

COMMITTEE STAFF SUMMARY FOR MARCH 21, 2016

6. MLMA MASTER PLAN**Today's Item****Information** **Direction**

Receive DFW update on progress in efforts to review and amend the current FGC-adopted master plan for fisheries pursuant to the Marine Life Management Act (MLMA).

Summary of Previous/Future Actions

- Received overview of plan and timeline Nov 4, 2015; MRC, Ventura
- Update on progress Mar 21, 2016; MRC Los Alamitos
- **Today's update on progress Jul 21, 2016; MRC Petaluma**

Background

The MLMA, enacted in 1998, directs DFW and FGC to manage state fisheries sustainably through an ecosystem-based approach (§ 7050 et seq., Fish and Game Code). To help achieve its goals, the MLMA calls for developing a master plan that specifies the process and resources needed to prepare, adopt and implement fishery management plans (FMPs) for fisheries managed by the state (§ 7073, Fish and Game Code). The master plan is intended to help focus management effort on the highest priority species and to describe the specific tools and approaches to be applied in achieving the goals of the MLMA.

The current master plan for fisheries was developed by DFW with input from stakeholders and adopted by FGC in 2001 (see www.wildlife.ca.gov/Conservation/Marine/Master-Plan). An effort to amend the master plan is currently underway to broaden the policy scope of the document and facilitate moving more fisheries under active management and FMPs, as envisioned in the MLMA. Given the significance and value of this undertaking, DFW's Marine Region has established it as a priority in its current strategic work plan.

In Nov 2015, DFW provided an overview of the background, scope, and proposed approach to amend the MLMA master plan for fisheries. In Mar 2016, DFW updated the MRC on the four-phase process to update the Master Plan for Fisheries. Today DFW will provide an update on the MLMA Amendment Process including a revised timeline, draft framework, and updated FAQ sheet (exhibits 1-4).

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits**

1. [DFW Memo- Update on Marine Life Management Act Master Plan Amendment, received Jul 8, 2016](#)
2. [Overview of Draft Amended Framework for MLMA-Based Management, dated Jul 2016](#)
3. [MLMA Master Plan Amendment Process Timeline, dated Jul 2016 \(Note: Corrected copy provided Jul 19, 2016\)](#)
4. [MLMA Master Plan for Fisheries Amendment Process Frequently Asked Questions, dated Jul 2016](#)

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Committee Direction/Recommendation (N/A)

State of California
Department of Fish and Wildlife

Memorandum

Date: July 8, 2016

To: Valerie Termini
Executive Director
California Fish and Game Commission

From: Craig Shuman 
Regional Manager, Marine Region

Subject: **Agenda Item for the July 21, 2016, Marine Resources Committee Meeting: Update on Marine Life Management Act Master Plan Amendment**

At the July 21st Marine Resources Committee (MRC) meeting, the Department of Fish and Wildlife (CDFW) will provide an update to the MRC describing the process and status of the Marine Life Management Act Master Plan (Master Plan for Fisheries) amendment.

The Master Plan for Fisheries is a planning document that describes how California fisheries are managed. It prioritizes fisheries according to the need for comprehensive management through fishery management plans. The Master Plan for Fisheries is intended to help focus management effort on the highest priority species and to describe the specific tools and approaches to be applied in achieving the goals of the Marine Life Management Act. The current Master Plan for Fisheries was developed by CDFW with input from stakeholders and adopted by the Fish and Game Commission in 2001.

Amending the Master Plan will provide a clear and explicit roadmap for fisheries management that reflects the updated interests and priorities of managers and stakeholders invested in a sustainable future for California's fisheries. It will also recognize opportunities to incorporate newly available fisheries management tools and approaches.

The Department has developed a suite of informational materials to orient the MRC and stakeholders on the proposed draft framework, timeline, and approach to amending the Master Plan for Fisheries. All components of the framework are still being developed and tested for relevance and feasibility and will be the focus of workshops and other discussions with stakeholders.

