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Memorandum

To : Mr. Robert R. Treanor
Executive Director
Fish and Game Commission

Date: August 15, 2000

From : Department of Fish and Game

Subject : Agenda Item for August 25, 2000 Commission Meeting, Recommendations for Amendments to Title 14, California Code of Regulations Re: Rockfish, Lingcod and Other Shelf Fin Fish Limits, Season Closures, Management Line, Method of Take, Minimum Size Limits, Transport Through Restricted Areas, and Cooperation With Fishery Observers

At your August 3-4, 2000 meeting the Department gave a status report on bocaccio and lingcod landings for the first four months of the year and recommended not to take emergency action to slow or halt the catch of these two important groundfish species. As you may recall, the proposal to consider emergency action stemmed from a request of the Pacific Fishery Management Council (PFMC) to review early season catch estimates generated by the federal Marine Recreational Fishery Statistical Survey (MRFSS). Those estimates indicated the bocaccio catch had already exceeded the preseason projection of catch for the entire year of 40 metric tons (mt) and that the lingcod catch was very high for so early in the year. The Department presented a report on the status of landings through the first four months of the year and concluded:

- 1) The estimates of bocaccio and lingcod catch using Department data were 29-40 percent and 5 percent, respectively, of the estimates generated by the MRFSS. The major difference in the estimates was in the northern California estimate of angler effort during January-February 2000.
- 2) It is likely--but not certain--that the total catch for the year of bocaccio in the combined commercial and recreational fisheries will exceed the rebuilding plan objective for the year of 100 mt. The current projections of bocaccio catch in the recreational fishery, based on Department data and using catch pattern data from the MRFSS, is 143-208 mt. While the recreational fishery is running ahead of projection, the commercial fishery catch through June 2000 is much lower than expected.
- 3) based on DFG data, the lingcod catch for the year is not expected to exceed 130 mt, the level of catch assumed preseason that would be taken in the combined recreational and commercial fisheries south of Cape Mendocino.

Public testimony was received at the meeting on the Department's recommendations and the status of the rockfish and lingcod fisheries. The charterboat representatives were very concerned about the use of the MRFSS estimates for managing the fisheries on a real time basis. They expressed concern about the manner in which the federal data are collected, especially as it relates to the telephone survey. It was pointed out by former PFMC member Robert Fletcher that very limited fishery independent data are collected by the National Marine Fisheries Service

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(NMFS) on the status of the bocaccio stock south of Point Conception. Rather, the primary source of data is NMFS' triennial trawl survey, which occurs north of that landmark and by necessity avoids primary habitats occupied by bocaccio and other rockfish species. Finally, the presenters believe that the "overfished" situation for bocaccio and lingcod was not caused by the recreational fishery, but that they are now being asked to carry a major part of the burden for rebuilding the stocks.

Based on the above, the Commission took no action with regard to implementing emergency fishing regulations to affect the catch of bocaccio and lingcod in the recreational fishery south of Cape Mendocino. The Department will report back to the Commission on the status of bocaccio and lingcod landings at the October 2000 meeting in San Diego. Emergency regulatory action can again be considered at that time.

The Department's status report on bocaccio and lingcod catches through April 2000 listed several regulation options for consideration by the Commission and PFMC commencing January 1, 2001. An updated summary of the options is attached. These management measures are aimed at better ensuring that recreational fishery catches do not exceed the rebuilding plan levels that have been adopted for bocaccio and assumed for lingcod of 100 mt and 130 mt, respectively. We have no recommendations on the options at this time. However, if a significant reduction in catch appears to be warranted, the most effective means would be to reduce the length of the fishing season or close a large area of ocean to fishing affecting shelf and slope rockfish. We will be in a better position to make a recommendation at your October meeting when additional MRFSS and Department data will be available on current year bocaccio and lingcod catches.

