

CA Statutes affecting Aquaculture

CA Public Resources Code

§ 826-828 – Aquaculture Development Act (1983)

The Legislature finds and declares that it is in the interest of the people of the state that the practice of aquaculture be encouraged in order to augment food supplies, expand employment, promote economic activity, increase native fish stocks, enhance commercial and recreational fishing, and protect and better use the land and water resources of the state.

The purpose of this chapter is to establish a policy and program toward improving the science and practice of aquaculture as a means of expanding aquaculture industry and related economic activity in the state.

As used in this chapter, "aquaculture" means the culture and husbandry of aquatic organisms, including, but not limited to, fish, shellfish, mollusks, crustaceans, kelp, and algae. Aquaculture shall not mean the culture and husbandry of commercially utilized inland crops, including, but not limited to, rice, watercress, and bean sprouts.

Fish & Game Code

§ 17 - Aquaculture Defined

"Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes, however, these species continue to be regulated under Chapter 2 (commencing with Section 2116) of Division 3.

Fish & Game Code

§ 1700 Policy – To Encourage Conservation, Etc. of Living Resources

It is hereby declared to be the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the oceans and other waters under the jurisdiction and influence of the state. This policy shall include all of the following objectives:

... (f) The development of commercial aquaculture.

Fish & Game Code

§ 15100 - Duties of Aquaculture Coordinator

There is within the department an aquaculture coordinator who shall perform all of the following duties:

- (a) Promote understanding of aquaculture among public agencies and the general public.
 - (b) Propose methods of reducing the negative impact of public regulation at all levels of government on the aquaculture industry.
 - (c) Provide information on all aspects of regulatory compliance to the various sectors of the aquaculture industry.
 - (d) Provide such advice to aquaculturists on project siting and facility design that may be needed to comply with regulatory requirements.
 - (e) Coordinate with the Aquaculture Development Committee regarding the duties described in subdivisions (a) to (d), inclusive.
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Food and Agriculture Code

FAC §23.5 (1983)

The commercial production of fish propagated and raised by a registered aquaculturist pursuant to Section 15101 of the Fish and Game Code in the State is a growing industry and provides a healthful and nutritious food product and, as a commercial operation, utilizes management, land, water, and feed as do other agricultural enterprises. Therefore, the commercial production of that fish and marine life shall be considered a branch of the agricultural industry of the State for the purpose of any law which provides for the benefit or protection of the agricultural industry of the State except those laws relating to plant quarantine or pest control. (Amended by Stats. 1983, Ch. 1300, Sec. 28)

FAC §25.5 (1983)

"Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, harvesting, processing, distribution, and marketing of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes.

CA FGC. CODE §15502 – Aquaculture Disease Committee

The director, in consultation with the Aquaculture Industry Advisory Committee and the Interagency Committee for Aquaculture Development, shall appoint an 11-member Aquaculture Disease Committee consisting of at least six industry producers selected to represent geographic, specie, and other diverse aspects of the industry; two to represent the department; one to represent the Department of Food and Agriculture; an academic scientist who is an expert in aquatic diseases; and one representative of the University of California Cooperative Extension. Members of the committee shall serve without compensation, but shall be paid their necessary expenses.

AQUACULTURE DEVELOPMENT COMMITTEE

(Statutes describing duties & membership)

CA FGC. CODE § 15700 – Appointment of Members

The director shall appoint an Aquaculture Development Committee consisting of the following persons:

- (a) At least 12 members representing all sectors of the fresh and salt water aquaculture industry.
- (b) One member representing the department, two members from and chosen by the University of California, one with expertise in aquaculture science and one with expertise in outreach to the fisheries community, and one member each from and chosen by the Department of Food and Agriculture, the California Coastal Commission, the State Lands Commission, the State Water Resources Control Board, the State Department of Health Services, and the Joint Legislative Committee on Fisheries and Aquaculture. The member of the committee appointed by the Joint Legislative Committee on Fisheries and Aquaculture shall meet and, except as otherwise provided by the California Constitution, advise the committee to the extent that this advisory participation is not incompatible with his or her position as a Member of the Legislature.

