

Assembly Bill No. 666

CHAPTER 947

An act to amend Sections 7852.2, 8275, 8280.1, 8280.2, 8280.3, 8280.4, 8280.5, 8280.6, and 8598 of, to add Section 8279.1 to, and to repeal Section 8280.7 of, the Fish and Game Code, relating to commercial fishing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 16, 1995. Filed
with Secretary of State October 16, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 666, Hauser. Commercial fishing: Dungeness crab.

(1) Under existing law, with specified exceptions, commercial fishing licenses or permits for which there is a renewal application deadline may be renewed after that deadline if a specified penalty is paid and the renewal is received within 30 days of the deadline.

This bill would instead permit that late renewal if the specified penalty is paid and the renewal is received on or before the last day of the next month immediately following the deadline.

(2) Existing law, which is to become inoperative on April 1, 1998, and repealed on January 1, 1999, prohibits using a vessel to take or land Dungeness crab using crab traps, as specified, unless the owner of the vessel has a Dungeness crab vessel permit. That existing law specifies the qualifications for that permit.

This bill would define various terms for purposes of those provisions. The bill would authorize a person to obtain a Dungeness crab vessel permit if that person held an individual's Dungeness crab permit under a specified provision of law existing before April 1, 1994, made specified landings from a vessel owned or operated by him or her, and, between April 1, 1991, and January 1, 1995, purchased, contracted to purchase, or constructed a vessel and used that vessel to take Dungeness crab in this state, and that person intended to enter that vessel in this state's Dungeness crab fishery not later than December 1, 1995. Under specified conditions, the bill would also authorize a person who does not own a vessel, has not sold or transferred a vessel, and has made specified landings, to obtain a nontransferable permit to use a vessel meeting specified conditions that is purchased or contracted for construction on or before April 1, 1996. The bill would also change the financial hardship qualifications for a Dungeness crab vessel permit.

The bill would result in receipt by the Department of Fish and Game of additional fees for the new class of persons authorized to obtain permits. Because other provisions of existing law require those



fees to be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund, the bill would make an appropriation.

The bill would revise other qualifications for those permits, as specified.

This bill would continue that existing law until April 1, 2001, and would repeal it on January 1, 2002.

The bill would also permit the department to authorize the transfer of a Dungeness crab vessel permit to certain replacement vessels owned before April 1, 1996, under specified conditions.

(3) The bill would also prohibit any vessel, licensed or permitted to take, possess, or land Dungeness crab in another state for commercial purposes and whose port of registration, as specified, is in another state, to take or land Dungeness crab in District 10 after December 1 of any year if any delay in the opening of the commercial Dungeness crab fishing season after December 1 has been ordered in that state or states for which the vessel has been issued a license or permit for the taking and landing of Dungeness crab.

Because a violation of that prohibition would be a crime under other provisions of existing law, the bill would impose a state-mandated local program.

(4) Existing law requires the department to provide annual notice of statutory or regulatory changes to crab permittees, as specified.

This bill would repeal that provision.

(5) Existing law authorizes the taking of specified groups or species of marine life for marine aquaria pet trade purposes under a marine aquaria collector's permit, including sharks less than 18 inches total length. However, specified groups or species are, notwithstanding that permit, prohibited from being taken or possessed for commercial purposes, including brown smoothhound sharks.

This bill would prohibit the taking of brown smoothhound sharks for commercial purposes that are less than 18 inches in a whole condition or dressed with head and tail removed. Because a violation of this prohibition would be a crime pursuant to other provisions of existing law, this bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(7) The bill would declare that it would take effect immediately as an urgency statute.

Appropriation: yes.



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

SECTION 1. Section 7852.2 of the Fish and Game Code is amended to read:

7852.2. Notwithstanding any other provision of law, commercial fishing licenses or permits for which there is a renewal application deadline may not be renewed after that deadline except as provided by this section:

(a) A penalty of fifty dollars (\$50) shall be paid in addition to the fee for renewal of commercial fishing licenses or permits that are submitted on or before the last day of the next month immediately following the renewal deadline. This section does not apply to permits issued pursuant to Section 8235 or 8550. The department shall deny all applications for renewal received after the last day of the next month immediately following the renewal deadline.

