



EXPERIMENTAL FISHING PERMIT PROGRAM DRAFT DESIGN AND FRAMEWORK

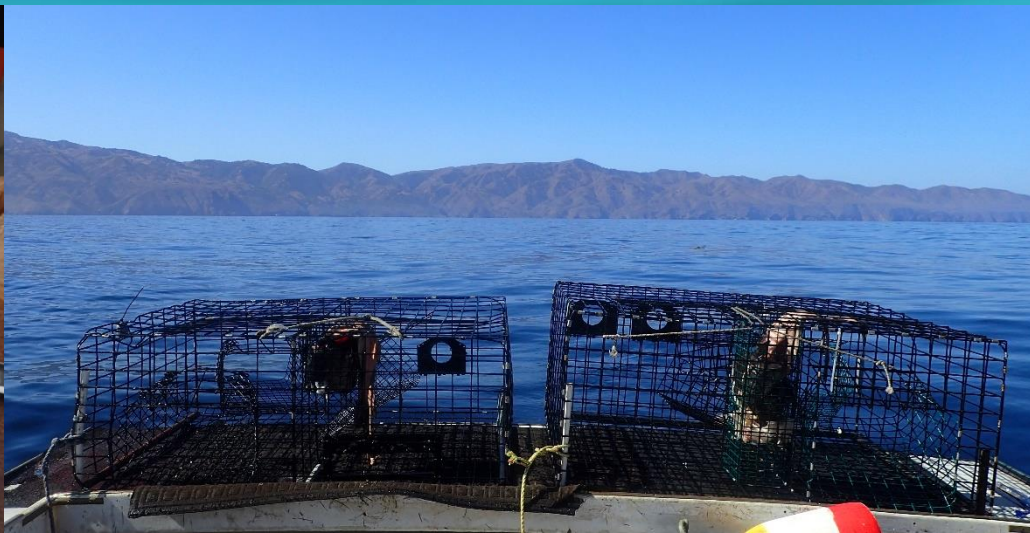


Photo Credit: D. Stein, CDFW

Marine Resources Committee Meeting
April 29, 2020
Tom Mason
Marine Region
California Department of Fish and Wildlife



OUTLINE

- Background and Progress
- EFP Stakeholder Workshop
- Draft Program Design and Framework
- Timeline and Next Steps



Photo Credit: D. Stein, CDFW



FISH AND GAME CODE 1022 (Jan 1, 2019)

The Commission may authorize, for **research, educational, limited testing, data collection, compensation fishing, conservation engineering, or exploratory fishing, or any combination of these purposes**, an EFP that authorizes commercial or recreational marine fishing activities otherwise prohibited by Fish and Game Code or any regulations adopted pursuant to this code

BACKGROUND & PROGRESS

- Two-phase approach for program implementation
 - Phase 2: Larger programmatic rulemaking (current rulemaking)
- EFP stakeholder workshop held Jan 14, 2020



EFP STAKEHOLDER WORKSHOP

- Total participants: 44
- Locations: Eureka, Sacramento, Monterey, and Los Alamitos
- Key Discussion Points
 - Early and on-going communication
 - Predictability, transparency and flexibility in the permit approval process
 - Aligning application load with review/approval capacity
 - Prioritizing research needs



EFP STAKEHOLDER WORKSHOP, CONT.

- Key Discussion Points
 - EFP fee considerations and cost recovery
 - Third-party sponsorships
 - Data management
 - Congruency of state and federal programs



