

September 1, 2010

Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

Re: SB 21 – Marine Debris/Derelict (Abandoned) Fishing Gear

Dear Governor Schwarzenegger:

I respectfully request your signature on Senate Bill 21, which will begin to diminish the public dangers and economic impacts of derelict fishing gear.

On February 8, 2007, the Ocean Protection Council (OPC) unanimously adopted a resolution calling for removal of derelict fishing gear. According to the July 24, 2008, draft Implementation Strategy for that resolution, “derelict fishing gear has a disproportionately large impact on the marine environment” and “can entangle divers and swimmers and foul boat propellers, rudders, anchors, and drive shafts.”

In response to the OPC resolution and Implementation Strategy, SB 21:

- Requires DFG to include a toll-free telephone number and Internet website on commercial fishing licenses and brochures by 2010 – so that people will know where to report abandoned fishing gear.
- Authorizes the OPC to work with the Dungeness Crab Task Force to develop recommendations to identify the source of derelict fishing gear.
- Authorizes the OPC to develop procedures to allow fishermen to keep derelict gear on board that is recovered during normal fishing operations – rather than throw the gear back into the ocean.

Two years ago you vetoed my SB 899, which was a more comprehensive bill that would have required reporting of derelict gear, set up a database of derelict gear locations, directed the OPC to prioritize derelict fishing gear for removal, and required all traps and trawl nets to be tagged or coded. In your veto message, you encouraged me to develop a program that “does not rely exclusively on government funds and employees for this effort.” I have worked with a wide variety of stakeholders to accomplish this goal and, I believe, have been successful in identifying and targeting voluntary, non-governmental sources and mechanisms to remove derelict fishing gear.

In spite of the West Coast Governor’s Agreement on Ocean Health, California still bears the unfortunate distinction of being the only west coast state that does not have a comprehensive derelict gear recovery effort, enable abandoned gear reporting, nor allow fishermen to bring derelict gear on board once recovered. This bill would help us catch up with Oregon and Washington in cleaning up our shared ocean resource.

In July, the Department of Fish and Game (DFG) wrote in opposition expressing concerns with SB 21. They wrote, “Creating expectations that DFG will do more to address derelict fishing in the absence of dedicated resources for this purpose is unfair to DFG and our stakeholders.” To address the Department’s concerns, we subsequently took amendments to narrow the scope of the bill to focus on *commercial* fishing licenses rather than all fishing licenses.

I am hopeful these amendments will resolve DFG’s concerns and allow them to focus their resources on the most dangerous and numerically abundant derelict gear. Furthermore, I feel the information collected will provide a preliminary dataset that indicates where abandoned gear “hotspots” occur, which could, ultimately, enable California to develop a systematic solution to the problem of marine debris.

Senate Bill 21 is supported by several environmental organizations and I respectfully request your signature on this bill.

Sincerely,

S. Joseph Simitian
State Senator, Eleventh District

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cc: Chris Mowrer, Deputy Secretary of Legislation, Resources Agency
Michael Prosio, Legislative Affairs Secretary, Governor's Office
John Moffatt, Deputy Legislative Secretary, Governor's Office
Julie Oltman, Legislative Director, Department of Fish and Game