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September 2001

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State of California - The Resources Agency

DEPARTMENT OF FISH AND GAME

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1416 Ninth Street

Sacramento, CA 95814

(916) 632-6281

GRAY DAVIS, Governor



September 7, 2001

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Dear Fellow Members:

Management Measures for 2001 and 2002 California Groundfish Fisheries

At the recent Allocation Committee (AC) meeting I committed to provide recommendations to you and our advisory bodies regarding management measures for California groundfish fisheries aimed at meeting year 2001 and 2002 optimum yields and fishery set asides. At our upcoming meeting, the Council will develop recommendations addressing 2001 catch levels and preliminary groundfish fishery specifications, optimum yields, and management measure for 2002 fisheries. Our final recommendations for 2002 fisheries will be developed at our October/November meeting.

In California, in order to bring certain state regulations into conformance with federal regulations, concurrent regulatory action by our Fish and Game Commission is required. Commission authority, in the case of federal groundfish, extends to the recreational groundfish fishery in state waters, the commercial fishery for cabezon and kelp greenling, and the pink shrimp and prawn trawl fisheries. For the other commercial fisheries we have adopted regulations that automatically conform to the federal regulations (see Section 189, Title 14, California Code of Regulations).

Challenges for 2001

We will look to the GAP for commercial fishery recommendations to stay within 2001 OYs.

For the recreational fishery, in spite of additional restrictions implemented this year, the bocaccio catch for California is on track to exceed the set-aside for that fishery. The in-season data from the Marine Recreational Fishery Statistics Survey (MRFSS) indicates the California sport fishery through wave 3 (January-June) has already landed 50 mt of bocaccio, including 17 mt and 33 mt north and south of Point Conception, respectively. The entire season set-aside for this fishery is 52 mt. The canary rockfish estimate through wave 3 is 16 mt, all north of Pt. Conception, and 15 mt was landed in wave 1 (January-February). The canary catch for the area south of Cape Mendocino, for the entire year was assumed to be 22 mt.

The recreational lingcod catch appears to be safely below the set-aside for the coast wide recreational fishery (see AC report).

Last year, and again this year, we have reason to question the northern California total effort estimates for charterboats (for all fisheries not just groundfish) in wave 1. We have compared the MRFSS and DFG logbook data for the past five years and find that the MRFSS estimates of effort are 4 to over 20 times (average=9.6) the logbook estimates, uncorrected for non-compliance (see attached report). We have studied non-compliance in the northern California fishery and find an average annual return rate for rockfish boats is about 65%. If we assume a 35% non-compliance rate the average effort overage is 6.2.

We do not have non-compliance data for southern California logbooks. However, comparison of the raw logbook data and the MRFSS effort estimates are, in some ways even more disparate for the south than they are in the north (see attached). The MRFSS estimates show steeply declining fishing effort between 1996 and 2000 while the logbook returns indicate the fishery has been stable or slightly increasing. The MRFSS estimates are much higher than the logbook estimates in 1996 and 1997, of the same magnitude in 1999 and 2000.

In part because of the concerns raised last year over the MRFSS estimates of charterboat effort, the Pacific States Marine Fisheries Commission (PSMFC) initiated a new effort survey in the California charterboat fishery beginning at the start of wave 2 this year. The new survey is patterned after an East Coast effort and focuses on surveying the industry participants themselves rather than random households. We have discussed the availability of those data with NMFS and PSMFC staff. Unfortunately, the new effort data have yet to be processed and are not expected to be available until late September or early October of this year. These new estimates will be important for verifying the traditional effort estimates. In the meantime, we are faced with using the traditional MRFSS estimates for considering in-season adjustments in the California recreational fishery. Our assessment is that we need the revised effort data and an additional wave of data to properly assess the situation for both species. These data should be available by early to mid-October, according to National Marine Fisheries Service (NMFS) staff. We have asked the NMFS and the PSMFC to expedite the estimation process, if at all possible.

It should be noted that California has adopted a regulation that allows the Department to close the shelf (and slope) rockfish fishery south of Point Conception during the months of November and December, if needed to meet the Council's harvest goals. This provision can be implemented at any time during the year to be effective during November and December. No such provision exists for the area north of Point Conception where both bocaccio and canary rockfish are present. An emergency action by the Commission to implement a broader or earlier closure would be required at a regularly scheduled meeting (October 4-5, November 1-2, and December 6-7, 2001) or at an emergency meeting called by the Commission President.

The Department will ask the Commission to place consideration of emergency action to close fisheries for bocaccio and canary rockfish statewide on their October meeting agenda. At that meeting we can present the most current recreational fishery catch estimates, discuss the MRFSS estimation program, and determine the appropriate course of action. NMFS presence and input at that meeting (in San Diego) will be very important.

