

29.80 Recreational Crab FSOR

Attachment 1 – Responses to comments received September 25 – December 9, 2020

- *Comments are paraphrased from the commenters for succinctness.*

#	Commenter Name, Format, Date	Comment	Response
1	Tom Dolan Email 10/03/2020	1. Commenter is unsure what a commercial boat registration number is, as it is not found on a boat registration form. Implementing this after crab pots are assembled will require more effort.	1. Every permitted Commercial Passenger Fishing Vessel (CPFV) has a commercial registration number. This is the Fish and Wildlife boat number starting with the letters “FG.” It can be found near the top of a vessel registration below the bar code. This labeling requirement on buoys operated by CPFVs for crab traps (aka “crab pots”) has not changed from current regulations. Note: Department staff provided this information to the commentor immediately after receiving this comment.
2	Andy Guiliano Email 10/06/2020	2a. Commenter states that the recreational Dungeness crab sector is statistically very low among west coast entanglements (0.0059% since 1982-2019) and does not pose a serious threat to protected species, especially compared to the commercial sector.	2a. While the smaller size of the recreational fleet likely means that it is less likely to entangle these animals, three confirmed entanglements from the fishery have been confirmed since 2014. Given the documented cases of recreational crab trap entanglements in California, the Department has recommended Director’s authority to minimize risk by restricting the recreational fishery during periods of high whale or sea turtle abundance. The adopted regulations rely on the risk assessments under the commercial Risk Assessment Mitigation Program (RAMP; Section 132.8, Title 14, California Code of Regulations (CCR)) to inform any actions related to the recreational fishery. The adopted regulation only incorporates RAMP triggers related to marine life concentrations. These triggers activate management actions when certain number of Blue whales, Humpback whales, or Pacific Leatherback sea turtles are present, since the risk of entanglement increases when the number of animals increases. Furthermore, the Director is required to consult with the President of the Commission or their designee before implementing any recreational management action. It is also important to note that the adopted regulations require the Director to implement management actions based on best available science as outlined in subsection 132.8(d) of the commercial regulation (Title 14, CCR), including fleet dynamics, but does not require the same management response be implemented in both the commercial and recreational sectors.

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		2a. continued	<p>Additionally, the California Marine Life Management Act requires minimization of by-catch in California fisheries. Humpback whales, Blue whales and Pacific Leatherback sea turtles are also protected under the federal Endangered Species Act and take is prohibited. It is also the policy of the state to have zero mortality of endangered whales and sea turtles under the Vision Zero policy, Ocean Protection Council 2020-25 Strategic Plan.</p> <p>Lastly, the adopted regulations only address entanglements in California. The statistics the commentor references uses all West Coast entanglements which includes numerous gear types and instances of entanglements in unknown gear. Recreational crab gear was not consistently marked so the actual entanglement numbers could be higher.</p>
2	<p>Andy Guiliano (cont.)</p>	2b. Commenter wishes to know why the additional fee for the validation stamp was assessed, since the commenter sees no additional burden place on the Department or the Commission.	2b. The purpose of the validation is to allow Department staff to identify and contact fishers (crabbers) that participate in the recreational crab trap fishery each year. The validation cost of \$2.25 is based on administrative cost recovery estimates to issue the validation by the Department. The validation will then allow Department law enforcement officers and other Department staff to better characterize the fishery through participant surveys and compliance checks. It will also help identify stakeholders for outreach efforts designed to minimize entanglement risk, and facilitate creation of a mailing list for potential future regulation or other updates.
2	<p>Andy Guiliano (cont.)</p>	2c. Asking CPFV's passengers to hold a validation stamp each day while fishing for crabs recreationally will incur significant revenue loss for each CPFV since the extra cost to each fisher may lead to revenue loss for CPFV operators.	2c. All fishers who intend to take crab using a crab trap would only need to purchase a validation stamp once per year, regardless of whether they purchase multiple short-term sport fishing licenses over the course of that year. Crab-only trips are currently advertised by the CPFV fleet to cost \$125 per trip. The adopted \$2.25 annual validation is not expected to significantly discourage purchase of a CPFV trip and is cheaper than report cards and validations required in other recreational fisheries.

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2	Andy Guiliano (cont.)	2d. Opposes requiring validation stamps for one day license holders.	2d. See responses to Comments 2b and 2c.
2	Andy Guiliano (cont.)	2e. The recreational Dungeness crab fishery ends each year on December 31, and each fishing day lost to closure creates a lot more impact on CPFVs than it would to the commercial sector.	<p>2e. Data from CPFV log data were analyzed for the 2015-16 season, when the Dungeness crab fishery was delayed, and the 2016-2017 season, when no such delay took place. Results of the analysis show that the number of cumulative fisher trips that included Dungeness crab during the 2015-16 season was 75% of the number of fisher trips in 2016-17. The data suggest that the CPFV operators were able to partially recuperate some of their lost Dungeness crab fisher trips once the season opened. Furthermore, the total number of fisher trips conducted by these same vessels for all species during the 2015-16 season was 98% of the total number of trips logged the following season. This further suggests that vessels are able to shift their effort from Dungeness crab to other species.</p> <p>The adopted regulations require the Director to implement management actions based on best available science as outlined in subsection 132.8(d), Title 14, CCR, including fleet dynamics and socioeconomic characteristics of the recreational sector based on available information.</p>
3	Doug Laughlin Email 10/09/2020	3a. Commenter believes that the Director’s authority to delay or close the fishery under the proposed regulation is biased against the recreational sector, since the sector represents less than 1/16 of the total confirmed entanglements and less than 10% of the vertical trap gear in California.	3a. See response to Comment 2a.

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3	Doug Laughlin (cont.)	3b. Not giving the Director the ability to reduce sport gear similar to RAMP makes the proposed regulations more restrictive than RAMP.	3b. Enforcing a trap reduction in the recreational sector is not feasible because unlike the commercial sector there is not a state-issued trap tag. A state tag program would be required to effectively enforce such a program. Based on input received during numerous stakeholder meetings, this was not viewed as a viable option because of the additional cost to the recreational sector to purchase those tags.
3	Doug Laughlin (cont.)	3c. Validation stamp should not apply to individuals who do not deploy traps and only received crab from those traps, since the individuals who deploy traps are the ones familiar with the number of traps, locations, productions, and servicing.	3c. While requiring validation stamps from only trap operators would provide a snapshot of gear effort, they would not provide the Department a full understanding of the crabbing effort occurring in the recreational sector, even if that effort occurred through the traps of another fisherman. Characterizing all participation is important to collect essential information on a fishery that is currently not fully understood. Validation for all individuals would also collect necessary baseline information to help guide future modifications to these regulations if required.
4	Tom Mattusch Email 10/14/2020	4a. Commenter references a spreadsheet that includes estimates for additional 5" x 11" trailer buoy knot retying, but omitted crew labor for painting and branding of the buoy as required by the new regulations. Department's economic analysis only incorporates the cost of an additional trailer buoy for each trap. However, remarking the buoys requires rebuilding the buoy configurations and each vessel operator will incur a cost of \$1,619 as opposed to \$240, for an estimated industry cost of \$87,073.	4a. Updated analysis was completed in response to comment. See the revised std. 399 Economic and Fiscal Impact Statement.

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4	Tom Mattusch (cont.)	4b. None of the wholesale fishing tackle dealers the commenter contacted could supply the red buoys in time for the 2020 season in large quantities.	4b. The adopted regulations will not go into effect until November 2021. The Department intends to conduct outreach to alert recreational fisherman of the new requirement once regulations are approved by the Office of Administrative Law. Outreach will begin shortly thereafter and extend through the summer months until the fishery opens. This should allow adequate time to source and purchase the required buoys.
4	Tom Mattusch (cont.)	4c. Commenter requests that the cost of validation stamp be added to the lifetime recreational fishing license package and that the one-day recreational fishing license be reduced by \$2.25 due to recent changes to the fee structure of that license.	c. See response to Comment 2b. The purpose of the validation is to allow Department staff to identify and contact fishers that participate in the recreational crab trap fishery each year. Exempting lifetime recreational license holder from the validation requirement will prevent Department staff from fully characterizing the fishery and identifying those individuals, since staff cannot know whether such license holder has fished for crabs in any given season. Decreasing the price of the one-day license also will not conform to the design of the validation, since a crabber only needs one validation each season, and may purchase multiple one-day permits.
4	Tom Mattusch (cont.)	4d. The validation stamp should sunset after two years.	4d. As provided in the description of reasonable alternatives to regulatory action in the Initial Statement of Reasons, section IV.(a), alternative 3, minimizing entanglement risk is a priority in California and will need to be assessed for the foreseeable future. Ongoing data collection through the validation program will ensure informed decision-making into the future.
4	Tom Mattusch (cont.)	4e. The Department’s description of buoy setup is inaccurate, as the commercial buoy’s surface line requirements are different from what was agreed to with the recreational fishery. During RAMP discussions, recreational fishers agreed to no more than 2 fathoms of buoy line.	4e. Commenter may be referring to the maximum length required between the trailer buoys and the main buoys in the commercial sector, which is distinct from the maximum length between the main buoy and the marker buoy specified in the adopted recreational regulations. While maximum buoy line was discussed during early public scoping for the RAMP regulations, further scoping revealed this would be too restrictive on the recreational fleet. The specified length of no more than 3 feet between the main buoy and the marker buoy (subsection 29.80(c)(3)(B)) should limit the amount of surface lines.

