

**Nearshore Fishery Management Plan (Draft May 9, 2002)**  
**Fish and Game Commission Meeting**  
**May 9, 2002**  
**Fresno, CA**

The following individuals spoke at this meeting:

Speaker	Comment	Response
<b>S-1</b> <b>Kathy Fosmark</b> Alliance of Communities for Sustainable Fisheries		
C-1	<p>Researchers including the "Shipp" report that says value of MPAs will come in to limited use as study areas not as a significant tool in fishery manager's tool kit... and that Oregon's policy statement on MPAs is to look at in a cautious manner.</p>	<p>Marine Protected Areas (MPAs), especially marine reserves as described in the Nearshore Fishery Management Plan (NFMP) Section I, 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 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. In addition, the Executive Summary of Dr. Shipp's report indicates that MPAs can function as a management tool to protect breeding aggregations, help recovery of severely overfished, insular, unmanaged populations, and protect critical habitat. Habitat protection is one of the goals of the MLMA.</p>
<b>S-2</b> <b>Dion Dante</b> Commercial fisherman		
C-1	Regarding Washington State's proposal:	Alternative 2 (Fishery Control rules with

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	<p>Washington is a small state with not too much rock mostly sand. Can't see how the FGC could accept that proposal.</p>	<p>Prohibited take, Possession, 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) 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. The overriding goal of the Marine Life Management Act (MLMA), and therefore the Nearshore Fishery Management Plan, is to ensure the conservation, sustainable use, and restoration of California's marine living resources. To achieve this goal, the MLMA calls for allowing and encouraging only those activities and uses that are sustainable [FGC §7050(b)]. It could be determined that the high value of premium/live fish allows commercial fishermen to continue to exploit local fishing grounds long after areas have been fished to unacceptably low levels, thus raising concerns about sustainability. Stage I, data-poor conditions for the 19 species, makes the situation worse. Please see Section II Chapter 2, page 20 for more information.</p>
C-2	<p>United Anglers' proposal for two rods/two lines: sport boat with 10 guys and 20 fish each at 2 pound average is 8,000 pounds per month compared to 500 nearshore (commercial) permits allowed to take 600 pounds each month.</p>	<p>Alternative 3 (Gear Restrictions for Commercial Fleet) 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, 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</p>

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		may be an emergency option.
<b>S-3</b> <b>Bill James</b> Port San Luis Commercial Fisherman Assoc.		
C-1	Would like to request the Department to redo analysis for 1983-1999 (regional analysis of landings) to include local knowledge in types of gear used. Has letter from Chinese (commercial fisherman) representative. The market category of "cabezon" first appeared on receipts in the late 1990s.	For the interim management measures, the MSY/OY and the associated allocation calculations used the best data available at 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. Management on a regional basis is expected to allow more discussion of specific fishery data issues by region.
<b>S-4</b> <b>Jim Bassler</b> Salmon Trollers Market Assoc.		
C-1	He supports need to have a multi-year requirement by next year for restricted access. Should be a preference given to people who have really invested a lot of time in the fishery.	The nearshore FMP provides the framework to develop a meaningful restricted access program. Since this is a framework, no specifics for qualifying criteria are listed. However, the proposed nearshore fishery restricted access program does have specific qualifying criteria. That program will be going through the regulatory process on a separate but parallel rulemaking.
<b>S-5</b> <b>Randy Fry</b> President of the Nearshore Chapter		
C-1	In some areas commercial harvest preempts recreational ability to catch fish and nearshore is one of those places. In 1990 (?) commercial finfish take was 1/2 of 1% of total commercial harvest. In 1995 Bulletin 176: rockfish was huge part of recreational take, one-half of total take.	Speaker may be expressing support for 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). This alternative 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

