

Nearshore Fishery Management Plan (Draft May 9, 2002)
Fish and Game Commission Public Hearing
June 7, 2002
Santa Barbara, CA

The following individuals spoke at this meeting:

Speaker	Comment	Response
S-1 Daniel C. Brainerd		
C-1	We have a point source water quality issue which directly corresponds to the perception of overfishing. When the water quality is good, the fish abundant are abundant. When the water quality is bad the fish swim away, what cannot, dies. In a general sense it is very simple.	The commenter raises concerns about human activities in the nearshore fishery and related water quality impacts generally. 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-2	I do not believe any of these objectives here can be achieved. I believe in water quality the one single issue and the one point source which explains every problem we are experiencing today.	Please see response to Comment 1 above. While it is possible that water quality issues may play a role in stock abundance and resource sustainability, improving marine habitats as it relates to water quality issues is outside the purview of this FMP. The information available on the role of water quality issues on the 19 species is covered under Section II, Chapters 4.
S-2 Chris Miller Vice President of California Lobster Trap Fishermen's Association		
C-1	My one suggestion would be that the boundary for our region be at Point Arguello rather than Point Conception. Historically this has been a region we	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

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	operated up to about Point Arguello.	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.
C-2	I would also like to see the planning units for our limited access be developed using our ports as the natural social unit within the bioregion framework of the management zones. I think that the biogeographic region is a good region overall for looking at the habitat, but that you need to work with social units for restricted access on a smaller scale. That would be, I would suggest looking at something along the lines of the districts may be separating the various regions by the natural groupings of harbors.	In looking at the characteristics of the nearshore commercial fishery and developing qualifying criteria, the Department looked at fishing practices at the port level, regional level, and statewide level. It was determined that fishermen moved between ports within a region far more than they moved between regions. Therefore, it was decided to characterize the commercial fishery and develop qualifying criteria on a regional level.
C-3	Because one of the things that I've noticed from working from here to San Diego is that the different harbors you know there's a natural deal, and it's kind of interesting, it sort of centers around the research community too. You have the northern end of the bight here where you have the one group of researchers and then down in the middle of the bight you have Occidental College and those guys and then down further down you have Scripps. So I would think that if you took a little bit of time to look at how we are going to actually connect fishermen to working with the research institutes up and down the coast it would be a really good thing.	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.
S-3 Bob Osborn Fisheries consultant for United Anglers of Southern California		
C-1	I read the plan and read through the three stages of fisheries management, and I can't tell how many fish they're going to be allowed people to catch. When you start with the first MSY proxy which was established in December 2000 we had a number in there that was a firm number that everybody could kind of say "This is what they're going to allow us to catch."	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

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		<p>approach allows take to be adjusted as needed to reflect changes in knowledge of the stock. The actual calculations of maximum sustainable yield (or a proxy for it), the precautionary adjustment to determine an optimum yield to lessen the risk of overfishing, and allocation will be done at regional levels to provide local fishermen (recreational and commercial), industries and communities a voice in the decision-making process.</p>
C-2	<p>In the plan now on page 29 Section 2 Chapter 2, it mentions that upon adoption the time period for data used for the current MSY proxy should be revisited. That's a concern because that could change that number of fish that we know we might be able to catch. Likewise with Stages 2 and 3 of the document, it goes into new control rules that don't have definitions of how many fish you can catch.</p>	<p>Please see response to Comment 1 above.</p>
C-3	<p>On page 13, Section 1 Chapter 1, it indicates that a change in the overfished or overfishing definitions should be accomplished through a full plan amendment, including CEQA review. It would seem that embedded in the plan changes that would evade that review.</p>	<p>The FMP amendment discussion in the proposed NFMP describes the process and circumstances under which an amendment to the NFMP could occur. The NFMP states for example, that an amendment would be required if a proposed change in a management action "is a major or controversial action outside the scope of the NFMP." The NFMP plan goes on to identify examples of such actions, including "a change to the overfished or overfishing definitions." Despite the statement by the commenter, no such change in the definition is contemplated or proposed at this time. Indeed, the terms "overfished" and "overfishing" are defined by statute in California FGC §97.5 and 98, respectively. As a result, it is inaccurate to suggest that a change in the definition of these terms is "embedded in the plan" or that controlling legal standards will not be followed if the definitions of overfished and overfishing change at some point in the future.</p>
C-4	<p>Additionally, since the last draft the plan seems to have gotten fuzzier and, and the control rules that are put in place in the first draft have been changed to much fuzzier ones and have not been subject to peer review.</p>	<p>Please see response to Comment 1 above. In addition, the peer review process (please see FGC §7062) was observed throughout the NFMP process.</p>

