

Attachment 1
 Summary and Response to Public Comment on Pacific Halibut

Comment Number	Date Received	Format	Commenter Name	Comment	Response
A-1	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	John Doe 1	Supports Department Option 1 (status quo) since that provides the longest season.	<p>Support of Department Option 1 noted.</p> <p>The Commission did not adopt Department Option 1.</p> <p>In light of the need to hold catches in 2015 to a federal quota established by the National Marine Fisheries Service (NMFS), and the fact that recent annual catches have exceeded that amount, there is a need to shorten the 2015 recreational fishing season from that of 2014. The Department considered all relevant information, including that relating to the long-term health of the resource and to socio-economic impacts on communities to balance competing interests, while also addressing Department support for a season structure with fewer open and closed periods – to aid enforcement and minimize confusion. Ultimately, the Department recommended a preferred 2015 California season to the National Marine Fisheries Service (NMFS) that matched one recommendation from the Humboldt Area Saltwater Anglers (Option 8). The proposed season structure is intended to spread the catch throughout the season, and provide opportunities for each of the port areas and various fishery interests in</p>

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					<p>most or all months of the 2015 season, if catches are reasonably in line with the Department’s projections. This new season was designed to reach, but not exceed, the quota by October 31—given the many factors under consideration.</p> <p>The federal regulations became effective on April 1, 2015 when the NMFS final rule published, and the Fish and Game Commission (Commission) took conforming action to the NMFS final regulations at its April 8, 2015 hearing in Santa Rosa, California.</p>
A-2	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	John Doe 2	Supports a season that opens May 1 and runs until the full quota amount is projected to be attained.	Reject. See response to comment A-1.
A-3	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	Mary Marking	Concerned with possible effort shifts that could occur as a result of a shortened season.	Comment noted. Although many factors drive fishing effort and data, the Department estimated catch expectations for 2015 assuming that the annual catch would continue to show a modest increase. The Department notes that catch projections cannot account for the unpredictability of fishing effort, changes in catch rates, availability of alternative targets, weather, effects of moving to a “derby fishery” mentality off California, and other factors that

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					may affect angler behavior and/or catch.
A-4	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	Leslie Sanders (Cher-Ae Heights Indian Casino and Rancheria)	1) Pacific halibut is an economically valuable fishery to the area. Summer block closures eliminate out of area fishing, and harms the entire Trinidad community. The August 2014 revenue decreased 38.7 percent compared to August 2013. Trinidad facilities are ready for business about mid-May and continue until the end of salmon season (just after Labor Day). 2) Supports HASA Option 1b first, and HASA Option 8 secondarily.	1) Comments noted. 2) The Commission adopted HASA Option 8. See response to comment A-1.
A-5	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	John Doe 3	Supports a season start May 1 and continue until 75 to 80 percent of the quota has been attained, with the option that mid-season the number of remaining open days could be increased if catch rates were lower than predicted so as to not leave any fish unharvested for the season.	Reject. As with any fishery with a set quota and a limited number of days open to fishing, there is a risk of some fish left unharvested at the end of the season. See response to comment A-1.
A-6	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	John Doe 4	Would support a season start of May 1 and run until the quota is projected to be attained.	Reject. See response to comment A-1.
A-7	02/04/15	Oral testimony at Department Public	Marc Schmidt	Proposes the fishery open May 1 and continue until 80 percent of the quota has been taken, at which point the fishery will close. The fishery would	Reject. The season structure described would require changes to language in the Catch Sharing Plan (CSP). Changes to the CSP are

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		Meeting in Eureka, CA		then reopen from September 1 through October 31 to harvest any remaining quota. Feels that pre-set mid-season closure dates would increase chance of leaving some fish unharvested.	proposed in September and approved in November of each year as part of the federal management process and are outside the scope of this State rulemaking. See response to comment A-1.
A-8	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	John Doe 6	Would be interested in seeing a punch card system to limit catch amounts.	Reject. At this time a punch card system is not a viable option. It is outside the scope of this rulemaking.
A-9	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	John Doe 7	1) Concerned about the six-week lag time between when recreational data is collected and catch estimates are produced in order to track and monitor the fishery in a timely manner so as to not exceed the quota.	1) The Department has a robust recreational sampling program which will monitor the fishery throughout the season and collect information on angler catch and effort. Pacific halibut project staff will use weekly sample data to make weekly preliminary catch projections based on the relationship between sampled fish and previous catch estimates, as described in the November 2014 Department report to the Pacific Fishery Management Council. The Department expects that inseason consultation with NMFS will occur weekly, to discuss the latest cumulative catch projections and their status relative to the quota. This process is similar to the process used by the states of Oregon and Washington to monitor their fisheries and determine closure dates. In

