

ASSEMBLY BILL

No. 2615

Introduced by Assembly Member Chesbro

February 19, 2010

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 introduced, 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 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 the following
25 is the policy of this state:
26 (1) To maintain optimal fish and shellfish populations that
27 support the sustainable harvest of the state's fish and shellfish
28 resources and provide consumers access to safe and healthful
29 locally caught seafood.
30 (2) To promote the development of fishing gear in commercial
31 and recreational fisheries that reduces bycatch and harmful impacts
32 on the marine ecosystem through utilization of barbless hooks,
33 where feasible, promote small boat trawl and seine fishing
34 operations that operate with lighter fishing nets, minimize loss of
35 fishing gear, and promote retrieval of lost gear.

1 (3) To protect the access of California’s fishing ports and harbors
2 to fish and shellfish stocks adjacent to those fishing ports and
3 harbors for sustainable harvest by their local fishing fleets, together
4 with the processing of fish and shellfish stocks landed into those
5 ports and harbors. This policy applies to state-appointed
6 representatives on federal panels.

7 (4) To protect the access to fisheries of fishing men and women
8 who traditionally have engaged in those fisheries, maximize
9 employment opportunities within the fisheries, and promote small
10 boat commercial fishing operations in high-value, low-volume
11 fisheries. This policy shall be implemented to the extent feasible
12 while recognizing reasonable biological constraints, and promoting
13 maintenance of optimal fish populations, sustainable fish harvests,
14 and the economic viability of fishing operations. This policy applies
15 to state-appointed representatives on federal panels.

16 SEC. 2. Section 35550 of the Public Resources Code is
17 amended to read:

18 35550. Unless the context requires otherwise, the following
19 definitions govern this division:

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

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

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

26 (1) Meet or exceed the Guidelines for the Ecolabeling of Fish
27 and Fishery Products from Marine Capture Fisheries promulgated
28 by the Food and Agriculture Organization of the United Nations
29 (FAO).

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

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

35 (B) Fishing operations should allow for the maintenance of the
36 structure, productivity, function, and diversity of the ecosystem,
37 including habitat and associated dependent and ecologically related
38 species on which the fishery depends.

39 (C) The fishery is subject to an effective management system
40 that respects local, national, and international laws and standards

1 and incorporates institutional and operational frameworks that
2 require use of the resource to be responsible and sustainable.

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

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

7 (e)

8 (f) “Sustainable” and “sustainability” mean both of the
9 following:

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

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

15 SEC. 3. Section 35618 is added to the Public Resources Code,
16 to read:

17 35618. (a) The council shall consult and coordinate with the
18 Department of Fish and Game, the Fish and Game Commission,
19 and representatives of the commercial and recreational fishing
20 fleets in establishing priorities, in addition to those listed in
21 paragraphs (1) to (8), inclusive, of subdivision (b), for the
22 development of programs and policies to improve the state’s
23 commercial and recreational fisheries. Tribal fishing representatives
24 shall be invited to participate in consultations and shall be invited
25 to coordinate if a tribal fishery may be affected.

26 (b) Notwithstanding any other provision of this division, from
27 January 1, 2011, to December 31, 2015, inclusive, all of the
28 following projects and activities shall have the highest priority for
29 assistance from the council:

30 (1) The marketing and certification of California seafood
31 pursuant to Section 35617, and promotion of seasonal, locally
32 caught seafood.

33 (2) The establishment of fishery marketing commissions or
34 councils, for either single species or multiple species, including
35 the costs associated with the referendum vote for the approval of
36 a commission or council.

37 (3) The establishment of community fishing associations
38 pursuant to the limited access privilege program of the federal
39 Magnuson-Stevens Fishery Conservation and Management Act
40 (16 U.S.C. Sec. 1801 et seq.) where the sponsors of such an

1 association are either a group of licensed commercial fishermen,
2 including at least one licensed fish receiver, a governmental entity
3 within a coastal community with a fishery or, in unincorporated
4 coastal communities, a county governmental agency.

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

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

12 (6) The implementation of programs to minimize the loss of
13 fishing gear, including traps, and programs for the retrieval of lost
14 fishing gear.

15 (7) The implementation of collaborative, cooperative research
16 programs involving licensed commercial and recreational fishing
17 men and women and their vessels for research, stock assessments,
18 and data collection related to marine protected areas established
19 pursuant to the Marine Life Protection Act (Chapter 10.5
20 (commencing with Section 2850) of Division 3 of the Fish and
21 Game Code).

22 (8) The implementation of recommendations developed pursuant
23 to subdivision (a).