

**Dungeness Crab Lost or Abandoned Trap Gear Retrieval Program Regulations
Attachment A – Summary Table of Public Comments and Responses**

#	Name Organization Communication Date	Comment	Response
Comments received during the supplemental 45-day Public Notice Period from 5/10/2019 to 6/24/2019			
1	Andrew Smyth, via email 5/11/2019	a. Requests information regarding how to obtain a Retrieval Permit	a. Department staff provided links to the proposed rulemaking documents, including the proposed Retrieval Permit Application form DFW 1058.
2	Dave Bitts, via email 6/14/2019	<p>a. Opposes Department's amendments to Section 132.2(a)(2)(B), and requests Dungeness crab permitted vessels continue to be able to retrieve stray traps during the commercial fishing season. Retrieving vessel should be allowed to retain any crabs found in the gear.</p> <p>b. Identifies potential conflict between Section 132.2(a)(2)(E) and the proposed program under Section 132.7.</p>	<p>a. The Department's proposed amendments to Section 132.2(a)(2)(B) retain the current "6 pot rule", allowing retrieval of up to 6 pots belonging to another permitted vessel at any time, including during the commercial season. The amendments do re-impose a prior restriction that such activities may only occur by other Dungeness crab permitted vessels, rather than allowing any vessel to do so. Existing language in Section 132.2(a) explicitly prohibits retention of crabs found in the retrieved traps, and modifying this requirement is outside the scope of this rulemaking.</p> <p>b. The Department's proposed regulations would establish multiple avenues for retrieval of lost or abandoned gear, with two key differences between retrieval under Section 132.2 and Section 132.7. The primary difference is that individuals retrieving gear under Section 132.2 are not entitled to financial compensation, whereas individuals acting under a Retrieval Permit would be reimbursed for incurred costs, either by the Responsible Vessel Permitholder or the Department.</p> <p>Additionally, the amendments proposed to Section 132.2(a) would limit retrieval to Dungeness crab permitted vessels. Other vessels would need a waiver under Section 132.2(b) or a permit issued under Section 132.7 to retrieve lost or abandoned Dungeness crab gear.</p>

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<p>c. Retrieval under a waiver should be allowed in cases of permit holder hardship, waivers should be granted expeditiously and without burdensome restrictions. Individual operating under the waiver should be allowed to retain and sell any crab in the retrieved gear as compensation for retrieval, but not allowed to bait and re-set the gear.</p>	<p>c. The Department's proposed amendments to Section 132.2(b) retain the ability for a Dungeness crab vessel permit holder facing an undue hardship to enlist support from another vessel (not necessarily a Dungeness crab permitted vessel) to retrieve their gear under a waiver. The Department works as expeditiously as possible to review and respond to all waiver requests. Retention of crabs found in the retrieved traps is explicitly prohibited when retrieving traps under Section 132.2(a)(2)(B). Similar language is not included in Section 132.2(b), however the waiver will include any restrictions deemed necessary by the Department. Restrictions included in any waiver will depend on unique circumstances, and will be determined on a case by case basis. Compensation by the waiver requestor to the designated vessel can be made at the discretion of both parties, but is not be required unless gear is retrieved under the program in Section 132.7.</p>
<p>d. Gear retrieval operations should continue until two weeks before the scheduled season opener in FGC 8276. Owed fees or reimbursements for any gear retrieved after September 30 could be charged to the following year's license renewal.</p>	<p>d. September 30 was selected as the last day during which retrieval operations could be conducted to ensure that Retrieval Permittees have sufficient time to complete their obligations prior to submitting their logbooks to the Department during the specified window (October 22 – November 1). Department staff then need sufficient time to review the submitted logbooks, identify traps with unpaid Retriever Trap Fees, and notify Responsible Vessel Permitholders of owed Department Trap Fees in January 15, at which point renewal and transferability of their Dungeness crab vessel permit will be suspended. Levying Department Trap Fees at a later time would create inconsistencies with numerous requirements in Section 132.7.</p>
<p>e. Designated Retrievers should be allowed to retrieve traps from areas closed to Dungeness crab fishing.</p>	<p>e. Designated Retrievers are allowed to retrieve gear from such areas, but must first contact and receive specific authorization from department Law Enforcement Division prior to retrieving such traps to ensure retrieval will not interfere with</p>

