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*Wildlife Heritage and Conservation
Since 1870*

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MARINE RESOURCES COMMITTEE

Committee co-chairs: Commissioner Sklar and Commissioner Murray

November 9, 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.

Call to order

The meeting was called to order at 9:02 a.m. by MRC Co-chair Murray, who confirmed that Co-chair Sklar was present and gave welcoming remarks. The meeting was held via webinar/teleconference.

The following commissioners, Commission staff, and California Department of Fish and Wildlife (Department) staff participated:

Committee Co-chairs

Samantha Murray	Present
Eric Sklar	Present

Commission Staff

Melissa Miller-Henson	Executive Director
Susan Ashcraft	Marine Advisor
Cynthia McKeith	Staff Services Analyst
David Haug	Staff Services Analyst
Corinna Hong	Sea Grant State Fellow

Department Staff

Law Enforcement Division

David Bess	Chief
Mike Stefanak	Assistant Chief
Eric Kord	Captain

Office of the Aquaculture Coordinator

Randy Lovell	State Aquaculture Coordinator
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Marine Region

Craig Shuman	Regional Manager
Sonke Mastrup	Program Manager, Invertebrate Fisheries
Becky Ota	Program Manager, Marine Habitat Conservation
Kirsten Ramey	Program Manager, State Managed Finfish and Nearshore Ecosystem
James Ray	Environmental Scientist

1. Approve agenda and order of items

MRC approved the agenda in the order listed.

2. General public comment for items not on agenda

No public comment was received.

3. Recreational take of clam and other invertebrates

Sonke Mastrup gave an update on Department review of the hydraulic pump gear ban adopted through emergency regulation. He reported that, based on Department-conducted surveys, a majority of clammers support a ban on hydraulic pump gear. The Department recommended continuing the emergency regulation provisions through a regular rulemaking scheduled for consideration at the December 2021 Commission meeting.

Discussion

The co-chairs agreed with the Department and supported continuing the emergency regulations through a regular rulemaking. They requested that the Department evaluate impacts of both the banned and authorized methods of take; this may lead to allowing limited use of the banned gear type in the future. A non-governmental organization (NGO) representative expressed support for the proposed regulations.

MRC Recommendation

The Marine Resources Committee recommends that the Commission: (1) Support continuing the emergency regulations for harvest of clams, sand crabs, and shrimp through a regular rulemaking scheduled to commence in December 2021, and (2) encourage the Department to evaluate the gear to identify any reasonable conditions where authorizing its use may be justified.

4. Marine protected area network

Susan Ashcraft introduced the topic and presented a proposed process and timeline for Commission and public receipt and review of the first marine protected area (MPA) network decadal management review. Staff from the Commission, Department, and California Ocean Protection Council (OPC) collaborated on the proposed process, to

ensure it corresponds with updated timelines for completing scientific reports supporting the decadal management review.

Staff proposes to move Commission receipt of the Department decadal management review report and recommendation from December 2022 to February 2023. The report receipt would be followed by a public symposium prior to MRC discussion at its meeting in March 2023 and Commission discussion and direction at its meeting in April 2023.

Becky Ota provided additional details on reports being developed to support the decadal management review and the Department report and recommendations. Reports relate to MPA monitoring data and analysis, or expert scientific guidance for data interpretation and integration. Reports from two science working groups formed to advise the State on decadal evaluation are available now, reports from long-term monitoring projects are expected early 2022, and an integrative analysis conducted by the National Center for Ecological Analysis and Synthesis will be released in January 2023. The Department will make its report available in January 2023, prior to Commission receipt in February 2023. The Department's decadal management review webpage is a centralized place for information and reports (<https://wildlife.ca.gov/Conservation/Marine/MPAs/Management/Decadal-Review>).

