

Nearshore Fishery Management Plan (Draft May 9, 2002)

The following written comments were received as material handed in at public meetings:

Writer	Comment	Response
Public Meeting Hand-in Writer-1 Tom Krebs Speaker 31 Oakland		
C-1	The DFG seems to trivialize the social/cultural aspects of fishing—simply looking at it as a pie with monetary value only. I hope in the future the DFG will take into consideration the enormous social value of fishing as a cultural enterprise.	One of the objectives in the plan is promoting the involvement of culturally diverse segments of the population. In addition, the NFMP must "... observe the long-term interests of people dependent on fishing for food, livelihood, or recreation, and minimize the adverse impacts of fishery management ..." to all sectors. The Plan is mandated under the MLMA to consider the cultural value of fishing and has attempted to do so by attempting to preserve and provide for the benefits to local communities from many sources. The NFMP does not place greater or lesser importance on any of the uses of the nearshore resources.
C-2	I have supported the UASC's moderate gear restriction proposal, as well other measures in the past that the DFG conveniently kept out of the Commission's reach.	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 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.
C-3	I recently brought up the department's report of the May 9th meeting in Fresno on the internet to see who commented on what issues. The report was virtually useless. I sincerely prevail upon the Commission to instruct the DFG to amend this practice.	The Commission provides the notes that are provided on the Commission's web site. The May 9, 2002 meeting the speaker refers to was the meeting at which the Department presented the revised NFMP and requested approval to publish notice of intent to adopt the proposed implementing regulations. While the Commission allowed public comment on the NFMP and regulations, this was not a scheduled discussion meeting for the NFMP or regulations.
C-4	The only saving grace to the public input in my estimation has been the invention by the Commission directing the department to add section 2.3:2 to the plan. I thank the	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

Writer	Comment	Response
	Commission for its foresight and unbiased judgment.	<p>Species are Managed Under FCR Stage I and II Conditions) would eliminate the commercial take of the nearshore species to be managed by this plan. While it is not the recommended alternative to the fishery control rules this alternative is presented to the Commission for their consideration; the Commission can adopt any alternative In regard to this alternative. It is important to understand that the circumstances under which these management measures were implemented in Washington were considerably different than the situation that exists in California. In Washington, there was no existing live-fish fishery at the time their regulations were adopted. Washington passed a series of specific conservation-driven regulations over several years that ultimately prevented development of a live-fish fishery in their nearshore environment. As a result, the need to deal with issues surrounding allocation of these resources between commercial and recreation sectors did not materialize there. In California, the commercial sector of the nearshore fishery has been active for several years. In addition, both the MLMA and PFMC decisions affect allocation issues concerning the nearshore fishery. The MLMA provides that fishery management plans shall allocate increases or restrictions in fishery harvest fairly among recreational and commercial sectors participating in the fishery. Furthermore, the NFMP states that generally it is the policy of the State to assure sustainable commercial and recreational nearshore fisheries, to protect recreational opportunities, and to assure long-term employment in commercial and recreational fisheries [FGC §7055 and §7056].</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>

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Public Meeting Hand-in Writer-2 Rodney M. Fujita Speaker 2 Oakland		
C-1	<p>We also believe that the Department should reconsider the species included in the Plan with consideration given to including highly significant species such as kelp bass, lingcod, surf perch, croakers, and California halibut.</p>	<p>There are currently 19 species of nearshore fish stocks defined under CCR, Title 14 §1.90. These fish are harvested by recreational and commercial fisheries and are designated as nearshore species originally provided in the Nearshore Fisheries Management Act on the basis of finfish being found primarily in rocky reef or kelp habitat in nearshore waters. Kelp bass have been reserved by law for use by recreational fishermen since 1953 and have been managed on a sustainable basis for several decades. Lingcod are managed as a shelf species under PFMC rules. Surf perch and California halibut occupy primarily sand substrate habitat.</p>
C-2	<p>We support the recommended approach to MPAs, but believe that the biomass protected within MPAs should be regarded as insurance and therefore should not be included in overall biomass estimates used to calculate allowable catch.</p>	<p>Under the anticipated characteristics of an MPA network for the nearshore habitat, the proposed harvest formulas will not result in overfishing in the areas that remain open to fishing, while still realizing the potential benefits from the MPAs. A TAC is normally based on the stock available to the fishery with adjustments for factors such as bycatch.</p>
C-3	<p>We support the IFS option for restricted access for this fishery, and suggest that restricted access be integrated with MPA implementation to prevent possible localized depletion, crowding on the fishing grounds, or other adverse impacts.</p>	<p>Although an Individual Fishing Shares Program (IFS) will not be implemented right away, the Department does believe that IFS can be a valuable tool to limit commercial effort in the nearshore fishery. The framework approach of this plan recognizes the need to integrate all the elements: fishery control, MPAs, restricted access, regional management, and allocation to manage the nearshore species. Restricted access is undergoing a separate but parallel rulemaking process. Coordination of establishing MPAs and restricted access may not be implemented at the same time, but will be closely coordinated.</p>
C-4	<p>We believe that allocation should be based on a consideration of environmental performance as well as on catch history, especially if Individual Fishing Shares are adopted.</p>	<p>Protection of habitat and reduction of bycatch are tenets of MLMA. The recommended allocation approach uses historical levels of take to determine portions for different sectors of the fisheries. Restriction of gear to protect habitat and reduce bycatch is a tool available to managers and the Commission. (Section I, Addendum 5, Page 212).</p>
C-5	<p>There is no reason to believe that the Pacific Fishery Management Council's MSY proxies necessarily apply to the nearshore species.</p>	<p>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</p>

