

Public Proposed Changes to Ocean Sport Fishing Regulations
For the 2009 Triennial Process, and Department Recommendations
To Accept or Deny Those Changes

Comment #, Format, Name, Date, Location	Change(s) Proposed to Marine Sport Fishing Regulations	Department Recommendation:	Basis for Department Recommendation
Comment #1 L Calvin McGahuey 2/2/2007 Crescent City	Proposes amending Section 29.20(a) to restrict taking clams to the months containing "r's" to limit harvest; recommends transplanting out-of-state clams to enhance California stocks	Reject	<p>Restricting take to months with the letter "r" does not provide direct resource benefits. This proposed restriction could effectively curtail clamming effort statewide during preferred tides. In 2009, 98% of the daylight minus tides occurs during May through August in Humboldt Bay. Clamming is restricted to one-half hour before sunrise to one-half hour after sunset. There is no available data to suggest that clam resources are in need of additional management measures at this time. Clam surveys recently conducted by Department biologists yielded results indicating successful recruitment based on density and size frequency data. Catch and effort estimates have not changed appreciably since 1983. There is no compelling need for additional management measures.</p> <p>Importation of clams cannot be addressed within the scope of the ocean sport regulations; however, there are a number of issues related to disease, genetics, and invasive species that make transplantation of out-of-state clams problematic. The Department believes that existing regulations that include bag and minimum size limits, annual area closures for razor clam harvest, seasonal closures for taking Pismo clams are adequate to maintain populations at sustainable harvest levels.</p>

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<p>Comment #2 L Calvin McGahuey 2/2/2007 Crescent City</p>	<p>Proposes limiting the volume of anglers that fish at mouths of rivers.</p>	<p>Reject</p>	<p>The author asserts that high numbers of anglers fishing at river mouths causes significant mortality of salmon due to hook wounds sustained by released and/or lost fish. He believes that the wounded fish later die of disease exacerbated by elevated river temperatures due to restricted outflows from dams.</p> <p>There is no data to suggest that hook wounds sustained by fish near river mouths result in greater mortality than for fish hooked and released in the open ocean. Additionally, there is no data to suggest that hooking wounds originating in ocean waters are a source of significant in-river mortality of pre-spawning salmon. Moreover, a determination of how many anglers to allow within a defined area would be required for both bank and boat anglers, in addition, a system to manage entry and monitor the number of fishermen and non-fishermen would need to be developed. Such needs are significantly burdensome on the Department, and cannot be justified when resource benefits of such regulations are so speculative.</p>
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<p>Comment #3 E Ace Carter 3/4/2007 Pearblossom</p>	<p>Proposes amending Section 1.65 to ban the use of all treble hooks in sport fishing in California</p>	<p>Reject</p>	<p>The author proposes banning the use of treble hooks in all California sport fishing and makes several assertions: 1) treble hooks are harmful to resources, specifically, planted trout; 2) treble hooks usage in ocean waters makes safe catch and release less probable; and 3) treble hooks endanger anglers.</p> <p>While the author's stated intention of the proposal is to reduce hooking mortality, scientific evidence does not clearly demonstrate that prohibiting the use of treble hooks in all waters of the state would be an effective conservation measure leading to increased survivability for all species of fish.</p> <p>A compilation of scientific research on hooking mortality suggested that treble hooks may be less detrimental to hooked fish due to lower incidences of mortal wounding. The authors concluded that for some species, "J" hooks tended to lodge more deeply, particularly when used with bait, causing a higher incidence of mortal wounding than treble hooks. It is true that treble hooks may complicate catch and release fishing if a hooked fish sustains multi-pronged hook penetration which can prolong the unhooking process and add to related stress; however, the frequency of multiple hook points lodging is unknown.</p> <p>Anglers who are planning to catch and release fish may choose to use a hook type that will minimize hooking injury or mortality for the particular species they are targeting, and take other precautionary measures to minimize other factors that may cause fishing related mortality such as: quickly playing fish to reduce stress; avoiding physical contact by keeping fish in the water while using a hook removing tool; avoiding removing fish from the water if possible; and use nets with soft knotless or rubber webbing.</p> <p>All hooks regardless of design pose an inherent danger like any sharply pointed object to people in general; however, addressing hook design in the context of angler safety is beyond the scope of these sport fishing regulations.</p>
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<p>Comment #4 E Daniel Helminiak 3/30/2007 El Cerrito</p>	<p>Proposes amending Sections 27.60(c), 28.65(c), 28.27(c), and 28.28(c) to lower the recreational size limit of nearshore fish</p>	<p>Reject</p>	<p>The author proposes to lower recreational size limits to allow the harvest of sub-legal nearshore fish. Nearshore species with size limits are cabezon, greenling, and California sheephead.</p> <p>For cabezon, greenlings, and sheephead, the Fish and Game Commission (FGC) adopted a minimum size limit to keep recreational catches within allowable catch limits. Establishing a minimum size for these species, which have generally high survival rates when released, results in lower overall take levels. Lowering the size limits will result in increases in overall take, meaning other reductions in fishing seasons or bag limits would be necessary to keep catches within allowable limits.</p> <p>For bocaccio and lingcod, lowering the size limit would require action by the Pacific Fisheries Management Council (PFMC), as these species are federally managed groundfish.</p>
<p>Comment #5 E Christian Guzman 4/1/2007</p>	<p>Proposes a closure to all fishing in the Palos Verdes area due to high DDT levels</p>	<p>Reject</p>	<p>The author proposes a closure to all fishing in the Palos Verdes area due to high levels of the pesticide DDT (dichlorodiphenyltrichloroethane). Fish and Game Code Section 7715 authorizes the Director of Fish and Game to order closure by emergency regulation any waters or restrict the commercial taking of a species or subspecies containing high levels of toxic substances posing a human health risk as determined by the Director of the Office of Environmental Health Hazard Assessment (OEHHA) in consultation with the State Director of Health Services (DHS) based on thorough and adequate scientific evidence. In addition, Fish and Game Code Section 5654 provides authority to the Director of Fish and Game in consultation with the Administrator of the Office of Oil Spill and Response and OEHHA for closure of fisheries or areas for public health concerns due to spill or discharge. In this instance, the health risk issue has been addressed by providing OEHHA guidelines for fish consumption in the Ocean Sport Regulations including a recommendation to not consume white croaker taken from Point Vicente Palos Verdes-Northwest.</p> <p>No regulatory action required.</p>

