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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

MARINE RESOURCES COMMITTEE

March 24, 2022

Meeting Presentations

1. **Approve agenda and order of items**
2. **General public comment for items not on agenda**
Receive public comment regarding topics that are not included on the agenda.
The Committee may not discuss or take action on any matter raised during this item, except to consider whether to recommend that the matter be added to the agenda of a future meeting [Sections 11125, 11125.7(a), Government Code].
3. **Red abalone fishery management plan (FMP) review**
Receive and discuss Department overview of draft FMP chapter related to management, harvest control rule and *de minimis* fishery concepts.
4. **California halibut fishery bycatch review**
Receive Department update on its approach to evaluating fisheries bycatch in the California halibut fishery management review, pursuant to the master plan for fisheries.
[DFW Presentation](#)
[Oceana Presentation](#)
5. **California sheephead recreational harvest regulations**
Receive Department update on, and discuss options to amend, recreational harvest regulations for California sheephead.
[DFW Presentation](#)
6. **Kelp recovery and management plan**
Receive Department overview of plans and process to develop a kelp recovery and management plan for giant and bull kelp and discuss next steps.
7. **Kelp and algae commercial harvest – sea palm (*Postelsia*)**
 - (A) Receive Department overview of sea palm distribution and potential management concerns in California based on review of best available scientific information.

- (B) Discuss options to review commercial sea palm harvest regulations, separately from scheduled edible seaweed harvest review, and develop potential committee recommendation.

8. Coastal fishing communities policy

Receive Commission staff presentation of outcomes from the public Coastal Fishing Communities Policy Drafting Workshop, and discuss next steps in refining a potential draft policy for Commission consideration.

[FGC Staff Presentation](#)

9. Box crab experimental fishing permit (EFP) research project

Receive Department update on box crab EFP research activities, and discuss potential pathways for pursuing next steps in review of potential fishery.

10. Aquaculture leasing in California – public interest determination

Discuss initial steps toward defining public interest determination criteria for new aquaculture lease applications in state waters; receive and discuss public input about the development process.

11. Staff and agency updates requested by the Committee

Receive updates from staff and other agencies.

Note: To enhance meeting efficiency in the webinar/teleconference format, the Committee intends to receive updates on work plan topics primarily in writing. The public will be given an opportunity to provide comment, although the level of in-meeting discussion will be at the discretion of the Committee.

(A) California Ocean Protection Council

(B) Department – Law Enforcement Division

[DFW Presentation](#)

(C) Department – Marine Region

I. Market squid fishery management review

Receive update on efforts and timeline for anticipated review.

II. Marine protected area (MPA) network decadal management review

Receive update on planning for the first decadal management review of California's MPA network.

(D) Department – Office of State Aquaculture Coordinator

I. Aquaculture – Current and future state lease planning

Receive update on pending lease amendment requests and new lease applications.

12. Commission staff

13. Future agenda items

(A) Discuss work plan prioritization

(B) Review work plan agenda topics, and timeline

(C) Potential new agenda topics for Commission consideration



California Halibut Fishery Bycatch Review

Kirsten Ramey

Marine Region, Environmental Program Manager

Thursday, March 24, 2022

Marine Resources Committee Meeting



Management Development Process





MLMA Guidance

- Limiting bycatch to acceptable types and amounts
- “Fish or other marine life that are taken in a fishery but are not the target of the fishery. Bycatch includes discards.”



Photo by CDFW



California Halibut Bycatch

- Trawl and gill net fisheries
 - Sub-legal sized CA Halibut
 - Sensitive species under ESA
 - Marine mammals
 - Birds





Bycatch Evaluation

- Phase I - 2020-2022
 - State gill net and trawl gear
- Phase II - 2022-2023
 - CA Halibut focus
 - Bycatch/landing ratios
 - Spatial distribution
 - Other available information





MLMA Criteria

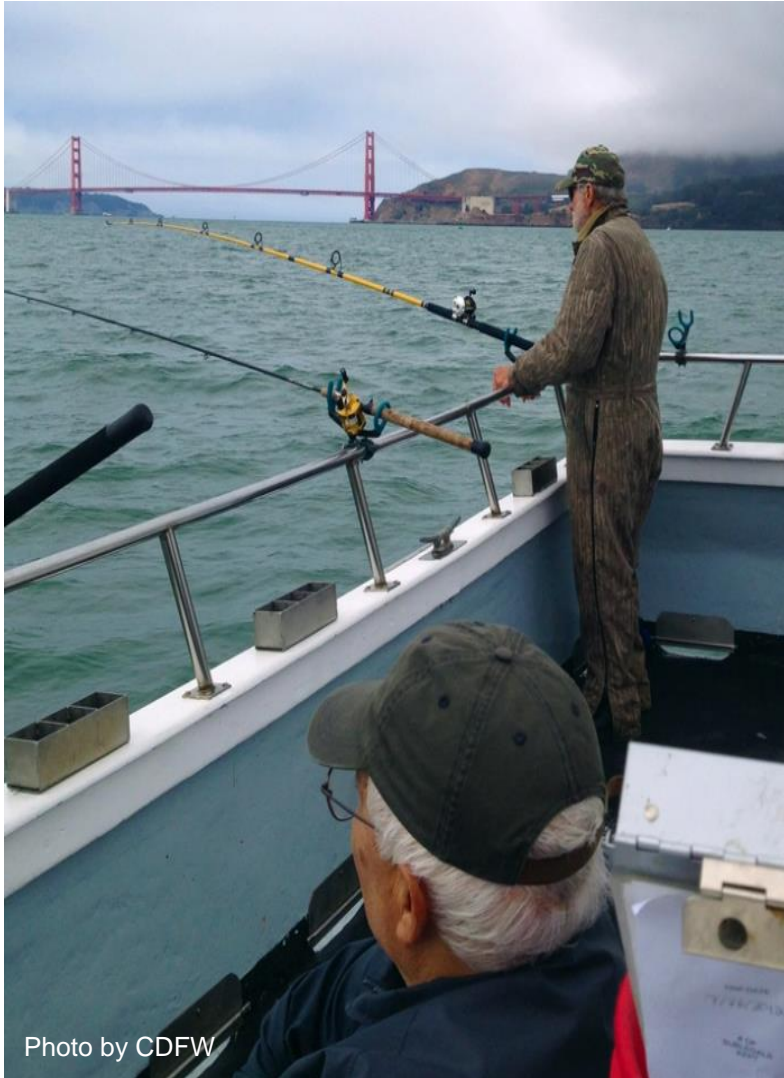


Photo by CDFW

- Assessing the acceptability of bycatch
 - Legality of take
 - Degree of threat to sustainability
 - Impacts on fisheries that target the bycatch species
 - Ecosystem impacts



Stakeholder Engagement



- Potential working group(s)
 - Definition of “acceptable”
 - Potential management measures to minimize bycatch



Looking Ahead



- Engagement opportunities throughout the evaluation
- Final report and recommendations to MRC following completion