DRAFT PROGRAM FRAMEWORK

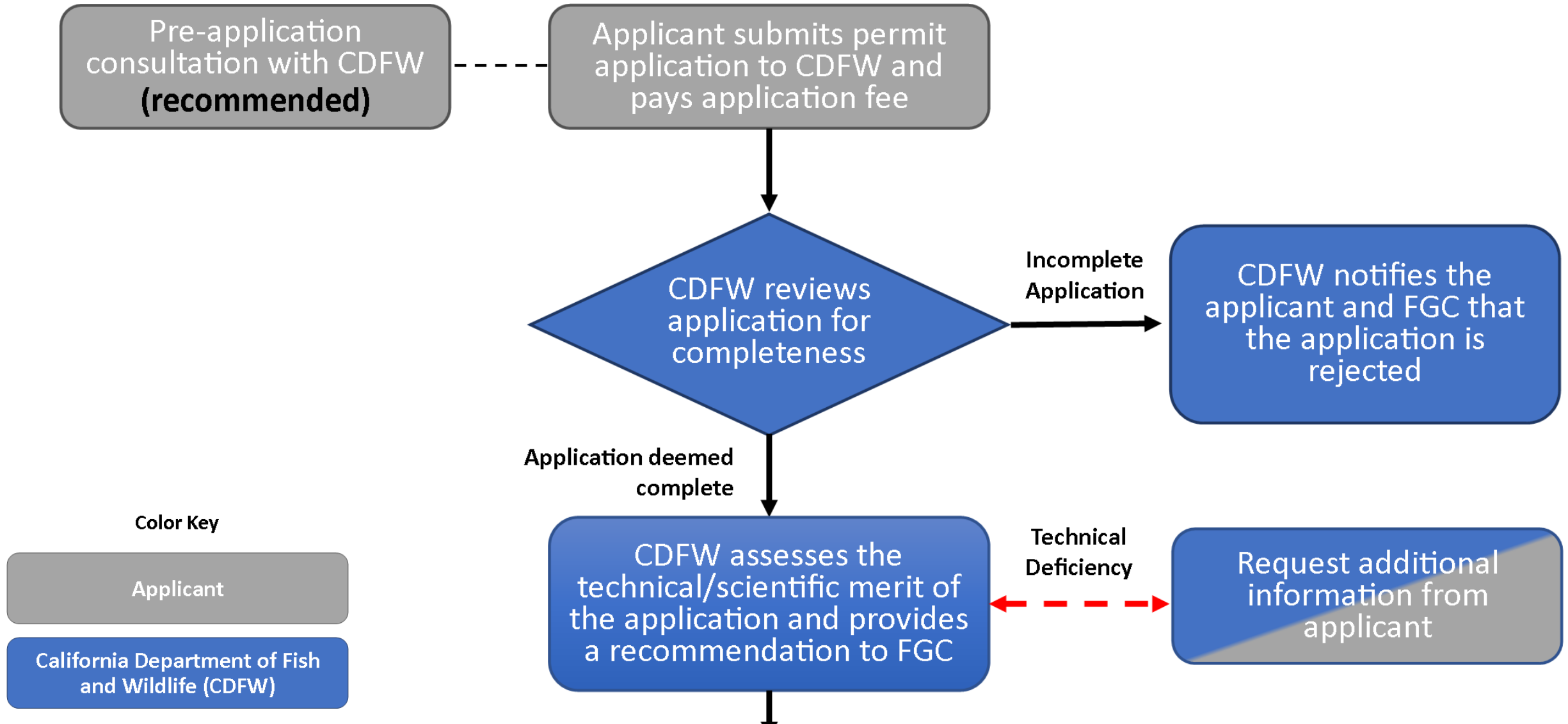
- Application review & approval process
- Fees
- Renewal
- Reporting requirements
- Revocation process



