

Public Proposed Changes to Ocean Sport Fishing Regulations
For the 2012 Process, and Department Recommendations
To Accept or Deny Those Changes

| Comment #, Format, Name, Date, Location | Change(s) Proposed to Marine Sport Fishing Regulations | Department Recommendation: | Basis for Department Recommendation |
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| <p>Comment #1 E Adam (Last name not provided) 8/5/2009</p> | <p>Proposes amending Section 28.37(a)(b) to establish a 24 or 28 inch size limit with a two fish bag limit for yellowtail</p> | <p>Reject</p> | <p>Section 28.37(a)(b), Title 14, CCR, provides for a 10 yellowtail (jack) bag limit, five of which may be less than 24 inches.</p> <p>The Department does not support the 24 or 28 inch size limit with a two yellowtail bag limit for the following reasons: 1) There is no biological reason or data suggesting that there is a need to increase the minimum size or decrease the bag limit. Fisheries landing data indicate that the yellowtail fishery has been steadily productive for decades; 2) Regulations were implemented in 1998 to address Department concerns about numerous 1-year old yellowtail appearing routinely in angler bags; and 3) Yellowtail mature at a young age and have a high reproductive potential.</p> |
| <p>Comment #2 E Mike Lechman 10/17/2009</p> | <p>Proposes amending Section 180(f) to require commercial lobster permittees to purchase traps that cannot trap lobster and other marine life if lost.</p> | <p>Comment noted</p> | <p>Existing commercial regulations require self-destruct devices be installed in traps. Section 180.2, Title 14, CCR, requires that commercial traps used for finfish, mollusks or crustaceans be equipped with at least one trap destruct device. The "device" is a piece of twine or wire that laces up an opening in the trap. The theory is that if the trap is lost at sea, the device will corrode, and that any fish or invertebrates inside the trap can escape out of the opening. The regulations provide specifications on the location of the device in the trap, its dimensions and the type of destruct materials that may be used.</p> <p>No regulatory action required. The comment pertains to commercial fishing activities; not sport fishing.</p> |

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| <p>Comment #3 E Bill Doo 10/24/2009 Daly City</p> | <p>Proposes amending Section 28.65(a) to allow the use of a maximum of six hooks within San Francisco Bay</p> | <p>Reject</p> | <p>The author proposes amending Section 28.65(a), Title 14, CCR, which limits anglers to one line and no more than three hooks for use in San Francisco and San Pablo Bays between the Golden Gate Bridge and the west Carquinez Bridge.</p> <p>The Department does not support this recommendation authorizing a maximum of six hooks within San Francisco Bay to take baitfish. Although “Sabiki” rigs by design are supplied with hooks sized to target small bait fish such as shiner perch and sardine that do not have bag limits, these multi-hook rigs are not species-specific and may take non-target species. The existing regulations which limit the number of hooks address potential impacts to non-target species in the ecologically important and sensitive areas within San Francisco Bay. Fewer hooks also potentially slows catch rates; facilitating bag limit compliance.</p> <p>Sabiki rigs can easily be modified or manufactured to comply with existing regulations. Some anglers cut their sabiki rigs in half and add barrel swivels with or without snaps to create two separate rigs or two rigs that can be connected together for use in ocean waters when more than three hooks per line are authorized.</p> |
| <p>Comment #4 E Mike Gilmour 2/11/2010 Huntington Beach</p> | <p>Proposes amending Section 28.30(b) to prohibit taking spotted sand bass</p> | <p>Reject</p> | <p>The author proposes amending Section 28.30(b) to prohibit taking spotted sand bass.</p> <p>The Department is proposing amendments to Sections 27.65(b)(1) and 28.30 and developed regulatory options and ranges within those options to conserve and enhance kelp bass, barred sand bass, and spotted sand bass. The Commission approved notice of these alternatives at its May 23, 2012 meeting in a stand-alone regulatory action on this issue outside of this sport fishing cycle. The Department’s analysis of available information indicated that a minimum size limit ranging from 13 to 15 inches would reduce angler catches from 43.0 – 82.3% for spotted sand bass. Bag limit reduction analysis indicated that if retention of spotted sand bass were prohibited, the species would benefit minimally because recreational anglers released approximately 94% of the spotted sand basses they caught from 2004-2011. The Department believes that benefits of the proposed regulations provide for protection of the bass populations while providing the public with continued recreational fishing opportunities for basses.</p> |

