

Summary of Public Comments on the Draft California Spiny Lobster Fishery Management Plan

Prepared by the California Department of Fish and Wildlife

April 28, 2016

The Draft California Spiny Lobster Fishery Management Plan (FMP) was delivered by the California Department of Fish and Wildlife (Department) to the Fish and Game Commission (Commission) at its December 2015 meeting. This initiated a public comment period with comments accepted by the Commission both verbally at the December and subsequent meetings, and in written form. The comment period closed with FMP adoption, at the April 13, 2016 meeting. The table below summarizes all comments received by the Department or the Commission as of April 13 and provides the Department response.

The majority of comments fell into three general topics including 1) whale entanglement, 2) a desire for increased use of fisheries-independent data and 3) a perceived lack of data and conservation and management measures for the recreational fishery included in the FMP. General responses to these issues are provided below and specific responses to each comment are within the table. While the FMP contains a description of the Lobster Advisory Committee (LAC) commercial and recreational regulatory recommendations, they are not under consideration by the Commission as part of the FMP adoption process. The LAC regulatory recommendations and other lobster fishery regulations will be considered in a separate Commission rule making process and comments related to them will be addressed in that process.

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. A large proportion of interactions have been with Dungeness crab gear and this fishery will serve as a test case to help understand the underlying causes and the development of solutions that may apply to other trap fisheries. The FMP does not preclude proposal of new regulations in the future, such as specifications for trap spacing, as recommendations are further developed and vetted through the Dungeness crab fishery. Section 6.2.1 of the FMP notes the Commission's authority to adopt new regulations concerning the lobster fishery without amendment to the FMP as well as Commission and Department authority to promulgate regulations during emergencies. Additionally, aspects of the FMP harvest control rule and associated regulatory proposals may lessen interaction with mammals. The trap limit will result in a reduction of gear as non-transferable permits exit the fishery and may result in an immediate reduction. Accountability for lost gear will be improved by the trap limit as well as proposed gear loss reporting requirements and improvements to the commercial logbook.

Fisheries-independent data is critical for effective fisheries management. This is because data derived from fisheries can be confounded with changes in fishing technology and regulations, fishermen behavior, and market forces. The Marine Life Management Act directs the department to prepare FMPs based on the best scientific information that is available or that "can be obtained without substantially

delaying the preparation” (FGC 7072(b)). Fisheries-dependent data is collected continuously on commercial fishing logs and landing receipts, provides the most consistent information currently available to the Department, and is reflective of a majority of lobster catch. For these reasons fisheries-dependent data sources were chosen to form the basis of the harvest control rule reference points. Several fisheries-independent data sources are identified in section 5 of the FMP, which discusses essential fisheries information. These data sources will be extremely important to managers when prompted by the harvest control rule to investigate the underlying processes when the proposed reference points cross their thresholds. The Department will seek opportunities to strengthen fisheries-independent data collection through collaborations and may include them in the harvest control rule at a future time through FMP amendment.

The California spiny lobster fishery is unusual in that it supports both an important commercial fishery and significant recreational take. The Department is committed to maintaining traditional differences in allocation and function between the recreational and commercial fisheries consistent with the consensus recommendation of the LAC, as noted in section 4.5 of the FMP. 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 near-consensus LAC proposals for additional controls on the recreational fishery are now highlighted in a forward to Appendix IX. Six of the eight conservation and management measures in the FMP’s harvest control rule toolbox could be applied to the recreational fishery.

Table 1. Public comments received by the Commission office on the Draft California Spiny Lobster Fishery Management Plan during the public comment period from December 9, 2015 to April 13, 2016. The Department response column indicates how each comment may be addressed.

Name (First Last)	Agency/ Organization	Comment Format	Comment # & Date	Topic(s) Raised	Summary of Comment	Department Response
April Wakeman	The Sportfishing Conservancy	Verbal Testimony	C-1 12/9/2015	Regulations (Hoop Net)	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 comment is not related to the FMP process but related to CA lobster regulations considered in a separate Commission process. The Commission requested the Department to address the issue raised by the commenter in an upcoming Commission rulemaking package to implement the FMP and proposed CA lobster fishing regulations.
Mike McCorkle	Commercial Lobster Fisherman	Verbal Testimony	C-2 12/9/2015	Regulations (Permit Transferability)	There has been reluctance by the Department and people involved in the FMP process to discuss making non-transferable permits transferable. Would like to see consistency in the application of permit transferability since all permits are transferable in both the Dungeness and California Rock Crab fisheries. Recommends that both non-transferable and transferable lobster operator permits be transferable.	Development of the FMP was based on a collaborative effort by the Department and LAC. A series of public and advisory 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

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						limit for all permit holders while maintaining the existing division between transferable and non-transferable permits.
Jim Salazar	Coastal Conservation Association of California; Lobster Advisory Committee (LAC) Recreational Fishing representative	Verbal Testimony	C-3 12/9/2015	Regulations (Mechanized Puller)	Supports the Department and LAC efforts on the Fishery Management Plan (FMP) and regulatory proposals. Encourages the Commission to support the LAC Consensus Recommendations minus the power puller handicap restriction.	Noted.
Shad Catarius	Commercial Lobster Fisherman; LAC Commercial Fishing Member	Verbal Testimony	C-4 12/9/2015	Regulations (Hole-punching)	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.	While the FMP contains a description of the LAC commercial and recreational regulatory recommendations, they are not under consideration by the Commission as part of the FMP adoption process. The LAC regulatory recommendations and other CA lobster fishery regulations will be considered in a separate Commission rule making process and comments related to them will be addressed in that process.
Shad Catarius	Commercial Lobster Fisherman; LAC Commercial Fishing Member	Verbal Testimony	C-5 12/9/2015	HCR	The Harvest Control Rule (HCR) does not consider recreational fishing as a variable for management under the FMP.	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 (FGC

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						<p>§7072(c)). The Department's development of the HCR was the result of substantial input by the LAC and independent scientific reviewers to ensure the equity of the proposed management and conservation measures across all sectors of the CA lobster fishery. Current data streams are more reliable and consistently collected for the commercial fishery than the recreational fishery. While the recreational fishery accounts for a substantial portion of the take, the commercial take is larger. For these reasons, reference points representing the commercial fishery were chosen. The Department will seek to improve recreational fishery data streams and refine technical models that inform the HCR as new data sources become available.</p>
Shad Catarius	Commercial Lobster Fisherman; LAC Commercial Fishing Member	Verbal Testimony	C-6 12/9/2015	HCR (SPR)	The Spawning Potential Ratio (SPR) needs to be reevaluated in light of the findings from a new baseline study which would modify the SPR calculation.	Model sensitivity analyses show that a change in female size at sexual maturity would not result in a change in SPR reference point position relative to the threshold. This is because both current and threshold SPR calculations use the same reproduction parameters. However, the Department agrees that information on fecundity and size at maturity should be improved and understanding potential

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						regional differences in these parameters is important.
Joe Exline	Lobster Fisherman	Verbal Testimony	C-7 12/9/2015	HCR (SPR)	Would like clarification on the models used to assess the status of the stock. Concerned about how changes to the model would impact catch.	Please see the revised Appendix X of the FMP: Cable-CDFW Model Report.
Joe Exline	Lobster Fisherman	Verbal Testimony	C-8 12/9/2015	Regulations (Hoop Net)	Supports the proposal to amend the hoop net regulation to allow for onboard measurement of lobsters and immediate return of undersized lobsters to the water.	See response C-1.
Joe Exline	Lobster Fisherman	Verbal Testimony	C-9 12/9/2015	Regulations (Hoop Net, GO-ID)	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.	See response to C-4.
Wayne Kotow	Coastal Conservation Association of California	Verbal Testimony	C-10 12/9/2015	Regulations (Mechanized Puller)	Supports 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.	See response C-4.

