



CALIFORNIA OCEAN PROTECTION COUNCIL

Item 6

Staff Recommendation

January 31, 2018

**Collection & Synthesis of Information on 30 State-Managed Marine Species & Scoping California Fisheries Portal**

Paige Berube, Program Manager

**RECOMMENDED ACTION:** Authorization to disburse up to \$190,503 to Fathom Consulting to collect and synthesize information on 30 state-managed marine species that could inform California Department of Fish and Wildlife’s development of Enhanced Status Reports, and up to \$30,866 to Strategic Earth Consulting to convene a series of multi-interest roundtable discussions to inform the design and development of an online California Fisheries Portal in alignment with the California Ocean Protection Act and to advance the state’s efforts to implement the Marine Life Management Act Master Plan.

**LOCATION:** Statewide

**STRATEGIC PLAN OBJECTIVES:** Sustainable Fisheries and Marine Ecosystems, and Science-Based Decision-Making

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**EXHIBITS**

Exhibit A: Excerpt PowerPoint slides from a February 2017 public webinar “Draft Approach to Scaled Management and a Fisheries Web-based Data Portal” as part of the MLMA Master Plan amendment process

Exhibit B: Draft Amended Framework for MLMA-based Management

Exhibit C: List of 36 State-Managed Marine Species

Exhibit D: An outline for Enhanced Status Reports (ESRs)

Exhibit E: Support Letters

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**FINDINGS AND RESOLUTION:**

Staff recommends that the Ocean Protection Council (OPC) adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the Ocean Protection Council hereby finds that:

- 1) The proposed projects are consistent with the purposes of Division 26.5 of the Public Resources Code, the Ocean Protection Act.
- 2) The proposed projects are consistent with the Ocean Protection Council's grant program funding guidelines (Interim Standards and Protocols, August 2013).

- 3) The proposed project is not a 'legal project' that triggers the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21068 and Title 14 of the California Code of Regulations, section 15378. If it were determined to be a 'legal project' under CEQA, the proposed project is categorically exempt from review under CEQA pursuant to 14 Cal. Code of Regulations Section 15306 because the project involves information collection, consisting of data collection, research, and resource evaluation activities that will not result in a serious or major disturbance to an environmental resource."

Staff further recommends that the OPC adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

"The California Ocean Protection Council hereby approves the disbursement of up to \$190,503 to Fathom Consulting to collect and synthesize information on 30 state-managed marine species that could inform California Department of Fish and Wildlife's development of Enhanced Status Reports, and up to \$30,866 to Strategic Earth Consulting to convene a series of multi-interest roundtable discussions to inform the design and development of an online California Fisheries Portal in alignment with the California Ocean Protection Act and to advance the state's efforts to implement the Marine Life Management Act Master Plan.

This authorization is subject to the condition that prior to disbursement of funds, Fathom Consulting and Strategic Earth Consulting shall submit for the review and approval of the Executive Director of the OPC detailed work plans, schedules, staff requirements, budgets, and the names of any contractors intended to be used to complete the projects, as well as discrete deliverables that can be produced in intervals to ensure the projects are on target for successful completion. All projects will be developed under a shared understanding of process, management and delivery."

**PROJECT SUMMARY:**

**Collection & Synthesis of Information for 30 State-Managed Marine Species**

The California Ocean Protection Act (COPA) states that a goal of all state actions shall be to improve monitoring and data gathering, and advance scientific understanding, to continually improve efforts to protect, conserve, restore, and manage coastal waters and ecosystems (Section 35510). This project will collect and synthesize information on 30 state-managed marine species that could inform California Department of Fish and Wildlife's (CDFW) development of Enhanced Status Reports, augmenting 6 Enhanced Status Reports that will be developed by CDFW staff and increasing the amount of publicly available fisheries data. OPC financial support of this project will guide fisheries management consistent with the goals of COPA and the MLMA and provide the best available scientific information for the benefit of the state of California. Once complete, the information that is compiled and synthesized for each of the 30 state-managed marine species will be posted on OPC's website and remain accessible to stakeholders, decision-makers and the public, increasing awareness and providing ongoing resources for current fisheries information.

The Marine Life Management Act (MLMA), which was enacted to support sustainable fisheries and fisheries science (Section 7065), requires that CDFW report on the status of sport and commercial marine fisheries managed by the state. Enhanced Status Reports will facilitate the effective implementation of the MLMA's active management goals by providing species-specific information on the fishery (including landings and value over time), past and current management measures, monitoring and essential fishery information, and future management needs. CDFW staff plans to develop 6 Enhanced Status Reports. OPC funding will support the collection and synthesis of information on an additional 30 state-managed marine species that could inform CDFW's development of Enhanced Status Reports. Enhanced Status Reports will provide a common foundation of MLMA implementation across fisheries and will help focus research and management efforts in the future. Enhanced Status Reports provide best available scientific information to support the state's efforts to protect, conserve and manage coastal and ocean ecosystems.