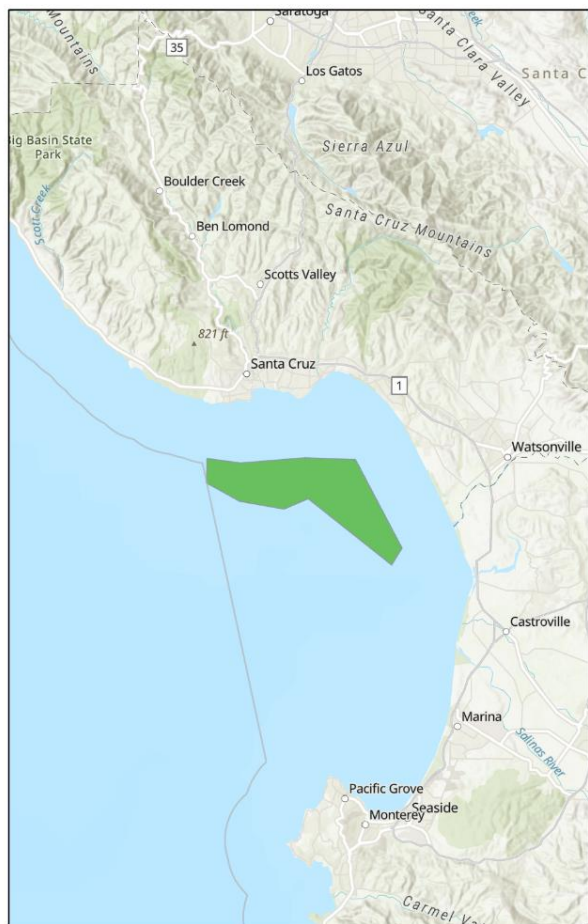
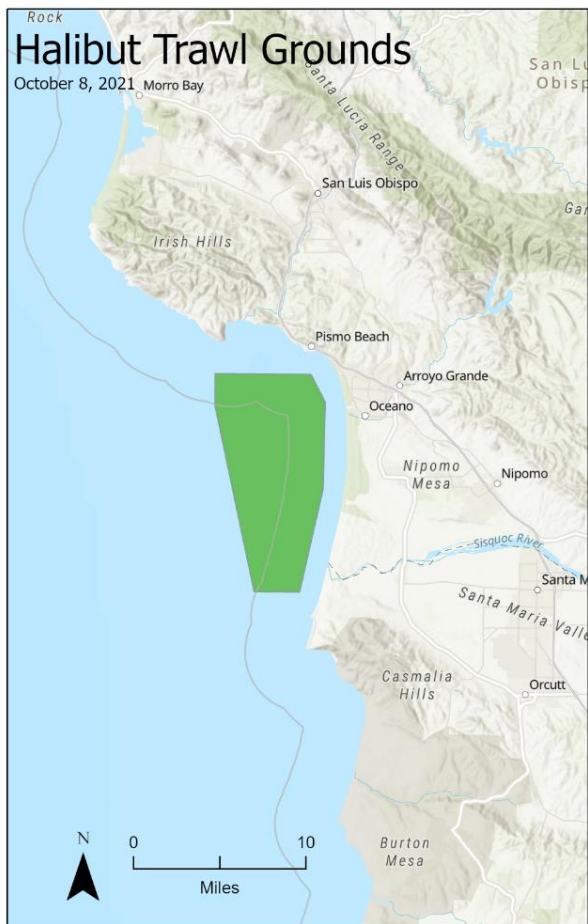
California Halibut Trawl Grounds (CHTG) Evaluation

- Existing CHTG Study
 - Industry participation
 - Sampling June 2022 - March 2023
 - Habitat and bycatch data:
 - GIS data
 - Fishing location, duration, depth
 - Species, number, weight, disposition
 - March 2023 MRC meeting





California Halibut Trawl Grounds Evaluation



County of Santa Clara, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, Esri, NASA, NGA, USGS, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, Esri, CGIAR,

- New CHTG Study
 - Potential pause
 - Challenges with disposition of catch
 - Complete existing CHTG evaluation
 - Complete bycatch evaluation



Thank You & Resources

- Website - Subscribe to our email list
 - <https://wildlife.ca.gov/Conservation/Marine/CA-Halibut-Scaled-Management>
- Email
 - mlmafiseriesmgmt@wildlife.ca.gov
- Marine Management News Blog
 - [Evaluating the Needs of the California Halibut Fishery: A Progress Report](#)
- Enhanced Status Report
 - [CA Marine Species Portal](#)



Marine Management News

Evaluating the Needs of the California Halibut Fishery: A Progress Report

March 4, 2022



Collecting halibut length, sex, and age data from a commercial trawl landing to inform the stock assessment, at Fisherman's Wharf in San Francisco.

CDFW photo by K. Lesyna

The California Department of Fish and Wildlife (CDFW) is committed to working with stakeholders to evaluate the needs of the California halibut fishery and community. Since holding **two public webinars in summer/fall 2021**, CDFW staff have made advances in several priority areas, as outlined below.

2020 Stock Assessment

To improve the performance and accuracy of the California halibut stock assessment, CDFW is



Initial Comments on California Halibut Fishery Bycatch Review: Bottom Trawls and Set Gillnets

Geoff Shester, Ph.D., Oceana
Scott Webb, Turtle Island Restoration Network
Presentation to Marine Resource Committee, March 24, 2022

MLMA Master Plan Fishery Prioritization (commercial finfish)

