

Nearshore Fishery Management Plan (Draft 9, 2002)
Fish and Game Commission Public Hearing
May 21, 2002
Oakland, CA

The following individuals spoke at this meeting:

Speaker	Comment	Response
S-1 Mike Malone Nearshore Chapter United Angler		
C-1	<p>The one thing I have a concern with, seems like the guiding principle on the economics section is local coastal communities and that's a good thing. But as I read the Code, Section 7083(b), it also talks about businesses that rely on the fishery. And I didn't see that in there, that's a broader concept. So, I would bring that to the Department's attention. I pointed this out to Mr. Tillman some time ago, that I thought his focus was a bit narrow in this document. That leaves out an awful lot of businesses</p>	<p>The environmental document (NFMP Section II) is intended to fulfill CEQA obligations, and as such is limited to physical and environmental impacts of the proposed project. Effects on coastal communities and businesses, as described in FGC § 7083(b) are addressed in the Statement of Economic Impact that accompanies the proposed regulations as part of the adoption package for new regulations associated with the NFMP. In addition, the environmental document provides a record on whether or not the proposed project may have a significant effect on the environment. In determining the potential for effects, on direct and indirect physical changes to the environment from the project are considered. Economic and social changes resulting from a project shall not be treated as significant effects on the environment (CEQA guidelines 10564 e). Alternatives are designed to reduce the significant environmental impacts while still achieving the goals.</p>
C-2	<p>It goes into the "new dollars" methodology. And I spoke with Mr. Tillman at some length about what that meant. And, I can understand it, it gets defined in the text. I can understand it with relationship to a natural resource, minerals, logs, fish, new wealth coming into the system, and you look at how that works through the system. But then I think it's misapplied to the recreational sector.</p>	<p>Each local economy is dependent on new dollars flowing into the community from the export of goods or services produced locally. Since local communities cannot produce all of the goods or services it consumes, it must import that which it cannot produce, this results in economic leakages from the local economy as revenues leave in order to pay for imported goods and services consumed. Unless a local economy can export enough goods or services to offset this leakage with an in-flow of new dollars, the local economy will become unstable and eventually collapse. New dollars thus are essential to the vitality and continuance of each local economy or community. However, a careful distinction must be made between intra-community and inter-community transactions. Exports of local goods and services represent an inter-community transaction that results in a flow of new dollars into the local economy.</p>

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		<p>Conversely, exchanges between members within the local economy are intra-community transactions, and result in a transfer of community resources between individuals with no net change to the local economy. Thus intra-community transactions do not result in new-dollars coming into the local economy. Consequently, sales within the community, between local individuals, for goods or services related to sportfishing do not generate new dollars. Alternatively, non-resident rentals, lodging, dining, or party-boat fees, do generate new dollars as outside revenues come into the local economy in exchange for local goods or services. This distinction in transactions (expenditures) and flow of dollars was applied uniformly in discussions and analysis of various resource uses presented in the FMP: extractive and non-extractive, including sportfishing.</p>
C-3	<p>It talked about people coming into town, presumably a port since that seems how this coastal community, which is undefined in the document, I think it should be defined.</p>	<p>Please see Section V: Coastal community defined as: An organized body of individuals and businesses in a specific geographic location consisting of a population nucleus having a high degree of economic and social integration. For the purposes of preparing the NFMP, coastal communities are defined as coastal counties.</p>
C-4	<p>But the slant in the text, on around page 73 which is discussing the socio-economics. When I read the commercial section, the first thing that hit me was, we're the fifth largest seafood producing state in the country. Probably the second largest coastline, you wonder why we're way down there at five. But, then it finishes up with the "ripple effect" of the, of these fish coming into a port. The economic "ripple effect." So I'm kind of left with this impression that, wow, this is a good thing. And it may be. But I think we need to keep it in perspective. And, it's not mentioned that the recreational fishery in California is second only to Florida, second biggest in the country. So I think sort of a parallel analysis through here would really help people read this and be able to compare one thing to another.</p>	<p>Please see Section V: According to the USFWS 1996 survey of recreational activities, California ranks second in the nation for numbers of resident and nonresident saltwater anglers. Florida ranks first with an estimated 2,255,000 saltwater anglers, California ranks second with an estimated 1,049,000 saltwater anglers, and Texas ranks third with an estimated 862,000 saltwater anglers. According to the USFWS 1996 survey of recreational activities, California ranks first in the nation for participating in wildlife watching activities in California, with an estimated 2,362,000 participants.</p>
C-5	<p>With regard to the non-extractive users, I really don't think a sailboat person, or a kayaker's going to decide to go or not go to the coast depending on the availability of gopher rockfish. And so I think the non-extractive part needs to be sort of focused on what non-extractive part is dependent on the nearshore fish.</p>	<p>For a general discussion of non-extractive uses, please see Section I, Chapter 2, page 77. The writer is correct that the subject of this NFMP is the 19 nearshore fish species. However, the plan and the mandate for the State use an ecosystem approach to management. Consequently, indirect as well as cumulative affects must be considered, and direct and indirect uses of the nearshore are relevant under the management plan. Non-extractive users, by accessing and entering the marine environment also exert</p>

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		economic effects on local economies.
C-6	Completely missing, you know, missing in action, is management funding. Who's been paying for all this for the last ten years? It's not in this document. I think that's a cornerstone because it allows us to move forward through the document say, okay, here's where our money's coming from, here's where it's been coming from, here's where we need to get more money to do this. So I think the document really needs to have a discussion of management funding, the historic management funding, recreational, commercial, and non-extractive if there is any there. I think part of that is really important to understand as we look at these management costs, which sector has the willingness or ability to fund management.	FGC §711, describes funding and costs for Department programs. The Department has received General and Marine Life and Marine Reserves Funds since 1999 for Marine Life Management Act programs.
C-7	And, then, I read in the new Code when we extended this deadline, because we need an extra year to do this, Section 7072 (d), this is why I don't sleep at night, this says that, you know when the plan was first put out there and I helped put this together, we had a drop dead date. The reason we did that was because we thought that was the only way we were ever going to get a plan. So, if had to be adopted by a certain date. Well, the date was extended a year. Okay. But something was added, that says "Adopt a fishery management plan if funds are appropriated for that purpose in the annual budget act". That sounds like a show-stopper to me. I don't know who did that, but that was, that was, that really deviated from the intent of this bill.	The NFMP provides for a sustainable nearshore fishery and benefits the citizens of the State of California. Without FGC §7072 (d) the Department would be required to redirect existing funds to support any new nearshore management measures adopted by the Commission.
C-8	But then when I got to Chapter 4...Section 1, Chapter 4, page 156, it basically took all this information, this economic information, this census bureau, the Fish and Wildlife, all this stuff and threw it all out. And it said, basically that section says that this information is no good so we're not going to use it for anything. And, I would take issue with that because the Code section 7072(b) says use the best scientific information, or other relevant information. I think there's a legal wire (?) to consider this in this document, and consider this as part of the analysis. And I would encourage the Department to do that.	Section I, Chapter 4 pertains to research needs to support the management plan. Please see response to Comment 1 above.
C-9	The catch, catch histories and catch rates are known within about 50 to 100%. They vary from table to table, study to study. And the Department seems very keen for using that for allocation. I don't think your accuracy's any better with if that.	Estimated landings do change depending on the database and/or study. 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 at this time considered to be the best available commercial and recreational data for calculating the TACs and the allocations.

