

**Nearshore Fishery Management Plan (Draft May 9, 2002)
Public Comments from the Fish and Game Commission Meeting in Oakland on
August 29, 2002**

The following oral comments were received

Speaker	Comment	Response
<p>S-1 Zeke Grader Pacific Coast Federation of Fishermen's Associations</p>		
<p>C-1</p>	<p>Generally we support the Department's recommendations, moving ahead for both a commercial and recreational fishery for the nearshore that is consistent with the law and we would urge you therefore to reject the Washington option that's there.</p>	<p>Speaker appears to be opposed to 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.</p>
<p>C-2</p>	<p>We also support the implementation of four management areas.</p>	<p>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.</p>

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C-3	One thing that's not in my letter that we do think should be implemented for the program, and that is for the commercial fishery size limits, specifically on cabezon, a 15 inch minimum, but also a 22 maximum. So we have a window for cabezon. For greenling, 13 in minimum, gopher and black-and-yellow rockfish, a 10 ½ inch minimum, and for green rock, a 13 inch minimum. We think this will help provide, while fishermen to target, commercial to target more on the more valuable species and leave perhaps more available for the recreational.	The NFMP is designed and written to be a framework document. Each of the recommended 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. Two concerns with any management measure based on size is the need to have reliable maturity information on a species (and this can vary geographically) and the potential mortality of undersized fish returned to the water.
C-4	Among other recommendations we want to see gear restrictions put in place. Specifically endorsements for the both the trap and the stick gear.	Speaker may be expressing opposition to Alternative 3 (Gear Restrictions for Commercial Fleet) while expressing a need or desire for creating a gear endorsement program where commercial participants would fish with the gear they have traditionally used and been given an endorsement or permit to use. Alternative 3 is not the recommended approach at this time. Restricted access is undergoing a separate but parallel rulemaking. The comment is included in the administrative record of proceedings and will be provided to the Commission for its consideration.
C-5	As far as the stick gear goes, we think that there should be an evaluation taken of that type of gear. It has both advantages and disadvantages.	The NFMP lists fishery-dependent information necessary to manage the fisheries. All of the speaker's comments are covered within the Research Protocols, Section I, Chapter 4.
C-6	Some of the advantages are it allows for easier release of the fish, less mortality, and can better target the bottom dwelling species which we're targeting.	Please see response to Comment 5 above.
C-7	But there may be some areas if it creates too much pressure, we may want to look at restricting it from those specific areas.	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-8	Additionally, we think that for the recreational fishery we do need to look at ways to where we can minimize the mortality of those fish released there, so we do need to take a hard look at gear restriction in both commercial and recreational gear.	Please see response to Comment 5 above.
C-9	Moreover, we think there needs to be a mandatory training program for every individual involved in this fishery, commercial and recreational. For the charter boats we think this can be taken	A training program can be considered during implementation of the NFMP. Your comments are included in the administrative record of proceedings and will be provided to the

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	<p>care of by a training program for the crew, not necessarily for the passengers. But this is something we think can be taken on by the various organizations, whether it's the United Angler working with the angler population, groups such as Sportfishing Association of California helping the charter boats, groups such as our own working with the commercial, to make sure people are trained both in how to bring these fish to the surface and in their proper release, including the puncturing of air bladder so that those fish that are not kept have the best chance possible for survival.</p>	<p>Commission for its consideration.</p>
C-10	<p>Finally, we also think that there needs to be a nearshore stamp for both fisheries, commercial and recreational</p>	<p>The commercial fishery requires a Nearshore Fishery Permit to take the nine nearshore species identified in the MLMA. 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-11	<p>and we also urge the use of reference reserves in the management of this program.</p>	<p>We agree this will be a component of the implementation of the Research Protocols of the NFMP. Please see Section I, Chapter 4, page 154-155.</p>
<p>S-2 Tom Mattusch Coastside Fishing Club</p>		
C-1	<p>We implore you implement the following: Ten rock cod per person for 12 months a year for recreational anglers.</p>	<p>This comment appears to be addressing recent and proposed federal actions by the PFMC to limit recreational and commercial fishing for rockfish, lingcod and other nearshore species outside 20 fms. PFMC is also considering reductions in the recreational</p>

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		bag limit for rockfish and nearshore species to provide for the longest possible recreational season. The proposed actions by PFMC are considered necessary to conserve the shelf rockfish resources and to prevent collapse of those stocks.
C-2	A strong preference should exist for the recreational angler when determining bag limits on harvest.	There is no authority for the proposition that a "recreational preference" governs marine resource management decisions. The California Fish and Wildlife Plan of 1966 was never implemented and is no authority. The provision of the California constitution regarding the so-called "right to fish" has been considered by the courts in the context of both recreational and commercial fishing. Further, the California Supreme Court has ruled that the power to regulate fishing has always existed as an aspect of the inherent power of the Legislature to regulate the terms under which a public resource may be taken by private citizens. This regulatory power applies to both recreational and commercial fishing, and the MLMA clearly contemplates regulation of commercial and recreational fishing without expressing a preference for either.
C-3	The take of nearshore rockfish should not come at the expense of recreational fishing...The nearshore rockfish belong to the public first, until it is determined there is a harvestable excess.	Please see response to Comment 2 above.
C-4	I am sure you are familiar with past legislation that initially favors sport to commercial interests, however the legislation provides no guarantee of continued preference. And option one of proposed regulation 52.05, basing allocation on the use of historical information and commercial landings information promises only to repeat the past.	Please see response to Comment 2 above. The commenter refers to Fish and Game Code Section 1700(c) and (d). However, while the MLMA adopted the language of Section 1700(c) regarding sport fishing, it did not adopt the restrictive language of 1700(d), regarding commercial fishing. The MLMA requires a fair allocation between sectors, and does not express a preference for either. In addition, allocation based on historical information is meant to provide for a ratio of take by sector that has occurred historically. Allocation is one part of the overall management package of fishing control rules, restricted access, the use of marine protected areas, and the use of regions to better manage this complex fishery. Within the context of the entire package, depending on the fishery control stage from I to III situation, overall take is controlled to match the knowledge and state of the resources. Allocation simply provides a ratio of the overall allowable catch to each sector based on past historical ratios of take.
C-5	.Accordingly, the Coastside Fishing Club believes the Commission should carefully consider a ban or regulation on live fish capture, either through bag limits or gear	Speaker may be expressing support for Alternative 2 (Fishery Control Rules with Prohibited Take, Possess, Landing, Sale, or Purchase of the 19 NFMP Species Taken

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	restriction in nearshore fisheries in lieu of any further ban on regulation on sport fishing.	<p>From Waters off California While Those Species are Managed Under FCR Stage I and II Conditions) or Alternative 3 (Commercial Gear Restriction). If support is for Alternative 2 this would eliminate the commercial take of the nearshore species to be managed by this plan. 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]. If support is for Alternative 3, this is not the recommended alternative to the fishery control rules. 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. Because of 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</p>

