

Nearshore Fishery Management Plan

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Availability

The 2002 Nearshore Fishery Management Plan is available for reference beginning 26 April 2002 at the CDFG offices listed above. To comply with California's Paper Reduction Act, only one hardcopy of the NFMP, with Appendices, will be at each office. The NFMP and its Appendices are available to the public at CDFG public meetings. Copies may be requested by contacting Maura Leos, (831) 649-2829, mleos@dfg.ca.gov. Copies are also available on CD-ROM, in Braille, in large print, on computer (via the Web), and on audio cassette. To request a copy of alternative formats please contact Maura Leos (contact information above). Reference copies are

also available at coastal California libraries and port, harbor and marina offices. A list of those offices, and of the entire NFMP and its Appendices are available at <http://www.dfg.ca.gov/mrd/nfmp/>.

EXECUTIVE SUMMARY

This Nearshore Fishery Management Plan (NFMP) is presented in three sections. Section 1 presents the background of the NFMP as well as the NFMP Project. Section 2 includes the environmental analysis (Fish and Game Code Section 781.5), including a review of alternatives and options, some of which were recommended by constituents in the review of the initial draft NFMP. In addition, it provides responses to public comment. Section 3 includes regulations that would implement the NFMP Project's management strategy. Section 4 includes the Public Comments and Responses.

Below is a brief summary of each of the chapters in Section 1.

Chapter 1: Introduction

Chapter 1 begins by placing the NFMP within the context of the Marine Life Management Act (MLMA) goals, objectives, policies, and mandates. Applying the MLMA to the nearshore fishery begins with a definition of problems in the fishery that require management attention. Chapter 1 includes a consensus problem statement developed by the NFMP Advisory Committee, which is composed of constituents with diverse interests in the nearshore fishery.

The Department applied the MLMA to problems identified in the statement in developing a set of goals and objectives for management of the nearshore fishery through the NFMP. The five goals are to:

- ensure long-term resource conservation and sustainability
- employ science-based decision-making
- increase constituent involvement in management
- balance and enhance socio-economic benefits
- identify implementation costs and sources of funding

Each goal is accompanied by objectives, all of which are based directly upon the MLMA. Some objectives include more detailed guidance recommended by the Department.

To meet the MLMA mandate for adaptive management, the NFMP establishes a hierarchical framework within which adjustments to the management of the nearshore fishery can be made in a responsible and timely manner. This framework structure begins with regular review of the management of the fishery. The NFMP provides examples of the types of the biological and socio-economic issues that may trigger a change in management.

In response to this review, the Department may recommend that the Fish and Game Commission take one of four types of action:

- Amendment of the fishery management plan, in order to change species covered

- by the NFMP, for instance
- Full Rulemaking Action, in order to adopt management measures that will have a long-term effect, or which may have impacts that have not been analyzed previously; and to grant discretion in their application
- Notice Action, in order to alter a management measure, such as an annual quota, that has been classified as routine through full rulemaking action
- Prescribed Action, for management actions that are non-discretionary, such as closure of a fishery when a quota has been reached.

Each of these actions represents a different degree of change in management and requires a different level of analysis and regulatory process. Amendment of an FMP requires the most analysis and process, including an environmental analysis, while the Department may carry out a Prescribed Action without prior public notice.

Chapter 2: Background

Chapter 2 begins with a description of the process that the Department used in selecting the 19 species of nearshore finfish proposed for management under the NFMP. This process relied upon such criteria as changes in catch levels, special biological characteristics, and special habitat needs. The 19 species are:

Black rockfish	<i>Sebastes melanops</i>
Black-and-yellow rockfish	<i>S. chrysomelas</i>
Blue rockfish	<i>S. mystinus</i>
Brown rockfish	<i>S. auriculatus</i>
Cabezon	<i>Scorpaenichthys marmoratus</i>
Calico rockfish	<i>Sebastes dallii</i>
California scorpionfish	<i>Scorpaena guttata</i>
California sheephead	<i>Semicossyphus pulcher</i>
China rockfish	<i>Sebastes nebulosus</i>
Copper rockfish	<i>S. caurinus</i>
Gopher rockfish	<i>S. carnatus</i>
Grass rockfish	<i>S. rastrelliger</i>
Kelp greenling	<i>Hexagrammos decagrammus</i>
Kelp rockfish	<i>S. atrovirens</i>
Monkeyface prickleback	<i>Cebidichthys violaceus</i>
Olive rockfish	<i>S. serranoides</i>
Quillback rockfish	<i>S. maliger</i>
Rock greenling	<i>H. lagocephalus</i>
Treefish	<i>S. serriceps</i>

Chapter 2 then describes the history and socio-economics of the fishery. The NFMP focuses upon extractive uses, that is, commercial and recreational fishing. A description is presented of the types of statistical information on commercial and recreational fishing that are available, together with their strengths and weaknesses. The chapter then describes general trends in the nearshore commercial and

recreational fisheries in the 1980s and 1990s. The chapter presents statistics on trends in the commercial fishery by gear (chiefly, hook-and-line gear, traps, and gill and trammel nets); discusses reasons for increased landings in the 1990s, including the growth of the live-fish market; and presents trends in recreational fishing.

