

California Fish and Game Commission Coastal Fishing Communities Policy-Drafting Workshop

Meeting Documents for February 23, 2022 Workshop

1. [Policies Adopted by the California Fish and Game Commission: Questions and Staff Answers](#), dated February 18, 2022
2. [Initial Draft Coastal Potential Fishing Communities Policy Language Drafted by Staff](#), dated February 18, 2022
3. [Table Connecting Specific Stakeholder Input to Staff-Drafted Policy Language and Goals](#), dated February 18, 2022
4. [Examples and Excerpts of Existing Ocean and Fisheries Policies](#), dated February 18, 2022

Thank you for participating!

Policies Adopted by the California Fish and Game Commission: Questions and Staff Answers

What is policy?

Merriam-Webster dictionary defines the term “policy” as:

1. Prudence or wisdom in the management of affairs
2. A high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body

Why are policies created?

Policies outline goals and provide guidance that help specify how a government body intends to conduct its business or carry out specific legislative directives. Policies outline general principles by which a government body is guided in its management of public affairs related to its public trust responsibilities on behalf of the State.

What gives the Commission¹ authority to adopt policies, and what is the Department’s² role in implementing them?

- Policies are adopted by the Commission pursuant to Section 703 of the California Fish and Game Code; they are different from and are not statute or regulation.
- Section 703(a) establishes that “General policies for the conduct of the department shall be formulated by the commission. The director shall be guided by those policies and shall be responsible to the commission for the administration of the department in accordance with those policies.”
- Commission policies are generally implemented by the Department, and guide Department action in its natural resource management activities as well as in preparing recommendations and plans to bring to the Commission. The Commission also establishes policies guiding its own work and the administration of the Commission by its staff.

Why does the Commission create policies?

- Helps create a framework for Commission and Department actions
 - The Commission establishes policy to identify principles, goals, or general courses of action.
- Can establish new standards and structure for fish and wildlife management and decision-making
 - The Commission’s policies are authoritative and influence ways to conduct business and/or the outcomes of decision-making.

¹ Commission means California Fish and Game Commission

² Department means California Department of Fish and Wildlife

- Improves consistency
 - Commission policies orient actions by the Department and future Commission decisions to create consistency in outcomes.
- Can create protocols
 - Some Commission policies establish a protocol dictating “what happens next” once a policy is created, like Wildlife Prosecutor of the Year.
 - However, most Commission policies do *not* establish a protocol.

How is policy created at the Commission?

- Define the problem, issue, or need
- Clearly distinguish the symptoms and effects from the cause of the problem
- Define the desired outcomes
- Develop policy guidelines to address causes to lead to desired outcomes
- Evaluate tools available to achieve desired outcomes
- Policy development includes participation by other agencies, stakeholders, and the public

What are the components of effective policy?

- Visionary and broad
 - Lays out the direction policy-makers want to go
- Addresses the causes, not the symptoms
- Non-prescriptive
 - Explains *what* the policy will achieve instead of *how* it will be achieved
 - Allows for adaptability over time

How are stakeholders and the public involved during policy creation?

Stakeholders and members of the public can participate throughout the policy development process.

- Policies are generally developed and vetted through one or more of the Commission’s three committees (Marine Resources Committee, Wildlife Resources Committee, and Tribal Committee). Committee meetings are held three times per year and provide an informal setting to discuss ideas and draft proposals with (up to two) commissioners who co-chair the committee, before the committee makes a recommendation to the Commission.
- There are sometimes workshops related to policy development.
- Ultimately, a proposed policy will be brought to the Commission for a public process before the Commission considers adopting the policy; the meetings provide opportunities to give written and verbal comments.

- By visiting the Commission website, you can find the [schedule of public meetings](#), [watch live and recorded meetings](#), or [join the electronic mailing list to receive meeting agendas and announcements](#).

What happens after a policy is created by the Commission?

Once a policy is drafted and goes through the appropriate public review process as directed by the Commission, the Commission may consider adopting the policy.

Adopted Commission policies are posted on the Commission's website and are included at the back of the California Fish and Game Code book.

Following policy adoption, the Commission and Department work together on implementation steps. The Commission's committee meetings provide an opportunity to discuss policy implementation and clarify what are the priorities and next steps.

Implementation and updates on implementation are indicated in the Commission's policy on the [Implementation and Review of Policies](#). The policy makes clear that the Department is responsible for implementing policies governing its actions and requires the Commission to regularly review the Department's implementation efforts. The Department is responsible for reporting to the Commission about adherence to specified policies and if there are any limitations, including financial or staffing restrictions, that prevent the Department from implementing the policy. While the Commission is largely responsible for reviewing policies and their implementation, it may seek assistance from the Department.

Examples of Policies Adopted by the Commission

In this section, we will review two [policies developed by the Commission](#) and discuss what makes them effective: The [Forage Species Policy](#) and [Emerging Fisheries Policy](#). The example policy is provided first, followed by a discussion of that policy.

Forage Species Policy

It is the policy of the Fish and Game Commission that:

1. For purposes of California fisheries management, forage species are defined as species that contribute significantly to the diets of larger organisms during some part of their life history, thereby transferring energy and nutrients to higher trophic levels in the ecosystem.
2. The Commission recognizes the importance of forage species to the marine ecosystem off California's coast and envisions management of forage species that: optimizes their ecological, economic and social values; accounts for the benefits rendered by forage species to other species, fisheries, wildlife, and the overall ecosystem; and considers recreational and commercial fishing interests and other economic sectors.
3. The Commission intends to provide adequate protection for forage species through management goals that:
 - Are precautionary and utilize the best available science in management decisions using clear and transparent methods;

- Identify and progressively incorporate Essential Fishery Information (EFI) needed for ecosystem-based management of forage species, including physical factors, oceanographic conditions, the effects of fishing on forage species' dependent predators, the availability of alternative prey, spatio-temporal foraging hotspots for predators, and existing management, including marine protected areas;
- Prevent the development of new or expanded forage fisheries until EFI is available and applied to ensure the sustainability of target forage species and protection of its benefits as prey; and
- Facilitate consistency in the management of forage species, integrate with existing Fishery Management Plans, and encourage cooperation and collaboration across jurisdictions and international boundaries in managing forage species.

(Adopted:11/07/12)

How is the Forage Species Policy effectively crafted?

