Chapter 6. Scientific Peer Review

The Marine Life Management Act (MLMA) goals identify science as a primary tool to be used in making management decisions. Therefore, to ensure that those decisions stand on sound scientific conclusions, a formal scientific peer review process is necessary.

6.1 Definitions

It is important that key terms be defined in order to understand the scientific peer review process. Peer review is referred to in §7062, §7074, §7075, and §7076 Fish and Game Code (FGC) (Appendix A). In the MLMA, peer review is defined as an examination of the scientific soundness of Department of Fish and Game (DFG) reports, plans, and documents by an external group of colleagues or coequals. Peer reviewers are defined as individuals with technical expertise and knowledge specific to the document being reviewed. Peer reviewers will not be employees or officers of the DFG or the Fish and Game Commission (Commission), and will not have participated substantially in the development of the document to be reviewed. The word "scientific" is derived from the term science, and science is defined as (a) the knowledge of facts gained and verified by exact observation, organized experiment, and ordered thinking; and (b) an orderly presentation of facts and reasons concerning some subject or group of subjects.

6.2 Peer Reviewed Documents

Documents prepared by DFG staff under authority of the MLMA shall be submitted to peer review. These include fishery management plans (FMPs), FMP amendments, interim research or management protocols, and marine resource and fishery research plans.

6.3 Peer Review Organizations

The DFG may enter into an agreement with one or more outside entities that are significantly involved with research, understand marine fisheries, and are not advocacy organizations. The specified entities include the Sea Grant program of any state, the University of California (UC), the California State University, the Pacific States Marine Fisheries Commission (PSMFC), or any other entity approved by the Commission.

6.4 Implementation of a Peer Review Process

The DFG is contracting with UC for a period of three fiscal years (2000-2003) to conduct peer review of the scientific merits of marine management documents. The UC will be responsible for acquiring the services of appropriately qualified scientific community members when needed, and for delivering a written report to the DFG within 30 days of the peer review process for any document.

6.4.1 Fishery Management Plan Peer Review

Prior to submitting an FMP or FMP amendment to the Commission – including any proposed regulations necessary for implementation – DFG staff shall submit these documents for peer review. Department of Fish and Game staff will provide the peer review panel with any comments received from fishery participants or other interested persons.

6.4.2 Interim Research Protocols

The DFG will prepare interim fishery research protocols for the three highest priority fisheries adopted in the Master Plan. An interim fishery research protocol will be used by the DFG until an FMP is implemented for the fishery. Interim research protocols will be peer reviewed.

6.4.3 Exemption from Peer Review Process

The Commission, with advice from the DFG, shall adopt criteria to determine whether any MLMA document may be exempt from peer review. Exemption criteria should be developed jointly by the UC contractor and the DFG based on the experience gained from preparing and reviewing submitted documents prior to January 1, 2002.

After criteria for peer review exemption have been adopted by the Commission, any document that the DFG determines does not need to be peer reviewed, must be submitted to the Commission with reasons that support this exemption. If the Commission does not adopt exemption criteria, all MLMA related documents must be peer reviewed.

6.5 Submission of Peer Reviewed Documents to the Commission

DFG staff may accept the peer review findings, in whole or in part, and revise the document accordingly. If the DFG disagrees with any aspect of the peer review findings, it will explain the basis for disagreement. The DFG will submit a peer review report to the Commission with any peer reviewed document that will be adopted or approved by the Commission.