

ASSEMBLY BILL

No. 2019

**Introduced by Assembly Members Fong and Levine
(Principal coauthor: Assembly Member Stone)
(Coauthor: Assembly Member Rendon)**

February 20, 2014

An act to amend the heading of Article 16 (commencing with Section 8561) of Chapter 2 of Part 3 of Division 6 of, and to amend and repeal Sections 8568, 8568.5, 8573, 8574, 8575, and 8575.5 of, and to amend, repeal, and add Sections 8561, 8563, 8564, 8567, 8569, 8576, 8576.5, 8577, 8579, and 8582 of, and to add Sections 8561.1 and 8561.3 to, the Fish and Game Code, relating to commercial fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2019, as introduced, Fong. Commercial fishing: drift gill net shark and swordfish fishery.

(1) Existing law prohibits a person from using or operating, or assisting in using or operating, a boat, aircraft, net, trap, line, or other appliance to take fish or amphibia for commercial purposes unless the person holds a commercial fishing license issued by the Department of Fish and Wildlife. Existing law prohibits the taking of shark and swordfish for commercial purposes with drift gill nets except under a valid drift gill net shark and swordfish permit issued to that person that has not been suspended or revoked and is issued to at least one person aboard the boat, except as provided. Existing law prohibits a person from taking shark and swordfish under a drift gill net permit during certain times of the year and in certain locations. Under existing law, a violation of these provisions is a crime.

This bill would prohibit a person from using a drift gill net to take shark and swordfish for commercial purposes, except as provided. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program. The bill would recast the drift gill net shark and swordfish permit as the shark and swordfish permit and would authorize a person to take shark and swordfish under this permit using only specified methods of take, including hand-held hook and line and handthrust harpoon. The bill would eliminate in the new shark and swordfish fishery provisions the time and area restrictions that existed for the use of drift gill nets for shark and swordfish. The bill would require the department to issue a shark and swordfish permit to a person who actively participated, as defined, in the drift gill net shark and swordfish fishery and who holds a valid drift gill net shark and swordfish permit as of January 31, 2015. The bill would authorize the department to issue a shark and swordfish permit to a person who did not actively participate in the drift gill net shark and swordfish fishery and who holds a valid drift gill net permit as of January 31, 2015, based on specified considerations. The bill would make additional conforming changes. The bill would make these provisions operative on February 1, 2015.

This bill would require the department, through its member on the Pacific Fishery Management Council, to initiate and support an amendment to the Highly Migratory Species Fishery Management Plan to prohibit the use of drift gill nets to target shark and swordfish in the area subject to the oversight of the council.

This bill would provide that the provisions of this act are severable.

(2) 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.

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

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

- 1 SECTION 1. The heading of Article 16 (commencing with
- 2 Section 8561) of Chapter 2 of Part 3 of Division 6 of the Fish and
- 3 Game Code is amended to read:

1 Article 16. ~~Drift Gill Net Shark and Swordfish Fishery~~

2
3 SEC. 2. Section 8561 of the Fish and Game Code is amended
4 to read:

5 8561. (a) Notwithstanding Section 8394, shark and swordfish
6 shall not be taken for commercial purposes with drift gill nets
7 except under a valid drift gill net shark and swordfish permit issued
8 to that person that has not been suspended or revoked and is issued
9 to at least one person aboard the boat.

10 (b) A drift gill net shark and swordfish permit shall not be
11 required for the taking of sharks with drift gill nets with a mesh
12 size smaller than eight inches in stretched mesh and twine size no.
13 18 or the equivalent of this twine size or smaller.

14 (c) *This section shall become inoperative on February 1, 2015,*
15 *and, as of January 1, 2016, is repealed, unless a later enacted*
16 *statute, that becomes operative on or before January 1, 2016,*
17 *deletes or extends the dates on which it becomes inoperative and*
18 *is repealed.*

19 SEC. 3. Section 8561 is added to the Fish and Game Code, to
20 read:

21 8561. (a) A person may only take shark and swordfish for
22 commercial purposes under a permit issued pursuant to this section
23 or under another authorization granted pursuant to this code.

