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DEPARTMENT OF FISH AND GAME SALES OFFICE LOCATIONS

EUREKA
(707) 445-6493 FAX (707) 445-6664
619 Second Street, Eureka, CA 95501
Office Hours - 8:00am - 5:00 pm

FRESNO
(559) 243-4005 FAX (559) 243-4022
1234 East Shaw Avenue, Fresno, CA 93710
Office Hours - 8:00am - 5:00pm

LOS ALAMITOS
(562) 342-7100 FAX (562) 596-0342
4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720
Office Hours - 8:00am - 4:30pm

MONTEREY
(831) 649-2870 FAX (831) 649-2894
20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940
Office Hours - 8:00am - 4:30pm

NAPA
(707) 944-5500 FAX (707) 944-5553
P.O. Box 47
Yountville, CA 94599 or 7329 Silverado Trail, Napa, CA 94558
Office Hours - 8:00am - 4:45pm

REDDING
(530) 225-2300 FAX (530) 225-2055
601 Locust Street, Redding, CA 96001
Office Hours - 9:00am - 5:00pm

SACRAMENTO
(916) 928-5822 FAX (916) 419-7586
License and Revenue Branch 1740 N. Market Blvd., Sacramento, CA 95834
Office Hours - 8:00am - 5:00pm

SAN DIEGO
(858) 467-4201 FAX (858) 467-4299
4949 Viewridge Avenue, San Diego, CA 92123
Office Hours - 8:00am - 4:30pm

FISH AND GAME COMMISSION

1416 Ninth Street, Room 1320, Sacramento, CA 95814
(916) 653-4899 FAX (916) 653-5040

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FOREWORD

This booklet contains information from both the California Fish and Game Code (FGC) and Title 14, California Code of Regulations (Title 14). For detailed information, refer to the appropriate code or contact the Department of Fish and Game (Department).

All species may be taken without restriction except those mentioned by name. Whenever a species is mentioned in this digest, only those conditions specifically described are permitted. Species not mentioned in this digest by name are not restricted as to area in which they may be taken, bag limit, size, or season.

Regulations governing commercial fishing gear are permissive. Only those types of fishing gear listed in the code may be used and only under the conditions prescribed. All other types of gear not mentioned are illegal.
These excerpts are provided as a courtesy and are not to be used as legal documents. Since the codes may be amended at any time, it is the reader's responsibility to be knowledgeable of, and abide by all laws and regulations in effect at the time he/she participates in any commercial fishing activity. Any discrepancies between this document and the code(s) from which it was prepared will be enforced and adjudicated according to the official code(s) in effect on the date the activity takes place.

Official copies of the California Fish and Game Commission's (Commission) orders as set forth in Title 14 may be purchased from Barclay's Law Publishers, P.O. Box 3066, South San Francisco, CA 94083-3066, (415) 244-6611. Title 14 can be viewed at www.oal.ca.gov.

Copies of the FGC may be purchased from Lexis Nexis Gould Publications, P. O. Box 7587, Charlottesville, VA, 22906-7587, (800) 833-9844, or www.lexisnexis.com/bookstore.com. The Fish and Game Code can be viewed at www.leginfo.ca.gov/calaw.html.

FISH AND GAME COMMISSION

The mission of the California Fish and Game Commission is, on behalf of California citizens, to ensure the long term sustainability of California's fish and wildlife resources by:

- Guiding the ongoing scientific evaluation and assessment of California's fish and wildlife resources;
- Setting California's fish and wildlife resource management policies and insuring these are implemented by the Department of Fish and Game;
- Establishing appropriate fish and wildlife resource management rules and regulations; and
- Building active fish and wildlife resource management partnerships with individual landowners, the public and interest groups, and federal, state and local resource management agencies.

DEPARTMENT OF FISH AND GAME

The mission of the Department of Fish and Game is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.

The Department is charged with the administration and enforcement of the FGC and Title 14. The Department is organized with the Director and headquarters staff in Sacramento, and seven regional managers coordinating the operations in their respective portions of the state. The Director is the appointing power of all Department employees, who are responsible to the Director for the proper performance of their duties and responsibilities. Most of the revenue for the Department comes from the Fish and Game Preservation Fund, with a limited amount from other sources (General Fund, Sport Fish Restoration Act, Environmental License Plate Fund, and grants). The Fish and Game Preservation Fund is supported by the sale of sport fishing and hunting licenses, commercial licenses, fish landing taxes, and fines and penalties assessed for violation of Fish and Game laws.

A REMINDER FROM THE CENTER FROM MARINE CONSERVATION

Discarded fishing line, net, bait bags, and trash that enters the marine environment needlessly kills marine wildlife. Floating plastic rope and line also foul boat propellers, and plastic bags clog seawater intakes causing engine failure and costly repairs. If a boater is stranded, the situation can become life-threatening. In 1988, an international treaty, MARPOL, Annex V, took effect. This law bans the dumping of plastic in navigable waters, such as rivers, lakes, canals, streams, bays, and the ocean.

It is also a California offense to litter from shore. Become part of the solution, keep trash out of our oceans and waterways. Secure any loose fishing line and trash to ensure it does not enter the water. Where possible, retrieve trash floating in the water or on shore and share your concern with others by encouraging them to help. Ultimately, the solution to marine debris lies with those who care about the future of the aquatic environment and its living resources.

WEB INDEX

Department of Fish and Game (DFG) - www.dfg.ca.gov

DFG, License and Revenue Branch - www.dfg.ca.gov/licensing/index.html

DFG, Marine Region - www.dfg.ca.gov/marine

Fish and Game Commission - www.fgc.ca.gov

Fish and Game Code - www.leginfo.ca.gov/calaw.html

California Code of Regulations - www.oal.ca.gov

Coastal Pelagic Species - swr.nmfs.noaa.gov

Federal Groundfish Permits - www.nwr.noaa.gov

International Pacific Halibut Commission - www.iphc.washington.edu/halcom/literatu.htm

Marine Mammal Protection Act - www.nmfs.noaa.gov/pr/

National Marine Fisheries Service - www.nmfs.noaa.gov

Pacific Fishery Management Council - www.pcouncil.org

Save Our Seabirds - www.seabirdrehab.org

Highly Migratory Species - www.nmfs.noaa.gov/sfa/hms/

Western and Central Pacific Fisheries Commission - www.wcpfc.int

Pacific States Marine Fisheries Commission - www.psmfc.org

ACRONYMS

AMS - Actively Managed Species
AP - Advisory Panel
BRD -Bycatch Reduction Device
CCR - California Code of Regulations
CF - California Department of Motor Vehicle Registered Vessel
CFR - Code of Federal Regulations
CPS - Coastal Pelagic Species
CPSMT - Coastal Pelagic Species Management Team
DAP - Domestic Annual Processing
DFG - Department of Fish and Game
DMV - Department of Motor Vehicles
EEOC - Equal Employment Opportunity Commission
EEZ - Exclusive Economic Zone
FGC - Fish and Game Commission
IPHC -International Pacific Halibut Commission
JVP - Joint-Venture Processing
LOP - Lobster Operator Permit
MARPOL - International Convention for the Prevention of Pollution from Ships
MS - Monitored Species
NMFS - National Marine Fisheries Service
NOAA - National Oceanic Atmospheric Administation
NOS - National Ocean Service
PFMC - Pacific Fishery Management Council
RCA - Rockfish Conservation Area
SFD - Sustainable Fisheries Division
SSC - Scientific and Statistical Committee
TAC - Total Allowable Catch
TDD - Telecommunications Device for the Deaf
Title 14 - Title 14 California Code of Regulations
USCG - U.S. Coast Guard
VHF - Very High Frequency

UPDATES FOR 2008

DEADLINE TO RENEW SALMON VESSEL PERMIT CHANGE

Fish and Game Code (FGC) Section 8235, was amended to require Salmon Vessel Permittees to renew their permits on or before April 30 each year. Applications received at a Department office or postmarked after the April 30 deadline will be assessed a late fee subject to Section 7852.2.

CHANGE TO LATE FEES FOR LIMITED ENTRY PERMITS

FGC Section 7852.2 was amended and changed the late fee for the following permits and endorsements:
Deeper Nearshore Fishery, Drift Gill Net, Dungeness Crab Vessel, Herring, Lobster Operator, Market Squid Vessel, Nearshore Fishery, Nearshore Fishery Trap Endorsement, Nearshore Fishery Bycatch, Northern Pink Shrimp Trawl, Salmon Vessel, Sea Cucumber, Spot Prawn Trap (Tier 1, 2, & 3), Southern Rock Crab, and Sea Urchin Diving Permits.

The Department shall assess a late fee for any renewal application received after the deadline to the following schedule:

One to 30 days after the deadline, a fee of $125.
31 to 60 days after the deadline, a fee of $250.
61 days to March 31, 2009, a fee of $500.

The Department shall deny any application for renewal received after March 31, of the permit year following the year in which the applicant last held a valid permit for that fishery.

IDENTIFICATION REQUIRED WHEN COMMERCIALLY FISHING

FGC Section 7852.27 was amended to: At all times when engaged in any activity for which a commercial fishing license is required, the licensee shall have in his or her possession, a valid driver's license or identification card issued by DMV or by entity issuing driver's licenses from the licensee's state. A current passport may be used in lieu of a valid driver's license or identification card by a holder of a valid nonresident commercial fishing license.

DEADLINE TO APPLY FOR A 2008-2009 TRANSFER OF A TRANSFERABLE LOBSTER OPERATOR PERMIT

Commercial fishermen who have a valid 2008-2009 transferable Lobster Operator Permit (LOP), may apply for transfer from April 1, 2008 to March 31, 2009. If you wish to transfer your 2008-2009 Transferable LOP you must apply after March 31, 2008. LOP transfer applications may not be postmarked prior to April 1, 2008.

CALIFORNIA HALIBUT TRAWL GROUNDS

Commencing April 1, 2008, the following areas in the California halibut trawl grounds will be closed to trawling, unless the Commission finds that a bottom trawl fishery for halibut minimizes bycatch, is likely not damaging sea floor habitat, is not adversely affecting ecosystem health, and is not impeding reasonable restoration of kelp, coral, or other biogenic habitats:

(A) The ocean waters lying between one and three nautical miles from the mainland shore from a point east of a line extending seaward true south (180°) from a point on land approximately ½ mile east of Point Conception at longitude 120° 27.50' to a line extending due south from Gaviota.

(B) The ocean waters lying between one and two nautical miles from the mainland shore lying east of a line extending due south from Santa Barbara Point (180°) and west of a line extending due south from Pitas Point (180°).

(C) Except as provided in subdivision (b), the ocean waters lying between one and three nautical miles from the mainland shore lying south and east of a line running due west (270° true) from Point Arguello to a line extending seaward true south (180°) from a point on land approximately ½ mile east of Point Conception at longitude 120° 27.50', and from the western border of the IMO Vessel Traffic safety zone on NOAA/NOS Chart 18725 in Hueneme Canyon running south and east to a line running due south (180°N true) from Point Mugu.

In making the finding described in the first paragraph, the Commission will pay special attention to areas where kelp and other biogenic habitats existed and where restoring those habitats is reasonably feasible, and to hard bottom areas and other substrate that may be particularly sensitive to bottom trawl impacts (FGC §8495). For the latest information, contact DFG senior marine biologist Stephen Wertz at (562) 342-7184

PINK SHRIMP BOTTOM TRAWLING IN STATE WATERS

Commencing January 1, 2008, bottom trawling for pink shrimp is prohibited within three miles of the mainland shore between a line extending due west from False Cape and a line extending due west from Point Reyes from the nearest point of land on the mainland shore (FGC § 8842). Additionally, other pink shrimp trawling rules may be subject to change in 2008. For the latest information, contact DFG senior marine biologist Stephen Wertz at (562) 342-7184.

Rock Crab

Section 125, Commercial Take of Rock Crab (CCR Title 14), has been renamed "Section 125, Commercial Rock Crab Permits". Section 125(g) has been repealed, and Section 125(a)(4) adopted: "§ 125(a)(4) Revocation or suspension. A northern or southern rock crab trap permit may be revoked or suspended by the Commission upon violation of the Fish and Game Code, or violation of regulations adopted by the Commission, by the holder thereof, his or her agent, employee, or person acting under his or her direction and control."
A new Section, "§125.1. Commercial Take of Rock Crab; Size Limit; Use of Rock Crab as Bait; Incidental Take Provisions", has also been adopted (see page 62).

Coastal Pelagic Species

The definition of "finfish" has been clarified in Section 159 (CCR, Title 14). It now reads: "§159(b)(9) Finfish. For the purpose of this section only, finfish includes northern anchovy, Pacific mackerel, Pacific sardine, and jack mackerel, but excludes market squid."

FEDERAL AND OTHER REGULATIONS

Federal regulations are in effect for many California fisheries including Coastal Pelagic Species (Pacific sardine, Pacific mackerel, jack mackerel, northern anchovy, and market squid), groundfish, highly migratory species, and salmon. For information regarding federal fisheries regulations please contact: National Marine Fisheries Service (NMFS), Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, (562) 980- 4030. You can also obtain regulations and other fishery information from the following NMFS websites:

- Coastal Pelagic Species - swr.nmfs.noaa.gov/fmd/cps/cps.htm
- Groundfish - www.nwr.noaa.gov
- Salmon - www.nwr.noaa.gov
- Highly Migratory Species - swr.nmfs.noaa.gov/hms/hms.htm

SWORDFISH/THRESHER SHARK DRIFT GILLNET REGULATIONS

To reduce marine mammal bycatch in the fishery to sustainable levels, NMFS requires training for operators as well as equipment and gear modifications for vessels participating in the California drift gillnet fishery targeting thresher shark and swordfish. Specifically, the regulations require:

- All vessel operators to attend skipper education workshops if requested by NMFS;
- All extenders to be 36 feet in length or greater; and
- Functioning acoustic deterrent devices ("pingers") to be deployed on the net during every set.

Pingers must be attached within 30 feet (9.14 meters) of the floatline and 36 feet (10.97 meters) of the leadline and staggered such that the horizontal distance between them is no more than 150 feet (45.5 meters). While at sea, operators of drift gillnet vessels with gillnets aboard must carry enough pingers on the vessel to meet the pinger configuration requirements.
Please contact the NMFS at (562) 980-4060 if you need more information about these requirements.

ROCKFISH CONSERVATION AREA (RCA)

All California commercial fishermen need to be aware of RCAs. RCAs restrict the use of certain gear types due to their potential of interacting with overfished groundfish. For more information refer to Federal regulations.

2008-2009 LICENSE, PERMIT, AND STAMP FEES

COMMERCIAL FISHING LICENSES, REGISTRATIONS AND STAMPS

Resident Commercial Fishing License	$112.50
Non-resident Commercial Fishing License	337.75
Commercial Fishing Salmon Stamp	85.00
"John Doe" Commercial Fishing Salmon Stamp	85.00
Commercial Ocean Enhancement Stamp	41.50
Commercial Boat Registration (Resident)	296.00
Commercial Boat Registration (Non-resident)	888.50
Commercial Aircraft Registration	237.00
Commercial Passenger Fishing Vessel License	296.00

NON-RESTRICTIVE PERMITS

Anchovy Take	35.50
Bay Shrimp	35.50
Coonstripe Shrimp Trap Vessel	89.00
Crayfish	35.50
Ghost Shrimp	35.50
Golden and Ridgeback Prawn Trawl	35.50
Herring Fresh Fish Market	35.50
Herring Ocean Waters	35.50
Inland or Freshwater Fish	35.50
Land California-Caught Fish Outside California Waters	17.75
Lobster Crewmember	148.25
Marine Aquaria Collector	391.00
Northern Rock Crab Trap	292.00
Sea Urchin Crewmember	35.50
Southern Pink Shrimp Trawl	35.50
Swordfish	391.00
Tidal Invertebrate	35.50
Tanner Crab Trap Vessel	11,110.50
Trap	41.50

TRANSFER FEES

Drift Gill Net (permit)	1,500.00
Drift Gill Net (vessel)	130.00
Dungeness Crab (T/NT)	200.00
General Gill	100.00
Lobster Operator (permit)	500.00
Market Squid Transfer Fee	500.00
Market Squid Brail Upgrade	1,500.00
Nearshore Fishery (permit)	500.00
Nearshore Fishery (trap endorsement)	75.00
Northern Pink Shrimp Trawl Vessel (new owner)	1,000.00
Northern Pink Shrimp Trawl Vessel (same owner)	200.00
Northern Pink Shrimp Trawl Vessel (temporary)	100.00
Salmon Vessel	200.00
Sea Cucumber (Dive or Trawl)	200.00
Spot Prawn Trap Vessel (new owner)	50.00
Spot Prawn Trap Vessel (same owner)	200.00

LIMITED ENTRY AND RESTRICTED ACCESS PERMITS

California Halibut Bottom Trawl Vessel Permit	52.50
Deeper Nearshore Species Fishery Permit	148.25
Drift Gill Net (Shark and Swordfish)	391.00
Dungeness Crab Vessel (Resident)	237.00
Dungeness Crab Vessel (Non-resident)	474.00
Experimental Market Squid Vessel Permit	1,167.25
General Gill/Trammel Net	391.00
Herring Gill Net (Resident)	313.75
Herring Gill Net (Non-resident)	1,184.75
Herring Stamp	118.50
Lobster Operator	313.75
Market Squid Vessel (Transferable)	2,334.50
Market Squid Vessel (Non-transferable)	1,167.25
Market Squid Brail (Transferable)	2,334.50
Market Squid Brail (Non-transferable)	1,167.25
Market Squid Light Boat (Transferable)	700.25
Market Squid Light Boat (Non-Transferable)	45.00
Salmon Vessel	35.50

Nearshore Fishery Permits

North Coast Region (Transferable/Non-transferable)	592.50
North-Central Coast Region (Transferable/Non-transferable)	592.50
South-Central Coast Region (Transferable/Non-transferable)	592.50
South Coast Region (Transferable/Non-transferable)	592.50

Nearshore Fishery Trap Endorsements

North-Central Coast Region (Transferable/Non-transferable)	89.00
South-Central Coast Region (Transferable/Non-transferable)	89.00
South Coast Region (Transferable/Non-transferable)	89.00

Nearshore Fishery Bycatch Permit	237.00
Northern Pink Shrimp Trawl Vessel (Transferable)	1,184.75
Northern Pink Shrimp Trawl Vessel (Non-transferable)	592.50

Sea Cucumber Diving	296.00
Sea Cucumber Trawl	296.00
Sea Urchin Diving	391.00
Southern Rock Crab Trap	292.00
Spot Prawn Trap Vessel - Tier 1	296.00
Spot Prawn Trap Vessel - Tier 2	296.00
Spot Prawn Trap Vessel - Tier 3	1,184.75

LATE FEES

Commercial Limited Entry Late Fee:

- One to 30 days 125.00
- 31 to 60 days 250.00
- 61 to March 31, 2009 ..... 500.00

Regarding the Rockfish Conservation Areas (RCA) boundaries, please contact the National Oceanic and Atmospheric Administration (NOAA) Fisheries Groundfish Team in Seattle, Washington about NMFS policies and regulations at (206) 526-6150 or www.nwr.noaa.gov.

PACIFIC HALIBUT REGULATIONS

The 2008 commercial season and regulations will be set early in 2008 by the International Pacific Halibut Commission (IPHC). For current regulations, please contact: International Pacific Halibut Commission, P.O. Box 95009, Seattle, WA 98145-2009, (206) 634-1838, Fax (206) 632-2983 or www.iphc.washington.edu/halcom/default.htm.

A free license is required in IPHC Area 2A (all waters off the states of California, Oregon, and Washington) for all commercial vessels and for charter vessels which retain Pacific halibut. Applications are available from the IPHC, or Department offices in Eureka or Fort Bragg.

FEDERAL GROUNDFISH PERMITS

As of January 1, 1994, limited entry permits for groundfish are required aboard all vessels fishing groundfish trawl, longline, and fishpot (trap) gear under the limited entry quota and regulations (limited entry gears). Longline and fishpot vessels without permits, along with all other gear except trawl, are allowed to continue fishing in open access fisheries. Trip limits and other management measures are used in the open access fisheries to keep their harvest within the historic levels of that segment of the fleet not receiving permits. For further information contact: Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE Building #1, Seattle, WA 98115-0700, (206) 526-4353, Fax (206) 526-6736 or www.nwr.noaa.gov.

SALMON REGULATIONS

The National Marine Fisheries Service, Northwest Region, will publish and distribute the ocean salmon fishery regulation booklets containing the complete regulations (50 CFR Part 661) near mid-May. Any in-season changes to the federal regulations will be announced on a telephone hotline at (800) 662-9825 or (206) 526-6667 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

PROHIBITED SPECIES

Specimens of the following groups or species shall not be taken or possessed for commercial purposes:

Invertebrates (FGC §8500, 8598)
All sponges - Phylum Porifera
Jellyfish - *Pelagia* sp.
Corals and anemones, all species - *Coelenterata*
All gorgonians - Order Gorgonacea
Sea Pens - Order Pennatulacea - all species except *Renilla kollikeri*
Featherduster worm - *Eudistylia polymorpha*
Fiddler crab - *Uca crenulata*
Umbrella crab - *Cryptolithodes sitchensis*

Clams and Other Mollusks (FGC §5521, 5521.5, 8343– 8346 and §671, Title 14, California Code of Regulations (CCR))
All species of abalone. All species of abalone. Note that live specimens of genus *Haliotis* (Abalone) may not be possessed, transported or imported, except that *Haliotis rufescens* (Red abalone), *Haliotis sorenseni* (White abalone), *Haliotis corrugata* (Pink abalone), *Haliotis fulgens* (Green abalone), *Haliotis cracherodii* (Black abalone), *Haliotis kamtschatkana* (Pinto abalone), *Haliotis walallensis* (Flat abalone) and *Haliotis assimilis* (Threaded abalone) may be possessed, transported or imported under a permit issued by the department.
Scallops
Rock scallops
Pismo clams
Northern razor clams
All members of the genus *Dreissena* (zebra mussels)
New Zealand mudsnails *Potamopyrgus antipodarum*
Stalked or goose barnacles - *Pollicipes* sp.
Giant acorn barnacle - *Balanus nubilus* or *Balanus aguila*
Owl limpet - *Lottia gigantea*
Coffee bean shells - *Trivia* sp.
Three-winged murex - *Pteropurpura trialata*
Vidler's simnia - *Simnia vidleri*
Queen tegula - *Tegula regina*
Sea slugs - Order Opisthobranchia (including nudibranchs): No sub-class *Opisthobranchia* species may be taken except for the following:
- Sea hares-*Aplysia californica* and *Aplysia vaccaria*
- *Hermissenda crassicornis*
- Lion's mouth - *Melibe leonina*
- *Aeolidia papillosa*
- Spanish shawl - *Flabellina iodinea*

Krill - *Euphausia* shall not be taken or landed for commercial purposes before January 1, 2011.

Vertebrates (FGC §8370-8373, 8380, 8388, 8393, 8430-31, 8435-36, 8598, 8599, and §150.16, 182, 671, Title 14, (CCR))
All shark and ray egg cases
Brown smoothhound sharks - *Mustelus henlei* (less than 18 inches in a whole condition or dressed with head and tail removed)
All poachers - Family Agonidae
Wolf-eel - *Anarrhichthys ocellatus*
California `Sheephead - *Semicossyphus pulcher* (Less than 13 inches)
Garibaldi - *Hypsypops rubicundus*
Leopard shark (less than 36 inches)
Angel shark (must be within size and percentage of load limits--see FGC § 8388 pg. 38)
Giant sea bass* (black sea bass)
White shark*
Basking sharks
Steelhead (sea-run rainbow trout)
Dolly Varden
Sacramento perch
White perch - *Morone americana*
Black bass
Striped bass
White bass - *Morone chrysops*
Trout
Catfish
Pacific bonito (less than 24 inches fork length or 5 pounds)
Silver salmon (Coho)
Crappie
Sunfish
Kelp bass (calico bass)
Barred sand bass
Marlin
Spotted sand bass
Yellowfin croaker
Spotfin croaker
California corbina
Sturgeon
Bluefin tuna (less than 7½ pounds)

* In specific net fisheries an incidental take is allowed (see gill net regulations on page 42)

Live Rocks (FGC §8598)
Rocks with living organisms attached, commonly called "live rocks." Rocks shall not be broken to take marine aquaria species and any rock displaced to access any such species shall be returned to its original position.

IT IS UNLAWFUL TO:

- Pollute the state waters or to discard litter within 150 feet of the high water mark of the waters of the state (FGC §5650, 5652).
- Cause or permit any deterioration or waste of any fish taken in or brought into waters of this state, except for fish offal used in a reduction process or plant (FGC §7704, 5670).
- Sell, purchase, deliver for commercial purposes, or possess any shark fin or shark tail or portion thereof that has been removed from the carcass (with the exception of thresher shark) (FGC §7704).
- Use explosives in fish-inhabited waters except under Commission regulations (FGC §5500).
- Possess on any boat or bring ashore any fish for which a size or weight limit is prescribed in such a condition that its size or weight cannot be determined. The Commission may adopt regulations to establish equivalents under which other than whole fish may be brought ashore (FGC §5508).
- Take shellfish for human consumption from contaminated waters (FGC §5670).
- Take fish for commercial purposes on any commercial passenger fishing vessel operating as a passenger vessel, nor may any fish or amphibian taken under the authority of a sport fishing license on such vessel be sold or purchased (FGC §7121, 8385).
- Disturb or injure any net, trap, or other apparatus being used legally to take fish (FGC §8604).

GENERAL PROVISIONS AFFECTING COMMERCIAL FISHING

- All fish, the taking of which is not otherwise restricted for commercial purposes, by state or federal law or any regulations adopted pursuant to those laws, may be taken at any time for commercial purposes (FGC §8140).
- Nets or traps used in violation of law are subject to seizure and forfeiture but may be retained under bond until disposition by the court (FGC §8630-8633, 12157).
- Only those nets, traps, lines, spears, or appliances specifically authorized for by law may be used to take fish (FGC §8603).
- Commercial fishermen leaving from or landing in any port in California are subject to commercial fishing laws and regulations even if the fishing activity occurs beyond three miles from shore. California laws and regulations also apply to (1) licensed California fishermen fishing within 200 miles of the California coast even if the trip began or ended outside of California, and (2) all fishermen fishing within three miles of the California coast.
- Any person who takes fish or assists in the taking of fish for commercial purposes must have a valid commercial fishing license issued to that person that has not been suspended or revoked (FGC §7850).
- Any vessel used to take fish for commercial purposes must be registered with the Department (FGC §7881).
- Owners and operators of commercial fishing vessels permitted under regulations of the Commission, and Commercial Passenger Fishing vessels licensed pursuant to FGC §7920 shall cooperate with state and federal fishery observers as specified in §105.5, Title 14, of the CCR. (See page 24)

Some regulations refer to the southern boundary of the state as "a westerly extension of the boundary line between the Republic of Mexico and the United States". Per state and federal regulations, this boundary line is the same boundary line as the United States Exclusive Economic Zone (EEZ), as defined by Section 1802 of Title 16 of the United States Code. This line can be seen on official NOAA nautical charts and is the boundary which divides U.S. / state waters and Mexican waters. North of this boundary line, all state laws and regulations and federal regulations apply. Persons fishing illegally outside the EEZ and bringing the illegal catch back to California are in violation of both state and federal law.

COMMERCIAL LICENSES

The Department issues licenses for all commercial fishermen, fishing vessels, passenger fishing boats, and fish businesses in California. Limited entry commercial fishing permits are also issued to prequalified fishermen to take certain species of fish, or use certain gear types, for commercial purposes. Non-restrictive commercial fishing permits are available to all licensed commercial fishermen. Permits or licenses are issued and renewed at all Department offices listed on the inside cover unless otherwise noted.

Applications

Renewal applications are mailed to commercial fishermen and commercial fishing vessel owners licensed with the Department during the previous license year. Applications are available from all Department offices listed on the inside front cover. Please read the instructions before submitting applications and fees. Applicants are required to complete all information requested unless specified as voluntary. Incomplete applications will be returned and could delay the issuance of a license or permit.

Under FGC and Title 14, the Department is authorized to collect information from applicants to maintain a record of licensure. All information requested on applications is mandatory unless otherwise indicated and is confidential pursuant to FGC §8022. This information may be released to any federal agency responsible for fishery management activities, provided the information is used solely for the purposes of enforcing fishery management provisions and provided the information will otherwise remain confidential. The department may also release this information in accordance with Section 391 or pursuant to a court order, to a public or private postsecondary institution engaged in research under the terms of a legally binding confidentiality agreement, or under other conditions as the Commission by regulation may provide.

All forms, logs, books, covers, documents, electronic data, software, and other records of any kind issued or otherwise supplied, directly or indirectly, by the department, the purpose of which is to provide a means for reports, records, or other information to be filed with the department. Inclusive, continue to be the property of the department. Those forms, logs, books, covers, documents, electronic data, software, other records, or portions thereof remain the property of the department whether used, unused, attached, or detached from their original binding, packaging, or other medium and shall be immediately surrendered upon demand to a peace officer of the department acting in his or her official capacity, without being altered in any manner.

An applicant may obtain a copy of his/her license records maintained by the Department by contacting the custodian of records at the Department of Fish and Game, License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834, (916) 928-5822, or e-mail LRB@dfg.ca.gov. All requests for copies of license records must be submitted in writing and include the requester's name, address and telephone number.

Address Changes

Applications to renew commercial fishing licenses, permits, and commercial fishing vessel registrations are mailed to the address the licensee provides on his/her commercial fishing license and/or commercial boat registration. FGC §7857(m) requires licensees to notify the Department of their old and new address within three months of when they move or acquire a new address. Please include your commercial fishing license ID number and your Fish and Game boat number. Mail your address change to the Department of Fish and Game, License and Revenue Branch, 1740 North Market Blvd., Sacramento, CA 95834, or Fax (916) 419-7586. Email: LRB@dfg.ca.gov.

Payment Policy

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

Credit Cards - Licenses, permits, tags, stamps, or registrations may be purchased with a Visa or MasterCard.

Refund Policy

Refunds will not be issued for commercial fishing licenses, boat registrations, stamps or permits. Licenses, registrations, stamps or permits are considered valid from April 1 through March 31 of the year following, or, if issued after the beginning of that term, for the remainder thereof.

Duplicate Licenses or Permits

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

- Submit a signed affidavit stating that the license or permit has been lost or destroyed; and
- Pay an $8.25 fee per document. Affidavits may be obtained and filed at any Department office listed on the inside front cover.

License records will be verified by the Department's License and Revenue Branch in Sacramento or the office where the license or permit was issued as having been issued the original license or permit. Requests for replacement licenses received by mail will be issued within approximately 15 days of receipt by the Department. If no record of the license or permit is found at a Department office, then the applicant must complete an affidavit and pay the full license fee.

Suspension or Revocation of Commercial Fishing Privileges

If you fish under a special permit (including but not limited to sea urchin, lobster, tidal invertebrate, net, etc.) and you are convicted of, or plead guilty or *nolo contendere* to a violation of FGC or Title 14, pertaining to a permit, the Department will seek suspension or revocation of your permit through the Commission. Under certain conditions, commercial fishing privileges may also be permanently revoked.

Any person who has had a commercial fishing license or permit suspended or revoked shall not engage in that fishery or obtain any other commercial fishing license or permit to engage in that fishery while the revocation or suspension is in effect (FGC §7857(i)).

COMMERCIAL FISHING LICENSE REQUIREMENTS

Unless otherwise noted, commercial fishing licenses, registrations, stamps, or permits are valid from April 1 through March 31, or, if issued after the beginning of that term, for the remainder thereof.

Resident Commercial Fishing License

Any resident 16 years of age or older who uses or operates or assists in using or operating any boat, aircraft, net, trap, line, or other appliance to take fish for commercial purposes, or who contributes materially to the activities on board a commercial fishing vessel is required to have a commercial fishing license.

Non-resident Commercial Fishing License

Any non-resident 16 years of age or older who uses or operates or assists in using or operating any boat, aircraft, net, trap, line or other appliance to take fish for commercial purposes or who causes fish to be brought ashore to be sold in a fresh state or who contributes materially to the activities aboard a commercial fishing vessel is required to have a personal commercial fishing license.

Exemptions:
Any person who is employed by a fish receiver to unload fish or fish products, or to load or unload food and supplies, on or from a commercial fishing boat at a dock; and any person working aboard a licensed commercial passenger fishing boat is not required to have a commercial fishing license.

Non-fisherman on Board a Vessel

Every person on board a vessel on which fish are being taken for commercial purposes is required to have a commercial fishing license, except a person who does not contribute to the activities on board or cause any fish to be brought ashore to sell and his/her presence is registered in the vessel log. Any person engaged in any commercial fishing activity must:

- Possess a valid commercial fishing license (FGC §7850);
- Sign his/her commercial fishing license before use (FGC §7857(h));
- Have in his/her possession, or immediately available, his/her valid driver's license or identification card issued by the Department of Motor Vehicles or the entity issuing driver's licenses from his/her state of residence (FGC §7852.27);
- Show his/her commercial fishing license on demand of any officer (FGC §2012); and
- The person to whom the licensee or permit has been issued shall be present when fish are being taken, possessed aboard a commercial fishing boat or landed for commercial fishing purposes. Commercial fishing vessel permit holders or licensees are exempt from this provision (FGC §7857).

Accurate Fish Landing Receipt Information

Recording accurate information on fish landing receipts is required by law, and may directly benefit fishermen. Fish receivers now use fish landing receipts formatted to facilitate electronic scanning, with more accurate gear codes, market categories, and space for fish catch location. The use of fish landing receipts for documenting fishing activity is becoming more common. Fish landing receipts have been used to qualify vessels and licensees in newly established restricted access and limited entry fisheries. It is in your best interest to assure that the information recorded by the fish receiver on your landing receipts is accurate. Please review the fish landing receipt before you sign because it is considered a legal document.

Fishing vessel landing receipt information can only be released to the owner of the vessel at the time the landings were made. Written requests for copies of fish landing receipt records must be submitted by the vessel owner to the Department's Marine Fisheries Statistical Unit, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720. For additional information call (562) 342-7126.

Fishing Activity Records (Logbooks)

The holder of specified commercial fishing permits and/or licenses is required to keep and submit a complete and accurate record of fishing activities on forms provided by the Department. Failure to comply with the record keeping requirements may result in revocation, suspension, or non-renewal of the license or permit for the fishery or species of fish for which the records are required, for a period of up to one year (FGC §8026. Title 14, §190, 195).

Currently, logbooks are required in the sea urchin, sea cucumber, lobster, gill net, trawl, longline, live bait, shrimp, prawn, market squid, swordfish, harpoon, and trap fisheries. Owners or operators of commercial passenger fishing vessels are also required to complete logbooks.

FISH TRANSPORTATION RECEIPTS

Commercial fishermen who are NOT licensed as a Fish Receiver may transport or cause their fish to be transported to a licensed Fish Receiver under the authority of a fish transportation receipt. The accurate weight of each species must be listed on the transportation receipt. Fish transportation receipt books are available from all Department offices listed on the inside front cover.

Exception: Persons licensed as Fish Receivers are not authorized to use fish transportation receipts.

ADDITIONAL LICENSE STAMP REQUIREMENTS FOR COMMERCIAL FISHERMEN

Ocean Enhancement Stamp

Any commercial fisherman, who takes, possesses aboard a commercial fishing vessel, or lands any white seabass south of Point Arguello is required to obtain an ocean enhancement stamp.

Determining the Commercial Fishing Salmon Stamp Fee

The fee for commercial fishing salmon stamps is formulated by law (FGC §7860), based on the total pounds of salmon taken commercially during the previous salmon season, but may not exceed $260. The stamp fees are used to pay for new or expanded salmon enhancement and restoration programs, and to raise Chinook salmon to be released into state waters.

Commercial Fishing Salmon Stamp

A commercial fishing salmon stamp must be purchased and affixed to the California commercial fishing license of any person 18 years of age or older who:

- Renews a salmon vessel permit;
- Takes salmon for commercial purposes; or
- Is on board a vessel on which salmon are being taken or transported for commercial purposes.

Exemptions:
Persons who will be 70 years of age or older as of April 1, 2008, crewmembers fishing under the authority of a "John Doe" Commercial Fishing Salmon Stamp or nonworking persons on board a vessel who are registered in the vessel's log are not required to have a commercial fishing salmon stamp.

Senior Salmon Fishermen

Any commercial fisherman who will be 70 years of age or older as of April 1, 2008, is not required to have a commercial fishing salmon stamp in order to take salmon. In addition, any salmon vessel owner who will be 70 years of age or older as of April 1, 2008 is not required to purchase a commercial fishing salmon stamp in order to renew a salmon vessel permit and is not required to purchase a personal commercial fishing license as long as they do not intend to fish commercially during the 2008-2009 license year. Proof of age (copy of driver's license, Department of Motor Vehicles (DMV) ID, birth certificate, etc.) must be submitted with the application and fees.

PROOF OF VESSEL OWNERSHIP

If you are registering a commercial fishing vessel with the Department, you must provide a copy of the vessel's California DMV undocumented vessel, certificate number, USCG certificate of documentation, or out of state vessel registration from the DMV or other appropriate licensing Department with your commercial boat registration application (FGC §7601).

The Department cannot issue a commercial boat registration without proof of a valid CF number issued by the DMV or document number assigned by the USCG. No other permit, stamp or license can be issued for that vessel without a valid Department commercial boat registration.

Owners of vessels of five net tons or more should contact the USCG for information on vessel documentation.

COMMERCIAL BOAT REGISTRATION REQUIREMENTS

Any resident or non-resident owner or operator is required to obtain a non-transferable commercial boat registration for any of the following vessels:

- Any vessel operated in public waters in connection with fishing operations for profit in this state; and
- A vessel which, for profit, permits persons to sport fish.

All vessels that are performing some aspect of commercial fishing operations whether they are actually fishing or not are required to have a commercial boat registration. For example, the following vessels must be registered with the Department:

- A boat delivering traps, even if the doors are wired open and the traps are not baited
- A boat delivering a herring net to another boat fishing for herring
- A boat with a light attracting market squid for a purse seiner
- Seine skiffs
- A pick-up boat
- Boats rented without an operator whether powered by an inboard or outboard motor

The commercial boat registration must be carried aboard the vessel at all times and posted in a conspicuous place (FGC §7881).

Pursuant to FGC §7881(e), any licensed guide operating under FGC §2535, is not required to obtain a commercial boat registration.

FISH AND GAME VESSEL REGISTRATION NUMBERS

When a boat is first registered with the Department, a permanent Fish and Game vessel registration number is assigned to that vessel and cannot be transferred to any other boat (FGC §7880). Vessel owners are required to display the assigned Department vessel registration number according to the following specifications:

Metal Registration Plates

The metal registration plates previously used to display the vessel registration number are no longer being issued by the Department. However, previously issued plates may continue to be used as long as there is one plate on each side of the vessel and the plates are not damaged. Vessel owners must adhere to the vessel registration number display requirements when:

- One or both metal vessel registration plate(s) have been defaced, mutilated, lost, stolen, or destroyed; or
- The vessel has not previously been registered with the Department.

Printed Registration Number

If metal registration plates have not been issued to the vessel, or they no longer comply with the above specifications, the vessel registration number must be displayed according to the following specifications:

- The vessel registration number, preceded by the letters "FG", must be printed in black Roman letters and Arabic numerals, block style, no less than 2 inches high, of a thickness easily readable from another vessel, and placed on a white background.

Example: FG00000

- The white background must exceed the area of the lettering by a minimum of one (1) inch in all directions, and may be painted directly on the vessel or may be on a separate plate on the outside of the hull on both sides of the vessel.
- The registration number, and the plate it is on, if any, must be permanently affixed to the vessel and maintained in such a condition as to be clearly readable.
- The number must be clearly visible and may not be placed in close proximity to, or in such a manner as to create confusion with, the CF number assigned to boats by the California Department of Motor Vehicles.

LOST, DESTROYED, OR SOLD VESSELS

FGC §7881 requires commercial fishing vessel owners to notify the Department immediately of the loss, destruction, or sale of their vessel. Proof of the loss, or destruction must be provided (i.e., police report, U.S. Coast Guard report, fire report, etc.).

COMMERCIAL PASSENGER FISHING VESSEL LICENSE REQUIREMENTS

Any boat from which persons are allowed to sport fish for a fee is required to have a commercial passenger fishing vessel license, in addition to a commercial boat registration.

Any person operating under a commercial passenger fishing vessel license:

- Is not required to obtain a guide license (FGC §2537).
- Shall obtain a local business license, PUC bond, and U.S. Coast Guard permits, and file appropriate state and federal tax reports.
- Shall not permit any person to fish from that vessel unless that person has a valid sport fishing license and any other required stamp. Violations are prosecuted as misdemeanors.
- Shall cooperate with state and Federal fishery observers at no charge to the sponsoring agency as specified (Title 14, §105.5).

No commercial fishing is permitted on any commercial passenger fishing vessel when operating as a passenger vessel, nor may any fish or amphibian taken under the authority of a sport fishing license on such boat be sold or purchased (FGC §7121, 8385).

Logbook Requirement

Skipper's Logbook - Marine Sportfishing South California or Skipper's Logbook - Marine Sportfishing Central and North California must be completed before the end of each fishing trip.

ADDITIONAL STAMP REQUIREMENTS FOR COMMERCIAL PASSENGER FISHING VESSELS

Commercial Fishing Salmon Stamp

Commercial passenger fishing vessels taking salmon or having salmon on board in ocean waters north of Point Arguello (Santa Barbara County) are also required to have a commercial fishing salmon stamp for the operator and an additional stamp for each crewmember required on board by the U.S. Coast Guard (FGC §7925). (For further information on crewmember requirements, please contact your nearest U.S. Coast Guard office).

Exemption:
Operators and crewmembers working aboard a commercial passenger fishing vessel are not required to a have a commercial fishing salmon stamp when operating as a commercial passenger fishing vessel if the vessel also has a valid commercial salmon vessel permit.

Ocean Enhancement Stamp

Commercial passenger fishing vessels operating south of Point Arguello (Santa Barbara County) are required to have an ocean enhancement stamp (FGC §6596(b)).

Commercial Aircraft Registration

Any owner or operator of an aircraft operated in airspace above public waters in connection with fishing operations for profit in this state is required to obtain a commercial aircraft registration. The registration must be carried aboard the aircraft at all times when the aircraft is used in connection with commercial fishing operations.

Issuing Offices: Los Alamitos, San Diego, and the License and Revenue Branch, Sacramento

Commercial Fishing License Required

Before a non-restrictive or limited entry commercial fishing permit can be issued, an applicant must possess a valid 2008-2009 commercial fishing license (resident or non-resident) (FGC §7857(a)).

NON-RESTRICTIVE COMMERCIAL FISHING PERMITS

Non-restrictive commercial fishing permits may be issued to any licensed commercial fisherman. Permits or licenses are issued and renewed at all Department offices listed on the inside front cover unless otherwise noted. Permits are non-transferable. Unless otherwise specified, the permit year is April 1 through the following March 31. Following is a list of non-restrictive commercial fishing permits:

Anchovy Take

Required for the owner or operator of a vessel to take anchovies for reduction purposes.

Other Restrictions

Anchovy may only be taken pursuant to regulations adopted by the Department of Commerce, National Oceanic and Atmospheric Administration. Annual harvest quotas for United States reduction and non-reduction fisheries will be determined and announced prior to August 1 of each year. Anchovy fishing boats operating in waters south of Point Mugu shall display the Department of Fish and Game vessel registration number in 14-inch black numerals on white background (FGC §8182). Anchovy may be taken in Humboldt Bay under specified conditions for live bait purposes only (FGC §8183).

See page 28 for more information.

Bay Shrimp

Required for the operator of a vessel to use trawl nets and Chinese shrimp nets to take bay shrimp, Oriental goby, plainfin midshipman, long jaw mudsucker, and staghorn sculpin inside of the Golden Gate Bridge in San Francisco Bay.

Logbook Requirement: Bay Shrimp Log.

Coonstripe Shrimp Trap Vessel Permit

Required for the owner of any vessel using traps to take, possess aboard a boat, or land coonstripe shrimp for commercial purposes, must have a valid Coonstripe Shrimp Trap Vessel Permit and a valid General Trap Permit. Title 14, §180.15 established a November 1, 2001 control date. Initial participation in this fishery after November 1, 2001 does not guarantee participation in a future restricted access program should one be developed.

Any person who is issued a 2008-2009 Coonstripe Shrimp Trap Vessel Permit is not guaranteed eligibility under any future restricted access program for this fishery that might be adopted by the Fish and Game Commission.

Other Restrictions

Coonstripe shrimp may not be taken from November 1 through April 30.

See page 31 for more information.

Crayfish

Required in addition to a commercial fishing license when taking crayfish for human consumption. Required in addition to a live fresh water bait fish license for each person taking crayfish for bait (FGC §8491. Title 14, §116, 200.29).

Issuing Office: License and Revenue Branch, Sacramento

Ghost Shrimp

Required for each commercial fisherman operating or assisting in operating hand or engine powered equipment to take ghost shrimp. Commercial fishermen operating under the authority of a ghost shrimp permit must also possess a tidal invertebrate permit.

Issuing Offices: Los Alamitos and Monterey

See page 47 for more information.

Golden and Ridgeback Prawn Trawl

Required for the operator of a vessel to use or possess trawl nets to take golden or ridgeback prawns in ocean waters.

Logbook Requirement: Shrimp/Prawn Trawl Log

Other Restrictions

Ridgeback prawn may be taken under a permit and Commission regulations from October 1 through May 31. Golden prawn may be taken under a permit and Commission regulation at any time. (See Title 14, §120.3, for incidental catch allowance during closed periods.)

See page 47 for more information.

Herring Fresh Fish Market

(Valid November 2 - November 15 and April 1 - October 31)
Required for the owner, lessee, or operator of a vessel in San Francisco or Tomales Bay to take herring for the fresh fish market.

Issuing Office: Sacramento

Herring Ocean Waters

Required for the owner, lessee, or operator of a vessel to take herring in ocean waters.

Issuing Office: Sacramento

Inland or Freshwater Fish

Required for each person to take inland or freshwater fish for commercial purposes.
The following species can be taken under the authority of this permit (FGC §8437, and §226.7(f), Title 14, of the CCR):

Carp or Minnow Family	Mullet Family
Cichlid Family	Sculpin Family
Freshwater Mollusks	Silverside Family
Goby Family	Smelt Family
Killifish Family	Stickleback Family
Lamprey Family	Sucker Family
Livebearer Family	Threadfin Shad

Land California-Caught Fish Outside California Waters

Required for each vessel that delivers fish taken in state waters to points beyond state waters (FGC §7891).

Lobster Crewmember

Required for each person who accompanies and assists any lobster operator permit holder in the commercial take of spiny lobster and who does not qualify for a lobster operator permit. The lobster operator permit holder must be present whenever a lobster crewmember is taking, possessing, or transporting spiny lobster for commercial purposes.

See page 50 for more information.

Marine Aquaria Collector

Required for anyone taking, possessing aboard a boat, or landing any live native marine species specified in FGC §8597 from California waters for marine aquaria pet trade purposes. At least one person aboard each commercial fishing vessel shall have a valid marine aquaria collector permit. Size limits for the commercial take of rockfish and California sheephead are found in §150.16, Title 14, of the CCR.

See page 53 for more information.

Northern Rock Crab Trap

Required for any person using traps to take, possess aboard a vessel, use as bait, or land rock crab, including brown, yellow and red rock crab (*Cancer antennarius*, *Cancer anthonyi*, or *Cancer productus*), for commercial purposes between 42”00’ N. lat. (the Oregon/California border) and 36”00’ N lat. (at Lopez Point, Monterey County). Commercial fishermen operating under the authority of a Northern Rock Crab Trap Permit must also possess a valid general trap permit. At least one Northern Rock Crab Trap Permit holder must be aboard the boat at all times when taking, possessing aboard a boat, using as bait, or landing rock crab using trap gear. If a support vessel is used, a Northern Rock Crab Trap Permit holder must be on each vessel when taking rock crab.

Other Restrictions
Rock Crab (Crabs other than Dungeness):

Only rock crabs 4¼ inches or more in breadth may be taken under a revocable general trap permit and Commission regulations in any waters of the state at any time, except in Districts 9, 19A, 19B, and 21 and those portions of District 20 lying on the north and east sides of Santa Catalina Island north of Southeast Rock. Fishermen must carry and use a measuring device. Rock crab traps made of wire mesh not less than 1 7/8 inch by 3 7/8 inch, inside measurement, with the 3 7/8 inch measurement parallel to the floor of the trap shall have at least one rigid circular opening of not less than 3¼ inches inside diameter in an outside wall of the rearmost chamber of the trap. All other rock crab traps must have two 3¼ inch diameter openings, in the rearmost chamber of the trap and one of such openings shall be located so that at least one-half of the opening is in the upper-half of the trap. All rock crab traps or strings of traps must be marked with buoys bearing the commercial fishing license number issued to the operator of the trap. All traps must be serviced every 96 hours, weather at sea permitting (FGC §8275, 8282, 8284, 9001, 9003-9006, 9011).

See page 62 for more information.

Pacific Mackerel and Sardine

For up to date information on federal regulations and management quotas and allocation/reallocation schemes, see swr.nmfs.noaa.gov/fmd/cpslcps.htm. (See pages 3, 26, 28, 30, 31, 53, 60, and 68 for more information.)

Sea Urchin Crewmember

Required for each person who assists in taking sea urchins and who does not qualify for a sea urchin diving permit. A sea urchin crewmember cannot dive for sea urchins (§120.7, Title 14, of the CCR). See page 69 for more information.

Southern Pink Shrimp Trawl

Required for any commercial fisherman using a trawl net to take, possess aboard a boat, or land pink shrimp for commercial purposes in ocean waters south of a line drawn due west of Point Conception (§120, Title 14, of the CCR).

Logbook Requirement: Shrimp/Prawn Trawl Log

Other Restrictions

Prawns and shrimp may be taken from April 1 through October 31, except for the taking of golden, spot and ridgeback prawns (§120, 120.3, Title 14, of the CCR).

See page 60 for more information.

Swordfish

Required for the owner or operator of a vessel using harpoon or hook-and-line to take swordfish for profit. A swordfish permit will be issued free of charge to individuals with a valid drift gill net permit. At least one person aboard each commercial fishing vessel shall have a valid swordfish permit.

Logbook Requirement: Swordfish Harpoon Log

See page 77 for more information.

Tanner Crab Trap Vessel Permit

Any vessel using traps to take, possess aboard a vessel, or land Tanner Crab for commercial purposes must have a valid Tanner Crab Trap Vessel Permit. Tanner crab taken incidentally in other trap fisheries may not be possessed and must be immediately returned to the water unless the vessel has a valid Tanner Crab Trap Vessel Permit. A Tanner Crab Trap Vessel Permit is not required to incidentally take, possess or land Tanner crab with gear other than trap gear.

See page 78 for more information.

Tidal Invertebrate

Required for each person who takes mollusks, crustaceans, or other invertebrates for commercial purposes in any tidepool or tidal area, including tide flats or other areas between the high tidemark and 1,000 feet beyond the low tidemark (FGC §8500, 8598, and §123, Title 14, of the CCR). Only the following may be taken for commercial purposes:

barnacles (except stalked or goose, and giant acorn)	limpets (except owl)
cockles	mussels
chiones	native oysters
clams (except pismo and northern razor)	octopus
sand crabs	sea hares
sand dollars	shrimp
	starfish
	worms

Lobster, sea cucumber, sea urchin, Dungeness crab, rock crab and market squid cannot be taken under the authority of a tidal invertebrate permit.

Commercial fishermen using powered equipment to take ghost shrimp must also possess a valid tidal invertebrate permit.

See page 80 for more information.

Trap

Required for every person who uses traps to take finfish, mollusks, or crustaceans for profit except spiny lobster and Dungeness crab, as defined in FGC §9001. Dungeness crab can only be taken on vessels that have a valid Dungeness crab vessel permit. Commercial fishermen can only take lobster under the authority of a lobster operator permit. The following species can be taken with a trap permit:

box crab	Kellet's whelk	sablefish
hagfish	octopus	spider crab

Shallow nearshore species may be taken with traps under the authority of a Nearshore Fishery Permit and Nearshore Fishery Trap Endorsement and general trap permit (Title 14, §150, 150.03). Deeper Nearshore Species may be taken with traps under the authority of a Deeper Nearshore Species Fishery Permit and a general trap permit (§150.02, Title 14, of the CCR).

Prawns and shrimp may be taken with prawn or shrimp traps and a general trap permit (FGC §8590-8595, 9000-9006, 9015). Spot prawn may be taken with traps under the authority of a spot prawn trap vessel permit (Tier 1, 2 or 3) and a general trap permit (§180.3, Title 14 of the CCR).

California killifish, long jaw mudsucker, yellowfin goby, shiner perch, and staghorn sculpin may be taken with baitfish traps.

Logbook Requirement: The vessel owner or operator must complete a Daily Trap Log when trapping spot prawn or Daily Sablefish Trap Log when trapping sablefish.

Finfish Trap Requirements (Other Than Hagfish and Sablefish Trap)

- Each person on board the vessel must possess a valid general trap permit.
- If nearshore species are present, at least one person on board the vessel must possess a valid nearshore fishery permit and trap endorsement.
- If deeper nearshore species are present, at least one person on board the vessel must possess a valid deeper nearshore species fishery permit.
- Minimum mesh size of 2 inches by 2 inches, statewide.
- Each buoy must be marked with the fisherman's commercial fishing license number followed by the letter "Z", statewide.
- Traps left in the water overnight must be unbaited from one hour after sunset to one hour before sunrise, with the door secured open.
- Pop-up devices cannot be used.
- Each trap must have a trap destruct device.
- No finfish traps within 750 feet of any pier, breakwall, or jetty.
- No more than 50 traps may be used in state waters along the mainland shore.
- When finfish are present, lobster can only be possessed if each person on board the vessel has a valid lobster permit.
- Lobster and crabs of the genus Cancer, except rock crab, yellow crab, and red crab, cannot be used as bait.

Hagfish Trap Requirements

- Each person on board the vessel must possess a valid general trap permit.
- Pop-up devices cannot be used.
- A maximum of 500 Korean traps or 200 bucket traps can be used each day.
- No other traps allowed when Korean or bucket traps are on board the vessel.
- No species other than hagfish can be taken, possessed, or sold when Korean or bucket traps are on board the vessel.

Sablefish Trap Requirements

- Each person on board the vessel must possess a valid general trap permit.
- Each buoy must be marked with the fisherman's commercial fishing license number followed by the letter "B", statewide.
- South of Point Arguello, Santa Barbara County, traps shall be six feet or less in its greatest dimension, minimum mesh size 2 inches by 2 inches, minimum depth is 200 fathoms.
- South of Point Arguello, Santa Barbara County, no other traps are allowed on board the vessel when fishing for sablefish with traps, except that spot prawn traps may be used under the authority of a spot prawn trap permit. (FGC §9000, 9000.5, 9001.6, 9001.7, 9001.8, and 9006.)

LIMITED ENTRY AND RESTRICTED ACCESS PERMITS

Limited entry and restrictive access permits are issued only to pre-qualified commercial fishermen or vessel owners. "Limited entry fishery" means a fishery in which the number of persons who may participate or the number of vessels that may be used in taking a specified species of fish is limited by statute or regulation (FGC §8100). Permits can be renewed at all Department offices listed on the inside front cover unless otherwise noted. Permits are non-transferable unless otherwise specified and must be renewed annually.

Late Fee

FGC §7852.2

(a) Authorizes the Department to collect a late fee when a commercial fishing permit is renewed after the specified deadline. In addition to the base fee for the license, stamp, permit, or other entitlement, the department shall assess a late fee for any renewal the application for which is received after the deadline, according to the following schedule:

- One to 30 days after the deadline, a fee of $125.
- 31 to 60 days after the deadline, a fee of $250.
- 61 days to March 31, 2009, a fee of $500.

(b) The department shall not waive the applicable late fee. The late fees specified in this section are applicable beginning in the 2008 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(c) The department shall deny any application for

renewal received after March 31 of the permit year following the year in which the applicant last held a valid permit for that fishery.

(d) An applicant who is denied renewal of a late application may submit a written appeal for renewal to the Commission within 60 days of the date of the department's denial. The Commission, upon consideration of the appeal, may grant renewal. If the Commission grants renewal, it shall assess the applicable late fee.

Meeting Fish Landing Requirements

Fish landings used to meet permit eligibility requirements must have been reported to the Department on a fish landing receipt pursuant to FGC §8046, 7857(f). Personal use or transportation receipts will not be accepted as proof of eligibility. Unless otherwise specified, the permit year is April 1 through the following March 31.

Following is a list of limited entry and restricted access commercial fishing permits:

California Halibut Bottom Trawl Vessel Permits

Required for the owner of a commercial fishing vessel using bottom trawl gear to take California halibut.

Renewal Deadline:
Applications must be received, or if mailed, postmarked on or before March 31, 2008 for a 2007-2008 permit. If the application is not received or postmarked by March 31, 2008, the permit is considered expired and permit holders must appeal in writing to the License and Revenue Branch in Sacramento for reinstatement.

Renewal Requirements:
To qualify for a 2008-2009 California Halibut Bottom Trawl Vessel Permit, an applicant must have possessed a valid 2007-2008 California Halibut Trawl Vessel Permit. Applicant must have possessed a valid 2007-2008 California Halibut Bottom Trawl Vessel Permit in order to apply for a 2008-2009 permit.

Renewal Deadline:
Applications must be received or if mailed. Postmarked on or before March 31, 2009, for a 2008-2009 permit. If the application is not received or postmarked by March 31, 2009, the permit is considered expired and permit holders must appeal in writing to the License and Revenue Branch in Sacramento for reinstatement.

Logbook Requirement: Federal Groundfish Trawl Log

See page 49 for more Information.

Deeper Nearshore Species Fishery Permit

Required for any person taking, possessing aboard a vessel, or landing black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, olive rockfish, quillback rockfish and treefish. Title 14 §150.02, established a December 31, 1999 control date. Initial participation in this fishery after December 31, 1999 may not guarantee participation in a future restricted access program.

Any applicant who is issued a 2008 -2009 Deeper Nearshore Species Fishery Permit is not guaranteed eligibility under any future restricted access program for this fishery that might be adopted by the Fish and Game Commission.

Renewal Deadline:
Applications must be received, or if mailed, postmarked on or before April 30, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, 61 days after to March 31, 2009, a fee of 500. If the application is not received or postmarked on or before March 31, 2009, the permit is considered expired and permit holders must appeal in writing to the License and Revenue Branch in Sacramento for reinstatement.

Renewal Requirementss:
To qualify for a 2008-2009 Deeper nearshore Species Fishery Permit, an applicant must have possessed a valid 2007-2008 Deeper Nearshore Species Fishery Permit.

PLEASE NOTE:
A control date of December 31, 1999 was established for the purpose of considering a future restricted access program for this fishery. Any applicant who is issued a 2008-2009 Deeper Nearshore Species Fishery Permit is not guaranteed eligibility under any future access program for this fishery that might be adopted by the Commission.

See page 56 for more information.

Drift Gill Net (Shark and Swordfish) Permit

Required for the operator of a vessel using drift gill nets to take shark and swordfish. At least one person aboard each commercial fishing vessel shall have a valid drift gill net permit when engaged in operations authorized by the permit.

Renewal Deadline:
Applications must be received, or if mailed postmarked on or before April 30, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. If the application is not received or postmarked by March 31, 2009, the permit is considered expired and permit holders must appeal in writing to the License and Revenue Branch in Sacramento for reinstatement.

Renewal Requirements:
Applicant must: a) have possessed a valid 2007-2008 Drift Gill Net Permit (shark and swordfish); and b) possess a valid 2008-2009 General Gill/Trammel Net Permit.

Logbook Requirement: Gill and Trammel Net Log

Permit Transfers: Refer to FGC §8561.5

See page 31 for more information.

Dungeness Crab Vessel Permit (Resident and Non-resident)

Required for an owner of a registered commercial fishing vessel using Dungeness crab traps to take Dungeness crab for commercial purposes.

Renewal Deadline:
Applications must be received, or if mailed, postmarked on or before April 30, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. If the application is not received or postmarked on or before March 31, 2009, the permit is considered expired and permit holders must appeal in writing to the License and Revenue Branch in Sacramento for reinstatement.

Renewal Requirements:
The owner must possess a valid: a) 2008-2009 commercial fishing license (resident or non-resident); b) 2008-2009 commercial boat registration (resident or non-resident) for the qualified vessel; and c) have possessed a valid 2007-2008 Dungeness crab vessel permit. The vessel owner must purchase a commercial fishing license even if he/she does not intend to commercially fish during the 2008-2009 license year (FGC §7857(a), 8280.(2)(e)).

Other Requirements:
Permits may ONLY be issued to the owner of the permitted vessel (as designated on U.S. Coast Guard Certificate of Documentation or the Department of Motor Vehicles vessel registration).

Permit Transfers: Refer to FGC §8280.3.
Contact the Marine Region at (831) 649-2870.

Other Restrictions:
Only male crabs 6¼ inches or more in breadth may be taken in ocean waters between December 1 and July 15, in Districts 6, 7, 8, and 9 and between November 15 and June 30 in all other districts, except that crabs may not be taken commercially from the estuary of the Eel River, Humboldt Bay, or from the ocean within a one-mile radius of their mouths, or from Crescent City Harbor, Trinidad Bay, or Bodega Lagoon. Every crab trap must have two 4¼ inch diameter escape openings. If side openings are used, one of such openings shall be located so that at least one-half of the opening is in the upper-half of the trap (FGC §8275-8283, 9011). Not more than one percent in number of any load or lot of crabs may be less than 6¼ inches but not less than 5 3/4 inches in breadth (FGC §8278).

All Dungeness crab traps must be marked with buoys bearing the commercial fishing license number issued to the trap operator. In districts 6, 7, 8, and 9, no Dungeness crab trap may be attached to another trap or traps by a common line. No rock crab may be possessed aboard any vessel being used to take Dungeness crab (FGC §8275-8278, 8284, 9003-9006, 9011).

See page 34 for more information.

General Gill/Trammel Net Permit

Required for the owner or operator of a currently registered commercial fishing vessel to use a gill or trammel net. At least one person aboard each commercial fishing vessel shall have a valid general gill net permit when engaged in operations authorized by the permit.

Renewal Requirements:
To qualify for a 2008-2009 General Gill/Trammel Net Permit, an applicant must have possessed a valid 2007-2008 General Gill/Trammel Net Permit.

Renewal Deadline:
Applications must be received or if mailed. Postmarked on or before March 31, 2009, for a 2008-

2009 permit. If the applications is not received or postmarked by March 31, 2009, the permit is considered expired and permit holders must appeal in writing to the License and Revenue Branch in Sacramento for reinstatement.

Logbook Requirement: Gill and Trammel Net Log

Issuing Offices: Los Alamitos, Monterey, and San Diego

Permit Transfers: Refer to FGC §8681.5

Other Restrictions
Any net or line that is anchored to the bottom on each end and is not free to drift with the tide or current is a set net or set line. Fyke, shrimp, or crab nets are not set nets (FGC §8601). Yellowtail and barracuda may be taken by gill nets with 31/2 inch mesh or greater, but may not be taken or possessed on boats carrying purse seine or round haul nets. (See Title 14 for fish taken in Mexican waters and brought into California under Commission regulations FGC §8623. Title 14, §28.25, 109).

White seabass may be taken by gill or trammel nets with meshes of a minimum length of six inches, however, during the period from June 16 to March 14, inclusive, not more than 20 percent by number of a load of fish may be white seabass 28 inches or more in total length, up to a maximum of 10 white seabass per load, if taken in gill nets or trammel nets with meshes from 31/2 to 6 inches in length (FGC §8623).

See page 42 for more information.

Lobster Operator Permit
Required for each person who takes, possesses, or transports lobsters while on any boat, barge, or vessel, or who uses or operates any boat, net, trap, line, or other appliance to take lobsters for profit.

Renewal Deadline:
Applications must be received, or if mailed postmarked on or before April 30, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. If the application is not received or postmarked by March 31, 2009, the permit is considered expired and permit holders must appeal in writing to the License and Revenue Branch in Sacramento for reinstatement.

Renewal Requirements:
To qualify for a 2008-2009 Lobster Operator Permit, an applicant must have possessed a valid 2007-2008 Lobster Operator Permit.

A non-transferable Lobster Operator Permit becomes null and void upon the death of the permittee.

Logbook Requirement: Daily Lobster Fishing Log

Applying To Transfer a Lobster Operator Permit:
Beginning April 1, 2008, there is no limit on the number of transfers that may be processed during any license year. Note: Transfer applications for Lobster Operator Permits may not be postmarked prior to April 1, 2008.

Permit Transfers:
Refer to www.dfg.ca.gov/licensing/commercial/lobsterinfo.html or call (916) 958-5816.

Other Restrictions:
Lobsters may be taken only in traps, for fresh consumption, under permit and Commission regulations, in Districts 18, 19, 20A, and District 20 south of Santa Catalina Island between Southeast Rock and China Point, from the first Wednesday in October through the first Wednesday after March 15, with body shell 3 ¼ inches or more in length. Fishermen must carry and use a measuring device (FGC §8250-8259). Only Kellet's whelk, octopus and crab (except Dungeness crab) may be taken incidentally in lobster traps. Traps must be marked with buoys bearing the lobster permit number, emptied at least every 96 hours, and must not be abandoned. Wire traps shall be constructed only with rectangular mesh not less than 1 7/8 inches by 3 7/8 inches inside measurement, with the 3 7/8 inches measurement parallel to floor of trap. Such traps shall be fitted with rigid rectangular escape gaps with inside measurements not less than 2 3/8 inches by 11½ inches. Traps of lath or other material must have 2 3/8 inches openings the length of two sides of trap, not more than 2 inches above and parallel to the floor of the trap.

See page 50 for more information.

Market Squid Permit
Required for any vessel engaged in taking squid, landing squid, or attracting squid by light for commercial purposes, must have a valid market squid permit issued for use on a designated vessel. Vessels taking less than two tons of squid per calendar day or vessels taking squid for live bait purposes only are exempt from the permit requirements (Title 14, §149).

Market Squid Vessel Permit: authorizes only the use of round haul gear, including purse seine, drum seine and lampara nets, and brail gear, including dip and scoop nets. Lights may also be used as specified in regulation to aggregate squid for purposes of commercial harvest. No other commercial gear is authorized.

Market Squid Brail Permit: authorizes only the use of brail gear, including dip and scoop nets. Lights may also be used as specified in regulation to aggregate squid for purposes of commercial harvest. No other commercial gear is authorized.
Market Squid Light Boat Permit: authorizes only the use of lights as specified in regulation to aggregate squid for purposes of commercial harvest. No other commercial gear is authorized. To commercially land squid, either a Market Squid Vessel Permit or a Market Squid Brail Permit is required. To light squid for purposes of commercial harvest, either a Market Squid Vessel Permit, a Market Squid Brail Permit or a Market Squid Light Boat Permit is required.

Renewal Deadline:
Applications and permit fees for renewal of Market Squid Vessel Permits, Market Squid Brail Permits, and Market Squid Light Boat Permits must be received by the Department, or if mailed, postmarked on or before April 30, 2008. Applications and permit fees for renewal of Market Squid Vessel Permits, Market Squid Brail Permits, and Market Squid Light Boat Permits received by the Department, or if mailed, postmarked from May 1 through May 31, 2008, will be assessed a $250 late fee. Applications and permit fees for renewal of Market Squid Vessel Permits, Market Squid Brail Permits, and Market Squid Light Boat Permits received by the Department or postmarked after May 31, 2008, will be denied by the Department and returned to the applicant.

Renewal Requirements:
Before a Market Squid Vessel Permit, Market Squid Brail Permit, or Market Squid Light Boat Permit can be renewed, the vessel owner must purchase a 2008-2009 Commercial Fishing License and a 2008-2009 Commercial Boat Registration for the qualified vessel; and have possessed a valid 2007-2008 Market Squid Vessel Permit, Market Squid Brail Permit, or Market Squid Light Boat Permit.