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		<p>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> <p>The Department believes that implementation of the recommended options will result in a sustainable nearshore fishery for both recreational and commercial sectors. An important element of the Department's preferred options in the NFMP is a restricted access program for the commercial nearshore fishery. This program will better match the size of the commercial fleet to the available resource, thus reducing the potential for overfished stocks while allowing a small, responsible commercial fishery to exist in California.</p>
C-6	<p>We ask you curtail market fishing to satisfy the public's right to fish until there is a data rich harvestable excess. Allocation has not worked well in the past as shown by the cabezon fishery. Please do not fall into the fallacy of giving recreational fish away to the market sector. Recreational anglers would like the opportunity to fish 12 months a year with a 10 to 15 fish bag limit. No fishery in history of man kind, has ever been depleted with a rod and reel fishery. Depletion occurs when commercial overharvest takes place. We are against continued commercial harvest of nearshore rockfish.</p>	<p>See response to Speaker 2, comment 2. 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.</p>
<p>Letter from Brobeck S-2A Read by Tom Mattusch (Speaker 2) This letter was handed in at the August 29, 2002 Commission meeting and is provided with other handed in material.</p>		
C-1	<p>The recreational anglers who comprise Coast side's membership want to make sure that any regulations adopted do not negatively impact their interests and fully comply with the legal policy preference afforded recreational and sport fishing.</p>	<p>Please see response to Speaker 2, Comment 2 above. In addition, the Commission is required to protect resources and must take regulatory actions as needed to do so. There is no guarantee that future regulatory action to protect resources will not negatively impact recreational and commercial fisheries.</p>
C-2	<p>One of Coast side's chief concern with the proposed regulations is their undue reliance on precedents established by commercially</p>	<p>If speaker is concerned with the fishery control rules that are consistent with PFMC managed species: The state is mandated under the</p>

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	<p>dominated Pacific Fishery Management Council. Proposed regulations 52.05 and 52.09 look to federal precedent to determine total allowable catch until some specified point in the future. See proposed regulations 52.05 and 52.09. The deferral of this authority does not appear to be based on any mandate, but instead reflects an administrative choice.</p>	<p>MLMA to develop a management plan for nearshore rocky reef fishes, consistent with the Magnuson-Stevens Fishery Conservation and Management Act. The Commission is not deferring development of its own policies on management nearshore species to the PFMC, but it is developing policies consistent with the Magnuson-Stevens Fishery Conservation and Management Act under which the PFMC acts. If speaker is concerned with the need to transfer management authority to the State for minor nearshore rockfish: Transfer of management authority to the state will aid effective implementation of the NFMP's measures for some or all of the nearshore species currently managed under the federal groundfish fishery management plan. However, transfer of management authority requires that the proposed state regulations conform to the federal law. Accordingly, the Department believes that reliance upon federal precedents to determine TAC is reasonable. For further discussion of this topic please see the NFMP Section I, Chapter 2, page. 83 of the May 2002 version.</p>
C-3	<p>The mistakes made by the PFMC in deep water should not be repeated by the Fish and Game Commission in nearshore waters where the vast majority of users are recreational fishermen and their families, and where the state's citizens first learn how to fish. The principal drain on rockfish stocks in nearshore fisheries is a very small and thinly capitalized live fishery which feed a very specialized ethnic restaurant industry. The commercial fishery which catches and sells rockfish live, is responsible for the disproportionate depletion of rockfish. The industry is also relatively new, starting in earnest in the late 80s and the early 90s, yet this particular enterprise has already deprived commercial anglers of their fair share of rockfish resource and the proposed regulations do little, if anything to counter this inequity.</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. Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.</p>
C-4	<p>Accordingly, to the extent California's nearshore fisheries cannot support all users, the Coastside Fishing Club believes that the Commission should issue a ban on live fish capture, either through bag limits or gear restrictions, in the nearshore in lieu of any further ban or regulations on sport fishing.</p>	<p>Please see response to Speaker 2, Comment 5 above.</p>
C-5	<p>The live rockfish industry is only benefiting a handful of Californians. A tiny fraction of California's estimated 1.3 million recreational anglers.</p>	<p>While the commercial nearshore industry itself is small, it provides seafood to many people who desire this product. The recreational sector of the fishery, by number, is larger and is currently allowed a larger share of the</p>

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		resource. 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).
C-6	At a minimum Coastside requests regulations granting recreational anglers no less than 10 rockfish per day for 12 months per year.	Please see response to Speaker 2, Comment 1 above.
C-7	The California Fish and Wildlife Plan promulgated in the 60s, but designed to steward resources for the coming decades, states that, "priority should be given to recreational users, where a species or species group under state jurisdiction is incapable both the reasonable requirement of the sportfish rate(?) and the existing or potential commercial harvest."	Please see response to Speaker 2, Comment 2 above.
S-3 Mike Malone – Recreational Fisheries Alliance (RFA)		
C-1	And I think it's really important that you Commissioners not move this allocation issue down to the regional level. It really is important that you provide some overarching direction so that things don't close and personal at the ports.	Please see response to Speaker 2A (Letter from Brobeck), Comment 3 above. In addition, decisions on allocation will be guided by criteria listed in the MLMA Master Plan (Section I, Chapter 3, page 128). Regional Advisory Committees (RACs) representing diverse interests in the nearshore will be created to provide recommendations to the Department regarding management of the fishery. The Department will provide the RAC recommendations and those of the Department to the Commission in a coordinated manner.
C-2	But I think we want to look at the term "fair and equitable," that gets kicked around a lot. It's somewhat arbitrary. It's not been defined in the FMP, although it's used from time to time as a basis for making decisions. I think the surrogate has become, at least in the FMP, historic catch and is becoming kind of the defacto definition. (Three considerations for allocation decisions are presented: accessibility, importance to each sector, and management funding).	Like "reasonableness," "fairness" is a term of general applicability whose application changes depending on the totality of the circumstances. For example, a 50-50 allocation between recreational and commercial sectors may be "fair" for one fish species, but not for another. The MLMA does not provide guidance on how to determine portions of total take for different sectors of the fishery. It provides guidance on allocation of restrictions of harvest. Decisions on allocation are meant to be guided by the considerations provided in the MLMA Master Plan (Section I, Chapter 3, page 128): present versus historical participation, economics of the fishery, local community impacts, product

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		quality and flow to the consumer, gear conflicts, non-consumptive values, fishing efficiency, and recreational versus commercial sectors.
C-3	If you take all the commercial funds, the landing taxes, the nearshore permit, this year it's probably going to be around 50,000 dollars. So that's less than 5% of the nearshore funding.	Noted. 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. The MLMA contemplates the funding of nearshore fishery management through permit fees and legislative appropriations.
S-4 Bob Humphrey – Central California Council of Dive Clubs		
C-1	And so, we feel that with the nearshore are being comprised of 74 square miles of kelp forest covered coast line, which is very much the environs of the cabezon and a lot of these bottom rockfish, that any kind of gear that's allowed by the commercial fishery should fit the resource. And the sticks and traps don't fit this resource.	Speaker may be expressing support for Alternative 3: please see response to Speaker 2, Comment 5 above.
C-2	This trap study, the DFG in responding to our comments on the NFMP where we cited the trap study, they said that study was done to aid the legislature in making some regulations to control the trap fishery. And they did, they put in some regulations. But the question we have is, were those regulations effective?	The fishery dependent information that a trap study could provide is provided for in the Research Protocols (Section 1, Chapter 4). Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.
C-3	I don't think there's been a follow-up study, the NFMP doesn't discuss it, and we're very concerned because traps are not clean according to DFG's own study.	There has not been a coastwide follow-up study to the 1993 draft study. Information on nearshore bycatch is found, in the NFMP, in Section I, Addendum 1: Nearshore Bycatch. In addition, Stick and trap impacts are discussed in Section II of the proposed NFMP on pages 91, 93, 94, 150, and 151.
C-4	And again, they're both too effective for this nearshore area with all the pressure it's already experiencing.	Speaker may be expressing support for Alternative 3: please see response to Speaker 2, Comment 5 above.
C-5	So if you do allow the continuance of a commercial fishery, we would ask that you consider options in the NFMP that would ban traps and sticks and return it back to a rod and reel only fishery.	Speaker may be expressing support for Alternative 3: please see response to Speaker 2, Comment 5 above.
C-6	Oh, we refer to the Fish and Game, the California Fish and Wildlife Plan back in 1966, and Rob Collins when he was still working for the DFG, I'm on the Nearshore Fisheries Management Plan Advisory Committee, I brought up the Fish and Wildlife Plan and I cited where it says that where you have competition in a fishery, preference shall be given to the recreational	Please see response to Speaker 2, Comment 2 above. In addition, the California Fish and Wildlife Plan was prepared as a contribution to the State Development Plan being assembled by the California Department of Finance in January 1966 but never implemented. Several recommendations regarding marine resources eventually became part of Fish and Game Code Chapter 7. Conservation of