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		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-6	Because the species managed under the FMP are likely to vary greatly in productivity, individual allowable catch levels should be calculated for each FMP species (and for significant by catch species as well) to prevent serial depletion, and to facilitate by catch reduction.	This is an option under the NFMP. However, managers may also choose to set aggregate TACs because some species tend to be caught together and can not be individually targeted. The increased risk of over-harvest for weaker species within aggregate TACs must be balanced against the increased potential for discards under individual TACs, and the desire to streamline and simplify regulations to the extent possible. The NFMP also provides the option of reducing aggregate TACs in order to protect the weaker species that are part of an aggregate.
C-7	If IFS program is implemented, and catch rates are monitored in-season, shareholders could trade shares for species until the first allowable catch level is achieved. This would recreate an incentive to avoid high by-catch areas while maximizing the length of the season.	Although an IFS program will not be implemented immediately, the Department does believe that IFS can be a valuable tool to limit commercial effort in the nearshore fishery. Should the Department develop an IFS program, shares would be issued for individual species where individual OYs exist. It would be possible to have trading of shares.
C-8	The Department should place emphasis on collecting data on total fishing mortality due to sport fishing, including discard mortality, to complement data sets on commercial fishing. Fishery independent studies should also receive priority, as they provide much more accurate assessments of population status than do catch statistics.	Section I, Chapter 4 presents the research approach to support the NFMP. Acquiring total mortality and other information from recreational and commercial fishery operations as well as pursuing fishery independent surveys are part of the research plan. The degree to which intensified fishery independent studies are conducted will depend on resources available for these activities.
C-9	While it makes sense to divide the coast into three or four regions for management purposes, attention should be paid somehow to smaller biogeographic areas, so as to create a framework to facilitate the early identification of localized depletion or other localized problems and address them on an appropriate spatial scale. These areas should be defined by oceanographic processes and biological community structure, because the basic purpose is to avoid masking ecological problems.	Within the proposed framework of the FMP, monitoring and management (through specific management measures) within a region can occur on a smaller geographic basis depending on the availability of staff, time, and money. See CCR, Title 14 §52.04 and 52.05. The distributions of some species may shift with changes in oceanic conditions. Such variability in the fishery can be handled under the framework of the NFMP. Specific management measures for each region are not hardwired into the NFMP, but can instead be modified to respond to changes in oceanic conditions and subsequent changes in the fishery.
C-10	The recommended approach to MPAs is basically sound, and based on good criteria. The FMP mentions the potential use of MPAs within a statistical design, which I take to mean an experimental design, to test the	The NFMP's recommendation of an MPA network is based on several tenets guiding the management of the nearshore fishery (Addendum 4). The integration of MPAs in the Research Protocols chapter is consistent

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	impacts of fishing and to answer other questions. This is a valuable recommendation, which should be fleshed out with specific research questions and an appropriate experimental design to answer them.	with the NFMP's framework structure. The implementation of the recommended MPA network (and its specific use in research) will be guided by the need to be regionally-specific and flexible with respect to designation and implementation. Likewise, any resultant research plan and study design in which MPAs play a major role would need to be regionally-specific. Appendix K takes the first step by identifying potential areas for a long-term inside/outside reserve study design to examine the effects of a management program and to answer other questions. An ongoing cooperative research effort will involve other management agencies, academic institutions, fishery participants, industry, and interested constituencies. The preliminary design makes use of existing MPAs and areas open to fishing for scuba-based observations to contribute to the stock assessment.
C-11	Marine reserves should be regarded as insurance for the nearshore fishery, and, thus, the biomass contained within them should not be included in abundance estimates used to calculate total allowable catch. Any spillover or export of recruits from marine reserves, of course, should be counted toward exploitable biomass and overall recruitment to the fishery.	Please see response to Comment 2 above.
C-12	Restricted access should be implemented as soon as possible, to facilitate all of the other management measures.	The Department has proposed a nearshore restricted access program for the nearshore fishery. This program will be going through a separate but parallel rulemaking and should be adopted prior to the next fishing season (April 1, 2003). This program proposes some significant limitations on the number of participants, as well as limiting the types and amount of gear allowed. The nearshore fishery restricted access program also proposes a gear endorsement program to allow some permittees to use other gear types that they have traditionally used.
C-13	The Department should integrate effort reduction with the establishment of marine reserves, so as to minimize social and economic disruption.	It's not necessary to have effort reductions implemented at the same time as MPAs. It is important to reduce effort before the MPAs are created. That was the shift in effort from closed to open areas is of smaller magnitude. The Department's proposed commercial nearshore fishery restricted access program has tried to reduce effort in a manner that minimizes the economic impact to local communities. This program is undergoing a separate but parallel rulemaking.
C-14	Environmental Defense favors the use of Individual Fishing Shares to match fishing capacity with fish productivity more closely, and to maximize conservation and economic benefits.	Please see responses to Comments 3, 7, and 12 above.

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C-15	Because IFS programs generally result in greater profits for fishermen, and because they are grants of privileges to use a public trust resource, the Department is fully justified in collecting fees sufficient to administer the IFS program and conduct stock assessments. Because unconstrained market forces do not necessarily protect human values, the IFS program should include strong measures to prevent excessive consolidation of shares, absentee ownership, windfall profits, and other undesirable social and economic impacts.	The Department agrees that collection of appropriate fees is important to fund research, administration and enforcement. The nearshore fishery restricted access program is undergoing a separate but parallel rulemaking. There is a proviso within that program that partially addresses this issue.
C-16	Initial allocation of IFS should be based on consideration of environmental performance with respect to bycatch rates and habitat damage, as well as catch history. The Department should consider caps on share accumulation, a requirement for shareholders to be on board, and structured auctions to prevent windfall profits resulting from the granting of exclusive harvest privileges, while at the same time ensuring that legitimate participants in the fishery are not priced out of the market for IFS. Processors should be compensated for plants or capacity that is stranded as a result of IFS implementation, but should not be eligible for special processing shares. Mechanisms to ensure fair prices, such as price formulas and market surveys, should be adopted. IFS programs should be reviewed periodically, and adjusted or eliminated if they fail to achieve program objectives.	The restricted access program is undergoing a separate but parallel rulemaking. While IFS is not the recommended approach at this time, it is an option for the Commission to consider. If an IFS approach is eventually adopted, public input will
Public Meeting Hand-in Writer-3 Ross S. Smith Speaker 8 Oakland		
C-1	The whole issue about Fish & Game closing the coast to sports-fishermen for four months out of the year is just a smoke screen to show the Federal Government that they are doing something to protect the ocean rockfish. This closure is a totally bogus move and does absolutely nothing to protect the rockfish.	Restriction on recreational and commercial fisheries is meant to protect the stocks of fish from threat of overfishing. Regulations restricting take are meant to lessen the overall fishing pressure. For example, time and area closures can be used to directly reduce take by restricting amount of time fishing can occur and can also protect species during critical life stages such as breeding seasons. Information on general management measures, and the reasons why they are used, is available in Section I, Addendum 5, pages 208-213.
C-2	The DFG cannot give you any data on what the sports fishermen take out of the ocean in a year's time. A fisherman is allowed one pole and two hooks and is allowed small limits, which most don't catch every time he goes.	The best available data indicate that the nearshore species of concern are being landed by both commercial and recreational fishermen, but that the proportion of fish taken by each sector differs between species.

