

Table 1. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions (Received by the California Fish and Game Commission up to Adoption of the Proposed Actions on June 22, 2016) and Reasons for Rejecting Those Considerations.\*

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
1	April Wakeman, The Sportfishing Conservancy	Verbal testimony at California Fish and Game Commission (Commission) meeting on 12/9/2015 and 6/22/2016	Hoop Net	a. Concern that current hoop net regulation that restricts the measurement of lobsters to the water surface is not safe or practical. Request that regulations be amended to allow lobsters to be measured aboard a boat and the prompt release of any undersize lobsters into the water.	The Commission directed the Department of Fish and Wildlife (Department) to address the issue raised by the commenter. A proposed amendment to subsection 29.90(c) for recreational fishing was added that allows hoop netters to measure lobster aboard a vessel. Recreational divers are still required to measure lobster in the water.
			Other	b. Express appreciation for the immediate response by the Department to address a concern raised by Ms. Wakeman at the December 9, 2015 Commission meeting (see comment 1a).	See response to comment 1a. The Commission adopted the regulations as proposed and recommended by the Department.
2	Jim Salazar, Coastal Conservation Association of California; Recreational Fishing Representative, Lobster Advisory Committee (LAC)	Verbal testimony at Commission meeting on 12/9/2015 and 6/22/2016	Hoop Net	a. Support the Department and LAC efforts on the California Spiny Lobster Fishery Management Plan (FMP) and regulatory proposals. Encourage the Commission to support the LAC consensus recommendations minus the power-puller handicap restriction.	Support noted.
			General	b. Thanked the Department staff on their efforts on the California Spiny Lobster FMP and applaud the commercial LAC representatives and constituents for their work on the trap limit; urge the Commission to approve the LAC consensus recommendations along with the recommended modifications by the Department.	Support noted.

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3	Shad Catarius, Commercial Lobster Fisherman; Commercial Fishing Representative, LAC	Verbal testimony at Commission meeting on 12/9/2015 and 6/22/2016	Tail-clipping/ Hole-punching	a. Further consideration is needed by the Commission in regard to the LAC consensus recommendations that require recreationally retained lobsters be hole-punched as there may be potential issues with commercial take.	At the April 13, 2016 Commission meeting, the Department recommended for further consideration that the Commission not adopt the tail-clipping options (subsections 29.90(f) and 121.5(e)) at this time. The Department recommendation is based on public comments in opposition to the addition of subsection 121.5(e) of the proposed tail clipping/hole punching regulations and input from the Department's Law Enforcement Division (LED). The LAC recommendation was enhanced for enforcement purposes with the addition of subsection 121.5(e) prohibiting the sale and possession of marked lobsters in markets or places that buy or sell lobster. LED indicates that adopting the lobster marking requirement without market restrictions would create an ineffective tool for addressing the illegal commercialization of sport caught lobsters and would only increase the regulatory burden on the sport fishery with little enforcement benefit.
			Tail-clipping/ Hole-punching	b. Commercial fishermen need to be able to retain and sell tail-clipped lobsters; otherwise, it will defeat the purpose for them financially.	See response to comment 3a.
			Trap Limit	c. Although in support of the direction for management, express concern about the 300-trap limit and catastrophic loss provision. Note that under the Dungeness crab trap limit program, the catastrophic trap tags were issued at the start that upped the trap limit for that	Comment noted, but no additional action has been taken to change the proposed regulations. The catastrophic loss provision under proposed Section 122.1 is based on the LAC consensus recommendations; this provision takes into consideration unusual or unforeseen circumstances leading to a

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3, cont.				fishery. Hope that a “clean-up” package will address issues as they arise.	catastrophic loss (i.e., a loss of 75 or more trap tags per permit) during a season that is beyond the permit holder’s control to help ensure that these circumstances do not pose an unfair hardship for fishermen to operate within the trap limit program.
4	Joe Exline, Lobster Fisherman	Verbal testimony at Commission meeting on 12/9/2015	Hoop Net	a. Support the proposal to amend the hoop net regulation to allow for onboard measurement of lobsters and immediate return of undersized lobsters to the water.	Support noted. See response to comment 1a.
			Hoop Net	b. Concern about how proposed regulatory language would address vessel operators who loan hoop nets marked with their GO ID numbers to visitors on board their vessel that exceed the five hoop net limit currently allowed per person.	Due to varying fishing practices, the regulations do not specify how the buoys need to be marked. As long as they are marked legibly, a person who borrows hoop nets from another person can temporarily add their GO ID number using such methods as an adhesive tape product, while covering over the previous operators GO ID number at the same time. See response to comment 5c for an additional GO ID buoy marking suggestion.
5	Wayne Kotow, Coastal Conservation Association of California	Verbal testimony at Commission meeting on 12/9/2015, 4/13/2016, and 6/2/2016	Hoop Net	a. Support efforts by the Department and LAC on the FMP and regulatory proposals. With the exception of the power-puller handicap restriction, would like the Commission to adopt the LAC consensus recommendations.	Support noted.
			Hoop Net	b. Support the Department’s recommendation not to restrict mechanized hoop net pullers beyond current legal use.	Support noted.

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5, cont.			Hoop Net	c. Would like clarification on marking hoop net floats for instances where the hoop net operator is not the hoop net owner (e.g., for borrow, rent, lend, use).	A hoop net float (buoy) would be considered marked with a GO ID number if that number was on a tag and attached to the buoy. This would allow different operators to easily change the GO ID numbers on a buoy. Only the operator of a trap needs to have their GO ID number on the buoy. The owner's GO ID number is not required to be on the hoop net float.
			Hoop Net	d. Recommend that an operator tag be attached to the hoop net float or in front of the float on a rope to designate the user of that hoop net in addition to having the owner's GO-ID on the float.	Affixing a GO ID tag on a rope adjacent to a buoy will meet the GO ID marking requirements of marking the float (proposed subsection 29.80(b)(3)). No additional action has been taken to change the proposed regulations.
			Tail-clipping/ Hole-punching	e. Would like clarification concerning the potential release and recapture of short lobsters that have been erroneously hole-punched due to measuring mistakes.	At the April 13, 2016 Commission meeting, the Department recommended for further consideration that the Commission not adopt the tail-clipping options (subsections 29.90(f) and 121.5(e)) at this time. See response to comment 3a.
			Tail-clipping/ Hole-punching	f. Suggest having a law or regulation in place to penalize a person for the sale of recreationally caught hole-punched lobsters to the market place.	See response to comment 5e.
			General	g. Express thanks to everyone involved in the spiny lobster FMP for the efforts over the past four years to make this happen and note that although regulatory package is imperfect, it is the whole point of adaptive management.	This comment does not direct any specific changes or concerns pertaining to the regulatory package. As such, this comment has been noted, but no additional action has been taken to change the proposed regulations.

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5, cont.			Tail-clipping/ Hole-punching	h. Understand the issues involved with lobster tagging and hole punching and would like to work within the adaptive management process to come up with the correct way to ensure that sport caught lobsters are not sold in the marketplace.	See response to comment 3a. In addition to the tail clipping/hole punching options proposed as part of this regulatory package, other adaptive management measures were contemplated during the LAC process to address the illegal commercialization of recreationally caught lobsters. Although the LAC was unable to reach final agreement on those recommendations for the FMP, the California Spiny Lobster FMP does not preclude proposals of new regulations in the future.
			Lobster Buoy	i. Looking forward to the adaptive management process on the recreational side for marking of hoop net buoys between owner and operator as these are issues for sport boats, guide boats, or people borrowing equipment.	See response to comments 4b and 5c for hoop net float marking suggestions.
			Trap Limit	j. Remark that there is no trap limit in the recreational sector because there is currently a limit of seven lobsters that a recreational fisherman may possess at any one time.	Currently, no change is proposed to the daily bag limit for recreational fishing (subsection 29.90(b)). However, a change in the recreational bag limit is one of eight regulatory options in the California Spiny Lobster FMP available to decision makers if the need arises. The Department would consult with the fishing communities and other stakeholders to better inform any management recommendation to the Commission on the proper regulatory response.

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6	Dana Murray, Senior Coastal Policy Manager and Marine Scientist, Heal the Bay	Verbal testimony at Commission meeting on 12/9/2015, 2/10/2016, 4/13/2016, and 6/2/2016	Equity, Hoop Net	a. Support the Department's effort on the FMP. Would like the Department to reconsider some of the near consensus regulatory options that were discussed during the LAC meetings. Concern that the recreational fishing sector, in particular hoop netting, may be overlooked. The MLMA specifies that restrictions be equitably allocated between the recreational and commercial fishing sectors.	The Marine Life Management Act (MLMA) provides that fishery management plans shall allocate increases or restrictions in fishery harvest fairly among recreational and commercial sectors participating in the fishery (Fish and Game Code (FGC) Section 7072(c)). In the spring of 2012, the Department convened the LAC to facilitate communication between various constituent groups and collaborate on the development of the spiny lobster FMP and regulatory proposals for the fishery. As described in the LAC Charter, working towards consensus is a fundamental principle in the LAC decision-making process. In September 2013, the LAC constituent representatives were able to reach consensus on a number of regulatory proposals that were compiled into a finalized consensus recommendation and forwarded to the Department and Commission for consideration. Two proposals achieved near consensus but did not receive agreement from members representing the recreational fishery. Those were 1) a recreational seasonal limit of 70 lobsters per person and 2) a ban on the use of conical hoop nets in the recreational fishery. At the direction of the Commission, the near consensus items were added to the FMP as part of the record for future consideration.
			Lost Gear Retrieval	b. Support the Department's regulatory recommendations on lost gear.	Support noted.

