



Agenda Item H.2.c

CDFG Letter

March 2011

December 31, 2010

William W. Stelle, Jr.  
Regional Administrator  
National Marine Fisheries Service, Northwest Region  
7600 Sand Point Way  
Seattle, WA 98115-0070  
Attn: Becky Renko

Subject: Notice of Availability for 2011-2012 Biennial Specifications and Management Measures, Amendment 16-5 and 23 of the Pacific Coast Groundfish Fishery Management Plan (RIN 0648-BA01)

Dear Mr. Stelle:

The California Department of Fish and Game (Department) is writing to comment on the proposed rule (75FR60868) dated November 3, 2010 that would establish the 2011-2012 Biennial Specifications and Management Measures and implement Amendments 16-5 and 23 of the Pacific Coast Groundfish Fishery Management Plan (PCGFMP).

As the National Marine Fisheries Service (NMFS) is aware, new harvest specifications are founded on groundfish stock assessments which are conducted mainly by NMFS staff. The stock assessment process is rigorous, highly respected and includes extensive peer review by an independent panel of experts. In addition, the Pacific Fishery Management Council's (Council) Science and Statistical Committee (SSC) reviews and recommends all stock assessments used for Council management decision making. This process allows the Council to make timely use of new fishery and survey data, to assure that the results are as accurate and error-free as possible, to analyze and understand these data as completely as possible and to have a reasonable characterization of uncertainties in stock status.

Perceptions of stock status can change between successive assessments for a variety of reasons including, but not limited to, newer modeling platforms, inclusion of additional or improved information, or corrections to errors in prior model specifications. To help address the variability in results between assessments, the Council routinely takes a precautionary approach in choosing harvest specifications for each biennial management cycle. Based on the recommendation of the SSC, the Council chose to use constant harvest rates (taking the same proportion of the stock each time) for overfished species, as opposed to using a constant catch strategy, because constant harvest rates are more precautionary and they maintain rebuilding by  $T_{TARGET}$  even with changes in stock biomass. Although the Council considers prior assessments when recommending harvest rates, it relies most on the new assessments because they

incorporate the best available and most current information. The Department fully supports this decision making approach.

In determining the 2011-2012 harvest specifications, the Council maintained status quo harvest rates for stocks where a new assessment did not indicate a fundamental change in stock status. For two species in particular (yelloweye rockfish and cowcod) the Council recommended modified harvest rates based on either a new assessment (yelloweye rockfish) or an error in a previous model (cowcod).

The Department supports the Council's approach for 2011-2012 harvest specifications (including annual catch levels (ACL) and annual catch targets (ACT)), including those adopted for overfished species, because the recommendations are based on the best available science and used the same decision making approach. The rebuilding plans are based on new or updated stock assessments, included the most recent information, corrected errors from previous assessments, and were rigorously reviewed by an independent panel of experts. The Council's recommendations also uphold Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the National Standards (NS) by basing conservation and management measures on the best available scientific information and protecting, restoring, and promoting the long-term health and stability of the fishery (MSA §301, 303 and NS-2).

Harvest specifications for yelloweye rockfish and cowcod are of critical importance to California fisheries. Both of these overfished species have no directed fisheries; mortality is limited to unavoidable bycatch that varies significantly on an annual basis. Large fishing area closures have been implemented coastwide (Rockfish Conservation Area (RCA)) and within the state (Cowcod Conservation Areas (CCA)) to protect overfished stocks and minimize unavoidable bycatch. In addition, California's fisheries have experienced significantly shortened seasons and reduced fishing areas due to maximum fishing depth restrictions. Most importantly, seemingly minimal changes to harvest specifications for both of these species have the potential to cause significant socioeconomic impacts on California fishing communities by limiting fishing seasons, trip limits, and access to healthy stocks.

