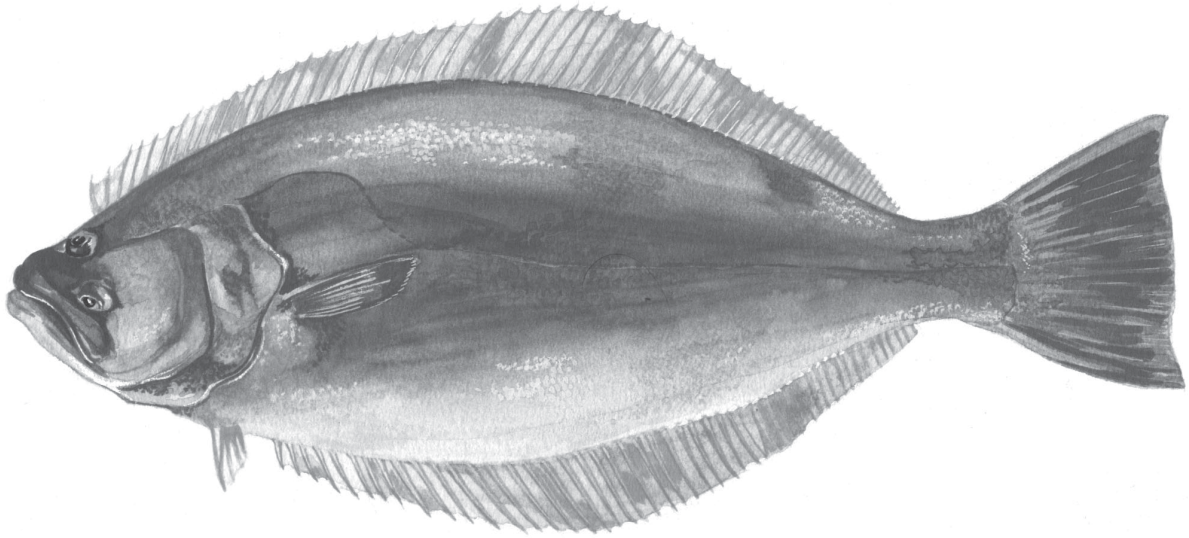
2009
Commercial Fish Business License



Information Guide

STATE OF CALIFORNIA—THE RESOURCES AGENCY
Department of Fish and Game
License and Revenue Branch
1740 N. Market Blvd.
Sacramento, California 95834
www.dfg.ca.gov

DEPARTMENT OF FISH AND GAME OFFICES

Visit our web site: www.dfg.ca.gov

EUREKA
619 Second Street
Eureka, CA 95501 — (707) 445-6493
Hours: 8:00 a.m.—5:00 p.m. — Fax (707) 445-6664

FRESNO
1234 East Shaw Avenue
Fresno, CA 93710 — (559) 243-4005
Hours: 8:00 a.m.—5:00 p.m. — Fax (559) 243-4022

LOS ALAMITOS
4665 Lampson Avenue, Suite C
Los Alamitos, CA 90720 — (562) 342-7100
Hours: 8:00 a.m.—4:30 p.m. — Fax (562) 596-0342

MONTEREY
20 Lower Ragsdale Drive, Suite 100,
Monterey, CA 93940 — (831) 649-2870
Hours: 8:00 a.m.—4:30 p.m. — Fax (831) 649-2894

NAPA
P.O. Box 47, Yountville, CA 94599 (7329 Silverado Trail, Napa, CA 94558) — (707) 944-5500
Hours: 8:00 a.m.—4:45 p.m. — Fax (707) 944-5553

REDDING
601 Locust Street
Redding, CA 96001 — (530) 225-2300
Hours: 9:00 a.m.—5:00 p.m. — Fax (530) 225-2055

SACRAMENTO
License and Revenue Branch
1740 N. Market Blvd., Sacramento, CA 95834 — (916) 928-5822
Hours: 8:00 a.m.—5:00 p.m. — Fax (916) 419-7586
(Business licenses only issued by mail from this office.)

SAN DIEGO
4949 Viewridge Avenue
San Diego, CA 92123 — (858) 467-4201
Hours: 8:00 a.m.—4:30 p.m. — Fax (858) 467-4299

Marine Fisheries Statistical Unit*
4665 Lampson Avenue, Suite C — (562) 342-7130
Los Alamitos, CA 90720 — Fax (562) 342-7137

Audits Branch*
1812 Ninth Street, Suite 200 — (916) 445-3367
Sacramento, CA 95814 — Fax (916) 445-3398

*Licenses are not issued from this office.

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

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Cover: Artwork of a California halibut.

MISSION STATEMENT

The mission of the Department of Fish and Game (DFG) 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.

INTRODUCTION

"The protection and conservation of the fish and wildlife resources of this state are hereby declared to be of utmost public interest. Fish and wildlife are the property of the people and provide a major contribution to the economy of the state as well as providing a significant part of the people's food supply and therefore their conservation is a proper responsibility of the state." (FGC §1600)

Persons dealing in seafood are required to be licensed and maintain accurate accounting records and issue fish landing receipts. This booklet is intended to provide **a guideline** of license requirements. **Please review the information carefully to determine your licensing obligations and legal responsibilities.**

The following license, record, and inspection information is from the Fish and Game Code and California Code of Regulations, Title 14, and applies to businesses that accept seafood or seafood products. **The information contained herein is not a complete summary of all laws and regulations pertaining to the seafood industry. For actual language refer to the excerpts from the Fish and Game Code or Title 14, California Code of Regulations.** If you need additional information regarding commercial fish business licensing, please contact one of the DFG offices listed inside the front cover of this booklet.

State and County Departments of Agriculture should be contacted regarding weighmaster requirements.

COMMERCIAL FISH BUSINESS LICENSE FEES

Multifunction Fish Business	$1,727.50
Fish Importer's License	$690.75
Fish Receiver's License	$690.75
Fish Processor's License	$690.75
Fish Wholesaler's License	$466.75
Fisherman's Retail License	$86.50
Sport-Caught Fish Exchange Permit	$63.00
Marine Aquaria Receiver's License	$1,727.50
Importation Permit (Long Term)	$53.00
Importation Permit (Standard Importation)	$44.00
Anchovy Reduction Permit	$37.75

APPLICATIONS

Pursuant to FGC §§8030-8050, the DFG is authorized to collect information from commercial fish business license applicants to maintain a record of licensure. All information requested on the application is mandatory unless otherwise indicated and is confidential pursuant to FGC §8022. Information submitted on the application may be released for law enforcement purposes, pursuant to court order, or for official natural resources management purposes.

