

Appendix C. Additional Regulations

FISH AND GAME CODE

§2362. Yellowtail, barracuda, and white seabass taken in waters lying south of the international boundary line between the United States and Mexico, extended westerly in the Pacific Ocean, may be delivered to California ports aboard boats, including boats carrying purse seine or round haul nets in accordance with such regulations as the commission may make governing the inspection and marking of such fish imported into this State. The cost of such inspection and marking shall be paid by the importer.

§7070. The Legislature finds and declares that the critical need to conserve, utilize, and manage the state's marine fish resources and to meet the policies and other requirements stated in this part require that the state's fisheries be managed by means of fishery management plans.

§7071. (a) Any white seabass fishery management plan adopted by the commission on or before January 1, 1999, shall remain in effect until amended pursuant to this part. Notwithstanding paragraph (2) of subdivision (b) of Section 7073, any white seabass fishery management plan adopted by the commission and in existence on January 1, 1999, shall be amended to comply with this part on or before January 1, 2002. (b) In the case of any fishery for which the commission has management authority, including white seabass, regulations that the commission adopts to implement a fishery management plan or plan amendment for that fishery may make inoperative, in regard to that fishery, any fishery management statute that applies to that fishery, including, but not limited to, statutes that govern allowable catch, restricted access programs, and time, area, and methods of taking. (c) On and after January 1, 2000, the commission may adopt regulations as it determines necessary, based on the advice and recommendations of the department, and in a process consistent with Section 7059, to regulate all emerging fisheries, consistent with Section 7090, all fisheries for nearshore fish stocks, and all fisheries for white seabass. Regulations adopted by the commission may include, but need not be limited to, establishing time and area closures, requiring submittal of landing and permit information, regulating fishing gear, and establishing restricted access fisheries.

§7072. (a) Fishery management plans shall form the primary basis for managing California's sport and commercial marine fisheries. (b) Fishery management plans shall be based on the best scientific information that is available, on other relevant information that the department possesses, or on such scientific information or other relevant information that can be obtained without substantially delaying the preparation of the plan. (c) To the extent that conservation and management measures in a fishery management plan either increase or restrict the overall harvest in a fishery, fishery management plans shall allocate those increases or restrictions fairly among recreational and commercial sectors participating in the fishery. (d) Consistent with

Article 17 (commencing with Section 8585), the commission shall adopt a fishery management plan for the nearshore fishery on or before January 1, 2002, if funds are appropriated for that purpose in the annual Budget Act or pursuant to any other law.

§7073. (a) On or before September 1, 2001, the department shall submit to the commission for its approval a master plan that specifies the process and the resources needed to prepare, adopt, and implement fishery management plans for sport and commercial marine fisheries managed by the state. Consistent with Section 7059, the master plan shall be prepared with the advice, assistance, and involvement of participants in the various fisheries and their representatives, marine conservationists, marine scientists, and other interested persons. (b) The master plan shall include all of the following: (1) A list identifying the fisheries managed by the state, with individual fisheries assigned to fishery management plans as determined by the department according to conservation and management needs and consistent with subdivision (f) of Section 7056. (2) A priority list for preparation of fishery management plans. Highest priority shall be given to fisheries that the department determines have the greatest need for changes in conservation and management measures in order to comply with the policies and requirements set forth in this part. Fisheries for which the department determines that current management complies with the policies and requirements of this part shall be given the lowest priority. (3) A description of the research, monitoring, and data collection activities that the department conducts for marine fisheries and of any additional activities that might be needed for the department to acquire essential fishery information, with emphasis on the higher priority fisheries identified pursuant to paragraph (2). (4) A process consistent with Section 7059 that ensures the opportunity for meaningful involvement in the development of fishery management plans and research plans by fishery participants and their representatives, marine scientists, and other interested parties. (5) A process for periodic review and amendment of the master plan. (c) The commission shall adopt or reject the master plan or master plan amendment, in whole or in part, after a public hearing. If the commission rejects a part of the master plan or master plan amendment, the commission shall return that part to the department for revision and resubmission pursuant to the revision and resubmission procedures for fishery management plans as described in subdivision (a) of Section 7075.

