

SENATE COMMITTEE ON NATURAL RESOURCES AND WATER Attachment 4

Senator Robert Hertzberg, Chair

June 2017

2017 - 2018 Regular

Bill No:	SB 402	Hearing Date:	April 25, 2017
Author:	Allen		
Version:	March 29, 2017		
Urgency:	No	Fiscal:	Yes
Consultant:	William Craven		

Subject: Marine fisheries: state policy

BACKGROUND AND EXISTING LAW

- 1) Existing law declares that it is the policy of California that the Department of Fish and Wildlife (DFW) and the California Fish and Game Commission (FGC) actively create and participate in effective partnerships with other agencies and stakeholders to achieve shared goals and to improve integration of fish and wildlife conservation with the natural resource management responsibilities of other agencies.
- 2) Existing law delegates to DFW and FGC management responsibility for most of the recreational and commercial fishing regulations in the state.
- 3) Existing law confers, under federal law, to the Pacific Fisheries Management Council (PFMC), management of several dozen fisheries outside of the 3 nautical mile limit that is managed by California.
- 4) Swordfish, as an example, are harvested outside of state waters by California boats some of which use drift gill net fishing gear which has been conclusively implicated in the by-catch of sharks, rare turtles, and other species. Efforts to phase out that gear under California law have not been successful and the Pacific Fisheries Management Council has thus far not phased out drift gill net gear either.
- 5) Federal regulators are under an Executive Order to choose two regulations to repeal whenever they propose a new regulation which will have an undetermined impact on the National Marine Fisheries Service's ability to modify fishing seasons, gear types, or make other regulatory changes.
- 6) The proposed federal budget proposes to cut the budget of the National Oceanic and Atmospheric Administration by 17%. Cuts to fisheries management as well as weather information could have adverse consequences to California's commercial fisheries.

PROPOSED LAW

This bill creates a policy of the state to robustly protect and enhance the significant economic, environmental, recreational, aesthetic, and educational values provided by Pacific fisheries. The bill requires all state agencies including the Natural Resources Agency and its boards, departments, and commissions, including DFW and FGC to consider this policy when revising, adopting, or establishing policies or regulations relating to the protection, and management of marine fisheries.

ARGUMENTS IN SUPPORT

According to the author, recent actions by the federal government have prompted concerns about how California can conserve and protect marine resources and ensure the sustainability of its fisheries through science-based decision-making while maintaining a partnership with federal regulators. The author points to the collapse of the sardine and anchovy reserves in Monterey Bay and whale deaths caused by lost crab gear as examples where fishing management is not as strong as it should be to protect natural resource values.

According to the author, the bill requires state agencies to maintain the state's authority over these resources when working with our federal partners on issues affecting the state's coastal waters. The author contends that SB 402 will protect and improve the economic viability of marine fisheries by ensuring that the state retains full authority to implement management strategies. He also points out that during this time of regulatory uncertainty at the federal level, as well as anticipated budget cuts, that it is important that the state maintain maximum control and flexibility on issues relating to marine fisheries of the coast of California.

Defenders of Wildlife argue that SB 402 will fortify and embolden our state representatives on the PFMC and in DFW and FGC "with a renewed sense of leadership by explicitly codifying that they seek a collaborative approach to working with the federal government and all fisheries stakeholders."

ARGUMENTS IN OPPOSITION

None received.

COMMENTS

1. Is a policy bill a real bill? While numerous bills contain legislative declarations and statements of policy, it is rarer for a bill only to establish a policy. However, in at least two recent instances, the Legislature has passed and the Governor has signed bills that do just that.

SB 1386 (Wolk) passed last year established a state policy recognizing the importance of natural and working lands as essential tools in sequestering carbon dioxide as part of the state's overall approach to managing climate change.

SB 685 (Eng) passed in 2012 established as state policy the human right to water. This policy has now been integrated into several clean drinking water programs at the state level.

2. Assuming the bill moves forward, the author may want to limit the bill only to DFW and FGC (the only two fisheries regulatory entities in the state). Additionally, the author may want to consider a modest change to the last sentence by deleting "and not hesitate to exercise" and inserting in the same spot the word "exercise."

SUPPORT

Defenders of Wildlife

OPPOSITION

None Received