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				<p>2) Suggests modifications to the Department's sampling program to better collect real time data.</p>	<p>these discussions, the agencies may also consider expected weather, constituent input on expected effort, and available information on past participation for the specific time of the year as necessary to evaluate when the quota is expected to be reached.</p> <p>The Department will also use the angler catch and effort data to generate monthly catch estimates (available on a six week time lag). These preliminary monthly catch estimates will replace projected cumulative estimates for the same month when they become available. However, the Department will not wait for new monthly catch estimates if attaining the quota is imminent.</p> <p>2) The Department has no plans at this time to modify its current sampling and estimation programs. Comment is outside the scope of this rulemaking.</p>
A-10	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	Tom Marking	Supports structuring seasons with long periods of open time, especially during the summer to allow for revenue to be generated during the tourist season. Supports Department Options 3 and 4.	Reject. See response to comment A-1.
A-11	02/04/15	Oral testimony at	John Doe 8	1) Concerned that adverse weather patterns could preclude people from	1) Predicting the effects of weather on the availability of fishable days is not

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		Department Public Meeting in Eureka, CA		fishing during shortened open fishing periods. 2) Supports a later season fishery since there are other target opportunities in the summer months.	currently possible. 2) Reject. See response to comment A-1.
A-12	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	John Doe 9	Would like to know more about the new gear restrictions.	The gear restriction, of one line with no more than two hooks, being added to State regulations is already a federal and international regulation for Pacific halibut. Due to the international nature of the fishery, this gear restriction has already been in effect in State waters. For consistency with the federal regulation, State regulations are being amended to include the gear restriction.
A-13	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	John Doe 10	1) Would support a season closing mid-July based on projected catch inseason (no set closure date in regulations) and then re-open fishery September 1. 2) Would be ok with continuing to have August closure.	1) Reject. The season structure described would require changes to language in the Catch Sharing Plan (CSP). See response to comment A-7. 2) Reject. See response to comment A-1.
A-14	02/04/15	Oral testimony at Department Public Meeting in Eureka, CA	John Doe 11	Does the gear restriction limit anglers to one line and two hooks for the rest of the trip?	Yes. If anglers are successful in landing a Pacific halibut, they would be restricted to angling with no more than one line with two hooks attached for the remainder of the trip.
A-15	02/06/15	Written (email)	John Holt	Compromise B	Reject. See response to comment A-1.

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A-16	02/06/15	Written (email)	Tom and Mary Marking	Supports Department Option B since it has a higher chance of extending the season through the fall months than Department Option A.	Reject. See response to comment A-1.
A-17	02/06/15	Written (email)	Tom Peters	<p>1) Between Department Options A and B would support Option B. Suggests modification to Option A if that option is chosen to decrease the number of days open during August to increase the chances of having more fishing days open during the fall months.</p> <p>2) Suggests a season structured into an early and late season, with 80 percent of the quota allocated to the early season, and 20 percent of the quota allocated to the late season. The early season would close only when the allocated quota amount has been taken.</p>	<p>1) Reject. See response to comment A-1.</p> <p>2) Reject. The season structure described would require changes to language in the Catch Sharing Plan (CSP). See response to comment A-7.</p>
A-18	02/06/15	Written (email)	Red Jioras	<p>1) Supports Department Option A.</p> <p>2) Concerned about changes to angler effort related to the five-fish black rockfish bag limit new to 2015.</p> <p>3) Concerned about the need to improve the current creel sampling program and the new inseason catch tracking and monitoring methodology.</p>	<p>1) Reject. See response to comment A-1.</p> <p>2) Comment noted. See response to comment A-3.</p> <p>3) Comment noted. See response to comment A-9.</p>
A-19	02/07/15	Written (email)	Scott McBain (President of	Concerned that Department solicited public input on season options that	The Commission adopted HASA Option 8.

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			HASA)	<p>did not include the primary HASA recommendation (Option 1B) or the secondary HASA recommendation (Option 8). A considerable amount of effort was expended by HASA in 1) developing these options, 2) refining the options to avoid Department implementation constraints, and 3) getting extensive input from Pacific halibut anglers via HASA survey and meetings. Concerned that both Department Option A and Option B greatly increase the potential “overharvest” at the end of the season. HASA Options 1b and 8 provide more projected fishing days on the water compared to the Department Options A and B. Additionally, the HASA options: provide fair and consistent access to the fishery throughout year, including July and August; have closures that are short, consistent, and clear to understand; allow fishing during the first week of May when other species may not be accessible; the Fourth of July and Labor Day holidays are open; simpler season structure for better angler interpretation and enforcement; avoids longer block closures that are more harmful to local ports and businesses; and project a smaller season harvest amount than either Department</p>	

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				Option A or B. Recommends that HASA Option 1B or HASA Option 8 be adopted because they better meet fishing opportunity, economic opportunity, angler interpretation, enforcement, and feasibility objectives listed above, as well as the support received by our extensive, transparent input process.	
A-20	02/07/15	Written (email)	Mike Beck	<p>1) Supports Department Option A due to simplicity (easier to remember and explain).</p> <p>2) Questions if the creel survey will keep its current rate of 20 percent sampling coverage or if it will be modified to accommodate the change to season dates.</p>	<p>1) Reject. See response to comment A-1.</p> <p>2) Changes to the Department's sampling program are outside the scope of this rulemaking. The Department does not intend to modify its current sampling program design in response to the changing Pacific halibut season dates. Sampling rates will remain at 20 percent of the days per month at primary sampling sites during the fishing season.</p>
A-21	02/09/15	Written (email)	Tom Marking	Does not support Department Options A or B. Does support Department Options 5 or 3 since those two options would provide some early season opportunity and some late season opportunity.	Reject. See response to comment A-1.
A-22	02/09/15	Written (email)	Marc Schmidt	1) Would like fishing opportunities during all of May, and a high likelihood of opportunities in September and October. Weather patterns (wind) during the spring	1) Reject. See response to comment A-1.

