Nearshore Fishery Management Plan (Draft May 9, 2002)

The following written comments were received by FAX:

Writer	Comment	Response
FAX-1 Doug Chessmore		
C-1	The FAX is a duplicate of Letter-14.	Please see responses to comments for Letter-14
FAX-2 Andre Bourbeau		
C-1	The FAX is a duplicate of Letter-19.	Please see responses to comments for Letter-19.
FAX-3 William J. Douros		
C-1	Steps need to be taken to allow management to more accurately reflect the continuum of scientific understanding. Our concern is that …ecosystem based management is postponed until the existing information is sufficient to allow for the quantum leap to a "data-rich" condition. We believe that ecosystem impacts and appropriate mitigation measures should be considered at all stages of management, particularly in light of the wealth of ecological information already available from the extensive array of research institutions in the Monterey Bay area.	The nearshore management program is designed to allow any new information to be brought into the decision process under the 3-Stage harvest control rules. In Stage I conditions, the proposed MPA network will be a primary mechanism to address ecosystem needs. In addition please see response to Comment 2 below.
C-2	We recommend that the plan include clear steps to evaluate and utilize now the existing ecosystem data available from the army of researchers in the area, as the Department is building towards a longer term goal of developing a more comprehensive data set. Also, the risk aversion used in establishing catch levels should be supplemented by the incorporation of other ecosystem-based measures as the need emerges and not after the weight of data reaches a pre-established threshold.	Section I, Chapter 4, Research Protocols, outlines the multidisciplinary research efforts needed to inform management of the fishery. The Department's Cooperative Research and Assessment of Nearshore Ecosystems program (CRANE), is one of the first steps in the implementation of research outlined in the NFMP. This effort will involve 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 (one of the top three EFI needs), and establishing an information baseline for nearshore reef ecosystems. Concurrent with this is a collaborative effort to develop a database that will allow the timely sharing of biological and physical data on the nearshore environs. The consolidation and assessment extant research for its utility to inform the nearshore management process will be an ongoing effort by the Department which will undoubtedly be facilitated by the Sanctuary Integrated Monitoring Network (SIMoN)

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		program.
C-3	Given the depleted state of the resource, allowing too many permittees to qualify would pose a significant threat to both the immediate and long term health of the fishery. We previously commented in our letter of April 3, 2002 that the number of permittees should be limited to 71 for the central region. This will ensure that full-time fishermen who are most dependent on this fishery will be included in the program, while minimizing the number of new entrants.	The Department understands that in order to align the fleet's fishing capacity with available harvest allocations or quotas, the number of participants in the fishery must be significantly reduced. Therefore, we have developed a nearshore fishery restricted access program to address this issue. Within the restricted access program, there are a range of options for the Commission's consideration. The nearshore fishery restricted access program is undergoing a separate but parallel rulemaking. Reducing any subsidies is beyond the scope of this document; the Commission does not subsidize any fishery.
C-4	We recommend that a detailed strategy be included outlining collaborative data collection efforts with the fishing community.	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-5	We recommend including a description of marine sanctuaries and their ecosystem authority in the action agencies section of chapter II of the NFMP.	Thank you for the suggestion. The authority for MPA development resides with the Commission and it is appropriate to have Chapter 2 read as it is now.
C-6	We further recommend that the Monterey Bay National Marine Sanctuary be used as a discrete area in which to make early identifications of ecosystem concerns and as pilot grounds for potential solutions.	The three National Marine Sanctuaries in California that encompass the nearshore environs are defacto stages for the multidisciplinary research efforts outlined in the NFMP. Much of the nearshore fishery occurs within NMS bounds; and all life stages of the NFMP species, as well as many of those species with which they are associated occur with NMS boundaries. Much of the relevant, extant research on these species has (and future research will) come from areas designated as National Marine Sanctuaries.
FAX-4 Bob Eaton and Joe Rohleder		
	The FAX is a duplicate of E-mail-32.	Please see responses to comments for E-mail-32.
FAX-5 Mike Malone		
	The FAX is a duplicate of E-mail-36	Please see responses to comments for E-mail-36.
FAX-6 William "Zeke" Grader and Bill James		
C-1	In section 1, Ch. 3 under "Fishery Control Rules." He adds items to the "Additional Steps During Stage I Management," specifically adding Item 8. "slot limits and	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

