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P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
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MARINE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Sklar and Commissioner Silva

July 17, 2018 Meeting Summary

Following is a summary of the Marine Resources Committee (MRC) meeting as prepared by staff. An audio recording of the full meeting may be accessed online at www.fgc.ca.gov/meetings.

Call to order

The meeting was called to order at 8:30 a.m. by Commissioner Silva at the California Department of Parks and Recreation Orange Coast District Office Training Room, 3030 Avenida del Presidente, San Clemente. Commissioner Silva gave welcoming remarks.

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

Committee Co-Chairs

Eric Sklar	Present
Peter Silva	Present

Commission Staff

Valerie Termini	Executive Director
Susan Ashcraft	Marine Advisor
Ari Cornman	Wildlife Advisor
Sergey Kinchak	Staff Services Analyst
Leslie Hart	Sea Grant State Fellow

Department Staff

Randy Lovell	Statewide Aquaculture Coordinator
Craig Shuman	Marine Region Manager
Bob Puccinelli	Captain, Law Enforcement Division
Stephen Wertz	Senior Environmental Scientist Supervisor, Marine Region
Ryan Bartling	Environmental Scientist, Marine Region
Julia Coates	Environmental Scientist, Marine Region

Invited Speakers

Tova Handleman

Marine Protected Area Program Manager, California Ocean Protection Council (OPC)

1. Approve agenda and order of items

The Committee approved the agenda and order of items, except for moving item number eight to immediately following item number six.

2. Public forum for items not on the agenda

A commercial fisherman from Santa Barbara expressed his continued concern about increases in fishing pressure in the ridgeback prawn fishery, shared his observations that the resource is declining, and emphasized the need to take action to apply restrictions to save the resource.

3. Staff and agency updates

(A) OPC

Tova Handelman made a presentation on current OPC activities of interest. She reported on \$8.4 million in Proposition 1 grant funding, as well as an upcoming funding opportunity associated with Once-Through Cooling (OTC) Interim Mitigation Program funds for projects that benefit state marine protected areas (MPAs). The State Water Resources Control Board's OTC policy mandates that fees received through this program support mitigation projects directed towards increases in marine life associated with MPAs in the geographic region of the facility. Each year, up to \$5.4 millions of the funds will be provided for OPC to fund the program and projects that invest in the long-term stewardship of California's MPAs. Grant guidelines will be available for public comment from August 13 to September 14. The funding will sunset in 2029.

(B) Department

Marine Region: Craig Shuman provided an update on the appropriation of federal disaster relief funds for the Dungeness crab and rock crab fisheries disaster declared for the 2015 season. The Department will work with stakeholders to develop a spending plan with a focus on restoring fisheries, preventing future disasters and strengthening long-term economic and environmental sustainability of the fishery. A webinar with stakeholders is scheduled to discuss disbursement of funds from the appropriation. Craig also announced that the Department has electronic-tickets available, a new electronic reporting system for commercial fishery landings that came online July 1, 2018. With the cooperation of the Pacific States Marine Fisheries Commission (PSMFC), the "ETix" online application has been adapted to allow electronic reporting of all California landing records.

Law Enforcement Division: Bob Puccinelli provided an update on recent enforcement actions in the marine environment.

(C) Other

Commission: Susan Ashcraft provided updates on two recent workshops she attended on behalf of the Commission related to climate change. The workshops

included a Climate and Communities Initiative Workshop held in Portland, Oregon in May (hosted by The Nature Conservancy to support the Pacific Fishery Management Council initiative), and the 4th International Symposium on The Effects of Climate Change on World's Oceans, held in Washington, D.C. in June.

4. Pacific Herring Fishery Management Plan (FMP)

Ryan Bartling gave a presentation on the development, goals, and timeline of an FMP for Pacific herring. The presentation included an overview of the harvest control rule, predictive model tool development, collaborative research, commercial fishery changes—including a lower permit capacity goal—and a new daily limit for recreational take. Following the March MRC discussion and public input, a provision was added to allow for future gear innovation and authorization (for new commercial gear types and markets, such as dip net for the fresh fish market). The FMP is scheduled to go through peer review in September. The draft FMP and implementing regulations would be received by the Commission in December, a discussion hearing held in February, adoption of the FMP in April, and adoption of implementing regulations in June.

Public Discussion

Noah Oppenheim expressed that the Pacific Coast Federation of Fishermen's Associations is strongly in support of flexible approaches that provide resilience for small-scale fishermen, such as authorizing use of a dip net for commercially-harvested herring.

The committee co-chairs discussed options for recreational take limits for Pacific herring. Based on feedback from the Department, including its enforcement division, as well as stakeholders, MRC indicated it would recommend that the proposed regulations include a range, from 0-100 pounds measured by bucket.