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| <p>Comment #5 E Kelly Gleghorn 5/9/2010</p> | <p>Proposes an 18 or 20 inch minimum size limit for shortfin corvina and reported anglers taking overlimits</p> | <p>Reject</p> | <p>The author proposes an 18 or 20 inch size limit for shortfin corvina.</p> <p>The Department does not support this recommendation for the following reasons: 1) There is no biological reason or data suggesting that there is a need for a minimum size limit; 2) There are no data available to indicate what a minimum size limit should be; however, an 18 or 20 inch limit as proposed by the author may be excessive when the maximum reported length of shortfin corvina is 24 inches; and 3) There is uncertainty that instituting a size limit would increase productivity of the stock.</p> <p>Reports of illegal take may be made directly to the Department by calling 1-888-DFG-CalTIP, a local Department office, or local law enforcement agency.</p> |
| <p>Comment #6 E Mike Lane 5/17/2010</p> | <p>Requests discussion regarding authorizing spearfishing striped bass in ocean waters</p> | <p>Recommendations for discussion noted</p> | <p>The author requested that the topic of spearfishing striped bass in ocean waters, and the reason for the prohibition of taking striped bass by spearfishing in ocean waters, be brought to the Commission.</p> <p>See Responses to Comments #15, #20, #21, #22, #24, #25, #26, and #29</p> <p>The Department is proposing amendments to Sections 27.85, 28.90, and 28.95 which would authorize spearfishing as a legal method for taking striped bass in ocean waters. The Commission requested the option to discuss spearfishing regulations for striped bass under the Sport Fishing Review Cycle. Although the Department has some reservations about authorizing spearfishing for striped bass in inland waters in all areas otherwise open to fishing, these concerns are not necessarily applicable in ocean waters. The Department believes existing regulations already provide protection for other species, spearfishing as a method of take is highly selective, and allowing additional selective harvest on striped bass will not have negative resource consequences. Spearfishing is an authorized method of take for marine finfish species in all areas with the exception of those listed in Section 28.90. For the purpose of consistency, Section 28.95 is proposed to be amended to strike striped bass as a prohibited species from taking with bow and arrow fishing tackle. The original intent of the prohibition on spearfishing is unclear but may be linked to prohibiting take of all anadromous gamefish by spearfishing.</p> |

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| <p>Comment #7 E Michael W. Alcorn Eureka</p> | <p>Requests physical changes to the abalone report card and abalone tags to facilitate compliance with Section 29.16</p> | <p>Comment noted</p> | <p>The author suggests that the abalone tags be made larger to facilitate handling under typical diving conditions and also provide for areas on the report cards to allow hole punching to provide required data where writing with ink pens is problematic.</p> <p>See Response to Comment #14. Due to the combination of month, day, time, and location code (54 sites) data required for each abalone tag (24) on a single form produced by the new Automated License Data System (ALDS) registers, providing for the entire array of data points is infeasible. The Department recognizes that writing on damp tags may be problematic; however, drying the card with a towel or using a different brand of ink pen may address this issue.</p> |
| <p>Comment #8 E Kelly Gleghorn 5/27/2010</p> | <p>Expressed concern regarding status of shortfin corvina in San Diego, requested protective measures, and reported anglers taking overlimits</p> | <p>Comment noted</p> | <p>See response to comment #5.</p> |
| <p>Comment #9 E Steven MacGregor www.OUROCEANOUR FUTURE.ORG 5/28/2010</p> | <p>Asked if the Department has plans to address commercial or sport fishing of sharks, particularly, taking or possession of shark fins</p> | <p>Comment noted</p> | <p>AB 376 introduced by Assembly Members Fong and Huffman was chaptered in 2011 which promulgated Fish and Game Code Sections 2021 and 2021.5 in 2012. These sections specify the conditions under which shark fins and carcasses may be legally possessed, sold, or bartered.</p> <p>Currently, a public proposal for changing the ocean sport fishing regulations by prohibiting taking sharks by bow and arrow fishing tackle is slated for further consideration.</p> |

