



January 12, 1999

Advocacy Groups at Fishing Events

At a recent meeting of East Bay Fishing in the City, participants discussed the possibility of advocacy groups being present at or protesting fishing events. The discussion was precipitated by an article in a local paper whereby two advocacy groups were publicly protesting a fishing derby.

A synopsis of the discussion follows.

Before each fishing event (clinic or derby):

- Have a plan ready in the event an advocacy group attends the event. The plan should include:
- Designate an area for a group to assemble, distribute literature, talk to people, or conduct other lawful activities.
- Communicate with volunteers before hand that all problems or concerns (of any type) should be directed to event coordinator. Volunteers should not make statements to press or protesting organization.
- Check applicable statutes, regulations, or codes regarding distribution of literature, organized events and protests.
- Designate a contact or lead person
- Have copies of relevant Penal and Fish and Game Code sections available and share these sections with enforcement officers.
- Have a prepared statement ready to give to press, for example:

“Fishing is a legal and fun recreational activity that encourages responsibility, appreciation and protection of the environment while giving opportunities for wholesome family recreation. “Learn to Fish” programs like this one being offered today helps build strong families and communities.”
- Communicate with partner agency enforcement divisions (wardens, park rangers) and local law enforcement (police, CHP or sheriff) in advance.

If an advocacy group attends:

- **Keep in mind all people have a right to lawfully express their views within. However, they may not block or interfere with anyone who chooses to participate in the event.**
- Contact local law enforcement and DFG immediately to apprise them of the situation. They do not necessarily need to respond, but they need to know of the situation.
- Strive to maintain control of the situation - don't allow it to get out of hand. Act in a flexible and reasonable manner. Carefully consider the long term impacts of all actions. It may be better to leave and/or cancel the event than to allow the situation to escalate out of control.

In making statements to the press or when responding to advocacy groups:

- Focus on positive aspects of fishing
- Avoid inflammatory or inconclusive statements
- Keep in mind you cannot win a war of rhetoric
- Do not allow the situation to reach critical mass
- Avoid applying human attributes to fish (e.g., speculating on what fish feel or think)
- Avoid focusing on or mentioning negatives
- Always take the high road.
- Remain calm and rational.

Law Enforcement

Enforcement of codes should be used only as a last resort. If it becomes necessary to have law enforcement on site, remember they are trained to handle these situations. They will be the lead in determining what action, if any, is appropriate. Support them and their decisions.

The officers responding may not be familiar with these code sections. Share these sections with them.

Applicable codes which may be enforced:

- **California Penal Code sec 647c.** Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor. Nothing in this section affects the power of a county or a city to regulate conduct upon a street, sidewalk, or other public place or on or in a place open to the public.
- **Fish and Game Code sec 2009.** (a) A person shall not willfully interfere with the participation of any individual in the lawful activity of shooting, hunting, fishing, falconry, or trapping at the location where that activity is taking place. (b) A violation of this section is an infraction punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). (c) If any person is convicted of a violation of this section and the offense occurred within two years of another separate violation of this section which resulted in a conviction, the violation is a misdemeanor punishable by a fine of not less than one hundred dollars(\$100) nor more than one thousand dollars (\$1,000), by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. (d) This section does not apply to the actions of any peace officer or personnel of the department in the performance of their official duties. This section does not obstruct the rights and normal activities of landowners or tenants, including, but not limited to, farming, ranching, and limiting unlawful trespass. (e) In order to be liable for a violation of this section, the person is required to have had the specific intent to interfere with the participation of an individual who was engaged in shooting, hunting, fishing, falconry, or trapping. (f) For purposes of this section, "interfere with" means any action which physically impedes, hinders, or obstructs the lawful pursuit of any of the above_mentioned activities, including, but not limited to, actions taken for the purpose of frightening away animals from the location where the lawful activity is taking place.

These sections of the codes were downloaded from the State of California Webpage at www.leginfo.ca.gov/calaw.html. Other laws may apply.

About these Guidelines

Attendees at the meeting where these guidelines were developed include representatives from:

- CA Department of Fish and Game
- East Bay Regional Park District
- Fremont Parks Department
- Newark Recreation Department
- Lake Merritt Institute
- Lets Go Fishing Productions
- Urban Park Concessionaires
- For more information, contact Ethan Rotman at (415) 892-0460 or erotman@dfg.ca.gov
- or call your local Fish and Game regional office.
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