

**Nearshore Fishery Management Plan (Draft May 9, 2002)
Public Comments from the Fish and Game Commission Meeting in San Luis
Obispo on August 1, 2002**

The following oral comments were received

Speaker	Comment	Response
<p>S-1 Tom Raftican</p>		
<p>C-1</p>	<p>Marine reserves, on the use of marine reserves in the nearshore fishery management plan we've got a great deal of concern. It's our belief that marine reserves remain untested as fishery management tools. California should manage its fisheries in a manner that is clearly within the MLMA policies of recognizing the importance of recreational and commercial fishing.</p>	<p>Speaker appears to be expressing opposition to the recommended management option. Marine Protected Areas (MPAs), especially marine reserves as described in the NFMP Section 1, Chapter 3, where no take is allowed, are uniquely capable of eliminating many risks to the sustainability of fishing and to conserving ecosystems and habitats. None of the other management measures in the NFMP are specifically directed at the protection of habitats and fish nurseries. Without the addition of MPAs, the NFMP does not fully meet all of the criteria specified by the MLMA (FGC, Division 6, Part 1.7). The NFMP, however, does not specify the placement, size and function of MPAs along the coast. That process is being directed by MLPA (FGC, Division 3, Chapter 10.5) and tracked by the NFMP management team to guarantee compliance with the needs of nearshore fish. Although MPAs are not a 'cure-all' for every nearshore problem, they are the single management measure that guarantees the preservation of adequate and appropriate habitat for the regeneration of depleted nearshore fish stocks. For this reason, the Department supports the MLPA process as one of the fundamental elements in a broad management framework. The use of marine reserves in a comprehensive management program, while potentially eliminating or reducing fishing effort within certain MPAs, is not meant to eliminate fishing coastwise.</p>
<p>C-2</p>	<p>The Marine Life Protection Act has provided a means of, for establishing reserves for purposes other than fishery management. The MLMA should remain as the Act to insure the future of sustainable fishing using the best science available and not marine reserves.</p>	<p>Please see response to Comment 1 above. Also, habitat maintenance is an express objective of the MLMA.</p>

Speaker	Comment	Response
C-3	<p>We would like to thank the Department for including the UASC proposal in the second part of the plan. We still strongly support the use of this proposal to address over capacity and conservation concerns to manage these fisheries in the face of tight budgets. We still believe that the UASC proposal is the best way to manage the commercial nearshore fisheries.</p>	<p>Speaker may be expressing support for Alternative 2 (Fishery Control Rules with Prohibited Take, Possess, Landing, Sale, or Purchase of the 19 NFMP Species Taken From Waters off California While Those Species are Managed Under FCR Stage I and II Conditions) or Alternative 3 (Commercial Gear Restriction). Alternative 2 would eliminate the commercial take of the nearshore species to be managed by this plan. The MLMA provides that fishery management plans shall allocate increases or restrictions in fishery harvest fairly among recreational and commercial sectors participating in the fishery. Furthermore, the NFMP states that generally it is the policy of the State to assure sustainable commercial and recreational nearshore fisheries, to protect recreational opportunities, and to assure long-term employment in commercial and recreational fisheries [FGC §7055 and §7056].</p> <p>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.</p> <p>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 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>

Speaker	Comment	Response
S-2 Chris Miller		
C-1	One of the things that most of the people in, that I've talked to, in our region really support is using size limits and, and an end size limit as a fishery management tactic in the fishery.	The NFMP is designed and written to be a framework document. Each recommended strategy 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-2	One of the things that we've talked about a lot in our region is about using the spatial management approach and looking at these allocation conflicts and identifying where the hot spots are and actually figuring out where they are region by region.	Area allocation was one proposal offered to the Fish and Game Commission for consideration as a method of regulating take and separating fishery sectors when interim regulations were developed in 2002. The final decision by the Commission was to use historical information to determine pounds of fish per year for each sector. Area allocation was one of the concepts developed for the NFMP; however, ultimately the Nearshore Advisory Committee did not recommend it to be one of the four approaches for further analysis and inclusion in the NFMP. It is an option available for Commission consideration under the authority of the MLMA as the Commission has authority to adopt time/area closures to regulate catch levels for the recreational and commercial fishing. Information on general management measures, including time and area closures, is available in Section I, Addendum 5, pages 208-213.
C-3	In our port we have a fishery that's historically used the nearshore fishery up to Point Arguello and the line is being drawn at Point Conception so we believe that Point Arguello is a better line.	Nearshore species landings in the Point Arguello and Point Conception area averaged only 3,359 pounds per year for the period 1994-2000. This is less than 0.0017 percent (less than one percent) of the total commercial landings of all species in this area. The average landing of all species per year in this area was 1,890,171 pounds. An average of 1,141 pound per year were landed in ports north of this area, while an average of 1,918 pounds were landed in ports south of this area. The Point Conception boundary would comply with PFMC management area. Keeping the boundary at Point Conception would not impact the other 1,886,812 pounds landed yearly from this area.

Speaker	Comment	Response
C-4	Specifically it's amazing to me that we've gotten this far without having a log book for the fishery. But it's also an opportunity, because what you having going on here in the Bight is the survey... for the National Marine Fisheries stock assessments in our region, that there's a chance with the monitoring programs that are being developed to actually come up with a comprehensive, integrated data measurement system for the fishery where you don't have separate data fields that can't be calibrated together.	The Department is involved in collaborative efforts to improve data collection. Please see Section I, Chapter 4, pages 161-163 for information research protocols and constituent involvement.
C-5	Specifically when you look at the bycatch in these fisheries, they can't delineate between the gear types...between the gear types and the areas and habitats that these different bycatches come from, you can see how it'd be a big benefit to have a simple spatial log book that was tied to your ticket base on the blocks.	Speaker is making suggestions on ways to improve fishery dependent data that will increase the ability to track take of fish by gear and habitat. The Research Protocol provided in the NFMP clearly recognizes the need to obtain the information described by the speaker and describes potential methods to develop ways to acquire it. Collaboration with fishermen and academia will be a key element to developing the most effective methods of obtaining the information.
C-6	The fish blocks themselves, so that you had a multi-block recoding system instead of characterizing all the blocks that you fished by one block.	Please see response to Comment 5 above. The speaker is commenting on market receipts which provide one catch location to be recorded for all take. The Department agrees that more accurate methods of obtaining information on fisheries are needed. Modifying market receipts and developing logbooks specific to the nearshore fishery are two methods which provide part of this information. The Fish and Game Commission has the authority to require logbooks.
C-7	And if you were to take the existing blocks that we have and then analyze what the habitats were in those blocks...then you could calculate from the percentage of that habitat...what the level of the effort that was going into that block.	Speaker is suggesting a method of obtaining effort information with a combination of fishery dependent (fishing block) and fishery independent (habitat identification) information. The Department agrees that obtaining this type of information would be valuable in managing the nearshore fishery. The Research Protocol program places a high need on obtaining habitat information which could be used in many ways to manage fisheries. Speaker appears to be in support of the recommended management measures.