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| <p>Comment #10 E Erik Wade 6/7/2010</p> | <p>Proposes no taking of any species not in clear abundance</p> | <p>Comment noted</p> | <p>The author proposes not authorizing taking of any species not in clear abundance.</p> <p>The Department is guided by the Marine Life Management Act (MLMA) which became law in 1999. The MLMA applies not only to fish and shellfish taken by commercial and recreational fishermen, but to all marine wildlife. Rather than assuming that exploitation should continue until damage has become clear, the MLMA shifts the burden of proof toward demonstrating that fisheries and other activities are sustainable. Through the MLMA, the Legislature delegates greater management authority to the Fish and Game Commission and the Department of Fish and Game. Rather than focusing on single fisheries management, the MLMA requires an ecosystem perspective including the whole environment.</p> <p>Marine Protected Areas (MPAs) were designed and implemented to increase cohesion and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage, as well as to improve recreational, educational and study opportunities provided by marine ecosystems subject to minimal human disturbance. The MLMA strongly emphasizes science-based management developed with the help of all those interested in California's marine resources.</p> <p>The Department conducts periodic evaluations on the status of stocks for a number of species including rockfish, abalone, salmon, and white seabass, and monitors the catches of commercial fishermen through landing receipt and logbook records, and recreational fishermen through the California Recreational Fisheries Survey. The Department conducts fishery-independent surveys for stock assessment purposes on species such as Pismo clams, surfperch and Pacific herring, and collaborates with organizations such as Reef Check to conduct diver surveys to monitor species associated with nearshore areas.</p> <p>It is with these measures, in combination with conservative harvest strategies, regulatory measures, ongoing fisheries management, and cooperation of the public that the Department hopes to ensure sustainability of marine stocks while recognizing the impacts of changing environmental conditions.</p> |
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| <p>Comment #11 E, L Cedric Collett</p> | <p>Proposes eliminating one day licensees from taking abalone and provided commentary on abalone management</p> | <p>Reject</p> | <p>The author proposes eliminating 1-day licenses to reduce the number of “rock pickers” in areas with ease of access.</p> <p>The daily limit on abalone is three per day, and a fishing license is required for take by those 16 and older.</p> <p>Precluding one-day licensees from taking abalone would not significantly reduce effort as most rock pickers and divers fish multiple days and possess annual sport fishing licenses; the number of abalone report cards sold is known, and abalone cards are still required of one-day licensees. Department abalone harvest estimates are not based solely on returned report cards. The estimates of catch from abalone cards are used to determine if the catch exceeds target levels.</p> <p>Regulatory decisions on abalone take also rely on Department dive survey data. The densities of abalone at our dive sites have declined in recent years and the Department is considering regulation changes to reduce the number of abalone taken.</p> |
| <p>Comment #12 E Justin Leeds 10/9/2010</p> | <p>Expressed interest in proposing size and limit changes to kelp bass, sand bass, and white seabass.</p> | <p>Comment noted</p> | <p>This year the Department proposed recommendations to the Commission to consider changes in size and bag limits for kelp bass, barred sand bass, and spotted sand bass.</p> <p>The White Seabass Scientific and Constituent Advisory Panel conducts an annual meeting to consider if current management measures are providing adequate protection for the white seabass resource. Annual reviews are conducted so that any changes in management, or to the White Seabass Fishery Management Plan, can be considered by the Commission in accordance with the requirements of the Marine Life Management Act. The Advisory Panel meets with the Department each spring, and in 2012 the panel did not recommend any changes to management for the upcoming year.</p> |

