

ASSEMBLY BILL

No. 353

Introduced by Assembly Member Lackey

February 17, 2015

An act to amend Section 5515 of the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 353, as introduced, Lackey. Fish: fully protected species: taking or possession.

Existing law prohibits the taking or possession of any fully protected fish, except as provided. Under existing law, the Department of Fish and Wildlife is authorized to permit the taking of those species for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species.

This bill would make a nonsubstantive change to those provisions.

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

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

1 SECTION 1. Section 5515 of the Fish and Game Code is
2 amended to read:
3 5515. (a) (1) Except as provided in Section 2081.7 or 2835,
4 fully protected fish or parts thereof may not be taken or possessed
5 at any time. No provision of this code or any other law shall be
6 construed to authorize the issuance of permits or licenses to take
7 any fully protected fish, and no permits or licenses heretofore
8 issued shall have any force or effect for that purpose. However,

1 the department may authorize the taking of those species for
2 necessary scientific research, including efforts to recover fully
3 protected, threatened, or endangered species. ~~Prior to~~ *Before*
4 authorizing the take of any of those species, the department shall
5 make an effort to notify all affected and interested parties to solicit
6 information and comments on the proposed authorization. The
7 notification shall be published in the California Regulatory Notice
8 Register and be made available to each person who has notified
9 the department, in writing, of his or her interest in fully protected
10 species and who has provided an e-mail address, if available, or
11 postal address to the department. Affected and interested parties
12 shall have 30 days after notification is published in the California
13 Regulatory Notice Register to provide any relevant information
14 and comments on the proposed authorization.

15 (2) As used in this subdivision, “scientific research” does not
16 include any actions taken as part of specified mitigation for a
17 project, as defined in Section 21065 of the Public Resources Code.

18 (3) Legally imported fully protected fish or parts thereof may
19 be possessed under a permit issued by the department.

20 (b) The following are fully protected fish:

- 21 (1) Colorado River squawfish (*Ptychocheilus lucius*).
- 22 (2) Thicketail chub (*Gila crassicauda*).
- 23 (3) Mohave chub (*Gila mohavensis*).
- 24 (4) Lost River sucker (*Catostomus luxatus*).
- 25 (5) Modoc sucker (*Catostomus microps*).
- 26 (6) Shortnose sucker (*Chasmistes brevirostris*).
- 27 (7) Humpback sucker (*Xyrauchen texanus*).
- 28 (8) Owens River pupfish (*Cyprinoden radiosus*).
- 29 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus*
30 *williamsoni*).
- 31 (10) Rough sculpin (*Cottus asperrimus*).