

STAFF SUMMARY FOR DECEMBER 9-10, 2015

8. MRC**Today's Item**Information Action

This is a standing item to receive MRC reports and recommendations, including a summary from the Nov 4, 2015 meeting (Exhibit 1).

Summary of Previous/Future Actions

- | | |
|---|----------------------------------|
| • Most recent MRC meeting | Nov 4, 2015; Ventura |
| • Today's report and recommendations | Dec 9-10, 2015; San Diego |
| • Next MRC meeting | Mar 21, 2016; Los Alamitos |

Background

FGC directs the work of the committees (see Exhibit 2 for the current MRC two year work plan). Based on work referred to MRC for its Nov 4, 2015 meeting, MRC has the following recommendations for FGC consideration:

1. Master Plan for Marine Protected Areas: Schedule review and discussion for three FGC meetings, as opposed to the minimum of two required for the master plan, per DFW recommendation (see staff summary for Agenda Item 13).
2. California's Fishing Communities: Consider hosting a scoping discussion on fishing communities at or in conjunction with a future FGC meeting.
3. Kelp Regulations Review: Support DFW's recommendation to revise the order of FGC's approved 3-Phase approach to amending kelp harvest regulations, and undertake Phase 3 (improve management) prior to Phase 2 (funding and fees to cover management).
4. Possible Future Agenda Topics: Consider scheduling the following topics on future MRC and/or FGC meeting agendas:
 - a. FGC – Schedule for Feb 2016 an update from DFW's Marine Region on outcomes of the federal process to protect unmanaged forage species
 - b. MRC – Receive update from the Ocean Protection Council (OPC) on ocean acidification
 - c. MRC – Refer an informational item on plastic pollution and marine debris (by Plastic Pollution Coalition, and possibly OPC)
 - d. MRC – Receive update from DFW on the commercial sea cucumber fishery

Significant Public Comments

1. See MRC meeting summary for comments received during the meeting (Exhibit 1)
2. Ken Bates, Humboldt commercial fisherman, requests that FGC and DFW staff hold a meeting with north coast community members to discuss a community based fishing proposal for coastal communities north of Point Arena, prepared by Dan Yoakum, Bob Juntz, Mary Fairbanks, Linda Hildebrand, and Ken Bates (Exhibit 3)

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Recommendation

FGC staff: (1) Approve MRC recommendations 1, 2, and 3; (2) Provide direction on potential agenda topics identified under recommendation 4, in the context of the MRC current work plan; (3) support request from Ken Bates to explore his request.

Committee: See background above and Exhibit 1.

DFW: (1) FGC hold three meetings to discuss the master plan for MPAs; and (2) FGC agree that DFW should undertake Phase 3 for kelp harvest regulations before Phase 2 (MRC recommendations 1 and 3 above).

Exhibits

1. [Nov 4, 2015 MRC meeting summary](#)
2. [MRC Two-Year Work Plan](#)
3. [Email and attachment from Ken Bates, dated Nov 24, 2015](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the MRC recommendations, approves a Feb 2016 update on the federal process to protect unmanaged forage species, approves _____ topics for future MRC meetings, and directs staff to continue discussions with fishing communities regarding support by the FGC

Commissioners

Jack Baylis, President
Los Angeles

Jim Kellogg, Vice President
Discovery Bay

Jacque Hostler-Carmesin, Member
McKinleyville

Eric Sklar, Member
Saint Helena

Anthony C. Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
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Fish and Game Commission



Wildlife Heritage and Conservation
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MARINE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Sklar and Commissioner Williams

Meeting Summary

November 4, 2015, 9:30 a.m.

**Four Points by Sheraton Ventura Harbor Resort
1050 Schooner Dr., Ventura**

Following is a summary of the meeting as prepared by staff.

1. Call to order / roll call to establish quorum

The meeting was called to order at 9:30 a.m. by Commissioner Sklar, who established a quorum. Commissioner Sklar introduced Fish and Game Commission (FGC) staff and California Department of Fish and Wildlife (DFW) staff.