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6, cont.			Lobster Buoy	c. Would like to see the labeling of buoys in the recreational sector as well as the commercial sector.	This is included in the current regulatory proposal under subsection 29.80(b)(3)) for recreational fishing and subsection 122.1(b) for commercial fishing.
			Equity	d. Express that it was anticipated and expected there would be more balance between regulatory actions with the commercial and recreational fishing sectors; however, most stakeholders do not feel that equitability was achieved. Moving forward, would like to see stakeholders and the Department continue to meet on issues concerning an annual catch limit for recreational permits and conical hoop net regulations, in addition to seeing how the FMP and the proposed regulations are being implemented.	See response to comment 6a. The California Spiny Lobster FMP does not preclude proposals of new regulations in the future. A change in the recreational bag limit is one of eight regulatory options in the FMP available to decision makers if the need arises.
			General	e. Ultimately, would like to see the Commission adopt the proposed regulatory package with an adaptive management process for review of the regulations after implementation to determine which new regulations are working and which ones are not and possibly revisit some of them.	Support noted.
			Trap Limit	f. Support the 300-trap limit for the commercial sector but would like to have seen a recreational fishing limit as well.	Support noted. See response to comment 6a.

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7	Mike Beanan, Laguna Bluebelt Coalition	Verbal testimony at Commission meeting on 12/9/2015	Restricted Fishing Area	a. Concern about damage to kelp forest from setting lobster traps along the south boundary of the Laguna State Marine Conservation Area. Suggest that traps should be set at least 50 to 100 feet away from the kelp forest.	Trap spacing is outside the scope of these proposed regulations. There is some potential for lobster traps to damage kelp. Movement of traps on the bottom could scour newly settled sporophytes. Additionally, kelp may become entangled in trap lines and be ripped out or damaged. The Department is not aware of evidence suggesting this poses a significant adverse impact. Also, these issues are likely to arise primarily during storm or large swell events. Often, fishermen remove their gear during these events or move them offshore to deeper areas. It is anticipated that implementation of the trap limit will lead to a reduction in the overall number of traps in the fishery over time and this may help to lessen the risk of damage to kelp.
			Trap Limit	b. Recommend setting a limit on trap density along the coast to prevent whale entanglement.	Establishing a trap density limit is outside the scope of these proposed regulations. Marine mammal interactions with fishing gear occur all along the west coast and is being addressed among the states and in coordination with National Marine Fisheries Service (NMFS), which retains exclusive federal jurisdiction over marine mammals. As part of this effort, the Department is working with the Dungeness Crab Fishing Gear Working Group. A large proportion of interactions have been with Dungeness crab gear and this fishery will serve as a test case to develop understanding of the underlying causes and solutions that may apply to other trap fisheries. New regulations may be developed and considered in the future such

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7, cont.					<p>as specifications for trap spacing if it is found to be effective in reducing entanglements. Several of the regulatory proposals currently under consideration by the Commission will serve to lessen the risk of entanglement. Over time, the trap limit will result in a reduction of fishing gear as non-transferable permits exit the fishery. Accountability for lost gear will be improved by the trap limit and proposed gear loss reporting requirements. Proposed improvements to the commercial logbook as well as an ongoing effort towards electronic logs will aid in understanding the circumstances around entanglements and may lead to solutions. In addition, the National Oceanic and Atmospheric Administration (NOAA) has recently conducted a series of whale entanglement first responder's training with members of the commercial lobster fishery to educate the community about entanglement issues. Fishermen learned about best fishing practices for minimizing potential gear interactions with whales as well as ways to report cases of entanglement.</p>

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8	Mike McCorkle, Commercial Lobster Fisherman	Letter dated 12/10/2015; verbal testimony at Commission meeting on 6/22/2016	Permit Transferability	a. Recommend a two-tier system for lobster operator permits in which all permit will be transferable. Under this new permit system, current non-transferable permittees would fall under the “second tier” permit class with a trap limit of 200 traps. This would result in an immediate reduction of 4,600 traps (46 permittees reduced from 300 to 200 traps). And, at an average of 1lb per trap, this would result in a reduction of about 4,600lbs of lobsters landed every 4 days throughout the 5-month season, or a reduction of about 172,500lbs of lobster during a season. Given that the average landing for the 4 years that the FMP has been envisioned is 837,665lbs, this proposed permit system represents a 20 percent reduction in lobster landings.	Development of the California Spiny Lobster FMP and LAC consensus regulatory proposals were based on a collaborative effort by the Department and the LAC. A series of public and advisory LAC meetings were held from April 2012 to September 2013 to solicit advice, feedback, and recommendations regarding issues and actions to be considered during FMP development. The Department also solicited feedback from the commercial sector via a survey of all permit holders to stimulate discussion and refinement of management proposals. Different approaches for achieving a fishery-wide reduction in traps were discussed, including tiered permits. However, consensus on a tiered approach was not achieved. The LAC reached agreement on a consistent trap limit for all permit holders with a provision for purchasing a second permit to fish an additional 300 traps while maintaining the existing division between transferable and non-transferable permits.
			Permit Transferability	b. When lobster permits were made limited-entry (about 15 years ago) and non-transferable permits were issued, there were about 60 (possibly more). Today there are only 46. At this rate of attrition (about one permit per year), there will be continually fewer permits in the future regardless of the transferability issue.	See response to comment 8a.

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9	Kurt Lieber, Ocean Defense Alliance (ODA)	Letters dated 1/6/2016 and 1/28/2016	Restricted Fishing Area	Concern that trap lines would become a severe hazard to whales. ODA provided an exhibit that mapped the GPS coordinates of traps on a 2.2-mile trap line on the east side of Santa Monica Bay to illustrate the potential risk of entanglement from closely set traps and urge the Commission to consider adopting stricter regulations that would mandate traps to be set no closer than 100 feet apart.	See response to comments 7a and 7b. Currently, there is no limit on the number of lobster traps that a fisherman may use in the commercial fishery. If the lobster trap tag provisions are adopted under proposed Section 122.1, the 300-trap limit per valid lobster operator permit will be an important step towards better management and a more orderly fishery.
10	Catherine Kilduff and Kristen Monsell, Center for Biological Diversity	Letter dated 1/28/2016	Trap Limit, Hoop Net, and District Closures	a. Support trap limit and non-transferrable permits; hoop net buoy marking; and authorizing the Department to implement district closures when necessary.	Support noted.
			Electronic Log Book	b. Electronic logs should be required by 2019 and should include data loggers or vessel monitoring to provide spatially accurate effort data. Electronic logs should require fishers to document lost gear. Spatial data on gear use and gear loss should be cataloged in a database and used to assess factors associated with gear loss (locations, times of year) and overlap with whale migratory routes.	The Department is working towards electronic logs for all fisheries. Currently, a Commercial Passenger Fishing Vessel voluntary electronic log is in place and one is in development for the lobster fishery, as is noted in Section 5.1.1 of the California Spiny Lobster FMP. Until electronic reporting is fully in place, the regulatory package proposes improvements to the commercial lobster paper logbook as well as an end of season trap loss reporting requirement.

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10, cont.			Trap Service Requirement	c. "Vehemently" oppose extending service interval. Shorter intervals may decrease the time that an entanglement would go unnoticed. Suggest that radio-frequency identification devices be placed on traps to assist enforcement with monitoring service intervals.	The proposed change would extend the maximum service interval from 4 to 7 days and the Department will assess how fishing practices change. Lobster commercial 2014-2015 logbook data indicates that lobster traps were serviced at varying intervals with 64% serviced between 1-3 days and 36% serviced at the current maximum allowed 4 days. It is unclear how trap service intervals in the lobster fishery contribute to the risk of whale entanglements. A large proportion of the recent marine mammal interactions have been with Dungeness crab gear and this fishery will serve as a test case to develop understanding of the underlying causes and solutions that may apply to other trap fisheries. Additionally, see response to comment 7b.
			Other Designation	d. The Marine Mammal Protection Act (MMPA) List of Fisheries should include the California spiny lobster fishery as a Category II fishery because of the cumulative fishery mortality and serious injury for endangered humpback whales.	No action required. The comment is related to the MMPA and determinations made by the NMFS. The California Spiny Lobster Fishery is designated as Category III (remote likelihood of / no known incidental mortality or serious injury of marine mammals). For more information on the fishery classification criteria, see <a href="http://www.nmfs.noaa.gov/pr/interactions/fisheries/2016_list_of_fisheries_lof.html#table1_cat3">http://www.nmfs.noaa.gov/pr/interactions/fisheries/2016_list_of_fisheries_lof.html#table1_cat3</a> .
			Trap Placement, Lost Gear Retrieval	e. To address the problem of lobster fishing gear entangling whales, recommend setting a minimum distance between traps to allow safe passage of whales and boat traffic, and instituting a program for retrieving lost gear.	See response to comment 7b. Of the 62 entanglements documented in the "Summary Record of Large Whale Entanglements Reported on the U.S. West Coast in 2015" (NFMS 2015), only one was attributed to the California Spiny Lobster

