

COMMITTEE STAFF SUMMARY FOR NOVEMBER 9, 2021 MRC

5. CALIFORNIA HALIBUT FISHERY MANAGEMENT REVIEW

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

Receive DFW update on review of California halibut fishery management:

- (A) Feedback from stakeholder engagement webinars
- (B) DFW priorities for management attention
- (C) Discuss potential process to evaluate California halibut trawl grounds

Summary of Previous/Future Actions

- | | |
|---|---|
| • FGC referred California halibut management review to MRC | Aug 19-20, 2020; Webinar/Teleconference |
| • DFW update on California halibut stock assessment and management review | Mar 16, 2021; MRC, Webinar/Teleconference |
| • FGC referred to MRC discussion of California halibut trawl grounds review | Aug 18, 2021; Webinar/Teleconference |
| • Today's update and discussion of management review | Nov 9, 2021; MRC, Webinar/Teleconference |

Background

The California halibut fishery is a multi-sector commercial and recreational fishery managed by DFW under FGC authority. The fisheries prioritization process, undertaken by DFW in 2019 as part of implementing the master plan for fisheries pursuant to the Marine Life Management Act, identified California halibut as a priority for fisheries management review. FGC referred the topic to MRC in Aug 2020.

At MRC's Mar 2021 meeting, DFW provided an initial overview of its management review efforts. DFW reported outcomes from its recently-completed stock assessment and plans for the scoping phase of management review through early fall.

Update

For today's meeting, DFW will report on progress, management review priorities, and potential next steps (Exhibit 1):

- (A) *Feedback from stakeholder engagement webinars.* DFW will share outcomes from stakeholder webinars, including two in Aug and Sep 2021, held as part of the scoping phase of the management review to assess fishermen's and other stakeholders' management priorities and concerns.
- (B) *DFW priorities for management attention.* DFW will present its management review priorities, informed by the stakeholder feedback. Priorities include completing a halibut enhanced status report, evaluating management options, and continuing stakeholder engagement.

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- (C) *Discuss potential process to evaluate California halibut trawl grounds.* California Fish and Game Code Section 8495 designates specific areas of state marine waters as California halibut trawl grounds. The law requires that areas remain closed unless FGC determines that trawling in the areas is consistent with specified provisions, and requires FGC to conduct periodic reviews of available information against performance criteria. In 2018, California State Senate Bill 1309 established two additional California halibut trawl grounds areas, one in a formerly-trawled area of Monterey Bay and the other offshore of Port San Luis. In Jun 2021, industry representatives requested that FGC take action to open the new grounds to trawling (Exhibit 2). In Aug 2021, FGC referred the request to MRC for discussion in conjunction with the California halibut fishery management review, to consider timing and a potential pathway for considering implementation.

DFW has prepared a proposed assessment approach to support MRC discussion and potential recommendation today (Exhibit 3). DFW proposes to assess both existing and new (Monterey Bay and Port San Luis) areas of the California halibut trawl grounds using performance criteria in Fish and Game Code Section 8495(e) and guidance in the master plan for fisheries, including a bycatch assessment. DFW's proposal includes methods, evaluation of results, proposed roles for DFW and collaborative fishery participants, and considerations for such things as compensation for fishermen, vessel and fishermen selection, using experimental fishing permits for Monterey and Port San Luis trawl grounds for fishery participants who wish to sell their catch, and survey timing. Staff notes that the proposed assessment timing coincides with when the new experimental fishing permit program regulations, currently under FGC consideration, are anticipated go into effect. DFW has discussed the proposed approach with prospective fishery participants in the Monterey Bay area and plans to do the same with prospective participants in other trawl grounds areas.

Today, DFW will highlight evaluation criteria, cost considerations, and proposal elements, and seeks an MRC recommendation regarding next steps and pursuit of the proposed assessment of California halibut trawl grounds.

Significant Public Comments (N/A)

Recommendation

FGC staff: (C) Discuss DFW's proposed approach to evaluating California halibut trawl grounds. Consider whether to request that DFW solicit additional feedback from prospective fishery participants in the existing and potentially new trawl areas regarding DFW's proposed approach prior to MRC making a recommendation or to advance a recommendation to FGC to support advancing the proposed approach as recommended by DFW today.

DFW: (C) Make a recommendation to FGC on assessing the existing and new California halibut trawl grounds as proposed today.

Exhibits

1. [DFW presentation](#)
2. [Email from Mike McCorkle, received Jun 1, 2021](#)
3. [DFW proposal to assess California halibut trawl grounds, dated Oct 26, 2021](#)

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Committee Direction/Recommendation

The Marine Resources Committee recommends that the Commission support a review of existing and new California halibut trawl grounds as required in statute using the performance criteria in Fish and Game Code Section 8495(e) and guidance in the master plan for fisheries, as recommended by the Department and discussed today, and request the Department to conduct additional outreach with the commercial halibut trawl fleet and stakeholders to provide transparency about the process.