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<p>Comment #6 E Alan Felix Commercial lobstermen representative 5/26/2007</p>	<p>Proposes amending Sections 29.80 and 29.90 to define hoop nets; bag limit reduction and total take per month; create a lobster punch card; reduce number of fishermen per boat; create no fishing zones for lobster refuges</p>	<p>Reject</p>	<p>Current lobster fishing regulations provide for: a seven lobster bag and possession limit, number of hoop nets allowed per person and vessel, a five month recreational season, a minimum size restriction, and requirements to possess, complete, and submit a lobster report card.</p> <p>The Department is exploring interest in developing a lobster fishery management plan (FMP) through a partnership approach. A FMP for lobster represents a significant opportunity to integrate any new marine protected areas, implemented under the Marine Life Protection Act (MLPA), with the management of the fishery pursuant to the Marine Life Management Act (MLMA). If a FMP comes to fruition, it will include a review and evaluation of existing management measures including but not limited to the allowable number of hoop nets and areas which are fished by commercial and sport fishermen.</p>
<p>Comment #7 E John Gluth California Lobster and Trap Fishermen's Association (CLTFA) 5/29/2007</p>	<p>Provided summary of CLTFA discussion regarding hoop net definition; hoop net take; areas where hoop nets are used; review bag limit/boat limit; pull nets daylight only</p>	<p>Recommendations for discussion noted</p>	<p>The Department appreciates receiving the summary of discussion points on the sport lobster regulations from CLTFA. The Department looks forward to having dialogue with CLTFA and other interested parties regarding participation and partnering in developing a lobster fishery management plan. A FMP for lobster represents a significant opportunity to integrate any new marine protected areas, implemented under the Marine Life Protection Act (MLPA), with the management of the fishery pursuant to the Marine Life Management Act (MLMA).</p> <p>No regulatory action required.</p>