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	<p>fishery and any harvestable excess given over to the commercial, and Rob said, well, that's not codified. That's not in the law. I would like you guys to understand that we're not citing the California Fish and Wildlife Plan as though it's law, we know it's not law. But what it does represent is it represents legislative direction and legislative intent. We think the legislative intent is echoed in the MLMA and the Fish and Game Code, section 1700, where it says, and I'd just like to read it, it says that, "the Fish and Game Code describes it is state policy to encourage of local fisheries," and the word, the big word, "consistent with esthetic, educational, scientific, and recreational uses." That's a big word, consistent. We don't think that the commercial fishery in the nearshore has been encouraged in a manner consistent with the other uses. It also that it's to be encouraged into the utilization of unused resources.</p>	<p>Aquatic Resources §1700. State Policy. The policy presents objectives including "(c) The maintenance of a sufficient resource to support a reasonable sport use, where a species is the object of sport fishing, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport." And "(d) The growth of local commercial fisheries, consistent with aesthetic, educational, scientific, and recreational uses of such living resources, the utilization of unused resource, taking into consideration the necessity of regulating the catch within the maximum sustainable yield, and the development of distant-water and overseas fishery enterprises." The extents to which these policies still guide management still carry through. However, while the MLMA adopted the language of Section 1700(c), it did not adopt the restrictive language of 1700(d). The MLMA requires a fair allocation between sectors, and does not express a preference for either, There have been decisions that have resulted in recreational only fishing for some species such as the kelp bass in southern California and abalone in northern California.</p>
C-7	<p>The United Anglers proposal was included as an alternative, a gear restriction alternative, and an important part of that proposal was left out. And that was that there was something in there about if the commercial fishery wants to shift to midwater fish, it was going to put a proscribed bag limit on them, and that was left out of the Plan, and I don't think it should have been.</p>	<p>This was originally proposed in the United Angler's package of gear restrictions. The proposal was not moved forward because it would place management on mid-water species which are managed by the PFMC and beyond the scope of the Commission's authority.</p>
C-8	<p>And that's just indicative of the fact that this recreational fishery is fast becoming an unsatisfying fishery. It really needs to be open 12 months a year. Whatever you have to do to get it open 12 months a year. That should be the priority, not tonnage, not an allocation of tonnage.</p>	<p>See response to Speaker 2, Comment 1 above</p>
<p>S-5 Randy Fry –UA, Recreational Alliance, and Central California Council of Dive Clubs (CenCal)</p>		
C-1	<p>Basically it is a modification of alternative 2 in the Nearshore Fishery Management Plan. Anyway, effective January 1, 2002, a moratorium shall be established on all commercial fishing for the 19 nearshore fin species listed in the Nearshore Fishery Management Plan.</p>	<p>Comments 1 -5 appear to be a proposal for an alternative that is a modified version of Alternative 2.</p> <p>Response to Comment 1: A commercial Nearshore Finfish Permit to take identified species was created with the adoption of the</p>

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		MLMA. A moratorium on issuance of new permits was established in 2000. In 2001a minimum landing requirement was adopted to reduce latent capacity. At this time not all 19 species are within the authority of the Commission for imposing a restricted access program. Transfer of authority for the remaining species still under authority of the PFMC would allow the Commission to develop a restricted access program that includes the 19 species.
C-2	Stage III, data-rich conditions shall be amended to include the condition of satisfying California law, Fish and Game Code, section 100, section 1800, you guys have already heard all these.	It is unclear what sections the speaker is referring to. The FGC sections mentioned do not exist or have to do with captive wildlife. We apologize if the speaker's comments were not captured accurately.
C-3	Before any commercial harvest of the nearshore finfish could be allowed, and only after an excess has been demonstrated to exist in the nearshore. A commercially harvestable excess shall be defined as any surplus fish available for harvest after ecosystem needs and the needs for the recreational fishery have been satisfied.	Please see response to Speaker 2, Comment 2 above.
C-4	When a commercial fishery takes place under this proposal, it shall be conducted in a manner that minimizes the following: bycatch, the potential for geographic depletion of individual species, and the localized preemption of the recreational fishery.	The MLMA addresses the concern for bycatch and localized depletion in both recreational and commercial fisheries. The NFMP contains language that reflects those concerns. Regional differences in recreational and commercial patterns of take, including areas of conflict, are meant to be addressed through the RACs.
C-5	At minimum, this would require a rod and reel only as per alternative 3, section 2.4 in the Nearshore Fishery Management Plan. The commercial fishery would be closely monitored to satisfy these conditions at the expense of the commercial fishery as stated in California Fish and Game Code, 711.	Please see response to Speaker 2, Comment 5 above.
C-6	Now this is proposal two, which is a modification of that. Basically it's our severance package. There's not enough fish in the ocean for both the recreations and the commercials. Alternative 2 of the Nearshore Fishery Management Plan, and bringing in Alternative 12 of the Nearshore Fishery Management Plan, which is the recreational stamp, with the following additions. The Recreational Fishing Alliance of Northern California, the Central California Council of Dive Clubs, and United Anglers of California shall work closely with our lobbyists and the Department of Fish and Game with the introduction of a bill at the beginning of the next legislative session for the recreational nearshore conservation stamp, to be authorized and required to be purchased by	It is unclear, based on complete text, if speaker is advocating the combination of Alternatives 2 and 12 or if he is explaining that the identified organizations are pursuing legislation that will be a combination of those alternatives with provisions for creating funds to buy out commercial fishery participants. If the speaker is proposing a new alternative based on combining Alternatives 2 and 12, please see response to support of Alternative 2 provided to Speaker 1, Comment 5 above and response to Alternative 12 for Speaker 1, Comment 11 above. If speaker is explaining future legislative action that his organizations are interested in pursuing, the comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.

