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AMENDED IN ASSEMBLY JANUARY 3, 1996
AMENDED IN ASSEMBLY APRIL 6, 1995

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

ASSEMBLY BILL

No. 474

Introduced by Assembly Member Hauser

February 16, 1995

An act to amend ~~Section 8842 of, and to add Article 10.5 (commencing with Section 8845) to Chapter 3 of Part 3 of Division 6 of, Sections 8276 and 8842 of, and to add Section 8279.2 to, the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 474, as amended, Hauser. Commercial fishing: *Dungeness crab*: pink shrimp: vessel permits.

(1) *Existing law regulates the taking, possession, and sale of Dungeness crab for commercial purposes.*

AB 2452, if enacted, among other things, would additionally provide that Dungeness crab may be taken in Fish and Game Districts 10, 16, 17, and 18 for commercial purposes only during the period of the day extending from one hour before sunrise to one hour after sunset between November 15 and December 15, inclusive, and, thereafter, until June 30, at any time of day.

This bill would, if AB 2452 is enacted, instead provide that Dungeness crab may be brought aboard a vessel in those districts only during those times.

(2) AB 2452, if enacted, among other things, would prohibit any person from using a vessel for which a Dungeness crab vessel permit has been issued in this state to take, possess, or land Dungeness crab for commercial purposes in any zone or area of ocean waters offshore Oregon or Washington if Oregon or Washington has delayed the opening of the commercial Dungeness crab season in that zone or area until after December 1. This prohibition would remain in effect until a date that is after the date to which the opening was delayed in that zone or area.

This bill would, if AB 2452 is enacted, make that prohibition remain in effect until 30 days after the date to which the opening was delayed in that zone or area.

(3) Existing law, operative until January 1, 1997, limits the persons who may obtain a permit to take and land shrimp and prawns with trawl nets to persons who possessed a trawl net shrimp and prawn permit, as specified, in any previous permit year. Existing law also limits the issuance of the permits to operators of vessels used for that purpose. A pink shrimp permit is authorized to be issued only to applicants who possessed a valid pink shrimp permit in the immediately preceding permit year.

This bill would extend the operation of those provisions to April 1, 1999. ~~Under existing law, persons taking fish for commercial purposes are required to be licensed as commercial fishermen by the Department of Fish and Game, the vessels are required to be registered with the department, and, for certain fisheries or the use of certain fishing gear, including using trawl nets to take pink shrimp, special permits are required.~~

This bill would, commencing April 1, 1997, prohibit any person from taking or possessing on, or landing from, a commercial fishing vessel north of a line drawn due east and west of Point Conception any pink shrimp, as defined, for commercial purposes unless the owner of the vessel has a pink shrimp vessel permit of 1 of 2 types issued by the department pursuant to the bill.



~~The bill would limit the issuance of pink shrimp vessel permits, as specified. The bill would provide for annual renewal of the vessel permits and would establish a fee of \$285 for the permits. If the number of vessel permits issued in any year is less than 50% of a base number determined as specified in the bill, the bill would provide for the issuance of certain new vessel permits by lottery to applicant groups in a specified order of priority until that total number of vessel permits is issued.~~

~~The bill would authorize the transfer of certain vessel permits under specified conditions, but would prohibit transfer of other permits.~~

~~(2)~~

(4) Because a violation of the requirements for a vessel permit would be a new crime under other existing provisions of law *during the extended period*, the bill would impose a state-mandated local program.

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.

~~(3)~~

(5) Because existing law would require the revenue from the permits to be deposited in the Fish and Game Preservation Fund, which is continuously appropriated to the department to carry out the Fish and Game Code, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 ~~SECTION 1.~~ The Legislature finds and declares the
- 2 *SECTION 1. Section 8276 of the Fish and Game Code*
- 3 *is amended to read:*
- 4 8276. Except as provided in Section 8276.2:



1 (a) Dungeness crab may be taken for commercial
2 purposes in Fish and Game Districts 6, 7, 8, and 9 only
3 between December 1 and July 15, *inclusive*.