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		For some of the nearshore rockfish species, recreational fishermen land more of the fish than commercial fishermen. Additional sampling, monitoring, and management considerations are planned to increase the quality of the landings information. See Title CCR, 14 §52.05(c).
C-3	How is giving the sports fishermen the near shore fishing out to 120' all year long going to hurt the fishery? There is only one answer: Not a damn bit! Simple logic is all they need to use.	Please see response to Comment 1 above.
C-4	Open all ocean waters from 0-to-120' for recreational fishing on a yearly basis.	Please see response to Comment 1 above.
C-5	Stop all commercial fishing from 0-to-120'.	Appears to be a comment supporting Alternative 2. Please see response to Writer 1, comment 4 above.
C-6	Do more research by qualified scientists before writing more insane laws.	The MLMA calls for management to be based on the best scientific data as well as other relevant information. The CALCOM and MRFSS data presented in the NFMP are considered to be the best available commercial and recreational data. The pressure on the nearshore finfish resources has increased over the last two decades. Given that most of the 19 species are long-lived species with low productivity, it is imperative to implement management based on the best information available.
C-7	<ol style="list-style-type: none"> 1. Where is the research that proves sports fishermen can hurt the resources in any manner whatsoever? 2. What is the yearly catch by sportsmen? 3. What is the yearly catch by commercial fishing, using all methods? 4. How many commercial boats are fishing the central coast where Fish & Game has placed the most restrictions? 5. How many of these boats just move to the north coast or southern coast while central coast is closed to them, doubling the pressure in these areas? 6. How many party boats per week go out to the Continental Shelf v.s. how many commercial boats? 	<p>For question 1; please see response to Comment 2 above. For questions 2-4; please see Section I and Appendix E.</p> <p>Question 5: commercial and recreational fishing vessels travel from areas for reasons other than closures. Many vessels move for the opportunity to fish for other species, such as white seabass or salmon, when those seasons open. Analysis to determine movement of vessels to fish for nearshore species will be made to determine TAC by region.</p> <p>Question 6: It is very difficult to determine the answer to this question at this time. Private recreational vessels are not required to provide fishing location information. If a private vessel owner is contacted by a sampler from MRFSS, the response possibilities are limited to whether they were fishing inside or outside State waters for ocean fishing. CPFVs are required to complete and return a log for each trip, but the current logs request information based on Department blocks which are 10 miles by 10 miles. Commercial vessels fishing on the Continental Shelf tend to be larger vessels such as trawl vessels which fish primarily for species not included in the NFMP.</p>
C-8	Why were the sportsmen in the northern area given all year fishing with no depth restrictions	These comments do not appear to address the NFMP or implementing regulations, rather

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	while the central areas were given only eight months out of the year with depth restrictions?	these comments refer to regulations adopted last year to conform to PFMC management on bocaccio and other shelf species. Greater conservation measures necessary south of a point near Cape Mendocino.
C-9	How was the data (if any) acquired?	A description of the commercial and recreational data is provided in Section I, Chapter 2, pages 54-73.
Public Meeting Hand-in Writer-4 Ross S. Smith Speaker 8 Oakland		
C-1	These people cannot show research that we are even touching the resource because it doesn't exist. They are making laws without even a clue as to what impact, if any (& I can prove there is none), that sports- fishermen are making on the resource.	Please see response to Writer 3, Comment 2 above.
C-2	A Reserve sounds good but what use is it if as soon as the fish leaves the Reserve they are dredged, dragged, and netted by the commercials that you are hell bent to protect. The laws, as written, do not restrict the commercial boats from moving north or south when the season is closed in the central region, so where is the protection of the resource doing any good, except to punish the sportsmen.	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.
C-3	Give the sportsmen the near shore 0-120' all year. No commercial fishing 0-120' all year.	Please see response to Writer 3, Comment 1 above.
C-4	Stop trawling, trapping, & netting to the Continental Shelf.	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

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		<p>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. In addition, Alternative 3 (Gear Restriction for Commercial Fleet) would eliminate fin fish trap gear in the nearshore. Any of the alternatives in the NFMP can be adopted in addition to or replacement for the recommended management measures.</p>
C-5	<p>Give us a break and go back to 15-fish limits per person as that still wouldn't harm the resource,</p>	<p>The regulations under consideration do not address bag limits. In Section I, Addendum 5, Pages 208-213 are management measures that can be implemented to manage the resources at a sustainable level. Current bag limits are consistent with those set by PFMC.</p>
C-6	<p>Sport fishing supports all sorts of businesses on the coast motels, campgrounds, bait shops, boat rentals, restaurants, gas stations, grocery stores and when the season is closed, the coast is dead, and you people are responsible.</p>	<p>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. The environmental document analyzes and discloses the extent to which adoption and implementation of the proposed NFMP may result in potentially significant impacts on the environment under CEQA. Significant effects on the environment under CEQA are limited to substantial adverse changes to the existing physical conditions within the area affected by the proposed project. Project-related economic and social changes by themselves are not considered environmental impacts under CEQA. A project-related economic or social change related to an adverse physical change in the environment may be considered under CEQA in determining whether the project-related adverse physical change in the environment is significant. The environmental document accompanying the proposed NFMP analyzes and discusses project-related economic and</p>

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		social changes to the extent required by CEQA. Alternatives are designed to reduce the significant environmental impacts while still achieving the goals of the project.
Public Meeting Hand-in Writer-5 Dick Perrone Speaker 13 Oakland		
C-1	Seems the major problem of nearshore commercial fishing is catching live fish for a very limited consumer. Yet it continues without abatement. Seems a solution would be to take the profit out of it. Make a law that all commercial fishermen bring in their fish dead. I think that would slow down the loss of the inshore fishery.	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. The writer's suggestion, that only dead fish should be allowed to be landed, could actually increase the need for a commercial fisherman to take more fish. Live fish bring a higher ex-vessel price thus a fisherman can land fewer fish than he would need to if the fish were dead in order to achieve the same income.
Public Meeting Hand-in Writer-6 Roger Beach Oakland		
C-1	I am asking you to please support the Alternative 2.3 #2 in the management plan at Fish and Game.	Please see response to Writer 1, Comment 4 above.
C-2	You should impose limits on the commercial take of fish equal to what is imposed on the recreational fisherman instead your logic dictates giving the difference of what recreational fisherman did not catch right back to commercial fishing's overall tonnage	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.
C-3	Why not instead try promoting recreational fishing because despite all that has been done to curtail recreational fishing this has still	The Department does promote recreational fishing through the Fishing in the City program, Los Tiburones fishing clubs, and

