

STAFF SUMMARY FOR DECEMBER 12-13, 2018

6. MARINE RESOURCES COMMITTEE**Today's Item****Information** ☐**Action** ☒

Receive summary from Nov 14, 2018 Marine Resources Committee (MRC) meeting and consider adopting MRC recommendations. Receive update on MRC work plan and draft timeline. Discuss and consider approving new topics for MRC review.

Summary of Previous/Future Actions

- | | |
|---|-----------------------------------|
| • Most recent MRC meeting | Nov 14, 2018; MRC, Sacramento |
| • Today consider approving MRC recommendations | Dec 12-13, 2018; Oceanside |
| • Next MRC meeting | Mar 19, 2019; MRC, Pacific Grove |

Background

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

MRC Meeting Summary

MRC met on Nov 14 and discussed:

- Coastal fishing communities
- Shellfish aquaculture best management practices (BMPs)
- Offshore marine aquaculture (programmatic environmental impact report development)
- Marine Life Management Act master plan for fisheries implementation
- Lobster Advisory Committee stakeholder lessons learned report by Heal the Bay

A summary of the meeting is provided in Exhibit 2.

MRC Recommendations

Based on the Nov 14 meeting discussion, MRC developed four recommendations for FGC consideration:

1. *Coastal Fishing Communities*

MRC recommends that staff (a) revise the Jul 2018 *Staff Report on California Coastal Fishing Communities Meetings* based on submitted public feedback; (b) develop a more comprehensive report in collaboration with stakeholders that provides more detailed background and an analysis of options for FGC action, including an overall strategy for coastal fishing communities and potentially port-specific ideas; and (c) schedule a discussion and potential recommendation at the Mar 2019 MRC meeting.

2. *Red Abalone Fishery Management Plan (FMP)*

- a. MRC recommends (a) addressing peer review recommendations to integrate aspects of both draft management strategies based on a modeling approach developed by DFW, and including engagement with abalone divers and other

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stakeholders; (b) revising the FMP goals to allow for a *de minimis* fishery option; (c) developing triggers for the *de minimis* fishery option in consultation with stakeholders; and (d) requesting that DFW develop a proposed process and timeline which accounts for active public and MRC engagement.

- b. MRC recommends that the Red Abalone FMP be kept on the MRC work plan through the upcoming process.

3. *Shellfish aquaculture best management practices (BMPs)*

MRC recommends that staff (a) revise the draft proposed requirements for state water bottom lease BMP plans based on public input received; (b) provide opportunity for public review of the revised draft proposed requirements; and (c) schedule MRC review and potential recommendation in Mar 2019.

4. *Lobster Advisory Committee stakeholder lessons learned report*

MRC recommends that, at the Feb 2019 FGC meeting, DFW and FGC staff provide an overview of the discussion held on the DFW Lobster Advisory Committee stakeholder lessons learned report, and applications for future stakeholder processes.

Significant Public Comments (N/A)

Recommendation

FGC staff: Approve MRC recommendations 1, 2b, 3, and 4 under this agenda item; and approve MRC recommendation 2a under Agenda Item 15, Red Abalone FMP (this meeting).

Exhibits

1. MRC work plan, updated Nov 28, 2018
2. Meeting summary from Nov 14, 2018 MRC meeting

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves recommendations 1, 2b, 3 and 4 from the November 14, 2018 Marine Resources Committee meeting as proposed.

OR

Moved by _____ and seconded by _____ that the Commission approves recommendations 1, 2b, 3 and 4 from the November 14, 2018 Marine Resources Committee meeting, as proposed, except _____.

Marine Resources Committee (MRC) 2018-2019 Work Plan
Scheduled Topics and Timeline for
Items Referred to MRC from California Fish and Game Commission
Updated November 28, 2018

Topic	Category	2018	2019		
		NOV	MAR	JUL	NOV
		Sacramento	Pacific Grove	San Clemente	Sacramento
Planning Documents					
MLMA Master Plan for Fisheries - Implementation Updates	Master Plan Implementation	X		X	X
Abalone FMP / ARMP Update	FMP	X			
Aquaculture Programmatic Environmental Impact Report (PEIR)	Programmatic Plan	X	X/R		
Regulations					
Sport Fishing	Annual Rulemaking		X		
Aquaculture Lease Best Management Practices (BMP) Plan Requirements	DFW-FGC Project/ Rulemaking	X/R	X/R		
Kelp & Algae Commercial Harvest	DFW Project/ Rulemaking		X		
Emerging/Developing Management Issues					
Aquaculture State Water Bottom Leases: Existing and future lease considerations	Lease Management Review				
Special Projects					
California's Coastal Fishing Communities	MRC project	X	X/R		
Informational / External Topics of Interest					
Marine Debris and Plastic Pollution (updates upon request)	Informational				
BOEM Offshore Wind Energy Project (updates upon request)	Informational				
Lobster Advisory Committee lessons learned report - presentation by Heal the Bay	Informational	X			