CA FGC. CODE § 15701 – Term of Membership & Compensation

- (a) The term of membership for members other than representatives of public agencies shall be three years. The representatives of public agencies shall serve at the pleasure of the agency that the member represents.
- (b) Members of the committee shall serve without compensation.

CA FGC. CODE § 15702 – Duty of [the Aquaculture Development] Committee

- (a) The committee shall be advisory to the director on all matters pertaining to aquaculture and shall coordinate activities among public entities.
- (b) The committee shall assist the director in developing and implementing a state aquaculture plan, identify the opportunities for regulatory relief, assist in development of research and development priorities, assist in the development of criteria to assure that publicly financed pilot programs are compatible with industry needs, and identify other opportunities for industrial development.

CA FGC. CODE § 15703 – Committee Meetings: frequency

The committee shall meet on the call of the director, but not less than twice each year.

Fish & Game Code §15008. Programmatic Environmental Impact Reports

(a) The department shall, in consultation with the Aquaculture Development Committee, prepare programmatic environmental impact reports for existing and potential commercial aquaculture operations in both coastal and inland areas of the state if both of the following conditions are met:

(1) Funds are appropriated to the department for this purpose.

(2) Matching funds are provided by the aquaculture industry. For the purpose of this section, "matching funds" include, but are not limited to, any funds expended by the aquaculture industry before January 1, 2006, for the preparation of a programmatic environmental impact report.

(b) If the final programmatic environmental impact report is prepared pursuant to subdivision (a) for coastal marine finfish aquaculture projects and approved by the commission under the California Environmental Quality Act set forth in Division 13 (commencing with Section 21000) of the Public Resources Code, the report shall provide a framework for managing marine finfish aquaculture in an environmentally sustainable manner that, at a minimum, adequately considers all of the following factors:

(1) Appropriate areas for siting marine finfish aquaculture operations to avoid adverse impacts, and minimize any unavoidable impacts, on user groups, public trust values, and the marine environment.

(2) The effects on sensitive ocean and coastal habitats.

(3) The effects on marine ecosystems, commercial and recreational fishing, and other important ocean uses.

(4) The effects on other plant and animal species, especially species protected or recovering under state and federal law.

(5) The effects of the use of chemical and biological products and pollutants and nutrient wastes on human health and the marine environment.

(6) The effects of interactions with marine mammals and birds.

(7) The cumulative effects of a number of similar finfish aquaculture projects on the ability of the marine environment to support ecologically significant flora and fauna.

(8) The effects of feed, fish meal, and fish oil on marine ecosystems.

(9) The effects of escaped fish on wild fish stocks and the marine environment.

(10) The design of facilities and farming practices so as to avoid adverse environmental impacts, and to minimize any unavoidable impacts.

(Public Resources Code, re: CA Coastal Act)

§ 30100.2 – Aquaculture a form of agriculture

"Aquaculture" means a form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by this division.

§ 30222.5 – Oceanfront lands & aquaculture sites

Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

§ 30411 – Coastal Aquaculture Sites recognition

(a) The Department of Fish and Game and the Fish and Game Commission are the principal state agencies responsible for the establishment and control of wildlife and fishery management programs and the commission shall not establish or impose any controls with respect thereto that duplicate or exceed regulatory controls established by these agencies pursuant to specific statutory requirements or authorization.

(b) (having to do with boating facilities)

(c) The Legislature finds and declares that salt water or brackish water aquaculture is a coastal-dependent use which should be encouraged to augment food supplies and to further the policies set forth in Chapter 4 (commencing with Section 825) of Division 1. The Department of Fish and Game may identify coastal sites it determines to be appropriate for aquaculture facilities. If the department identifies these sites, it shall transmit information identifying the sites to the commission and the relevant local government agency. The commission, and where appropriate, local governments, shall, consistent with the coastal planning requirements of this division, provide for as many coastal sites identified by the Department of Fish and Game for any uses that are consistent with the policies of Chapter 3 (commencing with Section 30200) of this division.

