



State of California - The Resources Agency

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PFMC

May 9, 2002

Dr. Donald O. McIsaac, Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Re: Nearshore Fishery Management Plan

Dear Dr. McIsaac:

Enclosed is a draft copy of the Nearshore Fishery Management Plan (Nearshore FMP) recently completed by the Department of Fish and Game (Department) for California's nearshore finfish fishery. The plan has been revised by comments received through peer review and preliminary public review. It was submitted to the Fish and Game Commission (Commission) on May 9, 2002, for the formal public review process. The Commission will take public comments during several meetings and could adopt the plan in late August, and implementing regulations by November 2002.

In order to make the Nearshore FMP more readable, it has been organized into three sections:

- Section 1 presents the Department's proposed management strategy.
- Section 2 includes the environmental analysis required under the California Environmental Quality Act.
- Section 3 includes draft regulations that would implement the Department's proposed management strategy. The Nearshore FMP provides a framework in which the Commission can build specific management strategies that respond to management needs on a regional as well as ecological basis. Adaptability and flexibility are hallmarks of the plan.

All but four species included for management through the Nearshore FMP are currently covered by the federal Groundfish Fishery Management Plan (Groundfish FMP). Many of those species occur exclusively in California, and several range as far north as Oregon. Although the Groundfish FMP was constructed to manage on a

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All but four species included for management through the Nearshore FMP are currently covered by the federal Groundfish Fishery Management Plan (Groundfish FMP). Many of those species occur exclusively in California, and several range as far north as Oregon. Although the Groundfish FMP was constructed to manage on a coastwide basis, effective implementation of the Nearshore FMP may best be accomplished by a transfer of authority for several or all of the groundfish species included in the Nearshore FMP. Therefore the plan explains the need for the transfer of authority for certain nearshore groundfish to California.

We know that the Pacific Fishery Management Council and scientific and advisory bodies will want to thoroughly consider this subject and we will be submitting a more specific Transfer Of Authority (TOA) document for discussion. However, the nearshore FMP provides the background, management approach, and analysis of alternatives that will allow the discussion of TOA to be comprehensive.

If you have any questions please do not hesitate to contact me at the above numbers or Mr. LB Boydston, Intergovernmental Affairs Office at (916) 651-6281.

Sincerely,



Patricia Wolf, Regional Manager

Enclosures

EXECUTIVE SUMMARY

This Nearshore Fishery Management Plan (NFMP) is presented in three sections. Section 1 presents the background to the NFMP as well as the Department's proposed management strategy. Section 2 includes the environmental analysis (Fish and Game Code Section 781.5), including a review of alternatives and options, some of which were recommended by constituents in the review of the initial draft NFMP. Section 3 includes regulations that would implement the Department's proposed management strategy.

Below is a brief summary of each of the chapters in Section 1.

Chapter 1: Introduction

Chapter 1 begins by placing the NFMP within the context of the Marine Life Management Act (MLMA's) goals, objectives, policies, and mandates. Applying the MLMA to the nearshore fishery begins with a definition of problems in the fishery that require management attention. Chapter 1 includes a consensus problem statement developed by the NFMP Advisory Committee, which is composed of constituents with diverse interests in the nearshore fishery.

The Department applied the MLMA to problems identified in the statement in developing a set of goals and objectives for management of the nearshore fishery through the NFMP. The five goals are:

- Insure long-term resource conservation and sustainability,
- Employ science-based decision-making,
- Increase constituent involvement in management,
- Balance and enhance socio-economic benefits, and
- Identify implementation costs and sources of funding.

Each goal is accompanied by objectives, all of which are based directly upon the MLMA. Some objectives include more detailed guidance recommended by the Department.

To meet the MLMA mandate for adaptive management, the NFMP establishes a hierarchical framework within which adjustments to the management of the nearshore fishery can be made in a responsible and timely manner. This framework structure begins with regular review of the management of the fishery. The NFMP provides examples of the types of the biological and socio-economic issues that may trigger a change in management.

In response to this review, the Department may recommend that the Commission take one of four types of action:

- Amendment of the FMP, in order to change species covered by the NFMP, for instance;



- Full Rulemaking Action, in order to adopt management measures that will have a long-term effect, grant discretion in their application, and may have impacts that have not been analyzed previously;
- Notice Action, in order to alter a management measure, such as an annual quota, that has been classified as routine through full rulemaking; and
- Prescribed Action for management actions that are non-discretionary such as closure of a fishery when a quota has been reached.

Each of these actions represents a different degree of change in management and requires a different level of analysis and regulatory process. Amendment of the FMP requires the most analysis and process, including an environmental analysis, while the Department may carry out a Prescribed Action without prior public notice.

Chapter 2: Background

Chapter 2 begins with a description of the process that the Department used in selecting the 19 species of nearshore finfish proposed for management under the NFMP. This process relied upon such criteria as changes in catch levels, special biological characteristics, and special habitat needs. The 19 species are as follows:

Black rockfish	<i>Sebastes melanops</i>
Black-and-yellow rockfish	<i>Sebastes chrysomelas</i>
Blue rockfish	<i>Sebastes mystinus</i>
Brown rockfish	<i>Sebastes auriculatus</i>
Cabazon	<i>Scorpaenichthys marmoratus</i>
Calico rockfish	<i>Sebastes dallii</i>
China rockfish	<i>Sebastes nebulosus</i>
Copper rockfish	<i>Sebastes caurinus</i>
Gopher rockfish	<i>Sebastes carnatus</i>
Grass rockfish	<i>Sebastes rastrelliger</i>
Kelp greenling	<i>Hexagrammos decagrammus</i>
Rock greenling	<i>Hexagrammos lagocephalus</i>
Kelp rockfish	<i>Sebastes atrovirens</i>
Monkeyface prickleback	<i>Cebidichthys violaceus</i>
Olive rockfish	<i>Sebastes serranoides</i>
Quillback rockfish	<i>Sebastes maliger</i>
California scorpionfish	<i>Scorpaena guttata</i>
California sheephead	<i>Semicossyphus pulcher</i>
Treefish	<i>Sebastes serriceps</i>