Speaker	Comment	Response
C-8	If we right now make the commitment that we are going to, as we go forward in this, this fishery and design management for it, we are going to develop a method that we can apply to spatial management and that can be integrated with the federal management...Then, I think that is something that warrants a sort of grass roots study...of the people who utilize the fishery.	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. The Department recognizes the need to move forward as quickly as possible to gather more information to move from the use of historical proxies to models based on essential fishery information. The Research Protocols section describes the fishery-dependent and fishery-independent information needed to move ahead in our knowledge of the fisheries and the stocks. In addition, the NFMP provides for collaborative work with fishermen (Section I, Chapter 4, pages 152, 161-162, and Table 1.4-3) to guide development and use of the best data gathering process.
S-3 Karen Reyna		
C-1	I know that the Department staff did point out that we did have an Advisory Committee meeting on the 27th of June, but I hope that our comments actually get to you because none of the Commissioners was there but we did make some recommendations and I hope that you can request the Department to give you a report of that meeting.	The draft minutes of this meeting were included in the August version of the Nearshore FMP. This version of the Nearshore FMP was included in the material considered at the August 29, 2002 Commission meeting and is part of the permanent administrative record.
C-2	We are also concerned that the preferred option doesn't address the potential problem of localized depletion which is directly linked to the increased fishing pressure.	Localized depletion will be addressed on a case by case basis as situations are identified where it has occurred to an unacceptable degree. Area closures, effort reduction (i.e.: restricted access), and gear restrictions are three possible measures that may be employed in response to concerns about localized depletion. In addition, the regional approach to management will help to better address depletion.
C-3	Therefore, in reference to the plan we ask that the Commission not to delay on implementing the following sections of the plan: First. The preferred option for harvest control. It's important and we would like to link it to research so that we can get to that data moderate situation.	This is the recommended harvest control rule option in the preferred project.

Speaker	Comment	Response
C-4	Second, regional restricted access plans for the state managed nearshore fish...we use you to implement a restricted access program immediately starting with removing the latent capacity and limiting the number of participants in the nearshore.	The Department understands that in order to align the fleet's fishing capacity with available harvest allocations or quotas, the number of participants in the fishery must be significantly reduced. Therefore, we have developed a nearshore fishery restricted access program to address this issue. Within the restricted access program, there are a range of options for the Commission's consideration. The nearshore fishery restricted access program is undergoing a separate but parallel rulemaking.
C-5	The Commission should also endorse a trap gear endorsement to cap the number of traps and address the problem of localized depletion.	The Department has proposed a nearshore restricted access program for the nearshore fishery. This program proposes some significant limitations on the number of participants, as well as limiting the types and amount of gear allowed. The nearshore fishery restricted access program also proposes a gear endorsement program to allow some permittees to use other gear types that they have traditionally used. The restricted access program is undergoing a separate but parallel rulemaking. Regarding localized depletion, please see response to Speaker 3, Comment 2 above.
C-6	Three: a mandatory recreational stamp to assist in data collection on fish mortality. The Nearshore Advisory Committee supported this at our last meeting.	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.
C-7	Four: cooperative research with fishermen to draft and implement the research protocols starting with monitoring reference reserves for the CRANE project.	The NFMP is a framework plan. The collaborative work with fishermen is outlined in the NFMP (Section I, Chapter 4, pages 152, 161-162, and Table 1.4-3). The details on how fishermen will be involved in such activities will be worked out during the implementation phase of the FMP.

Speaker	Comment	Response
C-8	Five: adopting regional management including regional TACS.	Four management regions is now the preferred alternative for regional management. Alternatives with more than four regions would incur increased costs and staffing needs that would be required to administer these regions. Any of the alternatives in the NFMP can be adopted in addition to or replacement for the recommended management measures. It is the intent to develop TACS regionally. Please see Section III for proposed regulatory language regarding TACS.
C-9	Six, last but not least, the preferred alternative really does fall short of addressing the problem of localized depletion.	Please see response to Comment 2 above.
C-10	We believe that it's easiest and most effective way of addressing this problem by using a combination of two management measures, specifically we would strongly urge you to consider implementing a combination of gear restrictions or particularly a ban on stick gear, and...	If speaker is expressing support for Alternative 3 (Commercial Gear Restrictions), please see response to Speaker 1, Comment 3 above. If speaker is expressing a proposal concern that this specific gear should be banned, this type of gear restriction is a possibility under routing management measures. Eliminating the use of stick gear as an alternative by itself may not reduce effort and may not meet the objectives of the MLMA that include habitat and ecosystem considerations.
C-11	(Continued from above)... a network of temporary closed areas or fishery conservation zones until the MLPA process is complete.	The routine management measures mentioned: time and area closures already tools available to the Commission. 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.
S-4 Kate Wing		

Speaker	Comment	Response
C-1	It's important to remind everyone here that we can't actually manage things in the way we would like to under the Nearshore FMP until we get authority over some of those species back from the federal government...And I think the adoption of the preferred alternative along with some of the other suggestions that we've made, and also very importantly, the limited access program...is a big part of this package...in order to stay on track to get jurisdictional authority over those species delegated to it in 2004 if not sooner.	The Department has started the planning phase of this project with the Council. The decision to go forward with this project will be decided in 2003.
C-2	And part of that protection, we would also argue, includes temporary fisheries closures, because of the shift of effort that may be caused by the temporary federal groundfish closure outside of 20 fathoms.	Please see response to Speaker 3, Comment 11 above.
S-5 Bill James		
C-1	One thing that really needs to be put on is regional management. The Department four regions would be a good start.	Four management regions is now the preferred alternative for regional management. Alternatives with more than four regions would incur increased costs and staffing needs that would be required to administer these regions. Any of the alternatives in the NFMP can be adopted in addition to or replacement for the recommended management measures.
C-2	I would like to actually see seven (regions) like in the MLPA.	Four management regions is now the preferred alternative for regional management. Alternatives with more than four regions would incur increased costs and staffing needs that would be required to administer these regions. Any of the alternatives in the NFMP can be adopted in addition to or replacement for the recommended management measures.
C-3	I'm also concerned of funding of research so that we can proceed from Stage I to Stage II, species management. Our fishery could be held hostage to overly precautionous limits until we do the research to prove that stocks are abundant.	Chapters 3, 4, and 5 in Section I of the Nearshore FMP describe the funding and data necessary to move from Stage I to Stage II of the fishery control rules.
C-4	What I would like in 2003, I would like to see you implement a slot limit on cabezon.	Please see response to Speaker 2, Comment 1 above.