Non-transferable Market Squid Vessel Permits become null and void upon the death of the permit holder. (Title 14, §149.1(a)(2)(E))

Non-transferable Market Squid Brail Permits become null and void upon the death of the permit holder. (Title 14, §149.1(a)(4)(E))

Non-transferable Market Squid Light Boat Permits become null and void upon the death of the permit holder. (Title 14, §149.1(a)(6)(E))

Logbook Requirement: Pursuant to §149, Title 14, any person who possesses a valid Market Squid Vessel Permit, Market Squid Brail Permit, or Market Squid Light/Brail Boat Permit shall complete and submit an accurate record of his/her squid fishing/lighting activities on a form (Market Squid Vessel Logbook or Market Squid Light Boat Logbook, provided by the Department, as appropriate to the type of fishing activity. Logbook records shall be transmitted to the Department on or before the 10th day of each month following the month that fishing activity occurred.

Permit Transfers: Refer to §149.1, Title 14, CCR.

See page 72 for more information.

Nearshore Fishery Permits
Any person using hook and line to take, possess aboard a vessel, or land black-and-yellow rockfish, gopher rockfish, kelp rockfish, California scorpionfish, greenlings of the genus Hexagrammos, China rockfish, grass rockfish, California sheephead, and cabezon, must have a valid 2008-2009 Nearshore Fishery Permit for one of the regional management areas described in Title 14, §52.04, CCR. See Title 14 CCR §150(1) for additional gear authorization.

Renewal Deadlines:
Applications must be received at a Department office, or if mailed, postmarked on or before April 30, 2008. Applications, received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. Applications received or postmarked after the March 31, 2009 deadline will be returned to the applicant who may appeal the late application in writing to the Department.

Renewal Requirements:
Applicants must possess a valid 2008-2009 Commercial Fishing License and have possessed a valid 2007-2008 Nearshore Fishery Permit.

Permits can only be renewed for the regional management area and in the category (transferable or non-transferable) that they were originally issued.

North Coast Region Nearshore Fishery Permits (Transferable/Non-transferable)
To qualify for a transferable or non-transferable 2008-2009 North Coast Region Nearshore Fishery Permit the applicant must have possessed a valid 2007-2008 North Coast Region Nearshore Fishery Permit.

North-Central Coast Region Nearshore Fishery Permits (Transferable/Non-transferable)
To qualify for a transferable or non-transferable 2008-2009 North-Central Coast Region Nearshore Fishery Permit the applicant must have possessed a valid 2007-2008 North-Central Coast Region Nearshore Fishery Permit.

South-Central Coast Region Nearshore Fishery Permits (Transferable/Non-transferable)
To qualify for a transferable or non-transferable 2008-2009 South-Central Coast Region Nearshore Fishery Permit the applicant must have possessed a valid 2007-2008 South-Central Coast Region Nearshore Fishery Permit.

South Coast Region Nearshore Fishery Permits (Transferable/Non-transferable)
To qualify for a transferable or non-transferable 2008-2009 South Coast Region Nearshore Fishery Permit the applicant must have possessed a valid 2007-2008 South Coast Region Nearshore Fishery Permit.

Permit Transfers: Refer to Title 14, §150(g).

A non-transferable Nearshore Fishery Permit becomes null and void upon the death of the permit holder. (Title 14, §150(e)(5)).

See page 54 for more information.

Nearshore Fishery Trap Endorsements:
Required for any person using trap gear to take black-and-yellow rockfish, gopher rockfish, kelp rockfish, California scorpionfish, greenlings of the genus Hexagrammos, China rockfish, grass rockfish, California sheephead, and cabezon.

Renewal Deadline:
Applications must be received at a Department office, or if mailed, postmarked on or before April 30, 2008. Applications, received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. Applications received or postmarked after the March 31, 2009 deadline will be returned to the applicant who may appeal the late application in writing to the Department.

Renewal Requirements:
An applicant must purchase a 2008-2009 Nearshore Fishery Permit, a 2008-2009 General Trap Permit, and have possessed a valid 2007-2008 Nearshore Fishery Trap Endorsement.

Endorsements can only be renewed for the regional management area and in the category (transferable or non-transferable) that they were originally issued.

North-Central Coast Region Trap Endorsement (Transferable/Non-transferable)
The applicant must a) possess a valid transferable 2008-2009 North-Central Coast Region Nearshore Fishery Permit, b) possess a valid 2008-2009 General Trap Permit, and c) possessed a valid 2007-2008 North-Central Coast Region Trap Endorsement.

South-Central Coast Region Trap Endorsement (Transferable/Non-transferable)
The applicant must a) possess a valid transferable or non-transferable 2008-2009 South-Central Coast Region Nearshore Fishery Permit, b) possess a valid 2008-2009 General Trap Permit, and c) possessed a valid 2007-2008 South-Central Coast Region Trap Endorsement.

South Coast Region Trap Endorsement (Transferable/Non-transferable)
The applicant must a) possess a valid transferable or non-transferable 2008-2009 South Coast Region Nearshore Fishery Permit, b) possess a valid 2008-2009 General Trap Permit, and c) possessed a valid 2007-2008 South Coast Region Trap Endorsement.

Permit Transfers: Refer to Title 14, §150(g).

A non-transferable Nearshore Fishery Trap Endorsement becomes null and void upon the death of the permittee. (Title 14, §150.03(c)(5)).

See page 57 for more information.

Nearshore Fishery Bycatch Permits
Required for any person using trawl or entangling nets (gill and trammel nets) to take black-and-yellow rockfish, gopher rockfish, kelp rockfish, California scorpionfish, greenlings of the genus Hexagrammos, China rockfish, grass rockfish, California sheephead, and cabezon.

Renewal Deadline:
Applications must be received at a Department office, or if mailed, postmarked on or before April 30, 2008. Applications, received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. Applications received or postmarked after the March 31, 2009 deadline will be returned to the applicant who may appeal the late application in writing to DFG.

Renewal Requriements:
To Qualify for a Nearshore Bycatch Permit, an applicant must have possessed a valid 2007-2008 Nearshore Fishery Bycatch Permit.

Other Restrictions:
The take of nearshore fish stocks under a nearshore fishery bycatch permit is limited to:

Management Area	Pounds Per Trip
North Coast Region	0 pounds per trip
North-Central Coast Region	0 pounds per trip
South-Central Coast Region	25 pounds per trip
South Coast Region	50 pounds per trip

Nearshore Fishery Bycatch permit holders cannot exceed federal or state cumulative trip limits.

Nearshore Fishery Bycatch Permits are non-transferable and become null and void upon the death of the permittee. (Title 14, §150.05(c)).

See page 58 for more information.

Pacific Herring Permit
Required for qualified persons on specific vessels to take herring for commercial purposes.

Renewal Deadline:
Applications must be received on or before October 3, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. Applications received or postmarked after the March 31, 2009 deadline will be returned to the applicant who may appeal the late application in writing to Fish and Game Commission.

Renewal Requirements:
Applicant must submit a copy of his/her 2008-2009 commercial boat registration (resident or non-resident), and 2008-2009 commercial fishing license (resident or non-resident), and must have possessed a previous year permit.

Issuing Office: Sacramento
Permit Transfers: Refer to FGC §8552.2

Herring Stamp:
Any herring permit holder taking herring for commercial purposes in San Francisco Bay must purchase a herring stamp before a herring permit can be issued.

Issuing Office: Sacramento

Northern Pink Shrimp Trawl Vessel Permit (Transferable/Non-transferable)
Required for an owner of a registered commercial fishing vessel using trawl nets to take pink shrimp for commercial purposes north of a line drawn due west of Point Conception. (Title 14, §120.01).

Renewal Deadline:
Applications must be received, or if mailed postmarked on or before April 30, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. If the application is not received or postmarked by March 31, 2009 the permit is considered expired and permit holders must appeal in writing to the Commission for reinstatement. Permits can only be renewed in the category (transferable or non-transferable) that they were issued.

Renewal Requirements:
Before a Northern Pink Shrimp Trawl Vessel Permit can be renewed the owner must possess a valid: a) 2008-2009 commercial fishing license (resident or non-resident); b) 2008-2009 commercial boat registration (resident or non-resident); and c) have possessed a valid 2007-2008 Northern Pink Shrimp Trawl Vessel Permit.

Logbook Requirements: Shrimp/Prawn Trawl Log.
Permit Transfers: Refer to Title 14, §120.01(e).

A non-transferable Northern Pink Shrimp Trawl Vessel Permit becomes null and void upon the death of the permittee. (Title 14, §150.03(c)(5)).

See page 60 for more information.

Salmon Vessel Permit

Required for an owner of a registered commercial fishing vessel used to take salmon for commercial purposes.

Renewal Deadline:
Applications must be received at a Department office, or if mailed, postmarked on or before April 30, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after the deadline to March 31, 2009, a fee of $500. Applications received or postmarked after the March 31, 2009 deadline will be returned to the applicant who may appeal the late application in writing to the Department.

Renewal Requirements:
No new permits are available at this time. Before a salmon vessel permit can be renewed the owner or the owner's agent must possess a valid: a) 2008-2009 commercial fishing license (resident or non-resident); b) 2008-2009 commercial boat registration (resident or non-resident); and c) have possessed a valid 2007-2008 salmon vessel permit. Vessel owners less than 70 years of age as of April 1, 2008 or their agents are required to purchase a 2008-2009 commercial fishing license, even if the owner does not intend to commercially fish for any species during the 2008-2009 license year or if there is a restricted commercial salmon fishing season.

Other Renewal Requirements:
Permits may ONLY be issued to the owner of the permitted vessel (as designated on USCG certificate of documentation or the Department of Motor Vehicles vessel registration) or to the owner's agent. A letter signed by the owner designating the agent must be submitted with the Commercial Boat Registration Application for the salmon vessel.

Exemptions For Vessel Owners 70 Years Of Age Or Older As Of April 1, 2008:
Salmon vessel owners 70 years of age or older as of April 1, 2008, are not required to purchase a commercial fishing license to renew their salmon vessel permit if he/she does not intend to fish commercially during the 2008-2009 license year. A salmon vessel owner who designates an agent 70 years of age or older must purchase a commercial fishing license before a salmon vessel permit can be issued unless the vessel owner is also 70 years of age or older as of April 1, 2008. Proof of age (copy of driver's license, Department of Motor Vehicles ID, birth certificate, etc.) must be submitted with the application and fees.

Owners of commercial passenger fishing vessels are still required to obtain a Commercial Boat Registration and Commercial Passenger Fishing Vessel License if they will allow anglers to sport fish for a fee for salmon from their vessel.

Non-renewal Notice to Salmon Vessel Owners Discontinued:
The Department will not be mailing notices to the owners of commercial salmon vessels that have not renewed their current year permit by April 20 of each year (FGC §8235).

Owners of More Than One Salmon Vessel:
The first commercial fishing salmon stamp issued to the owner or owner's agent to renew a salmon vessel permit must be affixed to that person's commercial fishing license. Any commercial fishing salmon stamps purchased by that person to renew additional salmon vessel permits must be affixed to the commercial boat registration of each additional vessel (FGC §8234(b)).
"John Doe" Commercial Fishing Salmon Stamp: Vessel owners or their agents may submit a "John Doe" commercial fishing salmon stamp application when renewing their salmon vessel permit or may apply at a later date. "John Doe" commercial fishing salmon stamps are issued for use on a particular vessel and cannot be transferred from vessel to vessel. The person whose name is listed last on the "John Doe" commercial fishing salmon stamp application shall be the designated crewmember and exempt from having a commercial fishing salmon stamp affixed to his/her commercial fishing license. Only one licensed commercial fisherman can be designated as a crewmember for each fishing trip.

Transfer of Salmon Vessel Permits:

The owner of a permitted salmon vessel may submit a request to transfer the permit to another vessel with the same or less fishing potential.

Transfer applications may be obtained from the Department, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940, (831) 649-7100. The vessel owner must complete the transfer application and submit it to the Department with a nonrefundable transfer fee.

If a salmon vessel is lost, stolen or destroyed, an application to transfer the vessel permit must be submitted within one year of the incident. Only the permittee at the time of the loss, theft, or destruction of the vessel may apply for the transfer of the vessel permit. (FGC §8239.1)

Other Restrictions:
The vessel permit must remain with the vessel upon change of ownership. The vessel permit shall be physically attached to the vessel and clearly visible at all times (FGC §8230-8248).

It is unlawful to take salmon for commercial purposes in Districts 8 and 9 at the mouth of Humboldt Bay and in those portions of Districts 6 and 7 within three nautical miles north and south of a line drawn due west for three nautical miles from the center of the mouth of that bay (FGC §8214).

Salmon may not be taken for commercial purposes in District 6 at the mouths of the Smith and Klamath Rivers within three nautical miles north and south of a line drawn due west for three nautical miles from the center of the mouth of each of those streams, or during the months of August and September in District 7 at the mouth of the Eel River within two nautical miles north and south of a line drawn due west for two nautical miles from the center of the mouth of that stream (FGC §8219).

Salmon may only be taken by hook and line under the authority of a commercial fishing license and commercial fishing salmon stamp (FGC §7852, 7860, 8210.2, 8217).

Undersized salmon may not be possessed or injured (FGC §8218).

Upon request of any Department official, the head from any commercially caught salmon with a missing adipose fin may be immediately taken by the official, at no charge to the Department or the official, for recovery of any embedded coded-wire tag. The adipose fin is the small fleshy fin between the dorsal fin and the tail on a salmon (FGC §8226).

Regulations regarding size limits, seasons, special area closures, gear restrictions, quotas, and hold inspections are dependent upon the status of the resources and regulations promulgated by the U.S. Secretary of Commerce (FGC §7652). Regulations are subject to change throughout the season and permit holders should contact the nearest Department office prior to fishing to determine current salmon fishing regulations.

Taking Salmon for Sport Purposes on a Commercial Salmon Vessel: FGC §8232.5 prohibits taking salmon for sport purposes on a commercial salmon vessel EXCEPT if the vessel is also registered as a commercial passenger fishing vessel and meets one of following conditions:

- The vessel is actually engaged in the business as a commercial passenger fishing boat;
- Salmon are not taken on the boat for both commercial and sport purposes on the same day; and
- The vessel has complied with all other local, state, and federal laws related to operating a commercial passenger fishing boat.

Salmon can also be taken for sport purposes on a permitted salmon vessel in the Klamath Management Zone (KMZ) when the vessel is used for sport purposes while the commercial salmon season is closed or 24 hours after the commercial season closes in the KMZ, as designated by the federal Pacific Fishery Management Council. The KMZ is defined as that area from Humbug Mountain, Oregon, to Horse Mountain, California. Fort Bragg is not part of the KMZ.

See page 63 for more information.

Sea Cucumber Permit (Diving or Trawl)

When taking sea cucumbers by diving, each diver must have a valid sea cucumber diving permit issued to that person. When taking sea cucumbers by methods other than diving, at least one person aboard each commercial fishing vessel must have a valid sea cucumber trawl permit.

Renewal Deadline:
All applications must be received at a Department office, or if mailed, postmarked on or before April 30, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. If the application is not received or postmarked by March 31, 2009, the permit is considered expired and permit holders must appeal in writing to the License and Revenue Branch in Sacramento for reinstatement.

Renewal Requirements:
Applicant must have possessed a valid 2007-2008 sea cucumber diving or trawl permit. The gear type used to take sea cucumbers is non-transferable. Permits can only be renewed in the gear type that they were originally issued.

Logbook Requirement: Permit holders using trawl nets are required to complete and submit an accurate record of fishing activities on a Shrimp/ Prawn Trawl Log. A diver must complete and submit a commercial dive fishing log.

Permit Transfers: Refer to FGC §8405.2

See page 68 for more information.

Sea Urchin Diving Permit

Required for each commercial fisherman who takes sea urchins for profit.

Renewal Deadline:
Applications must be received, or if mailed, postmarked on or before June 30, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. If the application is not received or postmarked by March 31, 2009 the permit is considered expired and permit holders must appeal in writing to the License and Revenue Branch in Sacramento for reinstatement.

Renewal Requirements:
Applicant must have possessed a valid 2007-2008 sea urchin diving permit.

Logbook Requirement: Vessel operator is required to keep a Commercial Dive Fishing Log. For fishing north of the Monterey-San Luis Obispo County line, logs must be sent to the Department's Fort Bragg office. For fishing south of the Monterey-San Luis Obispo County line, logs must be sent to the Department's Los Alamitos office. Logs must be submitted on or before the 10th of each month following the month to which the records pertain.

Other Restrictions:
Rakes, airlifts, or other hand held appliances may be used to take sea urchins, under a revocable non-transferable permit issued by the Department and subject to such regulations as may be prescribed by the Commission (FGC §9054). Red sea urchins may be taken only on Monday, Tuesday, Wednesday, and Thursday in April, May, September, and October and on Monday, Tuesday, and Wednesday in June and August. During the month of July, red sea urchins may be taken only on Mondays and Tuesdays. Minimum commercial size limits: 3½ inch diameter south of the Monterey-San Luis Obispo County line: 3¼ inch diameter north of that line. Up to 30 undersize red sea urchins may be in any load.

Sea Urchin Diving Permit Drawing Requirements:

New permit holders will be selected by random drawing. A drawing will not be held if there are no new permits available.

Eligibility Requirements:
Applicants must be 16 years of age or older, possess a valid 2008-2009 California commercial fishing license and have possessed a valid 2006-2007 and 2007-2008 sea urchin crewmember permit. Each applicant who meets the above stated requirement shall be assigned one random number. One additional random number shall be assigned to each applicant for each additional year they possessed a valid sea urchin crewmember. Not more than five random numbers shall be assigned to any applicant for each drawing.

Applications:
Applications are available from any Department office listed on the inside front cover.

Deadline to Apply:
Applications must be received, or if mailed, postmarked on or before June 30, 2008. Each applicant may submit only one application. Applicants submitting more than one application will be disqualified from the drawing.

Where to Apply: Applications will be accepted only at the Department's License and Revenue Branch, 1740 North Market Blvd, Sacramento, CA 95834. Applications submitted to other Department offices will not be entered in the drawing.

DO NOT SEND PERMIT FEE WITH APPLICATION.
Drawing Date: August 20, 2008.

Deadline to Submit Permit Fee:
Successful applicants will be notified by certified mail. Payment of the $391 permit fee must be received on or before September 25, 2008.

Number of Permits Available:
If the number of diving permits issued to prior permittees is more than 300, the total number of sea urchin diving permits available for issuance is one-tenth of the difference between the number of sea urchin diving permits issued during the current permit year and the number of sea urchin diving permits issued during the immediately preceding permit year (April 1, 2007 through March 31, 2008). If the number of diving permits issued to prior permittees is less than 300, the number of new sea urchin diving permits available is the difference between the number of permits renewed by prior urchin permittees and 300. Individuals who held a valid 2007-2008 sea urchin diving permit are eligible to renew their permits, regardless of the number issued.

For more information refer to Title 14, §120.7(e)(2) on page 69.

Southern Rock Crab Trap Permit

Required for any person using traps to take, possess aboard a vessel, use as bait, or land rock crab, including brown, yellow and red rock crab (*Cancer antennarius*, *Cancer anthonyi*, or *Cancer productus*), for commercial purposes south of 36° N. lat. (at Lopez Point, Monterey County). At least one Southern Rock Crab Trap Permit holder must be aboard the boat at all times when taking, possessing aboard a boat, using as bait, or landing rock crab using trap gear. If a support vessel is used, a Southern Rock Crab Trap Permit holder must be on each vessel when taking rock crab.

Renewal Deadline:
All applications and permit fees for renewal of a southern rock crab trap permit shall be received by the Department, or if mailed, postmarked on or before April 30, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. Applications for renewal of a southern rock crab trap permit received or postmarked after March 31, 2009 shall be returned to the applicant.

Renewal Requirements:
Applicants must have possessed a valid 2007-2008 Southern Rock Crab Trap Permit and possess a 2008-2009 trap permit.

PLEASE TAKE NOTICE:
A control date of January 1, 2003, was established for the purpose of considering a future restricted access Southern Rock Crab Trap Fishery. Participation in this fishery after January 1, 2003, may not guarantee participation in a future restricted access program.

Any applicant who is issued a 2008-2009 Southern Rock Crab Trap Permit is not guaranteed eligibility under any future restricted access program for this fishery that might be adopted by the Fish and Game Commission.

See page 62 for more information.

Spot Prawn Trap Vessel (Tier 1, 2, 3)

Required for an owner of a registered commercial fishing vessel using traps to take spot prawn for commercial purposes (Title 14, §180.03).

Renewal Deadline:
Applications must be received, or if mailed postmarked on or before April 30, 2008. Applications received one to 30 days after the deadline, a fee of $125, 31 to 60 days after the deadline, a fee of $250, and 61 days after to March 31, 2009, a fee of $500. If the application is not received or postmarked by March 31, 2009 the permit is considered expired and permit holders must appeal in writing to the Commission for reinstatement.

Renewal Requirements:
Before a Spot Prawn Trap Vessel Permit can be renewed the owner must possess a valid: a) 2008-2009 Commercial Fishing License (resident or non-resident); b) 2008-2009 Commercial Boat Registration (resident or non-resident) for the qualified vessel; c) 2008-2009 General Trap Permit; and d) have possessed a valid 2007-2008 Spot Prawn Trap Vessel Permit (Tier 1, Tier 2 or Tier 3).

Permits can only be renewed in the category (Tier 1, Tier 2 or Tier 3) that they were originally issued. Tier 1 Permit Transfer: Refer to Title 14, §180.03. Tier 2 and Tier 3 Permits become null and void upon the death of the permittee.

See page 71 for more information.

Other Restrictions for Tier 1 and Tier 3 Permittees:
Maximum of 500 traps except that not more than 300 traps may be used from any vessel to take spot prawns within three miles of the mainland shore between a line drawn due west from Point Arguello, Santa Barbara County, and the California-Oregon boundary.

Other Restrictions for Tier 2 Permittees:
May use a maximum of 150 traps at any one time and not land more than 5,000 pounds of spot prawn during any permit year.

COMMERCIAL FISH BUSINESS LICENSE REQUIREMENTS

All businesses and commercial fishermen who accept seafood for commercial purposes are required to maintain records and receipts. Following is a list of commercial fish business licenses:

Multi-function Commercial Fish Business

Required for any person to conduct the activities of a fish receiver, fish processor, fish wholesaler, and fish importer. If the licensee is also a commercial fishermen this license also authorizes a person to conduct the activities of a fisherman retailer.

Fish Importer

Required for any person who, for the purpose of resale to persons other than ultimate consumers, receives or purchases fish taken outside of this state which are not landed in this state by a licensed commercial fisherman.

Fish Processor

Required for any person who processes fish for profit and who sells to other than the ultimate consumer.

Fish Wholesaler

Required for any person who, for the purpose of resale to persons other than the ultimate consumer, receives, purchases, or obtains fish from another person, who is required to be licensed as a fish processor, fish receiver, or fish wholesaler.

Fisherman's Retail

Required for each commercial fisherman who sells all or a portion of his/ her catch to the ultimate consumer.

Exceptions:
A commercial fisherman who is also licensed as a fish receiver who also sells his/her catch to ultimate consumers; and any commercial fisherman who sells fish only for the marine aquaria pet trade or for research purposes is not required to have a fisherman's retail license.

Fish Receiver

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

Sport-Caught Fish Exchange

Required for any person who, exchanges fresh fish taken under the authority of a sport fishing license for canned or smoked fish.

Marine Aquaria Receiver

Required for any person engaged in the business of receiving live marine species native to California waters for the purpose of wholesaling or retailing those species for the pet industry or for hobby purposes.

Standard Importation Permit

With certain exceptions, any person receiving shipments of live fish, excluding shellfish must apply for a standard importation permit at least 10 working days prior to the arrival of the shipment. A fee will be charged for each permit. A permit is required for each lot or load and each shipment must be accompanied by the original standard importation permit. If there is a change in the shipment date the permit holder must contact the Department's Bodega Bay office at (707) 875-4261, or Fisheries Branch at (916) 358-2845.

Long Term Importation Permit

A long term importation permit may be used as an alternative for certain species or plant. Permits may be valid for the remainder of the calendar year from the date of issuance and a fee will be charged for each permit. For more information, see below.

Issuing Office: Importation permits are only issued by mail at the Department's Bodega Bay office at P. O. Box 1560, Bodega Bay, CA 94923 or 1812 Ninth Street, Sacramento, CA 95814. If you need additional information about these permits, please call the Bodega Bay office at (707) 875-4261 or www.dfg.ca.gov/Marine or Fisheries Branch at (916) 358-2845 www.dfg.ca.gov/about/wildlife.html.

Anchovy Reduction

Required for fish processors to process anchovies for reduction purposes. For anchovy reduction, see Commission regulations (FGC §8180, 8181, 8075-8080).

Issuing Office: Fish and Game Commission

OTHER LICENSES AND PERMIT REQUIREMENTS

These licenses and registrations are valid from January 1 through December 31, or if issued after the beginning of that term, for the remainder thereof.

Kelp Harvesting

Required for each person or company harvesting kelp or other aquatic plants. The following kelp beds may not be harvested at any time: Nos. 10, 15, 22, 24, 203, 206, 224, 225, 226, 301, 302, 303, 304, 305, 306, 307, 310, and 311 (Title 14, §165(c)(5)). Kelp bed Nos. 308, 309, and 312, located in northern California, may mot be harvested except by a licensee authorized by the Commission (Title 14, §165 (c)(6)). See Title 14, §165 and FGC §6650-6657 for additional regulations.

Issuing Office: Los Alamitos

Live Fresh Water Bait Fish

Required for any person taking, transporting or selling live fresh water fish for bait for profit. Live fresh water bait fish dealers must purchase a license to possess and sell golden shiners, fathead minnows, freshwater clams, freshwater crayfish, and such species designated by the Department and under Commission regulations (FGC §8460-8462, Title 14, §200-200.31).

Issuing Office: License and Revenue Branch, Sacramento.

SEASON, BAG AND SIZE LIMITS BY SPECIES

Clams and Other Mollusks

Clams may be taken commercially between September 1 and April 30 in Districts 8, 9, and 17; September 1 and March 31 in Marin County; and at any time in all other districts (FGC §8340, 8341).

Littlenecks, chiones, and hard-shell cockles including thin-shelled littleneck, common littleneck, Japanese littleneck, rough-sided littleneck, smooth chione, wavy chione, and banded chiones: 1 ½ inches or more in diameter, 50 in the aggregate per day and in possession (FGC §8341).

Washington and gaper clams:

Districts 1 ½ , 8, 9: Twenty-five in the aggregate and in possession per day. Commercial fishermen with valid daily written order from dealer or restaurant may possess number specified on order in Districts 8 and 9 (FGC §8342). All other districts: 10 each in possession.

Mussels:

Any time in any number except that in Districts 19, 19A, 19B and 21 the daily bag limit for California Sea Mussels is 250 pounds in the shell or equivalent out of the shell, where 1 pound meat = 3.8 pounds in shell; and 1 gallon meat = 30 pounds in shell (FGC §8344. Title 14, §115). Consult public health regulations for seasonal and emergency closures or call the Biotoxin Information hot line (800) 553-4133.

Freshwater Clams

Freshwater clams shall be taken only under regulations of the Commission (FGC §8475. Title 14, §200.29).

Shrimp:

Only unmarketable shrimp taken in Districts 11, 12, and 13 not exceeding 50 percent of a boat load may be dried. For ocean shrimp, see Commission regulations (FGC §8842, Title 14, §120).

Saltwater and Anadromous Fish

Yellowfin Tuna, Bluefin Tuna: may be taken at any time (FGC §8374). No bluefin tuna under 7 ½ pounds may be taken (FGC §8375). The Commission may prohibit the taking or possessing of tuna in the same manner as taking or possessing tuna is prohibited by federal law or by rules or regulations adopted pursuant to the Tuna Convention Act of 1950, as amended by Public Law 87-814 of the 87th Congress (FGC §313). The Federal Highly Migratory Species regulations can be found at swr.nmfs.noaa.gov/hms/hms.htm.

Albacore:

May be taken at any time (FGC §8376).

Pacific Bonito:

None less than 24 inches fork length or 5 pounds in weight may be taken or possessed except a load of bonito taken by a round haul net may contain 18 percent or less by number of bonito smaller than the size limit and a load of fish taken by a gill net or

trammel net may contain 1,000 pounds or less of bonito smaller than the size limit (FGC §8377).

Skipjack:
May be taken at any time (FGC §8378).

Giant Sea Bass:
May not be taken except one fish per vessel may be possessed or sold if taken incidentally by gill or trammel nets. This restriction shall not apply to 1,000 pounds of giant sea bass per trip and 3,000 pounds of giant sea bass per vessel per calendar year taken south of the U.S.-Mexico boundary line (FGC §8380).

Nearshore Fish:
Black-and-yellow, gopher and kelp rockfish, California scorpionfish (sculpin) not less than 10 inches total length. Kelp greenlings, rock greenlings, China and grass rockfish not less that 12 inches total length. California sheephead not less than 13 inches total length. Cabezon not less than 15 inches total length (Title 14, §150.16). Nearshore fish species taken in trawl nets and landed dead are exempt from these size limits (FGC §8588(a)).

Grunion:
May be taken between June 1 and March 31 (FGC §8381).

White Seabass:
South of a line extending due west (true) from Point Conception, white seabass may not be taken for commercial purposes from March 15th through June 15th, inclusive. Any fish so taken shall not be transferred to any other vessel. It is unlawful to take, possess, sell, or purchase any white sea bass less than 28 inches in length, measured from the tip of the lower jaw to the end of the longer lobe of the tail (FGC 8383.5).

Exception:
One white seabass not less than 28 inches in total length may be taken, possessed, and sold by a vessel each day if taken incidental to gill and trammel net fishing operations conducted under authority of a permit issued pursuant to Fish and Game Code Section 8681. Any fish so taken shall not be transferred to any other vessel (Title 14, §155).

Barracuda, Yellowtail:
None less than 28 inches. Between May 1 and August 31 it is unlawful for (a) any one person to have more than 500 pounds of yellowtail in their possession on any boat, barge or vessel; (b) two or more persons to have in their possession on any boat, barge or vessel, a combined weight of 500 pounds of yellowtail per person; or (c) five or more persons to have more than a combined weight of 2,500 pounds of yellowtail in their possession on any boat, barge or vessel. (See Title 14 for fish taken in Mexican waters and brought into California under Commission regulations. FGC §8382, 8384, 8386, 8387. Title 14, §109).

California Halibut (General Provisions):
No California halibut may be taken, possessed, or sold that measures less than 22 inches in total length. Total length means the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail (FGC §8392). Please refer to Title 14, §189 on page 81, and to the federal groundfish regulations with regard to special provisions involving California halibut. California halibut trawling rules may change later in 2008 (see "Updates for 2008", page 3). For more information, contact DFG senior marine biologist Stephen Wertz at (562) 342-7184.

California Halibut (Trawl Grounds):
Waters lying between one and three nautical miles from the mainland shore between Pt. Arguello and Pt. Mugu. 1) Season: June 16-March 14; 2) No California halibut less than 22 inches total length, or more than 500 pounds of other fish may be possessed, except that any amount of sea cucumbers taken pursuant to a valid permit, sharks, skates, or rays may be taken or possessed; 3) Single bags and cod-ends or double bags and cod-ends may be used within the halibut trawl grounds and may be possessed while a vessel is in transit directly to the halibut trawl grounds or returning directly to port. Double bags shall be hung and tied to each rib line so that the knots of each layer coincide, knot for knot, for the full length of the double layers. The double mesh section shall not measure over 25 meshes or 12 feet in length, whichever is greater. The individual meshes in the double section shall measure not less than 7½ inches in length. No net, whose cod-end meshes are less than prescribed in this section, may be possessed on any vessel that is operating under the authority of this section (FGC §8392, 8495-8497, 8843). California halibut trawling rules may change later in 2008 (see "Updates for 2008", page 3). For more information, contact DFG senior marine biologist Stephen Wertz at (562) 342-7184.

Marlin:
May not be taken or possessed commercially, except black marlin may be imported under certain conditions. Contact a Department office listed on the inside front cover (FGC §8393).

Surfperch:
May be taken only between Aug. 1 and April 30, except shiner perch which may be taken, sold or purchased at any time. Surfperch, except shiner perch may be sold or purchased only between Aug. 1 and May 10. South of Point Arguello barred, redtail and calico surfperch may not be taken. Barred, redtail, and calico surfperch taken north of Point Arguello must be tagged prior to shipment south of that point. The Commission may adopt regulations to manage the commercial surfperch fishery (FGC §8395. Title 14, §112).

Angel Shark:
No female angel shark measuring less than 42 inches in total length or 151/4 inches in alternate length and no male angel shark measuring less than 40 inches in total length or 141/2 inches in alternate length may be possessed, sold, or purchased, except that 10 percent of the angel sharks in any load may measure not more than 1/2 inch less than the minimum sizes specified herein.

Angel shark total length shall be measured from the anterior end of the head to the tip of the tail while the fish is lying in a position of natural repose. When measuring total length or alternate length, the tip of the tail may be laid flat against the surface of the measuring device. Angel shark alternate length shall be measured from the point where the leading edge of the first dorsal fin meets the back to the tip of the tail. Angel sharks may be constrained from lateral movement during measurement by restraining devices approved by the Department.

Angel shark taken in gill or trammel nets shall be landed (brought ashore) with at least one intact pelvic fin and the tail fin attached. Angel sharks taken in gill or trammel nets shall not be transferred to or from another vessel, except that angel sharks may be transferred to or from vessels with a Department observer on board. An observer shall observe and make a written record of that transfer (FGC §8388).

Leopard Shark:
Leopard sharks less than 36 inches in total length shall not be taken, possessed, sold, or purchased for commercial purposes (FGC §8388.5).

Thresher Shark:
May be taken with drift gill nets shall not have the pelvic fin severed from the carcass until after the shark is brought ashore (FGC §8576.5). Tails and fins, other than pelvic fins, that have been removed from the carcass may be possessed on a permittee's vessel if the corresponding carcass is in possession for each tail and fin (FGC §7704).

White Shark:
It is unlawful to take any white shark for commercial purposes, except under permit issued for scientific or educational purposes and live display purposes. If landed alive incidentally in set gill nets, drift gill nets, or roundhaul nets, they may only be sold for scientific or live display purposes. White sharks taken shall not have the pelvic fin severed from the carcass until the white shark is brought ashore (FGC §1002, 8599).

Shark:
May not be taken with drift gill nets of mesh size eight inches or greater except under a revocable permit issued by the Department (FGC §8561). It is unlawful to sell, purchase, deliver for commercial purposes, or possess on any commercial fishing vessel any shark fin or shark tail that has been removed from the carcass before landing the fish. However, thresher shark tails and fins may be retained if there is a corresponding carcass to match each tail and fin (FGC §7704).

FRESHWATER FISH

Steelhead or trout may not be sold or purchased except that inspected and tagged Dolly Varden or steelhead trout from out of state and domesticated trout may be sold and purchased under Commission regulations. Not more than one daily bag limit of such steelhead trout may be sold or possessed in District 1½ (FGC §8430-8433).

It is unlawful to sell or purchase any fresh, canned, or cured fish taken in the Klamath River District or in the waters of the Smith River (FGC §8434).

Catfish may not be sold except catfish imported from outside the state or catfish grown pursuant to Division 12 by registered aquaculturists (FGC

§8435, 15005). Live catfish may not be imported (Title 14, §171).
Sacramento perch, crappie, black bass, or sunfish (except those grown pursuant to Division 12 by registered aquaculturists) may not be sold (FGC §8436, 15005).

Carp or minnow family except grass carp, cichlid family, freshwater mollusks, goby family, gray mullet family, killifish family, lamprey family, livebearer family, sculpin family, silverside family, smelt family, stickleback family, sucker family, and threadfin shad may be taken for commercial purposes pursuant to regulations adopted by the Commission (FGC §8437, 8437.1, Title 14, §226.7).

PROHIBITED USES OF NETS IN PARTICULAR DISTRICTS

In Districts 19 or 19A nets (except dip nets) may not be used within 750 feet of any pier, wharf, jetty or breakwater (FGC §8660). For information regarding the use of nets within or near Channel Islands marine protected areas, refer to Title 14, §632, or contact a Department office listed on the inside front cover.

In Districts 19A and 20, vessels may transport nets through these districts at any time but may enter harbors only in case of distress or emergency (FGC §8661).

Gill, trammel, or fyke nets may not be possessed on any boat in any district upstream from a line drawn between Antioch Point and the west tip of Kimball Island and a line drawn between Point Sacramento and the east point of Montezuma Island (FGC §8663).

Nets may not be used or possessed within 500 feet of the Klamath, Smith, Eel, Mad, Van Duzen, or Mattole rivers or their tributaries. The provisions do not apply to trawl or drag nets being transported (FGC §8664).

In District 118.5 nets may not be used within 750 feet of any pier or dock except for bait nets described in FGC §8665, 8780 used to capture live bait.

In the Salton Sea and for one mile upstream from the mouth of the New and Alamo Rivers outside the boundaries of any state or federal game refuge set gill nets or seines may be used and possessed by commercial fishermen to take mullet not less than 14 inches long and carp under Commission regulations (FGC §8666-8669).

Upstream from the Carquinez Bridge salmon or shad nets may not be used or possessed (FGC §8670).

IMPORTATION AND TRANSPORTATION OF FISH AND AMPHIBIA

All shipments of fish, mollusks, and crustaceans shall show weights and species contained (FGC §2348, 8341).

Abalone legally taken outside California may be imported when accompanied by a U.S. custom house entry certificate. Containers of such abalone shall be marked with the place of origin (FGC §2371).

Salmon of smaller size than can be legally taken under regulations of either the Pacific Fishery Management Council or the state of landing may not be imported into California (FGC §2361).

Yellowtail, barracuda, white seabass, sturgeon, striped bass, shad, crab meat, spiny lobsters, and Pismo clams may be imported into California under Commission regulations (FGC §2362, 2363, 2364, 2365, 2369. Title 14, §109, 110, 132, 135).

Marlin meat may not be exported from the state (FGC §2354).

Frogs: No person shall, for commercial purposes, take, possess, sell, transport, or export frogs for human consumption (FGC §6851). Legislation governs the use of frogs for frog jumping contests (FGC §6880-6885). Frogs may be taken and sold for scientific and educational purposes under regulations established by the Commission (FGC §6852. Title 14, §658).

BRIEF DESCRIPTION OF DISTRICTS IN WHICH COMMERCIAL FISHERIES OCCUR

DISTRICTS 1⅜, 1¾, 2, 2¼ 2½ , 3, 3½ , 4, 4⅜, 4½ and 4¾ generally constitute inland water or land areas. Contact a Department office listed on the inside front cover (FGC §11001 - 11003).

DISTRICT 6 includes the ocean waters and tidelands of the state from the northerly boundary of the state to the west end of north jetty at the entrance to Humboldt Bay; excluding all streams, sloughs and lagoons.

DISTRICT 7 includes the ocean waters and tidelands of the state from the west end of north jetty at the entrance to Humboldt Bay to the southern boundary of Mendocino County; excluding all streams, sloughs and lagoons. Note: See FCG §11015 for more information about the entrance to Humboldt Bay.

DISTRICT 8 includes the entrance to Humboldt Bay and the waters and tidelands in that portion of Humboldt Bay lying north of a line running east from south jetty apron; excluding all sloughs, streams, and rivers that empty into the bay. Note: See FCG §11016 for more information about the entrance to Humboldt Bay.

DISTRICT 9 includes that portion of Humboldt Bay lying south of a line running east from south jetty apron, excluding all rivers, streams and sloughs emptying into the bay.

DISTRICT 10 includes the ocean waters and tidelands of the state lying between the southern boundary of Mendocino County and a line extending west from the Pigeon Point Lighthouse in San Mateo County, including Tomales Bay, to a line drawn from the mouth of an unnamed creek about 1,500 feet north of Tomasini Point to the mouth of unnamed creek at Shell Beach; excluding Bodega Lagoon, all that portion of Bolinas Bay lying inside of Bolinas bar, that portion of San Francisco Bay lying east of a line drawn from Point Bonita to Point Lobos, and all rivers, streams and lagoons.

DISTRICT 11 includes the waters and tidelands of San Francisco Bay lying between the extreme westerly point of Point Bonita to the extreme westerly point of Point Lobos and around the shoreline of the bay to the foot of Powell Street, in a direct line to Peninsula Point, thence to Northwestern Pacific Railroad ferry slip at Sausalito, thence along the shore line of the bay to the point of beginning.

DISTRICT 12 includes the waters and tidelands of San Francisco Bay not included in Districts 11 and 13, the waters and tidelands of San Leandro Bay, Oakland Creek, San Antonio Creek in Alameda County, Racoon Straits, San Pablo Bay, and the Carquinez Straits to the Carquinez Bridge, and all the waters within the exterior boundaries of these districts, excluding all tributary sloughs, creeks, bays, rivers, and overflowed areas not described herein.

DISTRICT 13 includes the waters and tidelands of San Francisco Bay lying south of a line drawn from the Ferry Building at the foot of Market Street in San Francisco to the mouth of Oakland Creek in Alameda County, excluding all streams, sloughs and lagoons.

DISTRICT 16 includes the waters and tidelands of that portion of Monterey Bay lying south of a line drawn 100° magnetic from the extreme northerly point of Point Pinos east to the eastern shore of Monterey Bay.

DISTRICT 17 includes the waters and tidelands of Monterey Bay and the Pacific Ocean, lying between a line extending west from Pigeon Point Lighthouse and a line extending west from Yankee Point, Carmel Highlands in Monterey County; excluding District 16 and all rivers, creeks, sloughs and lagoons emptying into the Pacific Ocean and Monterey Bay within the boundaries thus defined.

DISTRICT 18 includes the ocean waters and tidelands of the state not included in other districts, lying between a line extending due west from Yankee Point in Monterey County and a line extending from Point Rincon near the boundary between Santa Barbara and Ventura Counties westerly through Richardson Rock, excluding all rivers, streams, sloughs and lagoons.

DISTRICT 19 includes state ocean waters, tidelands, and islands off the coast and waters adjacent thereto lying south of District 18 and north of the westerly extension of the boundary line between San Diego County and Mexico (except Districts 19A, 19B, 20, 20A and 21); excluding all rivers, streams, sloughs, lagoons and bays.

DISTRICT 19A includes ocean waters and tidelands of the state lying between the southerly extremity of Malibu Point and the westerly extremity of Rocky Point (Palos Verdes Pt.); excluding all rivers, streams and lagoons.

DISTRICT 19B includes ocean waters and tidelands of the state lying northerly of a line drawn from the west end of the San Pedro Breakwater, thence in an extended line following the axis of the San Pedro Breakwater, the middle breakwater and Long Beach Breakwater to the east end of the latter, to the outer end of the west jetty of Anaheim Bay. Except as otherwise provided, all provisions of §11029 that apply to Districts 4 and 4 apply to District 19B.

DISTRICT 20 includes Santa Catalina Island and that portion of the state waters within three nautical miles of the island's coast line on the northerly, easterly, and southerly sides of the island lying between a line extending three nautical west magnetically from the extreme westerly end of Santa Catalina Island to a line extending three nautical miles southwest magnetically from the most southerly promontory of China Point.

DISTRICT 20A includes the waters lying around Santa Catalina Island within three nautical miles of the island's coast line which are not included in District 20.

DISTRICT 21 includes the waters and tidelands of San Diego Bay lying inside a straight line drawn from Point Loma to the offshore end of the San Diego Breakwater.

DISTRICT 22 includes all waters of Imperial County and those portions of Riverside and San Bernardino counties lying south and east of the following line: Starting at the intersection of Highway 99 with the north boundary of Imperial County, thence north along that highway to the intersection with Highways 60 and 70; thence east along Highways 60 and 70 to its intersection with the Cottonwood Springs Road in Sec. 9, T. 6 S., R. 11 E; thence north along that road and the Mecca Dale Road to Amboy; thence east along Highway 66 to the intersection with Highway 95; thence north along Highway 95 to the California-Nevada boundary.

DISTRICT 23 includes the lands and waters lying within the drainage area of the Rubicon and Little Rubicon Rivers above their confluence in Sec. 13, T. 13 N., R. 13 E.; all lands and waters lying within the drainage area of South Fork of the American River and all its tributaries above Chili Bar Bridge on the Placerville-Georgetown Highway; all of the lands and waters lying within the drainage area of Webber Creek above the Mother Lode Highway between El Dorado and Placerville; the waters of Lake Tahoe and the Truckee River, and all streams flowing into that lake and river, and all lands and waters within the drainage basin of that lake and river lying within this state; the waters of Silver Lake, Twin Lakes, Twin Lake, Blue Lakes, Meadow Lake, Wood Lake, Winnemucca Lake and Scott's Lake, Burnside Lake, the Carson River, the West Fork of the Carson River, Willow Creek and Markleeville Creek and all tributaries of those streams and all streams flowing into those lakes and all lands and waters lying within the drainage basin of those lakes, rivers and streams within the state, all the waters of the Cosumnes River and its tributaries, and all lakes lying within the watershed of that river and tributaries above the bridge on the Mother Lode Highway between Plymouth and Nashville, all being within Alpine, Amador and El Dorado counties.

DISTRICT 25 includes the waters of Lake Almanor and all streams flowing into that lake and all lands lying within the drainage basin of those streams and lake, all being within Plumas and Lassen counties.

KLAMATH RIVER DISTRICT includes the Klamath River and the waters thereof, following its meanderings from the confluence of the Klamath River and the Shasta River in Siskiyou County to the mouth of the Klamath River in Del Norte County. Every person, firm, corporation or company who constructs or maintains any dam or other artificial obstruction in any of the waters of said Klamath River Fish and Game District is guilty of a misdemeanor and upon conviction must be fined not less than one thousand dollars ($1,000) or be imprisoned in the county jail of the county in which the conviction shall be had, not less than 100 days, or by both such fine and imprisonment, and any artificial obstruction constructed, placed or maintained in said district is hereby declared to be a public nuisance.

TRINITY AND KLAMATH RIVER DISTRICT includes the Klamath River and the waters thereof, following its meanderings from the mouth of the Klamath River in Del Norte County to its confluence with the Salmon River, and also the Trinity River and the waters thereof, following its meanderings from its confluence with the Klamath River in Humboldt County to its confluence with the south fork of the Trinity River.

DISTRICT 118 includes the ocean waters and tidelands beginning at the south side of the pier at San Simeon thence westerly three miles, thence southerly to a point three miles west of the southern boundary of the state park at Cambria in San Luis Obispo County, thence easterly to the southwest point of the state park at Cambria. All provisions relating to District 18 shall apply to District 118.

DISTRICT 118.5 includes ocean waters and tidelands not included in other districts, bounded by a line beginning at the intersection of the common boundary of Monterey and San Luis Obispo counties, thence due west two miles to a point, thence southerly and parallel to the coast line two miles south of the common boundary of Santa Barbara and Ventura counties, thence north to the intersection of the common boundary of Santa Barbara and Ventura counties, excluding all rivers, streams, sloughs and lagoons. Except as otherwise provided, all provisions relating to District 18 shall apply to District 118.5.

MARINE PROTECTED AREAS

All existing state-designated Marine Protected Areas have been reclassified pursuant to the Marine Managed Areas Improvement Act. The new classifications are state Marine Reserve, state Marine Park, and state Marine Conservation Area. Taking of marine plants and animals for commercial purposes is prohibited in state Marine Reserves and state Marine Parks. Taking of marine plants and animals for commercial purposes may be limited in state Marine Conservation Areas (See Title 14, subsection 632(b)). The following list includes all Marine Protected Areas in ocean waters which fully prohibit (indicated by asterisk*) or severely limit commercial fishing. It also includes regulatory language clarifying permitted/prohibited commercial take within the new central California MPAs. Other areas which fully prohibit or restrict commercial fishing exist in estuarine waters, including waters of the San Francisco Bay estuarine complex. Note that other MPAs, not listed here, may limit commercial fishing for certain species (See Title 14, subsection 632(b) or www.dfg.ca.gov/mlpa).

For information, call the Department's Marine Region in Monterey at (831) 649-7100, or visit your nearest Department office or the Department Web site at www.dfg.ca.gov/mlpa.

Punta Gorda State Marine Reserve*

(A) This area is bounded by the three-fathom inshore depth contour, the 30-fathom depth contour and the following points:

40° 16.43' N. lat. 124° 22.00' W. long.;
40° 16.43' N. lat. 124° 23.50' W. long.;
40° 14.83' N. lat. 124° 23.18' W. long.; and
40° 15.23' N. lat. 124° 21.62' W. long.

Del Mar Landing State Marine Park*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

38° 44.44' N. lat. 123° 30.81' W. long.;
38° 44.32' N. lat. 123° 30.95' W. long.;
38° 44.25' N. lat. 123° 30.64' W. long.;
38° 44.28' N. lat. 123° 30.49' W. long.; and
38° 44.40' N. lat. 123° 30.37' W. long.

Bodega State Marine Reserve*

(A) This area is bounded by the mean high tide line, a distance of 1,000 feet seaward of mean lower low water, and the following points:

38° 19.38' N. lat. 123° 04.47' W. long.;
38° 19.57' N. lat. 123° 04.71' W. long.;
38° 18.56' N. lat. 123° 04.33' W. long.; and
38° 18.71' N. lat. 123° 04.15' W. long.

James V. Fitzgerald State Marine Park*

(A) This area is bounded by the mean high tide line, a distance of 1,000 feet seaward of mean lower low water, and the following points:

37° 32.68' N. lat. 122° 31.00' W. long.;
37° 32.75' N. lat. 122° 31.18' W. long.;
37° 29.73' N. lat. 122° 30.13' W. long.; and
37° 29.74' N. lat. 122° 29.90' W. long.

Año Nuevo State Marine Conservation Area

(A) This area is bounded by the mean high tide line and a distance of 200 feet seaward of mean lower low water between the following two points:

37° 10.00' N. lat. 122° 21.80' W. long.; and
37° 08.70' N. lat. 122° 21.00' W. long.

The area then continues southward bounded by the mean high tide line and straight lines connecting the following points in the order listed:

37° 08.70' N. lat. 122° 21.00' W. long.;
37° 04.70' N. lat. 122° 21.00' W. long.; and
37° 04.70' N. lat. 122° 16.20' W. long.

(B) Take of all living marine resources is prohibited except the commercial take of giant kelp (*Macrocystis pyrifera*) by hand harvest only.

Greyhound Rock State Marine Conservation Area

(A) This area is bounded by the mean high tide line, the three nautical mile offshore boundary and straight lines connecting the following points in the order listed except where noted:

37° 04.70' N. lat. 122° 16.20' W. long.;
37° 04.70' N. lat. 122° 21.00' W. long.;
37° 03.55' N. lat. 122° 21.00' W. long.; thence southward along the three nautical mile offshore boundary to
37° 02.57' N. lat. 122° 19.10' W. long.; and
37° 02.57' N. lat. 122° 14.00' W. long.

(B) Take of all living marine resources is prohibited except:

2. Only the following species may be taken commercially: giant kelp (*Macrocystis pyrifera*) by hand harvest only, salmon, and squid except that not more than five percent (5%) by landed weight of any commercial squid catch may be other species taken incidentally to squid.

Natural Bridges State Marine Reserve*

(A) This area is bounded by the mean high tide line and a distance of 200 feet seaward of mean lower low water between the following two points:

36° 57.90' N. lat. 122° 07.65' W. long.; and
36° 57.00' N. lat. 122° 03.50' W. long.

Elkhorn Slough State Marine Reserve*

(A) This area includes the waters below mean high tide within Elkhorn Slough lying east of longitude 121° 46.40' W. and south of latitude 36° 50.50' N.

Elkhorn Slough State Marine Conservation Area*

(A) This area includes the waters below mean high tide within Elkhorn Slough east of the Highway 1 Bridge and west of longitude 121° 46.40' W

Moro Cojo Slough State Marine Reserve*

(A) This area includes the waters within Moro Cojo Slough below mean high tide and east of the Highway 1 Bridge and west of the crossing of the Southern Pacific Railroad tracks.

Soquel Canyon State Marine Conservation Area

(A) This area is bounded by straight lines connecting the following points in the order listed:

36° 51.00' N. lat. 121° 56.00' W. long.;
36° 51.00' N. lat. 122° 03.80' W. long.;
36° 48.00' N. lat. 122° 02.88' W. long.;
36° 48.00' N. lat. 121° 56.00' W. long.; and
36° 51.00' N. lat. 121° 56.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [sub-section 632(a)(3)].

Portuguese Ledge State Marine Conservation Area

(A) This area is bounded by straight lines connecting the following points in the order listed:

36° 43.00' N. lat. 121° 56.00' W. long.;
36° 43.00' N. lat. 122° 01.30' W. long.;
36° 41.00' N. lat. 122° 00.80' W. long.;
36° 41.00' N. lat. 121° 56.00' W. long.; and
36° 43.00' N. lat. 121° 56.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [sub-section 632(a)(3)].

Edward F. Ricketts State Marine Conservation Area

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 36.50' N. lat. 121° 53.37' W. long.;
36° 37.25' N. lat. 121° 53.78' W. long.; and
36° 37.10' N. lat. 121° 54.09' W. long.

(B) Take of all living marine resources is prohibited except:

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis* spp.) is allowed by hand in the area defined by sub-section 165(c)(4)(D) under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 12 tons of kelp from the portion of Administrative Kelp Bed 220 within the Edward F. Ricketts State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Lovers Point State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 37.10' N. lat. 121° 54.09' W. long.;
36° 37.25' N. lat. 121° 53.78' W. long.;
36° 37.38' N. lat. 121° 53.85' W. long.;
36° 37.60' N. lat. 121° 54.75' W. long.; and
36° 37.60' N. lat. 121° 54.91' W. long.

Pacific Grove Marine Gardens State Marine Conservation Area

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 37.60' N. lat. 121° 54.91' W. long.;
36° 37.60' N. lat. 121° 54.75' W. long.;
36° 38.70' N. lat. 121° 55.40' W. long.;
36° 38.90' N. lat. 121° 56.60' W. long.; and
36° 38.22' N. lat. 121° 56.15' W. long.

(B) Take of all living marine resources is prohibited except:

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis* spp.) by hand is allowed under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 44 tons of kelp from the portion of Administrative Kelp Bed 220 within the Pacific Grove Marine Gardens State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Asilomar State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 38.22' N. lat. 121° 56.15' W. long.;
36° 38.90' N. lat. 121° 56.60' W. long.; and
36° 36.60' N. lat. 121° 57.50' W. long.

U.S. COAST GUARD LICENSE REQUIREMENTS

Any person operating any vessel (including auxiliary sail vessels) propelled by machinery and carrying at least one passenger for hire must be licensed by the USCG for service in the area in which they operate. A person operating a sail vessel with no propulsion machinery carrying more than six passengers, with at least one for hire, must be similarly licensed. The licensing of individuals helps ensure operators have a certain level of experience and knowledge of navigational and boating principles.

"Passengers for hire" means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, operator or any other person having an interest in the vessel. The law was amended with the passage of the Passenger Vessel Safety Act, which became effective on December 20, 1993, to allow voluntary sharing of the actual expenses of the voyage, as is the normal custom among friends, by monetary contribution or donation of fuel, food, beverage or other supplies. This type of voluntary sharing does not make a passenger for hire situation.

Everyone on board the vessel is defined as a passenger EXCEPT the owner, master, and crew. In order to be considered crew a person must be engaged in the business of the vessel, not have contributed consideration for carriage AND be paid for their services on board. These "crew" are afforded all the rights and protections under the law which employees are guaranteed.

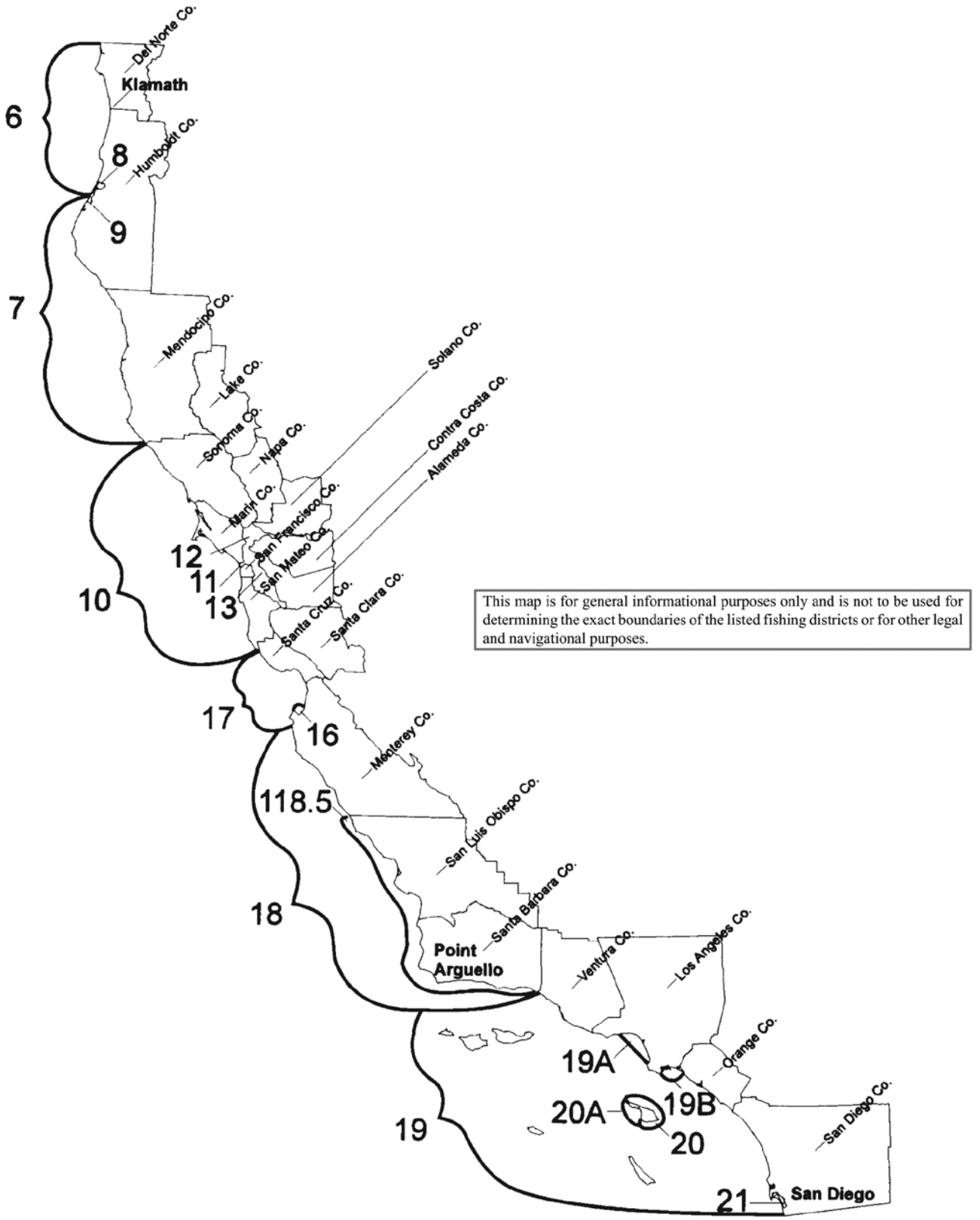
When carrying one or more passengers for hire, on a vessel of less than 100 gross tons, it is illegal to carry more than six passengers unless the vessel has a valid USCG issued Certificate of Inspection. Vessels of 100 gross tons or more must have a valid Certificate of Inspection when carrying over twelve passengers at least one of which is for hire. A Certificate of Inspection is issued to a vessel following plan approval, stability tests and completion of a thorough inspection by the USCG.

The Passenger Vessel Safety Act also changed the rules pertaining to chartered vessels. A chartered vessel is one that has been contracted for or rented with or without crew. The Act required vessels of less than 100 gross tons that are chartered with crew to be inspected if they carry more than six passengers. In those charter agreements where a crew is not provided the threshold for inspection is at twelve passengers.

Civil Penalties for violation of the vessel inspection regulations can be as much as $5,000 and up to $1,000 for licensing violations. USCG licensed operators can also face charges against their license for violating vessel inspection and operation requirements.

The USCG and your local officials are requesting your assistance in ensuring that operators carrying passengers for hire are in compliance with U.S. and California laws regarding boating. Safe and sober boating will enhance the experience of those taking advantage of many recreational opportunities. Additional information may be obtained from the USCG Marine Safety Office, San Francisco Bay. For licensing matters, please call (510) 437-5381. For vessel inspection call (510) 437-3119. To contact the fishing vessel safety examiner call (510) 437-5788. To report unsafe or illegal operations, please call the Senior Investigations Officer at (510) 437-3148. You may remain anonymous if you desire.

MAP SHOWING COMMERCIAL FISHING DISTRICTS ALONG COAST AND INLAND WATERS



This map is for general informational purposes only and is not to be used for determining the exact boundaries of the listed fishing districts or for other legal and navigational purposes.

Inland districts are defined in FGC §§11001-11013; 11033-11037.

Carmel Pinnacles State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 33.65' N. lat. 121° 57.60' W. long.;
36° 33.65' N. lat. 121° 58.50' W. long.;
36° 33.10' N. lat. 121° 58.50' W. long.;
36° 33.10' N. lat. 121° 57.60' W. long.; and
36° 33.65' N. lat. 121° 57.60' W. long.

Carmel Bay State Marine Conservation Area

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 33.65' N. lat. 121° 57.10' W. long.;
36° 31.70' N. lat. 121° 56.30' W. long.; and
36° 31.70' N. lat. 121° 55.55' W. long.

(B) Take of all living marine resources is prohibited except:

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis* spp.) by hand is allowed under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 44 tons of kelp from the portion of Administrative Kelp Bed 219 within the Carmel Bay State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Point Lobos State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 31.70' N. lat. 121° 55.55' W. long.;
36° 31.70' N. lat. 121° 58.25' W. long.;
36° 28.88' N. lat. 121° 58.25' W. long.; and
36° 28.88' N. lat. 121° 56.30' W. long.

Point Lobos State Marine Conservation Area

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

36° 31.70' N. lat. 121° 58.25' W. long.;
36° 31.70' N. lat. 122° 01.30' W. long.; thence southward along the three nautical mile offshore boundary to
36° 28.88' N. lat. 122° 00.55' W. long.;
36° 28.88' N. lat. 121° 58.25' W. long.; and
36° 31.70' N. lat. 121° 58.25' W. long.

(B) Take of all living marine resources is prohibited except the recreational and commercial take of salmon, albacore, and the commercial take of spot prawn.

Point Sur State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 18.40' N. lat. 121° 54.10' W. long.;
36° 18.40' N. lat. 121° 56.00' W. long.;
36° 15.00' N. lat. 121° 52.50' W. long.; and
36° 15.00' N. lat. 121° 50.25' W. long.

Point Sur State Marine Conservation Area

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 18.40' N. lat. 121° 56.00' W. long.;
36° 18.40' N. lat. 121° 58.33' W. long.; thence southward along the three nautical mile offshore boundary to
36° 15.00' N. lat. 121° 55.10' W. long.;
36° 15.00' N. lat. 121° 52.50' W. long.; and
36° 18.40' N. lat. 121° 56.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon and albacore.

Big Creek State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 07.20' N. lat. 121° 38.00' W. long.;
36° 07.20' N. lat. 121° 39.00' W. long.;
36° 05.20' N. lat. 121° 38.00' W. long.;
36° 05.20' N. lat. 121° 41.25' W. long.; thence southward along the three nautical mile offshore boundary to
36° 02.65' N. lat. 121° 39.70' W. long.; and
36° 02.65' N. lat. 121° 35.13' W. long.

(C) Anchoring. Except as pursuant to Federal law or emergency caused by hazardous weather, it is unlawful to anchor or moor a vessel in waters shallower than 10 fathoms in the Big Creek State Marine Reserve.

Big Creek State Marine Conservation Area

(A) This area is bounded by the three nautical mile offshore boundary and straight lines connecting the following points in the order listed except where noted:

36° 07.20' N. lat. 121° 39.00' W. long.;
36° 07.20' N. lat. 121° 42.90' W. long.; thence southward along the three nautical mile offshore boundary to
36° 05.20' N. lat. 121° 41.25' W. long.;
36° 05.20' N. lat. 121° 38.00' W. long.; and
36° 07.20' N. lat. 121° 39.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon, albacore, and the commercial take of spot prawn.

Piedras Blancas State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 42.85' N. lat. 121° 18.95' W. long.;
35° 42.85' N. lat. 121° 21.00' W. long.;
35° 39.15' N. lat. 121° 18.50' W. long.; and
35° 39.15' N. lat. 121° 14.45' W. long.

Piedras Blancas State Marine Conservation Area

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 42.85' N. lat. 121° 21.00' W. long.;
35° 42.85' N. lat. 121° 22.85' W. long.; thence southward along the three nautical mile offshore boundary to
35° 39.15' N. lat. 121° 20.90' W. long.;
35° 39.15' N. lat. 121° 18.50' W. long.; and
35° 42.85' N. lat. 121° 21.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon and albacore.

Cambria State Marine Conservation Area*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 37.10' N. lat. 121° 09.20' W. long.;
35° 37.10' N. lat. 121° 10.70' W. long.;
35° 32.85' N. lat. 121° 06.70' W. long.; and
35° 32.85' N. lat. 121° 05.85' W. long.

White Rock (Cambria) State Marine Conservation Area

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 32.85' N. lat. 121° 05.85' W. long.;
35° 32.85' N. lat. 121° 06.70' W. long.;
35° 30.50' N. lat. 121° 05.00' W. long.; and
35° 30.50' N. lat. 121° 03.40' W. long.

(B) Take of all living marine resources is prohibited except the commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis* spp.) under the following conditions:

1. Any individual kelp harvester with a valid permit issued pursuant to Section 165 and holding a valid lease to Administrative Kelp Bed 208 may take no more than 125 tons of kelp from the portion of Administrative Kelp Bed 208 within the White Rock (Cambria) State Marine Conservation Area in any calendar month.

2. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Morro Bay State Marine Recreational Management Area

(A) This area includes the area below mean high tide within Morro Bay east of the Morro Bay entrance breakwater and west of longitude 120° 50.34' W.

(B) Take of all living marine resources is prohibited except the following activities are allowed north of latitude 35° 19.70' N:

1. The recreational take of finfish
2. Aquaculture of oysters, pursuant to a valid State water bottom lease and permit
3. Storing finfish taken outside the Morro Bay State Marine Recreational Management Area in a receiver for bait purposes.

Morro Bay State Marine Reserve*

(A) This area includes the area below mean high tide line within Morro Bay east of longitude 120° 50.34' W.

Point Buchon State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 15.25' N. lat. 120° 54.00' W. long.;
35° 15.25' N. lat. 120° 56.00' W. long.;
35° 11.00' N. lat. 120° 52.40' W. long.; and
35° 13.30' N. lat. 120° 52.40' W. long.

Point Buchon State Marine Conservation Area

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

35° 15.25' N. lat. 120° 56.00' W. long.;
35° 15.25' N. lat. 120° 57.80' W. long.; thence southward along the three nautical mile offshore boundary to
35° 11.00' N. lat. 120° 55.20' W. long.;
35° 11.00' N. lat. 120° 52.40' W. long.; and
35° 15.25' N. lat. 120° 56.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon and albacore.

Vandenberg State Marine Reserve

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 44.65' N. lat. 120° 37.75' W. long.;
34° 44.65' N. lat. 120° 40.00' W. long.;
34° 33.25' N. lat. 120° 40.00' W. long.; and
34° 33.25' N. lat. 120° 37.25' W. long.

(B) Take of all living marine resources is prohibited except take incidental to base operations and commercial space launch operations identified by the Vandenberg Air Force Base Commander as mission critical.

(C) Public Entry. Public entry into the Vandenberg State Marine Reserve may be restricted at the discretion of the Department to protect wildlife, aquatic life, or habitat or by the Commander of Vandenberg Air Force Base to protect and provide safety for base operations.

(D) The Department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the mutually beneficial management and administration of the Vandenberg State Marine Reserve. The MOU shall include, but not be limited to, the identification of Vandenberg Air Force Base's national defense mission activities that are unrestricted by the subject regulations and details on management and administrative roles and responsibilities.

Richardson Rock (San Miguel Island) State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 08.40' N. lat. 120° 34.20' W. long.;
34° 08.40' N. lat. 120° 28.20' W. long.;
34° 03.60' N. lat. 120° 28.20' W. long.;
34° 03.60' N. lat. 120° 34.20' W. long.; and
34° 08.40' N. lat. 120° 34.20' W. long.

Harris Point (San Miguel Island) State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 03.10' N. lat. 120° 23.30' W. long.;
34° 06.00' N. lat. 120° 23.30' W. long.;
34° 06.00' N. lat. 120° 18.40' W. long.; and
34° 01.80' N. lat. 120° 18.40' W. long.

(B) Take of all living marine resources is prohibited.

