

## Proposed Regulatory Language

Section 106.5, Title 14 CCR, is amended/ to read:

### **§106.5. Drift Gill Net Shark and Swordfish Permit Transition Program.**

(a) Drift gill net shark and swordfish permittees with valid permits issued pursuant to Section 106 of these regulations who choose to participate in the transition program shall submit a completed and notarized department form, Declaration of Intent to Participate in Drift Gill Net Transition Program (DFW 1083, NEW 08/31/19), herein incorporated by reference. All Declarations of Intent to Participate in Drift Gill Net Transition Program must be postmarked on or before January 1, 2020.

(b) When funds are available, the department shall notify in writing a permittee who submits form DFW 1083 in the order received whether the permittee meets the requirements of Section 8583 of the Fish and Game Code.

(c) Any permittee who meets the requirements of Section 8583 of the Fish and Game Code and voluntarily participates in the transition program shall indicate on form DFW 1083 agreement to:

(1) Upon notification of eligibility in the program pursuant to subsection (b) above, surrender their permit to the department by March 31, 2021 within one year of notification pursuant to subsection (b) or January 31, 2024, whichever comes first. For the purposes of the program, the most recent valid drift gill net shark and swordfish permit possessed for the 2019/2020 through 2023/2024 permit year will be accepted.

(2) Upon notification of eligibility in the program pursuant to subsection (b) above, surrender all large mesh (greater than or equal to 14 inch) drift gill nets to an entity approved by the department for the purpose of destroying the nets as defined in subsection (f) of this Section, and provide the department valid receipt of net relinquishment, by March 31, 2021/2021 within one year of notification pursuant to subsection (b) or January 31, 2024, whichever comes first.

(3) Be prohibited from obtaining a new California drift gill net shark and swordfish permit.

(4) Upon receipt of payment, not fish under, transfer, or renew a federal drift gill net permit.

(d) A permittee who the department has determined meets the requirements of Section 8583 of the Fish and Game Code, who complies with subsection (c) of this Section by March 31, 2021 within one year of notification pursuant to subsection (b) or January 31, 2024, whichever comes first, and who submits a completed state form STD 204, Payee Data Record (Rev. 5/2018, incorporated by reference herein) shall be compensated pursuant to subdivision (a) of Section 8583 of the Fish and Game Code.

(e) Any permittee who has completed the steps outlined in subsections (a) or (b) of this Section may withdraw their intent to participate in the Transition Program prior to receipt of compensation outlined in subsection (d) of this Section by submitting written notice ~~postmarked on or before January 1, 2021~~ to the department's License and Revenue Branch.

(f) The department shall approve entities upon written request for the purpose of destroying large mesh drift gill nets pursuant to the transition program. Destroy means modification of the nets to the point they may no longer be used for the purpose of drift gill net fishing, and may include recycling net components for non-drift gill net purposes.

(1) Written requests shall be submitted to the department at CPSHMS @wildlife.ca.gov.

(2) Written requests shall document how the entity meets the following criteria:

- (A) Be a legal entity, with experience in receiving and destroying commercial fishing gear.
- (B) Be able to receive drift gill nets, including attached floats, buoys, and lead lines, from transition program participants, and able to properly deconstruct the nets to prepare all components for destruction.
- (C) Be able to provide transition program participants with evidence of receipt of surrendered nets identifying the transition program participant and number of nets surrendered.
- (D) Be able to provide a physical location or locations in the ports of San Diego, Los Angeles, Ventura, or Santa Barbara between January 1, 2020 and ~~March 31, 2024~~ January 31, 2024 to receive drift gill nets from transition program participants.
- (E) Be able to transport surrendered drift gill nets designated for destruction.
- (F) Be able to trace surrendered drift gill nets from collection to destruction and provide the department with evidence of net destruction upon request.

Note: Authority cited: Section 8583, Fish and Game Code. Reference: Sections 8573 and 8579, Fish and Game Code.