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## Fish and Game Commission



*Celebrating 150 Years of  
Wildlife Heritage and Conservation!*

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### MARINE RESOURCES COMMITTEE

Committee co-chairs: Commissioner Silva and Commissioner Murray

### March 17, 2020 and April 29, 2020 Meeting Summary

Following is a summary of the California Fish and Game Commission (Commission) Marine Resources Committee (MRC) meeting as prepared by staff. The meeting was held on March 17 as originally noticed but, due to technological and time constraints, was continued to April 29 to complete agenda items not covered on March 17. An audio recording is available upon request.

#### DAY 1 – MARCH 17, 2020

##### Call to order

The meeting was conducted in-person with staff at the Justice Joseph A. Rattigan Building in Santa Rosa with the committee co-chairs and additional staff participating via webinar and teleconference. The meeting was called to order at 9:10 a.m. by Co-Chair Murray, who confirmed that she and Co-Chair Silva were in attendance at separate, remote locations. The remote participation option was added pursuant to Governor Newsom's March 12, 2020 executive order allowing state bodies to hold meetings via teleconference and to make meetings accessible electronically.

Susan Ashcraft gave welcoming remarks and outlined meeting procedures and guidelines for participating in Committee discussions, noting that the Committee is a non-decision-making body that provides recommendations to the Commission on marine items. She described how the conversations would be managed given the new webinar format. The following Committee member(s), Commission staff, Department staff, and invited speakers participated from various locations:

##### **Committee Co-Chairs**

Peter Silva	Present
Samantha Murray	Present

##### **Commission Staff**

Melissa Miller-Henson	Executive Director
Susan Ashcraft	Marine Advisor
Craig Castleton	Staff Program Analyst

Sherrie Fonbuena                      Staff Program Analyst  
Rose Dodgen                              Sea Grant State Fellow

***Department Staff***

Mike Stefana                              Assistant Chief, Law Enforcement Division  
Bob Puccinelli                              Captain, Law Enforcement Division  
Randy Lovell                                Statewide Aquaculture Coordinator  
Craig Shuman                                Regional Manager, Marine Region  
Sonke Mastrup                              State Managed Marine Invertebrates Program Manager, Marine  
Region  
Kirsten Ramey                              State Managed Marine Finfish Program Manager, Marine Region  
John Ugoretz                                Pelagic Fisheries and Ecosystem Program Manager, Marine  
Region  
Marci Yaremko                              State and Federal Marine Fisheries Program Manager, Marine  
Region  
Tom Mason                                  Senior Environmental Scientist Supervisor, Marine Region  
Rebecca Flores-Miller                      Environmental Scientist, Marine Region

***Invited Speakers***

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

**1. Approve agenda and order of items**

The Committee approved the agenda in the order listed; however, Agenda Item 11, Future Agenda Items, was heard out of order, following Agenda Item 6. For purposes of the meeting summary, items are listed in the order of the published agenda.

Note that due to time and technology constraints on March 17, item 7 was not completed in its entirety, and items 8 through 10 were not heard; incomplete items were continued to April 29.

**2. General public comment for items not on agenda**

Public comments included concerns about the Committee’s ability to foster the public process in light of the webinar and teleconference format, and a request to schedule a discussion of the Department’s California “R3” [i.e., hunting and fishing recruit retain reactivate] plan and the statewide R3 implementation plan released in December 2019 for a future meeting.

**3. Staff and agency updates**

**(A) California Ocean Protection Council (OPC)**

Jenn Eckerle provided an update on the recently-adopted 2020-2025 OPC strategic plan to protect California’s coast and oceans, including an outline of select components of the plan. She also provided an update on the outcomes of the February 2020 OPC meeting and highlighted a few key ongoing OPC projects relevant to the Commission’s work, including developing a tribal coast and ocean monitoring program, offshore wind energy development, collaboration with officials from Baja California on coastal and ocean conservation, entanglement risk mitigation, and a pilot project to test pop-up trap fishing gear as a means of reducing whale entanglement risk. Paige Berube provided more information on the timing of the pop-up gear project.