Becky also reported outcomes from four public webinars held as part of the extensive public engagement process for the decadal management review. The webinars allowed the Department to share information and hear attendees' priorities, concerns, and questions. The webinars were organized around four interest groups: recreational fishing, commercial fishing, non-consumptive uses, and ocean governance. In total, 387 individuals attended. The Department is also continuing its tribal engagement; a tribal community meeting is planned for early 2022.

Discussion

An NGO representative asked staff to ensure the evaluation focuses on Marine Life Protection Act goals, particularly when looking at evaluation data.

Two NGO representatives expressed concern that Department outreach and engagement efforts may not reach certain intended audiences. Due to the pandemic, full participation and input (e.g., during webinars and meetings) might be limited due to lack of Internet service in remote areas. A commenter suggested having meetings at different times of day, in person and on Zoom. Another was concerned about the distribution of the Department's solicitation for information and encourages staff to hold additional meetings to ensure that everyone who would like to participate has that opportunity.

A member from the California Sea Urchin Commission would like previous conclusions regarding scientific evaluation of urchin take in MPAs reviewed again and more opportunities to see the science being used and engage past January 2022. Craig Shuman noted that Department staff does not intend to answer the question about urchin take in MPAs during the decadal management review. However, considering whether removal of urchin in MPAs could support MPA ecological goals could be a recommendation in the report along with other questions the Commission might want Department staff to pursue moving forward after the decadal management review to better manage the MPA network.

A member of the public strongly supports the socio-ecological systems framework adopted by the Decadal Evaluation Working Group as the best way to understand MPA performance; they pointed out that there are gaps in the human dimensions topic area and urged the Department to be aware of where resources can be allocated to close those information gaps.

MRC Recommendation

The Marine Resources Committee recommends that the Commission approve an updated Commission process and schedule to receive, discuss, and provide input on the marine protected area network decadal management review report as recommended by staff, and presented today by Becky Ota:

- January 2023: Public release of Department decadal management review report and recommendations
- February 2023: Commission receipt of Department decadal management review report and recommendations
- March 2023: Public symposium
- March 2023: Discussion at Marine Resources Committee meeting
- April 2023: Discussion at Tribal Committee meeting
- April 2023: Commission discussion and direction on the decadal management review report and recommendations

5. California halibut fisheries management review

(A) Feedback received at stakeholder engagement webinars

Kirsten Ramey presented an update on the review of California halibut fishery management. The Department is in initial stages of considering the most appropriate scale of management for the fishery and is committed to partnering with stakeholders to identify areas of concern. She emphasized that the Department is not assuming that a fishery management plan or new regulations is needed at this time. Instead, staff is seeking to share information with community members and hear stakeholders' perspectives on the fishery. Staff's goal is to create a shared understanding of knowns and unknowns about the fishery, so that key priorities and concerns can be identified collectively.

To that end, Department staff convened three public webinars between October 2020 and October 2021: a stock assessment webinar in 2020 and two webinars in 2021 focused on recreational fishing and commercial fishing sectors. Staff envisioned a fourth and final webinar to provide an update on management priorities and next steps after reflecting on stakeholder knowledge. However, following the third webinar, staff decided to put the fourth webinar on hold to: (1) focus on updating the stock assessment based on peer review recommendations, (2) work toward more bycatch evaluation analyses, and (3) conduct management strategy evaluation analyses. The Department plans to convene a future webinar when results from the evaluations are available. The public can read past webinar materials and stay up to date on this effort at <https://wildlife.ca.gov/Conservation/Marine/CA-Halibut-Scaled-Management>.

(B) Department priorities for management attention

To date, the Department has completed a preliminary management strategy evaluation and is exploring habitat considerations for halibut. Department staff is also exploring stock assessment model improvements, including restructuring historical halibut landing catch to reflect an unfished or nearly unfished condition, and initial population estimates to improve the model. The Department is also in the final stages of completing the halibut enhanced status report and have received initial results of a bycatch evaluation on California trawl and gill net fisheries. Staff are embarking on a second phase of bycatch evaluation that will look more closely at the halibut fishery.