Speaker	Comment	Response
C-5	So with that slot limit I'd also like to see you increase the OY percentage so that there's more fish available because we're finding them.	Increasing the OY is dependent upon having sufficient essential fishery information that provides enough knowledge about the state of the resource to move from Stage I to Stage II or II management. Size and slot limits would be a tool to use to manage the fisheries regardless of the management stage being used.
C-6	In the plan it just mentions basically the ex-vessel price and a few small marine businesses, but actually, in effect, what you have is a large impact on the State of California with revenue from income and revenue to sales tax revenue. ...and I think that should be revisited and really emphasized.	The Department, in preparing the NFMP, endeavored to represent all uses and user-groups that interact with the nearshore ecosystem. To the extent possible, information on all the various uses and values associated with the nearshore ecosystem were presented. Limitations due to the timeframe for preparing the NFMP resulted in focusing on major uses and user sectors for which market or comparable information was available. The same methods of economic data analyses and projections were applied to each user group; sportfishing, commercial fishing, and non-extractive.
C-7	In the fishery management plan, we are predator/prey relationship and it doesn't mention the pinnipeds.	Interactions with marine mammals are discussed in Section II.
S-6 Archie Ponds		
C-1	We need to stop the derby style cabezon and greenling fishery in order to have a year round supply of fish for our live fish markets.	The Commission's standing policy is to provide for an orderly commercial fishery, and maintain the long-term economic viability. This includes reduction of overcapitalization in the fishing fleet and eliminating wasteful competition associated with "derby" style fisheries, by limiting the number of participants or vessels in the commercial fishery.
C-2	<i>Sebastes</i> should also be fixed to where they'll last to the end of the year for the same reason.	If the comment is generally regarding "derby fishing" please see response to Comment 1 above. If this comment is related to the recent actions by the PFMC on minor nearshore rockfish, the comment is outside the scope of the Nearshore FMP. However, actions by the PFMC and the Commission are sometimes necessary to prevent undue fishing effort on certain species which might be at very low levels of abundance and in jeopardy of stock collapse.
S-7 Hugh Thomas		
C-1	...and number one I think is a problem the Department has come up with in changing regulations so rapidly.	Please see responses to Speaker 6, Comments 1 and 2 above. In addition, if this comment is related to the Council's Pacific Coast Groundfish Fishery Management Plan regulations, it is outside the scope of the Nearshore FMP.

Speaker	Comment	Response
C-2	Well, I can tell you from years past that cabezon are gravid when they are anywhere from 10 to 13 inches. So this is something that we should have, is some reason to trust the Department with the decisions that they are making that they know what they are talking about.	Please see response to Speaker 2, Comment 1 above. The Department realizes that more information on sexual maturity and productivity of fish is needed. The sizes of rockfish established in the Nearshore Fisheries Management Act (FGC §8585-8589.7) and the size of cabezon established December 2000 was based partly on the largest size expected to allow fish released to survive. However, very little is known in California about mortality of released fish. Size at maturity is often affected by water temperatures which can vary over time and geographically. All these factors make the decisions about size limits difficult. Obtaining the information, however, is of high importance as explained in the Research Protocol chapter.
C-3	There is a lack of concise information about catches and so forth, the information that I hear from the biologist at some of our meetings that that, well, we extrapolated that from 1989, or we extrapolated that from 1992. Things are different now than they were in those years and the fish populations have definitely changed.	For the interim management measures, the MSY/OY and the associated allocation calculations used the best data available at that time. The years that were selected for the calculations of MSY/OY and allocation were but one of several different possible combinations of years that were presented to the Commission during their consideration of the interim management measures. In contrast, in the NFMP, the preferred options for the harvest guidelines and allocation indicate that the calculations also will use the best data available, but no years are specified. The CALCOM and MRFSS data presented in the NFMP are at this time considered to be the best available commercial and recreational data for calculating the TACs and the allocations. Management on a regional basis is expected to allow more discussion of specific fishery data issues by region.
C-4	Since the Marine Mammal Protection Act of 1972, the problems and the increase in the pinnipeds in California is...over 4 times what it was at that time....I think that some of the lack of fish is not to do with the fishery but the pinnipeds, which are probably a lot more efficient than most of us.	The management of most marine mammals, including seals, is under exclusive federal jurisdiction. The Department and Commission's opportunities for addressing pinnipeds populations in California are part of a continuing dialogue with the appropriate federal agencies to provide a coordinated approach towards sustainability of the nearshore fishery.

Speaker	Comment	Response
C-5	<p>...comment I would like to make regarding with the proposed regulations...is pertaining to gear and gear restrictions. The thing we are concerned with is the amount of fish taken. The type of gear you use is really immaterial.</p>	<p>Gear endorsements and restrictions are fundamental measures used by the Commission, for the management of targeted marine species, by-catch, and wastage. Alternative 3, (Gear Restrictions for Commercial Fleet), originally proposed by United Anglers, was not established as a recommended measure 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. Therefore, the inclusion of Alternative 3 would be inappropriate as a recommended management measure for the NFMP. In light of 2002 actions taken by the PFMC and the subsequent closure of the continental shelf to most fishing, gear restrictions will undoubtedly be re-evaluated on the State level and by each of the forming regional committees. The need for gear restrictions is in direct proportion to the efficiency of the limited entry program. When the commercial fleet is commensurate with the amount of resource and the level of effort regionally, reduced gear efficiency may not be necessary. In the current commercial fishery that is over-capitalized and facing increased effort due to shelf closures, gear restrictions may be an emergency option.</p>
C-6	<p>But if there was some type of limit, or if you could put a limit on the number of fish which we have, to an individual and one you catch your fish, you've had it.</p>	<p>Trip limits can be considered within the recommended fishery control rule approach of the NFMP.</p>
<p>S-8 Lloyd Reeves</p>		