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| <p>Comment #13 E Milo Vukovich Sonoma County Abalone Network 11/18/2010</p> | <p>Proposes amending Section 29.05(b)(1), Title 14, CCR to authorize taking gooseneck barnacles</p> | <p>Reject</p> | <p>The author proposes amending Section 29.05(b)(1), Title 14, CCR to include gooseneck barnacles as a species expressly authorized for taking. Presently the recreational fishing regulations do not speak to the take of this tidal invertebrate species.</p> <p>Fish and Game Code Section 8598 specifically list giant acorn and goose (alternate name for gooseneck) barnacles as prohibited for commercial take.</p> <p>The species is a long-lived, slow growing sessile invertebrate living on rocky wave swept shores along the length of California. It is often associated with mussel beds, often found in patches and generally spawns in summer months. The Department is lacking information regarding the ability of this species to withstand moderate to heavy harvest pressure. The literature mentions the use of daily bag and size limits in Portugal to reduce take, where a closely related species of barnacle is popular among harvesters. In addition, the fact that Section 8598 prohibits commercial take signals a need to evaluate the species' ability to withstand a high level of fishing pressure. High levels of recreational effort and/or catch could be encountered near large population centers like the San Francisco Bay area.</p> <p>Based on the need to investigate the spectrum of protective constraints that possibly would be necessary if harvest were authorized (i.e., appropriate bag limits, seasonal closures, etc.) the Department recommends not allowing sport harvest at this time. At present these new analytical activities cannot be undertaken by the Department without significant new funding or significant redirection of existing resources to this new priority.</p> |
| <p>Comment #14 E Kevin Eldridge 3/17/2011 Sacramento</p> | <p>Commented on the abalone report card and tagging requirements</p> | <p>Comment noted</p> | <p>The author commented on the abalone report card requirement, the need to have scissors to cut the tags, and complete card data.</p> <p>Prior to the implementation in 2008 of Section 29.16 (abalone report card requirement), violations of daily and annual bag limit regulations for abalone were widespread, despite concerted enforcement and outreach efforts and the threat of enhanced penalties. Abalone were often taken by one fisherman and given away as a gift. Regulations prior to 2008 made it impossible to determine if an abalone in an individual's possession was taken legally without the use of a sequentially numbered tag. An abalone tag affixed to the abalone shell makes clear that the abalone was</p> |

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| | | | <p>harvested in the recreational fishery. Section 29.16 also assists enforcement officers in the field to determine if the abalone was legally taken within existing daily and annual bag limits.</p> <p>No regulatory action proposed or required.</p> |
| <p>Comment #15 L, O Dennis Haussler Underwater Society of America 6/12/2011 Redwood City</p> | <p>Proposes authorization to take striped bass by spearfishing</p> | <p>Accept</p> | <p>See Responses to Comment #6, #20, #21, #22, #24, #25, #26, and #29</p> |
| <p>Comment #16 E Daniel Burke 8/27/2011</p> | <p>Proposes amending Section 28.12 to allow possession of gulf grouper and broomtail grouper</p> | <p>For Further Consideration</p> | <p>The author recommends that Section 28.12, Title 14, CCR be changed to allow possession of gulf grouper and broomtail grouper. Existing regulations prohibit taking and possession of either species.</p> <p>The Department agrees that there is possible merit to the proposed change. However, the Department has identified a need to conduct additional internal Department scoping, as well as consult with other agencies. This cannot feasibly be accomplished in the time frame allotted for this regulatory period.</p> |
| <p>Comment #17 E Daniel Burke 8/27/2011</p> | <p>Proposes amending Section 28.12 to allow possession of up to two gulf grouper and two broomtail grouper taken in Mexican waters</p> | <p>For Further Consideration</p> | <p>See Response to Comment #16 and #18</p> |

