involving researchers and/or nonprofit organizations skilled in grant writing and aware of funding cycles can play important roles in the long-term sustainability of a partnership. Additionally, these entities may have mechanisms in place to receive

funding from various sources (e.g., 501(c)(3) status). Roles and responsibilities of those charged with developing and implementing strategies to acquire partnership funding should be fully outlined to ensure everyone involved in the partnership is operating within the same expectations.

Information exchange

Generating and/or sharing information between partners can take many forms. Informal, one-on-one conversations between fishermen and resource managers can be used to address clarifying questions or to share information about what fishermen are experiencing on the water. Agency staff may use surveys to poll fisheries lacking in fisheries independent data, and researchers may request fishermen to interpret fisheries dependent data.

Involving fishermen in the gathering, interpretation, and reporting of fisheries management data is considered a gateway or "entry point" to more comprehensive forms of collaborative management (Trimble & Berkes 2013). Fishermen involved in these projects typically see value in their participation in a collaborative research team, and see their involvement as direct recognition by resource managers and academic scientists of the quality and importance fishermen's input has in shaping research questions and designing surveys (Pinkerton 2009). Involving fishermen from the "ground up" helps build trust in the scientific process, credibility in the results, and creates an atmosphere where fishermen play a role in championing the research project within their fishery, ports, and communities (Pinkerton 2009). The exchange of ideas and information can be equally as valuable to Department staff involved in the partnership, who gain local and experiential knowledge (Hovel et al. 2015).

Anticipated changes in regulations

Resource managers, agency staff, decision makers, and funders are increasingly interested in understanding the motivations for the continued participation and mobilization of fisheries partnerships. Anticipated changes in management regulations can act as a catalyst to activating—or reenergizing—fisheries partnerships. International experiences show that fisheries management regulations are unlikely to succeed without support from fishermen, because fishermen often find ways of by-passing those regulations (Hanna 1995).

Establishing trust and developing social capital

Trust is an essential building block to successful fisheries partnerships and efficient fisheries management. Investment in relationship building and establishing confidence across partnership participants should be considered and integrated. Solid and long-lasting relationships can also act as an incentive to maintain on-going collaborative efforts**.** The core concept of social capital is "interactions among individuals" with the inherent goal to strengthen social interactions in and between groups concerned with a given issue.

Potential role of partnerships in management

The following section outlines six fundamental management tasks that can benefit from fisheries partnerships and identifies the degree of stakeholder capacity required to effectively partner on each (Table N1).

- Representativeness is defined by whether the group represents the broader constituency through democratic or otherwise egalitarian means. If a low level of representativeness is required it means that a relatively few members of the fishery may participate effectively in a partnership. A high level of representativeness indicates that in order to successfully partner in a particular management task, a more representative constituency is needed.
- Funding refers to the ability to raise funds for participatory processes. A small group of fishermen may score in the low, whereas a marketing association (e.g. California Sea Urchin Commission) or NGO may score towards the higher end.
- Longevity refers to the ability of the group to participate as a lasting partner without concern for

erosion of duties and responsibilities over time. A small group of disorganized stakeholders may not be as durable as an academic institution for example.

Collectively, these attributes reflect a prospective partner's capacity.

Table N1. Overview of the level of capacity needed for stakeholder groups to effectively partner with the Department to accomplish particular management tasks. (adapted from Wilson et al. 2017)

	STAKEHOLDER CAPACITY		
Management Task	**Representativeness**	**Funding**	**Longevity**
Prioritization of Fisheries Management	Medium	Low	Low
Fishery Specific Planning	High	Medium	Low
Research and Monitoring	Low	Medium	Medium
Stock Assessment	High	High	Medium
Decision Rules	High	Medium	High
Compliance and Enforcement	High	High	High

Management Task 1: Prioritization of management efforts

As described in Chapter 2, the Department has many responsibilities but limited capacity. Prioritization approaches that incorporate the expertise and perspectives of stakeholders can help identify the fisheries in most urgent need of management attention. Stakeholder engagement (and structured partnerships with groups like OST) has and will continue to play key roles in setting priorities. Prioritization does not require an ongoing or durable partnership with the same entities and partners only need minimal capacity to participate.

Management Task 2: Fishery specific planning

Partnerships can facilitate the fishery management planning process in a number of ways, including by helping to provide or secure external funding and outside expertise. Additionally, stakeholders (fishermen in particular) have vital roles to play in the assembly and interpretation of EFI, the development of a practical and focused research protocols, and the identification of appropriate management strategies and control rules. How the effort looks in terms of incorporating additional stakeholder input will vary based on the dynamics of the fishery. For example, for the Pacific herring FMP, the nature of the fishery allowed for a small focused steering committee to work closely with the Department and have a high degree of involvement in process management and decision-making (Pacific Herring Discussion Group 2015). Other fisheries, such as California halibut, are more complex in terms of user groups, gear types, and port perspectives and thus a different approach to engagement will be necessary. The benefits of partnerships in fishery specific planning extend beyond the FMP model to non-FMP fishery-specific documents, such as the development of Enhanced Status Reports as described in Chapter 3.

The primary benefit of a partnership-based approach to planning is that it can attract the funding and provide the organization that allows for comprehensive management reform where it would otherwise not be possible. This can facilitate regulatory changes that enhance the biological and economic sustainability of the fishery. It can also focus limited research funding on the most instructive areas. Further, this partnership-based approach empowers individuals and promotes buy-in to the process and its results. In order to partner with the Department to help initiate and advance planning efforts, stakeholder groups need to be representative and have the capacity to help organize the effort, seek funding, and

communicate with their constituents. Durability of the stakeholder group is not an issue to the same extent it is with long term efforts given the shorter-term, project-based nature of fishery planning.

Management Task 3: Research and Monitoring
Collaborative fisheries research (CFR)—where fishermen and the fishing industry are actively involved in the design and implementation of research and monitoring that supports management—is key to helping the Department manage fisheries in a cost-effective way. CFR can help the Department in the following ways:

- Expand the capacity to do research and fill information gaps that the Department currently does not have staff or expertise to do. Given that Department capacity and resources for research are not likely to increase in the near-term, external partnerships are a potential vehicle to achieve more.
- CFR partnerships can play a key role in conducting research, potentially enabling staff to focus more on an oversight and management role
- Lend credibility and trust to management approaches by avoiding "cloistered" approaches (either the Department doing science and making management decisions alone, or an academic doing research and bringing "the answer" to the agency)
- Involve key stakeholders to ensure that the resulting management approach has more buy-in and is designed to achieve desired outcomes

There is a distinction between the levels of capacity and durability required for ad-hoc research versus long term monitoring. Generally, research is more short-term, and project-based. Stakeholder partners do not need to be representative of the fleet, or have significant capacity beyond being able to reliably participate in the research. They also do not need to be particularly durable given the typically short-term nature of the work. By contrast, monitoring involves regular, consistent sampling over time to build a time series of data.

Partnerships require organizations that have sufficient capacity to engage over time and are sufficiently long-standing that the Department can be reasonably assured that efforts to incorporate the group into monitoring will be worthwhile and will not pose a threat to the stability and integrity of the monitoring effort. The organization does not need to be particularly representative as the perspectives of the broader fleet are not directly at issue.

Management Task 4: Stock Assessments
In the face of limited resources for carrying out full stock assessments, alternative assessment approaches open the door for increased stakeholder participation in data collection, determination of appropriate performance indicators and reference points, as well as the selection of appropriate stock assessments. Partnerships can play a role in facilitating, developing, and carrying out both empirical and model-based stock assessment approaches for improved management of California fisheries. Partners can be leveraged to assist with stock assessments through a variety of avenues, several of which are described below.

Similar to the potential collaborations and partnerships described in Task 3 regarding research and monitoring, universities and other academic institutions can play an important role in supporting stock assessments. A strong out of state example is UW/NOAA's "JISAO", Joint Institute for the Study of the Atmosphere and Ocean (http://www.jisao.washington.edu/about-jisao). JISAO funds graduate students to work on applied fishery management issues, in particular stock assessments, primarily for federally managed fisheries. Private research institutions, stakeholder working groups, and NGOs are also capable of fulfilling several duties associated with assessments. As described in Chapter 5, NGO and academic partners worked with the Department to apply data moderate stock assessments to a suite of California fisheries and in the process develop a California specific data limited assessment toolkit. Similarly, a

working group on data limited fisheries, funded through the Science for Nature and People Partnership, developed a Decision Support System (DSS) for choosing an appropriate management strategy for data limited fisheries (SNaP 2015; Dowling et al. submitted).

The use of fishing industry funds to help hire independent contractors to fulfill stock assessment requirements is an approach that the Department has used before and is embraced by a number of national governments across the globe (Castilla & Fernández 1998). The California Sea Urchin Commission (CSUC) has funded independent research to determine biological characteristics important to the long term sustainability of the fishery for many years (Ebert et al. 1994). Such funding has also been leveraged to understand the biological and economic value of adjusting the minimum size limit in the fishery. In the Pacific Herring fishery, the San Francisco Bay Herring Research Association, a non-profit formed with money from the Cosco-Busan spill funded a stock assessment in partnership with herring fishermen.

In order to effectively engage in partnerships focused on assessments, stakeholders need a comparatively high degree of organization. Assessments are technical and even simplified approaches require sufficient funding to conduct. The use of industry funds to support assessments implies adequate representativeness to first collect funding and then sufficient structure and strategy to decide how those funds should be spent. Academic institutions typically have the capacity required to engage in assessment-based research as well as the technical abilities to assist in helping to select and conduct assessments. Because assessment work is comparatively short term and project-based, proven stakeholder group durability is potentially less of a concern.

Management Task 5: Harvest control rules

To achieve harvest sustainability, managers are charged with prescribing a system of decision rules that meet target objectives for fisheries management. The development of harvest control rules is arguably the single most important component of a management strategy. Development of decision rules that meet multiple objectives can be enhanced through active participation among managers, scientists, industry participants and constituents (FAO 1995). Using static decision rules such as the prescription of a TAC set at a fraction of historical landings or an assumed unfished spawning stock biomass (Restrepo et al. 1998, Berkson 2011), often fails to meet the needs of a diverse set of stakeholders.

As discussed in Chapter 11, with climate change there is a need to develop adaptive decision rule frameworks that allow for rapid adjustments to management measures without the need for lengthy legislative, or otherwise bureaucratic approaches to fishery management. Such processes need to be transparent, objective, and simple in order to be readily integrated into state fisheries management. Working with partners to help develop, test, and implement these systems is critical toward helping prepare for an uncertain future that will require nimbleness and flexibility in decision-making.

Partners can participate in the development of decision rules in many ways, including via a Management Strategy Evaluation (MSE) process as discussed in detail in **Appendix J**. MSE is a procedure that allows for the objective and explicit consideration of tradeoffs between alternative management strategies including the management measures and control rules that link assessment outcomes with the management response (Smith 1994). The use of MSE as a guide for selection and implementation of decision rules must be informed by partners since it is dependent on a number of assumptions about stakeholder objectives, ecological dynamics and behavior of fishermen. MSE can streamline decision-making and can reduce the costs of management when appropriately designed. Partnerships can also inform the use of a DSS for selecting appropriate decision rules, improving transparency and simplicity of the management process.

There is a continuum of potential stakeholder involvement with the development and adjustment of harvest control rules. On the lower, stakeholder engagement end, stakeholders do not need to be as well organized. The Department can solicit specific input from stakeholders without concerns regarding the

durability of organizations or their capacity. This is a form of stakeholder engagement. On the other hand, in more formal and structured approaches, stakeholders will need to be more organized and need greater capacity to engage in framework approaches described above. Given the potential for direct consequences, fishermen in MSE working groups need to be representative of the interests of the broader fleet. The durability of stakeholder organizations is of particular concern if structured adaptive management processes identify stakeholder organizations by name. However, as in the White Seabass FMP, adaptive management structures need not be dependent on particular organizations.

Management Task 6: Compliance and enforcement

Effective law enforcement, as well as consistent voluntary compliance with fishery management measures, is critical for protecting California's marine resources and the fisheries and communities that depend on them. Given the state's more than 1,100 miles of coastline and numerous existing fishery regulations, the Department faces some significant logistical, economic, and capacity challenges in achieving desired compliance and enforcement outcomes across the state.

The Department has already incorporated partnerships into its compliance and enforcement. In addition to partnering with managers and industry groups and providing specific fisheries-related training for allied enforcement agencies and tribal entities, the Department has:

- Provided outreach and education to MPA Collaborative Network members on regulations pertaining to MPA's and what to do if they encounter a potential violation
- Provided support and specialized training for the Natural Resource Volunteer Program, whose members provide education and outreach regarding marine regulations in partnership with the Department
- Furthermore, CalTIP now has a dedicated mobile device application for ease of use in reporting violations

Building off these successful existing partnerships and looking to models from around the country and the world, almost every aspect of a comprehensive compliance and enforcement strategy can be improved by expanded partnerships. However, due to the sensitive nature of enforcement activities, any partnerships must be formed with a great deal of consideration and forethought.

Engaging fishing leaders in the development of important regulations and management changes can improve the outcomes, increase buy-in and awareness and support high-levels of voluntary compliance as well as peer-to-peer education. Industry cooperatives, advisory committees, sport fishing groups, and other organizations can provide significant assistance in improving the awareness and understanding of existing and new relevant regulations by working directly with the Department to organize and host workshops and education sessions and distributing informational materials to members. These groups could also take on significant responsibilities in encouraging best practices among their members to support management and enforcement objectives.

References

Armitage, D. R., Plummer, R., Berkes, F., Arthur, R. I., Charles, A. T., Davidson-Hunt, I. J., & McConney, P. (2009). Adaptive co-management for social–ecological complexity. *Frontiers in Ecology and the Environment*, *7*(2), 95-102.

Babcock, E. A., & MacCall, A. D. (2011). How useful is the ratio of fish density outside versus inside no-take marine reserves as a metric for fishery management control rules?. *Canadian Journal of Fisheries and Aquatic Sciences*, *68*(2), 343-359.

Bentley, N., & Stokes, K. (2009). Contrasting paradigms for fisheries management decision making: how well do they serve data-poor fisheries?. *Marine and Coastal Fisheries: Dynamics, Management, and Ecosystem Science*, *1*(1), 391-401.

Berkes, F. (2009). Evolution of co-management: role of knowledge generation, bridging organizations and social learning. *Journal of environmental management*, *90*(5), 1692-1702.

Berkson, J., Barbieri, L., Cadrin, S., Cass-Calay, S., Crone, P., Dorn, P., Friess, C., et al. (2011). Calculating Acceptable biological catch for stocks that have reliable catch data only. NOAA Technical Memorandum, NMFS-SEFSC-616. http://www.pifsc.noaa.gov/tech/NOAA_Tech_Memo_SEFSC_616.pdf.

California Department of Fish and Wildlife (CDFW). (2016). Marine Region: 2015 By the Numbers. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=124218 . Last visited December 22, 2016.

California Department of Fish and Wildlife (CDFW). 2015. Marine Life Management and Research: Fishery Management Partners. http://www.dfg.ca.gov/marine/research.asp Last visited May 14, 2015.

California Ocean Science Trust. (2014). Ecological Risk Assessments: A road map for California's fisheries. Oakland, California.

Carlsson, L., & Berkes, F. (2005). Co-management: concepts and methodological implications. *Journal of environmental management*, *75*(1), 65-76.

Castilla, J. C., & Fernandez, M. (1998). Small-scale benthic fisheries in Chile: on co-management and sustainable use of benthic invertebrates. *Ecological applications*, *8*(sp1).

Castro, A. P., & Nielsen, E. (2001). Indigenous people and co-management: implications for conflict management. *Environmental Science & Policy*, *4*(4), 229-239.

Cochrane, K. L., & Garcia, S. M. (Eds.). (2009). *A fishery manager's guidebook*. John Wiley & Sons.

Coglan, L., & Pascoe, S. (2015). Corporate-cooperative management of fisheries: A potential alternative governance structure for low value small fisheries?. *Marine Policy*, *57*, 27-35.

Defeo, O., Castrejón, M., Pérez-Castañeda, R., Castilla, J. C., Gutiérrez, N. L., Essington, T. E., & Folke, C. (2014). Co-management in Latin American small-scale shellfisheries: assessment from long-term case studies. *Fish and Fisheries*.

Dick, E. J., & MacCall, A. D. (2011). Depletion-Based Stock Reduction Analysis: A catch-based method for determining sustainable yields for data-poor fish stocks. *Fisheries Research*, *110*(2), 331-341.

Dietz, T., Ostrom, E., & Stern, P. C. (2003). The struggle to govern the commons. *Science*, *302*(5652), 1907-1912.

Dowling, N. A., Wilson, J. R., Rudd, M. B., Babcock, E. A., Caillaux, M., Cope, J., ... & Gutierrez, N. (2016). FishPath: A decision support system for assessing and managing data-and capacity-limited

fisheries. In *Tools and strategies for assessment and management of data-limited fish stocks. 30th Lowell Wakefield fisheries symposium. Alaska Sea Grant. Anchorage, AK*.

Ebert, T. A., Schroeter, S. C., Dixon, J. D., & Kalvass, P. (1994). Settlement patterns of red and purple sea urchins (*Strongylocentrotus franciscanus* and *S. purpuratus*) in California, USA. *Marine ecology progress series. Oldendorf*, *111*(1), 41-52.

Food and Agriculture Organization (FAO). (1995). Precautionary approach to fisheries. Part I: Guidelines on the precautionary approach to capture fisheries and species introductions. Elaborated by the Technical Consultation on the Precautionary Approach to Capture Fisheries (Including Species Introductions). Lysekil, Sweden, 6-13 June 1995. FAO Tech. Pap. 350, Part 1. 52 p.

Gutiérrez, N. L., Hilborn, R., & Defeo, O. (2011). Leadership, social capital and incentives promote successful fisheries. *Nature*, *470*(7334), 386-389.

Hanna, S. (1995). Efficiencies of User Participation in Natural Resource Management. In Property Rights and the Environment - Social and Ecological Issues (pp. 59–67). Washington, D.C.: Beijer International Institute of Ecological Economics and The World Bank.

Harty, J. M., Healey, M. C., Iudicello, S., DeWitt, J. Kirlin, J. J., Larson, R. (2010). Lessons learned from California's Marine Life Management Act. Final Report: Evaluation, Lessons Learned, and Recommendations. May 18, 2010.

Hobday, A. J., Smith, A. D. M., Stobutzki, I. C., Bulman, C., Daley, R., Dambacher, J. M., ... & Griffiths, S. P. (2011). Ecological risk assessment for the effects of fishing. *Fisheries Research*, *108*(2), 372-384.

Hovel, K.A., Neilson, D.J., and Parnell, E. South Coast Baseline MPA Final Report: Baseline characterization of California spiny lobster (*Panulirus interruptus*) in South Coast marine protected areas. Via California Sea Grant. https://caseagrant.ucsd.edu/sites/default/files/SCMPA-25-Final-Report.pdf Last visited May 14, 2015.

Mackinson, S., Wilson, D. C., Galiay, P., & Deas, B. (2011). Engaging stakeholders in fisheries and marine research. *Marine Policy*, *35*(1), 18-24.

Marine Life Management Act 1998. https://www.wildlife.ca.gov/Conservation/Marine/Master-Plan

MacCall, A. D. (2009). Depletion-corrected average catch: a simple formula for estimating sustainable yields in data-poor situations. *ICES Journal of Marine Science: Journal du Conseil*, *66*(10), 2267-2271.

McCay, B. J., & Jentoft, S. (1996). From the bottom up: participatory issues in fisheries management. *Society & Natural Resources*, *9*(3), 237-250.

McClenachan, L., O'Connor, G., & Reynolds, T. (2015). Adaptive capacity of co-management systems in the face of environmental change: The soft-shell clam fishery and invasive green crabs in Maine. *Marine Policy*, *52*, 26-32.

McGilliard, C. R., Hilborn, R., MacCall, A., Punt, A. E., & Field, J. C. (2010). Can information from marine protected areas be used to inform control-rule-based management of small-scale, data-poor stocks?. *ICES Journal of Marine Science: Journal du Conseil*, fsq151.

Meyer, R., Freitag, A., McGregor, A., & Whiteman, E. (2013, December). Citizen Science & MPA Monitoring: Informing adaptive management through enriched local knowledge systems. In *AGU Fall Meeting Abstracts* (Vol. 1, p. 0993).

Nielsen, J. R., & Vedsmand, T. (1997). Fishermen's organisations in fisheries management. Perspectives for fisheries co-management based on Danish fisheries. *Marine Policy*, *21*(3), 277-288.
Olsson, P., Folke, C., & Hahn, T. (2004). Social-ecological transformation for ecosystem management: the development of adaptive co-management of a wetland landscape in southern Sweden. *Ecology and Society*, *9*(4), 2.

Patrick, W.S., P. Spencer, O. Ormseth, J. Cope, J. Field, D. Kobayashi, T. Gedamke, E. Cortes, K. Bigelow, W. Overholtz, J. Link, and P. Lawson. (2009). Use of productivity and susceptibility indices to determine stock vulnerability, with example applications to six U.S. fisheries. U.S. Dept. of Commer., NOAA Tech. Memo. NMFS-F/SPO-101, 90 p.

Pinkerton, E. W. (1994). Local fisheries co-management: a review of international experiences and their implications for salmon management in British Columbia. *Canadian journal of fisheries and aquatic sciences*, *51*(10), 2363-2378.

Pinkerton, E. (2009). Partnerships in Management. A Fishery Manager's Guidebook, 283–300.

Pomeroy, R. S., & Berkes, F. (1997). Two to tango: the role of government in fisheries co-management. *Marine policy*, *21*(5), 465-480.

Pomeroy, R. S., Katon, B. M., & Harkes, I. (2001). Conditions affecting the success of fisheries co-management: lessons from Asia. *Marine policy*, *25*(3), 197-208.

Romina, R. (2014). Social Learning, Natural Resource Management, and Participatory Activities: A reflection on construct development and testing. *NJAS-Wageningen Journal of Life Sciences*, *69*, 15-22.

Restrepo,V. R., Thompson, G. G., Mace, P. M., Gabriel,W. L., Low, L. L., MacCall, A. D.,Methot, R. D., et al. 1998. Technical guidance on the use of precautionary approaches to implementing National Standard 1 of the Magnuson–Stevens Fishery Conservation and Management Act. NOAA Technical Memorandum, NMFS-F/ SPO-31. 54 pp.

Schusler, T. M., Decker, D. J., & Pfeffer, M. J. (2003). Social learning for collaborative natural resource management. *Society & Natural Resources*, *16*(4), 309-326.

Singleton, S. (2000). Co-operation or capture? The paradox of co-management and community participation in natural resource management and environmental policy-making. *Environmental Politics*, *9*(2), 1-21.

Smith, A. D. M. (1994). Management strategy evaluation: the light on the hill. In Population Dynamics for Fisheries Management, pp. 249–253. Ed. by D. A. Hancock. Australian Society for Fish Biology, Perth, WA.

Starr, R. M., Wendt, D. E., Barnes, C. L., Marks, C. I., Malone, D., Waltz, G., ... & Yochum, N. (2015). Variation in responses of fishes across multiple reserves within a network of marine protected areas in temperate waters. *PloS one*, *10*(3), e0118502.

Trimble, M. (2013). Towards adaptive co-management of artisanal fisheries in coastal Uruguay: analysis of barriers and opportunities, with comparisons to Paraty (Brazil).

Trimble, M., & Berkes, F. (2013). Participatory research towards co-management: lessons from artisanal fisheries in coastal Uruguay. *Journal of environmental management*, *128*, 768-778.

Voyer, M., Gladstone, W., & Goodall, H. (2015). Obtaining a social license for MPAs–influences on social acceptability. *Marine Policy*, *51*, 260-266.

Wiber, M., Charles, A. K., & Kearney, J. J. and Berkes, F. 2009. Enhancing community empowerment through participatory fisheries research. *Marine Policy*, *33*(1), 172-9.

Wilson JR, H McGonigal, T Dempsey, M Gleason, S Rienecke. 2016. Partnerships in Fisheries Management: An Exploration of Ideas for Enhancing Capacity and Resources in California Fisheries.

Appendix O – Peer review under the MLMA

This appendix draws from of a 2017 overview by the Ocean Science Trust of best practices in peer review under the MLMA. It provides additional details regarding best practices and resources to help managers plan for and navigate the peer review process including a peer review checklist, terms of reference, and a sample report template.

Best practices for common work products

Draft FMP review

As discussed in Chapter 10, the scientific components of FMPs are subject to external peer review. Scientific analyses, including stock assessments, should be peer reviewed before they are used as a basis for identifying management strategies. Review of methodologies, complex models, or stock assessments supporting an FMP should occur separately from review of a full draft FMP.

Review of a complete draft FMP should then occur late in development when a full high-quality draft is completed (reviewers should not be used as FMP development teams/advisory committees), and preferably before public comment so that the science has been reviewed, and any issues addressed.

Based on operating procedures of the Council, an FMP peer review should evaluate statistical, biological, economic, social, and other scientific information, analyses, analytical methodologies, literature, research, and other information relevant to decision-making. Rather than a line-by-line assessment, an FMP review should consider addressing the following questions:

- *Do the scientific and technical components within and supporting the FMP form a rigorous framework that can support sound fishery management decisions?*
- *Are there critical discussions or literature that should be factored into the FMP that would substantially strengthen the document?*
- *Are the models' interpretations technically sound, appropriate and supported by the best available data?*
- *Are the proposed reference points scientifically sound and supported by the best available data (as presented in the FMP and additional Department presentations/materials)? Are the thresholds sufficient and appropriate for identifying important changes/trends in stock status?*
- *Are research and monitoring needs comprehensive to allow the Department to collect and maintain essential fishery information necessary to achieve management targets for the stock? Are there any priority gaps in research and monitoring that should be addressed or included?*

If the FMP is at the draft stage and the supporting models and methods have already been reviewed, it is likely best to consider a written review. Considering the level of previous review of the scientific analyses underlying the FMP, the draft may not necessitate a highly processed technical review. However, if enough concern were to emerge, then a follow-up webinar and/or workshop review could be conducted.

Methodology reviews

Methodology reviews are appropriate when a major new data source is introduced, when a new tool is developed for consideration in management, or when a major change is made to a method or model. Ideally, the scientific and technical merits of a new methodology proposed for use should be reviewed prior to and separately from application to help ensure any issues are worked out in the tool

before it is applied in an FMP or other management work product. A reviewed model can then be included in an "accepted" toolbox for use in fishery management, and any application will not need the same level of review, unless there are exceptional circumstances.

A methodology review scope will vary depending on the work product under review, but should consider addressing the following questions:

- *Are the analytical methods used appropriate and technically sound?*
- *Are the research, data collection and analyses supporting the methodology comprehensive and representative of the best available science?*
- *If it is a new methodology proposed for use, how does it improve on existing approaches, and how can it be applied in support of management targets for the stock?*
- *What research and/or monitoring are needed to improve the methodology in the future?*

The modes of peer review most appropriate for methodologies are remote panel reviews, panel workshops, and/or journal peer review. The methods tend to be novel, untested, and can be subject to controversy.

Stock assessment and management strategy evaluation reviews

Stock assessments use fishery dependent and independent data to describe past and current status of a fish population or stock to help managers make predictions about how a fishery will respond to current and future management measures. Management Strategy Evaluations (MSE) are simulations that compare among different combinations of data collection efforts, methods of analysis and subsequent management actions in order to identify an appropriate strategy, or to understand the effectiveness or associated risk of an existing management strategy. Stock assessments have only been completed for a handful of marine species in California due to the resource-intensive nature of the exercise and the data required for a fishery. However, as more data-poor, rapid stock assessment and MSE methods become available, the Department will likely conduct more frequent assessments and evaluations that require peer review. A stock assessment and/or MSE review may consider posing the following questions to the review team:

- *Are the underlying assumptions, data inputs, model parameters and other pertinent information scientifically sound and appropriate?*
- *Are additional sensitivity runs, analyses, or data required to support the peer review process?*
- *Does the stock assessment or MSE represent the best available scientific information to inform the development of harvest control rules? Are there any deficiencies in the input data or analytical methods?*
- *What additional research and monitoring are needed to improve the assessment and fishery management in the future?*
- *What data sets were considered but rejected for the final model, and why were they rejected?*

The mode of peer review most appropriate for a stock assessment or MSE is a panel workshop because of the need for group discussion and additional data analyses. In addition to reviewers, stock assessment and MSE review workshops often include the FMP management team and Department scientists, as well as additional stock assessment and MSE experts. Stock assessment review processes have been well established for federal fisheries management. Groups like South East Data, Assessment and Review (SEDAR) and NOAA PFMC Stock Assessment Review (STAR) Panels may provide informative examples of successful approaches that vary in detail and level of time and analyses required.

Review of science supporting focused rulemaking or routine management measures

Routine management measures are those that are likely to be adjusted annually or more frequently, and may include changes to conservation area boundaries and trip limits, bag limits and size limits among other measures. Often, the science supporting these measures has been previously reviewed or relies on expert judgment. Given the need for timeliness, the mode of peer review most appropriate for science supporting focused rulemaking or routine management measures may vary, but will likely fall under internal review or external expert written review depending on the significance and implications of the rulemaking. Where there is an advanced knowledge that the issue may be controversial, it should be determined whether the benefits of a panel or remote panel review with public, stakeholder, and agency input may mitigate the costs of the more extensive process.

Additional considerations

Stakeholder buy-in of a review process and outputs may be of particular importance for highly politicized, controversial or sensitive fisheries. Understanding who key stakeholders are, and how they are likely to react to a review, can help identify the best ways to engage them in the process. The Department should consider whether a transparent process is consistently applied across all reviews, or whether stakeholder involvement is determined on a case-by-case basis depending on the needs of a review. Please see Appendix G for strategies regarding stakeholder engagement.

Terms of reference and sample report template

Terms of reference (TOR) documents lay out general procedures and responsibilities that contributors should aim to adhere to when conducting a formal process such as developing and peer-reviewing a work product. A TOR is typically developed for each type of review (e.g., stock assessment review, methodology review) and for each fishery. TOR documents detail the objectives, approaches, reporting requirements, and responsibilities of participants. For transparency, they are made publicly available. Each individual review will likely have unique requirements that can be defined in a specific TOR document or scope or work which conform to the more general terms.

Drawing on experience of the Council, the Department should develop TORs that include information on:

- Review process goals and objectives
- Roles and responsibilities of participants
- Structure and qualifications of the review panel participants
- Structure of meetings and/or workshops
- Process for requesting additional data or analyses
- Guidelines for dealing with uncertainty and areas of disagreement
- Guidance on structure of the review report (see below)

Sample Council TOR reports:

- Terms of Reference for the Groundfish and Coastal Pelagic Species Stock Assessment Review Process for 2017-2018 (*June 2016*)
- Terms of Reference for the Methodology Review Process for Groundfish and Coastal Pelagic Species for 2017-2018 (*June 2016*)
- All CIE reports append the review scope/statement of work, which includes the TOR. These are available by year and title at: https://www.st.nmfs.noaa.gov/science-quality-assurance/cie-peer-reviews/peer-review-reports

General Fisheries Peer Review Checklist

Below is a checklist that should be used by the Department and review coordinating bodies to plan for an upcoming peer review process. Note that timelines often shift, so review coordinators should maintain a high level of flexibility (given that end products are often time sensitive).

PEER REVIEW SCOPING

4-6 months prior to start of a review

Department

Determine whether product is subject to or exempt from review

- ☐ If review is required, determine whether review is ***internal*** or ***external***
- ☐ If external, contract with an appropriate review coordinating body

1-2 months prior to start of review

Department

- ☐ Deliver draft report to review coordinating body

Review Coordinating Body

- ☐ Work with the Department to develop a "Specific Terms of Reference" or scope of work indicating:
- ☐ Mode and level of review, selected based on criteria from box 3
  - Roles and responsibilities of all parties involved in the review
  - Process, timeline, and budget
  - Level of stakeholder involvement
  - Required reviewer expertise an appropriate number of reviewers
  - Product(s) from the review
- ☐ Select and convene reviewers
- ☐ Have reviewers complete and sign a conflict of interest policy and a non-disclosure agreement (if required)
- ☐ Develop review instructions based on draft report and "Specific Terms of Reference"
- ☐ Develop collateral (e.g., webpage, communication materials, stakeholder listserve)

CONDUCT PEER REVIEW

Reviews take from 6 weeks to several months

Review Coordinating Body

- ☐ Distribute Specific Terms of Reference, review materials, and review instructions to reviewers
- ☐ Administer review based on mode selected (e.g., individual written reviews, panel workshop, etc.)
- ☐ Gather and submit additional data and analyses requests to the Department
- ☐ Develop draft product(s)
- ☐ Manage reviewers approve of/sign-off on final product
- ☐ Deliver product to the Department for a management preview prior to public release
- ☐ When appropriate, conduct a results briefing with the client and/or stakeholders

- ☐ Post final report online and distribute to interested partners and stakeholders

PEER REVIEW FOLLOW-UP

Revisions to the product under review may occur from several weeks to several months after delivery of the review report

Review Coordinating Body

- ☐ Facilitate discussions between reviewers and the Department as they consider review feedback and revise the work product
- ☐ Where appropriate, present results of review in a public meeting (e.g., Commission public meeting)
- ☐ Work with the Department to develop text to include in the final work product that appropriate represents the review process and outcomes

Table O1. Summary of scientific peer reviews of California Department of Fish and Wildlife work products from the period of 2001 – 2017.

Work product reviewed	Review year	Review type	Coordinating entity	Review format	Public participation	Number of reviewers	Review output
Draft Nearshore FMP	2001	FMP	Sea Grant	1-day workshop	None	6	Individual written reports, consolidated report
Draft White Sea Bass FMP	2001	FMP	Sea Grant	1-day workshop	None	4	Individual written reports, consolidated report
Draft Market Squid FMP	2002	FMP	Sea Grant	2-day workshop	None	5	Compiled summary report written by review panel (internal)
Draft Abalone Recovery and Management Plan	2002	FMP	Sea Grant	2-day workshop	None	4	Compiled summary report from CASG (internal)
Model Supporting the Herring Stock Assessment	2003	Methodology	Sea Grant	2-day workshop	None	3	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=31413
Sheephead Stock Assessment	2004	Stock assessment	Department	Meeting	unknown	3	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=31413
California Halibut Assessment	2011	Stock assessment	Department	3-day workshop	Workshop open to public (with public comment)	3	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=41074
Spiny Lobster Stock Assessment	2011	Stock assessment	Department	2-day workshop	None	3	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=41074&inline
Abalone Density Estimation Method	2014	Methodology	Ocean Science Trust	Multiple remote meeting and a 1-day workshop	Several remote meetings open to public (with public comment)	6	http://www.oceansciencetrust.org/wp-content/uploads/2016/11/Abalone-Executive-Summary-FINAL.pdf
Draft Spiny Lobster FMP	2015	FMP	Ocean Science Trust	Multiple remote meetings	None	4	http://www.oceansciencetrust.org/wp-content/uploads/2016/11/Lobster-FMP-Scientific-Review-Report-6-9-15.pdf
White Seabass Stock Assessment	2016	Stock assessment	Pfleger Institute	2-day workshop	Workshop was open to public (with public comment) and many participants	2	http://www.capamresearch.org/sites/default/files/WSB_SA_2016_Reviewer_Report_Final.pdf
Pacific Herring Stock Assessment	2016/17	Stock assessment	Department	2-day workshop	No public	3	In progress

Appendix P – Marine Protected Areas (MPAs) and Fisheries Management

IN DEVELOPMENT

California Fish and Game Commission
Marine Resources Committee
Fisheries Bycatch Workgroup
Final Work Plan

May 2017

The Fisheries Bycatch Workgroup (BWG) was organized to help inform and support the evaluation of bycatch in State-managed fisheries within California Fish and Game Commriission (Commission) authority under existing California statutes and regulations. BWG is comprised of self-appointed volunteers who represent a cross-range of interests including commercial fishermen, recreational anglers, and non-governmental organizations, with participation of California Department of Fish and Wildlife (DFW) staff and facilitation by Commission staff.

The Marine Resources Committee (MRC) and the Commission have identified a primary goal of basing fisheries bycatch assessment, analysis and possible management on a comprehensive approach founded on Marine Life Management Act (MLMA) principles, guided by the MLMA Master Plan for Fisheries (Master Plan), and supported by principles, best management practices and other available tools.

In support of this goal, the focus of BWG is to develop a recommendations report to MRC within the framework to contribute to the Master Plan Amendment process and to inform future policy and management decisions of the Fish and Game Commission. To assist BWG, this work plan outlines the project goal, scope, objectives, tasks, and deliverables. While some tasks will be completed in a full BWG setting, other tasks may be initially drafted through a subgroup process intended to inform the larger efforts of BWG. All documents, whether drafted through a subgroup process or a full BWG meeting, will have an open review and comment period by the full BWG before submission in a final recommendations report, including supplemental materials, to MRC for consideration, and possible recommendation to the Commission.

I. PROJECT SCOPE

Purpose

To provide input, ideas, analysis and recommendations to support development of a comprehensive approach to assessing, analyzing and informing potential management of bycatch in State-managed fisheries under the MLMA that is consistent with the current DFW Master Plan amendment process.

Breadth

- Level of Governance: Project will focus on State-level governance, including Commission policies (MLMA master plan for fisheries) and regulations (California Code of Regulations, Title 14) governing State fisheries under Commission authority and consistent with existing State statutes, as well as reviewing overlaps with federal regulations or policy.

- Priority Elements: Project will focus on evaluating, and possibly improving, guidance contained in the Master Plan bycatch section (currently Section 2.5.2), understanding how that might impact the future development of fishery management plans and fisheries under different levels of management structure, and consider existing bycatch data limitations. Identify potential areas of improvement and/or specific action items to address any priority concerns related to bycatch, notably retained versus discarded bycatch and criteria for determining "unacceptable bycatch" by type and amount for each fishery.

II. PROJECT OBJECTIVES, TASKS, AND DELIVERABLES

The workgroup will produce a recommendations report with suggested revisions and updates to the existing "Bycatch" section of the Master Plan for consideration by MRC through three objectives.

Objective 1:

Compile existing statutes, policies and regulations related to bycatch and clarify terms and definitions consistent with such statutes, policies, and regulations.

- **Objective 1 Deliverable**: Clarified and/or expanded definitions list ("terms of reference") for California fisheries proposed for use through BWG process (including comparison of similarities and differences with federal and/or other state terms and definitions).

Objective 2:

Review and evaluate existing Commission policy within the Master Plan as it pertains to fisheries bycatch and draft options for revisions or additions to the bycatch section of the Master Plan.

Specifically, the goal of these revisions is to inform the decision-making process for determining unacceptable types and amounts of bycatch under the Master Plan. To accomplish this, BWG would discuss the following topics as directly associated with bycatch:

  - Analysis of the Commission's authority as it relates to bycatch
  - Definitions
  - Unacceptable levels of bycatch (i.e., what determines unacceptable bycatch levels)
  - Protected or listed species
  - Incidental catch vs. target species
  - Prioritizing bycatch issues for recreational and commercial take
  - Overview of management approaches and best management practices

- **Objective 2 Deliverable**: Report containing recommendations, if any, for consideration for revisions to the bycatch section of the Master Plan for consideration by MRC.

Objective 3:

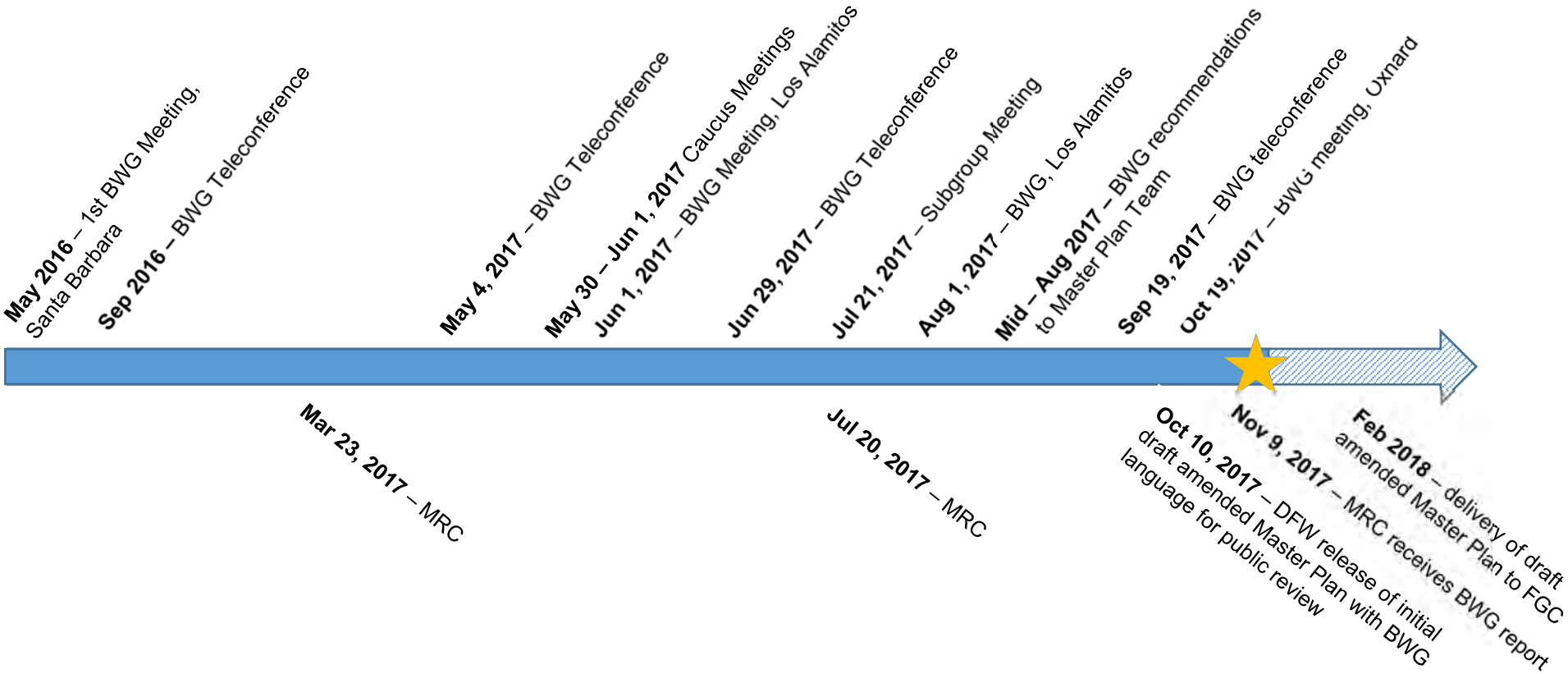
If necessary, develop additional recommendations for furthering bycatch management in California fisheries and throughout implementation of the amended Master Plan.

This is a "living" objective to reflect any recommended actions that are identified by the group during research and drafting for Objectives 1 and 2. This could include topics such as evaluating available data and possible needs for action, a discussion of commercial and recreational bycatch issues, a "toolkit" of bycatch management options across California's fisheries, and recommendations for possible regulatory changes.

- **Objective 3 Deliverable**: Recommendations report with considerations for action related to bycatch and its management after adoption of the amended Master Plan.

Fisheries Bycatch Workgroup (BWG) Timeline

for the November 9, 2017 Marine Resources Committee (MRC) Meeting



Fisheries Bycatch Consideration in the Amended Marine Life Management Act Master Plan:

A Recommendations Report of the Fisheries Bycatch Workgroup to the California Fish and Game Commission's Marine Resources Committee

As approved by the workgroup on August 1, 2017

Staff Overview

The Fisheries Bycatch Workgroup (workgroup), composed of commercial and recreational fishermen and their representatives as well as non-governmental organizations, and public-at-large, was convened by the California Fish and Game Commission (Commission) and its Marine Resources Committee (MRC) to review bycatch issues in California's fisheries management, as well as to help inform the California Department of Fish and Wildlife (Department) drafting of an amended Marine Life Management Act master plan.

The workgroup reviewed existing State bycatch guidance and definitions, and other relevant action items within the scope of Commission authority, and developed input to recommend to the MRC, Commission, and Department for consideration. The workgroup developed a report based on their input. The report, which follows this introduction, is an approved product of the workgroup and includes a draft bycatch section and appendix for consideration in developing the amended master plan. The report reflects areas of consensus in the workgroup and, where consensus was not reached, provides options that reflect the different viewpoints represented within the workgroup. At the direction of MRC and the Commission, the report was delivered directly to the Department for consideration and integration, where possible, into the draft amended master plan prior to delivery of the report to MRC (scheduled for November 9, 2017).

In October 2017, the Department completed its initial draft version of "2018 Master Plan for Fisheries: A Guide for Implementation of the Marine Life Management Act". Chapter 6, titled "Ecosystem-based objectives", includes a section on limiting bycatch to acceptable types and amounts, which largely draws from the workgroup report and incorporates the majority of consensus language. Non-consensus options within the report may be considered through the MRC and Commission.

The initial draft of the amended master plan is available for public review on the Department's website as of October 10, 2017, at www.wildlife.ca.gov/Conservation/Marine/MLMA/Master-Plan through November 9. A revised draft version of the master plan, based on public comment, is expected to be delivered to the Commission in early 2018. The November 9, 2017 MRC meeting agenda will include a discussion of the initial draft amended master plan, as well as options in the workgroup report where consensus was not reached, to allow for further comment and possible recommendations from MRC to the Commission.

Fisheries Bycatch Workgroup Report

As approved by the workgroup on August 1, 2017

Background

The Bycatch Working Group (BWG) is an information gathering group of stakeholders who volunteered to provide input and recommendations to the California Department of Fish and Wildlife (CDFW) and the Fish & Game Commission (FGC) regarding potential revisions to the content for section **2.5.2 Bycatch** of the Marine Life Management Act (MLMA) Master Plan.

MLMA objectives, as pertaining to bycatch, are based on: §7056: *In order to achieve the primary fishery management goal of sustainability, every sport and commercial marine fishery under the jurisdiction of the state shall be managed under a system whose objectives include…* In the context of sustainable ecosystem-based fishery management, one of the objectives of the MLMA that specifically addresses bycatch is §7056(d): "*The fishery limits bycatch to acceptable types and amounts, as determined for each fishery".*

The FGC does not have the authority to amend statute. The Commission can provide clarification but cannot propose any regulations which would, in effect, change the intent of the Legislature. Against this backdrop, the BWG is limited to current definitions provided in the Fish and Game Code.

Subgroup Deliverables

Expanded definition discussion (Work Plan Objective 1): The subgroup has determined that a compilation of bycatch terminology from the Fish and Game Code, a comparison of how this terminology differs from other jurisdictions, and clarification of the phrase "target of the fishery" in the definition of bycatch, section **90.5,** would inform the process.

- Deliverable 1: Fish and Game Code §7085 requires, for fisheries in which bycatch occurs, an analysis of the amount and type of bycatch using four criteria. In order to effectively undertake this analysis, a determination has to be made regarding what is the target and what is bycatch. We will be including subgroup feedback that strives to inform this determination.
- Deliverable 2: Add Appendix A that includes definitions from other governing bodies (Federal and/or other State) where the same terms are defined elsewhere. Appendix A can be used to compare similarities and differences across these jurisdictions for reference purposes.

Manager inquiries and scoring system (Work Plan Objective 2):
The subgroup is proposing examples of manager inquiries that could be considered to assess bycatch. The intent is to suggest a non-species specific scoring system, using a series of manager inquiries, to inform what types and/or amounts of bycatch might be considered unacceptable. This scoring system would use a series of *Yes/No* questions along with *None/Low/Medium/High* probability scenarios that could inform if bycatch has a *None/Low/Medium/High* likelihood of being unacceptable.

This scoring system is to be based on the four criteria listed in **§7085(b)**:
(1) Legality of the bycatch under any relevant law.
(2) Degree of threat to the sustainability of the bycatch species.
(3) Impacts on fisheries that target the bycatch species.
(4) Ecosystem impacts.

- Deliverable 3: Provide feedback on more specific inquiries within each of the above four criteria for determining unacceptable types and amounts of bycatch

- Deliverable 4 (*Not included here*): Suggest a manager scoring system using these inquiry criteria to inform what types and amounts of bycatch are unacceptable. Please note this may be developed by BWG at a later point, depending on DFW's level of interest.

- Deliverable 5: Draft bycatch section for amended Master Plan - Integrate our suggestions/recommendations from deliverables 1 thru 3 above into the format of the Concepts document provided June 23rd by staff, with discussion points for the entire BWG to review and provide input.

Draft Bycatch Concepts

I. Relevant provisions of California statutes

Definitions:

§45. "Fish" *means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals.*

*§86. "*Take*" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.*

*§90.5. "*Bycatch*" means fish or other marine life that are taken in a fishery but are not the target of the fishery. Bycatch includes discards.*

*§91. "*Discard*" means fish that are taken in a fishery but are not retained because they are of an undesirable species, size, sex, or quality, or because they are required by law not to be retained.*

*§94. "*Fishery*" means both of the following:*

(a) One or more populations of marine fish or marine plants that may be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics.

(b) Fishing for, harvesting, or catching the populations described in (a).

§96. "Marine living resources" *includes all wild mammals, birds, reptiles, fish, and plants that normally occur in or are associated with salt water, and the marine habitats upon which these animals and plants depend for their continued viability.*

Requirement to minimize unacceptable bycatch:

§7056. In order to achieve the primary fishery management goal of sustainability, every sport and commercial marine fishery under the jurisdiction of the state shall be managed under a system whose objectives include all of the following: (Note that only subsection (d) applies to the issue of bycatch; others omitted for brevity)

…

(d) The fishery limits bycatch to acceptable types and amounts, as determined for each fishery.

§7085. Consistent with subdivision (b) of Section 7072, each fishery management plan or plan amendment prepared by the department, in fisheries in which bycatch occurs, shall include all of the following:

(a) Information on the amount and type of bycatch.

(b) Analysis of the amount and type of bycatch based on the following criteria:

(1) Legality of the bycatch under any relevant law.

(2) Degree of threat to the sustainability of the bycatch species.

(3) Impacts on fisheries that target the bycatch species.

(4) Ecosystem impacts.

(c) In the case of unacceptable amounts or types of bycatch, conservation and management measures that, in the following priority, do the following:

(1) Minimize bycatch.

(2) Minimize mortality of discards that cannot be avoided.

II. Understanding bycatch

While fishers are participating in a fishery, the gear they use may capture marine life in addition to what they are targeting. For example, commercial and recreational fishermen using hook and line often cannot tell which species of fish they will catch. There are many terms used to describe this: bycatch, discards, non-target, incidental catch, and so forth. Sometimes these terms are used interchangeably, but their implications differ subtly. The California Fish and Game Code has definitions for "bycatch" and "discards" (See Appendix A for a comparison of bycatch-related terminology across California, federal law, and other states). In California, historically, the species or species-complex managed by a fishery management plan (FMP) has been considered the target of the fishery by the DFW. However, §90.5 defines any species that is not the target of the fishery as bycatch, whether it is discarded or retained. The MLMA's definition of bycatch includes target species that are discarded because they are prohibited due to size, season, catch limit, or sex restrictions, as well as non-target species that are desirable and retained or discarded because they are undesirable or prohibited. Bycatch species may include fish or other marine living resources. The MLMA mandates that unacceptable amounts or types of bycatch be addressed through conservation and management measures to minimize the impacts.

III. Minimizing unacceptable bycatch

Assessing and addressing bycatch impacts

***Non-Consensus Option 1:* (No text is desired here)**
Note: the members of the subgroup recommending this section not be included believe this is repetitive and covered below in addition to serving no real purpose other than to express an opinion.

> **Alternative to Option 1:** If the DFW agrees that this section adds value, we would offer the following for consideration, "Bycatch that is discarded may include discards of the target species (§91). For bycatch that is deemed unacceptable the MLMA mandates management measures that result in a minimization of such."

***Non-Consensus* Option 2**
Bycatch that is discarded may either be released alive or dead and includes discards of the target species. Bycatch that is released alive may or may not die after release, or may be injured or otherwise impaired. This discard mortality may or may not pose a risk to a species of bycatch, to the target species, to other fisheries, and/or to the marine ecosystem. In some cases, discards of live fish may be desirable and offer conservation benefits to the resource, for example in the case of size limits or recreational catch and release fishing. Of particular concern are vulnerable long-lived species with low reproductive rates such as birds, sea turtles, marine mammals, and some species of fish. Bycatch can also impact biodiversity and ecosystem function, for example, through the unintended removal of top predators or prey from ocean ecosystems. The capture of non-target species may also have negative impacts on the social and economic aspects of fisheries by increasing monitoring accountability costs, creating compliance burdens, reducing opportunities in other fisheries, harming public resources, and impacting the marketability of species.

Fish and Game Code §7085 requires a four-step process for identifying bycatch and determining whether or not it is unacceptable, as follows.

Step 1. Understanding the type and amount of catch

***Non-Consensus* Option 1**
As an initial step, available information on all the species caught in a fishery *should* be gathered. Reliable sources of this information include readily available government provided logbooks, landing receipts, Federal Stock Assessment and Fishery Evaluation (SAFE) reports, report cards, and recreational creel check/surveys. Additionally, for those fisheries that require observers or electronic monitoring, those reports/recordings can validate the aforementioned data sources. If information is unavailable, it should be obtained by any feasible means.