Challenges for 2002

The Fish and Game Commission has filed regulatory notice to consider two changes in current rockfish and lingcod regulations in the recreational fishery beginning next year: 1) allow for the retention of lingcod when rockfish and lingcod fishing is restricted to waters under 20 fathoms in depth and 2) allow for the retention of up to two shelf or slope rockfish, excluding bocaccio, canary and cowcod rockfish, during these same fisheries. Final action will be taken at their December meeting, along with action to conform to any additional recreational regulations that the Council may adopt for 2002. Public notice of any additional regulations options will be filed following our September meeting.

Bocaccio. It is apparent from the recent AC meeting that we may need to consider additional regulatory constraints to keep recreational fisheries for bocaccio within its pre-season set aside of 52 mt. The 2000 final MRFSS estimates for this species is 107 mt, 60 and 47 mt, respectively, north and south of Point Conception. Moreover, the situation for bocaccio is dynamic because of growth in average weight of the strong 1998 year class. This will make limiting the catch to 52 mt extremely difficult without further fishery restrictions.

Canary Rockfish. We estimated last year that the regulations implemented in 2001 to protect canary rockfish (additional 2-month shelf closure north of Point Conception and 1-fish bag limit) would be effective in keeping the California catch south of Cape Mendocino to 22 mt or less for the year. It is too early in our view, to assess the effectiveness of those regulations.

Yelloweye Rockfish. Yelloweye rockfish is an additional shelf rockfish species that must be considered in our regulations for implementation in 2002. Our preliminary discussions with the AC indicated the recreational catch south of Cape Mendocino may need to be reduced to 2 mt or less. This compares to recent annual catches (largely north of Point Conception) of 6.4 to 16.3 mt (11.1 mt average) during 1996-99 and 2.3 mt in 2000.

Recreational Options. Department staff has been analyzing MRFSS catch data and some additional recreational fishery closures for shelf rockfish (from two to six months in addition to our current closures) under various projected catch levels of key species. These analysis will be useful in determining whether additional restrictions are necessary to meet our recreational fishery set-asides for bocaccio and yelloweye rockfish. They will be shared with the GMT and the GAP at our September meeting with the objective of agreeing upon a set of recreational fishery options for public input and additional analysis prior to our October/November decision meeting.

Under the proposed recreational fishery options, we recommend no bag limit or minimum size limit changes except the yelloweye bag limit would drop from 10 to 1 fish per angler, no more than 2 fish per boat. During the closures, fishing would be allowed inside 20 fathoms for lingcod and nearshore rockfish (including sculpin), and ocean whitefish (a state-managed species), with a provision for retention of 2 shelf or slope rockfish per angler not including bocaccio, canary, cowcod or yelloweye rockfish. The regulations south of Point Conception would also apply to the Cowcod Conservation Area.

We have not addressed recreational fishing options for California north of Cape Mendocino. We propose, as we have done in the past, that those regulations be the same as Oregon.

Commercial Fishery Options. The commercial fishing regulations for non-trawl vessels south of Cape Mendocino would have the same closures as the recreational fishery with a provision for fishing inside 20 fathoms for nearshore rockfish (including sculpin), lingcod, cabezon, greenlings; all slope rockfish; and an incidental landing of shelf rockfish not including bocaccio, canary, cowcod or yelloweye rockfish. Commercial regulations for California north of Cape Mendocino would be the same as Oregon for non-trawl vessels.

Trawl fishing options are not addressed in our recommendations. Please refer to the AC recommendations for strategies to consider for 2002.

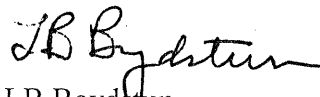
Other Considerations. We have not projected the impact of shifting potential rockfish and lingcod fishing effort, both sport and commercial, to nearshore waters. We also have not analyzed the effect of reducing the yelloweye bag limit to 1 fish, with not more than 2 fish per boat. The likely effort shift associated with additional shelf rockfish closures may result in increased recreational harvest of nearshore rockfish and sculpin. The yelloweye bag limit reduction will discourage targeting on these fish. The affect on lingcod catch under the closure options has not been quantified, but our expectation is that the recreational catch would slightly decline because of usually lower abundance of legal-sized lingcod when fishing in shallow water during the proposed summer shelf fishing area closures.

We have provided the GAP and the GMT with an advanced copy of this letter. Mr. Dave Thomas has copies of the MRFSS data that we have been analyzing. Those tables will be available to the GMT and GAP at our September meeting to evaluate additional closure options for the California recreational fishery to protect overfished groundfish species.