If you have any questions regarding this item, please contact Dr. Craig Shuman, Regional Manager, Marine Region at (805) 568-1246. Stakeholders and interested members of the public are invited to visit <https://www.wildlife.ca.gov/Conservation/Marine/MLMA> or contact MLMA@wildlife.ca.gov for more information.

Attachments

Attachment 1: Overview of Draft Amended Framework for MLMA-based Management

Attachment 2: MLMA Amendment Process Timeline

Attachment 3: MLMA Master Plan for Fisheries Amendment Process: Frequently Asked Questions (revised July 2016)

Overview of a Draft Amended Framework for MLMA-based Management

July 2016

The Marine Life Management Act (MLMA) is the guiding statute for ocean fisheries management in California. Enacted in 1999, this progressive law moved the state towards ecosystem-based management of its marine resources. This overview details some of the challenges with the current management approach, and the opportunity that revising the MLMA's work plan, the Master Plan for Fisheries, offers. It lays out a draft framework for prioritizing and scaling the intensity of management to the risks and potential benefits for each fishery, enabling more strategic allocation of limited funds and staff capacity to the fisheries that are in greatest need of management intervention. It also describes how this approach can be used to bring all fisheries in California up to a standardized level of management consistent with the MLMA. It is intended to serve as a road map, linking various information gathering projects that are underway together into a cohesive strategy and vision for the Master Plan amendment.

Before the MLMA, ocean fisheries were managed through adjustments in legislation or in regulation adopted by the Fish and Game Commission (Commission) as problems became evident. However, the MLMA called for comprehensive, proactive management of the state's ocean fisheries to achieve a set of common objectives and to meet certain standards. Since passage of the MLMA, implementation has focused largely on targeted rulemakings and on the preparation of fishery management plans (FMPs) for a few fisheries, often in response to legislative action. Controversy and complexity in these fisheries increased the intensity of FMP efforts and the demands on the California Department of Fish and Wildlife's (the Department) capacity. As a result, most of the state's fisheries have not fully benefited from the provisions of the MLMA.

The draft "Amended Framework for MLMA-based Management" proposed here addresses three needs: I) a process for prioritizing future management actions both among and within fisheries; II) a process for scaling those management actions to reflect the needs, risks, and values of each fishery together with the Department's capacity; and III) a means of conveying up-to-date fisheries information in a way that's easy for stakeholders, researchers, and the public to navigate and digest. This framework is depicted on Page 5. Projects on climate change, partnerships, stakeholder engagement, and peer review are underway and are anticipated to apply across the framework as appropriate. It is important to note that all components of the framework are still being developed and tested for relevance and feasibility and will be the focus of workshops and other discussions with stakeholders.

I. Prioritization Component

The prioritization component is intended to assess the need for management action in individual fisheries in a transparent and consistent fashion by conducting three types of analyses. Besides grouping fisheries as high, medium, or low need for management action, these analyses can also identify high priority actions that can be taken to improve management. These three analyses can be distilled into the following questions: 1) where are there risks?; 2) how well is current management addressing those risks?; and 3) where would confronting those unaddressed risks have the most biological, economic, social, or administrative benefit?

Analysis 1. Risk Assessment

Under the draft prioritization section of the framework, all fisheries go through a risk assessment to identify and evaluate any ecological and/or biological risks posed by fishing. This assessment is composed of two assessments: a Productivity Susceptibility Analysis (PSA), which assesses the risks to a particular stock, and an Ecological Risk Assessment (ERA), which assesses the risk a fishery poses to the ecosystem. California Ocean Science Trust (OST) is currently conducting a PSA on 45 of the state's most significant fisheries in terms of commercial value

and recreational participation. OST will also be adapting an ERA framework for California and applying it to five fisheries as an initial pilot.

The draft prioritization section of the framework would use the results of the Risk Assessment to classify fisheries as being of low, medium, or high concern. Those fisheries classified as medium or high-risk move on to the next steps of the prioritization framework, while those classified as posing a low risk are not an initial priority for additional management.

