

Senate Bill No. 21

Passed the Senate August 25, 2010

Secretary of the Senate

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 5523 to the Fish and Game Code, relating to fishing.

LEGISLATIVE COUNSEL'S DIGEST

SB 21, Simitian. Fishing gear.

Existing law establishes the Department of Fish and Game in the Resources Agency, and generally charges the department with the administration and enforcement of the Fish and Game Code. The department administers a commercial fishing licensing program and carries out various other functions relating to fishing. Existing law establishes the Ocean Protection Council, and requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems.

This bill would require the department, by January 1, 2012, to include on all commercial fishing licenses and in all appropriate official brochures any toll-free telephone number or numbers, if available, for the purpose of reporting derelict fishing gear and any address or addresses, if available, for Internet Web sites that maintain a reporting system for derelict fishing gear. The bill would authorize the council to develop recommendations for the identification, removal, and disposal of derelict fishing gear and procedures that enable fishermen and fisheries to voluntarily recover, remove, and keep derelict fishing gear.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Ocean-based sources are a significant source of plastic marine debris, including lost and abandoned “derelict” fishing gear that can be dangerous to wildlife, boaters, and divers.

(b) Fishing gear such as nets, lines, traps, pots, and other fishing equipment that is lost or abandoned may continue to catch marine

organisms long after the gear is lost and may threaten sensitive marine habitats and ecosystems.

(c) “Ghost fishing,” where marine animals are trapped in lost or abandoned nets or traps, is a leading cause of marine mammal deaths each year.

(d) Lost or abandoned nets and gear have been found to drift thousands of miles trapping and killing fish, turtles, seabirds, and other marine life.

(e) Marine debris such as derelict fishing gear has adversely impacted at least 267 species worldwide through ingestion and entanglement.

(f) Fishing nets and fishing gear are often made from synthetic materials that either take a long time to degrade or may never degrade.

(g) Lost fishing gear poses a hazard and economic burden for boaters and fishing operations and is a safety hazard for surfers, swimmers, and divers.

(h) The economic impact of “ghost fishing” of fish and marine invertebrates costs fishermen thousands of dollars in lost seafood revenue. These costs can continue to increase and valuable seafood is wasted year after year as the derelict fishing gear continues to ghost fish.

(i) The California Lost Fishing Gear Recovery Project administered by the SeaDoc Society at the University of California at Davis has developed a strategy to address derelict fishing gear by working cooperatively with fishermen and local leaders for the recovery of gear and the prevention of further gear losses. Through a pilot program for gear removal, the recovery project retrieved nearly 10 tons of gear from around the Channel Islands in May 2006.

(j) Awareness about the problems caused by derelict fishing gear should be increased statewide through education, outreach, and government-industry partnerships.

SEC. 2. Section 5523 is added to the Fish and Game Code, to read:

5523. (a) For purposes of this section, the following terms have the following meanings:

(1) “Council” means the Ocean Protection Council established pursuant to Section 35600 of the Public Resources Code.

(2) “Derelict fishing gear” means lost or abandoned fishing nets, fishing lines, and other commercial fishing equipment, and does not include lost or abandoned vessels.

(3) “Fishing gear” means fishing nets, fishing lines, and other commercial fishing equipment.

(b) The department, on or before January 1, 2012, shall include the following information on all commercial fishing licenses and in all appropriate official brochures:

(1) Any toll-free telephone number or numbers, if available, for the purpose of reporting derelict fishing gear.

(2) Any address or addresses, if available, for Internet Web sites that maintain a reporting system for derelict fishing gear.

(c) The council, in conjunction with the Dungeness crab task force, may develop recommendations for the identification, removal, and disposal of derelict fishing gear, including, but not limited to, recommendations for tagging fishing gear to aid in the identification of the source of derelict fishing gear.

(d) The council may develop procedures that enable fishermen to voluntarily recover, remove, and keep on board derelict fishing gear encountered during the course of normal fishing activities, rather than return the recovered derelict fishing gear back to the ocean. These procedures should include a broad approach to address voluntary derelict fishing gear removal for as many fisheries as is reasonable, rather than an approach that treats every fishery individually.

Approved _____, 2010

Governor