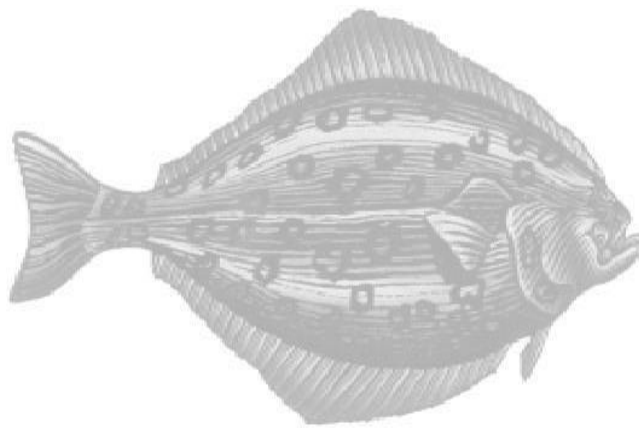


# 2024 Commercial Fish Business License



## Information Guide

State of California  
Department of Fish and Wildlife  
License and Revenue Branch  
PO Box 944209  
Sacramento, California 94244-2090  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)



## CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE SALES OFFICES

### EUREKA

619 Second Street, Eureka, CA 95501  
Office Hours - 8:00am - 4:30pm  
(707) 445-6493 FAX (707) 445-6664  
Email: (inland): [Askregion1@wildlife.ca.gov](mailto:Askregion1@wildlife.ca.gov)

### REDDING\*

601 Locust Street, Redding, CA 96001  
Office Hours - 8:00am - 4:30pm  
(530) 225-2300 FAX (530) 225-2055  
Email: [Askregion1@wildlife.ca.gov](mailto:Askregion1@wildlife.ca.gov)

### FAIRFIELD

2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
Office Hours – 8:00am – 4:30pm  
(707) 428-2002 FAX (707) 428-2036  
Email: [Askbdr@wildlife.ca.gov](mailto:Askbdr@wildlife.ca.gov)

### SACRAMENTO\*

License and Revenue Branch  
PO Box 944209  
Sacramento, CA 94244-2090 Office  
Hours - 8:00am - 5:00pm  
(916) 928-5822 FAX (916) 419-7585  
Email: [LRBCOMM@wildlife.ca.gov](mailto:LRBCOMM@wildlife.ca.gov)

### FRESNO

1234 East Shaw Avenue, Fresno, CA 93710  
Office Hours - 8:00am - 4:30pm  
(559) 243-4005 FAX (559) 243-4022  
Email: [Reg4sec@wildlife.ca.gov](mailto:Reg4sec@wildlife.ca.gov)

### SAN DIEGO

3883 Ruffin Road, San Diego, CA 92123  
Office Hours - 8:00am - 4:30 pm  
(858) 467-4201 FAX (858) 495-3614  
Email: [Ask5@wildlife.ca.gov](mailto:Ask5@wildlife.ca.gov)

### RANCHO CORDOVA

1701 Nimbus Road  
Rancho Cordova, CA 95670  
Office Hours - 8:00am – 4:30pm  
(916) 358-2900 FAX (916) 358-2912  
Email: [R2Info@wildlife.ca.gov](mailto:R2Info@wildlife.ca.gov)

### MARINE FISHERIES STATISTICAL UNIT

Phone: (562) 342-7130 Fax: (562) 342-7137  
Email: (ocean): [MFSU@wildlife.ca.gov](mailto:MFSU@wildlife.ca.gov)

\* Over the counter license sales are not available at this location.

Renew Your License Online at <https://www.ca.wildlifelicense.com/internetsales/>.

Alternate communication format is available upon request. Call the California Relay (Telephone) Service for the deaf or hearing-impaired from TDD phones at 1-800-735-2929 or 711.

### NONDISCRIMINATION

Any person excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program of the CDFW, on the grounds of age, race, national origin, disability, religious or political affiliation, color, sex, ancestry, marital status, or sexual orientation, should contact the nearest regional office of the department or its headquarters located at PO Box 944209, Sacramento, CA 94244-2090, (916) 653-4711. In addition, you may contact the U.S. Equal Employment Opportunity Commission, Washington, D.C. 20506 or a local EEOC office listed in your phone directory under U.S. Government.

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## INTRODUCTION

“The protection and conservation of the fish and wildlife resources of this state are of utmost public interest. Fish and wildlife are the property of the people and provide a major contribution to the economy of the state as well as providing a significant part of the people’s food supply; therefore their conservation is a proper ~~part~~ of the state.” (Fish and Game Code (FGC) Section 1600)

This booklet is intended to provide guidelines for Commercial Fish Business licensing requirements. Persons dealing in seafood are required to be licensed, maintain accurate accounting records, and issue fish landing receipts. The following license, record, and inspection information is from the FGC and California Code of Regulations (CCR), Title 14, and applies to businesses that accept or sell seafood or seafood products.

Please review the information carefully to determine your licensing obligations and legal responsibilities. The information contained herein is not a complete summary of all laws and regulations pertaining to the seafood industry. For actual language refer to the excerpts from the FGC or CCR, Title 14.

If you need additional information regarding commercial fish business licensing, please contact one of the CDFW offices listed on page 2 of this booklet. State and County Departments of Agriculture should be contacted regarding weighmaster requirements.

## 2024 COMMERCIAL FISH BUSINESS LICENSE FEES

Multifunction Fish Business.....	\$2,535.50
Fish Importer’s License .....	\$1,019.00
Fish Receiver’s License .....	\$1,019.00
Fish Processor’s License .....	\$1,019.00
Fish Wholesaler’s License.....	\$690.25
Fisherman’s Retail License .....	\$130.81
Sport-Caught Fish Exchange Permit.....	\$94.76
Marine Aquaria Receiver’s License .....	\$2,535.50
Importation Permit (Long Term) .....	\$78.00
Importation Permit (Standard Importation)	\$65.25
Anchovy Reduction Permit.....	\$65.91

## NONREFUNDABLE APPLICATION FEE

CCR, Title 14, Section 700.4(e), states all licenses, tags, permits, reservations, or other entitlements purchased via the Automated License Data System (ALDS) shall be subject to a three percent nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) per item, to pay the Department’s costs for issuing that license, tag, permit, reservation, or other entitlement.

## IDENTIFICATION REQUIREMENTS

CCR, Title 14, Section 700.4(c) states any applicant applying for any license, tag, permit, reservation, or other entitlement issued via ALDS shall provide valid identification.

Acceptable forms of identification include:

- Any license document or Get Outdoors identification number (GO ID) previously issued via ALDS.
- A valid driver’s license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver’s licenses from the licensee’s state of domicile.
- US Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel).
- US Certificate or Report of Birth Abroad
- US Birth Certificate
- Tribal Identification Card, as defined by each sovereign tribal nation.
- US Passport.
- A foreign government-issue photo identification.
- Certificate of Naturalization or Citizenship Birth Certificate or passport issued from a US Territory.

## BUSINESS DOCUMENTATION

All applicants applying as a business must provide documentation stating the business entity.

Acceptable forms include:

- Articles of Incorporation
- Articles of Organization
- Certificate of Limited Partnership
- Statement of Partnership Authority

## APPLICATIONS

Pursuant to FGC Sections 8030-8050, the CDFW is authorized to collect information from commercial fish business license applicants to

maintain a record of licensure. All information requested on the application is mandatory unless otherwise indicated and is confidential pursuant to FGC Section 8022. Information submitted on the worksheet may be released for law enforcement purposes, pursuant to court order, or for official natural resources management purposes.

An applicant may obtain a copy of his/her license records maintained by the CDFW by contacting the custodian of records at the CDFW License and Revenue Branch, PO Box 944209, Sacramento, CA 94244-2090, (916) 928-5822, or email [LRBCOMM@wildlife.ca.gov](mailto:LRBCOMM@wildlife.ca.gov). All requests for copies of license records must be submitted in writing and include the requester's name, address, and telephone number. Preprinted license renewal worksheets are mailed to commercial fish businesses licensed with the CDFW during the previous year. Worksheets for commercial fish businesses are available online at [www.wildlife.ca.gov/Licensing/Commercial-Fish-Business](http://www.wildlife.ca.gov/Licensing/Commercial-Fish-Business).

Please read the instructions before submitting worksheets and fees. Please allow 20 business days for your worksheet to be processed. Incomplete worksheets will be returned and could delay the issuance of your license or permit. Pursuant to FGC Section 8032.5, the street address of the main plant and the number of plants, outlets or fish receiving stations operating under the license must be printed on the Commercial Fish Business License Worksheet. **Worksheets listing PO Box numbers in place of a physical address of the business or plant will be returned.**

### **ADDITIONAL COMMERCIAL FISH BUSINESS PLANT LOCATIONS**

FGC Section 8037 requires licensees to maintain a copy of the commercial fish business license at each of their plants, facilities, or other places of business. Companies that are operating under different Federal Tax Identification Numbers than listed plants, facilities or other places of business must obtain separate commercial fish business licenses.

Commercial fish businesses that list multiple plants, outlets or receiving stations on the license application may be required to provide proof that these facilities are operated under the same

Federal Tax Identification Number as the primary business for which the license was issued.

Every commercial fish business reporting an additional plant location site must complete the Declaration of Additional Commercial Fish Business Plant Locations.

### **ADDRESS CHANGES**

Pursuant to FGC Section 8032.5(e), any person who holds a commercial fish business license, permit, or other entitlement who moves or acquires a new or additional plant, facility, or other place of business for profit involving fish must notify the CDFW of the new address within three months of commencing business activities at the address.

### **RENEW YOUR LICENSE ONLINE**

You can renew your Commercial Fish Business License online by logging onto the CDFW Online License Sales and Services at [www.ca.wildlifelicense.com/InternetSales/](http://www.ca.wildlifelicense.com/InternetSales/), and follow the instructions at [Steps to Renew Your License Online](#). Please review and update your contact information when renewing your licenses online.

**Note:** Items purchased from Online License Sales and Services include a five percent (5%) nonrefundable license agent handling fee.

### **PAYMENT POLICY**

The CDFW does not accept cash at the License and Revenue Branch and regional license sales offices. Checks, money orders, or any debit or credit card with the Visa or MasterCard logo are accepted.

