

Table 1. List of Comments by Topic

<b>Topic</b>	<b>Comment Number</b>
Abundance	8a, 12a, 22a, 28a(2-3), 32b-d, 34a, 44a, 45a, 48a, 49a, 59a, 62a, 67a(5), 68a, 72a, 75a, 84a(1-2), 89b
Area Closures	20a(3), 21a(2), 23a(1), 24a, 26b(3), 27a(3), 30a(4), 61a(1), 62a, 65a, 73a, 74a, 77b
California Environmental Quality (CEQA)	54c-d, 54n-o, 54t
Density Assessment	1a, 2a, 2c, 9a, 13b-e, 14a, 15d, 16a, 25b, 35a, 35b, 37a, 38a, 54f-g, 54k, 56d-e, 60a, 67a(4), 81a, 84a(2)
Economic Impact	5a, 10a, 13m(6), 16d, 26a, 29b, 79b, 80a, 87b, 89a, 89d, 94b
Enforcement	2e, 3d, 13m(2), 15j, 28c, 34a, 39a, 40b, 50a, 69b-c, 71a, 72b, 76b, 79c, 90a(3)
Fishery Closure Option (Option 1)	2g, 3b, 13m(1), 17b, 19a, 22a, 25a, 32a, 33a, 35a, 36a, 37a, 38a, 40a, 41a, 52c, 56a, 63g, 64a, 78a, 79a, 82a, 85a, 86a, 88a, 91a, 92a, 93a
Limited Fishery Option (Option 2)	
General	4a-b, 5b, 7a, 13f, 16c, 32e, 42a, 46c, 47a, 56j-k, 57a, 63a
Sub-Option A (Reopen Fort Ross)	3c(2), 25c(2), 26b(4), 27a(6), 35a, 37b, 38a, 45a, 46d, 63b
Sub-Option B (Reduce Daily and Annual Limit)	1e, 3a, 3c(1), 3c(4), 10c, 11a-b, 13j, 18a, 20a(2), 21a(1), 24a, 25c(1-2), 26b(2), 27a(1), 28b(2), 29a(2), 30a(2), 31a(2-3), 34a, 35a, 36b, 37b, 38a, 39a, 44a, 50a, 59a, 61a(2), 63c, 66a, 67a(1), 69a(2-5), 70a, 71a, 72b, 74a, 76a, 77a, 89c, 94a-b
Sub-Option C (Increase Minimum Size Limit)	1f, 2b, 8a, 10b, 11c, 13l, 21a(4), 23a(3), 24a, 26b(1), 27a(2), 28b(1), 28b(3), 29a(1), 30a(1), 31a(5), 34a, 44a, 46d, 50a, 54e, 58b, 59a, 62b, 63d, 69c, 90a(1)
Sub-Option D (Limit Report Card Sales)	3c(5), 11d, 13k, 20a(4), 21a(3), 24a, 25c(3), 26b(5), 27a(4-5), 28a(1), 29a(3), 30a(3), 34a, 35a, 37b, 38a, 39a, 44a, 45a, 46b, 46d, 59a, 63e, 69a(1), 69a(6), 70a, 71a, 72b, 74a, 76a, 76c, 77c
Marine Protected Areas (MPAs)	1d, 61a(4), 67b
Permit Program	23a(2), 65a
Public Input	2f, 6b, 13g, 13m(3), 15e-f, 16b, 56f, 56h, 63f, 81b
Purple Sea Urchin	13h, 25c(4), 26b(6), 28a(3), 34a, 35a, 38a, 43a, 44a, 45a, 46a, 51a, 58a, 59a, 61a(5), 67a(2), 85b, 87a(2)
Red Abalone Fishery Management Plan (FMP)	1c, 6a, 13a, 13f, 14b-c, 17a, 36c-d, 43b, 47a, 54r-s, 55a, 56k, 57a, 63a, 67a(3), 80d, 81b, 83a-b
Research and Monitoring	52a, 61a(3)
Sea Otter	1b, 15h, 15k, 28a(2), 34a, 44a, 53a-c, 54a, 59a
Season Length	3c(3), 20a(1), 31a(4), 71a, 74a
Total Allowable Catch (TAC)	13i, 15g
Other	2d, 2h, 2i, 3e, 13m(4-5), 13m(7), 15a-c, 15i, 28a(4), 31a(1), 44a, 52b, 54b, 54h-j, 54l(1-6), 54m, 54p-q, 56b-c, 56g, 56i, 69a(7), 80b-c, 84a(3-4), 86b-c, 87a(1), 87a(3), 88b-c, 90a(2), 94c

Table 2. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations.

Comment #	Name, Organization	Comment Format & Date	Topic(s) Raised	Summary of Comment	Response
1	Chris Voss, Former Commercial Abalone Diver	Verbal testimony at California Fish and Game Commission (Commission) meeting on 8/16/17, 10/12/17, and 12/7/17	Density Assessment	a. Recommend the Commission review the events leading to adoption of the Abalone Recovery Management Plan (ARMP). The adopted ARMP is a seriously flawed, poorly constructed document designed to prevent closed fisheries from reopening at any point in the future. The ARMP’s recovery goal of 6,600 abalone per hectare (ha) is impossible to achieve.	<p>Information on ARMP development and adoption process is available on the California Department of Fish and Wildlife (Department) website at <a href="https://www.wildlife.ca.gov/Conservation/Marine/ARMP">https://www.wildlife.ca.gov/Conservation/Marine/ARMP</a>. Audio recording of the December 9, 2005 Commission adoption hearing is available on the Commission website at <a href="http://www.fgc.ca.gov/meetings/2005">http://www.fgc.ca.gov/meetings/2005</a>.</p> <p>As required by statute, the ARMP summarizes the interim and long-term recovery goals, including a range of alternative interim and long-term conservation and management goals and activities, and explains why the Department prefers the recommended activities. The Legislature imposed the current moratorium for commercial and recreational abalone fishing south of San Francisco, and subsequent decisions regarding whether the resource is sufficiently recovered to sustain a fishery will be made by the Fish and Game Commission. A goal of the ARMP is to promote the recovery of abalone populations.</p>

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1, continued (cont.)					<p>The targeted emergent abundance of 6,600 abalone/ha is based on data from Department surveys in 1999 and 2000 at three of the most heavily impacted sites in the northern California recreational red abalone fishery. The target density also takes into account the mandate in statute to provide for maximum productivity of the fishery for the benefit of citizens (Fish and Game Code (FGC) § 7056).</p> <p>There has been criticism that the sites selected for the density surveys are too heavily fished and provide too low of an estimate of the status of northern California red abalone. Because these sites have sustained high levels of catch for many years, Department staff believe this was the best available estimate of a sustainable density for an ongoing fishery. More extensive surveys conducted after adoption of the ARMP showed similar densities at five additional sites which had generally lower levels of catch. Researchers outside of the Department had observed similar densities of red abalone in northern California. Additionally, prior to adoption by the Commission, in 2002 the ARMP was</p>

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1, cont					peer reviewed by an independent panel of scientists. The peer reviewers did not criticize the 6,600 abalone/ha density level.
			Sea Otter	b. Disappointed by the way the Department has characterized the events leading up to the decline of the fishery in the north coast by comparing it directly to the situation in the south coast, when in fact, a lot of the decline in the north was not necessarily due to fishing activity. The Department also failed to acknowledge the fact that sea otters and their expansion in the central coast and the impact of withering foot syndrome that affected black, green, pink, and to some small extent, red abalone, had significant effects on the overall statewide landings.	The Department recognizes that the current decline of red abalone in the north coast is due to different factors that had contributed to the decline in the south coast. The comparison between the current status of the north Coast fishery and stocks and the experience with the southern California fishery highlights the consequences of low population densities to the recovery potential of those populations. When fishery stocks reach low densities (i.e., ARMP density trigger for fishery closure), closing the fishery is recommended to allow stock recovery, regardless of the cause of the decline. Northern California red abalone stocks are at higher levels compared to most southern stocks at the close of that fishery. Parts of San Miguel Island were the only areas in southern California with abalone densities similar to current northern California densities. It is anticipated that the higher densities at closure will promote quicker recovery. Even so, the current density levels are low enough that recovery could take a

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1, cont.					<p>long time and could take even longer if the fishery was continued and allowed to reduce density further.</p> <p>The commenter is correct that both sea otters and disease played a role in the decline of southern abalone stocks and, thus, the closure of the fishery (see Chapter 3 of the ARMP). However, their role was more indirect in terms of causality. Figure 2-2 of the ARMP shows commercial red abalone catches declining significantly by 1970 in all southern California areas except San Miguel and San Nicolas Islands. This decline is attributed to fishing (both sport and commercial) and occurred well before sea otters or disease impacted the fishery. The sea otter's indirect role in this decline during this time period was due to the expansion of their range and the loss of central California fishing grounds and the shift of fishing effort to southern California (compaction of the fishery). This increased fishing effort in a smaller area probably contributed to the further decline of stocks and the fishery.</p> <p>Withering Syndrome (WS; also known as withering foot syndrome) did have a</p>

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1, cont.					<p>direct impact to the decline of black abalone populations in southern California. But, its direct contribution to the decline of red abalone stocks in this region is unknown. WS was first documented at Anacapa Island in 1986 (Haaker et. al. 1992). The commercial catch history in the ARMP Figure 2.2 shows that catches were very low for most of southern California prior to the discovery of WS in the mid 1980s, suggesting that disease had a very small role in the decline of the fishery overall.</p>
			Red Abalone Fishery Management Plan (FMP)	c. Recommend that any action taken now to address this crisis should be short-term in the form of non-ARMP suggestions because the Red Abalone FMP is so close to completion.	<p>At the December 7, 2017 Commission meeting, the Commission selected Option 1, to close the recreational abalone fishery consistent with the ARMP and Department’s findings with a sunset clause to reopen the fishery after 1 year (sunset date of April 1, 2019) or upon adoption of an abalone fishery management plan, whichever comes first. In addition, the Commission directed the Department to work with stakeholders to deliver a new fishery management plan (anticipated to be completed by late 2018) that includes guidance on navigating these unprecedented conditions. The Commission also directed the Department to consider</p>

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1, cont.					<p>how the new fishery management plan can inform the potential reopening of some fishing opportunity for the 2019 season; however, the Department believes the closure levels in the ARMP are valid and the new Red Abalone FMP is unlikely to be significantly different regarding that issue. The Red Abalone FMP will also meet requirements for fisheries management in the Marine Life Management Act (MLMA). For more information on the Red Abalone FMP, please visit the Department website at <a href="https://www.wildlife.ca.gov/Conservation/Marine/Red-Abalone-FMP">https://www.wildlife.ca.gov/Conservation/Marine/Red-Abalone-FMP</a>.</p>
			Marine Protected Areas (MPAs)	d. The ARMP's precautionary approach was prior to implementation of MPAs. MPAs now serve as buffers to provide full protection to a number of abalone.	<p>This comment is outside the scope of the proposed regulations. A network of MPAs was established as part of the Marine Life Protection Act (MLPA) in North Central Coast in 2010 and the North Coast in 2012 to help improve overall health of the marine ecosystem. MPAs provide refuge from take for all species, and may be important to the recovery and management of individual species such as abalone, but should not be viewed as a justification for less cautious management. In the current situation, the impacts to the abalone populations are largely due to poor</p>

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1, cont.					<p>environmental conditions, affecting abalone both within and outside MPAs. In addition, it is not known how much MPAs will benefit surrounding fished sites because of uncertainty in the movement of abalone and the dispersal of larvae. In cases such as the present, in which poor environmental conditions have negative impacts on abalone populations, MPAs will likely show effects similar to fished sites. As the northern California MPAs mature, they will provide an invaluable tool to assess the degree to which management measures are promoting population growth in fished areas and will allow comparison between fished and non-fished areas to tease out the differences between potential effects of fishing and/or changes in environmental conditions.</p>
			<p>Limited Fishery Option, Sub-Option B</p>	<p>e. Expressed support for a daily limit of 2 abalones and an annual limit of 3 abalones.</p>	<p>See response to comment 1c. Proposed Option 2, including sub-option B to reduce the daily bag/possession limits was not selected by the Commission. All of the proposals for a limited fishery under Option 2 are inconsistent with the ARMP and MLMA objectives of maintaining sustainable fisheries. Any limited fishing will likely remove the healthiest remaining abalone from</p>



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1, cont.					declining populations and increase the risk of collapse of northern California red abalone populations.
			Limited Fishery Option, Sub-Option C	f. Expressed support for increasing the minimum size limit to 8 inches. Believe that, contrary to the Department's rationale, increasing the minimum size limit would not increase fishing-related injuries because 8-inch abalones are less abundant than 7-inch abalones and divers should be measuring before take.	Proposed Option 2, including sub-option C to increase the minimum size limit from 7 inches to 8 inches, was not adopted by the Commission at the December 7, 2017 Commission meeting. As a management strategy, increasing the minimum size limit is often used to allow more time for animals to reproduce before entering the fishery. However, during the current starvation event most red abalone are starving and are not reproductive. It is unlikely increasing the size limit to 8-inch red abalone under these conditions will result in the expected benefits. In addition, there is evidence that increasing the size limit will likely increase incidental fishing mortality as fishers remove red abalone searching for larger animals that are less common. Thus, the overall fishery yield could decrease, with little or no biological benefit to the stock. Size frequency data at northern California index sites generally show more 8-inch abalone than 7-inch abalone, and is an indication that the refuges provided by deeper water or distance from main

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1, cont.					<p>access points are protecting significant portions of abalone populations even at the more heavily fished index sites. The commercial size limit of 7 ¾ inches did not maintain abalone densities above levels needed to maintain fisheries at any of the northern Channel Islands where the fishing was primarily commercial. Increasing the size limit to 8 inches in a recreational fishery is unlikely to be more successful in maintaining adequate densities. The rock picker segment of the fishery often does not measure abalone before detaching abalone, which leads to large numbers of abalone killed during fishing operations. Recreational fishers are not likely to be as careful in removing and replacing undersized abalone as commercial fishers in southern California resulting in increased mortality.</p>
2	Paul Weakland	Verbal testimony at Commission meeting on 8/16/17, 10/12/17, and 12/7/17	Density Assessment	<p>a. The Department is fixated on the 6,600 abalone/ha density level and is not fully aware of what the true aspects of the density findings are in the ARMP; question why the Department has not considered the 2,000 abalone/ha criteria that had been agreed upon in the ARMP.</p>	<p>Two density levels are integral to both recovery and management as measures of population abundance: minimum viable population (MVP) size (2,000 abalone/ha) and a sustainable fishing density (6,600 abalone/ha). The density levels were derived from red abalone populations in northern and southern California as well as published research</p>

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2, cont.					<p>from other abalone species (see ARMP Section 6.2.2, Density-Based Criteria for additional information). The 2,000 abalone/ha level in the ARMP is the critical density at which reproduction is likely to be too low to sustain an abalone population under fishing pressure. The ARMP added a 50 percent buffer to the MVP to establish a fishery closure level of 3,000 abalone/ha. Management in the ARMP is focused on maintaining densities higher than MVP and the fishery would close before that level is reached. Recent studies on the relationship between density and recruitment have shown the MVP should be higher because at 2,000 abalone/ha, reproduction is already showing declines that could negatively affect the fishery. The new FMP for red abalone will likely keep the 3,000 abalone/ha closure level.</p>
			<p>Limited Fishery Option, Sub-Option C</p>	<p>b. The Department's concept for minimize size limit is flawed. Abalones between 2 and 7 inches are the most contributing part of the gene pool. The reason the size limit is 7 inches is because after 7 inches abalone are like every other living thing on the face of the earth, they start becoming necrotic; and the</p>	<p>Studies have shown that some male red abalone begin to produce sperm at 3 inches in length and some female abalone begin to produce eggs at 4 inches in length, but red abalone need to grow an additional inch before all individuals are sexually mature. The size of maximum egg production is around 8 ½ inches and although larger</p>

