

State of California
Fish and Game Commission
Amended Initial Statement of Reasons for Regulatory Action

Amend Sections 53.01, 149 and 149.1,
Repeal Sections 53.02 and 53.03,
Title 14, California Code of Regulations
Re: Commercial Taking of Market Squid

I. Dates of Statements of Reasons

- (a) Initial Statement of Reasons: May 20, 2025
- (b) **Amended Statement of Reasons: June 20, 2025**

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: April 16-17, 2025

Location: Sacramento

(b) Discussion Hearing:

Date: June 11-12, 2025

Location: Sacramento

(c) Adoption Hearing:

Date: August 13-14, 2025

Location: Sacramento

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR), “Department” refers to the California Department of Fish and Wildlife, and “Commission” refers to the California Fish and Game Commission.

The Department recommends that the Commission adopt the following proposed changes focusing on the commercial take of market squid. The last time market squid regulations were subject to major amendment was at the adoption of the Market Squid Fishery Management Plan (FMP) in 2004. The proposed amendments here represent the results of a significant multi-year long constituent advisory group process as well as scientific and enforcement input. The proposed changes are necessary to reduce potential bycatch and increase the likelihood of the fishery remaining sustainable in the face of future environmental uncertainty.

Background

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 FMP. The FMP defines harvest control rules (i.e., rules to manage a fishery developed under provisions of the Marine Life

Management Act), 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 the Market Squid FMP since its adoption in 2004. 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 Section 53.02, the SFAC played a crucial role in assisting with developing and reviewing fishery assessments, management options and proposals, and FMP amendments.

During the final SFAC meeting in May 2024, the Department presented draft recommendations and adjusted the recommendations to reflect discussion points and expression of support from SFAC members. The SFAC recommended regulation changes, as well as non-regulatory actions.

In addition, the Department recommends changes for administrative topics not discussed during SFAC meetings. The first addresses the notification method used for closing a fishing season. Additional administrative changes clarify that a purse seine skiff does not need its own market squid vessel permit, correct the name of the Greater Farallones National Marine Sanctuary to its present name, and modify the definition of light shields to reflect possible changes to the manner in which light is emitted.

The proposed regulations define rib line and will require the use of a purse seine rib line, which must be placed above the purse seine leadline. **The proposed regulations will extend the current weekend market squid fishery closure, from the current language of “between 1200 hours (noon) on Friday and 1200 hours (noon) on Sunday” to “0700 hours on Friday through 1200 hours (noon) on Sunday” to apply statewide, except for the 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), commonly referred to as the Monterey Bay area, where the closure will extend through 2359 hours on Sunday.**

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 existing exemption for lighting on the weekend when taking market squid as live bait will be amended to make the provision clearer and more enforceable. The amendment will clarify that lighting on the weekend is only allowed when actively taking market squid for live bait. Revisions to the regulation will 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.

Current Regulations

Current regulations in Section 53.01 specify definitions related to the market squid fishery. Section 53.02 describes process and timing of the market squid fishery as it relates to implementing the Market Squid FMP, including monitoring and regular updates;

establishment of an advisory committee by the Department director to aid in assessing and responding to fishery concerns; and development of management actions consistent with the Administrative Procedure Act. Section 53.03 describes the set of management actions described in the original Market Squid FMP (Department, 2005).

Current regulations in Section 149 specify requirements applicable to vessels taking squid and vessels attracting squid with lights for the purpose of commercial take. The regulations specify that a permit is required; set a seasonal catch limit of 118,000 short tons statewide; specify the process to close the fishery when the seasonal catch limit is expected to be reached; provide a statewide closure between noon on Friday and noon on Sunday of each week; provide exemptions that allow the take of squid for live bait purposes and allow squid to be taken incidentally in other fisheries; prohibit use of attracting lights in the Greater Farallones National Marine Sanctuary for the protection of seabirds; require the completion and submittal of logbooks; prohibit the use of lights to attract squid except as authorized under permits described in subsection 149.1(b); prescribe maximum wattage and shielding requirements for attracting lights; specify that squid taken in violation of the regulations must be forfeited to the Department; specify to whom citations may be issued; and specify that operators and crewmembers of a commercial market squid vessel or lightboat operating under the provisions of a commercial market squid permit are not required to possess a Tidal Invertebrate Permit.

