



California Fishery Management Overview

Fisheries in California are managed by three principle “managers”: the federal government, the Fish and Game Commission (the Commission), and the California State Legislature (Legislature).

Federal Government

The Magnuson-Stevens Fishery Conservation and Management Act of 1976 gave authority to the Secretary of Commerce to manage fisheries in federal waters (from 3 to 200 miles off shore). The Act created regional councils, such as the Pacific Fishery Management Council (PFMC), to develop fishery management plans (FMPs) and recommend fishing regulations to states and the National Marine Fisheries Service (NMFS). PFMC receives technical advice from science advisory teams that are staffed by NMFS and state fishery agency biologists. PFMC makes recommendations to the National Oceanic and Atmospheric Administration (NOAA), which are then approved or rejected by the Department of Commerce.

Fish and Game Commission

In state waters (0-3 miles offshore), the Commission manages various fisheries through measures that include but are not limited to determining seasons, bag limits, and methods of take. In each case, the Commission holds regular open public meetings throughout the state to receive and consider individual and group input prior to adoption of new or changed regulations. Recommendations also come from the California Department of Fish and Game (DFG). Once the Commission votes to adopt a regulation, DFG is responsible for enforcing it. The Legislature can increase the Commission’s powers by delegating further regulatory and management authority. The Marine Life Management Act (MLMA) governs the way the majority of Commission fisheries are managed.

State Legislature

The California Legislature manages various fisheries within state waters, including Dungeness crab. Once the Legislature adopts a regulation and it is signed into law, Fish and Game Code or the Public Resources Code is amended to reflect any new management changes. As for Commission regulations, once a fishery regulation is created or amended, DFG is responsible for its enforcement. For information on how a bill becomes a law, see Attachment A.

Department of Fish and Game

DFG, as the fishery management agency, implements management plans, provides technical expertise, manages fishery regulations and coordinates the implementation of policy state-wide. DFG is responsible for providing recommendations to the Commission and carrying out research that informs these recommendations or other management decisions by the Legislature. DFG is also

responsible for enforcing the Fish and Game regulations mandated by the federal government, the Legislature, and the Commission.

Management jurisdictions are fishery-specific. The table below gives a general overview of the management jurisdiction of various California fisheries. In many cases, there is overlapping jurisdiction.

Fishery	Management Jurisdiction
Dungeness Crab	Commercial: Legislature Recreational: Commission
Groundfish	PFMC
Nearshore Finfish	Commission and PFMC
CA Halibut	Criteria for Gill and trammel nets: Legislature Issuance of gill and trammel nets: Commission
White Seabass	Commission
Pacific Salmon	Commission and PFMC
Coastal Pelagics	PFMC
CA Market Squid	Commission
CA Spiny Lobster	Commission
Rock Crab	Commission

Dungeness Crab

In 1996, the Magnuson-Stevens Fishery Conservation Act was amended to give authority to Washington, Oregon, and California to manage the commercial Dungeness crab fishery off their coasts. While the Oregon Department of Fish and Wildlife and the Washington Department of Fish and Wildlife are responsible for making regulatory changes to the Dungeness crab fishery in their respective states, in California, only the state legislature can currently change commercial fishery regulations.

Any changes to the current Dungeness crab management regime must be done by introducing a bill into the state legislature. After introduction, the bill goes through a process (as described in Attachment A) of hearings, reading, reviewing, and amending. If approved by the houses, the bill is given to the Governor for final approval. Once the Governor signs the bill, it becomes law and amends either Fish and Game Code or the Public Resources Code. Once the bill becomes law, the DFG is the body that enforces the new regulations.

The recreational Dungeness crab fishery is managed by the Commission. DFG and the public make recommendations to the Commission for the management of the fishery. During public meetings, the Commission either accepts, rejects, or modifies the recommendation. If the recommendation is accepted or modified, it is the responsibility of DFG to enforce and manage the new regulation.

Pacific States Marine Fisheries Commission

Pacific States Marine Fisheries Commission (PSMFC) promotes and supports policies to conserve and manage fisheries in California, Oregon, Washington, Idaho, and Alaska as well as promotes coast-wide consensus between state and federal authorities. PSMFC is

lead by 15 Commissioners from each of the 5 states. PSMFC has no management or regulatory authority.

PSFMC established the Tri-State Dungeness Crab Committee in 1996, which facilitates collective participation of California, Oregon, and Washington on mutual concerns about the Dungeness crab fishery. The committee is composed of members from each state representing industry, and the management agency. It allows the three states to assemble and agree to take mutually supportive actions with regards to Dungeness crab. To-date the Tri-State Dungeness Crab Process has facilitated the sampling of Dungeness crab for domoic acid, facilitated the adoption of standard procedures for pre-season crab condition testing, coordinated any subsequent season delays resulting from the testing results, and other management dialogue among the three states.