An applicant may obtain a copy of his/her license records maintained by the DFG by contacting the custodian of records at the DFG's, License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834, (916) 928-5822, 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.

Preprinted renewal applications are mailed to commercial fish businesses licensed with the DFG during the previous license year. Applications for commercial fish businesses are available from all DFG offices listed on the inside front cover. Please read the instructions before submitting applications and fees. Please allow 15 business days for your application to be processed. Incomplete applications will be returned and could delay the issuance of your license or permit. Pursuant to FGC §8032.5, the street address of the main plant and the number of plants, outlets or fish receiving stations operating under the license must be printed on the Commercial Fish Business License Application, Form FG 317. **Applications listing P. O. Box numbers in place of a physical address of the business or plant will be returned.**

ADDITIONAL COMMERCIAL FISH BUSINESS PLANT LOCATIONS

FGC §8037, requires licensees to maintain a copy of the commercial fish business license at each of their plants, facilities, or other places of business. (Companies that are operating under different Federal Tax Identification Numbers than listed plants, facilities or other places of business must obtain separate commercial fish business licenses). Commercial fish businesses that list multiple plants, outlets or receiving stations on the license application, may be required to provide proof that these facilities are operated under the same Federal Tax Identification Number as the primary business for which the license was issued.

Every commercial fish business reporting additional plant locations must complete the Declaration of Additional Commercial Fish Business Plant Locations, Form FG 317A.

ADDRESS CHANGES

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

PAYMENT POLICY

Personal Checks

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

Credit Cards

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

REFUND POLICY

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

DUPLICATE LICENSES AND PERMITS

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

- submit a signed affidavit stating that the license or permit has been lost or destroyed; and
- pay a $8.75 fee per document. Affidavits may be obtained and submitted to any Department office listed on the inside front cover.

License records will be verified by the DFG'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.

TRANSFER OF LICENSES AND PERMITS

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

All fish landing receipt books that were assigned to the previous owner must be returned to the DFG's Marine Fisheries Statistical Unit in Los Alamitos.

COMMERCIAL FISH BUSINESS LICENSE REQUIREMENTS

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

Multifunction Fish Business License

This license authorizes any person to conduct the activities of a fish receiver, fish processor, fish wholesaler, fish importer, or if the licensee is also a commercial fisherman, a fisherman retailer.

Fish Receiver's License

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

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

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

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

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

"Process fish" does not include the cleaning, beheading, gutting, or chilling of fish by a licensed commercial fisherman which is required to preserve the fish while aboard a fishing vessel and which is to prevent deterioration, spoilage, or waste of the fish before they are landed and delivered to a person licensed to purchase or receive fish from a commercial fisherman.

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

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

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

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

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

Standard Importation Permit
Any person receiving a shipment of live fish, including shellfish must apply for a Standard Importation Permit at least 10 working days prior to the arrival of the shipment. A fee will be charged for each permit. A permit is required for each lot or load and each shipment must be accompanied by the original standard importation permit. If there is a change in the shipment date the permit holder must contact the DFG's Bodega Bay office at (707) 875-4261, marine species permits or the Fisheries Branch at (916) 539-2028, for fresh water species permits.

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

Long Term Importation Permit
A Long Term Importation Permit may be issued for each species or plant specified in Section 236, Title 14, of the California Code of Regulations. Permits may be valid for up to one year from the date of issuance and a fee will be charged for each permit.

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

1. Mollusks and crustaceans intended to go directly into the seafood market and which will not be placed in waters of the state nor placed in waters which are discharged to waters of the state. **NOTE:** Such mollusks and crustaceans must be held in closed water systems, where no water discharged from the system may flow to public waters.

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

3. Brine shrimp.

Issuing Office: Importation Permits are only issued by mail for marine species permits at the DFG's Bodega Bay office at P.O. Box 1560, Bodega Bay, CA 94923 or for freshwater species permits at the Fisheries Program Branch, 830 S Street, Sacramento, CA 95814. If you need additional information about these permits, please call the Bodega Bay office at (707) 875-4261 or the Fisheries Branch at (916) 539-2028.

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

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

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

A commercial fisherman issued a Fisherman's Retail License may only use transportation receipts while transporting his or her own catch to a licensed receiver.

Commercial fishermen that have a Fisherman's Retail License that offload their catch prior to sales to the ultimate consumer must fill out a fish landing receipt at the time the fish are brought ashore. The tally sheet is to be used only when fish are being sold from the vessel to the ultimate consumer.

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

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

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

- Is required to be licensed as a marine aquaria collector and who sells to the ultimate consumer live marine organisms native to California that he/she has taken.

- Purchases or receives live marine species native to California for resale to the pet industry or hobby trade from any of the following:

  1. A fisherman who is required to have a marine aquaria collector's permit pursuant to FGC §8597(a).

  2. A licensed commercial fisherman who takes organisms not specified in FGC §8597(a), and which are not otherwise prohibited.

  3. A registered aquaculturist.

  4. A person who imports from neighboring states species that are also native to California waters.

Every person licensed as a Marine Aquaria Receiver must submit a Marine Aquaria Landing Receipt (Form FG 626), to the DFG's Marine Fisheries Statistical Unit. The receipts are to be submitted to the DFG on or before the first and 16th day of the month in which the fish are landed whichever occurs first. Landing receipt forms are available from the Marine Fisheries Statistical Unit.

Anchovy Reduction Permit
Required for fish processors to process anchovies for reduction purposes. If you plan to reduce anchovies during the 2007 season you must submit a written request to the Fish and Game Commission at 1416 Ninth Street, Sacramento, CA 95814, (916) 653-4899 on or before July 15, 2009.

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

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

SIZE LIMITS ON NEARSHORE FISH STOCKS

Species for which there is a size limit must be sorted prior to weighing. The weight must be reported separately on Department fish landing receipts. Nearshore fish must be measured and released immediately if not in compliance with the size limits. Nearshore finfish taken in trawls and landed dead are exempt from these size limits. The nearshore species and size limits are:

Species	Minimum Size Limits (Total Length)
black-and-yellow rockfish	10 inches
gopher rockfish	10 inches
kelp rockfish	10 inches
California scorpionfish (sculpin)	10 inches
greenling	12 inches
China rockfish	12 inches
grass rockfish	12 inches
California sheephead	13 inches
cabezon	15 inches

SKATE SPECIES MUST BE LANDED WHOLE; SORTING OF SKATES

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

PURCHASING SQUID

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

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

FISH LANDING RECEIPTS

Following are the significant requirements:

- Fish landing receipts must be used in the sequential order as they appear in each fish landing receipt book. When a fish landing receipt is voided, the word "VOID" must be written on the face of the receipt. Voided receipts are to be submitted in the same manner as completed fish landing receipts (FGC §8043). Persons that terminate their business(s) are required to immediately return any unused inventory of fish landing receipts to the DFG's Marine Fisheries Statistical Unit.