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		However, for comparison, several different sets of commercial and recreational data are presented in the Nearshore FMP. Every effort was made to provide documentation of the data set and/or methodology used in each table and graphic. Also every effort was made to assure that the tables and graphics for a given data set were consistent throughout the FMP.
S-2 Rod Fujita Environmental Defense		
C-1	The one thing I would suggest, is that the critical point, the MSY, FMSY, that define a harvest control rule ought to be tailored more specifically to the nearshore species. Their biology may or may not be similar to the deep species for which those proxies were developed by the Pacific Fisheries Management Council.	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	I also think, that, it's probably a good idea at this point, to have individual total allowable catches for each species, because these species, there's 19 of them, they're likely to vary quite widely in their productivity and that's sets up a possibility for serial depletion if they're aggregated. So, we need to monitor closely, what those individual TACs are doing, what the catch is doing, and make sure we don't deplete them, the least productive species, first.	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-3	The regional approach I think is very sound. I think it's based on good bio-geographical information. The one thing I would mention there is that there's a need to at least monitor if not manage actively on a smaller scale because there's a danger of localized depletion if you're only doing synoptic surveys over the entire, you know, northern coast of California or the Southern California Bight.	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.
C-4	I'm of the mind that restricted access, of some kind, should be implemented as soon as possible. I think this is going to facilitate the implementation of the entire plan. I believe you're right, that the fishery is over-capitalized, and the main problem that needs to be addressed in this plan, and in most other fishery management plans, is the problem balancing fishing capacity with fish productivity.	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

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		rulemaking.
C-5	And, as you know, Environmental Defense favors individual fish shares, as you call them in this plan, because we think that's the most flexible tool available to ensure that fishing capacity stays balanced with fish productivity as both vary through time. We also think it's the fairest way to do it, as long as there are sufficient constraints in place to control for excessive consolidation, prevent monopolization, all the adverse social-economic effects that can result from unconstrained market forces.	The Department agrees that Individual Fishing Shares (IFS) may be an appropriate management tool for this fishery. However, issues with joint jurisdiction with the PFMC and the federal moratorium on Individual Transferable Quota systems make implementing an IFS program impossible at this time. We believe that the proposed nearshore fishery restricted access program is a good first step towards a sustainable nearshore fishery. The nearshore fishery restricted access program is undergoing a separate but parallel rulemaking.
C-6	If you go with the limited access permit system, just make sure that you actually reduce the fishing capacity and don't allocate too many permits. This is typical for fisheries that are over-capitalized, and it doesn't do any good.	Please see responses to Comments 4 and 5 above.
C-7	One of the things to think about as you move to restricted access, is that the granting of exclusive privileges to harvest a public trust resource, whether it's permits or IFS, really justifies the collection of economic rent.	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-8	And, finally, based on the literature I've surveyed, there is no evidence right now that this common assumption that marine reserves will result in excess capacity and resulting in localized depletion, and reducing overall catch, or creating excessive congestion, doesn't seem to occur with the marine reserves in place now. I don't know what's going to happen in California, it should be monitored closely. It's another reason to integrate the restriction of access with the implementation of marine reserves and all the other management measures on your palette.	The use of MPAs in the recommended approach to management of the 19 nearshore species is felt to be uniquely capable of eliminating several risks to their habitat while conserving ecosystems and providing for sustainable uses. The NFMP defers to the MLPA process for establishment of MPAs except for those around the Channel Island which are being developed with coordination between the National Marine Sanctuary and the Department.
S-3 Robert Ingles GGFA		
C-1	Golden Gate Fishermens Association supports United Anglers position here on 2.4 alternative 3. It's not to take away anybody's right...can fish with rod and reel. The idea is to slow down a little bit, stay within the allocations, and will facilitate releasing the fish alive now that we have size restrictions instead of banging the fish aside the boat and unhooking it from a longline, they can release it also where it's going to live.	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

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		<p>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-2	<p>Regional management, the Golden Gate Fishermens Association endorses 2.6 number 5 Alternative, of four regions. We also believe it should be on a port by port basis which is really getting into it. Four is probably tough enough. But the more regions we have the better.</p>	<p>Four management regions is now the preferred alternative for regional management. Alternatives with more than four regions would incur increased costs and staffing needs that would be required to administer these regions. Any of the alternatives in the NFMP can be adopted in addition to or replacement for the recommended management measures.</p>
C-3	<p>The MPAs we would like to remind the Commission, that they are not a do-all, they are definitely a tool in the management procedure here but they are not a cure-all.</p>	<p>Marine Protected Areas (MPAs), especially marine reserves as described in the Nearshore Fishery Management Plan (NFMP) Section 1, Chapter 3, where no take is allowed, are uniquely capable of eliminating many risks to the sustainability of fishing and to conserving ecosystems and habitats. None of the other management measures in the NFMP are specifically directed at the protection of habitats and fish nurseries. Without the addition of MPAs, the NFMP does not fully meet all of the criteria specified by the MLMA (FGC, Division 6, Part 1.7) The NFMP, however, does not specify the placement, size and function of MPAs along the coast. That process is being directed by MLPA (FGC, Division 3, Chapter 10.5) and tracked by the NFMP management team to guarantee compliance with the needs of nearshore fish. Although MPAs are not a 'cure-all' for every nearshore problem, they are the single management measure that guarantees the preservation of adequate and appropriate habitat for the regeneration of depleted nearshore fish stocks. For this reason, the Department supports the MLPA process as one of the fundamental elements in a broad management framework. In addition, the Executive Summary of Dr. Shipp's report indicates that MPAs can function as a management tool to protect breeding aggregations, help recovery of</p>

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		severely overfished, insular, unmanaged populations, and protect critical habitat. Habitat protection is one of the goals of the MLMA.
C-4	So the GGFA endorses 27 number 6, which states that recreation starts on a sliding scale, here, kind of a unique thing that we brought up at the Commission... committee meetings. But the 70-30, the 70-30% that's in there is not the right percentage. The percentage that should be used is the historical percentage right now. Which is higher than that for recreational. It's 83%. The idea is to keep the percentage the same for recreational, not to go backwards. So if at the very least the GGFA endorses the present allocations if we can't go with that, number 6.	Alternative 6 (Allocation Percentages Based on Stock Biomass) was developed with other approaches with input from the Nearshore 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 implement this approach; it is not the preferred alternative. Any of the alternatives in the NFMP can be adopted.
C-5	If you could do number 8 and include all 19 species then we could endorse that as a starting point. To bring in all these ideas together as...as one big alternative.	When the FMP process began, there were control dates for participation and gear endorsements that covered only the 9 nearshore species which require a permit. For this reason and others, the Department chose to first develop a restricted access program for only these species. The nearshore fishery restricted access program is undergoing a separate but parallel rulemaking. In addition, there is a gear endorsement control date for the commercial take of all 19 species. Any of the alternatives in the NFMP can be adopted by the Commission.
S-4 Randy Fry Nearshore Chapter United Angler		
C-1	The PFMC has demonstrated how not to manage a fishery. They've been using OY, TACs, ABC, CBS, NBC and you can see what's happened and we don't want to see that happen to the nearshore. There's not enough fish in the nearshore to manage a commercial fishery.	The preferred harvest control rule approach does not use the same MSY/OY management that is used by the PFMC. The 3-Stage approach to NFMP management includes ecosystem considerations, and more conservative harvest formulas than are employed by the PFMC. Also, the proposed NFMP control rules include precautionary adjustments and the use of MPAs to reduce the risk of management mistakes, and to provide for rebuilding of depressed stocks. Consequently, the proposed nearshore management measures are designed to provide for a sustainable fishery. In addition, the current MSY/OY management approach that is used by the PFMC includes precautionary adjustments that have only been in place for a few years, and these comparatively new safeguards were not in place when the stocks were overfished during the 1970s-1990s.
C-2	That is why again we propose support for the Washington plan which is in this Nearshore	Alternative 2 (Fishery Control Rules with Prohibited Take, Possess, Landing, Sale, or

