

## Memorandum 2015-52

**Fish and Game Law: Gill and Trammel Nets**

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The Commission<sup>1</sup> is preparing a proposed recodification of the Fish and Game Code. At the October meeting, the staff presented a draft of recodified commercial fishing provisions.<sup>2</sup> That draft reserved space for provisions governing the use of gill and trammel nets. The gill and trammel net provisions were not included in the draft because the staff believes they require separate consideration.

The reason for discussing the gill and trammel net provisions separately is that they are very closely connected to constitutional provisions that were added by a citizen initiative (Proposition 132 (1990)). Those constitutional provisions constrain statutory regulation of gill and trammel net use. This limits the Legislature's (and the Commission's) discretion to add or modify statutes governing the subject.

Unless otherwise indicated, statutory references in this memorandum are to the Fish and Game Code.

## GILL AND TRAMMEL NETS GENERALLY

A gill net is a type of net that has been commonly used by commercial fishers since ancient times.<sup>3</sup> The net consists of a wall of vertical webbing, which can be hundreds of feet long, bound at the top by a float line and at the bottom by a

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1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Memorandum 2015-41.

3. See <https://en.wikipedia.org/wiki/Gillnetting>.

weighted line.<sup>4</sup> A trammel net, a term no longer commonly used, is a gill net that has two or more walls of webbing.<sup>5</sup>

Gill and trammel nets are generally either set in a fixed location (“set gill nets”), or allowed to drift freely in the ocean (“drift gill nets”). Fish are caught in a gill net when they swim partway into openings in the net’s mesh just large enough to accommodate whatever species is being fished, at which point the netting slips around the gills of the fish, and prevents escape.

The nets are a very effective means of catching fish, particularly fish in large schools. Their use has also caused some controversy, as they have the ability to trap marine mammals (e.g., whales, dolphins, sea otters, and sea lions), sea birds, and non-targeted fish. Drift gill nets are also sometimes lost to their owners, resulting in what has been labeled “ghost fishing,” in which fish are caught in gill nets but never landed.

In California, commercial fishing with a gill or trammel net requires one of three special permits, two of which are specific to the fish being fished.<sup>6</sup> In addition, provisions of the Fish and Game Code have long prohibited or restricted the use of gill and trammel nets in certain geographic areas or seasons.<sup>7</sup>

#### PROPOSITION 132

In 1990, Proposition 132 added Article X B to the California Constitution (hereafter, “Article X B”).<sup>8</sup> According to the official summary<sup>9</sup> and analysis<sup>10</sup> of the initiative, the primary objective of the article, entitled the Marine Resources Protection Act of 1990, was to phase out and eventually ban the use of gill or trammel nets in a described geographic area off the coast of southern California, beginning in 1994.<sup>11</sup>

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4. 14 C.C.R. § 1.48.

5. 14 C.C.R. § 1.85.

6. See existing Sections 8561 (drift gill net shark and swordfish permit), 8550.5 (herring gill net permit), and 8681 (general gill/trammel net permit).

7. See, e.g., existing Sections 8576 (date and geographic restrictions on use of drift gill nets to take shark or swordfish), 8663 (gill or trammel net may not be possessed on a boat in described geographic area), 8664.5 (use of gill or trammel net prohibited in described geographic area), and 8688 (in specified Fish and Game districts, gill net may be used only to take herring).

8. A copy of the initiative is attached as an Exhibit to this memorandum.

9. Exhibit, p. 2.

10. Exhibit, p. 3.

11. See Article X B, Sections 2(d), 3(b), 5, 6, and 7.

The initiative also restricted the future authorized use of gill and trammel nets in other geographic areas. It did so by generally limiting future use of gill and trammel nets in all other California ocean waters to no more than whatever use had been authorized by specified statutes or regulations in effect on January 1, 1990, or in certain instances January 1, 1989.<sup>12</sup>

The initiative also included a number of other provisions, including an unconditional ban on the use of gill or trammel nets to take any species of rockfish,<sup>13</sup> penalty provisions,<sup>14</sup> financial provisions,<sup>15</sup> and various administrative and implementation provisions.<sup>16</sup>

#### LEGISLATIVE RESPONSE TO PROPOSITION 132

In 1992, the Legislature enacted a bill<sup>17</sup> that addressed the adoption of Article X B in two distinct ways.

First, the bill added a new statutory article to the Fish and Game Code that recited almost verbatim the text of Article X B.<sup>18</sup> The first section of the article<sup>19</sup> provided that the article “codifies and implements” Article X B. (This article is continued as Chapter 2 of Title 4 in the attached draft.)

Second, the bill added legislative declarations to a handful of then-existing gill and trammel net sections, affirming that those sections were compliant with Article X B.<sup>20</sup>

#### RECODIFICATION APPROACHES

With all of that in mind, the Commission needs to decide on an approach to recodifying the gill and trammel net provisions in the proposed law.

The staff sees two general alternative approaches:

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12. See Article X B, Section 4(b).

13. Article X B, Section 4(a).

14. Article X B, Sections 11 and 13.

15. Article X B, Sections 8 through 10.

16. Article X B, Sections 12, 14, and 15.

17. 1992 Cal. Stat. ch. 94.

18. See Article 1.4 (commencing with Section 8610.1) of Chapter 3 of Part 3 of Division 6 of the code.

19. Existing Section 8610.1.

20. See existing Sections 8664.5, 8664.8, 8680, 8681, 8681.5, 8681.7, 8682, and 8692.5.

- (1) Follow the general approach that the Commission has taken in this study to date, proposing changes to existing text and organization to improve the expression of the law and correct defects.
- (2) Take a conservative approach that defers to the Legislature's treatment of statutory gill and trammel net provisions following the adoption of Article X B, proposing no changes to either the text or structure of those provisions other than necessary adjustment of cross-references.

The staff raises the second approach as a possibility, because of the unusual posture of the gill and trammel net provisions.

The subject matter involved was directly regulated by the People. Shortly thereafter, the Legislature and Governor decided how to reconcile statutory law with the new citizen initiative. Those legislative decisions would have been made with a contemporaneous understanding of the complexities and policy implications of the new law. It also seems likely that all interested parties would have been monitoring the legislative implementation of the new law. The staff has no knowledge of any subsequent challenge to the constitutionality of the implementing legislation.

For those reasons, it might make sense to preserve the text and structure of all existing gill and trammel net provisions verbatim, except for technical revisions necessitated by the incorporation of the provisions into the proposed law. Arguably, the Commission is not in the best position to evaluate the subtleties of technical and policy decisions relating to that text and structure, many of which were made by others over 30 years ago. A hands-off approach may also be prudent in light of continuing concern and controversy about the use of gill nets off California's coasts. Tinkering with the language and organization of the gill and trammel net provisions might create concern that the Commission will somehow upset the existing policy balance.

If the Commission decides to adopt this conservative approach and make no revisions to the text or structure of any of these provisions other than updating cross-references, the reason for doing so should be explained in the Commission's recommendation. It should also be acknowledged in the official Comments to the relevant sections.

It would probably also be wise, if the Commission takes this approach, to include a disclaimer in the proposed law, making clear that the fact of recodification was not intended as an expression of legislative intent on the constitutionality of any provision of the recodified law. The Commission

included such a provision in its 2009 recommendation proposing the nonsubstantive recodification of the deadly weapons provisions of the Penal Code.<sup>21</sup> Specifically, the Commission recommended that Penal Code Section 16025 provide:

16025. (a) A judicial decision determining the constitutionality of a previously existing provision is relevant in determining the constitutionality of any provision of this part, of Title 2 (commencing with Section 12001) of Part 4, or any other provision of the Deadly Weapons Recodification Act of 2010, which restates and continues that previously existing provision.

(b) However, in enacting the Deadly Weapons Recodification Act of 2010, the Legislature has not evaluated the constitutionality of any provision affected by the act, or the correctness of any judicial decision determining the constitutionality of any provision affected by the act.

(c) The Deadly Weapons Recodification Act of 2010 is not intended to, and does not, reflect any determination of the constitutionality of any provision affected by the act.

Adding a similar provision to the gill and trammel net provisions could help to avoid any unintended inferences that might otherwise be drawn from recodification of those provisions without change. A draft of such a provision is included in the attached draft, as proposed Section 12200.

To provide the Commission with a foundation to evaluate which recodification approach to pursue, the draft legislation attached to this memorandum is a “clean” draft, i.e., one based on the conservative drafting approach described above. Other than updating of cross-references, no changes have been proposed to the text or structure of the gill and trammel net provisions.

If the Commission decides to adopt the conservative approach, this draft would be incorporated in the cumulative recodification draft without change. If the Commission instead decides to follow its usual approach of making technical and minor substantive improvements to existing provisions, the staff will bring back a revised draft of the gill and trammel net provisions, consistent with the Commission’s decision.

In order to help the Commission decide which recodification approach to pursue, the next part of the memorandum discusses possible problems with the

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21. See *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm’n Reports 217, 236-37 (2009).

continued provisions that would be left unaddressed by the conservative drafting approach.

#### POSSIBLE PROBLEMS WITH EXISTING LAW

##### **Statutory Provision Mandating Cross-References to 1990 Statutes**

Existing Section 8610.2(b), a provision that codifies Section 2(b) of Article X B, and would be continued in the proposed law by Section 12255(b), provides:

Except as specifically provided in this article, all references to sections, articles, chapters, parts, and divisions of this code are to those statutes in effect on January 1, 1990.

That rule of construction could create problems if a new cross-reference is added to any of the provisions governed by the rule. In that event, the new reference would be construed as applying to the 1990 version of the referenced provision, which might not have been intended.

This has happened twice since Section 8610.2(b) was enacted,<sup>22</sup> the second time on the Commission's recommendation.<sup>23</sup> In both cases, application of the rule of construction produces a nonsensical result, because the newly-referenced provision did not exist in 1990.

This problem could be avoided by revising Section 8610.2(b) along these lines:

Except as specifically provided in this article, all references to sections, articles, chapters, parts, and divisions of this code, which existed in this article on January 1, 1993, are to those statutes in effect on January 1, 1990.<sup>24</sup>

Such a revision would cure the two problems noted above, and would prevent any future problems of the same type.

##### **Legislative Declarations**

As previously indicated, the second component of the Legislature's 1992 response to the adoption of Article X B was to add declarations to several of the

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22. See 2000 Cal. Stat. ch. 385 (amending Section 8610.14), 2007 Cal. Stat. ch. 263 (amending 8610.13).

23. See *Technical and Minor Substantive Statutory Corrections*, 35 Cal. L. Revision Comm'n Reports 219 (2006). The staff apologizes for overlooking the impact of Section 8610.2(b) when proposing this recommendation.

24. Section 8610.2 became effective on January 1, 1993. See 1992 Cal. Stat. ch. 94.

existing code sections relating to the use of gill and trammel nets, indicating that the section was in compliance with Article X B.<sup>25</sup>

More specifically, the declarations refer to compliance with Section 4 of Article X B, which provides that the use of gill nets is governed by certain statutes in effect on either January 1, 1990, or January 1, 1989 (as specified):

In ocean waters north of Point Arguello on and after the effective date of this article, the use of gill nets and trammel nets shall be regulated by the provisions of Article 4 (commencing with Section 8660), Article 5 (commencing with Section 8680) and Article 6 (commencing with Section 8720) of Chapter 3 of Part 3 of Division 6 of the Fish and Game Code, or any regulation or order issued pursuant to these articles, in effect on January 1, 1990, except that as to Sections 8680, 8681, 8681.7, and 8682, and subdivisions (a) through (f), inclusive of Section 8681.5 of the Fish and Game Code, or any regulation or order issued pursuant to these sections, the provisions in effect on January 1, 1989, shall control where not in conflict with other provisions of this article, and shall be applicable to all ocean waters. Notwithstanding the provisions of this section, the Legislature shall not be precluded from imposing more restrictions on the use and/or possession of gill nets or trammel nets.

Some of the declarations added by the Legislature indicate that a section contains the version of the section required by Section 4:

In accordance with Section 4 of Article X B of the California Constitution, this section contains the provisions in effect on January 1, [1989/1990].<sup>26</sup>

Other declarations acknowledge that a section was revised after 1989 or 1990, but assert that the revised section remains compliant with Article X B, because the result is more restrictive than the prior version of the provision:

The Legislature finds and declares that this section, as amended by [one or more legislative enactments after 1989], is more restrictive on the use and possession of gill nets and trammel nets than the version of this section in effect on January 1, 1989, and

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25. See note 19, *supra*.

26. See proposed Sections 12450 (continuing existing Section 8680), 12455 (continuing existing Section 8681), 12465 (continuing existing Section 8681.7), and 12470 (continuing existing Section 8682).

therefore complies with Section 8610.4, and Section 4 of Article X B of the California Constitution.<sup>27</sup>

The staff sees two possible problems with these legislative declarations.

*Negative Inference Regarding Provisions that Lack Declarations*

There are currently 40 sections of the Fish and Game Code that were referenced in Section 4(b) of Article X B. Declarations were added to only eight of those sections.<sup>28</sup> This raises the question, why did the Legislature decline to add declarations in the other 32 sections?

This could create an inference that the 32 sections without declarations are not consistent with Article X B, which could be problematic. That could be avoided by adding declarations to those provisions that lack them.

Another possibility would be to set out relevant history in the Commission's Comments, as is done in the attached draft.

*Accuracy of Section 8681*

Section 8681(b) provides:

In accordance with Section 4 of Article X B of the California Constitution, this section contains the provisions in effect on January 1, 1989.

That declaration may be technically inaccurate. On January 1, 1989, Section 8681 read as follows (with italics showing language omitted from the present version of the section):

8681. Gill nets or trammel nets shall not be used for commercial purposes except under a revocable, nontransferable permit issued by the department. Each permittee shall keep an accurate record of his or her fishing operations in a logbook furnished by the department. *A permit may be revoked and canceled by the commission when so recommended by the department upon a conviction for a violation of a provision of this article, or regulation authorized by this article, by the permittee, his agents, servants, employees, or those acting under his direction or control.* A permit may be revoked and canceled for a period not to exceed one year from the date of revocation.<sup>29</sup>

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27. See proposed Sections 12350 (continuing existing Section 8664.5), 12365 (continuing existing Section 8664.8), 12460 (continuing existing Section 8681.5), and 12530 (continuing existing Section 8692.5).

28. See notes 26 and 27, *supra*.

29. 1981 Cal. Stat. ch. 354.



Section 8681(a) now reads as follows (with italics showing language that replaces language omitted from the January 1, 1989 version):

Gill nets or trammel nets shall not be used for commercial purposes except under a revocable, nontransferable permit issued by the department. Each permittee shall keep an accurate record of his or her fishing operations in a logbook furnished by the department. *The commission may suspend, revoke, or cancel a permit, license, and commercial fishing privileges pursuant to Section 7857.* A permit may be revoked and canceled for a period not to exceed one year from the date of revocation.<sup>30</sup>

If the declaration in Section 8681(b) is meant to indicate that the present version of the section contains the *exact text* of the 1989 version, then it is inaccurate. However, if the declaration's reference to the "provisions" of the 1989 version of the section is read more broadly, to refer to the *substance* of those provisions, rather than the exact text, then the declaration could well be read as accurate. The new language refers to Section 7857, which provides rules from the suspension and revocation of licenses. It seems to contain all of the substance of the rules stated in the 1989 version of Section 8681(b). (It also contains *additional* substance, but that is permitted under Section 4(b) of Article X B, and so does not appear to be a problem.)

The technical accuracy of the declaration in Section 8681 could perhaps be improved. However, it is not clear that the current language is causing any problems.

### **Unconstitutional Provisions**

There are two provisions in the existing draft that appear to conflict with Article X B, and therefore be unconstitutional.

First, Article X B contains a blanket prohibition on the use of gill or trammel nets to take any species of rockfish, on or after November 7, 1990.<sup>31</sup> One provision in the draft appears to authorize the continued use of gill nets to take rockfish in four specified Fish and Game districts, subject to specified geographic or gear restrictions.<sup>32</sup>

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30. 2007 Cal. Stat. ch. 285.

31. See Art. X B, § 4(a).

32. See proposed Section 12535(b)(1) ((continuing existing Section 8693(b)(1)).

Article X B also contains a blanket prohibition on the use of gill or trammel nets in a specified geographic area, on and after January 1, 1994.<sup>33</sup> Because the geographic area does not refer to existing Fish and Game Districts, it is difficult to precisely match the described area with particular districts or other geographic areas referenced in code provisions. Nevertheless, based on resources available to the staff at this time, it appears that a provision of the draft may be read as authorizing use of these nets in an area barred by Article X B.<sup>34</sup>

Both of the sections referred to above were last revised by the Legislature prior to the adoption of Article X B.<sup>35</sup>

### **Obsolete Provisions**

Other provisions in the existing draft appear to be obsolete.

Three provisions in the article that codifies Article X B apply only to a time period that ended on December 31, 1993 (which is also true of the constitutional provisions that they codify).<sup>36</sup>

A fourth provision<sup>37</sup> defines the term “impacted fisherman” for purposes of two cross-referenced sections that either no longer use the term,<sup>38</sup> or have been repealed and not continued elsewhere.<sup>39</sup>

Some or all of these provisions could be deleted as obsolete.

### **Erroneous Cross-Reference**

A cross-reference in another provision is likely incorrect.

Existing Section 8664.7<sup>40</sup> refers to “an order issued pursuant to subdivision (c) of Section 8664.5.”

When that cross-reference was added to Section 8664.7, the referenced subdivision provided for the issuance of an order.<sup>41</sup> It no longer does, because a

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33. See Art. X B, § 3(b).

34. See proposed Section 12370 (continuing existing Section 8664.13).

35. See 1987 Cal. Stat. ch. 979 (Section 8664.13), 1988 Cal. Stat. ch. 589 (Section 8693).

36. See proposed Sections 12260 (continuing existing Section 8610.3(a), 12270 (continuing existing Section 8610.5), and 12275 (continuing existing Section 8610.6).

37. See proposed Section 12355 (continuing existing Section 8664.67).

38. See proposed Section 12350 (continuing existing Section 8664.5).

39. See existing Section 8664.65.

40. See proposed Section 12360.

41. See 1985 Cal. Stat. ch. 50.

later amendment moved the content of Section 8664.5(c) to Section 8664.5(d).<sup>42</sup> No conforming change was made to the reference in Section 8664.7. That looks to have been an error.

That error could be revised in the proposed law.

### **Organizational Improvements**

The Commission's general organizational approach in this study has been to break up overlong sections, and to group related provisions together.

