

## Nearshore Fishery Management Plan (Draft May 9, 2002)

The following written comments were received by Letter:

Writer	Comment	Response
<p>Letter-1            Bill James,            Bruce Campbell,            Chris Hoeflinger,            Jim Bassler,            Kenyon Hensel</p>		
<p>C-1</p>	<p>We find a multitude of flaws with the rationale for recommending the “Washington alternative”-which include flawed and reckless economic arguments and unsubstantiated statement concerning historical use patterns and how this should guide future allocation.</p>	<p>These writers appear to oppose Alternative 2 (Fishery Control rules with 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) which 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>
<p>C-2</p>	<p>In the early stages of this process the United Anglers presented an alternative that included restrictions on the gear employed by commercial fishermen. We argued that these restrictions would do nothing to advance a sustainable harvest in the nearshore fishery, would only serve to limit commercial fishing efficiency....Yet this measure was adopted as an alternative, word for word.</p>	<p>The writers appear to oppose Alternative 3 (Gear Restrictions for Commercial Fleet) which 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</p>

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		<p>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 may be an emergency option.</p>
C-3	<p>A separate alternative (Alternative 2) submitted by the United anglers outside the scope of the Advisory Committee process...which has caused the Department to broaden the scope of the draft FMP, and has created unnecessary effort to analyze an alternative which is arguably inconsistent with the MLMA.</p>	<p>The Department included the so-called "Washington alternative" as an option in the May 9, 2002 version of the draft NFMP in response to recommendations from the public during the review of earlier versions of the draft NFMP and at the request of the Commission. The recommendation for the "Washington alternative" came both from members and non-members of United Anglers and of United Anglers of Southern California. The writers are correct; this alternative was not discussed by the NFMP Advisory Committee prior to inclusion in the NFMP.</p>
C-4	<p>The effort of engaging interested parties in the regulatory process is at risk when the Department endorses the wishes of one interest group without subjecting the proposal to the deliberation of the Committee.</p>	<p>The full range of options was available during the 45-day public comment period which included an Advisory Committee meeting. Outside of the Advisory Committee meetings, members, as well as the public, had opportunities to comment through letter, e-mail, FAX and by presenting written or oral comment at the scheduled public meetings.</p>
C-5	<p>The Department has not, to our knowledge, even solicited comments from other recreational fishing representatives that are not members of the United Anglers.</p>	<p>The Department is aware that neither United Anglers nor United Anglers of Southern California represent all recreational anglers. The Department attempted to have a diversity of perspectives represented on the Advisory Committee. The recreational members of the Advisory Committee include: one person who is unaffiliated, one member of United Anglers, one member of United Anglers of Southern California, three people who are members of local angling clubs, and one recreational diver. The recreational alternatives for the Advisory Committee include: two recreational divers (one of whom is associated with United Anglers of Southern California), one member of United Anglers, and three people who are members of local angling clubs.</p>
C-6	<p>We respectfully request the Department</p>	<p>Please see responses to Comments 3 and 4</p>

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	reconsider the addition of the "Washington alternative" to the range of alternatives. We also request the Department make it abundantly clear to members of the Advisory Committee that it is not acting in good faith to pursue other avenues outside the Committee process for ensuring inclusion of their unilaterally endorsed alternatives, and avoiding the scrutiny of the Committee.	above. The Commission can adopt any of the alternatives in the NFMP rather than or in addition to the recommended fishery control rules.
C-7	If the Washington proposal is included, we insist that it is included word for word as it exists in Washington state law. We also insist that it be included word for word as it exists in Washington state law. We also insist that all bag, season, and gear restriction contained within this law apply to recreational fishermen in California if this option is adopted.	Writers are referring to Alternative 2. The NFMP does not use the wording "Washington proposal, plan, or option" and is not a duplication of all the fishery controls in place on nearshore stocks of fish in waters off the State of Washington. The alternative, as proposed, would prohibit the sale of live or dead nearshore finfish species under Stage I and II management. Writer is correct in noting that the recreational fishery in Washington is more restricted in the take of some species than is the case in California.
C-8	The "Washington alternative", just by its name, implies the United Anglers have reached outside the jurisdiction of the Department, and for that matter the California Legislature for authority to prohibit commercial fishing in the nearshore.	Writers are referring to Alternative 2. Section I and II of the proposed NFMP does not use the wording "Washington proposal, plan, or option" and is not calling upon authority from the State of Washington to manage California's nearshore fishery. Within California, the Commission has authority to manage nearshore fish stocks in California as it feels necessary to meet the requirements set forth in the MLMA.
C-9	Comment regarding Code Section 7055 (c) and (d): To the extent the MLMA replaces or conflicts with previous law, the more recent language would supercede previous interpretation.	The MLMA gives guidance to govern the development of management plans and indicates that considerations for recreational and commercial fisheries be addressed in all fishery management plans. All plans that manage with the MSY/OY approach need to consider that guidance to develop plans appropriate to each fishery situation. The NFMP uses that guidance and provides a management approach that is very precautionary depending on the knowledge of stock abundance and the state of that knowledge. The plan also balances the needs of FGC §7055 (c) and 7055 (d) by providing a framework approach that can adjust overall harvest and allocation as information is available and with the involvement of regional constituents.
C-10	Assuming that the nearshore fishery has experienced overfishing, and that regulations emerging from the NFMP will address this problem, the Legislature clearly stated that measures to prevent this problem: "Allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery." FGC § 7086 (c) (2).	The recommended fishery control rules includes an approach that is precautionary in the overall take and includes provisions for reducing total take to meet the goals of MLMA. At the moment no stocks of nearshore finfish have been declared "overfished". FGC §7072(c) indicates that increases or restrictions, if increases or restrictions are included in the management of the fishery, shall be allocated fairly among