(d) Any agency of the state owning or managing land in the coastal zone for public purposes shall be an active participant in the selection of suitable sites for aquaculture facilities and shall make the land available for use in aquaculture when feasible and consistent with other policies of this division and other provisions of law.

The legal authority for the CCC to enter into the Memorandum of Agreement with NMS is Public Resources Code sections 30006.5, 30335.5, 30337 and 30339, which together require the CCC to seek expert scientific recommendations regarding matters before it and to coordinate with and provide recommendations to other agencies. Public Resources Code section 30003 requires all state agencies to comply with the Coastal Act, and section 30334 empowers the CCC to enter into contracts.

State Lands Commission – various sections of PRC

PRC §6101. There is a State Lands Commission in the Resources Agency, consisting of the Controller, the Lieutenant Governor, and the Director of Finance.

PRC §6102. The commission is the successor to, and is vested with all the powers, duties, purposes, responsibilities and jurisdiction formerly vested in the Department of Finance as successor to the Surveyor General, Register of the State Land Office, and State Land Office, and of the Division of State Lands in the Resources Agency (formerly in the Department of Conservation). Whenever, by any statute or law now in force or that may be hereafter enacted, a duty or jurisdiction is imposed or authority conferred upon the Surveyor General, Register of the State Land Office, or State Land Office, or upon the Department of Finance as successor thereto, or upon the Chief of the Division of State Lands, or the Division of State Lands, such duty, jurisdiction, and authority are hereby transferred to, imposed and conferred upon the commission and the appropriate officers and employees thereof with the same force and effect as though the title of the State Lands Commission had been specifically set forth and named therein in lieu of the Surveyor General, Register of the State Land Office, State Land Office, Department of Finance, Chief of the Division of State Lands, or Division of State Lands, as the case may be.

PRC §6507. Correcting Errors in Lease Description

Any error in the description of any lease may, with the consent of the holder thereof, be corrected or any description amended by the commission when in its judgment it is to the best interests of the state so to do.

PRC §6357. High-Water or Low-Water Mark.

The commission may establish the ordinary high-water mark or the ordinary low-water mark of any of the swamp, overflowed, marsh, tide, or submerged lands of this State, by agreement, arbitration, or action to quiet title, whenever it is deemed expedient or necessary. The amendment hereby made is declaratory of the existing law and any such agreements heretofore made establishing the ordinary high-water mark or the ordinary low-water mark of any of the swamp, overflowed, marsh, tide, or submerged lands of this State hereby are ratified and confirmed.

PRC §9003. Resource Conservation Districts

The Legislature hereby finds and declares that resource conservation districts are legal subdivisions of the state and, as such, are not-for-profit entities. For the purpose of contracting with state agencies only, resource conservation districts shall be considered agencies of the state.

(from: Marin Co. Local Coastal Plan mariculture component by Tom Moore, 2008)

Mariculture is an increasingly important coastal-dependent use which produces food, enhances fisheries stocks, and contributes to the state's economy. The purpose of this LCP Mariculture Component is to provide for mariculture sites in Tomales Bay in a location and manner which is consistent with the policies of the Coastal Act. Technical assistance for this effort has been provided by the Department of Fish and Game.

Until recently, mariculture received little attention in state planning law and policy. The Coastal Act mentions mariculture specifically only twice, although several policies of the Act do apply to mariculture on a general level. A major development in state mariculture policy occurred in 1979 with the passage of SB 52, the California Aquaculture Development Act. The Act establishes policies encouraging aquaculture in California and provides for cooperation between the Department of Fish and Game and the California Coastal Commission in designating sites for aquaculture in local coastal programs.

Of major significance to LCP's, the Aquaculture Act adds Section 30411(c) to the Coastal Act. This section states that "aquaculture is a coastal-dependent use which should be encouraged to augment food supplies...." The section also enables the Department of Fish and Game to identify coastal sites appropriate for aquaculture and to transmit such information to the Coastal Commission and relevant local governments. Local governments and the Commission are then to provide for as many of the sites as are consistent with Coastal Act policies.