Speaker	Comment	Response
C-1	I've talked to several members of the Pacific Fisheries Management Council who seem very surprised to find out that California Fish and Game was invalidating the use of some federal longline permits and doing so before management authority was even passed to them...does the State still intent to go ahead and limit fishermen with nearshore, from the nearshore fishery that have federal longline permits and a history of fishing, but were conservative in their nearshore fishing efforts?	The Federal Pacific groundfish limited entry program was developed based on landings made during the 1980s. The groundfish fishery has traditionally targeted shelf and slope groundfish species in federal waters with longline or pot gear. The use of longlines in state waters has generally been prohibited since 1989. On the other hand, the nearshore fishery developed in the 1990s, well after the qualifying time period for the groundfish program. Additionally, fishermen targeting nearshore fish stocks use rod and reel, stick gear, and traps along with limited longline and trawl. The species targeted and gears used are different. Therefore, the Department feels that it is appropriate to develop a separate restricted access program for the nearshore fishery. Federal "A" permittees have the opportunity to qualify under the provisions for either a regular permit or a "grandfathered" permit. The "grandfather" permit applies to people that have been licensed as a California commercial fishermen for 20 years or more.
C-2	But, I'm wondering if you've given any thought to fish trust allocations where longline permit holders could voluntarily hand over our allocation so that could go into basically a fund that would allow more fish and allow the growth to come along a little faster.	If speaker is proposing an alternative to the recommended approach to allocation: Creation of any type of "trust" would be predicated on the development of an Individual Fishing Shares program. It is uncertain what the implications and obligations of a trust system would be in that there cannot be guarantees to any sector for future rights to harvest resources.
C-3	I believe the answer's not limited entry where you simple shuffle around who can and who can't fish, but rather programs like marine resource reserves with large permanent no commercial take zones.	Speaker may be expressing support for the preferred management approach that includes MPAs. The Department agrees that a network of MPAs is necessary to fully implement the framework approach to management in the NFMP. Currently, the designation and choice of site for MPAs is deferred to the MLPA process except for those proposed around the Channel Islands.
C-4	And when I mean large (marine resource reserves), I mean something along the line of 20 miles of coastline and out 3 miles, then 20 open and so on up and down the coast.	This is within the recommended preferred project in the NFMP.
C-5	Also I am in a strong believer in fish slotting and that is something you could implement tomorrow,	Please see response to Speaker 2, Comment 1 above.
S-9 Jim Webb		

Speaker	Comment	Response
C-1	The (Cambria Fishing Club) voted unanimously on July 16th to come out in support of the Nearshore fishery Management Plan and also the preferred approaches or preferred options that the Department has outlined. ... We'd like to see the State get jurisdiction over these nearshore fish from the PFMC and be able to manage them on a biologically sustainable basis.	The Department has started the planning phase of this project with the PFMC. The decision to go forward with this project will be made in 2003.
S-10 Zeke Grader		
C-1	One our intents in the bill (Marine Life Management Act) was to try and provide...look at a way to try and provide for both the commercial and recreation in trying to provide some diversity in our fleets.	The MLMA expressly contemplates a fair allocation between recreational and commercial sectors.
C-2	I think the Department in this latest reiteration of the Nearshore Draft, and I think particularly option one, pretty well reflects what the intent of the legislation was.	Speaker appears to support recommended management measures which includes five components: fishery control rules, MPAs, restricted access, regional management, and allocation.
C-3	I would agree with those that we also have to try to see what we can do to get State control over some of the federal managed fisheries that is in our nearshore waters. I think option one would help us with that because I think option one clearly is consistent right now with the national standards that are outlined in the Magnuson-Stevens Act as far as allocations being fair and equitable.	Please see response to Speaker 9, Comment 1 above.
C-4	We built up a large fleet without having first checked to see what the resource could sustain...I think one of the regrets I had in our nearshore, when we developed our nearshore program is that we probably should have at that time put in a limited entry program rather than deferring that action.	Speaker may be expressing support for restricted access. Please see response to Speaker 3, Comment 4 above.
C-5	Two ways it sounds to me (to obtain money for research); one is through a stamp program.	Please see response to Speaker 3, Comment 6 above.
C-6	Second (to obtain money for research), I think, is looking at tidelands oil revenues.	The Department of Fish and Game receives \$2.0 million from General fund moneys that are derived from tidelands oil money.

Speaker	Comment	Response
C-7	Need to have good research. And ideally we should do it in such a way that it's a cooperative research program, engaging both commercial and recreational fishermen in that to help keep costs down.	Please see response to Speaker 3, Comment 7 above.
C-8	I think that, first of all we do need to have broken down into the various management areas. I think...we need to have four management areas.	Please see response to Speaker 3, comment 8 above.
C-9	I would suggest that the break in that central California coast should be made consistent with the bio-regions which are Ano Nuevo.	This is the recommended option within regional management of the Nearshore FMP.
C-10	Second, I think the idea of size limits or slots is a good one that we ought to be going with.	Please see response to Speaker 2, Comment 1 above.
C-11	Third is the area of bycatch. ...But I think more importantly let's focus on the fisheries themselves that we're talking about here, the recreational and commercial fisheries that are going to be engaged in the nearshore fishery, which are really not your trawlers.	Information on nearshore bycatch is found in Section I of the NFMP: Nearshore Bycatch
C-12	And I would argue that there out to be a certification for anybody who's in this fishery, commercial or recreational, that they, one; can identify the fish we're talking about...and secondly, that they know how to release them.	A certification program can be considered under the four types of framework actions described in Chapter 1 of Section I in the NFMP
C-13	Additionally, I think if we're going to be looking at trying to look at gear to be more selective. ...stickgear can be effective and isn't necessarily harmful if it's used properly or depending on how it's used. But, I think, if we're going to be looking at restrictions on stick gear in some areas we've also got to be looking at barbless hooks.	At this time there is no alternative or regulation proposed to eliminate stickgear or require the use of barbless hooks.. The Commission has the authority to impose restrictions on fishing gear for many reasons: to reduce take, to minimize mortality, to protect habitat, or reduce impacts to the habitat.
C-14	We should do is try and make this plan as much as possible consistent with what we're doing with the MLPA, try and have these as consistent as possible so there's the least amount of confusion.	That process is being directed by MLPA (FGC, Division 3, Chapter 10.5) and tracked by the NFMP management team to guarantee compliance with the needs of nearshore fish.
S-11 Robert Ingles		