(C) Process for evaluating new and old California halibut trawl grounds as mandated in statute

The Department developed and provided as part of the meeting materials a trawl grounds evaluation proposal for consideration by the committee. Department staff heard from industry representatives that they would like the Commission to open to trawling the new California halibut trawl grounds established in Monterey Bay and Port San Luis. Pending guidance from the Commission, the Department is available to assess both existing and potential new areas of the trawl grounds using performance criteria outlined in code and guidance from the 2018 master plan, as outlined in the proposal.

Discussion

Co-chair Murray asked for clarification on the focus for completing the bycatch evaluation. Kirsten Ramey explained that bycatch will be evaluated separately for trawl and set gill net gear types and staff will work closely with quantitative experts.

Five representatives from different NGOs expressed their concern over bycatch levels in set gill net and bottom trawl gear types. One commentor requested that, if tows are going to be used to collect bycatch data, Department staff consider tow time matching average commercial trawl tow time since tow time will change the measured bycatch and its disposition. The commentor asked that MRC add language to its recommendation supporting a full bycatch assessment using the master plan for fisheries review approach. Another asked MRC to specify support for subsistence fishing community needs in the MRC recommendation.

A commercial fisherman expressed support, along with reservations about conducting the review before an improved stock assessment is in place. Kirsten Ramey noted that the Department is working with internal assessment modeling experts to implement recommendations from a peer review. Ideally, the Department will obtain a stock assessment that will then be endorsed by an external scientific panel and can be used for management decisions.

Another commercial fisherman disputed allegations that the trawl fishery is inflicting damage. He highlighted that trawl grounds have a seasonal closure to protect halibut spawning season and tows usually last 60-90 minutes. The commentor also emphasized that not all released bycatch is dead as others have suggested.

Co-chair Murry asked about the stakeholder engagement model that is being used for the process. Kirsten Ramey clarified that, moving forward, the Department will identify key representatives or develop advisory groups or steering committees to collectively

dig into specifics of halibut management. Craig Shuman added that the Department welcomes input from MRC and the public for how to best engage people in this process since the MLMA offers several options from which to choose. The public can email Kirsten Ramey with ideas.

Co-chair Sklar expressed concern about bycatch and mentioned that the master plan requires a high level of scrutiny on the subject. Susan Ashcraft noted that assumptions going into the bycatch evaluation play an important role, and suggested MRC consider scheduling a separate discussion about how DFW is using the bycatch evaluation tool for California halibut. Co-chairs Sklar and Murray supported the idea.

MRC Recommendations

Halibut trawl grounds review. The Marine Resources Committee recommends that the Commission: (1) Support a review of existing and new California halibut trawl grounds as required in statute using the performance criteria in California Fish and Game Code Section 8495€ and guidance in the master plan for fisheries, as recommended by the Department and discussed today; and (2) request the Department conduct additional outreach with the commercial halibut trawl fleet and stakeholders to provide transparency about the process.

California halibut management review process. The Marine Resources Committee recommends that the Commission request the Department to place an emphasis and sufficient focus on bycatch issues to check assumptions and ensure a thoughtful and thorough analysis is conducted.

6. California Coastal Fishing Communities Project

Corinna Hong provided a verbal update on Commission staff's progress with developing a potential coastal fishing communities policy. In August and September 2021, staff facilitated six regional roundtable discussions with invited community members from five port areas – north coast, north-central coast and San Francisco Bay Area, central coast, south-central coast and Santa Barbara Channel, and south coast – and a sixth roundtable for anyone unable to join the one scheduled for their region. The roundtables provided an informal setting to share ideas on what goals a coastal fishing communities policy should achieve. Commission staff invited a range of coastal fishing community members and in total heard from 30 members representing 16 ports.