- To ensure that all fish landed in California under the authority of a Commercial Fishing License (FGC §7850) are documented, a fish landing receipt must be completed and submitted to the DFG. The original signed copy of the fish landing receipt is to be submitted to the DFG on or before the 16th or the last day of the month in which the fish are landed whichever date occurs first.

- The landing receipt book includes four copies, one for the fisherman, one for the DFG and two for the Retailer/Dealer. One of the two copies for the Retailer/Dealer can be used as an authorized agent copy (FGC §8046).

- Persons licensed as Multifunction Commercial Fish Businesses or Fish Receivers must complete a fish landing receipt for **ALL** fish purchased or received from licensed California commercial fishermen.

- Commercial fishermen **MUST** complete a fish landing receipt when fish are first brought ashore, unless the fish are sold to a person licensed to receive fish. A fisherman may use a transportation receipt to transport the catch to the fish business. In addition, commercial fishermen that have a Fisherman's Retail License that offload their catch prior to sales to the ultimate consumer must fill out a fish landing receipt at the time the fish are brought ashore. The tally sheet is to be used only when fish are being sold from the vessel to the ultimate consumer.

- Commercial fishermen licensed as a Multifunction Commercial Fish Business or Fish Receiver may sell their catch to anyone.

- Anchovy, mackerel, or squid for cannery use shall be unloaded only at a Bureau of Weights and Measures approved device operated by a licensed public weigh master. A fish weight receipt shall be issued to the fisherman immediately upon unloading (FGC §§7702.1, 8043-8046).

Fish landing receipt books can be obtained from the DFG's Marine Fisheries Statistical Unit.

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 and common name of each species must be listed on the transportation receipt.

Fish transportation receipt books are available from all DFG offices listed on the inside front cover.

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

- Any person who sells his or her fish to a licensed receiver may use a fish transportation receipt to transport those fish only to that licensed receiver. The receiver shall complete a fish landing receipt for those fish.

- A person who sells his or her fish to the ultimate consumer shall complete a fish landing receipt.

- Fish transportation receipts must be completed at the time the fish are transferred from the fishing vessel.

- Every commercial fisherman or his or her designee, who transports, causes to be transported, or delivers to another person for transportation, any fish, except herring, taken from the waters of this state or brought

into this state in fresh condition, must fill out a fish transportation receipt according to the instructions and on forms provided by the DFG at the time the fish are brought ashore.

- The original signed copy of the fish transportation receipt must be delivered by the commercial fisherman to the DFG on or before the 16th day or the last day of the month in which the fish were landed, whichever date occurs first after landing. A copy of the fish transportation receipt must be retained by the commercial fisherman who filled it out for a period of four years and must be available for inspection at any time within that period by the DFG. A copy of the fish transportation receipt must be given to and retained by the person transporting the fish until the fish are sold fresh, processed, or otherwise disposed of.

- A fish transportation receipt is required only for transit purposes.

- Any person transporting fish from the point of first landing under a fish transportation receipt is not required to be licensed to conduct the activities of a fish receiver.

- Fish transportation receipt book must be issued to an individual fisherman and is not transferable.

- The numbered transportation receipt forms in each individual transportation receipt book must be completed sequentially. A voided fish transportation receipt must have the word "VOID" plainly and noticeably written on the face of the receipt. A voided fish transportation receipt must be submitted to the department in the same manner as a completed fish transportation receipt is submitted to the department.

- A commercial fisherman who is no longer conducting business as a licensed fisherman must forward all unused transportation receipts and transportation receipt books to the DFG immediately upon terminating his or her business activity.

FISH LANDING TAXES

Every person required to be licensed to receive fish from commercial fishermen and, commercial fishermen licensed as a Fisherman's Retailer, must submit a Quarterly Fish Landing Tax Report (Form FG 143), to the DFG. Tax report forms are available from the DFG's License and Revenue Branch.

- Fish landing taxes are based on the weight and species of fish to be documented on fish landing receipts.

- Landing taxes imposed shall be paid quarterly to the DFG within 30 days after the close of each quarter.

- If any landing tax is not paid within 30 days after the close of the quarter for which it is due, the DFG shall collect amounts owing under the procedures prescribed for sales and use taxes provided in Chapter 5 (commencing with Section 6451) and Chapter 6 (commencing with Section 6701) of Part 1 of Division 2 of the Revenue and Taxation Code, insofar as they may be applicable, and for those purposes, "board" means the department and "the date on which the tax became due and payable" means that date 30 days after the close of the quarter for which it is due.

- Commercial fishermen that sell their catch under the authority of a Fisherman's Retail License are required to report and remit fish landing taxes.

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

Although the DFG attempts to send a Fish Landing Tax Report to all persons licensed as Fish Receiver's, Multifunction Commercial Fish Businesses, and Fisherman's Retailers it is the ultimate responsibility of the taxpayer to obtain and submit a tax report form on a quarterly basis.

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

Since the codes may be amended at any time, it is the 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 fish business activity. Changes to either code may occur at any time during the year. 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.

GENERAL PROVISIONS AND DEFINITIONS

FGC Excerpts

§17. "Aquaculture" defined.

"Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or fresh water plants and animals not utilized for human consumption or bait purposes that are maintained in enclosed systems for personal, pet industry, or hobby purposes, however, these species continue to be regulated under Chapter 2 (commencing with Section 2116) of Division 3.

§45. "Fish" defined.

"Fish" means wild fish, mollusks, or crustaceans, invertebrates, or amphibians, including any part, spawn, or ova thereof.

§67. "Person" defined.

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

§713. Changes in implicit price deflator used to determine annual rate of increase or decrease in fees; Recalculation of current 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, or 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.

§1006. Inspection of boats, buildings and receptacles.

The department may inspect the following:

(a) All boats, markets, stores and other buildings, except dwellings, and all receptacles, except the clothing actually worn by a person at the time of inspection, where

birds, mammals, fish, reptiles or amphibia may be stored, placed, or held for sale or storage.

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

§1052. Transfer, use, or alteration of license, permit, application, or reservation.

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

(a) Transfer any license, license tag, license stamp, permit, application, or reservation.

(b) Use, or possess any license, license tag, license stamp, permit, application, or reservation which was not lawfully issued to the user thereof or which was obtained by fraud, deceit, or the use of a fake or counterfeit application form.

