

**FRESH DAILY FISH
140 CABRILLO ST. #24
COSTA MESA, CA.
92627**

February 7 2006

HABITAT COMMITTEE
National Marine Fisheries Service
Mr. Bryant Chesney
National Marine Fisheries Service
Southwest Region
501 W Ocean Blvd Ste.4200
Long Beach Ca. 90802

Dear Mr. Chesney,

My name is Dan McCafferty. I am a commercial Fisherman for the past 29 years. I am 44 years of age and married to a wonderful wife.

I operate a small business in Southern California catching and selling live Sculpin/Scorpionfish, using set line gear, also I catch and sell live California Halibut, using fishing rods.

In the last few years there has been a major change in the fishery that I have been involved in for the most of my life. I realize that in order for measures to be taken to protect the resources in the fish biomass, data needs to be collected. In the short range, these measures needed to be strict to ensure that fish stocks were not compromised during the implementation of new laws.

Looking at the history of the Scorpionfish harvests in previous years it seems that this species was taken mostly by commercial means. Ref: Post Star-Panel Report, May 2005, page 15.

In looking at the Groundfish Stock Assessment Results for 2007-08, [a document that was prepared for the Groundfish Public Scoping Meetings] on pg. 1 shows that the California Scorpionfish stock status is very healthy.

I hope this is good news for me and some 20 other Commercial Fishermen who target the Sculpin species.

I am concerned about the way the fish has been divided. As I mentioned earlier, this fish was and has been used by the commercial sector, and a lively market was flourishing in Southern California until we felt the brunt of the 300lb per 2 month trip limits and the 2 month closures in the last few consecutive years while the implementation of the Magnuson-Stevens Act, and The Marine Life Management Act regulations were being ironed out.

I am glad that Scorpionfish has been given its own quota, and has been separated out of the list of "shallow water nearshore species"

I am hoping that you will chose the high end OY of 219 mt, as this will help in allowing larger trip limits for us.

In regard to the proportion of quotas allocated to the north region/central regions/south region, I realize that the majority of the fish listed on the nearshore species list are caught in northern territories. Still there seems to be a problem in the allocation of quotas for the Southern Region because the majority of the Sculpin/Scorpionfish are caught in the South Region and have been subject to **statewide** nearshore harvest quotas.

The problem I fear is that since there is more fishing effort in the central and northern regions than those of us who **fish primarily for the Scorpionfish in the south**, I feel that the laws don't reflect our need down here, and that in the process of all of this new management stuff, we have been left out of the picture.

Also it seems that there has been a push by the sport sector to try and minimize the need of this resource in the commercial sector, with the end result being more fish being allocated to the sport sector. As a group I don't think we, the commercial sector have been vocal enough as we don't generally have the resources and or lobbying power as do some of the big fishing organizations. This whole thing is very overwhelming, and it seems that a person needs to be a scientist and independently wealthy to be able to understand all of it and to be involved enough to protect ones rights and livelihood, I am just a small business operator and I haven't had enough money since all of this started and I'm very worried that it will continue to be lopsided.

That is why I am writing this letter, so as to show my concern.

We need help down here. We need it in the form of bigger trip limits, 300-400 lbs for each two-month period is not enough. Considering the expense of fuel, equipment, dock fees/slip rent, boat insurance, and labor, rent, food, utilities, and health insurance, car payments and car insurance, the list goes on right. This amount of fish doesn't add up. At \$4.00lb for one two month period of 300 lbs adds up to \$1200.00. That is \$600.00 per month. Lets say I sold it for \$5.00lb, which has happened, that totals out to a whopping \$1500.00 for each two month period, that is before expenses. Not very good That is why I could not fish in 2005, and also not as much in previous years. It just doesn't add up. Needless to say that this has caused extreme economic hardship on my family.

Also, because of the 'March/April' closure on nearshore stocks, we have been having a very difficult time in paying for our taxes and required fishing permits, as these are due in March and April every year. These closures also create a vacuum in the markets, which make it impossible for Small Southern California Fishing Businesses to compete with in and out of state dealers. {Mexico in particular}

There are different ways to accomplish the necessary goals of the PFMC, and the DFG. One way if I may suggest is to continue to expand having better region specific fisheries data, as this is critical to having fair quotas for different geographic areas.

Fishing techniques that are not invasive to the habitat. Example: the Huntington Flats area has an area that is outside of state waters [three miles] which is also an area of nearshore species habitat and is being fished by Commercial Trawl Gear.

Documentation shows what Trawl gear does to fish habitat, I think there are other areas where the shelf extends out past three miles. If I may suggest again that measures be taken to prohibit Trawl Gear in any areas from the shore to the shelf.

Your agency is very informed and you are probably doing things of this design already. May my suggestions be among the many voices already asking for the same care taken to preserve this valuable resource for our children. While at the same time preserving the fishing opportunities for both the sport and commercial fishing communities by using responsible and effective gear types.

I don't know if my little business can handle the economic strain of these quotas for one more year. And I am asking that you please consider my requests for in-season adjustments for the sculpin quotas for our area in the south region, these requests would not affect the quota of the other nearshore species, especially in the north where most of the other species are caught. Also since this fish [sculpin] has been and is of value to the commercial fishermen in southern California, I would ask that you please look at our needs and make sure that we can sustain ourselves and our markets once again using this particular species and not allowing it to be monopolized by the sport fishing entities, resulting in an unfair outcome.

Sincerely,
Dan McCafferty
140 Cabrillo St.
Costa Mesa, Ca. 92627

949-574-9107

mccafferty@dslextreme.com