



Staff Recommendation  
November 13, 2019

## Discussion and Possible Adoption of Investment Strategy to Minimize Whale and Sea Turtle Entanglement in Fishing Gear

Paige Berube, Program Manager

**RECOMMENDED ACTION:** Staff recommends that the Ocean Protection Council adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

“The California Ocean Protection Council hereby adopts the *Strategy for Protecting Whales and Sea Turtles & Ensuring Thriving Fisheries: Reducing the Risk of Entanglement in California Fishing Gear* (Exhibit A) and directs staff to implement the strategy to minimize whale and sea turtle entanglement in California fishing gear.”

**LOCATION:** Statewide

**STRATEGIC PLAN OBJECTIVE(S):** Sustainable Fisheries and Marine Ecosystems, and Science-Based Decision-Making

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### EXHIBITS:

Exhibit A: *Strategy for Protecting Whales and Sea Turtles & Ensuring Thriving Fisheries: Reducing the Risk of Entanglement in California Fishing Gear*

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### PROJECT SUMMARY:

California’s coastal waters include some of the most productive and diverse ecosystems in the world. To conserve this biodiversity and the coastal economies and communities that rely on a healthy ocean, OPC is committed to protecting endangered and threatened whale and sea turtle species as well as supporting thriving commercial and recreational state-managed fisheries. This strategy outlines investment priorities to reduce the risk of entanglement in California fishing gear and is one component of a more comprehensive effort to protect whales and sea turtles in California -- consistent with Target 3.3.5 of OPC’s draft *Strategic Priorities to Protect California’s Coast and Ocean* for 2020-2025 to develop a statewide whale and sea turtle protection plan by 2022 with a “Vision Zero” target of zero mortality.

The 2018-2019 [Governor's Budget](#) included a \$7.5 million General Fund appropriation to the Ocean Protection Council (OPC) to address whale and sea turtle entanglement in California fishing gear. To guide Council investments in projects that reduce whale and sea turtle entanglement while supporting thriving fisheries, OPC staff has developed a *"Strategy for Protecting Whales and Sea Turtles & Ensuring Thriving Fisheries in California: Reducing the Risk of Entanglement in California Fishing Gear"* (Strategy) (Exhibit A). This Strategy provides a comprehensive approach to minimize entanglement in fishing gear, protecting California's marine ecosystems and recreational and commercial fisheries. The Strategy includes four components: collaborative partnerships; best available science; gear innovation; and response and outreach, as described in more detail below.

### **Context of Ocean Protection Council's General Fund Allocation for Whale and Sea Turtle Entanglement**

Of the \$7.5 million appropriated to OPC, \$1 million was directed toward supporting sea lion and seal stranding rescue and rehabilitation activities. At the October 25, 2018, OPC meeting, the Council approved disbursement of [\\$1 million](#) to the University of California Davis Wildlife Health Center to fund California Marine Mammal Stranding Network member activities for sea lion and seal rescue and rehabilitation. At the October 25, 2018 meeting, the Council also approved a [\\$170,000](#) project to deploy solar loggers (solar-power vessel tracking systems) on Dungeness crab commercial fishing and whale watching vessels to collect fishing activity and whale concentration data. This information will inform the Risk Assessment and Mitigation Program (RAMP) of the California Dungeness Crab Fishing Gear Working Group to reduce the risk of entanglement in fishing gear, in alignment with the [California Dungeness Crab Fishing Gear Working Group's Recommendations Memo](#).

In addition, [Public Resources Code Section 35651](#), as amended through SB 1017 (Allen, 2018), directed \$1 million to fund the drift gillnet transition program established by the California Department of Fish and Wildlife pursuant to Fish and Game Code Section 8583. The California Department of Fish and Wildlife is finalizing their agreement with the fiscal agent, the Pacific States Marine Fisheries Commission (PSMFC), to support this program. OPC is currently working on executing its agreement with the PSMFC to fund up to \$1 million of the program in alignment with Public Resources Code.

Taking into account the above projects, OPC has approximately \$5.3 million this General Fund appropriation remaining to address whale and sea turtle entanglement. Projects supported by this funding must be encumbered by June 30, 2022 and expended by June 30, 2024.

