

50% water

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

SECTION 1. The Legislature finds and declares the following:

- (a) Fish of the genus *Morone* (striped bass) are a harmful, highly invasive species, and not native to the State of California.
- (b) Striped bass, including hybrid species commonly referred to as sunshine bass, palmetto bass, wiper, Virginia bass, Maryland bass and paradise bass, are native to the eastern coast of the United States, and are typically found from Florida to the St. Lawrence Seaway. Striped bass were intentionally introduced to California in 1879 from the Navesink River in New Jersey.
- (c) Striped bass are common in the San Francisco Bay-Sacramento-San Joaquin River Delta, and are estimated to have a population that has fluctuated from a low of 600,000 to a high of 3,000,000.
- (d) Striped bass are known to prey upon, eat and consume a variety of native fish species valued by the people of the State of California and protected under the State and Federal Endangered Species Acts, including Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead and delta smelt.
- (e) The predation habits and diet of Striped bass contribute to the decline and extirpation of native fish species from the San Francisco Bay-Sacramento-San Joaquin River Delta.
- (f) In order to protect and preserve the existing populations of native fish species which live in and migrate through the San Francisco Bay-Sacramento-San Joaquin River Delta, including Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead and delta smelt, it is the intent of the Legislature to establish an effective program to prevent additional striped bass from entering the state, to discourage the promotion of the San Francisco Bay-Sacramento-San Joaquin River Delta as a Striped bass sport fishery, to immediately cease and end the use of any existing program for the enhancement, expansion or improvement of striped bass and their habitat, and to eliminate any and all protections at law regarding the size, number, season or location that Striped bass may be caught pursuant to a valid California fishing license.

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necessary to SC MWD, they can maintain water

CA Bay Relies on 60% of imported water supply

SECTION 2. Section 2305 is added to the Fish and Game Code to read:

2305. Striped bass; prohibited activities; penalties; regulations

- (a) Except as authorized by the department, a person shall not possess, import, ship or transport in the state, or place, plant or cause to be placed or planted in any water within the state, striped bass.

(b)(1) In addition to any other penalty provided by law, any person who violates this section, any verbal or written order or regulation adopted pursuant to this section, or who resists, delays, obstructs or interferes with the implementation of this section, is subject to a civil penalty of not less than five-hundred dollars (\$500) and not more than ten-thousand dollars (\$10,000), such civil penalty to be imposed administratively by the department.

(b)(2) A penalty shall not be imposed pursuant to paragraph (1) unless the department has adopted regulations specifying the amount of the penalty and the procedure for imposing and appealing the penalty.

(c) The department shall adopt regulations to carry out this section.

SECTION 3. Section 711.4 of the Fish and Game Code is amended as follows:

§711.4. Filing fees; Environmental Quality Act projects; exemptions

(a) The department shall impose and collect a filing fee in the amount prescribed in subdivision (d) to defray the costs of managing and protecting fish and wildlife trust resources, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, developing monitoring requirements for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), consulting pursuant to Section 21104.2 of the Public Resources Code, and other activities protecting those trust resources identified in the review pursuant to the California Environmental Quality Act.

(b) The filing fees shall be proportional to the cost incurred by the department and shall be annually reviewed and adjustments recommended to the Legislature in an amount necessary to pay the full costs of department programs as specified. The department shall annually adjust the fees pursuant to Section 713.

(c)

(1) All project applicants and public agencies subject to the California Environmental Quality Act shall pay a filing fee for each proposed project, as specified in subdivision (d).

(2) Notwithstanding paragraph (1), a filing fee shall not be paid pursuant to this section if any of the following conditions exist:

(A) The project has no effect on fish and wildlife.

(B) The project is being undertaken by the department.

(C) The project costs are payable by the department from any of the following sources that are held by the department:

(i) The Public Resources Account in the Cigarette and Tobacco Products Surtax Fund.

(ii) The California Wildlife, Coastal, and Park Land Conservation Fund of 1988.

- (iii) The Habitat Conservation Fund.
- (iv) The Fisheries Restoration Account in the Fish and Game Preservation Fund.
- (v) The Commercial Salmon Stamp Account in the Fish and Game Preservation Fund.
- (vi) ~~Striped bass stamp funds collected pursuant to Section 7360.~~
- (vii) The California Ocean Resource Enhancement Account.

(D) The project is implemented by the department through a contract with either a nonprofit entity or a local government agency.

(3) Filing fees shall be paid at the time and in the amount specified in subdivision (d). Notwithstanding Sections 21080.5 and 21081 of the Public Resources Code, a project shall not be operative, vested, or final, and local government permits for the project shall not be valid, until the filing fees required pursuant to this section are paid.

