California Fish and Game Commission

Marine Resources Committee

Meeting Binder

March 17, 2020

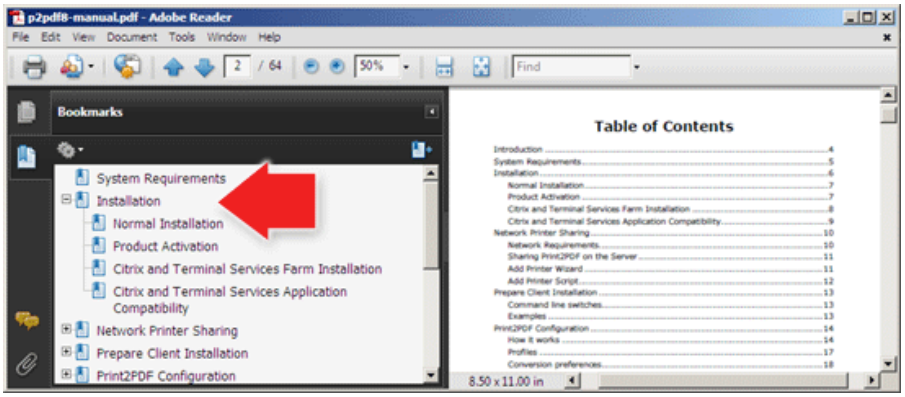
Santa Rosa

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:



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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.

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OVERVIEW OF FISH AND GAME COMMISSION COMMITTEE MEETING

- Welcome to this meeting of the Marine Resources Committee. The Committee is comprised of up to two Commissioners who co-chair each meeting; members are assigned by the Commission annually.

- 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 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.

- 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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INTRODUCTIONS FOR FISH AND GAME COMMISSION MARINE RESOURCES COMMITTEE

FISH AND GAME COMMISSIONERS

Peter Silva	Co-Chair (Jamul)
Samantha Murray	Co-Chair (Del Mar)

COMMISSION STAFF

Melissa Miller-Henson	Executive Director
Rachel Ballanti	Deputy Executive Director
Susan Ashcraft	Marine Advisor
Sherrie Fonbuena	Program Analyst
Rose Dodgen	Sea Grant State Fellow

DEPARTMENT OF FISH AND WILDLIFE

Mike Stefanik	Assistant Chief, Law Enforcement Division
Bob Puccinelli	Captain, Law Enforcement Division
Sonke Mastrup	Program Manager, Invertebrate Fisheries, Marine Region
Kirsten Ramey	Program Manager, State Fisheries, Marine Region
John Ugoretz	Program Manager, State and Federal Fisheries, Marine Region

INVITED SPEAKERS

Jenn Eckerle	Deputy Director, California Ocean Protection Council
Dr. Alexis Jackson	Fisheries Project Director, Oceans Program, The Nature Conservancy

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, Fisheries Program Manager, California Ocean Protection Council

California Fish and Game Commission

Marine Resources Committee

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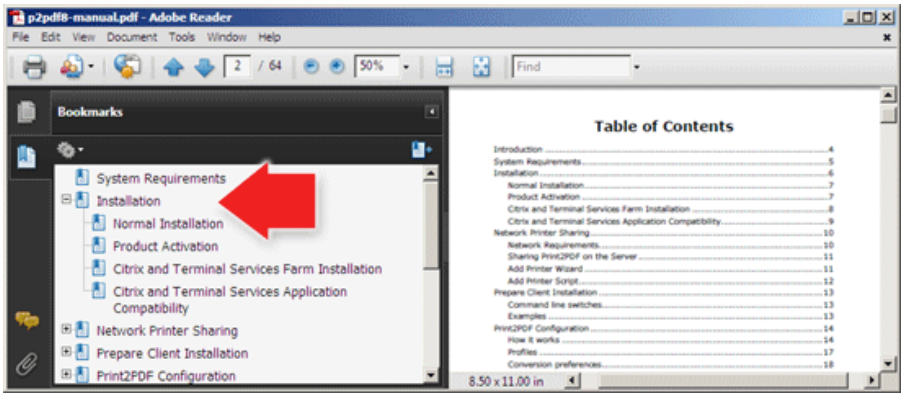

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I would also like to acknowledge special guests who are present:
(i.e., key DFW staff, elected officials, tribal chairpersons, other special guests)

Paige Berube, Fisheries Program Manager, California Ocean Protection Council

Commissioners
Eric Sklar, President
Saint Helena
Samantha Murray, Vice President
Del Mar
Jacque Hostler-Carmesin, Member
McKinleyville
Russell E. Burns, Member
Napa
Peter S. Silva, Member
Jamul

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov

www.fgc.ca.gov

Wildlife Heritage and Conservation
Since 1870

MARINE RESOURCES COMMITTEE

Committee co-chairs: Commissioner Silva and Commissioner Murray

Meeting Agenda
March 17, 2020; 9:00 a.m.

Justice Joseph A. Rattigan Building
Conference Room 410, 4th Floor
50 D Street, Santa Rosa 95404

This meeting will be audio-recorded and made available to the public upon request.

Note: Please see important meeting procedures and 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. General public comment for items not on 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. Staff and agency updates
Receive updates from staff and other agencies on items of note since the last Committee meeting.

(A) Ocean Protection Council
(B) Department
  I. Marine Region
    a. Information on change in cowcod stock status in California (a discussion is planned for the July 2020 committee meeting)
  II. Law Enforcement Division
  III. Other
(C) Commission staff

4. Recreational red abalone fishery management plan
Discuss the recreational red abalone administrative team report and potential committee recommendation.

5. Whale and turtle protections in the recreational Dungeness crab fishery
Discuss and consider possible recommendation on Department-proposed management measures for the recreational Dungeness crab fishery.

6. Regulations governing commercial harvest of wild kelp and algae
Discuss the Department-proposed rulemaking concerning commercial harvest of wild kelp and algae and consider potential committee recommendation.

7. Marine aquaculture in California
Receive update on marine aquaculture and discuss near-term priorities and potential committee recommendation.

(A) Receive Department informational report on marine aquaculture in California, discuss status of the programmatic environmental impact report, and consider proposed next steps.
(B) Discuss possible recommendation for a temporary hiatus in considering new applications for state water bottom leases for the purpose of aquaculture (excepting previously received applications currently under consideration).

8. Experimental Fishing Permit Program phase II
Receive Department update on outreach and discuss efforts to develop an experimental fishing permit program.

9. Recreational swordfish
Receive Department overview of emerging issues in the recreational swordfish fishery and discuss potential regulation changes.

10. Marine Life Management Act master plan implementation
Receive Department update on next implementation efforts for the 2018 master plan for fisheries, including options for initiating a California halibut fishery management plan development process.

11. Future agenda items

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

Adjourn

California Fish and Game Commission
2020 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 Meeting	Committee Meeting
March 18		
April 15 - 16	Natural Resources Building Auditorium 1416 Ninth Street, 1st Floor Sacramento, CA 95814	
May 14	**Teleconference** Arcata, Santa Rosa, Sacramento and San Diego	
May 14		**Wildlife Resources** Justice Joseph A. Rattigan Building Conference Room 410 50 D Street, 4th Floor Santa Rosa, CA 95404
June 24 - 25	Holiday Inn Orange County Airport 2726 S. Grand Avenue Santa Ana, CA 92705	
July 21		**Marine Resources** San Clemente area
August 18		**Tribal** River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540
August 19 - 20	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
September 17		**Wildlife Resources** Natural Resources Building Redwood Room 1416 Ninth Street, 14th Floor Sacramento, CA 95814
October 14 - 15	Elihu M Harris Building Auditorium 1515 Clay Street Oakland, CA 94612	
November 9		**Tribal** Monterey area
November 10		**Marine Resources** Monterey area
December 9 - 10	San Diego area	

OTHER 2020 MEETINGS OF INTEREST

California Fish and Game Commission Annual Tribal Planning Meeting

- March 18, Santa Rosa, CA

Association of Fish and Wildlife Agencies

- September 13-16, Sacramento, CA

Pacific Fishery Management Council

- April 3-10, Vancouver, WA
- June 11-18, San Diego, CA
- September 10-17, Spokane, WA
- November 13-20, Garden Grove, CA

Pacific Flyway Council

- August 28 (location TBD)

Western Association of Fish and Wildlife Agencies

- July 9-14, Park City, UT

Wildlife Conservation Board

- May 20, Sacramento, CA
- August 26, Sacramento, CA
- November 18, 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; **mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; **deliver** to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814; or **hand-deliver to a Committee meeting.**

COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is **5:00 p.m.** on **March 4, 2020**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon** on **March 12, 2020** received by this deadline will be made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – Please bring **five** (5) copies of written comments to the meeting.

The Committee will not consider comments regarding proposed changes to regulations that have been noticed by the Commission. 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.

PETITIONS FOR REGULATION CHANGE

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SPEAKING AT THE MEETING

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VISUAL PRESENTATIONS/MATERIALS

All electronic presentations must be submitted by the **Supplemental Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov or delivered to the Commission on a USB flash drive by the deadline.
2. All electronic formats must be Windows PC compatible.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available for use at the meeting.

LASER POINTERS may only be used by a speaker during a presentation.

COMMITTEE STAFF SUMMARY FOR MARCH 17, 2020 MRC

2. GENERAL PUBLIC COMMENT

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

Receive public comments for items not on the agenda.

Summary of Previous/Future Actions (N/A)

Background

The Committee generally receives two types of correspondence or comment under general public comment :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 the Committee, staff may be requested to follow up on items of potential interest to the Committee and possible recommendation to FGC.

Significant Public Comments (N/A)

Recommendation

If the Committee 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 11, *Future agenda items.*

Exhibits (N/A)

Committee Direction/Recommendation (N/A)

COMMITTEE STAFF SUMMARY FOR MARCH 17, 2020 MRC

3. STAFF AND AGENCY UPDATES

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

Receive updates from FGC staff and other agencies, including the California Ocean Protection Council (OPC) and DFW.

Summary of Previous/Future Actions (N/A)

Background

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

(A) ***OPC*:** Jenn Eckerle, Deputy Director, will provide an update on recent OPC activities.

(B) ***DFW*:**

I. *Marine Region*: In Sep 2019, the Pacific Fishery Management Council (PFMC) announced that cowcod rockfish stock south of Cape Mendocino was declared rebuilt, well ahead of the projected rebuilding schedule. Exhibit 1 is a news release about the rebuilding status; a presentation and discussion are proposed for the Jul 2020 MRC meeting in San Clemente.

II. *Law Enforcement Division*: Captain Bob Puccinelli will provide an update on marine enforcement items of interest.

III. *Other*: Randy Lovell, Statewide Aquaculture Coordinator, will provide a brief update on new staff capacity for the aquaculture program.

(C) ***FGC staff:*** Following a year-long acting assignment as deputy executive director, Susan Ashcraft has resumed her role as marine advisor. Much gratitude is due to Elizabeth Pope for her service shepherding the MRC as acting marine advisor over the past year; Elizabeth has now resumed her position with DFW's Marine Protected Areas Management Project. In Feb, FGC welcomed its new Sea Grant State Fellow, Rose Dodgen, who just completed a masters program at California State University San Luis Obispo and will be with FGC for the coming year.

Significant Public Comments (N/A)

Recommendation

Schedule for the Jul 2020 MRC meeting a DFW presentation and discussion regarding cowcod recovery and its implications for California fishing opportunities.

Exhibits

1. PFMC news release, dated Sep 18, 2019

Committee Direction/Recommendation (N/A)

4. RECREATIONAL RED ABALONE FISHERY MANAGEMENT PLAN (FMP)

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

Discuss the recreational red abalone administrative team report and report recommendations, and consider potential committee recommendation.

Summary of Previous/Future Actions

• FGC supported recreational red abalone FMP development per MRC recommendation	Oct 8, 2014; Mt. Shasta
• DFW updated MRC on FMP process	2015-2017; MRC, various
• FGC discussed FMP scope and content	Dec 2017-2018; various
• FGC received peer review results for draft FMP and re-referred to MRC	Oct 17, 2018; Fresno
• MRC discussed revised FMP process	Nov 14, 2018; MRC, Sacramento
• FGC supported revised process per MRC recommendation	Dec 12-13, 2018; Oceanside
• DFW updated MRC on FMP process	2019; MRC, various
• **Today's discussion and possible recommendation**	**Mar 17, 2020; MRC, Santa Rosa**

Background

An FMP for the north coast recreational red abalone fishery has been under development by DFW since 2014, with regular updates to MRC and FGC. At the Dec 2018 FGC meeting, following peer review of two draft management strategies, FGC approved an MRC recommendation to: (1) support integrating aspects of both strategies using a simulation modeling approach co-developed by DFW with a stakeholder team let by The Nature Conservancy (TNC), (2) develop a *de minimis* fishery option with defined triggers in lieu of the current total closure, and (3) request that DFW develop a process to integrate increased stakeholder and MRC involvement. For a more detailed background on the process, see Exhibit 1.

At the Mar 2019 MRC meeting, DFW introduced a collaborative FMP development structure designed to support management strategy integration and public involvement as requested by FGC. The structure established three collaborative teams: an administrative team (admin team), a modeling team, and a project team. Using the three-team structure, options for an integrated draft management strategy have been developed.

Six project team meetings (three webinars and three in-person) designed to generate ideas and solicit feedback took place from May through Dec 2019. Based on the input received, the admin team has prepared and submitted a draft administrative team report *Summary of the Management Strategy Integration Process for the North Coast Recreational Red Abalone Fishery Management Plan* (Exhibit 2). The draft report is reflective of the year-long, time-intensive effort among FGC staff, DFW, TNC and interested members of the public to address

FGC direction to integrate the two management strategies. TNC, DFW and the collaborative teams have done admirable work in meeting the requested timeline; staff commends the teams for completing a very challenging task within the specified time frame, including completing the report.

The admin team distributed the draft report to the project team and the public via FGC's MRC mailing list in Feb 2020, providing approximately one month to review the information and recommendations in advance of this meeting.

The draft report outlines eight recommendations from the admin team to FGC for consideration as FGC provides guidance to DFW in drafting the FMP (see Section VI of Exhibit 2). The eight recommendations reflect project team discussions and guidance, including alternative perspectives or issues of note. In light of the report's finding that a *de minimis* fishery option is not on the immediate horizon, a more deliberative approach to considering the recommendations is advisable.

Today, MRC will receive a joint presentation from DFW and TNC staff on the draft report to support a discussion of the recommendations; the public is encouraged to provide comment on the draft report and recommendations.

Significant Public Comments

1. Two recreational abalone fishermen expressed support for a three-zone approach to abalone management on the north coast, while one added that he supports an increase in the minimum size to ten inches (exhibits 3 and 4).
2. A recreational abalone fisherman expressed support for a *de minimis* fishery and a desire to work with DFW on data collection for abalone; however, he opposes the proposed timeframe of 11 years for opening the *de minimis* fishery, arguing that it is feasible on a more immediate time scale (Exhibit 5).
3. A recreational abalone fisherman expressed support for a *de minimis* fishery to maintain the tradition and culture of abalone fishing. He expressed concern that a DFW focus on pursuing scientific data collection is done at the risk of failing to save imperiled species and, instead, believes action should focus on saving seed stock to support recovery (Exhibit 6).

Recommendation

FGC staff: Due to the complexity of the report and its recommendations, ask preliminary questions necessary to clarify the recommendations, hear public input, and schedule further discussion for the Jul 2020 MRC meeting to develop a potential recommendation to FGC. In addition, formally disband the teams as they have fulfilled their commitments.

Exhibits

1. Background document: Staff summary for Jul 11, 2019 MRC meeting Agenda Item 4 (links to associated exhibits are available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=170573&inline)
2. Draft administrative team report and appendices, dated Feb 14, 2020

3. Email from Jack Likins, received Dec 8, 2019
4. Email from Ken Morrill, received Dec 29, 2019
5. Email from Jon Holcomb, received Feb 3, 2020
6. Email from Doug Jung, received Feb 29, 2020

Committee Direction/Recommendation

The Marine Resources Committee recommends placing a discussion of the *Summary of the Management Strategy Integration Process for the North Coast Recreational Red Abalone Fishery Management Plan* on the July 2020 committee meeting agenda to consider the report recommendations. The Marine Resources Committee also asks the Department to clarify any Commission decision points for discussion at the July meeting.

COMMITTEE STAFF SUMMARY FOR MARCH 17, 2020 MRC

5. WHALE/TURTLE PROTECTIONS – RECREATIONAL DUNGENESS CRAB FISHERY

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

Discuss and consider possible recommendation on DFW-proposed management measures for the recreational Dungeness crab fishery.

Summary of Previous/Future Actions

• FGC discussed commercial entanglement settlement and referred discussion to MRC	Apr 17, 2019; Santa Monica
• MRC discussed and recommended possible management measures for the recreational fishery	Jul 11, 2019; MRC, San Clemente
• FGC supported MRC recommendation	Aug 7-8, 2019; Sacramento
• MRC discussed possible management measures in more detail	Nov 5, 2019; MRC, Sacramento
• FGC approved MRC recommendation and requested additional DFW outreach to stakeholders	Dec 11-12, 2019; Sacramento
• FGC re-referred to MRC to refine management recommendations	Feb 21, 2020; Sacramento
• **Today's update and potential recommendation**	**Mar 17, 2020; MRC, Santa Rosa**
• Notice hearing	Jun 24-25, 2020; Santa Ana
• Discussion hearing	Aug 19-20, 2020; Fortuna
• Adoption hearing	Oct 14-15, 2020; Oakland

Background

FGC has authority to regulate the recreational Dungeness crab fishery; authority over the commercial Dungeness crab fishery is held by both DFW and the California State Legislature.

In recent years, whale populations in California's waters have increased, leading to a greater risk of, and drastic increase in, entanglement in deployed commercial crab fishing gear. DFW has initiated implementation of collaboratively developed management measures centered on reducing the risk of whale and sea turtle entanglements in the commercial fishery. In Apr 2019, FGC initiated discussions around potential management measures for the recreational Dungeness crab trap fishery (see Exhibit 1 for additional background).

MRC held discussions in Jul and Nov 2019 to explore a suite of possible "common-sense" management measures, as proposed by DFW, and recommended FGC support for those measures (Exhibit 1). Following an FGC request in Dec 2019 for DFW to conduct further stakeholder outreach, DFW held workshops in Jan 2020 to solicit additional stakeholder input and inform a final proposal.

At the Feb 2020 FGC meeting, DFW reported on the outcomes of the Jan 2020 workshops that helped shape refinements to the DFW-proposed management measures (Exhibit 2) in five categories: gear marking (buoys or floats), trap limit (range of 5-10 pots), trap service interval (range of 9-16 days), validation stamp, and possible DFW director authority for swift management response to entanglement risk. At its Feb meeting, FGC approved moving forward to define proposed changes in the five categories, re-referred the item to MRC to refine specific aspects of the proposals, and approved a rulemaking schedule to commence in Jun 2020.

Since Feb, DFW has refined its proposal taking additional stakeholder and DFW enforcement feedback into consideration. In addition to recommendations within the five categories previously presented, DFW has added options related to surface gear, note fishing, and fair start provisions (Exhibit 3).

Significant Public Comments

Three recreational fishing organizations express support for some proposed measures, specifically gear marking and a service interval (16 days). The organizations express concerns about the extent of some proposed measures, specifically stamp validation (prefer requiring only for those deploying traps), trap limits (prefer collecting data on number of traps in use prior to setting an informed trap limit), and granting DFW director authority to take in-season actions (asserting that imposing the same commercial mitigation measures to the recreational fleet is inappropriate relative to the risk they each pose). They further request that the rulemaking not be rushed so that legal and factual differences between the commercial and recreational sectors can be considered when assigning corresponding management measures (Exhibit 4).

Recommendation

FGC staff: Support including the proposed management measures as recommended by DFW in a draft rulemaking for the recreational Dungeness crab fishery. Staff believes the proposed changes recommended by DFW provide a reasonable balance between resource protection needs, stakeholder desires, and DFW enforcement concerns.

DFW: Advance a rulemaking that includes the following proposed changes, with additional provisions and options shown in Exhibit 4, for the recreational Dungeness crab fishery:

- gear marking with small buoys or unique floats;
- a trap limit of 10 traps per angler from Nov 1 to Mar 31, and 5 traps from Apr 1 to season end;
- a service interval of 9 days (with severe weather extension option);
- a validation stamp for all participating anglers, with the option to sunset in 5 years;
- give the DFW director authority to delay the season or close the season early when entanglement risk is high, with a zonal option and FGC notification;
- specific surface gear requirements for surface buoys and line length;
- ‘note fishing’ (select one of two options); and
- A fair start provision of no less than 5 days before commercial pre-soak.

Exhibits

1. Background document: Staff summary for Agenda Item 9, Nov 5, 2019 MRC meeting
2. Background document: Staff summary for Agenda Item 18, Feb 21, 2020 FGC meeting
3. DFW presentation
4. Email from Marc Gorelnik on behalf of Coastside Fishing Club, Humboldt Area Saltwater Anglers, and Coastal Conservation Association of California, received Jan 20, 2020

Committee Direction/Recommendation

The Marine Resources Committee recommends a proposed rulemaking that includes management measures to minimize the risk of whale and turtle entanglements in the recreational Dungeness crab fishery as recommended by the Department in Exhibit 3 and discussed today.

OR

The Marine Resources Committee recommends a proposed rulemaking that includes management measures to minimize the risk of whale and turtle entanglements in the recreational Dungeness crab fishery as recommended by the Department in Exhibit 3, except:

Enhanced gear marking: _____

Trap limit: _____ [5-10 pots]

Service interval: _____ [9-16 days]

Validation stamp: Applies to _____ [all licensed crab fishermen versus boat owner], **and** *include*____ **or** *do not include* ____ a 5-year sunset date

Director's authority: *No* ____ **or** *Yes*___ with these parameters: _____

Surface gear: _____ [buoys, line length]

Note fishing: _____ [Option 1 or Option 2]

Fair start: _____

COMMITTEE STAFF SUMMARY FOR MARCH 17, 2020 MRC

6. KELP AND ALGAE COMMERCIAL HARVEST REGULATIONS

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

Discuss DFW-proposed regulation changes concerning commercial harvest of wild kelp and algae and consider potential committee recommendation.

Summary of Previous/Future Actions

• FGC approved 3-phase approach for wild kelp and algae regulation review	June 20, 2012; Mammoth Lakes
• FGC adopted Phase 1 kelp regulations	Nov 6, 2013; La Quinta
• MRC reviewed approach to next regulation phases	Nov 4, 2015; MRC, Ventura
• FGC approved revised 3-phase approach	Dec 9, 2015; San Diego
• DFW updated MRC on new Phase 2 regulation review	Nov 15, 2016; MRC, Los Alamitos
• DFW provided updates on regulation review	2018-2019; MRC, various
• **Today's discussion and potential recommendation**	**Mar 17, 2020; MRC, Santa Rosa**
• Notice hearing	August 19-20, 2020; Fortuna
• Discussion/adoption hearing	October 14-15, 2020; Oakland

Background

Kelp, an important biogenic habitat, is managed with other marine algae through DFW's kelp management program. In Jun 2012, FGC and DFW agreed to revise antiquated commercial kelp regulations over several years through a three-phase approach, to improve management and enforceability. Phase 1 was completed in 2013 and implemented in 2014; DFW commenced with Phase 2 in late 2016.

Phase 2 has focused on both regulatory clean-up and broader management and regulation overhaul in consultation with kelp and algae harvesters, which DFW highlighted through updates to MRC in Mar 2018 and Jul 2019.

During phase 2, DFW conducted direct outreach to kelp and algae harvesters, solicited feedback from stakeholders at MRC meetings, and engaged directly with individual tribes and tribal communities and through the FGC Tribal Committee. Concerns raised during public and tribal engagement focused, in part, on the extensive loss of bull kelp on the north coast, and how the recent impacts should be incorporated into DFW's kelp harvest management. DFW has integrated additional management proposals intended to be responsive to the ecosystem changes and public input received, which will be described at today's meeting.

In Nov 2019, DFW presented an overview of the types of regulatory changes proposed for the Phase 2 rulemaking and highlighted a potential rulemaking timeline for consideration. In Feb 2020, FGC approved an updated rulemaking timeline as proposed.

COMMITTEE STAFF SUMMARY FOR MARCH 17, 2020 MRC

Today MRC will receive a presentation from DFW staff on specific proposed regulatory changes in seven management categories (Exhibit 1) and discuss possible recommendations.

Significant Public Comments

A non-governmental organization expressed support for the proposed statewide closure of bull kelp harvest; in conjunciton with the bull kelp closure, it recommends that harvest provisions associated with bull kelp be removed and that administrative kelp beds within the bull kelp range be changed to a closed status to avoid public confusion (Exhibit 2).

Three edible seaweed harvesters do not believe they have had adequate time to fully engage in the regulation development process following DFW's harvester survey, and request 1) a delay in the rulemaking timeline until autumn*; 2) time to present at the Mar MRC meeting; 3) accommodation for participation via webinar; and 4) access to DFW survey results (Exhibit 3). (*Note that in Feb 2020, FGC adjusted the rulemaking timeline to Aug/Oct, which may satisfy this request.)

Recommendation

FGC staff: Consider public input and develop a recommendation to support advancing draft regulations to a rulemaking stage with proposed changes recommended by DFW.

Exhibits

1. DFW presentation
2. Email from Gillian Lyons, Pew Cheritable Trusts, received Feb 18, 2020
3. Email from Terry D'Selkie, Ocean Harvest Sea Vegetables, Larry Knowles, Rising Tide Sea Vegetables, and James Jungwirth, Naturespirit Herbs, received Feb 14, 2020

Committee Direction/Recommendation

The Marine Resources Committee recommends that the Commission support proposed regulation measures for commercial kelp and algae harvest as recommended by the Department and discussed today.

OR

The Marine Resources Committee recommends that the Commission support proposed regulation measures for commercial kelp and algae harvest as recommended by the Department and discussed today, except _____.

COMMITTEE STAFF SUMMARY FOR MARCH 17, 2020 MRC

7. MARINE AQUACULTURE IN CALIFORNIA

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

Receive update on marine aquaculture and discuss near-term priorities and potential committee recommendations related to:

(A) DFW aquaculture informational report, status of programmatic environmental impact report (PEIR), and proposed next steps; and

(B) Potential temporary hiatus in considering new state water bottom lease applications.

Summary of Previous/Future Actions

• Discussed best management practices in shellfish aquaculture	2016-2017; FGC and MRC, various
• FGC referred topic of future lease planning to MRC	Jun 21-22, 2017; Smith River
• MRC initial discussion on future lease planning	Jul 20, 2017; MRC, Santa Rosa
• MRC received overview of current aquaculture leases and update on future lease planning	Mar 6, 2018; MRC, Santa Rosa
• FGC referred PEIR topic to MRC	Apr 18-19, 2018; Ventura
• MRC received general overview of PEIR	Nov 14, 2018; MRC, Sacramento
• MRC received PEIR update	Mar 20, 2019; MRC, Sacramento
• FGC referred discussion of potential temporary hiatus on new lease applications to MRC	Feb 21, 2020; Sacramento
• **Today's program update and discussion**	**Mar 17, 2020; MRC, Santa Rosa**

Background

FGC has the authority to lease state water bottoms to any person for the purpose of conducting aquaculture in marine waters of the State, under terms agreed upon between FGC and the lessee (sections 15400 and 15405, California Fish and Game Code). FGC is prohibited from issuing leases for commercial offshore marine finfish aquaculture in California until a programmatic environmental impact report (PEIR) evaluates a management framework for potential future offshore marine aquaculture.

There are currently 17 active, FGC-issued, state water bottom leases held by 10 growers across the state for cultivating shellfish (16 leases) or seaweed culture (1 lease). In addition, FGC has received 3 applications for new state water bottom leases that are currently undergoing DFW and/or environmental reviews necessary before FGC schedules them for consideration.

Topics related to current lease management, desired enhancement of the state aquaculture program, and possible pathways to achieving an enhanced program have been discussed at various FGC and MRC meetings since 2016.

In Mar 2018, MRC received an overview of existing leases and current management efforts from DFW, and discussed how management efforts by DFW and other agencies may contribute to future aquaculture planning and enhanced management of the state aquaculture program (Exhibit 1). However, the discussion highlighted a disparity between proposed program development areas and staff capacity to pursue them. In light of the competing interests and needs, MRC made a recommendation for how to prioritize the various planning efforts.

In Apr 2018, FGC accepted the MRC recommendation and, based on FGC direction, MRC received an overview and update on PEIR development at the Nov 2018 and Mar 2019 meetings (see Exhibit 2 for background).

For today's meeting there are two areas of focus for discussion: aquaculture in California generally and new state water bottom leases.

(A) DFW will provide an update on its recommendations regarding the aquaculture PEIR, including discussions and public engagement it believes are necessary to clarify a long-range vision for California's marine aquaculture development. DFW is developing an aquaculture information report and anticipates the report will be available at today's meeting. DFW suggests that the report could serve as a foundation to engage interested parties in discussions about current and future marine aquaculture management and development in California.

(B) FGC referred to MRC a discussion about a potential temporary hiatus in considering new state water bottom lease applications, excluding the applications already received (two proposed offshore sites in southern California, and one proposed site in Tomales Bay). The three applications are the first new lease applications FGC has received in over 25 years; currently there is not an established process to guide FGC review and consideration of lease applications, coordination protocols between FGC and DFW staff need to be further developed, staff roles and responsibilities need to be more clearly articulated, and practices for communicating expectations with lease applicants need to be refined. Available staff resources are a concern; staff needs to focus on managing the 17 existing leases and processing the three applications already under consideration before undertaking additional new leases. It may be helpful for decisions regarding prospective new lease applications to be made within the context of a broader statewide policy and vision.

Significant Public Comments

1. A mariculturist supports placing a hiatus on considering new state water bottom leases, requests that future lessees be subject to more stringent experience and qualification requirements, and recommends provisions for a program that would train new lessees in mariculture, such as providing small trial plots to new lessees and internships in mariculture. Requests clarification on where future leases will be placed (Exhibit 3).
2. A non-governmental organization expresses support for placing a hiatus on considering new state water bottom leases until a review of aquaculture activities by FGC and other agencies is complete, and asks that FGC exercise caution when considering new leases, especially in Tomales Bay, due to potential impacts of shellfish farms on bay food webs and shorebird populations (Exhibit 4).

3. A non-governmental organization expresses a desire for a more workable permitting process for restorative aquaculture, requests that the State remove barriers to entry into restorative aquaculture, and asks that a completed PEIR and a more streamlined permitting process be established by the end of 2020 (Exhibit 5).

Recommendation

(A) Consider requests received from DFW during the meeting, and

(B) Consider supporting a temporary hiatus on considering new state water bottom lease applications not already received by FGC and schedule a follow-up discussion for a future MRC meeting.

Exhibits

1. Background document: Staff summary for Mar 6, 2018 MRC meeting, Agenda Item 8
2. Background document: Staff summary for Mar 20, 2019 MRC meeting, Agenda Item 8
3. Email from Bernard Friedman, Santa Barbara Mariculture Company, received Mar 2, 2020
4. Email from Nils Warnock, Audubon Canyon Ranch, received Mar 4, 2020
5. Email from Katherine O'Dea, Save Our Shores, received Mar 5, 2020

Committee Direction/Recommendation (N/A)

8. EXPERIMENTAL FISHING PERMIT PROGRAM PHASE II

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

Receive DFW update on experimental fishing permit (EFP) program development and public outreach efforts.

Summary of Previous/Future Actions

• FGC approved two-phase rulemaking approach	Jun 12-13, 2019; Redding
• FGC adopted EFP Phase I regulations	Oct 9-10, 2019; Valley Center
• MRC received overview of Phase II	Nov 5, 2019; MRC, Sacramento
• **Today's update on Phase II**	**Mar 17, 2020; MRC, Santa Rosa**

Background

On Jan 1, 2019, California Fish and Game Code Section 1022 was enacted as part of the Fisheries Innovation Act of 2018, providing FGC the authority to approve EFPs, that authorize commercial or recreational marine fishing activities otherwise prohibited by code or regulation. Section 1022 requires that FGC establish by regulation "an expeditious process" for DFW review, public notice and comment, FGC approval, and prompt DFW issuance of EFPs. The new law repealed and replaced Section 8606, which authorized FGC to approve experimental gear permits.

In Jun 2019, FGC approved a DFW recommendation to pursue implementing regulations for an EFP program through a two-phased approach:

- Phase I would focus on adopting EFP regulations specifically for continuing the experimental brown box crab fishery (completed in Oct 2019); and
- Phase II would focus on establishing a comprehensive EFP program consistent with the new law (now underway).

In Nov 2019, DFW provided MRC an overview of initial planning efforts for Phase II EFP program development, including plans for a Jan 2020 public workshop to solicit feedback and stakeholder input on potential program components and considerations. On Jan 14, 2020, DFW and FGC staff hosted the public workshop in partnership with The Nature Conservancy with four participation locations across the state (Exhibit 1). The workshop represented a key first step in initiating dialogue among stakeholders regarding how to best design a state EFP program that meets the requirements of the new law while accounting for stakeholder needs. Exhibit 2 is a summary of the workshop.

For today's meeting, DFW will present an overview of what was learned at the workshop and how it has shaped the current draft program concepts, and highlight areas that need further development and discussion.

Significant Public Comments

A representative of commercial trap fisheries in Santa Barbara offers perspectives on how the program can keep California on the leading edge of fisheries innovation in trap fisheries; urges FGC to prioritize development of the EFP program; requests that FGC help organize fishermen to work toward collaborative fisheries innovation and community development for small-scale fisheries; and recommends that FGC partner with the California Ocean Protection Council and DFW to develop oceanographic modeling tools to further assist in effectively adapting fishing practices (Exhibit 3).

Recommendation (N/A)

Exhibits

1. Flyer for Jan 14, 2020 EFP public workshop
2. Summary of Jan 14, 2020 EFP public workshop
3. Email from Chris Miller, received Jan 29, 2020

Committee Direction/Recommendation (N/A)

COMMITTEE STAFF SUMMARY FOR MARCH 17, 2020 MRC

9. RECREATIONAL SWORDFISH

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

Receive DFW overview of emerging issues in the recreational swordfish fishery and discuss options for potential regulation changes.

Summary of Previous/Future Actions

• Recreational swordfish catch trends highlighted by DFW and in public comment	Dec 11-12, 2019; Sacramento
• FGC referred topic to MRC	Feb 21, 2020; Sacramento
• **Today's presentation and discussion**	**Mar 17, 2020; MRC, Santa Rosa**

Background

FGC has authority to establish recreational swordfish size, bag and possession limits, and seasons in California. Current regulations (Section 28.40 of Title 14, California Code of Reglations) specify a bag limit of two swordfish per day per person.

In Dec 2019, a public comment submitted to FGC highlighted that the recreational swordfish fishery in southern California had seen an increase in landings due to the use of electric-assisted gear, and expressed concern over potential for commercialization of recreationally-harvested swordfish. DFW offered to provide current fishery information and consideration of whether any chages in management might be warranted; in Feb 2020, FGC refered the topic to MRC for discussion.

Today, DFW staff will present an overview of the swordfish fishery and recent trends in California, identify concerns associated with rapid increases in both effort and success in the recreational swordfish fishery since 2018, and offer potential solutions to address these concerns (Exhibit 2).

Significant Public Comments

Comment received at Dec 2019 FGC meeting referenced an article in Western Outdoor News about dramatic increases in recreational swordfish take in southern California and increases in success associated with use of deep-drop methods and electric-assisted gear. The commenter urged DFW to track these changes due to uncertainty over status of the stock in relation to the increases in catch (Exhibit 1).

Recommendation

Discuss options for regulation change identified by DFW; consider guidance or recommendation regarding next steps.

Exhibits

1. Email from Tom Schiff, received Dec 6, 2019
2. DFW presentation

Committee Direction/Recommendation (N/A)

COMMITTEE STAFF SUMMARY FOR MARCH 17, 2020 MRC

10. MARINE LIFE MANAGEMENT ACT MASTER PLAN IMPLEMENTATION

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

Receive DFW update on next implementation efforts for the master plan for fisheries, including options for initiating a California halibut fishery management plan (FMP) development process.

Summary of Previous/Future Actions

- FGC adopted 2018 master plan — Jun 20-21, 2018; Sacramento
- DFW implementation updates — 2019; MRC, various
- **Today's update and discussion** — **Mar 17, 2020; MRC, Santa Rosa**

Background

This is a standing agenda item for MRC to receive a DFW update on, and discuss steps, priorities, and opportunities related to implementing, the *2018 Master Plan for Fisheries: A Guide for Implementation of the Marine Life Management Act* (Master Plan). Adopted by FGC, the Master Plan serves as a framework for management based on the Marine Life Management Act (MLMA)-. Exhibit 1 provides additional background.

Consistent with California Fish and Game Code Section 7073(b)(2) and the Master Plan, a key step in implementing the MLMA is developing a prioritized list of species for more focused management. Species prioritization is intended to focus scaled-management efforts, including FMPs, on fisheries that DFW determines have the greatest need for changes in conservation and management measures, and to maximize resources and ecosystem benefits.

Part of prioritization includes risk assessments and developing enhanced status reports that consider the status of the fishery and current and future management and data needs. DFW prepared an interim prioritization list in 2018 for 45 state-managed fisheries; in Nov 2019, DFW presented an updated prioritization list for key finfish fisheries and the status of doing analyses necessary to integrate invertebrate species into prioritization.

In Feb 2020, DFW staff presented FGC with an updated priority list that now includes several invertebrate species (Exhibit 1). DFW highlighted that kelp and grunion, two species not on the original priority list, will now undergo evaluation and be added; DFW also indicated that California halibut has been identified as the next prioritized species for FMP development. The updated Master Plan implementation work plan provided at the Feb FGC meeting includes a time frame for developing a California halibut FMP (Exhibit 2).

For today's meeting, DFW has requested an opportunity to begin discussing a general planning approach for developing a California halibut FMP as identified in the work plan, including options for stakeholder engagement.

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

1. Background document: DFW presentation from Feb 21, 2020 FGC meeting, Agenda Item 13
2. *Marine Life Management Act Master Plan: Implementation Work Plan,* dated Feb 7, 2020

Committee Direction/Recommendation (N/A)

11. FUTURE AGENDA ITEMS

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

Review upcoming agenda items scheduled for the next and future MRC meetings, hear requests from DFW and interested stakeholders for future agenda items, and identify new items for consideration.

Summary of Previous/Future Actions

- FGC approved MRC agenda — Feb 21, 2020; Sacramento
- **Today's discussion** — **Mar 17, 2020; MRC, Santa Rosa**
- Next meeting — Jul 21, 2020; MRC, San Clemente

Background

Committee topics are referred by FGC and scheduled as appropriate. FGC-referred topics and their current schedule are shown in the MRC work plan, Exhibit 1. MRC agendas currently include several complex and time-intensive topics under development. The committee has placed emphasis on issues of imminent regulatory or management importance, and thus considering new topics will require planning relative to existing committee workload.

MRC Work Plan and Timeline

Draft agenda topics identified for the Jul 2020 MRC meeting include:

1. MLMA master plan for fisheries implementation update (standing agenda item)
2. Red abalone fishery management plan development update and possible recommendation (dependent upon outcome of Agenda Item 4)
3. Experimental fishing permit phase II rulemaking update
4. Coastal Fishing Communities Project update
5. Cowcod rockfish recovery presentation and discussion
6. DFW overview of California grunion status and possible recreational take regulation changes (based on granted Petition #2019-014)
7. Kelp restoration and recovery updates

Jul 2020 Meeting Date and Location

The next meeting is currently scheduled for Jul 21 in San Clemente. Staff has been unable to secure an available low-cost meeting room for that day, despite contacting numerous venues; however, a cost-free meeting room is available the following week on July 29 and is currently being held.

Discuss and Recommend New MRC Topics

Today is an opportunity to identify any potential new agenda topics to recommend to FGC for referral to MRC.

Significant Public Comments (N/A)

Recommendation

FGC staff: Move July MRC meeting date from Jul 21 to Jul 29 in San Clemente. No new topics are recommended for FGC referral to MRC.

Exhibits

1. MRC work plan, dated Mar 6, 2020
2. FGC perpetual timetable for regulatory actions, dated Mar 5, 2020

Committee Direction/Recommendation

The Marine Resources Committee recommends that its July 2020 meeting be moved to July 29 in San Clemente.

PACIFIC FISHERY
MANAGEMENT COUNCIL

Press Release September 18, 2019:

Cowcod South of 40°10’ have been rebuilt well ahead of schedule!

BOISE, IDAHO – An important West Coast groundfish stock that was formerly overfished has now been rebuilt ahead of schedule, the Pacific Fishery Management Council announced today. The cowcod (Sebastes levis) stock south of 40°10’ N. latitude has been managed under a strict rebuilding plan that has severely constrained West Coast fisheries in California for two decades. Rebuilding cowcod was achieved through large area closures, non-retention rules, and very low allowance for incidental bycatch. “This is a remarkable accomplishment,” said Council Chair Phil Anderson. “The Council’s perseverance, adherence to scientific advice, and partnering with the commercial and recreational stakeholders resulted in the rebuilding of this important groundfish species.”

Cowcod, prized by both California recreational and commercial fishermen, were declared overfished and placed under rebuilding measures in 2000. They are a long-lived, slow-growing species, prone to protracted rebuilding progress. Under the original rebuilding plan, the stock was expected to rebuild by 2090. Improved science and understanding of this stock’s population dynamics allowed the Council’s management measures to rebuild much quicker than originally anticipated.

The Pacific Fishery Management Council, National Marine Fisheries Service, and fishing industry stakeholders have collaborated successfully to rebuild overfished West Coast groundfish stocks. Cowcod is the ninth West Coast groundfish stock to rebuild through stringent management measures, leaving yelloweye rockfish as the only Federally-managed groundfish stock managed under a rebuilding plan.

PROCESS

The cowcod assessment was developed by scientists at National Marine Fisheries Service Southwest Fisheries Science Center and was reviewed by a stock assessment review panel, which includes independent scientists, and endorsed by the Council’s Scientific and Statistical Committee. New harvest specifications and regulations informed by this assessment are expected to be put in place beginning in 2021.

COUNCIL ROLE

The Pacific Fishery Management Council is one of eight regional fishery management councils established by the Magnuson Fishery Conservation and Management Act of 1976 for the purpose of managing fisheries 3-200 nautical miles offshore of the U.S. coastline. The Pacific Council recommends management measures for fisheries off the coasts of California, Oregon, and Washington.

This entry was posted on Wednesday, September 18th, 2019 at 7:54 am

4. RED ABALONE FISHERY MANAGEMENT PLAN (FMP)

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

Receive DFW update on collaborative progress to complete the red abalone FMP.

Summary of Previous/Future Actions

• FGC supported red abalone FMP development per MRC recommendation	Oct 8, 2014; Mt. Shasta
• DFW updates to MRC on FMP process	2015-2017; MRC meetings
• FGC discussions of FMP scope and content	Dec 2017-2018; various
• Received peer review results for draft FMP and re-referred to MRC	Oct 17, 2018; Fresno
• MRC discussion of revised FMP process	Nov 14, 2018; MRC, Sacramento
• DFW update to MRC on FMP process	Mar 20, 2019; MRC, Sacramento
• **Today's update**	**Jul 11, 2019; MRC San Clemente**

Background

A red abalone FMP has been under development by DFW since 2014, with regular updates to MRC and FGC. DFW staff has also reported unprecedented environmental conditions on California's north coast with significant biological impacts to abalone, and how those impacts are affecting the FMP process and its possible provisions.

Last year, two sets of proposed harvest control rules for the FMP—one proposed by DFW, and an alternate proposed by The Nature Conservancy (TNC) using stakeholder-developed metrics—underwent peer review. FGC supported a peer review recommendation to explore integrating aspects of both draft management strategies to be more robust against uncertainty under different fishery conditions and referred the exploration to MRC. For a more detailed background on the process, see exhibits 1 and 2.

At the Nov 2018 MRC meeting, DFW presented a draft approach for responding to peer review recommendations and revising the draft FMP. MRC recommended that FGC: (1) support integrating aspects of both draft management strategies based on a simulation modeling approach co-developed by DFW and the TNC-led stakeholder team, including engagement with abalone divers and other stakeholders; (2) revise FMP goals to allow for a *de minimis* fishery option; (3) develop triggers for the *de minimis* fishery option in consultation with stakeholders; and (4) request that DFW develop a proposed process and timeline which accounts for active public and MRC engagement. FGC approved the recommendations at its Dec 2019 meeting.

In Mar 2019, DFW introduced MRC to a collaborative structure designed to support management strategy integration and public involvement as requested by FGC. The structure includes three collaborative teams: an administrative team, a modeling team, and a project team (see Exhibit 3 for details). The first project team public meeting was held May 22, 2019 in Santa Rosa (Exhibit 4). A second meeting via webinar is scheduled for Jul 19, 2019.

Today, MRC will receive a presentation from DFW and TNC staff on FMP progress made in the collaborative team structure (Exhibit 5).

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

1. Staff summary for FGC Agenda Item 11, Oct 17, 2018 (for background purposes only)
2. Staff summary for MRC Agenda Item 5, Nov 14, 2018 (for background purposes only)
3. DFW presentation provided at Mar 20 MRC meeting (for background purposes only)
4. Meeting materials for May 22, 2019 project team meeting, available at www.opc.ca.gov/2019/05/red-abalone-management-strategies-integration
5. DFW presentation

Committee Direction/Recommendation (N/A)

Summary of the Management Strategy Integration Process for the North Coast Recreational Red Abalone Fishery Management Plan

Prepared by Alexis Jackson, Paige Berube, Ian Taniguchi, Jack Likins, Javier Silva, Elizabeth Pope, and Sonke Mastrup

February 14, 2020

Recommended Citation: Jackson, A., Berube, P., Taniguchi, I., Likins, J., Silva, J., Pope, E., and S. Mastrup. 2020. *Summary of the Management Strategy Integration Process for the North Coast Recreational Red Abalone Fishery*. Administrative Team Report to the California Fish and Game Commission. 115 pp.

Image Credit: Dwayne Dinucci

Table of Contents

Section I - Executive Summary 1
Section II - Summary of Management Strategy Integration Process 6
A. Overview of Peer Review Process 6
B. Fish and Game Commission Directive 8
C. Structure and Timeline of Process 8
Section III - Management Strategies 17
A. Data Collection 17
B. Accounting for Environmental Variability 21
C. Fishing Zones 22
D. Management Status 25
E. Harvest Control Rules 27
F. Management Measures 29
G. MSE Analysis and Results 30
H. Additional Considerations When Interpreting MSE Results 35
Section IV - Allocation of Fishing Opportunities 47
A. Recreational Fishing Opportunities 47
B. Tribal Subsistence Fishing 48
Section V - Response to Peer Review Recommendations 49
A. Response to Peer Review Recommendations 49
B. Requests for Additional Peer Review 58
Section VI - Final Recommendations from Administrative Team 59
Literature Cited 67
Appendix A - Final Modeler Technical Report and High Level Summary 71
Appendix B – Project Team Meetings: Key Themes Summaries and Meeting Highlights 77
Appendix C – De Minimis Fishery Proposals Received 78
Appendix D – Response to Comments Received throughout Integration Process 79
Appendix E – Data Streams Comparison Table 88
Appendix F – De Minimis Fishery Strawman Proposal 93
Appendix G - Exceptional Circumstances Strawman Proposal 97

Appendix H – Glossary of Key Terms 100
Appendix I - Administrative and Project Team Charters 108

Section I - Executive Summary

This summary provides an overview, results, and recommendations from the collaborative process to develop integrated management strategies for the North Coast recreational red abalone fishery management plan (FMP). The red abalone management strategy integration process (integration process) was initiated in January 2019 in response to results from a peer review led by the Ocean Science Trust (OST) of two proposed management strategies submitted by the California Department of Fish and Wildlife (CDFW) and a Nature Conservancy (TNC)-led stakeholder group. Guidance from the Commission, peer review panel, and the public informed the design and focus of an integration process to: (1) integrate the two peer reviewed management strategies and evaluate via Management Strategy Evaluation (MSE), (2) to allow for a *de minimis* fishery option within the FMP, (3) develop triggers for the *de minimis* fishery alongside stakeholders, and (4) allow for public and Marine Resources Committee (MRC) engagement. The Administrative (Admin) Team, Project Team (i.e., the public), and a team of quantitative fisheries modelers supported this collaborative project. See **Appendix I** for the Administrative and Project Team Charters.

The integrated management strategies focused on defining thresholds within an indicator-based framework to trigger the transition to and from closed to *de minimis*[1], *de minimis* to open, and open to closed management statuses. During the Project Team meetings, a recurring theme was the need to better coordinate and standardize data collection efforts across the state, as well as the importance and desire for stakeholder participation in data collection. The Admin Team, Project Team, and modelers supported harvest control rule (HCRs) that focused on near-term efforts to rebuild the red abalone resource. HCRs are applied at the fishing zone level and are structured in the form of a decision tree with two indicators (length-based spawning potential ratio (SPR) and density) that would be implemented using a “traffic light” method (see **Section III** and **Appendix A**). Both length and density data streams were considered in the original management strategies from CDFW and the TNC-led stakeholder group, and the associated indicators were extensively discussed by the peer review panel and were also supported by the Project Team. Finally, an Exceptional Circumstances strawman proposal (see **Appendix G**), outlining a draft protocol to respond to unforeseen or

1 ‘... level of catch that is anticipated to have little to no effect on the health or recovery of a fishery resource.’ See glossary in **Appendix H**

extreme environmental conditions was included as a precautionary first step before consulting the decision tree.

The Project Team aligned on exploring two or three fishing zones to monitor and manage the fishery. The two-zone approach considered one zone with Marin and Sonoma counties and a second zone with Mendocino, Del Norte, and Humboldt counties. The three-zone approach considered one zone with Marin and Sonoma counties, a second zone with Mendocino county, and a third zone with Del Norte and Humboldt counties. The three fishing zone approach received significant support (in the form of a support letter from over 2,000 recreational divers), emphasizing the need to manage Humboldt and Del Norte counties separately because of biological and ecological differences in the marine environment. There was significant interest in exploring how to collect data in and ultimately manage data-poor zones like Humboldt and Del Norte counties, with the potential to mirror any outlined approach in southern California.

Within each fishing zone, three management statuses are possible - closed, *de minimis*, open. If the status of a fishing zone is designated '*closed,*' there would be no harvest allowed and the TAC would be defined as zero. Data collection and research activities must continue under a closed fishery to increase understanding of the status of the red abalone resource and the environment. A biological fishery (bio-fishery) was discussed that would allow for limited harvesting activities to fishermen in alignment with pre-defined research objectives, even when the fishery is closed. If the status of a fishing zone is designated '*de minimis*' then a limited level of harvest is allowed through a static (i.e. fixed) TAC. In a *de minimis* fishery it is possible to harvest at all sites within the zone (excluding Marine Protected Areas or closed sites). Over the course of six Project Team meetings, a draft *De Minimis* Fishery Strawman Proposal (see **Appendix F**) was developed that outlined management tools to provide adequate flexibility within the FMP that allows for more responsive and adaptive management, particularly under changing environmental conditions. Finally, if the status of a fishing zone is designated '*open*' this signals an end to the rebuilding period, at which point higher levels of harvest (beyond those of *de minimis* fishery or bio-fishery) could occur at all sites within the zone (excluding Marine Protected Areas or closed sites).

The Project Team helped to identify and refine a range of options for management measures, particularly with respect to the *de minimis* fishery, some of which could carry over into an open fishery. Management measure options included season length, daily bag/possession/annual limit, number of permits, size limit, number of management zones, as well as a data collection scheme, allocation scheme for permits, and potential special conditions for permits. The proposed management

strategies outlined in this process are also expected to function in conjunction with other existing management regulations.

This report and its appendices (see **Appendix A, Sections 3B** and **3G**) provide a comprehensive overview of base model configurations for the MSE, management strategies and catch levels evaluated, and results from the simulation modeling conducted for the two fishing zone configuration, as well as theoretical analyses to begin exploring a third fishing zone. Two operating models are explored in the MSE that consider uncertainty in how long poor environmental conditions will persist (e.g. through 2020 or prolonged through 2022). Originally, four management strategies were evaluated within each operating model for the two fishing zone configuration, each representing a different combination of reference points for SPR and density. Four total allowable catch (TAC) levels were also simulated for a *de minimis* fishery - 5,000, 10,000, 20,000 and 40,000 individuals per fishing zone. In addition to analyses to evaluate the sensitivity of the operating models to alternative red abalone productivity levels, assumptions about fecundity, and population scaling, an additional six management strategies were evaluated to assess the impact of changing factors such as size limit, density reference points, and density confidence intervals (CIs).

The length of time that it will take for the red abalone resource to recover to a point where it is possible to support an open fishery (i.e., time to recovery) is a function of four primary factors: (1) how depleted the red abalone resource is in the year 2021, (2) the productivity level of the stock, (3) the reference points selected, and (4) future environmental conditions. Median rebuilding times from a closed status to a *de minimis* fishery varied between 11 and 31 years across the different operating models, fishing zones, and rebuilding strategies. Simulated prolonged poor environmental conditions resulted in a longer recovery period, with an additional 8-10 years needed until *de minimis* fishery status was achieved. In the absence of fishing, the median recovery times from closed status to an open fishery status ranged between 28 and 59 years, depending on the operating model, fishing zone, and rebuilding strategy reference points. It was also possible to determine what level of fishing would be possible during a *de minimis* fishery. In the zone including Mendocino, Del Norte, and Humboldt counties, a *de minimis* TAC at levels between 20,000 to 40,000 would affect recovery. In the zone including Marin and Sonoma counties, a *de minimis* TAC greater than 10,000 would affect recovery.