Analysis 2. Assessing Management Effectiveness - MLMA-based Assessment

The next analysis evaluates a fishery's level of consistency with the MLMA. The first step in this analysis is an assessment of the degree to which management is consistent with the full range of the MLMA's objectives. The second step is a specific assessment of the degree to which risks identified in the Risk Assessment are being addressed by current management. The Center for Ocean Solutions is currently developing the draft MLMA-based assessment framework. If the Department determines the tool is effective, those fisheries that are classified as having low or medium consistency with the MLMA, particularly in relation to the risk areas identified in the Risk Assessment step, would be candidates for additional analysis described below. Those fisheries where management is determined to have high consistency with the MLMA require no additional management actions, although triggers for reconsidering this assessment might be identified.

Analysis 3. Economic Value/Opportunity

All of the fisheries that have achieved this stage of analysis have been deemed to pose medium to high ecological and/or biological risks, and may have related deficiencies in terms of consistency with the MLMA. As a result, these fisheries will likely require additional management actions to address these risks and improve consistency with the MLMA. The last step in the prioritization framework assesses the relative tradeoffs to socio-economic impacts from more active management. Approaches to conducting such an analysis are being discussed, however relevant data are relatively limited.

Prioritization results

Under the draft prioritization section of the framework, fisheries would be categorized into three classes of concern, high, medium, and low. Generally, fisheries classified as high priorities for management would be the first to be considered for management action. In the absence of extenuating circumstances, additional management action, beyond preparation of the Enhanced Status Report described below, would be deferred on fisheries classified as medium or low priority.

II. Management Scaling Component

The fisheries that fall under the scope of the MLMA range widely in complexity, biological characteristics, number of participants, geographic extent, availability of data, management need, and other factors. The process described below is intended to incorporate this variability in the range of approaches to applying MLMA-based management, from expanded and better structured Status Reports to traditional, resource intensive FMPs. The draft management scaling component of the framework seeks to match the scope and intensity of management effort with the needs and complexity of a given fishery.

Defining the Management Continuum

Fisheries vary significantly regarding the appropriate level of management effort. For example, a small single sector fishery with low ecological and/or biological risk, that is largely consistent with the MLMA, and for which expected benefits from additional management are likely to be low may justify a lower level of response. Alternately, a large-scale, multi-sector fishery with conservation concerns and a high degree of controversy will likely demand a more intensive

effort. This may lead to implementation of the MLMA taking place along a continuum ranging from a basic level represented by an Enhanced Status Report, to an intensive, complex FMP process.

Low – Enhanced Status Report Alone

All fisheries would be the subject of an Enhanced Status Report. Building off current Status Reports, Enhanced Status Reports would be structured around the requirements of the MLMA itself, helping to ensure that included information is relevant to management under the MLMA. These reports would have sections on the history and socio-economics of the fishery, the biology and status of target stocks, ecosystem aspects of the fishery, past and current conservation measures, essential fisheries information (EFI), and monitoring. This revised format would ensure a basic standard of MLMA-based management is applied across all fisheries in a consistent and transparent fashion. It would summarize all of the available EFI for each fishery, and make it readily apparent what is not available. This structure is envisioned to assist the Department in planning both short and long-term research activities and inform external parties about research opportunities that may benefit management. Enhanced Status Reports can serve as a repository of information documenting the consistency of a fishery's management with the MLMA and the results of the analyses described above. They can also serve as sources of information for future analyses and FMP development.

Medium low - Status Reports Plus Focused Rulemakings

A second group of fisheries may need relatively simple adjustments in management to address specific risks or concerns identified in the prioritization analyses. These might include a modification to an existing regulation, or the creation of a new one, where the available science is sufficient to warrant the change and there is broad stakeholder support behind the change. Any rulemakings made in this context should be relatively non-controversial, easily enforceable, and applied to the entire fishery with relative ease. An Enhanced Status Report plus a tailored rulemaking to address relatively simple issues may be an effective combination for many lower risk fisheries. Similar to the revised approach to Enhanced Status Report, the content of these limited rulemakings could more explicitly track with the areas of concern identified in the MLMA.