### **Background**

California's ocean waters are home to a diverse marine ecosystem supporting whales, sea turtles, and thriving commercial and recreational fisheries. In recent years, reports of whales entangled in fishing gear off California have been higher as compared to the historical number of reports since the National Oceanic and Atmospheric Association

(NOAA) Fisheries started keeping records in 1982. A variety of factors may contribute to the increase in the number of reported entanglements, including changes in the distribution and abundance of whales, changes in fishing effort, and an increase in public awareness and reporting. Although there are many unknowns, multiple fisheries have been identified as having inadvertently entangled whales. Sea turtle entanglement is rarer and there are limited reports of sea turtle entanglement in California fishing gear. Minimizing risk for whale and sea turtle entanglement in fishing gear is important to ensure marine conservation of these species on a global scale. Simultaneously, ensuring thriving commercial and recreational fisheries is essential for providing locally-caught seafood, supporting coastal economies, and maintaining California's marine identity and coastal heritage of working waterfronts and fishing communities. This Strategy aims to protect whales and sea turtles and support thriving fisheries in California through reducing the risk of entanglement in California fishing gear.

### **Strategy Overview**

This Strategy aims to build on the success and provide support for collaborative solutions identified by the Dungeness Crab Fishing Gear Working Group and may support efforts related to other state-managed fisheries that may pose entanglement risk. All components of this Strategy will be advanced in coordination with the California Department of Fish and Wildlife, the California Fish and Game Commission, the National Marine Fisheries Service, fishermen, and other partners, as appropriate.

The Strategy includes the following four priority investment components:

#### **1. COLLABORATIVE PARTNERSHIPS**

Advance collaborative, multi-stakeholder processes to identify and develop solutions to reduce the risk of entanglement in fishing gear.

#### **2. BEST AVAILABLE SCIENCE**

Develop improved data streams and collaborative research to provide comprehensive information on key factors of entanglement risk across state-managed fisheries in order to inform adaptive risk mitigation. Key factors of entanglement risk include oceanographic and forage patterns, fishery dynamics, and whale and sea turtle population densities and distributions. The Strategy also highlights the importance of a transparent and centralized platform for information sharing to ensure collaborative partnerships have access to the best available science.

#### **3. GEAR INNOVATION**

Support innovative research and development of fishing gear modifications that would reduce entanglement risk while allowing for safe, efficient, enforceable and cost-effective harvesting operations with minimal adverse impacts to marine life.

#### **4. RESPONSE & OUTREACH**

Conduct outreach and improved entanglement monitoring, documentation, analysis and response efforts. Observed and reported entanglements provide important information on current and future risk of entanglement, as well as the origins and causes of entanglements.

#### **Implementation & Next Steps**

OPC is partnering closely with the California Department of Fish and Wildlife, the California Fish and Game Commission, and the NOAA National Marine Fisheries Service to ensure that this strategy can be effectively implemented in alignment with California management priorities. OPC also continues to support and collaborate with the California Dungeness Crab Fishing Gear Working Group, a multi-disciplinary group of commercial and recreational Dungeness crab fishermen, state and federal agencies, environmental organization representatives, and members of the disentangling network. OPC staff plans to advance a competitive request for proposals process in 2020 that aligns with the best available science component of this Strategy to improve data streams for enhanced adaptive risk management.

#### **CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:**

The proposed action is consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code. Advancing the best available science is well aligned with Section 35510(4) of the California Ocean Protection Act, which 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 ocean ecosystems.” The California Ocean Protection Act states that the Ocean Protection Council will, “support public agencies’ collaborative management and use of scientific and geospatial information relevant to ecosystem-based management,” as well as to “help identify decision-support tools relevant to ecosystem-based management, and, where appropriate, support the adaptation of those tools or the creation of new tools to serve the state’s needs,” (Section 35620(3-4)). Additionally, the strategy is well aligned with the California Ocean Protection Act Section 35650(C)(iii), particularly advancing, “collaborative research and demonstration projects between fishery participants, scientists, and other interested parties.”

#### **CONSISTENCY WITH THE OPC'S 2012-2017 STRATEGIC PLAN:**

This project implements the following focal areas within OPC’s 2012-2017 Strategic Plan: Focal Area A: Science-Based Decision-Making and Focal Area C: Sustainable Fisheries and Marine Ecosystems.