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	<p>subsequent enforcement actions. Retrieval of such gear without said authorization would interfere with the Department's ability to hold Responsible Vessel Permitholders accountable for potentially illegal activity.</p>	
3	<p>Mike Zamboni, via email 6/20/2019</p>	<p>a. Due to the \$408.50 Department Trap Fee, Retrieval Permitees will set Retriever Trap Fees at \$400, which greatly exceeds the cost of buying a replacement trap. Regulations should specify the Retriever Trap Fee may not exceed \$75.</p>
	<p>a. Dungeness Crab Task Force members have estimated the "fair market value" for retrieved gear at approximately \$200, however the Department acknowledges that used gear could likely be obtained at a lower cost. Even assuming a \$200 cost, the proposed amount of the Department Trap Fee would be more than double the cost to replace the lost or abandoned gear.</p>	
	<p>FGC 9002.5(b)(3) defines the Retriever Trap Fee as "reasonable recovery fee, determined by the retriever permitholder, based on the cost of trap retrieval and storage of the trap." Because the Department does not have relevant information on what amount is reasonable in any given circumstance, subsection (h) of the proposed regulations stipulates that the Retriever Trap Fee is freely negotiated between the two parties to encourage mutual determinations of what fee is "reasonable."</p>	
	<p>FGC 9002.5(b)(3) requires the Department to "impose per-trap fees on any former trap owner who refuses to pay the recovery fee to the retrieval permitholder", and that "the department shall set the rate of these per-trap fees at a level sufficient to recover any costs to the department." Rationale for the amount of the Department Trap Fee can be found on page 16 of the Amended Initial Statement of Reasons.</p>	
	<p>b. FGC 9005 requires every trap or string of traps to be marked with a buoy, and FGC 9007 declares that any trap without a properly marked buoy is a "public nuisance and shall be removed from the waters of this state". Section 132.1(b) requires commercial Dungeness crab traps to be marked with</p>	<p>b. Dungeness crab vessel permitholders will remove surface gear from gear they cannot, or will not, bring to shore to avoid being charged a Retriever Trap Fee. This</p>

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	<p>will increase navigational hazards and marine life entanglement risk.</p> <p>c. Fishermen should be allowed more than 15 days after the close of the season to pump and retrieve their gear, particularly if the season closes early.</p> <p>d. Please reconsider this rulemaking.</p>	<p>a buoy and a biennial buoy tag. Dungeness crab traps which are no longer marked with a buoy tag would therefore be in violation of both statute (Fish and Game Code) and Title 14 regulations.</p> <p>c. FGC 8276(d) requires all gear to be removed by 11:59pm on the last day of the commercial Dungeness crab season. Any gear left in the water after the close of the season is in violation of FGC 8276(d), and could be subject to enforcement actions.</p> <p>When determining the start of the retrieval period, the Department determined 15 days would provide a balanced approach between allowing fishermen additional time to remove gear if unforeseen circumstances preventing them from complying with the season closure, and allowing retrieval to start quickly and accomplish the goals of the program. Section 132.7(f) therefore establishes a 15 day period after the close of the season where Dungeness crab vessel permit holders can continue to remove gear prior to it becoming subject to retrieval, either on their own or with the assistance of additional vessels operating under a waiver issued under Section 132.2(b).</p> <p>Neither FGC 9002.5 nor Section 132.7 allow retrieval to begin earlier following a closure under FGC 8276.1 due to significant risk of marine life entanglement, as happened in 2019.</p> <p>d. FGC 9002.5 requires the Department to implement the proposed program.</p>
4	Richard James, via email, 6/24/19	<p>a. FGC 9002.5(b)(1) directs the Department to “establish a retrieval permit that grants a person . . . the authority to retrieve Dungeness crab traps located in ocean waters”. The Department’s proposed regulations are limited to vessel-based retrieval operations. Trap gear which has washed ashore is outside the scope of the proposed regulations.</p>

