

**ATTACHMENT TO FINAL STATEMENT OF REASONS  
REVISED Response to Public Comments, re: Basses  
(For comments received 6/8/2012 to 11/7/2012)**

1. Jim Sammons, The Kayak Fishing Show, e-mail received 6/8/2012.

Comment

- a. Supports protection of salt water basses.
- b. Would like to see slot limits to protect bigger fish.
- c. Raising the size limit does nothing other than allow people to remove the larger fish which produce the most eggs.
- d. Supports reduction in the bag limit.

Response

- a. Support noted.
- b. This comment is outside the scope of the proposed regulations. This alternative option was considered and not recommended for the following reasons:
  - Catch and release mortality must be minimal for slot limits to be effective. Kelp bass and spotted sand bass appear to suffer little mortality upon release; however, there have been no studies to determine if there is delayed mortality. Barred sand bass can experience barotrauma upon hook and line capture and as a result, are likely to suffer catch and release mortality. Thus, slot limits are not a viable alternative for them.
  - Currently no definitive data exists on the age structure of the fishery. Slot limits would put increased fishing pressure on the age classes within the given slot limits instead of spreading take across more age classes. If there are any weak age classes within the slot limit then size-selective take could have negative effects on the population.
  - Slot limits would be difficult to enforce. Currently, there are fillet length regulations for kelp bass and barred sand bass based on the minimum size limit. A maximum size from a slot limit would also require a maximum fillet length. Since it would be difficult to ensure that fillet lengths were from the appropriate sized fish, the regulation would be impossible to enforce. Slot limits could be enforced better if anglers were required to keep the entire fish intact until they were home or at some designated fish cleaning station. However, many anglers enjoy the filleting service provided by CPFVs or private charters, and eliminating this service could have a negative economic effect on their business. In addition, requiring filleting of fish at the dock or designated cleaning stations requires an infrastructure not currently in place, and it would greatly delay the schedules of CPFV trips and decrease fishing times.

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- Slot limits would be an impractical regulation for spear fishermen due to the inability to accurately determine sizes of fish underwater within this narrow size window.
  - c. Having a minimum size limit creates a fishery where the fishery recruits (the smallest individuals of the fishery) are the most numerous (or most frequently encountered). Trophy-sized females of at least 16 inches comprise a very small percent of the total harvested catch each year. Raising the minimum size limit to 14 inches will provide for at least one additional year of spawning before recruiting into the fishery.
  - d. Support noted.
2. Mike Ishikawa letter received 7/11/2012.

Comment

- a. Supports a five fish bag limit (maximum).
- b. Supports a slot limit (13 inches to 17 inches).

Response

- a. Support noted. The Commission adopted this sub-option.
  - b. See Response 1b.
3. Michael Fowlkes e-mail received 7/20/2012.

Comment

- a. Supports a catch and release fishery for spotted bay [sand] bass using barbless hooks.
- b. Should not lump spotted sand bass [regulations] with the other basses.

Response

- a. This comment is outside the scope of the proposed regulations. This alternative option is not recommended for the following reasons:
  - The estimated catch and release rate in the spotted sand bass fishery is already about 94%. Therefore, a zero bag limit is estimated to provide only minimal reductions in catch when compared to an increase in the minimum size limit (Option 1).

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- Catch and release only, regardless of hook type, would unnecessarily impact low income fishermen that are more likely to keep spotted sand bass for subsistence.
  - b. The adopted regulations provide substantial savings for spotted sand bass by reducing take and provide for at least one additional year of spawning before fish recruit into the fishery. Keeping the saltwater basses together maintains simplicity in the regulations.
4. Michael Gilmour e-mail received 7/20/2012.

Comment

- a. Supports a catch and release fishery for spotted bay [sand] bass.
- b. Recommends a volunteer organization tasked with hatchery efforts.

Response

- a. See response 3a.
  - b. This recommendation is outside the scope of the proposed regulation and is outside the scope of the Commission's authority.
5. Mike Moropoulos e-mail received 7/23/2012.

Comment

Supports a bag limit of five calico [kelp] bass.

Response

Support noted. The Commission adopted a five fish aggregate bag limit, of which up to five fish may be kelp bass. Keeping the bag limit the same across species maintains simplicity in the regulations.

6. Wendy Tochiara, Izorline International, Inc., letter received 7/25/2012.

Comment

- a. Opposed to a reduction in the bag limit. A bag limit of 5 would do nothing [to help the resource] because the average number of fish taken per person on a sportboat is 5 bass. In order to be effective, the bag limit would need to be reduced to 3, but a bag limit of 3 or less would be devastating to the fishing industry and businesses would be forced to close.

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- b. Opposed to seasonal closures. A seasonal closure would also be devastating to the fishing industry and businesses will be forced to close.
- c. Supports increase in size limit.
- d. Supports the removal of the new Marine Protected Areas (MPAs). The three proposed regulatory options are intended to work together to favor population increases of the three bass species by reducing take but wasn't that the purpose of the new MPAs?

Response

- a. A reduction in the bag limit is one of the three proposed regulatory options intended to work together to favor bass population increases because one regulatory option alone does not provide equal benefits across species. The Commission did not adopt the third option, a barred sand bass spawning season closure, due to socio economic concerns raised by the sport fishing industry. In order to mitigate for the potential species protections lost by not adopting all three options, the Commission adopted more conservative minimum size and bag limit sub-options, specifically a 14 inch minimum size limit and 5 fish aggregate bag limit. The Commission anticipates that a reduction in the aggregate bag limit will provide more savings than a reduction in the individual species bag limit to 5 fish per species with 10 fish in combination.
- b. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
- c. Support noted.
- d. This comment is outside the scope of the proposed regulations. The Department is guided by the Marine Life Management Act to manage its fisheries. Nevertheless, the Department did consider the new MPAs before making a recommendation on the saltwater bass regulations. Unfortunately, it is unknown how much kelp bass and barred sand bass catches will be reduced by the new MPAs in southern California. Although the kelp bass population is expected to benefit from the new MPAs, the benefits may not be realized for another six years (the time needed for fish spawned this year to recruit into the fishery). In addition, only a small percent (<4%) of barred sand bass spawning habitat is estimated to be included within the current MPA array and this does not represent the primary spawning (fishing) grounds. Thus, traditional fisheries management tools will be necessary to obtain more immediate relief from fishing pressure during current suboptimal oceanographic conditions for the basses.

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7. Karen Garrison, Natural Resources Defense Council, e-mail received 7/25/2012.