MRC Recommendation

MRC recommends that the Commission endorse the Department's identified recommendations for the Pacific Herring Fishery Management Plan and implementing regulations, except to also specify a proposed recreational take limit range of 0-100 pounds measured by bucket, and to update the FMP and rulemaking schedule as proposed by the Department.

5. Shellfish aquaculture best management practices (BMPs)

Susan Ashcraft provided a brief overview on the authority of the Commission to issue state water bottom leases for purposes of aquaculture, and the evolving effort to develop a rulemaking associated with best management practices (BMPs) for shellfish aquaculture operations on leases. The rulemaking will define categories of issues required to be addressed within lease-specific BMP plans developed by each grower for Commission approval.

MRC received an update from Leslie Hart on the outcomes from a public meeting held in Santa Barbara in May 2018. The meeting was the second of two public meetings co-hosted by the Department and Commission on the topic; a meeting summary was included in the MRC meeting materials. At the Santa Barbara meeting, attendees included one aquaculture grower from Morro Bay, several individuals interested in becoming growers, fishermen, and several students from UC Santa Barbara conducting research relevant to the BMP effort.

Randy Lovell presented draft BMP categories that were developed based on public input:

1. Locate, design, and operate farms appropriately;
2. Maintain healthy ecosystems (to include wildlife, habitat, water quality, and substrate);
3. Reduce ocean litter, marine debris, and pollution;
4. Prevent disease and invasive species spread (biosecurity); and
5. Be a good neighbor and community citizen.

Public Discussion

Participants asked several clarifying questions on topics such as who is responsible for clean-up of gear that has been moved by storms in state versus federal waters and the anticipated timing of process. One commenter was concerned that requirements such as lease boundary markings are not enforced; Captain Bob Puccinelli responded that the Department's enforcement division has not traditionally enforced the specific lease terms.

Following discussion, MRC identified a recommendation for the next steps in development.

MRC Recommendation

MRC recommends that staff apply the concepts presented during the meeting to draft the proposed requirements for best management practices plans for state water bottom leases, provide opportunity for public review of the draft proposed language, and schedule the draft proposed language for MRC review and possible recommendation in November 2018.

6. California coastal fishing communities project

Susan Ashcraft gave a presentation to update MRC on findings from seven locally-focused coastal fishing communities meetings held along the California coast beginning in June 2017, with the final two meetings held in June 2018. The meetings were intended to draw directly from experience and expertise of fishing community members to help generate ideas and potential pathways to adapt fishing practices or permitting structures in the face of changing fisheries and ocean conditions, and options for Commission action to support those pathways. The presentation highlighted a series of common themes heard at the meetings and presented an initial list of potential options on which to focus further development for potential recommendation to the Commission. The presentation was accompanied by a staff report (see MRC meeting Exhibit 6.3) that includes a brief background on the impetus for the project, an overview of the coastal fishing meetings and questions posed to participants, a summary of key findings, and initial ideas generated from the meetings for MRC to consider for how to prepare fishing communities for future resilience.

There were eight initial concepts presented for potential further development and recommendation to the Commission:

1. Develop a new policy on the importance of coastal fishing communities;
2. Initiate a review of the Commission's Restricted Access Commercial Fisheries Policy (RA policy);
3. Identify specific projects to test new approaches;
4. Engage legislative staff;

5. Increase engagement and coordination with sister [state and federal] agencies;
6. Explore/research possible community-based adaptable fishery structures;
7. Explore filling data needs via collaborative research and data collection (fishermen and partner entities, such as non-governmental organizations, academics, tribes/traditional knowledge); and
8. Survey communities/fishermen about their priorities for Commission focus.

Staff recommended that MRC consider a broad range of options within the Commission's policy and regulatory authority. The initial list of potential actions highlights several possible areas of focus which, after public comment and future public discussion, can be evaluated and prioritized for actions the Commission directs staff to address. For all these potential actions and any others identified by MRC or the Commission, staff would need to develop a work plan to clarify goals/objectives and identify specific next steps; staff recommended a follow-up discussion at the next MRC meeting following public input.

Public Discussion

A robust and thoughtful discussion included feedback from participants on the eight initial concepts presented by staff and offered additional suggestions for further development, touching on several subjects:

- The Commission needs to be bold and communicate to local entities (e.g., the ports) that this is important to the State.
- Some initiatives must be driven by local action.
- Regarding item 2 (restricted access policy review): Restricted access was designed as a fishery management tool, not a socioeconomic tool. Supports exploring the Alaska restricted access fisheries commission as a model.
- Regarding item 7 (filling data needs through collaborative projects with fishermen),
 - supports using fishermen to collect new sources of data in support of population assessments where lacking
 - urges the Commission to take industry-crafted proposals seriously (e.g., north coast squid), and to create a framework to formally explore and work through proposals to find options that can work. Being bold by taking the opportunity will create resilience.
- For the Commission's strategic plan review, consider adding a section on community-led initiatives.

