

AMENDED IN ASSEMBLY MARCH 10, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2001

Introduced by Assembly Member Mathis

February 16, 2016

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

LEGISLATIVE COUNSEL’S DIGEST

AB 2001, as amended, Mathis. Fish: fully protected species: taking or possession.

Existing law prohibits the taking or possession of a fully protected fish, except as provided. Under existing law, the Department of Fish and Wildlife is authorized to permit the taking of a fully protected fish for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species. For these purposes, scientific research does not include an action taken as part of specified mitigation for a project, as defined.

This bill would instead authorize the department to permit the taking of those species for necessary scientific research or for efforts to recover fully protected, threatened, or endangered ~~species~~ *species, not including an action taken as part of specified mitigation for a project*.

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 5515 of the Fish and Game Code is
2 amended to read:

1 5515. (a) (1) Except as provided in this section, Section
2 2081.6, Section 2081.7, or Section 2835, a fully protected fish may
3 not be taken or possessed at any time. No provision of this code
4 or any other law shall be construed to authorize the issuance of a
5 permit or license to take a fully protected fish, and no permit or
6 license previously issued shall have force or effect for that purpose.
7 However, the department may authorize the taking of a fully
8 protected fish for necessary scientific research or for efforts to
9 recover fully protected, threatened, or endangered species. Before
10 authorizing the take of a fully protected fish, the department shall
11 make an effort to notify all affected and interested parties to solicit
12 information and comments on the proposed authorization. The
13 notification shall be published in the California Regulatory Notice
14 Register and be made available to each person who has notified
15 the department, in writing, of his or her interest in fully protected
16 species and who has provided an email address, if available, or
17 postal address to the department. Affected and interested parties
18 shall have 30 days after notification is published in the California
19 Regulatory Notice Register to provide relevant information and
20 comments on the proposed authorization.

21 (2) As used in this subdivision, “scientific research” ~~does and~~
22 *“efforts to recover”* do not include an action taken as part of
23 specified mitigation for a project, as defined in Section 21065 of
24 the Public Resources Code.

25 (3) A legally imported fully protected fish may be possessed
26 under a permit issued by the department.

27 (b) The following are fully protected fish:

- 28 (1) Colorado River squawfish (*Ptychocheilus lucius*).
- 29 (2) Thicktail chub (*Gila crassicauda*).
- 30 (3) Mohave chub (*Gila mohavensis*).
- 31 (4) Lost River sucker (*Catostomus luxatus*).
- 32 (5) Modoc sucker (*Catostomus microps*).
- 33 (6) Shortnose sucker (*Chasmistes brevirostris*).
- 34 (7) Humpback sucker (*Xyrauchen texanus*).
- 35 (8) Owens River pupfish (*Cyprinodon radiosus*).
- 36 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus*
37 *williamsoni*).
- 38 (10) Rough sculpin (*Cottus asperimus*).