***Non-Consensus Option* 2**
As an initial step, available information on all the species caught in a fishery *needs to be* gathered. Typically, the most reliable source of catch data is from an independent source such as a fishery observer or recordings from electronic monitoring equipment. However, other reliable information includes fishery logbook data, landings receipts, Federal Stock Assessment and Fishery Evaluation (SAFE) reports, report cards, and recreational creel check/surveys. If such information is not available, it should be prioritized for additional data collection, and managers should determine what species are likely to be caught in the fishery based on consultations with fishermen, the nature of the gear, the species present where the fishery operates, and other available information.

Step 2. Distinguishing target species from non-target species
Once species that are caught in a fishery are identified, it is necessary to identify which are the targets of the fishery, and which are bycatch. The bycatch definition (§90.5) references "target of the fishery" where a fishery may contain one or more species as provided in FGC §94. California statute does not provide a definition of target, which leads to confusion in interpretation by those involved in the MLMA process. Federal law (see Appendix A) provides definitions for target stocks, economic discards, regulatory discards, and non-target stocks. BWG members agree on the following points about targets and discards:

- A target can be one or more species in a fishery.
- Declaration of a target when leaving the dock may be difficult and may change during the trip.
- Discards may be made at sea or during the landing process of a commercial fishery.
- Recreational catch and release fisheries are targeting many of the species they choose to release. There may be a discard of a target species.

***Non-Consensus Option* 1**
A fishery may contain one or more species as provided in FGC §94. As alluded to in the Section entitled "Understanding bycatch", historically, the species or group of species (complex) managed by an FMP or other regulations has been considered the target of the fishery by the Department. Some BWG members wonder if this historical perspective is still appropriate given advances in data collection, management and other measures designed to ensure sustainability and ecosystem health. The lack of definition of "target of the fishery" in California statute leads to confusion in interpretation by those involved in the MLMA process. While we are not free to recommend changes to statutory definitions, we are free to recommend definitions for those terms not defined in the Code.

With that in mind, we would suggest the term **"target of the fishery"** be defined as: *Any fish (§45) legally harvested by a specific gear type that is marketable and/or retained for personal use with this caveat: In the event that catches increase on a species legal to catch but unmanaged under state or federal regulations, managers should consider that species or species group under emerging fisheries policies as described in §7090(b).*

***Non-Consensus Option* 2**
The definition of bycatch under the MLMA includes non-target catch that is retained. Further, any discards of a target species are considered bycatch under the MLMA and must be considered in Steps 3 and 4. Defining "**target species"** requires a series of inquiries which might include:

- Whether the species is managed as a target species under a state or federal FMP;
- Whether the species meets the definition of "Established Fishery[1]" (FGC §7090(b)(2)) under the MLMA;
- How often the species is present in the landings in the fishery;
- What percentage of the total landings of this fishery the species represents;
- What percentage of total landings of the species this fishery represents;
- The marketability/desirability of the species;
- Consultations with fishing participants regarding intended catch in the fishery;
- Whether the species is part of a biological assemblage with other target species; and
- Importance of the species to the overall profitability or composition of the fishery.

It's important to note that while the MLMA creates a distinction between target species and bycatch, regardless of the determination, impacts to any species that is caught need to be understood and addressed. In the case of targets, impacts need to be managed so that "sustainability" is maintained. In the case of bycatch, impacts need to be managed so that they are "acceptable.". Therefore, if the species is not managed as a target species, it must be analyzed as bycatch under Steps 3 and 4 below. In addition, recreational catch and release fish may be considered target species. However, given that they are discarded, they must be analyzed in steps 3 and 4.

Non-*Consensus Option* 3
Fishery participants use the following terms in California:

- Target: Primary species or species-complex fishers seek to catch for sale or personal use. Managers should consider multi-species fisheries when determining target.
- Incidental catch: Species that are commonly, or occasionally, caught with the target that are legally retained for sale or personal use.
- Bycatch: Target species that are discarded because they are of an undesirable size, sex, or quality, or for other economic reasons, and those not retained because they are prohibited by statutory or regulatory requirements. Fish released alive under a recreational catch and release fishery under Federal code (16 USC § 1802(2)) are not considered bycatch. However, because they are discarded, step 3 would be required to determine if this is unacceptable for the species.

[1] "Established fishery," in regard to a marine fishery, means, prior to January 1, 1999, one or more of the following:
(A) A restricted access fishery has been established in this code or in regulations adopted by the commission.
(B) A fishery, for which a federal fishery management plan exists, and in which the catch is limited within a designated time period.
(C) A fishery for which a population estimate and catch quota is established annually.
(D) A fishery for which regulations for the fishery are considered at least biennially by the commission.
(E) A fishery for which this code or regulations adopted by the commission prescribes at least two management measures developed for the purpose of sustaining the fishery. Management measures include minimum or maximum size limits, seasons, time, gear, area restriction, and prohibition on sale or possession of fish.

Defining a primary target requires a series of inquiries which might include:

- Consultations with fishing participants regarding intended catch in the fishery;
- How often the species is present in the landings in the fishery;
- What percentage of the total landings of this fishery the species represents;
- The marketability/desirability/value of the species in the fishery;
- Whether the species is part of a biological assemblage or regulatory grouping with the target species;

Incidental catch, as described above, might not be required to be analyzed as bycatch under Steps 3 and 4 below if it is already managed by any of the following:

- An "established fishery" (FGC §7090(b)(2));
- State or Federal law or regulation;
- Under another FMP;

All bycatch and unmanaged incidental catch, as described above, should be analyzed under Steps 3 and 4 below.

Step 3. Determining "unacceptable" types and amounts of bycatch

The MLMA analyzes the amount and type of bycatch using four criteria (§7085(b)(1)-(4), which have not been further defined in regulation. If the result of the analysis, considering all four criteria, is that the amount and type of bycatch is unacceptable, then further management action is required. Identifying a uniform definition of "unacceptable" that is appropriate across California's diverse suite of fisheries is challenging, and is ultimately based on a determination by managers. However, structured inquiries may provide a practical means of conducting fishery-specific analysis and identifying management measures for minimizing unacceptable types of bycatch. The questions provided below can be used to consistently analyze what is "unacceptable" bycatch within a particular fishery. Responses to these questions are not proposed to be used in a formulaic or prescriptive way, but are intended to provide a structured means for managers to consider the issue and articulate their findings.

(A) Legality of take of bycatch species

This criterion includes any species that might be illegal to take under any relevant state, federal, or international law.

Manager inquiries:

- Has retention of or interaction with this species been assessed based on the appropriate federal and state laws and regulations and does this catch comply with these laws and regulations?
- Is the species covered under the Endangered Species Act, Marine Mammal Protection Act, the Migratory Bird Treaty Act, the Billfish Conservation Act, Magnuson Stevens Fishery Conservation and Management Act, The Fish and Game Code, Title 14 of the California Code of Regulations, Title 50 of the Code of Federal Regulations, or another Fishery Management Plan?
- Are there prohibitions against the take of the bycatch species using a specific gear type employed in prosecuting the fishery?
- Are special permits required to retain or interact with the species (such as Incidental Take Permits), does the fishery currently have such permits, and do the levels of bycatch comply with such permits?
- Does the species have incidental catch allowance, annual catch limits, or other restrictions on the amount, size, or sex restrictions on catch allowed, and does the catch comply with such limits?

Non-consensus proposed addition:

- Does the Commission have a different standard of acceptability for bycatch than those inherent in federal laws?

(B) Degree of threat to the sustainability of the bycatch specie

Non-Consensus Option 1
This criterion considers the *relative* impact of the current level of bycatch *within the fishery*, on the biological health of the bycatch species: that is, does the type or amount of bycatch compromise the ability of a population to maintain sustainable levels.

***Non-Consensus Option* 2**
This criterion considers the impact of both the *cumulative and relative* level of bycatch on the biological health of the bycatch species: that is, does the type or amount of bycatch compromise the ability of a population to maintain sustainable levels.

Manager inquiries:

- Does a population status/stock assessment exist for this species and is there confidence in that data such that a reasonable determination can be made if the stock considered healthy, overfished, or depleted?
- Is the species one you would typically encounter in the fishery?
- Are there regulatory (or other) limits on the amount of take of this particular species?
- Is the bycatch the product of recreational catch and release practices, and what is the scientific determination this interaction will have a negative impact on the species?
- Probability of mortality when discarded given characteristics of the fishery and gear type, do any post-release studies exist to verify the mortality rate?
- Are there any existing State/Federal management measures and are they effective in ensuring sustainability?
- What is the probability of mortality exceeding scientifically determined levels necessary for the continued viability of the species?

Non-consensus proposed additions:

- What data is available on the amount of bycatch of each species?
- If no stock assessment/estimate available, what is the vulnerability of the species to exploitation. This considers if there is life history data on the bycatch species, what is the replenishment/growth rate, and what is the likelihood the amount of catch will diminish the bycatch species, or existing vulnerability analysis (e.g., FishBase scores, PSA, etc.).
- How many species are caught as bycatch in the fishery? How many of these are highly vulnerable or high risk?
- Are there other gear types available for catching the target species that are more effective at avoiding (discarded) bycatch or do not catch protected species?
- What is the total fishing mortality (bycatch in this fishery plus mortality from all other fisheries) relative to sustainable limits? Is total mortality exceeding the ability of the population to reproduce?
- How much does this fishery contribute to mortality, relative to other fisheries?
- What portion of the total catch of each bycatch species is retained vs. discarded?
- What is the overall rate of discards in the fishery (by volume or by number of animals, as a percentage of total catch)?
- Is the bycatch species known to have low population levels or be depleted?

(C) Impacts on fisheries that target the bycatch species

This criterion considers whether the current level of bycatch *within the fishery* negatively impacts fishermen or the management of another fishery, that targets the bycatch species. Factors to consider may include increasing competition between fleets that target certain species, by capturing species managed under federal rebuilding plans, or by increasing mortality of juveniles targeted by another fishery.

Manager inquiries:

- Does a directed fishery exist on the species?
- Is the amount of bycatch having a negative socio-economic impact on fisheries/fishing communities which target or need incidental catch of this species?
- Have there been reductions in opportunities for participants in fisheries that target the bycatch species
- Have there been reductions in fishery quotas or opportunities (time and area closures for example) based on bycatch issues?
- Have there been early closures of a fishery based on higher than expected bycatch?
- Have there been changes in fishing, processing, and marketing costs due to bycatch?
- Is there a management allowance for percent of catch or a prohibition on retention (cognizant of §7704 waste)?

Non-consensus proposed additions:

- Have bycatch reduction measures made the fishery less economically attractive to new participants?
- Have there been changes in the social or cultural value of fishing activities due to bycatch?
- Is the bycatch mortality in this fishery accounted for in the management of the directed fishery?
- What is the economic value of the discard mortality of species targeted by other fisheries?
- Is there a conservation reason that incidental catch should be limited/prohibited/discouraged? (For example, there is strong conservation reasons why Dungeness crabs and lobsters shouldn't be targeted with trawls or gillnets, as such gears may not be able to select based on size, sex, seasonality, etc.)
- Is the fishery complying with all restrictions present on the directed fishery? Is the fishery operating in a closed season for the bycatch species?
- Have there been changes in marketing such that a previously discarded bycatch species is now landed kept and sold?

(D) Ecosystem impacts

***Non-Consensus Option* 1**
This criterion explores whether the current level of bycatch *within the fishery* impedes the ability of the bycatch species to fulfill its functional role within the ecosystem. This is difficult to assess for most species, but tools such as Ecological Risk Assessment may eventually help provide useful guidance and qualitative information, even in data-poor circumstances.

Non-Consensus Option 2
This criterion explores whether the current *cumulative and relative* level of bycatch impedes the ability of the bycatch species to fulfill its functional role within the ecosystem. This is difficult to assess for most species, but tools such as Ecological Risk Assessment may eventually help provide useful guidance and qualitative information, even in data-poor circumstances.

Manager inquiries:

- What is the ecosystem role of the bycatch species: keystone species[2], habitat forming, predator, prey, other?
- Does scientific evidence show the amount of bycatch significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?

Non-consensus proposed additions:

- Bycatch which is discarded dead serves an ecosystem function as well - provides nutrients and feed for scavengers and other marine life. Are there studies showing this?
- How does the discard/bycatch rate compare to other methods of targeting the same species?
- Has the role of the species (and/or potential bycatch impacts) been evaluated in a food web or ecosystem model? (Atlantis, EcoPath, NOAA Integrated Ecosystem Assessment, etc.)
- What is the value of the bycatch species to industries other than fishing?
- Is there evidence that the bycatch is affecting the ability of the species to fully perform its ecological function? If not, what is the risk that such impairment is occurring (based on consultation with ecological experts, ecosystem models)?
- How many species of bycatch are there in the fishery?

Step 4. Addressing unacceptable bycatch

If the current type or amount of bycatch is determined to be unacceptable, conservation and management measures are required that minimize that bycatch, and in cases where discards are unavoidable, minimize the mortality of those discards (§7085c).

Manager inquiries:

- What is the economic impact of implementing management measures to reduce bycatch and bycatch mortality to those participating in the fishery in which the bycatch occurs?
- Have bycatch management measures been shown to be effective at reducing bycatch and/or bycatch mortality in similar fisheries?

Non-consensus proposed additions:

- What is the relative contribution of bycatch mortality in this fishery to bycatch mortality across other fisheries (where data is available) (i.e., what is magnitude of impact on the cumulative impact across all fisheries)?
- Are measures in place to minimize the impact of the fishery on bycatch species and ensure the fishery does not overfish or hinder the recovery of bycatch species?
- What are the benefits of implementing management measures to the bycatch species, marine ecosystem, and other fisheries and industries?
- How will management measures be enforced?

[2] * Note: A keystone species is a species that has a disproportionately large effect on its environment relative to its abundance. Paine, R.T. (1995). "A Conversation on Refining the Concept of Keystone Species". Conservation Biology. 9 (4): 962–964. doi:10.1046/j.1523-1739.1995.09040962.x

IV. Potential management measures for minimizing unacceptable amounts or types of bycatch

Bycatch can affect the profitability of a fishery in terms of time taken away from harvesting target species, fuel used and damage to gear, and may have unintended impacts on the marine ecosystem. However, understanding and implementing effective means of reducing bycatch while maintaining target catch and economic viability of the fishery, typically requires input from all stakeholders.

***Non-Consensus* Option 1**
Close collaboration with participants in the various fisheries, with input from other stakeholders, has provided a number of strategies which have reduced unacceptable bycatch and/or reduced bycatch mortality. They can, generally, be grouped as follows:

- Gear modifications (escape ports, use of circle hooks, etc.)
- Management activities designed to minimize the potential for bycatch of certain species (time and area closures, incidental take caps, etc.)
- Increased and improved data collection (updating logbooks, increase DFW sampling of commercial landings, etc.)

***Non-Consensus Option* 2**
There are a number of frequently used strategies for minimizing bycatch, which have been developed in collaboration with the various fisheries. They include but are not limited to:

Management tools for minimizing unacceptable bycatch could include but are not limited to:

- Gear modifications e.g., barbless hooks, use of circle hooks, minimum mesh size requirements, escape ports, acoustic pingers, LED lights)
- Management measures to reduce the likelihood of interacting with bycatch species (e.g. effort limits, time/area closures, hard caps or limits on bycatch species, best practices guides,
- Increased and improved data collection (e.g. increasing observer coverage rates or implementing electronic monitoring systems); and
- Incentives (e.g. funding to transition to cleaner gear types).

To the extent that that unacceptable bycatch cannot be avoided, management tools for minimizing bycatch mortality may include but are not limited to:

- Best practices on handling/discarding bycatch (i.e., releasing rockfish at depth, dehooking turtles)
- Reducing or setting maximum tow or set times
- Further studies on post-release mortality

Appendix A: Definitions

Table of definitions from California statutes compared to Federal and other state law.						
TERM	**CALIFORNIA (FISH AND GAME CODE)**	**FEDERAL**	**OREGON (REVISED STATUTES)**	**ALASKA (ADMINISTRATIVE CODE)**	**RHODE ISLAND**	**CONNECTICUT**
Bycatch	Means fish or other marine life that are taken in a fishery but which are not the target of the fishery. Bycatch includes discards. (FGC §90.5)	Fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program. (16 USC §1802(2))	Unintended taking of a species of food fish that: (A) Occurs while targeting another species of food fish; and (B) Is prohibited due to time, place, manner, regulations or quota restrictions. (ORS §508.540) OR Commercially caught fish or a species that was not targeted for harvesting. (ORS §616.223)	Means any species or species group taken incidentally in the course of participating in a directed fishery for another species or species group. (AAC §28.975)	Means marine species which have been harvested, but which are not sold or kept for personal use, and includes species that are discarded while a fisher is directing his/her effort toward the harvest of another marine species.	That portion of a commercial fishery catch that is taken incidental to the directed fishing effort. Directed fishing is indicated by the primary species or group of species sought, the commercial gear utilized, the area and time of the year when the fishing occurs. Bycatch may include but not be limited to an amount of a species allowed to be taken during fishing with small mesh or a regulated gear type.
Economic Discards (or Discretionary Discards)	N/A	Economic Discard: Means fish which are the target of a fishery, but which are not retained because they are of an undesirable size, sex, or quality, or for other economic reasons. (16 USC §1802(9))	N/A	N/A	N/A	N/A

Table of definitions from California statutes compared to Federal and other state law.						
TERM	**CALIFORNIA (FISH AND GAME CODE)**	**FEDERAL**	**OREGON (REVISED STATUTES)**	**ALASKA (ADMINISTRATIVE CODE)**	**RHODE ISLAND**	**CONNECTICUT**
Discards	Means fish that are taken in a fishery but are not retained because they are of an undesirable species, size, sex, or quality, or because they are required by law not to be retained. (FGC § 91)	(See regulatory and economic discards)	N/A	N/A	N/A	N/A
Regulatory Discards	N/A	Means fish harvested in a fishery which fishermen are required by regulation to discard whenever caught, or are required by regulations to retain but not sell. (16 USC §1802(38))	N/A	N/A	N/A	N/A
Stock of Fish	"Population" or "stock" means a species, subspecies, geographical grouping, or other category of fish capable of management as a unit. (FGC §98.5)	Means a species, subspecies, geographical grouping, or other category of fish capable of management as a unit. (16 USC §1802(42)	N/A	N/A	N/A	N/A
Target Stock	N/A	Stocks that fishers seek to catch for sale or personal use, including “economic discards” as defined under MSA Sec. 3(9). (50 CFR §600.310(d)(3)&(4))	N/A	Means a species or species group for which there is sufficient data to allow that species or species group to be managed on its own biological merits (AAC §28.975)	N/A	N/A

Table of definitions from California statutes compared to Federal and other state law.						
TERM	**CALIFORNIA (FISH AND GAME CODE)**	**FEDERAL**	**OREGON (REVISED STATUTES)**	**ALASKA (ADMINISTRATIVE CODE)**	**RHODE ISLAND**	**CONNECTICUT**
Non-Target Species and Non-Target Stocks / Incidental	N/A	Non-Target: Fish caught incidentally during the pursuit of target stocks in a fishery, including "regulatory discards" as defined under Magnuson-Stevens Act section 3(38). They may or may not be retained for sale or personal use. Non-target species may be included in a fishery and, if so, they should be identified at the stock level. Some non-target species may be identified in an FMP as ecosystem component (EC) species or stocks. (50 CFR §600.310(d)(3)&(4))	Incidental: Means the unintended legal taking of a species of food fish that occurs while targeting another species of food fish (ORS §508.540)	N/A	N/A	N/A

Fisheries Bycatch Workgroup Non-Consensus Comments and Trade-offs
in the Initial Public Review Draft of the 2018 Master Plan for Fisheries
for Consideration by the California Fish and Game Commission's Marine Resources Committee on November 9, 2017

Revised November 2, 2017

Higher Priority Non-consensus Topics for Marine Resources Committee Discussion

	Topic	Initial Draft Ch. 6 Section or Text	Non-Consensus Option	Argument "for" Non-Consensus Option	Argument "against" Non-Consensus Option	MRC recommendation
1	**Introduction**	(Pg.43) Assessing and addressing bycatch impacts: Section 7085 can be used as the basis for a four-step process to identify bycatch and consider its impacts, as follows:	Proposed addition:Assessing and addressing bycatch impacts: Section 7085 can be used as the basis for a four-step process to identify bycatch and consider its impacts ***in FMPs and ESRs*** , as follows:	It is not clear in the document that the bycatch inquiry will take place in ESRs. It is important that the bycatch inquiries developed by the BWG take place in both ESRs and FMPs, not just FMPs.		
2-A	**"Incidental Catch" and management level**	(Pg. 42) **Definition of Incidental Catch:** "*Incidental catch is defined as fish caught incidentally during the pursuit of the primary target species, but legal and desirable to be sold or kept for consumption. While some may define these species as "secondary targets" or "retained bycatch",* ***for purposes of FMP development these species should be accounted for and managed under the sustainability standard of the MLMA*** *. Identification of incidental species is discussed in Step 2 below. "*	Add more explanation for what it means to manage under sustainability standard of MLMA. Add two bullets as qualifiers for incidental catch. <u>Propsed new bullet #1:</u> **Option 1:** "• *Whether the species is already managed as a target species meeting criteria for an "established fishery" (FGC Section 7090(b)(2)), under another FMP, or under other state or federal law or regulation; "* **Option 2:** • Incidental catch might not be required to be analyzed as bycatch unders steps 3 and 4 if it is already managed by any of the following: • An "established fishery" (FGC Section 7090(b)(2)); • State or Federal law or regulations; • Under another State or Federal FMP.	Concern that application of the new term "incidental catch" would leave a gap where the species would neither be managed to the rigor of targets in Chapter 5 nor be required to be evaluated for acceptability under bycatch inquires (Chapter 6). First bullet (both options): Important to clarify whether a species is already being managed under a State or Federal FMP when determining management measures.	Some prefer to support as written (in simple terms), and defer to DFW to determine how to manage to sustainability standards.	
2-B			<u>Proposed new bullet #2:</u> **Option 1:** "• If not already managed as per above criteria, it would be managed under sustainability requirements for target species in Chapter 5." **Option 2:** • *If unmanaged as per above criteria, it should be analyzed under bycatch review in Steps 3 and 4 below."*	Willing to support using the term "incidental catch" if additional clarification is added that incidental catch must be considered, assessed, and managed under MLMA requirements for target species as per Ch. 5 standards. Without such clarification, there are concerns with substantively changing statutory definition of bycatch in the Fish and Game Code. **Option 1 rationale:** Sets expectations for management at level of FMP species. **Option 2 rationale**: This version serves to differentiate between those that are managed as target versus those that warrant evaluation for acceptability by type and amount.	Some prefer to support as written (in simple terms), and defer to DFW to determine how to manage to sustainability standards.	
3-A	**Relative vs. cumulative bycatch levels**	(Pg. 45) Step 3. Part 2 - **Threat to sustainability** of bycatch species: This criterion considers the impact of the relative level within the fishery on the biological health of the bycatch species: that is, if the type or amount of bycatch compromise the ability of a population to maintain sustainable levels.	Modify text to read: This criterion considers the impact of <u>both</u> the relative level <u>of bycatch mortality</u> within the fishery <u>and, to the extent that data are available, the cumulative human-caused mortality</u> on the biological health of the bycatch species: that is, if the type or amount of bycatch compromises the ability of a population to maintain sustainable levels.	Argument <u>for</u> *"Cumulative":* The sustainability and ecosystem objectives must consider both the individual impact of a fishery as well as the overall source of mortality. Limiting to only mortality within the fishery would provide only a partial understanding of the sustainability of the bycatch species populations. If cumulative human-caused mortality exceeds sustainable limits, then there is a higher chance that a fishery that contributes to the decline of a species in unacceptable. This does not require collecting new data, only considering data that is readily available to DFW.	Argument <u>against</u> *"Cumulative":* Measuring the cumulative bycatch levels in a fishery unfairly punishes fishermen that are adhering to State and federal laws for variables that are beyond their control (i.e., international fisheries, environmental disturbances, etc.). Recommend staying with "relative level" only.	
3-B		(Pg. 46) **Step 3. Part 4 - Ecosystem impacts:** This criterion explores whether the current level of bycatch within the fishery impedes the ability of the bycatch species to fulfill its functional role within the ecosystem.	This criterion ~~explores whether the current~~ <u>considers the impact of both the relative</u> level of bycatch <u>mortality</u> within the fishery <u>and, to the extent that data are available, the cumulative human-caused mortality</u> impedes the ability of the bycatch species to fulfill its functional role within the ecosystem.	These inquiries are important in assessing the economic losses in other fisheries due to bycatch, as well as whether the bycatch mortality is accounted for in existing management. Furthermore, if bycatch occurs out of season or doesn't select for size and sex, it can undermine the management of the directed fishery and cause sustainability concerns. For example, this is why retention of lobsters and crabs with trawl or gillnets is currently prohibited and bycatch is discouraged.		

Moderate Priority Non-consensus Topics for Marine Resources Committee Discussion

	Topic	Initial Draft Ch. 6 Section or Text	Non-Consensus Option	Argument "for" Non-Consensus Option	Argument "against" Non-Consensus Option	MRC recommendation
4	**Ecosystem impacts**	**(Pg. 46) Step 3. Part 4 - Ecosystem impacts:** Inquiries	Add the following inquiries: • Has the role of the species been evaluated in a food web or ecosystem model? • What is the value of the bycatch species to industries other than fishing (e.g., wildlife viewing)?"	It is important to highlight specific tools currently available to assess ecological roles of species, specifically food web or ecosystem models (i.e., EcoPath, Atlantis, NOAA Integrated Ecosystem Assessment, Ecological Risk Assessment), as ecological roles are not always readily apparent to managers. In addition, the value of bycatch species to non-fisheries sectors is an important consideration of Optimum Yield which seeks to provide the greatest overall benefit to the state as a whole, not just the fishing sectors.	Second bullet: This criterion specifically focuses on targeted fisheries, not non-consumptive values.	
5	**Bycatch impacts on other fisheries**	Step 3. Part 3 - **Bycatch impact of on target fisheries:** **Add Inquiries.**	Add the following inquiries: • Is the bycatch mortality in this fishery accounted for in the management of the directed fishery? • What is the economic value of the discard mortality of species targeted by other fisheries? • Is the fishery complying with all restrictions present on the directed fishery, including size, sex, and seasonality limits?	These inquiries are important in assessing the economic losses in other fisheries due to bycatch, as well as whether the bycatch mortality is accounted for in existing management. Furthermore, if bycatch occurs out of season or doesn't select for size and sex, it can undermine the management of the directed fishery and cause sustainability concerns. For example, this is why retention of lobsters and crabs with trawl or gillnets is currently prohibited and bycatch is discouraged.		
6	**Implementation of Step 4 - when bycatch amounts or types are unacceptable**	(Pg. 47) Step 4. **Addressing unacceptable bycatch**	Request to clarify whether fisheries would be allowed to continue to operate when "unacceptable bycatch" is identified.	Member expressed concern that, when a fisehry is found to have "unacceptable bycatch", some constituents will pressure FGC to suspend (or end) a fishery from continuing to operate until management measures are developed and implemented, unless the the intent to allow for continued operation is explicitly stated here. Necessary management documents sometimes take years to develop and BWG members would like to discuss how fisheries would operate in the meantime.	The MLMA does not specify that fisheries with "unacceptable bycatch" cannot continue to operate, however unacceptable bycatch must be minimized. It is up to the Commission to determine how to to this, which may include a prohibition on certain gear types. Therefore such an option should not be precluded here.	

Lower Priority Non-consensus Topics for Marine Resources Committee Discussion (if time allows)

	Topic	Initial Draft Ch. 6 Section or Text	Non-Consensus Option	Argument "for" Non-Consensus Option	Argument "against" Non-Consensus Option	MRC recommendation
7	**Introduction**	(Pg. 43) **Introduction text** (last paragraph): As noted in Step 3 below, discarded catch may be returned to the sea alive, or dead or dying. While all discards are defined as bycatch (90.5), the discard of live catch may not pose a risk to a bycatch species, so it is important to assess the mortality rate to evaluate impacts.	Proposed additional text: "*Bycatch that is discarded may include discards of the target species. For bycatch that is deemed unacceptable, the MLMA mandates management measures that result in minimization of such. In some cases, such as size limits and recreational catch and release fishing, discarding live animals can be beneficial to the resource and should be considered acceptable. The primary conservation concern is the discarding of animals that are already dead, or may die after being released."*	There isn't clear messaging about dead discard being the chief sustainabilty concern, which the BWG agreed on. This is compromise language that eliminated previous language of concern to fishing industry representatives in order to be more objective and reflect consensus view of the BWG.	Some considered this to be redundant, although it does recognize the BWG discussions on dead discard being the chief biological concern for review.	
8	**Legality of take of bycatch species**	(Pg. 45) Step 3. Part 1 - **Legality of take**: This criterion includes any species that might be illegal to take or retain under any relevant state, federal or international law.	Add statement in introduction to this criterion: "The Commission may have a higher standard of acceptability for bycatch of endangered, threatened, or protected species than the federal government's definition of legality"	Clarifies that decision makers are not limited by any specific law and have the option to set policy for stricter standards than are set down by state, federal, or international law. All other inquiries in this criterion refer to whether the responsible agency deems the state fishery legal. However, even if one agency finds it is legal, the Commission may determine the bycatch of protected species is not acceptable as the Commission may apply a stronger standard for acceptability of protected species bycatch than merely federal legality.	This doesn't relate to what is legal under State or Federal law - it is a polocy consideration. Differing responses in opposition: • It is within the authority of the Commission to set stricter standards than exist in the law and it is unnecessary and to call out that authority specifically in the master plan. • Agree this should be included, but not here. Include under threat to sustainability, ecosystem impacts, or addressing unacceptable bycatch.	

	Topic	Initial Draft Ch. 6 Section or Text	Non-Consensus Option	Argument "for" Non-Consensus Option	Argument "against" Non-Consensus Option	MRC recommendation
9	**Rates by gear type**	(Pg. 45) Step 3. Part 2 - **Threat to sustainability** of bycatch species:	Add inquiry: *" Are there other gear types available for catching the target species that are more effective at avoiding (discarded) bycatch or do not catch protected species?"*	The Commission has a history of prohibiting gear types with higher bycatch when economically viable cleaner gears are available (i.e., spot prawn trawling). If cleaner, viable methods are available, it may be unacceptable to use less selective gears that are more wasteful.	Responses in opposition: • This belongs in "tools for reducing bycatch amounts and morality according to Step 4", not here. Best analyzed after any bycatch is determined to be unacceptable - when considering conservation and management measures. • This (alone) isnt enough. Also need to look at the economic feasibility of the other gear type. For example - DSBG has not proven economically viable; and if catch	
10	**Discard rate**	(Pg. 45) Step 3. Part 2 - **Threat to sustainability** of bycatch species: Inquiries.	Add the following inquires: • *"What portion of the total catch of each bycatch species is retained versus discarded?" and* • *"What is the overall rate of discards in the fishery (by volume or by number of animals, as a percentage of total catch)?"*	Overall discard rates provide comparable metrics across fisheries to compare selectivity. Lower overall discard rates indicate fishing methods are more selective, less wasteful, and more likely to be acceptable. In addition to inquiries on the effects on species and ecosystems, this metric is commonly used in independent assessments of fishery sustainability. (Alternatively this could be considered in Ecosystem Impacts)	Responses in opposition: • Shouldn't this look at total mortality to see if it's sustainable, not just rate of discard? • Unnecessary and presents an extreme burden on DFW to capture and/or could be misrepresented.	
11	**Bycatch impacts on other fisheries**	(Pg. 46) Step 3. Part 3 - **Bycatch impact of on target fisheries**: Inquiries.	Add the words *"significantly"* and *"of species"* before "increasing mortality of juveniles targeted by another fishery" as in: "…by *significantly* increasing mortality of juveniles *of species* targeted by another fishery".	This would add a higher level of specificity to the requirement. This would differentiate between a standard that would potentially affect the sustainability of the target fishery versus potential rigid interpretation of any take of juveniles rendering the level unacceptable.	The phrase should be kept broad in order to maintain the higher standard of sustainability set forth by the MLMA. Who defines "significantly"?	

Bycatch Workgroup Comments on Initial Public Review Draft of 2018 Master Plan for Fisheries
for California Department of Fish and Wildlife Consideration

October 19, 2017

	Topic	Initial Draft Ch. 6 Text	BWG Comment	Rationale
1	**Definition of incidental catch and management standards**	(Pg. 42) **Definitions - Incidental Catch:** *Incidental catch is defined as fish caught incidentally during the pursuit of the primary target species, but legal and desirable to be sold or kept for consumption. While some may define these species as "secondary targets" or "retained bycatch", for purposes of FMP development these species should be accounted for and managed under the sustainability standard of the MLMA.*	Because "incidental catch" is granted its own definition under the amended master plan, BWG members request addition of clarifying text about how incidental catch would be managed to sustainability standards, if not managed as bycatch. For example, will it be managed as target species according to chapter 5 sustainability standards?	Clarification is required around how incidental catch will be managed if it is not managed as bycatch.
2	**Text about live discards (vs dead)**	(Pg. 43) **Bycatch (final paragraph**, following definition of discretionary and regulatory discards): *"As noted in Step 3 below, discarded catch may be returned to the sea alive, or dead or dying. While all discards are defined as bycatch (§90.5), the discard of live catch may not pose a risk to a bycatch species, so it is important to assess the mortality rate to evaluate impacts.*	Support the addition of language calling out that in some cases discards are desirable when it is by design, namely where survival rates are high (e.g. catch and release, or management measures designed to provide release of live fish).	Important to specify that in some cases, discards are to be considered acceptable (such as in catch and release recreational fisheries)
3			BWG liked idea of adding that its often desirable to discard (return catch to the sea) by design, when conservation benefits are achieved, namely where survival rates are high (e.g., catch and release, or management measures designed to provide release of live fish). Example text: the discard of live catch may not pose a risk to a bycatch species, [add text here about "and is often designed as a management strategy to protect some individuals (e.g., juveniles, sex-specific) in which survival is expected to be high.] It is important to assess the mortality rate to evaluate impacts.	Important to specify that in some cases, discards are to be considered acceptable (such as in catch and release recreational fisheries)
4	**Step 1: Observer programs**	(Pg. 43) **Step 1. Collection of information** on the amount and type of catch (second sentence): "*Some fisheries require state or federal observers or electronic monitoring to record catch data."*	Suggest adding text that "…and some recreational fisheries participate in voluntary State observer programs (e.g., CPFV samplers)	Would like to call out the efforts of fishermen in participating voluntarily in observer programs, which provides a valuable data set for management.
5	**Step 2: Discards**	(Pg. 44) **Step 2. Distinguishing target, incidental, and bycatch species** – *"It is important to note that in some situation target or incidental catch species of the wrong size, sex or condition may be discarded and become bycatch per the MLMA's definition. Differentiating target species from incidental catch and bycatch species is not always obvious (e.g. recreational "catch and release" species). "*	The BWG suggests reiterating language that speaks to the condition of the discarded species, emphasizing again that it is only the dead discards that have negative impacts on the resource.	Important to highlight that only dead discards are impacting species populations.
6	**Step 2: Distinguishing target**	(Pg. 44) **Step 2. Distinguishing target, incidental, and bycatch species –**	Suggest that additional "questions" or "criteria" be included here as an additional means to help distinguish target, as listed in BWG recommendations report.	While the initial draft includes three, BWG identified others they would support.
7			Suggest option of adding inquiries asking (1) whether the incidentally caught species is being managed as a target species meeting criteria for an "established fishery," under another FMP, or under other state or federal law or regulation, and if not, (2) either specify to manage according to 'target' standards or 'bycatch' standards. " Alternately, some support the text as drafted, to provide flexibility to address specifically within individual FMPs (e.g., kellets whelk in lobster FMP). *See Non-consensus comments for options.	Important to clarify whether a species is already being managed under a State or federal FMP when determining management measures. See non-consensus comments,

	Topic	Initial Draft Ch. 6 Text	BWG Comment	Rationale
8	**Application of "PSA" tool or "ERA"**	(Pg. 45) **Step 2, Criterion 2** "...tools such as ERA may help provide useful guidance..."	Modify to "*tools such as ERA may* <u>*eventually*</u> *help provide useful guidance..."*	BWG believes these tools need to be honed before fully being implemented as a strategy. Great progress was made in the tool between first set of public workshops and latest, but more is needed to align with how fisheries operate. Once we have more confidence in these tools, they may be helpful AFTER bycatch is deemed unacceptable - when considering management measures.
9	**Conclusion text for end of Step 3 and introductory text for Step 4.** **Current conclusion text for Step 3:**	(Pg. 47) **Step 3, Criterion 3,** last sentence of introductory paragraph, which says: *"Factors to consider may include increasing competition between fleets that target certain species, by capturing species managed under federal rebuilding plans, or by increasing mortality of juveniles targeted by another fishery."*	Suggest moving much of last sentence text into inquiries, as modified by the following additions: • " *Is the species constrained under a federal rebuilding plan and will bycatch compete with fleets that target?* • *Is the bycatch increasing mortality of juveniles* <u>*of a species*</u> *targeted by another fishery?"*	These should be flagged as actual inquriies rather than buried in background text. Regarding juveniles, clarification within text should be provided.
10	**Step 3 (criterion 3): Bycatch impacts on other fisheries**	(Pg. 46) **Step 3. Criterion 3 - Impacts on fisheries** that target the bycatch species: *"This criterion considers whether the current level of bycatch within the fishery negatively impacts the management of another fishery or the fishermen that target the fishery resource."*	Suggest moving this sentence to be a manager inquiry.	This question should be considered under manager inquiries.
11	**Step 3 (criterion 3): Impacts on fisheries that target the bycatch species**	(Pg. 46) **Step 3 Criterion 3 -** Impacts on fisheries that target the bycatch species: Inquiries	Suggest adding additional inquiries: • *"Has the bycatch and associated discard mortality been accounted for? Is this affecting the directed fishery management strategy (i.e. restrictions on size, sex, or season)?"*	More specificity should be provided in manager inquiries.
12	**Step 3 (criterion 4): Undefined terms**	(Pg. 47) **Step 3. Criterion 4 - Ecosystem impacts (inquiries):** Inquiry 1. "*What is the ecosystem role of the bycatch species: keystone, habitat forming, top predator, basal prey, other?"*	Add text to clarify that it is the portion of the bycatch speices that is <u>*dead*</u> discard that should be evaluated for this.	Context around difference between live versus dead discard should be provided.
13	**Step 3 (criterion 4): Undefined terms**	(Pg. 47) **Step 3, Criterion 4- Ecosystem impacts** (inquiries): Inquiry 1 terms: "keystone, habitat forming, top predator, basal prey, other"	BWG recommends that the terms "e*cosystem role", "keystone species", "habitat forming", "top predator", and "basal prey"* should be defined here or added to the glossary, and that context is provided for how they pertain to their *"ecosystem role."* Also, for *"ecosystem role",* may suggest reference to available tools, as other sections do (e.g., PSA, ERA)	Context and definitions should be provided. Avoid vague terms.
14	**Step 3 (criterion 4): Ecosystem impacts**	(Pg. 47) **Step 3. Criterion 4 - Ecosystem impacts** (inquiries): "2. *Does scientific evidence show the amount of bycatch significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?"*	Suggest adding <u>*"mortality"*</u> between *"bycatch"* and *"significantly"*, to read: *2. Does scientific evidence show the amount of bycatch* <u>*mortality*</u> *significantly increases the risk that a bycatch species will be unable to serve its ecosystem role?*	Important to specify that bycatch *mortality* is the variable of concern.
15			Suggest that a reference be included to available tools, consistent with other sections of the document.	Maintain consistency within the document.
16		(Pg. 47) **Step 3, Criterion 4 - Ecosystem impacts** (Inquiries)	Suggest adding the following additional inquiry: • *"Is the fishery causing a species to have its functional role within the ecosystem impeded?"*	Important to consider the role of the species on a larger scale.
17	**Transition from Step 3 to Step 4**	**Step 3 (conclusion paragraph):** "If the current level of bycatch is deemed to be unacceptable based on the four criteria above, conservation and management measures are required that minimize that bycatch, and, in cases where discards are inevitable, minimize the mortality of those	Suggest replacing the word "level" with <u>*"type or amount"*</u> .	Important to be specific about what is acceptable or unacceptable as specified in MLMA.
18			Suggest replacing the word *"inevitable"* with the word <u>*"unavoidable".*</u>	Clarification on language.

	Topic	Initial Draft Ch. 6 Text	BWG Comment	Rationale
19		discards." **Step 4 (introduction paragraph):** No text included (goes straight into inquiries)	Suggest moving the "step 3 conclusion paragraph" to be the introduction to Step 4 and drafting a separate concluding sentence for Step 3 that includes how the criteria get used together. As an example: **Step 3 (new conclusion paragraph):** *"The four criteria included above should be taken into consideration together to help in "determining "acceptable" types and amounts of bycatch" (Step 3). Bycatch types or amounts determined to be acceptable require no further management actions under Step 4. However, for bycatch types or amounts determined not to be acceptable, proceed to actions identified through Step 4. "* **Step 4 (new introduction paragraph):** *"If the current level of bycatch is deemed to be unacceptable based on the four criteria above, conservation and management measures are required that minimize that bycatch, and, in cases where discards are inevitable, minimize the mortality of those discards."*	Step 3 needs to wrap up consistent with the name of the step (determining acceptable…) Step 4 should have some introductory text in order to maintain consistent formatting with the rest of the document.
20	**Commentary on impacts of bycatch to fleet**	(Pg. 47) **Step 4 (conclusion paragraph)** **"***There are a number of frequently used strategies for reducing bycatch and discard mortality. These measures and considerations associated with their use are detailed in Appendix K. They include minimum mesh size requirements, escape ports, descending devices, closed areas, depth restrictions, acoustic pingers, LED lights, and incidental take caps to name a few. Bycatch can affect the profitability of a fishery in terms of time taken away from harvesting target species, fuel used and damage to gear, and may have unintended impacts on the marine ecosystem. However, understanding and implementing the most effective means of reducing bycatch while maintaining economic viability typically requires input from all stakeholders and close collaboration with the fishing industry. "*	Modify last two sentences as follows: ~~Bycatch can affect the profitability of a fishery in terms of time taken away from harvesting target species, fuel used and damage to gear, and may have unintended impacts on the marine ecosystem. However, u~~ Understanding and implementing the most effective means of reducing bycatch while maintaining economic viability typically requires input from all stakeholders and close collaboration with the fishing industry.	Concern that this could be taken out of context to villify fishermen. Some members prefer to delete the list of examples not used in California fisheries at this time (acoustic pingers and incidental take caps).
21	**Typographical errors**	(Pg. 43) **Step 1. Collection of information** on the amount and type of catch (fourth sentence): " *If observer data are not available, dockside sampling, log books and landing receipts, Federal Stock Assessment and Fishery Evaluation (SAFE) reports, recreational report cards and creel surveys, directed fishing surveys, or communications with participants can be used to identify the full suite of species caught and the amounts of bycatch."*	"*recreational report cards ~~and~~ creel surveys* ..." should be *"recreational report cards, creel surveys, ...*"	Caught an error for correction
22		(Pg. 46) **Step 3, Criterion 3** (Recommended Actions): " *If any impacts under inquiry 2 above are identified, the Department should consult with fishery participants and other regarding these potential impacts and depending on their presence and severity, may find bycatch to be unacceptable and management measures may be necessary."*	*"under inquiry 2"* should be *"under inquiry **3":*** *" If any impacts under ~~inquiry 2~~ inquiry 3 above are identified*	Caught an error for correction

F/V JOANNA

CHRIS MARKOFF, Owner and Captain:

May 31, 2017

TO: California Fish and Game Comission

RE: experimental permit for Box Crab and California King Crab

Dear Commission members-

I am a commercial fisherman in San Diego fishing Spot Prawns and Rock Crab. I understand there is a pending experimental permit targeting Box Crab and California King Crab. I would like to be included in this fishery. There is one commercial fisherman in SD that is bragging that he is the only one to get this permit and will have the market cornered for these two products. I don't know if that is accurate but I'd find it very unfair if it were. I am honest, work hard and would like not to be excluded from this experimental fishery.

From reading on the internet. NOAA considers these two species underutilized species.

Please include me in this experimental fishery. The traps I would like to use are made of 2"X2" mesh

Thank You Very Much,

Chris Markoff

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2017 JUN -6 PM 1:55

A-Mark Superior Seafoods, Inc
16027 Summer Sage Road. Poway, CA 92064

September 28, 2017

Ron Ellis
F/V DEFIANCE

Mr. Eric Sklar, President
And Commissioners
California Fish and Game Commission
P.O Box 944209
Sacramento, CA 94244-2090

RE: EXPERIMENTAL FISHERY PERMIT FOR BOX CRAB, *Lopholithodes foraminatus*

Dear Mr. Sklar and Commissioners:

I am writing to express my interest in working with the Department of Fish and Wildlife to develop an experimental fishery for the brown box crab, *Lopholithodes foraminatus.* In the course of my fishing for rock crab, I have occasionally taken box crab in my rock crab traps. When I bring them to market, this specialty crab has piqued interest at high-end market levels. As such, a low-volume high-value fishery for this species may bring a novel crab to market, assist in fishery development, and satisfy a market demand for this specialty crab. As you aware, the concept of low-volume, high-value fisheries is one embraced, even endorsed, by the ocean conservation community, including The Nature Conservancy.

I have over 20 years experience fishing rock crab, so have the expertise to assist the department in looking into this fishery. I would imagine that this experimental fishery project would fall under the provisions of newly enrolled legislation (AB-1228) amending the California Fish and Game Code, specifically:
FGC Sec. 1022 (g)(1) “Compensation fishing” means fishing conducted for the purpose of recovering costs associated with resource surveys and scientific studies that support the management of a fishery, or fishing that serves as an incentive for participation in those studies. Compensation fishing may include fishing before, during, or following those surveys or studies.
And
FGC Sec. 1022 (g)(3) “Exploratory fishing” means fishing to collect data or conduct other research, typically to provide information that could inform the potential opening of a new fishery or an area currently closed to fishing.”

I have spoken with Sea Grant Marine Advisors in this region and Sea Grant Extension is highly interested in collaborative research to gain important biological information on the brown box crab, and willing to work with me on the project. With Sea Grant Extension’s expertise in collecting relevant population biology information on the species, the project is assured of getting the right information in

place should the commission decide, down the road, that this would be a good new fishery. I have worked with Sea Grant Extension on two different projects in the past collecting data on the rock crab fishery over the last 8 years. Data included sex ratio by size class, spatial distribution and abundance.

I am also in the process of contacting a crustacean biologist at the University of California, Santa Barbara, Marine Science Institute, who has worked extensively with Sea Grant, with rock crab, and other relevant research, who may also provide valuable expertise in data collection and analysis.

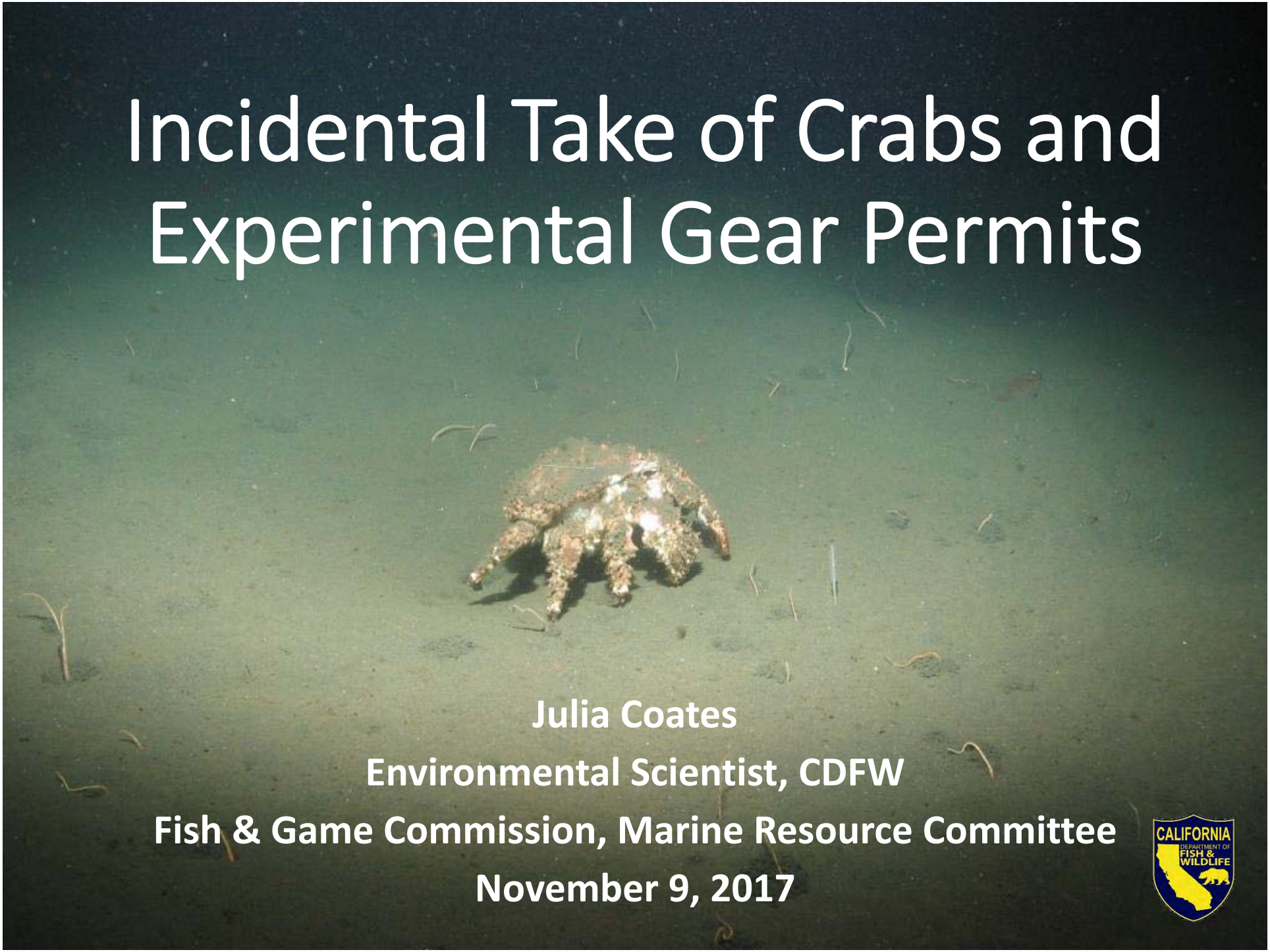
With these scientific underpinnings, I believe that we have an excellent chance to pursue opening a new sustainable, low-volume, high-value fishery for California. I urge you to direct Department staff to contact me at the earliest opportunity to further this experimental fishery permit request. I can be contacted at any time via the information on the letterhead, above.

Thank you for considering this request.

