

Table 1. 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	Kat Jones, Commercial Lobster Fisherwoman, on behalf of the Ventura County Lobster Fishermen	Letters to California Fish and Game Commission (Commission) dated 2/2/17 and 4/5/17, and verbal testimony at Commission meeting on 4/27/17	Commercial Fishing Area (RFA) for Port Hueneme	<p>a. The proposed closure for lobster fishing in Port Hueneme is unacceptable for the reasons outlined below.</p> <p>(1) On January 6, 2016, the Port of Hueneme (Port) and lobster fishermen had amicably agreed on a reasonable boundary line that would not restrict safe navigation or lobster fishing. No incidence concerning lobster fishermen and navigation safety has occurred since the meeting.</p> <p>(2) The boundary lines that the Port is formally proposing is beyond excessive and grossly exceeds the agreed upon boundary lines; this is an excessive abusive use of power.</p> <p>(3) The number of traps present in the Ventura County area will be drastically limited due to changes in lobster trap limits; this proposal would be an additional hardship on lobster fishermen.</p> <p>(4) The proposal singles out and only undercuts the lobster industry; it does not include near shore trappers under the National Oceanic and Atmospheric Administration (NOAA) jurisdiction, crab, recreational lobster and line fishing,</p>	<p>Opposition noted.</p> <p>In response to concerns raised by commercial lobster fishermen during the April 27, 2017 discussion hearing, the Commission instructed the Port's Harbor Safety Committee (HSC) to continue discussions with commercial lobster fishermen to determine if a compromise could be reached on the proposed Port Hueneme RFA. Pending the outcome of those discussions, the Commission will make a final determination regarding the adoption of the Port Hueneme RFA at the June 22, 2017 Commission meeting.</p> <p>Since that time, the Oxnard Harbor District, which owns and operates the Port, hired an independent third party to facilitate discussions between the Port and affected stakeholders to develop a new proposal. Based on those discussions, a proposal with new RFA boundary lines was presented at a special meeting of HSC on June 6, 2017. The HSC voted on the revised boundary lines and submitted a letter to the Commission requesting the current proposed regulations be modified using the revised boundary lines. A significant number of</p>

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1, continued (cont.)				squid seiners, gill nets, and others that pose equal or greater safety hazards.	public comments were opposed to the proposal. On June 22, 2017, the Commission selected a no change alternative for the proposed Port Hueneme RFA and directed staff to continue working on a compromise solution for Port Hueneme.
			Commercial Lobster RFA for Port Hueneme	b. Provided statements from commercial lobster fishermen, Greg Ewart and Evan Jones, opposing the proposed Port Hueneme RFA.	Opposition noted.
			Commercial Lobster RFA for Port Hueneme	c. Recounted a March 8, 2017, meeting between the Port and commercial lobster fishermen where the Port had mistakenly attributed lobster gear in a recent fouling incident at Port Hueneme; the gear was a crab line and buoy. The Port's approach to closing off commercial lobster fishing is short sighted and will not mitigate the risks related to all fishing gear in the water outside of Port Hueneme.	See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	d. The Port had informed the lobster fishing community that it was moving forward with the Port Hueneme RFA proposal because the Commission would not re-consider the proposal for 5 years if it not addressed now.	See response to comment 1a.

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1, cont.	Kat Jones, Commercial Fisherwoman	Letter to Commission dated 6/1/17 and email to Commission on 6/8/17	Commercial Lobster RFA for Port Hueneme	e. Recounted how a presentation given by the Mott MacDonald consulting firm at a meeting facilitated by the Port on June 1, 2017 did not support the HSC's proposal and noted that lobster fishermen were given 1-day notice of this meeting.	See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	f. The proposal by the HSC is negligent, wasted hours of time due to lack of integrity, poor planning, discrimination, and short sighted forethought; it should have never been brought to the Commission without an excessive due diligence process.	See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	g. The consultant's recommendation deviates from the RFA proposal in important aspect, thus the proposal should be disqualified.	See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	h. Believe that the proposal is to address an egress concern for massive cargo ships entering the Port to conduct business and that the cost to change and implement new safety layers should not financially burden lobster fishermen by taking away decade's old fishing grounds.	See response to comment 1a.