Speaker	Comment	Response
C-1	One thing that came through loud and clear and I think we're hearing it again today is the regional management. Four at the very least.	Please see response to Speaker 3, Comment 8 above.
C-2	Once again, the funding on the research is, we have to have that.	Fish and Game Code describes funding and costs for Department programs. The Department has received General and Marine Life funds, and Marine Reserves Funds since 1999 for the MLMA.
C-3	Restricted access, once again we need to slow down the derby fishing here. We need to reduce the fleet capacity.	Please see response to Speaker 6, Comment 1 above.
C-4	And the idea of having an IFQ in there somewhere, that's one way for a guy to catch his fish when he has time to do it, it'll slow down the derby.	The Department agrees that Individual Fishing Shares (IFS) may be an appropriate management tool for this fishery. However, issues with joint jurisdiction with the PFMC and the federal moratorium on Individual Transferable Quota systems make implementing an IFS program impossible at this time. We believe that the proposed nearshore fishery restricted access program is a good first step towards a sustainable nearshore fishery. The nearshore fishery restricted access program is undergoing a separate but parallel rulemaking.
C-5	In the allocation that is being set between the recreational and the commercial can't be any lower than it is right now.	Speaker may be expressing support for a minimum amount of fish to be always available to the recreational sector. The recommended allocation approach uses historical catch history for recreational and commercial fisheries to guide allocation on a regional basis. The MLMA requires a balancing of recreation and commercial fishing interests without expressing a preference for either. The Commission has made interim decisions on allocation on three species while the PFMC provides set asides for rockfish take between commercial and recreational fisheries. Because these numbers are adjusted based on increasing information as it becomes available, they are expected to be adjusted at least annually. Within the NFMP, Alternative 6 (Allocation Percentages Based on Stock Biomass) provides for a percentage of take for commercial and recreational fisheries. It also contains a minimum percentage number for recreational take but does not provide for a minimum amount of catch. That alternative was developed with other approaches with input from the Nearshore Advisory Committee. The approach relies on information that is not currently available to feasibly make allocation determinations and was not the approach selected by a consensus decision of the committee. Due to lack of information at this time implement this approach; it is not the preferred alternative.

Speaker	Comment	Response
C-6	The GGFA has endorsed the Southern California proposal.	Please see response to Speaker 1, comment 3 above.
S-12 Babak Naficy		
C-1	I'm worried about the impact of the closure on the fishery on the California shelf and what impact that would have on the nearshore fisheries.	The comment is about an action beyond the scope of the NFMP and beyond the authority of the Commission. Recently, the PFMC took emergency action to close waters deeper than 120 feet to the take of rockfish to protect certain shelf rockfish stocks. As specific stocks are found to need protection, the PFMC and the Commission have the authority to take the necessary steps to limit take by commercial and recreational fishermen.
C-2	...ought to teach us a lesson to really adhere to precautionary principle and allow ourselves a margin of error y not making the entire nearshore fisheries open for fishing such that if you make a mistake the whole fisheries is collapsed.	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 MLMA 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.
C-3	I think an easy and common sense way to do that...is to set aside no fishing areas dispersed up and down the coast...	Please see response to Speaker 8, Comment 3 above.

Speaker	Comment	Response
C-4	...through the creation of the regional management efforts the type of gear that would be appropriate for use in that particular area could be better assessed and we can tailor make solutions that make sense for the particular geographic area rather than road rules that may leave a lot of people unnecessarily unable to use certain gear.	The NFMP is a framework plan. Specific details on how the commercial and recreational nearshore fishery will be managed, including any restrictions through management measures or other management tools (i.e. gear use by area), can be discussed in the implementation phase of the NFMP.
S-13 Doug Obigi		
C-1	I think that the current crisis on the shelf does speak of the need to address some additional regulations,...I'd like to request the Commission direct the Department to develop new regulations to implement this plan for the 2003 fishing year. Specifically we do strongly support the fishery control rule as contained in the plan. We also strongly support regional management.	The Fish and Game Commission will consider adopting regulations for 2003 at its meeting on October 23-24, 2002 in Crescent City. See Section III in the Nearshore FMP for these proposed regulations.
C-2	However, there are two fundamental issues that have not really been addressed by the current regulations. One is the lack of data on fishery participants and on fishing effort and impacts.	The department recognizes there is a need for information on number of participants in recreational and commercial sectors along with the corresponding fishing effort and impacts of those efforts in the nearshore. Fishery-dependent and fishery-independent research techniques address the data gaps outlined in Section I, Chapter 4, Research Protocols. They provide complimentary sets of information, and one single source cannot function independent of the other for providing essential fishery information.
C-3	The second (issue) is on localized depletion.	Please see response to Speaker 3, Comment 2 above.
C-4	And in these areas too I'd like to request that the Commission direct the Department to draft new regs. The first is on a recreational stamp for nearshore species.	Please see response to Speaker 3, Comment 6 above.
C-5	We believe that a recreational stamp is a good way to get a lot of this data on the number of anglers that are out there fishing and to use those funds to be able to get better assessment of how many fish are being caught.	Please see response to Speaker 3, Comment 6 above.

Speaker	Comment	Response
C-6	I'd strongly encourage the Commission not to have any mid season re-allocations.	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.
C-7	Third, with respect to localized depletion...we would be supporting additional gear restrictions as well as marine protected areas. We believe that in light of the shelf closure, in light of the fact that the Marine Life Protection Act will be delayed until December 1, 2005...that both temporary closures are appropriate...	Regarding localize depletion, see speaker 3, comment 2. Regarding gear restrictions: Please see response to Speaker 1, Comment 3 above. Regarding temporary closures: Please see response to Speaker 3, Comment 11 above.
C-8	...and that the Department should be directed to submit an alternative that prohibits stickgear while it doesn't make any other gear modification.	The restriction in the use of any specific gear is a possibility under routine management measures. The solution 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.
S-14 Eric Endersby		

Speaker	Comment	Response
C-1	<p>And the only thing I keep falling back on is something that's in the 1966 California Fish and Wildlife Plan, and it says that, as far as commercial versus recreational fisheries goes...But, according to that 1966 plan...Volume 1, Chapter 1, page 28, one of the policies and practices of that plan is to "give priority to recreational uses where a species or species group under State jurisdiction is incapable of supporting both the reasonable requirement of the sport fishery and the existing or potential commercial harvest.</p>	<p>The California Fish and Wildlife Plan was prepared as a contribution to the State Development Plan being assembled by the California Department of Finance in January 1966 but never implemented. Several recommendations regarding marine resources eventually became part of Fish and Game Code Chapter 7. Conservation of Aquatic Resources §1700. State Policy. The policy presents objectives including "(c) The maintenance of a sufficient resource to support a reasonable sport use, where a species is the object of sport fishing, taking into consideration the necessity of regulating 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-2	<p>Option one, prepared by Mr. Boydston, the 50/50 allocation, well, that sounds fair on the surface, but you throw that in with the closures and the fact that we're supposed to have the priority in the beginning from the Fish and Wildlife Plan.</p>	<p>This comment is related to the options the Department presented to the Commission regarding recommendations to the Council for set asides of minor nearshore rockfish in California waters in 2003. It is not regarding an option presented in the NFMP.</p>
C-3	<p>To the worst plan goes to an allocation of 16% commercial, 84% recreational. On the surface you think well, that sounds great for the recreations, but then there's a 6-month closure on top of that.</p>	<p>Please see response to Comment 2 above.</p>
C-4	<p>We need to just fall back on the priority of the recreational uses, which goes back into the 60s, and which PFMC has echoed, and which is also in the Marine Life Management Act.</p>	<p>Please see response to Comment 1 above.</p>
<p>S-15 Pete Halmay</p>		

