

## STAFF SUMMARY FOR FEBRUARY 7-8, 2018

**10. MARINE LIFE MANAGEMENT ACT MASTER PLAN****Today's Item****Information** **Action** 

Receive DFW draft amended Marine Life Management Act (MLMA) master plan for fisheries.

**Summary of Previous/Future Actions**

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|--|----------------------------------|
| • MRC vetting                                      | Nov 2015 – Jul 2017; MRC         |
| • MRC recommendation on initial draft plan         | Nov 9, 2017; MRC, Marina         |
| • <b>Today's receipt of draft 2018 master plan</b> | <b>Feb 7-8, 2018; Sacramento</b> |
| • Discuss draft 2018 master plan                   | Jun 20-21, 2018; Sacramento      |
| • Adopt 2018 master plan                           | Aug 22-23, 2018; Fortuna         |

**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. Throughout the process, MRC has received overviews and regular updates from DFW on a three-phased amendment approach of (1) information-gathering in 2016; (2) amendment drafting from late 2016 through 2017; and (3) FGC public review process in 2018.

**1. Information-gathering phase:** Over a dozen cooperative information-gathering projects from investigators and researchers outside DFW provided tools and recommendations to DFW to inform development of a draft amended framework. A unique feature of the effort was inclusion of the MRC's Fisheries Bycatch Workgroup and its recommendations as a stakeholder information-gathering project.

**2. Amendment drafting phase:** Drafting was informed by input from the information-gathering projects and feedback solicited from tribes, stakeholders, and MRC. To consider stakeholder feedback prior to delivering a draft to FGC, on Oct 10, 2017 DFW released an initial public review draft titled *2018 Master Plan for Fisheries: A guide for Implementation of the Marine Life Management Act* for a one-month public comment period, culminating on Nov 9 with MRC discussion and recommendations.

**3. FGC public review phase:** In Dec 2017, FGC adopted the MRC recommendations to endorse integration of bycatch workgroup consensus recommendations related to bycatch evaluation in the draft master plan, and to request that DFW, following submittal of the draft to FGC in Feb 2018, develop possible implementation timelines for the plan. Some FGC members also expressed an interest in seeing an overview of the bycatch workgroup's non-consensus recommendations for possible archival within a master plan appendix; staff has prepared a draft for FGC consideration (Exhibit 1).

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Today, DFW will make a presentation (Exhibit 2) on the draft 2018 amended master plan and commence its formal three-meeting public review process prior to FGC adoption. DFW has integrated input from public review, MRC comments and FGC direction, and will deliver the draft document at the meeting.

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

**FGC staff:** Receive public input on the draft 2018 master plan document, and provide direction on whether to archive the bycatch workgroup non-consensus items within the bycatch appendix or maintain those items only within the original bycatch workgroup recommendations report.

**Exhibits**

1. [Draft Appendix L-2: Additional considerations for conducting bycatch evaluation](#)
2. [DFW presentation](#)

**Motion/Direction (N/A)**

## Appendix L-2 - Additional considerations for conducting bycatch evaluation

This appendix provides additional concepts identified by some BWG members related to evaluating bycatch in Chapter 6 but where consensus was not reached within the workgroup. A report from the BWG to the Department and MRC included recommendations based on BWG consensus, and provided additional options where consensus was not reached due to divergent viewpoints represented in the workgroup. While the Chapter 6 guidance drew largely from BWG input where consensus was reached, areas of non-consensus were not incorporated. Areas of non-consensus included a series of additional potential inquiries for steps 3 and 4 in the 4-step evaluation process for determining and addressing unacceptable types and amounts of bycatch. The Commission requested that these additional non-consensus potential inquiries be archived in an appendix.

The following list provides the additional potential inquiries recommended by a subset of the BWG:

### **Step 3. Determining “acceptable” types and amounts of bycatch (§7085(b))**

#### *(1) Legality of take of bycatch species*

- Does the Commission have a different standard of acceptability for bycatch than those inherent in federal laws?

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

- Does the level of bycatch compromise the ability of a population to maintain sustainable levels when considered:
  - a. Option 1: *at a relative level within the fishery?* or
  - b. Option 2: *at both the cumulative and relative levels?*
- 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?