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10, cont.					Fishery, and that incident ended with the animal being successfully disentangled.
11	Sarah Abramson Sikich and Dana Roeber Murray, Heal the Bay	Letter dated 1/28/2016	FMP	a. Identify primary knowledge gaps for lobster fishery management as 1) reliable catch data (particularly recreational), 2) catch monitoring that includes individual-level size distribution, and 3) improved growth and production models to inform the harvest control rule.	The Department recognizes that these are important areas for future research. Section 5 of the FMP outlines information needs, existing and potential research methods, and potential collaborations.
			Trap Limit, Permit, Gear, and Electronic Log Book	b. Support for proposed management actions: Generally support the draft FMP, particularly the trap limit and non-transferrable permits, identifying recreational gear, and electronic logs.	Support noted. The Department will continue to monitor both the recreational fishery and the commercial fishery using the framework envisioned in the FMP. The Department will also seek to continuously improve its management through improvements such as electronic logs.
			FMP	c. State that research and monitoring is only mentioned briefly in sections 4.7 and 6, description should be more robust, and knowledge gaps should be identified and prioritized, and potential collaborations should be outlined. Given the uncertainty in recreational catch and the fact that LAC outcomes were driven by majority vote and therefore may not always reflect the most conservative options with regard to conservation, the Department should prepare a clear roadmap for how better information to inform management will be acquired.	Section 5 of the FMP outlines information needs, existing and potential research methods, and potential collaborations. Information needs are prioritized in Table 5-1 of the FMP. The Department will continue to monitor recreational catch relative to commercial catch using the existing resources for recreational report cards and will seek opportunities to implement additional recreational data collection methods. Until secure funds and collaborators are identified, it is premature for the FMP to outline a clear roadmap for recreational data collection. The near consensus LAC proposals for additional controls on the recreational fishery are highlighted in a forward to Appendix IX of the FMP

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11, cont.			FMP	d. Would like to see the Department update its information on the gear composition of the recreational fishery and further improve recreational catch estimates by including size and sex data.	The Department is aware of the need for more data on the recreational fishery and will seek opportunities to implement additional recreational data collection methods. The Department recognizes that either a creel survey or a telephone survey, that would be complementary to the report cards, could be useful for tracking recreational gear use and improving recreational catch estimates. Size and sex data would be useful but only if collected on a regular basis. The potential use of a telephone survey is discussed in Section 5.1.1 of the FMP on recreational report cards. The potential use of creel surveys for collection of recreational size data is discussed in Section 5.2 of the FMP on stock composition. Current resources do not allow for regular creel surveys for collection of size and sex data.
			FMP	e. Perceive an inequity in the proposed controls of commercial and recreational fisheries. Would like stronger controls on recreational take and this would have been apparent if LAC “near consensus” items were shared as well as the consensus items.	Six out of the eight conservation and management measures in the harvest control rule toolbox could be applied to the recreational fishery. However, these measures do not include the two near consensus recommendations from the LAC, which are highlighted in a forward to Appendix IX of the FMP.
			FMP	f. Provide suggestions for consideration to better inform and reduce lost gear impacts from the lobster fishery: 1) update the whale entanglement information provided in the draft FMP with more recent information; 2) address bycatch issues through the Commission’s	Regarding the commenter’s first suggestion, Section 2.3.3 of the adopted California Spiny Lobster FMP (April 2016) provides additional context on the scope of the entanglement issue, what is known about the fisheries involved, and recognize the large number of unknown gear types and the potential for

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11, cont.				newly-formulated bycatch working group; and 3) the Commission should retain the existing 96 hour soak time for commercial traps.	some of those unknown occurrences to involve lobster gear. The FMP also contains an update to the number of recorded incidences of entanglement as noted in Carretta et al., 2015. Regarding the commenter's second suggestion, the Department recognizes the growing problem of marine mammal interactions with fishing gear in California and is approaching the problem first by working with the Dungeness Crab Fishing Gear Working Group (Working Group). The Working Group consists of commercial and recreational fishermen, representatives from environmental organizations, and representatives from federal and state agencies; and was convened by the Department in September 2015 to develop short- and long-term strategies to reduce the risk of whale entanglements in Dungeness crab fishing gear. Additionally, see response to comment 7b. Regarding the commenter's third suggestion, the comment has been considered but rejected. The extended service requirement would only apply to lobster traps. The proposal stemmed from the LAC process to conform to federal regulations requiring fixed gear (including traps) in federal waters to be serviced at least every 7 days (50 Code of Federal Regulations Section 660.230(b)(3)) and to provide lobster fishermen with more flexibility in servicing their gear.

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12	Cody Campbell, Councilman, City of Vista	Verbal testimony at Commission meeting on 2/10/2016	Trap Limit	a. Would like the Commission to consider the negative and deleterious impact that the proposed 300 trap limit will have on larger, long-term commercial lobster operators that rely on a larger trap number than the proposed 300 in order to maintain an economically viable business model. Those larger, long-term operators who had been in the business for 15 plus years fish between 700 and 800 traps, and would require some modification initially to stay in business. Unfortunately, there has not been a lot of willingness by the Commission to look at adopting or adapting the FMP to accommodate a sunset period for those senior fishermen which would allow them to conclude their business within the fishery without having a substantial negative economic impact.	The proposed regulatory amendments will allow a licensed fisherman to possess a maximum of two lobster operator permits, and for each lobster operator permit held, the Department will issue 300 trap tags before the start of the fishing season. For a larger scale operation, the possession of two lobster operator permits will allow a commercial fisherman to deploy a maximum of 600 traps. The establishment of a trap limit program and trap tag provisions will optimize and create a more orderly commercial fishery as well as provide improved understanding of the amount gear used in the fishery. Additionally, see response to comment 8a.
			Trap Limit	b. The challenge with the 600-trap limit is that a second lobster operator permit would have to be acquired. Theoretically, that might work but those permits are not currently available for purchase and may or may not come on the market at any time. Would like the Department to consider allowing additional permits to come into the market, specifically for purchase by those larger scale operators at an annual renewal or some mechanism that would allow them to purchase permits that are not currently on the market.	Comment has been considered but rejected. Allowing additional permits to be issued with a different set of restrictions would be difficult to enforce and counterproductive to the goal of capping the long-term maximum capacity of the fishing fleet at 44,400 traps as discussed in the response to comment 21c.

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13	Rodger Healy, Commercial Representative, LAC; President, California Lobster and Trap Fishermen's Association	Verbal testimony at Commission meeting on 2/10/2016; email sent to Commission on 3/30/2016	Tail-clipping/ Hole-punching	a. Concern that the proposed regulation does not reflect the original intent of the consensus recommendation from the LAC process. The original intent of the hole-punching recommendation from the LAC was to provide enforcement with a method to distinguish between a commercial and sport caught lobster. Would like the Commission to consider adopting the hole-punching regulation without the market restriction to keep with the original intent of the LAC consensus recommendation.	See response to comment 3a.
			Tail-clipping/ Hole-punching	b. Through careful negotiation, the LAC achieved consensus by agreeing that commercial fishermen and licensed buyers could both possess and sell hole-punched lobsters, with support from LED. The concern at that time was that if hole-punched lobsters were not allowed to be possess or sold commercially then it could very easily lead to individuals purposely hole-punching all sub-legal lobsters and releasing them, and then subsequently retained as legal size catch in the commercial fishery.	As part of the LAC consensus recommendation on tail-clipping/hole-punching recreationally caught lobsters, it was agreed that additional details of the proposal were to be worked out with LED at a later time. LED subsequently determined that without a market restriction in the commercial regulations, the tail-clipping proposal would be a weak enforcement tool since it does not serve the intended need of the proposal, which is to address the illegal commercialization of sport-caught lobster. Under subsection 121.5(e) of the proposed regulations, commercial fishermen may possess tail-clipped or hole-punched lobster; however, the sales of those lobsters are prohibited by market restrictions. Additionally see response to comment 3a.

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13, cont.			Tail-clipping/ Hole-punching	c. Unfortunately, current LED staff appears to have changed its stance; LED now wants to hold buyers accountable for hole-punched lobster, which in turn restricts commercial fishermen from selling any of those lobsters and, more importantly, incentivizes damaging sub-legal lobsters by anyone that do not want them caught by commercial fishermen.	The presence of LED at the LAC meetings was to ensure that any ideas presented were realistic and practical. There was no agreement to the recommendations by LED, and Department vetting of the LAC consensus recommendations was to occur after the LAC has reached consensus and submitted those recommendations for Department and Commission consideration.
			Bag Limit, Hoop Net	d. Without some realistic recreational annual limit or elimination of the conical hoop trap and now the possibility of losing other recreational concessions, the LAC has not achieved much. Believe that the commercial package is compressive, pragmatic and not only restrictive but responsible and would like to have seen some concessions shared from the other consumptive partners in this fishery.	See response to comment 6d.
14	John Duffy, Retired California Department of Fish and Game Marine Biologist	Verbal testimony at Commission meeting on 2/10/2016	Hoop Net	Concern about the interaction between recreational lobster divers and hoop netters. Would like to see a separation generated between divers and hoop netters for safety, especially in the San Diego area. Recommend that the Commission consider a requirement that hoop nets cannot be set within 50 yards of Zuniga jetty. Note there is precedent in the commercial fishery where traps may not be set within certain distances of both private and public piers and jetties.	The comment is outside the scope of the proposed regulation. The potential of increasing future interactions between divers and anglers using hoop nets have been discussed during the LAC process. The delayed season start time was proposed specifically to reduce accidents and negative interactions within the recreational fishery. The LAC declined to recommend and the Commission declined to adopt any further adjustments at this time, but the comment will be evaluated for a future rulemaking if warranted.