### **California Fisheries Portal**

COPA directs OPC to support state agencies' use and sharing of scientific and geospatial information for coastal- and ocean-relevant decision making, as well as to ensure that this information is publicly accessible and that tools are available for visualizing and analyzing these data (Sections 35620, 35621). OPC would fund the collection and synthesis of information on 30 state-managed marine species that could inform CDFW's development of an Enhanced Report. Once an initial set of Enhanced Status Reports is completed by CDFW, the goal is that Enhanced Status Reports will form the core content of an online California Fisheries Portal, which will serve as a web-based central repository and public interface for marine fisheries information in the state. Initially, the fisheries portal will focus on the 36 species currently being prioritized as part of the MLMA Master Plan amendment process, but it will be constructed to allow for the inclusion of additional species over time. The MLMA emphasizes the importance of communication with stakeholders and the public through dissemination of accurate marine fisheries information that is made available through the marine resources management process (Section 7050 (b)(8)). In alignment with COPA and the MLMA, the California Fisheries Portal project will support convening a series of multi-interest roundtable discussions to inform the design and development of the fisheries portal and advance the state's implementation of the MLMA Master Plan for fisheries.

The fisheries information synthesis and the California Fisheries Portal projects will improve the management of the state's fisheries by facilitating implementation of COPA and the MLMA through providing up-to-date, species-specific information on state fisheries. It will also engage and involve diverse stakeholders to solicit their feedback to ensure fisheries data is publicly accessible and presented in a useful format to inform sustainable use and conservation of California's marine resources.

**Background:**

*Fishery Management Plans:*

The MLMA called for the development of fishery management plans (FMPs) as a tool to help conserve, utilize and manage the state’s marine resources<sup>1</sup>. FMPs include fishery information, analyses and management alternatives, including: a description of the fishery, fishery science and essential fishery information, basic fishery conservation measures, habitat provisions, information on bycatch and discards, information on overfishing and rebuilding and a procedure for review and amendment of a FMP<sup>2</sup>. Since the MLMA became law in 1998, CDFW has prepared fishery management plans that have been adopted by the FGC for white seabass, nearshore finfish, market squid, and spiny lobster. CDFW has also prepared an abalone recovery and management plan, and is currently preparing a red abalone fishery management plan and Pacific Herring fishery management plan in alignment with the MLMA<sup>3</sup>.

*Status of the Fisheries Reports:*

The MLMA (Section 7065) also requires that CDFW report on the status of sport and commercial marine fisheries managed by the state. Historically, CDFW has prepared these status updates through the Status of the Fisheries reports. Since the first iteration of the Status of the Fisheries Report in 2001, there have been periodic updates on sets of species in 2003, 2006, 2008 and 2011. The proposed revised format of the Status Reports, identified through the MLMA Master Plan amendment process, is called an Enhanced Status Report. Enhanced Status Reports are structured to closely align with the active management goals of the MLMA and will help focus research and management efforts in the future.

*Updating the MLMA Master Plan for Fisheries:*

CDFW and partners are in the process of amending the MLMA Master Plan for fisheries<sup>4</sup>, which guides management efforts on highest priority species and describes the specific tools and approaches to be applied in achieving the goals of the MLMA. OPC has supported four projects in the information gathering phase to develop tools and recommendations for consideration during the MLMA Master Plan amendment phase. An initial draft of the amended Master Plan was provided for Tribes and stakeholders to review and submit comments by November 9, 2017. CDFW is working to submit the revised draft amended Master Plan to the Fish and Game Commission (FGC) in early 2018. This will initiate a three-meeting FGC process and will provide an additional opportunity for Tribes and stakeholders to review and provide public comment on the draft amended Master Plan in advance of its potential adoption by FGC in 2018.