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		<p>b. Requests Dungeness crab fishing regulations be amended to prohibit placement of traps within a to-be-determined distance from shore to reduce likelihood of traps washing ashore following severe weather events.</p>	<p>b. Additional restrictions on where commercial Dungeness crab trap gear can be located is outside the scope of the proposed regulations.</p>
<p>5</p>	<p>David Helliwell, via email, 6/24/19</p>	<p>a. Retrieval under Section 132.2(a)(2)(e) can occur from July 16 – October 31, while retrieval under Section 132.7 is limited to the period from two weeks following the scheduled season closure until September 30. Presumably, commenter is suggesting the Department authorize retrieval operations under Section 132.7 for the same window as Section 132.2(a)(1)(e).</p> <p>b. Retriever must pay \$480.50 to participate in this program.</p>	<p>a. Acknowledging that unforeseen circumstances may prevent removal of all gear at the end of the commercial season, the Department has specified retrieval operations under Section 132.7 cannot begin until two weeks after the FGC 8276 season closure. This allows a Responsible Vessel Permitholder, or a designated vessel operating under a waiver issued pursuant to Section 132.2(b), the opportunity to collect gear prior to it being subject to retrieval under the program in Section 132.7.</p> <p>September 30 was selected as the last day during which retrieval operations could be conducted to ensure that Retrieval Permittees have sufficient time to complete their obligations prior to submitting their logbooks to the Department during the specified window (October 22 – November 1). Department staff then need sufficient time to review the submitted logbooks, identify traps with unpaid Retriever Trap Fees, and notify Responsible Vessel Permitholders of owed Department Trap Fees in January 15, at which point renewal and transferability of their Dungeness crab vessel permit will be suspended.</p> <p>b. The comment incorrectly states the amount and payment obligation. A Retrieval Permittee must pay the Retrieval Permit Application Fee specified in Section 705, Title 14, CCR (\$377.75). Individual Designated Retrievers operating under a given Retrieval Permit are not required to submit payment to the Department.</p>

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	<p>c. Potential Designated Retrievers, and amount of gear that could be retrieved, will be limited by Department requirements in Section 132.7(d)(1).</p> <p>d. States that gear observed in areas where commercial take of crab is not allowed cannot be retrieved, and that once the season closes all waters of the state meet this definition. Any observed gear should be removed immediately.</p>	<p>c. Due to the potentially sensitive nature of retrieving lost properties, individuals who have had a commercial license or permit revoked or suspended, or who are awaiting final resolution of any pending action that could affect the status of the commercial license or permit, are ineligible to act as a Designated Retriever.</p> <p>d. Section 132.7(f)(5) specifies that gear observed in an area where commercial take of Dungeness crab by trap is prohibited can only be retrieved with the express authorization of Department Law Enforcement Division. The Department's intention is for this subsection to apply to discrete areas such as Marine Protected Areas, which are closed to take of Dungeness crab by trap on an ongoing, rather than seasonal, basis. While any traps left in ocean waters after the close of the season could be subject to enforcement action, the Department generally considers these discrete areas to be a higher enforcement priority. The logbooks submitted to the Department under Section 132.7(e) provide sufficient documentation for traps which were located in areas routinely open to Dungeness crab fishing.</p>
<p>e. Recreational trap gear may not be retrieved under Section 132.2 or 132.7. Presumably, commenter is suggesting the Department include recreational trap gear in the proposed program.</p>	<p>e. FGC 9002.5(a) limits the program to commercial gear. The Department does not have statutory authority to include recreational crab gear in this regulatory package. A separate rulemaking process would need to be undertaken by the Fish and Game Commission.</p>	
<p>Comments received during the supplemental public hearing held on 6/25/2019</p>		
<p>6 Dave Bitts, during public hearing, 6/25/19</p>	<p>a. Reiterated comment regarding potential conflict between Section 132.2(a)(2)(E) and the proposed program under Section 132.7.</p>	<p>a. See response to comment 2b above.</p>