Since your early August meeting, the ad hoc allocation committee of the PFMC met to discuss the status of groundfish species that have been declared overfished by the PFMC and the NMFS and the need for additional regulatory measures to meet the individual rebuilding plans. These species include bocaccio south of Cape Mendocino, lingcod, cowcod, canary rockfish, and Pacific Ocean perch. No additional management options were developed for bocaccio, lingcod, or canary rockfish off California. For cowcod, they recommend that the PFMC and Commission consider 1) a zero retention option for the commercial and recreational fisheries south of Cape Mendocino, and 2) closing areas in southern California year round to fishing activities that potentially have a significant impact on the species. In that regard, we propose to consider closing two areas to bottom fishing: 1) a large area offshore from Huntington Beach down to the Mexico border and 2) a smaller area off of San Diego (see attached map). Two closure options have been developed for your consideration. Option 1 covers all federal groundfish species and most bottom-dwelling State-managed species of the area. Option 2 excludes shallow water bottom-dwelling species. A summary of the cowcod options is included with the shelf rockfish and lingcod options previously discussed with you and shown in the attached. Please note that the summary is annotated to show those issue that will or may require parallel regulatory action by the PFMC.

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We recommend that you direct Commission staff to work with Marine Region staff in preparing and filing the appropriate rulemaking documents for a final decision at your December 2000 meeting.



ROBERT C. HIGHT
Director

Attachment

cc: Pacific Fishery Management Council ✓
Pacific States Marine Fisheries Commission
Marine Region
Monterey
Long Beach

SUMMARY OF RECREATIONAL FISHERY OPTIONS AFFECTING SHELF ROCKFISH AND LINGCOD¹

- The rockfish and lingcod management line should be moved from Lopez Point to Point Conception (28.27 and 28.55). This would place Avila Beach and Morro Bay in the northern California management area and be consistent with the statistical area boundary used by the MRFSS. The PFMC will be asked for the same regulation.
- Rockfish and lingcod closure periods (28.27 and 28.55) south of Cape Mendocino should be extended to November-February in the south and January-April or March-June in the north. These additional closure periods may be needed to reduce the bocaccio catch to under 100 mt in the combined commercial and recreational fisheries. The catch of lingcod in the combined fisheries would be projected to be at or under 130 mt. The PFMC will be asked for the same regulation, in addition to closing the commercial fisheries (trawl and fixed gear) for nearshore and shelf rockfish and lingcod during these same periods.
- Fishing for and retention of cabezon (28.80), greenlings (28.29), scorpionfish (new section), sanddabs (new section), sheephead (new section), and ocean whitefish (new section) should be prohibited during the rockfish and lingcod closures south of Cape Mendocino. These closures would be intended to minimize bycatch of rockfish and lingcod when fishing for these species. The PFMC will be asked to adopt the same regulation for cabezon, greenlings, scorpionfish and sanddabs, both recreational and commercial.
- Reduce the bag limit for bocaccio (27.60 (b) and 28.55 (b)) from three to two or one fish. This would be done to further reduce targeting on the species, but could increase discard of dead fish. The PFMC would be asked to adopt the same regulation.
- Reduce the number of hooks that anglers may use when fishing for rockfish (28.55 (d)) or lingcod (28.27) from three to two or one. This would be done to reduce the chances of catching more than a limit of bocaccio on a single drop. The PFMC will be asked to adopt the same regulation.
- Close the season or part of the season for lingcod (28.27 (a)), cabezon (28.28), and greenlings (28.29) south of Cape Mendocino during September-April. This would apply to fishing for and possession of any of these species. These closures would be intended to meet biological and allocation objectives for the individual species and at the same time protect nesting fish. The PFMC will be asked to adopt the same regulations, both recreational and commercial (fixed gear and trawl).

¹ Numbers in parentheses refer to Title 14 sections. The options that affect “nearshore” species are the same as, or are in addition to, those that are being considered by the Commission pursuant to its authority under the Nearshore Fisheries Management Act (Section 8587.1, FGC).