In February 2017, during the MLMA Master Plan amendment process, a public webinar was held for interested stakeholders regarding a “Draft Approach to Scaled Management and a Fisheries Web-based

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<sup>1</sup> Marine Life Management Act (MLMA): [http://www.opc.ca.gov/webmaster/media\\_library/2018/01/Marine-Life-Management-Act-MLMA-as-Amended-to-July-2004.pdf](http://www.opc.ca.gov/webmaster/media_library/2018/01/Marine-Life-Management-Act-MLMA-as-Amended-to-July-2004.pdf)

<sup>2</sup> Fishery Management Plans: <https://www.wildlife.ca.gov/Conservation/Marine/MLMA>

<sup>3</sup> Guide to California’s Marine Life Management Act, Second Edition: [http://www.opc.ca.gov/webmaster/media\\_library/2018/01/Guide-to-Californias-Marine-Life-Management-Act-Second-Edition.pdf](http://www.opc.ca.gov/webmaster/media_library/2018/01/Guide-to-Californias-Marine-Life-Management-Act-Second-Edition.pdf)

<sup>4</sup> Updating the MLMA Master Plan: <https://www.wildlife.ca.gov/Conservation/Marine/MLMA/Master-Plan>

Data Portal” (Exhibit A). Scaled management may range from an Enhanced Status Report to a Standard FMP, depending on complexity of each fishery, degree of anticipated change in management and available resources. CDFW convened this public webinar to share initial thinking and solicit feedback related to a draft scaled management approach and web-based fisheries portal, which are two key components of a Draft Amended Framework for MLMA-based Management (Exhibit B). During this public webinar, positive feedback was received from stakeholders regarding implementation of a scaled management approach, as well as the general approach to the fisheries portal.

To improve fisheries management in California, CDFW is seeking to apply the MLMA through a more standardized and predictable approach. CDFW seeks to create a more significant role for Status Reports to guide the management goals of the MLMA by making them more structured, relevant to management, current, and easily accessible. The revised format in Exhibit D has been designed to closely follow the MLMA’s requirements for a FMP. It seeks to include a summary of the available information under each required segment, with a focus on relevance to management. This revised format of the Status Reports is called an Enhanced Status Report. CDFW plans to advance 6 Enhanced Status Reports. This standardized, MLMA-based format for the Enhanced Status Reports has a number of benefits over the current Status of the Fisheries Report format. This format ensures that a basic standard of MLMA-based management is applied across all fisheries in a consistent and transparent manner. It summarizes all of the available essential fishery information for each fishery, and makes it readily apparent what is not available. Identifying data gaps assists state agencies and partners in planning both short and long-term research activities and informs external parties about research opportunities that may benefit management.

**DETAILED PROJECT INFORMATION:**

**Collection & Synthesis of Information on 30 State-Managed Marine Species**

This project will collect and synthesize information on 30 state-managed marine species (representing 45 distinct fisheries<sup>5</sup>), which are currently being prioritized as part of the MLMA Master Plan amendment process. Currently, CDFW plans to develop 6 Enhanced Status Reports; the 30 syntheses could inform CDFW’s development of Enhanced Status Reports for these additional species. A list of the 30 state-managed marine species pertaining to the synthesis project, and the 6 species for which CDFW plans to develop Enhanced Status Reports are listed in Exhibit C. While this represents a small subset of the hundreds of marine species under state jurisdiction, these 36 species were identified through the MLMA Master Plan process based on their commercial and recreational value to the state as they represent the majority of commercial landings value, as well as commercial and recreational participation of state managed fisheries<sup>6</sup>.

The information gathered through projects informing MLMA Master Plan development and implementation could be used to inform the synthesis project. For example, the information on the

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<sup>5</sup> Initial Draft of the MLMA Master Plan Amendment:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=150210&inline>

<sup>6</sup> Ibid.

target species overlaps with the information necessary to determine a “productivity” score as part of the Productivity and Susceptibility Analysis (PSA), and information on the fishery and current management are similar to that needed to determine the “susceptibility” score. Similarly, the sections on ecosystem impacts and bycatch management correspond with the information necessary to complete the Ecological Risk Assessment (ERA). OPC funded the PSA and ERA projects, and the synthesis project will leverage that previous investment.

While generating these syntheses can require substantial resources initially, once they are produced, keeping them current will take much less effort as annual fishery statistics will be easy to update. The MLMA encourages CDFW to collaborate with outside experts and stakeholders in the creation of the status reports, and well-structured partnerships can help CDFW with their development. This project will guide fisheries management in alignment with COPA and the MLMA and provide the best available scientific information for the benefit of the state of California. Once complete, these 30 synthesis documents will be posted on OPC’s website and remain accessible to stakeholders, decision-makers and the general public, increasing awareness and providing ongoing resources for current fisheries information.

