



KEN FRANKE
PRESIDENT

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March 5, 2010

Mr. David Ortmann, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Dear Chairman Ortmann,

The Sportfishing Association of California represents over 130 commercial passenger fishing vessels in Southern California. Many of these small businesses rely on fishing for rock fish in the waters of the Southern California Bight. This fleet was directly impacted when the Cow Cod Conservation Area (CCA) was created in 2001. Current available science, including extensive ROV work in the CCA, would indicate the 4600 square miles of the CCA encompassed a great deal of shallow water habitat not common to Cow Cod. Access to these shallow areas could significantly restore some of the loss the sportfishing public experienced after the initial closure.

We have been in contact with Dr. John Butler, NOAA/NMFS, an expert in Cow Cod, and asked if this request was reasonable based on the information that has been developed since the CCA was established. We explained our desire to fish in less than 30 fathoms in the CCA. From a factual standpoint, Dr. Butler said fishing in less than 30-fathoms would not be a threat to Cow Cod as they live in deeper water.

We have also been in contact with the enforcement side of the Department of Fish and Game and advised them of the desire to engage in fishing this area again. Our discussion revealed enforcement would be a challenge. We agreed we would welcome the opportunity to partner with the DFG to come up with a plan to help them solve this challenge.

The purpose of this letter is therefore to respectfully request that the Council consider two items.

1. Staff consideration be given to study the viability of opening those areas of the CCA less than 30 fathoms to ground fishing.

2. To permit retention of slope rockfish when fishing in less than 30 fathoms in the CCA.

In closing, the purpose of the CCA was to protect Cow Cod. The best available science indicates much more area was closed than necessary. Opening the area shallower than 30-fathoms, and permitting the lawful take of slope rockfish, would restore a critical fishing area to the sportfishing community at large.

Sincerely,

A handwritten signature in cursive script, reading "Ken Franke". The signature is written in dark ink and is positioned above a horizontal line.

Ken Franke
President
Sportfishing Association of California

----- Original Message -----

Subject:Fair and equitable

Date:Wed, 17 Mar 2010 07:35:29 -0700

From:Josh Churchman <josh.churchman@gmail.com>

To:'John DeVore' <John.DeVore@noaa.gov>

I am writing you about the inequities in the access to chillie pepper rock fish in central California. (34-40/10).

The landings for the trawl fleet are increasing while the landings for the hook and line boats has fallen to near zero.

The RCA boundaries are vastly different for the two sectors. The council has created an exclusive "trawl only" zone from 30 fathoms to 100 fathoms, allowing access to the chillie pepper that the hook and line boats do not have.

In the interest of fairness, and to restore a fishery that was once vibrant, I request a change.

Here are three options for your consideration,

- 1..Make the RCA lines the same for both sectors.
- 2..Make a "hook and line only" zone from 100 fathoms out. Giving the hook boats the piece of water the trawl is now banned from.
- 3..Eliminate the RCA's for hook and line boats and make the world a better place. All hook boats drift when retrieving their gear. Enforcement is not friendly or forgiving. This means that every set must be far from any RCA line. This alone eliminates access to the chillie pepper because they do not live in water deeper than 150 fathoms.

Thus the paradox...The council gives me a quota for chillie pepper but I have to fish for them where they do not live,

Josh Churchman