

Nearshore Fishery Management Plan (Draft May 9, 2002)

The following written comments were received by E-mail:

Writer	Comment	Response
E-mail-1 L. Smith		
C-1	Do NOT want any more regulation of the fishery. Management is the key. Limits Not Closures	(Speaker may be expressing support for Alternative 1). Alternative 1 (No Project) would continue the current regulations. It is true that there are many regulations at work in marine fisheries. The NFMP hopes to bring a broader perspective to nearshore management by using a scientific basis and well disciplined approaches to allocation, restricted access, and marine protected areas on a regional basis. Size and slot limits have their place in fishery management, but they are difficult to enforce. Visualizing large populations of fish while fishing at the known habitat sites off the coast is not a proven technique for understanding the true vulnerability of species populations. Therefore, broad management goals with localized, regional management and annual research in stock assessment, mortality, age, and growth is the preferred option of the NFMP.
E-mail-2 L. Smith		
C-1	The E-mail is a duplicate of E-mail-1.	Please see response to comment for E-mail-1 above.
E-mail-3 Tom Gatch		
C-1	Since gill nets have been moved further offshore, halibut fishing has rebounded and fish that far exceed the minimum length are now being taken on a regular basis by recreational anglers using only hook and line methods. ..It is the destructive methods (i.e. long lines and gill nets) of commercial fish harvesting that are still being used which are the primary culprits in the decimation of fish stocks around the globe.	Many of the comments regarding restriction of various types of gears or modifications of gears involve gears not primarily used in the take of nearshore finfish. All gears mentioned in comments are regulated within the context of the particular fishery involved. For example, gillnets are not allowed in nearshore waters, trawl gear (for the most of the state) is deployed in waters beyond three miles, and longlines are regulated by length, number of hooks, and even days when they can be used. Some comments can be considered as suggestions for tools to be used to manage the fishery and will be looked at within the framework of implementing gear restrictions appropriate to manage the nearshore stocks.
C-2	The idea of massive 'no take' species and zones, however, doesn't sound like it was derived from good science, but rather by certain non-anglers who would like to see our sport virtually eliminated for reasons related to their own emotional perceptions of fishing and hunting.	Management Plan (NFMP) Section 1, Chapter 3, where no take is allowed, are uniquely capable of eliminating many risks to the sustainability of fishing and to conserving ecosystems and habitats. None of the other management measures in the NFMP are specifically directed at the protection of habitats and fish nurseries. Without the

Writer	Comment	Response
		<p>addition of MPAs, the NFMP does not fully meet all of the criteria specified by the MLMA (FGC Division 6, Part 1.7). The NFMP, however, does not specify the placement, size and function of MPAs along the coast. That process is being directed by MLPA (FGC Division 3, Chapter 10.5) and tracked by the NFMP management team to guarantee compliance with the needs of nearshore fish. Although MPAs are not a 'cure-all' for every nearshore problem, they are the single management measure that guarantees the preservation of adequate and appropriate habitat for the regeneration of depleted nearshore fish stocks. For this reason, the Department supports the MLPA process as one of the fundamental elements in a broad management framework.</p>
<p>E-mail-4 Dorothy LeCel</p>		
<p>C-1</p>	<p>I would most certainly support a regional fishing plan for various parts of California. It seems like the most intelligent way to go given California's hugely diverse areas.</p>	<p>Four management regions is now the preferred alternative for regional management. Alternatives with more than four regions would incur increased costs and staffing needs required to administer these regions.</p>
<p>C-2</p>	<p>Would like to see stronger poaching laws and punishments as well as an increased staff for the department of fish and game.</p>	<p>Please see FGC §711, which describes funding and costs for Department programs. Please see FGC §12021, 13006, and 2586. The public can help the Department enforce regulations by calling 1-800-DFG-CALTIP to alert enforcement to potential violations. Counties are ultimately responsible for penalties to commercial and recreational fishery regulation violations. In addition, the Commission has authority to revoke licenses and permits of commercial fishermen.</p>
<p>E-mail-5 David Bourland</p>		
<p>C-1</p>	<p>Instead of growing meat breeds, grow feeder species. My point being is, the growing size of larger target species will be improved and breeding age will be enhanced.</p>	<p>If this is in reference to size limits, The NFMP is designed and written to be a framework document. Each of the recommended and alternative management strategies in the NFMP relies on a 'toolbox' of general management tools already in use by the Commission. All of the comments for specific management measures, such as size limits, slot limits, monthly closures, and limitations on traps, line gear, and other gear are measures available to the Commission to use to achieve the goals of the NFMP. Please see Section II, Addendum 5, pages 208-213.</p>
<p>C-2</p>	<p>If offshore fishing nets are used by fishing fleets, establish an ordinance to require a radio transmitter on those nets and have a recovery fleet to salvage those nets that breakaway.</p>	<p>Please see response to E-mail 3, Comment 1 above.</p>

Writer	Comment	Response
E-mail-6 Curt Degler		
C-1	<p>I am writing to urge your adoption of "2.3 Alternative 2" which would ban commercial harvest of the slow growing and reproducing nearshore rockfish species and other "reef fish". This fishery has already been depleted and is severely overfished resulting in environmental damage to one of the jewels of California's incredible marine environment. Further commercial harvest cannot be justified.</p>	<p>Alternative 2 (Fishery Control Rules with Prohibited Take, Possess, Landing, Sale, or Purchase of the 19 NFMP Species Taken From Waters off California While Those Species are Managed Under FCR Stage I and II Conditions) would eliminate the commercial take of the nearshore species to be managed by this plan. While it is not the recommended alternative to the fishery control rules this alternative is presented to the Commission for their consideration; the Commission can adopt any alternative in regard to this alternative. It is important to understand that the circumstances under which these management measures were implemented in Washington were considerably different than the situation that exists in California. In Washington, there was no existing live-fish fishery at the time their regulations were adopted. Washington passed a series of specific conservation-driven regulations over several years that ultimately prevented development of a live-fish fishery in their nearshore environment. As a result, the need to deal with issues surrounding allocation of these resources between commercial and recreation sectors did not materialize there. In California, the commercial sector of the nearshore fishery has been active for several years. In addition, both the MLMA and PFMC decisions affect allocation issues concerning the nearshore fishery. The MLMA provides that fishery management plans shall allocate increases or restrictions in fishery harvest fairly among recreational and commercial sectors participating in the fishery. Furthermore, the NFMP states that generally it is the policy of the State to assure sustainable commercial and recreational nearshore fisheries, to protect recreational opportunities, and to assure long-term employment in commercial and recreational fisheries [FGC §7055 and §7056]. The Department believes that implementation of the recommended options will result in a sustainable nearshore fishery for both recreational and commercial sectors. An important element of the Department's preferred options in the NFMP is a restricted access program for the commercial nearshore fishery. This program will better match the size of the commercial fleet to the available resource, thus reducing the potential for overfished stocks while allowing a small, responsible commercial fishery to exist in California.</p>

Writer	Comment	Response
E-mail-7 Dennis Chamberlain		
C-1	Please accept our recommendation for the proposal 2.3 (Alternative 2) and prohibit nearshore commercial fishing.	Please see response to E-mail 6, Comment 1 above.
E-mail-8 Zachary Grossman		
C-1	I am concerned over the increasing number of proposals to restrict public access to our coastal waters. Access to these public waters is the single most important element of recreational fishing. I urge you to join with America's 50 million conservation-minded anglers and support the Freedom to Fish Act.	Please see response to E-mail 3, Comment 2 above. In addition, the designation and site selection for MPAs is being done through the MLPA process.
E-mail-9 Wade Van Buskirk		
C-1	Section 1 chapter 2 page 51 paragraph 2 sentence 2: (incorrect web address-page not found.	Thank you for bringing this information to our attention.
E-mail-10 Wade Van Buskirk		
C-1	A more recent NMFS analysis "Marine Angler Expenditures in the Pacific Coast Region, 2000" indicates that the total expenditures in California are actually \$2,479,266,000. Suggest using the more recent (year 2000) numbers rather than the 1996 and 1998 numbers in your report.	At the time the proposed NFMP was created, 1996 and 1998 information was the latest available. Because most analyses do not include information from 2000, we are not able to add this information to the document.
E-mail-11 Wade Van Buskirk		
C-1	Curious as to how the unreliability of the years 1980-1982 was established.	We will review Karpov, et al. 1995 paper and provide a written response to Mr. VanBuskirk if we still believe that the 1980-1982 data are unreliable.
E-mail-12 Wade Van Buskirk		
C-1	Section 1, chapter 4, page 103, paragraph 1, sentence 2: "The amount of sampling for each mode during each 2-month period is based on the amount of expected fishing effort in that mode and area." This statement is incorrect.	Thank you. We believe the statement is appropriate as written in the document.
E-mail-13 Wade Van Buskirk		
C-1	Section 1, Chapter 4 section "Shortcomings in Current Recreational Fishery-Dependent Monitoring", page 106, paragraph 1, sentence 3: The use of "urban" and "rural" do not always correlate with fishing effort.	Thank you for your perspective. We believe the statement is appropriate as stated.
E-mail-14 Wade Van		