For example, provisions prescribing a penalty for violation of a specific provision have been located with the provision to which the penalty relates.<sup>43</sup> That practice has not been implemented in the existing draft.<sup>44</sup>

Similarly, in a draft of other commercial fishing provisions presented at the October 2015 meeting,<sup>45</sup> provisions governing the use of nets in particular districts were reorganized to group some provisions that relate to a particular district together. This has not been proposed in the attached draft.<sup>46</sup>

These and other organizational changes could be made to the gill and trammel net provisions.

### **Standard Stylistic Changes**

The staff routinely proposes certain technical changes to existing provisions to conform to established statutory drafting style (e.g., avoiding gendered references, correcting misuse of "that" and "which," avoiding use of "such" as a pronoun).

Changes of that type have also not been proposed to the gill and trammel net provisions.

## **CONCLUSION**

The staff seeks guidance from the Commission on how to approach the drafting of the gill and trammel net provisions. Should we use our standard

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42. See 1989 Cal. Stat. ch. 318.

43. See Minutes (June 2013), p. 16.

44. See proposed Sections 12260 (continuing existing Section 8610.3), 12265 (continuing existing Section 8610.4), 12295 (continuing existing Section 8610.13), and existing 12003.5.

45. See Memorandum 2015-41.

46. See, e.g., proposed Sections 12350 (continuing existing Section 8664.5), 12535 (continuing existing Section 8693).

drafting approach, proposing whatever technical and organizational changes seem appropriate? Or should we take a conservative approach and make none of the revisions customarily made, out of respect for the dignity of language derived from a citizen's constitutional initiative, and construed and implemented by the Legislature over 30 years ago (without apparent controversy).

Or does the Commission want to take a mixed approach, selecting some but not all of areas identified above for revision?

**How would the Commission like to proceed?**

Respectfully submitted,

Steve Cohen  
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1990

# MARINE RESOURCES. INITIATIVE CONSTITUTIONAL AMENDMENT

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**Official Title and Summary:****MARINE RESOURCES.  
INITIATIVE CONSTITUTIONAL AMENDMENT**

- Establishes Marine Protection Zone within three miles of coast of Southern California.
- Commencing January 1, 1994, prohibits use of gill or trammel nets in zone.
- Between January 1, 1991 and December 31, 1993 requires additional permit for use of gill nets or trammel nets in zone.
- Requires purchase of \$3 marine protection stamp for fishermen in zone.
- Establishes permit fees and \$3 sportfishing marine protection stamp fee to provide compensation to fishermen for loss of permits after January 1, 1994.
- Directs Fish and Game Commission to establish four new ocean water ecological reserves for marine research.

**Summary of Legislative Analyst's  
Estimate of Net State and Local Government Fiscal Impact:**

- Permit fees and marine protection stamp would provide approximately \$5 million to Marine Resources Protection Account by 1995.
- Compensation for fishermen who surrender gill and trammel nets between July 1, 1993 and January 1, 1994, could total up to \$3.4 million, if necessary legislation enacted.
- Enforcement of measure could cost up to \$1.5 million annually.
- Loss of \$100,000 annually from reduced fishing license, permit, and tax revenues may result; losses offset in unknown amount by measure's increased fines.

## Analysis by the Legislative Analyst

### Background

California's commercial fishermen use a variety of methods to catch fish, including gill nets (which catch fish by the gills) and trammel nets (which capture fish by entangling them). These nets also trap marine mammals and fish species that the fishermen do not intend to catch.

The Department of Fish and Game is responsible for enforcing California's fishing laws and regulations. Current regulations generally prohibit commercial fishermen from using gill nets and trammel nets in California's coastal waters north of Point Reyes in Marin County. In the ocean waters of southern and central California, the use of gill nets and trammel nets is limited to commercial fishermen who hold permits authorizing their use.

In addition, current law requires commercial fishermen to hold a commercial fishing license, and, depending on the type of fish caught, various other licenses, stamps, and permits. Commercial fishermen also pay taxes on each pound of fish caught or delivered in the state. Revenue from the licenses, permits, and taxes are deposited in the Fish and Game Preservation Fund (FGPF).

### Proposal

This constitutional amendment bans the use of gill nets and trammel nets, beginning January 1, 1994, in coastal waters of central and southern California. In addition,

measure (1) imposes additional fees for certain permits and marine resource protection stamps until January 1, 1995 and (2) allows that the revenue from the increased fees be used to make a lump sum payment for lost income to fishermen who turn in their gill and trammel net permits.

*Prohibition on Use of Nets.* This measure:

- Prohibits the use of gill nets and trammel nets from the Mexican border to Point Arguello in Santa Barbara County beginning January 1, 1994.
- Prohibits commercial fishermen from using these nets to catch rockfish in any area of the state.
- Increases the fines and penalties related to the use of gill nets and trammel nets.
- Requires the creation of four new ocean ecological reserves along the state's coast.

*Increased Fees and Stamp Requirements.* From January 1, 1991, through December 31, 1993, the measure imposes a new permit fee of \$250 in 1991, \$500 in 1992, and \$1,000 in 1993 on commercial fishermen using gill nets and trammel nets in southern California. This fee would be in addition to the permit fee of \$250 currently paid by all gill net and trammel net fishermen in the

state. The measure also requires that most sport fishermen and the owners of certain commercial fishing vessels purchase a \$3 marine resources protection stamp. Revenues from the increased permit fees and the stamps would be deposited in the Marine Resources Protection Account (MRPA), which the measure creates.

*Compensation Program.* The measure provides for a one-time compensation payment for lost income to commercial fishermen who surrender their gill net and trammel net permits between July 1, 1993 and January 1, 1994. Those fishermen who do not surrender their permits between these dates, or who do not give required notification to the DFG within 90 days of enactment of this measure, would not receive any compensation. The measure prohibits the payment of compensation unless the Legislature enacts enabling legislation by July 1, 1993, to implement the compensation program.

### Fiscal Effect

The measure would have the following fiscal effects.

*Fees and Stamp Revenues.* The new permit and marine resources protection stamp fees would result in increased revenue of about \$5 million to the MRPA by January 1, 1995, when the stamp requirement would expire. These revenues would be used to fund the compensation program and the costs of administering the measure. The measure requires any funds remaining in the MRPA after January 1, 1995 to be used for scientific research into marine resources within the ecological reserves created by the measure.

*Compensation Program Costs.* Total compensation costs for all fishermen combined could be as much as \$3.4 million. Individual compensation payments would be based on each fisherman's average annual fishing income over a five-year period. The compensation costs would be incurred only if the Legislature enacts enabling legislation prior to July 1, 1993.

*Enforcement Costs.* The Department of Fish and Game could incur costs of up to \$1.5 million annually beginning in 1995 to enforce the ban on gill net and trammel net fishing in southern California. These costs would be funded from the FGPF.

*Prohibition on the Use of Nets.* The ban on the use of gill nets and trammel nets could reduce the number of people fishing commercially and the number of fish brought on shore in California. Such reductions would result in an annual revenue loss of less than \$100,000 from reduced taxes on catches. These losses would be offset to an unknown extent by revenues to the FGPF, primarily from the measure's increased fines.

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For text of Proposition 132 see page 116

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## Argument in Favor of Proposition 132

A "yes" vote on Proposition 132 will stop the indiscriminate slaughter of marine mammals along the California coast by banning the use of gill nets—relentless "killing machines" made of tough monofilament mesh that is nearly invisible underwater.

Every year in California, gill nets trap and kill thousands of whales, dolphins, sea lions, harbor seals, sea otters and birds—animals that have no commercial value, but still fall victim to these deadly underwater traps that mutilate and drown any animals they ensnare.

The California Department of Fish and Game reports that in 1986-87 alone, over 6,500 sea lions, harbor seals, and harbor dolphins were trapped and killed by gill and trammel nets in California waters.

These marine mammals died needlessly. According to the U.S. Marine Mammal Commission, 72% of all fish species caught in gill nets have absolutely no commercial or economic value. They are caught and killed by the nets, then simply thrown back into the sea to rot—a terrible waste of our precious marine resources.

Gill nets strike at the heart of our sensitive marine environment, ravaging our coastline where fish spawn and grow to maturity, where whales migrate, and where sea lions, seals and porpoises live.

Gill nets that have broken free of their fishing boats can roam the seas as "ghost nets" for up to 400 years, the time it takes for their monofilament mesh to biodegrade.

Gill nets are so destructive that they have already been banned along the coasts of Canada, Oregon and Washington. Our Legislature has even banned gill nets along our northern and central coasts. But under pressure from the commercial fishing industry, the Legislature failed to extend this ban to southern California waters. Proposition 132 will finish the job.

What's worse, the Legislature can now lift the existing gill

net ban in central and northern California waters at any time for any reason. Likewise, the Director of the Department of Fish and Game can lift parts of the ban for any number of "new findings"—without legislative review. Proposition 132 will make sure this doesn't happen.

Proposition 132 will:

- Ban gill and trammel nets within three miles of the southern California coastline and around the Channel Islands.
- Lock into our Constitution a permanent gill net ban along the northern and central California coasts, which only a majority vote of the people could reverse.
- Compensate commercial gill net fishermen and help them switch to less destructive fishing gear and methods.
- Establish four coastal ecological reserves for scientific marine research.

Years ago, California lawmakers had the wisdom to ban the use of dynamite for fishing because it indiscriminately killed any marine animal within range of its blast. Now it's time to outlaw gill nets, whose indiscriminate killing power is equally unacceptable.

Stop the needless and wasteful destruction of our valuable coastal resources—and put an end to a cruel and archaic fishing method where responsible alternatives exist.

Vote "Yes" on Proposition 132—A lasting environmental legacy for future generations of Californians.

**ASSEMBLYWOMAN DORIS ALLEN**  
*Chairwoman, Committee to Ban Gill Nets*

**STANLEY M. MINASIAN**  
*President, Marine Mammal Fund*

**ANN MOSS**  
*President, The Dolphin Connection*

## Rebuttal to Argument in Favor of Proposition 132

Proposition 132 is *not* about protecting marine mammals and wildlife. It is an attempt by wealthy sport fishermen and yachtsmen to monopolize fishery resources for their personal pleasure.

Proposition 132 does *not* stop the slaughter of fish and wildlife on the high seas by foreign driftnet fleets. It does *not* protect dolphins or whales. Proposition 132 affects consumers and a fishery conducted by family fishermen along the southern California coast—among the best monitored and managed fisheries in the world! If Proposition 132 passes it will increase California's imports of fish from other nations that do not regulate their fisheries to protect wildlife.

California's commercial fishermen have worked with major conservation organizations and state and federal agencies to regulate fishing gear to protect marine mammals and birds. The increasing numbers of gray whales, sea lions, seals and sea otters in California waters are testimony to the success of these cooperative efforts.

Proposition 132 supporters' allegations regarding gillnets are

blatantly false. Gillnets are used safely offshore Oregon, Washington, Canada, and central and southern California; they are used in San Francisco Bay, Tomales Bay, Humboldt Bay, and the Klamath River.

Campaign records on Proposition 132 disclose that its major supporters are sportfishing organizations, exclusive yacht clubs, and tackle manufacturers who don't care about dolphins or whales. They are attempting to dupe the public into believing this initiative will protect wildlife so they can create an exclusive, private sportfishing-only club for the wealthy few. Don't be fooled. *Vote No on Proposition 132.*

**BURR HENNEMAN**  
*Former Executive Director, Point Reyes Bird Observatory*

**ALISON MCCENEY**  
*Fisherwoman*

**CRAIG GHIO**  
*Vice President, Anthony's Seafood Grottos*



## Argument Against Proposition 132

To protect the ability of every California citizen to enjoy fresh, reasonably priced seafood, please vote NO on Proposition 132.

### 1. *Fish for Food vs. Fish for Fun*

This initiative was drafted with one objective in mind—to give the most prized fish off the Southern California coast to ocean sportfishermen—people who ocean-fish for fun—less than three percent (3%) of the state's population. The remaining 27 million Californians (97% of the state's population) who do not have the time, luxury, or desire to catch their own seafood will no longer have access to these healthy foods. Seafood is a public resource and should belong to everyone.

### 2. *Denies Consumers Fresh Local Seafood*

If Proposition 132 passes and safe, ecologically sound methods of catching fish are banned, the prices of fresh California seafood like halibut, seabass, shark, sculpin, barracuda, and winter supplies of pacific red snapper will almost triple at restaurants and markets.

### 3. *Proposition 132 Will Increase The Price Of An Ocean-only Sportfishing License 23%!*

### 4. *Over 30 Laws Enacted Protecting Fish and Marine Mammals.*

The Department of Fish and Game, seafood industry and ironmental groups have worked together to pass dozens of laws which protect fish and marine mammals. Successful programs have been created by this broad coalition to benefit ocean resources by restricting activities during spawning and mating season, by limiting the use of fishing gear, and by providing funds for ongoing scientific research. The fishing industry seeks to protect the environment because their livelihood depends on healthy marine populations. Perhaps that's why major environmental groups don't support Proposition 132.

### 5. *There Is No Shortage of Fish*

Fishery and marine mammal populations are healthy. In fact, according to the National Marine Fisheries Service population levels of gray whales, sea lions and harbor seals have reached historically high levels. Landings of fish to seafood markets and restaurants remain consistent. Sportfishing magazines continue reports of great fishing. Remember, fish is a renewable resource.

### 6. *Working Families and Consumers*

Proposition 132 means people will lose their jobs. Over 3,000 people from fish processing plants may lose their jobs. Another 1,000 family fishermen and crew will be out of a job. How will they support their families? How will you get local seafood?

Hardest hit will be Californians on fixed incomes, single parents, seniors and the poor who will no longer be able to afford the healthy nutrition of a fresh seafood meal.

### 7. *Who's Really Behind Proposition 132?*

Sponsors of Proposition 132 are wealthy sportfishermen and sportfish tackle manufacturers. They have admitted publicly that this is not a resource issue—rather it is an issue of who can enjoy fish and who can't. In other words, there are ocean resources to be shared by everyone, but this proposition was created so that the people who fish in the ocean for fun can have a monopoly for their personal pleasure.

**ROBERT E. ROSS**

*Executive Director, California Fisheries and Seafood Institute*

**FRANK SPENGER JR.**

*Seafood Restaurant Owner*

**MRS. THERESA HOINSKY**

*President, Fishermen's Union of America AFL-CIO*

## Rebuttal to Argument Against Proposition 132

Gill netting is not a "safe, ecologically sound method of catching fish." It is a cruel and outdated method that indiscriminately kills thousands of non-commercial marine mammals every year in California. Better methods are available.

Proposition 132 will not triple the cost of fresh fish. Gill nets used within three miles of our coast provide only about one percent of fish sold in California—an amount so small it will not impact prices. Because gill nets decimate fish stocks, they actually drive up the cost of seafood.

Proposition 132 will not put people out of work. Proposition 132 will provide compensation to help the 250 Southern California gill netters switch to less destructive fishing methods, with funding from a temporary "marine only" sports fishing license. Proposition 132 will save jobs by reducing waste and allowing over-fished species like the white sea bass to recover.

ll nets are already banned along California's northern and central coasts. Powerful commercial fishing lobbyists have blocked efforts to extend this important protection to Southern

California. Proposition 132 will make sure the entire coast of California is protected.

Our coastal waters and the precious resources they sustain belong to all Californians. A small group of commercial fishermen should not be allowed to plunder these limited resources through the cruel, destructive and outdated practice of gill-netting.

Proposition 132 is supported by environmental groups, conservationists, marine scientists, sports fishermen and other concerned Californians. We urge you to join us by voting 'YES' on Proposition 132.

**QUENTIN KOPP**

*State Senator, Independent—8th District*

**DR. JOHN S. STEPHENS, JR.**

*James Irvine Professor of Environmental Biology, Occidental College*

**SAM LA BUDDE**

*Earth Island Institute Research Biologist*

## Proposition 132: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure expressly amends the Constitution by adding an article thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

Calendar Year	Fee
1991	\$250
1992	500
1993	1,000

### PROPOSED ADDITION OF ARTICLE XB

The people of California find and declare that:

The marine resources of the State of California belong to all of the people of the state and should be conserved and managed for the benefit of all users and people concerned with their diversity and abundance for present and future generations' use, needs and enjoyment. Current state laws allow the use of indiscriminate and destructive gear types (gill nets and trammel nets) for the commercial take of fish in our nearshore waters that entangle thousands of mammals (whales, dolphins, sea otters, sea lions, porpoise, etc.) sea birds and hundreds of thousands of non-targeted fish annually. These indiscriminate gear types result in the tragic death of many non-targeted species unfortunate enough to be caught in them. It has been reported that seventy-two (72) percent of what is entangled and caught in a gill net or trammel net is unmarketable, and it is returned to the ocean dead or near dead, thereby depleting our ocean resources at an accelerated rate.

