

STAFF SUMMARY FOR APRIL 17, 2019

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

Receive summary from Mar 20, 2019 MRC meeting and consider adopting MRC 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 | Mar 20, 2019; Sacramento |
| • Today consider approving MRC recommendations | Apr 17, 2019; Santa Monica |
| • Next MRC meeting | Jul 11, 2019; MRC, San Clemente |

Background

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

MRC Meeting Summary

MRC met on Mar 20 and discussed:

- Pacific herring commercial fishing season and Pacific Herring Fishery Management Plan (FMP) updates
- Red Abalone FMP update
- Marine Life Management Act (MLMA) master plan implementation update
- Coastal Fishing Communities Project update
- Offshore marine aquaculture programmatic environmental impact report development update
- Shellfish aquaculture best management practices development update
- Commercial trap fishing gear informational presentations

A summary of the meeting is provided in Exhibit 2.

MRC Recommendations

Based on the Mar 20 meeting discussion, MRC developed a recommendation for FGC consideration: Refer a new topic to MRC for its Jul 2019 meeting based on a request from George Osborn, representing California Sportfishing League, to provide an informational presentation on options to shift more authority for sport fisheries to FGC, and expand the topic to include state commercial fisheries currently under legislative authority. To avoid increased workload for FGC staff, MRC requested that Mr. Osborn solicit commercial representative participation in the presentation and conversation, and to develop the informational presentation with guidance from FGC staff.

STAFF SUMMARY FOR APRIL 17, 2019

Significant Public Comments

1. A recreational abalone fisherman expressed his appreciation for FGC and DFW leadership efforts in developing the red abalone FMP, specifically the peer review, integration of both the DFW and The Nature Conservancy proposals, and the allowance for a *de minimis* fishery. If successful, he believes this process could serve as a blueprint for other fisheries (Exhibit 3).

Recommendation

FGC staff: Approve MRC recommendation to add a new topic to the MRC work plan.

Exhibits

1. [MRC work plan, updated Apr 2019](#)
2. [Meeting summary from Mar 20, 2019 MRC meeting](#)
3. [Email from Jack Likins, received Mar 6, 2019](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the recommendation from the March 20, 2019 Marine Resources Committee meeting, as proposed.

OR

Moved by _____ and seconded by _____ that the Commission approves the recommendation from the March 20, 2019 Marine Resources Committee meeting, except to _____.

**Marine Resources Committee (MRC) 2018-2019 Work Plan
Scheduled Topics and Timeline for
Items Referred to MRC from California Fish and Game Commission
Updated April, 2019**

Topic	Category	2019		
		MAR	JUL	NOV
		Sacramento	San Clemente	Sacramento
Planning Documents				
MLMA Master Plan for Fisheries - Implementation Updates	Master Plan Implementation	X	X	X
Abalone FMP / ARMP Update	FMP	X	X	X
Herring Fishery and FMP Update	FMP	X		
Aquaculture Programmatic Environmental Impact Report (PEIR)	Programmatic Plan	X	X	
Regulations				
Aquaculture Lease Best Management Practices (BMP) Plan Requirements	DFW-FGC Project/ Rulemaking	X/R	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			
Special Projects				
California's Coastal Fishing Communities	MRC project	X/R	X	
Informational / External Topics of Interest				
Discussion on legislative authority of sport fisheries (PROPOSED NEW)	Informational		X	
Marine Debris and Plastic Pollution (updates upon request)	Informational			
BOEM Offshore Wind Energy Project (updates upon request)	Informational			
Lobster Advisory Committee lessons learned report - presentation by Heal the Bay	Informational			
Commercial trap fishing gear innovations to reduce risk of entanglements	Informational	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

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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MARINE RESOURCES COMMITTEE

Committee Co-chairs: Commissioner Sklar and Commissioner Silva

March 20, 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 9:03 a.m. by Commissioner Silva at the Natural Resources Building, Redwood Room, 1416 Ninth Street, Sacramento, CA. Elizabeth Pope, Acting Marine Advisor, gave welcoming remarks. Commissioner Sklar announced that a new commissioner, Samantha Murray, had been sworn in the previous day and would likely be appointed to MRC at the next Commission meeting, while he would likely move to the Wildlife Resources Committee.