(b) Applications for renewal received after the last day of the next month immediately following the renewal deadline shall be returned to the applicant who may appeal to the commission for renewal. The commission shall, upon granting the appeal for renewal, assess the late penalties provided for in subdivision (a).

SEC. 2. Section 8275 of the Fish and Game Code is amended to read:

8275. Unless the provision or context otherwise requires, the definitions in this section govern the construction of this article.

(a) "Dungeness crab" or "market crab" means crab of the species *Cancer magister*.

(b) "Owner" means the person or persons designated as the registered owner of a vessel on a certificate of documentation issued by the United States Coast Guard or on a copy of the vessel registration issued by the vessel registration agency of the state where the owner is a resident. For purposes of this subdivision, in California, the vessel registration agency is the Department of Motor Vehicles.

(c) "Reconstruction" means major work on the hull of a vessel to make that vessel operable in the California crab fishery if that work may reasonably be expected to be of a duration that will preclude operation of that vessel in the crab fishery for the length of the crab season or longer.

(d) "Rock crab" means any crab of the genus *Cancer* other than Dungeness crab and includes rock crab (*Cancer antennarius*), red crab (*Cancer productus*), and yellow crab (*Cancer anthonyi*).

(e) "Under construction" means having plans and materials and proceeding with work toward the completion of an operational Dungeness crab fishing vessel.

SEC. 3. Section 8279.1 is added to the Fish and Game Code, to read:



8279.1. It is unlawful for any vessel licensed or permitted to take, possess, or land Dungeness crab in another state for commercial purposes, if that vessel's port of registration is in another state, as stated on the United States Coast Guard vessel documentation for that vessel or, if the vessel is undocumented, on the state registration of that vessel, to take or land Dungeness crab in District 10 for commercial purposes after December 1 of any year if any delay in the opening of the commercial Dungeness crab fishing season after that December 1 has been ordered in the state or states for which the vessel has been issued a license or permit to take, possess, or land Dungeness crab.

SEC. 4. Section 8280.1 of the Fish and Game Code is amended to read:

8280.1. (a) On or after April 1, 1995, no person shall use a vessel to take, possess, or land Dungeness crab using Dungeness crab traps authorized pursuant to Section 9011, unless the owner of that vessel has been issued a revocable Dungeness crab vessel permit for that vessel. A Dungeness crab vessel permit is valid, unless revoked, from April 1 to March 31 of the year following, or, if issued after April 1, for the remainder thereof.

(b) A Dungeness crab vessel permit may be issued only to the following persons for use on qualifying vessels:

(1) A person licensed pursuant to Section 7850 or Article 7 (commencing with Section 8030) who is the owner of a commercial fishing vessel that has been registered with the department pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years and a minimum of four landings in each of three Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, have been made from that vessel in this state as documented by landing receipts delivered to the department pursuant to Section 8046. This paragraph includes any person purchasing a vessel qualifying pursuant to this paragraph.

(2) A person licensed pursuant to Section 7850 or Article 7 (commencing with Section 8030) who is the owner of a commercial fishing vessel that has been registered with the department pursuant to Section 7881 in each of the 1991-92, 1992-93, and 1993-94 permit years and a minimum of four landings in one of the Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, have been made from that vessel in this state as documented by landing receipts delivered to the department pursuant to Section 8046, who the department finds to have been unable, due to illness or injury or any other hardship, to make a minimum of four landings in each of two of the previous three Dungeness crab seasons, and who, in good faith, intended to participate in the Dungeness crab fishery in those seasons.