In order to restore and maintain our ocean resources, increased scientific and biological research and reliable data collection is urgently needed to provide credible information as to the long-term protection and management of the mammal and fish populations in our coastal waters. Therefore, the law governing the use of gill nets and trammel nets in our coastal waters, as well as law establishing ecological reserves for scientific and biological studies and data collection to ensure abundant ocean resources should be permanently established as follows:

Amendment to the California Constitution adding Article XB as follows:

#### ARTICLE XB

##### MARINE RESOURCES PROTECTION ACT OF 1990

*SECTION 1. This article shall be known and may be cited as the Marine Resources Protection Act of 1990.*

*SEC. 2. (a) "District" means a fish and game district as defined in the Fish and Game Code by statute on January 1, 1990.*

*(b) Except as specifically provided in this article, all references to Fish and Game Code sections, articles, chapters, parts, and divisions are defined as those statutes in effect on January 1, 1990.*

*(c) "Ocean waters" means the waters of the Pacific Ocean regulated by the state.*

*(d) "Zone" means the Marine Resources Protection zone established pursuant to this article. The zone consists of the following:*

*(1) In waters less than 70 fathoms or within one mile, whichever is less, around the Channel Islands consisting of the Islands of San Miguel, Santa Rosa, Santa Cruz, Anacapa, San Nicolaus, Santa Barbara, Santa Catalina, and San Clemente.*

*(2) The area within three nautical miles offshore of the mainland coast, and the area within three nautical miles off any manmade breakwater, between a line extending due west from Point Arguello and a line extending due west from the Mexican border.*

*(3) In waters less than 35 fathoms between a line running 180 degrees true from Point Fermin and a line running 270 degrees true from the south jetty of Newport Harbor.*

*SEC. 3. (a) From January 1, 1991, to December 31, 1993, inclusive, gill nets or trammel nets may only be used in the zone pursuant to a nontransferable permit issued by the Department of Fish and Game pursuant to Section 5.*

*(b) On and after January 1, 1994, gill nets and trammel nets shall not be used in the zone.*

*SEC. 4. (a) Notwithstanding any other provision of law, gill nets and trammel nets may not be used to take any species of rockfish.*

*(b) In ocean waters north of Point Arguello on and after the effective date of this article, the use of gill nets and trammel nets shall be regulated by the provisions of Article 4 (commencing with Section 8660), Article 5 (commencing with Section 8680) and Article 6 (commencing with Section 8720) of Chapter 3 of Part 3 of Division 6 of the Fish and Game Code, or any regulation or order issued pursuant to these articles, in effect on January 1, 1990, except that as to Sections 8680, 8681, 8681.7, and 8682, and subdivisions (a) through (f), inclusive of Section 8681.5 of the Fish and Game Code, or any regulation or order issued pursuant to these sections, the provisions in effect on January 1, 1989, shall control where not in conflict with other provisions of this article, and shall be applicable to all ocean waters. Notwithstanding the provisions of this section, the Legislature shall not be precluded from imposing more restrictions on the use and/or possession of gill nets or trammel nets. The Director of the Department of Fish and Game shall not authorize the use of gill nets or trammel nets in any area where the use is not permitted even if the director makes specified findings.*

*SEC. 5. The Department of Fish and Game shall issue a permit to use a gill net or trammel net in the zone for the period specified in subdivision (a) of Section 3 to any applicant who meets both of the following requirements:*

*(a) Has a commercial fishing license issued pursuant to Sections 7850-7852.3 of the Fish and Game Code.*

*(b) Has a permit issued pursuant to Section 8681 of the Fish and Game Code and is presently the owner or operator of a vessel equipped with a gill net or trammel net.*

*SEC. 6. The Department of Fish and Game shall charge the following fees for permits issued pursuant to Section 5 pursuant to the following schedule:*

EX 6

*SEC. 7. (a) Within 90 days after the effective date of this section, every person who intends to seek the compensation provided in subdivision (b) shall notify the Department of Fish and Game, on forms provided by the department, of that intent. Any person who does not submit the form within that 90-day period shall not be compensated pursuant to subdivision (b). The department shall publish a list of all persons submitting the form within 120 days after the effective date of this section.*

*(b) After July 1, 1993, and before January 1, 1994, any person who holds a permit issued pursuant to Section 5 and operates in the zone may surrender that permit to the department and agree to permanently discontinue fishing with gill or trammel nets in the zone, for which he or she shall receive, beginning on July 1, 1993, a one time compensation which shall be based upon the average annual ex vessel value of the fish other than any species of rockfish landed by a fisherman, which were taken pursuant to a valid general gill net or trammel net permit issued pursuant to Sections 8681 and 8682 of the Fish and Game Code within the zone during the years 1983 to 1987, inclusive. The department shall verify those landings by reviewing logs and landing receipts submitted to it. Any person who is denied compensation by the department as a result of the department's failure to verify landings may appeal that decision to the Fish and Game Commission.*

*(c) The State Board of Control shall, prior to the disbursement of any funds, verify the eligibility of each person seeking compensation and the amount of the compensation to be provided in order to ensure compliance with this section.*

*(d) Unless the Legislature enacts any required enabling legislation to implement this section on or before July 1, 1993, no compensation shall be paid under this article.*

*SEC. 8. (a) There is hereby created the Marine Resources Protection Account in the Fish and Game Preservation Fund. On and after January 1, 1991, the Department of Fish and Game shall collect any and all fees required by this article. All fees received by the department pursuant to this article shall be deposited in the account and shall be expended or encumbered to compensate persons who surrender permits pursuant to Section 7 or to provide for administration of this article. All funds received by the department during any fiscal year pursuant to this article which are not expended during that fiscal year to compensate persons as set forth in Section 7 or to provide for administration of this article shall be carried over into the following fiscal year and shall be used only for those purposes. All interest accrued from the department's retention of fees received pursuant to this article shall be credited to the account. The accrued interest may only be expended for the purposes authorized by this article. The account shall continue in existence, and the requirement to pay fees under this article shall remain in effect, until the compensation provided in Section 7 has been fully funded or until January 1, 1995, whichever occurs first.*

*(b) An amount, not to exceed 15 percent of the total annual revenues deposited in the account excluding any interest accrued or any funds carried over from a prior fiscal year may be expended for the administration of this article.*

*(c) In addition to a valid California sportfishing license issued pursuant to Sections 7149.1 or 7149.2 of the Fish and Game Code and any applicable sport license stamp issued pursuant to the Fish and Game Code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for sport purposes shall have permanently affixed to that person's sportfishing license a marine resources protection stamp which may be obtained from the department upon payment of a fee of three dollars (\$3). This subdivision does not apply to any one-day fishing license.*

*(d) In addition to a valid California commercial passenger fishing boat license required by Section 7920 of the Fish and Game Code, the owner of any boat or vessel who, for profit, permits any person to fish from the boat or vessel in ocean waters south of a line extending due west from Point Arguello, shall obtain and permanently affix to the license a commercial marine resources protection stamp which may be obtained from the department upon payment of a fee of three dollars (\$3).*

*(e) The department may accept contributions or donations from any person who wishes to donate money to be used for the compensation of commercial gill net and trammel net fishermen who surrender permits under this article.*

*(f) This section shall become inoperative on January 1, 1995.*

*SEC. 9. Any funds remaining in the Marine Resources Protection Account in the Fish and Game Preservation Fund on or after January 1, 1995, shall, with the approval of the Fish and Game Commission, be used to provide grants to colleges, universities and other bonafide scientific research groups to fund marine resource related scientific research within the ecological reserves established by Section 14 of this act.*

*SEC. 10. On or before December 31 of each year, the Director of Fish and Game shall prepare and submit a report to the Legislature regarding the implementation of this article including an accounting of all funds.*

*SEC. 11. It is unlawful for any person to take, possess, receive, transport, purchase, sell, barter, or process any fish obtained in violation of this article.*

*SEC. 12. To increase the state's scientific and biological information on the ocean fisheries of this state, the Department of Fish and Game shall establish a program whereby it can monitor and evaluate the daily landings of fish, commercial fishermen who are permitted under this article to take these fish. The cost of implementing this monitoring program shall be borne by the commercial fishing industry.*

*SEC. 13. (a) The penalty for a first violation of the provisions of Sections 3 and 4 of this article is a fine of not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) and a mandatory suspension of any license, permit or stamp to take, receive, transport, purchase, sell, barter or process*

fish for commercial purposes for six months. The penalty for a second or subsequent violation of the provisions of Sections 3 and 4 of this article is a fine of not less than two thousand five hundred dollars (\$2,500) and not more than ten thousand dollars (\$10,000) and a mandatory suspension of any license, permit or stamp to take, receive, transport, purchase, sell, barter, or process fish for commercial purposes for one year.

b) Notwithstanding any other provisions of law, a violation of Section 8 of this article shall be deemed a violation of the provisions of Section 7145 of the Fish and Game Code and the penalty for such violation shall be consistent with the provisions of Section 12002.2 of said code.

c) If a person convicted of a violation of Section 3, 4, or 8 of this article is granted probation, the court shall impose as a term or condition of probation, in addition to any other term or condition of probation, that the person pay at least

the minimum fine prescribed in this section.

SEC. 14. Prior to January 1, 1994, the Fish and Game Commission shall establish four new ecological reserves in ocean waters along the mainland coast. Each ecological reserve shall have a surface area of at least two square miles. The commission shall restrict the use of these ecological reserves to scientific research relating to the management and enhancement of marine resources.

SEC. 15. This article does not preempt or supersede any other closures to protect any other wildlife, including sea otters, whales, and shorebirds.

SEC. 16. If any provision of this article or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

### Proposition 133: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure adds and repeals a division of the Health and Safety Code, adds a section to the Penal Code, and amends, repeals, and adds sections of the Revenue and Taxation Code; therefore, existing sections proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

#### PROPOSED LAW

SECTION 1. (a) This measure shall be known and may be cited as the Safe Streets Act of 1990.

(b) It is the intent of the people, through the adoption of the California Safe Streets Act of 1990, to ensure all of the following:

- (1) Repeat violent offenders and drug criminals serve out their full sentences.
- (2) Law enforcement has the capability to reduce drug-related crime.
- (3) Children are kept from entering the world of drug abuse.

SEC. 2. The people find and declare all of the following:

(a) The number of drug-related major crimes in California is increasing every year, reflecting the growing impact of the drug crisis and the fact that reducing illegal drug activity is an integral part of the effort to reduce crime.

(b) Many major crimes are committed by repeat offenders who have been released from prison before they serve their full sentences.

(c) Federal assistance in the war on drugs has fallen far behind the increased need.

(d) Drug abuse costs California society at least six billion dollars (\$6,000,000,000) a year.

(e) Eleven percent of babies born in the United States in 1988 were exposed to illegal drugs during the mother's pregnancy.

(f) Drug use and violent crime are closely related, as evidenced by the finding that more than half of those arrested for serious crimes in 14 major cities, and who volunteered for drug testing, are found to be drug users.

(g) Drug-related absenteeism and medical expenses cost businesses about 3 percent of their payroll.

(h) Thousands of transactions involving illegal drugs occur in the open because there are not enough law enforcement personnel to establish a presence.

(i) A successful attempt to fight the war on drugs must be comprehensive, guaranteeing punishment for those who violate the law, and protecting children before they become involved with drugs.

SEC. 3. Division 10.7 (commencing with Section 11999) is added to the Health and Safety Code, to read:

#### DIVISION 10.7. SAFE STREETS FUND

11999. (a) *There is in the Treasury the Safe Streets Fund, which is continuously appropriated, without regard to fiscal years, to the Controller, for allocation as specified in this division.*

(b) *Money appropriated pursuant to subdivision (a) shall be subject to all of the following requirements:*

- (1) *It shall be used only for the purposes specified in this section.*
- (2) *It shall not be used to supplant current levels of funding for existing programs, plus normal cost-of-living increases, on the date the measure adding this section to the Health and Safety Code is adopted by the voters.*
- (3) *It shall be used only to supplement current and future state funding levels appropriated from sources other than this section.*
- (4) *It shall not be used as part of the Special Fund for Economic Uncertainties or any other reserves.*

(c) *Any state or local government entity receiving funds through this section shall maintain a level of financial support for a program funded under this division which is not less than previous expenditures in accordance with standards set by any entity allocating funds pursuant to this division, which, for purposes of this subdivision, shall include the Attorney General, the Superintendent of Public Instruction, the Secretary of the Youth and Adult Correctional Agency, and the Secretary of Health and Welfare, as appropriate.*

11999.1. *Funds allocated to the fund and any of its accounts pursuant to this division shall not revert to the General Fund.*

11999.2. *Pursuant to Section 4 of Article XIII B of the California Constitution, the state appropriations limits established by Article XIII B thereof shall be adjusted to include the appropriations made by this division for the four-year period commencing July 1, 1991.*

11999.3. (a) *There is in the fund the Anti-Drug Law Enforcement Account.*

(b) *Forty percent of any money received by the fund shall be transferred to the Anti-Drug Law Enforcement Account.*

(c) *Money in the Anti-Drug Law Enforcement Account shall be allocated in the following manner:*

(1) *Ninety percent shall be allocated to the Attorney General for distribution to local law enforcement agencies of cities, cities and counties, and counties, for*

*personnel, equipment, and activities related to street level law enforcement. These funds shall also be used to support community organizations attempting to fight crime and drugs. These funds shall be distributed pursuant to a formula developed by the Attorney General, in consultation with local law enforcement officials from throughout the state, which takes into account the following factors:*

- (A) *Population.*
- (B) *Gang activity.*
- (C) *Property crime.*
- (D) *Demographics.*
- (E) *Local drug seizures.*
- (F) *Rates of drug-related arrests and convictions.*
- (G) *Other factors determined by the Attorney General to be relevant to those anti-drug activities described in this section.*

(2) *Five percent shall be allocated to the Attorney General for distribution to district attorneys' offices to increase their prosecutorial capabilities. The funds shall be distributed pursuant to a formula developed by the Attorney General, in consultation with the district attorneys throughout the state, which takes into account those factors listed in paragraph (1).*

(3) *Five percent shall be allocated to the Judicial Council to increase the ability of the courts to process drug-related cases. The funds shall be used to fund new judgeships and their associated costs. Funds allocated pursuant to this subparagraph which are not used for new judgeships at the end of the fiscal year shall be allocated by the Judicial Council, on a grant basis, to counties for programs which will substantially contribute to the resolution of drug-related cases.*

11999.4. (a) *There is in the fund the Anti-Drug Education Account.*

(b) *Forty-two percent of any money received by the fund shall be transferred to the Anti-Drug Education Account, which shall be distributed to the Superintendent of Public Instruction, for allocation as follows:*

(1) *Twenty-five percent of funds in the account shall be allocated to schools for anti-drug education and counseling programs, including peer counseling programs, which may be conducted during or after normal school hours. All school districts and county offices of education shall provide age-appropriate anti-drug instruction in grades K to 12, inclusive, in compliance with guidelines established by the Superintendent of Public Instruction. Funds shall be allocated pursuant to this paragraph pursuant to the following requirements:*

(A) *Seventy percent shall be allocated annually to eligible school districts and county offices of education in equal amounts per unit of average daily attendance. For purposes of this subdivision, the Superintendent of Public Instruction shall use annual average daily attendance reported for the fiscal year immediately prior to the year of allocation. No school district shall be eligible to receive funds pursuant to this subdivision until the appropriate county superintendent of schools has certified to the Superintendent of Public Instruction that the local educational agency's program is in accordance with the guidelines established by the Superintendent of Public Instruction.*

(B) *Thirty percent shall be allocated to school districts or county offices of education for schools, which, as determined by the Superintendent of Public Instruction, require the funds due to the high intensity of drug abuse activity in the agency's jurisdiction.*

(2) *Twenty percent of funds in the account shall be granted or allocated by contract by the Superintendent of Public Instruction to school districts, county offices of education, community organizations, and agencies of local government, for out-of-classroom programs designed to provide students with alternative activities to drug use, and to teach self-respect and respect for others, including, but not limited to, afterschool athletic programs, homework centers, parental involvement programs, job experience programs with private employers, and community work programs. The amount of any grant or contract made pursuant to this subdivision shall be determined by the Superintendent of Public Instruction, provided that the total allocations made to agencies within a county are proportional to public school enrollment of that county.*

(3) *Thirty-five percent of funds in the account shall be allocated by the Superintendent of Public Instruction to agencies that operate state approved child development and preschool programs that, as determined by the Superintendent of Public Instruction, require the funds due to the high intensity of drug abuse activity in the agency's jurisdiction. The amount of any allocation made pursuant to this subparagraph shall be determined by the Superintendent of Public Instruction, provided that the total allocations made to agencies within a county are proportioned according to the existing allocation formula. The Superintendent of Public Instruction shall give priority to programs in the following order:*

- (A) *Programs which serve children identified pursuant to guidelines adopted by the Superintendent of Public Instruction as being at risk of unlawful drug use or involvement.*
- (B) *State-approved preschool programs.*

## FISH AND WILDLIFE CODE

**Staff Note:** This is a preliminary staff draft of a proposed reorganization of specified provisions of the Fish and Game Code.

Statutory cross-references that cannot yet be adjusted (because the referenced provisions have not yet been reorganized) are set out in boldface type, for later attention.

A draft of an official Commission “Comment” follows each proposed section. Such Comments will be included in any final recommendation. They serve to indicate the source of each section and to describe how it compares with prior law. Courts have routinely held that the Commission’s Comments are evidence of legislative intent with regard to any legislation that implements a Commission recommendation. For guidance on the terminology used in Commission Comments, see the Comment following proposed Section 20 (attached to Memorandum 2013-12).

There is a “disposition table” at the end of this document. It summarizes, in tabular form, the disposition of every provision that has been included in this draft. If an existing provision would be repealed as unnecessary, the table indicates that provision as “omitted.”

Some provisions of this draft may be followed by a “Staff Note.” Staff Notes are intended to be temporary and will not be part of the Commission’s final recommendation. They serve to flag issues requiring special attention or treatment.

The Commission welcomes public comment on any issue relating to the content of this draft. The Commission is particularly interested in comments on any of the following matters:

- (1) Responses to any questions posed in “Staff Notes.”
  - (2) Any inconsistency, obsolescence, ambiguity, or problems relating to program authority and funding, whether within the provisions of this draft or between the provisions of this draft and other provisions of law.
  - (3) Provisions that should have been included in this draft but were not (or provisions included in this draft that should have been located elsewhere).
  - (4) Technical drafting errors.
- Comments should be directed to Steve Cohen at [scohen@clrc.ca.gov](mailto:scohen@clrc.ca.gov).