The chapter then analyzes the socio-economic dimensions of the nearshore fishery. It presents general estimates of the economic activity generated by both commercial and recreational fishing. The chapter also analyzes economic values associated with non-extractive uses.

Both state and federal management authorities are then described, including recent federal and state management actions regarding nearshore fish. The State has active management jurisdiction over 4 of the 19 species: California sheephead, cabezon, rock greenling, and kelp greenling.

Chapter 3: Management Measures for Sustainable Nearshore Fisheries

The core of the NFMP Project is the management strategy, which aims at meeting the MLMA's primary goal of sustainability by meeting several objectives:

- preventing overfishing
- rebuilding depressed stocks
- ensuring conservation
- promoting habitat protection and restoration

The NFMP Project meets these requirements and the goals and objectives of the NFMP by employing five general measures. Each of these measures addresses an aspect of fishery management; together they form an integrated approach to meeting the MLMA guidelines.

1. **Fishery Control Rule:** The NFMP describes a Fishery Control Rule that includes three stages, recognizing the practical level of knowledge and understanding of the fishery. As knowledge increases, management can become less precautionary. The Fishery Control Rule provides a protocol for determining sustainable levels of fishing that then are enforced through the adoption of specific management tools such as size limits, time/area closures, or gear restrictions.
2. **Regional Management:** The NFMP recognizes the significant geographical differences in the nearshore fishery and proposes developing management tailored to conditions specific to each of four regions.
3. **Marine Protected Areas:** The NFMP uses marine protected areas (MPAs) to ensure that the MLMA's objectives for protection of habitat and ecosystem integrity as well as sustainable fisheries are met. The NFMP recognizes the authority of the Marine Life Protection Act (MLPA) to design a Master Plan for MPAs in California. The Master Plan will make recommendations on specific sites for MPAs, implementation and phasing, funding, monitoring, enforcement, and management. The NFMP includes a recommended approach to MPAs, which should be referenced when

citing MPAs to benefit nearshore finfish.

4. **Restricted Access:** The NFMP bases its approach to restricted access upon the Fish and Game Commission's restricted access policy, and presents four initial options for regional restricted access programs in the commercial fishery.
5. **Allocation:** The NFMP builds upon the allocation policy adopted by the Commission in December 2000. Total allowable catch will be allocated between commercial and recreational fisheries based on historical catches, on a regional level.

Finally, effective implementation of the NFMP's measures will benefit from transfer of management authority to the State for some or all of the nearshore species currently managed under the federal groundfish fishery management plan.

Chapter 4: Research to Support the Nearshore Fishery Management Plan

The NFMP continues with a research plan that aims to support effective and adaptive management of the nearshore fishery by acquiring and applying essential fishery information (EFI), as required by the MLMA. The chapter begins with a discussion of the relevance of specific types of EFI to the management tools described in the previous chapter on the management strategy. The chapter then describes past and current fishery-dependent monitoring of commercial and recreational fisheries and identifies weaknesses in this monitoring. The limited past and current fishery-independent assessment activities of the Department are reviewed together with their shortcomings.

The chapter then describes eight types of EFI, in order of priority:

- spatial and temporal estimates of abundance
- total mortality by species, as well as temporally and spatially
- age and growth characteristics
- recruitment
- ecological interactions
- reproductive characteristics
- distribution of stocks
- movement patterns

The chapter then sets forth a research protocol that aims to fill gaps in EFI, as required by the MLMA. The research plan rests on two bases: improvement of existing fishery-dependent and fishery-independent monitoring and assessment, and a systematic program of research and monitoring in a discrete set of reference sites.

The chapter also describes EFI for the socio-economic dimensions of the fishery, including employment, expenditures and fishery costs, resource demand and net economic value, and revenue. The chapter also describes a research plan for filling gaps in information.

The chapter closes with a review of past and current collaborative research and commits the Department to encourage similar collaboration in designing and

implementing the research plan.

Chapter 5: Implementation and Costs

Implementing the broad agenda of the NFMP will focus the Department's energy and budget on management, enforcement and research. Management will focus on the continuous need to collect and analyze reliable data, adapt management to new circumstances and information, and to convene meetings for the public and special interest groups. Enforcement ensures compliance with NFMP regulations and collaborates with scientific staff in conducting research from enforcement vessels. Research will move marine management from a species-based focus to an ecosystem-based, broad scale understanding of environmental events. It will move fishery management from a precautionary estimate of allowable catch to a scientific understanding for fishery facilitation.

Funding for the NFMP implementation will be spread between management, enforcement and research.