There are considerable trade-offs to be considered with respect to the selection of a management strategy and *de minimis* TAC for the North Coast recreational red abalone fishery. While some management strategies (see A & C in **Section III**) offered the shortest times to open fishery status, others (see B & D in **Section III**)

had a longer recovery timeline to achieve an open fishery, but result in greater red abalone biomass recovery before fishing activities occur. More conservative (i.e. higher) SPR and density reference points will provide the greatest biological protection but fewer fishing opportunities, and the reverse is true where lower reference points result in increased fishing opportunities but reduce biological protections for the resource. Layered on top of this, the magnitude of the TAC chosen for the *de minimis* will impact how long it takes to rebuild the stock to a level where an open fishery could be triggered. Increasing the *de minimis* TAC results in a longer timeline to achieve an open fishery status. Additional management considerations, such as increasing size limits to 8” or 9” could reduce the time to recovery for an open fishery by two to three years. Within this work, the modelers also acknowledged limitations and uncertainty of the simulation modeling work and how this was addressed in the MSE and within HCR design. Because of time constraints associated with the computational intensity of the analyses and the tight process timeline, it was not possible to examine all possible management strategies and narrowing down of the potential indicators also provided computational efficiencies.

The Project Team generally agreed to a lottery allocation approach to distribute recreational opportunities, in the event that the demand to fish exceeded the number of available permits. They also considered how Tribal subsistence fishing could occur within the FMP and suggested that Tribal subsistence fishing could occur by allocating a subset of the overall TAC designated for either a *de minimis* or open fishery to Tribes and Tribal communities.

At the conclusion of the integration process, the Admin Team considered Project Team feedback and modeling results to develop the following eight recommendations for consideration by the Commission to guide FMP development (see **Section VI** for more detail):

1. Consider selecting a management strategy (or consider developing a new one) that addresses the charge provided by the Marine Life Management Act and Commission goals, while being mindful of the Project Team guidance.
2. Explore a citizen science-driven data collection program for Humboldt and Del Norte counties that could inform the development of a management strategy and inform future management of these data-limited counties.
3. Consider a bio-fishery as a means of allowing for near-term recreational harvest opportunities, that also helps support the state's data collection needs.
4. Consider adopting the *De Minimis* Fishery Strawman Proposal as guidance for CDFW to incorporate into the draft recreational red abalone FMP.
5. Support further development of the Exceptional Circumstances Strawman Proposal with interested stakeholders, ensuring that any indicators used are aligned with peer review guidance.
6. Prioritize research needs to enhance the management of the red abalone resource off California.
7. Request that CDFW develop a data management plan with stakeholders to better coordinate and streamline data collection efforts across the state.
8. Consider selecting an allocation scheme for recreational permits that uses a preference point lottery system for recreational permits and explore a pathway for the Commission to gain authority to consider allocating a subset of the recreational fishery TAC to Tribes and Tribal communities for subsistence.

Section II - Summary of Management Strategy Integration Process

This section is intended to provide an overview of the management strategy integration process developed to ensure collaborative and transparent decision-making and strengthen the scientific merits of the North Coast recreational red abalone fishery management plan (FMP). This includes a summary of those processes and events that were precursors to and influential in shaping the scope of the integration process, as well as a synthesis of key milestones throughout.

A. Overview of Peer Review Process

As set forth in the Marine Life Management Act (MLMA), the scientific basis of a draft FMP may undergo external, independent peer review prior to submission to the California Fish and Game Commission (Commission); this process is one way to provide the Commission and stakeholders with assurance that FMPs are based upon the best scientific information available. The Ocean Protection Council (OPC) provided a grant to OST to facilitate a scientific peer review for the management chapter of the FMP for the North Coast recreational red abalone fishery. At the request of the Commission, at its December 2017 meeting in San Diego, CA, two management strategies, one provided by CDFW and one provided by TNC-led stakeholder team, were included within the peer review. The peer review assessed the scientific and technical components of both the CDFW and TNC-led management strategies to provide a rigorous underpinning for management decisions and regulatory action for the recreational fishery, should they be implemented.

From May 2018 to October 2018, the peer reviewers conducted a thorough review. Peer reviewers acknowledged that data were very limited to describe the red abalone resource and associated ecosystem, and concluded that both management strategies should be revised to reduce uncertainty; they recommended that any final management strategy incorporate a suite of indicators to present the clearest picture of red abalone status. Additionally, they recommended that the management strategies could be strengthened through integration to reduce uncertainty, take advantage of the best available science, and to "ensure accurate and timely tracking of the red abalone population, subject to cost constraints." The final Recreational Red Abalone Peer Review Report, including a key themes summary from the first public community webinar, is accessible online.[2]

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2 http://www.oceansciencetrust.org/wp-content/uploads/2018/10/AbalonePeerReview_Final_Oct2018.pdf

The peer review panel outlined nine key recommendations (see below). Within **Section V** of this report, we provide further clarity on how these recommendations were explicitly considered and incorporated.

1. These two management strategies should be integrated to reduce uncertainty and take advantage of the best available science.
2. The way to integrate indicators, data streams, and analysis should be tested and analyzed using simulation testing from a formal operating model specified to capture low-density population dynamics specific to red abalone.

When Managing Under a Closed Fishery -

3. All indicators chosen must be clearly defined, and ideally, all candidate reference points for any indicator should be tested using simulation testing in a closed loop analysis.
4. A multi-indicator approach, with little to no tiering, where not all indicators need to be met (i.e. not adopting a “one out, all out” approach), may be more flexible and informative given the uncertainty of changing ocean conditions and the response of red abalone to these changes. The structure of this approach and choice about whether to make it sequential (single indicators triggering another single indicator and so on), tiered (groups of indicators that trigger next tiered group of indicators and so on), or simultaneous (all indicators assessed simultaneously) can and should be tested using a formal operating model, thus building in a structure that is not subjective.

When Managing Under an Open Fishery -

5. Setting reference points for every indicator is critical. (See also recommendation 3)
6. All indicators should be evaluated alongside each other in formal simulation modeling to set reference points and to test and determine the appropriate suite of indicators.
7. All indicators need to transparently indicate, and then formalize, the way in which they deal with uncertainty.
8. The science underlying setting catch levels needs to be re-evaluated and re-configured.
9. Align the re-opening plan to match how the fishery is managed under other management scenarios to streamline data collection, analysis, and the decisions that follow.

B. Fish and Game Commission Directive

The recommendations from the OST-facilitated peer review were first presented to the Commission at its October 2018 meeting in Fresno, CA. Following the October 2018 Commission meeting, Commissioners and staff had time to synthesize peer review outcomes. They also engaged in additional conversations with stakeholders about the desire for limited harvest opportunities while the red abalone resource recovered, referred to as a *de minimis* fishery.[3] The Commission then made the following motion at its December 2018 meeting in Oceanside, CA to inform the development of the North Coast recreational red abalone FMP:

(1) Support addressing peer review recommendations to integrate aspects of both draft management strategies, based on a simulation modeling approach co-developed by CDFW and the TNC-led stakeholder team, including engagement with abalone divers and other stakeholders; (2) revise Fishery Management Plan (FMP) goals to allow for a de minimis fishery option; (3) develop triggers for the de minimis fishery option in consultation with stakeholders; and (4) request that CDFW develop a proposed process and timeline which accounts for active public and Marine Resources Committee (MRC) engagement.

C. Structure and Timeline of Process

With guidance provided by the Commission motion, the management strategy integration process was initiated in January 2019 and originally outlined on a one-year timeline. This timeline was revised throughout the process to be more responsive to the needs of the public, including allowing more time to incorporate public comment and allowing for meeting rescheduling due to wildfires and power outages that would have decreased participation. Groups critical to this integration process included the Admin Team and Project Team, where the Project Team (i.e., the public) was provided quantitative support from a group of modelers.

The Admin Team is a consensus-based decision-making group charged with ensuring that the management strategies integration process occurred in a collaborative, efficient, and timely manner and informs a revised management chapter for the recreational red abalone FMP, in line with the motion from the Commission (see **Appendix I** for charter). The Admin Team is comprised of one

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3 The concept of a *de minimis* fishery continued to evolve over the course of the management strategy integration process, as reflected in the summaries in **Appendix B**. The final definition updated in the glossary defines it as *"A fishery with a level of catch that is anticipated to have little to no effect on the health or recovery of a fishery resource. It is applied at the fishing zone level and occurs based on predefined thresholds set in an associated harvest control rule."*

representative from the CDFW, OPC, Commission, TNC, recreational red abalone fishing industry, and the Tribes, with designated alternates (Table 2.1).

Table 2.1. Admin Team Members and Roles

Name	**Role**
Sonke Mastrup	CDFW Primary Representative [Secretary]
Ian Taniguchi	CDFW Alternate
Paige Berube	OPC Primary Representative
Jenn Eckerle	OPC Alternate
Elizabeth Pope	Commission Primary Representative
Maggie McCann	Commission Alternate
Alexis Jackson	TNC Primary Representative [Chair]
Kate Kauer	TNC Alternate
Joshua Russo	Industry Primary Representative
Jack Likins	Industry Alternate
Javier Silva	Tribal Representative, Sherwood Valley Pomo

Admin Team engagement began in January 2019. The group met, on average, bi-weekly for 1.5-hour conference calls, and was integral to engaging the broader public in the integration process, largely through Project Team meetings. Preparation for Project Team meetings and overall process management organization involved coordination and tasking of the modeling work, reviewing and responding to stakeholder proposals for the *de minimis* fishery, and developing meeting materials for review by the public, including a glossary (see **Appendix H**) to ensure a common understanding of technical vocabulary, the Data Stream Comparison table (see **Appendix E**), and strawman proposals for the *de minimis* fishery (see **Appendix F**) and management in the face of unusual or extreme environmental circumstances (see **Appendix G**). Strategic Earth Consulting was contracted to provide neutral facilitation support for and between Project Team meetings. The Admin Team also provided updates in March, July and November 2019 to the Commission's MRC, as well as the full Commission in October 2019.

The Project Team was an advisory group open to members of the public (see **Appendix I** for charter), including all members of the Admin Team and the modelers. Its primary purpose was to discuss and provide feedback on all scientific analyses conducted and provide input on the framework for a *de minimis* fishery. Such advice is critical to informing the revised management chapter for the North Coast recreational red abalone FMP. Throughout the integration process, representation included non-governmental organizations (NGOs), academic researchers, recreational and commercial industry, Tribes and Tribal communities, and state and federal agency staff. Members of the public who consistently engaged in Project Team meetings had the opportunity to identify themselves as 'core' Project Team members. Core Project Team members were helpful in reviewing Project Team meeting summaries to ensure they accurately captured key discussion points and next steps before they were finalized and shared with the full Project Team, as well as this Admin Team report.

Project Team engagement began in May 2019. The Project Team met six times throughout the process in a combination of two four-hour webinars and four full day, in-person meetings (see **Appendix B** for key themes summaries and meeting highlights). All in-person meetings were convened in Santa Rosa, CA. Project Team meetings provided an opportunity for the quantitative fisheries modelers and Admin Team to share new information and results and engage in a multi-directional dialogue with the Project Team to learn of their perspectives, priorities, and recommendations. In advance of and following all Project Team meetings, materials from the Admin Team and/or modelers were circulated to Project Team members via email and posted to the OPC website for their review and feedback. Meeting materials included, but were not limited to: agenda, strawman proposals or modeling summaries, and PowerPoint presentations. Project Team meetings convened by webinar were also recorded and made available on the OPC website.

The Project Team and quantitative fisheries modelers exchanged information and ideas during meetings to guide the development of the MSE. The MSE was conducted by lead modeler (Bill Harford, University of Miami), who worked in consultation with state agency and NGO staff (Table 2.2).

Table 2.2. Modeling Consultants.

Name	Organization
Julia Coates	CDFW
Laura Rogers-Bennett	CDFW
Jono Wilson	TNC

The lead modeler led on all scientific analyses, as well as on report and presentation drafting. Separate modeling-focused calls, focused on the technical details of the models that were beyond the scope of Project Team discussions, were scheduled and attended by the Chair of Admin Team and facilitated by Strategic Earth. These calls provided opportunities for input and feedback to be incorporated by supporting CDFW and TNC staff based on the latest model revisions and results from the MSE. Given the highly technical nature of these calls, they were not open to the Project Team. A full day in-person meeting was also scheduled in August 2019 for the modelers and Admin Team to outline potential scenarios for the MSE and discuss assumptions and parameters of the operating model. While the Project Team was not engaged at the level of modeling-focused calls, the results of these discussions, as well as a high-level summary of the modeling efforts, were shared and discussed with the Project Team.

Upon conclusion of the public-facing portion of the integration process (i.e., the Project Team) in December 2019, the Admin Team was charged to deliver a final report to the Commission. Next steps for the development of this report, and opportunities for future public engagement were outlined at the final Project Team Meeting (see **Appendix B**). The Admin Team noted that it would provide a draft of its report to the core Project Team for review before submitting to the MRC for consideration and discussion. If endorsed by the MRC, the Admin Team would then incorporate any necessary changes and deliver a final report to the Commission at its April 2020 meeting. Upon approval by the Commission, the CDFW-led FMP redrafting process will occur during the remainder of 2020, with potential FMP adoption in 2021.

Milestone meetings and guidance from the management strategy integration process are outlined below:

January 2019

- Management strategy integration process was initiated, reflective of Commission directive.

- Modeling support acquired for Project Team (Dr. Bill Harford).

February 2019

- Management strategy integration process timeline and structure outlined for MRC consideration.
- Admin Team Charter and Project Team Charter drafts developed.

March 2019

- **March 20:** MRC Co-Chairs endorsed increased public engagement through Project Team and approved the overall process involving completion of simulation modeling work, design of a *de minimis* fishery, design of an integrated management strategy, and final Admin Team report development.
- Admin Team Charter finalized.

April 2019

- Admin Team continues preparation for first Project Team meeting (May 2019).

May 2019

- OPC finalized a grant to support third-party neutral facilitation of the Project Team meetings.
- Admin Team solicits proposals and ideas from the public related to the red abalone FMP process for the Project Team's consideration, including proposals for a *de minimis* fishery. Proposals received and accepted between May 22, 2019 and December 18, 2019 received a response from the Admin Team and were posted publicly on the OPC project webpage.
- **May 22:** Project Team Meeting #1: "*Review and Discuss Management Strategies and Brainstorm on Managed/Restricted Access Fishery Options,*" was held in-person in Santa Rosa. The Project Team Work Plan and Project Team Charter were shared and reviewed. See **Appendix B** for key themes and discussion highlights.

June 2019

- Admin Team developed a Glossary of Key Terms (**Appendix H**) for the red abalone management strategy integration process to help support Project Team discussions.
- Admin Team developed a Data Streams Comparison Table (**Appendix E**) that outlines available sources of information, as well as associated costs, to

inform ongoing management of the North Coast recreational red abalone fishery, which was continually updated to serve as a reference to inform ongoing red abalone FMP Project Team discussions. Tribes and Tribal communities are still working to provide traditional ecological knowledge data streams for this table.

- Admin Team developed a Proposed Next Steps for Modelers document.
- Admin Team followed up on data requests from the May 22 meeting (e.g., accessing Reef Check California data) and investigated other available data sources to inform the July 18 discussion.
- Admin Team developed a draft *De Minimis Fishery* Strawman Proposal (**Appendix F**) to inform July Project Team meeting.

July 2019

- **July 11:** Representatives from CDFW and TNC provided an update to the MRC on the progress of the overall red abalone management strategies integration process.
- **July 18:** Project Team Meeting #2: *"Update on Work Plan and Discussion of Data Streams and De Minimis Fishery Design Options,"* was held via webinar. See **Appendix B** for key themes and discussion highlights.
- Admin Team updated the Proposed Next Steps for Modelers document.
- The Admin Team continued updating the Data Stream Comparison Table to include the Marine Protected Area (MPA) monitoring data (which was shared with modelers) and to provide a more comprehensive picture of associated costs or potential cost savings associated with the available data streams to support a draft management strategy.
- The Admin Team broadened representation on the team by welcoming Javier Silva of the Sherwood Valley Band of Pomo Indians to continue learning how best to collaborate with Tribes and Tribal communities in FMP development and implementation.

August 2019

- **August 27**: Project Team Meeting #3 "*Discussion of Draft Management Strategies*," was held in-person in Santa Rosa. See **Appendix B** for key themes and discussion highlights.
- The Admin Team provided a high-level summary of the draft management strategy to support the Project Team discussion on August 27.
- During the August Project Team meeting, the Project Team reviewed a draft management strategy for a *de minimis* recreational red abalone fishery along

the North Coast, including a discussion of HCR design (i.e., decision tree using traffic light approach), proposed indicators, and potential data streams.

- Admin Team updated the Data Streams Comparison Table and developed an updated Next Steps for Modelers document following the August Project Team meeting.
- Following the August 27 Project Team meeting, the Admin Team facilitated an in-person working meeting for the modelers to discuss feedback from the Project Team and decide on next steps to advance work.

September 2019

- **September 19:** Project Team Meeting #4, *"Revised Management Strategy & Continued Discussion on De Minimis Fishery,"* was held via webinar. See **Appendix B** for key themes and discussion highlights.
- The draft Technical Report on the Revised Management Strategy was posted publicly for review.
- The modelers next steps included conducting a MSE for the proposed two fishing zones. Upon reviewing proposals for other fishing zone configurations, the modelers would assess current availability of data and run one additional zone alternative through the MSE. Proposals involving zones with very low TACs (like those indicated by the data-limited fishery that has been discussed) will not require MSE to evaluate and will continue to be discussed and evaluated by the Admin and Project Team outside of the framework of MSE.
- The Project Team was invited to submit county or landmark-based boundaries for alternative fishing zone configurations by October 4, 2019 for consideration by the modelers.
- The Admin Team updated the draft *De Minimis Fishery* Strawman Proposal to reflect the management measures and allocation ideas and priorities shared by the Project Team and identified elements requiring further discussion, as well as updated the Next Steps for Modelers document.

October 2019

- After careful consideration, a Project Team webinar that was initially scheduled for October 30, 2019 was rescheduled due to the wildfires and power outages that were impacting North and Central California where many stakeholders were based.

November 2019

- **November 5:** Admin Team provides update on MSE results and outstanding issues to the MRC
- Admin Team developed a draft Exceptional Circumstances Strawman Proposal (see **Appendix G**) to inform the November Project Team discussion.
- **November 21**: Project Team Meeting #5, "*Review Management Strategy Evaluation Results & Develop Recommendations for Draft De Minimis Fishery,*" was held in-person in Santa Rosa. See **Appendix B** for key themes and discussion highlights.
- Admin Team updated Next Steps for Modelers document, *De Minimis Fishery* Strawman Proposal, and Exceptional Circumstances Strawman Proposal to reflect the November 21 Project Team discussions and feedback.
- Project Team continued to submit public comments and/or proposals (see **Appendix D**).
- The Modelers completed the tasks outlined in the Next Steps for Modelers document, including evaluating additional management strategies for a two-zone MSE, impacts of increasing the size limit on abalone recovery and fishing opportunities, a sensitivity analysis on red abalone size limit, and hypothetical modeling of a sampling regime under a scenario with three fishing zones.

December 2019

- **December 19:** Project Team Meeting #6, "*Develop & Confirm Guidance for the North Coast Recreational Red Abalone Management Strategy*," was held via webinar; the Project Team developed specific feedback on MSE and *de minimis* options to inform the Admin Team's final report to the Commission. See **Appendix B** for key themes and discussion highlights.

January and February 2020

- Modelers finalize Technical Report on MSE.
- Admin Team developed draft report to the Commission to share with Project Team for feedback.
- Admin Team incorporating Project Team guidance and feedback and submits draft report to the Commission one month in advance of the March 2020 MRC meeting.

March 2020

- **March 17:** Admin Team presented draft report at the MRC

Please note that many of the aforementioned documents were updated continually throughout the management strategy integration process to incorporate Project Team feedback and inform ongoing Project Team discussions. All resources regarding the recreational red abalone Project Team, including Project Team meeting agendas, meeting materials, presentations, and webinar recordings, are available on the OPC red abalone management strategies integration webpage. For more information on the red abalone fishery management plan (FMP), please visit the CDFW Red Abalone Page.

Section III - Management Strategies

A management strategy provides a framework for optimizing a fishery to achieve desired ecological and/or socioeconomic objectives. It defines a feedback loop whereby information from the data collection program informs an assessment of the resource and/or fishery status relative to established reference points, which results in a change to management action. Performance of these management strategies is then evaluated via simulation testing known as management strategy evaluation (Smith et al. 1999, Butterworth 2007, Rademeyer et al. 2007, Punt et al. 2016). MSE is used to simulate the connections between field sampling, method of indicator calculation (i.e., data analysis), and decision-making via an HCR.

All proposed management strategies are structured in two parts - 1) Exceptional Circumstances (see **Section 3B** and **Appendix G**) and 2) an HCR structured using a decision-tree framework and traffic light approach (see **Section 3E)**. This section outlines critical components of the management strategies (see **Section 3G**) developed during the integration process, including data collection, HCRs, fishing zones, and management measures, in addition to a synthesis of modeling results.

These management strategies provide a decision-making framework to enable a recovering abalone population to go from a closed fishery, to a *de minimis* fishery, and eventually an 'open' fishery upon recovery. Modeling provides reasonable confidence in the viability of shorter-term management strategies (i.e., rebuilding plans), but various modeling limitations result in less confidence in much longer-term management actions. As such, specific guidance is not provided for how management should proceed during an open fishery, as the biology of red abalone and the state of the coastal environment suggest that full recovery (i.e., to move from closed to an open management stages [see **Section 3D**]) ranges from 28 years to several decades. Improved science in the future may be the best option for addressing 'open' regulations at the time when they are needed. Although the Project Team explored what thresholds would trigger the transition from closed to *de minimis* and from *de minimis* to an open fishery, given the estimated length of time to achieve the ‘open’ management status, the Project Team focused efforts on defining an approach to a *de minimis* fishery and not explicitly how an open fishery would function (e.g. how TACs would be adjusted year to year, etc.).

A. Data Collection

The optimal operation of any fishery management strategy is predicated on the premise that enough data is collected in a timely manner to inform the indicators that drive fishery management decisions. Throughout the integration process there were

ongoing conversations around data collection and data streams. As early as the first Project Team meeting, there was clear interest from members in better understanding what data sources were available, how to ensure data quality, how data could be made more accessible, and the importance of citizen science and coordinating data collection efforts among sampling entities across the state.

Available Data Sources

Project Team members identified a variety of available data sources that could inform future management efforts. The Admin Team also furthered conversations with the Tribes and Tribal communities to learn how best to incorporate traditional knowledge and Tribal data once broader intertribal coordination had occurred. A table was developed that highlighted the spatial and temporal scale of sampling efforts throughout the state, along with approximate costs, as documented in the Data Streams Comparison Table (see **Appendix E**). The Data Stream Comparison Table was critical to guide Project Team conversations around trade-offs associated with various data streams. It can also serve as an important reference for CDFW as they explore the need to track a broader variety of biological and environmental indicators as "early warning" signs (see **Section 3B** below). During this process, Project Team members also identified a wish list of data sources that could support management, but may be in development or currently unavailable including: size frequency and abundance data, enhanced recreational diver report card, reproductive indicators (e.g., gonadal data), size structure, nearest neighbor, crowdsourced underwater photos, traditional knowledge, kelp cover, chlorophyll reports, and socioeconomic data. Ongoing efforts to increase the quality and quantity of data available will require the support of the public (e.g., citizen scientists, NGOs, academics) and the state.

Length-based SPR and density were the primary indicators incorporated within the HCRs. Both these indicators were informed by data streams collected by CDFW and Reef Check California (RCCA). While only CDFW and RCCA field sampling designs are explicitly represented in the MSE, this does not preclude the addition of other sampling locations and data sets for these indicators from a larger network of collaborative organizations from being integrated into the proposed rebuilding strategy.

There were several reasons why only two indicators were included in the HCR. First, both length and density data streams were considered in the original management strategies from CDFW and the TNC-led stakeholder group, and the associated indicators were extensively discussed by the peer review panel and were also supported by the Project Team. Second, the Project Team felt that the indicators that

were directly related to the condition of the red abalone resource were the most useful to inform management decisions. Third, simulation modeling involved in MSE requires a clear mechanistic link between indicators and the red abalone resource. These mechanisms are not well defined or understood well enough for the majority of the proposed environmental and productivity indicators (e.g., urchin density, kelp density, etc.), although it is important to note that these indicators are still considered elsewhere (see **Section 3B** and **Appendix G**). Finally, reliability and cost-effectiveness were considered. The Project Team acknowledged the need to keep data collection programs simple and streamlined, and to select a reasonable number of indicators such that information conveyed is not too redundant and data coordination does not become overwhelming and cost prohibitive. While the Data Stream Comparison Table (see **Appendix E**) outlined a wide variety of potential data streams, robust data streams were unavailable to managers for many of these indicators, although there is some data available through outside programs (e.g., MPA monitoring, etc). With more time and resources, it could be possible to develop these and other data streams to allow for management at smaller spatial scales.

Data collection for length and density data is ultimately informed by the following considerations for annual decision-making:

- A management decision applied in year *y,* is informed from decision-making that occurs in the previous year (*y-1)*, and data analysis from field sampling that occurred in the three years previous to decision-making (*y-2*, *y-3*, *y-4)*.
- A one-year time-lag between data analysis and implementing a decision the following year was specified as a precaution to enable various entities time to carry out analysis and decision-making processes.
- Recursive annual decision-making relies on a 3-year moving window of field sampling. Need to utilize field sampling in years *y-2, y-3, y-4* reflected the desirability to have obtained sufficient geographic sampling coverage to most reliably characterize the fishing zone as a whole. In any instance where a site is visited two or more times within the 3-year moving window, the most recent site visit is to be used in data analysis.

In selecting length and density data streams, it is still important to acknowledge the limitations of this data and their associated indicators (see further discussion in Recommendation 7 of **Section V**). For red abalone density surveys, the precision with which this quantity can be estimated has been called into question, and directly reflects its information content (OST 2014). For length frequency distributions, information quality reflects the uncertain reliability of life history information used in analyzing this data stream and reflects a persistent information lag between changes

to spawning condition and subsequent detection of these changes (Prince 2016, OST 2018).

Coordinated Data Collection Efforts

Coordinating data collection efforts across the state could provide a more cost effective, comprehensive, and robust understanding of environmental conditions and the health of the red abalone resource.

Coordinated partnerships focused on leveraging additional data to supplement CDFW collected data streams have already proven effective on issues such as kelp (e.g., Noyo Center for MARINE Sciences, Kelp Ecosystem & Landscape Partnership for Research on Resilience (KELPRR), Greater Farallones Association, RCCA). Based on the breadth of entities highlighted in the Data Stream Comparison table, recommendations were made several times throughout the integration process by Project Team members on the need to better partner and coordinate data collection efforts among these entities.

When coordinating across sampling entities, data collection efforts can be standardized and formalized through a data management plan. Such a data management plan would outline data collection standards and activities to best meet management needs and goals outlined within the final FMP could meet these needs. A data management plan also provides an opportunity to improve data accessibility, exploring a path for all data that is used to inform management of the red abalone fishery to be made publicly available in a timely manner. The management strategies developed within this process were also constructed on the premise of coordination. They assume that CDFW maintains its historical site sampling regiment and additional sampling by other entities like Reef Check is needed to meet the data coverage expectations for a given management unit (see discussion of fishing zones in **Section 3C)**.

Stakeholder Participation in Data Collection

The Project Team also highlighted the importance of citizen scientists and fishermen to collect data. During Project Team discussions, members emphasized that involving harvesters in data collection was critical to keep fishermen involved in the fishery, provide revenue to CDFW to cover management costs, and could disincentivize poaching. The recreational fishing report card could be updated to allow recreational stakeholders to provide data on abalone size, catch location, depth, gonad indices, body condition indices, behavior, aggregations beyond density, and general observations. This is particularly valuable for those sites where CDFW and RCCA are not actively monitoring. Technology could also play an

important role in supporting citizen science data collection effort by harvesters, particularly with respect to length data; length data could be acquired manually or using applications that utilize machine learning and benefit from generating more reliable estimates.

Biological Fishery

Recreational divers in particular, emphasized that assistance with data collection efforts also provides a small opportunity for harvest as some biological data requires abalone mortality. The concept of a biological fishery was created to address this need, where a bio-fishery is defined as '*a fishery in which limited harvesting activities are permitted to fishermen to collect biological information in alignment with pre-defined research objectives. A bio-fishery can be site-specific or applied at the fishing zone level and may occur even when the recreational fishery is at a closed status.*' This allows for some harvest opportunities, regardless of whether the fishery is at an open, *de minimis*, or closed management status, and most likely provides the most near-term pathway to recreational harvest opportunities. Should the state implement a bio-fishery, the Project Team generally believes that fishermen should receive training from CDFW and scientists before being allowed to participate.

B. Accounting for Environmental Variability

In accordance with the MLMA 2018 Master Plan for Fisheries, changing climate and ocean conditions should be considered across all state-managed fisheries. There has been broad consensus that any FMP developed for the recreational red abalone fishery should be responsive to a broad array of potential future environmental scenarios. Throughout the process, Project Team members recounted extreme environmental conditions seen off the North Coast over the past several years, with an observed "perfect storm" of mass die offs, disease outbreak, species movements, and critical habitat loss. Significant attempts have been made through proposal development (see discussion below and **Appendix G** on Exceptional Circumstances) and modeling work to support more precautionary and responsive decision-making to reduce negative impacts to the red abalone resource.

Environmental variability and recent environmental conditions were first accounted for within the base operating model for the MSE (see Technical MSE Report in **Appendix A**). It was important to include such considerations given the impact of stochastic environmental conditions on growth and natural mortality of red abalone. First, the two operating models explored consider uncertainty in how long unfavorable environmental conditions will persist - continuing either through 2020 (Operating Model #1) or continuing through 2022 (Operating Model #2). Mass die off events associated with environmental changes or disturbances were also included in

the model based on empirical and experimental evidence (Tegner et al. 2001, Vilchis et al. 2005, Jiao et al. 2010, Rogers-Bennett et al. 2010, 2019, Cavanaugh et al. 2011). Increases in natural mortality of red abalone, driven by the El Niño-Southern Oscillation (ENSO), were also incorporated into both the historical and forward forecasts within the model. Evidence of a 35% average reduction in density associated with a harmful algal bloom event in 2011 (Rogers-Bennett et al. 2019) was incorporated in the model as an additional instantaneous mortality rate of 0.43 per year. Finally, a decline in density detected in both the RCCA and CDFW data sets from 2015 through 2017, which could be a result of unfavorable environmental conditions was accounted for in the model (imposed through visual tuning) with an additional instantaneous mortality rate (0.3 per year).

The Project Team also conceived of the idea to consider environmental and productivity indicators before applying the HCR, initially referred to as performing an "environmental safety check" to gain an understanding of current environmental conditions. This part of the management strategy was intended to serve as an ecological safeguard and is reflective of the Project Team's desire to incorporate a variety of environmental and red abalone productivity indicators into a more holistic decision-making framework. Throughout several meetings, the Project Team brainstormed a list of potential indicators. In support of the Project Team recommendation, these environmental and productivity indicators were incorporated into the first part of the management strategy (see **Appendix G** - Exceptional Circumstances). In the event that unusual or extreme conditions were observed in the ecosystem, either Commission direction would be solicited or collection of additional or more up-to-date abalone data would be triggered. Because of limited time during the integration process, the specific details and protocol within the Exceptional Circumstances strawman proposal have yet to be defined (including rules, triggers, and an implementation protocol), and requires more detail than has been provided by the Project Team thus far. Members of the Project Team expressed that there may be value in convening an organized committee (with leads and logistics to be determined) to review the data and indicators associated for this portion of the management strategy. The Recreational Abalone Advisory Committee (RAAC) was identified as a possible body of people to perform this work.

C. Fishing Zones

For any FMP, it is critical to outline the spatial scale at which the resource will be monitored and managed. The recreational red abalone fishery is currently authorized to only occur in northern California, tracking information across 56 report card sites. In the past, when abalone abundance was higher and before the advent of a number of the unique environmental challenges now present, this fishery was effectively

managed as one region. Management of the fishery evolved towards a two region system using differential management measures beginning with the 2011 harmful algal bloom and subsequent die off. This approach acknowledged that 95% of the catch and fishing effort historically came from Mendocino and Sonoma counties, with the remainder occurring in Marin, Del Norte, and Humboldt counties. There was also more focus around site-specific management to occur (e.g. closures/openings) at the established index sites.

The management strategies evaluated in this integration process use a fishing zone as the only unit of management, where a fishing zone is defined as *"geographic areas of the coastline comprising a number of the formerly defined abalone report card sites."* Use of larger fishing zones is an alternative to managing at the individual site level (i.e., for each report card site). Fishing zones were designed to simplify the management strategy and rely on established sampling programs (from CDFW and other research and non-profit entities in the state) for density and length data. Additionally, the fishing zone approach helps to ensure a pragmatic approach to coordination of data collection and the application of management via the use of existing indicators and corresponding reference points within an HCR.

A major topic of discussion during Project Team meetings was the rationale and approach to delineate fishing zones within the recreational red abalone fishery. Proposals ranging from one to four fishing zones were discussed and considered. These largely considered exploring management using the county lines as boundaries (e.g., separate zones for Marin, Sonoma, Mendocino, and Humboldt and Del Norte counties, and combinations thereof). There were also some discussions about defining fishing zones based on alternative boundary lines such as eco-regions or a four-zone approach including - 1) Marin and Southern Sonoma counties, 2) Northern Sonoma county, 3) Southern Mendocino county (south of Cabrillo Lighthouse in Caspar), and 4) Northern Mendocino, Humboldt, and Del Norte counties (north of Cabrillo Lighthouse in Caspar to Oregon border). There were also requests to consider much smaller report card site-specific management strategies, but this proposal was not further pursued or evaluated via MSE largely due to the fact that: 1) current and near future monitoring efforts are insufficient to cover the amount of data collection needed at this fine scale of management, 2) serial depletion of the abalone resource could be more problematic when fishing is concentrated at only a few sites, relative to effort being dispersed across many sites within a zone, and 3) concerns from enforcement staff in exploring beyond three fishing zones.

Numerous trade-offs were considered around how many fishing zones should be considered. If too many zones are considered, there was concern that managers

would not have enough information to make a decision about when and how fishing should occur while ensuring the recovery and sustainability.

of the resource. Managing under fewer fishing zones would potentially lower data collection costs and increase ease of enforcement efforts. However, by managing with fewer zones, zones must be larger in size (incorporating more report card sites) and thus density and SPR survey data (as well as other monitoring efforts) may yield conflicting information due to the heterogeneity of and among sites.

Based on stakeholder interest aligning around a two or three fishing zone proposal, time constraints associated with the computational intensity of the analyses, and the tight process timeline, only a two-fishing zone and three-fishing zone configuration were evaluated via modeling efforts. The two fishing zone approach considered the following spatial configuration - 1) Marin and Sonoma counties and 2) Mendocino, Del Norte, and Humboldt counties. The two-zone approach was formally evaluated by MSE and was the primary focus of the modeling efforts within this integration process. This approach is most similar to the scale of management currently used for the North Coast recreational fishery. The three fishing zone approach considered the following spatial configuration - 1) Marin and Sonoma counties, 2) Mendocino county, and 3) Humboldt and Del Norte counties. The three fishing zone approach received significant support (in the form of a support letter from over 2,000 recreational divers), emphasizing the need to manage Humboldt and Del Norte counties separately because of biological and ecological differences in the marine environment. Due to limitations in quantity of data currently available to support a multi-indicator HCR in Humboldt and Del Norte counties, an analysis was conducted to examine whether limited collection of length frequency data could theoretically support a SPR-based HCR. The HCR focused on length data given the challenges associated with using currently established protocols to estimate density for this geographic area and the fact that these counties lack historical baseline density data.

Acknowledging severe data limitations in the third potential zone (Humboldt and Del Norte counties), there was interest in exploring how to manage data-poor zones, with the potential to mirror any approach outlined to explore pathways to revisit recreational harvest in southern California. Results suggested that an HCR could be designed relying upon 60 to 300 observations every three years. Based on this outcome, it is worth further conversations to explore how the state and other research and non-profit entities in the state could work together to develop a coordinated approach to data collection in this proposed fishing zone. With a data collection program in place in this area, it would be possible to generate enough data to explore an MSE and associated HCR in the near future. It should be noted,

however, that Tribes and Tribal communities did express concerns with a two fishing zone approach to manage the North Coast fishery. They also indicated the desire to increase the number of zones to consider ecological and geographical factors but understand the limited data to manage this approach. Tribes are in support of increased data to increase the number of management zones, but support the two-zone approach in the meantime.

D. Management Status

The FMP would subdivide the fishery management area (i.e., North Coast) into distinct fishing zones. Within each fishing zone, an HCR (see **Section 3E**) would be applied on an annual basis to assign a management status to guide fishing activities within the zone. If a third zone were to be considered, an alternative approach would need to be developed and considered given the challenges unique to Humboldt and Del Norte counties that have been discussed. The management strategies, and associated HCR, designed during the integration process consider three management statuses: closed, *de minimis*, and open. When the HCR is applied, it is possible to determine whether management status will be maintained or changed based on indicators outlined within the HCR. Rules associated with how fishery managers would transition between statuses in any given year is pre-defined (see **Figure 3.1**) and is codified into the HCRs. If the status of the resource is improving, it is possible to only move one step (i.e. from closed to *de minimis* or from *de minimis* to open but not closed to open). If the status of the resource is deteriorating, multiple steps can be taken as needed (i.e., from open to closed, open to *de minimis*, or *de minimis* to closed). Additionally, as the HCR is applied for each individual fishing zone, the associated management status of each zone is also independent of one another. In other words, one fishing zone could be closed, while the others operate under a *de minimis* or open fishery.

Closed Fishery

If the status of a fishing zone is designated '*closed,*' there would be no harvest allowed and the TAC would be defined as zero. Recreational harvest activities would be prohibited for one year, after which the HCR would be applied to determine if the health of the resource had improved and a *de minimis* status could be designated. Data collection and research activities must continue under a closed fishery to increase understanding of the status of the red abalone resource and the environment. Thus, mortality associated with a biological fishery would be allowed.

De Minimis Fishery

The *de minimis* fishery was a request that came from stakeholders after the peer review was completed, that addressed a desire for near-term harvest by stakeholders and to ameliorate the negative socioeconomic impacts to local communities affected by the fishery closure. As part of its 2018 motion, the Commission recommended that a framework be developed for a *de minimis* fishery in consultation with the public. The Admin and Project Teams worked to refine a definition to more clearly describe *de minimis* levels of harvest. A *de minimis* fishery was defined as '*a fishery with a level of catch that is anticipated to have little to no effect on the health or recovery of a fishery resource. It is applied at the fishing zone level and occurs based on predefined thresholds set in an associated harvest control rule.*' If the status of a fishing zone is designated '*de minimis*', there would be a limited amount of harvest allowed through a static (i.e. fixed) TAC. If the status of a fishing zone is designated '*de minimis,*' it is possible to harvest at all sites within the zone (excluding Marine Protected Areas or closed sites). During these discussions there was interest from recreational divers in exploring a more site-specific approach to a *de minimis* fishery, which could occur at an individual site and not the zone level. Despite interest from Project Team members, this was not further pursued from the modelers because of logistical and financial constraints associated with establishing a data collection protocol that would allow for tracking of the red abalone resource at the individual site level. Based on MSE results, a *de minimis* fishery is unlikely to occur for another 11 to 31 years.

Over the course of six Project Team meetings, a draft *de minimis* fishery framework was developed (see **Appendix F**). This framework outlines management tools available to help inform guidelines for future regulatory consideration. It will ensure adequate flexibility is incorporated into the FMP that allows for more responsive and adaptive management, particularly under changing environmental conditions that put sustainability of the resource at increased risk. Break out groups and discussions were facilitated during Project Team meetings, and proposals submitted to the Admin Team continued to inform framework design. The Admin Team developed and updated a strawman proposal as new ideas were added or expanded upon during Project Team discussions. Framework development was also guided by principles that were shared by the Admin and Project Teams, including: ensuring recovery and long-term productivity of the stock while maximizing recreational fishing/diving opportunities, optimizing economic values to local communities, and supporting cost-effective, reliable data collection that includes more opportunities for interested stakeholders (including fishermen). The Project Team helped to identify and refine a range of options for management issues including season length, daily bag/possession/annual limit, number of permits, size limit, number of management

zones, as well as a data collection scheme and allocation scheme for permits and potential special conditions for permits.

Open Fishery

The open management status is used to signal the end of the rebuilding period, at which point higher levels of harvest (beyond those of *de minimis* fishery or bio-fishery) could occur. If the status of a fishing zone is designated 'open', it is possible to harvest at all sites within the zone (excluding Marine Protected Areas or closed sites). Recreational harvest under an open fishery, however, would still experience a level of effort control as designed by a TAC. Prior to the closure of the recreational red abalone fishery in December 2017, the fishery operated with effort controls (e.g., bag and annual limit) to keep harvest at a target level of catch (although there was no formally defined TAC or quota). Based on MSE results, an open fishery is unlikely to occur for another 28 to 59 years.

E. Harvest Control Rules

HCRs developed during the management strategy integration process focused on the near-term efforts to rebuild the red abalone resource. It is important to clarify that while HCRs developed could be applied under either a two or three fishing zone scenario, at this time, because of limited density and length data currently available, they could not specifically be applied to the third zone in Humboldt and Del Norte counties.

The Project Team was supportive of HCRs being structured in a decision-tree format and implemented using a 'traffic light method'. Indicators derived from density and length frequency data streams (i.e. SPR and density) are assigned a color category (red, yellow, green; see **Figure 3.2**) that is determined by comparing the indicator value against pre-agreed reference points. Red indicates a dangerous condition, far from enabling open fishery status. Yellow reflects unsatisfactory conditions, occurring during transition from red to green. Green reflects satisfactory conditions aligned with enabling open fishery status.

Generally speaking, the traffic light method enables a coarse characterization of a defined geographic region according to the measurement of prevailing conditions (via indicators). The traffic light method enables multiple indicators (specifically SPR and density in this case) to inform decision-making. It also simplifies data into a set of value judgements, presented in an understandable form, and enables uncertainty in indicators to be embraced while providing a basis for coarse adjustment to management status (Mangel and Levin 2005, Caddy 2015) on an annual basis, based on a running average of the previous three years of data.

A suite of candidate reference points (see Table 3.1 in Appendix A) were defined and evaluated via MSE, for both density and SPR, and used to assess performance of proposed management strategies. Target reference points define the desirable expectations of the fishery and the stock, where the level of concern for fishery sustainability is low. Intermediate reference points are established so that management actions are triggered as concern for sustainability of the resource grows. Limit reference points define a state of the resource that is to be avoided, aiming to select a value that is conservative enough to buffer abundance away from low levels, given red abalone are vulnerable to environmental conditions in terms of their survival, growth, and reproductive success.

In the case of SPR, categories are assigned relative to a limit reference point (see Technical MSE Report in **Appendix A**). SPR limit reference points (0.4, 0.5) were selected based on theoretical work applied to other long-lived marine species. Several studies have concluded that SPR targets greater than or equal to 0.4 should produce close to optimum harvest, especially for long-lived species (Mace 1994, Clark 2002, Punt and Ralston 2007, Harford et al. 2019b). And like other studies, maintaining SPR above such a target during an open fishery may be a reasonable means to buffer against environmentally-induced abundance fluctuations in the longer-term (Harford et al. 2018). Percentiles are used to score this indicator relative to the limit reference point within the HCR. If more than 75% of the SPR estimates fall below the limit reference point, RED is assigned in the decision tree. If less than 25% of the SPR estimates fall below the limit reference point, GREEN is assigned. All other scenarios are considered YELLOW.

In the case of density, a more involved approach was used that requires specification of limit, intermediate, and target reference points (see Technical MSE Report in **Appendix A**). Density reference points were proposed by CDFW and were accordingly specified as 0.2 abalone per m^2 (limit reference point), 0.3 abalone per m^2 (intermediate reference point), and 0.4 abalone per m^2 (target reference point). These quantities appear to be consistent with historical density levels and align with evidence that productivity could be compromised below 0.2 abalone per m^2, as seen for red abalone populations at Santa Rosa and Santa Cruz Islands (Tegner et al. 1989a, Karpov et al. 1998). Northern abalone have also showed reduced productivity along the west coast of Vancouver Island, British Columbia, Canada following declines in density below 0.3 abalone per m^2 (Tomascik and Holmes 2003). In South Australia at West Island, given the assumption that declining parental stock contributed to poor recruitment, Shepherd and Brown (1993) measured densities between 0.25 and 0.015 abalone per m^2 prior to the period of poor recruitment. Although the limit reference point was set to avoid the onset of the Allee effect, however, it is still challenging to pinpoint this exact threshold (as discussed in detail

in **Section V** under Recommendation 2). Additional reference points, termed intermediate and target densities are also required and were considered relative to past CDFW density surveys in northern California. To guide scoring of density within the HCR, first a CI of the mean of each site is calculated. For each site, then determine whether the lower bound of its site-specific CI is greater than the density limit reference point (0.2). The established fraction (percentile; set at 75% or 100% depending on selected strategy) of the density CIs that meet this criterion will determine the traffic light color of the density limit indicator. If fewer than 75% (or 100% depending on selected strategy) meet this criterion, then the density limit indicator is RED, otherwise YELLOW. The above steps are separately repeated for the density intermediate reference point (0.3 per m^2), determining whether this indicator traffic light color should be YELLOW or GREEN. Finally, the above steps are separately repeated for the density target reference point (0.4 per m^2), determining whether this indicator traffic light color should be YELLOW or GREEN.

Having assigned color categories to both indicators, an HCR is then used to interpret indicator color combinations and produce a recommended management action. The same HCRs are applied for each fishing zone, with the same indicators and trigger therein applied as well across fishing zones. Selection of the correct decision tree to be applied is determined based on the management status in the previous decision interval:

- If the previous management status is closed, proceed to tree #1 (see **Figure 3.3**)
- If the previous management status is *de minimis*, proceed to tree #2 (see **Figure 3.4**)
- If the previous management status is open, proceed to tree #3 (see **Figure 3.5**)

In any instance where density or length frequency distribution data are unavailable to proceed to a decision tree, an interim decision is to be made at the discretion of the Commission. When following a path through a decision tree, paying attention to the text on the left side of the tree is important. This text will state which indicator to apply at each node, always beginning with the SPR, and following with density.

F. Management Measures

Throughout the management strategy integration process a number of management measures were discussed with the Project Team, particularly with respect to the *de minimis* fishery (see **Appendix F**). Management measures under consideration for the *de minimis* fishery, some of which could carry over to the open fishery, included: season length, daily bag/possession/annual limit, and size limits. Project Team

members emphasized the importance of maintaining flexibility and a range of management measures within the final FMP to allow for more adaptive management of red abalone. There were also discussions about defining a suite of management measures that would allow for equity between the various fishery sectors (e.g. recreational divers, bobbers, rock pickers, Tribes and Tribal communities). Discussions around annual limits and size limits, in particular explored the ability to increase or decrease these values based on the state of the resource to accelerate recovery and then maximize fishing opportunity. The impact of changing size limits was explored via MSE to address substantial public comments about the interest in increasing the size limit within a *de minimis* fishery. Results suggested that increasing the size limit from 7” to 8” or 9”, would have little effect on the timeline to a *de minimis* fishery, but could reduce the time to recovery for an open fishery by two to three years. Noting this, there was continued interest by the Project Team in maintaining flexibility to increase size limits in the FMP, although there was not full consensus around a specific size limit.

The management strategies outlined in this process are also expected to function in conjunction with other existing management regulations including, but not limited to, the following: 7” size limit; required documentation of prescribed data (date of effort, catch, location, etc.); ban on scuba; no taking abalone for someone else; no high grading, taking a larger abalone and putting a smaller one back; no co-mingling abalone with another fishermen; uniform start time for fishery; and other existing CDFW regulations.

G. MSE Analysis and Results

Both the High Level Summary and Technical MSE Report (found in **Appendix A**) provide a comprehensive overview of base model configurations, management strategies and catch levels evaluated, and results from the simulation modeling that was done for the two fishing zone configuration, as well as theoretical analyses to begin exploring a third fishing zone. As mentioned earlier (see **Section 3B**), evaluation of the protocol outlined in the Exceptional Circumstances strawman proposal was excluded from this MSE analysis but can still play an important part in precautionary decision-making. **A thorough review of both the summary and technical report is essential to understanding analysis outcomes and limitations that will ultimately inform Commission decision-making on future management for the North Coast recreational red abalone fishery.** With this in mind, this sub-section is intended to highlight key components of the MSE, as well as results and takeaway messages, with modeling limitations highlighted in **Section 3H**.

Two Fishing Zone MSE

Ecological uncertainty was addressed within the MSE operating model. Two operating models (referred to as OM1 and OM2) were explored due to ecological uncertainties about the current state of the red abalone resource and how long unfavorable environmental conditions would persist. Differences in the persistence of such unfavorable conditions has an impact on the estimated recovery timeline.

The MSE was conducted to evaluate the performance of four primary management strategies (known as A, B, C, D). Two hundred simulations were run for each operating model and management strategy combination. Each management strategy represents a combination of different reference points for SPR (0.4 and 0.5) and percentiles of density (T_{DL} = T_{DI} = T_{DT} 4=100% and T_{DL} = T_{DI} = T_{DT} =75%) (**Figure 3.6**)

- Management Strategy A: SPR (0.5), density percentile (75%)
- Management Strategy B: SPR (0.5), density percentile (100%)
- Management Strategy C: SPR (0.4), density percentile (75%)
- Management Strategy D: SPR (0.4), density percentile (100%)

Four TAC levels were also simulated for a *de minimis* fishery: 5,000, 10,000, 20,000 and 40,000 individuals per fishing zone. Noting that a management strategy is applied separately to each fishing zone, it is not necessary to select the same TAC for each fishing zone.

Six additional management strategies were evaluated following the November 2019 Project Team meeting to address requests made by Project Team members and additional considerations from the lead modeler. These represent alternative configurations of management strategy A, at a *de minimis* TAC of 5,000 red abalone, in each fishing zone. The following changes were made:

- Strategy A.1 - change minimum harvest size to 8 inches (203 mm)
- Strategy A.2 - change minimum harvest size to 9 inches (229 mm)
- Strategy A.3 - change density reference points to limit: 0.2 m^{-2}, intermediate: 0.25 m^{-2}, target: 0.3 m^{-2}
- Strategy A.4 - change density percentiles to 90%
- Strategy A.5 - change density confidence intervals to 25%

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4 Percentile of site-specific density estimates that must cross a corresponding threshold. Subscripts refer to limit, intermediate, and target density reference points.

- Strategy A.6 - change density confidence intervals to 10%

Finally, analyses were conducted to evaluate the sensitivity of the operating models (specifically using OM1 and evaluating against management strategy A) to different red abalone productivity levels, different assumptions about fecundity, and the impact of how overestimation of site-specific population size might impact rebuilding at various *de minimis* TAC levels.

As is common with MSE, a range of management strategies are evaluated so that policy makers can select a strategy that aligns with their desired level of risk tolerance. MSE results for the two-zone configuration indicated that it will be at least a decade until a *de minimis* fishery would occur, with median rebuilding times varying between 11 and 31 years (see Table 3.4 in Technical MSE Report in **Appendix A** and **Figure 3.7**). Considerations of prolonged environmental decline (OM 2) resulted in 8 to 10 years of additional delay in recovery relative to OM 1. Selection of reference points of each management strategy also contributed substantially to rebuilding times. Differences in time to achieve a *de minimis* fishery were most pronounced in the selection of density percentiles, principally reflecting the degree of among-site density variation that is allowed relative to density thresholds. Shorter recovery times were observed for less precautionary density triggers (management strategies A & C) and longer recovery times for more precautionary density triggers (management strategies B & D). The differences in recovery time between these two sets of management strategies also has an impact on how depleted the resource is when the *de minimis* fishery opens. For rebuilding strategies A & C, *de minimis* fishing would begin at a depletion[5] level of approximately 0.2, while rebuilding strategies B & D delayed *de minimis* fishing until a higher level of recovery has been achieved (approximate depletion of 0.3 to 0.4). In selecting a management strategy, the Commission must consider this trade-off. Although it is possible for fishing to occur sooner (management strategies A & C), the resource will have had less time to rebuild (relative to delayed fishing under management strategies B & D) (see **Figure 3.8**).

The next consideration for the Commission concerns the length of time to transition from a *de minimis* to an open fishery. As a point of reference, in the absence of fishing (i.e., TAC=0), the median recovery times to move from a closed status to an open fishery ranged between 28 and 59 years. Again, this variability is due to differences in the operating model evaluated, fishing zone evaluated, and reference

5 Depletion level is measured on a scale from 0 to 1 and used to understand proportion of stock available to reproduce. Higher levels indicate a more robust or stable stock status.

points used. With increased understanding of the median recovery time in the absence of fishing, it was then possible to determine what level of fishing would be possible during a *de minimis* fishery. In Zone 1 (Mendocino, Del Norte, and Humboldt counties), a *de minimis* TAC at levels between 20,000 to 40,000 would affect recovery. In Zone 2 (Marin and Sonoma counties), a *de minimis* TAC greater than 10,000 would affect recovery. Results of *de minimis* TAC evaluation, however, should be considered cautiously, as the performance of these quantities depends on total abundance specified in the operating model. Total abundance is likely to be a highly uncertain component of this data-limited MSE.

At the time of triggering an open fishery status, each of the rebuilding strategies varied with respect to how depleted the resource is when the open fishery is triggered and what cumulative catches look like. Rebuilding strategies A & C tended to trigger open fishery status at lower median depletion levels (i.e., the resource is more depleted), which correspondingly reflects initiation of a *de minimis* fishery at a lower depletion level. More conservative rebuilding strategies B & D tended to trigger open fishery status at higher median depletion levels (i.e. resource is less depleted), which similarly reflects initiation of a *de minimis* fishery at a higher depletion level. With respect to cumulative catch, higher catch occurs for high *de minimis* TACs. The impact of this, however, is that higher levels of *de minimis* TAC increase the length of time it takes to transition from a *de minimis* to an open fishery status.

Taken together, recovery to open status requires consideration of three trade-offs: 1) length of time to open fishery status, 2) depletion at open status, and 3) cumulative catches prior to achieving open status. To further examine and help visualize the trade-offs between these three performance metrics, trade-off plots were produced (**Figures 3.9 & 3.10**). These plots help to group sets of management strategies that are similar in performance. Rebuilding strategies A & C offer the shortest times to open fishery status, even under higher *de minimis* TAC levels. Rebuilding strategies B & D offer improved levels of depletion upon recovery (relative to A & C), and because recovery times are longer, can offer the highest levels of cumulative catch during rebuilding.

