

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT ON INSEASON
ADJUSTMENTS TO FISHERIES IN 2020 DUE TO COVID-19

In response to effects of the COVID-19 pandemic, California fishing industry representatives and participants have vocalized that they expect devastating economic effects, along with requests for relief. The California Department of Fish and Wildlife (CDFW) is actively fielding a number of urgent requests, several of which have also been expressed to the Council this week.

CDFW appreciates the flexibility that the National Marine Fisheries Service (NMFS) has provided to broaden the content that the Council may consider under this agenda item beyond actions that are necessary to keep fishery projections within established specifications and accountability measures. There are many tools in the inseason toolbox available for use, and CDFW appreciates the hard work of the Groundfish Management Team (GMT) this week to evaluate what actions might be possible to implement as part of an inseason rule that would afford timely relief that is greatly needed by California fishermen and fish businesses in this time of crisis.

As the Groundfish Advisory Panel (GAP) noted in its statement ([Agenda Item G.6.a, Supplemental GAP Report 1, April 2020](#)), many markets are not buying fish. However, the GAP also anticipates an increase in fishers selling fish directly from their boats or delivering directly to consumers, given COVID-19 closures or constraints on many established fish buyers. These new and different marketing opportunities may influence species targets and/or fishing strategies, prompting a need to evaluate trip limits, gear and depth constraints to improve production while remaining within established specifications.

The Pacific Coast Federation of Fishermen's Association (PCFFA) and the West Coast Fisheries Consultants sent a letter to CDFW on March 27, outlining several specific requests (attached). On page 4 of the letter, the authors request that CDFW seek actions in the Council venue to provide near-immediate relief for the open access sectors with trip limit increases and Rockfish Conservation Area (RCA) line adjustments to improve the ability to harvest healthy stocks. California GMT and GAP representatives have considered the requests in this letter and refined the recommendations to best align with the tools available in the inseason toolbox, so that implementation can occur quickly.

CDFW appreciates the Council's support of this item and looks forward to the transmission of recommendations to NMFS. As NMFS proceeds with development of the inseason rule, CDFW recommends flexibility in considering the pathways that might be used to accomplish implementation of these recommendations, as NMFS may determine that implementation through an emergency rule is a more expeditious or more appropriate approach.



March 27, 2020

To: Mr. Chuck Bonham
Director, California Department of Fish and Wildlife
1416 Ninth Street
Sacramento, CA 95814

Re: Proposed emergency and discretionary actions to mitigate COVID-19 impacts to the California commercial fishing industry

Dear Director Bonham,

As you know, the COVID-19 emergency continues to impact Californians in dramatic fashion. This is markedly true for the commercial fishermen and women of our state. To be sure, we are in uncharted territory; and the impacts (both long- and short-term) will not be known for quite some time. With restaurants closed to dine-in services, grocery stores struggling to keep shelves stocked, and Californian's desire to flatten the curve; California's commercial fishermen/women stand ready to help our communities get through these trying times by providing seafood for our food supply. However, in order to do so, we need your help as well.

We are grateful that Governor Newsom has included "fishery labor needed to produce our food supply domestically" in his list of Essential Critical infrastructure Workers¹. This will enable us to continue to go to work and feed people. However, serious disruptions to the nation's seafood distribution channels require that we fundamentally retool the way California's fishermen market their catch.

Grassroots efforts to connect local harvesters with the end consumer have moved to the forefront. California's seafood industry has already begun to reconfigure in response to the requirements of Shelter-in-Place orders and social distancing, moving towards community supported fisheries (similar to the community supported agriculture model) with designated drop-offs or scaling up home deliveries, all while maintaining the strictest safety standards. To be sure, this is a growing national movement² and could alter the fresh seafood market as we know it.