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<p>S-4 Tom Raftican President of United Anglers of Southern California</p>		
<p>C-1</p>	<p>You know, before they said that MLMA was the guiding force in this plan and we would like to see it that way, but when you look closely at the plan it looks like almost like the MLPA is the guiding force. There's an overall too much of a reliance on marine protected areas for fishery management. It was interesting when some of the AC members brought this up at an AC meeting, using these closures as management tools, the response was "That's a slippery slope, and don't go there".</p>	<p>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.</p>
<p>C-2</p>	<p>We'd like to see this and all fishery management, when this stuff is put down on paper, it should be open meetings. I have been talking to the Department about this.</p>	<p>The Department and Commission have engaged the public in development of the NFMP through small-group discussions held in 13 locations along the coast, scoping meetings a questionnaire on fishery management, the development of the "Marine Management News" newsletter mailed quarterly to more than 5,000 constituents, and the development and use of a Nearshore Advisory Committee to provide input and feedback from the constituents they represented. In addition, the Department receives guidance from the Commission at its public meetings.</p>
<p>C-3</p>	<p>We also have consideration that reserves were chosen as one of the special tools, but they were never...there was no documentation behind that tool or very little documentation behind and if they are going to be used they should be used as the last resort after by catch, slot limits, a lot of other tools are brought out there.</p>	<p>Please see response to Comment 1. In addition, the Commission has the authority to use the suggested management tools to control harvest.</p>

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C-4	In the plan much of the information is, the fishery management information, is not the best, and we do have a fishing history and that should be used as the best science.	The CALCOM and MRFSS data presented in the NFMP are at this time considered to be the best available commercial and recreational data for calculating the TACs and the allocations. The CALCOM program uses commercial sampling and landing receipt information to derive estimates of landings for individual species. The MRFSS estimated landings are calculated using catch information from on-site interviews of recreational anglers and effort information from randomized telephone surveys.
C-5	We've got arbitrary call up of IFQs.	The Individual Fishing Shares Program (Alternative 14) alone is not the recommended approach although the Commission can adopt any of the alternatives in the NFMP in addition to or replacement for the Recommended Management Measures.
C-6	No target set for fishery control rules.	Please see response to Speaker 3, Comment 1 above.
C-7	Marine reserves as primary fishery management tools.	Please see response to Comment 1 above.
C-8	No assessment of the economic needs of the people of California.	It is unclear what the speaker means by "economic needs." By definition: 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-9	The Department, when they answered the	The peer review process (please see FGC