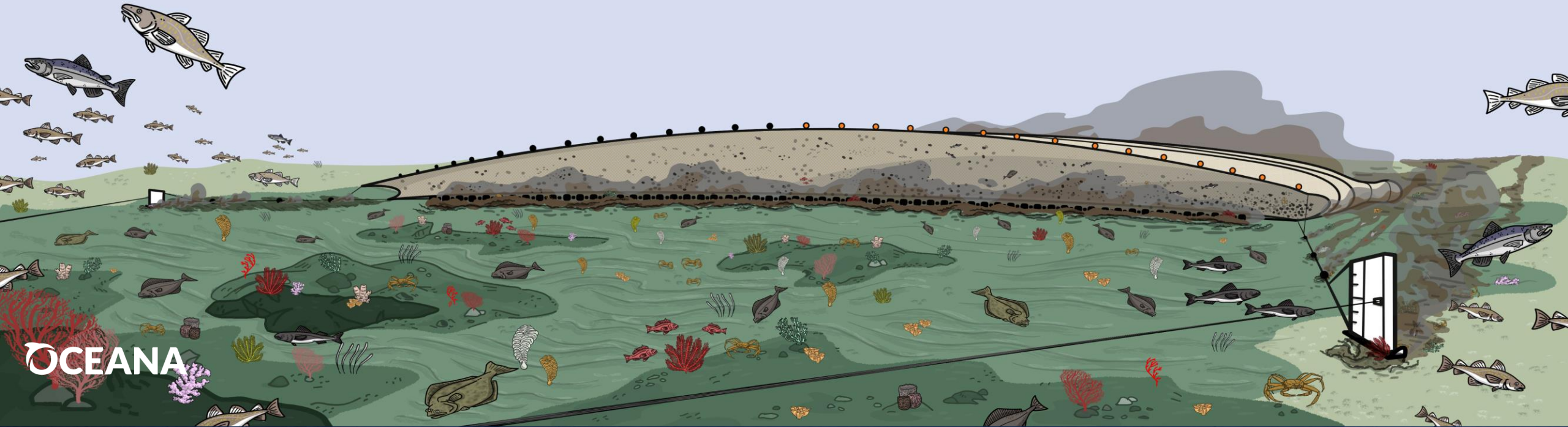
SPECIES	GEAR	TOTAL SCORE	PSA Rank	Bycatch Rank	Habitat Rank
Pacific Angel Shark ↗	Gill Net	4	1	1	2
California Halibut	Trawl	5	2	2	1
California Halibut	Gill Net	5	2	1	2
White Seabass ↗	Gill Net	6	3	1	2
California Bay Shrimp	Trawl	7	3	3	1
Spiny Lobster ↗	Trap	7	2	3	2
Pacific Herring	Gill Net	8	3	3	2
California Sheephead ↗	Trap	8	2	4	2
California Barracuda ↗	Gill Net	10	3	2	5
Pacific Hagfish ↗	Trap	11	4	4	3
Shiner Perch ↗	Trap	11	4	4	3
Market Squid ↗	Purse Seine	11	4	3	4
California Halibut	Hook and Line	12	3	4	5
Pacific Bonito ↗	Purse Seine	13	4	4	5
Redtail Surfperch ↗	Hook and Line	13	4	4	5
Night Smelt ↗	A Frame	13	4	4	5
Jacksmelt ↗	Hook and Line	13	4	4	5

Acceptable Bycatch

Four Criteria in Marine Life Management Act

- Legality
- Threat to the Sustainability
- Impacts on other Fisheries
- Ecosystem Impacts

California Halibut: Bottom Trawls



Generalized diagram of a bottom trawl fishery

Multiple target species (38 species retained and sold)

CA Halibut is most valuable target species, but also catch and land:

- Starry flounder
- Sand sole
- Soupfin shark
- Leopard shark
- Pacific angel shark

Under the MLMA, all species must be managed as “target species” or as “bycatch species”

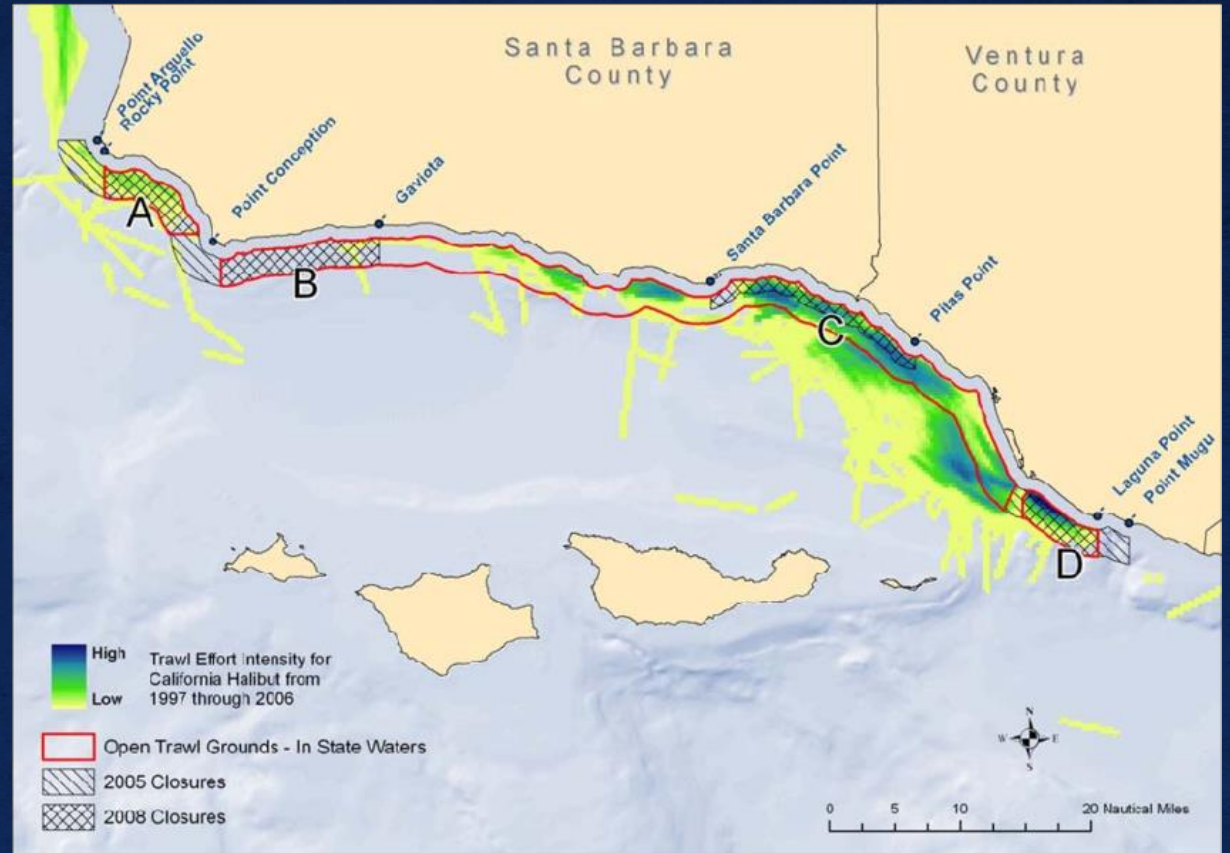
Commission Authority

Commission has authority over CA
halibut trawling:

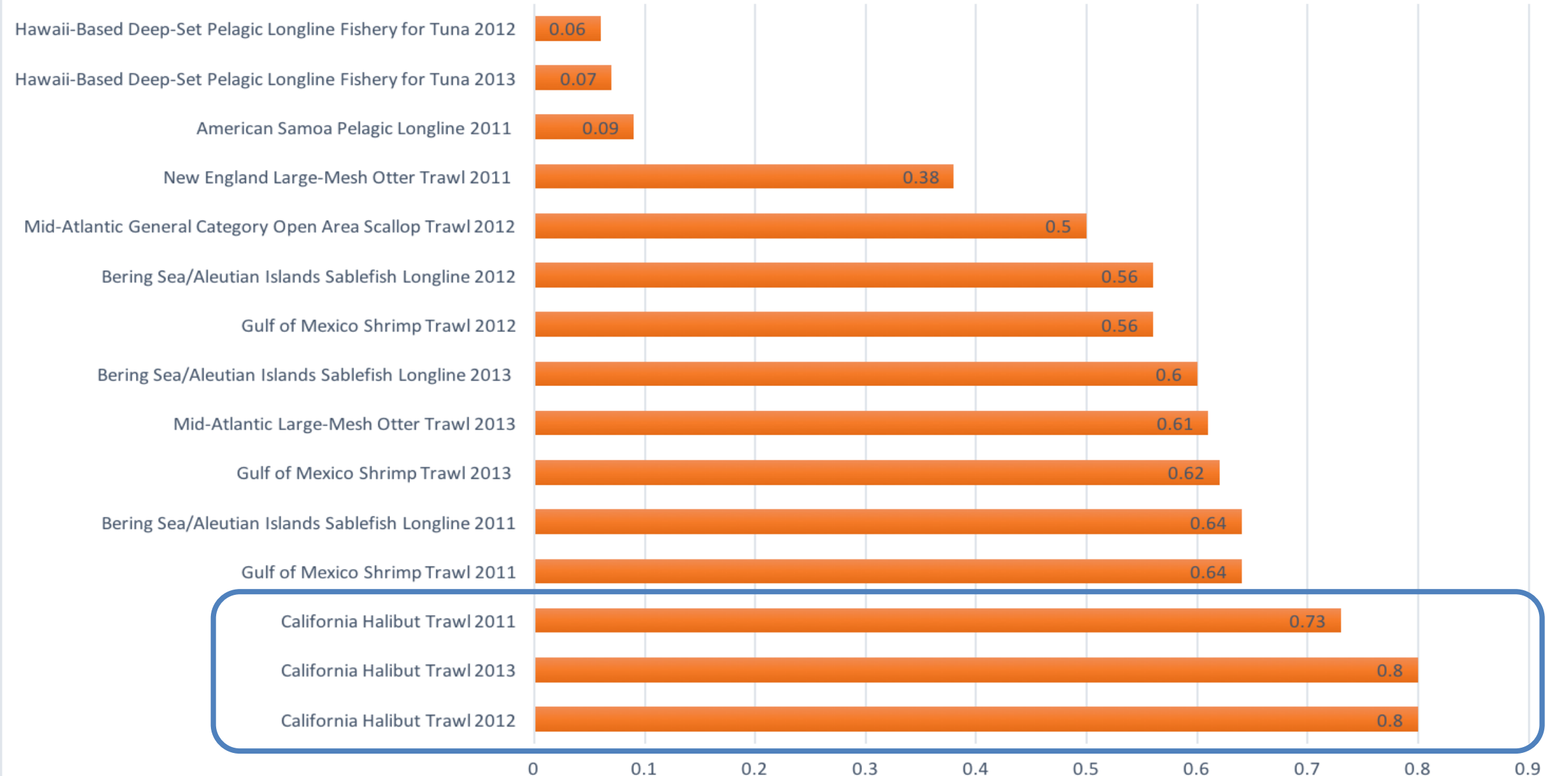
In the California Halibut Trawl Grounds
state waters

In federal waters outside Essential Fish
Habitat Conservation Areas
(Monterey to Pt. Reyes)

California Halibut Trawl Grounds in Southern California
overlaid with historic trawl effort



FISHERIES WITH HIGHEST BYCATCH RATIOS NATIONWIDE FOR 2011,2012,2013



*Data source: NOAA Fisheries National Bycatch Report Update 2

California halibut bottom trawls – Key issues for bycatch inquiry

Legality

- ESA-listed green sturgeon, Chinook salmon
- Federally managed groundfish

Threat to the Sustainability

- Giant seabass
- Skates, sharks, and rays
- Dozens of high inherent vulnerability with unknown stock status

Impacts on other Fisheries

- High take of Dungeness crab

Ecosystem Impacts

- Over 129 nearshore species
- 2nd highest score in CA Ecological Risk Analysis



Green sturgeon

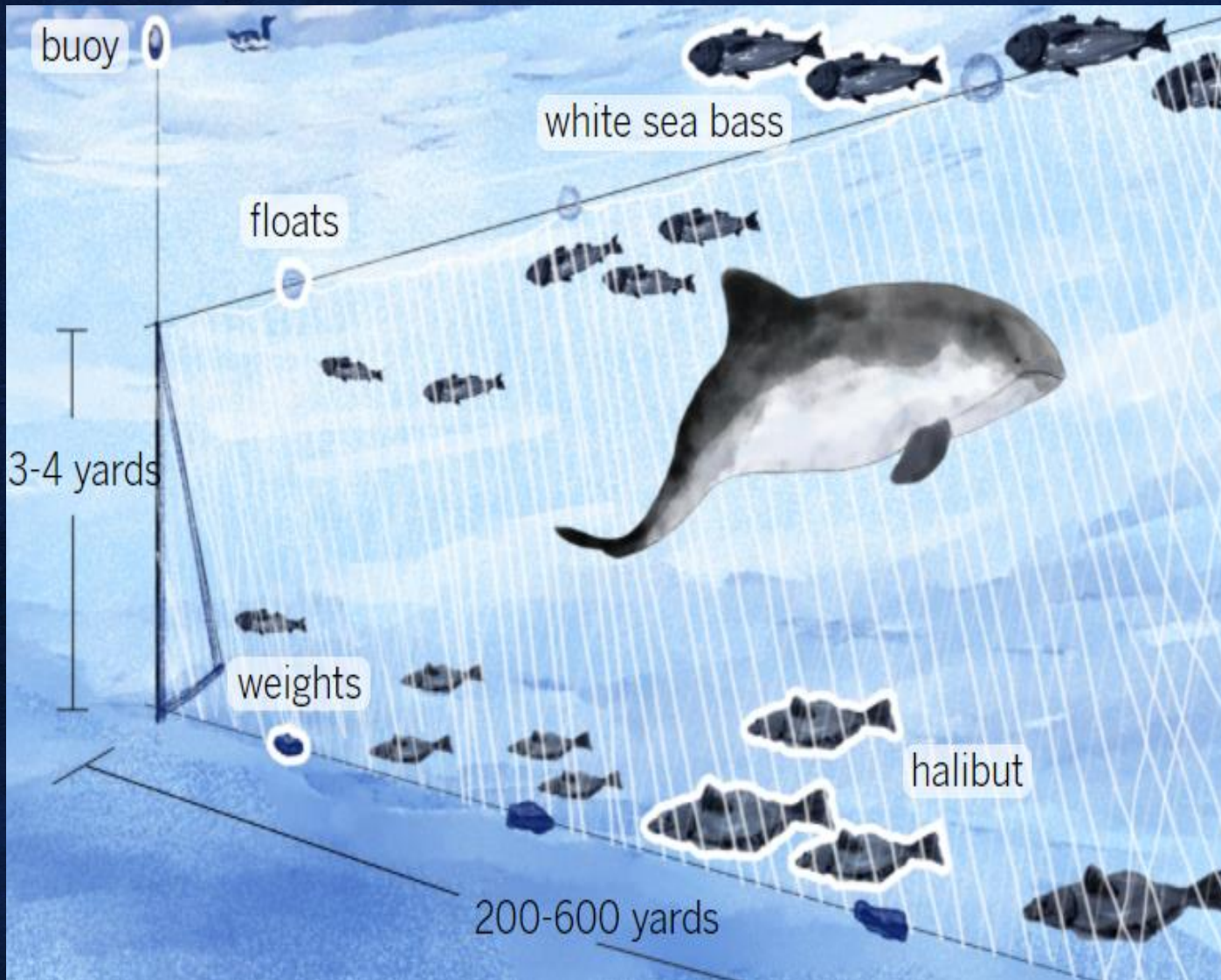


Giant sea bass



Dungeness crab

California Halibut: Set Gillnets



Primary Target Species

- CA Halibut

Other Retained Species

- White sea bass
- Yellow tail
- Bat Ray
- Leopard Shark
- Pacific Angel Shark
- California Barracuda