Pacific Fishery Management Council
August 7, 2001
Page Five

In closing we would like to announce that a state-sponsored public meeting has been scheduled for October 10, 2001 in Santa Rosa, California at the Flamingo Hotel. At that meeting we will discuss and receive public input on all of the Council's groundfish options and proposed groundfish specifications for 2002.

Sincerely,



LB Boydston
Representative
Intergovernmental Affairs Office

Attachments

cc: Mr. Robert C. Hight
Department of Fish and Game

Mr. Robert Treanor
Fish and Game Commission

Mr. Rod Moore
Mr. Darby Neal
Groundfish Advisory Committee

Mr. Dave Thomas
Groundfish Management Team

Lt. George Gross
Enforcement Consultants

ATTACHMENT

Summary of Angler Estimates Comparison between MRFSS and CA Logbook data for CPFV Angler Trip Estimates

Data from 1996 through 2001 were compared by region and wave for angler effort between California's CPFV logbook data (number of anglers) and the MRFSS Angler trip estimates. Total estimates of angler effort are fundamental to the MRFSS total catch expansions. Because these MRFSS estimates are being used for inseason monitoring, allocations between commercial and recreational anglers, and future sport regulations it is essential to have a better understanding of their accuracy. Logbook data and MRFSS data were compared to see how close the estimates were for the past 6 years. In a comparison by wave, the Jan - Feb MRFSS estimates account for much of the higher annual estimates in northern and southern California, more so in No. Cal. Data from 2001 are incomplete, and considered preliminary for 2001.

The highlights include:

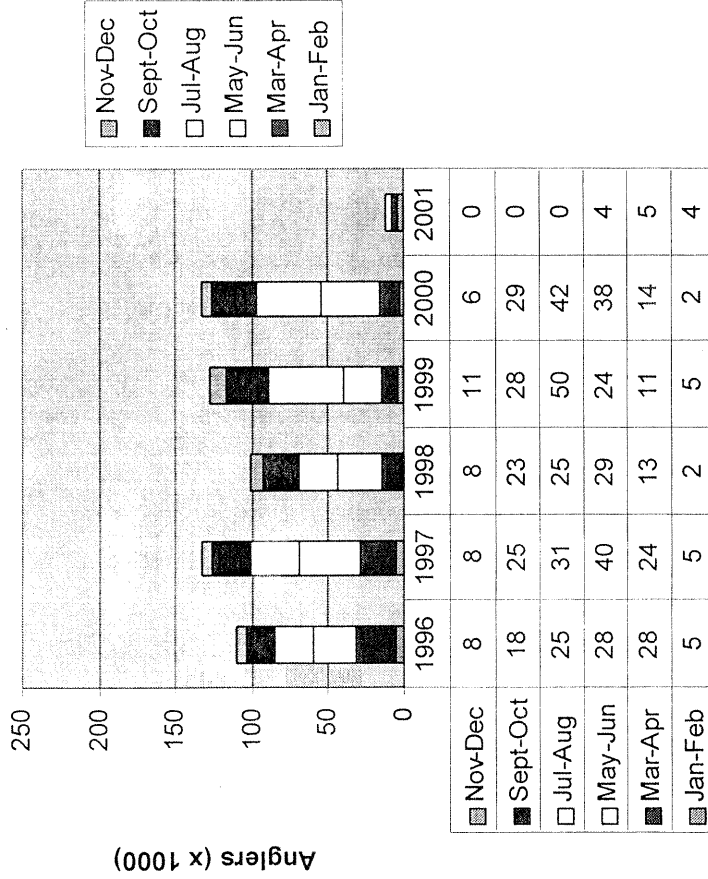
- Trends were different between northern and southern California.
- MRFSS estimates were higher in both regions in all years except 1996 in northern California and 2000 in southern California when both values were very close to each other (logbook 111 vs. MRFSS 98; logbook 530 vs. MRFSS 501, no. and so. respectively).
- Northern California, Wave 1 MRFSS estimates are from 4 to 20 times higher than comparable logbook values.
- Southern California MRFSS estimates in wave one were proportionally higher from 1996 to 2000 (4 to 0.5 times higher).
- Annual Logbook values were fairly consistent from year to year in both southern and northern California. By contrast, MRFSS estimates increased each year in northern CA from 1996 to 2000, and decreased yearly from 1996 to 2000 in southern CA.

Bottom line: In northern California, with closures for shelf rockfish from March to June, we are relying on the worst possible effort estimates (expansions based on Wave 1) to make decisions on future management direction for shelf species.