Comment

- a. Supports increased minimum size limit to 15 inches.
- b. Supports bag limit of two barred sand bass, three kelp bass, and a total bass bag limit of five fish.
- c. Supports barred sand bass spawning closure for two weeks in July.
- d. Develop and implement a monitoring program and reporting schedule to assess the effectiveness of adopted measures and consider adaptations or additional measures as necessary.

Response

- a. The Commission adopted a 14 inch minimum size limit for all three bass species, taking into consideration concerns about barred sand bass catch and release mortality. If catch and release mortality is high due to barotrauma, then a 14 inch minimum size limit is expected to result in less fishing mortality than a 15 inch minimum size limit.
  - b. Support noted. See Response 2a. Keeping the individual species bag limit the same across species maintains simplicity in the regulations.
  - c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure in response to comments that such a closure would have adverse economic impacts to sport fishing businesses. In order to mitigate for the potential species protections lost by not adopting a spawning season closure, the Commission adopted more conservative minimum size and bag limit sub-options than recommended by the Department.
  - d. This comment is outside the scope of the proposed regulations. Presently there are no plans to implement an official monitoring program, but the Department has stated it will continue to monitor fishery-dependent and fishery-independent data trends and consider regulation changes if the status of the fishery changes.
8. Charlie Levine, BD Outdoors, e-mail received 7/26/2012; Eric Landesfeind, BD Outdoors, e-mail received 7/26/2012; Scott Summersgill e-mail received 7/26/2012; Aaron Shintaku e-mail received 7/26/2012; Mark Moses e-mail received 7/26/2012; Patrick Tuominen e-mail received 7/27/2012; Johnathan B. Day, Cannon Trading Co Inc., e-mail received 7/27/2012; Jason Lahmann e-mail received 7/28/2012; Avo Oughourlian, Huntington Group, e-mail received 7/30/2012; John Berner e-mail received 8/9/2012; Luis Camas e-mail received 8/9/2012.

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Comment

- a. Supports increased minimum size limit to 14 inches.
- b. Supports five fish bag limit for each species with a total limit of 10 fish.
- c. Opposed to a barred sand bass spawning closure; not enough data that there is too much fishing pressure during that time; would put undue strain on other fisheries and “hamstring” the CPFV fleet.

Response

- a. Support noted. The Commission adopted this sub-option.
  - b. See response 6a.
  - c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
9. Richard T. Lightfoot e-mail received 7/26/2012.

Comment

- a. Supports increased minimum size limit to 13 inches.
- b. Supports five fish bag limit for each species with a total limit of 10 fish.
- c. Opposed to a barred sand bass spawning closure; not enough data that there is too much fishing pressure during that time; would put undue strain on other fisheries and “hamstring” the CPFV fleet.

Response

- a. An increase in the minimum size limit was one of the three proposed regulatory options intended to work together to favor bass population increases because one regulatory option alone does not provide equal benefits across species. The Commission did not adopt the third option, a barred sand bass spawning season closure, due to socio economic concerns raised by the sport fishing industry. In order to mitigate for the potential species protections lost by not adopting all three options, the Commission adopted more conservative minimum size and bag limit sub-options, specifically a 14 inch minimum size limit and 5 fish aggregate bag limit.
- b. See response 6a.

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- c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.

10. Neil Richey e-mail received 7/26/2012.

Comment

- a. Supports increased minimum size limit to 14 inches.
- b. Supports five fish bag limit for each species with a total limit of 10 fish.
- c. Opposed to a barred sand bass spawning closure; not enough data that there is too much fishing pressure during that time; would put undue strain on other fisheries and “hamstring” the CPFV fleet.
- d. A spawning closure would dramatically hamper the influx of local monies being spent at independent, long standing tackle shops. Monies that are almost solely brought in by private boat anglers, as well as tournament series anglers whose series are set up as five fish catch and release limit.

Response

- a. Support noted. The Commission adopted this sub-option.
- b. See response 6a.
- c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
- d. Comment noted.

11. Steve Greanias e-mail received 7/26/2012.

Comment

- a. Supports a slot limit.
- b. Increasing size limits still allows the big breeders to be taken.

Response

- a. See Response 1b.
- b. See Response 1c.

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12. Ben Kotin e-mail received 7/27/2012.

Comment

- a. Supports increased minimum size limit to 14 inches.
- b. Supports five fish bag limit for each species with a total limit of five fish.
- c. Opposed to a barred sand bass spawning closure; not enough data that there is too much fishing pressure during that time; would put undue strain on other fisheries and “hamstring” the CPFV fleet.

Response

- a. Support noted. The Commission adopted this sub-option.
- b. Support noted. The Commission adopted this sub-option.
- c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.

13. Jim Kiech e-mail received 7/27/2012.

Comment

- a. Supports increased minimum size limit to 14 inches.
- b. Supports five fish bag limit for spotted bay [sand] bass with a total limit of 10 fish.
- c. Opposed to a barred sand bass spawning closure; not enough data that there is too much fishing pressure during that time; would put undue strain on other fisheries and “hamstring” the CPFV fleet.
- d. Slow down the sea lion population explosion. Each sea lion eats an average of 40 pounds of fish per day. If you compare that with the current sportfisherman’s catch, then the sport fishing community only takes 8 tenths of one percent of the fish killed.

Response

- a. Support noted. The Commission adopted this sub-option.
- b. See Response 6a.

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- c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
- d. This comment is outside the scope of the proposed regulations and outside the Commission's authority. The California sea lion is federally protected under the Marine Mammal Protection Act.

14. Darin Dohi e-mail received 7/27/2012.

Comment

- a. Has the DFG evaluated the history of the fishery and other factors that may influence the bass populations such as forage fish, ocean temperatures, fishing effort, and migration into Mexico?
- b. Supports 15 inch to 20 inch slot limit.
- c. Supports reduced bag limits to seven because it would provide an immediate 30% reduction in take.
- d. Recommends bag limit vary throughout the season.

Response

- a. The Department conducted an exhaustive fishery analysis on the basses and presented those results to the Marine Resources Committee in January 2012. The Department contends that the bass fisheries are depressed as a result of fishing and cooler than average sea surface temperatures. The basses have historically responded to changes in oceanographic regimes, generally having higher abundances during warm water regimes and lower abundances during cool water regimes. However, the analysis indicates the bass fisheries may not be sustainable at current levels of take, especially during the present colder water regime. The Department believes regulation change is needed to offset impacts from fishing and to conserve populations while environmental conditions remain less than optimal. Movement studies, genetic analyses, and oceanographic current patterns do not support the hypothesis that basses migrate back and forth from Mexico waters. All three basses are generalist carnivores, and as such, are not dependent upon forage fish in their diets. Basses will take a variety of live and dead baits as well as artificial lures (e.g. plastics, iron) such that large live bait does not explain the trends of decreasing CFPV landings and decreasing CPUE over the last decade. Furthermore, fishery-independent studies that are not dependent upon capture of fish with bait (e.g. diving surveys), also show decreasing trends in abundances of the basses.
- b. See Response 1b.