Chapter 2 then describes the history and socio-economics of the fishery. The chapter and NFMP focuses upon extractive uses, that is, commercial and recreational fishing. It begins this discussion with a description of the types of statistical information on commercial and recreational fishing that are available, together with their strengths and weaknesses. The chapter then describes general trends in the nearshore commercial and recreational fisheries in the 1980s and 1990s. The chapter presents



statistics on trends in the commercial fishery by gear (chiefly, hook-and-line gear, traps, and gill and trammel nets), and discusses reasons for increased landings in the 1990s, including the growth of the live-fish market. The chapter presents trends in recreational fishing for the same periods.

The chapter then analyzes the socio-economic dimensions of the nearshore fishery. It presents general estimates of the economic activity generated by both commercial and recreational fishing. The chapter also analyzes economic values associated with non-extractive uses.

Both state and federal management authorities are then described, including recent federal and state management actions regarding nearshore fish. The state has active management jurisdiction over four of the 19 species: California sheephead, cabezon, rock greenling, and kelp greenling.

Chapter 3: Management Measures for Sustainable Nearshore Fisheries

The core of the NFMP is the recommended management strategy, which aims at meeting the MLMA's primary goal of sustainability by meeting several objectives:

- preventing overfishing,
- rebuilding depressed stocks,
- ensuring conservation, and
- promoting habitat protection and restoration.

The Department proposes to meet these requirements and the goals and objectives of the NFMP by employing five general measures. Each of these measures addresses an aspect of fishery management; together they form an integrated approach to meeting the MLMA guidelines.

1. **Fishery Control Rule:** The NFMP describes a Fishery Control Rule that includes three stages, recognizing the practical level of knowledge and understanding of the fishery. As knowledge increases, management can become less precautionary. The Fishery Control Rule provides a protocol for determining sustainable levels of fishing that then are enforced through the adoption of specific management tools such as size limits, time/area closures, or gear restrictions.
2. **Regional Management:** The NFMP recognizes the significant geographical differences in the nearshore fishery and proposes developing management tailored to conditions specific to each of three regions.
3. **Marine Protected Areas:** The NFMP uses marine protected areas (MPAs) to ensure that the MLMA's objectives for protection of habitat and ecosystem integrity as well as sustainable fisheries are met. The NFMP recognizes the authority of the Marine Life Protection Act (MLPA) to design a Master Plan for MPAs in California. The Master Plan will make recommendations on specific



sites for MPAs, implementation and phasing, funding, monitoring, enforcement, and management. The NFMP includes a recommended approach to MPAs, which should be referenced when citing MPAs to benefit nearshore finfish.

4. **Restricted Access:** The NFMP bases its approach to restricted access upon the Fish and Game Commission's restricted access policy, and presents four initial options for regional restricted access programs in the commercial fishery.
5. **Allocation:** The NFMP builds upon the allocation policy adopted by the Commission in December 2000. Total allowable catch (TAC) will be allocated between commercial and recreational fisheries based on historical catches, on a regional level.

Finally, effective implementation of the NFMP's measures will benefit from transfer of management authority to the State for some or all of the nearshore species currently managed under the federal groundfish fishery management plan.

Chapter 4: Research to Support the Nearshore Fishery Management Plan

The NFMP continues with a proposed research plan that aims to support effective and adaptive management of the nearshore fishery by acquiring and applying essential fishery information (EFI), as required by the MLMA. The chapter begins with a discussion of the relevance of specific types of EFI to the management tools described in the previous chapter on the proposed management strategy. The chapter then describes past and current fishery-dependent monitoring of commercial and recreational fisheries and identifies weaknesses in this monitoring. The limited past and current fishery-independent assessment activities of the Department are reviewed together with their shortcomings.

The chapter then describes eight types of EFI, in order of priority:

- spatial and temporal estimates of abundance,
- total mortality by species, as well as temporally and spatially,
- age and growth characteristics,
- recruitment,
- ecological interactions,
- reproductive characteristics,
- distribution of stocks, and
- movement patterns.

The chapter then sets forth a research protocol that aims to fill gaps in EFI, as required by the MLMA. The research plan rests on two bases: improvement of existing fishery-dependent and fishery-independent monitoring and assessment, and a systematic program of research and monitoring in a discrete set of reference sites.

The chapter also describes EFI for the socio-economic dimensions of the fishery, including employment, expenditures and fishery costs, resource demand and net economic value, and revenue. The chapter also describes a research plan for filling gaps in information.

The chapter closes with a review of past and current collaborative research and commits the Department to encourage similar collaboration in designing and implementing the research plan.

Chapter 5: Implementation and Costs

Implementing the broad agenda of the NFMP will focus the Department's energy and budget on management, enforcement and research. Management will focus on the continuous need to collect and analyze reliable data, adapt management to new circumstances and information, and to convene meetings for the public and special interest groups. Enforcement ensures compliance with NFMP regulations and collaborates with scientific staff in conducting research from enforcement vessels. Research will move marine management from a species-based focus to an ecosystem-based, broad scale understanding of environmental events. It will move fishery management from a precautionary estimate of allowable catch to a scientific understanding for fishery facilitation.

Funding for the NFMP implementation will be spread between management, enforcement and research.