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<p>b. FGC 9002.5 restricts retrieval activities to “the closed season of the Dungeness crab commercial fishery, as described in Section 8276.” Section 132.7(f) of the proposed regulations specify that retrieval operations can start no sooner than 2 weeks after the close of the Dungeness crab season in that area, as specified by FGC 8276. Allowing retrieval operations to begin 2 weeks after other closures, such as closures to reduce marine life entanglement risk under FGC 8276.1 or implementing regulations, would require legislative change.</p>	<p>b. Supports allowing gear retrieval operations to begin 2 weeks after the close of the Dungeness crab season, including an early closure such as happened in this year (2019).</p>
<p>As of the date this document was prepared, SB 262 (McGuire, 2019) included a provision to allow the Department to authorize retrieval during a closure pursuant to FGC 8276.1. Should this provision be enacted, the Department would undertake a supplemental rulemaking to ensure Section 132.7 is consistent with the updated statutory language in FGC 9002.5.</p>	<p>c. Requests that retrieval operations continue until 2 weeks prior to the scheduled pre-soak period in a given management area.</p>
<p>c. See response to comment 2d above.</p>	<p>d. Disagrees with restrictions in Section 132.7(f)(5). Fishermen who’s gear drifted into, rather than intentionally setting in, an MPA or other closed area should not be penalized.</p>
<p>d. Requirement to notify Department Law Enforcement Division allows the Department to determine if additional investigation is needed before gear is retrieved. Retrieval of such gear without said authorization would interfere with the Department’s ability to hold Responsible Vessel Permitholders accountable for potentially illegal activity. Potential enforcement actions would be determined based on the specific circumstances of the case.</p>	<p>e. Retrieval Permittees who have not identified the Designated Retrievers and</p>
<p>e. The Department acknowledges that additional Designated Retrievers may be identified after a Retrieval Permittee obtains</p>	<p>e. Retrieval Permittees who have not identified the Designated Retrievers and</p>

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	<p>vessels who will conduct retrieval operations under their permit should be allowed to apply for a permit, and add participants throughout the season without paying the specified Retrieval Permit Amendment fee.</p>	<p>their Retrieval Permit, and has provided an amendment form to allow the Retrieval Permit to be updated. Department resources are required to process each amendment. FGC 9002.5(b)(1) requires the Department to set “a permit fee in an amount necessary to fully recover, but not exceed, all reasonable administrative and implementation costs to the department of the retrieval program.”</p>
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Comments received which are not related to the proposed action:

- Robert Maharry, via email, clarified no longer a member of the California Dungeness Crab Fishing Gear Working Group and expressed general dissatisfaction with the Working Group process

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#	Name Organization Communication Date	Comment	Response
Comments received during the initial 45-day Public Notice Period 2/14/2019 through 4/1/2019			
1	Mike Haggren, via email 2/15/2019	a. Requests the proposed program copy the programs implemented in Oregon and Washington.	a. Main elements of the program are statutory requirements in FGC 9002.5. Department has limited discretion when implementing the program.
2	Andrew Smyth, via email 2/16/2019	a. Requests information regarding how to obtain a Retrieval Permit	a. Department staff provided links to the proposed rulemaking documents, including the proposed Retrieval Permit Application form DFW 1088.
3	Keith Gilmore, via email 2/16/2019	<p>a. Does not support allowing sportfishing associations to obtain a Retrieval Permit. Notes that only commercial fishermen may operate as Designated Retrievers, and that only commercial trap gear is eligible for retrieval.</p> <p>b. Expressed concern that the regulations don't address sharing the confidential information necessary for Retrieval Permittees to contact Responsible Vessel Permitholders. Retrieval Permittees would need to have access to that information prior to the beginning of the retrieval season in order for them to adhere to the 1-week contact timeline specified in subsection (h).</p>	<p>a. The responsibilities of Retrieval Permittees are primarily managing retrieval operations and communicating with Responsible Vessel Permitholders. Sport fishing associations have the same administrative capabilities as commercial fishing associations. As long as the association is able to recruit qualified Designated Retrievers, those that hold a commercial fishing license in good standing and have recently participated in a trap fishery, the Department does not see a reason to prevent sport fishing associations from applying for a Retrieval Permit.</p> <p>b. FGC 9002.5(b)(4) states "the department may release contact information to a retrieval permitholder for purposes of the retrieval program under terms and conditions as the department deems necessary to preserve the confidentiality of the information released". To allow the Department to be responsive to the needs of each Retrieval Permittee, how and when that contact information would be shared is not specified in these regulations. The Department has updated the 1-week contact timeline to include other methods (i.e. text and email); Retrieval Permittees are only required to send a certified letter to provide final notice of outstanding Retriever Trap Fees.</p>