## *Discussion*

A representative from an environmental non-governmental organization (NGO) expressed support for the pop-up fishing gear project. A member of the public expressed concern about derelict gear and debris as an additional consequence of lost crab fishing gear. Jenn clarified that recovery of lost fishing gear was a priority for OPC.

The committee requested an update on the pop-up gear project from OPC at the next MRC meeting.

### **(B) Department**

#### *I. Marine Region*

Marci Yaremko provided an update on the recent Pacific Fishery Management Council (PFMC) meeting and the biennial specifications and management process for managing California groundfish. Stock assessments from 2019 are being incorporated into new regulations to take effect in 2021. Notably, cowcod stocks south of Cape Mendocino have been rebuilt ahead of schedule. Other important potential regulation changes include changes in the depth of the groundfish rockfish conservation area (RCA) lines and changes to sub-bag limits, including potential introduction of a sub-bag limit for vermilion rockfish.

#### *Discussion*

Comments supported the stakeholder engagement at the recent PFMC meeting. A participant asked whether the movement of the RCA lines would apply to the non-trawl open access commercial sector; Marci confirmed they should.

#### *MRC Direction*

The committee requested to schedule a more detailed presentation and discussion of the change in cowcod stock status in California for the July MRC meeting.

#### *II. Law Enforcement Division*

Bob Puccinelli provided an update on a gear retrieval program that will be coming online at the end of this crab season to assist with derelict gear. Bob also provided an update on various marine citations including failure to report landings, illegal crab holding, undersized Pismo clams, illegal dumping of cadaver remains, e-tix violations, and license revocations.

#### *Discussion*

Comments included a request that a gear removal program be active during the season to remove gear that is abandoned, damaged, or lost at the beginning of the recreational season, not just to remove derelict gear at the end.

#### *III. Other – State aquaculture program*

Randy Lovell introduced Jessica Girardot, the new aquaculture program administrator; this new position will increase capacity for the program.

### **(C) Commission staff**

Susan Ashcraft provided an update on new Commission staff, including new Deputy Executive Director Rachel Ballanti and new Staff Services Analyst Cynthia McKeith, and introduced its new Sea Grant State Fellow, Rose Dodgen.

#### **4. Recreational red abalone fishery management plan (FMP)**

Alexis Jackson of The Nature Conservancy presented on behalf of the red abalone management integration administrative team. She provided an overview of the results of the recent draft final report from the administrative team, and Sonke Mastrup provided additional comments. The overview included a synthesis of the results of the modeling team regarding length of time until a fishery was projected to be viable under various conditions; it also summarized eight recommendations for potential inclusion in a revised draft red abalone FMP.

##### *Discussion*

Comments included input from representatives of several tribes who requested more involvement in the decision-making process. The commenters emphasized that tribal rights to abalone as a resource and engagement with tribes need to take precedence in this discussion, that tribal take should not be a sub-category of recreational take, and that the Commission should not move forward with any FMP until it has completed tribal consultations. A representative from Trinidad Rancheria also suggested collecting additional information from tribes about how much abalone they need to gather for subsistence purposes to understand what level of tribal harvest would be necessary. In response, the committee requested that the Department consider options for how to further engage with tribes on these concepts.

Several members of the recreational fishing community spoke in support of a smaller *de minimis* fishery than currently proposed in the report, arguing that it could be feasible in a shorter time frame with tight controls in place.

One former Department scientist questioned why a fishery was being considered when the population was still declining. Sonke Mastrup clarified that the project was started when a fishery was still considered a possibility but, at this point, no fishery will be considered until the population reaches recovery benchmarks. One commenter suggested that red abalone seed stock should be collected from the environment and maintained in aquaculture facilities until the urchin population declines and kelp, abalone's food source, is restored.

##### *MRC Recommendation*

Following discussion, the Committee recommends to the Commission:

- a. Support finalizing the red abalone administrative team report, *Summary of the Management Strategy Integration Process for the North Coast Recreational Red Abalone Fishery Management Plan*;
- b. continue a discussion of the report and recommendations to the July 2020 committee meeting and request that the Department be prepared to clarify decision points;
- c. recommend that the red abalone administrative, project, and modeling teams be formally disbanded having met their charges once the administrative team report is finalized; and
- d. request that Department staff develop a process for how to engage with tribes to add to the July discussion.

