

AMENDED IN ASSEMBLY AUGUST 23, 2004
AMENDED IN ASSEMBLY AUGUST 17, 2004
AMENDED IN ASSEMBLY JUNE 16, 2004
AMENDED IN SENATE MAY 24, 2004
AMENDED IN SENATE APRIL 19, 2004
AMENDED IN SENATE MARCH 22, 2004

SENATE BILL

No. 1459

Introduced by Senator Alpert
(Coauthor: Assembly Member Harman)

February 19, 2004

An act to ~~add Section 8841~~ *amend Sections 8495 and 8842 of, to add Sections 8841 and 8494 to, and to repeal Sections 8495 and Section 8836.5 of, the Fish and Game Code, relating to fishing, and making an appropriation therefor. to fishing.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1459, as amended, Alpert. Fishing: trawl nets.

(1) Existing law generally permits the use of trawl nets, as defined, for the taking of fish and other marine life, except as otherwise prohibited for specific species or in various areas of the state. Existing law specifically authorizes the taking of shrimps and sea cucumbers by use of a trawl net under a permit issued by the Department of Fish and Game.

This bill would grant the Fish and Game Commission authority over all state-managed bottom trawl fisheries not managed under a federal or state fishery management plan. ~~The bill would require, commencing~~

~~April 1, 2006, all vessels using bottom trawl gear, except those with a valid pink shrimp trawl permit or a valid sea cucumber trawl permit, to maintain a current bottom trawl permit. The bill would require an application for a bottom trawl permit for the 2006–07 fishing season to be received by the Department of Fish and Game not later than January 1, 2006. The bill would require that, commencing with the 2007–08 fishing season, in order to obtain a bottom trawl permit, the applicant must have previously held a bottom trawl permit. The bill would require the commission to establish trawl permit fees, as specified. The bill would prohibit the transfer of bottom trawl permits, except to another vessel owned by the permit holder, provided the department determines the vessel is of comparable capacity and if the originally permitted vessel was lost, stolen, destroyed, or suffered a major irreparable mechanical breakdown. The bill would authorize the transfer of bottom trawl permits when the commission adopts a capacity reduction program under an adopted fishery management plan. The bill would require the department to consider any valid pink shrimp trawl permit or any valid sea cucumber trawl permit as the equivalent of the bottom trawl permit.~~

~~The bill would authorize holders of federal groundfish trawl permits to retain and land less than 100 pounds of halibut without a halibut trawl permit in accordance with federal and state regulations, would prohibit issuance of bottom trawl permits in the habitat fishery except for vessels meeting prescribed criteria, and would prohibit transfer of these permits before a capacity reduction plan is adopted for that fishery.~~

~~The bill would prohibit the use of roller gear that is more than 8 inches in diameter. The bill would also prohibit, commencing April 1, 2006, a person from fishing commercially for prawns or pink shrimp unless an approved type of bycatch reduction device is used with each net.~~

~~The bill would require the commission to facilitate the conversion of bottom trawlers to gear that sustains fish resources, if the commission determines that the conversion will not contribute to overcapacity or overfishing. The bill would authorize the commission to participate in and encourage programs that support the conversion of bottom trawlers to lower impact gear or capacity reduction by trawl fleets, but would prohibit the department from issuing new permits to replace bottom trawlers retired through a conversion program.~~

~~The bill would require the commission and the department, as soon as practicable, but not later than May 1, 2005, to submit to the Pacific Fishery Management Council, and the National Oceanic and~~



~~Atmospheric Administration (NOAA), National Marine Fisheries Service, a request for federal management measures for the pink shrimp fishery, and over other types of gear targeting the same species as those fisheries. The bill would subject every commercial bottom trawl vessel issued a state permit to the requirements and policies of the federal groundfish observer program. The bill would prohibit the commission from authorizing 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. The bill would prohibit the use of roller gear more than 8 inches in diameter, and commencing April 1, 2006, would make it unlawful to fish commercially for prawns or pink shrimp, unless an approved bycatch reduction device is used with each net. The bill would also make it unlawful to engage in bottom trawling in ocean waters of the state, except as otherwise specified. The bill would exempt from the provisions of the bill the use of trawl nets pursuant to a scientific research permit. The bill would require the commission to 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, and would prohibit the department from issuing new permits to bottom trawlers to replace those are retired through a conversion program. The bill would require the commission and the department, as soon as practicable, but not later than May 1, 2005, to 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. The bill would also make it unlawful for any vessel to utilize bottom trawling gear without a state or federal permit.~~