### Yelloweye Rockfish Rebuilding and Harvest Specifications

California strongly supports the Council's recommendation to revise the rebuilding plan for yelloweye rockfish to reflect the results of the new stock assessment. Similar to canary rockfish in 2007<sup>1</sup>, the 2009 yelloweye rockfish stock assessment and rebuilding

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<sup>1</sup> For 2009-2010 biennial specifications, the Council recommended a modification to the canary rockfish harvest specifications based on the 2007 assessment results. This assessment represented a fundamental change in perception of stock status compared to the previous assessment in 2005 and demonstrated that the stock was rebuilding faster than previously thought. Although the 2007 canary rebuilding plan demonstrated that the stock could support a less conservative (i.e. more aggressive) harvest rate without increasing the time to rebuild, the Council took a precautionary approach and set harvest specifications that were more conservative than that adopted in 2005. This approach was supported by the Department because it employed the best available data (i.e. the newest assessment) and set the harvest rate using a methodology which was consistent with prior years.

plan represented a fundamental change in the perception of stock status compared to previous assessments. Even with a more optimistic stock assessment result, the Council chose to maintain a precautionary approach. Compared to the previously adopted 2007-2008 harvest rate, the 2011-2012 harvest rate for yelloweye rockfish is more conservative and rebuilds the stock three years earlier (2009-2010 specifications were vacated by a court ruling). The Department supports the Council's recommendation to implement a 20 mt yelloweye rockfish ACL for 2011 and 2012.

Yelloweye rockfish bycatch allowances significantly restrict fishing opportunities in California, particularly the commercial nearshore and recreational fisheries from the Oregon border to San Francisco. This area is characterized by favorable yelloweye rockfish habitat (deep pinnacles) and as such, has the highest bycatch rate in the state. There is no directed or targeted fishery for yelloweye rockfish and in these fisheries retention is prohibited. These fisheries have already been significantly impacted by management measures implemented to reduce yelloweye rockfish bycatch including reduced season lengths, reduced trip limits, and maximum fishing depth restrictions, all of which precludes access to many healthy stocks and results in forgone economic revenue. The Council has few remaining management measures available to them to further reduce bycatch except a total fishery closure in some areas of the coast. Many northern California communities are dependent on fishing activities and any additional negative impacts to the commercial nearshore and recreational fisheries could have devastating cumulative impacts on local economies. This would de-stabilize the fishery and directly conflict with MSA §303.

#### *Management Uncertainty*

Despite the best modeling efforts, projecting yelloweye rockfish bycatch in each fishery sector continues to be challenging. Bycatch varies considerably among years although the management measures (i.e. depth restrictions and season lengths) do not. In Table 1 the yelloweye catch data relative to the yelloweye OY(ACL) is portrayed for the last five years, as well as data about the California recreational fishery bycatch allowance and catch. It is clear from these data that: 1) yelloweye OY(ACL) and total annual "catch" is not a linear function; 2) although 2010 data are not available, Council managed fisheries have not exceeded the yelloweye OY(ACL) in the past six years; and 3) the expected or projected yelloweye bycatch in the recreational fishery is highly variable year to year. This variability of yelloweye rockfish bycatch will definitely continue, and probably escalate, as the stock rebuilds and fishermen have more frequent interactions ("the rebuilding paradox"). Thus, the Department supports the Council's recommendation to implement a 17 mt ACT in addition to the 20 mt ACL. All management measures under the Council's final preferred alternative (FPA) were designed not to exceed this 17 mt ACT. The 3 mt difference between the ACL and the ACT will accommodate management uncertainty and minimize significant disruptions to various fisheries in the event of higher than projected bycatch, while still rebuilding yelloweye rockfish as required by the MSA.

Table 1. Comparison of yelloweye rockfish OY(ACL), Total mortality, Recreational harvest guidelines and actual recreational catches from 2005-2009 (source: West Coast Groundfish Observer Program (WCGOP) Total Mortality Reports)

Year	Recreational		Total YE mort	YE OY
	HG	Actual		
2005	3.7	0.9	15.7	26
2006	3.7	4.1	12.2	27
2007	2.1	8.0	19	23
2008	2.1	1.7	12	20
2009	2.8	3.9	11	17

### *Commercial Nearshore Fishery*

The California nearshore fishery is a federal open access fishery (no permit) and a State restricted access fishery (limited entry permit) of very small to medium sized vessels. At this time and because of bycatch minimization regulations, a significant portion of this fishery operates in State waters. This fishery is primarily a "live-fish" fishery and services non-traditional or niche markets. Although some permittees rely solely on this fishery for their livelihood, most have diversified their fishing portfolios and participate in other fisheries such as Dungeness crab, salmon, and sablefish as a way to reduce their reliance on any one fishery, and to minimize economic impacts due to annual variations in fishery performance or regulatory restrictions. Having a diversified fishing strategy has become more critical in the past decade and especially on the north coast due to the cyclic nature of the Dungeness crab fishery, the closure of the salmon fishery, and the decline in the sablefish ACL for 2011-2012. In light of the uncertainty in participating in other fisheries on the north coast, the ability to maintain status quo opportunities in the nearshore fishery plays an extremely important role in maintaining economic viability of local communities.