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2, cont.				larger the abalone is, the more spawn there may be, but it is not viable and not contributing to the gene pool.	abalone have a higher percentage of necrotic eggs, their higher egg production offsets the number of nonviable eggs, and their total reproductive contribution to the population is greater than 7-inch abalone.
			Density Assessment	c. Department abalone surveys are not properly performed. The Department survey does not consider a full range of sizes and selectively counts abalones that are between 4 and 7 inches, which does not represent reality.	This comment is outside the scope of the proposed regulations and incorrectly describes sampling procedures. The Department survey methods described in Appendix E of the ARMP are standard procedures that have been used for numerous peer reviewed scientific publications (see comments 84a(1-2)). The Department's surveys count all emergent (not cryptic) abalone encountered, including those less than 4 inches and greater than 7 inches. Under normal conditions, most of the emergent abalone are greater than 4 inches. The most abundant sizes measured in the surveys are between 7 and 8 inches.
			Other	d. The closure is an effort to move toward corporatization of fishing in California.	This comment speculates an effort to corporatize fishery operations in California, and is outside of the scope of the proposed regulations. The closure is based on concerns for the sustainability of the fishery at recently observed density levels and

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2, cont.					corporatization of fishing is not part of the decision.
			Enforcement	e. There is overwhelming evidence that cannot be disputed that closing the black abalone fishery in southern California is a failure. It has created a poacher's paradise; more abalone has been poached in southern California than if there had been a legal fishery.	The Department has not found evidence that supports the commenter's claim that the black abalone closure is a failure, and still believes the closure offers the best chance for the recovery of abalone populations. The failure of southern California abalone populations to recover is more likely the result of low reproductive rates caused by low abalone densities than by poaching levels. Poaching is likely a factor in slowing recovery but is not the primary cause for slow recovery. Nevertheless, law enforcement efforts to combat abalone poaching are considered a high priority for the Department and much time and resources is focused on enforcing the abalone regulations. Abalone poaching is a constant problem, regardless of the amount of effort the Department expends in trying to curb it. Thus, the Department must continue its enforcement efforts while also actively managing the legal recreational fishery. At the December 7, 2017 Commission meeting, the Department's Chief of Enforcement stated he believed closing the fishery

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2, cont.					would reduce poaching overall because poachers would no longer be able to use the legal fishery as a cover for their activities and the only poachers still active would be those who have no regard for regulations.
			Public Input	f. There is no trust or confidence in the Department's data because anything that opposes or conflicts with the Department's direction or concepts are not allowed for consideration.	The Department welcomes public input and participation in stakeholder meetings, workshops, and abalone work products. The public is also encouraged to attend Committee and Commission meetings and engage in the discussion about abalone items on the agenda. Any member of the public may address and/or ask questions of the Commission relating to the implementation of its policies. The Commission is particularly interested in the specific reasons that members of the public have for or against the proposal because the Commission's decision needs to be based on specific reasons. The public is also welcomed to comment in writing for consideration by the Commission. Written comments may be submitted to the Commission by one of the following methods: email to <a href="mailto:fgc@fgc.ca.gov">fgc@fgc.ca.gov</a> ; delivery to Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or hand-deliver to a Commission meeting.

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2, cont.			Fishery Closure Option	g. Considering what had happened in southern California, anything less than a full closure would be hypocrisy.	At the December 7, 2017 Commission meeting, the Commission voted to close the 2018 northern California recreational abalone fishery. See response to comment 1c.
			Other	h. Spoke of a management approach in Australia that allowed harvest of all sick and dying abalones, and abalone populations were able to rebound in 3 years.	The commenter provided no additional information to substantiate or evaluate the claim. On the contrary, the Government of Western Australia closed both commercial and recreational fishing in its Northern Zone to allow abalone stocks to recover following high mortality during a “marine heatwave” off the coast in 2010/11. The area remains closed until further notice.
			Other	i. Expressed frustration that no consideration is given to open small areas in San Francisco, San Mateo, and Santa Cruz Counties where there is a large abundance of abalones that are not suffering.	Opening fishing in the moratorium area is outside the scope of this regulatory package. Under FGC § 5522(d), the Commission has the authority to reopen all or portions of the moratorium area if they find that the abalone resource can support harvest activities. What little data exists indicates there are not enough abalone in the south San Francisco Bay Area to open a fishery. Department surveys near Half Moon Bay in San Mateo County found red abalone densities there were too low to support a fishery. Two recent Reef Check surveys in San Mateo County and

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2, cont.					two others in Santa Cruz County found no red abalone.
3	Josh Russo, Watermen's Alliance	Verbal testimony at Commission meeting on 8/16/17, 10/12/17, and 12/7/17; letter to Commission on 10/13/17	Limited Fishery Option, Sub-Option B	a. Oppose reducing the daily bag limit. Members of Watermen's Alliance in southern California have stated that it is not worth the trip to the north coast to fish for abalone if the bag limit is less than 3 abalone per day.	See response to comment 1e
			Fishery Closure Option	b. Oppose complete closure of the fishery.	See response to comment 1e.
			Limited Fishery Option, Sub-Option B	c. Recommend the Commission consider the following tools outside of the ARMP to avoid closure:  (1) Reduce the annual limit. Suggest a daily limit of 3 and an annual limit of 6.	The commenter's recommendations are noted, and responded to individually below.  See response to comment 1e. The ARMP recommends closure and any catch allowed is likely to cause further reductions in abalone populations that are significantly below levels believed to be sustainable.
			Limited Fishery Option, Sub-Option A	(2) Reopen Fort Ross to ease pressure on other abalone diving sites.	Option 2, including sub-option A to reopen Fort Ross for abalone fishing, was not selected by the Commission. Fort Ross was the most heavily used site in the fishery before it was closed year-round beginning April 2014, and there has not been adequate time since the closure for abalone populations to sufficiently recover to reopen the site. Because of past popularity and



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3, cont.					proximity to large population centers, further depletion at this this site would likely occur more quickly than other sites
			Season Length	(3) Extend or remove the season.	This comment is outside the scope of the proposed regulations. The commenter’s proposal to amend the season length is not an option under consideration by the Commission at this time. The limited fishery option (Option 2) uses as baseline the regulations that existed prior to the 2016 emergency action that modified the 2017 season. Thus, Option 2 assumes the season length is 7 months, April to June and August to November. At the December 7, 2017 Commission meeting, the Commission selected Option 1, to close the recreational abalone fishery (see response to comment 1e).
			Limited Fishery Option, Sub-Option B	(4) Reduce the daily bag limit by zone (1 abalone/day from Jenner to Stewart Point State Marine Reserve (SMR), 1 abalone/day from Navarro River to the 10-Mile SMR, and 3 abalone/day for the rest of northern California).	This comment is outside the scope of the proposed regulations. The designation of specific bag limits by fishing zones is not an option considered by the Commission at this time. Proposed Option 2, sub-option B, is a uniform reduction in possession and annual limits, and is relatively simple to enforce and easier to communicate and understand than varying limits by fishing zones or sites. At the

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3, cont.					December 7, 2017 Commission meeting, the Commission selected Option 1, to close the recreational abalone fishery (see response to comment and 1e).
			Limited Fishery Option, Sub-Option D	(5) Limit abalone report card sales [a table comparing percentage reduction with a daily limit of 3 abalone and reduced annual limits and report card sales was provided in the comment letter for consideration by the Commission].	Submission noted. See response to comment 1e. Option 2, including sub-option D to limit the number of report cards, was not selected by the Commission.
			Enforcement	d. The fishery closure will not end the take of abalone. As seen in southern California, abalones are being taken but the Department has no way of regulating it.	With the proposed fishery closure, the Department recognizes that abalone poaching may occur in various forms along the north coast. See response to comment 2e.
			Other	e. A fishery closure would remove divers who are the “eyes in the water” and cause participants to lose interest in the fishery due to investments in other recreational opportunities.	See response to comment 2e. At the December 7, 2017 Commission meeting, the Commission selected Option 1, to close the recreational abalone fishery with a sunset clause of April 1, 2019 or upon adoption of an abalone fishery management plan, whichever comes first. As there are varying factors that may influence a fisher’s decision to participate the fishery, is difficult to predict how these regulations will influence fisher behavior and participation in the fishery after closure.

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4	George Osborne, Coastside Fishing Club	Verbal testimony at Commission meeting on 8/16/17 and 10/12/17	Limited Fishery Option, General	a. The Coastside Fishing Club strongly opposes fishery closure and supports comments 3a-c.	See response to comments 3a-c.
			Limited Fishery Option, General	b. Urge the Commission to use the options that it has before it to avoid a fishery closure. Note that California is dead last in per capita fishing participation in the United States, and this proposed closure will likely remove a number of licensees forever from participating again.	See response to comment 1e. Also, see response to comment 3e. Natural resources are limited so it is not surprising the state with the highest human population would have low per capita fishing participation.
5	Vanessa Font, Sacramento Business Owner	Verbal testimony at Commission meeting on 8/16/17	Economic Impact	a. Oppose fishery closure; closure would severely affect coastal communities that generated income from abalone tourism, such as dive shops, campgrounds, and restaurants.	See response to comment 1e. Part VII, Economic Impact Assessment, of the ISOR dated September 2017 evaluates the economic impacts of the proposed full fishery closure (Option 1) as well as a limited fishery (Option 2). While the proposed full fishery closure will have the greatest short-term economic impact, it also may have the greatest impact on the recovery of the fishery. The long-term intent of the proposed fishery closure is to ensure the recovery of the red abalone fishery and, subsequently, the long-term viability of fishery-related businesses in the fishery area.

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5, cont.			Limited Fishery Option, General	b. Support comments 3a-c.	See response to comments 3a-c.
6	Frank Hurd, The Nature Conservancy	Verbal testimony at Commission meeting on 8/16/17	Red Abalone FMP	a. In light of these recent drastic events on the North Coast, believe moving forward it is critical to build a FMP that is adaptive enough to address broad scale environmental shifts in the future.	This comment is outside the scope of the proposed regulations. The FMP will incorporate additional informative indicators to serve as early warning, which will allow the Department to be proactive and adaptive in its management.
			Public Input	b. Given the likely negative consequences associated with a full fishery closure, both economical and biologically, recommend finding an acceptable alternative by working directly with leaders of the abalone diving community.	In consideration of public comments, at the August 16, 2017 Commission meeting, the Commission directed the Department to evaluate a limited fishery to protect the tradition of abalone fishing (Option 2) in addition to the Department's recommendation to close the fishery (Option 1). As opposed to Option 1, Option 2 is not consistent with the ARMP or the MLMA. Option 2 consists of four sub-options that can be selected individually or in any combination, which would allow limited abalone fishing opportunity in the short-term. Also, see response to comment 1e.

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7	Dennis Haussler, Recreational Abalone Advisory Committee (RAAC) Member	Verbal testimony at Commission meeting on 8/16/17	Limited Fishery Option, General	a. Vehemently oppose closure of the fishery; closure will cause tremendous damage and will not achieve the goal of preserving the fishery. Strongly in support of comments 1a and 3a-c.	See response to comment 1e. Also, see responses to comments 1a, 3a-c, and 5a.
8	Glen Abersol, Recreational Diver	Verbal testimony at Commission meeting on 8/16/17	Abundance; Limited Fishery Option, Sub-Option C	a. Oppose fishery closure. Recount a recent dive trip to Mendocino County where abalones over 8 inches were numerous and urge the Commission to consider raising the minimum size limit instead of closing the fishery.	See response to comments 1e and 1f. The finding made by the Department concerning decline in red abalone abundance and factors affecting the species' ability to survive and reproduce are documented in Part III of the ISOR dated September 12, 2017. In addition, Table 1 of the ISOR shows the decline of abalone abundance as measured by densities at index sites in Sonoma County and Mendocino County from past seasons (2012-2016) and the current season (2017). The proposed regulations would protect the red abalone resource from excessive fishing mortality during the current poor environmental conditions. Conserving the red abalone resource now will allow it the opportunity to rebuild and be sustainable for the future.
9	Bill Bernard	Verbal testimony at Commission meeting on 8/16/17	Density Assessment	a. The Department's surveys are questionable. Over the years, experts had testified before the Commission to refute the accuracy and validity of	This comment concerns the validity of the Department survey method, and is outside the scope of the proposed regulations. At the request of the Department, Ocean Science Trust

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9, cont.				the Department's statistical analysis and findings.	administered an independent review of the survey design and methods used by the Department to estimate red abalone density in 2013. The basic survey procedure was not criticized and is similar to surveys conducted by other researchers who have similar results (see comments 84a(1-2)). The Department has evaluated the report's recommendations, and plans to incorporate the findings into abalone management. This is considered to be a first step to inform the drafting of the new fishery management plan. The final report of the scientific review is available at <a href="http://www.fgc.ca.gov/meetings/2014/nov/Exhibits/3_5_AbaloneReviewFinalReportFINAL.pdf">http://www.fgc.ca.gov/meetings/2014/nov/Exhibits/3_5_AbaloneReviewFinalReportFINAL.pdf</a> .
10	Brandon Earhart	Email to Commission on 9/15/17	Economic Impact	a. While the emergency regulations this past season have had some positive effects reducing pressure on the fishery, it has also had negative impacts on those communities whose economy depends on the abalone fishery for tourism. For this reason, would like to see the open season remain status quo or return to previous lengths.	See response to comment 5a. Currently, there is no evidence to indicate that the emergency regulations had any positive effect on reducing pressure on the fishery or hurting the local economy. In fact, abalone report card sales as of September 30, 2017 is about 1,200 cards more than the 2016 total card sales. Additional information is needed before a clearer picture of the actual impact to the fishery and local economy can be made. If the fishery

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10, cont.					collapses, there will be much more severe and longer negative economic impact to the local economies as has been seen south of San Francisco.
			Limited Fishery Option, Sub-Option C	b. Would like the Commission to consider increasing the minimum size limit to 8 inches. Believe that the size increase would influence take and force divers to be more selective.	See response to comment 1f.
			Limited Fishery Option, Sub-Option B	c. Would like the Commission to consider reducing the daily bag limit to 2 abalone.	See response to comment 1e.
11	Alex Reynaud	Email to Commission on 9/26/17	Limited Fishery Option, Sub-Option B	a. Comment is similar to 10c.	See response to comment 10c.
			Limited Fishery Option, Sub-Option B	b. Suggest an annual limit of 8 abalone.	See response to comment 1e.