OR

The Marine Resources Committee recommends that the Commission request the Department conduct additional outreach with the commercial halibut trawl fleet and stakeholders regarding the proposed approach for evaluating existing and new California halibut trawl grounds, for discussion and potential recommendation at the next Marine Resources Committee meeting in March 2022.



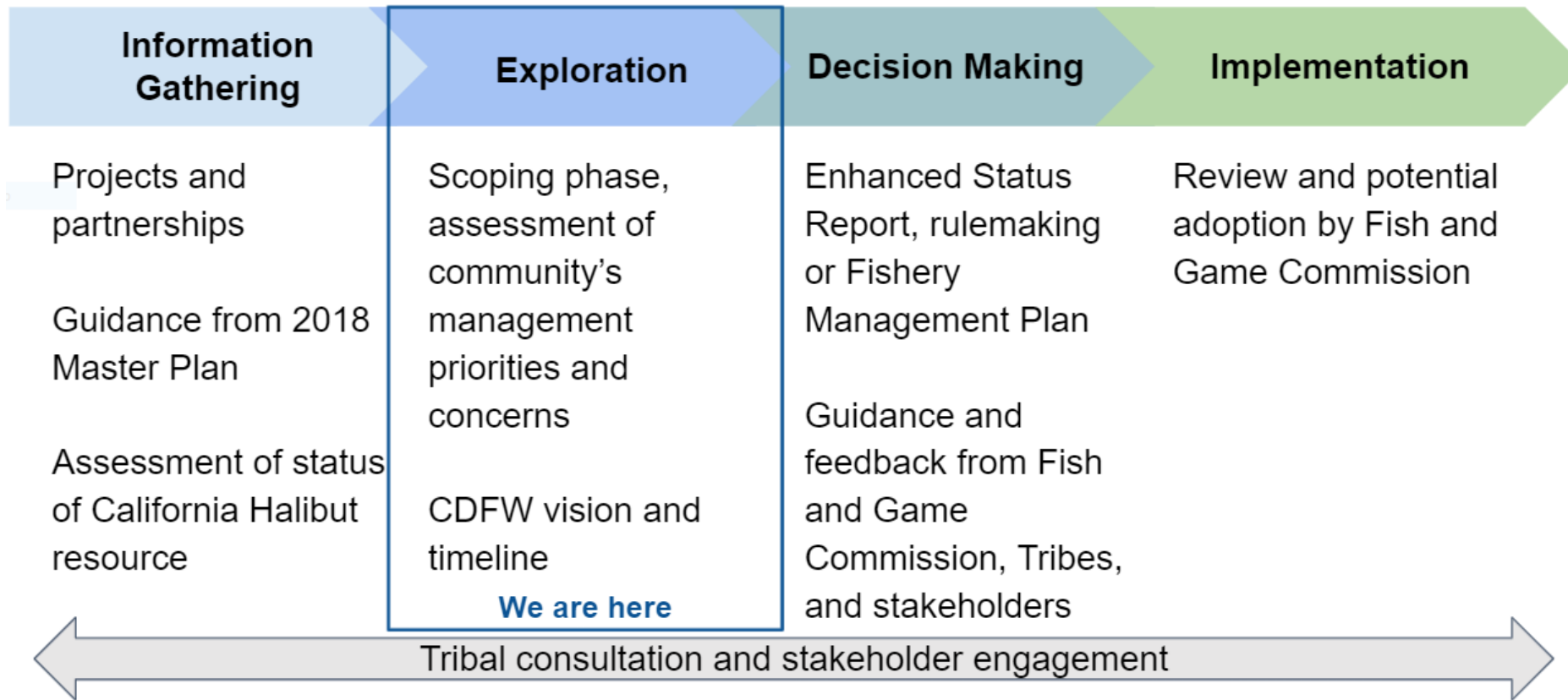
California Halibut Fishery Management Review