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		<p>c. States that while the regulations specify that the title will revert to the Responsible Vessel Permitholder after payment and collection of the trap, the regulations don't specify that the Responsible Vessel Permitholder ever loses title to said trap.</p> <p>d. Three week period between the end of the retrieval season and the October 21st deadline for collecting traps prior to punitive action being taken is too short. October deadline should be extended by a week or the retrieval season should be shortened by a week.</p> <p>e. States Section 132.7(c)(3) is redundant.</p>	<p>c. FGC 9002.5(b)(2) states "any Dungeness crab trap retrieved under the authority of a retrieval permit shall become the property of the retrieval permitholder," and does not need to be re-stated in regulation.</p> <p>d. Retrieval Permittees are required to make initial contact within 1 week of trap retrieval. In most instances, Responsible Vessel Permitholders will have more than 3 weeks between being notified of retrieved gear and Retrieval Permittees being able to freely dispose of retrieved gear. In the event that gear is retrieved at the end of the season, the 3-week period still provides sufficient opportunity for Retrieval Permittees to make arrangements for retrieving their gear.</p> <p>e. The Department disagrees with this statement; this subsection stipulates that a fee is required when requesting amendment of an existing Retrieval Permit, which is not otherwise covered in the regulation.</p>
4	Bill Woods, via email 2/18/19	<p>a. Lost or abandoned sport crab trap gear should be included in the proposed program. If included in the proposed program, consider a reduced fine on recreational fishermen, while preserving the reimbursement to Retrieval Permittees (or allowing them to retain the gear).</p> <p>b. Any individual should be able to retrieve lost or abandoned gear; a Retrieval Permit should not be required. Notifications, payments, and other</p>	<p>a. FGC 9002.5(a) limits the program to commercial gear. The Department does not have statutory authority to include recreational crab gear in this regulatory package. A separate rulemaking process would need to be undertaken by the Fish and Game Commission.</p> <p>b. FGC 9002.5(b) requires the Department establish a retrieval permit which grants authority to retrieve lost or abandoned commercial Dungeness crab traps. The Department regulations implement this statutory requirement. The Department's additional amendments to Section 132.2</p>