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		recreational and commercial sectors participating in the fishery. The term "fairly" has not been defined.
<b>Letter-2 Don Ferguson</b>		
C-1	Would like to know how the Fish and Game came up with their studies in our area. My fish tickets show Blacks, Reds and Lingcod only from 1989 to 1991. My fish buyer in 1992, only, started to separate the Reds into categories, Canary, Vermillion, Copper and China.	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-2	Your restrictions on the Greenling, Cabezon and other fish in our area, is quite unnecessary as our weather restricts us from fishing and therefore the fish are protected without any regulations in place.	Comment appears to support having no regulations in his area (Crescent City). When seasonal closures were developed for cabezon and greenlings, landings by day and month were analyzed. The resultant closures were a method to reduce the take of these species to a more precautionary level of take until the NFMP could be written and adopted.
C-3	By combining our fishery with the south and central part of the California, the Department has made it almost impossible for the cleanest and most protective fishery to survive, which is the small hook and line fishermen.	Comment may be in support of Alternative 5 (Four 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.
C-4	We don't need any more restrictions in our area; our weather and our age are restrictions enough.	Writer may be expressing support for 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-5	Recommends one restriction in our area and that is no fish traps for Greenling or Cabezon.	Alternative 3 (Gear Restriction for Commercial Fleet) is an option for the Commission to consider. In October 2000, the United Anglers of Southern California put forward a proposal to the FGC which was reviewed by Department in 2001 for the

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		Nearshore Interim Regulations. The Department put a recommendation together with a request to go to notice on regulations. The Commission made a decision to defer consideration of this proposal until the development of the NFMP. The proposal is included in the NFMP as Alternative 3. Any of the alternatives in the NFMP can be adopted in addition to or replacement for the Recommended Management Measures. Additionally, a regional approach to specific management is available to the Commission.
<b>Letter-3 Thomas Johnson</b>		
C-1	Some of the fish listed are long-lived, fast growing and have a short lifespan. Management and take limits should be adjusted accordingly.	This comment is consistent with management under Stage II or Stage III conditions, where detailed and comprehensive stock assessments may provide the necessary information to allow the TAC for individual species to be directly calculated. However, default yield formulas (based on the best available science from closely related shelf species) are given in the NFMP so that TACs may be determined for nearshore species in the event that insufficient information is available to directly calculate sustainable yields.
C-2	There has been an increase in commercial hook and line fishing in the subtidal and nearshore environments. I have observed these boats taking clearly juvenile fish off the Sonoma and Mendocino coasts.	Currently, all the nearshore finfish species taken by the commercial fishery that are managed by the Commission have size limits to protect immature fish from take. Those fish cannot be possessed if under the minimum size.
C-3	There is a supreme lack of enforcement of Fish and Game laws, in particular at popular spots where access to good fishing habitat is available.	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.
C-4	The DFG must make a greater effort to educate non-English speakers as to take and size limits.	The Department has a registry of bi-lingual and multi-lingual staff. When specific requests are made, the Department may be able to have help to individuals in their native language. The Department has published in the past some regulations in other languages to help with this communication issue.
C-5	Violators must be held accountable.	Please see response to Comment 3 above. 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.
C-6	The effect of large-scale commercial rockfishing means fewer fish in general, more damage to the environment, and fewer "nursery" fish.	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

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		for the Commission's consideration. The nearshore fishery restricted access program is undergoing a separate but parallel rulemaking.
<b>Letter-4 Edwin Glass</b>		
C-1	I object to the closure of the majority of spearfishable points and reefs at the Southern California Islands to freedive spearfishing.	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.
C-2	I request that the following areas NOT be closed to freedive spearfishing (for migratory species like white seabass and yellowtail), but these should be closed to the take of non-migratory species, including invertebrates: <ol style="list-style-type: none"> <li>1) North/Northwest end of San Clemente Island</li> <li>2) South end of San Clemente Island</li> <li>3) Western half/side of Santa Barbara Island</li> <li>4) West and East ends of Catalina Islands</li> <li>5) South and East ends/side of San Nicolas Island</li> </ol>	Please see response to Comment 1 above.
<b>Letter-5 Lloyd Reeves</b>		
C-1	Was shocked and disappointed after attending a Department Restricted Access for Nearshore Fisheries for four reasons: The Biologists at the meeting did not seem to be aware that the Feds in 1992 already established a groundfish limited entry program that included the same fish as their "Nearshore" program and there seemed to be no serious consideration about valid options like fish slotting or closed reserves.	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 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. Size limits, including slot limits, are available to the Commission as management measures to. A reserve program is integral to the implementation of the NFMP. The actual recommendations are being developed through the MLPA process.
C-2	The State appeared to have no desire to restrict kelp cutting even though the upper	Past studies have been unable to document catastrophic consequences on populations of