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4	Tom Mattusch (cont.)	4f. Commenter requests that the recreational crab fishery start ahead of the commercial fishery on November 1, since almost all crabs are harvested within the first 2-3 weeks of the commercial season; many recreational crabbers give up at the beginning of the season due to depletion.	4f. A general change to the season start date to allow an “earlier” or “head start” was not explicitly part of this rulemaking package. Under the adopted regulations regarding Director’s authority, the season start date could be modified based on the RAMP regulations and case-by-case assessment of conditions with whale presence, but the recreational Dungeness crab season would not start earlier than the first Saturday in November.
4	Tom Mattusch (cont.)	4g. Commenter disagrees with the notion that CPFVs can more-readily shift effort away from crab trips if they target multiple species (as compared to crab-only trips). The only other alternative would be rockfish trips, which are combined with crab trips in November and December. Rockfish trips also are not significant in October.	4g. See response to Comment 2e.
5	Ben Enticknap Meeting Oral Comment 10/14/2020	5a. Supports proposed regulation. Also notes the implication of whale entanglements.	5a. Support noted. The regulations were adopted as proposed, with minor edits illustrated in the 15-day notice.
6	Doug Laughlin Meeting Oral Comment 10/14/2020	6a. Disagrees with how the sport fishery is treated similarly to the commercial fishery, despite the difference in scale.	6a. See response to Comment 2a.
6	Doug Laughlin (cont.)	6b. Not providing gear reduction as a potential management action makes the proposed regulation more restrictive than RAMP.	6b. See response to Comment 3b.

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6	Doug Laughlin (cont.)	6c. Notes that the Department agreed to a start date that is 6-14 days earlier than the commercial fleet in the event of a season delay due to entanglement risk.	6c. Department staff do not have the authority and did not make assurances for any specified time period for an earlier start to the recreational fishery in the event of a delay. Entanglement risk assessments occur at least monthly and in the event of elevated risk over a prolonged period, there is no timing guarantee between recreational and commercial fishing. Historically, season openers between the two fisheries have ranged from 7-13 days depending on the actual start date of the recreational fishery and the beginning of the commercial pre-soak. As noted in the response to comment 4f, per the adopted regulatory language, the Director must take into account best available science while implementing a management action, including the dynamics of the recreational fishing fleet (subsection 132.8(d), Title 14 CCR). In addition, under the commercial RAMP regulation, the Director will consider providing for fair and orderly fisheries when lifting or modifying commercial fishing restrictions. All these factors must be considered on a case-by-case basis.
6	Doug Laughlin (cont.)	6d. Validation should only be applied to trap owners or individuals deploying the traps, and in any event should not be applied to individuals who are only retrieving crabs from traps.	6d. See response to Comment 3c.
7	George Castagnola Meeting Oral Comment 10/14/2020	7a. The amount of time a trap sits in the water does not change significantly with a maximum soak time. Furthermore, events that would lead to a trap being moved, such as rogue waves or entanglements, cannot be prevented by regular service.	7a. The Department agrees that the total “soak” time of a trap would not change during servicing. However, a trap that is moved by events such as strong currents would likely travel away from its original position incrementally, and regular service will decrease the likelihood of those traps becoming lost and contributing to entanglement risk after the season closes. Regular servicing also allows release of non-target species (by-catch) to minimize death of those species when left in the trap for extended periods.

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8	<p>Richard Powers Meeting Oral Comment 10/14/2020</p>	<p>8a. The proposed regulations are unfair to CPFVs since CPFVs are restricted to 60 traps each, while private vessels carrying, for example, 10 individuals can carry up to 100 traps in addition to traps these individuals can service through notes.</p>	<p>8a. It is important to note that non-CPFV recreational fishers fishing from private vessels are not currently subject to any crab trap (aka “crab pot”) limit or restriction. The adopted 10-trap limit for this group was designed to function for practical purposes as a per-vessel limit. Based on conversations with stakeholders, fishers who are guests on private boats generally do not own their own traps. Instead, only the individuals who own the vessels tend to own the traps. As such, a per-individual trap limit functions similarly to a per-vessel limit when it comes to privately-owned vessels.</p> <p>Changes to the quantity of the 60-trap limit for CPFVs were not proposed with these regulations aside from applying the 60-trap limit to all crab, not just Dungeness crab. Vessel trap limits based on vessel size were discussed but were rejected since in some circumstances multiple crabbers would operate their own gear off the same vessel, and more importantly, some operators from different vessels sometimes share their gear.</p> <p>In addition, private vessels within the 20’-25’ range that are prevalent among private boat owners can only carry a few traps at one time, so the scenario that the commenter describes is unlikely to occur due to the practical logistical constraints limiting these vessels.</p> <p>The Commission adopted a 10-trap per person limit which does accommodate the exception that an individual can service up to 10 additional traps with written permission from the trap operator (subsection 29.80(c)(6)(A)). The note-sharing provision was originally developed to allow gear to be serviced when their operators are otherwise indisposed. The provision, however, came to be used to accommodate individuals who share their traps with friends and family members that do not own traps. The adopted language is essentially continuing a practice that is already utilized by fishery participants with the addition of a cap on total traps available due to the 10-trap limit.</p>

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8	Richard Powers (cont.)	8b. 9-day service interval should be subject to weather and trip scheduling constraints.	8b. The adopted regulations provide for a weather condition exemption for the minimum service interval (subsection 29.80(c)(5)). The 9-day interval was selected specifically to maximize ability to service for up to two weekends in order to accommodate the recreational nature of the fishery and schedule of participants.
8	Richard Powers (cont.)	8c. The proposed validation fee will pose hardships to CPFV passengers and a potential enforcement issue.	8c. It is possible for a crabber to add the validation from an internet-accessible smartphone or tablet using the Department's Online Sales and Services website: https://www.ca.wildlifelicence.com/InternetSales/ . See also responses to Comments 2b, 2c and 3c.
9	Aaron Inouye Email 10/24/2020	9a. It makes more sense to restrict the commercial sector as opposed to the recreational sector since the commercial sector is responsible for a much larger portion of the traps in the water.	9a. See response to Comment 2a.
9	Aaron Inouye (cont.)	9b. Because the commercial sector takes almost all the crabs within two weeks of its opening, the recreational sector must be given a few more weeks to fish exclusively in the event of a closure or delay.	9b. See responses to Comments 2e and 6c.
10	Alex Schiefer Email 11/20/2020	10a. Risk to whale and turtles is negligent [sic] due to the small percentage of gear that sport crab sector contributes overall compared to commercial fishery.	10a. See response to Comment 2a.
10	Alex Schiefer (cont.)	10b. Is not opposed to delaying the season as long as the recreational season is allowed to fish before commercial season begins.	10b. See response to Comment 6c.

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11	Jared Davis Emails 11/21/2020 & 12/1/20	11a. CPFV owner who is concerned that regulations were not properly vetted by all segments of the sport fishing community and need for more opportunity for input from those involved in the fishery.	11a. The adopted regulations followed APA rulemaking guidelines. Outreach prior to noticed regulations consisted of the November 5, 2019 Commission Marine Resources Committee (MRC) meeting, a public webinar on December 3, 2019, the December 12, 2019 Commission meeting, public workshops on January 6, 11, & 23, 2020, the March 17, 2020 Commission MRC meeting, the March 19, 2020 Dungeness Crab Gear Working Group meeting, the April 16, 2020 Commission meeting, and the June 24, 2020 Commission meeting before the regulations were noticed at the August 19, 2020 Commission meeting. The notice of proposed changes to the regulations was either emailed or mailed on September 25, 2020 to licensed CPFV vessel owners who have submitted at least one CPFV log in the previous year as well as other interested and affected parties and was published in the Regulatory Notice Register.

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11	Jared Davis Emails 11/21/2020 & 12/1/20	11b. Regulations do not distinguish between private vessels and CPFV charter operations that carry up to 49 paying passengers.	<p>11b. For clarity purposes, the recreational Dungeness crab fishery could be delayed or closed due to entanglement risk and crab trap (aka pot) use restricted for other recreational fisheries that use traps to take crabs other than Dungeness crab. This would include all vessel-based users. Besides potential delays of the fishery, the regulations to reduce entanglement risk are specific to crab trap gear and its use to better identify recreational fishing gear and increase responsibility of crab trap operators.</p> <p>The recreational sector overall has been attributed directly to 3 confirmed entanglements, and the commercial sector has been the largest single source of confirmed entanglements. While no confirmed entanglement has been directly attributed to the CPFV sector, these operations do frequently use the same gear as the commercial fleet and the rest of the recreational sector. Since approximately half of all confirmed entanglements involved gear that could not be identified, there is a proportional possibility that traps deployed from CPFVs may have contributed to entanglements. The lack of entanglement reporting for CPFVs does not mean that entanglements have not occurred since a majority of annual entanglements cannot be attributed to a specific fishery. These factors all speak to the difficulty of managing the CPFV sector separately from the rest of the recreational fleet due to a general lack of available information, which the new Validation requirement seeks to address. See response to Comment 2a for further explanation.</p>
11	Jared Davis (cont.)	11c. Data does not support significant entanglement potential for sport crabbing since number of traps is a tiny fraction compared to commercial and number of reported entanglements is 0 attributed to CPFV vessels.	11c. See responses to Comments 2a and 11b.

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11	Jared Davis (cont.)	11d. 10 traps per person limit does not make sense when compared to 60 trap limit on CPFVs. A private boat w/6 people could be allowed to fish 60 traps. If this 10-trap limit also applies to CPFVs, I would be allowed 490 traps on my vessel, which is not a reduction in the potential for marine life entanglement.	11d. See response to Comment 8a. The 10-trap limit only applies to individuals operating from private vessels and does not apply to CPFVs. CPFV trap limits remain unchanged.
11	Jared Davis (cont.)	11e. A marker buoy will encourage poaching while putting more lines and will not decrease potential for entanglement.	11e. The adopted buoy marking requirements will help distinguish this fishing gear for law enforcement staff and identify gear during reported entanglements. Tampering with gear that belongs to another without a valid authorization is against the law and violators may be subject to enforcement actions. The proposal specifies a minimum size requirement for the main buoy and a standard size for the red marker buoy. Most importantly in the context of this comment, the proposal also provides a maximum distance of 3 feet between the marker buoy and the main buoy when there currently is none. Without the current proposal, participants in the fishery would continue to be able to tie as many buoys as they wish to their recreational crab traps in whatever length they deem fit. Nothing in the proposal prevents fishers and CPFV operators from tying their marker buoys right next to their main buoys. Furthermore, this length of line is not expected to appreciably increase the overall amount of line deployed for any participant who previously rigged their traps with only one buoy. Most crab fishing occurs in depths up to 100 feet so adding three feet of line will not change the overall configurations required to fish at those depths. Three feet of surface gear is also not anticipated to increase entanglement risk from a gear that is usually at least 100 feet in total length.

