

## STAFF SUMMARY FOR FEBRUARY 8-9, 2023

**30A. 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 (N/A)****Background*****State Legislation***

Commission staff has identified state legislation that may affect the Commission's resources and workload, or may be of interest to commissioners, and provides bill status during this legislative session as of January 30, 2023. The department has provided a report on active bills it is tracking during the legislative session (Exhibit 1), noting that the deadline for introducing bills in the new session is still two weeks away.

At any meeting, the Commission may direct staff to provide information to, or share concerns with, bill authors. Today is an opportunity for the Commission to provide direction to staff concerning proposed legislation.

The legislature reconvened for the first half of the 2023-2024 session on January 4, 2023. Calendar highlights include:

- February 17: Last day for new bills to be introduced
- February 20: President's Day (holiday)
- March 30: Spring recess begins upon adjournment of the day's session
- March 31: César Chávez Day (holiday)
- April 10: Legislature reconvenes
- April 28: Last day for policy committees to hear and report to fiscal committees those fiscal bills introduced in their house

***Bills introduced during the 2023-2024 Session***

Staff has identified one senate (SB) and two assembly bills (AB) that may affect the Commission's workload or are of potential interest to the Commission:

- SB 69 (Cortese) – CEQA: Judicial and administrative proceedings. Would require public agencies to provide a notice of determination (or notice of exemption) and any subsequent amended notice regarding a project subject to the California Environmental Quality Act in response to a written request for the notice, regardless of delivery method. The bill would also toll applicable limitation periods to specified actions or proceedings to challenge acts or decisions by a public agency until the date on which the agency provides the notice and subsequent amendments in response to a written request. Public agencies would also be required to submit pertinent notices to the State

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Clearinghouse within five days of their action on a project. This bill is not currently being tracked by the Department.

- AB 64 (Mathis) – Fish and wildlife: beaver. Would state the intent of the legislature to enact subsequent legislation that would improve beaver management and conservation across the state, and would make related findings and declarations.
- AB 293 (Alanis) – Lifetime hunting and sport fishing licenses: Gold Star Family members. Would require, upon application to the Department, lifetime hunting licenses and lifetime sport fishing licenses to be issued at no cost to Gold Star Family members who meet certain eligibility requirements.

The most current version of individual bills, their history and their status, may be found at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov).

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

The Commission has authorized staff to work with President Murray to write letters identifying goals and concepts that the Commission endorses, in support of specific bills intended to achieve those particular goals.

#### ***Drift Gill Nets***

At its October 12-13, 2022 meeting, FGC directed staff to locate, update and resend a letter previously sent by the Commission to support efforts at harmonizing California and federal drift gill net actions. The updated letter was sent on November 3, 2022 to then-House Speaker Nancy Pelosi, then-House Majority Leader Steny Hoyer, and House Republican Leader Kevin McCarthy, expressing support for the concepts enveloped in the Driftnet Modernization and Bycatch Reduction Act (Exhibit 2).

The letter reflects Commission support for phasing out large-mesh drift gill nets offshore of 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. The bill was passed by Congress on December 23, 2022 as part of the omnibus federal spending package, and was signed into law by President Joe Biden on December 29, 2022. A press release from Oceana regarding the bill's passage is provided for background and more detailed information on the legislation (Exhibit 3).

### ***Other Agency Regulations***

On January 19, 2023, the Commission sent a letter to Chairperson Paul Ryall and members of the International Pacific Halibut Commission expressing support for a proposal submitted by the Makah Tribe to establish a Regulatory Area 2A annual fixed total constant exploitation yield allocation of 1.65 million pounds for Pacific halibut (Exhibit 4). The letter articulates the importance of the fishery to fishing communities on California's north coast, provides background on the resilience of the fishery off of California's coast, and states support for the Makah tribe proposal as a mechanism to ensure that the Regulatory Area 2A Catch Sharing Plan can continue to operate as designed, avoiding significant disruptions to the fishery sectors dependent on the Pacific halibut resource.

