

INFORMATIONAL PRESENTATION ON SPORT FISHING NOT UNDER COMMISSION AUTHORITY

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July 11, 2019

California Fish and Game Commission

- A constitutionally created agency with general regulatory powers over the taking or possession of birds, mammals, fish, amphibia, and reptiles.

California Department of Fish and Wildlife (DFW)

- DFW, in contrast, is a statutorily created agency whose director is responsible to the Commission in enforcing the policies and provisions of the Fish and Game Code

Fish and Game Code

- Some sections of the Fish and Game Code do not deal with either sport or commercial fishing but deal with other take of marine life or other issues entirely.
- One such example is Section 5521.6: “Notwithstanding Sections 5521 and 5521.5, a registered aquaculturist may collect abalone for broodstock, in accordance with subdivision (b) of Section 15301.” Such sections of the Code are not included in this analysis.

Fish and Game Code Analysis

- Please note that this analysis is organized by sections of the California Fish and Game Code as referenced in the Report by the Legislative Counsel Bureau letter to Assemblymember Sharon Quirk-Silva dated May 31, 2019, RN # 1912858. Section numbers cited herein refer to the Code unless otherwise noted.
- The description following the Code section is a synopsis. Please refer to the Code for the actual and complete Code language.

Department of Fish and Wildlife Authority

- §702 – This Code shall be administered and enforced through regulations adopted only by the Department except where the Commission is required to adopt regulations.

Fish and Game Code Sections: Fees

- §713 – Implicit Price Deflator for State and Local Government Purchase of Goods and Services required as the index
- §713(g) - Department and the Commission, at least every five years, shall analyze all fees for licenses, stamps, permits, tags, and other entitlements issued by it to ensure the appropriate fee amount is charged

Fish and Game Code: Permits

- §5500 – No explosives in waters with fish except with permit
- §5501 – Department targets undue predators with Commission permit
- §5511 – No aquaculture above hatchery water source

Fish and Game Code: Access

- §5516 – Where artificial bait required, DFW posts
- §7115(a) – DFW identifies properties for disabled
- §7149.7 – Director - 2 free sport fishing days

Fish and Game Code: Fees Received

- §7361(a) et seq – Requires separate account for Bay-Delta stamp fees. Some interesting fish noted in statute for long term benefit from these fees, including striped bass, black bass, halibut, salmon, surf perch, steelhead trout, and American Shad.

Fish and Game Code: Protections

- §5514 – snagging prohibited, chinook, coho, kokanee
- §5515(a)(1) – No fully protected fish taken/possessed
- §5515(a)(3)(b) – listing of fully protected fish
- §5517 – No take of White Shark
- §5521 – Abalone moratorium

Fish and Game Code: Licenses

- §7145(a) – requires sport license 16 or older
- §7147 – CPFV operator must ensure all anglers have license
- §7149.05 to 7149.5 – sets sport license prices/structure

DFW Licenses

- Subject of the R3 Licensing Subcommittee
- Resident, nonresident, nonresident 10-day, 2-day, 1-day, validations
- All issued through the Automated License Data System
- License fees adjusted annually pursuant to §713
- This section highlights the importance of §713(g) discussed previously

Fish and Game Code: License Requirements and Conditions

- §7149.8(a) – license/report card required for abalone
- §7150 – reduced fee sport licenses
- §7151 – free sport licenses
- §7153 – no license for pier fishing/defined by Commission
- §7155 – Klamath River subsistence take by Yurok
- §7180.1 – Colorado river special use validation
- §7230 – smoking/canning fish by processor
- §7232 – sport fish offal use by processor

Specific Species Governed by Statute

- §7256 – Spiny lobster sport take method, hoop net or hand
- §7260-7261 – Legislative findings for, and also defines “native trout”
- §7290 – Pismo Clam possession for consumption
- §7332 – Clam digging instruments, possession
- §7350 – Giant Seabass, method of take only by hook and line

Commercial Passenger Fishing Vessels (CPFV)

- §7920 - The owner of any boat or vessel who, for profit, permits any person to take fish, shall procure a commercial passenger fishing boat license.
- This article applies only to a boat or vessel whose owner or his or her employee or other representative is with it when it is used for fishing.
- §7921 through §7925 addresses various aspects governing CPFVs.

R3 Recommendation

Because of the importance of license structure and fees, a Licensing Subcommittee was established in the R3 Project to make recommendations for change. One of those DRAFT recommendations is to **“Shift Authority to F&G commission for setting structure and price.”**

Next Steps

- We urge the Commission to take all possible steps to increase sport fishing participation while recognizing that fishery management decisions are not made in a vacuum.
- The MLMA requires fishery management plans for California's sport and commercial fisheries (§7072(a)) and that those plans are based on the best available science (§7072(b)) and that increases in participation affect stocks and that fishery management plans shall allocate take fairly among recreational and commercial sectors participating in the fishery (§7072(c)).

Thank You

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