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11, cont.			Limited Fishery Option, Sub-Option C	c. Recommend no change to the minimum size limit of 7 inches.	Proposed Option 2, including sub-option C to increase the minimum size limit from 7 inches to 8 inches, was not adopted by the Commission at the December 7, 2017 Commission meeting.
			Limited Fishery Option, Sub-Option D	d. Do not limit abalone report card sales since plenty of people will not purchase report cards if the daily bag limit is reduced to 2 abalone.	See response to comment 3c(5).
12	Whitney [Last Name Withheld], Recreational Diver	Email to Commission on 9/27/17	Abundance	a. Urge the Commission not to change the current regulations because there is plenty of abalone.	See response to comment 8a.
13	Jack Likins, Recreational Fisherman	Letter to Commission on 9/28/17 and 11/8/17; verbal testimony at Commission on 10/12/17 and 12/7/17	Red Abalone FMP	a. Encourage the Commission to allow the 2018 abalone season to remain open pending adoption of the new abalone FMP. With the Department's history of never having reopened a closed abalone fishery, it does not make sense to close the 2018 season when the new plan, which might indicate a different response than the ARMP, will be ready for the 2019 season.	See response to comment 1e. The Department would reopen abalone fisheries if abalone populations have recovered sufficiently to support a fishery.



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13, cont.			Density Assessment	<p>b. The most flagrant flaw in the ARMP is that it relies almost completely on inconsistent density surveys for making decisions about the fishery. The Department’s “notice” cited “critical negative impacts” to abalone’s health, reproduction and habitat which have little foundation in science and should only be considered as anecdotal indications, if used at all. While some of these indicators might be developed in the future to be useful, they are currently not well enough proven or accepted by the scientific community to be used as objective indicators. At the very least, before any decision is made to close the fishery, the closure decision recommended by the state biologists and its basis should be reviewed by outside, independent scientists.</p>	<p>The density surveys used by the Department are valid and have been peer reviewed. The critical negative impacts cited in the notice are based on fundamental biological facts, such as the basic need of organisms for food to support growth, maintenance, and reproduction. The documented lack of kelp, the principle food for abalone, has had critical negative impacts, and will continue to experience them until kelp recovers. Additionally, independent of the Department’s red abalone monitoring program, results from three long-term kelp forest monitoring programs overseen by the Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO) and Reef Check California corroborate the finding made by the Department in the September 2017 ISOR for the proposed regulations (see comments 84a(1-4)).</p>
			Density Assessment	<p>c. The Ocean Science Trust scientific review of the Department’s density transect surveys has assert that the Department’s “sampling method was not designed to represent or estimate the density of the entire abalone population” and that density surveys are unreliable due to the large variances in observations, especially</p>	<p>The Department disagrees with the commenter’s interpretation of the findings of the Ocean Science Trust review. See response to comment 9a and comments 84a(1-4).</p>

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13, cont.				as it pertains to observations of site-level density changes. Taken together, these two considerations suggest that density surveys lack usefulness for informing coast-wide, county, or site level abalone stock status.	
			Density Assessment	d. There has been simulation testing done by Dr. Bill Harford at the University of Miami in collaboration with The Nature Conservancy (TNC), which “revealed that abalone density indicators derived from the observed variance structure of actual CDFW surveys had a propensity for poor management outcomes.”	The Department is currently reviewing the work of Dr. Bill Harford and TNC to investigate the merit of their findings.
			Density Assessment	e. It is not at all clear that the overall abalone fishery or stock is in jeopardy or that the ARMP reference points are appropriate for a sustainable fishery. While it is obvious that the high density “Cadillac fishery” will decline in the heavily fished index sites, most fishermen would much rather have a limited fishery than no fishery.	The ARMP has been peer reviewed prior to adoption by the Commission in 2005. The Department’s recommendation to close the fishery is not about what level of fishery could be provided, but ensuring future sustainability of that fishery. The current densities are at levels that have caused other abalone fisheries to collapse in southern California, Washington, and British Columbia.
			Red Abalone FMP; Limited Fishery	f. There were several good alternatives to full closure suggested by the public and the Commissioners, which warrant further consideration. These alternatives, if implemented	See response to comment 1e and 6b.

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13, cont.			Option, General	wisely, would not overly stress the resource, would leave the 2018 season open, and would give the Department the year to design a better FMP.	
			Public Input	g. Encourage the Department to take advantage of the outside scientific help offered by TNC and fishermen in the formulation of the new FMP.	This comment concerns development of the Red Abalone FMP, and is outside the scope of the proposed regulations. The Department believes that the success of the FMP process largely depends on the continued involvement of the recreational abalone fishing community as well as the public, and welcomes comments, ideas, and suggestions throughout the FMP development process.
			Purple Sea Urchin	h. Encourage the Department to support proposals to remove sea urchins to improve the abalone situation.	This comment is outside the scope of the proposed regulations. Unchecked populations of sea urchins are known to devastate kelp forests; thus, removing an important source of food and shelter for marine biota and creating barrens. The Department will review and evaluate the proposals to ensure that any proposed activity would not result in waste of the purple urchin resource (FGC § 7704(a)), or create unintended negative impacts.

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13, cont.			Total Allowable Catch (TAC)	i. Recommend reducing the average actual catch level of 150,000 abalone/year to half (75,000 abalone/year).	An annual limit of 3 per year would reduce take to around 75,000 abalone, assuming no significant change in the number of participants. This recommendation is inconsistent with the ARMP and the MLMA. Also, see response to comment 1e.
			Limited Fishery Option, Sub-Option B	j. Recommend reducing the annual limit from 18 abalones to 9 abalones and reopening Fort Ross. Although the ISOR does not recognize that reductions in annual limits will decrease the number of report cards sold, it is predictable that a 50 percent reduction in annual limits will reduce the number of cards sold by at least 20 percent from 25,000 to 20,000 per year. A combination of these circumstances will achieve the desired reductions without specifically limiting card sales.	See response to comment 1e. There is no evidence to suggest that a 50 percent reduction to the annual limit equates to a 20 percent reduction in report card sales. Table 2 in the September 2017 ISOR shows the estimated catches for various reductions to the annual and daily bag limit based on 2016 report card sales data and fishing behavior. The catch estimate for an annual limit of 9 is probably the most accurate estimate in that table because it assumes no changes in the number of card sales. The reasoning behind this is that past report card catch data show that roughly half of the fishers only catch up to 9 abalone per year. Therefore, roughly half the fishery is not affected by a reduction to a 9-abalone annual limit and would continue to fish. The group that would be affected by such a reduction to the annual limit are the more avid fishers (those that catch > 9

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13, cont.					abalone), which are unlikely to quit fishing due to the reduction.
			Limited Fishery Option, Sub-Option D	k. Limiting card sales will obstruct fishermen who only fish once or twice per year, travel long distances, and those who are new to the sport.	Option 2, including sub-option D to limit the number of report cards, was not selected by the Commission.
			Limited Fishery Option, Sub-Option C	l. Suggest raising the minimum size limit if the Commission and Department want more than a 50 percent reduction in landings. Raising the minimum size limit would not only reduce landings but also increase the time an abalone has to reproduce by at least 5-6 years before it enters the fishery.	See responses to comments 1f and 2b.
				m. Believe that the proposed fishery closure will likely:	The consequences anticipated by the commenter are responded to individually below.
			Fishery Closure Option	(1) Slow recovery.	The Department disagrees. As described in the September 2017 ISOR, the closure would maximize population and fishery recovery rate. Eliminating fishing pressure would boost recovery of the abalone stock in terms of more successful reproduction if left undisturbed by fishing.

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13, cont.			Enforcement	(2) Redirect enforcement and lead to more and easier poaching.	See response to comment 2e. The Department disagrees. The Department's Chief of Enforcement has stated that a full fishery closure, as opposed to a limited fishery, would make it easier for enforcement to identify poaching activity as well as redirect resources from checking for abalone report card compliance to catching poaching violations.
			Public Input	(3) Curtail the eyes in and out of the water (e.g., fishermen who contribute to data gathering and reporting poachers).	The Department acknowledges and appreciates the assistance of recreational divers to help inform fishery management decisions and alert enforcement to potential violations. While fishery closure (Option 1) would eliminate abalone fishing opportunities in the near-term until recovery, other fishing opportunities may keep responsible fishers at the coast who might observe illegal behaviors. Additionally, see response to comment 2e.
			Other	(4) Eliminate the need to manage the fishery as well as eliminate information and data that comes from fishing (i.e., creel surveys, catch levels, and antidotal observations from fishermen).	See response to comment 1e.

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13, cont.			Other	(5) Eliminate what can be learned from fishermen's responses to regulatory changes.	See response to comment 3e.
			Economic Impact	(6) Harm businesses.	See response to comment 5a.
			Other	(7) Eliminate the tradition of fishing; most fishermen would rather fish even if they do not have much of a chance of catching anything than not be able to fish at all.	If abalone were so scarce that fishers have a hard time finding any, the densities would be so low that successful reproduction would be unlikely. Abalone fisheries must be closed while abalone are relatively abundant to ensure reproduction is adequate for population recovery. As indicated in the September 2017 ISOR, while abalone fishing opportunities would be eliminated in the near term, future sustainable fishing opportunities would be maximized with a full fishery closure provided that the fishery is closed until it recovers. However, recognizing the public's concerns, the Commission selected Option 1 at the December 7, 2017 Commission meeting to close the recreational abalone fishery with a sunset date of April 1, 2019 or upon adoption of an abalone fishery management plan, whichever comes first.

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14	<p>Bill Harford, Ph.D., University of Miami;</p> <p>Jono Wilson, Ph.D., The Nature Conservancy;</p> <p>Jack Likins, Recreational Diver;</p> <p>Jeremy Price, Ph.D., Murdoch University;</p> <p>Natalie Dowling, Ph.D., CSIRO Oceans and Atmosphere;</p>	Letter to Commission on 9/28/17	Density Assessment	a. The current management framework utilized by Department to manage the recreational red abalone fishery, which relies exclusively on limited data generated from state-led density and recruitment surveys, is cost ineffective and does not represent the best available science or the latest thinking on managing benthic invert fisheries.	See response to comment 2c. Also, see response to comment 9a and comments 84a(1-4). The Department appreciates the work by Bill Harford, et.al. in evaluating the ARMP harvest control rule and providing an alternative harvest control rule. As stated at the December 7, 2017 Commission meeting, the Department is evaluating both harvest control rules for incorporation into the new FMP, but believes density and recruitment surveys to be valuable sources of information. Although density data may have greater variability than size or catch, it is much more sensitive to population conditions and detected problems soon after they occurred. Size data would take several more years before population problems associated with poor environmental conditions would be detected.
	<p>Jack Shaw, Recreational Diver;</p> <p>Alexis Jackson, Ph.D., The Nature Conservancy</p>		Red Abalone FMP	b. Recommend that the Commission consider inclusion of a stakeholder proposed multi-indicator, decision-tree based harvest control rule (HCR) as an alternative in the FMP. This HRC can be specified to be more or less precautionary than status quo, and provides a pathway to make clear and transparent management decisions.	This comment concerns consideration of a HCR as an alternative in the Red Abalone FMP, and is outside the scope of the proposed regulations. A FMP for red abalone is currently under development by the Department and will be considered under a separate action.



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14, cont.			Red Abalone FMP	c. A management strategy evaluation (MSE) has been developed to evaluate the performance of the proposed HCR. Initial results suggest that the proposed HCR performs best when only landings and length data are included and that use of multiple streams of data in the proposed HCR help to reduce the risk of stock collapse while maximizing yields and maintaining stability under a range of normal and extreme environmental conditions.	This comment concerns the use of a MSE for a proposed HCR (see comment 14a) and is outside the scope of the proposed regulations. A FMP for red abalone is currently under development by the Department and will be considered under a separate action. The proposed HCR depends on size frequency data, which the MSE shows is slow to respond to changes in natural mortality. Dramatic unfavorable environmental changes could cause fisheries to collapse before this HCR can detect problems and take action.
15	Steven L. Rebuck	Emails to Commission on 9/29/17, 10/7/17, 10/18/17, 10/24/17, and 10/25/17	Other	a. Submit a document to follow-up on a recommendation on Item 18 at the August 18, 2017 Commission meeting to establish a commercial fishery for red abalone at San Miguel Island pursuant to Appendix H, H-1 of the ARMP.	Submission noted. This comment concerns verbal testimony given at the August 18, 2017 Commission meeting on agenda item 18, to extend the red abalone emergency regulations to the end of the 2017 season. Reopening a commercial fishery for red abalone is outside the scope of the proposed regulations.
			Other	b. Recommend opening a small-scale red abalone recreational fishery between San Mateo County and northern Santa Barbara County, which would reduce the pressure on the northern coast red abalone resource by approximately 20 percent. Based on published literature, there is a	See response to comment 2i. Current data from the Department and Reef Check find no red abalone populations abundant enough to support a fishery along the section of coast discussed. The published literature mentioned is very dated and might not be an

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15, cont.				considerable red abalone resource available in that section of the coast.	accurate assessment of current conditions.
			Other	c. Believe that opening the south-central coast to recreational use and San Miguel Island to both recreational and commercial use could satisfy the statutory requirement.	This comment is outside the scope of the proposed regulations. See response to comment 2i.
			Density Assessment	d. In order to open the abalone fisheries, the density requirements of the ARMP will need to be eliminated and/or amended.	Revisions to the ARMP are outside the scope of the proposed regulations. The Department intends to review and make necessary changes to the portions of the ARMP that address recovery once the FMP is completed and to integrate any new information that may come out of the FMP process.
			Public Input	e. Concern that written comments sent on September 29, 2017 were not included as part of the Commission binder for the October 12, 2017 Commission meeting.	Subsection 665(b)(5), Title 14, California Code of Regulations governs Commission procedures for written comments from the public. The deadlines for public submission of written comments are included on the agenda for each meeting. For the Commission meeting on October 11-12, 2017, the deadline for written comments to be included in the briefing binder was 5:00 pm on September 28. Therefore, the written comment sent to the Commission office on September 29 <sup>th</sup> was provided to the Commissioners in the late handouts packet.

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15, cont.			Public Input	f. Recount experiences of being excluded from public testimony due to lost speaker cards.	The submission of a speaker card is voluntary; therefore, the lack of a speaker card does not exclude any person wishing to speak before the Commission. Please notify Commission staff of any missed names when commenters are called for the agenda item.
			TAC	g. The September 12, 2017 Initial Statement of Reasons acknowledges that the Commission has already tampered with the ARMP to allow continued red abalone fishing on the north coast even though density had declined. Question if the Commission can "adjust" ARMP density triggers for northern California, why can they not do it for south-central and southern California.	The Legislature closed the commercial and recreational abalone fisheries south of San Francisco Bay (FGC § 5521). See response to comment 2i.
			Sea Otter	h. Provided figures from the Draft Supplemental Environmental Document for Abalone Ocean Sport Fishing prepared by the Department in August 1991 to demonstrate that the collapse of the commercial red abalone fishery from Monterey to Morro Bay was due to sea otter reoccupation, not by human use.	Submission noted. This comment is outside the scope of the proposed regulations. See response to comment 1b.

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15, cont.			Other	i. It is very troubling to continually see representatives of the Department intentionally misrepresent historic landings data to disparage the former commercial abalone divers.	See response to comment 1b.
			Enforcement	j. Would like the Department to produce evidence to support claims that the southern commercial red abalone landings in 1997 were being enhanced by poached red abalone from the north coast.	Submission noted. This comment is outside the scope of the proposed regulations.
			Sea Otter	k. Cite Table 3.3 of the Draft Supplemental Document for Abalone Ocean Sport Fishing prepared by the Department in August 1991 as evidence that the sea otter translocation in 1987 contributed to the decline in San Nicolas Island landings from 1987 to 1990. The Department has instead incorrectly folded those losses of fishing ground into the narrative that the commercial landings were declining due to overfishing by commercial divers.	Submission noted. This comment is outside the scope of the proposed regulations. See response to comment 1b.