- Visionary and broad
 - Defines what a forage species is and recognizes the significance of forage species to the ecosystem and economic sectors
 - Intends to provide adequate protection by using goals that rely on the best available science and prevents creating or expanding forage fisheries without ensuring sustainability
- Addresses the causes, not the symptoms
 - Recognizes that preventing development of new or expanding existing fisheries may be necessary to protect forage species
 - Emphasizes the importance of collaboration and of consistency across management plans
- Non-prescriptive
 - Emphasizes using the best available science so that the methods to protect forage species may change over time
 - Adaptable to the needs of the species and best management practices rather than listing specific steps needed to protect a species

Emerging Fisheries Policy

It is the policy of the California Fish and Game Commission that:

The following criteria shall be utilized by the Department to determine if a fishery qualifies as an "Emerging Fishery" in accordance with Section 7090, Fish and Game Code:

1. The fishery is not a previously established fishery as determined by criteria set forth in Section 7090(b)(2), Fish and Game Code; and
2. The Director shall have determined that the fishery has recently exhibited trends which will result in an increase in landings, an increase in the number of participants, or which may jeopardize a stable fishery. In making this determination, the Director shall consider, but not be limited to, an actual increase in landings of the species in question;

an increase in the number of applications for experimental gear permits received by the Commission for this fishery; an increase in the amount or efficiency of the gear used in the fishery; or any evidence that the existing regulations are not sufficient to insure a stable, sustainable fishery.

(Adopted 10/20/00)

How is the Emerging Fisheries Policy effectively crafted?

- Visionary and broad
 - Is not specific to a singular fishery
 - Gives some direction about how an emerging fishery can be established
- Addresses the causes, not the symptoms
 - Clearly defines what is an established fishery
 - Considers multiple factors that may impact a fishery
- Non-prescriptive
 - Relies on a few trends to help make a decision on a fishery
 - Acknowledges there may be multiple considerations that impact a decision that will be addressed case-by-case

developing or amending management plans, or when undertaking a rulemaking.

- Additionally, the Department, Commission, and other partners should continue to identify where management options could align with priorities identified by individual coastal fishing communities.

C. Support economic growth of the fishing industry.

- To help support enduring and persisting coastal fishing communities, the Commission will consider management options that may contribute to the long-term interests of people and communities dependent on fishing for food, livelihood, or recreation, including entry points for new fishery participants.

D. Build pathways for innovation and adaptation

The Commission will:

- consider where adjustments to policies and regulations can be made to create opportunities when actions are taken to limit a fishery in some way;
- work with state and federal agencies to advocate for the importance of fishing access to coastal communities and ensure that maintaining coastal community access to fisheries is prioritized while still protecting ocean resources;
- encourage the use of the Commission's Experimental Fishing Permit Program, experimental fishing practices or alternative gear types with realistic biological and economic success metrics, to explore innovation;
- support integration of state aquaculture leasing in a manner that aligns with coastal fishing community goals and enhances stability and availability of infrastructure;
- explore pathways to provide greater flexibility to communities to enable them to adapt to emerging needs (without destabilizing existing fishery structures); and
- encourage the Department to contribute to/pursue/engage in building pathways as discussed in this policy.

**California Fish and Game Commission Coastal Fishing Communities Project
Policy Drafting Workshop:
Connecting Specific Stakeholder Input to Staff-Drafted Policy Language and Policy Goals
February 18, 2022**

In April 2021, the Commission directed staff to commence policy development through stakeholder engagement in accordance with staff recommendation #1, to “*develop and adopt a policy and definition for coastal fishing communities,*” from the Staff Synthesis Report on Coastal Fishing Communities Meetings, 2016 - 2018 (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=177641&inline>). In August and September 2021, Commission staff held virtual roundtable meetings with invited fishing community members for open dialogue and feedback on the proposed overarching goals and draft themes for a potential coastal fishing communities policy. Following the regional roundtable meetings, Commission staff revised the overarching goals and draft themes document and presented the document to MRC in November 2021 for discussion and feedback. Utilizing feedback from the MRC meeting, as well as previously gathered ideas from stakeholders and input from California Department of Fish and Wildlife staff, Commission staff has prepared an initial draft potential policy to support discussion at the public workshop on February 23.

The draft policy language includes introductory sections (I. through III.) that specify a definition for the term “coastal fishing communities” and sets the legislative and policy context for policy goals specified in section IV. This fourth section (IV.) articulates “*consistent with MLMA objectives and guidance in the 2018 MLMA master plan for fisheries for meeting those objectives, in order to promote ecologically sustainable management actions that also support the socioeconomic sustainability of and minimize adverse impacts on coastal fishing communities in California, it is the policy and practice of the Commission to:*” and then lists the four draft policy goals.

This document is focused on staff-drafted goals and associated draft policy language under section VI of the initial draft policy. The table below summarizes specific suggestions provided through stakeholder conversations and links them to staff drafted policy language and policy goals in section VI. Some stakeholder suggestions are specific in nature whereas the draft language is intended to provide a high-level policy standard that could achieve those specific suggestions. The implementation of the policy could be carried out by pursuing any of the options suggested by stakeholders and provide for adapting desired implementation actions over time.

This document will support the Coastal Fishing Communities Policy Drafting Workshop (workshop) on February 23, 2022. Outcomes from the workshop will inform the next iteration of the coastal fishing communities policy draft and discussion at the March 24, 2022 Marine Resources Committee (MRC) Meeting to support a decision.

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Implement economics balanced with biological sustainability strategies • Develop process for checking in with all sectors of a coastal fishing community during decision-making • Compile and use basic types of socioeconomic EFI listed in the Marine Life Management Act (MLMA) master plan: Demographics, practices, motivations, institutions, relationships, capital, employment, expenditures, and revenue (page 44 of MLMA master plan for fisheries). • Consider specific implications of management actions “downstream”, as ripple effects through community: how regional fisheries management proposals align with individual port conditions; the interplay of proposed changes to a fishery with other fisheries within a community’s core fisheries; and shoreside implications of how changes could impact infrastructure, processors and employees, or loss of markets 	<p>The Commission, with the assistance of the California Department of Fish and Wildlife (Department) is encouraged to help identify what socioeconomic essential fishery information (EFI) data gaps exist and where, and to develop strategies to fill those gaps</p>	<p>Goal A Consider potential coastal fishing community-scale impacts in development of fisheries management options and in Commission decision-making.</p>
<ul style="list-style-type: none"> • Pursue application of available socioeconomic data sets into Commission decision-making. Examples: Port-specific infrastructure and condition (from Sea Grant), number and type of fish-dependent jobs (United States Department of Commerce, or for more granular data, perhaps Sea Grant or National Ocean Economics Project), number of ports (the Department already has information) • Address how California can compete with imports, most of which are not fished sustainably • Implement economics balanced with biological sustainability strategies • Include a process to check in on impacts to all sectors of the coastal fishing community • Design method to measure economic health and apply it to the decision-making process • Do a social analysis of possible decisions. For example, if an ice plant closes at X port, then it will affect this at Y port 	<p>The Department is also encouraged to utilize existing social and economic data sets to evaluate the potential qualitative and, where possible, quantitative impacts of management options on potentially impacted sectors of a fleet or other established fisheries, explore the potential downstream effects within coastal fishing communities, and identify ways to minimize the burden on individual sectors or individual fishing communities to the extent practicable</p>	<p>Goal A</p>