(3) A person licensed pursuant to Section 7850 who meets the requirements of Section 8101 and who, notwithstanding Section 8101,



is, at the time of application, the owner of a fishing vessel that is not equipped for trawling with a net and that has been registered pursuant to Section 7881 in each of the 1991–92, 1992–93, and 1993–94 permit years. Not more than one Dungeness crab vessel permit shall be issued to any person qualifying under Section 8101 and all permits issued under Section 8101 shall, notwithstanding paragraph (1) of subdivision (a) of Section 8280.3, be nontransferable. A person qualifying for a permit under this paragraph shall have participated in the Dungeness crab fishery on or before March 31, 1994, as documented by landing receipts in that person’s name for not less than four landings of Dungeness crab taken in a crab trap in a Dungeness crab season and delivered to the department pursuant to Section 8046. No person shall be issued a permit under this paragraph if that person has been issued a permit under any other provision of this section for another vessel. For purposes of Section 8101, “participated in the fishery” means made not less than four landings of Dungeness crab taken by traps in that person’s name in one Dungeness crab season. The department shall separately identify permits issued pursuant to this paragraph and those permits shall become immediately null and void upon the death of the permittee. The department shall not issue or renew any permit under this paragraph to a person if the person failed to meet the participation requirements of four landings in one season prior to April 1, 1994, or has been issued a Dungeness crab permit for a vessel under any other paragraph of this subdivision.

(4) A person who has a current license issued pursuant to Section 7852 (A) who held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, and who has participated in the Dungeness crab fishery between November 1, 1984, and April 1, 1994, and is the owner of a vessel that has been registered with the department in each of the 1991–92, 1992–93, and 1993–94 permit years but did not make landings or the department records do not indicate a minimum of four landings per season for three Dungeness crab seasons from that vessel or in that person’s name because of a partnership or other working arrangement where the person was working aboard another vessel engaged in the Dungeness crab fishery in California, (B) who held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, and who is the owner of a commercial fishing vessel that has been registered with the department pursuant to Section 7881 in each of the 1991–92, 1992–93, and 1993–94 permit years and from which a minimum of four landings utilizing traps were made in at least one Dungeness crab season in the period between November 1, 1984, and April 1, 1994, and from which either four landings were made utilizing traps or landings in excess of 10,000 pounds were made utilizing traps in each of two other Dungeness crab seasons in that same period, as documented by landing receipts delivered to the department



pursuant to Section 8046, or (C) who held a Dungeness crab vessel permit issued under Section 8280 as it read on April 1, 1994, or was an officer in a California corporation that was licensed pursuant to Article 7 (Commencing with section 8030) as of April 1, 1994, and began construction or reconstruction of a vessel on or before January 1, 1992, for the purpose of engaging in the Dungeness crab fishery, including the purchase of equipment and gear to engage in that fishery in California. A person may be issued a permit under this paragraph only if the person intended in good faith to participate in the California Dungeness crab fishery, and a denial of a permit would create a financial hardship on that person and, for purposes of determining financial hardship, the applicant is a nonresident and cannot participate with his or her vessel or vessels in the Dungeness crab fishery of another state because of that state's limited entry or moratorium on the issuance of permits for the taking of Dungeness crab.

(5) A person who has a current license issued pursuant to Section 7852 who held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, and who made a minimum of four landings of Dungeness crab taken by traps in each of three Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, in his or her name in this state from a vessel owned by that person, as documented by landing receipts delivered to the department pursuant to Section 8046, and who, between April 1, 1991, and January 1, 1995, purchased, contracted to purchase, or constructed a vessel, not otherwise qualifying pursuant to paragraph (1), (2), or (4), and who has continuously owned that vessel since its purchase or construction, and either (A) has used that vessel for the take of Dungeness crab in this state on or before March 31, 1995, as documented by one or more landing receipts delivered to the department pursuant to Section 8046, or (B) intended in good faith, based on evidence that the department and the review panel may require, including investment in crab gear, to enter that vessel in this state's Dungeness crab fishery not later than December 1, 1995. Not more than one permit may be issued to any one person under this paragraph.