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Dana Murray	Heal the Bay	Verbal Testimony	C-11 12/9/2015	Regulations (Hoop Net)	Supports 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. Concerned 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.	Noted. See response C-5.
Dana Murray	Heal the Bay	Verbal Testimony	C-12 12/9/2015	Lobster Report Card; Essential Fishery Data	Although there has been an increase in the number of Lobster Report Cards returned to the Department in recent year, would like to see other fishery independent data presented in future iterations.	The Department recognizes that recreational fishery-dependent data is limited. As discussed in Section 5 of the FMP, the need to improve existing data has shaped the Department's CA lobster-related research since 2007, and specific data types needs and priorities for research are identified in Table 5-1 of the FMP. The FMP will undergo continual refinement as new information and data are obtained.
Chris Voss	Commercial Lobster Fisherman	Verbal Testimony	C-13 12/9/2015	FMP HCR Matrix	Supports the Department's work on the FMP. Would like to see the lessons learned from the lobster FMP process and HCR approach applied to other fisheries, specifically the red abalone that is currently undergoing the FMP development process.	Noted.

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Sean Hastings	NOAA Channel Islands National Marine Sanctuary; LAC Federal Agency Member	Verbal Testimony	C-14 12/9/2015	Gear/Trap Loss	Supports the Department's effort on the FMP. Informed the Commission that the Channel Islands National Marine Sanctuary has secured a grant from the NOAA Marine Debris Program for a project to prevent and reduce lobster trap loss, and will keep the Department apprised of that effort.	Noted.
Mike Conroy	West Coast Fisheries Consultants	Verbal Testimony	C-15 12/9/2015	Essential Fishery Data	Support the Department's efforts on the FMP. Appreciates that the effort to gather more essential fishery information is a higher priority for the Department since much of the data that went into the deriving the elements of the FMP was based on commercial fishery data and the data on the recreational fishery is very data poor.	See response to C-12.
Mike Conroy	West Coast Fisheries Consultants	Verbal Testimony	C-16 12/9/2015	FMP HCR (SPR)	Interested to see whether the observations of smaller berried females will have any impact on the SPR considering lobsters are known to spawn two or three times before they reach legal size limit.	See response to C-6.
Mike Conroy	West Coast Fisheries Consultants	Verbal Testimony	C-17 12/9/2015	FMP HCR (CPUE)	The 0.9 threshold for the catch per unit effort (CPUE) is too conservative since the fishery is experiencing a shift in effort over the last couple of years due to: (1) higher market price for lobster, (2) new entrants into the fishery that are still learning how the fishery operates, and (3) changes in fishing habits that are not currently reflected in the CPUE.	While the 0.9 threshold is conservative, management response is discretionary and will only follow investigation of underlying causes for reference point positions. The Department is aware that there are many other potential influences on the reference points other than biological and ecological issues with

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						the stock. It is reasonable that the CPUE-based reference point is currently below the threshold as this mirrors the well-recognized increase in effort.
Mike Beanan	Laguna Bluebelt Coalition	Verbal Testimony	C-18 12/9/2015	Regulations (Gear/Trap)	Concern about damage to kelp forest from setting lobster traps along the south boundary of the Laguna State Marine Conservation Area. Suggests that traps should be set at least 50 to 100 feet away from the kelp forest.	There is some potential for lobster traps to damage kelp. Movement of traps on the bottom could scour newly settled sporophytes. Adult kelp may become entangled in trap lines and be ripped out or damaged. The Department is not aware of evidence suggesting this risk is substantial. Also, these issues are likely to arise primarily during storm events. Often fishermen remove their gear during these events. 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.
Mike Beanan	Laguna Bluebelt Coalition	Verbal Testimony	C-19 12/9/2015	Regulations (Whale Entanglement)	Recommends setting a limit on trap density along the coast to prevent whale entanglement.	The Department recognizes the growing problem of marine mammal interactions with fishing gear in CA and is approaching the problem first by 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

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						<p>underlying causes and solutions that may apply to other trap fisheries. Nothing in the CA lobster FMP precludes proposal of new regulations in the future such as specifications for trap spacing if this is found to be effective in reducing entanglements.</p> <p>Several of the current regulatory proposals associated with the FMP will serve to lessen the risk of entanglement. The trap limit will result in a reduction of gear as non-transferable permits exit the fishery and may result in an immediate reduction. 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.</p>
Mike McCorkle	Commercial Lobster Fisherman	Letter	C-20 12/10/2015	Regulations (Permit Transferability)	Comment mirrors C-2. The issue of permit transferability has not been adequately addressed by the Department, Department staff, LAC, or Commission. Would like to see more transparency in the FMP process in regard to this issue.	See response to C-2.

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Mike McCorkle	Commercial Lobster Fisherman	Letter	C-21 12/10/2015	Regulations (Permit Transferability)	Recommends 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 landings 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.	See response to C-2.
Mike McCorkle	Commercial Lobster Fisherman	Letter	C-22 12/10/2015	Regulations (Permit Transferability)	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.	Noted. See response to C-2.
Kurt Lieber	Ocean Defense Alliance (ODA)	Letter	C-23 1/6/2016	Regulations (Whale Entanglement)	ODA is concerned that trap lines would become a severe hazard to whales. ODA provided an exhibit that	Noted. See response to C-19.

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					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. They urge the Commission to consider adopting stricter regulations that would mandate traps to be set no closer than 100 feet apart.	
Eric Miller		Email	C-24 1/15/2016	Essential Fishery Data (Fishery-independent Data)	Urges the Department to work towards developing more fishery-independent data collection so future assessments are based less on fishery-dependent data.	As resources allow, the Department will look to improve fisheries-independent data streams as noted in section 4.2.2 and 5.1 of the FMP.
Eric Miller		Email	C-25 1/15/2016	Recreational Fishery Assessment	The increasing pressure wrought by the recreational fishery deserves a more focused effort to assess its effect on the population. Eggleston et al. (2003) studied the Caribbean spiny lobster fishery in Florida where a recreation-only fishing period exists, similar to the California regulations. This paper was not referenced in the FMP. Careful consideration should be given to this paper as it outlines a novel, but unambiguous method of assessing the relative impact the recreational fishery may be having on the standing stock.	Recognition of the potential for SCUBA surveys to assist in assessing fishery impacts and optimize management responses was added to the FMP section on dive surveys in section 5.1.1 along with a reference to Eggleston et al. (2003).
Eric Miller		Email	C-26 1/15/2016	FMP Correction	The reference below should be added to the FMP's reference list. Miller, E.F. 2014. Status and trends in the southern California spiny lobster fishery and population: 1980-2011. Bulletin of the Southern California	Reference added.