(c) Use or possess any fake or counterfeit tag, license, license stamp, permit, permit application form, band, or seal, made or used for the purpose of evading any of the provisions of this code, or regulations adopted pursuant thereto.

(d) Predate or postdate any license, license tag, or permit.

(e) Alter, mutilate, deface, duplicate, or counterfeit any license, license tag, permit, permit application form, band, or seal, or entries thereon, to evade the provisions of this code, or any regulations adopted thereto.

§5508. Bringing ashore fish whose size or weight cannot be determined; Regulations.

It is unlawful to possess on any boat or to bring ashore any fish upon which a size or weight limit is prescribed in such a condition that its size or weight cannot be determined.

The commission may adopt regulations, under which fish other than whole fish may be brought ashore, which establish sizes or weights for cleaned or otherwise cut fish equivalent to sizes or weights for whole fish.

§5509. Possession in boat or bringing ashore fish in condition that species cannot be determined.

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

§7702. Right of entry and examination of plants by department.

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

§7702.1. Public weighmaster's of fish, intended for cannery; Receipt as to weight.

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

§8424. Purchase of squid; Live bait.

(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 that 200 pounds in a calendar day.

§8588. Minimum size limits for specified fish taken under commercial fishing license; Regulations to modify limits.

(a) Notwithstanding any other provision of this code or any regulation adopted by the commission, no fish listed under this section taken pursuant to a commercial fishing license, shall be possessed, sold, or purchased unless it exceeds the specified minimum total length in the round or dressed with head on, as established under subdivision (b), except that nearshore finfish taken in trawls and landed dead are exempt from these size limits. (Refer to §150.16 for size limits).

(c) The commission may adopt regulations to modify the minimum size limits or to specify maximum size limits based on the best available scientific information.

(d) Regulations adopted by the commission pursuant to subdivision (c) shall only be adopted following public notice and not less than one public hearing.

(e) Any nearshore fish as defined in this article or in regulations adopted by the commission pursuant to this section that are taken in a nearshore fishery shall be measured immediately upon being brought aboard the vessel and released immediately if not in compliance with

the size limits specified.

(f) This section shall remain in effect until the adoption of regulations implementing a fishery management plan for nearshore fish stocks by the commission, and as of that date, is repealed.

Title 14 Excerpts

§150.16. Commercial Take of Nearshore Fishes.

(a) Cabezon, kelp greenling, and rock greenling shall not be taken commercially statewide during March and April.

(b) California sheephead shall not be taken commercially statewide during March and April.

(b) The minimum size limits (total length) are as follows:

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

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

COMMERCIAL FISH BUSINESS LICENSES

FGC Excerpts

§8030. Exemptions.

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

(a) A commercial fisherman who sells fish only to persons licensed under this article to purchase or receive fish from commercial fishermen and who does not engage in any activity described in Section 8034, 8035, or 8036 unless licensed to engage in both activities,

(b) A person licensed pursuant to Section 8460 who only takes, transports, or sells live freshwater fish for bait.

(c) A person who sells fish or aquaculture products only at retail to the ultimate consumer if that person does not conduct any activities described in Section 8033, 8035, or 8036.

(d) Pursuant to Division 12 (commencing with Section 15000), a person who deals only in products of aquaculture.

(e) A person who deals only with nonnative live products that are not utilized for human consumption but that are utilized solely for pet industry or hobby purposes and who does not engage in the activities described in Section 8033.1.

(f) A person who is employed by the fish receiver to unload fish or fish products from a commercial fishing boat at a dock.

(g) A person who purchases, sells, takes, or receives live marine fish for use as live bait, which are not brought ashore, and who does not engage in any activity described in Section 8033, 8033.1, 8034, 8035, or 8036.

§8031. Definitions.

(1) "Process fish" means any activity for profit of preserving or preparing fish for sale or delivery to other than the ultimate consumer, including, but not limited to, cleaning, cutting, gutting, scaling, shucking, peeling, cooking, curing, salting, canning, breading, packaging, or packing fish. "Process fish" also means the activity for profit of manufacturing fish scraps, fish meal, fish oil, or fertilizer made from fish. "Process fish" does not include the cleaning, beheading, gutting, or chilling of fish by a licensed commercial fisherman which is required to preserve the fish while aboard a fishing vessel and which is to prevent deterioration, spoilage, or waste of the fish before they are landed and delivered to a person licensed to purchase or receive fish from a commercial fisherman.

(2) "Wholesale" means the purchase of fish from persons licensed to purchase or receive fish from a commercial fisherman, processors, or any other wholesaler for the purpose of resale to other than the ultimate consumer.

(3) "Import" means receiving or purchasing fish taken outside of this state which are not landed in this state by a licensed commercial fisherman.

(4) "Commercial fisherman" means a person who has a valid, unrevoked commercial fishing license issued pursuant to Section 7850.

(5) "Fresh or fresh frozen fish and aquaculture products" means wild fish and products of aquaculture that are not canned, cooked, cured, salted, dried or breaded.

(b) This section shall become operative January 1, 1993.

§8032.5. Commercial fish business license, permit or other entitlement; Conditions.

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

(a) An application for a commercial fish business license, permit, or other entitlement shall be made on a

form containing information as required by the department. The commercial fish business license shall be signed by the holder before use.

(b) Any person who has had a commercial fish business license suspended or revoked shall not engage in that business activity, and shall not receive any other commercial fish business license, permit, or other entitlement that authorizes engaging in that business activity, while the suspension or revocation is in effect.

(c) The commission, after notice and opportunity for hearing, may suspend, revoke, or cancel commercial fish business privileges for a period of time to be determined by the commission for an of the following reasons:

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

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

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

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

(e) Any person who holds a commercial fish business license, permit, or other entitlement, who moves or acquires a new or additional plant, facility, or other place of business for profit involving fish, shall notify the department of the address within three months of commencing business activities at the address.

(f) each plant, facility, or other place of business in which an activity occurs that is required to be licensed under this article shall have a copy of each required license on display and available for inspection at any time by the department.

(g) Any person licensed pursuant to this article shall provide the department, at the time of application, with the business name, business address, and business telephone number for all locations doing business under the authority of the person's commercial fish business license, permit, or entitlement.

(h) Any person licensed pursuant to this article who is subject to landing taxes as defined in Section 8041, and who has failed to pay all landing taxes and penalties pursuant to Section 8053, shall not be allowed to renew their commercial fish business license, permit, or entitlement until payment is made in full to the department.