#### *(3) Impacts on fisheries that target the bycatch species*

- 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?

*(4) Ecosystem impacts*

- Does the level of bycatch impede the ability of the bycatch species to fulfill its functional role within the ecosystem when considered:
  - Option 1: *at the current level within the fishery?* or
  - Option 2: *at both the cumulative and relative levels?*
- 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 (§7085(c))**

- 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?



Photo Credit: Romiro Cardozo

# **Draft 2018 Marine Life Management Act (MLMA) Master Plan**

**Dr. Craig Shuman, California Department of Fish and Wildlife**

Fish and Game Commission Meeting, Sacramento, CA

February 7, 2018







# Marine Life Management Act (MLMA)

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- Enacted in 1999, California's primary fisheries management law
- Ensures conservation, sustainable use, and where feasible, restoration of California's living marine resources
- Emphasizes an ecosystem-based approach to fisheries management informed by best available science and stakeholder involvement



# MLMA Master Plan for Fisheries

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- Adopted in 2001, roadmap and toolbox for MLMA implementation by the Department
- Guides management of state-managed species
  - Prioritization
  - Research, monitoring, and data needed for Essential Fisheries Information
  - Public Involvement





# MLMA Master Plan Amendment

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- Reflect advancements in management tools, changing ocean conditions, and stakeholder priorities since 2001
- Identify additional tools and strategies that will help to achieve the MLMA's vision of healthy ecosystems, sustainable fisheries and fishing communities, and transparent and strategic management





# Goals of the Amendment

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- Enhance **resource stewardship and sustainability** of 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

2015

2016

2017

2018

Engagement with California Tribal Governments

Stakeholder Engagement

### Phase I: Build Knowledge

Gather Information

Tribal Engagement

Stakeholder Engagement

Draft Amended Framework for MLMA-Based Management

### Phase II: Amend Master Plan

Stakeholder Input

Prepare Initial Draft of Amended Master Plan (2018 Master Plan)

Public Review and Comment

Prepare Revised Draft of 2018 Master Plan

### Phase III: Review and Possible Adoption by California Fish and Game Commission

TODAY: Submit Draft 2018 Master Plan

Public Review and Comment

Possible Adoption of 2018 Master Plan





## Phase I (2015-2016): Building Knowledge

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- 13 “Information Gathering Projects” to explore new tools, approaches, and products
- Discussions with leadership across target audiences to plan for successful Tribal and stakeholder engagement
- Integration of information learned from projects into a draft “Framework for MLMA-based Management”





## **Phase II (2016-2017): Amending the Master Plan**

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- Development of an initial draft of the amended Master Plan
- Series of “stakeholder discussions” to share information and invite feedback and recommendations
  - Webinars, workshops, Marine Resources Committee meetings
- Tribes and stakeholders invited to review an initial draft of the amended Master Plan