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	FMP. It is 2.3 alternative 2.	<p>Purchase of the 19 NFMP Species Taken From Waters off California While Those Species are Managed Under FCR Stage I and II Conditions) would eliminate the commercial take of the nearshore species to be managed by this plan. While it is not the recommended alternative to the fishery control rules this alternative is presented to the Commission for their consideration; the Commission can adopt any alternative. It is important to understand that the circumstances under which these management measures were implemented in Washington were considerably different than the situation that exists in California. In Washington, there was no existing live-fish fishery at the time their regulations were adopted. Washington passed a series of specific conservation-driven regulations over several years that ultimately prevented development of a live-fish fishery in their nearshore environment. As a result, the need to deal with issues surrounding allocation of these resources between commercial and recreation sectors did not materialize there. In California, the commercial sector of the nearshore fishery has been active for several years. In addition, both the MLMA and PFMC decisions affect allocation issues concerning the nearshore fishery. The MLMA provides that fishery management plans shall allocate increases or restrictions in fishery harvest fairly among recreational and commercial sectors participating in the fishery. Furthermore, the NFMP states that generally it is the policy of the State to assure sustainable commercial and recreational nearshore fisheries, to protect recreational opportunities, and to assure long-term employment in commercial and recreational fisheries [FGC §7055 and §7056]. The Department believes that implementation of the recommended options will result in a sustainable nearshore fishery for both recreational and commercial sectors. An important element of the Department's preferred options in the NFMP is a restricted 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>
S-5 Tom Mattusch Coastside Fishing Club and		

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Recreational Anglers		
C-1	We feel actions are imperative at this point to protect the nearshore fishing zones from commercial over harvest. Our opinion is that following the state of Washington, the Washington plan may best accomplish that. Washington State set a precedent for California to adopt and follow. We urge your implementation the Washington State model to ban the commercial sale and marketing of the 19 nearshore finfish species, live or dead, until a sustainable excess exists for commercial harvest. This is 2.3 alternative 2.	Please see response to Speaker 4, Comment 2 above.
C-2	As a fall-back position, alternative 3, sometimes called the United Anglers of Southern California Rod and Reel Plan, although less desirable, could be supported. That's the maximum of two lines per commercial angler with no more than five hooks per line and specifically no traps or sticks.	Please see response to Speaker 3, Comment 1 above.
C-3	Alternative 4 (5?) modifies the preferred management plan from 3 management zones to 4 management zones. Similar to Mr. Ingles' presentation by GGFA, we do believe that more management zones provide better control and input locally to regions.	Please see response to Speaker 3, Comment 2 above.
C-4	Position 4, or our above position 4 is alternative 6, an allocation based on the stock biomass. This is a sensitive issue for us because we've seen allocation used unfairly against commercial anglers and recreational anglers.	Please see response to Speaker 3, Comment 4 above.
C-5	Recreational anglers do not believe it is necessary to take or harvest every fish assigned to them. A fish not harvested provides recruitment opportunity and spawners for coming years. Giving away uncaught allotment is the type of thinking that created the problems that we are living today.	The recommended allocation approach does not mention reallocation of shares of fish among sectors. Any decisions to reassign shares from one sector to another would occur at the discretion of the Commission which has management authority for nearshore fish. The issue of "reallocation" occurred in the fall of 2001 when projections of take for cabezon and greenlings indicated the recreational sector would not reach its portion of the OY for those species. Because the OY developed for the 2001 fishery year was felt to be sufficiently precautionary, the Commission opted to manage on the total allowable take level.
S-6 Karen Reyna Ocean Conservancy		
C-1	As for the fishery control rule, we support the three-stage implementation process for the fishery control rule. It's a creative, practical approach, it works with new information as it becomes available, that's good. We do have	Speaker did not provide more information other than having a concern. Indicated a letter would follow with those details.

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	some concerns about the details with the stages, but we will address those in more detail in written comment. The most important step for the Department to take now is to go to stage two in that three stage process.	
C-2	We're in an overcapitalized fishery. Right now at least 18 or 19 species are managed using historical catches as a proxy of the total amount of the catch and they're considered to be data poor. This guestimate is inadequate to secure a sustainable fishery. Which is why it's critical to report as quickly as possible on both the regional management and the commercial restricted access program. We support both of those. And another major step in that direction is to keep moving on implementing your fishery independent data collection program including using collaborative research. We really do like the way that was laid out in the plan.	The Department recognizes the need to move forward as quickly as possible to gather more information to move from the use of historical proxies to models based on essential fishery information. The research protocols section describes the fishery-dependent and fishery-independent information needed to move ahead in our knowledge of the fisheries and the stocks.
C-3	First and foremost, the preferred option doesn't address the potential problem of localized depletion. Serial depletion can create a false impression of stable landing histories. In reality, the small home ranges, long life histories, and late maturity of these fish inhibit replenishment in heavily fished areas. It's a real problem. Stable landing records may simply have recorded a geographical expansion of the fishery. For this reason, it is critical that the preferred option address this. And it's just completely missing. We suggest that at the very least, a discussion paragraph be added to the plan discussing the risk of localized depletion.	Localized depletion will be addressed on a case by case basis as situations are identified where it has occurred to an unacceptable degree. Area closures, effort reduction (i.e.: restricted access), and gear restrictions are three possible measures that may be employed in response to concerns about localized depletion. In addition, the regional approach to management will help to better address depletion.
C-4	We also suggest that the following tools be listed as potential management remedies to address this problem. Adjusting the fishing control rules, gear restriction, size and slot limits, most important - restricted access, and, critically needed is a network of marine reserves.	The routine management measures mentioned: fishing controls, gear restrictions, size and slot limits are already tools available to the Commission. Restricted access is already undergoing a separate but parallel rulemaking. The consideration of a temporary network of reserves to protect the nearshore during the extended MLPA process has been suggested by a number of constituents. It was discussed by the Nearshore Advisory Committee and received unanimous support for the concept but no agreement on how the temporary locations should be sited, sized, or enforced. The authority to place temporary reserves rests with the Commission, and they may support this proposal at the recommendation of the Department or the public. In light of the recent actions of the PFMC regarding groundfish rebuilding, the proposal of a temporary network of reserves may receive more attention in the nearshore.
C-5	Secondly, the nearshore recreational stamp	This alternative or any of the alternatives in

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	<p>or permit program should be part of the preferred option. Right now the recreational permit program is listed as alternative 12. The text in alternative 12 states that the recreational permit is an economic alternative and does not have, help accomplish the goals and objectives of the MLMA. However, a recreational permit is instrumental in obtaining essential fishery dependent data.</p>	<p>the NFMP can be adopted in addition to or replacement for the Recommended Management Measures. The nearshore recreational stamp was originally proposed as a way to limit recreational effort in the nearshore fishery. After meeting with the Nearshore Advisory Committee and listening to public comment, it was agreed that this would not work as way to limit access. A recreational stamp could however be used as a research tool to assist in gathering better information on recreational fishing activities in the nearshore waters. Therefore, the stamp should have been moved into the section of the FMP dealing with future research needs. The Department has plans to develop an electronic database of recreational fishermen similar to what is currently in place for the commercial sector. This database could be used to improve the MRFSS phone survey because the survey could target known fishermen. Implementation of a recreational stamp or electronic database would be one way to get a better idea of how many people fish recreationally in nearshore waters and also estimate the amount of effort.</p>
C-6	<p>Finally, the individual fishing shares program is vague and it doesn't include any guidelines for creating that program. The Commission has this policy that's Policy 8 called harvest rights. It's much more detailed than what's been laid out in the plan. We ask this policy at the very least is outlined. Or it's at least referenced. In addition, on major omission from this section is the way shares will be allocated. The shares should account for environmental performance standards as well as historical catch.</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 Commission's policy on restricted access, Policy 8: Harvest Rights, is in Appendix I.</p>
<p>S-7 Bob Humphrey Recreational Boaters CenCal Divers</p>		
C-1	<p>In regard to sustainability, the Department's preferred option chooses to use an optimum yield that is based on catch history. As was mentioned earlier the PFMC used a similar method of determining allowable catch, and we can now see what the result of that is, the collapse of the fishery. And, I personally believe that is going the result of this preferred option, is the collapse of the fishery.</p>	<p>Please see response to Speaker 4, Comment 1.</p>
C-2	<p>They used the catch history of 1993 to 1998 basing it on an approach by a man named Dr. Restrepo. And Restrepo said that catch history should be based on a period when there is no indication of decline. And I want</p>	<p>The catch history mentioned, 1993 to 1999, was used in the interim regulations. The 1998 scientific paper by V.R. Restrepo et al, entitled "Technical Guidance on the use of Precautionary Approaches to Implementing</p>