Notable trends in recovery time and depletion level were also observed in the additional management strategies (A.1 to A.6), and with respect to sensitivity analyses. Changing minimum harvest size (management strategies A.1 and A.2) and changing density reference points (management strategy A.3), had little effect on the recovery time to achieve a *de minimis* fishery. However, the recovery time to achieve an open fishery was reduced by 2 to 3 years and 5 years, respectively. Changing density percentiles to 90% (management strategy A.4) resulted in performance that was more similar to management strategy B (density percentile of 100%), than to the

original management strategy A (density percentile of 75%). Management strategies reducing the density confidence intervals (A.5 (25%) and A.6 (10%)) resulted in shorter time durations to *de minimis* fishing, but also allowed fishing to occur at a more depleted resource state relative to the base case density confidence interval of 50%. The three sensitivity analyses investigating the effect of lower productivity levels resulted in delayed recovery times and slightly lower depletion levels at the onset of both the *de minimis* and open fishery. Changes to model assumptions about fecundity ultimately had no effect on performance of the model. Finally, lowering site-specific estimates of fecundity resulted in notable increases to the length of time required to achieve an open fishery, particularly with *de minimis* TACs > 5,000.

Considerations for Sampling Under a Management Scenario with Three Fishing Zones

While an MSE was not conducted to explicitly look at three fishing zones, as a preliminary step, an analysis was conducted to examine whether limited collection of length frequency data could theoretically support a SPR-based HCR. Throughout the management strategy integration process there was extensive conversation about the need to consider Humboldt and Del Norte counties as a separate fishing zone. During Project Team discussions it became evident that data from these regions are extremely limited, presenting challenges to developing suitable indicators on which to inform decision-making.

A length-based management strategy was ultimately explored, due to challenges associated with using currently established protocols to estimate density for this geographic area. Two sampling regimes were considered one that gathered 20 length measurements per year (60 observations collected every three years, each time the HCR rule is applied) and a second that gathered 100 length measures per year (300 observations each decision interval). Results of the analysis indicate similar performance of the two sampling regimes. Results from this analysis could also be used to inform a data collection protocol for Humboldt and Del Norte counties and guide research priorities for the region. Further, it is an important step to explore management approaches in regions where there is limited to no data. Creativity is also needed in exploring a wider variety of management approaches (e.g., precautionary catch or size limits) that may be suitable for managing these counties as a distinct fishing zone.

While this analysis specifically focused on a length-based approach, a wide variety of options could be explored in the future. Such options could include using other indicators in a similar multi-indicator approach or other experimental approaches. Fishermen were also interested in exploring the use of precautionary TACs and the

effect of simply increasing the size limit as a way to limit harvest. If the Commission should decide to consider managing under three fishing zones, CDFW can work with stakeholders to design a pilot study or sampling protocol to acquire all necessary data and recommend how a potential third zone would be managed based on the data acquired.

H. Additional Considerations When Interpreting MSE Results

MSE is intended to approximate reality in a simulation model and to test hypotheses that can ultimately inform decision-making. However, as a simplified version of reality, models must make a number of assumptions that cause some differences between the model and reality. Some of these assumptions may add an added level of precaution, while others may be overly optimistic. Additionally, uncertainty is a factor that can and should be acknowledged around indicators used, trajectory of unfavorable environmental conditions, catch levels, depletion levels, population dynamics, and life history characteristics. A brief overview of limitations and uncertainty in relation to the MSE and management strategy design is provided below. Detailed discussions are provided in the relevant sections within the report, as well as in the Technical MSE Report (see **Appendix A**).

Indicators

Data limitations were a challenge throughout this process. Similar to other marine life, fine-scale spatial stock structure of red abalone is at odds with feasible scales of data collection. This constraint on data quantity required developing management strategies relying on site-specific signals about resource changes, while attempting to guide decision-making at much larger spatial scales. Within the modelers' technical report (see **Appendix A**), there is an evaluation of the measurable precision of the two data streams used for red abalone to help understand associated uncertainty.

Better understanding of sampling precision of these two datasets is critical in defining reference points and triggers for management action for the indicators associated with these data streams (SPR and density, respectively).

For red abalone density surveys, the precision with which this quantity can be estimated has been called into question, and directly reflects its information content (OST 2014). Challenges arise due to the length of time required to revisit and resample each site (three years), as well as the low levels in the power analysis at any scale smaller than that of the whole fishery. These make density challenging to use to inform annual management decisions, especially when environmental conditions change rapidly. Acknowledging the variability around estimates of density

(as measured by coefficient of variance), and a desire to not potentially cause the fishery to either close or re-open when not warranted, a confidence interval was calculated separately for density estimates for each individual site. Subsequently, the fraction (percentile) of the CIs that meet density criteria are used to determine the status of the resource within the harvest control rule. The density 50% CI was utilized as a way to identify a conservative threshold, as a metric aimed at ensuring sufficient red abalone abundance is present to support future catch. It does not appear advantageous to utilize 95% CI, as initial MSE exploration demonstrated overly detrimental effects on fishing opportunities when the 95% CI was used because imprecision in density can produce very wide tails. Additionally, because of a non-negligible number or zero count transects, a log-normal or delta log-normal sampling distribution was applied.

Performance of management strategies that rely on SPR can be sensitive to biases in life history parameters, especially when other indicators do not work to ameliorate such circumstances (Hordyk et al. 2015, Harford et al. 2019a). Because of this, and because SPR also reflects a persistent information lag between changes to spawning condition and subsequent detection of these change, density was paired with SPR within the HCR. Given additional concerns that when density declines to low levels SPR masks Allee effects, more precautionary SPR reference points were selected and evaluated to avoid population decline at small population numbers (i.e. Allee effects), given the exact level of depletion at which it occurs is unknown.

Trajectory of Environmental Conditions

It remains unclear how far into the future the current poor environmental conditions will persist. Given this uncertainty, environmental variability was accounted for within the base operating models. It was important to include such considerations given the impact of stochastic environmental conditions on growth and natural mortality of red abalone. The two operating models explored consider uncertainty in how long unfavorable environmental conditions will persist - continuing either through 2020 or continuing through 2022. If poor conditions do continue through 2022, it could increase the recovery period to achieve a *de minimis* fishery by 8 to 10 years.

Setting Catch Levels

Although several *de minimis* TAC options were evaluated under the operating models specified in this analysis, risk associated with *de minimis* TACs is the most uncertain component of the MSE analysis. Like other data-limited fisheries, historical trends in abundance are not well established for red abalone. Testing alternative TACs requires scaling of populations, using site-specific unfished recruitment parameters that lead to estimates of total abundance. The sensitivity analysis

conducted (see **Section 3G**) revealed that alternative assumptions about population scaling can have remarkable effects on rebuilding time frames depending on how high a *de minimis* TAC is set.

In general, data-limited management strategies tend to require catch limits that are more precautionary than those that could be implemented under equivalent data-rich fishery circumstances (Ralston et al. 2011, Dichmont et al. 2017). While there is little consensus on the precise approach to doing so, data-limited fishery management tends to reduce catch limits in acknowledgement of scientific uncertainty (Newman et al. 2015). Because of data limitations, the MSE is insufficient to provide complete guidance on the selection of a *de minimis* TAC. Continued discussion is likely warranted to determine whether additional research and analyses may be useful to inform TAC selection. Such studies, if feasible, could include abundance estimation from nearest neighbor data or mark-recapture study to ground-truth abundance estimates made through catch-only methods. As another option, implemented TACs could be coupled with rotating sites closure schedules, to reduce the likelihood of serial depletion of any site.

Depletion

A key ecological uncertainty is the exact current state of the red abalone resource based on limited data available. This is considered within the MSE as the level of depletion (i.e. relative spawning biomass) and addressed during model tuning. Predicted length of time required to achieve a *de minimis* and open fishery is very sensitive to the initial depletion levels specified. It should be noted that the resulting depletion levels associated with triggering a *de minimis* fishery or an open fishery are a function of the technical specification of the operating model, particularly the initial conditions specified for 2002. It was assumed that depletion was relatively stable prior to 2011. The overall process of tuning ultimately resulted in depletion levels that were consistent with expectations about SPR, and relative abundance trends consistent with observed red abalone density data (noting the aforementioned limitations of density).

Population Dynamics and Life History Parameters

The underlying population dynamics models used in the MSE were parameterized using currently available scientific information. Operating models include estimates of life history parameters, accounting for variation in space and time, based on the scientific literature. The spatial representation of population dynamics considers larval and adult movement and metapopulation dynamics. As a precaution against building reliance on larval exchange into management strategy performance, within the model sites have no such exchange of red abalone represented in simulations.

Alternate life history parameters were also explored via sensitivity analyses. As the stock-recruitment relationship for red abalone is not known, sensitivity to red abalone productivity was assessed by evaluating a lower value of stock-recruitment steepness (reduced from 0.7 to 0.6). Reducing steepness (i.e., lower productivity) delayed recovery times and slightly lowered depletion levels associated with the onset of both the *de minimis* and open fisheries. To address uncertainty about patterns in eggs production in the largest size classes, alternate fecundity was explored such that the exponential increase in egg production with increasing length plateaued at the length of 254 mm (baseline asymptotic length). Performance of the management strategy was insensitive to this change within the operating model.

Figure 3.1. Rules to move between management status in annual decision-making.

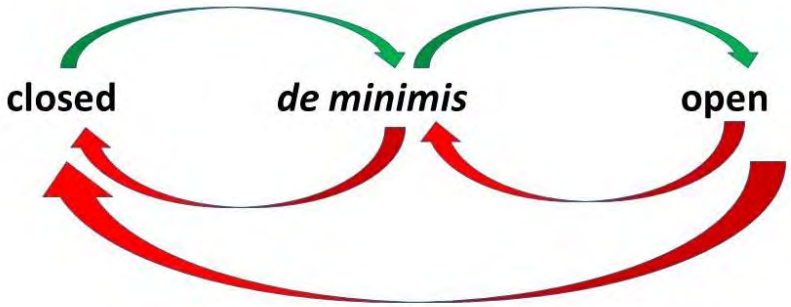


Figure 3.2. Traffic light method.

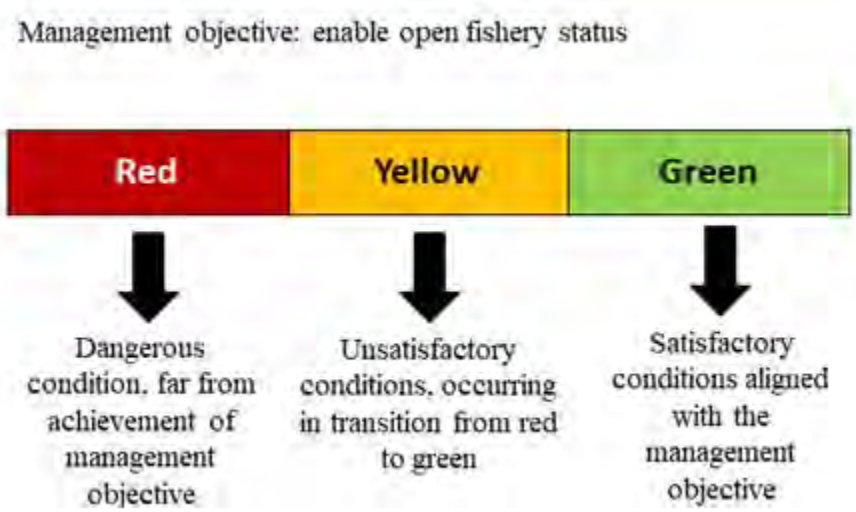


Figure 3.3. Part B of the management strategy. Decision tree #1. Applied when previous management status is closed.

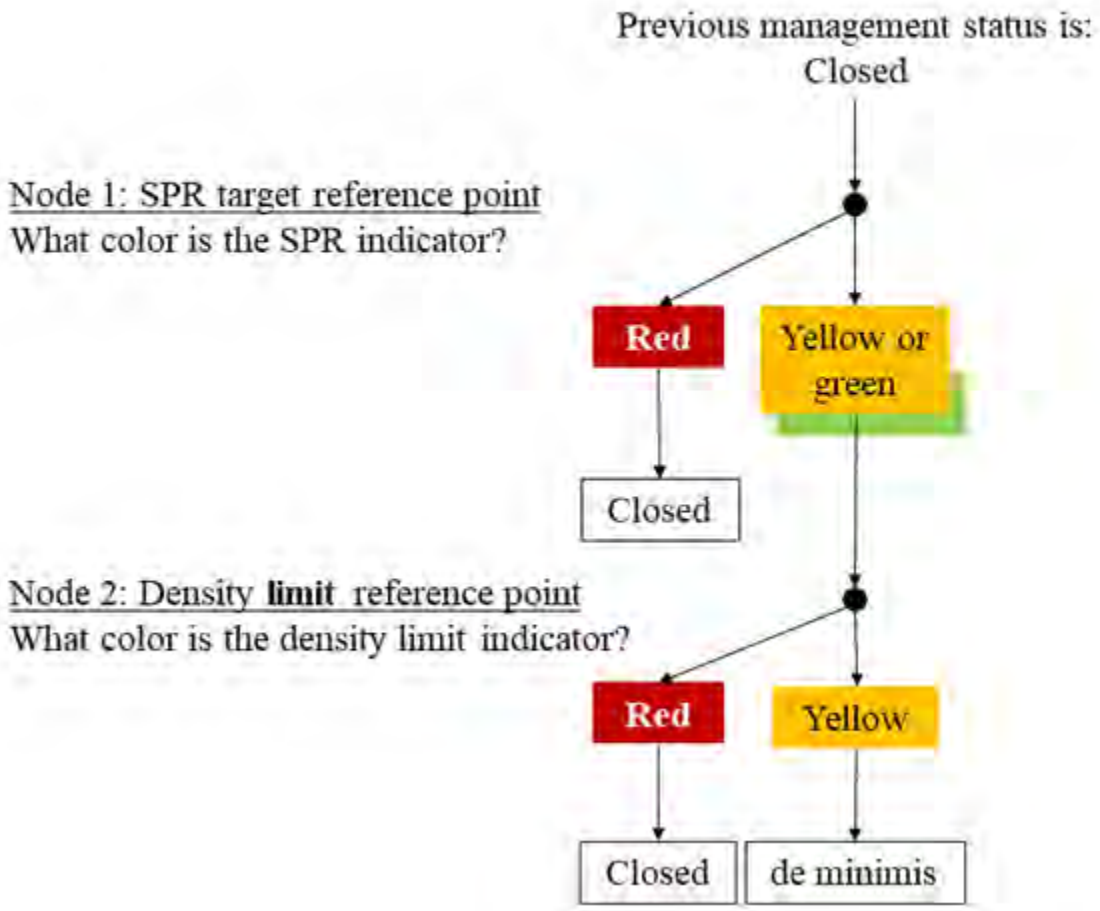


Figure 3.4. Part B of the management strategy. Decision tree #2. Applied when previous management status is *de minimis*.

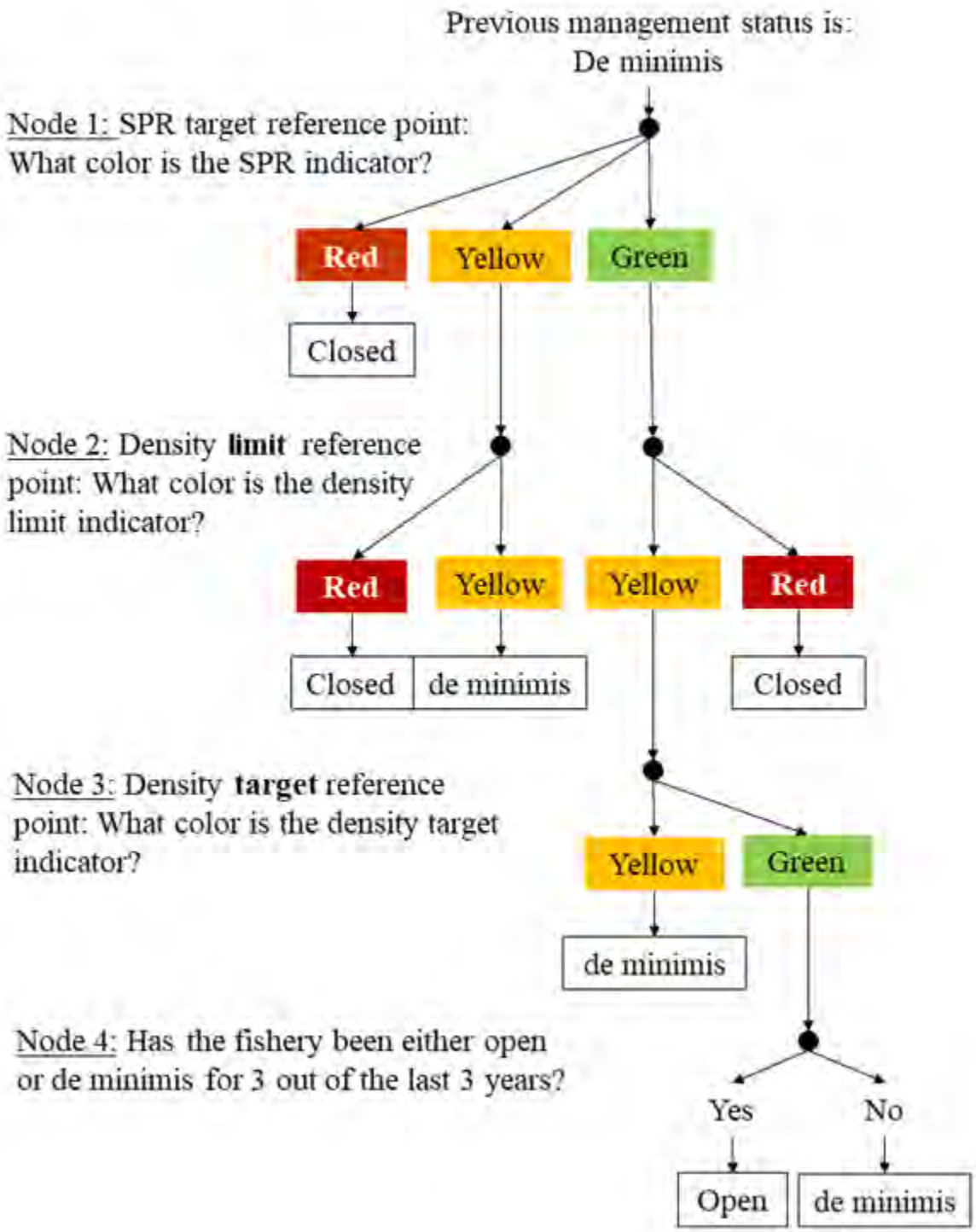


Figure 3.5. Part B of the management strategy. Decision tree #3. Applied when previous management status is open.

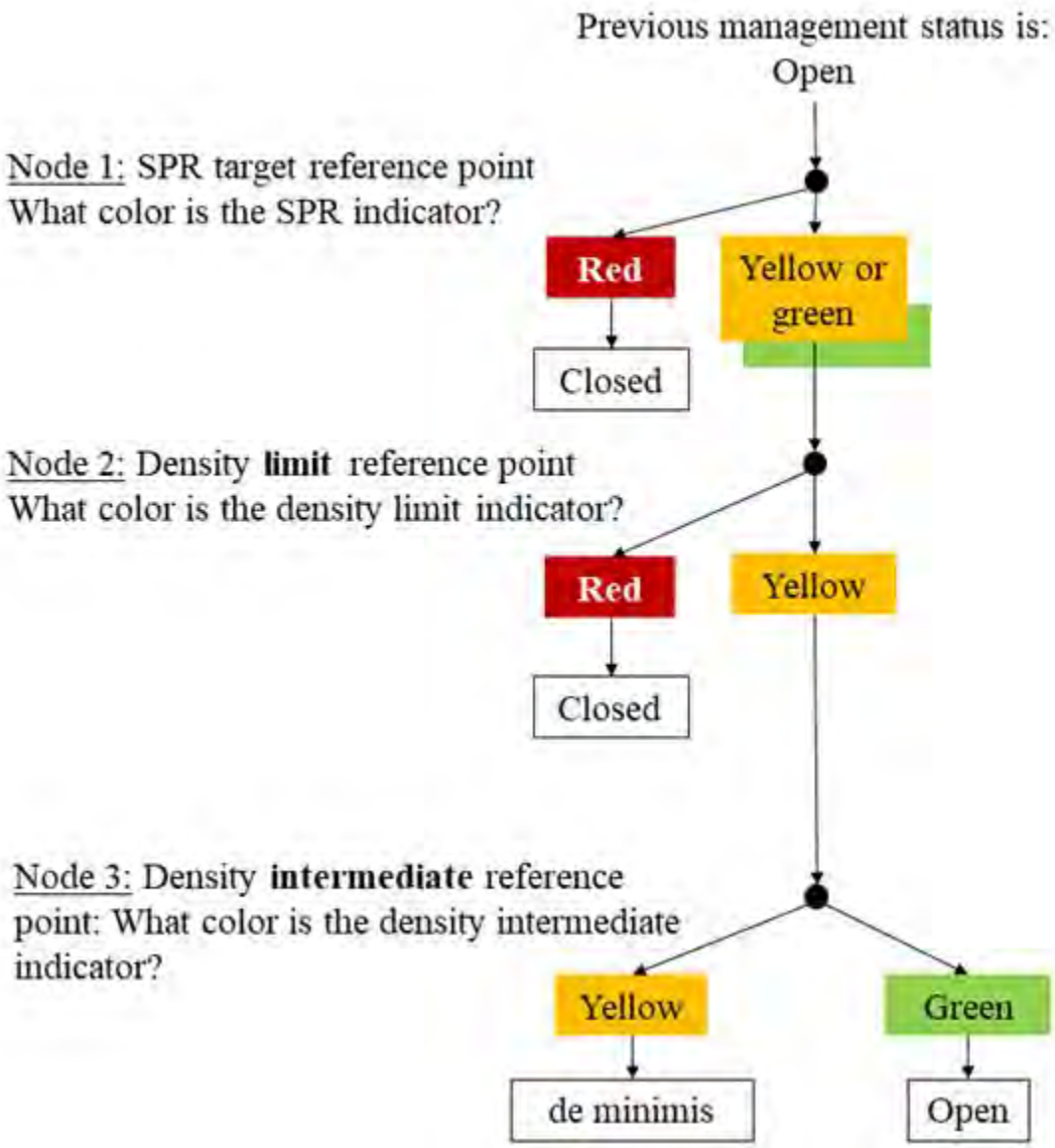


Figure 3.6. Factorial design of management strategies.

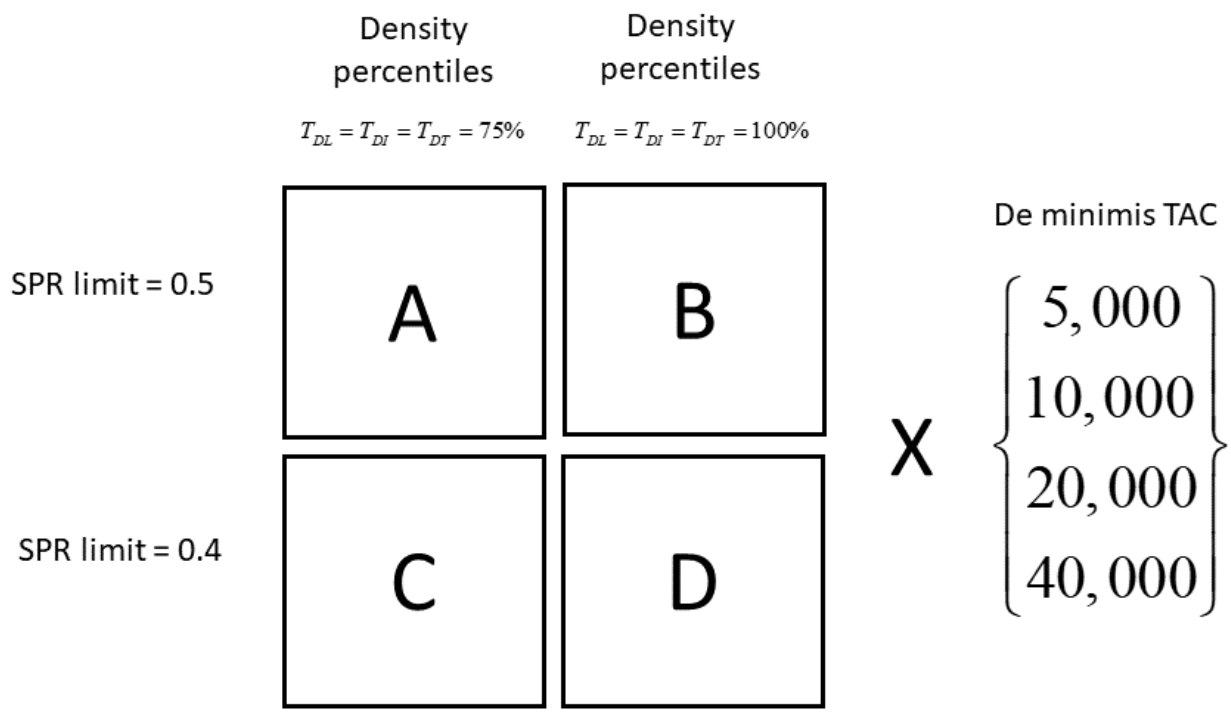


Figure 3.7. Box plots of time in years to reach *de minimis* fishery status for four management strategies. (A) through (D) indicate fishing zone and operating model (OM) configurations. Boxes are inter-quartile range, whiskers extend 1.5 times the inter-quartile range, and points are outliers.

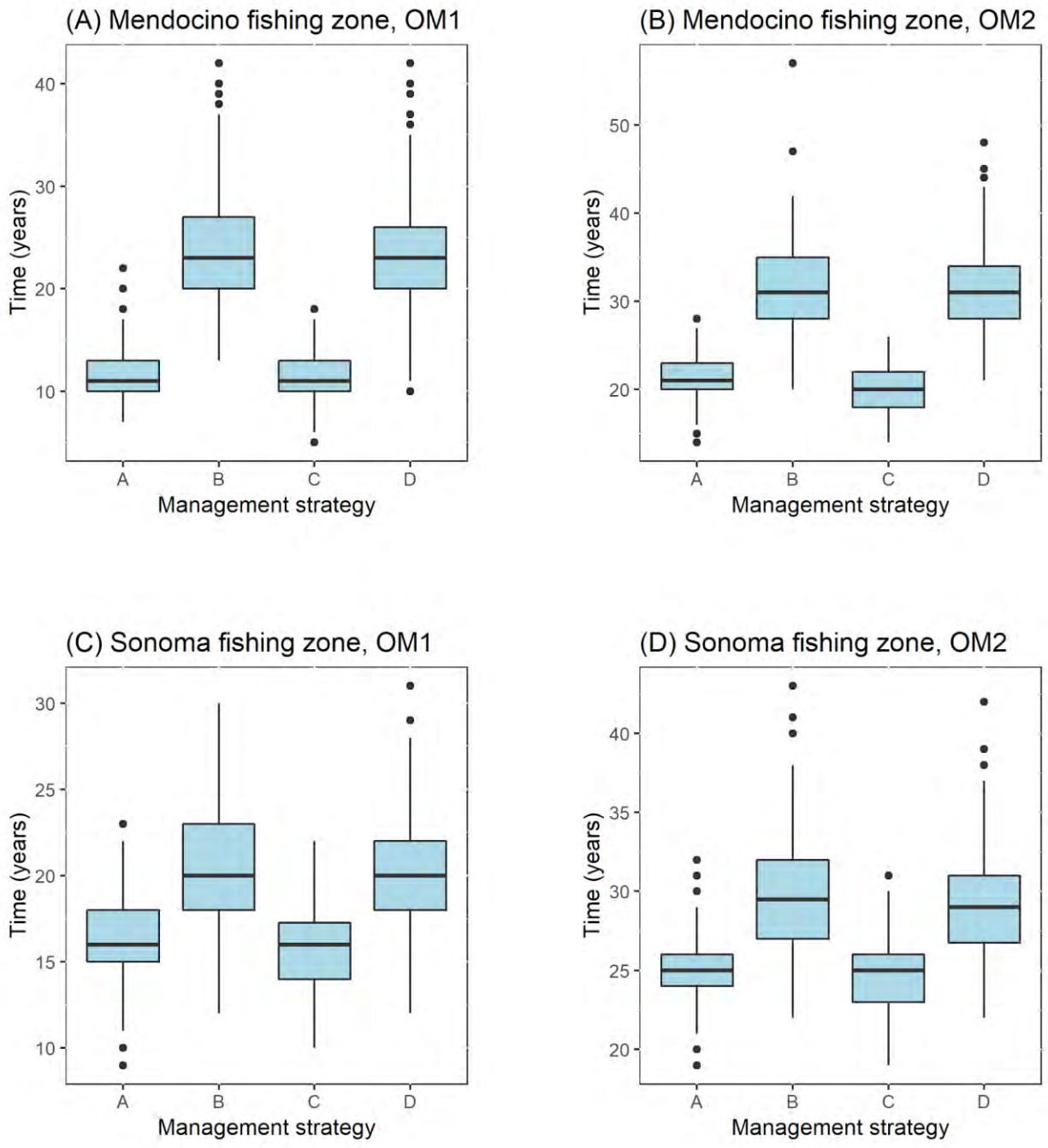


Figure 3.8. Management strategy description and summary of performance metric. (A) Highlights two operating model configurations that differ in the duration of poor environmental conditions, along with the measurement of depletion at different fishery statuses. (B) Demonstrates the transition from closed, to *de minimis*, to open fishery status and the measurement of rebuilding time performance metrics.

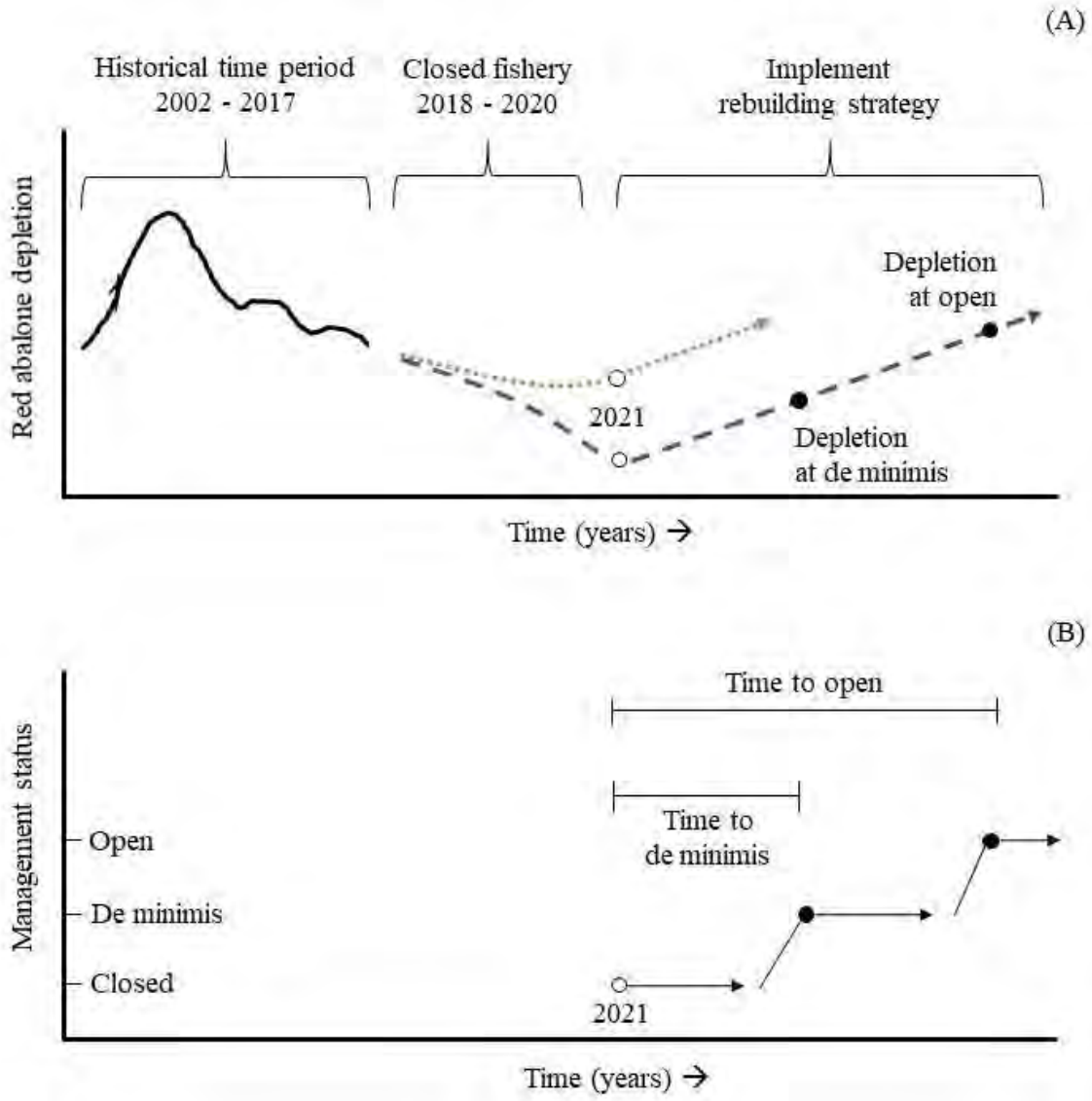


Figure 3.9. Trade-off plot of recovery to open fishery status for Mendocino zone shown for (A) Operating Model #1 (OM1) and (B) Operating Model #2 (OM2). Placement of letters on plot reflects median values for rebuilding strategies A through D. Color reflects median rebuilding time to open fishery status (see legend) and size of letters reflects the *de minimis* TAC options of 5,000, 10,000, 20,000, and 40,000 red abalone.

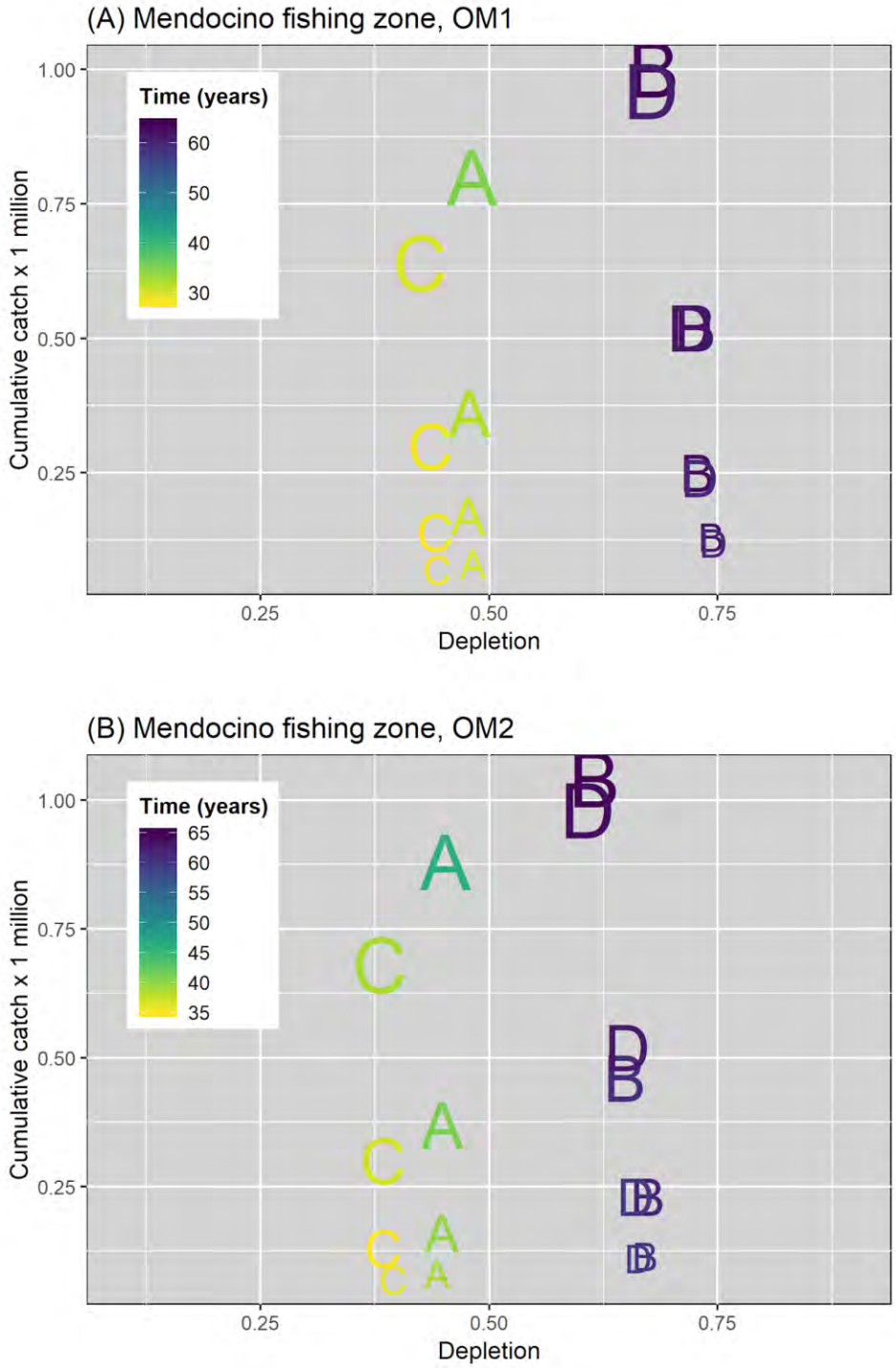
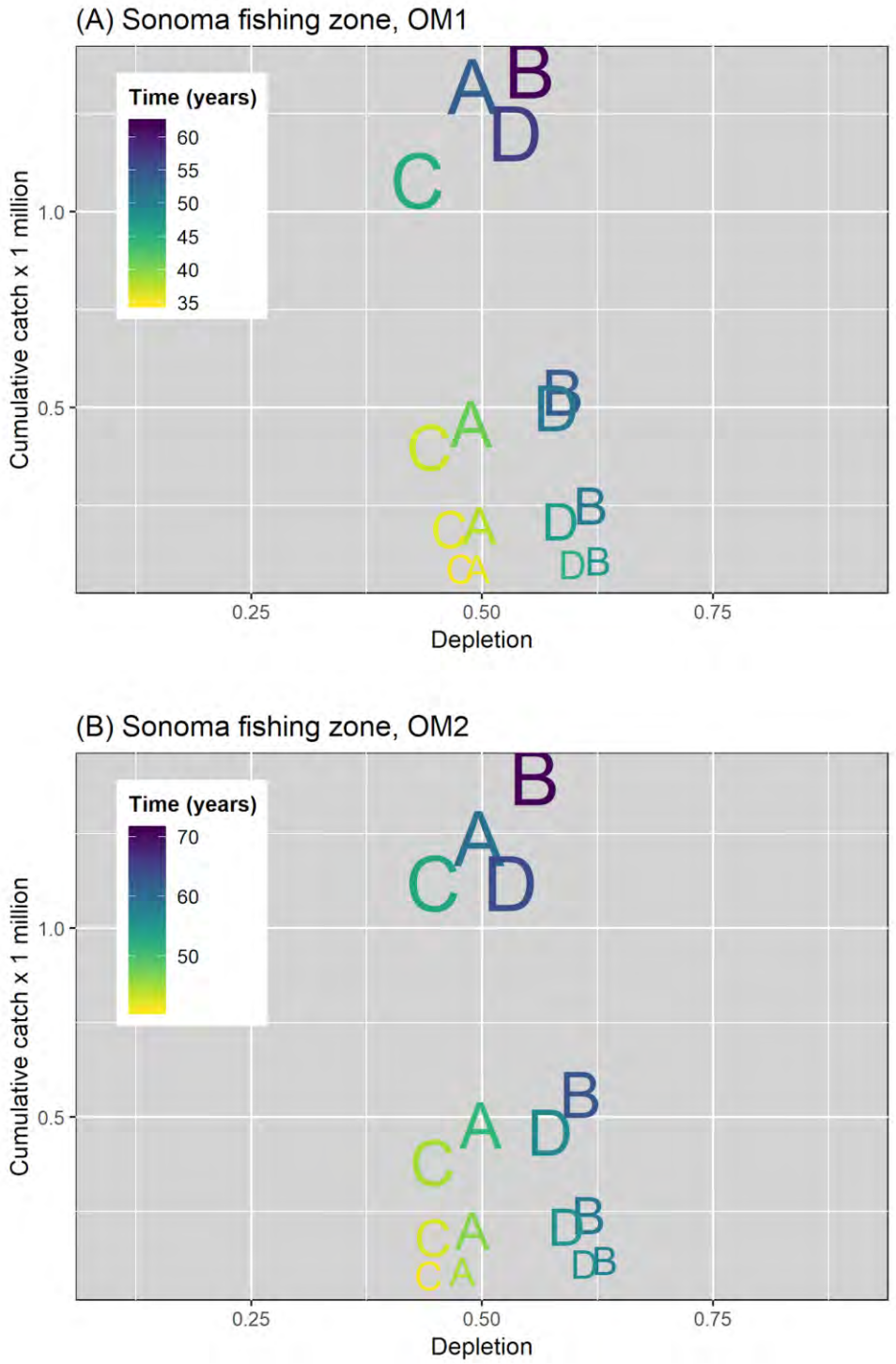


Figure 3.10. Trade-off plot of recovery to open fishery status for Sonoma zone shown for (A) OM1 and (B) OM2. Placement of letters on plot reflects median values for rebuilding strategies A through D. Color reflects median rebuilding time to open fishery status (see legend) and size of letters reflects the *de minimis* TAC options of 5,000, 10,000, 20,000, and 40,000 red abalone.



Section IV - Allocation of Fishing Opportunities

This section is intended to outline how harvest opportunities would be distributed among user groups, once a TAC is defined. Although MSE is a powerful tool for assessing the level of risk associated with a given level of harvest and estimating the length of time until the stock is rebuilt, it is not a tool for allocating quotas or TACs.

A. Recreational Fishing Opportunities

Assuming that the demand for recreational red abalone permits would exceed the opportunity, the Project Team engaged in discussions around how limited harvesting opportunities would be equitably subdivided among user groups and individuals. In management of deer, the lottery approach has been successfully utilized by CDFW. Three lottery approaches were discussed as options for permit allocation in the recreational red abalone fishery, particularly for *de minimis* status - ‘random draw’, ‘pay to play’, and ‘preference point’. With a random draw allocation scheme, permit recipients are selected out of the pool for each opportunity and each person would have equal odds of being selected. A pay to play option was discussed where limited fishing opportunities would be provided to those willing to pay a higher price for permits, fishing outside the 10 index sites outlined in the Abalone Recovery and Management Plan (ARMP). Finally, with a preference point allocation scheme, permit recipients are randomly selected out of the pool. Those applicants not selected would receive a point, increasing their odds of getting a permit in the following year. The second year that opportunities are offered, applicants would be separated into two groups, with a random drawing occurring first for the group with one point and any remaining fishing opportunities would be distributed using a second random draw using the group with no points.

The majority of the Project Team favored the preference points approach over the random draw or pay to play allocation schemes, as well as the notion of a party tag (i.e., multiple individuals could apply for the lottery as a unit and if their application is selected everyone gets a tag). There was agreement that the allocation scheme should be simple in design, optimize economic support to local communities, promote safe harvesting practices, and support a cost-effective and reliable data collection that involves stakeholders. Project Team perspectives were that the preference point approach could provide the greatest number of opportunities to stakeholders and potentially decrease the amount of time before stakeholders could harvest again under the FMP. However, Tribes and Tribal communities expressed that they did not support any of the allocation schemes as subsistence harvest is not comparable to recreational harvest by fishermen.

B. Tribal Subsistence Fishing

At the August Project Team Meeting in Santa Rosa, representatives of the Tribes and Tribal communities first introduced the notion of exploring Tribal subsistence fishing within the FMP. Red abalone play a spiritual, cultural, and central role in the lives of Tribes and Tribal communities, with songs and dances providing an opportunity to honor red abalone and their family (the ecosystem). During the meeting, representatives of the Tribes and Tribal communities expressed that they did not feel their priorities, spiritual philosophies, or knowledge of red abalone and the ecosystem were being considered during the development of the management strategy. As such they requested that CDFW and the Commission collaborate with them to inform decision making and management. One way of doing so was to consider a fourth management status – tribal subsistence-only fishery – as is done in other states. It was suggested that the management status should progress from closed to subsistence-only to *de minimis* to open, and vice versa. The Project Team as a whole ultimately suggested that Tribal subsistence fishing could occur by allocating a subset of the overall TAC designated for either a *de minimis* or open fishery to Tribes and Tribal communities. This sentiment has been documented in the *De Minimis* Fishery Strawman Proposal (see **Appendix F**). Beyond this, the Admin Team suggested that the conversation and collaboration among CDFW and the Commission to discuss this issue occur outside the confines of Project Team meetings.

Tribes and Tribal communities will seek to work with the Commission and Legislature to understand how subsistence harvest can be supported in the FMP, ideally outside of an allocation scheme, as subsistence take fundamentally differs from recreational take. If the Commission supports the perspective of the Project Team in allowing for Tribal subsistence fishing under the FMP, it is still unclear whether they have the authority to create a Tribal member only allocation. Such authority may need to be created by the Legislature. Tribes and Tribal communities are also in discussions about what traditional ecological knowledge could be incorporated into the final FMP to guide management and designating a Tribal indicator that could ensure that the historical knowledge of Tribes is recognized and utilized.

Section V - Response to Peer Review Recommendations

This section is intended to provide clarity on how recommendations of the OST-facilitated peer review (described in **Section 2A**) were incorporated into the proposed integrated management strategies. Detailed responses are outlined below, as well as a brief discussion of the request for an additional peer review.

A. Response to Peer Review Recommendations

Recommendation 1: **These two management strategies should be integrated to reduce uncertainty and take advantage of the best available science.**

The Commission passed the following motion at its December 2018 meeting:

"(1) Support addressing peer review recommendations to integrate aspects of both draft management strategies, based on a simulation modeling approach co-developed by CDFW and the TNC-led stakeholder team, including engagement with abalone divers and other stakeholders; (2) revise Fishery Management Plan (FMP) goals to allow for a de minimis fishery option; (3) develop triggers for the de minimis fishery option in consultation with stakeholders; and (4) request that CDFW develop a proposed process and timeline which accounts for active public and Marine Resources Committee (MRC) engagement."

In direct response to components #1 and #4 of this recommendation, the management strategy integration process began in January 2019 to carry out the task of integrating components of the original two proposals to "reduce uncertainty and take advantage of the best available science" in partnership with stakeholders (i.e., Project Team). Section 3G of this report provides an overview of the proposed integrated management strategies developed during this process. Throughout the process, the Project Team was informed of modeling work, which incorporated best available science, and engaged in discussions with respect to components #2 and #3. With respect to component #2, the Admin Team co-developed a strawman proposal for the design of a *de minimis* fishery. With respect to component #3, the Admin Team and Project Team discussed and reviewed the reference points set to trigger management action within the HCR. Finally, at the last Project Team meeting and in subsequent communications, the Admin Team shared a draft timeline of upcoming Commission and MRC meetings where the management strategies integration process would be included in the agenda and invited the Project Team to continue their engagement by attending these public meetings.

Recommendation 2: **The way to integrate indicators, data streams, and analysis should be tested and analyzed using simulation testing from a formal**

operating model specified to capture low-density population dynamics specific to red abalone.

Density and length-based SPR were ultimately the only indicators that were integrated from the original two management strategies. Performance of these indicators within the various management strategies was evaluated via MSE, which uses a simulation modeling approach. As mentioned in the peer review report and the final MSE technical report (see Appendix A), these two indicators differ in their strengths. Density is responsive to rapid and catastrophic declines in abundance, like those seen in recent years, while SPR may be better characterized as a 'slow reacting' indicator. On the other hand, SPR reflects the reproductive status of the red abalone population (except when reduced gonad condition is present) and, unlike density, allows for decision-making in relation to a biological reference point. Furthermore, SPR reference points can be chosen in a manner that may better optimize long-term yield (Harford et al. 2019b).

With respect to incorporating low-density population dynamics (specifically the Allee effect), there is a lot of uncertainty around what the exact reproductive thresholds are for red abalone (Tegner et al. 1989b, Shepherd and Brown 1993, Catton et al. 2016). However, noting that these low density conditions are an important limitation around red abalone reproduction, the modelers addressed this in a few ways. First, density is included in the management strategies as a precautionary way to help to avoid reaching low-density situations and avoid encountering Allee effects. Stock-recruitment simulations were also conducted, during which recruitment failure occurred when the reproductive output fell below 1% of what would be seen for the egg production of an unfished red abalone resource. Additionally, modeling work explored the probability of depletion levels of the red abalone resource falling below 0.05., 0.10, or 0.20 during the period between triggering of a *de minimis* fishery and an open fishery to examine whether the rebuilding strategies would generally help avoid depletion levels that could be associated with the onset of an Allee effect (see Table 3.19 in Appendix A). Depletion did not fall below thresholds of 0.05 or 0.10 during any simulation runs.

Recommendation 3: **All indicators chosen must be clearly defined, and ideally, all candidate reference points for any indicator should be tested using simulation testing in a closed loop analysis.**

Only the two indicators selected for including in the harvest control rules underwent simulation testing - SPR and density. At the beginning of the Project Team process, a long list of candidate indicators (see Appendix E) were discussed for inclusion in the management strategy. The August Project Team meeting was critical in deciding

the final list of indicators to be included in the harvest control rules and the remainder of the management strategy. At this meeting, the Project Team proposed that only three indicators be included: SPR, density, and either gonad index or body condition. After a subsequent all-day meeting with the modelers, where the limitations of gonad and body condition data were discussed, this list was further refined to only include SPR and density. This change was shared with and approved by the Project Team at the September meeting. Narrowing down the list of potential indicators provided efficiencies, reducing unnecessary computational analyses given the short timeline of the integration process.

There were several reasons why only two indicators were included in the HCR. First, both length and density data streams were considered in the original management strategies from CDFW and the TNC-led stakeholder group, and the associated indicators were extensively discussed by the peer review panel and were also supported by the Project Team. Second, the Project Team recognized the indicators that were directly related to the condition of the red abalone resource were the most useful to inform management decisions. Third, simulation modeling involved in MSE requires a clear mechanistic link between indicators and the red abalone resource. These mechanisms are not well defined or understood well enough for the majority of the proposed environmental and productivity indicators (e.g., urchin density, kelp density, etc.). Finally, reliability and cost-effectiveness were considered. The Project Team acknowledged the need to keep data collection programs simple and streamlined, and to select a reasonable number of indicators such that information conveyed is not too redundant and data coordination across entities becomes overwhelming and cost prohibitive. While the Data Stream Comparison Table (see Appendix E) outlined a wide variety of potential data streams, robust data streams were unavailable to managers for many of these indicators, although there is some data available through outside programs (e.g., MPA monitoring). There were also cost efficiencies created by designing a management strategy centered around prioritizing existing and routinely collected data streams, rather than prioritizing new data streams or collection approaches (which would necessitate a larger research/analysis component separate from what was achievable under the set integration timeline).

Recommendation 4: **A multi-indicator approach, with little to no tiering, where not all indicators need to be met (i.e. not adopting a "one out, all out" approach), may be more flexible and informative given the uncertainty of changing ocean conditions and the response of red abalone to these changes. The structure of this approach and choice about whether to make it sequential (single indicators triggering another single indicator and so on), tiered (groups of indicators that trigger next tiered group of indicators and so on), or**

simultaneous (all indicators assessed simultaneously) can and should be tested using a formal operating model, thus building in a structure that is not subjective.

Within the information-limited context of red abalone management, the presence of observation error remains a primary motivation for considering a multi-indicator framework. Estimation of both density and SPR may be subject to non-trivial levels of error. Although alternate structures of the multi-indicator framework were not evaluated through simulation modeling, with only two indicators there were limitations in the sequential/tiering configurations that made sense for density and SPR. If more indicators become available that are regularly measured, have clear mechanistic linkages to abalone population dynamics, and have defined quantifiable reference points, it may be useful to revisit this recommendation. The structure was, however, developed based on the general agreement of the Project Team and flexibility was built in for instances where both data streams are not available.

Members of the Project Team were supportive of the harvest control rule design proposed - a decision-tree using the traffic light method. Use of the traffic light method within a harvest control can be implemented in various forms (Caddy 1999, 2015, Caddy et al. 2005), and offers several benefits in addressing the management circumstances facing red abalone. It simplifies data into a set of value judgements and enables uncertainty in indicators to be embraced while providing a basis for coarse adjustment to management status (Mangel and Levin 2005, Caddy 2015). Members of the Project Team generally agreed that the HCRs were presented in a format that made the management decisions to be made from the framework easy to understand.

Flexibility is also incorporated into the framework in a number of ways. First, with respect to the density indicator, noting that high variability exists within the data set, three different percentiles (75%, 90%, 100%) were explored for the number of site-specific density estimates required for an indicator to be triggered within the control rule; lower percentiles provided more flexibility. Second, recognizing that some instances may arise where there is no density or length frequency distribution data to proceed to a decision tree, the management strategies allow for an interim decision to be made at the discretion of the Commission.

Recommendation 5: **Setting reference points for every indicator is critical. (See also recommendation 3)**

A suite of candidate reference points (see Table 3.1 in Technical MSE report within Appendix A) were evaluated via MSE for both density and SPR, and used to assess performance of proposed management strategies. Target reference points define the

desirable expectations of the fishery and the stock, where the level of concern for fishery sustainability is low. Intermediate reference points are established so that management actions are triggered as concern for sustainability of the resource grows. Limit reference points define a state of the resource that is to be avoided, aiming to select a value that is conservative enough to buffer abundance away from low levels, given red abalone are vulnerable to environmental conditions in terms of their survival, growth, and reproductive success.

