

**Appendix A. Summary Table of Public Comments and Responses. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions (Received by the California Fish and Game Commission up to Adoption of the Proposed Actions on October 12, 2017) and Reasons for Rejecting Those Considerations.**

Comment number	Name, Organization, Type, and Date	Comment(s)	Response(s)
1	Bill James, Deeper Nearshore Species Fishery Permit (DNSFP) holder and representing Port San Luis Fisherman's Association, oral testimony on 6/21/17	a. Supports making transferable Nearshore Fishery Permits (NFP) and DNSFPs transferable on a one-for-one basis.	a. Support noted.
		b. The proposed transfer fees for NFPs and DNSFPs are too high.	b. The proposed fees would fully cover costs of the transaction and to mitigate for any changes needed to management in response to changes in harvest levels. Additionally, the proposed transfer fee is supported by the Commission's Restricted Access Policy which allows for full recovery of administrative transfer costs as well as charging more to offset other costs involved in the conservation and management of the fishery.
		c. If Department is looking at changing permit fees the DNSFP, it should not be as much as the NFP.	c. Changing permit renewal fees is outside the scope of the proposed regulations. The proposed regulation changes are based on requests from the public to the Commission to make it easier to transfer into or out of the nearshore fishery, and did not include adjusting permit renewal fees.
2	Kenyon Hensel, NFP and DNSFP holder, Crescent City, oral testimony on 6/21/17	a. Would prefer DNSFP permits be transferable two-for-one.	a. The Department recognizes that there are concerns regarding increased fishing pressure in the deeper nearshore fishery. As noted in the Initial Statement of Reasons, Department staff closely monitor these landings and can change trip limits inseason via the Pacific Fishery Management Council (PFMC) process, and can make longer-term changes to trip limits via the biannual regulations process.
		b. Make the transfer fee a percentage of the permit purchase price.	b. The Department is not involved with the contract between buyer and seller and thus cannot request a percentage of the purchase price.
		c. Waive the transfer fee for family members.	c. Waiving the transfer fee would require that the Department absorb these costs, and could be considered unfair by those who would have to pay the transfer fee to sell to a business partner or new entrant.

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3	Dan Yoakum, DNSFP holder, oral testimony on 6/21/17	a. Agrees with the proposed rulemaking.	a. Support noted.
		b. The nearshore permits do not include all species found in nearshore waters (e.g., canary rockfish) and the Department is not in control of those species.	b. The two nearshore permits cover only the rockfish species in the state's Nearshore Fishery Management Plan. Other slope and shelf rockfish (e.g., canary rockfish) are part of the federal Pacific Coast Groundfish Fishery Management Plan and under federal jurisdiction, with state input through the PFMC process.
4	David Kirk, Port San Luis Fishermen's Association President, oral testimony on 8/17/17	a. Wants to remove two-month closure (March/April) to allow for year round fishery and consistent sales.	a. Changing trip limits is outside the scope of this rulemaking. Changes to seasonal closures in the commercial nearshore fishery require a federal rule change, and can be considered every other year in the PFMC process. The Commission's regulations on commercial seasons only mirror the federal regulations on this point.
		b. Left over trip limits should to roll over to the next trip limit period.	b. See response 4a.
		c. Transfer fee needs to be affordable	c. See response 1b.
5	William Diller, NFP holder, email 5/5/17 and 9/21/17	a. Allow DNSFP transfers to NFP holders only, and allow NFP transfers to DNSFP holders only.	a. The proposed rulemaking provides the most flexibility for both current permit holders and new entrants, allowing them to choose whether they need both permits or not. Allowing transfer only to those with one of the permits will not allow new entrants into the fishery.
6	Sharleen Allred, NFP holder, email 7/29/17	a. Wants to be notified about the outcome of the meeting or if additional information is needed by the Commission.	a. Comment noted.
7	Fred Arnoldi, NFP and DNSFP holder, email 8/15/17	a. Wants nontransferable NFP made transferable.	a. Outside the scope of this rulemaking. The Department did not consider changes to the status of non-transferable NFPs in developing this rulemaking. A number of commenters emphasized a need to change regulations to make it easier to acquire/sell and transfer the transferable NFPs. These permits are presently constrained by the 2-for-1 transfer requirement. Several survey respondents supported removing this constraint.