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11	Jared Davis (cont.)	11f. More opportunity for comment is needed on proposed \$2.50 stamp fee and mandated service intervals.	11f. See response to Comment 2b regarding the \$2.25 fee. See response to Comment 8b regarding service intervals. See response to Comment 11a regarding opportunity for public input on the proposed regulations.
11	Jared Davis (cont.)	11g. Recommends a potential pre-set before the season opens.	11g. Unsure if commenter is referring to additional time between when the recreational season opens before the commercial season if both are delayed (“early/ head start”), or if commenter is requesting a “presoak” period of crab trap gear prior to the recreational season start date. If the former, see responses to Comments 2e and 6c. While the concept of a pre-soak period was mentioned conceptually at previous pre-notice outreach meetings, it was ultimately identified through Marine Region discussions and Commission process to not pertain to the regulation goal of minimizing the risk of entanglement and thus is outside the scope of these regulations.
11	Jared Davis (cont.)	11h. Believes there will be inequities and increased fishing pressure that will increase pressure when some districts open while others remain closed.	11h. Any closures would occur within RAMP Zones (subsection 132.8(a)(7), Title 14, CCR), which represent large enough recreational fishing areas that fishers and CPFVs are unlikely to move from their usual RAMP Zone as site fidelity is generally based on point or port of origin. The RAMP Zones are based on large geographic areas and in many instances contain several ports. Closures will be implemented at a Zonal level based on the entanglement risk in that area. A statewide closure would only be appropriate if the risk was statewide.
11	Jared Davis	11i. Requests more opportunity for input	11i. See response to Comment 11a.

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12	Tom Mattusch Email 11/21/2020	12a. Commenter requests that the recreational crab fishery start on November 1, since almost all crabs are harvested within the first 2-3 weeks of the commercial season. Also requests that this be considered at the upcoming (12/9/20) Commission meeting.	12a. See response to Comment 4f. The recommendation is outside the scope of the proposed regulations.
12	Tom Mattusch (cont.)	12b. CPFVs run traps in mid-November off of Half Moon Bay and did not see whales and to date no CPFV trap has been involved in an entanglement.	12b. See response to Comment 11b.
12	Tom Mattusch (cont.)	12c. Recommends implementing “Active Monitoring” for crab fishers being within range of 3 miles of visibility of their traps and not allowing overnight drops. Also requests that this be considered at the upcoming (12/9/20) Commission meeting.	12c. Active monitoring was not considered during this rulemaking because crab traps must “soak” for a period of time to attract crab to the trap. Because many if not most crabbers aim to obtain their daily take limit as often as possible, traps tend to be soaked over periods of more than one day. In addition, active monitoring may not be feasible for all fisherman because of safety and changing sea conditions. .
13	Frank Rescino Email and Letter 11/21/2020	13a. Requests postponement by at least 12 months of the proposed regulations which are scheduled to be modified during the December Commission meeting due to restrictions around COVID-19 and not being able to testify in person.	13a. See response to Comment 11a for more details regarding previous outreach effort. Commission conducted the December meeting by webinar and teleconference to avoid a public gathering and protect public health during the COVID-19 pandemic, consistent with Executive Order N-33-20. Pursuant to Executive Order N-29-20, commissioners may participate in meetings remotely. Although not being held in person, the 2020 Commission meetings involved in this rulemaking have been made accessible to the public via webinar and teleconference. The public was afforded the opportunity to provide public comment during the public comment periods, and otherwise observe remotely via Zoom or phone consistent with the Bagley-Keene Open Meeting Act

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13	Frank Rescino (cont.)	13b. The Department currently has separate regulations between CPFVs and recreational crabbers and requests that these be maintained in the future.	13b. No changes to the established trap limits nor buoy designation of the FG vessel on the main buoy for CPFVs were considered. The adopted changes will require that all recreational crab traps (including CPFVs) have a minimum size main buoy and additional standard sized red marker buoy. The CPFV regulations are being reordered in the Title 14 regulations for clarity. For inclusion of the CPFV sector, please see response to Comment 11b.
13	Frank Rescino (cont.)	13c. Recommends that there are alternative ways to mark buoys without using additional markers.	13c. The adopted buoy marking requirements will help distinguish this fishing gear for law enforcement staff and identify gear during reported entanglements. The Department considered other forms of buoy marking in the months leading up to the August Commission meeting (see description of reasonable alternatives to regulatory action in the Initial Statement of Reasons, section IV.(a)), and ultimately chose the small red marker buoy. The decision processed was informed by NMFS entanglement response discussions and the need to clearly identify gear.
13	Frank Rescino (cont.)	13d. Changes to trap limits need to be reviewed.	13d. See response to Comment 8a.
13	Frank Rescino (cont.)	13e. Request review of 9-day service interval.	13e. See response to Comment 8b.
13	Frank Rescino (cont.)	13f. Opposes the \$2.50 validation fee for passengers on CPFVs.	13f. See responses to Comments 2b and 2c.
13	Frank Rescino (cont.)	13g. The regulations are being rushed, especially in light of the pandemic. More time is needed to discuss this issue.	13g. See response to Comment 11a.

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14	Chris Smith Email 11/24/2020	14a. CPFV owner concerned with not being able to represent themselves due to COVID-19 and does not see an issue between whale entanglements and CPFV trap gear since charter boats fish with 60 traps or less, and there has not been reported entanglements involving CPFV gear.	14a. See response to Comment 11a regarding public opportunity for input on proposed regulations, response to comment 13a regarding public meetings during the COVID-19 pandemic, and response to Comment 11b for the rationale for including the CPFV sector.
15	Christopher Paterson Email 11/25/2020	15a. New fee \$2.25 should be included in lifetime license, but if imposed on all licenses keep it to a limited timeframe and allow program to expire.	15a. See responses to Comments 4c and 4d.
15	Christopher Paterson (cont.)	15b. Opposes one person, the Director, having authority over modifying the start date of the season and is concerned about pushing this date in to winter weather conditions due to safety issues around use of small vessels. Further, language regarding a recreational pre-start is missing in the event the season would be delayed or gear reduced if whales are in fishing zones.	15b. See response to Comment 2a. Regarding the safety issue concern, the season has always occurred over the winter months when ocean and weather conditions may be unsafe. The Department always encourages fishers to prioritize safety at sea. See responses to Comments 4f and 6c regarding recreational head start.
15	Christopher Paterson (cont.)	15c. There is much less recreational gear than commercial, and if recreational traps were a problem we would see it by now.	15c. See response to Comment 2a.
15	Christopher Paterson (cont.)	15d. Recreational fishers should be allowed to fish on November 1 since most fish only 2-4 weeks of the season since after the commercial season opens, fishing opportunity declines.	15d. See responses to Comments 4f and 6c.

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16	Jay Paz Email 11/25/2020	16a. New fee \$2.25 should be included in lifetime license, but if imposed on all licenses keep it to a limited timeframe, and allow program to expire.	16a. See responses to Comments 4c and 4d.
16	Jay Paz (cont.)	16b. Opposes one person, the Director, having authority over modifying the start date of the season and is concerned about pushing this date in to winter weather conditions due to safety issues around use of small vessels.	16b. See responses to Comments 2a and 15b.
16	Jay Paz (cont.)	16c. There is much less recreational gear than commercial and if recreational traps were a problem, we would see it by now.	16c. See response to Comment 2a.
16	Jay Paz (cont.)	16d. Recreational fishers should be allowed to fish on November 1 since most fish only 2-4 weeks of the season since after the commercial season opens fishing opportunity declines. Cites that there are navigational safety concerns of waters saturated with equipment from both fisheries opening on the same date.	16d. See responses to Comments 4f and 6c.

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Attachment 1 – Responses to comments received September 25 – December 9, 2020

- *Comments are paraphrased from the commenters for succinctness.*

#	Commenter Name, Format, Date	Comment	Response
17	Lance Wallace Email 11/25/2020	17a. Dungeness crab is the biggest opener in central and northern CA. Start recreational Dungeness crab season on November 1 allowing traps to go in at the first light, not at midnight. Recreational effort is minimal (1/1000 th) compared to commercial fishery and should not be subject to closure by Director. Fishing opportunity declines 2-3 weeks after commercial season begins.	17a. The season start time (i.e., midnight vs. first light) is outside the scope of this rulemaking for marine life protection measures. The Department always encourages crabbers to prioritize safety at sea. See also responses to Comments 2a, 4f and 6c.
17	Lance Wallace (cont.)	17b. Supports regulations that encourage fishermen to clean up gear and navigational hazards but this should be accompanied with education on how to properly rig gear. Additionally, would support the required use of weighted lines.	17b. Support noted. The Best Practices Guide has been developed by the Dungeness Crab Working Group for the past 5 seasons but is outside the scope of these regulations. This guide recommends and encourages crab trap users from both the recreational and commercial fisheries to minimize surface and slack lines. It is unclear that use of weighted lines reduces entanglement risk, and their use is not prohibited. See response to Comment 4b regarding outreach.
17	Lance Wallace (cont.)	17c. Opposes proposed service interval time period and offers 14 days or longer as alternative.	17c. See response to Comment 8b.
17	Lance Wallace (cont.)	17d. Supports 10 trap per person limit and the allowance of being able to service 10 additional traps.	17d. Support noted. The Commission adopted a 10-person trap limit which does accommodate the exception that an individual can service up to 10 additional traps with written permission from the trap operator (subsection 29.80(c)(6)(A)).