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

Commissioners
Eric Sklar, President
Saint Helena

Anthony C. Williams, Vice President
Huntington Beach

Jacque Hostler-Carmesin, Member
McKinleyville

Russell E. Burns, Member
Napa

Peter S. Silva, Member
Jamul

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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MARINE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Sklar and Commissioner Silva

November 14, 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 9:05 a.m. by Commissioner Silva at the Natural Resources Building, Redwood Room, 1416 Ninth Street, Sacramento, CA. 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 MRC 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

Melissa Miller-Henson	Acting Executive Director
Susan Ashcraft	Marine Advisor
Craig Castleton	Regulatory Analyst
Sergey Kinchak	Staff Services Analyst
Leslie Hart	Sea Grant State Fellow

Department Staff

Randy Lovell	Statewide Aquaculture Coordinator
Craig Shuman	Marine Region Manager
Mike Stefanak	Assistant Chief, Law Enforcement Division
Bob Puccinelli	Captain, Law Enforcement Division
Joanna Grebel	Senior Environmental Scientist Supervisor, Marine Region
Debbie Aseltine-Neilson	Senior Environmental Scientist Specialist, Marine Region

Invited Speakers

Jenn Eckerle
Jocelyn Enevoldsen

Deputy Director, California Ocean Protection Council (OPC)
Coastal Resources Coordinator, Heal the Bay

1. Approve agenda and order of items

The MRC approved the agenda and order of items.

2. Public comment for items not on the agenda

A commenter expressed a preference for MRC meetings to be video taped. President Sklar noted that committee meetings are audio taped and the audio is posted to the Commission website.

A commenter highlighted wind energy development in federal waters as an emerging issue and hopes that the Commission can help ensure integrity of the commercial fishing location data used for the project. Craig Shuman responded that the Department is actively engaged with Bureau of Ocean Energy Management, and that they are working towards improving spatial accuracy of data streams.

One commenter highlighted that Dungeness crab season begins the next day and hopes for a great harvest.

3. Staff and agency updates

(A) OPC

Jenn Eckerle provided updates on current OPC activities of interest including funding of several programs and projects associated with aquaculture, fisheries, and fishing communities, including Fish 2.0; highlighted that OPC approved the MPA monitoring action plan and the ocean acidification action plan; and noted a current call for proposals for restoration projects.

(B) Department

Marine Region: Craig Shuman provided an update on new advances made toward reducing whale entanglement, including new regulations for surface gear in trap fisheries, and passage of SB1309, authorizing a lost gear recovery program and risk assessment mitigation program. Three members of the public asked clarifying questions or commented.

Law Enforcement Division: Bob Puccinelli provided an update on recent enforcement actions in the marine environment. Comments and questions focused on poaching crab from commercial traps and if the level and location of abalone poaching had expanded since the fishery closed.

Commissioner Sklar requested that enforcement review its available information on recent abalone poaching statewide. Bob Puccinelli agreed to provide an update at the next MRC meeting.

(C) Other

California State Lands Commission (SLC): Susan Ashcraft noted that SLC staff were unable to attend but wished to highlight its San Diego Ocean Planning Partnership with the Port of San Diego. A report about the preliminary assessment phase of the collaborative pilot project will be discussed on December 3 (SLC meeting) and December 11, 2018 (Port of San Diego Board of Port Commissioners meeting).

Commission: Susan Ashcraft gave an update on the commercial box crab experimental gear permit (EGP) process scheduled for consideration at the December 2018 Commission meeting, and the number of statements of interest received from commercial trap fishermen.

4. California coastal fishing communities project

Susan Ashcraft and Leslie Hart gave a joint staff update and summarized public feedback received on the coastal fishing communities project staff report, presented to MRC in July, which synthesized input from seven coastal fishing communities meetings. Fourteen comment letters/emails with over 75 unique comments were received during the public comment period held from July 17 to September 24, 2018. The comments offer valuable feedback on both the content of the report, by suggesting edits and additions, and the potential recommendations within the report. Several organizations have offered to support staff in an effort to help enhance and strengthen the value of the report contents, through developing a more thorough report.