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15	Bill Barnard, California Coalition of Diving Advocates	Verbal testimony at Commission meeting on 2/10/2016	Tail-clipping/ Hole-punching	a. At the end of the 2014 season, experimented with tail-clipping lobsters and found that it is a relatively easy thing to do on a boat when lobsters are landed.	See response to comment 3a.
			General	b. Discuss action taken by the state of Washington in the Dungeness crab fishery to increase recreational allocation by cutting commercial allocation; hope that California will not follow that path in future considerations of a TAC fishery allocation.	No action required. The comment is relating to crab fishing regulations issued by the State of Washington and did not direct any specific changes or concerns as they pertain to the regulatory proposals.
			Hoop Net	c. Express support for comment 14.	Support noted.
16	A. Talib Wahab, Avicena Network, Inc.	Letter dated 3/6/2016	Trap Limit	a. Supportive of a trap limit. A limit of 300 is a good starting point and can be refined further as needed.	Support noted.
			Open Season	b. Changing the timing and length of the lobster season as a control measure should be done in conjunction with input from the market and buyers.	The Department may consider this recommendation if future changes to season length are considered as prompted by the harvest control rules in the California Spiny Lobster FMP and implementing regulation as proposed in Section 54.
			Open Season	c. The commercial season should not open until November because 1) lobsters are less likely to be freshly molted and will consequently have greater survival in transport, and 2) the California opening should be farther from the opening date for the Mexican fishery and therefore not flood the export market.	See response to comment 16b.

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16, cont.			Open Season	d. At-sea sampling should be performed prior to opening the commercial fishery to ensure lobsters are not freshly molted.	See response to comment 16b.
			Size Limit	e. The commercial fishery should be subject to a maximum size limit. Large lobsters sell for a lower price and therefore reduce economic efficiency. Retaining them in the stock would also benefit the stock's spawning potential ratio. Large lobsters in the commercial catch are an unintended consequence of MPAs.	The Department may consider this recommendation if future changes to the commercial size limit are considered as described in harvest control rules in the California Spiny Lobster FMP and in proposed Section 54.
17	Mike Conroy, Attorney, California Lobster and Trap Fishermen's Association	Letter dated 3/17/2016; email and verbal testimony at Commission meeting on 4/13/16	Trap Limit	a. The Commission should be mindful of the fact that imposing trap limits on the commercial fishery will reduce the amount of gear in the water, thus minimizing opportunities for interactions.	See response to comment 7b.
			Public Participation	b. Express that there is frustration and distrust of the Department; commercial lobster fishermen feel as though they have been completely shut out during the development of the proposed regulations. Hope that moving forward this process will be more collaborative.	According to the LAC Charter that was approved on April 1, 2012, LAC members serve as conduits for information sharing with and soliciting input from their respective constituencies and make an effort to communicate regularly with their constituencies and colleagues to keep them informed about the process and solicit input on issues under discussion. Four commercial fishing representatives sat on the LAC, including a representative from the California Lobster and Trap Fishermen's Association. The LAC met 10 times over a two-year period, working in conjunction with the Department to develop the FMP

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17, cont.					and its regulations. See response to comment 18a. Additionally, Department staff met with the LAC commercial fishing representatives during the development of the proposed regulations to discuss concerns and solicit feedback on aspects of the proposed commercial regulations and draft forms proposed for development as part of the regulatory package.
			Hoop Net	c. Suggest for proposed subsection 29.80(b)(3) replacing the word “and” with “or” in the sentence, “Hoop net deployed from persons on shore and manmade structures connected to the shore are not required to be marked with a surface buoy.” It would be very difficult to be both deployed from persons on the shore and manmade structure connected to shore. In addition, if one person deployed the hoop net – that technically would not be persons.	Accepted. The word “and” was replaced with “or” under subsection 29.80(b)(3).
			Tail-clipping/ Hole-punching	d. Note that proposed subsection 29.90(f) technically would seem to stand for the proposition that a commercial lobster fisherman who finds a hole-punched lobster in his or her trap is not allowed to release that lobster into ocean waters without risking a citation.	Section 29.90(f) only applies to the sport fishery as it is under Subdivision 1 of Title 14, which contains regulations governing the sport take of fish, amphibians and reptiles. This section as written contains no prohibition on possessing or releasing a hole punched lobster on a commercial fishing vessel. Additionally see response to comment 3a.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
17, cont.			Commercial Take	e. Technically, under proposed subsection 121.5(a) any short lobster in any trap has been taken. Granted 121.5(b) provides an exception; but technically an individual can be charged simply for having a short lobster in his or her trap.	This comment refers to an existing regulation in FGC Section 8252. In order for the Commission to make future regulatory changes to the minimum size as contemplated by the FMP, FGC Section 8252 was made inoperative under the authority granted in FGC Section 7078(f). As such, the commercial minimum size limit as described in FGC Section 8252 is moved into Section 121.5, Title 14, CCR. New language is added from FGC Section 8252 to new subsection 121.5(a) that defines the minimum size and new subsection 121.5(b) that defines how spiny lobsters are to be measured. There have been no issues concerning interpretation and enforcement of the current regulatory language as written, as any sub-legal size lobster must be immediately released into the water after measurement.
			Tail-clipping/ Hole-punching	f. Proposed subsection 121.5(e) does not comport with what was agreed to by the LAC with LED agreeing as well. This has the high likelihood of creating a sport-only fishery. Recreational anglers will clip/hole punch lobsters. It will create safety issues for commercial fishermen as it will take much longer to service their traps and when the weather is hazardous, it will increase the likelihood of injury.	See response to comment 13b.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
17, cont.			Permits	g. Would like clarification on amended subsection 122(b)(1) that requires each permitted fisherman to have his or her permit in “immediate” possession. If the permit is located in the vessel’s cabin – would that qualify, or does it have to be located on the harvester’s pocket?	Any person engaged in commercial lobster activity must have in his or her possession, or immediately available, his or her commercial fishing permit and be able to show his or her permit on demand of any officer. The regulatory language was modified for clarification.
			Permits	h. Would like clarification on whether there are different classifications for lobster operator permits under subsection 122(b)(2).	Under current subsection 122(a)(1) of Title 14, there are two classes of lobster operator permits: a transferable lobster operator permit and a non-transferable lobster operator permit. No change is proposed under this subsection. Fish and Game Code sections 8254 and 8259 authorize the Commission to set the conditions for issuance of and to limit the number of commercial lobster permits. Prior to 2005, all lobster operator permits were non-transferable. Subsection 122(a)(1) was amended in 2005 to allow for new entrants into the spiny lobster fishery, a restricted access commercial fishery, by reclassifying a portion of non-transferable operator permit as transferable based on degree of prior participation in the fishery and set the conditions under which transferable lobster operator permits could be transferred to new fishermen.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
17, cont.			Permits	i. Would like clarification for a scenario under proposed subsection 122(c)(2)(A) where an individual with a transferable permit and non-transferable permit but a second transferable permit is being transferred, will the person acquiring the second transferable permit also receive trap tags for that second permit immediately upon transfer?	The instruction for the proposed Lobster Operator Permit Transfer Application form DFW 1702 states that for In-Season Transfers, the current lobster operator permit holder is required to transfer all Department issued trap tags to the proposed permit holder after the permit transfer has been approved.
			Permits	j. Not sure whether proposed subsection 122(c)(4) can be done. Would like clarification for instances where the permit is in probate and when an estate would like to renew a permit that has been surrendered.	The estate would need to temporarily relinquish the permit to the Department so it is not fished after the permit holder has died, but before the estate has submitted a transfer application and the transfer has been approved by the Department. The Department would retain physical possession of the permit and work with the estate to ensure that fees are paid so the permit remains valid until a transfer application is submitted. Should probate delay the estate filing an application within two years, Section 122 (c)(6) allows any applicant who is denied a transfer to appeal the denial to the Commission. Once a transfer is approved, the Department will provide both the physical permit and the associated trap tags to the individual vested with the permit.
			Permits	k. Under proposed section 122(c)(4), ask if a permit cease to exist if it is held up in probate for a period that exceeds 2 years.	See response to comment 17j.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
17, cont.			Restricted Fishing Area	l. Has not checked the latitude and longitude points listed in subsection 122(d)(2)(A) to determine if those points represents an extension of previously closed navigational channels.	The boundary lines defined by the current regulations and proposed boundary modifications to restricted commercial fishing areas are depicted in Figure 3 of the Initial Statement of Reasons (ISOR) for the proposed spiny lobster fishing regulations dated February 24, 2016. For Dana Point Harbor, the eastern boundary of the restricted commercial fishing area will be extended to the current location of red buoy "4" as described in the current regulations. It is important to note that new charts list this buoy as red buoy "2". For Oceanside Harbor, the southeastern boundary of the commercial fishing restricted area will be extended to adjust for an incorrect compass heading used to define the southeastern boundary line. This heading results in a boundary that does not extend completely to the southern jetty as described in the current regulation. This amendment will correct minor boundary discrepancies and provide coordinates that can aid commercial fishing and navigational activities.
			Liability	m. Note proposed subsection 122(g) would make a lobster operator permit holder criminally responsible (FGC violations are crimes) for actions of a crewmember is problematic at best.	No additional action has been taken to change the proposed regulations. Lobster fishermen are engaged in a highly regulated activity and are charged with knowledge of all the laws relating thereto. This proposed addition would provide clarification for fishermen who operate from the same vessel and help them understand their responsibilities.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
17, cont.			Commercial Take	n. Would like clarification on whether the use of a mask and snorkel by a commercial fisherman to take lobster would qualify as an “underwater breathing apparatus” under proposed subsection 122(h).	Under current regulations, the only legal means of commercial take is by trap (subsection 122(a)(2)). No change is proposed under this subsection.
			Lobster Buoy	o. Note that a buoy that has been pulled underwater by a current or large swell would result in a violation under proposed subsection 122.1(a).	This comment refers to current regulation found under subsection 122(j), which has been amended for clarification and relocated to subsection 122.1(a) under this proposal. There has been no issue concerning interpretation and enforcement of the current regulatory language. LED would not cite in this instance, as the fishermen would be in compliance if they have a surface float and it is pulled under.
			Lobster Buoy	p. Under proposed subsection 122.1(c), would like clarification on what constitutes a valid buoy tag. Note that this proposed regulation provides some flexibility to the fishermen but the absent of guidance as to what is or is not valid will be ripe for citation and that a fisherman could be cited if he or she has traps on land (in storage) in his or her possession without buoy tags.	At the April 13, 2016 Commission meeting, the Department recommended for further consideration that the Commission not adopt the requirement for lobster buoy tags at this time.
			Trap Tag	q. Suggest adding the word “sabotage” to proposed subsection 122.1(c)(3)(B) because a craft prosecutor could claim that the examples given are limited to natural occurring events since sabotage is not listed under this regulation.	Comment was considered but rejected. The comment refers to now proposed section 122.1(c)(2)(b). The force majeure clause in the proposed catastrophic loss provision generally include occurrences beyond the reasonable control of the fisherman, including intentional removal, disturbance, or damage of traps by person(s) unauthorized to move or disturb the traps.

