

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 778

Introduced by Senator Wiggins

February 27, 2009

An act to amend Section 7860 of the Fish and Game Code, relating to commercial fishing.

LEGISLATIVE COUNSEL'S DIGEST

SB 778, as amended, Wiggins. Commercial fishing: salmon stamp.

Existing law, until January 1, 2012, prohibits specified persons from taking salmon for commercial purposes unless the person has a commercial fishing salmon stamp affixed to his or her commercial fishing license. Existing law requires the Department of Fish and Game to issue a commercial fishing salmon stamp, upon application for the stamp and payment of a base fee of \$85. That base fee is required to be adjusted during specified commercial salmon seasons. However, existing law prohibits the total fees, as adjusted, from exceeding \$260.

This bill *would, instead, require payment of a fee of \$350 for a commercial fishing salmon stamp. The bill also* would delete an obsolete reference and make other technical, nonsubstantive changes in those provisions.

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

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

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

1 (a) California's salmon fishery is in a state of severe decline.
2 Healthy populations of salmonid stock have decreased dramatically
3 in recent years and are teetering on the edge of extinction,
4 indicating the need for urgent, immediate action.

5 (b) Department of Fish and Game biologists estimate that, in
6 2008, only 66,000 adult salmon returned to spawn in the
7 Sacramento and San Joaquin rivers, the lowest return on historical
8 record.

9 (c) A similar alarming population decline in 2007 led the
10 National Marine Fisheries Service to ban ocean salmon fishing
11 in California and most of Oregon in 2008, and a ban is expected
12 again in 2009.

13 (d) In 2008, more than 2,200 fishermen, fisherwomen, and
14 fishing-related business workers lost their jobs. Fishing
15 communities and fishing-related businesses lost more than two
16 hundred fifty million dollars(\$250,000,000).

17 (e) The salmon stamp program has a long history of voluntary
18 participation and cooperation among a wide range of commercial
19 fishing interests because they recognize their livelihood depends
20 on the abundance of salmon.

21 (f) With an impending drought year, and a second year of a ban
22 on ocean fishing because of severe salmonid population decline,
23 the industry is prepared to bolster and improve state fishery
24 restoration efforts through its self-taxation mechanism.

25 (g) It is the intent of the Legislature to request the Department
26 of Fish and Game to provide an accounting for funds generated
27 from commercial salmon fishing permits, known as salmon stamps
28 and to increase the price of commercial salmon fishing stamps to
29 strengthen oversight of the program and to ensure that the funding
30 goes directly to priority projects in a timely manner.

31 **SECTION 1.**

32 **SEC. 2.** Section 7860 of the Fish and Game Code is amended
33 to read:

34 7860. (a) Except as provided in subdivision (f) or (g), a person
35 who is 18 years of age or more and less than 70 years of age, on
36 or before April 1 of the current license year, shall not take salmon
37 for commercial purposes or be on board a vessel on which salmon
38 are taken for commercial purposes while salmon are being taken
39 or transported, unless that person has a commercial fishing salmon

1 stamp issued pursuant to this section affixed to his or her
2 commercial fishing license.

3 (b) Except as provided in subdivision (f) or (g), the operator of
4 a vessel on which salmon are taken for commercial purposes shall
5 not permit a person on board that vessel while salmon are being
6 taken or transported, unless that person was less than 18 years of
7 age or 70 years of age or more on April 1 of the current license
8 year or that person has a commercial fishing salmon stamp affixed
9 to the person's commercial fishing license.

10 ~~(c) Except as provided in this subdivision, the department shall~~
11 ~~issue a commercial fishing salmon stamp upon application therefor~~
12 ~~and payment of the fee of eighty-five dollars (\$85). For any~~
13 ~~commercial salmon season preceded by a commercial salmon~~
14 ~~season in which the commercial troll salmon landings in this state~~
15 ~~equal or exceed 3,000,000 pounds dressed weight, as determined~~
16 ~~by the department, the fee shall be increased by twelve dollars and~~
17 ~~fifty cents (\$12.50) for every 250,000 pounds over 3,000,000~~
18 ~~pounds of dressed weight landings, except that the total fees as~~
19 ~~adjusted shall not exceed two hundred sixty dollars (\$260).~~

20 *(c) The department shall issue a commercial fishing salmon*
21 *stamp upon application therefor and payment of the fee of three*
22 *hundred fifty dollars (\$350).*

23 (d) A commercial fishing salmon stamp is valid during the
24 commercial salmon season of the year in which it is issued.

25 (e) Notwithstanding Section 1053, upon application and payment
26 of an additional fee equal to that prescribed in subdivision (c), the
27 department may issue an additional commercial fishing salmon
28 stamp for a crewmember to the owner or operator of a vessel who
29 holds a commercial fishing salmon stamp.

30 (f) Notwithstanding subdivision (a), one crewmember of a vessel
31 for which a commercial fishing salmon stamp is issued pursuant
32 to subdivision (e) may be aboard that vessel and take salmon for
33 commercial purposes as a crewmember on that vessel without
34 obtaining a commercial fishing salmon stamp under the following
35 conditions:

36 (1) The crewmember is designated by name and commercial
37 fishing license number on a form furnished by the department
38 before salmon are taken on the vessel when that crewmember is
39 aboard.

1 (2) The crewmember has a valid commercial fishing license
2 issued under Section 7850.

3 (3) The commercial fishing salmon stamp for the crewmember
4 is affixed to the form prescribed in paragraph (1) on which the
5 vessel registration number of the vessel is entered and on which
6 the crewmember who is exempted by this subdivision is designated
7 by the last entered name and commercial fishing license number.

8 (g) Persons who are exempt from the license requirements, or
9 who are not required to be licensed, pursuant to Section 7850, are
10 exempt from the requirements of this section.

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