Kirsten Ramey
Marine Region, Environmental Program Manager

Marine Resources Committee Meeting
Tuesday, November 9, 2021

Scaled Management Development Process

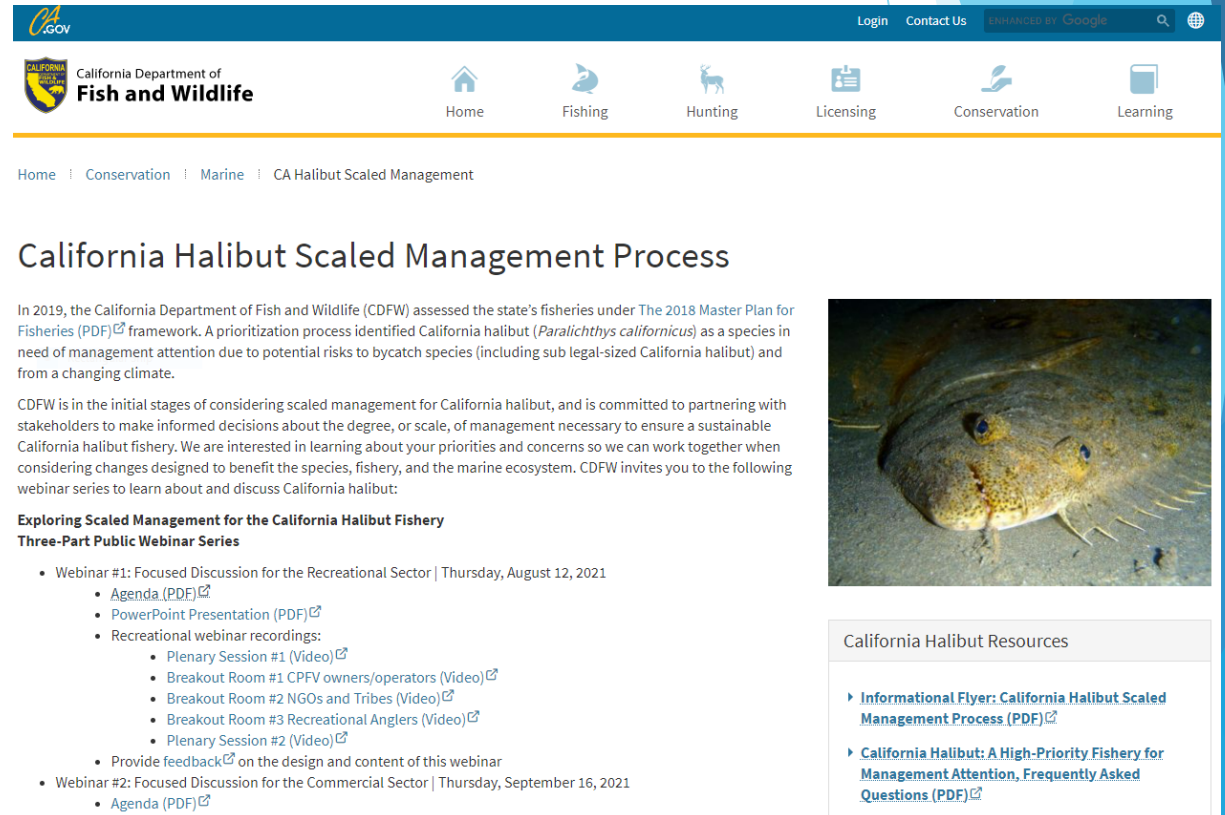


Outreach with Stakeholder Community

- ▶ Webpage
- ▶ Subscribe to email listserv
- ▶ Informational materials
- ▶ Marine Management News
- ▶ Ongoing one-on-one communications

Visit our webpage

<https://wildlife.ca.gov/Conservation/Marine/CA-Halibut-Scaled-Management>



The screenshot shows the California Department of Fish and Wildlife (CDFW) website. The header includes the CDFW logo, navigation links (Home, Fishing, Hunting, Licensing, Conservation, Learning), and a search bar. The main content area is titled "California Halibut Scaled Management Process". It contains a paragraph about the 2019 assessment of California halibut under the 2018 Master Plan for Fisheries, followed by a paragraph about CDFW's commitment to scaled management and stakeholder partnership. Below this is a section for a "Three-Part Public Webinar Series" with a list of resources including agendas, presentations, and recordings for two webinars. On the right side, there is a photograph of a California halibut and a sidebar titled "California Halibut Resources" with links to informational flyers and frequently asked questions.

CA.GOV

California Department of Fish and Wildlife

Home Fishing Hunting Licensing Conservation Learning

Home | Conservation | Marine | CA Halibut Scaled Management


California Halibut Scaled Management Process

In 2019, the California Department of Fish and Wildlife (CDFW) assessed the state's fisheries under [The 2018 Master Plan for Fisheries \(PDF\)](#) framework. A prioritization process identified California halibut (*Paralichthys californicus*) as a species in need of management attention due to potential risks to bycatch species (including sub legal-sized California halibut) and from a changing climate.

CDFW is in the initial stages of considering scaled management for California halibut, and is committed to partnering with stakeholders to make informed decisions about the degree, or scale, of management necessary to ensure a sustainable California halibut fishery. We are interested in learning about your priorities and concerns so we can work together when considering changes designed to benefit the species, fishery, and the marine ecosystem. CDFW invites you to the following webinar series to learn about and discuss California halibut:

Exploring Scaled Management for the California Halibut Fishery Three-Part Public Webinar Series

- Webinar #1: Focused Discussion for the Recreational Sector | Thursday, August 12, 2021
 - [Agenda \(PDF\)](#)
 - [PowerPoint Presentation \(PDF\)](#)
 - Recreational webinar recordings:
 - [Plenary Session #1 \(Video\)](#)
 - [Breakout Room #1 CPFV owners/operators \(Video\)](#)
 - [Breakout Room #2 NGOs and Tribes \(Video\)](#)
 - [Breakout Room #3 Recreational Anglers \(Video\)](#)
 - [Plenary Session #2 \(Video\)](#)
 - [Provide feedback](#) on the design and content of this webinar
- Webinar #2: Focused Discussion for the Commercial Sector | Thursday, September 16, 2021
 - [Agenda \(PDF\)](#)