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Attachment 1 – Responses to comments received September 25 – December 9, 2020

- *Comments are paraphrased from the commenters for succinctness.*

#	Commenter Name, Format, Date	Comment	Response
17	Lance Wallace (cont.)	17e. Opposes annual per-trap fee and offers an alternative of allowing crab “tags” on waterproof medium that could be attached to user’s crab trap buoys with their GO ID, name and other identifiers to reduce poaching.	17e. See response to Comment 2b. The adopted regulations do not establish a per-trap annual fee, but rather a per-fisher annual fee. Based on input received during numerous stakeholder meetings, the use of crab “tags” was not viewed as a preferred option because of the additional cost to the recreational sector to purchase those tags each year.
17	Lance Wallace (cont.)	17f. Opposes Director authority and believes recreational fishery should be assessed separately from commercial fishery. Suggest that the recreational season be opened in a reasonable time period before commercial fishery as fishing opportunity declines. States alternatives to addressing entanglement risk by both proposed changes to gear and also by requirement to actively monitor gear during high risk periods and areas.	17f. See responses to Comments 2a, 6c and 12c. Does not offer alternative methods for consideration for changes to gear.
18	Doug Laughlin Email 11/27/2020	18a. In the event of delay, commenter requests that the Department safeguard a 6-14 day head start of the recreational season since more trap effort could occur with both fisheries starting the same day. This would appease many fishers that don’t know about these proposed regulations. The virtual meetings during Covid-19 have kept many from the process simply being too difficult to navigate.	18a. See responses to Comments 6c, 11a and 13a.
18	Doug Laughlin (cont.)	18b. Requests that Department add other recreational management actions such as reduction of vertical gear.	18b. See response to Comment 3b.

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Attachment 1 – Responses to comments received September 25 – December 9, 2020

- *Comments are paraphrased from the commenters for succinctness.*

#	Commenter Name, Format, Date	Comment	Response
18	Doug Laughlin (cont.)	18c. Requests that validation stamp provide accurate and useful information as to the amount, location and effort of recreational gear.	18c. A validation stamp in and of itself would not be able to provide this level of detail, but this type of information could be further collected using targeted telephone/email surveys to sub-sample from all users who purchase the Recreational Crab Trap Validation.
18	Doug Laughlin (cont.)	18d. Local infrastructure will suffer economically once recreational fishery is included in emergency closures.	18d. A recreational fishery delay would temporarily shift the start date later and local infrastructure are expected to recoup losses at this later date. The CPFV logbook data indicate that recreational anglers fishing for leisure are willing to shift their efforts to a later date when Dungeness crab season has been delayed.
18	Doug Laughlin (cont.)	18e. There have been no confirmed recreational entanglements this season.	18e. See response to Comment 2a.
19	Jonathon Smith Email 11/28/2020	19a. CPFV operator requesting to not impose similar closures to recreational fishery as the commercial fishery. San Francisco recreational crab fleet is small and with 60 trap limit, gear is checked and maintained daily while after January 1 they pull all gear out. Cites that in 2018, recreational catch accounted for 0.01% of commercial catch in same time period.	19a. See responses to Comments 2a, 2e and 11b.
19	Jonathon Smith (cont.)	19b. There is not enough evidence of impact between marine wildlife and recreational crab and commenter requests more time before proposed regulations are adopted so that industry has a better chance to represent themselves.	19b. See responses to Comments 2a and 11a.

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Attachment 1 – Responses to comments received September 25 – December 9, 2020

- *Comments are paraphrased from the commenters for succinctness.*

#	Commenter Name, Format, Date	Comment	Response
20	Kevin Godes Email 11/28/2020	20a. Dungeness crab is the biggest opener in central and northern CA. Start recreational Dungeness crab season on November 1 allowing traps to go in at the first light not at midnight. Recreational effort is minimal compared to commercial fishery and should not be subject to closure by Director. Fishing opportunity declines 2-3 weeks after commercial season begins.	20a. See responses to Comments 2a, 6c, and 17a. Season start time for the recreational fishery are outside the scope of these regulations.
20	Kevin Godes (cont.)	20b. CPFVs run traps in mid-November off of Half Moon Bay and did not see whales and to date no CPFV has been involved in an entanglement.	20b. See response to Comment 11b.
20	Kevin Godes (cont.)	20c. Maintain separate oversight and regulatory assessments of recreational crab fishery than commercial due to the smaller fraction of deployed recreational traps compared to the 100's of thousands of commercial trap gear as well as low numbers of recorded whale entanglements attributed to recreational fishery.	20c. See response to Comment 2a.
21	Marc Chow Email and Letter 11/30/2020	21a. Requesting more time for stakeholder groups to vet proposed regulations.	21a. See response to Comment 11a.

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Attachment 1 – Responses to comments received September 25 – December 9, 2020

- *Comments are paraphrased from the commenters for succinctness.*

#	Commenter Name, Format, Date	Comment	Response
21	Marc Chow (cont.)	21b. Discusses that zero cetacean fatalities and 2 verified entanglements of the recreational fishery is less than 1% of total crab gear contact and sets stage to continue engagement regarding proposed regulations to 2021 season.	21b. See response to Comment 2a.
21	Marc Chow (cont.)	21c. Believes that biased special interest groups are placing pressure while economic impacts need to be balanced with the ecological impacts.	21c. The Department and the Commission are committed to reducing marine life entanglements while still allowing for thriving commercial and recreational fisheries. The Department has conducted an economic assessment, which can be found in the revised std. 399 Economic and Fiscal Impact Statement.
21	Marc Chow (cont.)	21d. States that significant changes are being considered that have not been properly vetted by the participants in the CPFV sector and believes that they have been not fairly represented while Environmental NGO groups are placing undeserving negative impacts on recreational fishery. States that Captain Robert Gallia was not allowed to speak during the Commission meeting.	21d. See response to Comment 11a. All persons indicating a desire to speak on the proposed regulations at the October 14, 2020 Commission meeting were called upon and given 2 minutes to speak. Instructions to indicate a desire to speak were repeated several times during the meeting and were posted on the Commission’s website prior to the meeting. If Capt. Gallia wished to speak, he did not indicate that he wanted to do so. See also comments 34a-c and 44a-d.
21	Marc Chow (cont.)	21e. States that gray whales are not endangered and populations are stable while pressure on Humpback whales arises from domoic acid delays of 2015-16 season that pushed effort into months that interfered with whale migrations.	21e. See response to Comment 2a. Gray whales are not considered actionable species under RAMP while Humpback whales have in fact interacted with the recreational fishery outside of the 2015-2016 anomalous season.
21	Marc Chow (cont.)	21f. The proposed regulations are dramatic and severe based on the low contact of gear with whales and zero fatalities.	21f. See response to Comment 2a.

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- *Comments are paraphrased from the commenters for succinctness.*

#	Commenter Name, Format, Date	Comment	Response
21	Marc Chow (cont.)	21g. Opposes the 10-trap limit per person for private fishers while CPFVs are only allowed 60 traps even if they carry 25 passengers and believes that CPFVs need to be separately regulated from sport fishery.	21g. See responses to Comments 8a and 11b.
21	Marc Chow (cont.)	21h. Start recreational Dungeness crab season on November 1 since recreational effort is minimal compared to commercial fishery. CPFVs do not have the ability to set traps prior to season opening and it is unsafe to deploy traps after midnight and then pick up passengers that same day and have crew run vessels over 12 hours.	21h. See responses to Comments 4f, 11g and 17a. Pre-soak periods and season start time for the recreational fishery are outside the scope of these regulations. The Department always encourages crabbers to prioritize safety at sea.

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- *Comments are paraphrased from the commenters for succinctness.*

#	Commenter Name, Format, Date	Comment	Response
21	Marc Chow (cont.)	21i. The proposed regulations will require special recreational floats and subfloats that are problematic for CPFVs since they will require additional costs to rig, if available, and will encourage poaching. Commenter suggests using marked line as an alternative that is used in Oregon and Washington.	21i. See response to Comment 4a and the revised std. 399 Economic and Fiscal Impact Statement regarding CPFV costs incurred to rig new buoy setup. Commenter suggests marked line in lieu of the enhanced gear marking using buoys and cites two states that utilize this method. It remains illegal for someone else to remove saltwater crustaceans from or to disturb a trap of another without written permission. For clarification as of this writing, Washington is the only state to have adopted specific gear marking for their commercial Dungeness Crab fishery and both Washington and Oregon also require buoy gear marking on this type of fishing gear. There are additional considerations for pursuing marked line, for instance, having a coordinated approach for all fixed gear fisheries on the U.S. West Coast to be distinctly marked from one another. This method would also incur costs to implement and maintain. The concept of rope or line marking was preliminarily discussed; however, the option was not considered viable at this time because line markings are often difficult to see in the event of an entanglement. In addition, the cost of replacement materials and time for individuals would be greater.
21	Marc Chow (cont.)	21j. Biased environmental NGOs are not balanced with the stakeholders and the public, and time should be spent to come up with regulations that achieve this to be environmentally and economically positive. The numbers of low to almost zero contact between whales and sport gear also support this.	21j. See response to Comment 21c.

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#	Commenter Name, Format, Date	Comment	Response
21	Marc Chow (cont.)	21k. Species are not sustained by one individual animal but rather by looking at impacts to the entire population. The fishery has shown that contact is low and there have been no fatalities.	21k. Marine mammals such as blue whale and humpback whale tend to have relatively low population size and reproductive rate, as such take of individuals tend to have a relatively high impact on the whole population. The impact from losing each individual is also very consequential for critically endangered species such as leatherback turtle. See also response to Comment 2a.
22	John Durand Email 11/30/2020	22a. Opposes proposed regulations that would give Director authority over recreational fishery and believes that it should be assessed separately from commercial fishery.	22a. See response to Comment 2a.
22	John Durand (cont.)	22b. Not guaranteeing a recreational pre-start is a bad idea. The recreational fishery should be allowed to open a reasonable period of time in advance of the commercial fishery and before the high swell, big sea conditions prevail otherwise it will increase navigational hazards by those who place recreational traps in channels and entrances to bays and harbors. Fishing opportunity for recreational fishers also declines within a few weeks of the start of commercial season.	22b. See responses to Comments 6c and 15b. Placement of gear to avoid navigational hazards and safe operation of vessels fall under the responsibility of the boat captains.
22	John Durand (cont.)	22c. Supports and follows Best Practices Guide.	22c. Support noted. The Best Practices Guide is outside the scope of these regulations. Also see response 17b.
22	John Durand (cont.)	22d. The amount of gear and the depth range that recreational fishery operates should not be held to same restrictions as commercial season.	22d. See response to Comment 2a.