The bill would require, commencing April 1, 2006, any vessel using bottom trawl gear in state-managed halibut fisheries to possess a halibut bottom trawl permit issued by the department that authorizes the use of trawl gear by that vessel for the take of California halibut. The bill would require, commencing with the 2006 permit year, a halibut bottom trawl vessel permit to be issued annually, and commencing with the 2007–08 season, would require an applicant to have previously held a valid California halibut bottom trawl vessel permit. The bill would prohibit the department from issuing a bottom trawl vessel permit for



use in the halibut fishery unless that vessel has landed a minimum of 200 pounds of California halibut and reported that landing on fish tickets as being caught with bottom trawl gear within a specified timeframe. The bill would authorize those permits to be transferred in certain circumstances. The bill would require the commission to establish halibut bottom trawl vessel permit fees based on the recommendations of the department, and utilizing specified guidelines to cover the costs of administering the permit program, but would limit those fees to \$1,000 per permit until a restricted access program is adopted. The bill would authorize individuals holding a federal groundfish trawl permit to retain and land up to 150 pounds of halibut per trip without a halibut trawl permit in accordance with federal and state regulations, including, but not limited to, regulations developed under a halibut fishery management plan. The bill would make all these provisions inoperative upon the adoption by the commission of a halibut fishery management plan, as specified.

(2) Existing law designates the ocean waters lying between one and 3 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 as the California halibut trawl grounds.

~~This bill would repeal that provision,~~ *notwithstanding the designation of those areas as California halibut trawl grounds, prohibit the use of trawl gear for the take of fish in certain areas of the California halibut trawl grounds. The bill would, commencing April 1, 2008, close specified areas in the California halibut trawl grounds to trawling, unless the commission finds that a bottom trawl fishery for halibut minimizes bycatch, is likely not damaging seafloor habitat, is not adversely affecting ecosystem health, and is not impeding reasonable restoration of kelp, coral, or other biogenic habitats. The bill would require the commission to pay special attention in making that finding 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. The bill would also require the commission, every 3 years commencing January 1, 2008, to review information from the federal groundfish observer program and other available research and monitoring information it determines relevant, and to 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 seafloor*



habitat, is adversely affecting ecosystem health, or impedes reasonable restoration of kelp, coral, or other biogenic habitats. The bill would prohibit any trawl net that exceeds a certain entrance size, wing panel length, mesh size, or that uses trawl doors that exceed a certain weight from being used in the California halibut trawl grounds.

(3) Existing law also designates specified fish and game districts, including District 18, in which trawl nets may be used in waters not less than 3 nautical miles from the nearest point of land on the mainland shore, including those portions of Monterey Bay, Estero Bay, and San Luis Obispo Bay which lie within those districts. Existing law, notwithstanding that limited authority, authorizes the use of trawl nets, except midwater trawl nets in that portion of District 18 between a line running due west from Yankee Point and a line running due west from Point Sur in water not less than one nautical mile from the nearest point of land on the mainland shore.

This bill would repeal the additional authority relating to the use of trawl nets in those portions of District 18.

(4) Existing law authorizes the use of trawl nets of a design prescribed by the commission to be used or possessed to take shrimps or prawns under a permit issued by the department. Existing law makes it unlawful when fishing for pink shrimp under that permit to possess in excess of 1,500 pounds of incidentally taken fish per calendar day of a fishing trip, except as specified, and prohibits the possession or landing of specified amounts of other fish when fishing under that permit.

This bill would authorize trawling for shrimp or prawns only in those specified waters of Districts 6, 7, 10, 17, 18, and 19, but would authorize, until January 1, 2008, trawling not less than 2 miles from the nearest point of land on the mainland shore in certain other areas of those waters. The bill would authorize, commencing January 1, 2008, the taking of pink shrimp not less than 2 nautical miles from shore in those waters if the commission finds that, upon review of information from the federal groundfish observer program and other available research and monitoring information 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.

(5) Existing law makes a violation of the Fish and Game Code a misdemeanor punishable by fine, imprisonment, or both.

By creating new crimes, this bill would impose a state-mandated local program.