(d) The fees shall be in the following amounts:

- (1) For a project that is statutorily or categorically exempt from the California Environmental Quality Act, including those certified regulatory programs that incorporate statutory and categorical exemptions, a filing fee shall not be paid.
- (2) For a project for which a negative declaration is prepared pursuant to subdivision (c) of Section 21080 of the Public Resources Code, the filing fee is one thousand eight hundred dollars (\$1,800). A local agency collecting the filing fee shall remit the fee to the county clerk at the time of filing a notice of determination pursuant to Section 21152 of the Public Resources Code. A state agency collecting the filing fee shall remit the fee to the Office of Planning and Research at the time of filing a notice of determination pursuant to Section 21108 of the Public Resources Code.
- (3) For a project with an environmental impact report prepared pursuant to the California Environmental Quality Act, the filing fee is two thousand five hundred dollars (\$2,500). A local agency collecting the filing fee shall remit the fee to the county clerk at the time of filing a notice of determination pursuant to Section 21152 of the Public Resources Code. A state agency collecting the filing fee shall remit the fee to the Office of Planning and Research at the time of filing a notice of determination pursuant to Section 21108 of the Public Resources Code.
- (4) For a project that is subject to a certified regulatory program pursuant to Section 21080.5 of the Public Resources Code, the filing fee is eight hundred fifty dollars (\$850). The filing fee shall be paid to the department before the filing of the notice of determination pursuant to Section 21080.5 of the Public Resources Code.

(e) The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the filing fee specified in subdivision (d).

- (1) The county clerk of each county and the Office of Planning and Research shall maintain a record, both electronic and in paper, of all environmental documents received. The record shall include, for each environmental document received, the name of each applicant or lead agency, the document filing number, the project name as approved by the lead agency, and the filing date. The record shall be made available for examination or audit by authorized personnel of the department during normal business hours.
- (2) The filing fee imposed and collected pursuant to subdivision (d) shall be remitted monthly to the department within 30 days after the end of each month. The remittance shall be accompanied with the information required pursuant to paragraph (1). The amount of fees due shall be reported on forms prescribed and provided by the department.
- (3) The department shall assess a penalty of 10 percent of the amount of fees due for a failure to remit the amount payable when due. The department may pursue collection of delinquent fees through the Controller's office pursuant to Section 12419.5 of the Government Code.
- (f) Notwithstanding Section 12000, failure to pay the fee under subdivision (d) is not a misdemeanor. All unpaid fees are a statutory assessment subject to collection under procedures as provided in the Revenue and Taxation Code.
- (g) Only one filing fee shall be paid for each project unless the project is tiered or phased, or separate environmental documents are required.
- (h) This section does not preclude or modify the duty of the department to recommend, require, permit, or engage in mitigation activities pursuant to the California Environmental Quality Act.
- (i) The permit process of the California Coastal Commission, as certified by the Secretary of the Resources Agency, is exempt from the payment of the filing fees prescribed by paragraph (4) of subdivision (d) insofar as the permits are issued under any of the following regulations:
- (1) Subchapter 4 (commencing with Section 13136) of Chapter 5 of Division 5.5 of Title 14 of the California Code of Regulations.
 - (2) Subchapter 1 (commencing with Section 13200), Subchapter 3 (commencing with Section 13213), Subchapter 3.5 (commencing with Section 13214), Subchapter 4 (commencing with Section 13215), Subchapter 4.5 (commencing with Section 13238), Subchapter 5 (commencing with Section 13240), Subchapter 6 (commencing with Section 13250), and Subchapter 8 (commencing with Section 13255.0) of Chapter 6 of Division 5.5 of Title 14 of the California Code of Regulations.
- SECTION 4. Section 2359 of the Fish and Game Code is repealed.

SECTION 5. Section 2363 of the Fish and Game Code is amended as follows:

§2363. Striped bass, sturgeon, or shad; importation; hearing
~~Striped bass, sturgeon, or shad~~ or parts thereof legally taken in another state, which permits the sale of that fish, may be imported into the state under regulations of the commission. Before the commission adopts any regulation pursuant to this section, a public hearing shall be held in the San Francisco or Sacramento area.

SECTION 6. Section 2764 of the Fish and Game Code is amended as follows:

§2764. Developing of projects to be funded
 The director shall consult with other responsible state agencies and appropriate fishery advisory committees, including, but not limited to, the Advisory Committee on Salmon and Steelhead Trout ~~and the Striped bass Stamp Advisory Committee~~, in developing projects to be funded pursuant to Section 2762 (~~§2762~~ The Fisheries Restoration Account).