Committee Chairs

Eric Sklar	Present
Anthony Williams	Absent

Commission Staff

Sonke Mastrup	Executive Director
Susan Ashcraft	Marine Advisor
Mary Brittain	Administrative Assistant

DFW Staff

Steve Riske	Assistant Chief, Law Enforcement Division
Bob Puccinelli	Captain, Law Enforcement Division
Craig Shuman	Regional Manager, Marine Region
Tom Barnes	Program Manager, State Managed Fisheries, Marine Region
Ian Taniguchi	Senior Environmental Scientist Specialist, Marine Region
Steve Wertz	Senior Environmental Scientist Supervisor, Marine Region
Alisan Amrhein	Sea Grant Fellow, Marine Region

Susan Ashcraft outlined meeting procedures and guidelines for participating in Committee discussions, noting that the Committee is a non-decision making body that provides

recommendations to FGC 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.

2. Approve agenda

Commissioner Sklar approved the agenda without changes.

3. Public forum for items not on agenda

Public comments were received.

A comment was received from Everard Ashworth, Ventura Port District Commissioner, to introduce a new project called the Ventura Shellfish Enterprise. The enterprise was formed to establish several shellfish aquaculture leases in state waters within the Santa Barbara Channel. The group has received a grant from NOAA Sea Grant to explore development of the project, including required state and federal permitting, and invited FGC/DFW partnering.

Several commenters expressed concern over reports that the commercial and recreational Dungeness crab season openers may be delayed, and commercial rock crab season closed, due to elevated levels of domoic acid (see agency update for DFW below).

4. Agency updates

California Ocean Protection Council (OPC)

Valerie Termini, OPC Project Manager, provided an update on recent and upcoming activities of OPC; this included a list of recently-approved OPC/DFW projects related to revision of the Marine Life Management Act (MLMA) Master Plan, and adoption of the Marine Protected Areas Statewide Leadership Team Work Plan. OPC is soliciting applicants for Proposition 1 funding; the deadline to submit letters of intent is December 1, 2015.

DFW

Marine Region: Dr. Craig Shuman provided an overview of recent public and working group meetings held to discuss ways to reduce the risk of whale entanglements in the California Dungeness crab fishery, resulting in best management practices. Dr. Shuman also provided more information related to interagency coordination of crab sampling and testing for domoic acid. He emphasized that any possible commercial fishery closures under DFW director authority would only be considered if the California Department of Public Health (CDPH) determines that crab pose a significant risk to the public if consumed, and if the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with CDPH, recommends the fisheries be closed. FGC staff clarified that the same would be necessary for FGC to consider similar action for the recreational crab fishery under FGC authority.

Law Enforcement Division: Bob Puccinelli detailed multiple enforcement actions, most notably several related to illegal commercialization of recreationally-harvested abalone.

5. Update on Red Abalone Fishery Management Plan

Ian Taniguchi and Alisan Amrhein gave a joint presentation on the background of abalone management, and progress to develop a red abalone fishery management plan (FMP). The presentation included a summary of key public input received through a month-long online angler survey held in spring of 2015, management principles and goals for the FMP based on input, an overview of the FMP management framework under development, and a review of the timeline and next steps.

Public discussion: Meeting attendees expressed enthusiasm and support for the management principles and goals stated, and for DFW openness to building in new data streams from volunteer/public efforts. The Nature Conservancy will be hosting a workshop with DFW to explore how externally-collected data may be integrated into abalone management.

MRC expects to receive an update and overview of specific proposals in a draft FMP at its next meeting.

6. Update on master plan for marine protected areas review and revision process

Steve Wertz presented an overview of the background, focus of the draft master plan adopted by FGC in 2008, and purpose and approach to revising the master plan to focus on management. He highlighted key components of the draft updated master plan, notably how it operationalizes the Marine Life Protection Program, clarifies governance and partnerships, provides statewide network guidance and emphasizes adaptive management. The draft updated master plan was released to tribes upon request in late summer, and will be submitted to FGC for consideration in December. While the Fish and Game Code only requires two hearings before adoption, DFW recommends scheduling a three-meeting public process, with discussion in February 2016 and possible adoption in April 2016.

Public discussion: Attendees indicated their interest in reviewing the draft updated master plan, particularly sections discussing adaptive management and co-management. MRC emphasized that if the master plan recognizes the possibility of these management concepts at a high level, it would provide opportunities for further development over time.