~~(5) The~~

(6) *The* California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(6) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department for payment of refunds of sums it determines have been erroneously deposited in the fund and for the payment of all necessary expenses incurred in carrying out the Fish and Game Code and any other laws for the protection and preservation of birds, mammals, reptiles, and fish, and to the Fish and Game Commission to pay the compensation and expenses of the commissioners and employees of the commission.~~

~~By expanding the parameters of, and imposing new duties on, the commission and the department, and by increasing fine revenues to be deposited in the currently continuously appropriated fund, this bill would make an appropriation.~~

Vote: majority. Appropriation: *yes no*. Fiscal committee: *yes*. State-mandated local program: *yes*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8841 is added to the Fish and Game
2 Code, to read:
3 8841. (a) The commission is hereby granted authority over
4 all state-managed bottom trawl fisheries not managed under a
5 federal fishery management plan pursuant to the
6 Magnuson-Stevens Fishery Conservation and Management Act
7 (16 U.S.C. Sec. 1801 et seq.) or a state fishery management plan
8 pursuant to the Marine Life Management Act (Chapter 1052 of the
9 Statutes of 1998), to ensure that resources are sustainably
10 managed, to protect the health of ecosystems, and to provide for
11 an orderly transition to sustainable gear types in situations where
12 bottom trawling may not be compatible with these goals.
13 (b) The commission is hereby granted authority to manage all
14 of the ~~following fisheries~~ *fisheries described in subdivision (a)* in
15 a manner that is consistent with the requirements of this section



1 and in accordance with the requirements of Part 1.7 (commencing
2 with Section 7050), including, but not limited to, the following:

3 (1) California halibut.

4 (2) Sea cucumber.

5 (3) Ridge-back, spot, and golden prawn.

6 ~~(e) Commencing April 1, 2006, except as described in~~
7 ~~subdivision (e), all vessels using bottom trawl gear in~~
8 ~~state-managed bottom trawl fisheries, as described in subdivision~~
9 ~~(a), shall maintain a bottom trawl permit that has not been~~
10 ~~suspended or revoked expressly and that authorizes the use of that~~
11 ~~gear in a fishery. An application for a bottom trawl permit for the~~
12 ~~2006-07 season shall be received by the department not later than~~
13 ~~January 1, 2006.~~

14 ~~(1) A bottom trawl vessel permit shall be issued annually,~~
15 ~~commencing with the permit for the 2006 permit year.~~
16 ~~Commencing with the 2007-08 season, in order to be eligible for~~
17 ~~a bottom trawl permit an applicant shall have previously held a~~
18 ~~valid California bottom trawl permit.~~

19 ~~(2) Permits issued under this section, except those pink shrimp~~
20 ~~trawl or sea cucumber trawl permits described in subdivision (e),~~
21 ~~may become transferable when the commission adopts a capacity~~
22 ~~reduction program pursuant to Chapter 5 (commencing with~~
23 ~~Section 7070) of Part 1.7 in a manner that is consistent with any~~
24 ~~regulations adopted pursuant to that capacity reduction program.~~

25 ~~(3) A bottom trawl vessel permit may be transferred to another~~
26 ~~vessel owned by the same permitholder if the vessel is of~~
27 ~~comparable capacity, as determined by the department based on~~
28 ~~the United States Coast Guard documentation papers and if the~~
29 ~~originally permitted vessel was lost, stolen, destroyed, or suffered~~
30 ~~a major irreparable mechanical breakdown.~~

31 ~~(4) The department may not issue a permit for a replacement~~
32 ~~vessel if the department determines that the originally permitted~~
33 ~~vessel was fraudulently reported as lost, stolen, destroyed, or~~
34 ~~damaged.~~

35 ~~(5) Only the permitholder at the time of the loss, theft,~~
36 ~~destruction, or irreparable mechanical breakdown of a vessel may~~
37 ~~apply to transfer the vessel permit. Evidence that a vessel is lost,~~
38 ~~stolen, or destroyed shall be in the form of a copy of the report filed~~
39 ~~with the United States Coast Guard, or any other law enforcement~~



1 agency or fire department that conducted an investigation of the
2 loss.

3 (6) A permit issued in the halibut trawl fishery may not be
4 transferred until a capacity reduction program is adopted for that
5 fishery pursuant to paragraph (2).