In addition to Section 30411(c), other sections of the Coastal Act. which apply to mariculture include 30101, 30230, 30231, 30233(a)(8), and 30255.

Fish & Game Code

§15001 Ownership of Cultured Progenies

The cultured progeny of wild plants and animals lawfully obtained under Section 15300 are the exclusive property of that person who cultured them or that person's successor in interest.

§15300 Brood Stock Sources

Aquatic plants or animals may be legally obtained for use as brood stock from all of the following sources:

- (a) A holder of a commercial fishing license.
- (b) A registered aquaculturist.
- (c) The department.
- (d) Imported sources authorized by Chapter 7 (commencing with Section 15600).

§15301 Sale of Wild Species by Department: Collection of Wild Species by Aquaculturist

- (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).

§6590 – 6598 Ocean Fishery Research (& OREHP)

§6590

The Legislature finds and declares all of the following:

- (a) Substantial declines in various species of desirable fish that are caught in southern California ocean waters have adversely affected recreational and commercial fishing and their related industries.
- (b) Research and development of artificial propagation, rearing, and stocking techniques and equipment have been sufficiently developed. The purpose of this article is to determine if hatchery-released fish can artificially enhance certain stocks of various desirable species, through increased hatchery production of fish and increased monitoring of fisheries to assess the contribution of hatchery-released fish to that enhancement.
- (c) Funding for research pertaining to enhancement and artificial propagation, rearing, and stocking are most appropriately borne by a special fund derived from user fees on recreational and commercial fishermen who stand to directly benefit from the resurgence of depressed marine fisheries.
- (d) The department has continuing resource management, administrative, and policy review responsibility in marine resources issues.

(e) Volunteers from the recreational fishing community have developed and operated grow-out facilities with private funding. These volunteer activities greatly enhance the effectiveness of the program and are fully compatible with the overall program objectives.

(f) As white sea bass hatchery production is established, additional grow-out facilities will be required and coordination between these facilities will be necessary. The ocean resources enhancement advisory panel may encourage contracts to carry out coordination activities and recommend to the director that this coordination remain a high priority. Those coordination activities may be funded with fees collected by the department pursuant to this article.

(g) The use of federal matching funds, including sportfish restoration account funds, shall be a high priority for use to match state dollars for this program.

§ 6591 OREHP

For purposes of this article, "program" means the California Ocean Resources Enhancement and Hatchery Program established by this article.

§6592

There is hereby established in state government the California Ocean Resources Enhancement and Hatchery Program for the purpose of basic and applied research on the artificial propagation, rearing, stocking, and distribution of adversely affected marine fish species that are important to sport or commercial fishing in the ocean waters off the coast of California south of a line extending due west from Point Arguello.

§6593

The program is administered by the director with the advice and assistance of the advisory panel created in Section 6594. No person shall serve on the advisory panel if that person is receiving research funding from the program. The director may appoint, with the advice and consent of the advisory panel, a program manager to assist in administering the program.

§6594

To assist the director in establishing policy and direction for the research and enhancement programs to be supported from the Fish and Game Preservation Fund, there is hereby created in the department an Ocean Resources Enhancement Advisory Panel. The panel shall consist of the following members:

- (a) One member representing the department.
- (b) One member from the University of California, appointed by the president.
- (c) One member from the California State University System, appointed by the chancellor.
- (d) Two members representing persons working in the southern California commercial fishing industry, of which one shall be appointed by the director from a list of at least three persons submitted by the California Gillnetters Association and one shall be appointed by the director from a list of at least three persons submitted by the California Fisheries and Seafood Institute.
- (e) One member representing the southern California commercial passenger fishing vessel industry, appointed by the director from a list of at least three persons submitted by the Sportfishing Association of California.
- (f) Three members representing southern California ocean sportfishermen, of which one shall be appointed by the director from a list of at least three persons submitted by the United Anglers of California, one appointed by the director from a list of at least three persons submitted by the National Coalition for Marine Conservation, Pacific Region, and one appointed by the director from a list of at least three persons submitted by California resident members of the American Fishing Tackle Manufacturers Association.