California Halibut Resources

- [Informational Flyer: California Halibut Scaled Management Process \(PDF\)](#)
- [California Halibut: A High-Priority Fishery for Management Attention, Frequently Asked Questions \(PDF\)](#)

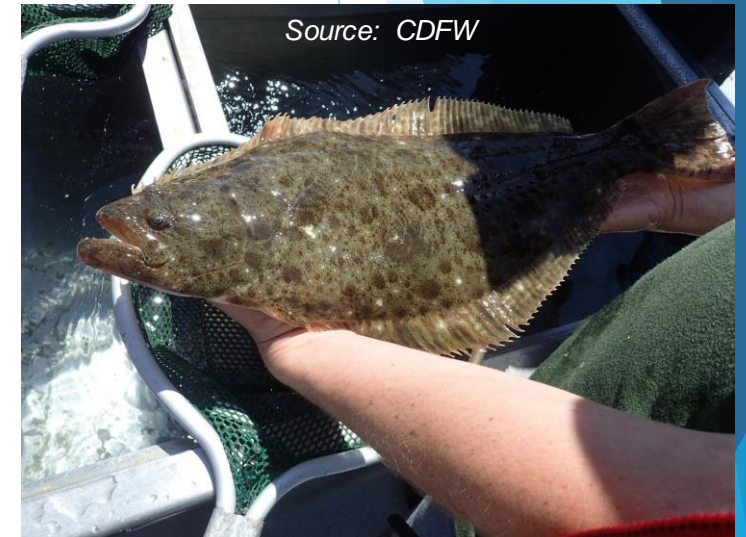
Key Messaging from CDFW to Stakeholder Community



- ▶ **Not** proposing a Fishery Management Plan for the California halibut fishery at this time
- ▶ **Not** suggesting new regulations at this time
- ▶ Looking to learn from the stakeholder community about priorities and concerns

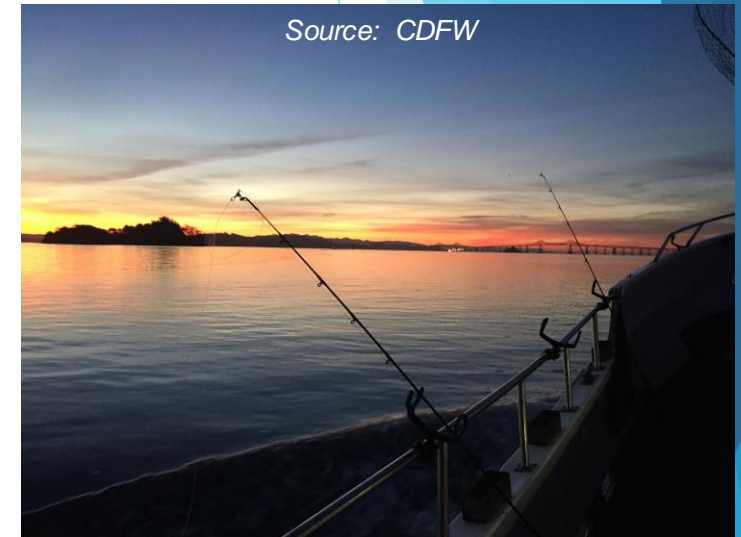
Engagement with Stakeholder Community

- ▶ Three public webinars, Oct 2020 - Oct 2021
- ▶ Informational materials, including executive summary of 2020 stock assessment
- ▶ Focused discussions with commercial and recreational sectors and other stakeholders to explore priorities and concerns for the fishery
- ▶ *Postponement of final webinar to discuss next steps with the MRC*



Key Themes from Stakeholders

- ▶ “Sustainability” as having access to a consistent and viable fishery and feel that California halibut is sustainable
- ▶ MLMA definition of “bycatch” does not reflect the nuances of fishery
- ▶ Stakeholders had differing opinions on bycatch impacts
- ▶ Differing perspectives on affects of changing ocean conditions on fishery
- ▶ Interest in opening of Trawl Grounds



Next Steps

- ▶ CDFW internal visioning and strategic planning
- ▶ Stock assessment model improvements
- ▶ Complete Enhanced Status Report
- ▶ Complete bycatch evaluation
- ▶ Develop and submit trawl grounds evaluation proposal to MRC (*today*)