6 (d) The department may not issue a bottom trawl permit
7 pursuant to this section for use in the halibut fishery unless that
8 vessel has landed a minimum of 100 pounds of California halibut
9 and reported that landing on fish tickets as being caught with
10 bottom trawl gear in at least three years of the years 1995 to 2003,
11 inclusive.

12 (e) The department shall consider any valid pink shrimp trawl
13 permit or a valid sea cucumber trawl permit as the equivalent of
14 the bottom trawl permit described in subdivision (c) and may not
15 require any pink shrimp or sea cucumber trawl permit holder to
16 obtain a bottom trawl permit pursuant to subdivision (c). All other
17 subdivisions in this section apply to pink shrimp trawl and sea
18 cucumber trawl permit holders.

19 (f) Every vessel issued a bottom trawl permit is subject to the
20 requirements and policies of the federal groundfish observer
21 program (50 C.F.R. 660.360).

22 (g) The commission shall establish trawl permit fees based on
23 the recommendations of the department, and utilizing the
24 guidelines outlined in subdivision (b) of Section 711 to cover the
25 costs of administering this section.

26 (h) The commission may not authorize additional fishing areas
27 for bottom trawls, unless the commission determines that adequate
28 evidence establishes that additional fishing areas are sustainable,
29 do not harm bottom habitat, and do not conflict with other users.

30 (i) It is unlawful to use roller gear more than eight inches in
31 diameter.

32 (j) Commencing April 1, 2006, it is unlawful to fish
33 commercially for prawns or pink shrimp, unless an approved
34 bycatch reduction device is used with each net. For the purposes
35 of this subdivision, a rigid grate fish excluder device is the
36 approved type of bycatch reduction device, unless the
37 commission, the Pacific Fishery Management Council, or NOAA
38 Fisheries determines that a different type of fish excluder device
39 has an equal or greater effectiveness at reducing bycatch.



1 ~~(k) It is unlawful to engage in bottom trawling in ocean waters~~
2 ~~of the state.~~

3 ~~(l) This section does not apply to the use of trawl nets pursuant~~
4 ~~to a scientific research permit.~~

5 ~~(m) The commission shall facilitate the conversion of bottom~~
6 ~~trawlers to gear that is more sustainable if the commission~~
7 ~~determines that conversion will not contribute to overcapacity or~~
8 ~~overfishing. The commission may participate in and encourage~~
9 ~~programs that support conversion to low impact gear or capacity~~
10 ~~reduction by trawl fleets. The department may not issue new~~
11 ~~permits to bottom trawlers to replace any that are retired through~~
12 ~~a conversion program.~~

13 ~~(n) As soon as practicable, and not later than May 1, 2005, the~~
14 ~~commission and the department shall submit to the Pacific Fishery~~
15 ~~Management Council and NOAA Fisheries a request for federal~~
16 ~~management measures for the pink shrimp fishery as the~~
17 ~~commission and the department determine is needed to reduce~~
18 ~~bycatch or protected habitat, to account for uncertainty, or to~~
19 ~~otherwise ensure consistency with federal groundfish~~
20 ~~management.~~

21 ~~(o) Individuals holding a federal groundfish trawl permit may~~
22 ~~retain and land less than 100 pounds of halibut without a halibut~~
23 ~~trawl permit in accordance with federal and state regulations,~~
24 ~~including regulations developed under a halibut fishery~~
25 ~~management plan.~~

26 ~~SEC. 2.— Section 8495 of the Fish and Game Code is repealed.~~

27 ~~SEC. 3.—~~

28 ~~(4) Pink shrimp.~~

29 ~~(c) The commission is also granted authority over other types~~
30 ~~of gear targeting the same species as the bottom trawl fisheries~~
31 ~~referenced in subdivision (a) to manage in a manner that is~~
32 ~~consistent with the requirements of Part 1.7 (commencing with~~
33 ~~Section 7050).~~

34 ~~(d) Every commercial bottom trawl vessel issued a state permit~~
35 ~~is subject to the requirements and policies of the federal groundfish~~
36 ~~observer program (50 C.F.R. 660.360).~~

37 ~~(e) The commission may not authorize additional fishing areas~~
38 ~~for bottom trawls, unless the commission determines that adequate~~
39 ~~evidence establishes that additional fishing areas are sustainable,~~