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					Academy of Sciences. 113: 14-33	
Eric Miller		Email	C-27 1/15/2016	FMP Correction	On page 40 of the draft FMP, the reference to Miller (2014) is incorrectly quoted in regards to California spiny lobster's response to the Pacific Decadal Oscillation and similar environmental indices. Table 3 (Miller 2014) lists a significant p value, but this is for data that was not corrected for autocorrelation. When corrected for autocorrelation, the critical r absolute value is 0.68. At this corrected r value, there is no longer a significant correlation between PDO and the California spiny lobster young-of-the-year abundance (YOY) index. In fact, after adjusting for autocorrelation, no environmental index was significantly correlated with the YOY index. The last sentence of the results section from Miller (2014) reads: "When adjusted for autocorrelation in both the YOYI and NPGO, no significant correlation was detected with any of the environmental indices (Table 3)."	The previous reference to Miller (2014) on page 40 was changed and now reads "Commercial landings of CA lobster appear to be influenced by warm and cold water regimes driven by the Pacific Decadal Oscillation (PDO) (Neilson, 2011). Fisheries-independent data on lobster abundance based on entrainment in power plant systems does not show a correlation between young of the year or slightly sub-legal lobsters and environmental indices including PDO (Miller, 2014). However, increases in abundance and decreases in average size at some power plants after the 1989 regime shift do indicate the potential for recruitment success to be driven by changes in environmental factors at longer time scales (Miller, 2014)."
Julian Koslow	Research Oceanographer (Emeritus) at Scripps Institution of Oceanography	Email	C-28 1/21/2016	Essential Fishery Information (Fishery-independent Data)	Dismayed that the current draft plan fails to utilize readily available fishery-independent data from the ongoing CalCOFI program on phyllosoma abundance as a measure of spawning stock biomass. The proposed FMP depends on catch and commercial catch per unit effort (CPUE) data. These fishery dependent data sources	The Department recognizes the value of the Koslow et al. (2013) study of lobster phyllosoma and of the ongoing phyllosoma data stream. While phyllosoma abundance was not considered appropriate to form the basis of a reference point within the harvest control rule, information on

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					<p>are well-known to potentially lead to biased estimates (generally overestimates) of stock size, leading to overly optimistic assessments of how the stock is faring. This is particularly disturbing in the case of the California spiny lobster fishery, in which the recreational fishery is known to be increasing based on a change in fishing technology (increased use of hoop nets), with considerable uncertainty about current total landings. However, there is likely under-reporting of actual catch, as noted in the CSLFMP.</p>	<p>phyllosoma will be very valuable when managers are prompted by the HCR to investigate stock status. Additional text describing this was added to the FMP section on larval collectors in section 5.1.2. The Department will seek to maintain allocation of the resource between the commercial and recreational fisheries that does not deviate greatly from the current status as was recommended by the LAC and noted in section 4.5 of the FMP. As resources allow, the Department will look to improve estimates of recreational landings to improve total landings estimates and improve fisheries-independent data streams as noted in section 4.2.2 and 5.1 of the FMP.</p>
Julian Koslow	<p>Research Oceanographer (Emeritus) at Scripps Institution of Oceanography</p>	Email	C-29 1/21/2016	<p>Essential Fishery Information (Fishery-independent Data)</p>	<p>Emphasizes the importance of using fishery-independent data due to under-reporting of actual catch information. The abundance of Stage 1 phyllosoma are readily available from the ongoing CalCOFI program. Larval abundance data have already been shown to be significantly correlated with spawning stock biomass for a number of fisheries, including the anchovy and sardine off California (Koslow et al. 2011). A recent study indicates that stage 1 phyllosoma abundance was correlated with trends in CA lobster</p>	<p>See response to C-28.</p>

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					landings from the 1950s to ~1980 but since about 1980 the generally increased trend in lobster landings is not matched by an increase in phyllosoma abundance (Koslow et al. 2012). This indicates that fishing mortality has been increasing.	
Julian Koslow	Research Oceanographer (Emeritus) at Scripps Institution of Oceanography	Email	C-30 1/21/2016	FMP Correction	Note that the use of CalCOFI phyllosoma data is not listed in Table 5-1 as a potential index of abundance, although it is mentioned in the text.	Larval abundance was added to Table 5-1 as a potential index of stock abundance.
Catherine Kilduff, Kristen Monsell	Center for Biological Diversity	Letter	C-31 1/28/2016	Regulations (Trap Limit, Non-transferable permits, Hoop Net Buoy Markings, and District Closures)	Supports trap limit & non-transferable permits; hoop net buoy marking; and authorizing the Department to implement district closures when necessary.	See response to C-4
Catherine Kilduff, Kristen Monsell	Center for Biological Diversity	Letter	C-32 1/28/2016	Regulations (District Closure)	The Department should have authority to implement district closures and other time/area management measures not only when reference points relevant to lobster are crossed, but also when conservation concerns relevant to other species arise. Such actions should not require amendment to the lobster FMP.	Expansion of the HCR to include reference points outside of the lobster fishery is considered to be outside the scope of this FMP and could become intractable. Section 6.2.1 states that the Commission can adopt new regulations concerning the CA lobster fishery without amendment to the FMP and also notes the Commission's authority to promulgate emergency regulations. Nothing in the FMP would prevent the Department or

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						the Commission from implementing management measures in the HCR toolbox, or new management measures, to address conservation concerns for species other than lobster if the need arises.
Catherine Kilduff, Kristen Monsell	Center for Biological Diversity	Letter	C-33 1/28/2016	Regulations (Electronic Log Book)	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 CPFV voluntary electronic log is in place and one is in development for the lobster fishery, as is noted in section 5.1.1. Until electronic reporting is fully in place, the Department is proposing improvements to the commercial lobster paper log as well as a mandatory gear loss reporting form to be completed at the end of each season.
Catherine Kilduff, Kristen Monsell	Center for Biological Diversity	Letter	C-34 1/28/2016	Regulations (Soak Time)	“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.	See response to C-4 and C-19
Catherine Kilduff, Kristen Monsell	Center for Biological Diversity	Letter	C-35 1/28/2016	FMP (Bycatch/Entanglement)	The FMP discussion of marine mammal bycatch minimizes the impact of lobster gear interactions and with the respect to the scope of the problem of California pot and trap entanglements. The plan does not recognize that entanglements categorized as resulting in “serious	Additional context on the scale of the whale entanglement issue and the acknowledgement that some entanglement events from unknown gear types may be due to lobster gear was added to section 2.3.3 on page 12. Also see response to C-19

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					injury” are likely to result in mortality and many entanglement events that could not be positively assigned to a particular fishery are likely to have been lobster gear. Omitting information about unidentified entanglement in the plan precludes consideration and adoption of measures that can contribute to solving the whale entanglement problem.	
Catherine Kilduff, Kristen Monsell	Center for Biological Diversity	Letter	C-36 1/28/2016	Regulations (Cumulative Fishery Mortality and Serious Injury)	The MMPA's List of Fisheries should include the CA lobster fishery as a Category II fishery because of the cumulative fishery mortality and serious injury for endangered humpback whales.	No action. The comment is related to the Marine Mammal Protection Act and determinations made by the National Marine Fishery Service.
Catherine Kilduff, Kristen Monsell	Center for Biological Diversity	Letter	C-37 1/28/2016	Regulations (Whale Entanglement)	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 C-19
Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-38 1/28/2016	Regulations	Generally support the draft FMP, particularly the trap limit and non-transferrable permits, identifying recreational gear, and electronic logs.	Noted.
Sarah Abramson Sikich and Dana Roeber	Heal the Bay	Letter	C-39 1/28/2016	FMP (Essential Fisheries Information)	Identify primary knowledge gaps for lobster fishery management as 1) reliable catch data (particularly recreational), 2) catch monitoring that includes individual-level size	The Department recognizes that these are important areas for future research. Section 5 of the FMP outlines information needs, existing and potential research

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Murray					distribution, and 3) improved growth and production models to inform the HCR.	methods, and potential collaborations.
Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-40 1/28/2016	FMP (Essential Fisheries Information)	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. 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 nonconsensus LAC proposals for additional controls on the recreational fishery are now highlighted in a forward to Appendix IX of the FMP.
Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-41 1/28/2016	Recreational Fishery Data (Creel Survey)	The Department should conduct a creel survey to update information on composition of the recreational fishery between divers and hoop netters.	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. The potential use of a telephone survey was added to the FMP section on recreational report cards in section 5.1.1.