4 ~~(b) Dungeness crab may be taken for commercial~~
5 ~~purposes in all other districts only between November 15~~
6 ~~and June 30.~~

7 ~~(c) Dungeness crab may not be taken for commercial~~
8 ~~purposes in any district, or part of a district, lying within~~
9 ~~the portions of Crescent City Harbor between the south~~
10 ~~sand barrier and the breakwater.~~

11 *(b) Dungeness crab may be brought aboard a vessel*
12 *for commercial purposes in Fish and Game Districts 10,*
13 *16, 17, and 18 between November 15 and December 15,*
14 *inclusive, only during the period of the day extending*
15 *from one hour before sunrise to one hour after sunset.*
16 *Dungeness crab may be taken for commercial purposes*
17 *in Fish and Game Districts 10, 16, 17, and 18 between*
18 *December 16 and June 30, inclusive, at any time of day.*

19 *(c) Dungeness crab shall not be taken for commercial*
20 *purposes in any district, or part of any district, lying*
21 *within the portions of Crescent City Harbor between the*
22 *south sand barrier and the breakwater.*

23 *(d) Except as otherwise provided in subdivisions (a),*
24 *(b), or (c), or any other provision of this division,*
25 *Dungeness crab may be taken for commercial purposes*
26 *only between November 15 and June 30, inclusive.*

27 *SEC. 2. Section 8279.2 is added to the Fish and Game*
28 *Code, to read:*

29 *8279.2. (a) It is unlawful for any person to use a vessel*
30 *for which a Dungeness crab vessel permit has been issued*
31 *pursuant to Section 8280.1 to take, possess, or land*
32 *Dungeness crab for commercial purposes in any zone or*
33 *area of ocean waters offshore Oregon or Washington if*
34 *Oregon or Washington, as the case may be, has delayed*
35 *the opening of the commercial Dungeness crab season in*
36 *that zone or area until after December 1. The prohibition*
37 *in this subdivision shall remain in effect until 30 days after*
38 *the date to which the opening was delayed in that zone*
39 *or area.*



1 (b) If a person has taken, possessed, or landed
2 Dungeness crab for commercial purposes in any zone or
3 area of ocean waters offshore California, Oregon, or
4 Washington that was opened for taking of Dungeness
5 crab on or before December 1, it is unlawful for that
6 person to take, possess, or land Dungeness crab for
7 commercial purposes in any other zone or area of ocean
8 waters offshore Oregon or Washington if Oregon or
9 Washington, as the case may be, has delayed until after
10 December 1 the opening of the commercial Dungeness
11 crab season in that other zone or area until 30 days after
12 the date to which the opening was delayed in that other
13 zone or area.

14 SEC. 3. Section 8842 of the Fish and Game Code, as
15 amended by Section 3 of Chapter 1109 of the Statutes of
16 1994, is amended to read:

17 8842. (a) Trawl nets of a design prescribed by the
18 commission may be used or possessed to take shrimp or
19 prawns under a revocable, nontransferable permit issued
20 by the department under regulations that the
21 commission shall prescribe that are not inconsistent with
22 this section. A permit is valid, unless revoked or canceled,
23 from April 1 to March 31 of the next succeeding calendar
24 year. A permit issued under this section for the permit
25 year beginning on April 1, 1994, and thereafter, may be
26 issued pursuant to paragraph (2) of subdivision (c) to the
27 owner of a vessel registered pursuant to Section 7881, as
28 designated in the application for the permit. That permit
29 shall authorize the use of that designated vessel for the
30 purpose of using trawl nets to take shrimp or prawns
31 pursuant to this section.

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

35 (b) When fishing for pink shrimp (*Pandalus jordani*)
36 under a permit issued pursuant to this section, it is
37 unlawful to possess in excess of 1,500 pounds of
38 incidentally taken fish per calendar day of a fishing trip,
39 except Pacific whiting, shortbelly rockfish, and
40 arrowtooth flounder that may be taken in any amount.



1 Not more than 150 pounds of California halibut shall be
2 possessed or landed when fishing under a permit issued
3 pursuant to this section. When fishing for ridgeback
4 prawn and spotted prawn under a permit issued pursuant
5 to this section, it is unlawful to possess in excess of 1,000
6 pounds of incidentally taken fish per trip, except for sea
7 cucumbers that may be taken in any amount.

8 (c) (1) For the 1994–95 permit year, a pink shrimp
9 permit shall be issued only to those applicants who meet
10 one of the following criteria:

11 (A) Possessed a permit issued under this section, or
12 any regulations adopted pursuant to this section, during
13 the 1993–94 permit year or for any permit year prior to
14 the 1993–94 permit year.

15 (B) Is the registered owner of a vessel that landed pink
16 shrimp on or before March 31, 1994. If a vessel owner
17 applies for a permit pursuant to this subparagraph, he or
18 she shall specify the vessel he or she will use in the
19 operations authorized by the permit. Landings used to
20 qualify for permits shall have been reported to the
21 department pursuant to Section ~~8043~~ 8046.