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16	Don F. McMahan	Email to Commission on 9/30/17	Density Assessment	a. Agree with comments 13c-d.	See responses to comments 13c-d.
			Public Input	b. There is a consistent attitude of arrogance and dismissal of outside science and opinions by state biologists, much to the detriment of both the fishery and the communities dependent on the health of that fishery.	See response to comment 2f.
			Limited Fishery Option, General	c. Support the limited restrictions concept of taking pressure off affected areas but not a total closure.	See response to comment 1e.
			Economic Impact	d. Comment is similar to 5a.	See response to comment 5a.
17	Doug Laughlin, Recreational Diver and RAAC Member	Email to Commission on 10/3/17	Red Abalone FMP	a. Comment is similar to 13a.	See response to comment 13a.
			Fishery Closure Option	b. Oppose fishery closure. Urge the Commission to consider other options to avoid closure.	See response to comment 1e.
18	Alex Schiefer, Recreational Diver	Email to Commission on 10/3/17	Limited Fishery Option, Sub-Option B	a. Recount how annual trips to the Mendocino area with friends and family have centered on the ability to dive for abalone. Agree that some type of management action needs to take place, but a full closure would be extremely drastic. Support reductions to the daily and annual limits if that meant the season could remain open.	See responses to comments 1e and 13m(7).

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19	Hyland Hogan, Recreational Diver	Email to Commission on 10/3/17	Fishery Closure Option	a. Oppose fishery closure. Question whether the Department's fishery closure recommendation is based on a knee-jerk reaction, or influenced by other interests.	See response to comment 8a. Researchers outside the Department support closure of the fishery (see comments 84a(1-2)).
20	Jeff Richards, Recreational Diver	Emails to Commission on 10/4/17 and 10/23/17	Fishery Closure Option	a. Oppose fishery closure. Recommend the Commission consider the following options to keep the season open:	The commenter's recommendations are noted, and responded to individually below.
			Season Length	(1) Split report card sales into two seasons (i.e., May to June and August to October).	This comment is outside the scope of the proposed regulations. See response to comment 3c(3).
			Limited Fishery Option, Sub-Option B	(2) Reduce the daily and/or annual bag limit.	See response to comment 1e.
			Area Closures	(3) Close specific areas that the surveys has shown to be the most depleted.	As described in Part IV(a) of the ISOR, site closures were considered as an alternative but rejected because it would concentrate fishers to a smaller number of locations, be complicated and confusing to enforce, and would most likely put excessive pressure on the open sites.
			Limited Fishery Option, Sub-Option D	(4) Reduce report card sales through a lottery system similar to the waterfowl refuge draw system.	This comment is outside the scope of the proposed regulations. While the Commission has the option of placing a cap on the number of report card sold for the season, a lottery or preference program to administer abalone report

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20, cont.					card sales is not an option under consideration by the Commission at this time. Under sub-option D of the limited fishery option, abalone report cards would be available on a first-come, first-serve basis no earlier than 45 days prior to the first day of the abalone season. See responses to comments 1e and 3c(5).
21	Michael Moatz, Recreational Abalone Diver	Email to Commission on 10/4/17	Fishery Closure Option	a. Ask the Commission to consider the following options to avoid fishery closure:	The commenter's recommendations are noted, and responded to individually below.
			Limited Fishery Option, Sub-Option B	(1) Similar to comment 20a(2).	See response to comment 20a(2).
			Area Closure	(2) Similar to comment 20a(3).	See response to comment 20a(3).
			Limited Fishery Option, Sub-Option D	(3) Reduce the total number of abalone report card sales.	See response to comment 3c(5).
			Limited Fishery Option, Sub-Option C	(4) Increase the maximum size limit of abalone to 8 inches or more.	See response to comment 1f.

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22	Bill Bassett, Recreational Diver	Email to Commission on 10/4/17	Abundance; Fishery Closure Option	a. Would like to see the season closed for the next five years. Has seen the decline of red abalone and noticed the kelp supply has drastically diminished on the North Coast and an explosion of the sea urchin population causing the abalones to move.	The Department agrees with closing the fishery. See response to comment 8a.
23	David C. Galea	Email to Commission on 10/5/17	Fishery Closure Option	a. Oppose fishery closure. Urge the Commission to consider every alternative available to keep the fishery open, including:	The commenter's recommendations are noted, and responded to individually below. Also see response to comment 1e.
			Area Closures	(1) Close areas affected by ocean conditions [i.e., lack of kelp growth and overabundance of a sea urchin bloom] with a plan to control the sea urchin population.	See response to comment 20a(3).
			Permit Program	(2) Install a limited entry program for abalone similar to the commercial Dungeness crab fishery with explicit takes, locations, and sizes.	This comment is outside the scope of the proposed regulations. While a limited entry program often involves placing a moratorium on issuing new permits to reduce or maintain the capacity of a fishery, sub-option D of Option 2 is an alternative that would limit the number of report cards sold to recreational fishers annually. The Commission did not adopt this option at its December 7, 2017 meeting.



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23, cont.			Limited Fishery Option, Sub-Option C	(3) Increase the minimum size limit to 9 inches.	This comment is outside the scope of the proposed regulations. A minimum size limit greater than 8-inches is not under consideration by the Commission at this time. Also, see response to comment 1f.
24	Jeff Milam, Recreational Diver	Email to Commission on 10/5/17	Limited Fishery Option, Sub-Options B, C, and D; Area Closures	a. Comment is similar to 21a.	See response to comment 21a.
25	Matt Mattison, Recreational Diver	Email to Commission on 10/5/17	Fishery Closure Option	a. Oppose fishery closure. Current issues in the fishery is environmentally driven and not a human take problem.	See responses to comments 1e and 8a. Although the primary cause of low abalone abundance is not caused by the fishery, continuing the fishery at low abalone population levels increases risk of slow population recovery or population collapse.
			Density Assessment	b. The AMRP is faulty, lacking at best, and will never re-open the fishery.	See response to comment 1a.
				c. Would like the Commission to consider the following options:	The commenter's recommendations are noted, and responded to individually below.
			Limited Fishery Option, Sub-Option B	(1) Limit take to 3 abalone/day and 9 abalone/year.	See response to comment 1e.

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25, cont.			Limited Fishery Option, Sub-Options A and B	(2) Limit take to 2 abalone/day, 6 abalone/year, and reopen Fort Ross.	See responses to comments 1e and 3c(2).
			Limited Fishery Option, Sub-Option D	(3) Similar to comment 3c(5).	See response to comment 3c(5).
			Purple Sea Urchin	(4) Require abalone report card purchasers to submit to the Department one full limit of sea urchins to qualify for an abalone report card.	The comment is outside the scope of the proposed regulations. A sea urchin removal stipulation to qualify for an abalone report card was not an option contemplated by the Commission at this time.
26	Ben Carter, Recreational Diver	Email to Commission on 10/5/17	Economic Impact	a. Does not believe a complete closure of the fishery is the right solution as it would cause a huge economic impact to the local communities along the coast, as well as destroy a much loved past time for thousands of responsible California abalone divers.	See responses to comments 1e and 5a.
				b. Believe a combination of the below options would provide a much better solution than closure:	The commenter's recommendations are noted, and responded to individually below.
			Limited Fishery Option, Sub-Option C	(1) Similar to comment 21a(4).	See response to comment 21a(4).

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26, cont.			Limited Fishery Option, Sub-Option B	(2) Reduce the daily limit to 2 and/or the annual limit to 9.	See response to comment 1e.
			Area Closures	(3) Close the most impacted coves.	See response to comment 20a(3).
			Limited Fishery Option, Sub-Option A	(4) Reopen access to Fort Ross.	See response to comment 3c(2).
			Limited Fishery Option, Sub-Option D	(5) Similar to comment 20a(4).	See response to comment 20a(4).
			Purple Sea Urchin	(6) Similar to comment 25c(4).	See response to comment 25c(4).
27	David Boutacoff, Recreational Abalone Diver	Email to Commission on 10/5/17	Fishery Closure Option	a. Urge the commission to keep the abalone season open in 2018 while taking other measures to mitigate harvest to protect the resource, for example:	The commenter's recommendations are noted, and responded to individually below. Also see response to comment 1e.
			Limited Fishery Option, Sub-Option B	(1) Similar to comment 20a(2).	See response to comment 20a(2).
			Limited Fishery Option, Sub-Option C	(2) Increase the minimum size.	See response to comment 1f.

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27, cont.			Area Closures	(3) Similar to comment 20a(3).	See response to comment 20a(3).
			Limited Fishery Option, Sub-Option D	(4) Reduce card sales via a “first come first served” approach, with a cut-off once a predetermined number of cards have been issued.	See responses to comments 3c(5) and 20a(4).
			Limited Fishery Option, Sub-Option D	(5) Similar to comment 20a(4).	See response to comment 20a(4).
			Limited Fishery Option, Sub-Option A	(6) Similar to comment 26b(4)	See response to comment 26b(4).
28	Ken Goudey	Email to Commission on 10/5/17	Fishery Closure Option	a. Oppose complete closure of the Northern California abalone fishery for the reasons outlined below:	The commenter’s reasons for opposing the proposed fishery closure (Option 1) are noted and responded to individually below. Also see response to comment 1e.
			Limited Fishery Option, Sub-Option D	(1) Abalone management depends on abalone card sales. Without the income, and independent of the status of the fishery, it will be very difficult to get a sport fishery restarted.	The Department agrees that closing the fishery will impact funding available for management. However, funding should not be a reason to risk collapsing a fishery, which would have much longer term impacts to funding and recovery.
			Abundance; Sea Otters	(2) Northern California abalone populations are already an unnatural oversupply. If the Northern California coast were to be (re)populated with sea otters, the	The Commission adopted the ARMP in 2005 that established the desired characteristics of the fishery, which includes maintaining a highly productive fishery and abalone population levels

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28, cont.				entire abalone population would be small and hiding in cracks. Species survival is not at risk, we should learn to allow the "Cadillac" fishery to come and go.	higher than typical in areas occupied by sea otters. Species survival is not an issue but maintaining a productive fishery is. This approach is not consistent with the approved plan.
			Abundance; Purple Sea Urchin	(3) Recovery is already evident. We have seen the sea stars and kelp return. We are already seeing a large number of smaller, healthy abalone where the unsustainable "hogs" were living.	The Department agrees that some signs of recovery of the sea stars are beginning to be documented; however, there is also extensive evidence that the abalone stock is still declining as represented by poor body and reproductive condition, and severe lack of kelp throughout the core abalone fishery region.
			Other	(4) Divers are your eyes and ears in the water, your awareness of the fishery, and the collective NorCal culture would suffer without the sport.	See responses to comments 2e and 13m(3).
				b. Propose that the Commission consider the "Oregon" approach, and:	The suggestion that the northern California abalone fishery be managed in a similar fashion to Oregon's fishery is outside the scope of the proposed regulations. The commenter's recommendations are noted, and responded to individually below.
			Limited Fishery Option, Sub-Option C	(1) Similar to comment 10b.	See response to comment 10b.

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28, cont.			Limited Fishery Option, Sub-Option B	(2) Similar to comment 11b.	See response to comment 11b.
			Limited Fishery Option, Sub-Option C	(3) Limit the daily take to 1 or 2 abalone.	See response to comment 1e.
			Enforcement	c. Feel strongly that the Commission should remove the words "legal-sized" and the sentence about replacing undersized abalone from subsection 29.15(d) of the recreational abalone regulations. This effectively mandates measuring abalone before taking, and potentially, damaging them. It would also simplify enforcement.	This comment is outside the scope of the proposed regulations.
29	Kevin Ling, Recreational Diver	Email to Commission on 10/5/17	Fishery Closure Option	a. Oppose fishery closure. Ask that the Commission consider other options to avoid closure, such as:	The commenter's recommendations are noted, and responded to individually below. Also see response to comment 1e.
			Limited Fishery Option, Sub-Option C	(1) Similar to comment 27a(2).	See response to comment 27a(2).
			Limited Fishery Option, Sub-Option B	(2) Similar to comment 25c(1) or 2 abalone/day and 6 abalone/year.	See response to comment 25c(1).

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29, cont.			Limited Fishery Option, Sub-Option D	(3) Raise the price of abalone report cards.	This comment is outside the scope of the proposed regulations. While the Commission has the option of placing a cap on the number of report card sold for the season, increasing the fee for abalone report cards is not an option under consideration by the Commission at this time.
			Economic Impact	b. Comment similar to 5a.	See response to comment 5a.
30	Stephen Miller, Recreational Diver	Email to Commission on 10/5/17	Fishery Closure Option	a. Feel that there are many other great options available before the path of full closure is taken, such as:	The commenter's recommendations concerning a limited red abalone fishery are noted and responded to individually below. Also see response to comment 1e.
			Limited Fishery Option, Sub-Option C	(1) Similar to comment 27a(2).	See response to comment 27a(2).
			Limited Fishery Option, Sub-Option B	(2) Similar to comment 3c(1).	See response to comment 3c(1).
			Limited Fishery Option, Sub-Option D	(3) Similar to comment 27a(4).	See response to comment 27a(4).
			Area Closure	(4) Limit take on an area-by-area basis.	See response to comment 20a(3).

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31	Andrew Estes	Email to Commission on 10/5/17	Fishery Closure Option	a. Request that the Commission consider the following options in lieu of fishery closure:	The commenter's recommendations are noted, and responded to individually below. Also see response to comment 1e.
			Minimum Depth and Distance Limit	(1) Require a minimum specified depth (i.e., 8-feet) or distance from the shoreline (i.e., 30-feet) for take.	This comment is outside the scope of the proposed regulations. A minimum depth or distance requirement from shore which abalone may be taken are not options under consideration by the Commission at this time.
			Limited Fishery Option, Sub-Option B	(2) Similar to comment 3c(1); specifically, 9 abalone/year.	See response to comment 3c(1).
31, cont.			Limited Fishery Option, Sub-Option B	(3) Similar to comment 10c.	See response to comment 10c.
			Season Length	(4) Reduce the season by eliminating the month of August.	See response to comment 3c(3).
			Limited Fishery Option, Sub-Option C	(5) Similar to comment 10b.	See response to comment 10b.
32	Carter Jessop, Recreational Diver	Email to Commission on 10/5/17	Fishery Closure Option	a. Oppose total closure of the red abalone fishery in Northern California. Abalone diving is an important part tradition and culture.	See response to comment 1e.