The nearshore fishery in California is further divided into regional shallow species permits and coastwide deeper species permits. The permits are species specific and only valid in the designated geographic areas. The yelloweye rockfish ACL and fishery sector bycatch allowances restrict the nearshore fishery, particularly in the area north of 40°10' N lat where bycatch rates are the highest. Based on the small amounts of yelloweye rockfish available to the nearshore fishery under Alternative 1 (14mt ACL), the entire fishing area north of 40°10' N lat might need to be closed to keep the yelloweye mortality within the fishery sector bycatch allowance. If that occurs, the north coast shallow nearshore species permit would be rendered useless as the permittee is not legally able to re-direct fishing effort to another region. It could also decrease the value of the permit itself. The deeper species permit holders who are participating on the north coast could also be negatively affected despite the ability to re-direct the fishing effort geographically. Traveling from the north coast presents a time and financial challenge that reduces economic efficiency. These situations will disadvantage California's commercial nearshore fishery by disproportionately affecting a section of the coast that has few available fishing ports. In 2009, a 20 fm maximum fishing depth restriction was implemented in this north coast area to reduce yelloweye bycatch. Although preliminary West Coast Groundfish Observer Program (WGCOP)

data<sup>2</sup> indicate that this restriction may have been successful it has come at a severe cost to local fishermen (Agenda Item G.4, Supplemental Public Comment 2, November 2009). Had the 2009 nearshore fishery been able to maximize target species catch in California, ex-vessel revenues would have been in excess of \$4.6 million.

The Department supports the Council's final yelloweye rockfish ACL and fishery sector bycatch allowances because they help maintain trip limits similar to those in 2009-2010 and help provide stability to the fishery. A reduction of the nearshore fishery bycatch allowance of 0.2 mt<sup>3</sup> may seem minor but it would have devastating effects in northern California. Few management measures are available to address lower yelloweye bycatch allowances or to mitigate increases in bycatch. Reducing trip limits would be uneconomical<sup>4</sup> and forcing individuals to fish shallower than the current 20 fm depth restriction is a safety risk. The only available management responses to reduced yelloweye bycatch allowances (resulting from a reduced ACL) would be shortened seasons or a total north coast area closure. Although the nearshore fishery only generates 10 percent of the statewide groundfish revenue (excluding Pacific whiting), this fishery provides the sole income for some permittees and is an important component in many fishermen's fishing strategy. These disproportionate impacts on the north coast would be in direct conflict with the MSA.

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<sup>2</sup> Northwest Fisheries Science Center (NWFSC). 2010. Data report and summary analyses of the U.S. west coast nearshore fixed gear groundfish fishery. West Coast Groundfish Observer Program. National Marine Fisheries Service, NWFSC, 2725 Montlake Blvd E, Seattle, WA 98112.

<sup>3</sup> This is the difference in the nearshore allowance under the preliminary preferred (0.9 mt) and the final preferred (1.1 mt) 20 mt yelloweye rockfish ACL

<sup>4</sup> The cost of running the vessel would outweigh catch value.

*Recreational Fishery*

The recreational fishery is extremely important in California. Similar to the commercial nearshore fishery, bycatch of yelloweye rockfish restricts this fishery and prevents access to healthy target stocks. To mitigate yelloweye rockfish bycatch, reduced season lengths and maximum fishing depth restrictions have already been implemented throughout the State. The areas most affected occur north of Point Arena and the Mendocino Management Area in particular has been the most restricted. In this area, the recreational season length is a mere three months long and is restricted to fishing depths of less than 20 fm. This abbreviated season length has already posed severe economic hardships on local communities compared to years when the seasons were unrestricted. The shallow depth restrictions have also caused gear conflicts and competition for space with other fisheries (Agenda Item B.3.c, Supplemental Public Comment 4, June 2010).

Unlike other states, California has not had a year-round fishing season since 1999. Over 700,000 angler trips<sup>5</sup> worth almost \$90 million<sup>6</sup> were taken in 1999. Starting in 2000, management measures were implemented to reduce overfished species bycatch and have become increasingly more restrictive because of yelloweye rockfish.

