

**APPENDIX B**

106, 106.5, 107 Responses to Public Comment on Drift Gill Net Transition Program (**Original ISOR**)

Commenter Number, Name, Date	Comment	Department Response
<p><b>Responses to Comments received during the Public Notice period April 5 to May 20, 2019.</b>  <i>Comments may be paraphrased from the commenters for succinctness</i></p>		
<p><b>1</b> <b>James Kinter</b> Tribal Secretary, Yocha Dehe Wintun Nation  Letter dated 4/1/2019</p>	<p><b>1-a.</b> The Yocha Dehe Wintun Nation concurs that more selective and sustainable gear should be utilized to catch swordfish.</p>	<p><b>1-a.</b> Comment noted. The California Department of Fish and Wildlife (CDFW) appreciates the support of the Yocha Dehe Wintun Nation.</p>
<p><b>2</b> <b>Scott Fosmark</b>  Drift Gill Net (DGN) Fisherman  Email dated 4/10/2019</p>	<p><b>2-a.</b> How will fishermen be compensated [for the payout] if more participate than money is available?</p>	<p><b>2-a.</b>  The proposed regulation in subsection (b) of Section 106.5, Title 14, California Code of Regulations (CCR), states that after a participant submits submission of the form DFW 1083“ (Declaration of Intent to Participate in Drift Gill Net Transition Program”), participants will be notified "when funds are available, and that forms will be processed in the order received." As such, participants will only be notified if there are enough funds for their individual request. If they are not notified, they would not proceed with relinquishing nets or permits, and may continue fishing until the sunset date of the DGN fishery (January 31 of the fourth year following the CDFW’S notification to the Legislature that funds for the Program are available).  Fish and Game Code (FGC) Section 8561 states the sunset provision for State Drift Gillnet Shark and Swordfish fishery permits (“permits”) as the fourth year following CDFW’s notification to the Legislature that funding for the Drift Gill Net Transition Program (Transition Program) is available. The Transition Program would be in regulation, however the sunset provision for permits would not be applied if the funding for the Transition Program hasn’t been secured by then. Voluntary participants would be notified, in the order received, of their ability to participate only when sufficient funds for their participation are available.</p>
<p><b>2</b> <b>Scott Fosmark,</b> con’t.</p>	<p><b>2-b.</b> Would it be a lottery?</p>	<p><b>2-b.</b> See response #2-a, permittees will be selected in the order received.</p>
<p><b>2</b> <b>Scott Fosmark,</b> con’t.</p>	<p><b>2-c.</b> Would each fisherman receive the same amount, or Pro Rata?</p>	<p><b>2-c.</b> The amount each fisherman would receive, if participating in the program, is dictated in the law FGC Section 8583 and summarized on pages 1 and 2 of the Initial Statement of Reasons (ISOR). All participants will be paid the same amounts, depending on level of qualification, as outlined in the law.</p>

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		<ul style="list-style-type: none"> <li>• A permittee who has landed swordfish or thresher shark with a shark or swordfish gill net, or a federal deep set buoy gear (DSBG) exempted fishing permit between April 1, 2012 and March 31, 2018, inclusive, and who then participates in the Transition Program by voluntarily surrendering their DGN permit and all large mesh drift gill net(s) they have in possession receives a specified payment, to the extent that funds for the Transition Program are available:               <ul style="list-style-type: none"> <li>○ Surrender of a DGN permit only: participant shall receive \$10,000.</li> <li>○ Surrender of all large mesh gill net(s) in possession: participant shall receive \$100,000.</li> </ul> </li> <li>• Those permittees who have not landed swordfish or thresher shark with large mesh drift gill net or federal DSBG on or after April 1, 2012, but who voluntarily surrender their DGN permit and all large mesh gill net(s) they have in possession, receive \$10,000.</li> </ul>
2	<b>Scott Fosmark,</b> con't.	<b>2-d.</b> How much will each fisherman receive?
2	<b>Scott Fosmark,</b> con't.	<b>2-d.</b> See response #2-c, the amounts are listed in the in law (FGC Section 8583).
2	<b>Scott Fosmark,</b> con't.	<b>2-e.</b> Does every permit holder receive the same amount regardless of other qualifications?
2	<b>Scott Fosmark,</b> con't.	<b>2-e.</b> Yes, See response #2-c.
2	<b>Scott Fosmark,</b> con't.	<b>2-f.</b> Is it possible to withdraw if funds are not available?
3	<b>Malcolm Lee</b>  DGN Fisherman  Email dated 4/29/2019	<b>2-f.</b> See response #2-a, if funds are not available, participants will not be notified and will not have to relinquish their nets or permit, until the sunset date of the DGN fishery. In response to public comment, CDFW amended the proposed regulation and form to include specific instructions on how a permittee may withdraw from the Transition Program after indicating intent to participate, but in advance of receiving funds.
	<b>3-a.</b> The payment amount is not enough for fishermen who fish swordfish as their primary fishery.	<b>3-a.</b> The proposed regulations are implementing the requirements passed by the Legislature in SB 1017 and codified in FGC Section 8583. These requirements specify landing requirements for eligibility in the Transition Program, and the payment amounts. CDFW has no latitude to change them. The primary purpose of the proposed regulations is to create the form for fishermen to indicate interest in participation, provide the specifics defining approved net destruction entities, and clarify the timeline and process to participate. As noted in response #2-a, CDFW is tasked with implementing the Transition Program for the transitional phase-out of state DGN permits before the sunset date of the state DGN fishery otherwise