## 5. Whale and turtle protections in the recreational Dungeness crab fishery

Sonke Mastrup provided an overview of Department-proposed management measures for the recreational Dungeness crab fishery and recommendations for:

- a. Gear marking,
- b. a trap limit of 10 crab per angler November 1 through March 31 and 5 per angler April 1 through end of season,
- c. a service interval of 9 days,
- d. a validation stamp for every angler to assist with data gathering on the fishery,
- e. Department director authority for the delay or early closure of the fishing season,
- f. two options for note fishing authorization,
- g. a fair start provision of no less than five days prior to commercial fishery pre-soak, and
- h. specific surface gear requirements.

### *Discussion*

The committee members asked about how the California Dungeness crab fishery compares to that of neighboring states, and requested clarification about triggers for a potential severe weather extension for the service interval requirement. Sonke explained there are much lower trap limits in Oregon and Washington and that they are generally not considered comparable, and that there are several options for triggers for a severe weather extension, such as a small craft advisory issued by the National Oceanic and Atmospheric Administration (NOAA). Bob Puccinelli provided further explanation on the current status of note fishing relative to the current allowance.

Representatives of two environmental NGOs support the regulations, request to add a measure authorizing recovery of lost and derelict recreational gear, and shared the perspective that Department director authority is critical as NOAA fisheries confirmed a whale entanglement in recreational gear last year while the commercial fishery was closed.

A member of the public echoed concerns about pollution from gear debris, some of which may result from gear conflicts with the salmon fishery, and requested that the committee support a small marker buoy and possibly introduce an easily identifiable recreational buoy-marking technique to help prevent plastic waste.

Several representatives of the recreational fishing community spoke in opposition to or requested clarification on several of the proposed measures, expressing particular concern that management measures would be disproportionate to recreational fishing entanglement risk relative to commercial gear entanglement risk.

Sonke Mastrup clarified that the commercial fishery is indirectly impacted by recreational gear entanglements as the commercial fleet is penalized for unidentified entanglements, some of which could be recreational. He further explained that the fair start is being reduced for times when a season delay is needed to protect marine life while avoiding penalizing the commercial fishery for conditions outside its control during an important economic time frame. He also added that, if the Commission supports the measures, the Department would be willing to work with stakeholders to develop options for the recreational fishery which may not be as onerous. Bob Puccinelli added that the Department Law Enforcement Division does not foresee an enforcement issue with a mid-season change in pots. Commissioner Murray also added that Department director authority will provide a faster reaction for risk mitigation than the

Commission could.

Susan Ashcraft noted that removing recreational derelict gear may be outside of current Commission authority but could be investigated further. Sonke agreed that it is not clear whether there is authority to seize property after close of season, but also offered to explore the options further.

### *MRC Recommendation*

Based on the discussion, MRC developed two recommendations for the proposed management measures:

- Advance to a rulemaking, commencing with a notice hearing in June 2020, proposed management measures to minimize the risk of whale and turtle entanglements in the recreational Dungeness crab fishery as recommended by the Department with the following specific provisions:
  - (a) enhanced gear marking with small buoys or unique floats;
  - (b) a trap limit of 10 traps per angler from November 1 to March 31 and 5 traps from April 1 to season end;
  - (c) a service interval of 9 days, with an option for severe weather extension;
  - (d) a validation stamp for all participating anglers, with an option to sunset in 5 years;
  - (e) surface gear requirements for buoys and line length as proposed by the Department;
  - (f) 'note fishing' that may be authorized by text and allows rebaiting of traps;
  - (g) a fair start provision with an options range of no less than 5 to 9 days before commercial pre-soak; and
  - (h) grant the Department director authority to delay the season's start or close the season early when entanglement risk is high based on triggers yet to be defined, with a zonal option and required Commission notification.
- Request that the Department develop draft criteria to determine when a severe weather extension to service interval would be granted, and develop draft criteria for triggering action under Department director authority.

## **6. Regulations governing commercial harvest of wild kelp and algae**

Rebecca Flores-Miller provided an overview of proposed regulation changes, including harvest limits for six edible seaweed species, and a summary of results of the Department's commercial harvester survey.