- Reduce the lingcod bag limit (27.60 and 28.27) from two to one fish. This would be done to meet biological and allocation objectives for the species. The PFMC will be asked to adopt the same regulation.
- Increase the minimum size limit for cabezon (28.28) from 14 to 15-18 inches. Increasing the size limit will save immature fish and contribute to meeting biological and allocation objectives for the species. The PFMC will be asked to adopt the same regulation, both recreational and commercial.
- Provide for the transport of recreational fin fish through restricted areas under terms and conditions specified on an annual permit that may be issued by the Manager of the Marine Region (new section, "Transport of Fin Fish Through Restricted Areas"). We suggest a \$20 fee for issuing the permit. This provision is in response to a request from Mr. Robert Fletcher, Sportfishing Association of California and others. The PFMC will be asked to recognize this provision.
- Require that operators of CPFVs carry and cooperate with Department and federal fishery observers on trips when space is available and at no charge to the sponsoring agency (new subsection under 195). Also, the Department may require an explanation be submitted to the Manager of the Marine Region, on a form provided by the Department, whenever observer coverage is denied. At-sea fishery observations are required in the CPFV fishery to verify logbook entries and to differentiate the species of fish in the catch. CPFV operators have increasingly denied fishery observers access to their fishing trips in recent years.
- Prohibit fishing for and retention of cowcod (27.60). This option is intended to eliminate targeting on cowcod, but could increase discard of dead fish. The PFMC will be asked to adopt the same regulation, both recreational and commercial.
- Prohibit recreational fishing year round for federal groundfish (Option 1), sheephead (new section), California halibut (new section), and ocean whitefish (new section) as follows: Area 1—The area bound by 118° 50' W. Long., 33° 50' N. Lat., 120° W. Long., and 32° 20' N. Lat. Area 2—The area bound by 117° 50' W. Long., 32° 50' N. Lat., 118° W. Long., and 32° 30' N. Lat. (See attached map). Option 2: Is the same as Option 1, but excludes federal nearshore rockfish, cabezon, scorpionfish, sanddabs, greenlings, and sheephead. The PFMC will be asked to adopt the same regulations for federal groundfish, both recreational and commercial.

COMMERCIAL FISHERY OPTIONS

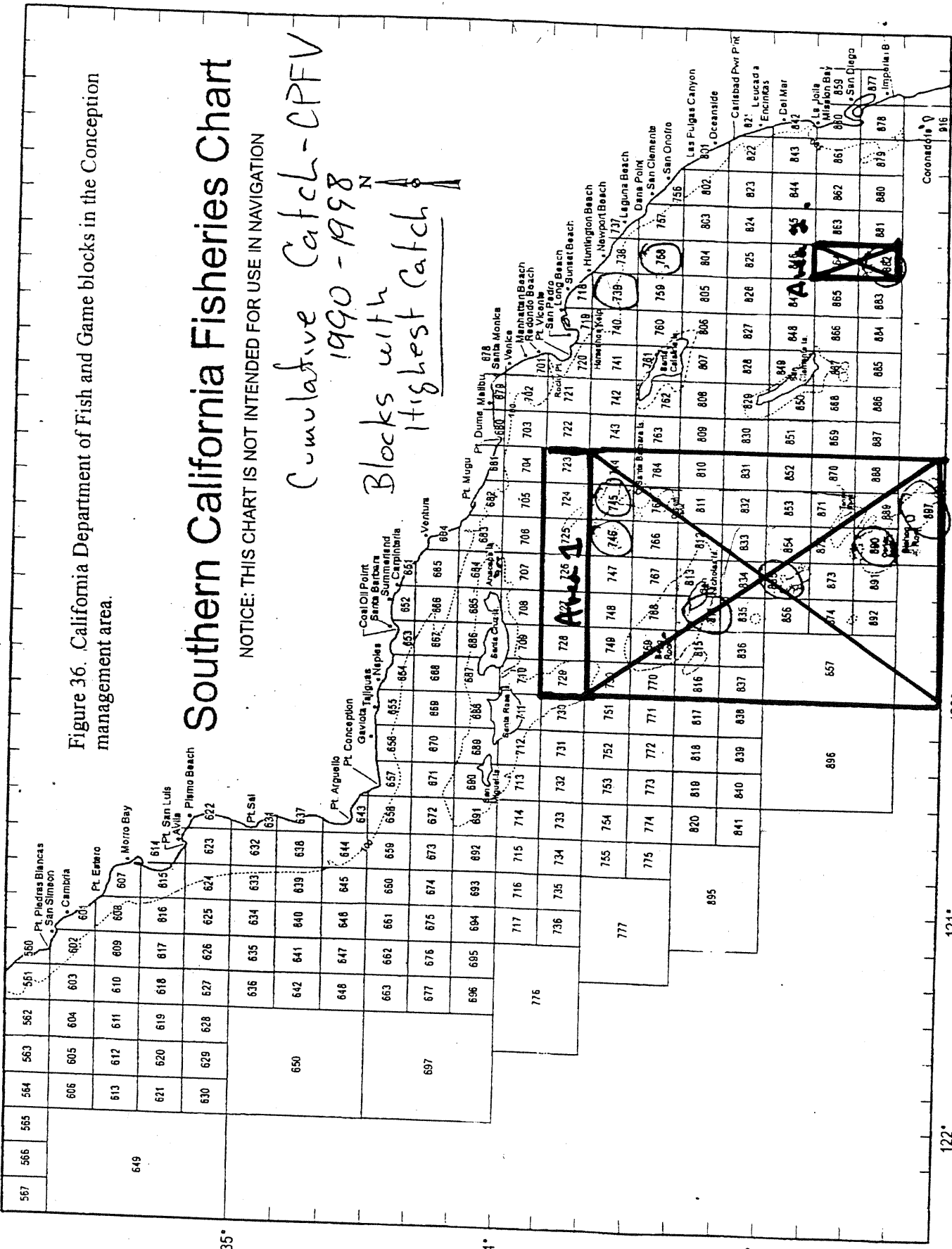
- Prohibit commercial prawn trawling (120.3) in Areas 1 and 2 described above. This would be done to ensure cowcod are not taken incidentally to fishing for prawns in these areas.