Corinna presented four draft policy goals for a coastal fishing communities policy, derived from roundtable input. Staff also compiled a draft list of specific concepts and key elements referenced by stakeholders as pathways to address concerns and achieve the draft goals. Corinna requested MRC feedback on the draft policy goals presented.

Following MRC guidance, the next steps would be to send the draft goals, specific concepts, and key elements to regional roundtable participants for feedback and hold two future public policy drafting workshops as directed by the Commission in April 2021.

Discussion

Co-chair Sklar commented that the list is missing an overarching goal, namely, building sustainable, holistic coastal fishing communities. Every policy goal must focus on the

overarching goal to ensure the target for these is toward holistic coastal fishing community stewardship. He offered a revised way to frame the draft goals as:

*Ensure sustainability of coastal fishing communities throughout the state through:
[list the goals].*

Craig Shuman added that Commission staff should ensure the policy is not so vague that the Department cannot implement it effectively. Co-chair Murray referenced the ten national standards adopted for federal fisheries management as an example, noting that sometimes they are complementary and sometimes they compete.

A commercial fisherman noted that the draft list of policy goals fails to mention that there can be no viable fishing communities without sustainable fish stocks to support them. Co-chair Murray reflected on these comments and noted that while that is true and important, at the same time the concept is well-reflected as a priority in the Commission's vision and mission. She advised that she believes the policy does not need to include the additional reference. The Commission is now looking to specify a new policy focus.

An NGO representative raised a concern about the social impact of regulations, mentioning that there is a chance a regulation could disproportionately affect smaller scale operations that do not have alternative opportunities. The commenter recommended Commission staff add a statement explicitly examining disproportionate impacts on certain sectors of a fleet to be sure the burden does not fall on a certain sector. Co-chair Murray expressed support for this point, noting a need to support small-scale coastal fishing communities and small-scale operations while building pathways for innovation and adaptation.

Co-chair Sklar advised Commission staff to incorporate comments into a longer policy statement to reflect that the Commission should do everything possible to support fishing communities.

Craig Shuman added that this discussion centers on fishing access—who receives it and how it's allocated—as addressed through the Commission's Commercial Restricted Access Fisheries Policy. He reiterated the need to look at that policy as well. Co-Chair Murray agreed that review of the restricted access policy is needed. Susan noted that revising this policy is one of the staff recommendations that emerged from the coastal fishing communities project.

The co-chairs confirmed that staff has the direction needed to prepare for public drafting workshops.

7. Staff and agency updates requested by the Committee

Co-chair Murray introduced the topic, highlighting that most updates were provided in written format to reserve meeting time for questions and comments.

(A) OPC

Jenn Eckerle, Deputy Director for OPC, was available to respond to questions about the OPC written update. Co-chair Murray asked Jenn to clarify the timeline for the state aquaculture action plan. OPC will have a draft for internal and partner agency review in early 2022 and will release a public review draft for

broad public feedback in summer 2022, with an anticipated completion date in early 2023. She noted that the written reference to a complete draft in December 2021 was in error.

(B) Department

I. Law Enforcement Division (LED)

Captain Eric Kord gave a verbal update from LED. He reported on a recent groundfish case where an individual with a previous violation for fishing groundfish in a rockfish conservation area (RCA) was caught and cited by officers on a patrol boat for actively fishing in an RCA offshore of Santa Rosa Island.

Wildlife officers worked to remove derelict crab traps after the special closure of the commercial Dungeness crab season as part of whale safe fisheries enforcement efforts. Officers on a patrol boat in the San Francisco Bay Area found gear left in the water from a single commercial vessel. Officers were able to find the owner and the Department is pursuing legal action.

Chief Bess recognized Assistant Chief Mike Stefanak, who will be retiring; this was his last MRC meeting.

