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GRAY DAVIS, Governor



State of California · The Resources Agency

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

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August 16, 2002

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

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AUG 22 2002

PFMC

Dear Dr. McIsaac:

Enclosed for the September briefing book are responses to the Groundfish Advisory Subpanel's comments received at the June Council meeting regarding delegation of management authority of nearshore groundfish stocks from the Council to the State of California. At the June meeting, we asked the Council to consider initiating an amendment to the West Coast Groundfish Plan at its September meeting. We recognize the Council is overloaded with amendment and regulatory issues at this time and we will be prepared to offer a transfer of management authority strategy at the September meeting.

If you have any questions, please do not hesitate to contact me at (916) 651-6281.

Sincerely,

A handwritten signature in cursive script, appearing to read "LB Boydston".

LB Boydston
Intergovernmental Affairs Representative

Enclosure(s)

cc: Ms. Patricia Wolf, Regional Manager, Marine Region
Ms. Marija Vojkovich, Offshore Ecosystem Coordinator

Responses to Groundfish Advisory SubPanel Statement on Scoping for Delegation on Nearshore Management Authority

Comment (C)1. The Groundfish Advisory Subpanel (GAP) recommends the Council give this issue a low priority in light of the many more crucial issues facing the Council.

Response (R)1. We appreciate your concern and we do recognize the Council is overloaded with amendment and regulatory issues at this time. We plan to delay the amendment process as the GAP has recommended but proceed with developing California regulations to replace federal regulations for nearshore management beginning in 2004. In this approach, we would come to the Council with our draft proposed regulations at the June 2003 meeting for review and comment. This would be a deferral process.

C2. The GAP believes the types of authority transfer being contemplated will cause additional confusion to resource users, and added cost, and could actually increase discards.

R2. We have held extensive public meetings through out the state to discuss nearshore groundfish management. Most of our constituents preferred regional management under the direction of the state. Please see addendum 1; pages 203-205, specifically page 205 which outlines a bycatch allowance of 5 to 15 percent for gill net and trawl caught nearshore species taken in California's restricted access program. The restricted access species include the following minor nearshore rockfish black-and-yellow, gopher, kelp, china, grass, California scorpionfish, and the other nearshore groundfish kelp greenling and cabezon.

C3. Vessels legally fishing in the Exclusive Economic Zone (EEZ) off California and either not registered in California or landing in Oregon could be forced to discard species on the delegated list which could otherwise be legally taken.

R3. Delegation of management authority is a long way off at this time. We plan to work with the Council to address this issue and others that will arise during the transition period.

C4. The GAP notes there is no provision for full participation in California management decisions by non-residents who are affected by the law.

R4. California encourages the public to be involved in the process of fishery management. The California Department of Fish and Game (CDFG) and the Fish and Game Commission (FGC) have web sites to receive public comments and questions regarding the management process in addition to letters and public comment (www.dfg.ca.gov).

C5. Even residents can be adversely affected by the management process, as they are forced to attend FGC meetings as well as Council meetings to keep abreast of nearshore rockfish science and management. Often the Council and Commission meetings are scheduled at the same time.

R5. To better coordinate the consistency ruling process between the Council and the FGC, we plan to draft our initial statement, regulation(s), and other documents prior to the Council's June meeting. This approach would give the Council an opportunity to review and comment on the draft regulations at their June meeting before filing the initial regulations through FGC in August. The Council would signoff on the regulations at their September meeting and the FGC would adopt them at their October meeting. The regulation(s) would go into effective in January of the following year.

C6. How will nearshore groundfish science be coordinated between the Council and California, given that some of these species exist inside and outside of California waters and off the shores of more than one state?

C6. Under deferral and delegation of management authority, the species would continue to appear in the Council Groundfish Plan; hence, the NMFS would presumably have a justification to work on them. In addition, the CDFG has taken the lead in organizing a cooperative sampling program for the nearshore called CRANE – Cooperative Research and Assessment of Nearshore Ecosystems. The CRANE program will eventually provide important information for assessment and management of nearshore finfish, including rockfish.

C7. Will the CDFG have the resources to conduct the necessary level of research, management, and enforcement if nearshore species are transferred? If not, then there is a question of whether the fish stocks and users will be better off with the transfer of management authority.

R7. See answer 6 regarding research. The NFMP outlines the cost associated with implantation of the NFMP in chapter 5. In terms of enforcement, California's Wildlife Protection Unit has historically enforced both federal and state groundfish regulations on the water and dockside.