Proposed Regulations

The proposed regulations implement the amended Market Squid FMP.

Repeal subsection 53.01(m)

Subsection 53.01(m) is proposed to be repealed to remove the definition of Market Squid FMP. The Market Squid 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 Market Squid FMP is not intended to have the force of law because it is an informational document, rather than a regulation.

Current subsections (n) through (u) are proposed to be renumbered as (m) through (t) to reflect the repeal of subsection (m).

Amend current subsection 53.01(t), renumbered as subsection (s)

The proposed regulations revise the definition of purse seine, specifying that the net is closed near the bottom instead of on the bottom. This change is necessary to correctly define the net. In addition, language is added to specify that purse seines used to take market squid or onboard vessels in possession of market squid are fitted with a rib line. This change is necessary to ensure that commercial fishermen are aware the seine configuration clearly includes a rib line.

Add new subsection 53.01(t), Rib line

The regulations in proposed subsection 149(f) will require the use of a purse seine rib line, which must be placed above the purse seine headline. This amendment adds the definition of a rib line to read, "Rib line means a separate line made of soft rope or other

non-metallic line that is a minimum of 36 inches above the leadline on a purse seine net. The rib line must encompass the purse seine net within 60 feet of both ends of the net.”

Department sampling data indicate that current purse seine fishing practices allow the net to scrape the seafloor in relatively shallow fishing areas and may increase benthic species bycatch or damage to squid egg beds. Requiring a rib line on purse seine nets will reduce contact with the seafloor. In addition, the proposed regulations will require the use of a non-metallic rib line to purse the net instead of cables or chains (i.e., no metal lines), which will also reduce impacts to the sea floor. The requirement to use a rib line made of soft rope or other non-metallic line to purse the net mitigates potential impacts to seafloor habitats and enhances sustainability by protecting squid egg beds and other benthic species.

Repeal Section 53.02, Process and Timing, and repeal Section 53.03, Market Squid Fishery Management Plan (Market Squid FMP) Project.

These sections 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. Existing statutory authority provides processes and purposes for development of an FMP, adopting regulations to implement an FMP, amending an FMP, convening stakeholders for advisory committees, and for monitoring and assessment of the fishery (e.g., Fish and Game Code sections 7070 *et seq.*). It is necessary to repeal these sections to reduce confusion of the regulated community and to conform to the clarity and non-duplication requirements of the Administrative Procedure Act.

Amend title of Section 149

The proposed changes replace the word “Taking” with “Take.” This change is necessary to align the terminology with established and commonly understood usage of ‘take’ as a noun in commercial fisheries management throughout the California Fish and Game Code and associated regulations, thereby enhancing clarity and consistency within the regulatory framework.

Amend subsection 149(a)

The proposed regulations add new subsection 149(a)(1), “A permit is not required for the seine skiff of a permitted vessel. For the purposes of this section, a seine skiff is a vessel that does not use lights to attract squid and its primary purpose is to assist the deployment of a net for a permitted vessel.”

This change is necessary to make it clear that a seine skiff vessel does not require a market squid permit because it is part of a purse seine vessel and its function is to help wrap the purse seine net and does not use lights to attract squid.

Amend subsection 149(b)(2), Closure Process.

The proposed regulations replace language in subsection 149(b)(2)(A) relating to public announcement of the effective date of squid closures on Very High Frequency (VHF) Channel 16 between the hours of 10:00 p.m. and 12:00 a.m. (midnight) with language

specifying that the announcement will be posted on the Department's website at wildlife.ca.gov/marine. The time of day of the announcement is repealed.

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.