### **PERSONAL CHECKS**

Personal checks will be accepted by the CDFW if the name and address are imprinted on the check. Checks returned to the CDFW due to insufficient funds will render your license or permit invalid. The CDFW may also deny the issuance or renewal of any commercial license or permit if a person has failed to reimburse the CDFW for the amount due plus an additional processing fee of \$30. Any commercial activity performed without a valid license or permit is a violation of the Fish and Game Code and therefore subject to enforcement action.

### **CREDIT CARDS**



Licenses, permits, tags, or registrations may be purchased with a Visa or MasterCard.

### REFUND POLICY

Refunds will not be issued for commercial fish business licenses or permit. Licenses or permits are considered valid from January 1 through December 31, or if issued after January 1, for the remainder of the calendar year.

### DUPLICATE LICENSES AND PERMITS

To replace a lost or destroyed license or permit the licensee must:

- Submit a signed Affidavit, stating that the license or permit has been lost or destroyed; and,
- pay a \$13.13 fee per document. Affidavits may be obtained and submitted to any CDFW license sales office.

License records will be verified by the License and Revenue Branch in Sacramento or a CDFW license sales office. Requests for replacement licenses received by mail will be issued within approximately 20 business days of receipt by the license sales office. If no record of the license or permit is found, then the applicant must complete an affidavit and pay the full license fee. Affidavits are available online at [www.wildlife.ca.gov/Licensing/Commercial](http://www.wildlife.ca.gov/Licensing/Commercial).

### TRANSFER OF LICENSES AND PERMITS

Pursuant to FGC Section 8032.5(d), it is unlawful to transfer any commercial fish business license or permit. If the ownership of a business is transferred, the new owner **MUST** obtain a new commercial fish business license(s) and pay the appropriate license fee(s).

### COMMERCIAL FISH BUSINESS LICENSE REQUIREMENTS

FGC Section 8030, with certain exceptions, requires any person who engages in any business for profit involving fish to obtain a commercial fish business license. A commercial fish business license is valid from January 1 through December 31, inclusive, or, if issued after January 1, for the remainder of the calendar year.

## MULTIFUNCTION FISH BUSINESS LICENSE

This license authorizes any person to conduct the activities of a fish receiver, fish processor, fish wholesaler, and/or fish importer.

### FISH RECEIVER'S LICENSE

Any person who purchases or receives fish for commercial purposes from a commercial fisherman not licensed as a fish receiver must obtain a Fish Receiver's License.

Additionally, a commercial fisherman is required to obtain this license if he or she:

- Intends to sell all or a portion of his/her catch to persons not licensed to conduct the activities of a fish receiver and who are not ultimate consumers.
- Processes his/her own catch for the purpose of resale to persons other than the ultimate consumer which includes the cleaning, beheading, gutting, or chilling, which is required to preserve the fish to prevent deterioration, spoilage, or waste of the fish.
- Purchases fish from another commercial fisherman not licensed to conduct the activities of a fish receiver.
- If the licensee is also a commercial fisherman, this license authorizes a person to conduct the activities of a Fisherman Retailer.

### FISH PROCESSOR'S LICENSE

Any person who processes fish for profit for other than the ultimate consumer must obtain a Fish Processor's License.

"Process fish" means any activity for profit of preserving or preparing fish for sale or delivery to other than the ultimate consumer, including, but not limited to, cleaning, cutting, gutting, scaling, shucking, peeling, cooking, curing, salting, canning, breading, packaging, or packing fish. "Process fish" also means the activity for profit of manufacturing fish scraps, fish meal, fish oil, or fertilizer made from fish.

"Process fish" does not include the cleaning, beheading, gutting, or chilling of fish by a licensed commercial fisherman which is required to preserve the fish while aboard a fishing vessel and



which is to prevent deterioration, spoilage, or waste of the fish before they are landed and delivered to a person licensed to purchase or receive fish from a commercial fisherman.

### FISH WHOLESALER'S LICENSE

Any person who, for the purpose of resale to persons other than ultimate consumers, purchases or obtains fish from a person licensed to engage in the activities of a fish receiver, fish processor, fish importer or fish wholesaler, is required to obtain a Fish Wholesaler's License.

"Wholesale" means the purchase of fish from fish receivers, processors, importers, or any other wholesaler for the purpose of resale to other than the ultimate consumer.

**Exceptions:** Persons that only import fish into California and persons licensed as marine aquaria receivers are not required to obtain a fish wholesaler, fish receiver, fish importer, or fish processor if they do not engage in the activities described in FGC Sections 8033, 8034, 8035, and 8036.

### FISH IMPORTER'S LICENSE

Any person who, for the purpose of resale to persons other than ultimate consumers, receives or purchases fish taken outside of this state which are not landed in this state by a licensed commercial fisherman must obtain a Fish Importer's License.

### IMPORTATION PERMITS (STANDARD AND LONG TERM)

Any person who imports live fish, including live shellfish must obtain a Standard or Long-Term Importation Permit unless otherwise noted.

#### STANDARD IMPORTATION PERMIT

Any person receiving a shipment of live fish, including shellfish must apply for a Standard Importation Permit at least 10 working days prior to the arrival of the shipment.

A fee will be charged for each permit. A permit is required for each lot or load and each shipment must be accompanied by the original standard importation permit. If there is a change in the shipment date the permit holder must contact the CDFW's Eureka office at (707) 445-6493 for

marine species permits or the Fisheries Branch at (916) 445-0826 for freshwater species permits.

All shipments of live fish may be inspected by the CDFW at the place of first entry into the state or another location suitable to the CDFW. The permit holder may be required to provide a location for the inspection and pay inspection costs, including the salary and travel expenses of the inspector.

#### LONG TERM IMPORTATION PERMIT

A Long-Term Importation Permit may be issued for each species or plant pursuant to CCR, Title 14, Section 236. Permits may be valid for up to one year from the date of issuance and a fee will be charged.

**Exceptions:** Unless specifically prohibited, plants and animals within the following groups may be imported without an Importation Permit:

1. Mollusks and crustaceans intended to go directly into the seafood market, and which will not be placed in waters of the state nor placed in waters which are discharged to waters of the state.

**NOTE:** Such mollusks and crustaceans must be held in closed water systems, where no water discharged from the system may flow to public waters.

2. Live ornamental tropical marine or freshwater plants or animals that are not utilized for human consumption or bait purposes, are maintained in closed systems for personal, pet industry or hobby purposes, and which will not be placed in waters of the state.

3. Brine Shrimp.

**Issuing Office:** Importation Permits are only issued by mail for marine species permits: 619 Second Street, Eureka, CA 95501 or freshwater species permits at the Fisheries Program Branch, 1010 Riverside Parkway, West Sacramento, CA 95605. If you need additional information about these permits, please call the Eureka office at (707) 445-6493 or the Fisheries Branch at (916) 445-0826.

#### FISHERMAN'S RETAIL LICENSE

A commercial fisherman is required to have this license only if he/she sells all or a portion of his/her catch to ultimate consumers.

**Exception:** A commercial fisherman who is also licensed as a fish receiver is not required to obtain this license if he/she also sells his/her catch to ultimate consumers.

A Fisherman's Retail License can only be issued to an individual. This license cannot be issued, or used by, a corporation, partnership, or husband and wife. The licensee must also possess a valid Commercial Fishing License before a Fisherman's Retail License can be issued.

Fisherman's Retail activity requires submission of a landing receipt(s) to E-Tix when offloading catch intended for direct sale, except when transporting to sell catch to a licensed receiver, then a fish transportation receipt shall be used instead.

If selling directly from the boat to ultimate consumers, then a tally sheet may be used to account for each individual sale on that day and all sales must be reported in total on a landing receipt at the end of the day.

### **SPORT-CAUGHT FISH EXCHANGE PERMIT**

Any person who exchanges fresh fish taken under the authority of a sport fishing license for filleted, smoked, or canned fish, must obtain a sport caught fish exchange permit.

### **MARINE AQUARIA RECEIVER'S LICENSE**

Any person engaged in the business of receiving live marine species native to California waters for the purpose of wholesaling or retailing these species for pet industry or hobby purposes must obtain a Marine Aquaria Receiver's License.

Additionally, a person is required to obtain this license if he or she:

- Is required to be licensed as a marine aquaria collector and who sells to the ultimate consumer live marine organisms native to California that he/she has taken.
- Purchases or receives live marine species native to California for resale to the pet industry or hobby trade from any of the following:
- Is a fisherman who is required to have a marine aquaria collector's permit pursuant to FGC Section 8597(a).

- Is a licensed commercial fisherman who takes organisms not specified in FGC 8597(b), and which are not otherwise prohibited.
- Is a registered aquaculturist.
- Is a person who imports from neighboring states species that are also native to California waters.

Every person licensed as a Marine Aquaria Receiver must submit a Marine Aquaria Landing Receipt to the CDFW Marine Fisheries Statistical Unit. The receipts are to be submitted to the CDFW on or before the first and 16th day of the month in which the fish are landed, whichever occurs first. Landing receipt forms are available from the Marine Fisheries Statistical Unit.

### **ANCHOVY REDUCTION PERMIT**

No anchovy shall be taken, possessed, landed, or processed for reduction purposes except by permit and proper declaration of intent to take anchovies for reduction purposes pursuant to CCR, Title 14, Section 147. Anchovy are also subject to the provisions of the federal regulations for Coastal Pelagic Species. For up-to-date information regarding federal regulation, see [www.fisheries.noaa.gov](http://www.fisheries.noaa.gov).

### **PROCESSING, PRESERVING, OR SALE OF FISH TAKEN UNDER THE AUTHORITY OF A SPORT FISHING LICENSE**

Striped bass, fresh or preserved, or any other fish or amphibia taken under the authority of a sport fishing license may not be bought or sold or possessed by a fish market, bait store, or any other place of business where fish are bought, sold, or processed unless under the authority of a sport caught fish exchange permit. Sport-caught canned salmon or any other species of fish or amphibian taken under a sport fishing license may not be sold or purchased. Canneries or packing plants in which sport caught fish are canned shall emboss on the top of each can "Not for sale" or "Illegal to sell".