Speaker	Comment	Response
C-1	Regarding pilot TURF program...the 50 fishermen that fish there (nearshore from San Diego north), allow them to fish there and close it to people from outside of there.	The proposal submitted fits, generally, within the Recommended Approach for Regional Management (Section I, Chapter 3, pages 113-115). The document is included in the administrative record of proceedings and will be provided to the Commission for its consideration.
C-2	You have to go to the fisherman collecting the information and being part of the management at the local level. And this is what the TURF program does.	Please see response to Comment 1 above.
C-3	And in the very back of this (TURF program) I gave you the electronic log books.	The Fish and Game Commission has the authority to require a commercial fishery logbook system for the nearshore fishery. This logbook system would be developed within regional management implementation recommendations.
S-16 Mel De la Motte		
C-1	My first point I want to make is I feel very strongly there should be no seasonal closures for recreational fishing.	While no seasonal closures are proposed in the recommended preferred project of the NFMP, the Commission has the authority to close fishing as a measure to protect stocks. Please see Section II, Addendum 5, pages 208-213.
C-2	The key to this keeping recreational fishing open 12 months deals with catch and release. Catch and release relies on using barbed hooks. Barbs don't kill fish, rapid decompression kills fish. If you require people to use barbless hooks, what are they going to do?	The NFMP does not contain an alternative or proposed regulation that would eliminate the use of barbed hooks. Catch and release of nearshore species and the use of barbless hooks can be considered within the recommended fishery control rule approach of the NFMP. This recommendation could be developed also within the regional management implementation recommendations.

Speaker	Comment	Response
C-3	I do not think that if you were to decrease, or even ban live fishing, that it's going to have a significant impact on this State.	Speaker appears to support Alternative 2. Please see response to Speaker 1, comment 3. In addition, economics is the study of how individuals and societies choose to allocate scarce resources to alternative ends. If the speaker intended to mean "revenue needs", or constraints on commerce in the coastal communities (economies)-this type of analysis is address to the extent required by CEQA, MLMA, and APA. The environmental document (NFMP Section II) is intended to fulfill CEQA obligations, and as such is limited to physical and environmental impacts of the proposed project. Effects on coastal communities and businesses, as described in FGC § 7083(b) are addressed in the Statement of Economic Impact that accompanies the proposed regulations as part of the adoption package for new regulations associated with the NFMP. In addition, the environmental document provides a record on whether or not the proposed project may have a significant effect on the environment. In determining the potential for effects, on direct and indirect physical changes to the environment from the project are considered. Economic and social changes resulting from a project shall not be treated as significant effects on the environment (CEQA guidelines 10564 e). Alternatives are designed to reduce the significant environmental impacts while still achieving the goals.
C-4	I believe that every decision this panel makes should show a priority to recreational fishing. Live fishing is a recent fad that benefits very few people in the State.	There is no authority for the proposition that a recreational preference governs marine fisheries management decisions. The MLMA contemplates the allocation of resources between commercial and recreational sectors without expressing a preference for either. See also response to Speaker 14, comment 1 above.
C-5	...the explosion of lingcod....DFG has been promoting bigger and healthier, and more abundant lingcod. What that is like doing is promoting...more abundant foxes in he hen house, and then you're wondering what happened to the chickens.	Lingcod is managed under the authority of the Council. Federal and State authorities work together to develop meaningful management for marine finfish species. Size limits imposed on lingcod to protect them from fishing until they have had opportunity to spawn appears to be a success according to the speaker. Ecological interactions, including predator/prey relations, are considered essential fishery information that will be gathered to manage the nearshore fisheries.
S-17 Jesse Swanhuyser		
C-1	Local Ocean Network has strong support for regional management.	Please see response to Speaker 3, Comment 8 above.

Speaker	Comment	Response
C-2	We support the three schedule approach to the harvest controls, however, relative to the shelf closure, and considering the fact that these species are very similar to many of the species on the shelf, we would urge you to be extremely deliberate and cautions when taking many of the species from that data-poor set into the data-moderate set.	This is the recommended approach for the Nearshore FMP.
C-3	I would like to see you guys deal with the latent capacity in a very expeditious manner and then move forward with reducing capacity overall.	Please see response to Speaker 3, Comment 4 above.
C-4	I would strongly urge you guys adopt gear restrictions, specific to stick gear, potentially caps on traps, in the initial adoption of the plan. However, we would definitely encourage you guys to allow regional groups to address that, because...certain gear might be appropriate in certain regions and not others.	Please see response to Speaker 1, Comment 3 above. In addition, the Department's recommended management approach includes the use of regional advisory committees to assist in developing recommendations for management measures in each region.
C-5	Lastly, on the FMP specifically, I'd like to comment that Ocean Network strongly supports temporary closures.	Please see response to Speaker 3, Comment 11 above.
S-18 Guy Grundmeier		
C-1	I think the stocks are in great shape, and I would like to offer my solution, you give me some tags and I'll be tagging some fish.	This action can be considered within the recommended research protocol (Chapter 4, Section I) of the NFMP. Please see response to Speaker 3, Comment 7 regarding collaborative work with fishermen.
C-2	(Regarding fishing for California halibut and catching angel shark and shovelnose guitarfish)...Catching more halibut, more angel, and more shovel. That means there's a healthy fishery getting better. I don't understand why now it's a zero retention.	This comment is related to PFMC's Pacific Coast Groundfish Fishery Management Plan regulations. The PFMC proposal would provide for no allowable percentage of groundfish for trawl gear. Neither angel shark nor shovelnose guitar fish are listed as groundfish species and would not be affected by PFMC decisions. The comment is outside the scope of the NFMP.
C-3	Now you want to put an observer on my boat as I'm throwing everything over.	This comment is related to the Council's Pacific Coast Groundfish Fishery Management Plan regulations and is outside the scope of the Nearshore FMP.
S-19 Steve Rebeck		