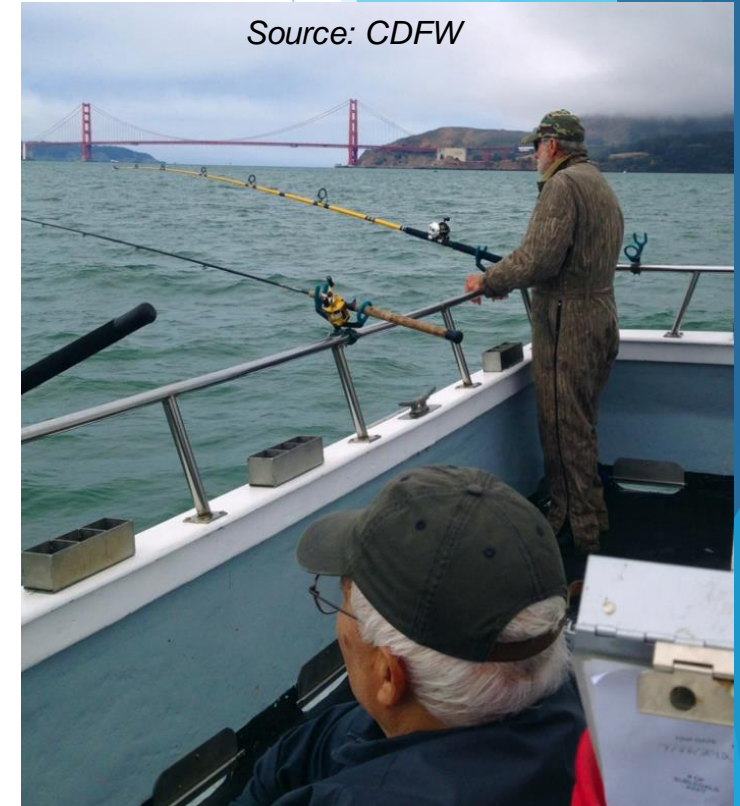


California Halibut Trawl Grounds Proposal

- ▶ Senate Bill 1309 designated Monterey Bay and Port San Luis as part of the California Halibut Trawl Grounds (CHTG)
- ▶ Request from industry to open these new areas to trawling
- ▶ Fish and Game Code 8495(e) mandates an evaluation of the CHTG and identifies performance criteria
- ▶ Seeking Commission recommendation on conducting an assessment of the existing and new areas

Thank You

- ▶ Connect with Kirsten Ramey, CDFW Marine Region Environmental Program Manager:
Kirsten.Ramey@wildlife.ca.gov
- ▶ Visit our webpage:
<https://wildlife.ca.gov/Conservation/Marine/CA-Halibut-Scaled-Management>
- ▶ Subscribe to our email listserv or email:
MLMAFisheriesMgmt@wildlife.ca.gov



From: McCorkle Fishing Enterprises <[REDACTED]>
Sent: Tuesday, June 1, 2021 10:26 AM
To: FGC
Cc: Keith; [REDACTED]
Subject: Request Halibut Trawl Bill to be Placed on Agenda for June 17, 2021 Meeting
Attachments: SCTA_2021_Agenda Request_FGCommission.docx

Dear Ms. Miller-Henson,

I would like to request that you forward the attached letter to the Commissioners and place this request on the July 17, 2021 agenda. I will be attending the meeting via Zoom. Please contact me by phone if you have questions about my request. [REDACTED]

Thank you,

Mike McCorkle

Southern California Trawlers Association

Santa Barbara, CA



Southern California Trawlers Association

May 30, 2021

Melissa Miller-Henson
Executive Director
California Fish & Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Ms. Miller-Henson

I would like to request time on the Commission's June 17, 2021 agenda to review progress on Sections 8495(a) and 8496(a) of the following bill SB 1309, which designated specific areas in Monterey Bay and offshore of Port San Luis as "designated halibut trawl grounds." This language was signed by the Governor and filed with the Secretary of State on September 30, 2018. So, the directive to designate these grounds for sustainable halibut trawl to provide fresh local halibut to coastal markets has been "on the books" for a few months short of three years.

Despite the fact that our Association has reached out to all the major ocean conservation groups and come to accord on this issue, I am here to report to the Commission that absolutely no progress has been made to designate these grounds by the Department of Fish and Wildlife. Each time I call the Department to discuss this, there is a different reason given for the lack of progress: "we don't have staff to do this," "we have to develop a halibut plan first," or some other excuse for delaying progress executing this legislative directive.

I respectfully request that the Commission direct the Department to "get off the dime" and execute this legislation by the end of 2021. Thank you for agendizing some time on the next Commission agenda to discuss this.

Sincerely,

Mike McCorkle, President
Southern California Trawlers Association
P.O. Box 713
Summerland, CA 93067



Senate Bill No. 1309

CHAPTER 985

An act to amend Sections 7863, 8183, 8494, 8495, 8496, 9002.5, and 9005 of, and to add and repeal Section 8276.1 of, the Fish and Game Code, relating to fishing.

[Approved by Governor September 30, 2018. Filed
with Secretary of State September 30, 2018.

8495.

(a) The following areas are designated as the California halibut trawl grounds:

(1) The ocean waters lying between one and three nautical miles from the mainland shore lying south and east of a line running due west (270° true) from Point Arguello and north and west of a line running due south (180° true) from Point Mugu.

