
UNFINISHED BUSINESS

Bill No: SB 1017
Author: Allen (D), et al.
Amended: 8/24/18
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 7-2, 4/24/18
AYES: Hertzberg, Allen, Hueso, Jackson, McGuire, Monning, Stern
NOES: Stone, Vidak

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/25/18
AYES: Lara, Beall, Bradford, Hill, Wiener
NOES: Bates, Nielsen

SENATE FLOOR: 33-0, 5/30/18
AYES: Allen, Anderson, Atkins, Beall, Berryhill, Bradford, Cannella, De León,
Dodd, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson,
Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Pan,
Portantino, Roth, Skinner, Stern, Wieckowski, Wiener, Wilk
NO VOTE RECORDED: Bates, Fuller, Nguyen, Nielsen, Stone, Vidak

ASSEMBLY FLOOR: 78-0, 8/29/18 - See last page for vote

SUBJECT: Commercial fishing: drift gill net shark and swordfish fishery:
permit transition program

SOURCE: Author

DIGEST: This bill requires the Department of Fish and Wildlife (DFW) to develop a program by March 31, 2020, to voluntarily transition the holders of drift gill net (DGN) permits out of the DGN fishery.

Assembly Amendments establish a funding formula for the voluntary buy-out of drift gill net permits, establish the price that may be paid for the surrender of these permits, prohibit the transfer of drift gill net permits, allows the use of longer lines

for the deep-set buoy gear alternative to drift gill nets, and make other technical changes.

ANALYSIS:

Existing law:

- 1) Prohibits the taking of fish for commercial purposes without a commercial fishing license issued by the DFW. (FGC Section 7850 (a))
- 2) Prohibits the taking of shark and swordfish for commercial purposes with DGN except under a valid DGN shark and swordfish permit. (FGC Section 8561 (a))
- 3) Authorizes the Director of the DFW to close and open the DGN shark and swordfish fishery, as prescribed. (FGC Section 8577)
- 4) Authorizes the transfer of a DGN permit under certain circumstances. (FGC Section 8561.5)
- 5) Makes the violation of fishing regulations a crime. (FGC Section 12002)
- 6) Establishes a swordfish permit that authorizes the take, possession, and landing of swordfish for commercial purposes using specified methods but not including DGNs. Exempts the holder of a DGN permit from the payment of the swordfish permit fee. (FGC Section 8567)
- 7) Establishes the fee for a DGN permit as \$330. (FGC Section 8567)
- 8) Makes it unlawful to use fishing lines more than 900 feet in length unless they are used as set lines, as specified. (FGC Section 9028)
- 9) Establishes the OPC and allows the OPC to award grants; enter into interagency agreements; and provide assistance to public agencies and nonprofit organizations in order to support efforts to coordinate the activities of state agencies with ocean or coastal management interests or regulatory authority, to improve the effectiveness of state efforts to protect ocean resources, and to establish policies to coordinate the collection and sharing of scientific data related to coastal and ocean resources. (Public Resource Code Section 35621)

This bill:

- 1) Requires the DFW to develop a program, as prescribed, by March 31, 2020, to voluntarily transition the holders of DGN permits out of the DGN fishery.

- a) Requires a permittee that intends to participate in the transition program to indicate his or her intention to the DFW on or before January 1, 2020, and defines the procedure for notifying the DFW.
 - b) Requires the DFW to inform a permittee who submits a notification of their intent to participate as to whether the permittee meets the requirements of the transition program, as specified.
- 2) Requires the Ocean Protection Council (OPC) to use \$1 million to fund the transition program from an appropriation made to the OPC in the Budget Act of 2018 (Item 0540-101-0001) for whale and sea turtle entanglement.
 - 3) Authorizes the DFW to enter into an agreement with a fiscal agent, as defined, and allows the fiscal agent to receive state and non-state funds for purposes of the transition program and, upon receipt of adequate funds, to make required payments to participating permittees.
 - a) Requires the fiscal agent to notify the DFW within 10 days of the receipt of \$1 million from non-state sources for purposes of transitioning permittees out of the DGN fishery.
 - b) Requires the DFW to notify the Legislature within 10 days of the date that the fiscal agent receives a total of \$2 million – \$1 million from non-state sources and \$1 million through an agreement with the OPC.
 - 4) Prohibits the transfer of a DGN permit as of March 31, 2019, and requires all DGN permits issued pursuant to the Fish and Game Code (FGC) to be surrendered or revoked as of January 31 of the fourth year following the DFW's notification to the Legislature that the fiscal agent has received a total of \$2 million.
 - 5) Exempts deep-set buoy gear from the prohibition on fishing lines more than 900 feet in length if those lines are used as part of deep-set buoy gear authorized under federal law.
 - 6) Provides that the provisions dealing with the DGN shark and swordfish fishery do not create or recognize a property right in fish expected to be caught using a DGN permit.
 - 7) Exempts any person who participates in the permit transition program from payment of the fee for a swordfish permit.