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- G Regional Management and Allocation Approaches by Other Jurisdictions
- H Example Timeline involving Regional Management Advisory Committees in Management/Regulation Process
- I The Fish and Game Commission's Policy on Restricted Access
- J Summary of Department Fishery-Dependent Monitoring and Fishery-Independent Assessment of Nearshore Commercial and Recreational Fisheries
- K Revised Protocols for Fishery-Dependent Monitoring and Fishery-Independent Assessment
- L Glossary of Terms and Abbreviations
- M Maps
- N List of Common and Scientific Names
- O List of Acronyms

Please note: All appendices are available on the accompanying CD.

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NFMP 2002 Lead Authors

In October 2001, the first NFMP draft was given an eight month extension by the Commission so that the comments from the public, the analysis of the peer review panel, and additional writing by the staff could be included in improving the document. The core staff of authors and editors committed to redrafting the original document included:

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The 2002 Restricted Access Team

Restricted Access is the process of limiting the California commercial fishing fleet to a size that matches the size of the fishing resource. The Restricted Access process runs parallel to the Nearshore Fishery Management Plan, and will be adopted into regulation separately from the NFMP. Input from the team has helped frame the ultimate structure of the preferred alternative of the NFMP. The Department would like to thank the following team members for their hard work in meeting with members of the public, specifically the fishing industry, in an attempt to bring a fair and equitable resolution to the issue of Restricted Access. The team includes:

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The 2001-2002 Constituent Involvement Team

The Department is committed to public involvement in the initial draft, redraft and finalization of the NFMP. This includes input from the public, industry, conservation interests, academics and special advisory panels. The Constituent Involvement Team carried responsibility for the inclusion of all members of the public. That team included:

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The 2002 Fishery Control Rule Authors

Fishery Control Rules are the preferred management objective in the 2002 redraft of the Nearshore Fishery Management Plan. Over the period of the redraft, an inspired and energetic team added both insight and substance to the Fishery Control Rules, resulting in the development of depth and breadth to their application for the NFMP. To that team, the Department would like to extend its gratitude for the significant 'value-added' material in that critical section.

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The 2002 Environmental Document Legal Team

Certain state agencies, operating under their own regulatory programs, generate a plan or other environmental review document that serves as the functional equivalent of an Environmental Impact Report. The Environmental Document for the NFMP required the focus of a California Environmental Quality Act analyst with support from the legal branch of CDFG. The Department would like to thank the following people for attention to the important analysis of impacts from the NFMP framework:

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The 2001-2002 Research Protocols Team

A multi-disciplinary, interagency team of biologists, statisticians and marine managers designed research strategies and protocols for collaborative nearshore research. Their work has initiated the implementation phase of the NFMP. The team includes:

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The Peer Review Panel – NFMP 2001-2002

Peer Review is the process of convening a panel of scientists to review any proposed Fishery Management Plan. The Peer Review Panel analyzes the strengths and weakness of the Plan and recommends strategies that will guide and secure a scientific basis for management. Under the guidance of Bill Leet and Chris Dewees of the University of California, Davis, a Peer Review Panel of scientists was established. The Department would like to thank the contributions of the peer reviewers:

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The 2002 Technical Editing and Graphics Design Team

The Department is committed to producing documents that can communicate the complexity of resource management to the public, and provide a forum for the public's response. The technical editing and graphics design team worked with the authors to produce a more public-oriented version of the original 2001 draft NFMP. The Department wishes to thank the design and technical editing team:
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The 2002 Nearshore Fishery Management Plan Redraft Coordination Team

David Bunn, Deputy Director of Legislative Affairs, CDFG, is an active supporter and mentor, providing guidance on the role of the Marine Life Management Act in fishery management plans. His direction contributed to a plan which is consistent with CDFG policies and that will provide for a sustainable fishery long into the future.

Patricia Wolf, Regional Manager for the CDFG Marine Region in Los Alamitos, provided oversight, coordination with the Directorate and Fish and Game Commission, and active support for the development of broad initiatives and the public process.

Eric Knaggs, Research Manager with CDFG in Monterey, provided active facilitation of staff, resources, time and space for the completion of the NFMP redraft.

Tom Barnes, CDFG Senior Marine Biologist, and Deb Wilson-Vandenberg, Research Manager, were instrumental in researching, writing and editing the NFMP document. Their persistence guaranteed the overall excellence of the document.

Mike Weber, Marine Advisor for the California Fish and Game Commission, was the general editor for Section I of the NFMP redraft. His guidance was essential in keeping the plan consistent with the Marine Life Management Act. He has pioneered a new style of public document, one that allows for broad public understanding and utility.

Nancy Wright, Research Analyst with CDFG in Monterey, was the NFMP redraft coordinator.

The Department would like to thank these people for the dedication and tenacity they showed in the development of the Nearshore Fishery Management Plan.