Current regulation (subsections 149 (b)(2)(A) and (B)) require the Department to notify the United States Coast Guard (USCG) to broadcast on VHF Channel 16 any upcoming closures to the market squid fishery. However, the USCG has indicated in a letter to the Department that it will no longer post notices via VHF 16 Broadcast Notice to Mariners because the "communication tools are reserved for important navigational safety information and deficiencies in aids to navigation." The proposed regulation is necessary to provide a revised communication tool that market squid operators can use to be informed about market squid fishery closure. The time of day of the announcement is no longer necessary as the website is accessible at any time of day.

Amend subsection 149(c), Time Closures. North of a westerly extension of the United States -- Republic of Mexico boundary line:

Current regulations specify that market squid may not be taken for commercial purposes between noon on Friday and noon on Sunday of each week. The proposed regulations change the start time of the closure to 0700 hours on Friday; the end time remains noon on Sunday in most of the State. The proposed changes further specify that market squid may not be taken for commercial purposes in the area between Point Lobos (36° 31.461' North Latitude) and Pigeon Point (37° 11.000' North Latitude) from 0700 hours on Friday through 2359 hours on Sunday of each week.

These changes are necessary for added conservation in squid fishery management and a buffer for sustainability at little expense, or potential improvement, to fishery yields and performance. The extension of the weekend closure will increase the uninterrupted spawning time for market squid, which will benefit squid reproduction and spawning success. Department analyses during the SFAC process showed a difference between the northern and southern fishery areas, supporting the difference in closure end time proposed for the Monterey Bay area.

Amend subsection 149(d), Closed Areas for Seabirds.

The proposed regulations change "Gulf of Farallones National Marine Sanctuary" to "Greater Farallones National Marine Sanctuary" for consistency with the name of the national marine sanctuary changed in 2015 and currently in Code of Federal Regulations (CFR), Part 922, subpart H.

The proposed regulations that change the name of "Gulf of the Farallones National Marine Sanctuary to "Greater Farallones National Marine Sanctuary," are further amended to clarify that the area closed for seabirds by the Commission in 2004

applies to “...that portion of the Greater Farallones National Marine Sanctuary that was previously defined as the Gulf of the Farallones National Marine Sanctuary with boundaries defined...”

Add new subsection 149(f), Rib Line.

The proposed regulations add new subsection 149(f), “Rib line: After December 31, 2030, it is unlawful to take market squid for commercial purposes using a purse seine net that is not pursed using a rib line as defined in Section 53.01. All purse seine nets onboard any vessel taking or possessing market squid for commercial purposes must have a rib line attached and the rib line must be used to purse the net. A rib line must be made of soft rope or other non-metallic line. All rib lines must be made available for inspection upon demand by authorized Department personnel pursuant to Fish and Game Code Section 2012.”

This addition for use of a soft rope or other non-metallic rib line to “purse” the seine net is necessary to mitigate potential impacts to sandy bottom habitat and enhances sustainability by protecting squid egg beds and other benthic species. The regulation will take into effect after December 31, 2030 in order to give the fishing community adequate time to retrofit fishing gear.

Amend current subsection 149(f), renumbered as subsection (g). Lights to Aggregate Squid.

The proposed regulations add subsection 149(g)(1). The first full sentence of current subsection 149(f) is moved to this subsection along with a new heading of “General Regulations”. Language specifying “of these regulations” is repealed due to redundancy.

The proposed regulations add subsection 149(g)(1)(A), “Lights used to aggregate squid are considered a form of take. Lights commonly used to aggregate squid that are turned on or in use are prima facie evidence that the vessel’s operator and crew are attempting to attract squid for commercial purposes.” The proposed language clarifies that use of lights to aggregate squid is considered a form of take consistent with Section 1.80 and informs the public how the Department considers the use of lights as it relates to the commercial take of market squid.

The proposed regulations add subsection 149(g)(1)(B), “Lights used to aggregate squid for commercial purposes shall not be turned on or in use during weekend closures as defined by subsection (c)(1) of this section.” This change is necessary to emphasize that “take” of market squid via attracting lights is prohibited during the weekend closure to allow for uninterrupted spawning time for market squid.