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<p>Comment #8 L John Calnal 5/30/2007 Crescent City</p>	<p>Proposes amending Section 28.59(b) to close the sport redbtail surfperch fishery during the spawning season: May - July</p>	<p>Reject</p>	<p>The author proposes a closure of the ocean sport fishery for redbtail surfperch during May 1st through July 31st. Existing surfperch regulations include a size minimum of 10.5 in. for redbtail surfperch, 10 fish of one species, 20 fish in the aggregate bag and possession limits, and a closure within San Francisco and San Pablo bays from April 1st through July 31st (except for shiner perch).</p> <p>Department analyses of existing recreational and commercial landings data do not indicate the need for additional protective measures for redbtail surfperch at this time. Size composition, catch per angler bag, and estimates of recreational angler harvest have been stable, based on analysis of 2004-08 California Recreational Fisheries Survey (CRFS) data. Landed catch per receipt data of redbtail surfperch by commercial fishermen has been at a 13-year high (1996-2008) possibly indicating higher than average recruitment in northern California counties.</p> <p>The Department is currently collecting data on surfperch fisheries in central and southern California as well as monitoring northern California commercial surfperch landings along with data from various recreational fishing surveys. This data will be evaluated for population assessment purposes and considered in developing further management measures, if warranted.</p>
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<p>Comment #9 E Anonymous (Mike1sh1@aol.com) 6/3/2007</p>	<p>Proposes amending Section 28.30 to institute a 5 fish bag limit and a 12-16" slot limit on sand and kelp (calico) bass</p>	<p>Reject</p>	<p>Currently, Section 28.30 applies to kelp bass (calico), barred sand bass, and spotted sand bass in combination. The minimum size limit for all of these species is 12 inches, or 8.5 inches alternate length. The limit is ten bass in combination, regardless of species.</p> <p>The Department does not support the proposed 12-16 inch slot limit on kelp bass for the following reasons: 1) There is no biological reason or data suggesting that there is a need for a slot limit, or that instituting a slot limit would increase productivity of the stock. The Department conducted an analysis of recreational kelp bass data showing that the size composition of the fishery has been stable under present regulations for decades. 2) The Department is aware that there are some anglers that wish both to take, and retain, trophy-sized kelp bass that may be disproportionately impacted by the proposed change. 3) Establishing a slot limit only for sand and kelp bass, but not the other basses, would generate confusion because the present regulations address all species of bass in the aggregate and there would need to be re-drafting of the regulations and increased public information to make this point clear. 4) The Department would need to establish regulations that would ban filleting of sand and kelp bass to make the slot limit enforceable. This would be necessary because fish that are larger than the slot limit could simply be filleted to escape the maximum size limit; it would not be possible to produce a "maximum fillet size" regulation that would represent the size of a fillet from a 16-inch kelp bass.</p> <p>The Department does not support the proposed reduction to a 5-fish bag limit for barred sand, and calico bass for the following reasons: 1) there is no biological reason or data suggesting a need to reduce the current bag limit, or that there is a need to reduce overall catches of the basses; the fishery has been steadily productive under present regulations for decades; 2) reducing the barred sand and kelp bass bag limit to five fish would procedurally force the Department to reconsider the bag limits for spotted sand bass because the current bag limit is ten bass in combination, regardless of bass species.</p>
<p>Comment #10 E</p>	<p>Proposes amending Section</p>	<p>Reject</p>	<p>Existing barracuda regulations include a 10 fish bag limit and a minimum size of 28 inches total length or 17 inches alternate length. The Department has no information</p>

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<p>Anonymous (Mike1sh1@aol.com) 6/3/2007</p>	<p>28.25 to include a 5 fish bag limit for barracuda</p>		<p>to support a need to reduce the current bag limit from 10 to 5 barracuda. An analysis of California Recreational Fisheries Survey angler data from 2004 to 2008 indicated that only 3% of anglers interviewed kept five or more Pacific barracuda; therefore, it is unlikely that lowering the bag limit to five would provide a significant benefit to the barracuda spawning population.</p>
<p>Comment #11 E Lewis Milligan 6/26/2007 Sonoma County</p>	<p>Proposed amending Section 29.15(h) requesting clarification of the definition of a "boat" exempting non-motorized watercraft and allow completing report card at vehicles</p>	<p>Accepted in part</p>	<p>The Department accepted in part this proposal in part in 2008 as part of regulation changes to abalone report card procedures. The author proposed an amendment to Section 29.15(h) excepting individuals using non-motorized watercraft from the requirement to immediately complete abalone report cards upon return to their craft. Subsequently, Section 29.15(h) was amended and Section 29.16(b)(1) was adopted which allowed non-motorized boat users to complete cards and tag their abalone upon making landfall effective on 3/14/2008.</p> <p>The Department does not support allowing completion of the report card upon arrival at vehicles. The intent of this regulation is to ensure compliance and increase data accuracy in determining overall take estimates from report cards. If the requirement were changed to allow completion of reports cards upon arrival at vehicles, there is an increased potential for fishermen to either forget or deliberately avoid filling out the card with the intent to exceed the 24 abalone annual limit.</p>
<p>Comment #12 E Lewis Milligan 6/26/2007 Sonoma County</p>	<p>Proposes amending Section 29.15(g); re: transportation and possession of abalone and "prepared for immediate consumption"</p>	<p>Reject</p>	<p>The author requests clarification of "prepared for immediate consumption" regarding abalone possession and transportation. The existing regulation states that abalone cannot be possessed or transported out of the shell until the abalone is prepared for immediate consumption. In this regulation, "immediate" may take on both time and space context. The Department cannot address every scenario with regulatory language; therefore, enforcement staff exercises discretion in applying this section, and evaluates circumstances in all instances.</p>
<p>Comment #13 L James Burns</p>	<p>Proposes amending Section 27.80(a)(4) and</p>	<p>Reject</p>	<p>Current regulations restrict the number of rods to one per angler fishing in ocean waters if taking salmon and rockfish, fishing within San Francisco and San Pablo bays, and to two rods if fishing from public piers. Salmon and rockfish are managed</p>

