

Regulatory Language

Section 231, Title 14, CCR, is amended to read:

§ 231. Exchanging Processing of Sport-Caught Fish.

(a) Permit. A sport-caught fish ~~exchange-processing~~ permit is required of any person, as defined in Fish and Game Code Section 67, ~~or persons who, for a fee,~~ processes exchange fresh fish taken under the authority of a sport fishing license or exchanges such fish for filleted, smoked or canned fish as provided in this section. Upon application and payment of the permit fee, \$53.25, the department shall issue such ~~permits~~ permit unless the permit or privilege to obtain a permit has been suspended or revoked pursuant to subsection (j). The 2026 permit fee is \$96.00. In subsequent years, the applicant shall pay the fee as adjusted by the department annually under the authority granted to the department through Fish and Game Code sections 713 and 1050.

(1) Permit Exception. A sport-caught fish processing permit is not required to fillet fish taken under the authority of a sport fishing license while on board a commercial passenger fishing vessel licensed pursuant to Fish and Game Code Section 7920, if the fish are filleted on board the vessel prior to passenger departure.

~~(1) Where Issued.~~ Permits shall be issued at department offices in San Diego, Seal Beach, Monterey, Eureka, Redding, and the License and Revenue Branch in Sacramento.

(2) Limitations of Permit. Permits are nontransferable.

(3) Duration of Permit. Permits shall be valid from January 1 to December 31, inclusive ~~or~~ or, if issued after the beginning of that term, for the remainder thereof.

(b) Authorized Species. Any legally taken species of sport-caught fish may be possessed for filleting, smoking or canning if the same fish is returned to the ~~angler~~ sport fishing license holder or if the fish is exchanged pound for pound, adjusted for loss during processing, ~~or exchanged according to (c) below for various tunas.~~ A reasonable fee to cover processing costs may be charged. Fish exchanged as authorized under this subsection shall be limited to the same species as submitted for exchange by the sport fishing license holder. No commercially taken or commercially imported fish may be used for the exchange process. Any fish received for exchange or processing shall not be sold for any other purpose not expressly authorized by this section. The following species may be possessed for canning only, as authorized in subsection (c) below: albacore, bluefin tuna, yellowfin tuna, bigeye tuna, skipjack, and yellowtail. For the purpose of this section, skipjack and yellowtail are included as tuna along with bigeye, bluefin and yellowfin.

~~(c) Exchange Process.~~

~~(1) Permittees may accept tuna for canning and provide in exchange one (1) six ounce can of albacore (white meat) tuna at no cost as follows:~~

~~(A) For each pound of tuna received, if the sale price of tuna to the permittee is greater than \$4,470.00 per ton.~~

~~(B) For each two (2) pounds of tuna received, if the sale price of tuna to the permittee is less than \$4,470.00, but greater than \$2,240.00 per ton.~~

~~(C) For each three (3) pounds of tuna received, if the sale price of tuna to the permittee is less than \$2,240.00, but greater than \$1,490.00 per ton.~~

~~(D) For each four (4) pounds of tuna received, if the sale price of tuna to the permittee is less than \$1,490.00, but greater than \$1,120.00 per ton.~~

~~(E) For each five (5) pounds of tuna received, if the sale price of tuna to the permittee is less than \$1,120.00, but greater than \$900.00 per ton.~~

~~(F) For each six (6) pounds of tuna received, if the sale price of tuna to the permittee is less than \$900.00, but greater than \$750.00 per ton.~~

~~(G) For each seven (7) pounds of tuna received, if the sale price of tuna to the permittee is less than \$750.00, but greater than \$640.00 per ton.~~

~~(H) For each eight (8) pounds of tuna received, if the sale price of tuna to the permittee is less than \$640.00, but greater than \$560.00 per ton.~~

~~(I) For each nine (9) pounds of tuna received, if the sale price of tuna to the permittee is less than \$560.00, but greater than \$500.00 per ton.~~

~~(J) For each ten (10) pounds of tuna received, if the sale price of tuna to the permittee is less than \$500.00, but greater than \$450.00 per ton.~~

~~(K) For each eleven (11) pounds of tuna received, if the sale price of tuna to the permittee is less than \$450.00, but greater than \$410.00 per ton.~~

~~(L) For each twelve (12) pounds of tuna received, if the sale price of tuna to the permittee is less than \$410.00, but greater than \$370.00 per ton.~~

~~(2) Permittees may accept tuna for canning and provide in exchange one (1) six ounce can of yellowfin (light meat) tuna at no cost as follows:~~

~~(A) For each one (1) pound of tuna received, if the sale price of tuna to the permittee is greater than \$2,280.00 per ton.~~

~~(B) For each two (2) pounds of tuna received, if the sale price of tuna to the permittee is less than \$2,280.00, but greater than \$1,140.00 per ton.~~

