

APPENDIX C

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

Commenter Number, Name, Date	Comment	Department Response
<p>Responses to Comments received during the 15-day continuation notice period for the Amended ISOR June 7 to June 23, 2019.</p>		
<p><i>Comments may be paraphrased from the commenters for succinctness</i></p>		
<p>1 Tom Cardosa DGN Fisherman Email dated 6/12/2019</p>	<p>1-a. The commenter states interest in surrendering their Drift Gill Net (DGN) permit, states that they do not have any landings, and would like to proceed with the form received in the mail.</p>	<p>1-a. The form the commenter received is still the draft proposed form, sent as part of the regulatory notice process. The commenter will receive a notice when the regulations are final, along with the final approved form, anticipated end of September or early October after Office of Administrative Law (OAL) approval. The California Department of Fish and Wildlife (CDFW) will include full instructions on what to do at that time.</p>
<p>2 Damien Schiff Senior Attorney, Pacific Legal Foundation Letter dated 6/17/2019</p>	<p>2-a. The Pacific Legal Foundation appreciates CDFW's attempt to allay fishermen concerns [for withdrawing intent to participate in the Transition Program].</p>	<p>2-a. Comment noted.</p>
<p>2 Damien Schiff, con't.</p>	<p>2-b. CDFW's express allowance for withdrawal from the Transition Program through notification submitted by January 1, 2021 implies that such withdrawal is not otherwise possible. Yet there is no good reason for why withdrawal should be so limited.</p>	<p>2-b. CDFW incorporated the January 1, 2021 deadline and notification requirement in order to ensure CDFW receives timely notification of an applicant's intent to withdraw. This would allow CDFW adequate time to determine if there are other permittees who indicated intent to participate in the buyout program but were awaiting adequate funding, and notify those permittees of funding in advance of the March 31, 2021 deadlines for voluntary participants to relinquish their permits and nets.</p>
<p>2 Damien Schiff, con't.</p>	<p>2-c. As long as fishermen haven't accepted compensation, they should not be required to hand over their permits and gear.</p>	<p>2-c. In order to receive compensation, a program participant must relinquish their permit and net in advance. Participants may choose to withdraw from the program prior to relinquishing nets and permits.</p>
<p>2 Damien Schiff, con't.</p>	<p>2-d. There is no requirement under SB 1017 for a fisherman to have fully complied with the Transition Program by March 2021.</p>	<p>2-d. As noted on the bottom of page 4 of the Original ISOR, CDFW anticipates funding within a couple months of the completion of the proposed regulations. The March 31, 2021 deadline to surrender state DGN permits and nets was proposed so that permittees may complete the 2020-2021 fishing season, which ends March 31.</p>
<p>2 Damien Schiff, con't.</p>	<p>2-e. CDFW should take the opportunity to respond regarding the federal preemption arguments made against SB 1017.</p>	<p>2-e. This comment is outside the scope of this rulemaking, which only addresses the process for implementation of the Transition Program.</p>