Medium high to high - Scaled Fishery Management Plans

In cases where the degree of management change, fishery complexity, controversy, and information needs are high, an FMP may be required. The MLMA specifies what information must be included in an FMP, but does not specifically describe the process required to achieve that outcome. Rather than considering FMPs as having a process recipe in which there is a list of requirements to be checked off, it may be helpful to view the FMP as a graduated process, with increasing levels of intensity as required.

The resource demands on the Department and Commission may be reduced through several means, including process design, partnerships, and efficient stakeholder engagement, among other things. For example, creating Enhanced Status Reports early can help the Department to flag missing EFI in fisheries that have been prioritized for additional management action in the medium term.

Identifying where along the continuum of management a fishery belongs depends on, 1) the degree of management change required to address risk and improve MLMA consistency, 2) the complexity of the fishery and, 3) the type and amount of information needed. The level of management change has two essential components, the impact on the fleet from the anticipated changes, and the administrative difficulty for managers to implement them. A change in decision-making framework or from input to output based controls may constitute a major change. Examples of minor changes in the degree of management might include a modification to the gear used to prosecute the fishery. In addition to the anticipated degree of management change, the level of complexity of the fishery will influence the intensity of the public process as

well as the scope and scale of the resulting management document. Complexity criteria include the number of gear types, sector use and allocation, geographic distribution, and number of participants. Another key factor in determining the need for an FMP is whether existing statutes might conflict with the necessary changes to the fishery. By adopting an FMP, any conflicting statutes can be rendered inoperative for that particular fishery, allowing a great deal of management flexibility.

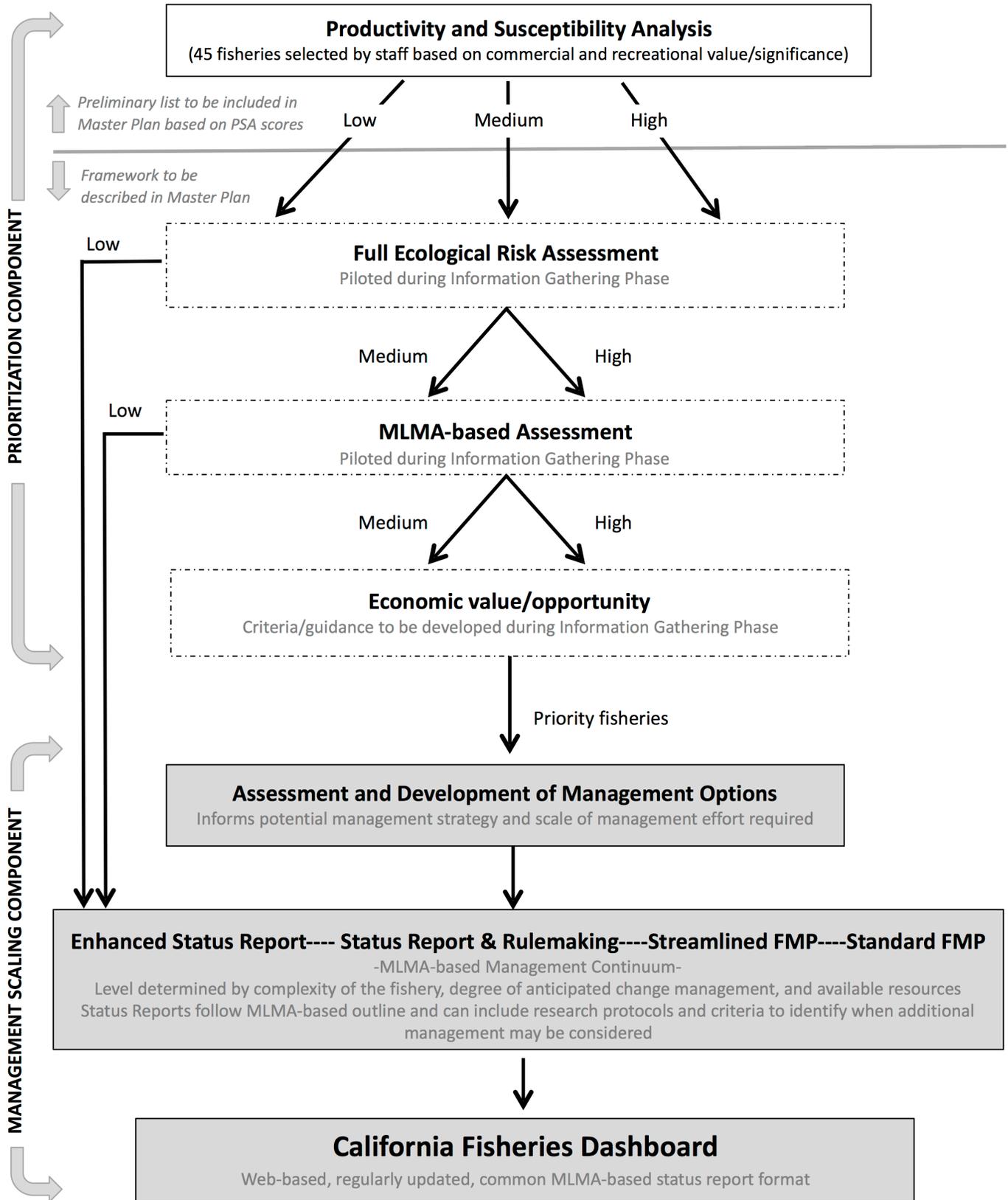
While the first component of the framework is designed to help focus limited Department capacity on fisheries of greatest concern, this management scaling component is intended to match the level of management effort and resources to the characteristics and needs of a given fishery. In many ways this provides an explicit framework around what is an intuitive approach and seeks to identify important criteria for managers and stakeholders to consider when scaling management efforts.