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1, cont.			Commercial Lobster RFA for Port Hueneme	i. As an alternative solution, suggested the use of shaft mounted "SPURS" cutter as a proactive tool to address the HSC's concern over navigation.	This recommendation is outside the scope of the proposed regulations and is outside the purview of the Commission. The Commission does not have the authority to issue regulations for equipment standards and operating procedures for vessel safety, such action is under the authority of the U.S. Coast Guard.
			Commercial Lobster RFA for Port Hueneme	j. Asked that the Commission take no action on the Port Hueneme proposal. Should the HSC vote and pass a modification to the proposal, believe it is not in the best interest of the Port, the Department, or lobster fishermen to pass a hasty change due to lack of appropriate research, planning, collaboration, and due diligence into what would be the best approach to harbor safety.	See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	k. Claimed that the Port HSC failed to follow the Brown Act when preparing the initial proposal.	This comment addressing the HSC's meeting proceeding is outside of the Commission's purview.
2	Captain Jon Wm. Belchere, TracTide Marine Corporation	Letter to Commission dated 2/3/17	Commercial Lobster RFA for Port Hueneme	Supported the proposed exclusion of lobster traps within the Safety Fairway for the approaches to the Port of Hueneme.	Support noted.
3	Charles B. Caulkins, Port of Hueneme Harbor Safety Committee	Letter to Commission dated 2/3/17	Commercial Lobster RFA for Port Hueneme	Supported the proposed exclusion of lobster traps within the Safety Fairway for the approaches to the Port of Hueneme.	Support noted.

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4	Captain Eric Ireland, Port of Hueneme Pilots Association	Letter to Commission dated 2/3/17	Commercial Lobster RFA for Port Hueneme	Supported the proposed exclusion of lobster traps within the Safety Fairway for the approaches to the Port of Hueneme.	Support noted.
5	Captain Wade E. Edwards	Letter to Commission dated 2/4/17	Commercial Lobster RFA for Port Hueneme	Supported the proposed exclusion of lobster traps from the existing navigational safety fairway as denoted on NOAA chart 18724.	Support noted.
6	Captain Michael Fullilove, Brusco Tag and Barge Inc.	Letter to Commission dated 2/6/17	Commercial Lobster RFA for Port Hueneme	Supported the proposed exclusion of lobster traps, crab traps, and fishing gear within the Safety Fairway for the approaches to the Port of Hueneme.	Support noted. The regulatory proposal currently under consideration by the Commission is the exclusion of traps under Section 122 of Title 14, California Code of Regulations (CCR) pertaining to commercial lobster fishing; the exclusion of crab traps and other fishing gear in the proposed Port Hueneme RFA is not contemplated.
7	Thomas M. Cullen, Jr., California Department of Fish and Wildlife (Department) Office of Spill Prevention and Response (OSPR)	Letter to Commission dated 2/8/17	Commercial Lobster RFA for Port Hueneme	Supported the proposed rulemaking effort to add Section 122(d)(2)(D) to Title 14, CCR.	Support noted.
8	Dan Wolford, Coastside Fishing Club	Letter to Commission dated 2/8/17	Recreational Crab Trap Marking Requirement	a. Supported the proposed amendment to Section 29.80(a)(2) of Title 14, CCR.	Support noted.

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8, cont.			Other	b. Suggested additional clarification to Section 29.80(c) relating to required destruct devices; specifically, as a means of compliance, allowing the use of a single loop of biodegradable cotton twine in trap closures, along with a rubber strap and hook as expressed in the Section 180.2(b)(5) of the commercial regulations.	No action taken. This comment is outside the scope of this rulemaking. The use of single loop of cotton twine, rubber strap and hook is allowed; nothing in regulation prohibits it. While the legality of every potential scenario cannot be addressed, the regulations state the minimum requirement (cotton twine).
			Other	c. Believed that, similar to regulations enacted by Washington State, California's crab trap regulations should allow the use of Danielson traps without the need for unwarranted modifications.	<p>No action taken. This comment is outside the scope of the proposed regulations. The requirement for recreational crab traps to have at least a 5-inch diameter escape opening when the destruct device corrodes or fails was directly taken from commercial regulations that specify this size. Based on a review of the Danielson Catalog obtained from their website, it appears that there are several different styles and models of crab traps that are available, and it appears that some of the crab traps available would meet California Regulations. Other crab trap models found in the Danielson catalog are popular in California, and can easily be modified to meet the needs of California Regulations.</p> <p>At the June 22, 2017 Commission meeting, the Commission directed staff to work with the Department to analyze the specific issue with the Danielson traps.</p>