SECTION 7. Section 7361 of the Fish and Game Code is amended as follows:

§7361. Deposit and expenditure of fees

(a) Fees received by the department pursuant to Section 7360 shall be deposited in a separate account in the Fish and Game Preservation Fund.

(b) The department shall expend the funds in that account for the long-term, sustainable benefit of the primary Bay-Delta sport fisheries, including, but not limited to, ~~striped bass, sturgeon, black bass, halibut, salmon, surf perch, steelhead trout, and American shad~~. Funds shall be expended to benefit sport fish populations, sport fishing opportunities, and anglers within the geographic parameters established in Section 7360, and consistent with the requirements of the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) and the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3, the ecosystem restoration component of the CALFED Programmatic Record of Decision dated August 28, 2000, and applicable commission policies.

(c) It is the intent of the Legislature that these funds be used to augment, not replace, funding that would otherwise be allocated to Bay-Delta sport fisheries from the sale of fishing licenses, the California Bay-Delta Authority, or other federal, state, or local funding sources.

(d) It is the intent of the Legislature that none of these funds be used to benefit striped bass and its habitat.

SECTION 8. Section 7856 of the Fish and Game Code is amended as follows:

§7856. Conditions for preparation of fish for human consumption aboard commercial fishing vessel

Notwithstanding any other provision of this division, except as provided in subdivision (f) and except when prohibited by federal law, fish may be prepared for human consumption aboard a commercial fishing vessel only under the following conditions:

(a) The fish are taken under all existing commercial fishing laws and regulations and, except as provided in subdivision (f), the fish is of a species and size that can be lawfully taken under sportfishing regulations in the area where taken and are taken incidental to normal commercial fishing operations.

(b) The fish is separated from other fish and stored with other foodstuff for consumption by the crew and passengers aboard the vessel.

(c) The fish, or parts thereof, shall not be bought, sold, offered for sale, transferred to any other person, landed, brought ashore, or used for any purpose except for consumption by the crew and passengers.

(d)

(1) All fish shall be maintained in such a condition that the species can be determined, and the size or weight can be determined if a size or weight limit applies, until the fish is prepared for immediate consumption.

(2) If the fish is filleted, a patch of skin shall be retained on each fillet as prescribed by the commission in the sportfishing regulations until the fish is prepared for immediate consumption.

(3) Fillets from fish possessed under sportfishing regulations shall be of the minimum length prescribed by commission regulations.

(e) No fish which may be possessed under sportfishing regulations may be possessed in excess of the sport bag limit for each crew member and passenger on board the vessel.

(f) Notwithstanding other provisions of this section, kelp bass, sand bass, spotted bass, yellowfin croaker, spotfin croaker, California corbina, and marlin, shall not be possessed aboard a commercial fishing vessel while that vessel is on a commercial fishing trip. Lobster, salmon, or abalone shall not be possessed aboard a commercial fishing vessel while that vessel is on a commercial fishing trip for preparation for human consumption pursuant to this section unless that lobster, salmon, or abalone is taken and possessed in compliance with all applicable laws pertaining to commercial fishing methods of take, licenses, permits, and size limits. Sturgeon or striped bass shall not be possessed aboard a commercial fishing vessel. No person shall take or possess any fish on a commercial fishing vessel under a sportfishing license while that vessel is engaged in a commercial fishing activity, including going to or from an area where fish are taken for commercial purposes.

SECTION 9. Section 8370 of the Fish and Game Code is amended as follows:

§8370. ~~Striped bass, salmon or sturgeon; liberation when taken in nets~~

(a) Any ~~striped bass~~, salmon, or sturgeon, if alive, that is taken in any type of net in any district shall be immediately liberated from the net by the fishermen and immediately returned to the water without further harm.

(b) Any ~~striped bass~~, salmon, or sturgeon that is taken in any type of nets in any district shall be removed from the net by the fisherman and immediately returned to the water, regardless of the condition of the fish.

(c) The holder of a commercial fishing license shall not have in his or her possession, except when releasing fish from the net, any ~~striped bass~~, salmon, or sturgeon, whether dead or alive, at any time when conducting netting operations or when going to or from those operations.

(d) Fish returned to the water in accordance with this section is not deterioration, waste, or spoilage of fish for purposes of Section 7704.