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	to ask a question. Is there no indication of decline in the period of 1993 to 1998? Please come on. Do I need to bring up some evidence out of the statement of the California Fish and Game Commission regarding the adoption of interim management measures for the nearshore finfish fishery. It says right here – “with a few exceptions like the La Nina years of 1998 and 1999, oceanographic conditions have been unfavorable for successful reproduction and survival by many nearshore fisheries since the late 1970s, as a result, current populations are likely to be at low levels since they have been exploited heavily over the years”.	<i>National Standard 1 of the Magnuson-Stevens Fishery Conservation and 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 1 conditions. The catch history mentioned, 1993 to 1999, was used in the interim regulations.
C-3	Now what about sticks and traps. The plan says nothing about sticks and traps. It doesn't address sticks. It doesn't talk about what a stick is. It doesn't talk about the impact of a stick the ecosystem impact of a stick. It doesn't talk about trap. But what is a stick? A stick is another name for a long line cut into short sections.	Stick and trap impacts are discussed in Section II of the proposed NFMP on pages 91, 93, 94, 150, and 151.
C-4	Personally, I think it is inappropriate to allow sticks in the nearshore. In case you're wondering, the kelp forested area in the nearshore is a mere 74 square miles from Oregon to Mexico. Seventy-four square miles. Five of those square miles are north of Half Moon Bay. That's how much kelp there is. That's what we're talking about. Most of this nearshore fishery occurs in that region. So these sticks have the potential, and traps, have the potentially to serially and geographically deplete large sections of the coastline.	The restriction in the use of any specific gear is a possibility under routine management measures. The solution for to unacceptable levels of geographic depletion is to set the overall catch for an area at a sustainable level. The Commission can adopt gear restrictions if needed to specifically address localized issues. Please see Section II, Chapter 2, page 28 for more information.
C-5	Having four sections, having three sections, having two sections of regional management is not adequate. You need to manage by reef. Reef by reef. Either that or get rid of the sticks and traps.	Reef by reef management throughout California would be unrealistic given the available staff, time, and money. Within the framework of the NFMP, reef by reef management on a small scale 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-6	Another thing that wasn't discussed. In 1992 the Department of Fish Game engaged in a study. It's a trap fishery study. Melody Palmer, it was a draft study where they discussed, the appropriateness of trap use. Have you discussed it? We tried to discuss it at the Nearshore Fisheries Management Plan Advisory Committee and it fell on deaf ears. It never got discussed.	The report was used to support legislation regarding finfish traps. The legislation resulted in a limited entry finfish trap fishery in southern California. In addition, conditions were placed on the use of finfish gear. See FGC §9001 through 9001.7 and FGC §9022. Information on nearshore by catch is found in the NFMP, in Section I, Addendum 1: Nearshore By catch. Also, please see response to Comment 3 for information on stick and trap gear.

Speaker	Comment	Response
C-7	<p>Okay , under the area of allocation. You cannot define what is fair. What does the word "fair" mean? You've been trying to get an answer to that for three years. It has been one of the most frustrating experiences in my life to try to find out what is the ground work. Before we make decisions about allocation, let's talk about what is the basis of those allocation decisions. What do we mean by fair? And I already heard tonight that it is a difficult question to answer. I don't deny that. I don't disagree with that. However it didn't stop you from making decisions and preferring options that do allocate the resource. So apparently you've decided what you think fair is for us without discussing it with us.</p>	<p>The MLMA guidelines to allocation are found in Section I, Chapter 2, page 128 in the NFMP. "Fair" is used once in the MLMA in connection with allocation and harvest in a fishery not defined as overfished: FGC §7055 (c): "To the extent that conservation and management measures in a fishery management plan either increase or restrict the overall harvest in a fishery , fishery management plans shall allocate those increases or restrictions fairly among recreational and commercial sectors participating in the fishery ." The concept of "fair" allocation of the harvest shares is not implicit in that section; however, the concept of "fair" has been expressed by many constituents. The term is defined in Black's Law Dictionary (1991) as "Having the qualities of impartiality and honesty; free from prejudice, favoritism, and self-interest. Just; equitable; even handed; equal, as between conflicting interests." If "fair" is to be defined further, it would have to come as guidance from the Commission at the policy level to guide development of all fishery management plans.</p>
C-8	<p>Now under the DFG's recommendations in the plan, I asked Mike Weber at a meeting at my house, what would happen if the recreational fishery decided to engage in a catch and release fishery . Would that not make a lot of fish available to be utilized under this OY type management. Maybe that's a good question. What's the answer. What would happen if we decided to start catching and releasing fish. Can we do that? What will happen is what happened in December 2000, after December 2000 they reallocated our cabezon to the commercial sector cause they didn't think we'd catch them. The fact was we did catch them, and then they upped our allocation to somewhere below what the Commission originally allocated to us.</p>	<p>Please see response to Speaker 5, Comment 5 above.</p>
C-9	<p>Finally in closing, I agree very much with Tom Mattusch and (?) and everybody else in here who's going to be supporting 2.3.2, the closure of the nearshore fishery until you get to stage 3 management. And when you get to stage 3 which is a data -rich circumstance, we don't want to see the fishery as it exists now. There is no room for traps or sticks in the nearshore. We really believe that if there is a commercial fishery allowed it should be a rod and reel fishery .</p>	<p>Please see responses to Speaker 4, Comment 2 and Speaker 3, Comment 1 above.</p>
<p>S-8 Ross Smith Timber Cove Association</p>		

Speaker	Comment	Response
C-1	These people cannot show research that we are even touching the resource, because it doesn't exist, because I've asked for it in Sacramento. They're making laws without even a clue as to what impact, if any, and I can prove there is none, that sports fishermen are making on the resource. There is no way with one pole, two hooks, and a limit of ten rockfish, that we could hurt the resource in a thousand years.	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. 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 CCR, Title 14 §52.05(c).
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 are written... 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 sportsman.	Please see response to Speaker 3, Comment 3 above.
C-3	The sports fishermen are being treated like commercial fishermen by closing the central region, by closing the central region to us for four months out of the year as if we are part of the problem. Which is not true. This is an unjust decision on your part and must be corrected.	Speaker is referring to actions taken by the PFMC to protect certain species of shelf rockfish. Closing shelf rockfish species is outside the scope of this project.
C-4	One - give sportsmen the nearshore 0 to 120 feet all year. No commercial fishing 0 to 120 feet all year. Stop trawling, trapping and dredging and netting to the continental shelf.	(Speaker appears to support Alternative 2): Please see response to Speaker 4, Comment 2. In addition, regarding banning various specific gears, please see NFMP Section II, Chapter 2, page 28.
C-5	So we are restricted to when we can fish by nature, but commercial boats aren't restricted.	In reference to the nearshore recreational and commercial fishery, both are regulated to protect stocks through size limits, gear restrictions, seasonal closures, caps on total allowable take for both sectors, and weekday closures for commercial fishermen. A complete description of State and federal regulations on the nearshore fishery is provided in Appendix F.
C-6	Give us a break and go back to 15 fish limits per person as that still wouldn't harm the resource. Also because most sportsmen are pretty inept at fishing, and I teach fishing and I know, 90% of the fish are caught by 10% of the fishermen.	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.
C-7	Sports fishing supports all sorts of businesses on the coast. Motels, campgrounds, bait shops, boat rentals, restaurants, gas stations, grocery stores, etc. And when the sta...the season is closed, the coast is dead. And you people are responsible. A pox on you.	Please see response to Speaker 1, Comment 1 above.