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<p>Noyo Harbor Commission 11/8/2007 Fort Bragg</p>	<p>28.65(a)(c) to provide two rods for non-charter boat anglers targeting salmon or rockfish, or a two rod stamp</p>		<p>pursuant to the federal Pacific Fishery Management Council's (PFMC) Salmon Management Plan and federal rules which implement that plan. The Commission generally takes actions to amend salmon regulations for California waters to conform to those federal rules which are reconsidered each year, using the most recent biological data. Therefore, action on this item should be deferred to the PFMC venue for consideration.</p> <p>Neither the Department nor the Commission has the authority to implement a two rod stamp for ocean waters. This requires legislation and cannot be addressed by regulatory action.</p>
<p>Comment #14 E Dr. Robert Torbert 12/1/2007 N/A</p>	<p>Requests the Commission to initiate a closed area boundary change within Vandenberg Air Force Base</p>	<p>Comment noted</p>	<p>No regulatory action required. The author requests a change to a closed area boundary within Vandenberg Air Force Base by the base commander. Angler access is controlled by the Department of Defense and not under the purview of the Department or Commission.</p>
<p>Comment #15 E John Collar 1/4/2008 Whittier</p>	<p>Expressed unclear concern regarding developments in lobster gear</p>	<p>Comment noted</p>	<p>Current lobster fishing regulations provide for: a seven lobster bag and possession limit, number of hoop nets allowed per person and vessel, a five month recreational season, a minimum size restriction, and requirements to possess, complete, and submit a lobster report card.</p> <p>The Department is exploring interest in developing a lobster fishery management plan (FMP) through a partnership approach. A FMP for lobster represents a significant opportunity to integrate any new marine protected areas, implemented under the Marine Life Protection Act (MLPA), with the management of the fishery pursuant to the Marine Life Management Act (MLMA). If a FMP comes to fruition, it will include a review and evaluation of existing management measures including but not limited to the allowable number of hoop nets and areas which are fished by commercial and sport fishermen.</p> <p>No regulatory action required.</p>

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<p>Comment #16 E Ace Carter 1/5/2008 Pearblossom</p>	<p>Proposes amending Section 27.05 to prohibit chumming with live bait in ocean waters</p>	<p>Reject</p>	<p>Existing regulations allow chumming, including chumming with live bait in ocean waters. The author expressed concern regarding potential resource impacts to sea birds, sea lions, and sharks, as well as to predatory fish which are attracted to chum.</p> <p>The Department does not believe that chumming with live bait in ocean waters results in undue impact to these species. Predators, including sea birds, marine mammals, and fish naturally form aggregations around baitfish schools and are drawn to fishing activities even in the absence of live bait chumming.</p> <p>Live bait; primarily sardines, anchovies, squid and mackerel, are taken within state and federally established harvest limits. These limits are set recognizing the value of these species as forage.</p>
<p>Comment #17 E Jack Gill, Sport diver, 4/17/2008</p>	<p>Proposes amending Section 29.80(b): limit one hoop net per person, three maximum per boat; restrict hoop nets to areas where commercial trapping is restricted; nets must be tended</p>	<p>Reject</p>	<p>Current lobster fishing regulations provide for: a seven lobster bag and possession limit, number of hoop nets allowed per person and vessel, a five month recreational season, a minimum size restriction, and requirements to possess, complete, and submit a lobster report card.</p> <p>The Department is exploring interest in developing a lobster fishery management plan (FMP) through a partnership approach. A FMP for lobster represents a significant opportunity to integrate any new marine protected areas, implemented under the Marine Life Protection Act (MLPA), with the management of the fishery pursuant to the Marine Life Management Act (MLMA). If a FMP comes to fruition, it will include a review and evaluation of existing management measures including but not limited to the allowable number of hoop nets and areas which are fished by commercial and sport fishermen.</p>
<p>Comment #18 E willyman@comcast.net 4/30/2008</p>	<p>Proposes amending Section 29.15(a) to re-open red abalone closure</p>	<p>Reject</p>	<p>Current regulations prohibit taking abalone south of a line due west drawn from the center of San Francisco Bay. The author proposes re-opening taking abalone in the Half Moon Bay area based on his observations of abalone densities.</p> <p>Prior to considering amending Section 29.15(a), an assessment of the status of red abalone must be undertaken to determine if the resource can sustain a fishery, and if</p>

