

Proposed Regulatory Language

Section 53.01, Title 14, CCR, is amended to read:

§ 53.01 Definitions.

- (a) *Brail gear, dip nets or scoop nets* means any net attached to a rigid frame operated by hand or mechanical device deployed from the vessel to scoop fish or invertebrates.
- (b) *Daily trip limit* means a routine management measure which may be used to limit take of squid on a per-vessel basis within a calendar day.
- (c) *Drum seine* means a purse seine net which is stored, deployed and retrieved with the aid of a mechanized drum (reel) mounted on the stern of the vessel.
- (d) *Egg escapement* means the number or proportion of a female squid's lifetime supply of eggs that she is able to deposit, on average, before being taken in the fishery.
- (e) *Egg escapement method* means a management tool which may be used to determine whether the fleet is fishing above or below a predetermined sustainable level of exploitation. The method requires establishing a threshold value to ensure that an adequate number of eggs are deposited prior to harvest.
- (f) *Fishing year or fishing season* under the Market Squid FMP means the period April 1 through March 31.
- (g) *Fishery Control Rules* means specific management strategies such as seasonal catch limits, daily trip limits, area closures, time closures, and sustainable levels of egg escapement which provide for a sustainable market squid fishery.
- (h) *Fleet capacity goal* means an optimal number of vessels where the number of vessels matches the available squid resource.
- (i) *Forage* means the role of market squid in the food chain as a critical source of food for higher predators, including birds, fish and marine mammals.
- (j) *Lampara* means a rectangular net constructed with graduated mesh sizes, a definite bunt (bag), and fitted with floats. It is laid out by the fishing vessel in a circle and closed at least partially on the bottom by pulling the headline in advance of the float line.
- (k) *Light boat* means a vessel engaged in the commercial taking or attempting to take market squid which uses bright lights to aggregate squid for commercial purposes including live bait.
- (l) *Market squid* means *Doryteuthis opalescens*.
- ~~(m) *Market Squid Fishery Management Plan (Market Squid FMP)* means Chapters 1 through 5 of the Market Squid Fishery Management Plan approved by the Commission on August 27, 2004, hereby incorporated by reference.~~

~~(n)~~(m) *National Marine Fisheries Service, NMFS or NOAA Fisheries* means the federal fisheries management agency which is contained in the United States Department of Commerce.

~~(o)~~(n) *Overfished* is defined at Fish and Game Code Section 97.5, and in the Market Squid FMP also means a condition that may exist when either the egg escapement threshold is not met, or catches of squid exceed any specified allowable level.

~~(p)~~(o) *Overfishing* is defined at Fish and Game Code Section 98, and in the Market Squid FMP also may mean that harvests of squid are occurring at times when either the egg escapement threshold is not being met, or catches are exceeding specified allowable levels. These catches may not be sustainable.

~~(q)~~(p) *PFMC or Council* means the Pacific Fishery Management Council established pursuant to the Magnuson-Stevens Fishery Conservation and Management Act.

~~(r)~~(q) *Point of concern* means one or more of the following conditions affecting market squid that, if found or are expected to exist, may trigger the application or adjustment of one or more management measures by the commission:

- (1) Catch is projected to significantly exceed the current seasonal catch limitation.
- (2) Any adverse or significant change in the biological characteristics of the market squid (age composition, size composition, age at maturity, or recruitment) is discovered.
- (3) An overfished condition exists or is imminent (defined as when the egg-escapement method threshold is not realized in two consecutive years).
- (4) Any adverse or significant change in the availability of market squid as forage or in the status of a dependent species is discovered.
- (5) An error in data or a change to an indicator of stock status is detected that requires adjustment to fishery control rules to ensure sustainable resource management.

~~(s)~~(r) *Points of concern process* means a process authorizing the commission to apply or adjust fishery management measures at any time during the year based on the confirmation of the existence of one or more resource-based points of concern identified in a fishery management plan pursuant subsection 50.03(a), Title 14, CCR.

~~(t)~~(s) *Purse seine* means a rectangular net constructed with uniform mesh sizes, without a prominent bunt (bag), and fitted with floats. It is laid out with the end attached to a skiff while the deploying vessel encircles the squid. The end of the net is then brought up to the deploying vessel and is closed ~~on~~near the bottom by pulling a purse line (draw string) threaded through rings along the leadline, preventing the catch from escaping. Purse seines used to take market squid or onboard vessels in possession of market squid are fitted with a rib line.

(t) *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.

(u) *Round haul vessels* mean those that employ the use of lampara, purse seine, and drum seine net gear to commercially harvest squid.

(v) *Seasonal catch ~~limitation~~ limit* means an amount of allowable catch which may be taken within a designated geographic area in a fishing season, specified in short tons and excluding discard mortality. The attainment (or expected attainment) of this limit will cause closure of the directed commercial fishery as specified in regulation.

(w) *Tons* means short tons, and is the standard unit of weight for purposes of describing catches and limits for the market squid fishery, notwithstanding subsection 50.00(c), Title 14, CCR.