(i) Any person licensed pursuant to this article who is subject to landing taxes are defined in Section 8041, who fails to submit landing receipts pursuant to Section 8046, may be subject to suspension or revocation of their commercial fish business license, permit, or entitlement.

§8037. Persons engaging in activities requiring more than one class of license.

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

(b) This section shall become operative January 1, 1993.

§8038. Validity of licenses.

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

§8039. Application of fees.

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

MULTIFUNCTION COMMERCIAL FISH BUSINESS LICENSE

FGC Excerpts

§8032. License fee; Specialty licenses.

(a) A commercial fish business license shall be issued which authorizes any or all activities described in Section 8033, 8034, 8035, or 8036. The annual fee for this license is one thousand three hundred seventy-three dollars ($1,373.00).

(b) Specialty licenses for part of, but not all, activities described in subdivision (a) shall be issued in five classes, as follows:

(1) Fish receivers license, issued to any person engaged in the business of receiving fish as provided in Section 8033.

(2) Marine aquaria receiver's license, issued to any person engaged in the business of receiving live marine species indigenous to California waters from a person required to be a licensed commercial fisherman for the purpose of wholesaling or retailing those species for pet industry or hobby purposes as provided in Section 8033.1.

(3) Fish processors license, issued to any person engaged in the business of processing fish as provided in Section 8034.

(4) Fish wholesalers license, issued to any person who is engaged in the business of wholesaling fish as provided in Section 8035.

(5) Fish importers license, issued to any person who is engaged in the business of importing fish as provided in Section 8036.

FISH RECEIVER'S LICENSE

FGC Excerpts

§8033. Fish Receiver's License.

(a) Except as provided in Section 8033.1 or 8033.5, or subdivision (c) of Section 8047, any person who purchases or receives fish for commercial purposes from a fisherman who is required to be licensed under Section 7850, or any person who removes fish from the point of the first landing that the person has caught for his or her own processing or sale, shall obtain a fish receiver's license.

(b) The annual fee for a fish receiver's license is five hundred forty-nine dollars ($549.00).

(c) A cooperative association of fishermen may be licensed as fish receivers.

FISH PROCESSOR'S LICENSE

FGC Excerpts

§8034. Fish Processor's License.

(a) Any person who processes fish for profit shall obtain a fish processor's license. The annual fee for a fish processor's license is five hundred forty-nine dollars ($549.00).

(b) Any person required to obtain a license under this section who takes his or her own fish shall also obtain a fish receiver's license or a commercial fish business license.

(c) This section shall become operative on January 1, 1993.

FISH WHOLESALER'S LICENSE

FGC Excerpts

§8035. Fish Wholesaler's License.

(a) Excepting a person exempt under Section 8030 or an importer licensed under Section 8036, any person who, for the purpose of resale to other than the ultimate consumer, purchases or obtains fish from another person, who is required to be licensed as a fish receiver, fish processor, fish importer, or fish wholesaler under this article, shall obtain a fish wholesaler's license.

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

(c) This section does not apply to persons required to have a marine aquaria receiver's license pursuant to Section 8033.1. This section shall become operative on January 1, 1993.

FISH IMPORTER'S LICENSE

FGC Excerpts

§8036. Fish Importer's License.

(a) Any person who purchases or receives fish, which are taken outside of this state and brought into this state by a person who is not a licensed commercial fisherman, for the purpose of resale to other than the ultimate consumer shall obtain a fish importer's license. The annual fee for a fish importer's license is five hundred forty-nine dollars ($549.00).

(b) This section shall become operative on January 1, 1993.

FISHERMAN'S RETAIL LICENSE

FGC Excerpts

§8033.5. Fisherman's Retail License; Fee.

(a) Any commercial fisherman who sells fish for other than marine aquaria pet trade or research purposes that he or she has taken to the ultimate consumer of that fish shall obtain a fisherman's retail license. The annual fee for a fisherman's retail license is sixty-nine dollars ($69).

(b) Any person required to obtain a license under this section who engages in any activity described in Section 8033, 8034, 8035, or 8036, shall also obtain an appropriate license to engage in those activities.

MARINE AQUARIA RECEIVER'S LICENSE

FGC Excerpts

§8033.1. Marine Aquaria Receiver's License.

(a) Any person engaged in any of the following activities involving species identified in subdivision (b) of Section 8597, shall obtain a nontransferable marine aquaria receiver's license:

(1) A person who is required to have a marine aquaria collector's permit pursuant to Section 8597 who sells live marine organisms indigenous to California, that the person has taken, to the ultimate consumer.

(2) A person who purchases or receives live marine species indigenous to California for commercial purposes from any of the following:

(A) A fisherman who is required to have a marine aquaria collector's permit pursuant to subdivision (a) of Section 8597.

(B) A person who imports from neighboring states species that are also indigenous to California waters.

(b) A person required to be licensed as a marine aquaria receiver shall obtain all live marine organisms indigenous to California waters only from fishermen, aquaculturists, or importers holding current and appropriate licenses or permits.

§8043.1 Landing Receipts;Marine Aquaria Receiver.

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

(b) The department may require any information from a person required to be licensed as a marine aquaria receiver it deems necessary to carry out this article.

(c) The landing receipt form shall be completed at the time the organisms are received from the commercial fisherman. A person required to be licensed as a marine aquaria receiver who takes his or her own organisms shall complete a marine aquaria landing receipt form at the time the organisms are brought ashore.

(d) The copies of the aquaria landing receipts shall be delivered to the department on or before the 1st and 16th day of each month as provided in Section 8046.

§8596. Marine Aquaria Pet Trade.

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.

Title 14 Excerpts

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

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

(a) At least 12-hour prior notice by the shipper or consignee of each shipment of such fish shall be provided to the department's regional office nearest the consignee during normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.).

(b) Such fish must be accompanied by a bill of lading, waybill, invoice or similar accountable document showing the place of origin of the shipment, the name and address of the consignee and a listing of all fish by species, total weight and tag number.

(c) The consignee shall retain a copy of the bill of lading or similar accountable document for one year and make it available to the department upon request.

(d) All dead fish or parts thereof, may be imported, transported, or sold within the state in any form but shall be either:

(1) Packaged in sealed containers or boxes. Each container or box shall be clearly labeled showing a description of the contents and an identification of the shipper; or

(2) Tagged with consecutively numbered cinch-up vinyl plastic spaghetti tags with a legend showing the name of the shipper along with the city and state of origin. The tag sequence shall be present on all invoices and waybills. Reusable tags may not be possessed in the State of California. When tags are removed from the fish they must be destroyed by cutting through that portion of the tag which contains the name of the shipper and the tag number; or

(3) Clearly marked, using liquid nitrogen and a metal brand, with an "A", 1/2 inch square, posterior to the head, anterior to the dorsal fin and above the lateral line. All fish shall be marked when alive but may be killed prior to transport or sale.