(2) The ocean waters of Monterey Bay delineated by straight lines connecting the following points in the following order and excluding federal waters as defined by the order entered by the United States Supreme Court in the case of United States of America v. State of California, 135 S.Ct. 563 (2014):

Latitude	Longitude
36° 54.146' N	122° 4.244' W
36° 52.910' N	122° 4.225' W

36° 52.024' N	122° 2.117' W
36° 51.680' N	121° 59.321' W
36° 52.230' N	121° 57.810' W
36° 48.974' N	121° 52.474' W
36° 49.835' N	121° 51.840' W
36° 54.250' N	121° 54.883' W
36° 54.287' N	121° 58.062' W
36° 53.956' N	122° 2.117' W

(3) The ocean waters offshore of Port San Luis lying between one and three nautical miles from the mainland shore, as described by an area circumscribed by a line connecting the following points in clockwise order, with the line connecting the last two points approximately parallel to the lines connecting the preceding points:

Latitude	Longitude
35° 08' N	120° 46' W
35° 08' N	120° 40.1' W
35° 06.6' N	120° 39.2' W
35° 02.2' N	120° 39.3' W
34° 57' N	120° 40.7' W
34° 57' N	120° 43.5' W
35° 06.4' N	120° 46' W

8496.

(a) Unless otherwise specified by the commission pursuant subdivision (b), within the California halibut trawl grounds the following requirements shall apply to the use of trawl nets:

(1) Open season and hours of operation shall be as follows:

(A) Open season shall be June 16 to March 14, inclusive.

(B) In the designated halibut trawl grounds within Monterey Bay and offshore of Port San Luis, trawl fishing gear may only be deployed to capture fish between sunrise and sunset.



Proposal to Assess the California Halibut Trawl Grounds

State Managed Finfish and Nearshore Ecosystem Program
California Department of Fish and Wildlife, Marine Region

October 26, 2021

1 Introduction

Trawling, an effective method for catching California halibut (halibut), is allowed only in Federal waters and designated trawl ground areas within State waters. Legislation (Fish and Game Code (FGC) Sections 8494 to 8497) created the original California Halibut Trawl Grounds (CHTG) (Fig 1) in 1971; they encompass a series of designated areas 1-3 nautical miles off the coast of Santa Barbara and Ventura Counties. FGC §8495(e)) requires the Fish and Game Commission (Commission), beginning January 1, 2008, to review every 3 years information from the federal groundfish observer program, monitoring information, and any other relevant research, and close any area within the CHTG where trawl gear: 1) does not minimize bycatch; 2) is likely damaging the seafloor; 3) is adversely affecting ecosystem health; or 4) impedes reasonable restoration of kelp, coral, or other biogenic habitats (hereafter referred to as performance criteria).

The last Department evaluation of the existing CHTG was completed in 2008 with a report submitted to the Commission that year. As a result of that analysis, the Commission decided to close one sub-area within the CHTG.



Figure 1. Existing California Halibut Trawl Grounds. Green area open to trawling June 16-March 14.

Trawl Grounds Assessment Proposal

October 26, 2021

Page 2

In 2018, legislation (FGC §8495 (a)(2) and (a)(3)) created two additional CHTG areas within State waters, one in the formerly trawled area of Monterey Bay and the other near Port San Luis (San Luis Obispo County) (Fig 2). Pursuant to FGC §8495(d), these areas shall remain closed to trawling until the Commission determines that trawling in those areas meets the performance criteria. The commercial trawling industry has formally requested the Commission take action to open these new areas to trawling.

The Department proposes to assess the existing and new areas of the CHTG, using the performance criteria in FGC §8495(e) and guidance in the 2018 Master Plan for Fisheries (Master Plan).