(6) A person who held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, and who made a minimum of four landings utilizing traps in this state in each of three Dungeness crab seasons in the period between November 1, 1984, and April 1, 1994, in his or her name from a vessel operated by that person as documented by landing receipts delivered to the department pursuant to Section 8046, who currently does not own a vessel in his or her name, and who has not sold or transferred a vessel otherwise qualifying for a permit under this section, may be issued a permit for a vessel not greater in size than the vessel from which the previous landings were made, and, in no event, for a vessel of more than 60 feet



overall length, to be placed on a vessel that the person purchases or contracts for construction on or before April 1, 1996. Permits issued under this paragraph shall be nontransferable and shall not be used for a vessel not owned by that person, and shall be revoked if the person (A) fails to renew the permit or annually renew his or her commercial fishing license pursuant to Section 7852 or (B) is or becomes the owner of another vessel permitted to operate in the Dungeness crab fishery pursuant to this section.

(c) The department may require affidavits offered under penalty of perjury from persons applying for permits under subdivision (b) or from witnesses corroborating the statements of a person applying for a Dungeness crab vessel permit. Affidavits offered under penalty of perjury shall be required of an applicant if the department cannot locate records required to qualify under subdivision (b).

(d) No person shall be issued a Dungeness crab vessel permit under this section for any vessel or renew any vessel permit for any vessel under this section unless that person is currently licensed pursuant to Section 7852.

(e) Notwithstanding Section 7852.2 or subdivision (e) of Section 8280.2, the department may issue a Dungeness crab vessel permit that has not been applied for by the application deadline if the department finds that the failure to apply was a result of a mistake or hardship, as established by evidence the department may require, the late application is made not later than October 15, 1995, and payment is made by the applicant of a late fee of two hundred fifty dollars (\$250) in addition to all other costs for the permit.

(f) The department may waive the requirement that a person own a commercial fishing vessel that has been registered with the department pursuant to Section 7881 in each of the 1991–92, 1992–93, and 1993–94 permit years for one of those required years under this section only if the vessel was registered and used in the California Dungeness crab fishery during the registration year immediately prior to the year for which the waiver is sought and was registered and used in the California Dungeness crab fishery after the year for which the waiver is sought and if the reason for the failure to register in the year for which the waiver is sought was due to a death, illness, or injury, or other hardship, as determined by the review panel, that prevented the vessel from being registered and operated in the fishery for that registration year.

(g) If any person submits false information for the purposes of obtaining a Dungeness crab vessel permit under this section, the department shall revoke that permit, if issued, revoke the person's commercial fishing license that was issued pursuant to Section 7850 for a period of not less than five years, and revoke the commercial boat registration for a period of not less than five years of any vessel registered to that person pursuant to Section 7881 of which that person is the owner.



(h) This section shall become inoperative on April 1, 2001, and, as of January 1, 2002, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2002, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 5. Section 8280.2 of the Fish and Game Code is amended to read:

8280.2. (a) The owner of a Dungeness crab vessel, for purposes of this section, may include a person with a bona fide contract for the purchase of a vessel who otherwise meets all other qualifications for a Dungeness crab vessel permit. If a contract is found to be fraudulent or written or entered into for the purposes of circumventing qualification criteria for the issuance of a permit, the applicant shall be permanently ineligible for a Dungeness crab vessel permit.

(b) A Dungeness crab vessel permit shall be issued only to the person owning the vessel at the time of application for that permit. No person shall be issued more than one permit for each vessel owned by that person and qualifying for a permit pursuant to Section 8280.1.

(c) A Dungeness crab vessel permit shall be issued only to the owner of a vessel taking crab by traps. No permit shall be issued to the owner of a vessel using trawl or other nets unless the owner of that vessel qualifies for a permit pursuant to paragraph (1) of subdivision (b) of Section 8280.1. No trawl or other net vessel authorized under this code to take Dungeness crab incidental to the taking of fish in trawl or other nets shall be required to possess a Dungeness crab vessel permit.

(d) Dungeness crab vessel permits shall not be combined or otherwise aggregated for the purpose of replacing smaller vessels in the fishery with a larger vessel, and a permit shall not be divided or otherwise separated for the purpose of replacing a vessel in the fishery with two or more smaller vessels.