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	<p>the recreational anglers of the 19 nearshore fishery management species. This bill will also call for an increase in commercial nearshore permits, trap permits, and landing taxes. Funds generated by the nearshore conservation stamp and the said increase of commercial permits and landing taxes shall be deposited into a nearshore preservation fund. These monies shall be dedicated to a buyout of all nearshore permits over a two year period.</p>	
C-7	<p>So the PFMC is telling the state, okay the slope in the waters out there in the Pacific, that is for the commercial fishermen, the shelf is evenly divided among the recreationals and commercials, the nearshore is, it's the recreationals playground. It's our sandbox.</p>	<p>Speaker is referring to the Pacific Fishery Management Council Groundfish Fishery Strategic Plan prepared by the Ad-Hoc Pacific Groundfish Fishery Strategic Plan Development Committee (October 2000). The plan states on page 32 "...each state would be responsible for involving its constituents in a process of option development, review, and action by the PFMC." Additionally, the plan states on page 33 "11. In addressing recreational/commercial rockfish allocation issues, use the following fishery priorities by species group: for rockfish, states may recommend a recreational preference, with any excess to be made available for commercial use." The PFMC appears to defer decisions for State waters to the State. The Department, in developing the NFMP, considered this information and relied on the MLMA to develop a management plan for nearshore rocky reef fishes, consistent with the Magnuson-Stevens Fishery Conservation and Management Act. The MLMA expresses MLMA clearly contemplates regulation of commercial and recreational fishing without expressing a preference for either.</p>
S-6 Karen Reyna – Ocean Conservancy		
C-1	<p>We need to make sure that healthy populations of our nearshore species will survive while the California shelf is closed to all rock fishing. The potential for continued increased fishing pressure in the nearshore is great. And even more concerning, it's really currently immeasurable.</p>	<p>The Department shares the concerns over the shift in effort to the nearshore fish stocks as a result of recent and proposed federal actions to severely limit fishing for overfished groundfish outside 20 fathoms. There are widespread concerns about the socio-economic impacts of recent actions and proposed additional closures on the shelf, aside from the impacts on the fishery resources. The proposed fishery control rules are extremely precautionary and are designed to adjust take as situations, such as potential shift in effort, change.</p>
C-2	<p>The potential problem of localized depletion, which is directly linked to increased fishing pressure has not been addressed in the Plan, as Mr. Wendell had pointed out to you</p>	<p>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.:</p>

Speaker	Comment	Response
	<p>earlier. Localized depletion can be hard to assess until it's too late. The small home ranges, long life histories, and late maturity of these fish inhibit replenishment of heavily fished areas. If we just look at stable landing records as an indicator of the health of this fish, we may simply have recorded a geographical expansion of the fishery, where localized depletion has taken place in many spots up and down the coast.</p>	<p>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 <u>adaptive</u> management will help to better address depletion.</p>
C-3	<p>Therefore, we believe that it's critical not to delay in implementing the following measures, and also we believe that there are some additional measures necessary that aren't part of these 14 alternatives in the Plan, or comprehensive in the Plan.</p>	<p>Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.</p>
C-4	<p>The restricted access, commercial restricted access. I see that you have regulations that you will be putting forward later today, it is critical to take a look at those. The optimum yield has been reduced now by 30%, that's proposed by the groundfish management team, and you really have a hard decision in front of you because with that level of catch available, it's going to be really hard to have a program that isn't really restrictive.</p>	<p>The Department agrees that a restricted access program is integral to the success of recommended fishery control rules. A separate rulemaking process for restricted access is undergoing a parallel rulemaking at this time.</p>
C-5	<p>Secondly, you really need to adopt this regional management as soon as possible. It's critical. If not done soon it will result in delaying other parts of the Plan, including restricted access. A delay will also make it more difficult to come up with appropriate management solutions in particular areas. Each region has unique characteristics including a change in the target species, the gear, and the amount of recreational versus commercial fishing. The best way to solve many of these management problems is to manage regionally.</p>	<p>The Department agrees that regional management is the preferred approach. Four management regions is now the recommended alternative for regional management. The benefits to this approach are provided in Section I, Chapter 3, pages 113-115. Alternatives with more than four regions would incur increased costs and staffing needs that would be required to administer these regions.</p>
C-6	<p>Third, cooperative research with fishermen to draft and implement the research protocols starting with the reference reserves for the CRANE project. We think this is critical and in order to move forward you have to make sure that this research protocol is set up properly so please take a look at that in the Plan.</p>	<p>We agree this will be a component of the implementation of the Research protocols of the NFMP. 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</p>

Speaker	Comment	Response
		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. Reference reserves will be a component of the implementation of the Research Protocols of the NFMP. Please see Section I, Chapter 4, page 154-155.
C-7	Four, create a mandatory recreational stamp to assist in essential data collection on fish mortality and research. This is similar to alternative 12 and we ask you to please adopt this today.	Please see response to Speaker 1, comment 11 above.
C-8	And last, but not least, management of the nearshore needs to include a plan, like I said before, dealing with localized depletion. We believe that the easiest and most effective way of addressing this problem is by using a combination of two management measures. Specifically, we believe that the Commission needs to implement a combination of gear restrictions, some variation of alternative 3 for example. Starting with a statewide ban of stick gear, and also a network of fishery conservation zones or temporary closed areas until the MLPA process is complete. Because the MLPA process is being pushed out for so many years we are really concerned about, again, localized depletion and these closures could help now and not later.	The routine management measures mentioned: creation of closed areas is already a tool 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-9	We also believe at the minimum that the Commission should consider a trap gear endorsement to cap the number of traps for each permit and help address this problem.	Speaker may be expressing support for Alternative 3 (Gear Restrictions for Commercial Fleet) or expressing a need or desire for creating a gear endorsement program where commercial participants would fish with the gear they have traditionally used and been given an endorsement or permit to use. Alternative 3 is not the recommended approach at this time. Gear endorsements are a tool available through the restricted access program undergoing a separate but parallel rulemaking. The comment is included in the administrative record of proceedings and will be provided to the Commission for its consideration.
S-7 Bob Osborn - United Anglers of Southern California		

Speaker	Comment	Response
C-1	<p>We're opposed to the three stage fishery control rule. It is our belief that the control rule is not a cohesive rule. Stage I is a default rule based upon a concept of MSY. As data improves on this concept, you would not naturally progress to a Stage II or III. Rule of thumb science would estimate unfished biomasses at 40% not 60%. 40% would be the biomass that would produce MSY. Though that could vary one way or the other at information was obtained. The three stage rule essentially embeds a policy decision to not fish at MSY as a desirable fishing as what the public wants.... The Department actually recommends we put off implementing Stage II and III regulations to a time when more information is available, so why embed this so important policy decision in the FMP until it comes close to the time we need it and when we have sufficient information to weigh its impact both to the fish and the fishermen.</p>	<p>The MLMA requires fishery management plans to be based on the best scientific information available and any other relevant information that can be obtained without substantially delaying the preparation of the plan. Essential fishery information will be a key component of determining how to move from stage to stage and what models or assessments would be best suited to make decisions. The intent is to allow any valid new information on the status of a stock to be used in the management process. In that context, practically any type of scientifically sound stock assessment could allow management to move from Stage I to Stage II. A broad range of approaches would be acceptable, from simplistic surplus production models to more sophisticated integrated models such as "Stock Synthesis" or "AD Model Builder" approaches. The intent of Stage II management is to allow quantitative stock assessments to be used by managers to establish the annual level of allowable catch, based on a specific formula that calls for increasing precaution in response to progressively worse stock conditions, hence the need to determine Unfished. The NFMP provides an example of how the abundance of fish in nearshore reserves may be used to help determine the status of a stock and provide the necessary input for the harvest formula, but any other kind of stock assessment that passes peer review may be used as the basis for Stage II management. The NMFP is designed to allow managers to use the "best available scientific information" or "other relevant information" in the decision process, and the plan provides the flexibility to accommodate various stock assessment methodologies as long as the results are scientifically sound.</p>
C-2	<p>UASC believes that the advisability of having a control rule, even if there is no commercial fishery. In fact, Phil Anderson, the designee of the state of Washington Fish and Game Commission to the PFMC, spoke at length in opposition to California's request to transfer of authority on nearshore fish. The state of Washington, in fact, regulates their nearshore fishery under the PFMC control rules, along with what's called the Washington, which is option 2 on your list there, list of options. And he reported to the PFMC that the state of Washington was very happy with that arrangement. It is the opinion of UASC that the Department isn't prepared to move forward with the preferred options. If the Department wishes to separate themselves from the PFMC, they</p>	<p>Speaker appears to oppose request to transfer authority of nearshore stocks to the State. California has major challenges with regard to nearshore fish stocks and the State is in a much better position than the PFMC to deal with them. The PFMC amendment process can take a year or longer to complete: thus time is critical in terms of relieving the PFMC of California's issues with regard to management of its nearshore fish stocks. Fisheries outside State waters, which include most trawlers and offshore gillnetters, will continue to be managed by the PFMC. Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.</p>