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17, cont.			Trap Tag	r. Under proposed subsection 122.1(c)(3), would like to know how long it will take between submission of the affidavit and Department approval regarding the issuance of replacement tags. Note that this could greatly impact those fishermen who suffer a loss (or have their tags cut off by divers) during the first week of the season.	It is anticipated that it would take the Department 3 to 5 days, along with mailing time to issue replacement tags due to catastrophic tag loss.
			Lost Gear Retrieval	s. Would like clarification if proposed subsection 122.2(a) is limited to during the season. Note that it would be less of a concern for fishermen setting gear before the season or retrieving gear after the season.	Proposed subsection 122.2(a) is not a new requirement; this regulation is currently found in subsection 122(i). LED has indicated that this regulation is needed for enforcement purposes.
			Lobster Buoy	t. Under proposed subsection 122.2(b), would like clarification on whether a lobster fisherman would need to use separate buoys for other target species such as whelk and crab.	Proposed subsection 122.2(b) is not a new requirement; this regulation is currently found in subsection 122(n). Fishermen are required to use different buoys if they are targeting whelk or crab (for additional information, please refer to FGC sections 9006 and 9011(b)(4)). Only traps targeting lobster should be marked with the letter "P".

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
17, cont.			Trap Service Requirement	u. Under proposed subsection 122.2(d), would like clarification on what it means to “clean” a deployed lobster trap and would like to know if a trap has some growth on it, would that be used as evidence that the trap hasn’t been cleaned even though it has been raised, serviced and emptied. Suggest using the word “or” in place of “and” in the language of the regulation to reduce opportunities for unintended citations.	Proposed subsection 122.2(d) is not a new requirement; this regulation is currently under FGC Section 9004 and is well understood by commercial fishermen. There has been no issue concerning interpretation and enforcement of the current regulatory language. “Cleaned” and “serviced” as used in this section and generally understood within the industry are both described in the Amended ISOR (dated October 2016).Lobster traps are often covered with seaweed and other debris when pulled from the seafloor. Cleaning and servicing traps helps ensure important functions, such as destruction devices/panels and escape ports on the traps function properly every time the trap is pulled within the required timeframe.
			Pulling Lobster Traps	v. Under proposed subsection 122.2(g), after the sentence concluding with the word “regulations,” would like to see the following language added: “Department staff may also disturb or move any lobster trap when so doing will lead to evidence of theft, sabotage, or vandalism upon that trap.”	Comment has been considered but rejected. The authority provided in proposed subsection 122.2(g) encompasses the ability for Department employees such as Fish and Wildlife officers to investigate reports of violations and collect and preserve evidence as they are engaged in the performance of their official duties. As such, no additional action has been taken to change the proposed regulations.

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17, cont.			Pulling Lobster Traps	w. Under proposed subsection 122.2(i), would like clarification on how it will account for those instances when two permit holders are on the same vessel and whether they would have to switch roles depending on whose traps are being “possessed, used, controlled or operated.”	Under proposed subsection 122.2(i), if there are two fishermen on a vessel and both hold a valid lobster operator permit, the fisherman whose traps are being fished with valid trap tags is considered the lobster operator permit holder. As such, they would have to switch roles depending on whose traps are being possessed, used, control, or operated at that time the fishing activity occurs. Additionally, proposed subsection 122(g) provides clarification for fishermen who operate from the same vessel and help them understand their responsibilities. As discussed in the Amended ISOR (October 2016), multiple lobster operator permit holders often fish on the same vessel and combine their catches for subsequent distribution prior to landing. Until such distribution occurs, all permittees have joint constructive possession of the total catch and so remain jointly liable for any violations occurring during the take and possession of the total catch.
			Pulling Lobster Traps, Lost Gear Retrieval	x. A number of fishermen have expressed concern regarding proposed subsection 122.2(i)(1). Note that if a fisherman wanted to check an area (by pulling the traps of another fisherman), that individual would be well within his or her rights provided they claimed they thought the trap was lost, damaged, abandoned or otherwise derelict. The offending fisherman can pull the trap, check to see if there is anything in it, and return the trap to the water (saying it	The Department recognizes the concerns raised by fishermen about the potential for trap tampering and disturbance, which remain illegal pursuant to Fish and Game Code section 9002. As discussed on page 28 of the ISOR for the proposed spiny lobster fishing regulations dated February 24, 2016, the provisions under subsection 122(i)(1) are necessary to retrieve lost traps during the season. This provision will help reduce potential impact of fishing gear on living marine resources and underwater habitat.

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17, cont.				was not derelict based upon fresh bait in the bait jars, etc.). This would not be citable, but would provide a competitive advantage to the fisherman pulling the trap.	To minimize the potential of trap tampering or disturbance, the proposed regulation limits the number of lost lobster traps that may be retrieved per fishing trip to no more than six. Further, any lobster trap retrieved must be documented in the retrieving vessel's log including the date and time of trap retrieval, number of retrieved lobster traps, location of retrieval, and retrieved trap tag information. All retrieved traps must be transported back to shore by the retriever. Any effort by a fisherman to possess, use, control, or operate any lobster trap not assigned to that fisherman (i.e., via a valid trap tag) is a citable offense under proposed section 122.2(i).

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18	Douglas Fay, Recreational Lobster Diver	Email sent to Commission on 4/10/2016	Public Participation	a. The low number of comments received on the IS/ND is indicative that outreach has been inadequate and unsuccessful at maximizing public participation. There must be a better approach in engaging stakeholders.	<p>The Department engaged in extensive public outreach throughout this process. The initial press release (March 26, 2012) provided information on: public meetings in Oxnard, Carlsbad and Santa Barbara; links to the Spiny Lobster FMP webpage, for signing up to receive notices on the list server, and for submitting comments by e-mail; and instructions for submitting comments by regular mail. Public notices were subsequently issued concerning the LAC (April 10 and 24, 2012), the availability of a LAC meetings summary page (May 23, 2012), the public release of the initial FMP draft (November 20, 2014), and the delivery of the draft FMP to the Commission (November 23, 2015).</p> <p>Of the 18 LAC members (including alternates), four represented the sport sector; two of these members also represented the following organizations: San Diego Anglers; San Diego Rod &amp; Reel; and, the Greater Los Angeles Council of Divers. In 2012, the LAC met four times: June 20, August 1, September 5 and December 5; in 2013, the LAC met six times: February 20, April 10, June 12, July 10, August 15, and September 11. All LAC meetings were open to the public, and a public comment period was permitted during each meeting (excluding the LAC informational meeting on Sept 5, 2012). Additionally, consideration of the FMP was publicly noticed and placed on the agendas of the Commission meetings for December</p>

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18, cont.					2015 and April 2016, with adoption of the regulations scheduled for the June 2016. Since then, the Department has received comments from the Sportfishing Conservancy and the Coalition of Diving Advocates.
			Permitting	b. A Coastal Development Permit (CDP) is required through the California Coastal Commission for all projects located within the Coastal Zone; therefore, the project would need to be consistent with the California Coastal Act.	The FMP and proposed regulatory changes are not “development” projects as defined in Public Resources Code Section 30106 of the California Coastal Act that would require a permit from the California Coastal Commission or local government with a certified Local Coastal Program (LCP). Further, pursuant to Public Resources Code 30411(a), the Department and the Commission are the principal state agencies responsible for the establishment and control of fishery management programs and the Coastal Commission cannot establish or impose any controls with respect thereto that duplicate or exceed regulatory controls established by those agencies pursuant to specific statutory requirements or authorization.
			Open Season	c. In favor of changing the opening time for the recreational lobster fishery from midnight to 6 a.m. for increased safety.	Support noted.
			Hoop Net	d. In favor of bringing lobster onboard a vessel for the purpose of accurate measurement and immediate release of undersized lobster.	Support noted.