1 *do not harm bottom habitat, and do not reasonably conflict with*
2 *other users.*

3 (f) *It is unlawful to use roller gear more than eight inches in*
4 *diameter.*

5 (g) *Commencing April 1, 2006, it is unlawful to fish*
6 *commercially for prawns or pink shrimp, unless an approved*
7 *bycatch reduction device is used with each net. For the purposes*
8 *of this subdivision, a rigid grate fish excluder device is the*
9 *approved type of bycatch reduction device, unless the commission,*
10 *the Pacific Fishery Management Council, or the National Marine*
11 *Fisheries Service determines that a different type of fish excluder*
12 *device has an equal or greater effectiveness at reducing bycatch.*

13 (h) *Except as provided in Section 8495 or 8842, it is unlawful*
14 *to engage in bottom trawling in ocean waters of the state.*

15 (i) *This section does not apply to the use of trawl nets pursuant*
16 *to a scientific research permit.*

17 (j) *The commission shall facilitate the conversion of bottom*
18 *trawlers to gear that is more sustainable if the commission*
19 *determines that conversion will not contribute to overcapacity or*
20 *overfishing. The commission may participate in, and encourage*
21 *programs that support, conversion to low-impact gear or capacity*
22 *reduction by trawl fleets. The department may not issue new*
23 *permits to bottom trawlers to replace those retired through a*
24 *conversion program.*

25 (k) *As soon as practicable, but not later than May 1, 2005, the*
26 *commission and the department shall submit to the Pacific Fishery*
27 *Management Council and the National Marine Fisheries Service*
28 *a request for federal management measures for the pink shrimp*
29 *fishery that the commission and the department determine are*
30 *needed to reduce bycatch or protect habitat, to account for*
31 *uncertainty, or to otherwise ensure consistency with federal*
32 *groundfish management.*

33 (l) *No vessel may utilize bottom trawling gear without a state*
34 *or federal permit.*

35 SEC. 2. *Section 8494 is added to the Fish and Game Code, to*
36 *read:*

37 8494. (a) *Commencing April 1, 2006, any vessel using*
38 *bottom trawl gear in state-managed halibut fisheries, as described*
39 *in subdivision (a) of Section 8841, shall possess a halibut bottom*
40 *trawl permit issued by the department that authorizes the use of*



1 trawl gear by that vessel for the take of California halibut. An
2 application for a California halibut bottom trawl vessel permit for
3 the 2006–07 season shall be received by the department not later
4 than January 1, 2006.

5 (b) A halibut bottom trawl vessel permit shall be issued
6 annually, commencing with the 2006 permit year. Commencing
7 with the 2007-08 season, in order to be eligible for that permit, an
8 applicant shall have previously held a valid California halibut
9 bottom trawl vessel permit.

10 (c) The department shall not issue a bottom trawl vessel permit
11 pursuant to this section for use in the halibut fishery unless that
12 vessel has landed a minimum of 200 pounds of California halibut
13 and reported that landing on fish tickets as being caught with
14 bottom trawl gear in at least one of the following:

15 (1) At least two of the calendar years 1995 to 2003, inclusive.

16 (2) At least one of the calendar years 1995 to 2003, inclusive,
17 and from January 1, 2004, to February 19, 2004, inclusive.

18 (d) Permits issued pursuant this section may be transferred
19 only if at least one of the following occur:

20 (1) The commission adopts a restricted access program for the
21 fishery, including, but not limited to, if necessary, a plan for
22 reducing capacity in this fishery in a manner that is consistent with
23 the commission's policies regarding restricted access to
24 commercial fisheries.

25 (2) Prior to the implementation of a restricted access program,
26 the permit is transferred to another vessel owned by the same
27 permitholder of equal or less capacity, as determined by the
28 department based on the United States Coast Guard
29 documentation papers, and if the originally permitted vessel was
30 lost, stolen, destroyed, or suffered a major irreparable mechanical
31 breakdown. The department may not issue a permit for a
32 replacement vessel if the department determines that the originally
33 permitted vessel was fraudulently reported as lost, stolen,
34 destroyed, or damaged. Only the permitholder at the time of the
35 loss, theft, destruction, or irreparable mechanical breakdown of a
36 vessel may apply to transfer the vessel permit. Evidence that a
37 vessel is lost, stolen, or destroyed shall be in the form of a copy of
38 the report filed with the United States Coast Guard, or any other
39 law enforcement agency or fire department that conducted an
40 investigation of the loss.