Speaker	Comment	Response
	still need to be prepared to operate under PFMC authority with trawlers and offshore gillnetters that impact nearshore species.	
C-3	In our opinion, existing control rules are adequate until additional information becomes available.	The MLMA express mandates the creation of the NFMP using such scientific information or "other relevant information that can be obtained without substantially delaying the preparation of the plan." (FGC Section 7072(b), (d).) Speaker may be expressing support for Alternative 1 (No Project). Alternative would continue the current regulations. It is true that there are many regulations at work in marine fisheries. The NFMP hopes to bring a broader perspective to nearshore management by using a scientific basis and well disciplined approaches to allocation, restricted access, and marine protected areas on a regional basis. Size and slot limits have their place in fishery management, but they are difficult to enforce. Visualizing large populations of fish while fishing at the known habitat sites off the coast is not a proven technique for understanding the true vulnerability of species populations. Therefore, broad management goals with localized, regional management and annual research in stock assessment, mortality, age, and growth is the preferred option of the NFMP. The MLMA requires fishery management plans to be based on the best scientific information available and any other relevant information that can be obtained without substantially delaying the preparation of the plan.
C-4	UASC still strongly supports Alternative 3 at a minimum, for the many reasons we have given you over the years that this plan has been under development.	Please see response to Speaker 2, Comment 5 above.
C-5	We are very concerned about the Department's embedding of reserves in this plan, particularly in the goals and objectives, which should be the province of the Commission and constituency and not the Department. The UASC is not against marine reserves, protected areas, what we are against is marine protected areas being an objective or goal in itself. MPAs should be implemented carefully only after fully weighing costs and benefits.	Marine Protected Areas (MPAs) are intended to be an objective of the plan for two primary reasons. They will play a key role in integrating with the Fishery Control Rules by addressing MLMA goals and objectives. They provide methods to rebuild stocks, prevent overfishing, and look at temporal changes in biomass in the absence of fishing pressure. In addition, they play a key role in meeting some mandates of the MLMA relevant to maintaining ecosystems, preserving habitats, and providing for non-extractive uses which cannot be addressed by other management measures. (Section I, Chapter 1, Table 1.1-1). Also, habitat maintenance is an express objective of the MLMA.
C-6	MPAs should be implemented carefully only after fully weighing costs and benefits.	Please see response to Comment 5 above. Your comments are included in the administrative record of proceedings and will

Speaker	Comment	Response
		be provided to the Commission for its consideration.
S-8 Sami Lang – Bay Area Underwater Explorers		
C-1	We're there over a thousand dives a year from our small group in the California coast seeing the depletion of the resource first hand.	Thank you for your observation. Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.
C-2	We believe a comprehensive system of marine reserves is necessary to protect the long term health of the nearshore. We do not know enough about the ecology to manage it any other way without risking disaster. No take reserves can act as insurance policies against improper management, changes in our understanding of the resource, natural disasters, etc. Now, we believe that these reserves should not restrict access to non-extractive low impact activities like boating, diving, kayaking, surfing, etc.	Speaker appears to support the recommended management measures that include the use of MPAs. The recommended option which is based on an integrated program of fishery control rules with three stages of precautionary adjustment depending on essential fishery information knowledge and providing for marine protected areas to provide basic levels of ecosystem conservation is designed to meet the requirements of the Marine Life Management Act and provide a framework suited to effectively managing the nearshore stocks and fisheries. 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.
C-3	Now we are in favor of allowing continued recreational fishing with reduced bag limits. We believe that recreational fishing can have an impact on groundfish stocks, especially in localized areas, but we support it with the bag limits combined with the quotas for groundfish.	Speaker appears to be in support of recent regulatory changes by the Commission and the PFMC in response to concerns over stocks of shelf rockfish.
C-4	Now, of the existing proposals that are in front of you today, I wanted to keep it short, none of them are perfectly aligned with our view of things, but the section 2.3, alternative 2, which is the closure of the commercial fishery is the closest to our beliefs, and that's really what our group wanted to bring in front of you.	Please see response to Speaker 2, Comment 5 above.
S-9 Patrick Lovejoy		
C-1	And we have to do something, and I still think there is some room for compromise. So, rather than a draconian closure, which I wouldn't argue against, I will still support section 2, chapter 2, section 2.3, the alternative that Sami also spoke of.	Please see response to Speaker 2, Comment 5 above.
S-10 Mike Giraudo –		

Speaker	Comment	Response
Coastside Fishing Club		
C-1	To make it pretty short and sweet, basically I want to echo what Tom Mattusch had to say. What he said was long, lot of detail, but straight from the heart. But, I hope you really take into account what he had to say. Basically, what I want to say is, take a good look at your decision here. And what we're trying to say is put recreational first, because those are the citizens of California.	It is not clear if speaker is supporting specific or all comments made by Speaker 2. If speaker is referring to all comments, please see responses to Speaker 2 and 2A above.
S-11 Guy Grundmeier		
C-1	This is my livelihood, it's a great thing. I see the divers down there looking, they still ain't found bin Laden yet. And you ain't going to find those rock cod that way.... We need to do it. It's not a matter of beating each other up here, and I don't want to feel like I'm attacking anybody in the audience, it's just that this is my livelihood, I've got all my money wrapped up in a 50 foot boat and a 22 foot boat and 15 years experience.	Speaker appears to be opposed to 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	I talked to the guy from National Marine Fisheries. Those numbers he's coming up with are plucked out of thin air. I can show you where the bocaccio live, I can show you where the cowcod live, I can show you where those things happen.	This comment appears to be addressing recent and proposed federal actions by the PFMC to limit recreational and commercial fishing for rockfish, lingcod and other nearshore species outside 20 fms. The proposed actions by the PFMC are considered necessary to conserve the shelf rockfish resources and to prevent collapse of those stocks.

Speaker	Comment	Response
S-12 Ted Yeh		
C-1	<p>I want to address a very, very big issue between the public and the Commission and that's called public trust. We as sport fishermen, feel very frustrated as you can understand. Where does the frustration come from? The frustration comes from hearings like these, when we feel like decisions have already been made and this is just a public array. We, as your constituents, support you through our licenses, over a million of us, and frankly, have trusted and embodied all that trust in you to take care of us, your constituents. True, there's a commercial fishery to think about, they have to make also as stated by the preceding gentleman.... Ones that will benefit all of your constituents, including the commercial fishermen and us, the recreational people who support you through our licensing fees .</p>	<p>Speaker may be expressing support for Alternative 2 or 3. Please see response to Speaker 2, Comment 5 above. Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.</p>
S-13 Captain Bruce Beniki		
C-1	<p>It's getting real confusing. If the season's closed, how did they get these tonnage issues when, I don't know.... And that's just one species, it just goes, I think you can twist these numbers around anyway. There's a lot of fish out there. We need you know, to slow things down, but still there's plenty for everybody to go fishing and that's all.</p>	<p>For the interim management measures, the MSY/OY and the associated allocation calculations used the best data available at that time. The years that were selected for the calculations of MSY/OY and allocation were but one of several different possible combinations of years that were presented to the Commission during their consideration of the interim management measures. In contrast, in the NFMP, the preferred options for the harvest guidelines and allocation indicate that the calculations also will use the best data available, but no years are specified. The CALCOM and MRFSS data presented in the NFMP are at this time considered to be the best available commercial and recreational data for calculating the TACs and the allocations.</p>
S-14 Mike Gower		
C-1	<p>One is, no new commercial permits for nearshore. I just cannot see that there's going to be any justification for adding pressure.</p>	<p>A moratorium currently is in effect that prohibits the issuance of new Nearshore Fishery Permits. 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</p>