Speaker	Comment	Response
C-1	I'd like to preface my remarks by stating that I really like one of the things that I saw in your nearshore plan, and that is going to transferable quotas.	Please see response to Speaker 11, Comment 4 above.
C-2	Capacity was mentioned a little while ago, if the government has to decide who can and who can't, I think that's pretty horrible. I think allowing the marketplace to decide and allowing quotas to transfer really enhances free enterprise.	Please see response to Comment 1 above.
C-3	...a slot fishery. I think for some species that would be a good idea, if the idea is to leave a larger fish in the ocean to spawn.	Please see response to Speaker 2, Comment 1 above.
C-4	And...going towards bottom allotments, that's something that's occurring in countries like New Zealand now where they've had ITQs for a number of years, actually going towards bottom allotments.	This comment refers to a variation of IFSs or ITQs. Please see response to Speaker 11, Comment 4 above.
C-5	I attended a workshop in 1995...reported sea lions consuming a billion pounds of fish a year. So I guess I would conclude that, to some degree, fishermen are fishing sustainably in regards to the robust population of marine mammals.	Please see response to Speaker 7, Comment 4 above.
S-20 Bob Osborn		
C-1	It is difficult to see what the overall ecosystem or economic benefits that would result from further compression by the implementation of closed areas.	If speaker is expressing opposition to the recommended management measures that include MPAs, please see response to Speaker 1, Comment 1 above.
C-2	Actually, within the goals and objectives for the Nearshore FMP marine reserves are named specifically as a goal of the FMP. Where does such a goal come from? It's not a consensus of the constituency to make marine reserves the goal and object for an FMP developed under the MLMA. I'm afraid the only explanation is the policy being developed by the DFG without legal mandate.	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. 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).
C-3	...we should recognize that information is the biggest problem we have.	Please see response to Speaker 2, Comment 8 above.

Speaker	Comment	Response
C-4	Without a great deal of effort volunteer programs such as voluntary logbooks and survey work to supplement the work of National Marine's Fishery Service and DFG can be put together.	The Commission already has the authority to require a fishery logbook system for the nearshore fishery. This logbook system would be developed within regional management implementation recommendations.
C-5	(California should look at various funding sources such as federal dollars for information gathering)...Considering the degree of unutilized volunteerism and the amount of money that is earmarked for creating recreational fishing opportunities, budget cuts simply do not add up as an excuse for not getting this job done.	The Department of Fish and Game currently receives Sport Fish Restoration Act, Coastal Impact Assessment Program, National Marine Fishery Service and other federal fund to support nearshore management. These are all federal funds. The MLMA contemplates the funding of nearshore fishery management through permit fees and legislative appropriations.
S-21 Chris Hoeflinger		
C-1	I'm a little concerned that there isn't adequate time to incorporate the comments of people that now understand the plan in just the time that's remaining.	All comments received between May 9 and June 29, 2002 were provided in the Response to Comment document (Section IV) presented at the Commission meeting August 29, 2002. Indicated in that section were changes to be made the final plan. This version of the NFMP was considered at the August 29, 2002 Commission meeting and available to the public. The comments received between June 30 and August 29 that require a response within Title 14, CCR, Section 781.5 (c) and (h) will be included in the final NFMP Response to Comment section.
C-2	..there are some flaws... The one that really sticks out to me is the research protocols. We are relying on the research protocols to, as triggers for the harvest control rule, and I'm not convinced that the methodology being proposed is going to satisfy the goals we need to achieve....visual and ROV surveys as a measure of abundance...I don't think that's the proper way to go about it.	Please see response to Speaker 2, Comment 8 above. In addition, both fishery-dependent and fishery-independent research techniques address the data gaps outlined in Section I, Chapter 4, Research Protocols. They provide complimentary sets of information, and one single source cannot function independent of the other for providing essential fishery information. It is recognized that certain shallow-dwelling, cryptic species may not avail themselves to visual scuba surveys. For those species, the NFMP outlines the need for complementary sampling techniques such as standardized hook-and-line or trap studies. However, scuba or ROV surveys often provide the only source for information on ecological interactions and community structure, as well as a non-fishery biased source of species composition and size information.

Speaker	Comment	Response
C-3	I do think there's another flaw in that the plan doesn't identify coastal pollution/urban runoff as a significant impact and something we should come up with mitigation for.	The speaker raises concerns about human activities in the nearshore fishery and related water quality impacts generally. Under CEQA, the issue of environmental impacts and mitigation applies only to the proposed project, not to other activities. Section 4.1.2 of the environmental document accompanying the proposed NFMP analyzes direct and reasonably foreseeable indirect water quality impacts that may result with adoption and implementation of the proposed project. The environmental document also analyzes similar affects for 14 potentially feasible alternatives to the proposed project. In so doing, the environmental document complies with CEQA. To the extent the commenter is concerned about water quality in the nearshore fishery generally; these concerns are included in the administrative record of proceedings provided to the Commission for its consideration. Water quality effects are discussed in Section II, Chapters 3.2, 3.5, 3.11, 3.12, 4.1.2, and 4.5.
C-4	As far as the localized depletion problem, that may be a weak point in the plan.	Please see response to Speaker 3, Comment 2 above.
C-5	I think that size limit increases could address that problem (localized depletion).	Please see response to Comment 4 above. In addition, size limits are a management tool available to the Commission and can be used to provide opportunities for fish to reproduce before vulnerable to fishing pressure. Thus, size limits and other management tools will be needed and used to address the concern of localized depletion.
C-6	Also, the preferred approach is to have regional OYs and it's unclear how we're going to determine what those OYs should be. Is it going to be based on historic take in the regions? I'm not sure that's an accurate way to do it. I think we should look at available habitat as being an indicator that could be incorporated into that equation.	We agree. The Department is currently mapping key nearshore habitat areas within California coastal waters. This information will be used along with other essential fishery information to develop TACs on a regional level.
S-22 Paul Weakland		

Speaker	Comment	Response
C-1	Things not well covered in the socio-economic dimension. Question mark, it's talked about but never defined. Fair resource allocation. Question mark, it's talked about but never defined.	Please see response to Speaker 16, Comment 3 regarding economic information. Regarding allocation: The Marine Life Management Act guidelines to allocation are found in Section I, Chapter 2, page 128 in the Nearshore Fishery Management Plan. "Fair" is used once in the MLMA in connection with allocation and harvest in a fishery not defined as overfished: FGC §7072(c). 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. If "fair" is to be defined further, it would need to come as guidance from the Commission at the policy level to guide development of all fishery management plans.
C-2	Sustainability, oh, it's talked about, and they've got all kinds of definitions, but none of these address easily, or is easily understood.	Sustainability is defined in FGC §99.5.
C-3	We're supposed to have this in plain language, but we're missing that goal.	A plain English overview is provided in Section III of the NFMP and is entitled Informative Digest
C-4	We don't want these vague, undecipherable parameters. We want something concrete.	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.
C-5	Fish mortality. Well, not all the causes of the fish mortality are even talked about.	Mortality is discussed in Sections I and II of the Nearshore FMP. It is believed this discussion cover most of the measurable causes of mortality.