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	grown to a 2.4 billion-dollar industry. Just think of how much revenue could be generated if these interests were promoted instead of what has been one of the worst examples of how to manage a resource.	similar activities. Allocation based on economic benefit to the state is one option being considered, and any of the alternatives can be adopted. See Alternative 7 (Allocation Based on an Economic Basis of Benefit to the State). However, although it is one of the options MLMA also requires analysis and consideration of impacts on all sectors. In addition, the degree to which promoting recreational fishing would accomplish offsetting revenues from commercial fishing is uncertain.
Public Meeting Hand-in Writer-7 Larry Ankuda Michael Gower Paul Castillou Speakers 20, 21, and 22 Oakland		
C-1	(Written material for a skit at Oakland meeting). Sounds like it is time for 2.3 Alternative 2? (Question directed to audience).	Please see response to Writer 1, Comment 4 above.
Public Meeting Hand-in Writer-8 Mario Korf Oakland		
C-1	Regulate the nearshore fishery in exactly the same way as you do the northern abalone fishery. These nearshore fish occupy the same niche as the abalone; they live in the nearshore waters, are slow to reproduce, and residential.	The opportunity to regulate the nearshore fishery in exactly the same way as the northern abalone fishery is an option the Commission could recommend to be considered. However, the status of the nearshore fishery resources is not considered to be at the level of concern that abalone stocks are. The statement that the Commission should regulate the nearshore fishery in exactly the same way as the northern abalone fishery is included in the administrative record of proceedings and will be provided to the Commission for its consideration.
C-2	I would like to add that if you will not consider my proposal, I urge you to consider 2.3 Alternative 2, which appears to me to be the closest viable solution to saving this resource.	Please see response to Writer 1, Comment 4 above.
C-3	Require a nearshore stamp on your fishing license.	If the writer is referring to Alternative 12 (Restricted Access Using a Nearshore Recreational Permit): Any of the alternatives in the NFMP can be adopted in addition to or replacement for the Recommended Management Measures. The nearshore recreational stamp was originally proposed as

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		<p>a way to limit recreational effort in the nearshore fishery. After meeting with the Nearshore Advisory Committee and listening to public comment, it was agreed that this would not work as way to limit access. A recreational stamp could however be used as a research tool to assist in gathering better information on recreational fishing activities in the nearshore waters. Therefore, the stamp should have been moved into the section of the FMP dealing with future research needs. The Department has plans to develop an electronic database of recreational fishermen similar to what is currently in place for the commercial sector. This database could be used to improve the MRFSS phone survey because the survey could target known fishermen. Implementation of a recreational stamp or electronic database would be one way to get a better idea of how many people fish recreationally in nearshore waters and also estimate the amount of effort.</p>
C-4	Enforce size limits, daily bag limits, and seasonal limits.	The Department places a priority on enforcing regulations necessary to conserve resource. The public can assist by reporting suspected violations to 1-800-DFG-CALTIP.
C-5	Ban the use of SCUBA for spearfishing.	Please see response to Writer 5, Comment 1 above.
Public Meeting Hand-in Writer-9 Dave Kenyon Oakland		
C-1	Believe more restrictions are necessary on the commercial fishery, especially live fish traps.	<p>If the writer is referring to Alternative 3 (Gear Restriction for the Commercial Fleet): 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 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.</p>
C-2	Rockfish stamp proceeds should be used to buy fishing boats from commercial fishers to eliminate their quotas.	Alternative 12 (Restricted Access Using a Nearshore Recreational Permit) is presented as a method to allow the Department to collect information from recreational fishermen using a database created from information on the application. At this point the use of these fees to buy out commercial fishermen is not the intended use of the fees.
C-3	No new commercial licenses to be issued.	It is unclear if this is in regard to nearshore commercial fishery or to all commercial

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		fisheries. This proposal is generally beyond the scope of this document except that the recommended approach to restricted access will limit the number of participants in the nearshore fishery and will exclude new participants.
Public Meeting Hand-in Writer-10 Bob Strickland Speaker 10 Oakland		
C-1	Prints of articles from Field and Stream supporting spoken comments.	No response necessary. Material was provided by speaker in support of his comments.
Public Meeting Hand-in Writer-11 Tom Mattusch Speaker 5 Oakland		
C-1	2.2 Alternative 1 - Reject. The fishery needs further help.	Alternative 1 (No Project) The Department agrees that continuing with current regulations will not achieve the goals and objectives of the MLMA. 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.
C-2	2.3 Alternative 2 - Strongly support the Washington Plan. Most important.	Please see response to Writer 1, Comment 4 above.
C-3	2.4 Alternative 3 - A fallback to Alternative 2 only if it is not fully implemented.	Please see response to Writer 9, Comment 3 above.
C-4	2.5 Alternative 4 - Reject. More zones are needed for localized control.	Management throughout California by more than four regions would be unrealistic given the available staff, time, and money. Within the framework of the NFMP, smaller area management within a region can occur depending on the need. This would be determined through research, monitoring, and local knowledge and the availability of Department staff, time, and funds.
C-5	2.6 Alternative 5 - Support - Four zones are better than three proposed in preferred plan. Extremes in the north or south may be more fine tuned and addressed with more zones.	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-6	2.7 Alternative 6 - Support - 70% Recreational / 30% Commercial allocation.	Alternative 6 (Allocation Percentages Based on Stock Biomass) was developed with other approaches with input from the Nearshore

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		Advisory Committee. The approach relies on information that is not currently available to feasibly make allocation determinations and was not the approach selected by a consensus decision of the committee. Due to lack of information at this time to implement this approach, it is not the preferred alternative. However, any alternative can be adopted as a substitute for or in addition to any other alternative.
C-7	2.8 Alternative 7 - Support - Allocation based on Economic Basis.	Alternative 6 (Allocation Based on an Economic Basis of Benefit to the State) is not feasible at this time because it is dependent on the development, acquisition, and analyses of information not currently available. The Commission can adopt any alternative as a substitute for or in addition to any other alternative.
C-8	2.9 Alternative 8 - Support - Commercial Restricted Access Programs .	Alternative 8 (Commercial Restricted Access Program) is not the recommended alternative as a stand-alone method to manage the nearshore fisheries. The suite of management measures in Section I are felt to be the most appropriate approach to manage this fishery. In addition, restricted access is undergoing a separate but parallel rulemaking for restricted access.
C-9	2.10 Alternative 9 - Support - Restricted Access Regionally .	Alternative 9 (Restricted Access Program Based on Regional Management). Please see response to Comment 9 above.
C-10	2.11 Alternative 10 - Support with proviso only if specifying landings that qualify and qualify date .	Alternative 10 (Restricted Access Program Based on Tiered Management by Nearshore Fishery Participation Level). Please see response to Comment 9 above.
C-11	2.12 Alternative 11 - No opinion - Let individual charter boat owners decide	Noted.
C-12	2.13 Alternative 12 - At his point, not supportive without further details.	Noted.
C-13	2.14 Alternative 13 - Reject. No additional commercial pressure in nearshore until excess levels beyond what can satisfy a recreational fishery is documented.	Alternative 13 (Managing by catch in Other Commercial Fisheries) is not within the recommended management approach at this time. This alternative would not increase levels of take of nearshore species in other gears, but does quantify amounts allowed.
C-14	2.15 Alternative 14 - Support - Individual Fishing Shares.	Alternative 14 (Individual Fishing Shares Program). Although an Individual Fishing Shares Program (IFS) will not be implemented right away, the Department does believe that IFS can be a valuable tool to limit commercial effort in the nearshore fishery.