Committee Recommendation: MRC supports providing additional opportunity for public review and input through a 3-meeting process. Thus, MRC recommends that FGC support DFW's proposed meeting schedule.

7. Overview of Marine Life Management Act master plan review and revision process

Tom Barnes presented an overview of the goals and objectives for amending the Master Plan for Fisheries under the Marine Life Management Act (MLMA), the opportunity to address several issues not included in the current master plan that will benefit fisheries management, and the approach being employed. The approach relies on collaboration with outside partners and funders to utilize new tools and expertise. Mr. Barnes highlighted over a dozen external project areas that would server as "stakeholder building blocks." These provide opportunities for stakeholder input along the way. This is the beginning of a long journey and it is still very early in the process; the timeline will cover over two years.

Public discussion: A broad discussion of needs, opportunities, and ideas for the master plan was held. Fishermen highlighted that there are long-standing requests to update existing FMPs and expressed strong views about what is “fair and equitable.” That said, commenters supported development of other approaches to fishery management within the master plan, including new approaches to managing data-poor stocks, and giving “credit” for MPAs, such as through reducing level of precaution in harvest control rules. The master plan may offer the possibility to discuss/expand options for experimental permits, fishing community considerations, emerging fisheries, unmanaged forage species, and to contemplate alternative management approaches (e.g., fishing co-ops) in a manner that would hold the space open to develop them without needing to amend the master plan. Commenters expressed their willingness and interest in contributing input into the various project areas. While guidance and input was offered, no clear suggestions emerged to change the proposed direction of the effort.

MRC encouraged DFW to explore a broad range of opportunities within the master plan that would open the door to future development, and noted that there will be many opportunities at future MRC meetings to receive an update on progress and provide input.

8. California’s fishing communities: Initial scoping

Susan Ashcraft presented an overview of California’s fishing communities in the context of changes in fishing opportunity and management and their effects over the past 15 years, legislative guidance under the MLMA as well as federal law, and provided examples of current efforts, opportunities, and resources that may inform MRC discussion. She opened the exploratory discussion by asking for input on fishing community interests and goals, and potential opportunities to support them.

Public discussion: Fishing representatives discussed the importance of diversification across many fisheries for port vitality and keeping adequate product to support infrastructure. There was a recognition that sometimes diversification across the port may not necessarily translate into opportunity for individual fishermen. Representatives from northern California ports discussed limitations on their ability as local fishermen to diversify based on restricted access programs in place, using market squid as a key example of a fishery resource becoming locally-available but inaccessible to local fishermen. Others commented that there are different vantage points to the equation of vitality and that supporting port economic vitality as a whole might not support individual fishermen. Many examples of opportunities and needs emphasized local effort, forming local business/fishing cooperatives, and the commitment and involvement of local community and governmental representatives (e.g., city council, harbor district, elected officials). Some needs may be legislative in nature. The MRC co-chair recognized that local involvement at the community level may be necessary to further develop and carry out some of the ideas shared. It would be useful for community members to develop the ideas to bring to FGC, to see if or where FGC may play a role.

Committee recommendation: MRC recommends that FGC consider hosting an exploratory discussion on fishing communities at or in conjunction with a future FGC meeting.

9. Update on approach to amending kelp and algae harvest regulations

Steve Wertz presented an overview of the three-phase approach approved by FGC in 2011 to improve kelp and algae harvest management: (1) Clarify the regulations; (2) ensure funding;

and (3) improve management. Phase 1 was completed and implemented in 2014. Research on Phase 2 (fees) is underway. However, based on a review of phases 2 and 3, and the potential for management changes to influence appropriate funding levels, DFW recommended that phases 2 and 3 be reversed.

Public discussion: A kelp harvester noted that the current kelp harvesters directly use the product for aquaculture farms as feed for abalone, as opposed to large-volume harvesters whose product is intended for secondary applications such as converting to agar or biofuel. Current kelp harvesters harvest substantially smaller amounts, and he questioned the need for DFW to invest this much time and effort into reviewing management and fees given the current users. DFW clarified that larger-volume harvesters are not precluded from returning in the future, and that the intent is to proactively plan for future industry needs, not just current needs. The harvester recommended that, at a minimum, management measures and fees should be structure separately for these different types.