Figure 36. California Department of Fish and Game blocks in the Conception management area.

Southern California Fisheries Chart

NOTICE: THIS CHART IS NOT INTENDED FOR USE IN NAVIGATION

*Cumulative Catch - CPFV
1990 - 1998
Blocks with Highest Catch*

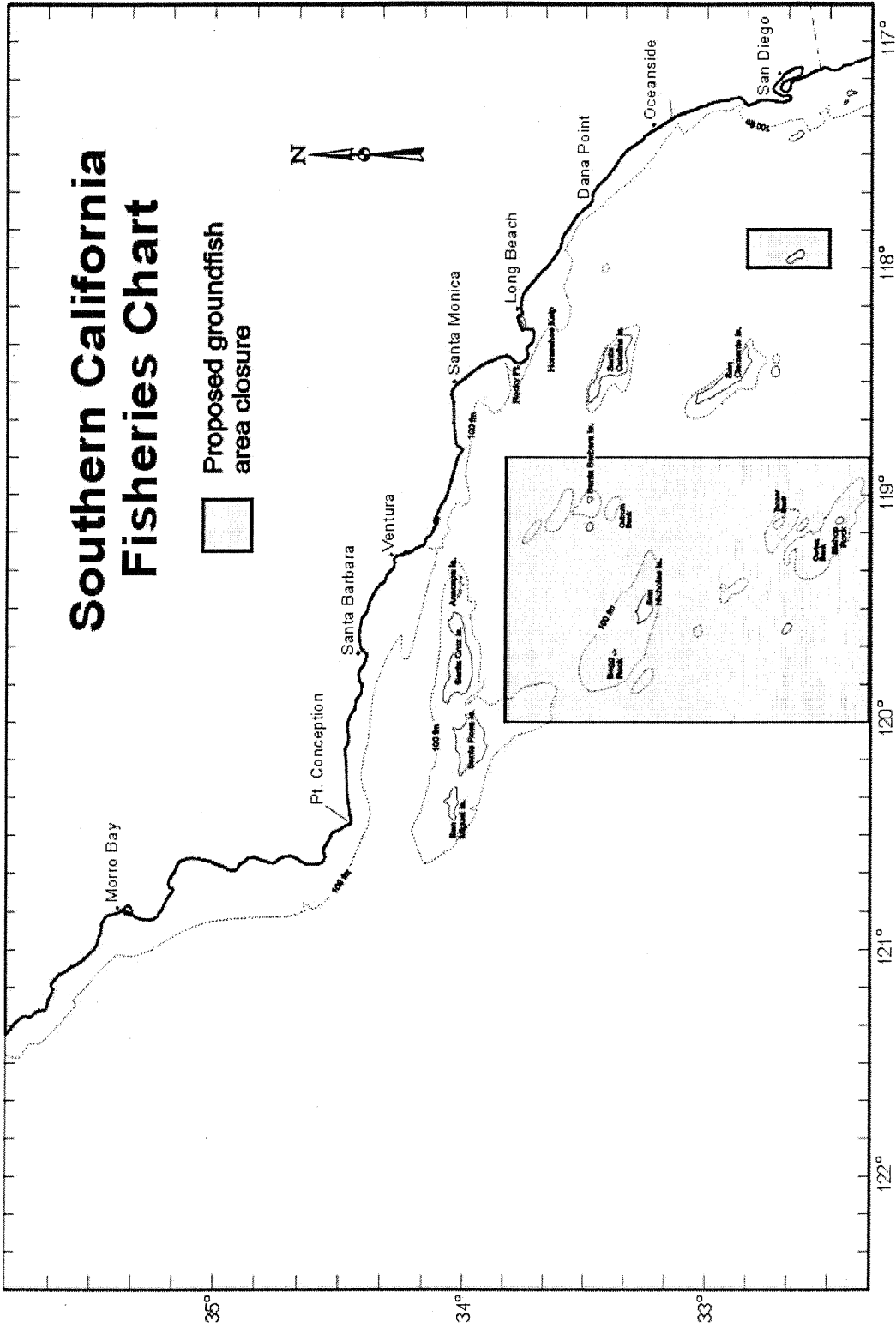


Cumulative CPFV Catch By Block 1990-98

Block	Cowcod	Percent	Cum Percent	
1	739	547	10.4250048	10.4250048
2	758	462	8.80503145	19.2300362
3	814 ✓	382	7.28035068	26.5103869
4	746 ✓	354	6.74671241	33.2570993
5	855 ✓	323	6.15589861	39.4129979
6	910	269	5.12673909	44.539737
7	745 ✓	240	4.57404231	49.1137793
8	897 ✓	223	4.25004765	53.3638269
9	890 ✓	216	4.11663808	57.480465
10	882 ✓	195	3.71640938	61.1968744
11	765 ✓	173	3.29712217	64.4939966
12	854 ✓	138	2.63007433	67.1240709
13	871 ✓	104	1.982085	69.1061559
14	806	100	1.90585096	71.0120069
15	685	97	1.84867543	72.8606823
16	836 ✓	83	1.5818563	74.4425386
17	835 ✓	81	1.54373928	75.9862779
18	761	68	1.29597865	77.2822565
19	724	64	1.21974462	78.5020011
20	740	52	0.9910425	79.4930436
21	769 ✓	51	0.97198399	80.4650276
22	815 ✓	51	0.97198399	81.4370116
23	860	48	0.91480846	82.3518201
24	701	46	0.87669144	83.2285115
25	764 ✓	46	0.87669144	84.105203