Writer	Comment	Response
Buskirk		
C-1	Table 1.4-1 incorrectly indicates that the MRFSS does not provide some data elements that are provided in the CPFV logbooks and on-board survey. Marine bird mammal interactions have been collected in the MRFSS in past years. Currently the MRFSS still collects the mammal interaction data on on-board CPFV trips.	The information in the document is appropriate for the time period covered. We appreciate receiving this information.
E-mail-15 Wade Van Buskirk		
C-1	In table 1.2-4 Table 1.2-5: The years 1980-1982 are shown, but were discounted as unreliable in an earlier section of the document.	The information for 1980-1982 has been noted as perhaps unreliable so it was not used in analyses. Please see response to E-mail 11, Comment 1 above.
C-2	FY1-data for 2001 is available.	Thank you for the information.
C-3	The numbers for 1988 row do not agree with published data (RecFIN or NOAA Fishery Statistics Pub Number 9205, 1992).	Thank you. Please see response to E-mail 11, Comment 1 above.
E-mail-16 Roger Abe		
C-1	Supports the Coastside Fishing Club proposal.	Please see response to E-mail 6, Comment 1.
E-mail-17 Lloyd Perceval		
C-1	I think it is unfair to the taxpaying people of this state to close the recreational rock fishing for thousands of us for the profit of a few commercial fishermen. As sport fishermen, I am sure we pump much more money into the economy of this state with our fishing than the commercial fishers will ever even think of contributing. This money provides many many more jobs and tax income to this state than commercial fishers.	The NFMP establishes a methodology to determine total allowable take and allocation of that take. To the extent necessary to regulate the recreational and commercial fisheries so neither fishery takes more than is proposed, many management options may be used including time or area closures. In reference to the nearshore recreational and commercial fishery, both are regulated to protect stocks through size limits, gear restrictions, seasonal closures, week-day closures for commercial fishermen, and caps on total allowable take for both sectors. A complete description of State and federal regulations on the nearshore fishery is provided in Appendix F.
E-mail-18 Edward Mainland		
C-1	Federal fishery officials say severe new limits are needed. Recreational fishermen say severe new limits are needed. Environmental organizations say severe new limits are needed. Fish and game writers say severe new limits are needed. Scientists say severe new limits are needed. This seems to be an ecological fact and indisputable reality, not something subject to political quibbling.	The PFMC recently adopted emergency action to close the continental shelf to recreational and commercial fishing to protect certain shelf rockfish species.
C-2	There is a consensus that poorly regulated commercial overfishing is primarily responsible for wiping out fish stocks nearshore and offshore. This lethal pressure	Appears to support Alternative 2. Please see response to E-mail 6, Comment 1 above.

Writer	Comment	Response
	must be removed until fish stocks recover and a sustainable harvest is again possible.	
C-3	Virtually no one agrees with Calif. Fish and Game staff that currently overstressed and collapsing fish populations can accommodate both commercial and recreational fishing interests as well as recovery and long term sustainability	The NFMP follows the guidelines of MLMA, the primary goal of which is to ensure long-term resource conservation and sustainability. If writer is expressing support for Alternative 2, please see response to E-mail 6, Comment 1 above.
C-4	Long term, act to help close the entire Continental Shelf from Mexico to Canada to all fishing until fish stocks recover to natural levels and can sustain reasonable harvest.	The comment is about an action beyond the scope of the NFMP and beyond the authority of the Commission. Recently, the PFMC took emergency action to close waters deeper than 120 feet to the take of rockfish to protect certain shelf rockfish stocks. As specific stocks are found to need protection, the PFMC and the Commission have the authority to take the necessary steps to limit take by commercial and recreational fishermen.
C-5	Make all marine sanctuaries along the California coast off-limits to commercial fish and strictly regulate and cut recreational fishing.	Please see response to E-mail 3, Comment 2 above. In addition, the designation and site selection for MPAs is being done through the MLPA process.
C-6	Immediately outlaw bottom trawling.	Please see response to E-mail 3, Comment 1 above
C-7	Ban 150-hook lines. Limit nearshore commercial fishermen to two hooks per line or ban commercial fishing altogether. Ban nearshore rockfishing entirely.	Alternative 3 (Gear Restrictions for Commercial Fleet) would allow commercial harvesting for nearshore finfish by use of rod-and-reel or handlines with not more than five hooks per line. This would reduce the number of hooks allowed from 150 to a maximum of 20. Alternative 3 is not the recommended alternative to the fishery control rules. However, this alternative is presented to the Commission for their consideration; the Commission can adopt any alternative. Gear endorsements and restrictions are measures used by the Commission for management of targeted marine species, by-catch, and wastage. This alternative was not established as a recommended measure by the Department because it was unnecessary to specify gear endorsement and restrictions in the NFMP framework when they already exist in regulation. Moreover, the specific restrictions of Alternative 3 constitute a fine-scale implementation strategy requiring regional-level discussion with constituents. The recent actions taken by the PFMC and the subsequent closure of the continental shelf to most fishing, gear restrictions will undoubtedly be re-evaluated on the State level and by each of the forming regional committees. The need for gear restrictions is in direct proportion to the efficiency of the limited entry program. When the commercial fleet is commensurate with the amount of resource and the level of effort regionally,

Writer	Comment	Response
		reduced gear efficiency may not be necessary. In the current commercial fishery that is over-capitalized and facing increased effort due to shelf closures, gear restrictions may be an emergency option.
C-8	Impose sensible season restrictions for all. Provide more and better-paid wardens to target poachers.	The Commission has authority to adopt necessary management measures appropriate to managing stocks of fish and fisheries. Regarding enforcement and poachers: Please see response to E-mail 4, Comment 2 above.
C-9	Urge the Pacific Marine Fisheries Commission to impose a West Coast offshore fishing ban.	Please see responses to Comments 1 and 4 above.
E-mail-19 Victor Libinoff		
C-1	I support a ban on nearshore commercial ocean fishing.	(Appears to support Alternative 2): Please see response to E-mail 6, Comment 1 above.
C-2	Thin out exploding seal population.	The management of most marine mammals, including seals, is under the jurisdiction of the National Oceanic and Atmospheric Administration's National Marine Fisheries Service under the Marine Mammal Protection Act. The Department and Commission's opportunities for "thinning out the exploding seal population" are part of a continuing dialogue with NMFS to provide a coordinated approach towards sustainability of the nearshore fishery.
C-3	I do not support banning sports fisherman fishing from any areas close to shore.	If the writer is commenting about the development of MPAs through the MLPA process: Marine reserves will be developed through the MLPA process which involves regional working committees to help develop recommendations for placement and designations of reserves. Consideration for public access will be a component of the decision process.
E-mail-20 Qiongsan Quanyong		
C-1	Comment not relevant to Nearshore FMP.	No response necessary.
E-mail-21 Todd Johnson		
C-1	Comment not relevant to NFMP.	No response necessary.
E-mail-22 Billy Gianquinto		
C-1	Now proposals are being made to close the continental shelf to all rock cod fishing. Again, I believe this is irresponsible. The commercial fishery is responsible for the decline, not the sport fishermen.	Please see response to E-mail 18, Comment 1 above.
C-2	Stop all commercial rock cod fishing inside three miles.	Please see response to E-mail 6, Comment 1 above.
C-3	Continue to let the sport fishermen to fish. If they catch a protected fish, they can release it, such as undersized bass. Put a size limit	Please see response to E-mail 5, Comment 1 above.

Writer	Comment	Response
	on all rock cod of 10 inches.	
C-4	Close the nearshore fishery during December, January and February.	Please see response to E-mail 5, Comment 1 above.
C-5	Closing the coast to rock cod fishing will have a huge impact on the coastal communities.	The environmental document (NFMP Section II) is intended to fulfill CEQA obligations, and as such is limited to physical and environmental impacts of the proposed project. Effects on coastal communities and businesses, as described in FGC § 7083(b) are addressed in the Statement of Economic Impact that accompanies the proposed regulations as part of the adoption package for new regulations associated with the NFMP. In addition, the environmental document provides a record on whether or not the proposed project may have a significant effect on the environment. In determining the potential for effects, on direct and indirect physical changes to the environment from the project are considered. Economic and social changes resulting from a project shall not be treated as significant effects on the environment (CEQA guidelines 10564 e). Alternatives are designed to reduce the significant environmental impacts while still achieving the goals.
C-6	Also, please explain why is it still legal for the Asian live fish fishermen to keep fishing the inshore reefs when they are the ones principally responsible for the predicament that the rock cod are now in.	The nearshore commercial fishing industry is highly regulated with limits on total take, gear restrictions, size limits on many species of nearshore fish, daily and monthly closures. Gear restrictions are imposed on the use of traps and of hook-and-line gear including maximum number of allowable hooks. Additionally, commercial fishing regulations are not promulgated or enforced by ethnicity.
E-mail-23 Robin and Brad		
	Comment not relevant to NFMP.	No response necessary
E-mail-24 David and Lori Joseph		
C-1	I understand that you are considering blanket closures that would include recreational fishing for these fish. I urge you to PLEASE RECONSIDER YOUR POSITION.	It appears the writer is concerned with an emergency closure of waters deeper than 20 fathoms for shelf rockfish species. This was an action taken by the PFMC to protect weak stocks of shelf rockfish species.
E-mail-25 Brandi Easter		
C-1	Until viable, non-biased studies can prove there is sufficient resource to continue commercial fishing in this area while allowing the recreational user group to enjoy fishing year round, I ask for your support to close near shore areas to further commercial pressure.	Appears to support Alternative 2. Please see response to E-mail 6, Comment 1 above.
C-2	California has precedent stating there must be a satisfying recreational fishery. This is also a tenet of the MLMA in section 7055c.	The Commission will use FGC §7055, scientific evidence, and public input to guide decisions.