Speaker	Comment	Response
		separate but parallel rulemaking.
C-2	Two, we should set a minimum size for all fish, recreational and commercial, to allow at least two years of reproductive time, get Fish and Game to analyze it and say okay, a blue rockfish has got to be at least 10 inches, a black rockfish is got to be 12 inches, whatever, both recreational and commercial has to look at these limits.	The NFMP is designed and written to be a framework document. Each of the recommended 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. Two concerns with any management measure based on size is the need to have reliable maturity information on a species (and this can vary geographically) and the potential mortality of undersized fish returned to the water.
C-3	Three, that there should never be any commercial taking of fish at any time that recreational is closed. To have commercial open when we're told that there's none left for recreational, again, ludicrous.	Speaker may be concerned with closures based on caps on total allowable take by user group. Commercial and recreational seasons are designed to accomplish many things including the reduction of take to achieve conservation objectives or to reduce conflicts between user groups. When a fishery is managed by a cap on total allowable catch and allocation of specific amount to user groups, the individual fishery can be closed when that sector reaches the cap on its allowed catch. This can result in one sector continuing to fish when the other is closed. If closures are designed to eliminate conflicts (as occurs with closures based on day of week fishing is allowed) then there will be days when one sector cannot fish yet the other can. Generally, in this situation, it is a recreational fishery that fishes when the commercial user cannot. If speaker is expressing a preference for commercial and recreational seasons to be aligned, the comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.
C-4	And fourth, just a simple little thing in response with some of the stuff that's gone on with the party boats, we'd like to see it required that all party boats have a large sign encouraging anybody seeing any illegal activity, call CALTip as soon as you leave the boat.	Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration. In addition, we will forward this suggestion to enforcement.
S-15 Bob Bachman		
C-1	It's my understanding that the Fish and Game Code, or at least the legislative intent, requires that the maintenance of sufficient ocean fish resources to support a reasonable sports use when a species is an object of sport fishing. I feel that the current	Please see response to Speaker 2, Comment 2 and Comment 4 above.

Speaker	Comment	Response
	mix of commercial and recreational fishing allocation and management has not actively followed this mandate and as a result, recreational fishing and resources have suffered drastically.	
C-2	To save the nearshore resources and preserve the recreational fishery, I respectfully, respectfully request that the Department of Fish and Game embrace in an act, alternative 2, which is also often called the Washington Proposal. .. So again, please implement alternative 2. Close the nearshore commercial fishing so that the fish stocks and recreational fishing is preserved per the charter and mission of the California Department of Fish and Game and for the people of California.	Please see response to Speaker 2, Comment 5 above.
S-16 Jesus Ruiz		
C-1	I am concerned of local depletion. Anybody who's a scuba diver that has been diving within the kelp beds can see that all the large fish are gone. And mainly what you see is the yearlings. As most of you know, they start off in the shallow waters, and as the rockfish grow they go into the deeper waters.	Please see response to Speaker 6, Comment 2 above.
C-2	One of the main concerns is that people don't have the local knowledge, and in order to stop the local depletion I think we have to have local governance. I strongly support and endorse the regional management so you can have the local expertise and things can level out between the commercial, recreational, and non-consumptive users there.	Please see response to Speaker 6, Comment 5 above.
C-3	I think you will be missing an opportunity today if you don't vote to end the live fishery. I am very, very concerned about the gear, traps, but I am also concerned about the traps... gear, sticks, but I am most about the trapping. This is a growing industry, and unless you put an end to it now, it will continue to grow, and it will continue to put more pressure on the localized fish.	Speaker appears to support Alternative 2. Please see response to Speaker 2, Comment 5 above.
C-4	The other thing that I think is very important is that you institutionalize some sort of temporary closures on the regions. And I'm particularly more interested in the closures where I dive, obviously, but temporary closures up and down the state. If you don't do that, by the time that the MLPA panels end up setting up the networks of reserves, there won't be any fish to protect. Unless all you're looking for is the yearling.	Please see response to Speaker 6, Comment 8 above.
S-17 Tom Krebs		
C-1	I'd like to see some more of that as far as	The Department agrees it is crucial to the

Speaker	Comment	Response
	data collection goes.	success of the NFMP to gather appropriate information. The Research Protocols (Section I, Chapter 4) contains the details on the data needed to support the management of the nearshore fishery. It also includes descriptions of methods to obtain the information and a timeline. However, the MLMA requires fishery management plans to be based on the best scientific information available and any other relevant information that can be obtained without substantially delaying the preparation of the plan.
C-2	And I'd also like to see some more meaningful dialogue between the Department and the recreational sector. It seems like the Department is stuck on the letter of the law as mandated by the MLPA, rather than the spirit of the law on nearshore issues.	The MLMA contemplates broad participation by fishery participants, their representatives, fishery scientists, and other interested parties. Members of the recreational sector were part of the Nearshore Advisory Committee which guided or reviewed development of several sections of the NFMP. Recreational representation is identified as a component of regional committees. In addition, the NFMP is a framework plan. The Department is committed to working with all interested sectors to successfully manage the nearshore fisheries including use of fishermen in collaborative research. The collaborative work is outlined in the NFMP (Section I, Chapter 4, pages 152, 161-162, and Table 1.4-3). The details on how fishermen will be involved in such activities will be worked out during the implementation phase of the FMP.
C-3	More recently, this Washington option has popped up and it was also not considered by the Department as being a viable solution until the Commission itself requested that the Department include it in the revised proposal. The Department's preferred option of the Nearshore Fishery Management Plan at this point is unacceptable to the recreational sector since it is based basically on a healthy fishery and as everyone knows this fishery is not healthy by any rational standard. This can be clearly ascertained by examination of the Department's graphs indicating the boom years of the commercial live fishing industry followed by the bust years, which we're in now.	Speaker's comments may be expressing support for Alternative 2 and opposition to the recommended management measures. Please see response to Speaker 2, comment 5 above. Regarding comment expressed about data: the information in Section 1, Chapter 2 includes graphics of historical take by recreational and commercial fisheries. The years include recent years when landing declined from previous years. The reasons for this decline can be partially attributed to regulations that limited amount of allowable catch in recent years. The recommended fishery control rules are designed to be quite precautionary in the Stage I data-poor situation that we are in at this time.
C-4	The wording in the Plan, there is no wording the Plan for commercials to cover the cost of enforcement currently paid, reluctantly I might add, by the recreational sector.	Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration. Fish and Game Code §711 describes funding and costs for Department programs. The MLMA contemplates the funding of nearshore fishery management through permit fees and legislative appropriations.
C-5	The recent invasion of the, relatively recent	If speaker is expressing a preference in