22 (2) Beginning with the 1995–96 permit year, a pink
23 shrimp permit shall be issued only to applicants who
24 possessed a valid pink shrimp permit in the immediately
25 preceding permit year.

26 (d) The fee for the permit to take pink shrimp shall be
27 two hundred eighty-five dollars (\$285).

28 (e) This section shall remain in effect only until
29 ~~January 1, 1997~~ *April 1, 1999*, and as of that date is
30 repealed, unless a later enacted statute, which is enacted
31 *on or before January 1, 1997* ~~April 1, 1999~~, deletes or
32 extends that date.

33 *SEC. 4. Section 8842 of the Fish and Game Code, as*
34 *amended by Section 14 of Chapter 935 of the Statutes of*
35 *1994, is amended to read:*

36 8842. (a) Trawl nets of a design prescribed by the
37 commission may be used or possessed to take shrimps or
38 prawns under a revocable permit issued by the
39 department under regulations that the commission shall
40 prescribe.



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

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

17 (c) This section shall become operative on April 1,
18 ~~1997-1999~~.

19 *SEC. 5. Sections 1 and 2 of this act shall become*
20 *operative only if Assembly Bill 2452 is enacted and*
21 *becomes operative on or before January 1, 1997. In that*
22 *event, it is the intent of the Legislature that if this bill is*
23 *enacted after Assembly Bill 2452, Section 8276, as*
24 *amended by this bill, and Section 8279.2, as added by this*
25 *bill, prevail over those sections as affected by Assembly*
26 *Bill 2452.*

27 ~~following:~~

28 ~~(a) The Pacific Ocean pink shrimp fishery is important~~
29 ~~to the state because it provides a valuable food product,~~
30 ~~employment for those persons engaged in the fishery, and~~
31 ~~economic benefits to the coastal communities of the state.~~

32 ~~(b) The Pacific Ocean pink shrimp fishery has the~~
33 ~~potential to become overcapitalized and that~~
34 ~~overcapitalization can lead to economic hardship in the~~
35 ~~fishery.~~

36 ~~(c) In order to protect the Pacific Ocean pink shrimp~~
37 ~~fishery, it is necessary to limit the number of vessels~~
38 ~~participating in that fishery.~~

39 ~~(d) To limit the number of vessels in the Pacific Ocean~~
40 ~~pink shrimp fishery, it is necessary to require that the~~



1 owner of each vessel participating in the fishery obtain
2 and possess a permit for that vessel and the initial issuance
3 of permits shall be limited to those persons owning vessels
4 qualifying under Section 8847, 8847.5, or 8848 of the Fish
5 and Game Code, as provided in this act.

6 ~~SEC. 2. Section 8842 of the Fish and Game Code, as~~
7 ~~amended by Section 3 of Chapter 1109 of the Statutes of~~
8 ~~1994, is repealed.~~

9 ~~SEC. 3. Section 8842 of the Fish and Game Code, as~~
10 ~~amended by Section 14 of Chapter 935 of the Statutes of~~
11 ~~1994, is amended to read:~~

12 ~~8842. (a) Trawl nets of a design prescribed by the~~
13 ~~commission may be used or possessed to take shrimps or~~
14 ~~prawns under a revocable permit issued by the~~
15 ~~department under regulations that the commission shall~~
16 ~~prescribe.~~

17 ~~Sections 8831, 8833, 8835, and 8836 do not apply to trawl~~
18 ~~nets used or possessed under a permit issued pursuant to~~
19 ~~this section or Section 8846.~~

20 ~~(b) When fishing for pink shrimp (*Pandalus jordani*)~~
21 ~~under a permit issued pursuant to Section 8846, it is~~
22 ~~unlawful to possess in excess of 1,500 pounds of~~
23 ~~incidentally taken fish per calendar day of a fishing trip,~~
24 ~~except Pacific whiting, shortbelly rockfish, and~~
25 ~~arrowtooth flounder, which may be taken in any amount~~
26 ~~not in excess of federal regulations. No Pacific halibut and~~
27 ~~not more than 150 pounds of California halibut shall be~~
28 ~~possessed or landed when fishing under a permit issued~~
29 ~~pursuant to Section 8846.~~

30 ~~(c) When fishing for ridgeback prawn and spotted~~
31 ~~prawn under a permit issued pursuant to this section, it~~
32 ~~is unlawful to possess in excess of 1,000 pounds of~~
33 ~~incidentally taken fish per trip.~~

34 ~~(d) This section shall become operative on April 1,~~
35 ~~1997.~~

36 ~~SEC. 4. Article 10.5 (commencing with Section 8845)~~
37 ~~is added to Chapter 3 of Part 3 of Division 6 of the Fish and~~
38 ~~Game Code, to read:~~

