

AMENDED IN SENATE JUNE 16, 2016

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, 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~~ *Fully* protected ~~species:~~ *fish: Owens River pupfish:* California State Safe Harbor Agreement Program Act.

Existing law prohibits the taking or possession of a fully protected fish, except as ~~provided:~~ *provided, and designates the Owens River pupfish as a fully protected fish.* 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.

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 authorize the department to permit the taking of ~~fully protected fish~~ *the Owens River pupfish* 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~~ *the Owens River pupfish* in the Owens River and
5 Mojave River watersheds if the take is authorized under an
6 agreement pursuant to this article.

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

9 5515. (a) (1) Except as provided in this section, or Section
10 2081.6, 2081.7, 2089.7, or 2835, a fully protected fish may not be
11 taken or possessed at any time. No provision of this code or any
12 other law shall be construed to authorize the issuance of a permit
13 or license to take a fully protected fish, and no permit or license
14 previously issued shall have force or effect for that purpose.
15 However, the department may authorize the taking of a fully
16 protected fish for necessary scientific research, including efforts
17 to recover fully protected, threatened, or endangered species.
18 Before authorizing the take of a fully protected fish, the department
19 shall make an effort to notify all affected and interested parties to
20 solicit information and comments on the proposed authorization.
21 The notification shall be published in the California Regulatory
22 Notice Register and be made available to each person who has
23 notified the department, in writing, of his or her interest in fully
24 protected species and who has provided an email address, if
25 available, or postal address to the department. Affected and
26 interested parties shall have 30 days after notification is published
27 in the California Regulatory Notice Register to provide relevant
28 information and comments on the proposed authorization.

1 (2) As used in this subdivision, “scientific research” does not
2 include an action taken as part of specified mitigation for a project,
3 as defined in Section 21065 of the Public Resources Code.

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

6 (b) The following are fully protected fish:

7 (1) Colorado River squawfish (*Ptychocheilus lucius*).

8 (2) Thicktail chub (*Gila crassicauda*).

9 (3) Mohave chub (*Gila mohavensis*).

10 (4) Lost River sucker (*Catostomus luxatus*).

11 (5) Modoc sucker (*Catostomus microps*).

12 (6) Shortnose sucker (*Chasmistes brevirostris*).

13 (7) Humpback sucker (*Xyrauchen texanus*).

14 (8) Owens River pupfish (*Cyprinodon radiosus*).

15 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus*
16 *williamsoni*).

17 (10) Rough sculpin (*Cottus asperimus*).