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## Fish and Game Commission



*Celebrating 150 Years of  
Wildlife Heritage and Conservation!*

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### **MARINE RESOURCES COMMITTEE** Committee Chair: Commissioner Murray

### **March 16, 2021 Meeting Summary**

Following is a summary of the California Fish and Game Commission (Commission) Marine Resources Committee (MRC) meeting as prepared by staff. An audio recording of the meeting is available upon request. *Note that in this document the California Department of Fish and Wildlife is referred to as the Department.*

#### **Call to order**

The meeting was called to order at 9:03 a.m. by MRC Chair Murray, who noted that as of February 2021 only one Commissioner is assigned to each Committee; she introduced President Silva as a visiting Commissioner. The meeting was held via webinar/teleconference.

Melissa Miller-Henson provided technical guidance for participants, and Susan Ashcraft outlined instructions for participating in Committee discussions. The following Committee members, Commissioners, and Commission and Department staff, attended.

#### **Committee Chair**

Samantha Murray                      Vice President

#### **Other Commissioners**

Peter Silva                                President

#### **Commission Staff**

Melissa Miller-Henson	Executive Director
Susan Ashcraft	Marine Advisor
Cynthia McKeith	Staff Services Analyst
Jenn Greaves	Associate Governmental Program Analyst
Sherrie Fonbuena	Associate Governmental Program Analyst
Rose Dodgen	Sea Grant State Fellow
Corinna Hong	Sea Grant State Fellow

### ***Department Staff***

Mike Stefanak	Assistant Chief, Law Enforcement Division
Wes Boyle	Captain, Law Enforcement Division
Randy Lovell	State Aquaculture Coordinator
Craig Shuman	Regional Manager, Marine Region
Sonke Mastrup	State Managed Invertebrates Program Manager, Marine Region
Becky Ota	Marine Habitat Conservation Program Manager, Marine Region
Kirsten Ramey	State Managed Finfish and Bay Management Program Manager, Marine Region
Debbie Aseltine-Neilson	Senior Environmental Scientist Specialist, Marine Region
Adam Frimodig	Senior Environmental Scientist Supervisor, Marine Region
Sarah Briley	Marine Aquaculture Coordinator
James Ray	Environmental Scientist, Marine Region

### ***Other Invited Speakers***

Jenn Eckerle	Deputy Executive Director, California Ocean Protection Council
Mike Esgro	Marine Ecosystems Program Manager & Tribal Liaison, California Ocean Protection Council

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

MRC approved the agenda in the order listed.

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

Representatives from a non-governmental organization (NGO) expressed concern about interactions between recreational anglers and white sharks in southern California, particularly from piers; they suggested public education and offered to work with the Commission and the Department on potential next steps as a possible solution. Craig Shuman noted that this is a complex issue involving multiple gear and activity types and, therefore, public education is DFW's primary strategy. Mike Stefanak mentioned that DFW's Law Enforcement Division (LED) has been following this issue.

#### **3. Kelp restoration and recovery**

James Ray presented a Department update on collaborative kelp restoration and recovery efforts. The Department is developing a statewide kelp restoration toolkit with two main components: testing restoration techniques and addressing knowledge gaps. He detailed the status of pilot restoration efforts conducted with partners to test urchin control processes and monitor kelp response. Commercial divers conducted urchin control processes at Noyo Harbor in Fall 2020, with a goal to maintain low levels into the spring and monitor kelp response. Moss Landing Marine Labs is also poised to begin an out-planting experiment on portions of the Noyo Harbor site in the spring. A second urchin control effort will be conducted at Albion Cove in the spring. Recreational divers have spearheaded local efforts to control urchin populations with the help of the Commission-approved 40 gallons/person bag limit in Mendocino, Sonoma, and Humboldt counties (approved in 2018-2019), and unlimited take of purple urchin at Casper Cove in Mendocino and red and purple urchins at Tanker Reef in Monterey (approved in 2020). Projects are underway to fill knowledge gaps and a completed enhanced status report for giant and bull kelp is scheduled for spring 2021.