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	few feet is a habitat for juvenile rockfish that are just out of the larvae stage.	juvenile rockfishes by properly conducted kelp harvesting ( <i>North and Hubbs 1968, Miller and Geibel 1973, and Houk and McCleneghan 1993</i> ). While many juvenile fishes inhabit the kelp canopy which provides refuge from predation as well a productive feeding area, the amount of kelp harvested is a small fraction of the total amount available both in terms of canopy area and biomass. This minor removal of kelp allows for juvenile fish to seek refugia in the nearby canopy.
C-3	It seems like they want to reward the recent fishermen fishing open access at the expense of more conservative fishermen (that realized how overfished the nearshore was and intentionally avoided fishing there, waiting for it to improve. In fact they want to have a program where if you don't fish for a year you will lose your permit. How does this encourage conservation?	Most of the fish listed in the nearshore fishery management plan occur within California's jurisdictional waters and the State retains management authority in those waters. If the Commission opts to disregard A-permit status as a sole qualification criterion for the State program, the permit holder will have the option of appealing the decision to the Commission or the NMFS. This matter should be taken up early in the Commission process. Currently, a restricted access Nearshore Permit is required by the State for landing six species of shallow-dwelling nearshore rockfish, which effectively limits participation by any A-permit holders who did not already qualify for the existing State Nearshore Finfish Permit.
C-4	Are we rewarding people that overfish nearshore resources at the expense of "A" permit holders? I urge you not to create a new fishery for people fishing "Open Access". If you want a limited entry program simply use the one already in place.	Please see responses to Comments 1 and 3 above.
<b>Letter-6 Joseph Crozier</b>		
C-1	Please prohibit commercial fishing within the inshore 3 mile area that we consider safe areas to try and catch a fish for our families to enjoy.	This comment may be in support of Alternative 2 (Fishery Control Rules with Prohibition of the Sale of the 19 NFMP Species under FCR Stage I and II Conditions): Alternative 2 is an alternative in the NFMP that would eliminate the commercial take of the nearshore species to be managed by this plan. 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

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		<p>recreation sectors did not materialize there. In California, the commercial sector of the nearshore fishery has been active for several years. 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; 7056]. The Department believes that implementation of its 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</p>
<b>Letter-7 Craig D. Wood</b>		
C-1	<p>One speaker asked the board to define "satisfying fishery" which, as I understand it is a DFG goal. Nancy Wright responded with "That is a tough question". Tough or not, it must be answered.</p>	<p>The MLMA has not defined the subjective term 'satisfying fishery'. Therefore, the Department has attempted to create a broad framework for the NFMP in which both recreational and commercial fishermen can follow their sport or livelihood while guaranteeing the overarching goals of the MLMA, sustainability, conservation and restoration of the living resources. Management of fishery resources cannot guarantee any set amount of catch per fisherman, rather management is designed to provide continued opportunity to fish.</p>
C-2	<p>How can you establish a management plan without even knowing what the goal is?</p>	<p>The primary goal of the plan is to "ensure long-term resource conservation and sustainability". Goals and objectives of the plan are identified in Section I, Chapter 1, pages 3-11.</p>
C-3	<p>Please support the Washington Plan.</p>	<p>Please see response to Letter 6, Comment 1 above.</p>
C-4	<p>If we practice catch-and-release with the intent to preserve the fishery. The fish we release are given to the commercial fishermen because we didn't use up our allotment.</p>	<p>The recommended allocation approach does not address issue of 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 opted to manage on the total allowable take level.</p>
C-5	<p>(Commercial fishermen)...cannot be allowed to continue exploitation of the nearshore</p>	<p>This comment may indicate support for Alternative 2. Please see response to Letter</p>



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	stocks if we expect the fishery to survive. I support the Freedom to Fish Act and the Washington Plan. I support Tom Mattusch and the Coastside Fishing Club.	6, Comment 1 above.
<b>Letter-8 John Henry</b>		
C-1	Nearshore fishery should never be used as a full time business. Nearshore permit holders should have other permits like salmon, crab or what ever.	Many nearshore permittees target nearshore species only part-time. They also fish for lobster and sea urchin in the south, and salmon and crab in the north. The Department recognizes the value of full-time fishermen that fish only part-time in nearshore waters. Therefore, the proposed restricted access program presents a range of qualifying criteria some of which favors these part-time nearshore fishermen. The restricted access program is undergoing a separate but parallel rulemaking.
<b>Letter-9 George Swift</b>		
C-1	Impose reasonable fishing 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.
C-2	Pursue the poachers.	Please see response to Letter 3, Comments 3 and 5 above.
C-3	Establish limits on catches.	Please see response to Comment 1 above.
<b>L-10 Daniel Platt</b>		
C-1	I was dismayed to see under section 2, chapter 5 5.2 and 5.3 alternative 2 and 3. Both of these alternatives, prohibiting Commercial take of nearshore fish, and restricting commercial fishermen to rod and reel gear are allocation issues and go nowhere in terms of protecting fish.	Please see responses to comments to Letter 1, Comments 2 and 3 above.
C-2	I urge the Department to move forward with some actual on the water stock assessment, i.e. scuba, ROV, and catch per hook info or something to get a better handle on what's out there.	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 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

