

COMMITTEE STAFF SUMMARY FOR NOVEMBER 15, 2016

7A. UPDATE: BYCATCH WORKGROUP**Today's Item**Information Direction

Receive an update on the progress of the Bycatch and Incidental Take Workgroup (BWG).

Summary of Previous/Future Actions

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| • BWG meeting | May 18, 2016; BWG, Santa Barbara |
| • Update on Bycatch workgroup | Jul 21, 2016; MRC, Petaluma |
| • BWG teleconference meeting | Sep 7, 2016; BWG, teleconference |
| • Today overview of next steps | Nov 15, 2016; MRC, Los Alamitos |

Background

On May 18, 2016 the MRC's Bycatch workgroup (BWG) held its first meeting in Santa Barbara with 14 members of the public attending. In preparation for future meetings, workgroups were formed and FGC staff agreed to provide a draft work plan for BWG review. A meeting summary was provided with next steps identified (Exhibit 1).

At the Jul 2016 meeting, staff updated MRC on BWG efforts and meeting outcomes. The MRC confirmed the general scope of the BWG, and proposed work plan development. On Sep 7, a BWG teleconference was held to confirm priorities, product status, and receive comments on draft materials. Based on input received, staff extended the opportunity for written comment on draft products, including the draft work plan, for an additional two week period. Finalization of the draft work plan was scheduled for Sep 30, 2016 but, due to illness and injury of both staff scheduled to facilitate the meeting, the meeting was canceled and is in the process of being rescheduled for late Nov/early Dec. However, staff has received comments on the draft work plan which are incorporated for today's discussion (Exhibit 3). While all members of the BWG have received the draft work plan, the staff updates to the work plan provided today have not been vetted with the full BWG, and are provided today for purposes of discussion before the BWG meets to refine the draft work plan. Once the work plan has been finalized the BWG will submit it to the MRC.

Today provides an opportunity for MRC to review, discuss, and provide direction on the scope and direction of the work plan in the current draft form so that the BWG can work toward completing the work plan at the next meeting.

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

1. [Bycatch workgroup meeting summary, May 18, 2016](#)
2. [Bycatch workgroup teleconference summary, Sep 7, 2016](#)
3. [Draft work plan with comments received to date, Nov 1, 2016](#)

Committee Direction/Recommendation (N/A)

MEETING SUMMARY AND KEY OUTCOMES

Marine Resources Committee Bycatch Workgroup Kickoff Meeting

May 18, 2016 11:00 a.m. – 3:00 p.m.
Santa Barbara Harbor Community Room
107 Harbor Way
Santa Barbara, CA

Meeting Overview:

The kick-off meeting was intended to provide a common background and understanding, lay an operational foundation for the Bycatch Workgroup (BWG), identify common themes, set work group goals, discuss possible work products, and identify next steps. BWG members agreed on ground rules for communication and participation without modification. Fish and Game Commission (Commission) staff provided a “refresher” overview of Marine Resources Committee (MRC) bycatch discussions including previously identified areas of concern, possible mechanisms for addressing concerns, and identified potential direction or product outcomes for the BWG relative to Commission authority using existing regulatory language and frameworks.

Group discussion yielded outcomes that can be categorized by core themes and areas of agreement across BWG membership, work groups, work products, and next steps (*outlined in Part I below*). Key outcomes by agenda topic are provided in Part II.

PART I

Core Themes:

- Communication standard: establish open e-mail list and file sharing site
- Recommendations should be made on sound scientific principles
- Recognize the BWG as an opportunity to increase public understanding of bycatch and bycatch issues (i.e., not all bycatch are dead discards)
- Ensure the development of work products is transparent and inclusive
- Clearly identify when consensus or dissent exist
- How to build capacity to collect bycatch data and increase data streams
- Explore what tools currently exist for addressing bycatch issues and reducing discard mortality
- Incorporate input from Tribes early and effectively
- There are many different understandings of what bycatch is or is not
- Identify areas of uncertainty (e.g., is a species considered bycatch if the target species changes or is in multi-target fishery)
- Many ideas for areas of BWG focus and work products offered (e.g., update Master Plan bycatch section, reevaluate how multi-species fisheries are defined or characterized relative to “incidental” marketable take, review available data, develop a bycatch reduction work plan)