§7074. (a) The department shall prepare interim fishery research protocols for at least the three highest priority fisheries identified pursuant to paragraph (2) of subdivision (b) of Section 7073. An interim fishery protocol shall be used by the department until a fishery management plan is implemented for that fishery. (b) Consistent with Section 7059, each protocol shall be prepared with the advice, assistance, and involvement of participants in the various fisheries and their representatives, marine conservationists, marine scientists, and other interested persons. (c) Interim protocols shall be submitted to peer review as described in Section 7062 unless the department, pursuant to subdivision (d), determines that peer review of the interim protocol is not justified. For the purpose of peer review, interim protocols may be combined in the following

circumstances: (1) For related fisheries. (2) For two or more interim protocols that the commission determines will require the same peer review expertise. (d) The commission, with the advice of the department, shall adopt criteria to be applied in determining whether an interim protocol may be exempted from peer review.

§7055. The Legislature finds and declares that it is the policy of the state that: (a) California's marine sport and commercial fisheries, and the resources upon which they depend, are important to the people of the state and, to the extent practicable, shall be managed in accordance with the policies and other requirements of this part in order to assure the long-term economic, recreational, ecological, cultural, and social benefits of those fisheries and the marine habitats on which they depend. (b) Programs for the conservation and management of the marine fishery resources of California shall be established and administered to prevent overfishing, to rebuild depressed stocks, to ensure conservation, to facilitate long-term protection and, where feasible, restoration of marine fishery habitats, and to achieve the sustainable use of the state's fishery resources. (c) Where a species is the object of sport fishing, a sufficient resource shall be maintained to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport. (d) The growth of commercial fisheries, including distant-water fisheries, shall be encouraged.

§7056. In order to achieve the primary fishery management goal of sustainability, every sport and commercial marine fishery under the jurisdiction of the state shall be managed under a system whose objectives include all of the following: (a) The fishery is conducted sustainably so that long-term health of the resource is not sacrificed in favor of short-term benefits. In the case of a fishery managed on the basis of maximum sustainable yield, management shall have optimum yield as its objective. (b) The health of marine fishery habitat is maintained and, to the extent feasible, habitat is restored, and where appropriate, habitat is enhanced. (c) Depressed fisheries are rebuilt to the highest sustainable yields consistent with environmental and habitat conditions. (d) The fishery limits bycatch to acceptable types and amounts, as determined for each fishery. (e) The fishery management system allows fishery participants to propose methods to prevent or reduce excess effort in marine fisheries. (f) Management of a species that is the target of both sport and commercial fisheries or of a fishery that employs different gears is closely coordinated. (g) Fishery management decisions are adaptive and are based on the best available scientific information and other relevant information that the commission or department possesses or receives, and the commission and department have available to them essential fishery information on which to base their decisions. (h) The management decision-making process is open and seeks the advice and assistance of interested parties so as to consider relevant information, including local knowledge. (i) The fishery management system observes the long-term interests of people dependent on fishing for food, livelihood, or recreation. (j) The adverse impacts of fishery management on small-scale fisheries, coastal communities, and local economies are minimized. (k) Collaborative and cooperative approaches to management, involving

fishery participants, marine scientists, and other interested parties are strongly encouraged, and appropriate mechanisms are in place to resolve disputes such as access, allocation, and gear conflicts. (l) The management system is proactive and responds quickly to changing environmental conditions and market or other socioeconomic factors and to the concerns of fishery participants. (m) The management system is periodically reviewed for effectiveness in achieving sustainability goals and for fairness and reasonableness in its interaction with people affected by management.

§7057. Notwithstanding Section 7550.5 of the Government Code, on or before February 1, 2000, the commission shall make recommendations to the Legislature in regard to changes in statutes governing restricted access commercial fisheries, the recommendations to be based on both of the following: (a) Any restricted access fishery policies adopted by the commission. (b) The experience of the commission and department in applying the restricted access policies adopted by the commission in developing or revising a restricted access program for a fishery managed by the state, with priority given to the pink shrimp fishery, for which a restricted access program statute is scheduled to be repealed on April 1, 2001.