(e) All live fish may be imported, transported or sold within the state in any form but shall be either tagged or marked as described in subsections (d)(2) or (d)(3).

(f) Fish tagged, marked and/or packaged under subsections (d) or (e) above may be reprocessed and repackaged or retagged by dealers possessing a Wholesale Fish Dealer's and Processor's License as provided by section 8040 of the Fish and Game Code as well as a revocable processing permit issued by the Wildlife Protection Branch of the department specifically for striped bass, sturgeon and steelhead trout and shad. The permit shall be issued on a calendar year basis, or part thereof. When transported for sale such fish or portions of fish shall meet the transportation requirements of subsections (b) and (c).

(g) No such fish may be possessed at a place where fish are sold unless packaged, marked or tagged in the manner described in subsections (d) or (e) except that operators or employees of retail stores, restaurants or other eating establishments may remove portions from packaged, marked or tagged fish when such portions are being displayed or prepared for actual sale to a consumer or for actual consumption on the premises.

(h) The permit issued pursuant to subsection (f) may be cancelled or suspended at any time by the department upon conviction of a violation of these regulations by a court of competent jurisdiction. Cancellation or suspension may be appealed to the commission. See subsection 699(b) of these regulations for the fee for this permit.

§142. Fishermen and Fish Plants.

(a) In order to prevent waste of fish, no person shall take or bring into any cannery, packing, preserving, reduction or other plant, fish in excess of an amount for which he has a bona fide order in writing, either from the plant to which the fish are to be delivered, or from an organization acting for the plants or for the fishermen within the region; and no person shall deliver fish to a packing plant which are of a size, condition or species not specified in the bona fide order.

A person shall not be considered as having a bona fide order to deliver fish if it is general knowledge, or if it is known by him, that weather conditions, strikes or other labor conditions, or any other conditions will prevent the completed delivery of fish to the given plant.

(b) To prevent waste of fish, fishermen shall to the best of their ability, avoid impounding more fish when laying out the net than they intend to load on their boat, or of impounding fish of a size or species which do not comply to this order. In cases where more fish are accidentally caught in the net than it is desired to take on their boat or lighter, or in cases where fish which in size, quality or species do not conform to this order, are accidentally caught in the net, fishermen shall release the excess fish or the fish which do not comply to this order while they are still alive and before they commence brailing out the catch.

SPORT CAUGHT FISH EXCHANGE PERMIT

§231. Exchanging of Sport-Caught Fish.

(a) A sport-caught fish exchange permit is required of any person or persons who for a fee, or for exchange, cans or smokes fish taken under the authority of a sport fishing license. Upon application and payment of $50, the department shall issue such permits.

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

(2) Limitations of Permit. Permits are nontransferable.

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

(b) Authorized Species. Any legally taken species of sport-caught fish may be possessed for smoking or canning if the same fish is returned to the angler or if the fish is exchanged pound for pound, adjusted for loss during processing, or exchanged according to (c) below for various tunas. A reasonable fee to cover processing costs may be charged. The following species may be possessed for canning only, as authorized in subsection (c) below: albacore, bluefin tuna, yellowfin tuna, bigeye tuna, skipjack, and yellowtail. For the purpose of this section, skipjack, and yellowtail are included as tuna along with bigeye, bluefin and yellowfin.

(c) Exchange Process.

(1) Permittees may accept tuna for canning and provide in exchange one (1) 6 ounce can of albacore (white meat) tuna at no cost as follows:

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

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

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

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

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

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

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

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

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

(J) For each ten (10) pounds of tuna received, if the sale price of tuna, to the permittee, is less than $500.00 but greater than $410.00 per ton; or

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

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

(2) Permittees may accept tuna for canning and provide in exchange one (1) 6 ounce can of canned yellowfin (light meat) tuna at no cost as follows:

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

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

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

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

(E) For each five (5) pounds of tuna received, if the sale price of tuna, to the permittee, is less than $570.00

but greater than $460.00 per ton; or

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

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

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

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

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

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

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

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

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

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

(e) Records. Immediately upon receiving fish, a permittee shall record the name, address and fishing license number of the angler, the date the fish were received and the number and weight of all fish by species received from that angler. At the time the fish are returned to the angler or otherwise disposed of, the permittee shall record the species and weight of the fish returned or if not returned to the angler, the disposition of the fish, and the date of return or disposition. Permittees shall keep and maintain all records required by these regulations at their place of business for three years and shall make them available to authorized department personnel upon demand.

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

(g) Marking. All fish shall be marked by the permittee by removing the entire upper lobe of the tail. This marking shall be done in the presence of the person delivering such fish. Fish so marked shall be kept separate from commercially taken fish until transported to a cannery or processing facility.

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

(i) Revocation of Permits. Any permit may be revoked or suspended by the commission upon a violation by the permittee or the permittee's agent, servant, employee or person acting under the permittee's direction or control of any provision of these regulations or of the provisions of the Fish and Game Code relating to the receiving, processing or sale of fish taken under authority of a sport fishing license.

IMPORTATION PERMITS

FGC Excerpts

§2270. Importation from place where infection exists.

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

§2270.5. Importation for approved aquaculture purposes as exempt from restriction.

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

§2271. Prior written approval; Exceptions.

(a) No live aquatic plant or animal may be imported into this state without the prior written approval of the department pursuant to regulations adopted by the commission. A written application for the importation, submitted in conformance with the procedural requirements established by the commission, is deemed approved where it has not been denied within 60 days.

(b) This section does not apply to the following plants or animals unless the plants or animals are or may be placed in waters of the state:

(1) Mollusks.

(2) Crustaceans.

(3) Ornamental marine or freshwater plants and animals that are not utilized for human consumption or bait purposes and are maintained in closed systems for personal, pet industry, or hobby purposes.

(c) The section does not apply to any live aquatic plant or animal imported by a registered aquaculturist.

§2272. Tagging of packages.

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

Title 14 Excerpts

§236. Importation of Live Aquatic Plants and Animals.

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

(a) No person shall import into this state any prohibited species of live aquatic plant or animal listed pursuant to Section 2118, of the Fish and Game Code, or Section 671, of these regulations unless specifically authorized by the commission.

(b) Unless specifically prohibited by these regulations, plants and animals within the following groups may be imported without an importation permit from the department:

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

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

(3) Brine shrimp.