1 (3) Prior to the implementation of a halibut trawl restricted
2 access program, a vessel permitholder, or his or her heirs or
3 assigns, requests to transfer the permit because of the death or
4 permanent disability of the permitholder or the decision by the
5 permitholder to retire from fishing upon reaching or exceeding age
6 65, and halibut landings contributed significantly to the catch
7 record and economic income derived from the vessel, and the
8 permit is authorized by the department to be transferred with the
9 vessel. The department may request information that it determines
10 is reasonably necessary from the permitholder or his or her heirs
11 and assigns for the purpose of verifying statements in the request
12 prior to authorizing the transfer of the permit.

13 (e) The commission shall establish California halibut bottom
14 trawl vessel permit fees based on the recommendations of the
15 department and utilizing the guidelines outlined in subdivision (b)
16 of Section 711 to cover the costs of administering this section.
17 Prior to the adoption of a restricted access program pursuant to
18 subdivision (d), fees may not exceed one thousand dollars (\$1,000)
19 per permit.

20 (f) Individuals holding a federal groundfish trawl permit may
21 retain and land up to 150 pounds of California halibut per trip
22 without a California halibut trawl permit in accordance with
23 federal and state regulations, including, but not limited to,
24 regulations developed under a halibut fishery management plan.

25 (g) This section shall become inoperative upon the adoption by
26 the commission of a halibut fishery management plan in
27 accordance with the requirements of Part 1.7 (commencing with
28 Section 7050).

29 SEC. 3. Section 8495 of the Fish and Game Code is amended
30 to read:

31 8495. (a) The following area is designated as the California
32 halibut trawl grounds:

33 The ocean waters lying between one and three nautical miles
34 from the mainland shore lying south and east of a line running due
35 west (270° true) from Point Arguello and north and west of a line
36 running due south (180° true) from Point Mugu.

37 (b) Notwithstanding the provisions of subdivision (a), the use
38 of trawl gear for the take of fish is prohibited in the following areas
39 of the California halibut trawl grounds:



1 (1) Around Point Arguello. The area from a line extending from
2 Point Arguello true west (270°) and out three miles, to a line
3 extending from Rocky Point true south (180°) and out three miles.

4 (2) Around Point Conception. From a point on land
5 approximately one-half mile north of Point Conception at latitude
6 34° 27.5' extending seaward true west (270°) from one to three
7 miles, to a point on land approximately 1/2 mile east of Point
8 Conception at longitude 120° 27.5' extending seaward true south
9 (180°) from one to three miles.

10 (3) In the Hueneme Canyon in that portion demarked by the
11 IMO Vessel Traffic safety zone on NOAA/NOS Chart 18725 and
12 from one mile to the three mile limit of state waters.

13 (4) In Mugu Canyon, from Laguna point, a line extending true
14 south (180°) and out three miles, to Point Mugu, a line extending
15 true south (180°) and from one to three miles.

16 (c) (1) Notwithstanding the provisions of subdivision (a),
17 commencing April 1, 2008, the following areas in the California
18 halibut trawl grounds shall be closed to trawling, unless the
19 commission finds that a bottom trawl fishery for halibut minimizes
20 bycatch, is likely not damaging seafloor habitat, is not adversely
21 affecting ecosystem health, and is not impeding reasonable
22 restoration of kelp, coral, or other biogenic habitats:

23 (A) The ocean waters lying between one and three nautical
24 miles from the mainland shore from a point east of a line extending
25 seaward true south (180°) from a point on land approximately 1/2
26 mile east of Point Conception at longitude 120° 27.5' to a line
27 extending due south from Gaviota.

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

32 (C) Except as provided in subdivision (b), the ocean waters
33 lying between one and three nautical miles from the mainland
34 shore lying south and east of a line running due west (270° true)
35 from Point Arguello to a line extending seaward true south (180°)
36 from a point on land approximately 1/2 mile east of Point
37 Conception at longitude 120° 27.5', and from the western border
38 of the IMO Vessel Traffic safety zone on NOAA/NOS Chart 18725
39 in Hueneme Canyon running south and east to a line running due
40 south (180° true) from Point Mugu.



