

**Introduced by Senator Cogdill**February 15, 2008

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An act to amend Section 13007 of the Fish and Game Code, relating to sport fishing.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1262, as introduced, Cogdill. Sport fishing: fish hatcheries.

Existing law requires 33 ⅓% of the fees derived from the issuance of sport fishing licenses, with certain exceptions, to be deposited into the Hatchery and Inland Fisheries Fund within the Fish and Game Preservation Fund, to be used in support of programs related to the management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout Program, enforcement activities, and other activities eligible to be funded from revenue generated by sport fishing license fees.

Existing law also requires the sport fishing license fees subject to appropriation to be used, among other things, to attain state fish hatchery production goals relating to the release of trout. Existing law requires the Department of Fish and Game, by July 1, 2011, and according to a specified schedule, to ensure that 25% of the fish produced by state fish hatcheries are used for the purpose of initiating and managing the restoration of naturally indigenous stocks of trout to their original California source watersheds. Existing law requires the department to report to the Legislature on the implementation of these provisions on an annual basis.

This bill would exclude fish produced in mitigation hatcheries from the computation of the 25% restoration goal.

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

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

1 SECTION 1. Section 13007 of the Fish and Game Code is  
2 amended to read:

3 13007. (a) Notwithstanding Section 13001 and paragraph (1)  
4 of subdivision (a) of Section 13005, commencing July 1, 2006,  
5 33 $\frac{1}{3}$  percent of all sport fishing license fees collected pursuant to  
6 Article 3 (commencing with Section 7145) of Chapter 1 of Part 2  
7 of Division 6, except license fees collected pursuant to Section  
8 7149.8, shall be deposited into the Hatchery and Inland Fisheries  
9 Fund, which is hereby established in the State Treasury. Moneys  
10 in the fund may be expended, upon appropriation by the  
11 Legislature, to support programs of the Department of Fish and  
12 Game related to the management, maintenance, and capital  
13 improvement of California's fish hatcheries, the Heritage and Wild  
14 Trout Program, and enforcement activities related thereto, and to  
15 support other activities eligible to be funded from revenue  
16 generated by sport fishing license fees.

17 (b) The sport fishing license fees collected and subject to  
18 appropriation pursuant to subdivision (a) shall be used for the  
19 following purposes:

20 (1) For the department's attainment of the following production  
21 goals for state hatcheries, based on the sales of the following types  
22 of sport fishing licenses: resident; lifetime; nonresident year;  
23 nonresident, 10-day; 2-day; 1-day; and reduced fee.

24 (A) By July 1, 2007, a minimum of 2.25 pounds of released  
25 trout per sport fishing license sold in 2006, 1.75 pounds of which  
26 must be of catchable size or larger.

27 (B) By July 1, 2008, a minimum of 2.5 pounds of released trout  
28 per sport fishing license sold in 2007, 2.0 pounds of which must  
29 be of catchable size or larger.

30 (C) By July 1, 2009, and thereafter, a minimum of 2.75 pounds  
31 of released trout per sport fishing license sold in 2008, 2.25 pounds  
32 of which must be of catchable size or larger.

33 (D) The department shall attain these goals in compliance with  
34 Fish and Game Commission trout policies concerning  
35 catchable-sized trout stocking.

36 (2) To the Heritage and Wild Trout Program, two million dollars  
37 (\$2,000,000), which shall be used for permanent positions and

1 seasonal aides in each region of the state as necessary, and other  
2 activities necessary to the program.

3 (A) The funds allocated pursuant to this paragraph shall be used  
4 to fund seven new positions for the Heritage and Wild Trout  
5 Program.

6 (B) In addition to the seven new positions specified in  
7 subparagraph (A), the department may hire seasonal aides in each  
8 region of the state to assist with the operations of the Heritage and  
9 Wild Trout Program.

10 (3) The department shall, by July 1, 2011, ensure that 25 percent  
11 of the fish produced by state fish hatcheries are used for the purpose  
12 of initiating and managing the restoration of naturally indigenous  
13 stocks of trout to their original California source watersheds. This  
14 paragraph shall not be construed to prohibit the department from  
15 using surplus fish in waters outside of their original California  
16 source watersheds. *Fish produced in mitigation hatcheries shall*  
17 *be excluded from the computation of the 25-percent restoration*  
18 *goal required by this paragraph.* All trout restored pursuant to this  
19 paragraph shall be native California trout, as defined in Section  
20 7261. The department shall attain the 25-percent restoration goal  
21 of this paragraph according to the following schedule:

22 (A) By July 1, 2009, 15 percent and at least four species, not  
23 including the coastal rainbow trout/steelhead.

24 (B) By July 1, 2010, 20 percent and at least four species, not  
25 including the coastal rainbow trout/steelhead.

26 (C) By July 1, 2011, and thereafter, 25 percent and at least five  
27 species, not including the coastal rainbow trout/steelhead.

28 (4) The department may hire additional staff for state fish  
29 hatcheries, in order to comply with this subdivision.

30 (c) The department may allocate any funds under this section,  
31 not necessary to maintain the minimums specified in paragraphs  
32 (1) and (3) of subdivision (b), and after the expenditure in  
33 paragraph (2) of subdivision (b), to the Fish and Game Preservation  
34 Fund.

35 (d) The department may utilize federal funds to meet the funding  
36 formula specified in subdivision (a) if those funds are otherwise  
37 legally available for this purpose.

38 (e) A portion of the moneys subject to appropriation pursuant  
39 to subdivision (a) may be used for the purpose of obtaining  
40 scientifically valid genetic determinations of California native

1 trout stocks, consistent with Theme 1 in the executive summary  
2 of the department's Strategic Plan for Trout Management,  
3 published November 2003.

4 (f) The department, by July 1, 2008, and annually thereafter,  
5 shall report ~~back~~ to the fiscal and policy committees in the  
6 Legislature on the implementation of these provisions.

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