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32, cont.			Abundance	b. The environmental conditions that have so significantly eroded the health of the abalone population on the north coast have nothing to do with fishing pressure or diver activities.	See response to comment 25a. The September 2017 ISOR recognizes that a combination of unprecedented environmental and biological stressors have taken a toll on red abalone populations. The finding made by the Department concerning decline in red abalone abundance and factors affecting the species' ability to survive and reproduce are documented in Part III of the ISOR dated September 12, 2017. The proposed regulations would protect the red abalone resource from excessive fishing mortality during the current poor environmental conditions. Conserving the red abalone resource now will allow it the opportunity to rebuild and be sustainable for the future on a shorter time scale than if the fishery continues now further reducing existing stock that is crucial for rebuilding.
			Abundance	c. Observed that in areas both deep and shallow where healthy kelp still remains, healthy abalone seem to have accumulated in greater than normal density. Expect that recovery in kelp coverage that had occurred in the past few months will result in improved health for the remaining abalone in the coming months.	The section on Starvation Conditions in Part III of the ISOR dated September 12, 2017 describes the commenter's observation of healthy abalone in higher abundance in areas where kelp remains. The improvement of the abalone stock health and resumption of reproduction will take time as stated in part III of the ISOR. In the meantime,

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32, cont.					the concentration of abalone in these smaller areas where kelp occurs will help further boost recovery of the abalone stock in terms of more successful reproduction if left undisturbed by fishing. However, if the fishery continues next year, fishing would likely focus on these remnant areas and would reduce the robustness of stock recovery.
			Abundance	d. The Department's publications, which suggest the increased abalone density in some locations caused by current environmental conditions will make those areas more vulnerable to fishing pressure, is absurd. Observed from a decade of diving that, the abundance of abalone has never been a limiting factor on the number of abalones pulled because the resource is tremendously abundant.	Surveys conducted by the Department and other entities have documented a significant decline in abundance (see comments 84a(1-4)). Current conditions are unprecedented as is the low abundance of abalone observed in most recent surveys.
			Limited Fishery Option, General	e. Urge the Commission to select any alternative available that will at least allow limited take to continue.	See response to comment 1e.
33	Scott Brichan, Recreational Diver	Email to Commission on 10/5/17	Fishery Closure Option	a. Oppose fishery closure. Urge the Commission to find an alternative solution to closure.	See response to comment 1e.

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34	Ryan Waters	Email to Commission on 10/5/17	Abundance; Enforcement; Limited Fishery Option, Sub-Options B, C, and D; Purple Sea Urchin; Sea Otter	a. Comment similar to 28a-b.	See responses to comments 28a-b.
35	Brian Hlozek, Recreational Diver	Email to Commission on 10/5/17	Density Assessment; Fishery Closure Option; Limited Fishery Option, Sub-Options A, B, and D; Purple Sea Urchin	a. Comment similar to 25a-c.	See responses to comments 25a-c.
			Density Assessment	b. Note that on a recent trip to the Sea Ranch area, there is a healthy population of abalone with similar population density to years past.	See response to comment 32d.

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36	Jack Shaw	Email to Commission on 10/5/17 and 11/22/17	Fishery Closure Option	a. There is no reason to close the abalone fishery. Suggest the Commission look to Oregon as an example, which has lower densities than in California, allow SCUBA while hunting, and a fishery that is open all year. California and Oregon may seem like an apples and oranges comparison because of the far greater number of participants in the California fishery, but any differences can be mitigated through proper management without closures.	See responses to comments 1e and 32b. The suggestion that the northern California abalone fishery be managed in a similar fashion to Oregon's fishery is outside the scope of the proposed regulations. Oregon has such a small fishery and such limited data it is difficult to assess whether it would be sustainable if expanded to a larger scale. The reported red abalone catch has been around 150 per year in Oregon for the past 5 years. Of the 30 card sites in Mendocino County, only 4 had reported catches as low as Oregon for 2016, 23 had reported catches over 1,000 and one site (Van Damme) had a catch over 13,000. Trying to reduce the California red abalone fishery to the scale of Oregon could reduce the number of participants by over 90 percent and might not be worth risking the collapse of the northern California red abalone population.
			Limited Fishery Option, Sub-Option B	b. Based on the recent work by TNC, would support no more than 20 percent reduction in take.	See response to comment 1e.
			Red Abalone FMP	c. In support of the MSE report developed to evaluate the collaborative HCR proposal.	See response to comment 14c.

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36, cont.			Red Abalone FMP	d. The collaborative HCR proposal shows a scientifically robust method of keeping the fishery open even after extreme environmental events. Finding from the HCR shows that, even with extreme environmental events, no more than a maximum reduction of 20 percent in TAC is recommended and allows a flexible approach by offering options for either a fast or slow rebuild of the stock.	See responses to comments 14a-c. The TNC's HCR does not respond quickly to extreme environmental events and makes assumptions, which could make the fishery seem more robust under extreme conditions than it is.
37	Chuck Kennedy, Recreational Diver	Email to Commission on 10/5/17	Fisher Closure Option; Density Assessment	a. Comments similar to 25a-b.	See responses to comments 25a-c.
			Limited Fishery Option, Sub-Options A, B, and D	b. Comments similar to 25c(1-4).	See responses to comments 25c(1-4).

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38	Casey Scherer, Recreational Diver	Email to Commission on 10/6/17	Density Assessment; Fishery Closure Option; Limited Fishery Option, Sub-Options A, B, and D; Purple Sea Urchin	a. Comment similar to 25a-c.	See responses to comments 25a-c.
39	Michael Bolton, Recreational Diver	Email to Commission on 10/7/17	Limited Fishery Option, Sub-Options B and D; Enforcement	a. Believe closure of the season next year is unnecessary. Closing the fishery would cause more poaching. Recommendation similar to comments 3c(1) and 11d.	See responses to comments 1e, 2e, 3c(1), 3d, and 11d.
40	Robert Frey	Email to Commission on 10/7/17	Fishery Closure Option	a. Recommend closing the fishery on the Mendocino coast. The recent kelp die off and overharvesting have rendered this fishery unsustainable.	See response to comment 8a.

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40, cont.			Enforcement	b. While the Commission may consider changing the size and bag limits to control the harvest of abalone, these changes will be ineffective without adequate staffing of Department enforcement personnel. Closing the fishery will make enforcement much simpler; no more checking bags and tags. An abalone in possession is a crime.	See responses to comments 1e and 2e. Also, see response to comment 13m(2).
41	Mari Sparkjoy, The Sparkjoy Foundation	Email to Commission on 10/7/17	Fishery Closure Option	a. In favor of closing the fishery. Urge the Commission to follow the recommendation of the Department and close the fishery until the kelp forests return and the fishery is healthy again.	See response to comment 1e.
42	Jeff Bilhorn, Recreational Diver	Email to Commission on 10/8/17	Limited Fishery Option, General	a. Ask the Commission to consider anything but a full closure of the abalone season. The proposed closure would end a family tradition of driving to the Sonoma and Mendocino coasts to camp and dive for abalone.	See response to comment 1e.
43	Erik Owen, Recreational Diver	Letter to the Commission dated 10/6/17 (received on 10/9/17)	Purple Sea Urchin	a. Believe that the recent loss of sea stars and subsequent explosion of purpuratus is a natural, cyclical phenomenon.	See responses to comments 25a and 32b.
			Red Abalone FMP	b. A complete closure before a FMP is implemented in 2019 is a hasty decision, and one that may never be reversed if the current management model used in the ISOR is maintained.	See responses to comments 1c, 1e and 14a-c.

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43, cont.				Urge the Commission to postpone rulemaking until a FMP is reached and consider using modern, proven science as presented by TNC when drafting this new Management Plan.	
44	John Chen	Email to Commission on 10/9/17	Abundance; Limited Fishery Option, Sub-Options B, C, and D; Purple Sea Urchin; Sea Otter; Other	a. Comment similar to 28a-b.	See responses to comments 28a-b.
45	Aaron Reuter, Recreational Diver and Rock Picker	Email to Commission on 10/10/17	Density Assessment; Limited Fishery Option, Sub-Options A, B, and D; Purple Urchin	a. Comment similar to 25a-c.	See responses to comments 25a-c.
46	Sean Maple, Recreational Diver	Email to Commission on 10/10/17	Purple Sea Urchin	a. While the greatest single cause for the decrease in red abalone population density can be primarily attributed to a significant increase in purple urchin population, divers cannot be simply remove from the equation and expect the problem to immediately fix itself.	See responses to comments 25a and 32b. While a combination of biological and environmental factors have significantly affected abalone populations, fishing the surviving abalones is adding to the problem. Full fishery closure conserves the remaining abalone populations as well as



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46, cont.					maximizes population and fishery recovery rates.
			Limited Fishery Option, Sub-Option D	b. Abalone divers represent a very large portion of the funding for researching and monitoring these animals and without the yearly fee paid each year to hunt for these unique creatures, it would be significantly more difficult to provide funding for research so that we can know more about their growing and living patterns.	The Department acknowledges in the September 2017 ISOR that full fishery closure would cease Department funding from abalone report card sales to support biological research and enforcement. However, the Department is dedicated to continuing some of its research, monitoring, and enforcement activities through sources of funding not associated with the direct funding from the sale of abalone cards. The Department will also continue its collaboration with outside entities and groups that it works with now
			Limited Fishery Option, General	c. This dip in red abalone population numbers, while widespread and great in magnitude in comparison to the recent past, is simply another change in the natural fluctuation of animal populations. Keeping the fishery open in any way possible will benefit not only the economic side of the sport through travel and related expenses, but also through the perseverance of abalone divers as a group.	See response to comment 1e. Also, see responses to comments 25a and 32b.

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46, cont.			Limited Fishery Option, Sub-Options A, C, and D	d. Firmly request that the red abalone fishery not be closed; recommendations similar to comments 3c(2), 3c(5), and 10b.	See response to comment 1e. Also, see responses to comments 3c(2), 3c(5), and 10b.
47	Ted Morton	Email to Commission on 10/10/17	Limited Fishery Option, General; Red Abalone FMP	a. Urge the Commission to find a way to keep the fishery in place while transiting from the ARMP to the FMP, and to consider the many options before it to manage the current environmental conditions. Anything other than a fishery closure would ensure traditions continue, north coast economic benefits continue, and the continuity of recreational fishing.	See response to comment 1c.
48	Silvia Earl, National Geographic	Verbal testimony to Commission on 10/12/17	Abundance	a. Support fishery closure. Has witnessed the decline of several species of abalone due to human impacts and changes in the environment. Urge the Commission to consider what can be done to protect these vital parts of the kelp forest ecosystem, and to protect the red abalone fully because right now every abalone counts.	See responses to comments 25a and 32b.
49	Earl Cisco, Western Cherokee Nation Representative	Verbal testimony to Commission on 10/12/17	Abundance	a. Support comment 47a. Recount the abundance of the abalone resource as a child growing up in Morro Bay in the 1960s.	See response to comment 47a.

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50	Peter Dickenson, Recreational Diver	Verbal testimony to Commission on 10/12/17	Enforcement; Limited Fishery Option, Sub-Options B and C	a. Comment similar to 10b-c. Suggest amending the regulations to not allow the take of abalone off a rock if it does not meet the minimum size limit.	See responses to comments 10b-c and 28c.
51	William Luke, Recreational Diver	Verbal testimony to Commission on 10/12/17	Purple Sea Urchin	a. Attribute the decline of red abalone populations to purple urchins and the thinning of kelp forests to rising ocean temperature and acidification. Suggest that there be a requirement for divers to harvest 20 purple urchins for each abalone taken.	See responses to comments 13h, 25a and 32b.
52	Wayne Kotow, Coastal Conservation Association California	Verbal testimony to Commission on 10/12/17 and 12/7/17	Research and Monitoring	a. Question why the public has not been informed of research efforts (e.g., kelp bed recovery, abalone farming, and juvenile transplantation) to address the decline of abalone populations.	The Department has made great effort to inform the public of its management of the abalone resource. Recent press releases, presentations, magazines and news articles, and other information on abalone management can be found on the Department website at <a href="https://www.wildlife.ca.gov/Conservation/Marine/Invertebrates/Abalone">https://www.wildlife.ca.gov/Conservation/Marine/Invertebrates/Abalone</a> .
			Other	b. Fishermen understand that there has been a decline in abalone densities, but just closing the fishery will not fix the population issue. Instead of being reactionary, urge the Commission to contemplate how management of the species could be more proactive moving forward.	As discussed in response to comment 1b, past experience in southern California has shown that when fishery stocks reach a certain low point (i.e., ARMP density trigger for fishery closure) the fishery should close to allow stock recovery, regardless of the cause of the decline. At the current low levels, it may take longer for the stock

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52, cont.					to recover if the fishery continues. Also, see response to comment 1c.
			Fishery Closure Option	c. The biggest fear of a fishery closure is that the fishery will never reopen again.	See response to comment 13a.
53	Robert Vanderhook, Biona Institute	Verbal testimony to Commission on 10/12/17	Sea Otter	a. Discuss how hunting in the 1800s lead to the near extinction of sea otters in California, and the Commission acted to fully protect the species. Similar to sea otter, recommend that the Commission take a precautionary approach with closure of the abalone fishery.	See response to comment 1e.
			Sea Otter	b. Note that federal protection of sea otters may be in jeopardy under the Trump administration and would like the Commission to consider how California might have to take the lead in protecting sea otters.	This comment concerns protection of sea otters under the Federal Endangered Species Act, and is outside the scope of the proposed regulations. However, sea otters are a fully protected species under California law regardless of their federal status.
			Sea Otter	c. Would like the Commission to lift the no sea otter policy in southern California.	This comment concerns southern sea otter management policies under the purview of U.S. Fish and Wildlife Service, and is outside the scope of the proposed regulations.
54	Don Thompson, Former Commercial Abalone Fisherman	Verbal testimony to Commission on 10/12/17; emails to Commission	Sea Otter	a. To expand on comment 1b, 90 percent of the historic commercial fishing grounds have been re-occupied by sea otters. The fisheries were reduced to 10 percent of its area and thus the 10 percent in landings.	See response to comment 1b. Areas never re-occupied by sea otters have had low abalone densities before Withering Syndrome impacted remaining abalone populations.

