

## Memorandum

To : Executive Director  
Fish and Game Commission

Date : April 17, 2002

From : **Department of Fish and Game**

Subject : Agenda Item for May 9, 2002 Fish and Game Meeting, Submission of Draft Nearshore Fishery Management Plan (Nearshore FMP) and Initial Statement of Reasons for Regulatory Action to Adopt Nearshore FMP Implementing Regulations, and Request for Commission Authority to Publish Notice of Intent to Adopt Nearshore FMP Implementing Regulations

The Draft Nearshore Fishery Management Plan (Nearshore Plan) was scheduled for adoption in December of 2001. The Commission granted an extension of eight months for the Department to review the extensive public and peer review comments that were received on the 2001 draft. Several substantial improvements have been made to the 2002 revised Nearshore FMP. It is written in clear language and organized in three sections. Section 1 presents the Department's proposed management strategy. Section 2 includes the environmental analysis required by the CEQA Regulations Procedures described in Section 781.5, Title 14, CCR, including a review of alternatives and options. Section 3 includes draft regulations that would implement the Department's proposed management strategy.

The Recommended Nearshore FMP Management Project (Project) presented in Section 1 is an integration of five management measures that together, over time, meet the goals and objectives of the Marine Life Management Act (MLMA) and provide for sustainable nearshore stocks and fisheries. The five measures are:

1. Fishery Control Rule (FCR): the primary mechanism for achieving sustainable use and preventing overfishing. The FCR formula sets the Total Allowable Catch (TAC) under three stages of fishery information;
2. Regional Management: the establishment of three management zones along the California coast to allow for localized fishery planning, policy, and management;

3. Resource Allocation: the fair and equitable distribution of resources between recreational and commercial fishing sectors within each of the management zones;
4. Marine Protected Areas: the inclusion of reserves, conservation areas and parks within the nearshore ecosystem following the process of the MLPA;
5. Restricted Access: reduction in the commercial fishing fleet to match available fishery resources, consistent with the Commission's policy on restricted access.

As revised, the 2002 Nearshore FMP provides a framework in which the Commission can build specific, localized, management strategies that respond to management needs with increasing knowledge about the nearshore ecosystem.

Nearshore FMP implementing regulations accompanying the attached Initial Statement of Reasons for Regulatory Action describe the organization of regulations in Title 14, define terms common to the Nearshore FMP and regulations, and reflect the plan's preferred and alternative management options. Also, proposed regulations would adopt as regulations current Fish and Game Code statutes for nearshore fish stocks that consolidate size limit and nearshore fishery permit requirements in Title 14. Finally, regulations that reflect proposals by United Anglers involving restrictions on commercial fishing are included for the Commission's consideration.

The MLMA directs that regulations to implement the Nearshore FMP be adopted by the Commission not more than 60 days following adoption of the plan, or a plan amendment. Therefore, if the Commission adopts the Plan at its' late August meeting as anticipated, and if no significant changes in the language of proposed regulations are made in the interim, the regulations could either be adopted at that meeting or at the Commission's October meeting.

A Department representative will be available at the May 4-5, 2002 meeting to provide a summary of the Nearshore FMP and proposed implementing regulations, and to answer any questions that the Commission may have. In the meantime, if you have any questions regarding the Nearshore FMP or regulatory documents, please contact Ms. Patricia Wolf, Regional Manager, Marine Region, at (562) 342-7107.

## Attachments

File: D, DD, Exfile, IAO, MR, MR - Nancy Wright, Monterey - Don Schultze, Sacramento, Chron