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9	George Osborne, Coastside Fishing Club	Verbal testimony at Commission meeting on 2/9/17, 4/27/17, and 6/22/17	Recreational Crab Trap Marking Requirement	a. Supported proposed provisions to Title 14, Section 29.80, that would facilitate the sharing of Dungeness crab traps and, thereby, reduce the number of traps deployed.	Support noted.
			Other	b. Would like to have the Danielson trap, as they are currently manufactured and used without modification, accepted and written into the sport fishing regulations.	See response to comment 8c.
10	Ken Franke, Sportfishing Association of California	Letter to Commission dated 4/24/17	Commercial Lobster RFA for Port Hueneme	<p>Recommended that the Commission take no action until meetings are held involving the local professional mariners (tugboat captains, pilots, fishing captains, and Coast Guard) to analyze the perceived problem and develop a solution. Believed that the following information is needed:</p> <ul style="list-style-type: none"> the operational needs of tugboats with regard to the proposed closed area dimensions, clarification on whether the proposal includes Commercial Passenger Fishing Vessels, input from professional mariners on what is the appropriate closure size, and historical data of any collision, allusion or grounding caused by fishing equipment interactions to understand the magnitude of the problem. 	Opposition noted. See response to comment 1a. The Department has no knowledge of any “collision, allusion or grounding” due to interactions from fishing gear. The Port has expressed concern about the elevated risk of lobster gear migrating into the center range line of the navigational channel and interfering with the ability of vessels to maneuver safely into the harbor and, as such, has proposed the Port Hueneme RFA as a proactive approach to promote safe navigation.

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11	Joe Exline, Recreational Lobster Fisherman	Verbal testimony at Commission meeting on 4/27/17	Recreational Lobster Buoy Marking Requirement	Thanked Department staff for bringing forward the proposal to amend the recreational lobster buoy marking requirement for Commercial Passenger Fishing Vessel operators and licensed guides.	Support noted.
12	Rodger Healy, Commercial Lobster Fisherman	Verbal testimony at Commission meeting on 4/27/17	Commercial Lobster RFA for Port Hueneme	Expressed that commercial lobster fishery would be significantly impacted by Port Hueneme RFA proposal; unlike the proposed scope of the Port Hueneme RFA, the current RFA closures are navigational channels. If the proposal is not a fishing closure and the concern is about safety, then there should be some consideration taken for the fishing interest in the area.	Opposition noted. See response to comment 1a.
13	Wayne Kowtow, Coastal Conservation Association of California	Verbal testimony at Commission meeting on 4/27/17	Recreational Crab and Lobster Buoy Marking Requirements and Commercial RFA for Dana Point Harbor	Thanked the Department for working with lobster fishermen on the proposed changes to the sport crab and lobster buoy marking requirements and modifications to the Dana Point RFA.	Support noted.
14	Greg Ewart, Commercial Lobster Fisherman	Verbal testimony at Commission meeting on 4/27/17; letter to Commission received on 6/12/17	Commercial Lobster RFA for Port Hueneme	a. Expressed that the area impeded by the proposed Port Hueneme RFA is excessive and noted that there has not been an incident where a ship ran aground from lobster gear in Port Hueneme in the past 30 years.	Opposition noted. See response to comment 1a.

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14, cont.			Commercial Lobster RFA for Port Hueneme	b. The proposal was prepared and presented without sufficient facts. The U.S. Coast Guard Marine Division has been present at the meetings and has taken no action to support this so-called "safety issue."	Opposition noted. See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	c. Asked where is the research from the Army Corps of Engineers and why have they not been consulted on the proposal since they designed and built the Port Hueneme harbor.	This comment is outside the purview of the Commission.
			Commercial Lobster RFA for Port Hueneme	d. Commented that there is not and has not been a safety issue, otherwise the Port would have accepted the offer from lobster fishermen to move lobster traps from the targeted closure area a month prior to the end of the season and would not have allowed sailboat racing in the safety fairway.	See response to comment 10.
			Commercial Lobster RFA for Port Hueneme	e. Questioned why close another fishing area for a what-if scenario that has no evidence of a safety risk; anything could happen, but without a real danger, it makes no sense to take someone's livelihood away.	See response to comment 10.
			Commercial Lobster RFA for Port Hueneme	f. Questioned the equity of the proposal; cited to comment by Harbor Safety Committee member suggesting that a restriction on the lobster fishery was proposed because the lobster fishery was the easiest fishery to restrict.	See response to comment 1a.