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Include the totality of everything that involves protecting the species (spatial, other activities in the area, etc.) in fisheries management • Identify metrics to evaluate potential impacts of changes to a fishery’s management at the fishing community scale, including local fishing customs and port conditions (including vessel size, number of vessels, individual or community fishing portfolios), fishing- and ocean-dependent shoreside industries such as infrastructure, receivers, processors, and employees, etc. • Integrate consideration of land-side infrastructure to keep coastal fishing communities afloat for the long-term, to keep the industry desirable for next generation, and to support functionality of ports • Implement economics balanced with biological sustainability strategies 	<p>The Commission, with the assistance of the Department and interested stakeholders, will seek new data sources and partnerships that provide information on the direct and indirect effects of management actions on fishing communities as a whole</p>	<p>Goal A</p>
<ul style="list-style-type: none"> • Defend and champion commercial and recreational fishing in California • Create a process to evaluate impacts to fisheries from offshore wind and other projects that compete for space in the ocean • Ensure actions of one agency do not overrule the other and end up with the public not having access to an area • Address conflicting interests between environmental advocacy groups and fishing industry members • Consider impacts of external development efforts that compete with commercial and recreational fishing for space in the ocean landscape (e.g., offshore wind and offshore aquaculture, and California’s initiative to conserve 30% of coastal waters by 2030) • Bridge gap between commercial and recreational fishing interests and ensure that Commission, California Department of Fish and Wildlife, and California State Legislature are working together to keep both fleets on the water • Provide input to the Pacific Fishery Management Council on behalf of fishermen and act as a messenger between the two groups 	<p>It is crucial to support the ability of a range of fishing operations to access fishing grounds and shoreside infrastructure; therefore the Commission will make efforts to illuminate the concerns of and risks to coastal fishing communities posed by outside stressors or proposed actions, initiatives, or projects</p>	<p>Goal B Ensure the sustainability of coastal fishing communities through community empowerment that is inclusive and reflective of community diversity, knowledge, and priorities</p>

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Include engagement and clear communication with fishermen, provide more opportunities for direct engagement • Involve people who are frequently relegated to the sidelines and let them know they have a voice, even if that voice does not prevail • Increase community empowerment 	<p>The Department, the Commission, and other partners should consider developing new methods to engage fishing communities at the port level directly and deliberately and to collectively consider options for regular dialogue in less formal settings</p>	<p>Goal B</p>
<ul style="list-style-type: none"> • Involve fishermen in collecting data and information needed to manage fisheries better <ul style="list-style-type: none"> – Co-manage and collaboratively research with fishermen/fishing communities 	<p>The Department, the Commission, and other partners should also consider new ways to leverage the expertise of fishermen in collecting data to fill data gaps and include their unique perspectives when developing or amending management plans, or when undertaking a rulemaking</p>	<p>Goal B</p>
<ul style="list-style-type: none"> • Ensure local communities are involved in fisheries management plan process, support community-led efforts • Create community ownership opportunities (e.g., with permitting give communities more influence over how their “backyard” is being managed) • Increase community autonomy (e.g., ability to define when and where to fish to avoid issues such as entanglement) 	<p>The Department, Commission, and other partners should continue to identify where management options could align with priorities identified by individual coastal fishing communities</p>	<p>Goal B</p>

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Preserve fishing here in California for generations to come, preserve fisheries to ensure fisherman can continue their livelihood • Ensure stability by supporting established, larger commercial operations • Support entry level positions to the fishing industry, encourage next generation to join the fishing industry • Undertake a review of the restricted access policy and timeframe for recurring reviews and updated to policy to match current needs • Allow for resource pooling to reduce individual costs for things such as infrastructure • Address loss of infrastructure <ul style="list-style-type: none"> - Take actions to restore, encourage, and facilitate harbor space use and development to better support fishing activities - Maintain and improve upon existing infrastructure • Contribute to long-term interests (specific examples): facilitate continued use and maintenance of shoreside infrastructure; review, and where appropriate modify, policies and regulations to facilitate opportunities to access underutilized species; and support pathways for new fishery entrants and small-scale access to commercial fisheries 	<p>To help support enduring and persisting coastal fishing communities, the Commission will consider management options that may contribute to the long-term interests of people and communities dependent on fishing for food, livelihood, or recreation including entry points for new fishery participants</p>	<p>Goal C Support economic growth of the fishing industry</p>
<ul style="list-style-type: none"> • Ensure sustainable biomass levels and then determine a harvestable level of take. Impacts to communities is secondary and only if warranted. • Protect coastal communities from threats to fishing ground access • Add language about state support for maintaining or maximizing access to fishing grounds • Ensure new opportunities, as they are the lifeblood for fisheries 	<p>Consider where adjustments to policies and regulations can be made to create opportunities when actions are taken to limit a fishery in some way</p>	<p>Goal D Build pathways for innovation and adaptation</p>

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Reach maximum sustainable yield for fisheries • Set quotas, policy could be that the Commission establishes harvestable quotas, geographies for areas of take, be able to mitigate take to encourage rebuilding of the species at a community level 	<p>Work with state and federal agencies to advocate for the importance of fishing access to coastal communities and ensure that maintaining coastal community access to fisheries is prioritized while still protecting ocean resources</p>	<p>Goal D</p>
<ul style="list-style-type: none"> • Keep flexibility programs, such as the experimental fishing permit (EFP) program • Provide ways for fishermen to generate more income out of the entire fish via alternative products (e.g., supplements, fish oil, etc.) • Use best available science to maximize productivity of species of interest that support fishing communities • Allow for better access to pelagic species, such as through authorizing longline gear in rockfish conservation areas <ul style="list-style-type: none"> – Consider modifying fishing restrictions in marine protected areas (MPAs) for species that migrate through, and do not benefit from, specific geographic closures – Support lifting federal groundfish conservation area closures to allow access to pelagic species that will not impact bottom species those areas are designed to protect • Outline opportunities for underutilized species and depth limits • Facilitate opportunities to access underutilized species and depth limits (e.g., chili pepper rockfish) 	<p>Encourage the use of the Commission’s Experimental Fishing Permit Program, experimental fishing practices or alternative gear types with realistic biological and economic success metrics to explore innovation</p>	<p>Goal D</p>
<ul style="list-style-type: none"> • None 	<p>Support integration of state aquaculture leasing in a manner that aligns with coastal fishing community goals and enhances stability and availability of infrastructure</p>	