Although the estimated number of angler trips is higher under the FPA (Table 4-33 in 2011-2012 SPEX EIS, Chapter 4) than in previous years, the Department would like to emphasize that this still represents a loss of over 200,000 angler trips worth \$25 million in 2011 alone (compared to 1999, Table 2). If NMFS decides to implement a lower ACL, the losses in number of trips and in revenue to the state (compared to 1999) could be as great as 367,000 and \$45 million, respectively in each of the next two years. It is the Department's assertion that the recreational fishery has already suffered disproportionate losses compared to other states and imposing further restrictions due to a lower ACL would be devastating. The communities that rely on recreational fishing opportunities have already lost millions of dollars over the last decade due to the management measures taken to protect overfished species.

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<sup>5</sup> Estimate based on MRFFS data

<sup>6</sup> Estimate assumes no multipliers and includes costs for tackle, bait and single space on a boat. Trip costs averaged \$100 north of 34°27' N lat and \$125 south of 34°27' N lat (M. Michie, CDFG, personal communication).

Table 2. Number of statewide groundfish angler trips and estimated revenues (\$1,000) under an unrestricted (i.e. 1999) fishery compared to the yelloweye rockfish ACL alternatives.

1999		No Action		FPA		ALT 1		ALT 2		ALT 3	
# trips	\$	# trips	\$	# trips	\$	# trips	\$	# trips	\$	# trips	\$
736,000	88,000	522,000	62,000	532,000	63,000	369,000	43,000	522,000	62,000	527,000	62,000

Few management measures exist to further restrict the recreational fishery in response to more conservative harvest specifications and/or increased yelloweye rockfish bycatch. Similar to the commercial nearshore fishery, the depth restrictions in the recreational fishery in northern California are as shallow as can be achieved without sacrificing vessel safety. The only management measure available for reducing bycatch is to further reduce the season length which results in significant community economic losses.

*Community Vulnerability*

The long term, cumulative impacts of ten years of increasingly reduced groundfish opportunities, in conjunction with recent disasters in the salmon fishery, have already caused severe economic hardship on vulnerable north coast communities. While the current management measures have reduced bycatch of yelloweye rockfish, they have come at an enormous cost to local economies, particularly in those areas north of San Francisco.

Historically a large portion of the economy in northern California was supported by a variety of industries including fishing, agriculture, and forestry. Due to the current uncertain economic environment, many historical industries are no longer present or are greatly reduced and unemployment rates have reached as high as 14 percent. Public comment received at the June meeting (Agenda Item B.3.c, Supplemental Public Comment 4, June 2010) speaks to the effect that the small amounts of allowed yelloweye rockfish bycatch has had on local communities. "The uncertainty of fishing is witnessed in cancelled vacations....the reduced seasons are costing our area tens of millions of dollars in revenue that cannot be supplemented by other methods".

The same commenter spoke to the risks that the recreational fleet has taken to travel to open fishing grounds despite adverse and potentially dangerous weather conditions, and loss to local communities by important infrastructure closures (e.g., loss of Shelter Cove launch ramp). The effects of the yelloweye rockfish "restrictions are having severe adverse affects [sic] on our local communities. The Goals and Objectives of the FMP were specifically designed to prevent this kind of aggressive conservation action to the detriment of local communities. Conservation goal #3, Economic Goals #6 & 7, and Social Factors #15, 16, and 17 speak directly to such aggressive rebuilding action. We would ask the Council to adopt management measures for the 2011 and 2012 years taking the PCGFMP goals into consideration...".

The updated community vulnerability analysis re-evaluated west coast fishing, community engagement in fishing, dependence on groundfish fisheries, and

socioeconomic resilience (2011-2012 SPEX EIS, Appendix E). The counties most affected by yelloweye rockfish restrictions in California (Del Norte, Humboldt, and Mendocino) received ratings of vulnerable and/or most vulnerable in 2006 and 2010, which supports public comments. These three counties are very engaged in fishing activities, very dependent on groundfish, and not resilient.

#### *Yelloweye Harvest Specifications and Rebuilding Comments Summary*

The Department continues to support the Council's recommendations on the harvest specifications for yelloweye rockfish (ACT and ACL) because they are more precautionary than current specifications, provide greater protection of the stock while it continues to rebuild, minimize disruptions to the fisheries, account for management uncertainty without having further devastating long-term socioeconomic impacts on local communities, and meet the goals of MSA and NS.