Set Gillnets: Fishing Location & Jurisdiction



CDFW; Gillnet closures in state waters around the Channel Islands and along the mainland coast of California.

Effectively banned in California State Waters

1990: Proposition 132

- Banned set gillnets in Southern CA state waters

2002 Commission Ban

- Banned set gillnets within 60 fathoms from Point Reyes to Point Arguello (§104.1, Title 14, CCR)

The remaining areas where set gillnet fishers operate are

3 miles off Southern California Coastline

Commission has authority over Halibut set gillnet fishing

Set Gillnets: Federal Observer Coverage



Marine Mammals Killed or Injured

- Humpback whale
- Gray whale
- California sea lion
- Harbor seal
- Long-beaked common dolphin
- Northern elephant seal
- Short-beaked common dolphin
- Southern sea otter

The last 14 years have only had 6 years of Observer Coverage.

- Less than 20% coverage in those years
- 2011 NMFS National Bycatch Report recommended increasing observer coverage to at least 20%

California Set Gillnets – Key issues for bycatch inquiry

Legality

- Marine Mammals, esp. ESA-listed Humpback whales, California Sea Lions
- Seabirds, especially Cormorants
- Endangered Pacific Leatherback Sea Turtles

Threat to the Sustainability

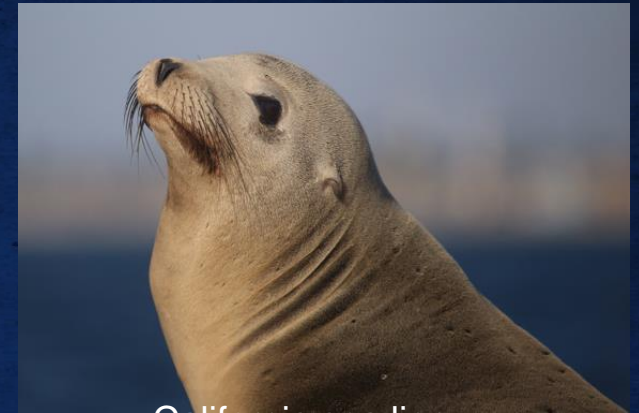
- Great White Sharks
- 27 different species of skates, sharks, and rays
- Large majority of vertebrates with high to very high vulnerability

Impacts on other Fisheries

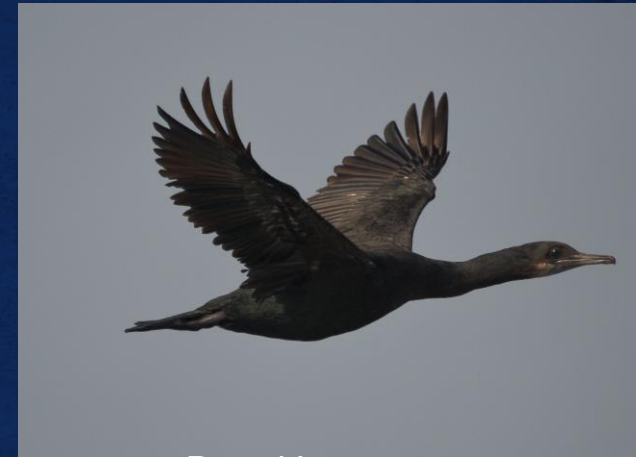
- High take of Rock Crab, majority of observed discarded are dead
- **Discarded undersized halibut**

Ecosystem Impacts

- **At least 109** distinct species are caught and discarded
- Ranked 1st and 3rd in CA Ecological Risk Analysis



California sea lion



Brandt's cormorant



Great white shark

OCEANA Protecting the
World's Oceans





California Sheephead

Marine Resources Committee
March 24, 2022



Photo by CDFW



California Sheephead Background

- Temperate wrasse species
 - Largest female in group develops into male
- In 2002 the Commission adopted the Nearshore Fishery Management Plan (NFMP)
 - 19 species including Sheephead
- NFMP contains 5 main management measures to sustainably manage fishery
 - fishery control rules
 - regional management
 - allocation
 - restricted access
 - MPAs





California Sheephead Background (cont.)

- Recreational regulations (§28.26, Title 14, CCR)
 - 5 fish bag limit
 - 12-inch size limit
 - January-February closed to boat-based anglers
- Commercial regulations (§150.16, Title 14, CCR)
 - 13-inch size limit
 - Bimonthly trip limits
 - Federal closures for nearshore rockfishes applied
 - March/April closed to fishing 2005-2020
 - » 2021 opened year round



Period	Trip limit (lb)
January-February	2,000
March-April	2,400
May-June	2,400
July-August	2,400
September-October	2,400
November-December	2,400



Total Allowable Catch (TAC)