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18, cont.			Bag Limit	e. Is not in favor of reducing bag limits; reported take this year was significantly less than last year due to increased coastal pollution discharge and storm surge/swells.	Opposition noted. The Department may consider changes to the recreational bag limit in the future as prompted by the harvest control rules in the California Spiny Lobster FMP and implementing regulation as proposed in Section 54.
			Other	f. The majority of commercially caught lobster is sold for oversea consumption, especially China. This would indicate that the majority of locally consumed lobster is imported from the Atlantic/East Coast and beyond. This trend seems to be unregulated and unsustainable.	As discussed in Section 5.3 of the California Spiny Lobster FMP (April 2016), recent increase in foreign demand and the associated rise in ex-vessel value for California spiny lobster show that better analyses on market demand may become increasingly important for effective fishery management. The Department will continue to pursue socioeconomic studies in the future to update established knowledge and fill any data gaps.
			FMP	g. Note the FMP does not adequately address impacts associated with coastal pollution, overdraft of coastal aquifers, beach sand replenishment, management of Santa Monica Bay, and climate change and sea level rise.	The harvest control rule framework was designed to detect changes within the lobster population, whether they are caused by fishing or other anthropogenic activities such as coastal pollution. The FMP also provides a more detailed discussion on climate change impacts and vulnerabilities of California spiny lobsters in Appendix V. Beach sand replenishment and management of Santa Monica Bay are outside the scope of the proposed regulation.
19	Kat Jones, Commercial Fisherman	Email sent to Commission on 4/15/2016	Trap Tag	a. Would like clarification on why a fisherman would be limited to apply for catastrophic tags only after a 75-trap loss. A loss of 30 traps would be a serious catastrophe for a small fishing operator.	The LAC supported a catastrophic loss provision to replace lost trap tags within their commercial recommendations. In these recommendations, the LAC acknowledged that the details would be worked out between LED, LAC members, and other commercial fishing

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19, cont.					representatives. Through these discussions it was determined that 75 (25 percent or more trap tag loss) or more trap tags was a fair number to account for normal loss rates during a season due to unforeseen events.
			Trap Tag	b. Would like clarification on how quickly catastrophic tags would be issued; recommend that catastrophic tags should be in fishermen hands within 7 days of a reported catastrophic loss.	See response to comment 17r.
			Trap Tag	c. Would like clarification on the need for new trap tags every year; if they are plastic then there are no reasons to issue new tags each year unless tags are lost or the permit is transferred to a new permit holder. Suggest a one-time fee for Department issued tags and a per tag fee when replacement tags are issued.	The proposed regulations require that all lobster traps are properly tagged during the season to ensure that lobster operator permit holders are operating within the proposed trap limit of 300 traps. New traps tags are to be issued each year to help the Department record and better account for the number of trap tags issued and reported lost during a season. The catastrophic loss tags would be uniquely identifiable for enforcement purposes.
			Fees	d. Concern about the increase in annual operation cost and the large likelihood of not being able to fish 300 traps due to large swells and trap loss.	The proposed fees for the lobster operator permits and replacement trap tags due to catastrophic loss were set based on a fiscal analysis completed by the Department to recover costs incurred by the Department pursuant to FGC Section 1050. The cost of the 300 annual trap tags are incorporated into the annual permit fee as part of the proposed trap limit. Please refer to Attachment 2 of the Initial Statement of Reasons (February 2016) for a breakdown of Department cost and fees for the lobster trap tag program.

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20	Craig (Last Name Withheld)	Email sent to Commission on 4/7/2016	Lobster Buoy	The proposed requirement for commercial buoy markings (license ID number with 6 digits must be 1/8" wide and followed by letter P 1/8" wide) as written renders the markings illegible.	This comment refers to proposed subsection 122.1(b), which is currently subsection (k) of Section 122 in Title 14, CCR. Each identifying number and letter on the buoy must meet the required height of at least one (1) inch and width of at least one-eighth (1/8) inch.
21	Christopher Miller, Commercial Lobster Fisherman	Emails sent to Commission on 5/10/2016 and 6/8/2016	Trap Limit	a. Express support for the 300-trap limit and the democratic process that developed it as a management strategy; also support the FMP recommendation for adding staff positions to the Department.	Support noted.
			Permits	b. Suggest putting a stop to the LAC special permit stacking option of two permits up to 600 traps, which should not even be considered as an option as it has a high potential for adding to economic inefficiency in the fishery and over capitalization.	Opposition noted. See response to comment 8a and 21c.

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21, cont.			Permits, Trap Limit	c. Propose removing the current stacking of traps until a baseline of all permits actively fishing with 300 traps is created. It is common sense that there is a valid baseline of trapping effort before assigning a unit of effort in stacking.	This comment was considered but rejected. The LAC deliberation on a commercial trap limit and trap tag program included lengthy discussions of a capacity goal for the fishery. The LAC arrived at the proposed 300-trap limit for each lobster operator permit to reduce the current level of effort and cap the long-term maximum capacity of the commercial fishing fleet at 44,400 traps (148 transferable permits x 300 traps each with the attrition of non-transferable permits over time) that was informed by a Department) survey of commercial lobster operator permit holders (June 2013). Of the 111 permit holders who responded to the survey, more than 76 percent agreed that a trap limit is needed. Of the respondents who supported the trap limit, 48 percent wanted a trap limit of 300 or less and 34 percent wanted a trap limit of 350-400. Based on the survey results, the LAC recommendation included allowing commercial fishermen to have the option of purchasing a second transferable permit (as they become available) to fish a maximum of 600 traps. The proposed subsection 122(b)(3) provision to possess up to two permits would not exceed the capacity goal of the commercial fishing sector envisioned by the LAC. Since the new trap tag program will limit the number of traps each fisherman can fish, each trap tag will represent a unit of effort that cannot be replaced and there will be a greater incentive to recover lost traps.

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21,cont.			Trap Limit	d. If fishermen were used as a proxy for CPUE, the lobster trap survey conducted by the Department would show that only 6% of the fishermen support a 600 trap limit. Field observation of the trapping effort would easily verify why there is little support for this first cut of a cap and trade program.	Comment noted, but no additional action has been taken to change the proposed regulations. The commenter provides no new substantive information that is supported by any evidence to justify the need for further assessment of the level of support for a commercial trap limit.
			Permits	e. A proactive approach is to start exploring a conservation easement as a condition of permit stacking. Public record shows that the commercial fishery transferable permit was only partially implemented. We voted that transferability be tied to phasing in a 400-trap limit, a condition supported by a dedicated fund which would be legislated as a lobster stamp that had a goal of sustainable fisheries certification.	Disagree. As part of the May 2005 rulemaking for transferability of commercial spiny lobster fishing permits, the Commission chose at that time not to establish a trap limit for lobster operator permits issued through the permit transfer process. Instead, the Commission directed the Department to address the matter of identifying lobster traps and trap buoys in such a way that trap limits could be enforced and to prepare a regulatory proposal for trap limits at that time. During the LAC process, the LAC reached agreement on a consistent trap limit for all permit holders with a provision for purchasing a second permit to fish an additional 300 traps while maintaining the existing division between transferable and non-transferable permits.
			Equity, Trap Limit	f. Note the significant support for social equity in trap limits over the past decades; everyone gets the same limit and the best fisherman gets the most lobster.	See response to comment 21c.

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21, cont.			LAC Process	g. The Commission needs to recognize that the stakeholder process has suffered by being fast tracked and streamlined.	The preparation of an FMP is a complex process that requires considerable discussion where all constituent interests are heard and thoughtfully considered; see response to comment 18a.
			LAC Process	h. The LAC was not informed by the most recent data on harvest rates and the mechanics of the control rule when they made the recommendation for a special tier of 600 traps permits. (Submit recent modeling work on spiny lobster harvest rates done by Dr. Richard Parrish.)	See response to comment 21c.
			Data Analysis	i. Would like the Department to compare the model result with Guenther (2009) analysis of the value distribution of the catch by port before implementation of MPAs (submitted as an email attachment), and compare those evaluations with Department data.	This regulatory package is primarily concerned with regulations which implement the California Spiny Lobster FMP. The Department is in a continuous process of evaluating the effectiveness and the value of the state's marine protected areas (MPAs) under the Marine Life Protection Act (MLPA). We encourage the commenter to submit this information within the ongoing MLPA process.
			FMP	j. It is essential that the FMP defines a platform for diplomacy in stock assessment with the Fisheries Center in La Paz Baja California.	The Department has and will continue to work with the federal government to work closely with the Mexican government to manage this common resource.
			FMP	k. In consideration of a bio-economic model of the fishery that adds the community units of management in space and time, suggest biological escapement in the fishery as an adaptive management measure option.	The current Cable Model used by the Department incorporates some rudimentary functions concerning the economics of the fishery as related to the health of the stock. However, as mentioned in the response to comment 18f, the Department will continue to improve its understanding of the underlying international market for this commodity.

