

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), pursuant to the authority vested by sections 713, 1050, 7071, 7078, 7701, 7708, 7923, 8026, 8425, 8428 and 8429.5 of the California Fish and Game Code and to implement, interpret or make specific sections 1050, 7050, 7071, 7075, 7078, 7082, 7083, 7086, 7652, 7701, 7708, 7852.2, 7923, 8026, 8101, 8420, 8425, 8428, 8429.5, 8429.7, 12159 and 12160 of said Code, proposes to amend sections 53.01, 149 and 149.1, and repeal sections 53.02 and 53.03, Title 14, California Code of Regulations, relating to the commercial take of market squid.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The market squid fishery is regularly the largest commercial fishery in California, in both volume and ex-vessel value. Managed under the Commission's authority since 2001, the fishery operates within the framework of the Market Squid Fishery Management Plan (FMP) adopted by the Commission in 2004. The FMP defines harvest control rules, a restricted access program, environmental protections, and fishery administration.

While regulations have been periodically adopted to adaptively manage various aspects of the fishery, 2021 marked the initiation of the first comprehensive review of market squid FMP since its adoption. The Department developed a multi-phase management review, supported by the Commission, and anchored in a Squid Fishery Advisory Committee (SFAC). Established by the Department's Director according to Title 14, Section 53.02, the SFAC played a crucial role in assisting with developing and reviewing fishery assessments, management options and proposals, and FMP amendments.

The following proposed changes to market squid regulations reflect Department recommendations and include regulatory changes discussed and agreed upon during the multiyear SFAC process.

Proposed Amendments

The proposed regulations add a definition of a rib line and will require the use of a purse seine rib line which must be placed above the purse seine leadline after December 31, 2030.

Proposed regulations will extend the current weekend market squid fishery closure from noon to 7am on Friday statewide as well as an additional extension from Sunday at noon to Sunday at 11:59pm in the Monterey Bay Area (between a line due west from Point Lobos (36° 31.461' North Latitude) and a line due west from Pigeon Point (37° 11.000' North Latitude)).

In addition, the Department is proposing changes for an administrative topic not discussed during SFAC meetings addressing the notification method used for closing a fishing season. The proposed regulations replace language in subsection 149(b)(2)(B) related to the responsibility of operators to determine when the seasonal catch limit is expected to be reached and the fishery closed by monitoring VHF/channel 16 with language specifying they should monitor the Department's website

wildlife.ca.gov/marine. Additional proposed changes in this subsection regarding what constitutes official notice of the closure replace VHF/channel 16 with the Department's website.

Other changes not discussed during the SFAC process include cleaning up language for taking market squid for live bait during the weekend closure, updating lighting regulation in anticipation of changes in lighting technology, and clarifying that a purse seine skiff does not need its own market squid vessel permit.

The proposed regulations clarify that using lights to attract squid is considered a form of take and that such lights generally may not be used during the weekend closures. The exemption for lighting on the weekend when taking market squid as live bait is proposed to be amended to ensure vessels do not use lights for other purposes while claiming to be engaged in the take of live bait. The amendment will clarify that lighting on the weekend is only allowed when actively taking market squid for live bait. Revisions to the regulation specify that live market squid must be kept in a condition to be sold as live bait and returned to the water if it is not sold as live bait. Also, vessels engaged in the take of market squid for live bait must notify the Department in advance, to indicate their intent to take live bait during a weekend closure.

The "Gulf of Farallones National Marine Sanctuary" will be updated to "Greater Farallones National Marine Sanctuary". This change updates the name of the national marine sanctuary currently in Code of Federal Regulations (CFR), Part 922, subpart H.

Proposed amendments also remove the definition of the Market Squid FMP. The FMP does not require a definition, as it is described in Section 53.00. Furthermore, it is not necessary to incorporate the document by reference as the FMP is not intended to have the force of law, because it is an informational document rather than a regulation.

Amendments are proposed to subsection 149.1(a) to update references to renumbered subsections in Section 149.

Sections 53.02 and 53.03 are proposed to be repealed as they are either duplicative of existing authority or are general policy statements rather than regulations and therefore are not necessary.

Finally, other minor changes are proposed for clarity and consistency.