Sincerely,

RON ELLIS
F/V DEFIANCE

Incidental Take of Crabs and Experimental Gear Permits



Julia Coates

Environmental Scientist, CDFW

Fish & Game Commission, Marine Resource Committee

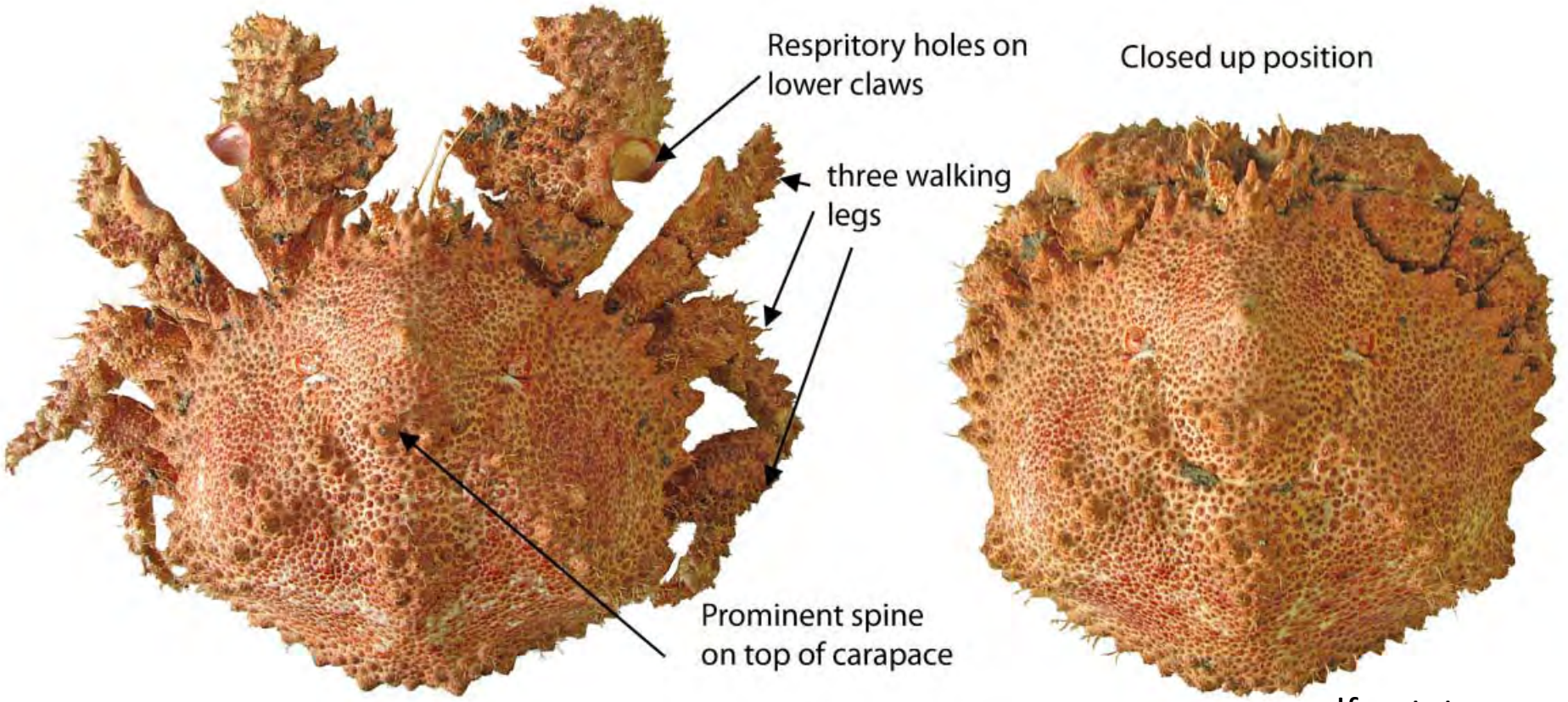
November 9, 2017

Outline

- Background
- Incidental take
  - History
  - Recent increases
  - Proposed changes
- Experimental Gear Permits (EGP)
  - Requests
  - Considerations
- Summary and recommendations

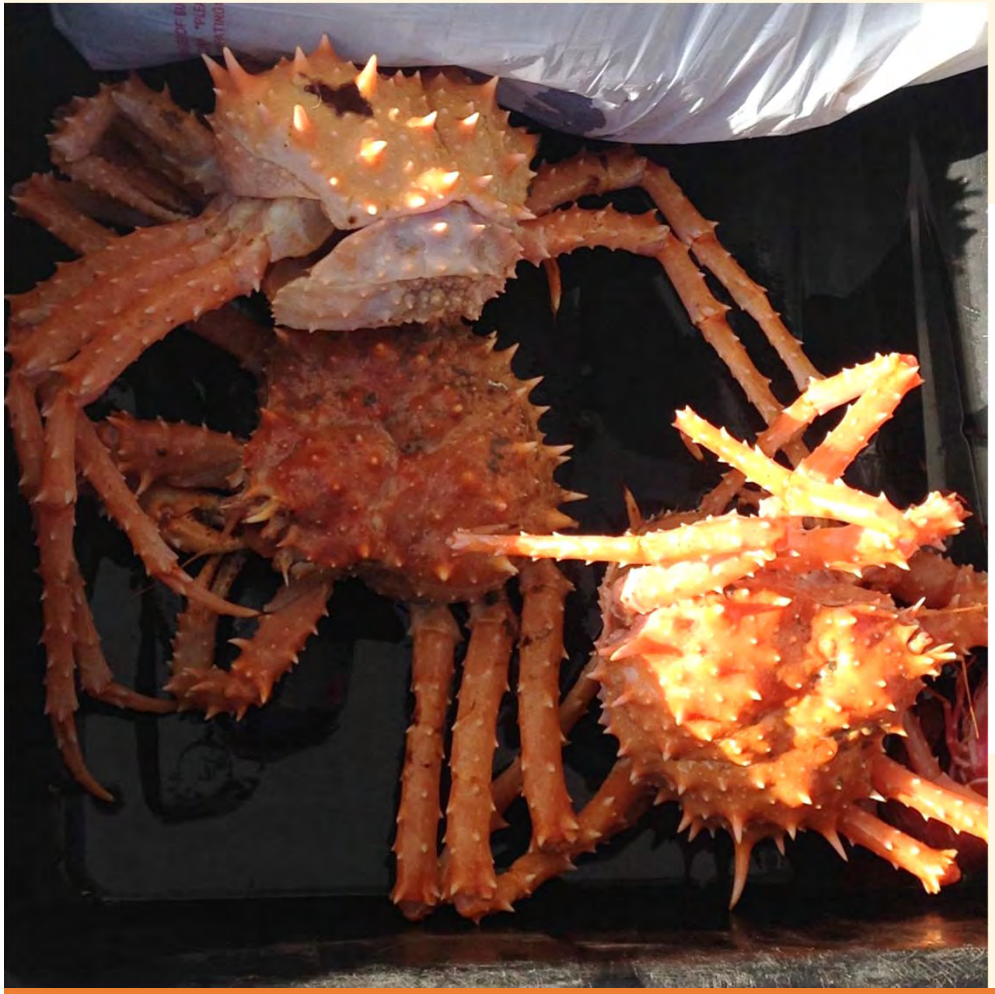
Brown box crab, Mike Prall, CDFW

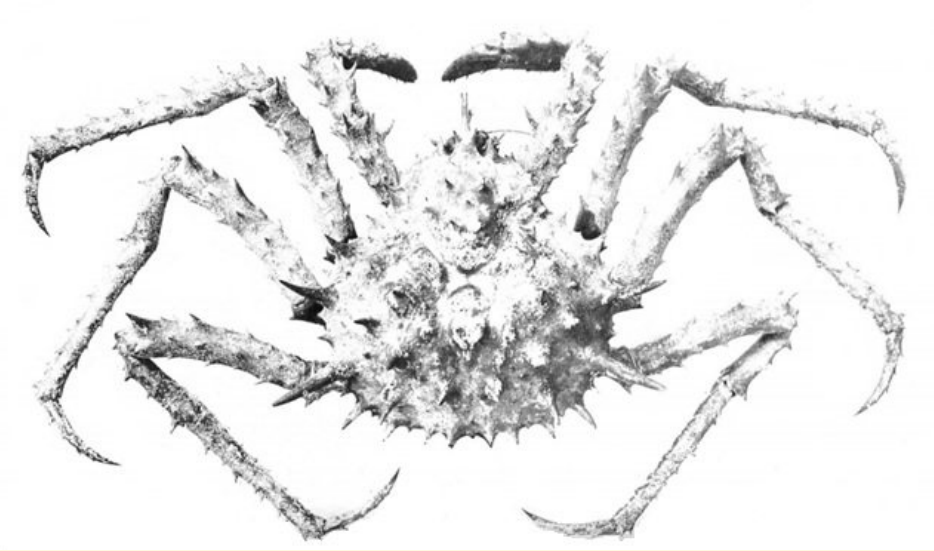
Brown box crab (*Lopholithodes foraminatus*)



www.dfw.state.or.us

California king crab (*Paralithodes californiensis*)





Family Lithodidae

- Do not store sperm

Brown box crab

- British Columbia – San Diego
- Intertidal – 547 m
- Larval production every 2 years (Duguid & Page 2011)

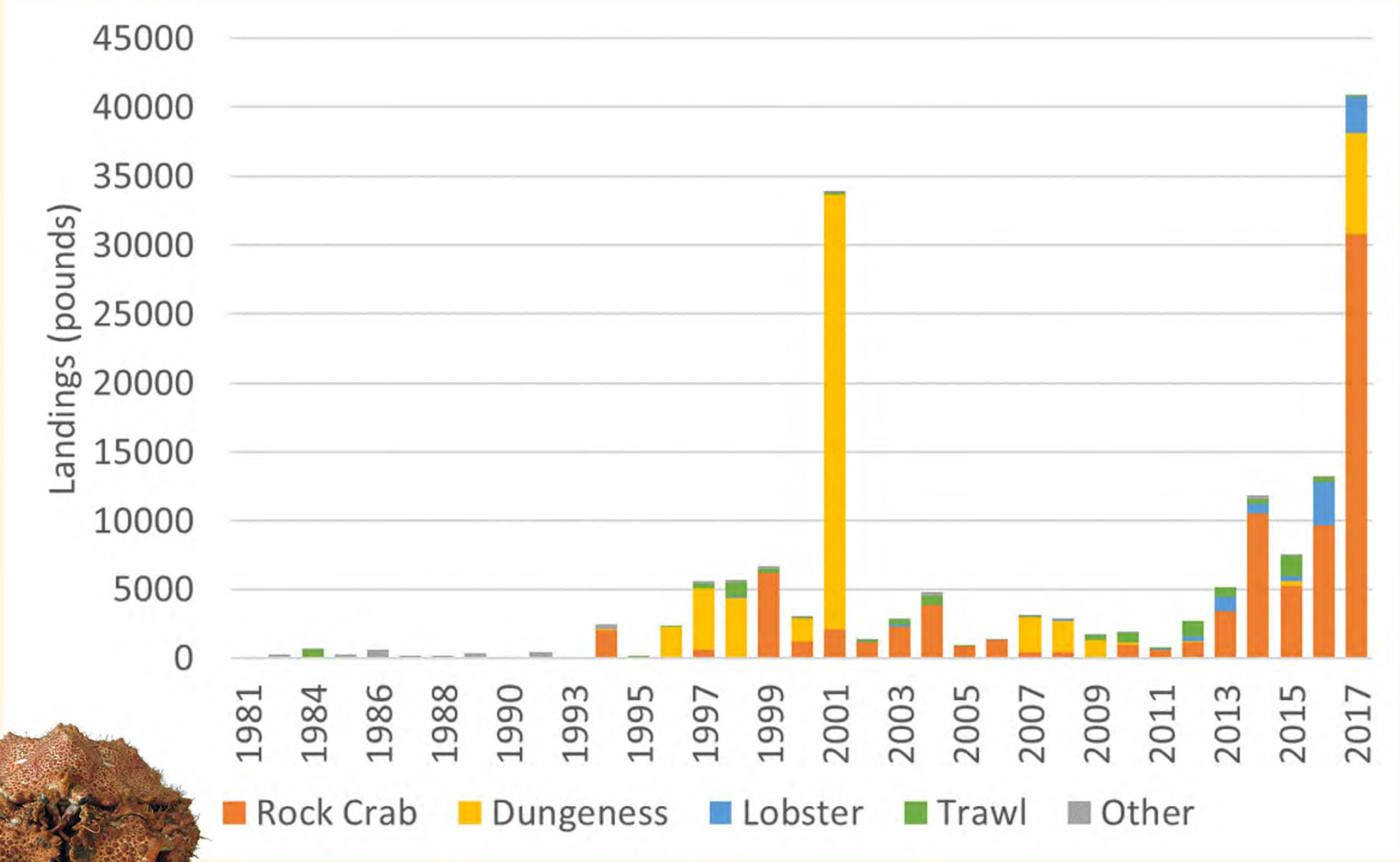
CA king crab

- Monterey Bay – San Diego
- 148-306 m
- Reproductive cycle unknown, Alaskan king crabs annual

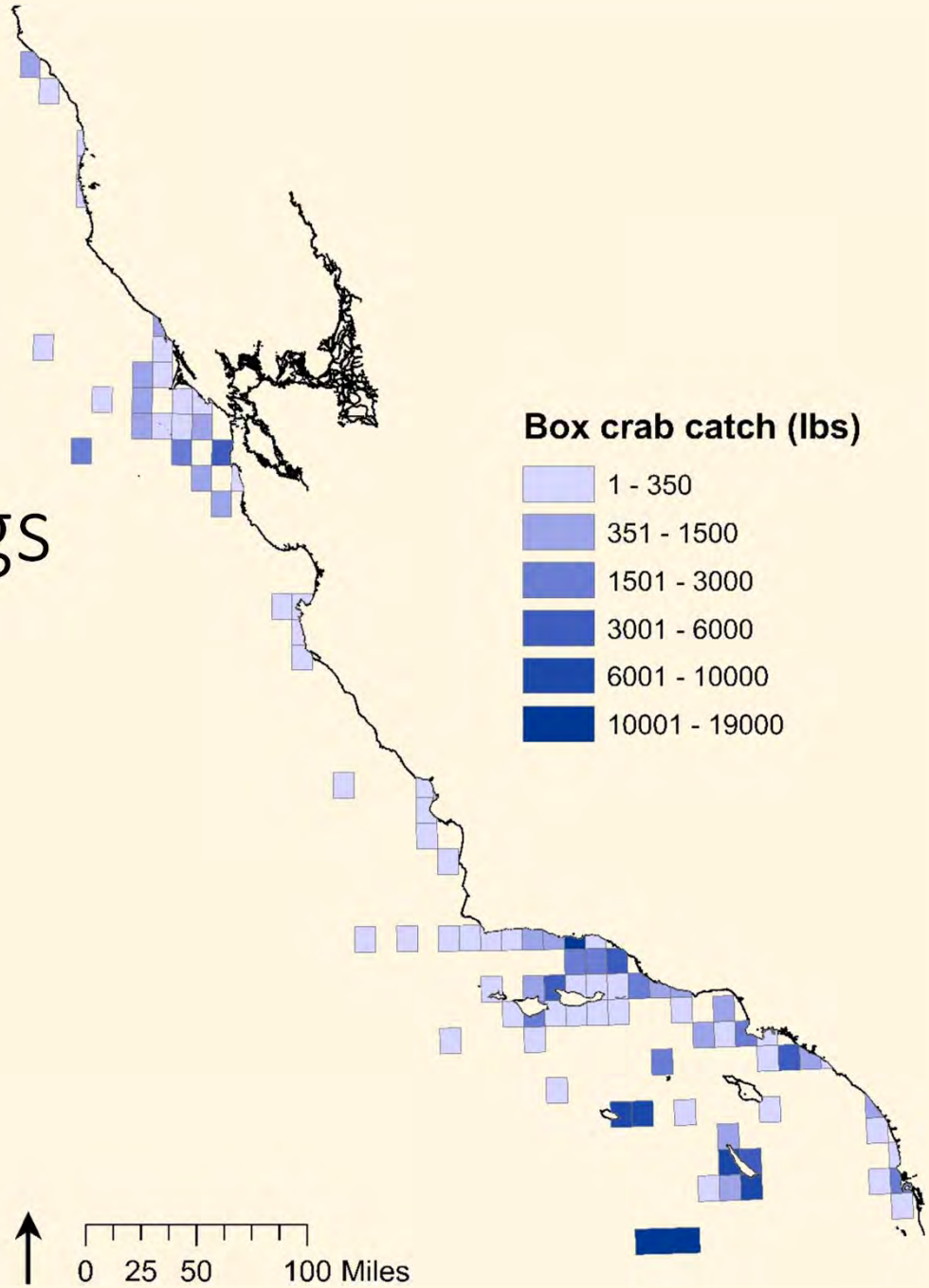
Regulatory status

- Incidental take expressly permitted
  - Dungeness - FGC 8284(a)
  - Rock crab – FGC 8284(c)
  - Lobster – FGC 8250.5(b)
  - Trawl (N of Pt Reyes) – FGC 8834.5
- No limit on amount by trap
- No restriction on incidental take in authorized federal fisheries

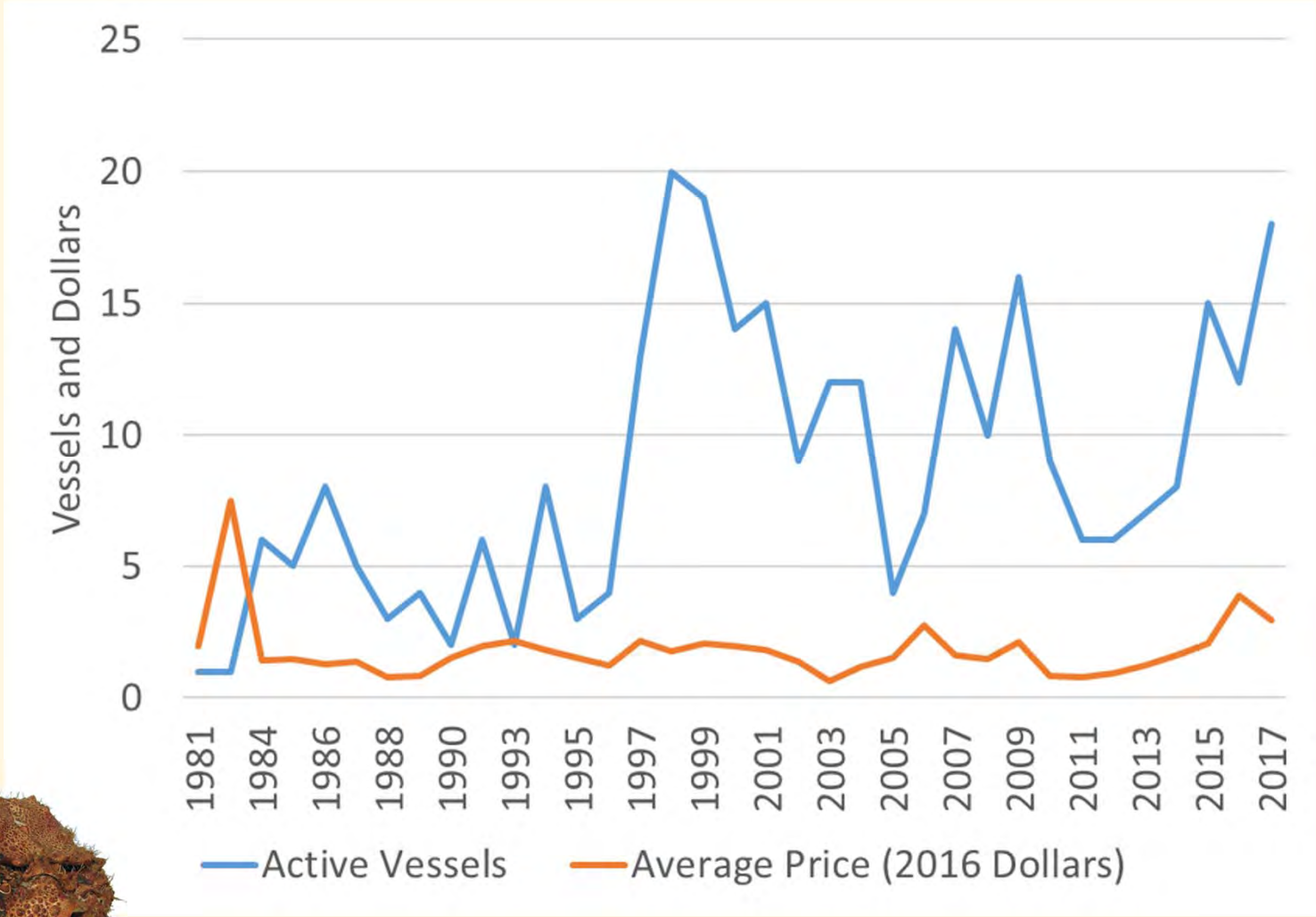
Box crab landings by gear, 1981-2017



Box crab landings by area, 1981-2017

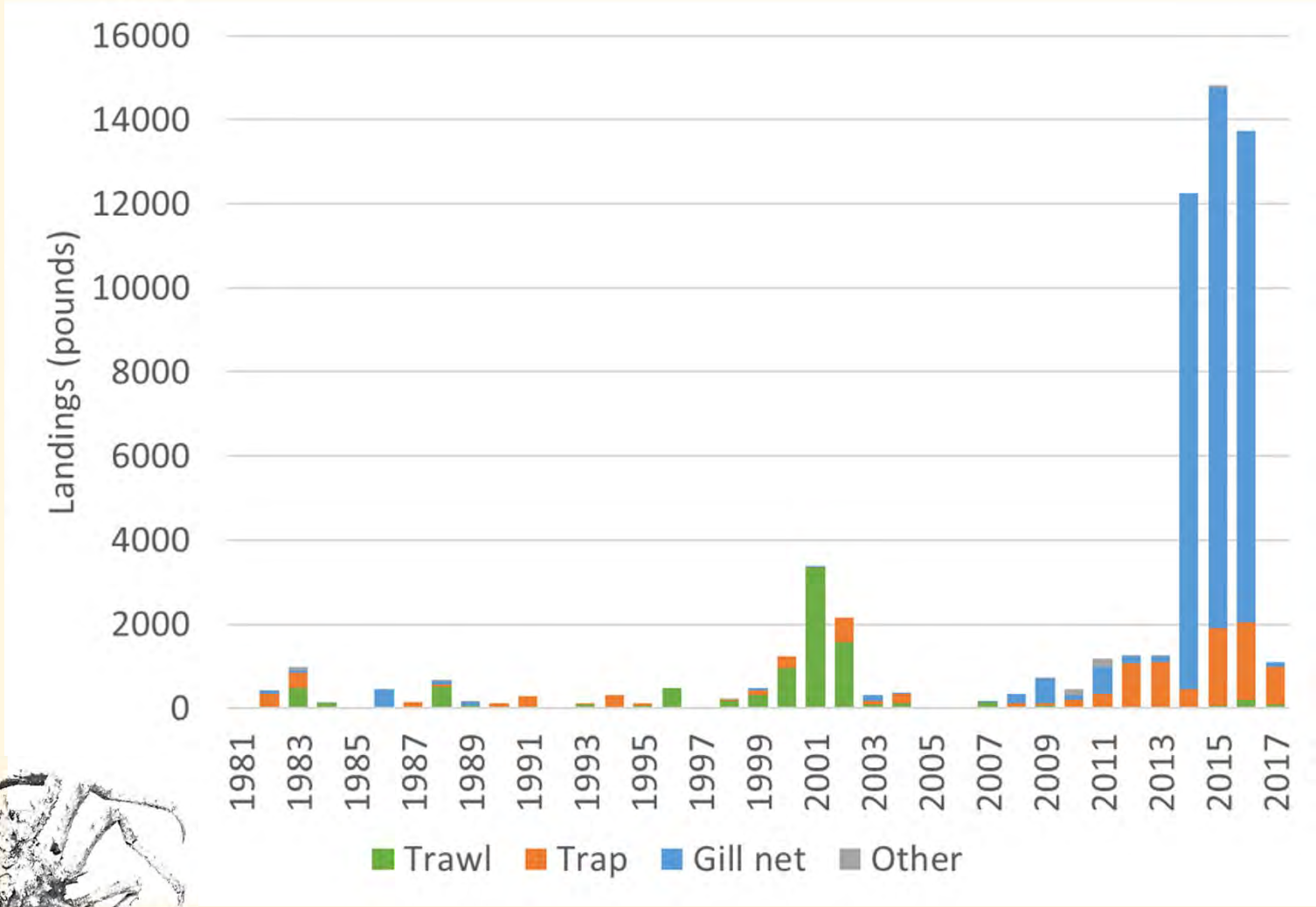


Box crab vessels and price/pound

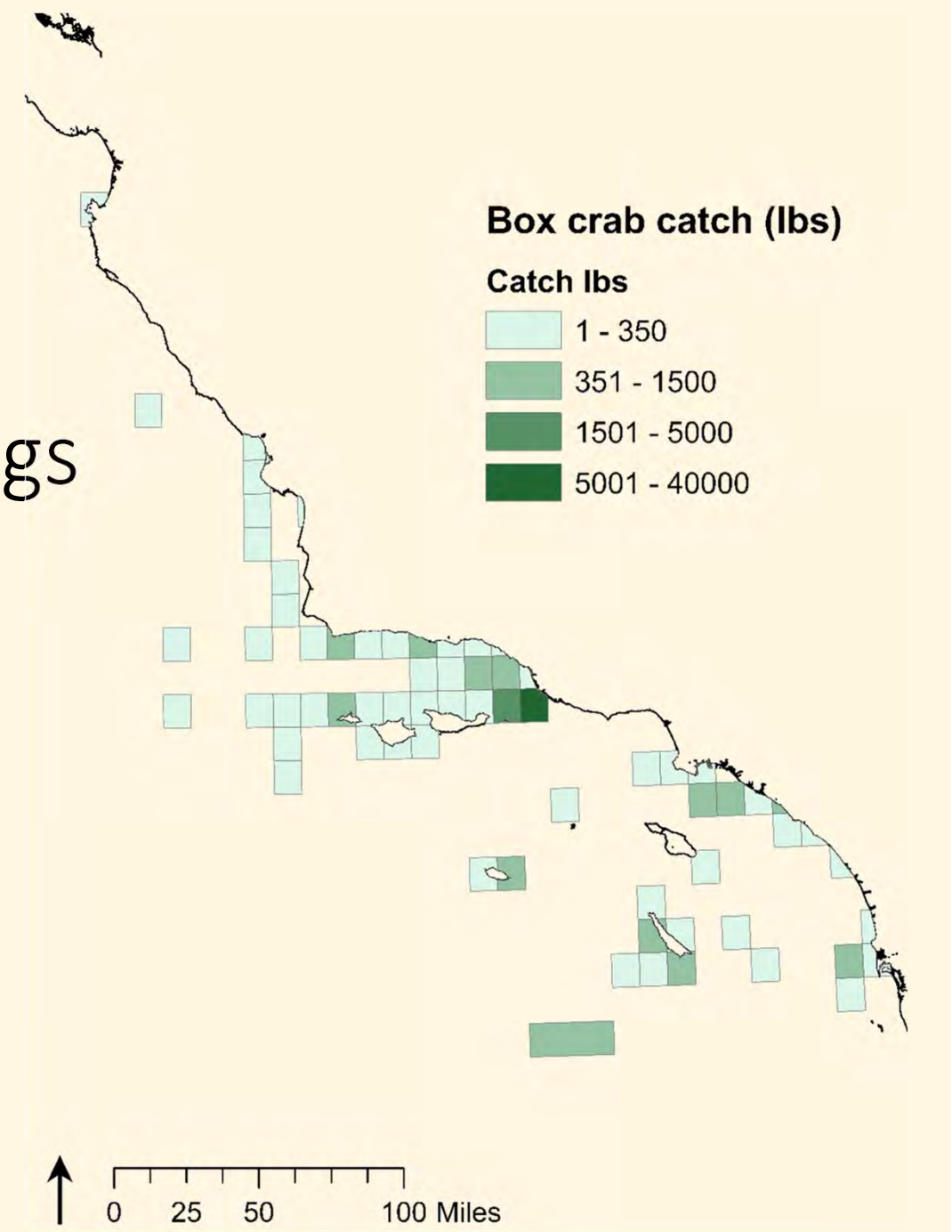


Box crab vessels and price/pound

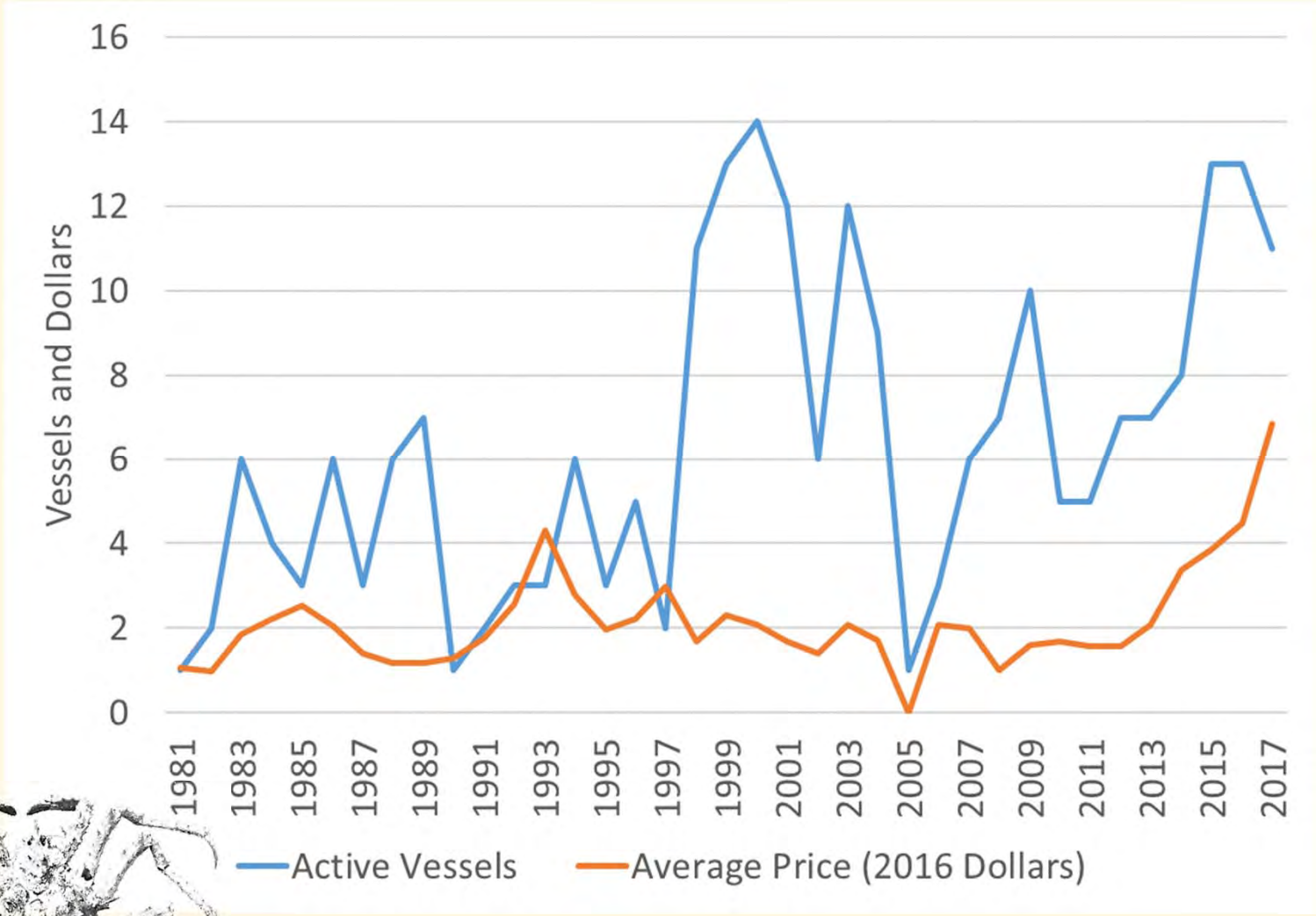
King crab landings by gear, 1981-2017



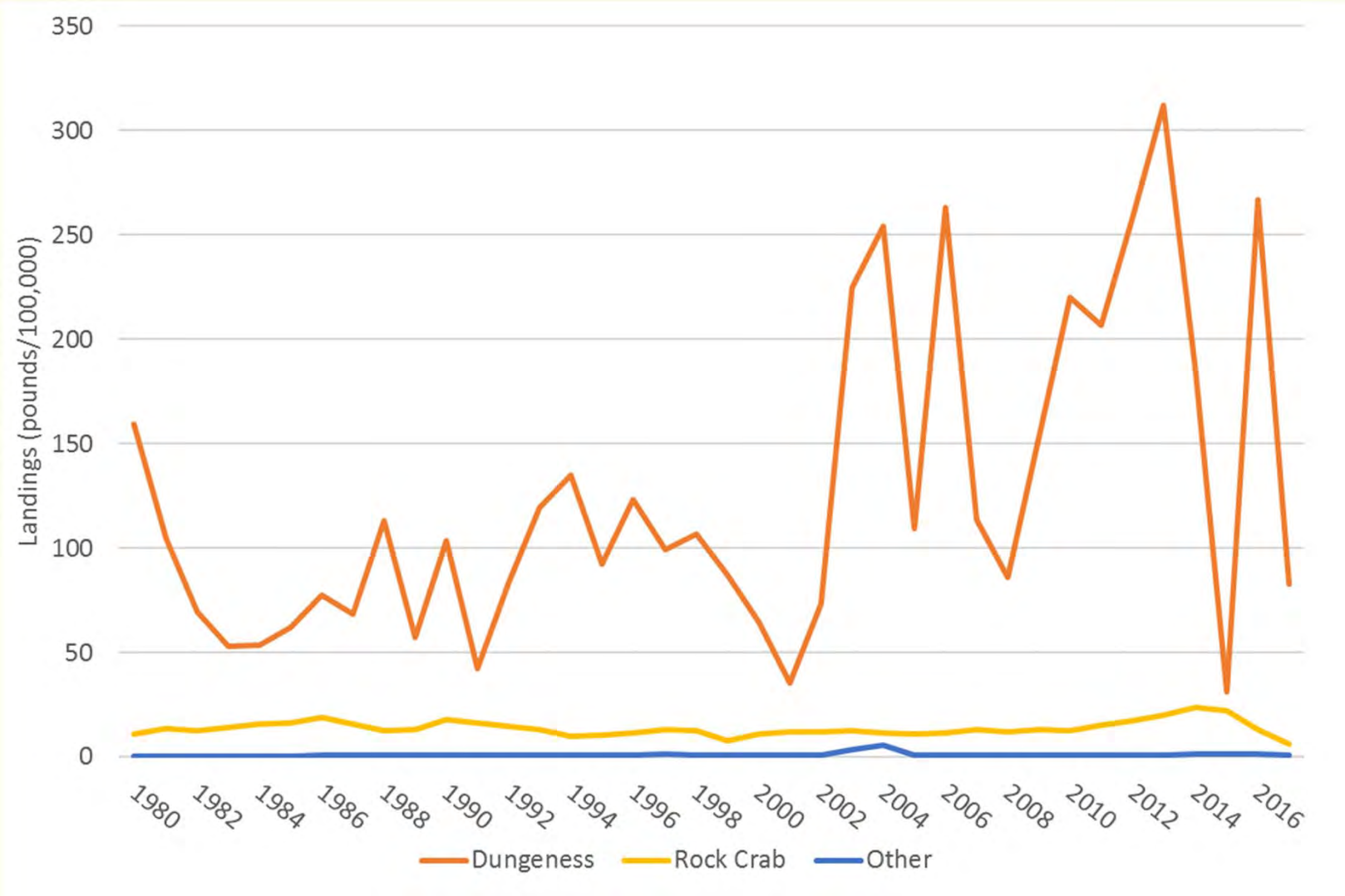
King crab landings by area, 1981-2017



King crab vessels and price



Established vs incidental crab fisheries



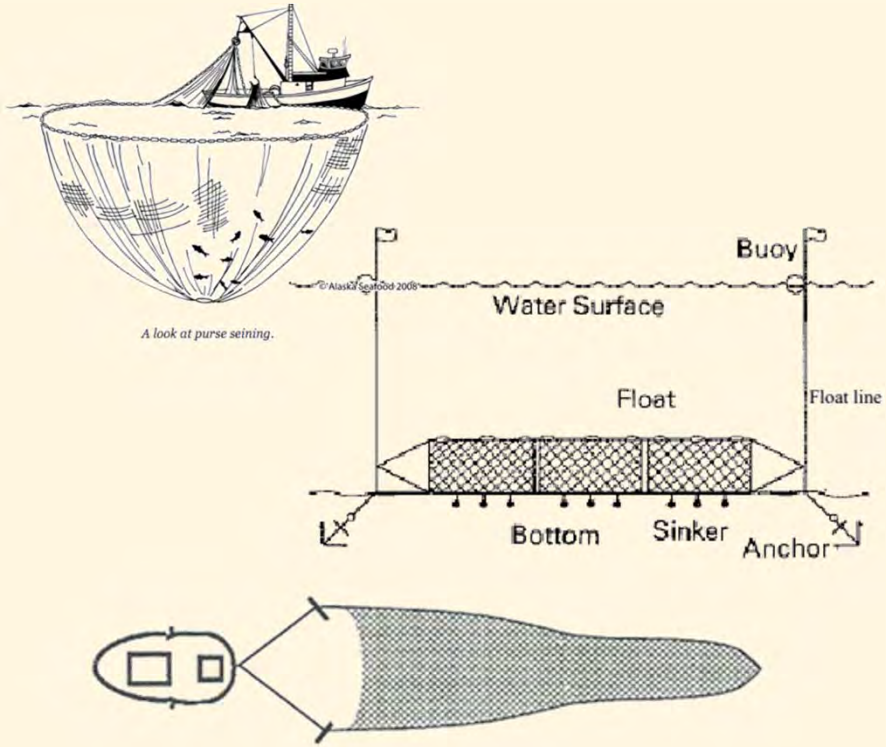
Necessary changes to address increased incidental catch

Traps

- Regulation/Commission process
- Set incidental take trip limit for all non-cancer crabs
  - *Lithodidae crabs:* ***25 lbs***
  - *Non-cancer crabs (except Tanner):* ***50 lbs***

Nets

- Statute/Legislative bill



Experimental gear permit (EGP) requests to target box & CA king crab

- Current interest
  - 4 rock & Dungeness crab fishermen
  - Half Moon Bay to San Diego
- Requests submitted to Commission
  - Rock crab fishermen
  - June 2017: box & CA king crab, San Diego
  - September 2017: box crab, Santa Barbara

EGP provisions in Fish and Game Code

- FGC 8606
  - Encourage development of new gears & uses of existing gear
  - Commission may grant 1 yr permits with 4 renewals
  - Evaluation period subject to conditions, precautionary catch levels, research
- FGC 7090
  - Director may designate emerging fisheries
  - Provides Commission authority to regulate and evaluate

Previous box crab EGP

- Applicant: Tanner crab fisherman
- Approved May 5, 2011
- 160,000 lb quota
- Males only, > 5 inches
- 1 permit, 240 trap limit
- 100% observer coverage
- Fee $10,000

Possible EGP collaborative research program

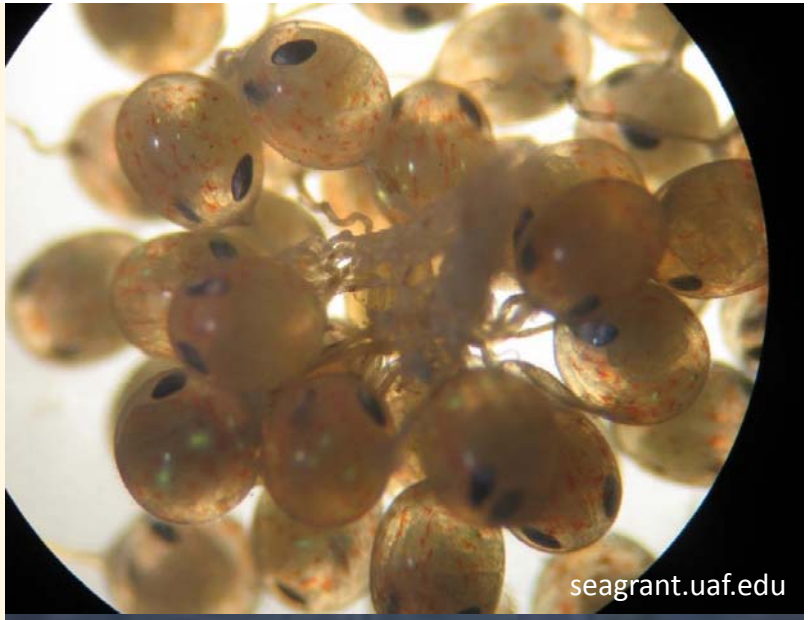
- Box crab only
- Partners
  - CDFW
  - Fishermen
  - NGOs
- Substantial fisherman commitment
- Minimize permit fee
- No guarantee of a fishery

Research goals

- Biomass estimates & sustainable yield
- Bycatch & overlap with established fisheries
- Basic biology
  - Distribution & habitat
  - Movement
  - Natural mortality
  - Growth
- Reproduction
  - Size at maturity
  - Fecundity

Research methods

- Observers
  - Bycatch
- At-Sea Log
  - Abundance, effort, distribution, size structure
- Collections
  - Reproductive season, fecundity, size at maturity
- Mark-Recapture
  - Natural mortality, movement, abundance

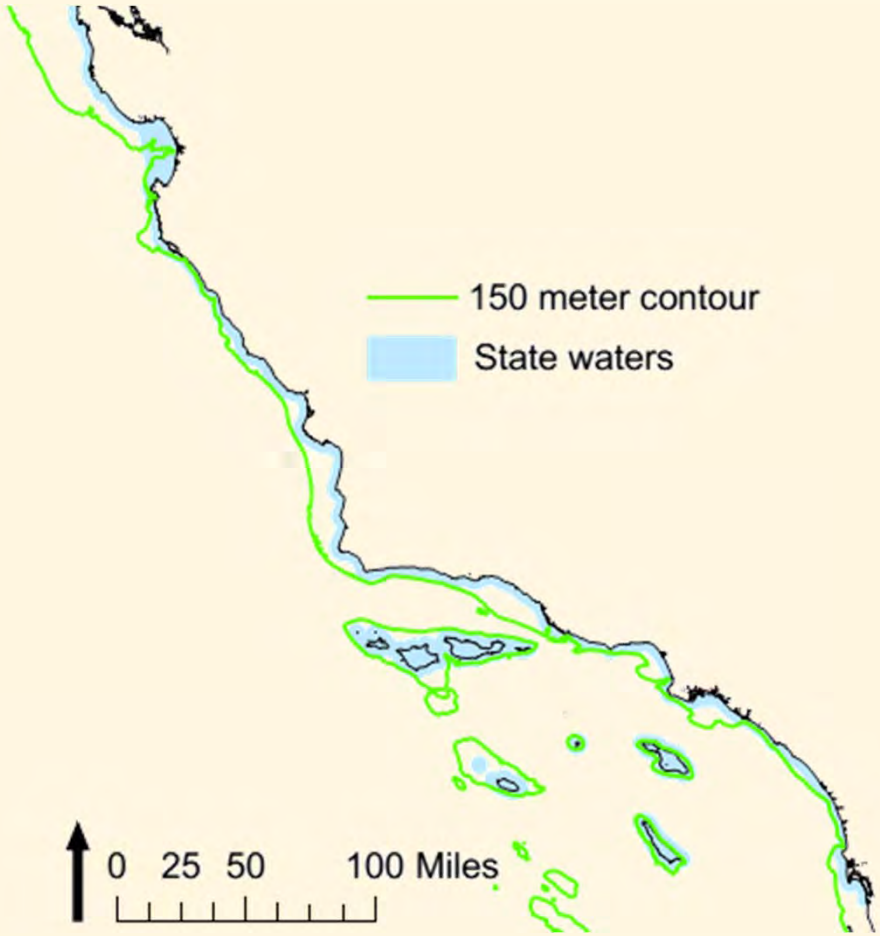


Possible permit requirements

- Trap fishery permit holder in good standing
- Fee
- May land box crab, other catch if permitted
- 100% observer, 6 months
- Participate in research
- 96 hour gear service interval
- Gear: Marked floats, trap design specifications
- Required best fishing practices for reducing entanglement risk
- 1 yr permit, renewable, revocable
- Depth & size
- Catch quota

Exploring other legal requirements

- CEQA
- NEPA
- Federal coordination



Whale entanglement

- Follow best practices for risk reduction & reporting
- Consultation with NOAA
- Potential opportunity for research

Summary

- Sustainable harvest levels of non-target crabs uncertain
- Approach
  - Control incidental harvest (regulations/legislation)
  - Assess sustainability (EGP)
- EGP
  - Research & collaboration
- No guarantee of targeted fishery

Questions?

Julia.Coates@wildlife.ca.gov
805-730-1328

Pink Shrimp Update

California Fish & Game Commission

June 22, 2017

Sonke Mastrup

California Department of Fish & Wildlife

Outline

- Capacity review
- Management improvements
- State waters easement

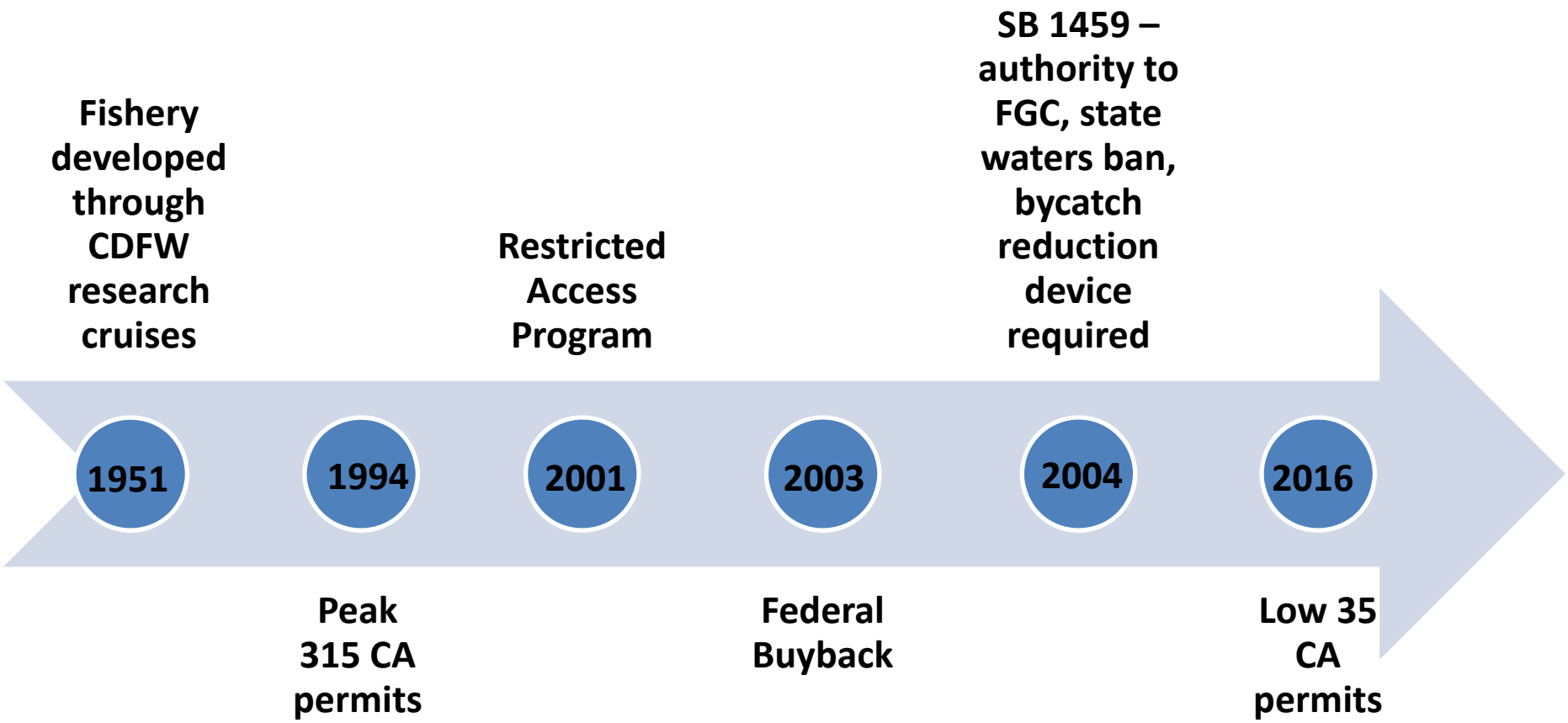
CA Code of Regulations, Title 14

120.2 (h) Capacity Goal.

(1) The department shall evaluate the capacity goal every three years…regarding issuance of new permits.