### **SIZE LIMITS ON NEARSHORE FISH STOCKS**

Species for which there is a size limit must be sorted prior to weighing. The weight must be reported separately on Department fish landing

receipts. Nearshore fish must be measured and released immediately if not in compliance with the size limits. Nearshore finfish taken in trawls and landed dead are exempt from these size limits. The nearshore species and size limits are:

<b>Species</b>	<b>Minimum Size Limits (Total Length)</b>
Black-and-Yellow Rockfish.....	10 inches
Gopher Rockfish .....	10 inches
Kelp Rockfish .....	10 inches
California Scorpionfish (sculpin).....	10 inches
Greenling .....	12 inches
China Rockfish.....	12 inches
Grass Rockfish.....	12 inches
California Sheephead.....	13 inches
Cabezon.....	15 inches

**SKATE SPECIES MUST BE LANDED WHOLE; SORTING OF SKATES**

Possession of skate wings on any boat is prohibited as there are no equivalents or conversion factors established in statute or regulation under which other than whole skates may be brought ashore (FGC §§ 5508, 8042). Additionally, regulations require that longnose skate be sorted upon landing (Title 14, CCR, §189(b)(3)). Please refer to the federal groundfish regulations at [www.westcoast.fisheries.noaa.gov/fisheries/groundfish](http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish) for more information.

**PURCHASING SQUID**

FGC §8424(a), requires that any person who purchases squid from any vessel must have a valid Multifunction Commercial Fish Business or Fish Receiver’s License, employ a certified weighmaster and the facilities must be on land.

Any person who transfers less than 200 pounds of squid for live bait at sea in a calendar day is exempt from this requirement.

**LIVE BAIT DEALER EXEMPTION**

Effective January 1, 2024, Fish and Game Code § 8030 will exempt live bait dealers from needing to purchase a fish business license if they exclusively purchase, sell, take, or receive live marine fish for use as bait. Live bait dealers will need to register with the Department for the exemption and electronically report live bait landings.

**ELECTRONIC FISH TICKET REPORTING REQUIREMENTS**

Effective **July 1, 2019**, fish businesses that possess one or more of the licenses listed here must report landings electronically:

- **Multifunction License (for fish businesses that report the sale or delivery of commercial fish landings)**
- **Fish Receiver’s License**
- **Fisherman’s Retail License**

All commercial landings must be submitted through the E-Tix application, which is managed by the Pacific States Marine Fisheries Commission (PSMFC). Log in to the E-Tix application on the PSMFC E-Tix web page identified further below.

**IMPORTANT INFORMATION**

- **Sablefish, groundfish trawl, and Pacific bluefin tuna** landings must be submitted via E-Tix **within 24 hours**.
- **Fish Businesses planning to land salmon in 2024 should monitor the Pacific Fishery Management Council outcomes regarding any new reporting requirements.** <https://www.pcouncil.org/>
- **All other landings** must be submitted via E-Tix **within three business days**.
- Electronic fish tickets should be filled out immediately upon landing using the E-Tix system. If not feasible, a dock ticket including all required information must be filled out when fish are landed.
- **If you have internet access** (mobile, tablet, or computer) to enter a landing directly into E-Tix at the time of offloading, the system will automatically generate a fish ticket number for the landing information.
- **If there is no internet available at the time of offloading** – you must **plan ahead** by logging in to the E-Tix system and generating a fish ticket number (or multiple numbers) to use on paper dock tickets.
- If you use paper dock tickets, the electronic fish ticket number generated via E-Tix prior

to receiving a landing must be included on the dock ticket. You can also print out a docketicket with the fish ticket number on it before buying fish. The required information on the dock ticket needs to be entered into E-Tix and submitted within the submission deadlines mentioned above.

- Paper copies of the electronic fish ticket or dock ticket must be signed by both the buyer and fisherman, and a copy must be given to the fisherman at the time of the landing.
- Both buyer and fisherman must keep paper copies of electronic fish tickets or dock tickets for four years and make them available for inspection by the CDFW.
- Existing requirements to keep paper records onboard the vessel for groundfish, California Sheephead, tanner crab, rock crab, non-*Cancer* crabs, and salmon still apply.
- Please ensure your E-Tix account is set up under your current licensed Dealer ID. Businesses that have changed their names will require a new E-Tix account from PSMFC.

## HELPFUL RESOURCES

### MAIN WEB PAGES

PSMFC E-Tix Web Page

<https://etix.psmfc.org/Account/Login>

CDFW Web Page - Procedures and Resources for Commercial Landings (includes Dock Ticket)

<https://wildlife.ca.gov/Fishing/Commercial/Landings-Resources>

### GUIDES & GETTING STARTED

Request an E-Tix Account

<https://etix.psmfc.org/Account/RequestNew>

PSMFC Quick Start Guide - California

[https://etix.psmfc.org/Content/Documents/ETixStartGuide\\_CADEalers.pdf](https://etix.psmfc.org/Content/Documents/ETixStartGuide_CADEalers.pdf)

CDFW Guide for Fish Ticket Submission

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=165689&inline>

## QUESTIONS? CONTACT CDFW

Email

[ElectronicFishTicket@wildlife.ca.gov](mailto:ElectronicFishTicket@wildlife.ca.gov)

Phone

**(562) 342-7130**

## FISH LANDING FEES

Every person required to be licensed to receive fish from commercial fishermen and, commercial fishermen licensed as a Fisherman's Retailer, must pay Quarterly Fish Landing Fees, for fish landed, to the CDFW.

CDFW is providing fish businesses with a quarterly report of landing fees due for fish landed during the preceding quarter. Commercial fisheries landing fees are imposed on all fish landed in California for which an electronic fish ticket has been completed and submitted to CDFW. Fish landing fees are based on the weight and species of fish documented on electronic fish tickets.

- Landing fees imposed shall be paid quarterly to the CDFW within 30 days after the close of each quarter.
- If any landing fee is not paid within 30 days after the close of the quarter for which it is due, the CDFW shall collect amounts owing under the procedures prescribed for sales and use taxes provided in Chapter 5 (commencing with Section 6451) and Chapter 6 (commencing with Section 6701) of Part 1 of Division 2 of the Revenue and Taxation Code, insofar as they may be applicable, and for those purposes, "board" means the department and "the date on which the tax became due and payable" means that date 30 days after the close of the quarter for which it is due.
- Commercial fishermen that sell their catch under the authority of a Fisherman's Retail License are required to report and remit fish landing fees.

**Exception:** Persons licensed as Marine Aquaria Receivers are not required to pay fish landing fees.

A Quarterly Fish Landing Fee Report will be sent to all persons licensed as Fish Receiver's, Multifunction Commercial Fish Businesses, and Fisherman's Retailers. It is the ultimate responsibility of the fee payer to submit a fee report form on a quarterly basis.



<b>Quarter</b>	<b>Payment Due By</b>
1 <sup>st</sup> : January 1 through March 31	April 30
2 <sup>nd</sup> : April 1 through June 30	July 31
3 <sup>rd</sup> : July 1 through September 30	October 31
4 <sup>th</sup> : October 1 through December 31	January 31

**CALIFORNIA FISH DEALER'S  
RESPONSIBILITIES UNDER NOAA  
FISHERIES CAPACITY REDUCTION  
PROGRAM**

As a newly licensed Commercial Fish Business in the state of California, you are obligated under Code of Federal Regulations, Title 50 Section 600.1102, Pacific Coast Groundfish Fee, to collect fees for repaying the \$35,662,471 reduction loan which financed the Pacific Coast Groundfish Fishing Capacity Reduction Program.

**WHAT DOES THIS MEAN FOR YOU?**

If you are the first buyer of fish, you are responsible for collecting from the vessels (fish sellers) the fee for every pound of fee fish landed on every day until further notice. Fee fish are the following species:

- Trawl harvested groundfish (except whiting catcher-processors)
- Coastal Dungeness crab
- Pink Shrimp

For a complete listing of groundfish included, please visit [www.westcoast.fisheries.noaa.gov/fisheries/groundfish](http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish).

**How Do I Collect the Fee?**

**You simply deduct the fee from the net trip proceeds owed to the vessel (fish seller). (i.e.: Vessels sells \$1,000 worth of fish to you, the fee rate on the fish is 5%, then the fee is \$50, thus you pay the vessel \$950 and retain and remit the \$50 collected fee). The fee is based on the full, fair- market value of the fee fish which the vessel sells to you. This includes the value of all in-kind compensation or all other goods and services which you pay the vessel in lieu of cash plus any and all deferred cash compensation.**

**FEE RATE**

Each fee rate is a percentage of the full, fair market, gross ex-vessel value of the fee fish and is subject to change:

- Groundfish - 5%
- Dungeness Crab - 1.24%
- Pink Shrimp - 5%

**WHAT DO I DO WITH THE FEES I COLLECT?**

At a minimum, at the end of each month you must deposit the fees collected for that month into a federally insured depository institution. All deposit accounts must be federally insured.

You must disburse to NOAA Fisheries the collected fees in the depository accounts at least once a month so that the disbursement reaches NOAA Fisheries by the 14th calendar day of the following month. However, if the depository account of any month is less than \$100, then you do not have to disburse the collected fees until there is over \$100 in the account, except at the end of the year, all funds must be disbursed and received by NOAA Fisheries by the 14th day of the New Year.

You may disburse the collected fees to us either electronically or by check. The electronic payment system is named Pay.Gov and can be accessed at [www.pay.gov](http://www.pay.gov).

You have two Pay.Gov payment options:

- 1.) Bank account debit (ACH) or 2) Credit Card
- 2.) Paper checks shall be mailed to the following address:

NOAA Fisheries Pacific Coast  
Groundfish Buyback  
Post Office Box 979059  
St. Louis, MO 63197-9000

**FEE COLLECTION REPORT**

With each disbursement, you are required to submit a Fee Collection Report that identifies you (the buyer), the fee fish on which the collected fees are being disbursed, and how the disbursement is to be credited to one or more of the fee fisheries. If paying electronically, the report can be completed and transmitted electronically at the same time of payment. If paying by check, the fee collection report must be submitted with the payment.