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	additional size limits."	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, 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.
C-2	In Section 1, Ch. 3 under Stage 2 "Improved Single Species Management in a Data-Moderate Environment." There needs to be a clearly stated time-line for species to qualify for Stage 2 Management.	The intent is to allow any valid new information on the status of a stock to be used in the management process. In that context, practically any type of scientifically sound stock assessment could allow management to move from Stage I to Stage II. Moving from one stage to another requires the acquisition of fishery dependent and fishery independent information. Acquiring that information will be constrained by resources available to obtain that information, thus, no specific timeline is available at this time.
C-3	In Section 1, Ch. 3 under Stage 3 'Ecosystem-Based Management in a Data-Rich Environment." "Ecosystem Management" must be more clearly defined.	This is an evolving concept that has not yet received a generally accepted definition in the scientific community. Consequently, the NFMP definition of "ecosystem management" may not seem as precise or detailed as some would desire.
C-4	Section 1, Chapter 3, Regional Management: Regional management must be stressed and implemented as soon as possible.	In anticipation of the adoption and certification of the NFMP, initial implementation strategies are currently being designed by the Department. Regional management is key to successful implementation of the NFMP, and it exists as the highest priority in the initial implementation stages.
C-5	In Section 1, Ch. 3 under "The Nearshore Commercial Fishery." The commercial fleet must be guaranteed an allocation of the 19 nearshore species.	It is not possible to guarantee any public resource to any sector because the privilege to harvest is dependent upon many factors including the level of resource available to harvest, the total allowable take, and the process selected for portioning of the resource to various sectors.
C-6	In Section 1, Ch. 3 dealing with Allocations. Allocations should be analyzed by recent historical landings (i.e. 1994 - 1999).	The fishery control rule is a framework within which total take will result in the primary goal of sustainability for all nearshore species. This approach enables management to be adaptive to regional considerations, the eventual development and use of marine protected areas, and amount of data-richness available for a fishery. The framework approach allows take to be adjusted as needed to reflect changes in knowledge of the stock. The actual calculations of allocation will be done at regional levels to provide local fishermen (recreational and commercial), industries and communities a voice in the decision-making process.
C-7	Historical Landings. Historical Landings must be analyzed to include the sort group "unspecified" and the group "red." Without	For the interim management measures, the MSY/OY and the associated allocation calculations used the best data available at

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	these numbers of additional fish the following calculations are grossly underestimated: A. 1 msy/oy B. Coast wide TAC C. Regional TAC D. Allocation between user groups E. Setting of (shallow group) (gophers, black and yellow, grass, china) oy calculation of the 19 nearshore species which will be set for 2003 for nearshore minor rockfish (south).	that time. The years that were selected for the calculations of MSY/OY and allocation were but one of several different possible combinations of years that were presented to the Commission during their consideration of the interim management measures. In contrast, in the NFMP, the preferred options for the harvest guidelines and allocation indicate that the calculations also will use the best data available, but no years are specified. The CALCOM and MRFSS data presented in the NFMP are at this time considered to be the best available commercial and recreational data for calculating the TACs and the allocations. The CALCOM program uses commercial sampling and landing receipt information to derive estimates of landings for individual species. The MRFSS estimated landings are calculated using catch information from on-site interviews of recreational anglers and effort information from randomized telephone surveys.
C-8	Socio-Economic Sections. Socio-economics must be more comprehensive to include more indirect economic multipliers (such as fish restaurant revenues, sales tax revenue generated by fish restaurants in CA, tourism generated by people visiting working harbors and fish buying (tour busses).	Socio-economic projections for the commercial fishery sector are based on ex-vessel landings. Data used in the economic projections in the NFMP do include fish dealers, processors, packers, and restaurants, and are part of the output multiplier. Their inclusion is the whole basis for using the multipliers. Commercial fish catches move through a variety of businesses and value added steps before being exported or used by the end consumer. Each dollar of ex-vessel landings generated at the dock, results in a ripple affect through related business sectors in the local economy to generate additional output demand (value). This is why output multipliers typically have values greater than 1: e.g. the output multiplier used for the State of California was 1.9267. We recognize that is approach is somewhat broad, and lacks detailed resolution on value-added businesses and steps as commercial seafood products move through the local economy. However, that detail and resolution is not currently available. These types of management information needs are identified in the research portion of the NFMP (Section I, Chapter 5).
C-9	Cooperative Research and Stock Assessments. Cooperative research and stock assessments must include input from commercial fisherman at the beginning of the process.	Please see response to FAX-3, Comment 4 above.
C-10	Research. Commercial Fishermen should be used whenever possible to conduct research (utilizing boats, gear, etc.)	Please see response to FAX-3, Comment 4 above.