The proposed regulations add subsection 149(g)(2), Exceptions for Live Bait Purposes.

The proposed regulations add subsection 149(g)(2)(A), “Notwithstanding subsection (g)(1), vessels pursuing squid for live bait purposes only are not required to possess a permit described in subsection 149.1(b)”. This change restates and clarifies language in current subsection (f) that states, “This regulation does not apply to...vessels pursuing squid for live bait purposes only.” Language in current subsection (f) regarding seine

skiffs is repealed as proposed subsection 149(a)(1) states that seine skiffs do not require a permit issued pursuant to Section 149.1 and do not use lights to attract squid.

The proposed regulations add subsection 149(g)(2)(B), "Subsection (g)(1)(B) does not apply to vessels pursuing squid for live bait purposes only during the weekend closure, if the following conditions are met:

"1. Lights shall only be used to aggregate squid while actively taking or searching for squid and shall be turned off immediately upon completion of fishing for live bait.

"2. All squid taken shall be maintained in a condition to be sold as live bait. Squid taken under this exemption shall not be used as live bait aboard the vessel that took it, and any squid not sold shall be returned to the water prior to the end of the weekend closure.

"3. The operator of any vessel intending to utilize this live bait exemption shall provide prior notification via email to LEDMarineNotifications@wildlife.ca.gov prior to the vessel leaving port on that fishing trip. The notification shall include all of the following: operator's name, vessel name, anticipated fishing date(s), port of departure, expected port of landing, fishing block(s) where live bait fishing activity will occur, live bait method of take, description of how sales of live bait will occur, Dealer ID number, and, if applicable, Live Bait Dealer ID number."

This subsection is necessary to lay out the requirements for the commercial take of squid for live bait purposes during the weekend closure for the sustainable management of the fishery and to ensure **that vessels legitimately engage in live bait operations and do not use lights for unauthorized purposes while claiming to be engaged in take of live bait. Minimizing the use of lights, by only allowing their use while actively fishing, is crucial for protecting squid during their spawning periods and supporting successful completion of life history requirements.**

Maintaining squid in a condition **suitable to be sold as live bait is necessary to ensure freshness and marketability. Prohibiting the use of squid taken for live bait aboard the vessel that took it is necessary to prevent a regulatory loophole. Without this rule, vessels could falsely claim they are taking squid for their own use, potentially circumventing established lighting restrictions and undermining the overall management of the market squid fishery.**

Requiring any unsold squid to be returned to the water prior to the end of the weekend closure is necessary to prevent vessels from using lights over the weekend to hold squid for general take after the weekend closure (using their squid vessel permit), under the guise of live bait operations. Advance notification of take is necessary **to provide the Department with a record of those engaging in taking market squid for live bait on the weekend.**

Amend current subsection 149(h), renumbered as subsection (i), Light Shields.

Current regulation requires that the light scatter of fishing operations be reduced by shielding “the entire filament of each light.” The proposed regulation replaces “of each light” with “or device capable of emitting light”.

This change is necessary to address potential changes to lighting devices in the future.

Amend current subsection 149(l), renumbered as subsection (m), Incidental Take Allowance.

Current regulations specify that the other requirements of this Section do not apply to incidental take. The proposed amendment **clarifies** that other requirements of this Section, **with the exception of** subsection (g), **remain inapplicable** to incidental take. This amendment **is** needed to **ensure** that vessels incidentally taking squid **under subsection 149(m) are expressly prohibited from using lights. Allowing lights during incidental squid take in other fisheries would create a loophole, enabling vessels to use lights over the weekend to hold squid for later general take (under a squid vessel permit), effectively circumventing regulations by claiming to target other species under incidental take provisions, or to claim to be engaged in lighting for live bait.**

Additional minor changes are proposed in Section 149 for clarity and consistency in re-numbering subsections, and updating pronouns and cross-references.

Amend Section 149.1. Market Squid Fishery Restricted Access Program.

Amendments are proposed to subsection 149.1(a) to update references to renumbered subsections in Section 149. No other amendments are proposed for Section 149.1.