24 (b) The department shall issue a shark and swordfish permit to
25 a person who meets the following criteria:

26 (1) The person holds a valid drift gill net shark and swordfish
27 permit as of January 31, 2015, that has not been suspended or
28 revoked.

29 (2) The person actively participated in the drift gill net shark
30 and swordfish fishery.

31 (c) (1) The department shall determine whether to issue a shark
32 and swordfish permit to a person who meets the following criteria:

33 (A) The person holds a valid drift gill net shark and swordfish
34 permit as of January 31, 2015, that has not been suspended or
35 revoked.

36 (B) The person did not actively participate in the drift gill net
37 shark and swordfish fishery.

38 (2) The department shall make the determination described in
39 paragraph (1) based on the following considerations:

1 (A) Whether issuing the permit would result in overcapacity in
2 the fishery.

3 (B) Whether issuing the permit would adversely impact natural
4 resources and wildlife.

5 (d) For purposes of this section, the following terms have the
6 following meanings:

7 (1) “Actively participate” means to have held a valid drift gill
8 net shark and swordfish permit that was not suspended or revoked
9 and to have made landings of shark or swordfish, or both, under
10 that permit in each year since January 1, 2010.

11 (2) “Drift gill net shark and swordfish permit” means the permit
12 that was authorized under former Section 8561 until January 31,
13 2015.

14 (e) This section shall become operative on February 1, 2015.

15 SEC. 4. Section 8561.1 is added to the Fish and Game Code,
16 to read:

17 8561.1. (a) A person shall only take shark and swordfish under
18 a permit issued pursuant to Section 8561 in a manner that is
19 consistent with the methods of take authorized in Section 107 of
20 Title 14 of the California Code of Regulations, as that section read
21 on January 1, 2014.

22 (b) A person shall not take shark and swordfish for commercial
23 purposes with a drift gill net of any mesh size except as provided
24 in Section 8576.

25 (c) A person holding a permit issued pursuant to Section 8561
26 may take shark and swordfish using experimental gear if the person
27 obtains a permit for the use of the experimental gear pursuant to
28 Section 8606. Notwithstanding subdivision (b) of Section 8606,
29 the commission shall not issue an experimental permit authorizing
30 the use of drift gill nets, pelagic longlines, or fishing gear described
31 in Section 9029 in the shark and swordfish fishery authorized
32 pursuant to this article.

33 (d) This section shall become operative on February 1, 2015.

34 SEC. 5. Section 8561.3 is added to the Fish and Game Code,
35 to read:

36 8561.3. The department, through its member on the Pacific
37 Fishery Management Council, shall initiate and support an
38 amendment to the Highly Migratory Species Fishery Management
39 Plan to prohibit the use of drift gill nets to target shark and

1 swordfish in the area subject to the oversight of the Pacific Fishery
2 Management Council.

3 SEC. 6. Section 8563 of the Fish and Game Code is amended
4 to read:

5 8563. (a) Except as provided in subdivision (b), the permittee
6 shall be aboard the vessel and shall be in possession of a valid drift
7 gill net shark and swordfish permit when engaged in operations
8 authorized by the permit.

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

26 (c) *This section shall become inoperative on February 1, 2015,*
27 *and, as of January 1, 2016, is repealed, unless a later enacted*
28 *statute, that becomes operative on or before January 1, 2016,*
29 *deletes or extends the dates on which it becomes inoperative and*
30 *is repealed.*

31 SEC. 7. Section 8563 is added to the Fish and Game Code, to
32 read:

33 8563. (a) Except as provided in subdivision (b), the permittee
34 shall be aboard the vessel and shall be in possession of a valid
35 shark and swordfish permit when engaged in operations authorized
36 by the permit.