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			so, to what degree as required by the Abalone Recovery and Management Plan (ARMP). Due to limited staff resources and higher priorities for survey work in areas where the fishery is presently authorized, or areas that have the highest potential for a fishery to be authorized such as San Miguel Island, it is unlikely that additional fishing opportunities along the San Mateo County coast can be considered in the near-future.
Comment #19 E Zachary Knop 5/6/2008	Proposes amending Section 1.62 to allow retaining fish that would otherwise be released due to failure to meet minimum size requirements or discarded for another reason be placed in a live well and allowed to recuperate for subsequent release.	Reject	The Department does not support this proposal for the following reasons: allowing possession of fish short of a minimum size is a violation of existing regulations and would undermine the Department's ability to enforce other laws such as minimum size limits or bag limits; moreover, there is not necessarily a likelihood of improved survival resulting from keeping fish in a live well for many marine species, such as salmon.
Comment #20 E Jan Zeiters McKinleyville 6/5/2008	Requests Commission to endorse the use of rockfish release devices	Comment noted	No regulatory action is required for the Commission to endorse the use of rockfish release devices. A regulation would be necessary if use of such devices were required.

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<p>Comment #21 E Andrew Kristalyn 7/2/2008</p>	<p>Proposes amending Section 1.74 to include report cards for salmon and California halibut; 10 salmon and six halibut annually</p>	<p>Reject</p>	<p>In 2006, the Department and Commission undertook a review of its reporting and tagging programs and prioritized the species for which these programs would be required. Existing Department resources for these programs are currently maximized with the current tag programs for abalone and sturgeon, and card programs for lobster, steelhead and salmon.</p> <p>Present California halibut bag limits are five fish per day in waters south of Point Sur and three fish in waters north of Point Sur, with a minimum size limit of 22 inches. These recreational regulations were last amended in 1996, and are considerably lower than the general recreational bag limit of 10 fish of any one species.</p> <p>The Department believes existing recreational data on halibut and salmon catch and effort available through CRFS and other Department and federal fishery sampling efforts are adequate to inform management needs for these two fisheries at this time.</p> <p>A statewide stock assessment for halibut is underway and expected to be completed in 2010 which will provide an estimate of the population size, as well as the amount of fishing pressure the resource can safely sustain. Additional review of management measures for this fishery may be appropriate once results are available.</p>
<p>Comment #22 E Craig M. Houck 6/30/2008 Sacramento</p>	<p>Proposes amending Section 28.15 to lower limit to two and raising minimum size to 24" or 25" for California halibut north of Point Sur, Monterey County</p>	<p>Reject</p>	<p>Present California halibut bag limits are five fish per day in waters south of Point Sur and three fish in waters north of Point Sur, with a minimum size limit of 22 inches. These recreational regulations were last amended in 1996, and are considerably lower than the general recreational bag limit of 10 fish of any one species.</p> <p>A statewide stock assessment for halibut is underway and expected to be completed in 2010 which will provide an estimate of the population size, as well as the amount of fishing pressure the resource can safely sustain. Additional review of management measures for this fishery may be appropriate once results are available. In addition, the 22-inch minimum legal size for California halibut has been in effect since 1971 in the recreational fishery. This allows the species to spawn at least once before being subject to harvest. The Department will consider further management measures, if needed, following evaluation of the stock assessment and currently available data</p>

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			sources.
<p>Comment #23 E Gary Delke 8/7/2008</p>	<p>Proposes amending 29.15(c) providing two abalone report card options: 4 per day bag limit with a reduced annual take of 12; 3 per day and 24 per annum</p>	<p>Reject</p>	<p>The author proposes an amendment to Section 29.15(c) providing the fisherman with an alternate form of the current report card requirement allowing different bag limits. The alternate card would allow an increase from three to four abalone daily, with a decrease in the annual take from 24 to 12, or the status quo card of three per day and 24 per annum.</p> <p>Providing two report card options would likely increase the number of abalone taken overall, since people would select the option which maximizes the number of abalone taken by them personally. Table 7-3 of the Abalone Recovery and Management Plan shows a 15% drop in catch with a daily limit of 4 and annual limit of 12 but it only examines single combinations of bag and annual limits and would not be able to predict the effect of having two report card options. The Department is also not supportive of changes which potentially could increase take from high effort areas (Fort Ross Reef Campground, Moat Creek, and Todds Point in Sonoma County).</p> <p>Confusion over the existence of two differing bag limits most likely would complicate enforcement efforts, as well as report card sale and compliance issues. The Department does not have the staff resources to develop, issue, assess and enforce two alternate bag limits and report card formats.</p>