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54, cont.		on 10/27/17 and 12/6/17; letter to Commission dated 11/14/17 (received 11/15/17)	Other	b. When the commercial abalone fishery closed, the Commission did not have much authority over the fishery because all the rules were written in statute. However, during the legislative process, the Commission was given full authority to choose from whatever alternatives that were put on the table, but the Department drafted the ARMP that only had one choice (i.e., density triggers) that had tied the Commission's hands from considering other options.	The development of the ARMP by the Department was mandated in statute (FGC § 5522). The ARMP was developed in consultation with the RAAC, the Commercial Abalone Advisory Committee, and the ARMP Panel, which included representatives from all constituent groups interested in abalone. During the development of the ARMP, informal comments were received through the advisory panel, workshops, letters, and the CDFW website. These comments were used to shape and revise the plan. In addition, a formal public review period helped the Commission amend the plan prior to adoption on December 9, 2005.
			California Environmental Quality Act (CEQA)	c. Would like to know why the Department and Commission are not preparing an Environmental Impact Report as required under the California Environmental Quality Act (CEQA) for the purpose of the proposed fishery closure on the north coast.	For the purposes of CEQA (CEQA, Pub. Resources Code, § 21000 et seq.), the Commission adopted the regulations relying on the Class 7 and 8 categorical exemption to protect natural resources and the environment contained in CEQA Guideline §§ 15307 and 15308 (Cal. Code Regs., tit. 14, §§ 15307, 15308).
			CEQA	d. Would like to understand why the ARMP was never held to the CEQA standards if it has and will determine the future regulatory actions to manage abalone fishing.	It is expressly stated in Section 4.2.2 of the ARMP that, "The ARMP functions as an advisory document, making recommendations for possible future actions in the environment. For this reason, the ARMP is not subject to

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54, cont.					CEQA (Public Resources Code 21102, CEQA Guidelines 15262). The authorization of actions that are based on ARMP recommendations will be subject to CEQA.” Further, action affecting the north coast fishery are analyzed in the Commission’s sport fishing CEQA document. The level of future CEQA analysis depend on the particular activity. As such, see response to comment 54c.
			Limited Fishery Option, Sub-Option C	e. The ISOR attributes recent declines in densities of north coast red abalones to lack of kelp, resulting in increased mortality due to starvation. If this is correct, then a closure will only exacerbate the current situation. Removing some of the larger animals through harvest would have a positive impact on the remaining population by increasing the chances of survival of a greater number of small and medium sized animals.	The starvation conditions will persist even if the abalone population is “thinned” because urchin populations in the area are still very abundant. Removing more abalone will only provide more food to the urchins rather than to the remaining abalone. To address the overpopulation of urchins (particularly purple urchins), the Department is developing plans for targeted urchin population control to benefit the kelp forest and associated fisheries.
			Density Assessment	f. Question the scientific basis of the density-based triggers outlined in the ARMP. The concept of MVP was derived from a study in Australia by Scoresby Shepherd on a stunted population of a much smaller species than red abalone. Red abalone, being	The ARMP went through an extensive scientific peer review prior to adoption by the Commission in 2005; see response to comment 1a. As discussed in Section 6.2.2.1 of the ARMP, the MVP used in the ARMP is based on two sources of information, minimum

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54, cont.				the largest abalone species in the world, has the highest reproductive potential and should be able to reproduce successfully at lower density levels than other species with much smaller size.	spawning densities determined by Shepherd and Brown (1993) and the density preceding sharp declines of red abalone in southern California (Tegner et al. 1989; Karpov et al. 1998). Shepherd and Brown (1993) found that recruitment started to decline when densities fell below 3,000 abalone/ha. Stock collapsed when adult densities fell below 1,000 ab/ha. Comparable densities and consequences were found with red abalone on Santa Rosa Island in southern California. Densities under 1,000 ab/ha were not sustainable and were followed by a collapse of the population (Karpov et al. 1998). Therefore, the MVP level was established at 2,000 ab/ha based on the best available red abalone density information.
			Density Assessment	g. Department calculation of density estimates is fundamentally flawed, as it does not consider habitat. Without any estimate of habitat, there is no estimate of overall abundance and, consequently, no analysis of how much impact the fishery is having on the parent population.	The Department has asked for an independent technical review of its survey methods for estimating red abalone density. The California Ocean Science Trust conducted the independent review for the Department and convened a science advisory committee that produced a technical review report. The report and the recommendations of the science

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54, cont.					advisory committee will serve as the basis for further development of long-term management.
			Other	h. The Department should conduct a risk assessment of the various options for limited levels of fishing that identify some estimate of how much impact it will have on the resource, and given that limited information exists, the Department should identify what the levels of confidence are.	The September 2017 ISOR for the proposed regulations presents estimates in the reduction of catch for some of the management sub-options that are based on past fishing behavior and catch from report card data. It is also noted in the ISOR that those estimates are highly uncertain due to changes in the fishery and environment.
			Other	i. Recall that in 1996/7 the Department was asked by the Commission to resurvey San Miguel Island when commercial divers refuted the Department's density data.	This comment is outside the scope of the proposed regulations.
			Other	j. Recount that in 1997 the Department had prepared a CEQA document that evaluated the idea of "harvest refugia" for abalone to insure against overharvest and presented it to the Commission as an "Informational Document." However, after the fishery was closed by statute, rather than continuing with the harvest refugia idea, the Department replaced it with the current density based plan. The 6,600 abalone/ha number originated from	The concept of "harvest refugia" is outside the scope of the proposed regulations. Also, see responses to comments 1a and 2a.



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54, cont.				data the Department collected after abalone fishing was closed by statute.	
			Density Assessment	k. Recount an effort by the Department to collect current density data for San Miguel Island. Due to differences in how density numbers were calculated in northern California, a proposed experimental fishery at San Miguel Island was denied by the Commission on the basis that the density was below the MVP outlined in the ARMP. The Department's methods does not take into consideration the scale at which the density numbers are applied, the distribution of abalone across habitat, spawning behavior, and recruitment.	This comment is outside the scope of the proposed regulations.
			Other	l. If the Commission act to close the remaining fishery, the following negative consequence will occur:	Each of the anticipated consequences identified by the commenter is noted, and addressed below.
			Other	(1) More animals will die of starvation.	See response to comment 53e.
			Other	(2) The Department loses revenues from report card sales.	In the September 2017 ISOR for the proposed regulations, it is estimated that the Department has the potential to lose revenue from abalone report card sales, from \$103,750 to \$520,825.
			Other	(3) All fishery dependent data will cease.	Correct, full fishery closure (Option 1) would suspend the collection of fishery dependent data from abalone report

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54, cont.					cards as all fishing opportunities in the near-term would be eliminated.
			Other	(4) The efforts by the sportsmen to generate new data on size structure will undoubtedly end, in the absence of any fishing opportunity.	See response to comment 54l(3).
			Other	(5) The Department will likely curtail fishery independent monitoring.	See response to comment 46b.
			Other	(6) Loss of check and balances of corroborating fishery dependent data with fishery independent data.	See response to comment 54l(3).
			Other	m. In 1995, the Commission directed the Department to develop an FMP for pink abalone at the request of commercial divers who believed there was still a viable resource; the Department failed to fulfill that promise.	This comment is outside the scope of the proposed regulations. In 1997, California Senate Bill 463 was signed into law that closed all of California to commercial abalone harvest beginning January 1998. In addition, the Department was required by the State Legislature to prepare an ARMP for all of California's abalone species (FGC § 5522), including pink abalone.
			CEQA	n. In 1996/7, the Department committed to doing a full EIR for consideration of closing red abalone fishing in southern California. When the Legislature closed the fishery, the Department then abandoned the CEQA process on the basis that "the need for the environmental document had been eliminate." This was an act of bad faith because it presupposes	This comment is outside the scope of the proposed regulations. The closure of the southern California abalone fisheries was enacted by statute, which preempted the environmental review process by the Department under CEQA.

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54, cont.				that no other feasible alternative could have reasonably achieve most of the Department's basic objectives.	
			CEQA	o. CEQA was circumvented in the Commission's review and adoption of the ARMP.	See response to comment 54d.
			Other	p. The ARMP fails to accurately describe the whole record historically.	This comment is outside the scope of the proposed regulations. A historical summary of abalone laws, excerpts from legal documents relating to abalone, a table giving the location of elements required in FGC §5522 (a) and (b), maps of historical fishing areas, survey methods, constituent involvement processes, peer review, and public input are included as appendices in the ARMP.
			Other	q. The Department has not done any surveys for 8 years, yet has made baseless claims that recovery has not occurred in southern California. The ARMP and the Department, and the closure at hand has more to do with saving face than any biologically based need.	This comment is outside the scope of the current rulemaking. The Department and Non-governmental organizations (NGOs) have conducted surveys in southern California and have documented increasing abundances of some abalone species but not at levels that fulfill ARMP criteria for a fishery.

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54, cont.			Red Abalone FMP	r. Speculate that the ISOR lays the foundation to close the fishery following the triggers that the Department had created in the ARMP, and after the Commission closes the fishery, the need for the FMP goes away. The need for the FMP always seems to precede a closure, but is never followed through on.	See response to comment 1c. The Red Abalone FMP is anticipated to be completed by late 2018 and will provide updated methods for red abalone fishery management.
			Red Abalone FMP	s. Questions why the Department is working on a “Northern FMP,” but that it will not include southern California.	The Red Abalone FMP will ultimately cover fisheries management for all red abalone stocks in California. However, the initial focus will be on the northern California recreational fishery, which is the only open fishery at this time. The FMP will be revised in the future to potentially include other red abalone fisheries as those stocks recover and become eligible for a fishery. The recovery of red abalone south of the current open fishery area, as well as other abalone species, will still be covered by the recovery portion of the ARMP. The Department intends to review and make necessary changes to the portions of the ARMP that address recovery once the FMP is completed, to integrate any new information that may come out of the FMP process.

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54, cont.			CEQA	t. Believe that the Department and Commission's current findings are inconsistent with the CEQA approach described in letter dated November 20, 2002, from the Department addressing Mr. Thompson inquiry concerning CEQA review of the draft ARMP.	Submission noted. See response to comment 53d.
55	Jono Wilson, The Nature Conservancy	Verbal testimony to Commission on 10/12/17	Red Abalone FMP	a. Comment similar to 14b-c. Urge the Commission to use the best available science as it considers the proposal by the Department and stakeholders for the FMP; namely using a tool called the MSE that allows for transparent and objective tradeoff analyses to be performed.	See response to comment 14b-c.
56	Jim Marshall, Former Commercial Abalone Fisherman	Verbal testimony to Commission on 10/12/17; letter to Commission dated 11/16/17 (received via email on 11/16/17)	Fishery Closure Option	a. Fishermen have been attending Commission meetings for the past 30 years to try to cooperate with the Department on abalone management only to see the fisheries declined and closed. The Department's management approach for red abalone has not worked as seen in the closure of the fishery in southern California. If the Commission decides to close the fishery, fishermen will walk away in disgust because this process does not work.	See response to comment 1c.

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56, cont.			Other	b. Has traveled around the world attending abalone conferences and symposia and participated in almost every hearing and meeting organized by the Department and Commission concerning California abalone management for the last 35 years, and is amazed how disconnected local researchers and managers in California are from other abalone fisheries, communities, and their management around the world.	This comment does not direct any specific changes or concerns pertaining to the proposed regulations. The Department endeavors to foster the development and use of high quality scientific work that is used to inform policy and management within the Department as well as decisions of the Commission. Additionally, the Department engages both local and international expertise in fisheries science and management. At the international level, two Department scientists are currently serving board members of the International Abalone Society.
			Other	c. A problem of scale exists in abalone management where data from small concentrated communities are extrapolated to manage over broad areas that may or may not mirror conditions found in the study areas. This sub-optimal management paradigm in California has abetted the “serial depletion” of abalone, and has been unable to detect and respond to depletion or recovery in an effective and timely manner.	See response to comment 9a.

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56, cont.			Density Assessment	d. The density data from the index sites in northern California, while precise, is limited in scale. In addition, the cost of collection of density data precludes using the density method at more sites or even on a yearly cycle at existing sites.	See response to comment 9a.
			Density Assessment	e. Abalone management must fit the scale of the area for which biological data and fishery information are available and there must be data coming in from areas beyond those accessed by ARMP-type density monitoring.	See response to comment 9a.
			Public Input	f. Fishery management must also involve and inform academics, fishermen, and managers as part of the process. All involved need to understand, approve, and participate in management changes.	The Department agrees and encourages the public to provide input on all of its proposed regulatory changes through both the Department's stakeholder engagement process and the Commission's regulatory process. Also, see response to comment 2f.
			Other	g. Fishermen must be responsible for more detailed records of their catch and there must be a program to promote citizen data collection assistance in fishery independent data gathering.	Abalone fishers are required to record the month, day, time of catch, and fishing location on their abalone report card. More detailed records of catch would require an amendment to the abalone report card and tagging requirements in Section 29.16, Title 14, CCR; and is outside the scope of the proposed regulations.

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56, cont.			Public Input	<p>h. The maxim that fishery management is really people management must be expanded. We must have a transparent management system or process with well understood, clearly defined, goals and information feedback loops. This system must operate annually, involve academics, the Department, and fishermen in yearly assessment with accompanying advice for the decision makers to make timely choices. The <u>Red Abalone Harvest Control Rule: For consideration as an alternative in the California Red Abalone Fishery Management Plan</u> sent to the Commission by the TNC is such a plan.</p>	<p>This comment proposes changes to the management framework, and is outside of the proposed regulations. Also, see response to comment 14b.</p>
			Other	<p>i. Note that contrary to the Department's statement that it took 5 years to develop the ARMP, it took 8 ½ years from the initial closure in May 1997 to ARMP approval in December 2005. The Department can no longer be allowed to take so long to act while fishing communities are destroyed.</p>	<p>Before the adoption of the ARMP by the Commission on December 9, 2005, the development process for the plan began in July 2000 when the Department held its first workshop in Santa Barbara to gather early input on the ARMP. This workshop was the first in a series of steps to involve the public in the creation of the ARMP. For the complete timeline of the development and adoption process for the ARMP, please visit the Department's ARMP webpage at <a href="https://www.wildlife.ca.gov/Conservati">https://www.wildlife.ca.gov/Conservati</a></p>



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56, cont.					<p><a href="#">on/Marine/ARMP</a>. In addition, the Department is actively in the process of developing the Red Abalone FMP (see response to comment 1c). The Department, in developing this red abalone FMP, is committed to making the process transparent, objective, and accessible to all, with the ultimate goal of completing an adaptable FMP that will ensure a sustainable abalone resource and healthy fisheries.</p>
			Limited Fishery Option, General	<p>j. There are options that will achieve reductions in harvest at a level approaching total closure while still allowing sportsmen to enjoy a diving experience and the local economy to sustain itself. The recent salmon season is an example of this: a curtailed season and reduced catch still allowed a satisfying opportunity to get out and enjoy California fishing.</p>	<p>In 2016, the Commission took emergency action to reduce the annual limit for the take of red abalone from 18 to 12 (except for Sonoma County, which remains at 9) and reduce the months open to fishing from 7 to 5 by closing April and November. The emergency actions, along with the reductions in the fishery from action taken in 2014, have not had the desired effect of stopping the decline in red abalone densities during this unprecedented environmental disaster for red abalone in northern California's nearshore rocky reef habitats. A limited fishery (Option 2) would allow fishing on a resource that is not self-sustaining. Full fishery closure (Option 1) will eliminate all fishing opportunities in the near-term</p>

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56, cont.					however will maximize population and fishery recovery rate.
			Limited Fishery Option, General; Red Abalone FMP	k. Recommend that the Commission choose an alternative that severely restricts further abalone harvest while still maintaining an open fishery for the 2018 season and recommend that the Department move forward at an unprecedented speed in the development of the North Coast abalone FMP.	See response to comment 1e.
57	Darryl Merrin, Recreational Diver	Email to Commission on 10/13/17	Limited Fishery Option, General; Season Length	a. Urge the Commission to keep the season open. Support limiting the length of the season, annual take, raising the size limit, and all other limitations that are on the table to avoid closure of the entire fishery.	See responses to comments 1e. Also see response to comment 3c(3).
58	David Clutts, Recreational Diver	Email to Commission on 10/13/17	Purple Sea Urchin	a. This battle of the abalone will not be won by regulating divers and pickers. Suggest the Commission seek state and federal funding to hire urchin boats to reduce purple urchin populations and restore balance in the ocean.	See response to comment 13h.