37 (b) A permittee may have any person serve in his or her place
38 on the permittee's vessel and engage in fishing under his or her
39 shark and swordfish permit for not more than 15 calendar days in
40 any one year, except that a longer period may be allowed in the

1 event of serious illness. A permittee shall notify the department's
 2 Long Beach office of a substitution of 15 days or less per calendar
 3 year, by certified letter or telegram at least 24 hours prior to the
 4 commencement of the trip. Written authorization for a substitution
 5 of greater than 15 days shall be obtained from the director and
 6 shall be given only on the director's finding that the permittee will
 7 not be available to engage in the activity due to serious illness,
 8 supported by medical evidence. An application for a substitution
 9 of greater than 15 days shall be made to the Department of Fish
 10 and Wildlife, Headquarters Office, Sacramento, and shall contain
 11 such information as the director may require. Any denial of the
 12 substitution may be appealed to the commission.

13 (c) This section shall become operative on February 1, 2015.

14 SEC. 8. Section 8564 of the Fish and Game Code is amended
 15 to read:

16 8564. (a) When the permittee applies for a drift gill net shark
 17 and swordfish permit, the permittee shall specify the vessel he or
 18 she will use in operations authorized by the permit. Transfer to
 19 another vessel shall be authorized by the department upon receipt
 20 of a written request from the permittee, accompanied by a transfer
 21 fee of one hundred thirty dollars (\$130), as follows:

22 (a)

23 (1) One transfer requested between February 1 and April 30
 24 shall be made by the department upon request and payment of the
 25 fee.

26 (b)

27 (2) Any transfer, except as provided in ~~subdivision (a)~~,
 28 *paragraph (1)*, shall be authorized by the department only after
 29 receipt of proof of a compelling reason, which shall be submitted
 30 with the request for transfer, such as the sinking of the vessel
 31 specified for use in operations authorized by the permit.

32 (b) *This section shall become inoperative on February 1, 2015,*
 33 *and, as of January 1, 2016, is repealed, unless a later enacted*
 34 *statute, that becomes operative on or before January 1, 2016,*
 35 *deletes or extends the dates on which it becomes inoperative and*
 36 *is repealed.*

37 SEC. 9. Section 8564 is added to the Fish and Game Code, to
 38 read:

39 8564. (a) When the permittee applies for a shark and swordfish
 40 permit, the permittee shall specify the vessel he or she will use in

1 operations authorized by the permit. The department shall authorize
2 transfer to another vessel upon receipt of a written request from
3 the permittee, accompanied by a transfer fee of one hundred thirty
4 dollars (\$130), as follows:

5 (1) One transfer requested between February 1 and April 30
6 shall be made by the department upon request and payment of the
7 fee.

8 (2) Any transfer, except as provided in paragraph (1), shall be
9 authorized by the department only after receipt of proof of a
10 compelling reason, which shall be submitted with the request for
11 transfer, such as the sinking of the vessel specified for use in
12 operations authorized by the permit.

13 (b) This section shall become operative on February 1, 2015.

14 SEC. 10. Section 8567 of the Fish and Game Code is amended
15 to read:

16 8567. (a) The fee for a drift gill net shark and swordfish permit
17 shall be three hundred thirty dollars (\$330).

18 (b) *This section shall become inoperative on February 1, 2015,*
19 *and, as of January 1, 2016, is repealed, unless a later enacted*
20 *statute, that becomes operative on or before January 1, 2016,*
21 *deletes or extends the dates on which it becomes inoperative and*
22 *is repealed.*

23 SEC. 11. Section 8567 is added to the Fish and Game Code,
24 to read:

25 8567. (a) The fee for a shark and swordfish permit shall be
26 three hundred thirty dollars (\$330).

27 (b) This section shall become operative on February 1, 2015.

28 SEC. 12. Section 8568 of the Fish and Game Code is amended
29 to read:

30 8568. (a) Drift gill net shark and swordfish permits shall be
31 issued to any prior permittee who possesses a valid drift gill net
32 shark and swordfish permit issued pursuant to this section, but
33 only if the permittee meets both of the following requirements:

34 ~~(a)~~

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

37 ~~(b)~~

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

1 **(b)** *This section shall become inoperative on February 1, 2015,*
2 *and, as of January 1, 2016, is repealed, unless a later enacted*
3 *statute, that becomes operative on or before January 1, 2016,*
4 *deletes or extends the dates on which it becomes inoperative and*
5 *is repealed.*

6 SEC. 13. Section 8568.5 of the Fish and Game Code is
7 amended to read:

8 8568.5. **(a)** Any person holding a valid drift gill net shark and
9 swordfish permit on or after January 1, 2000, who did not make,
10 on or after January 1, 2000, the minimum landings required under
11 subdivision (c) of Section 8568, as amended by Section 11 of
12 Chapter 525 of the Statutes of 1998, is eligible for that permit when
13 that person meets all other qualifications for the permit.