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Include opportunities for flexibility through programs or policies using models that already exist • Include tools to increase in-season adaptability (e.g., use electronic fish ticket and effort shift data) • Allow Commission and/or Department to act quickly to respond to needs of fishermen • Consider ideas to explore flexibility: Examples: facilitate opportunities for fishermen to produce alternative fish products such as supplements; allow fishermen to adjust practices to changes in how fish are being consumed and marketed in California; and using electronic ticket data to monitor fisheries and provide opportunities for fishermen to adjust their operations based on the collected data 	<p>Explore pathways to provide greater flexibility to communities to enable them to adapt to emerging needs (without destabilizing existing fishery structures)</p>	<p>Goal D</p>
<ul style="list-style-type: none"> • None 	<p>Encourage the Department to contribute to, pursue, and engage in building pathways as discussed in this policy</p>	

California Fish and Game Commission
Coastal Fishing Communities Policy Drafting Workshop
Examples and Excerpts of Ocean and Fisheries Policies
February 18, 2022

In December 2019, the California Fish and Game Commission (Commission) approved a Marine Resources Committee (MRC) recommendation to adopt the revised [2019 Staff Synthesis Report on Coastal Fishing Communities](#) (Staff Synthesis Report) as final. During the public review process for the staff synthesis report, there was broad support for staff recommendation #1, “to develop and adopt a policy and definition for coastal fishing communities.” Based on MRC guidance, a draft definition for the term coastal fishing communities was developed through a collaborative, stakeholder informed process and adopted by the MRC in November 2019 as a working definition for purposes of this project.

At the March 2021 MRC meeting, staff proposed a process to receive stakeholder input on a potential coastal fishing communities policy through regional roundtables followed by public workshops. In April 2021, the Commission directed staff to commence policy development through stakeholder engagement.

This document provides examples and excerpts of ocean and fisheries policies that can inform development of a potential Commission coastal fishing communities policy.

Marine Life Management Act: California Fish and Game Code Section 7056

The Marine Life Management Act (MLMA) is California’s primary fishery management law. It’s overriding goal is to ensure the conservation, sustainable use, and restoration of California’s living resources.

In order to achieve the primary fishery management goal of sustainability, every sport and commercial marine fishery under the jurisdiction of the state shall be managed under a system whose objectives include all of the following:

- (a) The fishery is conducted sustainably so that long-term health of the resource is not sacrificed in favor of short-term benefits. In the case of a fishery managed on the basis of maximum sustainable yield, management shall have optimum yield as its objective.
- (b) The health of marine fishery habitat is maintained and, to the extent feasible, habitat is restored, and where appropriate, habitat is enhanced.
- (c) Depressed fisheries are rebuilt to the highest sustainable yields consistent with environmental and habitat conditions.
- (d) The fishery limits bycatch to acceptable types and amounts, as determined for each fishery.
- (e) The fishery management system allows fishery participants to propose methods to prevent or reduce excess effort in marine fisheries.
- (f) Management of a species that is the target of both sport and commercial fisheries or of a fishery that employs different gears is closely coordinated.
- (g) Fishery management decisions are adaptive and are based on the best available scientific information and other relevant information that the commission or department

possesses or receives, and the commission and department have available to them essential fishery information on which to base their decisions.

(h) The management decisionmaking process is open and seeks the advice and assistance of interested parties so as to consider relevant information, including local knowledge.

(i) The fishery management system observes the long-term interests of people dependent on fishing for food, livelihood, or recreation.

(j) The adverse impacts of fishery management on small-scale fisheries, coastal communities, and local economies are minimized.

(k) Collaborative and cooperative approaches to management, involving fishery participants, marine scientists, and other interested parties are strongly encouraged, and appropriate mechanisms are in place to resolve disputes such as access, allocation, and gear conflicts.

(l) The management system is proactive and responds quickly to changing environmental conditions and market or other socioeconomic factors and to the concerns of fishery participants.

(m) The management system is periodically reviewed for effectiveness in achieving sustainability goals and for fairness and reasonableness in its interaction with people affected by management.

(Added by Stats. 1998, Ch. 1052, Sec. 8. Effective January 1, 1999.)

Magnuson-Stevens Fishery Conservation and Management Act: Title 50 Code of Federal Regulations section 600.345, National Standard 8 – Communities

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the primary law governing marine fisheries management in United States federal waters. The MSA includes ten national standards for management that provide requirements for conservation and management measures in FMPs. National Standard 8 addressed fishing communities.

(a) Standard 8. Conservation and management measures shall, consistent with the conservation requirements of the Magnuson-Stevens Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that are based upon the best scientific information available in order to:

(1) Provide for the sustained participation of such communities; and

(2) To the extent practicable, minimize adverse economic impacts on such communities.

(b) General.

(1) This standard requires that an FMP take into account the importance of fishery resources to fishing communities. This consideration, however, is within the context of the conservation requirements of the Magnuson-Stevens Act. Deliberations regarding the importance of fishery resources to affected fishing communities, therefore, must not compromise the achievement of conservation requirements and

goals of the FMP. Where the preferred alternative negatively affects the sustained participation of fishing communities, the FMP should discuss the rationale for selecting this alternative over another with a lesser impact on fishing communities. All other things being equal, where two alternatives achieve similar conservation goals, the alternative that provides the greater potential for sustained participation of such communities and minimizes the adverse economic impacts on such communities would be the preferred alternative.

(2) This standard does not constitute a basis for allocating resources to a specific fishing community nor for providing preferential treatment based on residence in a fishing community.

(3) The term “fishing community” means a community that is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing_vessel owners, operators, and crew, and fish processors that are based in such communities. A fishing community is a social or economic group whose members reside in a specific location and share a common dependency on commercial, recreational, or subsistence fishing or on directly related fisheries-dependent services and industries (for example, boatyards, ice suppliers, tackle shops).

(4) The term “sustained participation” means continued access to the fishery within the constraints of the condition of the resource.

(c) Analysis.

(1) FMPs must examine the social and economic importance of fisheries to communities potentially affected by management measures. For example, severe reductions of harvests for conservation purposes may decrease employment opportunities for fishermen and processing plant workers, thereby adversely affecting their families and communities. Similarly, a management measure that results in the allocation of fishery resources among competing sectors of a fishery may benefit some communities at the expense of others.

(2) An appropriate vehicle for the analyses under this standard is the fishery impact statement required by section 303(a)(9) of the Magnuson-Stevens Act. Qualitative and quantitative data may be used, including information provided by fishermen, dealers, processors, and fisheries organizations and associations. In cases where data are severely limited, effort should be directed to identifying and gathering needed data.