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		rockfish. It is expected that information 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 Tier 1, Tier 2 (and Tier 3) management progression. Complete stock assessments, even when separated regionally, are time consuming and complex.
Letter-11 John Henry		
	Letter is a duplicate of Letter-8.	Please see responses to comments for Letter 8 above.
Letter-12 Jack P. Lingenfelter		
C-1	Make the coast north of San Francisco, or at least from Point Arena and above part of a north central or northern region. Due to the weather up here, we can't fish nearly as many days as say someone from Half Moon or Morro Bay.	Appears to be a comment in support of Alternative 5: Please see response to Letter 2, Comment 3 above.
C-2	Disallow commercial diving for rockfish. Current methods are unsupervised and lead to overfishing certain areas.	Please see response to Letter 9, Comment 1 above.
C-3	Designate "sport only" fishing and diving zones in the popular coastal access areas and certain state parks. Perhaps this will help to lessen the friction between commercial and sport rock fishermen.	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. The process to designate and site MPAs is being undertaken under the authority of the MLPA.
C-4	Disallow the commercial use of fish traps in	Writer appears to support Alternative 3 (Gear

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	<p>the northern and central regions. They deplete the cabezon and sea trout too quickly causing quotas to be reached half way through the season. Hook and line is effective enough.</p>	<p>Restrictions for Commercial Fleet). This 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 may be an emergency option.</p>
C-5	<p>Revoke permits from persons with less than three to four years in this fishery and from those with an insufficient number of landings to prove that this fishery is a major part of their income.</p>	<p>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.</p>
C-6	<p>Fish and Game needs to keep a more stringent count on landings by sport fishermen...suggest "check in spots with fish counters at every port and boat ramp...and punch cards be to all sport fishermen to log all fish caught.</p>	<p>Please see response to Letter 9, Comment 1 above.</p>
<p><b>Letter-13</b> <b>Sharyl R. Beebe</b></p>		
C-1	<p>The proposed Management Plan is consistent with the Goals and Policies of our General Plan and Interim Zoning Ordinance. (City of Malibu).</p>	<p>The Department has presented the recommended project 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.</p>

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<b>Letter-14 Doug Chessmore</b>		
C-1	If the channel Islands are closed to fishing, it will put me out of business. I believe there are alternatives to closing the Channel Islands completely.	This is a comment related to the marine reserve development program for the Channel Islands National Marine Sanctuary. That program is a separate process from the proposed MPAs through the MLPA.
<b>Letter-15 Doug Chessmore</b>		
	Letter is a duplicate of Letter-14.	Please see responses to comments for Letter-14 above.
<b>Letter-16 Michael Zamboni</b>		
C-1	First, In the problem statement the word "may" is used...to describe possible problem areas in the status of Nearshore fish stocks. Until there is better evidence than "may" such drastic alternatives such as closing the commercial nearshore fishery should not be considered in the plan. Had consideration been given to "constituent involvement" and "local knowledge" and "the best available science" as mandated in the MLMA the conclusion would have been there "may not be a problem" in some regions.	It is unclear if the comment expresses support for Alternative 1 or opposition to Alternative 2: If the writer is in support of Alternative 1: Please see response to Letter 2, Comment 4 above. If the writer is in opposition to Alternative 2: Please see response to Letter 1, Comment 1 above. The Department sought advice from constituents in many ways. Please see Appendix A for public input into the development of the NFMP.
C-2	The NFMP refers to "threats of human impacts not related the Nearshore fishery" as possible contributors to fish declines yet measures to reduce these threats are not address in any of the alternatives.	The comment indicates that the proposed NFMP mentions "threats" but does not indicate where in the document this statement is located. The Commission does not have the authority to regulate activities beyond those that are caused by the proposed project and their resulting environmental impacts. Potential human impacts, not related to the project, but that have the possibility to contribute to fish declines, include water pollution such as urban and sewage runoff. As previously stated the regulatory authority over such effects is vested in the California State Water Resources Control Boards and the nine regional control boards as delegated by the U.S. Environmental Protection Agency under the federal Clean Water Act. Furthermore, the environmental document concludes, however, that any such project-related (e.g., no urban runoff will result from the proposed project); potentially significant impacts will be rendered less than significant through adherence to and implementation of the proposed NFMP.
C-3	I'm not aware of any study showing a downward trend in nearshore stocks and the "best available science" which currently is landing data would indicate stable or increasing populations reflected in the increase in landings throughout the '90s. In fact, the PFMC's latest stock assessment for	Comment is referring to the text "these trends have continued in the absence of a comprehensive management program". This sentence is found in the Problem Statement in Section I, page 2, and refers to the earlier statement that "these factors (referring to the expanded nearshore recreational and