Writer	Comment	Response
	Without intervention, the citizens of California, current and future generations will not have the opportunity to enjoy rock cod fishing.	
E-mail-26 Joe Geever Karen Reyna		
C-1	<p>We ask the Commission to act immediately to finalize and implement the following sections of the NFMP:</p> <ul style="list-style-type: none"> > Restricted Access plans for the regions 	<p>The Department has proposed a nearshore restricted access program for the nearshore fishery. This program will be going through the regulatory process later this year and should be adopted prior to the next fishing season (April 1, 2003). This program proposes some significant limitations on the number of participants, as well as limiting the types and amount of gear allowed. The nearshore fishery restricted access program also proposes a gear endorsement program to allow some permittees to use other gear types that they have traditionally used. The Department has proposed a nearshore restricted access program for the nearshore fishery. This program will be going through the regulatory process later this year and should be adopted prior to the next fishing season (April 1, 2003). This program proposes some significant limitations on the number of participants, as well as limiting the types and amount of gear allowed. The nearshore fishery restricted access program also proposes a gear endorsement program to allow some permittees to use other gear types that they have traditionally used. That program will be going through the regulatory process on a separate but parallel rulemaking.</p>
C-2	<p>We ask the Commission to act immediately to finalize and implement the following sections of the NFMP:</p> <ul style="list-style-type: none"> > A mandatory Recreational Permit to assist in essential data collection and research 	<p>Any of the alternatives in the NFMP can be adopted in addition to or replacement for the Recommended Management Measures. The nearshore recreational stamp was originally proposed as a way to limit recreational effort in the nearshore fishery. After meeting with the Nearshore Advisory Committee and listening to public comment, it was agreed that this would not work as way to limit access. A recreational stamp could however be used as a research tool to assist in gathering better information on recreational fishing activities in the nearshore waters. Therefore, the stamp should have been moved into the section of the FMP dealing with future research needs. The Department has plans to develop an electronic database of recreational fishermen similar to what is currently in place for the commercial sector. This database could be used to improve the MRFSS phone survey because the survey could target known fishermen. Implementation of a recreational stamp or electronic database would be one way to get</p>

Writer	Comment	Response
		a better idea of how many people fish recreationally in nearshore waters and also estimate the amount of effort.
C-3	We ask the Commission to act immediately to finalize and implement the following sections of the NFMP: > Cooperative research with fishermen to draft and implement the Research Protocol	The NFMP is a framework plan. The collaborative work with fishermen is outlined in the NFMP (Section I, Chapter 4, pages 152, 161-162, and Table 1.4-3). The details on how fishermen will be involved in such activities will be worked out during the implementation phase of the FMP.
C-4	We ask the Commission to act immediately to finalize and implement the following sections of the NFMP: > A network of temporary closed areas to offer insurance that sustainable catches will not be exceeded. The design of this network can be revisited through the Marine Life Protection Act (MLPA) process.	The precautionary approach to setting allowable catches until a network of MPAs is developed is designed to provide sustainability. The decision to create temporary closed areas would be at the discretion of the Commission. At this time, the process to develop a recommended network of closed areas is happening through the MLPA process.
E-mail-27 L. Smith		
	Duplicate of E-mail-1.	Please see response to E-mail-1 above.
E-mail-28 Lloyd Perceval		
	Duplicate of E-mail-17.	Please see response to E-mail 17 above.
E-mail-29 R. Storrie		
C-1	I believe that the TRAWLERS and their ocean bottom drag nets should be outlawed.	Please see response to E-mail 3, Comment 1 above.
C-2	I on the other hand do not want the recreational fishermen, like myself to be shut out and that it does not hurt the fish stock unlike the big commercial outfits. I would support a 2 year ban on sport fishing to help the stocks, but I do not really like the idea that I will never get the joy of going fishing again, or teaching my boys to catch their first fish before I die.	The recommended harvest control rule is very precautionary in allowing take of fish by recreational and commercial fishermen. At this time, it is not felt to be needed to close nearshore fisheries entirely to help the stocks.
E-mail-30 P. Jewell		
C-1	If the fishery is in some sort of jeopardy then why are commercial boats allowed to fish.	(Appears to support Alternative 2): Please see response to E-mail 6, Comment 1 above.
C-2	Maybe your reasoning is so that the commercial fisherman won't become unemployed. What about the small mom & pop sport fishing centers that caters to individuals that prefer that type of fishing over owning their own boats? What about their livelihoods? What about the sport fisherman and his recreational choices?	Please see response to E-mail 22, comment 5 above.
E-mail-31 Lori French		
C-1	Now that the Federal government and others have closed down the State of California's Rockfishery, anyone have any idea on how to make mortgage payments and raise children with no income? I'd say this is going to have a	Please see response to comment E-mail 24, Comment 1 above.

Writer	Comment	Response
	FAR REACHING impact, further than any might have imagined, and just not for one generation.	
E-mail-32 Bob Eaton Joe Rohleder (Deborah McEuen)		
C-1	PMCC supports an aggressive plan to implement the research, as outlined in Section 1, Chapter 4 of the NFMP, which will be necessary to proceed from the present stage-one management. The Commission should develop a plan to gather the necessary life history and essential fishery information, and to collect sufficient socioeconomic information about both extractive and non-extractive fisheries to move to phase-two management. Collaborative research with fishermen should be a significant part of the overall research	Please see response to comment E-mail 26, Comment 3 above.
C-2	The Commission should begin collecting information to assess the value of educational, scientific and recreational uses that do not remove nearshore species. Fishermen have a wealth of knowledge about when, where, and how to gather scientific information about fish which can be very useful for fishery management.	Beyond the framework for multidisciplinary research efforts outlined in the NFMP, the Department has taken the lead in organizing a cooperative sampling program for the nearshore known as CRANE, Cooperative Research and Assessment of Nearshore Ecosystems. The CRANE program will facilitate the collection of important information for assessment and management of nearshore finfish. This effort will involve participation from other management agencies, academic institutions, fishery participants, industry, and interested constituencies. CRANE's efforts have begun in the area of developing and assessing scuba-based observations for their efficacy in contributing to the stock assessment puzzle and establishing an information baseline for nearshore reef ecosystems. Concurrent with this is a collaborative effort to develop a database that will allow the sharing of biological and physical data on the nearshore environs. This will allow the Department to make use of information generated by the survey program in a timely manner to inform the fishery management process.
C-3	Nearshore species that do not migrate long distances as adults, (such as brown rockfish) are susceptible to localized depletions. Given that suitable habitat for some nearshore species may be limited; the regional management approach should include some mechanism to avoid local depletions.	Localized depletion will be addressed on a case by case basis as situations are identified where it has occurred to an unacceptable degree. Area closures, effort reduction (i.e.: restricted access), and gear restrictions are three possible measures that may be employed in response to concerns about localized depletion. In addition, the regional approach to management will help to better address depletion.
C-4	The plan relies on MPA's to provide protection of habitat and to provide a buffer	The NFMP relies on the process now underway under the authority of the MLPA to

Writer	Comment	Response
	against the uncertainty of the present essential fishery information. PMCC is concerned that the current process to establish MPA's may take considerably more time to enact than the NFMP, leaving sensitive habitat at risk in the interim. It is critical to involve local stakeholders in MPA designation processes and PMCC supports the Department's current process to do so.	recommend a network of MPAs. Currently, working groups have been established to work on local recommendations. It is expected that the public will have opportunity to comment on the recommendations.
C-5	PMCC feels that allocation of harvest needs to be fair and equitable at all times. Preference should be given to fisheries that use selective and habitat sensitive gear. The Commission should use caution about "locking in" allocation decisions that might advantage one sector over another. Placing "sunsets" on these decisions would allow for periodic review and modification of all factors related to harvest.	The recommended allocation approach uses historical levels of take to determine portions for different sectors of the fisheries. Restriction of gear is a tool available to managers and the Commission to protect habitat (Section I, Addendum 5, page 212). After implementation of the NFMP regional committees will be formed to allow local advice in setting TACs and allocation.
C-6	We are concerned about potential significant effort shifts into nearshore commercial and recreational fisheries as a result of PFMC actions taken to protect over fished groundfish species. This effort shift due to the developing disaster in shelf fisheries needs to be addressed in the NFMP. PMCC recommends that additional management measures, such as closed areas, be put in place immediately to offset this effort shift.	The Department shares the concerns over the shift in effort to the nearshore fishstocks as a result of recent and proposed federal actions to severely limit fishing for overfished groundfish outside 20 fathoms. There are widespread concerns about the socio-economic impacts of recent actions and proposed additional closures on the shelf, aside from the impacts on the fishery resources.
C-7	PMCC supports the PFMC delegating authority to manage nearshore groundfish species to the state; however, a management plan must be adopted which includes the protection of nearshore habitat, the prevention of over fishing, and that leads to sustainable fisheries and the sustainability of fisheries dependent communities. This plan must cover all the transferred species throughout their range and include an aggressive research program to develop population assessments for each species. Until, and unless, adequate data is collected for species abundance and total removal, the precautionary approach should be used for management.	All of the concerns expressed by this writer are provided for in the MLMA and in the NFMP.
C-8	The resources necessary to develop this expanded nearshore management plan will be considerable. The Commission should insist that an adequate federal funding source, earmarked for nearshore research, is included with the transfer of management authority. PMCC strongly urges the Commission to begin direct discussions with California's congressional delegation to secure federal funding.	Fish and Game Code §711 describes funding and costs for Department programs. The Department has received General and Marine Life funds, and Marine Reserves Funds since 1999 for the MLMA.
C-9	A nearshore recreational harvest card or permit should be considered both as a source of revenue and as a data gathering tool. Fishery dependent information such as effort	Please see response to E-mail 26, Comment 2 above. In addition, funding for marine monitoring the Department has received General Funds, Marine Life Management Act