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Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-42 1/28/2016	Recreational Fishery Data (Size and Sex)	Would like to see further improvement in recreational catch estimates and these estimates should include size and sex data.	The Department recognizes that improved recreational catch estimates are important and could be accomplished with the use of a telephone survey in combination with the report card system. Size and sex data would be useful but only if collected on a regular basis. Additional text noting the desirability of a telephone survey was added to the FMP section on recreational report cards in section 5.1.1. Text noting the potential use of creel surveys for collection of recreational size data was added to the FMP section on stock composition in section 5.2. Current resources do not allow for regular creel surveys for collection of size and sex data.
Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-43 1/28/2016	Regulations (Recreational Fishery)	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 HCR toolbox could be applied to the recreational fishery. However, these measures do not include the two near consensus recommendations from the LAC. Those have now been highlighted in a forward to Appendix IX of the FMP.
Sarah Abramson Sikich and Dana Roeber	Heal the Bay	Letter	C-44 1/28/2016	LAC Process	An MLMA compliance checklist should have been “front and center” during the LAC process.	The Department will take this recommendation into consideration for future FMP planning processes.

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Murray						
Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-45 1/28/2016	LAC Process	Future advisory councils should be given clearer guidance and expectations. Some on the LAC were confused by an apparent shift in focus from scientific research to social issues and issues of balance between the sectors.	See response to C-44.
Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-46 1/28/2016	LAC Process	Suggest future FMPs engage in EFI research early, use results to inform advisory council discussions, then allow time for additional scientific analyses to be completed based on council feedback.	See response to C-44.
Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-47 1/28/2016	LAC Process	Peer review should have taken place earlier in the process.	See response to C-44.
Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-48 1/28/2016	FMP/Fishery Data (Entanglement)	Information on interactions with mammals in the FMP only reflects data up to 2012.	Information on mammal interactions in the FMP reflected data that was current with output of the latest draft. The Department has been in communication with the National Marine Fisheries Service (NMFS) and has access to the NMFS stranding database. That database was referenced in section 2.3.3 along with NMFS mammal stock assessments published in 2014. Stock assessments published in 2015 are now referenced.

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Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-49 1/28/2016	Entanglement	Lobster fishermen should participate in the whale entanglement workgroup along with Dungeness crab fishermen.	The Department is taking a collaborative and focused approach to investigating solutions to entanglement in trap gear for the Dungeness fishery at this time. Findings may later be investigated and applied to other trap fisheries.
Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-50 1/28/2016	FMP (Bycatch)	Bycatch information within the FMP should be regularly updated.	Noted.
Sarah Abramson Sikich and Dana Roeber Murray	Heal the Bay	Letter	C-51 1/28/2016	Fishery Data (whale Entanglement)	Information on trap density should be collected and shared.	This would be useful information when resources allow. The Department will seek to develop partnerships to expand capacity for collection of essential fisheries information as noted in sections 5.1 and 5.4 of the FMP.
Cody Campbell	City of Vista	Verbal Testimony	C-52 2/10/2016	Regulations (Trap Limit)	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	See response to C-4.

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					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.	
Cody Campbell	City of Vista	Verbal Testimony	C-53 2/10/2016	Regulations (Trap Limit)	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 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.	See response to C-4.
Rodger Healy	California Lobster and Trap Fishermen's Association	Verbal Testimony	C-54 2/10/2016	Regulations (Hole-punching)	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. However, there is concern about the potential for sport caught undersized lobsters to be hole-punched, released, and then subsequently retained as legal size catch in the commercial fishery. Would like the Commission to consider adopting the hole-punching regulation without the	See response to C-4.

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					market restriction to keep with the original intent of the LAC consensus recommendation.	
John Duffy	Retired California Department of Fish and Game Marine Biologist	Verbal Testimony	C-55 2/10/2016	Regulations (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.	Noted.
Greg Helms	Ocean Conservancy	Verbal Testimony	C-56 2/10/2016	FMP	Although the stock assessment finds the fishery is stable, it is one where there is clear potential for trouble in the future. Trouble spots include ongoing excessive effort, exceedance of maximum economic yield, and some intractability in terms of the recreational sector. The FMP, in combination with better recreational monitoring, is able to address those problems area; and, the HCR is the foundation of a workable, modernized approach to fisheries management.	Noted.

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Chris Voss	Commercial Lobster Fisherman from Santa Barbara	Verbal Testimony	C-57 2/10/2016	Regulations (HCR)	Concern that, under the FMP, the commercial fishery has a trap limit operating within the limited-entry policy as oppose to the recreational fishery that has a bag limit with an open-ended number of participants. Note that while the FMP considers lowering the recreational bag limit, an increase in the number of participants would have the same impact on recreational take. Suggest that the FMP consider the potential for a cap on recreational participants to balance between recreational and commercial take.	Controls on the number of participants in a recreational fishery, similar to a deer tag system, are highly unusual for the Department. The Department considers maintaining recreational opportunities to be a very high priority and would consider placement of effort controls such as bag, season, size, sex or district limitations on recreational fisherman before limiting the number of participants.
Bill Barnard	California Coalition of Diving Advocates	Verbal Testimony	C-58 2/10/2016	Regulations (Hole-punching)	At the end of the 2014 season, experimented with the tail-clipping lobsters and found that is a relatively easy thing to do on a boat when lobsters are landed.	Noted.
Bill Barnard	California Coalition of Diving Advocates	Verbal Testimony	C-59 2/10/2016	Regulations (HCR)	Discussed 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.	Noted.
Bill Barnard	California Coalition of Diving Advocates	Verbal Testimony	C-60 2/10/2016	Regulations (Hoop Nets)	Expressed support for Comment C-56.	Noted.

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Shad Catarius	Commercial Lobster Fisherman	Verbal Testimony	C-61 2/10/2016	Fishery Model	Concern about how the fishery model will be monitored over time; would like to see a mechanism in place that would provide timely responses to issues as they arise and not years down the road.	Noted. Reference point calculations will be made annually and the Department will be responsive to these stock indicators. Model revisions will be considered when new data indicates a need. The timing of relevant CA lobster research and availability of new data is uncertain.
Shad Catarius	Commercial Lobster Fisherman	Verbal Testimony	C-62 2/10/2016	Regulations (Hole-punching)	Commercial fishermen need to be able to retain and sell tail-clipped lobsters, otherwise, it will defeat the purpose for them financially.	Noted. See response to C-4.
Dana Murray	Heal the Bay	Verbal Testimony	C-63 2/10/2016	Regulations (Hoop Nets)	Comment similar to C-11.	See responses to C-5 and C-43.
Dana Murray	Heal the Bay	Verbal Testimony	C-64 2/10/2016	Fishery-Dependent Data	Comment similar to C-39. Would like to see data gaps in the recreational fishery addressed in the adaptive management process.	See responses to C-40, 41 & 42.
Dana Murray	Heal the Bay	Verbal Testimony	C-65 2/10/2016	Regulations (Lost gear)	Supports the Department's regulatory recommendations on lost gear.	See response to C-4
Dana Murray	Heal the Bay	Verbal Testimony	C-66 2/10/2016	Regulations (Buoys)	Would like to see the labeling of buoys in the recreational sector as well as the commercial.	Noted. This is included in current regulatory proposals.
Dana Murray	Heal the Bay	Verbal Testimony	C-67 2/10/2016	Bycatch Gear Loss Entanglement	Other environmental NGOs have expressed concern to Heal the Bay regarding issues of bycatch, lost fishing gear, and entanglement. Would like to see future management decisions made, as needed, looking at the best and most recent available data.	See response to C-32, C-35 and C-39.

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A. Talib Wahab	Avicena Network, Inc.	Letter	C-68 3/6/2016	LAC Process	Commercial buyers should have been included in the LAC process.	See response to C-44.
A. Talib Wahab	Avicena Network, Inc.	Letter	C-69 3/6/2016	Regulations / (HCR)	Supportive of a trap limit. A limit of 300 is a good starting point and can be refined further as needed.	Noted.
A. Talib Wahab	Avicena Network, Inc.	Letter	C-70 3/6/2016	Regulations / (HCR)	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 will take this recommendation into consideration if prompted by the HCR to implement a management measure and season length is considered.
A. Talib Wahab	Avicena Network, Inc.	Letter	C-71 3/6/2016	Regulations / (HCR)	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 CA opening should be farther from the opening date for the Mexican fishery and therefore not flood the export market.	See response to C-69.
A. Talib Wahab	Avicena Network, Inc.	Letter	C-72 3/6/2016	Regulations	At-sea sampling should be performed prior to opening the commercial fishery to ensure lobsters are not freshly molted.	The Department would work with commercial fishermen if they chose to institute an at-sea sampling criterion for opening the season, but that would be an industry responsibility.
A. Talib Wahab	Avicena Network, Inc.	Letter	C-73 3/6/2016	Regulations / (HCR)	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 will take this recommendation into consideration if prompted by the HCR to implement a management measure and imposition of a maximum size limit is considered.