(c) With the exception of those importations described in Section 236(a) and (b), live aquatic plants and animals may be imported into this state only in accordance with the following terms and conditions:

(1) A standard importation permit signed by the director or his agent is required, and no shipment into the state may be made prior to the issuance of the permit authorizing the shipment or shipments. The department shall charge a fee for issuing each permit. See subsection 699(b) of these regulations for the fee for this permit. Fees charged for inspections shall be independent of the fees charged for issuing permits.

(2) With the exceptions of the live aquatic animals listed in subsection 236(c)(6), a permit is required for each lot or load, and each shipment must be accompanied by the original copy of the importation permit. Unless otherwise authorized, the person who is to receive any shipments of aquatic plants and animals shall apply to the department for this importation permit.

(3) Application for a standard importation permit shall be made on a form (Application for Standard Importation Permit, FG 789 (2/91), supplied by the department, as directed in Section 235(d) and shall reach the department's headquarters office at least 10 working days in advance of the probable arrival date of the shipment. A copy of the permit authorized by the director or his agent must accompany each load. If a change in date of shipment becomes necessary after a permit has been issued, the permittee shall notify the Aquaculture Development Section at least 5 days before the new date of shipment. Under special circumstances, the department may waive this 5-day notice requirement.

(4) All live aquatic plants and animals imported into California may be inspected by the department, either at the place of entry into the state or at other locations suitable to the department. The person importing the aquatic plants or animals may be required to provide facilities for inspecting and sorting them, and may be required to pay inspection costs, including salary and travel expenses of the inspector.

(5) Any lot or load of aquatic plants and animals found by the inspector to be diseased, parasitized or to contain species not authorized by the importation permit must be immediately destroyed or transported out of California within a period of time specified by the department. In such cases, the importation permit is automatically revoked.

(6) In lieu of the permits specified in subsection 236(c)(1), long-term permits for the following aquatic animals may be issued by the department for periods of up to one year. Applications shall be made on a form (Application for Long-term Permit to Import Animals into California, FG 786 (2/91), supplied by the department. The department shall charge a fee for issuing each permit.

(A) Oyster, oyster larvae and oyster seed.
(B) Ghost shrimps (Callianassa Spp).
(C) Mud shrimps (Upogebia Spp).
(D) Longjaw mudsuckers (Gillichthys mirabilis).
(E) Red swamp crayfish (Procambarus clarkii).
(F) Orconectes virilis.
(G) Marine Annelid worms (Phylum Annelida).
(H) Sacramento blackfish (Orthodon microlepidotus).
(I) Other species under conditions which the DFG determines represent no significant risk to the fish and wildlife resources of the state.

(7) Importation of Salmonid Eggs. Applications to import eggs of fishes of the family salmonidae (trout, salmon and char) shall be accompanied by a health certificate signed by a person competent in the diagnoses of fish diseases stating that the hatchery or other sources of the eggs to be imported and the eggs themselves are free of the following diseases: infectious pancreatic necrosis (IPN); bacterial kidney disease (BKD); infectious hematopoietic necroses (IHN); and viral hemorrhagic septicemia (Egtved). In questionable cases, the director of the department shall determine whether or not the person making the certification is technically qualified to do so.

(8) Only those aquatic plants and animals lawfully obtained in another state.

LANDING TAXES

FGC Excerpts

§8040. Definitions.
The following definitions govern the construction of this article.

(a) "Commercial fisherman" means a person who has a valid, unrevoked commercial fishing license issued pursuant to Section 7850.

(b) "Landing tax" means a privilege tax imposed pursuant to this article.

§8041. Persons required to pay landing tax.

(a) The following persons shall pay the landing tax determined pursuant to Section 8042:

(1) Any person who is required to be licensed before January 1, 1987, as a wholesaler or a processor pursuant to former Section 8040, and who receives fish from commercial fishermen.

(2) Any commercial fisherman who sells fish to any person who is not a licensed fish receiver.

(b) Notwithstanding subdivision (a), a person licensed pursuant to Section 8460, who only takes, transports, or sells live freshwater fish for bait or a commercial fisherman who sells live freshwater fish for bait to such a licensed person, and a person licensed pursuant to Section 8033.1, who takes, transports, or sells live aquaria fish as described in Section 8597, or a commercial fisherman who sells live aquaria fish, are exempt from the landing tax imposed under this article. It is the intent of the Legislature that the license fee for live aquaria fish described in Section 8033.1, shall be in lieu of a landing tax.

(c) Notwithstanding subdivision (a), a person who purchases, sells, takes, or receives live marine fish for use as live bait as described in subdivision (g) of Section 8030, is exempt from the landing tax imposed under this article.

§8042. Amount of landing tax.

The amount of the landing tax under this article shall be determined by multiplying the tax rate for the type of fish delivered by a commercial fisherman in this state in cleaned, gutted, beheaded, or otherwise not in the round at the time of delivery, the taxes shall be adjusted by a conversion factor as determined by the department by regulation.

§8053. Payment of landing tax; Collection.

Landing taxes imposed by this article shall be paid quarterly to the department within 30 days after the close of each quarter

If any landing tax is not paid within 30 days after the close of the quarter for which it is due, the department shall collect amounts owing under the procedures prescribed for sales and use taxes provided in Chapter 5 (commencing with Section 6451) and Chapter 6 (commencing with Section 6701) of Part 1 of Division 2 of the Revenue and Taxation Code, insofar as they may be applicable, and for those purposes, "board" means the department and "the date on which the tax became due and payable" means that date 30 days after the close of the quarter for which it is due.

FISH LANDING RECEIPTS

FGC Excerpts

§8043. Landing receipt; Form and contents.

(a) Every commercial fisherman who sells or delivers fish that he or she has taken to any person who is not licensed under Article 7 (commencing with Section 8030), and every person who is required to be licensed under Article 7 (commencing with Section 8030) to conduct the activities of a fish receiver, as described in Section 8033, shall make a legible landing receipt record on a form to be furnished by the department. The landing receipt shall be completed at the time of the receipt, purchase, or transfer of fish, whichever occurs first.

(b) The landing receipt shall show all of the following:

(1) The accurate weight of the species of fish received, as designated pursuant to Section 8045. Sablefish may be reported in dressed weight, and if so reported, shall have the round weights computed, for purposes of management quotas, by multiplying 1.6 times the reported dressed weight.

(2) The name of the fisherman and the fisherman's identification number.

(3) The department registration number of the boat.

(4) The recepient's name and identification number, if applicable.

(5) The date of receipt.

(6) The price paid.

(7) The department origin block number where the fish were caught.

