

STAFF SUMMARY FOR AUGUST 7-8, 2019

18. MARINE RESOURCES COMMITTEE**Today's Item**Information Action

Receive summary from Jul 11, 2019 MRC meeting and consider adopting recommendations. Receive update on MRC work plan and draft timeline. Discuss and consider approving new topics for MRC review.

Summary of Previous/Future Actions

- | | |
|---|----------------------------------|
| • Most recent MRC meeting | Jul 11, 2019; San Clemente |
| • Today consider approving MRC recommendations | Aug 7-8, 2019; Sacramento |
| • Next MRC meeting | Nov 5, 2019; MRC, Sacramento |

Background

MRC works under FGC direction to set and accomplish its work plan (Exhibit 1).

MRC Meeting Summary

MRC met on Jul 11 and discussed:

- Red Abalone Fishery Management Plan (FMP) development update
- Marine Life Management Act master plan implementation update
- Update on kelp and algae commercial harvest regulations revision
- Coastal Fishing Communities Project update
- Stakeholder informational presentation on aspects of state recreational fisheries management not under FGC authority
- Whale and turtle protections in the management of Dungeness crab fisheries

Exhibit 2 is a summary of the meeting.

MRC Recommendations

Based on the Jul 11 meeting discussion, MRC developed two recommendations for FGC consideration:

1. Coastal Fishing Communities Project: direct staff to post the final draft staff report synthesizing outcomes from the coastal fishing communities public meetings held in 2017-2018, and work with stakeholders to develop a definition of coastal fishing community.
2. Request that DFW explore inclusion of the recreational crab fishery in DFW's commercial crab fishery incidental take permit (ITP) application, including a suite of common-sense management measures and highlighting time constraints for developing a potential future rulemaking.

STAFF SUMMARY FOR AUGUST 7-8, 2019

Significant Public Comments

1. Coastside Fishing Club supports including the recreational crab fishery in the DFW ITP application and indicates that its leadership has begun initial discussions with DFW to address common-sense measures in the recreational crab fishery. Coastside Fishing Club indicates it will continue to work with DFW through the MRC process to bring options for FGC consideration (Exhibit 3).

Recommendation

FGC staff: Approve MRC recommendations.

Exhibits

1. [MRC work plan, updated Jul 25, 2019](#)
2. [Meeting summary from Jul 11, 2019 MRC meeting](#)
3. [Email from Mark Gorelnik, representing Coastside Fishing Club, received Jul 23, 2019](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the recommendations from the Jul 11, 2019 Marine Resources Committee meeting, as proposed.

OR

Moved by _____ and seconded by _____ that the Commission approves the recommendations from the Jul 11, 2019 Marine Resources Committee meeting, except to _____.

Marine Resources Committee (MRC) 2019 Work Plan
Scheduled Topics and Timeline for
Items Referred to MRC from California Fish and Game Commission
 Updated July 25, 2019

Topic	Category	2019		2020
		JUL	NOV	MAR
		San Clemente	Sacramento	Santa Rosa
Planning Documents				
MLMA Master Plan for Fisheries - Implementation Updates	Master Plan Implementation	X	X	X
Abalone FMP / ARMP Update	FMP	X	X	X
Aquaculture Programmatic Environmental Impact Report (PEIR)	Programmatic Plan		X	
Regulations				
Sport Fishing	Annual Rulemaking			
Aquaculture Lease Best Management Practices (BMP) Plan Requirements	DFW-FGC Project/ Rulemaking		X	
Kelp & Algae Commercial Harvest	DFW Project/ Rulemaking	X		
Emerging/Developing Management Issues				
Aquaculture State Water Bottom Leases: Existing and future lease considerations	Lease Management Review		X	
Special Projects				
California's Coastal Fishing Communities	MRC project	X	X	
Informational / External Topics of Interest				
Whale and Turtle Protections in the Management of the Dungeness Crab Fisheries		X	X	
Stakeholder informational presentation on aspects of State recreational fisheries management not under FGC regulatory authority		X		
Stakeholder informational presentation on aspects of State commercial fisheries management not under FGC regulatory authority			X	

KEY: X Discussion scheduled X/R Recommendation developed and moved to FGC

Commissioners
Eric Sklar, President
Saint Helena

Jacque Hostler-Carmesin, Vice President
McKinleyville

Russell E. Burns, Member
Napa

Peter S. Silva, Member
Jamul

Samantha Murray, Member
Del Mar

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



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Since 1870

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MARINE RESOURCES COMMITTEE

Committee Co-chairs: Commissioner Murray and Commissioner Silva

July 11, 2019 Meeting Summary

Following is a summary of the Marine Resources Committee (MRC) meeting as prepared by staff. An audio recording of the full meeting may be accessed online at

www.fgc.ca.gov/meetings.