Writer	Comment	Response
Public Meeting Hand-in Writer-12 (Same as PH-4) Ross S. Smith Oakland		
	Comments are the same as Writer-4	Please see responses to comments for Writer-4.
Public Meeting Hand-in Writer-13 Darrell Ticehurst Speaker 23 Oakland		
C-1	The NFMP alternative, called the "Washington Plan Alternative", offers a clear cut solution to reducing that pressure before these fish stocks collapse. It reduces the pressure on these stocks to the point where fish stocks will be allowed to rebuild to historical levels, and still allows the sports fishermen access to waters traditionally within their reach.	Please see response to Writer 1, Comment 4 above.
Public Meeting Hand-in Writer-14 W. Lindstaedt Oakland		
C-1	Nothing was mentioned about the loss of fish (6" long) when they are pulled from the deep.	It is not clear what the author was considering as deep. The susceptibility to barotrauma is often depth-related. There is a reference to the "susceptibility of the nearshore species to barotrauma on capture" in Section 1, Chapter 2, Table 1.2-1 of the NFMP. Barotrauma refers to damage due to pressure changes from being brought to the surface from deep water. All of the species in the table are listed as "1" meaning there is no data. For the nearshore species, data from Lea et al, 1999 provides information on some of the nearshore species in the NFMP. Survival of released fish was high (>85%) for black, black and yellow, blue, copper, kelp, and olive rockfishes, as well as for cabezon and kelp greenling. China, gopher, and vermilion rockfishes had a moderate rate of survival (40-60%), and brown and quillback rockfishes were thought to have a high to moderate survival rate respectively, although sample sizes for these two were small. While all fish suffer a chance of mortality due to being caught, there is no statement in the plan that specifically identifies this concern.

Writer	Comment	Response
		Reference: <i>Lea, R.N., R.D. McAllister and D.A. VenTresca, 1999. Biological aspects of nearshore rockfishes of the genus Sebastes from central California, with notes on ecologically related sport fishes, Fish Bulletin 177. 109 pp.</i>
Public Meeting Hand-in Writer-15 Norman P. Ishimoto Oakland		
C-1	The "Washington Proposal": We understand this would prohibit the taking of nearshore species (19) in California waters (0-3 miles). This appears to be a violation of the Commission's procedures to develop the Nearshore Fisheries Management Plan (NFMP). We vigorously protest the inclusion or even the CONSIDERATION of this proposal into the revise draft of the NFMP. This was not approved by the Nearshore Advisory Committee, nor discussed at the Commission's public meetings, such as the recent one in Oakland our members attended. Its surfacing in this manner, time and place suggests that others have more access than others.	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) 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. Members of the recreational fishing community submitted this option, which is an elaboration of the concept in Alternative 2, to the Commission at the time the Department reported on the status of the re-write of the NFMP. Subsequently, the Commission requested the Department to evaluate and add the proposal to the NFMP for public consideration. The Nearshore Advisory Committee never discussed this alternative. However, the introduction of the option at a public Commission meeting and its addition to the final NFMP draft prior to the extensive public comment period removes concerns of the Commission and the Department giving special priority to the desires of the sport fishing community. Both sport and commercial fishing sectors have had equal and ample opportunity to put forth management options during the 3 years of the development of this plan. While this may have resulted in some concern on the part of those closely involved with or following the activities of the Nearshore Advisory Committee process, the NAC is still advisory only. The Commission has the ability to consider other options.
C-2	We are deeply concerned that many of these measures are being taken when the Commission and other parties admit that there is insufficient scientific data to justify such actions.	Writer may be expressing a preference for Alternative 1 (No Project): while there are many regulations addressing marine fisheries, the NFMP brings 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.

Writer	Comment	Response
		Continuing to manage with current regulations may place the stocks in danger of sustainability. In addition, any of the alternatives in the NFMP can be adopted in addition to or replacement for the recommended management measures.
C-3	We are further concerned because there are no scientifically appropriate efforts being taken to develop the necessary data.	Section I, Chapter 4 of the NFMP provides the details of fishery dependent and fishery independent research that the Department desires to collect to manage the nearshore finfish species.
C-4	We are, moreover, concerned that the efforts to protect these nearshore species are being taken without any regard to the welfare of those commercial fishing men and women who have been and will be forced out of their chosen livelihoods. We believe these are responsibilities that the Commission must acknowledge.	The MLMA charges the Commission and the Department with providing for sustainability of the resources while preventing overfished stocks which would lead to a total collapse of the commercial nearshore fishery. The overriding constraint for recreational and commercial fisheries is the health, resilience, and sustainability of the stocks. The policy is to provide for an orderly commercial fishery and maintain long-term economic viability. The NFMP goals and objectives are to manage commercial fisheries to ensure the long-term economic, cultural, and social benefits of the fisheries while minimizing socioeconomic impacts.
Public Meeting Hand-in Writer-16 Joe Geever Speaker 6 Santa Barbara		
C-1	One concern we have expressed in the past, and I want to repeat, is that the Department has yet to draft a plan for cooperative research with interested fishermen. We've been assured that the Research Team is addressing that issue as we speak and we just want to emphasize that there is a wealth of knowledge to be tapped from members of the fishery - not to mention the goodwill that can come from this effort.	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-2	We're also very concerned that the notion of a recreational stamp has been mischaracterized as something other than a tool for gathering fishery dependent data. So, we recommend that the alternative of a recreational -nearshore stamp be adopted, but given a home in the research section. It really is an impossible task to manage this fishery, or- any fishery, without some reliable numbers on who's participating.	Please see response to Writer 8, Comment 3 above.
C-3	That's why our major concern with the preferred alternative is that the plan offers insufficient insurance against overfishing during the Phase one period. We felt more confident about the proxy MSY approach to setting allowable catches when the plan	This comment is consistent with the way that the 3-Stage harvest control program, essential fishery information, and the research protocols and intended to function together to provide the best possible information for basing management

Writer	Comment	Response
	included game minimum target for reserves. Now, with harsh restrictions looming on the shelf fisheries, and the potential for a dramatic shift in effort into the nearshore, the Department actually appears to be discounting the need for insurance.	decisions.
C-4	First, we are not actively supporting the so-called "Washington proposal" because it appears to simply be a very harsh allocation measure -- and we decided long ago not to engage in allocation discussions unless there was a clear conservation issue.	Please see response to Writer 15, Comment 1 above.
C-5	In a similar vein, we're not sure that there is any conservation benefit in the alternative to prohibit certain commercial gear. We have supported selective gear standards in fisheries where there are significant by-catch mortality problem or habitat destruction problems. But, that's not the case here.	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 may be an emergency option.
C-6	To the extent that there are conflicts between commercial and recreational and legitimate questions about serial depletion, I think the more direct solutions lie in some form of gear endorsements and limits in the restricted access plans. I also hope some of the conflict between the commercial sector and the recreational sector can be resolved if we see some measures adopted before the next permit season.	Please see response to Writer 2, Comment 12 above.
C-7	The success of the plan, in my opinion relies on a couple things. First, we need to ensure that we don't over fish these populations while we are phasing out of the risky "data poor"	Please see responses to Comments 1 and 3 above.