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FAX-7 Gary Perkins		
C-1	I strongly suggest sectioning California coast into Regions.	This comment may be in support of Alternative 5 (Four Regional Management Areas): Four management regions is now the preferred alternative for regional management. Alternatives with more than four regions are not being considered because of the increased costs and staffing needs that would be required to administer these regions.
FAX-8 Chris Hoeflinger		
C-1	Page 54: states that NFMP focuses upon commercial and rec. fishes due to significant impact on the environment. Why does the plan not focus on the significant impacts caused by toxic urban run off such as sewage run off into eel grass beds, pesticide and herbicide run off that kill critical nursery habitat, and sand replenishment projects that bury reef habitat?	The NFMP is intended to manage those activities under the jurisdiction and responsibility of the Fish and Game Commission. The Fish and Game Commission does not have jurisdiction or the authority to regulate water quality, including pollution from point and non-point sources. The regulatory authority over such effects is vested in the California State Water Resources Control Board and the nine Regional Water Quality Control Boards, as delegated by the U.S. Environmental Protection Agency under the federal Clean Water Act. The environmental document accompanying the proposed NFMP acknowledges existing water quality issues in the nearshore fishery and discusses the prospect of potentially significant project-related water quality impacts. The environment document concludes, however, that any such project-related, potentially significant impacts will be rendered less than significant through adherence to and implementation of the proposed NFMP. Moreover, the proposed NFMP provides this analysis against the backdrop of the goal stated in the MLMA to establish and maintain sustainable fisheries while minimizing associated environmental effects.
C-2	Page 54: stick and trap gear illustrations are not correct.	Please see Section V.
C-3	Page 63: plan states "Nearshore rockfish landings peaked in 1992 then gradually decreased. This statement is not consistent with the Executive Summary of the History on the recent nearshore fishery 1980-1999 prepared by DFG. This document states on page 43 that nearshore landings decreased by approximately 79% from 1989-1999 see table 12. Please explain reason.	The estimates of total nearshore rockfish landings referenced in this FAX are based on CALCOM analyses of commercial landings and include all sampled market categories. These estimates did not include any of the unsampled portions of the rockfish groups. We will change the graphics so they include the unsampled portion (nominal) of the following groups: gopher, bolina, black, blue, and nearshore. These groups should be included in the estimates of nearshore rockfish because, in most cases, the species composition structure of these groups is