Dynamic market forces may buoy commercial fishing during this crisis moment, but they will not come quickly nor easily. Price drops, fiscal uncertainty, and the loss of high-volume markets

¹ <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf> (pp. 4)

² <https://www.nationalfisherman.com/national-international/buy-local-fish/>

mean that regulatory changes that broaden the margin for harvesters, facilitate localized sales, and provide a financial safety net may be necessary if our industry is to survive. We therefore ask for your support for emergency regulatory changes that will allow seafood harvesters of California to continue to land their catch.

On March 23, we sent a request to our network of participants in, and supporters of, California's commercial fisheries to answer three questions³:

1. What types of relief, or increased opportunities, would be helpful in the immediate future? The focus here should prioritize getting product to the consumer's dinner table.
2. What actions could be taken (or waived/undone) to address longer-term impacts? The focus here should be on lessening impacts to your business(es)?
3. Any other suggestions/requests for the DFW? This will be your chance to provide recommendations to the DFW which don't fit squarely into the two questions above.

This letter represents a synthesis of the responses we received and provide some additional rationale for the benefits which would inure to the State, the State's citizens, the State's commercial seafood harvesters and dependent fishing communities. We identify those issues which, we believe, are within the State's purview and those which the State will have to take a leadership role in other venues – Pacific Fishery Management Council for example.

The actions we request below are ranked in descending order of priority as determined by the responses of our members to our inquiry.

Emergency actions that will result in immediate benefits to California fishermen

Actions the State can take on unilaterally via emergency order:

- Implement a grace period for late license/permit renewals (especially for those who mailed in as opposed to doing it online). Giving fishermen three-month extension on paying (in line with recent IRS action on tax payments), or a month after license counters reopen, whichever is later, would be reasonable and beneficial.
- Open State managed fisheries that are currently closed for commercial purposes. For example: sheephead, greenling, cabezon, white sea bass, etc. For State CGS groundfish species – extend the Jan/Feb trip limits. For white sea bass, implement a reasonable trip limit.
- Keep launch ramps, that are closed to recreational fishing access, open for commercial fishing use as an essential business. Directives to counties and coastal municipalities to this effect would have a meaningful positive impact.

³ The full text of the request is attached to this letter

- Allow licensed commercial fishermen to sell whole fish (i.e. non-processed) off their boats or in harbors. We repeatedly heard confusion about which licenses/permits are necessary to sell off the boat and to sell fish of another commercial fisherman.
- For fishermen who will be directly marketing or selling directly off the boat, allow temporary use of paper landing receipts for commercial fishermen/women with retail sales licenses only. Off-the-dock sales are a small percentage of total landings, so landing totals month-to-month will not significantly skew real time data. The number of participants, relative to total landing stations, should be small and manageable by staff.
- Partner with other governmental agencies (federal, county, city) to purchase seafood already in cold storage for food banks, state-managed facilities that provide food for staff, or other programs. This will help feed those in need and free up space in cold storage for salmon and other important commercial stocks.
- For LED on-the-water boardings during the COVID-19 emergency, require officers to wear N95 masks and latex gloves for their and our safety. To the extent DFW Port Samplers are working during the COVID-19 event, require them to follow all federal safety recommendations and food handling procedures to reduce the risk of spreading the virus, and take other measures to minimize contact including sampling a reduced number of fish caught as opposed to the entire catch to protect the food supply
- Issue temporary Fishermen's Retail Licenses, free of charge, that remain valid for one week after the revocation or termination of Executive Order N-33-20.
- Lower, eliminate, or refund cost of a Fish Receiver's License (\$842.00 for 2020) to assist businesses seeking to transition to local marketing.
- Some counties in the State have implemented freezes on commercial and residential tenant evictions⁴. The State should consider adopting a statewide order for its local Ports and Harbors to protect commercial fishing industry tenants such as vessels, processors and other indispensable part of the fishing community: ice houses fuel docks, gear storage facilities and providers, mechanics, marine parts stores, etc.
- For the 2020-21 commercial fishing season, allow use of a John Doe commercial fishing license for all of the State's fisheries. Commercial fishing vessels will face crew shortages due to illness and travel restrictions/best practices. Allowing temporary use of John Doe licenses will reduce instances of lost fishing trips due to an insufficient number of long-term crew members and increased license processing times.
- A permit fee waiver for the 2020-21 fishing season would provide sorely needed cash liquidity for fishermen struggling with market failures, poor prices, and uncertainty.