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Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-74 3/17/2016	FMP Process	Provide an explanation of why it was not possible for the CLTFA to provide comments on the draft FMP earlier in the public review process or to attend the December 2015 and February 2016 Commission meetings. Note that the Department did not solicit comments when the preliminary draft FMP was first released in November 2014. Subsequently, when the next draft was released for public review in November 2015, delivered to, and discussed by the Commission at its December 2015 and February 2016 meetings, respectively, each of these occurred while the fishery was open.	Public involvement and participation plays a critical role in the decision making process. To ensure that constituents and interested members of the public are given the opportunity to participate in the FMP process, the Department maintains and routinely updates the California Spiny Lobster FMP webpage and provides an online email and mail service to help keep stakeholders and the interested public informed about FMP process and notified about activities related to the FMP. The submittals of both written and verbal comments are encouraged at the Commission meetings and throughout the public comment and review period of the draft FMP that closes with FMP adoption on April 13, 2016. The FMP draft released in November 2014 was an early, courtesy draft released in advance of public comment period requirements. The FMP was still under development during that time and therefore not ready for official public comment. However, the early draft was intended to allow time for public discussion and consideration of general concepts.
Mike Conroy	California Lobster and Trap	Letter	C-75 3/17/2016	Restricted Fishing Areas	Appreciate how the Department has credited the fishery for loss of fishable habitat as a result of the MPA	The areas identified by the CLTFA are not included in the 15% of habitat covered by MPAs in the

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	Fishermen's Association				process. Wonders how the Department will accurately account for those areas restricted to commercial fishing (i.e., Santa Monica Bay, frontside of Catalina, inside of harbors and within 750 feet of a publically-owned pier/wharf/jetty/breakwater or within 250 feet of certain specific navigation channels) which are freely accessible by the recreational sector and non-consumptive users.	model as a large portion of recreational harvest occurs there.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-76 3/17/2016	Economic Overfishing	The FMP references an article by Ola Flaaten (2010) entitled, <i>Fisheries Economics and Management</i> ; CLTFA could only locate the May 2011, revised version. The paper makes a number of assumptions that do not apply to the California Spiny Lobster fishery and many of the paper's recommended tools to guard against economic overfishing has already been implemented for the commercial fishery.	The FMP reference to Flaaten 2010 to refers to an earlier publication of <i>Fisheries Economics and Management</i> (January 2010) by Ola Flaaten. The citation is only to a simple definition of Maximum Economic Yield (MEY) for which the specifics of fishery operation are irrelevant.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-77 3/17/2016	Economic Overfishing	While there may be a fishery to which the concept of economic overfishing is applicable, it certainly is not the lobster fishery. Recommend removing references to economic overfishing within the FMP. Some inclusion of an economic element will prove informative, but under the CPUE analysis.	This FMP does not propose to manage the CA lobster fishery on the basis of economic overfishing. However, economic considerations are of valid concern to managers as they consider balancing actions that preserve the resource and its role in the ecosystem with economic impacts to fishermen and communities. There are some indications that less effort and thus

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						fewer economic resources could be expended to catch the same amount of lobster and this is directly relevant to a choice of trap limit or other measures for effort reduction.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-78 3/17/2016	CPUE	CPUE as described in the FMP paints an incomplete picture. Except for recent years, there has been no economic incentive for harvesters to expend considerable effort. Would like to add the following as additional reasons for the increase in commercial fishing effort: (a) dramatic increase in the amount of traps being robbed and/or vandalized (doors being left open or bait jars removed); (b) the higher ex-vessel price has made it economically beneficial; (c) loss of access to lobster habitat; (d) new entrants to the fishery and (e) the growing populations of predators, California sheephead in particular.	See response C-17.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-79 3/17/2016	CPUE	Believed that a variation of CPUE can be a valuable tool for the Department and Commission moving forward. If ex-vessel price could be indexed and made part of the CPUE determination, it would reduce the chances of taking management actions restricting the fishery, when such is not biologically warranted.	Ex-vessel price data is regularly collected and reviewed by Department staff. Effort changes, resulting from price or any other factor, are central to the utility of CPUE as a measure of stock abundance. Understanding the causes of CPUE decline is important for determining an appropriate management response. However, in most cases CPUE decline still

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						indicates a biological problem regardless of the cause.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-80 3/17/2016	SPR	Would like to reiterate the recent results of tagging studies that have shown berried females at sizes smaller than previously thought; therefore, it is likely that sublegal female lobster may reproduce once or twice before being available to the fishery.	Noted. See response C-6.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-81 3/17/2016	SPR	Agree with the FMP that the "collection of age and growth information is a high priority."	Noted.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-82 3/17/2016	Reference Point Thresholds	Question the decision to change the reference point threshold from 0.8 to 0.9. Feel that the 0.1 variation is overly conservative and will likely result in the Department having to spend valuable time and money investigating something that may be no more than natural variability.	See response C-17.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-83 3/17/2016	Reference Point Threshold	Would like clarification on the peer reviewers' rationale for recommending the 0.9 threshold value. Based on the analysis on page 12 of the Final Report of the Scientific Review Committee concerning the sensitivity of the threshold to detect changes in the fishery from 1935 to 2013, it is assumed that the more sensitive 0.9 value would flag an additional 20 seasons for further scrutiny compared to the 0.8 catch-	The upper stock reference used in this analysis was different from the catch-based reference point. Increasing from 0.8 to 0.9 increases the number of years falling below the threshold in the fisheries history from 11 to 16 or an additional 5 times.

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					base reference point.	
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-84 3/17/2016	Reference Point Threshold	Page 2 of the draft FMP refers to the 2011 stock assessment to support the proposition that the lobster population is at a sustainable level; thus, it is neither overfished or subject to overfishing. As such, it appears that 0.8 is an adequate indicator as it would provide the Department with notice of possible trends on the health of the stock.	The stock assessment concluded that the fishery was sustainable up to 2011. Effort has increased substantially since that time. Therefore, sensitive indicators that alert managers to departures from the healthy period in the 2000s are warranted. However, these are not tied to any hard management triggers.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-85 3/17/2016	Data Deficiencies	Hope that the Department will prioritize filling the data gaps so that the FMP will eventually be based on science rather than assumptions and extrapolations.	Noted. See responses C-12, C-24, C-28, C-39, C-40, C-41, and C-42.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-86 3/17/2016	Data Deficiencies	Would like to reiterate that the recreational component of the fishery has not provided data to inform proposed management – total catch is unknown, a true CPUE is unknown, etc. Additionally, how these measures are calculated differs based on user group. For example, "CPUE is typically defined as the number of legal (or sublegal-sized) lobsters per trap pull for the commercial fishery, and number of legal lobsters retained per fishing trip for the recreational fishery." How many pulls the recreational sector makes is unknown. Prefer an apples-to-apples approach to the apples-to-oranges approach currently contemplated in	Noted. See response C-12 and C-42. Additionally, the harvest control rule reference point based on CPUE uses commercial data only. No direct comparisons between commercial and recreational CPUE are made. CPUE is generally not a useful metric for the recreational fishery because of the difficulty of measuring effort of recreational fishermen and standardizing effort across different recreational methods for take.

