

Initial Discussion of Incidental Take and Bycatch in California Fisheries



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Today: Defining the Scope

- Clarify Terms and Definitions, Types
- Identify Concerns
- Existing mechanisms to address concerns
Consider potential areas to focus effort
next

What is “Bycatch” in Fisheries?

- Term “bycatch” is used in very different ways (can lead to confusion, misunderstanding)



State Terms and Definitions

- FGC §86, Title 14 CCR §1.80 **Take**

“Take” means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill.

- FGC §90.5 **Bycatch**

“Bycatch” means fish or other marine life that are taken in a fishery but are not the target of the fishery. Bycatch includes discards.

- FGC §91 **Discards**

“Discard” means fish that are taken in a fishery but are not retained because they are of an undesirable species, size, sex, or quality, or because they are required by law not to be retained.

Types of “Bycatch” in Fisheries

- Retained bycatch. Examples:
 - Non-target fish species that are desirable or marketable might be **retained and sold**
- Discarded bycatch. Examples:
 - Non-target fish species that are unmarketable or unwanted
 - Non-target fish species that are illegal to retain (“regulatory discard”)
 - Target fish species but unmarketable or unwanted
 - Vulnerable/protected species groups

Types of “Bycatch” in Fisheries

- Condition of discarded bycatch:
 - Some species/individuals survive
 - Some species/individuals die (“discard mortality”)

What are the Concerns?

- Bycatch in general (“Dirty” fisheries)?
- Bycatch of certain species?
- Discard (“Wasted” catch)?
- Mortality from Discard?
- Undocumented mortality?
- Biological impact?
- Economic impact?
- Values/moral concern?



Mechanisms to Address Bycatch Concerns

- Individual Fisheries
- Individual Fishery Management Plans (FMPs)
- Unifying policy (for all FMPs)

Individual Fisheries: MLMA

What Fisheries? Fisheries under state jurisdiction

FGC §7056 states that “In order to achieve primary fishery management goal of sustainability, every fishery under state jurisdiction shall be managed under a system whose objectives include...

...(d) The fishery **limits bycatch to acceptable types and amounts**, as determined for each fishery.”

Individual FMPs: MLMA and Master Plan

FGC §7085 sets FMP content standards for fisheries with bycatch, regarding:

- Bycatch content;
- Evaluation of bycatch for significance; and
- In the case of unacceptable bycatch, management measures to (in priority order):
 - 1) minimize bycatch, and
 - 2) minimize mortality of discards that cannot be avoided.

General Policies: Master Plan for Fisheries

“...several issues need extra consideration or clarification [as] full implementation of MLMA will take several years. **Policies or guidelines on issues such as ... bycatch...** are crucial to the success of an FMP. An open public dialogue will serve to educate and provide clear guidance to decision- makers, and the public alike, concerning the complexities of the issues before them.

...development of FMPs will benefit from guidance provided by various definitions or application guidelines.”

(Section 2.5, Master Plan)

Focus to Date

1. Individual Fisheries with Bycatch Concerns:
 - Develop FMP and address bycatch
 - Adopt management measures outside FMP

Options for Where to Go from Here

1. Individual Fisheries:

- Continue developing FMPs
- Address “focal fisheries” outside FMPs
- Clarify priority order for focus based on authority for direct action



Options for Where to Go from Here

2. Policy approach:

- Work to develop proactive policy and application guidelines across all fisheries, via Master Plan review and update

3. Consider future work for MRC to recommend to F&GC

