

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2615**

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**Introduced by Assembly Member Chesbro**

February 19, 2010

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An act to amend Section 35550 of, and to add Section 35618 to, the Public Resources Code, relating to ocean resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2615, as amended, Chesbro. Ocean resources: fishing.

The California Ocean Protection Act establishes the Ocean Protection Council in state government and provides that the council consists of the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, the Chair of the State Lands Commission, and 2 public members appointed by the Governor. The act requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems and to establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies. The act requires the council to develop and implement a voluntary sustainable seafood promotion program. The act also creates the California Ocean Protection Council Trust Fund in the State Treasury and authorizes moneys deposited in the fund, upon appropriation by the Legislature, to be expended by the council for projects and activities authorized by the council consistent with the purposes of the act.

~~This bill, from January 1, 2011, to December 31, 2015, inclusive, would give~~ *would declare certain policy goals of the state and require the council to implement these goals to the extent they are feasible and consistent with other policy goals of the state for marine conservation*

and fisheries management. The bill would express the intent of the Legislature that the council give prescribed projects and activities relating to commercial and recreational fishing the highest priority for assistance from the council. The bill would define the term “small boat” for purposes of the act.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) The oceans off the California coast provide its people with  
4 a wealth of ecological resources as well as the business activity,  
5 employment, recreation, and enjoyment generated by the harvest  
6 and consumption of fish and shellfish resources.

7 (2) This state is a producer and major consumer of fish and  
8 seafood resources.

9 (3) State fisheries have been at the forefront of efforts to protect  
10 and restore fish stocks and engage in sustainable fishing practices,  
11 and state fish stocks are some of the least exploited fish and  
12 shellfish stocks anywhere in the world.

13 (4) Access to many of the state’s fish stocks for sustainable  
14 harvest may become further restricted by the following:

15 (A) The lack of development of innovative, new, or modified  
16 fishing gear that reduces the amount of bycatch or facilitates the  
17 safe release of nontarget species in commercial and recreational  
18 fisheries, reduces impacts on marine habitat, or fosters high-value,  
19 low-volume commercial fisheries.

20 (B) Federal fishery management plans that consolidate the  
21 number of fishing vessels or reduce the number of fishing men  
22 and women in some fisheries, thereby denying fishing communities  
23 the ability to catch, land, and process fish in local ports.

24 (b) The Legislature further finds and declares that, *in addition*  
25 *to and consistent with the policy goals specified in Part 1.7*  
26 *(commencing with Section 7050) of Division 6 of the Fish and*  
27 *Game Code, and Chapter 1 (commencing with Section 35500) of*  
28 *Division 26.5 of the Public Resources Code, the following is shall*  
29 *be the policy goals of this state:*

1 (1) To maintain optimal fish and shellfish populations that  
2 support the sustainable harvest of the state’s fish and shellfish  
3 resources and provide consumers access to safe and healthful  
4 locally caught seafood.

5 (2) To promote the development of fishing gear in commercial  
6 and recreational fisheries that reduces bycatch and harmful impacts  
7 on the marine ecosystem through utilization of barbless hooks,  
8 where feasible, promote small boat trawl and seine fishing  
9 operations that operate with lighter fishing nets, minimize loss of  
10 fishing gear, and promote retrieval of lost gear.

11 (3) To protect the access of California’s fishing ports and harbors  
12 to fish and shellfish stocks adjacent to those fishing ports and  
13 harbors for sustainable harvest by their local fishing fleets, together  
14 with the processing of fish and shellfish stocks landed into those  
15 ports and harbors. ~~This policy applies to state-appointed~~  
16 ~~representatives on federal panels. It is the intent of the Legislature~~  
17 ~~that state-appointed representatives to federal panels seek to~~  
18 ~~promote these policy goals.~~

19 (4) To protect the access to fisheries of fishing men and women  
20 who traditionally have engaged in those fisheries, maximize  
21 employment opportunities within the fisheries, and promote small  
22 boat commercial fishing operations ~~in high-value,~~  
23 ~~low-volume fisheries. This policy shall be implemented to the~~  
24 ~~extent feasible while recognizing reasonable biological constraints,~~  
25 ~~and promoting maintenance of optimal fish populations, sustainable~~  
26 ~~fish harvests, and the economic viability of fishing operations.~~  
27 ~~This policy applies to state-appointed representatives on federal~~  
28 ~~panels. It is the intent of the Legislature that state-appointed~~  
29 ~~representatives to federal panels seek to promote these policy~~  
30 ~~goals.~~

31 (c) *The council shall implement the policy goals in this section*  
32 *to the extent they are feasible and consistent with other policy*  
33 *goals of the state for marine conservation and fisheries*  
34 *management, including, but not limited to, promoting long-term*  
35 *sustainability of California fisheries, protecting the health of*  
36 *marine ecosystems, conserving biodiversity, and implementing*  
37 *adaptive management based on best available science.*

38 SEC. 2. Section 35550 of the Public Resources Code is  
39 amended to read:

1 35550. Unless the context requires otherwise, the following  
2 definitions govern this division:

3 (a) “Council” means the Ocean Protection Council established  
4 pursuant to Section 35600.