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	<p>peer review, essentially, they responded with their own control rule theory. And that control rule theory really, it lacks specific targets. It doesn't tell us where we can go with this fishery. And that is clearly at odds with current fishery management practices, and also probably out of line with CEQA review.</p>	<p>§7062) was observed throughout the NFMP process. The commenter suggests that the proposed NFMP is "probably out of line with CEQA" because the plan is based on a control rule theory devised by the Department that does not proposed specific numeric targets. CEQA imposes no requirement for proposed projects to include specific numeric targets. The proposed NFMP, in contrast, includes a suite of proposed management options that could be used alone or in combination by the Commission to manage the nearshore fishery. The environmental document accompanying the proposed NFMP addresses the prospect that use and reliance on these management options may result in potentially significant environmental impacts. The proposed NFMP is not, as a consequence, "out of line" with CEQA.</p>
C-10	<p>Specify a satisfactory OY so that everyone has a clear target of what's going on out there.</p>	<p>Please see response to Speaker 3, Comment 1 above.</p>
C-11	<p>Remove Stages 2 and 3 in the control rules and require plan amendments when new targets are introduced.</p>	<p>Stage II and Stage III management specifications are crucial to accomplishing many of the goals and objectives of the MLMA. If these stages were to be removed from the NFMP it would no longer be in compliance with the MLMA.</p>
C-12	<p>If the Fish and Game Commission wants to establish marine reserves, we believe they should do so, but do it in the open and not through the Nearshore Fishery Management Plan.</p>	<p>The MPAs are to be an integral mechanism for providing sustainability of resources and protection for habitat. At this time MPA development is being conducted through the Marine Life Protection Act. Needs for MPAs for nearshore fish stocks and habitat will be considered through that process. The use of the MPAs will be guided by the designation (State Park, Marine Conservation Area, etc.).</p>
C-13	<p>Implement the UASC proposal that requires the Department to limit commercial nearshore gear in conjunction with OY guidelines. This action would largely solve limited entry, ITQ problems, local depletions, and most important, offer a fishery for most or all of the existing commercial permittees and satisfy a satisfying recreational fishery.</p>	<p>In October 2000, the United Anglers of Southern California put forward a proposal to the FGC which was reviewed by Department in 2001 for the Nearshore Interim Regulations. The Department put a recommendation together with a request to go to notice on regulations. The Commission made a decision to defer consideration of this proposal until the development of the NFMP. The proposal is included in the NFMP as Alternative 3. Any of the alternatives in the NFMP can be adopted in addition to or replacement for the recommended management measures.</p>

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S-5 Darel Terra Commercial nearshore fishery		
C-1	<p>We've kept track of the LA Times, this year there's only been 12 cabezon caught since January out of Virg's and Patriot sportfishing in Avila when the commercial boats catch substantially more, you know, check your data on that...and only 16 greenling. It's just a whole different fishery. It's not impacting the greenling and cabezon as far as the sportfishing industry goes.</p>	<p>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 majority of the total take is allocated to recreational fishermen. Because recreational allocations are being taken by the end of the year, it indicates these stocks are being targeted by recreational fishermen.</p>
C-2	<p>We're seeing that the guys that are fishing, we're still catching plenty of fish, and there's a lot of short fish going back into the water. So, it's all working and I don't see why, we really don't want to change anything other than a regional management because from Point Conception down it's totally different.</p>	<p>(Speaker may be expressing support for Alternative 1). Alternative 1 (No Project) would continue the current regulations. It is true that there are many regulations at work in marine fisheries. The NFMP hopes to bring a broader perspective to nearshore management by using a scientific basis and well disciplined approaches to allocation, restricted access, and marine protected areas on a regional basis. Size and slot limits have their place in fishery management, but they are difficult to enforce. Visualizing large populations of fish while fishing at the known habitat sites off the coast is not a proven technique for understanding the true vulnerability of species populations. Therefore, broad management goals with localized, regional management and annual research in stock assessment, mortality, age, and growth is the preferred option of the NFMP.</p>
S-6 Joe Geever Nearshore Advisory Committee representing conservation community		
C-1	<p>We think the research protocol is comprehensive and really ambitious. We strongly support moving forward as quickly as possible. Just a couple of comments. I know that the research team has been working really hard, but there hasn't been much progress towards drafting cooperative research plans with interested</p>	<p>Please see response to Speaker 2, Comment 3 above.</p>