III. The Web-based Fishery Dashboard

The information gathered throughout the prioritization and management processes could be housed and regularly updated on a web-based dashboard. The dashboard would be a user interface that organizes and presents information from status reports in a way that is easy to understand at a glance. At its core would be a front page where users could choose among the state's fisheries and learn basic information, with more details nested within specific categories. The tabbed page format would be common to all fisheries, and would break the information from each Enhanced Status Report into its major component parts, including tabs for "at-a-glance", "natural history", "the fishery", "ecosystem considerations", "management issues", and "research and monitoring". While substantial time and cost will be required upfront to develop the dashboard and its underlying database, once established it should be designed to be relatively simple to maintain and update. The web-based dashboard is envisioned to help promote transparency in fisheries management, foster public engagement, and focus academic research on areas of management relevance.

DRAFT- Amended Framework for MLMA-based Management

*Development and implementation of this framework is contingent upon sufficient resources and capacity
 Projects on climate change, partnerships, stakeholder engagement, and peer review apply across the framework
 (Dashed boxes indicate tools or analyses that may be utilized if successfully developed in the information gathering phase)*



Marine Life Management Act (MLMA) Master Plan Amendment Process



Overview

The California Department of Fish and Wildlife (CDFW) and its partners are amending the Marine Life Management Act (MLMA) Master Plan. The current Master Plan was adopted by the California Fish and Game Commission in 2001. Since then, priorities have evolved and new tools and approaches have become available that can improve fisheries management in California. The MLMA Master Plan amendment process will occur through 2018.

Goals

The MLMA Master Plan amendment is expected to:

- Enhance the sustainability of the state's ocean fisheries.
- Help ensure fisheries management is more efficient, effective, and streamlined.
- Establish a clear pathway detailing the management approach for each fishery.
- Foster transparency and flexibility in fisheries management with stakeholders and interested members of the public.

2015

2016

2017

2018

Engagement with California Tribal Governments

Stakeholder Engagement

Phase I: Build Knowledge

Gather Information

Resources are reviewed to help develop priorities, products, and tools for potential integration into the amended Master Plan:

- Fisheries Management Plans
- Lessons Learned from the MLMA
- "Information Gathering Projects" are launched to collect and consider socioeconomics, risk assessments, status of fisheries, monitoring programs, etc.