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- c. See Response 6a. A seven fish bag limit provides for a very small percent reduction in catch (< 6%). A reduction from 10 to seven fish per bag does not save 30% because anglers do not catch a 10 fish limit every time they fish. Savings are calculated based on years of catch data and the actual frequency of bag sizes (i.e., number of fish per bag).
- d. See Response 6a. Also, keeping the bag limit the same year-round maintains simplicity in the regulations.

15. Randy Hause e-mail received 7/30/2012.

Comment

Supports catch and release for spotted sand bass.

Response

See Response 3a.

16. Steve Simon letter received 7/31/2012; Michael A. Godfrey letter received 7/31/2012; Scott E. Shapiro (and 25 others) letter received 8/7/2012.

Comment

- a. Supports increased minimum size of kelp bass to 13 or 14 inches.
- b. Supports slot limits.
- c. Opposed to any reduction in bag limit; concern for economic hardship to the CPFV fleet.
- d. Opposed to any closure big or small because “barred sand bass are not in trouble”. Believes barred sand bass are migratory, and the CPFV fleet relies on this fishery during the summer.

Response

- a. Support noted. The Commission adopted this sub-option for all three basses. Keeping the size limit the same across species maintains simplicity in the regulations.
- b. See Response 1b.
- c. See Response 6a. The immediate prospect of taking fewer fish home due to a bag limit reduction may deter some anglers from fishing, resulting in fewer

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anglers purchasing CPFV trip tickets and/or renting boats. Because there is some support by the recreational fishing community for a reduction in the bag limit, it is unknown whether a significant number of customers would actually choose not to fish and if so, whether it would result in the elimination of jobs or businesses.

- d. Comment noted. The Commission did not adopt a barred sand bass spawning season closure. Movement studies, genetic analyses, and oceanographic current patterns do not support the hypothesis that basses migrate south into Mexico waters.

17. Mitch Garrett e-mail received 8/1/2012.

Comment

- a. Supports slot limits for all three basses (12 to 18 inches)
- b. Opposed to increasing the minimum size limit.
- c. Supports 5 fish per species bag limit with 10 fish aggregate.
- d. Supports a spawning closure.

Response

- a. See Response 1b.
- b. Increasing the minimum size limit provides for at least one an additional year of spawning before recruiting into the fishery, in addition to providing moderate to substantial savings across species. Also, see response 9a.
- c. See Response 6a.
- d. See Response 7c.

18. Joe Sarmiento e-mail received 8/6/2012.

Comment

- a. Supports increase in minimum size limit to 13 inches.
- b. Supports 5 fish per species bag limit with 10 fish aggregate.
- c. Opposed to a spawning closure due to economic hardship to the CPFV fleet.

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Response

- a. See response 9a.
  - b. See response 6a.
  - c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
19. James Marvin Bass e-mail received 8/6/2012.

Comment

- a. Opposed to a spawning closure for barred sand bass. Boats would have to resort to rockfish and sculpin and this would further bring down passenger loads.
- b. Supports an increase of the minimum size limit to 13 or 14 inches.
- c. Supports “a limit of 10 bass in any combination, with a slight reduction in the individual species limit.” But dropping the limit of sand bass down will make local bass fishing a rich man’s sport.
- d. The Department should encourage more good fishing ethics, such as catch and release, by providing rewards to the public.

Response

- a. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
  - b. Support noted. The Commission adopted a 14 inch minimum size limit.
  - c. See Responses 6a and 16c. Keeping the bag limit the same for each bass species maintains simplicity in the regulations.
  - d. This comment is outside the scope of the proposed regulations.
20. David Kerr e-mail received 8/8/2012.

Comment

- a. Not enough research has been performed to accurately gauge the population levels. Need a valid biomass survey.
- b. Support an increase in size limit to 14 inches for all basses.

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- c. Support a five fish bag limit for each species with a total limit of ten fish.
- d. Opposed to a season closure for barred sand bass; closure would harm our sport fishing fleets and tourism during peak season, and put undue strain on other species.

Response

- a. The Department conducted an exhaustive fishery analysis on the basses and presented those results to the Marine Resources Committee in January 2012. The Department contends that the bass fisheries are depressed as a result of fishing and cooler than average sea surface temperatures. Although no biomass estimates are available, the analysis indicates kelp bass and barred sand bass populations have declined over the past decade and that current fishing practices may not be sustainable. The Department contends and the Commission agrees that regulation change is needed for the basses to offset impacts from fishing and to conserve populations while environmental conditions remain less than optimal for the basses.
  - b. Support noted. The Commission adopted this sub-option.
  - c. See Responses 6a.
  - d. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
21. Wendy Tochihara, UASC, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Bass catch numbers off due to the economy. People cannot afford to fish anymore.
- b. Resources in harm because of MPA non-compliance.
- c. Opposed to a reduction in the bag limit. A bag limit of five would do nothing [to help the resource] because the average number of fish taken per person on a sportboat is five bass, but a bag limit of three or less would be devastating to the sport fishing industry and businesses would be forced to close.
- d. Opposed to seasonal closures. A seasonal closure would also be devastating to the sport fishing industry and businesses will be forced to close.
- e. Supports increase in size limit.

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- f. Supports the removal of the new MPAs. Questions if the purpose of the new MPAs was to reduce take.

Response

- a. Catch-per-unit-effort is a traditional fishery statistic used to monitor fish abundance that accounts for changes in fishing effort over time. Fishery-independent data sources also reflect declining trends and are not influenced by fishing effort trends or changes in the economy.
  - b. This comment is outside the scope of the proposed regulations.
  - c-f. See Responses 6a-d.
22. Dan Strunk, CPFV owner in San Pedro, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. The basses are data-poor and we should not make any rash decisions. Wait for warmer water to come back before making any changes.
- b. The sport fishing fleet has endured rockfish closures and many vessels are now out of business. Worried about the effects of a two month closure.
- c. If we are allowed to fish squid spawning aggregations, we should be allowed to fish barred sand bass spawning aggregations.