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		made up of nearly 100% of the named species, or in the case of the group nearshore, 100%. These estimates will not include the unsampled portion of the rockfish groups (small, red, and unspecified) because, in most cases, the majority of these landings consists of deeper water rockfish species.
C-4	Page 63: NFMP states decrease in gillnet catch was partly due to increased gear restriction. Should read is mainly due to net ban within 3 miles from shore.	The phrase in the NFMP is adequate to express that gillnet catch decreases were due to gear restrictions.
C-5	Page 64: NFMP infers that group categories contain only small poundage of nearshore species. Table 16 of the Recent Nearshore Fishery 1989-1999 shows that 23 million pounds of fish were landed under group categories on trips targeting nearshore fish in years 1989-1999. Page 37 of this document estimates the total catch of nearshore fish. Please include language and a table to account for this catch history.	Please see response to Comment 3 above.
C-6	Page 70: first paragraph appears to exclude the group category portion of the commercial catch. Please explain.	Please see response to Comment 3 above.
C-7	Page 73: first paragraph sheephead should be included as benefiting from warmer water regime.	Information on California sheephead and population increases in response warm water regimes is provided in Section I, Chapter 2, page 52.
C-8	Pages 73-78: you are comparing economic impact of new dollars from recreation angling in nearshore areas to the ex-vessel value of the 19 nearshore fish caught commercially. For this to be a fair comparison, you need to compare the new dollars of all the commercially caught fish in the market categories on page 77 table 1.2-12?	Writer is correct in that commercial economic impact projections were based on landings of the 19 nearshore fish species, while recreational impacts included nearshore fishing activities for all species. Unfortunately, we do not have specific data on sportfishing expenditures specifically related to the nearshore 19 species. However, studies show that the shallow-water rockfish compose as much as 44% of recreational marine catches, making them an inextricable component of the total marine sportfishing experience. These species are such a significant portion of the individual's sportfishing bundle, which usually includes a mix of species. Access to these species can affect the angler's decision to fish. Thus the angler's decision whether to fish the nearshore at all, and incur the associated expenditures, is significantly influenced by the prospects of catching nearshore species. It is important to keep in mind that each recreational angler is both the producer and consumer of the sportfishing experience and the goods and services derived from the nearshore; e.g. nearshore fish. As a consumer the availability of nearshore fish can influence the individual's decision whether to fish at all. By contrast, commercial fishermen are producers, typically providing a raw material that will undergo additional value

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		added steps provided by other businesses before reaching the final consumer. Thus the availability of the 19 nearshore fish would not influence (in general) the harvest decisions and ex-vessel sale of commercially caught species from other, non-nearshore, fisheries.
C-9	Page 77, Table 1.2-12: why are trawl gear and the nearshore fish in market categories excluded?	Please see response to Comment 3 above.
C-10	Page 78: should read direct contribution of the 19 species to these values is very small. Please be realistic.	The phrase on page 78 is accurate as it recognizes that it is difficult to separate the recreational values of the 19 species because the species' value is part of a bundle.
C-11	Pages 84-88: please include the 120 foot closure in the cowcod conservation zone and the complete shelf closure as recent management measures.	That information is provided in Table 1.2-15, Section I, Chapter 2, page 85.
C-12	Page 88: size limit for sheephead is not correct. The correct size is 13 inches	Size limits listed in the text box on page 88 are for 1999 when the size limits were first enacted. In 1999, the size limit for California sheephead was 12 inches. In 2001, the size limit was adjusted to 13 inches for California sheephead. A reference to the MLMA legislation behind the size limits can be found at the bottom of page 88 and continuing on page 91. The detailed information with individual size limits for all species is in Appendix F in both the text and in Table F-7 on page F-39 (CCR, Title 14 §150.16).
C-13	Page 81, Table 1.2-14: the criteria used is misleading because a block number is 10 by 10 miles and state waters are only 3 miles from shore - how can this be accurate.	The criteria used were the best available scientific information. Because fishermen are not required to provide fishing location information in this fishery, the best available data was the block information provided on landing receipts. An attempt was made to separate take within and outside State waters.
C-14	Please remove tables from page 214 to page 86.	The placement of the tables on page 214, while perhaps more appropriate to page 86, is not easily done at this point in time. The tables will stay in the addenda section.
C-15	Page 215: tables on page 215 do not accurately record the federal changes that took place with the Sebastes complex that forced efforts to nearshore. No mention of the 550 lb/two month period or the 200 lb/month period that forced many fishing operations to nearshore. Also no mention of min. mesh size or escape ports or funnel restrictions on fish traps. Also no mention of how the Sebastes complex being divided into three sub complexes caused a change in how fish were recorded on the state fish tickets.	Size limits listed in the text box on page 88 are for 1999 when the size limits were first enacted. In 1999, the size limit for California sheephead was 12 inches. In 2001, the size limit was adjusted to 13 inches for California sheephead. A reference to the MLMA legislation behind the size limits can be found at the bottom of page 88 and continuing on page 91. The detailed information with individual size limits for all species is in Appendix F in both the text and in Table F-7 on page F-39 (CCR, Title 14 §150.16).
C-16	Page 98: Please explain how these methods accurately measure abundance of cryptic or hiding fish. Fisherman's knowledge indicates that sheephead hide during a large part of the lunar cycle. We must have empirical verification of the accuracy of these methods	Both fishery-dependent and fishery-independent research techniques address the data gaps outlined in Section I, Chapter 4, Research Protocols. They provide complimentary sets of information, and one single source cannot function independent of