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	black rockfish assessment is the healthiest stock of any rockfish surveyed.	commercial fishery ) combined with recent environmental changes .... have led to localized and larger-scale reductions in nearshore stocks". This statement thus is referring to the continued expansion of the nearshore fishery and to a concern that a reduction of stocks is continuing to occur in certain areas. It does not imply a downward trend in stocks.
C-4	Chapter 1 refers to many Nearshore species as being depleted and later defines depleted as overfished, yet none of the Nearshore fish stocks are officially listed as overfished. Where did this information come from?	The NFMP does not refer to any nearshore species as being depleted.
C-5	The commercial fleet is described as being too large to catch the available TAC this is because the TAC is 50% of what the fleet traditionally caught, furthermore the years used to calculate the TAC for the nine permitted species were years prior to the advent of a directed fishery for them in the Northern Region. Using landing data to calculate a TAC is only appropriate when based on years when a fishery was taking place.	Please see response to Letter 2, Comment 1. Additionally, the selection of data to calculate TACs is expected to be done regionally with advice from regional committees when the FMP is implemented.
C-6	The boundary between the northern and central regions should be the 40° 10' line not Cape Mendocino as is misstated in the NFMP.	This would bring management boundary in compliance with PFMC's management area. May be conflict with nearshore rockfish genetics information.
C-7	An allocation for seafood consumers should be considered in the allocation process to be caught by the commercial fleet giving the commercial fleet between 50 and 75 percent of the TAC.	The framework approach to total take and allocation allows regional involvement in management decisions. Discussion and recommendations for appropriate harvest levels and portions of take for sectors will take place at the regional level with guidance from the NFMP. Within the plan the recommended allocation approach lists factors developed for "The Master Plan: A Guide for the Development of Fishery Management Plans". The factors include historical participation, economics of the fishery, local community impacts, product quality and flow to the consumer, gear conflicts, non-consumptive values, fishing efficiency, and recreational versus commercial sectors of the fishery as guidelines for allocation decisions.
C-8	As for the 10% MPAs required in the Management Plan it currently appears that the PFMC is going to end all Nearshore fishing outside 20 fathoms. If this occurs it will create a MPA out of nearly 33% of the North Region waters. This will create a safe haven for the largest most productive Nearshore fish which head for deeper water once they mature. If the 20 fathom closure is enacted by the PFMC less precautionary measures can be used in calculating our TACs.	The effects of the shelf closure on nearshore management is not entirely clear, but some expected impacts such as effort shift into the nearshore fishery will likely increase the risk of overfishing the nearshore stocks. Since the shelf closure will not fundamentally change the allowable amount of fish that can be safely taken from nearshore stocks, there does not appear to be any compelling reason to increase the allowable nearshore catch in response to the current shelf closures.
C-9	...the Nearshore fishery is a strictly hook and	It is unclear if the comment expresses support

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	line and trap fishery and is extremely self regulating in two regards. A commercial fisherman must be able to catch enough to make a trip feasible and as stock size is reduced it leaves more food available for remaining fish thus making it increasingly unlikely for them to be caught.	for Alternative 1 or opposition to Alternative 2: If the writer is in support of Alternative 1: Please see response to Letter 2, Comment 4 above. If the writer is in opposition to Alternative 2: Please see response to Letter 1, Comment 1 above.
<b>Letter-17 John W. Gingerich</b>		
C-1	Plan does not address this (over 800 beach closings...for human health reasons) in relation to the population and spawning of fish in the nearshore fishery.	Beach closures are posted after a sewage spill due to high bacterial levels in the water. The closure postings are designated by the local Health Department. The Commission will consider regulating those activities directly related to the proposed project; however, the proposed NFMP concludes that any such project-related impacts will be rendered less than significant through adherence to and implementation of the NFMP.
C-2	According to rules in the MLMA and CEQA it is wrong to blame decreases of fish populations only on over fishing.	The Commission can only regulate those activities related to the proposed project; environmental (i.e., water quality or health-related violations) regulations are the jurisdiction of the pertinent Regional Water Quality Control Board, local and county health departments, and, to a limited extent, the California Department of Health Services (for consumption of shellfish). Those activities and associated impacts, in the proposed project that have the potential to be perceived as a result of overfishing, are addressed in the proposed NFMP. Adherence to and implementation of the proposed NFMP would reduce the perception of fishing population declines that are a result of overfishing. The 14 potentially feasible alternatives to the proposed project are included in the administrative record of proceedings and will be provided to the Commission for its consideration.
<b>Letter-18 Steve Benavides</b>		
C-1	Believe the California Wildlife Plan (1966) provides that in times of scarce resources that a preference in favor of public recreational use exists.	The California Fish and Wildlife Plan was prepared as a contribution to the State Development Plan being assembled by the California Department of Finance in January 1966 but never implemented. Several recommendations regarding marine resources eventually became part of Fish and Game Code Chapter 7. Conservation of Aquatic Resources §1700. State Policy. The policy presents objectives including "(c) The maintenance of a sufficient resource to support a reasonable sport use, where a species is the object of sport fishing, taking into consideration the necessity of regulating

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		individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport.” And “(d) The growth of local commercial fisheries, consistent with aesthetic, educational, scientific, and recreational uses of such living resources, the utilization of unused resource, taking into consideration the necessity of regulating the catch within the maximum sustainable yield, and the development of distant-water and overseas fishery enterprises.” The extents to which these policies still guide management still carry through. There have been decisions that have resulted in recreational only fishing for some species such as the kelp bass in southern California and abalone in northern California.
C-2	The public continues to endure forced contractions in bag limits and season while a small group of businessmen with a disparate allocation is allowed to deplete the resources and pay little compensation, a real pittance, as its share of the stock assessments and management.	According to MRFSS and commercial landing data analyzed for the years 1983-1989 and 1993-1999, recreational fishermen were provided 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 allocation to recreational fishermen is approximately 60%. Fees and revenue information is provided in FGC §711.
C-3	Our request is for clarification and acknowledgement that there exist within the law of the state of California, a resource management preference in favor of recreational use of the nearshore resource over the for-profit, commercial exploitation of the public trust marine fishery resources.	Please refer to FGC §7050 and Section I, Chapter 1 in the proposed NFMP.
C-4	The overwhelming value of the marine recreational opportunities for the public is repeated again and again in source documentation. We ask that the Commission take Judicial Notice of the These Legislative histories as well.	Please see Section I, Chapter 2, Socio-economic Dimension of the Nearshore Finfish Fishery (pages 73-78) in the NFMP.
C-5	We believe, and the plain reading and Legislative history of the Wildlife Protection Act and the MLMA clearly indicate, that commercial extractive enterprise should be allowed, but only in the presence of a satisfying recreational use of that resource and a clearly identified surplus.	Please see response to Comment 1.
C-6	Both the commercial and the recreational fishermen each exceeded their initial allocation. Because of this, and other instances of inappropriate action by DFG managers we ask you to take judicial notice that the resource managers do not have the raw, basic information sufficient for them to responsibly discharge their responsibilities.	The managers of Department are required by MLMA to make decisions and recommendations to the Commission based on “best available scientific information”. In addition, MLMA allows for increasing knowledge to be used to for adaptive management
C-7	By their own admission, the DFG managers admit they are in the lowest (worst?) Stage level of EFI for many if not all of the nearshore marine species. We believe the	The recommended allocation approach does not address issue of reallocation of shares of fish among sectors. Any decisions to reassign shares from one sector to another