§7058. Any fishery management regulation adopted pursuant to this part shall, to the extent practicable, conform to the policies of Sections 7055 and 7056.

§7059. (a) The Legislature finds and declares all of the following: (1) Successful marine life and fishery management is a collaborative process that requires a high degree of ongoing communication and participation of all those involved in the management process, particularly the commission, the department, and those who represent the people and resources that will be most affected by fishery management decisions, especially fishery participants and other interested parties. (2) In order to maximize the marine science expertise applied to the complex issues of marine life and fishery management, the commission and the department are encouraged to continue to, and to find creative new ways to, contract with or otherwise effectively involve Sea Grant staff, marine scientists, economists, collaborative fact-finding process and dispute resolution specialists, and others with the necessary expertise at colleges, universities, private institutions, and other agencies. (3) The benefits of the collaborative process required by this section apply to most marine life and fishery management activities including, but not limited to, the development and implementation of research plans, marine managed area plans, fishery management plans, and plan amendments, and the preparation of fishery status reports such as those required by Section 7065. (4) Because California is a large state with a long coast, and because travel is time consuming and costly, the involvement of interested parties shall be facilitated, to the extent practicable, by conducting meetings and discussions in the areas of the coast and in ports where those most affected are concentrated. (b) In order to fulfill the intent of subdivision (a), the commission and the department shall do all of the following: (1) Periodically review marine life and fishery management operations with a view to improving communication, collaboration, and

dispute resolution, seeking advice from interested parties as part of the review. (2) Develop a process for the involvement of interested parties and for fact-finding and dispute resolution processes appropriate to each element in the marine life and fishery management process. Models to consider include, but are not limited to, the take reduction teams authorized under the Marine Mammal Protection Act (16 U.S.C. Sec. 1361 et seq.) and the processes that led to improved management in the California herring, sea urchin, prawn, angel shark, and white seabass fisheries. (3) Consider the appropriateness of various forms of fisheries comanagement, which involves close cooperation between the department and fishery participants, when developing and implementing fishery management plans.

(4) When involving fishery participants in the management process, give particular consideration to the gear used, involvement of sport or commercial sectors or both sectors, and the areas of the coast where the fishery is conducted in order to ensure adequate involvement.

§7850. (a) Excepting persons expressly exempted under this code, no person shall use or operate, or assist in using or operating, any boat, aircraft, net, trap, line, or other appliance to take fish or amphibia for commercial purposes, and no person shall cause to be brought ashore, any fish or amphibia at any point in the state for the purpose of selling them in a fresh state or shall contribute materially to the activities on board the commercial fishing vessel, unless the person holds a commercial fishing license issued by the department. (b) Any person not required under subdivision (a) to hold a commercial fishing license shall register his or her presence on board the commercial fishing vessel in a log maintained by the owner or operator of the vessel according to the requirements of the department. (c) As used in this section, "person" does not include persons who are less than 16 years of age, a partnership, corporation, or association. Any person, partnership, corporation, limited liability company, or association may pay the fees for a license issued to any person. (d) This article does not apply to the taking, transporting, or selling of live freshwater fish for bait by the holder of a live freshwater bait fish license issued pursuant to Section 8460.

§7145. (a) Except as otherwise provided in this article, every person over the age of 16 years who takes any fish, reptile, or amphibia for any purpose other than profit shall first obtain a license for that purpose and shall have that license on his or her person or in his or her immediate possession or where otherwise specifically required by law to be kept when engaged in carrying out any activity authorized by the license. In the case of a person diving from a boat, the license may be kept in the boat, or in the case of a person diving from the shore, the license may be kept within 500 yards on the shore.

§7146. A license granting the privilege to take fish, reptiles, and amphibia for purposes other than profit shall be issued and delivered, upon application in writing, by the department or by any person authorized by the department.

§7920. The owner of any boat or vessel who, for profit, permits any person to fish

therefrom, shall procure a commercial passenger fishing boat license. This article applies only to a boat or vessel whose owner or his employee or other representative is with it when it is used for fishing. A person operating a guide boat, as defined in Section 46, is not required to obtain a commercial passenger fishing boat license.