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| <p>Comment #18 L Steve Crooke 11/11/2011 Irvine</p> | <p>Proposes amending Section 28.12 to allow possession of up to two or five gulf grouper and up to two or five broomtail grouper taken in Mexican waters</p> | <p>For Further Consideration</p> | <p>See Response to Comment #16 and #17</p> |
| <p>Comment #19 E Duane Winter 12/5/2011 San Mateo</p> | <p>Proposes amending Section 29.85(a)(3) to change the bag limit from six to 10 Dungeness crab for CPFV passengers</p> | <p>Reject</p> | <p>Pursuant to Section 29.85, the sport Dungeness crab size limit for anglers fishing on a CPFV is 6 inches, while it is only 5 and ¼ inches for anglers that are not fishing aboard a CPFV. Additionally, the bag limit for anglers fishing on a CPFV is six, while for other anglers the limit is 10. The CPFV rules apply only in the counties of Sonoma, Marin, San Francisco, San Mateo, Santa Cruz and Monterey.</p> <p>The reason for these differences is that commercial Dungeness crab interests in the early 1990s were concerned with fishing competition from CPFVs, whose crew would set traps, pull them each day and distribute the catch to passengers fishing aboard rockfish trips (known as crab combo trips). The practice somewhat mimicked commercial fishing practices, and thus became a crab resource allocation issue. A compromise was reached that allowed the CPFVs to continue the practice, but the bag limit for the CPFV passengers was decreased to six per day, and the size limit was increased to 6 inches.</p> |
| | | | <p>The California Ocean Protection Council (OPC) is designated as the body responsible for establishing and administering a Dungeness Crab Task Force (DCTF) pursuant to Senate Bills 1690 (Wiggins, 2008) and 369 (Evans, 2011). The task force is directed to review and evaluate Dungeness crab fishery management measures and provide its recommendations to the Joint Committee on Fisheries and Aquaculture, the Department and Commission. Pursuant to SB 1690, the task force was established in January 2009, provided recommendations by January 15, 2010, and ceased to exist on January 1, 2011. Pursuant to SB 369, the task force was re-established in January 2012, and will make initial recommendations by January 15, 2015 and final recommendations by January 15, 2017.</p> |

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| <p>Comment #20 E Nathan Byron 2/20/2012 Simi Valley</p> | <p>Proposes amending Section 27.85 and 28.90 to authorize spearfishing striped bass in ocean waters</p> | <p>Accept</p> | <p>See Responses to Comment #6, #15, #21, #22, #24, #25, #26, and #29</p> |
| <p>Comment #21 L Volker Hoehne Terry Maas Watermens Alliance 2/24/2012</p> | <p>Proposes amending Section 27.85 and 28.90 to authorize spearfishing striped bass in ocean waters</p> | <p>Accept</p> | <p>See Responses to Comment #6, #15, #20, #22, #24, #25, #26, and #29</p> |
| <p>Comment #22 E, L Jackson Chapman California Striped Bass Association 3/27/2012 Fair Oaks</p> | <p>Supports Waterman's Alliance and other divers request to authorize taking striped bass by spearfishing</p> | <p>Comment noted</p> | <p>See Responses to Comment #6, #15, #20, #21, #24, #25, #26, and #29</p> |
| <p>Comment #23 O Jim Martin Sonoma County Abalone Network/Recreational Fishermens Alliance 4/12/2012</p> | <p>Proposes amending Section 29.05(b)(1), Title 14, CCR to authorize taking gooseneck barnacles north of San Francisco</p> | <p>Reject</p> | <p>The speaker proposed authorizing take of gooseneck barnacles north of San Francisco stating that they were more plentiful, and taking them in Oregon and Washington was authorized.</p> <p>See Responses to Comment #10.</p> |

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| <p>Comment #24 O Jim Martin Sonoma County Abalone Network/Recreational Fishermens Alliance 4/12/2012</p> | <p>Proposes amending Section 27.85 and 28.90 to authorize spearfishing striped bass in ocean waters</p> | <p>Accept</p> | <p>The speaker spoke in support of authorizing spearfishing striped bass in ocean waters.</p> <p>See Responses to Comment #6, #15, #20, #21, #22, #25, #26, and #29</p> |
| <p>Comment #25 O Bill Bernard CASA 4/12/2012</p> | <p>Proposes amending Section 27.85 and 28.90 to authorize spearfishing striped bass in ocean waters</p> | <p>Accept</p> | <p>The speaker spoke in support of authorizing spearfishing striped bass, and reported that he requested and received support from the California Striped Bass Association provided that the same regulatory restrictions applied to anglers also applied to spearfishermen.</p> <p>See Responses to Comment #6, #15, #20, #21, #22, #24, #26, and #29</p> |