Call to order

The meeting was called to order at 9:30 a.m. by Commissioner Murray at the California Department of Parks and Recreation Orange Coast District Office Training Room, 3030 Avenida del Presidente in San Clemente, California. She noted that MRC co-chair Commissioner Silva was not in attendance, but that President Sklar was attending in support of her first MRC meeting.

Elizabeth Pope gave welcoming remarks and outlined meeting procedures and guidelines for participating in Committee discussions, noting that the Committee is a non-decision making body that provides recommendations to the California Fish and Game Commission (Commission) on marine items. She reminded participants that the meeting was being audio-recorded for posting to the website with a meeting summary prepared by staff and introduced Commission and California Department of Fish and Wildlife (Department) staff. The following Committee member(s), Commission and Department staff were in attendance:

Committee Co-Chairs

Samantha Murray	Present
Peter Silva	Not Present

Commissioners and Staff

Eric Sklar	President
Susan Ashcraft	Acting Deputy Executive Director
Elizabeth Pope	Acting Marine Advisor
Sergey Kinckek	Staff Services Analyst
Maggie McCann	Sea Grant State Fellow

Department Staff

David Bess	Deputy Director and Chief, Law Enforcement Division
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Bob Puccinelli	Captain, Law Enforcement Division
Craig Shuman	Regional Manager, Marine Region
Ian Tanaguchi	Senior Environmental Scientist Marine Region
Rebecca Flores-Miller	Environmental Scientist, Marine Region

Invited Speakers

Paige Berube	Fisheries Program Manager, <i>Ocean Protection Council</i>
Alexis Jackson	Fisheries Project Director, The Nature Conservancy
George Osborn	Consultant representing California Sportfishing League

1. Approve agenda and order of items

Commissioner Murray approved the agenda but changed the order of the items. Item 3 was heard immediately following item 8. For purposes of the meeting summary, items are listed in the order of the published agenda.

2. General public comment for items not on the agenda

Dr. Karen Martin, Pepperdine University, provided comment on a petition for regulation change she submitted the Commission regarding grunion take, and noted that she will be providing a presentation to the Commission in August when the petition is scheduled to be received.

Geoff Shester, Oceana, supported Dr. Martin’s petition and reiterated Oceana’s concern on federal management of the swordfish fishery, specifically NOAA’s authorization of 60 long lines. He requested that the Commission remain updated and involved as possible.

3. Staff and agency updates

(A) *Ocean Protection Council (OPC)*

Paige Berube provided an update on OPC activities, including active engagement in funding process support for MLMA implementation efforts and the red abalone fishery management plan. She highlighted OPC support of the Dungeness crab fishing gear working group and announced that OPC is developing an investment plan to support nearshore, high-priority projects collaboratively identified by the Dungeness crab fishing gear working group, as well as supporting research and filling data needs. Supporting healthy kelp ecosystems is a priority for OPC as reflected in the draft strategic plan, and OPC is currently scoping a few small projects. In the marine pollution program, OPC continues to coordinate on issues of aquaculture. Paige also announced Mark Gold starts soon as OPC’s new executive director.

(B) *Department*

Marine Region: Craig Shuman provided an update on disaster relief efforts, confirming the amount and status of fund dispersals, and marine rulemakings. After significant discussion on the experimental fishing permit (EFP) rulemaking, staff was directed to work with the Department to identify additional informational or discussion opportunities on the two-phase approach to the EFP rulemaking.

Law Enforcement Division: David Bess provided an update about the fake on-line fishing and hunting license scam, including scam details, where to find more information, and steps to take if the scam is seen or solicited online. Bob Puccinelli provided marine-based enforcement updates, including citations for poaching and other violations, the successful rescue of an entangled whale, and case dispositions.

(C) Commission staff

Susan Ashcraft provided an update on current Commission staff, noting the announcement that Executive Director Valerie Termini had been appointed by Governor Newsom as chief deputy director for the Department and that the vacancy for the Commission's executive director would be announced soon.

Elizabeth Pope provided an update on staff efforts to find a location for the November MRC in the Monterey area to accommodate a proposed aquaculture workshop; staff has exhausted options and cannot locate an available space on the meeting date. Commissioner Murray thanked staff for efforts but identified that the potential move was not feasible given location and staffing constraints. MRC will not request a change to the November MRC meeting and it will stay in Sacramento as scheduled.