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- *Comments are paraphrased from the commenters for succinctness.*

#	Commenter Name, Format, Date	Comment	Response
22	John Durand (cont.)	22e. Support the proposed regulations regarding the enhanced gear marking, service intervals and trap limits.	22e. Support noted. The regulations regarding enhanced gear marking, service intervals and trap limits were adopted as proposed, with minor edits illustrated in the 15-day notice.
23	Andy Guiliano Email 11/30/2020	23a. CPFV should not be subject to further restrictions, considering that it is already subject to a trap limit and a marking requirement and that it has not been attributed to a single whale or sea turtle entanglement.	23a. See responses to Comments 2a and 11b.
23	Andy Guiliano (cont.)	23b. CPFV's lack of entanglement record is likely due to a short season (<2 months), regular gear service, and that gear has been rigged to the standards recommended by the Working Group. Data from CDFW (2018) noted 46 CPFVs landed crab, representing 0.016 of the total pots run by the commercial sector.	23b. See response to Comment 11b.
23	Andy Guiliano (cont.)	23c. CPFV have not caused any entanglements in the last 20 years, even when entanglement risk was elevated.	23c. See responses to Comments 2a and 11b.
23	Andy Guiliano (cont.)	23d. Dungeness crab is a critical source of income for the CPFV community, responsible for 25-30% of annual revenue. The recreational sector cannot make up for lost time or fishing days like the commercial sector can.	23d. See response to Comment 2e regarding preliminary analysis of fishing effort shifts based on logs during the delayed 2015-2016 recreational season due to domoic acid. The recreational fishing season may be reduced by the adopted regulations when considered against marine life entanglement risk. Similarly, the commercial fishery does not have additional days to work with either as their season delays have also reduced available fishing days.

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#	Commenter Name, Format, Date	Comment	Response
23	Andy Guiliano (cont.)	23e. Postpone the regulatory proposal decision for CPFVs. Due to Covid-19 forcing remote participation and the 2020 wildfires, a huge disconnect has diluted the regulation process in 2020. During the October 14 Commission Zoom meeting, 3 speakers were given 2 minutes of comments. All others wishing to comment were denied time to comment. Outreach to the Golden Gate Fishermen’s Association and Sportfishing Association of California from the Commission did not occur.	23e. See responses to Comments 11a and 21d.
23	Andy Guiliano (cont.)	23f. Dungeness crab and rockfish combination trips represent 25-30% of the Bay Area CPFV annual revenue. Unlike the commercial fishery, the CPFV fishery cannot add additional fishing days to make up for lost fishing time.	23d. See responses to Comments 2e and 23d.
23	Andy Guiliano (cont.)	23g. The validation stamp represents a 15% cost increase to one-day fishing license holders and will deter fishery participation. Sales of one-day licenses have decreased 23% in the past nine years, and annual license sales 25%. Instead, the Department should create an annual Dungeness crab stamp for CPFV similar to salmon stamp.	23g. Sales of one-day licenses and annual licenses fluctuate annually and over longer periods of time due to a variety of factors affecting one or more inland or ocean fisheries, including listing of endangered and threatened species, public health concerns such as domoic acid in shellfish, or other closures to fisheries due to environmental disasters such as oil spills, etc. For example, annual license sales (including resident, nonresident, and annual gift vouchers) increased 17.2% from 1,075,397 licenses in 2011 to 1,260,370 in 2020 and one-day fishing license sales increased 5,4% from 513,322 in 2011 to 541,021 in 2020. As noted in responses to Comments 2c and 3c, the goal of the validation is to characterize those who participate in the recreational crab trap fishery each year, whether individuals or CPFV clients.

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#	Commenter Name, Format, Date	Comment	Response
23	Andy Guiliano (cont.)	23h. The marker buoy is an unnecessary gear that increases entanglement potential, instead a tag or rope marking requirement like Washington state should be implemented.	23h. See responses to Comments 11e, 17e and 21i.
23	Andy Guiliano (cont.)	23i. CPFVs currently have a maximum of 60 traps regardless of passenger capacity (e.g., 6 or 36 passengers). CPFV pot limit should be tied to vessel capacity, specifically 4 traps per passenger. While this may increase the number of traps deployed for some vessels, it will reduce the overall number of traps in the water. For example, in Bodega Bay alone the number of CPFV traps will be reduced by 50%.	23i. See response to Comment 8a behind the rationale of a 10-trap individual limit. Changes to the 60 trap limit for CPFVs are outside the scope of these regulations.
23	Andy Guiliano (cont.)	23j. CPFV operations are hardworking small businesses providing the public access to the ocean; the gear have caused no entanglements, are checked every day, removed at the end of each season, and account for less than 1.5% of all crab gear in the state.	23j. See responses to Comments 2a and 11b.
24	Eric Holthouse Email 12/01/2020	24a. CPFV provides boating access to members of the public who do not own their own vessels, and as such should be treated as its own sector.	24a. See response to Comment 11b.

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#	Commenter Name, Format, Date	Comment	Response
24	Eric Holthouse (cont.)	24b. The marker buoy is an unnecessary gear that increases entanglement potential, instead a tag or rope marking requirement should be implemented.	24b. See responses to Comments 11e, 17e and 21i.
24	Eric Holthouse (cont.)	24c. The rulemaking should not be rushed, and fishers should be given more time to educate themselves. People should be afforded due process.	24c. See response to Comment 11a.
24	Eric Holthouse (cont.)	24d. CPFV customers should be exempt from the validation requirements since they do not own their own traps. CPFV operators should bear the cost of the validations.	24d. See responses to Comments 2b and 2c.
24	Eric Holthouse (cont.)	24e. CPFV's trap limit should increase since the 10-trap limit per individual would allow a much higher trap limit for private individual boat owners, and the result is not equitable.	24e. See response to Comment 8a behind the rationale of a 10-trap individual limit. Changes to the 60-trap limit for CPFVs are outside the scope of these regulations.
24	Eric Holthouse (cont.)	24f. Commenter requests a delay to proposed regulations due to economic hardships and to provide services to non-boat owner members of the public.	24f. See response to Comment 11a.
24	Eric Holthouse (cont.)	24g. Dungeness crab is a huge part of commenter's business and is necessary for its continuing operation. Commenter's gear are correctly configured and operated.	24g. See response to Comment 2e.
24	Eric Holthouse (cont.)	24h. To date no entanglements have been caused by any CPFV traps, and traps deployed by CPFVs are a fraction of the amount deployed by the commercial sector.	24h. See responses to Comments 2a and 11b.

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#	Commenter Name, Format, Date	Comment	Response
25	Tyja Taube Email 12/01/2020	25a. CPFVs operate very differently from private boat owners and should be treated as a separate sector.	25a. See response to Comment 11b.
25	Tyja Taube (cont.)	25b. A single individual should not have the power to shut down an entire fishery	25b. See response to Comment 2a.
25	Tyja Taube (cont.)	25c. A marker buoy will not improve gear identification and makes the gear easy targets. Rope marking is the preferable option.	25c. See responses to Comments 11e and 21i.
25	Tyja Taube (cont.)	25d. CPFV operators should pay for the endorsement of their clients.	25d. See responses to Comments 2b, 2c and 23g.
25	Tyja Taube (cont.)	25e. The 60-trap limit for CPFV was implemented when CPFV passengers were limited to 6 Dungeness crabs a day. Larger vessels should have their limits raised to 120 traps.	25e. Changes to the 60-trap quantity for CPFVs are outside the scope of these regulations, as is the daily recreational limit for Dungeness crab.
25	Tyja Taube (cont.)	25f. The rulemaking should be delayed for further deliberations.	25f. See response to Comment 11a.
26	Mike Aughney & Merlin R. Kolb Email 12/01/2020 & 12/2/2021	26a. CPFV provides boating access to members of the public who do not own their own vessels, and as such should be treated as its own sector.	26a. See response to Comment 11b.

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#	Commenter Name, Format, Date	Comment	Response
26	Mike Aughney & Merlin R. Kolb (cont.)	26b. The marker buoy is an unnecessary gear that increases entanglement potential, instead a tag or rope marking requirement should be implemented.	26b. See responses to Comments 11e, 17e and 21i.
26	Mike Aughney & Merlin R. Kolb (cont.)	26c. The rulemaking should not be rushed, and fishers should be given more time to educate themselves. People should be afforded due process.	26c. See response to Comment 11a.
26	Mike Aughney & Merlin R. Kolb (cont.)	26d. CPFV customers should be exempt from the validation requirements since they do not own their own traps. CPFV operators should bear the cost of the validations.	26d. See responses to Comments 2b and 2c.
26	Mike Aughney & Merlin R. Kolb (cont.)	26e. CPFV's trap limit should increase since the 10-trap limit per individual would allow a much higher trap limit for private individual boat owners, and the result is not equitable.	26e. See response to Comment 8a behind the rationale of a 10-trap individual limit. Changes to the 60-trap limit for CPFVs are outside the scope of these regulations.
26	Mike Aughney & Merlin R. Kolb (cont.)	26f. Commenter requests a delay to proposed regulations due to economic hardships and to provide services to non-boat owner members of the public.	26f. See response to Comment 11a.

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#	Commenter Name, Format, Date	Comment	Response
26	Mike Aughney & Merlin R. Kolb (cont.)	26g. Dungeness crab is a huge part of commenter’s business and is necessary for its continuing operation. Commenter’s gear are correctly configured and operated.	26g. See response to Comment 2e.
26	Mike Aughney & Merlin R. Kolb (cont.)	26h. To date no entanglements have been caused by any CPFV traps, and traps deployed by CPFVs are a fraction of the amount deployed by the commercial sector.	26h. See responses to Comments 2a and 11b.
27	Dennis Rinehart Email 12/01/2020	27a. State should consider sinking line or weights on buoy lines to eliminate excess lines on the surface.	27a. See response to Comment 17b.
27	Dennis Rinehart (cont.)	27b. State should allow the option of a 150 ft. depth restriction when whales are migrating in deeper waters.	27b. A depth restriction would not be readily enforceable without the use of electronic monitoring and is not being considered for use by the recreational sector.
27	Dennis Rinehart (cont.)	27c. A second buoy does not need to be red, only minimum distance and dimensions are required.	27c. The color and dimensions of the marker buoy are based on a readily available item found at fishing supply stores. The color designation is needed to make it more readily identifiable in the event of an entanglement.
28	Aaron Orsini Email 12/01/2020	28a. The rulemaking should not be rushed and the CPFV community should be given more time to deliberate.	28a. See response to Comment 11a.
28	Aaron Orsini (cont.)	28b. Supports buoy standardization.	28b. Support noted. The regulation regarding enhanced gear marking, requiring a standardized marker buoy, was adopted as proposed, with minor edits illustrated in the 15-day notice.

