

COASTAL CONSERVANCY

Staff Recommendation
January 18, 2007

OCEAN PROTECTION COUNCIL – DEPARTMENT of FISH and GAME JOINT WORK PLAN

File No. 06-109
Project Manager: Christine Blackburn

RECOMMENDED ACTION: Consideration and possible Conservancy authorization to disburse up to \$4,215,000 for data collection, analysis, monitoring, and other actions to implement the Martine Life Protection Act and Marine Life Management Act as specified in the Ocean Protection Council–Department of Fish and Game joint work plan.

LOCATION: Statewide

PROGRAM CATEGORY: Integrated Coastal and Marine Resources Protection, Ocean Protection Council and Ocean Program

EXHIBITS

Exhibit 1: Joint work plan and detailed budget

Exhibit 2: Letters of support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of up to four million two hundred fifteen thousand dollars (\$4,215,000) for data collection, data analysis, monitoring, and other actions to implement the Martine Life Protection Act and Marine Life Management Act as specified in the Ocean Protection Council–Department of Fish and Game joint work plan attached to the accompanying staff recommendation as Exhibit 1. A portion of these funds may be disbursed in the form of grants to the California Department of Fish and Game for the purpose of acquiring necessary research and monitoring equipment, the Pacific States Marine Fisheries Commission for the purpose of carrying out field surveys, and Marine Applied Research and Exploration for the purposes of conducting ROV surveys of marine species and habitats in the Channel Islands.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed projects are consistent with Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220) regarding integrated coastal and marine resource protection.
 2. The proposed projects are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
 3. Marine Applied Research and Exploration (MARE) is a nonprofit organization existing under the provision of U.S. Internal Revenue Code section 501(c)(3), whose purposes are consistent with Division 21 of the Public Resources Code.”
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PROJECT SUMMARY:

Staff is recommending that the Conservancy authorize disbursement of up to four million two hundred fifteen thousand dollars (\$4,215,000) for the projects included in the Ocean Protection Council–Department of Fish and Game joint work plan to implement the Marine Life Protection Act and Marine Life Management Act.

Project Background

The Marine Life Management Act (Stats. 1998, ch. 1052) reinvented how the Department of Fish and Game (Department) manages state fisheries. The MLMA calls for an ecosystem approach to achieving sustainable fisheries and identifies the acquisition of essential fishery information (EFI) as a critical component in management decisions. EFI includes the biology of the fish, population status and trends, fishing effort, catch levels, impacts of fishing, ecological relationships, habitat information, and other environmental information. The MLMA calls on the Department to collect EFI for all fisheries that are managed by the state. Consequently, the MLMA promotes general research on marine ecosystems for use in management decisions. The Department has made progress towards collecting more complete data and incorporating these data into fishery management, but many of the essential California fisheries are still categorized as data poor. There is much that still needs to be known to move these fisheries into the more desirable category of data-rich fisheries.

The year after the MLMA, the Marine Life Protection Act (Fish & Game Code §§2850-2863, Stats. 1999, ch. 1015) was passed, mandating a redesign of the state’s system of marine protected areas (MPAs) “to increase its coherence and its effectiveness at protecting the state’s marine life, habitat, and ecosystems.” The Department and the Fish and Game Commission (Commission) have made significant progress towards the implementation of the MLPA statewide. In August 2005, the Commission adopted the Master Plan Framework prepared by Department, setting the stage for the regional stakeholder process. The following year, August 2006, the Commission selected a preferred alternative network of marine protected areas along the central coast of California. There is much interest throughout the state in seeing this process evaluated and applied to the next study region. In addition, the newly established central coast MPAs need to be monitored and evaluated for future adaptive management.

To capitalize on these recent advances, California’s 2006 Budget Act appropriated \$8 million to the Coastal Conservancy to help the Department further implement the MLPA and MLMA. The

Budget Act calls for these funds to be expended pursuant to a work plan developed jointly by the Ocean Protection Council (OPC) and the Department.

Project Description

The joint work plan and budget (Exhibit 1) details the projects the OPC and Department have determined to be the highest priority for implementing the MLMA and MLPA over the next two years. In addition to the \$8 million appropriated to the Conservancy, the plan also includes projects that will be funded through \$2 million appropriated to the Department in the 06/07 budget for similar purposes.

The work plan is split into four categories—data collection, data analysis, Department program support, and Department general infrastructure—with data collection receiving the highest proportion of funds. The Conservancy and OPC have already approved two of the projects in the work plan, and therefore they are not included in this recommendation. The remaining projects include:

Fishery Independent Data Collection – The planned surveys will provide information on relative abundance, species interactions and associations, habitat preference, fishing effects on habitat, distribution, size composition of numerous stocks, and human interactions with the marine environment. When tracked over time, this kind of information may provide managers with an indication of whether stocks are increasing or decreasing, and whether current management measures are achieving their intended conservation objectives. Fishery-independent time series data for adults, juveniles, and planktonic life stages are essential components of standard stock assessment models for individual species.