Writer	Comment	Response
	situation. Second, this plan relies very heavily on an ambitious research agenda -- as it should. It will take the support of everyone concerned to ensure that the research moves forward quickly and that the results are reliable. I can't emphasize enough how important it will be to include fishermen in planning and implementing the research to ensure reliability acceptability and suppose,	
Public Meeting Hand-in Writer-17 Lloyd Reeves Speaker 2 South Lake Tahoe		
One page might be missing C-1	Establish large permanent no fishing zones or at the very least no commercial zones. When I mean large I mean something along the lines of 20 miles of coastline shut then 20 open and so on up and down the whole coast.	Writer appears to support creation of MPAs which is within the Recommended Fishery Control Rule Approach for the NFMP. The NFMP relies on the process underway under the authority of the MLPA to recommend MPAs including size, types, and placement..
C-2	Establish "Fish Trust Allocations" This would be where established permit holders such as myself would voluntary hand over our allocation of nearshore species to the State in-the form of a trust document. The hope would be that by not fishing the stocks could rebound faster. When the State feels that the species has recovered the fisherman (or his descendants) would once again be permitted to fish.	Creation of any type of "trust" would be predicated on the development of an Individual Fishing Shares program. It is uncertain what the implications and obligations of a trust system would be in that there cannot be guarantees to any sector for future rights to harvest resources.
C-3	The State has the opportunity to make some creative changes in the nearshore fishery. However, if you want a limited entry program simply use the federal limited entry already in place!	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.
Public Meeting Hand-in		

Writer	Comment	Response
<p>Writer-18 Tom Raftican and Bob Osborn Speaker 1 Nearshore Advisory Committee Meeting</p>		
<p>C-1</p>	<p>The department has fashioned three stages of control rule evolution. Section 7087 of the Fish and Game Code states the plan must state which sort of plan changes would require a plan amendment and which can be accomplished within the framework of the plan. Changes to the control rule are listed as requiring a plan amendment. It seems rather cavalier to add several evolutions control rules when inadequate EFI exists to estimate what levels of fishing will be allowed. This approach smacks of attempts to avoid the requirements of the MLMA and CEQA to determine what the impacts will be on the fisheries by implementation of the future control rules.</p>	<p>The FMP amendment discussion in the proposed NFMP describes the process and circumstances under which an amendment to the NFMP could occur. The NFMP states for example, that an amendment would be required if a proposed change in a management action "is a major or controversial action outside the scope of the NFMP." The NFMP plan goes on to identify examples of such actions, including "a change to the over fished or overfishing definitions." Despite the statement by the commenter, no such change in the definition is contemplated or proposed at this time. Indeed, the terms "overfished" and "overfishing" are defined by statute in California Fish and Game Code sections 97.5 and 98, respectively. As a result, it is inaccurate to suggest that a change in the definition of these terms is "embedded in the plan" or that controlling legal standards will not be followed if the definitions of overfished and overfishing change at some point in the future.</p>
<p>C-2</p>	<p>Further it doesn't appear that the latter stage control rules have been peer reviewed. This lack of peer review and lack of impact analysis for later stage control rules would appear to be a violation of Sections 7072, 7081 and 7083 of the Fish and Game Code.</p>	<p>The peer review process (please see FGC §7062) was observed throughout the NFMP process. 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 maximum sustainable yield (or a proxy for it), the precautionary adjustment to determine an optimum yield to lessen the risk of overfishing, and allocation will be done at regional levels to provide local fishermen (recreational and commercial), industries and communities a voice in the decision-making process.</p>
<p>C-3</p>	<p>The peer review panel criticized the Stage 1 MSY proxy in the previous draft for selecting a period of highest catches. We were especially concerned that anecdotal data suggested there were problems being created</p>	<p>The 1998 scientific paper by V.R. Restrepo et. al., entitled "<i>Technical Guidance on the use of Precautionary Approaches to Implementing National Standard 1 of the Magnuson-Stevens Fishery Conservation and</i></p>

Writer	Comment	Response
	<p>during that period by excessive fishing effort. This plan recognizes that the control rule was based upon a "variant of Restrepo", and attempts to justify this variation by merely stating that the variation "seemed appropriate at the time" (when the variant was implemented in December 2000 as an interim protocol). It's our belief that there was no good scientific justification at the time it was implemented, but regardless of whether there was justification or not Section 7072 of the FGC is not served by avoiding a discussion of why or why not the proxy should be the preferred option for this FMP upon its adoption.</p>	<p><i>Management Act</i>" provides detailed analyses that address management risk under various levels of knowledge about the status of a stock. Based on that paper, an OY proxy of 50% of recent landings is appropriate for stocks that are thought to be below the MSY stock size, but above the overfished threshold. Consequently, this was adopted in the NFMP as a precautionary adjustment under Stage I conditions.</p>
C-4	<p>The Stage II and III control rules should be removed from the plan and submitted by plan amendment after adequate EFI is available and when impacts on the fishers of control rule changes can be appropriately analyzed. In our opinion, it is arbitrary and capricious to include evolutions of control rules within the plan when the impacts of such control rules cannot be determined through an admitted lack of EFI. The essence of a good plan will tell the people who are expected to benefit from the plan a basic idea of the level of fishing that will be allowed under various stock conditions. By not doing this, the plan clearly does not properly recognize the long-term interests of the fishermen.</p>	<p>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 maximum sustainable yield (or a proxy for it), the precautionary adjustment to determine an optimum yield to lessen the risk of overfishing, and allocation will be done at regional levels to provide local fishermen (recreational and commercial), industries and communities a voice in the decision-making process.</p>
C-5	<p>UASC recommends that the control rule for this beginning plan be aligned with the control rule established by the PFMC in their nearshore ground fish plan. UASC believes it is completely consistent with the objectives of federal management to establish higher levels of precaution for the State portions of the stock beyond the levels established for the federal stock if the State believes that is necessary. By approaching the control rule in this manner the State can attain its objectives while still providing clear assurances to Oregon and Washington that California isn't off on a wild goose chase</p>	<p>In general the NFMP control rules are fairly closely aligned with PFMC groundfish management. However, Stage I and Stage II NFMP management is somewhat more conservative due to the explicit use of MPAs and specification of more conservative harvest formulas under conditions when a stock is found to be less than 60% of unfished abundance. Stage III management goes beyond PFMC groundfish management by including ecosystem considerations in the decision process, which is a requirement under the MLMA.</p>
C-6	<p>In general we are supportive of regional management. However, we believe that the plan development team has taken a narrow view of the benefits and challenges related to multi-jurisdictional fisheries. The Magnuson-Stevens Fishery Conservation and Management Act which has been the bible of fishery management in the United States for two and half decades states in its National Standards. "To the extent practicable, an individual stock of fish shall be managed as a</p>	<p>Regional management is being proposed because of a number of overriding regional differences which are outlined in Table 1.3-1 and because of concerns about issues such as geographic depletion.</p>