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#	Commenter Name, Format, Date	Comment	Response
28	Aaron Orsini (cont.)	28c. The marker buoy increases entanglement potential and could create confusion as to where the end(s) of a string of traps is(are), since traditionally that has been how some vessels mark their ends. Instead, a rope marking requirement should be implemented.	28c. See responses to Comments 11e and 21i. Current rule requires every recreational crab trap to be individually buoyed (subsection 29.80(c)(3)), as such marking a string of more than two traps with two or less buoys is not allowed. This proposal does not change that particular requirement.
28	Aaron Orsini (cont.)	28d. Commenter believes that maximum service interval is not enforceable. Instead, regulation should allow traps left in the water after certain days should be considered abandoned and subject to retrieval by others.	28d. Maximum service intervals are already being enforced in commercial fishery. A gear retrieval program was considered and rejected. See Initial Statement of Reasons, Section IV(a), alternative 4.
28	Aaron Orsini (cont.)	28e. Supports individual trap limit.	28e. Support noted. Also see response to Comment 17d.
28	Aaron Orsini (cont.)	28f. Commenter notes that a trap on average yields 2.5 crabs per trip after the season opens. As such a 6-person CPFV can usually achieve limit for every passenger with a 60-trap limit. However, larger vessels should be allowed to deploy more traps.	28f. See response to Comment 8a behind the rationale of a 10-trap individual limit. Changes to the 60-trap limit for CPFVs are outside the scope of these regulations.
28	Aaron Orsini (cont.)	28g. The amount of gear deployed by CPFVs represents only a tiny fraction of the amount of gear deployed by the commercial fleet.	28g. See response to Comment 2a.

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#	Commenter Name, Format, Date	Comment	Response
28	Aaron Orsini (cont.)	28h. Opposed to the proposed \$2.25 crab validation for sport fishers. In addition, CPFVs operate very differently from private boat owners and should be treated separately. Prefers a crab stamp modeled after the salmon stamps instead of the validation.	28h. See responses to Comments 2b, 2c, 3c, 11b, 23g.
28	Aaron Orsini (cont.)	28i. CPFVs provide a service to the public and are separate from the rest of the recreational sector. They provide boating access to members of the public who do not own their own vessels, and as such should be treated as its own sector.	28i. See response to Comment 11b.
28	Aaron Orsini (cont.)	28j. Commenter disagrees with potentially shutting down the CPFV fleet for whale concerns since they do not represent the same entanglement risk as sources with larger number of pots.	28j. See response to Comment 2a.
28	Aaron Orsini (cont.)	28k. The midnight start time represents a safety concern and should be changed. Commenter would like to request a 48-hour presoak period.	28k. See response to Comment 11g and 17a. Presoak periods and season start time for the recreational fishery are outside the scope of these regulations. The Department always encourages fishers to prioritize safety at sea.
29	Mike Long Email 12/02/2020	29a. The rulemaking should not be rushed and the CPFV community should be given more time to deliberate.	29a. See response to Comment 11a.
29	Mike Long (cont.)	29b. CPFV provides boating access to members of the public who do not own their own vessels, and as such should be treated as its own sector.	29b. See response to Comment 11b.

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#	Commenter Name, Format, Date	Comment	Response
29	Mike Long (cont.)	29c. The validation requirement will pose another hurdle for fishers, and many CPFV customers will likely show up to trips without one. California state budget shortfall can be assessed as an annual endorsement to CPFVs.	29c. See responses to Comments 2b, 2c, and 8c.
29	Mike Long (cont.)	29d. Additional buoys will contribute to entanglements. Line marking should be used instead.	29d. See responses to Comments 11e and 21i.
29	Mike Long (cont.)	29e. Crab take should be limited to 6 crabs for every fisher; 10 is more than average person would need.	29e. Changes to the daily bag limit of Dungeness crab are outside scope of these regulations.
30	Richard Powers Email 12/4/2020	30a. Scoping meeting held in Sausalito was held on the same day as a National Football League playoff game and was not well-publicized.	30a. Two other meetings were held in close succession with the Sausalito meeting. See response to Comment 11a for other outreach efforts.
30	Richard Powers (cont.)	30b. CPFV representation at the Sausalito meeting was sparse and most of the issues did not relate to CPFVs. Commenter states that he brought up the issue of the midnight start time as a safety concern and to the need for a pre-soak period, which was agreed upon by the Dungeness Crab Task Force; why was this topic left out of these regulations?	30b. See response to Comment 11g and 17a for discussion concerning pre-soak period and season start time.

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#	Commenter Name, Format, Date	Comment	Response
30	Richard Powers (cont.)	30c. CPFVs provide important access to sport fishing to the public. During the October 14 Commission Zoom meeting, 3 speakers were given 2 minutes of comments. CPFVs should be recognized as separate from recreational vessels.	30c. See responses to Comments 11a, 11b and 21d.
30	Richard Powers (cont.)	30d. The changes in this regulation are a serious matter. Proper time and process should be available before making decisions, and that should include the normal, in-person Commission process. Request delay of decision until more input can be provided by CPFV industry.	30d. See responses to Comments 11a and 13a.
31	Christopher Monk Email 12/03/2020	31a. CPFVs should be treated as a separate sector from private boats.	31a. See response to Comment 11b.
31	Christopher Monk (cont.)	31b. General opposition against new buoy requirements.	31b. See response to Comment 13c. The buoy marking requirement was also presented and various pre-notice stakeholder meetings.
31	Christopher Monk (cont.)	31c. General opposition against validation.	31c. See response to Comment 2b.
31	Christopher Monk (cont.)	31d. General opposition against Director's authority	31d. See response to Comment 2a.

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#	Commenter Name, Format, Date	Comment	Response
31	Christopher Monk (cont.)	31e. Commenter requests more time for deliberations.	31e. See response to Comment 11a.
32	Robert Ingles & Sherry Ingles Email 12/03/2020	32a. Recreational crabbing has emerged as one of the most anticipated fishing seasons. It constitutes the busiest time of the year for fishing. The activity is economically important. Even during the pandemic trips were filled to capacity. These individuals provide valuable economic input and rely on CPFV to provide them access to the ocean.	32a. Comment noted
32	Robert Ingles & Sherry Ingles (cont.)	32b. A recreational pot limit is necessary, but the proposed 10-pot limit in addition to allowing servicing of another’s pots is inequitable, unreasonable and will not reduce entanglements. The number of pots a CPFV services is on average no more than 5 pots per person and potentially a lot lower. That level of pot usage has been enough to satisfy the CPFV fishery. Under the proposed regulations, a private vessel carrying 6 passengers can service upward of 120 pots. A 5-pot per individual limit should thus be adopted instead to conform with the norm established in the CPFV fleet, with a 30-pot limit per vessel for private vessels. There does not seem to be any necessity for allowing 10 additional pots to be serviced with written permission. Written	32b. See response to Comment 8a. Written permission to service crab traps (aka pots) is currently allowed in regulation and was only amended to limit servicing to no more than 10 pots total and retain the crab therein. The intent of written permission is to ensure pots are serviced and can be removed in the event an operator is unable to perform those activities due to illness or vessel breakdown.

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#	Commenter Name, Format, Date	Comment	Response
		permission should only be allowed to retrieve and remove pots, not to service the pots or retain the crab therein.	
32	Robert Ingles & Sherry Ingles (cont.)	32c. Contrary to Department assertions, CPFVs cannot shift effort easily. Both rockfish and Dungeness crab fishing opportunities are required to attract fishers, and any delay past the rockfish season will lead to unmitigable economic harms.	32c. See response to Comment 2e.
32	Robert Ingles & Sherry Ingles (cont.)	32d. Validation is unnecessary since CPFVs already transmit log data electronically. In addition, most CPFVs are not outfitted with license agents, and cannot issue last-minute Validations to customers who have not obtained Validations. If necessary, a stamp, similar to the CPFV salmon stamp may be more appropriate and efficient. However, for non-CPFV recreational vessels, the validation program, may be the most efficient avenue to obtain information on effort for those vessels.	32d. Monthly logbooks do provide participation rates on a CPFV vessel but are unable to show participation on an individual level for the recreational sector as a whole. See response to Comment 18c on the use of surveys that could be used to better characterize recreational crab trap users and effort. The validation will also better identify individual participants for the Department to target communication and outreach. The Department will conduct outreach to ensure that the general public is aware of the validation requirement at the start of the 2021-22 fishing season. See response to Comment 3c for the reason of requiring validation on the individual level. See also responses to Comments 2b and 8c.
32	Robert Ingles & Sherry Ingles (cont.)	32e. It may make sense to delay a decision until further discussion, transparency and input may be considered.	32e. See response to Comment 11a.

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#	Commenter Name, Format, Date	Comment	Response
33	Les Fernandes Email 12/04/2020	33a. CPFV provides boating access to members of the public who do not own their own vessels, and as such should be treated as its own sector. Without CPFVs, many anglers would not fish or purchase licenses, so distinction in regulations from the sportfish sector is important.	33a. See response to Comment 11b.
33	Les Fernandes (cont.)	33b. Requiring extra buoys on the gear will lead to more entanglements; instead, recreational gear should be marked with rope coloring like Oregon and Washington.	33b. See responses to Comments 11e and 21i.
33	Les Fernandes (cont.)	33c. The rulemaking should not be rushed and the CPFV community should be given more time to deliberate.	33c. See response to Comment 11a.
33	Les Fernandes (cont.)	33d. CPFV customers should be exempt from the validation requirements since they do not own their own traps. CPFV operators should bear the cost of the validations.	33d. See response to Comment 3c.
33	Les Fernandes (cont.)	33e. The 10-trap limit for private fishers is inequitable for CPFVs, which are subject to 60 traps per boat. The state should consider increasing the current CPFV trap limit.	33d. See response to Comment 8a.
34	Robert Gallia Email 12/04/2020	34a. The 10-trap limit for private fishers is inequitable for CPFVs, which are subject to 60 traps per boat. The 10-trap limit will not reduce the number of traps in the ocean.	34a. See response to Comment 8a.