(g) One member representing the California Aquaculture Association* established pursuant to Section 15700.

* This is an error in the legislation: it is the Aquaculture Development Committee that was established by §15700. The California Aquaculture Assn is a producer/trade association.

§6595

(a) All fees collected by the department pursuant to this article, and any interest earned on those fees, shall be deposited in the Fish and Game Preservation Fund and shall be available, upon appropriation by the Legislature, solely for purposes of the program. The department shall maintain the internal accountability necessary to ensure that expenditures of these funds meet the requirements and restrictions of the purposes of the program.

(b) An amount, not to exceed 15 percent of the total annual revenues deposited in the fund pursuant to this article, may be appropriated for the administration of the program, including any reasonable and necessary expenses incurred by members of the ocean resources enhancement advisory panel in the discharge of their duties pursuant to this article.

(c) No part of the program may be financed pursuant to this article unless it has been approved by both the director and a majority of the members of the ocean resources enhancement advisory panel.

§6597.5

It is in the interest of the state to have broad participation in enhancement programs. Therefore, this program shall be open to participation by qualified academic institutions, as determined by the department, and nonprofit organizations, commercial aquaculturists, and for profit enterprises.

§6598

Any place at which all or a significant part of the program is conducted shall be named the "California Marine Hatchery Institute."

CCR Title 14

§240. Transportation, Possession and Sale of Sturgeon, Striped Bass, Hybrid Striped Bass (Striped Bass Crossed with White Bass), Abalone and Steelhead Trout Produced or Imported by Registered Aquaculturists for Aquaculture Purposes

All sturgeon, striped bass, hybrid striped bass, abalone and steelhead trout produced or imported by registered aquaculturists for aquaculture purposes shall be transported, possessed and sold as provided in this section. For purposes of these regulations, aquaculture products are products of aquaculture as defined by Section 17 of the Fish and Game Code.

(a) Such aquaculture products must be accompanied by a duplicate of a sales invoice or waybill, showing the name and address of the producer, the producer's aquaculture registration number, date of shipment, the species being transported, the weight, volume, or count of each species in the shipment, the name and address of the intended receiver and tag number if subject tag is required.

(b) The consignee shall retain a copy of the bill of lading or similar accountable document for one year and make it available to the department upon request.

(c) Live aquaculture products are not subject to the provisions of subsections (c), (d) and (e). All dead aquaculture products or parts thereof, except hybrid striped bass sold whole or in the round with the head attached, transported or sold within the state pursuant to this section shall be either:

(1) Packaged in sealed containers or boxes. Each container or box shall be clearly labeled showing a description of the contents and an identification of the shipper; or

(2) Tagged with consecutively numbered 1/2-inch vinyl plastic spaghetti tags with a legend showing the name of the shipper along with the city and state of origin. The tag sequence shall be present on all invoices and waybills. Reusable tags may not be possessed in the State of

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California. When tags are removed from the aquaculture products they must be destroyed by cutting through that portion of the tag which contains the name of the shipper and the tag number; or

(3) Clearly marked, using liquid nitrogen and a metal band, with an "A," 1/2-inch square, posterior to the head, anterior to the dorsal fin and above the lateral line. All aquaculture products shall be marked when alive but may be killed prior to transport or sale.

(d) No such dead aquaculture products may be possessed at a place where aquaculture products are sold unless packaged, marked or tagged in the manner described in subsection (c) except that operators or employees of retail stores, restaurants or other eating establishments may remove portions from packaged, marked or tagged aquaculture products when such portions are being displayed or prepared for actual sale to a consumer or for actual consumption on the premises.