Speaker	Comment	Response
C-6	(Regarding cabezon) Well, you tell us you want to recover abalone, you have a recovery plan. But you're allowing sea otters and cabezon, cabezon eat abalone, they eat a lot of abalone....But you want to protect the cabezon at the expense of the abalone.	This interaction is discussed in Section II of the NFMP
C-7	Overfishing. Wrong again. It's not overfishing, it's poor management. The mechanisms for harvest control, there are a lot more than what's mentioned in your document. Why aren't all the aspects mentioned? The stocks would be better managed if separately.	The recommended management strategy will meet one of the MLMA's primary goals of sustainability by preventing overfishing. Please see also page 64, Chapter 2, Section I of the NFMP.
C-8	As knowledge increases, management can become less precautionary. When is this going to happen....In the Fishery Management Plan it talks about Stages I, II, and III. I looked everywhere to find out about Stages I, II, and III. That too is very undecipherable.	Stage I, II, and III within the fishery control rules are in Chapter 3, Section I of the NFMP. These stages were better defined based on the Peer Review Report and help from the Peer Review Committee. 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.
C-9	Responsibility for disseminating accurate information on the status of marine life and its management. That has not been done.	Information within the NFMP and the accompanying appendices has been disseminated through the Department web site (www.dfg.ca.gov), coastal county repository libraries, Department coastal offices, and at harbor master offices along the coast. In addition, notices of availability of the NFMP were mailed to more than 6,000 constituents.
C-10	Reportings (of commercial information) are hampered in several ways. Landing receipts are poorly set up. Fish and Game categories are limited. Samples, well, it seems that your samplers do not even know enough to be able to identify all the fish they are supposed to be counting.	The commercial landing receipts are reviewed for clarity and edited before each version is printed. Fish samplers are trained to identify both commercial and recreational fish taken in the nearshore fishery.

Speaker	Comment	Response
C-11	Basic problems again in your data. Some invertebrates might be allowed. Which ones?	Speaker may be referring to the MRFFS data system which does not include invertebrates in its survey. However, while invertebrates are not among the 19 nearshore finfish species for consideration of management within the NFMP, bycatch of invertebrate species would be investigated through fishery dependent and independent research.
C-12	(Regarding bycatch) Well, in the dive fisheries there is no bycatch.	There is no bycatch with non-consumptive divers; however, bycatch has been observed at spear fishing meets.
C-13	Marine protected areas, your MPAs, your marine protected areas. How does closing an area to fishing, or a marine protected area, save the resource of the habitat from oil spills?	MPAs are the insurance policies that protect a portion of the fish population if oil spills affect local populations. This is one of the reasons a network of reserves is recommended in the preferred project.
C-14	How does marine protected area protect the habitat from pollution or agriculture, or urban run off? How does it protect the environment from changes in ecology (and) storms? How does it protect from poachers? How does it protect from disease or parasite being introduced to our wild?	MPAs are the insurance policies that protect a portion of the fish population if pollution, storms, poachers, disease, or parasites affect local populations. This is one of the reasons a network of reserves is recommended in the preferred project.
C-15	Overpopulation of seals and sea lions?	MPAs are the insurance policies that protect a portion of the fish population if seals and sea lions affect local populations. This is one of the reasons a network of reserves is recommended in the preferred project.
C-16	How does a marine protected area protect a finfish that swims out of that area?	It is recommended that MPAs be designed so they are larger than the home range of an individual species.
C-17	How does a marine protected area protect from poor management and what are the criteria.	MPAs are the insurance policies that protect a portion of the fish population if take exceeds the amount of the stock necessary for a sustainable population.
C-18	How does fouling the gene pool, the genetic reservoir, or the mechanism in nature of these genetically altered species that negates all spawning when something like that occurs.	There are no known genetically altered nearshore species at this time.
C-19	How does a marine protected area protect the resource from experiments gone bad like the abalone out-planting.	Abalone outplanting would be considered within the MLPA and the Abalone Recovery Management Plan processes and is outside the scope of the NFMP.
S-23 Peg Pinard		

Speaker	Comment	Response
C-1	We have the issue of non point source pollution. ...These are not easy issues to deal with, but they are far more impacting in the nearshore fishery environment than anyone who is fishing out in the ocean is doing.	Please see response to Speaker 21, Comment 3 above.
C-2	The second is the impalement of millions of tons of fish larvae in the intake valve at Diablo Canyon Nuclear Power Plant. We dealt with this issue a little while ago and had the opportunity to require that the intake valve should be extended farther out into the fishery environment because the impact on the nearshore would be incredible.	The ED describes the existing water quality and coastal habitat conditions in and around the proposed project area in Sections 2.3.2 and 2.3.5. Likewise, the ED analyzes the prospect of potentially significant project-related environmental impacts to water quality and coastal habitat in Sections 2.4.1.2 and 2.4.1.5, concluding that any such impacts are less than significant under CEQA. The comment, in contrast, focuses on fish entrainment mortality caused by the intake valve for the Diablo power plant. The comment, as a result, does not address an environmental impact caused by the proposed project. Even so, the Department recognizes that both the effects of non-point source pollution and effects of entrainment are described in Section 2.3.2 Water Quality and 2.4.1.5 Effects to Coastal Habitat. Impacts to the coastal habitat were not considered to be significant (“...project-related changes are substantial where such changes result in a measurable decline ...beyond normal variability in the localized area.”) due to implementation of the proposed project. Entrainment and pollution effects in the Nearshore Fishery and coastal habitat generally are well documented. The proposed project, however, will not increase these effects beyond those that currently exist. Against this backdrop, the Department acknowledges the commenter’s lack of support for a “diminished fishing industry” unless and until the identified non-project related impacts in the Nearshore Fishery are addressed. These comments will be presented to the Commission for their consideration prior to a final decision regarding the proposed project. The Department notes, however, that during Stage II and III, it might be possible to include a “mortality factor” in the calculations of MSY/OY during Stage II and III of the proposed project that might indirectly address the non-project related effects of Diablo power plant entrainment and non-point source pollution in the nearshore fishery generally.
C-3	I implore you to please listen to what they have to say and make sure that as you come to a decision you do it with them not over them, because they are an important component of what you need to do.	The Commission is provided comments and responses to comments from all meetings, hearings, letters, e-mails, FAXes, and other material presented to them or to the Department regarding Commission action.

Speaker	Comment	Response
S-24 Jay Elder		
C-1	The Harbor Commission is requesting the Fish and Game Commission consider the cumulative impacts of both federal and State regulations from a socio-economic impact to coastal communities and the fisheries industries, both sport and commercial. ..We realize the State budget is in a deficit period and funding is difficult, but we ask the Fish and Game Commission to look for ways of funding a socio-economic study both locally here in San Luis Obispo County and throughout the state, on the cumulative basis of both federal and State regulations...	Please see response to Speaker 16, Comment 3 above.
S-25 Terry Lilly		
N/A	<i>No comments. Mr. Lilly reported on his research.</i>	<i>Commission directed Mr. Lilly to provide his data in a report to the Department of Fish and Game</i>