Areas of Agreement:

- Need to identify clear and specific goals for the BWG
- Goals will help to inform product development
- Supports having Commission staff provide a DRAFT work plan for the BWG
 - Use BWG-suggested goals as starting point
 - Intent to have a draft ready for the July MRC meeting
- Utilize DFW staff and data sets to help inform products
- Establish a common set of working definitions of bycatch, target, incidental, and unacceptable
- Identify and build upon areas of overlap with Federal and Pacific state efforts
- Any products developed through a subgroup of the BWG will be brought to the entire BWG for discussion and input

Action Items

- DRAFT work plan (Commission Staff)
- Develop initial definitions for bycatch, target, incidental, and unacceptable (Christopher Voss, Diane Pleschner-Steele, Mick Kronman).
- Identify areas of overlap for federal and pacific state efforts on bycatch issues (Mike Conroy)
- Seek funding to off-set participation costs (volunteers??)
- Scientific literature background research (Geoff Shester)

Next Steps:

- Schedule check in phone meeting for status report on product development
- Set next meeting date (possibly early July in order to report to MRC on July 21)
- Solicit and coordinate input time-frame for identified work products

PART II

Meeting Agenda Outcomes

1. Welcome, introductions, and agenda review

Commission staff welcomed attendees, round-table introductions and sign-in sheet distributed.

2. Establish basic operating rules, procedures, and guiding principles

Presentation by Commission staff to solicit feedback on suggested ground rules for participation and communication; ground rules were accepted by the group without modification.

3. Understanding the role of the BWG: Review background and workgroup scope

Commission staff provided an overview of previous MRC guidance that the BWG adhere to relevant State legislation (Marine Life Management Act) and

regulations (Title 14 and Fish and Game Code), and focus on State-managed fisheries under direct Commission authority as top priority, followed by State fisheries under State legislative authority, for considering bycatch issues.

LUNCH

4. Brainstorming: What are the desired outcomes for you and for the BWG

Round table where each participant identified desired specific goals for individual constituency and the BWG specifically.

5. Discussion: Setting objectives and priorities for the BWG

Priorities identified for work products and next steps based on the brainstorming discussion. Common goal to increase the understanding of bycatch to improve public understanding on bycatch related issues.

6. Discuss next meeting dates

No formal meeting date set. A variety of options for the venue for the next meeting were discussed. Some emphasized exploring “low carbon footprint” options (webinar, teleconference, email), while others highlighted the value of in-person meetings. Appropriate venue may vary at different project stages.

7. Meeting wrap-up and next steps

Establish sub-groups to: begin working on common definitions for terms associated with bycatch but not defined in state law, compile status of parallel bycatch efforts by the Federal and pacific states, and explore scientific literature and background. Sub groups to bring products back to group via e-mail and in hard copy at next meeting. Commission staff to distribute a DRAFT work plan to the BWG for comment with the intent that it be provided to the MRC at the July 21 meeting in Petaluma.

Adjourn

Fisheries Bycatch Workgroup (BWG)
Agenda - Teleconference Meeting
September 7, 2016
10:00 a.m.-11:30 a.m.
Call in number **877-336-1831**; participation code **940535**

Meeting Summary: The following is a summary of the teleconference meeting prepared by staff.