FISH AND WILDLIFE CODE .....	1
DIVISION 5. HUNTING, TRAPPING, AND FISHING GENERALLY .....	5
TITLE 3. NETS .....	5
CHAPTER 3. SPECIAL RULES FOR IDENTIFIED WATERS .....	5
§ 10950. Districts 1835 and 1840 .....	5
§ 10955. Districts 1840 and 1850 .....	5
§ 10960. Area upstream from Antioch area .....	5
§ 10965. Area in or near Klamath, Smith, Eel, Mad, Van Dusen, or Mattole Rivers .....	6
§ 10970. District 1895 .....	6
§ 10975. Take of mullet or carp in Salton Sea and New and Alamo Rivers .....	6
§ 10980. Salton Sea and New and Alamo Rivers .....	7
§ 10985. Possession of certain gear near Salton Sea and New and Alamo Rivers .....	7
§ 10990. Waters upstream from Carquinez Bridge .....	7
TITLE 4. GILL NETS AND TRAMMEL NETS .....	7
CHAPTER 1. GENERAL PROVISIONS .....	11
§ 12200. Statement of intent .....	11
CHAPTER 2. MARINE RESOURCES PROTECTION ACT OF 1990 .....	11
§ 12250. Statement of codification and implementation .....	11
§ 12255. Meaning of references .....	11
§ 12260. Prohibited use of gill or trammel net to take rockfish .....	12
§ 12265. Authorized use of gill nets and trammel nets .....	12
§ 12270. Permit process during transitional period .....	13

§ 12275. Fees for permit during transitional period .....	13
§ 12280. Use of funds in Marine Resources Protection Account .....	13
§ 12285. Unlawful take .....	14
§ 12290. Department monitoring of take .....	14
§ 12295. Penalty .....	14
§ 12300. Ecological reserves .....	14
§ 12305. Closures to protect wildlife .....	15
§ 12310. Severability of provisions of chapter .....	15
CHAPTER 3. USE OF GILL NETS IN PARTICULAR DISTRICTS .....	15
§ 12350. Additional rules for Districts 1790, 1825 and 1830 .....	15
§ 12355. “Impacted fisherman” .....	17
§ 12360. Order by department .....	18
§ 12365. Additional rules for specified northern California ocean waters .....	18
§ 12370. Ocean area south of Point Conception .....	19
§ 12375. Salton Sea and New and Alamo Rivers .....	20
CHAPTER 4. GILL AND TRAMMEL NETS .....	20
§ 12450. Legislative declaration .....	20
§ 12455. Required permit .....	21
§ 12460. Grandfathered and transferred permits .....	21
§ 12465. Appeal of permit denial .....	22
§ 12470. Regulations .....	22
§ 12475. Permit fee .....	23
§ 12480. Incidental catch of swordfish or marlin .....	23
§ 12485. Districts 1705, 1725, and 1740 .....	24
§ 12490. Take of salmon, steelhead, or striped bass .....	24
§ 12495. Sale or possession for sale of salmon, steelhead, or striped bass .....	24
§ 12500. Purchase of salmon, steelhead, or striped bass .....	24
§ 12505. Districts 1715, 1735, and 1885 .....	25
§ 12510. Districts 1770, 1775, 1780, 1785, and 1790 .....	25
§ 12515. Districts 1800, 1810, and 1815 .....	25
§ 12520. Point Reyes ocean area .....	25
§ 12525. Monterey County ocean area .....	26
§ 12530. Permissible net length .....	26
§ 12535. Districts 1825, 1830, 1835, and 1855 .....	26
§ 12540. District 1840 .....	27
§ 12545. South of Point Reyes headlands .....	27
§ 12550. Conversion of gill net to trammel net .....	28
CHAPTER 5. TRAMMEL NETS .....	28
§ 12600. “Trammel net” .....	28
§ 12605. Districts 1705, 1725, and 1740 .....	28
§ 12610. Use of drift and set trammel nets .....	29
§ 12615. District 1840 .....	29
CHAPTER 6. TAKE OF SHARK AND SWORDFISH .....	29
§ 12650. Required permit .....	29
§ 12655. Transfer of permit .....	29
§ 12660. Application .....	30
§ 12665. Possession and use of permit .....	30
§ 12670. Specification of vessel .....	31
§ 12675. Fee .....	31
§ 12680. Eligibility for permit .....	31
§ 12685. Minimum landing requirement .....	31

§ 12690. Conditions for late application .....	32
§ 12695. Allowed locations and conditions for use of net.....	32
§ 12700. Mesh size .....	33
§ 12705. Seasonal prohibitions .....	33
§ 12710. Prohibited areas.....	34
§ 12715. Additional prohibitions .....	34
§ 12720. Take of thresher shark.....	35
§ 12725. Closure of fishery by director .....	36
§ 12730. Surrender of permit .....	36
§ 12735. Sale of swordfish.....	36
§ 12740. Revocation or suspension of fish business license .....	36
§ 12745. Marlin.....	36
CHAPTER 7. TAKE OF OTHER FISH .....	37
§ 12850. Yellowtail and barracuda .....	37
§ 12855. California halibut generally .....	37
§ 12860. Special rules for California halibut .....	38
DISPOSITION OF FORMER LAW .....	39



1           DIVISION 5. HUNTING, TRAPPING, AND FISHING GENERALLY

2                           PART 6. COMMERCIAL FISHING

3   TITLE 3. NETS

4   ....

5   CHAPTER 3. SPECIAL RULES FOR IDENTIFIED WATERS

6           **Comment.** The provisions appearing in this chapter and in Chapter 3 (commencing with  
7 Section 12350) of Title 4 together continue the provisions of former Article 4 (commencing with  
8 Section 8660) of Chapter 3 of Part 3 of Division 6 of the Fish and Game Code, which are  
9 governed by Section 4(b) of Article X B of the California Constitution.

10   **§ 10950. Districts 1835 and 1840**

11           10950. Nothing in this chapter or in Chapter 3 (commencing with Section  
12 12350) of Title 4 authorizing the use of nets in District 1835 or 1840 shall  
13 authorize the use of any net within 750 feet of any pier, wharf, jetty, or  
14 breakwater, except that dip nets may be used subject to the provisions of **Section**  
15 **8870**.

16           **Comment.** Section 10950 continues former Fish and Game Code Section 8660.

17           Section 10950 is governed by Section 12265, a section that codifies and implements Section 4  
18 of Article X B of the California Constitution. See Section 12250. To avoid any possible  
19 impairment of constitutional requirements, Section 8660 has been continued without change,  
20 except to update cross-references.

21           When enacting the bill that added this section, the Legislature did not evaluate the relationship  
22 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

23   **§ 10955. Districts 1840 and 1850**

24           10955. Vessels may carry nets across Districts 1840 and 1850 to open water  
25 outside those districts. Vessels carrying nets may enter harbors in Districts 1840  
26 and 1850 only in cases of distress or emergency.

27           **Comment.** Section 10955 continues former Fish and Game Code Section 8661.

28           Section 8661 is governed by Section 12265, a section that codifies and implements Section 4 of  
29 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
30 of constitutional requirements, Section 8661 has been continued without change, except to update  
31 cross-references.

32           When enacting the bill that added this section, the Legislature did not evaluate the relationship  
33 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

34   **§ 10960. Area upstream from Antioch area**

35           10860. No gill net, trammel net, or fyke net may be possessed on a boat in the  
36 waters of any district lying upstream from a line drawn between Antioch Point and  
37 the westerly tip of Kimball Island and from a line drawn from Point Sacramento



1 across the stream and touching the most easterly point on Montezuma Island.

2 **Comment.** Section 10960 continues former Fish and Game Code Section 8663.

3 Section 8663 is governed by Section 12265, a section that codifies and implements Section 4 of  
4 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
5 of constitutional requirements, Section 8663 has been continued without change.

6 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
7 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

8 **§ 10965. Area in or near Klamath, Smith, Eel, Mad, Van Dusen, or Mattole Rivers**

9 10965. Except in Districts 1770 and 1775, any net found in, or within 500 feet of  
10 the Klamath, Smith, Eel, Mad, Van Dusen, or Mattole Rivers, or their tributaries,  
11 is prima facie evidence that the owner or person in possession of the net is or has  
12 been using it unlawfully.

13 The provisions of this section do not apply to trawl or drag nets being  
14 transported.

15 **Comment.** Section 10965 continues former Fish and Game Code Section 8664.

16 Section 8664 is governed by Section 12265, a section that codifies and implements Section 4 of  
17 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
18 of constitutional requirements, Section 8664 has been continued without change, except to update  
19 cross-references.

20 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
21 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

22 **§ 10970. District 1895**

23 10970. In District 1895, a net may not be used within 750 feet of any pier or  
24 dock, except for a bait net used to capture live bait and lobster traps authorized for  
25 use pursuant to **Section 9010**.

26 **Comment.** Section 10970 continues former Fish and Game Code Section 8665.

27 Section 8665 is governed by Section 12265, a section that codifies and implements Section 4 of  
28 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
29 of constitutional requirements, Section 8665 has been continued without change, except to update  
30 cross-references.

31 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
32 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

33 **§ 10975. Take of mullet or carp in Salton Sea and New and Alamo Rivers**

34 10975. No fish other than mullet or carp, and no mullet less than 14 inches in  
35 length may be taken or possessed by a licensed commercial fisherman while  
36 fishing in the Salton Sea or the New and Alamo Rivers.

37 **Comment.** Section 10975 continues former Fish and Game Code Section 8667.

38 Section 8667 is governed by Section 12265, a section that codifies and implements Section 4 of  
39 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
40 of constitutional requirements, Section 8667 has been continued without change.

41 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
42 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

1 § 10980. Salton Sea and New and Alamo Rivers

2 10980. No commercial fishing under Section 10975, 10985, or 12375, shall be  
3 carried on within the boundaries of any state or federal game refuge.

4 **Comment.** Section 10980 continues former Fish and Game Code Section 8668.  
5 Section 8668 is governed by Section 12265, a section that codifies and implements Section 4 of  
6 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
7 of constitutional requirements, Section 8668 has been continued without change, except to update  
8 cross-references.

9 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
10 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

11 § 10985. Possession of certain gear near Salton Sea and New and Alamo Rivers

12 10985. It is unlawful to possess gill nets, seines, or other devices capable of  
13 being used to take mullet or carp for commercial purposes, within 500 yards of the  
14 Salton Sea and those portions of the New and Alamo Rivers designated as  
15 commercial fishing waters lying in District 1865, except during such open season  
16 as may be prescribed by the commission.

17 **Comment.** Section 10985 continues former Fish and Game Code Section 8669.  
18 Section 8669 is governed by Section 12265, a section that codifies and implements Section 4 of  
19 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
20 of constitutional requirements, Section 8669 has been continued without change, except to update  
21 cross-references.

22 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
23 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

24 § 10990. Waters upstream from Carquinez Bridge


25 10990. It is unlawful for any person to use, operate, or assist in using or  
26 operating any net to take salmon, steelhead, striped bass, sturgeon, or shad for  
27 commercial purposes in any of the tidal waters lying upstream from the Carquinez  
28 Bridge, or to possess on any boat in these waters any net the use of which is illegal  
29 in such waters.

30 **Comment.** Section 10990 continues former Fish and Game Code Section 8670.  
31 Section 8670 is governed by Section 12265, a section that codifies and implements Section 4 of  
32 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
33 of constitutional requirements, Section 8670 has been continued without change.

34 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
35 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

36 . . . .

37 TITLE 4. GILL NETS AND TRAMMEL NETS

38  **Staff Note.** The use of gill nets and trammel nets in the state of California is restricted by  
39 Article X B of the California Constitution, which was added to the Constitution by initiative on  
40 November 6, 1990. Any legislation regulating the use of those nets that conflicts with any  
41 provision of Article X B would therefore be invalid and without operative effect. See generally,  
42 *People v. Navarro* (1972) 7 Cal. 3d 248, 260, 497 P.2d 481, 102 Cal. Rptr. 137.

1 Because Article X B constitutes an outer boundary on any new enactment by the Legislature  
2 governing the use of gill or trammel nets, the relevant provisions of that article are set forth in full  
3 in this Staff Note.

4 **The staff invites public comment on any aspect of any proposed provision in this chapter**  
5 **that appears inconsistent with any provision of the constitutional initiative set forth below.**

6 ARTICLE X B. MARINE RESOURCES PROTECTION ACT OF 1990

7 SECTION 1. This article shall be known and may be cited as the Marine Resources Protection  
8 Act of 1990.

9 SEC. 2. (a) “District” means a fish and game district as defined in the Fish and Game Code by  
10 statute on January 1, 1990.

11 (b) Except as specifically provided in this article, all references to Fish and Game Code  
12 sections, articles, chapters, parts, and divisions are defined as those statutes in effect on January 1,  
13 1990.

14 (c) “Ocean waters” means the waters of the Pacific Ocean regulated by the State.

15 (d) “Zone” means the Marine Resources Protection zone established pursuant to this article.  
16 The zone consists of the following:

17 (1) In waters less than 70 fathoms or within one mile, whichever is less, around the Channel  
18 Islands consisting of the Islands of San Miguel, Santa Rosa, Santa Cruz, Anacapa, San Nicolaus,  
19 Santa Barbara, Santa Catalina, and San Clemente.

20 (2) The area within three nautical miles offshore of the mainland coast, and the area within  
21 three nautical miles off any manmade breakwater, between a line extending due west from Point  
22 Arguello and a line extending due west from the Mexican border.

23 (3) In waters less than 35 fathoms between a line running 180 degrees true from Point Fermin  
24 and a line running 270 degrees true from the south jetty of Newport Harbor.

25 SEC. 3. (a) From January 1, 1991, to December 31, 1993, inclusive, gill nets or trammel nets  
26 may only be used in the zone pursuant to a nontransferable permit issued by the Department of  
27 Fish and Game pursuant to Section 5.

28 (b) On and after January 1, 1994, gill nets and trammel nets shall not be used in the zone.

29 SEC. 4. (a) Notwithstanding any other provision of law, gill nets and trammel nets may not be  
30 used to take any species of rockfish.

31 (b) In ocean waters north of Point Arguello on and after the effective date of this article, the  
32 use of gill nets and trammel nets shall be regulated by the provisions of Article 4 (commencing  
33 with Section 8660), Article 5 (commencing with Section 8680) and Article 6 (commencing with  
34 Section 8720) of Chapter 3 of Part 3 of Division 6 of the Fish and Game Code, or any regulation  
35 or order issued pursuant to these articles, in effect on January 1, 1990, except that as to Sections  
36 8680, 8681, 8681.7, and 8682, and subdivisions (a) through (f), inclusive of Section 8681.5 of the  
37 Fish and Game Code, or any regulation or order issued pursuant to these sections, the provisions  
38 in effect on January 1, 1989, shall control where not in conflict with other provisions of this  
39 article, and shall be applicable to all ocean waters. Notwithstanding the provisions of this section,  
40 the Legislature shall not be precluded from imposing more restrictions on the use and/or  
41 possession of gill nets or trammel nets. The Director of the Department of Fish and Game shall  
42 not authorize the use of gill nets or trammel nets in any area where the use is not permitted even if  
43 the director makes specified findings.

44 SEC. 5. The Department of Fish and Game shall issue a permit to use a gill net or trammel net  
45 in the zone for the period specified in subdivision (a) of Section 3 to any applicant who meets  
46 both of the following requirements:

47 (a) Has a commercial fishing license issued pursuant to Sections 7850–7852.3 of the Fish and  
48 Game Code.

49 (b) Has a permit issued pursuant to Section 8681 of the Fish and Game Code and is presently  
50 the owner or operator of a vessel equipped with a gill net or trammel net.

1 SEC. 6. The Department of Fish and Game shall charge the following fees for permits issued  
2 pursuant to Section 5 pursuant to the following schedule:

3 Calendar Year	Fee
4 1991	\$250
5 1992	500
6 1993	1,000

7 SEC. 7. (a) Within 90 days after the effective date of this section, every person who intends to  
8 seek the compensation provided in subdivision (b) shall notify the Department of Fish and Game,  
9 on forms provided by the department, of that intent. Any person who does not submit the form  
10 within that 90-day period shall not be compensated pursuant to subdivision (b). The department  
11 shall publish a list of all persons submitting the form within 120 days after the effective date of  
12 this section.

13 (b) After July 1, 1993, and before January 1, 1994, any person who holds a permit issued  
14 pursuant to Section 5 and operates in the zone may surrender that permit to the department and  
15 agree to permanently discontinue fishing with gill or trammel nets in the zone, for which he or  
16 she shall receive, beginning on July 1, 1993, a one time compensation which shall be based upon  
17 the average annual ex vessel value of the fish other than any species of rockfish landed by a  
18 fisherman, which were taken pursuant to a valid general gill net or trammel net permit issued  
19 pursuant to Sections 8681 and 8682 of the Fish and Game Code within the zone during the years  
20 1983 to 1987, inclusive. The department shall verify those landings by reviewing logs and  
21 landing receipts submitted to it. Any person who is denied compensation by the department as a  
22 result of the department's failure to verify landings may appeal that decision to the Fish and  
23 Game Commission.

24 (c) The State Board of Control shall, prior to the disbursement of any funds, verify the  
25 eligibility of each person seeking compensation and the amount of the compensation to be  
26 provided in order to ensure compliance with this section.

27 (d) Unless the Legislature enacts any required enabling legislation to implement this section on  
28 or before July 1, 1993, no compensation shall be paid under this article.

29 SEC. 8. (a) There is hereby created the Marine Resources Protection Account in the Fish and  
30 Game Preservation Fund. On and after January 1, 1991, the Department of Fish and Game shall  
31 collect any and all fees required by this article. All fees received by the department pursuant to  
32 this article shall be deposited in the account and shall be expended or encumbered to compensate  
33 persons who surrender permits pursuant to Section 7 or to provide for administration of this  
34 article. All funds received by the department during any fiscal year pursuant to this article which  
35 are not expended during that fiscal year to compensate persons as set forth in Section 7 or to  
36 provide for administration of this article shall be carried over into the following fiscal year and  
37 shall be used only for those purposes. All interest accrued from the department's retention of fees  
38 received pursuant to this article shall be credited to the account. The accrued interest may only be  
39 expended for the purposes authorized by this article. The account shall continue in existence, and  
40 the requirement to pay fees under this article shall remain in effect, until the compensation  
41 provided in Section 7 has been fully funded or until January 1, 1995, whichever occurs first.

42 (b) An amount, not to exceed 15 percent of the total annual revenues deposited in the account  
43 excluding any interest accrued or any funds carried over from a prior fiscal year may be expended  
44 for the administration of this article.

45 (c) In addition to a valid California sportfishing license issued pursuant to Sections 7149,  
46 7149.1 or 7149.2 of the Fish and Game Code and any applicable sport license stamp issued  
47 pursuant to the Fish and Game Code, a person taking fish from ocean waters south of a line  
48 extending due west from Point Arguello for sport purposes shall have permanently affixed to that  
49 person's sportfishing license a marine resources protection stamp which may be obtained from

1 the department upon payment of a fee of three dollars (\$3). This subdivision does not apply to  
2 any one-day fishing license.

3 (d) In addition to a valid California commercial passenger fishing boat license required by  
4 Section 7920 of the Fish and Game Code, the owner of any boat or vessel who, for profit, permits  
5 any person to fish from the boat or vessel in ocean waters south of a line extending due west from  
6 Point Arguello, shall obtain and permanently affix to the license a commercial marine resources  
7 protection stamp which may be obtained from the department upon payment of a fee of three  
8 dollars (\$3).

9 (e) The department may accept contributions or donations from any person who wishes to  
10 donate money to be used for the compensation of commercial gill net and trammel net fishermen  
11 who surrender permits under this article.

12 (f) This section shall become inoperative on January 1, 1995.

13 SEC. 9. Any funds remaining in the Marine Resources Protection Account in the Fish and  
14 Game Preservation Fund on or after January 1, 1995, shall, with the approval of the Fish and  
15 Game Commission, be used to provide grants to colleges, universities and other bonafide  
16 scientific research groups to fund marine resource related scientific research within the ecological  
17 reserves established by Section 14 of this act.