(e) All applications for Dungeness crab vessel permits shall be received by the department or, if mailed, postmarked, by April 30, 1995. Persons qualifying for a Dungeness crab vessel permit under paragraph (4) or (5) of subdivision (b) of Section 8280.1 seeking a Dungeness crab vessel permit shall apply for the permit within 30 days of the effective date of the amendment of this section enacted in the 1995 portion of the 1995–96 Regular Session. Renewals of all dungeness crab vessel permits shall be received by the department, or, if mailed, postmarked, by April 30 of each year. In order for a vessel to retain eligibility, a permit shall be obtained each year subsequent to the initial permit year and the vessel shall be registered pursuant to Section 7881. No minimum landings of Dungeness crab shall be required annually to be eligible for a Dungeness crab vessel permit.

(f) This section shall become inoperative on April 1, 2001, and, as of January 1, 2002, is repealed, unless a later enacted statute, which



becomes effective on or before January 1, 2002, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 8280.3 of the Fish and Game Code is amended to read:

8280.3. (a) Notwithstanding Article 9 (commencing with Section 8100) of Chapter 1 and except as provided in this section, a Dungeness crab vessel permit shall not be transferred.

(1) The owner of a vessel to whom a Dungeness crab vessel permit has been issued shall transfer the permit for the use of that vessel upon the sale of the vessel by the permitholder to the person purchasing the vessel. Thereafter, upon notice to the department, the person purchasing the vessel may use the vessel for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year, and that person is eligible for a permit pursuant to Section 8280.1 for the use of that vessel in subsequent years. The person purchasing the vessel may not transfer the permit for use of that vessel in the Dungeness crab fishery to another replacement vessel during the same permit year.

(2) The owner of a vessel to whom the Dungeness crab vessel permit has been issued may transfer the permit to a replacement vessel of equivalent capacity, except as specified in this section. Thereafter, upon notice to the department and payment of the transfer fee specified in Section 8280.6, the replacement vessel may be used for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year and that person is eligible for a permit pursuant to Section 8280.1 for the use of that replacement vessel in subsequent years.

The owner of a permitted vessel may transfer the permit to a vessel of greater capacity that was owned by that person on or before November 15, 1995, not to exceed 10 feet longer in length overall than the vessel for which the permit was originally issued or to a vessel of greater capacity purchased after November 15, 1995, not to exceed five feet longer in length overall than the vessel for which the permit was originally issued.

The department, upon recommendation of the Dungeness crab review panel, may authorize the owner of a permitted vessel to transfer the permit to a replacement vessel that was owned by that person on or before April 1, 1996, that does not fish with trawl nets that is greater than five feet longer in length overall than the vessel for which the permit was originally issued, if all of the following conditions are satisfied:

(A) A vessel of a larger size is essential to the owner for participation in another fishery other than a trawl net fishery.

(B) The owner held a permit on or before January 1, 1995, for the fishery for which a larger vessel is needed and has participated in that fishery.



(C) The permit for the vessel from which the permit is to be transferred qualified pursuant to paragraph (1) of subdivision (b) of Section 8280.1.

(D) The vessel to which the permit is to be transferred does not exceed 20 feet longer in length overall than the vessel for which the permit was originally issued and the vessel to which the permit is to be transferred does not exceed 60 feet in overall length.

No transfer of a permit to a larger vessel shall be allowed more than one time. If a permit is transferred to a larger vessel, any Dungeness crab vessel permit for that permit year or any subsequent permit years for that larger vessel may not be transferred to another larger vessel. The department shall not thereafter issue a Dungeness crab vessel permit for the use of the original vessel from which the permit was transferred, except that the original vessel may be used to take or land Dungeness crab after that transfer if its use is authorized pursuant to another Dungeness crab vessel permit subsequently transferred to that vessel pursuant to this paragraph.