References

- Fish and Game Commission: <http://www.fgc.ca.gov/>
- Department of Fish and Game: <http://www.dfg.ca.gov/>
- Guide to California's Marine Life Management Act: <http://www.fgc.ca.gov/mlma/index.html>
- PFSMC: http://www.psmfc.org/Tri-State_Dungeness_Crab
- Official California Legislative Information: <http://www.leginfo.ca.gov/>
- Magnuson-Stevens Fishery Conservation and Management Act: <http://www.nmfs.noaa.gov/sfa/magact/>
- California Fisheries Atlas (June, 2008)- Environmental Defense Fund (*This document is not yet published*)

Attachment A: How a Bill Becomes Law

http://www.leginfo.ca.gov/guide.html#Appendix_A

Overview of Legislative Process

The process of government by which bills are considered and laws enacted by the California State Legislature is commonly referred to as the legislative process. The California State Legislature is made up of two houses: the Senate and the Assembly. There are 40 Senators and 80 Assembly Members representing the people of the State of California. The Legislature maintains a legislative calendar governing the introduction and processing of the legislative measures during its two-year regular session.

Idea

All legislation begins as an idea or concept. Ideas and concepts can come from a variety of sources. The process begins when a Senator or Assembly Member decides to author a bill.

The Author

A legislator sends the idea for the bill to the Office of the Legislative Counsel, where it is drafted into bill form. The draft of the bill is returned to the legislator for introduction. If the author is a Senator, the bill is introduced in the Senate. If the author is an Assembly Member, the bill is introduced in the Assembly.

First Reading/Introduction

A bill is introduced or read the first time when the bill number, the name of the author, and the descriptive title of the bill are read on the floor of the house. The bill is then sent to the Office of State Publishing. No bill except the Budget Bill may be acted upon until 30 days have passed from the date of its introduction.

Committee Hearings

After introduction, a bill goes to the rules committee of the house, where it is assigned to the appropriate policy committee for its first hearing. Bills are assigned to policy committees according to subject area. For example, a Senate bill dealing with health care facilities would first be assigned to the Senate Health and Human Services Committee for policy review [while a Senate bill dealing with Dungeness crab would first be assigned to the Joint Committee on Fisheries and Aquaculture]. Bills that require the expenditure of funds must also be heard in the fiscal committees, Senate Appropriations, and Assembly Appropriations. Each committee is made up of a specified number of Senators or Assembly Members.

During the committee hearing the author presents the bill to the committee, and testimony may be heard in support or opposition to the bill. The committee then votes on whether to pass the bill out of committee, or that it be passed as amended. Bills may be amended several times. It takes a majority vote of the committee membership for a bill to be passed and sent to the next committee or to the floor.

Each house maintains a schedule of legislative committee hearings. Prior to a bill's hearing, a bill analysis is prepared that explains the intended effect of the bill on current law, together with background information. Typically the analysis also lists organizations that support or oppose the bill.

Second and Third Reading

Bills passed by committees are read a second time on the floor in the house of origin and then assigned to third reading. Bill analyses are also prepared prior to third reading. When a bill is read the third time it is explained by the author, discussed by the Members, and voted on by a roll call vote. Bills that require an appropriation, or that take effect immediately, ordinarily require 27 votes in the Senate and 54 votes in the Assembly to be passed (two-thirds). Other bills generally require 21 votes in the Senate and 41 votes in the Assembly (majority). If a bill is defeated, the Member may seek reconsideration and another vote.

Repeat Process in Other House (Assembly or Senate)

Once the bill has been approved by the house of origin it proceeds to the other house where the procedure described above is repeated.

Resolution of Differences

If a bill is amended in the second house, it must go back to the house of origin for concurrence, meaning agreement on those amendments. If the house of origin does not concur in those amendments, the bill is referred to a two-house conference committee to resolve the differences. Three members of the committee are from the Senate and three are from the Assembly. If a compromise is reached, the bill is returned to both houses for a vote.

Governor

If both houses approve a bill, it goes to the Governor. The Governor has three choices: sign the bill into law, allow it to become law without his or her signature, or veto it. A governor's veto can be overridden by a two-thirds vote in both houses. Most enacted bills go into effect on the first day of January of the next year. Urgency bills, and certain other measures, take effect immediately after they are enacted into law.

California Law

Each bill that is passed by the Legislature and approved by the Governor is assigned a chapter number by the Secretary of State. These chaptered bills are statutes, and ordinarily become part of the California Codes. The California Codes are a comprehensive collection of laws grouped by subject matter.

The California Constitution sets forth the fundamental laws by which the State of California is governed. All amendments to the California Constitution come about as a result of constitutional amendments approved by the voters at a statewide election.



How a Bill Becomes a Law

