

**MARINE LIFE MANAGEMENT ISSUES
PRESENTED BY DAVID BUNN, DEPUTY DIRECTOR
CALIFORNIA DEPARTMENT OF FISH AND GAME
BEFORE THE U.S. OCEAN COMMISSION
APRIL 19, 2002**

1. Consider ways to facilitate transfer of fishery management authority to give some species back to states to manage.

- Currently, the transfer of authority requires an amendment to the Pacific Fishery Management Council's (Council) Fishery Management Plan (FMP) to remove species from the FMP or formal delegation of authority in the FMP to states. This process can take a year or longer (FMP amendments take a minimum of one year), and coordinating the process with ongoing state management can extend the timeframe for accomplishing transfer of authority and implementing state management.
- States are better able to manage resources in a timely manner and can provide constituents with greater access to the management process. In California, the Fish and Game Commission meets approximately once per month, in addition to marine subcommittee meetings, in various locations across the state. Regulations can be adopted in only two meetings, while emergency regulations can be adopted in less time. The Council only meets five times per year. Thus, time constraints and established management cycles sometimes preclude issues from being addressed in a timely manner. In addition, decreasing the span of Council responsibilities would reduce the Council's workload (currently a significant problem) and allow the Council to focus on fisheries most suited to regional council management (HMS, salmon, CPS and some Groundfish).
- Develop a streamlined process to accomplish transfer of authority and encourage the Council to transfer authority over species that the states are prepared to manage (e.g., with state FMPs as in California). One example is nearshore groundfish in California. We have a comprehensive Nearshore Fishery Management Plan due to be adopted by our Commission in August. Fourteen of the 19 species in the plan are actively managed by the Council. Two other species are in the Groundfish FMP, but are not actively managed by the Council. The Department of Fish and Game (Department) believes these species could be better managed by the State as a unit. Therefore, the Department is seeking transfer of authority and anticipates this will take at least a year, perhaps longer, which will delay and complicate the implementation of the State FMP. It is more efficient to seek transfer of authority simultaneous with plan development, rather than after plan development, which adds at least a year to plan implementation.

2. Authorize the use of Individual Transferable Quotas (ITQs) and Individual Fisherman Quotas for Council use as a management tool.

- The reduction of excess fishing capacity is a high priority for all fisheries, particularly the groundfish fishery. The Groundfish Strategic Plan concluded that the most important element to improve groundfish management and ensure a biologically and economically sustainable fishery is a capacity reduction of at least 50%. ITQs were the first choice for implementing capacity reduction.
- In California, a restricted access program is being developed for the nearshore fishery. However, the application is currently restricted to the state-managed species because of constraints on species that are still part of the federal Groundfish FMP.
- ITQs stop the “race for fish,” promote resource stewardship, and reduce the need for restrictions aimed at restraining effort (a major problem in the groundfish fishery) and give fishermen flexibility for when they fish.
- Standards will need to be developed to ensure quotas are not consolidated in a few individuals or corporations.

3. New policies are needed to address the respective roles of Sanctuaries and Councils and how they relate to each other.

- Sanctuaries in California are conducting reviews of their management plans. A common issue emerging in this process concerns regulations governing fishing inside sanctuaries. In some cases, Sanctuaries may be seeking more authority for managing fisheries, rather than continuing to rely on existing fishery management authorities (states and Councils), and coordinating with existing authorities to address concerns about fishing activities. Significant questions and concerns are raised, particularly in large sanctuaries in California, or where extensive fisheries exist inside sanctuaries.
- In the Channel Islands process in California, specific questions have been raised about which federal authority (Council or Sanctuary) will enact regulations to implement marine protected areas (MPAs) in federal waters in the Sanctuary. This has the potential to set a far-reaching precedent, and may also have implications for implementation of the California Marine Life Protection Act. The Council and others have already expressed interest in how MPAs in state waters will be coordinated with possible future MPAs in federal waters.

4. Consider ways to streamline the Council process and decrease “bureaucracy” associated with adopting regulations and implementing management decisions.

- Currently, there is a “double” process for West Coast groundfish. The Council process, which includes notice of meetings and a full opportunity for public input, does not count toward notice and public input requirements for NMFS rulemaking. In order to adopt regulations implementing Council groundfish management decisions that are made through the Council process, NMFS now has to subsequently go through a second notification and public comment process. As a result, the process of adopting regulations takes nearly seven months. This has forced us to move to a two-year management cycle, and the scientific information could be 2 or 3 years old when it finally is put to use. This could severely impede Council’s ability to respond to urgent management needs.
- Consider amending the Magnuson Act to allow the Council process to satisfy NMFS rulemaking needs, or merge the two processes to reduce the delay and improve the effectiveness of Council management.

5. In California, the mandate for marine resources management has been broadened to include an ecosystem approach, with an emphasis on sustainable fisheries, resources and habitat, and a de-emphasis on maximum sustainable yield for fisheries. We recommend that the Council’s mandate move in this direction.

- Although Council FMPs do not address essential fish habitat, additional habitat needs can be addressed through MPAs. MPAs should continue to be integrated with fisheries management. MPAs were included in the Groundfish Strategic Plan as a recommended management tool (the Cowcod Conservation Area is an example of an MPA approach that has been utilized). Coordination of MPAs with states is also important.
- Provide greater consideration for ecosystem needs; for example, setting aside portions of managed species for forage for seabirds, mammals and other fish species.

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