Committee recommendation: MRC recommends that FGC support DFW’s proposal to reverse the order of Phase 2 and Phase 3, and undertake management review before reevaluating appropriate fees to cover management.

10. Update on topics previously before the Committee

(A) Fisheries Bycatch Workgroup

Susan Ashcraft provided an update on progress toward establishing a fisheries bycatch workgroup to review existing guidance, evaluate available data, and provide input on possible changes to bycatch guidance for the master plan for fisheries amendment. Staff is working with partners to develop a draft work plan, and participation in the workgroup will be solicited via FGC electronic mailing lists later this year. The workgroup will have the opportunity to contribute to the draft work plan for MRC/FGC consideration. The committee encouraged staff to initiate a workgroup planning meeting by end of year to clarify the group charge and review the draft work plan to propose to MRC, and possibly solicit some external funding support for its efforts.

(B) Pier and Jetty Fishing Review

Susan Ashcraft provided a brief update on collaborative efforts to review pier and jetty fishing concerns and interests in Southern California, as endorsed by FGC in December 2014. A “Santa Monica Bay Pier Stakeholders Summit” was held on May 7, 2015 by Heal the Bay in coordination with FGC staff. While progress on this project has been hampered by staff capacity limitations, staff has now been assigned to support this project, and will be sending a letter to all municipalities with public piers in Southern California.

(C) Other

The committee and meeting participants discussed a series of previous topics of interest and options to include related topics on future MRC agendas. Based on the input and discussion, MRC expressed interest in possible follow-up on several of the topics (see below).

Committee Recommendation: MRC recommends that FGC consider the following potential future agenda topics:

MRC meetings

- OPC update on ocean acidification
- Informational item on plastic pollution and marine debris (by Plastic Pollution Coalition, and possibly OPC)
- DFW update on sea cucumber fishery

FGC meeting

- Marine Region update on federal process to protect unmanaged forage species

11. Adjournment

The Marine Resources Committee meeting adjourned at 3:45 p.m.

Marine Resources Committee (MRC) 2015-16 Work Plan: Scheduled topics and timeline for items referred to MRC
 (Updated for Dec 9-10, 2015 FGC meeting)

Topic	Type of Topic	2015			2016		
		MAR (Marina)	JUL Canceled	NOV (Ventura)	MAR (Los Alamitos)	JUL (Napa)	NOV (Irvine)
Current Topics Previously Referred to MRC:							
Lobster FMP	DFW project	X / R					
Special Closures in Central Coast (stakeholder proposal review)	Referral for review	X / R					
Experimental Squid Permits (review of regulations)	Referral for review	X / R					
Abalone FMP / ARMP update	DFW project	X	X	X	X	X / R	
Fisheries Bycatch Workgroup	MRC workgroup		X	X	X	X	
Pier and Jetty Fishing Review	Special FGC project		X	X	X		
Herring FMP Development Updates	DFW project	X					
California's Fishing Communities	Potential special FGC project	X	X	X	X		
Update to MLMA Master Plan- Fisheries	DFW project		X	X	X	X	
Update to MLPA Master Plan- MPAs	DFW project		X	X / R			
Annual Sportfish Regulations	Annual cycle	X			X		
Kelp and Algae Harvest Management and Regulations - Phase 2 (Fees)	DFW project			X / R			

KEY **X** Discussion scheduled
 R Recommendation developed and moved to FGC

-----Original Message-----

From: Ken Bates]

Sent: Tuesday, November 24, 2015 4:40 PM

To: Ashcraft, Susan@FGC

Subject: Proposal for Community Based Squid Fishing

Commissioners,

We wish to submit our draft proposal for community based squid fishing for the area north of Point Arena. This proposal is a result of dialogue with commission staff and recent MRC meetings. We would ask staff to consider this draft proposal via a meeting with staff and various interested parties, to see if there is a consensus for going forward with this draft plan.

