



February 21, 2017

The Honorable Tom Berryhill  
California State Legislature  
State Capitol Room 3067  
Sacramento, CA 95814

**SUBJ: SB 234 (Fishing: local regulation: prohibition)**

**POSITION: SPONSOR**

Dear Senator Berryhill:

California's leading recreational fishing organization is pleased to sponsor Senate Bill 234.

Limited access to fishing is one of the major contributors to declining recreational fishing participation rates in California. Regulations are often difficult for anglers to navigate, and they become even more challenging when local ordinances that restrict fishing are imposed illegally.

Existing statutory law delegates to the Fish and Game Commission the power to regulate the taking or possession of birds, mammals, fish, amphibians, and reptiles in accordance with prescribed laws. Under existing law, the Department of Fish and Wildlife exercises various functions with regard to the taking of fish and game. Under existing law, a city or county, or local public agency, has no authority to regulate fish and game except that a city or county may adopt an ordinance that incidentally affects fishing and hunting for the protection of public health and safety.

Senate Bill 234 is declaratory of existing law that provides and codifies authority to the Fish and Game Commission. Additionally, the bill requires the court to grant damages to the prevailing party in an action and allows the court to award punitive damages.

Some local agencies in California have enacted ordinances restricting fishing without authority, including restrictions or bans on pier and jetty fishing. Pier and jetty anglers are predominantly subsistence fishers hoping to feed their families, and they rarely have access to attorneys when they are shut out of certain high-income areas along California's Coastline. Concerns associated with access take on added importance for those who cannot afford a fishing vessel, and piers and jetties provide the only access to recreational fishing.

It is also troubling that some illegal fishing regulations may have been motivated by a desire to exclude anglers from inland communities of greater diversity from fishing in higher-income coastal communities. This bill would allow parties subject to discrimination to engage legal counsel which would otherwise be denied on the basis of financial capacity.

**2795 E. Bidwell Street, #100-119, Folsom, CA 95630, ph. 916.936.1777**  
**[www.sportfishingconservation.org](http://www.sportfishingconservation.org)**

This provision takes on added importance given that many local agencies continue to maintain illegal restrictions even after it comes to their attention by state authorities or local anglers.

Senate Bill 234 represents good governance and equal protections for all Californians wishing to participate in a great form of recreation and economic activity in California.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marko Mlikotin', with a long horizontal flourish extending to the right.

Marko Mlikotin  
Executive Director