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		mandated in FGC Section 8561.
3	<b>Malcolm Lee,</b> con't.	<b>3-b.</b> See response #3-a.
4	<b>Damien Schiff</b> Senior Attorney, Pacific Legal Foundation Letter dated 5/17/2019	<b>4-a.</b> See Response #2-a. CDFW will notify interested participants when funds are available to compensate the individual being notified. Other participants will be notified, in the order received, when funds are available for that individual.
4	<b>Damien Schiff,</b> con't.	<b>4-b.</b> Yes. In response to public comment, CDFW amended the proposed regulation and form to include specific instructions on how a permittee may withdraw from the program after indicating intent to participate but in advance of receiving funds. A permittee may withdraw at any time in advance of receiving compensation up and until January 1, 2021.
4	<b>Damien Schiff,</b> con't.	<b>4-c.</b> See response #4-b.
4	<b>Damien Schiff,</b> con't.	<b>4-d.</b> CDFW is not making any assumptions as to the commercial viability of alternative forms of gear, in particular other gear types that are undergoing experimental fishing use.
4	<b>Damien Schiff,</b> con't.	<b>4-e.</b> See response # 4-d. This rulemaking is implementing the requirements of FGC Section 8583.
4	<b>Damien Schiff,</b> con't.	<b>4-f.</b> This comment is outside the scope of this rulemaking, which only addresses the process for implementation of the Transition Program.

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	possessing aboard ship, and landing swordfish pursuant to a federal drift gill net permit. State and local governments may not ban gear authorized by federal fisheries.	
4	<b>Damien Schiff</b> , con't.	<b>4-g.</b> See Response #4-f.
5	<b>John Ford</b> DGN Fisherman Email dated 5/20/2019	<b>5-a.</b> Comment noted.
5	<b>John Ford</b> , con't  <b>5-b.</b> Commenter provided multiple comments throughout the comment letter related to personal financial impact from SB 1017 as codified in FGC Section 8583. These include: <ul style="list-style-type: none"> <li>- Loss of years of time and thousands of dollars</li> <li>- The proposed gear replacement will not make it financially feasible, particularly when it comes to retirement</li> <li>- Proposal will make it impossible for my business to succeed, hook and line cannot replace gillnet fishing</li> <li>- Program has rendered permit and boat worthless</li> </ul>	<b>5-b.</b> See Response #3-a.  Further, as noted in response #2-a, CDFW is tasked with implementing the Transition Program via the proposed regulations to facilitate the transitional phase-out of state DGN permits before the sunset date of the state DGN fishery. These comments appear to relate more to the sunset of the DGN fishery imposed by FGC Section 8561, rather than the proposed Transition Program.
5	<b>John Ford</b> , con't  <b>5-c.</b> The commenter does not see a one-size-fits all solution, and the Program doesn't address the issues.	<b>5-c.</b> The proposed Transition Program fulfills the requirements of SB 1017 as codified in FGC Section 8583.
5	<b>John Ford</b> , con't  <b>5-d.</b> The proposed action has had adverse economic impact directly affecting business in the State of California and provides a trickle-down effect for the rest of the United States of America. This proposal will decrease	<b>5-d.</b> The proposed regulations implement requirements of SB 1017as codified in FGC 8583 that CDFW establish a transition program with a voluntary payout option before the sunset date of the DGN fishery (see response #2-a). Other gear types are still available for take of swordfish (see response #4-d).

