

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT ON
DRIFT GILL NET TRANSITION PROGRAM

California Senate Bill 1017 was passed by the California Legislature and signed into law by the Governor in 2018. Pursuant to the law, the California Department of Fish and Wildlife (Department) established a Drift Gill Net (DGN) Transition Program whereby current DGN permittees may voluntarily surrender their permit and relinquish their nets to receive a one-time payment from the state of California. The Department completed a regulatory process to implement the Transition Program in September 2019 and later extended the deadline to participate through a second rule making. Additionally, SB 1017 required that all California Large-mesh DGN Shark and Swordfish Permits be surrendered or revoked as of January 31 of the 4th year following notification to the legislature that an initial \$2 Million in funding had been secured for the Transition Program. Funding was secured in 2020, setting the deadline of January 31, 2024 for all remaining California permits to be surrendered or revoked.

To date, 33 California DGN permit holders have completed the program, voluntarily relinquished their nets and permits, agreed to not fish, renew, or transfer a federal permit, and received payment. Of those, 21 were considered “active” by having made at least one swordfish or thresher shark landing with DGN or deep set buoy gear during the window of April 1, 2012 to March 31, 2018. An additional 10 DGN permit holders are eligible to participate and have until October 28, 2022 to complete the process in order to receive payment.

Of the 42 federal DGN permit holders in 2021-2022, 14 have completed the California Transition Program and another 8 are still eligible to participate. There are 20 federal permit holders who were either ineligible to participate, chose not to participate, or missed their individual deadline to participate in the California program.

Two complaints for declaratory and injunctive relief were filed against the Department and California Attorney General in response to the Department’s implementation of SB 1017 (*Abad, et al. v. Bonham, et al.* [Case 2:20-cv-00447-TLN-AC] and *Burke, et al. v. Bonham, et al.* [Case 2:21-cv-00003-TLN-AC]). Both complaints alleged that “California law prohibits the taking and landing of swordfish caught by drift gill net for commercial purposes except pursuant to a valid state drift gill net swordfish permit.” These cases were voluntarily dismissed on July 1, 2022. In the dismissal, the defendants stated that “it is the interpretation of the California Department of Fish and Wildlife (CDFW) and the California Attorney General that California’s Fish & Game Code does not require a state drift gill net shark and swordfish permit for the take of swordfish caught by drift gill net for commercial purposes in federal waters with a valid federal drift gill net permit, or the landing of such swordfish in California for commercial purposes.”

Details on the Transition Program can be found on the Department’s web site at:
<https://www.wildlife.ca.gov/conservation/marine/pelagic/DGN-Transition>