## **PENALTIES**

Fee payment and fee collection is mandatory. There are severe penalties for you and the vessel(fish sellers) for failing to pay or collect/disburse fees.

This represents a portion of the full regulations governing your responsibilities under the NOAA Fisheries Groundfish Capacity Reduction Program, for a complete set of rules and regulations please visit our website at [www.fisheries.noaa.gov](http://www.fisheries.noaa.gov).

## **HEALTH ADVISORIES FOR CALIFORNIA FINFISH, SHELLFISH AND CRUSTACEANS**

In preparation for the anticipated trawl rationalization program, the National Marine Fisheries Service (NMFS) announced a tool to assist potential first receivers in the Shore Based Individual Fishing Quota Program. NMFS has drafted guidelines for first receivers on how to prepare a catch monitoring plan.

For questions or additional information, please contact the Northwest Regional Office at (206) 526-6140 or (206) 526-4353.

## **EXCERPTS FROM THE FISH AND GAME CODE AND TITLE 14, CALIFORNIA CODE OF REGULATIONS**

A complete copy of the Fish and Game Code is available at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov), and a complete copy of Title 14, California Code of Regulations is available at [www.oal.ca.gov/publications/ccr/](http://www.oal.ca.gov/publications/ccr/).

The following excerpts from the Fish and Game Code and/or the California Code of Regulations, Title 14, provide essential information about specific commercial fisheries; but do not provide a complete summary of all commercial fishing laws and regulations. It is the fisherman's responsibility to know and obey all laws and regulations in effect while engaged in commercial fishing activities. Changes to either code may occur at any time during the year.

**Since the codes may be amended at any time, it is the licensee's responsibility to be knowledgeable of, and abide by, all laws and regulations in effect at the time he/she participates in any commercial fish business**

**activity. Any discrepancies between this document and the code(s) from which it was prepared will be enforced and adjudicated according to the official code(s) in effect on the date the activity takes place.**

### **§700.4. Automated License Data System.**

(a) Defined:

For the purposes of this Division the "Automated License Data System" or "ALDS" is an automated system that replaced the CDFW's paper license inventory system. ALDS allows license items to be printed instantly using point of sale terminals and is available at Department license agents and Department license sales offices located throughout the state. ALDS also allows applicants to apply for licensing via the Internet.

(b) Get Outdoors Identification Number

The first time any applicant applies for any license, tag, permit, reservation, or other entitlement via ALDS, the applicant shall receive a unique Get Outdoors Identification number or "GO ID." The GO ID shall not be transferable to any other person.

## **GENERAL PROVISIONS AND DEFINITIONS**

### **FGC Excerpts**

#### **§17. Aquaculture**

"Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water.

"Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in enclosed systems for personal, pet industry, or hobby purposes, however, these species continue to be regulated under Chapter 2 (commencing with Section 2116) of Division 3.

#### **§45. Fish**

"Fish" means wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum thereof.

#### **§67. Person**

"Person" means any natural person or any partnership, corporation, limited liability company, trust, or other type of association.

#### **§1006. Inspection of Game Storage Sites and Containers**

The department may inspect the following:

(a) All boats, markets, stores, and other



buildings, except dwellings, and all receptacles, except the clothing actually worn by a person at the time of inspection, where birds, mammals, fish, reptiles or amphibia may be stored, placed, or held for sale or storage.

- (b) All boxes and packages containing birds, mammals, fish, reptiles, or amphibian which are held for transportation by any common carrier.

### **§1052. Unlawful Transfer, Use or Possession**

It is unlawful for any person to do any of the following:

- (a) Transfer any license, license tag, license stamp, permit, application, or reservation.
- (b) Use, or possess any license, license tag, license stamp, permit, application, or reservation which was not lawfully issued to the user thereof or which was obtained by fraud, deceit, or the use of a fake or counterfeit application form.
- (c) Use or possess any fake or counterfeit tag, license, license stamp, permit, permit application form, band, or seal, made or used for the purpose of evading any of the provisions of this code, or regulations adopted pursuant thereto.
- (d) Predate, fail to date, or alter any date of any license, tag, or permit.
- (e) Postdate the date of application or the date of issuance of the license, tag, or permit. This subdivision does not apply to the date that a license, tag, or permit is valid.
- (f) Alter, mutilate, deface, duplicate, or counterfeit any license, tag, permit, permit application form, band, or seal, or entries thereon, to evade the provisions of this code, or any regulations adopted pursuant thereto.

### **§5508. Size or Weight Determination; Requirements**

It is unlawful to possess on any boat or to bring ashore any fish upon which a size or weight limit is prescribed in such a condition that its size or weight cannot be determined. The commission may adopt regulations, under which fish other than whole fish may be brought ashore, which establish sizes or weights for cleaned or otherwise cut fish equivalent to sizes or weights for whole fish.

### **§5509. Species Undeterminable**

It is unlawful to possess on any boat or to bring ashore any fish in such a condition that the species cannot be determined, except as otherwise provided in this code or regulations adopted pursuant thereto. The commission, subject to the provisions of Section 5508, may adopt regulations whereby fish taken by persons fishing from a vessel licensed pursuant to Section 7920 may be brought ashore in such a condition that the species cannot be determined.

### **§7702. Entry and Examination of Commercial Fish Plants, Boats, etc.**

The CDFW may enter and examine any canning, packing, preserving; or reduction plant, or place of business where fish or other fishery products are packed, preserved, manufactured, bought or sold, or board any fishing boat, barge, lighter, tender, or vehicle or receptacle containing fish, and ascertain the amount of fish received, or kind and amount of fishery products packed or manufactured and the number and size of containers or cans for fishery products purchased, received, used, or on hand and may examine any books and records containing any account of fish caught, bought, canned, packed, stored or sold.

#### **§7702.1. Unloading of Sardines, Anchovies, Mackerel, or Squid**

No sardines, anchovies, mackerel, or squid intended for or used in any cannery shall be unloaded from any vessel except at a weighing or measuring device approved by the Bureau of Weights and Measures. Such products shall be weighed by a public weighmaster licensed as an individual under the laws of this state and a receipt as to such weight shall be immediately issued by the weighmaster to the fisherman at the time of receipt of such products. Copies of such receipt shall be handled in the manner provided in FGC Sections 8043 to 8047, inclusive.

#### **§8424. Purchase of Squid; Weighmaster Required**

- (a) No person shall purchase squid from a vessel or vessels unless that person holds a license issued pursuant to FGC Section 8032 or 8033, employs a certified weighmaster, and the facilities operated by the person are located on a permanent, fixed location

- (b) Notwithstanding any other provision of law, this section shall not apply to the transfer at sea of squid for live bait in an amount less than 200 pounds in a calendar day.

**§8588. Minimum Size Limits**

- (a) Notwithstanding any other provision of this code or any regulation adopted by the commission, no fish listed under this section taken pursuant to a commercial fishing license, shall be possessed, sold, or purchased unless it exceeds the specified minimum total length in the round or dressed with head on, as established under subdivision (b), except that nearshore finfish taken in trawls and landed dead are exempt from these size limits. (Refer to §150.16 for size limits).
- (b) The commission may adopt regulations to modify the minimum size limits or to specify maximum size limits based on the best available scientific information.
- (c) Regulations adopted by the commission pursuant to subdivision (c) shall only be adopted following public notice and not less than one public hearing.
- (d) Any nearshore fish as defined in this article or in regulations adopted by the commission pursuant to this section that are taken in a nearshore fishery shall be measured immediately upon being brought aboard the vessel and released immediately if not in compliance with the size limits specified.
- (e) This section shall remain in effect until the adoption of regulations implementing a fishery management plan for nearshore fish stocks by the commission, and as of that date is repealed.

**TITLE 14 EXCERPTS**

**§150.16. Commercial Take of Nearshore Fishes.**

- (a) Cabezon, kelp greenling, and rock greenlings shall not be taken commercially statewide during March and April.
- (b) California sheephead shall not be taken commercially statewide during March and April.
- (c) The minimum size limits (total length) are as follows:

- 1. black-and-yellow rockfish (Sebastes chrysomelas)..... 10 in.
- 2. cabezon (Scorpaenichthys marmoratus) ..... 15 in.
- 3. California scorpionfish or sculpin (Scorpaena guttata)..... 10 in.
- 4. California sheephead (Semicossyphus pulcher) ..... 13 in.
- 5. China rockfish (Sebastes nebulosus) ..... 12 in.
- 6. gopher rockfish (Sebastes carnatus) ..... 10 in.
- 7. grass rockfish (Sebastes rastrelliger) ..... 12 in.
- 8. greenlings of the genus Hexagrammos (Hexagrammos spp.)..... 12 in.
- 9. kelp rockfish (Sebastes atrovirens) ..... 10 in.

Species of nearshore fish stocks for which there is a trip limit, size limit, or optimum yield (OY) must be sorted prior to weighing and the weight reported separately on the Fish and Game receipt.

**COMMERCIAL FISH BUSINESS LICENSES**

**FGC Excerpts**

**§8030. Exemptions to License Requirements**

Any person who engages in any business for profit involving fish shall be licensed pursuant to this article, except as follows:

- (a) A commercial fisherman who sells fish only to persons licensed under this article to purchase or receive fish from commercial fishermen and who does not engage in any activity described in Section 8034, 8035, or 8036 unless licensed to engage in both activities,
- (b) A person licensed pursuant to Section 8460 who only takes, transports, or sells live freshwater fish for bait.
- (c) A person who sells fish or aquaculture products only at retail to the ultimate consumer if that person does not conduct any activities described in Section 8033, 8035, or 8036.
- (d) Pursuant to Division 12 (commencing with Section 15000), a person who deals only in products of aquaculture.
- (e) A person who deals only with nonnative live products that are not utilized for human consumption but that are utilized solely for pet industry or hobby purposes and who does not engage in the activities described in Section 8033.1.

- (f) A person who is employed by the fish receiver to unload fish or fish products from a commercial fishing boat at a dock.
- (g) A person who purchases, sells, takes, or receives live marine fish for use as live bait, which are not brought ashore, and who does not engage in any activity described in FGC Sections 8033, 8033.1, 8034, 8035, or 8036.
- (h) A person who does not purchase or obtain fish, but who acts as an agent for others while negotiating purchases, or sales of fish in return for a fee, commission, or other compensation.