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21, cont.			LAC Process	l. Mr. Miller expressed that the LAC has acted to limit the scope of his concerns for consensus on allocation.	From the outset, the Department has been committed to making the LAC process transparent, objective, and accessible. A large part of accessibility is public input. In addition to representation through the LAC members, constituents were encouraged to provide their comments, concerns, and suggestions during the public comment portion of each of the LAC meeting designated for non-agenda items and public comments on a listed agenda item (all meetings of the LAC were open to the public for observation). See response to comment 18a. In addition, written comments may be sent to the Department on meeting discussions or any other issues relevant to the fishery management plan at any time to ensure that all interests are heard and thoughtfully considered.
			Definitions	m. Suggest adding the following definition to Section 54.01, CCR: "District Opening means rotational harvest of area with research fisheries permits to generate monitoring economy research that adds science capacity to integrated FMP systems."	This comment has been considered but rejected. All definitions in Section 54.01 are based on and consistent with the definitions found in the California Spiny Lobster FMP adopted by the Commission at its April 13, 2016 meeting.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
21, cont.			Definitions	n. Suggested adding the following definition to Section 54.01, CCR: "Catch in the context of a harvest control rule is also a value distribution of lobster habitat harvested in districts, landing ports and county revenue streams for coordination with protection of essential fishery habitat."	See response to comment 21m.
			Definitions	o. Suggest adding the following language to the definition of <i>Catch per unit effort</i> in subsection 54.01(b), CCR: "and geographic range of the fishery effort by community unit of landed value. With a supporting diplomatic relationship in data sharing with the Baja California Spiny Lobster Fishery."	See response to comment 21m.
			Definitions	p. Suggest adding the following transitional language to the definition of <i>Trap Limit</i> in subsection 54.01(k), CCR: "Trap limits are units of transferable trap permits subject to conforming with the C[DFW] restricted access policy on transfer."	See response to comment 21m.
			Definitions	q. Suggest adding the following new definition to Section 54.01, CCR: "Research Fishery means a science permit to work under a science protocol for research funding using a vessel of opportunity policy for cost recovery and sustainable research and monitoring efforts matching new CDFW staff funding streams. Ongoing joint fisheries scientists modeling and peer reviewed education products."	See response to comment 21m.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
21, cont.			Definitions	r. Suggest adding the following new definition to Section 54.01, CCR: "Fishery Apprenticeship means a merit system of public education in fishing and fishery management collaboration. That is coordinated with intergenerational equity by essential fishery information in Marine Tenure Policy development."	See response to comment 21m.
			Definitions	s. Suggest adding the following new definition to Section 54.01, CCR: "Intergenerational Equity in the context of Harvest Control Rules means habitat base democracy in trap reductions that are fair, simple and provide cost recovery tools for appropriate conflict resolution programs."	See response to comment 21m.
			Permits	t. Suggest adding the following language to subsection 122.2(b)(3), CCR: "The second permit is issued conditional to an agreement that effort controls will prioritize the second permit class for harvest control reductions of trap numbers based on CPUE and catch control rule thresholds and peer review confirming economic overfishing."	See response to comment 21c. The proposed trap limit and trap tag program will allow the Commission to adjust the commercial sector fishing effort to address emerging and ongoing issues. Once the limit is in place, the Commission may adjust it as needed based on the harvest control rule in the FMP. Additionally, any recommended future changes to the trap limit would be based on ecological considerations and consultation with constituents and subject to adoption by the Commission.
22	Charles Kunzel, Commercial Fisherman	Email to Commission on 6/6/2016	Trap Limit	a. Disagree with a 600-trap stacking option as it would create an elite group of fishermen who have not earned this extra stack through any merit system; instead, it is their ability to pay out an extra \$125,000 for a second permit.	Opposition noted, but no additional action has been taken to change the proposed regulations.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
22, cont.			Trap Limit	<p>b. Suggest starting with a 300-trap limit with no stacking for all fishermen to determine if the CPU[E] will go up in all areas then determine through careful monitoring the right number of traps for each fisherman. Note that it was said by members the Lobster Advisory Committee (LAC) that the stacking option would reduce the number of fishermen in the fishery, thus lowering effort. However, the number of fishermen is not what is important; it is reducing the overall number of traps that will ease the pressure on the fishery.</p>	See response to comment 21c.

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23	Josh Fisher, Steve Escobar, Marcos Voyatzis, Casey T. Kajiyama, Kenny G. Swanson, Greg Ewart, Jon Ewart, Scott Jarvis, Vitaly Sviridov, Rick Watanabe, Westley Kallay, Evan Jones, Joel Harrison, Michael Bly, Steve Mardesich, Buddy Ursich, Daniel Bassett, James Boeger, Wayne L. Campbell, Bruce Campbell, Ted Pendleton, Chris Oldstone, Joseph R. Prieto, Tony Luna, Daniel Cludy, Chris Miller; Commercial Lobster Fishermen	Letter dated 5/28/2016 (sent via email to Commission on 6/9/2016)	Trap Tag	a. One large underlying concern is the inability to transport and/or possess lobster traps aboard vessels without trap tags affixed to them. Anticipate unforeseen issues arising with the trap tag program, specifically possible tag loss. Whether it is due to tampering by others, interaction(s) related to weather, habitat, etc., the inability to have traps aboard vessels without trap tags affixed will put fishermen in violation.	As discussed in response to comment 21c, there were significant discussions and deliberation on trap capacity for the commercial fishery by the LAC to achieve a consensus on the proposed 300-trap limit. The proposed trap limit is to accommodate different fishing practices in recognizing that possession, use, control, or operation of a lobster trap by a permit holder will require a trap tag affixed to the trap, with exceptions. The LAC arrived at the 300-trap limit to provide a buffer for which fishermen are expected to operate within the reasonable boundary of the limit, including holding trap tags in reserve to switch out fishing gear or replace minor tag loss during the season. Additionally, a catastrophic loss provision of 75 trap tags or more takes into consideration unforeseen circumstances that may be encountered during a season to help ensure that these circumstances do not pose an unfair hardship for fishermen to operate within the trap limit.
			Trap Tag	b. Concern about the rate at which catastrophic gear loss tags can be replaced.	See response to comment 17r.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
23, cont.			Pulling Lobster Traps, Lost Gear Retrieval	c. Have tremendous concern with the proposed regulation to allow any lobster operator permit holder to pull six traps of another lobster operator permit holder; this essentially will allow any lobster operator permit holder to pull any other fishermen's traps under the guise of the traps being "lost or damaged."	See response to comment 17x.
			Pulling Lobster Traps (Waiver)	d. There are fishermen that have designed their business model(s) around fishing each other's gear in the form of partnerships between their respective vessels; this proposed regulation would end such partnerships. Many in the fishery currently possess notes from other fishermen in the event that they run across each other's gear, which enables fishermen to pick up, service, move, bring back to the dock, etc., gear that may otherwise be damaged, lost, fouled, etc. Feel the use of the 'note' as it is now should remain in place.	The proposed waiver provision addresses an ongoing problem of misuse of the informal "note" process identified by fishery participants. In the LAC consensus recommendations to the Department and Commission, the LAC general provisions included limiting the use of the "note" by fishermen to fish traps other than the lobster operator permit holder and prohibiting lobster operator permit holders from baiting or fishing traps for another permittee. In response to concerns of the commercial fleet and the LAC recommendation, the proposed regulation will formalize the "note" process under Section 122.2 by requiring fishermen to submit a waiver request to the Department to have his or her traps serviced by another. A fisherman applying for a waiver must describe the circumstances behind why having another fisherman servicing his or her traps is necessary to prevent undue hardship. The proposed waiver will

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
23, cont.					continue to provide fishermen flexibility to respond to unforeseen circumstances to prevent undue hardships and comply with fishing regulations.
			Trap Service Requirement	e. Appreciate and welcome extending the maximum trap service requirement from four to seven days to provide fishermen more flexibility to service their gear and for safety purposes.	Support noted.
			Pulling Lobster Traps	f. Appreciate and welcome extending the pre- and post-season gear deployment periods from six to nine days for safety purposes.	Support noted.
			Tail-clipping/ Hole-punching	g. Support Department recommendation to no longer support the proposed option that would prohibit the sale of hole-punched or tail-clipped lobster in the markets for enforcement purposes.	Support noted. See response to comment 3a.
			General	h. Although much of the proposed regulation changes are being "mirrored" after the Dungeness crab fishery, please keep in mind that the dynamics of the spiny lobster fishery are quite different.	No additional action has been taken to change the proposed regulations. The Department acknowledges that while the two fisheries share many similarities, there are important differences. These differences have been contemplated by the LAC, the Commission, and Department staff. These differences are in part why features such as tiered permits were not implemented for the lobster fishery.
24	Sam Shrout; Commercial Fisherman, Lobster	Email to Commission on 6/13/2016;	Trap Limit	a. Suggest adjusting the pot limit according to a size structure to achieve the desired average lobster in the 1.3 to 1.7 pound range; a 1.5-pound average	This comment pertains to the harvest control rule toolbox prescribed in the California Lobster FMP adopted by the Commission at its April 22, 2016 meeting.