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<p>Comment #24 L Harry Higaki 8/21/2008 Soquel</p>	<p>Proposes amending Section 28.35 to prohibit snagging white sea bass and Section 1.05 to prohibit snagging of all game fish</p>	<p>Reject</p>	<p>The author proposes to prohibit snagging white sea bass and all other game fish. To enforce a regulation prohibiting snagging the angler would have to be fishing for these species in a manner that constitutes snagging activity, AND the fish would have to be snagged without it ever intending to take a baited hook or nearby lure. To add further complication, if such a regulation existed, anglers could be authorized to snag baitfish for bait with the same gear used for target species. While snagging is generally prohibited in fresh water, foul hooking of fish occasionally occurs when fishing with bait or artificial lures for game fish in ocean waters. Furthermore, it is a common practice by anglers to deliberately snag baitfish which are then used as live bait.</p> <p>The proposal to ban snagging in ocean waters has been made many times in years past, but for marine waters the Department believes that it would be extremely difficult to draft regulations that would adequately cover all possible scenarios without adding confusion and complexity to the regulations. Alternatively, the Department recommends continued use of bag limits, closed seasons, closed areas or other management tools to limit overall harvest as needed. Additionally, current regulations do prohibit snagging of select species in ocean waters that are of particular concern (striped bass, sturgeon, trout, and salmon). If other species of ocean fish are shown to be at particularized risk from snagging, the Department could support regulations that are narrowly tailored to the species and fishing areas involved, and drafted in a manner that would allow adequate enforcement.</p>
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<p>Comment #25 E William Doc Larson 11/27/2008</p>	<p>Proposes amending 29.80(b) to include closure of Santa Monica and San Diego bays, Los Angeles and Long Beach harbors to sport lobster fishing; concern regarding lack of hoop net escape device</p>	<p>Reject</p>	<p>The author proposes prohibiting take in certain bays and harbors with the intent of protecting female lobsters. The Department is exploring interest in developing a lobster fishery management plan (FMP) through a partnership approach. A FMP for lobster represents a significant opportunity to integrate any new marine protected areas, implemented under the Marine Life Protection Act (MLPA), with the management of the fishery pursuant to the Marine Life Management Act (MLMA). If a FMP comes to fruition, it will include a review and evaluation of existing management measures including but not limited to areas which are fished by commercial and sport fishermen.</p> <p>The author expressed concern regarding the lack of an escape device that would minimize the number of short lobster taken by hoop nets. Existing regulations provide for the use of hoop nets to take recreational lobster in Section 29.80(b), whereas, there are no provisions allowing the use of traps to take lobster recreationally. Hoop nets unlike traps allow lobster to come and go until the nets are pulled, at which time, the panels between the net rings raise form a basket preventing lobster from escaping laterally. Commercial lobster traps may continue to fish at some level of efficiency if lost; therefore, are required to have built-in escapement features. Lobster failing to meet the minimum size measurement must be immediately released and fishermen found retaining short lobsters will be cited.</p>
<p>Comment #26 E Armando Morales 11/30/2008</p>	<p>Proposes amending Section 29.15 to prohibit taking abalone in waters less than 6 feet and increasing the minimum size to 8 inches</p>	<p>Reject</p>	<p>The author proposes a prohibition on taking abalone in waters six feet or less in depth. Existing regulations do not restrict the depth that fishermen may take abalone. As a practical matter, such a regulation would be extremely difficult to enforce given ever-changing tidal conditions. This proposed change would also preclude participation by shore pickers; which include a significant number of individuals who take abalone.</p> <p>The Abalone Recovery and Management Plan was adopted by the Commission in December of 2005 after five years of extensive research, planning, and public hearings. The plan explains that since 1901, size limits have been a primary management tool. Size limits allow abalone the opportunity to reproduce before recruiting to the fishery. The minimum legal size for recreationally-taken abalone is</p>