39



Article 10.5. ~~Pink Shrimp~~

1
2
3 8845. ~~The following definitions govern the~~
4 ~~construction of this article:~~

5 (a) ~~“Permit” and “vessel permit” mean the annual~~
6 ~~pink shrimp vessel permit issued pursuant to this article.~~

7 (b) ~~“Permit year” means the period from April 1 to the~~
8 ~~following March 31, inclusive.~~

9 (c) ~~“Pink shrimp” means any Pacific Ocean shrimp of~~
10 ~~the species *Pandalus jordani*.~~

11 8846. ~~On and after April 1, 1997, north of a line~~
12 ~~extending due east and west from Point Conception, it is~~
13 ~~unlawful for commercial purposes to take or possess pink~~
14 ~~shrimp on a commercial fishing vessel, or to land pink~~
15 ~~shrimp taken in ocean waters from a commercial fishing~~
16 ~~vessel, unless the owner of the vessel has a pink shrimp~~
17 ~~vessel permit for the use of that vessel. The permit shall~~
18 ~~be carried aboard the vessel whenever it is engaged in the~~
19 ~~taking or landing of pink shrimp.~~

20 8847. ~~Except as otherwise provided in this article, the~~
21 ~~department shall issue an “A” vessel permit to the owner~~
22 ~~of a vessel, upon application and payment of the fees~~
23 ~~pursuant to Section 8849, that is valid for the 1997-98 or~~
24 ~~a following permit year or any remaining portion thereof,~~
25 ~~subject to the following conditions:~~

26 (a) ~~An application for the vessel permit in the form~~
27 ~~and containing the information prescribed by the~~
28 ~~department is received by the department on or before~~
29 ~~March 31, 1998.~~

30 (b) ~~Five thousand pounds or more of pink shrimp~~
31 ~~were landed in this state from the vessel in any single~~
32 ~~permit year prior to March 31, 1996, under a shrimp~~
33 ~~permit issued pursuant to former Section 8842 as it read~~
34 ~~on December 31, 1996, or its predecessor section, as~~
35 ~~documented by landing receipts prepared pursuant to~~
36 ~~Section 8043.~~

37 8847.5. (a) ~~The department shall issue a “B” vessel~~
38 ~~permit to the owner of a vessel, upon application and~~
39 ~~payment of the fees pursuant to Section 8849, that is valid~~
40 ~~for the 1997-98 or a following permit year, or any~~



1 remaining portion thereof, subject to the following
2 conditions:

3 (1) An application for the vessel permit in the form
4 and containing the information prescribed by the
5 department and is received by the department on or
6 before March 31, 1998.

7 (2) The applicant had been issued a shrimp permit
8 pursuant to former Section 8842 as it read on December
9 31, 1996, or its predecessor section, for the 1994-95 permit
10 year or an earlier permit year.

11 (b) A vessel permit shall not be issued under this
12 section unless 5,000 pounds or more of pink shrimp is
13 landed in this state from the vessel between April 1, 1996,
14 and March 31, 1997, under a shrimp permit issued
15 pursuant to former Section 8842 as it read on December
16 31, 1996, as documented by landing receipts prepared
17 pursuant to Section 8043.

18 8847.7. Not more than one permit shall be issued for
19 the same vessel.

20 8848. (a) The department shall issue an "A" vessel
21 permit to the owner of a vessel, upon application and
22 payment of the fees pursuant to Section 8849, that is valid
23 for the permit year or any remaining portion thereof, if
24 the vessel is a replacement vessel for a vessel for which an
25 "A" vessel permit was issued in the same or the
26 immediately preceding permit year pursuant to Section
27 8847. The vessel permit for the permitted vessel shall be
28 voided upon the issuance of a vessel permit for the
29 replacement vessel. The vessel permit for the former
30 permitted vessel shall not be renewed or be valid on or
31 after the date that a vessel permit is issued for the
32 replacement vessel under this subdivision.

33 (b) This section shall become operative on April 1,
34 1997.

35 8849. (a) The annual fee for a vessel permit, or the
36 renewal thereof, is two hundred eighty-five dollars
37 (\$285).

38 (b) The fee for the transfer of an "A" permit between
39 vessels is one hundred dollars (\$100).