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	<p>elements of the program should still apply.</p>	<p>maintain the ability of Dungeness crab permitted vessels to retrieve commercial Dungeness crab traps outside of the program established in Section 132.7.</p>
<p>5 Mike Haggren, via email 3/19/19</p>	<p>a. Requests the program be simple and inexpensive, similar to programs in Oregon and Washington.</p> <p>b. Requests that Responsible Vessel Permitholders not be charged any fees for their lost gear.</p> <p>c. Requests fishermen be allowed to bring in small numbers of pots that don't belong to them during the season.</p> <p>d. Requests that retrieval period be opened after the close of the season and until September 30 or another date far enough in advance of the next commercial season to prevent prospecting activities.</p> <p>e. Requests lost pots become the property of the retriever as the sole means of compensation for retrieval activities.</p>	<p>a. Main elements of the program are statutory requirements in FGC 9002.5. Department has limited discretion when implementing the program.</p> <p>b. The fees charged are mandated by statute. FGC 9002.5(b)(3) requires that a retrieval permitholder "notify the former trap owner of the retrieval of a Dungeness crab trap and . . . offer to sell the trap to the former owner for a reasonable recovery fee". FGC 9002.5(b)(3) also requires the Department to "impose per-trap fees on any former trap owner who refuses to pay the recovery fee to the retrieval permitholder".</p> <p>c. Current regulations (Section 132.2, Title 14, CCR) already allow any Dungeness crab vessel permitholder to retrieve up to 6 derelict traps at any time. More than 6 pots can be collected under a waiver issued by the Department or from July 16 – October 31. The additional amendments to this Section (noticed May 10, 2019) maintain this provision.</p> <p>d. The proposed regulations specify that the retrieval season opens 15 calendar days after the close of the commercial Dungeness crab fishing season and closes on September 30th.</p> <p>e. FGC 9002.5(b)(3) establishes two methods of compensation to a retriever: a "reasonable recovery fee" charged to the Responsible Vessel Permitholder or a reimbursement paid by the Department if the Responsible Vessel Permitholder refuses to pay the requested recovery fee. FGC 9002.5(b)(3) also</p>

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	<p>requires "a retrieval permit holder... offer to sell the trap to the former owner." The Department does not have discretion to waive this requirement, and allow a Retrieval Permittee to retain any retrieved gear as the sole mechanisms for compensation.</p>		
6	<p>Lisa Damrosch, Sarah Bates, Dwayne Oberhoff, and Michelle Norvell, via email 3/28/19</p>	<p>a. Requests modification of certified mail contact required in Section 132.7(h)(2). Initial contact of Responsible Vessel Permit holder should be by phone, text, email or in person within one week of trap retrieval. Certified mail letters must only be sent if initial contact has not resulted in gear return by October 6th.</p> <p>b. Requests logbook submission date be changed to November 15th.</p> <p>c. Requests logbook instructions be modified to require completion of items 1-12 and 16 within 24 hours of retrieval, rather than prior to any person disembarking from the vessel.</p> <p>d. Amend regulations to use number of days after opening or closing of the season rather than calendar dates to allow the program to be responsive to delayed openers or early closures.</p>	<p>a. The Department largely agrees this change would simplify program operations without reducing accountability and has incorporated most of proposed changes into the final regulatory text. Initial contact is specified to allow contact via text, email or certified letter, but not phone or in person, to ensure there is a record of the communication and it's content.</p> <p>b. Postponement of the logbook submission date would hinder the Department's ability to review logbooks and provide timely notice to Responsible Vessel Permit holders of owed Department Trap Fees sufficiently in advance of permits becoming subject to suspension or non-renewal.</p> <p>c. Due to the sensitive nature of retrieving private properties and the potential consequence towards Responsible Vessel Permit holders, it is important that the Department can accurately verify the accuracy of retrieval logs. Once a vessel disembarks and traps have been unloaded and stored with traps obtained on other trips, it becomes much more difficult for an enforcement officer to compare the haul of the trip with the details of that trip as recorded on a retrieval log.</p> <p>d. Retrieval operations are linked to scheduled closure of the season in FGC 8276. Other deadlines specified in the proposed regulations are needed to provide clarity to participants in the Retrieval Program and commercial fishermen whose gear could be retrieved under the proposed program.</p>