Following discussion, Commissioner Silva inquired about the role of the port districts in assisting with future fishing community persistence; he encouraged staff to prioritize drafting a new policy on fishing communities. Commissioner Sklar emphasized the importance of fleshing out the initial list of potential actions for more in-depth MRC discussion in November.

MRC Recommendation

MRC recommends that the *Staff Report on California Coastal Fishing Communities Meetings* be distributed for public input on priorities for Commission focus. If approved, following public comment and staff analysis staff will schedule a discussion for potential prioritization and recommendation at the November 2018 MRC meeting.

7. Marine Life Management Act master plan

Susan Ashcraft highlighted that the Commission adopted the “2018 Master Plan for Fisheries: A Guide for Implementation of the Marine Life Management Act (Master Plan) in June 2018. In response to public comments and discussion on Master Plan implementation planning and transparency, the Commission referred this topic to MRC and requested it become a standing agenda item. This meeting was the first discussion of implementation since Commission adoption.

Craig Shuman discussed the next steps for implementing the Master Plan and highlighted the importance of applying consistent Master Plan-based management approaches to as many fisheries as possible. Fishery management plans are a critical tool for developing consistent management. Master Plan implementation is one of the Marine Region’s priorities for applying any new funding or positions that may be allocated to it from the recently-approved state budget [allocation of Department funds yet to be determined].

Public Discussion

One commenter expressed support for using the new tools (e.g., ecological risk assessments) into the prioritization framework to clarify which species will be focused on first.

No action was taken by MRC.

8. Box crab

Susan Ashcraft provided an overview on the background of the emergent box crab fishery and the response proposed by the Department and approved by the Commission. In response to biological concerns and industry interest, the Department is (1) drafting a rulemaking to set incidental take commercial trip limits for (a) *Lithodidate* crabs (including box crab and California king crab), and (b) all other all non-*Cancer* crab species (except Tanner crab); and (2) developing a collaborative research program utilizing experimental gear permits (EGPs) and proposed fishery participation criteria.

Julia Coates gave a presentation on the design and progress of a brown box crab EGP program for commercial trap fisheries, and highlighted areas still being explored. The Department is proposing to target a total of 7-8 EGPs, with a distribution of 5 permits for the south of Point Conception in Santa Barbara channel and San Diego area ports, and 2-3 for north of Point Conception ports. Possible annual and monthly trip limits under a total allowable catch level (to be determined) are being evaluated. To address research and management goals of the project, research activities such as two types of electronic monitoring, fishing/trap surveys, tag-recapture, and collections and laboratory experiments will occur. Julia also highlighted the draft terms and conditions developed by the Department for an EGP, including observer coverage, possible trip limits, size limits, and domoic acid testing, among others.

Public Discussion

Many fishermen interested in possible participation in the EGP program, and future box crab fishery, participated in the meeting. Several comments centered around economic considerations of participation, including potential costs associated with observers, and whether catch limits would be high enough to justify participation. One commenter was

concerned that if an eventual target fishery were approved with an annual catch limit set too low, it could result in derby-style fishing; but, this could be tied to fishing communities and give them the opportunity to manage effort or quotas.

MRC Recommendation

Following discussion, MRC recommends that the Commission approve the Department's request to schedule an overview of the proposed research plan and EPG participation criteria for October 2018, and approval of EGP applications for December 2018.

9. Marine Protected Areas

Stephen Wertz gave a presentation to introduce and provide an overview of the draft statewide marine protected areas (MPA) monitoring action plan (Action Plan). The Commission is scheduled to receive the draft Action Plan in Aug 2018 and to approve the plan in Oct 2018.

Public Discussion

One commenter expressed a concern about funding for MPA monitoring research. Stephen explained that the funding portfolio for the next 10 years is in good standing to cover the necessary costs for MPA monitoring operations.

A commenter noted that there have been dramatic changes in ocean conditions that will be measured, related to human impacts more sizeable than those related to fishing.

Another commenter representing commercial fishermen questioned DFW on how adaptive management would be approached in the context of the Action Plan, and what the tools would be for that adaptation.

No action was taken by MRC.

10. Future agenda items

(A) Review work plan agenda topics and timeline

Susan Ashcraft reviewed the updated work plan and highlighted potential agenda topics for the November 2018 MRC meeting.

(B) Potential new agenda topics for Commission consideration

No new topics were identified.

The Marine Resources Committee adjourned at 1:05 p.m.