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| <p>Comment #26 O Brandi Easter Central California Council of Diving Clubs, Inc. 4/12/2012</p> | <p>Proposes amending Section 27.85 and 28.90 to authorize spearfishing striped bass in ocean waters</p> | <p style="text-align: center;">Accept</p> | <p>The speaker spoke in support of authorizing spearfishing for striped bass. See Responses to Comment #6, #15, #20, #21, #22, #24, #25, and #29</p> |
| <p>Comment #27 E, L Tom Raftican The Sportfishing Conservancy 5/1/2012 Long Beach</p> | <p>Proposes amending Section 28.95 to prohibit bow and arrow fishing tackle as an authorized method of taking sharks in ocean waters.</p> | <p style="text-align: center;">For Further Consideration</p> | <p>The Department recommends continued use of bag limits, closed seasons, closed areas or other management tools to limit overall harvest as needed. Additionally, current regulations prohibit bow and arrow fishing tackle to take selected species in ocean waters that are of particular concern, e.g., black seabass, garibaldi, trout, and salmon.</p> <p>If a species is at a particularized risk from a specified method of taking, the Department could support regulations that are narrowly tailored to the species and fishing areas involved that were drafted in a manner that would allow adequate enforcement. Due to the complexity and additional consultations required in consideration of this recommendation, the Department cannot feasibly accomplish these tasks in the time frame allotted for this regulatory period.</p> <p>Particularly, the term “sharks” would need to be further defined. It is likely that not all species would be appropriate for inclusion. Many shark species are also jointly managed by NOAA Fisheries under both the federal Highly Migratory Species and Groundfish Fishery Management Plans.</p> |

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| <p>Comment #28 E, L Jon Rosenfield, Ph.D. The Bay Institute 5/2/2012 Novato</p> | <p>Proposes changing the ocean waters splittail bag limit from 10 to two in conformance with Section 5.70 of the freshwater sport fishing regulations</p> | <p>Reject</p> | <p>The author proposes decreasing the bag limit of splittail from 10 fish in ocean waters to two fish in conformance with Section 5.70 of the freshwater sport fishing regulations. Presently, splittail fall under the default ocean waters general bag limit of 10 fish of any one species (Section 27.60)</p> <p>The Department does not support the need to establish a special 2-fish bag limit regulation for splittail in ocean waters for the following reasons: 1) The Department analyzed recreational angler catch data for marine waters including San Francisco and San Pablo bays, and determined decreasing the bag limit to two splittail would have no measurable benefit to splittail populations as splittail have not appeared in angler catches in ocean waters; 2) Section 4.05 prohibits transportation of live bait fish from the area where captured and therefore, transporting splittail taken in the San Francisco Bay district to inland districts is a violation; making the inconsistency in bag limits between inland and ocean waters irrelevant; 3) Experienced wardens in the Delta reported to their knowledge no citations were issued for overlimits of splittail in the Delta or in ocean waters; and 4) Section 4.20(a) does not list splittail as an authorized species of bait fish for sale and therefore, splittail cannot be supplied by bait shops.</p> |
| <p>Comment #29 E Simon Volanski 5/3/2012 Santa Maria</p> | <p>Proposes amending Section 27.85 and 28.90 to authorize spearfishing striped bass in ocean waters</p> | <p>Accept</p> | <p>See Response to Comments #6, #15, #20, #21, #22, #24, #25, and #26</p> |

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| <p>Comment #30 E, L Tom Raftican The Sportfishing Conservancy 5/4/2012 Long Beach</p> | <p>Proposes amending Section 28.15(a) to reduce the California halibut bag limit for waters south of Pt. Conception from five to two</p> | <p>Reject</p> | <p>The Department does not support this recommendation for the following reasons: 1) The Commission's Marine Resources Committee, in discussing results of the recent California halibut stock assessment, felt that new MPAs in southern California would provide additional new protection for this stock ; 2) The Department is in the process of collecting data required for a future assessment; 3) Once a future assessment is completed, the Department would be in a better position to evaluate the halibut resource and decide if additional regulation changes are necessary.</p> |
| <p>Comment #31 E, L Tom Raftican The Sportfishing Conservancy 5/4/2012 Long Beach</p> | <p>Proposes creation of a stock replenishment program to replenish the southern stock of California halibut</p> | <p>Comment noted</p> | <p>The author proposes creation of a hatchery program similar to the The Ocean Resources Enhancement and Hatchery Program (OREHP) initiated by Assembly Bill 1414.</p> <p>The Department is not in a position to recommend a hatchery for halibut until a thorough evaluation of the efficacy of the white seabass hatchery program is made. In addition, developing a program such as OREHP requires legislation and an identified funding source, both of which are beyond the authority of the Department and the Commission.</p> |