⁴ <https://www.sandiegouniontribune.com/news/politics/story/2020-03-25/san-diego-freezes-tenant-evictions-linked-coronavirus-landlords-fret-activists-call-a-general-rent-strike>

- Allow renewals of boat licenses or permits without the vessel's original boat registration form. Apparently, a copy of the current boat registration is not being accepted.
- Temporarily reinstitute sales tax exemptions on red-dyed diesel fuel used in commercial fishing operations.
- Allow legal recreational/subsistence harvest on commercially permitted vessels
- Extend trap service intervals for the Dungeness Crab fishery until the close of the current season.

Actions the State can take in other venues:

- At the Pacific Fishery Management Council, advocate that NMFS-
 - Immediately reopen groundfish fisheries which are scheduled to open on May 1; with Open Access trip limits for 2021 being implemented upon reopening. With the CPFV fleet(s) tied to the dock, removals from that segment of the fishery have stopped. There would likely be no biological harm to any of those stocks from opening before then. Higher open access (non-trawl open access shelf rockfish) limits would help small business fishermen and fishing communities along the North Coast. These fishermen have expressed a willingness to participate in local sampling for management purposes.
 - Remove blue and black rockfish from the deeper nearshore species list and include them within the federal quota list.
 - Allow the transport of salmon through the KMZ to get to an offloading station.
 - Support efforts to open the non-trawl RCA open access with fathom definition of 60 fathoms near shore to 90 fathoms seaward south of latitude 40.10 and to between 40-fathom seaward and 100 fathoms seaward north of the 40.10.

Actions that will result in market stability and long-term benefits to the fishing industry

Actions the State can take unilaterally:

- Reevaluate annual increases to the costs of commercial licenses and permits. Many feel the costs are quickly approaching a point where it may not financially justifiable to continue.
- Given that license counters are closed to the public, eliminate the 5% nonrefundable license agent handling fee for items purchased from Online License Sales and Services.

- Ease restrictions on Southern Rock Crab permit transfers for 2020, all timely submitted permit transfer requests should be accepted without regard to the five-permit transfer per year limitation. Similarly, some leeway with Red Sea Urchin application deadline (March 31) for those whose application was received after that date.
- It is likely that many traditional markets, restaurants for example, will not survive COVID-19. We will need help and partnerships with the State in developing new markets and marketing strategies. One example we heard, increased marketing and promotion of California harvested seafood through media and other forms of promotion (for example, fact sheets prepared in coordination with industry). Please consider creating a California seafood marketing office.
- Make commercial fishing permits issued by the State of California leasable.
- Consider delaying implementation of the State's fixed gear labeling requirements for one year. Many fishermen will have to buy new buoys, brands and other materials to be in compliance. This could result in significant burden to some participants in fixed gear fisheries.
- Fast track DFW's efforts to develop an EFP program. Many believe that the current timeline for implementation is too lengthy To the extent that existing EFPs issued by NMFS could have a California component, those should have automatic conformance with state EFP permits.
- Establish grant or low interest loan programs specifically for the purchase of permits.
- Temporarily suspend landing fees.
- California residents that, for financial purposes, have out-of-state corporations or other business entities, should not have to purchase non-resident licenses and/or permits.
- Depending on relief included in any Federal Legislation resulting from COVID-19, work with the State Legislature on a State relief program which would make low interest loans simple and easy to apply for.
- Improve and expand State salmon hatchery programs.
- Reevaluate the intention and effects of the State's Network of MPA's and open any productive fishing areas that are closed.
- Provide sanitary landing areas at all California harbors with required certified scales supplied by the department.