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				<p>months could prevent all fishing for Pacific halibut during that time. Would support Department Option A, but with the following modifications: decrease the amount of time open in August and increase the amount of time open in May.</p> <p>2) Also would support a season structured into an early and late season, with 80 percent of the quota allocated to the early season (May 1-August 31), and 20 percent of the quota allocated to the late season (September 1-October 31). The early season would close only when the allocated quota amount has been taken.</p> <p>3) Concerned with Department catch projection methodology.</p> <p>4) Additionally supports more increases to the California area quota amount within the CSP.</p>	<p>2) The early/late season structure described would require changes to language in the Catch Sharing Plan (CSP). See response to comment A-7.</p> <p>3) See responses to comments A-3 and A-9.</p> <p>4) Comment noted. Changes to the California subarea allocation within the CSP are conducted at the Pacific Fishery Management Council and are outside the scope of this rulemaking.</p>
A-23	02/10/15	Written (email)	Tim Klassen	<p>1) Would like fishing opportunities past Labor Day. Different port areas and user groups have different priorities of when during the season they would like fishing opportunities: Shelter Cove would likely prefer an earlier season that starts May 1 and</p>	<p>1) Comments noted. See response to comment A-1, above.</p>

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				<p>continues until the quota is taken; the summer months are important to Trinidad; Eureka would likely want a later season; and the rest of the sport fleet would likely prefer some mid-season opportunities.</p> <p>2) Noticed that the Northern Management Area for recreational groundfish did not receive an extended season length or less restrictive depth limits like other Management Areas for 2015.</p>	<p>2) Recreational groundfish regulations (OAL File 2015-0224-03s) are outside the scope of this rulemaking.</p>
A-24	02/10/15	Written (email)	Robert Bray	Prefers Department Option A.	Reject. See response to comment A-1.
A-25	02/11/15	Written and oral testimony at Fish and Game Commission Meeting, Sacramento, CA	Scott McBain (President of HASA)	HASA represents over 200 member anglers on the north coast. HASA has been working with the Department to develop season date options. Results from HASA survey of members showed importance of: fair access to all anglers across the season; beginning in May is important; avoid long block closures; don't exceed, but don't go under allocation; and provide the most days on water as possible. HASA recommendations are HASA Option 1b or HASA Option 8. HASA would be disappointed if the Department didn't choose one of the HASA options.	The Commission adopted HASA Option 8. See response to comment A-1.
A-26	2/11/15	Written (email)	Leslie Sanders	The Trinidad Rancheria does not support Department Option A or	Comments noted. The Commission adopted HASA Option 8.

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			(Cher-Ae Heights Casino and Rancheria)	Department Option B due to the expected negative economic impacts to the community that those season structures would provide. The Trinidad Rancheria does support HASA Option 1b, and secondarily HASA Option 8. These options provide fair and consistent access to the fishery without long block closures during the peak summer months.	
A-27	2/12/15	Written (email)	Scott McBain (President of HASA)	Primary HASA recommendation is Option 1B, and the secondary HASA recommendation is Option 8. A considerable amount of effort was expended by HASA in 1) developing these options, 2) refining the options to avoid Department implementation constraints, and 3) getting extensive input from Pacific halibut anglers via HASA survey and meetings. HASA Options 1b and 8 provide more projected fishing days on the water compared to the Department Options A and B. Additionally, the HASA options: provide fair and consistent access to the fishery throughout year, including July and August; have closures that are short, consistent, and clear to understand; allow fishing during the first week of May when other species may not be accessible; the Fourth of July and Labor Day holidays are open; simpler season	Support noted. Please see response to comment A-1, above, for Department recommended season dates and rationale.

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				<p>structure for better angler interpretation and enforcement; avoids longer block closures that are more harmful to local ports and businesses; and project a smaller season harvest amount than either Department Option A or B. Recommends that HASA Option 1B or HASA Option 8 be adopted because they better meet fishing opportunity, economic opportunity, angler interpretation, enforcement, and feasibility objectives listed above, as well as the support received by our extensive, transparent input process.</p>	
A-28	2/17/15	Written (email)	Scott McBain (HASA president)	<p>HASA recommends in order of preference Option 1b and 8, then Option 2/7. Suggests that if Department chooses Department Option A, close two additional weeks to fishing during August to reduce the chances of a derby fishery developing and increasing the chances of allowing the fishery to remain open into September and October. HASA's recommendations also mirror the Trinidad Rancheria recommendations (HASA Option 1b primary, Option 8 secondary). However, the HASA Board's official recommendation remains Option 1</p>	<p>The Commission adopted HASA Option 8. See response to comment A-1.</p>