8) Makes findings and declarations regarding DGNs, their impact on non-target species, and potential lower impact fishing gear for catching swordfish.

FISCAL EFFECT: Appropriation: Yes Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee, the DFW estimates increased costs of approximately \$520,000 during the first year to establish and implement the transition program (General Fund or special funds). In addition, the DFW estimates it will require \$3.6 million to achieve the buyout from the holders of DGN permits (various sources of public and private funds).

SUPPORT: (Verified 8/29/18)

Gavin Newsom, California Lieutenant Governor

3blindmice

5 Gyres Science to Solutions

AA Worms

Advanced Micro Systems

Aguadrone, LLC

All Fish Wear

American Cetacean Society

American Cetacean Society SF Bay Chapter

American Fishing Tackle Company

American Sportfishing Association

Animal Legal Defense Fund

Asian Pacific Ocean Harmony Alliance

Azul

Baja Fish Gear

Baja Fishing Convoys

Balboa Angling Club

Banzai Jerky

BD Outdoors, LLC

Benedict Enterprises, LLC

Best Interest Financial Group

Better Fishtrap/ The Quickline System

Big Bite Enterprises

Blue Wave Jewelry

BlueVoice.org

Bluewater Bait Systems

BoatUS

Bob Rees' Guide Service

Bob Sands Fishing Tackle, Inc.
Bob's Dive Shop
Bomboy Fishing Lures
Bon Appetit
Border Grill
Bungalow Bay Co
California Association of Zoos and Aquariums
California Coastal Protection Network
California Coastkeeper Alliance
California Fish and Game Commission
California ReLeaf
California Sportfishing League
Cancun Vacations
Center for Biological Diversity
Center for Oceanic Awareness, Research, & Education
Center for Sportfishing Policy
Chark Bait
CH Projects
Clean Water Action
Cleaning Services
Coastal Conservation Association of California
Coastal Environmental Rights Foundation
Coastside Fishing Club
Congressional Sportsmen's Foundation
Convict Lake Resort
Cousins Tackle
Cowbuoy Sportfishing
Crown Prince, Inc.
Daiwa Corporation
Dana Angling Club
Dana Wharf Sportfishing and Whale Watching
Deep Blue Scuba & Swim Center
Defenders of Wildlife
Desert Oasis Health Care
Dixon Enterprises
Double G Guide Service
Duncanby Lodge
Dymek's Freedom Plumbing
Edible Seattle
Encinitas Arts Culture & Ecology Alliance

Endangered Habitats League
Entertainment 3Sixty
Environment California
Environmental Action Committee of West Marin
FIA Insurance Services Inc
Fight Club Guided Fishing
Fin & Field
First Choice Coatings
Fish Heads Bait, Tackle and Dive
Fisherman's Access
Fishology Alaska
Florida Keys Drive Center
FOG Studios
FPS Consulting
Fred Hall Shows, Inc.
Freedom Boat Club- Parker Boats
Friends of the Earth
Get Some Sports
Ghost Fishing
GMC Sports
Graig Consultants, Inc.
Greenpeace USA
Guy Harvey Ocean Foundation
Halco Tackle Company
Harbor Boat Rentals
Harbor Drive Center
Harney Sushi
Heal the Bay
Heirs to Our Oceans
Hobie Cat Company
Hooked on Mendo
Hott Stuff Sports
Humboldt Area Saltwater Anglers, Inc.
International Bird Rescue
International Game Fish Association
Jenness Ocean Wear
Jen Wren Sportfishing
Jessica Pratt, Assistant Professor, University of California, Irvine
Karim Hamza Owner, GUE Tech2/ GUE CCR instructor Hollywood Divers
Katmai Lodge- Alaska

Keli's Ocean Sports
Ketcham Tackle
Laguna Niguel Billfish Club
Leisure Sales
Let's Talk Hookup
Little Stone Flyfisher
Los Angeles Underwater Explorers
Marine Animal Rescue
Marine Conservation Institute
Marine Retailers Association of the Americas
Marshall Madruga Brands
Mazur Enterprises
Mercy For Animals
Michael's Guide Service
Miss Vic Sportfishing
Monterey Fish Market
MPMS, Inc.
National Marine Manufacturers Association
National Professional Anglers Association
Native Animal Rescue
Nautilus Reels
New Fishall Bait Co
Nonhuman Rights Project
Northwest Sportfishing Industry Association
Northwind Charters
Oceana
Ocean Connectors
Ocean Defenders Alliance
Ocean Society of Berkeley
OFBoutdoors
Offshore Blue Adventures
Okuma Fishing Tackle
Oregon River Trails Outfitters
OSCPT
Pacific Coast Sportfishing Magazine
Pacific Environment
Pacific Marine Mammal Center
Pacific Properties Service
Pacific Recreational Products
Patagonia