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					order to truly be able to measure variations in CPUE, etc.	
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-87 3/17/2016	FMP Correction	The Executive Summary of the January 6, 2016 draft FMP states, "CDFW estimates that recreational fishermen harvested 31% of the total catch (commercial + recreational) during 2014-15 fishing season." This directly conflicts with Table 2-1 which shows that percentage to be 26%.	Table 2-1 lists the correct estimates of total recreational lobster fishing effort and catch. The Executive Summary has been revised to reflect that the recreational harvest is 26% of the total catch during the 2014-2015 fishing season.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-88 3/17/2016	LAC Process	As the Department moves forward with FMPs for other fisheries, it should seriously reconsider the consensus requirement for management recommendations. Specific to this FMP, the following proposed management items were not presented to the Commission for while receiving wide support by most LAC members, full consensus was not reached: 1) banning the use of conical hoop nets in the recreational fishery and 2) establishing a seasonal limit per spiny lobster report card.	The preparation of a FMP is a complex process that requires considerable discussion where all constituent interests are heard and thoughtfully considered. The department will carefully consider the benefits and drawbacks to a consensus process for future FMPs. The FMP does not preclude proposals of new regulations in the future. The Department will take the recommendation under consideration for future action in the event that management actions are warranted.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-89 3/17/2016	Whale Entanglement	The lobster fishery participants are concerned about the increasing number of whale entanglements observed in fixed gear fisheries over the last couple of years. Lobster fishermen will be holding three separate first responder training workshops with NMFS in San Diego, Long Beach, and Santa Barbara.	Noted.

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Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-90 3/17/2016	Regulations (Trap Limit)	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.	Noted.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-91 3/17/2016	Whale Entanglement	Point out that on page 12 of the FMP, the use of the word "reported" rather than "confirm" in the statement about incidences of whale entanglement involving lobster gear. Noted a reported case of a humpback whale entanglement that occurred in October 2015 off Newport Beach was initially attributed to a "lobster pot net" but later confirmed to not be from the lobster fishery . Recommend an update to the FMP to reflect positively identified interactions or alternatively point out that reported incidences are not confirmed interactions and should be of lesser evidentiary value.	The Department referred to the incidences as "reported" because only one of the gray whale incidents involved reported but unconfirmed lobster gear. All other incidents were confirmed.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-92 3/17/2016	Whale Entanglement	CLTFA does not support previously submitted public comments that suggest some portion of entanglements not assigned to a specific fishery be attributed to the lobster fishery. A blanket statement to that effect neglects to consider: the geographically limited area the lobster fishery operates, does not consider that lobster gear is fished in much shallower waters compared to other trap fisheries operating off the	Noted.

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					west coast, ignores that the lines linking the buoy to the trap are of a smaller diameter and not as lengthy as lines used in other trap fisheries, and fails to account for the fact that lobster traps weigh less than most other traps fished off the west coast.	
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-93 3/17/2016	Whale Entanglement	Strongly disagree with the claim that the California spiny lobster fishery should be a Category II fishery under the List of Fisheries (LOF). The proposed 2016 LOF, correctly, lists the California spiny lobster fishery as a Category III fishery – which means there is a remote likelihood of/no known interactions which result in incidental mortality or serious injury of marine mammals.	Noted.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-94 3/17/2016	Whale Entanglement	The lobster fishery remains committed to minimizing interactions with marine mammals. While there has been an increase in reported interactions, CLTFA is aware of only one which has been positively assigned to the lobster fishery. CLTFA, and its members, are open to working with concerned eNGOs in coming up with mitigation measures that are realistic in terms of utility and effectiveness.	Noted. However, more than one incident with lobster gear has been confirmed, as noted in the FMP.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-95 3/17/2016	Whale Entanglement	Note the following regarding the use of RFID equipment tested in the lobster fishery off of the east coast, "Of the 16 microchips that were originally installed in the rope, 2 were	Noted.

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					lost at sea. Of the 14 that returned, 6 of the microchips were not functional." [No citation provided]	
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-96 3/17/2016	Economic Impacts	The questionnaires used for the economic report baseline estimations appear to measure different costs and the report does not present a true comparison amongst the different sectors.	Noted.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-97 3/17/2016	Economic Impacts	Many recreational trips, especially those to the offshore islands, have dual purposes: target fin fish species during daylight hours and lobster at night. The Recreational Lobster Participant Survey attached to the FMP does not appear to have been designed to address these dual purpose trips and how to apportion those costs.	Noted. However, as noted on page 18 of the economic report, questionnaire wording was chosen such that participants should assign their costs specifically to trips targeting lobster and vessel maintenance costs were assigned proportionally by the relative amount of time spent targeting lobster.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-98 3/17/2016	Economic Impacts	Agree with the following statement on page 14, Section 2.5 of the draft FMP: "However, several areas of the report could be improved and revised. The total net income for the fishery was only estimated to be \$11,188,354 which is unexpectedly low given 151 active permit holders in 2011. Communication with active commercial lobster fishermen suggests that the cost of commercial lobster fishing may have been overestimated in the report, which likely led to the low estimate for net income."	Noted.

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Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-99 3/17/2016	Threshold Reference Points (Catch)	On page 36, Section 4.2.4 – Fishery Management Reference Points under “ii) Catch (total catch per season)” the following statement is made, “However, the fact that a significant change in catch appears is itself a clear indicator that, at a minimum, an impact at a biological, ecological, or anthropogenic level is occurring.” This is not a true statement. It could be that market factors have caused the price to drop to such levels that fishery participants participate in other fisheries.	Anthropogenic impacts include changes to market factors.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-100 3/17/2016	FMP Correction (Glossary)	“F” is described as two measures: Fishing mortality and Instantaneous fishing mortality. Since these measures could theoretically be different, they should be proscribed a different acronym.	Fishing mortality and instantaneous fishing mortality are often used interchangeably in fisheries modeling literature.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-101 3/17/2016	FMP Correction (Glossary)	“Landings” in the Glossary is differentiated from “Catch” and “Harvest”. Neither of these terms are defined in the Glossary.	The note in the definition of landings that landings are different from catch and harvest was deleted as this distinction is not important for comprehension of the FMP.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-102 3/17/2016	FMP Correction (Glossary)	Recommend removing the following from the definition of “Maximum Economic Yield”, “An open entry policy usually results in too many fishermen so profits are barely higher than opportunity costs.” Since this fishery is limited access, this concept is not applicable.	The sentence was deleted. However, the MEY concept can also apply to limited access fisheries where high effort levels can result in economic inefficiency.
Mike Conroy	California Lobster and	Letter	C-103 3/17/2016	FMP Correction (Glossary)	Request the following be added to end of the definition for “Recreational	Suggest that “profit” is sufficiently inclusive.

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	Trap Fishermen's Association				fishery", "profit, trade or barter." Many CLTFA members are personally aware of recreational anglers who actively trade and/or barter sport caught lobster for goods and/or services.	
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-104 3/17/2016	FMP Correction (Glossary)	A number of terms defined in the Glossary which do not match the definition given them in the Fish and Game Code or Title 14 of the California Code of Regulations.	The definitions of overfished, population, sustainable, and total allowable catch were edited to increase consistency with Fish and Game Code.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-105 3/17/2016	FMP Correction	The second sentence of Section 1.1 starts, "CA lobsters have long supported major commercial and recreational fisheries" this counters the statement in the Executive Summary which points out the recreational fishery is relatively new. "The recreational sector has traditionally been dominated by divers, but in the early 2000s, the popularity of boat-based hoop nets began to rise." Also, there is no scientific data which supports the claim that lobsters have long supported a major recreational fishery. As highlighted above, there is a serious deficiency in data from the recreational sector.	While there has been recent increase in hoop net use, the recreational fishery is not new and has a long history that extends back to regulations outlining allowable recreational gear as hand catch for divers and baited hoop nets set in 1963. Following those regulations, a need for reduced recreational take lead to a reduction in the recreational bag limit in 1971.
Mike Conroy	California Lobster and Trap Fishermen's Association	Letter	C-106 3/17/2016	FMP Correction	Note that markets prefer the smaller legal sized lobsters and that the commercial sector is offered a lower price for larger lobster which may result in commercial fishermen not retaining larger lobster, especially if	The word "caught" was replaced with "landed".