Mike Esgro presented an overview of an interim kelp action plan released, by OPC in February 2021, and how it dovetails with the Department's work. OPC's priorities for action are research and monitoring, policy development, restoration, and community engagement, with a goal of building proactive, climate ready strategies for kelp management. The interim action plan will serve as a platform to solicit input from tribes, as well as a variety of stakeholders and agencies, to help shape a final kelp action plan.

### ***Discussion***

President Silva and Vice President Murray noted that they appreciate the emphasis on tribal input and recognize the importance of a strong tribal voice in the document, especially surrounding urchin removal.

Representatives from two NGOs expressed concerns about bull kelp collapse and suggested a north coast commercial harvest closure. Members of the commercial harvester community responded that their impact to kelp is minimal and noted a recent resurgence of bull kelp on the north coast that is not reflected in the data presented. Both groups would like to know how recovery is or will be measured.

Collaborative research efforts by NGOs and other stakeholders are also ongoing. For example, Reef Check is installing a transect grid system underwater, and drone surveys of the area will be completed by California State University, Monterey Bay in April. A commercial fisherman spoke about the commercial fishing community's local knowledge, which can provide relevant context on the topics of kelp restoration and recovery. He noted that commercial fishermen can also assist with data collection and wanted to know if fishers have been or can be involved in the process. Mike Esgro stated that there are opportunities for fishery participants to engage and contribute to the kelp action plan. OPC will conduct targeted outreach and a more formal process for soliciting public comment will happen over the next year.

Chair Murray asked about urchin smashing outside of pilot project boundaries. Craig Shuman confirmed that there has been evidence of some rogue urchin smashing, including within marine protected areas (MPAs). He asked the dive community to get the message out that this activity is unacceptable; if LED must get involved, it may roll back the progress of these pilot projects.

No formal recommendation was made; however, Chair Murray expressed interest in hearing updates on results from urchin removal and kelp recovery studies as they become available.

## **4. Marine aquaculture in California**

- (A) California Ocean Protection Council (OPC) update on developing aquaculture principles and a state aquaculture action plan.

Jenn Eckerle provided a verbal update on OPC's progress developing statewide aquaculture principles in collaboration with leadership of state agencies involved in different aspects of aquaculture, and on plans to develop a state aquaculture action plan. While the full suite of aquaculture principles are intended as an internal guidance document to improve interagency coordination, she shared the six high-level categories:

- Using best available science
- Ensuring aquaculture sustainability
- Building governance and management partnerships

- Ensuring effective aquaculture planning
- Developing and implementing efficient and effective oversight
- Protecting public health and food safety

The principles are near completion, and OPC will reconvene agency leadership to discuss how best to implement the principles. The broader statewide aquaculture plan is expected to be finalized in 2023.

- (B) Discuss and consider a potential committee recommendation regarding the current hiatus on receiving new applications for state water bottom leases for the purpose of aquaculture (excepting previously received applications currently under consideration).

Randy Lovell provided a verbal update on near-term management priorities, including staff coordination efforts, evaluating requests from current lease holders, and advancing new lease applications for consideration. Progress has been made in structuring a more coordinated, interagency approach to reviewing lease requests; an increase in staff or funding capacity would help tremendously. There are currently 12 requests for changes to existing leases and each is at a different stage of completion. A DFW surveyor has been brought in to explicitly define boundaries of previously-granted leases. Randy noted that aquaculture has a complex permitting process due to the involvement of various permitting authorities. He recognized that challenges continue, but progress is being made.

### ***Discussion***

Commenters expressed support for OPC’s development of aquaculture principles, but hoped there would be a chance for public review to foster transparency in development. Representatives from various NGOs preferred the hiatus on receiving new aquaculture applications be continued. Industry stakeholders support discontinuing the hiatus and developing a statewide aquaculture program; many expressed support for more interagency cooperation and funding toward this goal.

Chair Murray asked about former Senate Bill 262 (Chapter 472, Statutes of 2019), which included a requirement for the California Coastal Commission to develop a guidance document for shellfish, seaweed, and low trophic mariculture production permit applicants, and wanted to know if this permit guide was completed. Randy stated that the online permit guide has a link to the guidance document via the California Coastal Commission website.