(x) *Vessel capacity* means the gross registered tonnage, as listed on a federal Coastal Pelagic Species permit or calculated from length, breadth and depth measurements provided on United States Coast Guard documentation papers.

(y) *Weekend closures* mean a routine management measure which may be used to prohibit take of market squid during certain days of a week.

(z) Definitions contained in Chapter 1, and Article 1 of Chapter 5.5, of Subdivision 1, Division 1, Title 14, CCR, and Chapters 1 and 2 of Division 0.5 of the Fish and Game Code apply to the market squid fishery in addition to definitions of this Section.

Note: Authority cited: Sections 7071, 7078 and 8425, Fish and Game Code. Reference: Sections 7071, 7075, 7078, 7083, 7086, 8420 and 8425, Fish and Game Code.

Proposed Regulatory Language

Section 53.02, Title 14, CCR, is repealed:

~~§ 53.02. Process and Timing.~~

~~(a) Management of market squid stocks will conform to the goals, objectives, criteria, procedures, and Fishery Control Rule guidelines of the Market Squid FMP, and other applicable state and federal laws and regulations.—~~

~~(b) Periodic monitoring and assessment of squid fisheries will be conducted, and, at a minimum, will include the collection and review of reported catches. The department will provide management recommendations to the commission as needed, and in season if a need is identified.—~~

~~(c) The director may establish and appoint members to an advisory committee to assist the department with development and review of fishery assessments, management options and proposals, and plan amendments.—~~

~~(d) Management measures and actions may be developed, considered, and adopted in compliance with the Administrative Procedure Act and implemented at any time of year to achieve management plan goals and objectives, and may apply to any or all management areas, or portions of management areas at the discretion of the commission.—~~

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

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

Proposed Regulatory Language

Section 53.03, Title 14, CCR, is repealed:

~~§ 53.03. Market Squid Fishery Management Plan (Market Squid FMP) Project.~~

~~(a) The Department's Recommended Proposed Project in the Market Squid FMP involves a combination of limitations on total harvest, regulation on the use of squid fishing gear (including lights), use of time closures to allow for periods of uninterrupted spawning, restricted access and other limits on the commercial fleet capacity, mechanisms to allow for adequate squid escapement, and area closures designed to minimize impact to sensitive non-target species and habitat. These management measures described in the Market Squid FMP will be utilized in managing the squid fishery toward meeting goals and objectives of the Market Squid FMP.~~

~~(b) Other management measures as described in the Market Squid FMP, including but not limited to vessel trip limits, squid replenishment areas, seasonal closures, and marine protected areas may be used as needed to achieve the goals and objectives of the Market Squid FMP.~~

~~(c) A fishery management measure may be adopted by the commission instead of, or in addition to, measures included in the adopted Market Squid FMP Project where specified in statute or state or federal regulation.~~

~~(d) Consistent with the goals of the Restricted Access program, the Commission established a sixth permit class for Non-Transferable Market Squid Light Boat Permits in addition to the original five permit classes and an experimental permit class identified in the discussion of the program in the Market Squid Fishery Plan.~~

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

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

Revised Proposed Regulatory Language

Section 149, Title 14, CCR, is amended to read:

§ 149. Commercial ~~Taking~~ Take of Market Squid.

Requirements of this Section apply both to vessels taking squid and to vessels attracting squid with lights for the purpose of commercial take. Incidental commercial take of market squid that meets the criteria specified in subsection ~~(l)-(m)~~ below, and commercial take of market squid for live bait as described in subsection ~~(m)-(n)~~ below are not subject to the requirements of this Section, unless expressly specified.

(a) Permit Required. No person shall take, land, or attract squid by light for commercial purposes, except as provided in subsections (a)(1), ~~(l)~~ and (m), and (n) below, unless the owner of that vessel has a valid market squid permit issued pursuant to Section 149.1 of these regulations for use on that vessel that has not been suspended or revoked.

(1) A market squid 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.

(b) Seasonal Catch ~~Limitation~~ Limit.

(1) For the period from April 1 through March 31 of the following year, a total of not more than 118,000 short tons of market squid may be taken statewide for commercial purposes.

(2) Closure Process

(A) The department shall estimate, from the current trend in landings, when the Seasonal Catch Limit will be reached, and will publicly announce the effective date of closure of the directed commercial fishery on the department's website at: wildlife.ca.gov/marine. ~~VHF/channel 16 between the hours of 10:00 p.m. and 12:00 a.m. (midnight).~~

(B) It shall be the responsibility of all operators of permitted market squid vessels to monitor ~~VHF/channel 16~~ the department's website at: wildlife.ca.gov/marine to determine when the Seasonal Catch Limit is expected to be reached and the fishery closed. Any announcement issued or made by the department on ~~VHF/channel 16~~ its website shall constitute official notice.