(e) Aquaculture products tagged, marked and/or packaged under subsection (c) above may be processed and repackaged or retagged by dealers possessing a revocable processing permit issued by the Wildlife Protection Division of the department specifically for striped bass, hybrid striped bass, sturgeon, abalone and steelhead trout. The permit shall be issued free of charge on a calendar year basis, or part thereof. When transported for sale such aquaculture products or portions of aquaculture products shall meet the transportation requirements of subsections (a) and (b).

(f) Live aquaculture products may not be imported except in accordance with Section 236, Title 14, California Administrative Code.

(g) Live hybrid striped bass may not be imported or possessed by registered aquaculturists except under the terms of a permit issued by the department, specifying conditions under which these aquaculture products may be reared and transported. Requests for permits shall be

submitted to the Department of Fish and Game Aquaculture Development Section, 1416 Ninth Street, Sacramento, California 95814.

(h) Live hybrid striped bass shall only be possessed or sold in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura, Lassen and Modoc counties.

(i) All aquaculture products held live for retail sale shall be killed at the time of sale and be dead before leaving the retailer's premises, and under no condition may these aquaculture products be stocked in any lake, pond or stream.

§243. Take of Aquatic Plants, Invertebrates, Fishes and Bullfrogs From the Wild for Use as Broodstock for Aquaculture Purposes

Pursuant to sections 5503 and 15300, Fish and Game Code, aquatic plants, invertebrates, fishes and bullfrogs (*Rana catesbeiana*) may be taken from the wild for aquaculture purposes only in accordance with the following regulations:

(a) Exceptions. This section does not apply to the following:

(1) The take of live freshwater fish for sale as bait (See Section 8460, Fish and Game Code and Section 200, Title 14, CCR).

(2) The take of aquatic animals by commercial fishermen (See Section 226.7, Title 14, CCR).

(b) Permits. The department may issue a revocable, nontransferable permit to collect aquatic plants, invertebrates, fishes and bullfrogs from the wild for use in developing a domesticated broodstock for aquaculture purposes. Permits shall not be issued for striped bass or white sturgeon except by specific commission authorization. The permit shall be valid for one year from the issue date listed on the permit unless the expiration date on the permit specifies a shorter time period. No permits shall be issued for golden trout, steelhead trout, chinook salmon or coho salmon, or for those animals listed by the state or federal government as endangered, threatened or fully protected. Permits shall state the name, mailing and business addresses and phone of permittee, permittee's aquaculture registration number, name of the collector(s) if different from permittee, collector(s) phone number, collector(s) driver's license, or DMV identification number, name of assistant(s), assistant(s) phone number, assistant(s) driver's license, or DMV identification number, species to be collected, number or total weight to be collected, collection locations and methods, and collection dates. Any special notifications, requirements and conditions shall be attached to the permit on a separate page.

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(1) Who May Obtain Permits. Permits shall be issued only to the owner or operator of an aquaculture facility currently registered pursuant to Section 15101, Fish and Game Code and Section 235, Title 14, CCR. The aquaculturist must be authorized by said registration to possess the species to be taken. The aquaculturist may designate, on the permit application, a person to collect for him.

(2) Cost of the Permit. An administrative fee of \$500 shall be charged for processing the permit and initial site inspection. The department shall assess an additional fee, equal to the actual costs to the department in salaries, travel expenses and equipment use, if any department personnel are required to assist in the collection or inspection of the wild broodstock.

(3) How to Apply for the Permit. The permit application, FG 794 (Rev. 07/08), is available on request from the Aquaculture Coordinator at the address provided on the application. Completed and signed application forms and the \$25 nonrefundable application fee shall be submitted to the Aquaculture Coordinator.

(c) Who May Collect Wild Broodstock. Wild broodstock shall be collected only by the permittee or those persons listed as collectors on the permit. The permittee or one of the collectors designated by the permit shall be present when animals are collected. Collectors shall have the

collection permit in their possession while engaged in collection activities and while transporting species collected to the permittee's registered facility. Any person listed on the permit as a collector and who is attempting to take broodstock, shall have a commercial fishing license in their possession. All collectors and assistants must have a driver's license or DMV identification in their possession.