Chair Murray, President Silva, and Commission staff discussed how to best make headway on marine aquaculture in California, how to mitigate environmental impacts, and the Commission’s process for reviewing new state water bottom lease applications. They noted the Commission must decide a new lease is “in the public interest” prior to approval, but there are no formal criteria to guide the determination. Chair Murray highlighted that considering and managing aquaculture leases is a legislative mandate of the Commission, so it is unlikely that the Commission can extend the hiatus in perpetuity. Randy noted that the Commission lease is the first checkpoint for new aquaculture operations to move forward before other agencies consider additional approvals.

Following discussion, MRC developed a recommendation. Chair Murray provided rationale for recommending that the Commission not take action to extend the hiatus, consistent with the staff recommendation. However, in lieu of that extension, she would like to see criteria developed to guide the Commission's decision on whether new leases are "in the public interest" as an interim action while the state aquaculture action plan is being developed.

### ***MRC Recommendation***

Initiate a process to develop criteria for FGC's *public interest finding* for new lease applications, in lieu of recommending a continued hiatus, and schedule for the Jul 2021 MRC meeting an update on requests related to existing aquaculture leases, the three new lease applications currently under review, and long-term aquaculture planning.

## **5. Coastal Fishing Communities Project**

Rose Dodgen presented project updates, including analyses of staff recommendations (SRs) from the 2019 *Staff Synthesis Report*, which synthesized public input from coastal community meetings held between 2016 and 2018. Of the ten SRs included in the report, staff has completed analysis of SRs 1, 3, 4, 5, and 8, provided in the meeting binder. Staff will continue analyzing the remaining five SRs (2, 6, 7, 9, and 10).

Rose focused on the updated analysis of SR 1 to pursue a Commission policy and definition for *coastal fishing communities*; a draft analysis was provided to MRC in Nov 2020. Staff has developed options for a process to support development of a policy, if MRC and the Commission choose to pursue a policy. The proposed process includes regional roundtable discussions in five regions – north coast, north central coast, central coast, Santa Barbara channel, and south coast – with completion targeted for July 2021. Following roundtable discussions, two workshops are proposed to allow for broader participation by the public, with the first workshop to develop draft policy elements, and a second to incorporate public feedback into an initial draft policy. Completion of workshops is targeted for November 2021. Staff proposed that MRC recommend the Commission support SR 1 at this time, to begin a process to engage stakeholders in developing draft policy.

### ***Discussion***

Chair Murray inquired if there was any stakeholder input to date on the SR analyses. Rose clarified that the draft analyses were recently shared with Department staff, but today's meeting binder presents the first opportunity for public review. Once the updates to the coastal fishing communities website are complete, the public can find the finalized documents there.

Commissioner Silva encouraged staff to reach out to port districts and related agencies in stakeholder engagement efforts. Rose commented that staff are looking to engage with port districts and harbor commissioners for roundtable workshops, and staff has thus far consulted with one former harbor commissioner.

A commenter gave feedback on SR 8 related to surveying coastal fishing communities and suggested including subsistence angling communities as they are important to the broader fishing community. Susan and Melissa both expressed gratitude toward Rose for her hard work on this project. Following discussion, MRC considered the staff recommendation to move forward with SR 1, and begin a stakeholder engagement process to help develop a draft policy.

## **MRC Recommendation**

Direct staff to (a) continue developing analyses for the remaining five staff recommendations, and (b) begin engaging stakeholders to initiate drafting a policy for coastal fishing communities as recommended in staff recommendation 1.

### **6. Staff and agency updates requested by the Committee**

#### **(A) OPC**

Jenn Eckerle gave verbal updates on funding approvals granted at OPC's February meeting. These included a \$5.3 million investment to fund MPA monitoring projects and support analyses and integration of baseline and long-term monitoring data sets for MPA performance evaluation. These projects will provide necessary information for the upcoming 2022 decadal review of California's MPA network. OPC also released a request for proposals for projects focused on reducing fishing gear entanglement (excluding gear innovation work) with sufficient funding to support four to six projects. OPC has also released a solicitation for projects with an environmental justice focus. Finally, Jenn highlighted OPC's ongoing efforts to improve engagement with tribes and tribal communities, and noted interagency coordination on offshore wind.