Writer	Comment	Response
	and total mortality (landed catch + by catch), as well as important socioeconomic information, could be obtained from the permit. PMCC recommends that the Commission implement a nearshore recreational fishing stamp before the end of the year and request that the Legislature earmark the fees for DFG marine monitoring and enforcement.	funds, and Marine Reserves Funds since 1999 for the MLMA. Fees from a specific source could be dedicated to monitoring and enforcement.
C-10	Every nearshore fisher should be involved in collection of essential fishery information. Log books, fish tickets, recreational harvest cards and observer programs could provide valuable species, size, location, and association information. This would add another layer of what it means to be a nearshore fisherman in California, as they participate in the on-going sustainability of their fishery.	The NFMP lists fishery-dependent information necessary to manage the fisheries. All of writers' comments are covered within the Research Protocols, Section I, Chapter 4.
E-mail-33 Maritech		
C-1	<ul style="list-style-type: none"> • About 1992, I recognized the damage the fish traps would do to the near • The near shore management plan does not address this issue • Read the following excerpts from a report by the DFG personnel: • State of California the Resources Agency DEPARTMENT OF FISH AND GAME • Live-Fish Trap Fishery in Southern California 1989- 1992 and • Recommendations for management by Melodie Palmer- Zwahlen, John O'Brien, and Leanne Laughlin. 	This information is provided in the NFMP, Section I, Addendum 1: Nearshore Bycatch. In addition, the report mentioned by the writer resulted in legislation that now regulates the finfish trap fishery in southern California.
E-mail-34 Bob Eaton Joe Rohleder (Deborah McEuen)		
	The E-mail is a duplicate of E-mail-32.	Please see responses to comments for E-mail-26, Comment 4 above.
E-mail-35 Patrick Lovejoy		
C-1	I support the preferred alternative, number 4. I am concerned however, given the present plight of the rockfish that the amount proposed as MPA's is too small. I hear talk from some scientists of 30% to 50% being needed. I would be happy if we had 20%, along with extraordinary measures in the MCA's to help restoration of rockfish.	(Unclear if writer is in support of four management regions or Alternative 4 which is two regions) If writer supports preferred approach to regional management, four regions. Please see response to E-mail 4, Comment 1 above. If writer supports two regions, this is not the recommended approach at this time because it does not allow for the smaller geographical considerations which are needed to adequately manage the nearshore fishery. The NFMP relies on the process now underway under the authority of the MLPA to recommend a network of MPAs. While no guidelines or defaults are mandated in the NFMP, a

Writer	Comment	Response
		reference to recommendations proposed by other researchers is cited in the NFMP. For more information please see Section I, Chapter 2, pages 18-30.
C-2	I am especially concerned about the impact on the nearshore of the commercial and recreational closure beyond three miles by the NMFS. The nearshore cannot withstand a shift of fishing pressure from off shore.	The Department shares the concerns over the shift in effort to the nearshore fishstocks as a result of recent and proposed federal actions to severely limit fishing for overfished groundfish outside 20 fathoms. There are widespread concerns about the socio-economic impacts of recent actions and proposed additional closures on the shelf, aside from the impacts on the fishery resources.
C-3	I think both recreational and commercial should share in the reductions, and many of the high by-catch commercial methods should be reduced or, in the case of trawlers, eliminated.	Please see response to E-mail 3, Comment 1 above.
E-mail-36		
Mike Malone		
C-1	Pg 5 Objectives 1. Bullet item 4. Establishing "marine reserves and other types of marine protected areas" is actually a tool for possibly achieving the stated objective. It is improperly listed as an objective in and of itself. Listing MPA's as an objective will bias the remainder of the discussion regarding stated goals of the NFMP.	MPAs are intended to be an objective of the plan for two primary reasons. They will play a key role in integrating with the Fishery Control Rules by addressing MLMA. They provide methods to rebuild stocks, prevent overfishing, and look at temporal changes in biomass in the absence of fishing pressure. In addition, they play a key role in meeting some mandates of the MLMA relevant to maintaining ecosystems, preserving habitats, and providing for non-extractive uses which cannot be addressed by other management measures. (Section I, Chapter 1, Table 1.1-1).
C-2	Objective 1. Bullet item 3: DFG has made no serious effort to utilize the internet (e-lists) as a vehicle to facilitate discussions between constituents. DFG has actually discouraged attempts to do so during the NFMP development process.	The Department used the internet to facilitate the exchange of information between constituents and the Department. The Department posted all documents related to the development of the NFMP and drafts of the NFMP on the Department's web site, and provided an address for written comments via e-mail. In addition, the Department used a variety of methods to solicit advice from constituents during the development of the NFMP including public meetings, an advisory committee and written communications. The public meetings were held both during the day and at night; in addition, some public meetings were held on weekends. Additionally, the Department lack sufficient staff available to host or monitor internet e-sites.
C-3	DFG has relied on site meetings as the primary vehicle to involve constituents in the NFMP process. Weekday, work hour site meetings unfairly burden the public who must lose a day or two of work to participate.	Please see response to Comment 2 above.

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	Further, the heavy reliance on site meetings tends to discourage participation by the public who are not paid to attend meetings. DFG personnel and numerous representatives of commercial and environmental organizations are paid to participate in the NFMP.	
C-4	Rather than involvement of culturally diverse segments of the population, the participation the process should involve economically diverse participants. The NFMP does not define cultural diversity hence is it an arbitrary term.	The objective of promoting the involvement of culturally diverse segments of the population is not mutually exclusive of involving economically diverse participants, whether the commenter is referring to diversity in terms of income levels or sources of income. In common usage, culture refers to a body of customary beliefs and attitudes, social forms, and practices common to a specific group, and the group can be based on religion, social or economic class, occupation, sex, age or other social association.
C-5	GOAL V : Rather than paraphrase, this section should state the verbatim text from the code applicable to management funding. This would allow the reader to better assess the validity of the proposals to fund the NFMP. It is not clear from the draft text that management costs of commercial and recreational fisheries are to be primarily born by the users through user fees.	FGC §711 describes funding and costs for Department programs. The Department has received General and Marine Life and Marine Reserves Funds since 1999 for Marine Life Management Act programs.
C-6	Page 54: The sketch of the stick gear is incorrect	Please see Section V.
C-7	Pages 73-78: The economics discussion provides little more than background. Little of it is useful or used when analyzing potential economic impacts of the various plan proposals. It seems to represent little more than a "check the box" fulfillment of required plan criteria. It should have been sufficiently detailed to support decision making related to various FMP alternatives.	Section I, Chapter 2, Socio-economic dimensions of the nearshore finfish fishery is intended to provide background information on the current socio-economic setting for this fishery. Socio-economic effects are addressed in Section II and are addressed to the extent required by CEQA and MLMA (see Section I, Chapter 4 starting on page 155). The environmental document analyzes and discloses the extent to which adoption and implementation of the proposed NFMP may result in potentially significant impacts on the environment under CEQA. Significant effects on the environment under CEQA are limited to substantial adverse changes to the existing physical conditions within the area affected by the proposed project. Project-related economic and social changes by themselves are not considered environmental impacts under CEQA. A project-related economic or social change related to an adverse physical change in the environment may be considered under CEQA in determining whether the project-related adverse physical change in the environment is significant. The environmental document accompanying the proposed NFMP analyzes and discusses project-related economic and social changes to the extent required by CEQA. Alternatives are designed to reduce the significant

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		environmental impacts while still achieving the goals of the project.
C-8	The analysis in this section too narrowly focuses on coastal economies. Code Sec. 7083(b) includes a broader economic assessment under the scope of "businesses that rely on" in addition to coastal communities.	Socio-economic information presented in Section I, Chapter 2, and revenue projections were calculated using an output demand multiplier for the entire State, not just the coastal economies. This method of calculation is noted in Tables 1.2-8 and 1.2-9 of the NFMP. Consequently, the contributions of all businesses associated with recreational angling in California are represented in the revenue projections presented in Section I, Chapter 2.
C-9	This section provides no analysis of management funding by recreational, commercial and non-extractive users reliant on the nearshore fishery. Management funding is an essential criteria for evaluating the ability of users to, support the NFMP and funding availability is important in prioritizing fishery research and management cost discussion later in the document. Management funding data is readily available from existing data (including the Sport Fish Restoration Act project) and it is surprising that it is not provide. This discussion is neither in Ch. 2 or Ch 5.and its omission represents a major deficiency in the NFMP document.	Please see response to E-mail 22, Comment 5 above.
C-10	"Coastal economics" as used in this section is not defined therefore the scope of the analysis is arbitrary, .	Please see Section V. Coastal community defined as: "An organized body of individuals and businesses in a specific geographic location consisting of a population nucleus having a high degree of economic and social integration. For the purposes of preparing the NFMP, coastal communities are defined as coastal counties."
C-11	The "new dollars" methodology is appropriate for evaluating a natural resource extractive industry, but does not adequately capture economic contributions from recreational and/or tourist types of activity. For example a new dollar to a coastal economy may include a nonresident visitor spending money to go fishing in a coastal town, but does not include a resident spending money in town from money earned selling from a service or product outside the coastal economy. For example, income received an out-of-town source by a consultant who lives in a coastal community and spent on sport fishing is apparently not included as a new recreational dollar. However, that same consultant's dollar spent to purchase a fish from a commercial fisherman is included in the new dollar commercial total.	Each local economy is dependent on new dollars flowing into the community from the export of goods or services produced locally. Since local communities cannot produce all of the goods or services it consumes, it must import that which it cannot produce - - this results in economic leakages from the local economy as revenues leave in order to pay for imported goods and services consumed. Unless a local economy can export enough goods or services to offset this leakage with an in- flow of new dollars, the local economy will become unstable and eventually collapse. New dollars thus are essential to the vitality and continuance of each local economy or community. However, a careful distinction must be made between intra-community and inter-community transactions. Exports of local goods and services represent an inter-community transaction that results in a flow of new dollars into the local economy. Conversely, exchanges between members within the local economy are intra-community