**§8031. Process Fish; Wholesale; Import; Commercial Fisherman**

- (1) "Process fish" means any activity for profit of preserving or preparing fish for sale or delivery to other than the ultimate consumer, including, but not limited to, cleaning, cutting, gutting, scaling, shucking, peeling, cooking, curing, salting, canning, breading, packaging, or packing fish. "Process fish" also means the activity for profit of manufacturing fish scraps, fish meal, fish oil, or fertilizer made from fish. "Process fish" does not include the cleaning, beheading, gutting, or chilling of fish by a licensed commercial fisherman which is required to preserve the fish while aboard a fishing vessel and which is to prevent deterioration, spoilage, or waste of the fish before they are landed and delivered to a person licensed to purchase or receive fish from a commercial fisherman.
- (2) "Wholesale" means the purchase of fish from persons licensed to purchase or receive fish from a commercial fisherman, processors, or any other wholesaler for the purpose of resale to other than the ultimate consumer.
- (3) "Import" means receiving or purchasing fish taken outside of this state which are not landed in this state by a licensed commercial fisherman.
- (4) "Commercial fisherman" means a person who has a valid, unrevoked commercial fishing license issued pursuant to Section 7850.
- (5) "Fresh or fresh frozen fish and aquaculture products" means wild fish and products of aquaculture that are not

canned, cooked, cured, salted, dried or breaded.

**§8037. Business that Requires Multiple Classes of Licenses**

- (a) A person who engages in business involving fish which business activity would require more than one class of license under this article shall obtain either a commercial fish business license issued under subdivision (a) of Section 8032 or each of the specialty licenses which are required for the classes of activities engaged in. Each plant, facility, or other place of business in which an activity occurs that is required to be licensed shall have a copy of the required license.
- (b) This section shall become operative January 1, 1993.

**§8038. Valid Dates of License**

A license issued under this article is valid from January 1 through December 31, inclusive, or, if issued after the beginning of that term, for the remainder thereof.

**§8039. Specified Fees; Applicability; Annual Adjustment**

The fees specified in this article are applicable to the 2004 license year and shall be adjusted annually thereafter pursuant to CCR, Title 14, Section 713.

**MULTIFUNCTION COMMERCIAL FISH BUSINESS LICENSE**

**FGC Excerpts**

**§8032.5.**

Unless otherwise specified, all the following conditions apply to each commercial fish business license, permit, or other entitlement pursuant to this article:

- (a) An application for a commercial fish business license, permit, or other entitlement shall be made on a form containing information as required by the department. The commercial fish business license shall be signed by the holder before use.
- (b) Any person who has had a commercial fish business license suspended or revoked shall not engage in that business activity and shall not receive any other commercial fish business license, permit, or other entitlement that authorizes engaging in that business

- activity, while the suspension or revocation is in effect.
- (c) The commission, after notice and opportunity for hearing, may suspend, revoke, or cancel commercial fish business privileges for a period of time to be determined by the commission for any of the following reasons:
- (1) The person was not lawfully entitled to be issued the license, permit, or other entitlement.
  - (2) Any violation of this code, the regulations adopted pursuant to this code, or the terms of the permit or other entitlement by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.
  - (3) Any violation of any federal law relating to the fishery for which the license, permit, or other entitlement was issued by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.
- (d) A commercial fish business license, permit, or other entitlement is not transferable unless otherwise expressly specified in this code.
- (e) Any person who holds a commercial fish business license, permit, or other entitlement, who moves or acquires a new or additional plant, facility, or other place of business for profit involving fish, shall notify the department of the address within three months of commencing business activities at the address.
- (f) Each plant, facility, or other place of business in which an activity occurs that is required to be licensed under this article shall have a copy of each required license on display and available for inspection at any time by the department.
- (g) Any person licensed pursuant to this article shall provide the department, at the time of application, with the business name, business address, and business telephone

- number for all locations doing business under the authority of the person's commercial fish business license, permit, or entitlement.
- (h) Any person licensed pursuant to this article who is subject to landing fees, as defined in FGC Section 8041, and who has failed to pay all landing fees and penalties pursuant to FGC Section 8053, shall not be allowed to renew his or her commercial fish business license, permit, or entitlement until payment is made in full to the department.
- (i) Any person licensed pursuant to this article who is subject to landing fees, as defined in FGC Section 8041, who fails to submit landing receipts pursuant to FGC Section 8046, may be subject to suspension or revocation of his or her commercial fish business license, permit, or entitlement.

**§8032. Commercial Fish Business Licenses; Fees; Types**

- (a) A commercial fish business license shall be issued which authorizes any or all activities described in FGC Sections 8033, 8034, 8035, or 8036. The annual fee for this license is one thousand three hundred seventy-three dollars (\$1,373.00). Specialty licenses for part of, but not all, activities
- (b) described in subdivision (a) shall be issued in five classes, as follows:
- (1) Fish receiver's license, issued to any person engaged in the business of receiving fish as provided in FGC Section 8033.
  - (2) Marine aquaria receiver's license, issued to any person engaged in the business of receiving live marine species indigenous to California waters from a person required to be a licensed commercial fisherman for the purpose of wholesaling or retailing those species for pet industry or hobby purposes as provided in FGC Section 8033.1.
  - (3) Fish processor's license, issued to any person engaged in the business of processing fish as provided in FGC Section 8034.
  - (4) Fish wholesaler's license, issued to any person who is engaged in the business of wholesaling fish as provided in FGC Section 8035.



- (5) Fish importer's license, issued to any person who is engaged in the business of importing fish as provided in FGC Section 8036

### **FISH RECEIVER'S LICENSE**

#### **FGC Excerpts**

#### **§8033. Fish Receiver's License and Annual Fee**

- (a) Except as provided in FGC Section 8033.1 or 8033.5, or subdivision (c) of FGC Section 8047, any person who purchases or receives fish for commercial purposes from a fisherman who is required to be licensed under FGC Section 7850, or any person who removes fish from the point of the first landing that the person has caught for his or her own processing or sale, shall obtain a fish receiver's license.
- (b) The annual fee for a fish receiver's license is five hundred forty-nine dollars (\$549.00).
- (c) A cooperative association of fishermen may be licensed as fish receivers.

### **FISH PROCESSOR'S LICENSE**

#### **FGC Excerpts**

#### **§8034. Fish Processor's License; Fee**

- (a) Any person who processes fish for profit shall obtain a fish processor's license. The annual fee for a fish processor's license is five hundred forty-nine dollars (\$549.00).
- (b) Any person required to obtain a license under this section who takes his or her own fish shall also obtain a fish receiver's license or a commercial fish business license.

### **FISH WHOLESALER'S LICENSE**

#### **FGC Excerpts**

#### **§8035. Fish Wholesaler's License; Fee**

- (a) Except for a person exempt under FGC Section 8030, any person who, for the purpose of resale to other than the ultimate consumer, purchases or obtains fish from another person, who is required to be licensed as a fish receiver, fish processor, fish importer, or fish wholesaler under this article, shall obtain a fish wholesaler's license.

- (b) The annual fee for a fish wholesaler's license is three hundred seventy-one dollars (\$371.00).

- (c) This section does not apply to either of the following:

- (1) Persons required to have a marine aquaria receiver's license pursuant to FGC Section 8033.1.
- (2) Persons licensed pursuant to FGC Section 8036, who only purchase or obtain fish from outside the state.

### **FISH IMPORTER'S LICENSE**

#### **FGC Excerpts**

#### **§8036. Fish Importer's License; Fee**

- (a) Any person who purchases or receives fish that are taken outside of this state and brought into this state by a person who is not a licensed commercial fisherman, for the purpose of resale to other than the ultimate consumer shall obtain a fish importer's license. The annual fee for a fish importer's license is five hundred forty-nine dollars (\$549.00).
- (b) Any person who, for the purpose of resale to other than the ultimate consumer, purchases or obtains fish within California in addition to fish that are purchased, obtained, or taken outside of the state, shall obtain both a wholesaler's license pursuant to FGC Section 8035 and an importer's license pursuant to this section.

### **FISHERMAN'S RETAIL LICENSE**

#### **FGC Excerpts**

#### **§8033.5. Fisherman's Retail License; Fee.**

- (a) Any commercial fisherman who sells fish for other than marine aquaria pet trade or research purposes that he or she has taken to the ultimate consumer of that fish shall obtain a fisherman's retail license. The annual fee for a fisherman's retail license is sixty-nine dollars (\$69).
- (b) Any person required to obtain a license under this section who engages in any activity described in FGC Section 8033, 8034, 8035, or 8036, shall also obtain an appropriate license to engage in those activities.

## MARINE AQUARIA RECEIVER'S LICENSE

### FGC Excerpts

#### §8033.1. Marine Aquaria Receiver's License; Requirements

- (a) Any person engaged in any of the following activities involving species identified in subdivision (b) of FGC Section 8597 shall obtain a nontransferable marine aquaria receiver's license:
- (1) A person who is required to have a marine aquaria collector's permit pursuant to FGC Section 8597 who sells live marine organisms indigenous to California, that the person has taken to the ultimate consumer.
  - (2) A person who purchases or receives live marine species indigenous to California for commercial purposes from any of the following:
    - (A) A fisherman who is required to have a marine aquaria collector's permit pursuant to subdivision (a) of FGC Section 8597.
    - (B) A person who imports from neighboring states species that are also indigenous to California waters.
- (b) A person required to be licensed as a marine aquaria receiver shall obtain all live marine organisms indigenous to California waters only from fishermen, aquaculturists, or importers holding current and appropriate licenses or permits.

#### §8040.

The following definitions govern the construction of this article.

- (a) "Commercial fisherman" means a person who has a valid, unrevoked commercial fishing license issued pursuant to Section 7850.
- (b) "Landing fee" means a fee imposed on a fish receiver or processor, as described in Section 8041.