~~(C) For each three (3) pounds of tuna received, if the sale price of tuna to the permittee is less than \$1,140.00, but greater than \$760.00 per ton.~~

~~(D) For each four (4) pounds of tuna received, if the sale price of tuna to the permittee is less than \$760.00, but greater than \$570.00 per ton.~~

~~(E) For each five (5) pounds of tuna received, if the sale price of tuna to the permittee is less than \$570.00, but greater than \$460.00 per ton.~~

~~(F) For each six (6) pounds of tuna received, if the sale price of tuna to the permittee is less than \$460.00, but greater than \$380.00 per ton.~~

~~(G) For each seven (7) pounds of tuna received, if the sale price of tuna to the permittee is less than \$380.00, but greater than \$330.00 per ton.~~

~~(H) For each eight (8) pounds of tuna received, if the sale price of tuna to the permittee is less than \$330.00, but greater than \$290.00 per ton.~~

~~(I) For each nine (9) pounds of tuna received, if the sale price of tuna to the permittee is less than \$290.00, but greater than \$260.00 per ton.~~

~~(J) For each ten (10) pounds of tuna received, if the sale price of tuna to the permittee is less than \$260.00, but greater than \$230.00 per ton.~~

~~(K) For each eleven (11) pounds of tuna received, if the sale price of tuna to the permittee is less than \$230.00, but greater than \$210.00 per ton.~~

~~(L) For each twelve (12) pounds of tuna received, if the sale price of tuna to the permittee is less than \$210.00, but greater than \$190.00 per ton.~~

~~(3) Cans of fish exchanged shall be indelibly marked or embossed with "Not for Sale" or "Illegal to Sell".~~

~~(4) Fish received for processing under this subsection may only be used for canning. Tuna, except yellowtail, not returned to the angler may be canned and sold or sold to a cannery for the purpose of canning. Tuna not acceptable for canning may be sold for reduction purposes. Yellowtail must be donated to a non-profit charitable institution for food purposes only and may be fresh or processed.~~

~~(d) Species Limitation. Salmon may only be exchanged for salmon. Striped bass may only be exchanged for striped bass. Tuna may only be exchanged for tuna.~~

(c) Multi-licensed Business Requirements. For persons with both a sport-caught fish processing permit and a fish business license pursuant to Fish and Game Code Section 8030, commercially taken fish shall be stored and processed separately from sport-caught fish received for exchange or processing under authority of this section. Fish received from sport fishing license holders for exchange or processing must be clearly marked as described in subsection (g). Pursuant to Fish and Game Code Section 7121, no sport-caught fish may be sold for sale at any time.

(d) Donating Processed Fish.

(1) Notwithstanding subsection (b), when a sport fishing license holder delivers any legally taken sport-caught fish to a person or business permitted for sport-caught fish processing pursuant to this section, the sport fishing license holder may allow a portion or all of the processed fish to be donated. If the license holder elects to donate processed fish, the fish must be transferred directly from the sport-caught fish processing permit holder to one or more authorized recipients. Authorized recipients of the donation are limited to the following:

(A) A nonprofit organization, as defined in Fish and Game Code Section 1405, that directly supports food access or distribution.

(B) Any California Native American tribe, as defined in Section 21073 of the Public Resources Code.

(C) A public school within a California unified school district as defined in Education Code Section 83.

(D) A California city or county government program that directly supports food access or distribution.

(2) Fish processed for donation may be transported to the nonprofit organization, tribe, school, or city/county program by the sport-caught fish processing permit holder or a person designated by the nonprofit organization, tribe, school, or city/county program.

(3) Consistent with Fish and Game Code Section 7121, any sport-caught fish donated to a nonprofit organization, tribe, school, or city/county program pursuant to this subsection shall not be sold, auctioned, raffled, or otherwise utilized for any fundraising activities, including but not limited to silent auctions, live auctions, lotteries, and fundraising dinners where the item is a prize, or as an incentive for monetary contributions.

(4) The sport-caught fish processing permit holder shall indicate on the record described in subsection (e) the species, number of pounds to be donated, and name and address of the specified nonprofit organization, tribe, school, or city/county program to receive the fish. Any fish stored by the sport-caught fish processing permit holder for donation shall be clearly labeled "for donation" with a copy of the record described in subsection (e) attached to the donated fish. All copies of records labeling the donated fish shall remain attached to the fish until prepared for immediate consumption.

(e) Records.

(1) Immediately upon receiving fish, a permittee sport-caught fish processing permit holder shall record the name, name and address and fishing license number of the angler, sport fishing license holder, the date the fish were received and received, the number and weight of all fish by species received from that angler, sport fishing license

holder, and a written statement, signed by the sport fishing license holder, affirming that “all fish were legally taken under the authority of a sport fishing license.”