In the case of SPR, categories are assigned relative to a limit reference point (see Technical MSE Report in Appendix A). SPR reference points were chosen relative to theoretical work applied to long-lived species. Several studies have concluded that SPR targets greater than or equal to 0.4 should produce close to optimum harvest, especially for long-lived species (Mace 1994, Clark 2002, Punt and Ralston 2007, Harford et al. 2019b). And like other studies, maintaining SPR above such a target during an open fishery may be a reasonable means to buffer against environmentally-induced abundance fluctuations in the longer-term (Harford et al. 2018).

In the case of density, a more involved approach was used that requires specification of limit, intermediate, and target reference points (see Technical MSE Report in Appendix A). Density reference points were proposed by CDFW and were accordingly specified as $0.2/m^2$ (limit reference point), $0.3/m^2$ (intermediate reference point), and $0.4/m^2$ (target reference point). These quantities appear to be consistent with historical density levels. Project Team and CDFW staff discussed a limit reference point in proximity to 0.2 abalone per m^2. The following rationale was shared, summarizing available evidence that appears to suggest that productivity could be compromised below this density level. At Santa Rosa and Santa Cruz Islands, Kelp Forest Monitoring Program (National Parks Service) data show that red abalone populations in 1983 were below 0.2 abalone per m^2, and following these densities, populations continued to decline to <0.05 abalone per m^2 (Tegner et al. 1989a, Karpov et al. 1998). Red abalone densities before 1983 at these island sites (1978-1982) were <0.3 abalone per m^2 (Tegner et al. 1989a). In Washington State, northern abalone *H. kamtschatkana* densities have declined by 77% with all sites now <0.15 abalone per m^2 (Rothaus et al. 2008). At these low densities, populations continued to decline and there is now apparent recruitment failure (Rothaus et al. 2008, Rogers-Bennett et al. 2011). Northern abalone have also showed reduced productivity along the west coast of Vancouver Island, British Columbia, Canada following declines in density below 0.3 abalone per m^2 (Tomascik and Holmes 2003). In South Australia at West Island, given the assumption that declining parental stock contributed to poor recruitment, Shepherd and Brown (1993) measured densities between 0.25 and 0.015 abalone per m^2 prior to the period of poor recruitment.

Additional reference points, termed intermediate and target densities, are also required and were considered relative to past CDFW densities surveys in northern California.

In the HCRs provided, indicators derived from density and length frequency data streams are assigned a color category that is determined by comparing the indicator value against pre-agreed reference points. Red indicates a dangerous condition, far from enabling open fishery status. Yellow reflects unsatisfactory conditions, occurring during transition from red to green. Green reflects satisfactory conditions aligned with enabling open fishery status indicators derived from density and length frequency data streams are assigned a color category that is determined by comparing the indicator value against pre-agreed reference points. These reference points are used as thresholds to trigger a change in management status when reference points are exceeded. It will ultimately be up to the Commission to select adequate reference points that meet the needs of the biological resource and stakeholders, as informed by MSE results.

Recommendation 6: **All indicators should be evaluated alongside each other in formal simulation modeling to set reference points and to test and determine the appropriate suite of indicators.**

As mentioned in the response to Recommendation #3, there were extensive discussions about the list of indicators listed in Table 1 of the peer review report. Although the Project Team recognized the merits of the range of indicators, only two were ultimately included in the proposed harvest control rules. A combination of cost-effectiveness of data collection and increased understanding of the mechanistic links between SPR and density and the red abalone resource were important factors in their selection. The remainder of environmental and productivity safeguard indicators (e.g. ocean temperature, canopy-forming kelp, and urchin density) were still included within the overall management strategy within the Exceptional Circumstances strawman proposal (see Appendix G). Performance of these indicators (using a variety of reference points) was then evaluated via MSE, which uses a simulation modeling approach.

Recommendation 7: **All indicators need to transparently indicate, and then formalize the way in which they deal with uncertainty.**

Within the modelers' technical report (see Appendix A), there is an evaluation of the measurable precision of the two data streams used for red abalone to help understand associated uncertainty -

length frequency composition and density surveys (from Reef Check California and CDFW). Better understanding of sampling precision of these two datasets is critical in defining reference points and triggers for management action for the indicators associated with these data streams (SPR and density respectively).

For length data, the precision of length frequency sampling is quantified by examining the observed sample sizes at each site. Given complications of field sampling, length samples collected from *n* sampling events (i.e., transects) may not represent a completely random sample, but instead may be subject to errors attributable to data collection methods, especially measurement of clusters of individuals with similar lengths (Hulson et al. 2012). Simulation modeling of length-based management strategies for red abalone ultimately revealed that observed sample sizes between 150 – 300 individual red abalone per site could be a reasonable rule of thumb for a minimum data collection standard. A bootstrap analysis was also conducted to provide guidance on the minimum number of sites that should be visited to sufficiently characterize the variation in SPR among sites. The analysis revealed that sampling more than 10 sites appears necessary to characterize variation in SPR at the geographic scales considered in the analysis. However, this analysis may still underestimate the number of sites needed to sufficiently characterize regional SPR variation because most SPR estimates made to date are obtained from the most heavily fished sites, rather than some randomized and/or stratified-random design with respect to fishing intensity. Within the MSE simulations, it was assumed that life history parameters that are needed to estimate SPR could be reliably obtained (see Prince 2016). Some care should be taken in ensuring that reliable life history information can be obtained before applying this indicator, as management strategies that rely on SPR can be sensitive to biases in life history parameters, especially when other indicators do not work to ameliorate such circumstances (Hordyk et al. 2015, Harford et al. 2019a).

For density data, whole site density of emergent red abalone should be calculated according to an appropriate statistical distribution thought to give rise to the data. This consideration is explored, revealing a right-skewed distribution of counts, which sometimes includes a non-negligible number of zero count transects. Occurrence of zero count transects is consistent with log-normal or delta log-normal sampling distributions (Pennington 1983, Lo et al. 1992, Fletcher 2008). Thus, for each year-site combination, summary statistics of density should be calculated by applying a delta-lognormal distribution to red abalone transect counts and estimating summary statistics (including confidence interval (CI) of the mean). Because of the variability around estimates of density (as measured by coefficient of variance), a CI was also calculated separately for density estimates for each individual site, and then the

fraction (percentile) of the CIs that meet density criteria are used to determine the status of the resource within the harvest control rule.

Additionally, the traffic light method used to structure the harvest control rule integrates indicators into decision-making according to their known information limitations. The traffic light method has been implemented in various forms (Caddy 1999, 2015, Caddy et al. 2005), and offers several benefits in addressing the management circumstances facing red abalone. It simplifies data into a set of value judgements, presented in an understandable form, and enables uncertainty in indicators to be embraced while providing a basis for coarse adjustment to management status (Mangel and Levin 2005, Caddy 2015).

Recommendation 8: **The science underlying setting catch levels needs to be re-evaluated and re-configured.**

Like other data-limited fisheries, historical trends in abundance are not well established for red abalone. Historical trends are used to initialize the simulation prior to the application of a management strategy. A scenario was re-constructed about red abalone stock dynamics from 2002 to 2017, based on fishery-independent data sets from CDFW and RCCA and the site-specific catch history from the fishery.

First, data-limited assessment methods are described that were used to gain insight into historical stock size and depletion. The operating model requires use of site-specific unfished recruitment (R_0) that scales relative abundance trends to absolute stock size at each site. This parameter was estimated using two data-limited assessment methods, each of which provides a site-specific estimate of maximum sustainable yield (MSY; in numbers of red abalone). After obtaining MSY, the operating model was tuned so that site-specific R_0 produced the corresponding estimate of MSY. Estimates of MSY were obtained using observed site-specific catch histories and the data-limited methods known as DB-SRA (Depletion-Based Stock Reduction Analysis) and catch-MSY. Ultimately, R_0 was tuned using MSY estimates from DB-SRA because this model accounts for skewness of the surplus production curve (i.e., the quantity B_{msy}/K), which is fixed at 0.5 in Schaefer form of surplus production used by catch-MSY. However, catch-MSY was useful as a comparison and MSY estimates were similar between approaches.

The management strategies developed during this process were ultimately focused on allowing for *de minimis* fishing opportunities, due to the extended length of time estimated until the red abalone resource is rebuilt. As such, analyses around catch setting largely focused on evaluating what level of catch would be considered *de minimis* (i.e., "*...having a level of catch that is anticipated to have little to no effect on the health or recovery of a fishery resource.*") This level of catch would be fixed

during the *de minimis* phase, and thus the harvest control rules are not designed to make annual changes to the TAC. Four TAC levels were simulated for a *de minimis* fishery: 5,000, 10,000, 20,000 and 40,000 individuals per fishing zone. Acknowledging the uncertainty associated with estimates of TAC with this modeling approach, results for Zone 1 (Mendocino, Del Norte, and Humboldt counties) in the two-fishing zone approach suggested a *de minimis* TAC at levels between 20,000 to 40,000 would affect recovery. In Zone 2 (Marin and Sonoma counties), a *de minimis* TAC greater than 10,000 would affect recovery.

The MSE was carried out within the realm of data-limited fishery management and because of this limitation, total abundance is highly uncertain. Because total abundance is uncertain, there is also uncertainty surrounding selection of a *de minimis* TAC. The MSE presented herein may be useful for advancing discussion of a *de minimis* TAC, but the MSE is insufficient to provide complete guidance on its selection. Continued discussion is likely necessary to determine whether additional research and analyses may be useful to support selection of a *de minimis* TAC. Further, data-limited management strategies tend to require catch limits that are more precautionary than those that could be implemented under equivalent data-rich fishery circumstances (Ralston et al. 2011, Dichmont et al. 2017). While there is little consensus on the precise approach to ensuring that these catch limits are sufficiently precautionary, data-limited fishery management tends to reduce catch limits in acknowledgement of scientific uncertainty (Newman et al. 2015).

A more detailed discussion of methodologies are outlined within the Technical MSE Report within Appendix A.

***Recommendation 9:* Align the re-opening plan to match how the fishery is managed under other management scenarios to streamline data collection, analysis, and the decisions that follow.**

Neither of the original two management strategies provided alignment in how the fishery was managed across management scenarios. In the TNC-led stakeholder management strategy, there was no mechanism provided for re-opening the fishery; the strategy was developed before the December 2017 closure of the fishery, and simply used a relative adjustment based on the previous year's TAC. In the CDFW management strategy, different data streams were used to open and close the fishery. When re-opening the fishery at a specific site, three criteria are evaluated: 1) environmental conditions, 2) size distribution of abalone (legals and sub-legals), and 3) density. Assuming all these met the threshold, it was possible to re-open. Alternatively, when the fishery was open, a different suite of indicators was

evaluated to make adjustments to catch including environmental data, density, and productivity indicators such as abalone gonad index and body condition.

Under the harvest control rules proposed in Section III, density and SPR are used as indicators to guide decisions about when to open and close the fishery, as well as when to transition to or from a *de minimis* fishery. Using this approach, the same length and density data streams collected by CDFW and RCCA are used to guide annual decision-making to determine whether a management status (open, *de minimis*, closed) will be maintained in a fishing zone or whether it changes. Indicators calculated for the re-opening plan also mirrored those used to close the fishery and transition to a *de minimis* fishery. Across the management strategies provided through the integration process, multiple reference points were defined and evaluated which impact the timeline to recovery of the stock and allow for different risk tolerance thresholds for fishery managers to consider relative to the likelihood of stock rebuilding and fishing needs of stakeholders.

B. Requests for Additional Peer Review

The management strategy integration process, and resulting integrated management strategies outlined in this report, is in direct response to the recommendations made by the OST-facilitated peer review panel. The Commission then made a recommendation in December 2018 that endorsed the peer review recommendation to integrate the two peer reviewed management strategies. As such, the integrated strategies provided in this report are informed by an MSE model and significant content that has already undergone peer review.

During the December 2019 meeting, a member of the Project Team inquired about whether the integrated management strategy would undergo another peer review. The request arose based on the fact that at the time of the original peer review, the management strategies were not drafted to specifically consider a *de minimis* fishery. Commission and CDFW staff clarified that the Commission will ultimately determine whether an additional peer review is necessary. The Commission may look to guidance in the Code (§7059, §7075), in consultation with CDFW, as to whether another peer review is required or if the integrated management may be exempt from an additional peer review based on outlined criteria or if a prior peer review has occurred within a reasonable time period.

Section VI - Final Recommendations from Administrative Team

This section outlines recommendations from the Admin Team to the Commission for consideration as they provide guidance to CDFW in drafting the North Coast recreational red abalone FMP. These recommendations reflect Project Team discussions and guidance including alternative perspectives or issues of note. While recommendations reflect items where there was general support from the Project Team, not all members of the Project Team may agree with one or more of these recommendations. Where possible, the recommendations reference Commission directives from the Commission's December 2018 motion to inform the development of the North Coast recreational red abalone FMP:

(1) Support addressing peer review recommendations to integrate aspects of both draft management strategies, based on a simulation modeling approach co-developed by CDFW and the TNC-led stakeholder team, including engagement with abalone divers and other stakeholders; (2) revise Fishery Management Plan (FMP) goals to allow for a de minimis fishery option; (3) develop triggers for the de minimis fishery option in consultation with stakeholders; and (4) request that CDFW develop a proposed process and timeline which accounts for active public and Marine Resources Committee (MRC) engagement.

Recommendation #1: Consider selecting a management strategy (or consider developing a new one) that addresses the charge provided by the Marine Life Management Act and Commission goals, while being mindful of the Project Team guidance.

In addressing the Commission's first directive "to integrate aspects of both draft management strategies, based on a simulation modeling approach," it is important that the Commission consider selecting a management strategy that is informed by MSE results to best ensure the long-term recovery and sustainability of the red abalone resource.

As part of the selection of a management strategy, the Commission may consider the following potential actions:

- Approve the proposed harvest control design (HCR) that incorporates SPR and density or evaluate the possibility of developing an alternative.
- Select a management strategy (either A, B, C, or D) or evaluate the possibility of developing an alternative management strategy that incorporates aspects of A.1 through A.6 or sensitivity analyses.
- Determine the appropriate number of fishing zones (two or three).

- Select a *de minimis* TAC level for each fishing zone.

With respect to HCR design, the Admin Team recommends that the Commission consider approving the proposed HCRs, including identified indicators. Both design and selection of indicators have been supported by the Project Team. The HCR design satisfies the Commission's first directive "to integrate aspects of both draft management strategies, based on a simulation modeling approach," and to use trigger-based management where possible. The selection of indicators within the HCR can also be supported by existing sampling programs and available data, based on the understanding of the Commission's directive.

With respect to selection of an explicit management strategy or combination of strategies, it will be important for the Commission to consider its risk tolerance and how to best weigh the precautionary approach and need to manage in uncertain environmental conditions with a mandate to also allow for sustainable harvest opportunities. **Section 3G** highlights the trade-offs associated with any option. As stated earlier, these primary trade-offs include: (1) length of time to open fishery status, (2) depletion at open status, and (3) cumulative catches prior to achieving open status. In weighing these trade-offs, and ultimately selecting a management strategy, **Figures 3.9 and 3.10** provide a visual reference to inform Commissioners review of how the various management strategies perform against one another. Additionally, the Commission may consider stakeholder perspectives when selecting a management strategy, although this is difficult given the diversity of perspectives and priorities. Fishermen of the Project Team were more supportive of prioritizing management strategies that support a *de minimis* fishery in the near-term (e.g., strategies A or C) while others, including Tribes and Tribal community members favored more conservative and precautionary options (e.g., strategies B or D) to better protect the resource. It will be important for the Commission to consider priorities around resource recovery and harvest opportunity, to ultimately inform when take opportunities, including a *de minimis* fishery or a bio-fishery, may occur (see Recommendation #3).

There was Project Team support for either a two- or three-zone approach to management. There is currently no support for a one or four-zone approach. The Project Team acknowledged that management under a two-zone fishing configuration would closely resemble CDFW's current management approach. There was broad support for exploring data and sampling needs in Humboldt and Del Norte counties to learn if and how a third zone may be managed in this area. There is concern by some Project Team members that the lack of data, and/or low red abalone densities and population sizes in Humboldt and Del Norte counties will prevent the opening of a fishery if the same approaches and assumptions were used

for the northern counties as for Sonoma and Mendocino counties. Some participants suggested managers start with a two-zone strategy and move to three zones when a data sampling strategy and additional information (i.e., natural mortality rates, etc.) are available for the two northern counties. Site-specific management is challenging because of limited sampling and data availability. The modelers highlighted that MSE is not sensitive enough to model zones where low and/or no data is available; however, the modelers conducted a hypothetical modeling exercise to explore sampling intensity required to explore managing Humboldt and Del Norte counties as a third zone under a separate SPR-only management strategy. It is important that any decisions regarding fishing zones reflect the technical capabilities of MSE, directives set by the Commission for management strategy integration, CDFW capacity for both management oversight and enforcement, and stakeholder perspectives and priorities.

Finally, with respect to selection of a *de minimis* TAC, some members of the fishing sector suggested the Commission maximize fishing opportunities within the context of responsible fishing without overharvesting in the near-term. This could suggest a lower level of *de minimis* TAC either at or below levels indicated in **Section 3G** (i.e. 20,000 to 40,000 abalone for Mendocino, Humboldt, Del Norte and < 10,000 abalone for Marin and Sonoma). When considering harvest opportunities for recreational divers, some fishermen were also interested in exploring a TAC at a level between a bio-fishery and a *de minimis* fishery, which could include a TAC below what was modeled (i.e., a few hundred to 5,000 abalone). See Recommendation #3 regarding a bio-fishery as a means of allowing recreational harvest opportunities in the near-term, while also supporting data collection needs. See Recommendation #4 regarding a *De Minimis* Fishery Strawman proposal as guidance for developing the North Coast recreational red abalone FMP. Participants representing the Tribes and Tribal communities expressed that the recovery of the red abalone resource is the highest priority and supported a more precautionary management approach.

Recommendation #2: Explore a citizen science-driven data collection program for Humboldt and Del Norte counties that could inform the development of a management strategy and inform future management of these data-limited counties.

The Admin Team recommends that the Commission support an effort to fill data gaps for a potential third fishing zone in Humboldt and Del Norte counties. Over the course of the integration process, there were substantial public comments about how to manage abalone in these counties and an interest in managing them as a third fishing zone for the reasons mentioned in Recommendation #1. However, due to logistical challenges of sampling in these regions, and naturally low occurring

abundance of abalone that make the current density survey protocols ineffective, CDFW has not historically sampled in those areas. Numerous conversations at Project Team meetings focused on how to potentially manage these areas of limited or no data, as it has implications for similar areas in southern California, where recreational and commercial harvest is currently closed under a moratorium (Fish and Game Code § 5521).

Citizen science could play a critical role in filling these data gaps, and there was broad support for CDFW to consider the use of citizen science data in the management of red abalone across the state. The simulation modeling efforts that occurred during this process provide a potential path forward, with a suggestion that collecting 20-100 samples of length data per year in Humboldt and Del Norte counties would meet the state's sampling needs for managing the area as a third zone. As mentioned earlier, technology could play an important role in supporting citizen science data collection effort by harvesters, particularly with respect to length data; length data could be acquired manually or using applications that utilize machine learning and benefit from generating more reliable estimates. Should data collection begin in any such zone(s) where there has been little to no previous data, the Commission could, in a future action, could consider conducting another MSE to inform the design of a decision-tree like framework that incorporates length or any other indicators of note (see **Appendix E**). Dependent on time and interest, a wider variety of management options could be considered for this zone using other indicators or other experimental approaches.

Recommendation #3: Consider a biological fishery (bio-fishery) as a means of allowing for near-term recreational harvest opportunities, that also helps support the state's data collection needs.

Throughout the integration process, members of the recreational diving community emphasized the importance of rebuilding the red abalone stock while maintaining any opportunity for harvest. While a number of divers originally envisioned this as a *de minimis* fishery, results of the MSE indicated that the timeline to recovery could be substantial, with median rebuilding times to move from a closed to de minimis fishery ranging from 11 to 31 years. As mentioned earlier in the report, even when the fishery is in closed status, it is crucial that data collection efforts continue so that adequate information is available to inform annual decision-making. Given the long recovery timeline to reach a de minimis fishery, and the high likelihood of the fishery remaining closed for the next few years, a bio-fishery would allow for limited harvest opportunities while also meeting the data needs for management. As such, the Admin Team recommends the Commission consider a bio-fishery within the northern California recreational red abalone FMP to fulfill the state's identified data needs while providing a near-term opportunity by interested stakeholders. Should the state

implement a bio-fishery, the Project Team supports training from CDFW and scientists for all participants prior to initial participation.

Recommendation #4: Consider adopting the De Minimis Fishery Strawman Proposal (Appendix F) as guidance for CDFW to incorporate into the draft recreational red abalone FMP.

Stakeholder buy-in can be a crucial element in ensuring compliance with any management measure. As such, the Admin Team recommends that the *De Minimis* Fishery Strawman proposal (see **Appendix F)** co-developed by the Admin and Project Teams be incorporated into the recreational red abalone FMP. The second and third components of the Commission's 2018 motion were to "revise Fishery Management Plan (FMP) goals to allow for a *de minimis* fishery option," and "to develop triggers for the *de minimis* fishery option in consultation with stakeholders." In response to and to inform this directive, a *De Minimis* Fishery Strawman proposal was developed and refined throughout the integration process to provide a framework for a *de minimis* fishery within the North Coast recreational red abalone FMP. This document outlines a range of management tools available to help inform guidelines for future regulatory consideration to provide for added flexibility in management and to capture the range of stakeholder perspectives. Its content has been informed by discussions at Project Team meetings, as well as email submissions from Project Team members. Modeling work conducted as part of the management strategy integration process will inform the appropriate level of take of such a fishery.

Recommendation #5: Support further development of the Exceptional Circumstances strawman proposal (Appendix G) with interested stakeholders, ensuring that any indicators used are aligned with peer review guidance.

During both the peer review and management strategy integration processes, there was significant discussion about how to manage red abalone effectively in the face of significant environmental changes. Project Team members recounted extreme environmental conditions seen off the North Coast over the past several years, with an observed "perfect storm" of mass die offs, disease outbreak, species movements, and critical habitat loss. The Exceptional Circumstances strawman proposal (see **Appendix G**) was created noting the interest of Project Team members to incorporate environmental indicators into the management strategy, while acknowledging that their mechanistic links were not as well defined to allow for incorporation within the MSE. Before the harvest control rule is consulted, environmental conditions within the proposal would be assessed as a precautionary measure. As part of these discussions, the Project Team recommended checking for whether exceptional circumstances had occurred, such as oil spills, harmful algal

blooms, and warm water anomalies, as well as reviewing a variety of biological and environmental indicators (e.g., urchin density, kelp abundance, oxygen levels) to determine if environmental conditions are poor or unusual. The latter might require a more immediate response to proactively protect red abalone rather than proceeding through the decision tree.

While the proposal developed was a good starting point, there are still a number of outstanding issues that warrant further discussion. A more detailed protocol is still needed, if this clause is eventually included in the FMP. The identification of indicators is in itself insufficient and does not negate the need for refining the justification for the types of information and the manner in which these indicators trigger an exceptional circumstance (as noted in **Section 3B**). For some indicators identified, additional research regarding the mechanistic linkages in system dynamics would also likely be beneficial. For these reasons, the Admin Team recommends that the Commission support further collaborative development of the Exceptional Circumstances strawman proposal by CDFW and stakeholders. Members of the Project Team expressed that there may be value in convening an organized committee (with leads and logistics to be determined) to review the data and indicators associated with the exceptional circumstances portion of the management strategy before it is implemented. This working group could outline a more clear set of rules and triggers (if warranted) for implementing this portion of the management strategy, and should look to peer review recommendations that cautioned about arbitrary or unjustified selection of reference points for indicators.

Recommendation #6: Prioritize research needs to enhance the management of the red abalone resource off California.

Through the management strategy integration process, a number of research needs and priorities were identified through modeling work and during Project Team meetings. The Admin Team recommends that the Commission endorse these research priorities to encourage state and academic researchers to more actively address filling data gaps. Some of the research needs identified included, but were not limited to:

- Additional research to more clearly define the mechanistic linkages between the red abalone resource and indicators outlined in **Appendix G** (as noted in Recommendation 5).
- Pilot studies to assess sampling feasibility for collection of 60-100 length (and size at reproductive maturity) samples per year in Humboldt and Del Norte counties.

- Exploring methodologies to obtain better life history parameters (including size at reproductive maturity and fecundity).
- Studies to estimate natural mortality rates and the magnitude of inter-site variation.

Recommendation #7: Request that CDFW develop a data management plan with stakeholders to better coordinate and streamline data collection efforts across the state.

The Admin Team recommends that the Commission request CDFW to work with stakeholders (e.g., academics, industry, NGOs, Tribes and Tribal communities) to develop a data management plan for the North Coast recreational red abalone fishery. During the Project Team meeting process there were several conversations about the variety of data collection efforts happening across the state (see **Appendix E**). Given data limitations expressed throughout the process by modelers, there is a need to fill data gaps and have a more comprehensive understanding of the red abalone resource and the broader ecosystem. Coordinating data collection efforts from state and non-state entities, as well as citizen scientists and fishermen, working along the North Coast could provide a more cost effective, efficient, and comprehensive approach. The Project Team strongly supported improving data coordination, where there can be more efficiencies across data collection efforts by the state and other organizations. When coordinating across sampling entities, data collection efforts should be standardized and formalized through a data management plan.

It would be important for such a data management plan to outline data collection standards and activities to best meet management needs and the goals outlined within the final FMP. It could also include an approach to making all data collected more broadly accessible to the public in a timely manner and provide a wish list of data sources that could support management. In the future, the Commission may consider the development of such data management plans as best practice and consider their application broadly across state-managed fisheries.

Recommendation #8: Consider selecting an allocation scheme for recreational permits that uses a preference point lottery system for recreational permits and explore a pathway for the Commission to gain authority to consider allocating a subset of the recreational fishery TAC to Tribes and Tribal communities for subsistence.

Assuming that the demand for recreational red abalone permits would exceed the opportunity, an approach is needed to equitably subdivide harvesting opportunities among user groups and individuals. The Admin Team recommends that the

Commission explore a preference point lottery (as outlined in **Section IV** to accomplish this, given the Project Team reached consensus on this approach. The lottery could apply to single individuals or groups of individuals; in the latter case, a party could apply as a group and all receive tags if drawn. This addresses the recreational diving culture, where groups of individuals engage in the activity together, and it may also increase safety considerations to allow dive buddies or dive groups to dive together.

However, Tribes and Tribal communities clearly expressed a lack of support for any of the allocation schemes, as subsistence harvest is not comparable to recreational harvest. For these reasons, and given the cultural importance of abalone to Tribes and Tribal communities, the Admin Team recommends the Commission continue working with Tribes and Tribal communities to consider allocating a subset of the overall TAC designated for either a *de minimis* or open fishery to Tribal subsistence fishing. This may require engaging in conversations with the Legislature to achieve a Tribal allocation for subsistence fishing and opportunities.

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Appendix A - Final Modeler Technical Report and High Level Summary

A high-level overview was generated for the Project Team meetings to describe operating models, management strategies, and updated results from a management strategy evaluation (MSE) for the North Coast recreational red abalone fishery. That overview can be found below, and a full technical report with additional details accompanies this summary document and is included here: Draft Technical Report on Management Strategy Evaluation.

This document provides a high-level overview of the operating models and updated management strategies and updated results from a management strategy evaluation (MSE) for the North Coast recreational red abalone fishery. All management strategies consider three states for the fishery - closed, *de minimis*[6], and open. Within these analyses, a two fishing zone configuration was evaluated using the boundary line between Sonoma and Mendocino county. An additional hypothetical analysis was also conducted to consider the level of sampling intensity required to support a three fishing zone configuration. A full technical report with additional details will accompany this summary document.

Operating Model

A key ecological uncertainty is the current state of the red abalone resource. Data from Reef Check California (RCCA) and the California Department of Fish and Wildlife (CDFW) have shown a downward trend in their density estimates that were assumed to reflect unfavorable environmental conditions, however it is unclear how long into the future such environmental conditions may occur. To account for this uncertainty, two operating models are explored in the MSE. Operating model #1 (OM1) assumes that unfavorable environmental conditions will continue through 2020, during which a mortality rate is imposed to deplete red abalone abundance in accordance with these unfavorable conditions. In operating model #2 (OM2), unfavorable environmental conditions are prolonged through 2022.

Within these operating models, sampling efforts for length-based spawning potential ratio (SPR) and density data from CDFW and RCCA were simulated. Utilizing data streams from both entities helps to maximize site coverage and better inform decision-making. The potential management strategies are designed to be applied

6 A *de minimis* fishery is defined as having a level of catch that is anticipated to have little to no effect on the health or recovery of a fishery resource

annually and independently at the individual fishing zone level. Decision-making relies on data analysis of the three previous years of data (using the most recent available) for length and density.

Management Strategies and Total Allowable Catch Evaluated

The performance of four management strategies were evaluated within each operating model for the two fishing zone figuration. Two hundred simulations were run for each operating model and management strategy combination. Each management strategy represents a combination of different reference points for SPR (0.4 and 0.5) and percentiles of density ($T_{DL} = T_{DI} = T_{DT}$ =100% and $T_{DL} = T_{DI} = T_{DT}$ =75%)[7].

- Management Strategy A: SPR (0.5), density percentile (75%)
- Management Strategy B: SPR (0.5), density percentile (100%)
- Management Strategy C: SPR (0.4), density percentile (75%)
- Management Strategy D: SPR (0.4), density percentile (100%)

Four total allowable catch (TAC) levels were also simulated for a *de minimis* fishery - 5,000, 10,000, 20,000 and 40,000 individuals per fishing zone. Noting that a management strategy is applied separately to each fishing zone, it is not necessary to select the same TAC for each fishing zone.

Six additional management strategies were evaluated following the November 2019 Project Team meeting to address requests made by Project Team members and additional considerations from the lead modeler. These represent alternative configurations of management strategy A, at a *de minimis* TAC of 5,000 red abalone in each fishing zone. The following changes were made:

- Strategy A.1 - change minimum harvest size to 8 inches (203 mm)
- Strategy A.2 - change minimum harvest size to 9 inches (229 mm)
- Strategy A.3 - change density reference points to 0.2 m^{-2}, 0.25 m^{-2}, 0.3 m^{-2}
- Strategy A.4 - change density percentiles to 90%
- Strategy A.5 - change density confidence intervals to 25%
- Strategy A.6 - change density confidence intervals to 10%

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7 Confidence intervals (CI) for the density indicator were set to 50%, as a conservative threshold to ensure sufficient red abalone abundance is present to support future catch, given the variability in the data stream. Percentiles are then used to score density (as red, yellow, green) in the decision tree. Percentiles are based on the frequency with which confidence intervals contain the density limit (DL) reference point (0.2 per m^2), density intermediate (DI) reference point (0.3 per m^2), or density target (DT) reference point (0.4 per m^2).

Finally, analyses were conducted to evaluate the sensitivity of the operating models (specifically using OM1 and evaluating against management strategy A) to different red abalone productivity levels (measured by stock-recruitment steepness), different assumptions about fecundity, and the impact of how overestimation of site-specific population size might impact rebuilding at various *de minimis* TAC levels (measured by the unfished recruitment parameter in the model [R_0]).

Rebuilding Trajectories

The length of time that it will take for the red abalone resource to recover to a point where it is possible to support an open fishery (i.e., time to recovery) is a function of four primary factors - 1) how depleted the red abalone resource is in the year 2021[8], 2) the productivity level of the stock, 3) the reference points selected, and 4) the environmental conditions that may impact growth and mortality of red abalone in the future.

Recovery times were evaluated in two ways:

- Length of time until a *de minimis* fishery could occur
- Length of time until an open fishery could occur.

Median rebuilding times from a closed status to a *de minimis* fishery for management strategies A - D varied between 11 and 31 years across the different operating models, fishing zones, and rebuilding strategies.

In the absence of fishing, the median recovery times from closed status to an open fishery status for management strategies A - D ranged between 28 and 59 years, depending on the operating model, fishing zone, and rebuilding strategy reference points. Understanding the median recovery time in the absence of fishing, it was then possible to determine what level of fishing would be possible during a *de minimis* fishery. In Zone 1 (Mendocino, Del Norte, and Humboldt counties), a *de minimis* TAC at levels between 20,000 to 40,000 would affect recovery. In Zone 2 (Marin and Sonoma counties), a *de minimis* TAC greater than 10,000 would affect recovery.

Differences in times to a *de minimis* fishery for management strategies A - D varied by operating model. Prolonged poor environmental conditions simulated in OM2

8 The red abalone season closure is in place through March 31, 2021.

resulted in a longer time period, with an additional 8-10 years needed until *de minimis* fishery status was achieved.

Preliminary results also suggest there is a clear trade-off among the four rebuilding strategies. Management strategies A & C allow the opportunity to fish at a *de minimis* state sooner, however the abalone resource is much more depleted when fishing begins (depletion level[9] of 0.2). Because thresholds for fishing are generally lower, strategies A & C also reach the open status in the shortest amount of time, which was generally triggered at depletion levels between 0.4 and 0.5. Management strategies B & D delay fishing opportunities, however the red abalone resource would be in a much less depleted state (i.e., depletion levels between 0.3 and 0.4) once *de minimis* harvest was allowed. Recovery of the resource under management strategies B & D takes more time to reach an open status, which was generally triggered at higher depletion levels between 0.6 and 0.8.

In addition, recovery trends coupled with different *de minimis* TAC levels produce different recovery times. Higher TACs result in higher overall levels of harvest, however they extend the length of time necessary to achieve an open fishery status.

Notable trends were also observed upon evaluation of the additional management strategies A.1 to A.6. Changing minimum harvest size (management strategies A.1 and A.2) had little effect on shorter-term metrics like time to *de minimis* fishery; however, time to open fishery was reduced by two to three years on average. Similarly, changing density reference points to 0.25 m^{-2} and 0.3 m^{-2} (management strategy A.3) reduced time to open fishery by, five years on average, but had no effect on time to *de minimis* fishery. Changing density percentiles to 90% (management strategy A.4) resulted in performance that was more similar to management strategy option B (density percentile of 100%), than to the original management strategy option A (density percentile of 75%). Strategies A.5 and A.6 changed the density confidence intervals to 25% or 10%, respectively, relative to the base case density percentile of 50%. Strategies A.5 and A.6 resulted in shorter time durations to *de minimis* fishing, but also allowed fishing to occur at a more depleted resource state.

With respect to results from the three sensitivity analyses investigating the effect of lower productivity levels resulted in delayed recovery times and slightly lower depletion levels at the onset of both the *de minimis* and open fishery. Changes to model assumptions about fecundity ultimately had no effect on performance of the

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9 Depletion level is measured on a scale from 0 to 1 and used to understand proportion of stock available to reproduce. Higher levels indicate a more robust or stable stock status.

model. Finally, lowering site-specific estimates resulted in notable increases to the length of time required to achieve an open fishery, particularly with *de minimis* TACs > 5,000.

Considerations for Sampling Under a Management Scenario with Three Fishing Zones

Throughout the management strategy integration process there has been extensive conversation about the need to consider Humboldt and Del Norte counties as a separate fishing zone. During Project Team discussions it became evident that data from these regions are extremely limited, presenting challenges to developing suitable indicators on which to inform decision-making. In response to these comments, and as a preliminary step, an analysis was conducted to examine whether limited collection of length frequency data could theoretically support a SPR-based harvest control rule (HCR).

This management strategy only serves to demonstrate how sampling intensity could affect decision-making and does not explore issues of risk in applying such a strategy (e.g., alternative reference points are not explored). A length-based management strategy was explored based on challenges associated with using currently established protocols to estimate density for this geographic area. Results of this analysis indicate that similar performance of the two sampling regimes - sampling of 20 length measurements per year (60 observations collected every three years, each time the HCR rule is applied) leads to reasonably similar recovery trajectories relative to sampling 100 length measures per year (300 observations each decision interval). Results from this analysis could be used as a preliminary step, with subsequent steps requiring identifying the feasibility of data collection and other research priorities, as well as creatively exploring a wider variety of management approaches that may be suitable for managing these counties as a distinct fishing zone.

Takeaway Messages

There are considerable trade-offs to be considered by the Project Team, the Admin Team, and ultimately the Fish and Game Commission, as they decide on the selection of a management strategy and *de minimis* TAC for the North Coast recreational red abalone fishery. Rebuilding strategies A & C offer the shortest times to open fishery status, while rebuilding strategies B & D have a longer recovery timeline to achieve an open fishery but result in greater red abalone biomass recovery before fishing activities occur. More conservative (i.e. higher) SPR and density reference points will provide the greatest biological protection but fewer fishing opportunities, and the reverse is true where lower reference points result in

increased fishing opportunities but reduce biological protections for the resource. Layered on top of this, the magnitude of the TAC chosen for the *de minimis* will impact how long it takes to rebuild the stock to a level where an open fishery could be triggered. Increasing the *de minimis* TAC results in a longer timeline to achieve an open fishery status. Additional management considerations, such as increasing size limits to 8” or 9”, while they would have little effect on the timeline to a *de minimis* fishery, could reduce the time to recovery for an open fishery by two to three years. Finally, if the Commission should decide to consider managing under three fishing zones, it needs to identify data collection and research priorities that would allow a management strategy, and associated HCR, to be developed for this zone.

Appendix B – Project Team Meetings: Key Themes Summaries and Meeting Highlights

Meeting summary documents were created after each Project Team meeting between May 2019 and December 2019. The Key Themes Summary documents were intended to provide an overview of the discussion topics, key questions, and identified next steps that emerged from the meeting discussions. The summaries were intended to capture high-level details and key themes, rather than a transcript of the discussion. Towards the end of the process the Admin Team and Strategic Earth transitioned to meeting highlight documents to generate a more streamlined and concise meeting overview. These Meeting Highlights documents are intended to provide a high-level overview of the key meeting discussion highlights and outputs including specific feedback on MSE and *de minimis* options to inform the Admin Team's final report to the Commission.

Key Theme Summaries and Meeting Highlights were developed by Strategic Earth to ensure the exchange of information and ideas was captured in neutral language and inclusive of the diverse perspectives shared during meetings. The Admin Team and core Project Team reviewed and refined the summary documents, providing assurance that the key discussion points and next steps were accurately characterized. Summary documents were then shared with the full Project Team and posted publicly on the OPC project webpage.

Key Theme Summaries and Meeting Highlights are linked below:

- May 22, 2019 Project Team Meeting: Key Themes Summary
- July 18, 2019 Project Team Meeting: Key Themes Summary
- August 27, 2019 Project Team Meeting: Key Themes Summary
- September 19, 2019, Project Team Meeting: Key Themes Summary
- November 21, 2019 Project Team: Meeting Highlights
- December 19, 2010 Project Team: Meeting Highlights

Additional resources regarding the recreational red abalone Project Team, including Project Team meeting agendas, meeting materials, presentations, and webinar recordings, are available on the OPC red abalone management strategies integration webpage.

Appendix C – De Minimis Fishery Proposals Received

Members of the Project Team were invited to share ideas, proposals, comments, and questions regarding the integration of red abalone management strategies and development of a *de minimis* fishery option for consideration and discussion during Project Team meetings. Proposals and comments were made publicly available on the OPC project webpage as they were received and reviewed by the Admin Team. The Admin Team responded to each submitted proposal via email (see **Appendix D**) with information on whether and how comments were considered and integrated. The Admin Team included reference to if/how comments were considered in presentations and relevant meeting materials (i.e., *De Minimis* Fishery Strawman Proposal) during Project Team meetings. Content from the Project Team proposals could be directed to either the Admin Team, peer review panel representatives, and/or the quantitative fisheries lead modeler and modeling team for consideration. Project Team members and others also conveyed their thoughts regarding proposals verbally during meetings.

Throughout the North Coast recreational red abalone management strategies integration process, nineteen proposals were received from Project Team between the first Project Team meeting on May 22, 2019 and the final Project Team meeting on December 19, 2019. These proposals are linked below:

- Jack Likins- Submitted May 22, 2019 Project Team meeting
- Steven Rebuck- Submitted May 22, 2019 Project Team meeting
- Brandi Easter- Submitted May 22, 2019 Project Team meeting
- Don Thompson- Submitted May 22, 2019 Project Team meeting
- Steven Rebuck- Submitted June 12, 2019
- Edward Schulze- Submitted June 19, 2019
- Ken Morrill- Submitted June 26, 2019
- Brandi Easter – Submitted July 10, 2019
- Doug Jung- Submitted August 11, 2019
- Steve Rebuck- Submitted August 12, 2019
- Scott Taylor – Submitted September 2019
- Jack Likins – Submitted September 24, 2019
- Jan Freiwald – Submitted October 3, 2019
- Ken Morrill – Submitted October 9, 2019
- Petition for New Abalone Management Zone – Submitted October 18, 2019
- Ken Morrill – Submitted November 18, 2019
- Ed Schulze – Submitted November 19, 2019
- Steven Rebuck – Submitted November 29, 2019
    - Supplemental materials here and here
- Don Thompson – Submitted December 18, 2019

Appendix D – Response to Comments Received throughout Integration Process

This appendix documents the responses provided by the Admin Team to proposals sent by Project Team members, with the exception of the petition which would have involved a response to over 2,000 individuals (see **Appendix C**). The petition was however highlighted in the Admin Team update presentation at the October Project Team meeting.

Proposal Author: Jack Likins

Date Submitted: May 22, 2019

Admin Team Response: Thank you for providing some context and demonstrating the added value of a *de minimis* fishery. Your proposal provides important context on how such a fishery could effectively balance science, management, and recreational needs. We agree that fishermen and citizen scientists can play an important role in data collection for a recreational fishery and that a *de minimis* fishery should be designed to align with those data collection goals. Finally, we will continue to take your questions into consideration as *de minimis* fishery discussions continue at the upcoming Project Team meetings. *Response sent 4:04pm 9/18/2019*

Proposal Author: Steven Rebuck

Date Submitted: May 22, 2019

Admin Team Response: Thank you for submitting your detailed proposal for a *de minimis* fishery. We agree that such a fishery can be designed that allows for harvest and data collection by fishermen while posing a minimal threat to the red abalone resource. We also agree with your outlined benefits, particularly those around a fishery benefiting coastal economies and providing additional resources to the Department of Fish and Wildlife. Unfortunately, the scope of the current management strategy integration process is limited to the North Coast recreational fishery. As such we are not exploring a fishery, recreational or commercial, for Southern california. However, we are hopeful that we can learn from the process, ideas shared, and final management strategy to inform future discussions about Southern California. *Response sent 4:12pm 9/18/2019*

Proposal Author: Brandi Easter

Date Submitted: May 22, 2019

Admin Team Response: Thank you for providing a number of interesting draft concepts for the Project Team to consider around a *de minimis* fishery. As you highlighted, we are seeking to strike a balance between allowing the stock to recover and allowing a limited, sustainable level of harvest. We also agree with the need to add clear criteria around fishery re-opening within the harvest control rule, and draft ideas have been included in the latest draft of the management strategy. We have also incorporated the idea of a random lottery or draw into the strawman proposals (here) that have been developed for consideration by the Project Team. *Response sent 4:15pm 9/18/2019*

Proposal Author: Don Thompson

Date Submitted: May 22, 2019

Admin Team Response: Thank you for your comprehensive comments which provide a thorough overview of the management history of red abalone. Although the scope of the current FMP is focused on the North Coast recreational fishery, as directed by the Fish and Game Commission, and thus cannot address your desire for a coastwide fishery, you raise a number of important issues that we are currently working to address. First, you mentioned a desire for a risk assessment of varying levels of harvest of the red abalone resource. A management strategy evaluation will allow us to do just this and explore trade-offs associated with increased harvest and the rate of recovery of the stock. This work will occur within the next few months and the results will be shared with the Project Team. Second, you highlighted a major concern with density as an indicator for management. Although the Project Team still feels density can be an informative indicator, through this management strategy integration process we are re-evaluating density and other potential indicators, how best to estimate them, address uncertainty around estimates, and set appropriate reference points for them. Lastly, we are hopeful that we can learn from the process, ideas shared, and final management strategy to inform future discussions about Southern California, as others have mentioned this concern as well. *Response sent 4:21pm 9/18/2019*

Proposal Author: Steven Rebuck

Date Submitted: June 12, 2019

Admin Team Response: Thank you for providing a comprehensive public comment, as well as citations to a broad body of literature around the value of advisory groups in management, marine protected areas, and red abalone research studies. To your point about the need to evaluate the effectiveness of management measures such as total allowable catch and trip limits on maintaining a healthy resource,

management strategy evaluation will be used to do just that. This work will occur within the next few months and the results will be shared with the Project Team. We also agree about the value of advisory groups, revisiting their past recommendations as they relate to peer review recommendations and the charge provided by the Commission; members of the Recreational Abalone Advisory Committee (RAAC) have also been invited and are participating in the management strategy integration process. We also appreciate a number of the management measures you have suggested for the *de minimis* fishery in Section 5 of your comment letter. The Administrative and Project Team, as well as the broader public, have access to your letter, and these specific management measures, as all public comments and proposals are posted on the Ocean Protection Council website (here). We welcome you to discuss these ideas in further detail during the ongoing Project Team meetings. Finally, we have passed on your requests that are outside the scope of the current management strategy integration process (e.g., delisting sea otters from the Endangered Species Act, allocating TAC to a commercial fishery, exploring sport or commercial fisheries from south of San Francisco to Santa Barbara county, exploring a fishery for green abalone, conducting an environmental impact analysis of the northern wine industry, tracking flows of fire retardants to the nearshore environment), to the members of the Administrative Team from the Department of Fish and to be responsive to the requests. *Response sent 4:36pm 9/18/2019*

Proposal Author: Edward Schulze

Date Submitted: June 19, 2019

Admin Team Response: Thank you for submitting a detailed proposal for a *de minimis* fishery. A number of the ideas you have presented such as considering zonal management, and assigning a specific total allowable catch (TAC) to each zone are concepts that have been incorporated into the latest draft of the management strategy (here). Depending on the management status of the fishery (open, *de minimis*, closed) that TAC would vary, as you suggested, based on what the selected indicators tell us about the health of the red abalone resource. We will continue to explore more specific management details for a *de minimis* fishery at upcoming Project Team meetings. Your thinking about a lottery or drawing for tags has been incorporated into the *de minimis* fishery strawman proposals (here) drafted by the Administrative Team for continued consideration by the Project Team. *Response sent 4:30pm 9/18/2019*

Proposal Author: Ken Morrill

Date Submitted: June 27, 2019

Admin Team Response: Thank you for providing comprehensive public comments, as well as for proposing specific elements of a *de minimis* fishery. A number of the ideas you have presented such as considering zonal management, and assigning a specific total allowable catch (TAC) to each zone are concepts that have been incorporated into the latest draft of the management strategy (here). Depending on the management status of the fishery (open, *de minimis*, closed) that TAC would vary based on what the selected indicators tell us about the health of the red abalone resource. Conversations to date at the Project Team meetings have focused on either a random or preference point lottery. We will continue to explore more specific management details, including allocation details, for a *de minimis* fishery at upcoming Project Team meetings. The strawman proposals discussed to date at Project Team meetings are linked here for reference. As you noted, this process is focused on the North Coast recreational red abalone fishery. We are hopeful that we can learn from the process, ideas shared, and final management strategy to inform future discussions about Southern California; however, those discussions are not within the scope of this current process. We look forward to your continued insights at upcoming Project Team meetings. *Response sent 3:30pm 9/18/2019*

Proposal Author: Brandi Easter

Date Submitted: July 10, 2019

Admin Team Response: Thank you for submitting a detailed proposal for a *de minimis* fishery, as well as additional draft ideas for Project Team and Admin Team consideration. A number of the ideas you have presented such as considering zonal management, and assigning a specific total allowable catch (TAC) to each zone are concepts that have been incorporated into the latest draft of the management strategy (here). Depending on the management status of the fishery (open, *de minimis*, closed) that TAC would vary, as you suggested, based on what the selected indicators tell us about the health of the red abalone resource. Conversations to date at the Project Team meetings have focused on either a random or preference point lottery, similar to your suggestions. We will continue to explore more specific management details, including allocation details, for a *de minimis* fishery at upcoming Project Team meetings. The strawman proposals discussed to date at Project Team meetings are linked here for reference. The “DATA” tag idea that you’ve proposed aligns well with the “bio-fishery” strawman proposal. We agree that fishermen and citizen scientists can play an important role in data collection for a recreational fishery and that a *de minimis* fishery should be designed to align with those data collection goals. We look forward to your continued insights at upcoming Project Team meetings. *Response sent 4:33pm 9/18/2019*

Proposal Author: Doug Jung

Date Submitted: August 11, 2019

Admin Team Response: Thank you for your comments and desire to inform the allocation of fishing opportunities for a *de minimis* fishery. Conversations to date at the Project Team meetings have focused on either a random or preference point lottery. As you suggested, an alternative to a lottery approach is the exploration of qualifying criteria for how to allocate TAC among stakeholders (e.g. involvement in volunteer urchin removals). However, because the utilization of qualifying criteria is an unprecedented concept for recreational fisheries, its use would require a discussion with the Fish and Game Commission before exploring it in any greater detail. Thus, as an alternative the Project Team could consider establishing some criteria whereby volunteers helping with management (via data collection efforts) could earn a "bonus" point that would apply to a preference point draw system. *Response sent 4:38pm 9/18/2019*

Proposal Author: Steven Rebuck

Date Submitted: August 12, 2019

Admin Team Response: Thank you for your ongoing involvement in this process. We recognize that red abalone is a resource that is found along the entire California coast, however, the scope of the current FMP provided by the Fish and Game Commission is focused on the North Coast recreational fishery. A successful management solution in the North could be a model for discussions regarding a Southern California fishery in the future. The California Department of Fish and Wildlife (CDFW) and The Nature Conservancy (TNC) have been working in partnership with the Ocean Protection Council (OPC), California Fish and Game Commission (Commission), Tribes and tribal communities, and representatives from the recreational red abalone fishing community to ensure a timely and collaborative integration process for the two management strategies that were peer reviewed in the Ocean Science Trust-facilitated process. You can find more information on the peer review process here. *Response sent 4:40pm 9/18/2019*

Proposal Author: Scott Taylor

Date Submitted: September 10, 2019

Admin Team Response: Thank you for sharing your thoughts around the value of fishery-dependent data. We agree that the North Coast recreational red abalone FMP can allow for harvest and data collection by fishermen while posing a minimal

threat to the red abalone resource. To address your concerns about the Department of Fish and Wildlife exploring new management methods and procedures, we are using management strategy evaluation and a host of new indicators to better manage the red abalone resource, with an open exchange of dialogue with the Project Team as you are aware. Although we can track densities of urchin in the environment, your recommendations around adjusting the current bag for purple urchins would have to be addressed in a separate regulation by the Commission. *Response sent 3:59pm 9/18/2019*

Proposal Author: Edward Schulze

Date Submitted: September 16, 2019

Admin Team Response: Thank you for providing comments and a draft data collection form. We will consider the recommended form fields as we continue to develop a proposal for the first tier of the decision tree, which incorporates environmental data and observations. The Admin Team agrees that harvester-collected information can play an important role in the North coast red abalone fishery. Your recommendation that harvesters/citizen scientists should be involved in data collection is in line with comments provided by Department of Fish and Wildlife staff during the August 27, 2019 Project Team meeting where they highlighted the value of harvesters providing observational data, in addition to the information already required on report cards. *Response sent 2:45pm 10/31/2019*

Proposal Author: Jack Likins

Date Submitted: September 24, 2019

Admin Team Response: Thank you for providing a proposal to consider three fishing zones. You have highlighted a number of important considerations for the modelers and Project Team as they continue exploring the appropriate number of zones to consider for management of the red abalone resource - including ecological boundaries, data availability, and ease of enforceability. We appreciate your comprehensive understanding of data collection efforts in California, and your concerns around data availability and data limitations are also in line with ongoing discussions at previous Project Team meetings. As these conversations are still ongoing, we have shared your proposal with the modelers and posted it online for the Project Team to help inform upcoming Project Team discussions. *Response sent 2:49pm 10/31/2019*

Proposal Author: Jan Freiwald

Date Submitted: October 2, 2019

Admin Team Response: Thank you for providing feedback on the four fishing zone proposal presented during the September 19, 2019 Project Team meeting, as well as for providing a three zone proposal. Given Reef Check California's leadership and involvement in ongoing data collection efforts, we value your perspectives on how to align the proposed scale of management with current data availability. As these conversations are still ongoing, we have shared your proposal with the modelers and posted it online for the Project Team to help inform upcoming Project Team discussions. *Response sent 2:52pm 10/31/2019*

Proposal Author: Ken Morrill

Date Submitted: October 9, 2019

Admin Team Response: Thank you for providing feedback around fishing zones and measures that could be used to manage the recreational red abalone fishery. Recent discussions by the Project Team, as well as the Commissioners at the October 2019 Fish and Game Commission meeting also emphasized your point about Humboldt and Del Norte counties being ecologically different, and a need to treat them as so in management. Additionally, your recommendation to use a total allowable catch and size limits are among the list of approaches currently under consideration by the Project Team for managing fishing zones. As conversations on zones are still ongoing, we have shared your proposal with the modelers and posted it online for the Project Team to help inform upcoming Project Team discussions. *Response sent 2:55pm 10/31/2019*

Proposal Author: Ken Morrill

Date Submitted: November 18, 2019

Admin Team Response: Thank you for your comment and for remaining engaged throughout the management strategy integration process. We agree that fishermen should be involved in discussions around ensuring a sustainable level of take (i.e. total allowable catch [TAC]) for the recreational fishery, and are working to ensure that the best science is available to ultimately inform these decisions. With respect to the evaluation of a third zone, due to substantial public comment the modelers will now be exploring what level of sampling intensity would be required to support management of a third zone for Humboldt and Del Norte counties. Relative to increasing size limits, the Department must ensure the interests of all user groups are considered, not just those that would cater to trophy hunters (as highlighted in your example). The modelers, however, will evaluate how rates of recovery would

change for the red abalone resource if the size limit were increased beyond 7” . *Response sent 9:00am 12/17/2019*

Proposal Author: Ed Schulze

Date Submitted: November 18, 2019

Admin Team Response: Thank you for your comment and request to consider enforceability in any management measures under consideration for the North Coast recreational red abalone fishery. We agree that management measures should be enforceable, and CDFW fishery managers will continue to work with enforcement staff throughout the FMP development process to ensure this. However, reviewing bail schedules and the level of infraction for violations are not within the scope of this FMP. *Response sent 8:31am 12/17/2019*

Proposal Author: Steven Rebuck

Date Submitted: November 29, 2019

Admin Team Response: Thank you for your comment and for remaining engaged throughout the management strategy integration process. We agree that current and former commercial divers bring a wealth of knowledge and expertise, and will continue to look for ways to engage these stakeholders to address challenges to the red abalone resource, unfortunately the Department is not in a position to hire outside divers**.** With respect to your recommendation to open an area to abalone harvest in southern California using Appendix H of the ARMP, this is outside the scope of the FMP. The scope is limited to the North Coast recreational fishery and, as previously mentioned, we are not exploring a fishery, recreational or commercial, for southern California. We are hopeful, however, that new FMP for northern California will develop approaches and concepts that might be applied to other parts of the state including southern California. *Response sent 9:00am 12/17/2019*

Proposal Author: Don Thompson

Date Submitted: December 18, 2019

Admin Team Response: Thank you for your perspectives around peer review and future management of the red abalone resource. With respect to the request for a peer review of the draft integrated fishery management plan (FMP), as was mentioned during the final Project Team meeting on December 19, 2019, the California Fish and Game Commission will ultimately determine whether an additional peer review is required, looking to guidance provided in Fish and Game Code and by CDFW. Further comments on this matter can be referred to the March

2020 Marine Resources Committee meeting. With respect to use of the SPR and density data, data poor methodologies were used in the MSE that take advantage of some of the indicators (i.e. SPR and density) highlighted by the peer reviewers because data available to inform the current status of the red abalone resource is extremely limited. Finally, with respect to recovery goals, the goal is to manage a fishery sustainably no matter the condition of the stock. California state law requires that there is an attempt to restore stocks to their former levels. The *de minimis* fishery discussed during the integration process would address the desire to maintain some level of fishing opportunity while the stock is recovering or rebuilding. *Response sent 2:15pm 1/15/2020.*

Appendix E – Data Streams Comparison Table

This Data Stream Comparison (Table E.1) will serve as a reference to inform ongoing Red Abalone Fishery Management Plan (FMP) Project Team discussions regarding trade-offs associated with evaluating which data streams to use in managing the North Coast recreational fishery. It is imperative to consider which combination of data streams will result in appropriate spatial and temporal coverage, as well as be scientifically robust and cost-effective to ensure long-term, sustainable management of the red abalone resource.