Response

- a. The Department has conducted an exhaustive study using fishery-dependent and fishery-independent data. In addition, the Department has analyzed various datasets from several studies regarding all life stages of the basses. These datasets include fine-scale and large-scale movements and abundances of juveniles and adults, and larval recruitment. Finally, these data were related to environmental conditions, specifically, warm and cold water regimes. Although no biomass estimates are available for barred sand bass, all fishery-dependent and fishery-independent data sets show declines. The Department's analysis indicates the bass fisheries may not be sustainable at current levels of take, especially during the present colder water regime. Continued fishing pressure at current levels may drive the fishery to the point of being unable to recover even when favorable environmental conditions return. If that were to happen, the Commission would then need to revisit regulation changes that may be far more restrictive than those currently proposed. To reduce fishing pressure during the present colder water regime, the

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Commission adopted an increase in the minimum size limit to 14 inches and a reduction in the aggregate bag limit to five fish.

- b. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
- c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.

23. Mike Gilmour oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Supports a catch and release fishery for spotted bay [sand] bass.
- b. Does not think a five fish bag limit for spotted bay [sand] bass is a good choice.

Response

- a. See Response 3a.
- b. Although Options 1 and 2 still allow for the take of spotted sand bass, the Department contends and the Commission agrees that an increase in the minimum size limit, in addition to a reduced bag limit, will provide substantial savings to the spotted sand bass fishery. Furthermore, an increase in the minimum size limit will allow for at least one additional year of spawning.

24. Don Hansen, Dana Wharf, oral testimony at the August 8, 2012 Commission meeting and letter received August 8, 2012.

Comment

- a. Opposed to seasonal closures for barred sand bass because barred sand bass are migratory and most migrated south to Mexico because ocean temperatures became cooler.
- b. Bait (sardines) is too large for the resident fish and brings the fish counts down.
- c. Most winter bass (~99%) are released and that doesn't get reported.
- d. The recent study by postdoctoral researcher Brad Erisman of Scripps Institution of Oceanography "missed the mark when stating fishing spawning aggregations of these species has decimated the resource". The authors report a 97% decline in barred sand bass catches from 2000 to 2008 but CDFG-CPFV logs show a 74% decline. We have seen these low catch numbers in the past (pre-EI Nino levels) and catches recovered without changes in regulations. The

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study also reports a 95% decline in kelp bass catches from 1965 to 2008, but the log books did not distinguish individual species until 1975, so this is in question. The logbook data show a decline of 60% from the high in 1981 to 2008, and this population has also rebounded after low periods of abundance. The Commission should “watch and study this fishery but do not act on it”.

- e. The current minimum size limit of 12 inches and bag limit of 10 bass in combination is adequate to protect both [kelp bass and barred sand bass] populations. The current size limit was based on a yield-per-recruit model developed by Department biologists in the 1950s when it was determined that the maximum catch was achieved with a 12 or 13 inch minimum size limit. The 12 inch size limit was adopted because recreational anglers asked for a size limit that would provide greater numbers of fish; a 13 inch limit would have provided fewer larger fish. The ten fish catch limit was not put in place to protect the fish from over exploitation.

Response

- a. Comment noted. The Commission did not adopt a barred sand bass spawning season closure. However, movement studies, genetic analyses, and oceanographic current patterns do not support the hypothesis that basses migrate south into Mexico waters. The basses have historically responded to changes in oceanographic regimes, generally having higher abundances during warm water regimes and lower abundances during cool water regimes. Department’s analysis indicates the bass fisheries may not be sustainable at current levels of take, especially during the present colder water regime. Continued fishing pressure at current levels may drive the fishery to the point of being unable to recover even when favorable environmental conditions return. If that were to happen, the Commission would then need to revisit regulation changes that may be far more restrictive than those currently proposed. To reduce fishing pressure during the present colder water regime, the Commission adopted an increase in the minimum size limit to 14 inches and a reduction in the aggregate bag limit to five fish.
- b. All three basses are generalist carnivores, and as such, are not dependent upon forage fish in their diets. Basses will take a variety of live and dead baits as well as artificial lures (e.g. plastics, iron) such that large live bait does not explain the trends of decreasing CFPV landings and decreasing CPUE over the last decade. Furthermore, fishery-independent studies that are not dependent upon capture of fish with bait (e.g. diving surveys), also show decreasing trends in abundances of the basses.
- c. It has been required by law since 1994 to report numbers of released fish on CPFV logbooks; inaccurate reporting by CPFV captains is ultimately a detriment to the sport fishing industry. The CPFV kelp bass release rate has

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gradually increased over the last 30 years while the barred sand bass release rate has gradually decreased.

- d. The Department's analysis does not substantiate the degree of decline in kelp bass and barred sand bass catches reported in the Scripps Institution of Oceanography paper by Erisman et al. (2011); however, multiple fishery-independent data sets also show declines indicating the bass fisheries may not be sustainable at current levels of take, especially during the present colder water regime. Continued fishing pressure at current levels (i.e. no regulation change at this time) may drive the fishery to the point of being unable to recover even when warmer ocean conditions return. The Commission adopted a 14 inch minimum size limit and 5 fish aggregate bag limit to offset impacts from fishing and to conserve populations while environmental conditions remain less than optimal.
  - e. A minimum size limit and bag limit can be implemented by the Commission for a variety of reasons. In the 1950s, the intention of the 12 inch size limit was to provide for the greatest fishery yield by weight. However, prior to this, in 1953, a minimum size limit of 10 inches and an aggregate bag limit of 10 bass in combination was implemented in order to limit take; as catches improved, the size limit was gradually increased over the next several years. Due to concerns over the current sustainability of the resource, the Commission adopted a 14 inch minimum size limit and 5 fish aggregate bag limit.
25. Ken Franke President of the Sportfishing Association of California, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Sees no need for further regulations for kelp bass.
- b. Agrees barred sand bass are tied to warm ocean regimes and that we should wait for the barred sand bass biomass from Mexico to move north with the warmer water.
- c. Cold water doesn't allow for the correct bait. Not effective in catching the smaller fish and this affects catch numbers.
- d. Supports an increase of [barred] sand bass to 13 inch size limit.
- e. Opposed to season closures because it will decrease the number of passengers and because it is very difficult to get the customers back. For most CPFV operators, they rely on a 10 week season, and with many vessels already going out of business, a further closure would put additional folks out of business.

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- f. Opposed to a reduction in the bag limit because it will decrease the number of passengers and because it is very difficult to get the customers back.