#### §8041.

- (a) The following persons shall pay the landing fee determined pursuant to Section 8042:
- (1) Any person who is required to be licensed as a fish receiver, and any person who is licensed before January 1, 1987, as a wholesaler or a processor pursuant to former FGC Section 8040 and who receives fish from commercial fishermen.
  - (2) Any commercial fisherman who sells fish to any person who is not a licensed fish receiver.
- (b) Notwithstanding subdivision (a), a person licensed pursuant to FGC Section 8460 who only takes, transports, or sells live freshwater fish for bait or a commercial fisherman who sells live freshwater fish for bait to such a licensed person, and a person licensed pursuant to FGC Section 8033.1 who takes, transports, or sells live aquaria fish as described in FGC Section 8597 or a commercial fisherman who sells live aquaria fish, are exempt from the landing fee imposed under this article. It is the intent of the Legislature that the license fee for live aquaria fish described in FGC Section 8033.1 shall be in lieu of a landing fee imposed under this article.
- (c) Notwithstanding subdivision (a), a person who purchases, sells, takes, or receives live marine fish for use as live bait as described in subdivision (g) of FGC Section 8030 is exempt from the landing fee imposed under this article.

#### §8042.

The amount of the landing fee under this article shall be determined by multiplying the fee rate for the type of fish delivered by a commercial fisherman in this state in accordance with the schedule in Section 8051 by the number of pounds, or fraction thereof, delivered. If the fee is imposed based upon weight in the round, and the fish is cleaned, gutted, beheaded, or otherwise not in the round at the time of delivery, the fees shall be adjusted by a conversion factor as determined by the department by regulation.

#### §8043.1 Landing Receipts - Marine Aquaria Receiver

- (a) A person required to be licensed as a marine aquaria receiver shall make a legible, true, and complete record of the landing receipts on a form and in a manner prescribed by the department.



- (b) The department may require any information from a person required to be licensed as a marine aquaria receiver it deems necessary to carry out this article.
- (c) The landing receipt form shall be completed at the time the organisms are received from the commercial fisherman. A person required to be licensed as a marine aquaria receiver who takes his or her own organisms shall complete a marine aquaria landing receipt form at the time the organisms are brought ashore.
- (d) The copies of the aquaria landing receipts shall be delivered to the department, as provided in Section 8046.

**§8596. Marine Aquaria Pet Trade; Drop Net**

The following definitions govern the construction of this article:

- (a) "Marine aquaria pet trade" means any activities connected with collecting, holding, selling, and displaying live aquatic marine life for pet, hobby, curio, or display purposes. "Marine aquaria pet trade" does not include activities connected with collecting, holding, selling, or displaying live aquatic marine life by, or for, scientific institutions exempted from permits pursuant to subdivision (e) of FGC Section 2150.
- (b) "Drop net" means a small, circular net with weights attached along the perimeter and with a single float attached at the center. A drop net is not more than 48 inches in its greatest diameter.

**Title 14 Excerpts**

**§135. Transportation, Possession and Sale of Imported Sturgeon, Striped Bass, Steelhead Trout and Shad.**

All imported sturgeon, striped bass, steelhead trout and shad shall be imported, transported, possessed and sold as provided in this section. This section applies to fish commercially taken out-of-state and not to those species grown or imported live by registered aquaculturists in this state.

- (a) At least 12-hour prior notice by the shipper or consignee of each shipment of such fish shall be provided to the department's regional office nearest the consignee during normal business

hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.).

- (b) Such fish must be accompanied by a bill of lading, waybill, invoice, or similar accountable document showing the place of origin of the shipment, the name and address of the consignee and a listing of all fish by species, total weight, and tag number.
- (c) The consignee shall retain a copy of the bill of lading or similar accountable document for one year and make it available to the department upon request.
- (d) All dead fish or parts thereof, may be imported, transported, or sold within the state in any form but shall be either:
  - (1) Packaged in sealed containers or boxes. Each container or box shall be clearly labeled showing a description of the contents and an identification of the shipper; or
  - (2) Tagged with consecutively numbered cinch-up vinyl plastic spaghetti tags with a legend showing the name of the shipper along with the city and state of origin. The tag sequence shall be present on all invoices and waybills. Reusable tags may not be possessed in the State of California. When tags are removed from fish, they must be destroyed by cutting through that portion of the tag which contains the name of the shipper and the tag number; or
  - (3) Clearly marked, using liquid nitrogen and a metal brand, with an "A", 1/2-inch square, posterior to the head, anterior to the dorsal fin and above the lateral line. All fish shall be marked when alive but may be killed prior to transport or sale.
- (e) All live fish may be imported, transported or sold within the state in any form but shall be either tagged or marked as described in FGC subsections (d)(2) or (d)(3).
- (f) Fish tagged, marked and/or packaged under FGC subsections (d) or (e) above may be reprocessed and repackaged or retagged by dealers possessing a Wholesale Fish Dealer's and Processor's License as provided by section 8040 of the Fish and Game Code as well as a revocable processing permit issued by the Wildlife Protection Branch of the department specifically for striped bass, sturgeon and steelhead trout and shad. The permit shall be issued on a calendar year basis, or part thereof. When transported for sale such fish or portions of fish shall meet the transportation requirements of FGC subsections (b) and (c).

- (g) No such fish may be possessed at a place where fish are sold unless packaged, marked, or tagged in the manner described in FGC subsections (d) or (e) except that operators or employees of retail stores, restaurants or other eating establishments may remove portions from packaged, marked or tagged fish when such portions are being displayed or prepared for actual sale to a consumer or for actual consumption on the premises.
- (h) The permit issued pursuant to subsection (f) may be cancelled or suspended at any time by the department upon conviction of a violation of these regulations by a court of competent jurisdiction. Cancellation or suspension may be appealed to the commission. See FGC subsection 699(b) of these regulations for the fee for this permit.

**§142. Fishermen and Fish Plants.**

- (a) In order to prevent waste of fish, no person shall take or bring into any cannery, packing, preserving, reduction or other plant, fish in excess of an amount for which he has a bona fide order in writing, either from the plant to which the fish are to be delivered, or from an organization acting for the plants or for the fishermen within the region; and no person shall deliver fish to a packing plant which are of a size, condition or species not specified in the bona fide order. A person shall not be considered as having a bona fide order to deliver fish if it is general knowledge, or if it is known by him, that weather conditions, strikes or other labor conditions, or any other conditions will prevent the completed delivery of fish to the given plant.
- (b) To prevent waste of fish, fishermen shall to the best of their ability, avoid impounding more fish when laying out the net than they intend to load on their boat, or of impounding fish of a size or species which do not comply to this order. In cases where more fish are accidentally caught in the net than it is desired to take on their boat or lighter, or in cases where fish which in size, quality or species do not conform to this order, are accidentally caught in the net, fishermen shall release the excess fish or the fish which do not comply to this order while they are still alive and before they commence brailing

out the catch.

**SPORT CAUGHT FISH EXCHANGE PERMIT**

**§231. Exchanging of Sport - Caught Fish.**

- (a) A sport-caught fish exchange permit is required of any person or persons who for a fee, or for exchange, cans or smokes fish taken under the authority of a sport fishing license. Upon application and payment of \$50, the department shall issue such permits.
  - (1) Where Issued. Permits shall be issued at department offices in San Diego, Seal Beach, Monterey, Eureka, Redding, Napa 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, 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 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. 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) 6 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; if
    - (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; or
    - (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; or
    - (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; or
- (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; or
- (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; or
- (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; or
- (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; or
- (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; or
- (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 \$410.00 per ton; or
- (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; or
- (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) 6 ounce can of canned 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; or
- (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; or
- (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; or
- (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; or
- (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; or
- (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; or
- (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; or
- (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; or
- (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; or
- (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; or
- (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; or
- (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 FGC 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.
- (e) Records. Immediately upon receiving fish, a permittee shall record the name, address and fishing license number of the angler, the date the fish were received and the number and weight of all fish by species received from that angler. At the time the fish are returned to the angler or

## IMPORTATION PERMITS

### FGC Excerpts

#### **§2270. Import from Infected or Diseased Area Prohibited**

It is unlawful for any person to receive, bring, or cause to be brought into this state, for the purpose of propagation, any fish, reptile, amphibian, or aquatic plant from any place wherein any infected, diseased, or parasitized fish, reptile, amphibian, or aquatic plants are known to exist.

#### **§2270.5. Import from Infected or Diseased Area For Approved Aquaculture Purposes**

FGC Section 2270 does not apply to the importation of live aquatic plants or animals for aquaculture purposes by a registered aquaculturist if the importation has been approved by the department pursuant to FGC Section 15600.

#### **§2271. Written Approval and Exceptions For Importation**

- (a) No live aquatic plant or animal may be imported into this state without the prior written approval of the department pursuant to regulations adopted by the commission. A written application for the importation, submitted in conformance with the procedural requirements established by the commission, is deemed approved where it has not been denied within 60 days.
- (b) This section does not apply to the following plants or animals unless the plants or animals are or may be placed in waters of the state:
  - (1) Mollusks.
  - (2) Crustaceans.
  - (3) Ornamental marine or freshwater plants and animals that are not utilized for human consumption or bait purposes and are maintained in closed systems for personal, pet industry, or hobby purposes.
- (c) The section does not apply to any live aquatic plant or animal imported by a registered aquaculturist.

#### **§2272. Package Tag Requirements**

Each package containing any live aquatic plant or animal shall bear, in a conspicuous place, a tag on which shall be stated the name and address of the consignor, the name and address of the consignee, and the exact contents of the package.

otherwise disposed of, the permittee shall record the species and weight of the fish returned or if not returned to the angler, the disposition of the fish, and the date of return or disposition. 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. Permittees may transport or provide for the transportation of tuna to canneries or processing facilities 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 and a listing of all fish by species and the number or weight of each species.
- (g) Marking. All fish shall be marked by the 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.
- (h) Waste. It shall be unlawful for any person to allow the deterioration or waste of any sport-caught fish.
- (i) Revocation of Permits. Any permit may be revoked or suspended by the commission 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 FGC relating to the receiving, processing or sale of fish taken under authority of a sport fishing license.



## Title 14 Excerpts

### §236. Importation of Live Aquatic Plants and Animals.

The Provisions of this section shall apply to the importation of all live aquatic plants and animals.