Writer	Comment	Response
	unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination." This concept has been extended to the Law of the Sea Convention and has also been adopted by the majority of nations.	
C-7	UASC believes that fishery stocks are dynamic. What may work today may not work tomorrow as ocean regimes shift north and south across State and International borders.	The distributions of some species may shift with changes in oceanic conditions. Such variability in the fishery can be handled under the framework of the Nearshore FMP. Specific management measures for each region are not hardwired into the NFMP, but can instead be modified to respond to changes in oceanic conditions and subsequent changes in the fishery.
C-8	California with little experience in managing fish seems intent on deviating from international standards in order to run its own experiments in fishery management. UASC is adamantly opposed to using our fishery and our license dollars in such an experimental fashion in contravention to conventional wisdom.	See NFMP, Section 1, Chapter 4, Recreational Monitoring. Department of Fish and Game conforms to the Marine Life Management Act, Nearshore Fisheries Act and Magnuson-Stevens Fishery Conservation and Management Act when managing California nearshore fisheries. The Department on the PFMC and participates in the National Marine Fisheries Service's Marine Recreational Fisheries Statistics Survey. National Marine Fisheries Services approves federal funds for fishery dependent data collections systems. The California Legislature and Governor approve annual funding for sport and commercial fishing programs.
C-9	UASC believes that California needs to give strong consideration not only to local regional needs but also to the needs of all citizens of the State, and to the effects their management will have on adjacent states and adjacent nations. Only by cooperating with federal and international management regimes wherever and whenever they exist can this plan have strong assurance of achieving the objectives of the fishery management plan. No consideration of these needs appears to be detailed in the recommended regional management regime.	Coordination of the State and federal management of the nearshore fishery is already built into the PFMC process and therefore does not need to be addressed in the NFMP. The State of California participates fully in the PFMC with one State Agency representative and three additional voting representatives. Coordination with international governments must take place at the federal level through the National Marine Fisheries Service.
C-10	UASC believes that close coordination with the PFMC at this point will help provide the sort of cohesive management that will be needed over the long run. Working with the PFMC will enable angler dollars to obtain their maximum punch through being supplemented by federal dollars and by dovetailing federal programs with State programs. Clearly this is how the recreational fisherman wants his license dollars expended.	Please see response to Comment 8.
C-11	UASC recommends this plan first be modified to include multi-jurisdictional considerations and then be adopted and remain consistent with the PFMC ground fish plan. California has an important role on the PFMC and as	Please see response to Comment 9.

Writer	Comment	Response
	science is developed and EFI is collected California will be able to influence change in the national process all the while bringing California issues to the forefront through the commission and this FMP.	
C-12	It is our belief that marine reserves remain untested as a fishery management tool. California should manage its fish a manner that is clearly within the MLMA policies of recognizing the importance of recreational and commercial fishing. The Marine Life Protection Act has provided a means of establishing reserves for purposes other than fishery management. The MLMA should remain as the act to ensure the future of sustainable fishing using the best science available.	Please see response to Writer 4, Comment 2 above.
C-13	A recent report by the Science and Statistics Committee of the PFMC points out a major missing factor in the California CEQA document for marine reserves in the Channel Islands National Marine Sanctuary. They point out the undeniable fact that either fishers will experience full economic impacts of the loss of fishing grounds from marine reserves or that environmental impacts will occur outside of the reserves. It fallacious to say there will not be substantial economic impacts from reserves while claiming great ecological benefits. There is no science that suggests that merely condensing fishing effort results in a net ecological gain. Furthermore, if the conclusion that reducing fishing is the most appropriate remedy for avoiding ecological damage it should be noted that economic impacts can be minimized by focusing on specifically damaging activities rather than across the board cut in effort.	It is unclear if the writer is making a comment regarding the CEQA document for the Channel Islands National Marine Sanctuary program or is using that document to support opposition to marine reserves proposed as part of the NFMP recommended fishery control rule management. Comments regarding the marine sanctuary program are beyond the scope of the NFMP. Regarding marine reserves, in general, see response to Writer 4, Comment 2 above.
C-14	UASC offers a study by Dr. Robert L. Shipp, PhD on problems associated with the use of no take reserves for fishery management purposes. It's our belief that Dr. Shipp has captured the essence of our concerns and we have enclosed this as attachment I.	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.
C-15	UASC also offers the testimony of Dr. William Hogarth on the implementation of federal MPAS. We believe that networks of MPAs for the purpose of providing stock protections also need to be designed with ecosystem-wide considerations and will fail to achieve the objectives of the MLMA if they are not done in concert with federal and international authorities	The MLPA process which is guiding the development of a list of recommendation for a network of marine reserves contains requirements to protect habitats and preserve ecosystem needs. The MLPA Master Plan Team includes scientists from NMFS and National Marine Sanctuaries as well as members of academia and State agencies.
C-16	The Department appears to be operating out of compliance with sections 7062 and 7059 of the, Fish and Game Code. To date no public process has ensued to determine a peer review protocol.	FGC §7062 and §7059 was observed throughout process. The Department contracted with University of California Regents to conduct peer reviews. Department of Fish and Game formed the

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		Nearshore Advisory Committee and held public meetings through out the State for public processes during the development of the NFMP.
C-17	UASC recommends that until such a process is developed the Department have everything it submits for public review, including its plan revisions, to full peer review.	Please see FGC §7075 for a description of the peer review process followed in the development of the NFMP.
C-18	UASC would like to be provided full details of review comments by the peer review panel for this latest draft and for the public comment period to be left open for a minimum of 45 days after those comments are provided.	The Department submitted the NFMP peer review report and the Department's comments regarding this report at the Commission's June 20, 2002 meeting in South Lake Tahoe, California. The report is posted on the Department web site: www.dfg.ca.gov
C-19	The weakest element of this fishery management plan is clearly the lack of EFI. Stock assessments, specifications of MSY, and fishery dependent data are all lacking. Recreational data is severely lacking as the department depends nearly entirely on federal funds to conduct surveys of anglers.	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 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. 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. The Department is currently engaged in a pilot program in southern California to increase the amount of sampling effort in MRFSS.
C-20	The DFG in a misguided decision has been failing to even collect the names and addresses of the people to whom it sells fishing licenses. The use of outside private-sector expertise in the collection of recreational fishery information appears to be nonexistent.	The Department collects information on commercial fishermen and is developing an automated license system for recreational fishermen. The commercial license information is entered into a data base and the recreational information will also be entered into a database. At this time, the Department plans to incorporate an e-license