The Department supports the Council-recommended two year fishery sector bycatch allowances of yelloweye rockfish to the nearshore and recreational fisheries (1.1 mt and 3.1 mt respectively). These allowances do not significantly increase opportunities by liberating fishing areas or season lengths, but they do provide stability by providing management measures that are similar to 2009-2010. If NMFS decides it must modify the Council recommended ACL, the Department requests that fishery sector bycatch allowances be based on the same percentages used under the FPA.

#### Cowcod Rebuilding and Harvest Specifications

California also supports the Council's recommendation to revise the rebuilding plan for cowcod to incorporate the error corrections contained in the updated 2009 assessment and rebuilding plan that resulted in the Council choosing a 4 mt ACL. The harvest rate previously adopted in the PCGFMP was based on the results of a modeling error in 2005 (Agenda Item B.7.b, Supplemental GMT Report, June 2010) and failure to revise the rebuilding plan to reflect these revisions would be in direct conflict with MSA §301 and NS-2 because the harvest rate would not reflect the best available science.

The Council's recommended 2011-2012 harvest rate would add 11 years to the no (zero) harvest option and results in the stock rebuilding one year earlier than  $T_{TARGET}$ . Protective management measures such as prohibition of cowcod retention in all fisheries, depth restrictions, and large area closures including the RCA and CCA have already been implemented to protect cowcod.

The current take of cowcod consists of research catches and unavoidable bycatch in the trawl and recreational fisheries south of 40°10' N lat (Cape Mendocino). The WCGOP Total Mortality Reports from 2004-2009 indicate that cowcod bycatch has varied annually between 1.0 mt and 3.4 mt; the trawl fishery is the most variable (ranging from 0.2 to 3.0 mt annually; Table 3). Similar to yelloweye rockfish, bycatch of cowcod is difficult to project annually and encounters are expected to increase as the stock slowly rebuilds.



Table 3. Summary of cowcod mortality by fishery sector from 2004-2009 summarized from WCGOP Total Mortality Reports.

Year	Non-Whiting Trawl	CA Recreational	Research/ Other	Total Mortality	OY(ACL) (mt)	%OY (ACL)	%ABC
2004	0.9	1.0	0.5	2.4	4.8	50%	10%
2005	1.5	0.4	0.1	2.0	4.2	47%	8%
2006	0.9	0.2	0.0	1.1	4.2	26%	5%
2007	3.0	0.3	0.1	3.4	4.0	83%	9%
2008	0.2	0.2	0.1	0.5	4.0	13%	1%
2009	0.5	0.2	0.2	0.9	4.0	23%	4%

*Commercial Fishery*

Trawling activity has increased in recent years south of 40°10' N lat, as other overfished species have rebounded and greater bycatch allowances for those species have been provided. Trawl ex-vessel revenue in the area has doubled (Table 4). As trawl fishermen expect to try to implement fishing strategies that allow them to access valuable target species through the 2011 federal trawl rationalization program, their concern for a sufficient cowcod bycatch allowance grows.

Table 4. Ex-vessel value (\$1,000) of limited entry trawl groundfish landings (excluding Pacific whiting) south of 40°10' N lat from 2006-2009 (PacFIN data)

	2006	2007	2008	2009
Total south of 40°10'	\$1,994	\$2,276	\$4,819	\$4,352

Similar to yelloweye rockfish, cowcod bycatch varies considerably year to year and small changes to cowcod bycatch allowances can have a large effect on this fishery. The Council's recommended trawl bycatch allowance of 1.8 mt cannot completely account for historical variability of bycatch and could still restrict this fishery. The bycatch needs in this fishery are really unknown as the trawl rationalization program gets underway and fishermen learn to access healthy species while avoiding bycatch species. Despite all attempts to avoid cowcod, disaster tows can and will occur. The entire trawl fishery south of 40°10' N lat could be shut down in the event of a disaster tow that exceeded the fishery sector bycatch allowance, resulting in losses of over \$4 million to local communities. If NMFS decides it must implement a lower ACL than the Council's final preferred alternative, the trawl fishery bycatch allowance would be further reduced and could jeopardize the success of the trawl rationalization program overall and disproportionately affect California trawl fishermen and communities.