Desired outcomes:

- Updates since May 18, 2016 BWG meeting
- Confirm direction received from Marine Resources Committee (MRC) to the BWG (BWG "Charge")
- Distribute work products received to date from subgroups, and discuss review process
- Confirm logistic and planning for September 30, 2016 meeting

Agenda:

1. Introductions, welcome new members and participants

Call participants were introduced, recognizing that not all BWG members were able to join the call, and that a few new people had joined the BWG list. Call participants included:

Fish and Game Commission staff:

- Susan Ashcraft
- Elizabeth Pope

Department of Fish and Wildlife staff:

- Sonke Mastrup

BWG Participants:

- Ken Beer
- Gary Burke
- Mike Conroy
- Joe Exline
- Wayne Kotow
- Mike McCorkle
- Huff McGonagal
- Elizabeth Murdock
- Dana Murray
- Bob Osborn
- George Osborn
- Debra Quick-Jones
- Geoff Shester

2. Updates since May 18 BWG meeting

a. Meeting summary distributed

Anyone who needs a copy of the meeting summary can email Elizabeth (elizabeth.pope@wildlife.ca.gov).

b. Updates from MRC (July 21) and FGC (Aug 24) meetings

Elizabeth summarized the MRC discussion concerning the BWG meeting and concepts discussed for a work plan (which staff was still working on). The MRC recommended that the BWG work plan emphasize review of and recommended changes to the bycatch section of the Master Plan for Fisheries, including clarified or expanded definitions, and identify possible action items within FGC authority. Staff indicated that the MRC audio was available online; Joe Exline provided comment that the audio was not accessible. Staff has confirmed that MRC audio is now posted (9/9/16).

FGC approved the MRC recommendation concerning the focus of the BWG work plan.

c. Recap of subgroups

An overview of the subgroups formed at May BWG meeting was given, including definitions subgroup, 'incidental take' versus bycatch species/gears group. These provided materials to staff as distributed today.

Discussion:

Concern expressed over breaking out into subgroups without agreement on the work plan. First order of business is to get a draft work plan circulated and get it generally agreed upon. There was buy-in to make progress on the definitions piece before the work plan is finalized. And the workgroup has submitted good information to clarify and compile to inform what we're going to do. (Geoff Shester)

3. Review of subgroup efforts and draft products

a. Draft materials submitted to date (see handouts)

Three DRAFT items were submitted to staff, these were included as meeting materials for the group

b. Updates to participants in subgroups

- Merit McCrea was added to the subgroup that contributed to the report submitted by Diane Pleschner Steele.
- Joe Exline provided input to Mike Conroy's submission

- These are highlighted because they are additions/changes from what was identified at May 18 meeting and included in the meeting summary.

The group confirmed the expectation that:

- When subgroups are formed, everyone who volunteers gets to participate
- Draft internal documents are prepared by the subgroups
- A review period for the people not on the subgroup needs to be set (comments/edits)
- Second round of revisions based on input from the entire BWG
- The documents must have full buy-off (and/or identify specific areas of divergence) from the BWG before being considered final.
- The documents submitted would help contribute to a workgroup work product to the MRC, but need to be within the scope of the work plan.

There was some question about how much leeway the BWG has to recommend changes to statute or to use new definitions for bycatch that may be different from statute. (Gary Burke)

In response, another member stated that FGC has drawn the line – the task is simply to clarify definitions already defined in the law and agree on a common set of language. Not to propose alternative language in MLMA. Given the language and guidance in FGC authority under existing law, how do we have a common language? (Geoff Shester) FGC staff confirmed this is correct and offered to talk off-sides with anyone needing to better understand this. (Susan Ashcraft)

4. Next steps in review of subgroup draft products

a. Recap of groundrules for sharing draft BWG materials (approved at the May 18 BWG meeting)

DRAFT materials are to be reviewed by the BWG before distribution outside the BWG or submission to the MRC.

b. Process to review and comment on draft products: BWG member discussion

Staff can be the facilitator of distributing DRAFT materials to BWG. But we need to clarify if this happens immediately upon receipt by staff, or all together 2 weeks (or earlier) before a meeting. Staff requests that materials submitted to staff include header information (authors, date, and document title) as well as a clear statement of approval to distribute to the BWG on behalf of authors and what draft stage (initial, revised, final, etc.).