(3) Upon the written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may temporarily transfer the permit to another replacement vessel, for which use in the Dungeness crab fishery is not permitted pursuant to this section or Section 8280.1, for a period of not more than six months during the current permit year if the vessel for which the permit was issued is seriously damaged, suffers major mechanical breakdown, or is lost or destroyed, as determined by the department, upon approval of the director. The owner of the vessel shall submit proof that the department may reasonably require to establish the existence of the conditions of this paragraph. Upon approval by the director, the owner of a lost or destroyed vessel granted a six month temporary transfer under this section may be granted an additional six month extension of the temporary transfer.

(4) Upon written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may retain that permit upon the sale of that permitted vessel for the purpose of transferring the permit to another vessel to be purchased by that individual within one year of the time of sale of the vessel for which the permit was originally issued if the requirements of this section are satisfied, including the payment of transfer fees. If the permit is not transferred to a new vessel owned by the person to whom the vessel permit was originally issued within one year of the sale of the vessel for which it was originally issued, or if the person does not retain ownership of the new vessel to which the permit is transferred for a period of not less than one year, the permit shall be revoked.

(5) In the event of the death or incapacity of a permitholder, the permit shall be transferred, upon application, to the heirs or assigns, or to the working partner, of the permitholder, together with the



transfer of the vessel for which the permit was issued, and the new owner may continue to operate the vessel under the permit, renew the permit, or transfer the permit upon sale of the vessel pursuant to paragraph (1).

(b) This section shall become inoperative on April 1, 1998, and, as of January 1, 1999, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1999, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 7. Section 8280.4 of the Fish and Game Code is amended to read:

8280.4. (a) The commission may revoke any Dungeness crab vessel permit issued through the submittal of false documents or statements. The commission may revoke the commercial fishing license issued pursuant to Section 7852 of any person owning a fishing vessel engaging in the taking or landing of Dungeness crab by traps for which that person has not obtained a Dungeness crab vessel permit, and the commission may revoke the registration, issued pursuant to Section 7881, for that vessel.

(b) This section shall become inoperative on April 1, 2001, and, as of January 1, 2002, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2002, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. Section 8280.5 of the Fish and Game Code is amended to read:

8280.5. (a) The director shall convene a Dungeness crab review panel for the purpose of reviewing applications for Dungeness crab vessel permits pursuant to paragraphs (2) and (4) of subdivision (b) of Section 8280.1 and applications for permit transfers pursuant to Section 8280.3 if the department determines that the additional review and advice of the panel will be helpful in deciding whether to issue a permit or approve a transfer.

(b) The panel shall consist of one nonvoting representative of the department and three public voting members selected by the director to represent the Dungeness crab fishing industry. One public member shall be licensed pursuant to Article 7 (commencing with Section 8030) and active in Dungeness crab processing in this state. Two public members shall be licensed pursuant to Section 7852, one from Sonoma County or a county south of Sonoma County, and one from Mendocino County or a county north of Mendocino County, and active in the take and landing of Dungeness crab in this state. The public members shall be reimbursed for their necessary and proper expenses to participate on the panel. A public member shall serve on the panel for not more than four consecutive years.

(c) The panel may conduct its review of applications referred to it by mail or teleconference.

(d) The panel shall review each application for a permit or permit transfer referred to it by the department and shall consider all oral



and written evidence presented by the applicant that is pertinent to the application under review. If the panel recommends issuance of a permit or approval of the transfer, the department may issue a Dungeness crab vessel permit pursuant to Section 8280.1 or approve a permit transfer pursuant to Section 8280.3.

(e) All appeals of denials of Dungeness crab vessel permits shall be made to the commission and may be heard by the commission if the appeal of denial is filed in writing with the commission not later than 90 days of the date of a permit denial. The commission may order the department to issue a permit upon appeal if the commission finds that the appellant qualified for a permit under this chapter.

(f) This section shall become inoperative on April 1, 2001, and, as of January 1, 2002, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2002, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 8280.6 of the Fish and Game Code is amended to read:

8280.6. (a) The department shall charge a fee for each Dungeness crab vessel permit of two hundred dollars (\$200) for a resident of California and four hundred dollars (\$400) for a nonresident of California.