Speaker	Comment	Response
		<p>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].</p> <p>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>
C-2	Recreational fishermen not trying to cut consumers off from resources. Other major nearshore fisheries (crab, salmon, lobster, halibut) not being challenged.	Please see response to Comment 1 above.
C-3	Nearshore commercial fishery will never pay for itself, financed by recreational and general fund subsidies.	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-4	One of best ways to shut down fisheries and wreck personal and economic havoc is to do short-sighted management focused on maintaining non-viable commercial harvest	The preferred harvest control rule approach does not use the same MSY/OY management that is used by the PFMC. The 3-Stage approach to NFMP management includes

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	levels like the PFMC groundfish fishery .	ecosystem considerations, and more conservative harvest formulas than are employed by the PFMC. Also, the proposed NFMP control rules include precautionary adjustments and the use of 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 provide for a sustainable fishery. In addition, the current MSY/OY management approach that is used by the PFMC includes precautionary adjustments that have only been in place for a few years, and these comparatively new safeguards were not in place when the stocks were overfished during the 1970s-1990s
<b>S-6</b> <b>Don Platt</b> Salmon Trollers Market Assoc.		
C-1	This year there is a 4-month closure in his area on nearshore and an 8-month closure on shelf species. Shelf closure affects nearshore fish because they travel. This has taken pressure off the fish. There is a 3-day a week restriction on take of cabezon and sea trout plus attrition in fleet size. Does not see stocks in danger. Finding healthy populations when allowed to fish. Lots of protection for these fish out there.	(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.
C-2	Would like to see Department move ahead with stock assessments.	The Department has planned to conduct a stock assessment of cabezon with NMFS staff since 2000. Some of the work has been completed; however, preparation of the proposed NFMP limited the available staff time for stock assessment. The Department's ability to conduct stock assessments will be limited by the availability of resources, although there are plans to begin that assessment. Other nearshore species considered for stock assessments by the Department include the California scorpionfish, blue rockfish and California sheephead. NMFS has started, but not completed, a stock assessment of black rockfish. It is expected that information

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		gathered from fishery independent research on stock densities currently in the development and implementation stages will be used in future stock assessments. Chapter 4, Research Protocols, has prioritized the need for indices of abundance (stock assessments) of NFMP species; the indices are key information for the Stage I, Stage II, and Stage III management progression. Complete stock assessments, even when separated regionally, are time consuming and complex.
<b>S-7</b> <b>Tom Mattusch</b> Coastside Fishing Club		
C-1	Major flaws in Magnuson-Stevens and the concept that a fish not caught is a waste of resource is pathetic answer to managing the resource. Does not want to see re-allocation of fish not caught.	The recommended allocation approach in the proposed NFMP does not mention reallocation of shares of fish among sectors. Any decisions to reassign shares from one sector to another would occur at the discretion of the Commission which has management authority for nearshore fish. The issue of "reallocation" occurred in the fall of 2001 when projections of take for cabezon and greenlings indicated the recreational sector would not reach its portion of the OY for those species. Because the OY developed for the 2001 fishery year was felt to be sufficiently precautionary, the Commission managed on the total allowable take level.
C-2	Only way to reduce competition in southern California would be to eliminate live fish fishery in California.	(Speaker may be expressing support for Alternative 2): Please see response to Speaker 5, Comment 1 above. Regional considerations for specific restrictions are available as management measures by the Commission.
<b>S-8</b> <b>Archie Ponds</b> President Port San Luis Fisherman Assoc.		
C-1	Lot of restrictions over last few years; not a chance to work. Does not see shortage of fish in nearshore fisheries.	(Speaker may be expressing support for Alternative 1): Please see response to Speaker 6, Comment 1 above.
C-2	Would like to see the use of commercial fishermen for research: concerned and would like to be involved.	The proposed 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-3	A lot of cabezon taken but not accounted for towards their allocation.	Please see response to Speaker 3, Comment 1 above.
<b>S-9</b> <b>Bill James</b> Port San Luis		