(C) An exemption to the reserve, where commercial and recreational take of living marine resources is allowed, exists between the mean high tide line in Cuyler Harbor and a straight line between the following points:

34° 03.50' N. lat. 120° 21.30' W. long.; and
34° 02.90' N. lat. 120° 20.20' W. long.

Judith Rock (San Miguel Island) State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 01.80' N. lat. 120° 26.60' W. long.;
33° 58.50' N. lat. 120° 26.60' W. long.;
33° 58.50' N. lat. 120° 25.30' W. long.; and
34° 01.50' N. lat. 120° 25.30' W. long.

San Miguel Island Special Closure*

Special restrictions on boating and access apply to San Miguel Island as follows.

(A) Boating is allowed at San Miguel Island except west of a line drawn between Judith Rock (34o 01.50' N. lat. 120o 23.30' W. long.) and Castle Rock (34o 03.30' N. lat. 120o 26.30' W. long.) where boats are prohibited closer than 300 yards from shore.

1. Notwithstanding the 300-yard boating closure between Judith Rock and Castle Rock, the following shall apply:
   a. Boats may approach San Miguel Island no nearer than 100 yards from shore during the period(s) from March 15 through April 30, and October 1 through December 15; and
   b. Boats operated by commercial sea urchin divers may enter waters of the 300- yard area between the western boundary of the Judith Rock State Marine Reserve at 120o 26.60' W. long. and Castle Rock for the purpose of fishing sea urchins during the period(s) from March 15 through April 30, and October 1 through December 15.
2. The department may rescind permission for boats to enter waters within 300 yards between Judith Rock and Castle Rock upon finding that impairment to the island marine mammal resource is imminent. Immediately following such closure, the department will request the Commission to hear, at its regularly scheduled meeting, presentation of documentation supporting the need for such closure.

Carrington Point (Santa Rosa Island) State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 01.30' N. lat. 120° 05.20' W. long.
34° 04.00' N. lat. 120° 05.20' W. long.;
34° 04.00' N. lat. 120° 01.00' W. long.;
34° 00.50' N. lat. 120° 01.00' W. long.; and
34° 00.50' N. lat. 120° 02.80' W. long.

Skunk Point (Santa Rosa Island) State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 59.00' N. lat. 119° 58.80' W. long.;
33° 59.00' N. lat. 119° 58.00' W. long.;
33° 57.10' N. lat. 119° 58.00' W. long.; and
33° 57.10' N. lat. 119° 58.20' W. long.

South Point (Santa Rosa Island) State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 53.80' N. lat. 120° 06.50' W. long.;
33° 51.40' N. lat. 120° 06.50' W. long.;
33° 51.40' N. lat. 120° 10.00' W. long.; and
33° 55.00' N. lat. 120° 10.00' W. long.

Painted Cave (Santa Cruz Island) State Marine Conservation Area*

(A) This area is bounded by the mean high tide line, the one nautical mile offshore boundary, and the following points:

34° 04.50' N. lat. 119° 53.00' W. long.;
34° 05.20' N. lat. 119° 53.00' W. long.;
34° 05.00' N. lat. 119° 51.00' W. long.; and
34° 04.00' N. lat. 119° 51.00' W. long.

Gull Island (Santa Cruz Island) State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 58.00' N. lat. 119° 51.00' W. long.;
33° 58.00' N. lat. 119° 53.00' W. long.;
33° 55.20' N. lat. 119° 53.00' W. long.;
33° 55.20' N. lat. 119° 48.00' W. long.; and
33° 57.70' N. lat. 119° 48.00' W. long.

Scorpion (Santa Cruz Island) State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 02.94' N. lat. 119° 35.50' W. long.;
34° 06.20' N. lat. 119° 35.50' W. long.;
34° 06.20' N. lat. 119° 32.80' W. long.; and
34° 02.80' N. lat. 119° 32.80' W. long.

Anacapa Island State Marine Conservation Area

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 00.80' N. lat. 119° 26.70' W. long.;
34° 04.00' N. lat. 119° 26.70' W. long.;
34° 04.00' N. lat. 119° 24.60' W. long.; and
34° 00.40' N. lat. 119° 24.60' W. long.

(B) Take of all living marine resources is prohibited except for the recreational take of lobster and pelagic finfish [sub-section 632(a)(3)] and the commercial take of spiny lobster.

Anacapa Island State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed::

34° 00.40' N. lat. 119° 24.60' W. long.;
34° 04.00' N. lat. 119° 24.60' W. long.;
34° 04.00' N. lat. 119° 21.40' W. long.; and
34° 01.00' N. lat. 119° 21.40' W. long.

Anacapa Island Special Closure*

(A) No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands commonly referred to as Anacapa Island.

(B) A brown pelican fledgling area is designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island between a line extending 000o True off Portuguese Rock (34o 00.91' N. lat. 119o 25.26' W. long.) to a line extending 000o True off the western edge of Frenchy's Cove (34o 00.4' N. lat. 119o 24.6' W. long.), a distance of approximately 4,000 feet. No person except department employees or employees of the National Park Service in the performance of their official duties shall enter this area during the period January 1 to October 31.

Big Sycamore Canyon State Marine Reserve*

(A) This area is bounded by the 5-fathom depth contour, the 20-fathom depth contour, and the following points:

34° 04.79' N. lat. 119° 02.03' W. long.;
34° 03.92' N. lat. 119° 02.70' W. long.;
34° 02.97' N. lat. 119° 00.00' W. long.; and
34° 03.86' N. lat. 119° 00.00' W. long.

Santa Barbara Island State Marine Reserve*

(A) This area is bounded by the mean high tide line, the three nautical mile offshore boundary and the following points:

33° 28.50' N. lat. 119° 01.70' W. long.;
33° 28.50' N. lat. 118° 58.20' W. long.;
33° 24.90' N. lat. 119° 02.20' W. long.; and
33° 27.90' N. lat. 119° 02.20' W. long.

Abalone Cove State Marine Park*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 44.53' N. lat. 118° 22.83' W. long.;
33° 44.47' N. lat. 118° 22.83' W. long.;
33° 44.14' N. lat. 118° 22.47' W. long.;
33° 44.14' N. lat. 118° 22.12' W. long.; and
33° 44.19' N. lat. 118° 22.12' W. long.

Point Fermin State Marine Park*

(A) This area is bounded by the mean high tide line, a distance of 600 feet seaward of mean lower low water, and the following points:

33° 42.31' N. lat. 118° 17.57' W. long.;
33° 42.21' N. lat. 118° 17.57' W. long.;
33° 42.47' N. lat. 118° 17.00' W. long.; and
33° 42.47' N. lat. 118° 17.13' W. long.

Catalina Marine Science Center State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed::

33° 26.65' N. lat. 118° 29.33' W. long.;
33° 26.83' N. lat. 118° 29.13' W. long.;
33° 26.96' N. lat. 118° 28.56' W. long.;
33° 26.92' N. lat. 118° 28.53' W. long.; and
33° 26.87' N. lat. 118° 28.62' W. long.

Robert E. Badham State Marine Conservation Area

(A) This area is bounded by the mean high tide line, a distance of 200 feet seaward of mean lower low water, and the following points:

33° 35.42' N. lat. 117° 52.22' W. long.;
33° 35.40' N. lat. 117° 52.24' W. long.;
33° 35.03' N. lat. 117° 51.78' W. long.; and
33° 35.05' N. lat. 117° 51.74' W. long.

(B) Take of all living marine resources is prohibited except:
2. Only spiny lobster may be taken commercially.

Irvine Coast State Marine Conservation Area

(A) This area is bounded by the mean high tide line, a distance of 600 feet seaward of mean lower low water, and the following points:

33° 35.05' N. lat. 117° 51.74' W. long.;
33° 35.00' N. lat. 117° 51.84' W. long.;
33° 33.37' N. lat. 117° 49.28' W. long; and
33° 33.40' N. lat. 117° 49.18' W. long.

(B) Take of all living marine resources is prohibited except:
2. Only spiny lobster may be taken commercially.

Laguna Beach State Marine Conservation Area

(A) This area is bounded by the mean high tide line, a distance of 600 feet seaward of mean lower low water, and the following points:

33° 32.86' N. lat. 117° 48.35' W. long.;
33° 32.78' N. lat. 117° 48.45' W. long.;
33° 30.37' N. lat. 117° 45.17' W. long.; and
33° 30.43' N. lat. 117° 45.06' W. long.

(B) Take of all living marine resources is prohibited except:
2. Only spiny lobster may be taken commercially.

Heisler Park State Marine Reserve*

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 32.66' N. lat. 117° 47.61' W. long.;
33° 32.53' N. lat. 117° 47.66' W. long.;
33° 32.43' N. lat. 117° 47.26' W. long.; and
33° 32.56' N. lat. 117° 47.30' W. long.

South Laguna Beach State Marine Conservation Area

(A) This area is bounded by the mean high tide line, the 20-foot depth contour, and the following points:

33° 30.43' N. lat. 117° 45.06' W. long.;
33° 30.37' N. lat. 117° 45.17' W. long.;
33° 30.04' N. lat. 117° 44.91' W. long.; and
33° 30.15' N. lat. 117° 44.81' W. long.

(B) Take of all living marine resources is prohibited except:
2. Only spiny lobster may be taken commercially.

Niguel State Marine Conservation Area

(A) This area is bounded by the mean high tide line, a distance of 1,200 feet seaward of mean lower low water, and the following points:

33° 29.15' N. lat. 117° 44.05' W. long.;
33° 29.15' N. lat. 117° 44.30' W. long.;
33° 27.74' N. lat. 117° 43.18' W. long.; and
33° 27.74' N. lat. 117° 42.95' W. long.

(B) Take of all living marine resources is prohibited except:
2. Only spiny lobster may be taken commercially.

Dana Point State Marine Conservation Area

(A) This area is bounded by the mean high tide line, a distance of 1200 feet seaward of mean lower low water, and the following points:

33° 27.74' N. lat. 117° 42.95' W. long.;
33° 27.74' N. lat. 117° 43.18' W. long.;
33° 27.47' N. lat. 117° 42.28' W. long.; and
33° 27.63' N. lat. 117° 42.45' W. long.

(B) Take of all living marine resources is prohibited except:
2. Only spiny lobster may be taken commercially.

Doheny Beach State Marine Conservation Area

(A) This area is bounded by the mean high tide line, a distance of 1,500 feet seaward of mean lower low water, and the following points:

33° 27.70' N. lat. 117° 41.38' W. long.;
33° 27.45' N. lat. 117° 41.39' W. long.;
33° 27.15' N. lat. 117° 40.38' W. long.; and
33° 27.35' N. lat. 117° 40.21' W. long.

(B) Take of all living marine resources is prohibited except:
2. Only spiny lobster may be taken commercially.

La Jolla State Marine Conservation Area

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

32° 51.86' N. lat. 117° 15.28' W. long.;
32° 51.86' N. lat. 117° 16.25' W. long.;
32° 51.22' N. lat. 117° 16.17' W. long.; and
32° 51.07' N. lat. 117° 16.40' W. long.

(B) Take of all living marine resources is prohibited except the commercial take of squid for bait by use of hand-held scoop net west of a line drawn due north from Goldfish Point (34° 51.00' N. lat. 119° 16.17' W. long.).
(C) Boats may be launched and retrieved only in designated areas and may be anchored within the conservation area only during daylight hours.

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

A complete copy of the Fish and Game Code is available at www.leginfo.ca.gov/calaw.html, and a complete copy of Title 14, California Code of Regulations is available at http://ccr.oal.ca.gov/.

The following excerpts from the Fish and Game Code (FGC) and/or the California Code of Regulations, Title 14 (T14), provide essential information about specific commercial fisheries; but do not provide a complete summary of all commercial fishing laws and regulations. It is the fisherman's responsibility to know and obey all laws and regulations in effect while engaged in commercial fishing activities. Changes to either code may occur at any time during the year.

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

General Provisions Affecting Commercial Fishing

FGC Excerpts

§70. Resident

"Resident" means any person who has resided continuously in the state of California for six months or more immediately prior to the date of his/her application for a license or permit, any person on active military duty with the Armed Forces of the United States or auxiliary branch thereof or any person enrolled in the Job Corps established pursuant to Section 2883 of Title 29 of the United States Code.

§57. Non-resident

"Non-resident" means any person who has not resided continuously in the state of California for six months immediately prior to the date of his/her application for a license or permit.

§713. License Fees.

(a) The changes in the Implicit Price Deflator for state and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, shall be used as the index to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, tags, or other entitlements issued by the Department.
(b) The Department shall determine the change in the Implicit Price Deflator for state and Local

Government Purchases of Goods and Services, as published by the United States Department of Commerce, for the quarter ending March 31 of the current year compared to the quarter ending March 31 of the previous year. The relative amount of the change shall be multiplied by the current fee for each license, stamp, permit, tag, or other entitlement issued by the Department. The product shall be rounded to the nearest twenty-five cents ($0.25), and the resulting amount shall be added to the fee for the current year. The resulting amount shall be the fee for the license year beginning on or after January 1 of the next succeeding calendar year for the license, stamp, permit, tag, or other entitlement that is adjusted under this section.

(c) Notwithstanding any other provision of law, the Department may recalculate the current fees charged for each license, stamp, permit, tag, or other entitlement issued by the Department, to determine that all appropriate indexing has been included in the current fees. This section shall apply to all licenses, stamps, permits, tags, or other entitlements, that have not been increased each year since the base year of the 1985-86 fiscal year.

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

(e) The Legislature finds that all revenues generated by fees for licenses, stamps, permits, tags, and other entitlements, computed under this section and used for the purposes for which they were imposed, are not subject to Article XIII B of the California Constitution.

(f) The Department shall, at least every five years, analyze all fees for licenses, stamps, permits, tags, and other entitlements issued by it to ensure the appropriate fee amount is charged. Where appropriate, the Department shall recommend to the Legislature or the Commission that fees established by the Commission or the Legislature be adjusted to ensure that those fees are appropriate.

§7852.2. Renewal after deadline.

Notwithstanding any other provision of law, a commercial fishing license, stamp, permit, or other entitlement for which there is a renewal deadline shall not be renewed after that deadline, except as follows:

(a) In addition to the base fee for the license, stamp, permit, or other entitlement, the department shall assess a late fee for any renewal the application for which is received after the deadline, according to the following schedule:

(1) One to 30 days after the deadline, a fee of one hundred twenty-five dollars ($125).

(2) Thirty-one to 60 days after the deadline, a fee of two hundred fifty dollars ($250).

(3) Sixty-one days or more after the deadline, a fee of five hundred dollars ($500).

(b) The department shall not waive the applicable late fee. The late fees specified in this section are applicable beginning in the 2008 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(c) The department shall deny any application for renewal received after March 31 of the permit year following the year in which the applicant last held a valid permit for that fishery.

(d) An applicant who is denied renewal of a late application may submit a written appeal for renewal to the Commission within 60 days of the date of the department's denial. The Commission, upon consideration of the appeal, may grant renewal. If the Commission grants renewal, it shall assess the applicable late fee pursuant to subdivision (a).

§7857. Conditions applicable to commercial license, permit, or other entitlement.

Unless otherwise specified, the following conditions apply to each commercial fishing license, permit, or other entitlement issued to take, possess aboard a boat, or land fish for commercial purposes and to each commercial boat registration issued by the Department, except licenses issued pursuant to Article 7 (commencing with Section 8030):

(a) The person to whom a commercial fishing permit or other entitlement is issued shall have a valid commercial fishing license issued pursuant to Section 7852 that is not revoked or suspended.

(b) The Commission, after notice and opportunity for hearing, may suspend, revoke, or cancel commercial fishing privileges for a period of time to be determined by the Commission for the following reasons:

(1) The person was not lawfully entitled to be issued the license, permit, or other entitlement.

(2) A violation of this code, the terms of the permit or other entitlement, or the regulations adopted pursuant thereto, by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(3) A violation of any federal law relating to the fishery for which the license, permit, or other entitlement was issued by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(c) The person to whom the commercial fishing license, permit, or other entitlement is issued shall be present when fish are being taken, possessed aboard a boat, or landed for commercial purposes. This subdivision does not apply to commercial fishing vessel permits or licenses.

(d) The commercial fishing license, permit, or other entitlement shall be in the licensee's, permittee's, or entitled person's possession, or immediately available to the licensee, permittee, or entitled person at all times when engaged in any activity for which the commercial fishing license, permit, or entitlement is required.

(e) Not more than one individual commercial fishing license, permit, or other entitlement of a single type shall be issued to an individual person and not more than one commercial vessel fishing license, permit, or other entitlement of a single type shall be issued for each vessel.

(f) Any landing of fish used to qualify for, or renew, a commercial fishing license, permit, or other entitlement shall be reported on landing receipts delivered to the Department pursuant to Section 8046.

(g) In addition to any other requirements in Article 7.5 (commencing with Section 8040), the name of the person issued the commercial fishing license, permit, or other entitlement authorizing the taking of the fish shall be included on the landing receipt for that landing.

(h) An application for a commercial fishing license, permit, or other entitlement shall be made on a form containing the information the Department may require. The commercial fishing license, permit, or other entitlement shall be signed by the holder prior to use.

(i) Any person who has had a commercial fishing license, permit, or other entitlement suspended or revoked shall not engage in that fishery, and shall not obtain any other commercial fishing license, permit, or other entitlement that authorizes engaging in that fishery, while the suspension or revocation is in effect.

(j) A commercial fishing license, permit, or other entitlement is not transferable unless otherwise expressly specified in this code.

(k) Every commercial fishing license, permit, stamp, commercial boat registration, or other entitlement issued pursuant to this part, except commercial fish business licenses issued pursuant to Article 7 (commencing with Section 8030), is valid from April 1 to March 31 of the next following calendar year or, if issued after the beginning of that term, for the remainder thereof.

(l) A person who holds a commercial fishing vessel permit or other entitlement authorizing the use of a vessel for commercial fishing shall also hold a valid commercial boat registration for that vessel, issued pursuant to Section 7881, that has not been suspended or revoked.

(m) A person who holds a commercial fishing license, permit, registration, or other entitlement, who moves or acquires a new address shall notify the Department of the old and new addresses within three months of acquiring the new address.

§7858. Additional conditions for conditional permit for limited entry fishery.

In addition to the conditions specified in Section 7857, the following conditions apply to a commercial permit to take, possess aboard a boat, or land fish for commercial purposes in a limited entry fishery, as defined in Section 8100:

(a) The permit shall be renewed annually.

(b) Except as otherwise provided by law, an appeal for the denial of a renewal application or for a waiver of any landing requirements shall be reviewed and decided by the Department. The appeal shall be received by the Department or, if mailed, postmarked on or before March 31 following the permit year in which the applicant last held a valid permit for that fishery. The decision of the Department may be appealed to the Commission. This section does not apply to permits issued pursuant to Section 8550.

§8046. Landing Receipts

(a) The original signed copy of the landing receipt made under Section 8043 or 8043.1 shall be delivered to the Department on or before the 16th or last day of the month in which the fish were landed, whichever date occurs first after the landing. A copy of the landing receipt shall be delivered to the commercial fisherman at the time of the purchase or receipt of the fish. That copy of the landing receipt shall be retained by the commercial fisherman for a period of four years and shall be available for inspection at any time during that period by the Department. A copy of the landing receipt shall be kept by the person licensed pursuant to Article 7 (commencing with Section 8030) who filled out the landing receipt for a period of four years and shall be available for inspection at any time within that period by the Department.

(b) On delivery of sardines, anchovies, mackerel, squid, tuna, or bonito intended to be processed or sold as fresh fish, the person licensed pursuant

to Article 7 (commencing with Section 8030) who filled out the landing receipt, upon request of the authorized agent described in subdivision (c), shall notify the authorized agent of the unloading and weighing of the fish and shall permit the authorized agent to be present at all times during the weighing of the fish.

(c) A copy of the landing receipt shall be delivered to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the commercial fisherman receiving the original copy.

§8046.1. Groundfish Landing Receipts

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

§8100. "Limited entry fishery".

"Limited entry fishery" means a fishery in which the number of persons who may participate or the number of vessels that may be used in taking a specified species of fish is limited by statute or regulation.

(a) Any licensed fisherman shall be eligible for inclusion during the initial year of a limited entry fishery which is established by statute that becomes operative after January 1, 1982, or by regulation that becomes operative after January 1, 1999, regardless of the prescribed conditions for entry into the fishery, if the fisherman presents to the Department satisfactory evidence that he or she has been licensed as a California commercial fisherman for at least 20 years and has participated in the fishery for at least one of those 20 years, with qualifying participation in the fishery to be determined by the Commission based on landings or other appropriate criteria.

(b) Fishermen who have established eligibility to participate in a limited entry fishery under this section are subject to conditions of continuing eligibility established by statute or regulation if those fishermen desire to maintain their eligibility.

Commercial Fishing Licenses

FGC Excerpts

§7850. Persons required to hold license; registration of presence on board; Exception as to live freshwater fish licenses.

(a) Excepting persons expressly exempted under this code, no person shall use or operate, or assist in using or operating, any boat, aircraft, net, trap, line, or other appliance to take fish or amphibia for commercial purposes, and no person shall cause to be brought ashore, any fish or amphibia at any point in the state for the purpose of selling them in a fresh state or shall contribute materially to the activities on board the commercial fishing vessel, unless the person holds a commercial fishing license issued by the Department.

(b) Any person not required under subdivision (a) to hold a commercial fishing license shall register his or her presence on board the commercial fishing vessel in a log maintained by the owner or operator of the vessel according to the requirements of the Department.

(c) As used in this section, "person" does not include persons who are less than 16 years of age, a partnership, corporation, or association. Any person, partnership, corporation, limited liability company, or associated may pay the fees for a license issued to any person.

(d) This article does not apply to the taking, transporting, or selling of live freshwater fish for bait by the holder of a live freshwater bait fish license issued pursuant to Section 8460.

§7852. Fees; Term of license.

(a) The Department shall issue a commercial fishing license to any resident who is 16 years of age or older, upon payment of a base fee of ninety-five dollars ($95) for each resident vessel crewmember or resident vessel operator.

(b) The Department shall issue a commercial fishing license to any non-resident who is 16 years of age or older, upon payment of a base fee of two hundred eighty-five dollars ($285) for a non-resident vessel crewmember or non-resident vessel operator.

(c) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(d) Nothing in this section affects any other provision of law relating to the employment of minors.

§7852.27. Possession and signature - Commercial Licenses.

At all times when engaged in any activity described in Section 7850 or Article 7 (commencing with Section 8030) for which a commercial fishing license is required, the licensee shall have in his or her possession, or immediately available to the licensee, a valid driver's license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile. A current passport may be used in lieu of a valid driver's license or identification card by a holder of a valid nonresident commercial fishing license issued pursuant to subdivision (b) of Section 7852. The licensee's driver's license, identification card or, if applicable, passport, shall be exhibited upon demand to any person authorized by the department to enforce this code or regulations adopted pursuant thereto.

Commercial Boat Registration

FGC Excerpts

§7601. "Owner" or "Vessel Owner".

"Owner" or "vessel owner" means the person or persons designated as the registered owner of a vessel on a certificate of documentation issued by the United States Coast Guard or on a copy of the vessel registration issued by the vessel registration agency of the state where the owner is a resident. For purposes of this section, the vessel registration agency in California is the Department of Motor Vehicles.

§7880. Display of registration number by vessel; Method; Transferability of number.

(a) Every person owning or operating any vessel used in connection with fishing operations for profit who has been issued a commercial boat registration pursuant to Section 7881 shall display, for the purpose of identification, a Department of Fish and Game registration number on the vessel in a manner designated by the Department.

(b) The method of displaying the registration number on the vessel shall be determined by the Department after consultation with the Department of Boating and Waterways, taking into consideration the responsibilities and duties of the Department of Boating and Waterways as prescribed in the Harbors and Navigation Code.

(c) The registration number is not transferable, and it is a permanent fixture upon the vessel for which it is originally issued.

§7881. Registration of commercial fishing vessel.

(a) Every person who owns or operates a vessel in public waters in connection with fishing operations for profit in this state, or who brings fish into this state, or who, for profit, permits persons to fish therefrom, shall submit an application for Commercial boat registration on forms provided by the Department and shall be issued a registration number.

(b) A commercial boat registration may be issued to any resident owner or operator of a vessel upon payment of a base fee of two hundred fifty dollars ($250). The commercial boat registration shall be carried aboard the vessel at all times, and shall be posted in a conspicuous place.

(c) A commercial boat registration may be issued to any non-resident owner or operator of a vessel upon payment of a base fee of seven hundred fifty dollars ($750). The commercial boat registration shall be carried aboard the vessel at all times and shall be posted in a conspicuous place.

(d) If a registered vessel is lost, destroyed, or sold, the owner of the vessel shall immediately report the loss, destruction, or sale to the Department.

(e) This section does not apply to any person required to be licensed as a guide pursuant to Section 2536.

(f) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

Commercial Passenger Fishing Vessel Licenses

Title 14 Excerpts

§105.5. Cooperation with state and Federal Fishery Observers.

(a) Owners or operators of commercial fishing vessels permitted under regulations of the Commission, and commercial passenger fishing vessels licensed pursuant to Fish and Game Code Section 7920, will, as a condition of permit or license issuance, cooperate with Department or Federal fishery observers, or observers collecting data for the Department, when asked to carry and accommodate an observer on fishing trips at no charge to the sponsoring agency.

(b) If observer coverage of a trip is denied by the owner or operator of a vessel, the Department may require an explanation in writing from the owner or operator. This explanation shall be received by the Department within 15 days of written request by the Department for an explanation.

(c) The Department may request revocation of fishing permits or licenses to the Commission for denials that it deems to be uncooperative in nature, after first allowing the owner or operator to meet with the Manager of Marine Region, or

his representative, to provide an explanation for the denial.

(d) The Department or Federal agency requesting cooperation under subsection (a) shall not require the vessel operator or owner to provide an observer with meals or a subsistence allowance on observed fishing trips, but shall accommodate the observer with regard to reasonable eating and working conditions and access to pertinent fishing information and fishery data while aboard the vessel.

(e) Failure to provide reasonable eating and working conditions or access to pertinent fishing information or fishery data to observers, or actions taken by a vessel owner or operator against an observer that is prohibited pursuant to subsection (f), on observed fishing trips may lead to revocation of the vessel's fishing permits or licenses issued under regulations of the Commission following the procedure outlined in subsections (b) and (c) above.

(f) To ensure that observer objectives may be reasonably and safely achieved, consistent with federal groundfish observer rules, it is unlawful for any person to do any of the following:

(1) forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with an observer,

(2) interfere with or bias the sampling procedure employed by an observer, including physical, mechanical, or other sorting or discarding of any catch before sampling,

(3) tamper with, destroy or discard an observer's collected samples, equipment, or personal gear, without the express consent of the observer,

(4) prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer collecting samples, making observations, or otherwise performing the observers duties,

(5) harass an observer by conduct that has sexual connotations, has the purpose or effect of interfering with the observer's work performance, or otherwise creates an intimidating, hostile or offensive environment,

(6) require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members

§195. Report of Fish Taken To Be Made by Owner of Barge or Vessel for Hire, and Boat Limits.

(a) Records required by Sections 7923 and 8026 of the Fish and Game Code shall be made on a form provided by the Department (Skipper's Log Book-Marine Sportfishing Southern California F&G 656 and Skipper's Log Book-Marine Sportfishing Central and Northern California F&G 623, DFG 195, which is incorporated by reference, and hereafter referred to as logbook for purposes of this section). The logbook shall include the following information and be completed and available for inspection as specified in this section:

(1) A full and correct record of fish taken, including species or specified species group filled out before the trip is completed (see Section 190(b) of Title 14, CCR). The names used for designating the species of fish shall be those in common usage unless otherwise designated by the Department.

(2) The owner/operator copy of the logbook shall be maintained and kept on the vessel for a period of one year, and upon request, shall be made available for inspection by any authorized representative of the Department.

(3) The numbered logbook shall be completed sequentially. A voided log shall have the word "Void" plainly and noticeably written on the face of the log.

(b) The owner(s) and/or operator(s) of each vessel required to obtain a license under Sections 7920 of the Fish and Game Code shall post a notice in a prominent place on the vessel giving information to fishermen on license requirements, bag limits, and other pertinent information. This notice shall be furnished by the Department.

(c) Both the vessel owner(s) and/or operator(s) shall be responsible for keeping accurate records and insuring the vessel is in compliance with subsections (a) and (b) above.

(d) All fishing activity records are confidential pursuant to Fish and Game Code Sections 7923 and 8022 and Government Code Sections 6276 and 6276.10.

(e) Boat Limits: When two or more persons licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, as defined in Section 27.00, are angling for finfish in these waters aboard a vessel licensed under Section 7920, fishing by these persons (to include vessel operator(s) and crew members where licensed to sportfish under their own individual limits) may continue until the passenger's boat limits of those finfish identified in Sections 27.60 (a) through (c) are taken and possessed aboard the vessel as authorized under this section.

(1) For purposes of this section, the vessel operator(s) and crew members are not passengers and may not take fish towards obtaining boat limits for passengers except for casting, setting trolling gear, gaffing or netting fish, but may take fish during a fishing trip for their personal use only. Vessel operator(s) and crew members may assist passengers in other activities including, but not limited to, obtaining bait, chumming, baiting and untangling hooks and lines, identifying, dispatching, filleting, counting, bagging and otherwise handling fish taken by passengers. Upon completion of a fishing trip, the vessel operator(s) and crew members may only possess fish that are part of the own personal bag limit not to exceed authorized sportfishing daily bag and possession limits.

(2) Fish taken by operator(s) and crew members for personal use pursuant to (e)(1) above must be separated from fish taken under a boat limit and labeled in a manner that they can be identified as an individual operator's or crew members fish. Operator(s) and crew members are also prohibited from giving all or part of their individual limit to any passenger during or after a trip.

(3) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.

(4) A boat limit for a species or species group is equal to the number of passengers aboard the vessel that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District multiplied by the individual daily bag limit authorized for a species or species group as specified in Section 27.60 (a) through (c), Title 14, CCR. For purposes of this section, the number of passengers shall not include the vessel operator(s) and crew members. It is unlawful to exceed the boat limit at any time.

(5) Prior to the departure on a fishing trip of a vessel that is operating under authority of a license issued pursuant to Fish and Game Code Section 7920, the number of fishers, to include passengers, guests, operators and crew who will be fishing shall be recorded under "number of fishers" on the logbook, for that trip. In addition, the number of the vessel operator(s) and crew members who will fish for that trip shall be recorded in the space to the right of the operator's signature on the logbook.

(6) Upon completion of a sport fishing trip aboard a vessel reporting under this section, each licensed or otherwise authorized angler may not possess more than the daily bag and possession limits specified in subsections 27.60 (a) through (c) consistent with subsection (e)(1). For the purposes of this section, a fishing trip is completed at the time a person disembarks from the vessel and individual possession limits apply.

(7) Species or species groups for which no daily bag limit exists under Section 27.60 (d), Title 14, CCR, are not included in the boat limit.

(f) Where boat limits are provided for in this section, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including but not limited to violations of the following:

(A) Overlimits

(B) Possession of prohibited species

(C) Minimum size limits

(D) Fish taken out of season or in closed areas

FGC Excerpts

§7920. Persons Required to Procure License Application of article.

The owner of any boat or vessel who, for profit, permits any person to fish therefrom, shall procure a commercial passenger fishing boat license.

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

§7921. Duration of license fee.

The base fee for a commercial passenger fishing boat license is two hundred fifty dollars ($250) in the 2004 license year, which shall be adjusted annually thereafter pursuant to Section 713. The commercial passenger fishing vessel license shall be issued to the holder of a commercial boat registration issued pursuant to Section 7881.

§7925. Commercial fishing salmon stamps; Vessels operating north of Point Arguello.

(a) If a vessel is licensed under this article and issued to take salmon or has salmon aboard in ocean waters north of Point Arguello, there shall be on board that vessel, a total number of commercial fishing salmon stamps sufficient to have at least one for the operator and one for each crewmember required by United States Coast Guard regulations, excepting an operator or a crewmember who is exempt from the requirement under subdivision (b) of Section 7860. The commercial fishing salmon stamps shall be affixed to either the commercial fishing licenses of the operator and the crewmembers or, pursuant to subdivision (b), to the commercial passenger fishing license. No person shall operate, or cause

to be operated, any vessel licensed under this article in violation of this subdivision. Vessels permitted as commercial salmon fishing vessels pursuant to Section 8234 are exempt from the requirements of this subdivision.

(b) Notwithstanding Section 1053, the Department may issue to the owner or operator of a vessel licensed pursuant to this article, upon application and payment of the fees prescribed in subdivision (c) of Section 7860, one commercial fishing salmon stamp for the operator and not more than one additional commercial salmon stamp for each crewmember required by the United States Coast Guard regulations. The commercial fishing salmon stamps issued under this subdivision shall be affixed to the vessel's commercial passenger fishing boat license issued pursuant to this article.

Fishing activity records (logbooks)

Drift gill, shrimp, prawn, halibut, general gill, swordfish, sea cucumber, sea urchin, sardine for bait, lobster, trap, market squid, pink shrimp permit holders and commercial passenger fishing vessel owners or operators are subject to the provisions of §190, Title 14, of the CCR.

Title 14 Excerpts

§190. Fishing Activity Records.

Pursuant to Sections 7923 and 8026, Fish and Game Code, the owner and operator of a commercial fishing vessel or the holder of a commercial fishing license or permit participating in specified fisheries, and the owner and license holder of a commercial passenger fishing vessel shall keep and submit a complete and accurate record of fishing activities.

(a) Fishing activity records shall be kept on forms provided by the Department.

(b) Fishing activity records shall be kept on the vessel while it is engaged in, or returning from, fishing operations and shall be completed before the end of a trip, at the time of sale of the catch or at the end of each day's fishing.

(c) Fishing activity records shall be delivered to the Department at 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720, or such other Department office as may be specified in regulation on or before the 10th day of each month following the month to which the records pertain. Fishing activity records that are mailed shall be postmarked on or before the 10th day of each month following the month to which the records pertain.

(d) Failure to keep and submit required records of fishing activity may result in revocation or suspension (including non-renewal) of the license or permit for the taking of all fish or for the particular species for which the records are required, by the Department, for a period not to exceed one year. Any revocation, suspension or non-renewal may be appealed to the Commission.

(e) All fishing activity records shall be deemed confidential upon receipt by the Department.

Commercial Aircraft Registration

FGC Excerpts

§7892. Aircraft Registration Commercial Fishing; Fee.

The Department shall issue to any person owning or operating an aircraft used in connection with commercial fishing operations in this state an aircraft registration for that aircraft. The registration shall be carried aboard the aircraft at all times when the aircraft is used in connection with commercial fishing operations. The fee for a commercial aircraft registration shall be two hundred dollars ($200).

Abalone

Subject to the provisions of §100, Title 14, of the CCR, and FGC §5521, abalone may not be taken, possessed or landed for commercial purposes from California waters.

FGC Excerpts

§2371. Abalone Import Requirements.

Abalone or abalone meat legally taken outside this state may be imported into this state when accompanied by a United States customhouse entry certificate showing the place of origin, and a certificate or clearance from the responsible governmental agency to the effect that such shipment was made in compliance with the laws and regulations of the place or country of origin, and such abalone or abalone meat may be possessed in this state and shipped or transported out of the state, but all containers of such abalone shall be marked with the abalone's place or country of origin.

Anchovy

Title 14 Excerpts

§147. Granting and Issuance of Permits to Take and Use Anchovies by Reduction Process.

Anchovies shall not be taken, possessed, landed, or processed for reduction purposes except under revocable permits issued pursuant to this section. Anchovies may be taken for reduction purposes in the Northern Permit Area from August 1 to June 30. Anchovies may be taken for reduction purposes in the Southern Permit Area from September 15 to June 30.

(a) Permits to Take, Possess, Land or Transport Anchovies.

(1) To Whom Issued. Revocable permits shall be issued to the owner or operator of a currently registered California commercial fishing vessel. Permits may not be transferred from one boat to another without authorization from the Department. The individual to whom the permit is issued must be aboard when fishing for anchovies for reduction purposes. Any permittee whose permit has been revoked may not take or assist in taking anchovies for reduction purposes for the remainder of the season.

(2) Where Issued. Permits may be obtained from the Department offices at Los Alamitos and Monterey. Such permits shall be valid until terminated or revoked.

(3) Conditions of Permits.

(A) Suspension of Permits. When the harvest quotas established by the Commission in subsection (a)(3)(F) are close to being reached, the Department will notify all permit holders of the closing date 48 hours prior thereto.

(B) Gear Specifications:

1. It is unlawful for any permittee to use a roundhaul net, with a wet-stretch mesh size less than 10/16 of an inch, except that the bag portion of a purse seine net may have a wet-stretch mesh size of not less than 8/16 of an inch, to take anchovies for reduction purposes. The bag portion of a purse seine net shall be constructed as a single unit and shall not exceed 12.5 percent of the total area of the net.
2. It is unlawful for any permittee to possess aboard his fishing vessel any fishing gear contrary to the above specifications when anchovies taken for reduction purposes are possessed aboard the vessel.
3. Minimum mesh size requirements are met if a standard stainless steel wedge of appropriate gauge can be passed, with thumb pressure only, through 16 of 20 sets of two meshes each of wet mesh.
4. Notwithstanding these gear specifications, a permittee may, until April 1, 1986, possess and use a roundhaul net of smaller mesh size if, prior to use, the permittee has notified the Department and has demonstrated to the Department that the net was used in the California anchovy reduction fishery prior to May 24, 1983.

(C) Gear Inspection. Fishing gear possessed aboard a permittee's vessel shall be subject to inspection by the Department at all times to determine compliance with gear specification requirements specified in subsection (a)(3)(B).

(D) Vessel Identification. The operator of any boat engaged in taking anchovies under these regulations shall at all times while operating such boat identify it by displaying on an exposed part of the superstructure, amidship on each side and on top of the house visible from the air, the Department's registration number of the boat in 14-inch black numerals on white background.

(E) Declaration of Intent to Take, Possess, Land or Transport Anchovies for Reduction Purposes.

1. The provisions of subsection (a)(3)(E) shall apply only to vessels taking anchovies for reduction purposes in the Southern Permit Area as described in subsection (a)(3)(F)2.
2. No vessel shall be operated to take, carry or deliver anchovies for reduction purposes unless a declaration of intent has been filed regarding said vessel in accordance with these regulations.
3. Before a vessel operator can file a declaration of intent as required by subsection (a)(3)(E) he must be the operator of a vessel duly registered as provided by Section 7890 of the Fish and Game Code, and must possess a valid commercial fishing license.
4. No vessel operating under the authority of a declaration of intent filed pursuant to these regulations shall take, carry or deliver anchovies for any purpose other than reduction except when taking anchovies for canning or live bait purposes as provided in subsection (a)(3)(E)12 of these regulations, or when operating pursuant to an exception filed in accordance with subsection (a)(3)(E)5 of these regulations. When operating under the authority of an exception, no anchovies may be taken for reduction purposes.
5. During the period for which the declaration is in force and effect, a named vessel may be used to take, carry and deliver anchovies for other than reduction purposes if, and only if, operator files an exception in accordance with the following provisions.

(a) When the operator intends to use said vessel to take anchovies for purposes other than reduction, he shall so notify the Los Alamitos office of the Department, either by letter or telegram, prior to the commencement of fishing. This notice shall be posted or sent prior to the commencement of fishing and shall be effective only on the vessel named.

(b) The notice shall contain the following information: the calendar days for which the exception is to be effective; the purpose for which the anchovies are to be taken; and the name and registration number of the vessel.

6. Declaration of intent shall be filed with the Department during normal working hours at the San Diego or Los Alamitos office of the Department. The declaration of intent shall be filed on forms furnished by the Department.
7. Each declaration of intent shall specify the vessel to which it applies. Only one vessel may be specified on any one declaration, but a qualified applicant may file separate declarations for more than one vessel.
8. Except as otherwise provided, any declaration of intent filed pursuant to these regulations shall be in force only during the open season, or if filed after the beginning of such term, for the remainder thereof.
9. A copy of each declaration filed under subsection (a)(3)(E) to take anchovies shall be carried aboard the vessel to which it relates and shall be exhibited upon demand to the authorized representative of any reduction plant to which said vessel is delivering anchovies and upon demand to any officer of the Department.
10. No vessel which has filed a declaration of intent to take, carry and deliver anchovies for purposes of reduction and has filed no exception thereto shall place any net in the water for the purpose of taking anchovies in any unauthorized area. In the event of any violation of this section, the operator of said vessel shall be deemed in violation thereof.
11. Whenever anchovies are possessed aboard a vessel for which declaration of intent to take, carry and deliver anchovies for reduction purposes has been filed and such declaration is in full force and effect, and not then subject to any notice of exception pursuant to subsection (a)(3)(E)5, it shall be conclusively presumed that said anchovies were taken and were being carried for reduction purposes.
12. Notwithstanding the other provisions of subsection (a)(3)(E), vessels operating under a declaration of intent to take anchovies for reduction purposes may also take anchovies for canning purposes, pursuant to the appropriate sections of the Fish and Game Code and of this section, and may also take anchovies for live bait purposes, providing that all conditions, laws, and regulations pertaining to the reduction fishery are adhered to while so engaged in live bait fishing.

(F) Permit Areas and Quotas.

1. Northern Permit Area. The area shall include the waters of the Pacific Ocean between the California-Oregon border and a line extending due west (true) from Point Buchon. Anchovies taken under the provisions of these regulations may be taken in all waters of the northern permit area described above, with the following exceptions: within Districts 2, 8, 9, 11, 12, 13, 15; the waters of Bodega and Tomales Bay; that portion of District 10 lying inshore of a line beginning at Pigeon Point (San Mateo County) northwesterly in a straight line to the U.S. Navigation Light on S.E. Farallon Island, northerly in a straight line to the U.S. Navigation Light on Pt. Reyes (Marin County); that portion of District 16 lying southerly of the Monterey Breakwater magnetic east to shoreline; that portion of District 18 within three miles of shore in the area lying between a line drawn magnetic west of Point Estero and a line drawn magnetic west of Point Buchon; and that portion of District 18 within three miles of shore in that area lying between a line drawn magnetic west of Point San Luis and a line drawn magnetic west of Arroyo Grande Creek.
2. Southern Permit Area. The area shall include the waters of the Pacific Ocean between the United States-Mexico International Boundary and a line extending due west (true) from Point Buchon. Anchovies taken under the provisions of these regulations may be taken in all waters of the southern permit area described above, with the following exceptions: within three miles of the mainland shore south of Point Buchon and in all districts or portions of districts where and at such times as the use of roundhaul nets is prohibited; within four miles of the mainland shore between lines running 235° magnetic from the steam plant stack at Mandalay Beach and 205° magnetic from the steam plant stack at Ormond Beach; within the area encompassed by a line extending six miles 165° magnetic from Point Fermin, thence to a point located three miles offshore on a line 210° magnetic from Huntington Beach pier; within six miles of the mainland shore south of a line running 210° magnetic from the tip of the outer breakwater of Oceanside Harbor.
3. Quotas. The total tonnage reserved for the northern permit area and the total tonnage for the southern permit area shall be the same as those established by the National Marine Fisheries Service under the provisions of the Northern Anchovy Fishery Management Plan. Pursuant to 50 Code of Federal Regulations Section 662.20, an announcement of harvest quotas will be made by notice in the Federal Register on or about August 1 of each year.
4. Adjustments to Quotas. If during the season the maximum quota set by the Commission for the northern or southern permit areas should be approached, the Commission will consider an increase in the quota for the area approaching its quota. After May 15, any tonnage remaining in the quota for the northern permit area will be made available to southern area permittees.

(b) Permits to Reduce Anchovies.

(1) Qualifications of Permittee. To be eligible for a reduction permit under these regulations each applicant must have the license provided in Section 8042(a) of the Fish and Game Code, and supply proof to the satisfaction of the Department that the applicant can properly unload, weigh, and utilize anchovies for reduction before any permit is issued.

(2) Applications. All applications for permits to reduce whole anchovies for a given season must be received by the Fish and Game Commission, 1416 Ninth Street, Sacramento, CA 95814, on or before the close of business on the preceding July 15.

(3) Limitation of Permit. Not more than one permit shall be issued for each plant. Permits shall not be transferred without prior authorization from the Commission.

(4) Duration of Permit. Except as otherwise provided, any permit issued pursuant to these regulations shall be in force only for the time as specified on such permit.

(5) Records. The permittee shall submit daily to the nearest office of the Department receipts required under the provisions of Section [8043] of the Fish and Game Code for all anchovies purchased or received that day for reduction.

(6) Plant Delivery. No reduction plant shall take delivery of anchovies from any vessel whose operator has not filed a declaration of intent required under subsection (a)(3)(E) to take, carry and deliver anchovies for reduction purposes.

(7) Weighing of Fish Landed. No anchovies intended for use or used in any reduction plant shall be unloaded from any vessel except at a weighing or measuring device approved by the Bureau of Weights and Measures. Such anchovies shall be weighed by a public weighmaster licensed as an individual under the laws of this state and a receipt as to such weight shall be immediately issued by him to the fisherman at the time of receipt of such anchovies. Copies of such receipt shall be handled in the manner provided in Sections [8043] to [8046] of the Fish and Game Code.

(8) Fish from South of the International Boundary. Anchovies taken south of the United States-Mexico International Boundary and landed in California for reduction process shall be included in the total quota set by these regulations for the southern permit area.

(c) These regulations shall be set forth in or attached to all permits. Permits shall be issued only upon conditions contained in the application and signed by the applicant that he has read, understands and agrees to be bound by all the terms of the permit. A copy of these regulations shall be given to every person who files a declaration of intent pursuant to these regulations.

(d) Revocation of Permits. Any permit may be revoked by the Commission upon breach or violation of any Fish and Game law or regulation or violation of the terms or conditions of the permit by holders thereof, their agents, servants, employees, or those acting under their direction and control.

FGC Excerpts

§8180. Taking for bait or human consumption; Limitations as to place and amount.

In any district or part of a district lying south of a line drawn east and west through Point Mugu, anchovies may be taken in any quantity for bait or for human consumption in a fresh state, or, by contract with the Department, for hatchery food, not to exceed 500 tons per year.

§8181. Possession, transportation or sale; Conditions as to place of taking.

Anchovies taken south of that line in waters not less than three nautical miles from the nearest point of land on the mainland shore, and anchovies taken north of that line in any waters, may be possessed, transported, sold, or otherwise dealt with in any district or part of a district south of that line.

§8182. Display by boat operator of boat registration number.

The operator of any boat engaged in taking anchovies in waters south of the line described in Section 8180 shall at all times while operating such boat identify it by displaying on an exposed part of the superstructure, amidships on each side on top of the house visible from the air, the Department of Fish and Game registration number of the boat, in 14-inch black numerals on white background.

§8183. Taking in Humboldt Bay.

No anchovies may be taken for any purpose in Humboldt Bay, except under the following conditions:

(a) Anchovies may be taken for live bait between May 1 and December 1 and may be taken for dead bait between May 1 and August 31. The operator of a vessel may take anchovies only for use in his or her own fishing operation, except that the operator may make incidental sales of anchovies so taken to local sport fishermen for their use as bait.

This subdivision does not prevent the cooperative effort of two or more vessel operators or their crews working together with one net if each operator has complied with the notification requirement in subdivision (b).

(b) An observer who is an employee of the Department shall inspect any bait operation and may halt that operation if the operation cannot be conducted without adversely affecting the game species of the bay. Notification of all bait operations shall be dispatched so as to be received by the Department at least 12 hours prior to the commencement of the operation.

(c) Anchovies may be taken in Districts 8 and 9 only north of a line extending through channel markers 8 and 9 in Humboldt Bay.

(d) Not more than 15 tons of anchovies may be taken between May 1 and August 31 of each year and not more than 15 tons may be taken between September 1 and December 1 of each year.

(e) Only bait nets, as defined in Section 8780, shall be used to take anchovy.

(f) Any game fish caught incidentally in bait nets shall be released by use of a hand scoop net or by dipping the cork line.

An accurate record of all fishing operations shall be kept and is subject to inspection by the Department.

The Commission shall adopt any other regulation it determines is necessary to protect the Humboldt Bay anchovy resource.

§8190. Policy Regarding Management of Anchovy Resource.

(a) It is the policy of the state of California that the anchovy resource shall be managed in a manner which insures the continued abundance of the species. To that end, the Department shall conduct, or have others conduct, annual anchovy egg-larvae surveys or any other annual surveys, research, and analyses necessary to insure that an accurate biomass estimate is made.

(b) This section shall become operative, and activities shall be carried out pursuant to this section only in the event, and to the extent, that funding is made available for such activities by the federal government.

§8750. Definition.

As used in this article, "round haul nets" are circle seines, and include purse seines and ring or half ring, and lampara nets.

§8751. Districts 1, 2, and 3.

In Districts 1, 2, and 3, round haul nets may not be possessed on any boat, except in that part of District 3 lying within the boundaries of the Moss Landing Harbor District, where round haul or any other type of nets may be possessed on any boat, and except in that part of District 2 lying within Marin County.

§8752. Districts 6, 7, 8, 9, 10, and 11.

In Districts 6, 7, 8, 9, 10, and 11, purse and round haul nets may be used.

§8754. Districts 16, 17, 18, and 19

In Districts 16, 17, 18, and 19, purse and round haul nets may be used, except that purse seines or ring nets may not be used in that portion of District 19 lying within three miles offshore from the line of the high-water mark along the coast of Orange County from sunrise Saturday to sunset Sunday from May 1 to September 10, inclusive.

Purse seine or ring nets may not be used from May 1 to September 10, inclusive, in the following portions of District 19:

(a) Within a two-mile radius of Dana Point.

(b) Within a two-mile radius of San Mateo Point.

(c) Within two miles offshore from the line of the high-water mark along that portion of the coast of Orange County lying between the northernmost bank of the mouth of the Santa Ana River and a point on that coast six miles south therefrom.

§8755. Districts 20A and 21.

In Districts 20A and 21, purse and round haul nets may be used.

(a) Purse and round haul nets may be used, except: (1) from sunrise Saturday to sunset Sunday, in that portion of District 20 from a line extending three nautical miles east magnetically from the extreme easterly end of Santa Catalina Island southwesterly and northerly to a line extending three nautical miles southwest magnetically from the most southerly promontory of China Point and (2) at any time during the period commencing on June 1 and ending on September 10 in each year, in that portion of District 20 from a line extending three nautical miles east magnetically from the extreme easterly end of Santa Catalina Island southerly to a line extending three nautical miles southeasterly magnetically from the United States government light on the southeasterly end of Santa Catalina Island.

(b) Subdivision (a) shall not be construed as restricting the right to use the waters therein specified for anchorage of vessels at any time.

§8757. Use in Districts 20A and 21; Exceptions.

Notwithstanding Section 8661, and in addition to Sections 8754, 8755, and 8780, round haul nets may be used to take fish in those portions of Districts 19 and 20 that are closed to the use of round haul nets by Sections 8754 and 8755 and in District 19B, but only for use or sale of those fish for live bait and subject to the following restrictions:

(a) In District 19B, round haul nets may not be used within 750 feet of Seal Beach Pier or Belmont Pier.

(b) It is unlawful to buy, sell, or possess in any place of business where fish are bought, sold, or processed, any dead fish taken under the authority of this section.

§8780. "Bait net"; Authorized uses.

(a) As used in this chapter, the term "bait net" means a lampara or round haul type net, the mesh of which is constructed of twine not exceeding Standard No. 9 medium cotton seine twine or synthetic twine of equivalent size or strength. The net shall not have rings along the lead line or any method of pursing the bottom of the net.

(b) Bait nets may be used to take fish for bait in Districts 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 19A, 19B, 20A, 21, 118, and 118.5.

(c) In District 19A, bait nets may be used only to take anchovies, queenfish, white croakers, mackerel, sardines, squid, and smelt for bait only. Bait nets may not be used within 750 feet of Seal Beach Pier or Belmont Pier.

(d) No other species of fish may be taken on any boat carrying a bait net in District 19A, except that loads or lots of fish may contain not more than 18 percent by weight of the fish, of other bait fish species taken incidentally to other fishing operations and which are mixed with other fish in the load or lot.

§8870. Authorized use; Restrictions.

Dip nets may be used subject to the following restrictions:

(a) In Districts 1, 11/2, 2, 3, and 4, dip nets may not be baited, and may not measure more than six feet in greatest breadth.

(b) In District 19, hand-held dip nets 30 feet or less in greatest breadth may be used. In that district dip nets may not be used within 750 feet of any pier, wharf, jetty, or breakwater, except to take anchovies, squids, and sardines for bait, and to take smelt.

(c) In District 20, hand-held dip nets 30 feet or less in greatest breadth may be used.

Coastal Pelagic Species (CPS)

For up to date information on federal regulations and management quotas, and allocation/reallocation schemes, see swr.nmfs.noaa.gov/fmd/cps/cps.htm.

Title 14 Excerpts

§159. Commercial Fishing for Coastal Pelagic Species.

(a) General provisions. No person shall engage in commercial fishing for coastal pelagic species (CPS) except as provided by the Fish and Game Code and regulations provided herein. Applicable regulations adopted by the U.S. Secretary of Commerce pursuant to the Magnuson Fishery Conservation and Management Act and published in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660 are hereby incorporated and made a part of these regulations. Federal regulations shall be made available upon request from the Department of Fish and Game, Marine Region, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090, phone number 916-653-6281.

(b) General Definitions. For purposes of these regulations, the following definitions shall apply:

(1) Actively managed species (AMS). Those CPS for which the Secretary has determined that harvest guidelines or quotas are needed by Federal management according to the provision of the federal CPS Fishery Management Plan.

(2) Advisory Subpanel (AP). The Coastal Pelagic Species Advisory Subpanel that comprises members of the fishing industry and public appointed by the Council to review proposed actions for managing the coastal pelagic fisheries.

(3) Biomass. The estimated amount, by weight, of a coastal pelagic species population. The term biomass means total biomass (age 1 and above) unless stated otherwise.

(4) Closure. Taking and retaining, possessing, or landing the particular species or species group is prohibited. Unless otherwise announced in the

Federal Register, offloading must begin before the time the fishery closes.
(5) Coastal pelagic species (CPS). Includes northern anchovy (*Engraulis mordax*), Pacific mackerel (*Scomber japonicus*), Pacific sardine (*Sardinops sagax*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*).
(6) Coastal Pelagic Species Management Team (CPSMT). The individuals appointed by the Council to review, analyze, and develop management measures for the CPS fishery.
(7) Council. The Pacific Fishery Management Council, including its CPSMT, AP, Scientific and Statistical Committee (SSC), and any other committee established by the Council.
(8) Federally Designated Routine Management Measures. Routine Management Measures, identified as catch restrictions intended to keep landings within the harvest levels announced by the Secretary of Commerce and noticed in the Federal Register by the National Marine Fisheries Service, are hereby incorporated and made a part of these regulations. Should any federal management measures conflict with existing statutes, including Fish and Game Code Sections 8496 and 8842(b), or regulations of the Commission, the provisions in the statutes or regulations which conflict with the federal management measures are made inoperative.
(9) Finfish. For the purpose of this section only, finfish includes northern anchovy, Pacific mackerel, Pacific sardine, and jack mackerel, but excludes market squid.
(10) Fishery Management Area. The EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nautical miles offshore, bounded in the north by the Provisional International Boundary between the United States and Canada, and bounded in the south by the International Boundary between the United States and Mexico.
(11) Fishing trip. A period of time between landings when fishing is conducted.
(12) Harvest guideline. A specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require complete closure of a fishery.
(13) Harvesting vessel. A vessel involved in the attempt or actual catching, taking or harvesting of fish, or any activity that can reasonably be expected to result in the catching, taking or harvesting of fish.
(14) Land or Landing. To begin transfer of fish from a fishing vessel. Once transfer begins all fish onboard the vessel are counted as part of the landing.
(15) Limited entry fishery. The commercial fishery consisting of vessels fishing for CPS in the CPS Management Zone under limited entry permits issued under s 660.512.
(16) Live bait fishery. Fishing for CPS for use as live bait in other fisheries.
(17) Monitored species (MS). Those CPS the Secretary has determined not to need management by harvest guidelines or quotas according to the provisions of the FMP.
(18) Nonreduction fishery. Fishing for CPS for use as dead bait or for processing for direct human consumption.
(19) Owner. A person who is identified as the current owner in the Certificate of Documentation (CG-1270) issued by the U.S. Coast Guard for a documented vessel, or in a registration certificate issued by a state or the U.S. Coast Guard for an undocumented vessel.
(20) Person. Any individual, corporation, partnership, association or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a).
(21) Processing or to process. Preparing or packaging coastal pelagic species to render the fish suitable for human consumption, pet food, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless there is additional preparation.
(22) Prohibited Species. All species of trout and salmon (Salmonidae) and Pacific Halibut (*Hippoglossus stenolepis*).
(23) Quota. A specified numerical harvest objective for a single species of CPS, the attainment (or expected attainment) of which causes the complete closure of the fishery for that species.
(24) Reduction fishery. Fishing for CPS for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products, or byproducts for purposes other than direct human consumption.
(25) Regional Administrator. The Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, or a designee.
(26) Reserve. A portion of the harvest guideline or quota set aside at the beginning of the year for specific purposes, such as for individual harvesting groups to ensure equitable distribution of the resource or to allow for uncertainties in preseason estimates of DAP and JVP.
(27) Secretary. The Federal Secretary of Commerce.
(28) Sustainable Fisheries Division (SFD). The Assistant Regional Administrator for Sustainable Fisheries, Southwest Region, NMFS, or a designee.
(29) Totally lost. The vessel being replaced no longer exists in specie, or is absolutely and irretrievably sunk or otherwise beyond the possible control of the owner, or the costs of repair (including recovery) would exceed the repaired value of the vessel.
(30) Trip limit. The total allowable amount of a CPS species by weight or by percentage of weight of fish on board the vessel that may be taken and retained, possessed, or landed from a single fishing trip by a vessel that harvests CPS.

Coonstripe Shrimp

Title 14 Excerpts

§180.15. Coonstripe Shrimp (*Pandalus danae*) Fishing.

(a) No person shall use a vessel to take, possess or land coonstripe shrimp for commercial purposes unless the owner of that vessel has been issued a coonstripe shrimp vessel trap permit for that vessel that has not been suspended or revoked.
(b) The fee for a coonstripe shrimp vessel trap permit is $80.00.
(c) Coonstripe shrimp may only be taken for commercial purposes by traps pursuant to this section and sections 180, 180.2, 180.5, Title 14, CCR.
(1) Coonstripe shrimp may not be taken from November 1 through April 30.
(2) All coonstripe shrimp taken during the closed season shall immediately be returned to the water. No coonstripe shrimp shall be possessed or landed aboard any commercial fishing vessel during the closed season.
(3) Coonstripe shrimp traps may be set and baited no earlier than noon on April 30.
(4) All traps must be removed from the water prior to November 1, weather and sea conditions permitting. In the event that a permittee is unable to comply with this subsection, then the permittee must notify an officer from the Department's Enforcement Branch in the nearest Department office via telephone or fax not later than noon on October 31. The permittee must state the reason for the delay and the anticipated date of removal. Notification does not relieve the permittee of the responsibility for complying with this subsection unless approved by the Department.
(d) A control date of November 1, 2001, is established for the purpose of considering a future restricted access coonstripe shrimp trap fishery. Landings on or after this date may not apply toward a permit in a future restricted access program for the coonstripe shrimp trap fishery if one is developed.

Drift Gill Net Shark/Swordfish

Drift gill net permit holders also subject to the provisions of §190, Title 14, of the CCR.

Title 14 Excerpts

§106. Permits To Commercially Take Shark and Swordfish Using Drift Gill Nets.

(a) Permit Required.
(1) The owner or operator of a vessel using drift gill nets to take shark and swordfish pursuant to Sections 8561-8570 of the Fish and Game Code shall have obtained a valid drift gill net shark and swordfish permit and shall be in possession of said permit when engaged in such activities.
(2) To Whom Issued. The Department shall issue permits to the owner or operator of a currently registered vessel who has qualified for said permit pursuant to Sections 8561-8570 of the Fish and Game Code. The applicant, if the holder of an expired drift gill net shark and swordfish permit, shall have complied with subsection (e) dealing with records during the preceding year.
(3) Where Issued. Permits will be issued at Department offices in Los Alamitos and San Diego.
(4) Permit Review.
(A) The Department shall inform the applicant, in writing, that the application is complete and accepted for filing, or that the application is deficient and what specific information is required within 10 business days of receipt of a permit application.
(B) The Department shall inform the applicant, in writing, of a permit decision within 15 days of receipt of completed permit application.
(b) Limitations of Permit. Permits are non-transferable. Not more than one permit shall be issued to any person. Except as provided in Section 8564 of the Fish and Game Code, no permit shall be valid for more than one vessel at one time.
(c) Duration of Permit. Except as otherwise provided, permits issued pursuant to these regulations shall be in force from the date of issuance through March 31, 1984. Permits issued on an annual basis after March 31, 1984 shall be in force from April 1 to March 31 of the following year or, if issued after the beginning of that term, for the remainder thereof.
(d) Cost of Permit. The fee for the permit shall be $330.

(e) Records. Pursuant to Section 190 of these regulations, each permittee shall complete and submit an accurate record of all gill net fishing activities on a form [Gill and Trammel Net Log, DFG 174 (10/89)] provided by the Department.

(f) Notification Procedure. The Department shall notify permittees if the director, pursuant to Section 8577 of the Fish and Game Code, closes the drift gill net shark and swordfish fishery or any area where the fishery is conducted. The Department shall notify a permittee if his permit is suspended pursuant to Section 8576 of the Fish and Game Code. In either case, the Department shall notify permittees by certified mail and by public announcement on VHF/Channel 16 between 0800 hours and 1000 hours during normal business days. Radio transmissions shall commence 48 hours prior to the effective date of a closure or permit suspension and shall continue for 24 hours after the effective date of such action. It shall be the responsibility of the permittee to daily monitor the named radio channel during the specified hours.

(g) A permittee may have any person serve in his place on the permittee's vessel and engage in fishing under his drift gill net shark and swordfish permit for not more than 15 calendar days in any one year, except as otherwise provided in Section 8563(b) of the Fish and Game Code. A permittee shall notify the Department's Los Alamitos office of such a substitution by certified letter or telegram to be received at the Los Alamitos office during normal business hours at least 24 hours prior to the commencement of the trip. Any notice sent in this regard shall include, but is not limited to:

(1) Name of the vessel;

(2) Name and commercial fishing license number of substitute;

(3) Departure date and port for the trip.

(4) Termination date and port for the trip.

Conviction of a substitute permittee for a willful violation of any provision of Article 16 (commencing with Section 8560) of Chapter 2 or Article 1 (commencing with Section 8601), or Article 5 (commencing with Section 8680) of Chapter 3, Part 3, Division 6 of the Fish and Game Code or any regulation adopted pursuant thereto, while operating under the substitute permit, shall be cause to revoke or suspend the permit issued pursuant to Sections 8560-8583 of the Fish and Game Code.

(h) Conditions of Permit. Permit holders, their agents, servants, employees or those acting under their direction or control, shall comply with all applicable provisions of the Fish and Game Code relating to commercial fish and any regulations adopted pursuant thereto.

(i) Revocation of Permits. Any permit may be revoked or suspended by the Commission, when requested by the Department, upon a conviction for a willful violation of any provision of Article 16 (commencing with Section 8560) of Chapter 2 or Article 1 (commencing with Section 8601) or Article 5 (commencing with Section 8680) of Chapter 3, Part 3, Division 6 of the Fish and Game Code, or violation of any condition of the permit by the permittee or the permittee's agent, servant, employee or person acting under the permittee's direction or control.

FGC Excerpts

§7704. Deterioration or waste of fish; Use for reduction

(a) It is unlawful to cause or permit any deterioration or waste of any fish taken in the waters of this state, or brought into this state, or to take, receive or agree to receive more fish than can be used without deterioration, waste, or spoilage.

(b) Except as permitted by this code, it is unlawful to use any fish, or part thereof, except fish offal, in a reduction plant or by a reduction process.

(c) Except as permitted by this code or by regulation of the Commission, it is unlawful to sell, purchase, deliver for commercial purposes, or possess on any commercial fishing vessel registered pursuant to Section 7881 any shark fin or shark tail or portion thereof that has been removed from the carcass. However, thresher shark tails and fins that have been removed from the carcass and whose original shape remain unaltered may be possessed on a registered commercial fishing vessel if the corresponding carcass is in possession for each tail and fin.

§8561. Necessity of permit.

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

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

§8561.5. Transfer of permit.

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

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

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

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

(b) A permit may be transferred only to a person who holds a valid general gill net permit issued to that person pursuant to Section 8681 that has not been suspended or revoked.

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

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

§8562. Late permit applications.

Applications delivered to a Department office after April 30, or if mailed, postmarked after April 30, shall not be accepted unless approved by the Commission pursuant to Section 8569.

§8563. Necessity of permittee's presence on vessel.

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

(b) A permittee may have any person serve in his or her place on the permittee's vessel and engage in fishing under his or her drift gill net shark and swordfish permit for not more than 15 calendar days in any one year, except that a longer period may be allowed in the event of serious illness. A permittee shall notify the Department's Los Alamitos office of a substitution of 15 days or less per calendar year, by certified letter or telegram at least 24 hours prior to the commencement of the trip. Written authorization for a substitution of greater than 15 days shall be obtained from the director and shall be given only on the director's finding that the permittee will not be available to engage in the activity due to serious illness, supported by medical evidence. An application for a substitution of greater than 15 days shall be made to the Department of Fish and Game, Headquarters Office, Sacramento, and shall contain such information as the director may require. Any denial of the substitution may be appealed to the Commission.

§8564. Specification of vessel.

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

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

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

§8567. Fee for permit.

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

§8568. Qualifications to obtain a permit.

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

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

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

§8568.5. Prior permittees qualifications.

Any person holding a valid drift gill net shark and swordfish permit on or after January 1, 2000, who

did not make, on or after January 1, 2000, the minimum landings required under subdivision (c) of Section 8568, as amended by Section 11 of Chapter 525 of the Statutes of 1998, is eligible for that permit when that person meets all other qualifications for the permit.

§8569. Prior permittees qualifications.

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

§8573. Size and use of gill nets.

Drift gill nets may be used to take shark and swordfish under the permit provided in this article subject to Section 8610.3 and all of the following restrictions:

(a) From June 1 to November 15, inclusive, shark or swordfish gill nets shall not be in the water from two hours after sunrise to two hours before sunset east of a line described as follows: From a point beginning at Las Pitas Point to San Pedro Point on Santa Cruz Island, thence to Gull Island Light, thence to the northeast extremity of San Nicolas Island, thence along the high water mark on the west side of San Nicolas Island to the southeast extremity of San Nicolas Island, thence to the northwest extremity of San Clemente Island, thence along the high water mark on the west side of San Clemente Island to the southeast extremity of San Clemente Island, thence along a line running 150° true from the southeast extremity of San Clemente Island to the westerly extension of the boundary line between the Republic of Mexico and San Diego County.

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

(2) Any shark or swordfish gill net on the reel shall have the float lines of the adjacent panels tied together, the lead lines of the adjacent panels tied together, and the web of the adjacent panels laced together. No quick disconnect device may be used unless the total maximum length of all shark and swordfish gill nets, including all spare gill nets or net panels on the vessel and all gill nets or net panels on the net reels of the vessel, on the deck of the vessel, stored aboard the vessel, and in the water, does not exceed 6,000 feet in float line length as determined under paragraph (1).

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

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

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

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

§8574. Mesh size of gill nets.

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

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

§8575. Restricted areas.

Drift gill nets, used to take shark and swordfish under the permit provided in this article, shall not be used under the following circumstances:

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

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

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

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

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

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

§8575.5. Other restricted areas.

Drift gill nets used to take shark and swordfish under the permit provided in this article shall not be used in the following areas:

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

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

§8576. Restricted season; Permitted takings of swordfish or thresher shark.

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

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

(c) Subdivisions (a) and (b) apply to any drift gill net used pursuant to a permit issued under Section 8561 or 8681, except that drift gill nets with a mesh size smaller than eight inches in stretched mesh and twine size number 18, or the equivalent of this twine size, or smaller, used pursuant to a permit issued under Section 8681, may be used to take species of sharks other than thresher shark, shortfin mako shark, and white shark during the periods specified in subdivisions (a) and (b). However, during the periods of time specified in subdivisions (a) and (b), not more than two thresher sharks and two shortfin mako sharks may be possessed and sold if taken incidentally in drift gill nets while fishing for barracuda or white seabass and if at least 10 barracuda or five white seabass are possessed and landed at the same time as the incidentally taken thresher or shortfin mako shark. No thresher shark or shortfin mako shark taken pursuant to this subdivision shall be transferred to another vessel before the landing the fish. Any vessel possessing thresher or shortfin mako sharks pursuant to this section shall not have any gill or trammel net aboard that is constructed with a mesh size greater than eight inches in stretched mesh and twine size greater than number 18, or the equivalent of a twine size greater than number 18.