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	fishermen. We've been assured they're coming, but I guess we would have preferred they came sooner than later. We feel this cooperation with fishermen can provide a wealth of knowledge and creativity, not to have mentioned improving the trust and goodwill between the Department and fishermen.	
C-2	We also think that one of the problems with the research plan is that the recreational stamp has somehow been mischaracterized as something other than a fishery dependent data tool like it should be. So we would include that alternative but just finding a home in the research section.	Any of the alternatives in the NFMP can be adopted in addition to or replacement for the Recommended Management Measures. The nearshore recreational stamp was originally proposed as 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-3	Our biggest concern is the lack of adequate insurance against over fishing in phase 1, or, now. Relying on historical catches is inherently risky because of sporadic recruitment and other problems. Plus I think that almost everyone agrees that the historical numbers are flawed. So, you add to that some of the dramatic measures that we predict from the shelf fisheries and it leaves the nearshore exposed to some level of effort shift by next year, so we felt more comfortable when there were some default limits for reserves in last draft. It seems odd that, when we can reasonably predict more pressure in an already over-taxed fishery, the Department chooses to relax the insurance.	This comment is consistent with the way that the 3-Stage harvest control program, essential fishery information, and the research protocols and intended to function together to provide the best possible information for basing management decisions. The overall fishery control rule management is designed to be very precautionary in Stage I and II management. The development of sufficient habitat protection is crucial to moving to Stage III.
C-4	We're not actively supporting the so-called Washington proposal because we think it's simply a harsh allocation measure and we normally stay away from allocation.	Alternative 2 (Fishery Control rules with Prohibited take, Possession, Landing, Sale or Purchase of the 19 NFMP Species Taken from Waters off California While

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		<p>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. The overriding goal of the Marine Life Management Act (MLMA), and therefore the Nearshore Fishery Management Plan, is to ensure the conservation, sustainable use, and restoration of California's marine living resources. To achieve this goal, the MLMA calls for allowing and encouraging only those activities and uses that are sustainable [FGC §7050(b)]. It could be determined that the high value of premium/live fish allows commercial fishermen to continue to exploit local fishing grounds long after areas have been fished to unacceptably low levels, thus raising concerns about sustainability. Stage I, data-poor conditions for the 19 species, makes the situation worse. Please see Section II Chapter 2, page 20 for more information.</p>
C-5	<p>In a similar vein we're not supporting the alternative with commercial gear restrictions. We do support gear standards where there are bycatch mortality and/or habitat destruction problems. But we don't think that's the case here. So we don't see a reason to make the commercial fishing less profitable when there is arguably no conservation benefit. We think the most direct route to conservation is a truly reliable TAC.</p>	<p>Alternative 3 (Gear Restrictions for Commercial Fleet) is not the recommended alternative to the fishery control rules. However, this alternative is presented to the Commission for their consideration; the Commission can adopt any alternative. Gear endorsements and restrictions are measures used by the Commission for management of targeted marine species, by-catch, and wastage. This alternative was not established as a recommended measure by the Department because it was unnecessary to specify gear endorsement and restrictions in the NFMP framework when they already exist in regulation. Moreover, the specific restrictions of Alternative 3 constitute a fine-scale implementation strategy requiring regional-level discussion with constituents.</p> <p>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</p>

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		increased effort due to shelf closures, gear restrictions may be an emergency option.
C-6	So, just a short, couple of personal thoughts about restricted access. You know, I've been to a couple of meetings with the commercial fishermen and I think they deserve some recognition for working really hard. It's a hard row to hoe and they're doing their best with it, but I think with a potential effort shift from the shelf and other things coming pretty quickly, it sort of argues for doing that as fast as possible. So I guess we would just like to encourage that move forward.	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.
C-7	I think the success of this plan depends on a couple things: that we don't overfish these species while we're stuck in this data-poor situation and that we move forward on the research quickly.	The Department has planned to conduct a stock assessment of cabezon with NMFS staff since 2000. Some of the work has been completed; however, preparation of the NFMP limited the available staff time for stock assessment. The Department's ability to conduct stock assessments will be limited by the availability of resources, although there are plans to begin that assessment. Other nearshore species considered for stock assessments by the Department include the California scorpionfish, blue rockfish and California sheephead. NMFS has started, but not completed, a stock assessment of black rockfish. It is expected that information gathered from fishery independent research on stock densities currently in the development and implementation stages will be used in future stock assessments. Chapter 4, Research Protocols, has prioritized the need for indices of abundance (stock assessments) of NFMP species; the indices are key information for the Tier 1, Tier 2 (and Tier 3) management progression. Complete stock assessments, even when separated regionally, are time consuming and complex.
S-7 Stace Cheverez Commercial Fisherman		
C-1	I support the regional management plan. I just think we should change it up to Arguello...the line. From running from Santa Barbara north, that's about our maximum distance. I have a small vessel and I stay on the coast a lot. I think the change would be better.	Please see response to Speaker 2, Comment 1 above.
C-2	As far as research on our nearshore fishery, I think it's real hard to see what kind stock we have. As far as our landings, they change every day. We have	The research protocol description in the NFMP (Section I) describes the use of both fishery-dependent information and fishery-independent information. Included