(b) The department shall charge a nonrefundable fee of two hundred dollars (\$200) for each transfer of a permit authorized pursuant to paragraph (2), (4), or (5) of subdivision (a) of Section 8280.3.

(c) This section shall become inoperative on April 1, 2001, and, as of January 1, 2002, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2002, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 10. Section 8280.7 of the Fish and Game Code is repealed.

SEC. 11. Section 8598 of the Fish and Game Code is amended to read:

8598. (a) Notwithstanding Section 8140 or subdivision (b) of Section 8597, specimens of the following groups or species shall not be taken or possessed for commercial purposes:

- (1) Invertebrates:
 - (A) Phylum Porifera—all sponges.
 - (B) Genus *Pelagia* sp.—jellyfish.
 - (C) Coelenterata—corals, anemones; all species.
 - (D) Order Gorgonacea—all gorgonians.
 - (E) Order Pennatulacea—all species, except *Renilla kollikeri*.
 - (F) Feather-duster worm—*Eudistylia polymorpha*.
 - (G) Fiddler crab—*Uca crenulata*.
 - (H) Umbrella crab—*Cryptolithodes sitchensis*.
 - (I) Stalked or goose barnacles—*Pollicipes* sp.
 - (J) Giant acorn barnacle—*Balanus nubilus* or *B. aguila*.
 - (K) Owl limpet—*Lottia gigantea*.



- (L) Coffee bean shells—*Trivia* sp.
- (M) Three-winged murex—*Pteropurpura trialata*.
- (N) Vidler's simnia—*Simnia vidleri*.
- (O) Queen tegula—*Tegula regina*.
- (P) Opisthobranchia (including nudibranchs)—all subclass Opisthobranchia species except:
 - (i) Sea hares—*Aplysia californica* and *Aplysia vaccaria*.
 - (ii) *Hermisenda crassicornis*.
 - (iii) Lion's mouth—*Melibe leonina*.
 - (iv) *Aeolidia papillosa*.
 - (v) Spanish shawl—*Flabellina iodinea*.
- (2) Vertebrates:
 - (A) All shark and ray eggcases.
 - (B) Brown smoothhound sharks—*Mustelus hinlei*—that are less than 18 inches in a whole condition or dressed with head and tail removed.
 - (C) Family Agonidae—all poachers.
 - (D) Wolf-eel—*Anarrhichthys ocellatus*.
 - (E) Juvenile sheephead—*Semicossyphus pulcher* (under 6 inches).
- (3) Live rocks.
 - (A) Rocks with living organisms attached, commonly called "live rocks," shall not be taken or possessed except as provided in subparagraph (C).
 - (B) Rocks shall not be broken to take marine aquaria species, and any rock displaced to access any such species shall be returned to its original position.
 - (C) Rocks cultured under the authority of an aquaculture registration may be possessed.
 - (b) Garibaldi—*Hypsypops rubicundus* may not be taken under a marine aquaria collector's permit from February 1 to October 31, inclusive.
 - (c) No organisms may be taken for marine aquaria pet trade purposes under the terms of a marine aquaria collector's permit in any of the following areas:
 - (1) On the north side of Santa Catalina Island from a line extending three nautical miles 90 degrees true from Church Rock to a line extending three nautical miles 270 degrees true from the extreme west end of the island.
 - (2) Until January 1, 2000, on the south or "back" side of Santa Catalina Island from a line extending three nautical miles 90 degrees true from Church Rock to a line extending three nautical miles 270 degrees true from the extreme west end of the island.
 - (3) Marine life refuges, marine reserves, ecological reserves, and state reserves.
- SEC. 12. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the



only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to conform the commercial Dungeness crab season in this state with neighboring states and to regulate the fishing effort to meet the available crab resource in this year's crab season and to regulate the taking of brown smoothound sharks as soon as possible, it is necessary that this act take effect immediately.

