

Attachment 1
 27.30 FSOR 2018 Public Comment on Groundfish

Comment No.	Commenter Name	Comment (Paraphrased)	Response
1	Jacob Del Nero 10/18/18 (email)	a. Opposes recreational lingcod bag limit reduction for divers.	<p>a. Through the Pacific Fishery Management Council (PFMC) process, the most recent stock assessment for lingcod was conducted in 2017¹ and indicated that the portion of the stock south of 40°10' N. latitude is in the precautionary zone, whereas the northern stock is healthy. Stocks in the precautionary zone are subject to reductions in harvest limits with the goal of preventing further population decline. As a result, there is a need to reduce the 2019 and 2020 lingcod catch south of 40°10' N. latitude to keep within allowable limits.</p> <p>At its June 12, 2018 meeting in Spokane, WA, the PFMC recommended changes to groundfish regulations for the 2019 and 2020 management cycle, which included a one fish recreational lingcod bag limit south of 40°10' N. latitude, and includes all legal gear types, in addition to reduced commercial lingcod trip limits. These changes to regulations are intended to keep catches from exceeding the non-trawl harvest guideline (HG). The non-trawl HG for lingcod south of 40°10' N. latitude, which is an annual limit shared between the recreational and fixed gear commercial sectors, will be decreasing from 624.3 metric tons (mt) in 2018 to 565.2 mt in 2019, and 471.7 mt in 2020. Changes to federal regulations are implemented by National Oceanic and Atmospheric Administration (NOAA) Fisheries, and will be effective on or around January 1, 2019.</p> <p>On December 12, 2018 the Fish and Game Commission (Commission) took action to conform state regulations to federal regulations and are expected to be effective in early 2019. Consistency between regulations in state and federal waters allows for greater ease of enforcement, a reduction of regulatory complexity, and a comprehensive approach to resource management.</p>

¹ <https://www.pcouncil.org/groundfish/stock-assessments/by-species/lingcod/>

Attachment 1
 27.30 FSOR 2018 Public Comment on Groundfish

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		<p>b. Scientific evidence to support necessary reduction should have been precursor to implementation of regulation and that presentation of evidence should have been followed with a public forum.</p> <p>c. Observed no noticeable decline in lingcod population.</p> <p>d. Requests that divers taking fewer fish via spear compared to rod and reel and commercial have a separate set of regulations.</p>	<p>b. The stock assessment process from 2017 included a public review of the assessment from June 26 - 30, 2017 in Seattle, Washington. The stock assessment itself was approved for use in management by the PFMC at the September 2017 meeting in Boise, Idaho. Possible regulation change options to address the need to reduce lingcod catch were also available for discussion in a public forum as part of the two recent California PFMC meetings in November 2017 (Costa Mesa) and March 2018 (Rohnert Park) though public comment is accepted in person or electronically for all PFMC meetings. Further, no comments were received during public forum at the October 17, 2018 Commission meeting in Fresno.</p> <p>c. The status of the stock is in the precautionary zone, and thus has been determined to be less optimistic than previously thought. Stocks in the precautionary zone are subject to reductions in harvest limits with the goal of preventing further population decline. See Response 1b for more information about science and management.</p> <p>d. The lingcod fishery for divers using spear gear is currently open year round, which provides additional opportunity compared to boat based fishing modes. Further, no public comment requesting separate bag limits for lingcod caught by divers using spear gears was received as part of the public PFMC process. Due to the additional regulatory complexity that would result from a separate lingcod bag limit for spear gear, this option was not considered for use in 2019 and 2020.</p>
2	Matt E. Miller 10/18/18 (email)	a. Opposes recreational lingcod bag limit reduction for lingcod caught by spear.	a. See Responses 1a and 1d for explanation of bag limit reduction for divers using spear gear.

Attachment 1
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		<p>b. Suggests that the commercial fishery should absorb necessary reductions so that recreational bag limit reduction is not needed.</p>	<p>b. In an effort to keep total catch within the HG south of 40°10' N. latitude, the recreational sector will be reduced to a one fish bag limit, and the commercial lingcod fishery will have reductions to monthly trip limits in 2019 and 2020.</p> <p>The non-trawl HG is a combined harvest limit for both the recreational and commercial sectors and there is no formal allocation or sharing agreement between them. In recent years, the recreational sector has harvested more than 75 percent of the non-trawl HG.</p>
3	<p>Doug Jung 10/18/18 (email)</p>	<p>a. Opposes recreational lingcod bag limit reduction.</p> <p>b. Suggests alternative of an increase to the lingcod size limit from 24 inches to 26 inches except from shore.</p>	<p>a. See Response 1a.</p> <p>b. An increase to the lingcod minimum size limit would not result in needed catch reductions to stay within the non-trawl HG. Also, the current recreational lingcod size limit is 22 inches, not 24 inches as indicated by the comment.</p>
4	<p>Ariel Last 10/18/18 (email)</p>	<p>a. Opposes recreational lingcod bag limit reduction.</p>	<p>a. See Response 1a for an explanation of the bag limit reduction.</p>
5	<p>Erinne E Boyd 10/18/18 (email)</p>	<p>a. Opposes recreational lingcod bag limit reduction.</p> <p>b. States that California doesn't need to mimic federal regulation.</p>	<p>a. See Response 1a for an explanation of the bag limit reduction.</p> <p>b. The federal government has regulatory authority for lingcod under the Federal Pacific Coast Groundfish Fishery Management Plan. It is important to have consistent state and federal regulations establishing management measures such as bag limits. California's sport fishing regulations need to conform to, or be more restrictive than, federal regulations to ensure that biological and fishery allocation goals are not exceeded. Consistency with federal regulations is also necessary to maintain state authority over its recreational groundfish fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act [16 USC §1856 (b)(1)].</p>