### *Discussion*

Concerns were raised that there was not enough time to discuss the topic due to the webinar format; requests were made for additional opportunities to discuss and provide comment. Several commercial kelp harvesters expressed a desire for increased stakeholder discussion and input and requested that the Department lay out a clearer purpose and objective for the regulation changes. They further spoke in opposition to the harvest limits, stating that no new

harvesters should be allowed under these limits, that low limits might endanger harvesters attempting to gather kelp too early in the season, and that numeric goals should be in a kelp management plan rather than in regulations. Stakeholders also requested that the Department explore the possibility of harvest distribution by block and expressed an interest in how data presented was distributed between different blocks.

Several representatives of various tribes expressed that kelp should be managed more holistically and raised concerns that the rulemaking should be delayed until harvest limits can account for tribal take and tribal consultations regarding co-management have occurred. A representative from Pew Charitable Trusts spoke in support of a statewide closure of bull kelp and increased sea otter protections in any new regulations.

Following discussion, the co-chairs suggested that additional outreach to affected parties may be beneficial to explore before MRC makes a specific recommendation. Craig Shuman offered to discuss these proposed regulations with the affected community. He requested that harvesters who have offered to help come to him with ideas, but cautioned that localized management would be more difficult for the Department. Susan Ashcraft agreed to engage with the Department on this topic.

#### *MRC Recommendation*

MRC recommends that the Commission request that the Department conduct additional outreach with affected commercial harvesters, tribes and other interested parties and continue the item to the July 2020 MRC meeting.

### **7. Marine aquaculture in California**

#### **(A) *Receive Department informational report on marine aquaculture in California, discuss status of the programmatic environmental impact report, and consider proposed next steps***

Randy Lovell presented an overview of the Department's current plan of action for aquaculture in California and a newly-completed aquaculture information report (AIR) intended to build a common understanding of the status of aquaculture in the state to help move the action plan forward. The AIR was delivered to the Commission office the preceding day and has now been posted to the Department and Commission websites. Craig Shuman recommended that the AIR be provided to the Commission at its April meeting due to the broad interest on the topic.

#### **(B) *Discuss possible recommendation for a hiatus in considering new applications for state water bottom leases for the purpose of aquaculture (except three previously received applications currently under consideration)***

Susan Ashcraft provided an overview of the rationale for the staff recommendation to consider a short-term hiatus. Melissa Miller-Henson provided further clarification of the intent and the temporary nature.

#### *Discussion*

A representative from the Port of San Diego requested that entities such as the port, which have internal capacity to complete necessary environmental review and could

take administrative weight off the Commission and Department, be exempted from any hiatus. Time did not allow for additional public comment or discussion.

*MRC direction*

MRC supported providing the Department’s aquaculture information report to the full Commission at its April meeting. The committee members acknowledged that there was significant interest on the topic, expressed appreciation that stakeholders had persisted through the long meeting to participate in the topic, and acknowledged that additional time was needed for discussion and robust public input. MRC concluded that a substantive recommendation could not be made on this topic today due to time constraints, and directed staff to continue the topic to a future meeting.

**Recess**

Commissioner Silva clarified that the meeting must end at 6:00 p.m., when recording of the proceedings was scheduled to end. MRC acknowledged that agenda items 7-10 would need to be continued to a future MRC meeting, and directed staff to identify an additional date to complete the agenda items.

The meeting was recessed at 6:00 p.m.

**DAY 2 – APRIL 29, 2020**

**Call to order**

The meeting was held via webinar and teleconference and the committee co-chairs and staff participated from independent, remote locations. Day 2 of the meeting was called to order at 9:02 a.m. by Commissioner Silva, who confirmed that Commissioner Murray was in attendance.