<b>Speaker</b>	<b>Comment</b>	<b>Response</b>
Fisherman Assoc.		
C-1	Looks like a lot of possibilities in stages I, II, and III. Wants to work with the Department.	The Department has presented the NFMP with the recommended approaches for consideration by the Commission. The Commission may adopt the recommended approach or any alternative presented. 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.
<b>S-10</b> <b>Tom Hafer</b> Morro Bay Commercial fisherman		
C-1	Rings working well: no by catch except starfish and crabs; released alive. Sees a lot of fish. Rings, three day a week (season), and 15 inch size limit. Restricted access will bring things around. Been fishing 10 years and catches more fish now than then with less gear.	(Speaker may be expressing support for Alternative 1): Please see response to Speaker 6, Comment 1 above.
C-2	Last year Morro Bay and Port San Luis spot boats took a total of 67 cabezon and 35 greenlings. They don't fish that stuff, get it by accident.	According to MRFSS and commercial landing data analyzed for the years 1983-1989 and 1993-1999, recreational fishermen took approximately 81% of the catch of nearshore rockfish. Please refer to NFMP Section I, Chapter 2, Page 70. In the current allocation of cabezon, California sheephead, and greenlings, the recreational harvest portion ranges from 84% (nearshore rockfish south of Cape Mendocino) to 60% (California sheephead and greenlings). That recreational fishermen take their portion before their fishing season is half over, for some species, indicates that nearshore stocks are being targeted by recreational fishermen.
<b>S-11</b> <b>Donna Solomon</b> Moss Landing Commercial fish buyer		
C-1	Forty-five day review period is not enough time to read and review especially when you can't get it.	The Department provided public access to the proposed during the entire 45-day public review period. Copies of the proposed NFMP were available to the public at local libraries, and harbor, Sea Grant, and DFG offices throughout the area affected by the proposed project. It was available also on the internet. The Department also provided public agency access to the proposed NFMP through the

<b>Speaker</b>	<b>Comment</b>	<b>Response</b>
		State Clearinghouse at the Governor's Office of Planning and Research.
<b>S-12</b> <b>Kurt Solomon</b> Commercial fishermen		
C-1	Issue is how you going to manage the nearshore species? Is it the same as cabezon and sea trout? Wardens told fishermen they could take cabezon, then had to dump them, stayed out and two fishermen died in bad weather. Do not want to see something like this happen with other species.	Yes. The recommended framework approach is dependent upon the state of knowledge about essential fishery information on individual species or aggregations of species. It is intended that all nearshore species be managed under that approach. Anticipated closures are announced before the target date through press releases.
<b>S-13</b> <b>Giovanni Nevoloso</b> Monterey Commercial fisherman		
C-1	1.2 million sport fishermen take more fish than the few commercial fishermen when quota is 600 pounds a month. Know what to do with short fish. Buy out-what would I do? I have commercially fished all my life.	The proposed NFMP supports the MLMA which specifically calls for appropriate accommodation for the recreational and commercial fishing sectors. Management of both sectors must focus on achieving sustainable use of the fishery resources. Both sectors will be curtailed if sustainability is questionable.
<b>S-14</b> <b>Jim Bassler</b> Salmon Trollers Market Assoc.		
C-1	There is a proposal for zero for us. This would exclude fish from consumers that might prefer this fish.	(Speaker appears to oppose Alternative 2): Please see response to Speaker 2, Comment 1 above.
C-2	Bill has a point that we have too small a share.	Please see response to Speaker 3, Comment 1 above.
C-2	Rod and reel proposal is based on presumption that resource is totally used and none left for anyone else and not a satisfying fishery for nearshore. Recreational fishermen have 20 fish bag limit. At 100 pounds per bag and 8-month season, that seems satisfying.	(Speaker appears to oppose Alternative 3): Please see response to Speaker 2, Comment 2 above.
<b>S-15</b> <b>Bob Strickland</b> United Anglers	<i>Question to Commissioners about the Florida Keys National Marine Sanctuary marine reserves presentation given to the Commission.</i>	No response necessary .