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		<p>transactions, and result in a transfer of community resources between individuals with no net change to the local economy. Thus intra-community transactions do not result in new-dollars coming into the local economy. Consequently, sales within the community, between local individuals, for goods or services related to sportfishing do not generate new dollars. Alternatively, non-resident rentals, lodging, dining, or party-boat fees, do generate new dollars as outside revenues come into the local economy in exchange for local goods or services. This distinction in transactions (expenditures) and flow of dollars was applied uniformly in discussions and analysis of various resource uses presented in the FMP: extractive and non-extractive, including sportfishing.</p>
C-12	<p>The slant or flavor of the recreational sector discussion suggests that the nearshore recreational fishery is somewhat unimportant and erratic "depending on recent climatic "In 1981-1986, rockfish comprised more than half the recreational catch by number and weight throughout northern and central California except in San Francisco Bay ...The shallow-water rockfish was the most important depth group in 1981-1986, with a total of 1,547,000 fish weighing 919,000kg landed, or 44.4% by number and 37.3% by weight of all rockfish." This quote should be included in the document.</p>	<p>Please see Section V. California's nearshore recreational fishery is subject to wide variation. Studies by the California Department of Fish and Game indicate that shallow water rockfish make up as much as 44% (by number) of recreational fish catches in northern and central California. (Department 1995).</p>
C-13	<p>Recreational Sector : The Draft FMP cites outdated sources for recreational expenditures. I would suggest that more recent economic studies be utilized including the following: "Marine Angler Expenditures in the Pacific Coast Region, 2000", NOAA Technical Memorandum NMFS-F/SPO-49, October 2001.</p>	<p>The NMFS report, Marine Angler Expenditures in the Pacific Coast Region, 2000, was not available at the time that data for the NFMP was assembled (April 2001). The NMFS report was published in October 2001, and became available sometime thereafter, more than six months after work began on this NFMP. Nonetheless, in reviewing the NMFS report, there appears to be un-explained anomalies in the analyses and findings. For instance, the report cites \$2.49 billion expenditures just for marine fishing in California. This is in contrast to the recent USFWS report that cites only \$2.01 billion expenditures for all types of fishing in California in year 2001: freshwater, bay-estuary, and marine fishing. Since freshwater fishing days historically surpass marine days by 3-4 times, the NFMS figure of \$2.49 billion in marine expenditures is likely overstated. Other statements appearing in the NMFS report also suggest flaws in the methodologies and analyses that would lead to overstated expenditures.</p>
C-14	<p>Commercial Sector: While the commercial sector discussion emphasizes that the commercial fishery in California is the 5th</p>	<p>Please see Section V. According to the USFWS 1996 survey of recreational activities, California ranks second in the nation for</p>

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	largest seafood producer in the nation, the plan fails to mention that California's recreational fishery is the second largest in the nation second only to Florida.	numbers of resident and nonresident saltwater anglers. Florida ranks first with an estimated 2,255,000 saltwater anglers, California ranks second with an estimated 1,049,000 saltwater anglers, and Texas ranks third with an estimated 862,000 saltwater anglers. According to the USFWS 1996 survey of recreational activities, California ranks first in the nation for participating in wildlife watching activities in California, with an estimated 2,362,000 participants.
C-15	Non-Extractive Uses: The discussion includes activities that have no relationship or dependence on nearshore fishes, the subject of this plan. For example, it is unlikely that the presence or absence of nearshore fish play a significant role in decisions by windsurfers, surfers, birdwatchers, whale-watchers, etc to visit the coast. Except for people visiting the coast to purchase commercial nearshore fish or to go recreational fishing for nearshore fish this non- extractive user discussion is largely irrelevant to the nearshore fishery plan.	The writer is correct that the subject of this NFMP is the 19 nearshore fish species. However, the scope of this plan and the mandate for the State use an ecosystem approach to management. Consequently, indirect as well as cumulative affects are considered, and direct and indirect uses of the nearshore are relevant under the management plan. Non-extractive users, by accessing and entering the marine environment also exert economic effects on local economies.
C-16	Section 1, Ch 3: Pg 100 the draft NFMP recommends a network of marine protected areas as a proposal to achieve the principle management goals. Does this mean that until the MLPA process is completed the NFMP will lack a primary management mechanism? Will MPAs be reduced as the fishery moves from a Stage I to a Stage III Data Environment? It is inappropriate to prefer MPA's in a management plan when there is no mechanism to achieve MPAs and their creation is quite likely to occur sometime in the possibly distant future.	The primary management mechanism will be to set Total Allowable Catch with a precautionary approach limit to catches. Details are in Section I, Chapter 3, page 101.
C-17	Regional Management The NFMP does not discuss the potential for regional management to disenfranchise anglers who do not live near a coastal port. It is quite likely that the regional advisory (PAC-z) will, over time, become dominated by those with a financial stake in the process or who are paid to participate in the process. This potential should be discussed in the FMP and methods to provide checks and balances for disproportionate power concentration by stakeholder groups should be provided.	FGC §7059(a)(1) describes a collaborative process that requires communication and participation of all those involved in the management process who represent the people and resources that will be most affected by fishery management decisions, especially participants and other interested parties.
C-18	Limited Access: It is inappropriate to rely on ITQs and similar personal fishery share distributions as a tool to limit access. They are currently not a legal vehicle for limiting access and their future availability is highly uncertain.	Currently there is a federal moratorium on implementing new Individual Transferable Quota systems, which are similar to IFS programs. Since this is a federal moratorium, and we share management authority with the federal PFMC for many of the nearshore species, an IFS program could not be adopted at this time for federally managed species. Should the State receive management authority for these species, we would be able to develop an IFS program in

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		State waters. The Department would need to have in place the mechanisms to effectively manage an IFS program before the program was implemented. Before implementing an IFS program considerable public involvement would be necessary.
C-19	Recommended Allocation Approach for the NFMP: Historic catch as a primary basis for allocation is inappropriate because it does not weight important other factors, including a sector's funding for management, economic impacts, importance of the fishery to a fishing sector, and perhaps most important, the existing legal basis for allocation. Historic catch as a primary basis for allocation exists nowhere in the Code and its use may be illegal.	The MLMA does not provide guidance on how to determine portions of total take for different sectors of the fishery. It provides guidance on allocation of restrictions of harvest. Use of historic levels of catch as a basis for allocation has been used by other nations and state agencies (Appendix G). In addition, the definition provided in the United Nations' Fishery and Agricultural Organization's glossary states, in part, "In fisheries, the direct and deliberate distribution of the opportunity (right) to fish among identifiable, discrete user groups or individuals, based on historical, cultural, or socio-economic basis." This indicates a basis for using historical information upon which to base allocation decisions. An economic basis is provided as an alternate approach (Alternate 7, Section II, Chapter 2, page 22). Any alternative may be adopted in place of or in addition to any other alternative. The criteria listed in the MLMA Master Plan (Section I, Chapter 3, page 128) are the suggested factors to consider when allocation issues are discussed.
C-20	This discussion stresses the importance of "fair" allocations among recreational and commercial sectors but fails to clarify what fair means. Further, the term "reasonable" in the context of "a reasonable sport fishery" is left undefined and it is a fundamental phrase affecting allocation. To attempt "fair" or "reasonable" allocations without the NFMP even defining or clarifying the terms leaves allocation subject to arbitrary and/or politically driven agendas. Injecting regional management into allocation decisions without providing the basic definitions of these terms will only serve to amplify the contentiousness of the allocation issue.	The Marine Life Management Act guidelines to allocation are found in Section I, Chapter 2, page 128 in the Nearshore Fishery Management Plan. "Fair" is used once in the MLMA in connection with allocation and harvest in a fishery not defined as overfished. FGC §7072(c): "To the extent that conservation and management measures in a fishery management plan either increase or restrict the overall harvest in a fishery, fishery management plans shall allocate those increases or restrictions fairly among recreational and commercial sectors participating in the fishery." The concept of "fair" allocation of the harvest shares is not implicit in that section; however, the concept of "fair" has been expressed by many constituents. The term is defined in Black's Law Dictionary (1991) as "Having the qualities of impartiality and honesty; free from prejudice, favoritism, and self-interest. Just; equitable; even handed; equal, as between conflicting interests." If "fair" is to be defined further, it would need to come as guidance from the Commission at the policy level to guide development of all fishery management plans.
C-21	Sec 2, Ch 3 pg 95: The discussion about	Information regarding the impacts of angler