Data streams can be considered in four categories: red abalone fishery variables (1-3), red abalone population variables (4-17), red abalone body condition variables (18-19), and environmental variables (20-28). For each data stream within each section, we provide information on - 1) the data source, 2) sampling entity (e.g., government, NGO, academic, industry), 3) length of data set, 4) number of landing sites sampled, 5) frequency of sampling, and 6) total cost of survey (i.e. all associated survey costs including salary. Additionally, please note that in some instances survey costs are reflected in aggregate, as sampling entities can simultaneously collect multiple data streams on the same survey. For instance, during CDFW's creel survey they generate body condition and length data, for a total cost of $11,100. We will continue to update information as it is made available.

Table E.1. Data Stream Comparison Table.

Data Stream [Source/ Associated Survey]	**Sampling Entity**	**Length of Data Set [# years]**	**CDFW Landing Sites Sampled [# sites out of 56 total]**	**Frequency of Sampling**	**Total Cost of Survey [$ per year]**
1. Catch [Report cards]	CDFW	16-30	53	Sporadic (pre-2002); Annually (2002-2016)	$26,400
2. Catch [Creel Survey]	CDFW/ Citizen Scientists	42	10	Annually (pre-2003); Every 2 years (2003 onward)	$11,100
3. Length [Creel Survey]	CDFW/ Divers	42	10	Annually (pre-2003); Every 2 years (2003 onward)	Cost included in total survey estimate in Row 2
4. Length [Subtidal survey]	CDFW	5-29	3-15 ^^^	Sporadic (pre-2002); Every 3 to 4 years (2002-2018)	$125,000 *
5. Length [Subtidal survey]	MPA Monitoring [Reef Check]	13	15	Annually	$110,000 ++
6. Length [Random Swimming]	Reef Check	3	20	Annually	Cost included in total survey estimate in Row 5
7. Length [Subtidal survey]	MPA Monitoring (HSU, MARINe)	3-6	11	Annually	$123,000 +++
8. Length [Intertidal plot survey]	MPA Monitoring (MARINe/ PISCO UCSC)	1-17	4-11	Annually (for 4 funded sites); Sporadic (7 additional)	$32,000 ^^
9. Length [Intertidal swath survey]	MPA Monitoring (MARINe/ PISCO UCSC)	1-7	31	Every 3-5 years	$49,600 ^^

Data Stream [Source/ Associated Survey]	Sampling Entity	Length of Data Set [# years]	CDFW Landing Sites Sampled [# sites out of 56 total]	Frequency of Sampling	Total Cost of Survey [$ per year]
10. Density ^ [Subtidal survey]	CDFW	5-29	3-15 ^^^	Sporadic (pre-2002); Every 3 to 4 years (2002-2018)	Cost included in total survey estimate in Row 4
11. Density [Subtidal survey]	MPA Monitoring (HSU, MARINe)	3-6	11	Annually	Cost included in total survey estimate in Row 7
12. Density [Subtidal survey]	MPA Monitoring (Reef Check)	13	15	Annually	Cost included in total survey estimate in Row 5
13. Density/ Counts [Intertidal plot survey]	MPA Monitoring (MARINe/ PISCO UCSC)	1-17	4-11	Annually (for 4 funded sites); Sporadic (7 additional)	Cost included in total survey estimate in Row 8
14. Density [Intertidal swath survey]	MPA Monitoring (MARINe/ PISCO UCSC)	1-7	31	Every 3-5 years	Cost included in total survey estimate in Row 9
15. Recruitment module [Juvenile stage recruitment]+	CDFW	18	1	Annually	Cost included in total survey estimate in Row 4
16. Recruitment [Plankton tow]+	CDFW	10	2-3	Every 3 to 4 years (2002-2018)	Cost included in total survey estimate in Row 4
17. Recruitment [Boulder sampling]+	CDFW	10	2-3	Every 3 to 4 years (2002-2018)	Cost included in total survey estimate in Row 4

Data Stream [Source/ Associated Survey]	Sampling Entity	Length of Data Set [# years]	CDFW Landing Sites Sampled [# sites out of 56 total]	Frequency of Sampling	Total Cost of Survey [$ per year]
18. Gonad index [Creel Survey]	CDFW	10	2	Every 2 years	Cost included in total survey estimate in Row 2
19. Body condition [Creel Survey]	CDFW	3-4	10	Every 2 years	Cost included in total survey estimate in Row 2
20. Kelp Density [Aerial survey]	CDFW	12	53	Sporadic (annually in 2008, 2014-2016)	$250,000 **
21. Kelp Density [Subtidal survey]	MPA Monitoring (Reef Check)	13	15	Annually	Cost included in total survey estimate in Row 5
22. Kelp Density [Subtidal Survey]	MPA Monitoring [HSU, MARINe]	2-6	11	Annually	Cost included in total survey estimate in Row 7
23. Pacific Decadal Oscillation	NOAA Fisheries	129	---	Annually	---
24. Urchin Density [Subtidal survey]	CDFW	5-29	3-15 ^^^	Sporadic (pre-2002); Every 3 to 4 years (2002-2018)	Cost Included in total survey estimate in Row 4
25. Urchin Density [Subtidal survey]	MPA Monitoring (Reef Check)	13	15	Annually	Cost included in total survey estimate in Row 5
26. Urchin Density/ Counts [Intertidal Plot Survey]	MPA Monitoring (MARINe/ PISCO UCSC)	1-7	13	Annually (for 9 funded sites); Sporadic (4 additional)	$20,800 ^^

Data Stream [Source/ Associated Survey]	Sampling Entity	Length of Data Set [# years]	CDFW Landing Sites Sampled [# sites out of 56 total]	Frequency of Sampling	Total Cost of Survey [$ per year]
27. Water Temperature	CDFW	12	1	Annually	Cost included in total survey estimate in Row 4
28. Water Temperature	Reef Check	2	~10	Every 15 min (Year round)	$2,000

* Includes costs for various permanent and temporary staff salaries and factoring in pre-survey preparation, conducting surveys, and post survey data processing and QA/QC. This is an annual cost estimate for three weeks of survey on the North Coast.
** Cost is likely higher than listed amount; reflects the current cost for a contract to provide aerial survey and post processing of data for GIS use.
*** Cost likely higher than listed amount; reflect transect survey costs (e.g. survey operations and staff compensation beyond regular work hours) but does not account for costs associated with data entry and QA/QC
+ Data streams under development
++ Includes costs for all data collected by Reef Check (including length [i.e. "random swimming"] and density survey for kelp forest community), as well as staff time for Reef Check staff and part-time contractor
+++ Includes costs for all data collected by HSU (including length and density survey for kelp forest community), as well as staff time for HSU including travel, benefits, and boat usage
^^ Includes costs to survey all sites, travel, salary and benefits, overhead, and database support.
^^^ CDFW can either run the rapid assessments (i.e., 10 index sites per year) or the regular index site survey (i.e., 3 index sites per year) under this cost and FTE

Appendix F – De Minimis Fishery Strawman Proposal

At the direction of the Ocean Science Trust-facilitated peer review panel and the Fish and Game Commission (Commission), the Project Team, in partnership with the Administrative Team, has been exploring the design of a de minimis fishery for the North Coast recreational red abalone fishery. This document is intended to provide a framework for a de minimis fishery within the North Coast recreational red abalone FMP. It outlines management tools available to help inform guidelines for future regulatory consideration and has been updated to include additional options that were identified during the December 19, 2019 Project Team meeting. Its content has been informed by discussions at previous Project Team meetings, as well as email submissions from Project Team members[10] . This document has been streamlined for consideration by the Project Team. Modeling work being conducted as part of the management strategy integration process will continue to inform the appropriate level of take (if possible without impacting the resource) of such a fishery. Upon conclusion of the management strategy integration process, this proposal will be included as an Appendix in the final report to the Commission and will continue to be used as a resource to guide FMP development.

Updated De Minimis Fishery Proposal

Current components for consideration in the development of a de minimis fishery proposal are as follows:

- **Season Length:**
    - Maintain status quo (i.e., year-round harvest opportunities)

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10 All proposals submitted by the Project Team were reviewed and considered by the Administrative Team:

- Jack Likins- Submitted May 22, 2019 Project Team meeting
- Steven Rebuck- Submitted May 22, 2019 Project Team meeting
- Brandi Easter- Submitted May 22, 2019 Project Team meeting
- Don Thompson- Submitted May 22, 2019 Project Team meeting
- Steven Rebuck- Submitted June 12, 2019
- Edward Schulze- Submitted June 19, 2019
- Ken Morrill - Submitted June 27, 2019
- Brandi Easter - Submitted July 10, 2019
- Doug Jung - Submitted August 11, 2019
- Steve Rebuck - Submitted August 12, 2019
- Scott Taylor - Submitted September 10, 2019
- Ed Schulze - Submitted September 16, 2019
- Jack Likins - Submitted September 24, 2019
- Jan Freiwald – Submitted October 3, 2019
- Ken Morrill – Submitted October 9, 2019
- Petition for New Abalone Management Zone – Submitted October 18, 2019
- Ken Morrill – Submitted November 18, 2019
- Edward Schulze – Submitted November 18, 2019
- Steve Rebuck – Submitted November 29, 2019
- Don Thompson – Submitted December 18, 2019

    - Condensed fishing season (i.e., July to October)
    - Consider different Seasons for rock pickers (e.g., April to May) and other sectors (e.g., May to October)

- **Daily Bag/Possession/Annual Limits:**
    - Discussed as few as 1 to 2 abalone per permit per season
    - Need flexibility to increase limits as stock recovers
    - Limits could vary or scale based on *de minimis* fishery TAC under consideration to maximize opportunity

- **Number of permits**: (*TBD, results from MSE will inform potential opportunity levels*)

- **Size Limit:**
    - Maintaining status quo (7")
    - Include flexibility to increase size limit to ensure recovery (8" or 9" or 10")

- **Management Zones:**
    - Option #1: Considers two fishing zones
        - Marin and Sonoma counties
        - Mendocino, Del Norte, Humboldt counties
    - Option #2: Considers three fishing zones
        - Marin and Sonoma counties
        - Mendocino county
        - Del Norte and Humboldt counties
        - Given current data limitations in Del Norte and Humboldt counties, additional discussions are needed to evaluate sampling needs and to outline what a management strategy could look like

- **Data Collection Scheme:**
    - Prioritize collecting length and density data (as the primary data streams feeding into harvest control rule)
    - CDFW to coordinate data collection with pre-determined governmental and non-governmental entities to inform collection of length [sources: Reef Check, harvesters] and density data [source: CDFW], as well as other data streams under consideration for Part A of decision tree [sources: *TBD*]
        - Can align data needs with permit conditions to have harvesters assist with collecting data that isn't as easily attainable (e.g. body condition or gonad index)

- **Permit Allocation Scheme: Preference Point Lottery**
    - A random drawing would pick the permit recipients out of the pool of applicants for each opportunity
        - The first year that *de minimis* fishing opportunities are offered, licensed fishermen may apply for at least one of the opportunities
        - Those applicants not selected would receive a point
        - Selected applicants must purchase the applicable report card (permit) to fish
        - Failure to report the required data by the prescribed date would prohibit the person from applying for permits the following year
    - The second year that opportunities are offered, applicants would be separated into two groups: those with one point and those without any points
        - A random drawing for opportunities would be conducted using the group with one point
        - Any remaining fishing opportunities would be distributed using a second random draw using the group with no points.
        - All applicants not selected would receive one point.
    - Process repeated annually as/if resources allows
    - Potential to include party tags in a lottery system (e.g., up to 6 individuals). If group gets drawn all members get a tag.

- **Special Conditions:**
    - Permit holders must submit their completed report cards (permits) or enter required data online by October 31.
    - Punitive measures to incentivize data collection – consider fine, loss of preference points, and inability to re-apply the following year
    - Permit holders must provide length data (manually or using machine learning applications) and report on underwater observations
    - Potential Tribal subsistence fishing allocation for Tribes and Tribal communities[11]

This draft proposal incorporates feedback from the Project Team in the following ways –

- Avoids slot limits

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11 During the September 19, 2019 Project Team meeting, it was highlighted that the preference point lottery allocation scheme would not meet subsistence needs of Tribes and Tribal communities. California Fish and Game Commission will need to explore whether they have the authority to allocate a portion of the overall TAC to subsistence only harvest by Tribes and Tribal communities.

- Limits season lengths to increase enforceability
- Uses size limits
- Conservative daily bag limits and spreads take across multiple dates to encourage multiple trips to North Coast
- Balances the priorities of supporting the recovery of red abalone while allowing fishing opportunities
- Involves fishermen in data collection efforts
- Provides a precautionary fishing opportunity by limiting access and spreading fishing pressure over a larger area
- Provides an opportunity to gather and provide data in a large region where very little data currently exists

Appendix G - Exceptional Circumstances Strawman Proposal

Framework Background

The North Coast recreational red abalone fishery management plan (FMP) will provide a framework to help ensure long-term management of the resource, where management is objective, transparent, and more responsive and adaptive, particularly under changing environmental conditions. The FMP is intended to serve as an overarching management document that identifies and discusses key issues that should be considered when drafting and adopting regulations to manage the fishery. Once developed, the Project Team may propose that a discussion on exceptional circumstances such as those identified in this draft proposal be included in the recreational red abalone FMP.

The State will need the ability to respond to anomalous and/or extreme environmental conditions, some of which have not been seen or cannot be predicted. In the face of unforeseen or extreme environmental conditions that could drastically impact the red abalone resource, more precautionary measures may be needed. Better monitoring for signs of these conditions will be critical to inform precautionary decision-making in red abalone management. At its August 27th meeting, the Project Team recommended conducting a “catastrophic environmental safety check” for major events like oil spills, harmful algal blooms, and warm water anomalies. They also recommended reviewing other “investigative triggers” (e.g. biological and environmental indicators such as urchin density, kelp abundance, oxygen levels) to determine if conditions are poor and a more immediate response is needed to proactively protect red abalone. These would be considered ‘exceptional circumstances’. Given the challenge of verifying the mechanistic links between some of these ecological and environmental indicators and the status of the red abalone resource, the harvest control rule was streamlined to include only density and length-based spawning potential ratio (SPR). Without clear mechanistic links it would have been difficult to include and evaluate other suggested ecological and environmental indicators in the management strategy evaluation (MSE). Recognizing the importance of monitoring other biological and environmental indicators, the Project Team decided to include these indicators as a precautionary check before consulting an indicator-based decision tree informed by density and length data.

The draft management strategy is currently structured in two parts - Part A and Part B. Part A, incorporates the precautionary thinking that came from the discussions at the August 27 Project Team meeting to account for the presence of unusual and/or extreme environmental conditions that may impact the red abalone resource. If an exceptional circumstance has occurred, then further action or decision making is

required before determining the status of the fishery (i.e., closed, de minimis, open). If no exceptional circumstances have occurred, Part B follows an indicator-based decision tree.

Exceptional Circumstances Strawman Proposal

Part A of the decision tree would evaluate presence of broader scale ecosystem events or impacts, and/or rapidly assess indicators to evaluate any risks that may result in a catastrophic decline of the red abalone resource.

Broader-scale ecosystem events and impacts could include:

- Persistence of large marine heat waves
- Presence of disease (e.g., withering syndrome)
- Presence of toxic harmful algal blooms
- Oil spills

Rapid assessment could include an evaluation of all or a subset of the indicators listed below. Baseline data would also be required to demonstrate a true deviation from 'normal' conditions, and peer review guidance on some of these indicators should be taken into consideration.

- Ocean Warming
    - Dissolved oxygen level
    - Ocean temperature
- Environmental Shifts
    - Kelp abundance
    - Sea urchin density
    - Sea star density
- Ocean pH/acidification
- Red Abalone Reproductive State
    - Body condition
        - Gonad condition (secondary check)
    - Presence of empty abalone shells

If/when an exceptional circumstance is triggered, four potential actions could occur

- Collect more data and evaluate whether to continue on to Part B
- Management action occurs in one or more fishing zone
- A stakeholder consultation process is triggered - an advisory group evaluates data before management action is taken
- Consult Fish and Game Commission for direction on management action

Questions for CDFW Consideration During FMP Development

As CFDW further refines Part A of the management strategy during the FMP development process, they should consider the following questions and work with peer review panelists, stakeholders, and Tribes and Tribal Communities to best address them.

- Given capacity and cost constraints and current data availability, which indicators could be prioritized for monitoring in Part A?
- Are the indicators under consideration directly or indirectly related to impacts on red abalone health and productivity? Is the mechanism clearly understood or does a clear threshold exist?
- Which exceptional circumstances would trigger closure of all fishing zones and which would trigger closures at the individual fishing zone? Could closures occur at the site level?
- What could data collection/sampling protocols look like during rapid assessments? Would data sources and sampling entities be pre-defined?
- How do we account for persistence of events like marine heat waves?

Appendix H – Glossary of Key Terms

This document is intended to serve as a resource to members of the Project Team to provide definitions for some common terminology encountered during their engagement in the fishery management plan (FMP) development process for the North Coast recreational red abalone fishery. Definitions are provided in normal font and context specific to the Red Abalone FMP process are indicated in *italics.* For a more comprehensive list of fishery terms please see the following glossaries: NOAA Fisheries, 2018 Marine Life Management Act (MLMA) Master Plan for Fisheries, California Water Board, and FAO.

For more information about the Project Team, and access to additional resources, visit: Recreational Red Abalone Management Strategies Integration and Red Abalone Fishery Management Plan.

Abundance: The total number of a kind of fish or invertebrate in a population.

- *True estimates of abundance are rarely known, and usually estimated from the relative abundance, such as the case with the red abalone density surveys.*

Administrative Team: A team comprised of representatives from the California Department of Fish and Wildlife (CDFW), the Ocean Protection Council (OPC), the Fish and Game Commission (Commission), the Nature Conservancy (TNC), Tribes and tribal communities, and the red abalone fishing community, charged with ensuring that the management strategies integration process occurs in a collaborative, efficient, and timely manner and informs a revised management chapter for the recreational red abalone FMP, in line with the recommendation from the Commission.

- *The Administrative Team Charter is available here*

Allee effect: Biological occurrence characterized by a correlation between population density and per capita growth rate. Either overcrowding (i.e., very high density) or under crowding (i.e., very low density) can have a negative impact on population survival, growth, and development. Below a critical density threshold**,** spawning success declines, resulting in population declines and even localized extinctions.

Allocation: In regard to fisheries, allocation 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.

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.

Bobber: Anglers that search for abalone in between the waterline and a depth they can reach without fins by “bobbing”. They do not reach depths beyond about 6 ft.

Body condition: A metric used to assess red abalone health. It is scored from 0 to 3 based on the appearance of the foot muscle, where a 0 score represents a healthy abalone where the foot muscle fully fills the circumference of the shell and a 3 is the opposite where the foot is severely shrunken.

Biological fishery (Bio-fishery): A fishery in which limited harvesting activities are permitted to fishermen to collect biological information in alignment with pre-defined research objectives. A bio-fishery can be site-specific or applied at the fishing zone level, and may occur even when the recreational fishery is at a closed status.

Catch: The total number (or weight) of fish [or invertebrates] caught by fishing operations. Catch should include all fish [or invertebrates] killed by the act of fishing, not just those landed.

Citizen science: Public participation in data collection and/or scientific research.

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 [or invertebrates] caught per hour of trawling).

Data stream: A continuous flow of data (information) from a fishery which can be analyzed to inform management decisions.

Decision interval: Frequency or interval at which the management status recommendation is evaluated by re-assessing the harvest control rule.

- *For red abalone, an annual decision interval is proposed that is based on a running average of the previous three years of data.*

De minimis fishery: A fishery with a level of catch that is anticipated to have little to no effect on the health or recovery of a fishery resource . It is applied at the fishing zone level and occurs based on predefined thresholds set in an associated harvest control rule.

- *One approach to achieving a de minimis fishery for red abalone is through a managed or restricted access policy.*

Density: Number of organisms per unit of area.

- *In the case of current red abalone management, density represents the number of abalone per square meter (CDFW).*

Diver: A fisherman who uses free diving (i.e., being completely submerged underwater with the use of swim fins) as a method to catch fish or other species.

Eggs Per Recruit (EPR): Average number of eggs a recruit produces over its lifetime. Similar to Spawning Potential Ratio (SPR) [see below].

Exceptional Circumstance: A deviation from "normal" environmental conditions (i.e. anomalous and/or extreme environmental conditions) which may result in a catastrophic decline in red abalone

- *In the case of the proposed red abalone management, Part A of all proposed management strategies would involve a precautionary evaluation of environmental conditions and/or biological conditions for red abalone before proceeding to Part B (the decision-tree)*

Facilitation Team: In the context of this project, the facilitation team are third-party, neutral facilitators funded by a grant from the Ocean Protection Council in support of the FMP development process.

Fishery: The combination of fish and fishers in a region, the later fishing for similar or the same species with similar or the same gear types

- *For red abalone, refers to harvesting from commercial fishermen, recreational divers, rock pickers, and bobbers.*

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

- *For red abalone, refers to the data collected from abalone report cards and creel surveys.*

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

- *Examples include in-water subtidal surveys conducted by CDFW, ReefCheck, and MARINe/PISCO*

Fishery Management Plan: 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.

Gonad index: The gonadosomatic index, abbreviated as GSI, is the calculation of the gonad mass as a proportion of the total body mass. It is represented by the formula: GSI = [gonad weight / total tissue weight] × 100.

Harmful Algal Bloom (HAB): HABs occur when colonies of algae — simple plants that live in the sea and freshwater — grow out of control and produce toxic or harmful effects on people, fish, shellfish, marine mammals and birds.

Harvest Control Rule (HCR): Describes how harvest is intended to be controlled by management in relation to the state of some indicator of stock status.

- *For example, a harvest control rule can describe the various values of fishing mortality that will be aimed at for various values of the stock abundance. It formalizes and summarizes a management strategy.*
- *A decision-tree is a type of harvest control rule, and may be used interchangeably during this management strategy integration process*

Index sites: The 10 landing locations used by the CDFW when conducting subtidal dive surveys and collecting data to inform decision-making.

- *Red abalone density data used in the Abalone Recovery and Management Plan (ARMP) are generated from these subtidal surveys.*

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. In the case of red abalone, density, SPR, and catch are some examples of indicators evaluated in the peer review process.*

Intertidal: The area on a seacoast between the highest and lowest tide.

Invertebrate: An animal lacking a backbone.

- *Examples include abalones, jellyfish, shellfish, etc.*

Landings: The number or poundage of fish or other species unloaded at a dock by commercial fishermen or brought to shore by recreational fishermen for personal use. Landings are reported at the locations at which fish are brought to shore.

Managed access: A fisheries management tool which seeks to protect the rights of fishermen by giving them exclusive access to fish certain areas.

Management strategy: A strategy adopted by a management authority to reach established management goals. In addition to the objectives, it includes choices regarding all or some of the following: access rights and allocation of resources to stakeholders, controls on inputs (e.g. fishing capacity, gear regulations), outputs (e.g. quotas, minimum size at landing), and fishing operations (e.g. calendar, closed areas, and seasons)**.**

- *For the red abalone FMP development process, the OST-facilitated peer review recommended that elements of each of the two management strategies should be combined into a single management strategy to form a more cohesive plan and reduce the risk of overfishing and increase management performance (i.e., management strategy integration)*

Management strategy evaluation (MSE): MSE is a modeling-based approach aimed at testing the robustness of possible management [strategies] by examining which sets of decision rules, which are used to adjust Total Allowable Catch or effort controls, perform the best in achieving the management objectives for a fishery. This simulation testing can also be used to determine how robust the management [strategies are] likely to be to uncertainties. These analyses enable the choice of which management planning option has the most reasonable likelihood of achieving the management goals.

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.

Model: A mathematical means of explaining a system, studying the effects of various components, and making predictions about behavior or management outcomes, as informed by hypothetical and/or measured values.

Open access: Condition in which access to a fishery is not restricted (i.e. no license limitation, quotas, or other measures that would limit the amount of fish that an individual fisher can harvest).

- *In the case of the abalone fishery, open access means that anyone may buy an abalone report card but they are still required to adhere to regulations/restrictions (e.g., bag limits, size limits).*

Operating model: A central model to a management strategy evaluation (MSE) that simulates all relevant aspects of the fisheries system and proposed management strategy. It includes all plausible hypotheses about the biology of the stock, such as recruitment, and aspects of the fishery, such as the level of illegal fishing activity.

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

Project Team: A team charged with discussing and providing feedback on all scientific analyses conducted by the modelers to inform the management strategies integration process and provide input on de minimis (i.e., restricted/managed) fishery design in the red abalone FMP development process.

- *The Project Team is open to all members of the public, including members of the abalone fishing community, Tribes and tribal communities, non-governmental organizations, scientists, resource managers, the Recreational Abalone Advisory Committee, as well as staff of state agencies (i.e. CDFW, OPC, Commission). The Project Team Charter is available here.*

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.

Recruitment: A measure of the number of fish [or invertebrates] 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 two 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: Quantitative (numerical) values that inform managers about the current status of a stock. *Target reference point* is a numerical value that indicates that the status of a stock is at a desirable level; often times 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), and that management action should be taken to improve stock status.

Relative abundance: A relative measure of the weight or number of fish in a stock, a segment of the stock (e.g. the spawners), or an area. Often available in time series, the information is collected through scientific surveys or inferred from fishery data.

- *For red abalone, relative abundance is a comparison of density transect surveys at one period in time to another.*

Report card: Cards issued to recreational fishermen (i.e. divers, rock pickers, bobbers) for recording the landing location (out of a total of 56 sites), date and time, method used, and number of abalone taken. Also referred to as punch cards or tags.

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

Rock picker (or shore picker): An angler whose method of take involves searching for abalone in the exposed intertidal habitats during low tides without the use of fins.

Size limit: A minimum or maximum limit on the size of fish [or invertebrate] that may be legally be caught.

- *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 reproductive potential for a fished population relative to that of an unfished population, used to characterize the amount of impact that all forms of mortality (natural and fishing-based) have on a population's ability to reproduce. Similar to EPR.

Subtidal: Permanently below the level of low tide, an underwater environment.

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; and 2018 Master Plan for Fisheries Glossary 85 (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 MSY, 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.

Tribal Tradition and Culture: Uses of water that support the cultural, spiritual, ceremonial, or traditional rights or LIFEWAYS of CALIFORNIA NATIVE AMERICAN TRIBES, including, but not limited to: navigation, ceremonies, or fishing, gathering, or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials.

Tribal Subsistence Fishing: Uses of water involving the non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, for consumption by individuals, households, or communities of California Native American Tribes to meet needs for sustenance.

Zones: Geographic areas of the coastline comprising several of the formerly defined abalone report card sites

Appendix I - Administrative and Project Team Charters

Red Abalone Management Strategies Integration | Administrative Team Charter

Updated October 2019

I. Background

The Ocean Protection Council (OPC) provided a grant to the Ocean Science Trust to facilitate a scientific peer review of the management strategies provided by the California Department of Fish and Wildlife (CDFW) and The Nature Conservancy (TNC)-led stakeholder team. The final Recreational Red Abalone Peer Review Report, including a key themes summary from the first community webinar, is accessible here.

After the completion of the peer review process and review of the final report, the Fish and Game Commission (Commission) made the following recommendation at its December 2018 meeting: (1) Support addressing peer review recommendations to integrate aspects of both draft management strategies, based on a simulation modeling approach co-developed by CDFW and the TNC-led stakeholder team, including engagement with abalone divers and other stakeholders; (2) revise Fishery Management Plan (FMP) goals to allow for a *de minimis* fishery option; (3) develop triggers for the *de minimis* fishery option in consultation with stakeholders; and (4) request that CDFW develop a proposed process and timeline which accounts for active public and Marine Resources Council (MRC) engagement.

II. Purpose of the Administrative Team

The primary function of the Administrative Team (Admin Team) is to ensure that the management strategies integration process occurs in a collaborative, efficient, and timely manner and informs a revised management chapter for the Recreational Red Abalone Fishery Management Plan (FMP), in line with the recommendation from the Commission.

In order to ensure a successful outcome, the Admin Team will conduct the following activities:

- Develop a charter to inform structure and charge of the Project Team;
- Assess funding needs to convene Project Team and secure necessary funding;
- Provide clear tasks and feedback to modeler(s) to inform modeling work based on recommendations of peer reviewers and Project Team;

- Schedule regular check-in calls before and after Commission and Project Team meetings, and as needed;
- Schedule third-party facilitated Project Team meetings;
- Draft progress reports for Commission and MRC meetings on overall progress of Project Team;
- Periodically update the OPC and CDFW websites to share information about the management strategies integration process (i.e. Project Team charter, work plan, meeting summaries); and
- At conclusion of management strategies integration process, develop and submit to the Commission a report for fishery managers that summarizes the discussions, proposals, and suggestions by the Project Team and lead modeler to inform the re-drafting of the FMP.

III. Membership

The Admin Team is comprised of one representative from the CDFW, OPC, Commission, TNC, and recreational Red Abalone fishing industry, with designated alternates for each organization (Table I.1):

Table I.1. Admin Team Members and Roles.

Name	**Role**
Sonke Mastrup	Primary CDFW Representative [Secretary]
Ian Taniguchi	CDFW Alternate
Paige Berube	Primary OPC Representative
Jenn Eckerle	OPC Alternate
Elizabeth Pope	Primary Commission Representative
Maggie McCann	Commission Alternate
Alexis Jackson	Primary TNC Representative [Chair]
Kate Kauer	TNC Alternate
Joshua Russo	Primary Industry Representative
Jack Likins	Industry Alternate
Javier Silva	Sherwood Valley Rancheria of Pomo Indians

If there is a need to update membership to the Admin Team due to transition or inability to participate actively and consistently in meetings, this will be discussed during an Admin Team call. Primary representatives will use a consensus-based approach to determine an appropriate and timely process for appointment of a new representative, or alternate will be determined and implemented on a consensus

basis. If the team is unable to reach consensus during discussions, they will seek guidance from either the MRC co-Chairs or from the full Commission.

The Admin Team will leverage the experiences, expertise, and insight of key individuals at organizations committed to the successful integration of management strategies. They may also solicit the expertise of the peer reviewers, as needed, throughout the process. Individually, Admin Team members should:

- Understand the significance of the management strategies integration process for coastal communities and conservation and represent those interests; and
- Commit to fully participate in the integration process by being an active contributor during Admin Team meetings and complete any assigned tasks.

All primary representatives on the Admin Team are:

- Expected to actively participate in Admin Team meetings;
- Responsible for keeping their peers, interest groups, and/or organizations informed about the Admin Team process;
- Act as a conduit to share information from interest group and responsible for ensuring accurate dissemination of information; and
- Represent interest group in formulating recommendations.

All alternates on the Admin Team:

- Represent interest group when Primary is absent;
- May listen to Admin Team meetings to ensure continuity, but defer to Primary to speak on behalf of respective interest group; and
- May ask clarifying questions but will not be included in any consensus to make a recommendation.

As members of the Admin Team, all agree to adhere to the following Meeting Agreements:

- Support CDFW during the FMP development to ensure a successful outcome;
- Listen to build mutual understanding;
- Openly and constructively discuss issues with others, respect differences;
- Focus on brainstorming ideas, with the intention to develop creative solutions;
- Arrive at each meeting prepared to discuss agenda items, including reviewing materials and information distributed in advance of the meeting or conference call;
- Contribute to and support constructive discussions focused on charge of group rather than personal interests; and

- When participating in a Project Team meeting as a key contributor, that individual is expected to stay for the duration of the meeting unless prior arrangements have been made with the meeting facilitators.

Failure to follow Meeting Agreements can result in removal from Admin Team.

IV. Administrative Team Meetings

The Admin Team shall hold meetings in advance of and immediately following Commission and/or MRC meetings, Project Team meetings, or as needed. All members of the Admin Team will work collectively to make consensus-based decisions. If the team is unable to reach consensus on any issue, they will seek guidance from either the MRC co-Chairs or from the full Commission, consistent with the process outlined in Section II.

The Admin Team shall have a Chairperson responsible for facilitating Admin Team meetings and a Secretary responsible for documenting discussions and follow-up actions. At each meeting, the Chair or other appropriate Admin Team member will report on project status using an agenda outline that includes but is not limited to:

- Introductory items including agenda review and review of actions from previous meetings;
- Review project status and agenda items requiring Admin Team approval or recommendations;
- Task actions for modeler(s) arising from the Project Team meeting;
- Assign responsibility to Admin Team members for actions arising from the meeting; and
- Plan for the next Project and Admin Team meetings.

Notes will be made available to the Admin Team via email or Google Drive within 3 days after an Admin Team meeting.

Red Abalone Management Strategies Integration | Project Team Charter

Updated June 2019

I. Background

The Ocean Protection Council (OPC) provided a grant to the Ocean Science Trust to facilitate a scientific peer review of the management strategies provided by the California Department of Fish and Wildlife (CDFW) and The Nature Conservancy (TNC)-led stakeholder team. The Final Recreational Red Abalone Peer Review Report, including a key themes summary from the first community webinar, is accessible here.

After the completion of the peer review process and review of the final report, the Fish and Game Commission (Commission) made the following recommendation at its December 2018 meeting: (1) Support addressing peer review recommendations to integrate aspects of both draft management strategies, based on a simulation modeling approach co-developed by CDFW and the TNC-led stakeholder team, including engagement with abalone divers and other stakeholders; (2) revise Fishery Management Plan (FMP) goals to allow for a *de minimis* fishery option; (3) develop triggers for the *de minimis* fishery option in consultation with stakeholders; and (4) request that CDFW develop a proposed process and timeline which accounts for active public and Marine Resources Committee (MRC) engagement.

II. Purpose of the Project Team

The primary purpose of the Project Team is to discuss and provide feedback on all scientific analyses conducted by the modelers to inform the management strategies integration process and provide input on *de minimis* (i.e., restricted/managed) fishery design. Such advice is critical to informing the revised management chapter for the Recreational Red Abalone FMP for the North Coast.

In order to ensure a successful outcome, the Project Team will conduct the following activities:

- Consider all recommendations from the final Recreational Red Abalone Peer Review Report;
- Review all scientific documents provided by the lead modeler and affiliates;
- Provide constructive feedback on science reported by the lead modeler and affiliates;
- Contribute to the design of *de minimis* fishery;

- Propose candidate management strategies based on outcomes of simulation modeling work; and
- Engage in productive and respectful discussions with all Project Team members and the facilitation team.

III. Participation

Participation on the Project Team will be open to all members of the public, including members of the abalone fishing community, Tribes and tribal communities, non-governmental organizations, scientists, resource managers, the Recreational Abalone Advisory Committee, as well as staff of state agencies (i.e. CDFW, OPC, Commission). The Project Team, with the assistance of the facilitation team, will leverage the experiences, expertise, and insights of all participants committed to the success of the management strategies proposal integration process. A quantitative fisheries modeler will support the work of the Project Team during and between meetings.

There will be no formal assigned seats unless it becomes necessary at a later time to maintain the productivity of the team. Project Team members are not directly responsible for managing project activities, rather they are charged with providing advice and guidance to inform activities of the Administrative Team in their role to "generate a summary report for fishery managers to inform re-drafting of (the recreational Red Abalone) fishery management plan."

As members of the Project Team, all agree to adhere to the following Meeting Agreements:

- Support CDFW during the FMP development to ensure a successful outcome;
- Listen to build mutual understanding;
- Openly and constructively discuss issues with others, respect differences;
- Focus on brainstorming ideas, with the intention to develop creative solutions;
- Arrive at each meeting prepared to discuss agenda items, including reviewing materials and information distributed in advance of the meeting or conference call;
- Contribute to and support constructive discussions focused on the charge of the group rather than personal interests; and
- When any individual is attending a Project Team meeting as a key contributor, that individual is expected to stay for the duration of the meeting unless prior arrangements have been made with the meeting facilitators.

Peer review panel representatives may attend Project Team meetings following the procedures below, as well as review work products to provide input to the process to ensure products are in line with peer review recommendations.

IV. Project Team Meetings and Procedures

The Project Team shall convene over a series of six full-day meetings (in-person or via webinar) between May and December 2019 in order to fulfill its advisory responsibilities. All Project Team meetings will be under third-party, neutral facilitation provided by Strategic Earth Consulting, and funded by the OPC. Project Team meetings will be informed by an agenda as put forth by the Administrative Team. Materials for review will be made available 1 week before any Project Team meeting.

During any small group breakout sessions for proposal development, each group will be provided with clear objectives, guidance, and background information. Breakout groups will incorporate a mix of scientists, industry, non-profit practitioners, and agency staff, with those individuals from any under-represented demographic or area of expertise floating between groups. Discussions held in break out groups will be reported out to the full Project Team in plenary to promote information sharing and to be captured in meeting summaries.

Project Team Decision Making

No formal voting will take place within the Project Team. While all proposed ideas and recommendations will be taken into consideration, those ideas/proposals that have strong support from a broad representation of Project Team members (i.e., across stakeholder interests) will be prioritized by the Administrative Team for consideration in their final report to the Commission. The Administrative Team's report will aim to articulate background/context on minority options/ideas where broad agreement by the Project Team is not reached.

Proposal Development

Members of the Project Team and other interested stakeholders are invited to share ideas, proposals, comments, and questions regarding the integration of management strategies and development of a *de minimis* fishery option for consideration and discussion during Project Team meetings. Input and guidance may be directed to the Administrative Team, peer review panel representatives, and the quantitative fisheries lead modeler and affiliates. Proposals and comments will be made publicly available and efforts will be made by the Project Team and/or Administrative Team to be responsive to proposals submitted for consideration. Participants and others

may convey their thoughts verbally during meetings (in-person only) or in a written format at any time.

For more information about the Project Team or the Recreational Red Abalone FMP process, please visit the OPC red abalone management strategy integration webpage.

Answer to Commissioner Silva's Question about the benefits of a third abalone fishing zone in Humboldt and Del Norte Counties

Jack Likins
Sun 12/08/2019 12:30 PM
To:

- Miller-Henson, Melissa@FGC <Melissa.Miller-Henson@fgc.ca.gov>;
- FGC <FGC@fgc.ca.gov>

Cc:

- Samantha Murray

1 attachments (22 KB)
CommissionerSilvaLetterZones1.docx;

Hi Melissa,
I don't have Commissioner Silva's direct email address so I am sending this to you to make sure it gets to Commissioner Silva. Also, please share this email with the other Commissioners.
Thankx,
Jack

December 7, 2019

Commissioner Pete Silva
California Fish and Game Commission
1416 Ninth Street, room 1320
Sacramento, CA 95814

RE: Abalone Fishing Zones

Dear Commissioner Silva:

I want to follow up on a question you asked me at the November 5, MRC meeting. You asked what the benefits would be of having Humboldt and Del Norte Counties as a separate abalone fishing zone. My partial answer was that it might create more fishing opportunity, which is a conceivable benefit if managed differently/separately from Mendocino County. Recreational fishing is mostly about the opportunity to fish with the possibility to catch, vs. a commercial fishery which requires catching to be viable. This difference can allow a satisfying recreational fishery with protective TAC levels in a large area of the north coast which has not been as dramatically impacted by current environmental conditions as Sonoma and Mendocino Counties.

On the other side of the equation and another important benefit is that we can better protect H/DN (an area with naturally lower abalone abundances) from potential over-fishing. Under the two-zone proposal, there is an unnecessary risk associated with making decisions using Mendocino data and applying it to H/DN, especially given the very real different environmental and population dynamics.

As both Sonke Mastrup and Chris Voss commented in the meeting, figuring out how to manage an abalone fishing zone like H/DN, with very limited data, could also help lead us to a framework of a management strategy for a future re-opening of the southern California fishery.

I hope this better clarifies my thinking and thank you for giving me the opportunity better answer your important question.

Sincerely,

Jack Likins

CC: Samantha Murry, Commissioner, Co-Chair MRC
Sonke Mastrup, Invertebrate Manager, CDFW

From: ken morrill [redacted]
Sent: Sunday, December 29, 2019 6:51 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Mastrup, Sonke@Wildlife <Sonke.Mastrup@wildlife.ca.gov>
Subject: Red Abalone FMP

Dear Commissioners,

Last May I joined the recreational red abalone project team, optimistic that ideas submitted by recreational fishermen would be seriously considered by CDFW when drafting the new FMP for red abalone in Northern California.
During the December 19th webinar I was extremely disappointed to learn the modelers are projecting the reopening of this recreational fishery may not be possible for 37 years and that a De Minimis fishery may not even be possible for 11 years. Given this time frame, for myself and those I dive with, it is unlikely we will have the opportunity to participate in any future abalone fishery.
Over the past seven months I have submitted several proposals in writing and offered ideas during the meetings and webinars, believing they are feasible and important enough for CDFW to take into consideration.
Most important, is the need to establish three management zones (1. Del Norte and Humboldt counties - 2. Mendocino county - 3. Sonoma and Marin counties) for red abalone in Northern California. When I suggested three zones, CDFW biologist Laura Rogers-Bennett responded "we don't have data to run a three zone approach". Laura recommends a two zone approach because of a lack of data from Del Norte and Humboldt counties and to simplify the management strategy.
If a red abalone FMP based on sound science is the goal of this department it is absolutely essential, given the ecological differences of the northern California counties, that they be managed using a minimum of three zones.
Humboldt and Del Norte counties include 147 miles of coastline that have never been managed based on data - such as that being collected in recent years from Mendocino and Sonoma counties, and more importantly red abalone densities in Humboldt and Del Norte counties have never been comparable to those found in Mendocino or Sonoma counties. To combine the coastline of these three ecologically different counties to simplify management is an extremely poor management approach that ultimately will lead to the permanent closure of the fishery because red abalone in Humboldt an Del Norte counties will never achieve densities above the triggers set for Mendocino county.
The other management strategy I recommended was to increase the size limit (to ten Inches) to restrict take to a very small percentage of the red abalone population thereby allowing the potential for a limited fishery to open in the near future. Again, I was very disappointed to receive a written response from the administrative team that this approach would not "consider all user groups". Contrary to that reply, a management strategy using an increased size limit would not exclude any user group from participating in the sport and it is the easiest way to limit take. With an additional requirement that abalone be measured before removal from the substrate - abalone mortality due to cutting of undersized individuals would be eliminated and no longer a factor when comparing different user groups.
During the meetings and webinars we heard project team members have a strong desire to have a limited red abalone fishery restored as soon as possible and at the outset of these discussions it was believed a De Minimis fishery would enable this goal. I'm quite sure none of us on the project team expected to hear, or are pleased with the prospect, that even this limited fishery is not likely to occur for at least eleven years.
Collection of data from Humboldt and Del Norte counties needs to be a priority of the department and if the data indicates this stretch of coastline is not being impacted by an increasing purple urchin population (resulting in urchin barrens and abalone starvation) it should be possible to restore a very limited fishery for red abalone in these waters in the near future (less than 11 years).

Sincerely,
Ken Morrill

From: jon Holcomb [redacted]
Sent: Monday, February 3, 2020 10:06 AM
To: Steve Rebuck [redacted]
Cc: California S.U. divers [redacted]; FGC <FGC@fgc.ca.gov>
Subject: Re: Support for a small scale red abalone fishery

Excellent Steve. Compelling, persuasive and all from 60+ years of observation. Well worth your time and every read that follows. I sense an extremely effective letter that supports your opinion and will shape future management conversations for generations to come.

Thanks from everyone who 'cares' about resource management.

cheers, Jon

From: Steve Rebuck [redacted]
Sent: Monday, February 3, 2020 9:37 AM
To: Strategic Earth [redacted]
Cc: Mark Carr [redacted]; Brian N. Tissot [redacted]; Peter Raimondi [redacted]; Sonke Mastrup <sonke.mastrup@wildlife.ca.gov>; Laura@Wildlife Rogers-Bennett <laura.rogers-bennett@wildlife.ca.gov>; Craig Shuman <craig.shuman@wildlife.ca.gov>; Dave Kirk [redacted]; Jefferey Baldwin [redacted]; Jonholcomb007 Holcomb [redacted]; JMaassen [redacted]; Rufescens Thompson [redacted]; Doug Jung [redacted]; Joshua Russo [redacted]; Bill Bernard [redacted]; Tristin McHugh [redacted]; Bill Harford [redacted]; Dan Abbott [redacted] Elizabeth Pope <elizabeth.pope@fgc.ca.gov>; Dwayne Dinucci [redacted]; Frank Hurd [redacted]; Johnathan Centoni [redacted] Ian Taniguchi-DFW <ian.taniguchi@wildlife.ca.gov>; Jan Freiwald [redacted] Keith Rootsaert [redacted]; Matt Mattison [redacted]; Matt Lum [redacted]; Anthony Reynolds [redacted]; julia.coates@wildlife.ca.gov <julia.coates@wildlife.ca.gov>; Doug Laughlin [redacted]; Jack Shaw [redacted]; Ken Morrill [redacted]; Javier Silva [redacted]; Brandi Easter [redacted]; Jono Wilson [redacted]; Randy Jones [redacted]; Buzz Owen [redacted]; Alexis Jackson [redacted]; Chris Voss [redacted]; Jack Likins [redacted]; Donna Martinez [redacted]
Subject: Support for a small scale red abalone fishery

Dear Strategic Earth:

Thank you for forwarding your Red Abalone Review Draft Report. Having submitted 4 documents concerning a "De Minimis" red abalone fishery, I appreciated the Administrative Team's comments on mine and others submissions. I thought these comments were courteous and fair. Thank you too for the offer to further comment. I am offering the following based on my own experience and observations.

Much has been written about small scale/De Minimis red abalone fishing. In my opinion, this would be very doable, even in areas like northern California.

I grew up in a commercial abalone family. I am 72 and have been around abalone and the fisheries all of these years. I began diving in 1956, age 9.

I saw my first sea otter in 1957 at Piedras Blancas, northern San Luis Obispo County. We didn't really know what they were then, but we soon learned. By the early 1960s, commercial red abalone landings from San Luis Obispo County were too small to be economically viable. Most of the younger divers moved south to Santa Barbara to fish the northern Channel Islands. The older men, like my father, quit. By the early 1970s, otters had reached Pt. Buchon. By 1976, the commercial red abalone fishery, and the emerging red sea urchin fishery were over in SLO Co.

However, recreational abalone was still open, and it took the otters many more years to affect the near-shore. This allowed those of us who knew how to dive to continue. I was able to fish successfully until the abalone fishery, south of San Francisco was closed in 1997.

In 1976, the daily bag limit, statewide was 4 per day. In 1990, this became 2 per day. This is where red abalone sport fishing in SLO Co. changed dramatically. Most divers and shore pickers quit. Most days, even on minus-tides, I would not see another person diving or shore picking abalone. My individual harvest sizes went up. I was finding black abalone over 7" regularly. During these years, I would fish every week or two for my 2 abalone, generally red or black. There was quite a lot of sea otter cracked shells, but there were still significant amounts under rocks and ledges. (Note: Sea otters remove marine invertebrates by 90%, over time. Miller, CDFG, 1980) This continued until I discovered Withering Syndrome (WS) in 1995.

(Note: Although black abalone, Haliotis cracherodii, fishing was closed in 1993, but by 1995, the law had sunsetted, and for a brief few months, it was once again legal to fish them. Black abalone were listed as an Endangered Species in 1999).

Having successfully fished abalone, in the sea otter range, for over 30 years, I know small human use fisheries can work. In addition, because I was in the field, I discovered WS, the northern most outbreak, long before any scientist or resource managers did. In my opinion, more people in the field, fishing legally and making observations is a good thing. I turned one of my black abalone over to the Department office in Morro Bay. CDFG Pathologist, Carolyn Friedman later identified my specimen as having WS. (See attached article).

Concern has been raised in northern California about the size of large county zones being used: Marin/Sonoma, Mendocino, and Del Norte/Humboldt. It may be possible to incorporate commercial fishing blocks into recreational abalone fishing blocks (See: Nearshore Fishing Blocks Chart, CDFW), Or, Research Blocks may be another existing method of small scale resource management in small zones.

In closing, it is my opinion that a small scale (De Minimis) red abalone fishery can work and that data collection opportunities would prove extremely valuable to managers.

Respectfully, Steven L, Rebuck

From: doug jung [redacted]
Sent: Saturday, February 29, 2020 10:02 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Alan Karbousky [redacted]; Jack Likins [redacted]; Jonholcomb007 Holcomb [redacted]; Joshua Russo [redacted]; Martinez, Jorge (LAR Operations Manager) [redacted]; Pat Foley [redacted]
Subject: MRC 3/17/2020 Red Abalone FMP

To: Fish and Game Commission

Fr: Doug Jung [redacted]

Re: MRC 3/17/2020 Red Abalone FMP

Commissioners, the people request a de minimis red abalone fishery. It is not that we wish to kill the last breeding pair of abalone, we do not. We wish to keep our love of nature alive as well as our fishing culture. Hundreds of thousands of divers, families and friends have treasured going to our sea shore to enjoy its bounty in good times. Let us keep this precious memory alive with the hope of diving, even at a diminished take. We mourn this resource loss and want to be a part of the solution, not the problem.

I have attached correspondence between myself, other divers and fishery scientists on the issue of more data and more science before any affirmative decision can be made. I hope this writing below will help illuminate the people's viewpoint.

As I read these thoughtful esoteric science based abalone management exchanges, I am filled with mixed emotions. On one hand I am trying to digest the complexity of science and rational, but from the people's point of view, overwhelmed at what is coalescing into the death of a culture. It would appear we nor our children, families and communities will ever dive for abalone again. Now if enough divers volunteer to help gather data for science, perhaps the gods may look favorably upon those who mourn the loss of this resource?

It would seem what is overlooked is the human side of the equation. It is not all about science and how we view partial differential equations, etc. but how people view science as it is science that is supposed to protect the resource for the people. How is that working for us?

For an excess of five years, even the people knew of the pending ecological collapse. We raised the red flag on the urchin explosion fearing if nothing was done, we would lose our precious abalone resource and more. Fast forward five years later and the people's fears have come true. Where was science? How did it protect us from this catastrophe? Was it too slow to react, always needing more data?

Through all the smoke and mirrors, the bottom line is we have too many urchins eating all the kelp. Ok there is climate change, and possible other man made influences but we deal with the obvious symptoms first. So what do we do when we have too many cows eating the corn? We get rid of some cows? Much of this is not rocket science. Yet we are conflicted with allowing nature to take its course, paralyzed by unintended consequences, hoping for a natural miracle. Maybe big waves will come in and wash away all the urchins or some disease might emerge

and then just like that, nature will be in harmony. We can wish but maybe nature doesn't cooperate and things don’t come back. The dinosaurs never came back.

So while science wants us to put our dive fins where our mouth is to now gather data, because we are cheaper than graduate students? However, the people have for years been begging to put on our fins, be allowed to self identify as urchin predators to help rebalance nature till nature can care for itself. So instead of saving more of the seed stock, we should be documenting how many have not died yet? So which is more important, data gathering during a period of exponential death or saving the seed stock to buy time? This is not a maximum / minimum calculus math question.

People want to save the resource because it is more than just diving. Generations of families have come to the seashore to bond with nature in a fundamental way because of the abalone and fishery. It is not about science but human emotions, a love for nature that sustains us. We mourn this loss and many want to be part of the solution, not the problem. Yet we have squandered years of opportunity when there was so much, much more to save. Now we fight over the crumbs by those holding out the carrot.

The de minimis fishery was to give people hope and in doing so provide an opportunity to gather additional data for science. Was this a red herring predetermined from the beginning, slowly acclimating people to a permanently closed fishery? This is science?

While hundreds of thousands of people mourn the closure and death of the people’s resource, science marches on to gather more data documenting the demise but little on stabilizing and rebuilding. When the people lose hope, that is not good.