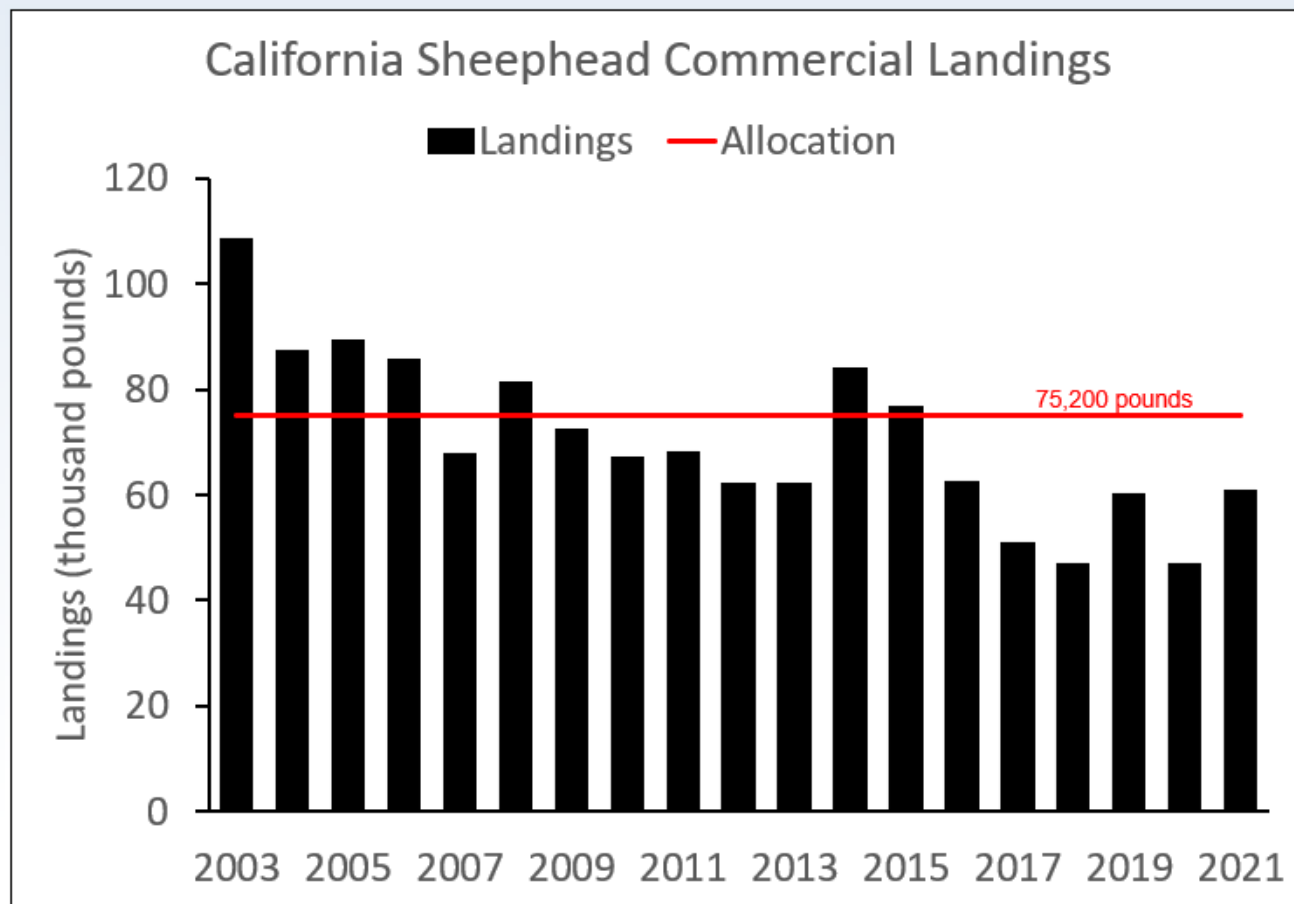


- Managed since 2003 with statewide TAC of 205,500 pounds
 - Commercial fishery: 75,200 pounds
 - Recreational fishery: 130,300 pounds
- The TAC was determined using landing data from 1983-1989 and 1993-1999
 - Reduced 50% following NFMP fishery control rules



Commercial Allocation

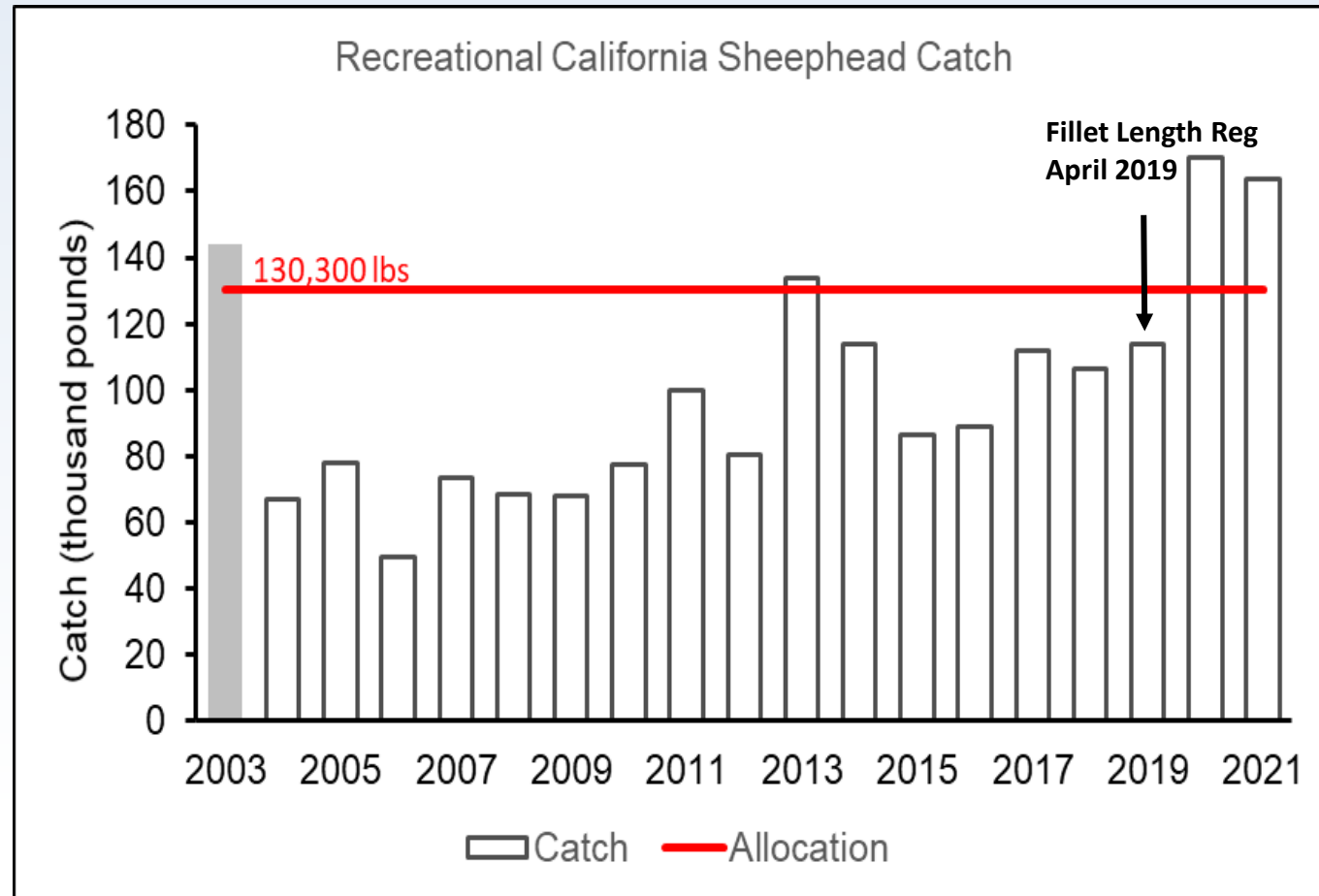
- Commercial sector closed for exceeding allocation in early years
 - Last closed 2008
- 2015 last year allocation exceeded