SECTION 10. Section 8371 of the Fish and Game Code is amended as follows:

§8371. ~~Striped bass or salmon; permitted sales~~

~~Striped bass or salmon, or parts thereof, may be sold or offered for sale only under the following conditions:~~

~~(a) If the striped bass, or parts thereof, is taken or possessed by, and is the cultured progeny of, an aquaculturist who is registered under Section 15101, that striped bass may be sold or purchased subject to regulations of the commission.~~

~~(b) If the striped bass, or parts thereof, is taken legally in another state that permits the sale of that fish and if the fish is lawfully imported under Section 2363, the striped bass, or parts thereof, may be possessed, sold, or purchased.~~

(c) If the salmon, or parts thereof, is taken legally in another state that permits the sale of salmon, and is lawfully imported consistent with Section 2361, the salmon, or parts thereof, may be possessed, sold, or purchased.

(d) If the salmon, or parts thereof, is taken in accordance with Article 4 (commencing with Section 8210.2), the salmon, or parts thereof, may be possessed, sold, or purchased.

SECTION 11. Section 8670 of the Fish and Game Code is amended as follows:

§ 8670. Use of net to take salmon, steelhead, ~~striped bass~~, sturgeon or shad in certain waters

It is unlawful for any person to use, operate, or assist in using or operating any net to take salmon, steelhead, ~~striped bass~~, sturgeon, or shad for commercial purposes in any of the tidal waters lying upstream from the Carquinez Bridge, or to possess on any boat in these waters any net the use of which is illegal in such waters.

SECTION 12. Section 8685.5 of the Fish and Game Code is amended as follows:

§8685.5. Salmon or steelhead ~~or striped bass~~; prohibition

Notwithstanding any other provision of law, gill nets may not be used to take salmon or steelhead, ~~or striped bass~~.

SECTION 13. Section 8685.6 of the Fish and Game Code is amended as follows:

§8685.6. Salmon or steelhead ~~or striped bass~~; prohibited possession or sale

It is unlawful to sell or possess for sale any salmon or steelhead, ~~or striped bass~~ which were taken in California waters by the use of a gill net.

SECTION 14. Section 8685.7 of the Fish and Game Code is amended as follows:

§8685.7. Salmon or steelhead ~~or striped bass~~; prohibited purchase

It is unlawful for any person to knowingly purchase any salmon or steelhead, ~~or striped bass~~ which were taken in California waters by the use of a gill net.

For the purpose of this section, "person" includes a broker who purchases salmon or steelhead, ~~or striped bass~~ which were unlawfully taken by gill net for the purpose of reselling those fish.

SECTION 15. Section 8756 of the Fish and Game Code is amended as follows:

8756. Fish which may not be taken

Salmon, steelhead, ~~striped bass~~, or shad may not be taken with purse or round haul nets.

SECTION 16. Section 15301 of the Fish and Game Code is amended as follows:

§15301. Sale or collection of aquatic plants and animals; price determination; fees

(a) The department may sell wild aquatic plants or animals, except rare, endangered, or fully protected species, for aquaculture use at a price approximating the administrative cost to the department for the collection or sale of the plants or animals. The commission shall set this price.

(b) Aquatic plants and animals may be collected by a registered aquaculturist only with the written approval of the department. The department may specify the time, place, and manner of collection and may collect a fee from the aquaculturist in an amount sufficient to cover the cost of processing the approval.

(c) Notwithstanding subdivision (a), the fee for collecting sturgeon ~~or striped bass~~ broodstock shall be five hundred dollars (\$500).

SECTION 17. 5841.5 of the Public Resources Code is amended as follows:

§5841.5. Legislative findings and declaration

(a) The American River Parkway and its environs contribute to the quality of life within the City of Sacramento and the County of Sacramento, enhance the image of the city and the county as desirable places to live, provide for the public safety and welfare of the community, and thereby contribute to the economic well-being of the community.

(b) The lower American River serves as a floodway channel, protecting the community from runoff, rainfall, and snowmelt.

(c) The lower American River sustains a myriad of fish populations, including steelhead, king salmon, striped bass, shad, and other fish and wildlife populations, which in turn annually support millions of recreation user-days and commercial, scientific, and educational uses and benefits.

(d) The recreation capacity of the American River Parkway is immense, including such diverse activities as hiking, bicycling, picnicking, birding, horseback riding, canoeing, kayaking, rafting, sailing, and power cruising.

(e) It is essential that the function of the lower American River and its environs, as a regional open-space resource within the center of the City of Sacramento and County of Sacramento, be supported and maintained.

(f) Actions undertaken by a state agency can drastically affect the American River Parkway and negate planning steps taken by appropriate local agencies.

(g) Adoption of the American River Parkway Plan by the State of California provides necessary recognition so that local planning efforts are eligible to receive planning grants through the Land and Water Conservation Fund, technical staff assistance through the National Park Service, and financial assistance through the Soil Conservation Service's Cooperative River Basin Planning Program.