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

**Recommendation (N/A)**

**Exhibits**

1. [CDFW Legislative Report, dated January 30, 2023](#)
2. [Letter to Nancy Pelosi, then-Speaker of the House, Steny Hoyer, then-Majority Leader, and Kevin McCarthy, House Republican Leader, U.S. House of Representatives, dated November 3, 2022](#)
3. [Press release from Oceana, noting passage of the Driftnet Modernization and Bycatch Reduction Act, dated December 23, 2022](#)
4. [Letter to Paul Ryall, Chairperson, International Pacific Halibut Commission, in support of a regulatory proposal by the Makah Tribe to establish a Regulatory Area 2A annual fixed total constant exploitation yield allocation of 1.65 million pounds for Pacific halibut, dated January 19, 2023](#)

**Motion (N/A)**



# Department of Fish & Wildlife Legislative Report

February 2023  
(as of January 30, 2023)

## [AB 3](#)

### [\(Zbur D\)](#) Offshore wind energy.

**Introduced:** 12/5/2022

**Status:** 12/6/2022-From printer. May be heard in committee January 5.

**Location:** 12/5/2022-A. PRINT

**Summary:** Would state the intent of the Legislature to enact future legislation to accelerate the approval, implementation, and operation of offshore wind energy projects necessary to meet California's climate action goals and the transition to a clean energy economy, clarify the authority of California governmental agencies related to the analysis and selection of feasible alternatives for seawater ports and transmission infrastructure improvements required to construct wind energy projects along the California coast, and specify criteria for the analysis and selection of port and transmission alternatives related to offshore wind energy projects to ensure the protection of the environment and sensitive habitats and robust community participation and comment, to keep the maximum number of jobs related to the construction of offshore wind energy projects in California, and to achieve environmental justice goals.

## [AB 38](#)

### [\(Lee D\)](#) Light pollution control.

**Introduced:** 12/5/2022

**Status:** 1/26/2023-Referred to Com. on B. & P.

**Location:** 1/26/2023-A. B.&P.

**Summary:** The Warren-Alquist State Energy Resources Conservation and Development Act requires the State Energy Resources Conservation and Development Commission to adopt, among other regulations, lighting and other building design and construction standards that increase efficiency in the use of energy for new residential and nonresidential buildings to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, including energy associated with the use of water, and to manage energy loads to help maintain electrical grid reliability. Current law also requires the commission to adopt standards for minimum levels of operating efficiency and other cost-effective measures to promote the use of certain energy- and water-efficient appliances. This bill would require, with certain exceptions, a state agency, as defined, to ensure that an outdoor lighting fixture that is installed or replaced on or after January 1, 2024, on a structure or land that is owned, leased, or managed by the state agency is shielded, as defined, and meets additional specified criteria.

## [AB 64](#)

### [\(Mathis R\)](#) Fish and wildlife: beaver.

**Introduced:** 12/6/2022

**Status:** 1/4/2023-Read first time.

**Location:** 12/6/2022-A. PRINT

**Summary:** Current law defines the beaver as a furbearing mammal. Existing law provides various programs related to habitat protection and wildlife conservation. This bill would state the intent of the Legislature to enact subsequent legislation that would improve beaver management and conservation across the state. The bill would make related findings and declarations.

### **AB 293**

**(Alanis R) Lifetime hunting and sport fishing licenses: Gold Star Family members.**

**Introduced:** 1/25/2023

**Status:** 1/26/2023-From printer. May be heard in committee February 25.

**Location:** 1/25/2023-A. PRINT

**Summary:** Current law requires the Department of Fish and Wildlife to issue lifetime hunting licenses and lifetime sport fishing licenses, and grants certain lifetime privileges to holders of those licenses, upon the one-time payment of specified fees. This bill would require, upon application to the department, lifetime hunting licenses and lifetime sport fishing licenses to be issued at no cost to Gold Star Family members who meet certain eligibility requirements.