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	angler and diver shore activities and small boat launchings causing damage to inter tidal organisms and kelp, borders on the ridiculous. The exposed coast, particularly in Central and Northern California, is a very high energy environment. For perspective, in December of 2001 I counted and photographed over 100 fresh abalone shells scattered across Fort Ross Cove beach, the result of a single storm and large swell event.	and diver shore activities and small boat launchings causing damage to intertidal organisms and kelp can be found at the Monterey Bay National Marine Sanctuary web page. http://www.mbnms.nos.noaa.gov Specifically refer to the Monterey Bay National Marine Sanctuary Kelp Management Report 2000. Also refer to EFFECTS OF FISHING ACTIVITIES ON BENTHIC HABITATS: LINKING GEOLOGY, BIOLOGY, SOCIOECONOMICS, AND MANAGEMENT
C-22	Chapter 5: The alternative analysis does not provide meaningful economic impacts, both positive and negative, to various sectors as a result of the alternatives. It is my understanding that the MLMA requires that economic impacts to coastal communities and business be part of the FMP scope. The economic analysis in Draft Regulations Section 3 only mentions potential negative impacts emitting positive ones. For example, if the commercial fishery were reduced resulting in a negative impact to that sector, would the recreational fishery improve increasing its economic contribution?	The environmental document analyzes and discloses the extent to which adoption and implementation of the proposed NFMP may result in potentially significant impacts on the environment under CEQA. Significant effects on the environment under CEQA are limited to substantial or potentially substantial adverse changes to the existing physical conditions within the area affected by the proposed project. Project-related economic and social changes by themselves are not considered environmental impacts under CEQA. A project-related economic or social change related to an adverse, physical change in the environment may be considered under CEQA in determining whether the project-related, adverse physical change in the environment is significant. The environmental document accompanying the proposed NFMP analyzes and discusses project. In addition, please see response to Comment 7 above.
C-23	Fees paid to management are not included in the analysis of each alternative. Funding by each sector and overall funding levels available to management under the various alternatives is necessary to adequately weight their merits.	Please see response to Comment 22. In addition Fish and Game Code describes funding and costs for Department programs. The Department has received General Funds, Marine Life Management Act funds, and Marine Reserves Funds since 1999 for the MLMA.
C-24	Section III: Pg 24-25 the use of the term "inefficient" when referring to rod-and-reel gear is incorrect. Efficiency is the ratio of investment to return. In an abundant resource condition low cost, low tech rod-and-reel gear has the potential to be the gear with the highest efficiency. The NFMP authors have confused "efficient" with "intensive" when referring to sticks and traps currently being employed in the commercial fishery. Further, in a fishery conducted in a condition of abundance, long travel distances may not be necessary to access fishing grounds, more than making up for a requirement to use gears with lower fishing intensity.	The term is used in terms of gear used or time. It takes longer to catch fish with rod-and-reel than it does with trap gear. Thus it is less efficient in terms of catch per unit of effort where effort is per gear or time period.
C-25	The NFMP provides little discussion of the active black market for nearshore fish as documented in the NMFS 1994 Undercover	Refers to an enforcement summary on under reporting of groundfish landings in California, an unpublished report to the PFMC. Legal

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	Investigation (Torquemada). Measures to curtail this illegal catch and sale as it will potentially affect the various Alternatives, is not discussed.	review of report found federal regulations do not incorporate all state landing requirements, state reporting requirements apply only if fish are sold or delivered. Additionally, there is confusion regarding preparation and submission of landing receipts. A Department auditor of commercial fish businesses estimates the under-reporting to be five percent of fish landed. The same under reporting of fish occur with commercial passenger fishing vessel logs. The Department continually tries to improve compliance with the reporting of landings.
C-26	The DFG's preferred MSY/OY alternative does not address or analyze the potential for geographic serial depletion of residential reef fish. It is a major omission in the preferred alternative. This topic has been discussed at length a Commission meetings, NFMP public hearings and at the Advisory Committee meetings. It is a critical consideration and potential flaw in the preferred alternative.	Please see response to E-mail 32, Comment 3 above.
C-27	The NFMP document should provide as an attachment the scientific peer review comments and identify the changes made to the document to satisfy those comments.	See FGC §7062 (c). The Department submitted the NFMP peer review report and the Department of Fish and Game's comments regarding this report at Fish and Game Commission June 20, 2002 meeting in South Lake Tahoe, California. It is available on the Department's internet web site also.
E-mail-37 Kyra L. Mills		
C-1	The section on Rhinoceros Auklet (3.9.5.6) section mentions that "...the most common rockfish species eaten in central California being blue, yellowtail, and widow". While this is correct, PRBO also has data regarding other rockfish species that Rhinoceros Auklets feed their chicks, including Black (S. melanops), Brown (S. auriculatus), Copper complex (includes indistinguishable juvenile Copper, Gopher, Black-and- Yellow, and Kelp rockfish), and Kelp Greenling (Hexagrammos decagrammus), all of which are included in the NFMP. We believe it is important to mention these species in this section, as well.	Please see Section V. Your comments will be added in Section 3.9.5.6 as requested. The proposed NFMP also incorporates the information you previously provided (Section II, page 146).
C-2	Several references that are cited in the text are not included within the full list of citations in the References section, including <i>Thayer et al. 1999</i> , <i>Parker et al. 2000</i> , <i>Rojek and Parker 2000</i> , and <i>Johnsgard 1993</i> , among others. A complete revision of the literature cited is needed. The "personal communication" by F. Gress is missing from the section on Personal Communications. The publication, "Sydeman et al. in press" has now been published. The full citation is: <i>Sydeman, W. J., M. M. Hester, J. A. Thayer, F. Gress, P. Martin, and J. Buffa. 2001. Climate change, reproductive performance and diet composition of marine</i>	Please see Section V. The Johnsgard reference is found on page 165, Parker et al. on page 170, Rojek and Parker on page 171, and Thayer et al. on page 172. Personal communication for Gress et al. page 174. The reference to Sydeman et al. will be changed in the final document.

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	<i>birds in the southern California Current system, 1969-1997. Progress in Oceanography 49:309-329.</i>	
C-3	In the section on abbreviated life history of the nearshore species (Section 1, Chap. 2), several species were not identified as components of seabird diet. These are: Black Rockfish, Kelp Greenling, and Cabezon. In addition, the section on Blue Rockfish is erroneous in that "Brown Rockfish" is used instead of Blue Rockfish. These are two separate species (<i>Sebastes mystinus</i> and <i>S. auriculatus</i>) and should be treated as such. Seabirds consume both Blue as well as Brown Rockfish.	The Department appreciates the offer of PRBO to provide us with its seabird diet data on the six seabird species that feed around the Farallon Islands. When the Department receives the data set, that information will be provided to the managers. The Department completed a preliminary review of the NMFS trawl data for the Farallon Islands and determined, based on that preliminary review that the most common rockfish taken by the trawl and birds is short-belly rockfish, an offshore species (see page 146). The study referenced in your comments was to determine the amount of food available to herring and the targeted sea birds (both are planktonv iors) in the ocean after the herring have left their spawning grounds in San Francisco Bay. The goal was to determine if food available to both herring and the seabirds (and therefore their overall health) could be determined by only studying the seabird diet. A variation of this type of study may be appropriate when the fishery approaches Stage III.
C-4	In Section 1, Chap. 4 it is written, "Information on the efficiency of gear types and bycatch mortality is necessary in order to evaluate gear restrictions." However, the specific potential for seabird bycatch within this fishery is not discussed. Despite this, within the individual seabird species descriptions it mentions bycatch as an issue for several of the species and with respect to gear that is used within this fishery. Also, there is currently no logbook requirement for this fishery, and therefore there is no data that will be collected on bycatch. PRBO urges the CDFG to include a section specifically addressing seabird and marine mammal bycatch within the NFMP. PRBO also urges the CDFG to either require the use of logbooks, or to implement an observer program that will record information on seabird and marine mammal bycatch.	Discussion of sea bird and marine mammal bycatch is discussed in Section II, Chapter 3.9 and 3.10. Currently logbooks for CPFV include a section to document marine mammal and sea bird interaction with the fishery. While an observer program could provide this additional information, the Department does not have funding and it is therefore infeasible at this time to supplement the observer program already in place by the NMFS.
C-5	PRBO supports Alternative 9 (2.10) on restricted access based on regional management, in combination with time/area closures and gear restrictions. This alternative is important for lessening the impact of localized depletion of nearshore fish species, given the non-uniformity of the habitat along the California coast. In addition, Alternative 5 (2.6), which divides the state into four regional management areas, is also important for a more focused and efficient management of	Alternative 9 is provided as an alternative as a variety of options available to the Commission. At this time, by itself, is not the recommended approach. The restricted access program contained within the recommended fishery control rules (Section I, Chapter 3) is part of a suite of management measures felt necessary to manage the nearshore fishery to meet the goals provided in the MLMA. Within the recommended approach is the potential for regional