Susan Ashcraft gave welcoming remarks and highlighted that the meeting was a continuation of the March 17 meeting; as such, only agenda items not completed on that day (i.e., agenda items 7 through 10) were scheduled to be heard. The following Committee member(s), Commission staff, and Department staff participated:

***Committee Co-Chairs***

Peter Silva	Present
Samantha Murray	Present

***Commission Staff***

Melissa Miller-Henson	Executive Director
Rachel Ballanti	Deputy Executive Director
Susan Ashcraft	Marine Advisor
Ari Cornman	Wildlife Advisor
Rose Dodgen	Sea Grant State Fellow
Cynthia McKeith	Staff Services Analyst

***Department Staff***

Mike Stefanak	Assistant Chief, Law Enforcement Division
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Bob Puccinelli	Captain, Law Enforcement Division
Randy Lovell	Statewide Aquaculture Coordinator
Craig Shuman	Regional Manager, Marine Region
Kirsten Ramey	State Managed Marine Finfish Program Manager, Marine Region
John Ugoretz	Pelagic Fisheries and Ecosystem Program Manager, Marine Region
Tom Mason	Senior Environmental Scientist Supervisor, Marine Region

## **7. Marine aquaculture in California** *(continued from March 17)*

Susan Ashcraft introduced the topic, which was continued from the March 17 meeting. She noted that discussion at the March meeting was limited to a Department presentation with minimal dialogue and time for just one public comment.

### **(A) Receive Department informational report on marine aquaculture in California, discuss status of the programmatic environmental impact report, and consider proposed next steps**

Randy Lovell provided an abbreviated version of the presentation he gave on March 17, and provided updates since the last discussion related to the draft aquaculture informational report (AIR). The Department intends to integrate feedback received from the committee and public at this meeting into the draft AIR, and transmit a final AIR to the Commission in June. The Department is planning to use the AIR as a foundation to develop an aquaculture action plan in line with the Ocean Protection Council's strategic plan and Fish and Game Code guidelines for aquaculture. The Department is requesting that the Commission assist with convening a public discussion to identify needs to consider within an action plan.

At the request of the committee members, Randy clarified that this is not intended to replace the CEQA review planned for a Programmatic EIR, but to better establish an understanding of the needs of aquaculture, which can then be used to build a management framework for later CEQA review. He further clarified that, while offshore finfish aquaculture is not currently present in California and not currently being considered, the Department does not believe it should be precluded from public discussion.

#### *Discussion*

There was a diversity of public comment and several viewpoints were expressed. Several NGO representatives and environmental advocates spoke in support of the Department's desire to take a careful approach to aquaculture, expressed concerns about authorizing water bottom aquaculture in delicate intertidal environments and about risks associated with offshore finfish aquaculture. One commenter requested that the aquaculture best management practices (BMPs) discussed by MRC over the past few years be incorporated into the process.

The committee asked Jenn Eckerle to provide additional information about OPC's current plan for supporting informed aquaculture development, as reflected in its strategic plan. Jenn highlighted steps they envision taking after Commission receipt of the AIR at its June meeting. OPC intends to convene agency leaders to develop a set of principles to guide sustainable aquaculture management and development in California related to marine seaweed and shellfish culture and land-based finfish culture. These

principles will include a variety of measures to minimize detrimental impacts. They will present OPC with a proposal to fund development of a statewide aquaculture initiative at the September meeting. The grantee's work would include development of a draft action plan, followed by extensive stakeholder engagement.

**(B) *Discuss possible recommendation for a hiatus in considering new applications for state water bottom leases for the purpose of aquaculture (excepting three previously-received applications currently under consideration).***

Susan Ashcraft provided more information on the staff-proposed, short-term hiatus on accepting new lease applications. Completing the review process for current lease applications is challenging based in part on lack of dedicated staff or funding. She noted that some commenters expressed support for excepting from hiatus the two offshore lease applications for which the Commission has already made a public interest determination, but not the third from Tomales Bay for which that determination has not yet been made. She highlighted that FGC had previously supported moving all three applications forward for review, and efforts were underway.

Melissa Miller-Henson emphasized that the Commission's staffing situation is exacerbated by the COVID-19 crisis. As the three current lease applications are the first received in over 25 years, they also present a process challenge; no current staff members participated in previous lease consideration processes. There is a need to expand the Commission's resources, but this is unlikely to happen right now given statewide budget concerns resulting from the economic impacts of the epidemic.