Members noted that they prefer at least 2 weeks to digest and review draft documents before BWG meetings. Comments, feedback, and suggested changes can be provided to BWG members in the way that makes it easiest for you. This includes submitted in writing to staff, for redistribution with meeting materials, or can bring comments and ideas for discussion at the in person meeting.

Group agreed to review materials provided for the call and to a DEADLINE OF SEPTEMBER 23 for written comments to staff, who would send these out with meeting materials on September 24. For those who could not provide written comments by the 23rd, comments and ideas can be brought to the September 30 meeting.

Wayne Kotow and Joe Exline had specific questions and input about file sharing/ document editing programs or websites to help facilitate workgroup review of materials. FGC staff to work with Wayne and Joe to develop suggestions that will work within agency information technology constraints (This can be further discussed at the September 30 meeting).

c. Additions? New Volunteers?

At the May meeting, the importance of founding BWG recommendations and products on sound science was emphasized. A small group on the phone offered to provide an outline of key science literature needed for this process to serve as “foundation” for group decisions on recommendations (including Elizabeth Murdock, Debra Quick-Jones, and Geoff Shester).

Preparation for September 30 BWG meeting

d. Decide on location (Santa Barbara or Los Alamitos)

- A healthy discussion occurred regarding the recognition that most participants are from Southern CA, and many fishermen from Santa Barbara, while noting the challenge of others getting to Southern California, notably Santa Barbara.
- Strong desire to be fair to all members, possibly through rotating in-person meeting locations (Los Alamitos, Santa Barbara, somewhere northward as well).
- All agreed that a call-in option was very important.
- **Sep 30 will be held in Los Alamitos with a call-in line option.**

e. Overview of upcoming meeting goals

i. Work day – progress on draft work products

Sept 30 meeting is intended to be a work day (less talking/more working); please come prepared and able to participate in the

development and refinement of materials to make the most of the opportunity. Participants conveyed a preference for more frequent meetings, and to clarify the expectations for how long the BWG would be convening. Susan Ashcraft suggested that the BWG think about identifying co-leads to facilitate more frequent communication and progress regardless of Commission staff resource availability. Participants are asked to bring calendars to assist with meeting planning.

Discuss DRAFT Workplan (Commission staff will distribute in advance) Suggestion that the draft work plan include some sort of bullet points and decision tree for their input (Joe Exline), within the framework of the MLPA and State fisheries. Staff will send out draft work plan as meeting materials in advance of in person meeting (no later than Sep 23) with packet of material (in addition to any comments on DRAFT workgroup products that are submitted).

Attachments/Handouts:

- a. BWG Contact List
- b. Subgroup DRAFT products for BWG review
 - a. Definitions Subgroup DRAFT Products:
 - i. Draft list of State and Federal Definitions and Guidance (prepared by Mike Conroy with input from Joe Exline)
 - ii. Preliminary Report from Definitions Subgroup (Prepared by Diane Pleschner-Steele with input from Mick Kronman, Mike McCorkle, and Merit McCrea, and Mike Conroy Draft List).
 - b. Other Member DRAFT Products (Incidental take): Initial list of commercial gear types and associated multi-species targets (prepared by Mike McCorkle)

Marine Resources Committee
Bycatch Workgroup
Draft Proposed Work Plan
September 2016

With suggested edits received to date (11/1/16) in track changes

The Bycatch Workgroup (BWG) is a workgroup formed by the Marine Resources Committee (MRC) to help inform and support the evaluation of bycatch management in State-managed fisheries within California Fish and Game Commission (Commission) authority under existing California statute and regulations. The BWG is comprised of approximately 20 volunteers who represent a cross-range of interests including commercial fishermen, recreational anglers, and NGOs, with participation of DFW staff.

The Marine Resources Committee (MRC) and California Fish and Game Commission (Commission) have identified a primary goal of basing assessment and management of fisheries bycatch in a comprehensive approach founded on MLMA principles, guided by the MLMA master plan for fisheries, and supported by principles, best management practices and other available tools.