5 (b) “Fund” means the California Ocean Protection Trust Fund  
6 established pursuant to Section 35650.

7 (c) “Internationally accepted standards for sustainable seafood”  
8 means standards that meet all of the following criteria:

9 (1) Meet or exceed the Guidelines for the Ecolabeling of Fish  
10 and Fishery Products from Marine Capture Fisheries promulgated  
11 by the Food and Agriculture Organization of the United Nations  
12 (FAO).

13 (2) Conform to all of the following principles:

14 (A) A fishery must be conducted in a manner that does not lead  
15 to overfishing or depletion of the exploited populations and, for  
16 those populations that are depleted, the fishery must be conducted  
17 in a manner that demonstrably leads to their recovery.

18 (B) Fishing operations should allow for the maintenance of the  
19 structure, productivity, function, and diversity of the ecosystem,  
20 including habitat and associated dependent and ecologically related  
21 species on which the fishery depends.

22 (C) The fishery is subject to an effective management system  
23 that respects local, national, and international laws and standards  
24 and incorporates institutional and operational frameworks that  
25 require use of the resource to be responsible and sustainable.

26 (d) “Public agency” means a city, county, city and county,  
27 district, or the state or any agency or department of the state.

28 (e) “Small boat” means any commercial fishing vessel of 52  
29 feet or less in length.

30 (f) “Sustainable” and “sustainability” mean both of the  
31 following:

32 (1) Continuous replacement of resources, taking into account  
33 fluctuations in abundance and environmental variability.

34 (2) Securing the fullest possible range of present and long-term  
35 economic, social, and ecological benefits, while maintaining  
36 biological diversity.

37 SEC. 3. Section 35618 is added to the Public Resources Code,  
38 to read:

39 35618. (a) The council shall consult and coordinate with the  
40 Department of Fish and Game, the Fish and Game Commission,

1 and representatives of the commercial and recreational fishing  
2 fleets in establishing priorities, in addition to those listed in  
3 paragraphs (1) to (8), inclusive, of subdivision (b), for the  
4 development of programs and policies to improve the state's  
5 commercial and recreational fisheries. Tribal fishing representatives  
6 shall be invited to participate in consultations and shall be invited  
7 to coordinate if a tribal fishery may be affected.

8 ~~(b) Notwithstanding any other provision of this division, from~~  
9 ~~January 1, 2011, to December 31, 2015, inclusive, all of the~~  
10 ~~following projects and activities shall have the highest priority for~~  
11 ~~assistance from the council:~~

12 *(b) It is the intent of the Legislature that the council give priority*  
13 *assistance to all of the following:*

14 (1) The marketing and certification of California seafood  
15 pursuant to Section 35617, and promotion of seasonal, locally  
16 caught seafood.

17 (2) The establishment of fishery marketing commissions or  
18 councils, for either single species or multiple species, including  
19 the costs associated with the referendum vote for the approval of  
20 a commission or council, *for the purpose of obtaining independent*  
21 *certification for sustainable fisheries.*

22 (3) The establishment of community fishing associations  
23 pursuant to the limited access privilege program of the federal  
24 Magnuson-Stevens Fishery Conservation and Management Act  
25 (16 U.S.C. Sec. 1801 et seq.) where the sponsors of such an  
26 association are either a group of licensed commercial fishermen,  
27 including at least one licensed fish receiver, a governmental entity  
28 within a coastal community with a fishery or, in unincorporated  
29 coastal communities, a county governmental agency.

30 (4) The development of fishing gear that minimizes bycatch  
31 and harmful impacts on the marine environment, including  
32 approval for this use from the Fish and Game Commission.

33 (5) The development of hook-and-line fishing gear for  
34 commercial and recreational fisheries that can be operated without  
35 negatively affecting species of concern within the federal Rockfish  
36 Conservation Zone and other closed federal fishing zones.

37 (6) The implementation of programs to minimize the loss of  
38 fishing gear, including traps, and programs for the retrieval of lost  
39 fishing gear.

- 1 (7) The implementation of collaborative, cooperative research
- 2 programs involving licensed commercial and recreational fishing
- 3 men and women and their vessels for research, stock assessments,
- 4 and data collection related to marine protected areas established
- 5 pursuant to the Marine Life Protection Act (Chapter 10.5
- 6 (commencing with Section 2850) of Division 3 of the Fish and
- 7 Game Code).
- 8 (8) The implementation of recommendations developed pursuant
- 9 to subdivision (a).

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