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			currently 7 inches. Fishery models have been used to explore a range of size limits for red abalone, and the current size limit has been shown to be reasonable and conservative given that the 7 inch minimum protects the size classes of abalone that are most influential in determining population growth.
Comment #27 E Nick Guglielmo 1/4/2009	Proposes amending Section 29.80(b) to closing harbors to lobster take	Reject	The author proposes prohibiting take in certain bays and harbors with the intent of protecting lobsters from recreational take. The Department is exploring interest in developing a lobster fishery management plan (FMP) through a partnership approach. A FMP for lobster represents a significant opportunity to integrate any new marine protected areas, implemented under the Marine Life Protection Act (MLPA), with the management of the fishery pursuant to the Marine Life Management Act (MLMA). If a FMP comes to fruition, it will include a review and evaluation of existing management measures including but not limited to the allowable number of hoop nets and areas which are fished by commercial and sport fishermen.
Comment #28 L Ron Long 1/4/2009 Granite Bay; E 2/11/2009	Proposes amending Section 29.15(e) to allow the use of emergency air devices	Reject	<p>Section 29.10(e) prohibits the use of SCUBA gear while taking abalone. The Department does not support the use of emergency air devices (SCUBA) for the following reasons: 1) there would be an incentive for non-emergency usage - extending bottom time; 2) areas which currently function as de facto reserve areas providing recruitment of abalone could be more easily exploited; 3) high probability of usage in poaching operations; 4) the regulations would have to be drafted to specify the air capacity of emergency air tanks that could be in possession; requiring the Department to study and recommend an appropriate capacity. Moreover, checking tank air capacity in the field is problematic; 5) it is possible that accidental drowning incidents may increase as divers try diving deeper, longer, and in conditions or locations where they would not normally venture; 6) overall take of abalone could likely increase and therefore, take limits may require evaluation and adjustment.</p> <p>The Department suggests other alternatives to allowing air devices in emergencies: divers should carry a cutting device to extricate themselves from entanglements, and adhere to the dive buddy system. Ultimately, abalone diving is inherently a risky sport and those who participate in it should know the dangers and risks before participating.</p>

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<p>Comment #29 E Rich Franklin 2/6/2009 El Cerrito</p>	<p>Proposes amending Section 28.65(a)(c) to provide for a two rod stamp in San Francisco Bay for shore angling</p>	<p>Reject</p>	<p>Section 28.65(a) limits anglers to only one line with no more than three hooks in San Francisco and San Pablo bays. The author believes that Section 28.65(b) provides for two lines on public piers; however, this section does not supersede the previous subsection.</p> <p>Neither the Department nor the Commission has the authority to implement a two rod stamp for ocean waters which requires legislation and cannot be addressed by regulatory action.</p>
<p>Comment #30 E Larry Marble 3/28/2009</p>	<p>Proposes reduction of bag limits to one or two fish for all species as alternatives to no take zones</p>	<p>Reject</p>	<p>Current regulations provide for the take of 20 fish in the aggregate with no more than 10 of one species except otherwise provided by other regulations. The goal of “no take zones” or marine protected areas is to provide comprehensive ecosystem protection whereas bag limits are used as a management tool in combination with other measures to manage specific fisheries. Furthermore, allowing a minimal bag limit does not account for catch and release mortality, will unnecessarily limit fisheries that are sustainable under current regulation, impact species that currently are protected by a zero bag limit and will violate Federal and State threatened and endangered species statutes.</p>
<p>Comment #31 E Larry Marble 3/28/2009</p>	<p>Proposes amending Sections 1.74 and 28.35(c) to create report cards for white sea bass, thresher, and mako sharks and reduce bag limit to one annually</p>	<p>Reject</p>	<p>In 2006, the Department undertook a comprehensive review and analysis of its recreational report card programs and resulting catch and effort data. In doing so, species were prioritized based on the degree of risk to the resource from poaching and commercialization, the degree to which management needs were dependent on card information, and whether an annual bag limit was established by other regulations. Department resources available for production and evaluating report cards and report card data are presently fully utilized, meaning that no new recreational reporting programs can be undertaken at this time. Regarding a reduction of bag limits to one annually, catches for white sea bass and thresher shark remain within recommended total allowable harvest limits for these species and thus bag limit reductions are not necessary at this time.</p>
<p>Comment #32 E Larry Marble 3/28/2009</p>	<p>Proposes amending Section 28.42 reducing limit to one for thresher</p>	<p>Reject</p>	<p>The Pacific Fishery Management Council at its November 2008 meeting decided not to change any recreational thresher shark regulations because it concluded the current recreational and commercial landings remained within harvest guidelines. Since the majority of thresher and mako shark anglers do not take the full bag limit to</p>