Photo Credit: D. Stein, CDFW

DRAFT APPLICATION PROCESS

Stage 1: Application Submittal & Department Review



TECHNICAL EVALUATION CRITERIA

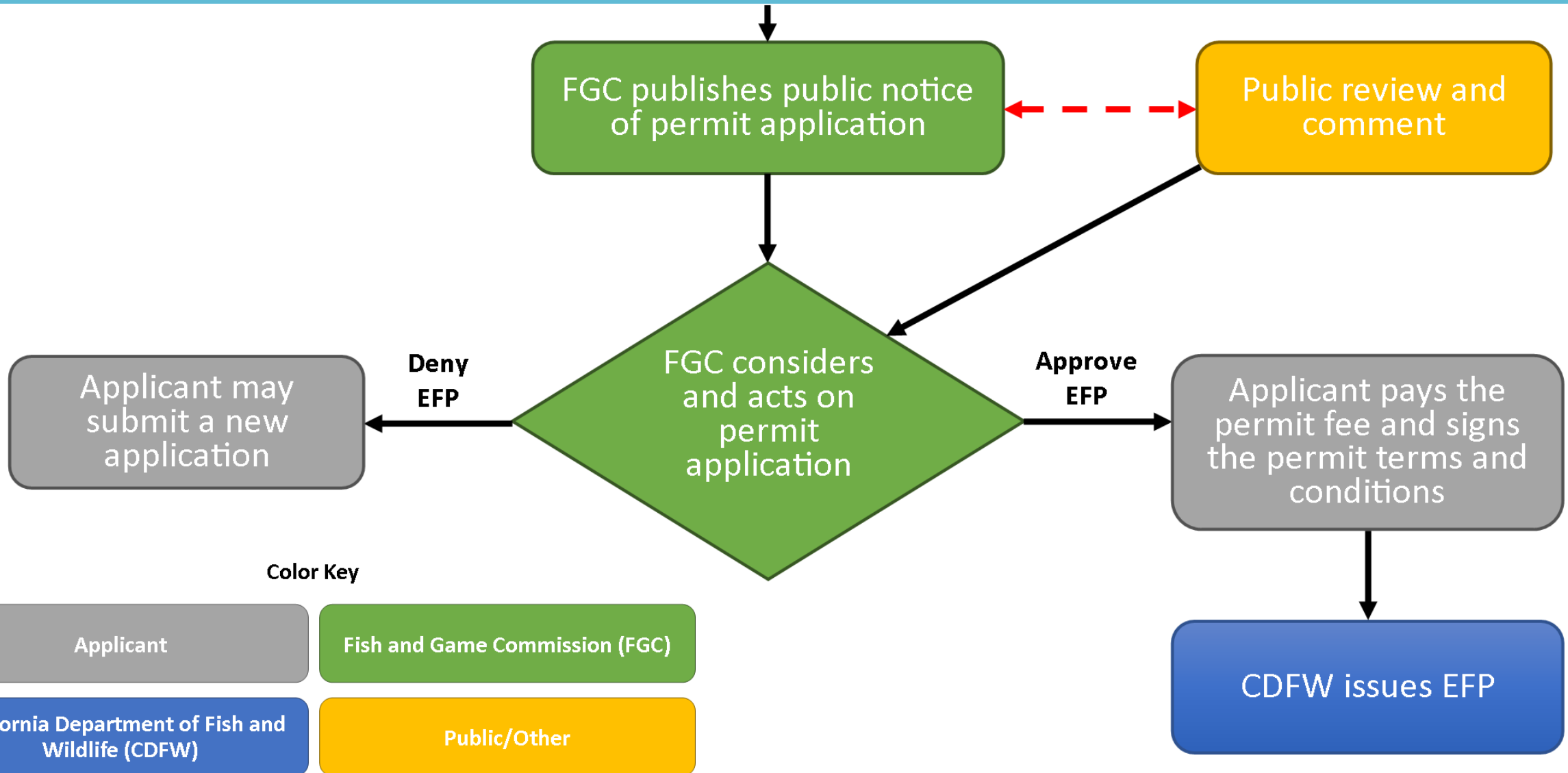
- Technical and Merit Review:
 - Consistency with FGC 1022 and MLMA
 - Proposed activities are sustainable
 - Methods are clear and appropriate
 - Proposed activities are enforceable
 - Applicant must be in good standing

TERMS AND CONDITIONS

- Standard Terms
 - General requirements for all EFPs
 - Listed in regulations
- Special Conditions
 - Tailored to each EFP
 - Approved by the Commission
 - Protection of resources and the environment
 - Reduce conflicts with existing fisheries
 - Necessary to administer and enforce the EFP
 - May be amended during term of the permit