§7923. The holder of a license shall keep a true record in the English language of all fish taken, and shall comply with such regulations as the commission may prescribe. Such a record and the information contained in it shall be confidential, and the record shall not be a public record.

§8623. (a) It is unlawful to use any purse seine or round haul net to take yellowtail, barracuda, or white sea bass. (b) It is unlawful to possess any yellowtail, barracuda, or white sea bass, except those taken south of the international boundary between the United States and Mexico, and imported into the state under regulations of the commission as provided in Section 2362, on any boat carrying or using any purse seine or round haul net, including, but not limited to, a bait net as described in Section 8780. (c) Gill nets with meshes of a minimum length of 3 1/2 inches may be used to take yellowtail and barracuda. (d) Gill nets with meshes of a minimum length of six inches may be used to take white sea bass; however, during the period from June 16 to March 14, inclusive, not more than 20 percent by number of a load of fish may be white seabass 28 inches (711 mm) or more in total length, up to a maximum of 10 white seabass per load, if taken in gill nets or trammel nets with meshes from 3 1/2 to 6 inches in length. (e) Notwithstanding the provisions of this section, the department may issue permits to hook and line commercial fishermen to possess a bona fide bait net on their vessels for the purpose of taking bait for their own use only.

§8383. White sea bass may not be taken for commercial purposes between March 15th and June 15th, inclusive, between the United States-Mexico International Boundary and a line extending due west (true) from Point Conception. Any fish so taken shall not be transferred to any other vessel. The restrictions in this section shall not apply to white sea bass taken in waters lying south of the International Boundary Line between the United States and Mexico extended westerly into the Pacific Ocean. A current fishing permit issued by the Mexican Government is evidence that white sea bass were taken south of the international boundary.

§8383.5. It is unlawful to take, possess, sell, or purchase any white sea bass less than 28 inches in length, measured from the tip of the lower jaw to the end of the longer lobe of the tail.

§8385. No person holding a commercial fishing license while on any barge or boat which is for hire and carries any sport fisherman may take or have in his possession in any one day more than the aggregate number of the following kinds of fish permitted in the case of sport fishing: bluefin tuna, yellowfin tuna, skipjack, yellowtail, marlin, broadbill swordfish, black sea bass, albacore, barracuda, white seabass, bonito, rock bass, kelp bass, California halibut, California corbina, yellowfin croaker, and spotfin

croaker.

§8576. (a) Drift gill nets shall not be used to take shark or swordfish from February 1 to April 30, inclusive. (b) Drift gill nets shall not be used to take shark or swordfishing ocean waters within 75 nautical miles from the mainland coastline between the westerly extension of the California-Oregon boundary line and the westerly extension of the United States-Republic of Mexico boundary line from May 1 to August 14, inclusive.

(c) Subdivisions (a) and (b) apply to any drift gill net used pursuant to a permit issued under Section 8561 or 8681, except that drift gill nets with a mesh size smaller than eight inches in stretched mesh and twine size number 18, or the equivalent of this twine size, or smaller, used pursuant to a permit issued under Section 8681, may be used to take species of sharks other than thresher shark, shortfin mako shark, and white shark during the periods specified in subdivisions (a) and (b). However, during the periods of time specified in subdivisions (a) and (b), not more than two thresher sharks and two shortfin mako sharks may be possessed and sold if taken incidentally in drift gill nets while fishing for barracuda or white seabass and if at least 10 barracuda or five white seabass are possessed and landed at the same time as the incidentally taken thresher or shortfin mako shark. No thresher shark or shortfin mako shark taken pursuant to this subdivision shall be transferred to another vessel prior to landing the fish. Any vessel possessing thresher or shortfin mako sharks pursuant to this section shall not have any gill or trammel net aboard that is constructed with a mesh size greater than eight inches in stretched mesh and twine size greater than number 18, or the equivalent of a twine size greater than number 18. (d) Notwithstanding the closure from May 1 to August 14, inclusive, provided by subdivision (b), a permittee may land swordfish or thresher shark taken in ocean waters more than 75 nautical miles from the mainland coastline in that period if, for each landing during that closed period, the permittee signs a written declaration under penalty of perjury that the fish landed were taken more than 75 nautical miles from the mainland coastline. (e) If any person is convicted of falsely swearing a declaration under subdivision (d), in addition to any other penalty prescribed by law, the following penalties shall be imposed: (1) The fish landed shall be forfeited, or, if sold, the proceeds from the sale shall be forfeited, pursuant to Sections 12159, 12160, 12161, and 12162. (2) All shark or swordfish gill nets possessed by the permittee shall be seized and forfeited pursuant to Section 8630 or 12157. (f) From August 15 of the year of issue to January 31, inclusive, of the following year, swordfish may be taken under a permit issued pursuant to this article.