Elizabeth Pope introduced California Fish and Game Commission (Commission) staff and California Department of Fish and Wildlife (Department) staff, and outlined the meeting procedures and guidelines. She noted that MRC is a non-decision-making body that provides recommendations to the Commission and indicated that the meeting may be audio-recorded and the recording posted to the Commission website. The following individuals were in attendance:

Committee Co-Chairs

Eric Sklar	Present
Peter Silva	Present

Commission Staff

Melissa Miller-Henson	Acting Executive Director
Susan Ashcraft	Acting Deputy Executive Director
Elizabeth Pope	Acting Marine Advisor
Sergey Kinchak	Staff Services Analyst
Leslie Hart	Sea Grant State Fellow
Maggie McCann	Sea Grant State Fellow

Department Staff

Craig Shuman	Regional Manager, Marine Region
Mike Stefanak	Assistant Chief, Law Enforcement Division

Bob Puccinelli	Captain, Law Enforcement Division
Randy Lovell	Statewide Aquaculture Coordinator
Sonke Mastrup	Invertebrate Fisheries Program Manager, Marine Region
Debbie Aseltine-Neilson	Senior Environmental Scientist (Specialist), Marine Region
Ryan Bartling	Senior Environmental Scientist (Specialist), Marine Region

Guest Speakers

Jenn Eckerle	Deputy Director, California Ocean Protection Council
Sarah Valencia	Project Manager, Pacific Herring Fishery Management Plan
Geoff Shester	Senior Scientist, Oceana, and member of the Dungeness Crab Fishing Gear Working Group
Alexis Jackson	Fisheries Project Director, The Nature Conservancy

1. Approve agenda and order of items

MRC approved the agenda but changed the order of items. Items 5 and 10 were discussed immediately following a partial completion of item 3. 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

George Osborn, representing California Sportfishing League, expressed appreciation for the Department's newly-released "R3" report and thanked the Department for the support.

A commenter expressed the desire for committee meetings to be mandatorily recorded. He also requested a precise report on the illegal take of abalone statewide since the black abalone fishery was closed and expressed concern over foodborne illness risks associated with abalone aquaculture.

A representative of an environmental non-governmental organization (NGO) thanked MRC and the Commission for supporting Senate Bill 1017 (related to commercial fishing and drift gillnet fisheries). He also commented on the National Marine Fisheries Service's (NMFS) initial scoping process to re-establish a pelagic longline fishery and expressed concern that replacing gillnets with pelagic longlines could result in excessive bycatch; he asked that California take a strong stance against this move and President Sklar expressed his support for that position.

Commenters from two additional environmental NGOs expressed that their organizations also strongly oppose new pelagic longline fishing gear off the west coast. One highlighted a concern about substantial impacts of gear type on black-footed albatross and asked the state to take a stronger stand against this potential authorization.

A representative from Commercial Fishermen of Santa Barbara expressed that the views of a previous commenter on abalone did not represent his community and that the community is working collaboratively with state agencies and conservation groups to address issues facing commercial fisheries.

A representative from Coastal Conservation Association of California commented that 1) he is supportive of the R3 process and its potential outcomes; 2) supports looking at upgrades to the sport fish licensing program; and 3) requests that the Commission focus further attention on

plastics, specifically banning balloon releases. Commissioner Sklar noted that Senator Ben Allen is introducing a comprehensive plastics bill to address the broader plastic question, and the Commission would consider supporting that bill.

A representative from the Port of San Diego highlighted the port's Aquaculture and Blue Tech Program and Blue Economy Incubator, as well as the role of ports and harbors to create pathways for pilot projects. She announced a comprehensive Port Master Plan update, which will be released in April for a 90-day public review.

3. Staff and agency updates

(A) Ocean Protection Council (OPC)

Jenn Eckerle provided updates on current OPC activities of interest and new OPC members. The draft OPC strategic plan, which now includes a new goal of advancing sustainable blue economies, will be released and open for a 30-day public review on March 25. She also identified that the Marine Protected Area (MPA) Statewide Leadership Team is reissuing its call for tribal representatives through May 30, and that the funding solicitation for projects for Proposition 1 funds has closed.