1 ~~8850. Any person denied a permit pursuant to this~~
2 ~~article may appeal that denial to the department and shall~~
3 ~~state the basis for the appeal in writing.~~

4 ~~8852. (a) Only those vessel permits issued pursuant~~
5 ~~to Section 8847, 8847.5, 8848, or 8853 may be renewed.~~

6 ~~(b) A person who obtained or renewed a pink shrimp~~
7 ~~vessel permit may renew that vessel permit for a~~
8 ~~subsequent permit year, upon application and payment~~
9 ~~of the fees therefor and upon obtaining the annual boat~~
10 ~~registration pursuant to Section 7881 not later than March~~
11 ~~31 of each permit year.~~

12 ~~8853. (A) The number of "A" vessel permits issued~~
13 ~~before October 31, 1997, shall be the basis for determining~~
14 ~~the base number for issuing new "A" vessel permits~~
15 ~~pursuant to subdivision (b).~~

16 ~~(b) When the number of "A" vessel permits issued in~~
17 ~~any year prior to October 31 in that year is less than 50~~
18 ~~percent of the base number determined pursuant to~~
19 ~~subdivision (a), the department may issue new "A" vessel~~
20 ~~permits, not to exceed 50 percent of the base number, by~~
21 ~~lottery, to the following applicant groups, in order:~~

22 ~~(1) First, to applicants currently holding a valid "B"~~
23 ~~permit.~~

24 ~~(2) Second, if there are more permits available for~~
25 ~~issuance than there are applicants holding "B" permits,~~
26 ~~to vessel owner applicants who have participated in the~~
27 ~~California pink shrimp fishery as documented by one or~~
28 ~~more landings of pink shrimp reported on a fish landing~~
29 ~~receipt issued pursuant to Section 8043.~~

30 ~~(3) Third, if there are additional permits available for~~
31 ~~issuance, to vessel owner applicants who hold valid~~
32 ~~commercial fishing licenses issued pursuant to Article 3~~
33 ~~(commencing with Section 7850) of Chapter 1 and whose~~
34 ~~vessel is registered pursuant to Article 4 (commencing~~
35 ~~with Section 7880) of Chapter 1.~~

36 ~~(e) If the holder of a "B" vessel permit receives an "A"~~
37 ~~vessel permit through the lottery, that person's "B" vessel~~
38 ~~permit shall lapse upon issuance of the "A" vessel permit~~
39 ~~and shall be surrendered to the department.~~



1 ~~8854. (a) An “A” vessel permit is transferable as~~
2 ~~follows:~~

3 ~~(1) To a replacement vessel of the permitholder,~~
4 ~~subject to Section 8848.~~

5 ~~(2) To the purchaser of the vessel when the vessel is~~
6 ~~sold.~~

7 ~~(b) Notwithstanding subdivision (a), upon request of~~
8 ~~a permitholder, the department may authorize the~~
9 ~~transfer of a vessel permit to a replacement vessel owned~~
10 ~~by an individual other than the permitholder upon~~
11 ~~application and payment of the transfer fee specified in~~
12 ~~subdivision (b) of Section 8849. However, no transfer of~~
13 ~~a vessel permit from a vessel pursuant to this subdivision~~
14 ~~is authorized without the written consent of each~~
15 ~~registered owner of that vessel.~~

16 ~~8855. A “B” vessel permit may not be transferred. A~~
17 ~~“B” vessel permit expires upon change in ownership of~~
18 ~~the vessel, loss of the vessel, or failure to renew the permit~~
19 ~~annually.~~

20 ~~8856. In making any determination regarding~~
21 ~~renewal of a vessel permit, the department may consider~~
22 ~~as evidence of permit qualifications or requirements the~~
23 ~~records of the department and any other receipts,~~
24 ~~accounts, contracts, or other business records of private~~
25 ~~parties that the department considers to be reliable~~
26 ~~evidence of the qualifications or requirements in~~
27 ~~question.~~

28 ~~SEC. 5. Section 2 of this act shall become operative~~
29 ~~on April 1, 1997.~~

30 ~~SEC. 6. No reimbursement is required by this act~~
31 ~~pursuant to Section 6 of Article XIII B of the California~~
32 ~~Constitution because the only costs that may be incurred~~
33 ~~by a local agency or school district will be incurred~~
34 ~~because this act creates a new crime or infraction,~~
35 ~~eliminates a crime or infraction, or changes the penalty~~
36 ~~for a crime or infraction, within the meaning of Section~~
37 ~~17556 of the Government Code, or changes the definition~~
38 ~~of a crime within the meaning of Section 6 of Article~~
39 ~~XIII B of the California Constitution.~~



1 Notwithstanding Section 17580 of the Government
2 Code, unless otherwise specified, the provisions of this act
3 shall become operative on the same date that the act
4 takes effect pursuant to the California Constitution.

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