

AMENDED IN ASSEMBLY JUNE 30, 2008

AMENDED IN ASSEMBLY JUNE 5, 2008

AMENDED IN SENATE MARCH 26, 2007

**SENATE BILL**

**No. 899**

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**Introduced by Senator Simitian**

February 23, 2007

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

LEGISLATIVE COUNSEL'S DIGEST

SB 899, as amended, Simitian. Fishing gear.

(1) Existing law grants to the Fish and Game Commission powers relating to the protection and propagation of fish and game. 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.

This bill would require the department, by January 1, 2010, to recommend to the commission sustainable funding sources for a program for the prevention of the loss of fishing gear and for the recovery of derelict fishing gear, as defined. The department would be required, by January 1, 2010, to include on all fishing licenses and in all appropriate official brochures a toll-free telephone number for the purpose of reporting derelict fishing gear and the address for an Internet Web site that maintains a reporting system for derelict fishing gear. The bill, on and after July 1, 2011, would require a person who loses commercial fishing gear, and certain commercial passenger fishing vessels, to report,

in the manner prescribed by the department, the location *at which the fishing gear was lost, the name and fishing identification number of the person owning the fishing gear and of the person fishing with the gear if different than the owner, and the type of lost fishing gear* within 48 hours of ~~the loss~~ *losing the fishing gear and returning to port*. By July 1, 2011, the department would be required to establish and maintain, or support, a database of known derelict fishing gear. The department would be required to take certain action to establish or achieve specified targets for the removal and disposal of derelict fishing gear. On and after July 1, 2011, all traps and trawl nets deployed in the waters of the state would be required to be coded, *in the manner prescribed by the department*, with specified information to aid in the identification of the source of any derelict fishing gear. The bill would provide that, if the department does not have sufficient personnel to carry out *any of* these provisions, the department would be required to contract with appropriate parties for those services if funds are available for that purpose.

Because, under existing law, a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Ocean-based sources are a significant source of plastic
- 4 marine debris, including lost and abandoned “derelict” fishing gear
- 5 that can be dangerous to wildlife, boaters, and divers.
- 6 (b) Fishing gear such as commercial and recreational nets, lines,
- 7 traps, pots, and other fishing equipment that is lost or abandoned
- 8 may continue to catch marine organisms long after the gear is lost
- 9 and may threaten sensitive marine habitats and ecosystems.

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

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

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

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

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

14 (h) The California Lost Fishing Gear Recovery Project has  
15 developed a strategy to address derelict fishing gear by working  
16 cooperatively with fishermen and local leaders for the recovery of  
17 gear and the prevention of further gear losses. Through a pilot  
18 program for gear removal, the recovery project retrieved nearly  
19 10 tons of gear from around the Channel Islands in May 2006.

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

22 5523. (a) For purposes of this section, the following terms  
23 have the following meanings:

24 (1) “Commercial fishing gear” means fishing gear used by a  
25 commercial fisherman who has a valid, unrevoked commercial  
26 fishing license issued pursuant to Section 7850.

27 (2) “Commercial passenger fishing vessel” means a boat from  
28 which persons are allowed to sport fish pursuant to a commercial  
29 fishing license.

30 (3) “Derelict fishing gear” means lost or abandoned fishing nets,  
31 fishing lines, and other commercial and recreational fishing  
32 equipment, and does not include lost or abandoned vessels.

33 (4) “Fishing gear” means fishing nets, fishing lines, and other  
34 commercial and recreational fishing equipment.

35 (b) The department may apply for, and accept, funds from local,  
36 state, federal, and private sources to establish and implement a  
37 fishing gear loss prevention and derelict fishing gear recovery  
38 program, or to facilitate and support an existing program.

39 (c) The department, on or before January 1, 2010, shall  
40 recommend to the commission sustainable funding sources for a

1 fishing gear loss prevention and derelict fishing gear recovery  
2 program. The recommended funding sources may include the  
3 adoption of fees, and the imposition of penalties on persons having  
4 significant and chronic gear loss and those not reporting lost gear  
5 pursuant to subdivision (e), to assist in defraying the cost of the  
6 program.

7 (d) The department, on or before January 1, 2010, shall include  
8 the following information on all fishing licenses and in all  
9 appropriate official brochures:

10 (1) A toll-free telephone number for the purpose of reporting  
11 derelict fishing gear.

12 (2) The address for an Internet Web site that maintains a  
13 reporting system for derelict fishing gear.

14 (e) On and after July 1, 2011, a person who loses commercial  
15 fishing gear, and a commercial passenger fishing vessel operator  
16 on which vessel five or more passengers have lost fishing gear at  
17 the same location, within the waters of the state and offshore shall  
18 report, in the manner that the department shall prescribe ~~by~~  
19 ~~regulation, the location, including latitude and longitude, and type,~~  
20 *the location at which the fishing gear was lost, including latitude*  
21 *and longitude, the name and fishing identification number of the*  
22 *person owning the fishing gear and of the person fishing with the*  
23 *gear if different than the owner, and the type of lost fishing gear*  
24 *within 48 hours of losing the fishing gear and returning to port.*

25 (f) On or before July 1, 2011, the department shall establish and  
26 maintain, or support, a database of known derelict fishing gear,  
27 including the location and type of derelict fishing gear. The  
28 department shall identify on its Internet Web site areas in which  
29 large amounts of derelict fishing gear have been abandoned.

30 (g) On or before January 1, 2012, and annually thereafter, the  
31 department shall prioritize the derelict fishing gear that has been  
32 reported and identified for removal and disposal, to achieve the  
33 target reductions for derelict fishing gear removal and disposal  
34 established by the Ocean Protection Council pursuant to Section  
35 35615 of the Public Resources Code. If, on or before January 1,  
36 2010, the Ocean Protection Council has not established those  
37 targets, the department shall establish target reductions for the  
38 removal and disposal of derelict fishing gear.

39 (h) On and after July 1, 2011, all traps and trawl nets deployed  
40 in waters of the state shall be tagged or coded *in the manner that*

1 *the department shall prescribe with the fisherman's identification*  
2 *owner's fishing identification number to aid in the identification*  
3 *of the source of derelict fishing gear.*

4 (i) If the department does not have sufficient personnel available  
5 to carry out *any of the provisions of* this section, the department  
6 shall contract with appropriate parties for those services if funds  
7 are available for that purpose.

8 SEC. 3. No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution because  
10 the only costs that may be incurred by a local agency or school  
11 district will be incurred because this act creates a new crime or  
12 infraction, eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section 17556 of  
14 the Government Code, or changes the definition of a crime within  
15 the meaning of Section 6 of Article XIII B of the California  
16 Constitution.