### **AB 305**

**(Villapudua D) California Flood Protection Bond Act of 2024.**

**Introduced:** 1/26/2023

**Status:** 1/27/2023-From printer. May be heard in committee February 26.

**Location:** 1/26/2023-A. PRINT

**Summary:** Under current law, various general obligation bond acts have been approved by the voters to provide funds for water projects, facilities, and programs. This bill would express the intent of the Legislature to enact subsequent legislation for a flood protection general obligation bond act, in an unspecified amount, that would be known as the California Flood Protection Bond Act of 2024, and would be submitted to the voters at the next general election.

### **SB 23**

**(Caballero D) Water supply and flood risk reduction projects: expedited permitting.**

**Introduced:** 12/5/2022

**Status:** 1/18/2023-Referred to Com. on RLS.

**Location:** 12/5/2022-S. RLS.

**Summary:** The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the state, including, among other things, overseeing the issuance and enforcement of public water system permits, as provided. Current law authorizes specified works of improvement for the control, conservation, and utilization of destructive flood waters and the reclamation and protection of lands that are susceptible to overflow by flood waters. This bill would express the intent of the Legislature to enact subsequent legislation to expedite the regulatory permitting process for water supply and flood risk reduction projects, as provided.

### **SB 79**

**(Nguyen R) Coastal resources: preservation.**

**Introduced:** 1/12/2023

**Status:** 1/25/2023-Referred to Com. on RLS.

**Location:** 1/12/2023-S. RLS.

**Summary:** The California Coastal Act of 1976 finds and declares that the basic goals of the

state for the coastal zone are to, among other things, protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. This bill would provide that it is the intent of the Legislature to enact subsequent legislation that would establish policy addressing coastal preservation.

### **SB 239**

**(Dahle R) California Environmental Quality Act: housing development projects: judicial proceedings.**

**Introduced:** 1/24/2023

**Status:** 1/25/2023-From printer. May be acted upon on or after February 24.

**Location:** 1/24/2023-S. RLS.

**Summary:** The California Environmental Quality Act (CEQA) requires a court, in an action or proceeding brought challenging any determination, finding, or decision of a public agency on the grounds of noncompliance with CEQA and a finding by the court of such noncompliance, to enter an order that includes one or more of specified mandates, one of which may be a mandate to suspend any or all specific project activity or activities, as provided. CEQA provides that, except as otherwise specified, it is not intended to limit the equitable powers of the courts. This bill would limit the standing to file and maintain the above action or proceeding to the Attorney General. The bill would authorize the court, upon its own motion or of a party, to conduct a hearing to determine if the Attorney General is bringing and maintaining an action or proceeding for nonenvironmental purposes, as defined. If the court determines that the action is brought or maintained for nonenvironmental purposes, the bill would authorize the court to take necessary actions, including the dismissal of the action or proceeding, award of attorneys' fees, or both dismissal and award.

For more information call:

Clark Blanchard, CDFW Deputy Director at (916) 591-0140

Julie Oltmann, CDFW Legislative Representative at (916) 799-8804

You can also find legislative information on the web at <http://leginfo.legislature.ca.gov/> and follow the prompts from the 'bill information' link.

**Commissioners**  
**Samantha Murray**, President  
La Jolla  
**Erika Zavaleta**, Vice President  
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**Jacque Hostler-Carmesin**, Member  
McKinleyville  
**Eric Sklar**, Member  
Saint Helena  
**Anthony Williams**, Member  
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## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

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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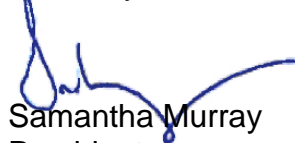
an experimental fishing permit to expand testing of deep-set buoy gear in state waters. The Commission supports further efforts to test and implement alternative gear that reduces bycatch of non-target species, including threatened and endangered sea turtles.