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		<p>e. Add language allowing for CDFW to approve alternate reporting mechanisms without additional regulatory action.</p>	<p>e. The Department is committed to working with stakeholders in developing better management tools. However, the Department cannot specify or incorporate by reference a reporting mechanism that does not yet exist into its regulation.</p>
7	Gordon Fowler, via email, 4/1/19	<p>a. Dungeness crab fishermen should not be penalized for lost trap gear.</p> <p>b. Sport trap gear should also be considered.</p>	<p>a. FGC 9002.5 requires the Department to implement this program, and that fees are assessed on a per-trap basis.</p> <p>b. FGC 9002.5(a) limits the program to commercial gear. The Department does not have statutory authority to include recreational crab gear in this regulatory package. A separate rulemaking process would need to be undertaken by the Fish and Game Commission.</p>
Comments received during the initial public hearing held on 4/2/2019			
8	Gordon Fowler, during public hearing, 4/2/19	<p>See comment 7 above</p> <p>c. Center for Biological Diversity should reimburse Retrieval Permittees for retrieved gear, rather than Responsible Vessel Permit holders</p> <p>d. Period between the end of the commercial fishing season and start of the retrieval season is too short.</p>	<p>See comment 7 above</p> <p>c. FGC 9002.5(b)(3) establishes two methods of compensation to a retriever: a "reasonable recovery fee" charged to the Responsible Vessel Permit holder or a reimbursement paid by the Department if the Responsible Vessel Permit holder refuses to pay the requested recovery fee. The Department does not have discretion to exclude these fees from its proposed regulation, or the authority to require payment by a different source.</p> <p>d. FGC 8276(d) requires all commercial Dungeness crab trap gear to be removed from the water by 11:59pm on the last day of the fishing season. When determining the start of the retrieval period, the Department determined 15 days would provide a balanced approach between allowing fishermen additional time to remove gear if unforeseen circumstances preventing them from complying with the season closure, and</p>

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			<p>allowing retrieval to start quickly and accomplish the goals of the program. During this 15-day period, Responsible Vessel Permitholders or their designated agent (operating under a waiver issued pursuant to Section 132.2) can remove gear before it becomes subject to retrieval.</p>
9	<p>Peter Repanich during public hearing, 4/2/19</p>	<p>a. Retrieval Permits should be issued to individuals, not just organizations. Dungeness crab vessel permitholders should be able to retrieve lost or abandoned trap gear.</p>	<p>a. Retrieval Permits are issued to the entities specified in Section 132.7(c) to allow for payments to be issued from the state's accounting system, Fi\$Cal, and to ensure Retrieval Permittees have staff capable of performing the administrative tasks required of program participants. Under Section 132.2, Dungeness crab vessel permitholders already have the ability to retrieve lost or abandoned gear.</p>
10	<p>Mark Gentry, during public hearing, 4/2/19</p>	<p>a. Period between the end of the commercial fishing season and start of the retrieval season will reduce efficacy of gear recovery efforts by preventing commercial Dungeness crab fishermen from participating.</p> <p>b. Designated Retrievers who are not commercial Dungeness crab fishermen should sign a release of liability form prior to conducting retrieval operations.</p> <p>c. Commercially permitted vessels should not be subject to inspection.</p> <p>d. Third-parties should be required to take a training course prior to conducting gear retrieval operations.</p>	<p>a. Participation as a Designated Retriever is voluntary; commercial Dungeness crab fishermen are not required to participate. The 15-day period between the end of the commercial fishing season and commencement of retrieval operations is needed to provide a sufficient window for Responsible Vessel Permitholders to retrieve their gear if weather or other constraints prevented removal of all gear prior to the end of the fishing season.</p> <p>b. It is not the purpose of the retrieval program to provide the details of the relationship between Retrieval Permittees and Designated Retrievers. Parties are expected to negotiate such terms without Department involvement.</p> <p>c. Inspections specified in Section 132.7(f) are needed for adequate enforcement of the requirements of this Section. Vessels are not inspected as a pre-requisite for conducting retrieval operations.</p> <p>d. The regulations outline requirements for Designated Retrievers that are intended to ensure only experienced people participate in the program.</p>

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		<p>e. Regulations should specify a maximum amount for the Retriever Trap Fee.</p> <p>f. Eliminate the "6 pot rule" in Section 132.2 30 days prior to the end of the commercial season.</p>	<p>e. FGC 9002.5(b)(3) defines the Retriever Trap Fee as a "reasonable recovery fee, determined by the retriever permit holder, based on the cost of trap retrieval and storage of the trap." Subsection (h) of the proposed regulations stipulates that the Retriever Trap Fee is freely negotiated between the two parties to encourage mutual determinations of what fee is "reasonable."</p> <p>f. Outside the scope of the proposed regulation.</p>
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