18 SEC. 10. On or before December 31 of each year, the Director of Fish and Game shall prepare  
19 and submit a report to the Legislature regarding the implementation of this article including an  
20 accounting of all funds.

21 SEC. 11. It is unlawful for any person to take, possess, receive, transport, purchase, sell, barter,  
22 or process any fish obtained in violation of this article.

23 SEC. 12. To increase the State's scientific and biological information on the ocean fisheries of  
24 this State, the Department of Fish and Game shall establish a program whereby it can monitor and  
25 evaluate the daily landings of fish by commercial fishermen who are permitted under this article  
26 to take these fish. The cost of implementing this monitoring program shall be borne by the  
27 commercial fishing industry.

28 SEC. 13. (a) The penalty for a first violation of the provisions of Sections 3 and 4 of this article  
29 is a fine of not less than one thousand dollars (\$1,000) and not more than five thousand dollars  
30 (\$5,000) and a mandatory suspension of any license, permit or stamp to take, receive, transport,  
31 purchase, sell, barter or process fish for commercial purposes for six months. The penalty for a  
32 second or subsequent violation of the provisions of Sections 3 and 4 of this article is a fine of not  
33 less than two thousand five hundred dollars (\$2,500) and not more than ten thousand dollars  
34 (\$10,000) and a mandatory suspension of any license, permit or stamp to take, receive, transport,  
35 purchase, sell, barter, or process fish for commercial purposes for one year.

36 (b) Notwithstanding any other provisions of law, a violation of Section 8 of this article shall be  
37 deemed a violation of the provisions of Section 7145 of the Fish and Game Code and the penalty  
38 for such violation shall be consistent with the provisions of Section 12002.2 of said code.

39 (c) If a person convicted of a violation of Section 3, 4, ... of this article is granted probation, the  
40 court shall impose as a term or condition of probation, in addition to any other term or condition  
41 of probation, that the person pay at least the minimum fine prescribed in this section.

42 SEC. 14. Prior to January 1, 1994, the Fish and Game Commission shall establish four new  
43 ecological reserves in ocean waters along the mainland coast. Each ecological reserve shall have  
44 a surface area of at least two square miles. The commission shall restrict the use of these  
45 ecological reserves to scientific research relating to the management and enhancement of marine  
46 resources.

47 SEC. 15. This article does not preempt or supersede any other closures to protect any other  
48 wildlife, including sea otters, whales, and shorebirds.

1 SEC. 16. If any provision of this article or the application thereof to any person or  
2 circumstances is held invalid, that invalidity shall not affect other provisions or applications of  
3 this article which can be given effect without the invalid provision or application, and to this end  
4 the provisions of this article are severable.

5 CHAPTER 1. GENERAL PROVISIONS

6 § 12200. Statement of intent

7 12200. In enacting the bill that added this title, the Legislature did not evaluate  
8 the relationship between this title, Chapter 3 (commencing with Section 10850) of  
9 Title 3, and Article X B of the California Constitution.

10 **Comment.** Section 12200 is new.

11 CHAPTER 2. MARINE RESOURCES PROTECTION ACT OF 1990

12 § 12250. Statement of codification and implementation

13 12250. The Marine Resources Protection Act of 1990 (Art. X B, Cal. Const.)  
14 was adopted as an initiative constitutional amendment at the November 6, 1990,  
15 general election. This chapter codifies and implements that initiative constitutional  
16 amendment.

17 **Comment.** Section 12250 continues former Fish and Game Code Section 8610.1 without  
18 substantive change.

19 § 12255. Meaning of references

20 12255. (a) “District” for the purposes of this chapter and of Article X B of the  
21 California Constitution means a fish and game district as defined in this code on  
22 January 1, 1990.

23 (b) Except as specifically provided in this chapter, all references to sections,  
24 articles, chapters, parts, and divisions of this code are to those statutes in effect on  
25 January 1, 1990.

26 (c) “Ocean waters” means the waters of the Pacific Ocean regulated by the state.

27 (d) “Zone” means the Marine Resources Protection Zone established pursuant to  
28 this chapter. The zone consists of the following:

29 (1) In waters less than 70 fathoms or within one mile, whichever is less, around  
30 the Channel Islands consisting of the Islands of San Miguel, Santa Rosa, Santa  
31 Cruz, Anacapa, San Nicolaus, Santa Barbara, Santa Catalina, and San Clemente.

32 (2) The area within three nautical miles offshore of the mainland coast, and the  
33 area within three nautical miles off any manmade breakwater, between a line  
34 extending due west from Point Arguello and a line extending due west from the  
35 Mexican border.

36 (3) In waters less than 35 fathoms between a line running 180 degrees true from  
37 Point Fermin and a line running 270 degrees true from the south jetty of Newport  
38 Harbor.

39 **Comment.** Section 12255 continues former Fish and Game Code Section 8610.2 without

1 substantive change.

2 Former Section 8610.2 was enacted to codify and implement Section 2 of Article X B of the  
3 California Constitution. See former Section 8610.1 (continued without change in Section 12250).

4 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
5 between this section and Article X B of the California Constitution. See Section 12200.

6 **§ 12260. Prohibited use of gill or trammel net to take rockfish**

7 12260. (a) From January 1, 1991, to December 31, 1993, inclusive, gill nets or  
8 trammel nets may only be used in the zone pursuant to a nontransferable permit  
9 issued by the department pursuant to former Section 8610.5.

10 (b) On and after January 1, 1994, gill nets and trammel nets shall not be used in  
11 the zone.

12 **Comment.** Section 12260 continues former Fish and Game Code Section 8610.3 without  
13 substantive change.

14 Former Section 8610.3 was enacted to codify and implement Section 3 of Article X B of the  
15 California Constitution. See former Section 8610.1 (continued without change in Section 12250).

16 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
17 between this section and Article X B of the California Constitution. See Section 12200.

18 **§ 12265. Authorized use of gill nets and trammel nets**

19 12265. (a) Notwithstanding any other provision of law, gill nets and trammel  
20 nets may not be used to take any species of rockfish.

21 (b) In ocean waters north of Point Arguello on and after November 7, 1990, the  
22 use of gill nets and trammel nets shall be regulated by the provisions of Chapter 3  
23 (commencing with Section 12350), Chapter 4 (commencing with Section 12450),  
24 and Chapter 5 (commencing with Section 12600), of this title, and Chapter 3  
25 (commencing with Section 10950) of Title 3, or any regulation or order issued  
26 pursuant to those provisions, in effect on January 1, 1990, except that as to  
27 Sections 12450, 12455, 12465, and 12470, and subdivisions (a) to (f), inclusive, of  
28 Section 12460, or any regulation or order issued pursuant to these sections, the  
29 provisions in effect on January 1, 1989, shall control where not in conflict with  
30 other provisions of this chapter, and shall be applicable to all ocean waters.  
31 Notwithstanding the provisions of this section, the Legislature shall not be  
32 precluded from imposing more restrictions on the use or possession of gill nets or  
33 trammel nets. The director shall not authorize the use of gill nets or trammel nets  
34 in any area where the use is not permitted even if the director makes specified  
35 findings.

36 **Comment.** Section 12265 continues former Fish and Game Code Section 8610.4 without  
37 substantive change.

38 Former Section 8610.4 was enacted to codify and implement Section 4 of Article X B of the  
39 California Constitution. See former Section 8610.1 (continued without change in Section 12250).

40 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
41 between this section and Article X B of the California Constitution. See Section 12200.

1 **§ 12270. Permit process during transitional period**

2 12270. The department shall issue a permit to use a gill net or trammel net in the  
3 zone for the period specified in subdivision (a) of Section 12260 to any applicant  
4 who meets both of the following requirements:

5 (a) Has a commercial fishing license issued pursuant to **Sections 7850 to**  
6 **7852.3**, inclusive.

7 (b) Has a permit issued pursuant to Section 12455 and is presently the owner or  
8 operator of a vessel equipped with a gill net or trammel net.

9 **Comment.** Section 12270 continues former Fish and Game Code Section 8610.5 without  
10 substantive change.

11 Former Section 8610.5 was enacted to codify and implement Section 5 of Article X B of the  
12 California Constitution. See former Section 8610.1 (continued without change in Section 12250).

13 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
14 between this section and Article X B of the California Constitution. See Section 12200.

15 **§ 12275. Fees for permit during transitional period**

16 12275. The department shall charge the following fees for permits issued  
17 pursuant to former Section 8610.5 pursuant to the following schedule:

Calendar Year	Fee
1991	\$250
1992	500
1993	1,000

18  
19  
20  
21  
22 **Comment.** Section 12275 continues former Fish and Game Code Section 8610.6 without  
23 substantive change.

24 Former Section 8610.6 was enacted to codify and implement Section 6 of Article X B of the  
25 California Constitution. See former Section 8610.1 (continued without change in Section 12250).

26 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
27 between this section and Article X B of the California Constitution. See Section 12200.

28 **§ 12280. Use of funds in Marine Resources Protection Account**

29 12280. Any funds remaining in the Marine Resources Protection Account in the  
30 Fish and Game Preservation Fund on or after January 1, 1995, shall, with the  
31 approval of the commission, be used to provide grants to colleges, universities,  
32 and other bona fide scientific research groups to fund marine resource related  
33 scientific research within the ecological reserves established by Section 12300. An  
34 amount, not to exceed 15 percent of the total funds remaining in that account on or  
35 after January 1, 1995, may be expended for the administration of this section.

36 **Comment.** Section 12280 continues former Fish and Game Code Section 8610.9 without  
37 substantive change.

38 Former Section 8610.9 was enacted to codify and implement Section 9 of Article X B of the  
39 California Constitution. See former Section 8610.1 (continued without change in Section 12250).

40 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
41 between this section and Article X B of the California Constitution. See Section 12200.



1    **§ 12285. Unlawful take**

2    12285. It is unlawful for any person to take, possess, receive, transport,  
3    purchase, sell, barter, or process any fish obtained in violation of this chapter.

4    **Comment.** Section 12285 continues former Fish and Game Code Section 8610.11 without  
5    substantive change.

6    Former Section 8610.11 was enacted to codify and implement Section 11 of Article X B of the  
7    California Constitution. See former Section 8610.1 (continued without change in Section 12250).

8    When enacting the bill that added this section, the Legislature did not evaluate the relationship  
9    between this section and Article X B of the California Constitution. See Section 12200.

10   **§ 12290. Department monitoring of take**

11   12290. To increase the state’s scientific and biological information on the ocean  
12   fisheries of this state, the department shall establish a program whereby it can  
13   monitor and evaluate the daily landings of fish by commercial fishermen who are  
14   permitted under this chapter to take these fish. The cost of implementing this  
15   monitoring program shall be borne by the commercial fishing industry.

16   **Comment.** Section 12290 continues former Fish and Game Code Section 8610.12 without  
17   substantive change.

18   Former Section 8610.12 was enacted to codify and implement Section 12 of Article X B of the  
19   California Constitution. See former Section 8610.1 (continued without change in Section 12250).

20   When enacting the bill that added this section, the Legislature did not evaluate the relationship  
21   between this section and Article X B of the California Constitution. See Section 12200.

22   **§ 12295. Penalty**

23   12295. The penalty for a violation of Section 12260 or 12265 is as specified in  
24   **Section 12003.5.**

25   **Comment.** Section 12295 continues former Fish and Game Code Section 8610.13 without  
26   substantive change.

27   Former Section 8610.13 was enacted to codify and implement Section 13 of Article X B of the  
28   California Constitution. See former Section 8610.1 (continued without change in Section 12250).

29   When enacting the bill that added this section, the Legislature did not evaluate the relationship  
30   between this section and Article X B of the California Constitution. See Section 12200.

31   **§ 12300. Ecological reserves**

32   12300. (a) Prior to January 1, 1994, the commission shall establish four new  
33   ecological reserves in ocean waters along the mainland coast. Each ecological  
34   reserve shall have a surface area of at least two square miles. The commission  
35   shall restrict the use of these ecological reserves to scientific research relating to  
36   the management and enhancement of marine resources, including, but not limited  
37   to, scientific research as it relates to sportfishing and commercial fishing.

38   Recreational uses, including, but not limited to, hiking, walking, viewing,  
39   swimming, diving, surfing, and transient boating are not in conflict with this  
40   section.

41   (b) Prior to establishing the four ecological reserves, the commission shall  
42   conduct a public hearing at each of the recommended sites or at the nearest  
43   practicable location.

1 (c) On and after January 1, 2002, the four ecological reserves established  
2 pursuant to subdivision (a) shall be called state marine reserves, unless otherwise  
3 reclassified pursuant to **Section 2855**, and shall become part of the state system of  
4 marine managed areas.

5 (d) Recreational uses, including, but not limited to, hiking, walking, viewing,  
6 swimming, diving, surfing, and transient boating are not in conflict with this  
7 section.

8 **Comment.** Section 12300 continues former Fish and Game Code Section 8610.14 without  
9 substantive change.

10 Former Section 8610.14 was enacted to codify and implement Section 14 of Article X B of the  
11 California Constitution. See former Section 8610.1 (continued without change in Section 12250).

12 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
13 between this section and Article X B of the California Constitution. See Section 12200.

14 **§ 12305. Closures to protect wildlife**

15 12305. This chapter does not preempt or supersede any other closures to protect  
16 any other wildlife, including sea otters, whales, and shorebirds.

17 **Comment.** Section 12305 continues former Fish and Game Code Section 8610.15 without  
18 substantive change.

19 Former Section 8610.15 was enacted to codify and implement Section 15 of Article X B of the  
20 California Constitution. See former Section 8610.1 (continued without change in Section 12250).

21 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
22 between this section and Article X B of the California Constitution. See Section 12200.

23 **§ 12310. Severability of provisions of chapter**

24 12310. If any provision of this chapter or the application thereof to any person  
25 or circumstances is held invalid, that invalidity shall not affect other provisions or  
26 applications of this chapter which can be given effect without the invalid provision  
27 or application, and to this end the provisions of this chapter are severable.

28 **Comment.** Section 12310 continues former Fish and Game Code Section 8610.16 without  
29 substantive change.

30 Former Section 8610.16 was enacted to codify and implement Section 16 of Article X B of the  
31 California Constitution. See former Section 8610.1 (continued without change in Section 12250).

32 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
33 between this section and Article X B of the California Constitution. See Section 12200.

34 **CHAPTER 3. USE OF GILL NETS IN PARTICULAR DISTRICTS**

35 **Comment.** The provisions appearing in this chapter and in Chapter 3 (commencing with  
36 Section 10950) of Title 3 together continue the provisions of former Article 4 (commencing with  
37 Section 8660) of Chapter 3 of Part 3 of Division 6 of the Fish and Game Code, which are  
38 governed by Section 4(b) of Article X B of the California Constitution.

39 **§ 12350. Additional rules for Districts 1790, 1825 and 1830**

40 12350. (a) Notwithstanding Sections 12535 and 12610, gill nets and trammel  
41 nets shall not be used in those portions of District 1825 between a line extending  
42 220° magnetic from the mouth of Waddell Creek in Santa Cruz County and a line

1 extending 252° magnetic from Yankee Point, Carmel Highlands, in Monterey  
2 County in waters 30 fathoms or less in depth at mean lower low water.

3 (b) Notwithstanding Sections 12535 and 12610, gill nets and trammel nets shall  
4 not be used in that portion of District 1830 north of a line extending due west from  
5 Point Sal in Santa Barbara County in waters 30 fathoms or less in depth at mean  
6 lower low water.

7 (c) Notwithstanding Sections 12535 and 12610, any person using gill nets or  
8 trammel nets in those portions of Districts 1825 and 1830 from a line extending  
9 220° magnetic from the mouth of Waddell Creek in Santa Cruz County to a line  
10 extending due west from Point Sal in Santa Barbara County in waters between 30  
11 fathoms and 40 fathoms in depth at mean lower low water shall comply with all of  
12 the following requirements in order to ensure adequate monitoring of fishing effort  
13 to protect marine mammals:

14 (1) Prior to the use, the person shall notify the department that gill nets or  
15 trammel nets will be set in the area.

16 (2) The person shall give adequate notification, as determined by the  
17 department, to the department at its office in Monterey or Morro Bay at least 24  
18 hours prior to each fishing trip to ensure full compliance and cooperation with the  
19 monitoring program. The department may require that an authorized monitor be on  
20 board the vessel. The department shall determine whether on board, at sea, or  
21 shoreside monitoring is appropriate. If the authorized monitor is not on board the  
22 fishing vessel, the fishing vessel operator and the authorized monitor shall make  
23 every effort to remain in radio contact if the radio equipment is made available to  
24 the monitor.

25 (3) To ensure the effectiveness of the monitoring program, gill nets and trammel  
26 nets may be set or pulled only between one-half hour after sunrise and one-half  
27 hour before sunset.

28 (4) A permit may be revoked and canceled pursuant to Section 12455 for failure  
29 to comply with the department's notification and monitoring requirements.

30 (d) If the director determines that the use of gill or trammel nets is having an  
31 adverse impact on any population of any species of seabird, marine mammal, or  
32 fish, the director shall issue an order prohibiting or restricting the use, method of  
33 use, size, or materials used in the construction of either or both types of those nets  
34 in all or any part of District 1790 or 1825, or in all or any part of District 1830  
35 north of a line extending due west from Point Conception in Santa Barbara County  
36 for a specified period. The order shall take effect no later than 48 hours after its  
37 issuance. The director shall hold a properly noticed public hearing in a place  
38 convenient to the affected area within one week of the effective date of the order  
39 to describe the action taken and shall take testimony as to the effect of the order  
40 and determine whether any modification of the order is necessary.

41 (e) For purposes of this section, "adverse impact" means either of the following:

42 (1) The danger of irreparable injury to, or mortality in, any population of any  
43 species of seabird, marine mammal, or fish which is occurring at a rate that

1 threatens the viability of the population as a direct result of the use of gill nets or  
2 trammel nets.

3 (2) The impairment of the recovery of a species listed as an endangered species  
4 or threatened species pursuant to the federal Endangered Species Act (16 U.S.C.  
5 Sec. 1531 et seq.) or the California Endangered Species Act (**Chapter 1.5**  
6 **(commencing with Section 2050) of Division 3**) or a species of seabird, marine  
7 mammal, or fish designated as fully protected under this code, as a direct result of  
8 the use of gill nets or trammel nets.

9 (f) This section does not apply to any gill net with meshes 3 1/2 inches or less in  
10 length in any portion of District 1830 between Yankee Point in Monterey County  
11 and Point Sal in Santa Barbara County.