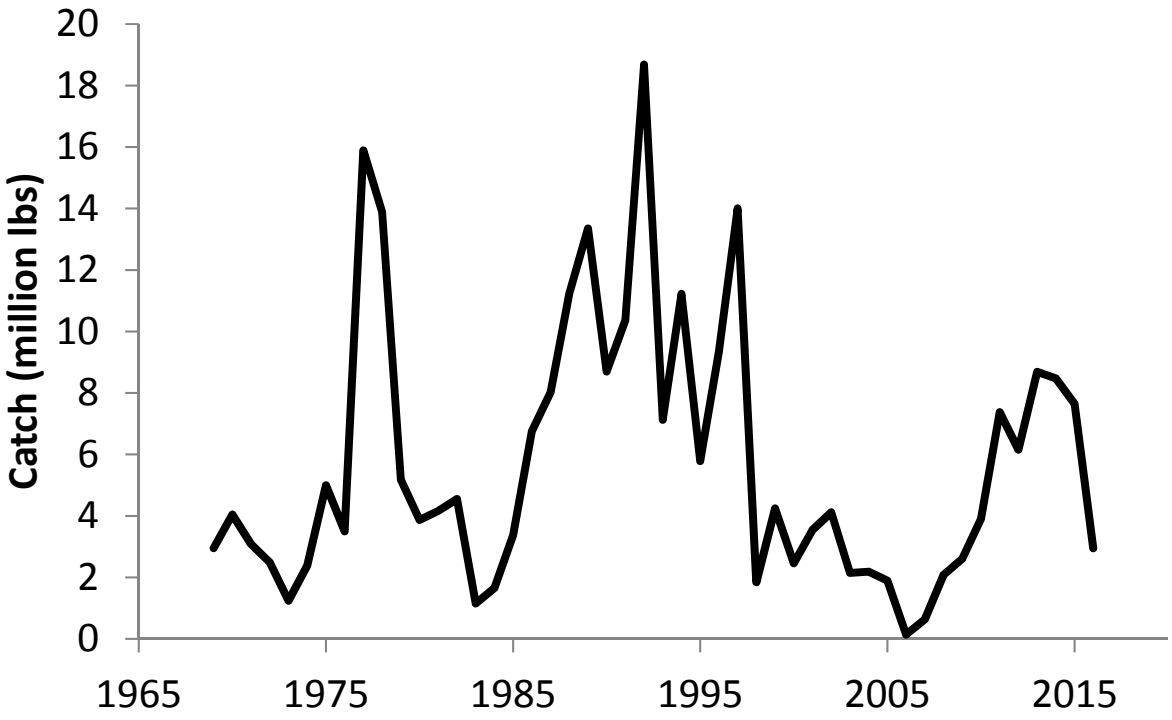
(2) The capacity goal for transferable permits shall be a range from 75 up…

Fishery History

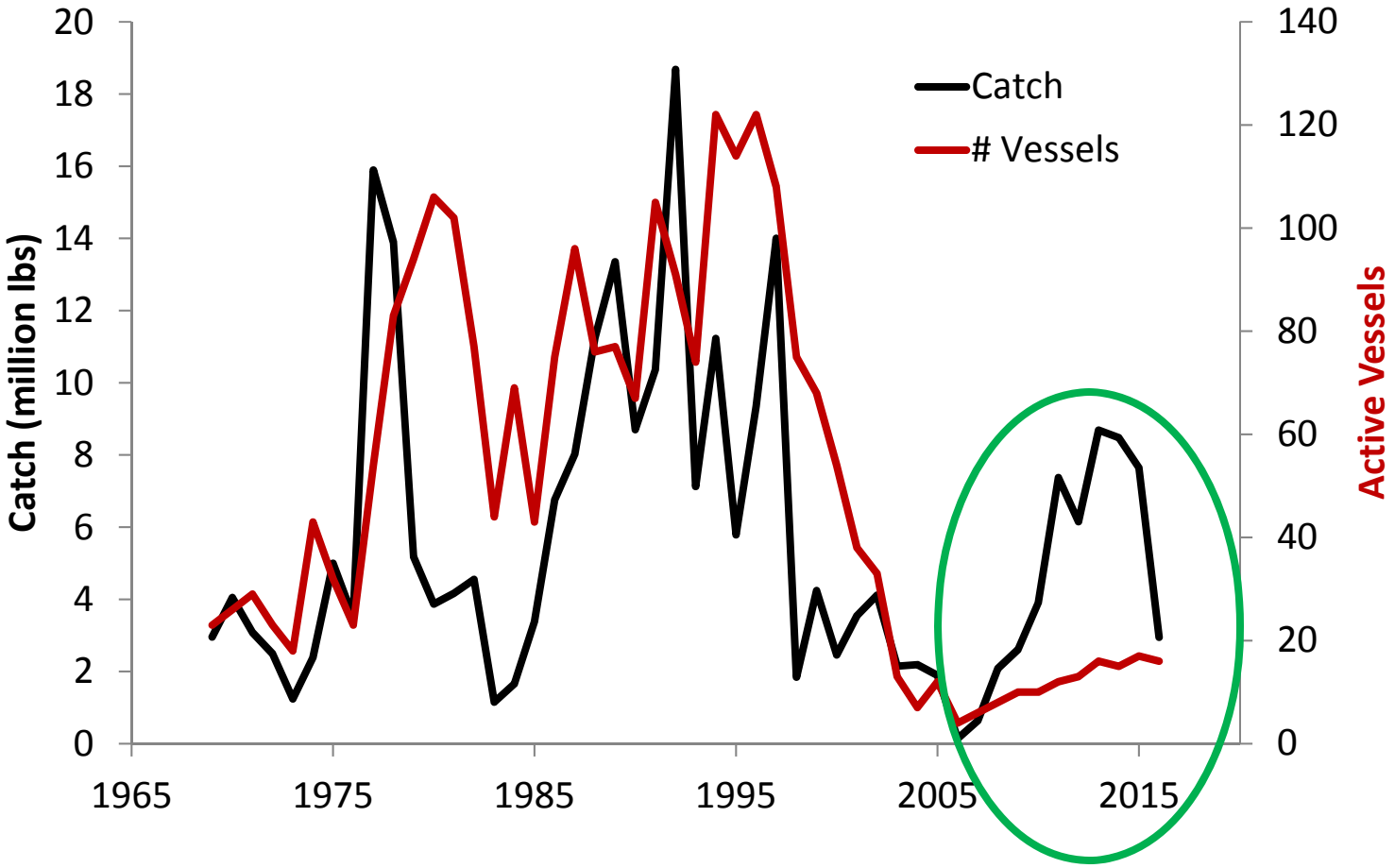


Biological Sustainability

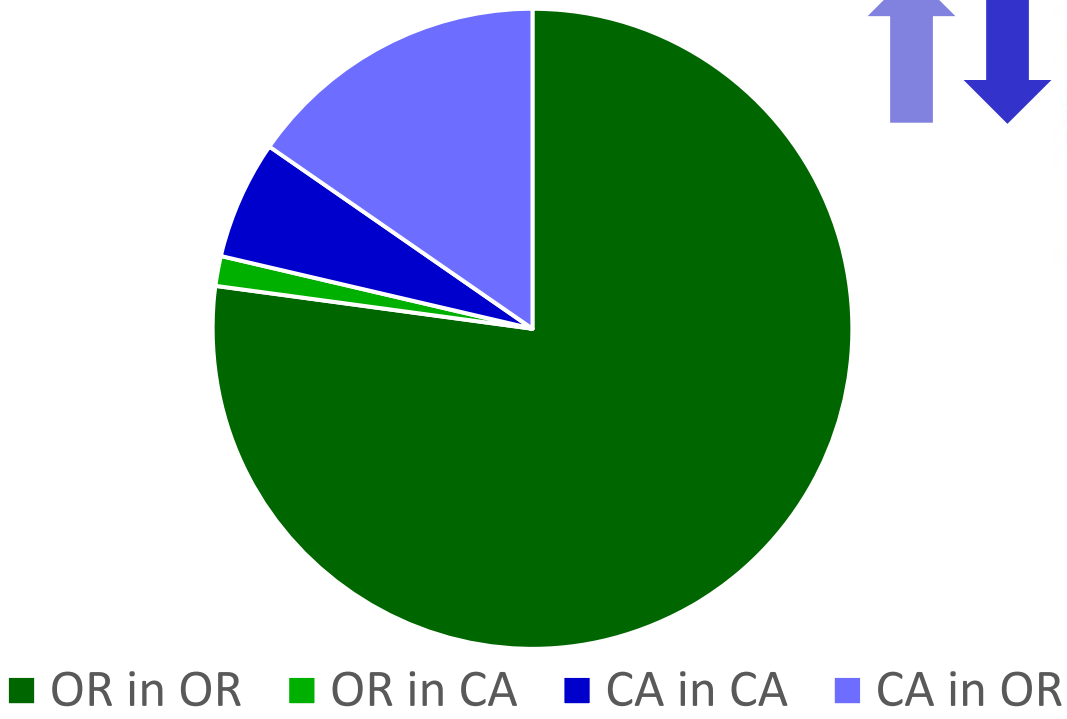
- Pink shrimp stock is volatile and environmentally dependent

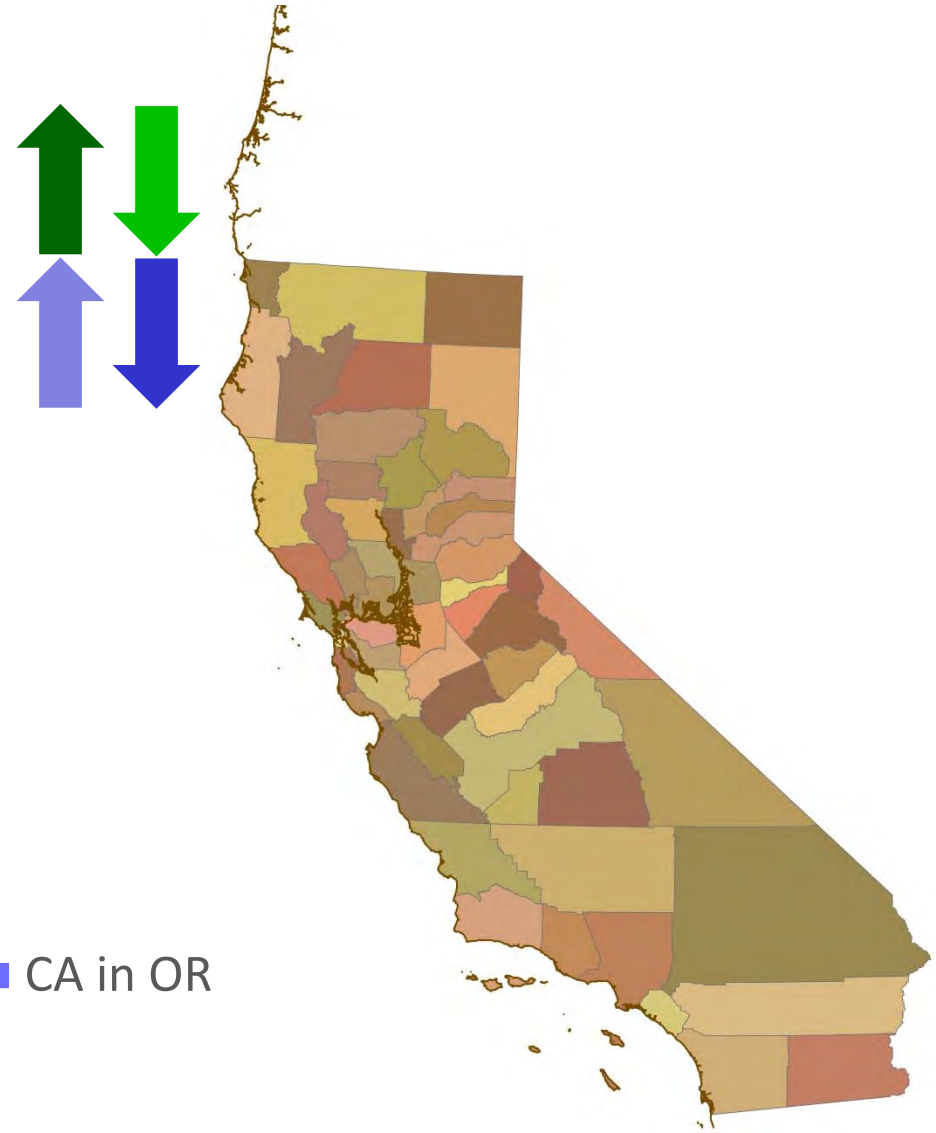


Fleet Efficiency



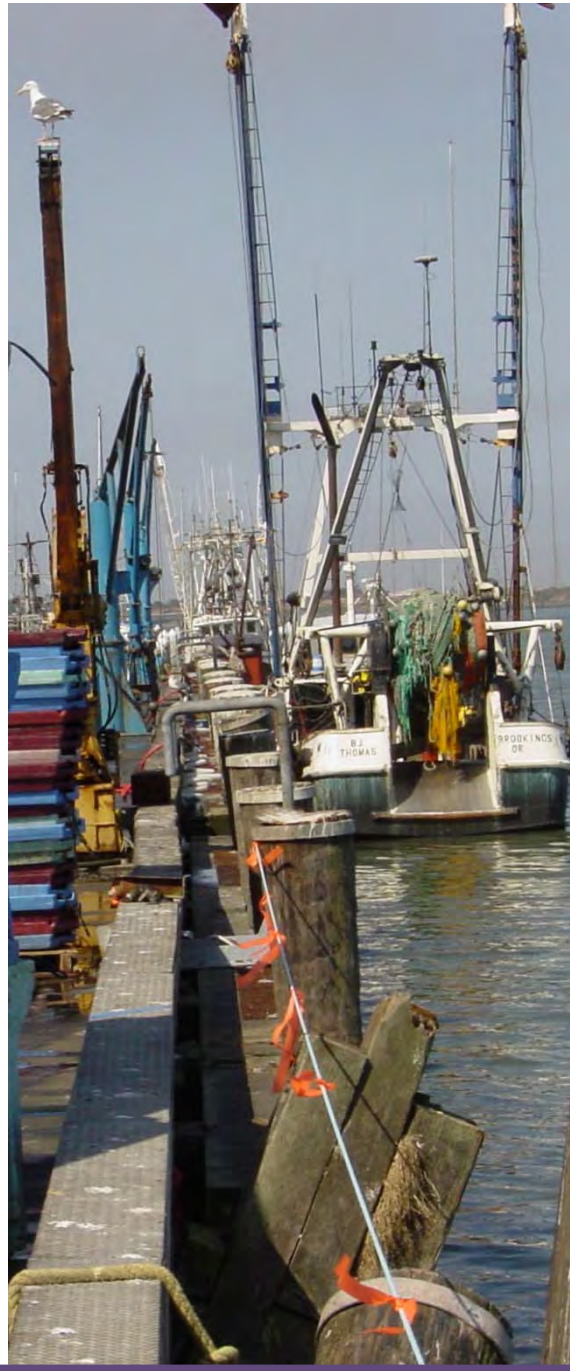
Cross-border fishing 2016





Capacity Summary

- Resource sustainability
- Efficiency
- Cross-border fishing
- Opportunities for other trawlers
- Ecosystem – bycatch, habitat damage
- Orderly & enforceable
- Processor capacity



Initial Capacity Recommendation

- No new transferrable permits at this time
- Consider:
  - Addition of limited-term, non-transferrable permits
  - Replace vessel size restriction for permit transfer with maximum vessel length of 80 feet

Management Improvements

- Improved communication with fleet
- Reference points & harvest controls consistent with other states
- Research plan & biological sampling
- Enforcement
- Bycatch prevention requirements

Trawl Areas
Fish & Game Code Section 8842

- (b) Trawling may be allowed within waters between 2 – 3 nautical miles from shore between False Cape and Point Reyes
- (d) The commission shall permit shrimp trawling from the area above if it finds
  - Gear minimizes bycatch
  - Will not damage seafloor
  - Will not adversely affect ecosystem health
  - Will not impede restoration of kelp, coral or other biogenic habitats

New Information

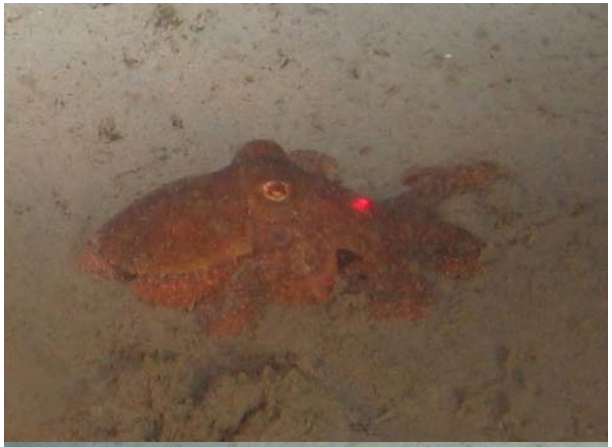
- Oregon Department of Fish & Wildlife research comparing open & closed pink shrimp grounds
  - Impacts documented, significance unknown
- Bycatch reduction devices were required by Senate Bill 1459 in 2004, thus bycatch has likely been reduced by 66-86% (Hannah & Jones 2007)

Studies to Meet Ecosystem Criteria

- Trawl surveys inside & outside state waters
  - Shrimp gear: differences in bycatch
  - Groundfish gear: differences in community composition, evidence for community implications of habitat damage
- ROV surveys of CA pink shrimp beds inside & outside state waters
  - Has cessation of trawling inside state waters resulted in habitat change/recovery?
- Analysis of bycatch density and identity in pink shrimp tows along a gradient of pink shrimp effort

Summary

- Initial recommendation for no new transferrable permits
- Improve management & attain Marine Stewardship Council certification
- State waters easement
- Seek further guidance at MRC



State of California – Fish and Game Commission
PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE
FGC 1 (NEW 10/23/14) Page 1 of 3

Tracking Number: 2016-021 (Click here to enter text.)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

RECEIVED AT
AUG 24 2016
COMMISSION MEETING
AGENDA ITEM 2

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. **Person or organization requesting the change (Required)**
   Name of primary contact person: Scott Fosmark
   Address:
   Telephone number:
   Email address:

2. **Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: **The authority for this request falls with the Commission under the direction of the Department. Authority Cited: Sections 713, 1050, 8591, 8841, and 8842, Fish and Game Code. Reference: Sections 1050, 7852.2, 7858, 8101,8591,8841 and 8842, Fish and Game Code.**

3. **Overview (Required)** - Summarize the proposed changes to regulations: I propose the Commission act on the Regulation already ratified as it relates to the capacity goal for CA Northern Pink Shrimp Trawl Permits, written in Section 120.2, Title 14, CCR, (H) (2). The Capacity goal for transferable permits shall range from 75 up to the number of permits originally issued, and for non-transferable permits to range of 0 to up to the number of permits originally issued. (See Exhibit 1 Attached)

4. **Rationale (Required)** - Describe the problem and the reason for the proposed change: Currently, and for the last 5 years there has only been 32 Transferable CA Northern Pink Shrimp Trawl permits and 3 non-transferable permits (See Attached Exhibit 2). The fishery is grossly under utilized and well under the capacity goal stated in section 120.2, Title 14, CCR, (H) (2). I ask the commission to act on it's regulation and issue a ruling / directive to the department of licensing & revenue to issue a CA Northern Pink Shrimp Trawl Permit to my vessel in order to utilize the fishery. The Pink Shrimp in Northern CA are abundant and there are not enough permits to utilize the fishery. I am 5th generation in the CA commercial fishing

industry and it's a shame I have to now operate my boat in Oregon simply because there are no California Northern Shrimp Permits available. In fact, I have never even seen one for sale or lease in the last 10 years. There are not enough permits and the only permits left are owned by multi-million-dollar out of state residents that have giant Vessels that primarily fish Drag Fish in the Pacific North West (Oregon& Washington States). To be perfectly clear, one might say they have a monopoly on the entire CA Northern Pink Shrimp Trawl fishery, with only 32 Vessel Permits outstanding, they decide to fish this fishery whenever it convenient. For the last 10 years this select group has been fishing other fisheries and just holding the fishing rights while the product goes unharvested. In summary, and for the obvious reasons stated above, the California Northern Pink Shrimp Trawl fishery is certainly under utilized according to the departments capacity goal (section 120.2, title 14, CCR, H), and according to public record the FGC and DFW has been out of compliance in monitoring their own Capacity Goal regulations for many years. Unfortunately California ports, fishermen, processors, cities, restaurants, and even consumers have all suffered from this loss of potential revenue, production, and employment.

SECTION II: Optional Information

RECEIVED AT

AUG 24 2016

COMMISSION MEETING
AGENDA ITEM 32

5. **Date of Petition: 8/25/2016**

6. **Category of Proposed Change**
   - ☐ Sport Fishing
   - * Commercial Fishing
   - ☐ Hunting
   - ☐ Other, please specify: Click here to enter text.

7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or https://govt.westlaw.com/calregs*)
   - * Amend Title 14 Section(s): Section 120.2, Title 14, CCR, H
   - ☐ Add New Title 14 Section(s): Click here to enter text.
   - ☐ Repeal Title 14 Section(s): Click here to enter text.

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.
   Or * Not applicable.

9. **Effective date**: If applicable, identify the desired effective date of the regulation.
   If the proposed change requires immediate implementation, explain the nature of the emergency: **Immediately, as the FGC is out of compliance in following their own regulation.**

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents:
    a. Exhibit 1- Regulation Section 120.2, Title 14, CCR

b. Exhibit 2- Public Record CA Dept Fish & Wildlife Commercial Fishing Licenses and Permits

c. Exhibit 3- 2016-2017 Commercial Boat Registration Worksheet for processing the newly issued Northern Pink Shrimp Trawl Permit

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Acting on this request will essentially provide the fishermen & ports of California with millions of dollars in revenue. At one time the Northern CA Pink shrimp industry was valued at $7 Million dollars (source: Information Concerning the Prink Shrimp Trawl Fishery off Northern California, Report to California Fish and Game, 12/24/2007). Acting on this petition would mean bringing these jobs & revenue back to the state. With the CA Salmon and Crab fishery hurting over the last few years now is the perfect time to make this resource available for harvesting. In addition, Morro Bay is desperately trying to rebuild it's fishing community and this would be a perfect place for a new processing facility.

12. **Forms:** If applicable, list any forms to be created, amended or repealed: 2016-2017 Commercial Boat Registration Worksheet (DFW 1309) REV. 1/16. This form should have an additional box to indicate **New Issue** Northern Shrimp Trawl Permit.

SECTION 3: FGC Staff Only

Date received: Click here to enter text. August 24, 2016 @ Commission Meeting

FGC staff action:
- ☒ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: September 9, 2016

Meeting date for FGC consideration: October 19-20, 2016

FGC action:
- ☐ Denied by FGC
- ☐ Denied - same as petition _____
  Tracking Number
- ☐ Granted for consideration of regulation change

Exhibit 1

2. None of the openings between the vertical bars of the panel may exceed 2 inches.
3. The escape hole, when spread open, must expose a hole at least 100 square inches in surface area, which is the equivalent to removing 10-12 meshes in a straight line.
4. The escape hole must be forward of the panel and the farthest back point must end within four meshes of the point at which the rigid or semi-rigid panel connects to the main net at its farthest back point.
(B) The Soft-Panel Excluder. This device uses a mesh panel to guide fish out of an escape hole located in the top of the net. An approved soft-panel BRD must satisfy the following criteria:
1. The panel meshes must be constructed of net material with individual meshes no larger than 6 inches (stretch measure).
2. The panel must completely cover some portion of the net in diagonal cross- section and partial panels are not allowed.
3. The escape hole must, when spread open, expose a hole at least 100 square inches in surface area, which is equivalent to cutting 10-12 meshes in a straight line.
4. The escape hole must be positioned forward of the panel and end within four meshes of the point at which the panel connects to the main net at its farthest back point.
(C) The Fisheye Excluder. This device functions as a simple forward facing escape hatch that is maintained by a rigid frame. An approved fisheye BRD must meet the following criteria:
1. The escape hole must be forward facing so that finfish can swim towards the mouth of the net to exit through the fisheye.
2. The device must be placed on the top of the codend, no further forward than 84 codend meshes, counted from the pursing rings.
3. The escape hole must be no less than 6 inches in height and no less than 10 inches in width.
(2) Upon approval by the Commission, an experimental gear permit may be issued by the Department for purposes of testing the effectiveness of new or improved BRD designs pursuant to Section 8606 of the Fish and Game Code.
(d) Net Removal. No shrimp trawl nets shall be removed from the vessel participating in the pink shrimp trawl fishery prior to the offloading of pink shrimp.
(e) Maximum Count per Pound. No vessel permitted in the pink shrimp trawl fishery shall land a load of pink shrimp having an average count greater than 160 shrimp per pound.
NOTE:
Authority cited: Sections 8591, 8841 and 8842, Fish and Game Code.
Reference: Sections 8591, 8606, 8841 and 8842, Fish and Game Code.

Section 120.2, Title 14, CCR, is added to read:

§120.2. Pink Shrimp Trawl Permits.
(a) Permit Required.
(1) Northern Pink Shrimp Trawl Permit. On and after April 1, 2001, any person using a trawl net to take, possess aboard a vessel, or land pink shrimp for commercial purposes

in ocean waters north of a line drawn due west of Point Conception shall have a northern pink shrimp trawl permit or a northern pink shrimp trawl individual permit that has not been suspended or revoked. All pink shrimp taken in ocean waters north of the aforementioned line incidental to other fishing activities shall be immediately returned to the water. For the purposes of this Section, vessel owner includes any person who has a lease-purchase agreement for the purchase of a vessel.

(2) Southern Pink Shrimp Trawl Permit. On and after April 1, 2001, any person using a trawl net to take, possess aboard a boat, or land pink shrimp for commercial purposes in ocean waters south of a line drawn due west of Point Conception shall have a southern pink shrimp trawl permit that has not been suspended or revoked. The applicant must be the operator of a currently registered commercial fishing vessel. See subsection 699(b) of these regulations for the fee for this permit.

(b) Initial Permit Issuance.

(1) A northern pink shrimp trawl individual permit may be issued to the holder of a valid 2000-01 pink shrimp trawl individual permit who landed a minimum of 5,000 pounds of pink shrimp north of Point Conception in each of three of the fishing seasons from April 1, 1994 to October 31, 1999 as documented by department landing receipts submitted in their name and commercial fishing license identification number.

(2) A northern pink shrimp trawl vessel permit may be issued to the current owner of a vessel with a valid 2000-01 pink shrimp trawl vessel permit who landed a minimum of 5,000 pounds of pink shrimp north of Point Conception in each of three of the fishing seasons from April 1, 1994 to October 31, 1999, as documented by department landing receipts.

(3) A northern pink shrimp trawl vessel permit may be issued to an individual who does not qualify for a permit in (b)(1) or (2), above, and is the current owner of a commercial fishing vessel and who has been licensed as a California commercial fisherman for at least 20 years at the time of application and has participated in the pink shrimp trawl fishery for at least one of those years in this state as documented by department landing receipts that cumulatively total 5,000 pounds of pink shrimp landed by trawl nets in their name and commercial fishing license number. Any permit issued under this provision shall be nontransferable.

(4) Initial applications for all northern pink shrimp trawl permits shall be received by the department or, if mailed, postmarked no later than May 31, 2001. Initial late applications shall be received by the department or, if mailed, postmarked not later than June 30, 2001 and shall be accompanied by a $50 late fee. Initial late applications not received by the department or, if mailed, postmarked after June 30, 2001, will not be considered. A permit shall not be issued until the $50 late fee is paid.

(5) No individual or corporation that qualifies for a northern pink shrimp trawl vessel permit shall be issued a northern pink shrimp trawl individual permit.

(c) Vessel Length Endorsement.

(1) Each northern pink shrimp trawl vessel permit shall be endorsed with the overall length at the time of initial issuance. Vessel overall length is measured between the perpendiculars at the foremost portion of the hull at the stem, excluding any extensions commonly known as bowsprits, and the aftermost portion of the hull at the sternpost, excluding any extensions thereof. One of the following forms of documentation shall be

submitted as proof of the vessel's overall length.
(2) Marine Survey Report. Before any northern pink shrimp trawl vessel permit is issued or transferred to another vessel, the owner of the vessel who will receive the permit may submit a marine survey completed by a certified marine surveyor on or after April 1, 1999 that clearly shows the vessel overall length.
(3) Federal Groundfish Permit. Before any northern pink shrimp trawl vessel permit is issued or transferred to another vessel, the owner of the vessel who will receive the permit may submit their current valid Federal Groundfish Permit with its endorsed length as documentation of the vessel's overall length.
(4) When a vessel is no longer available for an overall length measurement, as determined by the department, and does not have a current valid Federal Groundfish Permit, the department may consider: a Marine Survey dated prior to April 1, 1999, U.S. Coast Guard Documentation, or Department of Motor Vehicles registration records.
(d) Permit Renewal.
(1) Applicants for northern pink shrimp trawl permits must have held a valid northern pink shrimp trawl permit in the immediately preceding permit year. All applications for northern pink shrimp trawl permit renewal shall be received by the department or, if mailed, postmarked not later than April 30 each year. Late fees, late fee deadlines, and late renewal appeal provisions are specified in Fish and Game Code Section 7852.2.
(2) A northern pink shrimp trawl individual permit shall be upgraded to a northern pink shrimp trawl vessel permit before April 1, 2003. The vessel that the northern pink shrimp trawl vessel permit is assigned to may be not more than five feet greater in overall length than the longest vessel on which the permittee made qualifying landings. The individual permittee is subject to the terms of permit renewal in Section 120.2(d)(1). Any northern pink shrimp trawl individual permit not upgraded to a northern pink shrimp trawl vessel permit before April 1, 2003 shall be deemed forfeit to the department.
(e) Permit Transfers.
(1) A northern pink shrimp trawl vessel permit may be transferred to a replacement vessel owned by the permittee within two years of the permitted vessel being lost, stolen, or destroyed. The replacement vessel may be up to but not more than five feet greater in overall length than the original permitted vessel. The original length endorsement will remain on the permit.
(2) A northern pink shrimp trawl vessel permit is otherwise transferable to another owner only if the vessel qualifying for the initial permit landed 90,000 pounds of pink shrimp by trawl north of Point Conception from April 1, 1994 to October 31, 1999. An individual permit, when upgraded to a vessel permit pursuant to Section 120.2(d)(2), shall be otherwise transferable to another owner only if the fishermen qualifying for the initial permit landed 90,000 pounds of pink shrimp by trawl north of Point Conception from April 1, 1994 to October 31, 1999.
(A) The transferable permit may not be transferred more than once every twelve months.
(B) The transferable permit may be transferred any number of times to a different vessel up to five feet greater in overall length than the original endorsement, or of equal or less overall length. The original length endorsement will remain on the permit.
(C) A transferable permit may be permanently changed to a nontransferable permit on

written request of the vessel owner. The permit shall not be restored to a transferable permit under any circumstances.
(3) On the death of a transferable northern pink shrimp trawl vessel permittee an heir may apply to the department to transfer that permit to him or her. The application for transfer shall be received by the department within two years of the death of the permittee.
(4) Any northern pink shrimp trawl vessel permit may be temporarily transferred, for up to one year, to a different vessel, if the permitted vessel is seriously damaged, has suffered a major mechanical breakdown, or is lost or destroyed. The request for temporary transfer shall include documentation of the damage, breakdown, loss or destruction.
(5) Any northern pink shrimp trawl vessel may be permanently retired from the fishery for any reason, and the permit transferred to a different vessel, up to but not more than five feet greater in overall length than the original length endorsement, which is owned by the same permittee.
(f) Appeal.
(1) Any applicant who is denied initial issuance of a northern pink shrimp trawl vessel permit or a northern pink shrimp trawl individual permit by the department for any reason may appeal that denial to the commission in writing, describing the basis for the appeal. The appeal shall be received by the commission or, if mailed, postmarked not later than March 31, 2002.
(2) Appeals for initial permit issuance may be based on medical conditions, vessel condition, purchase of a vessel during the moratorium period which had a pink shrimp vessel permit, economic conditions in the fishery, historic participation levels in the California pink shrimp fishery, oceanographic conditions and associated low availability of shrimp in the California area of the fishermen's residence, and incapacity of the vessel to participate in the fishery.
(3) Renewal Appeals. Late renewal appeal provisions are specified in Fish and Game Code Section 7852.2.
(4) Any applicant who is denied transfer of a northern pink shrimp trawl vessel permit may appeal the denial to the department in writing not more than 90 days from the date of denial describing the basis for the appeal. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's decision.
(g) Fees.
(1) The annual fee for a transferable northern pink shrimp trawl vessel permit is $1,066.25.
(2) The fee to transfer a permit to a new owner is $1,000. No northern pink shrimp trawl vessel permit shall be transferred without a completed application and payment of fees.
(3) The fee to transfer a permit to another vessel owned by the same permittee is $200.
(4) The fee for a temporary permit transfer of up to one year is $100.
(5) The annual fee for a nontransferable northern pink shrimp trawl vessel permit is $533.25.
(6) The annual fee for a northern pink shrimp trawl individual permit is $500.
(7) The fee to upgrade a northern pink shrimp trawl individual permit to a northern pink

shrimp trawl permit is $200.

(h) Capacity Goal.

(1) The department shall evaluate the capacity goal every three years and report to the commission, with a recommendation regarding issuance of new permits.

(2) The capacity goal for transferable permits shall be a range from 75 up to the number of permits initially issued, and for nontransferable permits a range of 0 up to the number of permits initially issued.

NOTE:

Authority cited: Sections 713, 1050, 8591, 8841 and 8842, Fish and Game Code. Reference: Sections 1050, 7852.2, 7858, 8101, 8591, 8841 and 8842, Fish and Game Code.

Section 120.3, Title 14, CCR, is amended to read:

§120.3. ~~Golden Prawn (Penaeus Californiensis), Spot Prawn (Pandalus Platyceros) and Ridgeback Prawn (Eusicyonia Ingentis) Trawling.~~ Golden Prawn (Penaeus californiensis), Spot Prawn (Pandalus platyceros) and Ridgeback Prawn (Sicyonia ingentis) Trawling.

~~Prawns may only be taken by trawl nets for commercial purposes pursuant to sections 120 and 120.3 of these regulations, or by traps, pursuant to sections 180, 180.2, 180.5 and this section. Spot prawns may not be taken or possessed using trawl nets.~~

~~Permits to use or possess trawl nets for the taking of golden prawns and ridgeback prawns in ocean waters may be granted only under the following conditions:~~

~~(a) Qualifications of Permittee. The applicant must be a licensed commercial fisherman and operator of a currently registered commercial fishing vessel.~~

~~(b) Cost of Permit. See subsection 699(b) of these regulations for the fee for this permit. (NOTE: this fee shall be charged effective April 1, 1992.)~~

~~(c) Permit Area. Trawling for golden and ridgeback prawns shall be permitted in waters not less than 25 fathoms in depth and lying not nearer than three nautical miles distance from the nearest point of land on the mainland shore, and from all offshore islands. No trawling shall be conducted in the cowcod closure areas defined in Section 150.06, Title 14, CCR. Also, trawling shall not be conducted within District 19A which shall include a line from Malibu Point (34 <<degrees>> 01.8'N., 118 <<degrees>> 40.8'W) to Rocky Point (Palos Verdes Point) (33 <<degrees>> 46.5'N., 118 <<degrees>> 25.7'W.).~~

~~(1) Trawling Zones.~~

~~(A) Trawling Zone 1: Includes waters between the California-Oregon border and a line extending due west from False Cape (Lat. 40 <<degrees>> 31'N).~~

~~(B) Trawling Zone 2: Includes those waters between a line extending due west from False Cape and a line extending due west from Lopez Point (Lat. 36 << degrees>>N).~~

~~(C) Trawling Zone 3: Includes those waters between a line extending due west from Lopez Point and a line extending due west from Point Arguello (Lat. 34 << degrees>> 35'N).~~

* (Exhibit 2)

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Commercial Fishing Licenses and Permits

Items reported by License Year
AS OF 08/30/2016

Licenses	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (T) - TIER 7	N/A	N/A	N/A	108	4	112	0			
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 1	N/A	N/A	N/A	3	0	0	0			
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 2	N/A	N/A	N/A	1	1	2	0			
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 3	N/A	N/A	N/A	2	0	1	0			
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 4	N/A	N/A	N/A	2	0	2	0			
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 5	N/A	N/A	N/A	1	0	1	0			
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 6	N/A	N/A	N/A	5	1	5	0			
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 7	N/A	N/A	N/A	5	1	2	0			
GENERAL GILL/TRAMMEL NET PERMIT	146	147	141	135	132	125	117			
HERRING GILL NET PERMIT (R)	182	172	167	161	148	131	1			
HERRING GILL NET PERMIT (NR)	40	38	39	40	37	39	0			
HERRING STAMP	199	191	191	188	51	0	0			
LOBSTER OPERATOR PERMIT (T)	142	139	141	141	141	141	137			
LOBSTER OPERATOR PERMIT (NT)	58	59	53	51	48	48	44			
MARKET SQUID BRAIL PERMIT (T)	25	37	42	44	44	44	43			
MARKET SQUID BRAIL PERMIT (NT)	0	0	0	0	0	0	0			
MARKET SQUID LIGHT BOAT PERMIT (T)	50	38	33	31	31	31	31			
MARKET SQUID LIGHT BOAT PERMIT (NT)	3	3	3	3	3	3	3			
MARKET SQUID VESSEL PERMIT (T)	72	69	69	66	68	68	68			
MARKET SQUID VESSEL PERMIT (NT)	9	8	8	8	7	7	5			
NEARSHORE FISHERY BYCATCH PERMIT	16	16	15	13	13	12	12			
NEARSHORE FISHERY PERMIT - N. CENTRAL COAST (T)	24	23	23	22	22	22	22			
NEARSHORE FISHERY PERMIT - N. CENTRAL COAST (NT)	4	4	4	4	4	4	4			
NEARSHORE FISHERY PERMIT - NORTH COAST (T)	22	21	21	18	16	16	16			
NEARSHORE FISHERY PERMIT - NORTH COAST (NT)	0	0	0	0	0	0	0			
NEARSHORE FISHERY PERMIT - S. CENTRAL COAST (T)	52	50	49	47	47	47	46			
NEARSHORE FISHERY PERMIT - S. CENTRAL COAST (NT)	5	6	6	5	5	5	5			
NEARSHORE FISHERY PERMIT - SOUTH COAST (T)	48	46	44	43	40	40	39			
NEARSHORE FISHERY PERMIT - SOUTH COAST (NT)	14	14	14	13	13	11	11			
NEARSHORE TRAP ENDORSEMENT - N. CENTRAL COAST (T)	5	5	5	5	5	5	5			
NEARSHORE TRAP ENDORSEMENT - N. CENTRAL COAST (NT)	0	0	0	0	0	0	0			
NEARSHORE TRAP ENDORSEMENT - NORTH COAST (T)	0	0	0	0	0	0	0			
NEARSHORE TRAP ENDORSEMENT - NORTH COAST (NT)	0	0	0	0	0	0	0			
NEARSHORE TRAP ENDORSEMENT - S. CENTRAL COAST (T)	16	15	15	15	15	15	15			
NEARSHORE TRAP ENDORSEMENT - S. CENTRAL COAST (NT)	3	4	4	4	4	4	4			
NEARSHORE TRAP ENDORSEMENT - SOUTH COAST (T)	31	31	31	30	30	28	27			
NEARSHORE TRAP ENDORSEMENT - SOUTH COAST (NT)	9	7	7	6	6	5	4			
* NORTHERN PINK SHRIMP TRAWL (VESSEL) (T)	33	33	32	32	32	32	32			
NORTHERN PINK SHRIMP TRAWL (VESSEL) (NT)	3	3	3	3	3	3	3			
SALMON VESSEL PERMIT	1,239	1,188	1,172	1,163	1,135	1,130	1,073			
SEA CUCUMBER DIVING PERMIT	87	85	84	83	82	83	81			
SEA CUCUMBER TRAWL PERMIT	17	16	16	16	16	16	16			
SEA URCHIN DIVING PERMIT	309	307	305	306	304	304	288			
SOUTHERN ROCK CRAB TRAP PERMIT	125	123	124	124	122	122	117			
SPOT PRAWN TRAP VESSEL PERMIT, TIER 1	17	17	17	17	17	17	17			
SPOT PRAWN TRAP VESSEL PERMIT, TIER 2	3	3	3	2	2	2	1			
SPOT PRAWN TRAP VESSEL PERMIT, TIER 3	8	8	6	6	6	6	6			
Late Fees										
LIMITED ENTRY LATE FEE (1 TO 30 DAYS)	69	53	56	44	48	72	122			
LIMITED ENTRY LATE FEE (31 TO 60 DAYS)	26	27	25	18	17	27	65			
LIMITED ENTRY LATE FEE (61 OR MORE DAYS)	66	62	55	54	58	69	0			
Nonrestrictive Permits										
ANCHOVY TAKE PERMIT	75	83	69	63	73	71	62			
BAY SHRIMP PERMIT	23	29	23	22	19	19	12			

State of California – Department of Fish and Wildlife
2016-2017 COMMERCIAL BOAT REGISTRATION WORKSHEET
DFW 1309 (REV. 1/16)

(Exhibit 3)

You can now renew online at www.wildlife.ca.gov/licensing/Online-Sales or at select license agents.
Licenses purchased online, or at license agent, will include a 5% non-refundable license agent handling fee.

SEE INSTRUCTIONS ON REVERSE. PRINT CLEARLY. GO ID NUMBER _____

VESSEL OWNER'S FIRST NAME	M.I.	LAST NAME	COMMERCIAL FISHING ID#
Scott		Fosmark	

MAILING ADDRESS	DMV ID/STATE ID/PASSPORT	DAY TELEPHONE (Voluntary)

DATE OF BIRTH | GENDER | HAIR COLOR | EYE COLOR | HEIGHT | WEIGHT

I HAVE RESIDED IN CALIFORNIA CONTINUOUSLY FOR THE PAST 6 MONTHS ☒ YES ☐ NO

EMAIL ADDRESS

PHYSICAL ADDRESS (DO NOT USE PO BOX) | STATE | ZIP CODE

F&G BOAT#	BOAT NAME	DATE PURCHASED	YEAR BUILT	DOC#CF#STATE#	HULL#
New issue	Queen Corinne	6/2015	1993	993065	N/A

LENGTH	DEPTH	BREATH	NET TONNAGE	GROSS TONNAGE	HORSEPOWER	HOMEPORT
72.6	8.3	22.0	71	88	480	Carmel

BUSINESS NAME (FOR BUSINESS OWNED VESSELS)	DAY TELEPHONE (Voluntary)
Fosmark Fisheries, LLC	

MAILING ADDRESS | CITY | STATE | ZIP CODE

Fees include a nonrefundable three percent (3%) application fee, not to exceed $7.50 per item. (Section 700.4, Title 14, California Code of Regulations)

COMMERCIAL BOAT REGISTRATION

☒ Resident Commercial Boat Registration	$356.00	=	356.00
☐ Nonresident Commercial Boat Registration	356.00	=	0.00

LIMITED ENTRY PERMITS

☐ Salmon Vessel Permit	43.00	=	0.00
☐ "John Doe" Commercial Fishing Salmon Stamp	87.55	=	0.00
☐ California Halibut Bottom Trawl Vessel Permit (Includes $7.50 application fee)	62.06	=	0.00
☐ Dungeness Crab Vessel Permit (Resident)	287.00	=	0.00
☐ Dungeness Crab Vessel Permit (Nonresident)	287.00	=	0.00
☐ Market Squid Vessel (Transferable)	2,757.00	=	0.00
☐ Market Squid Vessel (Nontransferable)	1,382.25	=	0.00
☐ Market Squid Brail (Transferable)	2,757.00	=	0.00
☐ Market Squid Light Boat (Transferable)	832.25	=	0.00
☐ Market Squid Light Boat (Nontransferable)	54.29	=	0.00
☐ Northern Pink Shrimp Trawl Vessel (Nontransferable)	705.25	=	0.00
☒ Northern Pink Shrimp Trawl Vessel (Transferable)	1,402.75	=	1402.75
☐ Spot Prawn Trap Vessel – Tier 1	356.00	=	0.00
☐ Spot Prawn Trap Vessel – Tier 2	356.00	=	0.00
☐ Spot Prawn Trap Vessel – Tier 3	1,402.75	=	0.00

Permit late fees are not subject to the nonrefundable three percent (3%) application fee.

☐ Permit Late Fee (May 1, 2016 through May 30, 2016)*	____x	147.50	=	0.00
☐ Permit Late Fee (May 31, 2016 through June 29, 2016)*	____x	294.25	=	0.00
☐ Permit Late Fee (June 30, 2016 through March 31, 2017*	____x	589.00	=	0.00

PERMIT DEADLINE FOR LIMITED ENTRY COMMERCIAL FISHING PERMITS* Applications must be received with the permit fee at a California Department of Fish and Wildlife (Department) office or, if mailed, postmarked on or before April 30, 2016, for the above listed limited entry commercial fishing permits. Renewals received or postmarked after April 30, 2016, must be accompanied with permit fee and late fee. (Fish and Game Code Section 7852.2(c)). Before the above listed limited entry permits can be issued, you must purchase a Commercial Fishing License.

NONRESTRICTIVE VESSEL PERMITS AND STAMPS (Nonrestrictive Vessel Permit and Stamps are not subject to Permit Late Fees)

☐ Commercial Fishing Salmon Stamp**	____x	87.55	=	0.00
☐ Commercial Passenger Fishing Vessel License**		356.00	=	0.00
☐ Commercial Ocean Enhancement Stamp**		50.47	=	0.00
☐ Coonstripe Shrimp Trap Vessel Permit**		107.64	=	0.00
☐ Tanner Crab Trap Vessel Permit**		13,093.25	=	0.00

****CAN BE PURCHASED AT ANY TIME** **Total Fee Due$** _____

Indicate type of payment: ☐ Check* ☐ Money Order* ☒ Visa ☐ Mastercard

*Make checks or money orders payable to **California Department of Fish and Wildlife**
(Please do not send cash)

TOTAL: $ 1758.75

CARD #:

EXPIRATION DATE (MM/YY):

CVC Number (On back of credit card)

I authorize CDFW to charge the agreed amount listed above to my credit card provided herein. I agree that I will pay for this purchase in accordance with the issuing bank cardholder agreement.

PRINT NAME:	SIGNATURE:	DATE:
Scott Fosmark		8/22/16

INSTRUCTIONS FOR COMPLETING COMMERCIAL BOAT REGISTRATION WORKSHEET

Contact a California Department of Fish and Wildlife (Department) office if you need additional information regarding commercial boat registrations.

COMMERCIAL BOAT REGISTRATION REQUIRED

Before a Commercial Passenger Fishing Vessel License, California Halibut Bottom Trawl Vessel Permit, Salmon Vessel Permit, Dungeness Crab Vessel Permit, Market Squid Vessel Permit, Market Squid Light Boat Permit, Market Squid Brail Permit, Spot Prawn Trap Vessel Permit, Coonstripe Shrimp Vessel Permit, Tanner Crab Vessel Permit, or Northern Pink Shrimp Trawl Vessel Permit can be issued, the vessel owner must possess a valid 2016-2017 Commercial Boat Registration (resident or nonresident) for that vessel. (FGC Section 7857(l)).

INSTRUCTIONS

FGC Section 7601 defines a vessel owner as the person or persons designated as the registered owner of the vessel on the certificate of documentation issued by the U. S. Coast Guard or a copy of the vessel registration issued by the vessel registration agency of the state where the owner is a resident. The vessel registration agency in California is the Department of Motor Vehicles.

1. If you are applying for a commercial boat registration, vessel owners must provide the Department a copy of current proof of ownership for the vessel.
2. Select the required licenses or permits and calculate the amount due.
3. Mail renewal with other permit renewals if necessary with a cashier's check, money order, personal check* or credit card** Authorization for the appropriate fee to one of the Department offices listed below. **DO NOT SEND CASH.**

IMPORTANT! Please allow 15 business days to process your renewal application.

IDENTIFICATION REQUIREMENTS

Section 700.4(c), Title 14, of the California Code of Regulations (CCR) states any applicant applying for any license, tag, permit, reservation or other entitlement issued via the Automated License Data System (ALDS) shall provide valid identification. Acceptable forms of identification include:

- Any license document or Get Outdoors Identification number (GO ID) previously issued via ALDS
- A valid driver's license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile
- US Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel)
- US Birth Certificate
- US Certificate or Report of Birth Abroad
- Tribal Identification Card, as defined by each sovereign tribal nation
- US Passport
- A foreign government-issued photo identification
- Certificate of Naturalization or Citizenship
- Birth Certificate or passport issued from a US Territory

Any applicant less than 18 years of age applying for any license, tag, permit, reservation or other entitlement issued via the ALDS shall provide valid identification. Acceptable forms of identification include any form of identification described above; or a parent or legal guardian's identification as described above.

BUSINESS DOCUMENTATION

All applicants applying as a business must provide documentation verifying the business entity. Acceptable forms of documentation include:

- Articles of Incorporation
- Certificate of Limited Partnership
- Articles of Organization
- Statement of Partnership Authority

CHANGE OF ADDRESS OR CHANGE OF VESSEL STATUS

FGC Section 7857(m) requires licensees to notify the Department of their old and new address within three months when they move or acquire a new address. To report a change of address: e-mail your address change to lrbcomm@wildlife.ca.gov, or, go online to www.wildlife.ca.gov/licensing/Online-Sale and update your information, or call (916) 928-5822. FGC Section 7881 requires owners to immediately notify the Department if the vessel is lost, destroyed or sold. To report vessel ownership you may go to www.dfg.ca.gov/licensing/forms/forms.html, or call (916) 928-5822.

NOTICE TO COMMERCIAL BOAT OWNERS

Registrations, licenses, permits and stamps are issued pursuant to FGC Sections 7881, 7920, 8232, 8235, 8280.1, 8494 and 8591, and Sections 120.01, 120.2, 126, 149.1, and 180.3 of Title 14 of the CCR. Pursuant to FGC Section 7857(h), the Department is authorized to collect information from applicants for commercial fishing vessel permits and licenses to maintain a record of licensure. All information requested on this application is mandatory unless otherwise indicated and is confidential pursuant to FGC Section 8022. This information may be released to law enforcement agencies, to federal fisheries management agencies, or pursuant to a court order.

An applicant may obtain a copy of his/her license records maintained by the Department by contacting the custodian of records at the Department's License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834, (916) 928-5822 or email LRB@wildlife.ca.gov. All requests for copies of license records must be submitted in writing and include the requester's name, address and telephone number.

PAYMENT POLICY

* Personal Checks will be accepted by the Department if name and address are imprinted on the check. Checks returned to the Department due to insufficient funds will render your license or permit invalid. The Department may also deny the issuance or renewal of any commercial fishing license or permit if a person has failed to reimburse the Department for the amount due plus an additional processing fee of $30 (FGC Section 7852.25). Any commercial fishing activity performed without a valid license or permit is a violation of the Fish and Game Code and therefore subject to enforcement action.

** Credit Cards—Licenses, permits, tags, stamps, or registrations may be purchased with a Visa or MasterCard.

YOU MUST INCLUDE YOUR GO ID# OR A COPY OF YOUR IDENTIFICATION WITH THIS APPLICATION

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LICENSE SALES OFFICES

www.wildlife.ca.gov

EUREKA - 619 Second Street, Eureka, CA 95501 (707) 445-6493
FRESNO - 1234 East Shaw Avenue, Fresno, CA 93710 (559) 222-3761
LOS ALAMITOS - 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720 (562) 342-7100
MONTEREY - 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940 (831) 649-2870
NAPA - 7329 Silverado Trail, Napa, CA 94558 (707) 944-5500
REDDING - 601 Locust Street, Redding, CA 96001 (530) 225-2300
SACRAMENTO - License and Revenue Branch - 1740 N. Market Blvd., Sacramento, CA 95834 (916) 928-5822
SAN DIEGO - 3883 Ruffin Road, San Diego, CA 92123 (858) 467-4201

DHS, USCG, CG-1270 (REV. 06-04)

OMB APPROVED
1625-0027

UNITED STATES OF AMERICA

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD

NATIONAL VESSEL DOCUMENTATION CENTER

CERTIFICATE OF DOCUMENTATION

VESSEL NAME	OFFICIAL NUMBER	IMO OR OTHER NUMBER	YEAR COMPLETED
QUEEN CORINNE	993065	NONE	1993

HAILING PORT	HULL MATERIAL	MECHANICAL PROPULSION
CARMEL CA	STEEL	YES

GROSS TONNAGE	NET TONNAGE	LENGTH	BREADTH	DEPTH
88GRT	71NRT	72.6	22.0	8.3

PLACE BUILT

GALLIANO LA

OWNERS	OPERATIONAL ENDORSEMENTS
FOSMARK FISHERIES LLC COMPRISED OF TWO MEMBERS	FISHERY REGISTRY COASTWISE

MANAGING OWNER

FOSMARK FISHERIES LLC

RESTRICTIONS

NONE

ENTITLEMENTS

NONE

REMARKS

NONE

ISSUE DATE

JULY 15, 2016

THIS CERTIFICATE EXPIRES

AUGUST 31, 2017

Christopher H. Walther

DIRECTOR, NATIONAL VESSEL DOCUMENTATION CENTER

PREVIOUS EDITION OBSOLETE, THIS CERTIFICATE MAY NOT BE ALTERED

LLC-1

File # 201222810235

State of California
Secretary of State

Limited Liability Company
Articles of Organization

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

AUG 09 2012

A $70.00 filing fee must accompany this form.

Important – Read instructions before completing this form.

This Space For Filing Use Only

Entity Name (End the name with the words "Limited Liability Company," or the abbreviations "LLC" or "L.L.C." The words "Limited" and "Company" may be abbreviated to "Ltd." and "Co.," respectively.)

1. NAME OF LIMITED LIABILITY COMPANY
FOSMARK FISHERIES, LLC

Purpose (The following statement is required by statute and should not be altered.)

2. THE PURPOSE OF THE LIMITED LIABILITY COMPANY IS TO ENGAGE IN ANY LAWFUL ACT OR ACTIVITY FOR WHICH A LIMITED LIABILITY COMPANY MAY BE ORGANIZED UNDER THE BEVERLY-KILLEA LIMITED LIABILITY COMPANY ACT.

Initial Agent for Service of Process (If the agent is an individual, the agent must reside in California and both items 3 and 4 must be completed. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and item 3 must be completed (leave item 4 blank).

3. NAME OF INITIAL AGENT FOR SERVICE OF PROCESS
SCOTT FOSMARK

4. IF AN INDIVIDUAL, ADDRESS OF INITIAL AGENT FOR SERVICE OF PROCESS IN CALIFORNIA CITY STATE ZIP CODE

Management (Check only one)

5. THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY:

- [ ] ONE MANAGER
- [ ] MORE THAN ONE MANAGER
- [x] ALL LIMITED LIABILITY COMPANY MEMBER(S)

Additional Information

6. ADDITIONAL INFORMATION SET FORTH ON THE ATTACHED PAGES, IF ANY, IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS CERTIFICATE.

Execution

7. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRUMENT, WHICH EXECUTION IS MY ACT AND DEED.

8/8/12
DATE

SIGNATURE OF ORGANIZER

SCOTT FOSMARK
TYPE OR PRINT NAME OF ORGANIZER

I hereby certify that the foregoing transcript of 1 page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.

AUG 20 2012

Date: _____

DEBRA BOWEN, Secretary of State

OPERATING AGREEMENT
FOR
FOSMARK FISHERIES, LLC,
a California limited liability company

THIS OPERATING AGREEMENT (this "Agreement"), is entered into as of August 9, 2012, by **SCOTT FOSMARK and DEBORAH A. FOSMARK, Husband and Wife, as Community Property,** (the "Member") as the sole and initial Member of **FOSMARK FISHERIES, LLC**, a California limited liability company (the "Company").

A. On August 9, 2012, Articles of Organization for the Company, pursuant to the Beverly-Killea Limited Liability Company Act, were filed with the California Secretary of State.

B. The Member desires to adopt and approve an operating agreement for the Company.

NOW, THEREFORE, the Member by this Agreement sets forth the operating agreement for the Company upon the terms and subject to the conditions set forth hereinbelow.

ARTICLE I
DEFINITIONS

The following capitalized terms used in this Agreement have the meanings specified in this Article or elsewhere in this Agreement and when not so defined shall have the meanings set forth in California Corporations Code section 17001.

1.1 Act. "Act" means the Beverly-Killea Limited Liability Company Act (California Corporations Code sections 17000-17655), including amendments from time to time.

1.2 Agreement. "Agreement" means this Operating Agreement, as originally executed and as amended from time to time.

1.3 Articles of Organization. "Articles of Organization" is defined in California Corporations Code section 17001(b) as applied to the Company.

1.4 Capital Account. "Capital Account" means an account maintained and adjusted in accordance with Article III, Section 3.2.

1.5 Capital Contribution. "Capital Contribution" means the amount of the money and the fair market value of any property (other than money) contributed to the Company (net of liabilities secured by such contributed property that the Company is considered to assume or take "subject to" under IRC section 752) in consideration of a percentage interest held by the Member. A Capital Contribution shall not be deemed a loan.

1.6 Capital Event. "Capital Event" means a sale or disposition of any of the Company's capital assets, the receipt of insurance and other proceeds derived from the involuntary conversion of Company property, the receipt of proceeds from a refinancing of Company property, or a similar event with respect to Company property or assets.

1.7 Code. "Code" or "IRC" means the Internal Revenue Code of 1986, as amended, and any successor provision.

1.8 Company. "Company" means **FOSMARK FISHERIES, LLC**, a California limited liability company.

1.9 Member. "Member" means **SCOTT FOSMARK and DEBORAH A. FOSMARK, Husband and Wife, as Community Property** or, in the event that one spouse predeceases the other, the surviving spouse.

1.10 Person. "Person" means an individual, partnership, limited partnership, trust, estate, association, corporation, limited liability company, or other entity, whether domestic or foreign.

1.11 Predeceased Spouse. "Predeceased Spouse" means the first of either **SCOTT FOSMARK** or **DEBORAH A. FOSMARK** to die.

1.12 Regulations. "Regulations" means the income tax regulations promulgated by the United States Department of the Treasury and published in the Federal Register for the purpose of interpreting and applying the provisions of the Code, as such Regulations may be amended from time to time, including corresponding provisions of applicable successor regulations.

1.13 Surviving Spouse. "Surviving Spouse" means the survivor of either **SCOTT FOSMARK** or **DEBORAH A. FOSMARK**, and upon the death of the Predeceased Spouse, becomes the sole successor Member of the Company.

ARTICLE II
ORGANIZATIONAL MATTERS

2.1 Name. The name of the Company shall be "**FOSMARK FISHERIES, LLC**". The Company may conduct business under that name or any other name approved by the Member.

2.2 Term. The Company's existence commenced on the date the Articles were filed with the Secretary and shall continue until dissolved pursuant to Article VII of this Agreement.

2.3 Office and Agent. The Company shall continuously maintain an office and registered agent in the State of California as required by the Act. The principal office of the Company shall be at such location as the Member may determine. The Company's registered agent shall be as stated in the Articles of Organization or as otherwise determined by the Member.

2.4 Business of the Company. The purpose of the Company shall be the business of commercial fishing and such other activities related to the foregoing business as may be necessary or advisable in the reasonable opinion of the Member to further such business.

2.5 Tax Classification: Requirement of Separate Books and Records and Segregation of Assets and Liabilities. The Member acknowledges that because the Company is formed to have a single Member pursuant to Treasury Regulations Section 301.7701-3, the Company shall be disregarded as an entity separate from its owner for federal income tax purposes until the effective date of any election it may make to change its classification for federal income tax purposes to that of a corporation by filing IRS Form 8832, Entity Classification Election, or until the Company has more than one member in which case it would be treated as a partnership for federal income tax purposes (provided that the Company has not elected on Form 8832 to be treated as a corporation). In all events, however, the Company shall keep books and records separate from those of its Member and shall at all times segregate and account for all of its assets and liabilities separately from those of its Member.

ARTICLE III
CAPITAL CONTRIBUTIONS

3.1 Capital Contributions. The Member shall make a contribution to the capital of the Company in the amount shown opposite the Member's name on Exhibit A attached hereto. The Member may, but shall not be required to, make additional contributions to the capital of the Company.

3.2 Capital Accounts. The Company shall establish a capital account ("Capital Account") for the Member and maintain the Capital Account in accordance with Treasury Regulations Section 1.704-1(b)(2)(iv).

3.3 No Interest. The Company shall not pay any interest on capital contributions.

3.4 Limited Liability. The Member shall not be bound by, or be personally liable for, the expenses, liabilities, or obligations of the Company except as otherwise provided in the Act or this Agreement.