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	<p>MLMA mandates a precautionary approach to resource allocations when EFI is low. With a critical shortage of EFI the reallocation in this instance was a violation of the spirit, if not the law, of the MLMA and a clear example of what some recreational advocates refer to as evidence of a commercial bias on the decision process.</p>	<p>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 opted to manage on the total allowable take level.</p>
C-8	<p>Acknowledge that there exists within the law of the State of California as evidenced by the cited language of the California State Wildlife Plan and more recently codified in F&amp;G Section 7055(c), a resource management preference in favor of recreational use of the nearshore resources over the for-profit, commercial exploitation of the public trust marine fishery resources.</p>	<p>Please see response to Letter 1, Comment 9 above.</p>
C-9	<p>Take Judicial Notice of the fact that the fishing public is not enjoying a reasonable or satisfying recreational share of the marine resources. We ask that you provide guidance and explanation of what the Commission will use as a standard to make this determination in the future.</p>	<p>The Commission will use FGC §7055, scientific evidence, and public input to guide decisions.</p>
C-10	<p>Direct the Department of Fish and Game to prepare options for Commission action in connection with the Nearshore Fishery Management Plan regulations which would suspend all commercial nearshore finfish operations as a precautionary measure pending receipt of EFI which shows that a reasonable surplus exists, in excess of that needed to ensure a satisfying recreational fishery. This action to be <u>effective immediately</u>.</p>	<p>If adopted by the Commission, Alternative 2 would prohibit the take and sale of nearshore finfish by commercial fishermen under Stages I and II management. Please see response to Letter 6, Comment 1 above. In addition, The comment proposes a closure of the commercial nearshore fishing immediately after the Commission's adoption of the NFMP unless evidence generated by the commercial fishery establishes that harvestable fish exist in excess of recreational needs. This is a variation of the allocation distribution between commercial and recreational fishers in the proposed NFMP. This proposed variation, however, would not achieve the goals of the proposed NFMP. It also may be infeasible from an economic standpoint to require commercial fishers to solely pay for research that would benefit both recreational and commercial fishing interests (research would have to document what is needed for recreational fishing and then document additional fish abundances are available for commercial participants). It bears emphasis that the environmental document accompanying the proposed NFMP analyzes the environmental effects of the proposed project, along with 14 potentially feasible alternatives. The existing environmental analysis as a consequence, analyzes a reasonable range of potentially feasible alternatives to the proposed project.</p>



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C-11	<p>In the alternative, adopt the compromise position advocated by The Kelp Forest Coalition, Inc. for the past several years. This measure would require the commercial nearshore fishing interests to suspend operations (sunset provision) within two years from enactment unless the commercial businesses can prove by presentation of peer reviewed science that they have paid for, that a harvestable excess over the needs of the recreational users exist. In addition, under this compromise alternative, the commercial industry would be allocated, and must agree to pay, their fair share of the costs of marine enforcement and resource assessment done by the DFG for the benefit of the for-profit commercial enterprise.</p>	<p>The Department feels that this proposal would not meet the goals of the MLMA. California's fisheries are a public trust resource. They are to be protected, conserved, and managed for the public benefit which may include food production, commerce and trade, subsistence, cultural values, recreational opportunities, etc. In addition the MLMA provides guidance to maintain a sufficient resource to support a reasonable recreational fishery and encourage the growth of commercial fisheries. And the Department must observe the long-term interests of people dependent on fishing for food, livelihood, or recreation, and minimize the adverse impacts of fishery management on small-scale fisheries, coastal communities and local economies. The Commission has authority to regulate the fisheries as needed to protect the stocks. Funding and fee information is provided in FGC §711. In addition, please see response to Letter 1, Comment 9, above.</p>
<b>Letter-19 Andre Bourbeau</b>		
C-1	<p>Limit large sheephead traps to 10 per boat; limit small cabezon traps to 25 per boat.</p>	<p>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, 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>
C-2	<p>Limit the number of hooks to 100, everywhere in California.</p>	<p>Please see response to Comment 1 above.</p>
C-3	<p>Limit setliners to no more than 100 pieces of snap-on hook gear in possession per boat, every where.</p>	<p>Please see response to Comment 1 above.</p>
C-4	<p>It would help the sheephead fishery to limit trips to 1000 lbs.</p>	<p>Please see response to Comment 1 above.</p>
C-5	<p>I propose that when 2/3 of the sheephead quota is used, then the fishery would switch to fishing poles with 2 hooks, 3 fisherman max fishing 1 pole each.</p>	<p>Please see response to Comment 1 above.</p>
C-6	<p>Grassbass should be closed when cabezon is closed to eliminate cabezon (40%) by catch and end stick fishing in the south.</p>	<p>Please see response to Comment 1 above.</p>
C-7	<p>Throwing small timers or inactive fishermen out of the nearshore fishery is mostly symbolic and ineffectual. It is the big boats that catch most of the fish.</p>	<p>The Department agrees that removing marginal participants will not assist in reducing fishing capacity. The proposed nearshore fishery restricted access program presents a range of options, some of which significantly reduce the fishing capacity of the</p>

