

Attachment 1 29.15 FSOR Abalone Closure

Responses to Comments received September 4 through December 9, 2020.

Comments are paraphrased from the commenters for succinctness.

#	Commenter Name, Format, Date	Comment	Response
1	Fred Meyer Email Comment 9/20/2020	Commenter disagrees with the closure and argues that there are plenty of abalones in the ocean.	The recreational red abalone fishery has been closed since April 1, 2018 due to poor ocean and stock conditions. The closure is currently set to expire on April 1, 2021, but surveys at selected sites in late summer and early fall of 2019 by staff from the Department of Fish and Wildlife show no evidence of improved conditions. Allowing the closure to expire in 2021 would increase the risk to the abalone populations while they are still in a vulnerable state. No rebounding of the abalone population has been observed in the past year, and kelp data from as late as 2019 showed that canopy coverage is still significantly below that of pre-2014 level. Recent modeling work suggests that it may take up to 10-15 years for the Red Abalone population to be able to support even a <i>de minimis</i> fishery.
2	Konstantin Karpov Commission Meeting 10/14/2020	Commenter urges Commission to extend the 5-year closure. Population may be only 5 years away from extirpation. Urges Commission to continue the precautionary approach of ARMP.	Commenter's concerns are noted. The FMP currently under draft is expected to continue a precautionary approach to abalone management established under ARMP.
3	Peter Haaker Commission Meeting 10/14/2020	Commenter expresses concern over the state of the red abalone population on the north coast and supports the extension of the closure.	Support noted
4	Bill Romanelli Commission Meeting 10/14/2020	Supports the closure extension. Also raises concerns over poaching and the lack of enforcement resources.	Support noted. Comments regarding enforcement are outside the scope of the proposed regulations.
5	Larry La Mar Commission Meeting 10/14/2020	Kelp bed data relied upon is old and may not reflect newest development. The resulting indicators may thus not be effective.	The development of indicators for recovery is outside the scope of this rulemaking.

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6	John Duffy Commission Meeting 10/14/2020	With the extension, the total closure is extended to 8 years.	Comment noted
7	Graham Owen and the Quentmeyer Family Emails 11/16/2020	a. The Commission should consider a <i>de minimis</i> fishery in place of extending a complete closure. Each abalone take should then be coupled with a mandatory level of sea urchin take. This will not cost more than the previous management regime.	The concept of <i>de minimis</i> is currently being developed as part of the FMP. The proposed regulation is intended as a stopgap measure to protect a vulnerable stock from fishing pressure while a long-term solution is being developed.
7	Graham Owen and the Quentmeyer Family (Continue)	b. Statements that the proposed regulation will not have any significant economic impact or the elimination of jobs are false, since many communities on the north coast rely on abalone diving for economic activities.	As noted in response to Comment 1 above, the poor state of the ocean cannot support a viable fishery. In addition, the proposed extension does not change the current closed state of the fishery since 2018 and is in line with the requirements of the ARMP.
7	Graham Owen and the Quentmeyer Family (Continue)	c. It should not take five years for the state to develop and implement new abalone management framework, especially considering the economic benefits of the fishery. Commenter suggests that a 3-year extension is more appropriate.	Should the FMP process take less than five years, any implementing regulation would necessarily repeal the closure extension regardless. Furthermore, if a 3-year extension is adopted, and the FMP process is not completed in time, the state will have to muster administrative resources again to effectuate a new rulemaking.
8	Ann Vileisis Commission Meeting 12/09/2020	Supports closure extension.	Support noted
9	Larry La Mar Commission	a. The abalone surveys relied upon were too few and not reproducible, and the survey design has not changed since 2014.	The Department's abalone surveys are conducted pursuant to the approved ARMP at well-known fishery dive sites where approximately half of the annual fishery catch was taken up until 2018. Department survey data

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	Meeting 12/09/2020		showed declining abalone abundances corresponding to the negative impacts to the red abalone populations stemming from the cumulative environmental events known as the "Perfect Storm." The state is confident in the accuracy of its survey methodology.
9	Larry La Mar (Continue)	b. Warm water intrusion from the south due to conditions such as El Niño is a natural phenomenon that occurs cyclically.	While El Niño has occurred consistently in the Northeast Pacific since historical record first exists, the 2011 Harmful Algal Bloom event, the warm water Blob, the sea star wasting disease, and large scale explosion of the northern California purple urchin populations are new occurrences. The current state of the Northern California kelp forest is a result of the combined effects of all these events.
9	Larry La Mar (Continue)	c. Bull kelp is a seasonal species. Their absence is part of their normal annual cycles.	While temporary absence of bull kelp in specific locations may not be a cause for concern, the data presented in the rulemaking package shows that the kelp was largely absent across entire years and along the whole Northern California coast since 2017.
10	Geoff Shester Commission Meeting 12/09/2020	Supports closure extension.	Support noted