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#	Commenter Name, Format, Date	Comment	Response
34	Robert Gallia (cont.)	34b. Entanglements were likely caused by effort shift produced by commercial crabbing area closures related to domoic acid bloom.	34b. Commercial Dungeness crab fishing regulations are outside the scope of this rulemaking. The three entanglements attributed to the recreational fishery coincided with recreational seasons that opened as scheduled statewide (2013-2014, 2016-2017 and 2019-2020).
34	Robert Gallia (cont.)	34c. The Dungeness Crab Task Force endorsed a set of recreational rules, including the adoption of a preset (pre-soak) for CPFVs. Ignoring the preset is irresponsible and may compromise passenger safety.	34c. It is unclear which recreational rules from the Dungeness Crab Task Force (DCTF) the commenter is referring to, although the DCTF did discuss presoak periods for the recreational fleet during one of its meetings. See response to comment 11g. Safe operation of vessels when deploying and checking traps falls under the responsibility of the boat captains.
35	Merlin R. Kolb Meeting Oral Comment 12/09/2020	35a. The proposed regulations are being rushed through below the radar without input from the CPFV sector.	35a. See response to Comment 11a.
35	Merlin R. Kolb (cont.)	35b. Recreational crab traps are lighter than commercial traps, and additional red and white buoy with small trailer buoy will lead to traps being lifted and moved more easily and making them lost and unrecoverable. Commenter believes that rope marking on the top shot of line is a better alternative.	35b. The adopted regulations institute a minimum size requirement to the main buoy and a standard size for an additional red marker buoy to help distinguish this fishing gear which is helpful for both enforcement and identifying gear on reported entanglements. A main buoy should already be utilized by recreational crab trap users and this standard size, although not universally employed, is already used on lighter recreational crab trap gear. The additional marker buoy is not expected to increase buoyancy of the gear based on its relatively small size. See response to Comment 21i regarding rope (line) marking.
35	Merlin R. Kolb (cont.)	35c. CPFVs serve a section of the fishing sector that does not have access to their own vessels, and additional requirements will reduce ocean access for these people.	35c. Comment noted. It is the policy of the state, and the mission of the Department and Commission, to ensure the use and enjoyment of California’s natural resources by all. It is also the policy of the state to conserve, protect, restore, and enhance threatened and endangered species, which includes minimizing the risk of marine life entanglement.

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36	Geoff Shester Meeting Oral Comment 12/09/2020	36a. Expressed support for the rulemaking package (gear marking, service interval, Director’s authority, crab validation) since it will provide foundational management measures to understanding problem of entanglements and figuring out solutions and is much less restrictive than regulations in the commercial fishery.	36a. Support noted. The regulations were adopted as proposed, with minor edits illustrated in the 15-day.
36	Geoff Shester (cont.)	36b. Commenter states that the rulemaking is a prerequisite for obtaining an Incidental Take Permit under the Endangered Species Act for the recreational sector.	36b. Comment noted.
37	Bob Ingles Meeting Oral Comment 12/09/2020	37a. Gear reduction is an appropriate measure to reduce entanglements. Suggests tying the 10-trap limit to vessels as opposed to individuals, as this would be relatively similar per person ratios as to trap limits currently allotted to CPFVs. This will provide real reduction in the number of traps.	37a. See response to Comment 8a.
38	Sherry Ingles Meeting Oral Comment 12/09/2020	38a. Description of trap limit has been misleading, commenter did not receive correct information regarding what is in proposed regulations and was told that the 10-trap limit would be tied to vessels, not individuals.	38a. The official proposed regulatory language has been available to the public since September 25, 2020. Also see response to Comment 11a.
38	Sherry Ingles (cont.)	38b. 10 traps per individual is unnecessary; a vessel with 10 people can potentially fish 100 traps.	38b. See response to Comment 8a.

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#	Commenter Name, Format, Date	Comment	Response
38	Sherry Ingles (cont.)	38c. The validation requirement is redundant for CPFVs since CPFV operators already submit their logs to the State electronically and including CPFV operators in the validation requirement would skew any potential data.	38c. See responses to Comments 2b, 2c and 3c.
39	Tom Mattusch Meeting Oral Comment 12/09/2020	39a. The \$2.25 validation requirement is disingenuous since the Department failed to disclose that they already receive the same information from CPFV monthly logs.	39a. See responses to Comments 2b, 2c and 3c.
39	Tom Mattusch (cont.)	39b. The greatest threats to whales off the California coast are ship strikes, not entanglements. If entanglement from recreational gear is an issue, it would have been observed by now.	39a. The Commission does not have the authority to promulgate regulations to address ship strikes. Regarding entanglements in recreational gear, see response to Comment 11b.
40	Richard Powers Meeting Oral Comment 12/09/2020	40a. CPFV provides boating access to members of the public who do not own their own vessels, and as such should be treated as its own sector. Especially since CPFVs have been subjected to unfavorable treatment historically, such as a lower bag limit for Dungeness crab until recently.	a. See response to Comment 11b.
40	Richard Powers (cont.)	40b. The 60-trap limit was developed 20 years ago and is no longer adequate since bag limits were changed and the proposed regulations will allow passengers up to 10 traps each on board private vessels limits.	40b. See response to Comment 8a.

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40	Richard Powers (cont.)	40c. The majority of all businesses for CPFVs occur in November and December, and fishing closures will cause millions of dollars in lost revenue for businesses that operate in these coastal communities.	40c. See response to Comment 2e.
40	Richard Powers (cont.)	40d. Requiring validations from individual fishers will create logistical problems with customers not being properly licensed on their trip day and should be issued to CPFVs, not customers.	40d. See responses to Comments 3c and 8c.
40	Richard Powers (cont.)	40e. It is very important to use the normal Commission process when making these important decisions vital to our businesses, coastal communities and California sport fishing public.	40e. See responses to Comments 11a and 13a.
41	Jared Davis Commission Comment 12/09/2020	41a. There has not been sufficient time for input and comment from the public and changes should be based on science. Under COVID-19 there are issues of having these meetings conducted virtually.	41a. See responses to Comments 2a, 11a and 13a.
41	Jared Davis (cont.)	41b. CPFVs should be treated as a separate sector from recreational fishers with private boats.	41b. See response to Comment 11b.
41	Jared Davis (cont.)	41c. The 10-trap limit for private fishers is inequitable for CPFVs, which are subject to 60 traps per boat and could lead to the possibility of private vessels with more traps than charter boats.	41c. See response to Comment 8a.

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#	Commenter Name, Format, Date	Comment	Response
42	Chloe Gouache Meeting Oral Comment 12/09/2020	42a. General support for the proposal to reduce entanglements for the recreational fishery. Suggest that Director declarations be noticed a minimum of 72-hours rather than 5 days for the recreational fishery to be aligned with the commercial fishery.	42a. Support noted. The regulations were adopted as proposed, with minor edits illustrated in the 15-day notice. The minimum 5-day notice for any management action is to provide adequate time for recreational users to prepare prior to the opening of and during the season for any impending delays and closures. Unlike the commercial fleet, which is composed of a much smaller number of professionals, the recreational sector does not have established infrastructure that can readily disseminate information quickly to every member. Recreational fishers who take crabs as a leisure activity also are not expected track new management actions as diligently as commercial fishermen conducting professional operations for their livelihood. The recreational fishery participants are also more likely to be from areas outside of coastal California and may travel greater distances to take crab and the longer notification will help with trip planning. Notice will be provided via the Whale Safe Fisheries listserv.
43	Jean Depieu Meeting Oral Comment 12/09/2020	43a. General support for the proposal since any crab traps pose an entanglement risk.	43a. Support noted. The regulations were adopted as proposed, with minor edits illustrated in the 15-day notice.
44	Robert Gallia Meeting Oral Comment 12/09/2020	44a. The proposed regulations are being rushed through without input from the CPFV sector.	44a. See response to Comment 11a.
44	Robert Gallia(cont.)	44b. CPFVs should be treated as a separate sector from recreational fishers with private boats.	44b. See response to Comment 11b.

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#	Commenter Name, Format, Date	Comment	Response
44	Robert Gallia (cont.)	44c. Strong tides and currents further offshore can hold smaller buoys underwater thereby increasing the risk of entanglements.	44c. See response to Comment 35b.
44	Robert Gallia (cont)	44d. Support comments made by Jared Davis – this is not the normal process we’re accustomed to.	44d. See response to Comment 41a.
45	Frank Rescino Meeting Oral Comment 12/09/2020	45a. The entire CPFV sector in the San Francisco Bay area deploy only as many traps as three commercial vessels.	45a. Comment noted however the Department cannot confirm the information provided. See responses to Comments 2a and 11b.
45	Frank Rescino (cont.)	45b. An individual trap limit of 10 traps is overboard; commenter’s vessel can carry 49 passengers and deploy less traps than CPFV limit of 60.	45b. See response to Comment 8a.
45	Frank Rescino (cont.)	45c. The proposed regulations are being rushed through without input from the CPFV sector.	45c. See response to Comment 11a.
46	Andy Guiliano Meeting Oral Comment 12/09/2020	46a. Proposed regulations economic impact report has been drastically understated. Dungeness crab-related trips are responsible for 25-35% of the CPFV sector. Any delay to the recreational season will be devastating to the CPFV sector. Bay Area CPFV fleet primarily operates in Nov and Dec doing combo trips with no available second season.	46a. See response to Comment 2e.