Name (First Last)	Agency/ Organization	Comment Format	Comment # & Date	Topic(s) Raised	Summary of Comment	Department Response
					his/her vessel is limited in how much it can keep alive pending delivery. Recommend amending a statement on bottom of page 4, Section 2.1, of the draft FMP to read, "The majority of CA lobsters caught and landed by the commercial fishery have reached legal size within the last year, although larger lobsters are still landed."	
Mike Conroy	California Lobster and Trap Fishermen's Association	Verbal Testimony	C-107 4/13/2016	FMP Process	Comment similar to C-74. Noted that when the draft FMP was released for public review in November 2015, it was during the open season for the fishery and commercial fishermen did not have the time to thoroughly review the document and provide comments for the December 2015 and February 2016 Commission meetings since they were fishing.	See response C-74.
Mike Conroy	California Lobster and Trap Fishermen's Association	Verbal Testimony	C-108 4/13/2016	FMP Process	After the adoption of the FMP, would like to see the lesson learned from the lobster FMP process.	Noted.
Mike Conroy	California Lobster and Trap Fishermen's Association	Verbal Testimony	C-109 4/13/2016	Whale Entanglement	Comment similar to C-85. Thanked CDFW staff for attending a first responder whale entanglement training for lobster fleet held in San Diego, California and informed the Commission of similar training planned in Santa Barbara and Long Beach.	Noted.
Dana Murray	Heal the Bay	Verbal Testimony	C-110 4/13/2016	FMP Process	Thanked the Department and Commission for the opportunity to	Noted.

Name (First Last)	Agency/ Organization	Comment Format	Comment # & Date	Topic(s) Raised	Summary of Comment	Department Response
					participate in the LAC and opportunity to provide comments on the FMP development. Appreciates that the Commission and Department are taking concrete steps forward towards meeting the goals of the MLMA.	
Dana Murray	Heal the Bay	Verbal Testimony	C-111 4/13/2016	FMP Process	Thanked the Department for responding to Heal the Bay's written and verbal comments on the FMP and the Commission for supporting the request to include the near-consensus LAC recommendations as an appendix to the FMP.	Noted.
Dana Murray	Heal the Bay	Verbal Testimony	C-112 4/13/2016	FMP Process	Would like to see stakeholders meet at least annually to discuss some of the near-consensus LAC items and any emerging concerns moving forward.	Noted.

Table 2. This table describes edits to the Draft California Spiny Lobster Fishery Management Plan made in advance of the Fish and Game Commission’s adoption decision at the April 2016 meeting. Edits include changes in response to public comment as well as minor corrections. Additions are underlined and deletions are in strikeout.

Document Section	Page Number	Change
Title page	i	The date was changed to the month and year of potential adoption [<u>April</u> , 2016]. “Draft” was removed.
Executive Summary	ii	5 th paragraph, 4 th sentence: 31% was changed to <u>26%</u> to match data reported in table 2-1.
Acknowledgements	x	4 th sentence: <u>“The Sacramento State University Center for Collaborative Policy served the essential role of impartial facilitator of the LAC meetings and assisted with development of the LAC process.”</u> Last sentence: “Finally, the Ocean Protection Council provided the necessary funding to support the processes and contractors noted above and the California Wildlife Foundation served as funds administrator.” The additions were made to correct an earlier omissions of these important contributions.
2.1	4	3 rd paragraph, last sentence: “The majority of CA lobsters caught <u>landed</u> by the commercial fishery have reached legal size within the last year, although larger lobsters are still landed (Neilson, 2011).” The Department does not have data on the sizes of all lobsters caught, only those that are landed and reported on landing receipts.
2.3.3	12	2 nd paragraph, 2 nd sentence: Changed from “However, the number of whales observed entangled in trap gear on the California coast has been increasing in recent years (National Marine Fisheries Service stranding database)” to “However, the number of <u>reported</u> whale <u>entanglements on the west coast of the United States</u> has been increasing in recent years (National Marine Fisheries Service stranding database) <u>and reached a peak of approximately 35 in 2014 with a total of 231 for the period between 2000 and 2015 (Lawson, 2015). The majority of confirmed entanglements are attributed to categories for trap or pot fisheries and unknown gear with relatively few attributed to nets (Lawson, 2015). Among those with a confirmed gear type from a trap fishery, the large majority are due to the Dungeness crab fishery and relatively few to the lobster, rock crab and spot prawn fisheries (Lawson, 2015). However, it should be recognized that some portion of entanglements due to an unknown gear type may be attributable to the lobster fishery.”</u> The change is intended to provide 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 some of those unknown occurrences to involve lobster gear.
2.3.3	12	2 nd paragraph, 3 rd sentence: “Since the year 2000, there have been four reported incidences of gray whales, <u>two</u> one humpback whales, and one unidentified whale entangled in lobster gear (Carretta et al., 2014; <u>Carretta, et al., 2015</u> ; National Marine Fisheries Service stranding database) and one recorded incidence of bottlenose dolphin entanglement in 2008 (Carretta et al., 2014).” The change was made to recognize one

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		additional humpback whale entanglement noted in Carretta et al., 2015.
2.3.3	12	2 nd paragraph, 4 th sentence: “Mortality due to entanglement was confirmed for only the unidentified whale, and one humpback whale and one gray whale were reported as seriously injured.” The change was made to recognize serious injuries in addition to known mortalities. The National Marine Fisheries Service defines serious injuries as more likely than not to result in mortality.
4.3.1.1	40	1 st paragraph, sentences 6-9: “ <u>Commercial landings of The CA lobster stock status appear to be influenced by warm and cold water regimes driven by the Pacific Decadal Oscillation (PDO) and this has been observed using fisheries dependent (Neilson, 2011). F and fisheries-independent (Miller, 2014) data on lobster abundance based on entrainment in power plant systems does not show a correlation between young of the year or slightly sub-legal lobsters and environmental indices including the PDO (Miller, 2014a). However, increases in abundance and decreases in average size at some power plants after the 1989 regime shift do indicate the potential for recruitment success to be driven by changes in environmental factors at longer time scales (Miller, 2014a). Moreover, the abundance of phyllosomal larvae in oceanographic samples from the SCB is significantly correlated with El Nino events, mean sea-surface temperature, and the PDO (Koslow et al., 2012).</u> ” The change was made to clarify that the relationship between stock status and environmental conditions is complex. Commercial landings appear related to PDO but this may not be an indicator of stock health. Additionally, fisheries-independent data analyzed by Miller (2014) do not show a relationship between the abundance of young lobster and PDO as was originally quoted. However, Miller’s analyses do suggest important environmental influences.
5.1	63	1 st paragraph, 3 rd sentence: “ <u>In particular, improving information on the recreational fishery has been a priority with implementation of the recreational report card requirements. Further improvements to that system are needed. CDFW is also increasingly interested in development of reliable and regularly collected fisheries-independent data streams.</u> ” The text was added to emphasize CDFW’s recognition of the need for improvements to recreational fishery and fisheries-independent data streams.
5.1.1	64	Subsection <i>Correlating Commercial Logbooks and Landing Receipts</i> , 4 th paragraph, 3 rd sentence: “ CDFW is proposing to <u>will seek ways to address this issue such as amending landing receipts to record the total number of lobster landed as part of an up-coming revision process for all logs and landing receipts.</u> ” CDFW had intended to include this change in the regulatory package associated with the FMP but due to limitations on internal processes, will include the change in a later revision of commercial fishing data streams, data entry procedures, and databases.
5.1.1	65	Subsection <i>Recreational Lobster Report Cards</i> , last paragraph: “ <u>Accurate estimates of annual catch for the recreational fishery is critical for management and cannot be made when report card return rates are low.</u> ”