(b) Goals and Benefits of the Regulation

The California Legislature has declared that the Pacific Ocean and its rich marine living resources are of great environmental, economic, aesthetic, recreational, educational, scientific, nutritional, social, and historic importance to the people of California.

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 weekend closure and requirement of rib line to the 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.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Section 53.01

Authority: Sections 7071, 7078 and 8425, Fish and Game Code.

Reference: Sections 7071, 7075, 7078, 7083, 7086, 8420 and 8425, Fish and Game Code

Section 53.02

Authority cited: Section 7071, 7078 and 8425, Fish and Game Code.

Reference: Sections 7071, 7075, 7083, 7652, 8420 and 8425, Fish and Game Code.

Section 53.03

Authority cited: Section 7071, 7078 and 8425, Fish and Game Code.

Reference: Sections 7071, 7075, 7082, 7083, 8420 and 8425, Fish and Game Code.

Section 149

Authority: Sections 7078, 7701, 7708, 8026, 8425 and 8429.5, Fish and Game Code.

Reference: Sections 7701, 7708, 8026, 8425, 8429.5, 8429.7, 12159 and 12160, Fish and Game Code

Section 149.1

Authority: Sections 713, 1050, 7071, 7078, 7923, 8026, 8425, 8428 and 8429.5, Fish and Game Code.

Reference: Sections 1050, 7050, 7071, 7701, 7708, 7852.2, 7923, 8026, 8101, 8425, 8428, 8429.5 and 8429.7, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change

The proposed change to require a rib line to purse seine nets by December 31, 2030 does not specify a specific rib line that is needed. It must adhere to the specifications described in subsections 53.01(t) and 149(f), which state that the rib line must be rope or non-metallic, a minimum of 36 inches above the headline, and encompass the purse seine net within 60 feet of both ends of the net.

(e) Identification of Reports or Documents Supporting Regulation Change

California Department of Fish and Wildlife. 2005. Final Market Squid Fishery Management Plan, dated March 25, **2005**.

California Department of Fish and Wildlife. 2024 Market Squid, *Doryteuthis (Loligo) opalescens*, Enhanced Status Report. Available from:
<https://marinespecies.wildlife.ca.gov/market-squid/>

California Department of Fish and Wildlife. 2024. Squid Fishery Advisory Committee Review of California - Market Squid Fishery Management and Proposed Recommendations. Presented to the Marine Resources committee Meeting of the Fish and Game Commission, July 18, 2024.

(f) Identification of Reports or Documents Providing Background Information

Commission 2024, Staff Summary for July 17-18, 2024 Marine Resource Committee Meeting on Market Squid Fishery Management and Fishery Management Plan (FMP) Review.

Commission 2024, Staff Summary for November 6-7, 2024 Marine Resource Committee Meeting on Market Squid Fishery Management and Fishery Management Plan (FMP) Review.

(g) Public Discussions of Proposed Regulations Prior to Notice Publication

Ten public meetings of the SFAC were held, specifically focused on developing options for market squid fishery management updates. Following those meetings, two meetings of the Commission's Marine Resources Committee included discussions of the proposed recommendations as follows:

- Meeting 1 – February 9, 2023; Virtual
- Meeting 2 – April 18, 2023, Santa Cruz
- Meeting 3 – May 16, 2023, Virtual
- Meeting 4 – July 12, 2023, Virtual
- Meeting 5 – August 15, 2023, Seal Beach
- Meeting 6 – October 6, 2023, Virtual,
- Meeting 7 – November 15, 2023, Virtual
- Meeting 8 – January 26, 2024, Oakland
- Meeting 9 – March 21, 2024, Santa Barbara
- Meeting 10 – May 1-2, 2024, Long Beach
- Marine Resource Committee Meeting – July 18, 2024, Santa Rosa
- Marine Resource Committee Meeting – November 7, 2024, Sacramento

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives to changes to sections 53.01, 53.02, and 53.03 were identified.