*Discussion*

Representatives of research institutions spoke in support of exploring restorative shellfish and algae aquaculture and potential sustainable offshore finfish aquaculture. Several representatives from the aquaculture industry spoke on the need to supply California's growing population with sustainable and locally-produced seafood, spoke against a hiatus, and requested representation in the development of the Department's action plan.

The Port of San Diego specifically requested that institutions able to provide their own resources and environmental review be exempt from any hiatus. Susan Ashcraft noted that the port has been collaborative and has reached out repeatedly to invite Commission staff to participate in meetings where fishing interests were involved. She suggested that the Commission may want to consider the port's request in spite of staffing limitations, as the port has already facilitated a robust planning and stakeholder engagement process, and offers its capacity and resources to support review of a lease application.

The Committee co-chairs discussed factors to consider regarding a potential short-term hiatus, and if recommended, what duration would balance staff and administrative needs with interests of potential lease applicants. Craig Shuman pointed out that leases should not be considered without a solid foundation, and long-term decisions about leases should not be considered before an action plan is in place. He specifically highlighted written comments received prior to the meeting from Bernard Friedman of Santa Barbara Mariculture, as worth considering in the action plan.

## ***MRC Recommendation***

Following discussion, the Committee recommends that the Commission:

- Accept the Department's updated aquaculture information report in June as the final report, and request that the Department return to the Marine Resources Committee in July with proposed next steps for developing an aquaculture action plan following coordination with Ocean Protection Council and Commission staff; and
- Approve a six-month hiatus on considering new state water bottom lease applications not already received by FGC, schedule a follow-up discussion for the November Marine Resources Committee meeting to evaluate whether to end or continue the hiatus, and authorize staff to engage in dialogue with the Port of San Diego concerning a potential lease application and review process during the hiatus.

### **8. Experimental Fishing Permit (EFP) Program, phase II**

Susan Ashcraft introduced the topic, which is to receive a Department update on progress developing an EFP program and the public outreach efforts that the Department has recently undertaken.

Tom Mason presented the Department's current plan for the structure of an EFP program, including the potential application process, standard terms and special conditions for approving a given EFP, grounds for denial, and a potential tiered permit fee approach depending on Department support requirements. During a public stakeholder workshop hosted by Department and Commission staff in January, public input was solicited on program elements; the structure as presented by Tom incorporated input from the workshop.

Items flagged for further discussion included what application cycle would be followed (e.g., open versus semi-annual) and cost recovery structures.

#### *Discussion*

Co-Chair Murray asked clarifying questions regarding considerations for the fee structure and inquired about interest in program participation thus far. Tom explained that there is a lot of interest in the program, notably for testing alternate gear for the Dungeness crab trap fishery to reduce entanglement risks for whales and turtles.

Several commenters provided detailed input. A representative of commercial fishing interests in San Diego expressed concern that the Department's limited staff capacity would prevent the research required by the program and expressed support for additional program funding. He requested flexibility on timing of permit applications due to fishery seasonality. He also requested quick program implementation, noting the slow turnaround on phase I of this program led to a raffle for permit issuance, which resulted in key individuals that had initiated the program's development being excluded from participating.

Representatives from two NGOs spoke in support of the new EFP program, as it will allow experimentation and adaptability for responding to concerns such as bycatch, entanglement, and climate change, and it enhances stakeholder involvement in addressing these concerns. One of the representatives expressed concern about a lack of safeguards and requested more restrictions to inhibit potentially destructive gear use in the program, which has presented an issue in the federally-equivalent program.

A graduate student from the Scripps Institute of Oceanography at UC San Diego shared her contact information as she is gathering information for the Department from fishermen who have specific ideas for EFPs they would like to pursue in the program.

### *MRC Recommendation*

Following discussion, the Committee recommends the Commission request that the Department refine options and criteria for the EFP permit fee structure, and schedule the topic for discussion and recommendation at the July MRC meeting.

## **9. Recreational swordfish**

Susan Ashcraft introduced this topic, which was referred to MRC at the Department's request in response to recent increases in recreational take of swordfish in southern California.