26	889 ✓	40	0.76234038	84.8675434
27	813 ✓	38	0.72422337	85.5917667
28	759	35	0.66704784	86.2588146
29	702	34	0.64798933	86.9068039
30	720	34	0.64798933	87.5547932
31	719	32	0.60987231	88.1646655
32	744 ✓	32	0.60987231	88.7745378
33	762	31	0.5908138	89.3653516
34	705	30	0.57175529	89.9371069
35	725	27	0.51457976	90.4516867
36	760	27	0.51457976	90.9662664
37	834 ✓	27	0.51457976	91.4808462
38	738	26	0.49552125	91.9763674
39	916	26	0.49552125	92.4718887
40	879	24	0.45740423	92.9292929
41	807	23	0.43834572	93.3676387
42	867	23	0.43834572	93.8059844
43	709	22	0.41928721	94.2252716
44	823	21	0.4002287	94.6255003
45	849	21	0.4002287	95.025729
46	690	18	0.34305317	95.3687822
47	872 ✓	17	0.32399466	95.6927768

53.6%

Southern California Fisheries Chart



Prohibit recreational fishing year round for federal groundfish (**Option 1**), sheephead, California halibut, and ocean whitefish as follows: Area 1—The area bound by 118°50' W. Long., 33°50' N. Lat., 120° W. Long., and 32°20' N. Lat. Area 2—The area bound by 117°50' W. Long., 32°50' N. Lat., 118° W. Long., and 32°30' N. Lat. **Option 2:** Same as Option 1, but excludes federal nearshore rockfish, cabezon, scorpionfish, sanddabs, greenlings, and sheephead.