DRAFT APPLICATION PROCESS

Stage 2: Commission Review & Action

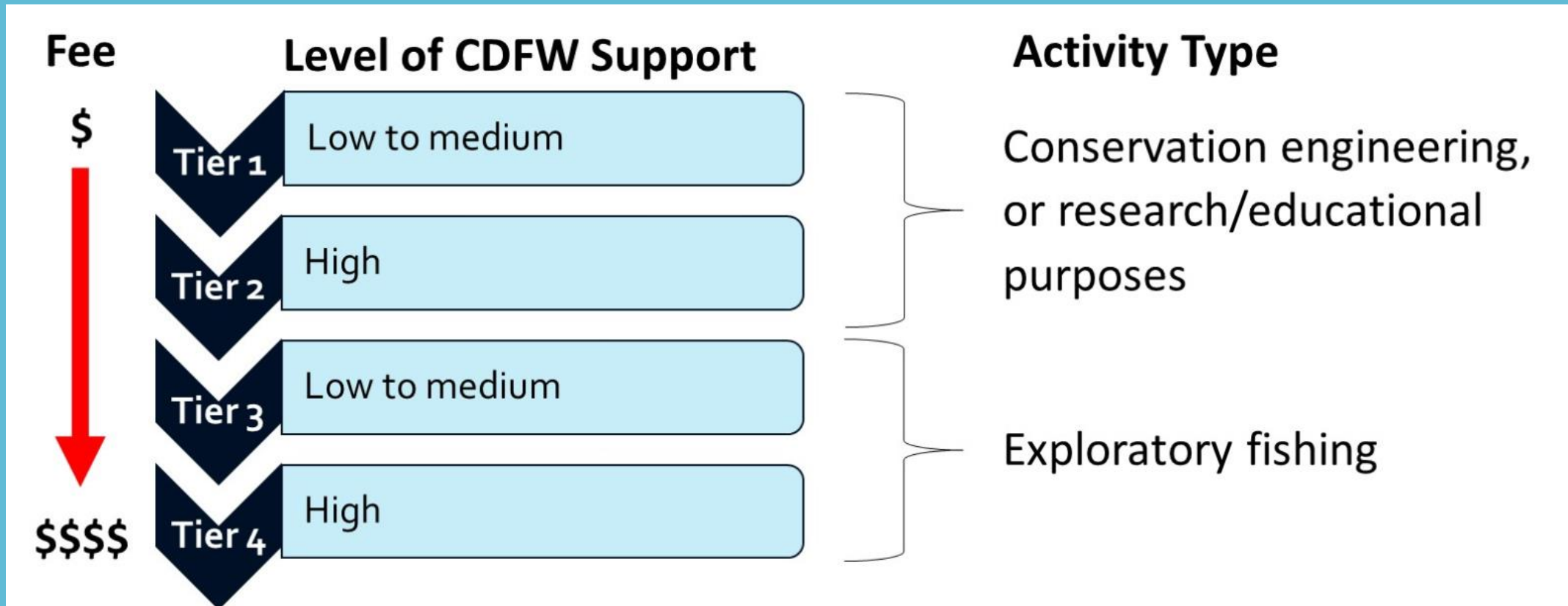


GROUNDNS FOR DENIAL

- Applicant
 - Provide false statements
 - Has a history of fishing violations or citations under review
- Proposed activities would
 - Cause adverse impacts to marine resources or existing fisheries
 - Interact with protected species
 - Be inconsistent with FGC 1022 and MLMA
 - Enforcement concerns

FEEES

- Application fee (~ \$100-200)
- **Draft tiered permit fee approach** Prior EGP permit fees (\$250-10,000)





RENEWAL

- Generally, permit valid for 1 year
- EFP holder must submit a request at least 60 days prior to expiration
- Department cannot issue an EFP for the same purpose for more than 4 years



Photo Credit: D. Stein, CDFW

REPORTING REQUIREMENTS

- **EFP holder required to:**
 - Submit a final report summarizing the EFP research and findings
 - More frequent reporting upon request
- **Department must:**
 - Annually
 - Update the Commission on EFP activities
 - Post updates on the Department website
 - Report to the Legislature on EFP Program every 5 years, starting 2025



REVOCATION PROCESS

Reasons for revocation

- Unforeseen adverse impacts
- Violation of permit terms or applicable laws
- Submittal of false information

