

AMENDED IN SENATE MAY 16, 2016
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~~ *of*, and to add Section 2089.7 to, the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 2001, as amended, Mathis. Fish: fully protected species: ~~taking or possession~~. *California State Safe Harbor Agreement Program Act.*

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.~~

Existing law, the California State Safe Harbor Agreement Program Act, establishes a program to encourage landowners to manage their lands voluntarily, by means of state safe harbor agreements approved by the Department of Fish and Wildlife, to benefit endangered, threatened, or candidate species without being subject to additional regulatory restrictions as a result of their conservation efforts. The act authorizes the department to authorize specified acts that are otherwise prohibited pursuant to the California Endangered Species Act by

entering into a safe harbor agreement. Under existing law, the act remains in effect until January 1, 2020.

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, not including an action taken as part of specified mitigation for a project. fully protected fish in the Owens River and Mojave River watersheds if the take is authorized under a safe harbor agreement.

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 2089.7 is added to the Fish and Game
2 Code, to read:

3 2089.7. The department may authorize the taking of fully
4 protected fish in the Owens River and Mojave River watersheds
5 if the take is authorized under an agreement pursuant to this
6 article.

7 SECTION 1.

8 SEC. 2. Section 5515 of the Fish and Game Code is amended
9 to read:

10 5515. (a) (1) Except as provided in this section, *or* Section
11 2081.6, ~~Section 2081.7, 2089.7, or Section 2835~~, a fully protected
12 fish may not be taken or possessed at any time. No provision of
13 this code or any other law shall be construed to authorize the
14 issuance of a permit or license to take a fully protected fish, and
15 no permit or license previously issued shall have force or effect
16 for that purpose. However, the department may authorize the taking
17 of a fully protected fish for necessary scientific ~~research or for~~
18 *research, including* efforts to recover fully protected, threatened,
19 or endangered species. Before authorizing the take of a fully
20 protected fish, the department shall make an effort to notify all
21 affected and interested parties to solicit information and comments
22 on the proposed authorization. The notification shall be published
23 in the California Regulatory Notice Register and be made available
24 to each person who has notified the department, in writing, of his
25 or her interest in fully protected species and who has provided an
26 email address, if available, or postal address to the department.
27 Affected and interested parties shall have 30 days after notification

1 is published in the California Regulatory Notice Register to provide
2 relevant information and comments on the proposed authorization.

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

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

9 (b) The following are fully protected fish:

- 10 (1) Colorado River squawfish (*Ptychocheilus lucius*).
- 11 (2) Thicktail chub (*Gila crassicauda*).
- 12 (3) Mohave chub (*Gila mohavensis*).
- 13 (4) Lost River sucker (*Catostomus luxatus*).
- 14 (5) Modoc sucker (*Catostomus microps*).
- 15 (6) Shortnose sucker (*Chasmistes brevirostris*).
- 16 (7) Humpback sucker (*Xyrauchen texanus*).
- 17 (8) Owens River pupfish (*Cyprinoden radiosus*).
- 18 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus*
19 *williamsoni*).
- 20 (10) Rough sculpin (*Cottus asperrimus*).