## Draft 2018 Master Plan

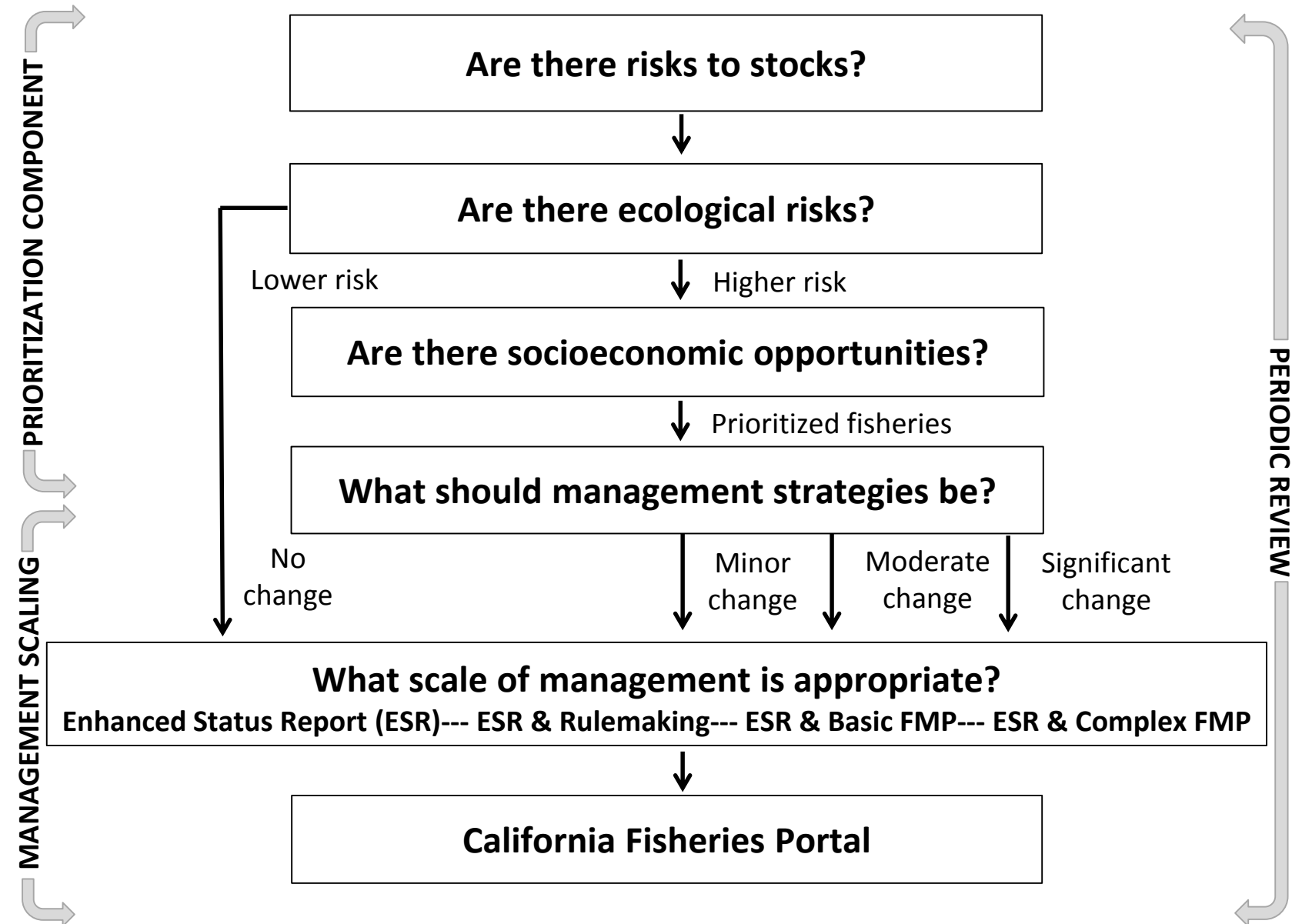
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- 2001 Master Plan primarily focused on guidance for the development of Fishery Management Plans (FMPs)
- Draft 2018 Master Plan
  - Beyond FMPs, more comprehensive approach to broader MLMA objectives
  - New framework for prioritization and scaled management
  - Not prescriptive, promotes transparency and strategic management



# Draft Framework for MLMA-based Management

- Prioritizes and scales the intensity of management to the risks and potential benefits for each fishery
- Full application will require sufficient resources and collaboration among the Department, Commission, Legislature, Tribes, and stakeholders







# Tribal and Stakeholder Review of Initial Draft

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- Received several public comment letters and documented verbal testimonies at November 9, 2017 Marine Resource Committee Meeting
  - Fishermen, environmental organizations, other stakeholders
  - Topics include prioritization, scaled management, climate change, and implementation
- Draft 2018 Master Plan revised, improved by public comments
  - Response to comments table



## Phase III: Review and Possible Adoption

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- Submission of draft 2018 Master Plan and initiation of proposed three-meeting review process by Fish and Game Commission (TODAY)
- Tribal and stakeholder review of draft
- Possible adoption of revised 2018 Master Plan by mid-2018





**Thank you!**

**For more information, please visit:**

**<https://www.wildlife.ca.gov/Conservation/Marine/MLMA>**

**or contact [MLMA@wildlife.ca.gov](mailto:MLMA@wildlife.ca.gov)**