Response

- a. The no change alternative would maintain current regulations which have been used for the past 50 years and are well understood. However, this is not preferable because evidence exists that current levels of take may be unsustainable. Continued fishing pressure at current levels may drive the fishery to the point of being unable to recover even when favorable environmental conditions return. If that were to happen, the Commission would then need to revisit regulation changes that may be far more restrictive than those currently proposed. To reduce fishing pressure during the present colder water regime, the Commission adopted for all three basses an increase in the minimum size limit to 14 inches and a reduction in the aggregate bag limit to five fish.
  - b. See Response 24a.
  - c. See Response 24b.
  - d. See Response 9a. Keeping the minimum size limit the same for all three basses maintains simplicity in the regulations.
  - e. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
  - f. See Responses 6a and 16c.
26. Don Brockman, Davey's Locker Sportfishing Newport Beach, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Opposed to two week closure because there would be nothing else to fish for during the closure and because the current location of MPAs limits where the Newport CPFV boats can fish; they have no other place to fish except barred sand bass spots like Huntington Flats (to the north).
- b. Supports a 13 inch size limit.
- c. Does not see release mortality in barred sand bass due to barotrauma.
- d. We fish squid and barracuda on their spawning aggregations and they are doing fine.

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Response

- a. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
  - b. See response 9a.
  - c. Department tagging studies on barred sand bass indicate that angling-induced barotrauma can and *does occur* with barred sand bass. Tagging databases include many records of fish experiencing barotrauma that were recompressed back to depth with weighted, inverted milk crates. The incidence of barotrauma in barred sand bass will be dependent on a variety of factors including capture depth, fish position and activity within the water column, and reproductive state. Thus, avoiding angler-induced barotrauma can be difficult even when fishing in shallow depths.
  - d. See Response 22c. Generally, species that are fast-growing and early to mature, such as squid and Pacific barracuda are better equipped to handle fishing pressure than slow-growing, late-to-mature species such as the basses.
27. Mike Thompson, Newport Landing Sportfishing, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Data (CPFV logs and scuba surveys) is flawed.
- b. Let the MPAs work (take ecosystem management approach).
- c. Sea lions are a problem.
- d. The MPAs should be considered spawning areas for kelp bass. We don't catch kelp bass out at the spawning aggregations.

Response

- a. CPFV logbook data are completed and submitted to the Department by CPFV captains and are a traditional management tool used by the Department to monitor trends in fishery landings and catch-per-unit-effort. The scuba surveys used in the Department's analysis were conducted by professional scientists using standardized methods. These types of surveys have for years been accepted by the scientific community as a valid tool for measuring indices of abundance of conspicuous fishes.
- b. This comment is outside the scope of the proposed regulations. See Response 6d.

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- c. See Response 13d.
  - d. See response 6d.
28. Timothy Green, CPFV owner in San Diego, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. There is a lack of data and the data used (scuba surveys) is inadequate. We need to wait for the anchovies to come back.
- b. Supports an increase to the size limit.
- c. Supports a slot limit.
- d. Data from CPFVs fishing in Mexican waters indicates that barred sand bass fishing has been good down there. The spawning barred sand bass have moved down to Mexico.
- e. A conservationist that encourages catch and release on his boat.

Response

- a. Multiple fishery-dependent and fishery-independent data sets show declines. The scuba surveys used in the Department's analysis were conducted by professional scientists using standardized methods. These types of surveys have for years been accepted by the scientific community as a valid tool for measuring indices of abundance of conspicuous fishes. All three basses are generalist carnivores, and as such, are not dependent upon forage fish in their diets. The no change alternative would maintain current regulations which have been used for the past 50 years and are well understood. However, this is not preferable because evidence exists that current levels of take may be unsustainable. Continued fishing pressure at current levels may drive the fishery to the point of being unable to recover even when favorable environmental conditions return. If that were to happen, the Commission would then need to revisit regulation changes that may be far more restrictive than those currently proposed. To reduce fishing pressure during the present colder water regime, the Commission adopted an increase in the minimum size limit to 14 inches and a reduction in the aggregate bag limit to five fish.
- b. Support noted.
- c. See Response 1b.

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- d. Movement studies, genetic analyses, and oceanographic current patterns do not support the hypothesis that basses migrate south into Mexico waters. In addition, CPFV logbook catch records for the basses in Mexico fishing blocks actually show a decline in kelp bass and barred sand bass landings since 2004.
  - e. Evidence for a gradual increase in kelp bass releases is supported by CPFV logbook data. However, the CPFV release rate for barred sand bass has gradually decreased over the last decade.
29. Sarah Sikich, Heal the Bay, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Heal the Bay members have expressed concern over smaller, fewer bass. Supports an increase in the size limit to *at least* 13 inches.
- b. Was involved with the MLPA Initiative process in southern California. There is little overlap between the existing MPAs and barred sand bass spawning areas like the Huntington Flats. Should take strong, precautionary-oriented steps to help conserve this fishery. Supports season closure of at least two weeks at the end of July.
- c. Wants a monitoring program.

Response

- a. Support noted. The Commission adopted a 14 inch minimum size limit.
  - b. See Response 7c.
  - c. See Response 7d.
30. Jenn Eckerle, NRDC, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Barred sand bass are easily targeted on their spawning aggregations and are taken in enormous numbers. As a result, the fishery could easily collapse and management measures should be taken to prevent fishery collapse. Supports season closure of *at least* two weeks for barred sand bass in the month of July.
- b. Wants a monitoring program.

Response

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- a. See Response 7c.
  - b. See Response 7d.
31. Greg Helms, Ocean Conservancy, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Supports an increase in the minimum size to 14 or 15 inches.
- b. Bag limits offer a direct control on fishing. We can't afford the psychological luxury of "maybe I can catch 10". Supports a bag limit of two barred sand bass and three kelp bass.

Response

- a. Support noted. The Commission adopted a 14 inch minimum size limit.
  - b. See Response 7b.
32. Earl Warren oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Need more studies. Barred sand bass are migratory.
- b. Opposed to season closures for sand bass. The sport fishing fleet depends on the summer bass fishery for their business and closing 1/6<sup>th</sup> of the season doesn't make sense. Would not be able to fish for other species such as barracuda that inhabit areas of barred sand bass spawning ground areas. The sport fishing fleet would lose \$500,000 gross per boat because the ½ day, ¾ day, full day, and twilight boats all target kelp bass and barred sand bass. The boats would lose about 200 passengers daily. The fleet cannot withstand any further closures or restrictions following the existing two month rockfishing closure.
- c. Opposed to area closures.
- d. Opposed to bag limit reduction.
- e. Supports 13 inch minimum size limit.
- f. Supports slot limits for kelp bass.

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- g. Humboldt squid have devastated the spawning barred sand bass population for several years.
- h. Trawling and illegal poaching by drift gill netters have killed large numbers of kelp bass and barred sand bass and there is no enforcement.