II. Marine Region

- a. Kelp restoration and recovery efforts, including initial outcomes of urchin removal projects and status of sunflower star (*Pycnopodia*)

James Ray was available for questions regarding the Department's written update. Co-chair Murray asked why we are not seeing any effect from urchin removal near Albion. James noted that the data shown only represented a short time period; the Department has conducted recent surveys, which are expected to show a difference in density between the control and restoration sites. Department staff can provide the data to co-chairs upon request once it has been analyzed.

- b. Red abalone fishery management plan development
- c. Market squid management review
- d. Aquaculture – current and future lease planning

The co-chairs did not have any questions about the written updates on items b-d.

(C) Commission staff

The co-chairs did not have any questions.

Discussion

Related to kelp restoration and urchin removal projects under (B)II.a., two representatives from the *Giant Kelp Restoration Project* gave presentations under public comment. They presented a summary on volunteer diver urchin removal efforts and initial measured project outcomes at the Tanker Reef project site in Monterey since efforts began in April 2021. The project team believes the project has met the two "criteria for success" specified by the Department, OPC, and Monterey Bay National

Marine Sanctuary staff. The project team proposes that the Commission authorize them to expand efforts into marine protected areas and is informally requesting a rulemaking change to sanction restoration inside of MPAs based on the recent legislation specifying it is allowed.

Co-chair Sklar thanked the project team for their urchin removal efforts. He agrees that the project is showing promise but thinks more time is needed to observe the long-term, broader effects on kelp recovery. He expressed that the MRC does, and will continue to, support this project and watch for its success.

Co-chair Sklar also stated that the MRC looks forward to receiving the final 2021 kelp abundance reports from the Department. Craig Shuman noted that the Department had completed an update on satellite data in 2021 just prior to the meeting and the co-chairs requested a copy of the update.

Related to aquaculture updates under (B)II.d., a representative of an NGO expressed continued concern about limited staff capacity to work on aquaculture items and would like aquaculture to remain a priority for the Commission.

8. Future agenda items

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

Susan Ashcraft provided an overview of the work plan for the March 2022 MRC meeting.

(B) Potential new agenda topics for Commission consideration

Susan Ashcraft acknowledged a written public comment asking MRC to schedule a discussion of potential reopening of commercial and recreational abalone fisheries (including stock status) south of San Francisco at a future meeting.

Co-chair Murray stated that even if the MRC wanted to act on this topic, it cannot until the current rulemaking establishing the Experimental Fishing Permit Program is adopted and in effect, expected for next summer. She expressed that it does not make sense to consider starting the conversation in earnest until then.

Discussion

An NGO representative requested to schedule a future MRC discussion on the Pacific herring FMP lessons learned document that Oceana previously submitted.

Co-chairs Murray and Sklar expressed interest in hearing an update from the Department on the herring lessons learned report. Related, Susan Ashcraft highlighted that the binder includes a red abalone FMP lessons learned report from The Nature Conservancy. Susan offered to confer with the Department and return to the co-chairs with recommendations for the proper timing and format of discussions of the lessons learned reports. She proposed that at the February 2022 Commission meeting staff deliver a recommendation for the March 2022 MRC agenda. Co-chair Sklar suggested considering a presentation to the full Commission in April 2022 since it could be of interest to all.

A *Giant Kelp Restoration Project* representative asked what the options are for changing regulations to support kelp restoration in spring 2022. Susan Ashcraft replied

that unless the Department or the committee wants to support a change, the project representatives would need to submit a petition for regulation change through the normal petition process.

Craig Shuman advised that, at the December 2021 Commission meeting, the Department will recommend adding the topic of next steps for the box crab experimental fishing permit research project to the March 2022 MRC meeting agenda.

MRC Recommendation

The Marine Resources Committee recommends that the Committee work plan be updated to: (1) schedule a discussion of the fisheries bycatch evaluation under the California halibut management review topic; and (2) refer to MRC an update on the box crab experimental fishing permit research project for the March 2022 MRC meeting.

The meeting adjourned at 12:36 p.m.