Specific objectives of the Collection & Synthesis of Information for 30 State-Managed Marine Species project include:

- Collection and synthesis of information, drafting, editing, and iterative review of information to inform a synthesis document for each of the identified 30 state-managed marine species

Deliverables

- A synthesis document with up-to-date information for each of the 30 state-managed marine species

### **California Fisheries Portal**

OPC would fund the collection and synthesis of information on 30 state-managed marine species that could inform CDFW’s development of Enhanced Status Reports. Once an initial set of Enhanced Status Reports is completed by CDFW, the goal is to compile and present them in a way that is easy to access and navigate through the form of an online fisheries portal. At the center of the fisheries portal may be a landing page where users select a specific fishery and learn essential information with more details nested within the specific Enhanced Status Report categories outlined in Exhibit D. In addition to providing easy access and navigation to Enhanced Status Reports, the fisheries portal may also provide the ability to query and graph data as well as map effort, landings, and other fisheries information – providing a helpful visualization and analysis tool for state fisheries information.

In order to ensure the online fisheries portal is effective and useful for all stakeholders, and to operate in alignment with COPA and the MLMA, communication and engagement with stakeholders from the beginning is essential. Therefore, this first phase of the fisheries portal project will focus on convening a series of multi-interest roundtable or focus group discussions to inform the design and development of a fisheries portal as part of the state’s efforts to implement the recently amended MLMA Master Plan.

These roundtable discussions will build off of the initial stakeholder discussions and engagement from the February 2017 CDFW public webinar regarding a “Draft Approach to Scaled Management and a Fisheries Web-based Data Portal” (Exhibit A).

This first phase of fisheries portal design and development is proposed to focus on visual layout, functionality, usability, and navigability of the portal structure, which will be developed with stakeholders to gain input from potential fisheries portal users. Feedback regarding additional functionality such as user needs for data querying and mapping may also be solicited. The second “implementation phase” of the fisheries portal will be informed by the scoping and information solicited during phase 1. Separating the fisheries portal development into phases will ensure that the portal is developed to provide maximum utility and access for all stakeholders.

The California Fisheries Portal will promote transparency in fisheries management, advance the dissemination of accurate and best available information regarding state marine resources, increase access to marine resources management information, help to foster public engagement, and focus academic research on areas of management relevance.

Specific objectives of the California Fisheries Portal project include:

- Design and implement a process to successfully identify, solicit, and convene a small working group of diverse interests to constructively solicit user needs and information, as well as review and evaluate draft portal concepts and ideas;
- Learn working group’s perspectives and experiences in designing a fisheries portal that reflects user needs and priorities;
- Consider how/if key products and outputs developed during the scoping phase can be appropriately applied and/or considered in the design and function of the portal.

Deliverables

- Report or document that summarizes user needs and feedback to help inform the next and/or concurrent phase of the fisheries portal design and development process

These two projects will improve the management of California’s fisheries by facilitating implementation of COPA and the MLMA through providing up-to-date, species-specific information on state fisheries, and through connecting with multi-interest stakeholders to solicit their feedback to inform the development of a publicly accessible, useful fisheries portal tool to inform all Californian’s sustainable use and conservation of state marine resources.

**Project Timeline:**

1. Collection & Synthesis of Information on 30 State-Managed Marine Species project:
  - a. February 2018 – February 2019
2. California Fisheries Portal project:
  - a. February 2018 – July 2018

**PROJECT FINANCING:**

Staff recommends that the Ocean Protection Council (OPC) authorize encumbrance of up to \$190,503 to Fathom Consulting to collect and synthesize information on 30 state-managed marine species that could inform California Department of Fish and Wildlife’s development of Enhanced Status Reports, and up to \$30,866 to Strategic Earth Consulting to convene a series of multi-interest roundtable discussions to inform the design and development of an online California Fisheries Portal in alignment with the California Ocean Protection Act and to advance the state’s efforts to implement the Marine Life Management Act Master Plan.

Ocean Protection Council	\$190,503
Ocean Protection Council	\$30,866
California Department of Fish and Wildlife	Staff time support
<b>TOTAL</b>	<b>\$221,369</b>

The anticipated source of funds will be from the Ocean Protection Council’s appropriation of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Proposition 84 authorizes the use of funds for purposes consistent with Section 35650 of the Public Resources Code, establishing the California Ocean Protection Trust Fund (Pub. Res. Code § 75060(g)). Under Section 35650(b), Ocean Protection Trust Fund monies may be expended for projects authorized by the OPC that are identified as appropriate Trust Fund purposes, as specified. The project is consistent with the Trust Fund purposes as discussed in the following section.