Response

- a. See Response 22a. Movement studies, genetic analyses, and oceanographic current patterns do not support the hypothesis that basses migrate south into Mexico waters.
  - b. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
  - c. Comment noted. This comment is outside the scope of the proposed regulations.
  - d. See Response 6a.
  - e. See response 9a.
  - f. See Response 1b.
  - g. This comment is outside the scope of the proposed regulations. The Department is unaware of any scientific studies that have documented Humboldt squid having any adverse affects on barred sand bass populations. While the possibility will always exist that Humboldt squid could opportunistically feed on barred sand bass, barred sand bass are still an improbable prey item. Many scientific studies conducted on the feeding habits of Humboldt squid describe a diet mainly consisting of lanternfishes, pelagic crabs, squid, and other fishes of neritic zone (water column over the continental shelf extending to about 600 ft in depth).
  - h. This comment is outside the scope of the proposed regulations.
33. Chuck Tennin, Marina del Rey Sportfishing, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Opposed to season closures. Barred sand bass are the most popular and most dependable fishery species of Santa Monica Bay, and industry couldn't sustain a two month closure in July and August. The sport fishing fleet would experience loss of customers and less revenue because there are little to no

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other species to catch during that time of year. Deepwater rockfish would be the only other thing to catch in July and August.

- b. Supports 13 inch size limit for sand bass and kelp bass.
- c. Fishing in Santa Monica Bay hasn't changed much except for the cycles of fish. From 1972 to 1979 there were no migratory barred sand bass, and from 1980 for another 25 years, they came back.

Response

- a. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
  - b. See response 9a.
  - c. The basses have historically responded to changes in oceanographic regimes, generally having higher abundances during warm water regimes and lower abundances during cool water regimes. Department's analysis indicates the bass fisheries may not be sustainable at current levels of take, especially during the present colder water regime. Continued fishing pressure at current levels may drive the fishery to the point of being unable to recover even when favorable environmental conditions return. To reduce fishing pressure during the present colder water regime, the Commission adopted an increase in the minimum size limit to 14 inches and a reduction in the aggregate bag limit to five fish.
34. Lora Sprague, Marina del Rey Sportfishing, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Opposed to season closures; full closure would be detrimental to livelihood.
- b. Supports 13 inch size limit.
- c. Fishing in Santa Monica Bay hasn't changed much except for the cycles of fish. From 1972 to 1979 there were no migratory barred sand bass, and from 1980 for another 25 years, they came back.

Response

- a. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
- b. See response 9a.

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c. See Response 33c.

35. Joe Exline, Oceanside Anglers Club, oral testimony at the August 8, 2012 Commission meeting.

Comment

- a. Supports 13 inch size limit.
- b. Opposed to season closures. Who is to say which 2 week window is going to be an effective management strategy? The fish could spawn earlier or later.
- c. Opposed to changes in bag limit. This option only provides a small reduction in catch. We can expect a decrease in catch numbers as a result of the newly implemented MPAs.

Response

- a. See response 9a.
- b. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
- c. See Response 6a and 6d.

36. James Gresham e-mail received 8/9/2012.

Comment

Opposed to a season closure. Proposed closure of southern California bass fisheries is not backed by science.

Response

Comment noted. The Commission did not adopt a barred sand bass spawning season closure. See Response 14a.

37. Mike Gilmour e-mail received 8/9/2012.

Comment

Supports a catch and release fishery for spotted bay [sand] bass.

Response

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See Response 3a.

38. John Hayes e-mail received 8/13/2012.

Comment

- a. Supports a 5 fish combined bag limit for calico [kelp] and sand bass.
- b. Supports an increase in size limit to 13 or 14 inches; but the bigger spawners are the fish that need to be protected.
- c. Supports reduced limits for a period of time (like white seabass).
- d. Supports a catch and release fishery for spotted bay [sand] bass.

Response

- a. Support noted. See Response 6a. Keeping the saltwater basses together maintains simplicity in the regulations.
- b. Support noted. The Commission adopted a 14 inch minimum size limit. Having a minimum size limit along with protecting bigger spawners would require a slot limit (See Responses 1b and 1c).
- c. See Response 14d.
- d. See Response 3a.

39. Bob Dils letter received 7/26/2012.

Comment

- a. Would like to see a 15 to 18 inch open slot limit.
- b. A limit of five bass is enough for a meal.
- c. During barred sand bass spawning season, people using bait should use circle hooks. If using lures, they should have barbless hooks. Barbless hooks will [keep] these fish from dying when released. Hooks should also be bronze; not stainless steel or nickel. Bronze hooks will rust through if the hook is left in a released fish.
- d. Some barred sand bass are taken from deep water. A milk crate must be used in sending these fish back down to deeper water. It will help them from dying from swim bladder expansion due to pressure changes.

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- e. Spotted bay [sand] bass do not grow as large as barred sand and calico [kelp] bass. There should be a 14 to 15 inch open slot limit on these fish.
- f. There should be a catch-and-release only fishery for spotted sand bass, using only barbless hooks for two to three years to establish bigger fish in the population.
- g. Barred sand bass and calico [kelp] bass should never be gaffed.
- h. A spawning season closure would not be necessary if there was a slot limit, a five fish limit, and barbless and circle hooks were used.
- i. All bass must be released gently and with extreme care. They should be placed gently into the water to prevent internal organ damage.

Response

- a. See Response 1b.
- b. Support noted. The Commission adopted a five fish aggregate bag limit.
- c. Comment noted. Authorized methods of take are outside the scope of the proposed regulations.
- d. See Response 39(c). Adoption of a regulation requiring a descending device, such as an inverted milk crate, for barred sand bass would require additional data collection and analyses indicating the proportion of barred sand bass caught and released suffering barotrauma and estimates of catch and release survivorship using a descending device. Given the concern regarding the current sustainability of the resource, more timely regulation change was warranted. Though not a regulatory requirement, the Department's Marine Region currently advocates the use of a descending device to release unwanted fish suffering from barotrauma.
- e. See Response 1b.
- f. See Response 3a.
- g. See Response 39(c). In addition, CCR Title 14 Section 28.65 (d) states "No gaff hook shall be used to take or assist in landing any finfish shorter than the minimum size limit."
- h. Comment noted. The Commission did not adopt a barred sand bass spawning season closure due to socio economic concerns raised by the sport fishing industry. In order to mitigate for the potential species protections lost by not adopting all three options, the Commission adopted more conservative

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minimum size and bag limit sub-options, specifically a 14 inch minimum size limit and 5 fish aggregate bag limit.