SCUBA surveys of marine species/habitats – SCUBA divers will assess fish densities, habitat interactions, and species compositions and distributions along selected portions of the coast (primarily the Channel Islands and Southern California regions) to fill gaps in current studies. These surveys will use the protocols developed in 2004 for the CRANE survey.

\$600,000 (\$10,000/site/yr*2 years*30 sites)

ROV surveys of marine species/habitats – Deep-water habitats and species within the Channel Islands will be assessed using remotely operated vehicles (ROVs). These surveys collect the same data as the SCUBA surveys, but are conducted in waters too deep for divers to access.

\$660,000 (\$330,000/yr*2 years)

Fish Trapping Studies – Fish trapping studies will be used to mark and release various species for Channel Islands and central coast marine protected areas monitoring. Trap surveys are used to assess some species that are not amenable to ROV and SCUBA surveys. They also allow for data collection at night and other times when SCUBA and ROV surveys are not practicable.

\$400,000 (\$200,000/yr*2 years)

Ichthyoplankton surveys – Surveys of spawning output from different species provides information on growth and survival at the youngest life stages. They also provide an indication of the abundance of the female spawning biomass that produced the planktonic offspring. Ichthyoplankton assessment of nearshore habitats will include the evaluation of newly created central coast MPAs and established Channel Islands MPAs.

\$500,000 (\$250,000/yr*2 years)

MLPA socioeconomic data collection – The funds will support preliminary socioeconomic data collection for the MLPA process in the next study region so that these data inform the planning for the next regional network.

\$200,000

Fisheries Dependant Data Collection – Better access to data from logbooks and data system evaluation will help to provide more accurate, precise, and timely data on fishing activities, which is crucial to effective fishery management. This information allows managers to insure that key regulations, such as overall catch limits, are being observed and enforced. Also, the MLMA calls for monitoring the level of bycatch and its effect on other fisheries, which can only be accomplished through effective fishery data collection and the use of data from sources other than landings, such as logbooks. Finally, important biological information on the size, age, and sex composition of the catch would be provided through these proposed activities, to complement fisheries-independent data in stock assessment models.

Fishery data collection system evaluation – Contractors will evaluate all commercial and recreational fishery dependent data collection technology and systems (market receipts, commercial logbooks, and CPFV logbooks) and develop a comprehensive and integrated electronic data collection, reporting, and compliance system for the Department.

\$300,000 (\$150,000/yr*2 years)

Commercial fishery logbook data management – Programmers will develop commercial fishery logbook data management systems to manage and report data contained in logbooks for more than 12 fisheries. This funding will help eliminate bottlenecks in capturing, editing, and disseminating a large volume of fishery data from existing sources.

\$450,000

Field data collection – Increased field data collection will provide better geographic and temporal coverage of fishing activities, ultimately providing managers with insights into poorly-sampled secondary and tertiary activities such as night-time fishing and trips that originate from private marinas. These activities currently are significant sources of uncertainty and imprecision in the overall catch estimates for recreational fisheries.

\$630,000 (21 technicians at \$30,000/year)

Stock Assessments – Integrated stock assessments for individual species provide valuable information to managers on the current abundance of a stock and the amount of fishing that the stock can safely support. This is an established and accepted way to provide for sustainable fisheries, and the proposed work will significantly add to the number of assessed stocks in California waters. These assessments are based on computer models that simultaneously analyze all available information on a population to provide the best single answer on how the stock abundance has changed through time in response to fishing pressure. This kind of information informs many fishery management decisions at both the state and federal levels. Stock assessments will not be initiated until additional data from the previous projects are available.

\$150,000 (\$75,000/yr*2 years)

Survey Platforms and Equipment – Fishery independent surveys require specialized vessels and equipment; it is crucial that vessels be available to provide suitable platforms to accomplish these activities. The proposed funding for research vessel operations, vessel upgrades, and required equipment will insure that essential survey work is completed.

ROV Upgrade – Upgrade Remotely Operated Vehicle (ROV) and purchase supplies for maintaining equipment.

\$100,000

Research Vessel Operations – Operate existing research and enforcement vessels and fund essential overhauls and upgrades.

\$200,000 (\$100,000/yr*2 years)

SCUBA Equipment – Upgrade SCUBA gear for Department Marine Region divers.

\$25,000

Staff anticipates that a portion of the funds (\$325,000) will be disbursed in the form of grants to the Department for the purpose of securing the research platforms and equipment (i.e., SCUBA equipment) necessary to carry out the research and monitoring projects. In addition, a grant for \$630,000 will be awarded to the Pacific States Marine Fisheries Commission (PSMFC) for the purpose of carrying out field data collection. The PSMFC is an interstate commission created by Congress in 1947. It administers the Recreational Fisheries Information Network, which collects and integrates sample data, and catch and effort estimates from state and federal Pacific coast marine recreational fisheries sampling programs. These funds will be used to increase the number of technicians PSMFC provides to California for these surveys. Finally, a grant for \$660,000 will be awarded to MARE, a non-profit organization that combines marine technology and science to explore and enhance our understanding of the marine environment, for the purposes of conducting the ROV surveys of marine species/habitats in the Channel Islands. The Channel Islands MPAs Monitoring Program, dated February 2004, identifies the ROV Survey Project as a key part of that monitoring program. The ROV Survey Project team is coordinated by MARE and includes staff from DFG, and the Channel Islands National Marine Sanctuary/National Oceanic and Atmospheric Administration (NOAA). MARE has spent the past 3 years developing and coordinating partner participation and funding by NOAA, DFG, The Nature Conservancy, Commonweal, Natural Resources Defense Council, KingFisher and Deep Ocean Engineering to make these surveys a successful reality.