No alternatives to the market squid fishery closure notification were identified by or brought to the attention of Commission staff.

Other alternatives to the extended weekend closure included extending the closure from Friday at 7am to Monday at 7am, statewide. However, the SFAC expressed that losing one day of production each week is not cost effective because processors need to employ people five days a week. SFAC members also wanted a specific closure to the Monterey **Bay** area due to greater concern about the impact on squid spawning and on-the-water conflicts with recreational users.

An alternative to the rib line requirement would be to require a net depth restriction. This would require fishing vessels to use a shallower net to reduce any bottom contact without the need for retrofitting of the purse seine net. This was discussed during the SFAC process, and it was determined that the Department does not have the ability to enforce a

net depth restriction. Also, members of the SFAC have said that operators can own several different purse seine nets with varying depths and requiring shorter nets will reduce access to deeper water and will put more pressure on shallower fishing areas.

An alternative subsection (g) - Lights to Aggregate Squid would be to not allow squid lighting on the weekend while fishing for market squid as live bait. This was not considered because it would have a negative effect on the recreational fishing fleet purchasing market squid as live bait from the market squid fishing fleet.

An alternative to prohibit lighting around all or portions of the California Channel Islands was discussed during the SFAC process to additionally protect seabirds. Based on improved seabird breeding and population status in the area, existing marine protected areas around seabird colonies, and potential impacts to the squid fishery, this alternative was determined to be unnecessary.

(b) No Change Alternative

Without the proposed changes, the outstanding issues concerning the regulations currently governing impacts to seafloor habitats, reduced spawning potential, weekend lighting for market squid exemption, and VHF channel 16 notifications would remain unaddressed.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

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 Businesses, 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.

(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 **Bay area** 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, \$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

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission anticipates that the proposed regulations for a weekend closure may impact jobs within the state. The proposed weekend closures are expected to have a total economic effect of \$3,298,987, which is expected to impact up to 19 jobs (3 from the statewide closure and 16 from the Monterey closure). Information for how these estimates were arrived at using the California Ocean Fish Harvester Economic (COFHE) model may be found in the addendum to the STD 399.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate that the proposed regulations will affect the creation of new businesses or the elimination of existing businesses within the state. While the proposed regulations are anticipated to generate some economic impacts, none of the anticipated impacts are expected to make entry into the market squid fishery more difficult or continued activity less viable.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission does not anticipate an expansion of businesses currently doing business within the state as a result of the proposed regulations.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate impacts to worker safety.

(f) Benefits of the Regulation to the State's Environment

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.

(g) Other Benefits of the Regulation

None.

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 changes replace the word "Taking" with "Take" in the title of Section 149.

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.

The proposed regulations will extend the current weekend market squid fishery closure, from "between 1200 hours (noon) on Friday and 1200 hours (noon) on Sunday" to be "from 0700 hours on Friday through 1200 hours (noon) on Sunday" statewide, except for the 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), commonly referred to as the Monterey Bay area, to extend through 2359 hours on Sunday.

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 **the use of lights to aggregate squid is 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 **taking** 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 **suitable** to be sold as live bait, **that squid taken under this provision may not be used by the vessel that took it**, and **that squid must be** returned to the water if it is not sold as live bait **prior to the end of the weekend closure**. 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 proposed regulations change “Gulf of Farallones National Marine Sanctuary” to “Greater Farallones National Marine Sanctuary” for consistency with the name of the national marine sanctuary changed in 2015 and currently in Code of Federal Regulations (CFR), Part 922, subpart H.

The proposed regulations that change the name of “Gulf of the Farallones National Marine Sanctuary to “Greater Farallones National Marine Sanctuary,” are further amended to clarify that the area closed for seabirds by the Commission in 2004 applies to “...that portion of the Greater Farallones National Marine Sanctuary that was previously defined as the Gulf of the Farallones National Marine Sanctuary with boundaries defined...”

The proposed regulations specify that subsection (g), regarding the requirements applicable to the use of lights to aggregate squid, are applicable to the incidental take of squid in other fisheries.

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.