14 **(b)** *This section shall become inoperative on February 1, 2015,*
15 *and, as of January 1, 2016, is repealed, unless a later enacted*
16 *statute, that becomes operative on or before January 1, 2016,*
17 *deletes or extends the dates on which it becomes inoperative and*
18 *is repealed.*

19 SEC. 14. Section 8569 of the Fish and Game Code is amended
20 to read:

21 8569. **(a)** The commission may establish conditions for the
22 issuance of a permit if the person's drift gill net shark and
23 swordfish permit was revoked during a preceding season or if the
24 person possessed a valid permit during the preceding season but
25 did not apply for renewal of his or her permit on or before April
26 30. The applicant for a permit under this section may appeal to the
27 director for the issuance of the permit under those conditions.

28 **(b)** *This section shall become inoperative on February 1, 2015,*
29 *and, as of January 1, 2016, is repealed, unless a later enacted*
30 *statute, that becomes operative on or before January 1, 2016,*
31 *deletes or extends the dates on which it becomes inoperative and*
32 *is repealed.*

33 SEC. 15. Section 8569 is added to the Fish and Game Code,
34 to read:

35 8569. **(a)** The commission may establish conditions for the
36 issuance of a permit if the person's shark and swordfish permit
37 was revoked during a preceding season or if the person possessed
38 a valid permit during the preceding season but did not apply for
39 renewal of his or her permit on or before April 30. The applicant

1 for a permit under this section may appeal to the director for the
2 issuance of the permit under those conditions.

3 (b) This section shall become operative on February 1, 2015.

4 SEC. 16. Section 8573 of the Fish and Game Code is amended
5 to read:

6 8573. (a) Drift gill nets may be used to take shark and
7 swordfish under the permit provided in this article, subject to
8 Section 8610.3 and all of the following restrictions:

9 (a)

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

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

24 ~~(b)(1)~~

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

34 ~~(2)~~

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

1 nets or net panels on the net reels on the vessel, on the deck of the
2 vessel, stored aboard the vessel, and in the water, does not exceed
3 6,000 feet in float line length as determined under ~~paragraph (1)~~
4 *subparagraph (A)*.

5 ~~(3)~~

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

12 ~~(4)~~

13 (D) If a torn panel is replaced in a working shark or swordfish
14 gill net, the torn panel shall be removed from the working net
15 before the replacement panel is attached to the working net.

16 ~~(e)~~

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

25 ~~(f)~~

26 (b) For the purposes of this article, "shark or swordfish gill net"
27 means a drift gill net of 14-inch or greater mesh size.

28 (c) *This section shall become inoperative on February 1, 2015,*
29 *and, as of January 1, 2016, is repealed, unless a later enacted*
30 *statute, that becomes operative on or before January 1, 2016,*
31 *deletes or extends the dates on which it becomes inoperative and*
32 *is repealed.*

33 SEC. 17. Section 8574 of the Fish and Game Code is amended
34 to read:

35 8574. (a) Drift gill nets with mesh size less than 14 inches in
36 stretched mesh shall not be used to take shark and swordfish by
37 permittees operating under a drift gill net shark and swordfish
38 permit, and the permittee shall not have aboard the vessel or in the
39 water a drift gill net with mesh size less than 14 inches and more
40 than 8 inches in stretched mesh.