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



**FOR IMMEDIATE RELEASE:** December 23, 2022

Contacts: Tara Brock 248.670.8033, [tbrock@oceana.org](mailto:tbrock@oceana.org)  
Susan Murray 907.321.8318, [smurray@oceana.org](mailto:smurray@oceana.org)  
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**Congress Passes Legislation to Prohibit Destructive Swordfish Drift Gillnets in all U.S. Waters**  
*Oceana Celebrates Long Overdue Protections for Whales, Sea Turtles*

**Washington, DC** — Today, Congress passed the bipartisan [Driftnet Modernization and Bycatch Reduction Act](#) to phase out the use of deadly large-mesh drift gillnets for swordfish fishing in federal waters (3 to 200 miles from shore) and promote the adoption of more selective ways of fishing as part of the [omnibus federal spending package](#). Oceana hails the legislation as long overdue protections for whales, dolphins, and sea turtles and commends Congressional leaders for protecting our ocean wildlife.

“Whales, sea turtles, and other animals will soon enjoy safer passage off our shores, and consumers will have confidence knowing that the swordfish they purchase does not come with deadly consequences,” said Susan Murray, Deputy Vice President for Oceana. “Large-mesh drift gillnets are essentially ‘Walls of Death’ that needlessly entangle, injure, and kill countless animals and there’s no place for them in our oceans, especially with proven and effective ways to catch swordfish without harming other marine life. We applaud the leadership of Senators Dianne Feinstein (D-CA) and Shelley Moore-Capito (R-WV), and House sponsors Rep. Ted Lieu (D-CA) and Brian Fitzpatrick (R-PA), for their vision and diligent work to bring this across the finish line. This is a great example of how we can find practical solutions that create a more sustainable ocean future.”

[Large-mesh drift gillnets](#) are mile-long, nearly invisible nets set overnight to capture swordfish. Currently only in use off the coast of California, these nets entangle, injure, and kill thousands of other ocean animals each year including whales, dolphins, sea lions, endangered sea turtles, sharks, and other important fish species. More dolphins are harmed in the swordfish drift gillnet fishery than in all other U.S. West Coast and Alaska fisheries combined. Federal waters off California and Oregon are the last place in the United States where large-mesh drift gillnets are allowed to catch swordfish, and large-scale drift gillnets are prohibited internationally on the high seas and in many other countries.

Based on data from fishery observers, in the 2021-22 season, the swordfish drift gillnet fleet discarded 45% of the total catch as non-targeted species that were thrown overboard, the majority already dead or dying. The fishery caught one marine mammal for every three swordfish landed, discarded more than eight non-targeted fish for every swordfish landed, and killed one common dolphin for every four swordfish. Even with only a handful of boats fishing and low

observer coverage (23%), there were two observed deaths of endangered humpback whales in the year 2021 alone.

In that same fishing season, deep-set buoy gear—a method of catching swordfish where a single line with baited hooks is connected to a floating buoy—caught four times more swordfish without harming marine mammals or other protected species.

“Fishing with deep-set buoy gear is a proven way to catch swordfish without harming other animals and leads to higher quality swordfish that bring better prices for fishermen,” said Geoff Shester, Oceana’s California campaign director and senior scientist. “Deep-set buoy gear is the future of swordfish fishing here in California and a win-win for fishermen and the oceans.”

The state of California [successfully completed](#) a multi-year program to compensate swordfish drift gillnet fishermen for turning in their state drift gillnet permits and nets (which are destroyed and recycled into other products) and to incentivize the use of more selective gear to catch swordfish. As a result, roughly 50 miles of large-mesh drift gillnets have now been removed permanently from the ocean for recycling. The remaining federal permits will be phased out over the next five years.

[According to data](#) from the National Oceanic and Atmospheric Administration, Oceana estimates that transitioning the California swordfish fishery from drift gillnets to more sustainable methods of fishing will save at least 27 whales, 548 dolphins, 333 seals and sea lions, 24 sea turtles, and 70 seabirds over ten years.