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	swordfish landings to processors, thus causing a trickle-down effect on job loss and economic revenue for the state.	
5	<b>John Ford</b> , con't <b>5-e.</b> Places like Morro Bay, Fort Bragg, Point Loma, San Pedro, San Diego, Santa Barbara and many others will miss out on deliveries causing further job loss in the State of California, loss of tax and landing revenue, and increased unemployment.	<b>5-e.</b> CDFW disagrees. While DGN landings may decrease, DGN accounted for approximately 25% of swordfish landings into California in recent years. These ports do not rely solely on swordfish, nor will all swordfish landings in California cease due to this proposed Transition Program. Additionally, see Response 5-d.
5	<b>John Ford</b> , con't <b>5-f.</b> The expected result of these regulations should be that substandard fish will be caught and imported with poor fishing practices that kills many whales, dolphins, pinnipeds, and promotes IUU [Illegal Unreported Unregulated] fishing.	<b>5-f.</b> See Response #5-d.
5	<b>John Ford</b> , con't <b>5-g.</b> Commenter included multiple comments related to sharks, including: <ul style="list-style-type: none"> <li>- What is being done about the sharks and their environmental impacts?</li> <li>- Proposal that all shark fins must be discarded at sea</li> </ul>	<b>5-g.</b> Comments are outside the scope of this rulemaking.
5	<b>John Ford</b> , con't <b>5-h.</b> This program will eliminate California jobs, including for fishermen, secondary fish processing, transportation, restaurants, trickling down as far as Boston, Massachusetts.	<b>5-h.</b> See Response #5-e.
5	<b>John Ford</b> , con't <b>5-i.</b> The proposed regulatory action will have dramatic negative impact on the local ocean environment and the world wide ocean. Therefore, mitigation is required.	<b>5-i.</b> Discussion of anticipated environmental benefits of the proposed Transition Program is contained in Section VII(f) of the ISOR. Ultimately, this comment appears to relate more to the sunset of the DGN fishery than the proposed Transition Program.
6	<b>Geoffrey Shester</b> , California Campaign Director and Senior Scientist, <b>6-a.</b> The regulatory package properly implements California Fish and Game Code (FGC) §8583 by establishing a Program to compensate drift gillnet (DGN) permit holders for the voluntary surrender of their permits and nets.	<b>6-a.</b> Comment noted.

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Oceana  Letter dated 5/20/2019		
<b>6</b> <b>Geoffrey Shester</b> , con't.	<b>6-b.</b> Allowing DGN fishermen to fish DGN gear until the end of the 2020-2021 fishing season if they choose to participate in the Program provides a reasonable window.	<b>6-b.</b> Comment noted.
<b>6</b> <b>Geoffrey Shester</b> , con't.	<b>6-c.</b> Include a definition of "destroyed" that includes "changed to the point that one can no longer use the net to fish."	<b>6-c.</b> In response to this comment, CDFW amended the proposed regulation to include a similar definition of "destroy."
<b>6</b> <b>Geoffrey Shester</b> , con't.	<b>6-d.</b> The draft declaration form for fishermen to indicate their intent to participate in the program should include an estimate on the length of net or nets that will be surrendered.	<b>6-d.</b> In response to this comment, CDFW amended the proposed for to include the approximate number of feet of net.
<b>6</b> <b>Geoffrey Shester</b> , con't.	<b>6-e.</b> We support adoption of the proposed regulations establishing a Program to transition fishermen out of the DGN fishery and implement the phase out of state DGN permits.	<b>6-e.</b> Comment noted.