Benefit of the Regulations:

It is the policy of the state to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the state. The objectives of this policy include but are not limited to conserving the health and diversity of marine ecosystems and marine living resources; allowing and encouraging only those activities and uses of marine living resources that are sustainable; recognizing the importance to the economy and the culture of California of sustainable commercial fisheries; managing marine living resources on the basis of the best available scientific information and other relevant information that the Commission or Department possesses or receives; and involving all interested parties in marine living resource management decisions.

Consistent with this policy, the proposed changes to market squid regulations reflect what was discussed and agreed upon during the multiyear SFAC process. These changes will help to ensure long-term conservation and sustainability of the market squid resource.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing market squid (California Fish and Game Code Section 8425). No other state agency has the authority to adopt regulations governing market squid. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of market squid regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Public Participation

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before July 31, 2025 at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on August 8, 2025.** If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to California Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the East End Complex, Auditorium, 1500 Capitol Avenue, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, June 11, 2025, and may continue at 8:30 a.m., on Thursday, June 12, 2025. The Commission will make a reasonable effort to allow for remote public participation through the Zoom videoconference platform. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Building, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, August 13, 2025, and may continue at 8:30 a.m., on Thursday, August 14, 2025. The Commission will make a reasonable effort to allow for remote public participation through the Zoom videoconference platform. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission

meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, California Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sherrie Fonbuena at FGC@fgc.ca.gov or at the preceding address or phone number.

Trung Nguyen, Environmental Scientist, California Department of Fish and Wildlife, sfac@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Commission anticipates that the proposed regulations will directly impact commercial market squid vessel permit holders and the market squid lighting boats that service those commercial fishing operations. The proposed live bait weekend light use reporting requirements are expected to have a direct economic impact of approximately \$9,988, the total loss to light boats from the closures is expected to be approximately \$399,902, the proposed rib line requirements are expected to cost approximately \$885,000, the direct impacts to purse seine and brail vessels from the closures are expected to be approximately \$1,999,510, and the estimated total economic effect, including indirect and induced effects, of the proposed closures is \$3,298,987. Combined, the total economic impact from the proposed regulations is estimated to be \$4,593,877, see the economic analysis in the addendum to the economic and

fiscal impact statement (STD 399) for more information. The change in costs is not anticipated to affect the competitiveness of the California commercial market squid fishery with other states, as the regulations are intended to protect squid egg beds on the sea floor and preserve the sustainability of the fishery.

The Commission has made an initial determination that the adoption of the proposed regulations may have a significant statewide adverse economic impact directly affecting business but are unlikely to affect the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
 - (ii) consolidation or simplification of compliance and reporting requirements for businesses;
 - (iii) the use of performance standards rather than prescriptive standards; or
 - (iv) exemption or partial exemption from the regulatory requirements for business.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed weekend closures are expected to have a total economic effect of \$3,298,987, which is expected to eliminate up to 19 jobs (3 from the statewide closure and 16 from the Monterey closure). The proposed regulations for rib lines and the reporting requirements for light boats participating in the live bait fishery are not anticipated to have any additional impacts to job creation or elimination.

The Commission does not anticipate that the proposed regulations will affect the creation of new businesses, the elimination of existing businesses, or the expansion of businesses within the state.

The Commission anticipates benefits to the state's environment including but not limited to the following: conserving the health and diversity of marine ecosystems and marine living resources; allowing and encouraging only those activities and uses of marine living resources that are sustainable; recognizing the importance to the economy and the culture of California of sustainable commercial fisheries; managing marine living resources on the basis of the best available scientific information and other relevant information that the Commission or Department possesses or receives; and involving all interested parties in marine living resource management decisions. No benefits to the health and welfare of California residents or to worker safety are anticipated as a result of these proposed regulations.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission anticipates that the per business costs for the proposed regulations is approximately \$46,736 per business using purse seines, \$14,639 per light boat, and \$2,648

per brail vessel, and an average small business cost of approximately \$17,746 per vessel. See the economic analysis in the addendum to the STD 399 for further details.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Commission anticipates that the proposed regulatory action will incur a fiscal impact on state government. Enforcement of the proposed regulations will require some of the Department's wildlife officers to undergo additional training to learn the new regulations, which is estimated to be \$27,255.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Melissa Miller-Henson
Executive Director

Dated: May 20, 2025