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

(e) If any person is convicted of falsely swearing a declaration under subdivision (d), in addition to any other penalty prescribed by law, the following penalties shall be imposed:
(1) The fish landed shall be forfeited, or, if sold, the proceeds from the sale shall be forfeited, pursuant to Sections 12159, 12160, 12161, and 12162.
(2) All shark or swordfish gill nets possessed by the permittee shall be seized and forfeited pursuant to Section 8630 or 12157.
(f) From August 15 of the year of issue to January 31, inclusive, of the following year, swordfish may be taken under a permit issued pursuant to this article.

§8576.5. Severing of pelvic fin of thresher shark taken with drift gill nets.

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

§8577. Fishery closings.

Notwithstanding Section 8394, the director may close the drift gill net shark and swordfish fishery, the swordfish harpoon fishery, or any area where either or both fisheries are conducted, if, after a public hearing, the director determines the action is necessary to protect the swordfish or thresher shark and bonito (mako) shark resources.
The director shall reopen a fishery or any fishing areas previously closed pursuant to this section if the director determines that the conditions which necessitated the closure no longer exist.

§8579. Application of article.

A permittee shall be subject to the provisions of this article whenever the permittee is using a drift gill net, unless the permittee has surrendered his or her permit to the Department.
A permittee may surrender his or her permit by notifying the Department's Los Alamitos office of his or her intentions by telegram or certified letter and by sending or delivering his or her permit to a Department office. A permittee may reclaim his or her permit at any time during regular working hours, if the permit has not been suspended or revoked.

§8580. Sale of swordfish.

It is unlawful for any permittee to sell swordfish taken by him or her to other than the persons described in Sections 8032 or 8033.

§8581. Revocation or suspension of licenses.

Any license issued pursuant to Sections 8032 to 8036, inclusive, may be revoked or suspended by the Commission, when requested by the Department, upon a conviction for a violation of Section 8043 for failure to report, or for inaccurately reporting, shark or swordfish landings by fishermen operating under permits issued pursuant to Section 8394 or 8561.

§8582. Purpose of article; Sale or possession of marlin.

(a) The Legislature finds and declares that the intent of this article is not to permit or encourage the taking of marlin for commercial purposes.
(b) It shall be a misdemeanor for any person operating under a permit pursuant to this article to sell or possess for sale or personal use any marlin. In the event a marlin is taken incidentally in a drift gill net, the permittee shall notify the Department immediately that the fish is on the boat. No marlin may be removed from the boat except for delivery to the Department.

Dungeness Crab

Dungeness crab vessel permit holders are also subject to the provisions of §180.2 and 180.5, Title 14, of the CCR, and FGC §9000, and 9002 through 9012. These provisions are also applicable to trap permit holders.

FGC Excerpts

§8275. Definitions.

Unless the provision or context otherwise requires, the definitions in this section govern the construction of this article.
(a) "Dungeness crab" or "market crab" means crab of the species Cancer magister.
(b) "Reconstruction" means major work on the hull of a vessel to make that vessel operable in the California crab fishery if that work may reasonably be expected to be of a duration that will preclude operation of that vessel in the crab fishery for the length of the crab season or longer.
(c) "Rock crab" means any crab of the genus Cancer other than Dungeness crab and includes rock crab (Cancer antennarius), red crab (Cancer productus), and yellow crab (Cancer anthonyi).
(d) "Under construction" means having plans and materials and proceeding with work toward the completion of an operational Dungeness crab fishing vessel.

§8276. Season; Restrictions on taking for commercial purposes.

Except as provided in Section 8276.2:
(a) Dungeness crab may be taken for commercial purposes in Districts 6, 7, 8, and 9 only between December 1 and July 15.
(b) Dungeness crab may be taken for commercial purposes in all other districts only between November 15 and June 30.
(c) Dungeness crab may not be taken for commercial purposes in any district, or part of a district, lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

§8276.2. Authority of director to order delay in opening of crab fishery; Quality testing. (Only effective until April 1, 2010.)

(a) The director may order a delay in the opening of the Dungeness crab fishery after December 1 in Districts 6, 7, 8, and 9 in any year. The delay in the opening shall not be later than January 15 of any year.
(b) On or about November 1 of each year, the director may authorize one or more operators of commercial fishing vessels to take and land a limited number of Dungeness crab for the purpose of quality testing according to a testing program conducted by, or on behalf of, the Pacific states Marine Fisheries Commission or an entity approved by the Department. The Department shall not approve a testing program unless it is funded by the entity authorized to conduct the testing program. Crab taken pursuant to this section shall not be sold; however, any edible crabmeat recovered from the crabs tested shall not be wasted and may be used for charitable purposes.
(c) The director shall order the opening of the Dungeness crab season in Districts 6, 7, 8, and 9 on December 1 if the quality tests authorized in subdivision (b) indicate the Dungeness crabs are not soft-shelled or low quality. The entity authorized to conduct the approved testing program may test, or cause to be tested, crabs taken for quality and soft shells pursuant to the approved testing program. If the tests are conducted on or about November 1 and result in a finding that Dungeness crabs are soft-shelled or low quality, the director shall authorize a second test to be conducted on or about November 15 pursuant to the approved testing program. If the second test results in a finding that Dungeness crabs are soft-shelled or low quality, the director may order the season opening delayed for a period of 15 days and may authorize a third test to be conducted on or about December 1. If the third test results in a finding that Dungeness crabs remain soft-shelled or of low quality, the director may order the season opening delayed for a period of an additional 15 days and authorize a fourth test to be conducted. This procedure may continue to be followed, except that no tests shall be conducted after January 1 for that season, and the season opening shall not be delayed by the director later than January 15.
(d) This section shall become inoperative on April 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

§8276.3. Taking or landing crab prohibited during closure; Gear setting period prior to opening after delay.

(Only effective until April 1, 2010.)

(a) (1) If there is any delay ordered by the director pursuant to Section 8276.2 in the opening of the Dungeness crab fishery in Districts 6, 7, 8, and 9, no vessel shall take or land crab within Districts 6, 7, 8, and 9 during any closure.
(b) If there is any delay in the opening of the Dungeness crab season pursuant to Section 8276.2, the opening date in Districts 6, 7, 8, and 9 shall be preceded by a 36-hour gear setting period, as ordered by the director.
(c) This section shall become inoperative on April 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

§8277. Extension of season; Territorial limitation.

a) The director may extend the Dungeness crab season in any district or part thereof.
b) Before extending the season, the director shall consider written findings of the Department regarding the state of the Dungeness crab resource in the district, or part thereof, which consider, but are not limited to, population and maturity. The director may extend the season only if the written findings do not conclude that the extension will damage the Dungeness resource.
c) The director shall not extend the Dungeness crab season past August 31 in a district or part thereof, north of the southern boundary of Mendocino County or past July 31 in a district, or part thereof, south of Mendocino County. The director shall order closure of the season at any time during the extension period of the director

determines that further fishing will damage the Dungeness crab resource.

§8278. Prohibited taking of crabs of minimum size.

a) Except as otherwise provided, no Dungeness crab less than six and one-quarter (6¼) inches in breadth, and no female Dungeness crab, may be taken, possessed, bought, or sold, except that not more than 1 percent in number of any load or lot of Dungeness crabs may be less than six and one-quarter (6¼) inches in breadth but not less than five and three-quarter (5¾) inches in breadth.

b) Dungeness crab shall be measured by the shortest distance through the body from edge of shell to edge of shell directly from front of points (lateral spines).

§8279. Sale of crabs from certain waters unlawful.

It is unlawful to sell any Dungeness crab taken in any of the following waters:

(a) The Eel River and its tributaries between the Pacific Ocean and the west line of Sec. 35, T. 3 N., R. 1 W., H. B. & M.

(b) The Pacific Ocean within a radius of one mile from the mouth of the Eel River.

(c) Humboldt Bay, including the entrance of that bay, and the Pacific Ocean within a radius of one mile from the extreme western point of the north jetty at the entrance of the bay and for a radius of one mile from the extreme western point of the south jetty at the entrance of the bay.

(d) Trinidad Bay, that bay being the body of water within the area enclosed by a line running southeasterly from the westernmost point of Trinidad Head to the mouth of Luftenholtz Creek.

(e) Bodega Lagoon.

§8279.1. Restrictions on taking of Dungeness crab in certain districts; Restrictions relating to ocean waters off Washington, Oregon or California.

(Only effective until April 1, 2010)

(a) No person shall take, possess onboard, or land Dungeness crab for commercial purposes from any vessel in ocean waters in District 6, 7, 8, or 9 for 30 days after the opening of the Dungeness crab fishing season in California, if both of the following events have occurred:

(1) The opening of the season has been delayed pursuant to state law in California.

(2) The person has taken, possessed onboard, or landed Dungeness crab for commercial purposes, from ocean waters outside of District 6, 7, 8, or 9, prior to the opening of the season in those districts.

(b) No person shall take, possess onboard, or land Dungeness crab for commercial purposes from any vessel in ocean waters south of the border between Oregon and California for 30 days after the opening of the Dungeness crab fishing season in California, if both of the following events have occurred:

(1) The opening of the season has been delayed pursuant to state law in California.

(2) The person has taken, possessed onboard, or landed Dungeness crab for commercial purposes in Oregon or Washington prior to the opening of the season in California.

(c) No person shall take, possess onboard, or land Dungeness crab for commercial purposes from any vessel in ocean waters north of the border between Oregon and California for 30 days after the opening of the Dungeness crab fishing season in Oregon or Washington, if both of the following events have occurred:

(1) The opening of the season has been delayed in Oregon or Washington.

(2) The person has taken, possessed onboard, or landed Dungeness crab for commercial purposes in California prior to the opening of the season in ocean waters off Oregon or Washington.

(d) No person shall take, possess onboard, or land Dungeness crab for commercial purposes from any vessel in ocean waters off Washington, Oregon, or California for 30 days after the opening of the Dungeness crab fishing season in California, Oregon, or Washington, if both of the following events have occurred:

(1) The opening of the season has been delayed in Washington, Oregon, or California.

(2) The person has taken, possessed onboard, or landed Dungeness crab for commercial purposes in either of the two other states prior to the delayed opening in the ocean waters off any one of the three states.

(e) A violation of this section shall not constitute a misdemeanor. Pursuant to Section 7857, the Commission shall revoke the Dungeness crab vessel permit held by any person who violates this section.

(f) This section shall become inoperative on April 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

§8280.1. Dungeness crab vessel permits.

(Only effective until April 1, 2010)

(a) No person shall use a vessel to take, possess, or land Dungeness crab for commercial purposes using Dungeness crab traps authorized pursuant to Section 9011, unless the owner of that vessel has a Dungeness crab vessel permit for that vessel that has not been suspended or revoked. This section does not apply to a commercially registered fishing vessel when it is being used solely to assist a permitted vessel transport or set traps.

(b) A Dungeness crab vessel permit may be issued only to the following persons for use on qualifying vessels:

(1) A person, who has a commercial fishing license issued pursuant to Section 7852 or Article 7 (commencing with Section 8030) of Chapter 1 that has not been suspended or revoked, who is the owner of a commercial fishing vessel that has been registered with the Department pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years and a minimum of four landings in each of three Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, have been made from that vessel. This paragraph includes any person purchasing a vessel qualifying pursuant to this paragraph.

(2) A person who has a commercial fishing license issued pursuant to Section 7852 or Article 7 (commencing with Section 8030) of Chapter 1 that has not been suspended or revoked, who is the owner of a commercial fishing vessel that has been registered with the Department pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years and a minimum of four landings in one of the Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, have been made from that vessel in this state as documented by landing receipts delivered to the Department pursuant to Section 8046, who the Department finds to have been unable, due to illness or injury or any other hardship, to make a minimum of four landings in each of two of the previous three Dungeness crab seasons, and who, in good faith, intended to participate in the Dungeness crab fishery in those seasons.

(3) A person who has a commercial fishing license issued pursuant to Section 7852 that has not been suspended or revoked, who meets the requirements of Section 8101, and who, notwithstanding Section 8101, is, at the time of application, the owner of a fishing vessel that is not equipped for trawling with a net and that has been registered pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years. Not more than one Dungeness crab vessel permit shall be issued to any person qualifying under Section 8101 and all permits issued under Section 8101 shall, notwithstanding paragraph (1) of subdivision (a) of Section 8280.3, be nontransferable. A person qualifying for a permit under this paragraph shall have participated in the Dungeness crab fishery on or before March 31, 1994, as documented by landing receipts that were prepared in that person's name for not less than four landings of Dungeness crab taken in a crab trap in a Dungeness crab season and were delivered to the Department pursuant to Section 8046. No person shall be issued a permit under this paragraph if that person has been issued a permit under any other provision of this section for another vessel. For purposes of Section 8101, "participated in the fishery" means made not less than four landings of Dungeness crab taken by traps in that person's name in one Dungeness crab season. The Department shall separately identify permits issued pursuant to this paragraph and those permits shall become immediately null and void upon the death of the permittee. The Department shall not issue or renew any permit under this paragraph to a person if the person failed to meet the participation requirements of four landings in one season prior to April 1, 1994, or has been issued a Dungeness crab permit for a vessel under any other paragraph of this subdivision.

(4) A person who has a commercial fishing license issued pursuant to Section 7852 that has not been suspended or revoked, who meets one of the following conditions:

(A) The person held a Dungeness crab permit issued pursuant to Section 8280 as it read on April 1, 1994, and participated in the Dungeness crab fishery between November 1, 1984, and April 1, 1994, and is the owner of a vessel that has been registered with the Department in each of the 1991-92, 1992-93, and 1993-94 permit years but did not make landings or the Department records do not indicate a minimum of four landings per season for three Dungeness crab seasons from that vessel or in that person's name because of a partnership or other working arrangement where the person was working aboard another vessel engaged in the Dungeness crab fishery in California.

(B) The person held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, and is the owner of a commercial fishing vessel that has been registered with the Department pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years and from which a minimum of four landings utilizing traps were made in at least one Dungeness crab

season in the period between November 1, 1984, and April 1, 1994, and from which either four landings were made utilizing traps or landings in excess of 10,000 pounds were made utilizing traps in each of two other Dungeness crab seasons in that same period, as documented by landing receipts.

(C) The person held a Dungeness crab vessel permit issued under Section 8280 as it read on April 1, 1994, or was an officer in a California corporation that was licensed pursuant to Article 7 (commencing with Section 8030) of Chapter 1 as of April 1, 1994, and began construction or reconstruction of a vessel on or before January 1, 1992, for the purpose of engaging in the Dungeness crab fishery, including the purchase of equipment and gear to engage in that fishery in California. A person may be issued a permit under this condition only if the person intended in good faith to participate in the California Dungeness crab fishery, a denial of a permit would create a financial hardship on that person, and, for purposes of determining financial hardship, the applicant is a non-resident and cannot participate with his or her vessel or vessels in the Dungeness crab fishery of another state because of that state's limited entry or moratorium on the issuance of permits for the taking of Dungeness crab.

(5) A person who has a commercial fishing license issued pursuant to Section 7852 that has not been suspended or revoked, who held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, who made a minimum of four landings of Dungeness crab taken by traps in each of three Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, in his or her name in this state from a vessel owned by that person, as documented by landing receipts, who, between April 1, 1991, and January 1, 1995, purchased, contracted to purchase, or constructed a vessel, not otherwise qualifying pursuant to paragraph (1), (2), or (4), who has continuously owned that vessel since its purchase or construction, and who either (A) has used that vessel for the taking of Dungeness crab in this state on or before March 31, 1995, as documented by one or more landing receipts delivered to the Department pursuant to Section 8046, or (B) intended in good faith, based on evidence that the Department and the review panel may require, including investment in crab gear, to enter that vessel in this state's Dungeness crab fishery not later than December 1, 1995. Not more than one permit may be issued to any one person under this paragraph.

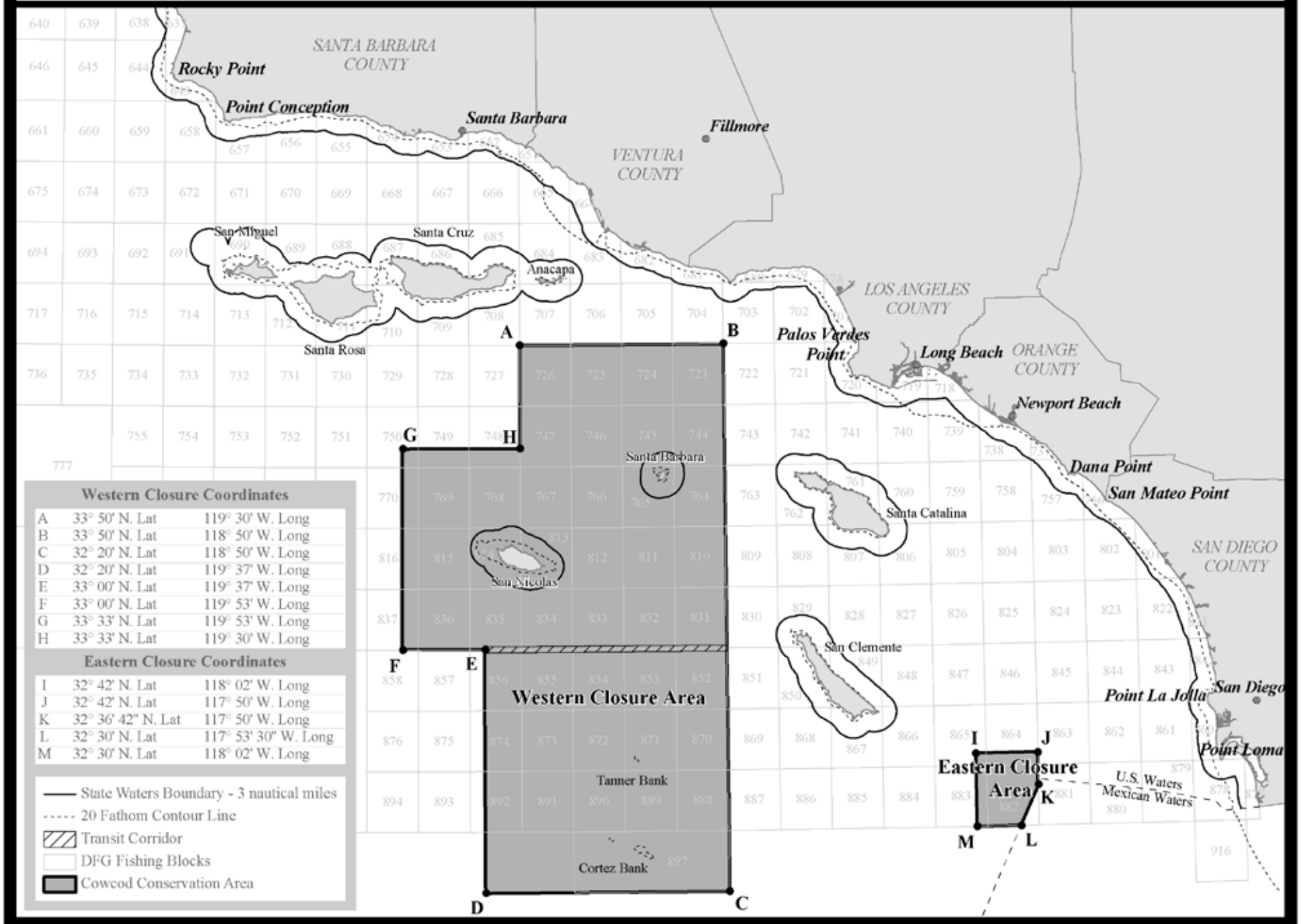
(6) A person who held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, who made a minimum of four landings utilizing traps in this state in each of three Dungeness crab seasons in the period between November 1, 1984, and April 1, 1994, in his or her name from a vessel operated by that person as documented by landing receipts, who currently does not own a vessel in his or her name, and who has not sold or transferred a vessel otherwise qualifying for a permit under this section. A permit may be issued under this paragraph for a vessel not greater in size than the vessel from

Calendar of Commercial Fishing Open Seasons

Species	Districts	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Surfperch Open 08/01/08 to 04/30/09	All				30	CLOSED			1				
White Seabass Open 06/16/08 to 03/14/09	All districts south of Point Conception			14	CLOSED		16						
Spiny Lobster (*Panulirus interruptus*) Open 10/01/08 to 03/19/09	18, 19, 20A and part of 20			19	CLOSED						1		
Clams *Season on littlenecks, chiones, and hard-shell cockles including thin-shelled, common, Japanese, and rough sided littlenecks and smooth, wavy and banded chiones Open 09/01/08 to 04/30/09 Open Marin County – 09/01/08 to 03/31/09	8, 9, 17				30	CLOSED				1			
	Marin County			31	CLOSED					1			
Nearshore Fishery North – open all year Open South – 05/01/08 to 02/28/09	North of 40°10'												
	South of 40°10'		28	CLOSED		1							
Dungeness Crab (*Cancer magister*) Dist. 6, 7, 8, 9 – Open 12/01/08 to 07/15/09 All other districts - Open 11/15/08 to 06/30/09	6, 7, 8, 9							15	CLOSED				1
	All other districts						30	CLOSED				15	
Spot Prawn (Trapping) *Traps must be in waters of 50 fathoms or greater District 18, etc. – Open 02/01/08 – 10/30/08 District 6 etc. Open 08/01/08 – 04/30/09	18, South of Point Arguello, 19, 19A, 20, 20A, 21		1								30	CLOSED	
	6, 7, 10, 17, 18, North of Point Arguello				30	CLOSED			1				
Coonstripe Shrimp (Trapping) 05/01/08 -10/30/08	All		CLOSED			1					30		
California Halibut and Sea Cucumber California Halibut/Sea Cucumber Districts 18, 19 –Open all year - No trawling in Monterey Bay Halibut/Sea Cucumber Halibut Trawl Open 06/16/08 to 03/14/09	18,19 (outside of 3 nautical miles)												
	In Halibut Trawl Grounds			14	CLOSED		16						
Pink Shrimp (Trawling) Open 04/01/08 to 10/31/08	6, 7, 10, 17, 18, 19		CLOSED		1						31		
Ridgeback Prawn (Trawling) Open 10/01/08 to 05/31/08	6, 7 10, 17, 18, 19					31		CLOSED			1		
Sea Urchin	All	SEE SEA URCHIN REGULATIONS											
King Salmon (Chinook) **Silver Salmon (Coho)** **Pacific Halibut**	6, 7, 10, 11, 16, 17, 18, 19	SEE FEDERAL REGULATIONS											

Open season - Dates listed for open season are inclusive

Cowcod Conservation Area Map



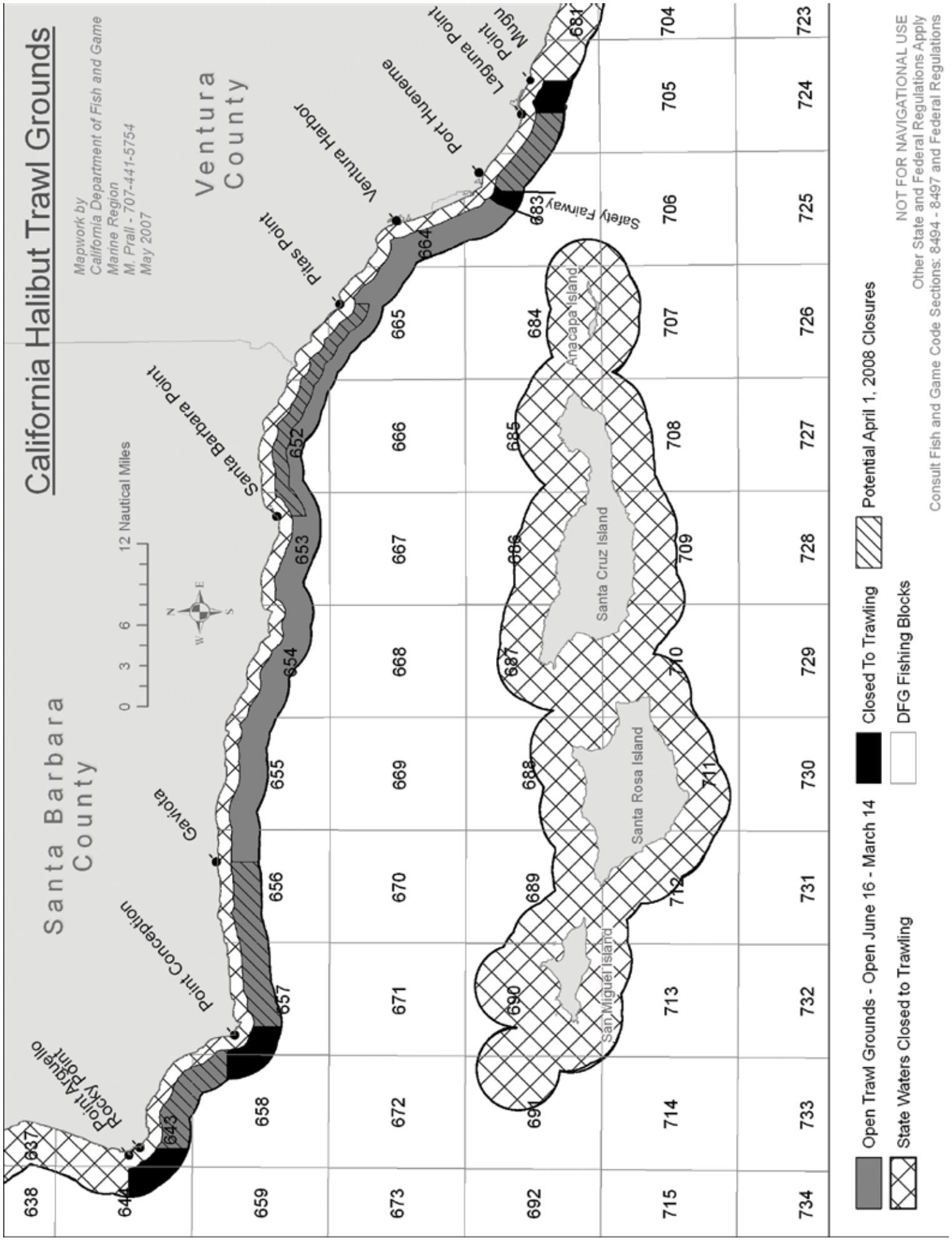
Western Closure Coordinates

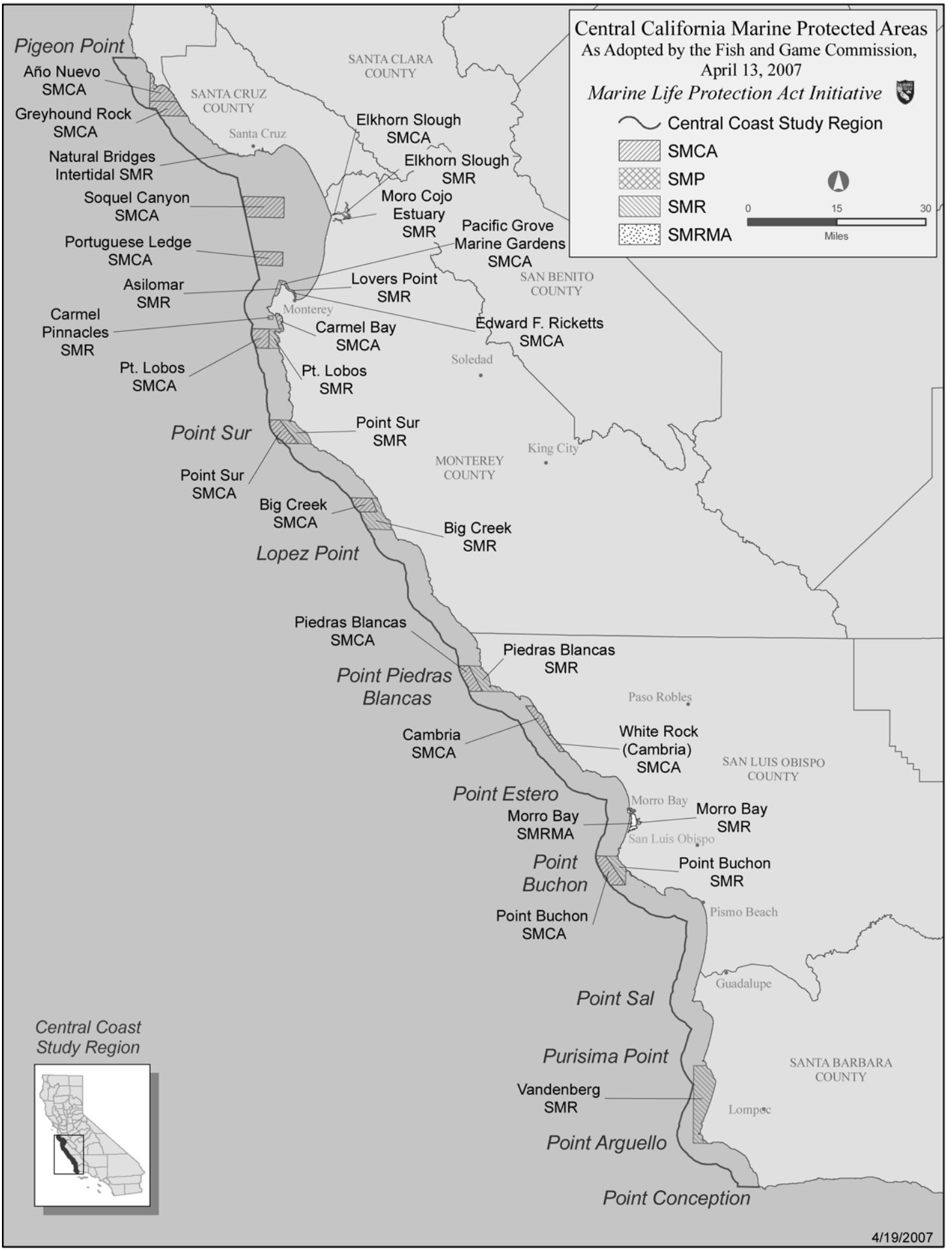
A	33° 50' N. Lat	119° 30' W. Long
B	33° 50' N. Lat	118° 50' W. Long
C	32° 20' N. Lat	118° 50' W. Long
D	32° 20' N. Lat	119° 37' W. Long
E	33° 00' N. Lat	119° 37' W. Long
F	33° 00' N. Lat	119° 53' W. Long
G	33° 33' N. Lat	119° 53' W. Long
H	33° 33' N. Lat	119° 30' W. Long

Eastern Closure Coordinates

I	32° 42' N. Lat	118° 02' W. Long
J	32° 42' N. Lat	117° 50' W. Long
K	32° 36' 42" N. Lat	117° 50' W. Long
L	32° 30' N. Lat	117° 53' 30" W. Long
M	32° 30' N. Lat	118° 02' W. Long

This map is for informational purposes only and should not be used for navigational or legal purposes.


California Halibut Trawl Grounds
Mapwork by
California Department of Fish and Game
Marine Region
M. Prall - 707-441-5754
May 2007
Ventura County
Santa Barbara County
12 Nautical Miles
0 3 6
Point Arguello
Rocky Point
Point Conception
Gaviota
Santa Barbara Point
Pitas Point
Ventura Harbor
Port Hueneme
Laguna Point
Point Mugu
Safety Fairway
Anacapa Island
Santa Cruz Island
Santa Rosa Island
San Miguel Island
Open Trawl Grounds - Open June 16 - March 14
State Waters Closed to Trawling
Closed To Trawling
DFG Fishing Blocks
Potential April 1, 2008 Closures
NOT FOR NAVIGATIONAL USE
Other State and Federal Regulations Apply
Consult Fish and Game Code Sections: 8494 - 8497 and Federal Regulations



SMCA = state marine conservation area SMP = state marine park
SMR = state marine reserve SMRMA = state marine recreational management area

which the previous landings were made, and, in no event, for a vessel of more than 60 feet in overall length, to be placed on a vessel that the person purchases or contracts for construction on or before April 1, 1996. A permit issued under this paragraph shall be non-transferable and shall not be used for a vessel not owned by that person, and shall be revoked if the person (A) fails to renew the permit or annually renew his or her commercial fishing license issued pursuant to Section 7852 or (B) is or becomes the owner of another vessel permitted to operate in the Dungeness crab fishery pursuant to this section.

(c) The Department may require affidavits offered under penalty of perjury from persons applying for permits under subdivision (b) or from witnesses corroborating the statements of a person applying for a Dungeness crab vessel permit. Affidavits offered under penalty of perjury shall be required of an applicant if the Department cannot locate records required to qualify under subdivision (b).

(d) No person shall be issued a Dungeness crab vessel permit under this section for any vessel unless that person has a valid commercial fishing license issued pursuant to Section 7852 that has not been suspended or revoked.

(e) Notwithstanding Section 7852.2 or subdivision (e) of Section 8280.2, the Department may issue a Dungeness crab vessel permit that has not been applied for by the application deadline if the Department finds that the failure to apply was a result of a mistake or hardship, as established by evidence the Department may require, the late application is made not later than October 15, 1995, and payment is made by the applicant of a late fee of two hundred fifty dollars ($250) in addition to all other fees for the permit.

(f) The Department may waive the requirement that a person own a commercial fishing vessel that has been registered with the Department pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years for one of those required years under this section only if the vessel was registered and used in the California Dungeness crab fishery during the registration year immediately prior to the year for which the waiver is sought and was registered and used in the California Dungeness crab fishery after the year for which the waiver is sought and if the reason for the failure to register in the year for which the waiver is sought was due to a death, illness, or injury, or other hardship, as determined by the review panel, that prevented the vessel from being registered and operated in the fishery for that registration year.

(g) If any person submits false information for the purposes of obtaining a Dungeness crab vessel permit under this section, the Department shall revoke that permit, if issued, revoke the person's commercial fishing license that was issued pursuant to Section 7850 for a period of not less than five years, and revoke the commercial boat registration for a period of not less than five years of any vessel registered to that person pursuant to Section 7881 of which that person is the owner.

(h) This section shall become inoperative on April 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

§8280.2. Owner of vessel; Trawl or other net vessels; Permit renewal.

(Only effective until April 1, 2010)

(a) The owner of a Dungeness crab vessel, for purposes of this section, may include a person with a bona fide contract for the purchase of a vessel who otherwise meets all other qualifications for a Dungeness crab vessel permit. If a contract is found to be fraudulent or written or entered into for the purposes of circumventing qualification criteria for the issuance of a permit, the applicant shall be permanently ineligible for a Dungeness crab vessel permit.

(b) A Dungeness crab vessel permit shall be issued only to the person owning the vessel at the time of application for that permit. No person shall be issued more than one permit for each vessel owned by that person and qualifying for a permit pursuant to Section 8280.1.

(c) A Dungeness crab vessel permit shall be issued only to the owner of a vessel taking crab by traps. No permit shall be issued to the owner of a vessel using trawl or other nets unless the owner of that vessel qualifies for a permit pursuant to paragraph (1) of subdivision (b) of Section 8280.1. No trawl or other net vessel authorized under this code to take Dungeness crab incidental to the taking of fish in trawl or other nets shall be required to possess a Dungeness crab vessel permit.

(d) Dungeness crab vessel permits shall not be combined or otherwise aggregated for the purpose of replacing smaller vessels in the fishery with a larger vessel, and a permit shall not be divided or otherwise separated for the purpose of replacing a vessel in the fishery with two or more smaller vessels.

(e) Applications for renewal of all Dungeness crab vessel permits shall be received by the Department, or, if mailed, postmarked, by April 30 of each year. In order for a vessel to retain eligibility, a permit shall be obtained each year subsequent to the initial permit year and the vessel shall be registered pursuant to Section 7881. The vessel owner shall have a valid commercial fishing license issued to that person pursuant to Section 7852 that has not been suspended or revoked. No minimum landings of Dungeness crab shall be required annually to be eligible for a Dungeness crab vessel permit.

(f) This section shall become inoperative on April 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

§8280.3. Transference of crab vessel permit; Exceptions.

(Only effective until April 1, 2010)

(a) Notwithstanding Article 9 (commencing with Section 8100) of Chapter 1 and except as provided in this section, a Dungeness crab vessel permit shall not be transferred.

(1) The owner of a vessel to whom a Dungeness crab vessel permit has been issued shall transfer the permit for the use of that vessel upon the sale of the vessel by the permit holder to the person purchasing the vessel. Thereafter, upon notice to the Department, the person purchasing the vessel may use the vessel for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year, and that person is eligible for a permit pursuant to Section 8280.1 for the use of that vessel in subsequent years. The person purchasing the vessel may not transfer the permit for use of that vessel in the Dungeness crab fishery to another replacement vessel during the same permit year.

(2) The owner of a vessel to whom the Dungeness crab vessel permit has been issued may transfer the permit to a replacement vessel of equivalent capacity, except as specified in this section. Thereafter, upon notice to the Department and payment of the transfer fee specified in Section 8280.6, the replacement vessel may be used for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year and that person is eligible for a permit pursuant to Section 8280.1 for the use of that replacement vessel in subsequent years.

The owner of a permitted vessel may transfer the permit to a vessel of greater capacity that was owned by that person on or before November 15, 1995, not to exceed 10 feet longer in length overall than the vessel for which the permit was originally issued or to a vessel of greater capacity purchased after November 15, 1995, not to exceed five feet longer in length overall than the vessel for which the permit was originally issued.

The Department, upon recommendation of the Dungeness crab review panel, may authorize the owner of a permitted vessel to transfer the permit to a replacement vessel that was owned by that person on or before April 1, 1996, that does not fish with trawl nets that is greater than five feet longer in length overall than the vessel for which the permit was originally issued, if all of the following conditions are satisfied:

(A) A vessel of a larger size is essential to the owner for participation in another fishery other than a trawl net fishery.

(B) The owner held a permit on or before January 1, 1995, for the fishery for which a larger vessel is needed and has participated in that fishery.

(C) The permit for the vessel from which the permit is to be transferred qualified pursuant to paragraph (1) of subdivision (b) of Section 8280.1.

(D) The vessel to which the permit is to be transferred does not exceed 20 feet longer in length overall than the vessel for which the permit was originally issued and the vessel to which the permit is to be transferred does not exceed 60 feet in overall length.

No transfer of a permit to a larger vessel shall be allowed more than one time. If a permit is transferred to a larger vessel, any Dungeness crab vessel permit for that permit year or any subsequent permit years for that larger vessel may not be transferred to another larger vessel. The Department shall not thereafter issue a Dungeness crab vessel permit for the use of the original vessel from which the permit was transferred, except that the original vessel may be used to take or land Dungeness crab after that transfer if its use is authorized pursuant to another Dungeness crab vessel permit subsequently transferred to that vessel pursuant to this paragraph.

(3) Upon the written approval of the Department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may temporarily transfer the permit to another replacement vessel, for which use in the Dungeness crab fishery is not permitted pursuant to this section or Section 8280.1, for a period of not more than six months during the current permit year if the vessel for which the permit was issued is seriously damaged, suffers major mechanical breakdown, or is lost or destroyed, as determined by the Department,

upon approval of the director. The owner of the vessel shall submit proof that the Department may reasonably require to establish the existence of the conditions of this paragraph. Upon approval by the director, the owner of a lost or destroyed vessel granted a six-month temporary transfer under this section may be granted an additional six-month extension of the temporary transfer.

(4) Upon written approval of the Department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may retain that permit upon the sale of that permitted vessel for the purpose of transferring the permit to another vessel to be purchased by that individual within one year of the time of sale of the vessel for which the permit was originally issued if the requirements of this section are satisfied, including the payment of transfer fees. If the permit is not transferred to a new vessel owned by the person to whom the vessel permit was originally issued within one year of the sale of the vessel for which it was originally issued, or if the person does not retain ownership of the new vessel to which the permit is transferred for a period of not less than one year, the permit shall be revoked.

(5) In the event of the death or incapacity of a permit holder, the permit shall be transferred, upon application, to the heirs or assigns, or to the working partner, of the permit holder, together with the transfer of the vessel for which the permit was issued, and the new owner may continue to operate the vessel under the permit, renew the permit, or transfer the permit upon sale of the vessel pursuant to paragraph (1).

(b) This section shall become inoperative on April 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

§8280.4. Revocation of commercial license of owner of vessel lacking Dungeness crab vessel permit.

(Only effective until April 1, 2010)

(a) The Commission may revoke the commercial fishing license issued pursuant to Section 7852 of any person owning a fishing vessel engaging in the taking or landing of Dungeness crab by traps for which that person has not obtained a Dungeness crab vessel permit, and the Commission may revoke the registration, issued pursuant to Section 7881, for that vessel.

(b) This section shall become inoperative on April 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

§8280.5 Dungeness crab review panel.

(Only effective until April 1, 2010)

(a) The director shall convene a Dungeness crab review panel for the purpose of reviewing applications for Dungeness crab vessel permits pursuant to paragraphs (2) and (4) of subdivision (b) of Section 8280.1 and applications for permit transfers pursuant to Section 8280.3 if the Department determines that the additional review and advice of the panel will be helpful in deciding whether to issue a permit or approve a transfer.

(b) The panel shall consist of one nonvoting representative of the Department and three public voting members selected by the director to represent the Dungeness crab fishing industry. One public member shall be licensed pursuant to Article 7 (commencing with Section 8030) of Chapter 1 and active in Dungeness crab processing in this state. Two public members shall be licensed pursuant to Section 7852, one from Sonoma County or a county south of Sonoma County, and one from Mendocino County or a county north of Mendocino County, and active in the taking and landing of Dungeness crab in this state. The public members shall be reimbursed for their necessary and proper expenses to participate on the panel. A public member shall serve on the panel for not more than four consecutive years.

(c) The panel may conduct its review of applications referred to it by mail or teleconference.

(d) The panel shall review each application for a permit or permit transfer referred to it by the Department and shall consider all oral and written evidence presented by the applicant that is pertinent to the application under review. If the panel recommends issuance of a permit or approval of the transfer, the Department may issue a Dungeness crab vessel permit pursuant to Section 8280.1 or approve a permit transfer pursuant to Section 8280.3.

(e) All appeals of denials of Dungeness crab vessel permits shall be made to the Commission and may be heard by the Commission if the appeal of denial is filed in writing with the Commission not later than 90 days from the date of a permit denial. The Commission may order the Department to issue a permit upon appeal if the Commission finds that the appellant qualified for a permit under this chapter.

(f) This section shall become inoperative on April 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

§8280.6. Permit fee.

(Only effective until April 1, 2010.)

(a) The Department shall charge a fee for each Dungeness crab vessel permit of two hundred dollars ($200) for a resident of California and four hundred dollars ($400) for a non-resident of California.

(b) The Department shall charge a nonrefundable fee of two hundred dollars ($200) for each transfer of a permit authorized pursuant to paragraph (2), (4), or (5) of subdivision (a) of Section 8280.3.

(c) This section shall become inoperative on April 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

§8280.7. Assistance in deployment of Dungeness crab traps by vessel lacking permit.

Notwithstanding Section 8280.1, the owner of a vessel, who has a Dungeness crab vessel permit for that vessel that has not been suspended or revoked, may contract for the use of a vessel that is registered pursuant to Section 7881 and for which a Dungeness crab vessel permit has not been issued for the purpose of assisting the crew of the permitted vessel in the deployment of Dungeness crab traps. An unpermitted vessel used for the purpose of assisting in the deployment of Dungeness crab traps pursuant to this section shall not have on board any equipment for the retrieval of Dungeness crab traps and shall not have on board at any time any Dungeness crab.

§8280.9. Validity of Dungeness crab vessel permits.

Dungeness crab vessel permits are valid only in state waters and in the Pacific Ocean in federal waters south of the border with Oregon.

§8281. Possession, transportation and sale authorized; Cost of inspection and marking.

Crab meat and frozen whole crabs or parts thereof, which are taken during the open season, may be possessed, transported, and sold at any time, subject to the regulations of the Commission. The cost of inspection and marking, under the regulations of the Commission, shall be paid by the owner or seller of such crab meat, crabs, or part thereof.

§8283. Trap Setting in Advance of Season.

(a) If requested on or before November 10 of any year, the director shall consult with the Dungeness crab industry and shall specify by public announcement on or before November 20 of that year when crab traps may be set and baited prior to the opening date of the Dungeness crab season in Fish and Game Districts 6, 7, 8, and 9. Crab traps may be set and baited in advance of that opening date in those districts if no other attempt is made to take or possess Dungeness crab in those districts.

(b) Except in Fish and Game Districts 6, 7, 8, and 9, crab traps may be set and baited 18 hours in advance of the opening date of the Dungeness crab season, if no other attempt is made to take or possess Dungeness crab.

§8284. Taking for commercial purposes, Incidental takings.

(a) Subject to this article and Article 1 (commencing with Section 9000) of Chapter 4, crab traps, as described in Section 9011, may be used to take Dungeness crab for commercial purposes. Any fish may be taken incidentally in crab traps being used to take Dungeness crab.

(b) Any other species taken incidentally in a crab trap being used to take rock crab, except as provided in this subdivision, shall be released. The following species may be taken incidentally in crab traps being used to take rock crab under a permit issued pursuant to Section 9001 in District 19 and 118.5, and any other species taken incidentally with a crab trap being used to take rock crab shall be released:

(1) Kellet's whelk.

(2) Octopus.

(3) Crabs, other than the genus Cancer.

§8604. Illegal disturbance or injury to net or trap; Exception.

It is unlawful willfully to disturb or injure any net, trap, or other apparatus to take fish which is being legally used in the waters of this state.

This section does not apply to employees of the Department while they are engaged in the performance of their official duties.

§8834. Maximum weight of crab to be taken or possessed on boat with trawl or drag net.

It is unlawful to take or possess more than 500 pounds of crabs on any boat on which any type of trawl or drag net is carried or operated.

§8834.5. Taking or possession of Dungeness crab from vessel with trawl or drag net; Transfer to another vessel.

South of a line extending due west, true, from Point Reyes, it is unlawful for any person on a vessel on which any type of trawl or drag net is carried or operated to take or possess Dungeness crab, as defined in Section 8275, or to transfer Dungeness crab to another vessel.

§9011. Crab traps.

(a)(1) Subject to Article 6 (commencing with Section 8275) of Chapter 2, Dungeness crab, as defined in Section 8275, may be taken with Dungeness crab traps.

(2) A Dungeness crab trap may have any number of openings of any size. However, every Dungeness crab trap shall have at least two rigid circular openings of not less than 4¼ inches, inside diameter, on the top or side of the trap. If both of the openings are located on the side of the trap, at least one of the openings shall be located so that at least one-half of the opening is in the upper half of the trap.

(3) Any rock crab taken with a crab trap used pursuant to this subdivision to take Dungeness crab shall be immediately returned to the waters from which it was taken. No person shall possess rock crab aboard any vessel when the vessel is being used to take Dungeness crab.

(b)(1) Subject to Article 6 (commencing with Section 8275) of Chapter 2, rock crab, as defined in Section 8275, may be taken with rock crab traps.

(2) A rock crab trap may have any number of openings of any size. However, a rock crab trap constructed of wire mesh with an inside mesh measurement of not less than 1 7/8 inches by 3 7/8 inches, with the 3 7/8 inch measurement parallel to the floor shall have at least one rigid circular opening of not less than 31/4 inches, inside diameter, located on any outside wall of the rearmost chamber of the crab trap and shall be located so that at least one-half of the opening is in the upper half of the trap. Rock crab traps constructed of other material, shall have at least two rigid circular openings of not less than 3¼ inches, inside diameter, on the top or side of the rearmost chamber of the trap. If both of the openings are located on the side of the trap, at least one of the openings shall be located so that at least one-half of the opening is in the upper half of the trap. No rigid circular opening, as required, shall extend more than ½ inch beyond the plane of the wall side or top of the trap in which it is located, and it shall be clearly accessible to any crab which may be in the trap.

(3) No person shall possess any lobster aboard a vessel while the vessel is being used pursuant to this subdivision to take rock crab. Any Dungeness crab taken with a crab trap pursuant to this subdivision to take rock crab shall be immediately returned to the waters from which it was taken. No person shall possess Dungeness crab aboard any vessel when the vessel is being used to take rock crab.

§9012. Use of vessel to take and land crab for both commercial and sport purposes.

(a) No vessel may be used to take and land crab for both commercial and sport purposes in the same day.

(b) In Districts 6, 7, 8, and 9, no trap shall be used to take Dungeness crab if that trap is attached to another trap or other traps by a common line.

General Gill and Trammel Net

General gill permit holders are also subject to the provisions of §190, Title 14, of the CCR.

Title 14 Excerpts

§104.1. Closures.

Except as provided in Fish and Game Code Section 8664.5(f), at no time may gill or trammel nets be used in ocean waters which are 60 fathoms or less in depth at mean lower low water, in the area between a line extending 261° true (245° magnetic) from the most westerly point of the west point of the Point Reyes headlands in Marin County to a line extending due west (270° true; 256° magnetic) from Point Arguello, Santa Barbara County.

§174. Permit to Use Gill Nets or Trammel Nets for Commercial Purposes.

(a) Permit required.

(1) The owner or operator of a vessel using a gill net or trammel nets shall have obtained a valid gill net/trammel net permit and shall be in possession of said permit when engaged in gill netting or trammel netting activities except as provided under subsection (i). Except as otherwise provided, it is unlawful to fish with a gill net or trammel net unless a permittee is aboard the vessel.

(2) To Whom Issued. The Department shall issue permits to the owner or operator of a currently registered commercial fishing vessel who has qualified pursuant to subsection (b).

(3) Where Issued. Permits shall be issued at Department offices in Eureka, Menlo Park, Monterey, Los Alamitos and San Diego.

(b) Qualifications for the Permit. To qualify for a permit, an applicant shall:

(1) Have worked as a crewmember for at least 12 months on vessels using gill nets or trammel nets and shall have worked at least 180 days at sea on such vessels; or

(2) Pass a proficiency examination administered by the Department. The proficiency examination shall include written and performance tests which demonstrate knowledge of the proper use of gill nets or trammel net; or

(3) Prove to the director's satisfaction that as the owner or operator of a legally registered commercial fishing vessel, he has landed at least 10,000 pounds of fish during a 12-month period, or has landed fish during a 12-month period for which he was paid at least $10,000. Only landings of fish caught by the use of gill nets or trammel nets shall be used to satisfy the catch requirements of this subsection; or

(4) Prove to the director's satisfaction that as the owner or operator of a legally registered commercial fishing vessel, he has landed at least 1,000 pounds of fish taken in gill nets or trammel nets in 4 of the 5 license years prior to the date of application; or

(5) Have possessed a permit issued pursuant to this section during the previous season and shall have complied with subsection (f) of these regulations.

(6) Only landings and crewmember experience occurring during the five-year period prior to the date of application shall be used to meet the requirements of subsection (b). The applicant shall supply documentation that he was a legally licensed commercial fisherman when he made the required landings or met the crewmember experience requirements. Crewmember experience shall be documented by fishing records submitted to the Department as required by subsection (f), or by a notarized document signed by the owner or operator of vessels on which the applicant has completed the required experience. Landings of fish shall be verified by the submission of copies of landing receipts.

(c) Limitations of Permit. Permits are non-transferable. Not more than one permit shall be issued to any person.

(d) Duration of Permit. Except as otherwise provided, permits issued pursuant to these regulations, shall be in force from April 1 through March 31 of the following year, or if issued after the beginning of such term, for the remainder thereof.

(e) Cost of Permit. See section 8683 of the Fish and Game Code.

(f) Records. Pursuant to Section 190 of these regulations, each permittee shall complete and submit an accurate record of all gill net and trammel net fishing activities on a form [Gill and Trammel Net Log, DFG 174 (10/89)] provided by the Department.

(g) Conditions of Permit. Provisions of the Fish and Game Code relating to commercial fish except as modified by the provisions of these regulations, shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees or those acting under their direction or control.

(h) Revocation of Permits. A permit may be revoked or canceled by the Commission for a period not to exceed one year from the date of revocation upon a conviction for a violation of a provision of Article 5, Chapter 3, Part 3, Division 6 of the Fish and Game Code, or any regulation authorized by this article, or the terms or conditions of this section by the holders thereof, their agents, servants, employees, or those acting under their direction and control.

(i) Exemptions from Permit. The owner or operator of a vessel operating under a permit issued pursuant to Section 163, Title 14, CCR, is not required to possess the permit authorized by this section.

FGC Excerpts

§8388. Angel sharks.

(a) No female angel shark measuring less than 42 inches in total length or 151/4 inches in alternate length and no male angel shark measuring less than 40 inches in total length or 141/2 inches in alternate length may be possessed, sold, or purchased, except that 10 percent of the angel sharks in any load may measure not more than 1/2 inch less than the minimum size specified herein.

(b) Angel shark total length shall be measured from the anterior end of the head to the tip of the tail while the fish is lying in a position of natural repose. When measuring total length, or alternate length, the tip of the tail may be laid flat against the surface of the measuring device. Angel shark alternate length shall be measured from the point where the leading edge of the first dorsal fin meets the back to the tip of the tail. Angel sharks

may be constrained from lateral movement during measurement by restraining devices approved by the Department.

(c) Angel sharks taken in gill or trammel nets shall be landed (brought ashore) with at least one intact pelvic fin and the tail fin attached.

(d) Angel sharks taken in gill or trammel nets shall not be transferred to or from another vessel, except that angel sharks may be transferred to or from vessels with a Department observer on board. An observer shall observe and make a written record of that transfer.

§8601. What constitutes net or set line.

Any net or line used to take fish that is anchored to the bottom on each end and is not free to drift with the tide or current is a set net or set line. Any net so placed that it will catch or impound fish within a bight, bay, or estuary, or against the shore upon the receding of the tide is a set net. Fyke nets, shrimp nets, or crab nets are not set nets.

§8601.5. Marking set nets and set lines; Recovery of set nets.

(a) Set nets and set lines shall be marked at both ends with buoys displaying above their waterlines, in numerals at least 2 inches high, the fisherman's identification number.

(b) Each piece or panel of a set net shall be marked along the corkline of the net, in a manner determined by the Department to adequately identify the net, with the fisherman's identification number. The distance between the markings shall not exceed 45 fathoms. If the lost or abandoned net is recovered by the Department or persons designated by the Department, the Commission may require the owner of the lost or abandoned net to pay for all recovery costs. The Commission may revoke the owner's set net permit issued pursuant to Section 8681 for failure to comply with this subdivision.

(c) If a person is unable to recover a set net or portion of a set net, the person shall contact one of the Department offices located in the City of Belmont, Monterey, Los Alamitos, or San Diego, not later than 72 hours after returning to port following the loss and shall report all of the following information:

(1) The date and time when the set net was lost.

(2) The location, including depth, where the net was lost.

(3) A description of the lost net, including the mesh size, length, height, and target species, and whether the anchors remain attached to the net.

(4) The name and fisherman's identification number of the person owning the net.

(5) The name and fisherman's number of the person fishing with the net, if different from paragraph (4).

(6) The name and California Fish and Game number of the vessel from which the lost net was being fished.

§8601.6. Required breaking strength of footrope.

(a) The footrope (leadline) of any set net shall have a breaking strength of at least 50 pounds less than the combined breaking strength of the headrope and corkline.

§8602. Manner of determining length of mesh.

The length of the meshes of any net shall be determined by taking at least four meshes and measuring them inside the knots or, in the case of knotless nets, inside the points at which the meshes are joined while they are simultaneously drawn closely together.

§8603. Restrictions on use of net or other appliance in taking fish.

It is unlawful to use or operate or assist in using or operating any net, trap, line, spear, or appliance, other than in connection with angling, in taking fish, except as provided in this chapter or Chapter 4 of this part.

§8604. Illegal disturbance or injury to net or trap; Exception.

It is unlawful willfully to disturb or injure any net, trap, or other apparatus to take fish which is being legally used in the waters of this state.

This section does not apply to employees of the Department while they are engaged in the performance of their official duties.

§8607. Possession or operation of net, trap or line, subject to federal groundfish regulations.

It is unlawful for any person possessing or operating any type of net, trap, or line that is subject to federal groundfish regulations adopted pursuant to the Magnuson Fishery Conservation and Management Act (16 U.S.C., Sec 1801 et seq.) to possess or land any load of fish in violation of those federal groundfish regulations.

§8608. Authority to permit or restrict use of nets within specified distances from pier, jetty, or dock.

Notwithstanding Sections 8660, 8665, 8724, and 8780, the Commission may, after a public hearing, when it determines that it is in the best interests of the state's marine resources and fisheries, adopt regulations, authorizing the use of nets not less than 75 feet from any private pier, wharf, jetty, breakwater, or dock, and restricting the use of the nets within 750 feet of any public pier. However, nothing in this section authorizes the Commission to adopt regulations which would extend beyond the maximum of 750 feet the area in which the use of nets is prohibited, as specified in Sections 8660, 8665, 8724, and 8780, or which would prohibit the use of any nets within 75 feet of any private pier, wharf, jetty, breakwater, or dock if that use of the net is permitted by law.

§8610.1. Marine Resources Protection Act of 1990.

The Marine Resources Protection Act of 1990 (Art. XB, Cal. Const.) was adopted as an initiative constitutional amendment at the November 6, 1990, general election. This article codifies and implements that initiative constitutional amendment.

§8610.2. Definitions and applicable references.

(a) "District" for the purposes of this article and of Article XB of the California Constitution means a fish and game district as defined in this Code by statute on January 1, 1990.

(b) Except as specifically provided in this article, all references to sections, articles, chapters, parts, and divisions of this code 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 Nicolas, 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 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.

§8610.3. Use of gill nets or trammel nets in zone before specified date.

(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 non-transferable permit issued by the Department of Fish and Game pursuant to Section 8610.5.

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

§8610.4. Restrictions of use of gill nets or trammel nets as to certain fish and locations.

(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 November 7, 1990, 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, or any regulation or order issued pursuant to these articles, in effect on January 1, 1990, except that as to Section 8680, 8681, 8681.7, and 8682, and subdivisions (a) through (f), inclusive of Section 8681.5, 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 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.

§8610.11. Violation of article.

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

§8625. Use of gill nets and trammel nets to take California halibut.

(a) Except as otherwise provided in this code, set gill

nets and trammel nets with mesh size of not less than 81/2 inches may be used to take California halibut.

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

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

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

§8630. Nets unlawfully used as public nuisance, seizure, forfeiture; Procedure, etc.

Any net or trap used for taking fish in violation of the provisions of this code is a public nuisance. It is the duty of every person authorized to make an arrest for such a violation to seize and keep the net and report the seizure to the Department.

The Department may commence proceedings in the superior court of the county or city and county in which the seizure is made by petitioning the court for a judgment forfeiting the net. Upon the filing of the petition, the clerk of the court shall fix a time for a hearing and cause notices to be posted for 14 days in at least three public places in the place where the court is held, setting forth the substance of the petition and the time and place fixed for its hearing. At that time, the court shall hear and determine the proceeding and, upon proof that the net was used in violation of this code shall order it forfeited. Any net so forfeited shall be sold or destroyed by the Department. The proceeds from all those sales shall be paid into the Fish and Game Preservation Fund.

§8660. Districts 19 and 19A; Use near pier or breakwater.

Nothing in this chapter authorizing the use of nets in District 19 or l9A shall authorize the use of any net within 750 feet of any pier, wharf, jetty, or breakwater, except that dip nets may be used subject to the provisions of Section 8870.

§8661. Districts 19A and 20; Right of net carrying vessels to cross to open water or to enter harbor in emergency.

Vessels may carry nets across Districts l9A and 20 to open water outside those districts. Vessels carrying nets may enter harbors in Districts l9A and 20 only in cases of distress or emergency.

§8663. Possession of gill net, trammel net or fyke net unlawful as specified.

No gill net, trammel net, or fyke net may be possessed on any boat in the waters of any district lying upstream from a line drawn between Antioch Point and the westerly tip of Kimball Island and from a line drawn from Point Sacramento across the stream and touching the most easterly point on Montezuma Island.

§8664. Nets found in specified rivers; Evidence of unlawful use; Exceptions.

Except in Districts 6 and 7, any net found in, or within 500 feet of the Klamath, Smith, Eel, Mad, Van Dusen, or Mattole Rivers, or their tributaries, is prima facie evidence that the owner or person in possession of the nets is or has been using it unlawfully.

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

§8664.2. Use of gill and trammel nets offshore of San Nicolas Island; Taking of sea otter within sea otter management zone.

(a) Notwithstanding Sections 8693 and 8724, gill nets and trammel nets shall not be used offshore of San Nicolas Island in Ventura County in waters 20 fathoms or less in depth at mean lower low water.

(b) No person, except state, local, or federal employees in the performance of their official duties, shall discharge any firearm within the sea otter translocation zone surrounding San Nicolas Island.

(c) For purposes of this section "sea otter translocation zone" includes San Nicolas Island, the nearby islet of Begg Rock, and surrounding waters within the following coordinates:

(North Latitude/West Longitude)

33°27.8'/119°34.3'	33°20.5'/119°15.5'
33°13.5'/119°11.8'	33°06.5'/119°15.3'
33°02.8'/119°26.8'	33°08.8'/119°46.3'
33°17.2'/119°56.9'	33°30.9'/119°54.2'

(d) The taking of a sea otter that is incidental to, and not for the purpose of, the carrying out of an otherwise lawful activity within the sea otter management zone described in subdivision (e), is not a violation of the California Endangered Species Act, Chapter 1.5 (commencing with Section 2050) of Division 3, or Section 4700.

(e) For purposes of this section, "sea otter management zone" includes waters, islands, islets, and land areas seaward of mean high tide subject to the jurisdiction of the United States, including state tidelands, located south of Point Conception (34°26.9' N. Latitude), excepting therefrom any area within the sea otter translocation zone described in subdivision (c).

(f) This section shall become operative only upon the relocation and release of sea otters to San Nicolas Island. This section shall become inoperative if the sea otter translocation experiment is declared a failure pursuant to the provisions of Public Law 99-625.

§8664.5. Use of gill or trammel nets in specified districts; Public hearing following determination of adverse impact from use of nets.

Except as provided in Section 8664.5(f), at no time may gill or trammel nets be used in ocean waters which are 60 fathoms or less in depth at mean lower low water, in the area between a line extending 361° true (245° magnetic) from the most westerly point of the west point of the Point Reyes headlands in Marin County to a line extending due west (270° true; 256° magnetic) from Point Arguello, Santa Barbara County (Title 14, Section 104.1, CCR).

(a) Notwithstanding Sections 8693 and 8724, gill nets and trammel nets shall not be used in those portions of District 17 between a line extending 220° magnetic from the mouth of Waddell Creek in Santa Cruz County and a line extending 252° magnetic from Yankee Point, Carmel Highlands, in Monterey County in waters 30 fathoms or less in depth at mean lower low water.

(b) Notwithstanding Sections 8693 and 8724, gill nets and trammel nets shall not be used in that portion of District 18 north of a line extending due west from Point Sal in Santa Barbara County in waters 30 fathoms or less in depth at mean lower low water.

(c) Notwithstanding Sections 8693 and 8724, any person using gill or trammel nets in those portions of Districts 17 and 18 from a line extending 220° magnetic from the mouth of Waddell Creek in Santa Cruz County to a line extending due west from Point Sal in Santa Barbara County in waters between 30 fathoms and 40 fathoms in depth at mean lower low water shall comply with all of the following requirements in order to ensure adequate monitoring of fishing effort to protect marine mammals:

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

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

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

(4) A permit may be revoked and canceled pursuant to Section 8681 for failure to comply with the Department's notification and monitoring requirements.

(d) If the director determines that the use of gill or trammel nets is having an adverse impact on any population of any species of seabird, marine mammal, or fish, the director shall issue an order prohibiting or restricting the use, method of use, size, or materials used in the construction of either or both types of those nets in all or any part of District 10 or 17, or in all or any part of District 18 north of a line extending due west from Point Conception in Santa Barbara County for a specified period. The order shall take effect no later than 48 hours after its issuance. The director shall hold a properly noticed public hearing in a place convenient to the affected area within one week of the effective date of the order to describe the action taken and shall take testimony as to the effect of the order and determine whether any modification of the order is necessary.

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

(1) The danger of irreparable injury to, or mortality in, any population of any species of seabird, marine mammal, or fish which is occurring at a rate that threatens the viability of the population as a direct result of the use of gill nets or trammel nets.

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

(f) This section does not apply to any gill net with meshes 31/2 inches or less in length in any portion of District 18 between Yankee Point in Monterey County and Point Sal in Santa Barbara County.

(g) The Legislature finds and declares that this section, as amended by Chapter 884 of the Statutes of 1990, and as amended by the act that amended this section during the 1992 portion of the 1991-92 Regular Session, 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, 1990, and therefore complies with Section 8610.4, and Section 4 of Article XB of the California Constitution.

§8664.7. Effective length of prohibition order.

The initial period of effectiveness of an order issued pursuant to subdivision (c) of Section 8664.5 shall not exceed 120 days. After a further public hearing, the director may, on the basis of a report prepared by the Department on the condition of the local population of any species of seabird, marine mammal, or fish, extend the order for a further specified period or reissue the order for a further specified period.

§8664.8. Set or drift gill or trammel nets prohibited.

(a) Notwithstanding Sections 8685, 8687, 8696, and 8724, and except as provided in subdivisions (c) and (d), set or drift gill or trammel nets shall not be used in ocean waters between a line extending 245° magnetic from the most westerly point of the west point of the Point Reyes headlands in Marin County and the westerly extension of the California-Oregon boundary.

(b)(1) Notwithstanding Sections 8664.5, 8687, 8696, and 8724, set or drift gill or trammel nets shall not be used in waters which are 40 fathoms or less in depth at mean lower low water between a line extending 245° magnetic from the most westerly point of the west point of the Point Reyes headlands in Marin County and a line extending 225° magnetic from Pillar Point at Half Moon Bay in San Mateo County.

(2) Notwithstanding Sections 8664.5, 8687, 8696, and 8724, set or drift gill or trammel nets shall not be used in ocean waters which are 60 fathoms or less in depth at mean lower low water between a line extending 225° magnetic from Pillar Point at Half Moon Bay in San Mateo County to a line extending 220° magnetic from the mouth of Waddell Creek in Santa Cruz County.

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

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

(e)(1) Notwithstanding subdivision (b) and Sections 8687, 8696, and 8724, gill or trammel nets shall not be used within three nautical miles of the Farallon Islands in San Francisco County, and within three nautical miles of Noonday Rock buoy located approximately 31/2 miles 276° magnetic from North Farallon Island.

(2) If the director determines that the use of set or drift gill or trammel nets is having an adverse impact on any population of any species of sea bird, marine mammal, or fish, the director shall issue an order prohibiting the use of those nets between three nautical miles and five nautical miles of the Farallon Islands and Noonday Rock Buoy or any portion of that area. The order shall take effect no later than 48 hours after its issuance. The director shall hold a properly noticed public hearing in a place convenient to the affected area within one week of the effective date of the order to describe the action taken and shall take testimony as to the effect of the order and determine whether any modification of the order is necessary. Gill and trammel nets used to take fish in District 10 shall be marked at each end with a buoy displaying above its waterline in Arabic numerals at least two inches high, the fisherman's identification number issued by the Department under Section 7852. Nets shall be marked at both ends and at least every 250 fathoms between the ends with flags of the same color and at least 144 square inches in size, acceptable to the Department.

(f) The Legislature finds and declares that this section, as amended by Chapter 1633 of the Statutes of 1990, 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, 1990, and therefore complies with Section 8610.4, and Section 4 of Article XB of the California Constitution.

§8664.13. Construction of set gill and trammel nets with breakaway and anchoring features.

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

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

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

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

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

(2) As the Department may otherwise authorize.

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

§8665. Nets unlawful within specified distance from pier or dock; Exceptions.

In District 118.5, nets may not be used within 750 feet of any pier or dock, except for bait nets described in Section 8780 used to capture live bait and lobster traps authorized for use pursuant to Section 9010.

§8681. Required permit.

(a) 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 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.

(b) In accordance with Section 4 of Article XB of the California Constitution, this section contains the provisions in effect on January 1, 1989.

§8681.5. Ban on new gill or trammel net permits; Exception; Transfer of permits.

(a) The Department shall issue no new gill net or trammel net permits under Section 8681. However, the Department may renew an existing, valid permit issued under Section 8681, under regulations adopted pursuant to Section 8682 and upon payment of the fee prescribed under Section 8683.