Paradise Guide Service
Pelagic
Performance Tackle
Pew Charitable Trust
Pfleger Institute of Environmental Research
Phenix Rods
Picante Sportfishing
Pier 23 Café Restaurant & Bar
Pike Restaurant
Plastic Pollution Coalition
Poseidon on the Beach Restaurant
Poulson Cascade Tackle, LLC
Pro Scuba Dive Center
Pro Towers
Pro-Cure
Public Interest Coalition
Qualia Reels
Recreational Fishing Alliance
Reel Steel Sportfishing
Reliable Fishing Products
Richard D Ross Construction Inc
RinseKit
Robert Ruder, M.D.
Royal Polaris
Salmon Catcher Lodge
Salmon King Lodge
Salt Water Bass Anglers
Samuels and Son Seafood
San Diego Coastkeeper
San Diego Humane Society
San Diego Tackle Traders
San Francisco SPCA
Santa Monica Windjammers Yacht Club
Save Our Shores
Save the Turtles, Inc.
Save the Whales
Scent Blazer Lures
Scuba Diving Resource
Scuba World
SD Expeditions

Sea Tow Newport Beach/LA
SeaChange Agency
SeaGuide
SeaLegacy
Seasons Sportfishing
SeaWorld Parks & Entertainment
Seventh Generation Advisors
Shannon Rose Sportfishing
Shimano American Corporation
Sierra Club California
Sky's Guide Service
Snook & Gamefish Foundation
SoCalReels
SoCalReels- Pulliam Enterprise
Social Compassion in Legislation
Somis Investments
SOS Marine
Speakes for Diving
Spear America
Sportfishing Financial
Sportsmens Seafood
Steele's Discount Scuba
Steve Huber Guide Service
Sunrize Tackle, Inc.
Surfrider Foundation
Tackle Warehouse
The Billfish Foundation
The Boardroom Charters
The Humane Society of the United States
The Marine Mammal Center
The Otter Project
The Rusty Hook
The Trust For Public Land
Theodore Roosevelt Conservation Partnership
Thresher Boats
Think Food Group
Tibor Reels
Tom Posey Co
Toro Tamer
Total Fisherman Guide Service

Tow Boat US & Vessel Assist
Tuna Club of Avalon
Turtle Island Restoration Network
Upstream Policy
West Coast Trailers
West Marine
Western Fishing Adventures, Ltd.
Western Outdoor News
Westernbass
Whale and Dolphin Conservation
Whopper Stoppers
Wild Oceans
WildAid
Wildcoast
Winter Ad Agency
Wishtoyo Chumash Foundation
Yamaha
Yes Bay Lodge Alaska

OPPOSITION: (Verified 8/29/18)

Alliance of Communities for Sustainable Fisheries
Anderson Seafoods
California Fisheries and Seafood Institute
Catalina Offshore Products
Commercial Fishermen of Santa Barbara
Loaf and Fish Restaurant, San Diego
Santa Monica Seafood
San Diego Fishermen's Working Group
The Chamber of Commerce of the Santa Barbara Region
Three Boys in San Diego
5 Commercial fishermen

ARGUMENTS IN SUPPORT: According to the author, California is the last state in the U.S. that allows fishermen to use drift gill nets in the swordfish fishery. This particular gear type has been banned in many locations worldwide because of the impacts on marine wildlife. The author said that according to the latest federal estimates, from 2001-15 California swordfish gill nets were responsible for the death of an estimated 6 Pacific leatherback sea turtles, 4 loggerhead sea turtles, and seven sperm whales. During the same period, the fishery caught over 1,300 marine mammals and threw overboard more than 140,000 fish and sharks.

ARGUMENTS IN OPPOSITION: Those in opposition argue that the DGN industry is sustainably managed and well regulated. Much of what is caught in DGNs in addition to swordfish is marketable and sold by the fishermen. They think that the bill does not reflect current science on bycatch and is in direct conflict with federal management of the fishery. In addition, the ending of the DGN fishery will result in lost jobs and related impacts on fishing communities and local restaurants. The opposition believes the Pacific Fishery Management Council is the correct venue for discussions of changes to the fishery.

ASSEMBLY FLOOR: 78-0, 8/29/18

AYES: Acosta, Aguiar-Curry, Travis Allen, Arambula, Baker, Berman, Bigelow, Bloom, Bonta, Brough, Burke, Caballero, Calderon, Carrillo, Cervantes, Chau, Chávez, Chen, Chiu, Choi, Chu, Cooley, Cunningham, Dahle, Daly, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez Fletcher, Gray, Grayson, Harper, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager-Dove, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Muratsuchi, Nazarian, O'Donnell, Patterson, Quirk, Quirk-Silva, Reyes, Rivas, Rodriguez, Rubio, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Voepel, Waldron, Weber, Wood, Rendon

NO VOTE RECORDED: Cooper, Obernolte

Prepared by: William Craven / N.R. & W. / (916) 651-4116
8/30/18 10:22:09

**** END ****

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