Recreational Allocation

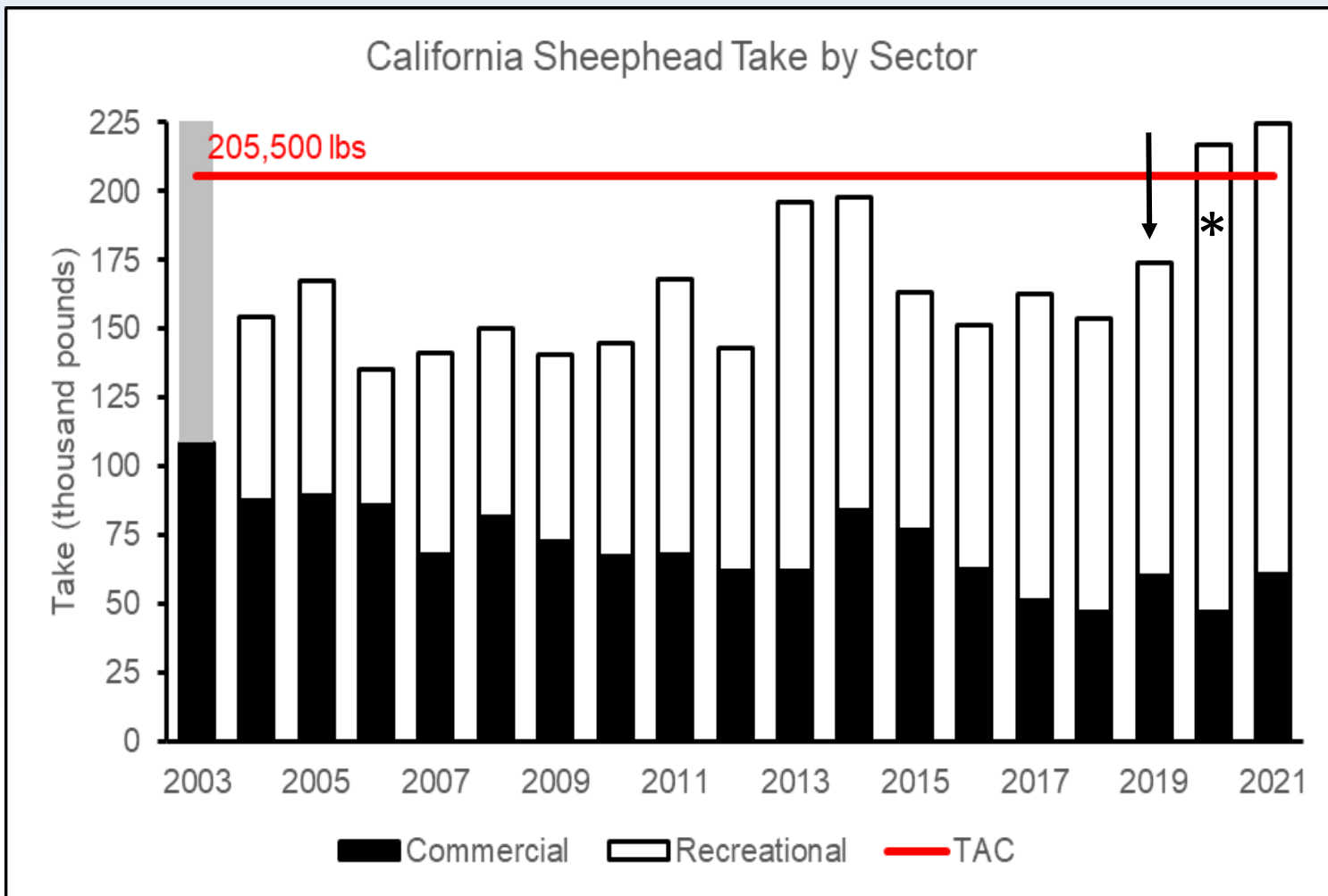
- Recreational sector closed for exceeding allocation in 2003
- Exceeded allocation in 2013 and recently





Overall TAC

- The overall TAC exceeded
 - 2020 *
 - 2021
 - 2022 actively tracked





Regulatory Options



- TAC Management
 - Fishery closure under §52.10, Title 14, CCR
 - Limit take through Commission process §28.26, Title 14, CCR
- Federal groundfish regulations could include Sheephead (RCG Complex)
 - Potential groundfish changes to be discussed at April Council meeting



Questions



Photo by CDFW

Coastal Fishing Communities Policy Development Update



Presented at the Marine Resources Committee

March 24, 2022

Kimi Rogers, CA Sea Grant State Fellow, Fish and Game Commission

Purpose of the Coastal Fishing Communities (CFC) Project



- More directly recognize coastal fishing communities goals and needs
- Account for potential coastal fishing communities impacts in fisheries management options and decisions



Commercial herring boat
CDFW photo



Policy Timeline Recap

Apr 2021

FGC direct staff to begin drafting a definition and policy for coastal fishing communities