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	the nearshore fish species and for addressing specific problems that may arise related to a specific region.	restricted access programs.
C-6	PRBO supports Alternative II (2.12) on restricted access using a Commercial Passenger Fishing Vessel (CPFV) Control Date. Restricting the number of CPFV that enter the fishery will ultimately benefit seabirds, given that seabird by catch has been recorded in CPFV.	The Department is looking into the need to develop a restricted access program for the CPFV fishery. Both bird interactions and the shelf closures are compelling arguments for limiting CPFV access to the nearshore waters of the State. Should the Department decide that limiting CPFV access to the nearshore waters is necessary, considerable public involvement would be necessary to make the program successful and meaningful.
C-7	With reference to gear restrictions, PRBO supports 2.16.2, the proposal for banning specific types of gear, including live trapping. This ban may not function to decrease overall fishing effort (which is the original motivation of the ban), but it will potentially help lessen seabird and pinniped disturbance, which has in the past resulted from live trapping of rockfish in the proximity of seabird colonies and pinniped rookeries.	Please see response to E-mail 3, Comment 1 above.
C-8	PRBO supports Alternative 3 (section 2.4) on the gear restrictions for commercial use, limiting gear to the use of rod-and-reel or hand lines with no more than 5 hook&/line and the prohibition of fish traps. This restriction will result in the reduction in the overall take of the nearshore fish by the commercial fishery, as well as a reduction in seabird by catch by reducing the number of hooks per line. Seabirds are incidentally taken in fisheries that use hand lines, especially long lines. By catch, however, tends to occur during daylight hours and when hooks are near the surface. Therefore, it is also recommended that gear be set overnight and/or that the sinking rate of the hooks is accelerated with the use of weights.	Please see response to E-mail 18, Comment 7 above.
C-9	We wish to highlight the importance of using all available science-based data to evaluate and monitor the health and status of these nearshore fish species, especially given that the majority of the species included in the NFMP are of "poor-data" quality. For this, the use of both fishery-dependent and fishery-independent data is important in assessing these fish stocks. Fishery-independent data, such as ROV and diving surveys (currently used) can be complimented with seabird diet information (Appendix A). We believe it is important to use all available tools to assess the status of these rockfish stocks, most of which have downward trends in estimated biomasses.	The Department recognizes the need for a robust multidisciplinary approach to assessing population dynamics of nearshore fishes. Implementation of state-funded research will proceed in an iterative manner. The Department appreciates the information provided by PRBO in Appendix A to their e-mail. Such information shows promise for augmenting indices of abundance for some juvenile rockfish species and for enhancing understanding of variable oceanic conditions.
C-10	PRBO currently has over 30 years of data on seabird diet for 6 seabird species on the Farallon Islands. Despite the fact that PRBO	Please see response to Comment 3 above.

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	has offered to work with the CDFG to make this data available, the CDFG has failed to use this important resource that, in combination with National Marine Fisheries Service rockfish trawls, can help produce indices of rockfish abundance.	
E-mail-38 Gary Perkins		
C-1	There are only a small number of fishermen in Fort Bragg. Rough weather keeps them in most of the time. He can fish only 1 -2 days per week because of weather. He is concerned that the quotas for cabezon and greenlings were taken by the southern region before the Fort Bragg fishermen were even able to fish. Their season opened May 1 and weather kept them from fishing most of the time. He emphasized the need for splitting the regions because it's the only way for fishermen to get their fair share.	(Appears to support regional management): Please see response to E-mail 4, Comment 1 above.
E-mail-39 Alan Mains		
C-1	Only 12 nearshore fishermen, most are part-time, 2 are full-time nearshore. Dealers don't come to Shelter Cove, so they sell mostly to restaurants. He doesn't have landing receipts because he sold to the markets. They can only fish May - October due to the weather. It's wrong to lump them in with the Central Region. He prefers 4 regions.	Please see response to E-mail 4, Comment 1 above.
C-2	He would also like to see trawlers and long liners eliminated from the nearshore fishery.	Please see response to E-mail 3, Comment 1 above.
E-mail-40 Questions and Comments from Pacific Fishery Management Council meeting April 2002		
C-1	Will the Council retain control over setting the OYs for the nearshore fishery if the State receives management authority for some or all the stocks? If so, what method will the Council use to determine the OY for each management region within the Councils jurisdiction?	In general, no matter what course of action is adopted, a transition period will be necessary before the adopted action is fully implemented. If deletion is selected as the preferred option, all or some of the stocks under consideration for management authority would be removed from the Federal Groundfish Plan, which would mean no PFMC or federal government involvement. However, if deferral or delegation is adopted, the PFMC could continue to set the OYs, and the State could assume the responsibility for fishery allocations, subregion catch limits and management measures needed to stay within those limits. During the transition period, the State and the PFMC would work together to equitably solve the issue of transboundary

Writer	Comment	Response
		stocks in the area north of Cape Mendocino
C-2	What if a species of fish is deleted from the Federal Groundfish Plan and added to the State's Nearshore Plan, will the Council review the States management goals and objectives to ensure the State is adhering to its management plan?	If a species were deleted from the Federal Groundfish Plan there would no longer be any PFMC or federal government involvement in the management of that species. However, if an FMP defers or delegates management authority to the State for some or all of the 16 nearshore groundfish stocks, it would have to adopt some form of review process to ensure State regulations are consistent with the Federal Groundfish Plan and other applicable Federal laws. Additionally, there could be a process by which constituents may appeal a State regulation they feel is incompatible with the NFMP through the PFMC.
C-3	What if the Council closes the open access (OA) fishery and issues a permit based on participation since 1994, and the State also issues a nearshore permit but with different requirements, what will the State do with those fishermen who might fit one requirement but not another?	The Department works with the PFMC I to develop regulations regarding fisheries that occur in both State and Federal waters. Therefore, we would work together to ensure that the programs are compatible. This would be especially true for the 9 nearshore species, including blue and black rockfish that do not currently require a permit. The Department has already developed a restricted access program for the 9 permitted nearshore species. These species occur primarily in State waters, so conforming to any Federal limited entry program should not be an issue. This program will be going through the regulatory process later this year. Interested parties should be notified by the end of August along with opportunities to provide comment on the program. Both California and the Council are considering limited programs affecting open access groundfish fisheries. The scope and extent of the two programs, as currently being discussed, are expected to overlap with regard to some or all minor nearshore rockfish. Discussions have begun with regard to the need to coordinate the two programs to avoid conflicting qualification criteria and permit application process for species of mutual concern. This potential conflict could be avoided by assigning, through the Plan Amendment process, specific nearshore fish stocks in specific areas off California to the State management process, including the State's limited entry program.
C-4	Will those fishermen with an A-permit, and who currently have an allocation of the minor nearshore groundfish under the Council management scheme but have not made landings of nearshore groundfish receive a California restricted access permit?	The Federal Pacific groundfish limited entry program was developed based on landings made during the 1980s. The groundfish fishery has traditionally targeted shelf and slope groundfish species in federal waters with longline or pot gear. On the other hand, the nearshore fishery developed in the 1990s, well after the qualifying time period for the groundfish program. Additionally, fishermen

Writer	Comment	Response
		targeting nearshore fish stocks use rod and reel, stick gear, and traps along with limited longline and trawl. The species targeted and gears used are different. Therefore, the Department feels that it is appropriate to develop a separate restricted access program for the nearshore fishery. Federal "A" permittees have the opportunity to qualify under the provisions for either a regular permit or a "grandfathered" permit. The "grandfather" permit applies to people that have been licensed as a California commercial fishermen for 20 years or more.
C-5	Will California submit its Nearshore Plan to the Council for approval? If so, will the Council be able to change it in part, or will the Council have only a yes or no option?	As part of the scoping process, the State will submit its NFMP to the PFMC and the NMFS for review and comment. The State will review any comments received from the Council and NMFS. Also, a formal 45-day comment period for the draft Nearshore Plan began May 9, 2002, and any suggestions for revision by the Council or NMFS could be made as part of that California Environmental Quality Act process. However, the Commission will continue to receive comments up to the Nearshore Plan's adoption hearing set for August 29th and 30th, 2002, in Oakland.
C-6	What will happen to the limited entry OY for nearshore groundfish stocks if California receives management for them?	State management is expected to provide for nearshore rockfish harvest guidelines off California that are the same or similar to current levels. The NFMP does not currently recognize a distinct set-aside (allocation) of fish for A-permit holders. This is a matter that should be taken up during the comment period on the draft NFMP.
C-7	Who will conduct stock assessment for nearshore groundfish stocks if NMFS is not involved in the management for them?	Under deferral and delegation, the species would continue to appear in the PFMC Groundfish Plan; hence, the NMFS would presumably have a justification to work on them. In addition, the Department has taken the lead in organizing a cooperative sampling program for the nearshore called CRANE (Cooperative Research and Assessment of Nearshore Ecosystems). The CRANE program will eventually provide important information for assessment and management of nearshore finfish, including rockfish.
C-8	How will the Council handle the commercial OY and the recreational set aside for the seven transboundary stocks?	If the State receives management authority for those seven transboundary stocks, it will develop total allowable catch limits and allocations within subregions of the State based on those guidelines described in the NFMP. South of Cape Mendocino, <i>Sebastes</i> have traditionally been managed separately by the PFMC, and State management in that area would not affect transboundary stocks. North of Cape Mendocino, it would be necessary for the State to coordinate with the PFMC to ensure that an equitable portion of