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#	Commenter Name, Format, Date	Comment	Response
46	Andy Guiliano (cont.)	46b. Longest vertical line fishery using buoy markers and trap limits with 0 marine life entanglements or mortalities for last 20 years.	46b. See responses to Comments 2a and 11b.
47	Emily Jackson Meeting Oral Comment 12/09/2020	47a. General support for rulemaking and how valuable information on fishing gear will help managers make better decisions to protect endangered species while supporting resilient and sustainable fisheries.	47a. Support noted. The regulations were adopted as proposed, with minor edits illustrated in the 15-day notice.
48	Aaron Orsini Meeting Oral Comment 12/09/2020	48a. Supports buoy standardization generally. An extra marker buoy will lead to confusion with other fisheries including commercial and charter boats and alternative methods can be used.	48a. No other fishery in California currently requires a marker buoy. See response to Comment 21i regarding gear or line marking. Other fixed gear commercial fisheries recently implemented a standardization for better labeling of the main buoy dependent on the fishery but are not required to use a marker buoy.
48	Aaron Orsini (cont.)	48b. CPFV should be treated as a separate sector from recreational fishers with private boats.	48b. See response to Comment 11b.
48	Aaron Orsini (cont.)	48c. Requests extra time for CPFVs to weigh in on the alternatives.	48c. See response to Comment 11a.
49	David Hurley Meeting Oral Comment 12/09/2020	49a. Hearing on the subject should be held in the morning instead of making people sit through an entire day of meeting.	49a. The order of agenda items was conveyed in advance of the meeting, and is intended to accommodate the many important matters heard at any given Commission meeting. If the order of the agenda items were changed, some people expecting the item to come up during the afternoon, may have missed the opportunity to comment. Furthermore, written comments can be submitted electronically to or by mail to the Commission office. The Commission understands that meeting timing can be difficult for some participants and appreciates the stakeholder participation in this item.

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49	David Hurley (cont.)	49b. Director’s policy statement earlier during the meeting on the subject is prejudicial. A lot of people are asking for more time.	49b. Ultimate decision-making authority on this item lies with the Commission, and Commissioners are within their authority to either accept or reject the Department’s policy preference. Also see response to Comment 11a.
49	David Hurley (cont.)	49c. 43% of entanglements were not identified. The majority of all crab gear deployed in the ocean are commercial gear	49c. See response to Comment 2a.
49	David Hurley (cont.)	49d. Understand that the state needs to be able identify gear.	49d. Support noted. The regulation regarding enhanced gear marking, requiring a standardized marker buoy, was adopted as proposed, with minor edits illustrated in the 15-day notice.
49	David Hurley (cont.)	49e. Sport fishing regulations are badly in need of revision to reduce piracy of both crab and crab pots. Recommends changing the midnight start time to avoid conflicts and other hazards associated with a midnight start.	49e. See response to Comment 21i regarding piracy of crab/crab traps (aka pots). As mentioned in response 17a, the season start time is outside the scope of this rulemaking. The Department always encourages crabbers to prioritize safety at sea.
49	David Hurley (cont.)	49f. Has concerns of a delay that causes recreational and commercial fisheries to start on the same day will create congestion and safety hazards.	49f. See responses to Comments 2e and 6c.
50	Eric Holthouse Meeting Oral Comment 12/09/2020	50a. The discussion on the subject should be delayed until the COVID-19 pandemic is over.	50a. The proposed regulations were developed over the course of more than one year, with multiple opportunities for stakeholder input, even with the external circumstance of the COVID-19 pandemic. See response to Comment 11a.
50	Eric Holthouse (cont.)	50b. The customers of CPFVs have not been adequately put on notice.	50b. See responses to Comments 4b and 11a.

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#	Commenter Name, Format, Date	Comment	Response
51	Mike Rescino Meeting Oral Comment 12/09/2020	51a. Commenter would like to request a presoak period and move away from a midnight start for safety reasons with inexperienced vessel operators.	51a. See response to Comment 11g and 17a.
51	Mike Rescino (cont.)	51b. Validation should be issued to CPFVs, not customers.	51b. See response to Comment 3c.
51	Mike Rescino (cont.)	51c. Commenter opposes the use of the marker buoy and prefers a buoy tag as a way to mark recreational buoys.	51c. See responses to Comments 11e and 17e.
51	Mike Rescino (cont.)	51d. No confirmed entanglements have been directly attributed to CPFVs to date and CPFV sector should not be lumped with commercial fishery.	51d. See responses to Comments 2a and 11b.
51	Mike Rescino (cont.)	51e. Process of the proposed regulations has been railroaded and need more time before final decision is made.	51e. See response to Comment 11a.
51	Mike Rescino (cont.)	51f. The 10-trap limit for private fishers is inequitable for CPFVs, which are subject to 60 traps per boat.	51e. See response to Comment 8a.
52	John S. Meeting Oral Comment 12/09/2020	52a. Supports gear reduction, but tying the 10-trap limit to vessels is more appropriate than tying it to individuals.	52a. See response to Comment 8a.
52	John S. (cont.)	52b. Commenter prefers use of a tag rather than a marker buoy since more buoys could increase trap loss.	52b. See responses to Comments 11e and 17e.

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#	Commenter Name, Format, Date	Comment	Response
52	John S. (cont.)	52c. The recreational sector should be accountable for entanglements like the commercial sector, but it should retain the 2-week start advantage.	52c. See response to Comment 6c.
53	Jon Yokomizo Meeting Oral Comment 12/09/2020	53a. The proposed regulations are being rushed through without input from the CPFV sector.	53a. See response to Comment 11a.
53	Jon Yokomizo (cont.)	53b. Length of trailer buoy is not enough and will increase likelihood of vessels running over the line.	53b. The adopted regulation does not dictate the length of line between a main buoy and the attached trap, and operators should be able to fix their gear based on the depth they are fishing. Operators may attach marker buoys right next to main buoys, which in essence equates to a 5-inch extension to existing main buoy and would not create any additional line that may lead to vessel fouling.
53	Jon Yokomizo (cont.)	53c. The 10-trap limit for private fishers is inequitable for CPFVs, which are subject to 60 traps per boat. Enforcement of trap usage on private sport vessels has been nonexistent.	53c. See response to Comment 8a regarding trap limits. Enforcement of the regulations is outside the scope of the proposed regulations.
54	Michael Conroy Meeting Oral Comment 12/09/2020	53a. Commenter reiterated his concerns over the Director’s authority during the development of RAMP for the commercial sector.	53a. See response to Comment 2a.

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#	Commenter Name, Format, Date	Comment	Response
54	Michael Conroy (cont.)	53b. The recreational sector uses the same gear as the commercial sector in the same locations, and as such pose the same type of entanglement risk, though a lower probability.	53b. Comment noted.
54	Michael Conroy (cont.)	54c. The commercial fleet and fishing communities have lost millions of dollars due to delays thus far. Being able to identify all trap gear, including recreational gear, is crucial for the commercial sector, which could be impacted by entanglements not attributed to a fishery. Supports amending the regulations in the future, if needed, as new information and methods become available.	54c. Comment noted. Regulations concerning enhanced gear marking were adopted, with minor modifications illustrated in the 15-day notice.
55	Marc Gorelnik Meeting Oral Comment 12/09/2020	55a. Generally, supports effort to reduce entanglements.	55a. Comment noted
55	Marc Gorelnik (cont.)	55b. The validation requirement is redundant for CPFVs since CPFV operators already submit their logs to the State electronically.	55b. See response to Comment 32d.

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#	Commenter Name, Format, Date	Comment	Response
55	Marc Gorelnik (cont.)	55c. Notes that a per-individual trap limit generally equates to per-vessel trap limit in the case of private vessel owners, since participation in this sector primarily relies on selected individuals who own both the boats and the traps, while the majority of the sector do not own either.	55c. Comment noted
55	Marc Gorelnik (cont.)	55d. Every confirmed entanglement directly attributed to the recreational sector has occurred in one area, and the level of risk posed by the recreational sector is different from that of the commercial sector. The Director should exercise their discretion accordingly, especially considering that the recreational season essentially ends once the commercial sector begins to fish.	55d. Comment noted.
56	James Smith Meeting Oral Comment 12/09/2020	56. The CPFV sector composes of a minor portion of all crab take. Entanglements caused by the recreational sector are rare, while the CPFV sector has not had an entanglement, and the commenter has never personally observed one. As such the recreational sector should not be grouped in with the commercial sector. CPFVs provide sport fishing access for people who do not own boats and crab makes up a third of our annual revenue; we are out of the water by January 1. The proposed regulations will hurt the commenter’s business as well as recreational opportunity for the public.	56. See responses to Comments 2a, 2e and 11b.

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57	George Castagnola Meeting Oral Comment 12/09/2020	57a. Being given 2 minutes to talk is not meaningful due process.	57a. See response to Comment 11a for all previous opportunities for comments. Commenters may also submit written comments as well as requesting additional time to speak prior to the start of the meeting. Based on available time and agenda needs, Commissioners have discretion to limit time allowed for public comment.
57	George Castagnola (cont.)	57b. CPFV should be treated as a separate sector from recreational fishers with private boats.	57b. See response to Comment 11b.
57	George Castagnola (cont.)	57c. A 9-day maximum soak time [service interval] will push individuals to go out in hazardous conditions and is unduly prescriptive. Commenter questions how service interval will prevent entanglements.	57c. See response to Comment 8b.
57	George Castagnola (cont.)	57d. A maximum soak time will not reduce trap loss and will only make enforcement more difficult.	57d. See response to Comment 7a. Several fisheries, including the commercial Dungeness crab fishery, are already subject to maximum soak time, and Department enforcement officers have been enforcing such rules.
57	George Castagnola (cont.)	57e. The validation requirement will create logistic difficulties.	57e. See responses to Comments 3c and 8c.
58	Jeff Meeting Oral Comment 12/09/2020	58a. One person should not have authority over every sector of a fishery; authority should reside with the Commission.	58a. See response to Comment 2a.
58	Jeff (cont.)	58b. A 10-trap per individual limit will lead to more gear in the water and could increase likelihood of entanglements.	58b. The Department and Commission do not believe that implementing a trap limit, even a liberal one, will induce individuals to acquire more traps than they were previously operating. The limit simply sets an upper bound. See also response to Comment 8a.

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- *Comments are paraphrased from the commenters for succinctness.*

#	Commenter Name, Format, Date	Comment	Response
58	Jeff (cont.)	58c. Requiring extra buoys on the gear will lead to more entanglements; instead, recreational gear should be marked with rope coloring like Oregon and Washington.	58c. See responses to Comments 11e and 21i.
58	Jeff (cont.)	58d. The proposed regulations are being rushed through without input from the CPFV sector and states that he only found about this proposal a week ago.	58d. See response to Comment 11a.