(3) To address the sustained participation of fishing communities that will be affected by management measures, the analysis should first identify affected fishing communities and then assess their differing levels of dependence on and engagement in the fishery being regulated. The analysis should also specify how that assessment was made. The best available data on the history, extent, and type of participation of these fishing communities in the fishery should be incorporated into the social and economic information presented in the FMP. The analysis does not have to contain an exhaustive listing of all communities that might fit the definition; a judgment can be made as to which are primarily affected. The

analysis should discuss each alternative's likely effect on the sustained participation of these fishing communities in the fishery.

(4) The analysis should assess the likely positive and negative social and economic impacts of the alternative management measures, over both the short and the long term, on fishing communities. Any particular management measure may economically benefit some communities while adversely affecting others. Economic impacts should be considered both for individual communities and for the group of all affected communities identified in the FMP. Impacts of both consumptive and non-consumptive uses of fishery resources should be considered.

(5) A discussion of social and economic impacts should identify those alternatives that would minimize adverse impacts on these fishing communities within the constraints of conservation and management goals of the FMP, other national standards, and other applicable law.

[Volume 63, Federal Register, page 24234, published May 1, 1998, as amended at Volume 73, Federal Register, page 67810, published Nov. 17, 2008]

California Coastal Act - Public Resources Code (PRC) sections 30703 and 30234

The California Coastal Act is the primary law that governs the decisions of the Coastal Commission. The Act outlines, among other things, standards for development within the Coastal Zone.

PRC sec 30703. The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

PRC sec 30234. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

The Pacific Fishery Management Council

The Pacific Fishery Management Council (PFMC) is one of eight regional fishery management councils established by the MSA. PFMC has jurisdiction over the United States West Coast Exclusive Economic Zone (3-200 miles offshore) and manages commercial, recreational, and tribal fisheries for around 119 species of salmon, groundfish, coastal pelagic species, and highly migratory species in federal waters. Examples from the PFMC process may be applicable to this effort.

California Fish and Game Commission Coastal Fishing Communities Project

Initial Draft Coastal Fishing Communities Policy

February 18, 2022

This document presents initial draft policy language developed by California Fish and Game Commission (Commission) staff to facilitate discussion with stakeholders at a public policy-drafting workshop on February 23, 2022; the initial draft has not been shared with the Commission. This language was developed utilizing input received through roundtable discussions with stakeholders in 2021 and through meetings of the Commission's Marine Resources Committee.

It is the policy of the Fish and Game Commission that:

- I. For purposes of this policy, coastal fishing community is defined as *a social, cultural, economic, and/or place-based group whose members:*
 - are dependent upon, engaged in, or benefit from wild capture commercial, recreational, or subsistence fishing to meet the social or economic needs of the community;
 - include, but are not limited to, businesses and organizations that depend on or support fishing or aquaculture production by providing goods and services, including infrastructure to that community or those communities; and
 - may be a subset or member of a larger or associated coastal communities which are dependent on and/or have an interest in healthy ocean ecosystems.
- II. The Commission recognizes that
 - California and Californians benefit from sustainable domestic wild-capture fisheries, and healthy coastal fishing communities.
 - The fisheries off California and, more broadly, the U.S. west coast are sustainably managed through its management programs/processes, and fishermen and resource managers are always working toward adapting to enhance sustainability.
 - Coastal fishing communities are an important part of California's maritime heritage and economy and depend on its coastal and ocean ecosystems, [and are prioritized for protection in the Coastal Act (sec 30234, 30234.5, and 30703)].
 - Recreational and commercial fisheries require not only healthy marine resources and habitats, but also people and businesses to participate in, and support, fishing activities. Those activities, in turn, support local economies and recreational opportunities, and provide seafood to consumers.
 - Fisheries and fishermen play an important role in domestic food security
 - Recognizing and protecting the economic, commercial and recreational importance of fishing activities and facilities are standards established in the Coastal Act (sec 30234 and 30703).
- III. The Commission further recognizes that the California Marine Life Management Act (MLMA) establishes specific objectives for recognizing coastal fishing community

interests and impacts when pursuing the primary fishery management system goal of sustainability for marine fisheries under the state's jurisdiction (Fish and Game Code section 7056).

- IV. Consistent with MLMA objectives and guidance in the 2018 MLMA master plan for fisheries for meeting those objectives, in order to promote ecologically sustainable management actions that also support the socioeconomic sustainability of, and minimize adverse impacts on coastal fishing communities in California, it is the policy and practice of the Commission to:
- A. Consider potential coastal fishing community-scale impacts in development of fisheries management options and in Commission decision-making.
- Consistent with the master plan for fisheries, social and economic essential fishery information (EFI) is crucial to understanding potential direct impacts and indirect or “downstream” effects of management actions through each fishing community.
 - The Commission, with the assistance of the Department is encouraged to help identify what social and economic EFI data gaps exist and where, and to develop strategies to fill those gaps.
 - The Department is also encouraged to utilize existing social and economic data sets to evaluate the potential qualitative and, where possible, quantitative impacts of management options on potentially impacted sectors of a fleet or other established fisheries, explore the potential downstream effects within coastal fishing communities, and identify ways to minimize the burden on individual sectors or individual fishing communities to the extent practicable.
 - The Commission, with the assistance of the Department and interested stakeholders, will seek new data sources and partnerships that provide information on the direct and indirect effects of management actions on fishing communities as a whole.
- B. Contribute to the sustainability of coastal fishing communities through community engagement that is inclusive and reflective of community diversity, knowledge, and priorities.
- It is crucial to support the ability of a range of fishing operations to access fishing grounds and shoreside infrastructure; therefore the Commission will make efforts to illuminate the concerns of and risks to coastal fishing communities posed by outside stressors or proposed actions, initiatives, or projects.
 - The Department, the Commission, and other partners should consider developing new methods to engage fishing communities at the port level directly and deliberately and to collectively consider options for regular dialogue in less-formal settings.
 - The Department, the Commission, and other partners should also consider new ways to leverage the expertise of fishermen in collecting data to fill data gaps and include their unique perspectives when

developing or amending management plans, or when undertaking a rulemaking.

- Additionally, the Department, Commission, and other partners should continue to identify where management options could align with priorities identified by individual coastal fishing communities.

C. Support economic growth of the fishing industry.

- To help support enduring and persisting coastal fishing communities, the Commission will consider management options that may contribute to the long-term interests of people and communities dependent on fishing for food, livelihood, or recreation, including entry points for new fishery participants.