§10664. In the Laguna Beach, Newport Beach, Point Fermin, South Laguna Beach, Niguel, Irvine Coast, and Doheny Beach Marine Life Refuges, the following fish, mollusks, and crustaceans may be taken under the authority of a sport fishing license as authorized by this code: abalone, lobster, rockfish (*Scorpaenidae*), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (*Embiotocidae*), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear. All other fish and forms of aquatic life are protected and

may not be taken without a written permit from the department.

§10667. (a) In the Dana Point Marine Life Refuge below the intertidal zone, the following fish, mollusks, and crustaceans may be taken under the authority of a sportfishing license as authorized by this code: abalone, lobster, rockfish (Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department. (b) Except as expressly provided in this section, it is unlawful to enter the intertidal zone in the Dana Point Marine Life Refuge for the purpose of taking or possessing, or to take or possess, any species of fish, plant, or invertebrate, or part thereof, to use or have in possession any contrivance designed to be used for catching fish, to disturb any native plant, fish, wildlife, aquatic organism, or to take or disturb any natural geological feature. This subdivision does not prohibit persons from entering the intertidal zone for the purpose of entertainment, recreation, and education while having a minimum impact on the intertidal environment and the living organisms therein. For this purpose, minimum impact includes foot traffic, general observation of organisms in their environment with immediate replacement of any unattached organisms to their natural location after temporary lifting for examination, and photography. Minimum impact does not include removal of attached organisms from their environment, gathering of fishing bait, littering, collecting rocks and shells, or turning rocks or other acts destructive to the environment. (c) For the purposes of this section, "intertidal zone" means the area of the refuge between the mean lower low-water mark and the mean high-tide line described in Section 10907. (d) Notwithstanding subdivision (a) or (b), the Director of the Dana Point Marine Life Refuge, or any person, who has a scientific collector's permit from the department, to whom the Director of the Dana Point Marine Life Refuge has issued a permit pursuant to Section 10502.6, may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department pursuant to Section 10502.6. (e) This section does not prohibit the entry of state and local law enforcement officers, fire suppression agencies, and employees of the department in the performance of their official duties. This section does not prohibit or restrict navigation in the Dana Point Marine Life Refuge pursuant to federal law.

§15300. Aquatic plants or animals may be legally obtained for use as brood stock from all of the following sources: (a) A holder of a commercial fishing license. (b) A registered aquaculturist. (c) The department. (d) Imported sources authorized by Chapter 7 (commencing with Section 15600).

Title 14 Regulations

Definitions

§1.05. Angling. To take fish by hook and line with the line held in the hand, or with the line attached to a pole or rod held in the hand or closely attended in such manner that the fish voluntarily takes the bait or lure in its mouth.

§1.14. Authorization for Taking Fish. Fish, amphibians, reptiles, mollusks and crustaceans may be taken only in the amounts, only during the open season and only with the gear authorized and shall not be taken otherwise.

§1.17. Bag and Possession Limit. No more than one daily bag limit of each kind of fish, amphibian, reptile, mollusk or crustacean named in these regulations may be taken or possessed by any one person unless otherwise authorized; regardless of whether they are fresh, frozen, or otherwise preserved. Exceptions: See Sections 7.00 and 7.50(a).

§1.35. Closed or Closure. Refers to waters or areas closed to all fishing unless otherwise authorized.