Tribal Engagement

Outreach to tribes and native communities is formally initiated.

Stakeholder Engagement

Initial outreach to community leadership is conducted to share information and build communication networks.

Draft Amendment Framework for MLMA-Based Management

A "Draft Amendment Framework for MLMA-Based Management" is made available for stakeholder review and input.

Phase II: Amend Master Plan

Stakeholder Input

There are multiple opportunities and platforms for stakeholders to provide feedback and guidance on key components of the amended Master Plan, including:

- Community workshops
- Web-based surveys
- Small group discussions

Prepare Draft Master Plan Amendment

CDFW will prepare a Draft Amended Master Plan that will be available for stakeholder review. The draft will be shared with tribes, and undergo a scientific peer review. Opportunities for stakeholder input and discussion will continue.

Late 2017: Submit Draft Master Plan to Fish and Game Commission

CDFW will present the Draft Amended Master Plan to the California Fish and Game Commission.

Phase III: Review and Possible Adoption

The goal is for an amended Master Plan to be adopted that reflects the interests and priorities of stakeholders invested in a sustainable future for California's fisheries.

Marine Life Management Act Master Plan for Fisheries Amendment Process
Frequently Asked Questions
Updated July 2016

1. What is the Marine Life Management Act Master Plan for Fisheries?

The Marine Life Management Act (MLMA) Master Plan for Fisheries (Master Plan) is a planning document that describes how California fisheries are managed. It prioritizes fisheries according to the need for comprehensive management through fishery management plans. The Master Plan is intended to help focus management effort on the highest priority species and to describe the specific tools and approaches to be applied in achieving the goals of the MLMA. The current Master Plan was developed by the Department of Fish and Wildlife (Department) with input from stakeholders and adopted by the Fish and Game Commission (Commission) in 2001.

2. Why is the Master Plan for Fisheries being amended now?

The current Master Plan was adopted in 2001. Amending the Master Plan will provide a clear and explicit roadmap for fisheries management that reflects the updated interests and priorities of managers and stakeholders invested in a sustainable future for California's fisheries. It will also recognize opportunities to incorporate newly available fisheries management tools and approaches.

3. Who is leading the effort to amend the Master Plan?

The Department's Marine Region is directing the effort. The Department is overseeing contractors assigned to specific tasks such as project coordination, outreach, meeting facilitation, editing, conducting analyses, etc.

4. What are the goals of amending the Master Plan?

The goals of the Master Plan amendment are to:

- Enhance the sustainability of the state's ocean fisheries;
- Help promote more efficient, effective, and streamlined fisheries management;
- Establish a clear pathway detailing the management approach for each fishery; and
- Foster transparency and flexibility in fisheries management with stakeholders and interested members of the public.

5. What are the benefits of amending the Master Plan?

Amending the Master Plan will help the Department and stakeholders develop shared expectations of what successful fisheries management and implementation of the MLMA looks like. It will reflect updated fisheries priorities and new management tools and approaches that can help fisheries achieve or maintain sustainability. For example, it may incorporate tools and approaches that have been developed over the last decade to better assess the status of stocks and ensure management measures are better tuned to the needs of fish populations and the fishing communities that depend on them. Successful implementation of these tools through an amended Master Plan can reduce risk and potentially result in greater fishing opportunity, improved access to the growing number of sustainability conscious markets, increased revenue, and greater adaptability to changing climate and oceanic conditions.

6. Are there opportunities for stakeholder input to update the Master Plan for Fisheries?

Yes. The MLMA places significant emphasis on the role stakeholders and outside experts should play in the development of the Master Plan. There will be multiple opportunities and platforms for stakeholders to provide feedback and guidance on key components of the amended Master Plan, including, but not limited to, community workshops, small group discussions, and meetings of the Fish and Game Commission

and its Marine Resources Committee. Tribal engagement is an important component of the amendment process and was formally initiated by letters sent to California tribes in June 2016. A framework and subsequent draft of the Master Plan amendment will be available for public review and comment. Please see the timeline referenced in question 8 for further details.