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	red crabs that come in, the fish eat that, sometimes they don't eat our squid off our hook-and-line. I'm a hook-and-line fisherman. Sometimes trap gear fishes better than stick gear and vice-versa.	in the fishery-dependent activities are methods to acquire long-term databases that will document the situation being described by the speaker.
C-3	And, to do research by diving, I think is really a hard thing to do. You can look at some species by diving, but other species are really hard. To try and dive around where the grass bass and cabezon are in shallow water is pretty impossible. You have eel grass to deal with and all that. Diving, you can probably research sheephead and rockfish like that	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.
S-8 Chris Hoeflinger Ventura County Commercial Fishermen's Association		
C-1	I endorse the regional management approach. I think it's probably the wave of the future, and where we're going to have to go with other fisheries. Also, I recommend, and have been recommending that the line should be at Arguello. There's really no reason to move it to Conception. Our limited entry finfish permit, trap permit, right now has the line at Arguello. I think we should keep it there.	Please see response to Speaker 2, Comment 1 above.
C-2	I also support looking at increasing some of the size limits of some of these fish to address the serial depletion and the weak species issues. I think the plan doesn't really utilize the unique biology of these fish being shallow-water species that they are. A good candidate for using size and slot limits for some of the fish. So, I think with some of these fish, like cabezon, we could go to a size and a slot limit and just not even bother with OY.	The NFMP is designed and written to be a framework document. Each of the recommended and alternative management strategies in the NFMP relies on a 'toolbox' of general management tools already in use by the Commission. All of the comments for specific management measures, such as size limits, slot limits, monthly closures, limitations on traps, line gear, and other gear are measures available to the Commission to use to achieve the goals of the NFMP. Please see Section II, Addendum 5, pages 208-213. Two concerns with any management measure

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		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	I do think that we need to look at a stamp for the recreational guys in the nearshore to improve the data, not necessarily to raise more money. But, I think it would be important to get some phone numbers of these guys so the MRFSS data would be more accurate. That's a real problem that we are having right now.	Please see response to Speaker 6, Comment 2 above.
C-4	I also am a little concerned with the research protocols. I want to see us using collaborative research and fishing, commercial fishing, techniques to gather some of this data to come up with some of these estimates of abundance. Using that, here is a lot of cryptic species that aren't going to be picked up diving.	Please see response to Speaker 2, Comment 3 above.
C-5	And, lastly, I just want to talk a little bit about the MPAs. I don't really believe they have a place in the Nearshore Fishery Management Plan other than for research tools. I think we should concentrate on maybe developing some MPAs so we can measure unfished areas over time and compare them, but as far as MPAs go, that should be another, for another time.	Please see response to Speaker 4, Comment 1 above.
S-9 Dion Dante Commercial fisherman		
C-1	As far as the sports goes, I would strongly recommend a sport stamp, like an abalone thing, because I used to run sport vessels too, in '89 to '92 up in San Simeon. And, they really high-grade a lot of fish.	Please see response to Speaker 6, Comment 2 above.
C-2	Like Chris said, the slot limit would probably be great instead of a yearly poundage. Just keep a certain amount of fish, a certain size of fish. Keep the young ones in the ocean, keep the breeders in the ocean. You know. And let us take the harvestable ones...like the lobster fishery.	Please see response to Speaker 8, Comment 2 above.
C-3	The regional deal, I think should be not only at Arguello...these guys are really concerned with Arguello, so am I. But it should also be at Point Ano Nuevo instead of Cape Mendocino. Cape Mendocino, if you've driven up there, is right next to the border, and they have their own little deal there from the north. It should be from, I don't know where the northern boundary should be, but I think the central area should be Ano Nuevo to our Point Arguello.	Point Arguello: Please see response to Speaker 2, Comment 1. Point Ano Nuevo: There should be another management boundary, but not necessarily at Ano Nuevo because of concern for nearshore rockfish genetics.