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	before they are used as a control rule criterion.	the other for providing essential fishery information. It is recognized that certain shallow-dwelling, cryptic species may not avail themselves to visual scuba surveys. For those species, the NFMP outlines the need for complementary sampling techniques such as standardized hook-and-line or trap studies. However, scuba or ROV surveys often provide the only source for information on ecological interactions and community structure, as well as a non-fishery biased source of species composition and size information.
C-17	Page 98: also indicates that the detections of changes in density make it possible to employ rules of decline as a control rule criterion. It must also state that rate of increase in density or comparable density with closed areas is to be used as a control rule criterion for raising OY.	The phrase reads "The ability to measure rates of change over relatively short time periods makes it possible to employ rates of decline as a Control Rule criterion." The key is the use of "rates of change." While "decline" is mentioned, it is implicit that "increases" would also be used.
C-18	Page 101: setting TACs and weak species protection, alternatives are proposed. We believe size limits and slot limits can effectively achieve the goal of weak species protection with out causing bycatch or mortality problems. Why is this approach not considered as a viable alternative? Do you believe size limits and time closures have been successful management tactics in the lobster fishery? If the lobster fishery tried to avoid bycatch by not using size limits as a management tactic do you think it would still be a viable fishery?	Please see response to FAX-6, Comment 1 above.
C-19	We need a more concise understanding of what exact information is needed to move from stage 1 management to stage 2 and 3. How will we know when we have collected this desired amount of information to move to stage two?	Essential fishery information will be a key component of determining how to move from stage to stage and what models or assessments would be best suited to make decisions. The intent is to allow any valid new information on the status of a stock to be used in the management process. In that context, practically any type of scientifically sound stock assessment could allow management to move from Stage I to Stage II. A broad range of approaches would be acceptable, from simplistic surplus production models to more sophisticated integrated models such as "Stock Synthesis" or "AD Model Builder" approaches.
C-20	Please explain what the American Fisheries Society vulnerability criterion is and how it affects the management strategy.	This criterion provides an objective means for ranking the vulnerability of a stock to overfishing based on life history and other parameters. In cases where a single TAC is set for an aggregate of two or more species, one approach to protecting the weakest stock in the aggregate could be to set the contribution of each species in the aggregate to that of the most vulnerable. This approach has the potential to significantly reduce the aggregate TAC where more than one species

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		contributes to a combined TAC.
C-21	Page 102: Do you define undersize fish as discards? Define discards.	Please see FGC §91 for a definition of discards.
C-22	Under stage 2 management it appears that moving from stage one to stage two can only be achieved once all reserves are in place and fish stocks in the reserves are at virgin B or B unfished. Is this correct or is there another method of moving from state one to stage two?	The intent of Stage II management is to allow quantitative stock assessments to be used by managers to establish the annual level of allowable catch, based on a specific formula that calls for increasing precaution in response to progressively worse stock conditions, hence the need to determine $B_{unfished}$. The NFMP provides an example of how the abundance of fish in nearshore reserves may be used to help determine the status of a stock and provide the necessary input for the harvest formula, but any other kind of stock assessment that passes peer review may be used as the basis for Stage II management. The NMFP is designed to allow managers to use the "best available scientific information" in the decision process, and the plan provides the flexibility to accommodate various stock assessment methodologies as long as the results are scientifically sound.
C-23	We are concerned that lack of funds to perform the stock assessments needed to determine abundance will forever place us in a stage one management situation. We propose that size limits designed to protect 75 percent of spawning biomass combined with closures during peak spawning cycles are a cost-effective alternative that must be considered as an alternative to the proposed project	Please see NFMP, Section I, Chapter 5. Implementation and Costs. Size limits are management measures the Commission can adopt to protect species for many reasons. Please see Please see Section I, Addenda, page 211. The proposed alternative would require more extensive information on sexual maturity of 19 species of nearshore fish than is currently available and which would require the take of a substantial number of fish to be statistically accurate. Sexual maturity is also geographically different possibly in response to different water conditions or temperature along the coast. In addition, temperature regime changes can alter maturity stages for many species which would possibly invalidate information acquired under a different regime. There is also a potential for mortality upon release of short fish. The sizes of rockfish established in the Nearshore Fisheries Management Act (FGC §8585-8589.7) was based partly on the largest size expected to allow a released rockfish to survive after release. However, very little is know in California about this mortality issue. Management dependent on just a size limit would not be as effective as the recommended suite of measures which protect stocks, habitat, and ecosystems.
C-24	Page 109: Page 109 implies that Point Conception is the best break for the southern region. Below are problems in your logic. We insist that the border be changed to Point Argello. (Seven reasons are listed).	Nearshore species landings in the Point Arguello and Point Conception area averaged only 3,359 pounds per year for the period 1994-2000. This is less than 0.0017 percent (less than one percent) of the total commercial landings of all species in this