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		component into its Automated License Data System which is under construction. More information is available on the Department's website. In addition, the Department's Marine Region maintains a database of almost 7,000 people interested in receiving information. This database has been used to solicit input during the initial stages of developing interim regulations.
C-21	The use of outside private-sector expertise in the collection of recreational fishery information appears to be nonexistent.	The need for improved information on recreational catch is well established in the NFMP. The Department has already initiated efforts to involve recreational fishermen and divers in the collection of EFI. These efforts will be expanded on during the implementation phase of the FMP. The Department recognizes that the development of an infrastructure for coordinating these efforts, both internally and externally, is critical to making fishermen involvement a success. As part of its efforts to build the external part of this infrastructure, the Department plans to develop partnerships with diver and angler groups.
C-22	The Torquemanda Study demonstrates that fishery dependent data fouling from the commercial sector is rampant.	The writer is referring to an enforcement summary on under reporting of groundfish landings in California, an unpublished report to the Council. Department auditor of commercial fish businesses estimates the under reporting to be five percent of fish landed. The same under-reporting of fish occurs with commercial passenger fishing vessel logs.
C-23	UASC strongly recommends that the State's management of the nearshore remain tied to the federal process to extend the State's limited funds in attaining stock assessments. UASC believes the State will waste dollars pursuing fish per unit territory strategies rather than traditional strategies for stock assessments until such time that such strategies are adopted ecosystem-wide. Additionally, by coordinating research with existing federal research the benefits from the use of angler dollars can be maximized.	Beyond the framework for multidisciplinary research efforts outlined in the NFMP, the Department has taken the lead in organizing a cooperative sampling program for the nearshore known as CRANE, Cooperative Research and Assessment of Nearshore Ecosystems. The CRANE program will facilitate the collection of important information for assessment and management of nearshore finfish. This effort will involve participation from other management agencies, academic institutions, fishery participants, industry, and interested constituencies. CRANE's efforts have begun in the area of developing and assessing scuba-based observations for their efficacy in contributing to the stock assessment puzzle and establishing an information baseline for nearshore reef ecosystems. Concurrent with this is a collaborative effort to develop a database that will allow the sharing of biological and physical data on the nearshore environs. This will allow the Department to make use of information generated by the survey program in a timely manner to inform the fishery management process.

Writer	Comment	Response
C-24	UASC strongly recommends that priorities should be given to building cost-effective fishery dependent data collection systems where possible in conjunction with federal processes and that sufficient funds are provided through this plan by the appropriate sectors that will benefit from the management regime. Explanations of how the problems above will be addressed should be clearly stated in the plan. Considering the well-established importance of fishery dependent EFI any other approach would be a misappropriation of angler dollars.	Please see response to Comment 23 above. FGC §711 provides information on funds.
C-25	UASC strongly suggests that the DFG examine the EFI improvements obtained by the State of Florida. The DFG seems enamored with some of Florida's success stories. UASC verbal discussions with Florida officials indicates that Florida believes one of the tools most responsible for those successes are vast improvements they have made in collecting fishery dependent EFI.	The NFMP recognizes the contribution of the recreational angler to gathering certain categories of EFI, and outlines many improvements to the current system of gathering EFI from the recreational fishing community (Chapter 4, p. 140-143; Table 1.4-3; Appendix J, K). The Department will use as a resource the experience of other state agency and State/federal agency partnerships to identify specific improvements that may enable the MRFSS system to better provide EFI.
C-26	We would like to thank the Department for including the UASC proposal. We are still strongly supportive of the use of this proposal to address overcapacity and conservation concerns for managing these fisheries in the face of tight budgets.	It is unclear if this is a comment in support of Alternative 2 or 3. If the writer is expressing support for Alternative 2: Please see response to Writer 1, Comment 4 above. If the writer is expressing support for Alternative 3: Please see response to Writer 9, Comment 1 above.
C-27	UASC does not believe that the Department has yet recognized the benefits of this proposal. In order to properly analyze this propose, the Department should compare the expected results of this proposal to the specific objectives and goals of the plan and commission policies on allocation and fishing mortality levels and only then conclude whether die proposal represents the best alternative or not.	It is unclear whether the writer is referring to Alternative 2 or 3. In Section I, Chapter 4, Page 4, is a table that provides information on the amount of contribution to the MLMA goals and objectives for the fishery management measures. The Commission does not have an allocation policy with which to compare the alternatives, nor is there sufficient information on fishing mortality to provide an in-depth analysis for every alternative. The research protocols developed in the NFMP provide methods of obtaining fishing mortality estimates. In addition, Section II (Environmental Document) "...identifies all reasonably foreseeable, potentially significant, adverse environmental impacts that may result from approval of the proposed project, as well as potentially feasible mitigation measures and alternatives to reduce or avoid such impacts."
C-28	UASC has great concerns about the ability of limited entry to effectively control powerful and efficient fishing weapons. The history of fishery management is littered with the economic woes wrought by failed limited entry	The Department's proposed nearshore fishery restricted access program has many options for qualifying criteria, some of which include significant reductions in the commercial fleet and bring the number of participants close to

Writer	Comment	Response
	<p>programs. The failure of PFMCs groundfish programs, promoted by the State of California, with limited entry restrictions on trawl gear was a dismal failure. California still seems incapable of realizing this failure as it has failed to act to adequately restrict State exempted trawls, some of which also dramatically affect nearshore habitats.</p>	<p>the capacity goal. Should more generous criteria be chosen by the Commission, the Department can use time and area closures, size limits, trip limits, and other management measures to ensure that the commercial fleet does not exceed its allocation. The commercial nearshore fishery restricted access program is undergoing a separate but parallel rulemaking. Trawl gear is generally restricted to waters outside of three miles of shore. For trawl gear used within State waters, the Commission has the authority to restrict gear as needed to protect habitat.</p>
C-29	<p>One of the primary benefits of the UASC proposal is to increase the effectiveness of limited entry controls by reducing the risks that arise from gear efficiencies. UASC does not believe adequate considerations of this have been given in the FMP.</p>	<p>Please see response to Comment 28 above.</p>
C-30	<p>Numerous papers by world renowned scientists exist on IFQs and limited entry program issues, yet the Department has failed to consider some of the key issues and risks peculiar to the nearshore fishery in arriving at their recommendations. Considerable discussion of these issues has been had with the FGC consultants on Ca nearshore and Ocean coalitions listservs. In addition, UASC can provide specific papers supporting these concepts upon request.</p>	<p>The NFMP provides the framework to develop a meaningful restricted access program. Since this is a framework, no specifics are offered for how an Individual Fishing Shares (IFS) program would be developed. Inclusion in the NFMP provides the opportunity to use this option in the future. These details, including the allocation of shares, would come with considerable public input during the development of an actual IFS program. The Department in drafting the IFS program relied on the Commission's policy on restricted access, Policy 8: Harvest Rights, which is available in Appendix I.</p>