AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL No. 787

Introduced by Assembly Member Chesbro

February 17, 2011

An act to ~~amend Section 2860 of~~ *add Section 2864 to* the Fish and Game Code, relating to marine resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 787, as amended, Chesbro. Marine protected ~~areas.~~ *areas: California Native American tribes.*

The Marine Life Protection Act (MLPA) establishes the Marine Life Protection Program to reexamine and redesign California's marine protected area system. Existing law requires the Department of Fish and Game to prepare, and the Fish and Game Commission to adopt, a master plan that guides the adoption and implementation of the program, including recommended alternative networks of marine protected areas. Under the MLPA, the taking of a marine species in a marine life reserve, *a type of marine protected area,* is prohibited for any purpose, including recreational and commercial fishing, except as authorized by the commission for scientific purposes.

This bill would ~~make a technical, nonsubstantive change to this prohibition.~~ *require the commission, notwithstanding existing restrictions and allowable uses, to permit California Native American tribe members, as defined, to continue fishing and gathering practices for traditional religious, ceremonial, and cultural purposes within a marine protected area, subject to applicable tribal and federal environmental laws.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

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

SECTION 1. The Legislature finds and declares the following:

(a) Traditional take of marine resources and other customary uses by California Native American tribes and tribal communities are an intrinsic component of the ecosystem, of minimal disturbance, and are consistent with marine protected areas.

(b) There is no scientific evidence for the North Coast area that gathering for subsistence and ceremonial purposes has had an adverse effect on marine resources.

SEC. 2. Section 2864 is added to the Fish and Game Code, to read:

2864. The commission, notwithstanding the restrictions and allowable uses applicable to marine protected areas pursuant to Sections 1591 and 2860, including, but not limited to, those established in the Marine Managed Areas Improvement Act (Chapter 7 (commencing with Section 36600) of Division 27 of the Public Resources Code), shall permit California Native American tribe members to continue fishing and gathering practices for traditional religious, ceremonial, and cultural purposes within a marine protected area, subject to applicable tribal and federal environmental laws. The commission shall require a person engaging in fishing or gathering in accordance with this section to hold a tribal identification card. As used in this section, "California Native American tribe" means a federally recognized Native American tribe in California or a nonfederally recognized California Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.

~~SECTION 1. Section 2860 of the Fish and Game Code is amended to read:~~

~~2860. (a) The commission may regulate commercial and recreational fishing and any other taking of marine species in MPAs.~~

~~(b) Notwithstanding any other provision of this code, the taking of a marine species in a marine life reserve is prohibited for any purpose, including recreational and commercial fishing, except~~

1 ~~the commission may authorize the taking of a marine species for~~
2 ~~scientific purposes, consistent with the purposes of this chapter,~~
3 ~~under a scientific collecting permit issued by the department.~~

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