Speaker	Comment	Response
S-10 Marcus Lebeck Commercial Fisherman		
C-1	I want to say that, one thing, that the area closures that you guys are talking about shouldn't affect the lobster fishermen because we've already proven our resource to be sustainable.	This topic is in regards to the creation of MPAs, and the use within each classification, which is occurring through the MLPA process.
C-2	I think that the laws we have in effect now, with the size limits on the cabezon and the other fish, and the seasons, and the three-days a week and all that obviously cut us back to half of what the spike was in '93-'94 and we're doing good there. I just feel we should give it time, just like the lobster guys did, to let it take effect. Let those cabezon come back. Let everything keep going.	(Speaker appears to support Alternative 1): Please see response to Speaker 5, Comment 1 above.
C-3	Why is there so much time being spent regulating it when it's already regulated.	Please see response to Speaker 5, Comment 1 above.
C-4	And I think if you leave the regulations how they are you're going to find the cabezon are going to come back, sheephead are going to be okay, and I think you should leave it how it is.	Please see response to Speaker 5, Comment 1 above.
S-11 Bill James Commercial Fishermen's Association Nearshore Advisory Committee.		
C-1	I would like the Department to revisit the historical landings...could include the group unspecified, group red, group small. And I would like them to analyze by going back by port complex and by the year. If you look at the FMP all, all the tables really are off if you don't include the unspecified, which is probably most of our fish in the '80s because it was all thrown in a box. So, there's all these nearshore fish that aren't being counted, when you're, if you're going to go do an MSY/OY, statewide TAC, regional TAC, allocation between user groups, and if you trying to get an unfished biomass calculations. So we really need to revisit this.	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.
C-2	We need mandatory counting of fish. And I think that everyone should turn in landing receipts just like the commercial guys do...the CPFVs, make it mandatory, make	Please see response to Speaker 6, Comment 2 above.

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	it scannable. Put the divers, the divers in the private rec boats on a punch card, a scannable punch card that's turned in once a month. And they keep the receipts, a duplicate with them, just like the commercial guys.	
C-3	Under Stage 2 management, a lot of guys are talking about increased size limits, slot limits for cabbies. We don't have a place holder that in Stage 2, somewhere when you go into single species, we don't have a place to put that. So I would like the Department to actually put a little place where we can say, well, we'd like to have cabbies or sheephead or whatever we're going to do. Because right now if you look under Stage 2, you don't know exactly where to put that.	Please see response to Speaker 8, Comment 2 above.
C-4	On research, again I see the use of SCUBA surveys and ROV. And I was contacted by David VenTresca and they are starting to talk to us about using fishermen under cooperative research. But I don't see that in the plan. I would like the Department to actually put that under SCUBA and ROV and put a little thing...so anyway if they could give us a line where commercial fishermen will be used in all phases of determining stocks surveys. There's, there's all kinds of things we can do.	Please see response to Speaker 2, Comment 3 above.
C-5	Also, under Section 2, Chapter 2, page 21, Gear Restrictions. We have a set OY. We need to fish as profitably as we can. Our gear does not harm juvenile fish, we use large hooks, we use traps. Everything can be released alive. We should be able to use the gear we need to use. You know, we're not using mid-shore, mid-wa..., nearshore trawl or nearshore gillnets any more. We're just using a few hooks and a few traps. I mean, when you look at a commercial boat, it...it is not industrial gear. So we should be able to use the gear.	Please see response to Speaker 6, Comment 6 above.
C-6	And as far as I really support the Department moving along with restricted access. Not only on the other ten species but also with the additional restricted access on the other nine. We all mentioned the three years or five or whatever we've come up with, you know. And I really support moving along with that.	The Department agrees that implementing a meaningful nearshore restricted access program is a priority. The proposed program includes a wide range of options for qualifying criteria including years of participation at a basic level. The commercial nearshore fishery restricted access program will be going through a parallel rulemaking. To assist in the eventual development of a restricted access program for the other nearshore species, control dates were set for participation and gear endorsements for these nearshore species. Development of a restricted access program for this