(c) Time Closures. North of a westerly extension of the United States — Republic of Mexico boundary line:

(1) Fishing Days: Market squid may not be taken for commercial purposes ~~between 1200 from 0700 hours (noon) on Friday and through 1200 hours (noon) on Sunday of each week,~~ except 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) where market squid may not be taken for commercial purposes from 0700 hours on Friday through 2359 hours on Sunday of each week.

(2) Seasonal Closure: When the Seasonal Catch Limit defined in subsection (b) has been reached and the commercial fishery is closed, squid may be taken for commercial purposes only incidentally to the take of other target species and subject to the limitations defined in subsection ~~149(l)~~ (m) below or for live bait as defined in subsection ~~149(m)~~ (n) below through March 31.

(d) Closed Areas for Seabirds. Market squid may not be taken for commercial purposes utilizing attracting lights in ~~all waters that portion of the Gulf of the Greater Farallones National Marine Sanctuary. Boundaries of the Sanctuary are that was previously defined as the Gulf of the Farallones National Marine Sanctuary with boundaries~~ defined as those in effect on August 27, 2004, pursuant to Title 15, Code of Federal Regulations (CFR), Part 922, Subpart H. This regulation also applies to vessels pursuing squid for live bait purposes.

(e) Records. Pursuant to Section 190 of these regulations, any operator of a commercial market squid vessel, or person who possesses a valid Market Squid Vessel Permit, Market Squid Brail Permit, or Market Squid Light Boat Permit shall complete and submit an accurate record of ~~his/her~~ their squid fishing, lighting, or brailing activities on a form (Market Squid Vessel Logbook — DFW 149a (Rev. 05/01/15), or Market Squid Light/ Brail Boat Logbook — DFW 149b (Rev. 05/01/15), which are located in Appendix A of Subdivision 1 of Division 1 of Title 14, CCR) provided by the department, as appropriate to the type of fishing activity. Logbook records shall be transmitted to the department on or before the 10th day of each month following the month that fishing activity occurred.

(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.

~~(f)~~ (g) Use of Lights to Aggregate Squid.

(1) General Regulations. It is unlawful to attract squid by light except as authorized under permits described in subsection 149.1(b) of these regulations.

(A) Use of lights—Lights used to aggregate squid are considered is 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.

(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.

(2) Exceptions for Live Bait Purposes.

(A) Notwithstanding subsection (g)(1), This regulation does not apply to seine skiffs of a permitted vessel, or to vessels pursuing squid for live bait purposes only are not required to possess a permit described in subsection 149.1(b).

(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 exception 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 exception 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.

~~(g)~~(h) Maximum Wattage. Each vessel fishing for squid or lighting for squid shall utilize a total of no more than 30,000 watts of lights to attract squid at any time.

~~(h)~~(i) Light Shields. Each vessel fishing for squid or lighting for squid will reduce the light scatter of its fishing operations by shielding the entire filament of ~~each or device~~ capable of emitting light used to attract squid and orienting the illumination directly downward, or providing for the illumination to be completely below the surface of the water. The lower edges of the shields shall be parallel to the deck of the vessel.

~~(i)~~(j) Forfeiture. Squid landed or possessed in violation of this Section or any other provision of the Fish and Game Code or these regulations shall be forfeited to the department. The squid shall be sold or disposed of in a manner to be determined by the department. The proceeds from all sales shall be paid into the Fish and Game Preservation Fund.

~~(j)~~(k) Citations for violations of this Section may be issued to the vessel operator, crewmembers, and/or the holder of a market squid permit issued pursuant to Section 149.1 ~~of these regulations~~.

~~(k)~~(l) Exemption from Tidal Invertebrate Permit. Operators and crewmembers of a commercial market squid vessel or light boat operating under the provisions of a commercial market squid permit are not required to possess a Tidal Invertebrate Permit, but are subject to the provisions of Section 123 ~~of these regulations~~.

~~(l)~~(m) Incidental Take Allowance. Pursuant to this subsection, market squid may be taken for commercial purposes incidentally when engaged in fishing activities for other target species. Other requirements of this Section, except subsection (g), do not apply to incidental take. Incidentally-taken squid shall meet all of the following criteria:

(1) The volume of squid landed or possessed on a vessel shall not exceed 2 tons per trip.

(2) Market squid taken incidentally to other fisheries shall not exceed 10 percent of the total volume by weight of all fish landed or possessed on a vessel.

~~(m)~~(n) Exemption for Live Bait. Squid taken for live bait purposes shall only be possessed for use as live bait or sold as live bait. Other requirements of this Section do not apply to take of live squid for bait, unless expressly specified.

NOTE: Authority cited: 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.

Proposed Regulatory Language

Section 149.1, Title 14, CCR, is amended to read:

§ 149.1 Market Squid Fishery Restricted Access Program.

(a) Permit Required. On and after April 1, 2005, no person shall take, land, or attract squid by light for commercial purposes, except as provided in subsections ~~149(l) and 149(m)~~ 149(a)(1), 149(m) and 149(n), unless the owner of that vessel has a valid market squid permit for use on that vessel that has not been suspended or revoked.

[... No changes to subsections (b) through (r) ...]

Authority cited: 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.