§1.38. Closed Season. That period during which the taking of fish, amphibians, reptiles, mollusks or crustaceans is prohibited.

§1.41. Date. Dates of seasons and closures are inclusive.

§1.48. Gill Net. A single wall of webbing, bound at the top by a float line and at the bottom by a weighted line and used for entangling fish.

§1.59. Limit. Refers to daily bag limit and possession limit per person.

§1.62. Minimum Size. No fish, mollusks or crustaceans less than the legal minimum size (total, fork or alternate) may be possessed, except as otherwise provided. Total length is the longest straight-line measurement from the tip of the head to the end of the longest lobe of the tail. Fork length is the straight-line distance from the tip of the head to the center of the tail fin. Tip of the head shall be the most anterior point on the fish with the mouth closed and the fish lying flat on its side. Alternate length is the straight-line distance from the base of the foremost spine of the first dorsal fin to the end of the longest lobe of the tail. Unless otherwise provided, all fish, mollusks or crustaceans less than the legal minimum size must be returned immediately to the water from which they were taken.

§1.68. Open Season. That period of time during which the taking of fish, amphibians, reptiles, mollusks and crustaceans is authorized.

§1.80. Take. Hunt, pursue, catch, capture or kill fish, amphibians, reptiles, mollusks, crustaceans or invertebrates or attempting to do so.

§1.85. Trammel Net. Two or more walls of webbing, bound at the top by a float line and at the bottom by a weighted line and used for entangling fish.

§1.87. Waste of Fish. It is unlawful to cause or permit any deterioration or waste of any fish taken in the waters of this state.

Recreational

§27.65. Filleting of Fish on Vessels.

(a) Definition of Fillet: For the purpose of this section a fillet is the flesh from one side of a fish extending from the head to the tail which has been removed from the body (head, tail and backbone) in a single continuous piece.

(4) White seabass: Fillets must be a minimum of 19 inches in length. Each fillet shall bear intact a one-inch square patch of silver skin.

§28.35. White Seabass.

(a) Minimum size: Twenty-eight inches total length or twenty and one-half inches (546 mm) alternate length.

(b) Season: Open all year.

(c) Limit: Three, except that only one fish may be taken in waters south of Pt. Conception between March 15 and June 15.

§700. Display of License. (a) Display of Sport Fishing License: Every person, while engaged in taking any fish, amphibian or reptile, shall display their valid sport fishing license by attaching it to their outer clothing at or above the waistline so that is plainly visible, except when diving as provided in §7145 FGC. Persons diving from a boat or shore may have their license on the boat or within 500 yards of shore, respectively (see Fish and Game Code Section 7145).

Commercial Fishing

§109. Importation of Yellowtail, Barracuda, and White Seabass from Mexico. No person, firm, or corporation shall deliver, accept, or unload any yellowtail, barracuda, or white sea bass from any vessel carrying a purse seine or round haul net until the Fish and Game Patrol office nearest the point of delivery shall have issued a written inspection clearance to the master or operator of such vessel, or his agent, permitting said delivery. Such clearances shall be on such forms as the Department of Fish and Game shall prescribe. Such clearances shall be issued upon presentation of evidence satisfactory to the Department of Fish and Game of the fact that such fish was taken south of the International Boundary between the United States and Mexico.

§155. White Seabass, Commercial Take. (adopted 4/7/00, effective 6/2/00)

(a) Notwithstanding Fish and Game Code Section 8383, white seabass may not be taken for commercial purposes between March 15 and June 15, inclusive, between the United States-Mexico International Boundary and a line extending due west (true) from Point Conception, except that one white seabass not less than 28 inches in total length may be taken, possessed, and sold by a vessel each day if taken incidental to gill and trammel net fishing operations conducted under authority of a permit issued pursuant to Fish and Game Code Section 8681. Any fish so taken shall not be transferred to any

other vessel.

(b) The restrictions in this section shall not apply to white seabass taken in waters lying south of the International Boundary Line between the United States and Mexico extended westerly into the Pacific Ocean. A current fishing permit issued by the Mexican Government is evidence that white seabass were taken south of the international boundary.