Other qualified nonprofit organizations or public agencies, whose purposes and programs are consistent with specific activities in the work plan, may also be provided funding to carry out those activities. Where specific technical expertise is not available from these entities, professional contractors will be engaged.

Project History: Following the approval of the FY 2006/07 Budget Act, the staffs from the Department and OPC scheduled a series of meetings to talk about priority projects for implementing the MLMA and MLPA. The final list of projects represents compromise between

these two organizations, taking into account the data needs of the MLPA Initiative—an organization created to advise and facilitate the MLPA process.

The attached work plan was approved by the Department and the Governor's office on November 27, 2006, and by the OPC on November 28, 2006. On November 30, 2006, the plan was submitted to the Chairs of the Assembly Committee on Budget, Assembly Committee on Appropriations, Senate Committee on Budget and Fiscal Review, Senate Committee on Appropriations, and the Joint Legislative Budget Committee for a thirty-day review period required by the Budget Act. No one from these committees submitted comments to the OPC during that time.

In November 2006, the Conservancy and OPC both approved the first two projects in the budget, A1-MLPA Central Coast Baseline Monitoring and A2-Benthic Habitat Mapping (North Central Coast), contingent on the plan's submission to the legislature. These two projects are now ready for implementation; they are not included in the proposed authorization.

PROJECT FINANCING:

Coastal Conservancy	\$4,215,000
Department of Fish and Game	<u>\$1,000,000</u>
Total Project Cost	\$5,215,000

The source of Conservancy funds is a direct appropriation from the General Fund to the Conservancy in the FY 2006/07 Budget, which reads as follows:

“Of the funds appropriated in this item, \$8,000,000 shall be available for implementation of the Marine Life Protection Act and Marine Life Management Act. These funds shall be expended pursuant to a plan developed jointly by the Ocean Protection Council and the Department of Fish and Game. The plan shall be submitted to the chairpersons of the fiscal committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.

The expenditure of these funds shall occur no sooner than 30 days after the plan has been submitted to the chairpersons of the fiscal committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee. These funds shall be available for expenditure until June 30, 2009.”

The additional funds from the Department are also a one-time appropriation available for MLMA and MLPA implementation.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

These projects will be undertaken pursuant to Chapter 5.5 (Section 31220) of Division 21 of the Public Resources Code, which allows the Conservancy to carry out projects that promote integrated coastal and marine resources protection. Under Section 31220, the Conservancy may undertake projects that meet any of the objectives specified in subsection (b) of that section. Consistent with Section 31220(b), subsection 3 and 5, the proposed projects will reduce threats to coastal and marine fish and wildlife and provide for monitoring of marine wildlife in order to

facilitate the protection and enhancement of resources within the coastal zone. In addition, the proposed projects are consistent with 31220(b), subsection 10, in that they will promote sustainable management through improved knowledge about state marine resources, a major objective of the California Ocean Protection Act.

The joint work plan has been developed and implemented in consultation with the Department of Fish and Game, as required by Section 31220(b)(5) and the FY 2006/07 Budget Act. As also required by Section 31220(c), the joint work plan includes a monitoring and evaluation component.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with Goal 5, Objective A, the proposed projects will identify threats to coastal resources and priority areas for resources protection and enhancement.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed projects are consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** See "Letters of Support" attached in Exhibit 2.
4. **Location:** Statewide, within the state waters.
5. **Need:** These funds were appropriated directly for this purpose. The projects included in the work plan were determined by the Department and OPC to be the highest priority for MLMA and MLPA implementation over the next two years.
6. **Greater-than-local interest:** The citizens of California throughout the state will benefit from these projects through more informed, sustainable management of coastal and marine resources and the more complete implementation of the MLMA and the MLPA.

Additional Criteria

7. **Resolution of more than one issue:** The majority of proposed projects focus on data collection, both new surveys and improvements to existing ones. Because of this, these projects are able to provide information for both MLMA and MLPA implementation.
8. **Leverage:** See the "Project Financing" section above.
9. **Cooperation:** Many of the data collection and monitoring projects sponsored through this appropriation will involve fishermen and other volunteers in cooperative research activities.

In addition, all projects will be initiated in cooperation with the Marine Region of the Department.

COMPLIANCE WITH CEQA:

The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to 14 Cal. Code of Regulations, Section 15306 (data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource). The proposed project will not result in disturbance to the marine environment or its wildlife. There will be no significant adverse impact on endangered, rare, or threatened species or their habitat. There are no hazardous materials at or around the project site that may be disturbed or removed. The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects. Staff will file a Notice of Exemption upon approval.