- i. Comment noted. The Department advocates the proper handling of fish to ensure their survival upon release. In its on-line brochure entitled, 'Tips for Releasing Saltwater Fish', the Department provides the following advice to anglers for releasing fish: 1) Do not use a gaff hook to land fish of questionable size, 2) Use a "fish friendly" landing net, 3) Don't let the fish hit the deck, 4) Handle fish with a wet rag, 5) Measure the fish as soon as possible, 6) Remove hook carefully, 7) Avoid use of treble hooks, and 8) Use barbless hooks and/or circle hooks.

40. Eric Rogger letter received 8/7/2012

Comment

- a. Supports a 13 inch minimum size limit for calico [kelp] bass, possibly 14 inches to protect the fishery.
- b. The Commission should discuss a slot limit.
- c. Opposed to bag limit reductions since this would substantially affect the charter fleets negatively.
- d. Additional closures are forcefully opposed. The passenger sport fleets from all of our southern California ports rely on the migratory fishery to make their living during the summer months.

Response

- a. Support noted. The Commission adopted a 14 inch minimum size limit for all three basses. Keeping the saltwater basses together maintains simplicity in the regulations.
- b. See Response 1b.
- c. See Response 6a and 16c.
- d. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.

41. Tom Raftican, The Sportfishing Conservancy, oral testimony at the June 20, 2012 Commission meeting.

Comment

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The Sportfishing Conservancy conducted a survey of recreational fishermen. We did it online. We did it at fishing clubs in Southern California and also at tackle stores in Southern California. Over 180, approaching 200, people got on that survey. The options that the Department has put forward as far as managing bass with the reduced bag limit – our folks are overwhelmingly in favor of that as one of the options. Increased size limit: again, overwhelmingly in favor of one of the options. But the thing is, we've also had a very very large push towards putting slot limits in. As far as putting any maximum size limit, we had basically three out of four anglers responding they thought a slot limit was a good idea for calico bass and two out of three, both on [barred] sand bass and on [spotted] bay [sand] bass. We feel that should be included within the options package. Sixty percent of those also felt that it's time to take a look at how we deal with fillets, if that is the constraining matter on that.

We agree with the options the Department has put forward. We just feel it should be expanded to include a slot limit for recreational bass and it might be time to take a look at filleting.

Response

Support noted for an increase in the minimum size limit and a reduction in the bag limit. See Response 1b regarding slot limits. Additional changes to the fillet regulations (other than fillet length in the proposed regulations) is outside the scope of the proposed regulations.

42. David Ashton letter received 9/10/2012.

Comment

- a. In favor of lowering bass limit to a five fish total limit.
- b. In favor of a 14 to 20 inch slot size.

Response

- a. Support noted. The Commission adopted a five fish aggregate bag limit.
- b. See Response 1b.

43. Michael Gilmour e-mail received 9/24/2012.

Comment

Interested in doing a spotted bay [sand] bass tagging program similar to the one Ken Franke from SAC spoke about on the radio regarding calicos [kelp bass] and [barred] sand bass. At a recent FGC meeting, you spoke of the relationship

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between the DFG and Ducks Unlimited and how it was an example of private citizens working with a government agency to actually improve the resource. I would like to initiate the same type of relationship to protect and enhance the spotted bay bass resource.

Response

Ken Franke was referring to one of the Collaborative Fisheries Research West grants provided to researchers at Scripps Institution of Oceanography and the Department to study population estimates of all three saltwater basses. Comment noted.

44. Karen Garrison, NRDC and Greg Helms, Ocean Conservancy, letter received 10/25/2012.

Comment

- a. Favors an increase in the minimum-size limit for each species to 15 inches.
- b. Should establish a barred sand bass limit of two fish, a kelp bass limit of three fish and a total bass bag limit of five fish.
- c. Should adopt a barred sand bass spawning closure for two weeks in July.
- d. Should develop and implement a monitoring program and reporting schedule to assess the effectiveness of adopted measures and consider adaptations or additional measures as necessary.

Response

a-d. See responses 7a-d.

45. Dana Roeber Murray and Sarah Abramson Sikich, Heal the Bay letter submitted via email and received 10/30/2012.

Comment

- a. Recommend an increase in the minimum-size limit to 15 inches. An increase to 13 inches is not sufficient to recover these species.
- b. Recommend establishing a total bass bag limit of five fish with an individual species limit of two barred sand bass and three kelp bass.
- c. Recommend adopting a barred sand bass spawning closure for at least two weeks in July.

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Response

a-c. See responses 7a-c.

46. Wendy Tochiara, Izorline International, Inc. email received 11/7/2012.

Comment

- a. Due to the low spill over afforded by the MPAs, there is no need for seasonal closures. The fish will be protected by the large MPAs and create the population increase you are looking for.
- b. Support for an increase in the minimum size limit to 13 inches. If necessary, a 14 inch minimum size limit would reduce take even more.
- c. Seasonal closures and a numerical decrease in the bag limit would be devastating to the fishing industry and coastal communities.

Response

- a. The intention of the adopted regulations is to alleviate fishing during current unfavorable ocean conditions for the basses. See Response 6d.
  - b. Support noted. The Commission adopted a 14 inch minimum size limit.
  - c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure. See Response 6a and 16c regarding a bag limit reduction.
47. Mike Gilmour, oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. Supports spotted bay bass catch and release
- b. Supports two fish limit instead of five for spotted bay bass; tremendous pressure is growing for this species.

Response

- a. See Response 3a.
  - b. See Response 6a and 23b. Keeping the bag limit the same across species maintains simplicity in the regulations.
48. Joe Exline, Oceanside Anglers Club, oral testimony at the November 7, 2012 Commission meeting.

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Comment

- a. Consider what protection the MPAs give to kelp bass versus regulation change.
- b. Size gives the biggest bang for the buck; increase the minimum size to 13 inches.
- c. Opposed to time closures because they are confusing and could have considerable economic impacts.

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Response

- a. See Response 6d.
  - b. See Response 9a.
  - c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
49. Mordy Kay oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. A 13 inch size limit sounds wonderful.
- b. Supports a seven fish bag limit per species with a 10 fish max overall bag limit.
- c. Time and time again our fisheries are not managed proactively.

Response

- a. See Response 9a.
  - b. See Response 6a.
  - c. Comment noted. The Department contends the saltwater bass fisheries are depressed in part due to cooler oceanographic conditions over the last several years. The proposed regulation changes are a proactive management approach to alleviate fishing pressure during suboptimal conditions for the basses to protect the remaining stock and to favor a population rebound when environmental conditions improve.
50. Don Brockman, Davey's Locker Sportfishing in Newport Beach, oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. Supports a 13 inch size limit.
- b. Against the two week closure; there is only a six week summer opportunity fishing for barred sand bass.
- c. Supports five fish bag limit.