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

4 (c) *This section shall become inoperative on February 1, 2015,*
5 *and, as of January 1, 2016, is repealed, unless a later enacted*
6 *statute, that becomes operative on or before January 1, 2016,*
7 *deletes or extends the dates on which it becomes inoperative and*
8 *is repealed.*

9 SEC. 18. Section 8575 of the Fish and Game Code is amended
10 to read:

11 8575. (a) Drift gill nets used to take shark and swordfish under
12 the permit provided in this article shall not be used under the
13 following circumstances:

14 (a)

15 (1) From May 1 through July 31, within six nautical miles
16 westerly, northerly, and easterly of the shoreline of San Miguel
17 Island between a line extending six nautical miles west
18 magnetically from Point Bennett and a line extending six nautical
19 miles east magnetically from Cardwell Point and within six nautical
20 miles westerly, northerly, and easterly of the shoreline of Santa
21 Rosa Island between a line extending six nautical miles west
22 magnetically from Sandy Point and a line extending six nautical
23 miles east magnetically from Skunk Point.

24 (b)

25 (2) From May 1 through July 31, within 10 nautical miles
26 westerly, southerly, and easterly of the shoreline of San Miguel
27 Island between a line extending 10 nautical miles west magnetically
28 from Point Bennett and a line extending 10 nautical miles east
29 magnetically from Cardwell Point and within 10 nautical miles
30 westerly, southerly, and easterly of the shoreline of Santa Rosa
31 Island between a line extending 10 nautical miles west magnetically
32 from Sandy Point and a line extending 10 nautical miles east
33 magnetically from Skunk Point.

34 (c)

35 (3) From May 1 through July 31, within a radius of 10 nautical
36 miles of the west end of San Nicolas Island.

37 (d)

38 (4) From August 15 through September 30, in ocean waters
39 bounded as follows: beginning at Dana Point, Orange County, in
40 a direct line to Church Rock, Catalina Island; thence in a direct

1 line to Point La Jolla, San Diego County; and thence northwesterly
2 along the mainland shore to Dana Point.

3 ~~(e)~~

4 (5) From August 15 through September 30, in ocean waters
5 within six nautical miles of the coastline on the northerly and
6 easterly side of San Clemente Island, lying between a line
7 extending six nautical miles west magnetically from the extreme
8 northerly end of San Clemente Island to a line extending six
9 nautical miles east magnetically from Pyramid Head.

10 ~~(f)~~

11 (6) From December 15 through January 31, in ocean waters
12 within 25 nautical miles of the mainland coastline.

13 *(b) This section shall become inoperative on February 1, 2015,*
14 *and, as of January 1, 2016, is repealed, unless a later enacted*
15 *statute, that becomes operative on or before January 1, 2016,*
16 *deletes or extends the dates on which it becomes inoperative and*
17 *is repealed.*

18 SEC. 19. Section 8575.5 of the Fish and Game Code is
19 amended to read:

20 8575.5. (a) Drift gill nets used to take shark and swordfish
21 under the permit provided in this article shall not be used in the
22 following areas:

23 ~~(a)~~

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

27 ~~(b)~~

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

31 *(b) This section shall become inoperative on February 1, 2015,*
32 *and, as of January 1, 2016, is repealed, unless a later enacted*
33 *statute, that becomes operative on or before January 1, 2016,*
34 *deletes or extends the dates on which it becomes inoperative and*
35 *is repealed.*

36 SEC. 20. Section 8576 of the Fish and Game Code is amended
37 to read:

38 8576. (a) Drift gill nets shall not be used to take shark or
39 swordfish from February 1 to April 30, inclusive.

1 (b) Drift gill nets shall not be used to take shark or swordfish
2 in ocean waters within 75 nautical miles from the mainland
3 coastline between the westerly extension of the California-Oregon
4 boundary line and the westerly extension of the United
5 States-Republic of Mexico boundary line from May 1 to August
6 14, inclusive.