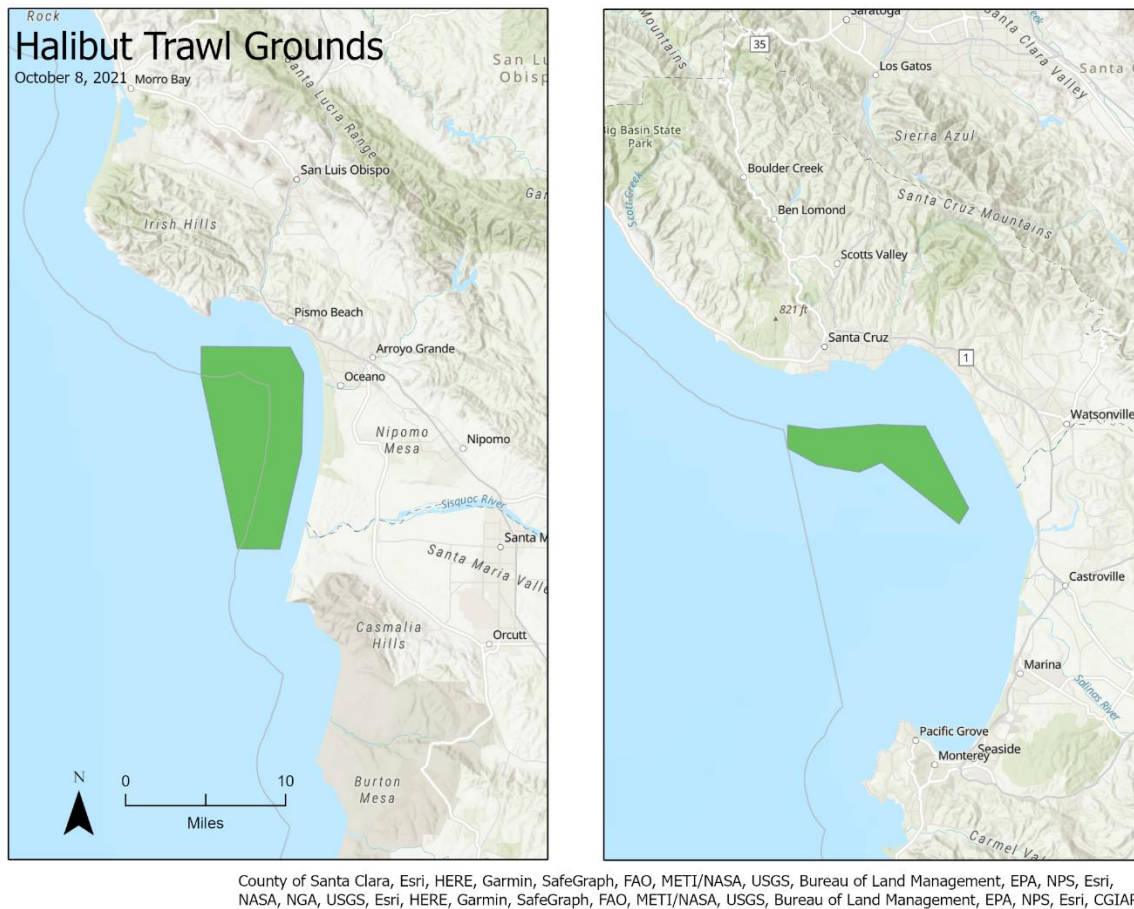


Figure 2. Port San Luis Trawl Grounds (left) and Monterey Trawl Grounds (right).

2 Methods

Enacted in 1999, the Marine Life Management Act (MLMA) is California's primary fisheries management law. The MLMA identifies sustainability as the primary objective and emphasizes the need for a comprehensive, ecosystem-based approach to managing the state's fisheries. The Master Plan (2018) guides the implementation of the MLMA and considers a new framework for applying fishery management tools.

The MLMA emphasizes the importance of conserving the health of marine ecosystems and the need to consider impacts to habitats and bycatch species. The Master Plan (2018) provides a step-wise approach to consider and address these potential impacts.

To determine if trawling in the existing CHTG is adversely harming ecosystem health, the Department will evaluate the effectiveness of current management measures. Specifically, the Department will evaluate trawl gear requirements, seasonal and spatial closures, logbooks, data from at-sea observers, and how these measures contribute to meeting the performance criteria.

2.1 Habitat Impacts, Kelp Restoration, Coral and Other Biogenic Habitat

2.1.1 Existing CHTG

The existing CHTG's primary habitat is soft bottom (sand/mud) with isolated areas of hard bottom habitat. There are three steps described in the Master Plan on how to assess and address habitat impacts:

1. Describe the habitat utilized by the target species at each life stage.
2. Describe the threats to the habitat utilized.
3. Minimize or mitigate adverse effects fishing activity may have on habitat

Department staff will use the most current scientific information available and GIS data to describe the CHTG's halibut habitat and potential impacts to that habitat. To determine whether the use of light-touch trawl gear will require any minimization or mitigation measures, the Department will review the results from a 2013 Monterey Bay light touch trawl study (Wick, et.al. 2014) and evaluate potential impacts of light touch trawl gear on soft bottom habitats in all trawl ground areas. No additional video surveys are planned for this evaluation update. However, to determine the extent that the trawl fishery encounters kelp or hard bottom habitat in the existing CHTG, we will review recent tow activity from logbooks and compare tow locations to current seafloor mapping data of these features.

2.1.2 New CHTG (Port San Luis and Monterey Bay)

For the new CHTG, staff will compare study tow locations to current GIS and bathymetric mapping data to determine rate of fishery encounters with kelp, coral, or other hard bottom habitat. Staff will address the three steps as described above from the Master Plan (2018) to assess and address impacts on the new CHTG.

2.2 Bycatch

During most fishing activity, fishing gear may catch other fish and invertebrate species in addition to the target species. One of the objectives of the MLMA is to limit bycatch to acceptable amounts and types. In 2015, the Commission convened a group of stakeholders to become the Bycatch Working Group. The recommendations from this group would help inform the Marine Resources Committee (MRC) and Commission in their review of bycatch management. The language in this review contributed to the bycatch section of the Master Plan (2018). This section provides guidance and a four-step process on what may constitute unacceptable bycatch and how this bycatch may be addressed. The four steps are:

1. Collection of information on the amount and type of catch
2. Distinguishing target, incidental, and bycatch species
3. Determining acceptable types and amounts of bycatch
4. Address unacceptable bycatch

To assess bycatch under step three, staff will address bycatch species using criteria as prescribed in the Master Plan (2018) and under the authority of FGC §7085:

1. Legality of the take of bycatch species
2. Degree of threat to the sustainability of the bycatch species
3. Impacts on fisheries that target the bycatch species
4. Ecosystem impacts.