Sincerely,

Ken Bates, Linda Hildebrand

Community based Squid Fishing Proposal for Coastal Communities North of Point Arena

Dan Yoakum, Bob Juntz, Mary Fairbanks, Linda Hildebrand, Ken Bates

October 24, 2015

The following proposal is an attempt to address the health and viability of North Coast fishing communities by providing limited, local opportunity to local small boat fishermen, development of shore side processing jobs and assisting California Fish and Wildlife Department in their efforts to comply with certain requirements of the Federal Magnuson/Stevenson Fisheries Act. The authors hope that this will be the beginning of a policy to foster community based sustainable fishing opportunity on the North Coast of California.

Background

The California Market squid management (limited entry) plan, which was heavily influenced by a handful of major squid fishermen and three major processors has effectively concentrated squid fishing opportunity in to the hands of a small minority of fishermen and corporations which now control a majority of the squid fishing permits and in turn, the squid resource itself. The existing squid management plan has allowed fleet capacity to expand by half again via an influx of larger Canadian built purse seiners and lengthened / sponsoned domestic vessels. Some of these "enlarged" boats have increased hold capacity by a factor of three. Further modifications to the squid management plan have now made it illegal for any non-permitted fishermen to have even one California Market Squid in his possession.

Squid has been present in harvestable concentrations north of Point Arena for millennia. During the Fall of 2015 nearly five million pounds of market squid was landed in the Port of Eureka – all by boats from southern or central California. No local boats had any opportunity to participate at any level in this fishery off the Eureka Coast. As of this month (October 2015) squid are again present off Eureka. Last week, two central California seiners arrived off of Noyo Harbor to catch 160,000 pounds of market squid overnight, then left . Local Noyo fishermen had been monitoring this squid for over a month with no chance to access this fishing opportunity literally right in front of their harbor.

Goals

1. To develop opportunity for local sustainable community based squid fishing for the major ports of:

- ☐ Crescent City
- Eureka
- Noyo/ Fort Bragg
- with inclusion of the minor ports of Trinidad, shelter Cove, Albion, Point Arena

2. To provide a separate squid fisheries plan to:
- Allow fishing opportunity for small local boats north of Point Arena
 - Remove financial burdens of Limited Entry permit purchases by young fishermen starting their fishing careers
 - Restrict the possibility of increased effort shift and fishing capacity by limiting individual landing per 24 hour period.
 - Promote the creation of local squid processing employment in the Ports of Crescent City, Eureka and Noyo.
 - Provided for an equitable distribution and turnover of fishing opportunity through the management of non-transferable vessel permits by a Community Fisheries Trust Organization

How We Might Get There

The Federal Magnuson / Stevens Fisheries Act expressly addresses sustainable Community based fisheries requirements as part of any Federal Fisheries Management Plan. That being said, the chance of any of this proposal being seriously considered is based on the evaluation by both the California fish and Game Commission and staff and the long term vision by the Department of Fish and Wildlife as that vision relates to the Health and preservation of Coastal fishing Communities in California.

Here are the Basics

A local community fishing trust is formed to administer the following:

- Who qualifies for "local" status and fishing opportunity
- How long each "fishing opportunity" lasts (duration)
- Daily landing limits for each fishing gear type to allow maximum participation and an orderly fishery over the season
- re-issuance of "fishing opportunity" both in-season and seasonally
- Co-operative in-season management with other community fishery trusts to deal with geographic shift
- Determination of landing fee rate (to local municipality) and "opportunity" fee rate to fund "Community Fishing Trust Management expense"

Some Details

A. Community Fishery Trust

- Port based (Crescent City, Eureka, Noyo)
- Made up of three fishermen, two buyers, one representative of local city government, and one department biologist
- Organizational model probably based on present efforts in Morro Bay and Monterey with some modifications.

B. Fishery Details

- Major port based squid quota, for example: ! 10,000 short ton quota per port

managed by community fishing trust, quota to be separate from the limited entry quota
-- Maximum of three purse seine vessel permits per port with a 24 hour landing cap of 25 to 50 short tons determined in-season

- fluctuating number of small vessel non-transferable permit permits based on resource availability, weather and port processing capacity with a 24 hour landing cap of 3 to 10 short tons determined in-season.

- non-transferable in this case meaning not sellable from the trust but transferable to vessels of different owners/operators with no size restriction so as to serve the harbor fleet equally. The landing cap will serve to limit capacity .