7 (c) Subdivisions (a) and (b) apply to any drift gill net used
8 pursuant to a permit issued under Section 8561 or 8681, except
9 that drift gill nets with a mesh size smaller than eight inches in
10 stretched mesh and twine size number 18, or the equivalent of this
11 twine size, or smaller, used pursuant to a permit issued under
12 Section 8681, may be used to take species of sharks other than
13 thresher shark, shortfin mako shark, and white shark during the
14 periods specified in subdivisions (a) and (b). However, during the
15 periods of time specified in subdivisions (a) and (b), not more than
16 two thresher sharks and two shortfin mako sharks may be possessed
17 and sold if taken incidentally in drift gill nets while fishing for
18 barracuda or white seabass and if at least 10 barracuda or five
19 white seabass are possessed and landed at the same time as the
20 incidentally taken thresher or shortfin mako shark. No thresher
21 shark or shortfin mako shark taken pursuant to this subdivision
22 shall be transferred to another vessel before landing the fish. Any
23 vessel possessing thresher or shortfin mako sharks pursuant to this
24 section shall not have any gill or trammel net aboard that is
25 constructed with a mesh size greater than eight inches in stretched
26 mesh and twine size greater than number 18, or the equivalent of
27 a twine size greater than number 18.

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

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

1 (1) The fish landed shall be forfeited, or, if sold, the proceeds
2 from the sale shall be forfeited, pursuant to Sections 12159, 12160,
3 12161, and 12162.

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

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

9 (g) *This section shall become inoperative on February 1, 2015,*
10 *and, as of January 1, 2016, is repealed, unless a later enacted*
11 *statute, that becomes operative on or before January 1, 2016,*
12 *deletes or extends the dates on which it becomes inoperative and*
13 *is repealed.*

14 SEC. 21. Section 8576 is added to the Fish and Game Code,
15 to read:

16 8576. (a) A drift gill net with a mesh size smaller than eight
17 inches in stretched mesh and twine size number 18, or the
18 equivalent of this twine size, or smaller, used pursuant to a permit
19 issued under Section 8681, may be used to take species of sharks
20 other than thresher shark, shortfin mako shark, and white shark
21 during the periods of time from February 1 to April 30, inclusive,
22 and from May 1 to August 14, inclusive. However, during these
23 periods of time, not more than two thresher sharks and two shortfin
24 mako sharks may be possessed and sold if taken incidentally in
25 drift gill nets while fishing for barracuda or white seabass and if
26 at least 10 barracuda or five white seabass are possessed and landed
27 at the same time as the incidentally taken thresher or shortfin mako
28 shark. A thresher shark or shortfin mako shark taken pursuant to
29 this subdivision shall not be transferred to another vessel before
30 landing the fish. Any vessel possessing thresher or shortfin mako
31 sharks pursuant to this section shall not have any gill or trammel
32 net aboard that is constructed with a mesh size greater than eight
33 inches in stretched mesh and twine size greater than number 18,
34 or the equivalent of a twine size greater than number 18.

35 (b) A shark and swordfish permit issued pursuant to Section
36 8561 shall not be required for the taking of sharks pursuant to
37 subdivision (a).

38 (c) This section shall become operative on February 1, 2015.

39 SEC. 22. Section 8576.5 of the Fish and Game Code is
40 amended to read:

1 8576.5. (a) Thresher shark taken with drift gill nets shall not
2 have the pelvic fin severed from the carcass until after the shark
3 is brought ashore.

4 (b) *This section shall become inoperative on February 1, 2015,*
5 *and, as of January 1, 2016, is repealed, unless a later enacted*
6 *statute, that becomes operative on or before January 1, 2016,*
7 *deletes or extends the dates on which it becomes inoperative and*
8 *is repealed.*

9 SEC. 23. Section 8576.5 is added to the Fish and Game Code,
10 to read:

11 8576.5. (a) Thresher shark taken with gear authorized pursuant
12 to Section 8561.1 or taken incidentally with a drift gill net under
13 a permit issued pursuant to Section 8681 shall not have the pelvic
14 fin severed from the carcass until after the shark is brought ashore.

15 (b) This section shall become operative on February 1, 2015.

16 SEC. 24. Section 8577 of the Fish and Game Code is amended
17 to read:

18 8577. (a) Notwithstanding Section 8394, the director may
19 close the drift gill net shark and swordfish fishery, the swordfish
20 harpoon fishery, or any area where either or both fisheries are
21 conducted, if, after a public hearing, the director determines the
22 action is necessary to protect the swordfish or thresher shark and
23 bonito (mako) shark resources.