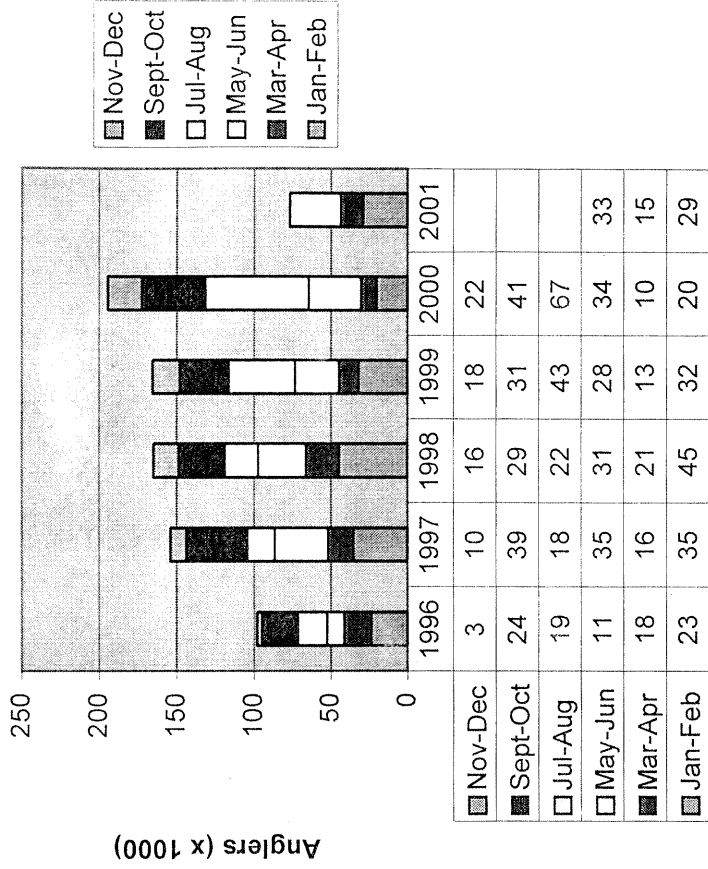
Per Wade Van Buskirk, how the angler effort data are generated:

The pooling is only done for the estimates of effort for the passenger fishing boats. The man-made fishing, beaches and banks, and private & rental boats data are not pooled. The data is gathered by making phone calls to random phone numbers within coastal counties and asking a series of questions from the person that answers the phone. From these questions they determine how many fishing trips (on passenger fishing boats) there are per "household" (called the prevalence rate) and multiply that number by the total number of households. This gives the total number of fishing trips. This number is pooled with the fishing trips from the last two years and an average is taken. They do not use the pooled data from last year in this calculation.

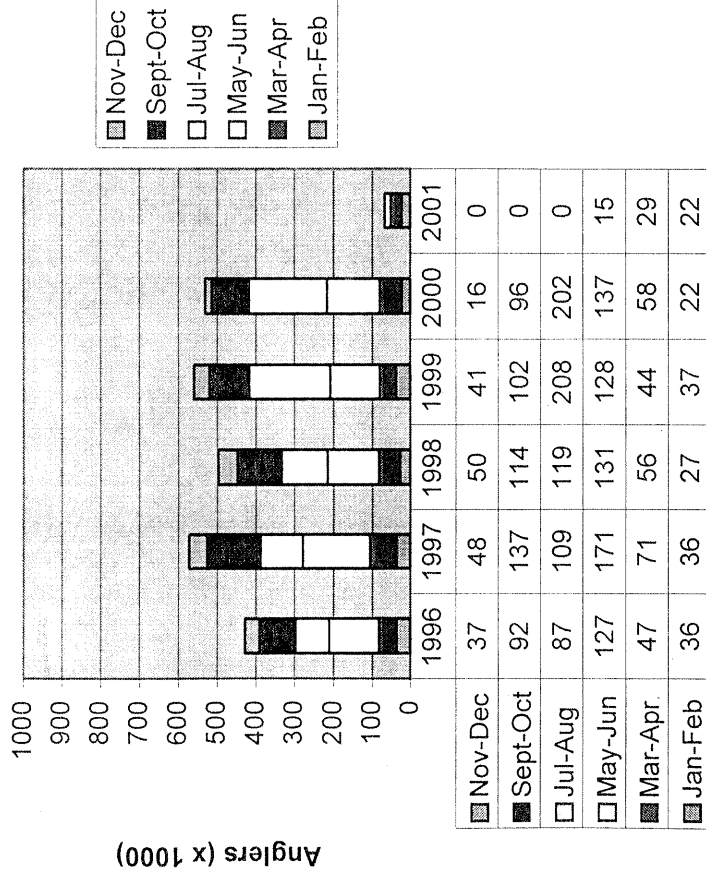
No. Cal Logbook CPFV Angler Estimates



No. Cal MRFSS CPFV Angler Estimates



So. Cal Logbook CPFV Angler Estimates



So. Cal MRFSS CPFV Angler Estimates