**Leverage of OPC funds**

These projects and funding from OPC would build on \$389,977 of previous funding from the OPC supporting four projects that informed the information gathering phase of the MLMA Master Plan amendment process. These four projects totaling \$389,977 are: Ready California Fisheries for Climate Change; Ecological Risk Assessment & Productivity and Susceptibility Analysis; Scientific Peer Review: Guidance and Recommendations for CDFW and peer review of the red abalone and pacific herring FMPs; and Socioeconomic Guidance for Fisheries Management. The two projects described in this staff recommendation support the implementation phase of the MLMA Master Plan amendment process and are in alignment with COPA.

**CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:**

The proposed project is consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code, because it is consistent with trust-fund allowable projects, defined in Public Resources Code Section 35650(b) as projects which:

- Improve the management of fisheries
- Foster sustainable fisheries
- Improve management, conservation, and protection of coastal waters and ocean ecosystems



- Provide monitoring and scientific data to improve state efforts to protect and conserve ocean resources

**CONSISTENCY WITH THE OPC'S STRATEGIC PLAN:**

This project implements Focal Area A: Science-Based Decision-Making and Focal Area C: Sustainable Fisheries and Marine Ecosystems.

**CONSISTENCY WITH PROPOSITION 84 (The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006; Public Resources Code §75060(g))**

This project is consistent with the purposes outlined in Proposition 84, specifically it includes the development of scientific data needed to adaptively manage the state's marine resources, and it fosters sustainable fisheries.

**CONSISTENCY WITH THE OPC'S GRANT PROGRAM FUNDING GUIDELINES:**

The proposed project is consistent with the OPC's interim Grant Program Funding Guidelines for Proposition 84 funds, in the following respects:

Required Criteria

1. Directly relate to the ocean, coast, associated estuaries, or coastal-draining watersheds: *This project will collect and synthesize information on 30 state-managed marine species that represent that majority of commercial fishing landings, as well as commercial and sport fishing participation in California. The species-specific information in the syntheses will improve fisheries management and will benefit all stakeholders in ensuring sustainable use and conservation of state marine resources. The online fisheries dashboard scoping project will serve as the central, publicly accessible repository for marine resources information in the state, which can be built out to include additional marine species over time.*
2. Support of the public: *See Exhibit E.*
3. Greater-than-local interest: *The 30 species that will be the focus of the syntheses project span the range of California's state waters. The online fisheries dashboard scoping project will solicit feedback from potential dashboard users statewide.*

Additional Criteria

4. Improvements to management approaches or techniques: *These two projects will improve the management of California's fisheries by facilitating implementation of COPA and the MLMA through providing up-to-date, species-specific information on state fisheries, and through connecting with multi-interest stakeholders to solicit their feedback to ensure this information is publicly accessible and presented in a useful format to inform all Californian's sustainable use and conservation of state marine resources. These projects will promote transparency in fisheries management, promote the dissemination of accurate and best available information regarding state marine resources, increase access to marine resources management information, help to foster public engagement, and focus academic research on areas of management relevance.*

5. *Leverage: These projects and funding from OPC would build on \$389,977 of previous funding from the OPC supporting four projects that informed the information gathering phase of the MLMA Master Plan amendment process. The two projects described in this staff recommendation support the implementation phase of the MLMA Master Plan amendment process, and are in alignment with COPA.*
6. *Timeliness: These projects are timely because they would be advanced concurrently with the MLMA Master Plan amendment three-meeting FGC process leading to the Master Plan's potential adoption by the FGC in 2018. Any relevant revisions that occur through the FGC process will be incorporated into the scopes of work for these projects. Advancing these projects now allows for grant agreements to be put into place and to proactively begin work on these projects to implement the MLMA Master Plan. The collection and synthesis of information on 30 state-managed marine species and designing an online fisheries portal would improve fisheries management efforts and benefit all stakeholders if advanced now because they will provide the best available, species-specific information on priority state fisheries and engage with multi-interest stakeholders to solicit feedback and ensure a useful, publicly accessible tool is developed to support Californian's sustainable use and conservation of state marine resources.*
7. *Coordination: These projects involve coordination between state agencies: OPC and CDFW, and involve coordination between private and public entities. The syntheses project will be advanced in close coordination with CDFW and OPC.*

**COMPLIANCE WITH CEQA:**

The proposed project is not a 'legal project' that triggers the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21068 and Title 14 of the California Code of Regulations, section 15378. If it were determined to be a 'legal project' under CEQA, the proposed project is categorically exempt from review under CEQA pursuant to 14 Cal. Code of Regulations Section 15306 because the project involves information collection, consisting of data collection, research, and resource evaluation activities that will not result in a serious or major disturbance to an environmental resource. Staff will file a Notice of Exemption upon approval by the OPC.