24 ~~The~~
25 (b) *The* director shall reopen a fishery or any fishing areas
26 previously closed pursuant to this section if the director determines
27 that the conditions which necessitated the closure no longer exist.

28 (c) *This section shall become inoperative on February 1, 2015,*
29 *and, as of January 1, 2016, is repealed, unless a later enacted*
30 *statute, that becomes operative on or before January 1, 2016,*
31 *deletes or extends the dates on which it becomes inoperative and*
32 *is repealed.*

33 SEC. 25. Section 8577 is added to the Fish and Game Code,
34 to read:

35 8577. (a) Notwithstanding Section 8394, the director may
36 close the shark and swordfish fishery, the swordfish harpoon
37 fishery authorized pursuant to Section 8394, or any area where
38 either or both fisheries are conducted, if, after a public hearing,
39 the director determines the action is necessary to protect the
40 swordfish or thresher shark and bonito (mako) shark resources.

1 (b) The director shall reopen a fishery or any fishing areas
2 previously closed pursuant to this section if the director determines
3 that the conditions that necessitated the closure no longer exist.

4 (c) This section shall become operative on February 1, 2015.

5 SEC. 26. Section 8579 of the Fish and Game Code is amended
6 to read:

7 8579. (a) A permittee shall be subject to the provisions of this
8 article whenever the permittee is using a drift gill net, unless the
9 permittee has surrendered his or her permit to the department. A
10 permittee may surrender his or her permit by notifying the
11 department’s Long Beach office of his or her intentions by telegram
12 or certified letter and by sending or delivering his or her permit to
13 a department office. A permittee may reclaim his or her permit at
14 any time during regular working hours, if the permit has not been
15 suspended or revoked.

16 (b) *This section shall become inoperative on February 1, 2015,*
17 *and, as of January 1, 2016, is repealed, unless a later enacted*
18 *statute, that becomes operative on or before January 1, 2016,*
19 *deletes or extends the dates on which it becomes inoperative and*
20 *is repealed.*

21 SEC. 27. Section 8579 is added to the Fish and Game Code,
22 to read:

23 8579. (a) A permittee shall be subject to the provisions of this
24 article whenever the permittee is using a gear authorized pursuant
25 to Section 8561.1, unless the permittee has surrendered his or her
26 permit to the department. A permittee may surrender his or her
27 permit by notifying the department’s Long Beach office of his or
28 her intentions by telegram or certified letter and by sending or
29 delivering his or her permit to a department office. A permittee
30 may reclaim his or her permit at any time during regular working
31 hours, if the permit has not been suspended or revoked.

32 (b) This section shall become operative on February 1, 2015.

33 SEC. 28. Section 8582 of the Fish and Game Code is amended
34 to read:

35 8582. (a) The Legislature finds and declares that the intent of
36 this article is not to permit or encourage the taking of marlin for
37 commercial purposes.

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

1 gill net, the permittee shall notify the department immediately that
2 the fish is on the boat. No marlin may be removed from the boat
3 except for delivery to the department.

4 *(c) This section shall become inoperative on February 1, 2015,*
5 *and, as of January 1, 2016, is repealed, unless a later enacted*
6 *statute, that becomes operative on or before January 1, 2016,*
7 *deletes or extends the dates on which it becomes inoperative and*
8 *is repealed.*

9 SEC. 29. Section 8582 is added to the Fish and Game Code,
10 to read:

11 8582. (a) The Legislature finds and declares that the intent of
12 this article is not to permit or encourage the taking of marlin for
13 commercial purposes.

14 (b) It shall be a misdemeanor for a person operating under a
15 permit issued pursuant to this article to sell or possess for sale or
16 personal use any marlin. In the event a marlin is taken incidentally
17 with gear authorized pursuant to this article, the permittee shall
18 notify the department immediately that the fish is on the boat. A
19 marlin shall not be removed from the boat except for delivery to
20 the department.

21 (c) This section shall become operative on February 1, 2015.

22 SEC. 30. The provisions of this act are severable. If any
23 provision of this act or its application is held invalid, that invalidity
24 shall not affect other provisions or applications that can be given
25 effect without the invalid provision or application.

26 SEC. 31. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.