

Coastal Fishing Communities Project

Update on Efforts Related to Staff Recommendation #3

November 4, 2020

Recommendation: Approve specific, small-scale projects to test and evaluate proposed new approaches.

Overview: Stakeholders have requested that the Commission allow for stakeholders and partners to develop small-scale projects to test new approaches, including departures from the Commission's Policy on Restricted Access Commercial Fisheries and current permit structures, acknowledging that permit holders are key stakeholders in helping to create, design and define these projects, in consultation with the Department. Consider projects supporting opportunities for small-scale fishing that can be designed to help to fill information gaps consistent with guidance from the MLMA master plan for fisheries.

Progress by Focal Area

Commission and Department Initiatives

- *Experimental fishing permit regulations:* The Fisheries Innovation Act of 2018 went into effect on January 1, 2019, repealing an experimental gear program and authorizing a new experimental fishing permit (EFP) program to be established upon adoption of regulations by the Commission. Once adopted, the EFP program will provide a new pathway for testing pilot projects for commercial and recreational fishing. A partner non-governmental organization sponsored the legislation and continues to support implementation efforts. The Commission divided implementation into two phases:
 - EFP Phase I: This rulemaking was designed specifically to continue uninterrupted an experimental brown box crab fishery that commenced in 2019; regulations adopted by the Commission went into effect in May 2020.
 - EFP Phase II: A rulemaking to establish a comprehensive EFP program, consistent with the new statute, is currently underway. The Department presented a proposed structure at the March and July 2020 MRC meetings; based on MRC recommendations, the Commission approved scheduling a rulemaking for the EFP program with a timeline to be determined pending regulatory staff capacity. A Department team is currently drafting regulations for the program; there has been substantial stakeholder engagement and input throughout the development and drafting process.

Collaborations and Partner Efforts

- *Workshop:* The report from a [July 2019 guided learning workshop](#) held by the California Ocean Science Trust and attended by Commission and Department staff summarized concerns and potential management strategies to assist with coastal fishing community resilience under climate change. Suggestions included exploring permit flexibility

(including establishing a working group) and strategies to take advantage of emerging fisheries. A second series of workshops has been funded and is in nascent stages, the results of which may help identify new permitting strategies to test as pilot projects.

Relevant External Actions and Models

- *California Ocean Protection Council:* The council's recently-released [strategic plan for 2020-2025](#) includes a target to "implement pilot projects statewide to increase fishing communities' resiliency and adaptation to climate impacts by 2025" (Target 4.1.2, for Objective 4.1 Advance Sustainable Seafood and Thriving Fishing Communities).
- *Federal management:* [NOAA Fisheries' Western Regional Action Plan](#) outlines regional objectives, tools and resources for federal fisheries management on the West Coast. The plan contains provisions for evaluating alternative harvest management strategies.
- *Federal Exempted Fishing Permit Program:* NOAA Fisheries' exempted fishing permits are similar to state-level EFPs, the application for which is on a region-by-region basis.
- *Literature review:* A [2016 NOAA Fisheries technical memo](#) reviewed several types of fisheries management from the literature, which could be applied to assist with climate resilience. One of the approaches was allowing alternative gear types, and stakeholders have expressed interest in using EFPs to test alternative gear types in California.

Education and Outreach

- *EFP program development workshop:* Department and Commission staff co-lead a [stakeholder workshop](#) on January 14, 2020 to solicit thoughts from stakeholders concerning program design and priorities for an EFP program in California.

Potential Next Steps

Continue to support Department action as it develops the framework to the EFP program.

Linkages to Other Staff Recommendations

This recommendation is inherently collaborative and requires a research element, which makes it a vehicle for exploring collaborative research as referenced in SR 7. This recommendation is also the first example of pursuing legislation to increase commercial fishing adaptability, relevant to SR 4.