*Recreational Fishery*

Participation in recreational groundfish fisheries south of 34°27' N lat (Point Conception) is also important to the economy in southern California. More favorable weather conditions and fewer overfished species interactions in this area provide fishermen

greater access to healthy target stocks and longer fishing seasons. As a result, many of the local economies are moderately dependent on the revenues and tourism generated by recreational fishing activities<sup>7</sup>. Reductions to the recreational bycatch allowance would necessitate reductions in the season or depth restrictions, either of which would have adverse impacts on fishing opportunity. The current 60 fm maximum fishing depth restriction, establishment of the CCA, and prohibition of cowcod retention have minimized cowcod bycatch in recent years (Table 3).

#### *Cowcod Harvest Specifications and Rebuilding Plan Comments Summary*

Annual variability in cowcod bycatch, restrictive management measures currently in place (i.e. CCA), rebuilding needs and the needs of both the recreational fishery and the trawl fishery as it transitions to a rationalized fishery were important considerations in the Council's recommendation of cowcod harvest specifications for 2011-2012. The Department supports the Council's recommended cowcod specifications because they continue to support the cowcod rebuilding plan, support the southern California economy and prevent disruption to successful implementation of the trawl rationalization program. Setting harvest levels that are more conservative could result in an unnecessary closure of the entire trawl fishery south of 40°10' N lat and severely restrict the recreational fishery south of 34°27' N lat resulting in significant losses of economic opportunities and infrastructure for those communities.

### **GENERAL COMMENTS/CORRECTIONS**

#### Modifications to Recreational Regulations for the Cowcod Conservation Area

The Department supports increasing the maximum fishing depth restriction to 30 fm in the CCA and allowing the retention of shelf rockfish. These measures are not expected to alter the rebuilding schedule of cowcod or significantly increase bycatch of other overfished species. Rebuilding analyses are conducted using results from individual stock assessments and the proposed depth modifications are not expected to alter the input data to the cowcod assessment in any way. The proposed fishing depths to be liberalized do not include historical submersible survey sites and therefore would not impact any past or future survey data.

In addition modeled fishing depth restrictions currently over-estimate cowcod bycatch in the CCA (the area is modeled to 60 fm, but the fishery occurs in 20 fm or less). Therefore any increases in cowcod encounters from 20 fm to 30 fm are already accounted for and will not cause the ACL to be exceeded or jeopardize rebuilding.

While a 40 fm depth restriction in the CCA was analyzed in the EIS, the Council chose to limit fishing in the CCA to a maximum depth of 30 fm in 2011-2012. Therefore, the

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<sup>7</sup> See pg. E-12 Appendix E. Vulnerability Analysis Update

Department requests that the waypoints delineating the 40 fm depth restriction be removed around Santa Barbara Island, San Nicholas Island, Tanner Bank, and Cortes Bank to eliminate any confusion.

Allowing retention of shelf rockfish within any maximum fishing depth in the CCA would reduce waste and decrease discard mortality. The Department received over 300 letters of support for these two actions<sup>8</sup> (depth change and retention of shelf rockfish) indicating that the changes would greatly improve the quality of fishing opportunity by reducing regulatory discarding and subsequent mortality. This preference was also expressed in public comment received by the Council (Agenda Item B.3.c, Public Comment, June 2010).

Page 67824: The Department would like to clarify that the advisory bodies did not recommend using the 40-10 adjustment for the California cabezon assessment to better align the California management strategy with the PCGFMP. Because the 2009 stock assessment indicated that the California cabezon stock was healthy with a depletion level of 48 percent statewide, no 40-10 adjustments were necessary under the base case model. The Council advisory bodies recommended using the federal  $F_{MSY}$  proxy ( $F_{45\%}$ ) instead of the state proxy ( $F_{50\%}$ ).

Page 67828: Relative to rebuilding plans for overfished species, the Department would like to clarify that cowcod are primarily taken in the commercial fishery with trawl gear, not the recreational fishery. WGCOP data (Table 2) indicates that the highest cowcod bycatch has occurred in the trawl fishery.

