



MEMORANDUM

TO: California Ocean Protection Council
FROM: Valerie Termini, OPC Project Manager
SUBJECT: Fisheries Management in California
DATE: November 21, 2013

Item 5a

Prior to the passage of the Marine Life Management Act (MLMA) in 1998, the responsibility for managing most of California's marine resources harvested by commercial fisheries lay with the State Legislature, while the California Department of Fish and Wildlife and the Fish and Game Commission managed the recreational fisheries and those commercial fisheries that had catch quotas that changed periodically. Management of commercial fisheries under this division of responsibility was complicated, piecemeal, and oftentimes untimely, with necessary regulatory changes only occurring after much political deliberation and approval by both the Assembly and the Senate. In addition, this division of authority often resulted in laws and regulations that were inappropriate for the sustainability of the resource. The MLMA transfers permanent management authority to the Fish and Game Commission for the nearshore finfish fishery, the white seabass fishery, emerging fisheries, and other fisheries for which the Commission had some management authority prior to January 1, 1999.

Currently, 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 Wildlife (DFW). Once the Commission votes to adopt a regulation, DFW 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. 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, DFW is responsible for its enforcement.

Department of Fish and Wildlife

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