Attachment 1
27.30 FSOR 2018 Public Comment on Groundfish

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		c. Observed no noticeable decline in lingcod population.	c. See Responses 1b and 1c for information about lingcod population, science and management.
6	Eric J. Anderson 10/18/18 (email)	a. Requests to know the reason for recreational lingcod bag limit reduction.	a. See Response 1a for an explanation of the bag limit reduction.
7	Jeremy Liem 10/18/18 (email)	a. Opposes recreational lingcod bag limit reduction. b. Suggests there is no factual or scientific basis to support the reduction. c. Proposed reduction violates Administrative Procedures Act (APA) and case law in light of alleged lingcod stock surplus.	a. See Response 1a for an explanation of the bag limit reduction. b. See Responses 1b and 1c for information about lingcod population, science and management. c. See Response 1c for information about lingcod population. Under California law (California Fish and Game Code sections 200, 205, 7071, and 8587.1), Commission has the authority to adopt regulations (which must follow the APA), including those for groundfish fisheries, in state waters zero to three miles from shore.
8	Jack Johnson 10/18/18 (email)	a. Opposes recreational lingcod bag limit reduction.	a. See Response 1a for an explanation of the bag limit reduction.
9	Andy Guiliano 10/19/18 (email)	a. Opposes recreational lingcod bag limit reduction from a charter fishing vessel perspective. b. Less opportunity to retain fish makes a traditional bottom fish trip less attractive and may translate into fewer angler days.	a. See Response 1a for an explanation of the bag limit reduction. b. The season lengths for management areas south of 40°10' N. latitude were not shortened as a result of the lingcod bag limit reduction. The San Francisco management area season length is increasing by 14 days.

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11	Jane Hook 10/21/18 (email)	<p>a. Opposes recreational lingcod bag limit reduction.</p> <p>b. Suggests a change to the size limit.</p> <p>c. Suggests changes to the season length as an alternative.</p>	<p>a. See Response 1a for an explanation of the bag limit reduction.</p> <p>b. See Response 1b for more information about changes to size limits.</p> <p>c. Options considered at the PFMC meetings for the 2019 and 2020 management cycle included shortening the lingcod season length as a potential alternative to the lingcod bag limit reduction. See Responses 9b and 9c regarding maintenance, or adjustments to season length.</p>
12	Star Argo 10/21/18 (email)	<p>a. Opposes recreational lingcod bag limit reduction.</p>	<p>a. See Response 1a for an explanation of the bag limit reduction.</p>
13	Joshua Tata 10/21/18 (email)	<p>a. Opposes recreational lingcod bag limit reduction.</p> <p>b. Suggests a change to the size limit.</p> <p>c. Suggests separate regulations for divers and boat based anglers as an alternative.</p>	<p>a. See Response 1a for an explanation of the bag limit reduction.</p> <p>b. See Response 3b for more information about changes to size limits.</p> <p>c. See Responses 1a and 1d for explanation of bag limit reduction for divers using spear gear.</p>
14	Tom Hubbs 12/5/18 (email)	<p>a. Lingcod population is healthy along the Mendocino coast.</p> <p>b. Opposes recreational lingcod bag limit reduction in the Mendocino Groundfish Management Area.</p>	<p>a. See Responses 1b for information about lingcod population.</p> <p>b. See Response 1a for an explanation of the bag limit reduction. The Mendocino Groundfish Management Area is south of 40°10' N. latitude.</p>

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		<p>c. Proposed change may result in reduction in income to charter vessels.</p> <p>d. Proposed reduction may result in increased recreational fishing pressure on salmon, striped bass and halibut.</p> <p>e. Recreational fishing industry benefits from regulation certainty.</p> <p>f. Consider angler preference between the salmon and rockfish fisheries.</p> <p>g. Suggests maintaining status quo bag limit or only reducing the limit to one in April and May or November and December.</p>	<p>c. Input received from the PFMC's Groundfish Advisory Subpanel (GAP), which is made up of individuals representing recreational fishery stakeholders, indicated maintaining longer season lengths was more important than a two fish bag limit.</p> <p>d. Regulations are in place to ensure that groundfish catch stays within harvest limits. All other species referenced are outside the scope of this rulemaking.</p> <p>e. Needs of fishing communities are considered during the federal biennial regulation development process. To the extent practicable, regulations carry over from year to year, but are subject to change as a result of new stock status or harvest limit information.</p> <p>f. This comment is outside the scope of this rulemaking.</p> <p>g. Due to the precautionary status of the stock, a one fish bag limit is necessary to ensure that the non-trawl HG is not exceeded.</p>
10	Brian Kitchen 10/21/18 (email)	<p>a. Opposes recreational lingcod bag limit reduction.</p> <p>b. Suggests the lingcod population is healthy.</p> <p>c. Opposes compliance with federal regulations as reason for changes to state regulations.</p>	<p>a. See Response 1a for an explanation of the bag limit reduction.</p> <p>b. See Responses 1b and 1c for information about lingcod population, science and management.</p> <p>c. See Response 5b for an explanation of need for state regulations to comply with federal regulations.</p>