Page 67828: Relative to the canary rockfish stock assessment, the federal register incorrectly characterizes canary rockfish as having a "very low level of depletion" and is considered to "have a higher sensitivity to changes in harvest rate and higher harvest rates for these species have a greater risk of not rebuilding by  $T_{TARGET}$ ". The 2009 assessment estimated that canary rockfish have a depletion level of 23.7 percent, which would not be considered very low when compared to other species like cowcod (depletion level of 4.5 percent). The 2009 canary rebuilding analysis indicated that 2011 ACLs of 102 mt and 129 mt both rebuild in the same year (2027) and both have a 50 percent probability of recovery in that same year. In addition, an ACL of 155 mt had a 50 percent probability of recovery one year later in 2028. This clearly demonstrates that the canary stock appears to have a lower sensitivity to changes in harvest rates.

Page 67829: Relative to bocaccio, the Department would like to point out that the fishery sector bycatch allowances and/or harvest guidelines were incorrectly identified for all fishery sectors for 2011 and 2012. The values for both 2011 and 2012 should be as follows: limited entry non-whiting trawl, 60 mt; limited entry and open access non-nearshore fixed gear, 57.9 mt; limited entry and open access nearshore fixed gear, 0.7 mt; and California recreational, 131 mt.

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<sup>8</sup> Submitted separately to Mr. Frank Lockhart 12/10/10.

Page 67830: Relative to canary rockfish allowances, the Department would like to point out that the fishery sector bycatch allowances and/or harvest guidelines were incorrectly identified for all fishery sectors for 2011 and 2012. The values should be as follows for 2011: limited entry non-whiting trawl, 20 mt; limited entry whiting trawl, 13.5 mt (catcher/processor 4.6 mt, trawl mothership 3.2 mt, and shoreside 5.7 mt); limited entry and open access non-nearshore fixed gear, 2.3 mt; limited entry and open access nearshore fixed gear, 4.0 mt; Washington recreational, 4.0 mt; Oregon recreational, 7.0 mt; and California recreational, 14.5 mt.

For 2012, the values should be as follows: limited entry non-whiting trawl, 20 mt; limited entry whiting trawl, 13.5 mt (catcher/processor 4.9 mt, trawl mothership 3.4 mt, and shoreside 6.0 mt); limited entry and open access non-nearshore fixed gear, 2.3 mt; limited entry and open access nearshore fixed gear, 4.0 mt; Washington recreational, 4.0 mt; Oregon recreational, 7.0 mt; and California recreational, 14.5 mt.

Page 67834: Relative to yelloweye rockfish, the Department would like to point out that the fishery sector bycatch allowances and/or harvest guidelines were incorrectly identified for some fishery sectors. Those values should be as follows for 2011-12: limited entry non-whiting trawl, 0.6 mt; limited entry and open access non-nearshore fixed gear, 1.3 mt; limited entry and open access nearshore fixed gear, 1.1 mt; Washington recreational, 2.6 mt; Oregon recreational, 2.4 mt; and California recreational, 3.1 mt.

Page 67844: Relative to elimination of the recreational lingcod spawning closure, the Department would like to request that NMFS modify regulatory language to reflect this statewide modification for all modes of fishing including boat-based and shore-based fishing as well as spear diving as reflected in Agenda Item B.3.b, CDFG Report 2, June 2010 as recommended by the Council.

### *In Closing*

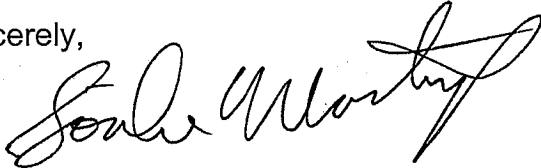
The Department fully supports the NMFS approach used in the past to provide notices for public comment via an automatic email notification. Unfortunately that very successful public notification approach was not used to solicit public comment on 75FR60868 and has created confusion among our constituents.

Thank you for the opportunity to provide comment on the 2011-2012 Biennial Specifications and Management Measures and implementing Amendments 16-5 and 23

William W. Stelle, Jr.  
December 31, 2010  
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of the PCGFMP. If you require additional information, please contact Ms. Marija Vojkovich, Regional Manager in the Department's Marine Region at (805) 568-1246 or via e-mail at [mvojkovich@dfg.ca.gov](mailto:mvojkovich@dfg.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Sonke Mastrup". The signature is fluid and cursive, with a large, stylized initial "S" and a long, sweeping tail.

Sonke Mastrup  
Deputy Director

cc: Marija Vojkovich, Regional Manager  
California Department of Fish and Game  
1933 Cliff Drive, Suite 9  
Santa Barbara, CA 93109