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8	Brian Gorrell, NFP holder, email 8/16/17 and oral testimony 10/12/17	a. Requests to have NFP combined with DNSFP.	a. The proposed rulemaking provides the most flexibility for both current permit holders and new entrants, allowing them to choose whether to hold both permits or not. Combining the permits would mean considerably more eligible participants in each of the shallow and deeper nearshore fisheries. These impacts would need to be evaluated and mitigated – likely meaning considerable reductions in trip limits. Finally, the Department's 2015 Nearshore Survey showed mixed support for combining the permits, most would prefer to keep the permits separate.
		b. Preference given to NFP holders to purchase DNSFPs before those without a permit.	b. See response to 5a.
		c. Requests a trap endorsement to go with his NFP.	c. Beyond the scope of this rulemaking. Transferable trap endorsements can be purchased by NFP holders from private sellers, which does not require a change to regulations.
		d. The permit transfer fee is too high. Recommends a fee of \$1000.	d. See response 1b.
9	Nathan Rosser, letter, undated	a. Supports making NFPs transferable 1 for 1.	a. Support noted.
		b. Supports making DNSFPs transferable 1 for 1.	b. Support noted.
10	Alan Serio, DNSFP holder, Port San Luis, oral testimony on 10/12/17	a. Would like to see if someone who is disabled could allow someone else to use permit/quota – remove the onboard requirement for the permit holder.	a. Fish and Game Code Section 7857(c) requires that the permit holder be present when fish are being taken, possessed aboard a boat or landed for commercial purposes. If a permit holder becomes disabled, the proposed regulations will allow transfer of NFPs and DNSFPs to another person on a one-for-one basis.
		b. Thanked the Department and other fishermen that were involved in this.	b. Comment noted.

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11	Owen Hackleman, NFP holder, oral testimony on 10/12/17	a. Likes the thought of transferability but is concerned about increased effort by new entrants. Does not want to see decreased quotas (trip limits) due to increased effort.	a. The Department understands the concern that trip limits may decrease, but 67 percent of respondents to the 2015 Nearshore Survey favored making DNSFPs transferable even if it meant lower trip limits. If effort increases too much, trip limits may have to be adjusted or the fishery could close early so as not exceed established catch limits. The Department will closely monitor trip limits and can adjust them as needed through the PFMC and Commission processes.
		b. Concerned about increased bycatch for those that purchase only one permit.	b. The discard of fish due to lack of a permit is one of the main reasons for allowing transfer of DNSFPs. We heard from many fishermen with only one permit that want to be able to purchase the other permit to reduce regulatory discards. Having one-for-one transferability for both NFPs and DNSFPs should make it easier for fishermen to acquire both permits.
12	Archie Ponds, San Luis Obispo, NFP and DSNFP holder, oral testimony on 10/12/17	a. Requests that fishing quotas (trip limits) not be cut due to increased effort.	a. See response to 11a.
		b. Requests that fishing quotas (trip limits) not be cut due to the take of yelloweye rockfish in other areas.	b. This is outside the scope of this rulemaking. Trip limits for nearshore rockfish are established by the PFMC and NMFS based on allowable catch and bycatch limits, considering public and agency input.
13	Forrest Ponds, San Luis Obispo, NFP holder, oral testimony on 10/12/17	a. Glad the DNSFP will be transferable.	a. Support noted.
14	Gary Kirkland, former abalone diver and current biologist, oral testimony on 10/12/17	a. Proposes making ocean ownership legal, allowing people to fence off their part of the ocean, similar to cattle ranches.	a. This is outside the scope of this rulemaking and would require changes to federal and state laws.

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15	Tom Hafer, NFP and DSNFP holder, Morrow Bay, oral testimony on 10/12/17	a. The permit transfer fee is too high.	a. See response 1b.