



Training Bulletin

Los Angeles Port Police

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ENFORCEMENT OF TARIFF 4, SECTION 1812 REGULATING FISHING IN THE PORT OF LOS ANGELES

PURPOSE:

The purpose of this Training Bulletin is to provide instruction and guidance on the enforcement of Tariff 4, Section 1812 which regulates fishing in the Port of Los Angeles.

BACKGROUND:

On its face, Tariff section 1812's prohibition of fishing appears to contradict the California Constitution's right to fish on public lands. Article I, section 25 of the California Constitution provides:

The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; provided, that the Legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

ANALYSIS:

The Supreme Court of California, in *State of California v. San Luis Obispo Sportsman's Association*, 22 Cal 3d 440, 447 (1978), limited the definition of "public lands" to "state owned land the use of which by the state is compatible with the use by the public for purposes of fishing." Although the court interpreted "compatible" in a broad sense to include lands where public access for fishing may be regulated to make it compatible with other land uses (such as drinking water protection in Whale Rock Reservoir) the court made it clear that the right to fish under article I, section 25 is not an unqualified one and "must yield in appropriate factual situations to the reasonable exercise of the state's inherent police power to protect public safety and welfare." *Id.* at 448. Specifically, the court held that, "although the public has a constitutional right to fish at Whale Rock Reservoir, this right is subject to reasonable regulation and could in fact be extinguished if public recreational fishing were to become incompatible with the

reservoir's function as a domestic water supply source.”

The City's exercise of police power to limit fishing to areas that are compatible with other uses by the Port of Los Angeles is contained in Section No. 1812 of Tariff No. 4:

It shall be unlawful for any person to fish from or otherwise use in any manner, or for any vessel or any owner, agent or operator thereof to use in any manner, any berth, wharf, wharf premise, or other area under the jurisdiction of the Board without first securing an assignment or other permission to do so.

Where public fishing is obviously compatible with Port of Los Angeles operations, signs are posted granting permission to fish in compliance with Item 1812. At locations where public fishing is not likely compatible with Port of Los Angeles operations, no such signs are posted.

PERMITTED LOCATION FOR FISHING:

The Port of Los Angeles has provided for access for the purpose of recreational fishing by building and maintaining a fishing pier in the outer harbor at Cabrillo Beach.

ENFORCEMENT GUIDELINES:

Violations of Item 1812 are not a patrol priority for the Los Angeles Port Police. Enforcement should be consistent with the following guidelines.

In order to write an enforceable citation for violation of Tariff section 1812, the citation should provide the reason that fishing at a particular location is incompatible with Port operations. The constitutional right to fish is subject to reasonable regulation where there is a rational basis to support the regulation.

Fishing may be incompatible with Port of Los Angeles operations because of, among other things, vessel navigation, vehicle, rail or pedestrian traffic, critical infrastructure and supply chain security precautions, pipeline or bridge security, and/or sanitation and health.

Because fishing is an important right, the Los Angeles Port Police will use discretion and education in enforcement as follows:

Officers should always explain that the Port of Los Angeles has provided an area for public fishing and that other areas are restricted due to the type of facility, the proximity to critical infrastructure, access by other users or other valid reason. Littering, trespass or illegal parking may provide an independent basis for citation that will avoid conflict with the Constitution.

Specific situations:

It is not possible to list all possible situations that may arise. The following list covers situations that are frequently observed.

Fishing from vessels in fairways, commercial shipping lanes, turning basins or the main channel should not be permitted as it is incompatible with deep draft commercial vessels that have limited ability to maneuver.

Fishing from vessels in areas where recreational vessel access is otherwise permitted (such as the shallow water habitat) should not be cited unless posing an immediate conflict with another permitted use and the violator has been warned.

Fishing from land or privately owned vessels may be a hazard to navigation. Small and medium size vessels will alter course to avoid being struck by cast lines or to avoid crossing over fishing lines in the water to avoid fouling their propellers and rudders. In areas where this conflict is likely to occur, officers should strive to educate the public over citation wherever possible.

On promenade walkways where issues of sanitation and casting near pedestrians is in conflict, officers should strive to educate the public over citation wherever possible. Violations such as littering or depositing matter into harbor waterways should be considered where actionable.

REQUESTS FOR PERMITS TO FISH:

There is a process to request a permit (Temporary Entry and Use Permit or TEUP) for the use of Port property or waterways. This would be the same process to request a permit to fish in the Port of Los Angeles. If a request for such a permit is received it will be addressed on an individual basis.

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