1 (2) In making the finding described in paragraph (1), the
2 commission shall pay special attention to areas where kelp and
3 other biogenic habitats existed and where restoring such habitats
4 is reasonably feasible, and to hard bottom areas and other
5 substrate that may be particularly sensitive to bottom trawl
6 impacts.

7 (d) Commencing January 1, 2008, the commission shall review
8 information every three years from the federal groundfish observer
9 program and other available research and monitoring information
10 it determines relevant, and shall close any areas in the California
11 halibut trawl grounds where it finds that the use of trawl gear does
12 not minimize bycatch, is likely damaging seafloor habitat, is
13 adversely affecting ecosystem health, or impedes reasonable
14 restoration of kelp, coral, or other biogenic habitats. The
15 commission shall pay special attention to areas where kelp and
16 other biogenic habitats existed and where restoring those habitats
17 is reasonably feasible, and to hard bottom areas and other
18 substrate that may be particularly sensitive to bottom trawl
19 impacts in making that finding.

20 (e) Notwithstanding any other provision of law, no trawl net
21 shall be used in the California halibut trawl grounds with an
22 entrance greater than 60 feet across and 6 feet in height, with wing
23 panels that exceed 100 feet in length, that utilize less than 5 inch
24 mesh in the body of the net and less than 7¹/₂ inch mesh in the cod
25 end of the net, or that uses any trawl doors on the net that exceed
26 500 pounds in weight. The commission may order modifications in
27 net and mesh size as it determines necessary to assure trawl gear
28 is used in a sustainable manner within the California halibut trawl
29 grounds.

30 SEC. 4. Section 8836.5 of the Fish and Game Code is
31 repealed.

32 SEC. 5. Section 8842 of the Fish and Game Code is amended
33 to read:

34 8842. (a) Trawl nets of a design prescribed by the
35 commission may be used or possessed to take shrimps or prawns
36 under a permit issued by the department under regulations adopted
37 by the commission.

38 Sections 8831, 8833, 8835, and 8836 do not apply to trawl nets
39 used or possessed under a permit issued pursuant to this section.



1 (b) *Trawling for shrimps or prawns shall be authorized only in*
2 *those waters of Districts 6, 7, 10, 17, 18, and 19 that lie not less*
3 *than three nautical miles from the nearest point of land on the*
4 *mainland shore, and all offshore islands and the boundary line of*
5 *District 19A, except that in waters lying between a line extending*
6 *due west from False Cape and a line extending due west from Point*
7 *Reyes, trawling is allowed not less than two nautical miles from the*
8 *nearest point of land on the mainland shore until January 1, 2008.*

9 (c) When fishing for pink shrimp (*Pandalus jordani*) under a
10 permit issued pursuant to this section, it is unlawful to possess in
11 excess of 1,500 pounds of incidentally taken fish per calendar day
12 of a fishing trip, except Pacific whiting, shortbelly rockfish, and
13 arrowtooth flounder, which may be taken in any amount not in
14 excess of federal regulations. No Pacific halibut and not more than
15 150 pounds of California halibut shall be possessed or landed when
16 fishing under a permit issued pursuant to this section. When
17 fishing for ridgeback prawn and spotted prawn under a permit
18 issued pursuant to this section, it is unlawful to possess in excess
19 of 1,000 pounds of incidentally taken fish per trip.

20 ~~(c) This section shall become operative on April 1, 2001.~~

21 (d) *Commencing January 1, 2008, the commission shall permit*
22 *the taking of pink shrimp not less than two nautical miles from*
23 *shore in waters that lie between a line extending due west from*
24 *False Cape and a line extending due west from Point Reyes from*
25 *the nearest point of land on the mainland shore, if the commission*
26 *finds that, upon review of information from the federal groundfish*
27 *observer program and other available research and monitoring*
28 *information that it determines relevant, the use of trawl gear*
29 *minimizes bycatch, will not damage seafloor habitat, will not*
30 *adversely affect ecosystem health, and will not impede reasonable*
31 *restoration of kelp, coral, or other biogenic habitats. The*
32 *commission shall pay special attention to areas where kelp and*
33 *other biogenic habitats existed and where restoring those habitats*
34 *is feasible, and to hard bottom areas and other substrate that may*
35 *be particularly sensitive to bottom trawl impacts in making that*
36 *finding.*

37 ~~SEC. 4.~~

38 SEC. 6. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school



1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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