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15	Evan Jones, Commercial Lobster and Squid Fisherman	Verbal testimony at Commission meeting on 4/27/17; letter to Commission on 6/12/17	Commercial Lobster RFA for Port Hueneme	a. Expressed that the proposal not only dilutes the safety risks but also dilutes the financial impact among all fishermen; this proposal singles out lobster fishermen as a whole and does not include other fisheries that pose as much of a risk.	Opposition noted. See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	b. Described a special meeting held by the HSC during which the HSC voted on and passed an option for the new RFA boundary that was never discussed in any of the prior stakeholder meetings; lobster fishermen have attend several meetings to find a compromise and are frustrated with the process.	See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	c. This proposal represent itself as a safety concern, but in reality masks the desire to make more room for big businesses in the Port.	Comment noted; the assertion on the intent of the HSC is speculative and is outside of the scope of this rulemaking.
16	Teresa Ewart, Sportfishing Association of California	Verbal testimony at Commission	Commercial Lobster RFA for Port Hueneme	a. Comment is similar to comment 10.	Opposition noted. See response to comment 10.

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16, cont.		meeting on 4/27/17; letter to Commission on 6/12/17	Commercial Lobster RFA for Port Hueneme	b. The question of navigational safety should be addressed by the U.S. Coast Guard Marine Safety Division.	See response to comment 1a. The Commission has the authority under sections 200 and 205 of the Fish and Game Code to regulate commercial and recreational fishing, which include establishing and changing areas or territorial limits for taking of any marine species. The Commission may consider petitions that are consistent with commercial fishing regulations to provide for safe navigation, as contained in Section 122(d), Title 14, CCR for spiny lobster.
			Commercial Lobster RFA for Port Hueneme	c. Described a June 1, 2017 stakeholder meeting facilitated by the Port; lobster fishermen were given 1-day notice of this meeting.	Comment noted. See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	d. No evidence has been shown to prove a claim by a member of the HSC of vessels losing propulsion after running over a lobster trap.	Comment noted. See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	e. Questioned why a member of the HSC declined the lobster fishermen's offer to move the remaining traps in the proposed RFA area a month prior to the end of the season if the Port claims that lobster traps pose a threat to safety and the environment.	This comment is outside the purview of the Commission.
			Commercial Lobster RFA for Port Hueneme	f. Comment is similar to comment 14d.	See response to comment 14d.

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16, cont.			Commercial Lobster RFA for Port Hueneme	g. The HSC is trying to widen the existing fairway, to do so they would have to petition the U.S. Coast Guard and have proof of a safety issue.	Comment noted; the assertion on the intent of the HSC is speculative and is outside of the scope of this rulemaking.
			Commercial Lobster RFA for Port Hueneme	h. Marine safety and navigation issues falls under the jurisdiction of the U.S. Coast Guard.	See response to comment 16b.
			Commercial Lobster RFA for Port Hueneme	i. Asked the Commission take no action on the Port Hueneme proposal; the proposal was prepared and presented without facts and claimed the Port has not cooperated with lobster fishermen and want all fisheries gone so that they can bring in bigger ships and make bigger profits without adding to the shipper's cost.	See response to comment 1a. The assertion on the intent of the HSC is speculative and is outside of the scope of this rulemaking.
17	Mike Conroy	Verbal testimony at Commission meeting on 4/27/17	Commercial Lobster RFA for Port Hueneme	a. Recommended that the Commission defer action on the proposed Port Hueneme RFA to allow discussions to continue between constituents and the Port. Questioned if the proposal would potentially expand to other fisheries in the area, such as squid or crab. If the proposal is directly specific for lobster, the size and scope of the proposal is an overreach.	Opposition noted. See response to comment 1a.

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17, cont.			Commercial Lobster RFA for Port Hueneme	b. Inquired whether there is evidence of any vessel grounding based on interactions with lobster gear; cautioned that it would be a slippery slope to start closing areas and access based upon what could happen.	See response to comment 10.
18	Vitaly Sviridov, Commercial Lobster Fisherman	Verbal testimony at Commission meeting on 4/27/17; email to Commission on 6/11/17	Commercial Lobster RFA for Port Hueneme	a. Expressed that the proposed closure would be an additional hardship and would have a significant economic impact on lobster fishermen; about 10 percent of their income is derived from the Port Hueneme fishing area.	See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	b. Expressed that fishermen have been respectful and cooperative with the Port as well as the Department, Coast Guard, and Harbor Patrol to address issues with lobster gear and does not want the fishing area closed.	Opposition noted. See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	c. Lobster fishermen have been fishing at the Port Hueneme harbor entrance for over 30 years without any issues or complaints from the Port. Suddenly, the Port decides to close part of the entrance with no evidence to support the closure. Lobster fishermen cannot afford to lose another fishing spot with no evidence or proof of why it has to be closed.	See response to comments 1a and 10.
19	Alvin Faustino	Letter to Commission received on 6/11/17	Commercial Lobster RFA for Port Hueneme	a. Comment is similar to comment 16e.	See response to 16e.