4. Red Abalone Fishery Management Plan (FMP)

Ian Taniguchi and Dr. Alexis Jackson provided an update on progress made toward incorporating the two harvest controls rules into the red abalone FMP through the collaborative team structure. Updates included activities and next steps for the three teams: the administrative team, the project team and the modeling team. The first project team meeting was held May 22, 2019 in Santa Rosa with over 40 participants. Strategic Earth Consulting has been secured to help with meeting facilitation to focus on increasing stakeholder communication and participation. The next project team meeting will be held via webinar on July 18, 2019. Updates and meeting information have been posted to OPC and Department webpages.

Discussion

General support for the process was provided by those in attendance with specific comment on the need to keep the context of "how we got here" while moving forward, how to manage the fishery at an appropriate scale, and how to ensure long-term stakeholder engagement. Additional discussion centered on how to integrate fishery participants in data collection within a *de minimus* fishery which was identified as a potential component of future project team discussions.

Commissioner Murray asked about Department Law Enforcement Division (LED) participation in the administrative and project team meetings. Department staff confirmed that LED did participate in the first project team meeting and would be added to the administrative team. One commenter suggested that increased tribal coordination and communication was needed as there are significant tribal concerns about abalone regulations, not only in California, but also in several other states. Craig Shuman confirmed that tribal notification had occurred, the Department is committed to tribal input, and he welcomes additional comment on how to increase tribal coordination. Staff identified the role of the Commission Tribal Committee and shared that an update on abalone was included at the June committee meeting.

No action was taken.

5. Marine Life Management Act (MLMA) master plan implementation

Craig Shuman provided an update on MLMA Master Plan implementation efforts consistent with the final work plan that was provided at the June Commission meeting. To date, all but one enhanced status report (ESR) for finfish have been completed, with expected completion for the last one by mid-July. The Department provided three ESRs (Kellet's whelk, ridgeback prawn and hagfish) as meeting materials. Upcoming stakeholder meetings were also highlighted.

Discussion

There was a robust discussion between Department and stakeholders on ESR development and associated long-term goals. Overall there was general support for the framework, the process, and ESR development as tool for management. Stakeholders were encouraged by the level of Department development and review and identified that a Department point of contact for each ESR would be a helpful component for effective communication.

No action was taken.

6. Kelp and algae commercial harvest regulations

Rebecca Flores-Miller provided a general update on the Department's three-phase review of commercial kelp and algae harvest regulations. Updates included a review of the overall process, and current Department efforts for Phase 2, which is a broad overhaul for regulations and management strategies. Once Phase 2 is complete, the Department will move efforts to Phase 3 to assess proposed cost recovery fees.

Discussion

Tribal interest in the project was expressed by a stakeholder who was concerned about the level of tribal input and tribal contact efforts by the Department. Commissioner Murray ultimately recommended the stakeholder talk with staff directly and noted that the topic had been added to the tribal work plan after the June TC meeting. Concerns about changing ocean conditions and kelp management were expressed with some discussion on the what kelp management could look like moving forward. Craig Shuman identified that once the phases were complete, the rulemaking for kelp could then feed into a broader kelp management plan and noted that there would likely be a change to the rulemaking timeframe as proposed in order to further bring in tribal discussions.

No action was taken.

7. Coastal Fishing Communities Project

Maggie McCann provided an update on progress made toward accomplishing MRC direction for the Coastal Fishing Communities Project, highlighting completion of a Coastal Fishing Communities Project webpage and completion of the final draft staff synthesis report that addressed public comments and included an updated list of potential items for future MRC recommendation.

Discussion

Stakeholders expressed varying expectations of the staff report and identified an interest in seeing the final draft before being considered final by MRC and also supported the option to finalize the report after a final round of stakeholder review. Commissioner Murray supported finalizing the report, but also allowing until November for additional stakeholder review, noting that finalizing the report would allow the project to move forward and focus on efforts and potential actions moving forward. She also indicated support for developing a fishing communities definition for the project.

MRC Recommendation

MRC recommends that the Commission direct staff to post the final draft synthesis report while allowing until November for additional stakeholder review, and to work with stakeholders to develop a fishing communities definition for the project.