Speaker	Comment	Response
	invasion of the nearshore waters by the commercial live fishers, which waters have been historically fished by the recreational sector, now seems to be fostered by the Department and yet the Department will not explain why the recs are being slowly pushed out of, basically like Randy Fry said, our sandbox out there.	nearshore waters for recreational fishermen, please see response to Speaker 2, Comment 2 above. In addition, regulations that have been recently adopted by the PFMC and the Commission were necessary to protect certain rockfish species and have had impact on recreational and commercial fisheries.
C-6	The Department's allocations, no matter how you cut them, 50/50	This comment may be related to the options the Department presented to the Commission regarding recommendations to the PFMC for set asides of minor nearshore rockfish in California waters in 2003. It is not regarding an option presented in the NFMP.
S-18 Donna Solomon – Solomon Live Fish speaking for the Wans		
C-1	I'm going to tell you all right now that we do work, we work for the public. They say that this is for public use, it is also for public consumption. This is who we work for. We do it for a living. We do not rape the ocean. We are not uncontrollable, and you can control us. These gentlemen live under very strict rules, under very confined allocations.	Speaker appears to oppose Alternative 2. Please see response to Speaker 1, Comment 1 above.
C-2	We do advocate a stamp for the nearshore for the recreational.	Please see response to Speaker 1, comment 11 above.
C-3	We do advocate stricter rules on the recreational sector, and a larger take commercially.	The proposed NFMP supports the MLMA which specifically calls for appropriate accommodation for the recreational and commercial fishing sectors. Management of both sectors must focus on achieving sustainable use of the fishery resources. Both sectors will be curtailed if sustainability is questionable.
S-19 Mark Elkins RFA, Tri-City Anglers, Coastside Fishing Club, and Bay Sportsman		
C-1	What I'd like you to do is take into consideration the Washington Plan and please give it your fullest attention.	Please see response to Speaker 2, Comment 5 above.
C-2	My question is, is how are you going to enforce these rule?	The comment might be expressing concern over funding to enforce regulations. Please see response to Speaker 17, Comment 4 above.
C-3	Yes, recreational need to be enforced, and so do commercials. We feel the burden of that support should be paid for equitably by both groups.	Please see response to Speaker 17, Comment 4 above.
S-20 Dan Wolford		
C-1	I want to first state that I support the three	Please see response to Speaker 2, Comments

Speaker	Comment	Response
	proposals advocated by the Coastside Fishing Club, these being the daily limit of 10 rockfish 12 months a year,	1 and 6 above.
C-2	establishing a preference for the recreational angler,	Please see response to Speaker 2, Comment 2 above.
C-3	and ensuring the take of the nearshore rockfish does not come at the expense of the fishery itself.	Please see response to Speaker 2, Comment 2 above.
C-4	Unless a harvestable excess is shown to exist, we must prohibit commercial fishing for rockfish in the nearshore environment in order to protect it for current and future generations.	Please see response to Speaker 2, Comment 2 above.
C-5	We need to strengthen our efforts to understand the current and long term health of the fishery and the impacts of fishing [on it to halfway?] manage. We need to better understand which gear, which techniques, and which practices adversely impact the fishery and its habitat, and take steps to minimize those impacts in order to protect long term fishery itself.... We need better data and better models	The Department agrees with the need for this information. Identification of research needs, methods to obtain information, and a timeline are provided in Section I, Chapter 4.
C-6	I would encourage the Commission to support including the science behind fishery management.	The Department agrees and your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.
S-21 Ted Wheeler		
C-1	So why keep a fishery open when it cannot support itself economically?... We have been pleading with you for years, but year after year you have taken the advice of the Department. As a result year after year our resource has gone down while we are forced to pay the way for a small special interest group. Do you have any idea how frustrating this is? It will take longer than any of us will be alive for the resource to recover to 40% of what it had been. This is because most of the brood stock is gone. Obviously, there is no excess, and has been no excess for years. Yet, a small special interest group has been allowed to take the resource from the public. This is morally wrong, environmentally wrong, economically wrong, against the spirit of the law, and against the law.	There is no authority for the proposition that a "recreational preference" governs marine resource management decisions. The California Fish and Wildlife Plan of 1966 was never implemented and is no authority. The provision of the California constitution regarding the so-called "right to fish" has been considered by the courts in the context of both recreational and commercial fishing. Further, the California Supreme Court has ruled that the power to regulate fishing has always existed as an aspect of the inherent power of the Legislature to regulate the terms under which a public resource may be taken by private citizens. This regulatory power applies to both recreational and commercial fishing, and the MLMA clearly contemplates regulation of commercial and recreational fishing without expressing a preference for either. Speaker may be expressing opposition to the recommended management option. The recommended option which is based on an integrated program of fishery control rules with three stages of precautionary adjustment depending on essential fishery information knowledge and providing for marine protected areas to provide basic levels of ecosystem conservation is designed to meet the requirements of the Marine Life Management

Speaker	Comment	Response
		<p>Act and provide a framework suited to effectively managing the nearshore stocks and fisheries. 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.</p>
C-2	<p>The Department's evasion of defining reasonable and satisfying while giving our resource to a special interest group is a serious mistake.</p>	<p>One of many MLMA policies is that the resource support a "reasonable sport use" and that quantity be sufficient to provide a "satisfying" sport. These are subjective concepts whose applicability varies depending on the totality of the circumstances. Fishery management plans are required to conform "to the extent practicable" with such policies, which also include the encouragement of commercial fisheries. (See FGC Section 7055 and 7056.) If the terms are to be defined further, this would need to come as guidance from the Commission. The MLMA has not defined the subjective terms 'reasonable' and 'satisfying fishery'. Therefore, the Department has attempted to create a broad framework for the NFMP in which both recreational and commercial fishermen can follow their sport or livelihood while guaranteeing the overarching goals of the MLMA, sustainability, conservation and restoration of the living resources. Management of fishery resources cannot guarantee any set amount of catch per fisherman, rather management is designed to provide continued opportunity to fish. In addition, the NFMP relies on involved constituents from many interest groups to advise how these definitions are applied.</p>
C-3	<p>The Department has failed very badly. We have told them year after year after year what must be done. They have ignored us. I am sorry to stress the incompetence of the Department, but this is too important. It is now up to you. Are you going to let the last of our resource be lost, or are you going to</p>	<p>Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.</p>

Speaker	Comment	Response
	give it back to the public. Please think seriously about this, regarding the abalone and the nearshore fishery, when in contention we have always been right and the Department has always been wrong. Are you going to follow the disastrous advice of those who have always been wrong, or the conservative and fair advice of those who always been right.	
S-22 Bob Rathborn		
C-1	There are a number of strong arguments in favor of a continued inshore rock fishery including the fact that approximately 1.4 million licensed California sport anglers should have the right to access this resource. And it should not be subject to overt commercial exploitation.	Please see response to Speaker 2, Comment 2 above.
C-2	In conclusion, I respectfully request that the Commission consider and approve a 12 month long inshore sport rockfish season. Further, that the limit on the fishery be the same as the regulations currently in place, that is, 10 rockfish, etcetera.	Regarding request for 12-month season: Please see response to Speaker 2, Comment 1 above. Speaker may be also expressing support of Alternative 1 (No Project) in request for limits to be same as regulations currently in place. Please see response to Speaker 7, comment 3 above.
S-23 Kurt Solomon – Solomon Live Fish		
C-1	When we talk about fair and equitable, we should have on the nearshore, should be 50/50 myself, and many other fishermen that are with us.	Please see response to Speaker 17, comment 6 above.
C-2	When it comes to the ultimate consumer, I would recommend that they run a survey to see if they're willing to give up their fish to a private sector, which I haven't seen happen yet. Basically, I think if they did that we would come up with a decent answer.	Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.
S-24 Giovanni Nevoloso – commercial fisherman		
C-1	(Appears to support continuing nearshore commercial fishery)	Speaker may be expressing support for continuation of a nearshore fishery and may be expressing opposition to Alternative 2. Please see response to Speaker 1, Comment 1 above.
S-25 Eugene Porter		
C-1	And so, I'm going to ask you to actively create abundance, particularly in the marine region. We want you to bring the fish populations from a declining population to an increasing population. Do what you have to do to do that.	It is unclear if speaker is proposing specific action. The Department feels the recommended management measures are sufficiently precautionary, and with restricted access, regional management, use of marine reserves, will be appropriate to manage the nearshore stocks.