7. What is the timeframe for updating the Master Plan?

The Master Plan amendment process is a phased approach. An anticipated timeline is available that outlines each phase, available here. In brief:

- Information Gathering Phase, 2015- 2016
 - Information gathering projects underway to develop work products and tools to be assessed by CDFW, with input from stakeholders, and potentially integrated into a draft amended Master Plan framework to inform the Amendment Phase.
 - Resources, including, but not limited to, existing [Fisheries Management Plans \(FMPs\)](#) and the [MLMA Lessons Learned](#), are reviewed to help inform priorities, products, and tools for potential integration into the amended Master Plan;
 - Tribal consultation begins.
- Amendment Phase, 2016 –2017
 - Tribes and stakeholder will be invited to review options developed in the Information Gathering phase and provide feedback and guidance on key components of the amendment;
 - Public workshops and other community outreach opportunities will take place during this phase.
 - The draft amendment will be prepared, available for stakeholder comments, and undergo a scientific peer review process;
 - The draft amendment will be presented to the Fish and Game Commission.
- Implementation, 2018
 - The draft amendment will be considered and potentially adopted by the Fish and Game Commission.

8. How will stakeholders be affected by the Master Plan amendment?

The Master Plan amendment will not change fishing regulations directly. Rather, it will establish priorities, policies, and approaches that will guide management in the future, making management more consistent and predictable. These policies are anticipated to include identifying fisheries that will most benefit from fishery management plans, identifying tools for assessing fish stocks and managing harvest, understanding when and how to consider socioeconomic impacts, how to integrate the marine protected area (MPA) network into fisheries management, and how best to engage stakeholders and build partnerships with fisheries managers.

9. How are outside groups and funding involved in amending the Master Plan?

Partnerships are an important means of leveraging outside resources to expand the Department's capacity and improve management outcomes. Partners for this process include tribes and outside groups such as fishing associations and environmental groups to build knowledge and help develop priorities, products, and tools for potential integration into the amended Master Plan. In addition, funds from the Ocean Protection Council and the philanthropic community are helping to pay for facilitation and supporting analyses. The Department and the Commission are committed to maintaining the integrity and transparency of the process and all partnerships will be structured to achieve that goal.

10. Does the Master Plan amendment process have any relationship to the Marine Life Protection Act Initiative?

No. This is a separate effort under a different law. The [Marine Life Protection Act](#) (MLPA) Initiative was focused on redesigning California's system of marine protected areas (MPAs) to function as a network. The effort prohibited or restricted fishing in some areas with the goal of improving ecosystem function. By contrast, the MLMA and its implementation plan, the Master Plan for Fisheries, are focused on the compatible goals of improving fisheries management and on how to achieve sustainable and economically viable fisheries in California. Nevertheless, the MLMA Master Plan amendment process is an opportunity to help identify how the new MPA network should be considered when managing fisheries.

11. How does the Master Plan amendment affect other Department priorities?

Several major strategic initiatives are moving forward at the same time as the Master Plan amendment process. These include: the development of fisheries management plans for the recreational red abalone and commercial herring fisheries; the transition to electronic reporting; addressing whale entanglements; and ongoing management of state and federally managed fisheries, among others. The Master Plan amendment is a major undertaking that will shape how the Department manages state fisheries over the next five to ten years. As a result, some other activities will likely be deferred until it is completed. An amended Master Plan will make state management of fisheries more efficient, transparent, and consistent. The goal is for an amended Master Plan to be adopted that reflects goals of the amendment process (see FAQ #4) and the interests and priorities of stakeholders invested in a sustainable future for California's fisheries.

12. How can I stay informed about the Master Plan for Fisheries amendment?

For more information about the MLMA Master Plan Amendment process, visit <https://www.wildlife.ca.gov/Conservation/Marine/MLMA> or email MLMA@wildlife.ca.gov.