In addition to written comments, staff has engaged in multiple conversations with fishing organizations, environmental non-governmental organizations, state and federal agencies, and academics, resulting in several potential collaborations emerging to support both the Commission's goals and those of fishing communities. One such collaborative working group includes California Ocean Science Trust, FGC staff, and DFW staff engaged in the Pacific Fishery Management Council's Fishery Ecosystem Plan "Climate and Communities" Initiative, which is exploring synergies between state and federal community efforts to support California, and has obtained approval for a \$50,000 grant for a related workshop with experts and fishing representatives. Funding will become available at the beginning of 2019.

Staff highlighted a joint comment letter submitted by five fishery associations and representatives which urged MRC to hold off discussing "next steps and possible recommendations" until the March 2019 MRC meeting. The extra time would help ensure that the public input could be integrated into a more detailed report and help refine and analyze the next steps and possible recommendations.

Public Discussion

A robust and thoughtful discussion focused on the comments received on the staff report and initial recommendations as presented by staff. The discussion touched on several subjects:

- Resilient coastal fishing communities will need opportunities and flexibility during challenging times to support food supply and economic situations. This may involve embracing experimental fishing opportunities that will bring fish to the dock.

- OPC expressed interest in supporting the Commission by exploring ideas of what fishing communities need in terms of investment.
- Concern about the Commission's view on tradeoffs between precaution versus investment.
- Engagement with Commission staff has been stellar, and fishing representatives are looking forward to assisting with the final report.
- In addition to including recommendations in the synthesis report, also include legislative authorities for achieving the recommendations.
- It is important to reassess the limited entry policy, and there is a need to balance biological and socioeconomic opportunity.

Based on public discussion and staff recommendation, MRC developed a recommendation.

MRC Recommendation

MRC recommends that staff (a) revise the Jul 2018 *Staff Report on California Coastal Fishing Communities Meetings* based on submitted public feedback; (b) develop a more comprehensive report in collaboration with stakeholders that provides more detailed background and an analysis of options for FGC action, including an overall strategy for coastal fishing communities and possible port-specific ideas; and (c) schedule a discussion for potential MRC recommendation at the March 2019 meeting.

5. Red Abalone Fishery Management Plan (FMP)

Joanna Grebel gave a presentation on the next steps and possible pathways the Department could take to respond to the peer review recommendations, as requested by the Commission in October. The Department agrees with peer review recommendations and supports integration of both strategies to reduce scientific uncertainty and utilize the best available science. Joanna introduced a timeline, which envisions a process to model the management strategies between 2019 and 2020, to inform a re-drafting of the FMP in Summer 2020. Craig Shuman noted that the public has expressed interest in a new *de minimis* fishing opportunity given the current fishery conditions and closure. Craig emphasized that this is a departure from the FMP goals for open access, requested that MRC consider a change to the goals to allow for modeling of a *de minimis* fishery, and noted that the *de minimis* scenario would need to be defined for modeling.

Public Discussion

The discussion highlighted the desire of abalone divers (1) to be more formally engaged in the management strategy integration process; (2) to explore *de minimis* opportunities despite their preference to ultimately reopen the open access fishery; and (3) to integrate citizen science and data collection into management. Stakeholders expressed that having a facilitator/mediator during the integration of both strategies would be valuable to support constructive dialogue and completion of the work on the timeline.

MRC requested that the Department consider a way to engage with divers earlier in the upcoming processes to be transparent and to create a greater opportunity for public involvement. While the process will take time, they hope for a shorter modeling timeframe than outlined. MRC confirmed an interest in exploring a *de minimis* fishery as an option, and urged the Department to clarify at the December 2019 meeting what would be asked of

modelers. MRC would like to see the FMP kept on the MRC agenda through the upcoming process, following the update provided to FGC in December 2019.

MRC Recommendation

MRC recommends (1) to support addressing peer review recommendations to integrate aspects of both draft management strategies based on a modeling approach developed by the Department and including engagement with abalone divers and other stakeholders; (2) to revise FMP goals to allow for a de minimis fishery option; (3) triggers for the de minimis fishery option be developed in consultation with stakeholders; and (4) requesting that the Department develop a proposed process and timeline which accounts for active public and MRC engagement.

MRC also recommends that the Red Abalone FMP be kept on the MRC work plan through the upcoming process.