(b) Notwithstanding subdivision (a) or Section 8681, any person who has an existing, valid permit issued pursuant to Section 8681, and presents to the Department satisfactory evidence that he or she has taken and landed fish for commercial purposes in at least 15 of the preceding 20 years, may transfer that permit to any person otherwise qualified under the regulations adopted pursuant to Section 8682 upon payment of the fee prescribed under Section 8683.

(c) The fee collected by the Department for the transfer of a gill and trammel net permit issued pursuant to Section 8682 shall not exceed the cost of the permit fee as prescribed under Section 8683.

(d) For purposes of subdivision (b), the death of the holder of the permit is a disability which authorizes transfer of the permit by that person's estate to a qualified fisherman pursuant to Section 8682. For purposes of a transfer under this subdivision, the estate shall renew the permit, as specified in Section 8681, if the permittee did not renew the permit before his or her death. The application for transfer by that person's estate shall be received by the Department, including the name, address, and telephone number of the qualified fisherman to whom the permit will be transferred, within one year of the date of death of the permit holder. If no transfer is initiated

within one year of the date of death of the permit holder, the permit shall revert to the Department for disposition pursuant to Section 8681.

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

(f) The Legislature finds and declares that this section, as amended by Chapter 94 of the Statutes of 1992, 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 therefore complies with Section 8610.4, and Section 4 of Article XB of the California Constitution.

§8681.7. Appeal from denial of permit renewal.

(a) Notwithstanding Section 8681.5, any person who possessed a valid permit issued pursuant to Section 8681 and who was denied renewal of that permit, may appeal to the Commission where evidence can be presented that illness or the loss of a vessel resulted in the person not meeting the qualifications for renewal or re-issuance of that permit.

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

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

(d) In accordance with Section 4 of Article XB of the California Constitution, this section contains the provisions in effect on January 1, 1989.

§8682. Regulations for issuance of permits; Advisory committee.

(a) The Commission shall establish regulations for the issuance of gill net and trammel net permits as necessary to establish an orderly gill net and trammel net fishery. In promulgating regulations, the Commission shall consider recommendations of the gill net and trammel net advisory committee created pursuant to subdivision (b). The regulations shall include, but are not limited to, a requirement that persons being granted a permit have had previous experience as a crewmember of a vessel using gill nets or trammel nets or have successfully passed a proficiency test administered by the Department, under such regulations as the Commission shall prescribe.

(b) The director shall establish an advisory committee, consisting of fishermen experienced in the use of gill nets and trammel nets, to advise the Department in developing regulations to be proposed to the Commission governing the use of gill nets and trammel nets.

(c) In accordance with Section 4 of Article XB of the California Constitution, this section contains the provisions in effect on January 1, 1989.

§8683. Permit Fee.

The fee for a permit issued pursuant to Section 8681 is three hundred thirty dollars ($330).

§8684. Swordfish and marlin catch.

No incidental catch of swordfish or marlin is authorized by this article. Any swordfish or marlin caught incidentally by a gill or trammel net permittee operating under a permit issued pursuant to Section 8681 shall be delivered to the Department. A permit issued pursuant to Section 8681 shall be revoked for conviction of a violation of this section.

§8685. Prohibited possession in Districts 1, 2, and 3.

In Districts 1, 2, and 3, gill nets may not be possessed on any boat.

§8685.5. Unlawful uses; Species.

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

§8685.6. Sale of fish taken unlawfully.

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

§8685.7. Purchase of fish taken by use of gill net.

It is unlawful for any person to knowingly purchase any salmon, steelhead, or striped bass which were taken in California waters by the use of a gill net. For the purpose of this section, "person" includes a broker who purchases salmon, steelhead, or striped bass which were unlawfully taken by gill net for the purpose of reselling those fish.

§8687. Possession and use in Districts 6, 7, 8, 9, and 10.

Except as otherwise provided in this code, drift gill nets may be used in Districts 6, 7, 8, 9, and 10.

§8688. Use of gill nets in Districts 11, 12, and 13.

In Districts 11, 12, and 13, gill nets may be used to take only herring, subject to Article 15 (commencing with Section 8550) of Chapter 2. No gill net may be possessed on any boat in Districts 11, 12, and 13, except by persons possessing a valid permit aboard boats specifically authorized to take herring during the open seasons established by the Commission.

§8691. Use of set gill nets and trammel nets of specified mesh to take rockfish or lingcod in specified waters.

Set gill nets and trammel nets with mesh smaller than 41/8 inches shall not be used or possessed on any boat taking rockfish or lingcod in ocean waters between a line extending 245° magnetic from the most westerly point of the Point Reyes headlands and a line extending 250° magnetic from the Pigeon Point Lighthouse.

§8692. Use of gill nets to take rockfish or lingcod in specified waters.

Notwithstanding Section 8693, it is unlawful to use gill nets to take rockfish or lingcod in the following waters:

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

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

§8692.5. Net limits.

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

(b) The Legislature finds and declares that this section, as amended by this act at the 1991-92 Regular Session of the Legislature, is more restrictive on the use and possession of gill nets and trammel nets than the provisions in effect on January 1, 1990, and therefore complies with Section 8610.4, and Section 4 of Article XB of the California Constitution.

§8693. Use in Districts 17, 18, 19, and 20A.

(a) Except as otherwise provided in this code, drift gill nets and set gill nets may be used in Districts 17, 18, 19, and 20A, except for the taking of salmon.

(b) Rockfish and lingcod may be taken with drift gill nets and set gill nets in Districts 17, 18, 19, and 20A, subject to the following restrictions:

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

(2) Rockfish and lingcod shall not be taken between a line running 250° magnetic from the Pigeon Point Lighthouse and a line running 240° magnetic from Point Santa Cruz, inside 40 fathoms, by means of drift gill nets or set gill nets which have mesh smaller than 5½ inches.

(3) Drift gill nets and set gill nets shall not be used nor shall they be possessed on any boat taking rockfish and lingcod with mesh smaller than 4 1/8 inches when used in Districts 17 and 18 north of Point Buchon, or with mesh smaller than 41/8 inches when used in District 18 south of Point Buchon or in District 19. Drift gill nets and set gill nets used or possessed on any boat taking rockfish and lingcod in District 17, 18, or 19, shall not be constructed of twine larger than number 6 nylon, except that the bottom 15 meshes may be constructed of heavier twine.

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

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

(6) Gill nets shall not be used to take rockfish in District 20A.

§8694. Prohibited use or possession in District 19A.

In District 19A, gill nets may not be used, nor may they be possessed on any boat.

§8696. Use from western point of Point Reyes headlands.

Except as otherwise provided, set gill nets may be used south of a line extending 245° magnetic from the western point of the Point Reyes headlands in Marin County except for the taking of salmon.

§8700. Gill net as trammel net.

Any line used on a gill net which shall tend to cause the webbing of such gill net to bag or hang slack

shall cause such net to lose its identity as a gill net and become a trammel net.

§8720. "Trammel net".

"Trammel net" includes entangling nets constructed of more than one wall of webbing.

§8724. Use in Districts 10, 17, 18, and 19; Exceptions.

(a) Except as otherwise provided, in Districts 10, 17, 18, and 19, drift and set trammel nets may be used if the meshes are at least 81/2 inches in length, except that these nets may not be used in District 18 within 750 feet of any pier or jetty, nor may they be used for the taking of salmon.

§8725. Prohibited use or possession in District 19A.

In District 19A, trammel nets may not be used, nor may they be possessed on any boat.

Ghost Shrimp

Title 14 Excerpts

§120.6. Use of Powered Equipment of the Type, Size and Specifications Hereinafter Noted to Take Crustaceans.

Powered equipment may be used to take only Callianassa affinis, Callianassa californiensis, and Callianassa giga (commonly called ghost shrimp) under the following conditions:

(a) Powered equipment is a hand operated hydraulic pump or a pump driven by an engine not to exceed 5 horsepower. Intake and outlets of suction and hydraulic nozzles shall not be in excess of an inside diameter of 2 inches. The hydraulic nozzle shall not be longer nor extended into any tideland sands to a depth greater than 3 feet, and all engine-driven pumps shall have a shut-off valve at the nozzle.

(b) Each person operating or assisting in operating such equipment will be required to possess a commercial fishing license and a permit as provided by this section.

(c) Permits may be issued annually for the period of the commercial fishing license on application filed at one of the Department of Fish and Game offices. Permits may contain additional terms and conditions, including areas of use, as prescribed by the Department of Fish and Game.

(d) Powered equipment may be used on intertidal areas, that is, between high water and low water marks, except powered equipment shall not be used in Tomales Bay, Bodega Harbor or Bolinas Lagoon. In Morro Bay engine-driven hydraulic pumps may not be used south of a line running 230° magnetic from the public boat ramp at the south end of the Embarcadero.

(e) Holes created in the mudflat surface by engine-driven pumps shall not exceed 8 feet in any horizontal dimension, nor more than 12 inches in depth.

(f) Mollusks and crustaceans, other than ghost shrimp, exposed or hydraulically sluiced to the surface, shall be returned immediately to their natural habitat, and no fish, mollusks or crustaceans, other than ghost shrimp shall be possessed by the permittee at any time during pumping operations or while traveling to or from pumping operations.

(g) Each permittee shall have his permit in his possession while operating such equipment.

(h) A permit shall not be assigned or transferred, and any right or privilege granted thereunder is subject to revocation by the Fish and Game Commission at any time.

(i) All provisions of the following numbered sections of the Fish and Game Code shall be a condition of all permits to be fully performed by the holders thereof, via: 7700-7855, 8010-8024, 8250-8283, 8603, 8630-8634, 9050-9053. All section numbers are inclusive.

(j) Permits shall only be issued upon the conditions contained in the application and signed by the applicant that he/she has read, understands, and agrees to be bound by all terms of the permit.

(k) Any permit may be revoked or suspended for a period fixed by the Commission, upon the breach or violation of the terms of the permit, or any of the foregoing sections of the Fish and Game Code, or any of these regulations, or if, in the opinion of the Department, the resource is endangered. Any person who has had his permit revoked may be required to appear before the Fish and Game Commission when applying for a new permit. For a period of not more than one year, the Commission may defer action upon the application of any person who uses powered equipment to take ghost shrimp without first having secured a permit under these regulations.

Golden, Spot, and Ridgeback Prawn

Golden, spot and ridgeback prawn permit holders are also subject to the provisions of §120, 150.06, 189, 190, Title 14, of the CCR.

Title 14 Excerpts

§120.3. Golden Prawn (Penaeus californiensis), Spot Prawn (Pandalus platyceros) and Ridgeback Prawn (Sicyonia ingentis) Trawling.

Prawns may only be taken by trawl nets for commercial purposes pursuant to sections 120 and 120.3 of these regulations, or by traps, pursuant to sections 180, 180.2, 180.5 and this section. Spot prawns may not be taken or possessed using trawl nets. Permits to use or possess trawl nets for the taking of golden prawns and ridgeback prawns in ocean waters may be granted only under the following conditions:

(a) Qualifications of Permittee. The applicant must be a licensed commercial fisherman and operator of a currently registered commercial fishing vessel.

(b) Cost of Permit. See subsection 699(b) of these regulations for the fee for this permit. (NOTE: this fee shall be charged effective April 1,1992.)

(c) Permit Area. Trawling for golden and ridgeback prawns shall be permitted in waters not less than 25 fathoms in depth and lying not nearer than three nautical miles distance from the nearest point of land on the mainland shore, and from all offshore islands. No trawling shall be conducted in the cowcod closure areas defined in Section 150.06, Title 14, CCR. Also, trawling shall not be conducted within District 19A which shall include a line from Malibu Point (34°01.8'N., 118°40.8'W) to Rocky Point (Palos Verdes Point) (33°46.5'N., 118°25.7'W.).

(1) Trawling Zones.

(A) Trawling Zone 1: Includes waters between the California-Oregon border and a line extending due west from False Cape (Lat. 40°31'N).

(B) Trawling Zone 2: Includes those waters between a line extending due west from False Cape and a line extending due west from Lopez Point (Lat. 36° N).

(C) Trawling Zone 3: Includes those waters between a line extending due west from Lopez Point and a line extending due west from Point Arguello (Lat. 34°35'N).

(D) Trawling Zone 4: Includes those waters between a line extending due west from Point Arguello and a line extending due west from Point Dume (Lat. 34°0'N).

(E) Trawling Zone 5: Includes those waters lying between a line extending due west from Point Dume and the California-Mexico boundary, excluding Fish and Game Districts 19A, 19B, 20, 20A and 21.

(d) Restricted Catch Period: Trawling for ridgeback prawns in all zones shall be subject to the incidental catch restrictions pursuant to subsection

(g) from June 1 through September 30.

(e) Gear Specifications.

(1) Trawl nets with single-walled bag or cod-end: The mesh of any webbing shall not be less than 1½ inches in length.

(2) Trawl nets with double-walled bag or cod-end: The mesh of any webbing or liner shall not be less than 3 inches in length. The lines and cod-end shall be tied together along the rib lines.

(3) Mesh measurement. Minimum trawl mesh size requirements are met if a standard stainless steel wedge of appropriate gauge can be passed with thumb pressure only through 16 of 20 sets of two meshes each of wet mesh in the cod-end.

(f) Limitation of Gear.

(1) No net, the meshes of which are less than prescribed in these regulations, may be possessed on any vessel which is operating under the provisions of a golden prawn or ridgeback prawn permit.

(2) All fishing gear used under the provisions of these regulations is subject to inspection and approval by the Department at any time.

(3) On request, any authorized representative of the Department shall be permitted to travel on the permittee's boat to observe golden prawn or ridgeback prawn trawling operations.

(g) Incidental Catch Restrictions.

(1) Not more than 1,000 pounds of any fish caught incidentally with pink shrimp, golden or ridgeback prawns may be possessed on any boat operating under a permit as provided in these regulations. Fisherman should refer to subsection 189(a), Title 14, CCR, for bycatch limits of federally-managed groundfish species. Any amount of sea cucumbers taken incidentally may be possessed if the owner or operator of the vessel possesses a permit to take sea cucumbers pursuant to Section 8405 of the Fish and Game Code.

(2) During the restricted catch period for ridgeback prawns, loads of fish shall not contain more than 50 pounds without restriction or 15%, by weight, of ridgeback prawns. For the purpose of this regulation, species of fish other than spot prawns shall not be included in the determination of the percentage of ridgeback prawns taken or possessed in any load of fish containing mixed species.

(3) Trawl loads of fish shall not contain more than 50 pounds without restriction or 15%, by weight, of spot prawns. For the purpose of this regulation, species of fish other than ridgeback prawns shall not be included in the determination of the percentage of spot prawns taken or possessed in any load of fish containing mixed species.

(h) Records. Pursuant to Section 190 of these

regulations, each permittee shall complete and submit an accurate record of his fishing activities on a form (Shrimp/Prawn Trawl Log, DFG 120 (10/89), see Appendix A) provided by the Department.

(i) Conditions of Permit. The provisions of the California Fish and Game Code relating to commercial fishing, except as modified by the provisions of these regulations, shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction and control.

(j) Revocation of Permits. All permits may be revoked and cancelled by the Commission upon the breach or violation of any fish and game law or regulation or violation of the terms or conditions of this permit by the holders thereof, their agents, servants, employees or those acting under their direction and control.

§120.4. Restricted Access Fishery.

A control date of January 1, 1999, is established for the purpose of developing a restricted access spot, ridgeback, and golden prawn trawl fishery. Only those vessels which have made at least one spot, ridgeback, or golden prawn landing with trawl gear before this date may be considered for inclusion in the restricted access trawl fishery.

FGC Excerpts

§8590. "Prawns"; "Shrimp".

For the purposes of this article, "prawns" or "shrimp", or both, include all of the following species:

(a) Spot prawn (*Pandalus platyceros*).
(b) Ridgeback prawn (*Sicyonia ingentis*).
(c) Coonstripe prawn (*Pandalus danae*).
(d) Pacific ocean shrimp (*Pandalus jordani*).
(e) Bay Shrimp (*Crangon franciscorum* and *Crangon* sp.).
(f) Red rock shrimp (*Lysmata californica*).

§8591. Taking for commercial purposes.

Prawns or shrimp may be taken for commercial purposes under the regulations of the Commission.

§8593. Areas for taking.

Except as provided in this article, prawns or shrimp may be taken in any waters of the state.

§8595. Use of trawl nets and traps; Incidental takings.

(a) Prawns or shrimp may be taken for commercial purposes with a trawl net, subject to Article 10 (commencing with Section 8830) of Chapter 3, or in either a prawn trap or a shrimp trap, subject to Article 1 (commencing with Section 9000) of Chapter 4.

(b) No other species shall be taken in a prawn trap or a shrimp trap. Any other species taken incidentally with a prawn trap or a shrimp trap shall be immediately released.

§8830. "Trawl net".

"Trawl net" means a cone or funnel-shaped net which is towed or drawn through the water by a fishing vessel and includes any gear appurtenant to the net. Except as otherwise provided in this article, the use of trawl nets shall conform to federal groundfish regulations adopted pursuant to the Magnuson Fishery Conservation and Management Act (16 U.S.C., Sec. 1801 et seq.).

§8834. Maximum weight of crab to be taken or possessed on boat with trawl or drag net.

It is unlawful to take or possess more than 500 pounds of crabs on any boat on which any type of trawl or drag net is carried or operated.

§8834.1. Possession on board, or landing of salmon from vessel.

It is unlawful for any person to possess salmon on board, or to land salmon from, a vessel on which exists any type of trawl net, except that salmon taken incidentally with other species with a trawl net may be possessed and landed if authorized to be taken incidentally pursuant to Section 663.10 of Part 663 of Title 50 of the Code of Federal Regulations, pursuant to a permit issued by the Commission under Section 8606, or pursuant to both.

§8834.5. Taking or possession of Dungeness crab from vessel with trawl or drag net; Transfer to another vessel.

South of a line extending due west, true, from Point Reyes, it is unlawful for any person on a vessel on which any type of trawl or drag net is carried or operated to take or possess Dungeness crab, as defined in Section 8275, or to transfer Dungeness crab to another vessel.

§8837. Use or possession of net including bag or cod-end.

It is unlawful to use or possess any trawl net that includes any bag or cod-end or modification thereof, other than a bag or cod-end of a single layer of webbing, except as authorized by Section 8496 or by the Commission.

§8840. Chafing gear.

Chafing gear may be used or possessed but shall not be connected directly to the terminal, or closed, end of the cod-end. Except for chafing gear prescribed under federal groundfish regulations adopted pursuant to the Magnuson Fishery Conservation and Management Act (16 U.S.C., Sec. 1801 et seq.), all chafing gear shall have a minimum mesh size of six inches, unless only the bottom one-half, or underside, of the cod-end is covered by chafing gear, which may be of any size mesh.

§8841. Bottom Trawl Fisheries

(a) The Commission is hereby granted authority over all state-managed bottom trawl fisheries not managed under a federal fishery management plan pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. Sec. 1801 et seq.) or a state fishery management plan pursuant to the Marine Life Management Act (Chapter 1052 of the Statutes of 1998), to ensure that resources are sustainably managed, to protect the health of ecosystems, and to provide for an orderly transition to sustainable gear types in situations where bottom trawling may not be compatible with these goals.

(b) The Commission is hereby granted authority to manage all of the fisheries described in subdivision (a) in a manner that is consistent with the requirements of this section and in accordance with the requirements of Part 1.7 (commencing with Section 7050), including, but not limited to, the following:

(1) California halibut.
(2) Sea cucumber.
(3) Ridge-back, spot, and golden prawn.
(4) Pink shrimp.

(c) The Commission is also granted authority over other types of gear targeting the same species as the bottom trawl fisheries referenced in subdivision (a) to manage in a manner that is consistent with the requirements of Part 1.7 (commencing with Section 7050).

(d) Every commercial bottom trawl vessel issued a state permit is subject to the requirements and policies of the federal groundfish observer program (50 C.F.R. 660.360).

(e) The Commission may not authorize additional fishing areas for bottom trawls, unless the Commission determines that adequate evidence establishes that additional fishing areas are sustainable, do not harm bottom habitat, and do not reasonably conflict with other users.

(f) It is unlawful to use roller gear more than eight inches in diameter.

(g) Commencing April 1, 2006, it is unlawful to fish commercially for prawns or pink shrimp, unless an approved bycatch reduction device is used with each net. For the purposes of this subdivision, a rigid grate fish excluder device is the approved type of bycatch reduction device, unless the Commission, the Pacific Fishery Management Council, or the National Marine Fisheries Service determines that a different type of fish excluder device has an equal or greater effectiveness at reducing bycatch.

(h) Except as provided in Section 8495 or 8842, it is unlawful to engage in bottom trawling in ocean waters of the state.

(i) This section does not apply to the use of trawl nets pursuant to a scientific research permit.

(j) The Commission shall facilitate the conversion of bottom trawlers to gear that is more sustainable if the Commission determines that conversion will not contribute to overcapacity or overfishing. The Commission may participate in, and encourage programs that support, conversion to low-impact gear or capacity reduction by trawl fleets. The Department may not issue new permits to bottom trawlers to replace those retired through a conversion program.

(k) As soon as practicable, but not later than May 1, 2005, the Commission and the Department shall submit to the Pacific Fishery Management Council and the National Marine Fisheries Service a request for federal management measures for the pink shrimp fishery that the Commission and the Department determine are needed to reduce bycatch or protect habitat, to account for uncertainty, or to otherwise ensure consistency with federal groundfish management.

(l) No vessel may utilize bottom trawling gear without a state or federal permit.

§8842. Permit to use trawl net to take shrimp or prawns; Incidentally taken fish.

(a) Trawl nets of a design prescribed by the Commission may be used or possessed to take shrimps or prawns under a permit issued by the Department under regulations adopted by the Commission. Sections 8831, 8833, 8835, and 8836 do not apply to trawl nets used or possessed under a permit issued pursuant to this section.

(b) Trawling for shrimps or prawns shall be authorized only in those waters of Districts 6, 7, 10, 17, 18, and 19 that lie not less than three nautical miles from the nearest point of land on the

mainland shore, and all offshore islands and the boundary line of District 19A, except that in waters lying between a line extending due west from False Cape and a line extending due west from Point Reyes, trawling is allowed not less than two nautical miles from the nearest point of land on the mainland shore until January 1, 2008.

(c) When fishing for pink shrimp (Pandalus jordani) under a permit issued pursuant to this section, it is unlawful to possess in excess of 1,500 pounds of incidentally taken fish per calendar day of a fishing trip, except Pacific whiting, shortbelly rockfish, and arrowtooth flounder, which may be taken in any amount not in excess of federal regulations. No Pacific halibut and not more than 150 pounds of California halibut shall be possessed or landed when fishing under a permit issued pursuant to this section. When fishing for ridgeback prawn and spotted prawn under a permit issued pursuant to this section, it is unlawful to possess in excess of 1,000 pounds of incidentally taken fish per trip.

(d) Commencing January 1, 2008, the Commission shall permit the taking of pink shrimp not less than two nautical miles from shore in waters that lie between a line extending due west from False Cape and a line extending due west from Point Reyes from the nearest point of land on the mainland shore, if the Commission finds that, upon review of information from the federal groundfish observer program and other available research and monitoring information that it determines relevant, the use of trawl gear minimizes bycatch, will not damage seafloor habitat, will not adversely affect ecosystem health, and will not impede reasonable restoration of kelp, coral, or other biogenic habitats. The Commission shall pay special attention to areas where kelp and other biogenic habitats existed and where restoring those habitats is feasible, and to hard bottom areas and other substrate that may be particularly sensitive to bottom trawl impacts in making that finding.

The pink shrimp trawling area described in §8842(d) has closed as expected on January 1, 2008. As of the print date of this digest, the process of adopting a revised §8842(d) has not yet been completed. Be advised that other pink shrimp trawling rules may also change in 2008. For more information, contact DFG senior marine biologist Stephen Wertz at (562) 342-7184.

Groundfish

Title 14 Excerpts

§189. Commercial Groundfish Fishing

(a) General Provisions. No person shall engage in commercial groundfish fishing except as provided by the Fish and Game Code and regulations provided herein. Applicable regulations adopted by the U.S. Secretary of Commerce pursuant to the Magnuson Fishery Conservation and Management Act and published in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660 are hereby incorporated and made a part of these regulations. Federal regulations shall be made available upon request from the Department of Fish and Game, Marine Region, 1416 Ninth Street, BOX 944209, Sacramento, CA 94244 2090, phone number (916) 653-6281.

(b) General Definitions. For the purposes of these regulations, the following definitions shall apply:

(1) Land or Landing. The transfer of fish from a fishing vessel. Once offloading begins, all fish aboard the vessel are counted as part of the landing.

(2) Closure. Taking and retaining, possessing, or landing the particular species or species group is prohibited. Unless otherwise announced in the Federal Register, offloading must begin before the time the fishery closes.

(3) Sorting. It is unlawful for any person to fail to sort prior to the first weighting after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or optimum yield, if the vessel fished or landed in an area during a time when such trip limit, size limit, quota, or optimum yield applied. This provision applies to both the limited entry and open access fisheries.

(4) Trip Limits. Trip limits specify the amount of fish that a vessel may legally land per fishing trip or cumulatively per unit of time or the number of landings of fish that may be made by a vessel in a given period of time.

(A) Daily Trip Limit. Daily trip limit is the maximum amount of groundfish that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish shall be made in that 24 hour period. Daily trip limits shall not be accumulated during multiple day trips.

(B) Cumulative Trip Limit. Cumulative trip limit is the maximum amount of groundfish that may be taken and retained, possessed, or landed per vessel in a cumulative fishing period, without a limit on the number of landings or trips.

(5) Size Limits and Length Measurement. Total length is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched together) without mutilation of the fish or the use of additional force to extend the length of the fish.

(6) Limited Entry Fishery. Limited entry fishery includes vessels using trawl gear, longline, and trap (or pot) gear fished pursuant to the harvest guidelines, quotas, and other management measures governing the limited entry fishing. Limited entry gear includes only longline, trap (or pot) or trawl gear used under the authorization of a valid limited entry permit.

(7) Open Access Fishery. Open access fishery includes vessels using exempted gear, and longline and trap (or pot) gear fished pursuant to the harvest guidelines, quotas, and other management measures governing open access fishing. Exempted gear includes all types of fishing gear except longline, trap (or pot), and groundfish trawl gear, and includes trawl gear used to take pink shrimp, and spot and ridgeback prawns, and south of 38° 57'30" N (Point Arena), California halibut and sea cucumber. A state of California limited entry permit is required for the take of sea cucumbers.

(8) Federally Designated Routine Management Measures. Routine Management Measures, identified as catch restrictions intended to keep landings within the harvest levels announced by the Secretary of Commerce and noticed in the Federal Register by the National Marine Fisheries Service, and hereby incorporated and made a part of these regulations. Should any federal management measures conflict with existing statutes, including Fish and Game Code Sections 8496 and 8842(b), or regulations of the Commission, the provisions in the statutes or regulations which conflict with the federal management measures are made inoperative.

Halibut

FGC Excerpts

§8494. Halibut Bottom Trawl Permits Required.

(a) Commencing April 1, 2006, any vessel using bottom trawl gear in state-managed halibut fisheries, as described in subdivision (a) of Section 8841, shall possess a valid California halibut bottom trawl permit that has not been suspended or revoked and that is issued by the Department authorizing the use of trawl gear by that vessel for the take of California halibut.

(b) A California halibut bottom trawl vessel permit shall be issued annually, commencing with the 2006 permit year. Commencing with the 2007-08 season, in order to be eligible for that permit, an applicant shall have been issued a California halibut bottom trawl vessel permit in the immediately preceding permit year.

(c) The Department shall not issue a California halibut bottom trawl vessel permit pursuant to this section for use in the California halibut fishery unless that vessel has landed a minimum of 200 pounds of California halibut and reported that landing on fish landing receipts as being caught with bottom trawl gear in at least one of the following:

(1) At least two of the calendar years 1995 to 2003, inclusive.

(2) At least one of the calendar years 1995 to 2003, inclusive, and from January 1, 2004, to February 19, 2004, inclusive.

(d) Permits issued pursuant this section may be transferred only if at least one of the following occur:

(1) The Commission adopts a restricted access program for the fishery that is consistent with the Commission's policies regarding restricted access to commercial fisheries.

(2) Prior to the implementation of a restricted access program, the permit is transferred to another vessel owned by the same permit holder of equal or less capacity, as determined by the Department, and if the originally permitted vessel was lost, stolen, destroyed, or suffered a major irreparable mechanical breakdown. The Department may not issue a permit for a replacement vessel if the Department determines that the originally permitted vessel was fraudulently reported as lost, stolen, destroyed, or damaged. Only the permit holder at the time of the loss, theft, destruction, or irreparable mechanical breakdown of a vessel may apply to transfer the vessel permit. Evidence that a vessel is lost, stolen, or destroyed shall be in the form of a copy of the report filed with the United States Coast Guard, or any other law enforcement agency or fire Department that conducted an investigation of the loss.

(3) Prior to the implementation of a halibut trawl restricted access program, the Commission may consider requests from a vessel permit holder or his or her conservator or estate representative to transfer a permit with the vessel if both of the following conditions are met:

(A) The permit holder has died, is permanently disabled, or the permit holder is at least 65 years of age and has decided to retire from commercial fishing.

(B) California halibut landings contributed significantly to the record and economic income derived from the vessel, as determined by regulations adopted by the Commission. The Commission may request information that it determines is reasonably necessary from the permit holder or his or her heirs or estate for the purpose of verifying statements in the request prior to authorizing the transfer of the permit.

(e) The Commission shall establish California halibut bottom trawl vessel permit fees based on the recommendations of the Department and utilizing the guidelines outlined in subdivision (b) of Section 711 to cover the costs of administering this section. Prior to the adoption of a restricted access program pursuant to subdivision (d), fees may not exceed one thousand dollars ($1,000) per permit.

(f) Individuals holding a federal groundfish trawl permit may retain and land up to 150 pounds of California halibut per trip without a California halibut trawl permit in accordance with federal and state regulations, including, but not limited to, regulations developed under a halibut fishery management plan.

(g) This section shall become inoperative upon the adoption by the Commission of a halibut fishery management plan in accordance with the requirements of Part 1.7 (commencing with Section 7050).

(h) The Commission may adopt regulations to implement this section.

§8495. Designated Area.

(a) The following area is designated as the California halibut trawl grounds:

The ocean waters lying between one and three nautical miles from the mainland shore lying south and east of a line running due west (270° true) from Point Arguello and north and west of a line running due south (180° true) from Point Mugu.

(b) Notwithstanding the provisions of subdivision (a), the use of trawl gear for the take of fish is prohibited in the following areas of the California halibut trawl grounds:

(1) Around Point Arguello. The area from a line extending from Point Arguello true west (270°) and out three miles, to a line extending from Rocky Point true south (180°) and out three miles.

(2) Around Point Conception. From a point on land approximately one-half mile north of Point Conception at latitude 34° 27.5" extending seaward true west (270°) from one to three miles, to a point on land approximately ½ mile east of Point Conception at longitude 120° 27.5" extending seaward true south (180°) from one to three miles.

(3) In the Hueneme Canyon in that portion demarked by the IMO Vessel Traffic safety zone on NOAA/NOS Chart 18725 and from one mile to the three mile limit of state waters.

(4) In Mugu Canyon, from Laguna point, a line extending true south (180°) and out three miles, to Point Mugu, a line extending true south (180°) and from one to three miles.

(c)(1) Notwithstanding the provisions of subdivision (a), commencing April 1, 2008, the following areas in the California halibut trawl grounds shall be closed to trawling, unless the Commission finds that a bottom trawl fishery for halibut minimizes bycatch, is likely not damaging sea floor habitat, is not adversely affecting ecosystem health, and is not impeding reasonable restoration of kelp, coral, or other biogenic habitats:

(A) The ocean waters lying between one and three nautical miles from the mainland shore from a point east of a line extending seaward true south (180°) from a point on land approximately ½ mile east of Point Conception at longitude 120° 27.5" to a line extending due south from Gaviota.

(B) The ocean waters lying between one and two nautical miles from the mainland shore lying east of a line extending due south from Santa Barbara Point (180°) and west of a line extending due south from Pitas Point (180°).

(C) Except as provided in subdivision (b), the ocean waters lying between one and three nautical miles from the mainland shore lying south and east of a line running due west (270° true) from Point Arguello to a line extending seaward true south (180°) from a point on land approximately ½ mile east of Point Conception at longitude 120° 27.5", and from the western border of the IMO Vessel Traffic safety zone on NOAA/NOS Chart 18725 in Hueneme Canyon running south and east to a line running due south (180° true) from Point Mugu.

(2) In making the finding described in paragraph (1), the Commission shall pay special attention to areas where kelp and other biogenic habitats existed and where restoring those habitats is reasonably feasible, and to hard bottom areas and other substrate that may be particularly sensitive to bottom trawl impacts.

(d) Commencing January 1, 2008, the Commission shall review information every three years from the federal groundfish observer program and other available research and monitoring information it determines relevant, and shall close any areas in the California halibut trawl grounds where it finds that the use of trawl gear does not minimize bycatch, is likely damaging sea floor habitat, is adversely affecting ecosystem health, or impedes reasonable restoration of kelp, coral, or other biogenic habitats. The Commission shall pay special attention to areas where kelp and other biogenic habitats existed and where restoring those habitats is reasonably feasible, and to hard bottom areas and other substrate that may be particularly sensitive to bottom trawl impacts in making that finding.

(e) Notwithstanding any other provision of law, the Commission shall determine the size, weight, and configuration of all parts of the trawl gear, including, but not limited to, net, mesh, doors, appurtenances, and towing equipment as it determines is necessary to ensure trawl gear is used in a sustainable manner within the California halibut trawl grounds.

§8496. Trawl Nets; Season, Taking Requirements

Within the California halibut trawl grounds the following requirements shall apply to the use of trawl nets:

(a) Open season shall be June 16 to March 14, inclusive.

(b) California halibut shall only be taken pursuant to Section 8392.

(c) Not more than 500 pounds of fish other than California halibut may be possessed, except that any amount of sea cucumbers may be possessed by a person who holds a valid sea cucumber permit and who meets any conditions adopted by the Commission pursuant to Section 8405.3, and any amount of sharks, skates, or rays for which the take or possession of that species is not otherwise prohibited by this code may be taken or possessed.

(d) It is unlawful to operate a trawl net in a way that damages or destroys other types of fishing gear which is buoyed or otherwise visibly marked.

(e) Sections 8833 and 8836 do not apply to trawl nets when used or possessed on California halibut trawl grounds.

(f) Trawl nets described in Section 8843 shall only be used within the halibut trawl grounds.

(g) Single bags and cod-ends or double bags and cod-ends may be used within the halibut trawl grounds and may be possessed while a vessel is in transit directly to the halibut trawl grounds or returning directly to port. Double bags shall be hung and tied to each rib line so that the knots of each layer coincide, knot for knot, for the full length of the double layers. The double mesh section shall not measure over 25 meshes or 12 feet in length, whichever is greater. The individual meshes in the double section shall measure not less than 7½ inches in length.

(h) No net, whose cod-end meshes are less than prescribed in this section, may be possessed on any vessel that is operating under the authority of this section.

Lobster

Title 14 Excerpts

§121. Lobsters, Spiny - Possession During Closed Season.

No spiny lobsters may be sold or possessed during the closed season except as follows: Lobsters taken or imported during the open season which were cooked and frozen or frozen prior to the close of the open season, and lobsters imported into California during the twenty-six (26) days following the close of the open season, provided such lobsters were cooked and frozen or frozen prior to importation. During the closed season, after the twenty-six (26) day importation period, no spiny lobsters may be possessed on any boat, barge, or vessel.

§121.5. Lobsters, Spiny. Verification of Size.

(a) All California spiny lobsters (Panulirus interruptus) taken, possessed, transported or sold must be maintained in such a condition that their size can be determined pursuant to Fish and Game Code Section 8252 until prepared for immediate consumption or sold to the ultimate consumer except as provided for in subsection (b) below.

(b) California spiny lobsters may be split along the midline of the carapace by persons licensed pursuant to Fish and Game Code Section 8034 (Fish Processors License) or 8037 (Commercial Fish Business License) provided both halves of each lobster are kept together by banding or packaging until either displayed for purchase by the ultimate consumer or prepared for immediate consumption.

§122. Lobsters, Permits to Take.

(a) Classes of Lobster Permits.

(1) There is a transferable lobster operator permit, a non-transferable lobster operator permit and a lobster crewmember permit.

(2) Under operator permits issued by the Department, licensed commercial fishermen may use traps to take spiny lobsters for commercial purposes in Districts 18, 19, 20A, and that part of District 20 southerly of Santa Catalina Island

between Southeast Rock and China Point. No other method of take is authorized for the commercial harvest of spiny lobsters.

(3) Any licensed commercial fisherman not eligible to obtain a lobster operator permit pursuant to this section may purchase a lobster crewmember permit, authorizing him/her to accompany the holder of a lobster operator permit and to assist that person in the commercial take of spiny lobster.

(b) Each lobster permit shall be issued annually and shall be valid for the period of the commercial lobster season. Each operator and crewmember permittee shall have his/her permit in possession when taking lobsters.

(c) Except as provided in this section, a permit shall not be assigned or transferred, and any right or privilege granted thereunder is subject to revocation, without notice, by the Fish and Game Commission, at any time.

(d) Applicants for the renewal of lobster operator permits shall have held a valid, lobster operator permit, that has not been suspended or revoked, in the immediately preceding permit year.

(e) Transferable Lobster Operator Permit Qualification Criteria and Procedures:

(1) To qualify for a transferable lobster operator permit, an individual shall hold a valid 2005-06 lobster operator permit that has not been suspended or revoked and have landed a minimum of 500 pounds of lobster per year during any 4 of the 5 permit years from 1996-97 through 2000-01, inclusive, or have landed a minimum of 2,000 pounds of lobster per year during any 2 of those 5 permit years as documented by fish landing receipts submitted to the Department in his/her name and commercial fishing license identification number pursuant to Section 8046, Fish and Game Code.

(2) Beginning on July 1, 2005 or 30 calendar days after the effective date of these regulations, whichever date is later, the Department shall make an initial determination, based on Department records, of which holders of valid 2005-06 lobster operator permits, that have not been suspended or revoked, meet the qualifications for a transferable lobster operator permit specified in subsection (e)(1) above and shall mail notice of such determination, to the last address on record with the Department, to all 2005-06 lobster operator permit holders.

Each person who meets the qualifications will have his/her permit designated by the Department as a transferable lobster operator permit.

(3) The holder of a 2005-06 lobster operator permit who is notified by the Department that he/she does not meet the qualifications for a transferable lobster operator permit may submit to the Department's License and Revenue Branch, 1740 North Market Blvd, Sacramento CA 95835, copies of fish landing receipts that have been issued in his/her name and commercial fishing license identification number pursuant to sections 8043 and 8046, Fish and Game Code, that demonstrate he/she does meet the qualifications in subsection (e)(1) above. Such fish landing receipts and a letter requesting that his/her permit be designated as a transferable lobster operator permit shall be submitted to the Department on or before March 31, 2006. Any request postmarked or presented after March 31, 2006 will not be considered.

(4) The holder of a 2005-06 lobster operator permit not able to meet these qualification criteria or meeting them and failing to submit his/her fish landing receipts on or before March 31, 2006, pursuant to subsection (e)(3) above shall have his/her permit designated a non-transferable lobster operator permit, effective with the 2006-07 license year.

(5) The holder of a valid lobster operator permit that has not been suspended or revoked, from the immediately preceding permit year shall be eligible to purchase a lobster operator permit of the same classification.

(f) Procedures and Deadline for Permit Renewal and Forfeiture of Non-renewed Permits. Applications for renewal of transferable and non-transferable lobster operator permits must be received by the Department or if mailed, postmarked not later than April 30 of each year.

Applications presented or postmarked after April 30 and before June 1 will be assessed a late penalty pursuant to Section 7852.2 of the Fish and Game Code. Applications postmarked or presented after May 31 will not be considered. The holder of a transferable or non-transferable lobster operator permit who fails to renew his/her permit on or before May 31 will be considered to have forfeited that permit to the Department and shall thereafter be able to commercially fish for lobster only under the authority of a lobster crewmember permit or by obtaining a transferable lobster operator permit pursuant to these regulations.

(g) Procedures, Timelines and Initial Limit on Permit Transfers.

(1)The holder of a valid transferable lobster operator permit that has not been suspended or revoked may transfer his/her permit to another person licensed as a California commercial fisherman. The application to transfer a permit shall be in the form of a notarized letter from the existing permit holder identifying the transferee and shall include the original transferable lobster operator permit, a copy of the transferee's commercial fishing license and a nonrefundable permit transfer fee of five hundred dollars ($500). The application shall be submitted to the Department's License and Revenue Branch, 1740 North Market Blvd, Sacramento CA 95835. The transferable lobster operator permit shall be valid for the remainder, if any, of the then current lobster season and may be renewed in subsequent years pursuant to these regulations. If the transferee holds a non-transferable lobster operator permit, that permit shall be cancelled.

(2) Not more than 10 applications to transfer a permit shall be processed by the Department during each license year (April 1 - March 31) until March 31, 2008, after which date there is no limit on the number of transfers that may be processed during a license year. Applications will be processed in the order received. If on any given day the number of applications received is greater than the available number of transfers, the Department shall conduct a drawing to determine which application(s) shall be processed. This subsection shall not apply in the event of the death of the permit holder. The estate of the holder of a transferable lobster operator permit may renew that permit as provided for in these regulations if needed to keep it valid. The estate of the decedent may transfer that permit pursuant to subsection (g)(1) above not later than one year from the date of death of the permit holder as listed on the death certificate.

(h) No SCUBA equipment or other artificial breathing device may be used to take lobster on any boat being operated pursuant to a commercial lobster permit.

(i) All provisions of the Fish and Game Code and regulations of the Fish and Game Commission relating to lobsters shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction or control.

(j) Exemption from Tidal Invertebrate Permit. A lobster operator or crewmember operating under the provisions of a lobster permit is not required to possess a Tidal Invertebrate Permit, but is subject to the provisions of Section 123.

(k) No lobster trap used under authority of this permit shall be pulled or raised or placed in the water between one hour after sunset to one hour before sunrise.

(l) All lobster traps and receivers impounding lobsters shall be individually buoyed. The buoys must be on the surface of the water, except after the first Tuesday in October when buoys may be submerged by means of metallic timing devices, commonly called "pop-ups".

(m) Each buoy identifying a lobster trap shall display the commercial fishing license identification number of the lobster operator permit holder followed by the letter P. The commercial fishing license number and the letter P shall be in a color which contrasts with that of the buoy and shall be at least one (1) inch in height and at least one-eighth (1/8) inch in width.

(n) Any person pulling or raising lobster traps and receivers bearing a commercial fishing license number other than his/ her own must have in his/her possession from the party who holds the permit assigned to said gear written permission to pull the traps, or receivers.

(o) The employees of the Department may disturb or move any lobster trap at any time while such employees are engaged in the performance of their official duties and shall inspect any lobster trap to determine whether it is in compliance with all provisions of the Fish and Game Code and regulations of the Commission.

(p) During the closed season for the taking of spiny lobster, no buoy attached to any trap may be marked in such manner as to identify the trap as a lobster trap, except that legally marked lobster traps may be placed in the water not more than six (6) days before the opening of the season and may remain in the water for not more than six (6) days after the close of the season, if the door or doors to such traps are wired open, the trap is unbaited, the buoy remains at the surface of the ocean, and no attempt is made to take spiny lobsters.

(q) Restricted fishing areas.

(1) No lobster trap used under the authority of this permit shall be used within 750 feet of any publicly-owned pier, wharf, jetty or breakwater; however, such traps may be used to within 75 feet of any privately-owned pier, wharf, jetty or breakwater.

(2) No lobster traps shall be set or operated within 250 feet of the following specified navigation channels.

(A) Newport Bay: Starting at the demarcation line at the entrance to Newport Bay and extension of the west side channel line, proceed southeasterly on a bearing of 151° magnetic one nautical mile; then northeasterly 44° magnetic 500 feet; then northwesterly 331° magnetic one nautical mile to

the demarcation line and an extension of the east side channel line.

(B) Dana Point Harbor: Starting from Dana Point east jetty light "6," proceed on a bearing of 120° magnetic 450 yards to red buoy "4"; then south 180° magnetic one nautical mile; then westerly 270°, 300 yards; then north 0° magnetic approximately one nautical mile to Dana Point Harbor light "5".

(C) Oceanside Harbor: Starting from Oceanside Harbor breakwater light "1," proceed on a bearing of 225° magnetic for one nautical mile; then southeast for 450 yards on a bearing of 110° magnetic; then northeast on a bearing of 35° magnetic for one nautical mile to Oceanside Harbor south jetty light "2"; then west-southwest on a bearing of 253° to the point of beginning at Oceanside Harbor breakwater light "1."

(r) Records. Pursuant to section 190 of these regulations, any person who owns and/or operates any vessel used to take lobsters shall complete and submit an accurate record of his/her lobster fishing activities on a form (Daily Lobster Log, DFG 122 (7/96), incorporated herein by reference) provided by the Department.

(s) The person required to submit logs pursuant to these regulations shall have complied with said regulations during the immediate past license year, or during the last year such person held a permit, in order to be eligible for a successive year annual permit.

(t) Any person denied a permit under these regulations may request a hearing before the Commission to show cause why his/her permit request should not be denied. Such request must be received by the Commission within 60 days of the Department's denial. Any person denied the designation of his/her lobster operator permit as a transferable lobster operator permit pursuant to subsection (e) of these regulations may appeal the denial to the Commission. Such appeal must be received by the Commission within 60 days of the Department's denial.

FGC Excerpts

§56. "Net".

"Net" means any gear made of any kind of twine, thread, string, rope, wire, wood or other materials used for the gilling, entangling, trapping, or impounding of fish.

§2365. Importation of spiny lobsters after closing of state season; Possession and sale costs.

Spiny lobsters may be imported into California until the twenty-sixth day after the close of the California season. Lobsters imported into California and lobsters legally taken in California during the open season prescribed in this code may be possessed and sold during the closed season, subject to the regulations of the Commission.

The cost of inspection and marking, under the regulations of the Commission, shall be paid by the importer or owner of the lobsters.

§8250. "Spiny lobster".

As used in this code, "spiny lobster" refers to the species Panulirus interruptus.

§8250.5. Taking for commercial purposes; Incidental taking.

(a) Subject to this article and Article 1 (commencing with Section 9000) of Chapter 4, a lobster trap, as described in Section 9010, may be used to take lobster for commercial purposes under a lobster permit issued pursuant to Section 8254.

(b) The following species may be taken incidentally in lobster traps being fished under the authority of a lobster permit issued pursuant to Section 8254, and any other species taken incidentally shall be immediately released back to the water:

(1) Crab, other than Dungeness crab.

(2) Kellet's whelk.

(3) Octopus.

(c) Spiny lobsters taken in the manner commonly known as skindiving or by a person using self-contained underwater breathing apparatus shall not be sold.

§8251. Season; Authorized setting of traps in advance.

Spiny lobsters may be taken only between the first Wednesday in October and the first Wednesday after the 15th of March. Lobster traps may be set and baited 24 hours in advance of the opening date of the lobster season if no other attempt is made to take or possess the lobsters.

§8252. Prohibited taking of spiny lobster of specified size.

No spiny lobster less than three and one-quarter inches in length measured in a straight line from the rear edge of the eye socket to the rear edge of the body shell, both points to be on the midline of the back, may be taken, possessed, purchased or sold.

Every person taking spiny lobster shall carry a measuring device and shall measure any lobster immediately on removal from his trap and if it is found to be undersize the lobster shall be returned to the water immediately.

§8253. Preservation; Freezing and cooking.

It is unlawful to pickle, can or otherwise preserve any spiny lobster, but spiny lobsters may be preserved by freezing and may be cooked for consumption in the fresh state.

§8254. Lobster permits.

(a) Lobsters shall not be taken for commercial purposes except under a valid lobster permit issued to that person that has not been suspended or revoked, subject to regulations adopted by the Commission.

(b) Every person who takes, assists in taking, possesses, or transports lobsters for commercial purposes while on any boat, barge, or vessel, or who uses or operates or assists in using or operating any boat, net, trap, line, or other appliance to take lobsters for commercial purposes, shall have a valid lobster permit.

(c) The permit fee for a lobster permit is two hundred sixty-five dollars ($265).

(d) The fee for a lobster crewmember permit is one hundred twenty-five dollars ($125). This subdivision shall become operative on April 1, 1997.

(e) For the purposes of this section, it is prima facie evidence that lobster is taken for commercial purposes if the possession of lobster is more than three times the sport bag limit.

§8254.7. Complaint charging violation by commercial permit holder; Suspension.

When a complaint has been filed in a court of competent jurisdiction charging a holder of a commercial lobster permit with a violation of Section 8251 or 8252, and no disposition of the complaint has occurred within 90 days after it has been filed in the court, the Department may suspend the commercial lobster permit of the person. The permit holder whose permit was suspended under this section may, within 10 days after the receipt of the suspension notice from the Department, request a hearing, and, within 20 days after such request has been made, a hearing shall be held by the Commission commenced which shall be held pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the Commission shall have the powers of any agency under such provisions. A decision shall be made within a reasonable time on whether the suspension of the permit shall be terminated or continued until the disposition of the complaint by the court. In determining whether to terminate or continue the suspension of the permit, the Commission shall consider whether or not the violation could have a detrimental effect on the resources and whether or not a continued suspension of such a permit is in the best public interest, and shall find whether there is sufficient evidence that a violation has occurred. A failure to make a finding that there is sufficient evidence that a violation has occurred or a finding there is insufficient evidence shall terminate the suspension of the permit under this section. If the permit holder is acquitted of the charges or the charges against him or her have been dismissed, any suspension of the permit is thereby terminated. No complaint shall be filed in a court charging a commercial lobster permit holder with a violation of Section 8251 or 8252 unless evidence supporting the charge has been reviewed by the appropriate county or city prosecuting agency and a criminal complaint has been issued by the agency.

§8257. Display of permit number on boat.

The permit number of the person owning or in command of any boat used to take lobster shall be visibly displayed on both sides of the boat in 10-inch black numbers, one inch wide, on a white background.

§8258. Districts where lobster traps may be used to take spiny lobster.

Lobster traps may be used to take spiny lobster in Districts 18, 19, 20A, and those portions of District 20 lying on the southerly side of Santa Catalina Island between Southeast Rock and China Point.

§9010. Lobster traps.

(a) Subject to Article 5 (commencing with Section 8250) of Chapter 2, spiny lobster may be taken with lobster traps under a lobster permit issued pursuant to Section 8254.

(b) Notwithstanding Sections 8660 and 8665, lobster traps may be used in any area of the state not otherwise closed to the taking of lobsters up to, but not closer than, 75 feet of any private pier, wharf, jetty, breakwater, or dock.

(c) A wire lobster trap shall be built of rectangular wire mesh with inside mesh measurement not less than 17/8 inches by 3 7/8 inches, the 3 7/8 inch measurement to be parallel to the floor of the trap. A wire lobster trap shall be fitted with at least one rigid rectangular escape gap with inside measurements not less than 2 3/8 inches by 11½ inches. The escape gap shall be located parallel to, and within two inches of the floor on any outside wall of, the rearmost chamber of the lobster trap and shall be clearly accessible to the lobsters.

(d) A lobster trap constructed of lath or other material shall have an opening to allow a means of escape along the full length of one side of the rearmost chamber. The escape opening shall be of a spacing of not less than 23/8 inches, and the spacing shall be located parallel to, and within two inches of, the floor of the lobster trap.

Marine Aquaria

FGC Excerpts

§82. "Slurp gun".

"Slurp gun" means a self-contained, hand-held device used to capture fish by rapidly drawing water containing fish into a closed chamber.

§8140. Right to take fish where taking not prohibited.

All fish, the taking of which is not prohibited for commercial purposes, and for which a season is not otherwise specified, may be taken at any time for commercial purposes.

§8596. "Marine aquaria pet trade"; "Drop Net".

The following definitions govern the construction of this article:

(a) "Marine aquaria pet trade" means any activities connected with collecting, holding, selling, and displaying live aquatic marine life for pet, hobby, curio or display purposes. "Marine aquaria pet trade" does not include activities connected with collecting, holding, selling, or displaying live aquatic marine life by, or for, scientific institutions exempted from permits pursuant to subdivision (e) of Section 2150.

(b) "Drop net" means a small, circular net with weights attached along the perimeter and with a single float attached at the center. A drop net is not more than 48 inches in its greatest diameter.

Size limits for the commercial take of nearshore fishes including rockfish, cabezon, California scorpionfish, greenlings of the genus Hexagrammos, and California sheephead are found in Title 14, §150.16 on page 59. Size limits for the commercial take of leopard shark are on page 17.

§8597. Marine aquaria collector's permit; Species that may be collected.

(a) It is unlawful for any person to take, possess aboard a boat, or land for marine aquaria pet trade purposes any live organisms identified in subdivision (b), unless that person has a valid marine aquaria collector's permit that has not been suspended or revoked. At least one person aboard the boat shall have a valid marine aquaria collector permit.

(b) Except as provided in Section 8598.2, and unless otherwise prohibited in this code, or regulations made pursuant thereto, specimens of the following groups or species may be taken, possessed aboard a boat, or landed under a marine aquaria collector's permit:

(1) Marine plants:
(A) Chlorophyta.
(B) Phaeophyta.
(C) Rhodophyta.
(D) Spermatophyta, all species.
(2) Invertebrates:
(A) Polychaeta—worms; all species.
(B) Crustacea—shrimp, crabs; all species, except the following:
(i) Dungeness crab—Cancer magister.
(ii) Yellow crab—Cancer anthonyi.
(iii) Red crab—Cancer productus.
(iv) Sheep crab—Loxorhynchus grandis.
(v) Spot prawn—Pandalus platyceros.
(vi) Ridgeback prawn—Sicyonia ingentis.
(vii) Golden prawn—Penaeus californiensis.
(viii) Sand crab—Emerita analoga.
(ix) Redrock shrimp—Lysmata californica.
(x) Bay shrimp—Crangon sp. and Palaemon macrodactylus.
(xi) Ghost shrimp—Callianassa sp.
(C) Asteroidea—Sea stars; all species.
(D) Ophiuroidea—Brittle stars; all species.
(E) Gastropoda—snails, limpets, sea slugs; all species, except Kellet's whelk—Kelletia kelletii.
(F) Bivalvia—clams and mussels; all species.
(G) Polyplacophora—Chitons; all species.
(H) Cephalopoda—Octopuses and squids; all species, except two spot octopuses—Octopus bimaculatus and Octopus maculoides—and market squid—Loligo opalescens.
(I) Tunicata—Sea squirts; all species.
(3) Vertebrates:
(A) Osteichthyes—Finfishes; all species, except the following:
(i) Rockfish—Sebastes sp. larger than six inches total length.
(ii) Sheephead—Semicossyphus pulcher larger than six inches total length.
(iii) Anchovy—Engraulis mordax.
(iv) Sardine—Sardinops sagax.
(v) Pacific/chub mackerel—Scomber japonicus.
(vi) Jack mackerel—Trachurus symmetricus.
(vii) Queenfish—Seriphus politus.
(viii) White Croaker—Genyonemus lineatus.
(ix) Top smelt—Atherinops affinis.
(x) Grunion—Leuresthes tenuis.
(xi) Shiner surf perch—Cymatogaster aggregata.
(xii) Longjawed mudsucker—Gillichthys mirabilis.
(B) Chondrichthyes—sharks, rays, and skates; all species less than 18 inches total length, except that leopard shark (Triakis semifasciata) shall be 36 inches or larger in total length.

(c) The holder of a permit issued pursuant to this section is not required to obtain or possess a kelp harvester's license issued pursuant to Section 6651, a tidal invertebrate permit issued pursuant to Section 8500, or a general trap permit issued pursuant to Article 1 (commencing with Section 9000) of Chapter 4, when taking, possessing, or landing live organisms for marine aquaria pet trade purposes pursuant to subdivision (b), subject to regulations governing the taking of tidal invertebrates. The Commission shall adopt regulations to implement this subdivision, and, for that purpose, may incorporate other regulations by reference.

§8598. Specimens not to be taken or possessed for commercial purposes.

(a) Notwithstanding Section 8140 or subdivision (b) of Section 8597, specimens of the following groups or species shall not be taken, possessed aboard a boat, or landed for commercial purposes. Taking, possessing, or landing of any of the following species in a commercial operation is prima facie evidence that it was taken, possessed, or landed for commercial purposes:

(1) Invertebrates:
(A) Phylum Porifera–all sponges.
(B) Genus Pelagia sp.–jellyfish.
(C) Coelenterata–corals, anemones; all species.
(D) Order Gorgonacea–all gorgonians.
(E) Order Pennatulacea–all species, except Renilla kollikeri.
(F) Feather-duster worm–Eudistylia polymorpha.
(G) Fiddler crab–Uca crenulata.
(H) Umbrella crab–Cryptolithodes sitchensis.
(I) Stalked or goose barnacles–Pollicipes sp.
(J) Giant acorn barnacle–Balanus nubilus or Balanus aguila.
(K) Owl limpet–Lottia gigantea.
(L) Coffee bean shells–Trivia sp.
(M) Three-winged murex–Pteropurpura trialata.
(N) Vidler's simnia–Simnia vidleri.
(O) Queen tegula–Tegula regina.
(P) Opisthobranchia (including nudibranchs)–all subclass Opisthobranchia species except:
(i) Sea hares–Aplysia californica and Aplysia vaccaria.
(ii) Hermissenda crassicornis.
(iii) Lion's mouth–Melibe leonina.
(iv) Aeolidia papillosa.
(v) Spanish shawl–Flabellina iodinea.
(2) Vertebrates:
(A) All shark and ray eggcases.
(B) Brown smoothhound sharks–Mustelus henlei–that are less than 18 inches in a whole condition or dressed with head and tail removed.
(C) Family Agonidae–all poachers.
(D) Wolf-eel–Anarrhichthys ocellatus.
(E) Juvenile sheephead–Semicossyphus pulcher (under 6 inches).
(F) Garibaldi–Hypsypops rubicundus.
(3) Live rocks.
(A) Rocks with living organisms attached, commonly called "live rocks," shall not be taken or possessed except as provided in sub-paragraph (C).
(B) Rocks shall not be broken to take marine aquaria species, and any rock displaced to access any of those species shall be returned to its original position.
(C) Rocks cultured under the authority of an aquaculture registration may be possessed.

(b) No organisms may be taken, possessed, or landed for marine aquaria pet trade purposes under the terms of a marine aquaria collector's permit in any of the following areas:

(1) On the north side of Santa Catalina Island from a line extending three nautical miles 90° true from Church Rock to a line extending three nautical miles 270° true from the extreme west end of the island.
(2) On the south or "back" side of Santa Catalina Island from a line extending three nautical miles 90° true from Church Rock to a line extending three nautical miles 270° true from the extreme west end of the island.
(3) Marine life refuges, marine reserves, ecological reserves, and state reserves.

§8598.2. Prohibited methods of taking organisms.

(a) Marine organisms identified in subdivision (a) of Section 8597 shall not be taken except by the following methods:

(1) Hook and line.
(2) Drop net.
(3) Dip net.
(4) Trap.
(5) Hand.
(6) Slurp gun.
(7) Spatula.

(b) Chemical anesthetics, poisons, or irritants shall not be used or possessed by any person taking or possessing fish, plants, or other marine organisms

for the marine aquaria industry. For the purposes of this section, chemicals commonly used aboard vessels for insect and rodent control may be possessed if no means of delivering those chemicals, including, but not limited to, squirt bottles, used to target those marine organisms is possessed.

(c) Appliances shall be used so that rocks or other mineral matter, aquatic plants, fish, or other aquatic life not listed in subdivision (b) of Section 8597 are not removed from the bottom or otherwise disturbed.

§8598.3. Fee for permit; Ban on simultaneous collection under scientific collector's permit.

(a) The fee for a marine aquaria collector's permit shall be three hundred thirty dollars ($330).

(b) A person engaged in taking, possessing, or landing marine species under a marine aquaria collector's permit shall not take, possess aboard a boat, or land any species under the authority of a scientific collector's permit issued pursuant to Section 1002, 5515, or 10660 on the same fishing trip.

§8598.4. Closure of fishery to protect organisms.

Notwithstanding any other provision of this code, the director may close any portion of the fishery established under this article or any area in which this fishery is conducted, if, upon written finding, the director determines the action is necessary to protect any organisms listed in subdivision (a) of Section 8597 or the environment in which those organisms are located. The director shall reopen a fishery or any fishing areas previously closed pursuant to this section if the director determines that the conditions which necessitated the closure no longer exist.

Nearshore Fishery

Title 14 Excerpts

§1.90. Nearshore Fish Stocks, Nearshore Fisheries, and Nearshore Waters Defined.

(a) Under the authority of Section 8587.1 of the Fish and Game Code, Section 8586 of the Fish and Game Code is made inoperative.

(b) "Nearshore fish stocks" means any of the following:

(1) black rockfish (*Sebastes melanops*),
(2) black-and-yellow rockfish (*Sebastes chrysomelas*),
(3) blue rockfish (*Sebastes mystinus*),
(4) brown rockfish (*Sebastes auriculatus*),
(5) cabezon (*Scorpaenichthys marmoratus*),
(6) calico rockfish (*Sebastes dallii*),
(7) California scorpionfish (sculpin) (*Scorpaena guttata*),
(8) California sheephead (*Semicossyphus pulcher*),
(9) China rockfish (*Sebastes nebulosus*),
(10) copper rockfish (*Sebastes caurinus*),
(11) gopher rockfish (*Sebastes carnatus*),
(12) grass rockfish (*Sebastes rastrelliger*),
(13) greenlings of the genus *Hexagrammos*,
(14) kelp rockfish (Sebastes atrovirens),
(15) monkeyface eel (*Cebidichthys violaceus*),
(16) olive rockfish (*Sebastes serranoides*),
(17) quillback rockfish (*Sebastes maliger*), and
(18) treefish (*Sebastes serriceps*),

(c) "Nearshore fisheries" means the commercial or recreational taking, possession, or landing of any species of nearshore fish stocks.

(d) "Nearshore waters" means ocean waters including around offshore rocks and islands extending from the shore to a depth of 20 fathoms.

(e) "Shallow nearshore rockfish" means a subgroup of rockfishes (genus *Sebastes*) including only black-and-yellow rockfish, China rockfish, gopher rockfish, grass rockfish, and kelp rockfish.

§52.04. Regional Management.

Four regional management areas (consistent with the Nearshore FMPs Alternative 5 for Recommended Regional Management) exist off California as follows:

(1) North Coast Region: Nearshore waters between the California-Oregon border and a line extending due west true from a point on the mainland shore at 40 degrees 10 minutes north latitude near Cape Mendocino, Humboldt County,

(2) North-Central Coast Region: Nearshore waters between a line extending due west true from a point on the mainland shore at 40 degrees 10 minutes north latitude near Cape Mendocino, Humboldt County, and a line extending due west true from Point Año Nuevo, San Mateo County,

(3) South-Central Coast Region: Nearshore waters between a line extending due west true from Año Nuevo, San Mateo County, and a line extending due west true from Point Conception, Santa Barbara County,

(4) South Coast Region: Nearshore waters between a line extending due west true from Point Conception, Santa Barbara County, and the U.S.-Mexico border.

§52.10. Take of Sheephead, Cabezon and Greenling.

(a) Total Allowable Catches (TACs) and Allocations. Based on total allowable catches specified for each calendar year, catch may not exceed the following amounts:

(1) California sheephead. The statewide allowable catch of sheephead is 205,500 pounds, allocated as follows:

(A) The commercial fishery is allocated 75,200 pounds.

(B) The recreational fishery is allocated 130,300 pounds.

(2) Cabezon. The total statewide allowable catch of cabezon is 152,100 pounds, allocated as follows:

(A) The commercial fishery is allocated 59,300 pounds.

(B) The recreational fishery is allocated 92,800 pounds.

(3) Greenlings of the genus Hexagrammos. The total statewide allowable catch of greenlings is 37,600 pounds, allocated as follows:

(A) The commercial fishery is allocated 3,400 pounds.

(B) The recreational fishery is allocated 34,200 pounds.

(b) Mechanism for Fishery Closures. The Department will estimate from the current trends in catch and using the best available scientific information the time at which any commercial or recreational fishery allocation or total allowable catch for sheephead, cabezon, or greenlings specified in subsection (a) will be reached. The Department will close the fishery at the time the allocation or total allowable catch is reached or is projected to be reached prior to the end of the calendar year.

(c) The Department shall give the public and the Commission no less than 10 days notice of any recreational fishery closure pursuant to this Section via a Department news release.

(d) The Department shall give holders of nearshore fishery permits no less than 10 days notice of any commercial fishery closure pursuant to this Section via a notification letter sent to the permittee's address on file with the Department. The Department shall give the public and the Commission no less than 10 days notice of any commercial fishery closure pursuant to this Section via a Department news release.

§150. Nearshore Fishery Restricted Access Program

(a) Nearshore Fishery Permits issued pursuant to Fish and Game Code Section 8587, are valid only in the regional management area specified in the permit.

(b) The Department shall issue a Nearshore Fishery Permit for a regional management area described in Section 52.04, Title 14, CCR to each nearshore fishery permittee who meets the regional qualifying criteria below. A person will receive only one Nearshore Fishery Permit for use in only one regional management area. A person meeting the qualifications for more than one regional management area must make a permanent, irrevocable decision prior to obtaining a Nearshore Fishery Permit for the 2003-2004 permit year to fish in one regional management area. The permit shall not be changed to another regional management area under any circumstances.

(c) Nearshore Fish Stocks Used for Landings Qualification. The following names or market categories and their associated codes as recorded on Department fish landing receipts pursuant to Fish and Game Code Section 8043 will be used to determine eligibility: black-and-yellow rockfish (251), cabezon (261), California scorpionfish (260), California sheephead (145), China rockfish (258), gopher rockfish (263), grass rockfish (652), greenlings of the genus Hexagrammos (290), kelp rockfish (659), group nearshore rockfish (973) and group gopher rockfish (962).

(d) Initial Permit Issuance.

(1) North Coast Region. The person has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked, and has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR , from January 1, 1994 to December 31, 1999, as documented by Department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and satisfies the landings and participation requirements below:

(A) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, between January 1, 1994 and December 31, 1999, and

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (d)(1) are designated North Coast Region Nearshore Fishery Permits, are transferrable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North Coast Region only.

(2) North-Central Coast Region. The person has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by Department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked, and satisfies the landing and participation requirements below:

(A) has landed at least 500 pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of 3 calendar years during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04,Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (d)(2) are designated North-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North-Central Coast Region only.

(3) South-Central Coast Region. The person has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by Department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and has a valid 2002-03 Nearshore Fishery Permit that has not been suspended or revoked, and satisfies the landing and participation requirements below:

(A) has landed at least 500 pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of 3 calendar years during the period 1994 to 1999, inclusive, and which sold for a minimum average ex-vessel price per pound of $2.00 for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South-Central Coast Region.

(D) Nearshore Fishery Permits issued pursuant to subsection (d)(3) are designated South-Central Coast Region Nearshore Fishery Permits, are transferable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South-Central Coast Region only.

(4) South Coast Region. The person has landed nearshore fish stocks as described in Section 150.01, Title 14, CCR, from January 1, 1994 to December 31, 1999, as documented by Department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, and has a valid 2002- 2003 Nearshore Fishery Permit that has not been suspended or revoked, and satisfies the landing and participation requirements below:

(A) has landed at least 500 pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of 3 calendar years during the period 1994 to 1999, inclusive, and which sold for a minimum average ex-vessel price per pound of $2.00 for landings of nearshore fish stocks landed during the most current three calendar years with landings of nearshore fish stocks during the period 1994 to 1999, inclusive.

(B) has made at least one landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in either the 2000 or 2001 calendar year.

(C) landings of nearshore fish stocks used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

(D) Nearshore Fishery Permits issued pursuant to subsection (d)(4) are designated South Coast Region Nearshore Fishery Permits, are transferrable, and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South Coast Region only.