Document Section	Page Number	Change
		<u>One method for improving catch estimates is to implement a telephone survey of report card holders who did not return their card, as is performed by CDFW for the red abalone recreational fishery. Combined report card and telephone survey data would also be necessary for accurate estimation of the proportion of trips employing different gear types.</u> The addition emphasizes the need for improvement in existing recreational fishery data streams and identifies a telephone survey as a useful tool.
5.1.1	66	Subsection <i>Research Trapping</i> , last sentence: “These programs have been employed in California to support MPA monitoring efforts as well as lobster tag recovering efforts in the northern Channel Islands (Kay et al., 2011) and in <u>the southern portion of the SCB San Diego</u> (Hovel et al., 2015; Hovel and Neilson, 2011).” Research trapping was used both in San Diego by Hovel and Neilson (2011) and by a broader study by Hovel et al. (2015).
5.1.1	66	Subsection <i>Dive Surveys</i> , last sentence: “ <u>While recognizing these challenges, SCUBA surveys may also be used to assess fishery impacts and fisherman behavior. Eggleston et al. (2003) performed SCUBA surveys of Caribbean spiny lobsters (<i>P. argus</i>) in the Florida Keys immediately before and after a recreational “mini-season” to demonstrate the magnitude of removal rates and their relationship to initial density. Similar surveys of CA lobster before the recreational season, immediately before the opening of the commercial season, and at the end of the season could provide information on the relative impacts of the fisheries and help optimize management responses. However this would involve a great deal of effort within a short time frame.</u> ” Text was added to recognize the potential use of methods described by Eggleston et al. (2003) as recommended by Eric Miller.
5.1.1	67	Subsection <i>Larval Collectors</i> , sentences 6-10 and 12: “Koslow et al. (2012) used this time series to identify a relationship between environmental conditions and phyllosoma abundance <u>which were positively correlated. CA lobster landings were also correlated with phyllosoma abundance across much of the time series but the relationship breaks down during recent years under high exploitation rates. This may indicate that recent high removal rates of reproductive individuals is having a negative impact on larval production and potential recruitment. Further work is required to better understand the relationship between phyllosoma abundance and spawning stock abundance before phyllosoma could be confidently used as the basis for a reference point within the HCR. However, the phyllosoma data will be extremely valuable when managers are prompted by the HCR to investigate the underlying causes for the existing reference points crossing their thresholds. The positive correlation between phyllosoma abundance and environmental indicators will help managers to distinguish between fishery and environmental processes impacting the stock and craft appropriate responses. The project is ongoing and may contribute to the management of the</u>

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		CA lobster fishery in the future. And “CDFW will <u>continue to track the CalCOFI data on phyllosoma and will seek to develop collaborations to model larval transport in the SCB and California Current, which can help determine the sources and the destinations of the lobster larvae across southern California.</u> ” The additions were made to provide more information on the CalCOFI phyllosoma data, its value, and how CDFW intends to use it in the future in response to comments by Julian Koslow.
5.2	72	Subsection Other EFI-Stock Composition, 2 nd paragraph, last sentences: “ <u>Length frequency data from the recreational fishery would be similarly valuable and is not well represented by lengths in the commercial fishery because recreational fishermen are able to target larger individuals. CDFW does not expect that size information could be accurately collected on recreational report cards and creel surveys would be most effective.</u> ” The addition emphasizes that length-frequency information for the recreational fishery would be valuable, in addition to the already noted commercial fishery. It also identifies that creel surveys would be more effective than report cards for collection of this information in response to comments by Heal the Bay.
5.2	74	Table 5-1: Added a row for larval abundance as a data type that may be used for estimating abundance of the spawning stock in response to comments by Julian Koslow.
5.2	74	Table 5-1: Creel sampling was added as a data collection method for the length frequency data type within the stock composition category. This corrects an omission.
6.3	80	Number four in the list of five statutes to be made inoperative as applied only to the CA lobster fishery was changed from FGC § 8104 to <u>FGC § 8103</u> . FGC § 8104 was listed in error and applies only to the herring fishery.
Glossary	85	“ Harvest control rules (HCR) - Harvest control rules are plans of action that prescribe adjustments in harvest regulations (e.g., fishing effort, total allowable catch, minimum legal size) which are <u>activated</u> (“triggered”) when the calculated amount of a resource that can sustainably be taken (the defined upper limit, also known as a “threshold <u>reference point threshold</u> ”) is reached or surpassed. Harvest control rules must be based on objective, measurable criteria (<u>reference points</u>) such as population size, productivity, density, or other inputs.” The changes are intended to improve the accuracy and clarity of the definition.
Glossary	86	Landings definition, last sentence: “ Note that landings, catch, and harvest define different things. ” While there are differences in these terms, understanding the distinctions is not necessary for comprehension of the FMP.
Glossary	87	“Overfished – A stock that is at unacceptably low levels because it has experienced overfishing and has not been rebuilt <u>a reduction of take in the fishery is the principal means for rebuilding the stock.</u> ” The change

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		improves consistency with the definition provided by Fish and Game Code.
Glossary	88	“Population – All the individuals of a species that live in the same geographic area. A population may contain several discrete breeding groups or stocks. <u>A species, subspecies, geographical grouping, or other category of fish capable of management as a unit.</u> ” The change improves consistency with the definition provided by Fish and Game Code.
Glossary	89	“ Sustainable, Sustainable use, and Sustainability - With regard to a marine fishery, means both of the following: 1) continuous replenishment of resources, taking into account fluctuations <u>and environmental variability</u> ; and 2) securing the highest possible present and long-term social and economic benefits, maintaining biological diversity, and managing fisheries in a way that does not exceed optimum yield .” The change improves consistency with the definition provided by Fish and Game Code.
Glossary	90	“ Total allowable catch (TAC) - A specified numerical catch objective <u>(including discard mortality)</u> for each fishing season, the attainment (or expected attainment) of which may cause closure of the fishery.” The change improves consistency with the definition provided by Fish and Game Code.
References	91	<u>Carretta, J.V., E.M. Oleson, D.W. Weller, A.R. Lang, K.A. Forney, J. Baker, M.M. Muto, B. Hanson, A.J. Orr, H. Huber, M.S. Lowry, J. Barlow, J.E. Moore, D. Lynch, L. Carswell, R.L. Brownell Jr. 2015. U.S. Pacific Marine Mammal Stock Assessments; 2014. U.S. Department of Commerce, NOAA Technical Memorandum, NOAA-TM-NMFS-SWFSC-549. 414 p.</u>
References	93	<u>Eggleston, D.B., E.G. Johnson, G.T. Kellison, D.A. Nadeau. 2003. Intense removal and non-saturating functional responses by recreational divers on spiny lobster <i>Panulirus argus</i>. Marine Ecology Progress Series. 257: 197-207.</u>
References	98	<u>Lawson, D. 2015. Overview of Whale Management and Entanglement History in California. National Marine Fisheries Service. Presentation to the California Whale Entanglement Discussion Meeting, Oakland, CA. August 20, 2015.</u>
References	99	<u>Miller, E. 2014a. Status and Trends in the Southern California Spiny Lobster Fishery and Population: 1980-2011. Bulletin of the Southern California Academy of Sciences. 113(1): 14-33.</u>
Appendix II	124	The names of San Nicolas and San Clemente islands were switched.
Appendix IX	215	A forward was added to the appendix to recognize lobster advisory committee recommendations that were not regulatory in nature and that only achieved near-consensus.