Persons assisting the collector, and under their direct supervision, need not have a broodstock collection permit, but they shall be listed as assistants on the permit. The assistant may only assist in the landing of the broodstock or assist with equipment such as boat operation. The assistant is not allowed to take or collect broodstock independently.

The department may require that an employee of the department be present to monitor collection operations, or that the broodstock be collected by department personnel. All costs to the department for monitoring or collecting shall be borne by the permittee. Any special conditions applied to the collection of wild broodstock shall be stated on the permit or attached page(s).

(d) Collection Methods and Gear. All aquatic plants and animals authorized to be taken by the permit shall be captured only in those waters and only with those types of gear specified in the permit. All species other than those specified in the permit shall be returned immediately in good condition to the water of origin.

The permittee shall comply with department requirements concerning construction and deployment of collection gear. Locations and times of collecting and the amount taken may be restricted by the department to protect the wild populations of authorized species or other species found in the collecting area, or to reduce interference with angling.

No recreational take of any kind may be done by the person(s) listed on the permit while taking the wild plants and animals authorized under the permit.

(e) Notification of Department. Before making any collection, the permittee and/or the other persons listed on the permit shall notify the department's regional office having responsibility for the area where the permittee wishes to collect or any other department office specified in the permit. Unless otherwise specified in the permit, the notification shall reach the regional office or other specified office by letter, telephone or personal contact at least 48 hours in advance of the collection date(s) and shall include the locality, dates and time(s) during which collecting is to be done.

(f) Written Reports and Logbooks.

(1) Permittee shall submit a written report to the Aquaculture Coordinator and the department office specified on the permit within six months of the permit's expiration date or prior to application for any additional broodstock collection permits, whichever is earlier. The report shall state the number of plants or animals collected, the location and condition of the wild broodstock and the number or amount of progeny cultured and provide other information as specified in the permit.

(2) When the logbooks are required to be filled out as a condition on the permit, the logbooks shall be in the immediate possession of the permittee and/or the collector working under the authority of the permit. The log book shall be accurate and complete at all times and shall contain the required information as prescribed by the department.

(g) Disposition of Wild Broodstock and Their Cultured Progeny. Wild plants and animals taken under the authority of this permit remain the property of the state and shall not be sold, bartered or traded without written permission of the department. Wild broodstock shall be held only at an aquaculture facility registered by the permittee and may be required to be held separate from non-wild broodstock. The department will determine the final disposition of all wild broodstock. Any wild broodstock taken and possessed shall be marked in a manner specified in the permit. The cultured progeny of plants and animals lawfully obtained under the authority of a broodstock collection permit are the exclusive property of that person who cultured them, or that person's successor in interest.

(h) Inspections. Permittees shall allow authorized department employees to inspect any and all

wild broodstock authorized by this permit and their holding facilities, vehicles, vessels or other places that the broodstock may be held. Inspections may be made at any time with or without prior notification.

(i) Permit Denial or Revocation. The department may deny or revoke a permit to take wild plants and animals for use in developing a domesticated broodstock for any of the following reasons:

(1) To protect an aquatic resource.

(2) To protect public safety.

(3) A commercial source is available.

(4) The applicant does not have facilities or experience necessary to develop a domesticated broodstock from wild plants or animals.

(5) The applicant or permittee has demonstrated repeated failure to develop a domesticated broodstock from wild plants or animals.

(6) The applicant or permittee, his designated collector or an employee or assistant has violated the terms of a wild broodstock collection permit issued pursuant to this section, or has been convicted by a court of competent jurisdiction of any violation of the Fish and Game Code or commission regulations as determined by the department.

(7) Any person who currently has a permit under revocation or suspension by the department or commission.

(j) Violations. All permit requirements and conditions shall be followed. Any violation of any provision of the permit is a violation of this section and may lead to immediate permit revocation or suspension.

(k) Appeal. Any denial, suspension or revocation may be appealed to the commission