(e) Initial Qualification for 20-year California Commercial Fishermen. During the initial year of the nearshore restricted access program, any person who has been licensed as a California commercial fisherman for at least 20 years at the time of application, and who does not qualify for a permit in (d)(1), (2), (3), or (4) above, and who has participated in the commercial nearshore fishery for at least one of those years as documented by Department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, upon application shall be issued a Non-Transferable Nearshore Fishery Permit for one regional management area, based on the following minimum landing requirements in subsection (e)(1), (2), (3), or (4) below:

(1) landed at least 200 pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in any one calendar year between January 1, 1994 and December 31, 1999.

(A) landings used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR.

(B) Nearshore Fishery Permits issued pursuant to subsection (e)(1) are designated Non-Transferable North Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North Coast Region only.

(2) landed at least 650 pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in any one calendar year between January 1, 1994 and December 31, 1999.

(A) landings used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(B) Nearshore Fishery Permits issued pursuant to subsection (e)(2) are designated Non-Transferable North-Central Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the North-Central Coast Region only.

(3) landed at least 1,050 pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in any one calendar year between January 1, 1994 and December 31, 1999.

(A) landings used to qualify must have been made at ports located within the South-Central Coast Region as defined in Section 52.04, Title 14, CCR.

(B) Nearshore Fishery Permits issued pursuant to subsection (e)(3) are designated Non-Transferable South-Central Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South-Central Coast Region only.

(4) landed at least 800 pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in any one calendar year between January 1, 1994 and December 31, 1999.

(A) landings used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, Title 14, CCR.

(B) Nearshore Fishery Permits issued pursuant to subsection (e)(4) are designated Non-Transferable South Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, in the South Coast Region only.

(5) A non-transferable Nearshore Fishery Permit shall become null and void upon the death of the permit holder.

(f) Capacity Goal. The capacity goal for each nearshore regional management area is as follows: 14 North Coast Region Nearshore Fishery Permits, 9 North-Central Coast Region Nearshore Fishery Permits, 20 South-Central Coast Region Nearshore Fishery Permits, and 18 South Coast Region Nearshore Fishery Permits. The capacity goal for Non- Transferable Nearshore Fishery Permits is zero.

(g) Permit Transfers.

(1) If the combined total of transferable and non-transferable Nearshore Fishery permits in a regional management area is greater than the capacity goal for that regional management area on or after April 1, 2003, the following provisions for permit transfers are in effect:

(A) A Nearshore Fishery Permit issued pursuant to this section may be voluntarily transferred by the permittee, if the transferee (person to whom the permit is to be issued) has never been convicted of a violation of any provision of these regulations or of the Fish and Game Code pertaining to the commercial take of nearshore fish stocks as described in Section 150.01, Title 14, CCR. Until the number of permits in a regional management area equals or falls below the capacity goal for that regional management area, a permit may only be transferred if one additional transferable permit for the same regional management area is surrendered to the Department for cancellation at the same time the application for the transfer is submitted to the Department.

(B) A Nearshore Fishery Permit may be transferred pursuant to this section to a person only if that person holds a commercial fishing license issued pursuant to Fish and Game Code Section 7850 and submits to the Department a notarized letter from each of the permittees described in subdivision (A), that each include a statement identifying the person to whom the Nearshore Fishery Permit is to be transferred and setting forth the conditions of the transfer.

(C) Application for transfer of a Nearshore Fishery Permit, in the form of a notarized letter, shall be submitted to the Department by the transferee.

(D) Upon determining that the transferee of the Nearshore Fishery Permit is qualified to receive a Nearshore Fishery Permit and upon payment of

all permit and transfer fees, the Department shall issue a Nearshore Fishery Permit for that regional management area to the transferee that is valid for the remainder of the then current fishing season. At the time the permit transfer is complete the additional transferable Nearshore Fishery Permit is required to be surrendered by the transferee pursuant to subsection (g)(1)(A). If the transferee holds a Non-Transferable Nearshore Fishery Permit, that permit shall be cancelled.

(E) After the transfer of a person's Nearshore Fishery Permit, the former permit holder may not take, possess, transfer, or sell any nearshore fish stocks as described in Section 150.01, Title 14, CCR, for commercial purposes unless otherwise permitted by law.

(2) Should the combined total of transferable and non-transferable Nearshore Fishery Permits in a regional management area fall below the capacity goal, the Commission may prescribe criteria for the transfer of permits or the issuance of additional permits pursuant to the Administrative Procedure Act following public notice and not less than one public hearing

(3) A transferable Nearshore Fishery Permit issued pursuant to this section may be transferred to the estate of a permittee who has died only for the purpose of transferring the Nearshore Fishery Permit to another person.

(A) Such transfer may be considered if the estate makes application, in the form of a notarized letter, for the transfer within one year of the date of death as listed on the death certificate.

(B) The estate is responsible for any permit renewal fees under subsection (n) of this Section or Section 150.03, Title 14, CCR.

(4) The Nearshore Fishery Permit in the estate of a deceased permittee may be transferred to any person who meets all of the following qualifications:

(A) The person, at that time, holds a commercial fishing license issued pursuant to Fish and Game Code Section 7850.

(B) The person has never been convicted of a violation of any provision of these regulations or of the Fish and Game Code pertaining to the commercial take of nearshore fish stocks.

(C) The transfer of the permit is subject to subsection (g)(1) and (2) above.

(5) A Nearshore Fishery Permit in the estate of a deceased permittee that is transferred to an immediate family member (spouse, child, grand-child, parent, or sibling) or to a partner as described in Fish and Game Code Section 8102 is exempt from the requirements in subsection (g)(1) and (2) above.

(h) Application Deadline for Initial Issuance of Nearshore Fishery Permit. All applications (FG 1326(1/03)) , incorporated herein by reference) and permit fees for initial issuance of Nearshore Fishery Permits under the restricted access program must be received by the Department, or, if mailed, be postmarked on or before June 30, 2003. Applications and permit fees for initial issuance of Nearshore Fishery Permits under the restricted access program received by the Department, or, if mailed, postmarked from July 1 through July 31, 2003 will be assessed a $50 late fee. Applications and permit fees for the initial issuance of Nearshore Fishery Permits under the restricted access program postmarked or received after July 31, 2003 shall be returned to the applicant unissued.

(i) Nearshore Fishery Permit Renewal Requirements. Notwithstanding Fish and Game Code Section 8587, after April 1, 2004, Nearshore Fishery Permits for a regional management area will be issued annually by the Department only to those persons who have held a valid Nearshore Fishery Permit for that regional management area in the immediately preceding permit year.

(j) Application Deadline for Nearshore Fishery Permit Renewal. All applications (FG 1326(Rev. 11/05)), incorporated herein by reference) and permit fees for renewal of Nearshore Fishery Permits must be received by the Department, or, if mailed, postmarked on or before April 30 of each permit year. Applications and permit fees for renewal of Nearshore Fishery Permits received by the Department, or, if mailed, postmarked from May 1 through May 31 will be assessed a $50 late fee. Applications and permit fees postmarked or presented after May 31 will not be considered and the Nearshore Fishery Permit applied for shall be cancelled and not available for renewal in subsequent years.

(k) Presence of Permit Holder on Vessel. At least one Nearshore Fishery Permit holder shall be on board at all times when taking, possessing aboard a boat, or landing nearshore fish stocks as described in Section 150.01, Title 14, CCR. If a support vessel is used, a permit holder shall be on each vessel when taking nearshore fish stocks.

(l) Gear Authorized for Use. Only dip nets (as defined in Section 1.42, Title 14, CCR), hook-and-line gear consistent with restrictions of Section 150.17, Title 14, CCR, and gear authorized for use under a gear endorsement issued pursuant to Section 150.03, Title 14, CCR, shall be used to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR.

(m) Appeals.

(1) Any applicant who is denied initial issuance of a Nearshore Fishery Permit for any reason may appeal to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, no later than March 31, 2004. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's denial.

(2) Any applicant who is denied renewal of a Nearshore Fishery Permit for any reason may appeal to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, not later than March 31 following the permit year in which the applicant last held a valid Nearshore Fishery Permit. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's denial.

(3) Any applicant who is denied transfer of a Nearshore Fishery Permit may appeal to the Department in writing describing the basis for the appeal. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's denial.

(n) Fees. Notwithstanding Fish and Game Code Section 8587, the fees for a Nearshore Fishery Permit under the restricted access program shall be as follows:

(1) The Department shall charge an annual fee for each transferable Nearshore Fishery Permit of $533.25.

(2) The Department shall charge an annual fee for each Non-Transferable Nearshore Fishery Permit of $533.25.

(3) The Department shall charge a non-refundable fee of $500 for each permit transfer. If more than one permit is required for the transfer, a total of $500.00 shall be charged.

(o) Revocation of Permits. Any permit may be suspended, revoked, or cancelled by the Commission upon conviction of a violation of any provision of these regulations or Fish and Game Code pertaining to the commercial take of nearshore fish stocks as described in Section 150.01, Title 14, CCR, or violation of the terms or conditions of the permit by the holder thereof, his agents, servants, employees or those acting under his direction and control.

§150.01. Nearshore Fishery Permit Required.

Notwithstanding Section 8587 of the Fish and Game Code, a nearshore fishing permit is required only for the commercial take of the following species of nearshore fish stocks: black-and-yellow rockfish, gopher rockfish, kelp rockfish, California scorpionfish, greenlings of the genus Hexagrammos, China rockfish, grass rockfish, California sheephead, and cabezon.

Deeper Nearshore Species Fish

§150.02 Control Dates for Other Nearshore Species; Permits to Commercially Take Deeper Nearshore Fish Species.

(a) Permit Required. Effective April 1, 2003, any person taking, possessing aboard a boat, or landing any species of deeper nearshore fish listed in subsection (b) below for commercial purposes shall possess a valid deeper nearshore species fishery permit issued to that person that has not been suspended or revoked, except that when using a boat to take deeper nearshore species at least one person aboard the boat shall have a valid deeper nearshore species fishery permit.

(b) Permit Authorization. Notwithstanding Section 8587 of the Fish and Game Code, a deeper nearshore species fishery permit is required only for the commercial take of the following species of nearshore fish stocks: black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, olive rockfish, quillback rockfish and treefish.

(c) Permit Revocation. Deeper nearshore species fishery permits are revocable.

(d) Fees. The fee for a deeper nearshore species fishery permit is $133.50.

(e) Initial Issuance Criteria. Notwithstanding Section 8587 of the Fish and Game Code, a deeper nearshore species fishery permit shall be issued only to persons who have made landings that cumulatively total 200 pounds of any of the eight species for which a deeper nearshore species fishery permit is required pursuant to subsection (b). Landings must have been made in an individual's name and commercial fishing license identification number and submitted on fish landing receipts to the Department pursuant to Section 8043, Fish and Game Code, and must have been made from January 1, 1994 through December 31, 1999. Applications (FG 1329(2/03), incorporated herein by reference) for initial issuance must be received by the Department, or, if mailed, postmarked on or before

September 30, 2003. Applications received by the Department or postmarked from October 1, 2003 through October 31, 2003 must be accompanied by a $50 late fee. Applications received by the Department or postmarked after October 31, 2003 will be returned to the applicant unissued.

(f) Appeal. Any applicant who is denied issuance of a deeper nearshore species fishery permit may appeal the denial to the Department in writing describing the basis for the appeal. The appeal shall be received by the Department, or, if mailed, postmarked on or before March 31, 2004. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's decision.

(g) Renewal.

(1) Applicants seeking renewal of a deeper nearshore species fishery permit must have held a deeper nearshore species fishery permit in the immediately preceding permit year.

(2) Applications (FG 1329 (11/05), incorporated herein by reference) and permit fees for renewal of a deeper nearshore species fishery permit must be received by the Department, or, if mailed, postmarked on or before April 30 of each permit year. Applications received by the Department or postmarked from May 1 through May 31, must be accompanied by a $50 late fee. Applications received by the Department or postmarked after May 31 shall be returned to the applicant unissued.

(3) Applications for renewal must be accompanied by evidence that the qualification requirements specified in subsection

(g)(1) have been met.

(h) A control date of December 31, 1999 is established for the purpose of developing a restricted access commercial nearshore fishery for those persons taking nearshore fish stocks not covered under other nearshore control dates or nearshore restricted access programs established in Section 150, Title 14, CCR. Species subject to this control date include only black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, monkeyface eel, olive rockfish, quillback rockfish and treefish. Landings of these species made after this date may not apply toward qualifying for participation in a future restricted access program for this component of the nearshore fishery.

(i) This section does not apply to those nearshore species for which a Nearshore Fishery Permit is required pursuant to Section 150.01.

§150.03. Nearshore Fishery Gear Endorsement Program.

Nearshore Fishery Gear Endorsement holders are subject to the provisions of §180, 180.2, 180.4, 180.5, Title 14, of the CCR and FGC §9000, 9000.5, 9001, 9001.7-9008.

(a) The following regulations govern the qualification, issuance and appeals process of a gear endorsement program for the commercial take of nearshore fish stocks.

(b) Nearshore fish stocks are those listed in Section 150.01, Title 14, CCR.

(c) Qualifications for Gear Endorsement. A transferable gear endorsement shall be issued upon application only to a person who has a valid 2003-2004 transferable Nearshore Fishery Permit, issued pursuant to Section 150, Title 14, CCR, for a specific regional management area as defined in Section 52.04, Title 14, CCR. A non-transferable gear endorsement shall be issued upon application only to a person who has a valid 2003-2004 non-transferable Nearshore Fishery Permit, issued pursuant to Section 150, Title 14, CCR, for a specific regional management area as defined in Section 52.04, Title 14, CCR. The following qualifying criteria shall be used to determine eligibility for either a transferable or non-transferable trap endorsement:

(1) North Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(l), Title 14, CCR. A trap endorsement shall be attached to the North Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 general trap permit that has not been suspended or revoked, and

(B) has landed at least 1,000 pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, between January 1, 1994 and October 20, 2000 that were taken with trap gear.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, Title 14, CCR, as documented by Department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(2) North-Central Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(l), Title 14, CCR. A trap endorsement shall be attached to the North-Central Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 general trap permit that has not been suspended or revoked, and

(B) has landed at least 1,000 pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, between January 1, 1994 and October 20, 2000 that were taken with trap gear.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, Title 14, CCR, as documented by Department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(3) South-Central Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(l), Title 14, CCR. A trap endorsement shall be attached to the South-Central Coast Region Nearshore Fishery Permit issued to a person who has satisfied the requirements of either (A), or (B) and (C) below:

(A) has a valid 2002-2003 finfish trap permit that has not be suspended or revoked, or

(B) has a valid 2002-2003 general trap permit that has not been suspended or revoked, and has landed at least 500 pounds of nearshore fish stocks as described in Section 150.01, Title 14, CCR, in each of 3 calendar years during the period January 1, 1994 through October 20, 2000 that were taken with trap gear.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South-Central Coast Region as defined in Section 52.04, Title 14, CCR, as documented by Department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(4) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(l), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has a valid 2002-2003 finfish trap permit that has not been suspended or revoked.

(5) A non-transferable trap endorsement issued under this Section shall become null and void upon the death of the permit holder.

(d) Transfer of Nearshore Fishery Permit Gear Endorsements. The transfer of a Nearshore Fishery Permit gear endorsement is subject to the provisions of Section 150(g), Title 14, CCR. Only one Nearshore Fishery Permit gear endorsement is required to transfer the gear endorsement to a new permittee.

(e) Application Deadline for Initial Issuance of Nearshore Fishery Permit Gear Endorsements. All applications (FG 1327(1/03), incorporated herein by reference) and permit fees for initial issuance of Nearshore Fishery Permit gear endorsements under the restricted access program must be received by the Department, or, if mailed, be postmarked on or before June 30, 2003. Applications and permit fees for initial issuance of Nearshore Fishery Permit gear endorsements under the restricted access program received by the Department, or, if mailed, postmarked from July 1 through July 31, 2003 will be assessed a $50 late fee. Applications and permit fees for the initial issuance of Nearshore Fishery Permit gear endorsements under the restricted access program postmarked or received after July 31, 2003 shall be returned to the applicant unissued.

(f) Nearshore Fishery Permit Gear Endorsement Renewal Requirements. After April 1, 2004, notwithstanding Fish and Game Code Section 8587, Nearshore Fishery Permit gear endorsements for a regional management area will be renewed annually by the Department only to a person who has held a valid Nearshore Fishery Permit gear endorsement for that regional management area in the immediately preceding permit year.

(g) Application Deadline for Nearshore Fishery Permit Gear Endorsement Renewal. All applications (FG1326 (Rev. 11/05), incorporated herein by reference) and permit fees for renewal of Nearshore Fishery Permit gear endorsements must be received by the Department, or, if mailed, postmarked on or before April 30 of each permit year. Applications and permit fees for renewal of Nearshore Fishery Permit gear endorsements received by the Department, or, if mailed, postmarked from May 1 through May 31 will be assessed a $50 late fee. Applications and permit fees for Nearshore Fishery Permit gear endorsements postmarked or presented after May 31 will not be considered and the Nearshore Fishery permit gear endorsement applied for shall be cancelled and not available for renewal in subsequent years.

(h) Appeals.
(1) Any applicant who is denied initial issuance of a Nearshore Fishery Permit gear endorsement for any reason may appeal to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, no later than March 31, 2004. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's denial.
(2) Any applicant who is denied renewal of a Nearshore Fishery Permit gear endorsement for any reason may appeal to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, not later than March 31 following the permit year in which the applicant last held a valid Nearshore Fishery Permit. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's denial.
(3) Any applicant who is denied transfer of a Nearshore Fishery Permit gear endorsement may appeal to the Department in writing describing the basis for the appeal. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's denial.
(i) Fees. Notwithstanding Fish and Game Code Section 8587, the fees for a Nearshore Fishery Permit gear endorsement under the restricted access program shall be as follows:
(1) The Department shall charge an annual fee for each Nearshore Fishery Permit gear endorsement of $80.
(2) The Department shall charge a non-refundable fee of $75 for each gear endorsement transfer.
(j) Revocation of Nearshore Fishery Permit Gear Endorsement. Any Nearshore Fishery Permit gear endorsement may be suspended, revoked, or cancelled by the Commission upon conviction of a violation of any provision of these regulations or Fish and Game Code pertaining to the commercial take of nearshore fish stocks as described in Section 150.01, Title 14, CCR, or violation of the terms or conditions of the permit by the holder thereof, his agents, servants, employees or those acting under his direction and control.
(k) Notwithstanding Fish and Game Code Section 9001.5, a finfish trap permit is not required when taking nearshore fish stocks under the authority of a Nearshore Fishery Permit and trap endorsement issued pursuant to sections 150 and 150.03, Title 14, CCR. A general trap permit, issued pursuant to Fish and Game Code Section 9001, is required when taking nearshore fish stocks under the authority of a Nearshore Fishery Permit and trap endorsement issued pursuant to sections 150 and 150.03, Title 14, CCR.

§150.04. Control Date for Gear Endorsement Program for Other Nearshore Species.

(a) A control date of October 20, 2000 is established for the purpose of developing and implementing a gear endorsement program for the commercial nearshore fishery for nearshore fish stocks not covered under other nearshore control dates or nearshore restricted access programs established in Section 150, Title 14, CCR, or Section 150.03, Title 14, CCR. Species subject to this control date include only black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, monkeyface eel, olive rockfish, quillback rockfish and treefish.
(b) In addition to any other requirements the Commission may adopt, in order to be considered for inclusion in a future gear endorsement program described in subsection (a), a person must have made at least one landing of the nearshore species described in subsection (a). This landing must be in his/her own name and commercial fishing license identification number on or before the control date in subsection (a) using a specified gear type (traps and/or hook and line and/or nets) as documented by a fish landing receipt prepared pursuant to Fish and Game Code Section 8043 and submitted to the Department pursuant to Fish and Game Code Section 8046.
(c) This section does not apply to those nearshore species for which a Nearshore Fishery Permit is required pursuant to Section 150.01.

§150.05. Nearshore Fishery Bycatch Permit Program.

(a) A Nearshore Fishery Bycatch Permit authorizing the take, possession aboard a vessel, or landing of nearshore fish stocks as described in Section 150.01, Title 14, CCR, and in the manner and amount described in subsections (b) and (d) below may be issued to a person who meets the following conditions:
(1) has a valid 2002-2003 Nearshore Fishery Permit that has not been suspended or revoked.
(2) The person is not eligible for a 2003-2004 Nearshore Fishery Permit, or the person is eligible for a 2003-2004 Nearshore Fishery Permit based on landings made with gear not authorized under Section 150 or 150.03, Title 14, CCR, and chooses not to convert to the gear authorized pursuant to Section 150, 150.03 or 150.17, Title 14, CCR.
(b) Gear Authorized for Use. Only trawl or entangling nets shall be used to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, under a Nearshore Fishery Bycatch Permit issued pursuant to this section.
(c) Nearshore Fishery Bycatch Permits are non-transferable and the permit becomes null and void upon the death of the permit holder.
(d) Trip Limits.
(1) Nearshore Fishery Bycatch Permit holders are subject to all state and federal cumulative trip limits pursuant to sections 150.16 and 189, Title 14, CCR. Pursuant to sections 150.06 and 189, Title 14, CCR, no retention of nearshore fish stocks is allowed when the directed nearshore fishery is closed.
(2) Notwithstanding, Section 120.3, Title 14, CCR , and Fish and Game Code Section 8496, a person holding a Nearshore Fishery By-catch Permit may take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, Title 14, CCR, under the following trip limits:
(A) North Coast Region. Zero (0) pounds of nearshore fish stocks may be taken per trip.
(B) North-Central Coast Region. Zero (0) pounds of nearshore fish stocks may be taken per trip.
(C) South-Central Coast Region. Twenty-five (25) pounds of nearshore fish stocks may be taken per trip.
(D) South Coast Region. Fifty (50) pounds of nearshore fish stocks may be taken per trip.
(e) Application Deadline for Initial Issuance of Nearshore Fishery Bycatch Permits. All applications (FG 1328(1/03), incorporated herein by reference) and permit fees for initial issuance of Nearshore Fishery Bycatch Permits must be received by the Department, or, if mailed, be postmarked on or before June 30, 2003. Applications and permit fees for initial issuance of Nearshore Fishery Bycatch Permits under the restricted access program received by the Department, or, if mailed, postmarked from July 1 through July 31, 2003 will be assessed a $50 late fee. Applications and permit fees for the initial issuance of Nearshore Fishery By-catch Permits under the restricted access program postmarked or received after July 31, 2003 shall be returned to the applicant unissued.
(f) Nearshore Fishery Bycatch Permit Renewal Requirements. Notwithstanding Fish and Game Code Section 8587, after April 1, 2004, Nearshore Fishery Bycatch Permits will be renewed annually by the Department only to a person who has held a valid Nearshore Fishery By-catch Permit in the immediately preceding permit year.
(g) Application Deadline for Nearshore Fishery Bycatch Permit Renewal. All applications (FG 1328 (Rev. 11/05), incorporated herein by reference) and permit fees for renewal of Nearshore Fishery Bycatch Permits must be received by the Department, or, if mailed, postmarked on or before April 30 of each permit year. Applications and permit fees for renewal of Nearshore Fishery Bycatch Permits received by the Department, or, if mailed, postmarked from May 1 through May 31 will be assessed a $50 late fee. Applications and permit fees postmarked or presented after May 31 will not be considered and the Nearshore Fishery Bycatch Permit applied for shall be cancelled and not available for renewal in subsequent years.
(h) Appeals.
(1) Any applicant who is denied initial issuance of a Nearshore Fishery Bycatch Permit for any reason may appeal to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, no later than March 31, 2004. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's denial.
(2) Any applicant who is denied renewal of a Nearshore Fishery Bycatch Permit for any reason may appeal to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, not later than March 31 following the permit year in which the applicant last held a valid Nearshore Fishery Permit. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's denial.
(i) Fees. The Department shall charge an annual fee for each Nearshore Fishery Bycatch Permit of $213.25.
(j) Revocation of Nearshore Fishery Bycatch Permit. Any permit may be suspended, revoked, or cancelled by the Commission upon conviction of a violation of any provision of these regulations or Fish and Game Code pertaining to the commercial take of nearshore fish stocks as described in Section 150.01, Title 14, CCR, or violation of the terms or conditions of the permit by the holder

thereof, his agents, servants, employees or those acting under his direction and control.

See page 37 for a map of Cowcod Conservation Area.

§150.06. Management Areas Defined; Closure Periods Defined.

(a) Cowcod closure areas means both Area 1 and Area 2: Area 1, also termed the western cowcod conservation area adopted as federal groundfish regulations, is an area south of Point Conception bound by straight lines connecting the following points in the order listed:

33°50' N. lat., 119°30' W. long.;
33°50' N. lat., 118°50' W. long.;
32°20' N. lat., 118°50' W. long.;
32°20' N. lat., 119°37' W. long.;
33°00' N. lat., 119°37' W. long.;
33°00' N. lat., 119°53' W. long.;
33°33' N. lat., 119°53' W. long.;
33°33' N. lat., 119°30' W. long.;
33°50' N. lat., 119°30' W. long.;

The transit corridor through the cowcod closure Area 1 is bounded on the north by the latitude line at 33°00' 30" N. lat., and on the south by the latitude line at 32°59' 30" N. lat., and Area 2, also termed the eastern cowcod conservation area adopted as federal groundfish regulations, that is a smaller area west of San Diego bound by straight lines connecting the following points in the order listed:

32°42' N. lat., 118°02' W. long.;
32°42' N. lat., 117°50' W. long.;
32°36' 42" N. lat., 117°50' W. long.;
32°30' N. lat., 117°53' 30" W. long.;
32°30' N. lat., 118°02' W. long.;
32°42' N. lat., 118°02' W. long.;

(b) Seasonal closure periods and in-season closures enacted due to quota attainment for commercial rockfish, a subgroup of rockfish, lingcod or California scorpionfish noticed in the Federal Register by the National Marine Fisheries Service shall apply in state waters within the geographic boundary areas defined in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660. See also Section 189, Title 14, California Code of Regulations for additional explanation regarding fishing for federal groundfish in state waters.

(c) Seasonal closures for commercial sheephead, cabezon, and greenlings of the genus Hexagrammos:

(1) For ocean waters between 42°00' N. lat. (the Oregon/California border) and 40°10' N. lat. (near Cape Mendocino, Humboldt County), closed time periods for sheephead, cabezon, and greenlings of the genus Hexagrammos shall be defined as the time periods closed to commercial take of shallow and deeper nearshore rockfishes for ocean waters between 40°10' N. lat. (near Cape Mendocino) and 34°27' N. lat. (at Point Conception, Santa Barbara County), noticed in the Federal Register by the National Marine Fisheries Service, or defined in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660. Time periods closed to the commercial take of shallow or deeper nearshore rockfish fisheries enacted in-season due to quota attainment do not apply.

(2) For ocean waters between 40°10' N. lat. (near Cape Mendocino) and 34°27' N. lat. (at Point Conception, Santa Barbara County), closed time periods for sheephead, cabezon, and greenlings of the genus Hexagrammos shall be defined as the time periods closed to commercial take of shallow and deeper nearshore rockfishes in this area noticed in the Federal Register by the National Marine Fisheries Service, or defined in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660. Time periods closed to the commercial take of shallow or deeper nearshore rockfish fisheries enacted in-season due to quota attainment do not apply.

(3) For ocean waters between 34°27' N. lat. (at Point Conception, Santa Barbara County) and the U.S./Mexico border, closed time periods for sheephead, cabezon, and greenlings of the genus Hexagrammos shall be defined as the time periods closed to commercial take of shallow and deeper nearshore rockfishes in this area noticed in the Federal Register by the National Marine Fisheries Service, or defined in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660. Time periods closed to the commercial take of shallow or deeper nearshore rockfish fisheries enacted in-season due to quota attainment do not apply.

§150.16. Commercial Take of Nearshore Fishes.

(a) Notwithstanding Section 8588(b) of the Fish and Game Code, minimum size limits (total length) are as follows:

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

(b) Species of nearshore fish stocks as defined in Section 1.90, Title 14, CCR, must be sorted by species prior to weighing and the weight reported separately on the Fish and Game receipt.

(c) Any nearshore fish listed under this section that are taken in a nearshore fishery shall be measured immediately upon being brought aboard the vessel and released immediately if not in compliance with the size limits specified.

(d) Regulations adopted to modify the minimum size limits or to specify maximum size limits shall be based on the best available scientific information and adopted pursuant to the Administrative Procedure Act following public notice and not less than one public hearing.

(e) Cumulative trip limits for sheephead, cabezon, greenlings of the genus *Hexagrammos*, California scorpionfish, and subgroups of rockfish.

(1) A cumulative trip limit is the total number of pounds of a species or a species group that may be taken and retained, possessed, or landed by an individual commercial licensee in a cumulative trip limit period without a limit on the number of landings or trips.

(2) Cumulative trip limit periods start at 0001 hours local time, end at 2400 hours local time, and are in two month periods as follows:

(A) January 1 through the last day of February,
(B) March 1 - April 30,
(C) May 1 - June 30,
(D) July 1 - August 31,
(E) September 1 - October 31,
(F) November 1 - December 31.

(3) Landings toward a cumulative trip limit value for a defined cumulative trip limit period provided in this subsection are summed by an individual's California commercial license number listed on fish receipts submitted to the Department pursuant to Section 8043, Fish and Game Code.

(4) Any person landing species for which there is a cumulative trip limit established pursuant to this Section shall keep in their immediate possession copies of any and all reports of landings required by state laws or regulations throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.

(5) Cumulative trip limit values noticed in the Federal Register by the National Marine Fisheries Service for the cumulative trip limit periods for shallow nearshore rockfish, deeper nearshore rockfish, and California scorpionfish apply to each individual California commercial licensee in addition to the federally-defined vessel-based limits. Landings are summed by an individual's California commercial license number listed on fish receipts submitted to the Department pursuant to Section 8043, Fish and Game Code.

(6) Cumulative trip limits for sheephead, cabezon and greenlings.

(A) The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is as follows:

	Sheephead	*Cabezon*	*Greenlings*
Jan - Feb	2,000 lbs	300 lbs	25 lbs
March - Apr	2,000 lbs	100 lbs	25 lbs
May - June	2,400 lbs	250 lbs	25 lbs
July - August	2,400 lbs	150 lbs	25 lbs
Sept - Oct	2,400 lbs	900 lbs	25 lbs
Nov - Dec	2,400 lbs	100 lbs	25 lbs

(B) The Department will evaluate year-to-date catch levels against total allowable catch limits defined in Section 52.10. Based on these data, when the Department determines that cumulative trip limits defined in this Section need significant adjustment upward or downward (by 50 percent or more) in order to spread the allowable catches through the open season to the extent possible and prevent early attainment of the annual total allowable commercial catch, the cumulative trip limits defined in this Section may become inoperative and may be replaced with alternative limits as determined by the Department. The Department may perform these in-season analyses between May and September of each year; and provide notification of changes by October 15 of each year, as described in subsection (e)(6)(C).

(C) The Department shall give holders of nearshore fishery permits no less than 10 days notice of any cumulative trip limit change pursuant to this Section via a notification letter sent to the permittee's address on file with the Department.

(D) When optimum yields, allocations, total allowable catches or other catch limits defined in Section 52.10 are reached, and action to close the fishery is taken pursuant to Section 52.10 subsection (b), cumulative trip limits defined in this Section become inoperative.

(f) All other trip limits (including daily, weekly and cumulative trip limits) established for commercial

rockfish, a subgroup of rockfish, or California scorpionfish noticed in the Federal Register by the National Marine Fisheries Service shall apply in state waters within the geographic boundary areas defined in Title 50, Code of Federal Regulations (CFR) Parts 600 and 660. See also Section 189, Title 14, California Code of Regulations for additional requirements regarding fishing for federal groundfish in state waters.

See restrictions for Districts 17, 18, and 19 under fishing lines on page 18 and for dip nets on page 30.

§150.17. Limitations on Number of Hooks and Area.

Excepting the provisions of Fish and Game Code subsection 9027.5(c), it is unlawful to use more than 150 hooks on a vessel, or to use more than 15 hooks per line, to take nearshore fish stocks for commercial purposes in ocean waters within one mile of shore within Fish and Game Districts 6, 7, and 10, or in ocean waters within one mile of the mainland shore in Fish and Game Districts 17, 18, and 19.

FGC Excerpts

§8587.1. Adoption of regulations.

(a) The Commission may adopt regulations as it determines necessary, based on the advice and recommendations of the Department, to regulate nearshore fish stocks and fisheries. Regulations adopted by the Commission pursuant to this section may include, but are not limited to, requiring submittal of landing and permit information, including logbooks; establishing a restricted access program; establishing permit fees; and establishing limitations on the fishery based on time, area, type, and amount of gear, and amount of catch, species, and size of fish.

(b) Regulations adopted by the Commission pursuant to this section may make inoperative any fishery management statute relevant to the nearshore fishery. Any regulation adopted by the Commission pursuant to this subdivision shall specify the particular statute to be made inoperative.

(c) The circumstances, restrictions, and requirements of Section 219 do not apply to regulations adopted pursuant to this section.

(d) Any regulations adopted pursuant to this section shall be adopted following consultation with fishery participants and other interested persons consistent with Section 7059.

§8589.5. Suspension of permits.

The Commission shall temporarily suspend and may permanently revoke the nearshore fishing permit of any person convicted of a violation of this article. In addition to, or in lieu of, a license or permit suspension or revocation, the Commission may adopt and apply a schedule of fines for convictions of violations of this article.

Ocean Enhancements

FGC Excerpts

§6596. Ocean fishing enhancement stamps.

(a) In addition to a valid California sport fishing license and any other applicable license stamp issued pursuant to this code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for purposes other than for profit shall have a valid sport fishing ocean enhancement stamp permanently affixed to his or her fishing license. A sport fishing ocean enhancement stamp shall be issued upon payment of a base fee of three dollars and fifty cents ($3.50). A sport fishing license issued pursuant to paragraph (4) or (5) of subdivision (a) of Section 7149 is not subject to this subdivision.

(b) In addition to a valid California commercial passenger fishing boat license issued pursuant to Section 7920, the owner of any boat or vessel who, for profit, permits any person to fish therefrom, south of a line extending due west from Point Arguello, shall have a valid commercial fishing ocean enhancement stamp issued for that vessel that has not been suspended or revoked.

(c) Any person who takes, possesses aboard a boat, or lands any white sea bass for commercial purposes, south of a line extending due west from Point Arguello, shall have a valid commercial fishing ocean enhancement stamp issued to that person that has not been suspended or revoked.

(d) The base fee for a commercial fishing ocean enhancement stamp is thirty-five dollars ($35).

(e) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

(f) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

Pacific Mackerel

For information on Coastal Pelagic Species see page 30.

Pink Shrimp

Pink shrimp permit holders are also subject to the provisions of §189, 8841, Title 14, of the CCR.

Title 14 Excerpts

120. Prawn or Shrimp Trawling.

The following are the regulations under which permits to use or possess trawls for the taking of shrimp or prawns in ocean waters pursuant to section 8842 are to be granted:

(a) Qualifications of Permittee. The applicant must be the operator of a currently registered commercial fishing vessel.

(b) Southern Pink Shrimp Trawl Permit. On and after April 1, 2001, any person using a trawl net to take, possess aboard a boat, or land pink shrimp for commercial purposes in ocean waters south of a line drawn due west of Point Conception shall have a southern pink shrimp trawl permit that has not been suspended or revoked.

(c) Cost of Permit. See subsection 699(b) of these regulations for the fee for this permit. (NOTE: This fee shall be charged effective April 1, 1992.)

(d) Permit Areas. The taking of pink shrimp north of a line drawn due west of Point Conception shall be subject to this section and Section 120.01, Title 14, CCR. Trawling for shrimp or prawns shall be permitted only in those waters of Fish and Game Districts 6, 7, 10, 17, 18, and 19, lying not less than three (3) nautical miles from the nearest point of land on the mainland shore, all offshore islands and the boundary line of District 19A, except that in waters lying between a line extending due west from False Cape and a line extending due west from Pigeon Point, trawling is allowed not less than two (2) nautical miles from the nearest point of land on the mainland shore. However, no trawling shall be conducted in the cowcod closure areas defined in Section 150.06, Title 14, CCR.

(e) Season. Pink shrimp may be taken April 1 through October 31. The taking of golden, spot and ridgeback prawns is provided for in Section 120.3, Title 14, CCR.

(f) Gear Specifications.

(1) The net to be used for the capture of shrimp or prawns shall be an otter trawl or a beam trawl net.

(2) The mesh of any webbing used on or with the beam or otter trawl shall not be less than 1 3/8 inches measured inside the knots.

(3) An approved Bycatch Reduction Device (BRD) shall be used on all trawl nets used in the commercial pink shrimp trawl fishery and is described as one of the following:

(A) The Nordmore Grate. The grate consists of a series of rigid or semi-rigid vertical bars that form a panel which guides finfish out of an escape hole located in the top of the net. The device may include a funnel used to concentrate catch near the bottom of the panel to facilitate sorting but is not a required component. An approved Nordmore Grate must meet the following criteria:

1. The rigid or semi-rigid panel must completely cover some portion of the net in diagonal cross-section.
2. None of the openings between the vertical bars of the panel may exceed 2 inches.
3. The escape hole, when spread open, must expose a hole at least 100 square inches in surface area, which is the equivalent to removing 10-12 meshes in a straight line.
4. The escape hole must be forward of the panel and the farthest back point must end within four meshes of the point at which the rigid or semi-rigid panel connects to the main net at its farthest back point.

(B) The Soft-Panel Excluder. This device uses a mesh panel to guide fish out of an escape hole located in the top of the net. An approved soft-panel BRD must satisfy the following criteria:

1. The panel meshes must be constructed of net material with individual meshes no larger than 6 inches (stretch measure).
2. The panel must completely cover some portion of the net in diagonal cross-section and partial panels are not allowed.
3. The escape hole must, when spread open, expose a hole at least 100 square inches in surface area, which is equivalent to cutting 10-12 meshes in a straight line.
4. The escape hole must be positioned forward of the panel and end within four meshes of the point at which the panel connects to the main net at its farthest back point.

(C) The Fisheye Excluder. This device functions as a simple forward facing escape hatch that is maintained by a rigid frame. An approved fisheye BRD must meet the following criteria:

1. The escape hole must be forward facing so that finfish can swim towards the mouth of the net to exit through the fisheye.
2. The device must be placed on the top of the codend, no further forward than 84 codend meshes, counted from the pursing rings.
3. The escape hole must be no less than 6 inches in height and no less than 10 inches in width.

(4) A revocable experimental BRD permit may be issued by the Department's Marine Region Man-

ager and used in lieu of an approved BRD under the following terms and conditions:

(A) The experimental BRD meets minimum design criteria for approved BRDs as determined by the Marine Region Manager.

(B) The permitted vessel carries a Department-approved observer coverage during all times that the experimental BRD is used in lieu of an approved BRD to harvest pink shrimp.

(C) The experimental BRD permit is valid for the duration of the impending or current pink shrimp season unless revoked.

(5) Bycatch reduction devices shall not be modified in any way that interferes with their ability to allow fish to escape from the trawl, except for the purpose of testing the BRD to measure shrimp loss. Authorized testing of BRDs may be conducted as follows:

(A) All testing must occur between 3:00 p.m. and 6:00 p.m. Pacific Time.

(B) For vessels fishing two nets simultaneously (double-rigged boats), only one net may contain a disabled BRD (approved or experimental).

(C) For vessels fishing only one net, the BRD may be disabled only between 3:00 p.m. and 6:00 p.m. Pacific Time.

(g) Limitations of Gear.

(1) Nets used for the taking of shrimp or prawns under this regulation may be possessed on a boat in a permit area only when the shrimp or prawn trawling season is open in that area, except as provided in (6) below and except that for a period of seven (7) days following the close of the season, shrimp or prawn nets may be possessed on a boat for the purpose of cleaning, drying, or maintaining such nets, provided that the boat remains in port during the time the net(s) is aboard. No shrimp trawl net may be possessed on board a vessel in the commercial pink shrimp fishery that does not include an excluder device. All bycatch reduction devices and codends used for trawl fishing for pink shrimp must be readily accessible and made available for inspection at the request of a Department official.

(2) When any nets possessed under the terms of these regulations are in possession on any permittee's vessel, no other fishing nets may be possessed on that vessel.

(3) No web, the meshes of which are less than that prescribed in these regulations, may be possessed on any vessel which is operating under the provisions of a shrimp or prawn permit.

(4) All fishing gear used under the provisions of this permit is subject to inspection and approval by the Department of Fish and Game at any time.

(5) On request, any authorized representative of the Department of Fish and Game shall be permitted to travel on the permittee's boat to observe shrimp or prawn trawling operations.

(6) The Department may issue revocable non-transferable permits to shrimp permittees for purpose of transporting shrimp or prawn nets in closed permit areas. The permit must include such information as the name of the vessel that will transport the net and a termination date that does not extend beyond the end of the season in progress. The permit shall be carried aboard the vessel upon which the net is being transported.

(7) No shrimp trawl nets may be removed from the vessel participating in the pink shrimp trawl fishery prior to the offloading of pink shrimp.

(h) Incidentally Caught Fish. Not more than 1,500 pounds, multiplied by the number of days of the fishing trip, of fish other than Pacific whiting, shortbelly rockfish, or arrowtooth flounder caught incidentally with shrimp or prawns may be possessed on any boat operating under a permit as provided in these regulations, except salmon may be taken and possessed subject to sections 8210.2 to 8226, and 8230 to 8237, inclusive, of the Fish and Game Code. Spot prawns shall not be possessed or landed as incidental catch in the pink shrimp fishery.

(i) Maximum Count per Pound. It is illegal for any vessel operating under a southern pink shrimp permit or a permit as provided in Section 120.01, Title 14, CCR, to land pink shrimp having a count greater than 160 shrimp per pound.

(j) Records. Pursuant to section 190 of these regulations, each permittee shall complete and submit an accurate record of his fishing activities on a form (Shrimp/Prawn Trawl Log, DFG 120 (10/89), see Appendix A) provided by the Department.

(k) Conditions of Permit. The provisions of the Fish and Game Code of California relating to commercial fishing except as modified by the provisions of this permit shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction and control.

(l) Revocation of Permits. All permits may be revoked and canceled by the Fish and Game Commission without notice, upon the breach or violation of any fish and game law or regulation or any violation of the terms or conditions of this permit by the holders thereof, their agents, servants, employees or those acting under their direction and control. Permits so revoked and canceled may not be renewed for a period of one year from the date of revocation.

§120.01. Pink Shrimp Trawling.

(a) Permit Required. On and after April 1, 2001, any person using a trawl net to take, possess aboard a vessel, or land pink shrimp for commercial purposes in ocean waters north of a line drawn due west of Point Conception shall have a northern pink shrimp trawl permit or a northern pink shrimp trawl individual permit that has not been suspended or revoked. All pink shrimp taken in ocean waters north of the aforementioned line incidental to other fishing activities shall be immediately returned to the water. Pink shrimp taken south of the aforementioned line shall be subject to the provisions of Section 120, Title 14, CCR. For the purposes of this section, vessel owner includes any person who has a lease-purchase agreement for the purchase of a vessel.

(b) Initial Permit Issuance.

(1) A northern pink shrimp trawl individual permit may be issued to the holder of a valid 2000-01 pink shrimp trawl individual permit who landed a minimum of 5,000 pounds of pink shrimp north of Point Conception in each of three of the fishing seasons from April 1, 1994 to October 31, 1999 as documented by Department landing receipts submitted in their name and commercial fishing license identification number.

(2) A northern pink shrimp trawl vessel permit may be issued to the current owner of a vessel with a valid 2000-01 pink shrimp trawl vessel permit who landed a minimum of 5,000 pounds of pink shrimp north of Point Conception in each of three of the fishing seasons from April 1, 1994 to October 31, 1999, as documented by Department landing receipts.

(3) A northern pink shrimp trawl vessel permit may be issued to an individual who does not qualify for a permit in (b)(1) or (2), above, and is the current owner of a commercial fishing vessel and who has been licensed as a California commercial fisherman for at least 20 years at the time of application and has participated in the pink shrimp trawl fishery for at least one of those years in this state as documented by Department landing receipts that cumulatively total 5,000 pounds of pink shrimp landed by trawl nets in their name and commercial fishing license number. Any permit issued under this provision shall be non-transferable.

(4) Initial applications for all northern pink shrimp trawl permits shall be received by the Department or, if mailed, postmarked no later than May 31, 2002. Initial late applications shall be received by the Department or, if mailed, postmarked not later than June 30, 2002 and shall be accompanied by a $50 late fee. Initial late applications not received by the Department or, if mailed, postmarked after June 30, 2002, will not be considered. A permit shall not be issued until the $50 late fee is paid.

(5) No individual or corporation that qualifies for a northern pink shrimp trawl vessel permit shall be issued a northern pink shrimp trawl individual permit.

(c) Vessel Length Endorsement.

(1) Each northern pink shrimp trawl vessel permit shall be endorsed with the overall length at the time of initial issuance. Vessel overall length is measured between the perpendiculars at the foremost portion of the hull at the stem, excluding any extensions commonly known as bowsprits, and the aftermost portion of the hull at the sternpost, excluding any extensions thereof. One of the following forms of documentation shall be submitted as proof of the vessel's overall length.

(2) Marine Survey Report. Before any northern pink shrimp trawl vessel permit is issued or transferred to another vessel, the owner of the vessel who will receive the permit may submit a marine survey completed by a certified marine surveyor on or after April 1, 1999 that clearly shows the vessel overall length.

(3) Federal Groundfish Permit. Before any northern pink shrimp trawl vessel permit is issued or transferred to another vessel, the owner of the vessel who will receive the permit may submit their current valid Federal Groundfish Permit with its endorsed length as documentation of the vessel's overall length.

(4) When a vessel is no longer available for an overall length measurement, as determined by the Department, and does not have a current valid Federal Groundfish Permit, the Department may consider: a Marine Survey dated prior to April 1, 1999, U.S. Coast Guard Documentation, or Department of Motor Vehicles registration records.

(d) Permit Renewal.

(1) Applicants for northern pink shrimp trawl permits must have held a valid northern pink shrimp trawl permit in the immediately preceding permit year. All applications for northern pink shrimp trawl permit renewal shall be received by the Department or, if mailed, postmarked not later than April 30 each year. Late applications for northern pink shrimp trawl permit renewal shall be received by the Department or, if mailed, postmarked not later than May 31 of each year and shall be accompanied by a $50 late fee. Late applications for northern pink shrimp trawl permit renewal not received, or if mailed,

postmarked after May 31 will not be considered. A permit shall not be issued until the $50 late fee is paid.

(2) A northern pink shrimp trawl individual permit shall be upgraded to a northern pink shrimp trawl vessel permit before April 1, 2004. The vessel that the northern pink shrimp trawl vessel permit is assigned to may be not more than five feet greater in overall length than the longest vessel on which the permittee made qualifying landings. The individual permittee is subject to the terms of permit renewal in Section 120.01(d)(1). Any northern pink shrimp trawl individual permit not upgraded to a northern pink shrimp trawl vessel permit before April 1, 2003 shall be deemed forfeit to the Department.

(e) Permit Transfers.

(1) A northern pink shrimp trawl vessel permit may be transferred to a replacement vessel owned by the permittee within two years of the permitted vessel being lost, stolen, or destroyed. The replacement vessel may be up to but not more than five feet greater in overall length than the original permitted vessel. The original length endorsement will remain on the permit.

(2) A northern pink shrimp trawl vessel permit is otherwise transferrable to another owner only if the vessel qualifying for the initial permit landed 90,000 pounds of pink shrimp by trawl north of Point Conception from April 1, 1994 to October 31, 1999. An individual permit, when upgraded to a vessel permit pursuant to Section 120.01(d)(2), shall be otherwise transferable to another owner only if the fishermen qualifying for the initial permit landed 90,000 pounds of pink shrimp by trawl north of Point Conception from April 1, 1994 to October 31, 1999.

(A) The transferable permit may not be transferred more than once every twelve months.

(B) The transferable permit may be transferred any number of times to a different vessel up to five feet greater in overall length than the original length endorsement, or of equal or less overall length. The original length endorsement will remain on the permit.

(C) A transferable permit may be permanently changed to a non-transferable permit on written request of the vessel owner. The permit shall not be restored to a transferable permit under any circumstances.

(3) On the death of a transferable northern pink shrimp trawl vessel permittee an heir may apply to the Department to transfer that permit to him or her. The application for transfer shall be received by the Department within two years of the death of the permittee.

(4) Any northern pink shrimp trawl vessel permit may be temporarily transferred, for up to one year, to a different vessel, if the permitted vessel is seriously damaged, has suffered a major mechanical breakdown, or is lost or destroyed. The request for temporary transfer shall include documentation of the damage, breakdown, loss or destruction.

(5) Any northern pink shrimp trawl vessel may be permanently retired from the fishery for any reason, and the permit transferred to a different vessel, up to but not more than five feet greater in overall length than the original length endorsement, which is owned by the same permittee.

(f) Appeal.

(1) Any applicant who is denied initial issuance of a northern pink shrimp trawl vessel permit or a northern pink shrimp trawl individual permit by the Department for any reason may appeal that denial to the Commission in writing, describing the basis for the appeal. The appeal shall be received by the Commission or, if mailed, postmarked not later than March 31, 2004.

(2) Appeals for initial permit issuance may be based on medical conditions, vessel condition, purchase of a vessel during the moratorium period which had a pink shrimp vessel permit, economic conditions in the fishery, historic participation levels in the California pink shrimp fishery, oceanographic conditions and associated low availability of shrimp in the California area of the fishermen's residence, and incapacity of the vessel to participate in the fishery.

(3) Any applicant who is denied renewal of a northern pink shrimp trawl permit may appeal the denial to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked no later than March 31 following the permit year in which the applicant last held a valid northern pink shrimp trawl permit. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's decision.

(4) Any applicant who is denied transfer of a northern pink shrimp trawl vessel permit may appeal the denial to the Department in writing not more than 90 days from the date of denial describing the basis for the appeal. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's decision.

(g) Fees.

(1) The annual fee for a transferable northern pink shrimp trawl vessel permit is $1,066.25.

(2) The fee to transfer a permit to a new owner is $1,000. No northern pink shrimp trawl vessel permit shall be transferred without a completed application and payment of fees.

(3) The fee to transfer a permit to another vessel owned by the same permittee is $200.

(4) The fee for a temporary permit transfer of up to one year is $100.

(5) The annual fee for a non-transferable northern pink shrimp trawl vessel permit is $533.25.

(6) The annual fee for a northern pink shrimp trawl individual permit is $500.

(7) The fee to upgrade a northern pink shrimp trawl individual permit to a northern pink shrimp trawl vessel permit is $200.

(h) Conditions for Continued Eligibility. Any northern pink shrimp trawl vessel or northern pink shrimp trawl individual permit not renewed on or before May 31 of each permit year shall be considered forfeit to the Department.

(i) Capacity Goal.

(1) The Department shall evaluate the capacity goal every three years and report to the Commission, with a recommendation regarding issuance of new permits.

(2) The capacity goal for transferable permits shall be a range from 75 up to the number of permits initially issued, and for non-transferable permits a range of 0 up to the number of permits initially issued.

(j) Permit Revocation.

(1) A northern pink shrimp trawl vessel or individual permit shall be revoked if false information is provided by the permittee to obtain the permit.

Rock Crab

Rock Crab Trap Permit holders are subject to the provisions of §180, 180.2, 180.4, 180.5, Title 14, of the CCR and FGC §9000, 9000.5, 9001, 9001.7-9008, 9011-9012.

Title 14 Excerpts

§125. Commercial Rock Crab Permits.

(a) Permit Required for Take Using Trap Gear.

Effective April 1, 2005, any person using traps to take, possess aboard a vessel, use as bait, or land rock crab (*Cancer antennarius, C. anthonyi,or C. productus*) for commercial purposes shall have a valid general trap permit issued pursuant to Fish and Game Code Section 9001 and either a northern or southern rock crab trap permit as described in this Section that has not been suspended or revoked.

(1) Presence of Permit Holder Aboard a Vessel. At least one rock crab trap permit holder shall be on board at all times when taking, possessing aboard a vessel, using as bait, or landing rock crab using trap gear. If a support vessel is used, a rock crab trap permit holder shall be on each vessel when taking rock crab.

(2) Crewmembers. Any licensed commercial fisherman working on a vessel utilizing commercial rock crab trap gear shall possess a valid general trap permit that has not been suspended or revoked. Crewmembers are not required to hold a rock crab trap permit.

(3) Fishermen holding lobster operator or crewmember permits issued pursuant to Fish and Game Code Section 8254 and Section 122, Title 14, CCR, taking rock crab incidentally as authorized in Fish and Game Code Section 8250.5 during the lobster fishing season specified in Fish and Game Code Section 8251 and in lobster trap gear as defined in Fish and Game Code Section 9010, are exempt from the rock crab trap permit requirements of this Section.

(4) Revocation or suspension. A northern or southern rock crab trap permit may be revoked or suspended by the Commission upon violation of the Fish and Game Code, or violation of regulations adopted by the Commission, by the holder thereof, his or her agent, employee, or person acting under his or her direction and control.

(b) Permit Conditions.

(1) Commercial rock crab trap permits are issued conditional upon all provisions of the Fish and Game Code and regulations of the Fish and Game Commission relating to crabs and traps.

(2) Pursuant to Fish and Game Code Section 9005, every trap or string of traps deployed for purposes of commercially harvesting rock crab shall be marked with a buoy.

(3) Timed buoy release mechanisms capable of submerging a buoy attached to a trap, commonly known as "pop-ups," shall not be used on buoy lines attached to rock crab traps, and shall not be possessed by any commercial rock crab trap permittee on any vessel while taking or attempting to take rock crab.

(c) Permit Areas.

(1) The northern rock crab trap permit is required only in ocean waters between 42o 00'N. lat. (the Oregon/California border) and 36o 00'N. lat. (at Lopez Point, Monterey County).

(2) The southern rock crab trap permit is required only in ocean waters south of 36o 00'N. lat. (at Lopez Point, Monterey County).

(d) Northern Rock Crab Trap Permit Issuance.
(1) A person is eligible to purchase a northern rock crab trap permit if the individual meets all of the following criteria:
(A) the individual must be a licensed commercial fisherman;
(B) the individual must possess a valid general trap permit, issued pursuant to Fish and Game Code Section 9001, that has not been suspended or revoked; and
(C) each year the individual must submit to the department a northern rock crab trap permit application form DFG 1375 (6/04), which is incorporated by reference herein, and the annual permit fee specified in subsection (f).
(e) Southern Rock Crab Trap Permit Issuance.
(1) Initial Permit Issuance. During the 2005-2006 permit year, any person is eligible for initial issuance of a southern rock crab trap permit if the individual meets all of the following criteria:
(A) the individual must be a licensed commercial fisherman; and
(B) the individual must possess a valid general trap permit, issued pursuant to Fish and Game Code Section 9001, that has not been suspended or revoked; and
(C) the individual must have landed a minimum of 500 pounds of rock crab utilizing trap gear between January 1, 1998 and December 31, 2003 at ports located within the southern permit area as defined in subsection (c), and as documented by fish landing receipts submitted to the department in the individual's name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046. Individuals who hold a Nearshore Fishery Trap Endorsement issued pursuant to Section 150.03, Title 14, CCR, are exempt from this eligibility requirement.
(D) Application Deadlines for Southern Rock Crab Trap Permit. A southern rock crab trap application form DFG 1324(6/04), which is incorporated by reference herein, and the annual permit fee specified in subsection (f) must be received by the department or, if mailed, must be postmarked on or before September 30, 2005. Applications for initial issuance of a southern rock crab trap permit received by the department, or, if mailed, postmarked from October 1 through October 31, 2005 will be assessed a $50 late fee. Applications and permit fees for initial issuance of southern rock crab trap permits received, or, if mailed, postmarked after October 31, 2005 shall be returned to the applicant unissued.
(2) Southern Rock Crab Trap Permit Renewal. Southern rock crab trap permits must be renewed annually.
(A) Beginning with the 2006-2007 permit year, only persons who held a valid southern rock crab trap permit during the immediately preceding permit year are eligible to obtain a permit for the following permit year.
(B) All applications and permit fees for renewal of a southern rock crab trap permit shall be received by the department, or, if mailed, postmarked on or before April 30 of each year. Applications for renewal of a southern rock crab trap permit received by the department, or if mailed, postmarked from May 1 through May 31 will be assessed a $50 late fee. Applications for renewal of a southern rock crab trap permit received or postmarked after May 31 shall be returned to the applicant unissued.
(f) Fees.
(1) Northern rock crab trap permit. The department shall charge an annual fee of two hundred and fifty dollars ($250.00).
(2) Southern rock crab trap permit. The department shall charge an annual fee of two hundred and fifty dollars ($250.00).
(g) Appeals.
(1) Southern Rock Crab Trap Permit Initial Issuance Appeals. Any applicant who is denied initial issuance of a southern rock crab trap permit for any reason by the department may appeal that denial to the Commission in writing, describing the basis for the appeal. The appeal shall be received by the Commission or, if mailed, postmarked on or before March 31, 2006.
(2) Southern Rock Crab Trap Renewal Appeals. Any applicant who is denied renewal of a southern rock crab trap permit for any reason may appeal that denial to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked no later than March 31 following the permit year in which the applicant last held a valid southern rock crab trap permit. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the Commission within 60 days of the date of the department's decision.
(h) Restricted Access.
A control date of January 1, 2003 is established for the purpose of considering a future restricted access southern rock crab trap fishery. Landings on or after this date may not apply toward a permit in a future restricted access program for the southern rock crab trap fishery if one is developed.
(i) Tidal Invertebrate permits issued pursuant to Section 123, Title 14, CCR, are not required for the commercial take of rock crab.

§ 125.1. Commercial Take of Rock Crab; Size Limit; Use of Rock Crab as Bait; Incidental Take Provisions.

(a) Rock crab, as defined in Fish and Game Code section 8275(c), less than 4 1/4 inches, measured across the carapace in a straight line through the body, from edge of shell to edge of shell at the widest part, shall not be taken, possessed, bought, sold, or used as bait.
(b) Measuring requirements. Any person taking rock crab for any commercial purpose or for use as bait shall carry a measuring device and shall measure any rock crab immediately. Undersized rock crab shall be immediately returned to the water.
(c) Incidental take. Only the following species may be taken incidentally in rock crab traps being used to take rock crab under authority of a permit issued pursuant to Section 125. All other invertebrates and finfish shall be immediately released to the water.
(1) Kellet's whelk.
(2) Octopus.
(3) Crabs, other than the genus *Cancer*.
(d) Pursuant to Fish and Game Code Section 9001.7, rock crab may be used as bait in finfish traps. However, consistent with Fish and Game Code Section 5508, rock crab may not be possessed or maintained in such a condition that their size cannot be determined. Additionally, consistent with Fish and Game Code Section 5509, rock crab may not be possessed or maintained in such a condition that the species cannot be readily identified.

Salmon

FGC Excerpts

§7860. Application and fee; Salmon stamps.

(a) Except as provided in subdivision (f) or (g), no person who is 18 years of age or more and less than 70 years of age, on or before April 1 of the current license year, shall take salmon for commercial purposes or be on board a vessel on which salmon are taken for commercial purposes while salmon are being taken or transported unless that person has a commercial fishing salmon stamp issued pursuant to this section affixed to his or her commercial fishing license.
(b) Except as provided in subdivision (f) or (g), the operator of a vessel on which salmon are taken for commercial purposes shall not permit a person on board that vessel while salmon are being taken or transported unless that person was less than 18 years of age or 70 years of age or more on April 1 of the current license year or that person has a commercial fishing salmon stamp affixed to the person's commercial fishing license.
(c) Except as provided in subdivision (b) of Section 7852.3 and this subdivision, the Department shall issue a commercial fishing salmon stamp upon application thereof and payment of the fee of eighty-five dollars ($85). For any commercial salmon season preceded by a commercial salmon season in which the commercial troll salmon landings in this state equal or exceed 3,000,000 pounds dressed weight, as determined by the Department, the fee shall be increased by twelve dollars and fifty cents ($12.50) for every 250,000 pounds over 3,000,000 pounds of dressed weight landings, except that the total fees as adjusted shall not exceed two hundred sixty dollars ($260).
(d) A commercial fishing salmon stamp is valid during the commercial salmon season of the year in which it was issued.
(e) Notwithstanding Section 1053, upon application and payment of an additional fee equal to that prescribed in subdivision (c), the Department may issue an additional commercial fishing salmon stamp for a crewmember to the owner or operator of a vessel who holds a commercial fishing salmon stamp.
(f) Notwithstanding subdivision (a), one crewmember of a vessel for which a commercial fishing salmon stamp is issued pursuant to subdivision (e) may be aboard that vessel and take salmon for commercial purposes as a crewmember on that vessel without obtaining a commercial fishing salmon stamp under the following conditions:
(1) The crewmember is designated by name and commercial fishing license number on a form furnished by the Department before salmon are taken on the vessel when that crewmember is aboard.
(2) The crewmember has a valid commercial fishing license issued under Section 7850.
(3) The commercial fishing salmon stamp for the crewmember is affixed to the form prescribed in paragraph (1) on which the vessel registration number of the vessel is entered and on which the crewmember who is exempted by this subdivision is designated by the last entered name and commercial fishing license number.
(g) Persons who are exempt from the license requirements, or who are not required to be licensed, pursuant to Section 7850, are exempt from the requirements of this section.

§8231. Definitions.

The following definitions govern the construction of this article:

(a) "Agent" means the person designated in writing by the owner as the owner's representative.

(b) "Appeal" means a request for reconsideration of an action of the review board, the Department, or the Commission pursuant to this article.

(c) "Change of ownership" means the transfer of ownership of a permitted vessel to a new owner.

(d) "Commercial salmon vessel permit" means an annual permit issued by the Department to an owner of a commercial fishing vessel for use of that vessel to take salmon for commercial purposes and shall not be considered personal property.

(e) "Fishing potential" means the capability and capacity for harvesting salmon of a particular commercial fishing vessel. "Fishing potential" includes, but is not limited to, a rating based upon factors such as size, seaworthiness, propulsion system, hold size, and hull design.

(f) "Permit" means a commercial salmon vessel permit as defined in subdivision (d).

(g) "Permitted vessel" means a commercial fishing vessel for which a permit is currently valid.

(h) "Replacement vessel" means a commercial fishing vessel for the use of which a permit is proposed to be transferred pursuant to this article.

(i) "Review board" means the commercial salmon fishing review board created pursuant to Section 8247.

(j) "Transfer" means the issuance of a permit for use of a replacement vessel.

§8232. Taking or possessing salmon for commercial purposes.

It is unlawful to take or possess salmon for commercial purposes on a vessel unless all of the following conditions are met:

(a) The vessel is registered with the Department pursuant to Section 7881, and the owner of the vessel has a valid commercial salmon vessel permit for the use of that vessel.

(b) The permit for the use of the vessel is affixed to the vessel adjacent to the Department registration number unless otherwise authorized by the Department.

(c) The permit affixed to the vessel is visible at all times.

§8232.5. Use of vessel for sport purposes.

(a) Except as provided in this section, it is unlawful to take salmon for sport purposes on a permitted vessel.

(b) Subdivision (a) does not prohibit taking salmon for sport purposes under a sportfishing or a sport ocean fishing license, which is issued pursuant to Article 3 (commencing with Section 7145) of Chapter 1, on a vessel licensed as a commercial passenger fishing boat pursuant to Section 7920 and engaged in that business on any day when salmon are not being taken for commercial purposes on that vessel.

(c) Subdivision (a) does not prohibit taking salmon for sport purposes under a sportfishing or a sport ocean fishing license, which is issued pursuant to Article 3 (commencing with Section 7145) of Chapter 1, on a permitted vessel in the Klamath Management Zone, as designated by the federal Pacific Fisheries Management Council, when the commercial salmon season is closed and after 24 hours after the time when salmon taken during the commercial salmon season are required to be landed.

(d) The use of a vessel pursuant to subdivision (c) shall be considered as being engaged or employed exclusively in the taking and possession of fish or other living resource of the sea for commercial purposes for purposes of subdivision (a) of Section 227 of the Revenue and Taxation Code.

§8233. Period of validity for permit.

Except as otherwise provided in this article, a permit shall be renewed prior to expiration. Each permit issued by the Department shall display the expiration date on the face of the permit.

§8233.3. Issuance of permit renewal.

Except as otherwise provided in this article, the Department shall issue a permit, upon application and payment of the renewal fees pursuant to Section 8235, that is valid for the subsequent permit year, to the owner of a permitted vessel which is registered with the Department pursuant to Section 7881.

§8233.4. Issue of permit for replacement vessel.

Except as otherwise provided in this article, the Department shall issue a permit, upon payment of the transfer fees pursuant to subdivision (a) of Section 8239 and surrender to the Department of the permit for the use of the permitted vessel, to the owner of a replacement vessel that is registered with the Department pursuant to Section 7881, if the transfer has been approved pursuant to Section 8241.

§8233.5. Change in designation of permit holder.

Except as otherwise provided in this article, the Department shall change the designation of the holder of a permit, and with it shall go all rights, privileges, and obligations of a permit holder, including rights of renewal, upon receipt of a notice of change of ownership to a new owner of a permitted vessel upon change of ownership in the permitted vessel. A permit changed pursuant to this section is valid for the permit year during which it is issued.

§8233.8. Issuance of permit for new entry vessel.

Except as otherwise provided in this article, the Department shall issue a permit to the owner of a commercial salmon fishing vessel that is registered with the Department pursuant to Section 7881 for the new entry of that vessel into the commercial salmon fishery if that owner is authorized to be issued a permit for the use of that new entry vessel pursuant to subdivision (b) of Section 8245.

§8233.9. Applicability of provision on eligibility for participation in limited entry fishery.

Section 8101 does not apply to this article.

§8234. Commercial fishing salmon stamp.

(a) The Department shall not issue a permit under this article unless one of the following first occurs:

(1) The applicant presents to the Department a commercial fishing salmon stamp issued to the owner or an agent of the owner. No commercial fishing salmon stamp shall be presented or accepted by the Department to authorize issuance of a permit under this section for more than one vessel.

(2) The applicant obtains a commercial fishing salmon stamp and pays the fees for the stamp.

(3) On or before April 1 of the current license year, the owner is 70 years of age.

(b) The first commercial fishing salmon stamp issued to an owner, or that owner's agent, shall be affixed to the commercial fishing license of that owner or agent. Any additional commercial fishing salmon stamps issued to the owner or the owner's agent pursuant to paragraph (1) of subdivision (a) for purposes of obtaining permits for use of additional commercial salmon fishing vessels shall be affixed to each additional vessel's registration issued pursuant to Section 7881.

§8235. Application for permit renewal.

(a) The owner of a permitted vessel, or that owner's agent, may apply for renewal of the permit annually on or before April 30, upon payment of the fees established under subdivision (b), without penalty. Upon receipt of the application and fees, the Department shall issue the permit for use of the permitted vessel in the subsequent permit year only to the owner of the permitted vessel.

(b) The Department shall fix the annual fee for the renewal of the permit in an amount it determines to be necessary to pay the reasonable costs of implementing and administering this article.

(c) If an owner to whom a permit has been issued, or that owner's agent, applies for renewal of the permit, the application for renewal shall be received or, if mailed, postmarked on or before April 30. An application received or, if mailed, postmarked after April 30 will be assessed a late fee subject to Section 7852.2. Department shall issue the permit for use of the permitted vessel in the subsequent permit year.

(d) The Department shall suspend any late fees otherwise due under subdivision (c) and shall issue a permit for use of the permitted vessel in the subsequent permit year if the Department is unable to accept applications for renewal of permits by March 1.

(e) Except as provided in subdivision (c), the Department shall not renew a permit for which the application for renewal is not received, or, if mailed, is received or postmarked after expiration of the permit.

§8236. Notice of renewal to owners.

(a) The Department shall send a written notice of renewal and a permit renewal application to the owner of each currently permitted vessel at the most recent address of that owner in the records of the Department. The notice shall be sent by firstclass mail before March 1. The Department shall mail a copy of the notice for renewal to all associations and groups known to the Department to be representing commercial salmon fishermen. The Department shall also provide blank permit renewal applications at appropriate offices of the Department.

(b) The notice shall include all of the following:

(1) Instructions on how to apply for renewal of a permit.

(2) Information on the provisions of subdivisions (c) and (e) of Section 8235.

(c) Failure to receive the notice under this section does not exempt or excuse the owner from the requirement of annual renewal of the permit on or before the permit expiration date.

§8237. Transfer of permit.

(a) The Department shall change the designation of the holder of a permit to the new owner of a permitted vessel upon change of ownership of the permitted vessel, whether the change of ownership is by contract, by operation of law, or otherwise.