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19, cont.			Commercial Lobster RFA for Port Hueneme	b. Noted that the HSC, not the Port, is driving the proposal.	The Commission has received both verbal testimony at the April 2017 Commission meeting and a letter dated June 12, 2017 from the Port that clarified the Port's position regarding this proposal. The Commission also received a letter from the HSC on June 12, 2017, that clarified the original petition was intended to come from the HSC and not from the Port.
			Commercial Lobster RFA for Port Hueneme	c. Referenced both Article 1, Section 25 of the California State Constitution and the Public Trust Doctrine and stated that since Port Hueneme is a man-made harbor, fishing was there first and building the harbor created the safety navigation issue.	Opposition noted. See response to 1a. Challenge to the constitutionality of the proposed RFA noted.
20	Mary Lowande	Email to Commission on 6/12/17	Commercial Lobster RFA for Port Hueneme	Believed it is in the best interest of the Commission to dismiss the proposed RFA; the HSC's claims regarding safety should go through the proper channels with the U.S. Coast Guard.	Opposition noted. See response to comment 1a and 16b.
21	Captain Jonathan Ewart, Lobster Fisherman	Letter to Commission received on 6/12/17	Commercial Lobster RFA for Port Hueneme	a. Opposed the proposal. Believed that the HSC does not understand how much fishing areas lobster fishermen have already lost to state and federal marine protected areas and with the new trap limit, every fishing area is very important.	Opposition noted. See response to comment 1a.

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21, cont.			Commercial Lobster RFA for Port Hueneme	b. The proposal should be dropped since there have been no incidents reported to the U.S. Coast Guard to support the HSC's claims of vessels losing power due to interactions with lobster gear.	See response to comment 1a.
22	Nate Baker, Commercial Squid Fisherman	Email to Commission on 6/8/17	Commercial Lobster RFA for Port Hueneme	Opposed the proposal. Noted that the geography of Hueneme Canyon and surrounding flats create one of the best squid fishing resources and asked why the Commission would wish to destroy such to save freighter pilots a few minutes out of their day a few times a week.	See response to comment 1a. The regulatory proposal under consideration by the Commission is the exclusion of traps under Section 122 of Title 14, California Code of Regulations (CCR) pertaining to commercial lobster fishing; the exclusion other fishing gear in the proposed Port Hueneme RFA is not contemplated.
23	Marc T. Cefalu of Cox, Wootton, Lerner, Griffin & Hansen LLP, on behalf of Kat Jones	Letter to Commission dated 6/15/17	Commercial Lobster RFA for Port Hueneme	a. Opposed the proposed RFA for Port Hueneme. If the proposed RFA is adopted, a suit will be initiated to enjoin the application of the RFA as well as seek any and all other remedies at law and in equity.	Opposition noted. See response to comment 1a.
			Commercial Lobster RFA for Port Hueneme	b. There are very serious problems associated with the proposed RFA which should preclude its adoption and/or later enforcement as detailed below: (1) Potential violation of applicable local, state and federal law concerning the process through which the HSC agreed upon the proposed RFA that was ultimately presented to the Commission.	See response to comments 1a and 1k.

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23, cont.				<p>(2) Identifiable failures by the HSC in properly evaluating the purported “safety concerns” giving rise to the proposed RFA. Believe that the “propulsion fouling” concerns may be a simple context to unreasonably discriminate against the local lobster fishermen.</p> <p>(3) The initial proposal submitted on behalf of the HSC to the Commission was based upon no objective scientific and/or quantitative analysis. The only objective analysis regarding the proposed RFA has only recently been prepared by an independent consulting firm commissioned by the Port, which does not support the overbroad proposal previously submitted to the Commission.</p> <p>(4) Comment similar to comments 14a and 21b.</p> <p>(5) Despite data that indicate commercial lobster fishing effort has substantially increase in block 683 since the 2005-06 lobster season, unaware of no evidence supporting that propeller/steering fouling has resulted in any serious marine incident.</p> <p>(6) The proposed RFA unfairly discriminates against lobster fishermen without adequate basis.</p>	<p>See response to comments 1a and 10.</p> <p>See response to comment 1a.</p> <p>See response to comment 1a.</p> <p>See response to comments 1a and 10.</p> <p>See response to comment 1a.</p>