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		segment of the nearshore fishery may be contingent upon the transfer of authority for these species from the Council.
S-12 Cesar Trujillo	(Did not speak)	
S-13 Robert Crook		
C-1	All these shortages that everyone keeps saying we're having, why has my buyer, who I sell to, call me to tell me she can't buy my product for the price she's been paying because our market is flooded by so much product from the northern regions, you call them. What's wrong with the state of California fish? All the fish we supposedly don't have is being pumped out of the northern state, the northern area, and flooding our market dropping our prices. That's a legitimate question, I believe, for having no fish to catch and being limited and being out of fish, and whatever. I never have any problem catching fish when I go out. I'm having problem selling now because there isn't any fish to catch, right?	(Speaker may be expressing support for Alternative 1): Please see response to Speaker 5, Comment 2.
S-14 Mike McCorkle President, Southern California Trawlers Association		
C-1	2.14 Alternative 13 Looks like it could do away with some discards. Some of us have nearshore permits that are halibut trawlers. There's not that many halibut trawlers in this area in the inshore grounds. But a set weight would work better than a percentage. And in looking at it, it says 5 to 15%. But the 250 pounds that we had originally worked fine. There was never a problem. So we would really like to work with the Department and come up with something to make this work, because we don't like discards any more than anybody else.	The Department acknowledges that a "set weight limit" is easier for participants and for the Department's enforcement staff to monitor. While both alternatives (by percentage and by weight) are discussed, there is a clear suggestion that weight should be used.
S-15 Art Kvass Member of Nearshore Advisory Group		
C-1	If the State gets control of the nearshore and manages it instead of the feds then it seems to me that it might be very appropriate to go back to Arguello.	Please see response to Speaker 2, Comment 1 above.
C-2	But the one development that's taken place is that the marine protected areas are now	The Department agrees that a network of MPAs is necessary to fully implement the

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	<p>being delegated to the Protection Act people. And I consider that rather a management mistake because if we are going to consider protected areas as a management tool, and we're coming up with a management plan, I think this plan ought to include the nearshore fishery, pardon me, the marine protected areas as a part of the plan itself. I think that my recommendation will be when we have our next and last meeting for the next Advisory Committee meeting will be to keep the marine, the MPAs included in our management plan.</p>	<p>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.</p>
<p>S-16 Hillary Hauser Executive Director of Heal the Ocean</p>		
<p>C-1</p>	<p>I think the most important part of this plan here is Section 3.2, water quality, which is covered in 5 pages, but it does touch on some of the key issues, the sewage, the dumping, the dredging, it does even get into this, the interruption of the larval phase of sea life by dumping. And, I think that any plan that deals with nearshore as this one does so comprehensively, so totally, without a real collaboration with water quality scientists and having a really serious look at human activity in the nearshore area. That saving the fish is probably not going to do the trick any more than putting a polluted fish in a polluted aquarium over to the side and leaving the water the way it is.</p>	<p>Please see response to Speaker 1, Comments 1 and 2 above.</p>
<p>C-2</p>	<p>And the fishermen are, ...and I know the DFG and the Commission has worked with fishermen in joint technical type committees, and I worry that a drastic plan where the fishermen are excluded from their livelihood may be forcing a, a situation where you're not going to have them as a resource. I think they're the most valuable scientific resource you might have. Because they're out there day in, day out. They know what's out there and the cycles and they can tell you. And I know they're willing to tell you. So, I think a whole</p>	<p>Please see response to Speaker 2, Comment 3 above.</p>

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	comprehensive plan would include the fishermen and the water the fish live in.	
S-17 Nels Fredrickson		
C-1	My position is that if the fishermen are being targeted, why don't we target the rest of the people that are affecting the water quality which includes everybody in this room that uses any pesticides, herbicides, or throws their trash out or does anything that causes a disruption of the ecosystem. Why isn't there more...even application of the changes that are going to be forced on the fishermen, on the rest of the population? That to me is the main thing that's happening here.	Please see response to Speaker 1, Comments 1 and 2 above.