(2) At the time the fish are returned to the angler, a sport fishing license holder or donated to a nonprofit organization, tribe, school, or city/county program, or otherwise disposed of, the permittee the sport-caught fish processing permit holder shall record the species and weight of the fish returned or donated, and date of return or donation. or if not returned to the angler sport fishing license holder or donated, the sport-caught fish processing permit holder shall record the disposition of the fish, and the date of return or disposition. Upon request, the weight of each species of fish shall be recorded by the sport-caught fish processing permit holder.

(3) Any sport-caught fish processing permit holder selling offal pursuant to Fish and Game Code Section 7232, must keep records as required by Fish and Game Code Section 8050.

(4) Sport-caught fish processing permit holders Permittees shall keep and maintain all records required by these regulations at their place of business for three years and shall make them available to authorized department personnel upon demand.

(f) Transportation. Sport-caught fish processing permit holders Permittees may transport or provide for the transportation of tuna fish to canneries or processing facilities for the purpose of canning or processing outside of California. Fish being transported shall be accompanied by a bill of lading, waybill, invoice or similar accountable document showing the name and address of the consignor, the name and address of the consignee consignee, and a listing of all fish by species species, and the number or weight of each species.

(g) Marking.

(1) Marking of Fish. All Immediately upon receipt, all sport-caught fish shall be marked by the sport-caught fish processing permit holder permittee by removing the entire upper lobe of the tail. This marking shall be done in the presence of the person delivering such fish. Fish so marked shall be kept separate from commercially taken fish until transported to a cannery or processing facility processed.

(2) Marking of Processed Fish. In addition to the marking requirements of Fish and Game Code Section 7230, all individual packages or cans of processed fish shall be marked with the species name and all processed fish shall be maintained in packages, cans, containers, or boxes clearly marked as “not to be sold.” If canned or smoked, individual cans or packages shall be clearly marked as “not to be sold.” Packages, cans, containers, or boxes of fish so marked shall be kept separate from commercially taken fish until returned to the sport fishing license holder or donated to a nonprofit organization, tribe, school, or city/county program.

(h) Waste. It shall be unlawful for any person to allow the deterioration or waste of any sport-caught fish.

(i) Persons required to hold a sport-caught fish processing permit, pursuant to this section, shall also comply with subsections (c), (e), (f), and (g) of this section.

(j) Revocation or Suspension of Permits.

(1) Any A sport-caught fish processing permit and/or privilege to obtain a permit may be revoked or suspended by the ~~commission~~ department, consistent with the following:

(A) A person violates the terms or conditions of the sport-caught fish processing permit, or the person violates federal law, provisions of the Fish and Game Code, or any regulation adopted pursuant thereto related to commercial fishing, recreational fishing, or the receiving, processing or sale of fish.

(B) The person is a sport-caught fish processing permit holder, any person required to hold a sport-caught fish processing permit, or the sport-caught fish processing permit holder's upon a violation by the permittee or the permittee's agent, servant, employee or person acting under the permittee's direction or control of any provision of these regulations or of the provisions of the Fish and Game Code relating to the receiving, processing or sale of fish taken under authority of a sport fishing license.

(C) Process. The department shall notify the sport-caught fish processing permit holder or person of any permit revocation or suspension action in writing via certified mail. The notice shall include the name of the permit holder or person, any permit identification number(s), a description of the reasons for the revocation or suspension, the required disposition of wildlife, and the permit holder or person's right to request and detailed instructions to submit a request for reconsideration of the department's action.

(2) Requests for Reconsideration. Any permit holder or person who receives a notice of revocation or suspension may submit a written request for reconsideration to the department no later than 30 calendar days following receipt of the detailed instructions, and shall set forth the reasons for the requested reconsideration. The department shall consider any information submitted with the request and, within 60 calendar days of receipt of the request, may reverse or amend its decision, including based upon a mistake of fact, a mistake of law, or because the permit holder or person takes corrective actions pursuant to an agreement with the department.

(3) Appeals. Any sport-caught fish processing permit holder or person whose permit or privilege to obtain a permit has been suspended or revoked by the department, and whose permit or privilege to obtain a permit was not reinstated after reconsideration by the department, may appeal the suspension or revocation to the commission. The request for appeal must be received by the commission in writing no later than 30 calendar days after the date of receipt of notice from the department of its reconsideration decision. Appeals shall be sent to the commission at fgc@fgc.ca.gov or

P.O. Box 944209, Sacramento, California, 94244-2090. The commission shall not consider a request for appeal that is received after the 30-calendar-day deadline.

NOTE: Authority cited: Sections 200, ~~205, 265~~, 713, 5510, 7121, 7230 and 7232, ~~7704 and 7708~~, Fish and Game Code.

Reference: Sections 200, ~~201, 265~~, 1050, 5510, 7121, 7230 and 7232, ~~7704 and 7708~~, Fish and Game Code.