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		fleet, balancing it with the available resource. The restricted access program is undergoing a separate but parallel rulemaking.
<b>Letter-20 Andre Bourbeau</b>		
C-1	Why is the Kelp missing on the front side of all the Northern Channel Islands? It is hard to imagine healthy fish stocks or a profitable sea urchin business without healthy kelp at the islands.	Aerial kelp abundance surveys have been conducted by the Department during 1967, 1989 and 1999. These surveys indicated that the kelp beds on the front side (north facing side) of the northern Channel Islands were larger during 1989 than during 1967 and 1999. This is not surprising since oceanographic conditions in 1989 promoted exceptional kelp growth throughout California. Nevertheless, historical records show that kelp beds have consistently been larger on the backside of the northern Channel Islands than the front side. Kelco (now ISP Alginates) has long since targeted the backside of San Miguel and Santa Rosa Island because of the increased kelp biomass found in those areas. This greater abundance of kelp along the backside is probably due to the circulatory pattern of surface water in the Santa Barbara Channel which carries cooler, nutrient rich, water to the kelp beds along the backside of San Miguel, Santa Rosa, and San Miguel Islands thereby increasing the productivity of those beds. Maintaining a profitable urchin fishery along many areas along the front side of the northern Channel Islands where kelp is absent (particularly Santa Cruz Island) may indeed be impossible. However, some research has suggested that the presence or absence of kelp canopies has little effect on fish abundance for many species found in a high relief environment. Kelp canopies are important as nursery areas for many fish species. Fortunately, many areas along the southern, western, and eastern shores of the Northern Channel Islands support persistent kelp canopies. Once recruited, many fish species may be able to move away from kelp beds and utilize high relief rocky reef habitat devoid of kelp.
<b>Letter-21 Alan Felix</b>		
C-1	Regarding by catch on lobster and sheephead (Table A?): sheephead is not a by catch of the lobster fishery.	Please see Section V.
C-2	Recommend the Department of Fish and Game re-analyze receipt information to determine how the error or misconception of sheephead by catch in lobster fishery (occurred).	Please see Section V.
<b>Letter-22 Jon Krainock</b>		
C-1	Support creation of multiple small to medium	The creation of a network of MPAs (of

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	sized MPAs	different sizes) fits within the framework of the recommended fishery control rules. The NFMP relies on the process underway under the authority of the MLPA to establish the recommendation for MPAs.
C-2	Support restriction of gillnets and longlines to outside 90 fathoms.	<p>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. The effects to protected species are discussed in Sections 3.8, 3.9, and 4.1. While this may be proposed as an additional alternative, this would not achieve the project goals of providing for a commercial fishery. Please refer to Section II, Chapter 2.16, page 27 which discussed the alternative of banning all commercial fishing within State waters. The different approaches to managing the fishery, suggested in the comments (critical threshold, weak stock basis, precautionary approach), are discussed in Section I, Chapters 3 and 4. Moreover, the proposed NFMP provides an analysis against the backdrop of the goal stated in the MLMA to establish and maintain sustainable fisheries while minimizing associated environmental effects. However, these concerns are included in the administrative record of proceedings provided to the Commission for its information.</p>
C-3	All by catch should be charged to total overall limits mandated on commercial fishing.	The Department understands that the calculation of by-catch and wastage from both fishing sectors is a complex problem that involves management and enforcement, as well as compliance from sport and commercial fishermen.
C-4	Commercial fishing should not be allowed at any time inside the 60 fathom zone.	Please see response to Comment 2 above.
C-5	Adequate law enforcement (should be) provided as well as severe penalties to prevent trespassing on the protected MPAs.	Please see responses to Letter 3, Comments 3 and 5 above. In addition, please see FGC §12021, 13006, and 2586.
C-6	Urge a halt to commercial fishing for salmon within all coastal eco-regions.	Salmon fishing (sport and commercial) is regulated jointly between the Commission and the PFMC. The Commission can take action in State waters, when necessary, to manage salmon fisheries as needed to protect stocks.