Speaker	Comment	Response
<p>S-9 Jim Martin Nearshore Chapter United Anglers</p>		
<p>C-1</p>	<p>I really think that the economic impacts, that section needs to be revised. It just isn't accurate. When I looked at things like the estimate of \$34 a day for an angler that goes out on a party boat. That's just....is there any party boat captains here that want to take me out for \$34 bucks?</p>	<p>Numbers appearing in the NFMP for average expenditures for party boat activities were correctly cited from the 1998 NMFS reports on socio-demographics for Pacific Anglers in Northern and in Southern California. See: www.st.nmfs.gov/st1/econ/fact_sheets/98n_alifornia.pdf and www.st.nmfs.gov/st1/econ/fact_sheets/98s_alifornia.pdf</p>
<p>C-2</p>	<p>And on the other hand, when we get to the discussion of the gear restriction proposal that the United Anglers of Southern California proposed, we get things like the, that would reduce the resale value of their gear. Well their gear isn't worth that much in the first place. And it just feels like the whole thing is weighted too heavily to the commercial side, and even more so to the non-consumptive side where they have \$48 million being spent on the contemplation I guess of the nearshore finfish.</p>	<p>The Department, in preparing the NFMP, endeavored to represent all uses and user-groups that interact with the nearshore ecosystem. To the extent possible, information on all the various uses and values associated with the nearshore ecosystem were presented. Limitations due to the timeframe for preparing the NFMP, resulted in focusing on major uses and user sectors for which market or comparable information was available. The same methods of economic data analyses and projections were applied to each user group; sportfishing, commercial fishing, and non-extractive.</p>
<p>C-3</p>	<p>What..., kind of fees are going to be extracted from non-extractive users...of the nearshore. Is there going to be a, a bracelet like they have down in Mexico when you want to go just look-see diving?</p>	<p>The Department has received General and Marine Life and Marine Reserves Funds since 1999 for Marine Life Management Act programs. These funds include taxes from non-extractive users.</p>
<p>C-4</p>	<p>One of the big problems with the plan is that there's no identification of the funding. Where is this funding coming from?</p>	<p>Fish and Game Code describes funding and costs for Department programs. The Department has received General and Marine Life funds, and Marine Reserves Funds since 1999 for the MLMA.</p>
<p>C-5</p>	<p>The other big problem I had with it was the discussion of allocation and, and..., to see the decision, the Commission's decision of December 2000 now enshrined as guidance on allocation in the future in this plan is a real insult to us. Because what happened is that the Commission decided to give us a preference. The Department somehow changed that to give more allocation over to the commercial side and it ended up as it has been for years with the commercials catching more, for instance, cabezon....than 1.2 or 1.5 million saltwater anglers.</p>	<p>Please see response to Speaker 5, Comment 5.</p>
<p>C-6</p>	<p>The real problem I have with the restricted access even when I saw the figures of the break down of which individual commercial fisherman were catching what proportion it looked like there was about a hundred guys catching as many fish as all the rest of the recreational anglers. Maybe I'm wrong about that but when we're talking about restricted</p>	<p>The MLMA, passed in 1998, recognizes the importance of both sport and commercial fisheries to the State of California. It also states that these fisheries should be managed such that they are sustainable. The Department believes that a well crafted commercial restricted access program can support sustainable use of nearshore</p>

Speaker	Comment	Response
	access when you get down below 100, why are we spending all this money on such a small number of people?	resource important to the people and economy of California. Granted there are relatively few nearshore commercial fishermen, however they provide a service to Californians who may not be able to catch their own fish.
C-7	I basically want to agree with all the peer review that you received and I think that, you know, it echoed a lot of we have been saying on the CA nearshore list about how its too dependent on marine reserves. It's going to take 20 years to get reliable data for what the unfished biomass in the marine reserve is. What'll we do until then to estimate what the catch should be?	Please see response to Speaker 3, Comment 3.
C-8	The United Anglers gear restriction proposal was for 10 hooks, but here it shows up in the final draft plan as two hooks. Or four hooks depending on how you count them. How did that happen? Why wasn't our proposal just listed there as...it was only a couple of pages.	This was an inadvertent error which has been corrected in the Amended Initial Statement of Reasons and is being re-noticed.
C-9	The same thing for Mike Malone's area allocation proposal. It's nowhere in the plan.	Area allocation was one proposal offered to the Fish and Game Commission for consideration as a method of regulating take and separating fishery sectors when interim regulations were developed in 2002. The final decision by the Commission was to use historical information to determine pounds of fish per year for each sector. Area allocation was one of the concepts developed for the NFMP; however, ultimately the Nearshore Advisory Committee did not recommend it to be one of the four approaches for further analysis and inclusion in the NFMP. It is an option available for Commission consideration under the authority of the MLMA as the Commission has authority to adopt time/area closures to regulate catch levels for the recreational and commercial fishing. Information on general management measures, including time and area closures, is available in Section I, Addendum 5, pages 208-213.
C-10	Bob Humphrey's harvest control. These are things that we, you know, that we volunteered for hours.	If this is in reference to the "United Anglers" gear restriction proposal, a similar management alternative is presented in the NFMP in, Section II, Chapter 2, page 21.
C-11	So, I would like to, in the most strongest possible terms ask for the Washington State alternative. I don't think that we have any money for anything else. I don't think there's any resource for anything else.	Please see response to Speaker 4, Comment 2.
S-10 Bob Strickland President, United Anglers of California		
C-1	I would like to see we have at least four	Please see response to Speaker 3, Comment

Speaker	Comment	Response
	management zones, as we're seeing, the more we have, the more we need.	2.
C-2	<p>If you now take the shelf away from the recreationals, all that's left is the nearshore. We only had four months of the shelf before, cause eight months was taken away from us. Now we have none. So now all we have is the nearshore for eight months. That's it. This isn't enough to fish for a satisfying sustainable fishery, how can we encourage commercial fishing in the nearshore? Given what's happened in the last week of the PFMC and the shelf being closed, our nearshore is just, there's nothing left. We can't....I don't think there's enough fish to have a satisfying recreational fishery and sustain a commercial fishery</p>	Please see response to Speaker 4, Comment 2.
C-3	<p>Our biggest problem is money, and you're looking at losing even more money if you close this or we can't fish because your licenses are going to go down, and that's part of your money that runs the Fish and Game Department. I mean this is just going to be a trickle effect down, you're going to have harbors closing. Total harbors, all the boats, the motels</p>	<p>In preparing the NFMP, no analysis of potentially lost revenue to the Department was performed. The focus of the NFMP is on the nearshore ecosystem and 19 nearshore species. That the Department may lose revenues is not a consideration in crafting management plans to protect species and ecosystems, while attempting to minimize impacts to fisheries and fishing communities (sport and commercial). The MLMA states that fisheries must be managed for sustainable uses even if that means lower revenues to the Department.</p> <p>When resources are scarce, individuals are forced to make choices. These choices may mean that people must give up resources or opportunities that would have been available to them. The best approach is to look at "marginal changes" in the number of days of fishing, or fishing activity, caused by a change in fishing regulations. That is, regulations resulting in relatively small changes in a person's total fishing activity would not be expected to have any impact on spending and annual purchases. Most likely, there is a threshold on the proportion of a person's fishing days, that if impacted, would affect their decision whether to expend money on an extra unit of fishing activity. For example, a person doesn't purchase a rod and reel each time they go fishing. Accordingly, they would likely still purchase a rod and reel if their total fishing activities were reduced from 100 days to 80 days a year.</p> <p>Data on these marginal responses, thresholds, and behavioral preferences, in the face of changes to fishing activities, are not currently available. Accordingly, these management information needs are identified in the research portion of the NFMP (Section I, Chapter 5).</p>
C-4	Now what if we took 1/4 percent tax. State	A sales tax increase is outside the scope of