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Response

- a. See Response 9a.
  - b. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
  - c. See Response 6a.
51. Dan Strunk, CPFV owner in San Pedro, oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. You have no science; the data is only based on CPFV logs.
- b. The biomass is in Mexico; cold water is to blame for the decline (this is the 12<sup>th</sup> year in a row of cold water). The populations are not overfished, they just haven't vacationed in Southern California in a while.
- c. Supports a 13 inch size limit.
- d. Supports 5 fish bag limit.
- e. Against two week closure. If a closure is adopted, the LA Times will put the smoking gun on the CPFVs that the resource is overfished.
- f. Wait for warm water; move slowly.

Response

- a-b. See Response 14a.
  - c. See Response 9a.
  - d. See Response 6a.
  - e. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
  - f. See Response 25a.
52. Sergio Fainsztein oral testimony at the November 7, 2012 Commission meeting.

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Comment

- a. There is no problem.
- b. A closure is not what we need.
- c. Supports limits.

Response

- a. See Response 14a.
  - b. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
  - c. Support noted. The Commission adopted a 14 inch minimum size limit and a five fish total aggregate bag limit.
53. Dennis Yamamoto, oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. Supports a 13 inch size limit.
- b. A five fish bag limit is more than reasonable.
- c. Disagrees with a closure. A closure would be a detriment to the industry.

Response

- a. See Response 9a.
  - b. See Response 6a.
  - c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
54. Ken Franke, President of the Sportfish Association of California, oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. For kelp bass, the MPAs are enough to protect the stock.
- b. The [barred] sand bass biomass is in Mexico.

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- c. We should wait for warm waters and the sand bass will move north.
- d. We should wait for anchovies to come back to use for bait. Barred sand bass do not like sardines.
- e. Supports a 13 inch size limit for kelp and [barred] sand bass.
- f. The science does not support a time closure.
- g. Supports five fish limit per species.

Response

- a. See Response 6d.
  - b-d. See Response 14a.
  - e. See Response 9a.
  - f. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
  - g. See Response 6a.
55. Rick Oefinger, Marina del Rey Sportfishing, oral testimony at the November 7, 2012 Commission meeting and letter received 11/7/2012.

Comment

- a. Have never witnessed barotrauma in [barred] sand bass in the summer.
- b. The [barred] sand bass fishery is cyclical and depends on water currents.
- c. Make sound, fair rational decisions based on facts rather than personal opinion.

Response

- a. Comment noted. See Response 26c.
- b. See Response 14a.
- c. Regulations are based on the best science available and potential adverse economic impacts were considered. The Commission adopted a 14 inch minimum size limit and a five fish total aggregate bag limit.

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56. Jenn Eckerle, NRDC, oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. Must reduce fishing pressure on the populations to increase their chances of rebounding.
- b. Urge adoption of a 15 inch size limit.
- c. Urge adoption of a five fish total bag limit with an individual species limit of two barred sand bass and three kelp bass.
- d. Supports a two week seasonal closure to protect the barred sand bass aggregations. None of the spawning ground areas were protected with the current MPAs.
- e. We need to monitor the fisheries to see if the measures are working.

Response

- a. Comment noted. The Commission adopted a 14 inch minimum size limit and a five fish total aggregate bag limit.
- b-e. See Responses 7a-d.

57. Chuck Tennin, Marina del Rey Sportfishing, oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. The main target in the summer months in Santa Monica Bay is [barred] sand bass, but the sand bass migrate like tuna which changes every year due to changing ocean conditions. There is no scientific evidence of barred sand bass migratory movements to support a closure in July. Don't understand what a closure is going to do.
- b. A 13 inch size limit is fine.
- c. A bag limit of five fish is fine too.

Response

- a. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.

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b. See Response 9a.

c. See Response 6a.

58. Dana Murray, Heal the Bay, oral testimony at the November 7, 2012 Commission meeting.

Comment

a. We need to consider non-consumptive recreational users of the resource in addition to consumptive users.

b. A 13 inch minimum size limit is far too low. Urge adoption of a 15 inch size limit.

c. Urge adoption of a five fish total bag limit with a two fish limit for barred sand bass and a three fish limit for kelp bass.

Response

a. The Department held meetings with many of the saltwater bass fishery constituent groups to discuss to the proposed regulatory options, including those representing non-consumptive users.

b-c. See Response 7a-b.

59. Greg Helms, Ocean Conservancy, oral testimony at the November 7, 2012 Commission meeting.

Comment

a. We do have the science that shows a problem. The problem goes beyond cycles; the fish are not bouncing back.

b. Supports a 15 inch size limit.

c. Bag limits are a direct control of take, but these can be diluted by boat limits.

d. In addition to recommending a total fish bag limit, there should be a two fish limit for barred sand bass and a three fish limit for kelp bass.

e. Supports a two week closure.

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Response

- a. Comment noted. The Commission adopted a 14 inch minimum size limit and a five fish total aggregate bag limit.
  - b. See Response 7a.
  - c. The Department's analysis already accounts for the effect of boat limits because the sampler-observed catch, upon which the bag limit analyses were based, occurs at the end of each boat trip, *after* anglers have already shared bags.
  - d. See response 7b.
  - e. See Response 7c.
60. Todd Mansur, Dana Wharf Sportfishing, oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. All for a five fish bag limit.
- b. All for a 13 inches size limit.
- c. [Barred] sand bass populations are not in California; it is a pelagic fish that comes here from Baja. Not for closing. A closure would do nothing.

Response

- a. See Response 6a.
  - b. See Response 9a.
  - c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure. See Response 14a regarding barred sand bass movements.
61. John Ballotti, Los Angeles Rod and Reel Club, oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. Supports a bag limit reduction to recommended levels by staff.
- b. Supports size limit increase.

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- c. Against closures for [barred] sand bass; there are viable sustainable alternatives to closures.

Response

- a. See Response 6a.
  - b. Support noted.
  - c. Comment noted. The Commission did not adopt a barred sand bass spawning season closure.
62. Sarah Sikich, Heal the Bay, oral testimony at the November 7, 2012 Commission meeting.

Comment

- a. Supports a 15 inch size limit.
- b. Supports a five total fish bag limit and individual species bag limits of two barred sand bass and three kelp bass.
- c. Supports a two week closure.

Response

- a-c. See Response 7a-c.