Notification. Department will notify EFP holder of any action

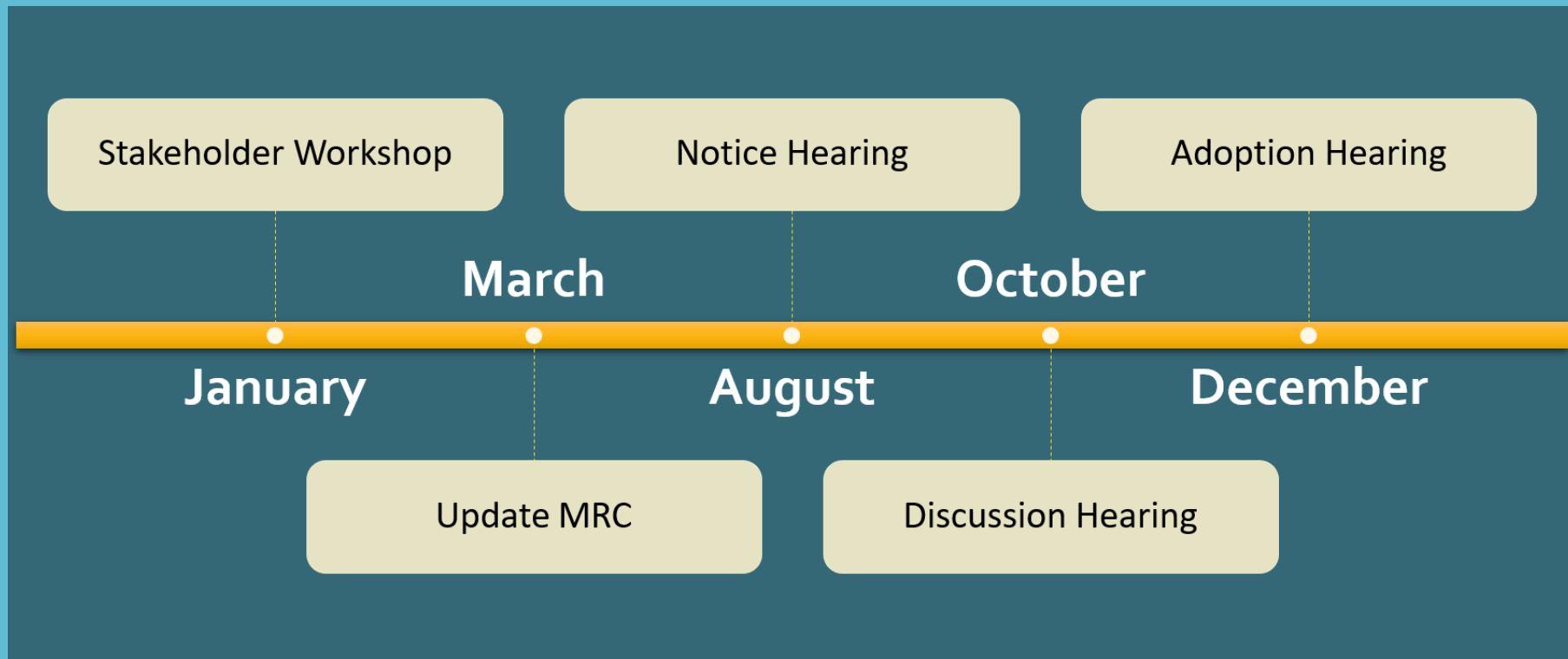
Appeal. EFP holder may request reconsideration through the Commission within 30 days of notification

ITEMS FOR CONSIDERATION

- Application submittal and approval cycles
 - Open or bi-annual cycle?
 - Trade off's; predictability & workload planning vs flexibility
- Cost recovery
 - Permit fee tiering –
 - FGC 1022 allows for a permit fee to “fully recover, but not exceed, all reasonable implementation and administrative costs”

TIMELINE AND NEXT STEPS

Tentative timeline of activities in 2020, with Phase II complete by December 2020 upon final adoption of the regulatory package.





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