Speaker	Comment	Response
	tax. They use an eighth percent of a cent tax in Missouri and Arkansas. They solved their problems. A quarter of a percent of one cent would solve our problems. We could have all the data we need. We could get out of this data poor situation.	this project. Taxes are promulgated through the State Legislature.
S-11 Gene Kramer Abalone and Marine Resources Council		
C-1	But this really boils down to, is instead of 800 fishermen, 40 fishermen. I'm talking about 40 fishermen for the nearshore for California. That means that 19 out of 20 of those guys that are holding those licenses are going to have to find something to do. Even if we accept the optimistic scenario that we can maintain the fishery at its present level. I'm not sure that we can.	Within the commercial fishing fleet, there is a range of individual annual take. The recommended approach for restricted access goal is to match the fishing capacity of the commercial sector to the size of the allowable catch apportioned to that sector.
C-2	And for those 40 fishermen harvesting that \$4 million catch, at \$100,000 per year, per fisherman, how much can we tax them for management fees? What can they pay? What's a reasonable figure?	Please see response to Speaker 9, Comment 4 above. The Legislature is considering giving the Commission the authority to make this decision.
C-3	And it gets even stranger when we look at it and we have a million sports fishermen one hand and we're dividing up the recreational, or we're dividing up the nearshore catch with 40 select, lucky commercial fishermen. Something's a little screwy with that in comparison. The 40 of them get half of the catch. And the million get the other half.	According to MRFSS and commercial landing data analyzed for the years 1983-1989 and 1993-1999, recreational fishermen took approximately 81% of the catch of nearshore rockfish. Please refer to NFMP Section I, Chapter 2, Page 70. In the current allocation of cabezon, California sheephead, and greenlings, the recreational harvest portion ranges from 84% (nearshore rockfish south of Cape Mendocino) to 60% (California sheephead and greenlings).
S-12 Jesus C. Ruiz State Coordinator YMCA National Scuba Program		
C-1	I think that by adopting the Washington State proposal will be at least a partial solution to that. And we support that.	Please see response to Speaker 4, Comment 2 above.
C-2	And we have on another track the MLPA process that's going to take at least two years to implement. There's not going to be anything to protect in two years. Any MPAs or marine reserves, or marine parks that you want to preserve for anglers or for SCUBA diving or for developing biomass, it's not going to be there in two years.	The precautionary approach is designed to be very conservative until a network of MPAs is established through the MLPA process. The consideration of a temporary network of reserves to protect the nearshore during the extended MLPA process has been suggested by a number of constituents. It was discussed by the Nearshore Advisory Committee and received unanimous support for the concept but no agreement on how the temporary locations should be sited, sized, or enforced. The authority to place temporary

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		reserves rests with the Commission, and they may support this proposal at the recommendation of the Department or the public. In light of the recent actions of the Council regarding groundfish rebuilding, the proposal of a temporary network of reserves may receive more attention in the nearshore.
S-13 Dick Perrone Timber Cove Association		
C-1	Couple things I have here, some of the biological flaws in that study. They say some of the groundfish are nocturnal, so why do I catch those fish during the day? And, I catch them on bait they say they don't eat.	The description of the stocks in Section I, Chapter 2, pages 17-53 contains an abbreviated life history of the 19 nearshore species. Appendix D contains a more complete description of the life histories. An individual's experience may differ from what is reported in scientific literature. Fish often react to bait not found in their natural diet.
C-2	You better listen to these guys. Cause if they're right...okay.	(Speaker may be expressing support for Alternative 2): Please see response to Speaker 4, Comment 2 above.
S-14 Ralph Kanz		
C-1	At this point this plan has not addressed the impact of restrictions on the nearshore on the species that are not regulated by this plan. As an example, California halibut, which the peer review specifically addressed, said California halibut needs to be addressed. We've had an effort shift to California halibut in the San Francisco area in the last few years. And we're starting to see an impact on that fishery.	There is shared concern over expected effort shift to nearshore species within the scope of the plan and to others not addressed by the NFMP as a result of the PFMC action geared to protect overfished rockfish. Much of the shift in effort is likely to be to species outside the authority of the State and not the subject of this plan. As a result that impact is not addressed in this plan. The NFMP is based on a group of species mandated under the MLMA (nearshore rocky reef fishes) and identifies impacts of plan implementation on nineteen species, and the impacts of fishing for the 19 on other species.
C-2	You need to manage this as one single fishery not as a nearshore fishery. If you do not do that, you're just going to be repeating history time, and time, and time again.	The complete ocean includes many species outside the purview of the State which are not the subject of this plan. The NFMP does address reducing effort for the nearshore species in the plan.
C-3	And, it looks right now, like you got a perfect opportunity to make that kind of a change with a closure of between 20 and 100 fathoms. I think you need to seriously look at closing everything. Shut it all down for a year. Take a look at it and seriously consider how you're going to manage it, everything, not just one little thing at a time.	This proposal is beyond the scope of the proposed project. The primary goal of MLMA is to providing sustainable uses of the resource. In addition, the MLMA requires the Department and Commission to consider objectives to "maintain a satisfying recreational fishery" and to "provide for a commercial fishery". These objectives cannot be met by closing down all fisheries.
S-15 Don Coelho		
C-1	I'm a sport fisherman. I'm out there in a small boat, 17 footer, and I do limited fishing each summer on nearshore waters. I'm fishing salmon, halibut, rockfish. And, to me, a closure of coastal fisheries or restrictions for	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

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	sport fishermen is grossly unfair.	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. Size limits are meant to protect fish until they have become sexually mature and have, generally, had a chance to spawn before becoming available to fisheries. Size limits can also reduce total take by reducing the number of fish available to be retained. Information on general management measures, and the reasons why they are used, is available in Section I, Addendum 5, pages 208-213.
C-2	I actually have commercial fished in the past so was on an 850 ton purse seiner for tuna, I've had a local salmon troller here. I don't do it any longer. I've seen first hand, and the commercial fishermen that are here ? about it. There is a lot of by catch.	For information on bycatch of nearshore species please see NFMP, Section I, Addendum 1: Nearshore By catch.
C-3	And, I really don't think that the diminished fish stocks are a result of, of nearshore sport fishermen.	Please see response to Speaker 8, Comment 1 above.
C-4	And one point on these commercial. If there was any consideration to the public as to the supply of fish, the farmed fish are...that's getting to be a large industry now. And, I think that would fill any void that loss of commercial fishing would create.	Unfortunately the Department does not have the technology and resources at this time to raise any of the 19 nearshore species proposed in the Nearshore Plan. Although there has been success in raising farmed freshwater fish for market, raising marine species through mariculture techniques is fairly new in California, there are many questions that still need to be answered before large scale ocean fish farming operations can be undertaken. Technology, cost effectiveness, disease, and genetics are just a few of the questions that need to be answered. The Ocean Resource Enhancement and Hatchery Program was created by the California State Legislature to test the feasibility of fish enhancement through artificial propagation. Along with enhancement, the OREHP program is testing market feasibility of farmed fish. This program is heavily funded through the purchase of ocean fishing enhancement stamps for recreational and commercial fishing in southern California and the Sport Fish Restoration Act. The program is administered by the Director of the Department of Fish and Game with advice from a ten-member Ocean Resource Enhancement Advisory Panel. Hubbs-SeaWorld Research Institute is currently raising white seabass in order to answer some of these questions. This hatchery program is the test program for future ocean fish propagation programs for the Department pending evaluation.
C-5	I think these zones, that potentially could be closed. It won't work. Cause I've seen it first	Please see response to Speaker 3, Comment 3 above.