Actions the State should move forward in other venues:

- Work with NOAA and relevant regional authorities to ensure robust and rapid access to fishing industry appropriations made by Congress in §12005 of HR748, including in particular for fishing industry sectors that are occurring now or that will take place over the summer for which final economic data will not be available for some time. This is consistent with the text of the appropriation, which makes funding available on a ‘rolling basis’ and ‘during a fishing season’.
- At the Pacific Fishery Management Council, advocate that NMFS-
 - Modify the requirements of the West Coast Groundfish Observer program to exclude vessels twenty-five feet or less to match all other existing regulations that apply to vessels this size. Operating with observers in small boats creates the risk of disease transmission for both observers and crew.
 - Suspend observer programs during the duration of the COVID-19 crisis for those fisheries that require observers. Forcing fishermen to carry observers put their and the observers’ health at risk.

Other actions designed to help our industry, fishing communities, and small businesses

Actions the State can take unilaterally:

- Take a close look at the number and costs of permits. “Ocean enhancement stamp on top of a commercial license if you want to hook a White Sea Bass. Title Invertible stamp if you want to have mussels on your boat, Lobster crewmember license another seemingly unnecessary fee.
- Deteriorating port infrastructure negatively impacts on fishing businesses, and fishing communities, (e.g. availability of ice, lost supporting businesses near the ports, lost revenue to harbor districts. DFW could lend support to efforts that encourage investment.
- During pandemics or other events which cause extended shelter-in-place, or similar, orders, any rules that prevents commercial vessels from being used to recreationally fish should be cancelled until the shelter-in-place, or similar, order is resolved.
- [I would like to see this as an opportunity for] “the Department returning to policies and attitudes which sees fishermen as essential part of our community and state. The attitude of heavy hand toward fishermen is very discouraging to current fishermen and new generation see how not only dangerous this job could be on its own, but it's incredibly unreliable source of living with constant threat of being criminalized, watched over as potential criminal and marginalized as ones who cannot and will not be trusted. Lack of opportunities, barrage of regulations, unnecessary financial burdens, lack of trust and mostly respect as an equal human being and citizens. These are main reasons why California fishing communities are basically gone to the pages of history. California fishing industry has a great

potential to actually thrive. We have incredible natural resources in our waters; and the hunger for local products is strong and it will only grow in the wake of this calamity. We still have fishermen with their incredible knowledge. Without them the general public's access to the resources is impossible. It is time to actually start taking some real steps to free our fishing communities of all the layers of burdens accumulated through last few decades. It's all in the attitude.

- Be responsive to concerns expressed by, or on behalf of, commercial fishermen. One respondent advised that they called DFW about pollution on a class one stream and haven't heard back.

Actions the State should move forward in other venues:

- Through the U.S. Congress:
 - Support reasonable changes to the Marine Mammal Protection Act which would allow management of Marine Mammal populations as they approach and in some cases exceed carrying capacity.

One fisherman who responded to our inquiry perfectly characterized the feeling among fishing industry members now: "I believe that this is a perfect time to display what fisherman can do for their communities. We are willing and able, as we have always been, hard workers and loyal to each other. You will have the chance to unmask our faces on what has been a characterized roller coaster of our profession. Some of the hardest working people in our communities, give the people what they need please. Thank you!"

Taking into account the above, we, on behalf of California's commercial fishing industry, ask that you consider using powers at your disposal to enable us to serve California and survive the devastating impacts brought upon by the COVID-19 pandemic.

We thank you for your attention to these matters of utmost importance.

Respectfully,

Noah Oppenheim
Executive Director
Pacific Coast Fed. Of Fishermen's Asscs.

Mike Conroy
Principal
West Coast Fisheries Consultants

CC: Mr. Wade Crowfoot, Secretary of Natural Resources
Mr. Eric Sklar, President Fish and Game Commission
Ms. Melissa Miller-Henson, Executive Director Fish and Game Commission
Ms. Valerie Termini, Chief Deputy Director
Mr. David Bess, Chief Law Enforcement Division
Mr. Craig Shuman, Marine Region Manager