- (a) No person shall import into this state any prohibited species of live aquatic plant or animal listed pursuant to CCR, Title 14, Section 2118, of the FGC, or Section 671, of these regulations unless specifically authorized by the commission.
  - (b) Unless specifically prohibited by these regulations, plants and animals within the following groups may be imported without an importation permit from the department:
    - (1) Mollusks and crustaceans intended to go directly into the seafood market, and which will not be placed into the waters for the state nor placed in waters which are discharged to waters of the state.
    - (2) Live ornamental tropical marine or freshwater plants or animals that are not utilized for human consumption or bait purposes, are maintained in closed systems for personal, pet industry or hobby purposes, and which will not be placed in waters of the state.
    - (3) Brine shrimp.
  - (c) With the exception of those importations described in Section 236(a) and (b), live aquatic plants and animals may be imported into this state only in accordance with the following terms and conditions:
    - (1) A standard importation permit signed by the director, or his agent is required, and no shipment into the state may be made prior to the issuance of the permit authorizing the shipment or shipments. The department shall charge a fee for issuing each permit. See subsection 699(b) of these regulations for the fee for this permit. Fees charged for inspections shall be independent of the fees charged for issuing permits.
    - (2) With the exceptions of the live aquatic animals listed in subsection 236(c)(6), a permit is required for each lot or load, and each shipment must be accompanied by the original copy of the importation permit. Unless otherwise authorized, the person who is to receive any shipments of aquatic plants and animals shall apply to the department for this importation permit.
- (3) Application for a standard importation permit shall be made on a form (Application for Standard Importation Permit, FG 789 (2/91), supplied by the department, as directed in Section 235(d) and shall reach the department's headquarters office at least 10 working days in advance of the probable arrival date of the shipment. A copy of the permit authorized by the director or his agent must accompany each load. If a change in date of shipment becomes necessary after a permit has been issued, the permittee shall notify the Aquaculture Development Section at least 5 days before the new date of shipment. Under special circumstances, the department may waive this 5-day notice requirement.
  - (4) All live aquatic plants and animals imported into California may be inspected by the department, either at the place of entry into the state or at other locations suitable to the department. The person importing the aquatic plants or animals may be required to provide facilities for inspecting and sorting them, and may be required to pay inspection costs, including salary and travel expenses of the inspector.
  - (5) Any lot or load of aquatic plants and animals found by the inspector to be diseased, parasitized or to contain species not authorized by the importation permit must be immediately destroyed or transported out of California within a period of time specified by the department. In such cases, the importation permit is automatically revoked.
  - (6) In lieu of the permits specified in subsection 236(c)(1), long-term permits for the following aquatic animals may be issued by the department for periods of up to one year. Applications shall be made on a form (Application for Long-term Permit to Import Animals into California, FG 786 (2/91), supplied by the department. The department shall charge a fee for issuing each permit.
    - (A) Oyster, oyster larvae and oyster seed.
    - (B) Ghost shrimps (*Callinassa* Spp).
    - (C) Mud shrimps (*Upogebia* Spp).
    - (D) Longjaw mudsuckers (*Gillichthys mirabilis*).
    - (E) Red swamp crayfish (*Procambarus clarkii*).

- (F) Orconectes virilis.
- (G) Marine Annelid worms (Phylum Annelida).
- (H) Sacramento blackfish (Orthodon microlepidotus).
- (I) Other species under conditions which the CDFW determines represent no significant risk to the fish and wildlife resources of the state.

- (7) Importation of Salmonid Eggs.  
Applications to import eggs of fishes of the family salmonidae (trout, salmon and char) shall be accompanied by a health certificate signed by a person competent in the diagnosis of fish diseases stating that the hatchery or other sources of the eggs to be imported and the eggs themselves are free of the following diseases: infectious pancreatic necrosis (IPN); bacterial kidney disease (BKD); infectious hematopoietic necrosis (IHN); and viral hemorrhagic septicemia (Egtved). In questionable cases, the director of the department shall determine whether the person making the certification is technically qualified to do so.
- (8) Only those aquatic plants and animals lawfully obtained in another state.

## LANDING FEES

### FGC Excerpts

#### §8040. Commercial Fisherman; Landing Fee

The following definitions govern the construction of this article.

- (a) "Commercial fisherman" means a person who has a valid, unrevoked commercial fishing license issued pursuant to Section 7850.
- (b) "Landing fee" means a fee imposed on a fish receiver or processor, as described in Section 8041.

#### §8041.

- (a) The following persons shall pay the landing fee determined pursuant to Section 8042:
- (1) Any person who is required to be licensed as a fish receiver, and any person who is licensed before January 1, 1987, as a wholesaler or a

processor pursuant to former Section 8040 and who receives fish from commercial fishermen.

- (2) Any commercial fisherman who sells fish to any person who is not a licensed fish receiver.
- (b) Notwithstanding subdivision (a), a person licensed pursuant to Section 8460 who only takes, transports, or sells live freshwater fish for bait or a commercial fisherman who sells live freshwater fish for bait to such a licensed person, and a person licensed pursuant to Section 8033.1 who takes, transports, or sells live aquaria fish as described in Section 8597 or a commercial fisherman who sells live aquaria fish, are exempt from the landing fee imposed under this article. It is the intent of the Legislature that the license fee for live aquaria fish described in Section 8033.1 shall be in lieu of a landing fee imposed under this article.
- (c) Notwithstanding subdivision (a), a person who purchases, sells, takes, or receives live marine fish for use as live bait as described in subdivision (g) of Section 8030 is exempt from the landing fee imposed under this article.

#### §8042.

The amount of the landing fee under this article shall be determined by multiplying the fee rate for the type of fish delivered by a commercial fisherman in this state in accordance with the schedule in Section 8051 by the number of pounds, or fraction thereof, delivered. If the fee is imposed based upon weight in the round, and the fish is cleaned, gutted, beheaded, or otherwise not in the round at the time of delivery, the fees shall be adjusted by a conversion factor as determined by the department by regulation..

#### §8051. Landing Fee Rates Now Adjusted Annually

*Senate Bill 262 amended FGC Section 8051, requiring CDFW to adjust landing fee rates annually using the Implicit Price Deflator starting in the 2021 license year.*

- (a) The landing fee imposed pursuant to Section 8041 shall be determined pursuant to Section 8042 by using the fee rates in the following schedule, as adjusted pursuant to subdivision (b):

	Rate per pound
<b>Lobster</b>	\$ 0.1412
<b>Spot prawn and abalone</b>	\$ 0.1060



<b>Salmon (including \$0.05/lb for CA Salmon), based only on the weight in the round</b>	\$ 0.0881
<b>Swordfish based only on the weight in the round</b>	\$ 0.0352
<b>Halibut, sea cucumber, white seabass, sheephead, and Dungeness crab</b>	\$ 0.0352
<b>Shortspine thornyhead, sablefish, lingcod, and prawns and shrimp (except spot prawn and pink shrimp)</b>	\$ 0.0141
<b>Angel, thresher, and bonito (mako) sharks, based only on the weight in the round</b>	\$ 0.103
<b>All fish and invertebrates unless otherwise specified</b>	\$ 0.0071
<b>Sea urchin, pink shrimp, smelts, soles, turbot, longspine thornyhead, night smelt, and sanddabs</b>	\$ 0.0049
<b>Bonito, flounder, grenadiers, herring, and skates</b>	\$ 0.0029

- (b) (1) The fee rates specified in subdivision (a) are applicable to the 2020 calendar year and shall be adjusted annually thereafter pursuant to this subdivision.
- (2) The changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce shall be used as the index to determine an annual rate of increase or decrease in the fee rates specified in subdivision (a).
- (3) The department shall determine the change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, for the quarter ending March 31 of the current year compared to the quarter ending March 31 of the previous year. The relative amount of the change shall be multiplied by the current fee rates.
- (4) The product of the calculation made pursuant to paragraph (3) shall be added to the applicable fee rate for the

current year. The resulting amounts shall be the fee rates for the calendar year beginning on or after January 1 of the next succeeding calendar year.

(c) The calculations provided for in this section shall be reported by the department to the Legislature with the Governor's Budget Bill.

(d) The Legislature finds that all revenue generated by fee rates computed under this section, and used for the purposes for which they were imposed, are not subject to Article XIII B of the California Constitution.

### **§8053.**

- (a) Landing fees imposed by this article shall be paid quarterly to the department within 30 days after the close of each quarter.
- (b) The department may adopt regulations specifying the procedures for collecting landing fees not paid within 30 days after the close of the quarter for which they are due. These procedures may include, but are not limited to, the procedures prescribed for sales and use taxes provided in Chapter 5 (commencing with Section 6451) and Chapter 6 (commencing with Section 6701) of Part 1 of Division 2 of the Revenue and Taxation Code.

## **FISH LANDING RECEIPTS**

### **FGC Excerpts**

#### **§8043. Landing Receipt - Commercial Fisherman or Receiver; Information Required**

- (a) Every commercial fisherman who sells or delivers fish that he or she has taken to any person who is not licensed under Article 7 (commencing with Section 8030), and every person who is required to be licensed under Article 7 (commencing with Section 8030) to conduct the activities of a fish receiver, as described in Section 8033, shall make a legible landing receipt record on a form to be furnished by the department. The landing receipt shall be completed at the time of the receipt, purchase, or transfer of fish, whichever occurs first.
- (b) The landing receipt shall show all the following:
- (1) The accurate weight of the species of fish received, as designated pursuant to Section 8045. Sablefish may be reported in dressed weight, and if so reported, shall have the round weights computed, for purposes of management quotas, by multiplying 1.6

- times the reported dressed weight.
- (2) The name of the fisherman and the fisherman's identification number.
  - (3) The department registration number of the boat.
  - (4) The recipient's name and identification number, if applicable.
  - (5) The date of receipt.
  - (6) The price paid.
  - (7) The department origin block number where the fish were caught.
  - (8) The type of gear used.
  - (9) Any other information the department may prescribe.
- (c) The numbered landing receipt forms in each individual landing receipt book shall be completed sequentially. A voided fish landing receipt shall have the word "VOID" plainly and noticeably written on the face of the receipt. A voided fish landing receipt shall be submitted to the department in the same manner as a completed fish landing receipt is submitted to the department. A fish receiver who is no longer conducting business as a licensed receiver shall forward all unused landing receipts and landing receipt books to the department immediately upon terminating his or her business activity.