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C-7	Trawl nets should not be allowed in any areas within the 60 fathom zone.	Please see response to Comment 2 above.
C-8	The commercial live fishing industry restricted to outside the 90 fathom zone.	Please see response to Comment 2 above.
C-9	Support reduction of a capital fishing fleet and urge Commission to support reduction of all government subsidies to commercial fishing fleets.	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-10	Urge the Commission implement a plan (that says): Fisheries shall only be allowed when there is a sufficient number of spawning fish to assure a healthy population (critical threshold).	Please see response to Comment 2 above.
C-11	Urge the Commission implement a plan (that says): A precautionary approach shall be used to assure that strategies prevent overfishing below a critical threshold.	Please see response to Comment 2 above.
C-12	Urge the Commission implement a plan (that says): Mixed fisheries shall be managed on a weak stock basis.	Please see response to Comment 2 above.
<b>Letter-23 Gerald Steven Tlapa</b>		
C-1	Strongly opposed to commercial fishing and sportfishing boat operations exploiting the marine environment.	There are rules, regulations, laws, and acts that protect threatened and endangered species that apply to both commercial and sport fishing boat operators. In addition, various laws and regulations (Please see Section II, Chapter 1.3.6) are in place to limit activities that have the potential to "exploit" the marine environment.
<b>Letter-24 David Couch</b>		
C-1	Proposal for a pilot co-management program for Orange and San Diego Counties.	Thank you. The proposal submitted fits, generally, within the Recommended Approach for Regional Management (Section I, Chapter 3, pages 113-115). The document is included in the administrative record of proceedings and will be provided to the Commission for its consideration.
<b>Letter-25 Matthew Pickett</b>		
C-1	Include other nearshore species in the NFMP or coordination with the development of other FMPs and MPA processes.	The commenter suggests that the proposed NFMP should include other nearshore species. The commenter also stresses the importance of coordinated management of

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		<p>such other nearshore species in subsequent FMPs. As the Department moves toward ecosystem management implementation, a key component to the success of that effort is a coordinated regulatory and management effort. The Department agrees that such an effort will enhance the success of sustainable marine ecosystems. The MLMA requires that we transition into an ecosystem approach without losing sight of nearshore species that are of particular risk from overfishing and habitat destruction. Currently we have poor data regarding the reproductive strength and mortality of most nearshore fish species. The transition from species-specific management to ecosystem management will require time, commitment, and resources from the Department, the Resources Agency and the partners in marine management. A Master Plan for the development of all fishery management plans includes a prioritizing list for other plans, and guidance for development of coordination of those plans.</p>
C-2	<p>Recommend the Channel Islands National Marine Sanctuary be considered as a sub-region within the proposed Southern Region.</p>	<p>As the Department moves toward ecosystem management implementation, a key component to the success of that effort is a coordinated regulatory and management effort. The Department agrees that such an effort will enhance the success of sustainable marine ecosystems. Along these same lines, the data collected by the Channel Islands National Marine Sanctuary will provide important information to assist in and ensure a coordinated, sustainable ecosystem management. The proposed NFMP, in turn, is intended to function as one part of the coordinated approach to marine resource management.</p>
C-3	<p>Recommend an ecosystem approach be applied in all stages of the fishery control rule.</p>	<p>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.</p>
C-4	<p>The Sanctuary region may serve as a prime location for testing an ecosystem management approach.</p>	<p>The 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</p>
C-5	<p>Elaborate on the extensive process and comprehensive approach to developing</p>	<p>The information on the development of MPAs within the Channel Islands National Marine</p>

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	MPAs in the Sanctuary .	Sanctuary is available to the public through a NOAA website: <a href="http://www.cinms.nos.noaa.gov">www.cinms.nos.noaa.gov</a>
C-6	Tailor restricted access policy to specific areas within the Southern Region such as Sanctuary waters.	The Department's proposed nearshore restricted access program presents a range of options, some of which significantly reduce the fishing capacity of the fleet, balancing it with the available resource. This program will be managed on a regional basis, with qualifying permittees receiving a permit to fish in one region. Developing a restricted access program on a smaller scale, such as the Channel Island National Marine Sanctuary, would be costly to administer. To ensure that effort is not focused in a specific area, other more cost-effective management measures (time and area closures, gear restrictions) may be used.
C-7	Allocation should be based on the relative level of impact and dependence on the resource.	The recommended approach for allocation includes a list of factors that can be used as considerations in determining allocation at regional levels. The factors were developed in "The Master Plan: A guide for the Development of Fishery Management Plans" adopted by the Commission in December 2001. These factors include historical participation, economics of the fishery, local community impacts, product quality and flow to the consumer, gear conflicts, non-consumptive values, fishing efficiency, and recreational versus commercial sectors of the fishery.
C-8	It is important to improve fishery dependent data. An obvious information gap is in the private boat recreational catch. We recommend expanding on MRFSS to include development of a program that will address this critical information gap (fishery dependent data).	Section I, Chapter 4, Research Protocols, identifies the data gaps related to recreational sampling and outlines a strategy (Appendix K) and timeline to address these issues. Details on recreational sampling improvements will be worked out during the implementation of the FMP. In addition, currently there is a pilot program to increase the number of samples taken by MRFSS in southern California to address some of the information gaps mentioned by the writer.
<b>Letter-26 Wisal Ammen</b>		
C-1	Why are you allowing a small commercial fishery to decimate the resource along with recreational opportunities? Do you care if there is a total resource collapse on YOUR watch? Please support the Washington proposal in the nearshore plan.	Please see response to Letter 6, Comment 1 above.
<b>L-27 Darrel J. Ticehurst</b>		
C-1	I am writing to ask for your support for the "Washington Proposal" in the draft Nearshore Fishery Management Plan. Recreational fishing has been shown to have little harm to the environment and to have small impact on fish stocks and cannot be compared nor held	Please see response to Letter 6, Comment 1 above. In addition, please see FGC §7056 regarding the sustainability objective of the management system.

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	responsible for the depredations of the commercial fishing industry .	
<b>L-28</b> <b>Craig Hanson</b>		
C-1	Please support the "Washington proposal" alternative to the upcoming nearshore draft due out on April 15.	Please see response to Letter 6, Comment 1 above.