12 (g) The Legislature finds and declares that this section, which continues former  
13 Fish and Game Code Section 8664.5 as amended by Chapter 884 of the Statutes of  
14 1990, and as amended by the act that amended former Fish and Game Code  
15 Section 8664.5 during the 1992 portion of the 1991–92 Regular Session, is more  
16 restrictive on the use and possession of gill nets and trammel nets than the version  
17 of former Fish and Game Code Section 8664.5 in effect on January 1, 1990, and  
18 therefore complies with former Section 8610.4, and Section 4 of Article X B of  
19 the California Constitution.

20 **Comment.** Section 12350 continues former Fish and Game Code Section 8664.5.

21 Section 8664.5 is governed by Section 12265, a section that codifies and implements Section 4  
22 of Article X B of the California Constitution. See Section 12250. To avoid any possible  
23 impairment of constitutional requirements, Section 8664.5 has been continued in this section  
24 without change, except to update cross-references.

25 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
26 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

27 **§ 12355. “Impacted fisherman”**

28 12355. “Impacted fisherman” for purposes of Section 12350 and former Fish  
29 and Game Code Section 8664.65, means any person who, from January 1, 1986, to  
30 December 31, 1990, inclusive, landed a minimum of 1,000 pounds of fish, other  
31 than shark or rockfish, in each of at least three calendar years during that period  
32 with set gill and trammel nets and landed the fish at ports within areas subject to  
33 gill and trammel net closures pursuant to Section 12350. Landings shall be  
34 verified by the fisherman’s submittal of landing receipts as provided in **Section**  
35 **8043**.

36 **Comment.** Section 12355 continues former Fish and Game Code Section 8664.67.

37 Section 8664.67 is governed by Section 12265, a section that codifies and implements Section  
38 4 of Article X B of the California Constitution. See Section 12250. To avoid any possible  
39 impairment of constitutional requirements, Section 8661 has been continued without change,  
40 except to update cross-references.

41 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
42 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

1    **§ 12360. Order by department**

2    12360. The initial period of effectiveness of an order issued pursuant to  
3    subdivision (c) of Section 12350 shall not exceed 120 days. After a further public  
4    hearing, the director may, on the basis of a report prepared by the department on  
5    the condition of the local population of any species of seabird, marine mammal, or  
6    fish, extend the order for a further specified period or reissue the order for a  
7    further specified period.

8    **Comment.** Section 12360 continues former Fish and Game Code Section 8664.7.

9    Section 8664.7 is governed by Section 12265, a section that codifies and implements Section 4  
10   of Article X B of the California Constitution. See Section 12250. To avoid any possible  
11   impairment of constitutional requirements, Section 8661 has been continued without change,  
12   except to update cross-references.

13   When enacting the bill that added this section, the Legislature did not evaluate the relationship  
14   of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

15   **§ 12365. Additional rules for specified northern California ocean waters**

16   12365. (a) Notwithstanding Sections 12485, 12510, 12545, and 12610, and  
17   except as provided in subdivisions (c) and (d), set or drift gill or trammel nets shall  
18   not be used in ocean waters between a line extending 245° magnetic from the most  
19   westerly point of the west point of the Point Reyes headlands in Marin County and  
20   the westerly extension of the California-Oregon boundary.

21   (b)(1) Notwithstanding Sections 12350, 12510, 12545, and 12610, set or drift  
22   gill or trammel nets shall not be used in waters which are 40 fathoms or less in  
23   depth at mean lower low water between a line extending 245° magnetic from the  
24   most westerly point of the west point of the Point Reyes headlands in Marin  
25   County and a line extending 225° magnetic from Pillar Point at Half Moon Bay in  
26   San Mateo County.

27   (2) Notwithstanding Sections 12350, 12510, 12545, and 12610, set or drift gill  
28   or trammel nets shall not be used in ocean waters which are 60 fathoms or less in  
29   depth at mean lower low water between a line extending 225° magnetic from  
30   Pillar Point at Half Moon Bay in San Mateo County to a line extending 220°  
31   magnetic from the mouth of Waddell Creek in Santa Cruz County.

32   (c) Subdivisions (a) and (b) do not apply to the use of drift gill nets operated  
33   under a permit issued by the department in that part of Arcata Bay in Humboldt  
34   County lying northeast of the Samoa Bridge during the period from April 1 to  
35   September 30, inclusive. The department may issue not more than six permits  
36   pursuant to this subdivision. Each permit shall specify the amount and type of gear  
37   which may be used under the permit.

38   (d) Subdivisions (a) and (b) do not apply to the use of set gill nets used pursuant  
39   to **Article 15 (commencing with Section 8550) of Chapter 2 of Part 3 of**  
40   **Division 6** or regulations adopted under that **article** or to the use of drift gill nets  
41   with a mesh size of 14 inches or more.

42   (e)(1) Notwithstanding subdivision (b) and Sections 12510, 12545, and 12610,  
43   gill or trammel nets shall not be used within three nautical miles of the Farallon

1 Islands in San Francisco County, and within three nautical miles of Noonday Rock  
2 buoy located approximately 3 1/2 miles 276° magnetic from North Farallon Island.

3 (2) If the director determines that the use of set or drift gill or trammel nets is  
4 having an adverse impact on any population of any species of sea bird, marine  
5 mammal, or fish, the director shall issue an order prohibiting the use of those nets  
6 between three nautical miles and five nautical miles of the Farallon Islands and  
7 Noonday Rock buoy or any portion of that area. The order shall take effect not  
8 later than 48 hours after its issuance. The director shall hold a properly noticed  
9 public hearing in a place convenient to the affected area within one week of the  
10 effective date of the order to describe the action taken and shall take testimony as  
11 to the effect of the order and determine whether any modification of the order is  
12 necessary. Gill and trammel nets used to take fish in District 1790 shall be marked  
13 at each end with a buoy displaying above its waterline in Arabic numerals at least  
14 two inches high, the fisherman's identification number issued by the department  
15 under **Section 7852**. Nets shall be marked at both ends and at least every 250  
16 fathoms between the ends with flags of the same color and at least 144 square  
17 inches in size, acceptable to the department.

18 (f) The Legislature finds and declares that this section, which continues former  
19 Fish and Game Code Section 8664.8 as amended by Chapter 1633 of the Statutes  
20 of 1990, is more restrictive on the use and possession of gill nets and trammel nets  
21 than the version of former Fish and Game Code Section 8664.8 in effect on  
22 January 1, 1990, and therefore complies with Section 12265, and Section 4 of  
23 Article X B of the California Constitution.

24 **Comment.** Section 12365 continues former Fish and Game Code Section 8664.8.

25 Section 8664.8 is governed by Section 12265, a section that codifies and implements Section 4  
26 of Article X B of the California Constitution. See Section 12250. To avoid any possible  
27 impairment of constitutional requirements, Section 8664.5 has been continued in this section  
28 without change, except to update cross-references.

29 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
30 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

31 **§ 12370. Ocean area south of Point Conception**

32 12370. During the period from December 15 to May 15, inclusive, set gill nets  
33 and trammel nets with mesh eight inches or greater and less than 12 inches used in  
34 ocean waters 25 fathoms or less in depth between a line extending due west  
35 magnetic from Point Conception and the westerly extension of the boundary line  
36 between the Republic of Mexico and the United States shall be constructed with  
37 breakaway and anchoring features, as follows:

38 (a) The corkline and any other line which may extend across the top of the net  
39 shall have a combined breaking strength not to exceed 2,400 pounds.

40 (b) A breakaway device shall be used along the corkline (headrope) and along  
41 the leadline (footrope) at regular intervals of 45 fathoms or less.

42 (c) Each breakaway or disconnect device shall be constructed as described in  
43 either of the following:

1 (1) Of nylon twine, or an equivalent material, with a breaking strength of 200  
2 pounds or less, using not more than eight complete circular (360) wraps of the  
3 twine to connect the ends of each corkline and leadline interval, which allows each  
4 breakaway or disconnect device a breaking strength of not more than 1,600  
5 pounds.

6 (2) As the department may otherwise authorize.

7 (d) Anchors used to secure each end of the net to the ocean bottom shall weigh  
8 not less than 35 pounds each, and shall be attached to the net by a ground rope and  
9 bridle with combined length of not less than 15 fathoms from the anchor to the net.

10 **Comment.** Section 12370 continues former Fish and Game Code Section 8664.13.

11 Section 8664.5 is governed by Section 12265, a section that codifies and implements Section 4  
12 of Article X B of the California Constitution. See Section 12250. To avoid any possible  
13 impairment of constitutional requirements, Section 8664.5 has been continued in this section  
14 without change.

15 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
16 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

17 **§ 12375. Salton Sea and New and Alamo Rivers**

18 12375. The department may issue a revocable permit to take with set gill nets or  
19 seines, mullet or carp in the waters of the Salton Sea and in those portions of the  
20 New and Alamo Rivers upstream one mile from their mouths as marked by the  
21 department, under commercial license, subject to such restrictions as the  
22 commission deems advisable.

23 **Comment.** Section 12375 continues former Fish and Game Code Section 8666.

24 Section 8666 is governed by Section 12265, a section that codifies and implements Section 4 of  
25 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
26 of constitutional requirements, Section 8664.5 has been continued in this section without change.

27 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
28 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

29 **CHAPTER 4. GILL AND TRAMMEL NETS**

30 **Comment.** The provisions appearing in this chapter continue the provisions of former Article 5  
31 (commencing with Section 8680) of Chapter 3 of Part 3 of Division 6 of the Fish and Game  
32 Code, which are governed by Section 4(b) of Article X B of the California Constitution.

33 **§ 12450. Legislative declaration**

34 12450. (a) The Legislature finds and declares that it is in the best interest of the  
35 people of the state, the commercial fishing industry, and California's marine  
36 resources that fishermen who use gill nets or trammel nets be experienced in the  
37 use of those nets.

38 (b) In accordance with Section 4 of Article X B of the California Constitution,  
39 this section contains the provisions of former Fish and Game Code Section 8680  
40 in effect on January 1, 1990.

41 **Comment.** Section 12450 continues former Fish and Game Code Section 8680.

42 Section 8680 is governed by Section 12265, a section that codifies and implements Section 4 of  
43 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment

1 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
2 except to update cross-references.

3 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
4 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

5 **§ 12455. Required permit**

6 12455. (a) Gill nets or trammel nets shall not be used for commercial purposes  
7 except under a revocable, nontransferable permit issued by the department. Each  
8 permittee shall keep an accurate record of his or her fishing operations in a  
9 logbook furnished by the department. The commission may suspend, revoke, or  
10 cancel a permit, license, and commercial fishing privileges pursuant to **Section**  
11 **7857**. A permit may be revoked and canceled for a period not to exceed one year  
12 from the date of revocation.

13 (b) In accordance with Section 4 of Article X B of the California Constitution,  
14 this section contains the provisions of former Fish and Game Code Section 8681  
15 in effect on January 1, 1989.

16 **Comment.** Section 12455 continues former Fish and Game Code Section 8681.

17 Section 8681 is governed by Section 12265, a section that codifies and implements Section 4 of  
18 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
19 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
20 except to update cross-references.

21 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
22 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

23 **§ 12460. Grandfathered and transferred permits**

24 12460. (a) The department shall issue no new gill net or trammel net permits  
25 under Section 12455. However, the department may renew an existing, valid  
26 permit issued under Section 12455, under regulations adopted pursuant to Section  
27 12470 and upon payment of the fee prescribed under Section 12475.

28 (b) Notwithstanding subdivision (a) or Section 12455, any person who has an  
29 existing, valid permit issued pursuant to Section 12455, and presents to the  
30 department satisfactory evidence that he or she has taken and landed fish for  
31 commercial purposes in at least 15 of the preceding 20 years, may transfer that  
32 permit to any person otherwise qualified under the regulations adopted pursuant to  
33 Section 12470 upon payment of the fee prescribed under Section 12475.

34 (c) The fee collected by the department for the transfer of a gill and trammel net  
35 permit issued pursuant to Section 12470 shall not exceed the cost of the permit fee  
36 as prescribed under Section 12475.

37 (d) For purposes of subdivision (b), the death of the holder of the permit is a  
38 disability which authorizes transfer of the permit by that person's estate to a  
39 qualified fisherman pursuant to Section 12470. For purposes of a transfer under  
40 this subdivision, the estate shall renew the permit, as specified in Section 12455, if  
41 the permittee did not renew the permit before his or her death. The application for  
42 transfer by that person's estate shall be received by the department, including the  
43 name, address, and telephone number of the qualified fisherman to whom the



1 permit will be transferred, within one year of the date of death of the permit holder.  
2 If no transfer is initiated within one year of the date of death of the permit holder,  
3 the permit shall revert to the department for disposition pursuant to Section 12455.

4 (e) Any active participant who becomes disabled in such a manner that he or she  
5 can no longer earn a livelihood from commercial fishing may transfer his or her  
6 permit as provided under this section.

7 (f) The Legislature finds and declares that this section, which continues former  
8 Section 8681.5 as amended by Chapter 94 of the Statutes of 1992, is more  
9 restrictive on the use and possession of gill nets and trammel nets than the version  
10 of former Section 8681.5 in effect on January 1, 1989, and therefore complies with  
11 Section 12265, and Section 4 of Article X B of the California Constitution.

12 **Comment.** Section 12460 continues former Fish and Game Code Section 8681.5.

13 Section 8681.5 is governed by Section 12265, a section that codifies and implements Section 4  
14 of Article X B of the California Constitution. See Section 12250. To avoid any possible  
15 impairment of constitutional requirements, Section 8664.5 has been continued in this section  
16 without change, except to update cross-references.

17 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
18 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

#### 19 § 12465. Appeal of permit denial

20 12465. (a) Notwithstanding Section 12460, any person who possessed a valid  
21 permit issued pursuant to Section 12455 and who was denied renewal of that  
22 permit may appeal to the commission where evidence can be presented that illness  
23 or the loss of a vessel resulted in the person not meeting the qualifications for  
24 renewal or reissuance of that permit.

25 (b) The appeal shall be filed with the commission within 60 days of a denial of  
26 the renewal of a permit.

27 (c) If the commission determines that a permit is to be issued to a prior permittee  
28 under this section, a permit shall be made available to that person upon payment of  
29 required fees.

30 (d) In accordance with Section 4 of Article X B of the California Constitution,  
31 this section contains the provisions of former Fish and Game Code Section 8681.7  
32 in effect on January 1, 1989.

33 **Comment.** Section 12465 continues former Fish and Game Code Section 8681.7.

34 Section 8681.7 is governed by Section 12265, a section that codifies and implements Section 4  
35 of Article X B of the California Constitution. See Section 12250. To avoid any possible  
36 impairment of constitutional requirements, Section 8664.5 has been continued in this section  
37 without change, except to update cross-references.

38 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
39 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

#### 40 § 12470. Regulations

41 12470. (a) The commission shall establish regulations for the issuance of gill net  
42 and trammel net permits as necessary to establish an orderly gill net and trammel  
43 net fishery. In promulgating regulations, the commission shall consider

1 recommendations of the gill net and trammel net advisory committee created  
2 pursuant to subdivision (b). The regulations shall include, but are not limited to, a  
3 requirement that persons being granted a permit have had previous experience as a  
4 crewmember of a vessel using gill nets or trammel nets or have successfully  
5 passed a proficiency test administered by the department, under such regulations  
6 as the commission shall prescribe.

7 (b) The director shall establish an advisory committee, consisting of fishermen  
8 experienced in the use of gill nets and trammel nets, to advise the department in  
9 developing regulations to be proposed to the commission governing the use of gill  
10 nets and trammel nets.

11 (c) In accordance with Section 4 of Article X B of the California Constitution,  
12 this section contains the provisions of former Fish and Game Code Section 8682  
13 in effect on January 1, 1989.

14 **Comment.** Section 12470 continues former Fish and Game Code Section 8682.

15 Section 8682 is governed by Section 12265, a section that codifies and implements Section 4 of  
16 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
17 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
18 except to update cross-references.

19 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
20 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

21 **§ 12475. Permit fee**

22 12475. (a) The fee for a permit issued pursuant to Section 12455 is three  
23 hundred thirty dollars (\$330).

24 **Comment.** Section 12475 continues former Fish and Game Code Section 8683.

25 Section 8683 is governed by Section 12265, a section that codifies and implements Section 4 of  
26 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
27 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
28 except to update cross-references.

29 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
30 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

31 **§ 12480. Incidental catch of swordfish or marlin**

32 12480. No incidental catch of swordfish or marlin is authorized by this chapter.  
33 Any swordfish or marlin caught incidentally by a gill or trammel net permittee  
34 operating under a permit issued pursuant to Section 12455 shall be delivered to the  
35 department.

36 A permit issued pursuant to Section 12455 shall be revoked for conviction of a  
37 violation of this section.

38 **Comment.** Section 12480 continues former Fish and Game Code Section 8684.

39 Section 8684 is governed by Section 12265, a section that codifies and implements Section 4 of  
40 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
41 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
42 except to update cross-references.

43 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
44 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

1    **§ 12485. Districts 1705, 1725, and 1740**

2       12485. In Districts 1705, 1725, and 1740, gill nets and trammel nets may not be  
3       possessed on any boat.

4       **Comment.** Section 12485 continues former Fish and Game Code Section 8685.

5       Section 8685 is governed by Section 12265, a section that codifies and implements Section 4 of  
6       Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
7       of constitutional requirements, Section 8664.5 has been continued in this section without change,  
8       except to update cross-references.

9       When enacting the bill that added this section, the Legislature did not evaluate the relationship  
10      of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

11    **§ 12490. Take of salmon, steelhead, or striped bass**

12      12490. Notwithstanding any other provision of law, gill nets may not be used to  
13      take salmon, steelhead, or striped bass.

14      **Comment.** Section 12490 continues former Fish and Game Code Section 8685.5.

15      Section 8685.5 is governed by Section 12265, a section that codifies and implements Section 4  
16      of Article X B of the California Constitution. See Section 12250. To avoid any possible  
17      impairment of constitutional requirements, Section 8664.5 has been continued in this section  
18      without change.

19      When enacting the bill that added this section, the Legislature did not evaluate the relationship  
20      of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

21    **§ 12495. Sale or possession for sale of salmon, steelhead, or striped bass**

22      12495. It is unlawful to sell or possess for sale any salmon, steelhead, or striped  
23      bass which were taken in California waters by the use of a gill net.

24      **Comment.** Section 12495 continues former Fish and Game Code Section 8685.6.