(b) The permit shall not be transferred to any other vessel, except by the issuance of a permit for use of the replacement vessel pursuant subdivision (c) and Sections 8239 to 8241, inclusive.

(c) The owner of the permitted vessel may seek to retire the permitted vessel from the commercial salmon fishery and apply for transfer of the permit, to be issued pursuant to Section 8241, for use of a replacement vessel.

§8238. Establishment of vessel classification system.

On or before January 1, 1991, the Department, in consultation with the review board, shall establish and adopt, in the manner prescribed in Section 8238.3, a vessel classification system to determine the fishing potential of replacement vessels for applications for transferred permits to be issued pursuant to Section 8241, including consideration of how the vessel from which the permit is sought to be transferred was used, the vessel's highest and best use by a prudent operator, and the fishing potential of prospective vessels for applications for new, original permits.

§8238.l. Use of vessel classification system.

The vessel classification system shall be used by the Department in consultation with the review board for issuance of new original vessel permits pursuant to Section 8243 and as a guideline for the review board in making its recommendations to the Department on vessel permit transfers.

§8239. Transfer of permit to replacement vessel.

A transfer may be approved and a permit issued for use of a replacement vessel pursuant to Section 8241 under all of the following conditions:

(a) The vessel owner submits a written request for the transfer to the Department on a form provided by the Department and pays a nonrefundable transfer fee of two hundred dollars ($200).

(b) The permit for the permitted vessel is current, and the owner of the permitted vessel makes assurances in the application that any renewal of the permit which becomes due during the application processing period will be made.

(c) The owner of the permitted vessel submits evidence with the application sufficient to establish that he or she is the owner of the permitted vessel at the time of the application for the transfer.

(d) The vessel owner submits evidence with the application sufficient in the judgment of the review board and the Department to establish that the replacement vessel has the same fishing potential as, or less fishing potential than, the permitted vessel.

(e) Under penalty of perjury, the vessel owner signs the application for transfer and certifies that the included information is true to the best of his or her information and belief.

(f) The same transfer has not been requested within the previous 12 months or the same transfer has not previously been denied and that denial is final, unless the application or supporting information are different than that contained in the previous application, as determined by the Department and after consultation with the review board.

(g) The permittee has 50 percent or greater ownership interest in the permitted vessel and in the replacement vessel. For purposes of this subdivision and subdivision (h) "permittee" means an individual designated as the owner of the permitted vessel.

(h) Except as provided in Section 8239.1 or paragraph (5) of subdivision (a) of Section 8246.7, the permittee has maintained a 50 percent or greater ownership interest in the permitted vessel for not less than 18 months prior to the date of the transfer and the permit for use of the permitted vessel has been maintained for that vessel and has not been previously transferred less than 18 months prior the date of the transfer.

(i) The permittee has written authority from the legal owner, if other than the permittee or mortgager, if any, to transfer the vessel permit from the permitted vessel.

§8239.l. Transfer of permit where vessel is lost, stolen, or destroyed.

(a) Unless otherwise prohibited, the Department shall accept a transfer application within one year after the date that a permitted vessel was lost, stolen, or destroyed, notwithstanding any inability to physically examine the permitted vessel to determine its salmon fishing potential. Only the permittee at the time of the loss, theft, or destruction of the vessel may apply for the transfer of the vessel permit. Proof that a vessel is lost, stolen, or destroyed shall be in the form of a copy of the report filed with the United States Coast Guard or any other law enforcement agency or fire Department investigating the loss.

(b)(1) The owner, or the owner's agent, may request an extension of the time to complete a transfer under subdivision (a) if the application for extension is submitted before the end of the time to submit an application under subdivision (a), or before the end of any previous extensions granted under this subdivision, whichever date is later.

(2)The Department, after consultation with the review board and for goodcause shown, including, but not limited to, inability to find a replacement vessel or pending litigation, may grant an extension of the time to complete a transfer under subdivision (a) for a period of six months. The Department may grant further extensions under this subdivision, not to exceed a total time period of five years after the date the permitted vessel was lost, stolen, or destroyed if the permit fees are paid annually as required in paragraph (2) of subdivision (b) of Section 8239 and subdivision (c) of Section 8240.

§8239.2. Establishment of administrative procedures.

The Department, in cooperation with the review board, shall establish and implement administrative procedures for the administration of this article.

§8239.6. Period of validity of permit for replacement vessel.

A permit issued for the use of a replacement vessel under Section 8241 is valid for the balance of the permit year for which the permit for the use of the permitted vessel was originally issued or last renewed, and the permit issued under this section authorizes the use of the replacement vessel only for that period.

§8239.9. Determination of fishing potential of vessel prior to transfer application.

Notwithstanding Section 8239, 8239.1, or 8239.2, any person may request the review board to determine the fishing potential of any permitted vessel or any replacement vessel before a transfer application for a permit for use of a replacement vessel is submitted the Department. The person making a request under this subdivision is not required to be the owner of either vessel. A determination under this subdivision is not binding on the review board or the Department and is only advisory.

§8240. Grounds for refusal to issue permit for replacement vessel.

(a) The Department shall not issue a permit for use of a replacement vessel if the permitted vessel was reported as lost, stolen, or destroyed by fraudulent means or for fraudulent purposes.

(b) The Department shall not issue a permit for use of a replacement vessel if the application contains or is accompanied with fraudulent or willfully misleading information.

(c) The Department shall not issue a permit for use of a replacement vessel or to a new owner of a permitted vessel of the permit for the permitted vessel expires and is not renewed. Except as provided in Section 8235, an owner of a permitted vessel shall renew the permit before the expiration date even if that owner has a transfer application pending.

(d) The Department may refuse to issue a permit for use of a replacement vessel or to issue a permit to a new owner of a permitted vessel on any grounds for which a permit may be suspended or revoked.

§8241. Criteria for issuance of permit for replacement vessel.

The Department shall issue the permit for use of a replacement vessel if it determines, after consultation with the review board, the following:

(a) The replacement vessel has the same fishing potential as, or less fishing potential than, the permitted vessel. The review board and the Department shall consider the type of fishery the vessel was previously used in and the vessel's highest and best use by a prudent operator, and the review board shall make written findings on those facts.

(b) The replacement vessel's fishing potential will not substantially increase fishing capacity over that which resulted from the operation of the permitted vessel.

(c) The applicant owns the replacement vessel.

(d) The conditions in this article are satisfied.

§8242. Permit to gain entry into fishery.

A person seeking to gain entry into the commercial salmon fishery may obtain a permit under either of the following conditions:

(a) By legally obtaining the ownership of a permitted vessel and notifying the Department of the change of ownership of the permitted vessel.

(b) By applying to obtain a new, original permit issued by the Department pursuant to Sections 8244 and 8245.

§8243. Issuance of new, original permits.

(a) If the Department determines that the number

of permitted vessels is less than 2,500, the Department shall determine, after consultation with the review board, the number and vessel classification for which any new, original permits may be issued to bring the total number of permitted vessels to no more than 2,500.

(b) New original permits to be issued shall be authorized by vessel classifications established under Section 8238.

§8244. Application for new, original permit.

(a) An applicant may apply for a new, original permit as either an individual, a joint venture, or a corporation. The applicant may submit only one application annually. The application shall be made on a form provided by the Department.

(b) An applicant for a new, original permit under this section shall submit a completed application as directed by the Department. The completed application, and the application fees prescribed in subdivision (c), shall be delivered or postmarked on or before February 1, in order to be considered for permits for the subsequent permit year.

(c) The applicant shall submit with the application a nonrefundable application fee determined by the Department in an amount sufficient to pay the costs of administering the issuance of new, original permits by the Department, which shall be not less than thirty-five dollars ($35).

(d) The Department, after consultation with the review board, shall determine the fishing potential of the vessel for use of which the new, original permit is to be issued and otherwise determine if the applicant is eligible to be issued a permit under this article.

§8245. Drawing for new, original permits; Fees; Requirements.

(a) The Department shall conduct a drawing from the applicants determined to be eligible for new, original permits pursuant to Section 8244 on the first Friday in March of each year that new, original permits are authorized to be issued pursuant to Section 8243.

(b)(1) The Department shall issue a permit to each of those applicants who are drawn upon payment of the fees prescribed in paragraph (2) for the permit and, except as provided in subdivision (d), submittal of sufficient information to establish that the applicant is the owner of a vessel within the vessel classification designated in the application.

(2) The amount of the fees for a permit issued under this section are the same as the amount of the fees for renewal of a permit for the subsequent license year beginning on April 1 which are established pursuant to subdivision (b) of Section 8235. A successful applicant shall pay the fees for the permit on or before March 31. The Department shall deposit the fees the fund pursuant to Section 13001.

(c) Except as provided in subdivision (d), a successful applicant shall submit proof of ownership of the vessel to be used under the permit within 90 days of the drawing.

(d)(1) A successful applicant may request one extension of no more than 90 days to obtain a vessel as designated in the application. The Department, after consultation with the review board, may grant that extension.

(2) If any successful applicant does not establish that he or she is the owner of a vessel as designated in the application and affix the new permit on that vessel or on another vessel with the same or less fishing .potential, as determined by the Department after consultation with the board, within 90 days or by the end of a 90 day extension granted by the Department, the new permit is null and void.

(3) The Department or the review board is not liable for any risk of failure by the applicant obtain a vessel which is designated in an application or to complete the process for determination of the fishing potential of another vessel, or for failure by the applicant to obtain that other vessel, in the time prescribed in this section.

§8245.5. Review of new entry provisions.

The review board shall review the effectiveness of new entry provisions every three years beginning three years following the first permit drawing and make recommendations to the Department for any changes it finds to be needed in the new entry system.

§8246. Suspension or revocation of fishing privilege; Civil damages.

(a) At any time after notice of an order suspending or revoking of a person's commercial salmon fishing privilege is issued by the Commission, and before the order of suspension or revocation is final, the Commission may, with the agreement of the person subject to the action, compromise or dismiss the action to suspend or revoke the commercial salmon fishing privilege in the best interests of the state, or the Commission may compromise or dismiss the action with the agreement of the person subject to the action on terms and conditions, which may include, but are not limited to, the payment of civil damages, the reduction of a revocation to a suspension for a specified period of time, or any other terms and conditions.

(b) The Commission, after notice and opportunity for hearing and consultation with the review board, may suspend or revoke the commercial fishing privilege, authorized under a license issued for the purposes of Section 7850 or 7852.3, for any violation of a term or condition of an agreement to compromise or dismiss a separate suspension or revocation action which was made pursuant to subdivision (a).

(c) If the Commission orders a suspension or revocation of a person's commercial salmon fishing privilege, any permit issued pursuant to this article shall be renewed when the next renewal is due or the permit shall expire as provided in Section 8233.

(d) Subdivision (b) does not apply if an action is brought to recover civil damages under Section 2014 from the person subject to action under this section.

§8246.2. Amount of civil damages.

(a) The Commission, in consultation with the Department and the review board, shall adopt regulations for the determination of civil damages provided for in subdivision (b) of Section 8246 which give due consideration to the appropriateness of the civil damages with respect to all of the following factors:

(1) The gravity of the violation.

(2) The good faith of the convicted licensee.

(3) The history of previous violations.

(4) The damage to the fishery.

(5) The cost of restoration of the fishery.

(b) Civil damages imposed under subdivision (b) of Section 8246 shall be due and payable on or before a date which is 30 days after the compromise is entered into.

§8246.4. Revocation of permit obtained by fraud.

The Commission, after notice and opportunity for hearing and consultation with the review board, shall revoke a commercial salmon vessel permit issued pursuant to this article if the vessel permit was obtained by fraudulent means.

§8246.6. Appeals of adverse orders regarding permits.

A person whose commercial salmon fishing vessel permit is revoked by the Commission or who has been denied a permit transfer may appeal the revocation or denial to the Commission by submitting the appeal in writing to the Commission within 60 days of the decision.

§8246.7. Reversal of adverse order regarding permit.

(a) The Commission shall reverse an order of revocation, order the permit renewed, or order the approval of a permit transfer only if it finds one of the following grounds:

(1) The permittee failed to submit an application and pay the fees for renewal on or before April 30 pursuant Section 8235 and the failure to renew a permit until after the expiration date was due to death, physical illness, mental incapacity, or being called to active military duty, and the person was not reasonably able to have an agent renew the permit.

(2) A lienholder of a permitted vessel, if the vessel is the property of the lienholder as a result of foreclosure, surrender, or litigation, can show loss due the non-renewal of a permit by the permittee, and the non-renewal occurred without the knowledge of the lienholder.

(3) If, in the case of permit revocation because of fraud, evidence is provided to the Commission disputing the charges of fraud. If the Commission finds there was no fraud after consideration of all of the evidence, the Commission may order the revocation annulled, and, if the permit expiration date has passed during the pendency of the hearing on the appeal, the Commission may order the Department to renew the permit upon payment of the fees.

(4) The denial of the permit transfer was arbitrary or capricious.

(5) The denial of the permit transfer was pursuant to subdivision (g) or (h) of Section 8239 and the applicant can show that the 18-month requirement cannot be met due to death, physical illness, mental incapacity, or being called to active military duty.

(b) Each appeal shall be heard and considered separately on its own merits.

§8246.8. Authority to make and enforce regulations.

The Commission and the Department may make and enforce regulations that may be necessary or convenient for carrying out any power, authority, or jurisdiction delegated to it under this article.

§8247. Establishment of review board.

There is in the Department a commercial salmon fishing review board, which consists of five voting members appointed by the director. The director

2008 RED SEA URCHIN FISHERY CLOSURE DATES (Title 14, §120.7 (l))

Closures apply to red sea urchins only. Purple sea urchins may be taken at any time.
There are no closed days in January, February, March, November, or December.

For more information, contact the Department of Fish and Game:
Marine Region: (831) 649-2870
Los Alamitos office: (562) 342-7100
Fort Bragg office: (707) 964-9078

APRIL

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
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27	28	29	30			

MAY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE

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15	16	17	18	19	20	21
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29	30					

JULY

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AUGUST

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					1	2
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17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

SEPTEMBER

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	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
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28	29	30				

OCTOBER

S	M	T	W	T	F	S
			1	2	3	4
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12	13	14	15	16	17	18
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26	27	28	29	30	31	

= Days closed to fishing

or a designee of the director shall attend meetings of the review board as a nonvoting member. The director may remove a member of the review board for cause.

§8247.1. Membership of board.

(a) Three of the voting members of the review board shall be owners of permitted vessels appointed by the director from lists submitted by associations or groups representing commercial salmon fishing vessel owners.
(b) Two of the voting members of the review board shall be owners of permitted vessels appointed by the director from lists submitted by individual commercial salmon fishing vessel owners.
(c) Any voting member of the review board may appoint an alternate member to represent him or her at any meeting of the review board. The director may, within 60 days of the appointment, refuse an alternate member. The alternate shall serve at the pleasure of the member who appointed him or her and shall have all the powers and duties of a member of the commercial salmon fishing review board, except that the alternate shall only participate and vote in meetings in the absence of the member who appointed him or her.

§8247.2. Terms of appointment of board.

The terms of the members of the review board shall be for staggered four year terms. Necessary and proper expenses shall be paid to review board members. Each member, or any alternate member participating on behalf of a regular member in that member's absence, shall receive one hundred dollars ($100) per day for each day of attendance and participation in meetings of the review board.

§8247.4. Function of board; Quorum.

The review board shall function as an advisory body to the Department regarding implementation of the provisions of this article. The review board shall act by a majority vote of the members present and voting. The review board shall not act unless there is a quorum of the voting members, including alternate members in the absence of their appointing members, and the director or his or her designee present.

§8247.5. Membership of board exempt from Government Code prohibition.

(a) The Legislature declares that individuals appointed as members of the review board shall be chosen from the commercial salmon fishing industry in order to represent and further the interest of the industry and commercial salmon fishing vessel owners, and this representation serves the general public interest.
(b) Each member of the review board is exempt from Section 87100 of the Government Code, unless the result of his or her actions taken as board members has a material financial effect on him or her distinguishable from its effect on other members of the commercial salmon fishing industry generally.

§8247.6. Impartiality of board members.

Members and alternate members of the review board shall act in the best interest of the state, the Department, and the commercial salmon fishing industry. As members of the review board, no member or alternate member shall take any action, because of his or her position, that results in a direct material effect on any of them, distinguishable from its effect on other members of the commercial salmon fishing industry.

§8247.7. Standards and criteria for activities of review board.

The director may adopt standards and criteria by regulation that shall be applied by the review board in carrying out its activities under this article.

§8247.8. Actions by board.

The review board shall do all of the following:
(a) Consider and make recommendations to the Department on requests for permit transfers.
(b) Recommend to the Department, the number and classification of new vessel permits to be issued annually, if any, pursuant to Section 8243.
(c) Consult with and advise the Commission as required by Section 8246, 8246.2 and 8246.4.
(d) Consult with the Department and advise on the establishment of the vessel classification system pursuant to Section 8238.

§8248. Provisions of article are severable.

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 the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

Sardine

FGC Excerpts

§8150.5. Taking for bait purposes; Limits; Records; Notice.

(a) Sardines may not be taken or possessed on any boat, barge, or vessel except pursuant to Section 8150.7.
(b) This section does not prohibit the possession or use of sardines imported into this state under a bill of lading identifying the country of origin.
(c) Imported sardines may be used for dead bait under regulations adopted by the Commission

§8150.7. Legislative intent.

It is the intent of the Legislature that the sardine resource be managed with the objective of maximizing the sustained harvest. The department shall manage the sardine resource in conformance with the federal fishery regulations as recommended by the Pacific Fishery Management Council and as adopted by the Secretary of Commerce.

§8154. Possession for unauthorized purpose.

No person shall receive, possess, or sell sardines for any purpose except for that purpose specified on the fish receipt completed at the time of landing of those sardines pursuant to Section 8043.

§8870. Authorized use; Restrictions.

Dip nets may be used subject to the following restrictions:
(a) In districts 1, 11/2, 2, 3, and 4, dip nets may not be baited, and may not measure more than six feet in greatest breadth.
(b) In District 19, hand-held dip nets 30 feet or less in greatest breadth may be used. In that district dip nets may not be used within 750 feet of any pier, wharf, jetty, or breakwater, except to take anchovies, squids, and sardines for bait, and to take smelt.
(c) In District 20, hand-held dip nets 30 feet or less in greatest breadth may be used.

Sea Cucumber

Sea cucumber permit holders are also subject to the provisions of §190, Title 14, of the CCR.

FGC Excerpts

§8405. (Inoperative April 1, 2010; Repealed January 1, 2011) Permit requirements.

(a) Sea cucumbers shall not be taken, possessed aboard a boat, or landed by a person for commercial purposes except under a valid sea cucumber permit issued to that person, which has not been suspended or revoked.
(b) When taking sea cucumbers by diving, every diver shall have a sea cucumber diving permit issued to that person, which has not been suspended or revoked. When taken by means other than diving, at least one person aboard the boat shall have a valid sea cucumber trawl permit issued to that person, which has not been suspended or revoked.

§8405.1 (Inoperative April 1, 2010; Repealed January 1, 2011) Application for sea cucumber permit; Gear type; Fee; Renewal.

(a) Applicants for a sea cucumber permit shall specify by gear type, either trawl or dive, the method in which the applicant intends to take sea cucumbers. The gear type of a sea cucumber permit, either trawl or dive, shall not be transferable.
(b) The fee for a sea cucumber permit shall be two hundred fifty dollars ($250).
(c) Each permittee shall complete and submit an accurate record of all sea cucumber fishing activities on forms provided by the department.
(d) In order to renew a sea cucumber permit for any permit year, an applicant shall have been issued a sea cucumber permit in the immediately preceding permit year. Applications for renewal of a sea cucumber permit shall be received by the department or, if mailed, postmarked, by April 30 of the permit year.

§8405.2 (Inoperative April 1, 2010; Repealed January 1, 2011) Transfer of permit.

(a) A sea cucumber permit may be transferred by the permittee if the permittee has previously held a valid sea cucumber permit for any four permit years and landed at least 100 pounds of sea cucumbers in each of those permit years, as documented by landing receipts with the name of the permittee shown on the receipts.
(b) A sea cucumber permit may be transferred only to a person who has a valid commercial fishing license issued pursuant to Section 7852, that has not been suspended or revoked. A sea cucumber permit shall not be transferred to any person who has had a sea cucumber permit suspended or revoked while the suspension or revocation is in effect.
(c) An application for transfer shall be submitted to the department, with such reasonable proof as the department may require to establish the qualifications of the permit holder and the person the permit is to be transferred to, accompanied by payment to the department of a nonrefundable

transfer fee of two hundred dollars ($200). The transfer shall take effect on the date notice of approval of the application is given to the transferee by the department.

(d) A sea cucumber trawl permit may be transferred to any qualified person as provided in subdivisions (b) and (c) to take sea cucumbers by diving or by use of trawl nets. A sea cucumber dive permit may be transferred to any qualified person as provided in subdivisions (b) and (c) only to take sea cucumbers by diving. The transferee shall specify the gear type, either trawl or dive, that the transferee intends to use to take sea cucumbers. The gear type of the sea cucumber permit, either trawl or dive, shall not be transferable.

§8405.3 (Inoperative April 1, 2010; Repealed January 1, 2011) Protection of sea cucumbers; Number of permits; Revocation of permit; Cost of enforcement.

(a) The Commission, upon recommendation of the department or upon its own motion and in consultation with the sea cucumber fishing industry, may adopt regulations, including provisions governing seasons, gear restrictions, hours of operation, and any other measures that it determines may reasonably be necessary to protect the sea cucumber resource and to assure a sustainable sea cucumber fishery or to enhance enforcement activities.

(b) The number of sea cucumber permits issued for the April 1, 1997, to March 31, 1998, inclusive, permit year shall constitute the maximum number of permits available for all subsequent permit years for the sea cucumber fishery. The department may establish by regulation a method, if necessary, to reissue any sea cucumber permit not renewed or transferred. The permit type of a sea cucumber permit, either trawl or dive, that is reissued shall not be transferable.

(c) The Commission may permanently revoke the sea cucumber permit of any person convicted of the unlawful taking of any California halibut while operating pursuant to a sea cucumber permit. The Commission may revoke the sea cucumber permit of any person convicted of any other violation of this code or regulation adopted pursuant thereto while operating pursuant to a sea cucumber permit. Any revocation of a permit pursuant to this subdivision shall be in addition to any action the department may take pursuant to Section 12000.

(d) Subsequent to the 1997-98 permit year, the department, using existing funds, may determine the actual costs to the department of enforcing this article. The Commission, upon recommendation of the department, may adjust the fee for the issuance or transfer of a permit to an amount not to exceed three hundred fifty dollars ($350), to reflect the actual cost of enforcing this article.

§8405.4. (Inoperative April 1, 2010; Repealed January 1, 2011) Repeal of article.

This article shall become inoperative on April 1, 2010, and as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

Sea Urchin

Sea urchin permit holders are also subject to the provisions of §123 and §190, Title 14, of the CCR.

Title 14 Excerpts

§120.7. Taking of Sea Urchins for Commercial Purposes.

(a) Permit Required.

(1) Any person taking or assisting in the taking of sea urchins for commercial purposes shall have obtained a valid sea urchin permit and shall be in possession of said permit when engaged in such activities. A sea urchin diving permit is not required to operate or assist in operating a vessel used to take sea urchins, however, no person without a valid sea urchin diving permit shall engage in diving from a vessel from which sea urchins are being taken or possessed for commercial purposes, unless authorized by the Department's marine region regional manager or his or her designee for the purposes of sea urchin management or research.

(2) To provide an economic incentive for cooperative sea urchin management and research activity, and notwithstanding any other portion of this section, the Department may authorize the holder of a valid sea urchin diving permit to harvest (take, possess, land and/or sell) red sea urchins during a closed season or in a closed area, subject to such restrictions regarding date(s), location(s), time(s), size, poundage or other matters as specified by the Department. Any data collected during such harvest activity shall be made available to the Department. The form of this authorization shall be a letter from the Department's marine region regional manager or his or her designee issued to the permittee and containing all conditions of use.

(b) Classes of Permits.

(1) Sea Urchin Diving Permit. Sea urchin diving permits will be issued to licensed commercial fishermen 16 years of age or older who have qualified for permits pursuant to subsection (c).

(2) Sea Urchin Crewmember Permit. Sea urchin crewmember permits will be issued to licensed commercial fishermen 16 years of age or older who do not qualify for sea urchin diving permits.

(c) Prior Permittees:

(1) Applicants for sea urchin diving permits must have held a valid, unrevoked sea urchin diving permit in the immediately preceding permit year (April 1-March 31).

(2) Applications for renewal of sea urchin diving permits shall be received by the Department or, if mailed, postmarked no later than June 30 of each permit year. Each application must be accompanied by evidence that the qualification requirements specified in this subsection have been met. Applications received by the Department or, if mailed, postmarked after June 30 and before August 1 will be assessed a $50 late fee. Applications received by the Department or, if mailed, postmarked after July 31 will not be considered.

(d) Number of Permits.

(1) All qualified prior sea urchin diving permittees shall be eligible to receive diving permits regardless of the number issued.

(2) If the number of diving permits issued to prior permittees is more than 300, the total number of new sea urchin diving permits available for issuance shall be one-tenth the difference between the total number of sea urchin diving permits issued prior to August 1 of the current permit year and the total number of sea urchin permits issued during the immediately preceding permit year. If the number of diving permits issued to prior permittees is less than 300, the number of new sea urchin diving permits to be issued shall be the difference between the number of diving permits issued to prior permittees and 300. If the number of permits issued to prior permittees is 300, no new sea urchin diving permits shall be available.

(e) New Permittees:

(1) Applications for the issuance of any new sea urchin diving permits that may become available each year shall be received by the Department or, if mailed, postmarked no later than June 30. Applications shall be submitted to the Department's License and Revenue Branch, 1740 N. Market Blvd, Sacramento CA 95834. If any new sea urchin diving permits are available for issuance, as provided in subsection (d)(2), they shall be issued to licensed commercial fishermen who held, for each of the two immediately preceding permit years, a valid sea urchin crewmember permit.

(2) If there are more applicants for sea urchin diving permits than there are permits available, a drawing will be held to determine which applicants will be eligible to purchase permits. Any person who submits more than one application for a new sea urchin diving permit in any one permit year will be excluded from the drawing. Each applicant who meets the criteria in subsection (e)(1) shall be entered into the drawing once. In addition, each applicant shall be entered into the drawing one more time for each additional year, above the minimum required two years, that the applicant possessed a valid sea urchin crewmember permit. No applicant shall be entered more than five times for each drawing. The drawing will be held on the third Wednesday in August each year. Permits will be issued to successful applicants in the order drawn. Payment of the fee for the sea urchin diving permit must be received at the Department's License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834 on or before September 25.

(f) Fee. The fee for sea urchin crewmember permits shall be the amount authorized by Section 699 of these regulations.

(g) Appeal. Any applicant who is denied a sea urchin diving permit for any reason may appeal the denial to the Department in writing, describing the basis for the appeal. The appeal must be received by the Department not later than March 31 following the permit year in which the appellant last held a valid sea urchin diving permit. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's decision.

(h) Vessel Identification. When sea urchins are taken under these regulations, the vessel's commercial registration number shall be displayed on both sides of the boat. The number shall be black, at least 10 inches high, and on a white background. All permittees aboard the boat shall be mutually responsible for the proper display of the vessel's commercial registration number.

(i) Conditions of the Permit:

(1) No person shall take or possess lobsters or abalone aboard any boat used to take sea urchins under these regulations on any day that sea urchins have been taken or are to be taken.

(2) Hydraulic lifts and air lifts shall be used only in such a manner that no rocks or other mineral matter, aquatic plants, fish or other aquatic life

except sea urchins, shall be removed from the bottom or otherwise disturbed.

(j) Revocation of Permits. Any permit may be suspended, revoked, or canceled by the Commission upon breach or violation of any fish and game regulation pertaining to the take of sea urchins or abalone; or violation of the terms or conditions of the permit by the holders thereof, their agents, servants, employees or those acting under their direction and control.

(k) Exemption from Tidal Invertebrate Permit. A sea urchin diver or sea urchin crewmember operating under the provisions of this section is not required to possess a Tidal Invertebrate Permit, but is subject to the provisions of section 123, Title 14, CCR.

(l) Fishing Season.

(1) From November 1 through March 31 the open season for red sea urchins is seven days per week.

(2) In April, May, September and October the open season for red sea urchins is Monday, Tuesday, Wednesday and Thursday.

(3) In June and August the open season for red sea urchins is Monday, Tuesday, and Wednesday.

(4) In July the season for red sea urchins is Monday and Tuesday.

(5) During any closed period, no red sea urchins may be possessed on any commercially registered vessel, except that any commercially registered vessel may transport red sea urchins after any closure goes into effect, provided that the vessel is in port no later than 0800 hours on the first day of the closed period.

(m) Logbooks. Any person who operates a vessel used for the commercial harvest of sea urchins shall prepare a daily record of the vessel's sea urchin fishing activities on a form (DFG-120.7 (5/99)), incorporated herein by reference, provided by the Department before the sea urchins are landed. The completed daily records shall be sent to the Fort Bragg office of the Department of Fish and Game for fishing activities north of the Monterey-San Luis Obispo county line, and to the Los Alamitos office for fishing activities south of the Monterey-San Luis Obispo county line on or before the tenth day of each month following the month to which the records pertain.

(n) Closed Areas.

(1) Sea urchins shall not be taken for commercial purposes in state marine reserves or state marine parks. Specific regulations in state marine conservation areas may prohibit the commercial take of sea urchins as per subsection 632(b).

(2) The Gerstle Cove area in Salt Point state Marine Conservation Area (Sonoma County) is closed to all commercial fishing for sea urchins. This area is delimited as all the ocean waters east of a line extending 180° true from the southernmost point of Salt Point (38° 33.92' N. lat. 123° 19.89' W. long.) and north of a line extending 270° true from the westernmost point of land of the unnamed point at the southern end of Gerstle Cove (38° 33.6' N. lat. 123° 19.37' W. long.).

(3) The South Caspar Point area in Mendocino County is closed to all commercial fishing for sea urchins. This area is bounded on the north by a line extending 90° magnetic from sea to the mouth of Caspar Creek (north bank) in Caspar Cove, on the south by the northern boundary of the Point Cabrillo state Marine Conservation Area and its westward extension to the 120-foot depth contour, on the west by 120-foot depth contour line connecting the north and south boundary lines, and on the East by the mainland shore. The Point Cabrillo state Marine Conservation Area remains closed to the take of all forms of marine life except as permitted in subsection 632(b).

(o) Size Limit.

(1) In southern California (south of the Monterey-San Luis Obispo county line) no red sea urchin between one and one-half (1½) and three and one-quarter (3¼) inches in shell diameter, not including the spines or any portion of their ball-and-socket attachment to the shell, may be taken, possessed, sold, or purchased, except that not more than thirty (30) such red sea urchins per permittee per load may be taken, possessed, sold or purchased.

(2) In northern California (north of the Monterey-San Luis Obispo county line) no red sea urchin between one and one-half (1½)and three and one-half (3½) inches in shell diameter, not including the spines or any portion of their ball-and-socket attachment to the shell, may be taken, possessed, sold or purchased, except that not more than thirty (30) such red sea urchins per permittee per load may be taken, possessed, sold or purchased.

(3) Red sea urchins less than one and one-half (1 1/2) inches in shell diameter shall not be considered as part of the thirty (30) undersized red sea urchins per permittee per load that may be taken, possessed, sold or purchased.

(4) Every sea urchin permittee shall carry and use an accurate measuring device, to determine the size of red sea urchins being taken as specified in subsections (o)(1) and (o)(2) above, while diving for sea urchins for commercial purposes.

(p) Authorization of an Assistant for a Sea Urchin Diver Permittee.

(1) Authorization by Department. The holder of a sea urchin diving permit, who, after entering the sea urchin fishery, becomes, due to a severe unforeseen or catastrophic long-term (expected to be for one year or longer) or permanent injury or disease, physically unable to dive, may designate a specific individual as an assistant, upon written approval from the Department. The Department may authorize, in writing, any one specific individual to be designated by the permittee as an assistant, providing the following conditions have been met:

(A) The permittee provides documentation from a qualified physician that the permittee suffers from the disease or injury and it will prevent the permittee from diving. Such conditions shall not include short or long-term common illnesses, conditions caused or primarily exacerbated by aging, or any other condition which appears to be marginal or common, such as routine back or neck problems;

(B) The permittee has no violations or pending violations for which his or her permit could be revoked;

(C) The proposed assistant has a current California commercial fishing license and has not had any California commercial fishing license or permit suspended or revoked; has never been convicted, and no charges are pending for a violation of any provision of the Fish and Game Code or Title 14, California Code of Regulations.

(2) Special Provisions:

(A) The authorized sea urchin diver assistant may take or assist in the taking of sea urchin only when in the company of the permittee.

(B) The permittee shall have no authority to, and shall not dive for sea urchin while a valid letter authorizing the permittee to designate an assistant exists, regardless of whether or not the assistant is actively diving.

(C) The authorized sea urchin diver assistant shall have no right to ownership or transfer of the permit beyond that which is otherwise provided by law.

(D) The sea urchin diving permit, in addition to the sea urchin diver assistant authority shall be subject to revocation, suspension or other actions provided in law or regulation, upon violations committed by the assistant, when acting under the authority of a sea urchin diver assistant. The assistant shall take no actions authorized pursuant to a sea urchin diver permit without the consent of the permittee.

(E) The Department shall review the authority authorized pursuant to this section at least once every year and may withdraw the authority if any of the conditions are not met.

(3) Fee Requirement. Any person authorized as an assistant pursuant to this subsection shall annually pay a fee to the Department equal to the amount required of permittees pursuant to Fish and Game Code Section 9055.

(4) Required Possession of Department Authorization. The assistant shall carry the Department's letter of authority whenever conducting activities authorized pursuant to the subsection.

(5) The Department shall report to the Commission within 18 months of the enactment of these provisions on the merits of the program. The Department shall make a recommendation to the Commission to either continue or discontinue the program, based on achievements and problems associated with the administration of these provisions.

FGC Excerpts

§9054. Rakes, Airlifts, etc. for Taking Sea Urchins; Permits.

Sea urchins shall not be taken for commercial purposes except under a valid sea urchin diving permit issued to that person that has not been suspended or revoked, subject to regulations adopted by the Commission. Rakes, airlifts, or other handheld appliances may be used to take sea urchins. The Commission may, whenever necessary to prevent overutilization or to ensure efficient and economic operation of the fishery, limit the number of permits that may be issued. The Commission, as it determines appropriate to protect the resource, may limit the number of permits either on a statewide basis or within selected geographical areas.

§9055. Sea urchin permit fee.

The fee for a sea urchin permit issued authorized pursuant to Section 9054 is three hundred thirty dollars ($375).

Spot Prawn Trapping

Spot prawn trap vessel permit holders are subject to the provisions of §180, 180.1, 180.2, 180.3, and 180.5, Title 14, of the CCR.

Title 14 Excerpts

§180.3 Restricted Access Spot Prawn Trap Fishery.

(a) Control Date. A control date of January 1, 1999, is established for the purpose of developing a restricted access spot prawn trap fishery. Only

those vessels which have made at least one spot prawn landing with trap gear before this date may be considered for inclusion in the restricted access trap fishery. Additional vessels which have made landings of spot prawns with trawl gear between 1994 and 2001 also may be considered for inclusion in the restricted access spot prawn trap fishery (trawl conversion program).

(b) Permit Requirement, Classification of Permits and Permit Conditions. Effective April 1, 2002, no person shall use a vessel to land spot prawns for commercial purposes using traps authorized pursuant to Sections 8591 and 9001 of the Fish and Game Code, unless the owner of that vessel has a general trap permit, issued pursuant to Section 9001 of the Fish and Game Code, and a spot prawn trap vessel permit for that vessel that has not been suspended or revoked.

(1) Tier 1 Permits. Spot prawn trap vessel permits issued pursuant to subsection (c)(1) shall be considered as Tier 1 permits, and permitted vessels are authorized to use the number of traps specified for Tier 1 permits pursuant to Section 180.1(c), Title 14.

(2) Tier 2 Permits. Spot prawn trap vessel permits issued pursuant to subsection (c)(2) shall be considered as Tier 2 permits, and permitted vessels are authorized to use the number of traps specified for Tier 2 permits pursuant to Section 180.1(c), Title 14. Permitted vessels with Tier 2 permits may not exceed a maximum of 5000 pounds of spot prawns landed in any permit year. The revenue from any landings in excess of 5000 pounds in any permit year shall be forfeited to the Department.

(3) Tier 3 Permits. Spot prawn trap vessel permits issued pursuant to subsection (c)(3) shall be considered as Tier 3 permits, and permitted vessels are authorized to use the number of traps specified for Tier 3 permits pursuant to Section 180.1(c), Title 14. Tier 3 permits shall also be known as trawl conversion permits.

(c) Initial Issuance Criteria. A spot prawn trap vessel permit for a specific tier shall be issued only to the following persons for use on qualifying vessels:

(1) Tier 1 Permits. A person who is the owner of a commercial fishing vessel that has been registered with the Department pursuant to Section 7881 of the Fish and Game Code in each of the 1997-98, 1998-99, and 1999-2000 permit years, and has made landings of spot prawns utilizing traps on or before January 1, 1999, as documented by landing receipts that were delivered to the Department pursuant to Section 8046 of the Fish and Game Code, and who has satisfied at least one of the following minimum vessel-based landing requirements:

(A) at least 20 landings of spot prawns, utilizing traps, in each of the calendar years 1997, 1998, and 1999;

(B) at least 2,000 pounds of spot prawns landed, utilizing traps, in each of the calendar years 1997, 1998, and 1999;

(C) at least 10,000 pounds of spot prawns landed, utilizing traps, in each of the calendar years 1998 and 1999.

(2) Tier 2 Permits.

(A) A person who is the owner of a commercial fishing vessel that has been registered with the Department pursuant to Section 7881 of the Fish and Game Code in each of the 1997-98, 1998-99, and 1999-2000 permit years, and has made landings of spot prawns utilizing traps on or before January 1, 1999, as documented by landing receipts that were delivered to the Department pursuant to Section 8046 of the Fish and Game Code, and who does not satisfy any of the minimum landing requirements in subsection (c)(1) and has satisfied at least one of the following minimum vessel-based landing requirements:

1. at least 10 landings of spot prawns, utilizing traps, in calendar year 1998;
2. at least 1,000 pounds of spot prawns landed, utilizing traps, in calendar year 1998.

(B) Any individual, who has been licensed as a California commercial fisherman for at least 20 years, and who has participated in the commercial spot prawn trap fishery for at least one of those years, and who has made at least 20 landings of spot prawns, using traps, totaling at least 10,000 pounds in one of those years, shall be issued a Tier 2 permit.

(3) Tier 3 Permits. Prawn points will be used to determine eligibility for initial issuance of Tier 3 permits. Any person who is the owner of a commercial fishing vessel that has been registered with the Department pursuant to Section 7881 of the Fish and Game Code between 1994 and 2001 will receive points based on spot prawn landings made utilizing trawl gear.

(A) Points will be awarded to a vessel based on landing history between January 1, 1994 through December 31, 2001 as documented by fish landing receipts that were submitted to the Department pursuant to Section 8046 of the Fish and Game Code in the vessel's name and commercial boat registration number as follows:

1. One hundred prawn points will be earned for each calendar year in which the vessel made a landing of spot prawn with trawl gear between 1994 and 2001.
2. One prawn point will be earned for every 500 pounds of spot prawn the vessel landed with trawl gear between 1994 and 2001; and
3. One prawn point will be earned for each landing of spot prawn a vessel made with trawl gear between 1994 and 2001;

(B) A vessel must have in excess of 1,000 prawn points to qualify for initial issuance of a Tier 3 permit.

(d) Capacity Goal. The Commission has determined that the spot prawn trap fishery capacity goal for Tier 1 and Tier 3 permits combined shall be 17. The Commission has determined that the spot prawn trap fishery capacity goal for Tier 2 permits shall be 0.

(e) Application Deadline for Initial Issuance of Spot Prawn Trap Vessel Permits.

(1) Tier 1 and Tier 2 Permits. All applications and permit fees for initial issuance of Tier 1 and Tier 2 spot prawn trap vessel permits must be received by the Department or, if mailed, must be postmarked no later than June 30, 2002. Applications for initial issuance of a spot prawn trap vessel permit received from July 1 through July 31, 2002 shall be considered late and will be assessed a late fee. Applications and monies due for the initial issuance of Tier 1 and Tier 2 spot prawn trap vessel permits not received or, if mailed, not postmarked, by July 31, 2002 shall be returned to the applicant unissued.

(2) Tier 3 Permits. All applications (FG 1424 (new, 8/04) incorporated by reference herein) and permit fees for initial issuance of Tier 3 spot prawn trap vessel permits must be received by the Department or, if mailed, must be postmarked no later than February 28, 2005. Applications for initial issuance of Tier 3 spot prawn trap vessel permits received from March 1 through March 31, 2005 shall be considered late and will be assessed a late fee pursuant to subsection (n). Applications and monies due for initial issuance of Tier 3 spot prawn trap vessel permits not received or, if mailed, not postmarked, by March 31, 2005 shall be returned to the applicant unissued.

(f) Minimum Landing Requirements for Spot Prawn Trap Vessel Permit Renewal. No minimum landings of prawns shall be required to be eligible for renewal of a spot prawn trap vessel permit.

(g) Annual Spot Prawn Trap Vessel Permit Renewal. Applications (FG 1422 (11/05)) incorporated by reference herein) for renewal of a spot prawn trap vessel permit shall be received by the Department, or, if mailed, postmarked, by April 30 of each year. Applications for a spot prawn trap vessel permit received from May 1 to May 31 will be assessed a late fee pursuant to subsection (n). Spot prawn trap vessel permit renewals received after May 31, or if mailed, postmarked after May 31, shall become expired, shall be returned unissued to the applicant, and shall no longer be eligible for renewal in subsequent years.

(h) Presence of Owner on Vessel. An owner of the vessel to which the spot prawn trap vessel permit has been issued must be on the vessel when spot prawns are being taken or landed, except that one additional operator may be designated during a license year by informing the Department in writing with a letter sent to Department of Fish and Game, Marine Region, 20 Lower Ragsdale Drive, Suite 100, Monterey, California 93940.

(i) Appeal for Reinstatement of an Expired Spot Prawn Trap Vessel Permit. Any applicant who is denied issuance of a spot prawn trap vessel permit for failure to submit an application prior to the application deadline may appeal to the Department in writing. The appeal for reinstatement of an expired spot prawn trap vessel permit shall be received by the Department or, if mailed, postmarked on or before March 31 following the permit year in which the applicant last held a valid spot prawn trap vessel permit.

(j) Revocation of Permit.

A spot prawn trap vessel permit shall be revoked if the permittee fails to:

(1) renew the permit or annually renew his or her commercial fishing license issued pursuant to Section 7852 of the Fish and Game Code; or

(2) submits false information for the purposes of obtaining a spot prawn trap vessel permit.

(k) Transfer of a Spot Prawn Trap Vessel Permit to Another Vessel.

A transfer of a spot prawn trap vessel permit may be approved for use on a replacement vessel only if all of the following criteria are met:

(1) In the form of a notarized letter, the owner of the vessel which is issued a permit shall submit an application for transfer of a Spot Prawn Trap Vessel Permit to the Department.

(2) The vessel owner pays the nonrefundable transfer fee specified in subsection (n).

(3) Unless the vessel was lost, stolen, or destroyed, a permit may not be transferred more than once during any 12-month period.

(4) The spot prawn trap vessel permit for the permitted vessel is current.

(5) The permitted vessel owner has written authority from the legal owner and/or partners, or mortgager, of the vessel, to which the permit shall be transferred, to transfer the spot prawn trap vessel permit from the permitted vessel.

(l) Change of Ownership of a Spot Prawn Trap Vessel Permit.

(1) Tier 2 spot prawn trap vessel permits shall not be transferred to another person. Tier 2 permits shall become null and void upon death of the permit holder.

(2) All Tier 1 spot prawn trap vessel permits shall be transferable to another person, but not more than once within any 3-year period, and not before April 1, 2005. Upon the death of the permittee, transfer of a Tier 1 spot prawn vessel permit may be considered if the estate makes application, in the form of a notarized letter, for the transfer within one year of the date of death as listed on the death certificate.

(3) Tier 3 spot prawn trap vessel permits shall not be transferred to another person. Tier 3 permits shall become null and void upon death of the permit holder.

(4) A change of ownership of a Tier 1 spot prawn trap vessel permit to another person may be approved only if the vessel owner submits a written request for change of ownership to the Department and pays a non- refundable change of ownership fee. Thereafter, upon notice to the Department, the person purchasing the spot prawn trap vessel permit may use that permit for the taking and landing of spot prawns for any and all of the unexpired portion of the permit year, provided the following requirements are met:

(A) the person purchasing the permit shall have a valid commercial fishing license issued pursuant to Section 7852 of the Fish and Game Code that has not been suspended or revoked, and a general trap permit issued pursuant to Section 9001 of the Fish and Game Code,

(B) the person is the owner of a commercial fishing vessel that has been registered with the Department pursuant to Section 7881 of the Fish and Game Code. The person receiving the permit shall be eligible for a permit, pursuant to the provisions of this section, for the use of that vessel in subsequent years.

(5) Notwithstanding the transfer of ownership provisions in subsection (l) for Tier 1, upon the death of a spot prawn trap vessel Tier 1 permittee the estate may apply to the Department to transfer that permit to the estate. The application for transfer shall be received by the Department within one year of the death of the permittee.

(m) Appeals.

(1) Any applicant who is denied initial issuance of a spot prawn trap vessel Tier 1 or Tier 2 permit for any reason may appeal that denial to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked no later than March 31, 2003. Any applicant who is denied initial issuance of a Tier 3 spot prawn trap vessel permit for any reason may appeal that denial to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked no later than September 30, 2005. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's decision.

(2) Any applicant who is denied renewal of a spot prawn trap vessel permit may appeal the denial to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked no later than March 31 following the permit year in which the applicant last held a valid spot prawn trap vessel permit. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's decision.

(3) Any applicant who is denied transfer of a spot prawn trap vessel permit may appeal the denial to the Department in writing describing the basis for the appeal. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's decision.

(n) Fees.

(1) Tier 3 Initial Issuance Fee. The Department shall charge a fee for each Tier 3 spot prawn trap vessel permit of $1,015.00.

(2) Annual Renewal Fee. The Department shall charge an annual fee for each Tier 1 and Tier 2 spot prawn trap vessel permit of $266.50. The Department shall charge an annual renewal fee for each Tier 3 spot prawn trap vessel permit of $1,066.25.

(3) Vessel Transfer Fee. The Department shall charge a nonrefundable fee of $200 for each vessel transfer.

(4) Change of Ownership Fee. The Department shall charge a non- refundable fee of fifty dollars ($50) for each change of ownership of the spot prawn trap vessel permit.

(5) Initial Issuance Late Fees. The Department shall charge a non- refundable late fee of $50 if an application for initial issuance of a Tier 1 or Tier 2 spot prawn trap vessel permit is received from July 1 to July 31, 2002. The Department shall charge a nonrefundable late fee of $50 if an application for initial issuance of a Tier 3 spot prawn trap vessel permit is received from March 1 to March 31, 2005.

(6) Renewal Late Fee. The Department shall charge a nonrefundable late fee of fifty dollars ($50) if an application for renewal of a spot prawn trap vessel permit is received from May 1 to May 31.

Market Squid

Squid vessel permit holders are also subject to the provisions of §190, Title 14, of the CCR.

Title 14 Excerpts

§53.00. Purpose and Scope.

(a) This article implements the Market Squid Fishery Management Plan (Market Squid FMP) as adopted and amended by the California Fish and Game Commission (Commission), consistent with the requirements of Part 1.7, commencing with Section 7050, and Article 9.7 of Chapter 2 of Part 3 of Division 6 of the Fish and Game Code (commencing with Section 8420). Regulations contained in Section 53.00 et seq. are consistent with the goals, objectives and procedures of the Market Squid FMP and applicable federal regulations for coastal pelagic species and the federal Coastal Pelagic Species Fishery Management Plan. These regulations, in combination with other applicable provisions of the Fish and Game Code, Title 14 of the California Code of Regulations, and federal regulations for coastal pelagic species, govern management and regulation of market squid stocks and fisheries.

(b) A regulation implementing this fishery management plan that is applicable to both sport and commercial fisheries is found in this Article. Regulations adopted by the Commission specific to recreational take and use of market squid are included with ocean sport fishing regulations in Chapter 4, beginning with Section 27.00, Title 14, CCR. Regulations specific to commercial fishing for market squid are included in Chapter 6, beginning with Section 149, Title 14, CCR.

(c) Pursuant to Fish and Game Code Section 8429.7, Fish and Game Code sections 8420.5 to 8423.5, inclusive, and sections 8426 and 8427 are made inoperative.

(d) Pursuant to Fish and Game Code Section 7071, Fish and Game Code Section 7852.2 is made inoperative as it applies to squid fishery permits.

§53.01. Definitions.

(a) Brail gear, dip nets or scoop nets means any net attached to a rigid frame operated by hand or mechanical device deployed from the vessel to scoop fish or invertebrates.

(b) Daily trip limit means a routine management measure which may be used to limit take of squid on a per-vessel basis within a calendar day.

(c) Drum seine means a purse seine net which is stored, deployed and retrieved with the aid of a mechanized drum (reel) mounted on the stern of the vessel.

(d) Egg escapement means the number or proportion of a female squid's lifetime supply of eggs that she is able to deposit, on average, before being taken in the fishery.

(e) Egg escapement method means a management tool which may be used to determine whether the fleet is fishing above or below a predetermined sustainable level of exploitation. The method requires establishing a threshold value to ensure that an adequate number of eggs are deposited prior to harvest.

(f) Fishing year or fishing season under the Market Squid FMP means the period April 1 through March 31.

(g) Fishery Control Rules means specific management strategies such as seasonal catch limits, daily trip limits, area closures, time closures, and sustainable levels of egg escapement which provide for a sustainable market squid fishery.

(h) Fleet capacity goal means an optimal number of vessels where the number of vessels matches the available squid resource.

(i) Forage means the role of market squid in the food chain as a critical source of food for higher predators, including birds, fish and marine mammals.

(j) Lampara means a rectangular net constructed with graduated mesh sizes, a definite bunt (bag), and fitted with floats. It is laid out by the fishing vessel in a circle and closed at least partially on the bottom by pulling the leadline in advance of the float line.

(k) Light boat means a vessel engaged in the commercial taking or attempting to take market squid which uses bright lights to aggregate squid for commercial purposes including live bait.

(l) Market squid means Loligo opalescens.

(m) Market Squid Fishery Management Plan (Market Squid FMP) means Chapters 1 through 5 of the Market Squid Fishery Management Plan approved by the Commission on August 27, 2004, hereby incorporated by reference.

(n) National Marine Fisheries Service, NMFS or NOAA Fisheries means the federal fisheries management agency which is contained in the United States Department of Commerce.

(o) Overfished is defined at Fish and Game Code

Section 97.5, and in the Market Squid FMP also means a condition that may exist when either the egg escapement threshold is not met, or catches of squid exceed any specified allowable level.

(p) Overfishing is defined at Fish and Game Code Section 98, and in the Market Squid FMP also may mean that harvests of squid are occurring at times when either the egg escapement threshold is not being met, or catches are exceeding specified allowable levels. These catches may not be sustainable.

(q) PFMC or Council means the Pacific Fishery Management Council established pursuant to the Magnuson-Stevens Fishery Conservation and Management Act.

(r) Point of concern means one or more of the following conditions affecting market squid that, if found or are expected to exist, may trigger the application or adjustment of one or more management measures by the Commission:

(1) Catch is projected to significantly exceed the current seasonal catch limitation.

(2) Any adverse or significant change in the biological characteristics of the market squid (age composition, size composition, age at maturity, or recruitment) is discovered.

(3) An overfished condition exists or is imminent (defined as when the egg-escapement method threshold is not realized in two consecutive years).

(4) Any adverse or significant change in the availability of market squid as forage or in the status of a dependent species is discovered. (5) An error in data or a change to an indicator of stock status is detected that requires adjustment to fishery control rules to ensure sustainable resource management.

(5) An error in data or a change to an indicator of stock status is detected that requires adjustment to fishery control rules to ensure sustainable resource management.

(s) Points of concern process means a process authorizing the Commission to apply or adjust fishery management measures at any time during the year based on the confirmation of the existence of one or more resource-based points of concern identified in a fishery management plan pursuant subsection 50.03 (a), Title 14, CCR.

(t) Purse seine means a rectangular net constructed with uniform mesh sizes, without a prominent bunt (bag), and fitted with floats. It is laid out with the end attached to a skiff while the deploying vessel encircles the squid. The end of the net is then brought up to the deploying vessel and is closed on the bottom by pulling a purse line (draw string) threaded through rings along the leadline, preventing the catch from escaping.

(u) Round haul vessels mean those that employ the use of lampara, purse seine, and drum seine net gear to commercially harvest squid.

(v) Seasonal catch limitation means an amount of allowable catch which may be taken within a designated geographic area in a fishing season, specified in short tons and excluding discard mortality. The attainment (or expected attainment) of this limit will cause closure of the directed commercial fishery as specified in regulation.

(w) Tons means short tons, and is the standard unit of weight for purposes of describing catches and limits for the market squid fishery, notwithstanding subsection 50.00 (c), Title 14, CCR.

(x) Vessel capacity means the gross registered tonnage, as listed on a federal Coastal Pelagic Species permit or calculated from length, breadth and depth measurements provided on United States Coast Guard documentation papers.

(y) Weekend closures mean a routine management measure which may be used to prohibit take of market squid during certain days of a week.

(z) Definitions contained in Chapter 1, and Article 1 of Chapter 5.5, of Subdivision 1, Division 1, Title 14, CCR, and Chapters 1 and 2 of Division 0.5 of the Fish and Game Code apply to the market squid fishery in addition to definitions of this Section.

§53.02. Process and Timing.

(a) Management of market squid stocks will conform to the goals, objectives, criteria, procedures, and Fishery Control Rule guidelines of the Market Squid FMP, and other applicable state and federal laws and regulations.

(b) Periodic monitoring and assessment of squid fisheries will be conducted, and, at a minimum, will include the collection and review of reported catches. The Department will provide management recommendations to the Commission as needed, and in-season if a need is identified.

(c) The director may establish and appoint members to an advisory committee to assist the Department with development and review of fishery assessments, management options and proposals, and plan amendments.

(d) Management measures and actions may be developed, considered, and adopted in compliance with the Administrative Procedure Act and implemented at any time of year to achieve management plan goals and objectives, and may apply to any or all management areas, or portions of management areas at the discretion of the Commission.

§53.03. Market Squid Fishery Management Plan (Market Squid FMP) Project.

(a) The Department's Recommended Proposed Project in the Market Squid FMP involves a combination of limitations on total harvest, regulation on the use of squid fishing gear (including lights), use of time closures to allow for periods of uninterrupted spawning, restricted access and other limits on the commercial fleet capacity, mechanisms to allow for adequate squid escapement, and area closures designed to minimize impact to sensitive non-target species and habitat. These management measures described in the Market Squid FMP will be utilized in managing the squid fishery toward meeting goals and objectives of the Market Squid FMP.

(b) Other management measures as described in the Market Squid FMP, including but not limited to vessel trip limits, squid replenishment areas, seasonal closures, and marine protected areas may be used as needed to achieve the goals and objectives of the Market Squid FMP.

(c) A fishery management measure may be adopted by the Commission instead of, or in addition to, measures included in the adopted Market Squid FMP Project where specified in statute or state or federal regulation.

(d) Consistent with the goals of the Restricted Access program, the Commission established a sixth permit class for Non-Transferable Market Squid Light Boat Permits in addition to the original five permit classes and an experimental permit class identified in the discussion of the program in the Market Squid Fishery Plan.

§149. Commercial Taking of Market Squid

(a) Fishing days. North of a westerly extension of the United States - Republic of Mexico boundary line, market squid may not be taken for commercial purposes between 1200 hours (noon) on Friday and 1200 hours (noon) on Sunday of each week. This regulation applies to vessels catching squid or attracting squid with lights. This regulation does not apply to vessels taking squid for live bait purposes only or to fishing activities which result in squid landings taken pursuant to subsection (g) of this Section. Squid taken for live bait purposes pursuant to this Section shall only be sold as live bait.

(b) Records. Pursuant to Section 190 of these regulations, any person who possesses a valid Market Squid Vessel Permit, Market Squid Brail Permit, or Market Squid Light Boat Permit shall complete and submit an accurate record of his/her squid fishing, lighting, or brailing activities on a form (Market Squid Vessel Logbook - DFG 149a (9/01), or Market Squid Light/Brail Boat Logbook - DFG 149b (10/05), which are located in Appendix A of Subdivision 1 of Division 1 of Title 14, CCR) provided by the Department, as appropriate to the type of fishing activity. Logbook records shall be transmitted to the Department on or before the 10th day of each month following the month that fishing activity occurred.

(c) Maximum Wattage. Each vessel fishing for squid or lighting for squid shall utilize a total of no more than 30,000 watts of lights to attract squid at any time.

(d) Light Shields. Each vessel fishing for squid or lighting for squid will reduce the light scatter of its fishing operations by shielding the entire filament of each light used to attract squid and orienting the illumination directly downward, or providing for the illumination to be completely below the surface of the water. The lower edges of the shields shall be parallel to the deck of the vessel.

(e) Seasonal Catch Limitation. For the period from April 1 through March 31 of the following year, a total of not more than 118,000 short tons of market squid may be taken statewide by vessels permitted under Section 149.1 or 149.3, Title 14, CCR, with the fishery closure implemented as follows:

(1) The Department shall estimate, from the current trend in landings, when the market squid catch limit will be reached, and will publicly announce the effective date of closure of the directed fishery on VHF/channel 16 between the hours of 10:00 p.m. and 12:00 a.m. (midnight). It shall be the responsibility of all operators of permitted market squid vessels to monitor VHF/channel 16 to determine when the catch limit is expected to be reached and the fishery closed. Any announcement issued or made by the Department on VHF/channel 16 shall constitute official notice.

(2) Whenever the market squid catch limit has been reached, market squid may be taken for commercial purposes through March 31 only if the amount taken does not exceed two tons landed in a calendar day or if the squid taken is used for live bait only.

(f) Closed Times and Areas for Seabirds. Market squid may not be taken for commercial purposes utilizing attracting lights in all waters of the Gulf of the Farallones National Marine Sanctuary. Boundaries of the Sanctuary are defined as those

in effect on August 27, 2004, pursuant to Title 15, Code of Federal Regulations (CFR), Part 922, Subpart H. This regulation also applies to vessels pursuing squid for live bait purposes.

(g) Incidental Allowance. It is unlawful to take, land, or possess in excess of two tons of squid per trip or per calendar day except as authorized under a Market Squid Vessel Permit or a Market Squid Brail Permit as described in subsection 149.1(b) or Section 149.3, or for purposes of live bait only.

(h) Forfeiture. Squid landed or possessed in violation of the allowance specified in subsection (g) above shall be forfeited to the Department by the signing of an official release of property form. The squid shall be sold or disposed of in a manner to be determined by the Department. The proceeds from all sales shall be paid into the Fish and Game Preservation Fund.

(i) Use of Lights to Aggregate Squid. It is unlawful to attract squid by light except as authorized under permits described in subsection 149.1(b) or Section 149.3. This regulation does not apply to seine skiffs of a permitted vessel, or to vessels pursuing squid for live bait purposes only.

(j) Citations for violations of this Section may be issued to the vessel operator, crewmembers, and/or the holder of a market squid permit issued pursuant to Section 149.1 or 149.3, Title 14, CCR.

(k) Exemption from Tidal Invertebrate Permit. A commercial market squid vessel or light boat operating under the provisions of a commercial market squid permit is not required to possess a Tidal Invertebrate Permit, but is subject to the provisions of Section 123.

§149.1. Market Squid Fishery Restricted Access Program.

(a) Permit Required. On and after April 1, 2005, no person shall take, land, or attract squid by light for commercial purposes, except as provided in subsection 149(g), unless the owner of that vessel has a valid market squid permit for use on that vessel that has not been suspended or revoked.

(b) Classification of Permits and Permit Authorization.

(1) A Market Squid Vessel Permit authorizes the use of round haul gear, including purse seine, drum seine and lampara nets for commercial harvest. Use of brail gear, including dip and scoop nets, is also authorized. Lights may also be used as specified in regulation to aggregate squid for purposes of commercial harvest. No other gear is authorized under this permit to take or assist in the taking of market squid for commercial purposes. Market Squid Vessel Permits are designated as either transferable or non-transferable as described in subsection (o) below.

(2) A Market Squid Brail Permit authorizes the use of brail gear including dip and scoop nets to take market squid for commercial purposes. Lights may also be used as specified in regulation to aggregate squid for purposes of commercial harvest. No other gear is authorized under this permit to take or assist in the taking of market squid for commercial purposes. Market Squid Brail Permits are designated as either transferable or non-transferable as described in subsection (o) below.

(3) A Market Squid Light Boat Permit authorizes only the use of lights as specified in regulation to aggregate squid for purposes of commercial harvest. No other gear is authorized under this permit to take or assist in the taking of market squid for commercial purposes. Market Squid Light Boat Permits are designated as either transferable or non-transferable as described in subsection (o) below.

(4) Only one market squid permit, regardless of the class of permit as described in subsections (b)(1), (2), and (3) above, may be issued per owner per vessel.

(c) Initial Issuance Criteria. Any person who is the registered owner of the vessel must provide current proof of vessel ownership at the time of application. Permits as described in subsection (b) shall be issued only to the following persons, partnerships or corporations based on qualifying criteria described in this subsection. Transferable permits shall be issued to owners where the vessel meets the specified initial issuance criteria for the class of permit. Non-transferable permits shall be issued only to individuals that meet the specified initial issuance criteria for the class of permit. During initial permit issuance, a permit must be placed only on a vessel that was licensed with a valid Market Squid Vessel Permit or a Market Squid Light Boat Owner's Permit in the 2004-05 permit year, and which must also be the vessel upon which the qualifying catches were made.

(1) Market Squid Vessel Permit~ Transferable.

(A) A Transferable Market Squid Vessel Permit may be issued to an individual, partnership or corporation that is the owner of a commercial fishing vessel with a Market Squid Vessel Permit for the 2004-05 permit year that has been registered with the Department pursuant to Fish and Game Code Section 7881 at the time of application, and

(B) the Market Squid Vessel Permit has not been suspended or revoked, and

(C) the vessel must have made at least 50 landings of market squid from January 1, 2000 through March 31, 2003 as documented by fish landing receipts submitted to the Department in the vessel's name and identification number pursuant to Fish and Game Code Section 8046.

(D) Upon issuance of a transferable Market Squid Vessel Permit, additional squid fishery catch history associated with the vessel may not be used by any individual, partnership or corporation toward qualification for additional permits of any class.

(2) Market Squid Vessel Permit ~ Non-Transferable.

(A) A Non-Transferable Market Squid Vessel Permit may be issued to an individual that is the owner of a commercial fishing vessel with a Market Squid Vessel Permit for the 2004-05 permit year that has been registered with the Department pursuant to Fish and Game Code Section 7881 at the time of application, and

(B) the Market Squid Vessel Permit has not been suspended or revoked, and

(C) pursuant to Fish and Game Code Section 8101, the individual must have been licensed as a California commercial fisherman for at least 20 years at the time of application, and

(D) the individual has made at least 33 landings of market squid from the vessel licensed with a Market Squid Vessel Permit for the 2004-05 permit year as documented by fish landing receipts submitted to the Department in the person's name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, prior to August 27, 2004. Only receipts that demonstrate catch aboard a vessel with a Market Squid Vessel Permit for the 2004-05 permit year that does not already qualify for issuance of a transferable Market Squid Vessel Permit under subsection (c)(1) of this section or a transferable Market Squid Brail Permit under subsection (c)(3) of this section or a transferable Market Squid Light Boat Permit under subsection (c)(5) of this section are valid for consideration.

(E) The Department shall separately identify Non-Transferable Market Squid Vessel Permits issued under this section and those permits shall become null and void upon the death of the permit holder.

(3) Market Squid Brail Permit ~ Transferable.

(A) A Transferable Market Squid Brail Permit may be issued to an individual, partnership, or corporation that is the owner of a commercial fishing vessel that has been registered with the Department pursuant to Fish and Game Code Section 7881 at the time of application, and

(B) have been issued a Market Squid Vessel Permit for the 2004-05 permit year for that vessel that has not been suspended or revoked, and

(C) the vessel must have made at least 10 landings of market squid with brail gear from January 1, 2000 through March 31, 2003 as documented by fish landing receipts submitted to the Department in the vessel's name and identification number pursuant to Fish and Game Code Section 8046.

(D) Upon issuance of a transferable Market Squid Brail Permit, additional squid fishery catch history associated with the vessel may not be used by any individual, partnership or corporation toward qualification for additional permits of any class.

(4) Market Squid Brail Permit ~ Non-Transferable.

(A) A Non-Transferable Market Squid Brail Permit may be issued to an individual that is the owner of a commercial fishing vessel with a Market Squid Vessel Permit for the 2004-05 permit year that has been registered with the Department pursuant to Fish and Game Code Section 7881 at the time of application, and

(B) the Market Squid Vessel Permit has not been suspended or revoked, and

(C) pursuant to Fish and Game Code Section 8101, the individual must have been licensed as a California commercial fisherman for at least 20 years at the time of application, and

(D) the individual has made at least 10 landings of market squid with brail gear from the vessel with a Market Squid Vessel Permit for the 2004-05 permit year as documented by fish landing receipts submitted to the Department in the person's name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, during any one permit year (April 1 through March 31 of the following year) from January 1, 2000 through March 31, 2003. Only receipts that demonstrate catch from a vessel with a Market Squid Vessel Permit for the 2004-05 permit year that does not already qualify for issuance of a transferable Market Squid Vessel Permit under subsection (c)(1) of this section or a transferable Market Squid Brail Permit under subsection (c)(3) of this section or a transferable Market Squid Light Boat Permit under subsection (c)(5) of this section are valid for consideration.

(E) The Department shall separately identify Non-Transferable Market Squid Brail Permits issued under this section and those permits shall become null and void upon the death of the permit holder.

(5) Market Squid Light Boat Permit ~ Transferable.

(A) A Transferable Market Squid Light Boat Permit may be issued to an individual, partnership or

corporation that is the owner of a commercial fishing vessel that has been registered with the Department pursuant to Fish and Game Code Section 7881 at the time of application, and

(B) the individual, partnership or corporation must have been issued a Market Squid Vessel Permit or a Squid Light Boat Owner's Permit for the 2004-05 permit year for use on that vessel that has not been suspended or revoked, and

(C) the individual, partnership or corporation must have submitted to the Department, pursuant to subsection 149(b) and Section 190, Title 14, CCR, at least one market squid light boat logbook form (DFG 149b) with fishing activity dated on or prior to December 31, 2000 for that vessel.

(D) Upon issuance of a transferable Market Squid Light Boat Permit, additional squid fishery light boat activity associated with the vessel may not be used by any individual, partnership or corporation toward qualification for additional permits of any class.

(6) Market Squid Light Boat Permit ~ Non-Transferable.

(A) A Non-Transferable Market Squid Light Boat Permit may be issued to an individual that is the owner of a commercial fishing vessel that has been registered with the Department pursuant to Fish and Game Code Section 7881 at the time of application, and

(B) the individual must have been issued a Market Squid Vessel Permit or a Squid Light Boat Owners Permit for the 2004-05 permit year for use on that vessel that has not been suspended or revoked, and

(C) pursuant to Fish and Game Code Section 8101, the individual must have been licensed as a California commercial fisherman for at least 20 years at the time of application, and

(D) the individual must have submitted to the Department, pursuant to subsection 149(b) and Section 190, Title 14, CCR, at least one market squid light boat logbook form (DFG 149b) with fishing activity dated from January 1, 2001 through August 27, 2004 for that vessel. Only logbook forms from a vessel with a Market Squid Vessel Permit or a Squid Light Boat Owners Permit for the 2004-05 permit year that has not already qualified for issuance of a transferable Market Squid Vessel Permit under subsection (c)(1) of this section or a transferable Market Squid Brail Permit under subsection (c)(3) of this section or a transferable Market Squid Light Boat Permit under subsection (c)(5) of this section are valid for consideration.

(E) The Department shall separately identify Non-Transferable Market Squid Light Boat Permits issued under this section and those permits shall become null and void upon the death of the permit holder.