The next OPC meeting is May 15 and will include: approving approximately \$17 million to support MPA long-term monitoring, restoration, and outreach/education; approving nominees to OPC's Science Advisory Team; a proposed north coast fishery study looking at conflicts between off-shore wind and commercial fishing; and approving guidelines to disperse \$56 million in Proposition 68 funds.

Discussion

A commenter asked about how purple urchin removal was addressed in the OPC strategic plan and when Proposition 1 finalists would be updated on review status. Jenn clarified that the strategic plan has an objective focused on kelp forest recovery, and that the funding review panel is in the process of being finalized, with a meeting to start the review process likely after the May OPC meeting.

President Sklar expressed his support of OPC's work and willingness to help get funding from the California State Legislature, especially for fishery management plans.

(B) Department

Marine Region: Craig Shuman highlighted that *Marine Region 2018 Year in Review* has been posted on the Department's website. He also indicated that staff is working on a rulemaking package to implement AB1573 (Statutes of 2018, Chapter 477), related to experimental fishing permits. Per MRC request in Nov 2018, Craig discussed lobster advisory committee stakeholder perceptions, and that through the committee mutually beneficial outcomes were developed for the fishery. He emphasized the importance of integrating stakeholders from an early stage and welcomes feedback on the process. He shared that the online fisheries portal is under development and the region is seeking feedback. In closing, Craig reiterated that he, personally, and other Department staff have an open-door policy.

A commenter requested WRC to consider a workgroup for exploring how permits would be issued for a future box crab fishery. Craig responded that a future fishery is still uncertain, and while changes to the current approach for permit issuance haven't been developed, there will be opportunities to look at other ways to allocate the permits.

Law Enforcement Division: Bob Puccinelli provided an update on recent enforcement actions in the marine environment. Responding to a prior MRC request, he provided an update on compliance with the red abalone recreational fishery closure. Compliance has been very good and there have been no reported cases of red abalone poaching.

A commenter requested that complete data for all abalone poaching for the entire state be presented. Commissioner Sklar responded that the need for better monitoring for poaching made a case for having more enforcement on the water.

(C) Commission staff

Melissa Miller-Henson provided an update on recent Commission staff changes.

4. Pacific Herring Fishery Management Plan (FMP)

Sarah Valencia presented the history of the Pacific Herring FMP development process, including proposed methods for setting quotas based on harvest control rules and ecosystem indicators. She provided an update on the outcomes of the FMP peer-review process that occurred after the last MRC meeting, including how specific concerns were identified and addressed. Specifically, additional ecosystem indicators were integrated into the harvest control rule. The Commission is scheduled to receive the draft Pacific Herring FMP and proposed implementing regulations in June.

Discussion

Following discussion and clarifying questions from the public, Commissioner Sklar thanked Sarah for her work and commented that the approach might be used as a model in future FMP developments.

5. Red Abalone FMP

Alexis Jackson gave a presentation on the collaborative process developed to assist in integrating management strategies for the Red Abalone FMP. She described the background of the project and introduced a collaborative structure developed in response to the MRC recommendation adopted by the Commission, which includes three teams: an administrative team, project team, and modeling team. Alexis reviewed the roles, scope of work, and composition of each team, and accomplishments to date. She emphasized areas in which the public can engage with the process and its iterative nature. An update should be available in April or May, with the modelling expected to begin by the end of the year.

Commissioner Silva noted that the project team was open to the public and asked how feedback would be addressed. Sonke Mastrup clarified that the intent is to address public comments similar to a rulemaking, where a comment summary and DFW response would be drafted and posted; Commissioner Silva supported that approach.

Discussion

Comments were provided for general support on the level of stakeholder participation and the collaborative process between DFW and TNC. A former commercial abalone fisherman commented that he would like to see the *de minimis* fishery concept also be applied to commercial green and red abalone harvest, and expressed doubt in the usefulness of modeling and frustration at the pace and expense of progress.

President Sklar expressed thanks to staff and stakeholders for participating and supporting the collaborative work, especially with regard to considering a *de minimis* recreational fishery.