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58, cont.			Limited Fishery Option, Sub-Option C	b. Implore the Commission to keep the season open in 2018 while figuring out a new strategy that actually addresses the real reason abalones are getting scarce. Recommend the Commission raise the size limit to 8 inches but do not cut limits or eliminate the fishery.	See response to comment 1e.
59	Patrick Bratton	Email to Commission on 10/16/17	Abundance; Limited Fishery Option, Sub-Options B, C, and D; Purple Sea Urchin; Sea Otter; Other	a. Comment similar to 28a-b.	See responses to comments 28a-b.
60	Shannon Anderson, Recreational Diver	Email to Commission on 10/16/17	Density Assessment	a. A fishery closure because of out of line numbers is unacceptable. Oregon has way less abalone yet stay open with a limit of 1 abalone/day and 5 abalone/year with the season open all year long. Suggest the Commission consider Oregon's approach.	See response to comment 36a. The suggestion that the northern California abalone fishery be managed in a similar fashion to Oregon's fishery is outside the scope of the proposed regulations.
61	Gene Callahan, Recreational Diver	Letter to Commission dated 10/15/17 (received 10/17/17)		a. The red abalone population is in deep peril; therefore, would opt for a limited closure until the root causes of the abalone decline are addressed. Provide the following suggestions for limited closure:	See response to comment 1e. The commenter's recommendations are noted, and responded to individually below.

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61, cont.			Area Closure	(1) Absolutely close diving for abalone north of Humboldt Bay.	See response to comment 20a(3).
			Limited Fishery Option, Sub-Option B	(2) Limit take to 6 abalone per year.	See response to comment 1e. The average abalone catch per returned card in 2016 was 7 so a reduction to 6 will be less effective than people might hope.
			Research and Monitoring	(3) Monitor the commercial abalone farms since they are likely cause of the spread of wasting disease pathogens.	This comment is outside the scope of the proposed regulations. The Department does monitor the commercial abalone aquaculture businesses for disease pathogens that may be harmful to wild stocks. Although all cultured abalone stock does harbor the bacteria that causes Withering Syndrome, they are not causing further spread of the disease at this time. Although the wasting disease pathogen has been detected north of San Francisco, there has been no case of a withered abalone with the disease. It is believed cooler water prevents development of the disease.
			MPAs	(4) Triple the area of marine protection zones and post them better.	This comment is outside the scope of the proposed regulations.
61, cont.			Purple Sea Urchin	(5) Have every able-bodied diver harvest without mercy, the urchin populations.	See response to comment 13h.

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62	Giovanni Vitalie	Email to Commission on 10/17/17	Abundance; Area Closure	a. Oppose fishery closure. Believe that there are far more areas doing fine than not. Would like to see high traffic areas, such as Van Damme, Jughandle, and other easily accessible coves, temporarily closed to restore densities in the areas that need it.	See responses to comments 1e, 8a and 20a(3). Department 2017 density surveys of 10 index sites found that the average densities, both by county and total were well below the closure trigger of 0.30 abalone per square meter.
			Limited Fishery Option, Sub-Option C	b. Comment similar to 10b; though would personally like to see the size limit raise to 9 or even 10 inches.	See responses to comments 1e and 10b.
63	Brandi Easter, Recreational Diver	Email to Commission on 10/18/17; verbal testimony at to Commission on 12/7/17	Limited Fishery Option, General, Red Abalone FMP	a. Oppose proposed Option 1 (Full Fishery Closure) but support a combination of sub-options within the proposed Option 2 (Limited Fishery) for the 2018 Red Abalone regulations. Fear that the development of the FMP would cease if the fishery is closed, as there would be no fishery to manage.	See response to comment 1e. The Department is committed to the development of the Red Abalone FMP, which will provide updated considerations for reopening the fishery.
			Limited Fishery Option, Sub-Option A	b. Indifferent to sub-option A to reopen Fort Ross for Abalone Fishing though re-opening for one month or the full season, reducing take to 1 per day and/or limiting numbers of fisherman to that area may provide creative opportunities to relieve fishery pressure from other areas.	See response to comment 3c(2).
			Limited Fishery Option, Sub-Option B	c. Suggest limits be reduced to 2 daily/ 6 annually throughout the entire fishery removing sub limits.	See response to comment 1e.

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63, cont.			Limited Fishery Option, Sub-Option C	d. Oppose increasing the minimum size limit to 8 inches, as it would adversely impact rock pickers for the third time in a matter of years. If increasing the minimum size is beneficial to fishery, please consider for the long-term FMP.	See responses to comments 1e and 1f.
			Limited Fishery Option, Sub-Option D	e. Please do not limit report cards sales in 2018. If a maximum number of cards needs to be determined, limit the number to the maximum of report cards sold in 2017. If reduction of cards sold is beneficial for the fishery, please consider for the long-term FMP.	See response to comment 3c(5).
			Public Input	f. Encourage more dialogue and efforts to curtail poaching. Poaching is the largest threat to the abalone fishery outside of mother nature.	See response to comment 2e.
			Fishery Closure Option	g. Recounted observations from a dive on October 27 <sup>th</sup> and expressed concern about the health of abalones throughout the fishery. Feared that if the abalone fishery is not closed completely in 2018 for a short-term basis, it will be in 2019 for an undesirable long-term basis. Urged the Commission to adopt a temporary closure until a new long-term fishery management plan with new guidelines are in place.	See response to comment 2c.

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64	Jacob del Nero	Email to Commission on 10/18/17	Fishery Closure Option	a. Strongly oppose full fishery closure; to completely close down the legal and sustainable harvest of abalone in local waters is premature and would be destroying a legacy and heritage unique to the northern California coastline. Urge the Commission to first consider all options before rushing to the most drastic of measures and enforcing a closure that will be difficult to ever reverse.	See response to comment 1e.
65	Kevin Kraft	Email to Commission on 10/18/17	Area Closures; Permit Program	a. Would like to see an alternative to complete closure of the fishery, such as limit dive areas or lottery for report cards.	See response to comment 1e. Also, see responses to comments 20a(3) and 23a(2).
66	Capt. Dan Walsh	Email to Commission on 10/18/17 (hardcopy received by Commission on 12/4/17)	Limited Fishery Option, Sub-Option B	a. Rather than closing the season for 2018, suggest reducing the daily limit to 2 abalone, and perhaps reducing the annual take to 10 abalone instead of the current number.	See response to comment 1e.
67	Cameron Appleton, Recreational Diver	Letter to Commission dated 10/21/17 (received 10/21/17)		a. Support the following changes/considerations to the 2018 abalone regulations:	The commenter's recommendations are noted, and responded to individually below.
			Limited Fishery Option, Sub-Option B	(1) Adopt Option 2, Sub-Option B (2 abalone/day, 4 abalone/year).	See response to comment 1e.

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67, cont.			Purple Sea Urchin	(2) Direct the Department to seek out and assist legitimate interest groups who wish to devise program(s) to reduce purple urchin populations as soon as possible.	See response to comment 13h.
			Red Abalone FMP	(3) Limit 2018 abalone regulations to 2018 only (temporary), leaving longer term planning for the soon to be complete FMP where regulation can be designed having benefit of both 2017 and 2018 data.	See response to comment 1c.
			Density Assessment	(4) Give due consideration to the fact that parameters/ conclusions existing in AMRP of yesteryear cannot necessarily be applied to those affecting the fishery on the north coast today.	See responses to comments 1c and 14d.
			Abundance	(5) Approach any change to regulations with full regard for the recent signs of improved ocean temperatures, upwelling, kelp beds, starfish recovery, and testimonials of possible reduction in purple urchin populations.	See response to comment 1c.
			MPAs	b. The divable area is a very small portion of the entire red abalone range along the north coast – most is too deep. In addition, a full closure would be duplication of the current MLP[A] closures previously	See response to comment 1d.



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67, cont.				established to protect fisheries such as this one.	
68	Claire Amanno, Mendocino County Resident	Letter to Commission dated 10/7/17 (received 10/16/17)	Abundance	a. Observed the extremely high numbers of divers that flood the community each season. With so many people taking, plus the negative environmental conditions present, it is no wonder the numbers of abalone are declining. Give it a rest! Close the season until the abalone stand a better chance at survival.	See response to comment 1c. The Department's recommendation is to close the fishery (Option 1) which is consistent with the management triggers of the ARMP.
69	Dale Della Rosa, Recreational Diver	Email to Commission on 10/25/17	Limited Fishery Option, Sub-Option D	a. Propose the following alternatives to the recommendation by the Department:  (1) Limit the number of report cards sold to 15,000.	The commenter's recommendations are noted, and responded to individually below.  See response to comment 3c(5).
			Limited Fishery Option, Sub-Option B	(2) Similar to comment 11b.	See response to comment 11b.
			Limited Fishery Option, Sub-Option B	(3) Similar to comment 10c.	See response to comment 10c.
			Limited Fishery Option, Sub-Option B	(4) Annual limit for Sonoma County and southward of no more than 4 total.	See response to comment 3c(4).

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69, cont.			Limited Fishery Option, Sub-Option B	(5) Annual limit for Mendocino County and northward of no more than 6 total.	See response to comment 3c(4).
			Limited Fishery Option, Sub-Option D	(6) Increase the cost of abalone report card to make the estimated revenue equal to the average revenue of the last 3 years.	See response to comment 29a(3).
			Other	(7) All other facets of the current regulations remain in place.	See response to comment 1e.
			Enforcement	b. Poaching is a reason to have some season versus total closure. Legal sportsman have always been the in frontline against poaching.	See response to comment 2e.
			Enforcement; Limited Fishery Option, Sub-Option C	c. Oppose changing the minimum size to 8 inches and requiring abalone to be measured before removing from the rock.	See responses to comments 1f and 28c.
70	Matthew Miller, Recreational Diver	Letter to Commission dated 10/26/17 (received on 10/26/17)	Limited Fishery Option, Sub-Options B and D	a. Opposed to the complete closure of the fishery, and hope a middle ground can be reached. Support the Watermen's Alliance proposition to keep the daily limit at 3 per person per day, while reducing the annual limit and number of cards sold to individuals.	See responses to comments 1e and 3c(5).
71	Ryan King, Recreational Diver	Email to Commission on 10/26/17	Limited Fishery Option,	a. Implore the Commission to consider other options before a complete closure of the season such as, reduce take to 6-8 yearly and 2 daily, possibly	See responses to comments 1e, 2e, 3e, and 29a(3).

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71, cont.			Sub-Options B and D; Season Length; Enforcement	even regional limits; shorter season; increase cost of abalone card, and increase penalties for poaching.	
72	Keith Chandler, Recreational Diver	Letter to Commission dated 10/18/17 (received 10/25/17)	Abundance	a. Believe that there are many different aspects to abalone management to keep a sustainable fishery. At this time, report shows that California still has a surplus above natural levels.	See response to comment 8a.
			Limited Fishery Option, Sub-Options B and D; Enforcement	b. Urge the Commission to keep the abalone season open by reducing the daily limit to 3, reducing the annual bag limit, reducing the number of cards sold, and continuing efforts to enforce laws so that Californians can still enjoy its bounties.	See responses to comments 1e, 3c(5), and 2e.
73	Ronald Whang, Recreational Diver	Email to Commission on 10/29/17	Area Closures	a. Understand that the kelp situation is bleak and the purple sea urchin population is getting worse; however, urge the Commission to allow for the 2018 abalone season by closing Sonoma County and keeping Mendocino County open.	See response to comment 8a.
74	Mark Barbour, Recreational Diver	Email to Commission on 11/6/17	Area Closures; Limited Fishery Option, Sub-Option B and D;	a. Comment similar to 20a.	See response to comment 20a.

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74, cont.			Season Length		
75	Ralph Hilton, Recreational Diver	Email to Commission on 11/10/17	Abundance	a. Has been diving the north coast for over 40 years and, over the last 3 years, has noticed the conditions described in the notice of regulatory change, with the situations getting progressively worse. This year the starvation of the abalone was particularly evident and painful, and it will only get worse until the kelp return. Strongly urge the Commission to close the abalone fishery entirely. Not only will this go the furthest in preserving what is left of the abalone population, but it will also make enforcement easier if no abalone taking is allowed.	See response to comment 8a. The Department's recommendation is to close the fishery (Option 1) which is consistent with the management triggers of the ARMP.
76	Kyle Farmer, Recreational Diver	Email to Commission on 11/10/17	Limited Fishery Option, Sub-Options B and D	a. Support comments 3c(1) and 3b(5).	See response to comment 3c(1) and 3c(5).

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76, cont.			Enforcement	b. Urge the Commission to view the diving community as a resource to help steward our environment. Divers are all on the lookout for poachers and people abusing the resource, and with training and information could be even more useful. Suggest requiring divers to put large "license plates" bearing a unique fishing license number on their float boards or kayaks so that a Fish and Wildlife officer or Mendo Ab Watch volunteer could identify them with a spotting scope from the cliffs above. This could help identify poachers since they would be the only ones out on the water without their licenses displayed.	See response to comment 13m(3).
			Limited Fishery Option, Sub-Option D	c. With more limited tags, suggest that the Mendo Ab Watch volunteers have priority; such a program might increase the ranks of the citizens patrols who love our great coastal home.	See response to comment 3c(5).
77	Matthew McDonald	Email to Commission on 11/19/17	Limited Fishery Option, Sub-Options B	a. Oppose a full fishery closure. Think that there should be a reduction of take and maybe a limit in each county.	See responses to comments 1e, 3c(1), and 3c(4).

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77, cont.			Area Closure	b. Suggest possibly closing some areas that are hard hit, like Fort Ross and Timber cove, and re-opening some areas like San Mateo County that has abundance of kelp and abalone population that has been closed since 1995.	See responses to comments 15b and 20a(3).
			Limited Fishery Option, Sub-Option D	c. Oppose a lottery; it is not fair to everyone.	See response to comment 20a(4).
78	Robin McMunn	Email to Commission on 11/21/17	Fishery Closure Option	a. Please close the abalone fisheries.	The Department's recommendation is to close the fishery (Option 1) which is consistent with the management triggers of the ARMP. See response to comment 1c.
79	John C. Jay, Recreational Diver	Email to Commission on 11/21/17	Fishery Closure Option	a. Ask that the Commission close the abalone fishery in California until recovery. It is clear how stressed they are, even after the return of the kelp this year.	The Department's recommendation is to close the fishery (Option 1) which is consistent with the management triggers of the ARMP. See response to comment 1c.
			Economic Impact	b. The harvesting of abalone is not essential as a food source for those who choose to take them and, as a result, the closing of the fishery should not have a significant physical or financial impact on those who do or on the economy as a whole.	See response to comment 5a.

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79, cont.			Enforcement	c. There will always be poaching to further impact the species, no matter what steps are taken to protect them for the future.	See response to comment 2e.
80	Rick Rowett, Dolphin SCUBA Center	Letter to Commission dated 11/22/17 (received via email on 11/21/17)	Economic Impact	a. Given the potential socioeconomic impacts of any management action put in place, regional management organizations should ensure they are using the best available science to inform all policies.	The Department is committed to incorporating the best scientific information into management decisions. See response to comment 1c.
	Jeff and Kelli Mason, Gualala Sport and Tackle		Other	b. In the face of climate-driven changes impacting the marine resources in which local communities rely, a long-term management solution is required for the red abalone fishery that ensures that resource is well-managed and sustainable and utilizes a framework that is effective under a variety of ocean conditions.	See response to comment 1c.
	Tom Darrell Stone Jr., Sonoma Coast Divers				
	Blake Tallman, Sub Surface Progression				
	Gregg Shimaura, Banks Board Spearfishing		Other	c. Any management solution should also aim to maintain access and maximize fishing opportunities where possible, as an active diving community is critical to supporting coastal businesses.	See response to comment 1e.
	Jeffrey Bullock, Keli's Ocean Sports				

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80, cont.	Cally Dym, Little River Inn		Red Abalone FMP	d. Encourage the Commission to use the best proven approaches to ensure sustainable management of red abalone and to facilitate an open process for evaluating the best alternative in the new fishery management plan.	See response to comment 1c.
81	Josh Russo, Watermen's Alliance and RAAC Member  Jack Likins, Recreational Diver  Jack Shaw, Recreational Diver  Dough Laughlin; RAAC Member, Coastside Fishing Club Board Member, and Recreational Diver	Letter to Commission dated 11/22/17 (received via email on 11/21/17)	Density Assessment	a. We cannot continue managing the red abalone resource under a flawed management regime (the ARMP), and using density data that multiple independent reviews have concluded is not reliable. There have even been questions from the members of the public and some of the Commissioners during the Marine Resource Committee (MRC) and Commission meetings on the value of the density survey to management, and whether other data sets could provide a more reliable assessment of stock status.	See responses to comments 13b, 13c, and 14a.
	Dennis Haussler, RAAC Member		Red Abalone FMP; Public Input	b. There has been a severe lack of transparency and collaboration in fishery management of this resource. Encourage the Commission to strongly consider any stakeholder-led management proposals for inclusion	See response to comment 1c. Also, see responses to comments 2f, 13b, 13c and 14b.