In support of this goal, the focus of the BWG is to develop a final recommendations report to the MRC highlighting key areas for consideration, specific recommendations, and rationale. To assist the BWG, the following draft Work Plan outlines the project goal, scope, objectives, tasks, and deliverables. While some tasks will be completed in a full BWG setting, other tasks may be initially drafted through a subgroup process intended to inform the larger efforts of the BWG. All documents, whether drafted through a subgroup process or the full BWG meeting, will have an open review and comment period. A final recommendations report will be provided to the MRC for consideration and possible recommendations to the Commission.

WORK PLAN:

Project Scope

- **Purpose:** To provide input, ideas, and recommendations to support development of a comprehensive approach to assessing and managing bycatch in State-managed fisheries under the Marine Life Management Act.
- **Breadth:**
 - **Level of Governance:** Project will focus on State-level governance including Commission policies (Master Plan for fisheries) and regulations (California Code of Regulations (CCR) Title 14) governing State fisheries under Commission authority and consistent with existing State statutes, as well as reviewing overlaps with Federal regulations or policy.
 - **Priority Elements:** Project will focus on evaluating, and possibly clarifying or expanding, guidance contained in the Marine Life Management Act (MLMA) Master Plan for fisheries bycatch section (currently section 2.5.2),

understanding how that might impact the future development of fishery management plans, fisheries under different levels of management structure, and consider existing bycatch data limitations. Identify potential areas of improvement and/or specific action items to address any priority concerns related to bycatch, notably retained versus discarded bycatch and criteria for determining “unacceptable levels of bycatch”.

Deliverable: A final report with BWG recommendations for bycatch language revisions to the “Bycatch” Section of the MLMA Master Plan for Fisheries and a proposal for an independently conducted California state fishery Bycatch Data Assessment, for consideration by the MRC.

Project Objectives, Tasks, and Deliverables (**note: Tasks to be fleshed out at 9/30 meeting)

- **Objective 1: Compile existing statutes, policies, and regulations related to bycatch and identify terms, clarify terms and definitions consistent with such statutes, policies, and regulations. ~~and for potential clarification or revision standards~~**

Objective 1 Deliverable: Clarified and/or expanded definitions list (“terms of reference”) for California fisheries proposed for use through BWG process (including comparison of similarities and differences with Federal and/or other state terms and definitions)

- **Objective 2: Review and evaluate existing Commission policy within the Master Plan for Fisheries as it pertains to Bycatch and draft options for revisions or additions to “Bycatch” section of Master Plan. Specifically, the BWG would address and further flesh out the following topics:**

- ~~related to future management efforts (for consideration: regulations)~~
 - Definitions
 - Unacceptable bycatch
 - Special status species
 - Incidental catch vs. target species
 - Prioritizing bycatch issues
 - Overview of management approaches/BMPs

Objective 2 Deliverable: **Report containing recommendations (with options) for revisions to the Master Plan for Fisheries for consideration by the MRC.**

Objective 3: Develop a proposed scope of work for an independently-conducted Bycatch Data Assessment. This could include data collection and summary of all available catch and bycatch data across all state-managed fisheries, direction on the metrics for which bycatch would be assessed, as well as identification of data gaps for all fisheries for which data does not exist.

Bycatch Workgroup Draft Work Plan
Draft version September 26, 2016
With suggested edits as of November 1, 2016

Based on the criteria established by the BWG in Objective 2, the Assessment could prioritize known bycatch concerns and data gaps for further data collection. The scope of work could then be used to identify external resources and appropriate entities to conduct the assessment.

Objective 3 Deliverable: Proposed scope of work for bycatch assessment for consideration by the MRC.

Upon completion of the bycatch assessment, the Commission/MRC would consider the results of the assessment to inform next steps, including adoption of priorities and an action plan for additional data collection and potential regulatory changes. The Commission would, at its discretion, determine whether to task the BWG with additional work products or identify other means to accomplish an action plan.