I trust I was not too dramatic in venting…

Respectfully,

Doug Jung, PE

STAFF SUMMARY FOR NOVEMBER 5, 2019
For Background Purposes Only

9. WHALE AND TURTLE PROTECTIONS – RECREATIONAL DUNGENESS CRAB FISHERY

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

Discuss and consider possible recommendations for management strategies to provide additional whale and turtle protections in the recreational Dungeness crab fishery.

Summary of Previous/Future Actions

- FGC discussed entanglement settlement and referral to MRC — Apr 17, 2019; Santa Monica
- MRC discussed possible management measures for the recreational fishery — Jul 11, 2019; MRC, San Clemente
- FGC supported considering recreational measures per MRC recommendation — Aug 7-8, 2019; Sacramento
- **Today's discussion** — **Nov 5, 2019; MRC, Sacramento**

Background

FGC has authority to regulate the recreational Dungeness crab fishery; however, authority over the commercial Dungeness crab fishery is held by DFW and the California State Legislature. In recent years, whale populations in California's waters have increased, leading to greater presence in Dungeness crab fishing grounds and an increased risk of entanglement in deployed fishing gear.

In 2017, the Center for Biological Diversity sued DFW, challenging DFW authorization of the commercial Dungeness crab fishery as a violation of Section 9 of the federal Endangered Species Act for take of blue and humpback whales and leatherback sea turtles. In Mar 2019 a settlement was reached that defines a series of interim measures to protect listed whales and turtles in the commercial Dungeness crab fishery while DFW pursues a habitat conservation plan (HCP) for federal government approval Exhibits 1 and 2 provide additional background.

At the Apr 2019 FGC meeting, a discussion was held to recap the provisions of the commercial fishery settlement agreement and explore its potential application to the recreational Dungeness crab fishery. After hearing differing public comment and multiple stakeholder requests, FGC referred the topic to the Jul 2019 MRC meeting for further discussion and to explore the potential need for provisions in the recreational Dungeness crab fishery.

In Jul 2019, MRC received a DFW update on management strategies and the HCP application process, and initiated a discussion on the risk of and potential response to entanglements from the recreational fishery. As a result of the discussion, MRC recommended, and in Aug 2019 FGC approved, a request that DFW explore inclusion of the recreational crab fishery in DFW's commercial crab fishery HCP application, including a suite of common-sense management measures.

At this meeting, DFW will present management strategies that provide additional whale and turtle protection in the recreational Dungeness crab fishery, including six measures for possible application to the recreational crab fishery for MRC discussion and consideration (Exhibit 3).

STAFF SUMMARY FOR NOVEMBER 5, 2019
FOR BACKGROUND PURPOSES ONLY

Significant Public Comments (N/A)

Recommendation

Support development of a rulemaking for management measures in the recreational Dungeness crab fishery, considering recommendations provided by DFW and through public comments during the meeting.

Exhibits

1. Staff summary for July 11, 2019 MRC meeting, Agenda Item 9 (for background purpose only)
2. Staff summary for Apr 10-11, 2019 FGC meeting, Agenda Item 25 (for background purposes only)
3. DFW presentation

Motion/Direction

The Marine Resources Committee recommends that the Commission support six proposed management measures for the recreational Dungeness crab fishery as recommended by the Department to minimize the risk of whale and turtle entanglements.

OR

The Marine Resources Committee recommends that the Commission support six proposed management measures for the recreational Dungeness crab fishery as recommended by the Department to minimize the risk of whale and turtle entanglements, except _____.

STAFF SUMMARY FOR FEBRUARY 21, 2020
For background purposes only

18. RECREATIONAL DUNGENESS CRAB AND MARINE LIFE PROTECTIONS

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

Receive DFW update on stakeholder outreach and provide direction on the DFW draft options for regulation changes intended to provide additional whale and turtle protections in the recreational Dungeness crab fishery.

Summary of Previous/Future Actions

• FGC discussed entanglement settlement and referred to MRC	Apr 17, 2019; Santa Monica
• MRC discussed possible management measures for recreational fishery	Jul 11, 2019; MRC, San Clemente
• FGC supported considering recreational measures per MRC recommendation	Aug 7-8, 2019; Sacramento
• MRC discussed proposed recreational management measures	Nov 5, 2019; MRC, Sacramento
• FGC discussed proposed management measures referred by MRC	Dec 11-12, 2019; Sacramento
• **Today's discussion and direction for possible rulemaking**	**Feb 21, 2020; Sacramento**

Background

FGC has authority to regulate the recreational Dungeness crab fishery; authority over the commercial Dungeness crab fishery is held by both DFW and the California State Legislature.

In recent years, whale populations in California's waters have increased, leading to a greater risk of entanglement in deployed crab fishing gear and a drastic increase in the number of whale entanglements off the West Coast. DFW was sued, alleging potential violation of Section 9 of the federal Endangered Species Act for take of blue and humpback whales and leatherback sea turtles without a federal incidental take permit. A Mar 2019 settlement and a stipulation to stay the case, under condition of specific management actions in the commercial fishery, led FGC to initiate a discussion in Apr 2019 with FGC; the discussion focused on potential management implications for the recreational Dungeness crab fishery to reduce the risk of whale and sea turtle entanglement in recreational trap gear. FGC referred the topic to MRC (see Exhibit 1 for additional background).

Following MRC vetting of possible "common-sense" management measures for the recreational Dungeness crab fishery and FGC support for developing such measures, in Dec 2019 MRC recommended advancing a rulemaking to implement several measures proposed by DFW (establishing a trap limit, establishing a stamp validation program, enhanced gear marking, requiring a service interval, and providing in-season authority to DFW's director). FGC asked that DFW conduct additional outreach to help inform and define specific options within those management categories prior to requesting to go notice on a rulemaking.

Based on FGC direction, DFW held three in-person workshops (Jan 6 in Sacramento, Jan 11 in Sausalito, and Jan 23 in Eureka) intended to solicit additional stakeholder input and inform a final proposal.

Today, DFW will report on the outcomes of the workshops and ongoing stakeholder discussions, and highlight resulting refinements DFW has made to the proposed management measures. DFW will also propose next steps for the process, including a revised timeline to allow for additional MRC vetting and a recommendation at MRC's Mar meeting (Exhibit 3).

Significant Public Comments

1. An angling club expresses support for the objective to reduce entanglements and specifically supports: enhanced gear marking requirements, a ten-pot per angler limit, a 14-day service interval, a validation stamp (in theory), and retaining the current FGC authority structure over the recreational fishery rather than delegating to DFW. Additional comments on the benefits of removing derelict gear to reduce entanglements were also included (Exhibit 2).

Recommendation

FGC staff: Re-refer subject to the Mar MRC meeting to discuss the specific options within the range of management measures proposed by DFW and to make a recommendation, and amend the rulemaking schedule for the recreational Dungeness crab fishery to commence with notice in Jun 2020.

MRC: Support DFW developing a suite of options to be analyzed for potential regulatory action that may include part or all of the management measures generally described at the Nov 5, 2019 MRC meeting.

DFW: Return the issue to MRC for discussion at its Mar meeting and a potential recommendation on proposed management measures for the recreational Dungeness crab fishery, with the intent to request authorization to publish notice in Jun 2020 for a suite of proposed regulations for the recreational Dungeness crab fishery.

Exhibits

1. Staff summary from Apr 17, 2019 FGC meeting, Agenda Item 25 (for background only)
2. Email from Scott McBain, Humboldt Area Saltwater Anglers, received Dec 10, 2019
3. DFW presentation

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves scheduling an additional discussion of potential management measures for the recreational Dungeness crab fishery for the March 2020 MRC meeting, and approves a change to the rulemaking schedule to consider notice in June 2020, discussion in August 2020, and adoption in October 2020.

RECREATIONAL CRAB FISHERY

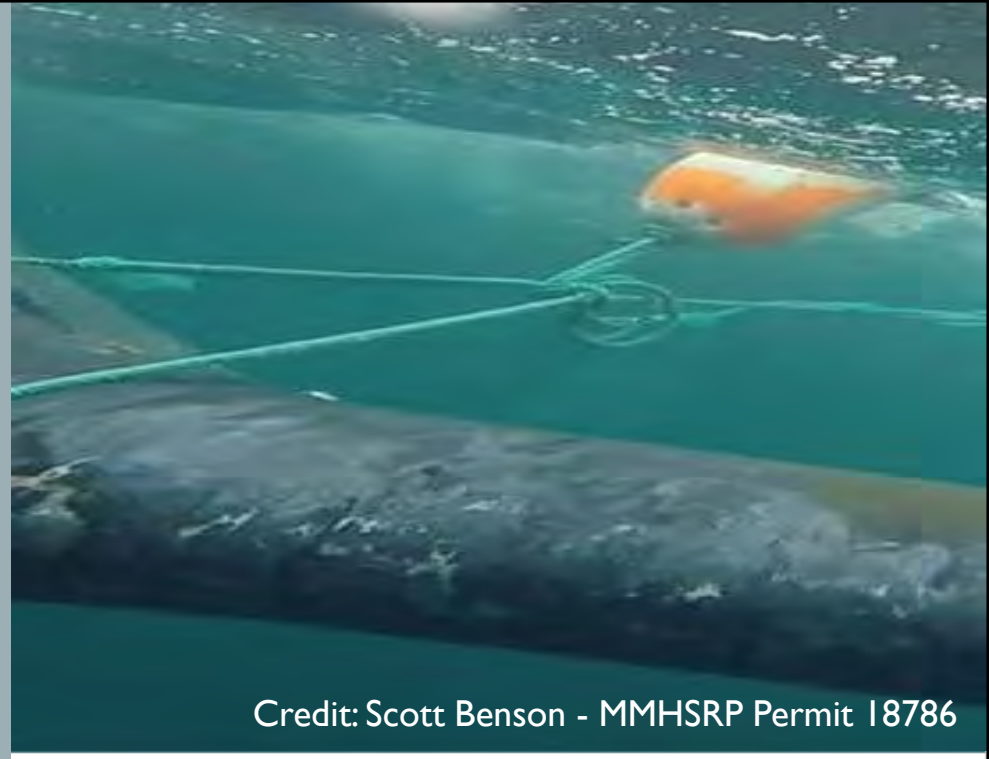
MANAGEMENT PROPOSALS TO PROVIDE MARINE LIFE PROTECTIONS

Marine Resources Committee Meeting
March 17, 2020
Santa Rosa

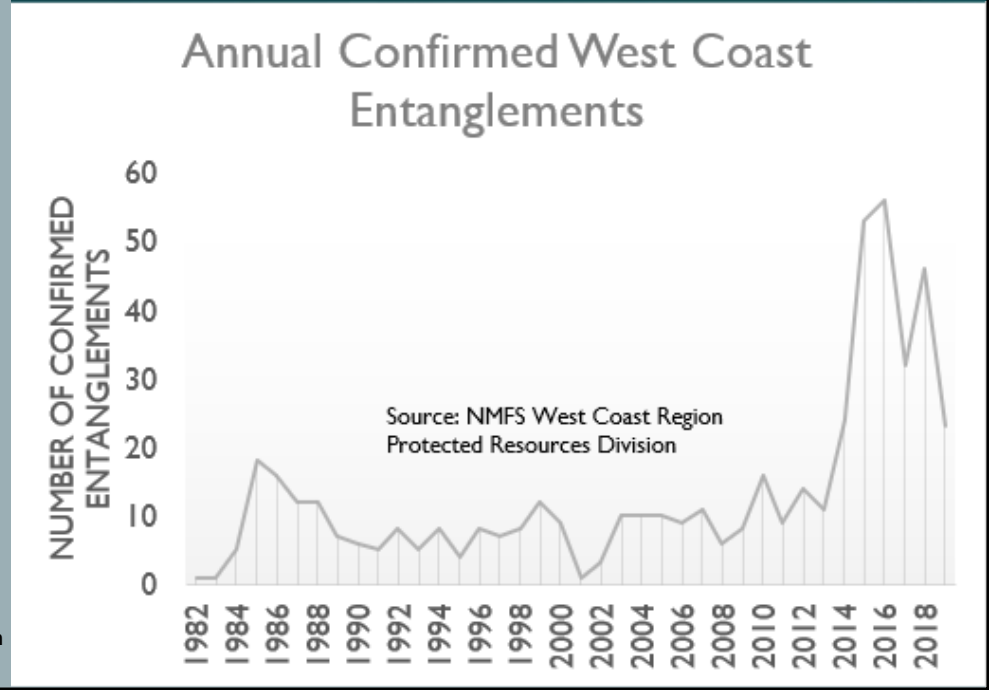
CDFW Marine Region

MARINE LIFE ENTANGLEMENT RISK

- Species listed under Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) entangled in trap gear
- Since 2014 = 48 confirmed CA Dungeness crab gear entanglements, including 3 from recreational crab gear
- Since 2014 = 102 entanglements observed in CA from unknown gear types
- CA, OR, WA, and NMFS all working to reduce risk



Credit: Scott Benson - MMHSRP Permit 18786



Source: NMFS West Coast Region
Protected Resources Division

RATIONAL FOR RECREATIONAL REGULATION CHANGES

- Protect marine life and listed species under the ESA and MMPA
- Recreational crab fishery is operated in similar locations/configurations
- Recreational fishery has very limited rules regarding deployment, configuration, and servicing of gear
- Help prevent commercial sector from being penalized for entanglement
- Align with other trap fisheries and increase accountability

Credit: CDFW

Credit: CDFW

RECREATIONAL FISHERY REGULATION PROPOSALS

- Enhanced Gear Marking
  - Buoy or Unique Float
  - Simple, low cost and easy to incorporate
- Trap Limit
  - Establish limit (5-10 pots)
  - Reduces risk from # vertical lines
- Service Interval Requirement
  - Require minimum interval for gear check (9-16 days)
  - Minimize gear loss and by-catch

Credit: NMFS

Credit: NMFS

BUOY MARKING OPTIONS

Credit: CDFW

RECREATIONAL FISHERY REGULATIONS PROPOSALS

- Validation Stamp
  - Needed to determine fleet characteristics and dynamics
  - Target outreach and communication
- Director Authority
  - Align with Director's authority (commercial)
  - Swift management response (entanglement risk)

Credit: CDFW

Credit: CDFW

STAKEHOLDER INPUT

- Calls and in-person meetings with representatives
- Discussed proposals at November MRC
- December FGC discussion resulted in three additional public outreach meetings
- Comment Summary:
  - Some support for proposals
  - North fishery different from central fishery
  - Limit surface gear, standardize buoys
  - Lost gear is an issue
  - Exempt passengers from validation
  - Sunset validation
  - Note fishing should be retained
  - Sport fair start

Credit: CDFW

Credit: CDFW

DISCUSSION ELEMENTS: BUOY MARKING

- Department recommends:
  - Buoy or Unique Float attached to end of main buoy or at end of trailer buoy
  - Be of one size and color – between 4-5” in length and red for Dcrab and yellow for other sport trap gear
  - Inexpensive and commonly available

DISCUSSION ELEMENTS:
TRAP LIMIT

- **Department recommends:**
  - **10 traps per angler from November 1 through March 31**
  - **5 traps per angler from April 1 through end of season**

DISCUSSION ELEMENTS: SERVICE INTERVAL

- Department recommends:
  - 9 days – allows weekend through next weekend soak
  - Allows for severe weather extension

DISCUSSION ELEMENTS: VALIDATION STAMP

- Department recommends:
  - Required for all licensed crab fishermen
  - Nominal cost
  - Would consider sunset after 5 years

DISCUSSION ELEMENTS: DIRECTOR AUTHORITY

- Department recommends:
  - Director can delay opener or close fishery early to avoid high entanglement scenarios
  - Require reporting to FGC at next meeting following action
  - Could use zonal approach

DISCUSSION ELEMENTS: SURFACE GEAR

- Department recommends:
  - Commercially manufactured main buoy
  - No more than one trailer buoy using no more than one fathom of line
  - 4-5” red marker buoy attached to end marker buoy (for Dcrab)

DISCUSSION ELEMENTS: NOTE FISHING

- **Department recommends:**
  - Option 1: Retrieval-only note. Non-owner can pull, but not replace pots. Creates true individual trap limit.
  - Option 2: Fishing note. Non-owner can pull, rebait, and replace pots. Could allow individuals to fish more than their limit of pots.
  - Concern: not clear what affect either will have on total number of pots deployed.
  - Note must identify owner of traps (marked with GoID), person authorized to pull traps, note signed by both parties, contact information, and dates authorized

DISCUSSION ELEMENTS:
FAIR START

- **Department recommends:**
  - **Allow no less than 5 days of fishing before commercial pre-soak for any fall season delay**

NEXT STEPS

- Finalize Options for Rulemaking at April FGC meeting

- Recommended Revised Timeline
  - Notice June
  - Discuss August
  - Discuss and Possible Adoption October
  - Effective fall 2021

Credit: CDFW

More information:

wildlife.ca.gov/Conservation/Marine/Whale-Safe-Fisheries

Credit: CDFW

From: Marc Gorelnik [redacted]
Sent: Monday, January 20, 2020 5:57 PM
To: samanthamurrayfgc@gmail.com; Shuman, Craig@Wildlife <Craig.Shuman@wildlife.ca.gov>
Cc: Bonham, Chuck@Wildlife <Chuck.Bonham@wildlife.ca.gov>; Bartling, Ryan@Wildlife <Ryan.Bartling@wildlife.ca.gov>; Mastrup, Sonke@Wildlife <Sonke.Mastrup@wildlife.ca.gov>; FGC <FGC@fgc.ca.gov>
Subject: Proposed Regulations in the Recreational Dungeness Crab Fishery

Dear Dr. Shuman and Ms. Murray,

Please see the attached correspondence from the Coastside Fishing Club, Humboldt Area Saltwater Anglers, and Coastal Conservation Association - California. We look forward to continued dialog with the Department and the Commission.

Marc Gorelnik

Coastal Conservation Association – California
13015 Abing Ave
San Diego, CA 92129

Coastside Fishing Club
P.O. Box 5501
San Mateo, CA 94402

Humboldt Area Saltwater Anglers
P.O. Box 6191
Eureka, CA 95502

January 20, 2020

VIA EMAIL: *craig.shuman@wildlife.ca.gov*

Dr. Craig Shuman
California Department of Fish and Wildlife
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109

VIA EMAIL: *samanthamurrayfgc@gmail.com*

Ms. Samantha Murray
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

Re: Measures to Reduce Risk of Whale Entanglement in Sport Gear

Dear Dr. Shuman and Ms. Murray:

The issue of whale entanglements has been difficult for both stakeholders and the Department. The goal of the Coastside Fishing Club, Humboldt Area Saltwater Anglers and Coastal Conservation Association-California is, and always has been, to work with the Department to arrive at reasonable and responsible measures to address the recreational crab fishery and its potential impacts on whale entanglements. Certainly, we share the goal of improving accountability and decreasing the risk of whale entanglements in the recreational Dungeness crab fishery.

We generally agree with the majority of the measures that the Department intends to recommend to the Fish and Game Commission. However, there are serious concerns with some measures out of proportion to risks presented by recreational activities. In addition, the Department has attached an urgency to arriving at revised recreational regulations so that they can be included in the conservation plan being drafted in furtherance of a federal permit for the commercial crab fishery. However, the original reason to do this appears to have been mistaken. The commercial timeline should not govern the recreational timeline.

Below is a summary of our position on the specific measures discussed with the Department

- Enhanced marking – Two different methods have been discussed: adding a white cow tag or small buoy. While we believe that the cow tag will be easier to implement and lead to improved compliance, we are agreeable to either method. We recognize

the need to facilitate the distinction between recreational and commercial gear.

- Service interval – There is agreement with the Department for a service interval of 16 days.

- Validation program – We believe that a validation or license endorsement should be required only for those deploying crab traps. Requiring a validation for every license holder retaining crab is unnecessary to satisfy the needs of the program, i.e., to collect information on the number of traps, their location and resulting harvest. For example, CPFV passengers and guests on private boats would have no additional information to add on the fishery. Requiring a validation stamp to deploy traps is an additional expense, however nominal, and such a further regulatory burden should not be imposed on someone that does not deploy traps.

- Trap limits – There is no agreement on the appropriate trap limit within the Department or between the Department and stakeholders. One reason is that there is no data or analysis to support the need for a specific trap limit. The ostensible reason to establish a limit is to reduce the number of lines in the water. The Department seeks to reduce lines in the recreational sector responsible for only about 6% of confirmed entanglements while the commercial sector, responsible for about 94%, of confirmed entanglements, sees no preemptive reduction in traps. The Department's priorities seem to be more consistent with an effort to reduce recreational harvest than to reduce the risk of whale entanglement. This doesn't mean that we oppose the idea of establishing a trap limit as part of an effort to get a handle on the recreational crab fishery, but that limit needs to be justifiable and reasonable.[1] Rather than imposing an arbitrary recreational trap limit, the objectives would be better served by first collecting information on the number of recreational traps actually being deployed. Should it then become necessary to reduce the number of traps, there would be a basis from which to start.

- Director authority – The issue here isn't so much who has authority, but the standards for exercising that authority. The Department has effectively stated that it proposes to restrict the recreational crab fishery by the same standard that it restricts the commercial fishery. That stance is indiscriminate, completely failing to account for the factual and legal differences between the fisheries in these two sectors. Factually, the recreational fishery has one-sixteenth the number of confirmed entanglements and therefore one-sixteenth the risk. Legally, restricting the commercial fishery is necessary to fall within the negligible impact determination (NID) under the Marine Mammal Protection Act (MMPA). That analysis, however, does not apply to the recreational sector because the MMPA addresses only

[1] For all practical purposes, the existing recreational crab possession limit serves to limit the number of traps that can be usefully employed. Because gear is expensive and at risk of loss, there is no reason or incentive to deploy more traps than necessary to secure a limit of crabs for the operator and crew.

commercial fisheries. Restrictions on the recreational fishery must be proportional to the risks it presents. If the risks are much lower than the commercial sector, then the restrictions must be much less.

Recreational crabbers do not want to entangle or otherwise cause harm to marine mammals. While such events are very rare in the recreational Dungeness crab fishery, particularly in comparison to the number of entanglements in the commercial fishery, they do happen. We share the Department's desire to identify and reduce the entanglement risks in the recreational crab fishery. We are concerned, however, that the rush to address a lawsuit concerning the commercial fishery has blurred the critically important factual and legal differences between the recreational and commercial fisheries. While the gear may be similar, the entanglement risks are not, and federal law does not treat these fisheries as the same.[2]

Pursuant to a court order embodying the parties' settlement, the Department is obligated to seek an incidental take permit under the Endangered Species Act (ESA). Because the entanglements involve listed marine mammals, Section 7(b)(4) of the ESA requires that the permitted activity also comply with the MMPA. This in turn requires the Department to submit a conservation plan upon which NMFS must make a NID for the commercial Dungeness crab fishery.

That NID is calculated for the commercial crab fishery after taking into account Total Human Caused Mortality (THCM), which considers impacts from the recreational sector and from ship strikes. One study estimates that ship strikes kill sixty endangered blue, fin and humpback whales annually. The THCM of humpback whales is dominated by ship strikes. Any THCM contribution from the recreational crab fishery is vanishingly insignificant to the NID calculation. Accordingly, entanglements in the recreational crab fishery do not impact the NID for the commercial crab fishery. The commercial crab fishery needs no protection from the recreational sector notwithstanding the Department's current position.

A permit under the MMPA provides a safe harbor for the Department and the commercial crab fishery. However, the MMPA offers no such relief for the recreational crab fishery so there is no "MMPA permit" provision or justification for governing that fishery under the commercial RAMP constraints. The drafters of the MMPA created a "Catch-22" for recreational fisheries. Even were an MMPA exemption available to cover the recreational crab fishery, applying the same commercial RAMP constraints would unfairly and improperly hold the recreational crab fishery to a much higher standard to avoid entanglements. Criteria designed to rein in the commercial crab fishery, with at least 49

[2] The Department earlier represented that a safe harbor was available to the Commission if the recreational crab fishery were included in the conservation plan and application for an incidental take permit. That objective has dictated the short timeline for Commission action. That representation was inaccurate.

confirmed entanglements in the recent past, are not appropriate to the recreational crab fishery, with only three confirmed entanglements over the same period.

The Department states the need to protect the commercial sector from entanglements in the recreational sector. The Department should recall that the genesis of this mess is the commercial sector's own whale entanglements. Since entanglements in the recreational sector won't harm commercial crabbers, the Department should cease making that argument. Recreational season closures based on commercial entanglement risks and the imposition of arbitrary and preemptive trap limits harm the recreational crab fishery.

We look forward to continued dialog with the Department and Commission to arrive at new and revised regulations that will improve management of this important recreational fishery without unnecessary restricting activities. If you believe that it would be helpful for you to understand this fishery, we invite you to join us for a day of recreational crabbing.

Respectfully submitted,

Coastside Fishing Club	Humboldt Area Saltwater Anglers	Coastal Conservation Association - California

cc: Chuck Bonham
Sonke Mastrup
Ryan Bartling
California Fish and Game Commission

Regulations Governing Commercial Harvest of Wild Kelp and Algae

Rebecca Flores Miller
California Department of Fish and Wildlife

Marine Resources Committee
Santa Rosa
March 17, 2020

Proposed Regulatory Amendments

1. **Bull kelp**
   - Statewide closure

2. **Marine algae**
   - Remove human food restriction
   - Establish harvest methods
   - Establish annual harvest limits

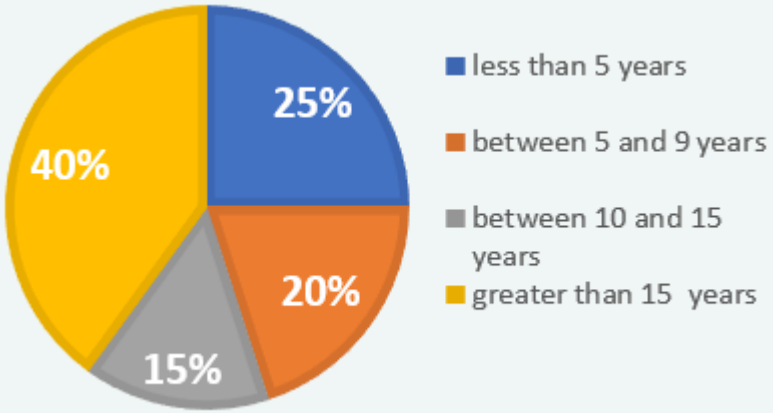
3. **Prohibit take** in San Francisco Bay, Tomales Bay, Humboldt Bay and Crescent City Harbor

Proposed Regulatory Amendments (cont.)

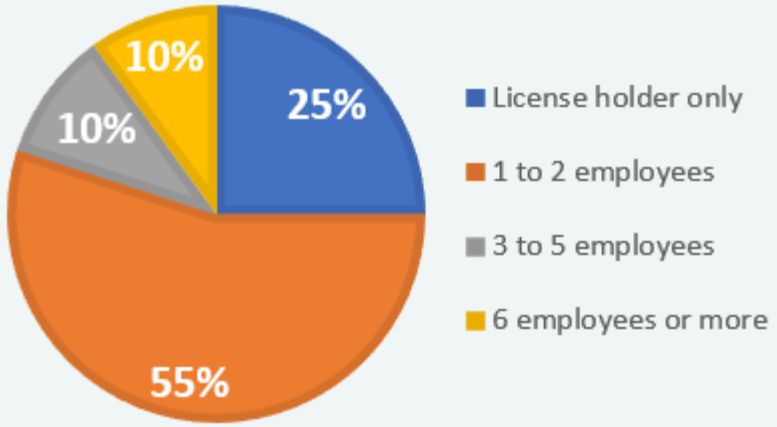
4. **Sea Palm**
   - Establish annual harvest limits and season, or closure
   - Establish harvest methods
5. **Modify Commercial Kelp Harvesting License**
   - Statutory compliance
6. **Modify Harvester's Monthly Reports**
   - Include specific harvest location
   - Include number of harvesters
   - Streamline report design
7. **Overall Cleanup**

Commercial Harvester Survey Results

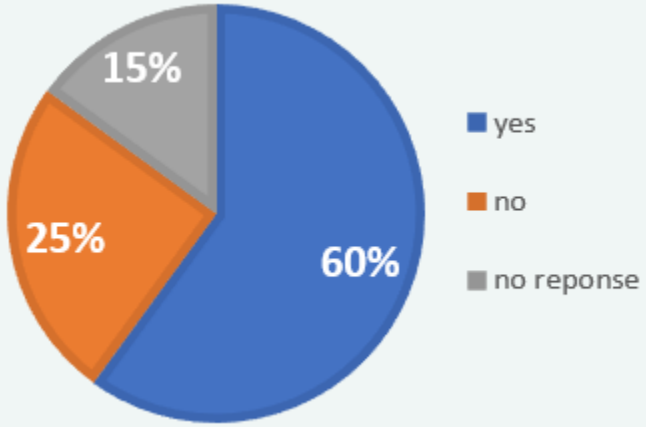
Number of years harvesting?



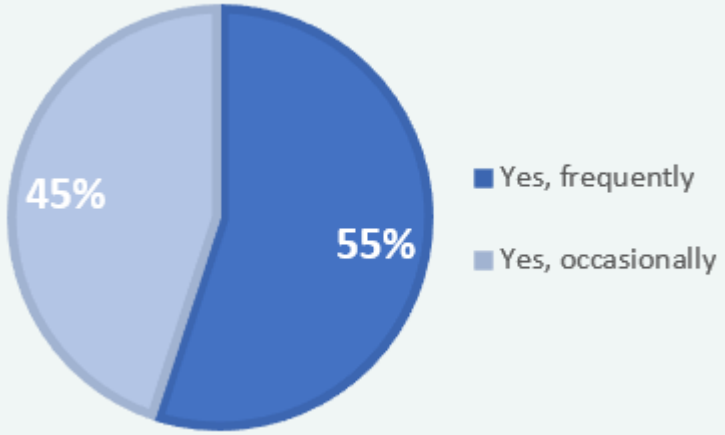
Number of employees?



Limit the number of licenses?



Return to the same site for harvest?



Proposed Harvest Limits – Giant Kelp

Alga	Average Annual Harvest 2009-18*	Survey Responses*	Proposed Annual Fishery Limit*
Giant Kelp (*Macrocystis pyrifera*)	3,500	3,062	3,500

*tons wet weight

Proposed Harvest Limits – Wakame, Kombu, Nori

Alga/Algae	Average Annual Harvest 2009-18*	Survey Responses*	Proposed Annual Fishery Limit*
Wakame (*Alaria* spp.)	9,761	9,001	9,500
Kombu (*Laminaria* spp.)	11,944	13,651	11,500
Bull Kelp (*Nereocystis luetkeana*)	4,981	6,400	Close Harvest
Nori (*Porphyra* spp., *Pyropia* spp.)	4,070	6,821	4,000

*lbs wet weight

Wakame

Kombu

Bull Kelp

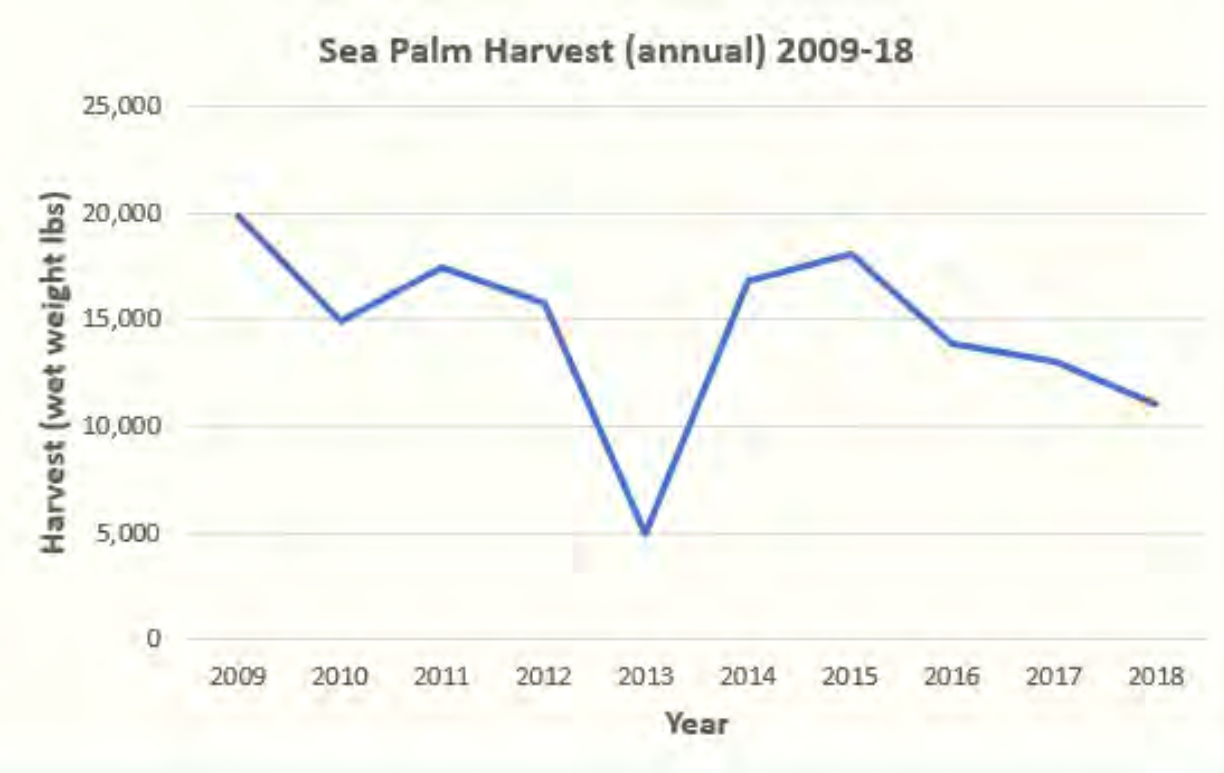
Nori

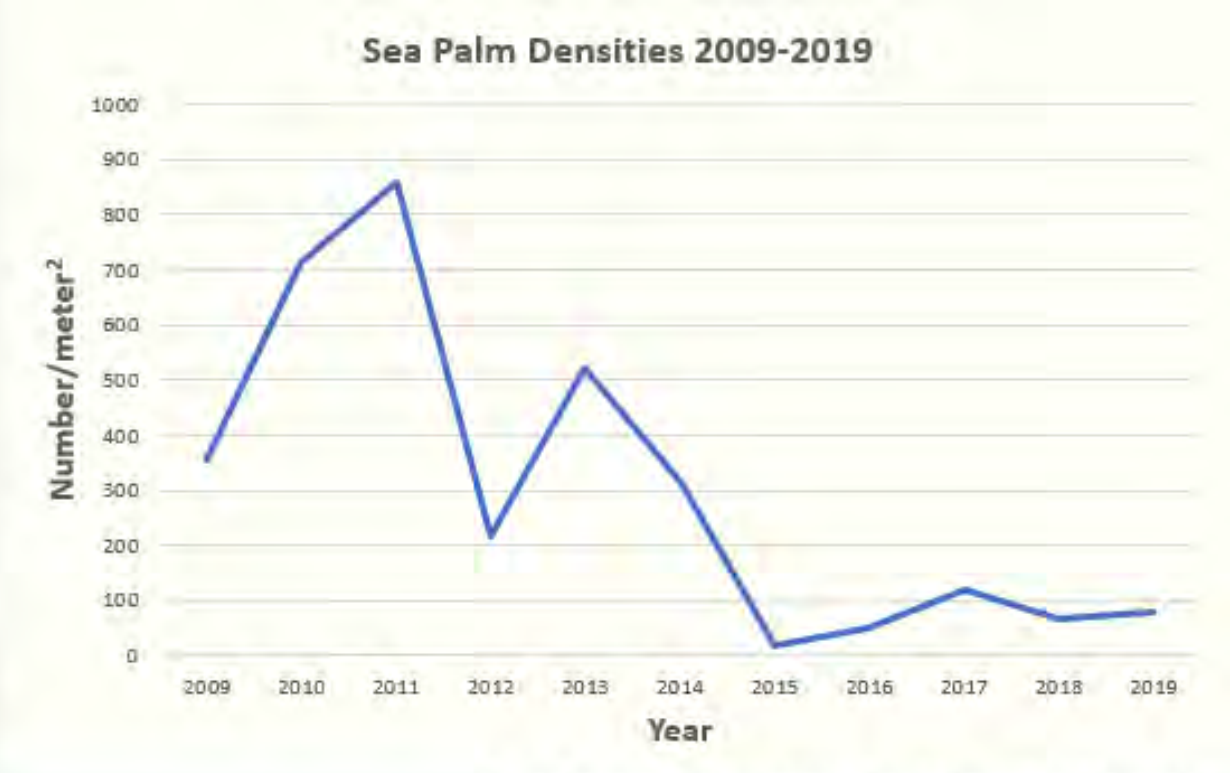
Photos Credit: CDFW, R. Flores Miller

Proposed Harvest Limits and Season – Sea Palm

Alga	Average Annual Harvest 2009-18*	April-May Average Annual Harvest 2009-18*	Survey Responses*	PROPOSED OPTION 1: April-May Annual Fishery Limit*	PROPOSED OPTION 2
Sea Palm (*Postelsia palmaeformis*)	14,593	1,719	9,341	1,700	close harvest

*lbs wet weight





Date Source: Multi-Agency Rocky Intertidal Network

Proposed Harvest Limits – Other Algae

Algae	Average Annual Harvest 2009-18*	Survey Responses*	Proposed Annual Fishery Limit*
Brown (Phaeophyta)	3,470	8,801	3,000
Red (Rhodophyta)	4,254	9,715	4,000
Green (Chlorophyta)	555	251	500

*lbs wet weight

Outreach

2013:
- Letters to industry on regulatory process

2015 and 2016:
- Marine Resource Committee (MRC) presentations

2017:
- Letters to industry, Tribes, and interested stakeholders
- Tribal Committee (TC) presentation

2018:
- MRC and TC presentations

2019:
- MRC and TC presentations
- Web-based commercial harvester survey

2020:
- MRC and TC presentations

Next Steps

March-May 2020: Engage in outreach with interested Tribes and Stakeholders

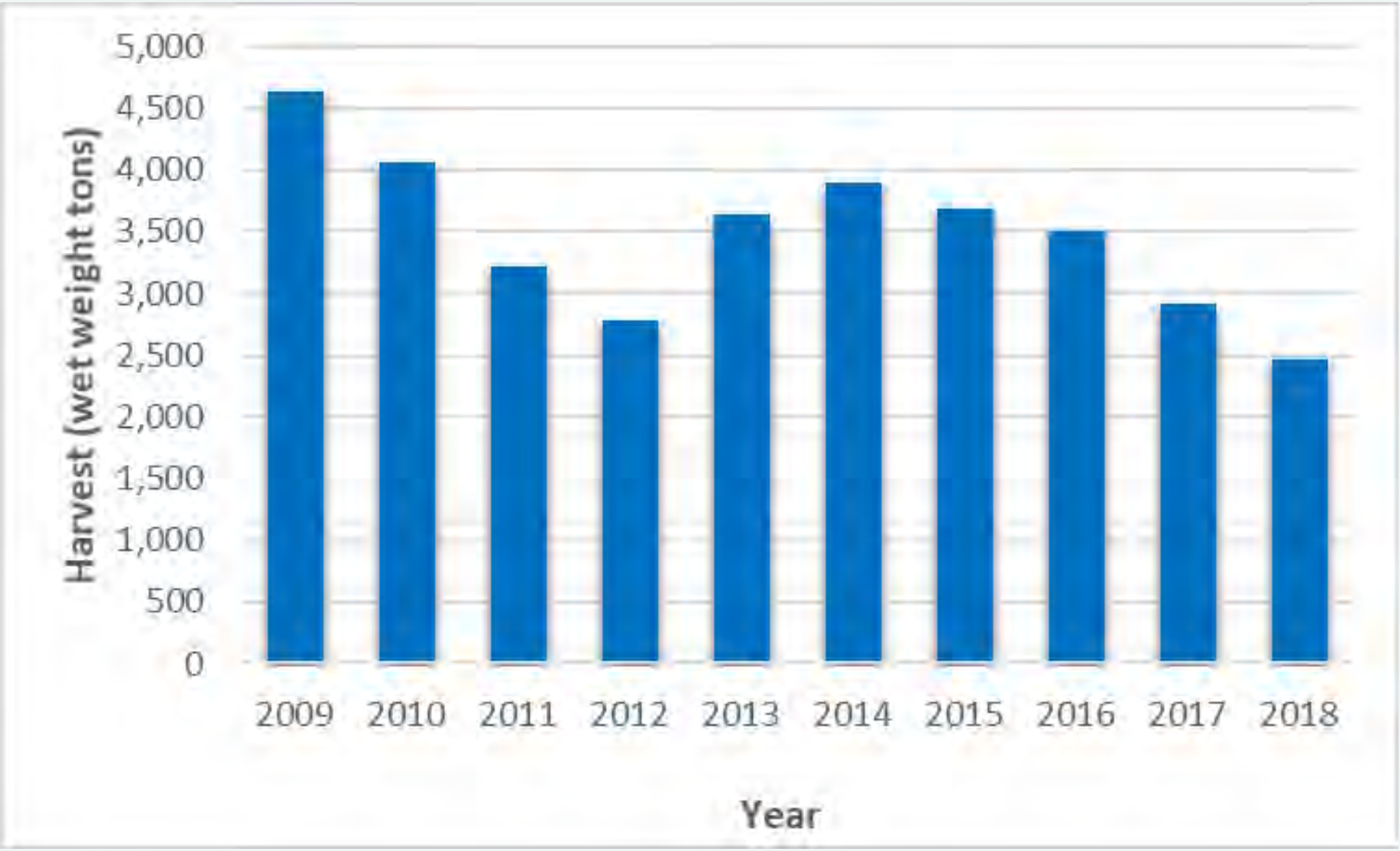
August 2020: Notice Meeting

October 2020: Discussion/Adoption Meeting

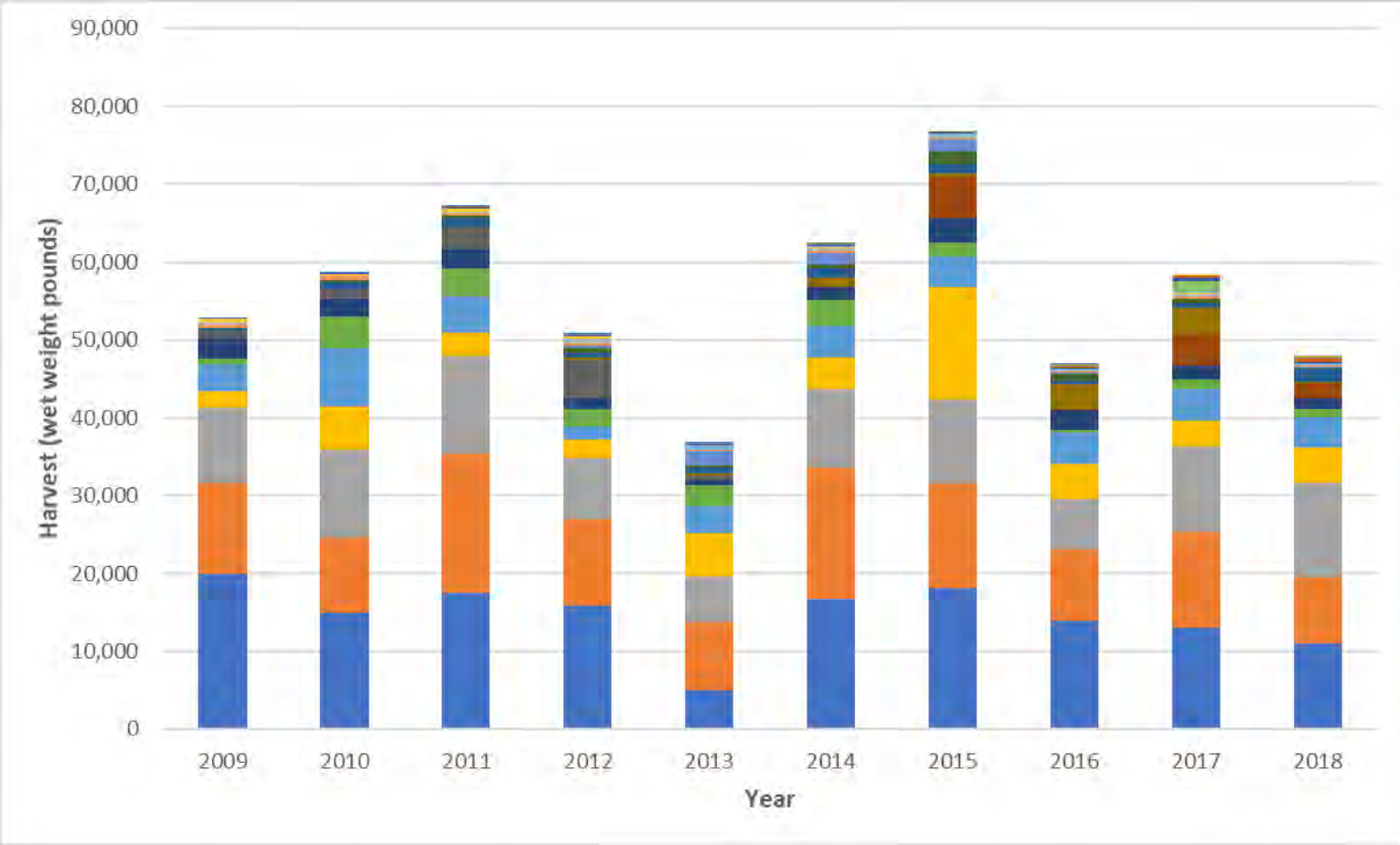
Thank you

Rebecca Flores Miller
Environmental Scientist
Marine Region
831-649-2835

Commercial Kelp Harvest 2009-18

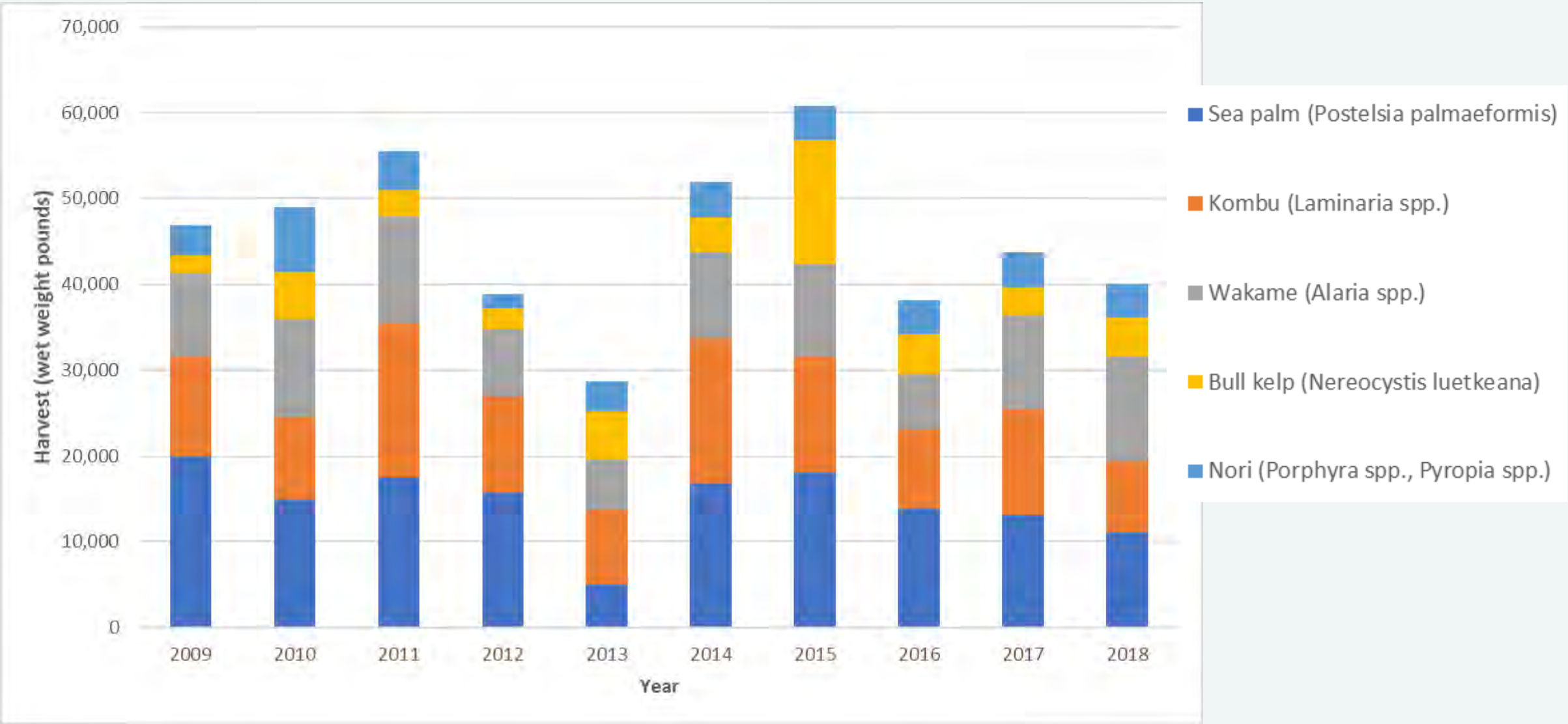


Commercial Edible Seaweed Harvest 2009-18

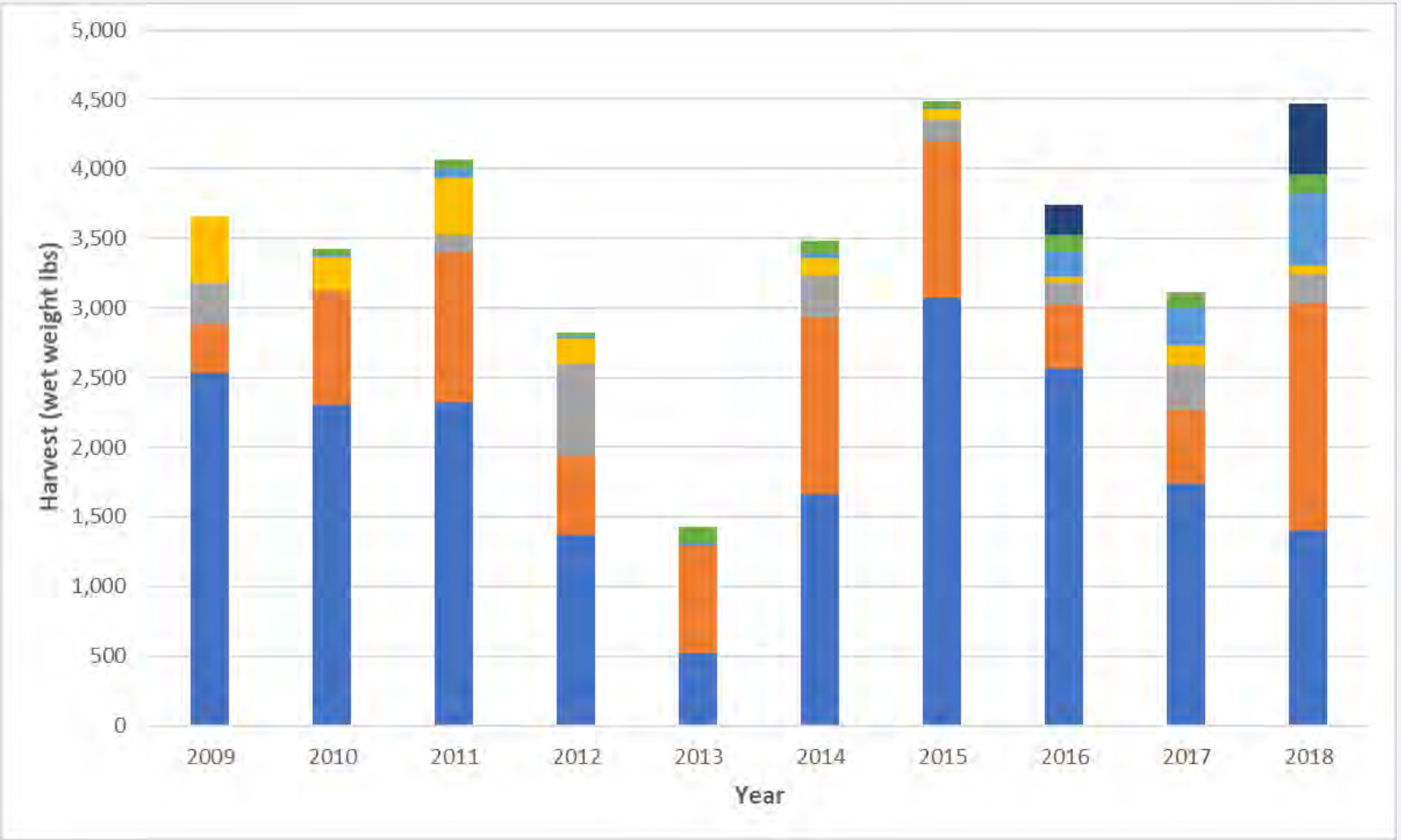


- Sea palm (Postelsia palmaeformis)
- Kombu (Laminaria spp.)
- Wakame (Alaria spp.)
- Bull kelp (Nereocystis luetkeana)
- Nori (Porphyra spp., Pyropia spp.)
- Turkish washcloth, grapestone (Mastrocarpus spp.)
- Bladderwrack (Fucus spp.)
- Giant kelp (Macrocystis pyrifera)
- Gelidium spp.
- Turkish towel (Chrondracanthus spp.)
- Sea fern, bladder chain kelp (Stephanocystis osmundacea, Cystoseira osmundacea)
- Sea lettuce (Ulva spp.)
- Botryocladia spp.
- Mazzaella spp.
- Sweet kombu, sea cabbage (Saccharina sessilis, Hedophyllum sessile)
- Ocean ribbons (Lessionopsis littoralis)
- Gracilaria spp.
- Cryptopleura spp.
- Pacific dulse (Palmaria mollis)
- Pelvetiopsis spp.
- Feather boa kelp (Egregia menziesii)
- Mermaids hair (Polysiphonia spp.)
- Iridia spp.
- Dead man's fingers (Codium fragile)
- Rhodymenia pacifica
- Dilsea spp.
- Callophyllis spp.
- Sarcodiotheca spp.
- Endocladia spp.
- Prionitis spp.