Writer	Comment	Response
		the northern nearshore rockfish OY was made available for California fisheries.
C-9	What are the preferred management actions and preferred options of the State?	The preferred approach to transfer of authority would involve two distinct steps. Initially (as an interim approach) the State would seek deferral of management authority for all sixteen nearshore groundfish stocks listed in the Nearshore Plan. Eventually, it would be appropriate for the State to seek delegation of authority, but only after the process of implementing the NFMP has progressed and framework provisions in the Nearshore Plan have been used to develop a comprehensive management program. Delegation would be contingent upon the State establishing autonomous geographic management regions. For each region, it will be necessary to determine a TAC for each species or species group, and specific allocation of those TACs between recreational and commercial sectors. At that time, delegation would become the preferred option. As part of the preferred option, the State would like to keep the NMFS actively involved with ongoing research, stock assessments, and data collection of nearshore groundfish.
C-10	Comment: California's request for transfer of management authority for nearshore groundfish stocks is moving too quickly through the Council. The Groundfish Advisory Panel does not have the time to review this issue and all the other management issues before it including: a review of the Nearshore Plan, restricted access, and marine protected areas.	We appreciate these concerns. California has major challenges with regard to nearshore fish stocks and the State is in a much better position than the Council to deal with them. The PFMC amendment process can take a year or longer to complete: thus time is critical in terms of relieving the PFMC of California's issues with regard to management of its nearshore fish stocks.
C-11	The Groundfish Advisory Panel would like to review the final adopted version of the Nearshore Plan before they make any statements regarding the transfer of management authority to California.	The plan is expected to be adopted at the Commission's meeting August 29, 2002.
C-12	Some Groundfish Advisory Panel members expressed concern that the Nearshore Plan would not protect their current rights under the Council system to fish those nearshore groundfish stocks currently listed in the Federal Groundfish Plan.	Noted. In addition, access to public trust resources cannot be guaranteed to any sector and may change with changing circumstances in the fishery.
C-13	The Fish and Game Commission has no vested interest in protecting California's nearshore commercial fishery.	It is unclear what is meant by "vested" interest. The Commission's interest clearly lies in maintaining viable resources and fisheries. The Commission has been charged by the Legislature under the MLMA to manage the nearshore fishery, which includes the commercial fishery. We expect the final NFMP and implementing regulations to reflect a balance in fishing opportunity for the two sectors.
C-14	A concern was expressed that the Commission is leaning toward a specific	Appears to be a comment opposing Alternative 2. Please see response to E-mail

Writer	Comment	Response
	management option in the Nearshore Plan that would eliminate all commercial fishing within the nearshore management zone, also known as the Washington State option.	6, Comment 1.
C-15	Some individuals expressed no support for the delegation of management authority .	Noted. The comment is included in the administrative record of proceedings and will be provided to the Commission for its consideration.
C-16	Some individuals would like to see the State manage only kelp greenling and cabezon	Noted. This comment reflects opposition to transfer of authority for the remaining nearshore fish under PFMC authority . The comment is included in the administrative record of proceedings and will be provided to the Commission for its consideration.
E-mail-41 Roy Nunn		
C-1	I am concerned over the increasing number of proposals to restrict public access to our coastal waters. Access to these public waters is the single most important element of recreational fishing. I urge you to join with America's 50 million conservation-minded anglers and support the Freedom to Fish Act.	Please see response to E-mail 3, Comment 2 above.

**Nearshore Fishery Management Plan (Draft May 9, 2002)
Additional E-mails Submitted Prior to June 29, 2002**

Written comments sent to the Department of Fish and Game prior to June 29, 2002, but received by the Fish and Game Commission after this date.¹

Writer	Comment	Response
E-mail-47 Mike Croxton		
C-1	Please support the Washington proposal in the nearshore plan.	<p>Alternative 2 (Fishery Control Rules with Prohibited Take, Possess, Landing, Sale, or Purchase of the 19 NFMP Species Taken From Waters off California While Those Species are Managed Under FCR Stage I and II Conditions) would eliminate the commercial take of the nearshore species to be managed by this plan. While it is not the recommended alternative to the fishery control rules this alternative is presented to the Commission for their consideration; the Commission can adopt any alternative. It is important to understand that the circumstances under which these management measures were implemented in Washington were considerably different than the situation that exists in California. In Washington, there was no existing live-fish fishery at the time their regulations were adopted. Washington passed a series of specific conservation-driven regulations over several years that ultimately prevented development of a live-fish fishery in their nearshore environment. As a result, the need to deal with issues surrounding allocation of these resources between commercial and recreation sectors did not materialize there. In California, the commercial sector of the nearshore fishery has been active for several years. In addition, both the MLMA and PFMC decisions affect allocation issues concerning the nearshore fishery. The MLMA provides that fishery management plans shall allocate increases or restrictions in fishery harvest fairly among recreational and commercial sectors participating in the fishery. Furthermore, the NFMP states that generally it is the policy of the State to assure sustainable commercial and recreational nearshore fisheries, to protect recreational opportunities, and to assure long-term employment in commercial and recreational fisheries [FGC §7055 and §7056]. The Department believes that implementation of the recommended options will result in a sustainable nearshore fishery for both recreational and commercial sectors. An important element of the Department's preferred options in the NFMP is a restricted</p>

		access program for the commercial nearshore fishery. This program will better match the size of the commercial fleet to the available resource, thus reducing the potential for overfished stocks while allowing a small, responsible commercial fishery to exist in California.
E-mail-48 Nick Di Benedetto		
C-1	It is apparent that the commercial fishery, as it is now operating, is unsustainable and it should not be allowed to displace ANY recreational opportunity in the nearshore.	There is no authority for the proposition that a "recreational preference" governs marine resource management decisions. The California Fish and Wildlife Plan of 1966 was never implemented and is no authority. The provision of the California constitution regarding the so-called "right to fish" has been considered by the courts in the context of both recreational and commercial fishing. Further, the California Supreme Court has ruled that the power to regulate fishing has always existed as an aspect of the inherent power of the Legislature to regulate the terms under which a public resource may be taken by private citizens. This regulatory power applies to both recreational and commercial fishing, and the MLMA clearly contemplates regulation of commercial and recreational fishing without expressing a preference for either.
C-2	The California Fish and Game Commission needs to adopt a precautionary management approach for the nearshore.	The proposed NFMP fishery control rules include precautionary adjustments and the use of Marine Protected Areas (MPAs) to reduce the risk of management mistakes, and to provide for rebuilding of depressed stocks. Consequently, the proposed nearshore management measures are designed to be very precautionary and to provide for a sustainable fishery. The Department feels the recommended approach will provide the greatest flexibility and most effective structure for management of the 19 nearshore species. One of the key features of the framework approach is the use of regional advisory committees which will work with the Department to bring appropriate management strategies to each region.
C-3	Commercial fin fishing in the nearshore must stop.	Writer may be expressing support for Alternative 2. Please see response to E-mail-47, Comment 1, above.
C-4	Ongoing research programs for the fishery need to be established.	The Department recognizes the need to move forward as quickly as possible to gather more information to move from Stage I and the use of historical proxies to models based on essential fishery information. The research protocols section describes the fishery-dependent and fishery-independent information needed to move ahead in our knowledge of the fisheries and the stocks.
C-5	If timely action is taken, restoration of the California Nearshore to a healthy fishery is possible. This will only	The NFMP, through a framework approach, provides precautionary adjustments to total allowable catch consistent with the

	<p>happen if the Commission exhibits the courage to make choices for the long term health of our resources rather than bending to the political wind at the moment.</p>	<p>knowledge of the stocks. The recommended management measures include the use of MPAs to protect stocks, habitat, and ecosystem needs. Restricted access for the commercial fishery will reduce capacity of that sector to a level appropriate to the amount of catch provided. In addition, regional management through the use of regional advisory committees will be used to tailor specific needs to each region. The regional committee will be composed of a full range of interests in the local resources. The committees will work to build consensus among the various sectors and provide annual recommendations for management to the Department and Commission.</p>
<p>E-mail-49 Barb Chaplain, ARSCC</p>		
<p>C-1</p>	<p>It would be nice if you could impose a restriction on fishing in rockfish nursery areas. I don't care that tourists who spend \$24 to go out on a halfday boat don't catch. It seems wrong to squander the future of these fish for our own cheap entertainment.</p>	<p>The Department agrees. The NFMP's recommended management measures include provisions for MPAs, especially marine reserves where no take is allowed. These MPAs are uniquely capable of eliminating many risks to the sustainability of fishing and to conserving ecosystems and habitats including protection of habitat and fish nurseries. Without the addition of MPAs, the NFMP does not fully meet all of the criteria specified by the MLMA (FGC, Division 6, Part 1.7). The NFMP, however, does not specify the placement, size and function of MPAs along the coast. That process is being directed by MLPA (FGC, Division 3, Chapter 10.5) and tracked by the NFMP management team to guarantee compliance with the needs of nearshore fish. Although MPAs are not a 'cure-all' for every nearshore problem, they are the single management measure that guarantees the preservation of adequate and appropriate habitat for the regeneration of depleted nearshore fish stocks. For this reason, the Department supports the MLPA process as one of the fundamental elements in a broad management framework.</p>
<p>E-mail-50 Lloyd Perceval</p>		
	<p>This is a duplicate of E-mail 17.</p>	<p>Please see responses to E-mail 17.</p>

¹ The public was invited to comment on the Nearshore Fishery Management Plan from May 9 through June 29, 2002. Written responses could be sent to the Fish and Game Commission via letter, fax, or e-mail. Three addresses were provided for these response methods. The comments and response to comments contained in this section were sent to Department of Fish and Game staff and not to the Fish and Game Commission at the three comment addresses. Therefore, these comments were sent to the Department of Fish and Game prior to June 29, 2002, but received by the Fish and Game Commission after this June 29, 2002 date.