Speaker	Comment	Response
		If speaker is expressing support for Alternative 2 or Alternative 3, please see response to Speaker 2, Comment 5 above.
S-26 Jim Martin - RFA		
C-1	I think that it's time to consider a non-consumptive use stamp as well. In the Nearshore Plan they mention how much money non-consumptive users are spending on this resource and that could be a funding stream for the Department.... Supports creation of nearshore conservation stamp for non-consumptive users	Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration. The Department has received General and Marine Life and Marine Reserves Funds since 1999 for Marine Life Management Act programs which are received from the State. The MLMA contemplates the funding of nearshore fishery management through permit fees and legislative appropriations. The suggestion of a nearshore conservation stamp for non-consumptive users is a variation of Alternative 12 listed under Section 2, Chapter 2.13 "Restricting Access Using a Nearshore Recreational Permit." It appears the speaker is suggesting the funds be used for management of the nearshore fishery resources. This concept has merit as described in providing support by non-consumptive users for NFMP species management. Department support would depend on the specific proposal resulting from a Legislative process. Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.
S-27 Lyle Ryan – United Anglers and Coastside Fishing Club		
C-1	I agree with the positions of Tom Mattusch and the Coastside Fishing Club, and I urge you to adopt their proposals.	Please see response to Speaker 2.
C-2	I would support a buyout of the commercials involved if they are driven from the nearshore fishery, and I wouldn't mind myself using sport fishing, increased sport fishing fees to do that.	Alternative 12 (Restricted Access Using a Nearshore Recreational Permit) was 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. The idea of buy-outs or other compensation to displaced fishermen has significant statewide policy, program and legal ramifications, and would require action by the Legislature. Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.
S-28 Jim Bassler – North-central		

Speaker	Comment	Response
region commercial		
C-1	I want to encourage the Commission to adopt this Plan as recommended by the Department.	Please see response to Speaker 8, comment 1 above.
C-2	The only thing the Department didn't recommend moving on right away is size limits for the commercial fleet. Two years ago I asked for a size limit increase for greenling. It kind of fell on deaf ears, I thought I might get support from the environmental community, I thought maybe I'd get support for that from the recreational fleet because they both benefit from this. I mean, the fish stocks, if you have a higher size limit, you're going to have more reproductive biomass out there. The recreational fleet's going to have more fish available to them.	Please see response to Speaker 1, Comment 3 above.
C-3	I just want to make that point to the recreational guys here that we really need to work together because the commercial fishery desires there to be fish out there and a fair share. That's all we're asking and we'll work hard to make sure there is fish.	The use of regional committees is designed to accomplish this intent. Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.
S-29 Steve Campi – President of Central California Council of Diving Clubs		
C-1	So, as a result, we would like to see the commercial definitely curtailed so there'd be both sustainable fishery and basically sustainable species first, and then a satisfying fishery afterwards.	If speaker is expressing support for Alternative 2 or Alternative 3, please see response to Speaker 2, Comment 5 above. If speaker is expressing a request for a recreational preference in the nearshore, please see response to Speaker 2, Comment 2 above.
C-2	Also, CenCal for instance, is setting up a program to help the Department monitor what is out there in the ocean so they'll have statistics to base their decisions. We will do that in the recreational fisheries. It's so data-poor right now. We look forward to the opportunity to help you out.	Thank you for your support to assist the Department in obtaining essential fishery information. Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.
S- 30 David Whittington – Secretary of CenCal		
C-1	I'd like to submit a printed copy with my signature as John Q. Public to ask you to also consider the alternative 2, section 2.3, commonly called the Washington Proposal	Please see response to Speaker 2, Comment 5 above
C-2	And also to support the buyout stamp proposed by Randy Fry.	Please response to Speaker 5, Comment 6.
S-31 Paul Weakland		
C-1	No one has talked about the failed policy of	The management of most marine mammals,

Speaker	Comment	Response
	the Mammal Protection Act. When I was a child in California, seeing a seal or a sea lion was a rare event. Now they're everywhere, you can't get rid of them. And they are the reason for the downcline in the fish populations. If we would readdress the failed policy of the Mammal Protection Act we would go a great deal further in having more fish.	including seals, is under the Marine Mammal Protection Act. The Department and Commission's opportunities for addressing issues related to marine mammal population levels are part of a continuing dialogue with NMFS to provide a coordinated approach towards sustainability of the nearshore fishery.
C-2	Now there's only small segment of the population that can acquisition this public resource. Someone that doesn't dive, doesn't have a boat, doesn't have the ability to go in the water or drive all the way to an open area, they're left out. They are not able to access this public resource. Now, commercial fishermen are a service organization. All they do is access the resource for the public. More public, more people in the state of California access fish in the marine resources through the fish markets. They go to the market and they buy their fish. This is how the majority of Californians are able to access the public resource. The commercial fishery, we try hard to do everything so a sustainable fishery is there.	Speaker may be expressing opposition to Alternative 2 which would end commercial fishing for nearshore species. Please see response to Speaker 1, Comment 1 above.
S-32 Mark Santoro		
C-1	So once again, I support the position of the Coastside Fishing Club, I'd like to state that.	Please see responses to Speaker 2 above.
S-33 Frank Delahay		
C-1	I support the alternative number 2 100%.	Please see response to Speaker 2, Comment 5 above.
S-34 Edward Olson		
C-1	Early 1970s, and I came into this school of blue rockfish. There must have been a million rockfish in this school of blues. They were all in there eating jellies. And him and I were swimming in it and we weren't 50, 75 yards apart and neither one of us were on the edge of this school of blues. We've been back in there lately and you can't find a blue out there to save your soul. I wondered where they all went until we saw a net boat, or a drag boat, the huge fishing boat, commercial fishing boat, unloading all the blues up there. I don't know if they were the same blues or not, but there was a million or more blues in that boat and they all went to the Shell(?) Fish Company in the Noyo River and I rest my case at that.	Speaker is referring activities of a trawler (drag) vessel which do not operate in State waters except in a few places along the coast. The trawl take of blue rockfish is largely under authority of the PFMC. A small amount of nearshore OY is allocated to federal limited entry fisheries, a small part of which is the trawl fishery. This amounts to a bycatch allowance and is intended to reduce discards. It is expected that management of the take of nearshore species by trawl gear would be handled in a similar manner with the NFMP.
S-35 Chris Hall – VP Coastside Fishing Club		

Speaker	Comment	Response
C-1	<p>There are other measures to sustain the rockfish population without curtailing the sport industries. These have been outlined for you by Tom Mattusch, our Coastside Fishing Club political coordinator. I am asking you to support his position for myself, these people who sit behind me, and for our children who have no voice, but need to be heard.</p>	<p>Please see response to Speaker 2. Your comments are included in the administrative record of proceedings and will be provided to the Commission for its consideration.</p>