ARTICLE IV
DISTRIBUTIONS

4.1 Payment. Distributions shall be made at such times, and from time to time as the Member may determine.

4.2 Restrictions on Distributions. Notwithstanding Section 4.1, no distribution shall be made if, after giving effect to the distribution: (a) the Company would not be able to pay its debts as they become due in the usual course of business; or (b) the Company's total assets would be less than the sum of its total liabilities.

ARTICLE V
MANAGEMENT

5.1 Management and Powers. The Member shall have full, complete and exclusive authority, power, and discretion to manage and control the business, property and affairs of the Company, to make all decisions regarding those matters and to perform any and all other acts or activities customary or incident to the management of the Company's business, property and affairs. In addition to the power and authority granted to the Member pursuant to this Section 5.1, the Member has the full authority to sign any and all documents, and take any and all actions, in the name of, and on behalf of, the Company.

5.2 Successor Member. In the event that either **SCOTT FOSMARK** or **DEBORAH A. FOSMARK** dies, the Predeceased Spouse's community property interest in the Company shall pass to the Surviving Spouse, who shall become sole successor Member of the Company with the same authority, power, and discretion granted to the initial Member under this Agreement.

5.3 Member Meetings. No annual or regular member meetings are required.

5.4 Title to Assets . All assets of the Company, whether real or personal, shall be held in the name of the Company.

5.5 Bank Accounts. All Company funds shall be deposited in the Company's name in one or more banks, money funds, bank certificates of deposit, or government securities to be designated by the member. All deposits into and withdrawals from any such Company account shall be made by the

member or such persons as the Member may designate, subject to the limitations provided in this Agreement.

ARTICLE VI
ACCOUNTS AND RECORDS

6.1 Fiscal Year. The Company's fiscal year shall be the calendar year.

6.2 Method of Accounting. The Company's accounting records shall be kept on a method to be determined by the member upon advice of the Company's accountants.

6.3 Books and Records. The member shall keep books and records of the Company that reflect all material Company transactions and are appropriate and adequate for the Company's business.

6.4 Tax Filings. The Member shall prepare and timely file the income tax returns for the Company with the appropriate authorities. The Member shall also prepare and timely file, with appropriate authorities, amendments to, or restatements of, the Articles and all reports required to be filed by the Company with those entities under the Act or other applicable laws, rules, regulations.

6.5 Tax Matters for the Company. SCOTT FOSMARK is designated as "Tax Matters Partner" (as defined in Code Section 6231) to represent the Company (at the Company's expense) in connection with all examination of the Company's affairs by tax authorities and to expend Company funds for professional services and costs associated therewith.

ARTICLE VII
DISSOLUTION AND WINDING UP

7.1 Dissolution Events. The Company shall dissolve, dispose of its assets, and wind up its affairs upon the first to occur of the following (each, a "Dissolution Event"):

(a) the death of the Surviving Spouse;

(b) the Member's unanimous written consent;

(c) the sale of all or substantially all of the Company's assets;

(d) the entry of a decree of judicial dissolution under Section 17351 of the Act; or

(e) the happening of any event that makes it unlawful or impossible to carry on the Company's business.

7.2 Assignment on Death or Incompetency. In the event of the Surviving Spouse's death or adjudication of incompetency, his or her personal representative may exercise his or her rights for the sole and exclusive purpose of winding up and dissolving the Company to settle the Surviving Spouse's estate, including without limitation, any power conferred under applicable law or this Agreement for the personal representative as an assignee to become a Member to exercise such rights of the Surviving Spouse.

7.3 Certificate of Dissolution. As soon as possible following the occurrence of a Dissolution Event, the Member shall (a) execute a Certificate of Dissolution (the "Certificate") in such form as shall be prescribed by the Secretary, and (b) file the Certificate as required by the Act.

7.4 **Procedures upon Dissolution.**

7.4.1 **General.** Upon dissolution, the Company shall continue solely for the purpose of winding up its affairs in an orderly manner, liquidating its assets, and satisfying the claims of its creditors pursuant to the appropriate provisions of the Act and the procedures set forth in this Section 7.3.

7.4.2 **Control of Winding Up.** The Member shall have all the duties and responsibilities associated with winding up the Company's affairs. The Member shall determine the time, manner, and terms of the sale of the Company assets, consistent with his fiduciary responsibilities and having due regard to the activity and condition of the relevant market and general financial and economic conditions.

7.4.3 **Liquidating Distributions.** Following the Company's dissolution, the Company's assets shall be applied to satisfy claims of creditors and distributed to the Member in liquidation as provided in the Act.

7.5 **Certificate of Cancellation.** On completion of the Company's winding up, the Member shall file a Certificate of Cancellation in the office of, and on a form prescribed by, the Secretary.

ARTICLE VIII
INDEMNIFICATION AND INSURANCE.

8.1 **Indemnification of Member.** The Company shall indemnify any Member and may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding because he or she is or was a Member, officer, employee, or other agent or that, being, or having been such a Member, officer, employee, or agent, he or she is or was serving at the Company's request as a manager, director, officer, employee, or other agent of another limited liability company, corporation, partnership, joint venture, trust, or other enterprise (collectively an "agent"), to the fullest extent permitted by applicable law.

ARTICLE IX
GENERAL PROVISIONS

9.1 **Entire Agreement.** This Agreement constitutes the whole and entire agreement with respect to the subject matter of this Agreement.

9.2 **Governing Law; Severability.** This Agreement shall be construed and enforced in accordance with the internal laws of the State of California. If any provision of this Agreement is determined by any court of competent jurisdiction or arbitrator to be invalid, illegal, or unenforceable to any extent, that provision shall, if possible, be construed as though more narrowly drawn, if a narrower construction would avoid such invalidity, illegality, or unenforceability or, if that is not possible, such provision shall, to the extent of such invalidity, illegality, or unenforceability, be severed, and the remaining provisions of this Agreement shall remain in effect.

9.3 **Titles and Headings.** The article, section, and paragraph titles and headings contained in this Agreement are inserted as a matter of convenience and for ease of reference only and shall be disregarded for all other purposes, including the construction or enforcement of this Agreement or any of its provisions.

9.4 **Amendment.** This Agreement may be altered, amended, or repealed only by a writing signed by the Member.

IN WITNESS WHEREOF, the Member of **FOSMARK FISHERIES, LLC**, a California limited liability company, has executed this Agreement, effective as of the date written above.

MEMBER:

SCOTT FOSMARK and DEBORAH A. FOSMARK,
Husband and Wife, as Community Property

By:

SCOTT FOSMARK

DEBORAH A. FOSMARK

EXHIBIT A
CAPITAL CONTRIBUTION AND ADDRESSES OF MEMBERS
as of
August 9, 2012

Member's Name	Member's Address	Member's Capital Contribution	Member's Membership Interest
SCOTT FOSMARK and DEBORAH A. FOSMARK, Husband and Wife, as Community Property	26414 Mission Fields Road Carmel, CA 93923	$1,000 00	100%

State of California – Fish and Game Commission
PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE
FGC 1 (NEW 10/23/14) Page 1 of 2

2017-005

Tracking Number: (~~unsure- please enter~~)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2017 JUN -6 PM 2:11

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. **Person or organization requesting the change (Required)**
   Name of primary contact person: Scott R. Hartzell .
   Address:
   Telephone number:
   Email address:

2. **Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: **Sections 713, 1050, 8591, 8841, & 8842 Fish & Game Code Ref: Sections 1050, 7852.2, 7858, 8101, 8591,& 8842.**

3. **Overview (Required)** - Summarize the proposed changes to regulations: Create 20 new non-transferable Northern Pink Shrimp permits. To be sold @ $50,000 each & renewed every year or forfeiture. No overall length limit to be associated with the permit. Move the fishery back inside the 3 mile demarcation line with certain exceptions. Require: 10 shrimp deliveries within 5 years or forfeiture

4. **Rationale (Required)** - Describe the problem and the reason for the proposed change: Under utilized fishery, needed revenue for the state and commercial fishermen.

SECTION II: Optional Information

5. **Date of Petition: May 29, 2017.**

6. **Category of Proposed Change**
   ☐ Sport Fishing
   x Commercial Fishing
   ☐ Hunting

☐ Other, please specify: Click here to enter text.

7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or https://govt.westlaw.com/calregs*)
x Amend Title 14 Section(s):Section 120.2, Title 14, CCR, H
☐ Add New Title 14 Section(s): Click here to enter text.
☐ Repeal Title 14 Section(s): Click here to enter text.

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.
Or x Not applicable.

9. **Effective date**: If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: as soon as possible.

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: none.

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: The current Pink Shrimp Fishery has evolve: to have minimal impact on the bottom terrain & its non-targeted species. Create economic gains for California's much needed commercial fisheries.

12. **Forms:** If applicable, list any forms to be created, amended or repealed:
none

SECTION 3: FGC Staff Only

Date received: ~~Click here to enter text.~~ June 6, 2017

FGC staff action:
☐ Accept - complete
☐ Reject - incomplete
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: June 21-22, 2017

Meeting date for FGC consideration: August 16-17, 2017

FGC action:
☐ Denied by FGC
☐ Denied - same as petition _____
Tracking Number
☐ Granted for consideration of regulation change

California Halibut Trawl Permit Transferability

Credit: T. Tanaka, CDFW

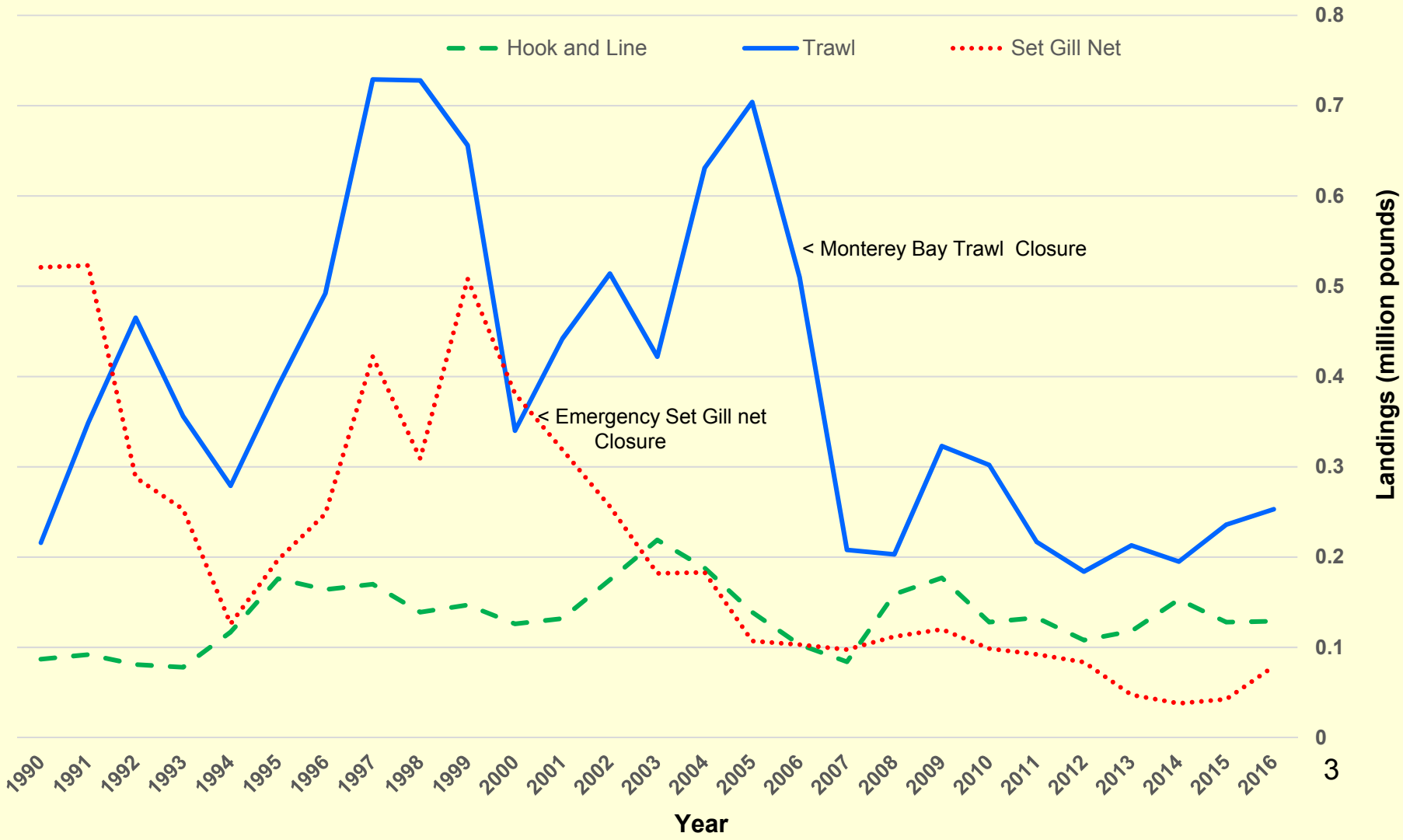
Credit: CDFW file photo

Travis Tanaka
Marine Region
Marine Resources Committee Meeting
Marina
November 9, 2017

Commercial CA Halibut Fishery

- Trawl
  - Federal waters only, except for the California Halibut Trawl Grounds (CHTG)
  - Limited entry permit
- Hook-and-line
  - Statewide; shallow nearshore
  - Open access
- Set gill net
  - South of Pt. Arguello; Federal waters only
  - Limited entry permit

Statewide Landings by Gear Type



Trawl Permit Overview

- FGC §8494
  - Permit first required 2006 season
    - Halibut landings over 200 lbs during qualifying period
    - No new permits since 2006
  - Permit required to trawl in the CHTG or for directed Halibut trawling in Federal waters
    - Federal groundfish trawlers without a Halibut trawl permit may land up to 150 lbs of Halibut during a groundfish trip
  - Limited options for transferability

Credit: K. Lesyna, CDFW

Trawl Permit Overview

- Permit history
  - 61 issued in 2006
    - 41 landed Halibut
  - Permits lost through attrition
    - 2016: 42 issued, 26 landed Halibut
    - 2017: 36 issued, 17 landed Halibut

Credit: T. Tanaka, CDFW

Permit Transferability Under FGC §8494

(d) Permits issued pursuant to this section may be transferred if at least one of the following occur:

(1) Adopt Restricted Access program

(2) Prior to implementation of a restricted access plan, the permit is transferred to another vessel owned by the same permit holder of equal or less capacity if originally permitted vessel is lost, stolen, destroyed, or has an irreparable mechanical breakdown

Permit Transferability Under FGC §8494

(d)(3) Prior to implementation of a halibut trawl restricted access program Commission may consider requests for transfer from one owner to another if both requirements are met:

(A) Permit holder has died, is permanently disabled, or is at least 65 years of age and has decided to retire from commercial fishing

(B) California Halibut landings contributed significantly to the record and economic income derived from the vessel

Questions ◈ Thank You

Travis Tanaka
Environmental Scientist
831-649-2881
Travis.Tanaka@wildlife.ca.gov

April 24, 2017

Morgan Castagnola
F/V CECELIA

CALIFORNIA FISH AND GAME COMMISSION
P.O. Box 944209
Sacramento, CA 94244-2090

RECEIVED AT
APR 27 2017
COMMISSION MEETING
AGENDA ITEM 19
Morgan Castagnola

RE: Request to Agendize Halibut Trawl Permit Transfer

Dear President Sklar and Commissioners:

I am writing to you today to request that you direct the Marine Subcommittee of the Commission to review and remedy my highly unusual permit situation with respect to the California Halibut Trawl permit on my vessel, the F/V Cecelia.

The attached sheet "FALLING THROUGH THE CRACKS" explains how I, a fourth generation commercial fishermen in Santa Barbara, have had major difficulty getting the halibut trawl permit assigned to the F/V CECELIA. This is ironic in the fact that I have been the principal fisherman involved in collaborative research studies on halibut in the Santa Barbara Channel and Monterey Bay, working with the Department, NOAA Fisheries, and California Sea Grant researchers on multiple studies to assess the effects of trawl nets on the seafloor and bycatch in the fishery, since 2004. Those studies, by the way, have all indicated that this fishery is sustainable, doesn't harm the seafloor or marine ecology, and minimizes bycatch, as specified in SB 1459, the original enabling legislation for the California Halibut Trawl Permit system.

I urge the Commission and the Marine Subcommittee to review the facts in my case, understand how inexplicably complex the original permit transfer legislation was, and how it has affected by ability to conduct this fishery as I have long done, since I was a child working with my grandfather, Lawrence Castagnola in 1988.

I can be reached via cellphone : or via email : , or at the above letterhead address, in the event the Commission or Subcommittee needs further information regarding this request.

Thank you for considering how to straighten out this mess.

Sincerely,

Morgan Castagnola

FALLING THROUGH THE CRACKS: A TYPICAL CASE

Prior to enactment of SB 1459 in 2004, Captain Morgan Castagnola, a fourth generation commercial fisherman from Santa Barbara, fished many years for halibut on his boat at the time, the Lucy L, in the California Halibut Trawl Grounds. He thus qualified for a halibut trawl permit during the first permit cycle.

Morgan Castagnola gets a halibut trawl permit on his fishing license:
The Department of Fish and Game, unaccustomed to issuing this new permit in April 2006, issued the halibut trawl permit to Morgan Castagnola, commercial fisherman, not the F/V Lucy L, the commercial fishing vessel, or the F/V Cecelia, the commercial fishing vessel. From 2007 forward, the Department issued the trawl permit only **to the qualifying vessel, not the individual commercial fisherman**.

Morgan Castagnola assumes ownership of F/V Cecelia:
In late 2005, Capt. Castagnola's uncle, Capt. Tim Castagnola, deeded the historic family fishing vessel, the Cecelia, to Capt. Morgan Castagnola. The Cecelia had also fished for California Halibut in the Trawl Grounds, qualifying for a halibut trawl permit. But because the vessel was undergoing change of ownership, Tim Castagnola did not apply for a halibut trawl permit for Cecelia in 2006-07.

Morgan Castagnola attempts renewal of his halibut permit for year two:
In the Spring of 2007, Morgan Castagnola went to the Department of Fish and Game to renew his halibut permit. This time, however, he wanted to renew it on his historic family boat, the Cecelia, since he had sold the Lucy L. to Travis Evans of Port San Luis, who also wanted to trawl for halibut.

The Lucy L, Morgan Castagnola's former boat, receives a halibut permit:
The Lucy L, recall, had sufficient landings to qualify Morgan for a halibut permit in 2006 when Morgan was issued a permit on his commercial fishing license, not on the Lucy L. or Cecelia vessel registration. Travis Evans applied for a halibut trawl permit when he bought the Lucy L, and the Department issued the Lucy L, by then owned by Travis Evans, a California halibut trawl permit, in April, 2006.

When Morgan Castagnola attempted to re-register the Cecelia in his name, the Department instructed Morgan not to do that, or a halibut permit would not be issued for 2007 because the permit is non-transferable and the Cecelia did not have a permit for 2006 (it had been issued to Morgan's commercial fishing licence, not the Cecelia). So Morgan kept the Cecelia registered in Tim Castagnola's name, per advice of the Department, which issued a 2007 renewal of California halibut trawl permit to the F/V Cecelia and not to Morgan Castagnola, commercial fisherman as it had done in 2006.

The Conundrum
So, now, the halibut trawl permit resides with the F/V Cecelia, owned by Morgan Castagnola, registered in Tim Castagnola's name. It is unclear whether or not the halibut permit now on the Cecelia is also singularly attached to Tim Castagnola, former owner, or Morgan Castagnola, current owner, and why the Department told Morgan he would lose the halibut permit if the boat was re-registered in his name.

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APR 27 2017

COMMISSION MEETING
AGENDA ITEM 19
Mike McCorkle

SEC. 2. Section 8494 is added to the Fish and Game Code, to read:
8494.

...

(d) Permits issued pursuant this section may be transferred only if at least one of the following occur:

(1) The commission adopts a restricted access program for the fishery, including, but not limited to, if necessary, a plan for reducing capacity in this fishery in a manner that is consistent with the commission's policies regarding restricted access to commercial fisheries.

1) Take data to commission illustrating decadal capacity reduction now evident, ask for declaration of halibut as a restricted access fishery.

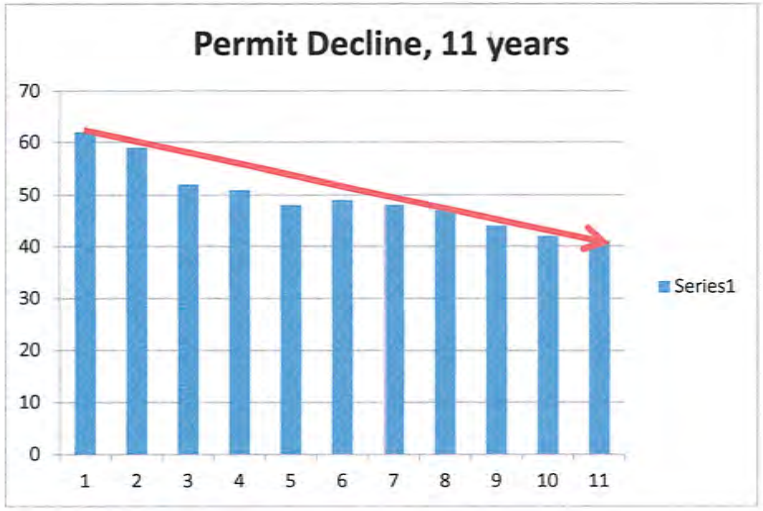
(2) Prior to the implementation of a restricted access program, the permit is transferred to another vessel owned by the same permitholder of equal or less capacity, as determined by the department based on the United States Coast Guard documentation papers, and if the originally permitted vessel was lost, stolen, destroyed, or suffered a major irreparable mechanical breakdown. The department may not issue a permit for a replacement vessel if the department determines that the originally permitted vessel was fraudulently reported as lost, stolen, destroyed, or damaged. Only the permitholder at the time of the loss, theft, destruction, or irreparable mechanical breakdown of a vessel may apply to transfer the vessel permit. Evidence that a vessel is lost, stolen, or destroyed shall be in the form of a copy of the report filed with the United States Coast Guard, or any other law enforcement agency or fire department that conducted an investigation of the loss.

(3) Prior to the implementation of a halibut trawl restricted access program, a vessel permitholder, or his or her heirs or assigns, requests to transfer the permit because of the death or permanent disability of the permitholder or the decision by the permitholder to retire from ~~fishing~~ ***trawling for California halibut*** ~~upon reaching or exceeding age 65~~, and halibut landings contributed significantly to the catch record and economic income derived from the vessel, and the permit is authorized by the department to be transferred with the vessel. The department may request information that it determines is reasonably necessary from the permitholder or his or her heirs and assigns for the purpose of verifying statements in the request prior to authorizing the transfer of the permit.

or, 2) cleanup legislation to effect the following changes in statutory language.

CALIFORNIA HALIBUT BOTTOM TRAWL VESSEL PERMIT

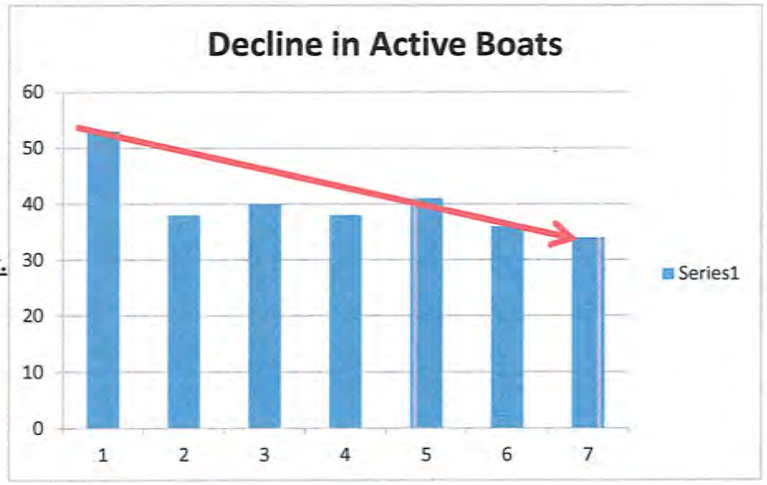
	Ratio	YEAR	# PERMITS	# ACTIVE
		2000*	120	91
		2001*	125	95
		2002*	116	88
		2003*	119	90
		2004*	79	60
		2005*	74	56
	17%	2006	62	53
	55%	2007	59	38
	30%	2008	52	40
	34%	2009	51	38
	17%	2010	48	41
	36%	2011	49	36
	41%	2012	48	34
		2013	47	
		2014	44	
Average	33%	2015	42	
		2016	41	



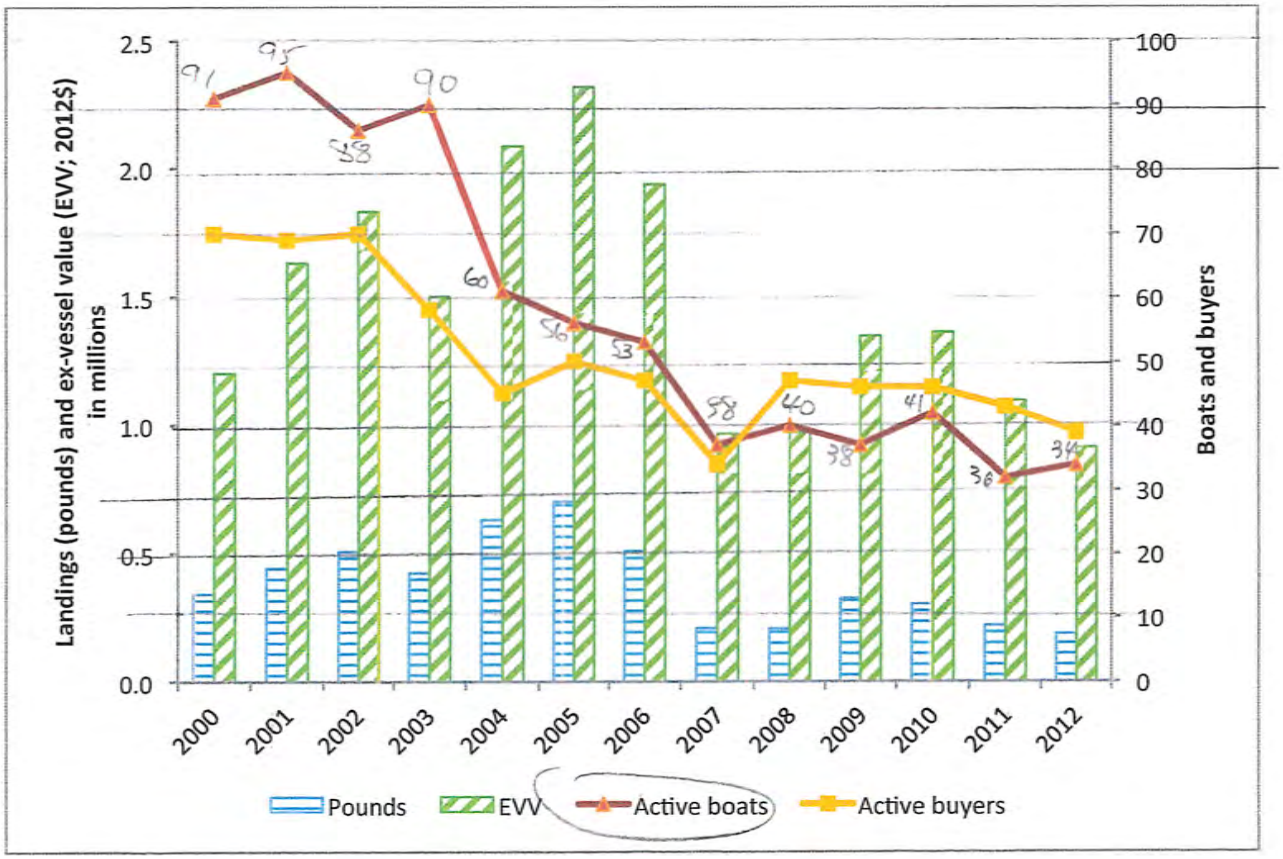
369 sum 2006-2012 permits
280 sum 2006-2012 active
32% average ratio
36% reduction in active boats in 7 years (2006-2012)
34% reduction in permits in 11 years (206-2016)

* #permits estimated via average ratio of #permits/#active from 2006 to 2012

If this permit attrition continues at the current rate, in 2026, there will only be 27 permits extant.



Trawl gear: California halibut commercial fishery activity, 2000-2012



	Long term average 2000-2012	Recent average 2010-2012	Percent difference	High year(s) (amount)	Low year(s) (amount)
Landings (lbs)	383,976	234,145	-39%	2005 (703,660)	2012 (183,172)
Ex-vessel value (2012 $)	1,475,666	1,125,122	-24%	2005 (2,319,518)	2012 (915,634)
Boats	58	36	-38%	2001 (95)	2011 (32)
Buyers	51	43	-16%	2000 (70)	2007 (34)
Trips	1,731	1,069	-38%	2002 (2,707)	2012 (752)
Price ($/lb, 2012$)	4.89	5.46	12%	2007 (5.62)	2000 (4.04)

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2017 AUG -7 AM 9:25

President Eric Sklar and members
California Fish and Game Commission
1416 9th St.
Sacramento, Ca 95814

July 8, 2017

Steven L. Rebuck

San Luis Obispo, Ca 93406

Dear President Sklar and Commissioners:

It has now been 20 years since the recreational and commercial red abalone fisheries south of San Francisco were closed to human use. We can now assess the success and/or failure of Department of Fish and Wildlife (DFW) policies in regards to red abalone fishing.

At the time of the closure in May 1997, I was a consultant to the California Abalone Association (CAA) representing the commercial abalone fishermen. I also served as the Abalone Technical Consultant to the Southern Sea Otter Recovery Team (TC-SSORT), 1993-2004.

In 1997, I utilized much of the available published literature created by the California Department of Fish and Game (CDFG) to defend my clients. Commercial harvest of abalone began in 1850. Abalone was California's first commercial fishery. I was dismayed in 1997 and later that the CDFG/DFW has ignored this rich historic literature. In my experience, this denial of our history has been a hallmark of CDFG/DFW abalone policy over the past 20 years.

Fact is, it was California counties which first created abalone laws, followed by the California Legislature, enforced

through the Fish and Game Code. Although it was the duty of citizens to obey these laws, by 1997, it was the citizens who were blamed for failed resource management by CDFG managers. It can be assumed that the basic CDFG/DFW task is to prevent the overutilization of living natural resources. The state, not the citizens, created the abalone fishing laws.

Between 1916 and the early 1960s, Morro Bay, California was the site of annual landings averaging 2,000,000 pounds per year (Cox, 1962). This "sustainable" fishery was terminated by sea otters, not human use (Fisher, 1939; Ebert, 1968 a&b; Wild and Ames, 1974; Odemar and Wilson, 1974; Miller, 1975,1980; Hardy, 1982; Silva, 1982; Wendell, 1986b, 1995;Gotshall, 1984; et al).

For 1987, CDFG reported 41% of red abalone landing originated from San Nicolas Island, Ventura County, (CDFG, Abalone Ocean Sport Fishing, August 1991) which in 1987, became the site for an experimental relocation of sea otters by the US Fish and Wildlife Serve (FWS). Within 5 years following relocation of sea otters to SNI, these red abalone landings reached zero. This fact was not considered by CDFG in 1997. Commercial red abalone landings were 391,030 in 1987 and 229,252 in 1996 (Annual Status of the Fisheries Report, 2003) reflecting the impact of sea otter relocation.

Using published research from CDFG, one can demonstrate that sea otters, between Monterey and San Luis Obispo County dominated approximately 90% of the former commercial abalone grounds by the mid-1970s. Fishermen were forced to relocate to the Channel Islands in order to continue fishing. Basically, the commercial fishery by the 1990s was fishing approximately 10% of their historic red abalone grounds and were landing approximately 10% of their former catch. One then has to ask: What was the commercial use problem?

Despite the rich literature on sea otters and the abalone fisheries, CDFG in 1997 unfairly focused all blame for resource declines on the commercial divers.

The primary political problem in 1997 was not commercial landings, it was export to China. Sport divers and some at CDFG resented this export. The most obvious solution was to ban export, making the fishery domestic only. Although suggested by CAA, this option/solution was not considered.

The fact was that of the 101 commercial abalone permit holders in 1997, 91 of them also held commercial sea urchin permits. At the time, sea urchin diving was far more lucrative than abalone diving. But, to maintain ones abalone permit, divers were forced to make fixed annual landings. The commercial abalone divers had attempted for years to have this landing requirement waved. In fact, in 1997, legislation was introduced to wave this requirement (Assemblyman Bordonaro), but emergency closure pre-empted this legislation.

A couple of what can only be characterized as dirty tricks were used in 1997 and the years leading up. One of these dirty tricks was the release of "draft" data by CDFG Marine Biologist, Konstantine Karpov. For the years before 1997, Karpov was leaking draft data and other information to the San Francisco Chronicle and other newspapers. These leaks inflamed the recreational dive community against the commercial divers.

A second leak was from CDFG Marine Biologist, Peter Haaker who claimed that sex ratios in red abalone were skewed. These claims were made to the FGC and had an alarming effect. However, after the closure, Haaker admitted his claims were false, but the damage was done. In all my decades of experience with CDFG, I had never seen CDFG biologist act so reckless with draft data.

In the first draft of the Abalone Recovery and Management Plan (ARMP) it states: "...two year closure..." The document also makes the statement that this was a "Fisheries Management Plan" (FMP) (Draft, Informational Document, California Abalone fishing, November 1997; And, Final Draft, 10-9-97 8:08 AM, Appendix 1, Draft Fisheries Recovery/Management Plan for California Abalones.)

Of course, the excuse for not completing this 20 year old FMP was the passage of the Marine Life Protection Act of 1998 (MLMA). So, here we are, now 19 years later and no FMP for the abalone fisheries.

In 2014, DFW announced plans to begin the FMP for abalone fishing. The timeline was to produce a draft FMP by spring, 2015 and a final version by spring 2017. To date, the draft does not yet exist. Is August 2017 a real date?

In 2005, CAA drafted a plan (Alternative 8) which was later incorporated into the ARMP of 2005. One component of this plan was to create a $10. per abalone "fixed tag". The CAA proposal suggested an experimental harvest of 17,000. red abalone. Had CDFG/DFW accepted this experiment, $170,000. would have been provided the first year before one abalone was harvested. This money could have been used for monitoring the fishery and for law enforcement. Each tag was to have the permit holders information. In addition, harvest size was to be increased to 8". Over the past 12 years, the tags alone would have generated over $3.4 million dollars. With the combined landing taxes and permit fees, this amount would have been many millions of dollars more. It is curious why DFW said no.

During the 1980s, the commercial abalone divers self imposed a tax on abalone landings to support their research into abalone re-seeding. There was about $250,000. in 1997. After 1997, CDFG siphoned off most of the tax money to fund black hole projects like a "risk assessment" which

they funded, then rejected. Only about 1% of this money remains.

In addition, other proposals for a southern abalone fishery have been put forth by the Abalone Advisory Group (AAG) in 2009 and by CAA/Dr. Jeremy Prince and Sarah Valencia, 2009 . Both proposals rejected by DFW.

In 2014, the California Fish and Game Commission (FGC) requested an assessment of their methodologies from the California Ocean Science Trust (OST). OST suggested in their final report that DFW methods were flawed. One area was reliance on "density" as their primary management method. (Density was also critiqued by Dr. Prince). A second area of concern was DFWs reliance on "index sites" for collection of density data. DFW was not able to monitor all of their index sites on an annual basis. DFW decided to round-file OSTs report and has continued to rely on failed methodology.

At the FGC June 22, 2017 meeting, former FGC Executive Director, Zonke Mastrup made the statement that "..abalone fishing has never been better ." This is the result of relying on density in the ARMP. Clearly, there is a serious problem with the recreational only abalone fishery under the ARMP. The lack of recruitment will likely spell doom for the fishery in a few short years.

Having only a fishery in northern California means that approx. 5250 southern, south-central California and out-of-state divers converge on the north coast annually, further depleting the remaining abalone (Kashiwada, 2016).

During the 1997 abalone debate, the majority of "blame" for declining stocks was focused on the commercial men. The commercial fishery was harvesting approximately 229,252 (low 1996)-448,593 (high 1992) pounds per year, last decade of the fishery. The recreational fishery on the north

coast has been estimated at 1,500,000-3,000,000 pounds per year. "Incomplete data for year 2000 indicated approx.. 728,000 red abalone were taken on the north coast" (Annual Status of the Fisheries Report, 2003) (At 3 pound each, this would be over 2.m pounds of north coast abalone). In the same report, recreational poaching was estimated at 217,000 pounds. Yet, the rhetoric was: "The commercial divers take too many" which was not supported by landing data.

DFW has told us that the current FMP will be for the northern California recreational fishery only. At the pace they are moving, it could be several more years before an FMP is prepared for the area south of San Francisco.

At the June 22, 2017 FGC meeting, there was discussion about "citizen scientists." I would submit that by ignoring the commercial divers over the past 20 years, DFW has cut off some of the most knowledgeable "citizen scientists" that exist. An examination of the CDFG literature demonstrate this fact. Bonnot (1948) reported it was commercial abalone divers at Morro Bay who first taught CDFG biologists how to dive and that they were "keen observers." Parker (1986) reported that in cooperative dives between CDFG biologist and commercial divers on the north coast, it was the commercial divers who were far better at finding abalone in non-destructive surveys.

One of the requirements of SB 463 (Thompson, 1997) was the creation of a Recreational Abalone Advisory Committee (RAAC). For the majority of the RAAC history, the appointed members were primarily those recreational divers who wanted the commercial abalone fishery to remain closed, basically creating a kangaroo court.

To recap, DFW continues down a political, unscientific road:

* Ignoring CDFG published historic literature.

* Ignoring alterative plans: Alternative 8, 2005/07 (ARMP Amendment H); Abalone Advisory Group 2009; CAA, Red Abalone Market Fishery, 2009; California Ocean Science Trust, 2014.

* Ignoring alternative funding sources like the $10. commercial tag and/or commercial resource rents.

*Red abalone are not threatened or endangered with extinction statewide.

*DFW ignores significant recovery of pink and green abalone in southern California and red abalone at San Miguel Island. It is easily said these abalone in southern California are "dying of old age" while DFW does nothing but punish the California citizens.

In my opinion, for the past 20 years, CDFG/DFW has mislead the FGC about the status of abalone in California. And, DFW has demonstrated gross incompetence in it's management strategies.

However, as cited above, CAA did submit an "alternative" in 2005, which was included in the ARMP, (Appendix H, H.1, An Amendment to the Abalone Recovery and Management Plan's alternative 1). This alternative could provide relief by reducing the amount of red abalone currently being harvested from northern California, providing south-central and southern Californians an alternative fishing ground. It would appear within the power of the CFGC to open immediately San Miguel Island (SMI) to red abalone fishing.

In 2005, in the ARMP, H.1, it was estimated there were 3,000,000 emergent red abalone at SMI (H-4). Of these, 10% to 20% were estimated to be of commercial size—7 ¾" H-9). This was 300,000 to 600,000 abalone in 2005. (ARMP, Appendix H, pages H.1-H.11) What are the

emergent population/ legal size percentage now? Our $10. tag proposal was changed to a 10% "resource rent." At 15,000 red abalone, this would generate $72,000. (ARMP, H-10) 3,000 sport tags/cards would generate an estimated $18,000 (ARMP, H-10).

Opening SMI now could immediately reduce considerable pressure off the northern resource, providing an alternative for those who must now travel hundreds of miles to fish.

> *"Harvesting 10-20% of these abalone falling within the slot (197mm-203mm) size should have no negligible effect on the population as a whole." ARMP, H.1, H-9).*

The ARMP is the law of the land. It appears the CFGC has the discretion now to open this fishery. Please consider using the ARMP, Amendment H now to help reduce the harvest of red abalone in northern California.

Respectfully submitted,

Steve Rebuck

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

Fish and Game Commission

Wildlife Heritage and Conservation
Since 1870

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

Coastal Fishing Communities Discussion
Meeting Agenda
November 8, 2017 6:00 – 8:00 PM

Middlebury Institute of International Studies – McGowan Building
411 Pacific Street
Monterey, CA 93940

Meeting Goals

- Identify priorities for your fishing community
- Discuss challenges and opportunities facing fishing communities
- Discuss how the Commission can contribute to more resilient fishing communities

1. Welcome, Background

(A) Welcome and introductions

(B) Brief background of Commission fishing communities project

(C) Clarify Commission authority (permitting and access in State fisheries, seasons and take limits, State waters from 0-3 miles)

2. Discussion

(A) What are the biggest challenges to a successful fishing/ocean dependent industry in your area? (e.g., infrastructure, limited seasons/catch, complexity of regulations, etc.)

(B) Fisheries and port conditions have changed over the past 20 years. What do you want your port to look like 20 years from now?

(C) What policies or new regulations would you like to see the Commission develop to help you meet future goals?

3. Wrap Up

Adjourn

Thank you for participating!

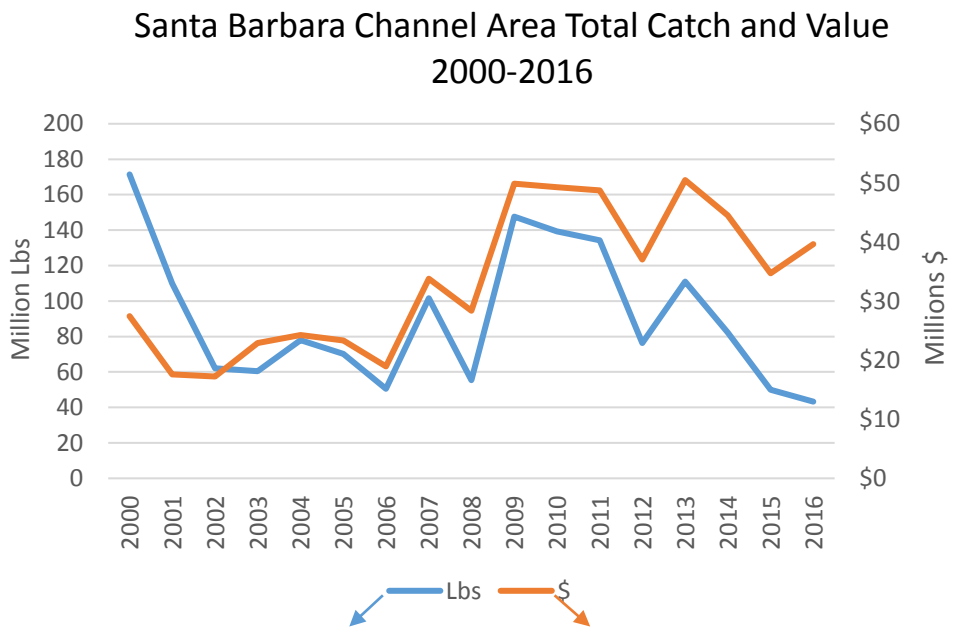
Santa Barbara Channel Area Fishing Community Profile

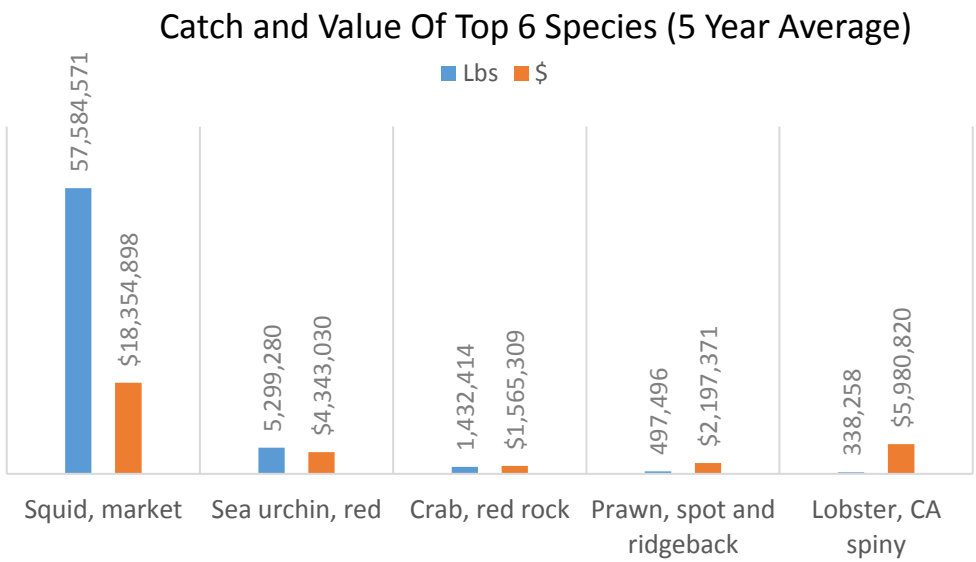
Includes Santa Barbara, Ventura, Channel Islands (Oxnard), Port Hueneme, Gaviota Beach, Guadalupe Beach ports

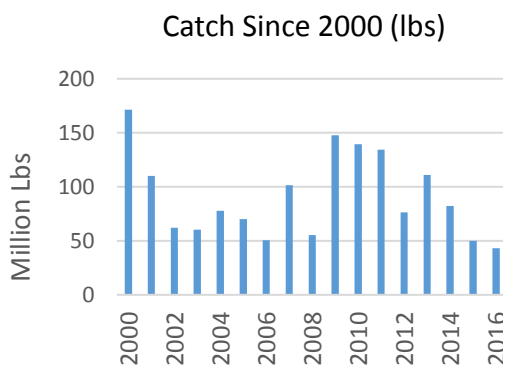
150-200 Commercial Fishing Vessels

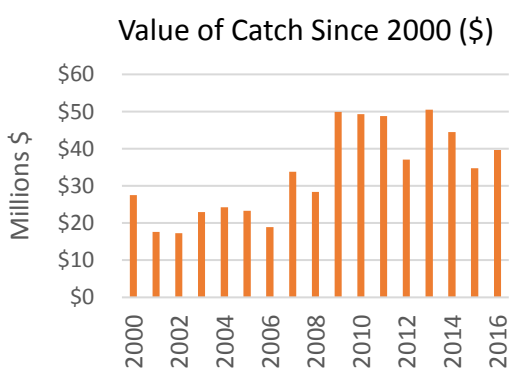
$33 million average annual earnings

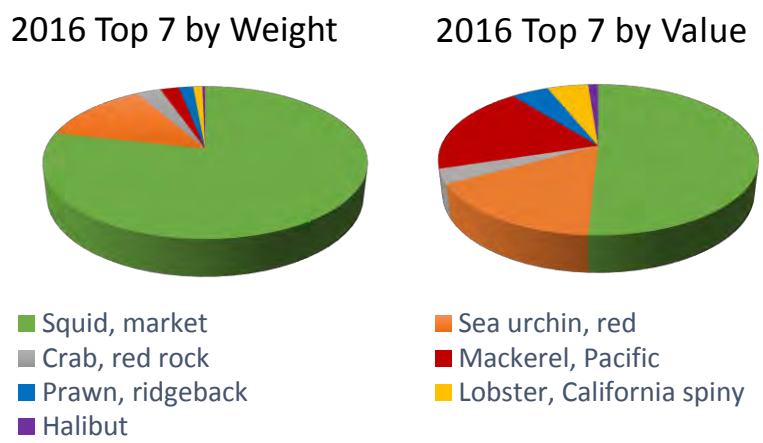
~90 million lbs average annual landings





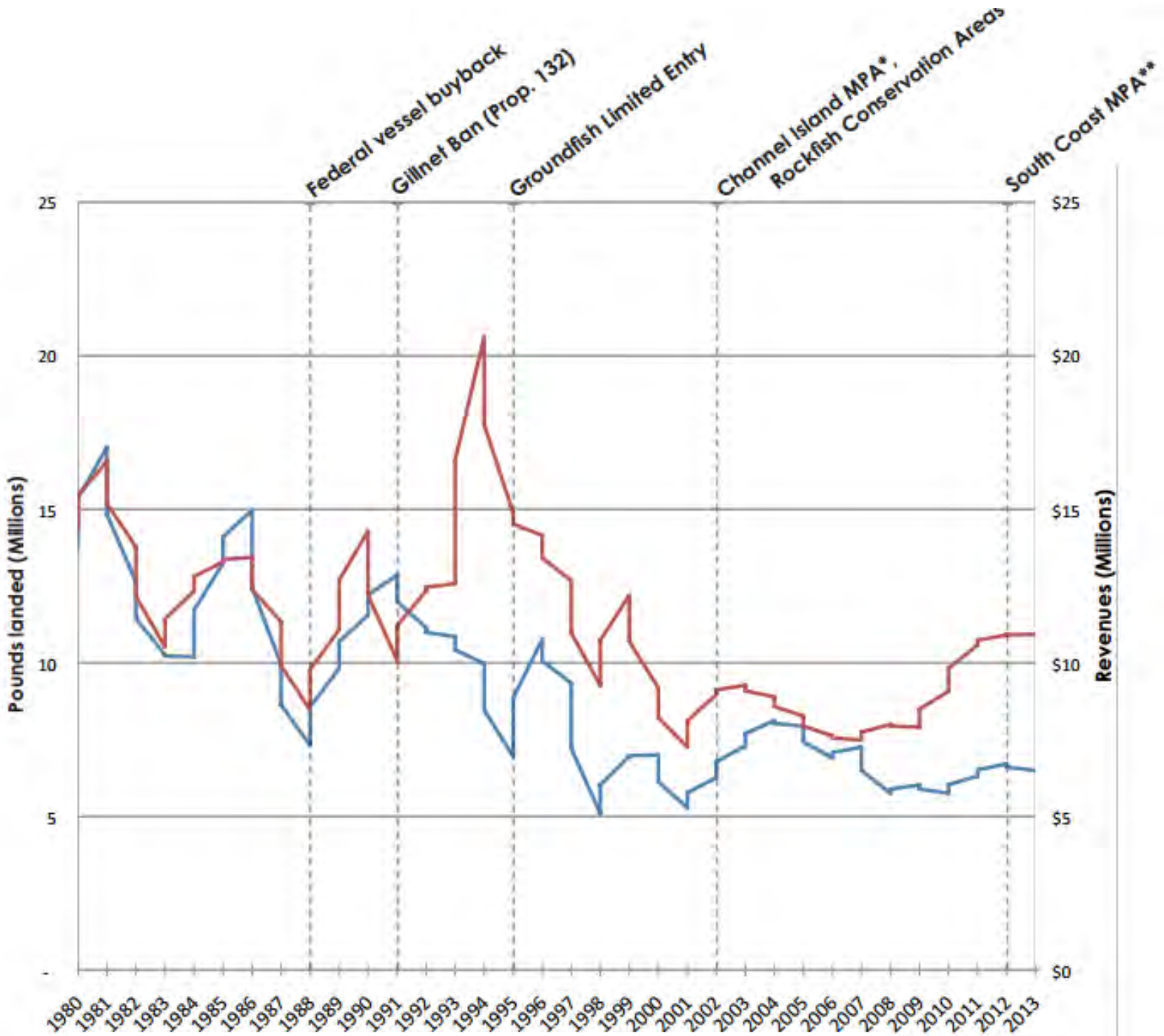






Credit: Heather Benko, California Fish and Game Commission, 2017

Most Impactful Management Measures and Their Effects on the Industry



Credit: Lisa Wise Consulting, CFSB "2014 Commercial Fisheries Economic Impact Report"

FGC staff note: These data points include the Port of Santa Barbara only.

Management Context for Select Fisheries in the Santa Barbara Channel Port Area[1]

Fishery	Management Authority		Management Measures				
	State	Federal	Limited entry	Quotas	Time/area closures	Species size/sex rules	Gear restrictions
Blackcod (sablefish) hook-and-line, trap	✓	✓	✓	✓	✓	✓	✓
Coastal pelagic finfish seine	✓	✓	✓	✓	✓		✓
Market squid seine	✓		✓	✓	✓		✓
Red sea urchin dive	✓		✓		✓	✓	✓
Rock crab trap	✓		✓			✓	✓
Sea cucumber dive, trawl	✓		✓		✓		✓
Spiny lobster trap	✓		✓		✓	✓	✓
Spot prawn trap	✓		✓		✓		✓

Note: Management authority and /or measures may vary for a given fishery depending on species and/or gear type.

