



May 21, 2019

California Ocean Protection Council
1416 9th Street, Suite 1311
Sacramento, CA 95814

Re: SB 1017 Implementation

Dear Councilmembers:

As I'm sure you are aware, last year the California Legislature enacted, and the Governor approved, SB 1017. Among other things, SB 1017 requires the Department of Fish and Wildlife (Department) to establish a drift gill net (DGN) permit transition program by March 31, 2020, for swordfishermen. In order to create the permit transition program, SB 1017 includes an appropriation of \$1,000,000 to the Ocean Protection Council which is to then be dispersed to the Department's fiscal agent. Because SB 1017 took effect on January 1, 2019, it is my understanding that those funds have been appropriated to the Council to disperse to the Department. However, as far as I am aware, no subsequent dispersal from the Council to the Department has occurred.

Further, SB 1017 also established a January 1, 2020, deadline for DGN permit-holders to inform the Department whether they intend to participate in the permit transition program. Because participation in the program will require permit-holders to surrender their nets in return for compensation, many are reluctant to commit to the program without assurances that the promised funding will be available to the Department to compensate them.

Pacific Legal Foundation attorneys currently represent a number of California swordfishermen who possess drift gill net (DGN) permits. Due to the uncertainty surrounding the availability of funds to compensate for drift gill net surrender created by the Council's delay in dispersing the appropriated funds, I request that without further delay the Council either (1) clarify its intentions for dispersing the funds; or (2) disperse the appropriated funds to the Department. Either action would assist current DGN permit-holders in fully evaluating their options for participating in the program.

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Thank you for your consideration of this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Caleb R. Trotter', with a long horizontal flourish extending to the right.

CALEB R. TROTTER
Attorney