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

Debbie Aseltine-Neilson gave a presentation on a draft implementation work plan. Designed to be comprehensive and adaptable, the draft work plan includes seven elements with individual tasks and timeframes from the master plan and MLMA. The Department's intent is to have a prioritized list for the Commission in October and an update on high priority fishery management recommendations in February 2020. Any public comments on the draft work plan will be incorporated into a final version for the June 2020 Commission meeting.

Discussion

Comments were made on the considerations of and incorporation of issues such as climate change, prioritizing enhanced status reports, and considering bycatch. Debbie responded with specific details and opportunities for focused review and comment that would help inform the final draft.

The commissioners expressed appreciation for the momentum and work toward implementation, and offered any ways in which MRC could assist in the upcoming efforts.

7. Coastal Fishing Communities Project

Leslie Hart gave an update on the project's progress, organized into four focal areas: outreach, collaborations, identifying partner efforts, and staff report. Specifically, she highlighted that staff are integrating feedback from the public comments into a revised staff report and developing more comprehensive information. Staff responses to each comment, that were summarized for MRC in November, will be added to the comment table and included with the final staff report. She highlighted key collaborations and partner efforts that will support the Commission's work, and shared that a specific fishing communities webpage linked to the Commission website will be released once the current website template conversion is completed in April.

Discussion

Commenters expressed general support for the project, including next steps as outlined.

Susan Ashcraft clarified that Commission staff will continue to analyze options identified in the staff report—such as exploring what the scope of a review of the Commission's restricted access policy might include—and will bring the updated information to MRC at future meetings.

8. Offshore marine aquaculture programmatic environmental impact report (PEIR)

Randy Lovell provided a presentation on developing a PEIR that will evaluate a proposed regulatory framework governing future offshore marine aquaculture in California. He discussed the scope and scale of the program, and objectives to encourage offshore aquaculture development while protecting the environment and existing local commercial fishing activities. Alternative programs were also included. It is expected that the draft PEIR will be released for public comment at the end of May.

Discussion

The Committee co-chairs asked clarifying questions about program alternatives and scope. Randy clarified that program alternatives that limit different variables, such as the number of leases issued or size of leases, are discussed in the PEIR.

A commenter expressed concern about the amount of expansion if there was no holistic view and emphasized the importance of spatial considerations for aquaculture siting in the CEQA analysis. Randy responded that individual projects would need additional environmental review, which would include addressing cumulative impacts. MRC urged that the process look at how/where other farms have been placed as a reference and noted that the PEIR will provide a framework, but that individual projects would still be looked at by the Commission, which will also take cumulative impacts into consideration.

A commenter identified a series of environmental concerns related to finfish aquaculture and asked why the project was being done. Commissioner Sklar responded that all the identified problems would be addressed, and that it was a necessary food source in the face of climate change reducing future food sources. Randy added that aquaculture would potentially reduce environmental impacts of water use in food supply, and Commissioner Sklar mentioned that technology was being developed for finfish aquaculture feed without relying on the wild forage base.

A consultant commented that an aquaculture workshop (Pathways Towards Sustainable Aquaculture), hosted by Sea Grant, was held in Moss Landing in 2018, and offered assistance in gathering the subject matter experts who had participated should the MRC like to have a similar event. President Sklar suggested that if the November MRC is moved to Monterey, it might be possible to take advantage of this potential assistance. Staff agreed to explore the possibility of a meeting location change and to explore feasibility and potential value of a workshop. Randy added that videos from the workshop presentations are available at www.aquaculturematters.ca.gov.

9. Shellfish aquaculture best management practices (BMPs)

Randy Lovell provided a verbal update on developing a proposed regulation to require BMP plans for state water bottom leases issued by the Commission for purposes of aquaculture. He identified that while a BMP document was not complete, a web portal developed by collaborators at UC Santa Barbara can serve as a potential interim resource for aquaculture growers.

No formal recommendation was made by MRC, though staff acknowledged that work efforts are on hold until staffing challenges can be addressed.

10. Commercial trap fishing gear design

Ryan Bartling provided a presentation on efforts by the California Dungeness Crab Fishing Gear Working Group to explore gear design innovations to reduce the risk of whale entanglement, and provided a one-page set of criteria for effective ropeless gear design. He described emerging topics identified during a Department-hosted public discussion.