Speaker	Comment	Response
	hand. I've been out there for years. There's times when the fish are there and there's times when they aren't. They're a migratory fish, so any permanent closure on a given area, to me doesn't make sense at all.	
S-16 John Kolstad		
C-1	A livelihood can be done with rod and reel with that.	Please see response to Speaker 3, Comment 1 above.
C-2	Limited access, I hope that you keep limited access for commercial by individual and not boat.	The Department proposed an individual-based permit program for the nearshore fishery because many participants use small boats or kayaks that were not required to be registered, under some circumstances, in the past. The Commission's policy on restricted access suggests the use of transferability, via a permit transfer system, to assist a fishery that is overcapitalized to reach the capacity goal or optimum number of participants. The Department's nearshore fishery restricted access program has provisions for both of these issues and is undergoing a separate but parallel rulemaking.
C-3	The renewal grade for of a hundred pounds is way too low. I mean that can done, I would do maybe up to couple or 350 pounds in one day. A hundred pounds is nothing. It needs to be higher than that for a true commercial fishermen rather than just a sport fisherman with a license.	The 100 pounds per year option offers fishermen who fish the nearshore part-time but have been involved for several years, the opportunity to qualify for a permit. Other options require a higher level of participation. The nearshore fishery restricted access program has many options related towards qualifying for a permit. The program is undergoing a separate but parallel rulemaking.
C-4	I would hope that you would do quotas so that we don't have a gold rush effect.	Under the NFMP, the Commission may choose to use quotas and any number of other management measures to help avoid a "gold rush" effect.
C-5	Also I am in favor of four management zones. With..., that will help so that we don't have any localized depletion.	Please see response to Speaker 3, Comment 2.
C-6	Limit the commercial licenses to one of those given zones so that we don't have the influx of a number of fishermen from one area to another.	The Department is committed to regional management of this diverse fishery. The nearshore fishery restricted access program has always promoted the use of regional permits to reduce effort shift. The proposed nearshore fishery restricted access program has provisions for this issue. The program is undergoing a separate but parallel rulemaking.
C-7	I would like to see as a citizen and sport fisherman and a commercial fisherman is the most viable economic basis for it as you know.	Please see response to Speaker 1, Comment 1 above.
C-8	I am not opposed to stamps for sport fishing.	Please see response to Speaker 6, Comment 5 above.
C-9	The price or the license fee for commercial fishing is way too cheap for the amount of profit and what it leads to.	FGC §711, describes funding and costs for Department programs. The Legislature has authority to change fees except in cases

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		where that authority has been granted to the Commission.
S-17 Robin Hie		
C-1	The reserves were set in places where we've always had access before and now they're saying well, you're not going to have access and it's all on state property where our tax money goes to pay to keep the property open our money we spend to go the gate to go in there. And, they are going to take that access away.	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.
S-18 Brian Ishida		
C-1	I want to conclude in saying, unless a major of implementation of the plan of restricted access is put in place, I support the total elimination of commercial harvesting of all fish in all water both offshore and nearshore.	A restricted access program is integral to the recommended fishery control rules. A separate rulemaking process for restricted access is undergoing a parallel rulemaking at this time. In addition, Please see response to Speaker 14, Comment 3 above.
S-19 Ron Gaul Recreational Fishing Alliance, and Nearshore Chapter		
C-1	And to the best of my ability, I could not find in the FMP any kind of CEQA analysis of that littering by the traps on the nearshore.	Please see response to Speaker 7, Comment 3 above.
C-2	Also on fish traps, I couldn't find anything in the nearshore plan regarding fish traps and the,...as Bob mentioned there was no mention of the fish trap study of 1993.	Please see response to Speaker 7, Comment 6 above.
C-3	And also the effect on protected and endangered species. I imagine there's CEQA, there's CEQA and there's the fully, the California Endangered Species Act and the Fully Protected Species Act. So I would like to,... if I missed it in the plan I would, perhaps you can let me know where it was in the plan, but I do think the plan does need to address the issue of these other environmental, California environmental state laws and federal environmental laws.	Fishing of gear (traps and stick) is discussed in Section II of the proposed NFMP on pages 89, 90, 94, 124, and 141. Similarly, threatened and endangered species are discussed on pages 55 through 78 and 121, 125 through 128, and 141 through 145. Other laws and regulations are discussed on pages 7 through 9 in the same section.
C-4	And I do support the Washington Plan. It is a very wise decision by Washington State to push commercial rockfishing out of the state waters and I do hope it's considered.	Please see response to Speaker 4, Comment 2 above.
S-20 Larry Ankuda		
	Skit:: Support for Alternative 2.	Please see response to Speaker 4, Comment 2 above.
S-21 Michael Gower		
	Skit:: Support for Alternative 2.	Please see response to Speaker 4, Comment 2 above.

Speaker	Comment	Response
S-22 Paul Castillou		
	Skit:: Support for Alternative 2.	Please see response to Speaker 4, Comment 2 above.
S-23 Darrell Ticehurst Coastside Fishing Club		
C-1	But as of right now the way we see it, there is no excess fish and we support the Washington alternative for option 2.3.	Please see response to Speaker 4, Comment 2 above.
S-24 Chris Hall Coastside Fishing Club		
C-1	Stocks have been reduced to the point where we have put our fishing poles away for a good part of the season. These poles are not out shopping for new line, lures and the like while the season is closed or restricted. Merchants needing this business are not taking in revenues that generate sales tax for the California government.	Please see response to Speaker 1, Comment 1 above.
C-2	Please support the Washington Plan.	Please see response to Speaker 4, Comment 2 above.
S-25 Mike Velasquez Bay Area Tuna Club		
C-1	We support the Washington initiative.	Please see response to Speaker 4, Comment 2 above.
S-26 Mark Elkins		
C-1	I support the Washington plan, the alternative 2, and I ask you to do the same.	Please see response to Speaker 4, Comment above.
S-27 Dennis Haussler		
C-1	I support the 2.3, 2 alternative. I don't believe that there's any room for a commercial fishery in the nearshore for rockfish and still have a sustainable fishery.	Please see response to Speaker 4, Comment 2 above.
S-28 Rick Garzinni		
C-1	Supports Washington plan.	Please see response to Speaker 4, Comment 2 above.
S-29 Phil Leuchte		
C-1	Supports Washington plan.	Please see response to Speaker 4, Comment 2 above.
S-30 Rob Kranka		
C-1	I see there's a place for a small fishery in the Plan. Well, I just want to thank you for	(Speaker may be expressing support for Alternative 3): The primary goal of MLMA is

Speaker	Comment	Response
	considering commercial fishermen even if it is rod and reel.	to providing sustainable uses of the resource. In addition, the MLMA requires the Department and Commission to consider objectives to “maintain a satisfying recreational fishery” and to “provide for a commercial fishery”. In addition, please see response to Speaker 3, Comment 1 above.
S-31 Tom Krebs Nearshore Alliance		
C-1	The Department of Fish and Game seems to trivialize the social and cultural aspects of fishing. Simply looking at it as a pie with monetary value only. I hope in the future, the Department 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 gear restriction proposal as well as other measures in the past that the Department of Fish and Game conveniently kept out of the Commission’s reach.	Please see response to Speaker 3, Comment 1 above.
C-3	I recently brought up the Department’s report on the May 9 th meeting in Fresno on the internet to see who commented on what issues. The report is virtually useless. I sincerely prevail upon the commission to instruct the Department to issue accurate reports set forth.	The Commission is responsible for the notes that are provided on the Commission’s web site. The Department often takes its own notes on speaker comments at Commission meetings to use in consideration of changes to plans or regulations. Comments and responses to comments on the NFMP and other plans will be available on the Department’s web site.
C-4	The only saving grace to the public input in my estimation is intervention by the Commission directing the Department to add alternative 2.3: 2 to the plan which I am definitely in favor of, and I’d like to thank the Commission now for its foresight, unbiased judgment, courage, and strong endorsement of this alternative.	Please see response to Speaker 4, Comment 2 above.
S-32 Beverly Seltzer Allcoast Sportfishing and Coastside Fishing Club		
C-1	The strict governing of the regional areas, whichever they may be according to this, when it comes to the area of the commercial	The NFMP is a framework plan. Specific details on how the commercial and recreational nearshore fishery will be