D. Build pathways for innovation and adaptation

The Commission will:

- consider where adjustments to policies and regulations can be made to create opportunities when actions are taken to limit a fishery in some way;
- work with state and federal agencies to advocate for the importance of fishing access to coastal communities and ensure that maintaining coastal community access to fisheries is prioritized while still protecting ocean resources;
- encourage the use of the Commission's Experimental Fishing Permit Program, experimental fishing practices or alternative gear types with realistic biological and economic success metrics, to explore innovation;
- support integration of state aquaculture leasing in a manner that aligns with coastal fishing community goals and enhances stability and availability of infrastructure;
- explore pathways to provide greater flexibility to communities to enable them to adapt to emerging needs (without destabilizing existing fishery structures); and
- encourage the Department to contribute to/pursue/engage in building pathways as discussed in this policy.

**California Fish and Game Commission Coastal Fishing Communities Project
Policy Drafting Workshop:
Connecting Specific Stakeholder Input to Staff-Drafted Policy Language and Policy Goals
February 18, 2022**

In April 2021, the Commission directed staff to commence policy development through stakeholder engagement in accordance with staff recommendation #1, to “*develop and adopt a policy and definition for coastal fishing communities,*” from the Staff Synthesis Report on Coastal Fishing Communities Meetings, 2016 - 2018 (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=177641&inline>). In August and September 2021, Commission staff held virtual roundtable meetings with invited fishing community members for open dialogue and feedback on the proposed overarching goals and draft themes for a potential coastal fishing communities policy. Following the regional roundtable meetings, Commission staff revised the overarching goals and draft themes document and presented the document to MRC in November 2021 for discussion and feedback. Utilizing feedback from the MRC meeting, as well as previously gathered ideas from stakeholders and input from California Department of Fish and Wildlife staff, Commission staff has prepared an initial draft potential policy to support discussion at the public workshop on February 23.

The draft policy language includes introductory sections (I. through III.) that specify a definition for the term “coastal fishing communities” and sets the legislative and policy context for policy goals specified in section IV. This fourth section (IV.) articulates “*consistent with MLMA objectives and guidance in the 2018 MLMA master plan for fisheries for meeting those objectives, in order to promote ecologically sustainable management actions that also support the socioeconomic sustainability of and minimize adverse impacts on coastal fishing communities in California, it is the policy and practice of the Commission to:*” and then lists the four draft policy goals.

This document is focused on staff-drafted goals and associated draft policy language under section VI of the initial draft policy. The table below summarizes specific suggestions provided through stakeholder conversations and links them to staff drafted policy language and policy goals in section VI. Some stakeholder suggestions are specific in nature whereas the draft language is intended to provide a high-level policy standard that could achieve those specific suggestions. The implementation of the policy could be carried out by pursuing any of the options suggested by stakeholders and provide for adapting desired implementation actions over time.

This document will support the Coastal Fishing Communities Policy Drafting Workshop (workshop) on February 23, 2022. Outcomes from the workshop will inform the next iteration of the coastal fishing communities policy draft and discussion at the March 24, 2022 Marine Resources Committee (MRC) Meeting to support a decision.

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Implement economics balanced with biological sustainability strategies • Develop process for checking in with all sectors of a coastal fishing community during decision-making • Compile and use basic types of socioeconomic EFI listed in the Marine Life Management Act (MLMA) master plan: Demographics, practices, motivations, institutions, relationships, capital, employment, expenditures, and revenue (page 44 of MLMA master plan for fisheries). • Consider specific implications of management actions “downstream”, as ripple effects through community: how regional fisheries management proposals align with individual port conditions; the interplay of proposed changes to a fishery with other fisheries within a community’s core fisheries; and shoreside implications of how changes could impact infrastructure, processors and employees, or loss of markets 	<p>The Commission, with the assistance of the California Department of Fish and Wildlife (Department) is encouraged to help identify what socioeconomic essential fishery information (EFI) data gaps exist and where, and to develop strategies to fill those gaps</p>	<p>Goal A Consider potential coastal fishing community-scale impacts in development of fisheries management options and in Commission decision-making.</p>
<ul style="list-style-type: none"> • Pursue application of available socioeconomic data sets into Commission decision-making. Examples: Port-specific infrastructure and condition (from Sea Grant), number and type of fish-dependent jobs (United States Department of Commerce, or for more granular data, perhaps Sea Grant or National Ocean Economics Project), number of ports (the Department already has information) • Address how California can compete with imports, most of which are not fished sustainably • Implement economics balanced with biological sustainability strategies • Include a process to check in on impacts to all sectors of the coastal fishing community • Design method to measure economic health and apply it to the decision-making process • Do a social analysis of possible decisions. For example, if an ice plant closes at X port, then it will affect this at Y port 	<p>The Department is also encouraged to utilize existing social and economic data sets to evaluate the potential qualitative and, where possible, quantitative impacts of management options on potentially impacted sectors of a fleet or other established fisheries, explore the potential downstream effects within coastal fishing communities, and identify ways to minimize the burden on individual sectors or individual fishing communities to the extent practicable</p>	<p>Goal A</p>

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Include the totality of everything that involves protecting the species (spatial, other activities in the area, etc.) in fisheries management • Identify metrics to evaluate potential impacts of changes to a fishery’s management at the fishing community scale, including local fishing customs and port conditions (including vessel size, number of vessels, individual or community fishing portfolios), fishing- and ocean-dependent shoreside industries such as infrastructure, receivers, processors, and employees, etc. • Integrate consideration of land-side infrastructure to keep coastal fishing communities afloat for the long-term, to keep the industry desirable for next generation, and to support functionality of ports • Implement economics balanced with biological sustainability strategies 	<p>The Commission, with the assistance of the Department and interested stakeholders, will seek new data sources and partnerships that provide information on the direct and indirect effects of management actions on fishing communities as a whole</p>	<p>Goal A</p>
<ul style="list-style-type: none"> • Defend and champion commercial and recreational fishing in California • Create a process to evaluate impacts to fisheries from offshore wind and other projects that compete for space in the ocean • Ensure actions of one agency do not overrule the other and end up with the public not having access to an area • Address conflicting interests between environmental advocacy groups and fishing industry members • Consider impacts of external development efforts that compete with commercial and recreational fishing for space in the ocean landscape (e.g., offshore wind and offshore aquaculture, and California’s initiative to conserve 30% of coastal waters by 2030) • Bridge gap between commercial and recreational fishing interests and ensure that Commission, California Department of Fish and Wildlife, and California State Legislature are working together to keep both fleets on the water • Provide input to the Pacific Fishery Management Council on behalf of fishermen and act as a messenger between the two groups 	<p>It is crucial to support the ability of a range of fishing operations to access fishing grounds and shoreside infrastructure; therefore the Commission will make efforts to illuminate the concerns of and risks to coastal fishing communities posed by outside stressors or proposed actions, initiatives, or projects</p>	<p>Goal B Ensure the sustainability of coastal fishing communities through community empowerment that is inclusive and reflective of community diversity, knowledge, and priorities</p>