6. Shellfish aquaculture best management practices (BMPs)

Leslie Hart provided an update on the outcomes from a public meeting held in Santa Rosa on October 25, 2018. The purpose of the meeting was to review the proposed requirements/options to address issues within BMPs plans for state water bottom leases, and to have a public discussion and receive input. The proposal included requirements for BMPs to (1) minimize waste generation through prevention, maintenance of gear, and recovery of lost gear; (2) minimize impacts to living marine resources including sensitive and protected species and their habitats including biogenic habitats such as eelgrass for example; (3) prevent the spread of disease or invasive species for biosecurity; and (4) have accountability including BMP commitment, compliance, documentation, and verification. There were approximately 25 public meeting attendees including aquaculturists, community members, academics, and agency staff who provided oral comments with different perspectives on the BMP requirements proposal developed by staff. There were many excellent suggestions that were made for revisions within the proposed BMPs requirements. However, there were some areas of divergence of stakeholder comments regarding the proposed requirements such as settling on an effective way to minimize waste degradation. Several commenters at the public meeting, and in writing requested additional time to provide input on the staff-developed requirements language.

Public Discussion

Participants agreed that they want BMPs that are effective, efficient, and prohibitive of real harm to the marine environment. Some participants expressed concerns over how litter debris control requirements are currently different among departments, and would like them to be streamlined and consistent. Participants emphasized that random annual inspections are a very important part of the BMPs proposed requirements in terms of accountability even though DFW lacks funding. Requests were also noted for a longer comment period for the BMP proposed requirements in the future.

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

MRC Recommendation

MRC recommends that staff revise the draft proposed requirements for state water bottom lease BMP plans based on public input received; provide opportunity for public review of the

revised draft proposed requirements; and schedule for MRC review and possible recommendation in March 2019.

7. Offshore marine aquaculture

Randy Lovell provided a Department overview of a programmatic environmental impact report (PEIR) that will evaluate a proposed regulatory framework governing future offshore marine aquaculture in California. The PEIR for offshore aquaculture includes finfish, shellfish, and algae. The draft PEIR is anticipated to be released for public comment by spring 2019, with preparation of a final PEIR and submission to the Commission for possible certification to follow.

Public Discussion

Overall, support was expressed for this project as there is a need for premium seafood products. However, there were requests for data on the demand of seafood exceeding supply to ensure that the PEIR process protects the wild fisheries. Also, one fisherman expressed a concern about offshore aquaculture farms causing contamination of natural fisheries. Craig Shuman highlighted that the completion of the PEIR will be the start of the offshore marine aquaculture conversation as sustainable financing will be needed and marine spatial planning must be considered.

President Sklar expressed that MRC and the Commission are committed to using equitable science in making decisions and will take public opinions and legislative requirements into consideration.

No action was taken by MRC.

8. 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 second discussion of implementation since Commission adoption.

Debbie Aseltine-Neilson, Senior Environmental Specialist for the Master Plan implementation and climate change and fisheries, discussed several next steps for implementing the Master Plan. Assessments for the ecological risk assessment are anticipated to be completed in early 2019, and this timeline is contingent on the availability of the Department's invertebrate staff. A draft of the implementation work plan is anticipated for receipt by spring 2019.

Public Discussion

The discussion revolved around ensuring the Department has enough resources to complete the necessary work for the implementation plan and prioritization. President Sklar noted that the Commission is in support of the Master Plan implementation process and offered that the Commission can assist in the next budget cycle with obtaining the necessary resources. The Department highlighted the need to allocate staff time to create risk assessments for finfish and invertebrates.

No action was taken by MRC.

9. Lobster Advisory Committee stakeholder report

Jocelyn Enevoldsen provided a presentation on Heal the Bay's report evaluating lessons learned from the Department's Lobster Advisory Committee (LAC) process derived from stakeholder surveys. The findings of the report highlighted nine key lessons learned that could be applied to inform future fishery management plan stakeholder engagement processes as the updated Marine Life Management Act Master Plan is implemented. A key takeaway from the report is that the LAC model worked well as it enabled stakeholder inclusivity and understanding between stakeholders, it cultivated respect, and built relationships. Jocelyn also indicated where the survey suggested there was room for improvement for future Department-established stakeholder groups.

Public Discussion

MRC agreed that accomplishing lessons learned is valuable. Craig Shuman encouraged Heal the Bay to work with the Department on surveys of this nature in the future. President Sklar inquired about what the preferences of different interest groups are within the LAC, and Jocelyn agreed that determining preferences of different interest groups is a possibility.

MRC Recommendation

MRC recommends that DFW and FGC staff provide FGC with an overview of the discussion held on the Department's Lobster Advisory Committee stakeholder lessons learned report, and applications for future stakeholder processes, at the February 2019 meeting.

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 March 2019 MRC meeting.

(B) Potential new agenda topics for Commission consideration

No new topics were identified.

MRC adjourned at approximately 2:15 p.m.