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<b>Responses to Comments received during the Public Hearing on May 23, 2019.</b> <i>Comments are paraphrased from the commenters for succinctness</i>		
7	<b>Andrew Rasmussen,</b> DGN Fisherman Verbal statement 5/23/2019	<b>7-a.</b> How many permits will come up for this Permit Transfer Program?
<b>7-a.</b> See response #2-a, if funds are not available, participants will not be notified and will not relinquish their nets or permit. The total potential number of permits to be surrendered is 67.		
7	<b>Andrew Rasmussen,</b> con't.	<b>7-b.</b> I don't see how you can plan for something like that.
<b>7-b.</b> Comment noted.		
7	<b>Andrew Rasmussen,</b> con't.	<b>7-c.</b> When would you be paid – what year?
<b>7-c.</b> See response # 4-a.		
7	<b>Andrew Rasmussen,</b> con't.	<b>7-d.</b> Are there any other sources of funding?
<b>7-d.</b> SB 1017, codified in FGC Section 8583, requires that \$1 million in non-state funds be provided prior to implementing the transition program.		
7	<b>Andrew Rasmussen,</b> con't.	<b>7-e.</b> This program is bound to fail.
<b>7-e.</b> Comment noted.		
7	<b>Andrew Rasmussen,</b> con't.	<b>7-f.</b> When will the regulations go into effect and when is the earliest chance to submit the form?
<b>7-f.</b> CDFW anticipates the regulations will be in effect in the September – October 2019 timeframe, at which point permittees can begin to submit the form.		
8	<b>Mike Conroy,</b> Fishing Representative Verbal statement 5/23/2019	<b>8-a.</b> How do you pick and choose who participates?
<b>8-a.</b> See response #2-a, permittees will be selected in the order received.		

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8	<b>Mike Conroy,</b> con't.	<b>8-b.</b> What happens to other fishermen who aren't picked to participate?	<b>8-b.</b> See response #2-a.
8	<b>Mike Conroy,</b> con't.	<b>8-c.</b> Commenter would like to see Pew come up with funding if shortfalls in funding are seen.	<b>8-c.</b> Comment noted.
8	<b>Mike Conroy,</b> con't.	<b>8-d.</b> If Deep Set Buoy Gear is proven to not be efficient, what happens?	<b>8-d.</b> The use of DSBG is outside the scope of this rulemaking. Swordfish may also be taken with hook and line and harpoon gears.
8	<b>Mike Conroy,</b> con't.	<b>8-e.</b> This is a fishery elimination more so than a transition.	<b>8-e.</b> Comment noted. See Response #3-a.
9	<b>Kathleen Fosmark,</b>  Alliance of Communities of Sustainable Fisheries  Verbal statement  5/23/2019	<b>9-a.</b> Who is supplying the private funds?	<b>9-a.</b> Any non-state source that wishes to provide funding.
9	<b>Kathleen Fosmark,</b> con't.	<b>9-b.</b> One of the tenets of the Magnuson-Stevens Act is the concept of "fair & unequivocal". In this case, there is not equity, not enough funding. You are enticing people to participate when there won't be enough money. Fishermen understand the Legislature didn't consider this. Shouldn't there be an appeals process?	<b>9-b.</b> See response #3-a. Any changes to the statutory requirements will need to be handled through the Legislature.
10	<b>Scott Fosmark,</b>  DGN Fisherman, Verbal statement  5/23/2019	<b>10-a.</b> Once the program comes to pass, will we have the ability to land swordfish in CA with a Federal Permit? We need to know in order to plan.	10-a. See Response #4-f.
10	<b>Scott Fosmark,</b>	<b>10-b.</b> My dad was one of the first to receive a DGN permit, and he was sick with cancer during the required	<b>10-b.</b> See response #3-a.