John Ugoretz provided an overview on behalf of the Department. An increase in recreational use of "deep drop" gear has increased success in the recreational fishery, which has led to concerns about the potential for waste, gear conflicts, and unverified reports of commercialization. Several management responses have been discussed with stakeholders, including lowering the bag limit, requiring report cards, and setting gear restrictions. Thus far, there has been general support for a bag limit reduction, but opposition from commercial passenger fishing vessels (CPFVs) on reduced boat limits. John suggested that a possible rulemaking to change the current bag limit merits discussion.

### *Discussion*

The discussion focused on concerns about possible commercialization (i.e., reports of fish caught on non-commercially licensed boats and sold to restaurants or consumers), which could result in underselling commercial fishermen by offering product at a lower price than a licensed operation could. Assistant Chief Stefanak confirmed that commercialization is an enforcement concern. While the Department's Law Enforcement Division has followed up on reports, they have not collected any conclusive evidence of commercialization in recreational swordfish.

There was general agreement that an improved tracking and data collection system to estimate effort and total take is needed as there is not currently a good data stream for highly migratory species such as swordfish. Improved data collection methods would help establish a baseline understanding of take, and the Department suggested collaborating with stakeholders to improve monitoring to support the Department's ability to respond to issues like this one.

A representative of an environmental NGO spoke in support of the bag limit and requested that the Department consider exploring recreational gear requirements that would mimic the commercial gear requirements.

A representative of the recreational fishing industry expressed opposition to changing boat limits for CPFVs, arguing that the need for such a change could not be substantiated without a stock assessment suggesting the stock is at risk.

The Department confirmed for the co-chairs that risk to the swordfish stock is not currently a concern. Their concerns are reducing risk of commercialization, reducing waste, and improving data streams and understanding of catch levels.

### *MRC Recommendation*

Based on the discussion, MRC recommends that the Commission request the Department explore options to revise the recreational swordfish daily bag limit and improve data collection methods through regulation change, and schedule this topic for discussion in July 2020.

## **10. Marine Life Management Act master plan implementation**

Susan Ashcraft provided introductory comments, recapping that the Commission had received an updated implementation work plan from the Department at MRC's February 2020 meeting. The work plan identified developing a California halibut fishery management plan (FMP) as a next implementation step.

Kirsten Ramey provided a verbal overview of initial Department preparation for a California halibut FMP, including a stock assessment underway. The stock assessment will be peer reviewed through the California Ocean Sciences Trust and is anticipated to be ready for public review later this year.

### *Discussion*

Environmental NGO representatives expressed support for using the tools adopted in the master plan, such as the "data-limited toolbox" for evaluating data-limited stocks, and the bycatch evaluation framework developed through the bycatch working group. Comments about a California halibut FMP focused on evaluating levels of bycatch and discard, especially in the trawl sector, and on considering the multi-species target assemblage with some halibut gears where other targeted species may be a high priority for the Department. There was a request that a proposed roadmap for the halibut FMP be brought to the July 2020 MRC meeting, including a scoping process and a bycatch inquiry using the bycatch evaluation framework.

Co-Chair Murray asked whether bringing an FMP framework to the July MRC meeting was realistic, considering staff resource constraints. Craig Shuman advised that the request was not feasible, and that the Department already had to put the scoping process for an FMP on hold. The committee responded that it understood that a timeline would need to remain open for the time being.

No formal recommendation was made.

## **11. Future agenda items** (This topic was heard immediately following item 6 on March 17).

### **(A) Review work plan agenda topics and timeline**

Susan Ashcraft highlighted that no available meeting space has been located in San Clemente for the July 21 MRC meeting; there is meeting space available on July 29.

### *MRC Recommendation*

The MRC recommends that the July 2020 MRC meeting be rescheduled for July 29 in San Clemente.

**(B) *Potential new agenda topics for Commission consideration***

Two sport fishing association representatives requested to discuss the Department's R3 initiative at the April FGC meeting, in conjunction with potential 365-day sport fishing license legislation.

A former Pacific herring FMP steering committee member requested to add lessons learned from the Pacific herring FMP. Susan asked that the requestor confer with the Department first before MRC consider adding the topic.

**Adjourn**

Susan Ashcraft reminded attendees that the next MRC meeting is scheduled for July 29, 2020 in San Clemente.

The meeting adjourned at 12:46 PM.