#### **(B) Department**

##### *I. Law Enforcement Division*

Captain Wes Boyle provided enforcement updates, including implementation of an automatic identification system (AIS) using Marine Monitor (M2) software to aid in pinpointing vessel locations along MPA borders. He provided an update on marine enforcement operations, including a change in boat captains, repairs to large vessels, and the addition of one new enforcement vessel for the north coast.

##### Discussion

Chair Murray inquired if it was possible to see visual summaries of enforcement actions in MPAs collected from electronic systems (e.g., heat maps, number of violations, violation hotspots, and repeat offences) to provide statistics and details for the upcoming 2022 California MPA network decadal review. She emphasized the importance of visualization of enforcement across partner agencies and asked if the Department could report on how it will be able to provide geo-spatially visualized information despite the system operating separately from the interagency eFINS system presented by the National Oceanic and Atmospheric Administration to MRC in Nov 2020.

In addition, Chair Murray noted that the annual report the Department presents to the Commission on management activities of its Statewide MPAs Program provides high-level enforcement information, but does not include specific data on enforcement actions associated with MPAs. She requests that, if possible, LED prepare that kind of information for the next MRC meeting, and consider adding it to future annual reports.

## II. Marine Region

Craig Shuman provide opening remarks and pointed out that the Department's "Marine Region 2020 Year in Review" and "By the Numbers" documents are provided as exhibits in the binder. The use of electronic landing logs allowed the Department to publish these documents earlier in the year than previous years.

### a. Recreational red abalone fishery management plan (FMP) development

Sonke Mastrup gave an update on efforts to resolve challenges with integrating the two harvest control strategies, and completing a draft allocation scheme, particularly during the *de minimis* fishery recovery phase. The Department hopes to do survey work this upcoming season to check on stock status and will host a webinar in early summer to share its latest developments on harvest control rule integration.

### b. Marine Life Management Act master plan for fisheries implementation

- i. *Updated implementation work plan.* Craig Shuman noted that the implementation work plan has been updated to include completion of invertebrate prioritization, targeted rulemakings for California grunion and barred sand bass, bycatch evaluation across multiple fisheries, and new website features.
- ii. *California halibut status and fishery management review.* Kirsten Ramey provided information on the recently completed stock assessment which underwent a scientific peer review. The resulting review panel report outlines recommendations for additional data collection, analysis, and model improvement. The Department is working on finalizing the stock assessment report and hopes to release it to the public in spring 2021. The Department's work is currently in the information gathering phase and they are beginning to transition to an exploration phase that will involve scoping and engagement processes as well as building collaborative relationships with tribes, stakeholders, and interested community members.

Craig Shuman highlighted that COVID-19 forced the Department to pause commencing a California halibut FMP, allowing them to re-evaluate priorities and goals for the FMP for a better product in the end.

- iii. *Pink shrimp FMP development.* Sonke Mastrup provided a timeline for pink shrimp FMP development for the commercial fishery. A public outreach webinar will be held at the end of April, and a draft FMP should be ready around August or October. MRAG Americas is prepared to do a peer review of the FMP, which puts pink shrimp on the path to be the first state-managed fishery in California with a Marine Stewardship Council (MSC) sustainability rating. The Department is ready to begin working on CEQA and drafting implementing regulations after the August Commission meeting, contingent on approval, and aims to adopt the FMP in December or February and begin implementing a rulemaking after.

- c. Planning and scientific guidance for the first decadal review of California's MPA network in 2022

Becky Ota presented a schema of the overarching components that will inform and/or be included in the decadal management review. The management review will be an informative update with adaptive management recommendations in four core areas: research and monitoring, enforcement and compliance, policy and permitting, and outreach and education. Several components will be incorporated into the review including stakeholder input, MPA Statewide Leadership Team input, internal coordination within the Department, and long-term monitoring efforts. There are several active contracts underway that either aim to increase education and outreach surrounding MPAs or gain input from tribes, stakeholders, and partners over the next 12 to 16 months. There are also seven research projects related to long-term monitoring across different habitats found in the MPA network. Reports from science teams will be finalized by December 2021. The Department, OPC, and California Ocean Science Trust have also convened two science advisory working groups. The decadal working group focuses on approaches and priorities for MPA network performance. The climate resiliency work group integrates climate change and MPA science. Both work groups will have recommendations in a report by late spring or early summer 2021. Staff from the Department, OPC, and Commission have served on a policy advisory committee to provide policy guidance to the science teams.