[1] Credit: California Sea Grant (https://caseagrant.ucsd.edu/project/discover-california-commercial-fisheries/regions/santa-barbara-channel)

MORRO BAY AREA FISHING COMMUNITY PROFILE

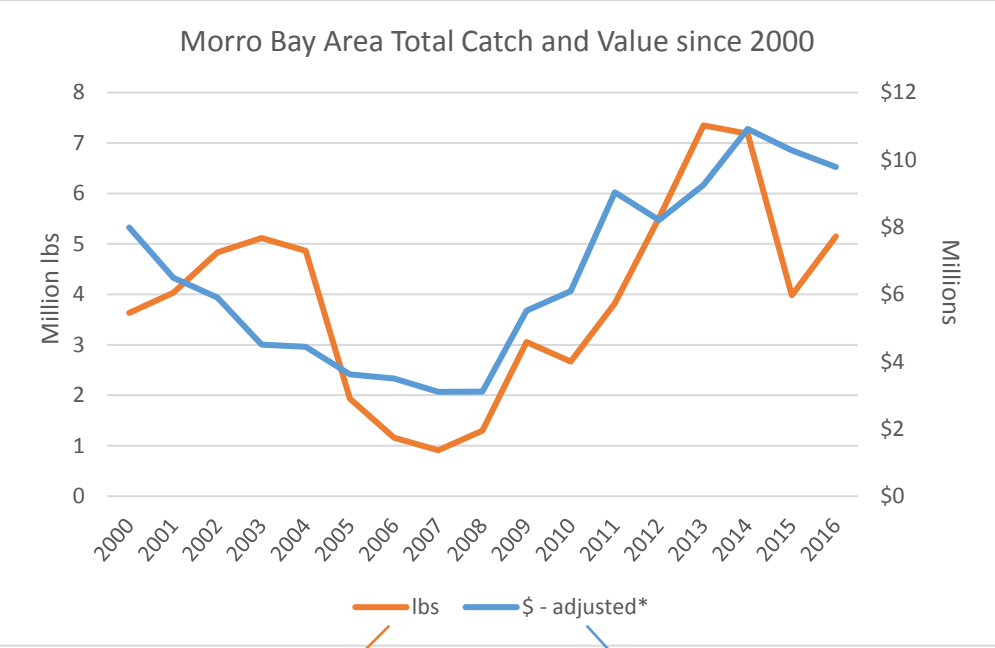
Includes Morro Bay, Avila/Port San Luis, and San Simeon

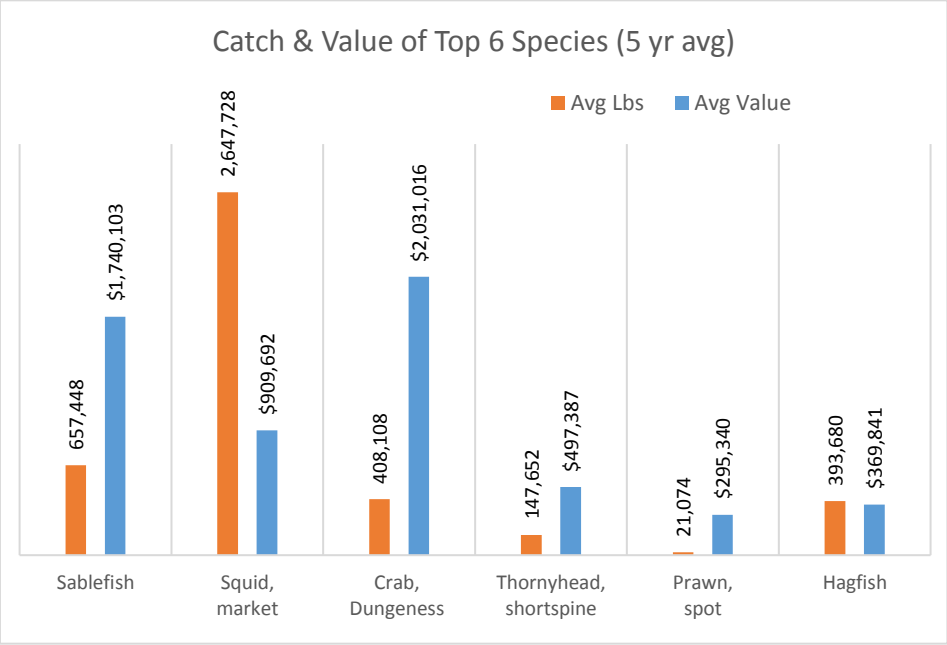
50-60 Commercial Fishing Vessels

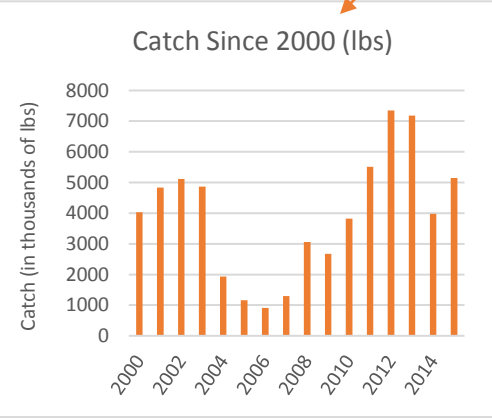
8 Charter Fishing Vessels

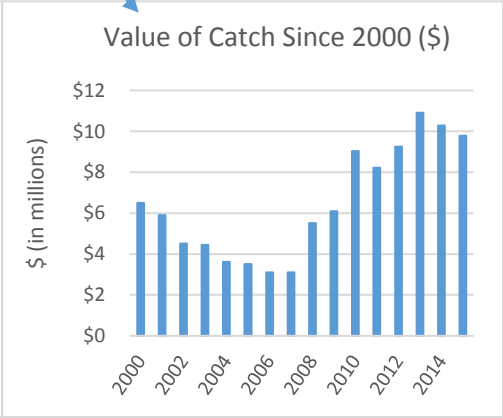
2 Seafood Processors

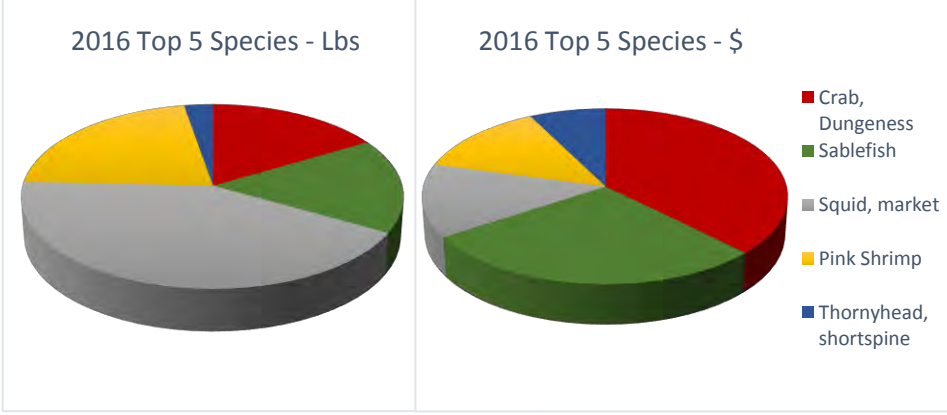
~4.3 million lbs landed annually (avg)











*All dollar amounts adjusted to 2016 values

Credit: Heather Benko, California Fish and Game Commission, 2017

From: Christopher Miller < @gmail.com>
Sent: Sunday, August 06, 2017 9:32 AM
To: Ashcraft, Susan@FGC
Cc: FGC; Pete Halmay; Jackie Miller
Subject: Community Based Harvest Planning & Environmental Justice guidelines for California

Hi Susan & Valerie

You have got a very good agenda going for marine resource management. I would like to digest some of my co-management experience that supports the CFW partnerships with the ports we land fish.

One of the lessons learned in the MLMA so far is that we need to consider the California Current Ecosystem as connected by currents that act as conveyer belts of ocean quality.

It is now being defined by the issue of ocean acidification.

In the historical references we have on climate change for California Spiny Lobster adaptive management with seasonal closures was also developed with regional county resource management systems.

In the early 1900's we used fishery research that asked the question what is the correct seasonal closure for a sustainable lobster harvest.

Now we are engaged in a new enterprise in science. We are asking what is the legal framework to research community resilience as a system of intergenerational equity for access to fresh fish for public health.

In the pressing issue of the Oceans and Islands of the pacific developing turtle protection we see that there is an ecological bottle neck in the quality of protection of turtle nesting site protection.

We being any fisherman who has had a traditional apprenticeship in fishing with nets.

It turns out that we can now advance a new model system based in spawning potential ratio models being supported with our creative energy.

If we generate more support for the CFW developing surveys of fishermen to leverage management cost recovery in relationship to stock rebuilding success in the California Current Ecosystem.

For example we could support a turtle nesting site protection rule in a State FMP for swordfish.

The fishermen could easily contract the FMP funding through the American Fisheries Society as an independent science body.

We could also provide existing federal resources in a science collaboration that was developed for Mainland Mexico and funded by the cable committee Peter Halmay is the President of that Committee.

Pete Dupuy who was an original guiding member of the Cable Committee is the California Swordfisherman that developed the nesting site protection community development with federal science partners in the National Marine Fisheries Service.

My ideal goal would be to have Commissioners ask me questions about that model and how it relates to MPA networks vessel of opportunity policy we generated in the Western Santa Barbara Channel Islands.

I would also like to give the commissioners to support it as new science philosophy of community exchange.

We would jointly leverage all community based systems through an MOU to implement coordination of conservation in the Three California Governors framework.

We have efforts with the La Paz Fisheries Center and the Ensenada Center for Fisheries Cooperatives to advance centers of fisheries information networking to improve management of fisheries.

Thank You,

Chris Miller
Fishing since 1978

fishery activist since 1986

Collaborative management since 1992

From: Posting-OceanPublic [mailto:posting-oceanpublic@RESOURCES.CA.GOV]
Sent: Friday, September 15, 2017 1:38 PM
To: CNRA_OCEANS_PUBLIC@LISTSERV.STATE.CA.GOV
Subject: Available for Public Comment: California's Draft Ocean Litter Prevention Strategy

CALIFORNIA OCEAN PROTECTION COUNCIL

John Laird, Secretary for Natural Resources, Council Chair
Matt Rodriquez, Secretary for Environmental Protection
Gavin Newsom, Lieutenant Governor, State Lands Commission Chair
Robert Hertzberg, State Senator
Mark Stone, State Assemblymember
Michael Brown, Public Member

The Ocean Protection Council is updating its 2008 Implementation Strategy to Reduce and Prevent Ocean Litter Strategy, in partnership with the National Oceanic and Atmospheric Administration Marine Debris Program.

The updated **Draft Strategy**, based on ideas generated at the first Ocean Litter workshop held in Oakland, CA in May 2017, is now available for review and comment**. The comment period is open from September 14th through October 16th, 2017**.

The planning team has developed a set of guiding questions for Draft Strategy review, available here. The Draft Strategy includes priorities, objectives, and tables of action items with corresponding needs and barriers, resources, and lead and partner organizations. The Strategy is in draft form; some sections of the document include red text and some portions of the tables are blank. This was intentional and these portions of the Strategy will be discussed and further developed through public comment and the input from stakeholders at the second workshop scheduled for November 15-16, 2017 at the NOAA Southwest Fisheries Science Center in La Jolla, CA. Comments suggesting additions to the tables are appreciated, particularly if your organization would like to take a lead or partner role in implementing the action items.

To submit your comments on the Draft Strategy and/or suggestions for additional action items to the planning team for consideration, please email oceanlitterstrategy@resources.ca.gov.

Subscribe or Unsubscribe

California Ocean Litter Prevention Strategy: Addressing Marine Debris from Source to Sea

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September 14, 2017

*****PLEASE NOTE*****

Thank you for taking the time to review the draft *California Ocean Litter Prevention Strategy: Addressing Marine Debris from Source to Sea (Strategy).* The draft Strategy was developed based on a wide range of stakeholder input and identifies objectives, strategies, and a list of action items for stakeholders to collaboratively implement to prevent and reduce ocean litter.

Please note that the Strategy is still in draft form and a final version of this document will be made available **after the second workshop that is taking place on November 15-16, 2017 in La Jolla, CA.** You will notice that there is some text in red and sections of the tables that are blank. These were intentionally left red or blank and will be discussed and further fleshed out during the second workshop.

In particular, we are soliciting feedback on the following:

1. Please identify any action items that you (and your organization) may be interested in taking a lead or partnership role in implementing or feel strongly that you may want to be involved in. Identifying your name (and your organization) next to an action item means that you and your organization will give your best efforts to implement the action item, given organizational and funding availability. Your input will help us develop breakout groups during the second workshop and further fill out the tables.

2. Do you think five years is the appropriate time scale for this document? Do you think it would be better if the time frame was longer or shorter?

3. What are your thoughts on the three ocean litter priority strategies?
    a) Do they reflect your understanding of what the state's ocean litter priorities are/should be?
    b) If not, what do you think the top priorities should be?
    c) What ocean-based litter strategies do you think should be included as a priority strategy?

4. Are there any actions that were not included in the draft Strategy that you would like to see incorporated?

Please see Appendix B of the draft Strategy for a complete list of action items that came out of workshop #1. Action items that were identified during workshop #1 were compiled and condensed and those that were mentioned the most by workshop #1 participants, as well as those that the planning team identified as particularly important (and feasible), were included in this draft. Your comments on this draft, as well as discussion during the second workshop, will help identify and address any gaps in the draft Strategy's action items and/or priority strategies, and ultimately finalize the Strategy.

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Please send general comments, edits, and questions regarding the draft Strategy to oceanlitterstrategy@resources.ca.gov **by** **Monday, October 16, 2017**. When sending your comments, please include your thoughts on the above four questions. We anticipate circulating an updated version of the draft Strategy before the second workshop.

A formal invite with additional information regarding workshop #2 is forthcoming.
Thanks again and we look forward to hearing from you.

Sincerely,

The Planning Team

Angela Howe, Surfrider Foundation
Miho Ligare, CA Sea Grant
Sherry Lippiatt, NOAA Marine Debris Program
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EXECUTIVE SUMMARY

Ocean litter is a pervasive problem at a local, regional, and global scale with a wide range of consequences to human health, the environment, and the economy. To ensure that California communities, environments, and economies remain productive and vibrant, immediate actions need to be taken to reduce and prevent ocean litter. The Ocean Protection Council (OPC) is updating its 2008 Implementation Strategy to Reduce and Prevent Ocean Litter, in partnership with the National Oceanic and Atmospheric Administration's Marine Debris Program to develop the *California Ocean Litter Prevention Strategy: Addressing Marine Debris from Source to Sea (Strategy),* which will provide guidance on implementing effective solutions to addressing this pressing issue.

Since the original Strategy was developed, many of the actions described in the document have either been accomplished or are in progress. In some cases, the State's regulatory or agency landscape has changed. In other cases, our understanding of the ocean litter problem has changed considerably since 2008, and some of the actions that were outlined in the 2008 Strategy may no longer be the best way to go about addressing ocean litter. In addition, new forms of ocean litter, such as microfibers, have been identified since 2008, and are not covered in the original Strategy.

The update process expands the previous Strategy to include projects of a variety of scales and scopes so that entities including tribes, government agencies, industry, academia, and nonprofits can make meaningful contributions towards reducing ocean litter in California. The Strategy prioritizes source reduction strategies and actions, as agencies and experts agree that source reduction is the most effective tactic to address ocean litter. Preventing waste in the first place - through initiatives such as transitioning to reusable products and redesigning packaging - is a more effective method of reducing waste as it reduces the amount of litter to control, capture, and dispose.

The Strategy was drafted based on a wide range of stakeholder input and identifies objectives, strategies, and a list of action items for stakeholders to collaboratively implement. The three priority strategies listed below were identified as the most effective actions to reduce and prevent ocean litter:

> **Priority #1:** Prohibit single use products, such as straws, stirrers, expanded polystyrene, and balloons, if a feasible, less damaging alternative is available.
>
> **Priority #2:** Require the phase out of single use products in public institutions and facilities (i.e. government functions, campuses), such as convenience food and beverage packaging.
>
> **Priority #3:** Advance research on microplastics and technological solutions to reduce microplastics in wastewater discharge.

Contributors to this document identified specific action items that are politically, socially, and economically feasible for California to accomplish within the next five years. Furthermore, with many dynamic and influential entities working on ocean litter throughout the state, it was important that organizations take ownership and implement action items that align with their respective goals and mandates.

In summary, this document provides a holistic, collaborative strategy for addressing ocean litter in California, with a focus on reducing land-based litter at its source. It focuses on high impact action items that entities can commit to working on over the next five years. The document provides both guidance with flexibility so that lead and partner organizations can work collaboratively to pursue funding (where needed) and implement these action items. Everyone has a vital role in working towards reducing and preventing ocean litter to ensure a healthy coast and ocean for current and future generations of Californians

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LIST OF ACRONYMS

**Update after workshop #2 and lead and partners organizations are identified*

BMP	Best Management Practices
CalRecycle	California Department of Resources Recycling and Recovery
CCC	California Coastal Commission
CSU	California State University
DTSC	Department of Toxic Substances Control
EPR	Extended Producer Responsibility
OPC	California Ocean Protection Council
MDP	Marine Debris Program
NRDC	Natural Resources Defense Council
NOAA	National Oceanic and Atmospheric Administration
SWRCB	State Water Resources Control Board; State Water Board
UC	University of California

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BACKGROUND

The Global Problem of Ocean Litter

Ocean litter, or marine debris, is a persistent, well-documented problem of global scale. Anthropogenic litter has been observed in submarine canyons in the northeastern Atlantic Ocean (Pham et al. 2014), in surface waters of the Southern Ocean (Isobe et al. 2017), the Mediterranean Sea (Suaria et al. 2016), and the Caribbean Sea (Law et al. 2010), and on beaches and shorelines worldwide (Ocean Conservancy 2017, Browne et al. 2011). While there are many ways to classify ocean litter, it is common to characterize it as either land-based or ocean-based, depending on the way in which it enters the marine environment (Galgani et al. 2015). Land-based litter can enter the ocean through poor or inefficient waste management systems, or intentional or unintentional littering by individuals and industries (UNEP and GRID-Arendal 2016, Galgani et al. 2015). Furthermore, land-based litter may be discharged directly onto coastlines (through coastal tourism or recreation, for instance), or it may make its way to the marine environment through water treatment systems (especially in the case of microplastics), storm drains, rivers, or by wind (UNEP and GRID-Arendal 2016, Galgani et al. 2015, Rech et al. 2014). Ocean-based litter, on the other hand, is generated by the intentional or unintentional discharge of debris directly into the ocean. Marine activities that generate ocean-based litter include commercial shipping, recreational and commercial fishing, aquaculture, research and military endeavors, and offshore drilling (UNEP and GRID-Arendal 2016, Galgani et al. 2015).

The majority of marine debris comes from land-based sources, though ocean-based debris can be significant in some areas. Debris sources are dependent on nearby human activity (recreational beach use, shipping, fishing), proximity to population centers, and the efficiency of waste management systems (Jambeck et al. 2015, UNEP and GRID-Arendal 2016, Galgani et al. 2015). Most of the litter found in the world's oceans is plastic (Derraik 2002). Between 1950 and 2015, 6300 million metric tons of primary and secondary (or recycled) plastic waste was produced worldwide. Approximately 12% of this plastic waste was incinerated, and 9% was recycled, while 79% was discarded and is currently sitting in landfills or the environment (see Fig. 1 for historical and projected levels of plastic waste production and disposal) (Geyer et al. 2017). Currently, most (42%) of the primary non-fiber plastic produced comes in the form of packaging, most of which is used and disposed of within the same year it is produced (Geyer et al. 2017). Globally, it is estimated that between 4.8 and 12.7 million metric tons of plastic enter the ocean from land every year (Jambeck et al. 2015).

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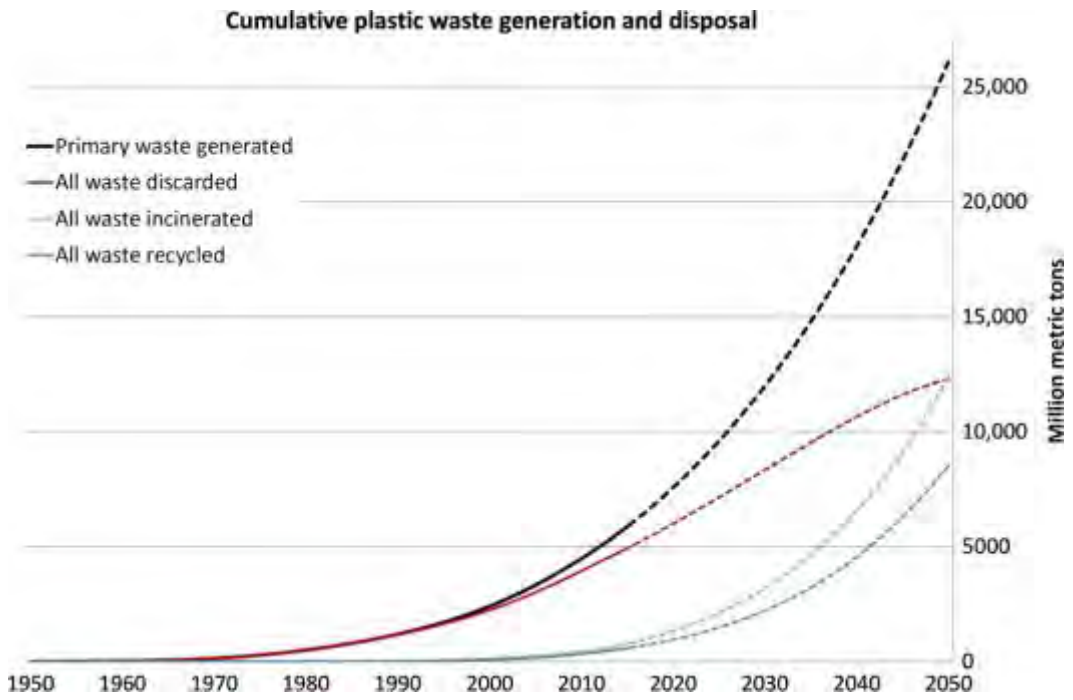

Fig.1. Historical and projected global cumulative plastic waste generation and disposal (here, disposal refers to how plastic waste is managed – either through incineration, recycling, or discard into landfills or the environment). Solid lines show historical data from 1950 to 2015, dotted lines show projections of historical trends to 2050. It is estimated that by 2050, 26,000 million metric tons of primary plastic waste will have been generated, 9,000 million metric tons of plastic waste will have been recycled, 12,000 million metric tons will have been incinerated, and another 12,000 million metric tons will have been discarded in landfills or the environment. Figure from Geyer et al. 2017.

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Ocean litter has detrimental ecological, economic, and social impacts. Marine species, including seals, sea birds, sea turtles, whales, and dolphins, are entangled in debris, resulting in hindered movement, decreased feeding ability, injury, and death (NOAA MDP 2014, Kühn et al. 2015). Fish (Boerger et al. 2010), crustaceans (Murray and Cowie 2011), shellfish (Browne et al. 2008), and zooplankton (Cole et al. 2013) ingest microplastics, and some of these organisms consume less food and have decreased energy for growth as a result (Watts et al. 2015, Cole et al. 2013). Marine debris smothers and shades coral reefs and salt marshes, disrupting growth and surface cover (Richards and Beger 2011, Uhrin and Schellinger 2011). Plastics have recently been found in the digestive tracts of fish and shellfish and the soft tissues of shellfish sold at markets for human consumption (Rochman et al. 2015, Li et al. 2015, Van Cauwenberghe and Janssen 2014). A serving of six oysters grown off the coast of France could contain as many as 50 plastic particles (Van Cauwenberghe and Janssen 2014).

The economic impacts of ocean litter include costs associated with beach and harbor cleanup, loss of coastal tourism and recreation, rescue missions for vessels with entangled propellers, impacts to the fishing and aquaculture industries – including costs associated with repairing damaged vessels, repairing or replacing fishing gear lost or damaged as a result of encountering marine debris, loss of catch due to ghost fishing (the continued catch of marine species by lost or

discarded gear) or gear encounters with marine debris, and loss of earnings due to time spent dealing with litter – and other impacts to human welfare and ecosystem services (Newman et al. 2015). The UNEP estimates that the impacts of plastic pollution, specifically, on the world's oceans amount to about $13 billion a year, accounting for time spent on cleanup, as well as revenue lost by the fisheries and tourism sectors (UNEP 2014). Ghost fishing can be extremely costly – both ecologically and for the fishing industry. It is estimated that each year, the approximately 145,000 derelict blue crab pots in Chesapeake Bay catch more than 6 million blue crabs, killing over 3.3 million of them (which is the equivalent of 4.5% of the 73 million blue crabs harvested commercially in 2014) (Bilkovic et al. 2016). These derelict pots also catch approximately 3.5 million white perch and 3.6 million Atlantic croaker every year (Bilkovic et al. 2016). An effort that took place from 2008-2014 to remove almost 44,000 derelict pots from Chesapeake Bay is estimated to have increased blue crab harvests by 38.17 million pounds, valued at $33.5 million, due to improved efficiency of active crab pots (Bilkovic et al. 2016). On average, removing one derelict pot increases blue crab harvest by 868 pounds (Bilkovic et al. 2016).

Ocean Litter and Waste Generation in California

Ocean litter is prevalent in California watersheds and ocean waters. For example, 78% of Southern California river miles[1] and about one third of seafloors and seafloor sediments in the Southern California Bight contain trash (Moore et al. 2016). Plastic is the most prevalent type of debris found across all habitats in the Southern California Bight, with wrappers, bags, plastic pieces, and Styrofoam being the most commonly found plastic items (Moore et al. 2016). 73 water bodies throughout the State of California are listed as having impaired water quality due to the presence of large amounts of trash (State Water Board 2015). The California coast and ocean are also impacted by lost fishing gear. Between May 2006 and November 2012, the California Lost Fishing Gear Recovery Project retrieved more than 60 tons of gear from California's coastal ocean, and collected more than 1,400 pounds of recreational gear from public fishing piers from Santa Cruz to Imperial Beach (SeaDoc Society 2017). From 2001 to 2006, 31.1% of the reported cases of injured California brown pelicans at five California wildlife rehabilitation centers were fishing gear-related, while 11.1% of injured gull cases and 2.9% of injured California sea lion cases were fishing gear-related (Kaplan Dau et al. 2009).

In 2016, California generated approximately 76.5 million tons of waste (based on AB 341 definitions)[2], 35.2 million tons (~46%) of which were disposed in landfills, and another 7.5 million tons (~10%) of which went to disposal-related activities such as beneficial reuse at solid waste landfills and waste to energy conversion (CalRecycle 2017b). This means that California had a disposal rate of 6.0 pounds of trash per resident per day in 2016 (CalRecycle 2017b). Roughly 24.5 million tons (~32%) of the total trash produced in 2016 were diverted through source

[1] A river mile is a measure of distance in miles from the mouth of a creek or river.

[2] As required by AB 341, 1990-2010 waste generation levels (10.7 pounds per person per day) are used as baseline data. The amount of total waste generated in California in a year is estimated by multiplying the State's population in that year by the 1990-2010 per person baseline. Source reduction is also calculated using these baseline data.

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reduction and recycling, and another 9.2 million tons (~12%) were diverted through composting and mulching (CalRecycle 2017b). Overall, about 56% of California's waste was disposed of and about 44% was diverted through source reduction, recycling, and composting in 2016 (CalRecycle 2017b). Though diversion has come a long way in 20 years (the state's diversion rate was 31% in 1996), over the last three years, California's source reduction, composting, and recycling rate has declined, from 50% in 2014, to 47% in 2015, and now to 44% in 2016 (CalRecycle 2017b) (see Fig. 2 for statewide disposal and recycling from 2010 to 2016). Through AB 341, California has declared a goal that by 2020, 75% of the solid waste generated in the state should be source reduced, recycled, or composted (as compared to 1990-2010 waste generation levels). This translates to a reduction in per capita disposal from the current 6.0 pounds per person per day to 2.7 pounds per person per day in 2020 (CalRecycle 2017b).

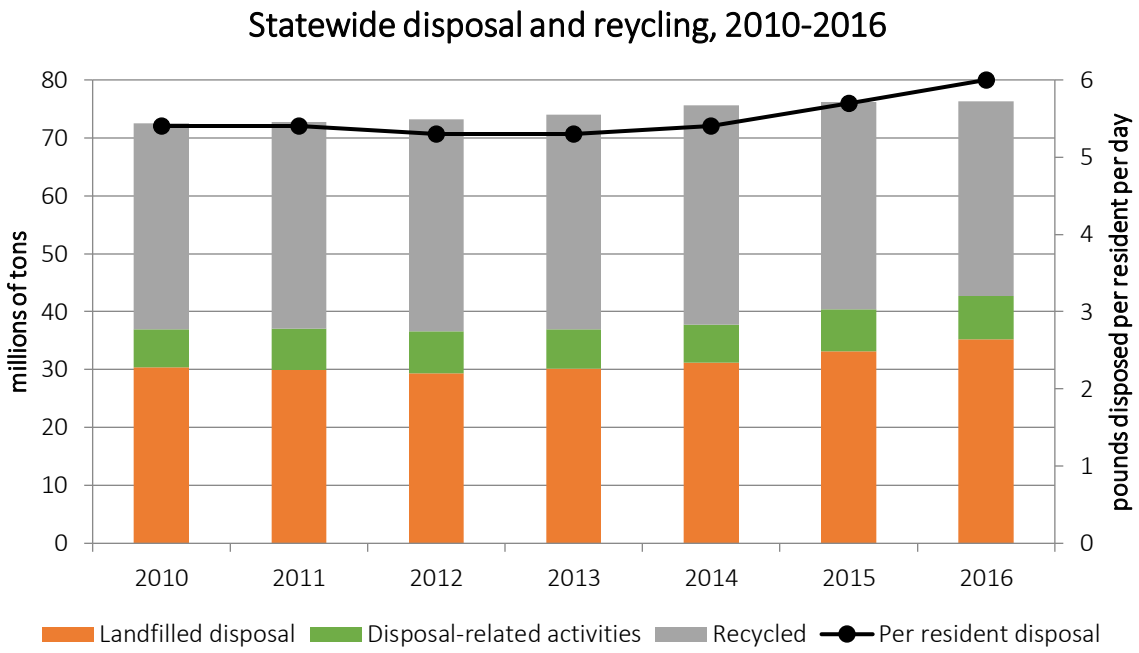

Fig.2. Amount of waste disposed and recycled in California, from 2010 to 2016. Included in this figure are estimates of the amount of waste disposed in landfills, the amount of waste managed through disposal-related activities, and the amount of waste recycled (which includes source reduction, recycling, and composting) every year in millions of tons (left axis). Also shown is the per resident disposal rate (pounds per resident per day) for each year (right axis). Figure adapted from CalRecycle's webpage "California's Statewide Recycling Rate" (CalRecycle 2017a).

California currently estimates the amount of waste that is source reduced and recycled by subtracting the quantities of waste disposed in landfills and through other disposal-related activities, and the quantities of waste that is managed through composting and mulching, from the estimated total amount of waste generated in the State (CalRecycle 2017b). This method of calculation assumes that all waste that is not disposed is source-reduced or recycled (CalRecycle 2017b). There is currently no way to know how much of California's waste ends up in the environment and becomes marine debris every year. However, Jambeck et al. (2015) estimated that in 2010, the United States had 0.25-1 million metric tons of mismanaged plastic waste

available to enter the oceans, based on waste generated by populations within 50 km of the coast.

Ocean litter costs Californians money. California communities spend more than $428 million annually to cleanup and control ocean litter through waterway and beach cleanup, street sweeping, installation of stormwater capture devices, storm drain cleaning and maintenance, manual litter cleanup, and public education (Stickel et al. 2013). From July 2012 to June 2016, Adopt-A-Highway participants removed over 77,000 cubic yards of litter that may have otherwise ended up in the ocean from California's roads, a service valued at $18 million annually (Caltrans 2017). Orange County, California residents go out of their way to avoid trash-littered beaches, spending extra time and money in order to visit a cleaner beach or engage in other recreational activities; it is estimated that removing 100% of the marine debris on Orange County beaches could can prevent financial loss and provide economic benefits by $148 million during the three-months in the summer (Leggett et al. 2014). There are no known estimates of the costs of ocean litter to California's tourism, fishing, or aquaculture industries.

2008 Strategy "An Implementation Strategy for the California Ocean Protection Council Resolution to Reduce and Prevent Ocean Litter" Update

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Recognizing the serious threats of ocean litter to human health, the economy, communities, and the environment, and the immediate need for decisive action in California, the California Ocean Protection Council (OPC) adopted a resolution on "Reducing and Preventing Marine Debris" in 2007. In 2008, the OPC initiated a steering committee to publish an Implementation Strategy, outlining three main priorities for addressing marine debris in the State. This Strategy was designed to provide a pathway to implement the recommendations in the OPC Resolution. The three priority actions were as follows:

1. Implement a producer take-back (EPR) program for convenience food packaging.
2. Prohibit single-use products that pose significant ocean litter impacts where a feasible less damaging alternative is available. Products specifically called out included polystyrene food packing and plastic bags.
3. Assess fees on commonly littered items.

Since the original Strategy was developed, many of the actions described in the document have either been accomplished or are in progress. In some cases, the State's regulatory or agency landscape has changed. For example, some items that were listed out separately in the Strategy are now being addressed under a single program, but there may be elements of those items that still need to be addressed (for instance, separate actions focused on minimizing toxins in packaging and developing sustainable alternatives are now jointly addressed by the California Department of Toxic Substances Control's (DTSC's) Safer Consumer Products Program, which examines product-chemical combinations that may have negative impacts on human health and the environment, and requires that manufacturers of priority products perform an alternatives analysis to determine whether such products can be made without the chemical of concern (DTSC 2013)). In other cases, our understanding of the ocean litter problem has changed

considerably since 2008 (for example, the examination of microplastics' impacts on marine life and their interaction with persistent organic pollutants has increased dramatically over the last decade (Ryan 2015)) and some of the actions that were outlined in the 2008 Strategy may not cover issues of emerging concern (such as microplastics and microfibers) or may no longer be the best way to go about addressing ocean litter.

This updated Strategy aims to expand collaboration to include projects of a variety of scales and scopes so that entities including tribes, government agencies, industry, and nonprofits can make a meaningful contribution towards reducing ocean litter in California.
See Appendix D for more detailed information on the progress made on the priorities and action items included in the 2008 OPC Strategy.

2017 Strategy Process

The Ocean Litter Strategy includes the following:

- **5 Objectives**: The first four objectives are dedicated to land-based ocean litter, while the last objective is dedicated to ocean-based litter. These objectives focus on source reduction, behavior change, research, control, and cleanup.
- **3 Priority Strategies:** These key strategies were identified as being essential to making the biggest impact in reducing and preventing ocean litter, and achieving the objectives. *(These priorities will be discussed during workshop #2)*
- **19 Strategies:** Nested under each objective, these strategies are approaches that may be taken to achieve an objective. Three of them were identified as priorities.
- **61 Action Items**: Listed under each strategy, action items are concrete and measurable actions that partners can commit to working on during the duration of the plan to implement a strategy.

In 2016, the Ocean Protection Council and NOAA Marine Debris Program initiated a partnership with California Sea Grant to update the 2008 Strategy. The 2017 Strategy planning team was rounded out with the participation of the California Coastal Commission and Surfrider Foundation. Representatives from organizations active in conservation, research, waste reduction, and education, as well as industry, tribes, and State and Federal agencies were invited to participate in two workshops in 2017 aimed at generating solutions to the problem of ocean litter in California. All of the ideas included in this Strategy document were identified by workshop participants. *See Appendix B for the complete list of ideas for action items generated by workshop participants.*

The first of the two workshops, held in May 2017, allowed participants to brainstorm and discuss potential solutions to the presence of (and problems associated with) ocean litter in California. 148 solution ideas to reduce and prevent ocean litter were identified during this workshop. These ideas were streamlined (duplicative and similar ideas were condensed) and organized into a draft Strategy by the planning team, which was then circulated among the workshop

participants and posted on the OPC's website for review and comment. The second of the two workshops, held in November 2017, allowed for further refinement of the Strategy's action items and the selection of priority actions, and gave organizations the opportunity to commit to taking a leadership role in implementing proposed actions. Each workshop was attended by approximately 50 participants. *See Appendices A, B, and C for the complete list of ideas for action items generated during the first workshop, the agenda from the first workshop, and the participant list from the first workshop, respectively. Additional Appendices with the agenda and participant list from the second workshop will be added prior to finalizing the Strategy.*

Scope of Document

Emphasis on Source Reduction and Prevention

This document prioritizes source reduction strategies and actions, as agencies and experts agree that that is the most effective tactic to address ocean litter. Source reduction, or waste prevention, refers to practices that reduce the amount of materials entering the waste stream, including changes in the design, manufacture, purchase or use of materials (EPA 2016). Preventing waste in the first place through initiatives such as packaging redesign and reusing materials is a better method for reducing waste as it reduces the amount of litter to control, capture, and dispose. This method is considered by the US EPA to be the most preferred method for dealing with waste (EPA 2017).

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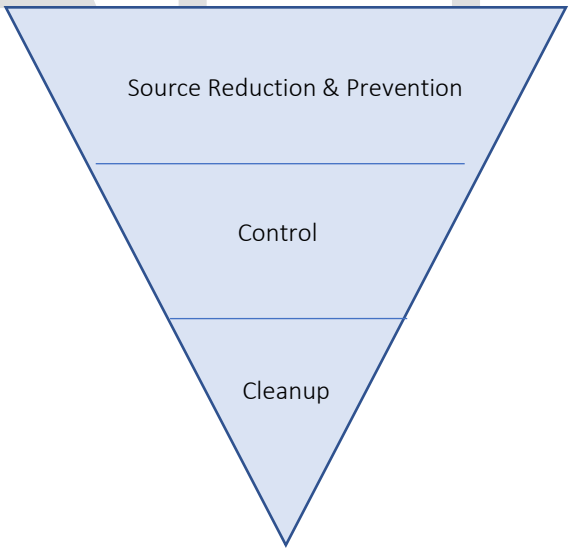
Hierarchy of Efforts to Address Ocean Litter



Furthermore, source reduction creates significant opportunities for industry to take initiative and responsibility over the product and packaging they produce and procure. By altering their production, operation, and raw material use, industries can prevent litter at the source. In addition, these changes can lead to economic benefits to industries by reducing costs associated with transportation, disposal, or recycling of waste (Maryland Department of the Environment 2017).

Waste management and ocean litter are inextricably linked. This Strategy is intended to be a complementary document to other waste prevention and management strategies, with a focus on the issue of ocean litter. *See Appendix E for state agencies working on issues that affect ocean litter, and their accompanying mandates.*

The source of ocean-based litter can be traced to vessels, as well as ports, terminals, and marinas that serve them, offshore platforms, fishing, and other marine activities. However, for this document, the focus is on lost fishing and aquaculture gear. Workshop participants who deal with ocean-based litter were mainly from the fishing and aquaculture industries and it was

agreed that due to the large scope of ocean-based debris and complexities with international regulations, a bigger impact could be made by narrowing the scope to lost fishing and aquaculture gear. For example, the International Convention for the Prevention of Pollution from Ships, MARPOL, (adopted in 1973) is the main international convention covering pollution of the marine environment from operational or accidental discharge from ships. MARPOL regulations prohibit many types of pollution from ships on a global scale.

Control and Cleanup

Controlling and cleaning up litter in the environment is important, but less efficient and effective in the longer term compared to source reduction and prevention. Examples of control and cleanup methods include: beach and waterway cleanups, street sweeping, stormwater capture devices, storm drain cleaning and maintenance, manual litter cleanup, and outreach and education to prevent littering. The public cost burden of these efforts makes a compelling argument for accelerating the search for effective strategies to reduce and prevent trash streams that enter our waterways and contribute to ocean litter.

In 2015, the State Water Resources Control Board (State Water Board) adopted a statewide water quality objective aimed at reducing the amount of trash that finds its way into rivers, lakes, and the ocean by prohibiting the discharge of trash into state surface waters; the water quality objective is commonly referred to as the "Trash Amendments." These Trash Amendments provide statewide consistency in efforts to reduce trash in state waters, and use a land use-based compliance approach that targets high trash generating areas such as high density residential, industrial, commercial, mixed urban and public transportation land uses. This program allows flexibility for local governments to come up with compliance approaches that work best for them to effectively eliminate trash discharge from their stormwater systems. Local governments may choose to increase trash capture in stormwater runoff, or a use combination of source reduction approaches that are equivalent to full trash capture. This Strategy provides a suite of source reduction approaches that may be cost-effective and useful to local governments as they develop their compliance approach for the Trash Amendments.

California also has a robust and successful network for implementing cleanups. From local nonprofits to municipalities, beach cleanups are held on a regular basis throughout the state. California Coastal Cleanup Day is a notable program held once a year, where approximately 60,000 volunteers pick up hundreds of thousands of pounds of trash and recyclables from beaches, lakes, and waterways. In 2016, 59,154 volunteers participated in California Coastal Cleanup Day and collected 710,781 pounds of litter (California Coastal Commission 2016). California Coastal Cleanup Day is a part of International Coastal Cleanup Day, the world's biggest effort to clean up ocean litter. Annually, nearly 12 million people volunteer to pick up litter in their communities (Ocean Conservancy 2017).

There are numerous organizations that also organize lost fishing gear cleanups on and off the water. For example, the California Lost Fishing Gear Project, administered by the University of California, Davis' School of Veterinary Medicine and the Wildlife Health Center, encourages

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ocean users to report the presence of lost gear, and hires experienced commercial SCUBA divers to remove gear from nearshore waters in a safe and environmentally sensitive manner. Between 2006 and 2012, this program has retrieved more than 60 tons of gear from California's coastal ocean, primarily in Southern California, including around the California Channel Islands (Santa Rosa, Santa Cruz, Anacapa and Santa Catalina) (SeaDoc Society 2017).

OBJECTIVES

Broadly broken into land and ocean-based litter categories, the objectives are a framework to organize each strategy and action items of this Strategy focus on source reduction, cleanup, and control.

Land-Based Ocean Litter

Objective 1: Reduce land-based ocean litter at its source by implementing producer-oriented action items

Objective 2: Reduce the consumption of commonly found ocean litter items by implementing institution- and business-oriented action items

Objective 3: Promote behavior change by educating and engaging communities and individuals to reduce ocean litter

Objective 4: Conduct research on emerging issues impacting human health and the environment

Ocean-Based Litter

Objective 5: Reduce ocean-based litter at its source, and maximize the efficiency of control and cleanup of ocean-based litter

(with the option to split objective 5 into two) - *Discuss further during workshop #2*

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OCEAN LITTER PRIORITY STRATEGIES AND JUSTIFICATIONS

NOTE: *In this draft, the priority strategies below are suggested for stakeholder and public feedback. At the workshop in November, participants will have an opportunity to vote on the ocean litter priority strategies, and the top priority strategies coming out of that process will be identified here in the final Strategy.*

The following top three ocean litter priority strategies were identified as being essential to making the biggest impact in reducing and preventing ocean litter:

Priority #1: Prohibit single use products, such as straws, stirrers, expanded polystyrene, and balloons, if a feasible, less damaging alternative is available

Banning single use products, such as straws and stirrers, polystyrene packaging, and balloons, will help reduce land-based ocean litter at its source, by preventing these items from becoming waste in the first place and leaking into the environment. As mentioned above, the EPA

considers source reduction to be the most efficient method for managing waste and reducing pollution (EPA 2017, EPA 2016).

From 1989 to 2014, food wrappers and containers were the second most prevalent items removed from California's coastlines and inland waterways on Coastal Cleanup Day, while straws and stirrers were the sixth most prevalent items (see Table 1 for the list of the top 10 litter items found on Coastal Cleanup Day from 1989-2014) (California Coastal Commission 2017). While balloons don't make this list, they are important to address, as they are identified by experts as one of the top items of concern for impacts to marine life, particularly in terms of entanglement (Wilcox et al. 2016).

Table 1. Top ten litter items removed on California Coastal Cleanup Day, 1989-2014.

Litter Item	Count	Percentage
Cigarettes/Cigarette filters	6,992,106	37.76%
Food wrappers/Containers	1,940,013	10.48%
Caps/Lids	1,619,071	8.74%
Bags (paper and plastic)	1,462,726	7.90%
Cups/Plates/Utensils	1,014,229	5.48%
Straws/Stirrers	736,595	3.98%
Glass beverage bottles	600,871	3.24%
Plastic beverage bottles	475,799	2.57%
Beverage cans	455,433	2.46%
Construction material	330,711	1.79%

Many of these common litter items may already be manufactured using alternative, less damaging materials (e.g., takeaway containers made from compostable materials). Ultimately, reusing products (and reducing potential ocean litter) is the better option, but manufacturing compostable or readily recyclable materials can also help to reduce ocean litter. It is important to note that implementing bans and utilizing alternative materials should be undertaken in such a way that ensures, through adequate research and analysis, that the ban and/or alternative item considered are in fact more beneficial to the environment than the original material or product.

A number of municipalities have already undertaken bans to prohibit these and other single use items in their jurisdictions. For example, San Francisco recently expanded its ban on polystyrene foam food containers (originally implemented in 2007) to prohibit the sale and distribution of polystyrene foam food ware and other products in the city (San Francisco Department of the Environment 2016). This regulation, called the Food Service and Packaging Waste Reduction Ordinance, went into effect January 1, 2017, and covers items such as foam cups, plates, clamshells, egg cartons, meat and fish trays, and packing peanuts (San Francisco Department of the Environment 2016).

Priority #2: Require the phase out of single use products in public institutions and facilities (i.e. government functions, campuses), such as convenience food and beverage packaging.

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The State is the single largest purchasing entity in California, purchasing billions of dollars of products each year (Suh et al. 2017). As a result, the State can have a significant impact on, and set a good example for, preventing and reducing waste at the source through procurement policies that prioritize reusable items. Implementing sustainable purchasing programs can have environmental, health, social, and economic benefits for the state. For example, purchasing sustainable products can significantly reduce waste disposal costs. Through state legislation such as Assembly Bill 2490 and various Public Contracts Code Sections, the State has been actively purchasing more sustainable goods and services for over two decades, but additional actions can be taken to further the prevention and reduction of ocean litter (Responsible Purchasing Network 2017).

Priority #3: Advance research on microplastics and technological solutions to reduce microplastics in wastewater discharge.

Microplastics are small plastic pieces less than five millimeters in size which are either manufactured to be small in size (and often used in personal products such as face wash) or are created when larger pieces of plastic degrade over time (NOAA NOS 2017). Microfibers from synthetic clothing are another significant source of microplastics. Research on microplastics and their impacts is an emerging field of study, and microplastics are becoming recognized as one of the greatest threats posed to the aquatic environment (Crawford and Quinn 2017). Microplastics have been found in almost every marine habitat in the world (Lusher 2015) and there is still much to learn about the basic characteristics of microplastics, and the consequences these plastics have for environmental and human health.

Microplastics that are found in the aquatic environment have varying shapes, colors, and sizes which make it difficult to characterize their composition. Recent research has revealed that microplastics can adsorb organic contaminants (e.g., polycyclic aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs)) (Rochman et al. 2013a) and trace metals (Holmes et al. 2012) from their surrounding environments, and, depending on concentration gradients, may transfer contaminants to marine organisms, inducing harmful health effects (Browne et al. 2013, Rochman et al. 2013b). Furthermore, once in the environment, microplastics are extremely difficult to remove. Many wastewater treatment plants and washing machines are not equipped to catch and filter microplastics before releasing effluent water from their systems, and (eventually) into rivers and the ocean. Therefore, research and technological advances need to be made to further address this pressing issue.

ACTION ITEMS

NOTE: *In this draft, the strategies and action items below are suggested for stakeholder and public feedback. At the workshop in November, participants will have an opportunity to discuss these action items further.*

In particular, please identify any action items that you (and your organization) may be interested in taking a lead or partnership role in implementing or feel strongly that you may want to be

involved in. Identifying your name (and your organization) next to an action item means that you and your organization will give your best efforts to implement the action item, given organizational and funding availability. Your input will help us develop breakout groups during the second workshop and further fill out the tables.

In the tables below, various action items to reduce and prevent ocean litter are grouped under broader objectives and strategies. Definitions of the information in each column are as follows:

- Action Items: Outlines the action item proposed;
- Needs & Barriers: Identifies the information or resources needed to successfully implement the action item and the barriers anticipated to implementing the action item;
- Status of Action & Resources Available: Indicates whether the action item is a new or ongoing effort, and lists resources available to assist with implementation; resources may include organizations that have expertise in a relevant issue or topic or that collect data that could assist with implementation of the action item.
- Lead & Partner Organizations: Identifies the organization that will take the lead on implementing the action item, as well as other organizations (partners) that would contribute to implementing the action item. The organization/s will give their best efforts to implement the action item, given organizational and funding constraints.

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LAND-BASED OCEAN LITTER

OBJECTIVE 1. Reduce land-based ocean litter at its source by implementing producer-oriented action items.

Strategy 1.1. Prohibit single use products, such as straws, stirrers, expanded polystyrene, and balloons, if a feasible, less damaging alternative is available			
Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
1.1.1. Implement a city pilot project banning expanded polystyrene and measure the efficacy of the ban (reduction in polystyrene, environmental impacts, economic impacts).	- Industry opposition (i.e. food service/retail customer service)	- Ongoing effort - Plastic bag ban, local foam bans, local water bottle in government venues bans - NGOs, Clean Seas Coalition, Plastic Pollution Coalition - Local governments that have passed bans previously	
1.1.2. Develop a toolkit for local advocates (fact sheets, talking points, sample letters to the editor, sample media engagement strategies) to aid in the		- Ongoing effort	

process of banning single use items.			
1.1.3. Engage with industry allies that are already using alternative products to help advocate for transition away from single use items		- Ongoing effort	
1.1.4. Implement statewide ban/s of single-use items as opposed to starting on local ordinances	- Determine economic impacts to businesses - Industry opposition (i.e. manufacturers, trade associations) - Specific parameters of the law (i.e. hospitals, disabilities) - Who will enforce the ban?	- New effort - Statewide plastic bag ban, local foam bans, local water bottle in government venues bans - NGOs; Clean Seas Coalition - Local governments that have passed bans	
1.1.5. Expand the statewide bag ban to apply to retail stores.		- New effort - Oahu just expanded their bag ban and outlawed the thicker bags after 2020	
Strategy 1.2. Support and promote extended producer responsibility (EPR).			
Action Items	**Needs & Barriers**	**Status of Action & Resources Available**	**Lead & Partner Organizations**
1.2.1. The Ocean Protection Council will promote EPR as a policy to consider as part of CalRecycle's Packaging Reform Effort.		- Ongoing effort	OPC
1.2.2. Include performance measures in mandatory/extended producer responsibility programs for both prevention and recycling; with prevention being a higher priority.		- New effort	
1.2.3. Producers share responsibility to help municipalities achieve and pay for requirements under the trash amendments.		- New effort	

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Strategy 1.3. Support voluntary packaging redesign with the aim of creating packaging with no/less plastic, and/or to be more recyclable, marine degradable (when appropriate), and less likely to emit toxins.			
Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
1.3.1. Encourage redesign of products that are commonly littered to have less plastic and/or make them recyclable.		- Ongoing effort	
1.3.2. Implement packaging design challenges.		- Ongoing effort - CalRecycle	
1.3.3. Create a venue for sharing innovative designs, support the innovators (e.g., take-out paper cups with no plastic resin liner).		- New effort	
1.3.4. Engage corporations to enhance packaging design.		- New effort	
1.3.5. Attach lids to bottles.		- New effort	

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OBJECTIVE 2. Reduce the consumption of commonly found ocean litter items by implementing institution- and business-oriented action items.

Strategy 2.1. Require the phase out of single use products in public institutions and facilities (i.e. government functions, campuses), such as convenience food and beverage packaging.			
Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
2.1.1. Require the phase out of single use products in the UC and CSU systems (e.g., ban single use water bottles, ban expanded polystyrene containers on campuses, require	- Additional water stations to refill reusable water bottle, dishwashing capacity, reusable alternatives to disposable products. - Pre-existing franchises on	- Ongoing/New (?) effort - UC has committed to sending zero waste to the landfill by 2020 (http://policy.ucop.edu/doc/3100155/Sustainable%20Practice)	

dishwashing in dining halls, etc.), through Executive Order or mandate from the UC Regents/UC Office of the President and CSU Board of Trustees, or internal sustainability policy. Encourage the procurement of safer alternatives where available.	campus that are required to use franchise packaging and products - Timetable for contract negotiations between campuses and vendors.	- Individual UC campus sustainability offices and programs - Individual CSU campus sustainability offices and programs (e.g., CSUSF is working with the City of San Francisco to achieve the City's 2050 zero waste goal [https://www.calstate.edu/impact/sustainability/on-campus.html])	
2.1.2. Require the phase out of single use products in government (local, state, federal) buildings and events, through Executive Order or internal policy. Encourage the procurement of safer alternatives where available.	- Additional water stations to refill reusable water bottle, dishwashing capacity, reusable alternatives to disposable products. - Pre-existing contracts between company and campus/institutions	- New effort	
2.1.3. Require the phase out of single use products in other public institutions (i.e. hospitals).	- Additional water stations to refill reusable water bottle, dishwashing capacity, reusable alternatives to disposable products. - Pre-existing contracts between company and campus/institutions - Potentially (for hospitals) health concerns surrounding bacteria transmission.	- New effort	
2.1.4. Perform plastic audits for institutions (governments, campuses) that are required to transition to reusables.		- Ongoing effort	
2.1.5. Local governments charge businesses a fee if they produce a high volume of single use packaging (i.e., take out containers), which could be used to fund cleanups and other programs addressing trash pollution.		- New effort	

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2.1.6. Require restaurants to have dishwashing capacity.		- Ongoing effort	
2.1.7. Charge consumers for disposables/single use food service packaging, where funding could be used for cleanups and other programs focused on reducing trash pollution.		- New effort	
Strategy 2.2. Encourage institutions, businesses, public venues, and events to voluntarily transition to using reusable products.			
Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
2.2.1. Encourage businesses and corporations to transition to reusables (e.g., corporate dining systems purchasing, water refill stations).		- Ongoing effort	
2.2.2. Encourage events such as music festivals, concerts, sports competitions, etc. to implement zero waste principles and develop a certification for participating events.		- New effort - Green Sports Alliance - NRDC	
2.2.3. Engage with the film industry to implement zero waste principles and develop a certification for participating films.		- New effort	

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OBJECTIVE 3. Generate behavior change by educating and engaging communities and individuals to reduce ocean litter.

Strategy 3.1. Formal and Informal education on the watershed, regarding how litter on land becomes ocean litter.

Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
3.1.1. Integrate ocean litter curriculum into school programs.		- Ongoing effort - CA Department of Education's Education and the Environment Initiative	
3.1.2. Provide toolkits for local high school/college students to educate people on their campuses and in their communities.		- Ongoing effort	
Strategy 3.2. Engage consumers in campaigns targeting producers of commonly found ocean litter items.			
Action Items	**Needs & Barriers**	**Status of Action & Resources Available**	**Lead & Partner Organizations**
3.2.1. Educate consumers using compelling communication strategies that reach coastal and inland communities.	- Language and cultural relevancy - Cost of outreach (time, face-to-face) - Measurement/sustained results - Identifying best way to communicate to the population of CA (i.e., millennials) - Developing targeted messaging	- Ongoing effort	
3.2.2. Conduct public education about microfibers and encourage consumers to not buy plastic-based clothing.		- New effort	
3.2.3. Implement significant public education and engagement campaign targeting the ban of expanded polystyrene (i.e., NGO campaign).		- New effort	
3.2.4. Implement a "truth" campaign about cigarette filters.		- New effort - Truth Initiative	

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3.2.5. Conduct consumer behavior research to look at behavior and convenience, choices, and incentives to better understand consumer choices.		- New effort	
3.2.6. Implement a behavior modification campaign (i.e. single-use plastic, littering), targeting young adults for behavior change and education.	- Engaging target audience	- New effort	
Strategy 3.3. Support the State Water Resources Control Board's Trash Amendments.			
Action Items	**Needs & Barriers**	**Status of Action & Resources Available**	**Lead & Partner Organizations**
3.3.1. Create alternative funding mechanism for local government to fund stormwater trash programs (prop 218 for trash collection?		- New effort	
3.3.2. Implement a statewide Adopt a Storm Drain program.	- Develop and share BMPs based on knowledge from local municipalities	- Ongoing effort - City of Oakland	
3.3.3. Establish trash receptacles in high use areas and improve management (e.g. more containers for cigarette disposal, closed receptacles and proper maintenance schedules at access points, user-friendly trashcan lids, oversight for transportation ways/trails).	- Analyze effectiveness of program (e.g. Ocean Beach in San Francisco removed trash cans to prevent ocean litter. The theory being that people are more likely to leave trash next to an overflowing trash can than on the beach, and would otherwise pack their trash out.)	- Ongoing effort - Surfrider Hold on to Your Butt Campaign and collaboration with San Francisco's Union Square Business Improvement District	
Strategy 3.4. Engagement with homeless communities - *Discuss further during workshop #2*			
Action Items	**Needs & Barriers**	**Status of Action & Resources Available**	**Lead & Partner Organizations**

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3.4.1. Look at effectiveness of social programs to engage homeless communities and address issues related to trash hotspots from homeless camps (e.g. municipalities get credit for implementing programs that tackle homelessness)	- Map hotspots of homeless camps - Outreach to homeless communities	- New effort	

OBJECTIVE 4. Conduct research on emerging issues related to land-based ocean litter.

Strategy 4.1. Conduct a comprehensive characterization study of trash inputs to identify the most common litter products.			
Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
4.1.1. Analyze and quantify discharges from a variety of endpoints, including street litter, stormwater, wastewater, and direct discharges form coastal tourism and homeless encampments, etc. throughout the state of California. Develop targets for reduction and implementation plans for each product (connect data to action plan, product source).		- New effort	
Strategy 4.2. Increase the characterization of microplastics and macro-debris.			
Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
4.2.1. Invest in source identification for plastics by funding studies using Fourier Transform Infrared	- There is currently not a clear understanding of the source of plastics entering the marine environment	- Ongoing effort - California State University Channel Islands has previously borrowed a FTIR	

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(FTIR) microscope.	- Equipment is costly (e.g. the cost of a microscope is roughly $70,000)	microscope and learned that they had previously underestimated the amount of plastic in their samples. - This type of microscope would allow researchers to determine the composition of the plastic and possibly its source, as well as forensic tracking of substances.	
4.2.2. Develop standardized monitoring/data collection and compliance methods for trash and microplastics, including methodologies for measuring reductions of litter.		- Ongoing effort	
4.2.3. Develop a program to model and monitor microplastics transport and degradation.		- Ongoing effort	
Strategy 4.3. Advance research on microplastics and technological solutions to reduce microplastics in wastewater discharge.			
Action Items	**Needs & Barriers**	**Status of Action & Resources Available**	**Lead & Partner Organizations**
4.3.1. Research wastewater effluent to identify and quantify microfibers and microplastics.		- Ongoing effort - San Francisco Estuary Institute	
4.3.2. Research technological solutions at wastewater treatment plants or in washing machines (filtration/collection system).		- Ongoing effort - Rozalia ball	
4.3.3. Research technical solutions for microfibers in apparel (i.e., washing machines/add-ons and innovative solutions).		- Ongoing effort	

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Strategy 4.4. Research toxicological impacts of commonly found ocean litter (including plastics, microplastics, and microfibers) on marine resources and human health.			
Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
4.4.1. Work with DTSC and others to identify ongoing research and other work that may help fill knowledge gaps on the chemical components of common ocean litter items; the potential for chemicals to migrate from litter items into the environment; and the potential for chemicals from various forms of ocean litter to expose and harm people, aquatic organisms and the marine environment.	- Scope of DTSC priorities	- Ongoing effort - Unknown, may depend on scope of DTSC 2018-2020 Priority Products Work Plan; potentially the Safer Consumer Products Program	Lead: OPC, Partner: DTSC
4.4.2. Research on relationship between plastic toxicity and human health via consumption of seafood exposed to plastic debris.		- Ongoing effort - EPA compilation paper	
4.4.3. Research alternative materials and composition of plastics so they break down easier, and are less likely to emit toxins.		- Ongoing effort	

Strategy 4.5. Assess the effectiveness of existing bans and policies.			
Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
4.5.1 Conduct cost-benefit analyses for implementation of different litter reduction policies/strategies and provide them to cities (i.e. local ordinances to ban expanded polystyrene).		- New effort - Reporting on effectiveness of bag ban (a few NGOs and local governments are collecting data)	

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4.5.2. Analyze impact of the statewide plastic bag ban (i.e. how many bags are kept out of circulation, corresponding environmental protection gains, cost savings to government, if any).		- New effort	

OCEAN-BASED LITTER

OBJECTIVE 5. Reduce ocean-based litter at its source, and maximize the efficiency of control and cleanup of ocean-based litter.

Strategy 5.1. Improve tracking for lost fishing and aquaculture gear.			
Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
5.1.1. Improve reporting system for lost fishing gear.		- Ongoing effort	
5.1.2. Develop centralized database for lost fishing gear/Develop centralized website to report GPS location of traps without penalty to fishermen.		- New effort	
5.1.3. Implement a pilot project testing the best tagging and marking methods for aquaculture gear.		- New effort	
Strategy 5.2. Implement Best Management Practices (BMPs) for the aquaculture industry.			
Action Items	Needs & Barriers	Status of Action & Resources Available	Lead & Partner Organizations
5.2.1. Compile BMPs for the aquaculture industry through collaboration with, and between, growers. Educate growers about BMPs.		- Ongoing effort	

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5.2.2. Update Fish and Game Commission policies to include BMPs in permits.		- New effort	
Strategy 5.3. Improve fishing gear to increase durability, decrease loss, and mitigate environmental impact.			
Action Items	**Needs & Barriers**	**Status of Action & Resources Available**	**Lead & Partner Organizations**
5.3.1. Design fishing line to be biodegradable.		- Ongoing effort	
5.3.2. Improve fixed gear technology to minimize repetitive gear losses (i.e. traps and pots).		- Ongoing effort	
Strategy 5.4. Leverage industry knowledge to prevent lost fishing gear.			
Action Items	**Needs & Barriers**	**Status of Action & Resources Available**	**Lead & Partner Organizations**
5.4.1. Leverage fishermen's knowledge about strategies to prevent gear loss to educate within the industry and to educate new fishermen (education could be incentivized, required, or voluntary; fishermen could work with other partners to create educational materials).		- Ongoing effort	
5.4.2. Share lessons learned with other stakeholders and managing bodies to focus policy and funding on prevention and recovery of lost gear.		- New effort	
Strategy 5.5. Increase the removal of lost fishing and aquaculture gear.			
Action Items	**Needs & Barriers**	**Status of Action & Resources Available**	**Lead & Partner Organizations**
5.5.1. Implement a buyback program for old and/or unused gear.		- Ongoing effort - Humboldt County Crab Pot Gear Recovery Project - State Bill 1287	

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5.5.2. Remove legacy aquaculture debris from historic aquaculture lease operations in Tomales Bay and in other areas of historic aquaculture activities in the State.		- Ongoing effort	
5.5.3. Engage boaters, fishermen, divers, and community to participate in cleanup programs organized by Bay/Harbor industries (i.e. growers, kayak companies, etc.).		- Ongoing effort	
5.5.4. Research policy barriers to lost gear removal and ocean-based marine debris cleanup.		- Ongoing effort	
5.5.5. Identify funding and start program to remove derelict commercial fishing vessels.		- New effort	

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REFERENCES

Bilkovic, D. M., H. W. Slacum, Jr., K. J. Havens, D. Zaveta, C. F. G. Jeffrey, A. M. Scheld, D. Stanhope, K. Angstadt, and J. D. Evans. 2016. Ecological and Economic Effects of Derelict Fishing Gear in the Chesapeake Bay: 2015/2016 Final Assessment Report. Prepared for the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program. Contract DG133E-10-CQ-0034, Task Order 007. https://marinedebris.noaa.gov/sites/default/files/publications-files/DFG_Effects_Chesapeake_Bay_Final_Report_2016.pdf

Boerger, C. M., G. L. Lattin, S. L. Moore, and C. J. Moore. 2010. Plastic ingestion by planktivorous fishes in the North Pacific Central Gyre. Marine Pollution Bulletin 60(12): 2275-2278.

Browne, M. A., A. Dissanayake, T. S. Galloway, D. M. Lowe, and R. C. Thompson. 2008. Ingested Microscopic Plastic Translocates to the Circulatory System of the Mussel, *Mytilus edulis* (L.). Environ. Sci. Technol. 42(13): 5026–5031.

Browne, M. A., S. J. Niven, T. S. Galloway, S. J. Rowland, and R. C. Thompson. 2013. Microplastic Moves Pollutants and Additives to Worms, Reducing Functions Linked to Health and Biodiversity. Current Biology 23(23): 2388-2392.

Browne, M. A., P. Crump, S. J. Niven, E. Teuten, A. Tonkin, T. Galloway, and R. Thompson. 2011. Accumulation of Microplastic on Shorelines Worldwide: Sources and Sinks. Environ. Sci. Technol. 45(21): 9175-9179.

California Coastal Commission. 2016. Coastal Cleanup Day 2016. https://documents.coastal.ca.gov/assets/publiced/ccd/2016_CCDRecap.pdf

California Coastal Commission. 2017. California Coastal Cleanup Day: Past Cleanup Results. https://www.coastal.ca.gov/publiced/ccd/history.html#top10

California Department of Resources Recycling and Recovery (CalRecycle). 2017a. California's Statewide Recycling Rate. http://www.calrecycle.ca.gov/75Percent/RecycleRate/default.htm

California Department of Resources Recycling and Recovery (CalRecycle). 2017b. State of Disposal and Recycling in California: 2017 Update. Publication #DRRR-2017-01612. http://www.calrecycle.ca.gov/Publications/Documents/1612/2017%20State%20of%20Recycling%20and%20Disposal%20Report_01612.pdf

California Department of Toxic Substances Control (DTSC). 2013. Safer Consumer Products Program Overview. http://www.dtsc.ca.gov/SCP/SaferConsumerProductsProgram.cfm

California Department of Transportation (Caltrans). 2017. Caltrans Adopt-A-Highway Program Fact Sheet. http://adopt-a-highway.dot.ca.gov/aah-fact-sheet-7-2016.pdf

DRAFT

California State Water Resources Control Board (State Water Board). 2015. Final 2012 California Integrated Report (Clean Water Act Section 303(d) List/305(b) Report). http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml

Cole, M., P. Lindeque, E. Fileman, C. Halsband, R. Goodhead, J. Moger, and T. S. Galloway. 2013. Microplastic Ingestion by Zooplankton. Environ. Sci. Technol. 47(12): 6646-6655.

California State University (CSU). 2014a. California State University Sustainability Policy Proposal (RJEP/CPBG 05-14-01). Presented by K. O'Donnell and E. F. San Juan to the Joint Meeting of the Committees on Educational Policy and Campus Planning, Buildings and Grounds. May 20-21, 2014. http://www.calstate.edu/cpdc/sustainability/policies-reports/documents/JointMeeting-CPBG-ED.pdf

California State University (CSU). 2014b. Sustainability Report 2014: The California State University. http://www.calstate.edu/cpdc/sustainability/policies-reports/documents/CSUSustainabilityReport2014.pdf

Crawford, C.B., and B. Quinn. 2017. Microplastic Pollutants. Elsevier, Amsterdam, Netherlands.

Derraik, J. G. B. 2002. The pollution of the marine environment by plastic debris: A review. Marine Pollution Bulletin 44(9): 842-52.

Environmental Protection Agency (EPA). 2016. Pollution Prevention Law and Policies. https://www.epa.gov/p2/pollution-prevention-law-and-policies#define

Environmental Protection Agency (EPA). 2017. Sustainable Materials Management: Non-Hazardous Materials and Waste Management Hierarchy. https://www.epa.gov/smm/sustainable-materials-management-non-hazardous-materials-and-waste-management-hierarchy

Galgani, F., G. Hanke, and T. Maes. 2015. Global Distribution, Composition and Abundance of Marine Litter. Chapter 2 *in* Bergmann, M., L. Gutow, and M. Klages (eds.). Marine Anthropogenic Litter. Springer, Cham, Switzerland. https://link.springer.com/chapter/10.1007/978-3-319-16510-3_2

Geyer, R., J. R. Jambeck, and K. L. Law. 2017. Production, use, and fate of all plastics ever made. Science Advances 3(7): e1700782.

Holmes, L. A., A. Turner, and R. C. Thompson. 2012. Adsorption of trace metals to plastic resin pellets in the marine environment. Environmental Pollution 160: 42-48.

Isobe, A., K. Uchiyama-Matsumoto, K. Uchida, and T. Tokai. 2017. Microplastic in the Southern Ocean. Marine Pollution Bulletin 114(1): 623-626.

DRAFT

Jambeck, J. R., R. Geyer, C. Wilcox, T. R. Siegler, M. Perryman, A. Andrady, R. Narayan, and K. L. Law. 2015. Plastic waste inputs from land into the ocean. Science 347(6223): 768-771.

Kaplan Dau, B., K. V. K. Gilardi, F. M. Gulland, A. Higgins, J. B. Holcomb, J. St. Leger, and M. H. Ziccardi. 2009. Fishing Gear-related Injury in California Marine Wildlife. Journal of Wildlife Diseases 45(2): 355-362.

Kühn, S., E. L. Bravo Rebolledo, and J. A. van Franeker. 2015. Deleterious Effects of Litter on Marine Life. Chapter 4 *in* Bergmann, M., L. Gutow, and M. Klages (eds.). Marine Anthropogenic Litter. Springer, Cham, Switzerland. https://link.springer.com/content/pdf/10.1007%2F978-3-319-16510-3_4.pdf

Law, K. L., S. Morét-Ferguson, N. A. Maximenko, G. Proskurowski, E. E. Peacock, J. Hafner, and C. M. Reddy. 2010. Plastic Accumulation in the North Atlantic Subtropical Gyre. Science 329(5996): 1185-1188.

Leggett, C., N. Scherer, M. Curry, R. Bailey, and T. Haab. 2014. Final Report: Assessing the Economic Benefits of Reductions in Marine Debris: A Pilot Study of Beach Recreation in Orange County, California. Prepared for the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program. Industrial Economics, Incorporated.

Li, J., D. Yang, L. Li, K. Jabeen, and H. Shi. 2015. Microplastics in commercial bivalves from China. Environmental Pollution 207: 190-195.

Lusher, A. 2015. Microplastics in the Marine Environment: Distribution, Interactions and Effects. Chapter 10 *in* Bergmann, M., L. Gutow, and M. Klages (eds.). Marine Anthropogenic Litter. Springer, Cham, Switzerland. https://link.springer.com/chapter/10.1007/978-3-319-16510-3_10

Maryland Department of the Environment. 2017. Source Reduction. http://mde.maryland.gov/programs/Land/RecyclingandOperationsprogram/Pages/source_reduction.aspx

Moore, S., M. Sutula, T. Von Bitner, G. Lattin, and K. Schiff. 2016. Southern California Bight 2013 Regional Monitoring Program: Volume III. Trash and Marine Debris. Southern California Coastal Water Research Project (SCCWRP) Technical Report 928. ftp://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/928_B13_Debris.pdf

Murray, F., and P. R. Cowie. 2011. Plastic contamination in the decapod crustacean *Nephrops norvegicus* (Linnaeus, 1758). Marine Pollution Bulletin 62(6): 1207–1217.

National Oceanic and Atmospheric Administration Marine Debris Program (NOAA MDP). 2014. Report on the Entanglement of Marine Species in Marine Debris with an Emphasis on Species in the United States. Silver Spring, MD. 28 pp.

DRAFT

National Oceanic and Atmospheric Administration National Ocean Service (NOAA NOS). 2017. What are microplastics? https://oceanservice.noaa.gov/facts/microplastics.html

Newman, S., E. Watkins, A. Farmer, P. ten Brink, and J.-P. Shweitzer. 2015. The Economics of Marine Litter. Chapter 14 *in* Bergmann, M., L. Gutow, and M. Klages (eds.). Marine Anthropogenic Litter. Springer, Cham, Switzerland. https://link.springer.com/content/pdf/10.1007%2F978-3-319-16510-3_14.pdf

Ocean Conservancy. 2017. Together for Our Ocean: International Coastal Cleanup 2017 Report. Prepared by Y. Belhouari, B. Farnum, C. Jenkins, J. Kieser, A. López de Román, D. McCauley, C. Rochman, R. Schreiber, E. Schwartz, H. Taylor, and S. Trott. https://oceanconservancy.org/wp-content/uploads/2017/06/International-Coastal-Cleanup_2017-Report.pdf

Pham, C. K., E. Ramirez-Llorda, C. H. S. Alt, T. Amaro, M. Bergmann, M. Canals, J. B. Company, J. Davies, G. Duineveld, F. Galgani, K. L. Howell, V. A. I. Huvenne, E. Isidro, D. O. B. Jones, G. Lastras, T. Morato, J. N. Gomes-Pereira, A. Purser, H. Stewart, I. Tojeira, X. Tubau, D. Van Rooij, and P. A. Tyler. 2014. Marine Litter Distribution and Density in European Seas, from the Shelves to Deep Basins. PLoS ONE 9(4): e95839.

Rech, S., V. Macaya-Caquilpán, J. F. Pantoja, M. M. Rivadeneira, D. Jofre Madariaga, and M. Thiel. 2014. Rivers as a source of marine litter - A study from the SE Pacific. Marine Pollution Bulletin 82(1-2): 66-75.

Responsible Purchasing Network. 2017. Green Purchasing State Profile: State of California. Prepared for the National Association of State Procurement Officials (NASPO). http://www.responsiblepurchasing.org/resources/state_profiles/california.pdf

Richards, Z. T., and M. Beger. 2011. A quantification of the standing stock of macro-debris in Majuro lagoon and its effect on hard coral communities. Marine Pollution Bulletin 62(8): 1693-1701.

Rochman, C. M., A. Tahir, S. L. Williams, D. V. Baxa, R. Lam, J. T. Miller, F.-C. Teh, S. Werorilangi, and S. J. Teh. 2015. Anthropogenic debris in seafood: Plastic debris and fibers from textiles in fish and bivalves sold for human consumption. Scientific Reports 5: 14340.

Rochman, C. M., E. Hoh, B. T. Hentschel, and S. Kaye. 2013a. Long-Term Field Measurement of Sorption of Organic Contaminants to Five Types of Plastic Pellets: Implications for Plastic Marine Debris. Environ. Sci. Tech. 47(3): 1646-1654.

Rochman, C. M., E. Hoh, T. Kurobe, and S. J. Teh. 2013b. Ingested plastic transfers hazardous chemicals to fish and induces hepatic stress. Scientific Reports 3: 3263.

DRAFT

Ryan, P. G. 2015. A Brief History of Marine Litter Research. Chapter 1 *in* Bergmann, M., L. Gutow, and M. Klages (eds.). Marine Anthropogenic Litter. Springer, Cham, Switzerland. https://link.springer.com/chapter/10.1007%2F978-3-319-16510-3_1

San Francisco Department of the Environment. 2016. Polystyrene Foam and the Food Service and Packaging Waste Reduction Ordinance. https://sfenvironment.org/polystyrene-foam-food-service-packaging-waste-reduction-ordinance

SeaDoc Society. 2017. California Lost Fishing Gear Recovery Project. University of California, Davis Wildlife Health Center. http://www.seadocsociety.org/california-lost-fishing-gear-removal-project/

Stickel, B. H., A. Jahn, and B. Kier. 2013. Waste in Our Water: The Annual Cost to California Communities of Reducing Litter that Pollutes Our Waterways. Prepared by Kier Associates for the Natural Resources Defense Council (NRDC). https://www.nrdc.org/sites/default/files/oce_13082701a.pdf

Suaria, G., C. G. Avio, A. Mineo, G. L. Lattin, M. G. Magaldi, G. Belmonte, C. J. Moore, F. Regoli, and S. Aliani. 2016. The Mediterranean Plastic Soup: Synthetic polymers in Mediterranean surface waters. Scientific Reports 6: 37551.

Suh, S., J. Bergesen, S. T. Choudhary, and S. Broeckx-Smith. 2017. Life Cycle Assessment of California State Spend For the Fiscal Years 2012-15: Spend Analysis Summary Report. Prepared by Industrial Ecology Research Services, LLC (IERS) for the Department of General Services. Contract No. 3181902. https://www.documents.dgs.ca.gov/pd/epp/spendanalysis/20170216_Spend_Analysis_Summary_Report_FINAL.pdf

University of California (UC). 2004. University of California – Policy: Sustainable Practices. Effective June 2, 2017. http://policy.ucop.edu/doc/3100155/Sustainable%20Practices

Uhrin, A. V., and J. Schellinger. 2011. Marine debris impacts to a tidal fringing-marsh in North Carolina. Marine Pollution Bulletin 62(12): 2605-2610.

United Nations Environment Programme (UNEP). 2014. Valuing Plastics: The Business Case for Measuring, Managing and Disclosing Plastic Use in the Consumer Goods Industry. https://wedocs.unep.org/rest/bitstreams/16290/retrieve

United Nations Environment Programme (UNEP), and GRID-Arendal. 2016. Marine Litter Vital Graphics. Nairobi and Arendal. http://staging.unep.org/docs/MarineLitter.pdf

Watts, A. J. R., M. A. Urbina, S. Corr, C. Lewis, and T. S. Galloway. 2015. Ingestion of Plastic Microfibers by the Crab *Carcinus maenas* and its Effect on Food Consumption and Energy Balance. Environ. Sci. Technol. 49(24): 14597-14604.

DRAFT

Wilcox, C., N. J. Mallos, G. H. Leonard, A. Rodriguez, and B. D. Hardesty. 2016. Using expert elicitation to estimate the impacts of plastic pollution on marine wildlife. Marine Policy 65: 107-114.

Van Cauwenberghe, L., and C. R. Janssen. 2014. Microplastics in bivalves cultured for human consumption. Environmental Pollution 193: 65-70.

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APPENDICES

A. Workshop #1 Agenda
B. Compiled List of Solution Ideas from Workshop #1
C. Workshop #1 Participants
D. Status Update on the 2008 Strategy

APPENDIX A

California Ocean Litter Strategy Update Workshop #1 May 2-3, 2017

Ronald V. Dellums Federal Building
North Tower, 5th Floor Conference Room H
1301 Clay Street, Oakland, CA 94612

Workshop Objectives:

- Identify content and framework to draft CA Ocean Litter Strategy
- Identify priorities, strategies, and actions to prevent and reduce ocean litter in CA
- Increase coordination and collaboration among entities working on ocean litter

May 2, 2017

8:30am	Check-in Participant sign-in, light breakfast
9:00am	Welcome and Introductions Jenn Eckerle *(CA Ocean Protection Council)*
9:45am	2008 Implementation Strategy to Reduce and Prevent Ocean Litter: Overview and Update
10:15am	**BREAK**
10:30am	Overview of Extended Producer Responsibility (EPR) *Speakers:* Jim Hill *(CalRecycle)* Heidi Sanborn *(California Product Stewardship Council)*
11:15am	Break Out Group Objectives & Instructions
11:45am	**LUNCH (Provided)**
12:45pm	Breakout Group #1: Source – Producers - Extended Producer Responsibility, product design, source reduction discussion
1:45pm	Breakout Group #1: Report Out & Discussion
2:30 pm	**BREAK**
2:45pm	Breakout Group #2: Consumers - Consumer behavior, behavioral/purchasing/institutional change, assessing effectiveness discussion
3:30pm	Breakout Group #2: Report Out & Discussion
4:00pm	Group Discussion & Check-In
4:30pm	**Adjourn**
4:45pm	***Optional*** Happy Hour at the Tribune Tavern (401 13th St, Oakland, CA 94607)

May 3, 2017

8:30am	Light Breakfast
9:00am	Re-Cap from Day 1, Day 2 agenda overview
9:15am	Trash Amendments Overview *Speaker:* Gayleen Perreira *(State Water Resources Control Board)*
10:00am	**BREAK**
10:15am	Breakout Group Instructions
10:30am	Break Out Group #3: Ocean Litter in Transit - Data collection and characterization, waste and stormwater management systems, monitoring, technology, removal, impacts discussion
11:15am	Breakout Group #3 – Report Out & Discussion
11:45am	**LUNCH**
12:45pm	Break Out Group #4: Final Destination (Ocean and Beaches) - Removal, monitoring, pollution impacts discussion
1:30pm	Break Out Group #4 – Report Out & Discussion
2:00pm	**BREAK**
2:15pm	Break Out Group #5 - Further discussion and review of topics raised during earlier breakout sessions
3:00pm	Break Out Group #5 – Report Out & Discussion
3:30pm	Group Discussion - Strategy Framework, future work that needs to be done, address "parking lot" topics
4:15pm	**Wrap Up & Adjourn** - Workshop #2, evaluation and final check-in, closing remarks

ADDITIONAL INFORMATION

- We will be meeting in the North Tower, 5th Floor Conference Room H in the Ronald V. Dellums Federal Building (https://www.gsa.gov/portal/content/175951). After going through the North Tower security, take either bank of elevators up to the 5th floor. From the 5th floor elevator bank turn left down the hall toward a set of double doors that lead to a balcony. At the end of the hall turn right - Conference Room H is at the end of that hallway.
- Allow some extra time to pass through airport-like security to enter the building. Make sure to bring a valid government-issued ID (e.g. driver's license) or passport (from any country). Liquids are allowed through but leave pocket knives, etc. at home.
- We recommend utilizing public transportation as the building is very close to the 12th St Oakland BART station. If you are driving, Oakland parking lots are mapped here: https://www.parkme.com/oakland-parking. The City Center West garage at 1239 Jefferson St is the closest.
- We encourage you to bring your own mug and/or water bottle for beverages.

APPENDIX B. All ideas for action items (here called "solution ideas") generated by participants at the first Ocean Litter Strategy Workshop. Ideas are organized alphabetically, by "detailed solution type," as assigned by the planning team. Ideas that fall under the same, general "detailed solution type" are highlighted in the same color, for visual aid. The first table (pages 1-9) includes all land-based litter ideas, while the second table (pages 10-12) includes all ocean-based litter ideas.

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Straw ban	Policy/Legislation, Outreach/Education	Ban	Recommend policy statewide (as opposed to starting on local patchwork); City pilot and measure; Legislative champion; NGO campaign; Leaning on prior policy decisions (zero waste)	Perceptions; Habits; Industry - food service/retail customer service; Specific parameters of the law; Hospitals/disabilities; Gov't involvement in personal habits; Boba	Effects of alternatives; Cost-effective alternatives; More focused studies on straw pollution; Baseline data (getting baseline data for cups might be easier since the data is built into their POS); Designing a baseline study	Alternatives industry	Breakout Group A (Green)	Source/Producers
Ban straws, both plastic and paper (with exceptions, available on need basis)	Policy/Legislation	Ban					Breakout Group B (Blue)	Consumers/Institutions, would fit better in Source/Producers
Ban plastic straws and stirrers	Policy/Legislation, Outreach/Education	Ban	Paper/wooden			Heal the Bay "Rethink the Drink" campaign regarding single use drink items – ban straws on Santa Monica Pier, straws upon request, paper straws if requested – microeconomic study that could happen there Clean Water Action – broken down the cost savings, GHG savings, et	Breakout Group C (Red)	Source/Producers
Ban single use items (straws, utensils, lids, stirrers); Ban flexible packaging (potato chip bag, baby food container, etc.)	Policy/Legislation	Ban					Breakout Group A (Green)	Source/Producers
Ban polystyrene foam containers and transport packaging	Policy/Legislation	Ban	1) Fund advocacy organizations - collect data on extent of the problem; 2) Author for the bill; 3) Develop grassroots community support; 4) Engage the media; 5) Develop advocacy toolkit for local advocates (fact sheets, talking points, sample letters to editor, sample media engagement strategies); 6) Work with industry allies that already have alternative products in place; 7) Identify key legislative districts who will be key opponents and supporters; 8) Engage local officials and agencies in providing support; 9) Significant public education and engagement campaign	Economic impacts to businesses; Public opposition/habits - inconvenience; Industry opposition (manufacturers, trade associations); False story of recyclability of polystyrene - e.g., Dart container setting up recycling systems with local government; Funding for advocacy organizations; Enforcement of ban?	Alternatives that don't meet the intent of the legislation - will this lead to alternatives that create more litter?	Model projects: Plastic bag ban, local foam bans, local water bottle in government venues bans; NGOs; Clean Seas Coalition; Plastic Pollution Coalition; Local governments that have passed bans; Reporting on effectiveness of bag ban (a few NGOs and local governments are collecting data)	Breakout Group B (Blue)	Consumers/Institutions, would fit better in Source/Producers
Mylar balloon ban	Policy/Legislation, Research/Monitoring, Outreach/Education	Ban	record (in an app, hand-written) data (needs standardization), need to share data at best forum	Already have a mylar balloon release ban (bill in 2016)		Seen by many water people (e.g. fishers, boaters during races)	Breakout Group C (Red)	Ocean Litter in Final Destination, would fit better in Source/Producers
Bottle ban on campus	Policy/Legislation, Outreach/Education	Ban - mandate to use reusables in specific setting	Student advocacy, self-regulation; Convince institution to make that change; No bottled water sold on campus; Given reusable bottles (and other supplies) at orientation; Mandatory exchange program at cafeterias; Advertising where you can refill your bottle; Bring existing campaigns together/breaking down silos; Roll-out on a UC level	Access to water/places to refill your reusable water bottle; Existing contracts (phase-in apprach); Industries that are reliant on plastic bottles for their product	Life-cycle awareness of reusable bottle	Find existing campaigns on campuses; Bulk dispensers already available in larger cafeterias (roll-out to smaller corner stores)	Breakout Group A (Green)	Consumers/Institutions
Ban single use plastic bottled water in all public venues	Policy/Legislation	Ban - mandate to use reusables in specific setting					Breakout Group B (Blue)	Consumers/Institutions
Mandating reusables for events/facilities/buildings	Policy/Legislation	Ban - mandate to use reusables in specific setting	Set initial metric/goal to achieve by a certain time; Educate elected officials and staff; legislative champion	Health codes; Water use; Cost to vendors (don't want to make it harder for vendors to do business); Different populations/industries (i.e., tourist economy, college town economy); Consistency in health codes; Access to water; Culture/habit	Research on health codes for specific localities	Cost-benefit analyses to make case for institutions; Businesses that can specifically fulfill mandate exist and become an option for facilitiy; Music concerts/festivals already developing consistency	Breakout Group A (Green)	Consumers/Institutions
Ban PFAS's for food packaging (also think about banning phthalates, hormones...)	Policy/Legislation	Ban - toxins					Breakout Group B (Blue)	Source/Producers
Zero waste mandates	Policy/Legislation	Ban - zero waste mandate				e.g., SF pushing efforts for single use	Breakout Group A (Green)	Source/Producers, might fit better in Consumers/Institutions if City-wide
Evaluate efficacy of current bans and policies (How are things from the first strategy? Is the city saving money? Litter reduction?)	Research/Monitoring	Ban/Policy - evaluation of efficacy	Monitoring is crucial (case studies that showcase scientifically credible evaluation of before and after - "we did activity A and it reduced litter on land by 10%"); Replicable research; Determine strategies that are working most efficiently				Breakout Group A (Green)	Source/Producers
Data for cities about costs saved from implementation of bag ban/litter reduction policies	Outreach/Education, Research/Monitoring	Ban/Policy - evaluation of efficacy			National campaign to preempt city laws Federal preemption	OPC/OST is appropriate entity to do that research Don't negate citizen science, when collected with rubrics	Breakout Group C (Red)	Source/Producers

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Music industry, festivals, concerts	Outreach/Education, Policy/Legislation (certification)	Business/Industry responsibility	Raise profile of green events - certification? (Business/Industry responsibility with assistance from muncipalities, NGO, etc.)				Breakout Group C (Red)	Consumers/Institutions
Sporting events	Outreach/Education, Policy/Legislation (certification)	Business/Industry responsibility	(Business/Industry responsibility with assistance from muncipalities, NGO, etc.)			Los Angeles as Olympics 2024 site	Breakout Group C (Red)	Consumers/Institutions
Film industry	Outreach/Education, Policy/Legislation (certification)	Business/Industry reponsiblity	Production-specific water bottle, refill station Craft services - food service permitting fee reduced for green practices Partner with bottle company, etc. Plastic audit - statement comes up during credits that this production was "green"			Ocean Recovery Alliance - plastic audit	Breakout Group C (Red)	Consumers/Institutions
Pressure tobacco industry to take responsibility	Policy/Legislation, Outreach/Education	Business/Industry responsibility	Make recyclable. Label cigarette packages that butts are not biodegradable and you can't toss them	Ban sale of filtered cigarettes across state – PR difficulty, not advised to do without careful calculation		Change Lab (Oakland) produced EPR – educate about and use local ordinance Cigarette filters are useless/illusion to make it seem safer – can make health worse – needs more education about this issue	Breakout Group C (Red)	Source/Producers
Education for employees (hotels)	Outreach/Education	Business/Industry responsibility					Breakout Group C (Red)	Source/Producers
Highlight companies that are acting "responsibly"	Outreach/Education	Business/Industry responsibility	NGOs/Government certification program??			Green Dot	Breakout Group C (Red)	Source/Producers
Restaurants (e.g., gelato shop) that have a trash can in front of shop should have to pay if it is overflowing	Policy/Legislation	Business/Industry responsibility - cleanup					Breakout Group A (Green)	Consumers/Institutions
Require commercial businesses to remove trash in front of their establishments on a daily basis	Policy/Legislation	Business/Industry responsibility - cleanup					Breakout Group B (Blue)	Ocean Litter in Transit
Resource guides for various industries (may be "tool" rather than solution)	Outreach/Education	Business/Industry responsibility - resource guide	Identify what already exists; Social media/online friendly	Must have direct incentive/financial piece to encourage businesses to use toolkit that is prepared (show cost-benefit analysis)	Social media metrics; Entity to guide industries through this process (NGO, volunteer); Are resource guides effective?	CA Product Stewardship Council; Plastics, Packages, and Colleges (EPA-funded); Last Straw Community Toolkit; Sustainable Purchasing Council	Breakout Group A (Green)	Consumers/Institutions
Cost-benefit analyses on transitioning to reusables for businesses (makes sense to transition to a more reusable operation)	Research/Monitoring, Outreach/Education	Business/Industry responsibility - resource guide					Breakout Group A (Green)	Source/Producers, would fit better in Consumers/Institutions
Outreach campaign to hospitals, public institutions, etc., to encourage BMPs	Outreach/Education	Business/Industry responsibility - resource guide	Water refill stations, food waste, food service waste Plastic audit of your institution - become public knowledge Report out what is being diverted Organizational toolkit - brought in from outside organization			SF banned use of bottled water at all city facilities, concerts, etc. - organizers are required to bring in water refill stations, coul dbe spread to other municipalites Ocean Recovery Alliance - plastic audit	Breakout Group C (Red)	Consumers/Institutions
Require remodeling/siting of new grocery stores to include bulk bins for certain dried commodity goods	Policy/Legislation	Business/Industry responsibility - reusables					Breakout Group A (Green)	Source/Producers, would fit better in Consumers/Institutions
Significant transition to reusable products - a % of products that are single use need to be transitioned to durable, reusable products (packaging - transport, food and bev, consumer products) (not specified WHO needs to transition to reusables, so assumed businesses/industry)	Policy/Legislation	Business/Industry responsibility - reusables					Breakout Group B (Blue)	Source/Producers, would fit better in Consumers/Institutions
Institutional dining system purchasing (university - CSUs, UCs - & corporate) transition away from disposable and towards reusable	Policy/Legislation, Outreach/Education	Business/Industry responsibility - reusables					Breakout Group B (Blue)	Consumers/Institutions
Require restaurants to have dishwashing capacity (reusables on site)	Policy/Legislation	Business/Industry responsibility - reusables					Breakout Group A (Green)	Source/Producers, would fit better in Consumers/Institutions

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Customer education campaign to promote bringing reusable cup to coffee shop	Outreach/Education	Business/Industry responsibility - reusables	Have reusable cup with prominent sign at register with discount written on it Sign outside store - did you remember your cup? Bean bags - educating stores about reuse	Store dependent Employee education		Managers can be open about it if employees talk to them (personal experience)	Breakout Group C (Red)	Consumers/Institutions
Make it easier for consumers to take reusable containers to restaurants for take-out	Policy/Legislation	Business/Industry responsibility - reusables		Public health laws likely prohibit this			Participant index cards	N/A
Business responsibility toward using reusables/pooled fund towards trash cleanup	Policy/Legislation, Outreach/Education, Research/Monitoring	Business/Industry responsibility - reusables, cleanups	Identify "worst offenders"; Implement policy; Restaurant certification programs, breaks for good behavior				Breakout Group A (Green)	Ocean Litter in Transit, could fit in Consumers/Institutions as well
Innovation forum on trash capture. Showcase success stories.	Research/Monitoring, Outreach/Education	Capture - technology					Breakout Group B (Blue)	Ocean Litter in Transit
Improving street sweeping efficiency	Research/Monitoring	Capture - technology, Gaps/leaks in waste management					Breakout Group B (Blue)	Ocean Litter in Transit
Public campaign for picking up litter (engaging community in litter cleanup) - build off of coastal cleanup day, needs to become a habit. Creating a behavioral change to cleanup up community areas	Outreach/Education	Cleanups - community engagement	Similar to dog bags at parks - encouraging folks to pick up trash on their own, in public spaces; Ongoing education campaign - potential CalTrans funding?; How do you change behavior in a very urbanized area? Apt complexes? Municipalities funding (Track 2 in Trash Amendments)				Breakout Group B (Blue)	Ocean Litter in Transit
Incentivize fishers, etc to pick up trash for up-cycling (i.e. want to remove mylar balloons)	Policy/Legislation, Outreach/Education	Cleanups - community engagement	Use TeraCycle for up-cycling of marine debris/ocean litter	Inconvenient for people to have another avenue for recycling Time and Money		TeraCycle	Breakout Group D (Ocean-Based)	Ocean Litter in Transit
Increase opportunities for DIY stations for cleanups at beaches (non-profit ran)	Outreach/Education	Cleanups - community engagement					Breakout Group C (Red)	Ocean Litter in Final Destin
Focusing cleanups on specific items (i.e., golf balls, needles, balloons), with the goal of banning specific items (e.g., banning the sale of balloons near the coast)	Policy/Legislation	Cleanups - data		Safety hazards			Breakout Group A (Green)	Ocean Litter in Final Destination, could fit in Source/Producers as well (bans)
Identify and direct resources to trash hotspots on the coast (removal/cleanup)	Policy/Legislation	Cleanups - hotspots					Breakout Group B (Blue)	Ocean Litter in Final Destination
Alignment and compilation of beach cleanup efforts	Research/Monitoring, Other: Collaboration/Integration of existing efforts	Cleanups - standardized methodologies, database, collaboration	Bring together existing resources or create a single system/database (gov't curated?); Decide upon best-practice for data collection; Creation of a data hub; Improved technology to characterize/analyze litter (possible in GIS); Create a calendar to align all beach cleanup efforts (use colors to indicate regions); Ensure that there is a targeted objective for this alignment	Different ways of collecting data	Brand data; Technological capabilities to categorize trash?	Existing databases	Breakout Group A (Green)	Ocean Litter in Final Destination
Creative technological solutions (sorting trash, cleanup, packaging design)	Research/Monitoring	Cleanups - technology	Lasers/optical sorting; Roomba for the beach; Better packaging; Hold a challenge for packaging design (connect with universities)			Mr. Trash Wheel	Breakout Group A (Green)	Ocean Litter in Final Destination
Explore effectiveness of skimmers and other removal gear, expanded use of skimmers/gear for trash removal nearshore; EPR/producers should fund cleanup in marinas	Research/Monitoring, Policy/Legislation	Cleanups - technology					Breakout Group B (Blue)	Ocean Litter in Final Destination
Mr. Trash Wheel	Outreach/Education	Cleanups - technology			- Maintenance, who would take over after it is built? Will the State be in control of it? - Crowdfunding needed? - Trash wheel/trash boom considered full capture system?	- Baltimore - Mr. and Dr. Trash Wheel - Georgia Aquarium to be looking into it	Breakout Group C (Red)	Ocean Litter in Transit
Incentive program for individuals to collect litter items. Collect/Turn in items for second use?	Policy/Legislation, Outreach/Education	Consumer responsibility - cleanup, incentive programs					Breakout Group B (Blue)	Consumers/Institutions

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Set targets for the quantity of packaging generated by residents that need to be reduced over time (e.g., 25% reduction of food and bev, consumer product, and transport packaging put into the market place by 2025)	Policy/Legislation, Outreach/Education	Consumer responsibility - waste reduction	Determine how to measure reduction [3 possible ways to measure: 1) No. lbs per person per year (not the right measure), 2) No. pieces/units of packaging per person per year, 3) Volume of packaging per person per year]; Evaluation of what's coming through the waste stream?				Breakout Group B (Blue)	Source/Producers, would fit better in Consumers/Institutions
Develop incentive programs - reduce volume of trash at home, for example - to get at reducing garbage fee	Policy/Legislation, Outreach/Education	Consumer responsibility - waste reduction, incentive programs					Breakout Group B (Blue)	Consumers/Institutions
More containers for cigarette disposal	Policy/Legislation Outreach/Education	Gaps/Leaks in waste management		Enforcement needed	How effective are these kinds of programs? Data needed	- Terracycle, Surfrider SD - cigarette butt containers near bars - Law in SF that requires cigarette ash trays within 20 ft of front door of buildings - most buisnesses don't - Surfrider has been putting up ash trays in SF - Smoke Free LB (Long Beach) - no smoking in public areas, designating very specific areas where smoking is allowed	Breakout Group C (Red)	Ocean Litter in Transit
Address direct discharge hotspots - areas that do generate trash but are out of MS4 (homeless encampments, regional parks and high use beaches, schools and transportation ways); Better education and enforcement of discharge hotspots	Policy/Legislation, Outreach/Education, Research Monitoring	Gaps/Leaks in waste management - direct discharges					Breakout Group B (Blue)	Ocean Litter in Transit
Preventing illegal dumping	Policy/Legislation, Outreach/Education, Research/Monitoring	Gaps/Leaks in waste management - direct discharges					Breakout Group B (Blue)	Ocean Litter in Transit
Ensure closed receptacles and proper schedule for maintenance exist at all access points to ocean	Policy/Legislation	Gaps/Leaks in waste management - direct discharges					Breakout Group B (Blue)	Ocean Litter in Final Destination, could fit in Ocean Litter in Transit as well
Improving trash transfer from can to truck (leakage in waste management system)	Research/Monitoring	Gaps/Leaks in waste management - improve efficiency					Breakout Group B (Blue)	Ocean Litter in Transit
Better outreach about existing large item pickup programs	Outreach/Education	Gaps/Leaks in waste management - improve efficiency					Breakout Group B (Blue)	Ocean Litter in Transit
User-friendly lids for trashcans (beaches, parking lots); more signage to pack it in, pack it out (could use children's art--effective to reduce vandalism)	Outreach/Education	Gaps/Leaks in waste management - improve efficiency	Provide guidance for management to increase uniformity and improve pickups so trash doesn't overflow	Different locations want different things for management (trash)--standardize without going against design ideas for the area			Breakout Group C (Red)	Ocean Litter in Final Destin
Establish oversight of areas without trash/recycling receptacles (e.g., Route 1 - trails to recreation areas where litter accumulates), place receptacles where there aren't any, think about automobilie crashes/cleanups	Policy/Legislation, Other: Closing gaps in waste management	Gaps/Leaks in waste management - oversight					Breakout Group B (Blue)	Consumers/Institutions, would fit better in Ocean Litter in Transit
Health Inspectors, Green Business Certification Programs, mandated to inspect packaging/amount of litter produced by businesses; Local business education	Policy/Legislation, Outreach/Education	Government responsibility - oversight, education					Breakout Group B (Blue)	Consumers/Institutions
Statewide Adopt a Storm Drain program	Policy/Legislation Outreach/Education	Government responsibility - oversight, education	Oakland share resources with other municipalites - program exists in a box that can be handed off to other municipalities - Department of Public Works		Need people in other Public Works Departments to be willing to take it on	City of Oakland - Lake Merrit has been under a trash TMDL - their program should go statewide: Adopt a Storm Drain. Get notice a few days before storm is expected for org to clean storm drain, offer tools to do this. Activates 100s of people across the city to clean trash out before it gets swept out	Breakout Group C (Red)	Ocean Litter in Transit

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Prioritize procurement of products where safer alternatives are found (items that are littered, items that are particularly harmful, for example)	Policy/Legislation	Government responsibility - procurement					Breakout Group B (Blue)	Consumers/Institutions
NGOs/communities educate local government to push them towards reusables (show gov'ts the variety of solutions available to them)	Outreach/Education	Government responsibility - procurement					Breakout Group A (Green)	Source/Producers, would fit better in Consumers/Institutions)
All (local, state, federal) government lead by example by minimizing/stopping the use of single-use products, both through internal procurement and through education of businesses	Policy/Legislation, Outreach/Education, Other: Statutory	Government responsibility - procurement, education	Procurement (could happen voluntarily or through mandate): 1) Identify the decisionmakers (e.g., Dept of General Services); 2) Analysis of alternative options Education: Green Business Certification Programs, ReThink Disposable	Procurement: Lack of political will; Inconvenience; Enforcement; Low priority in current climate; Bureaucracy Education: Lack of funding; Lack of people power; Low priority; Lots of work/resource intensive; Interest from food businesses in participating in voluntary programs; Big turnover in food industry --> constant training of staff			Breakout Group B (Blue)	Consumers/Institutions
Integrate marine debris curriculum into school programs (curriculum already exists)	Outreach/Education	K-12 education					Breakout Group B (Blue)	Consumers/Institutions
End incineration of packaging (including waste to energy conversion)	Policy/Legislation	Legislation					Breakout Group B (Blue)	Source/Producers
"Next Generation" trash laws	Policy/Legislation, Research/Monitoring	Legislation	figure out which types of trash could be the next big type of litter and pass a law accordingly				Breakout Group C (Red)	Ocean Litter in Final Destin
Correct labeling – "not recyclable" label as well (would this change consumer behavior?)	Policy/Legislation, Outreach/Education	Legislation	Label cigarette packages that butts are not biodegradable and you can't toss them		Community by community – not even within/across counties Regulatory consistency across state	Labeling is regulated by FDA – federal issue, not state	Breakout Group C (Red)	Source/Producers
Attach lids to bottles	Policy/Legislation Research/Monitoring	Legislation				Crystal Geyser to make an attached lid (still water, not carbonated water yet) Retrofitted by June in CA, it will be recyclable (HDPE) Patents do exist for carbonated water!	Breakout Group C (Red)	Source/Producers
Pass bill that does away with cigarette filters	Policy/Legislation	Legislation					Participant index cards	N/A
Address under 5 mm microplastics. Including fragments of consumer products, cigarette butts, fibers (could include a statewide ban on Styrofoam products)	Policy/Legislation, Outreach/Education, Research/Monitoring	Microplastics - discharge					Breakout Group B (Blue)	Ocean Litter in Transit
Wastewater treatment plants to stop discharge of microplastics	Research/Monitoring, Policy/Legislation	Microplastics - discharge					Breakout Group B (Blue)	Ocean Litter in Transit
Microfiber solutions	Research/Monitoring, Outreach/Education, Other: Product Design	Microplastics - technology, product design, education	Technical solutions for more efficient washing machines; Technical solutions for apparel; Recycling water mandates (co-benefits); Education about microfibers, encouraging people not to have plastic-based clothing; Biggest manufacturer's pay into wastewater treatment upgrades, or largest sellers/retailers pay into upgrades; Complementary marketing (rozalia balls with synthetic clothing); Sponsorship with washing machines/add-ons	Possibly cost prohibitive; Circular economy trend (i.e. clothes made from bottles)	We need field data, and where the hotspots are; A lack of alternatives; Eliminating a next-life solution for recycled plastic; Which kinds of plastic fabrics shed the worst? Recycled PET? Fleeces? Any polyester fabric?	5 Gyres webinar and Surfrider microfibers blog; Patagonia's report; SFEI is launching a 2 year study on microplastics in the Bay; Rozalia Project	Breakout Group A (Green)	Ocean Litter in Transit, could fit in Source/Producers as well (product design/source reduction)
EPR – need to build political power	Policy/Legislation, Outreach/Education	Producer responsibility					Breakout Group C (Red)	Source/Producers
EPR	Policy/Legislation	Producer responsibility					Breakout Group A (Green)	Source/Producers
Promoting packaging redesign efforts, direct corporate engagement	Research/Monitoring	Product/Packaging design					Breakout Group A (Green)	Source/Producers
Technological solutions for packaging (i.e. shellfish)	Research/Monitoring	Product/Packaging design					Breakout Group A (Green)	Ocean Litter in Final Destination
Design products that are commonly littered to have less plastic	Research/Monitoring, Other: Product Design	Product/Packaging design	Create a venue for sharing innovative designs, support the innovators (e.g., take-out paper cups with no plastic resin liner)				Breakout Group B (Blue)	Source/Producers

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Make packaging recyclable	Policy/Legislation, Outreach/Education	Product/Packaging design	Biodegradable to original organic form Compostable and/or reusable Incentivize producers to use recyclable materials more		Need list for what kind of materials are actually biodegradable/reusable – needs to be mandated, not just recommendation, needs label	Walmart – economics of the stores influenced entire supply chain to reduce volume of packaging by 5% (better for their bottom line) – get them to talk to other companies Walmart has internal goal so they are leveraging the companies in charge of products (Proctor and Gamble, etc.)	Breakout Group C (Red)	Source/Producers
Create new nursery products	Policy/Legislation, Outreach/Education	Product/Packaging design					Breakout Group C (Red)	Source/Producers
Manufacturers of clothes washing machines add filtration to remove microfibers - or something to add to the washing machine to filter/collect microfibers	Research/Monitoring, Policy/Legislation	Product/Packaging design, Microplastics					Breakout Group B (Blue)	Ocean Litter in Transit
Changing composition of plastics so they break down easier, making them less likely to emit toxins (marine degradable plastics/products? --- requires caution, standards)	Research/Monitoring, Other: Product Design	Product/Packaging design, Toxicology	Give incentive to companies to make this happen? State dollars/state procurement?				Breakout Group B (Blue)	Source/Producers
Target gap in young adults for cleanups and reduced littering	Outreach/Education	Public education	Target 18-30yr olds; Game/app to incentivize	Hard to engage with some workplaces/groups		Snapchat (Snaptrash), collect data on location of trash; working with Salesforce	Breakout Group C (Red)	Ocean Litter in Final Destin
Education about low-waste lifestyle	Outreach/Education	Public education	fund DIY workshops, educate people about how to affordably have a lower-waste lifestyle/helping those who have less access to these resources/stores				Breakout Group A (Green)	Source/Producers, would fit better in Consumers/Institutions)
Education of consumers on reuse and recycling	Outreach/Education	Public education	Engaging media/starpower; Using uplifting/positive stories (avoid doom and gloom!); Creating documentaries that highlight successes; what does recycling really mean? how much tax payer money is being applied to aggressive mandates? Compelling communication strategies that reach other parts of the state (inland - make everyone care about ocean issues)	Language; Cost of outreach (time, face-to-face); Measurement/sustained results	What is the best way to communicate to the population of CA (i.e., millennials); create targeted messaging		Breakout Group A (Green)	Consumers/Institutions
Public education (street litter goes to the ocean)	Outreach/Education	Public education					Breakout Group A (Green)	Ocean Litter in Transit
Turn-in-your-trash programs	Outreach/Education	Public education					Breakout Group A (Green)	Ocean Litter in Transit, could fit in Consumers/Institutions as well
Behavior modification (single-use plastic, littering)	Outreach/Education	Public education			Research on how to change behaviors		Breakout Group A (Green)	Ocean Litter in Final Destination
Truth campaign about cigarette filters	Outreach/Education	Public education					Breakout Group C (Red)	Consumers/Institutions
Education campaign for recycling/biodegradable and how it actually works/means	Outreach/Education	Public education	Providing toolkit for local high school/college students for how they can educate people in their specific communities			Heal the Bay runs high school club program - educate public, grocery stores, etc. - college students?	Breakout Group C (Red)	Consumers/Institutions
Majority of people still don't understand that trash on city street can end up as marine debris	Outreach/Education	Public education	- Utilize billboards - find other ways to message other than talks/outreach - Education system - get it into the curriculum - State of CA should focus on regulation, legislation, and then research - not education (NGO fill gap) - Tie in health system to community health/environmental health to take responsibility for education/informing - State provided funding for research for health effects - especially in seafood	Language does not include most current science/stats - still technically appropriate but hasn't kept up - also doesn't encourage behavior change because public schools aren't allowed to do that		- Outreach and education, stenciling stormdrains, etc. has already happened but myabe not reaching enough - There is an existing state curricula that includes plastic - EEI, education and the environment initiative - Has worked with "Don't Mess with Texas" campaign - saw massive amounts of trash reduction, and once they stopped spending money on the campaign then roadside litter went up again - Keep California Beautiful - funded by ACC - Tobacco Control Program within Department of Public Health working on PSA - LA Times followed cigarette butt to ocean	Breakout Group C (Red)	Ocean Litter in Transit
Public education on reusable, non-wasteful women's menstruation products that everyone can have access to (affordable)	Outreach/Education	Public education	subsidies for lower income people to have access to affordable feminine hygiene; make it possible to purchase the products with your food stamp card?				Breakout Group A (Green)	Source/Producers, would fit better in Consumers/Institutions

