ASSEMBLY BILL No. 2220

Introduced by Assembly Member Bennett

February 7, 2024

An act to amend Sections 8380, 8599, 8610.3, and 8681.5 of, and to add Section 7701.5 to, the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 2220, as introduced, Bennett. Fish: commercial fishing.

(1) Existing law establishes the Department of Fish and Wildlife in the Natural Resources Agency. Existing law generally regulates commercial fishing. Under existing law, any violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under the code, is a crime.

This bill would authorize the department to adopt and enforce regulations to require any commercial fishing vessel operating with a validly issued permit from the state to carry an independent third-party observer onboard the vessel while operating within state fisheries. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(2) Existing law prohibits the taking of giant seabass (Stereolepis gigas) for any purpose, except as provided, including that not more than one fish per vessel may be possessed or sold if taken incidentally in commercial fishing operations by gill or trammel net.

This bill would delete the incidental take exception to the prohibition on the taking of giant seabass. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(3) Existing law prohibits the taking of white sharks (Carcharodon carcharias) for commercial purposes, except as specified. Existing law

authorizes the incidental take of white sharks by commercial fishing operations using set gill nets, drift gill nets, or roundhaul nets.

This bill would delete the above-described authorization and thereby prohibit the incidental take of white sharks by commercial fishing operations using set gill nets, drift gill nets, or roundhaul nets. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(4) Existing law prohibits the use of gill nets or trammel nets used for commercial purposes except under a revocable, nontransferable permit issued by the Department of Fish and Wildlife. Existing law prohibits the department from issuing any new gill net or trammel net permit. Existing law authorizes the department to renew an existing gill net or trammel permit. Existing law authorizes a person who has a valid, existing permit to transfer the permit to any existing person, as specified.

This bill would prohibit the department from renewing an existing, valid gill net or trammel net permit for anyone other than the person whose name appears on the permit. The bill would prohibit any transfer of an existing, valid gill net or trammel net permit.

(5) Existing law establishes the Marine Resources Protection Zone, as specified, and prohibits, on and after January 1, 1994, gill nets and trammel nets from being used in the zone.

This bill, on and after January 1, 2025, would apply that prohibition to all ocean waters of the state. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 7701.5 is added to the Fish and Game Code, to read:

7701.5. The department may adopt and enforce regulations to require any commercial fishing vessel operating with a validly issued permit from the state to carry an independent third-party observer onboard the vessel while operating within state fisheries.

SEC. 2. Section 8380 of the Fish and Game Code is amended to read:

8380. (a) Giant seabass (Stereolepis gigas) may not be taken for any ~~purpose, except that not more than one fish per vessel may be possessed or sold if taken incidentally in commercial fishing operations by gill or trammel net. Any fish so taken shall not be transferred to any other vessel.~~ *purpose.*

(b) The restrictions specified in this section shall not apply to 1,000 pounds of giant seabass per trip taken in waters lying south of the International Boundary Line between the United States and Mexico extended westerly into the Pacific Ocean. Fish taken under this provision, however, shall be limited to a maximum aggregate of 3,000 pounds per vessel in any calendar year. A current fishing permit issued by the Mexican government constitutes valid evidence that the giant seabass were taken south of the international boundary.

SEC. 3. Section 8599 of the Fish and Game Code is amended to read:

8599. (a) It is unlawful to take any white shark (Carcharodon carcharias) for commercial purposes, except under permits issued pursuant to Section 1002 for scientific or educational ~~purposes or pursuant to subdivision (b) for scientific or live display purposes.~~ *purposes.*

~~(b) Notwithstanding subdivision (a), white sharks may be taken incidentally by commercial fishing operations using set gill nets, drift gill nets, or roundhaul nets. White shark taken pursuant to this subdivision shall not have the pelvic fin severed from the carcass until after the white shark is brought ashore. White shark taken pursuant to this subdivision, if landed alive, may be sold for scientific or live display purposes.~~

~~(c)~~

(b) Any white shark killed or injured by any person in self-defense may not be landed.

SEC. 4. Section 8610.3 of the Fish and Game Code is amended to read:

8610.3. (a) From January 1, 1991, to December 31, 1993, inclusive, gill nets or trammel nets may only be used in the zone pursuant to a nontransferable permit issued by the department pursuant to Section 8610.5.

(b) On and after January 1, 1994, gill nets and trammel nets shall not be used in the zone.

(c) On and after January 1, 2025, gill nets and trammel nets shall not be used in all ocean waters of the state.

SEC. 5. Section 8681.5 of the Fish and Game Code is amended to read:

8681.5. (a) The department shall issue no new gill net or trammel net permits under Section 8681. However, the department may renew an existing, valid permit issued under Section 8681, under regulations adopted pursuant to Section ~~8682~~ *8682, only for a person whose name appears on the permit*, and upon payment of the fee prescribed under Section 8683.

~~(b) Notwithstanding subdivision (a) or Section 8681, any person who has an existing, valid permit issued pursuant to Section 8681, and presents to the department satisfactory evidence that he or she has taken and landed fish for commercial purposes in at least 15 of the preceding 20 years, may transfer that permit to any person otherwise qualified under the regulations adopted pursuant to Section 8682 upon payment of the fee prescribed under Section 8683.~~

~~(c) The fee collected by the department for the transfer of a gill and trammel net permit issued pursuant to Section 8682 shall not exceed the cost of the permit fee as prescribed under Section 8683.~~

~~(d) For purposes of subdivision (b), the death of the holder of the permit is a disability which authorizes transfer of the permit by that person's estate to a qualified fisherman pursuant to Section 8682. For purposes of a transfer under this subdivision, the estate shall renew the permit, as specified in Section 8681, if the permittee did not renew the permit before his or her death. The application for transfer by that person's estate shall be received by the department, including the name, address, and telephone number of the qualified fisherman to whom the permit will be transferred, within one year of the date of death of the permitholder. If no transfer is initiated within one year of the date of death of the permitholder, the permit shall revert to the department for disposition pursuant to Section 8681.~~

~~(e) Any active participant who becomes disabled in such a manner that he or she can no longer earn a livelihood from commercial fishing may transfer his or her permit as provided under this section.~~

~~(f)~~

(b) The Legislature finds and declares that this ~~section, as amended by Chapter 94 of the Statutes of 1992,~~ *section* is more restrictive on the use and possession of gill nets and trammel nets than the version of this section in effect on January 1, 1989, and therefore complies with Section ~~8610.4,~~ *8610.4* and Section 4 of Article X B of the California Constitution.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O