As outline in the Master Plan (2018), each criteria have separate inquiries or questions to ask about the bycatch species and a series of recommendations.

2.2.1 Existing CHTG Bycatch Assessment

Department staff will replicate the 2007-08 review of the existing CHTG (CDFG 2008) and document potential impacts of trawling to bycatch species. Two Department Marine Region staff will make three observation trips each quarter onboard commercial halibut trawl vessels during the open season (June 16-March 14). By statute, all tows will occur during daylight hours and will use light touch trawl gear. Encountered species and disposition will be compared with the 2007 study results for changes in species composition.

Department staff will document tow information such as latitude/longitude of each tow start and stop, depth, vessel speed, and gear interactions with marine mammals or other fisheries. Tow length and direction, and specific areas fished, will be up to the discretion of the captain to represent normal fishing practices.

Department staff will identify all species caught during each tow. Staff will document the number, total weight, and disposition (live or dead) for each species caught and returned to the water, including sublegal-sized halibut. Staff will measure and weigh all legal-sized halibut. Subsequently, staff will calculate catch per hour for all bycatch

combined (including sublegal-sized halibut) and for legal-sized halibut and compare bycatch and legal-sized halibut weight per tow.

2.2.2 New CHTG Bycatch Assessment

Two Department staff will work with industry to conduct two trips each quarter during the current open season (June 16-March 14). These experiment or research tows will occur during daylight hours and will use light touch trawl gear. Encountered species and disposition will be compared with previous Department trawl study results for changes in species composition.

Department staff will replicate and document the same information as described above for the existing CHTG bycatch assessment.

3 Results and Discussion

Department staff will compile all data collected and assess as directed in the Master Plan to determine the effect of trawling in the CHTG relative to the performance criteria in FGC §8495(e). Staff will present the results to the Commission in a final report

This report will disclose potential impacts, if any, of trawling within the two new areas of the CHTG and provide a recommendation for the Commission's consideration.

4 Considerations

4.1 Compensation for Fishermen

Sea Grant and Southern California Trawlers Association funded the 2007 review of the existing CHTG. Currently, the Department has not identified any resources to support participation of Monterey or Port San Luis fishermen for their costs. Fishermen have volunteered to collaborate with the Department in the new Monterey and Port San Luis trawl areas; however, there is an expectation by those fishermen to sell all marketable fish caught under an experimental fishing permit as a means to cover their expenses.

Cooperating fishermen in the existing CHTG may sell any marketable fish harvested during this assessment; thus, will not receive additional compensation.

4.2 Vessel and Fishermen Selection

The Department is proposing a competitive process to select fishermen who will collaborate with staff for each of the CHTG areas. Fishermen that report their port of landing at or near each trawl area will receive notification that the Department is undertaking this evaluation effort and soliciting volunteers. Fishermen must have a valid California Halibut Trawl Vessel permit that has not been revoked and show a multi-year record of halibut catch with trawl gear. Prospective vessels must have legal light-touch gear and pass a U.S. Coast Guard safety inspection or inspection by staff to confirm sea worthiness.

4.3 Experimental Fishing Permits for Monterey and Port San Luis Trawl Grounds

Since the Commission has not authorized trawling in the new portions of the CHTG, participating fishermen in these areas will be required to obtain an Experimental Fishing Permit (EFP), which is authorized in FGC §1022 if they wish to sell their catch.

Participating fishermen will be responsible for working with the Department to complete the permit application and pay all associated fees.

To assess the new Monterey Bay trawl area, the Department will apply for a Monterey Bay National Marine Sanctuary permit which authorizes prohibited or otherwise regulated activities to occur in the Sanctuary.

4.4 Survey Timing

The Department proposes to begin onboard observations in June 2022 and will complete field work in March 2023. Starting onboard observations in June 2022 will give Department staff sufficient time to identify fishermen volunteers, apply for any necessary permits, and to secure any required sampling equipment or funding resources.

In April and May 2023, staff will complete data analysis and draft a report to be delivered to the Commission in June 2023. As requested, the Department will provide updates to the Marine Resources Committee and the Commission on the progress of the evaluation and pending results.

5 Literature Cited

California Department of Fish and Wildlife. Master Plan for Fisheries, A Guide for Implementation of the Marine Life Management Act. 2018

California Department of Fish and Game. 2008. Review of California halibut trawl fishery in the California halibut trawl grounds. Report. 40p.

Wick, T.L., Tanaka, T.H., Pradhan, N.C., and L. Enriquez. 2014. An assessment of the use of light-touch California halibut trawl gear within historic Monterey Bay Trawl Grounds: seafloor Interactions, catch composition, and economic feasibility. NOAA Fisheries and California Department of Fish and Wildlife.