Aug and Sep 2021

Regional roundtable discussions

Nov 2021

Staff presented goals and key concepts

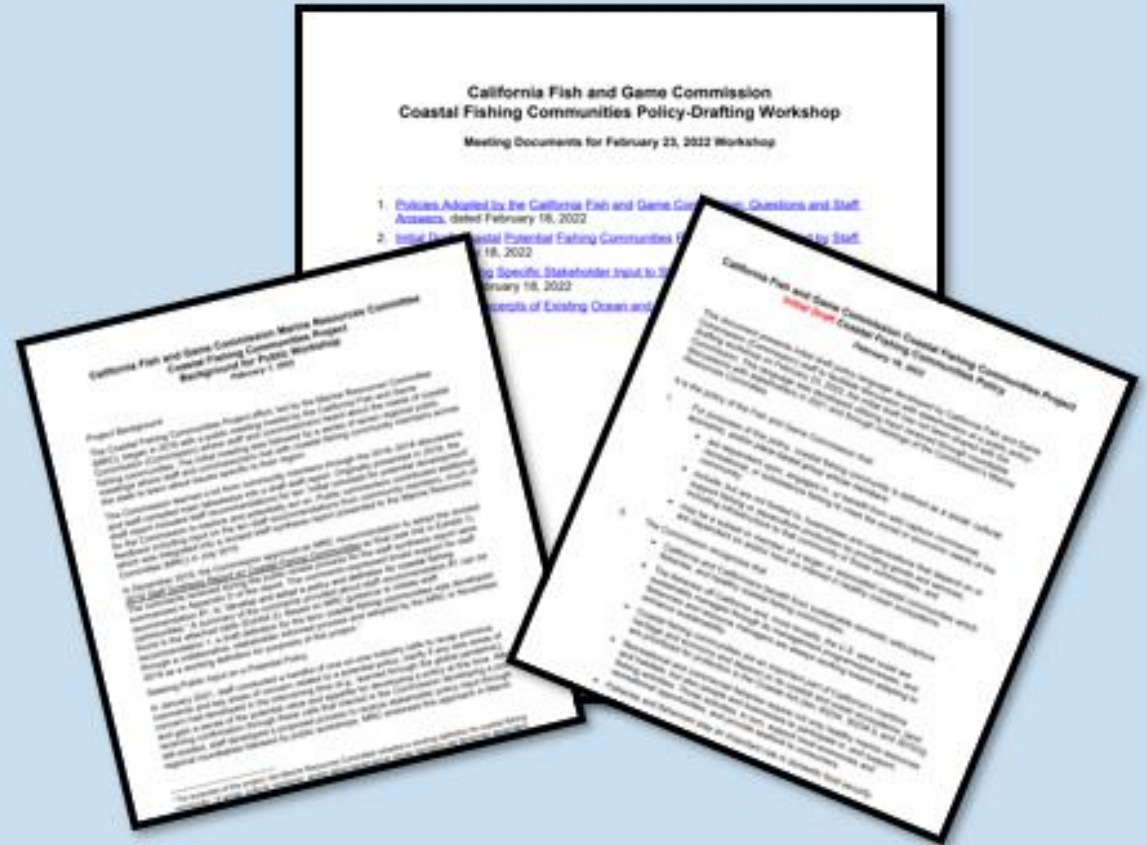
Feb 2022

Prepared materials for policy workshop held Feb 23, 2022

Preparation for CFC Policy Workshop



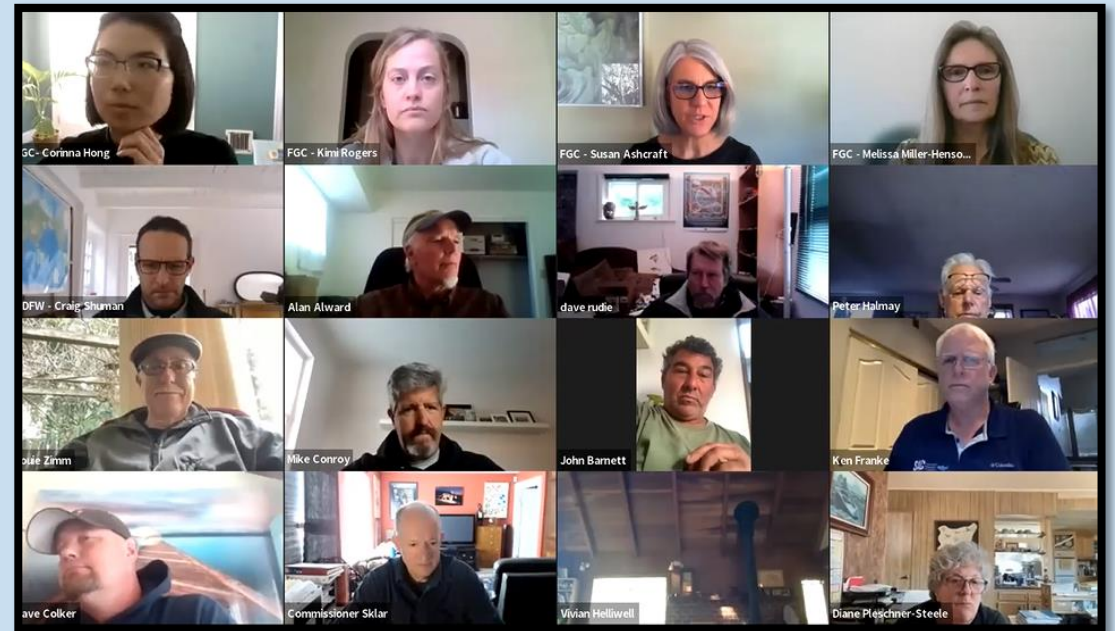
- Created pre-meeting and in-meeting materials (Exhibits 1 and 2)
- Developed initial draft policy for discussion (Exhibit 2)



Initial Draft Policy Workshop



- February 23, 2022
- Approximately 45 participants attended
- Generally positive feedback, but also concern that the draft policy is too vague



Screen capture of several stakeholders, FGC and DFW staff, and Commissioner Sklar at the Workshop.

Overview of Staff Initial Draft Policy



Section I “Coastal fishing community” definition (with edits)

Section II Recognition of coastal fishing community importance

Section III Legislative foundation - Marine Life Management Act objectives

Section IV Statement on policy direction the Commission wants to go

A-D: Four policy goals that can move the Commission in that direction

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Policy Section I. Definition of Coastal Fishing Community



For purposes of this policy, coastal fishing community is defined as

“a social, cultural, economic, and/or place-based group whose members:

- are fishermen 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.”



Summarizing Feedback and Proposed Staff Responses

Section	Comments from Stakeholders during CFC Policy Workshop	Proposed Response (Categories include: General feedback, Policy basic edits, More discussion needed, and Consider in implementation)
I.	Aquaculture is a worthwhile addition to the CFC definition.	General feedback
I.	Fishermen should have their own policy because communities are made up of people with differing interests.	General feedback
I.	Include a comma after support.	Policy basic edits (Proposed addition: Add comma)
II.	Articulate cultural value.	Policy basic edits (Proposed addition: Add reference to cultural value in third bullet.)
II.	Comma removal in first bullet point.	Policy basic edits (Proposed edit: Remove comma)
II.	Discussion on whether fishermen should be called fishermen in the policy document (other ideas included angler, fishermen and fisherwomen)	Policy basic edits: (Provide terminology options of “fishermen” and “fishermen/fisherwomen”)
II.	Need to reference climate change impacts and the adverse impacts fisheries emergencies have had on coastal fishing communities from a social and economic perspective.	More discussion needed (Proposed addition: “Climate-driven fisheries emergencies have impacted the west coast, straining coastal fishing communities socially and economically.”)

Post-Workshop and Potential Next Steps for MRC Guidance



- Summarize input received (*Complete*)
- Distribute workshop and comments summary to workshop participants
- Integrate stakeholder feedback into initial draft policy (*In progress*)
- Explore issues identified for further development and discussion (*Future*)
- Engage stakeholders and develop next iteration of draft policy (*Future*)

Thank You!



For more information, please visit:

fgc.ca.gov/Committees/Marine/Coastal-Fishing-Communities-Project

To get involved, please contact:

Kimi Rogers at Kimberly.Rogers@fgc.ca.gov



Marine Enforcement Update, March 2022

March 2022

Presented to:

Marine Resources Committee

Presented by:

Assistant Chief Eric Kord
Marine Enforcement District

The image is a composite of two photographs. The left side shows a close-up of a person's hand holding a crab. A metal measuring tool, a gage, is positioned against the crab's carapace. The gage has the words "Englund Ma" engraved on it. The right side shows a large, blue plastic container filled with water and a large number of crabs. The water is dark and has some white foam on the surface. The crabs are packed closely together in the container.

Seized load of Dungeness
Crab containing too
many undersize crab.



Dungeness Crab traps with fresh bait found in placed in the Montara State Marine Reserve



Seized catch of 14 undersized lobster at Dana Point Jetty

Questions?