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	and mako sharks		<p>only one shark a year, changing the regulation was deemed not to be necessary at present.</p> <p>The California position statement on thresher regulations which contributed to the Council decision can be found here:</p> <p>http://www.pcouncil.org/bb/2008/1108/E3b_SUP_CDFG_1108.pdf</p>
<p>Comment #33 L Andrew Bland 4/2/2009 San Francisco</p>	<p>Proposes amending Section 28.15(a) to reduce the bag limit to two north of Pt. Sur and prohibit the use of treble hooks for taking halibut</p>	<p>Reject</p>	<p>Present California halibut bag limits are five fish per day in waters south of Point Sur and three fish in waters north of Point Sur, with a minimum size limit of 22 inches. These recreational regulations were last amended in 1996, and are considerably lower than the general recreational bag limit of 10 fish of any one species.</p> <p>A statewide stock assessment for halibut is underway and expected to be completed in 2010 which will provide an estimate of the population size, as well as the amount of fishing pressure the resource can safely sustain. Additional review of management measures for this fishery may be appropriate once results are available. In addition, the Department is continuing a hooking mortality study for halibut initiated in 2008 within San Francisco Bay. This study will evaluate the impact, if any, of various hook types on released halibut. Upon landing, the type of hook, hook wound location, and sizes of fish were recorded. Selected halibut have been and will be retained at Aquarium of the Bay for observation.</p> <p>See Response to Comment #3 and 22.</p>
<p>Comment #34 E Sean Archer 5/6/2009 Sonoma County</p>	<p>Proposes amending Section 27.60 to lower the bag limit of finfish 5 in the aggregate of</p>	<p>Reject</p>	<p>The author proposes lowering the existing daily bag limit of 20 finfish with not more than 10 of any one species except as otherwise provided in related regulations to five in the aggregate. Although the author's proposal will greatly simplify the regulations and enforcement, allowing the take of five fish irrespective of species will not only be inappropriate, arbitrary, and unsupported by available data, but would also violate</p>

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	any species		Federal and State statutes protecting threatened and endangered species from take.
Comment #35 E Jason Brooks 5/29/2009	Proposes to set limits on take of thresher shark	Reject	A daily bag and possession limit of 2 fish exists on this species in Section 28.42 of Title 14.
Comment #36 O Tom Raftican Sportfishing Conservancy 8/6/2009 Woodland	Proposes amending Section 28.30 from 10 to a 5 fish bag limit and 13-17" slot limit on kelp and sand bass	Reject	<p>Currently, Section 28.30 applies to kelp bass (calico), barred sand bass, and spotted sand bass in combination. The minimum size limit for all of these species is 12 inches, or 8.5 inches alternate length. The limit is ten bass in combination, regardless of species.</p> <p>The Department does not support the proposed 13-17 inch slot limit on kelp bass for the following reasons: 1) There is no biological reason or data suggesting that there is a need for a slot limit, or that instituting a slot limit would increase productivity of the stock. The Department conducted an analysis of recreational kelp bass data showing that the size composition of the fishery has been stable under present regulations for decades. 2) The Department is aware that there are some anglers that wish both to take, and retain, trophy-sized kelp bass that may be disproportionately impacted by the proposed change. 3) Establishing a slot limit only for sand and kelp bass, but not the other basses, would generate confusion because the present regulations address all species of bass in the aggregate and there would need to be re-drafting of the regulations and increased public information to make this point clear. 4) The Department would need to establish regulations that would ban filleting of sand and kelp bass to make the slot limit enforceable. This would be necessary because fish that are larger than the slot limit could simply be filleted to escape the maximum size limit; it would not be possible to produce a "maximum fillet size" regulation that would represent the size of a fillet from a 17-inch kelp bass.</p>

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			<p>The Department does not support the proposed reduction to a 5-fish bag limit for barred sand, and calico bass for the following reasons: 1) there is no biological reason or data suggesting a need to reduce the current bag limit, or that there is a need to reduce overall catches of the basses; the fishery has been steadily productive under present regulations for decades; 2) reducing the barred sand and kelp bass bag limit to five fish would procedurally force the Department to reconsider the bag limits for spotted sand bass because the current bag limit is ten bass in combination, regardless of bass species.</p>
<p>Comment #37 O Paul Weekland 8/6/2009 Woodland</p>	<p>Proposes amending Section 29.15(a) to re-open San Francisco, San Mateo, Santa Cruz, Monterey and San Luis Obispo counties' red abalone closure</p>	<p>Reject</p>	<p>Current regulations prohibit taking abalone south of a line due west drawn from the center of San Francisco Bay. The speaker proposes re-opening taking abalone in five counties south of this current closure.</p> <p>Prior to considering amending Section 29.15(a), an assessment of the status of red abalone must be undertaken to determine if the resource can sustain a fishery, and if so, to what degree as required by the Abalone Recovery and Management Plan (ARMP). Due to limited staff resources and higher priorities for survey work in areas where the fishery is presently authorized, or areas that have the highest potential for a fishery to be authorized such as San Miguel Island, it is unlikely that additional fishing opportunities along the south central coast can be considered in the near-future.</p>