(7) Non-Transferable Market Squid Vessel Permits, Non-Transferable Market Squid Brail Permits, and Non-Transferable Market Squid Light Boat Permits may only be issued to individuals, and shall not be issued to partnerships or corporations, although the permit may be placed on a vessel which is owned by a partnership or corporation.

(d) Application Deadlines for Initial Permit Issuance.

(1) All applications [FG 1315 (Rev. 11/05), incorporated by reference herein] and permit fees for initial issuance of Market Squid Vessel Permits, Market Squid Brail Permits, and Transferable Market Squid Light Boat Permits must be received by the Department, or, if mailed, postmarked on or before June 30, 2005. Applications and permit fees for initial issuance of Market Squid Vessel Permits, Market Squid Brail Permits, and Transferable Market Squid Light Boat Permits received by the Department, or, if mailed, postmarked from July 1 through July 31, 2005 will be assessed a $250 late fee, notwithstanding Fish and Game Code Section 7852.2. Applications and permit fees for initial issuance of Market Squid Vessel Permits, Market Squid Brail Permits, and Transferable Market Squid Light Boat Permits received by the Department or postmarked after July 31, 2005 will be denied by the Department and returned to the applicant.

(2) All applications [FG 1319 (New 12/06), incorporated by reference herein] and permit fees for initial issuance of Non-Transferable Market Squid Light Boat Permits must be received by the Department at the address specified on the application, or, if mailed, postmarked on or before June 30, 2007. Applications and permit fees for initial issuance of Non-Transferable Market Squid Light Boat Permits received by the Department, or, if mailed, postmarked from July 1 through July 31, 2007 will be assessed a $250 late fee, notwithstanding Fish and Game Code Section 7852.2. Applications and permit fees for initial issuance of Non-Transferable Market Squid Light Boat Permits received by the Department or postmarked after July 31, 2007 will be denied by the Department and returned to the applicant.

(e) Initial Issuance Appeals. Any applicant who is denied initial issuance of a Market Squid Vessel Permit, Market Squid Brail Permit, or a Market Squid Light Boat Permit by the Department pursuant to subsection (c) may appeal that denial to the Commission in writing, describing the basis for the appeal. The appeal shall be received by the Commission or, if mailed, postmarked within 60 days of the Department's denial.

(f) Annual Permit Renewal.

(1) On and after April 1, 2006, Market Squid Vessel Permits, Market Squid Brail Permits and Transferable Market Squid Light Boat Permits will be issued annually by the Department only to those persons who have held the same class of permit in the immediately preceding permit year.

(2) On and after April 1, 2008, Non-Transferable Market Squid Light Boat Permits will be issued annually by the Department only to those persons who held such permits in the immediately preceding permit year.

(3) Upon the death of the individual to whom a Non-Transferable Market Squid Vessel Permit,Non-Transferable Market Squid Brail Permit, or Non-Transferable Market Squid Light Boat Permit is issued, the permit shall be considered null and void and permit renewal criteria specified in this subsection shall not apply.

(g) Application Deadlines for Annual Permit Renewal. All applications [FG 1315 (Rev. 11/05), incorporated by reference herein], and permit fees for renewal of Market Squid Vessel Permits, Market Squid Brail Permits, and Market Squid Light Boat Permits must be received by the Department at the address specified on the application, or, if mailed, postmarked on or before April 30 of each permit year. Applications and permit fees for renewal of Market Squid Vessel Permits, Market Squid Brail Permits, and Market Squid Light Boat Permits received by the Department, or, if mailed, postmarked from May 1 through May 31 of each permit year will be assessed a $250 late fee, notwithstanding Fish and Game Code Section 7852.2. Applications and permit fees for renewal of Market Squid Vessel Permits, Market Squid Brail Permits, and Market Squid Light Boat Permits received by the Department or postmarked after May 31 of each permit year will be denied by the Department and returned to the applicant.

(h) Renewal Appeals. Any applicant who is denied renewal of a Market Squid Vessel Permit, Market Squid Brail Permit, or a Market Squid Light Boat Permit may appeal the denial to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked no later than March 31 following the permit year in which the applicant last held a valid Market Squid Vessel Permit, Market Squid Brail Permit, or a Market Squid Light Boat Permit. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's written decision.

(i) Permit, Transfer and Upgrade Fees.

(1) The Department shall charge an annual fee for a permit of each permit class as follows:

(A) Market Squid Vessel Permit ~ Transferable ~ $2,101.25.

(B) Market Squid Vessel Permit ~ Non-Transferable ~ $1,050.50.

(C) Market Squid Brail Permit ~ Transferable ~ $2,101.25.

(D) Market Squid Brail Permit ~ Non-Transferable ~ $1,050.50.

(E) Market Squid Light Boat Permit ~ Transferable ~ $630.25.

(F) Market Squid Light Boat Permit ~ Non-Transferable ~ see Section 699, Title 14, CCR, for the permit fee.

(2) The Department shall charge a non-refundable fee of five hundred dollars ($500) for each permit transfer. If more than one permit is involved in the transfer based on provisions defined in subsection (o), a total of five hundred dollars ($500) dollars shall be charged for the transaction.

(3) The Department shall charge a non-refundable fee of one thousand five hundred dollars ($1,500) for each Market Squid Brail Permit Upgrade based on provisions defined in subsection (q).

(j) Permit Revocation, Suspension or Cancellation.

(1) Pursuant to Fish and Game Code Section 1052(b), a Market Squid Vessel Permit, Market Squid Brail Permit, or a Market Squid Light Boat Permit shall be revoked if false information is provided by the permittee to obtain or maintain the permit.

(2) A Market Squid Vessel Permit, Market Squid Brail Permit, or a Market Squid Light Boat Permit may be suspended, revoked, or cancelled by the Commission upon conviction of a violation of regulations contained in Section 149, Title 14, CCR, or violation of the terms and conditions of the permit.

(k) Dissolution of Partnership or Corporation. If a transferable Market Squid Vessel Permit, Market Squid Brail Permit, or Market Squid Light Boat Permit is issued for a vessel that is owned by a bona fide partnership or corporation which becomes dissolved, the partnership or corporation shall notify the Department of the name of the partner or shareholder who is the successor permit holder and the Department shall reissue the permit to that partner or shareholder. Change of vessel ownership provisions defined in subsection

(l) and transfer fees in subsection (i)(2) apply.

(l) Change of Vessel Ownership.

(1) If a transferable Market Squid Vessel Permit, Market Squid Brail Permit, or Market Squid Light Boat Permit is issued for a vessel that is owned by an individual or by a bona fide partnership or corporation, and the individual, bona fide partnership, or corporation transfers the title of ownership of the vessel to another entity, the original entity to which the permit is issued must notify the Department of the change in ownership, and submit a non-refundable transfer fee of five hundred dollars ($500).

(2) Upon payment of fees, and surrender to the Department of the original permit or permits, the Department shall issue the applicable permit to the new owner of the vessel that is valid for the remainder of the fishing season. Gross tonnage endorsement provisions defined in subsection (n) below shall apply.

(3) Non-Transferable Market Squid Vessel Permits, Non-Transferable Market Squid Brail Permits and Non-Transferable Market Squid Light Boat Permits which are issued to individuals shall not be transferred to a new owner. Sale or transfer of ownership of a vessel that is authorized to fish under a non-transferable market squid permit shall render the permit null and void.

(m) Capacity Goals.

(1) The capacity goal for transferable and non-transferable Market Squid Vessel Permits is 55.

(2) The capacity goal for transferable and non-transferable Market Squid Brail Permits is 18.

(3) The capacity goal for transferable and non-transferable Market Squid Light Boat Permits is 34.

(4) Should the number of Market Squid Vessel Permits, Market Squid Brail Permits, or Market Squid Light Boat Permits issued by the Department fall below the capacity goal for that permit class, the Commission may prescribe criteria for issuance of additional permits of that class, which may include but is not limited to previous issuance of market squid vessel, brail or light boat permits, market squid catch or market squid logbook histories.

(n) Gross Tonnage Endorsement. Each Market Squid Vessel Permit or Market Squid Brail Permit shall be endorsed with the gross tonnage at the time of initial issuance. Any vessel owner transferring a Market Squid Vessel Permit or Market Squid Brail Permit shall also provide gross tonnage information for the replacement vessel as described below.

(1) The gross tonnage shall be determined as follows:

(A) If the owner of the vessel holds a Federal Coastal Pelagic Species Permit issued by the National Marine Fisheries Service for that vessel, the owner of the vessel shall submit a copy of the vessel owner's current valid Federal Coastal Pelagic Species Permit with the vessel's endorsed gross tonnage.

(B) If the owner of the vessel does not hold a Federal Coastal Pelagic Species Permit for the vessel, the gross tonnage will be determined by multiplying the length (L), breadth (B), and depth (D) of the vessel by 0.0067. Records of length, breadth, and depth used for determining gross tonnage will be those recorded on the vessel's United States Coast Guard documentation paper.

(2) The gross tonnage endorsement will remain in effect for the lifetime of each permit, regardless of the gross tonnage of a vessel to which it was transferred.

(3) In cases where a permit is transferred to a vessel with a smaller gross tonnage, the original gross tonnage endorsement will remain, and excess gross tonnage cannot be split out from the original permit endorsement for any purpose.

(4) In cases where two or more permits are transferred to a replacement vessel pursuant to guidelines in subsection (o), the replacement vessel shall be issued a transferable permit which reflects a gross tonnage endorsement which is recorded as either the sum of the gross tonnage endorsements from the original vessels, or the gross tonnage of the replacement vessel, whichever of the two values is less.

(o) Transfer of Permits to Replacement Vessels.

(1) Conditions for permit transferability as defined in this subsection shall provide the mechanism for achieving the capacity goals defined in subsection (m) of this Section over time.

(2) Definitions of Comparable Capacity.

(A) For purposes of permit transferability described in this subsection, two vessels are of comparable capacity if the gross tonnage, as defined in subsection (n) of this Section, of the replacement vessel is not in excess of ten percent greater than the gross tonnage of the originally permitted vessel [the replacement vessel's gross tonnage must be less than (the gross tonnage of the original vessel) plus (0.1 multiplied by the gross tonnage of the original vessel)].

(B) A replacement vessel shall be considered of comparable capacity in cases of permit transfers where the gross tonnage of the original vessel exceeds the gross tonnage of the replacement vessel by any amount. Gross tonnage endorsement provisions for the replacement vessel defined in subsection (n) shall apply.

(3) After August 31, 2005 the following conditions for transferability of permits to replacement vessels will be in effect for permits in each class as described:

(A) The owner of a vessel with a valid Transferable Market Squid Vessel Permit may transfer the permit to another person who is the owner of a replacement commercial fishing vessel of comparable capacity as defined in this subsection.

(B) If transfer is sought of a Transferable Market Squid Vessel Permit for a replacement commercial fishing vessel which is not of comparable capacity as defined in this subsection, one additional valid Transferable Market Squid Vessel Permit shall be transferred and surrendered to the Department at the time of the transfer. Market Squid Vessel Permit transfers are not authorized in cases where the gross tonnage of the replacement vessel is not of comparable capacity to the sum of the gross tonnages of the two original vessels as defined above.

(C) A Transferable Market Squid Brail Permit issued to an individual, partnership or corporation may be transferred to another entity who is the owner of a replacement commercial fishing vessel of comparable capacity as defined in this subsection.

(D) A Transferable Market Squid Light Boat Permit issued to an individual, partnership or corporation may be transferred to another entity who is the owner of a replacement commercial fishing vessel.

(E) In the event of death of the holder of a Transferable Market Squid Vessel Permit, Transferable Market Squid Brail Permit, or a Transferable Market Squid Light Boat Permit, the estate must apply for transfer of the permit to another entity within one year of the permitholder's death.

(F) A Non-Transferable Market Squid Vessel Permit or a Non-Transferable Market Squid Brail Permit issued to an individual may not be transferred to another entity, but in the event the permitted vessel is lost, stolen or destroyed, or has suffered a major mechanical breakdown, the permit may be placed on a replacement vessel of comparable capacity as defined in subsection (m). A Non-Transferable Market Squid Light Boat Permit issued to an individual may not be transferred to another entity, but in the event the permitted vessel is lost, stolen or destroyed, or has suffered a major mechanical breakdown, the permit may be placed on a replacement vessel. A notarized, written request for transfer must be submitted, along with proof that the permitted vessel is lost, stolen, or destroyed in the form of a copy of the report filed with the United States Coast Guard or any other law enforcement agency or fire Department investigating the loss. In the case of mechanical breakdown, the request shall include an estimate of the costs to repair the vessel from a marine surveyor or boat repair yard. The Department shall not issue a permit for a replacement vessel pursuant to this subsection if the permitted vessel was reported lost, stolen, destroyed, or damaged for fraudulent purposes.

(4) The applicant for transfer must be the owner of a replacement commercial fishing vessel that has been registered with the Department pursuant to Fish and Game Code Section 7881 at the time of application.

(5) A written request for transfer of a market squid permit of any class shall be submitted to the Department by the owner of the replacement vessel in the form of a notarized letter, accompanied by the nonrefundable transfer fee and shall include a copy of the permit or permits which are being considered for transfer, current proof of vessel ownership, and gross tonnage information as described in subsection (n), if applicable.

(6) Any market squid permit holder intending to transfer a permit shall submit a notarized letter to the Department setting forth the conditions of the sale, and shall specify that the terms of the transfer as documented by the replacement vessel owner are valid and true.

(7) Upon determining that the applicant is qualified to transfer the permit to a replacement vessel, payment of all fees, and surrender to the Department of the original permit or permits, the Department shall issue the applicable permit to the owner of the replacement vessel that is valid for the remainder of the fishing season. Gross tonnage endorsement provisions defined in subsection (n) above shall apply.

(8) At the time the permit transfer is complete, vessels previously authorized to fish under conditions of a surrendered permit shall not take or attract squid for commercial purposes unless otherwise authorized in regulation or statute.

(p) Transfer Appeals. Any applicant who is denied transfer of a Market Squid Vessel Permit, Market Squid Brail Permit, or a Market Squid Light Boat Permit may appeal the denial to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked within 60 days of the date of the Department's denial. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's written decision.

(q) Market Squid Brail Permit Upgrade. Purchase

of a Transferable Market Squid Brail Permit by a permittee who holds a Transferable Market Squid Light Boat Permit may occur with surrender of a Transferable Market Squid Light Boat Permit. Non-Transferable Light Boat Permits are not eligible for upgrade.

(1) An application for upgrade to a Market Squid Brail Permit shall be submitted to the Department by a Transferable Market Squid Light Boat permittee in the form of a notarized letter, and shall include a copy of the permit which is being sought for surrender, current proof of vessel ownership, and gross tonnage information as described in subsection (n).

(2) Upon determining that the applicant is qualified to upgrade the permit, payment of all permit and upgrade fees, and surrender to the Department of the original permit, the Department shall issue the replacement permit that is valid for the remainder of the fishing season. Gross tonnage endorsement provisions defined in subsection (n) above shall apply.

(r) Market Squid Brail Permit Upgrade Appeals. Any applicant who is denied upgrade of a Transferable Market Squid Light Boat Permit to a Transferable Market Squid Brail Permit may appeal the denial to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked within 60 days of the date of the Department's denial. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Commission within 60 days of the date of the Department's written decision.

§149.3 Experimental Market Squid Vessel Permits

(a) The Commission may issue 3 Non-Transferable Market Squid Vessel Permits as described in Section 149.1 to any individual for placement on any vessel for purposes of developing a squid fishery in areas previously not utilized for squid production.

(b) Excepting initial issuance provisions defined in subsection 149.1(c), terms and conditions of Section 149.1 apply in entirety to permits issued pursuant to this Section.

(c) Individuals issued permits pursuant to this Section are subject to all commercial squid fishing regulations defined in Section 149, Title 14, CCR.

(d) Market Squid Vessel Permits issued pursuant to this Section may be suspended, revoked, or canceled by the Commission upon conviction of a violation of regulations contained in Section 149, Title 14, CCR, or violation of the terms and conditions of the permit.

FGC Excerpts

§8399.1. Illegal activities relating to the taking of squid in District 10.

(a) In District 10, it is unlawful to engage in the following activities:

(1) Attract squid by a light displayed from any vessel, except a vessel deploying nets for the take, possession, and landing of squid or from the seine skiff of the vessel deploying nets for the take, possession, and landing of squid.

(2) Attract squid by a light displayed from any vessel whose primary purpose is not the deployment, or assisting in the deployment, of nets for the take, possession, and landing of squid.

(3) To encircle any vessel, other than by the seine skiff of a vessel deploying nets for the take, possession, and landing of squid, while that vessel is engaged in the taking of squid.

(b) For purposes of this section, "seine skiff" means a vessel that is not licensed by the federal government or registered by the Department of Motor Vehicles, that is used to assist a larger federally-licensed or state-registered fishing vessel by assisting in the deployment and retrieval of nets and the landing of fish, and that travels with that larger fishing vessel at all times, that is used solely at the direction of the operator of the larger fishing vessel, and that is owned by the owner of the larger fishing vessel.

§8424. Purchase of Squid; Weighmaster Required.

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

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

§8425. Annual Hearings; Commission to Adopt Regulations.

(a) On or before December 31, 2002, the Commission, after consideration of the report and recommendations prepared by the Department pursuant to subdivision (c) of Section 8426, and, after public hearings, shall adopt a market squid fishery management plan and regulations to protect the squid resource and manage the squid fishery at a level that sustains healthy squid populations, taking into account the level of fishing effort and ecological factors, including, but not limited to, the species' role in the marine ecosystem and oceanic conditions. The management plan shall be consistent with the requirements of Part 1.7 (commencing with Section 7050). Development of the plan shall be coordinated with the federal Coastal Pelagic Species Fishery Management Plan.

(b) On and after January 1, 2002, the Commission shall manage the squid fishery in accordance with the requirements of Part 1.7 (commencing with Section 7050).

§8428. Limit on expenditure of funds collected.

Commencing April 1, 2004, and annually thereafter, the fees for a commercial market squid vessel permit and for a commercial squid light boat owner's permit shall be established by the Commission. The total amount of fees collected pursuant to this section, including any revenue derived from any other appropriate source, as determined and allocated by the Commission, shall not exceed the Department's and the Commission's costs for managing the market squid fishery pursuant to Section 8425. The fees collected pursuant to this article shall be used only for the management of the market squid fishery pursuant to Section 8425.

§8429. Statements to be made under penalty of perjury.

Any statement made to the Department, orally or in writing, relating to a permit issued under this article, shall be made under penalty of perjury. The Commission shall revoke the commercial fishing license, the commercial boat registration of any vessel, and, if applicable, any licenses issued pursuant to Section 8032, 8033, or 8034 that are held by any person submitting material false statements, as determined by the Commission, for the purpose of obtaining a commercial market squid vessel permit or a commercial light boat owner's permit.

§8429.5. Authority of director.

Notwithstanding any other provision of law, nothing in this article shall prohibit or otherwise limit the authority of the director or the Commission under any other law.

§8757. Use in Districts 19, 19B, and 20; Possession of Dead Fish

Notwithstanding Section 8661, and in addition to Sections 8754, 8755, and 8780, round haul nets may be used to take fish in those portions of Districts 19 and 20 that are closed to the use of round haul nets by Sections 8754 and 8755 and in Districts 19A and 19B, but only for use or sale of those fish for live bait and subject to the following restrictions:

(a) In Districts 19A and 19B, round haul nets may not be used within 750 feet of any public pier.

(b) It is unlawful to buy, sell, or possess in any place of business where fish are bought, sold, or processed, any dead fish taken under the authority of this section.

Swordfish

Swordfish permit holders are subject to the provisions of §190, Title 14, of the CCR.

Title 14 Excerpts

§107. Broadbill Swordfish.

(a) Permit Required.

(1) The owner or operator of a vessel taking broadbill swordfish for commercial purposes shall have obtained a valid swordfish permit and shall be in possession of said permit when engaged in such activities.

(2) To Whom Issued. The Department shall issue a permit to the owner or operator of a currently registered vessel. The applicant, if the holder of an expired swordfish permit, shall have complied with subsection 107(e) dealing with records during the preceding year, or during the last year such applicant held a permit, in order to be eligible for a permit.

(b) Limitations of Permit. Not more than one permit shall be issued to any operator. Permits shall not be assigned or transferred from person to person unless so authorized by the Department.

(c) Duration of Permit. Except as otherwise provided, permits issued pursuant to these regulations shall be in force from April 1 through March 31 of the following year, or if issued after the beginning of such term, for the remainder thereof.

(d) Vessel Identification. Permittees vessel shall display its assigned permit number in 10" high x 2" wide black Roman alphabet letters and Arabic numerals. Figures shall be black on a white background on both sides of the superstructure of the vessel. Numbers shall be displayed at all times while operating under a swordfish permit.

(e) Records. Pursuant to Section 190 of these regulations, each permittee shall complete and submit an accurate record of all swordfishing activities

on a form (Swordfish Harpoon Log, DFG 107 (10/89)) provided by the Department.

(f) Conditions of Permit. Provisions of the Fish and Game Code relating to commercial fish except as modified by the provisions of these regulations, shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction or control.

(g) Cost of Permit. See Section 8394.5 of the Fish and Game Code.

(h) Methods of Take.

(1) Swordfish may be taken only with hand-held hook and line or handthrusted harpoon.

(2) Aircraft may be used to directly assist a permittee or any person in the taking of any species of fish while operating under a swordfish permit. Only aircraft with current FAA registration which are registered with the Department pursuant to Section 7881, Fish and Game Code, and aircraft pilots licensed pursuant to Section 7850, Fish and Game Code, may conduct flights for permittees. Such aircraft shall display the letters "SW" on the underside of each wing in block Roman alphabet at least 24 inches high x 3 inches wide, black in color and on a white background.

(i) Notification Procedure. The Department shall notify permittees if the director, pursuant to section 8577 of the Fish and Game Code, closes the swordfish harpoon fishery or any area where the fishery is conducted. The Department shall notify permittees by certified mail and by public announcement on VHF/Channel 16 between 0800 hours and 1000 hours during normal business days. Radio transmissions shall commence 48 hours prior to the effective date of a closure and shall continue for 24 hours after the effective date of such action. It shall be the responsibility of the permittee to daily monitor the named radio channel during the specified hours.

(j) Revocation of Permits. Any permit may be revoked and canceled by the Commission upon breach or violation of any fish and game law or regulation or violation of the terms or conditions of the permit by the holders thereof, their agents, servants, employees or those acting under their direction and control.

§107.1. Possession of Gill Nets by Swordfish Permittees.

(a) Except as provided in subsection (b), any person operating under the authority of a swordfish permit as specified in Section 107 of these regulations may not possess a gill net aboard a swordfish permit vessel, except that set gill nets may be possessed, provided that the intent to use such gear has been declared on the application for a swordfish permit.

(b) Drift gill nets may be possessed onboard a swordfish permit vessel and used by a swordfish permittee who also possesses a valid permit which authorizes the use of a drift gill net to take swordfish.

FGC Excerpts

§8394. Swordfish permit.

Swordfish shall not be taken, possessed aboard a boat, or landed by a person for commercial purposes except under a valid swordfish permit. At least one person aboard the boat shall have a swordfish permit issued to that person that has not been revoked or suspended, subject to regulations adopted by the Commission.

§8394.5. Swordfish permit fee.

The fee for the permit issued pursuant to Section 8394 is three hundred thirty dollars ($330). This permit fee does not apply to the holder of a valid drift gill net shark and swordfish permit required under Article 16 (commencing with Section 8560) of Chapter 2.

Tanner Crab

Title 14 Excerpts

§126. Commercial Take of Tanner Crab.

(a) Permit Required for Take and Possession Using Trap Gear. Any vessel using traps to take, possess aboard a vessel, or land Tanner crab (Chionoecetes spp.) for commercial purposes shall have a valid Tanner Crab Trap Vessel Permit. Tanner crab taken incidentally in other trap fisheries may not be possessed and must be immediately returned to the water unless the vessel is issued a Tanner Crab Trap Vessel Permit. A Tanner Crab Trap Vessel Permit is not required to incidentally take, possess or land Tanner crab with gear other than trap gear. For purposes of this Section, the term "Tanner crab" includes all species of the genus Chionoecetes.

(1) Permit Issuance Provisions.

(A) An applicant is eligible to purchase a Tanner Crab Trap Vessel Permit for placement on a vessel if the following conditions are met:

(1) The vessel must be issued a valid commercial boat registration pursuant to Fish and Game Code Section 7881.

(2) The applicant must hold a valid commercial fishing license issued pursuant to Fish and Game Code Section 7850.

(3) The applicant must submit a Tanner Crab Trap Vessel Permit application form DFG 1439 (9/05), which is incorporated by reference herein, and the permit fee specified in subsection (a)(2).

(B) There are no deadlines or late fees for purchase of a Tanner Crab Trap Vessel Permit. The sale of Tanner Crab Trap Vessel Permits is not restricted and therefore permits are not subject to renewal requirements.

(2) Permit Fee. The Department shall charge a fee of $10,000 for a Tanner Crab Trap Vessel Permit that is valid from April 1 through March 31.

(3) Other Permits Required,

(A) Any person who operates or assists on any vessel for purposes of taking, transporting or landing Tanner crab under authority of a Tanner Crab Trap Vessel Permit shall possess a valid commercial fishing license issued pursuant to Fish and Game Code Section 7850, unless expressly exempted by that Section.

(B) Any person operating under authority of Fish and Game Code Section 7850 who operates or assists on any vessel when trap gear is aboard for purposes of taking, transporting or landing Tanner crab under authority of a Tanner Crab Trap Vessel Permit shall also possess a valid General Trap Permit issued pursuant to Fish and Game Code Section 9001.

(4) Tanner Crab Trap Construction Requirements, Specifications, and Limits.

(A) State Trapping Requirements. As a condition of this permit, Tanner crab traps and commercial Tanner crab trap fishing activities are subject to statutes and regulations that define and specify the following general trap requirements: trap logbooks and submission requirements, trap destruction devices, disturbing traps of another, trap servicing intervals not to exceed 96 hours, trap marker buoys, and other trap and buoy identification requirements. These statutes and regulations are defined in Fish and Game Code sections 9001, 9002, 9003, 9004, 9005, 9006, 9007, and 9008, and sections 180, 180.2, 180.5, and 190, Title 14, CCR.

(B) Trap Construction and Dimensional Requirements.

1. Escape Ports. Every Tanner crab trap shall have at least three openings of at least 4.5 inches in diameter in the side or upper panels of the trap to allow for escapement of undersized crab. The 4.5-inch measurement of the opening shall be taken at its smallest inside diameter. The openings may be constructed with a rigid opening such as a ring or as part of a mesh panel. At the time of measurement, the trap shall be set upright as if it were in use. If the opening is non-rigid or contained within pliable mesh, the smallest inside diameter measurement shall be taken so that a rigid cylindrical measuring device 4.5 inches in its outside diameter and at least three inches in length shall be able to pass easily through the opening.

2. Trap Dimensional Requirements. Tanner crab traps must not be more than 10 feet long and not more than 10 feet wide and not more than 42 inches high, as measured by the greatest distance in each dimension.

(C) Trap Destruction Devices. Traps utilized under authority of a Tanner Crab Trap Vessel Permit must contain a trap destruction device meeting the requirements for Tanner crab traps specified in Section 180.2, Title 14, CCR.

(D) Prohibition on Pop-Ups. Timed buoy release mechanisms capable of submerging a buoy attached to a trap, commonly known as "pop-ups," shall not be used on buoy lines attached to Tanner crab traps, and shall not be possessed by any commercial vessel while taking, attempting to take, or possessing Tanner crabs.

(E) Depth Requirement. Tanner crab traps shall only be placed or otherwise used in water depths greater than 300 fathoms.

(F) Vessel Buoy Marking Requirement. In addition to the trap and buoy marking requirements specified in Fish and Game Code section 9006 and 9007, every string of traps shall be marked with a buoy on each end of the string that is marked with the vessel's commercial boat registration number issued by the Department pursuant to Fish and Game Code Section 7881. A vessel fishing under authority of a Tanner Crab Trap Vessel Permit may only take, possess aboard a vessel, transport, deliver, or land Tanner crab from traps marked with the vessel's own registration number. The vessel's registration number on each buoy shall be preceded by the letters "TC." The numbers and letters shall be in a color which contrasts with the color of the buoy. A line thickness no less than 1/8 inch shall be used to create letters and numbers which shall be no less than two (2) inches in height and no less than one (1) inch in greatest width. The permit holder shall maintain the buoys so that the registration numbers and the letters "TC" are legible and easily determined.

(G) Disturbing Traps Prohibited. It is unlawful to willfully or recklessly disturb, move or damage any trap or attachment thereof that belongs to another owner and that is marked with a vessel

registration number and the letters "TC." However, a person aboard a permitted vessel may pull or raise a trap marked with a buoy bearing a vessel registration number and the letters "TC" other than his own, but must have written permission in his or her immediate possession from the permittee whose vessel registration number is marked on the buoy. This subsection does not apply to employees of the Department while engaged in the performance of official duties. Employees of the Department may disclose the name, address, and registration number of Tanner Crab Trap Vessel permittees to representatives of public safety agencies to assist in the return of traps and attachments to their proper owners. This subsection does not create any duty on any state or local agency to remove or move a trap, line, or buoy that may endanger the public safety and does not create any liability to Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code.

(H) Trap and String Limits. No more than 480 traps may be submerged or otherwise used per permitted vessel. Not more than six strings with not more than 80 traps per string shall be submerged or otherwise used. All traps must be fished on a string of traps. For purposes of this Section, "string" means individual traps that are connected by line or other means.

(5) Processing at Sea. Vessels may process crabs at sea and land them in a condition other than whole pursuant to the requirements of this Section.

(A) For purposes of this Section, the term "processing" shall not be equated to the term or activity of "Process fish" as defined in Fish and Game Code Section 8031.

(B) If Tanner crab is not landed in the round, the whole-weight conversion factor that shall be applied is 1.61. At the time the landing receipt is completed pursuant to Fish and Game Code Section 8043, the processed weight shall be recorded in the "Pounds" section and the converted whole weight, in pounds, shall be recorded in the space marked "Note Pad" on the landing receipt.

(C) For purposes of landing tax payments as required and specified by Fish and Game Code sections 8041 and 8051, for Tanner crab landed in processed condition, tax payments shall be computed and paid based on the converted whole weight.

(6) Cumulative Vessel Trip Limits.

(A) A cumulative trip limit is the total number of pounds of Tanner crab that may be taken and retained, possessed, or landed by a vessel in a two-month period without a limit on the number of landings or trips. The cumulative trip limit per vessel per designated two-month limit period is 250,000 pounds of whole crab. For purposes of calculating catch against a cumulative vessel trip limit, all landings of processed crab shall be converted to the whole-weight equivalent as described in subsection (a)(5)(B).

(B) Cumulative trip limit periods start at 0001 hours local time, end at 2400 hours local time, and are in two month periods as follows:

1. January 1 through the last day of February,
2. March 1-April 30,
3. May 1-June 30,
4. July 1-August 31,
5. September 1-October 31,
6. November 1-December 31.

(C) All landings made in a vessel's registration number listed on landing receipts submitted to the Department pursuant to Fish and Game Code Section 8043 count toward the cumulative trip limit for the two month period that corresponds to the date on the receipt. Such receipts must accurately record the weight of Tanner crab landed.

(D) Copies of all landing receipts which document the catch of Tanner crab shall be kept onboard the fishing vessel throughout, and for 15 days following, each period for which cumulative landings by individual vessels are limited.

(E) When the seasonal catch limit defined in subsection (b) is reached and action to close the fishery is taken, cumulative trip limits defined in this subsection become inoperative.

(7) Incidental Landings and Allowances.

(A) No more than five percent of the total possessed or landed catch by weight may be comprised of invertebrates other than Tanner crab. All crab and other invertebrates taken in Tanner crab traps, except for crab of the genus Cancer (including but not limited to Dungeness crab and rock crab) may be landed and sold incidentally under authority of a Tanner Crab Trap Vessel Permit.

(B) All finfish taken in Tanner crab traps, with the exception of sablefish, shall immediately be returned to the water. Sablefish may be landed if authorized pursuant to Federal groundfish regulations.

(C) No invertebrates or finfish taken in Tanner crab traps may be used as bait.

(8) Observer Requirements and Cooperation with Observer Programs.

(A) Each permittee is required to carry an observer onboard to gather biological, fishery and bycatch information during Tanner crab fishery operations according to the specifications defined in this subsection. The permittee shall contract with either a National Marine Fisheries Service (NMFS)-certified observer provider firm, or a private individual who is certified either as a NMFS observer or as a crab observer by the Alaska Department of Fish and Game. The Tanner Crab Trap Vessel permittee shall be liable for a violation of any terms or conditions of this subsection.

1. Prior to contracting, the permittee is required to acquire Department approval of the selected provider firm or private individual. The Department shall review the qualifications of the observer with whom the vessel wishes to contract with, and may reject the individual or firm. Request for Department approval shall be directed to the Department's Marine Region Regional Manager or his or her designee, and must be sought by phone at (562) 342-7108, and in writing to the Department's office at 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720. Requests for approval must be made at least 60 days prior to the planned commencement of fishing activity. At the time the request is made, the permittee must also notify the Department of the anticipated start date of fishing activity.
2. As a condition of the contract, the observer shall collect biological and fishery data according to the Department's onboard data collection protocol. The permittee is required to ensure that while aboard, the observer is gathering data at all times when the vessel is engaged in fishing activity. Data collected by the observer shall include, but is not limited to, information on catch, incidental take, sex ratio, size, weight, discards, vessel position and depth, trap soak time, number of traps set and pulled, observation reports and other documentation. The Department's onboard data collection protocol is comparable to federal fishery observer programs.
3. The Department will provide all necessary sampling materials, equipment and a computer to the selected provider firm or individual for the observer's use aboard the vessel. The permittee shall ensure that the sampling materials, equipment and computer are returned to the Department following completion of the observer's duties. Observer safety equipment needs and safety specifications shall be arranged by the permittee with the selected provider firm or private individual, and shall not be the responsibility of the Department.
4. The contract between the permittee and the selected provider firm or private individual shall specify that data collected aboard the vessel shall be the property of the Department.
5. The permittee shall ensure that all data collected or reported by the observer shall be delivered to the Department office at 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720 on or before the 10th day of each month following the month to which the observer's records pertain. Observer records that are mailed shall be postmarked on or before the 10th day of each month following the month to which the records pertain.
6. The permittee shall ensure that the data and all reports and documentation are collected by the observer on paper data sheets, entered into a computer provided by the Department, and provided to the Department in electronic format according to the submission procedures described in this subsection. Paper data sheets used onboard the vessel shall be included with the electronic data submitted to the Department.

(B) As a condition of a Tanner Crab Trap Vessel Permit, the permittee is required to have an observer onboard at the time the vessel's fishing activity commences each fishing season, and during all fishing operations that occur over the sixty consecutive days that follow. A vessel's fishing activity commences at the time that a trap is deployed for purposes of commercially harvesting Tanner crab.

(C) All vessels and persons operating under authority of a Tanner Crab Trap Vessel Permit are subject to provisions of Section 105.5, Title 14, CCR. The crew must allow personnel designated by the Department to board any commercial fishing vessel, conveyance, or other mechanical device used under authority of a Tanner Crab Trap Vessel Permit, to observe or inspect equipment, procedures, crabs, other invertebrates or fish.

(9) Permit Revocation and Violations.

(A) Pursuant to Fish and Game Code subsection 1052(b), a Tanner Crab Trap Vessel Permit shall be revoked if the applicant or permittee submits false information for the purposes of obtaining a permit.

(B) Any Tanner Crab Trap Vessel Permit may be suspended, revoked or cancelled by the Commission upon notice by the Department of a violation by a permit holder, or any person acting under authority of his or her permit, of Fish and Game Code sections 9001, 9002, 9003, 9004, 9005, 9006, 9007, and 9008, sections 105.5, 180, 180.2, 180.5, and 190, Title 14, CCR, the regulations of this Section, or other provisions of the Fish and Game Code or regulations of the Fish and Game Commission relating to crabs, traps, and times or areas closed to fishing.

(C) The Tanner Crab Trap Vessel Permit holder shall be liable for any violations committed by him or her of Fish and Game Code sections 9001, 9002, 9003, 9004, 9005, 9006, 9007, and

9008, sections 105.5, 180, 180.2, 180.5, and 190, Title 14, CCR, the regulations of this Section, or other provisions of the Fish and Game Code or regulations of the Fish and Game Commission relating to crabs, traps, and times or areas closed to fishing. The Tanner Crab Trap Vessel Permit holder shall also be liable for violations committed by any other person operating under the authority of his or her permit. Additionally, any such other person is liable for his or her own violations.

(b) Seasonal Catch Limit. For the period from April 1 through March 31 of the following year, a total of not more than two million pounds of Tanner crab may be landed in California. For purposes of this catch limit, all landings of processed crab shall be converted to the whole-weight equivalent as described in subsection (a)(5)(B).

The directed trap fishery closure shall be implemented as follows:

(1) Mechanism for Fishery Closure. The Department will estimate from the current trends in catch and using available scientific information the time at which the catch limit will be reached. The Department will close the directed trap fishery at the time the catch limit is reached or is projected to be reached prior to the end of the fishing year.

(2) The Department shall give holders of Tanner Crab Trap Vessel Permits described in subsection (a) no less than 10 days notice of the closure via a notification letter sent to the permittee's address on file with the Department. The Department shall give the public and the Commission no less than 10 days notice of the closure via a Department news release.

(3) When the Tanner crab catch limit has been reached, Tanner crab may continue to be taken incidentally in other fisheries where a Tanner Crab Trap Vessel Permit is not required.

(c) Minimum Size Limit. Any species of Tanner crab must have a minimum carapace width of 5 inches measured by the greatest straight-line distance across the carapace at a right angle to a line midway between the eyes to the posterior margin, not including spines. Every person taking Tanner crabs shall carry a measuring device and any Tanner crab that is found to be undersized shall immediately be returned to the water.

(d) Male-Only Fishery. Only male Tanner crabs may be retained and landed. All female Tanner crabs shall immediately be returned to the water.

(e) Prohibition on Use as Bait. Tanner crabs may not be used as bait in any commercial fishery.

(f) Tidal Invertebrate Permits. Tidal Invertebrate Permits issued pursuant to Section 123, Title 14, CCR, are not required for the commercial take of Tanner crab.

Tidal Invertebrate

Sea urchin permit holders are also subject to the provisions of §123, Title 14, of the CCR.

Title 14 Excerpts

§123. Tidal Invertebrates.

Marine invertebrates shall not be taken for commercial purposes in any tide pool or tidal area, including tide flats or other areas between the high tide mark and 1,000 feet beyond the low tide mark of any natural or constructed shoreline, except as otherwise provided in this section. Revocable Tidal Invertebrate Permits may be issued by the Department in accordance with the following regulations:

(a) Qualifications of Permittee. The applicant must be a licensed commercial fisherman. If a vessel is used in taking or transporting tidal invertebrates for commercial purposes, the vessel must be currently registered and all fishermen on the vessel must possess a valid Tidal Invertebrate Permit.

(b) Limitation of Permit. Not more than one permit shall be issued to any one person. Permits shall not be assigned or transferred from person to person.

(c) Duration of Permit. Any Tidal Invertebrate Permit issued pursuant to these regulations shall be valid from April 1 to March 31 of the following year, or, if issued after the beginning of such term for the remainder thereof.

(d) Permit Exemption. Commercial fishermen taking only lobster, sea cucumber, squid, crab or sea urchin need not possess the permit as required in this section but are subject to the provisions of this section and must have the appropriate permits to take such species as required by Fish and Game Code Sections 8254, 8405, 8421, 9001, and 9054, and regulations adopted pursuant thereto.

(e) Provisions of this section do not apply to commercial fishermen taking freshwater clams or crayfish in inland waters.

(f) Permit Conditions.

(1) Under the terms of a Tidal Invertebrate Permit issued pursuant to this section only the following invertebrates may be taken for commercial purposes: barnacles, chiones, clams, cockles, sand crabs, limpets, mussels, sand dollars, octopuses, shrimp, sea hares, starfish, worms, and native oysters subject to the following restrictions.

(A) Marine worms shall not be taken in any mussel bed, nor shall any person pick up, remove, detach from the substrate any other organisms, or breakup, remove, alter or destroy any rock or other substrate or surfaces to which organisms are attached to obtain marine worms.

(B) Clams may only be taken in accordance with restrictions listed pursuant to Fish and Game Code Sections 8340-8343, 8346.

(2) Marine invertebrates may not be taken for commercial purposes in state marine reserves or state marine parks. Commercial take of marine invertebrates may be limited in state marine conservation areas pursuant to specific regulations in subsection 632(b).

FGC Excerpts

§8500. Commercial taking restrictions.

Except as otherwise expressly permitted in this chapter, no mollusks, crustaceans, or other invertebrates may be taken, possessed aboard a boat, or landed for commercial purposes by any person in any tide pool or tidal area, including tide flats or other areas between the high tidemark and 1,000 feet beyond the low tidemark, unless a valid tidal invertebrate permit has been issued to that person that has not been suspended or revoked. The taking, possessing, or landing of mollusks, crustaceans, or other invertebrates pursuant to this section shall be subject to regulations adopted by the Commission.

PROHIBITED SPECIES: Listed on page 5 are species that must not be taken in California waters for commercial purposes, or be possessed unless otherwise authorized.

Trap Permit

Dungeness crab vessel permitholders are also subject to the provisions of §180.2 and 180.5, Title 14, of the CCR, and FGC §9002 through 9012. Lobster operator permitholders are also subject to the provisions of §180.2, Title 14, of the CCR, and FGC §9002 - 9010. Spot prawn vessel permitholders are also subject to the provisions of §180, 180.1, 180.2, 180.3 and 180.5, Title 14, of the CCR.

Title 14 Excerpts

§180. Traps.

Revocable, non-transferable permits to use traps for commercial purposes may be issued by the Department to take fish, mollusks and crustaceans except market crabs (Cancer magister) and lobster under the following conditions:

(a) Permits will include conditions under which traps shall be used to take fish, mollusks or crustaceans. No person shall use any trap except as authorized in a permit. The taking of spot prawns shall be subject to the conditions of this section and section 180.1.

(b) Every person who takes or assists in taking fish, mollusks, or crustaceans with any trap or who possesses or transports fish, mollusks, or crustaceans on any boat, barge, or vessel when any trap is aboard, shall have in his possession a valid permit issued to him pursuant to this section while engaged in any such activity.

(c) The Department may inspect the traps at any time.

(d) Records. Pursuant to section 190 of these regulations, each permittee may be required by the Department to complete and submit an accurate log of the fishing operations on a form (Daily Trap Log, DFG 180A (10/89) or Daily Sablefish Trap Log, DFG 180B (10/89) provided by the Department.

(e) Traps must be marked by buoys as specified by the Department.

(f) All traps must have at least one destruct device of a type authorized by the Department.

(g) The permit may be suspended temporarily by the Director for a breach or violation of the terms of the permit by the holder thereof, or any member of his crew on the designated vessel. In addition, the permit may be temporarily suspended or denied by the Director if he determines that the trap or its operation is detrimental to any of the ocean's living marine resources. The Commission shall be notified of any such suspension, and subsequently may revoke or reinstate the permit or fix the period of its suspension after written notice to the permittee and after he has been afforded an opportunity to be heard. In the event a permit is denied by the Director the applicant may apply to the Commission for an experimental gear permit under Section 8606 of the Fish and Game Code.

(h) The permit number of the boat operator shall be displayed on both sides of the boat in ten-inch black numbers on a white background. All permittees aboard the boat shall be mutually responsible for the proper display of the numbers.

(i) Cost of Permit. The fee for this permit shall be the amount specified in Section 9001, Fish and Game Code.

(j) Exemption from Tidal Invertebrate Permit. A commercial fisherman operating under the provisions of a commercial trap permit and lobster operator permit is not required to possess a Tidal

Invertebrate Permit, but is subject to the provisions of Section 123.

§180.1 Spot Prawn, Pandalus platyceros, Fishing

Spot prawns may only be taken by trap for commercial purposes pursuant to subsection 120.3 of these regulations, or by traps, pursuant to sections 180, 180.2, 180.3, 180.5 and this section.

(a) No trap may be used to take spot prawns from November 1 through January 31, between a line drawn due west from Point Arguello, Santa Barbara County and the United States — Mexico boundary. No trap may be used to take spot prawns from May 1 through July 31 between a line drawn due west from Point Arguello, Santa Barbara County, and the California-Oregon boundary.

(1) Spot prawn traps may be set and baited no earlier than 0600 hours (6:00 a.m.) on January 31 in waters south of a line drawn due west from Point Arguello, and no earlier than 0600 hours (6:00 a.m.) on July 31 in waters north of a line drawn due west from Point Arguello.

(2) In areas in which the season closure begins November 1, all traps must be removed from the water prior to November 1, weather and sea conditions permitting. In areas in which the season closure begins May 1, all traps must be removed from the water prior to May 1, weather and sea conditions permitting. In the event that a permittee is unable to comply with this subdivision, then that person must notify the nearest Department office via telephone or FAX and certified mail not later than 1600 hours (4:00 p.m.) on November 1 or May 1, whichever is applicable, stating the reason for the delay and the anticipated date of trap removal. Notification does not relieve the permittee of responsibility for complying with this subdivision unless approved by the Department.

(3) All spot prawns taken in any trap during the closed season shall be immediately returned to the water and no spot prawn may be possessed aboard, or landed from, any vessel operating under authority of a spot prawn trap permit in any area during the closed season in that area.

(b) All spot prawn traps shall be made of mesh with a minimum inside measurement of 7/8 inch by 7/8 inch, such that a 7/8 inch square peg passes through the mesh without stretching the mesh. (Note: Fathom Plus Traps may be used to take spot prawns.)

(c) Trap Limits.

(1) Tier 1 and Tier 3 trap limits. Not more than 500 traps may be used from any Tier 1 or Tier 3 vessel to take spot prawns except that not more than 300 traps may be used from any Tier 1 or Tier 3 vessel to take spot prawns within three miles of the mainland shore between a line drawn due west from Point Arguello, Santa Barbara County, and the California-Oregon boundary.

(2) Tier 2 trap limits. Not more than 150 traps may be used from any Tier 2 vessel.

(d) Each string of spot prawn traps shall be marked with a buoy bearing the commercial fishing license identification number issued to the owner or operator of the vessel.

§180.2. Trap Destruction Devices.

Pursuant to the provisions of Section 9003 of the Fish and Game Code, every trap used to take finfish, mollusks or crustaceans shall contain at least one destruction device that complies with the specifications described in this Section. The use of any structures or materials that defeat or interfere with the purpose of the destruct device is prohibited.

(a) Escape openings.

(1) Each trap destruct device shall create an unobstructed escape opening in the top or upper half of the trap of at least 5 inches in diameter when the destruct attachment material corrodes or fails, except for traps used under authority of a Tanner Crab Trap Vessel Permit.

(2) Traps used under authority of a Tanner Crab Trap Vessel Permit shall have an unobstructed escape opening in any sidewall or on the top of the trap; the escape opening shall not be on the floor of the trap. The opening shall measure not less than 11 inches taken at its smallest inside diameter. If the opening is non-rigid or contained within pliable mesh, the smallest inside diameter measurement shall be taken so that a rigid cylindrical measuring device 11 inches in its outside diameter and at least 6.5 inches in length shall be able to pass easily through the opening.

(b) The escape opening on each trap must be closed with one of the following destruct attachment materials:

(1) 14 gauge (.080 + or - .003 inch) or smaller metal hog rings excluding stainless steel or other non-corrodible materials;

(2) untreated cotton twine size No. 21-thread or less, except that traps used to take Dungeness, Tanner or rock crabs are limited to a single strand of untreated cotton twine size No. 120 or less;

(3) 24 gauge (.028 + or - .003 inch) or smaller uncoated bare metal crimps excluding stainless steel or other non-corrodible materials;

(4) magnesium pins not larger than one-quarter (.25) inch in diameter which may be used to hold together each half of plastic or fiberglass traps or may be used to attach the lid or door; or

(5) The use of rubber straps attached to metal or plastic hooks with a single loop of untreated cotton twine size No. 120 or less may be used to close the trap provided they are attached in such a manner as to aid the destruct process. The use of any rubber strap or non-corrosive material that defeats or interferes with the purpose of the destruct panel is prohibited.

(c) Notwithstanding subsection (a) above, traps used to take Dungeness crabs, which are constructed of wire mesh, may have not more than a single wire mesh (described as a "V") that protrudes into the destruct device opening provided that mesh extends into the opening a distance of not more than 2 1/2 inches, as measured from the perimeter of the opening along either edge of the protruding wire mesh, to serve as an anchor for the destruct attachment material. On Dungeness crab traps constructed of wire mesh, the panel containing the destruct device and the wire mesh acting as an anchor for the destruct material must be constructed of a single wire no greater than .050 inches in diameter. This subsection shall become operative on July 16, 2006.

§180.4. Finfish Trap Construction.

The entrance funnels of finfish traps used in waters between Point Arguello, Santa Barbara County, and Point Montera, San Mateo County, shall have a rigid inside entrance diameter of not greater than 5.00 inches. Funnels constructed of a readily deformable material such as "chicken wire" and commonly referred to as "pulled" shall have a rigid metal ring of not greater than 5.00 inches in diameter permanently affixed in each entrance funnel.

§180.5. Trap Buoy Identification.

Pursuant to the provisions of Section 9005 of the Fish and Game Code, every trap or string of traps placed in waters of the state to take finfish, mollusks or crustaceans for commercial purposes shall be marked with a buoy. Buoys used to mark any trap or string of traps shall be clearly and distinctly marked with a buoy identification number as required by Section 9006 of the Fish and Game Code. The specified identification number shall be at least one and one-half inches in height and one-quarter inch in width. Each trap marker buoy shall bear the specified number in a color which contrasts with that of the buoy and the number shall be applied so that it is visible and legible.

FGC Excerpts

§8275. Dungeness Crab; Market Crab; Owner; Reconstruction; Rock Crab; Under Construction.

Unless the provision or context otherwise requires, the definitions in this section govern the construction of this article.

(a) "Dungeness crab" or "market crab" means crab of the species Cancer magister.

(b) "Reconstruction" means major work on the hull of a vessel to make that vessel operable in the California crab fishery if that work may reasonably be expected to be of a duration that will preclude operation of that vessel in the crab fishery for the length of the crab season or longer.

(c) "Rock crab" means any crab of the genus Cancer other than Dungeness crab and includes rock crab (Cancer antennarius), red crab (Cancer productus), and yellow crab (Cancer anthonyi).

(d) "Under construction" means having plans and materials and proceeding with work toward the completion of an operational Dungeness crab fishing vessel.

§8281. Possession and Transportation of Crab Meat.

Crab meat and frozen whole crabs or parts thereof, which are taken during the open season, may be possessed, transported, and sold at any time, subject to the regulations of the Commission. The cost of inspection and marking, under the regulations of the Commission, shall be paid by the owner or seller of such crab meat, crabs, or part thereof.

§8282. Taking Rock Crab.

(a) Subject to this article and Article 1 (commencing with Section 9000) of Chapter 4, and subject to the regulation of the Commission authorized under subdivision (c), rock crab may be taken in traps in any waters of the state at any time, except in Districts 9, 19A, 19B, and 21 and those portions of District 20 lying on the north and east sides of Santa Catalina Island north of Southeast Rock. Rock crab (Cancer antennarius), red crab (Cancer productus), or yellow crab (Cancer anthonyi), which is less than 41/4 inches, measured in a straight line through the body, from edge of shell to edge of shell at the widest part, shall not be taken, possessed, bought, or sold.

(b) Any person taking rock crab shall carry a measuring device and shall measure any rock crab immediately upon removal from the trap. If the person determines that the rock crab is

undersize, the person shall return it to the water immediately.

(c) Upon the recommendation of the director regarding rock crab fishery management measures, and following a public hearing on the matter, at which findings are adopted, the Commission may adopt regulations to manage the rock crab resource consistent with Part 1.7 (commencing with Section 7050).

§8284. Taking with Traps, Species to be Released if Taken Incidentally.

(a) Subject to this article and Article 1 (commencing with Section 9000) of Chapter 4, crab traps, as described in Section 9011, may be used to take Dungeness crab for commercial purposes. Any fish may be taken incidentally in crab traps being used to take Dungeness crab.

(b) Any other species taken incidentally in a crab trap being used to take rock crab, except as provided in subdivision, shall be immediately released back to the water.

(c) The following species may be taken incidentally in crab traps being used to take rock crab under a permit issued pursuant to Section 9001 in Districts 19 and 118.5:

(1) Kellet's whelk.

(2) Octopus.

(3) Crabs, other than the genus Cancer.

§8400. Baitfish; Taking Restrictions.

(a) California killifish (Fundulus parvipinnis), mudsuckers (Gillichthys mirabilis), and yellowfin gobies (Acanthogobius flavimanus) may only be taken for commercial purposes with baitfish traps in the tidewaters of Districts 3½ , 4, 4 1/8, 4¾ , 17, and 21, in the tidewaters of District 10 south of the City and County of San Francisco, in the Salton Sea, and in Imperial and Riverside Counties.

(b) Shiner perch (Cymatogaster aggregata), staghorn sculpin (Leptocottus armatus), mudsuckers (Gillichthys mirabilis), and yellowfin gobies (Acanthogobius flavimanus) may only be taken for commercial purposes with baitfish traps in Districts 11, 12 and 13 and in the tidewaters of Districts 2 and 2½ .

(c) Any unauthorized species taken incidentally in baitfish traps in the districts specified in subdivisions (a) and (b) shall be immediately released.

(d) Baitfish traps, as described in Section 9020, may be used subject to Article 1 (commencing with Section 9000) of Chapter 4.

§8403. Finfish; Taking.

(a) To the extent not in conflict with Section 8607, marine species of finfish which are classified as groundfish may be taken under the regulations of the Commission.

(b) Marine species of finfish, including, but not limited to, finfish which are classified as groundfish, may be taken with finfish traps, subject to Article 1 (commencing with Section 9000) of Chapter 4, under regulations of the Commission. The regulations may limit the number of finfish traps which any vessel may use, designate the areas in which the traps may be used, and prescribe other limitations on the use of finfish traps.

(c) Any other species not otherwise prohibited may be taken in a finfish trap.

§8593. Areas for taking.

Except as provided in this article, prawns or shrimp may be taken in any waters of this state.

§8594. Depth Minimum for Taking.

From Point Conception south to the Mexican border, prawns or shrimp may be taken with prawn or shrimp traps only in waters 50 fathoms or greater in depth.

§8595. Trawl Nets; Use and restrictions.

(a) Prawns or shrimp may be taken for commercial purposes with a trawl net, subject to Article 10 (commencing with Section 8830) of Chapter 3, or in either a prawn trap or a shrimp trap, subject to Article 1 (commencing with Section 9000) of Chapter 4.

(b) No other species shall be taken in a prawn trap or a shrimp trap. Any other species taken incidentally with a prawn trap or a shrimp trap shall be immediately released.

§8604. Illegal disturbance or injury to net or trap; Exception.

It is unlawful willfully to disturb or injure any net, trap, or other apparatus to take fish which is being legally used in the waters of this state.

This section does not apply to employees of the Department while they are engaged in the performance of their official duties.

§8660. Use Within 750 Feet of Pier, Wharf, Jetty or Breakwater; Exception.

Nothing in this chapter authorizing the use of nets in District 19 or 19A shall authorize the use of any net* within 750 feet of any pier, wharf, jetty, or breakwater, except that dip nets may be used subject to the provisions of Section 8870.

*"Net" is defined in FGC §56 on page 52.

§9000. Use Trap to Take Finfish, Mollusk, or Crustacean Commercially.

(a) Except as expressly authorized in this article, no person shall use a trap to take any finfish, mollusk, or crustacean in the waters of this state for commercial purposes.

(b) Traps may be used to take finfish in ocean waters only as authorized by this article.

(c) Freshwater baitfish traps that are used as provided in Section 8463 are not subject to this article.

§9000.5. Trap Descriptions.

(a) "Bucket trap" means a plastic bucket of five gallons or less in capacity.

(b) "Deeper nearshore species" means those finfish identified as deeper nearshore species in regulations adopted by the Commission pursuant to Section 8587.1.

(c) "General trap permit" means a valid permit to take fish for commercial purposes issued pursuant to Section 9001 that has not been suspended or revoked.

(d) "Korean trap" means a molded plastic cylinder that does not exceed 6 inches in diameter and does not exceed 24 inches in length.

(e) "Nearshore species" means those finfish identified as such in regulations adopted by the Commission pursuant to Section 8587.1.

(f) "Pop-up" means a mechanism capable of releasing a submerged buoy at a predetermined time.

§9001. Permit for Trapping Finfish, Mollusks, or Crustaceans Commercially.

(a) Finfish, mollusks, or crustaceans shall not be taken by a person with traps for commercial purposes in ocean waters except under a valid general trap permit issued to that person that has not been suspended or revoked.

(b) Any person who operates or assists in operating any trap to take finfish, mollusks, or crustaceans, other than lobster or Dungeness crabs, as defined in Section 8275, or who possesses or transports finfish, mollusks, or crustaceans on any boat, barge, or vessel when any trap is aboard, shall have a general trap permit issued to that person that has not been revoked or suspended while engaged in the activity.

(c) The fee for the general trap permit shall be thirty-five dollars ($35).

(d) This section does not apply to the taking of lobster under Section 9010 or to the taking of Dungeness crab under Section 9011.

§9001.6. Hagfish may be taken under a general trap permit, if all of the following criteria are met:

(a) Korean traps and bucket traps may be used to take only hagfish under this article.

(b) No more than a total of 500 Korean traps or a total of 200 bucket traps may be possessed aboard a vessel or in the water or combination thereof.

(c) No permittee may possess both Korean traps or bucket traps and other types of traps aboard a vessel at the same time. When Korean traps or bucket traps are being used or possessed aboard a vessel, no species of finfish other than hagfish shall be taken, possessed aboard, or sold for commercial purposes.

(d) Pop-ups shall not be used on buoy lines attached to Korean traps or bucket traps, and shall not be possessed by a commercial fisherman aboard a vessel when taking hagfish.

§9001.7. Taking of Finfish under General Trap Permit

Finfish, other than sablefish and hagfish, may be taken under a general trap permit if all of the following criteria are also met:

(a) Every person aboard the vessel possesses a valid general trap permit that has not been suspended or revoked.

(b) If nearshore species are present, at least one person aboard the vessel possesses a valid nearshore fishery permit and a nearshore fishery trap endorsement that has not been suspended or revoked.

(c) If deeper nearshore species are present, at least one person aboard the vessel possesses a valid deeper nearshore species fishery permit that has not been suspended or revoked.

(d) During the period from one hour after sunset to one hour before sunrise, finfish traps that are left in the water shall be unbaited with the door secured open. If, for reasons beyond the control of the permittee, all trap doors cannot be secured open prior to one hour after sunset, the permittee shall immediately notify the Department.

(e) Pop-ups shall not be used on buoy lines attached to finfish traps, and shall not be possessed aboard a vessel when taking finfish under a general trap permit.

(f) Trap destruction devices used on finfish traps shall conform to the current regulatory requirements for those devices pursuant to Section 9003 and as adopted by the Commission.

(g) No finfish traps shall be set within 750 feet of any pier, breakwall, or jetty in District 6, 7, 17, 18, 19, 19A, 19B, 20, 20A, 20B, or 21.

(h) No more than 50 finfish traps may be used in state waters along the mainland shore.

(i) The mesh of any finfish trap used pursuant to this section shall measure not less than two inches

by two inches.

(j) The following fish shall not be used as bait in finfish traps:

(1) Lobster.

(2) Crabs of the genus Cancer, except rock crab, yellow crab, and red crab, as identified in Section 8282, which may be used as bait under the authority of a rock crab trap permit issued pursuant to Section 8282.

(3) Any other finfish or invertebrate to which a minimum size limit applies that is used or possessed in a condition so that its size can not be determined.

(k) Lobster may be possessed aboard or landed from any vessel on which finfish are also present, if every person aboard the vessel has a valid lobster permit that has not been suspended or revoked and complies with Article 5 of Chapter 2 of the Fish and Game Code, this article, and the regulations adopted pursuant thereto.

§9001.8. Sablefish Limitations - Point Arguello to Mexican Border.

Sablefish may be taken under a general trap permit in ocean waters between a line extending due west true from Point Arguello in Santa Barbara County and the United States-Mexico international boundary line, if all of the following criteria are also met:

(a) The trap shall be six feet or less in its greatest dimension.

(b) The mesh of any trap used for sablefish pursuant to this section shall measure not less than two inches by two inches.

(c) The traps may be used only in waters 200 fathoms or deeper.

(d) No permittee may possess aboard a vessel at the same time, sablefish traps and any other commercial fishing gear, except that spot prawn traps may be possessed during spot prawn trap open fishing periods as established by the Commission and if the permittee has a valid spot prawn trap vessel permit that has not been suspended or revoked.

§9002. Disturb, etc., Traps of Another.

(a) Except as provided in subdivisions (b), (c), and (d), it is unlawful to willfully or recklessly disturb, move, or damage any trap which belongs to another person and that is marked with a buoy identification number pursuant to Section 9006.

(b) A person, who has been issued a general trap permit under Section 9001 and has it in his or her possession, may pull or raise a trap marked with a buoy, if the buoy is marked with a buoy identification number pursuant to subdivision (b) of Section 9006. A person pulling or raising a trap marked with a buoy identification number, other than his or her own buoy identification number, shall have written permission in his or her possession from the other person who holds the buoy identification number that is marked on the buoy.

(c) Subdivision (a) does not apply to employees of the Department while engaged in the performance of official duties.

(d) (1) Subdivision (a) does not apply to publicly employed safety personnel, including, but not limited to, lifeguards, marine safety officers, harbor patrol officers, and peace officers, who, while engaged in the performance of their official duties, may remove a trap, buoy, or line located in or near breaking surf or adjacent to a public beach if they believe that the trap poses a public safety hazard. If any of those persons remove a trap, a buoy, or a trap or buoy line, any captured marine life shall be immediately returned to the ocean.

(2) Any person described in this subdivision who removes a trap and any attachments thereto identified by a buoy identification number shall make an attempt to contact the person whose permit or license number is marked on the buoy by personal contact, by telephone, by recorded message left on a telephone answering machine, by regular United States Postal Service, or by other means, advising where the property is located. Those persons shall have no responsibility to secure the trap or attachments against loss or damage.

(3) Employees of the Department may disclose the name, address, and buoy identification numbers of currently permitted or licensed persons to representatives of public safety agencies described in this subdivision to assist in the return of traps and attachments to their proper owners or operators.

(4) If the person whose permit or license number is marked on the buoy has been notified pursuant to this subdivision but has not retrieved the trap within seven days of notification, or if that person cannot be identified within seven days after the trap has been removed, the trap may be discarded.

(5) This subdivision does not create any duty on any state or local agency to remove or move a trap, line, or buoy that may endanger the public safety and does not create any liability pursuant to Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code.

§9003. Destruct devices.

Every trap shall have at least one destructive device which meets specifications approved by the Department. In order to minimize the adverse effects on living marine resources, the specifications for destruction devices shall provide for a device that destructs rapidly enough to facilitate escape of substantial proportion of all species confined in the trap from any trap that cannot be raised.

§9004. Trap Raising Intervals; Abandonment Prohibited.

Every trap shall be raised, cleaned, serviced, and emptied at intervals, not to exceed 96 hours, weather conditions at sea permitting, and no trap shall be abandoned in the waters of this state.

§9005. Buoy Markers Required.

Every trap or string of traps, shall be marked with a buoy.

§9006. Marking of Traps.

Every trap used to take finfish or crustaceans shall be marked with a buoy. Each buoy shall be marked to identify the operator as follows:

(a) For a trap used to take lobster the commercial fishing license identification number followed by the letter "P."

(b) For a trap used to take Dungeness crab or hagfish, the commercial fishing license identification number only.

(c) For a trap used to take finfish other than sablefish or hagfish, the commercial fishing license identification number followed by the letter "Z."

(d) For a trap used to take sablefish, the commercial fishing license identification number followed by the letter "B."

§9007. Removal of traps without buoy or with unmarked buoy.

Any trap used without a buoy, or with a buoy which is not marked pursuant to Section 9006, is a public nuisance and shall be removed from the waters of this state by any person authorized to enforce this code.

§9008. Traps used in violation of this code.

Any trap used in violation of this code, or any regulations adopted pursuant thereto, is a public nuisance and, except as provided in Section 9007, shall be seized pursuant to Article 3 (commencing with Section 8630) of Chapter 3.

§9011. Crab Trap Requirements.

(a)(1) Subject to Article 6 (commencing with Section 8275) of Chapter 2, Dungeness crab, as defined in Section 8275, may be taken with Dungeness crab traps.

(2) A Dungeness crab trap may have any number of openings of any size. However, every Dungeness crab trap shall have at least two rigid circular openings of not less than 4¼ inches, inside diameter, on the top or side of the trap. If both of the openings are located on the side of the trap, at least one of the openings shall be located so that at least one-half of the opening is in the upper half of the trap.

(3) Any rock crab taken with a crab trap used pursuant to this subdivision to take Dungeness crab shall be immediately returned to the waters from which it was taken. No person shall possess rock crab aboard any vessel when the vessel is being used to take Dungeness crab.

(b) (1) Subject to Article 6 (commencing with Section 8275) of Chapter 2, rock crab, as defined in Section 8275, may be taken with rock crab traps.

(2) A rock crab trap may have any number of openings of any size. However, a rock crab trap constructed of wire mesh with an inside mesh measurement of not less than 17/8 inches by 37/8 inches, with the 37/8 inch measurement parallel to the floor shall have at least one rigid circular opening of not less than 31/4 inches, inside diameter, located on any outside wall of the rearmost chamber of the crab trap and shall be located so that at least one-half of the opening is in the upper half of the trap. Rock crab traps constructed of other material, shall have at least two rigid circular openings of not less than 31/4 inches, inside diameter, on the top or side of the rearmost chamber of the trap. If both of the openings are located on the side of the trap, at least one of the openings shall be located so that at least one-half of the opening is in the upper half of the trap. No rigid circular opening, as required, shall extend more than 1/2 inch beyond the plane of the wall side or top of the trap in which it is located, and it shall be clearly accessible to any crab which may be in the trap.

(3) No person shall possess any lobster aboard a vessel while the vessel is being used pursuant to this subdivision to take rock crab. Any Dungeness crab taken with a crab trap pursuant to this subdivision to take rock crab shall be immediately returned to the waters from which it was taken. No person shall possess Dungeness crab aboard any vessel when the vessel is being used to take rock crab.

§9012.

Take crab commercially and for sport on same

day from vessel prohibited; Restrictions on use in Districts 6, 7, 8, and 9.

(a) No vessel may be used to take and land crab for both commercial and sport purposes in the same day.

(b) In Districts 6, 7, 8, and 9, no trap shall be used to take Dungeness crab if that trap is attached to another trap or other traps by a common line.

§9015. Prawn and shrimp trap requirements.

(a) Subject to Article 18 (commencing with Section 8590) of Chapter 2, prawns or shrimp, as defined in Section 8590, may be taken with prawn traps or shrimp traps under a general trap permit issued pursuant to Section 9001.

(b) A prawn trap or a shrimp trap shall be six feet or less in its greatest dimension. Every opening from the exterior to the interior of a prawn trap or a shrimp trap shall be five inches or less in any dimension.

§9020. Bait-fish trap requirements.

(a) Subject to Section 8400, California killifish (Fundulus parvipinnis), mudsuckers (Gillichthys mirabilis), yellowfin gobies (Acanthogobius flavimanus), shiner perch (Cymatogaster aggregata), and staghorn sculpin (Leptocottus armatus) may be taken with baitfish traps under a general trap permit issued pursuant to Section 9001.

(b) A baitfish trap shall not exceed 12 inches in width, 12 inches in height, and 36 inches in greatest length with entrance at small ends of funnels or fykes not to exceed 2 inches in diameter.

§9022. Finfish trapping; Restricted Districts; Exceptions.

(a) Notwithstanding Section 9000, traps used to take finfish may not be used in Districts 10, 11, and 12, except for bait fish traps as provided for in Sections 8400 and 9020.

(b) Except as otherwise provided in subdivision (a), all marine species of finfish subject to Section 8403 may be taken with one or more finfish traps as prescribed by the Commission under a general trap permit issued pursuant to Section 9001.

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