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		area. The average landings of all species per year in this area were 1,890,171 pounds. An average of 1,141 pound per year were landed in ports north of this area, while an average of 1,918 pounds were landed in ports south of this area. The Point Conception boundary would comply with the PFMC management area. Keeping the boundary at Point Conception would not impact the other 1,886,812 pounds landed yearly from this area.
C-25	Figures 1.3-3 to 1.3-5: MPA no-take of Anacapa Island not shown.	Noted. The writer is correct. There is a totally protected no-take natural area within the Anacapa Island Ecological Reserve. The Ecological Reserve is shown in the figure 1.3-5.
C-26	Page 124: paragraph should read (This imbalance resulted in heavy pressure on nearshore finfish populations until restrictions on the commercial fishery were enacted.	The current wording in the NFMP is appropriate. The concern for increased pressure on the nearshore finfish stocks did lead to the restrictions adopted in December 2001 that became effective in 2001.
C-27	We believe the CPFV fleet will need a RA program to compensate for the shelf closure. More details of this program need to be included in the plan.	The new shelf closures may well increase CPFV effort in the nearshore waters. The Department is looking into the need to develop a restricted access program for this segment of the recreational fishery. The NFMP provides a framework and the ability to choose different management tools when needed. Since it is a framework, details are not supplied. The details would be contained in the regulations governing any CPFV restricted access program. 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-28	Page 136 states that buyers at their discretion may sort fish into marker categories. This statement is not true for the nearshore fish. It is mandatory to list the weight and species of all nearshore fish.	The FGC §8043 states that a landing receipt shall show the accurate weight of the species of fish received. However, historically landing receipts have been provided and completed with "group" names such as "group red" or "unidentified rockfish". And markets have often bought and recorded fish by price. This has happened with the cabezon, especially in the 1990s, when these fish were lumped in with rockfish on landing receipts. This has led to the need to have samples identify species landed by market categories to determine estimated total weights by species.
C-29	Page 204 the department built an error in their bycatch estimates because they did not account for the possibility that fishermen were fishing more than one fishery in a single fishing trip. Some fishermen fish lobster, prawns and fish all in the same trip and sell to the same or different buyers.	Please see Section V.
C-30	Please remove the potential for turtle interaction unless you have documentation of	Records maintained by the Department document the hooking of sea turtles by