Highlighted Edible Seaweed Harvested 2009-18

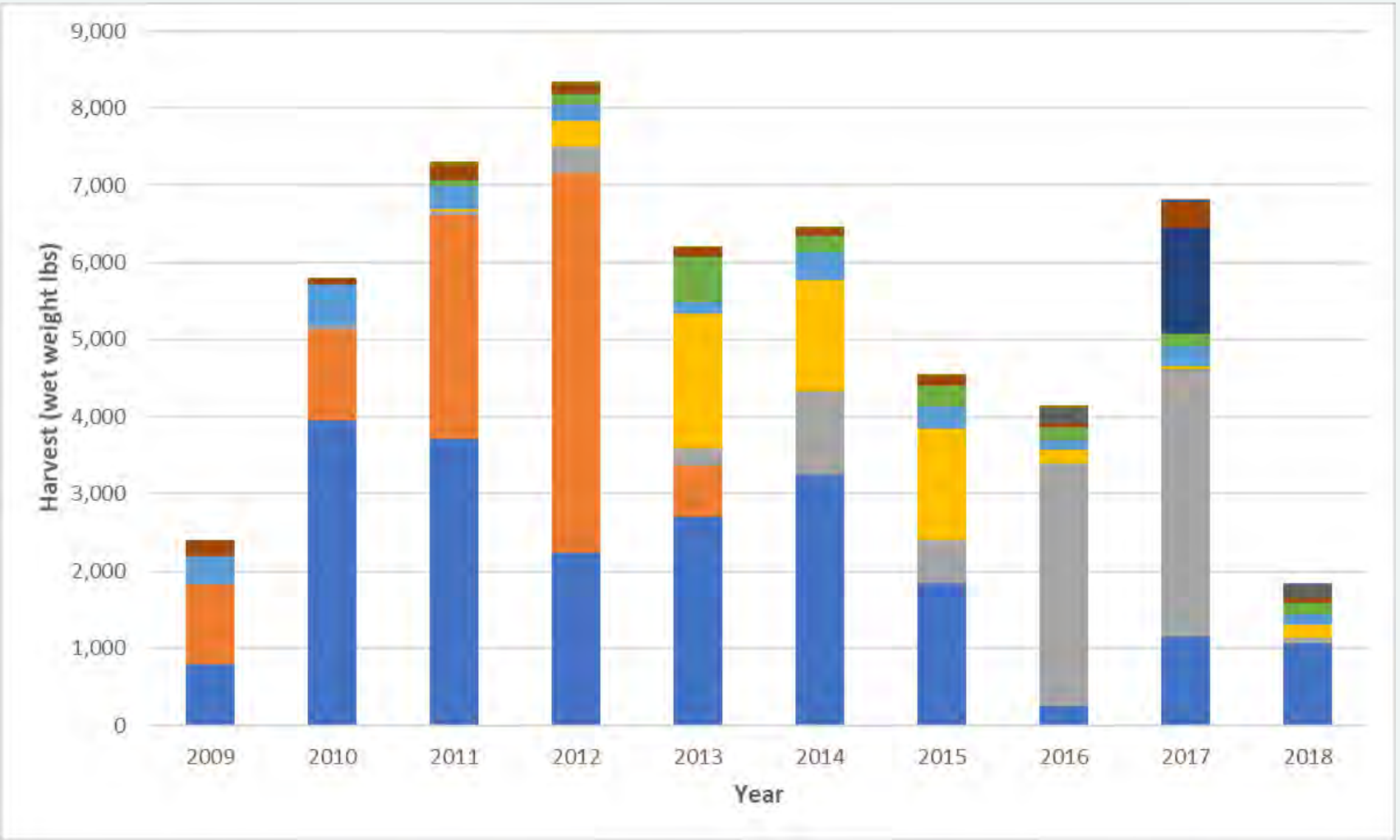


Commercial Brown (Phaeophyta) Harvest 2009-18



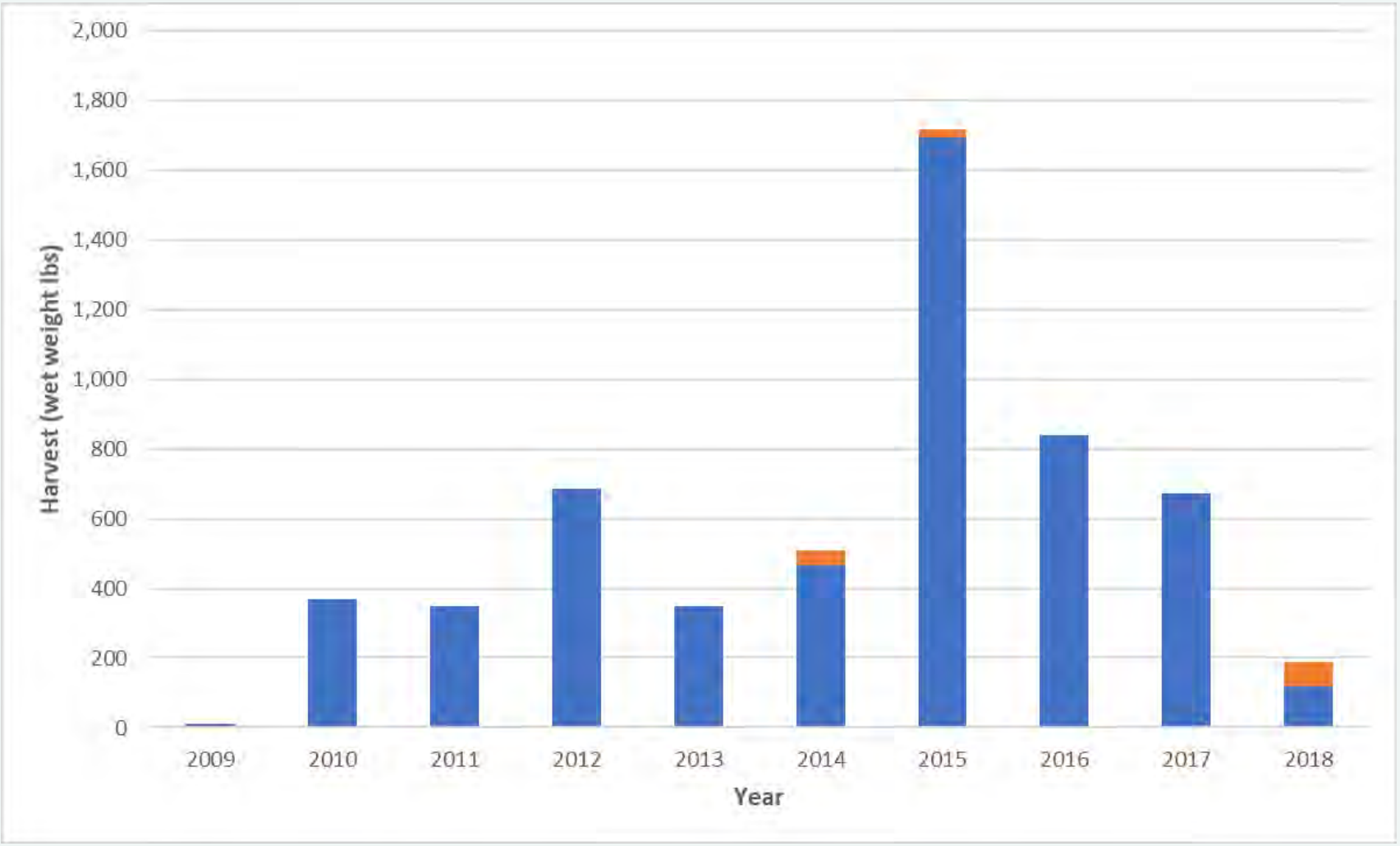
- Bladderwrack (Fucus spp.)
- Sea fern, bladder chain kelp (Stephanocystis osmundacea, Cystoseira osmundacea)
- Sweet kombu, sea cabbage (Saccharina sessilis, Hedophyllum sessile)
- Ocean ribbons (Lessionopsis littoralis)
- Pelvetiopsis spp.
- Feather boa kelp (Egregia menziesii)
- Sargassum spp.

Commercial Red (Rhodophyta) Harvest 2009-18



- Turkish washcloth, grapestone (Mastrocarpus spp.)
- Gelidium spp.
- Turkish towel (Chrondracanthus spp.)
- Botryocladia spp.
- Mazzaella spp.
- Gracilaria spp.
- Cryptopleura spp.
- Pacific dulse (Palmaria mollis)
- Mermaids hair (Polysiphonia spp.)
- Iridia spp.
- Rhodymenia pacifica
- Dilsea spp.
- Callophyllis spp.
- Sarcodiotheca spp.
- Prionitis spp.
- Endocladia spp.

Commercial Green (Chlorophyta) Harvest 2009-18



Dead man's fingers (Codium fragile)

Sea lettuce (Ulva spp.)

From: Gillian Lyons [redacted]
Sent: Tuesday, February 18, 2020 10:28 AM
To: FGC <FGC@fgc.ca.gov>
Cc: Flores Miller, Rebecca@Wildlife <Rebecca.FloresMiller@wildlife.ca.gov>
Subject: Kelp and marine algae commercial harvest regulations

Dear Commissioners, Commission staff, and Ms. Flores-Miller:

On behalf of The Pew Charitable Trusts, I would like to provide the following recommendations for the Department's consideration as it develops proposed regulatory amendments to California's kelp and marine algae commercial harvest regulations. Provided it's all right, we may submit additional recommendations at a later date, but wanted to share the following three items right away in case that's helpful for Department staff as they continue preparing draft amendments.

Please feel free to contact us with any questions that may come up. Thank you very much for your time and consideration.

Warm regards,

Gilly Lyons

Gilly Lyons
Officer, U.S. Oceans, Pacific
The Pew Charitable Trusts
[redacted]
e: [redacted] | www.pewtrusts.org

_____

Recommendations from Pew regarding updates to commercial kelp and marine algae harvest regulations

1. We would like to express our strong support for the proposed **statewide closure of bull kelp harvest**. Given the near collapse of bull kelp forests in nearshore waters off northern California over the past six years, and the devastating ecosystem-wide impacts associated with these declines, we suggest that such a closure is both prudent and precautionary.
2. We also recommend **deleting 14 C.C.R. § 165(e)(2)** (regarding *Harvest of Bull Kelp for Human Consumption*) from the California Code of Regulations, as well as the associated provision in the Fish and Game Code. This provision allows holders of edible seaweed harvester licenses to take up to 4,000 lbs. of bull kelp per licensee per year. While we understand that a statewide closure of bull kelp harvest would likely apply to all sources of harvest, including the one authorized by this regulatory provision, removing it would help to avoid any potential confusion or conflicting guidance – especially since the Human Consumption provision appears under the general provisions for edible seaweed harvest, and not kelp harvest.
3. We recommend moving the state's three lease-only administrative kelp beds – **Administrative Kelp Beds 308, 309 and 312** – **into closed status**. As these three beds are located on the North Coast, they are all characterized by bull kelp and would therefore likely be subject to the proposed statewide closure of bull kelp harvest. Moving Beds 308, 309, and 312 into the closed category would be consistent with a statewide closure, and similar to our recommendation #2

above, would help to avoid any future confusion regarding their management status. They are also the only beds between San Mateo County and the Oregon border not already in the closed category; designating Beds 308, 309, and 312 as closed would allow for a more coherent and precautionary approach to managing the majority of California's bull kelp resources, particularly as the Department considers developing a comprehensive management plan for kelp and other marine algae.

PUBLIC COMMENT AND REQUEST FOR ACTION

February 14, 2020
California Fish and Game Commission (fgc@fgc.ca.gov)
1416 9th St 12th floor, Sacramento, CA 95814

Dear Commissioners:

We are three artisanal harvesters of edible marine algae (seaweed) on the Northern California coast, who own and operate commercial businesses. Our combined harvests constitute more than half of the total commercial seaweed take from the Mendocino coast to the Oregon border, and together we represent sixty years of seasoned experience with nearshore and tidal ecosystems.

We care deeply about the sustainability of our industry, and are eager to work collaboratively with the California Department of Fish and Wildlife (CDFW). To this end, we participated in two recent commercial kelp harvester surveys administered by CDFW environmental scientist Rebecca Flores Miller, and requested to be updated on the results of those surveys. As active license holders, we also expect to be informed of proposed regulatory changes or actions regarding marine algae harvesting, and to be consulted during the vetting of those proposals.

To our consternation, the opposite appears to have occurred. We accidentally became aware of proposed changes to Title 14, Sections 165, 165.5 and 704 regulations when a colleague forwarded a CFG Tribal Ad Hoc meeting agenda for 01/17/2020 containing an agenda item pertaining to marine algae harvesting regulations.

California Fish and Game Commission: Perpetual Timetable for Anticipated Regulatory Actions
Updated: Friday, December 20, 2019

Regulatory Change Category	Title 14 Section(s)	FGC Sacramento Dec 11, 2019	FGC Sacramento Dec 12, 2019	WRC Los Angeles Area Jan 16, 2020	TC Los Angeles Area Jan 17, 2020	FGC Sacramento Feb 20, 2020	FGC Sacramento Feb 21, 2020	WRC Sacramento Mar 5, 2020	MRC Santa Rosa Mar 17, 2020	FGC Sacramento Apr 15, 2020	FGC Sacramento Apr 16, 2020	Teleconference May 14, 2020	WRC Santa Rosa May 14, 2020	FGC Santa Ana Area Jun 24, 2020	FGC Santa Ana Area Jun 25, 2020	MRC San Clemente Area Jul 21, 2020	TC Fortuna Area Aug 18, 2020	FGC Fortuna Area Aug 19, 2020	FGC Fortuna Area Aug 20, 2020	WRC Sacramento Sep 17, 2020	FGC Oakland Oct 14, 2020	FGC Oakland Oct 15, 2020	TC Monterey Area Nov 9, 2020	MRC Monterey Area Nov 10, 2020
Commercial Kelp and Algae Harvest Management	165, 165.5, 704													N				A			E 10/1			

Digging more deeply into CDFW online resources, we became even more alarmed when we realized the FGC timetable **contained no vetting or recommendation meetings,** while **the notice (6/24/20 in Santa Ana area) and adoption (7/21/20 in San Clemente) meetings are slated to take place during two of the nine low tide cycles we have available for harvesting, and far from our homes**.

We respectfully request that the CDFW, the Marine Resources Committee, and the Commission work with us to enable our full participation in the regulatory review process.

More specifically, we request the following:

[1] Time allotted in the Santa Rosa March 17, 2020 Marine Resources Committee meeting agenda for us to make a short presentation outlining relevant biological, ecological, economic, and climatological aspects guiding our industry and harvesting practices.

[2] A rescheduling of the June 24, 2020 and July 21, 2020 regulatory notice and adoption meetings to later in the year (e.g., September - December 2020).

[3] The ability to take part in action meetings through webinars and/or teleconferencing.

[4] The name(s) and contact information for the point person(s) in the CDFW who are responsible for the edible marine algae harvesting regulations review process.

[5] Copies of the analytical reports stemming from the commercial kelp harvester surveys.

Thank you for your consideration and timely response to this letter. We look forward to positively contributing to the regulatory review process during the coming months.

Sincerely,

Terry D'Selkie
Ocean Harvest
Sea Vegetables

Larry Knowles
Rising Tide
Sea Vegetables

James Jungwirth
Naturespirit Herbs

cc: Craig Shuman, Marine Regional Manager craig.shuman@wildlife.ca.gov
cc: Rebecca Flores Miller, Environmental Scientist, Marine Region rebecca.FloresMiller@wildlife.ca.gov
cc: Melissa Miller-Henson, Marine Regional Manager melissa.Miller-Henson@fgc.ca.gov

COMMITTEE STAFF SUMMARY FOR MARCH 6, 2018
FOR BACKGROUND PURPOSES ONLY

8. STATE WATER BOTTOM LEASES FOR AQUACULTURE

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

(A) Receive overview of current State aquaculture leases;
(B) discuss current management efforts, including best management practices (BMPs); and
(C) discuss future planning.

Summary of Previous/Future Actions

(A) N/A

(B)

• FGC discussed possible BMPs	Feb 10-11, 2016; FGC, Sacramento
• FGC supported BMP rulemaking approach	Jun 22-23, 2016; FGC, Bakersfield
• MRC discussed aquaculture debris	July 21, 2016; MRC, Petaluma
• MRC update on BMP development	Jul 20, 2017; MRC, Santa Rosa
• **Today's update on management activities**	**Mar 6, 2018; MRC, Santa Rosa**

(C)

• FGC referred topic to MRC	Jun 21-22, 2017; Smith River
• MRC discussed future lease planning	Jul 20, 2017; MRC, Santa Rosa
• **Today's update on future planning**	**Mar 6, 2018; MRC, Santa Rosa**

Background

FGC has the authority to lease state water bottoms to any person for the purpose of conducting aquaculture in marine waters of the state, with the exception of Humboldt Bay, under terms agreed upon between FGC and the lessee pursuant to Sections 15400 and 15405 of the California Fish and Game Code. Leases in Humboldt Bay are granted by the Humboldt Bay Harbor, Recreation and Conservation District. While general regulations in Section 237, Title 14, California Code of Regulations govern all aquaculture leases, terms are established for individual state water bottom lease areas in a lease agreement.

Statewide there are currently 17 active FGC-issued state water bottom leases for aquaculture (12 estuarine leases in Tomales Bay held by six growers, 2 estuarine leases in Morro Bay held by two growers, and 2 open coast leases near Santa Barbara, held by two growers).

In recent years, there has been an increase in public attention focused on: (1) current shellfish aquaculture practices and stewardship, particularly related to marine debris, compliance with lease terms and permitting requirements, and certain other practices associated with aquaculture leases within state waters; and (2) lease siting considerations (e.g., environmental and other human uses) for expanding current or adding new lease areas. MRC had discussions in Jul 2016 and Jul 2017 on the aquaculture and lease topics (see Exhibit 1 for more background).

COMMITTEE STAFF SUMMARY FOR MARCH 6, 2018
FOR BACKGROUND PURPOSES ONLY

Today, DFW staff will present on the status of current State aquaculture leases, current management activities, and considerations for future management.

(A) Current State aquaculture leases. DFW will present a more detailed overview of the current FGC-issued leases in State waters of California.

(B) Current management efforts. This category encompasses several DFW efforts underway, including:
- site inspections,
- infrastructure mapping, and
- shellfish aquaculture BMPs information-gathering for a future rulemaking to define requirements for BMP plans, building on the BMPs public meetings held in Aug 2015 and Jul 2017 in Marshall (see Exhibit 2) and a future public meeting in southern California (spring/summer 2018).

(C) Future planning. Several focal points have been identified for discussing planned and potential efforts to support enhanced management of the State aquaculture lease progam. Possible topics include the application of outcomes from current management efforts, agency efforts and academic research and partnerships, and possible approaches to planning for siting and consideration of new or expanded shellfish farms, either individually or regionally.

Significant Public Comments

BMPs. Three comments requested that the delayed process to formalize aquaculture BMPs through a rulemaking be resumed and completed, with an emphasis on Tomales Bay (Exhibits 3-6). Each commenter identified specific, recommended BMPs or BMP topics as mandatory practices for each lease area, covering:

- buffers for wildlife and eelgrass (Exhibit 3);
- recreational and navigational access on and around leases, including conflicts with floating culture techniques (Exhibit 4); and
- marine debris management (Exhibit 5 offers a list of 11 BMPs with photo-documented rationale, and Exhibit 6 offers comments and 16 proposed BMPs developed in collaboration between an environmental NGO and a Tomales Bay grower).

Escrow accounts. A commenter expressed concern that escrow levels for clean-up are inadequate, based on DFW escrow accounts data, lessons from Drakes Estero, and photo documentation (Exhibit 5).

New lease applications. A commenter who recently went through the new lease application process with FGC, questioned why such rigorous environmental scrutiny is being placed on his small sustainable shellfish aquaculture farm when impacts from other larger-scale sources—such as terrestrial farming, global shipping, and importation of seafood—are arguably higher, and pointed out that this scrutiny is posing a barrier to new contributions to local shellfish production (Exhibit 7).

COMMITTEE STAFF SUMMARY FOR MARCH 6, 2018
FOR BACKGROUND PURPOSES ONLY

Recommendation

FGC staff: Support advancing the information-gathering and public engagement efforts needed to define requirements for BMP plans in regulation, and request that DFW return to MRC with options for action based on site surveys and infrastructure mapping. Given the range of potential aquaculture-related projects and limited staff capacity, prioritize where to focus staff time.

Exhibits

1. Staff summary from Jul 2017 MRC meeting (for background purposes)
2. Meeting summary, BMP public meeting, Jul 17, 2017
3. Email from The River Otter Ecology Project, received Feb 20, 2018
4. Email from Tom Baty, received Feb 21, 2018
5. Email and attachments from Richard James, received Feb 21, 2018
6. Joint email from West Marin Environmental Action Committee and Hog Island Oyster Company, received Feb 21, 2018
7. Letter from Bernard Friedman, received Feb 6, 2018

Committee Direction/Recommendation

MRC recommends that FGC support DFW in advancing information-gathering and public engagement efforts needed to define requirements for BMP plans in regulation, staff give highest priority to [*insert which aquaculture-related projects*], and schedule follow-up discussion at July MRC meeting.

COMMITTEE STAFF SUMMARY FOR MARCH 20, 2019
FOR BACKGROUND PURPOSES ONLY

8. OFFSHORE MARINE AQUACULTURE

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

Receive DFW update on developing a programmatic environmental impact report (PEIR) that will evaluate a proposed regulatory framework governing future offshore marine aquaculture in California.

Summary of Previous/Future Actions

- FGC referral to MRC — Apr 18-19, 2018; Ventura
- PEIR overview — Nov 14, 2018; MRC, Sacramento
- **Today's PEIR update** — **Mar 20, 2019; MRC, Sacramento**

Background

FGC has authority to lease state water bottoms for purposes of conducting aquaculture in marine waters of the State (sections 15400 and 15405, Fish and Game Code). While shellfish aquaculture and seaweed culture are currently conducted on 17 active leases across the state, no commercial offshore marine finfish aquaculture shall be authorized by FGC in California until a programmatic environmental impact report (PEIR) evaluates a framework for potential future offshore marine aquaculture (for background see Exhibit 1).

A draft PEIR is anticipated to be released for public comment in spring 2019, with preparation of a final PEIR and submission to FGC for possible certification to follow. Today, DFW project lead Randy Lovell will provide an update on the status and timing of the offshore marine aquaculture PEIR as well as opportunities for public involvement once the draft is completed.

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

1. Staff summary from Agenda Item 7, Nov 14, 2018 MRC (for background purposes)

Committee Direction/Recommendation (N/A)

From: [redacted]
Sent: Monday, March 2, 2020 1:19 PM
To: FGC <FGC@fgc.ca.gov>
Subject: comment on 7 b MRC meeting march 17

Hello,

I would like to submit the following comment for Agenda Item 7 B at the MRC meeting March 17, 2020

In light of the recent bankruptcy of California's first offshore mussel farm in federal waters, I would like to second the recommendation to put a hiatus on considering new applications for state water bottom leases.

That farm was given a green light to farm mussels under the strictest of regulatory of conditions, and yet the permitting agencies failed to verify the qualifications of the individual they gave the permit to. In my opinion, the bankruptcy was due to very poor judgement and lack of experience in managing a shellfish farm operation.

The state needs to consider the experience and qualifications of individuals applying for state water bottom leases, and the state needs to set the bar very high to ensure qualified individuals have the experience, talent, and training to make the best decisions for management of a state water bottom lease.

The department of fish and wildlife has no such provisions in place.

My suggestions for the future of the state water bottom lease program would be this:

1. Retrain commercial fisherman to become California's sea farmers.

2. Make sure your future sea farmers are educated.

3. Provide individuals or groups with small plots on which to practice and train to implement best management practices.

4. Provide internships for young individuals to learn the trade at existing farms.

5. Graduate the best into larger plots of State Water Bottom.

The other major issue that is not being addressed is where future leases are going to be placed. Where is the plan? Where is the vision of what the future might look like?

Bernard Friedman

Santa Barbara Mariculture Company

From: Nils Warnock [redacted]
Sent: Wednesday, March 4, 2020 10:36 AM
To: FGC <FGC@fgc.ca.gov>
Subject: written comments for Marine Resources Committee meeting in Santa Rosa

Hi,

Please accept these comments for the 17 March 2020 Marine Resources Committee meeting in Santa Rosa Regarding Agenda Item 7 - Marine Aquaculture in California.

Thanks,

Nils

Nils Warnock, Ph.D.
Director of Conservation Science

Audubon Canyon Ranch
[redacted]
[redacted] WEB: egret.org

Connecting nature, people and science in a rapidly changing world

AUDUBON CANYON RANCH

acr

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cypress grove research center

3 March 2020

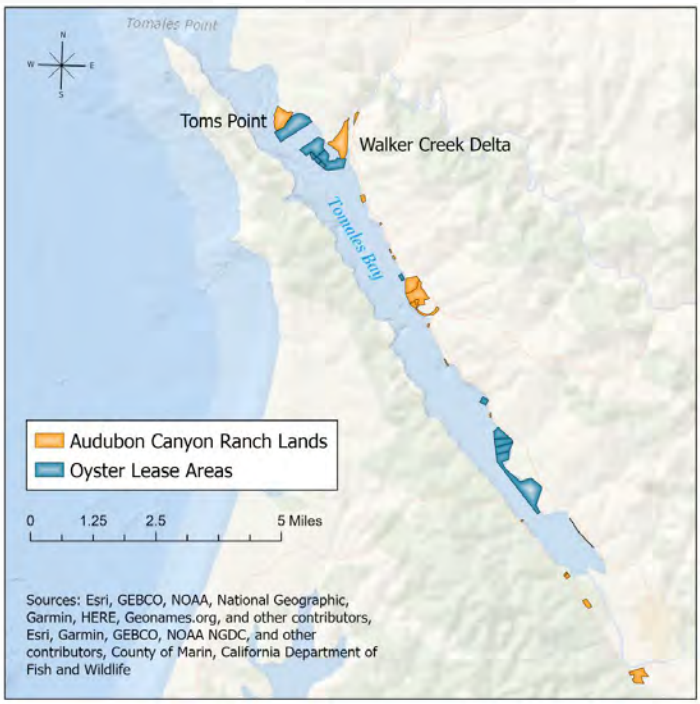
Marine Resources Committee
Fish and Game Commission
Sacramento, CA

Re: 17 March 2020 Marine Resources Committee meeting in Santa Rosa
Agenda Item 7 - Marine Aquaculture in California

Dear Commissioners,

Audubon Canyon Ranch (ACR; www.egret.org) has a staff of 35, a group of active volunteers of over 400, and roughly 1000 members, all of whom are passionate about the conservation of our natural resources here in California. ACR owns and manages a system of ecologically important lands in Marin and Sonoma counties such as the Walker Creek Delta and Toms Point, in Tomales Bay (Fig. 1).

Fig. 1. Audubon Canyon Ranch properties on Tomales Bay relative to marine aquaculture leases.



These latter areas are adjacent to some of the primary aquaculture lease areas operated within Tomales Bay (Picture 1).

Picture 1. *Oyster farm operations by the south side of Toms Point in Tomales Bay, Marin Co., CA. Eelgrass beds in the foreground. (Photo: R. James)*

In addition, we own the Cypress Grove Research Center in nearby Marshall and hundreds of other acres of shoreline properties around Tomales Bay. Since the early 1970's, ACR has conducted scientific research, stewardship of natural areas, and education activities to help ensure the long-term protection of the valuable natural resources and public-trust values in Tomales Bay. While ACR has remained neutral about the role of marine aquaculture within Tomales Bay, our research has noted effects, sometimes negative, on waterbird populations in the Bay due to the aquaculture industry[1], as noted elsewhere[2].

We have monitored shorebird and other waterbird populations on Tomales Bay since 1989, and recently we have begun analyzing trends of our wintering shorebirds. The initial results are sobering –

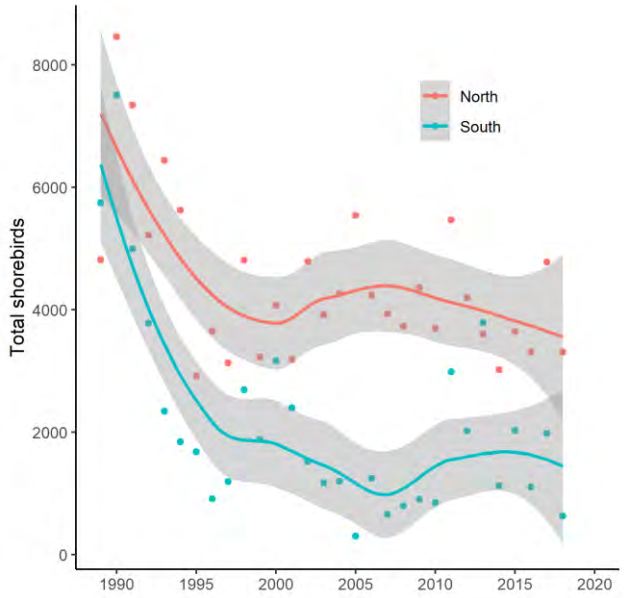
[1] Kelly, J.P., J.G. Evens, R.W., Stallcup, and D. Wimpfheimer. 1996. Effects of oyster culture on habitat use by wintering shorebirds in Tomales Bay, California. California Fish and Game 82:160-174.

[2] Gittings, T. & O'Donoghue, P.D 2012. The effects of intertidal oyster culture on the spatial distribution of waterbirds. Report prepared for the Marine Institute. Atkins, Cork, Ireland.

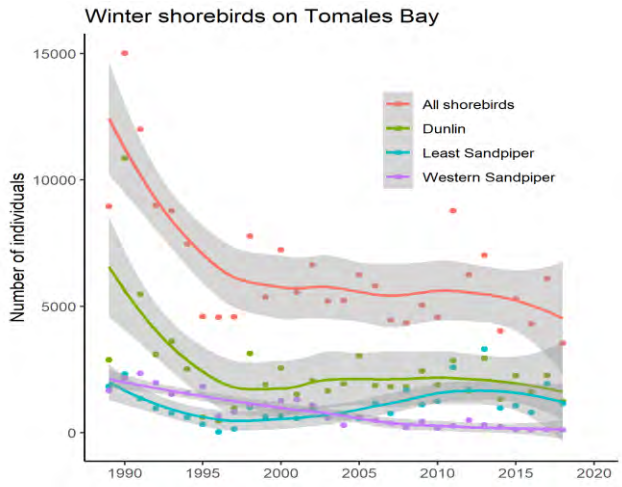
an estimated loss of over 60% of total shorebirds since 1989 (the most affected being Dunlin and Western Sandpipers) (Fig. 2).

Fig. 2 *– A. Trends (1989-2018) of total shorebirds on North and South Tomales Bay (Y axis – Total shorebirds estimated as median of 5-6 winter counts). Data collected by Audubon Canyon Ranch.*
*B. Trends (1989-2018) of wintering shorebirds on Tomales Bay, by some of the most common species. [**Note that these data should be considered preliminary since we are in the initial stages of analyses**].*

A.

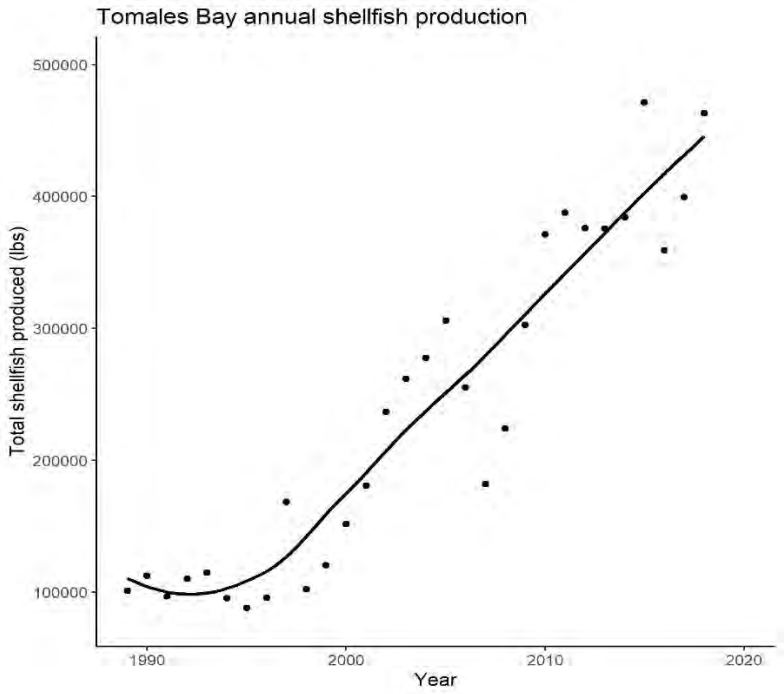


B.



At the same time, based on lease data from the State, shellfish production in Tomales Bay (in terms of pounds taken per year) has steadily increased since about 2000, maybe four-fold (Fig. 3).

Fig. 3 *– Shellfish production (1989-2018) on Tomales Bay from all leases. These data provided by California Fish and Wildlife – data on production (by year and by lease) in Tomales Bay (1989-2018) for Eastern Oysters, European Flat Oysters, Native Oysters, Pacific Oysters, Kumamoto Oysters, clams, and mussels.*



While there are various potential reasons why shorebirds are declining on Tomales Bay, in the only study from Tomales Bay (and one of the few studies overall) that has specifically looked at the impact of aquaculture on shorebirds, Dunlin and Western Sandpipers, two of the most significantly declining species in Tomales Bay (Fig. 2B), were the two species most negatively impacted.

Marine aquaculture may or may not be a major contributor to the shorebird declines in the Bay, but ACR has some immediate questions and concerns:

- How much intertidal area has been lost to shorebirds and other waterbirds due to aquaculture on Tomales Bay (of the areas that are accessible to the birds)?
- What is the impact of boat traffic and other disturbance on shorebird (and other birds) from shellfish production?

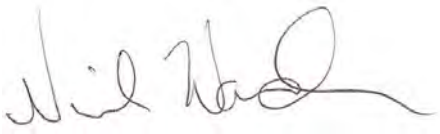
- How do the farmed shellfish affect the food web of the Bay? We know from SF Bay that introduced bivalves like *Potamocorbula amurensis* have greatly impacted the food web. Does this result in less food for the birds?
- What are the cumulative impacts of the different types of aquaculture on shorebirds and waterbirds in Tomales Bay?
- How does aquaculture production affect the eelgrass/herring/waterbird interactions?

North America's overall bird numbers have declined by 29% since 1970, including 37% of our shorebirds; over 2.9 billion birds have been lost (Rosenberg et al. 2019)[3]. Causes for North American declines include local, regional, and continental factors. For Tomales Bay shorebirds, negative local impacts of shellfish aquaculture cannot be ruled out given our current knowledge. Funds should be allocated here in California to better understand the tradeoffs between marine aquaculture and our other natural resources, including shorebirds.

ACR applauds the Fish and Game Commission for attempting to ensure that the significant natural resources of California are protected. In the case of expanding the footprint of marine aquaculture in California, ACR encourages the commission to use the precautionary principle when considering proposals to increase production in Tomales Bay and in other State waters. We understand the Fish and Game Commission and the Ocean Protection Council plans to review and update aquaculture activities in California. We recommend a hiatus in the approval of new state water bottom leases, at least until the completion of that process.

Thank you for this opportunity to comment. Please feel free to contact me with any questions.

Sincerely yours,



Nils Warnock, Ph.D., Director of Conservation Science, [redacted]

[3] Rosenberg, K.V., Dokter, A.M., Blancher, P.J., Sauer, J.R., Smith, A.C., Smith, P.A., Stanton, J.C., Panjabi, A., Helft, L., Parr, M. and Marra, P.P. 2019. Decline of the North American avifauna. Science 366:120-124.

Save Our Shores
345 Lake Avenue, Suite A
Santa Cruz, CA 95062-4600
(831) 462-5660

March 5, 2020

To: Marine Resources Committee and Staff via E-mail (fgc@fgc.ca.gov)
Re: Marine Aquaculture, March 17th, 2020 Agenda item 7

Dear Director, Miller-Henson, Commissioners Eric Sklar, Samantha Murray, Jacque Hostler Carmesin, Russell E. Burns, Perter Silva and Senior Environmental Scientist and Marine Advisor, Susan Aschraft,

Thank you for your service stewarding our marine resources.

Restorative aquaculture, which we define as aquaculture that generates positive ecological and social impacts, has the potential to sequester carbon, reduce ocean acidification, clean our oceans, create habitat, and reduce pressure on wild fisheries, as well as land-based agriculture—all while creating sustainable food and products, and good jobs. Many parts of the world are engaged in aquaculture, but California is lagging behind due to a potentially overly restrictive, complex, and costly permitting process, which we understand has resulted in no new permits for aquaculture operations – of any kind – in our coastal waters or estuaries for 25 years.

We hope and believe this barrier can and will be mitigated, thereby creating the opportunity for California to become a global leader in restorative aquaculture. We have been encouraged by the possibility of a Programmatic Environmental Impact Report (PEIR) that would be responsive to environmental needs as one part of a workable permitting process but have been disappointed by the snail's pace at which this option has been moving forward.

Hence, we are writing to urge this Committee to work with all relevant state agencies to create a workable (clear, timely, and affordable) permitting process that specifically supports restorative aquaculture. We also ask that this effort be conducted aggressively so that both the PEIR and a more streamlined permitting process can be in place prior to the end of this year (2020).

Thank you for undertaking this important work.

Sincerely,

Katherine O'Dea

Katherine O'Dea,
Executive Director

IMPLEMENTING THE CALIFORNIA FISHERIES INNOVATION ACT OF 2018: EXPERIMENTAL FISHING PERMIT PROGRAM

Stakeholder Workshop

Date: January 14, 2020

Time: 9am to 3pm

Meeting Location #1
CDFW Conference Room
CA Natural Resources Agency
1416 9th Street, 12th Floor
Sacramento, CA 95814

Meeting Location #2
CDFW Monterey Office
20 Lower Ragsdale Drive
Suite 100
Monterey, CA 93940

Meeting Location #3
CDFW Los Alamitos Office
4665 Lampson Avenue
Los Alamitos, CA 90720

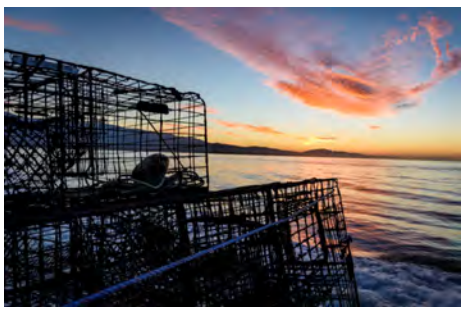
Meeting Location #4
CDFW Eureka Office
619 2nd Street
Eureka, CA 95501

WORKSHOP PURPOSE

The purpose of this workshop is to initiate a dialogue among the California Fish and Game Commission, California Department of Fish and Wildlife, and stakeholders regarding how best to design a state experimental fishing permit (EFP) program to meet the objectives of the Fisheries Innovation Act of 2018 and the needs of stakeholders.

WORKSHOP OBJECTIVES

- Collectively learn about potential EFP program models that could be adapted for use in California
- Educate stakeholders regarding the statutory requirements and key components identified in Fish and Game Code Section 1022, receive input on early thoughts about program design and expected time frame for regulatory development
- Gain input on anticipated EFP proposal areas, and issues and topics related to the new EFP program that are important to stakeholders



Please RSVP by January 10th *(fgc@fgc.ca.gov) — include "EFP Workshop" in the subject line and indicate the meeting location you plan to attend.*

Please forward any additional questions about the EFP program to Marina Som (Marina.Som@wildlife.ca.gov)

Photos © David Hills Photography

Implementing California's Fisheries Innovation Act of 2018: Experimental Fishing Permit Program in California

Location(s): Eureka, Sacramento, Monterey, Los Alamitos

January 14, 2020

9:00 a.m. to 3:00 p.m.

WORKSHOP AGENDA

Workshop Purpose

The purpose of this workshop is to initiate a dialogue between the CA Fish and Game Commission (Commission), CA Department of Fish and Wildlife (CDFW) and stakeholders regarding how best to design a state Experimental Fishing Permit (EFP) program to meet the objectives of the Act and the needs of stakeholders.

Pursuant to Fish and Game Code (FGC) Section 1022, the Commission shall establish by regulation an expeditious process for CDFW review, public notice and comment, Commission approval, and prompt CDFW issuance of EFPs, that is consistent with FGC Section 7059.

Workshop Objectives

- Collectively learn about potential EFP program models that could be adapted for use in California;
- Educate stakeholders regarding the Commission's and CDFW's early ideas and issue areas surrounding program design, and expected timeframe for regulatory development;
- Gain input on anticipated proposal areas, and issues and topics related to the new EFP program that are important to stakeholders.

Morning Session

I. Welcome and introductions

II. Background information and overview of the regulatory process for the EFP program

III. The federal EFP program—How it works, what works well, what could be improved for California program

IV. California opportunities—How might the federal program be adapted to California? What are special considerations, needs and constraints to consider? Limitations of authority?

V. Presentation of draft program framework/key issues in program design

Lunch Break (approximately 11:40 a.m. to 12:30 p.m.)

Afternoon Session

I. Presentation of draft program framework/key issues in program design [continued]

II. User needs surrounding program design—stakeholder needs, priorities, and feedback

III. CDFW wrap-up, discussion highlights, next steps

Suggested Workshop Background Reading

Fisheries Leadership and Sustainability Forum, Collaboration to Advance Research and Management, Considerations and Lessons Learned from Co-management and Cooperative Research (2014); Section V, **Innovation through Exempted Fishing Permits**, available at https://sites.nicholasinstitute.duke.edu/fisheries-forum/wp-content/uploads/sites/5/2019/02/WCF-2014-Final-Report.pdf

Federal Exempted Fishing Permit regulations, 50 CFR 600.745, available at https://www.law.cornell.edu/cfr/text/50/600.745

Example of Pacific Fishery Management Council Operating Procedures, available at https://www.pcouncil.org/wp-content/uploads/cop20.pdf

Greater Atlantic Regional Fisheries Office Exempted Fishing Permit FAQs, available at https://www.gmri.org/sites/default/files/resource/efp_faq_9.30.14_final.pdf

Pacific Fishery Management Council Fact Sheet: Exempted Fishing Permits, available at http://www.pcouncil.org/wp-content/uploads/2010/01/11-Exempted-fishing-permits.pdf

Implementing the California Fisheries Innovation Act of 2018: Developing an Experimental Fishing Permit Program

Summary of a Stakeholder Workshop
Convened by the California Department of Fish and Wildlife and California Fish and Game Commission in collaboration with The Nature Conservancy

The California Fisheries Innovation Act of 2018 (Act) authorizes a state experimental fishing permit (EFP) program to advance collaborative and cooperative on-the-water strategic fisheries experimentation and address priority fisheries research and management needs in California. The law requires that, prior to issuance of any EFPs, the California Fish and Game Commission (Commission) establish by regulation an expeditious process for California Department of Fish and Wildlife (Department) review, public notice and comment, Commission approval, and prompt Department issuance of EFPs (Fish and Game Code Section 1022). As part of program development, the Department and the Commission, in collaboration with The Nature Conservancy, hosted an all-day workshop on January 14, 2020. The workshop convened stakeholders representing a broad array of perspectives to engage in a dialogue on how to best to design a program in line with the Act that also meets the needs of stakeholders.

The workshop was hosted at four locations across the state (connected via webinar) – Eureka, Sacramento, Monterey, and Los Alamitos – and a total of 44 participants attended. In the morning session, presentations and discussions focused on providing background information on the regulatory process for a state EFP program, an overview of the federal EFP program, how the federal program could be adapted to California, and a presentation of a draft program framework. After a brief lunch break, the afternoon presentations and participant discussions provided additional time to talk through the draft program framework and key issues in program design, as well as gain greater understanding of user needs around program design. A summary of key discussion points is provided below.

Stakeholders will continue to have opportunities to engage as the Department develops a regulatory package to implement the EFP program. The Commission's Marine Resources Committee, at its March 17, 2020 meeting, will provide a near-term opportunity for further discussion and input on program and permit process design.

Key Discussion Points

Early and frequent communication on EFP applications and permits is crucial

Throughout the workshop, attendees highlighted the importance of early and frequent communication during the EFP approval process. With respect to consultation in advance of application submission, a number of stakeholders highlighted the importance of having a primary point of contact for the program to field inquiries. An ability to consult with Department staff about project scope, and

exchange between permit applicants and permit reviewers was deemed beneficial. Federal EFP managers, also highlighted that early sharing of terms and conditions with applicant is important to reach agreement and understanding on project scope and constraints.

Permit approval process should provide flexibility to accelerate EFP issuance if needed

While workshop attendees recognized the need to create a standard permit approval process, they expressed an interest in creating specific pathways to accelerate EFP approval. Accelerated approval could be warranted in the event of rapid changes to the environment or a resource, that require immediate data collection or research, or for projects more simplistic in scope. A user guide could also be developed for the state program with a list of pre-approved projects or providing examples of such streamlined scopes of work. The federal program was also cited as an example in which flexibility to expedite permit issuance includes a pathway to approval that eliminates the fishery council process and moves straight to review by the Regional Administrator. The Commission meeting schedule however may be a challenge to expediate approval.

Value of third-party sponsorship and cooperative agreements within a state EFP program

Numerous stakeholders and federal EFP managers shared their positive experiences with third-party EFP sponsorship and use of cooperative agreements. Significant benefits were noted around consolidating fishing activities under a single EFP with an assigned EFP manager or sponsor. Benefits to managers included reduced burden and oversight, as well as more streamlined and uniform data reporting. For industry, noted benefits included balancing collective risk, potential reduced costs, and individuals learning from one another to improve research and fishing outcomes.

Further discussion on the intersection of the state and Federal EFP programs is warranted

A number of stakeholders involved in or planning to apply for federal EFPs were uncertain how the two programs would interact. While the state program only exempts authorized activities from state regulations, some level of federal coordination may be warranted on a case by case basis. During discussions, ideas for improving congruency of the federal and state programs focused on aligning terms and conditions of state and federal permits and aligning the consultation and approval processes. It is important to note, however, that the approval process could be significantly longer for projects with a federal nexus.

Concerns with costs associated with EFP participation

Stakeholders emphasized there has to be an economic incentive to participate in the EFP program, as limited compensation would be challenging for industry participants. A number expressed concerns with potential permit costs. It is important that the fee does not exceed reasonable implementation and administrative costs of the permits. Additionally, attendees highlighted an interest in cost sharing models. The workshop also provided an opportunity to clarify the purpose and need for compensation fishing within the EFP program. Discussions clarified that compensation fishing provides a means of cost recovery; whereby under certain conditions, fishermen may be allowed to fish before, during or after surveys or scientific studies, and retain authorized catch for sale to recoup certain costs associated with the EFP.

State should consider the future impact of EFPs on allocation for emerging fisheries

Questions arose around how EFP participation and landings would be considered in permitting for any emerging fisheries. There was interest in EFP participants being rewarded for their time investment and assumption of risk associated with experimental fishing activities, such that they should be prioritized for future permits. Other considerations were that future permitting should also create opportunities for new or inexperienced fishermen to participate in emerging fisheries.

Importance of a streamlined, predictable, and transparent permit approval process

Workshop attendees emphasized a desire for a streamlined, predictable, and transparent permit approval process. Stakeholders wanted to avoid unnecessary process to ensure that the permit approval process is not overly cumbersome. Some stakeholders highlighted that the proposed process could be streamlined by allowing for simultaneous or concurrent review processes, and many were amenable to an option proposed by the Department for submitting the application directly to the Department for initial review of application completeness. The topic of an advisory review body was also discussed. There were concerns however on how adding in any additional/external science review could impact timeline and thus may run counter to facilitating an ‘expeditious’ process. There were also discussions of the need for transparency in the review process and simplifying any renewal process. Attendees noted the importance of setting criteria for how EFPs will be evaluated and the value of Department feedback throughout the application process. Feedback to applicants could be facilitated through an online application tracking system or reviewers could have a requirement to provide applicants with specifics of why an application was rejected or how it could be improved.

A data management plan is an invaluable resource for an EFP program

Several federal EFP managers and federal EFP participants emphasize the importance of thinking through data issues in advance to inform a comprehensive data management plan for the state program. Having a system in place for how data will be managed, what will be collected, and how it will be integrated with existing Department data is critical to program success. Part of this involves setting clear data reporting requirements to ensure that EFP participants know what data they are responsible for. Such a plan could also outline a policy on data ownership and confidentiality for the state and EFP participants, balancing state needs for publicly available data.

Several approaches could be employed to align EFP application workload with Department and Commission capacity

Mechanisms are needed to better align the number of permits applications received with state review/approval capacity and to allocate permits in the event the number of applications received exceed opportunity. Stakeholders suggested a number of approaches. Considerations should be made on whether applications will be rolling or constrained to certain Commission meetings, to help Department and Commission staff to better anticipate workload. In determining permit allocation, should set clear eligibility criteria and consider how to address situation where there may be more applicants that can be used in the project.

Policy guidance from the Commission may be useful in helping to prioritize approval of EFPs

During the workshop, attendees brainstormed a broad array of potential EFP projects. Several stakeholders expressed the value of creating a priority list to inform prioritization of EFP applications to incentivize collection of key data and research that is akin to priority lists used in the federal program. However, the challenges of such prioritization efforts and maintaining such lists was also noted. An approach forward may be to continue to use data needs outlined in fishery management plans (FMPs) and enhanced status reports, or to explore whether the Commission could adopt a policy on priority areas to which EFP projects could align.

Workshop Participants

Scott Aalbers	Pfleger Institute of Environmental Research
Ira Amerson	Commercial Fisherman
Susan Ashcraft	California Fish and Game Commission
Ken Bates	Humboldt Fishermen’s Marketing Association
Lindsay Bauman	Scripps Institution of Oceanography
Paige Berube	California Ocean Protection Council

Lindsay Bonito	Scripps Institution of Oceanography
Bruce Campbell	Commercial Fisherman
Mike Conroy	
Christopher Fanning	National Marine Fisheries Service
Peter Flournoy	International Law Offices of San Diego
Mike Hampton	California Department of Fish and Wildlife
Elizabeth Hellmers	California Department of Fish and Wildlife
Eric Hodge	Commercial Fisherman
Harrison Ibach	Humboldt Fishermen's Marketing Association
Alexis Jackson	The Nature Conservancy
Kate Kauer	The Nature Conservancy
John Koeppen	Santa Cruz Fisher Association
Wayne Kotow	California Chapter of Coastal Conservation Association
John LaFargue	National Oceanic and Atmospheric Administration
Daniel Lee	Commercial Fisherman
Travis Lobos	Commercial Fisherman
Kirk Lynn	California Department of Fish and Wildlife
Melissa Mahoney	Environmental Defense Fund
Tom Mason	California Department of Fish and Wildlife
Lynn Massey	National Marine Fisheries Service
Sonke Mastrup	California Department of Fish and Wildlife
Melissa Miller-Henson	California Fish and Game Commission
Brian Owens	California Department of Fish and Wildlife
Richard Parris	National Marine Fisheries Service (Retired)
Carrie Pomeroy	California Sea Grant
Elizabeth Pope	California Fish and Game Commission
Steve Rienecke	California Department of Fish and Wildlife
Anthony Rogers	California Ocean Science Trust
Kim Selko	Santa Barbara Commercial Fishing Association
Chugey Sepulveda	Pfleger Institute of Environmental Research
Anthony Shiao	California Department of Fish and Wildlife
Louisa Siracusa	Commercial Fisherman
Marina Som	California Department of Fish and Wildlife
Grant Waltz	Cal Poly San Luis Obispo
Tom Weseloh	Senator McGuire's Office
Brad Wilcox	Commercial Fisherman
Oliviya Wyse	Monterey Bay Fisheries Trust
Dan Yoakum	Commercial Fisherman

From: Christopher Miller [redacted]
Sent: Wednesday, January 29, 2020 10:04 AM
To: FGC <FGC@fgc.ca.gov>
Cc: Mason, Tom@Wildlife <Tom.Mason@wildlife.ca.gov>; Mastrup, Sonke@Wildlife <Sonke.Mastrup@wildlife.ca.gov>; Coates, Julia@Wildlife <Julia.Coates@wildlife.ca.gov>; Som, Marina@Wildlife <Marina.Som@wildlife.ca.gov>; Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov>; Mireles, Carlos@Wildlife <Carlos.Mireles@wildlife.ca.gov>
Subject: Re: Notice of continuation: Experimental Fishing Permit Program (Phase I)

Dear Commissioners ,

I am writing you based on my experience attending the recent experimental permit program to implement the California Fisheries Innovation act of 2018.
I attended at Los Alamitos it was linked to Monterey, Sacramento and Eureka CFW offices via a webinar .

It was also integrated with National Marine Fisheries Service expertise in the NOAA fisheries experimental fisheries program. I was there as a volunteer independent social geographer for the Santa Barbara Trappers.
We are looking for opportunity to get pro-active in working with the state managers to adapt to climate change.

As a fishery organizer I was there to add my experience as veteran fisherman that has experience in compensation fishing. Commonly known in the fishing culture as fishing for data. We worked with our Marine Sanctuary Program to develop a pilot program for ecosystem based management by lobbying for Sanctuary Advisory Council to develop community based management in our MPA newtork at the Santa Barbara Channel Islands. In the highest form of compensation fishing our ports fishing for data in the Sea Urchin Fishery leveraged a major science program to address Ocean Acidification out of our commitment to community based management grass roots volunteer network.

I am currently fishing lobster at Santa Cruz Island out of Santa Barbara Port and I am writing you in between fishing trips. Networking among the fishermen in our trap fisheries we are very concerned about a pro-active strategy to deal with the

problem of whale protection and how it is integrated with our state and federal MPA's

I would like to recommend to the F&GC and the Ocean Protection Council that we develop the oceanographic modeling of the California Current Ecosystem to allow us to prevent significant problems in our regions trap fisheries interaction with whales.