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81, cont.	Chris Voss; RAAC Member, Commercial Fishermen of Santa Barbara, and Abalone Association			in the red abalone FMP, such as the HCR alternative presented at the past Commission meeting in Atascadero, California. These collaborative proposals, along with any proposal put forth by the Department, should be discussed in public meetings and included in the peer review process, to ensure that all final management actions are based on the best available science.	
82	Cheryl Procaccini, Birdsong and the Eco-Wonders	Email to Commission on 11/22/17	Fishery Closure Option	a. Please close the abalone fishery now and give abalone a chance to recover and re-establish its role in our ocean and coastal ecosystems.	The Department's recommendation is to close the fishery (Option 1) which is consistent with the management triggers of the ARMP. See response to comment 1c.
83	Alexis M. Jackson, The Nature Conservancy	Letter to Commission dated 11/22/17 (received via email on 11/22/17)	Red Abalone FMP	a. Provided a report summarizing the MSE used to assess the collaborative HCR proposal submitted to the Commission by stakeholders in October 2017.	Submission noted. See response to comment 14c.
			Red Abalone FMP	b. Urge the Commission to include the collaborative HCR proposal in the Red Abalone FMP.	See response to comment 14b.

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84	<p>Mark H. Carr, Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO)</p> <p>Jan Friewald, Reef Check California</p>	<p>Letter to Commission dated 11/22/17 (received via email on 11/22/17)</p>	Abundance	<p>a. Independent of the Department's red abalone surveys, survey results from academic and citizen science monitoring programs sponsored by PISCO and Reef Check California corroborate the information and conclusions conveyed to the Commission by the Department staff as follow:</p>	<p>The information provided in the comment letter is consistent with the finding made by the Department in ISOR and Department's recommendation for full closure of the fishery.</p>
	<p>Pete Raimondi, PISCO</p>		Abundance	<p>(1) A series of environmental and biological anomalies (oceanographic conditions and disease, respectively) has incrementally caused declines in the density and abundance due to the mortality of all sizes of red abalone across all but the intertidal portion of the abalone's depth range. These anomalies are not associated with recreational take.</p>	<p>The Department agrees. As described in the September 2017 ISOR for the proposed regulations, a combination of unprecedented environmental and biological stressors has taken a toll on abalone populations, including warmer-than-normal waters and decreasing food resources, leading to starvation conditions. Oceanographic conditions such as anomalous warm water conditions in 2014 and El Niño events have caused declines in bull kelp and other algal food sources for red abalone. In addition, sea star disease has caused a drastic decline in sea stars, important sea urchin predators, and resulted in an unprecedented increase of sea urchin populations. Large aggregations of purple urchins are wiping out kelp forests, creating pink barrens and out-competing other species, such as abalone, for space and</p>

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84, cont.					food. Although with cooler waters this year some improvement in kelp growth have been observed, kelp recovery is confined to very limited areas due to the large populations of purple urchins.
			Abundance; Density Assessment	(2) Abalone abundance in the rocky intertidal has remained within the long-term range of abundance throughout the study period. In sharp contrast, abalone densities in the subtidal depths indicate declines to the lowest numbers observed by both PISCO and Reef Check California. The resulting subtidal densities in 2016 and 2017 are below the ARMP fishery closure trigger of 0.30 abalone per m <sup>2</sup> (= 18 abalone per 60m <sup>2</sup> ).	This comment is consistent with the September 2017 ISOR finding made by the Department concerning red abalone density declines below the ARMP fishery closure thresholds.
			Other	(3) The sequential temporary increases in density from deeper to shallower survey depths are suggestive of movement of individuals from deeper to shallower depths. This also corroborates Department's conclusion that abalone are moving from deeper to shallower depths (i.e. from a deep refuge below the recreational fishery to where they are now exposed to recreational take). However, actual movement	This comment is consistent with the finding made by the Department concerning reduction of red abalone densities in deep-water refuge (greater than 28 foot depths). As described in the September 2017 ISOR for the proposed regulations, average density of red abalone populations in deep-water depths over the past four years has declined below the ARMP management trigger, which increases the risk that the fishery is not sustainable. It is also noted in the ISOR

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84, cont.				data would help clarify this, and some of these increases (i.e., in the rocky intertidal) are also associated with the implementation of MPAs.	that red abalone movement from deep water into shallow water or from cryptic locations to exposed shallow areas can give the impression that red abalone populations are stable or have increased. The Department supports further research on movement studies to improve understanding of abalone movement patterns in California.
			Other	(4) Trends in size structure of abalone in the rocky intertidal reflect the history of fisheries management interventions with declines in larger individuals attributed to fishing. Trends in deeper subtidal depths instead indicate no change in size structure. Lack of change in size structure over time at deeper depths indicate little impact of fishing and that declines in density impact all size classes and are attributable to environmental and ecological impacts (i.e. lack of food and starvation as the primary source of mortality).	The Department agrees. The prohibition of the use of SCUBA gear and surface-supplied air while taking abalone in northern California established a depth refuge for part of the red abalone population because free divers generally do not dive deeper than 8.5 meters (28 feet). As deep-water abalone populations are less accessible by the fishery, the Department believes that the density decline is largely due to environmental conditions and not due to fishing pressure.
85	Mark Longpre, Recreational Diver	Email to Commission on 11/27/14	Fishery Closure Option	a. Think that the fishery should be closed for a few years due to the following reasons: <ul style="list-style-type: none"> <li>The urchin population is prolific and is in direct competition with the abalone.</li> </ul>	The Department agrees with the support for closure. See response to comment 1e. Also, see responses to comments 2e, 13h, and 32b.

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85, cont.				<ul style="list-style-type: none"> <li>• Seems like the kelp growth has reduced in the last couple of years.</li> <li>• The abalone need a chance.</li> </ul> (5) It is easier to stop/reduce poaching.	
			Purple Sea Urchin	b. It is common to have divers' competitions/fundraisers for sports free diving days on the North Coast. To reduce the burgeoning sea urchin population, recommend that the Commission support a competition for people that gather >500 urchins on those competition/fundraiser days.	See response to comment 13h.
86	Geoff Shester, Ph.D., OCEANA	Letter to Commission dated 12/1/17; verbal testimony to Commission on 12/7/17	Fishery Closure Option	a. Request that the Commission follow the requirements of the ARMP and recommendation of the Department to close the recreational red abalone fishery. While there may be potential improvements to the harvest strategy for red abalone in the future, it is critical for the future of this fishery and for the long-term success of the MLMA that the Commission stick to the ARMP until a new plan is adopted. The current plan went through extensive scientific peer review and its density thresholds were informed by experiences from other regions where abalone collapsed to the point of no	The Department's recommendation is to close the fishery (Option 1) which is consistent with the management triggers of the ARMP. See response to comment 1c.

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86, cont.				return. Now is not the time to deviate from the plan.	
			Other	b. Caution that deviating from the ARMP would undermine the goals of the MLMA to ensure sustainability and prevent overfishing, and could set a dangerous precedent that weakens the credibility of FMPs for other fisheries. However, encourage the Commission and Department to explore potential improvements to abalone management in the Red Abalone FMP, including alternative harvest strategies through a deliberate, science-based process and look forward to the results of those efforts.	See response to comment 1c.
			Other	c. Encourage the Commission to support ongoing collaborative efforts by the Department and urchin divers to explore kelp forest restoration opportunities at key sites along the Northern California coast.	Comment noted. The Department is considering options for ways to effectively protect the remaining bull kelp and support greater kelp growth in strategic locations, and is currently working with the local commercial sea urchin fishery and other researchers to identify the most effective methods.
87	J. Zoe Malot, Recreational Diver	Email to Commission on 12/1/17		a. The proposed regulatory options does nothing to address the two major root causes of the problem of starving abalone, which are much less kelp and competition from urchins.	The commenter's recommendations are noted, and responded to individually below.

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87, cont.				Recommend the following to address the root causes:	
			Other	It is well-known the practice of managing deep population in low food years to “thin the herd.” In this instance, increasing the take of abalone would put the population in balance with the existing food supplies until research can yield meaningful plans on how to bring back the kelp, which is the primary problem.	See response to comment 54e.
			Purple Sea Urchin	(1) Promote taking or actively eliminating the competition by purple sea urchins. This kind of thing has been done with lionfish in the Caribbean with good success.	See response to comment 13h.
			Other	(2) Increase the cost of abalone cards (double) to pay for additional research on why the kelp has declined rapidly, which is the main problem with abalone population; suspect the dramatic increase in herbicide usage in northern California has a lot to do with the root cause.	This comment is outside the scope of the proposed regulations. An increase to the abalone report fee is not an option contemplated by the Commission at this time. The lack of kelp was largely due to a population explosion of purple sea urchins, which have cleared large areas of all seaweeds including kelp.
			Economic Impact	b. The CSF economic impact evaluation is shallow and misses all of the increased economic value of people going to the coast to camp	The Department acknowledges that the proposed regulations would adversely impact businesses based on abalone fishing-related tourism along northern

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87, cont				out, eat in restaurants, stay in hotels, etc. that is very much associated with abalone diving.	California. As discussed in Part VII of the ISOR dated September 12, 2017, the proposed regulatory options were evaluated as if visits and spending to the fishing areas were to drop by 25 percent, 50 percent, 75percent, and 100 percent. Table 4 of the ISOR provides estimates for the incremental decline in fishing activity could impact the local and statewide economies. The restrictive actions outlined in the ISOR are proposed to preserve the sustainability of the resource and, thus, the long-term viability of the fishery that should continue to draw economic benefits to the relatively isolated coastal communities in the fishery area.
88	Jeff, Andre, and Mikkel Libarle, Recreational Divers	Email to Commission on 12/1/17	Fishery Closure Option	a. Personally witnessed the drastic reductions in populations over the last few years, and hope that the Department sticks to its proposal and closes the season completely for at least a year before it is too late.	The Department's recommendation is to close the fishery (Option 1) which is consistent with the management triggers of the ARMP. See response to comment 1c.
			Other	b. It would be helpful to emphasize to the public that abalone are broadcast breeders and without small colonies, we may lose them as in southern California.	See response to comment 39a.



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88, cont.			Other	c. Suggest that the Department considers having organized events at selected beaches to try to reduce sea star populations.	This comment is outside the scope of the proposed regulations. There has been large-scale loss of predatory sea star species due to sea star wasting disease. The loss of these predators has contributed to an unprecedented increase in purple sea urchin populations. For additional information on the impact of purple sea urchin on abalone populations, see responses to comments 83a(1) and 13h.
89	Blake Tallman, Business Owner and Recreational Diver	Letter to Commission dated 12/2/17 (received via email on 12/2/17)	Economic Impact	a. If the Commission decides to vote for closure of the fishery, the commenter will have to let go 5 employees for the 2018 season, and the repercussion throughout the Northern Coast's economy will be devastating economically.	See response to comment 87b.
			Abundance	b. Although the health of the abalone fishery is not what it was 10 years ago; overall, there are many locations where the abalone are very plentiful and appear to be healthy.	See responses to comments 32c and 62a.
			Limited Fishery Option, Sub-Option B	c. In absolute favor of limiting abalone take to 6 annually, not only because the regulation is realistic to sustain the fishery but also certain that a complete closure will have significant economic impacts to both dive shops statewide and the entire coastal	See response to comment 1e.

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89, cont.				communities along the northern California coast.	
			Economic Impact	d. The Department has said little to nothing of the economic impact that a fishery closure would have.	See response to comment 5a.
90	Kevin Butler, Recreational Diver	Letter to Commission received 12/4/17	Fishery Closure Option	a. The commenter states that his family relies on abalone as a food source during the spring and summer seasons, and would like the Commission to consider the following suggestions to avoid a season closure:	The commenter's suggestions are noted, and responded to individually below.
			Limited Fishery Option, Sub-Option C	(1) A minimum size limit of 8 inches.	See response to comment 1f.
			Other	(2) Restrict the amount of abalone from state parks for a few years.	See response to comment 3c(4).
			Enforcement	(3) Have more restrictive punishments on poachers.	See response to comment 2e.
91  91, cont.	Alyssa Frederick, Abalone Biologist	Email to Commission on 12/6/17	Fishery Closure Option	a. The data are clear – red abalone are in rapid decline and will follow in the path of every other abalone species fished to near extinction on this coast if the amount of current take is continued to be allowed. Urge the Commission to close the fishery to let it recover, with an exception of tribal take.	The Department's recommendation is to close the fishery (Option 1) which is consistent with the management triggers of the ARMP. See response to comment 1e. Native American consultation letters were sent to 33 tribes potentially affected by the proposed regulations to request input so that it could be considered in the rulemaking process. No responses were received.

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92	Tylor Shed, Recreational Diver	Verbal testimony to Commission on 12/7/17	Fishery Closure Option	a. Urge the Commission to take action on Option 1 as proposed by the Department. The science shows that there is little probability of success if harvest still continues.	The Department's recommendation is to close the fishery (Option 1) which is consistent with the management triggers of the ARMP. See response to comment 1c.
93	Sadie Small, San Diego State University Graduate Student	Verbal testimony to Commission on 12/7/17	Fishery Closure Option	a. Urge the Commission to close the red abalone fishery. The effect of low density on reproductive output is especially strong for abalone because they require close proximity to reproduce.	The Department's recommendation is to close the fishery (Option 1) which is consistent with the management triggers of the ARMP. See response to comment 1e. Also, see response to comment 60a.
94	Bill Bender, San Diego Freedivers	Verbal testimony to Commission on 12/7/17	Limited Fishery Option, Sub-Option B	a. Encourage the Commission to reduce take. Suggest a limit of 1 abalone/day and a total of 3 abalones, or up to 3 abalones/day and a total of 3 abalones.	See response to comment 1e.
			Limited Fishery Option, Sub-Option B	b. Closing the fishery would harm the economy in northern California. By keeping the limits low, fishers from southern California will still drive to northern California to participate in the fishery and put money into the economy.	See response to comment 5a.
94, cont.			Other	c. Note that contrary to the belief that green abalones are gone, the green abalone populations in San Diego are flourishing.	This comment concerns green abalone in southern California, and is outside the scope of the proposed regulations.