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Include engagement and clear communication with fishermen, provide more opportunities for direct engagement • Involve people who are frequently relegated to the sidelines and let them know they have a voice, even if that voice does not prevail • Increase community empowerment 	<p>The Department, the Commission, and other partners should consider developing new methods to engage fishing communities at the port level directly and deliberately and to collectively consider options for regular dialogue in less formal settings</p>	<p>Goal B</p>
<ul style="list-style-type: none"> • Involve fishermen in collecting data and information needed to manage fisheries better <ul style="list-style-type: none"> – Co-manage and collaboratively research with fishermen/fishing communities 	<p>The Department, the Commission, and other partners should also consider new ways to leverage the expertise of fishermen in collecting data to fill data gaps and include their unique perspectives when developing or amending management plans, or when undertaking a rulemaking</p>	<p>Goal B</p>
<ul style="list-style-type: none"> • Ensure local communities are involved in fisheries management plan process, support community-led efforts • Create community ownership opportunities (e.g., with permitting give communities more influence over how their “backyard” is being managed) • Increase community autonomy (e.g., ability to define when and where to fish to avoid issues such as entanglement) 	<p>The Department, Commission, and other partners should continue to identify where management options could align with priorities identified by individual coastal fishing communities</p>	<p>Goal B</p>

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Preserve fishing here in California for generations to come, preserve fisheries to ensure fisherman can continue their livelihood • Ensure stability by supporting established, larger commercial operations • Support entry level positions to the fishing industry, encourage next generation to join the fishing industry • Undertake a review of the restricted access policy and timeframe for recurring reviews and updated to policy to match current needs • Allow for resource pooling to reduce individual costs for things such as infrastructure • Address loss of infrastructure <ul style="list-style-type: none"> - Take actions to restore, encourage, and facilitate harbor space use and development to better support fishing activities - Maintain and improve upon existing infrastructure • Contribute to long-term interests (specific examples): facilitate continued use and maintenance of shoreside infrastructure; review, and where appropriate modify, policies and regulations to facilitate opportunities to access underutilized species; and support pathways for new fishery entrants and small-scale access to commercial fisheries 	<p>To help support enduring and persisting coastal fishing communities, the Commission will consider management options that may contribute to the long-term interests of people and communities dependent on fishing for food, livelihood, or recreation including entry points for new fishery participants</p>	<p>Goal C Support economic growth of the fishing industry</p>
<ul style="list-style-type: none"> • Ensure sustainable biomass levels and then determine a harvestable level of take. Impacts to communities is secondary and only if warranted. • Protect coastal communities from threats to fishing ground access • Add language about state support for maintaining or maximizing access to fishing grounds • Ensure new opportunities, as they are the lifeblood for fisheries 	<p>Consider where adjustments to policies and regulations can be made to create opportunities when actions are taken to limit a fishery in some way</p>	<p>Goal D Build pathways for innovation and adaptation</p>

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Reach maximum sustainable yield for fisheries • Set quotas, policy could be that the Commission establishes harvestable quotas, geographies for areas of take, be able to mitigate take to encourage rebuilding of the species at a community level 	<p>Work with state and federal agencies to advocate for the importance of fishing access to coastal communities and ensure that maintaining coastal community access to fisheries is prioritized while still protecting ocean resources</p>	<p>Goal D</p>
<ul style="list-style-type: none"> • Keep flexibility programs, such as the experimental fishing permit (EFP) program • Provide ways for fishermen to generate more income out of the entire fish via alternative products (e.g., supplements, fish oil, etc.) • Use best available science to maximize productivity of species of interest that support fishing communities • Allow for better access to pelagic species, such as through authorizing longline gear in rockfish conservation areas <ul style="list-style-type: none"> – Consider modifying fishing restrictions in marine protected areas (MPAs) for species that migrate through, and do not benefit from, specific geographic closures – Support lifting federal groundfish conservation area closures to allow access to pelagic species that will not impact bottom species those areas are designed to protect • Outline opportunities for underutilized species and depth limits • Facilitate opportunities to access underutilized species and depth limits (e.g., chili pepper rockfish) 	<p>Encourage the use of the Commission’s Experimental Fishing Permit Program, experimental fishing practices or alternative gear types with realistic biological and economic success metrics to explore innovation</p>	<p>Goal D</p>
<ul style="list-style-type: none"> • None 	<p>Support integration of state aquaculture leasing in a manner that aligns with coastal fishing community goals and enhances stability and availability of infrastructure</p>	

Suggestions from Stakeholder Conversations and Implementation Examples	Draft Policy Language to Support Goal	Staff Drafted Policy Goal
<ul style="list-style-type: none"> • Include opportunities for flexibility through programs or policies using models that already exist • Include tools to increase in-season adaptability (e.g., use electronic fish ticket and effort shift data) • Allow Commission and/or Department to act quickly to respond to needs of fishermen • Consider ideas to explore flexibility: Examples: facilitate opportunities for fishermen to produce alternative fish products such as supplements; allow fishermen to adjust practices to changes in how fish are being consumed and marketed in California; and using electronic ticket data to monitor fisheries and provide opportunities for fishermen to adjust their operations based on the collected data 	<p>Explore pathways to provide greater flexibility to communities to enable them to adapt to emerging needs (without destabilizing existing fishery structures)</p>	<p>Goal D</p>
<ul style="list-style-type: none"> • None 	<p>Encourage the Department to contribute to, pursue, and engage in building pathways as discussed in this policy</p>	

California Fish and Game Commission
Coastal Fishing Communities Policy Drafting Workshop
Examples and Excerpts of Ocean and Fisheries Policies
February 18, 2022

In December 2019, the California Fish and Game Commission (Commission) approved a Marine Resources Committee (MRC) recommendation to adopt the revised [2019 Staff Synthesis Report on Coastal Fishing Communities](#) (Staff Synthesis Report) as final. During the public review process for the staff synthesis report, there was broad support for staff recommendation #1, “to develop and adopt a policy and definition for coastal fishing communities.” Based on MRC guidance, a draft definition for the term coastal fishing communities was developed through a collaborative, stakeholder informed process and adopted by the MRC in November 2019 as a working definition for purposes of this project.

At the March 2021 MRC meeting, staff proposed a process to receive stakeholder input on a potential coastal fishing communities policy through regional roundtables followed by public workshops. In April 2021, the Commission directed staff to commence policy development through stakeholder engagement.

This document provides examples and excerpts of ocean and fisheries policies that can inform development of a potential Commission coastal fishing communities policy.