We have witnessed in the Dungeness Crab fishery the recent heroic efforts of collaborations to develop new tools to plan harvest and protect whales. Their experience with design of the science for fisheries is at very high cost that is really hard won. If you identify with the growing concept of moving from harvest control to harvest planning.

The hot shot team of volunteers are the vanguard as form of what is a new program for compensation fishing to engineer a whole fishery for conservation and biodiversity protection. Lets organize it as a social business plan to explore how we replicate it in the other fisheries.

We now have a study that is recently published by a team of NOAA fisheries scientists that documents the work. Lead author is Jarrod Santora ecosystem oceanographer with NOAA Fisheries and UC Santa Cruz. We also have a fisheries spokesman that is testimony to the social value of this projects John Mellor 40 year veteran fisherman out of the port of San Francisco .

We also have an appraisal from Ocean Protection Council staff Paige Berube about the product as a framework for protecting marine mammals with fishing ports. This is the straight ahead way for core values of the states strategic vision.

As the leading edge of the fisheries innovation at this time. We can apply it to the California Spiny Lobster fishery as a framework also that will follow the ecological connectivity of our fisheries. It will be a quantum leap forward for us developing our coming review of the California Spiny Lobster fishery in our Fishery Management Plan process. This new oceanographic framework has a real time application for the fishery goal of scientific diplomacy across the California range of the Spiny lobster management . Our lobster stock is roughly 17% of the geographic range of the fishery, 83% is in Baja California utilizing a collaborative

science program that has maintained an international Marine Stewardship Council (MSC) certification for sustainability.

If you look at the current level of fishing effort on the boundary of our MPA's you will see that this is now a very large scale potential scientific transect for evaluation of CPUE in our lobster fishery. It also is a very clear potential for whale tangling in lobster gear.

In our model system as lobster fishermen we were pro-active took our fishery out of the state legislature as a grass roots movement to adapt it with limited under the commission process.

Then under the commission we were proactive in MPA design to generate bio diversity protection using MPA's as tools in ecosystem based management
We also were proactive in generating collaboration in MPA monitoring that formed the basis of a our FMP's spawning potential ratio modeling of MPA's and harvest rates across the harvest grounds.

This was followed by our pro-active request to generate our FMP for a MSC certification that would provide the foundation for a quid pro-quo in MPA design suggested as a policy of the F&GC when we started. That we would insure the next generation of fishermen had equity in their fishery.

In summary please direct the CFW to prioritize the EFP programs development as a design process using the recent NOAA fisheries report to generate a political economy that we can call a social business plan for harvest that creates straight forward application for our trap fisheries in the California Bight.
I am sure based on my personal experience that this request is really a formality they are already well on their way to working out this process. It has been a really great experience to see the CFW become more resilient and dynamic in action.

But please help us to organize our fellow fishermen so we can use the oceanographic community model to protect whales for next lobster season.
The density of traps on the lines now indicates we are over capitolized and need to reduce traps in a way to optimize our yield. This is where we have some synergy going with the new CFW electronic GPS log program which we need to support

with restoring our grass roots activist movement for pro-active fisheries design in the fishing ports.

Our pro-active work created a lobster boom market in China that attracted investment as other fisheries went into stock rebuilding we now can use the new EFP program to generate a more diverse and resilient multi species limited entry program that is our native form of applied fisheries ecology.

We fishermen have to protect our small scale fisheries with community development that creates harmony and respect for collaboration.

Thank you
Chris Miller
Santa Barbara Trappers

From: eal <[redacted]>
Sent: Friday, December 6, 2019 10:09 AM
To: FGC <FGC@fgc.ca.gov>; Horeczko, Michelle@Wildlife <Michelle.Horeczko@wildlife.ca.gov>
Subject: Fwd: Western Ootdoor News: Catching Swordfish the Radofish way

Dear Melissa:

Pls pass on to the Fish and Wildlife Commissioners.

The recent success of Sport/Rec fishermen - has been a success.

While I am envious - I hope your Dept is keeping a fairly close eye on this - as no idea how many Swords there are offshore here.

Tom Schiff in San Diego

-----Original Message-----
From: Horeczko, Michelle@Wildlife <Michelle.Horeczko@wildlife.ca.gov>
To: eal <[redacted]>
Cc: rachael.wadsworth@noaa.gov <rachael.wadsworth@noaa.gov>
Sent: Fri, Dec 6, 2019 9:32 am
Subject: RE: Western Ootdoor News: Catching Swordfish the Radofish way

Thanks Tom for sharing the info!

Michelle Horeczko
Senior Environmental Scientist
CDFW Marine Region
4665 Lampson Avenue, Suite C
Los Alamitos, CA 90720
562.342.7198
Michelle.Horeczko@Wildlife.ca.gov

From: eal <[redacted]>
Sent: Friday, December 6, 2019 9:28 AM
To: Horeczko, Michelle@Wildlife <Michelle.Horeczko@wildlife.ca.gov>
Cc: rachael.wadsworth@noaa.gov
Subject: Re: Western Ootdoor News: Catching Swordfish the Radofish way

Thank you Michelle.

Thank you for informing me that the daily limit is two Swords per day.

From listening to some fellow Rec fisherman - and the most informative radio broadcast I know - Let's Talk Hookup - catching a Swordfish - until this year - was very unusual - so much so you almost never heard about it.

LetsTalkHookUp.com

https://www.letstalkhookup.com

Coming Up on **Let**'s **Talk HookUp** Join Pete Gray, "Rock Cod" Rick Maxa, Cory Sanden and their special expert guests each week for the latest fishing information. Tune in on 97.3FM The Fan

But in the past few months? - the catch has been - relatively speaking - incredible.

I think the guy in this article is only talking about what he knows in Orange County - and there have been more Swords landed down here in SD.

-----Original Message-----
From: Horeczko, Michelle@Wildlife <Michelle.Horeczko@wildlife.ca.gov>
To: eal <[redacted]>
Cc: Rachael Wadsworth - NOAA Federal <rachael.wadsworth@noaa.gov>
Sent: Fri, Dec 6, 2019 9:15 am
Subject: RE: Western Ootdoor News: Catching Swordfish the Radofish way
HI Tom,

Generally speaking, for recreational fisheries targeting fish managed under the West Coast HMS FMP, management is largely deferred to the States.

Per your question about the sportfish limit for swordfish off California, the bag limit is two per day (Title 14 Section 28.40).

CDFW does monitor all marine recreational fishery catch and effort through a mandatory logbook program for all "for hire" vessels (Commercial Passenger Fishing Vessels), as well as collect data through the California Recreational Fishery Survey or "CRFS" for both shore and boat based fishing.

Generally the sport catch and effort for swordfish is relatively limited, with much of that effort associated with fall tournaments, but the application of the deep drop method, along with favorable oceanic conditions, does seem to have increased the interest and landings in SoCal in recent years based off anecdotal information.

Should you or others have an interest, recommendations for changes to marine sport fish regulations should be directed to the California Fish and Game Commission:

https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change

THANKS

Michelle

Michelle Horeczko
Senior Environmental Scientist
CDFW Marine Region
4665 Lampson Avenue, Suite C
Los Alamitos, CA 90720
562.342.7198
Michelle.Horeczko@Wildlife.ca.gov

From: eal <[redacted]>
Sent: Friday, December 6, 2019 6:20 AM
To: kit.dahl@noaa.gov; john.devore@noaa.gov; robin.ehlke@nmoaa.gov; Kerry.griffin@noaa.gov; michael.tosatto@noaa.gov; [redacted]; michelle.sculley@noaa.gov; tlabriola@wildoceans.org; kitty.simonds@wpcouncil.org; corey.niles@dfw.wa.gov; phf@international-law-offices.com; Hellmers, Elizabeth@Wildlife <Elizabeth.Hellmers@wildlife.ca.gov>; Barry.Thom@noaa.gov; Horeczko, Michelle@Wildlife <Michelle.Horeczko@wildlife.ca.gov>; kristen.c.koch@noaa.gov; [redacted]; [redacted]; ryan.wulff@noaa.gov; emily.crigler@noaa.gov; jessica.l.watson@state.or.us; [redacted]; [redacted]; hiro_matsushima500@maff.go.jp; m.wichman@mmr.gov.ck; chichao@ms1.fa.gov.tw; steve.teo@noaa.gov; [redacted]
Subject: Fwd: Western Ootdoor News: Catching Swordfish the Radofish way

Fyi also.

Greetings from San Diego - where I have had the pleasure this week of attending some IATTC Science review conferences in La Jolla/at the Marriott. These are more concerned with Yellowfin and Bigeye Tunas and good for them - as they had to revise their modeling - mainly due to the shrinking number and coverage (and ergo reporting of bycatch, etc) - by the Japanese LL vessels - who were once the best source of catch information ?

New stock assessments are forthcoming - in 2020? - and a bigger IATTC session will be held on this coming Mon and Tues.

FYI - (even tho it may be more in the Cal Fish and Wildlife domain - at least as far as determining Sportfishing limits on Swordfish - if there are even any now?)
- this week's **Western Outdoor News** - has an interesting review (front page) of Sport Fishermen catching Swordfish here in SoCal - using Deep Drop squid for bait - at 800 to 1,000 + feet - with the use of 8 to 10 lb weights, big 50 Wide reels, electric assisted gear, etc.

It's by Ken Kirks of the ***Radofish*** boat out of Huntington Beach (Orange County) -- and he estimates as many as **150 Swords** have been caught this year (single digits in prior years) - and their personal biggest (of 3?) - was a hulking 275 pounder.

I can't pull up the article quite yet - but here are some pics you can click on:

Tom in SD

https://www.google.com/search?q=Catching+Swordfish+the+Radofish+way+-+Western+outdoor+News&tbm=isch&source=univ&sa=X&ved=2ahUKEwiQ7sjNj6HmAhXuYd8KHbLVDzUQ7Al6BAgIECQ&biw=914&bih=436

Recreational Swordfish

17 March 2020

Presented to:

CA Fish & Game Commission

Marine Resources Committee

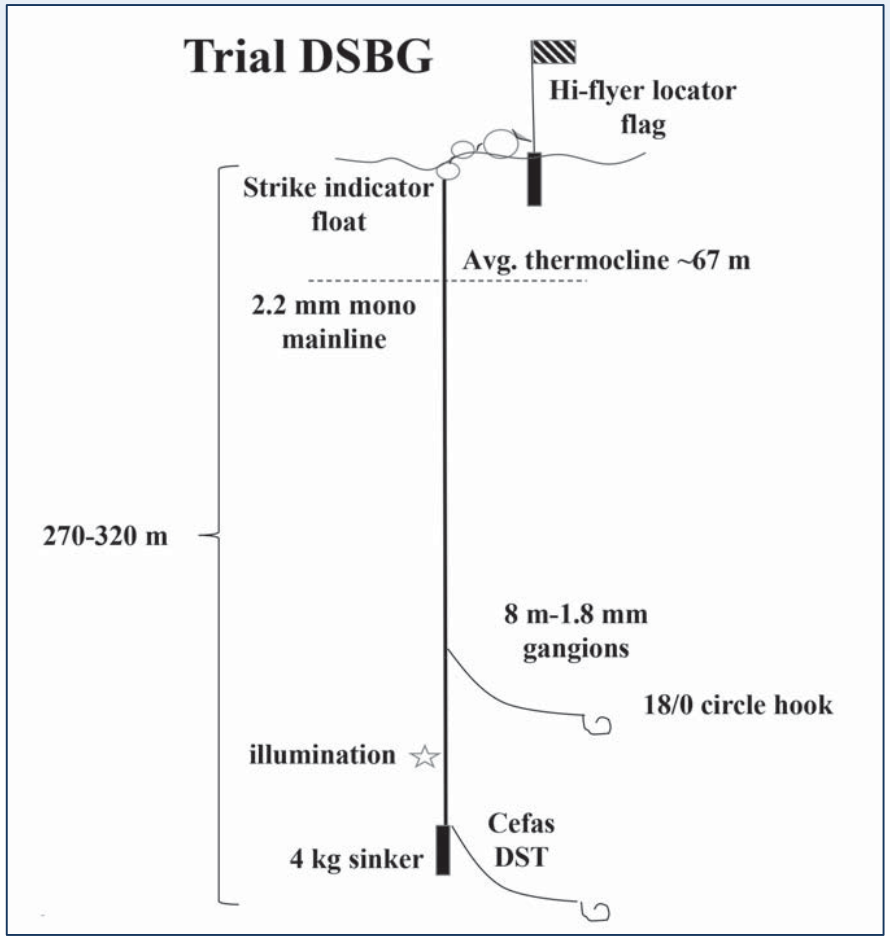
Presented by:

John Ugoretz

Environmental Program Manager
Marine Region

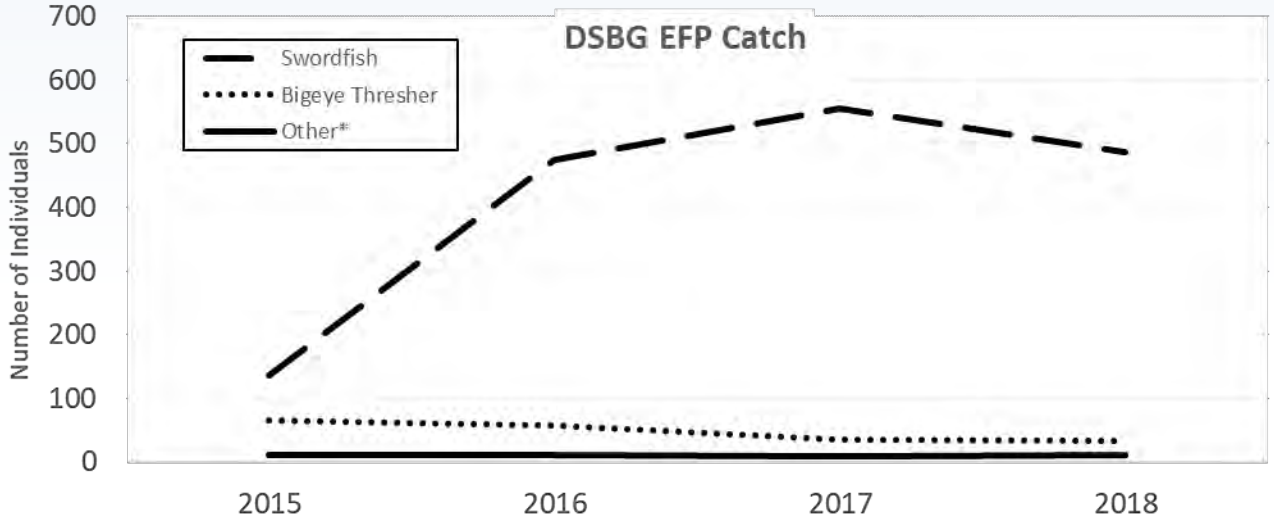
Recreational "Deep Drop" Increase

- Developed to target swordfish at depth during the day - federal EFP
  - Minimum fishing depth
  - No fishing in state waters
  - No nighttime fishing
  - Observer coverage
  - Gear requirements
    - 10 pieces of gear (30 hooks max)
    - Line material and diameter restrictions
    - Circle hooks
    - Weights and floats to limit entanglement risk

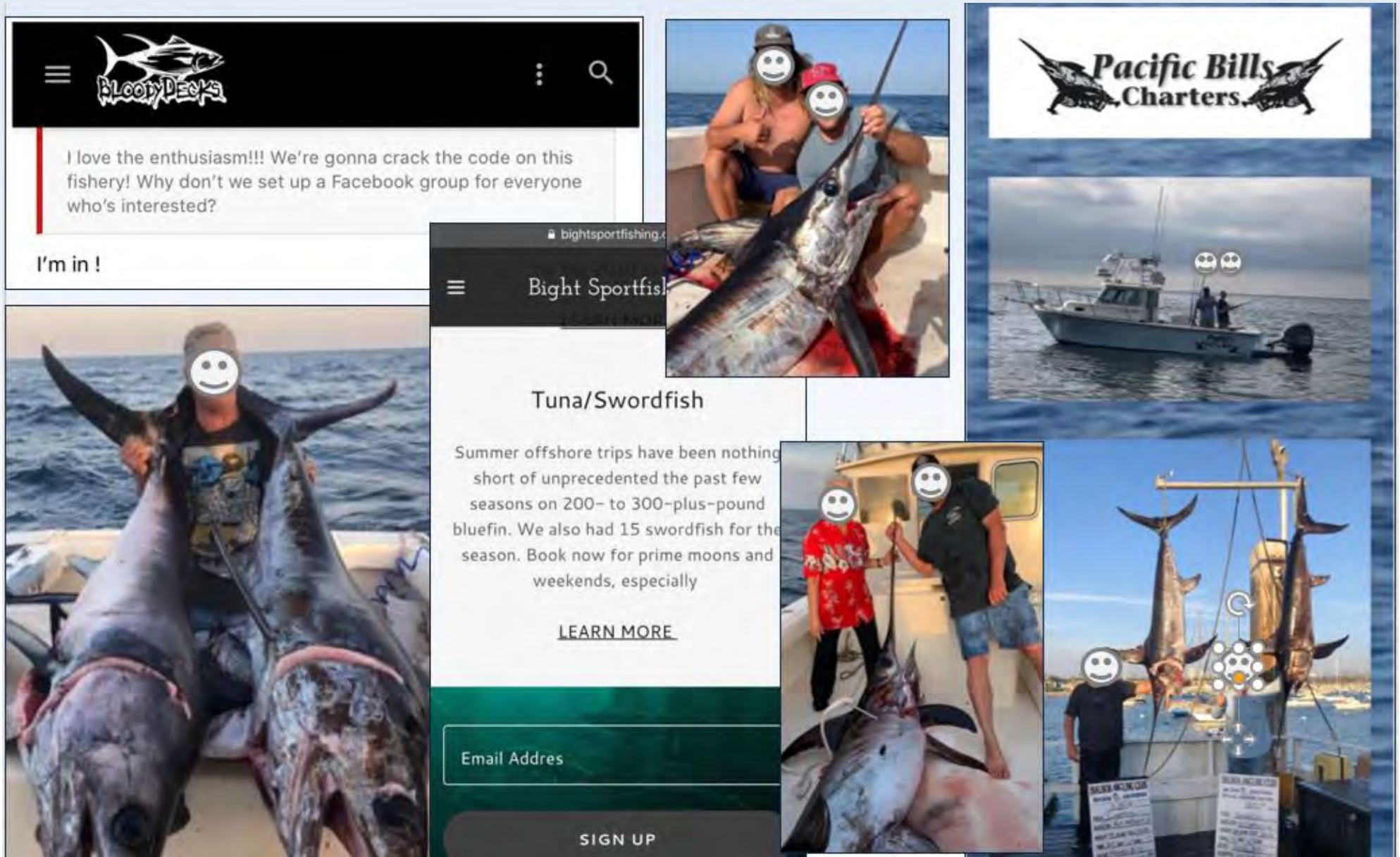


Recreational "Deep Drop" Increase

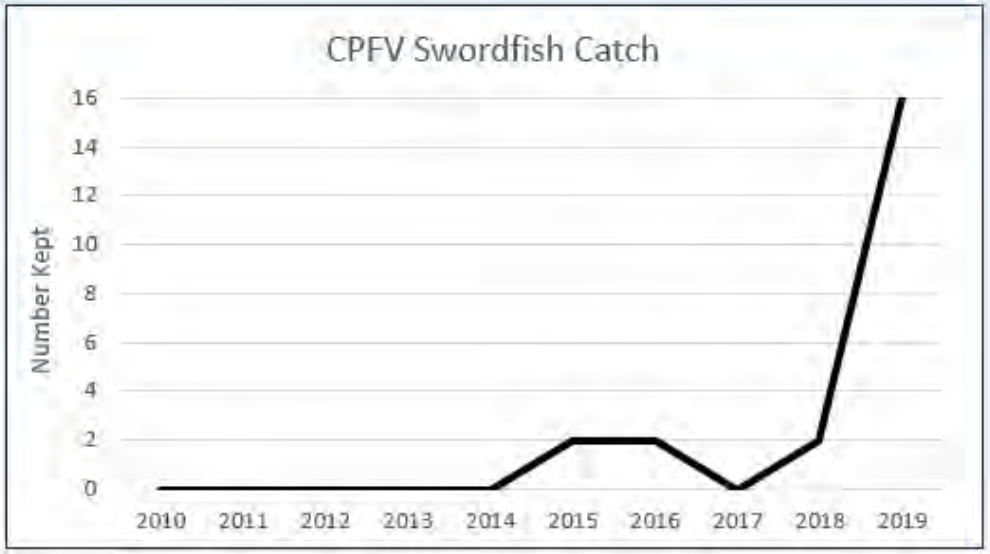
- Pacific Fishery Management Council approved in June 2019
  - –50 permits initially, 25 additional each year
  - –300 permit maximum
  - –Intended to supplement existing commercial swordfish gears

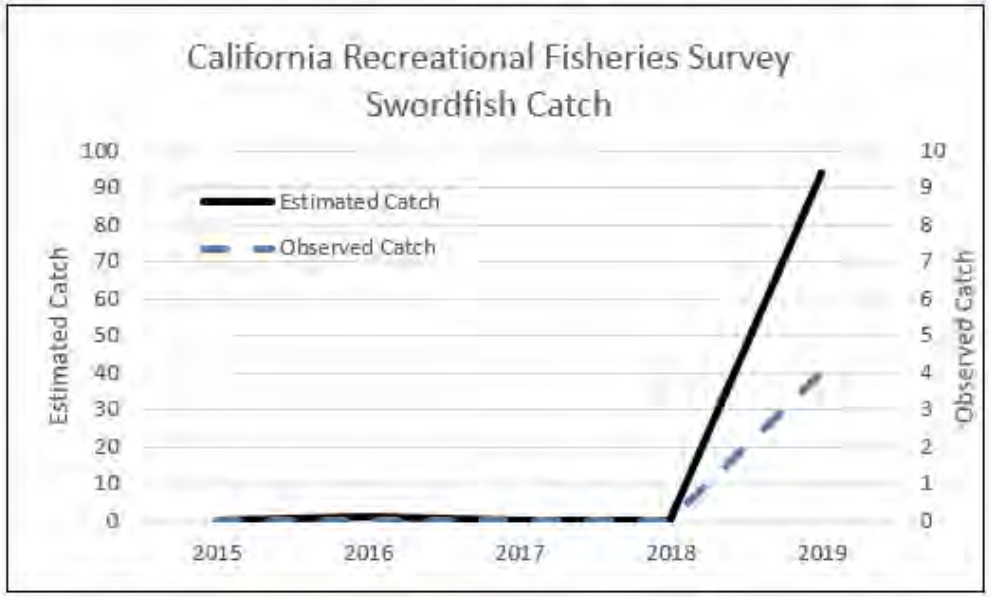


Recreational “Deep Drop” Increase



Concerns





- Rapid increase in both effort and success
- Potential for waste
- Unverified reports of commercialization
- Potential for gear conflicts

Concerns

- Limited tracking of recreational HMS
  - Estimates recognized as inaccurate
  - Numbers reported for international management
  - Accurate reporting is paramount

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- Limited tracking of recreational HMS
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Potential Solutions

- Reduced bag limit to 1 per person per day
  - Swordfish & Striped Marlin
- Annual and/or boat limits
- Billfish tag and/or report card
  - Affixed immediately upon boating fish
  - Requires online reporting of catch
  - Could be broadened to other highly migratory species
- Gear restrictions
  - Require circle hooks
  - Prohibit wire leaders
  - Prohibit night fishing

Thank You

John Ugoretz
Pelagic Fisheries and Ecosystem Program Manager
john.ugoretz@wildlife.ca.gov

Marine Life Management Act Master Plan Implementation

Craig Shuman, Regional Manager
Marine Region
California Department of Fish and Wildlife

Fish and Game Commission Meeting
Sacramento
February 21, 2020

Overview of Prioritization and Scaling Process

Fisheries Set #1
28 Finfish Fisheries (21 Species)
4 Invertebrate Fisheries (3 Species)

↓

Prioritization

Productivity & Susceptibility Analysis
+
Ecological Risk Assessment (Modified)

↓

Updated List of Priority Fisheries

Consideration of Emerging or Emergency Issues

↓

Scaling

Anticipated Degree of Management Change
Assessment of Fishery Complexity

What Scale of Management is Appropriate?

Enhanced Status Report (ESR) → ESR & Rulemaking → ESR & Basic FMP → ESR & Complex FMP

ESR
Spotfin Croaker*
Yellowfin Croaker*
Yellowtail*
Surf Smelt*

ESR & Data/Scoping
Barred Sand Bass
Kelp Bass
Barred Surfperch
California Barracuda
Bay Shrimp
Pacific Angel Shark
Brown Smoothhound Shark

ESR & Rulemaking
Grunion**
Kelp**

ESR & Basic/Complex FMP
California Halibut
Red Abalone***

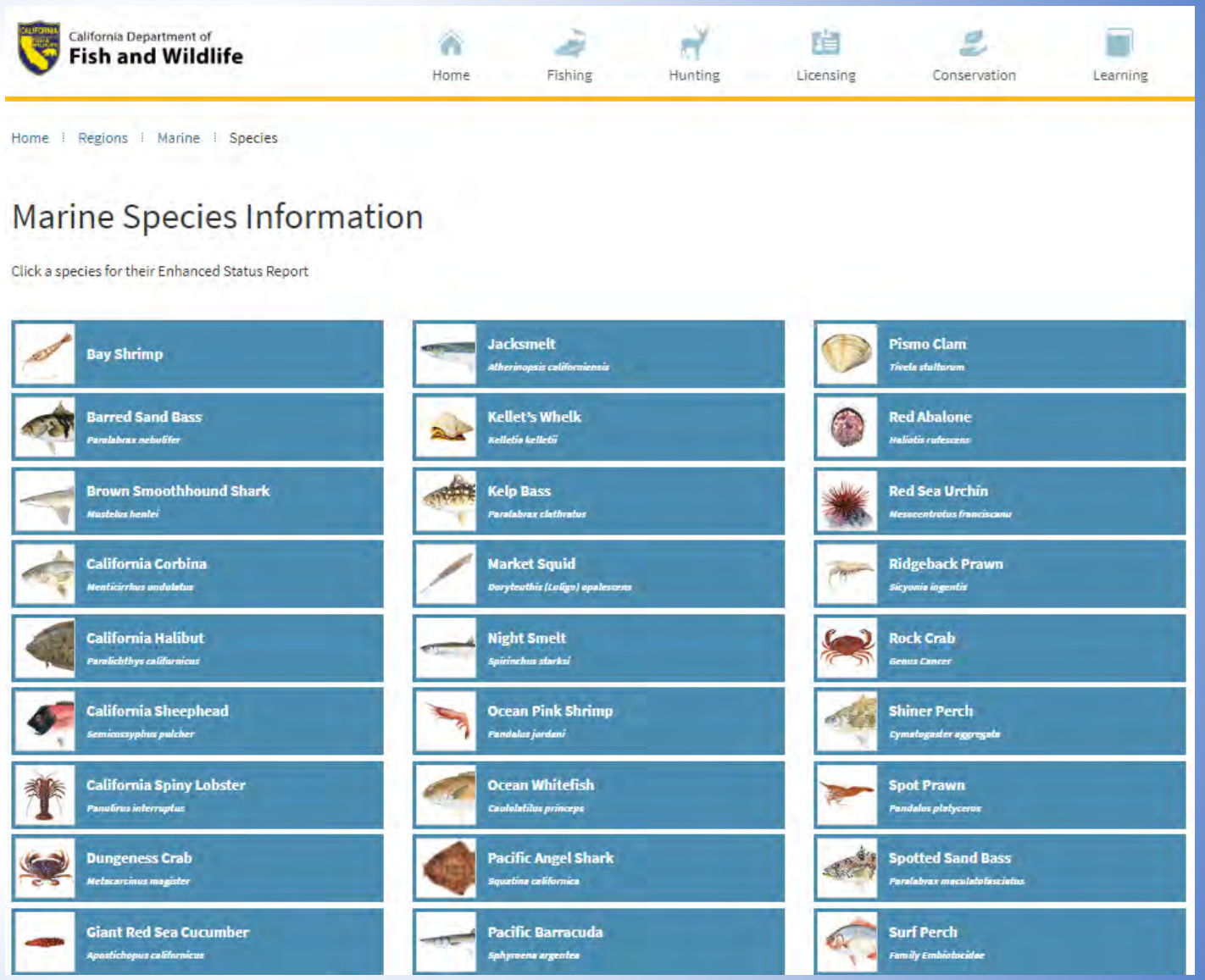
* Species not included in prioritization process, but identified as needing an ESR

** Species not included in prioritization process, but identified as needing an ESR and rulemaking in accordance with criteria listed in the MLMA Master Plan, Chapter 2, regarding emerging issues

*** FMP currently being developed

Enhanced Status Reports

www.wildlife.ca.gov/Regions/Marine/Species



Thank You

Questions:

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Marine Life Management Act Master Plan: Implementation Work Plan

February 7, 2020

Background

The Marine Life Management Act Master Plan (2018 Master Plan) was adopted by the Fish and Game Commission (FGC) in June 2018. The 2018 Master Plan, which updates the original 2001 Master Plan, provides guidance and a toolbox for implementing the Marine Life Management Act (MLMA) goals and objectives. To help ensure that the 2018 Master Plan is implemented effectively, it specifies the development of an Implementation Work Plan (Work Plan).

Structure and Content

To aid in the successful implementation of the 2018 Master Plan, the Work Plan incorporates the following two characteristics:

1. The Work Plan must clearly capture the range of activities that are required to implement MLMA-based management over the next several years. These include fishery prioritization and scaling components from the 2018 Master Plan as well as routine ongoing activities and new statutory mandates.

2. The Work Plan must be adaptable to reflect change as specific tasks reach completion and others are initiated. In many cases, the results from completed tasks will inform the development of new tasks. For instance, the prioritization and scaling tasks within the MLMA-based management “Framework” will inform the decision (and resulting tasks) regarding which species currently need more focused management.

The Work Plan incorporates these two characteristics through nine key elements. The tasks listed under these elements within the Work Plan table below reflect current or soon-to-be implemented work. Some completed tasks are listed to provide context for current work; other completed tasks are listed in Appendix A. Planned next steps, those that are expected to be addressed at within the next several years, are provided in Appendix B.

Stakeholder engagement and peer review, as described in the 2018 Master Plan, are crucial to the successful implementation of the MLMA across most of the elements listed below. A variety of partners assist the Department with the implementation of these tasks including: members of the fishing industry; commercial and recreational fishing associations; academics; federal, state and local agencies; and non-government organizations.

Plan Updates

This is an update to the Work Plan provided to the FGC at their June 2019 meeting. Verbal updates of the MLMA Master Plan implementation will be provided to the MRC and, as needed or requested, to the FGC Tribal Committee and FGC at their scheduled 2020 meetings.

Work Plan

Time Frame: Completed, Annual, Ongoing, EC (Estimated Completion, Month and Year), In Progress (no estimated completion date), TBD (To Be Determined), or specifically described

I. MLMA Framework - Prioritization

Topic	Tasks	Time Frame
Fisheries Set #1: Key finfish plus Bay Shrimp, CA Spiny Lobster, and Market Squid	Present prioritized list to FGC	Completed - FGC Dec 2019
Fisheries Set #2: Remaining key invertebrate fisheries	Conduct Bycatch ERA and Habitat ERA; conduct Target ERA and combine with PSA; combine Bycatch, Habitat, and PSA + Target results	In progress
Fisheries Set #2	Present prioritized list to FGC	TBD

II. MLMA Framework - Scaling

Topic	Tasks	Time Frame
Prioritized Fisheries (Set #1)	Conduct evaluation (degree of management change needed; fishery complexity) to determine appropriate management scale; as possible, include socioeconomic and climate considerations (See Appendix C)	Completed Feb 2020
Prioritized Fisheries (Set #2)	Conduct evaluation (degree of management change needed; fishery complexity) to determine appropriate management scale; as possible, include socioeconomic and climate considerations	TBD

III. Scaled Fishery Management: Document Development

Topic	Tasks	Time Frame
Enhanced Status Reports (ESRs)	Develop 30 ESRs for 33 species	Completed
ESRs	Develop ESRs for remaining 5 species (see Section IV and V for more information on CA Halibut, Pacific Herring, and Bay Shrimp)	In progress
All ESRs	Update completed ESRs with 2019 landings and catch, research and monitoring results, and regulation changes	Dec 2020
New ESRs	Develop 4 additional ESRs (Spotfin Croaker, Yellowfin Croaker, Yellowtail, and Surf Smelt)	TBD
Fishery Management Plans (FMPs)	Complete Red Abalone FMP	EC Jan 2021
FMPs	Conduct a management strategy integration process for Red Abalone to determine the suite of indicators that provide the best management strategies for reopening a fishery and for managing an open fishery	EC Apr 2020

IV. Scaled Fishery Management: Key Actions for Priority Species without FMP[a]

Topic	Tasks	Time Frame
CA Halibut	Develop CA Halibut stock assessment	EC Jun 2020
CA Halibut	Conduct formal peer view of CA Halibut stock assessment	EC Jul 2020
CA Halibut	Conduct outreach meetings	EC Jul 2020
CA Halibut	Complete ESR	EC Dec 2020
CA Halibut	Evaluate bycatch in commercial fishery	TBD
CA Halibut	Explore development of FMP	TBD
CA Halibut	Explore incorporation of Management Strategy Evaluation (MSE) Data Limited Methods toolkit (toolkit) results into management	TBD
Grunion	Develop ESR	EC Apr 2020

Topic	Tasks	Time Frame
Grunion	Develop regulation package for recreational fishery	EC Feb 2021
Kelp (Giant and Bull Kelp)	Develop ESR	EC Apr 2021
Kelp and Marine Algae	Commercial kelp and marine algae regulatory overhaul	Phase II EC Aug 2020
Kelp	Implement a statewide Kelp Management Plan	EC Apr 2022
Kelp	Develop a suite of priority projects (Statewide Kelp Restoration Toolkit) for kelp recovery and restoration	EC Apr 2022
Barred Sand Bass	Develop stock assessment	TBD
Barred Sand Bass	Evaluate immediate management needs	TBD
Barred Sand Bass	Explore incorporation of MSE toolkit results into management	TBD
Kelp Bass	Develop stock assessment	TBD
Kelp Bass	Explore incorporation of MSE toolkit results into management	TBD
Barred Surfperch	Conduct MSE using toolkit	TBD
Barred Surfperch	Identify most accurate ageing techniques using an age validation analysis	EC Dec 2020
Barred Surfperch	Conduct a latitudinal analysis of fecundity and parturition timing	EC Jun 2021
CA Barracuda	Conduct MSE using toolkit	TBD
CA Barracuda	Evaluate bycatch in commercial fishery	TBD
Bay Shrimp	Complete ESR	EC Dec 2020
Bay Shrimp	Evaluate bycatch in commercial fishery	TBD
Pacific Angel Shark	Evaluate bycatch in commercial fishery	TBD
Brown Smoothhound Shark	Monitor stock status as outlined in the ESR	Ongoing

[a] Information on how these species fit within Scaled Fishery Management is provided in Appendix D.

V. Scaled Fishery Management: Key Actions for Priority Species with FMP

Topic	Tasks	Time Frame
White Seabass	Complete maturity study	EC Feb 2021
White Seabass	Evaluate bycatch in commercial fishery	TBD
Pacific Herring	Implement FMP	Effective Mar 2020
Pacific Herring	Complete ESR	EC Dec 2020
Pacific Herring	Herring Eggs on Kelp Rulemaking	EC June 2020
CA Sheephead	Evaluate bycatch in commercial fishery	TBD
Market Squid	Reconvene Fishery Advisory Committee	TBD
Market Squid	Evaluate need for short and long-term regulatory changes	TBD

VI. Managing Fisheries

Topic	Tasks	Time Frame
Monitoring/Research	Long-term fishery–dependent and –independent data collection	Ongoing
Monitoring/Research	Collaborative study investigating climate change impacts on the sustainability of CA Spiny Lobster, Market Squid, and Pacific Sardine within the CA Current System	EC 2020
Monitoring/Research	Socioeconomics of recreational fishery including target species choices	TBD
Data Analysis and Stock Assessments	Conduct Management Strategy Evaluation (MSE) through the Data-Limited Methods (DLM) Toolkit on eight state-managed species/species groups (Barred Sand Bass, CA Halibut, Kelp Bass, Redtail Surfperch, CA Spiny Lobster, Red Sea Urchin, Rock Crab [3 species], and Warty Sea Cucumber)	EC Jun 2020

Topic	Tasks	Time Frame
Review Analytical Results and Develop Management Options	White Seabass, Pacific Herring, and CA Spiny Lobster status as determined through process outlined in FMPs	Annual
Review Analytical Results and Develop Management Options	Market Squid status as determined through egg escapement evaluation	Ongoing
Review Analytical Results and Develop Management Options	Cabezon, Greenlings, CA Sheephead, Kellet's Whelk and Sheep Crab landings against TACs	Annual
Review Analytical Results and Develop Management Options	Northern CA Red Abalone status	Ongoing
Review Analytical Results and Develop Management Options	Dungeness Crab meat quality evaluation	Annual
Review Analytical Results and Develop Management Options	Dungeness Crab, Rock Crab, Razor Clam, and CA Spiny Lobster domoic acid level evaluation	Ongoing
Identification of Management Measures and Development of Regulations	Recreational crab trap bycatch of whales and turtles	Proposed adoption Nov 2020
Identification of Management Measures and Development of Regulations	Hydraulic pump use for taking clams	TBD
Identification of Management Measures and Development of Regulations	Purple Urchin emergency rulemaking	Proposed Adoption Feb 2020

VII. Outreach

Topic	Tasks	Time Frame
ESR Accessibility	Upload 30 final ESRs onto Marine Region website until imported into CA Fisheries Portal	EC Feb 2020
CA Fisheries Portal Phase 2	Build website for CA Fisheries Portal and add ESR text	EC July 2020
Marine Region Website	Renovate website	In progress
FGC Updates	Provide regular updates at FGC Marine Resource Committee and Tribal Committee meetings	Ongoing

Topic	Tasks	Time Frame
Partnerships and Stakeholder Engagement	Participate on formal and informal fishery task forces and workgroups	Ongoing
Partnerships and Stakeholder Engagement	Outreach to fishermen through port discussions	Ongoing
Partnerships and Stakeholder Engagement	Build partnerships to support implementation	Ongoing

VIII. Implementing New Programs

Topic	Tasks	Time Frame
California Fisheries Innovation Act of 2018 (AB 1573)	Implement Experimental Fishing Permit Program	EC Dec 2020
SB 1309	Implement Risk Assessment and Mitigation Program (RAMP)	EC Nov 2020
SB 1309	Implement Gear Retrieval Program for Dungeness Crab Traps	Completed Sept 2019
SB 1309	Implement Standardized Gear Marking Program	EC Apr 2020
Experimental Fisheries	Initiate Experimental Box Crab fishery	Started April 2019
Experimental Fisheries	Collect Box Crab catch information	EC for first year Mar 2020
Fisheries Disaster Relief Programs	Implement as required	Ongoing

IX. Improving MLMA Fisheries (Ecological, Social, and Management Systems)

Topic	Tasks	Time Frame
Data Modernization and Review	Review and evaluate logbooks and use of E-logs	In progress
New Data Collection Methods	Evaluate use of electronic monitoring for vessels participating in Box Crab experimental fishing program	EC Mar 2022
New Fishery Management Protocols and Tools	Develop criteria and protocols to evaluate and respond to potential risk of marine life entanglement (SB 1309)	Ongoing
FMP Planning	Lessons learned evaluation for FMP planning	In progress

Topic	Tasks	Time Frame
Restricted Access	Provide information for review of restricted access programs for Market Squid, Pink Shrimp, Spot Prawn, and CA Halibut	EC Dec 2020
Ocean Resources Enhancement	Administer Ocean Resources Enhancement and Hatchery Program (OREHP)	Ongoing
Fisheries Adaptive Capacity	Investigate ways for improving fisheries management responsiveness and fishing communities' resilience to changing ocean conditions	Ongoing
Fisheries Adaptive Capacity	Support development of port profile descriptions and socioeconomic tools	EC Sep 2020

Appendix A: Completed Tasks

A-I. MLMA Framework – Prioritization

Topic	Tasks
Fisheries Set #1: Key finfish plus Bay Shrimp, CA Spiny Lobster, and Market Squid	Bycatch Ecological Risk Assessment (ERA) and Habitat ERA, Target ERA conducted and combined with Productivity & Susceptibility Analysis (PSA); Bycatch, Habitat, and PSA + Target results combined
Fisheries Set #1	Update on production of prioritized list presented to MRC
Fisheries Set #1	ERA + PSA prioritization results presented to stakeholders

A-II. MLMA Framework - Scaling

See II. MLMA Framework – Scaling for current status of tasks.

A-III. Scaled Fishery Management: Document Development

See III. Scaled Fishery Management: Document Development for current status of tasks.

A-IV. Scaled Fishery Management: Key Actions for Priority Species without FMP

See IV. Scaled Fishery Management: Key Actions for Priority Species without FMP for current status of tasks.

A-V. Scaled Fishery Management: Key Actions for Priority Species with FMP

Topic	Tasks
Pacific Herring	FMP completed

A-VI. Managing Fisheries

Topic	Tasks
Monitoring/Research	Collaborative research on habitat use and population monitoring of the Warty Sea Cucumber completed
Identification of Management Measures and Development of Regulations	Regulations for Pacific Hagfish traps permitted on single vessel adopted

A-VII. Outreach

Topic	Tasks
CA Fisheries Portal Phase 1	Design for CA Fisheries Portal developed; includes layout for ESR text

A-VIII. Implementing New Programs

Topic	Tasks
Fisheries Disaster Relief Programs	Program for Dungeness Crab fisheries disaster payout developed

A-IX. Improving MLMA Fisheries (Ecological, Social, and Management Systems)

Topic	Tasks
Data Modernization and Review	Transition from paper commercial landing receipts to electronic receipts
New Data Collection Methods	Evaluation of use of remote operating vehicles for collecting sea cucumber data inside and outside of MPAs
New Fishery Management Protocols and Tools	Scoping regarding types of analyses to support review of CA restricted access programs

Appendix B: Longer-term Tasks

B-I. MLMA Framework – Prioritization

Topic	Tasks
Future Prioritization Process	Develop socioeconomic assessment tool for use in prioritization process as noted in MLMA-based Management Framework
Future Prioritization Process	Develop oceanographic and climate assessment tool to include in the prioritization process

B-II. MLMA Framework – Scaling

No new tasks identified at this time.

B-III. Scaled Fishery Management: Document Development

Topic	Tasks
Update ESRs	Enhance sections of management documents for priority fisheries including socioeconomics and climate
Prioritized Fisheries (Set #2)	Address target species of priority fisheries at appropriate scale identified in Section II

B-IV. Scaled Fishery Management: Key Actions for Priority Species without FMP

Topic	Tasks
Prioritized Target Species (Set #2)	Identify key actions for target species of priority fisheries identified in Section II that are not currently covered under an FMP

B-V. Scaled Fishery Management: Key Actions for Priority Species with FMP

Topic	Tasks
Prioritized Target Species (Set #2)	Identify key actions for target species of priority fisheries identified in Section II that are currently covered under an FMP

B-VI. Managing Fisheries

Topic	Tasks
Monitoring/Research	Conduct research to address the use of marine protected areas in MLMA-based management
Monitoring/Research	Conduct research to address socioeconomic information gaps
Monitoring/Research	Conduct research to address climate-related information gaps
Review Analytical Results and Develop Management Options	Identify management options to address fisheries concerns (e.g., ecological and socioeconomic) highlighted through monitoring/research and assessments
Review Analytical Results and Develop Management Options	Identify management options for addressing risks to fish stocks and fishing communities from climate change

B-VII. Outreach

Topic	Tasks
CA Fisheries Portal Phase 3	Implement enhancements for CA Fisheries Portal

B-VIII. Implementing New Programs

Topic	Tasks
New Mandated Programs	Implement any new marine fisheries programs as mandated through new legislation

Topic	Tasks
Experimental Fisheries	Identify emerging fisheries that might benefit from inclusion in an experimental gear program

B-IX. Improving MLMA Fisheries (Ecological, Social, and Management Systems)

Topic	Tasks
Data Modernization and Review	Develop and implement public fisheries data query tool for the Marine Landings Data System
Data Modernization and Review	Centralize fisheries independent data sets
New Fishery Management Protocols and Tools	Test methods for reducing bycatch
Fisheries Adaptive Capacity	Identify management approaches that increase adaptive capacity for responding to climate change

Appendix C: Fisheries Prioritization Set #1

Commercial Fisheries

Species	Gear	Total	PSA Rank	Bycatch Rank	Habitat Rank
Pacific Angel Shark	Gill Net	4	1	1	2
CA Halibut	Trawl	5	2	2	1
CA Halibut	Gill Net	5	2	1	2
White Seabass	Gill Net	6	3	1	2
CA Bay Shrimp	Trawl	7	3	3	1
Spiny Lobster	Trap	7	2	3	2
Pacific Herring	Gill Net	8	3	3	2
CA Sheephead	Trap	8	2	4	2
CA Barracuda	Gill Net	10	3	2	5
Pacific Hagfish	Trap	11	4	4	3
Shiner Perch	Trap	11	4	4	3
Market Squid	Purse Seine	11	4	3	4
CA Halibut	Hook-and-Line	12	3	4	5
Pacific Bonito	Purse Seine	13	4	4	5
Redtail Surfperch	Hook-and-Line	13	4	4	5
Night Smelt	A Frame	13	4	4	5
Jacksmelt	Hook-and-Line	13	4	4	5

Recreational Fisheries

Species	Gear	Total	PSA Rank	Bycatch Rank	Habitat Rank
Brown Smoothhound	Hook-and-Line	9	1	4	4
CA Sheephead	Hook-and-Line	9	2	4	3
Kelp Bass	Hook-and-Line	9	2	4	3
Ocean Whitefish	Hook-and-Line	9	2	4	3
Spiny Lobster	Hoop Net	9	3	4	2
Spotted Sand Bass	Hook-and-Line	10	2	4	4
Barred Sand Bass	Hook-and-Line	10	2	4	4
CA Halibut	Hook-and-Line	11	3	4	4
Barred Surfperch	Hook-and-Line	11	3	4	4
White Seabass	Hook-and-Line	12	4	4	4
CA Barracuda	Hook-and-Line	12	3	4	5
CA Corbina	Hook-and-Line	12	4	4	4
White Croaker	Hook-and-Line	12	4	4	4
Pacific Bonito	Hook-and-Line	13	4	4	5

Appendix D: Scaled Fishery Management

Scaled Fishery Management along a continuum from Enhanced Status report (ESR) to a complex Fishery Management Plan (FMP) [Adapted from the 2018 MLMA Master Plan, Figure 2]

What scale of management is appropriate?
FGC §7056(a-m)
ESR → ESR & Rulemaking → ESR & Basic FMP → ESR & Complex FMP

ESR	ESR & Data/Scoping	ESR & Rulemaking	ESR & Basic/Complex FMP
Spotfin Croaker*	Barred Sand Bass	Grunion**	California Halibut
Yellowfin Croaker*	Kelp Bass	Kelp**	Red Abalone***
Yellowtail*	Barred Surfperch		
Surf smelt*	California Barracuda		
	Bay Shrimp		
	Pacific Angel Shark		
	Brown Smoothhound Shark		

* Species not included in prioritization process, but identified as needing ESR

** Species not included in prioritization process, but identified as needing ESR and rulemaking in accordance with criteria listed in the MLMA Master Plan, Chapter 2, regarding emerging issues

*** FMP currently being developed

California Fish and Game Commission
Marine Resources Committee (MRC)
2020 Work Plan
Scheduled Topics and Timeline
Updated March 10, 2020

TOPIC	CATEGORY	NOVEMBER 2019 (Sacramento)	MARCH 2020 (Santa Rosa)	JULY 2020 (San Clemente)
Planning Documents				
MLMA Master Plan for Fisheries - Implementation Updates	Master Plan Implementation	X	X	X
Abalone FMP / ARMP Update	FMP	X	X/R	X
Aquaculture Programmatic Environmental Impact Report (PEIR)	Programmatic Plan		X/R	
Regulations				
Herring Eggs on Kelp	DFW Project	X/R		
Aquaculture Lease Best Management Practices (BMP) Plan Requirements	DFW-FGC Project			
Experimental Fisheries Permit Phase II	DFW-FGC Project	X	X	X
Kelp & Algae Commercial Harvest	DFW Project	X	X/R	
Whale and Turtle Protections in the Management of the Dungeness Crab Fisheries	DFW Project	X	X/R	
Grunion recreational take regulations	DFW Project			X
Emerging/Developing Management Issues				
Aquaculture State Water Bottom Leases: Existing & Future Lease Considerations	Lease Management Review		X	X
Cowcod Recovery *(added Oct 2019)*	Informaitonal		X	X
Kelp Restoration and Recovery *(added Nov 2019)*	Emerging Issue	X		X
Special Projects				
California's Coastal Fishing Communities	MRC project	X		X

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

California Fish and Game Commission: Perpetual Timetable for Anticipated Regulatory Actions

Updated Thursday, March 5, 2020

Items proposed for change are shown in blue underlined font

Regulatory Change Category	Title 14 Section(s)	FGC Sacramento Feb 21, 2020	WRC Sacramento Mar 5, 2020	MRC Santa Rosa Mar 17, 2020	FGC Sacramento Apr 15, 2020	FGC Sacramento Apr 16, 2020	Teleconference May 14, 2020	WRC Santa Rosa May 14, 2020	FGC Santa Ana Area Jun 24, 2020	FGC Santa Ana Area Jun 25, 2020	MRC San Clemente Area Jul 21, 2020	TC Fortuna Area Aug 18, 2020	FGC Fortuna Area Aug 19, 2020	FGC Fortuna Area Aug 20, 2020	WRC Sacramento Sep 17, 2020	FGC Oakland Oct 14, 2020	FGC Oakland Oct 15, 2020	TC Monterey Area Nov 9, 2020	MRC Monterey Area Nov 10, 2020	FGC San Diego Dec 9, 2020	FGC San Diego Dec 10, 2020	WRC TBD TBD	TC TBD TBD
Recreational and Commercial Pacific Herring (Fishery Management Plan Implementation)	26.50, 28.50, 28.60, 28.62, 55.00, 55.01, 55.02, 163, 163.1, 163.5, 164, 705	E 3/1																					
Experimental Fishing Permit (EFP) Program (Phase I)	90 and 704			E 3/31																			
Possession of Nongame Animals (Nutria)	473				E 4/1																		
Upper Klamath-Trinity spring Chinook salmon sport fishing emergency regulations	7.50(b)(91.2)			**EE 3/24**																			
Upper Klamath-Trinity spring Chinook salmon sport fishing emergency regulations (2nd 90-day extension)	7.50(b)(91.2)	A		E 3/24 through 6/22					**EE 6/22**														
Upper Klamath-Trinity spring Chinook salmon sport fishing (certificate of compliance)	7.50(b)(91.2)	D				A			E 6/22														
Public use of Department of Fish and Wildlife lands [1]	550, 550.5, 551, 552, 630, 702	D				A					E 7/1												
Mammal Hunting	360, 361, 362, 363, 364, 364.1	D				A					E 7/1										N		
Waterfowl (Annual)	502, 507	D				A					E 7/1										N		
Central Valley Sport Fishing (Annual)	2.35, 7.00, 7.50(b)(5), (68), (124), (156.5)	D				D	A				E 7/16										N		
Klamath River Basin Sport Fishing (Annual) [2]	5.87(f),7.50(b)(91.1)	D				D	A					E 8/15									N		
Commercial Pacific Herring Eggs on Kelp (Fishery Management Plan Implementation)	163, 164				N				D/A							E 10/1							
Recreational Dungeness Crab Marine Life Protection Measures	1.74, 29.80, 29.85, 29.91	V		R					N				D			A		E 11/1					
Commercial Kelp and Algae Harvest Management	165, 165.5, 705												N			D/A						E 1/1	
Simplification of Statewide Inland Fishing Regulations [3]	5.00, 7.00, 7.50, 8.10		R							N				D			A						

Rulemaking Schedule to be Determined	Title 14 Section(s)	FGC Sacramento Feb 21, 2020	WRC Sacramento Mar 5, 2020	MRC Santa Rosa Mar 17, 2020	FGC Sacramento Apr 15, 2020	FGC Sacramento Apr 16, 2020	Teleconference May 14, 2020	WRC Santa Rosa May 14, 2020	FGC Santa Ana Area Jun 24, 2020	FGC Santa Ana Area Jun 25, 2020	MRC San Clemente Area Jul 21, 2020	TC Fortuna Area Aug 18, 2020	FGC Fortuna Area Aug 19, 2020	FGC Fortuna Area Aug 20, 2020	WRC Sacramento Sep 17, 2020	FGC Oakland Oct 14, 2020	FGC Oakland Oct 15, 2020	TC Monterey Area Nov 9, 2020	MRC Monterey Area Nov 10, 2020	FGC San Diego Dec 9, 2020	FGC San Diego Dec 10, 2020	WRC TBD TBD	TC TBD TBD
Santa Cruz Harbor Salmon Fishing (FGC Petition #2016-018)	TBD																						
European Green Crab (FGC Petition #2017-006)	TBD																						
Wildlife Areas/Public Lands [4]	TBD																						
Experimental Fishing Permit (EFP) Program (Phase II)	TBD			V																			
Possess Game / Process Into Food	TBD																						
American Zoological Association / Zoo and Aquarium Association	671.1																						
Night Hunting in Gray Wolf Range (FGC Petition #2015-010)	474																						
Shellfish Aquaculture Best Management Practices	TBD																						
Ban of Neonicotinoid Pesticides on Department Lands (FGC Petition #2017-008)	TBD																						
Commercial Pink Shrimp Trawl	120, 120.1, 120.2																						
Ridgeback Prawn Incidental Take Allowance	120(e)																						

KEY

FGC = California Fish and Game Commission MRC = FGC Marine Resources Committee WRC = FGC Wildlife Resources Committee TC = FGC Tribal Committee

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

1 = FGC Petition #2018-005 2 = Includes FGC Petition 2019-020 3 = Includes FGC Petition #2018-008 4 = Includes FGC Petition #2018-003