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Focus on corporations, but a lot of consumers are disconnected - how to balance corporations and consumers being responsible? Consumers wouldn't buy the products if they didn't want it…	Outreach/Education	Public education - consumer behavior resarch					Breakout Group C (Red)	Ocean Litter in Transit
Survey (with small incentive) to look at consumer behavior - convenience, choices, incentives	Research/Monitoring	Public education - consumer behavior research					Breakout Group B (Blue)	Consumers/Institutions
Engage consumers in corporate targeting campaigns focused on companies that are generating the most products that end up as marine litter	Outreach/Education	Public engagement - brand trageting					Breakout Group B (Blue)	Consumers/Institutions
West Coast Pacific Protection Initiative	Policy/Legislation	Regional collaboration	Refocus resources from West Coast Governor's Alliance to broader resource protection – MOU to be signed by Pacific, set target reductions Take smaller regional efforts and increase momentum to create larger regional effort – support UN direction of global plastic bag ban			Marine Debris Alliance doesn't have a lot of political power – this could make things more formal	Breakout Group C (Red)	Source/Producers
Look at effectiveness of social programs (homeless communities, other vulnerable communities (inmates?)?)	Research/Monitoring	Social programs - effectiveness	Look at San Jose program, Russian River program, and analyze effectiveness				Breakout Group B (Blue)	Ocean Litter in Transit
Engagement with homeless communities	Outreach/Education	Social programs - homeless community engagement	Mapping hotspots of encampments that have litter associated with them; Credit towards programs that tackle homelessness (municipalities are getting credits if they have foam bans, could extend to get credit for creating programs to tackle homelessness); Interagency effort, pull in variety of expertise	Homeless peoples' rights groups (political correctness); Administrative coordination/bureaucracy; Moving target, appearance of new homeless encampments	Funding sources; Multidiciplinary expertise; Governance/politics of specific communities; Focused study on relationship between homeless encampments and litter	Downtown Streets Team	Breakout Group A (Green)	Ocean Litter in Transit
Create economic rubric/template for other municipalities to use when measuring litter reduced, costs, saved, etc	Outreach/Education Research/Monitoring	Standardized methodologies - monitoring					Breakout Group C (Red)	Source/Producers
Develop standardized monitoring and compliance methods for trash and microplastics	Research/Monitoring	Standardized methodologies - trash monitoring					Breakout Group B (Blue)	Ocean Litter in Transit
Increase reporting and standardize data collection on debris that is being removed	Research/Monitoring	Standardized methodologies - trash monitoring					Breakout Group B (Blue)	Ocean Litter in Final Destination
Standardize data collection	Research/Monitoring	Standardized methodologies - trash monitoring				Many groups already use Ocean Conservancy app (shoreline and at sea)	Breakout Group C (Red)	Ocean Litter in Final Destir
Standardization/alignment in trash research (microplastics, larger-sized trash)	Research/Monitoring	Standardized methodologies - trash research					Breakout Group A (Green)	Ocean Litter in Transit
More scientific methodologies to determine measurable reductions of litter; more tools in our toolbox	Research/Monitoring	Standardized methodologies/Metrics - litter reduction					Breakout Group A (Green)	Ocean Litter in Transit
Charge businesses a fee/tax/etc if they produce a high volume of takeout food to pay into City/County fund that pays for cleanup efforts (could be exempt if they go through a certain program (e.g., transitioning to different packaging))	Policy/Legislation	Tax/Funds					Breakout Group A (Green)	Source/Producers, would fit better in Consumers/Institutions

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Charge consumers for disposables (don't hand out disposables for free anymore)	Policy/Legislation	Tax/Funds				worked with bag ban	Breakout Group A (Green)	Source/Producers, could fit in Consumers/Institutions also
Use tax on plastic bottles	Policy/Legislation	Tax/Funds					Breakout Group A (Green)	Consumers/Institutions
Charge for single use food service packaging. Use money to fund local government educating consumers and food service industry to use less packaging OR money is spent by the EPR system to do education work	Policy/Legislation, Outreach/Education	Tax/Funds					Breakout Group B (Blue)	Consumers/Institutions
Create alternative funding mechanism for local government and municipalities to fund stormwater trash programs (prop 218 for trash collection?)	Policy/Legislation	Tax/Funds					Breakout Group B (Blue)	Ocean Litter in Transit
Research toxicological impacts of ocean pollution on marine life and human health	Research/Monitoring, Outreach/Education	Toxicology	Commission a study (focusing on youth, reproductive impacts, long-term); Research on single-use items (i.e., foam) and their effects on humans; Establishing labs dedicated to this type of research; Survey of existing information	Funding; Timescale; FDA regulations	Ensure research method is appropriate for the problem/question; Historical data of populations with high fish diets	Chelsea Rochman (researcher); Sam Mason; Scripps researchers; Marcus Erikson; 5 Gyers; Point Blue (bird datasets)	Breakout Group A (Green)	Ocean Litter in Final Destination
Test chemicals that are in products that dominate beach litter (brand recognition, report, media outreach)	Research/Monitoring, Outreach/Education	Toxicology	Test chemicals in products common in beach litter, identify brand of products, write a report, conduct media outreach (very important!)			Example: DTSC work on fast food packaging (PFAS's), nail products	Breakout Group B (Blue)	Source/Producers
Research on plastic toxicity, human health, combined toxicity	Research/Monitoring, Outreach/Education	Toxicology	Translate plastic + human health aspects (current and past research) for the layman		Learn what universities are doing currently (sustainability)	EPA compilation paper, plastic is toxic to humans; LA is doing this (translate and publicize the science)--modeling for the State, bring up in coastal communities; Monterey Bay and Delta programs (toxicitity in seafood & environment); Universities (with grant money) could contribute to research on toxicity; engage student groups for projects; competitions and community projects through schools to Go Green!	Breakout Group C (Red)	Ocean Litter in Final Destin
Research food chain toxicity	Research/Monitoring	Toxicology	fingerprint debris, more than brand information, hold business accountable	Difficult to identify; push back from industry			Breakout Group C (Red)	Ocean Litter in Final Destin
Strengthen State's oversight of food packaging [chemicals] under the Dept of Public Health	Policy/Legislation	Toxicology - government oversight, Government responsibility	Identify chemicals in food packaging, and ensure that carcinogens and endocrine disruptors are not included in packaging				Breakout Group B (Blue)	Source/Producers
Target reductions of trash - zero trash by 2026 (Trash Amendment)	Policy/Legislation	Trash Amendment	- State needs to think about how to implement this in a regulatory way - 25% trash reduction by 2022 (for example) in order to each 2026 goal - Identify high littering businesses - charge them more for permit, opportunity to get fee reduced when positive changes are made - Consumer "pay as you throw" policy - if consumers have to pay for what they are throwing away then they will reconsider how much they throw away - Couple public facing institutions as the example for how to achieve this Fishing companies that interact with public, as example as well - Update on trash amendment and where we are now - come back to this conversation after listening to tomorrow's session	- Industry/retail institutions will push back on additional costs - Bioplastic - what does that mean to the public (communication issues)? What are the scientific data regarding life cycle (do we have them)? - Trasparency - are data available? - Environmental justice issues - communities that can afford reusable - Individual behavior is hard to track, hard to remain consistent over time, this is why institutions should lead charge	- Knowing what alternatives are/their pros and cons - Has this been working in areas that already have pay as you throw policies? - Socioeconomic study/focus - systemic change	- Never underestimate the power of shaming! (Individual and corporate) - Voluntary program - like LEED certification, Seafood Watch, etc. - defined metrics - Rwanda - countrywide bag ban	Breakout Group C (Red)	Consumers/Institutions

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Producers have shared responsibility to help municipalities achieve/pay for Trash Amendment requirements	Policy/Legislation	Trash Amendment	- Capturing brand information would be powerful - source ID studies, incentivize, include in local permits - can promote better assessment - NRDC trash in our waterways study from 2013 - how much is it costing local jurisdictions - should we keep this updated every 5 years (for example)? - Effectiveness study will insulate from preemption - Question of how to measure and what to measure - weight, number of units, overall volume - State can't tell producers they have to pay for it - but local governments could do that - so state could write narrative language saying that local governments should do that, incentivize source ID - encourage local NGOs - Recommendation for executive orders related to litter reduction for state facilities specifically	- Not enough? The beaches are still trashed even in areas that have brand names on the bins like they adopted it. - Gaps in the study - didn't look at costs saved for source reduction - Trash booms are designed to break during a storm - they are collected during a storm to allow for water to flow through - also only captures floating debris - Is Prop 218 actually a limitation? Refuse collection is not covered - sotrm water is - Costs with assessment at local level - Costs for enforcement	- Research needed for how effective bins are? Are more bins more effective? Are having bins available making it become an area for dumping and attracting more trash? - Anyone over a certain number of units of trash has to do XYZ? - Funding needed - Funding needed	- Pepsi has done research that 1/3 of single use materials are from people "on the go" - area where there is not a public recycling bin - tried to install 2000 recycling machines around the South and have had some success - when brands see how much their brand is captured then they could "adopt" areas and pay for the bins or other ways that litter is in transit - take "responsibility for geographic area" which is also good for their branding - Policy letters to state of CA CalRecycle EPR program - state litter policy could echo	Breakout Group C (Red)	Ocean Litter in Transit
Microplastics research (effects on humans - finding microplastics in fish in grocery stores, quanitfy costs to fishermen/analyzing impacts on fishermen livelihoods and tourism)	Research/Monitoring	Trash research - impacts					Breakout Group A (Green)	Ocean Litter in Final Destination
Robust statewide studies on the impact of marine debris on marine resources, to demonstrate how important of an issue it is (ecosystem impacts, species, habitat, ecosystem function) [negative impact of microplastics in fish well demonstrated].	Research/Monitoring	Trash research - impacts	Start with lit review and gaps analysis, studies need to be collated, working group to flesh it out.				Breakout Group B (Blue)	Ocean Litter in Final Destination
Mapping hotspots; determining target areas (large trash inputs)	Research/Monitoring	Trash research - inputs/hotspots					Breakout Group A (Green)	Ocean Litter in Transit
Coming up with highest priorities for reducing ocean litter - focus on a few specific products and the brands [and who is purchasing/making decisions, e.g., retailers, institutions, food service providers, gov't, etc.]; Identify products that can be minimized or banned (diff solutions for diff products - solutions include fees, bans, corporate advocacy campaigns, etc.)	Research/Monitoring, Other: Planning for future action	Trash research - inputs/hotspots	Look at data that already exists, OR Take specific data on litter that ends up in storm drains, on streets, on beaches, etc. (baseline data), OR Look at market data to determine biggest producers of straws, for example; Identify entities/institutions making decisions to use those products - what is the ultimate source? [e.g., fast food packaging companies, schools, other sources]; Provide data to local community?; Perhaps create an environmental/economic "incentive" for brand to work toward achieving reduction goals (reward them for doing so); [advocates can "target" brands, State can "work with" brands]; State and local government engage those sources in meeting measurable reductions (could utilize government purchasing to drive market)				Breakout Group B (Blue)	Source/Producers
Statewide program to model and monitor microplastics and macroplastic transport - modeling of movement through water column. Perhaps modeling of trash degradation too. Need for basic science.	Research/Monitoring	Trash research - transport, degradation	Identify funding - EPR producer funded; Develop modeling framework and methods (ASTM)	Funding; Variety of types of monitoring (habitat types vary, etc)	Funding	SCCWRP, BASMA modeling approach, NSF socioeconomic grants	Breakout Group B (Blue)	Ocean Litter in Transit

Ocean-based litter ideas generated by the participants at the first Ocean Litter Strategy Workshop.

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Boater, fisherman, diver participation in cleanup programs (incentivized?, or fund fuel costs and any permitting required for fishermen to bring people on boats).	Outreach/Education, Policy/Legislation	Cleanups - community engagement			Funding is important (e.g., collaboration amongst oyster growers in Tomales and Grigg's Bays might be more robust if there was funding)		Breakout Group B (Blue)	Ocean Litter in Final Destination
Develop working groups to collaborate in addressing marine debris (e.g., Tomales Bay - oyster growers, kayak companies, neighbors)	Outreach/Education, Other: Collaboration	Cleanups - community engagement			Identify problem areas, where debris is found, etc.		Breakout Group B (Blue)	Ocean Litter in Final Destination
Cleanups: industry (aquaculture) taking the initiative	Outreach/Education	Cleanups - community engagement	Partner with others Map of coverage along the coast (who does what)	Money		ArcGIS online	Breakout Group D (Ocean-Based)	Ocean Litter in Transit
Get fishing gear off beach, organize on-going/annual/quarterly program for cleanups (Santa Barbara Channel/Channel Islands/Tomales Bay/etc), monitor trash over time	Research/Monitoring Other: Cleanup	Cleanups - data	Partner/coordinate with others (industry: fishers, aquaculture) for cleanups (e.g. BBQs), keep on same page (central calendar) Collect data to get funding (from State), create database; outreach to tell people to keep track of what they cleanup	Money Permits People power Get collectors to record data and keep it in centralized place Risk of perception (retrieve gear fishers they lost in first place)	Standardized/central database to input data	Some databases available Ocean Conservancy database for cleanups; used for Coastal Cleanup day NOAA Marine Debris tracker and other apps Adopt-A-Beach program (applies to any waterway)	Breakout Group D (Ocean-Based)	Ocean Litter in Transit
Identify funding mechanism and start a program to remove commerical boats (a partner program to the Dept of Boating and Waterways which can only remove rec boats)	Policy/Legislation	Derelict Fishing Vessels			Funding, Statutory mandate		Breakout Group B (Blue)	Ocean Litter in Final Destination
Develop plan and promulgate plan among managers, hold onto found gear that's been cleaned up and record that data to improve process (Parks, etc.); regional	Policy/Legislation, Outreach/Education	Government responsibility - oversight, education					Breakout Group D (Ocean-Based)	Source/Producers
Biodegradable fishing line (monofilament)	Policy/Legislation, Outreach/Education, Research/Monitoring	Lost gear - entanglement reduction	Acoustic release ballons for traps (Scripps prototype); Using powerful imagery to engage the public				Breakout Group A (Green)	Ocean Litter in Final Destination
Reduce repetitive equipment losses	Outreach/Education, Research/Monitoring	Lost gear - prevention	Improve technology to ensure they don't get lost (better attachments)	Lack of control (storms, etc.)			Breakout Group A (Green)	Ocean Litter in Final Destination
Highlight issues to focus policy and funding on prevention and recovery share what we've learned, via action documents, lectures, events, testimony, film at legislative/regulatory procedings -- try to distill needs for next 5 years and start to implement them. Channel Islands - county, state, feds	Outreach/Education Research/Monitoring	Lost gear - prevention, Government responsibility - oversight					Breakout Group D (Ocean-Based)	Source/Producers
Update Fish and Game Commission policies: aquaculture best management practices (new and renewed leases)	Policy/Legislation	Lost gear - prevention, Government responsibility - oversight, education		These groups may disagree on issues			Breakout Group D (Ocean-Based)	Ocean Litter in Transit
Update Fish and Game Commission policies to include BMPs for certain trap fisheries (lobster, crab, etc.)	Policy/Legislation	Lost gear - prevention, Government responsibility - oversight, education					Participant index cards	N/A
Incentivize or require before becoming licensed to use best fishing practices and be educated before entering the fishery	Policy/Legislation, Outreach/Education	Lost gear - prevention, Government responsiblity - oversight, education					Breakout Group D (Ocean-Based)	Source/Producers

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Better feedback loop betwen gear manufacturers/producers and users, or between different growers, on what methods produce the least waste. There is a need to come up with the most efficient design.	Outreach/Education, Other: Collaboration	Lost gear - prevention, Product/Packaging design					Breakout Group B (Blue)	Ocean Litter in Final Destination
Design and put into practice durable and long-lasting gear (aquaculture gear)	Outreach/Education Research/Monitoring	Lost gear - prevention, Product/Packaging design					Breakout Group D (Ocean-Based)	Source/Producers
Education/BMPs: Understand how different gear types can be tailored to specific areas (aquaculture gear)	Outreach/Education Research/Monitoring	Lost gear - prevention, Product/Packaging design	Keep record of lost gear and why, respond proactively; research and monitoring				Breakout Group D (Ocean-Based)	Source/Producers
Biodegradable fishing line (monofilament)	Research/Monitoring Other: Technology	Lost gear - prevention, Product/Packaging design	Depends what you mean by biodegradable, don't want a source of microplastics, could break apart and increase lost gear, need long-term studies, no fluorocarbon				Breakout Group D (Ocean-Based)	Source/Producers
Best practices guide for fishing industry	Outreach/Education	Lost gear - prevention, resource guide	Seafood labeling style - incentivize consumer to purchase "green fishing practices"		Could this be built into Seafood Watch rubric?	MBA Seafood Watch does consider entanglement/sustainability factors	Breakout Group C (Red)	Consumers/Institutions
Education/Best Fishing Practices: Keep track of weather, move fishing gear to deep water when weather is bad	Outreach/Education	Lost gear - prevention, resource guide		Picking up gear is difficult (harder for some fisheries than others, e.g. Dungeness crab) Scheduling/time and weather conditions			Breakout Group C (Red)	Source/Producers
Compile and enforce consistent BMPs for aquaculture growers/fisheries	Outreach/Education, Policy/Legislation	Lost gear - prevention, resource guide				Coastal Commission has list of BMPs for the permitting process already	Breakout Group B (Blue)	Ocean Litter in Final Destination
Education/Best Fishing Practices: New fishers need to be educated before they start fishing, apprenticeship	Outreach/Education, Policy/Legislation	Lost gear - prevention, resource guide	Implemented by CDFW/FGC Send best practices guide out to fishers	People have tried to get apprenticeship, unsuccessful because people don't want to; make adaptable to different fisheries			Breakout Group D (Ocean-Based)	Source/Producers
Regular inventory of gear so post-storm, know lost gear (done using GPS), record keeping (aquaculture)	Research/Monitoring, Outreach/Education	Lost gear - reporting/database		Scheduling and weather, need more education & best practices			Breakout Group D (Ocean-Based)	Source/Producers
Central database for reporting for lost fishing gear	Research/Monitoring	Lost gear - reporting/database			What to do with the gear once returned? What gaps were noticed from the reporting?		Breakout Group A (Green)	Ocean Litter in Final Destination
Outreach to fishing community to improve reporting of lost gear. Reporting system for lost gear (data) that does not penalize fishermen.	Outreach/Education, Research/Monitoring	Lost gear - reporting/database				SeaDoc society? Database that SeaDoc maintains - doing outreach with fishing communities to report lost gear, in a way that doesn't penalize them. Better tracking how much it costs, how much habitat is affected	Breakout Group B (Blue)	Ocean Litter in Final Destination
Analysis of existing fishing gear data to better understand benefits	Research/Monitoring	Lost gear - reporting/database					Breakout Group B (Blue)	Ocean Litter in Final Destination
Establish website to report GPS location for traps	Research/Monitoring	Lost gear - reporting/database	Lobster Fishery Management Plan will allot 300 tags per permit (will hopefully reduce trap loss)	Not used very often		Already have a database in place (UC Davis, SeaDoc, CDFW)	Breakout Group D (Ocean-Based)	Ocean Litter in Transit
Research and monitoring how many traps are lost and found yearly	Research/Monitoring	Lost gear - reporting/database	Groups of people survey for lost traps, report			ACCESS (Applied California Currents Ecosystem Studies) cruises - to count whales and crap traps	Breakout Group D (Ocean-Based)	Ocean Litter in Transit
Data on recreational fishing gear loss (why/how/where/what of losses/abandonment of recreational trap gear). Tie to permit number - fees associated with losing certain number of traps?	Research/Monitoring	Lost gear - reporting/database					Participant index cards	N/A
Ensure researchers retrieve gear	Outreach/Education	Lost gear - retrieval					Breakout Group A (Green)	Ocean Litter in Final Destination
Removing derelict/lost fishing gear; address loopholes for out of state fishermen in permitting or fee process	Policy/Legislation, Outreach/Education, Research/Monitoring	Lost gear - retrieval				SeaDoc society? Database that SeaDoc maintains - doing outreach with fishing communities to report lost gear, in a way that doesn't penalize them. Better tracking how much it costs, how much habitat is affected	Breakout Group B (Blue)	Ocean Litter in Final Destination

Solution idea	What type of solution?	Detailed solution type	How would you achieve this?	Barriers	Needs/Gaps	Resources available, sample/model projects	Idea attribution	Breakout session
Improve fishing line program	Research/Monitoring, Outreach/Education	Lost gear - retrieval	Develop collaborations with industry, use Periscope to retrieve line (containers are on-board)	Stores complain about interior decorating, don't want to include PVC pipe that contains returned fishing line in their stores			Breakout Group D (Ocean-Based)	Ocean Litter in Transit
Research policy barriers to lost gear and understand barriers to ocean-sourced marine cleanup	Research/Monitoring Other: Technology	Lost gear - retrieval	Create concise summary of policy barriers, go to legislators to remove those barriers; make a map of jurisdictions (lots of overlap) to simplify/speed up (e.g. for cleanups); MOU between different Fed/State agencies	Current barrier: policy (permitting) and jurisdiction - restrictions on collecting gear Effort and advocacy			Breakout Group D (Ocean-Based)	Source/Producers
Establish permanent fund/program at State to remove debris from ocean; need to inventory the problem	Policy/Legislation	Lost gear - retrieval, Government responsibility - oversight	Pass legislation to create a fund or use a fund recovery process Create an action agenda Put forth a bill to create a permanent fund Solicit foundations	Time and Money Need permits Need best management practices Foundations not want to fund this type of project		Trust fund for oil spill response	Breakout Group D (Ocean-Based)	Ocean Litter in Transit
Require marking of gear for aquaculture	Policy/Legislation	Lost gear - retrieval, Government responsibility - oversight					Breakout Group B (Blue)	Ocean Litter in Final Destination
Pilot project testing best gear tagging/marking methods for aquaculture, different fisheries	Research/Monitoring	Lost gear - retrieval, Product/Packaging design		Doesn't have to be plastic, but paint can be covered by algae, heat stamping can make gear weaker (need alternative methods)			Breakout Group B (Blue)	Ocean Litter in Final Destination
Microchip, GPS tracking for gear	Research/Monitoring, Other: Technology	Lost gear - retrieval, Product/Packaging design	Silicon Valley, start-up; analogous to PIT tag in fish (cheap per tag)	Cost $$ Short range on PIT tags			Breakout Group D (Ocean-Based)	Source/Producers
Buy-back program (recycle old gear afterward)	Policy/Legislation	Producer responsibility	Make easier to get rid of gear	Accessibility (need in every port) Cost			Breakout Group D (Ocean-Based)	Source/Producers
Direct Coastal Commission mitigation funding for debris removal, fishing gear removal	Policy/Legislation	Tax/Funds			Data needs: GPS tagging where fishermen report where they lose their gear - track where they lose gear (don't penalize people for this), better tracking how much removal costs, impacts to ecosystems		Breakout Group B (Blue)	Ocean Litter in Final Destination

APPENDIX C
CA Ocean Litter Strategy Update Workshop #1
Participant List

Contact Name	Organization	Organization Type
Alys Arenas	Heal the Bay	NGO
Amy Vierra	CSU Coast	Gov - State/Academic
Angela Howe	Surfrider Foundation	NGO
Brian Baird	Bay Institute	NGO
Carolynn Box	The 5 Gyres Institute	NGO
Cassidy Teufel	CA Coastal Commission	Gov - State
Conrad Mackerron	As you Sow	NGO
Dale Bowyer	San Francisco Regional Water Quality Control Board	Gov - State
Daniel Cortez	Hog Island Oyster Co.	Industry - Aquaculture
Daphne Molin	CA Department of Toxic Substances Control	Gov - State
Eben Schwartz	CA Coastal Commission	Gov - State
Erik Schlagenhauf	Hog Island Oyster Co.	Industry - Aquaculture
Erin Eastwood	Monterey Bay Aquarium	NGO
Gayleen Perreira	State Water Resources Control Board	Gov - State
Genevieve Abedon	EcoConsult	NGO
Heather Benko	California Fish and Game Commission – CA Sea Grant State Fellow	Gov - State
Heidi Sanborn	California Product Stewardship Council	NGO
Irina Irvine	National Park Service, Pacific West Region	Gov - Fed
Jeff Kirschner	Litterati	NGO
Jim Hill	CalRecycle	Gov - State
Joe McKenzie	Coast Seafood Co.	Industry - Aquaculture
Katherine O'Dea	Save our Shores	NGO
Kirsten Gilardi	California Lost Fishing Gear Recovery Project, UC Davis	NGO
Leslie Tamminen	Seventh Generation Advisors	NGO
Luhui Isha	Wishtoyo Foundation	Tribal
Martin Seiler	Tomales Bay Oyster Co.	Industry - Aquaculture
Megan Sedlak	San Francisco Estuary Institute	Industry- Research
Meri Soll	StopWaste	Gov - Local
Miriam Gordon	UPSTREAM Policy Institute	NGO
Richard James	Coastodian.org	
Richard Ogg	Commercial Dungeness Crab Fisherman, Bodega Bay, F/V Karen Jeanne	Industry
Sam Shrout	Commercial Lobster Fisherman, Santa Barbara	Industry- Fishing
Sheri Shrout	Commercial Lobster Fisherman, Santa Barbara	Industry- Fishing

APPENDIX C
CA Ocean Litter Strategy Update Workshop #1
Participant List

Sam Ziegler	US EPA (Region 9 Office of Water)	Gov - Fed
Samantha Sommer	Clean Water Fund, Clean Water Action	NGO
Sarah Allen	National Park Service	Gov - Fed
Sean Bothwell	California Coastkeeper	NGO
Sophie De Beukelaer	Monterey Bay National Marine Sanctuary	Gov - Fed
Stiv Wilson	Story of Stuff	NGO
Theresa Talley	CA Sea Grant	Gov - State/Academic
Vivian Matuk	California State Parks - DBW	Gov - State
Whitt Strain	Point Reyes Oyster Co.	Industry - Aquaculture

Workshop Moderators and Facilitators		
Aubrie Fowler	Channel Islands National Marine Sanctuary - Sea Grant State Fellow	Gov - Fed
Elizabeth Lam Gagneron	CASG State Fellow - State Coastal Conservancy	Gov- State
Grace Chon	NOAA Marine Debris Program	Gov - Fed
Holly Wyer	CA Ocean Protection Council	Gov - State
Miho Ligare	CA Sea Grant	Gov - State/Academic
Nina Venuti	CA Sea Grant	Gov - State/Academic
Nir Barnea	NOAA Marine Debris Program	Gov - Fed
Sara Briley	CA Ocean Protection Council - Sea Grant State Fellow	Gov - State
Sherry Lippiatt	NOAA Marine Debris Program	Gov - Fed
Tova Handelman	CA Ocean Protection Council - Sea Grant State Fellow	Gov - Fed

APPENDIX D: Status of Actions in the 2008 OPC Strategy to Reduce and Prevent Ocean Litter

This appendix provides a brief explanation of the progress on actions and priorities outlined in the 2008 OPC Strategy to Reduce and Prevent Ocean Litter. The action items outlined below served as a foundation for the new and updated action items in the California Ocean Litter Strategy.

The Big Picture:

- A number of actions have been completed or are in-progress.
- In some cases, the State's regulatory or agency landscape has changed. This means that items that were previously listed out separately are each being addressed under a single program, but there may be elements of those items that still need to be addressed.
- Our understanding of the ocean litter problem has changed considerably since 2008; some of the specific actions listed below may no longer be the best way to go about solving a problem.
- Some of the actions included in the 2008 Strategy were written in an open-ended or ongoing way. This makes it difficult to determine whether an action is "complete." Some of the "complete" actions below include more details.

The Details:

Strategy Action	Status	Comments
Priority Action 1: Implement a producer take-back (EPR) program for convenience food packaging.	**In Progress**	CalRecycle is currently developing a policy model for packaging, which includes a mandatory approach to producer responsibility.
Priority Action 2: Prohibit Single-Use Products that pose significant ocean litter impacts where a feasible less damaging alternative is available.	**See below under each action**	See below under each action
• Polystyrene food packaging prohibition	**In Progress**	Local polystyrene bans have passed, but a statewide ban has not.
• Plastic Bag Fee	**Complete**	The voters ratified the statewide bag ban in November 2016.
Priority Action 3: Assess fees on commonly littered items	**In Progress**	Local jurisdictions have passed litter fees, but this has not been implemented on a statewide level.
Minimize Toxics in Packaging: Determine which plastic additives threaten human health and the marine environment, educate the public, and prepare a plan for a possible prohibition	**In Progress; but continuing opportunities for further action or projects**	Initial OPC-funded project is complete. DTSC now has a Safer Consumer Products program that examines product-chemical combinations that may impact human health or the environment.

Develop Alternative Products and Promote Sustainable Alternatives	**In Progress**	This action is currently part of the Safer Consumer Products Program. The regulations require that manufacturers perform an alternatives analysis to determine whether they could make their product without the chemical of concern.
Increase Enforcement of Pre-Production Plastic Laws	**Complete**	The Water Board has trained their enforcement staff and industrial permit staff on how to correctly implement the law banning release of pre-production plastic pellets.
Increase Enforcement of Anti-Litter Laws	**In Progress**	This is an ongoing activity. Some local jurisdictions have increased litter fines in problem areas (like main beach in Santa Cruz).
Public Education: Coordinate an education and outreach campaign	**Complete**	The OPC has partnered with NOAA on the Thank You Ocean campaign, which includes public outreach on marine debris.
Public Education: Direct state funds for litter education to the Environmental Education Initiative	**Incomplete**	This remains incomplete, the Environment Education Initiative provides model curriculum to teachers on environmental issues.
Engaging the Public: Develop an ocean litter data card to be used by Adopt-A-Beach Volunteers through the year, and an online database to house data.	**Complete**	The West Coast Marine Debris Partnership has developed a standardized data card and database for beach cleanup efforts.
Engaging the Public: Develop an Adopt-A-Beach Advisory Committee and work with local beach managers to provide necessary support for Adopt-A-Beach efforts.	**Complete**	The Adopt-A-Beach program is supported and organized on a county-by-county basis. (You can find more information on the Coastal Commission website).
Ensure municipalities prevent litter from entering the storm drain system	**Complete, but continuing opportunities for actions with implementation.**	This action was completed through adoption of the statewide trash policy; we are now in the process of implementing the policy.
Increase lost fishing gear cleanup by creating a deposit program on fishing gear, and conduct outreach to the fishing community and publicize Sea Doc Society's hotline	**Complete, but continuing opportunities for further action or projects**	Legislative action has created a program that requires owners to pay for lost gear for some fisheries. The OPC has funded the Sea Doc Society to perform cleanups of fishing gear off the coast, and their hotline is available to report lost gear.
Work with the West Coast Governor's Agreement participants and invite the participation of Alaska, Hawaii, British Columbia, Baja California, and Baja California Sur	**Complete**	This action evolved into an Action Team under the West Coast Governor's agreement, and now into the West Coast Marine Debris Partnership, which includes British Columbia.

From: Sean Hastings - NOAA Federal [mailto:sean.hastings@noaa.gov]
Sent: Monday, August 28, 2017 9:31 AM
To: Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov>
Subject: Lobster Trap Loss Prevention video

Hi Susan -

I hope this note finds you well.

We are proud to release a new short film (7 minutes) on best practices to prevent lobster trap loss. The project was funded by the NOAA Marine Debris Program, managed by us at CINMS and involved veteran lobstermen (whom you will recognize) and Julia Coates at CDFW. Please see the link below.

CDFW has posted the film on the commercial regulations site, too.

What do you think about sharing the link with the Fish and Game Commissioners? how about showcasing it at MRC and FGC meetings?

I think the film, and more importantly, the collaboratively nature of the project will impress the Commission as a good example of how regulators and the regulated can work together on areas of mutual interest for the betterment of Calif. ocean resources.

I'd be happy to attend a public meeting to introduce the film and project.

Best Regards -

Sean

Leave No Traps Behind - Best Practices to Prevent Lobster Trap Loss

Leave No Traps Behind - Best Practices to Prevent Lobster Trap Loss is a collaborative project between veteran California Spiny Lobster Fishermen, NOAA's Channel Islands National Marine Sanctuary and the California Department of Fish and Wildlife to document best fishing practices to reduce the loss of lobster traps. The project included researching the impacts of lost lobster traps and interviewing veteran lobstermen on best practices to reduce trap loss. In addition to a short film, agency personnel and fishermen conducted shoreline cleanups. Funding for the project was provided by NOAA's Marine Debris Program. It is our collective hope that these best practices are used throughout the fishery to reduce the loss of gear to reduce impacts on the environment and financial impacts to the lobster industry.

http://www.wildlife.ca.gov/Conservation/Marine/Invertebrates/Commercial-Regulations

--

Sean Hastings
Resource Protection Coordinator
Channel Islands National Marine Sanctuary

sean.hastings@noaa.gov
805) 893-6424 wk
(805) 705-1790 cell

University of California Santa Barbara
Ocean Science Education Building 514, MC 6155
Santa Barbara, CA 93106-6155

The mission of NOAA's national marine sanctuaries is to conserve, protect and enhance the biodiversity, ecological integrity and cultural legacy of these special underwater places.

Heal the Bay

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October 9, 2017

California Fish and Game Commission
Eric Sklar, President and Commissioners
1416 Ninth Street, Suite 1320
Sacramento, CA 95814
Via electronic mail: fgc@fgc.ca.gov

Re: Addressing Marine Litter within the Purview of Fish and Game Commission and Department of Fish and Wildlife

Dear President Sklar and Commissioners:

On behalf of Heal the Bay, a nonprofit organization with over 15,000 members dedicated to making the coastal waters and watersheds of Greater Los Angeles safe, healthy, and clean, we submit the following comments regarding marine litter in California's waterways and recommended actions for consideration by the Fish and Game Commission (Commission) and the California Department of Fish and Wildlife (Department) could take to help curb this problem.

Waterways around the world are facing a growing problem of trash pollution. This trash has damaging ecological, economical, and social impacts. Trash has reportedly harmed over 663 marine species through ingestion and entanglement, some of which are threatened or endangered species under California or federal law.[1] Plastic is some of the most pervasive and damaging of trash pollutants because it never truly decomposes or assimilates back into nature, and instead just breaks into smaller particles that become confused by aquatic life for food. It is projected that by 2050, if production trends continue on the current path, plastic will outnumber fish by mass in the world's oceans.[2] The United Nations Environmental Program estimates that the economic impact of plastic pollution in our world's ocean is about $13 billion annually, accounting for time spent on cleanup, as well as revenue lost by the fisheries and tourism sectors.[3]

We applaud President Sklar's leadership to engage the Commission in marine debris prevention efforts, and we look forward to working with the Commission and Department on this important issue.

Heal the Bay has been involved in programs and projects to prevent litter in our waterways for over two decades at the local, state, and regional level. We conduct hundreds of beach and creek cleanups annually, along with serving as the Los Angeles County coordinator of International Coastal Cleanup Day. With staff serving on the West Coast Marine Debris Alliance and the California State Water Board trash policy public advisory group, Heal the Bay has helped inform the development of roadmaps to reduce marine

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[1] CBD Technical Series No. 67, Impacts of Marine Debris on Biodiversity: Current Status and Potential Solutions, SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY 9 (2012), available at http://www.cbd.int/doc/publications/cbd-ts-67-en.pdf.

[2] World Economic Forum. 2016. The New Plastics Economy: Rethinking the Future of Plastics. http://www3.weforum.org/docs/WEF_The_New_Plastics_Economy.pdf

[3] United Nations Environment Programme (UNEP). 2014. Valuing Plastics: The Business Case for Measuring, Managing and Disclosing Plastic Use in the Consumer Goods Industry. https://wedocs.unep.org/rest/bitstreams/16290/retrieve

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debris through the California State Water Board Trash Amendments (2015)[4] and West Coast Marine Debris Strategy (2013).[5] The Ocean Protection Council is currently in the process of updating its marine litter strategy, which will hopefully complement the State Water Board Trash Amendments in outlining actions the state should take to prevent the environmentally and economically costly problem of trash in California's waterways.

We believe that the Commission and the Department have a role to play in California's leadership to address the problem of pervasive marine litter, which negatively impacts the state's diverse fish, wildlife, and plant resources, as well as the habitats upon which they depend. Our specific recommendations are detailed below.

The Department should collect and share marine debris data

Multiple working groups have been convened to address the problem of marine litter, and these various efforts share a common conclusion — that ongoing data collection is a critical part of the strategy to solve this issue, by advancing our understanding of the amount, type, and location of marine litter. Standalone data collection initiatives can be costly and time intensive, however by incorporating marine litter data collection into existing programs, when Department staff or fishermen are already out on the ocean or in freshwater rivers, creeks, and lakes, the Department can make use of these extra "eyes on the water" to efficiently provide information about litter hotspots.

Department staff spend substantial time in the field collecting data for various existing programs. During their existing field duties, there is an opportunity for staff to record data on litter and trash in our waterways, which could be compiled and contributed to the West Coast Marine Debris Alliance Database, or other existing databases. We suggest that such data collection could be facilitated through a simple alteration of datasheets for existing Department programs. For example, if it is not already being done, Scientific Aids for the California Recreational Fishing Survey (CRFS) could record sightings of floating marine litter while aboard party boats (CPFVs). Pertinent data for collection includes: litter presence; litter location (fishing block); amount of litter (estimated range: 1-10 or 50-100 pieces); and type of litter (plastic bottles, construction materials, derelict fishing gear).

Land-based programs, such as the Department's Instream Flow Program, can also provide valuable litter data that will help inform marine litter management efforts. Some statewide programs, such as the Surface Water Ambient Monitoring Program (SWAMP), already include space for information about the presence/absence of litter in habitat and bioassessment surveys (see Appendix).

The recreational and commercial fishing communities are also valuable sources for information about ocean and freshwater litter. Since commercial fisheries and some recreational fisheries are required to complete fishing logs with information about their catch and fishing locations, logbooks could include a small area for recording the presence/absence of trash in fishing blocks visited. This data would be valuable in providing field-based information about trends in trash pollution in California's waterways.

---

[4] California State Water Resources Control Board. 2015. Trash Amendments: Final Amendment to Water Quality Control Plan for Ocean Waters of California to Control Trash and Final Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California. https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.shtml

[5] West Coast Governors Alliance on Ocean Health. 2013. West Coast Marine Debris Strategy. http://marinedebrisalliance.org/wp-content/uploads/2016/01/WestCoastMarineDebrisStrategy.pdf

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The Department should assign marine litter coordination duties to a staff member

Given the pervasive nature of California's marine litter problem and the impact of litter on fish, wildlife, and habitats, there is a need for cross-departmental collaboration on prevention efforts. As such, it would be beneficial to assign a point person on staff to coordinate litter efforts for the Department and the Commission, in partnership with sister agencies also working to curb marine litter.

We recommend that these litter coordination duties specifically include:

- coordination with the Ocean Protection Council, including implementation of OPC's Ocean Litter Strategy actions regarding derelict fishing gear;
- participation in the West Coast Marine Debris Alliance, and coordination of data contributions to the West Coast Marine Debris Database;
- tracking of legislation related to ocean litter, and coordination of Commission leadership to actively support strong litter legislation.

We anticipate that these recommended actions will ensure that the Department and Commission are well equipped to address statewide marine litter efforts, which are continuing to build momentum.

The Department should coordinate with other agencies that share purview over litter regulations to establish marine litter prevention and removal goals

We commend the Commission and the Department for their proactive management of California's natural resources, and we recognize the massive undertaking this work represents. Specifically, we thank the Commission and the Department for their work surrounding derelict fishing gear, and we support further development of these efforts. We recommend that the Department and Commission coordinate with the Ocean Protection Council and Ocean Science Trust to develop annual numeric targets for removing and preventing derelict fishing gear.

Additionally, we recommend that the Commission adopt an MOU with the Division of Boating and Waterways (DBW) to facilitate communication regarding abandoned vessels. DBW only has jurisdiction over recreational boat removal, but may have insight about abandoned commercial fishing boats, which are under Commission and Department purview. This data should be included in existing databases, such as the West Coast Marine Debris Alliance Database.

By coordinating efforts with other agencies, synergistic benefits can be achieved with less demand on the Department's staff and programmatic resources.

****

We extend deep thanks to the Commissioners and to Department staff for your continuing work on the issue of marine litter. Thank you for the opportunity to provide these recommendations. We look forward to working with you further on these important issues. If you have any questions, please do not hesitate to contact us.

Sincerely,

Jocelyn Enevoldsen
Coastal Resources Coordinator

Sarah Abramson Sikich
Vice President

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Appendix

Exhibit 1: Surface Water Ambient Monitoring Program (SWAMP) Data Form

This form includes space for information about the presence/absence of litter in habitat surveys. Through a simple alteration of datasheets for existing Department programs, litter data collection could be facilitated efficiently. (Retrieved 9 October 2017. https://www.waterboards.ca.gov/water_issues/programs/swamp/data_management_resources/docs/field_data_sht.pdf)

SWAMP Stream Habitat Characterization Form — FULL VERSION — Revision Date: January 3, 2017

Site Code:	*Site Name:*	*Date: __ __ / __ __ / 2017*
Wetted Width (m):	*Bankfull Width (m):* / *Bankfull Height (m):*	***Transect A***

Transect Substrates

Position	Dist from LB (m)	Depth (cm)	mm/ size class	% Cobble Embed.	CPOM	Microalgae Thickness Code	Macroalgae Attached	Macroalgae Unattached	Macrophytes
Left Bank					P A D		P A D	P A D	P A D
Left Center					P A D		P A D	P A D	P A D
Center					P A D		P A D	P A D	P A D
Right Center					P A D		P A D	P A D	P A D
Right Bank					P A D		P A D	P A D	P A D

Note: Substrate sizes can be recorded either as direct measures of the median axis of each particle or one of the size class categories listed on the supplemental page (direct measurements preferred)

Microalgae Thickness Codes
0 = No microalgae present. Feels rough, not slimy;
1 = Present but not visible. Feels slimy;
2 = Present and visible but <1mm; Rubbing fingers on surface produces a brownish tint on them, scraping leaves visible trail.
3 = 1-5mm;
4 = 5-20mm;
5 = >20mm;
UD = Cannot determine if microalgae present, substrate too small or covered with silt (formerly Z code).
D = Dry, not assessed

RIPARIAN VEGETATION (facing downstream, 5 m u/s, 5 m d/s, 10 m from wetted width)
0 = Absent (0%) 3 = Heavy (40-75%)
1 = Sparse (<10%) 4 = Very Heavy (>75%)
2 = Moderate (10-40%)

Vegetation Class	Left Bank	Right Bank
Upper Canopy (>5 m high)		
Trees and saplings >5 m high	0 1 2 3 4	0 1 2 3 4
Lower Canopy (0.5 m-5 m high)		
All vegetation 0.5 m to 5 m	0 1 2 3 4	0 1 2 3 4
Ground Cover (<0.5 m high)		
Woody shrubs & saplings <0.5 m	0 1 2 3 4	0 1 2 3 4
Herbs/ grasses	0 1 2 3 4	0 1 2 3 4
Barren, bare soil/ duff	0 1 2 3 4	0 1 2 3 4

INSTREAM HABITAT COMPLEXITY (5 m u/s, 5 m d/s)
0 = Absent (0%)
1 = Sparse (<10%)
2 = Moderate (10-40%)
3 = Heavy (40-75%)
4 = Very Heavy (>75%)

Filamentous Algae	0 1 2 3 4
Aquatic Macrophytes/ Emergent Vegetation	0 1 2 3 4
Boulders	0 1 2 3 4
Woody Debris >0.3 m	0 1 2 3 4
Woody Debris <0.3 m	0 1 2 3 4
Undercut Banks	0 1 2 3 4
Overhang. Vegetation	0 1 2 3 4
Live Tree Roots	0 1 2 3 4
Artificial Structures	0 1 2 3 4

DENSIOMETER READINGS (0-17) *count covered dots*

Center Left	
Center Upstream	
Center Right	
Center Downstream	
Left Bank	
Right Bank	

HUMAN INFLUENCE (circle only the closest to wetted channel; assess 5 m u/s, 5 m d/s)
0 = Not Present;
B = On Bank;
C = Between Bank & 10m from Channel;
P = >10m+<50m from Channel;
Channel (record Yes or No; if Y for an analyte, do not assess banks)

	Left Bank	Channel	Right Bank
Walls/ Rip-rap/ Dams	P C B 0	Y N	0 B C P
Buildings	P C B 0	Y N	0 B C P
Pavement/ Cleared Lot	P C B 0		0 B C P
Road/ Railroad	P C B 0	Y N	0 B C P
Pipes (Inlet/ Outlet)	P C B 0	Y N	0 B C P
Landfill/ Trash	P C B 0	Y N	0 B C P
Park/ Lawn	P C B 0		0 B C P
Row Crop	P C B 0		0 B C P
Pasture/ Range	P C B 0		0 B C P
Logging Operations	P C B 0		0 B C P
Mining Activity	P C B 0	Y N	0 B C P
Vegetation Management	P C B 0		0 B C P
Bridges/ Abutments	P C B 0	Y N	0 B C P
Orchards/ Vineyards	P C B 0		0 B C P

BANK STABILITY (assess point of transect between wetted width and bankfull)

Left Bank	eroded	vulnerable	stable
Right Bank	eroded	vulnerable	stable

TAKE PHOTOGRAPHS ***(check box if taken & record photo code)***

Downstream (**optional**) ☐

Upstream (**required**) ☐

Marine Resources Committee (MRC) 2017-18 Draft Work Plan: Scheduled topics and timeline for items referred to MRC from the Fish and Game Commission
(Updated for Nov 2017 MRC meeting)

Topic	Type	2017			**2018**
		MAR	**JUL**	NOV	**MAR**
		23	20	9	**6**
		San Clemente	Santa Rosa	Marina	**Santa Rosa**
Management Plans					
Update to MLMA Master Plan- Fisheries	MP update (MLMA)	X	X	X/R	
Abalone FMP / ARMP update	FMP development	X	X	X	**X**
Herring FMP Updates	FMP development	X	X		**X**
Regulatory					
Electronic Landings Data System	DFW project	X			
Kelp and Algae Harvest	DFW project				**X**
Nearshore Fishery Structure Review	Referral for review	X/R			
Sea cucumber fishery status and update	Referral for review	X/R			
Pink shrimp trawl fishery	Referral for review			X	
California halibut trawl permit	Referral for review			X	
Aquaculture - Best Management Practices	DFW project		X		**X/R**
Emerging Management Issues					
Aquaculture - Consideration of New Lease Applications	Referral for review		X		**X**
California's Fishing Communities	MRC project	X		X	**X**
Informational / Special Topics					
Marine Debris and Plastic Pollution	Informational		X	X	
Offshore Wind Energy (BOEM Project)	Informational	X			
Federal Drift Gillnet Fishery for Swordfish & Shark	Informational		X		
Special Projects					
Fisheries Bycatch Workgroup	MRC workgroup	X	X	X/R	

KEY: ***X*** *Discussion scheduled* ***R*** *Recommendation to FGC anticipated*

California Fish and Game Commission – Perpetual Timetable for Anticipated Regulatory Actions

(Dates shown reflect the date intended for the subject regulatory action.)

Updated: 10/17/17

For FGC Staff Use: QUARTERLY EFFECTIVE	DFW RU ANALYST	FGC ANALYST	LEAD	REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	2017 NOV 9	2017 DEC 6	2017 DEC 7	2018 JAN 11	2018 FEB 6	2018 FEB 7	2018 FEB 8	2018 MAR 6	2018 MAR 15	2018 APR 12	2018 APR 18	2018 APR 19	2018 MAY 17	2018 JUN 19	2018 JUN 20	2018 JUN 21	2018 JUL 17	2018 AUG 22	2018 AUG 23	2018 SEP 20	2018 OCT 16	2018 OCT 17	2018 OCT 18	2018 NOV 14	2018 DEC 12	2018 DEC 13
						MRC MARINA	FGC SAN DIEGO		WRC SANTA ROSA	TC SACRAMENTO	FGC SACRAMENTO		MRC PETALUMA	FGC TELECONFERENCE	FGC TELECONFERENCE	FGC VENTURA		WRC LOS ALAMITOS	TC SACRAMENTO	FGC SACRAMENTO		MRC SAN CLEMENTE	FGC NORTH COAST		WRC SACRAMENTO	TC SAN JOAQUIN VALLEY	FGC SAN JOAQUIN VALLEY		MRC SACRAMENTO	FGC SOUTHERN CALIFORNIA	
					File Notice w/OAL by		10/10/17				12/12/17			01/16/18	02/13/18	02/23/18				04/24/18			06/26/18				08/21/18			10/16/18	
					Notice Published		10/20/17				12/22/17			01/26/18	02/23/18	03/02/18				05/04/18			07/06/18				08/31/18			10/26/18	
					Title 14 Section(s)																										
	KM	JS	FB	Sport Fishing (Annual)	1.05 et al.		A		V					E 3/1				R						N				D			A
	KM	SF	FB	Klamath River Sport Fishing (Annual)	7.50(b)(91.1)		N					D			A			V					E 8/1		R						N
	KM	RP	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)		N					D			A							E 7/1			R						N
	KM	SF	MR	Ocean Salmon Sport Fishing (April 2018) (Annual)	27.80(c)			N			D			A	E 4/1 X															N	
	KM	SF	MR	Ocean Salmon Sport Fishing (May - November 2018) (Annual)	27.80(d)			N			D				A			E 5/1 X												N	
		RP	MR	Pacific Halibut Sport Fishing	28.20			N			D				A			E 5/1 X													
	MR	JS	FGC	Use of Dogs for Pursuit/Take of Mammals or for Dog Training 2016	265										E 4/1																
	MR	JS	WLB	Mammal Hunting (Annual)	360 et al.													V							R						N
	MR	JS	WLB	Waterfowl (Annual)	502		N					D					A	V				E 7/1			R						N
	MR	JS	WLB	Upland (Resident) Game Bird (Annual)	300				R			N					D			A					E 9/1 V						
✱	KM	ST	WB	Tricolored Blackbird - Incidental Take	749.9		D					A		E 4/1 X																	
	MR	JS	FGC	Use of Dogs for Pursuit/Take of Mammals or for Dog Training 2017	265		A								E 4/1																
	KM	SF		Process for Automatic Conformance to Federal Fishing Regulations	1.95	E 11/1																									
✱	KM	ST	FB	Commercial Take of Rattlesnakes	42, 43, 651, 703				E 1/1																						
✱	KM	ST	MR	Nearshore and Deeper Nearshore Fishing Permits	150,150.01,150.02,705				E 1/1																						
✱	MR	ST	MR	Commercial Fisheries Landing Requirements	197				E 1/1																						
✱	MR	SF	MR	Commercial Sea Cucumber	128				E 1/1																						
	KM	ST	MR	Abalone Emergency - 90 Day	29.15		EE12/5																								
	KM	ST	MR	Abalone Certificate of Compliance	29.15			A							E 4/1																
✱	MR	ST	MR	Commercial Sea Urchin (Phase II)	120.7			A							E 4/1																
			WB	Trapping Fees	TBD																N			D				A			

RULEMAKING SCHEDULE TO BE DETERMINED

✱			MR	Kelp and Algae Harvest Management	165, 165.5, 704								V																		
✱				Possess Game / Process Into Food	TBD																										
✱			OGC	AZA / ZAA	671.1																										
			LED	Deer/Elk Tag Validation	708.6, 708.11																										
				Night Hunting in Gray Wolf Range	474																										
				Shellfish Aquaculture Best Management Practices	TBD	V							R																		
		SF	FGC	Tribal Take in MPAs	632																										
✱		SF	FGC	Rockport Rocks Special Closure	632																										

EM = Emergency, EE = Emergency Expires, E = Anticipated Effective Date (RED "X" = expedited OAL review), N = Notice Hearing, D = Discussion Hearing, A = Adoption Hearing, V =Vetting, R = Committee Recommendation, WRC = Wildlife Resources Committee, MRC = Marine Resources Committee, TC = Tribal Committee