

- (2) Joe Exline, private vessel angler, email dated 1/8/15
- a. Acknowledges that an exception for skipjack tuna may cause confusion for enforcement and anglers, skin of fish may discolor when kept in a cooler, and regulatory exceptions may cause complexity in the regulation.
 - b. Expresses concerns regarding the use of previously-caught skipjack tuna as bait since the bait will no longer be in the required six pieces.

Response:

- a. Acknowledgements noted.
- b. Advice on proper actions for this situation was obtained from State law enforcement leadership. In a situation where an angler is using pieces of fish caught on an earlier fishing trip as bait for current fishing activities, the angler will identify to the warden that the fish was taken on a previous fishing trip and the warden uses several determinant factors to identify the fish as previously-caught. These include a change in the color or appearance of the meat and/or skin, the meat may be cured or the meat may be fully or partially frozen.

- (3) James Thompson, Lifetime California fishing license holder, email dated 1/24/15
- a. Objects to fillet provision that all six pieces are to be kept together in one bag.
 - b. Asks what science was used to support the decision to create these regulations.

Response:

- a. This provision was a request by the Department's law enforcement division, to provide accountability as to the number of fish in possession. Pieces could be packed in ice inside a large bag, or sealed individually and kept together as one fish in a larger bag.
- b. Federal and international scientists work together through an organization called the International Scientific Committee for Tuna and Tuna-Like Species (ISC) to review and analyze the best available data to assess the status of the population. This organization is made up of scientists from countries who fish for North Pacific migratory tuna and tuna-like species and who collaborate on stock assessments. Using data from commercial and recreational fisheries across the Pacific as well as on-the-water scientific observations, the stock assessment describes the past and current status of the population. Recently, the ISC determined that the Pacific bluefin tuna population is at historic lows (about 4 percent compared to the biomass if no fishing had taken place). The amount and rate of all sizes and ages of bluefin harvested each year continues to be too high. As a result, the population is considered to be overfished and subject to overfishing. An international rebuilding effort is underway to reduce fishing impacts, bring the stock back to healthy levels, and ensure the sustainability

of future harvests. These proposed regulatory measures are part of the rebuilding effort.

- (4) Richard D. Daybell, licensed California angler and boat owner, email dated 1/29/15
- a. Asks would the bag limit and fillet provisions apply to fish caught in Mexican or international waters.
 - b. Supports the two fish limit for 2015 and 2016, but requests further evaluation regarding catch limits beyond this time period.
 - c. Questions the fillet provisions, specifically the requirement for six pieces. And refers to them as an undue burden to Commercial Passenger Fishing Vessel (CPFV) crews and private boaters who process and fillet fish.
 - d. Questions why there are to be six pieces per bag when there may only be 2 or 4 pieces of fillets.
 - e. Requests only bags containing bluefin tuna are required to be labeled.
 - f. Asks if the proposed regulation applies to albacore tuna.
 - g. Requests an alternative identification to keeping all the skin attached, as other fish only require a one inch square of skin remain attached.
 - h. Questions why regulation only applies to fish caught south of Point Conception as many tuna, including bluefin, have been caught north of the boundary in recent years.
 - i. Asks what restrictions, if any, are being placed on the commercial fishing industry related to the take and processing of tuna using nets and jig gear.

Response:

- a. The proposed rules apply to all fish possessed in California waters including those caught outside US waters and landed in California.
- b. These regulations are in conformance with federal rules decided as part of a two year rulemaking process through the Pacific Fishery Management Council, and will continue until new information, evaluated through the biennial management cycle, warrants a change.
- c. The fillet rules were created in collaboration with the representatives of the CPFV industry, law enforcement and scientific experts from the Department, NOAA Fisheries, and the Inter-American Tropical Tuna Commission (IATTC). These parties worked together to develop methods that are as least burdensome as possible, while still allowing law enforcement and scientists to accurately identify filleted tuna by species.
- d. Each fish to be filleted should be cut into the six pieces specified by the proposed fillet rule. These include the four loins, the collar removed as one piece with both pectoral fins attached and intact, and the belly fillet cut to include the vent and with both pelvic fins attached and intact.

- e. Labeling each bag that contains a filleted tuna, makes it clear to law enforcement how many tuna of each species an angler has caught and filleted.
- f. For consistency and clarity, the proposed fillet provisions apply to all tuna of any species caught or possessed south of Point Conception. This includes any albacore tuna caught or possessed south of Point Conception.
- g. It was determined by scientists and law enforcement that all the skin must remain attached to facilitate proper identification of the filleted tuna by species.
- h. Though bluefin tuna have been caught north of Point Conception in recent years, the fishery is still primarily conducted from this point south. Limiting the fillet provisions to this area alleviates an undue burden on albacore anglers in the northern part of the State.
- i. In 2014 the IATTC, which regulates commercial bluefin tuna in the Pacific, adopted management measures that reduce commercial catch of Pacific bluefin to 20-45 percent of the 2002-2004 average, Pacific wide. Commercial limits for the eastern Pacific Ocean (namely Mexico and the U.S.) have been reduced from 5,000 metric tons (mt) for one year in 2014 to 6,600 mt total for two years in 2015 and 2016 combined – no more than 3,500 mt of the two year limit may be caught in 2015. This represents a decrease of almost 40 percent. Treaty negotiations allowed for catch limits for the California recreational fishery to remain outside of these catch limit actions with the understanding that federal fishery managers would develop regulations that achieve a similar reduction in recreational take.

(5) Kim J. Blakely, email dated 3/5/15

- a. Comments that it is illegal for sport caught bluefin tuna to be sold, and that unless the commercial fishery is stopped nothing will change.
- b. States that stopping sport fishing for bluefin tuna in California waters will do no good in the long run, since, in most years, not many bluefin are caught north of the U.S./Mexico border.

Response:

- a. The proposed recreational bag limit reduction is expected to reduce the recreational catch by 30 percent for 2015 and 2016, within the range recommended by the IATTC. Similarly, as stated above in Response (4)i., the commercial bluefin tuna fishery in California will be reduced by almost 40 percent through international treaty adopted into federal regulation. Significant catch savings in both the commercial and recreational fisheries Pacific wide is necessary to address overfishing for this species.
- b. Not only does this bag limit reduction affect anglers fishing in U.S. waters, but the limit will be applicable to any Pacific bluefin tuna possessed by anglers in California waters or landing in California ports, even if the fish were caught in Mexico. Treaty member nations, including Mexico, agreed to implement their own plans to

reduce recreational catch by 20-45 percent, in line with reductions in commercial catch limits implemented Pacific wide.