8. State recreational fisheries management authority

George Osborn, representing the California Sportfishing League, provided an informational presentation to initiate discussion on State recreational fisheries not under Commission authority. His presentation provided a general overview on the authority of the Department, the Commission and the California State Legislature on fees, permits, access, protections, and licenses. Supporting information prepared by the California Legislative Council Bureau was included. In summary, he urged MRC to request that the Commission take all possible steps to increase sport fishing and continue the conversation about consolidating authority of the Department, Commission and Legislature into the single authority of the Commission; he urged MRC to ask the Commission for direction on accomplishing this and noted that the commercial component of the discussion is scheduled to occur at the November MRC meeting.

Discussion

There was disagreement between recreational and commercial fishing representatives on the need for a potential authority shift, noting the complexity of the two user groups and their different management needs; they suggested that if more take is the goal, then the Commission already has that authority. George Osborn referred to his presentation, clarifying his identified need to look at a holistic picture on management authority where roles are clearly defined and maintained for the resource. A more detailed discussion is expected to take place in November when commercial fishing stakeholders will have the opportunity to weigh in.

MRC clarified the Commission direction from June to receive the commercial component of the state fisheries management authority discussion in November and requested that staff work with commercial fishing organization representatives (Chris Voss and Noah Oppenheim) in developing the commercial component.

9. Whale and turtle protections in the Dungeness crab fisheries

Craig Shuman provided an update on whale entanglement issues and legal considerations, including the scale and scope of the incidental take permit/habitat conservation plan (ITP/HCP)

and associated timeframe for development. It was an opportunity to explore the existing recreational regulations for the Dungeness fishery and start to discuss what changes, if any, could be made to help reduce risk of entanglement.

Discussion

Participants discussed the perceived need and potential benefits to including the recreational fishery in the Department's ITP. After some discussion, recreational stakeholders expressed general support for the recreational sector to be included in the ITP, so long as it was not a one-size-fits-all approach where the same commercial fishing restrictions are also applied to recreational fishing. Recreational representatives agreed that any information and outreach they could provide the Department on the recreational perspective would be helpful information for the process (number of pots, service intervals, etc.). Additional discussion on timing and process identified that it would likely be most effective to couple recreational and commercial fishing into a single ITP process.

At the request of Commissioner Murray, Paige Berube briefly updated the Commission on the fact that OPC received an appropriation of \$7.5 million in the 2018 budget to address whale and sea turtle entanglement. The legislature directed \$1 million to seal and sea lion rescue and rehabilitations, and \$1 million for a drift gill net transition program. She mentioned an additional grant supporting solar loggers, which was recommended by the Dungeness crab fishing gear working group, and that the working group put together a memo to OPC that informs the general fund strategy. OPC envisions ropeless gear development would be supported by the general fund. OPC does not have capacity to support small-scale testing but could support a more coordinated and comprehensive testing method in coordination with funding from a private manufacturer. Commissioner Murray supported the development of ropeless fishing gear.

MRC Recommendation

MRC recommends that the Commission request the Department to explore inclusion of the recreational crab fishery in the Department's commercial crab fishery ITP application, including a suite of common-sense management measures and highlighting time constraints for developing a potential future rulemaking.

10. Future agenda items

- (A) Review work plan agenda topics and timeline
- (B) Potential new agenda topics for Commission consideration

No new topics were identified to add to the current work plan.

Adjourn

The committee adjourned at approximately 1:45 p.m.



Coastside Fishing Club
P.O. Box 5501, San Mateo, CA 94402

July 23, 2019

VIA EMAIL: fgc@fgc.ca.gov

Eric Sklar, President
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

Re: Marine Mammal Encounters in the Recreational Crab Fishery
Agenda Item No. 18, Marine Resources Committee Report

Dear President Sklar and Commissioners:

The Coastside Fishing Club represents roughly 10,000 recreational fishermen, many of whom participate in the recreational Dungeness crab fishery. We are very aware of the need to minimize our encounters with whales and other marine mammals and turtles. We are pleased to have participated in the July Marine Resources Committee (MRC) meeting that addressed recreational crab fishery encounters and entanglements; and intend to stay engaged on this matter.

To that end, at the July MRC meeting we expressed our support for including the recreational crab fishery in the Incidental Take Permit application, either stand alone or jointly with the commercial fishery. Additionally, we have begun initial discussions with CDFW to address common sense measures in the recreational crab fishery. It is our intent to find common sense win-win solutions that will keep our impacts below scientifically based standards, and to work with the Department to bring those approaches to the Commission for consideration following the November MRC meeting.

Marc Gorelnik, Chairman

Coastside Fishing Club

cc: Fish and Game Commissioners
Chuck Bonham, CDFW
Dr. Craig Shuman CDFW
Dan Wolford, Coastside
Doug Laughlin, Coastside
George Osborn