Chair Murray asked if a draft would be provided to the Commission before December. Becky stated that the Department had not considered releasing a draft, which would extend the timeline, but clarified that their plan is to provide regular updates to the Commission through the MRC, including results from all ongoing projects to avoid an inundation of information at the end of the year.

- d. Commercial kelp and algae harvest regulations development and stakeholder engagement

Adam Frimodig provided an update on the bull kelp working group, which to date has met once in December. After receiving feedback from working group participants, the Department has implemented some adjustments to improve transparency in the process. For example, they are facilitating communication between industry members and their representatives on the working group, and have committed to recording subsequent meetings, providing brief meeting summaries, and updating the website for easier access to bull kelp working group information. The Department is continuing to engage in government-to-government consultation with members of the InterTribal Sinkyone Wilderness Council to understand tribal concerns around kelp and marine algae management. The Department anticipates bringing a recommendation for commercial bull kelp harvest regulations to the MRC in July for an October notice hearing and discussion/potential adoption in December.



The Department is also planning to convene a separate working group for commercial edible seaweed harvest regulations.

## Discussion

Regarding pink shrimp (Item b.iii), a representative from an NGO expressed concern over the allowance of pink shrimp trawl in state waters and overlap with essential fish habitat; he would like to see the pink shrimp FMP address this issue, and include considering closing all state waters to pink shrimp trawling.

Sonke encouraged the public to review the pink shrimp FMP draft when it is released, provide input, and attend the upcoming webinar on pink shrimp.

Regarding California halibut management (Item b.ii): There was a conversation surrounding bycatch in the California halibut fishery and the need to evaluate bycatch levels against the standards for acceptable bycatch in the master plan. A representative from an NGO emphasized concerns over bycatch associated with gear types of trawl and set gillnet. One commenter from the commercial fishery stated that bycatch levels depend on the method of harvest, and line-caught halibut have lower bycatch rates.

Regarding commercial kelp and edible algae (Item d), commenters expressed appreciation for the progress made with kelp harvest regulations review and noted that they would like to see a more streamlined administrative process for commercial harvest regulations and increased opportunities for public involvement for the future edible seaweeds working group.

Adam clarified that the edible seaweeds working group will not begin until the bull kelp working group is complete and acknowledged that bull kelp populations are variable. He emphasized that a broad management approach is needed for a long-term plan, but the smaller working groups exist to address immediate, interim needs. Craig added that complex management strategies require more resources and can be harder to implement and enforce; the goal is to strike a balance between simplicity and complexity as well as risk and opportunity.

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

Today is Rose Dodgen's last day with the Commission as the California Sea Grant state fellow. This is also the first MRC meeting for her successor, Corinna Hong, as the next Sea Grant state fellow.

## **7. Future agenda items**

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

Susan Ashcraft provided an overview of topics scheduled in the work plan for the July 2021 MRC meeting.

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

Susan Ashcraft introduced two new topics that have been identified for potential referral to MRC:

1. The Department recommends adding a discussion regarding market squid fishery management review, scheduled for July 2021.
2. Commission staff recommends adding a review of the emergency regulation prohibiting use of hydraulic pump gear to take clam and related species, scheduled for July 2021.

*Discussion*

One commenter expressed appreciation toward responsiveness to comments. Chair Murray stated that she is open to talking about market squid and agrees that it makes sense to review hydraulic pumps on clams.

***MRC Recommendation***

Refer two new topics to the MRC work plan and schedule for the July MRC meeting: (a) market squid management review, and (b) review of emergency ban on the use of hydraulic pumps for take of clams and long-term management options.

Adjourn at 2:53 p.m.