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	con't.	window period for landings. He passed away and left me the permit, and I have no landings during the window. I want to know what you'll do for me?	
10	Scott Fosmark, con't.	10-c. The value of permits you placed on us is like taking a truck from us, and giving us the value of a tank of gas. It's not enough money.	10-c. See response #3-a.
10	Scott Fosmark, con't.	10-d. During a transition, you're supposed to transition us to a fishery of equal value, by picking from other permits. That's fair. Can't do it with \$10,000.	10-d. See response #3-a.
11	Damien Schiff Senior Attorney, Pacific Legal Foundation Verbal Statement dated 5/23/2019	11-a. Will CDFW select a fiscal agent?	11-a. CDFW has not formally selected a fiscal agent. Senate Bill 1017 indicates that a fiscal agent "... includes any of the following:  (A) The Department of Finance.  (B) The Pacific States Marine Fisheries Commission.  (C) The Controller.  (D) Any appropriate state or federal agency.  CDFW has been in contact with The Pacific States Marine Fisheries Commission who has indicated willingness to be the fiscal agent.
11	Damien Schiff, con't.	11-b. Can the Transition Program operate with less than \$2 million?	11-b. Yes. Pursuant to FGC Section 8583, CDFW will implement the Transition Program to the extent that funds are available.
11	Damien Schiff, con't.	11-c. If you do not receive \$2 million, does the program go into effect?	11-c. See response #11-b.
11	Damien Schiff, con't.	11-d. When will CDFW determine who the fiscal agent will be?	11-d. The fiscal agent will be formally selected after these regulations are in place.
11	Damien Schiff, con't.	11-e. Do you anticipate the Ocean Protection Council will forward the \$1 million before or after the fiscal agent is identified?	11-e. A fiscal agent is required to receive funds for this program.

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11	<b>Damien Schiff,</b> con't.	<b>11-f.</b> On the subject of pre-emption, to what extent does the federal permitting program make the state program irrelevant?	<b>11-f.</b> See response #4-f.
11	<b>Damien Schiff,</b> con't.	<b>11-g.</b> Even if the Transition Program itself never goes into full effect because \$2 million is not received, the prohibition on state permit transfers is already in effect, which can have significant implications on how the federal permits are administered. You can transfer a federal permit today, but state permits are no longer available to be transferred. Is it CDFW's view that activities conducted with federal permits transferred on or after March 31, 2019, would be forbidden by state law?	<b>11-g.</b> See response #4-f.
11	<b>Damien Schiff,</b> con't.  Letter dated 5/23/2019	<b>11-h.</b> State and local governments are prohibited from banning gear that is authorized for use in federal fisheries, as well as landing of fish caught with gear authorized by federal fisheries.	<b>11-h.</b> See response #4-f.
11	<b>Damien Schiff,</b> con't.	<b>11-i.</b> FGC's prohibition of unpermitted taking, possession, or landing of swordfish for commercial purposes, would appear to apply right now to activities conducted pursuant to a federal drift gill net permit that was transferred after SB 1017's prohibition on the transfer of state permits went into effect.	<b>11-i.</b> See response #4-f.
12	<b>John Ford,</b>  DGN Fisherman, Verbal statement  5/23/2019	<b>12-a.</b> Consideration was not taken for all parties. I'm 35 years old, this program is not worth it for me.	<b>12-a.</b> See response #3-a.
12	<b>John Ford,</b> con't.	<b>12-b.</b> Has there been an environmental impact study on what would happen if we weren't out fishing?	<b>12-b.</b> The proposed regulations are exempt from the California Environmental Quality Act (sections 15307, 15308, Title 14, CCR). Environmental benefits from the regulation are discussed in Section VII(f) of the ISOR.

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12	John Ford, con't.	12-c. If \$2 million is not received by 1/1/2020, does that negate the four year sunset date?	12-c. See response #2-a. The sunset provision of the Transition program doesn't begin until \$2 million is received. The law says CDFW must notify the Legislature when the funds are present.
12	John Ford, con't.	12-d. Does the Transition Program die if \$2 million is not received?	12-d. See response #11-b. People who submit forms will be told when the money is available.
12	John Ford, con't.	12-e. If it takes 20 years for \$2 million to be received, do you see how that affects planning?	12-e. One million dollars of the funds are required to be provided by the Ocean Protection Council; the program will be implemented at least to the extent that those funds are available.
13	Gary Burke, DGN Fisherman, Commercial Fishermen of Santa Barbara  Verbal statement  5/23/2019	13-a. Do you have any money right now?	13-a. No. CDFW has not yet entered into an agreement with a fiscal agent yet, so there is no place yet to send money to. See response #12-e.
13	Gary Burke, con't.	13-b. If I apply, but there are no funds, can I keep fishing?	13-b. Yes.
13	Gary Burke, con't.	13-c. What if I'm 28 in a line of 30, can I fish until I'm told that CDFW has money to buy me out?	13-c. Yes, voluntary participants can fish until they are notified that funds are available. Participants have until March 31, 2021 to comply by relinquishing your permit and nets after being informed that funds are available. Participants may also indicate willingness, and then decide to withdraw from the program. In response to public comment, CDFW amended the proposed regulation to include a process for withdraw from the program.
13	Gary Burke, con't.	13-d. Who pays for net transportation and destruction?	13-d. An approved net destroying entity must be available in major port areas in southern California. If there are costs to get the nets to the entity, the participant or entity would bear them.
13	Gary Burke,	13-e. If I have 3 nets, can I give you only 1?	13-e. No, all nets must be surrendered. The form to participate includes