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	turtles being caught in the nearshore fishery.	fishermen in the CPFV fishery in southern California (DFG CPFV logbook data 1980s). The same records indicate that the turtles, though hooked, were released alive.
C-31	Please include that the United Anglers proposal will increase the chance of bird bycatch due to the tendency of this gear to remain on the surface.	Alternative 3 may have a potential to increase seabird entanglement with fishing gear as lines are cast and when baited hooks sink below the surface. These environmental impacts can be avoided or substantially reduced by prohibiting or limiting fishing near seabird rafting flocks or near seabirds that are feeding or diving.
C-32	Page 205: states that elimination of traps would increase bycatch of invertebrates. Has the department determined that invertebrates are being threatened by trap gear? Does a problem exist if the invertebrates are returned without damage? Please alter this statement if it infers that traps need to be eliminated because of bycatch problems.	The statement that invertebrates are a bycatch of trap gear is accurate. There is no documentation that invertebrates are returned to the ocean from traps without short-term or long-term damage. Also refer to page 14 Digest of California Commercial Fish Laws and Licensing Requirements January 1, 2002.
C-33	Page 204: Section 1 addenda This section is totally wrong and has to be taken out, at least the bycatch of lobster to sheephead or sheephead to any invertebrates	Please see Section 5.
C-34	Page 63: California sheephead landings increased steadily until 1993 then remained fairly level through 1998. The first year of implementation of the 12" size limit. Then again another increase in size limits to 13" in 2000.	Size limit information is available in the plan. Please see Section I, Addendum 7.
C-35	Page 63: Prop 132 took the nets out of the nearshore area in "96".	This information is provided in Appendix E.6-1.
C-36	Page 64: Declined generally is a bad term to use without an explanation of why the decrease. The sport catch was more than their normal, because their size limit didn't go into effect until 2001, which would also not meet MLMA 8588c of two different size limits. One size based on science so the commercials couldn't keep under 12" though back and sports were able to take under 12" that would explain why commercial take down and sports take was up.	
C-37	Section 2, Chapter 3, Page 93: Trap gear landings for the California sheephead market category peaked in 1997, and then decreased with the 1999 landing to 41% of that observed in 1997. Again this is misleading here and through out the NFMP. 1999 size limits went into effect and 1997 was the 1st year after limited entry went into effect. So you have two major changes to consider. The first needs no explanation. The second is to look at how many boats worked in the first couple of years of this or any new limited entry program.	Reviewing and analyzing effort (number of boats in an area or region) will be done for restricted access. The restricted access program is undergoing a separate but parallel rulemaking.
C-38	Section 2, chapter 3, Page 94: Since have	The sentence on page 97 reads: "From 1990

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	declined?	to 1997 commercial landings tripled, and since then have declined." Changing the wording would not create any substantial difference in the sentence.
C-39	Section 2, Chapter 3, Page 143: I would like to see documentation of interactions with the turtles and traps either managed or not by NFMP.	Stick and trap impacts are discussed in Section II of the proposed NFMP on pages 91, 93, 94, 150, and 151. Ghost fishing of gear (traps and stick) is discussed in Section II of the proposed NFMP on pages 89, 90, 94, 124, and 141. Similarly, threatened and endangered species are discussed on pages 55 through 78 and 121, 125 through 128, and 141 through 145. Other laws and regulations are discussed on pages 7 through 9 in the same section.
C-40	Section 2, Chapter 5, Page 154: Elimination of traps would decrease the bycatch in traps and physical damage to benthic habitats from trap placement and retrieval. The first part of the statement we have already discussed and is false. The next is a moot point because a boat doesn't use that many traps (especially in regards to the numbers in other fisheries. About .04% on average and there in water weights is 10-12% of standard crab or lobster traps and nothing like a anchor that has to hold a boat!	The best available information on impact to benthic habitat from trap placement and retrieval was used. The proposed research protocols include the ability to investigate this type of activity to determine methods or gear that could lessen the impacts.
C-41	Section 2, Chapter 5, Page 155: As an Advisory committee member I think we voted on a control date of December 2000 on CPFV.	Some members of the Nearshore Advisory Committee were in favor of setting a control date for the CPFV fleet, but there was never a vote taken to choose a CPFV control date.
C-42	Section 3, Page 13: Minimum or Maximum size limits based on best available scientific information. Maximum size need to be put in also.	Please see response to FAX-6, Comment 1 above.
FAX-9 Jon Krainock		
	The FAX is a duplicate of Letter-22.	Please see responses to comments for Letter- 22.
FAX-10 Mathew Pickett		
C-1	The FAX is a duplicate of Letter-25.	Please see responses to comments for Letter-25.