

## STAFF SUMMARY FOR DECEMBER 14-15, 2022

**25A. ADMINISTRATIVE ITEMS – LEGISLATION****Today's Item****Information** ☒**Action** ☐

Receive updates on legislative activity and letters of support. Consider providing direction to staff on potential actions.

**Summary of Previous/Future Actions**

- Directed staff to update and resend a letter regarding federal drift gill net actions to the U.S. Congress

Oct 12-13, 2022; Kings Beach

**Background**

During the 2021-22 state legislative session, FGC staff provided updates on legislation that may affect FGC's resources and workload, or may be of interest to commissioners; DFW also provided regular reports on active bills it was tracking. At its Oct 21-22, 2022 meeting, FGC received a final report on legislative activities for the session, including the governor's actions on relevant bills.

The legislature convened for the 2023-24 session on Dec 5, 2022, when new members were sworn in and a special session was held at the request of Governor Newsom regarding gas prices. The legislature adjourned and will reconvene on Jan 4, 2023. Calendar highlights include:

- Jan 1: Most statutes take effect unless identified as urgent
- Jan 10: Budget must be submitted by Governor Newsom
- Jan 20: Last day to submit bill requests to the Office of Legislative Counsel
- Feb 17: Last day for new bills to be introduced
- Mar 30: Spring recess begins upon adjournment of the day's session
- Apr 10: Legislature reconvenes

At any meeting, FGC may direct staff to provide information to, or share concerns with, bill authors. Today, FGC may provide further direction to staff concerning potential legislation.

***Letters of Support for Concepts in Legislation***

At its Oct 12-13, 2022 meeting, FGC directed staff to locate, update and resend a letter previously sent by FGC to support efforts at harmonizing California and federal drift gill net actions. The previous letter was sent in November 2018 to then-Chairman John Thune and then-Ranking Member Bill Nelson of the U.S. Senate Committee on Commerce, Science and Transportation, expressing support for the Driftnet Modernization and Bycatch Reduction Act. Staff worked with Commissioner Sklar and President Murray to update the letter, reflecting support for phasing out large-mesh drift gill nets offshore California, testing and implementing alternative gear that reduces bycatch of non-target species, and allocating federal funds to provide drift gillnet fishermen with additional resources to transition to more sustainable and selective gear (Exhibit 1).

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**Significant Public Comments (N/A)**

**Recommendation (N/A)**

**Exhibits**

1. [Letter to Nancy Pelosi, Speaker of the House, Steny Hoyer, Majority Leader, and Kevin McCarthy, House Republican Leader, U.S. House of Representatives, dated Nov 3, 2022](#)

**Motion (N/A)**

**Commissioners**  
**Samantha Murray**, President  
La Jolla  
**Erika Zavaleta**, Vice President  
Santa Cruz  
**Jacque Hostler-Carmesin**, Member  
McKinleyville  
**Eric Sklar**, Member  
Saint Helena  
**Anthony Williams**, Member  
Huntington Beach

STATE OF CALIFORNIA  
Gavin Newsom, Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

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November 3, 2022

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
H-232, U.S. Capitol  
Washington, DC 20515

The Honorable Steny Hoyer  
Majority Leader  
U.S. House of Representatives  
H-107, U.S. Capitol  
Washington, DC 20515

The Honorable Kevin McCarthy  
House Republican Leader  
U.S. House of Representatives  
H-204, U.S. Capitol  
Washington, DC 20515

### **Re: Support for federal legislation to phase out drift gill nets**

Dear Madam Speaker, Majority Leader Hoyer, and Republican Leader McCarthy:

On behalf of the California Fish and Game Commission (Commission), I write to express our support for legislation that phases out the use of large-mesh drift gill nets offshore California. In 2018, the Commission wrote a similar letter after Governor Jerry Brown signed complementary state legislation establishing a voluntary transition program to phase out drift gillnet gear and state-issued permits in California waters (Senate Bill 1017; Chapter 844, Statutes of 2018). Today, the Commission again supports federal efforts to harmonize California and federal drift gill net actions.

The drift gillnet fishery is managed at the federal level by the Pacific Fishery Management Council (PFMC) through regulations implemented by the National Marine Fisheries Service. Historically, a state-issued drift gillnet shark and swordfish permit has also been required to participate in the fishery and to land in California swordfish caught with drift gill nets. However, the Commission recently became aware that *a state-issued permit is not required for commercial take in federal waters with a valid federal drift gillnet permit*; fish caught with gill nets under a federal permit can also be landed in California. As a result, the California gear transition program will not eliminate the gear offshore California as intended.

In recent years, PFMC has been actively engaged in evaluating alternative gear, including deep-set buoy gear, which could help open additional access for California fishermen to fish with minimal bycatch and encourage gear transition. This year, the Commission also approved

The Honorable Nancy Pelosi,  
Honorable Steny Hoyer, and  
Honorable Kevin McCarthy  
November 3, 2022  
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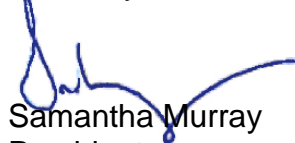
an experimental fishing permit to expand testing of deep-set buoy gear in state waters. The Commission supports further efforts to test and implement alternative gear that reduces bycatch of non-target species, including threatened and endangered sea turtles.

Sustainable coastal fishing communities are a priority for the Commission and to Californians. In support of healthy fishing communities and diverse marine ecosystems offshore California, the Commission supports a transition from large-scale, commercial drift gillnet fishing to deep-set buoy and other alternative gear with minimal bycatch in a manner that also supports sustained fishery participation and economic stability.

For these reasons, we support federal legislation that will phase out drift gill nets, consistent with California state legislation. Further, we support the allocation of federal grant money to provide drift gillnet fishermen with additional resources to transition to more sustainable and selective gear. The Commission requests that the U.S. House of Representatives advance these two goals by supporting and passing relevant legislation.

Thank you for your continued work on this important issue.

Sincerely,



Samantha Murray  
President

cc: The Honorable Dianne Feinstein, Member, U.S. Senate  
The Honorable Alex Padilla, Member, U.S. Senate  
The Honorable James P. McGovern, Chairman, Committee on Rules, U.S. House of Representatives  
The Honorable Raúl M. Grijalva, Chair, Committee on Natural Resources, U.S. House of Representatives  
The Honorable Ted Lieu, Member, U.S. House of Representatives  
Wade Crowfoot, Secretary, California Natural Resources Agency  
Charlton Bonham, Director, California Department of Fish and Wildlife