

THE CALIFORNIA FISH AND GAME CODE

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Whenever the subject of the development and encouragement of commercial fishing in California is discussed with persons concerned, such as this group, the Fish and Game Code seems to come in for considerable criticism. There appears to be a generally accepted premise that the laws relating to commercial fishing are archaic and far too inflexible and restrictive, and that the Fish and Game Code and the regulations of the Fish and Game Commission are the primary reasons why the State's commercial fishing industry has not made greater strides. I don't believe that any one familiar with California laws would deny that our code should be reviewed with an eye to removing those sections which are outdated and perhaps are inhibiting commercial fishing unnecessarily. As a matter of fact, our Department last year began a comprehensive review of all laws pertaining to commercial fishing. At the present time we plan to solicit recommendations and comments from knowledgeable persons in the industry. Undoubtedly some of you gentlemen here today will be contacted. It is my opinion that the Fish and Game Code is not as restrictive or as inflexible as you may have been led to believe. As an example, how many of you are aware of the provisions of Section 8606 of the Fish and Game Code? Briefly, this section authorizes the Fish and Game Commission to permit the use of any newly developed fishing gear or any newly developed method of using already authorized gear. We felt that the addition of this section to our code was necessary to encourage the use of new gear and techniques and under our code it is unlawful to use any fishing gear unless it is specifically provided for. Although this section was adopted by the Legislature in 1963, to date not one request for such a permit has been received.

The Department of Fish and Game has tried in other ways to encourage commercial fishing when it could be done without damage to the resource or to existing interests. For years the possession of drag nets was prohibited in all harbors south of Santa Barbara. This quite effectively stopped all dragging in the southern portion of the state and also forced all drag boats to unload elsewhere than in the southern California ports. We felt that the law was unnecessarily restrictive and this opinion was certainly shared by fishermen and dealers in San Diego and San Pedro. Consequently the Department supported legislation in 1965 to allow the possession of drag nets in these prohibited areas. The legislation passed and we fully expected to see an increase in dragging activity in southern California waters, and certainly an increase

in the landing of drag fish in San Pedro and San Diego. However, dragging has not increased, and to my knowledge not one load of drag-caught fish has been unloaded south of Santa Barbara since the passing of this permissive legislation.

We also hear complaints that our laws regarding size limits on tuna and skipjack are discriminatory and that they are responsible for fish being delivered to ports outside of California where size limits do not exist. Naturally, when this occurs our industry suffers. We have long recognized this as being a bad situation and as early as 1950, the Department caused legislation to be introduced which would have repealed the undersize tuna and skipjack laws. However, the tuna-canning industry saw fit to oppose the measure and was successful in defeating the legislation. The Department is still desirous of removing these size limits. There has been considerable interest in the possible development of a reduction fishery for hake. In this connection it has been said that our laws regarding the legal mesh size on drag nets (4½ inches) would prevent the efficient harvesting of hake. We have repeatedly told people interested in this potential fishery that we would recommend a more suitable mesh size for hake, probably 3 inches for vessels dragging for hake, provided a reasonable limit were placed on the possession of other fish on the vessel. The Department and the Fish and Game Commission have, in the past, cooperated with the industry in attempting to develop a hake fishery by granting a permit to a major processor to take and use 100 tons of hake for reduction in order to gain the necessary data relative to yield, protein, etc. Unfortunately the permit was not used.

There are those who feel that all restrictions on the use of nets, size limits, etc., should be repealed in order to assist and improve the commercial industry. These people fail to take into consideration that, unlike some other states, California has a large and exceedingly important sport fishing industry. In most instances, this industry relies on the same fish the commercial fisherman is seeking. An increase in the amount of fish taken by the commercial fisherman at the expense of the sport catch would not necessarily be of benefit to the State of California. The take of such fish as barracuda and halibut is presently greater than the commercial take of these species and certainly these fish, in being used for food, serve their ultimate purpose. We have some areas closed to the use of most commercial fishing gear and these areas are criticized by the commercial industry. They claim that biologically speaking, conservation is not served by these so-called "closed areas". One such area is Catalina Is-

land. For you who are not familiar with this closure, let me explain that basically all of the north or lee side of the island is closed to the use of round-haul nets which effectively stop fishing for mackerel, anchovies, and bluefin tuna within the area. While closed areas do not appear to be of too much benefit conservation wise, there are other factors that must be taken into consideration. The lee side of the island is easily reached by small boats. It is not unusual to see 16-foot skiffs fishing at Catalina. A 50-ton school of bluefin tuna in the closed area can provide fishing for the party fishing vessels, as well as private craft, for weeks. If the area were opened to net boats one or two nights of fishing would either see all the fish taken or driven out of the area.

We must keep in mind that the fish taken by the sportsmen are used and it appears that not only have these fish provided a great many hundreds of man-hours of recreation, they have been as valuable, in an

economic sense, to the people of the State as if they had been taken by a purse seine net and processed.

As in any code there are sections that apparently do not serve any particular purpose or are not based on sound fact, and this can be particularly true when dealing with something as complex as fishery problems. On the whole, however, the recommendations of our biologists and research people are listened to by our law makers and are considered.

As I mentioned earlier, however, there are other considerations that must be taken into account when fishery laws are being considered. These can be economic or sociological in nature. While laws based 100% on biological data might appear to be the ultimate, the society we live in demands that other interests be considered. I believe that in California our fishery laws reflect the interest of all groups and are not in themselves detrimental to our commercial fishing industry.