Marine Life Management Act: California Fish and Game Code Section 7056

The Marine Life Management Act (MLMA) is California’s primary fishery management law. It’s overriding goal is to ensure the conservation, sustainable use, and restoration of California’s living resources.

In order to achieve the primary fishery management goal of sustainability, every sport and commercial marine fishery under the jurisdiction of the state shall be managed under a system whose objectives include all of the following:

- (a) The fishery is conducted sustainably so that long-term health of the resource is not sacrificed in favor of short-term benefits. In the case of a fishery managed on the basis of maximum sustainable yield, management shall have optimum yield as its objective.
- (b) The health of marine fishery habitat is maintained and, to the extent feasible, habitat is restored, and where appropriate, habitat is enhanced.
- (c) Depressed fisheries are rebuilt to the highest sustainable yields consistent with environmental and habitat conditions.
- (d) The fishery limits bycatch to acceptable types and amounts, as determined for each fishery.
- (e) The fishery management system allows fishery participants to propose methods to prevent or reduce excess effort in marine fisheries.
- (f) Management of a species that is the target of both sport and commercial fisheries or of a fishery that employs different gears is closely coordinated.
- (g) Fishery management decisions are adaptive and are based on the best available scientific information and other relevant information that the commission or department

possesses or receives, and the commission and department have available to them essential fishery information on which to base their decisions.

(h) The management decisionmaking process is open and seeks the advice and assistance of interested parties so as to consider relevant information, including local knowledge.

(i) The fishery management system observes the long-term interests of people dependent on fishing for food, livelihood, or recreation.

(j) The adverse impacts of fishery management on small-scale fisheries, coastal communities, and local economies are minimized.

(k) Collaborative and cooperative approaches to management, involving fishery participants, marine scientists, and other interested parties are strongly encouraged, and appropriate mechanisms are in place to resolve disputes such as access, allocation, and gear conflicts.

(l) The management system is proactive and responds quickly to changing environmental conditions and market or other socioeconomic factors and to the concerns of fishery participants.

(m) The management system is periodically reviewed for effectiveness in achieving sustainability goals and for fairness and reasonableness in its interaction with people affected by management.

(Added by Stats. 1998, Ch. 1052, Sec. 8. Effective January 1, 1999.)

Magnuson-Stevens Fishery Conservation and Management Act: Title 50 Code of Federal Regulations section 600.345, National Standard 8 – Communities

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the primary law governing marine fisheries management in United States federal waters. The MSA includes ten national standards for management that provide requirements for conservation and management measures in FMPs. National Standard 8 addressed fishing communities.

(a) Standard 8. Conservation and management measures shall, consistent with the conservation requirements of the Magnuson-Stevens Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that are based upon the best scientific information available in order to:

(1) Provide for the sustained participation of such communities; and

(2) To the extent practicable, minimize adverse economic impacts on such communities.

(b) General.

(1) This standard requires that an FMP take into account the importance of fishery resources to fishing communities. This consideration, however, is within the context of the conservation requirements of the Magnuson-Stevens Act. Deliberations regarding the importance of fishery resources to affected fishing communities, therefore, must not compromise the achievement of conservation requirements and

goals of the FMP. Where the preferred alternative negatively affects the sustained participation of fishing communities, the FMP should discuss the rationale for selecting this alternative over another with a lesser impact on fishing communities. All other things being equal, where two alternatives achieve similar conservation goals, the alternative that provides the greater potential for sustained participation of such communities and minimizes the adverse economic impacts on such communities would be the preferred alternative.

(2) This standard does not constitute a basis for allocating resources to a specific fishing community nor for providing preferential treatment based on residence in a fishing community.

(3) The term “fishing community” means a community that is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing_vessel owners, operators, and crew, and fish processors that are based in such communities. A fishing community is a social or economic group whose members reside in a specific location and share a common dependency on commercial, recreational, or subsistence fishing or on directly related fisheries-dependent services and industries (for example, boatyards, ice suppliers, tackle shops).

(4) The term “sustained participation” means continued access to the fishery within the constraints of the condition of the resource.

(c) Analysis.

(1) FMPs must examine the social and economic importance of fisheries to communities potentially affected by management measures. For example, severe reductions of harvests for conservation purposes may decrease employment opportunities for fishermen and processing plant workers, thereby adversely affecting their families and communities. Similarly, a management measure that results in the allocation of fishery resources among competing sectors of a fishery may benefit some communities at the expense of others.

(2) An appropriate vehicle for the analyses under this standard is the fishery impact statement required by section 303(a)(9) of the Magnuson-Stevens Act. Qualitative and quantitative data may be used, including information provided by fishermen, dealers, processors, and fisheries organizations and associations. In cases where data are severely limited, effort should be directed to identifying and gathering needed data.

(3) To address the sustained participation of fishing communities that will be affected by management measures, the analysis should first identify affected fishing communities and then assess their differing levels of dependence on and engagement in the fishery being regulated. The analysis should also specify how that assessment was made. The best available data on the history, extent, and type of participation of these fishing communities in the fishery should be incorporated into the social and economic information presented in the FMP. The analysis does not have to contain an exhaustive listing of all communities that might fit the definition; a judgment can be made as to which are primarily affected. The

analysis should discuss each alternative's likely effect on the sustained participation of these fishing communities in the fishery.

(4) The analysis should assess the likely positive and negative social and economic impacts of the alternative management measures, over both the short and the long term, on fishing communities. Any particular management measure may economically benefit some communities while adversely affecting others. Economic impacts should be considered both for individual communities and for the group of all affected communities identified in the FMP. Impacts of both consumptive and non-consumptive uses of fishery resources should be considered.

(5) A discussion of social and economic impacts should identify those alternatives that would minimize adverse impacts on these fishing communities within the constraints of conservation and management goals of the FMP, other national standards, and other applicable law.

[Volume 63, Federal Register, page 24234, published May 1, 1998, as amended at Volume 73, Federal Register, page 67810, published Nov. 17, 2008]

California Coastal Act - Public Resources Code (PRC) sections 30703 and 30234

The California Coastal Act is the primary law that governs the decisions of the Coastal Commission. The Act outlines, among other things, standards for development within the Coastal Zone.

PRC sec 30703. The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

PRC sec 30234. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

The Pacific Fishery Management Council

The Pacific Fishery Management Council (PFMC) is one of eight regional fishery management councils established by the MSA. PFMC has jurisdiction over the United States West Coast Exclusive Economic Zone (3-200 miles offshore) and manages commercial, recreational, and tribal fisheries for around 119 species of salmon, groundfish, coastal pelagic species, and highly migratory species in federal waters. Examples from the PFMC process may be applicable to this effort.