25      Section 8664.5 is governed by Section 12265, a section that codifies and implements Section 4  
26      of Article X B of the California Constitution. See Section 12250. To avoid any possible  
27      impairment of constitutional requirements, Section 8664.5 has been continued in this section  
28      without change.

29      When enacting the bill that added this section, the Legislature did not evaluate the relationship  
30      of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

31    **§ 12500. Purchase of salmon, steelhead, or striped bass**

32      12500. It is unlawful for any person to knowingly purchase any salmon,  
33      steelhead, or striped bass which were taken in California waters by the use of a gill  
34      net.

35      For the purpose of this section, “person” includes a broker who purchases  
36      salmon, steelhead, or striped bass which were unlawfully taken by gill net for the  
37      purpose of reselling those fish.

38      **Comment.** Section 12500 continues former Fish and Game Code Section 8685.7.

39      Section 8685.7 is governed by Section 12265, a section that codifies and implements Section 4  
40      of Article X B of the California Constitution. See Section 12250. To avoid any possible  
41      impairment of constitutional requirements, Section 8664.5 has been continued in this section  
42      without change.

43      When enacting the bill that added this section, the Legislature did not evaluate the relationship  
44      of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

1    **§ 12505. Districts 1715, 1735, and 1885**

2       12505. In Districts 1715, 1735, and 1885, it is unlawful to possess any gill or  
3 trammel net with meshes over 1 3/4 inches in length, except under regulations  
4 which may be prescribed by the commission.

5       **Comment.** Section 12505 continues former Fish and Game Code Section 8686.

6       Section 8686 is governed by Section 12265, a section that codifies and implements Section 4 of  
7 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
8 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
9 except to update cross-references.

10       When enacting the bill that added this section, the Legislature did not evaluate the relationship  
11 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

12    **§ 12510. Districts 1770, 1775, 1780, 1785, and 1790**

13       12510. Except as otherwise provided in this code, drift gill nets may be used in  
14 Districts 1770, 1775, 1780, 1785, and 1790.

15       **Comment.** Section 12510 continues former Fish and Game Code Section 8687.

16       Section 8687 is governed by Section 12265, a section that codifies and implements Section 4 of  
17 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
18 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
19 except to update cross-references.

20       When enacting the bill that added this section, the Legislature did not evaluate the relationship  
21 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

22    **§ 12515. Districts 1800, 1810, and 1815**

23       12515. In Districts 1800, 1810, and 1815, gill nets may be used to take only  
24 herring, subject to **Article 15 (commencing with Section 8550) of Chapter 2**. No  
25 gill net may be possessed on any boat in Districts 1800, 1810, and 1815, except by  
26 persons possessing a valid permit aboard boats specifically authorized to take  
27 herring during the open seasons established by the commission.

28       **Comment.** Section 12515 continues former Fish and Game Code Section 8688.

29       Section 8688 is governed by Section 12265, a section that codifies and implements Section 4 of  
30 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
31 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
32 except to update cross-references.

33       When enacting the bill that added this section, the Legislature did not evaluate the relationship  
34 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

35    **§ 12520. Point Reyes ocean area**

36       12520. Set gill nets and trammel nets with mesh smaller than 4 1/8 inches shall  
37 not be used or possessed on any boat taking rockfish or lingcod in ocean waters  
38 between a line extending 245° magnetic from the most westerly point of the Point  
39 Reyes headlands and a line extending 250° magnetic from the Pigeon Point  
40 Lighthouse.

41       **Comment.** Section 12520 continues former Fish and Game Code Section 8691.

42       Section 8691 is governed by Section 12265, a section that codifies and implements Section 4 of  
43 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
44 of constitutional requirements, Section 8664.5 has been continued in this section without change.

1 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
2 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

3 **§ 12525. Monterey County ocean area**

4 12525. Notwithstanding Section 12535, it is unlawful to use gill nets to take  
5 rockfish or lingcod in the following waters:

6 (a) Between a line running 240° magnetic from Santa Cruz Point and a line  
7 running 240° magnetic from Point Sur lighthouse in Monterey County in waters  
8 100 fathoms or less in depth.

9 (b) Between a line running 240° magnetic from Point Sur lighthouse and a line  
10 running 240° magnetic from Pfeiffer Point in Monterey County in waters 75  
11 fathoms or less in depth.

12 **Comment.** Section 12525 continues former Fish and Game Code Section 8692.

13 Section 8692 is governed by Section 12265, a section that codifies and implements Section 4 of  
14 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
15 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
16 except to update cross-references.

17 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
18 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

19 **§ 12530. Permissible net length**

20 12530. (a) Not more than 1,250 fathoms (7,500 feet) of gill net or trammel net  
21 shall be fished in combination each day from any vessel for lingcod in ocean  
22 waters.

23 (b) The Legislature finds and declares that this section, which continues former  
24 Fish and Game Code Section 8692.5 as amended by this act at the 1991–92  
25 Regular Session of the Legislature, is more restrictive on the use and possession of  
26 gill nets and trammel nets than the provisions in effect on January 1, 1990, and  
27 therefore complies with Section 12265, and Section 4 of Article X B of the  
28 California Constitution.

29 **Comment.** Section 12530 continues former Fish and Game Code Section 8692.5.

30 Section 8692.5 is governed by Section 12265, a section that codifies and implements Section 4  
31 of Article X B of the California Constitution. See Section 12250. To avoid any possible  
32 impairment of constitutional requirements, Section 8664.5 has been continued in this section  
33 without change, except to update cross-references.

34 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
35 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

36 **§ 12535. Districts 1825, 1830, 1835, and 1855**

37 12535. (a) Except as otherwise provided in this code, drift gill nets and set gill  
38 nets may be used in Districts 1825, 1830, 1835, and 1855, except for the taking of  
39 salmon.

40 (b) Rockfish and lingcod may be taken with drift gill nets and set gill nets in  
41 Districts 1825, 1830, 1835, and 1855, subject to the following restrictions:

1 (1) Rockfish and lingcod shall not be taken between a line running due west  
2 magnetic from the lighthouse at Point Piedras Blancas and a line running due west  
3 magnetic from Point Sal in water less than 40 fathoms.

4 (2) Rockfish and lingcod shall not be taken between a line running 250°  
5 magnetic from the Pigeon Point Lighthouse and a line running 240° magnetic from  
6 Point Santa Cruz, inside 40 fathoms, by means of drift gill nets or set gill nets  
7 which have mesh smaller than 51/2 inches.

8 (3) Drift gill nets and set gill nets shall not be used nor shall they be possessed  
9 on any boat taking rockfish and lingcod with mesh smaller than 41/8 inches when  
10 used in Districts 1825 and 1830 north of Point Buchon, or with mesh smaller than  
11 41/8 inches when used in District 1830 south of Point Buchon or in District 1835.  
12 Drift gill nets and set gill nets used or possessed on any boat taking rockfish and  
13 lingcod in District 1825, 1830, or 1835, shall not be constructed of twine larger  
14 than number 6 nylon, except that the bottom 15 meshes may be constructed of  
15 heavier twine.

16 (4) In District 1830 south of Point Sal and in District 1835, drift gill nets and set  
17 gill nets shall not be used to take rockfish and lingcod with the mesh of the net in  
18 waters less than 70 fathoms in depth, except that those nets shall not be used in  
19 waters less than 100 fathoms in depth at the Sixty Mile Bank.

20 (5) Loads or lots of fish taken in the areas described in paragraphs 1 to 4,  
21 inclusive, may contain 200 pounds or less of rockfish and lingcod in combination,  
22 but in no instance more than 100 pounds of rockfish.

23 (6) Gill nets shall not be used to take rockfish in District 1855.

24 **Comment.** Section 12535 continues former Fish and Game Code Section 8693.

25 Section 8693 is governed by Section 12265, a section that codifies and implements Section 4 of  
26 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
27 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
28 except to update cross-references.

29 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
30 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

31 **§ 12540. District 1840**

32 12540. In District 1840, gill nets may not be used, nor may they be possessed on  
33 any boat.

34 **Comment.** Section 12540 continues former Fish and Game Code Section 8694.

35 Section 8694 is governed by Section 12265, a section that codifies and implements Section 4 of  
36 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
37 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
38 except to update cross-references.

39 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
40 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

41 **§ 12545. South of Point Reyes headlands**

42 12545. Except as otherwise provided, set gill nets may be used south of a line  
43 extending 245° magnetic from the western point of the Point Reyes headlands in

1 Marin County except for the taking of salmon.

2 **Comment.** Section 12545 continues former Fish and Game Code Section 8696.

3 Section 8696 is governed by Section 12265, a section that codifies and implements Section 4 of  
4 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
5 of constitutional requirements, Section 8664.5 has been continued in this section without change.

6 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
7 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

8 **§ 12550. Conversion of gill net to trammel net**

9 12550. Any line used on a gill net which shall tend to cause the webbing of such  
10 gill net to bag or hang slack shall cause such net to lose its identity as a gill net and  
11 become a trammel net.

12 **Comment.** Section 12550 continues former Fish and Game Code Section 8700.

13 Section 8700 is governed by Section 12265, a section that codifies and implements Section 4 of  
14 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
15 of constitutional requirements, Section 8664.5 has been continued in this section without change.

16 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
17 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

18 **CHAPTER 5. TRAMMEL NETS**

19 **Comment.** The provisions appearing in this chapter continue the provisions of former Article 6  
20 (commencing with Section 8720) of Chapter 3 of Part 3 of Division 6 of the Fish and Game  
21 Code, which are governed by Section 4(b) of Article X B of the California Constitution.

22 **§ 12600. “Trammel net”**

23 12600. “Trammel net” includes entangling nets constructed of more than one  
24 wall of webbing.

25 **Comment.** Section 12600 continues former Fish and Game Code Section 8720.

26 Section 8720 is governed by Section 12265, a section that codifies and implements Section 4 of  
27 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
28 of constitutional requirements, Section 8664.5 has been continued in this section without change.

29 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
30 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

31 **§ 12605. Districts 1705, 1725, and 1740**

32 12605. In Districts 1705, 1725, and 1740, trammel nets may not be possessed on  
33 any boat.

34 **Comment.** Section 12605 continues former Fish and Game Code Section 8721.

35 Section 8721 is governed by Section 12265, a section that codifies and implements Section 4 of  
36 Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
37 of constitutional requirements, Section 8664.5 has been continued in this section without change,  
38 except to update cross-references.

39 When enacting the bill that added this section, the Legislature did not evaluate the relationship  
40 of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

1    **§ 12610. Use of drift and set trammel nets**

2    12610. (a) Except as otherwise provided, in Districts 1790, 1825, 1830, and  
3    1835, drift and set trammel nets may be used if the meshes are at least 81/2 inches  
4    in length, except that these nets may not be used in District 1830 within 750 feet  
5    of any pier or jetty, nor may they be used for the taking of salmon.

6    (b) This section shall become operative on August 15, 1989.

7    **Comment.** Section 12610 continues former Fish and Game Code Section 8724.

8    Section 8724 is governed by Section 12265, a section that codifies and implements Section 4 of  
9    Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
10   of constitutional requirements, Section 8664.5 has been continued in this section without change,  
11   except to update cross-references.

12   When enacting the bill that added this section, the Legislature did not evaluate the relationship  
13   of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

14   **§ 12615. District 1840**

15   12615. In District 1840, trammel nets may not be used, nor may they be  
16   possessed on any boat.

17   **Comment.** Section 12615 continues former Fish and Game Code Section 8725.

18   Section 8725 is governed by Section 12265, a section that codifies and implements Section 4 of  
19   Article X B of the California Constitution. See Section 12250. To avoid any possible impairment  
20   of constitutional requirements, Section 8664.5 has been continued in this section without change,  
21   except to update cross-references.

22   When enacting the bill that added this section, the Legislature did not evaluate the relationship  
23   of this section to Section 12265 or Article X B of the California Constitution. See Section 12200.

24                                    CHAPTER 6. TAKE OF SHARK AND SWORDFISH

25   **§ 12650. Required permit**

26   12650. (a) Notwithstanding **Section 8394**, shark and swordfish shall not be  
27   taken for commercial purposes with drift gill nets except under a valid drift gill net  
28   shark and swordfish permit issued to that person that has not been suspended or  
29   revoked and is issued to at least one person aboard the boat.

30   (b) A drift gill net shark and swordfish permit shall not be required for the  
31   taking of sharks with drift gill nets with a mesh size smaller than eight inches in  
32   stretched mesh and twine size no. 18 or the equivalent of this twine size or  
33   smaller.

34   **Comment.** Section 12650 continues former Fish and Game Code Section 8561 without  
35   substantive change.

36   **§ 12655. Transfer of permit**

37   12655. (a) Notwithstanding **Section 8102**, a permit issued pursuant to Section  
38   8561 may be transferred by the permittee only if one of the following conditions is  
39   met:

40   (1) The permittee has held the permit for three or more years.



1 (2) The permittee is permanently injured or suffers a serious illness that will  
2 result in a hardship, as determined in a written finding by the director, to the  
3 permittee or his or her family if the permit may not otherwise be transferred or  
4 upon dissolution of a marriage where the permit is held to be community property.

5 (3) The permittee has died and his or her surviving spouse, heirs, or estate seeks  
6 to transfer the permit within six months of the death of the permittee or, with the  
7 written approval of the director, within the length of time that it may reasonably  
8 take to effect the transfer.

9 (b) A permit may be transferred only to a person who holds a valid general gill  
10 net permit issued to that person pursuant to Section 12455 that has not been  
11 suspended or revoked.

12 (c) The transfer of a permit shall only become effective upon notice from the  
13 department. An application for transfer shall be submitted to the department with  
14 such reasonable proof as the department may require to establish the qualification  
15 of the person the permit is to be transferred to, the payment to the department of a  
16 transfer fee of one thousand five hundred dollars (\$1,500), and a written  
17 disclosure, filed under penalty of perjury, of the terms of the transfer.

18 (d) Any restrictions on participation that were required in a permit transferred  
19 pursuant to **Section 8102** before January 1, 1990, are of no further force or effect.

20 **Comment.** Section 12655 continues former Fish and Game Code Section 8561.5 without  
21 substantive change.

22 **§ 12660. Application**

23 12660. Applications delivered to a department office after April 30, or if mailed,  
24 postmarked after April 30, shall not be accepted unless approved by the  
25 commission pursuant to Section 12690.

26 **Comment.** Section 12660 continues former Fish and Game Code Section 8562 without  
27 substantive change.

28 **§ 12665. Possession and use of permit**

29 12665. (a) Except as provided in subdivision (b), the permittee shall be aboard  
30 the vessel and shall be in possession of a valid drift gill net shark and swordfish  
31 permit when engaged in operations authorized by the permit.

32 (b) A permittee may have any person serve in his or her place on the permittee's  
33 vessel and engage in fishing under his or her drift gill net shark and swordfish  
34 permit for not more than 15 calendar days in any one year, except that a longer  
35 period may be allowed in the event of serious illness. A permittee shall notify the  
36 department's Long Beach office of a substitution of 15 days or less per calendar  
37 year, by certified letter or telegram at least 24 hours prior to the commencement of  
38 the trip. Written authorization for a substitution of greater than 15 days shall be  
39 obtained from the director and shall be given only on the director's finding that the  
40 permittee will not be available to engage in the activity due to serious illness,  
41 supported by medical evidence. An application for a substitution of greater than 15

1 days shall be made to the Department of Fish and Game, Headquarters Office,  
2 Sacramento, and shall contain such information as the director may require. Any  
3 denial of the substitution may be appealed to the commission.

4 **Comment.** Section 12665 continues former Fish and Game Code Section 8563 without  
5 change.

6 **§ 12670. Specification of vessel**

7 12670. When the permittee applies for a drift gill net shark and swordfish  
8 permit, the permittee shall specify the vessel he or she will use in operations  
9 authorized by the permit. Transfer to another vessel shall be authorized by the  
10 department upon receipt of a written request from the permittee, accompanied by a  
11 transfer fee of one hundred thirty dollars (\$130), as follows:

12 (a) One transfer requested between February 1 and April 30 shall be made by the  
13 department upon request and payment of the fee.

14 (b) Any transfer, except as provided in subdivision (a), shall be authorized by  
15 the department only after receipt of proof of a compelling reason, which shall be  
16 submitted with the request for transfer, such as the sinking of the vessel specified  
17 for use in operations authorized by the permit.

18 **Comment.** Section 12670 continues former Fish and Game Code Section 8564 without  
19 change.

20 **§ 12675. Fee**

21 12675. The fee for a drift gill net shark and swordfish permit shall be three  
22 hundred thirty dollars (\$330).

23 **Comment.** Section 12675 continues former Fish and Game Code Section 8567 without  
24 change.

25 **§ 12680. Eligibility for permit**

26 12680. Drift gill net shark and swordfish permits shall be issued to any prior  
27 permittee who possesses a valid drift gill net shark and swordfish permit issued  
28 pursuant to this section, but only if the permittee meets both of the following  
29 requirements:

30 (a) Possesses a valid permit for the use of gill nets authorized pursuant to  
31 Section 8681.

32 (b) Possessed a valid drift gill net shark and swordfish permit during the  
33 preceding season and that permit was not subsequently revoked.

34 **Comment.** Section 12680 continues former Fish and Game Code Section 8568 without  
35 change.

36 **§ 12685. Minimum landing requirement**

37 12685. Any person holding a valid drift gill net shark and swordfish permit on  
38 or after January 1, 2000, who did not make, on or after January 1, 2000, the  
39 minimum landings required under subdivision (c) of Section 12680, is eligible for  
40 that permit when that person meets all other qualifications for the permit.

1       **Comment.** Section 12685 continues former Fish and Game Code Section 8568.5 without  
2 substantive change.

3       **§ 12690. Conditions for late application**

4       12690. The commission may establish conditions for the issuance of a permit if  
5 the person's drift gill net shark and swordfish permit was revoked during a  
6 preceding season or if the person possessed a valid permit during the preceding  
7 season but did not apply for renewal of his or her permit on or before April 30.  
8 The applicant for a permit under this section may appeal to the director for the  
9 issuance of the permit under those conditions.

10       **Comment.** Section 12690 continues former Fish and Game Code Section 8569 without  
11 change.