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	con't.		an agreement that those who participate voluntary will surrender all nets for destruction.
13	<b>Gary Burke,</b> con't.	<b>13-f.</b> Traditionally the net was for shark. If I have a shark net, can I keep it?	<b>13-f.</b> All nets, defined as large-mesh, greater than or equal to 14 inches mesh size, must be surrendered to participate in the Transition Program.
13	<b>Gary Burke,</b> con't.	<b>13-g.</b> I heard Deep Set Buoy Gear will create more jobs, is this true?	<b>13-g.</b> CDFW is not aware of this information.
14	<b>Pietro (Pete) Buompensiero</b>  DGN Fisherman, Verbal statement  5/23/2019	<b>14-a.</b> I'm not computer-savvy, can I still get a form to participate?	<b>14-a.</b> CDFW will send hard copies of the form in the mail to all permittees if the form and regulations are approved by the Office of Administrative Law (OAL).
15	<b>Bob Kurz,</b>  Coastal Conservation Association of California/ International Game Fish Association  Verbal statement 5/23/2019	<b>15-a.</b> Is CDFW going to help facilitate raising the required funds?	<b>15-a.</b> CDFW is reaching out to private groups to tell them how much money is needed.
15	<b>Bob Kurz,</b> con't.	<b>15-b.</b> Will CDFW send an announcement (regarding needed funding) to NGOs? I think there should be coordinated outreach.	<b>15-b.</b> See Response #15-a.
16	<b>Dania Williams,</b>  Ventura County Commercial Fishermen's	<b>16-a.</b> When will the forms to participate in the Transition Program be available/ distributed?	<b>16-a.</b> After OAL approves the regulations. CDFW anticipates the forms will be available in September-October 2019.

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<p><b>16</b> <b>Dania Williams,</b> con't.</p>	<p><b>16-b.</b> How will the forms to participate in the Transition Program be distributed? Will they be mailed using certified mail?</p>	<p><b>16-b.</b> Once approved by OAL, CDFW will mail hard copies of the forms to all the permitholders, and they will be available online.</p>
<p><b>17</b> <b>Jaclyn Johnson,</b>  Bureo Recycled Fishing Nets  Verbal statement  5/23/2019</p>	<p><b>17-a.</b> Is there anything on the form (to participate in the Transition Program) or in the bill for what qualifies for a “destroyed net”? What are the parameters?</p>	<p><b>17-a.</b> See response #6-c.</p>
<p><b>17</b> <b>Jaclyn Johnson,</b> con't.</p>	<p><b>17-b.</b> Is there anything on the form (to participate in the Transition Program) that requires the fishermen to specify the weight of the nets?</p>	<p><b>17-b.</b> t. No. The form requires fishermen submit the number and approximate length of nets.</p>
<p><b>18</b> <b>Gilly Lyons,</b>  The PEW Charitable Trusts  Verbal statement  5/23/2019</p>	<p><b>18-a.</b> We support SB 1017, and are pleased to see the regulatory process. We support the draft regulations to fully implement the law as intended by SB 1017. We also echo the desire to include a definition for “destroyed net”, and the potential inclusion of a line on the form to indicate net length. We support the adoption of the proposed regulations, and thank CDFW for their efforts.</p>	<p><b>18-a.</b> See Responses #6-c and 6-d.</p>
<p><b>19</b> <b>Arthur Lorton,</b>  DGN Fisherman, Verbal statement  5/23/2019</p>	<p><b>19-a.</b> If all fishermen choose to participate, the funds needed are closer to \$4 million than \$2 million. If funding is not available, will I be able to fish until funds are available?</p>	<p><b>19-a.</b> Yes. However, receipt of \$2 million in funding starts the four-year period to the sunset date of the state permit.</p>