Geoff Shester, as a working group member, supplemented the Department information with a presentation related to development and testing of ropeless trap gear, including specific gear variations and technological solutions, enforcement concerns, and long-term goals.

Discussion

Commissioner Silva asked a clarifying question regarding tracking and enforcement. Ryan stated that the intent is to partner with enforcement in software development to address the concerns. Bob Puccinelli clarified that while enforcement does have concerns, many manufacturers have been very receptive.

Meeting participants discussed the use of existing pop-up gear and its associated benefits and enforcement concerns. A commercial fisherman suggested exploring reducing the number of traps in the water as a method to reduce entanglement without hurting fishers—if it was well planned and if there is too much effort in the fishery already. It was also noted that putting more traps on each line might be more economical while reducing lines in the water, and that work on developing ropeless fishing gear by Dr. Terry Moss could be helpful for further discussion.

President Sklar thanked the presenters for their work. He mentioned his perspective that if the commercial Dungeness crab fishery is moved under the Commission's authority, fishermen can better take on these issues.

11. Future agenda items

(A) Review work plan agenda topics and timeline

Elizabeth Pope reviewed the updated work plan and highlighted potential agenda topics for the July 2019 MRC meeting.

(B) Potential new agenda topics for Commission consideration

Elizabeth asked whether the discussion during Agenda Item 8 (aquaculture PEIR) about possibly moving the November MRC meeting to Monterey, and exploring the feasibility of scheduling a corresponding workshop on aquaculture in Moss Landing, was a formal MRC recommendation or an inquiry for staff to explore. Commissioner Sklar clarified that it was a request for staff to look into the feasibility of these options.

Discussion

George Osborn, representing California Sportfishing League, requested that MRC recommend to the Commission that MRC initiate a discussion about potentially moving more authority for sport fisheries to the Commission.

Craig Shuman asked for clarification about the scope of such a discussion, as most recreational fisheries are already under Commission authority. Mr. Osborn clarified that the request primarily pertains to fees and licensing.

Commissioner Sklar expressed interest in holding the discussion and expanding it to include commercial fisheries as well; he specifically highlighted the commercial Dungeness crab fishery.

Staff expressed concern about workload associated with the request given the other projects currently underway; in response, MRC requested that George develop a presentation, identify commercial fishing representatives who could present their perspective on those commercial fisheries that are under the authority of the California State Legislature or Department, and develop an informational presentation with guidance from Commission staff.

MRC Recommendation

Refer a new topic to MRC based on a request from George Osborn, representing California Sportfishing League, to provide an informational presentation on options to shift more authority for sport fisheries to the Commission, and expand the topic to include state commercial fisheries currently under legislative authority. To avoid increased workload for Commission staff, MRC requested that George solicit commercial representative participation in the presentation and conversation, and to develop the informational presentation with guidance from staff, for discussion at the July 2019 MRC meeting.

Adjourn

The Committee adjourned at approximately 3:00 p.m.

Date: March 6, 2019
RE: Abalone Management
Dear Commissioners:

I want to take this opportunity to thank the Commission for their involvement and guidance regarding northern California's recreational red abalone fishery and the proposed FMP. California's abalone fishery, even among stakeholders and scientists, has historically been contentious. To the Commission's credit, you have taken the unusual step of allowing an independent peer review of an outside collaborative proposal between TNC and fishermen, along with the CDFW's proposal. You have also asked the CDFW, TNC and fishermen to work together to integrate the two proposals. In addition, you've directed that the FMP goals be revised to allow for a *de minimis* fishery. If our current efforts are successful to accomplishing these goals, the process could be a blueprint for other fisheries, including the southern abalone fishery. Additionally, we should not only end up with the best possible fishery management plan for a recovering, sustainable fishery, but also very important, the process will have been inclusive and transparent. I don't think fishermen could have expected more than what you've asked to be done. Now we just have to make it happen and I look forward to helping reach those goals.

I simply want to say that from someone who has been involved as a fishing advocate for many years, I appreciate the Commission's leadership and am looking forward to working with the CDFW, TNC and the Commission to produce the best possible outcome.

Sincerely,

Jack Likins
Recreational Abalone Fisherman