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	fishing, the restrictions should be in the drafting and final implementation.	managed, including any restrictions through management measures or other management tools (e.g. restricted access), will be worked out in the implementation phase of the NFMP.
C-2	I would like to see fair and equitable distribution of the allowable take between the sport and commercial industries and restriction of gear, commercial gear, to eliminate or reduce by catch or protected species or habitat damage.	All of the suggestions are integral to implementation of the goals and objectives of the MLMA and are provided for in the NFMP. The exception is "fair and equitable distribution of the allowable take." The MLMA calls for fair allocation of the restrictions or increases in harvest necessary to manage the resource.
C-3	Restriction of gear, commercial gear, to eliminate or reduce by catch or protected species or habitat damage.	Effects to protected species and habitat are discussed in Section II 3.8, 3.9, and 4.1 of the proposed NFMP. The commenter, in turn, appears to suggest an additional alternative to the proposed project. The suggested alternative, however, would not achieve the project goal of providing for a commercial fishery. Please see the proposed NFMP at page 27, Section II, Chapter 2.16, for a discussion of a ban on all commercial fishing within State waters.
S-33 Robert Kawaguchi		
C-1	Supports Washington plan.	Please see response to Speaker 4, Comment 2 above.
S-34 Eugene J. Porter San Diego Salt Water Anglers		
C-1	I asked a question earlier about the Nearshore Fishery Management Plan and I'm wondering if anybody still thinks there is still room for a commercial fishery in the nearshore.	(Appears to support Alternative 2): Please see response to Speaker 4, Comment 2.
S-35 Ted Wheeler		
C-1	And then somebody has the gall to come along and say that the recreational users are not harvesting their share of the fish and give 'em to an industry that cares less for the resource than they care for their own profit. It should be obvious to everybody there is not presently a commercial harvestable excess in the state waters nearshore. There probably never will be again, but if there ever is, sure, give it to the commercial industry.	Please see response to Speaker 5, Comment 5 above.
C-2	There is no justification economically, morally, ecologically, there is no reason to destroy our resource, our joy of fishing, our jobs, and use our funds to support a small industry that does not even support itself.	Please see response to Speaker 4, Comment 2 above.

Speaker	Comment	Response
S-36 Michael J?		
C-1	Supports Tom Mattusch.	Please see response to Speaker 4, Comment 2 above.
S-37 Jim Bassler Salmon Trollers Marketing Associates		
C-1	The only, the only thing I would in there that I see that I, I would like changed possibly is the moving from three management zones to four rather than a plan amendment later on.	Please see response to Speaker 3, Comment 2.
C-2	You might have got ahead of yourselves on the MPA part of it too. Let that process go through before you decide on percentages.	Please see response to Speaker 3, Comment 3 above. In addition, while a reference to guidance on percentage of habitat that needs to be protected is presented in the NFMP, no actual percentages are used in the recommended fisher control rules. Please see Section II, Chapter 2, page 30 for more information.
S-38 Steve Campi CenCal		
C-1	I'm afraid if we don't take some bold interim actions or put some measures into effect right away. There won't be a fishery to manage.	(Appears to support Alternative 2): Please see response to Speaker 4, Comment 2 above.
S-39 Joe Capra Coastside Fishing Club		
C-1	I agree with the Washington Plan.	Please see response to Speaker 4, Comment 2 above.
S-40 Lyle Ryan		
C-1	Supports position of Tom Mattusch.	Please see response to Speaker 4, Comment 2 above.
S-41 Richard Frosch		
C-1	I can say that I have not had a satisfactory experience in the last few years. I support the Washington State plan.	Please see response to Speaker 4, Comment 2 above.
S-42 William Smith R/V Riptide		
C-1	I really want to support what Mike Malone was saying about economics, the issues in our harbors. The economic issues of this really are of a wider scope than actually is being taken into consideration here. A prime example is guys like you leave their wives on shore and come out with us. And they spend their money shopping for shoes, so there's a larger economic issue.	Please see response to Speaker 1, Comment 1 above.
C-2	We need a minimum of four zones. Four zones is a bare minimum. Actually there	Please see response to Speaker 3, Comment 2 above.

Speaker	Comment	Response
	should be six, but, four zones is a very good start.	
C-3	There's, there's, this whole document is a many faceted document with, that, that has many broad issues that has to be dealt with besides just the Washington initiative and these different proposals.	It is not clear if this is a general statement or if the speaker supports Alternative 2. If the speaker is expressing support: Please see response to Speaker 4, Comment 2 above.
S-43 Richard Kent Coastside Fishing Club		
C-1	In an effort to stop the insanity of the east coast, I support the position of the Coastside Fishing Club in reference to the Nearshore Fishery Management Plan, specifically the Washington model 2.3 alternative 2.	Please see response to Speaker 4, Comment 2 above.
S-44 Mike Giraudo Coastside Fishing Club		
C-1	I want to cut this short so that we have time for other people, but what I want to say, most importantly, let's adopt a plan, not sit on our hands, but adopt a plan like the Washington plan. Not just for the benefit of the fishery, but for our kids.	Please see response to Speaker 4, Comment 2.
S-45 Les Levi Coastside Fishing Club		
C-1	I'm a member of the Coastside Fishing Club and I support our political advisor Tom Mattusch and I sincerely hope you people will also.	Please see response to Speaker 4, Comment 2 above.
S-46 Karl Jacobson Bay sportsmen. com		
C-1	We're going to close the fishery to commercial interests. Well, I'm saying, let's do it now. Let's save a lot of time. Let's save the fishery for our kids.	Please see response to Speaker 4, Comment 2 above.
S-47 Bill Gilchrist		
C-1	In her overview, she talked about having this great consideration for the, for the utilization, or the underutilization of a, overcapitalized sport fishing fleet. And that about made my blood boil because what about the utilization of the sport fishing fleet? I can tell you that, with a high degree of certainty, that there's far more value in the sport fishing boats than there are commercial fishing boats.	It is unclear whether the speaker is referring to overcapitalized recreational fleet or commercial fleet. However, the complete statement appears to be a discussion of removal of commercial vessels. Because California historically did not restrict the number or amount of fishing effort allowed, the State's commercial fisheries generally are overcapitalized: they have the physical capacity to exert more fishing pressure than the resources are able to sustain. The Commission's standing policy is to provide for an orderly commercial fishery, and maintain the long-term economic viability. This includes

Speaker	Comment	Response
		reduction of overcapitalization in the fishing fleet and eliminating wasteful competition associated with “derby” style fisheries, by limiting the number of participants or vessels in the commercial fishery . The comments made by Department staff (Nancy Wright) at the Oakland hearing reflect these policies.
C-2	Now, it’s a business, okay, and I have to support Mike Giraudo’s comments about let’s do this for our kids, let’s not just do this for business.	Please see response to Speaker 4, Comment 2 above.
S-48 Dan Schwartz		
C-1	So, I support 2.3 alternative 2 and, artificial reefs for commercial fishing boats.	Please see response to Speaker 4, Comment 2 above.