### **§8043.2. Landing Receipt: Commercial Fisherman Selling Directly to Consumer**

- (a) A commercial fisherman licensed pursuant to Section 8033.5 who sells fish from a vessel directly to the ultimate consumer and who is required pursuant to Section 8043 to make a landing receipt shall make a landing receipt in either of the following ways:
- (1) For each individual sale by that fisherman at the time of the sale.
  - (2) For each day that the fisherman is engaged in one or more sales to the ultimate consumers, the fisherman shall maintain an accurate tally sheet of sales, which shall include complete header and signature box information filled out prior to any sales, and the number of pounds by species of fish sold. The total of the daily sales shall be recorded at the completion of sales for that day on a

landing receipt. A copy of the completed tally sheet shall be attached to the corresponding landing receipt. The original completed tally sheet shall be attached to the fisherman's copy of the corresponding landing receipt and maintained for a period of four years.

- (b) A commercial fisherman licensed pursuant to Section 8033.5 who sells directly to the ultimate consumer, or a commercial fisherman who sells or delivers fish that the fisherman has taken to any person who is not licensed under Article 7 (commencing with Section 8030) to conduct the activities of a fish receiver, shall not be considered a weighmaster for purposes of Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code.
- (c) A commercial fisherman selling his or her own catch to the ultimate customer, upon request by an authorized agent or employee of the department, shall immediately make available all fish in possession of the fisherman for inspection and sampling by the agent or employee. Pursuant to Section 8226, the fisherman shall relinquish the head from any sampled salmon with a missing adipose fin.

### **§8045. Fish Names on Landing Receipts - How Used**

The names used in the landing receipt and transportation receipt made under Sections 8043 and 8047 for designating the species of fish dealt with shall be those in common usage unless otherwise designated by the department.

### **§8046. Landing Receipt Copies; Receipt Inspection; Weighing Requirements**

- (a) The original signed copy of the paper landing receipt made under Section 8043 or 8043.1 shall be delivered to the department on or before the 16th or last day of the month in which the fish were landed, whichever date occurs first after the landing. Landing receipt records completed and submitted electronically shall be submitted to the department within three business days of the landing. A copy of the landing receipt shall be delivered to the commercial fisherman at the time of the purchase or receipt of the fish. That copy of the landing receipt shall be retained by the commercial fisherman for a period of four years and shall be available for inspection at any time during that period by the department. A

copy of the landing receipt shall be kept by the person licensed pursuant to Article 7 (commencing with Section 8030) who filled out the landing receipt for a period of four years and shall be available for inspection at any time within that period by the department.

- (b) On delivery of sardines, anchovies, mackerel, squid, tuna, or bonito intended to be processed or sold as fresh fish, the person licensed pursuant to Article 7 (commencing with Section 8030) who filled out the landing receipt, upon request of the authorized agent described in subdivision (c), shall notify the authorized agent of the unloading and weighing of the fish and shall permit the authorized agent to be present at all times during the weighing of the fish.
- (c) A copy of the landing receipt shall be delivered to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the commercial fisherman receiving the original copy.
- (d) For purposes of this section, "business day" means Monday to Friday, inclusive, excluding days designated as state or federal holidays.

### **§8046.1. Groundfish Landing Receipts; Retention Requirements**

In addition to the requirements of Section 8046, any person landing groundfish subject to federal groundfish regulations adopted pursuant to the Magnuson Fishery Conservation and Management Act (16 U.S.C. Sec. 1801 et seq.) shall keep a copy of the landing receipt on board the fishing vessel throughout, and for 15 days following, each period for which cumulative landings by individual vessels are limited.

### **FISH TRANSPORTATION RECEIPTS**

#### **§8047.**

- (a) (1) A person licensed under Article 7 (commencing with Section 8030) who takes his or her own fish shall make a legible record in the form of the landing receipt as required by Sections 8043 and 8043.1 at the time the fish are brought ashore. The original signed copy of the landing receipt shall be delivered by the licensee to the department, as provided in Section 8046. A copy of the landing receipt shall be retained by the licensee for a period of four years

and shall be available for inspection at any time within that period by the department. A copy of the landing receipt shall be delivered to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the commercial fisherman receiving the original copy.

- (2) A person licensed under Section 8033.5 who sells his or her fish to a licensed receiver may use a transportation receipt to transport those fish only to that licensed receiver. The receiver shall complete a landing receipt for those fish. A person who sells his or her fish to the ultimate consumer shall complete a landing receipt pursuant to Sections 8043 and 8043.2. Transportation receipts shall be completed at the time the fish are transferred from the fishing vessel.
- (b) Every commercial fisherman who sells fish taken from the waters of this state or brought into this state in fresh condition to persons not licensed to receive fish for commercial purposes pursuant to Article 7 (commencing with Section 8030) shall make a legible record in the form of the landing receipt required by Sections 8043 and 8043.1. Persons subject to Section 8043 shall remit the landing fee imposed by Section 8041. The person taking, purchasing, or receiving the fish, whether or not licensed under Article 7 (commencing with Section 8030), shall sign the landing receipt. The original signed copy of the landing receipt shall be delivered by the commercial fisherman to the department on or before the first and 16th day of each month. A copy of the landing receipt shall be retained by the commercial fisherman for a period of four years and shall be available for inspection at any time within that period by the department. A copy of the landing receipt shall be retained by the person taking, purchasing, or receiving the fish until they are prepared for consumption or otherwise disposed of. A copy of the landing receipt shall be delivered to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the commercial fisherman receiving the original copy.
- (c) (1) Every commercial fisherman or his or her designee, who transports, causes to be transported, or delivers to another person for transportation, any fish, except herring, taken from the waters of this state or brought into this state in fresh condition, shall fill out a transportation receipt according to the instructions and on forms provided by the



department at the time the fish are brought ashore.

- (2) The original signed copy of the transportation receipt shall be delivered by the commercial fisherman to the department on or before the 16th day or the last day of the month in which the fish were landed, whichever date occurs first after landing. A copy of the transportation receipt shall be retained by the commercial fisherman who filled it out for a period of four years and shall be available for inspection at any time within that period by the department. A copy of the transportation receipt shall be given to and retained by the person transporting the fish until the fish are sold fresh, processed, or otherwise disposed of.
  - (3) The transportation receipt is required only for transit purposes.
  - (4) A person transporting fish from the point of first landing under a transportation receipt is not required to be licensed to conduct the activities of a fish receiver as described in Section 8033.
  - (5) The transportation book receipt shall be issued to an individual fisherman and is not transferable.
- (d) The transportation receipt shall contain all of the following information:
- (1) The name of each species of fish, pursuant to Section 8045.
  - (2) The date and time of the receipt.
  - (3) The accurate weight of the species of fish being transported. Sablefish may be reported in dressed weight, and if so reported, shall have the round weights computed, for purposes of management quotas, by multiplying 1.6 time the reported dressed weight.
  - (4) The name and identification number of the fisherman. The signature of the fisherman authorizing transportation.
  - (5) The name of the person transporting the fish.
  - (6) The name of the fish business, the fish business identification number, and the corresponding landing receipt number issued by the fish business to the commercial fisherman.
  - (7) The department registration number of the vessel and the name of the vessel.
  - (8) The department origin block number where the fish were caught.

(9) The port of first landing.

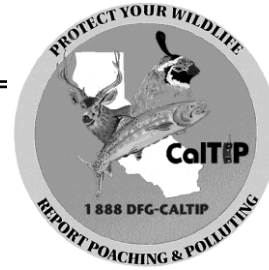
(10) Any other information the department may prescribe.

- (e) The numbered transportation receipt forms in each individual transportation receipt book shall be completed sequentially. A voided fish transportation receipt shall have the word "VOID" plainly and noticeably written on the face of the receipt. A voided fish transportation receipt shall be submitted to the department in the same manner as a completed fish transportation receipt is submitted to the department. A commercial fisherman who is no longer conducting business as a licensed fisherman shall forward all unused transportation receipts and transportation receipt books to the department immediately upon terminating his or her business activity.

### **FGC Excerpts.**

#### **§8050. Accounting Record Requirements**

- (a) In addition to the receipt required in Section 8043, every person licensed under Article 7 (commencing with Section 8030), and any commercial fisherman who sells fish to persons who are not licensed under Article 7 (commencing with Section 8030), and any person who deals in fresh or frozen fish for profit, shall keep accounting records in which all of the following shall be recorded:
- (1) The names of the different species.
  - (2) The number of pounds sold, distributed, or taken of each different species.
  - (3) The name of the person to whom the fish were sold or distributed.
  - (4) The name, address, and phone number of the seller or distributor.
  - (5) The date of sale.
  - (6) The price paid.
  - (7) the intended use.
- (b) Accounting record information required by this section that is transmitted from any person identified in subdivision (a) to any business that deals in fish for profit shall be in the English language.
- (c) The accounting records shall be maintained by both buyer and seller for a period of three years and upon request, shall be open for inspection during normal business hours by the department. The accounting records shall be maintained within the State of California
- (d) The names used for designating the species of fish shall be those in common usage unless otherwise designated by the department.



## Stop the Poaching, Make the Call...

If you witness a poaching or polluting incident, immediately call CalTIP at our toll-free number, 24 hours a day, seven days a week. You may remain anonymous. You are the critical link to help Fish and Game stop this senseless waste of our wildlife. Only you can make a difference.

Be prepared to give the fullest possible account of the incident including the name, address, age, and description of the suspect. Note the vehicle or boat description, direction of travel, license number, and when and where the violation occurred. You need not give your name and you won't be required to testify.

***It's Got To Stop!***

**1-888-334-CalTIP (888-334-2258)**

**[www.wildlife.ca.gov/Enforcement/CalTIP](http://www.wildlife.ca.gov/Enforcement/CalTIP)**

CALIFORNIANS TURN IN  
POACHERS AND POLLUTERS