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24, cont.	Fisherman, and Santa Barbara Port Representative	verbal testimony at Commission meeting on 6/22/2016		would be a good starting point for a statewide goal.	The FMP does not preclude proposals of new regulations in the future. As such, this comment has been noted for consideration for future action in the event that management actions are warranted, but no additional action has been taken to change the proposed regulations.
			Permit, Trap Limit	b. Stacking has the long-term potential of reducing the number of transferrable permittees to as few as 70 fishermen statewide; this has many benefits to the lobster stock. Note that one fisherman fishing 600 pots will not catch as many lobsters as two fishermen fishing 300 pots each and most fishermen with stacked permits will not fish all 600 pots but will instead save tags for later in the season.	See response to comment 21c for discussion of the capacity goal of the fishery.
			FMP	c. Express that only two of the eight control rule options, a change in trap limit and a change in bag limit, should ever be needed under normal fishing conditions; none of the other six options will ever be needed unless there are unforeseen circumstances.	See response to comment 24a.
			Bag Limit, Hoop Net	d. Concern that the positive gains made by the reductions in the commercial sector could be negated by an unbridled sport effort. The sport sector needs an annual bag limit and ban on the use of conical hoop nets, which are in essence pots.	See response to comment 6a.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
24, cont.			FMP	e. Express that spawning potential will never be an issue under normal conditions. Note that after four years, the Channel Island Reserves have approximately 10 times the biomass as the fished areas, and as the Coastal Reserve stock grows, California will have over two times the spawn compared to pre-Reserves.	This comment pertains to the harvest control rule metrics prescribed in the California Lobster FMP adopted by the Commission at its April 22, 2016 meeting. The commenter provides no new substantive information that is supported by any evidence. As such, no additional action has been taken to change the proposed regulations.
			Trap Tag	f. Question the enforceability of the trap limit and whether Department wardens will have the time and resources to ensure that fishermen are complying with the trap tag program. Note the potential abuse of the catastrophic loss provision to fish more traps than legally allowed.	See response to comment 19c. LED does not foresee or anticipate the need for additional resources for enforcement of the new regulations.
			Trap Tag	g. Mr. Shroul notes that he sets his pots near reefs and expresses frustration and concern about the potential for his pots to be tangled around the reefs, stuck and/or lost after a warden pull his pots to check for a tag. He suggests that the tag be placed on the buoy rather than the trap, which would make it easier to "try" to account for trap.	The Department's LED indicates that the current requirement of marking lobster trap surface buoys with the letter "P" followed by the commercial fishing license identification number will be sufficient for enforcing the new trap tag requirements. Any trap marked with a surface buoy with the letter "P" is required to have a Department issued trap tag. The decision to affix the tag to the trap (as opposed to the buoy) was a recommendation made by the Lobster Advisory Committee, and supported by the Department.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
24, cont.			Trap Tag	h. Express that catastrophic gear loss should be just that: "catastrophic loss." Except for cases of vandalism, unanticipated swells, or severe storms, it would be better not to replace tags; this would cause fishermen to use more caution. Suggest only launching 200-250 pots in the beginning of the season and having some tags and traps saved in the event of a loss.	See response to comment 3c. Additionally, as discussed in response to comment 23a, the LAC arrived at the 300 limit to provide a buffer for which fishermen are expected to operate within the reasonable boundary of the limit, including holding trap tags in reserve to switch out fishing gear or replace minor tag loss during the season.
			Pulling Lobster Traps	i. Question the intent of the trap loss affidavit. Note that with the trap limit and trap tag program, the amount of gear loss will be lower than the last 100 or so years of fishing. Also note that the Southern California and Channel Islands coasts are not cluttered with gear, and it would be unlikely that any lost gear will be encountered while SCUBA diving in Southern California.	As described in the Initial Statement of Reasons (February 2016) for regulatory action, the proposed trap loss affidavit (subsection 122.2(f)) is part of the trap tag program that will provide needed essential fisheries information to estimate trap loss in the fishery to inform future management decisions and aid gear recovery programs. The trap loss affidavit would also help fishermen account for the number of Department trap tags issued and lost during a season to inform fishing practices under the new regulations. Additionally, see response to comment 7b.
			Lost Gear Retrieval	j. Disagree with the proposed provision that would allow a fisherman to retrieve the lost gear of another during the fishing season. Concern that this provision may be used to poach the traps of other fishermen under the guise that it might be "lost."	Opposition noted. See response to comment 17x.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
24, cont.			Pulling Lobster Traps	k. Suggest narrowing the scope of the waiver provision to service another fisherman’s gear to only picking up, stacking, and returning to shore. Concern that if the provision were not worded correctly, it would render all permits transferable.	See response to comment 23d. The proposed provisions under subsection 122.2(i) provide clear rules for requesting a waiver to minimize public confusion and improve regulatory enforcement. The Department may also attach specific conditions to the waiver as appropriate given the specific circumstances for which the waiver is approved.
			Log Book	l. Express that the change to the Daily Fishing Log that requires entering the location position with latitudes and longitudes instead of a landmark is unnecessary; it will not solve anything or have any benefit. As oppose to identifying the block number, it would be a more of hassle for fishermen to figure the latitude/longitude locations of their strings and some fishermen do not use GPS.	This comment has been considered but rejected. As described in the Initial Statement of Reasons (February 2016) for regulatory action, the current requirement of reporting landmarks for trap locations on the existing Daily Lobster Log form is not useful for management as the name and size of an area for a particular landmark can vary from fisherman to fisherman. Recording the geographic coordinates (latitude and longitude) for a string or group of trap would modernize the location reporting requirement, improve recording consistency between fishermen, and improve the Department’s spatial understanding of fishing practices. Better spatial information on fishing practices will be helpful for informing gear recovery programs, identifying potential conflicts within the marine environment, and informing the issue of marine mammal gear interactions.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
24, cont.			Trap Limit, Data Analysis	m. Note that if all of the approximately 200 permits fished all 300 pots under the new rule, the state maximum will be less than 60,000 pots (25% reduction of the 80,000 pots estimated to have been fished in years past) and would have a positive effect on CPUE but might cause total season landings to go down. Those uncaught lobster will grow and be available for next season. For this reason, think that it is best to compare the new and old data but not use that comparison to control the lobster fishery in any way.	See response to comment 21t.
			General	n. Express support for the proposed action; feel as though it is a good starting point.	Support noted.
25	Wade Edwards, Chief Harbormaster, Port of Hueneme	Verbal testimony at Commission meeting on 6/22/2016	Restricted Fishing Area	a. Support subsection 122(d) use of GPS coordinates instead of general landmark descriptions.	Support noted.
			Restricted Fishing Area	b. Express concern about navigational and vessel safety associated with lobster fishing in the safety fairway of the Port Hueneme entrance; would like to see the Port Hueneme fairway included as a restricted fishing area in section 122(d).	The Department is aware of this issue and it may be considered by the Commission under a separate rulemaking package.
26	Kenny Swanson, Commercial Lobster Fisherman	Verbal testimony at Commission meeting on 6/22/2016	Trap Limit, Trap Tags	Concern about the trap limit and catastrophic loss provision and the ability to fish all 300 traps uninhibited if fishermen were expected to have trap tags on reserve. Also concern about the time it would take for the replacement of lost trap tags under the catastrophic loss	See response to comments 17r and comment 21c.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
26, cont.				provision; the 300-trap limit would then be more like a 225-trap limit and would unduly affect the livelihood of those fishermen who fish more traps.	
27	Josh Fisher, Commercial Lobster Fisherman; Commercial Representative (Alternate), LAC	Verbal testimony at Commission meeting on 6/22/2016	General	Express concern about the beginning of the 2017-2018 lobster season given the concerns raised by commercial lobster fishermen; encourage the Commission to review a letter submitted to the Commission in response to the proposed regulatory changes (see comments 23a-h).	The Commission has considered the concerns raised by the commercial fishermen in their letter to the Commission dated 5/28/2016. See response to comments 23a-h.
28	Greg Helms, Ocean Conservancy	Verbal testimony at Commission meeting on 6/22/2016	Trap Limit	a. Remark that the trap limit is a cornerstone of the FMP and that there are conservation and habitat benefits as well as economic benefits associated with the trap limit that should not be tampered with.	Support noted.
			General	b. Ask that the Commission be mindful of pulling any one piece of the proposed regulatory package, as it will likely affect the balance of the regulations, and recommend that the Commission adopt the proposed regulations as recommended by the Department.	Support noted.
29	Greg Ewart, Commercial Lobster Fisherman	Verbal testimony at Commission meeting on 6/22/2016	Trap Limit, Pulling Lobster Traps	a. Express concern about trap limit and the provision for fishermen to pull six traps of another during the season.	This comment expresses broad concerns pertaining to the proposed commercial trap limit and provision to allow lobster permit operators to retrieve no more than six derelict traps of another fishermen, and does not direct any specific changes to the regulatory package. As such, this comment has been noted, but no additional action has been taken to change the proposed regulations.

Comment #	Name (First Last), Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
29, cont.			General	b. Comment similar to comment 23h.	See response to comment 23h.
			Trap Tag	c. Comment similar to comment 23b.	See response to comment 17r.
30	Rick Watanabe, Commercial Lobster Fisherman	Verbal testimony at Commission meeting on 6/22/2016	Trap Limit	Oppose the proposed 300-trap limit; the limit is discriminatory to fishermen who fish more than 300 traps and implore the Commission to reexamine the issue and conduct other surveys. Mr. Watanabe noted that he currently fish 900 traps and the proposed trap limit would have a devastating economic impact.	Opposition noted. See response to comment 21c.

**\*Note:** Prior to the release of the Initial Statement of Reasons for the *California Spiny Lobster Fishery Management Plan (FMP) Implementing Regulations* (February 2016), a total of 112 comments were received during the public review period for the California Spiny Lobster FMP. The public comment period for the California Spiny Lobster FMP ended with the adoption of the FMP by the California Fish and Game Commission on April 13, 2016. A summary of written and verbal comments on the FMP and the California Department of Fish and Wildlife responses to those comments are available at <https://www.wildlife.ca.gov/Conservation/Marine/Lobster-FMP>. Public comments on the FMP pertaining specifically to the proposed rulemaking package are also included in Table 1.