12       **§ 12695. Allowed locations and conditions for use of net**

13       12695. Drift gill nets may be used to take shark and swordfish under the permit  
14 provided in this chapter, subject to Section 12260 and all of the following  
15 restrictions:

16       (a) From June 1 to November 15, inclusive, shark or swordfish gill nets shall not  
17 be in the water from two hours after sunrise to two hours before sunset east of a  
18 line described as follows:

19       From a point beginning at Las Pitas Point to San Pedro Point on Santa Cruz  
20 Island, thence to Gull Island Light, thence to the northeast extremity of San  
21 Nicolas Island, thence along the high water mark on the west side of San Nicolas  
22 Island to the southeast extremity of San Nicolas Island, thence to the northwest  
23 extremity of San Clemente Island, thence along the high water mark on the west  
24 side of San Clemente Island to the southeast extremity of San Clemente Island,  
25 thence along a line running 150° true from the southeast extremity of San  
26 Clemente Island to the westerly extension of the boundary line between the  
27 Republic of Mexico and San Diego County.

28       (b)(1) The total maximum length of a shark or swordfish gill net on the net reel  
29 on a vessel, on the deck of the vessel, and in the water at any time shall not exceed  
30 6,000 feet in float line length. The float line length shall be determined by  
31 measuring the float line, as tied, of all the net panels, combined with any other  
32 netted lines. The existence of holes, tears, or gaps in the net shall have no bearing  
33 on the measurement of the float line. The float line of any net panels with holes,  
34 tears, or gaps shall be included in the total float line measurement.

35       (2) Any shark or swordfish gill net on the reel shall have the float lines of the  
36 adjacent panels tied together, the lead lines of the adjacent panels tied together,  
37 and the web of the adjacent panels laced together. No quick disconnect device may  
38 be used unless the total maximum length of all shark and swordfish gill nets,  
39 including all spare gill nets or net panels on the vessel and all gill nets or net  
40 panels on the net reels on the vessel, on the deck of the vessel, stored aboard the

1 vessel, and in the water, does not exceed 6,000 feet in float line length as  
2 determined under paragraph (1).

3 (3) Spare shark or swordfish gill net aboard the vessel shall not exceed 250  
4 fathoms (1,500 feet) in total length, and the spare net shall be in separated panels  
5 not to exceed 100 fathoms (600 feet) in float line length for each panel, with the  
6 float lines and leadlines attached to each panel separately gathered and tied, and  
7 the spare net panels stowed in lockers, wells, or other storage space.

8 (4) If a torn panel is replaced in a working shark or swordfish gill net, the torn  
9 panel shall be removed from the working net before the replacement panel is  
10 attached to the working net.

11 (c) Any end of a shark or swordfish gill net not attached to the permittee's vessel  
12 shall be marked by a pole with a radar reflector. The reflector shall be at least six  
13 feet above the surface of the ocean and not less than 10 inches in any dimension  
14 except thickness. The permittee's permit number shall be permanently affixed to at  
15 least one buoy or float that is attached to the radar reflector staff. The permit  
16 number shall be at least one and one-half inches in height and all markings shall  
17 be at least one-quarter inch in width.

18 (d) For the purposes of this chapter, "shark or swordfish gill net" means a drift  
19 gill net of 14-inch or greater mesh size.

20 **Comment.** Section 12695 continues former Fish and Game Code Section 8573 without  
21 substantive change.

22 **§ 12700. Mesh size**

23 12700. (a) Drift gill nets with mesh size less than 14 inches in stretched mesh  
24 shall not be used to take shark and swordfish by permittees operating under a drift  
25 gill net shark and swordfish permit, and the permittee shall not have aboard the  
26 vessel or in the water a drift gill net with mesh size less than 14 inches and more  
27 than 8 inches in stretched mesh.

28 (b) No permittee shall deploy a drift gill net of less than 14-inch mesh size at the  
29 time that the permittee has a shark or swordfish gill net deployed.

30 **Comment.** Section 12700 continues former Fish and Game Code Section 8574 without  
31 change.

32 **§ 12705. Seasonal prohibitions**

33 12705. Drift gill nets used to take shark and swordfish under the permit provided  
34 in this chapter shall not be used under the following circumstances:

35 (a) From May 1 through July 31, within six nautical miles westerly, northerly,  
36 and easterly of the shoreline of San Miguel Island between a line extending six  
37 nautical miles west magnetically from Point Bennett and a line extending six  
38 nautical miles east magnetically from Cardwell Point and within six nautical miles  
39 westerly, northerly, and easterly of the shoreline of Santa Rosa Island between a  
40 line extending six nautical miles west magnetically from Sandy Point and a line  
41 extending six nautical miles east magnetically from Skunk Point.

1 (b) From May 1 through July 31, within 10 nautical miles westerly, southerly,  
2 and easterly of the shoreline of San Miguel Island between a line extending 10  
3 nautical miles west magnetically from Point Bennett and a line extending 10  
4 nautical miles east magnetically from Cardwell Point and within 10 nautical miles  
5 westerly, southerly, and easterly of the shoreline of Santa Rosa Island between a  
6 line extending 10 nautical miles west magnetically from Sandy Point and a line  
7 extending 10 nautical miles east magnetically from Skunk Point.

8 (c) From May 1 through July 31, within a radius of 10 nautical miles of the west  
9 end of San Nicolas Island.

10 (d) From August 15 through September 30, in ocean waters bounded as follows:  
11 beginning at Dana Point, Orange County, in a direct line to Church Rock, Catalina  
12 Island; thence in a direct line to Point La Jolla, San Diego County; and thence  
13 northwesterly along the mainland shore to Dana Point.

14 (e) From August 15 through September 30, in ocean waters within six nautical  
15 miles of the coastline on the northerly and easterly side of San Clemente Island,  
16 lying between a line extending six nautical miles west magnetically from the  
17 extreme northerly end of San Clemente Island to a line extending six nautical  
18 miles east magnetically from Pyramid Head.

19 (f) From December 15 through January 31, in ocean waters within 25 nautical  
20 miles of the mainland coastline.

21 **Comment.** Section 12705 continues former Fish and Game Code Section 8575 without  
22 change.

23 **§ 12710. Prohibited areas**

24 12710. Drift gill nets used to take shark and swordfish under the permit provided  
25 in this chapter shall not be used in the following areas:

26 (a) Within 12 nautical miles from the nearest point on the mainland shore north  
27 of a line extending due west from Point Arguello.

28 (b) East of a line running from Point Reyes to Noonday Rock to the westernmost  
29 point of Southeast Farallon Island to Pillar Point.

30 **Comment.** Section 12710 continues former Fish and Game Code Section 8575.5 without  
31 change.

32 **§ 12715. Additional prohibitions**

33 12715. (a) Drift gill nets shall not be used to take shark or swordfish from  
34 February 1 to April 30, inclusive.

35 (b) Drift gill nets shall not be used to take shark or swordfish in ocean waters  
36 within 75 nautical miles from the mainland coastline between the westerly  
37 extension of the California-Oregon boundary line and the westerly extension of  
38 the United States-Republic of Mexico boundary line from May 1 to August 14,  
39 inclusive.

40 (c) Subdivisions (a) and (b) apply to any drift gill net used pursuant to a permit  
41 issued under Section 12650 or 12455, except that drift gill nets with a mesh size

1 smaller than eight inches in stretched mesh and twine size number 18, or the  
2 equivalent of this twine size, or smaller, used pursuant to a permit issued under  
3 Section 12455, may be used to take species of sharks other than thresher shark,  
4 shortfin mako shark, and white shark during the periods specified in subdivisions  
5 (a) and (b). However, during the periods of time specified in subdivisions (a) and  
6 (b), not more than two thresher sharks and two shortfin mako sharks may be  
7 possessed and sold if taken incidentally in drift gill nets while fishing for  
8 barracuda or white seabass and if at least 10 barracuda or five white seabass are  
9 possessed and landed at the same time as the incidentally taken thresher or shortfin  
10 mako shark. No thresher shark or shortfin mako shark taken pursuant to this  
11 subdivision shall be transferred to another vessel before landing the fish. Any  
12 vessel possessing thresher or shortfin mako sharks pursuant to this section shall  
13 not have any gill or trammel net aboard that is constructed with a mesh size  
14 greater than eight inches in stretched mesh and twine size greater than number 18,  
15 or the equivalent of a twine size greater than number 18.

16 (d) Notwithstanding the closure from May 1 to August 14, inclusive, provided  
17 by subdivision (b), a permittee may land swordfish or thresher shark taken in  
18 ocean waters more than 75 nautical miles from the mainland coastline in that  
19 period if, for each landing during that closed period, the permittee signs a written  
20 declaration under penalty of perjury that the fish landed were taken more than 75  
21 nautical miles from the mainland coastline. The declaration shall be completed and  
22 signed before arrival at any port in this state. Within 72 hours of the time of  
23 arrival, the permittee shall deliver the declaration to the department.

24 (e) If any person is convicted of falsely swearing a declaration under subdivision  
25 (d), in addition to any other penalty prescribed by law, the following penalties  
26 shall be imposed:

27 (1) The fish landed shall be forfeited, or, if sold, the proceeds from the sale shall  
28 be forfeited, pursuant to **Sections 12159, 12160, 12161, and 12162.**

29 (2) All shark or swordfish gill nets possessed by the permittee shall be seized  
30 and forfeited pursuant to **Section 8630 or 12157.**

31 (f) From August 15 of the year of issue to January 31, inclusive, of the following  
32 year, swordfish may be taken under a permit issued pursuant to this chapter.

33 **Comment.** Section 12715 continues former Fish and Game Code Section 8576 without  
34 substantive change.

35 **§ 12720. Take of thresher shark**

36 12720. Thresher shark taken with drift gill nets shall not have the pelvic fin  
37 severed from the carcass until after the shark is brought ashore.

38 **Comment.** Section 12720 continues former Fish and Game Code Section 8576.5 without  
39 change.

1    § **12725. Closure of fishery by director**

2       12725. Notwithstanding **Section 8394**, the director may close the drift gill net  
3 shark and swordfish fishery, the swordfish harpoon fishery, or any area where  
4 either or both fisheries are conducted, if, after a public hearing, the director  
5 determines the action is necessary to protect the swordfish or thresher shark and  
6 bonito (mako) shark resources.

7       The director shall reopen a fishery or any fishing areas previously closed  
8 pursuant to this section if the director determines that the conditions which  
9 necessitated the closure no longer exist.

10      **Comment.** Section 12725 continues former Fish and Game Code Section 8577 without  
11 substantive change.

12    § **12730. Surrender of permit**

13       12730. A permittee shall be subject to the provisions of this chapter whenever  
14 the permittee is using a drift gill net, unless the permittee has surrendered his or  
15 her permit to the department. A permittee may surrender his or her permit by  
16 notifying the department's Long Beach office of his or her intentions by telegram  
17 or certified letter and by sending or delivering his or her permit to a department  
18 office. A permittee may reclaim his or her permit at any time during regular  
19 working hours, if the permit has not been suspended or revoked.

20      **Comment.** Section 12730 continues former Fish and Game Code Section 8579 without  
21 change.

22    § **12735. Sale of swordfish**

23       12735. It is unlawful for any permittee to sell swordfish taken by him or her to  
24 other than the persons described in **Section 8032 or 8033**.

25      **Comment.** Section 12735 continues former Fish and Game Code Section 8580 without  
26 substantive change.

27    § **12740. Revocation or suspension of fish business license**

28       12740. Any license issued pursuant to **Sections 8032 to 8036**, inclusive, may be  
29 revoked or suspended by the commission, when requested by the department,  
30 upon a conviction for a violation of **Section 8043** for failure to report, or for  
31 inaccurately reporting, shark or swordfish landings by fishermen operating under  
32 permits issued pursuant to **Section 8394** or 12650.

33      **Comment.** Section 12740 continues former Fish and Game Code Section 8581 without  
34 substantive change.

35    § **12745. Marlin**

36       12745. (a) The Legislature finds and declares that the intent of this chapter is not  
37 to permit or encourage the taking of marlin for commercial purposes.

38       (b) It shall be a misdemeanor for any person operating under a permit pursuant  
39 to this chapter to sell or possess for sale or personal use any marlin. In the event a  
40 marlin is taken incidentally in a drift gill net, the permittee shall notify the

1 department immediately that the fish is on the boat. No marlin may be removed  
2 from the boat except for delivery to the department.

3 **Comment.** Section 12745 continues former Fish and Game Code Section 8582 without  
4 change.

5 CHAPTER 7. TAKE OF OTHER FISH

6 **§ 12850. Yellowtail and barracuda**

7 12850. (a) It is unlawful to use any purse seine or round haul net to take  
8 yellowtail, barracuda, or white sea bass.

9 (b) It is unlawful to possess any yellowtail, barracuda, or white sea bass, except  
10 those taken south of the international boundary between the United States and  
11 Mexico, and imported into the state under regulations of the commission as  
12 provided in **Section 2362**, on any boat carrying or using any purse seine or round  
13 haul net, including, but not limited to, a bait net as described in **Section 8780**.

14 (c) Gill nets with meshes of a minimum length of 3 1/2 inches may be used to  
15 take yellowtail and barracuda.

16 (d) Gill nets with meshes of a minimum length of six inches may be used to take  
17 white sea bass; however, during the period from June 16 to March 14, inclusive,  
18 not more than 20 percent by number of a load of fish may be white seabass 28  
19 inches or more in total length, up to a maximum of 10 white seabass per load, if  
20 taken in gill nets or trammel nets with meshes from 3 1/2 to 6 inches in length.

21 (e) Notwithstanding the provisions of this section, the department may issue  
22 permits to hook and line commercial fishermen to possess a bona fide bait net on  
23 their vessels for the purpose of taking bait for their own use only.

24 **Comment.** Section 12850 continues former Fish and Game Code Section 8623 without  
25 change.

26 **§ 12855. California halibut generally**

27 12855. (a) Except as otherwise provided in this code, set gill nets and trammel  
28 nets with mesh size of not less than 8 1/2 inches may be used to take California  
29 halibut.

30 (b) Except as provided in subdivision (c), not more than 1,500 fathoms (9,000  
31 feet) of gill net or trammel net shall be fished in combination each day for  
32 California halibut from any vessel in ocean waters.

33 (c) Not more than 1,000 fathoms (6,000 feet) of gill net or trammel net shall be  
34 fished in combination each day for California halibut from any vessel in ocean  
35 waters between a line extending due west magnetic from Point Arguello in Santa  
36 Barbara County and a line extending 172° magnetic from Rincon Point in Santa  
37 Barbara County to San Pedro Point at the east end of Santa Cruz Island in Santa  
38 Barbara County, then extending southwesterly 188° magnetic from San Pedro  
39 Point on Santa Cruz Island.

40 (d) This section shall become operative on August 15, 1989.



1     **Comment.** Section 12855 continues former Fish and Game Code Section 8625 without  
2 change.

3     **§ 12860. Special rules for California halibut**

4     12860. (a) Notwithstanding Section 12855, and where consistent with the  
5 determination made pursuant to subdivisions (b) and (c), the director may reduce  
6 the minimum mesh size permitted for gill and trammel nets used to take California  
7 halibut from 8 1/2 inches to not less than 8 inches in any or all areas south of a line  
8 extending 240° magnetic from the boundary line between the Counties of Los  
9 Angeles and Ventura.

10    (b) If, on or before October 1, 1990, the department determines that commercial  
11 landings of California halibut taken south of the line extending 240° magnetic  
12 from the boundary line between the Counties of Los Angeles and Ventura in the  
13 period between September 1, 1989, and August 31, 1990, decline by 10 percent or  
14 more compared with landings of California halibut taken in this area during the  
15 period between September 1, 1988, and August 31, 1989, the department shall  
16 assess the impact of the 8 1/2 inch minimum mesh size restriction on the  
17 California halibut fishery in the area described in subdivision (a). The assessment  
18 shall include, but is not limited to, an analysis of landing data, including landings  
19 of California halibut in Los Angeles, Orange, and San Diego Counties, the age and  
20 size composition of the catch, and the department's monitoring at sea of the gill  
21 and trammel net fishery.

22    (c) If the department determines that the 8 1/2 inch minimum mesh size,  
23 established pursuant to Section 12855 has directly resulted in a decline of 10  
24 percent or more in landings of California halibut south of the line extending 240°  
25 magnetic from the boundary between the Counties of Los Angeles and Ventura,  
26 the director shall hold a public hearing in the area affected to make findings and  
27 take public testimony prior to taking any action pursuant to subdivision (a).

28    (d) This section shall become operative on August 15, 1989.

29     **Comment.** Section 12860 continues former Fish and Game Code Section 8626 without  
30 substantive change.

DISPOSITION OF FORMER LAW

The table below shows the relationship between each provision of the existing Fish and Game Code and the corresponding provision of the proposed law (if any).

<b>Existing Provision</b>	<b>Proposed Provision(s)</b>	<b>Existing Provision</b>	<b>Proposed Provision(s)</b>
8561 .....	12650	8668 .....	10980
8561.5 .....	12655	8669 .....	10985
8562 .....	12660	8670 .....	10990
8563 .....	12665	8680 .....	12450
8564 .....	12670	8681 .....	12455
8567 .....	12675	8681.5 .....	12460
8568 .....	12680	8681.7 .....	12465
8568.5 .....	12685	8682 .....	12470
8569 .....	12690	8683 .....	12475
8573 .....	12695	8684 .....	12480
8574 .....	12700	8685 .....	12485
8575 .....	12705	8685.5 .....	12490
8575.5 .....	12710	8685.6 .....	12495
8576 .....	12715	8685.7 .....	12500
8576.5 .....	12720	8686 .....	12505
8577 .....	12725	8687 .....	12510
8579 .....	12730	8688 .....	12515
8580 .....	12735	8691 .....	12520
8581 .....	12740	8692 .....	12525
8582 .....	12745	8692.5 .....	12530
8610.1 .....	12250	8693 .....	12535
8610.2 .....	12255	8694 .....	12540
8610.3 .....	12260	8696 .....	12545
8610.4 .....	12265	8700 .....	12550
8610.5 .....	12270	8720 .....	12600
8610.6 .....	12275	8721 .....	12605
8610.9 .....	12280	8724 .....	12610
8610.11 .....	12285	8725 .....	12615
8610.12 .....	12290		
8610.13 .....	12295		
8610.14 .....	12300		
8610.15 .....	12305		
8610.16 .....	12310		
8623 .....	12850		
8625 .....	12855		
8626 .....	12860		
8660 .....	10950		
8661 .....	10955		
8663 .....	10960		
8664 .....	10965		
8665 .....	10970		
8664.5 .....	12350		
8664.67 .....	12355		
8664.7 .....	12360		
8664.8 .....	12365		
8664.13 .....	12370		
8666 .....	12375		
8667 .....	10975		