(8) The type of gear used.

(9) Any other information the department may prescribe.

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

§8043.2. Fish sold directly to ultimate consumer.

(a) A commercial fisherman licensed pursuant to Section 8033.5 who sells fish from a vessel directly to the ultimate consumer and who is required pursuant to Section 8043 to make a landing receipt, shall make a landing receipt in either of the following ways:

(1) For each individual sale by that fisherman at the time of the sale.

(2) For each day that the fisherman is engaged in one or more sales to the ultimate consumers, the fisherman shall maintain an accurate tally sheet of sales, which shall include complete header and signature box information filled out prior to any sales, and the number of pounds by species of fish sold. The total of the daily sales shall be recorded at the completion of sales for that day on a landing receipt. A copy of the completed tally sheet shall be attached to the corresponding landing receipt. The original completed tally sheet shall be attached to the fisherman's copy of the corresponding landing receipt and maintained for a period of four years.

(b) A commercial fisherman licensed pursuant to Section 8033.5 who sells directly to the ultimate consumer, or a commercial fisherman who sells or delivers fish that the fisherman has taken to any person who is not licensed under Article 7 (commencing with Section 8030) to conduct the activities of a fish receiver, shall not be considered a weighmaster for purposes of Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code.

(c) A commercial fisherman selling his or her own catch to the ultimate customer, upon request by an authorized agent or employee of the department, shall immediately make available all fish in possession of the fisherman for inspection and sampling by the agent or employee. Pursuant to Section 8226, the fisherman shall relinquish the head from any sampled salmon with a missing adipose fin.

§8045. Names used in landing receipt for designating species of fish.

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

§8046. Delivery and retention of landing receipt; Copies.

(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.

§8046.1. Person landing groundfish subject to federal regulations to keep receipt on hand.

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

FISH TRANSPORTATION RECEIPTS

FGC Excerpts.

§8047. Other persons to make landing receipt; Transportation receipt.

(a)(1) A person licensed under Article 7 (commencing with Section 8030) who takes his or her own fish shall make a legible record in the form of the landing receipt as required by Section 8043 and Section 8043.1 at the time the fish are brought ashore. The original signed copy of the landing receipt shall be delivered by the licensee to the department on or before the 16th day or the last day of the month in which the fish were landed, whichever date occurs first after landing. A copy of the landing receipt shall be retained by the licensee for a period of four years and shall be available for inspection at any time within that period by the department. A copy of the landing receipt shall be delivered to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the commercial fisherman receiving the original copy.

(2) A person licensed under Section 8033.5 who sells his or her fish to a licensed receiver may use a transportation receipt to transport those fish only to that licensed receiver. The receiver shall complete a landing receipt for those fish. A person who sells his or her fish to the ultimate consumer shall complete a landing receipt pursuant to Sections 8043 and 8043.2. Transportation receipts shall be completed at the time the fish are transferred from the fishing vessel.

(b) Every commercial fisherman who sells fish taken from the waters of this state or brought into this state in fresh condition to persons not licensed to receive fish for commercial purposes pursuant to Article 7 (commencing with Section 8030) shall make a legible record in the form of the landing receipt required by Sections 8043 and 8043.1. Persons subject to Section 8043 shall remit the landing tax imposed by Section 8041. The person taking, purchasing, or receiving the fish, whether or not licensed

under Article 7 (commencing with Section 8030), shall sign the landing receipt. The original signed copy of the landing receipt shall be delivered by the commercial fisherman to the department on or before the first and 16th day of each month. A copy of the landing receipt shall be retained by the commercial fisherman for a period of four years and shall be available for inspection at any time within that period by the department. A copy of the landing receipt shall be retained by the person taking, purchasing, or receiving the fish until they are prepared for consumption or otherwise disposed of. A copy of the landing receipt shall be delivered to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the commercial fisherman receiving the original copy.

(c)(1) Every commercial fisherman or his or her designee, who transports, causes to the transported, or delivers to another person for transportation, any fish, except herring, taken from the waters of this state or brought into the state in fresh condition, shall fill out a transportation receipt according to the instructions and on forms provided by the department at the time the fish are brought ashore.

(2) The original signed copy of the transportation receipt shall be delivered by the commercial fisherman to the department on or before the 16th day or the last day of the month in which the fish were landed, whichever date occurs first after landing. A copy of the transportation receipt shall be retained by the commercial fisherman who filled it out for a period of four years and shall be available for inspection at any time within that period by the department. A copy of the transportation receipt shall be given to and retained by the person transporting the fish until the fish are sold fresh, processed, or otherwise disposed of.

(3) The transportation receipt is required only for transit purposes.

(4) A person transporting fish from the point of first landing under a transportation receipt is not required to be licensed to conduct the activities of a fish receiver as described in Section 8033.

(5) The transportation book receipt shall be issued to an individual fisherman and is not transferable.

(d) The transportation receipt shall contain all of the following information.

(1) The name of each species of fish, pursuant to Section 8045.

(2) The date and time of the receipt.

(3) The accurate weight of the species of fish being transported. Sablefish may be reported in dressed weight, and if so reported, shall have the round weights computed, for purposes of management quotas, by multiplying 1.6 times the reported dressed weight.

(4) The name and identification number of the fisherman. The signature of the fisherman authorizing transportation.

(5) The name of the person transporting the fish.

(6) The name of the fish business, the fish business identification number, and the corresponding landing receipt number issued by the fish business to the commercial fisherman.

(7) The department registration number of the vessel and the name of the vessel.

(8) The department origin block number where the fish were caught.

(9) The port of first landing.

(10)Any other information the department may prescribe.

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

§8050. Accounting Records.

(a) In addition to the receipt required in Section 8043, every person licensed under Article 7 (commencing with Section 8030), and any commercial fisherman who sells fish to persons who are not licensed under Article 7 (commencing with Section 8030), and any person who deals in fresh or frozen fish for profit, shall keep accounting records in which all of the following shall be recorded:

(1) The names of the different species.

(2) The number of pounds sold, distributed, or taken of each different species.

(3) The name of the person to whom the fish were sold or distributed.

(4) The name, address, and phone number of the seller or distributor.

(5) The date of sale.

(6) The price paid.

(7) the intended use.

(b) Accounting record information required by this section that is transmitted from any person identified in subdivision (a) to any business that deals in fish for profit shall be in the English language.

(c) The accounting records shall be maintained by both buyer and seller for a period of three years and upon request, shall be open for inspection during normal business hours by the department. The accounting records shall be maintained within the State of California.

(d) the names used for designating the species of fish shall be those in common usage unless otherwise designated by the department.

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