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19	Arthur Lorton, con't.	19-b. National Marine Fisheries Service (NMFS) just approved Exempted Fishing Permits for some longline boats. Not sure how that would work for a boat of my size.	19-b. Comment outside the scope of the proposed rulemaking, which only addresses implementation of the Transition Program. Questions on these fisheries should be directed to NMFS.
19	Arthur Lorton, con't.	19-c. If we do transition, are we guaranteed a DSBG permit? If people who have been fishing swordfish for 30 years aren't guaranteed a DSBG permit, how can you call this a transition program?	19-c. No, a DSBG permit is not guaranteed. DSBG permits are being considered in the federal fisheries management process and would not be State of California permits.
20	Jon Gonzalez, DGN Fisherman, Verbal statement 5/23/2019	20-a. Would the form to participate in the Transition Program allow people to back out, and how will CDFW allow fishermen to back out if it is a legal binding document? Will it be clear on the form?	20-a. See Response #4-b.
20	Jon Gonzalez, con't.	20-b. Is the GoFundMe page how the NGOs are raising money? Because I saw they have collected less than \$1,000 so far.	20-b. This is not a CDFW web page.
20	Jon Gonzalez, con't.	20-c. I heard CDFW has \$2 million and that forms to participate are being submitted.	20-c. CDFW is not accepting forms at this time and no funds have been transferred as there is not yet an identified fiscal agent.
21	Malcolm Lee, DGN Fisherman, Verbal statement 5/23/2019	21-a. The amount of money being offered is not fair to people who don't have swordfish landings recently. Even buying it out at \$110,000 doesn't get you into another fishery.	21-a. See responses #3-a.
22	Tom Wraith, DGN Fisherman, Verbal statement 5/23/2019	22-a. How about getting DGN permittees on the short list for DSBG? This has bearing on the options for permitholders.	22-a. DSBG permits are being considered in the federal fisheries management process and would not be State of California permits.
22	Tom Wraith, con't.	22-b. What is the justification for preference given to participants in the Transition Program to receive DSBG permits? I don't like the idea that I'll be penalized for not	22-b. See response #22-a.

**APPENDIX B**

106, 106.5, 107 Responses to Public Comment on Drift Gill Net Transition Program (**Original ISOR**)

Commenter Number, Name, Date	Comment	Department Response
	participating in the Transition Program. This does not seem equitable.	
22 Tom Wraith, con't.	<b>22-c.</b> There are a limited amount of funds. It is first-come, first-serve. Basically a scramble until the money is out. Makes more sense to have a drawing, more equitable. How did you arrive at first-come, first-serve?	<b>22-c.</b> CDFW determined that the most equitable way to distribute funds in a voluntary program would be in the order of receipt of requests.
22 Tom Wraith, con't.	<b>22-d.</b> It seems misplaced to me the way it's being implemented, this rush to do it. I don't feel that my rights were represented properly in this process. In a program where permits all go away, everyone loses.	<b>22-d.</b> See responses #2-a and 3-a.
23 Kip Whited, DGN Fisherman, Verbal statement 5/23/2019	<b>23-a.</b> The 2012-2018 landings window is unfair. Due to personal reasons, I was unable to make landings. It's unfair and irregular to only call people swordfish fishermen who landed fish between 2012-2018.	<b>23-a.</b> See Response #3-a.
23 Kip Whited, con't.	<b>23-b.</b> We shouldn't allow Mexico to DGN fish swordfish and export to here. We now have to compete against Mexico, who are using the same DGN gear you took away from us. Hypocrisy that we undermine our own DGN fishery participants and consume Mexican DGN caught swordfish, which is less conservation-friendly.	<b>23-b.</b> Comment noted.
24 Terry Wilmarth, DGN Fisherman, Verbal statement 5/23/2019	<b>24-a.</b> I kept my permit and paid for it, in case one day I could use it. You are taking away my options by telling me my permit is useless compared to others. This is an unfair process. Everyone should be treated equally as a permittee.	<b>24-a.</b> This is a voluntary program. Permittees have the choice to participate or not.
24 Terry Wilmarth, con't.	<b>24-b.</b> Adding more DSBG permits means more pressure and extra competition to deal with on swordfish fishing grounds.	<b>24-b.</b> This comment is outside the scope of this rulemaking, which only addresses the process for implementation of the Transition Program.