For more information about Oceana’s campaign to protect whales, sea turtles, and other ocean animals by transitioning away from deadly large-mesh drift gillnets, please visit [www.oceana.org/StopTheNets](http://www.oceana.org/StopTheNets).

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*Oceana is the largest international advocacy organization dedicated solely to ocean conservation. Oceana is rebuilding abundant and biodiverse oceans by winning science-based policies in countries that control one-third of the world’s wild fish catch. With more than 225 victories that stop overfishing, habitat destruction, pollution, and the killing of threatened species like turtles and sharks, Oceana’s campaigns are delivering results. A restored ocean means that 1 billion people can enjoy a healthy seafood meal, every day, forever. Together, we can save the oceans and help feed the world. Visit [USA.Oceana.org](http://USA.Oceana.org) to learn more.*

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## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

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January 19, 2023

Paul Ryall, Chairperson  
International Pacific Halibut Commission  
2320 West Commodore Way  
Salmon Bay, Suite 300  
Seattle, WA 98199-1287

### **RE: Regulatory Proposal IPHC-2023-AM099-PropC2**

Dear Chairperson Ryall and members of IPHC:

I am writing today on behalf of the California Fish and Game Commission, which supports the subject regulatory proposal submitted by the Makah Tribe to establish a Regulatory Area 2A annual fixed total constant exploitation yield allocation of 1.65 million pounds for Pacific halibut. The proposal is an extension of the previously adopted Makah Tribe request in 2019 (IPHC-2019-AM095-PropC1) which has provided stability to fishery operations while avoiding a conservation risk to the stock.

The California coastline plays a unique part in Pacific halibut management as it is located at the southern extent of the population range with what has been an historically minor contribution to harvest levels when compared to other management areas. While relatively small in volume, this fishery is essential to fishing communities on California's rugged north coast, especially when taking into consideration increasingly limited fishing opportunities for salmon and groundfish.

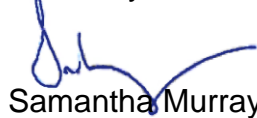
Beginning in 2020, and continuing in the 2021 and 2022 seasons, high catch events have occurred in the California recreational Pacific halibut fishery mid-season. The events were monitored dockside by California Department of Fish and Wildlife staff, reaching at one point over 250 fish tallied in a single week. In every year prior to 2020, an average of 250 fish would be sampled over an entire six-month recreational season. Additionally, the California recreational fishery required a mid-season closure in seven of the last eight seasons due to projected quota attainment. These events demonstrate that California's recreational fishery continues to show greater capacity and growth than previously assumed despite being geographically located at the southern edge of the known population range.

The Regulatory Area 2A Catch Sharing Plan currently allocates four percent of the non-tribal allocation to the California recreational fishery. Under a total constant exploitation yield of 1.65

million net pounds, the California allocation equates to approximately 39,000 net pounds annually for the recreational fishery. The California Fish and Game Commission supports the Makah Tribe proposal as a mechanism to ensure that the Regulatory Area 2A Catch Sharing Plan can continue to operate as designed, avoiding significant disruptions to the fishery sectors dependent on the Pacific halibut resource.

Thank you for considering our input on the regulatory proposal. If you have any questions, please contact Executive Director Melissa Miller-Henson or Marine Advisor Susan Ashcraft at [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) or (916) 653-4899.

Sincerely,



Samantha Murray, President

cc: Craig Shuman, Regional Manager, Marine Region, California Department of Fish and Wildlife  
Marci Yaremko, Environmental Program Manager, Marine Region, California Department of Fish and Wildlife  
Susan Ashcraft, Marine Advisor, California Fish and Game Commission  
David T. Wilson, Executive Director, International Pacific Halibut Commission  
Merrick Burden, Executive Director, Pacific Fishery Management Council  
Scott Rumsey, Acting Regional Administrator, West Coast Regional Office, National Marine Fisheries Service