



## **PROVISIONS TO UPGRADE A TRANSFERABLE MARKET SQUID LIGHT BOAT PERMIT TO A TRANSFERABLE MARKET SQUID BRAIL PERMIT**

### **Authority – Upgrade to Transferable Market Squid Light Boat to Transferable Market Squid Brail Permit**

California Code of Regulations, Title 14, Section 149.1, subdivision (q), the owner of a commercial fishing vessel with a valid Transferable Market Squid Light Boat Permit (TMSLBP), may request to upgrade a TMSLBP to a Transferable Market Squid Brail Permit (TMSBP).

Section 149.1(i)(3), requires the vessel owner to submit a nonrefundable upgrade fee of \$1,500.00. In addition, pursuant to Section 149.1(q)(2), the vessel owner must surrender the original 2017-2018 TMSLBP. The permit fee difference of \$1,930.00, between the TMSLBP and TMSBP must be submitted along with the request.

Nontransferable Market Squid Light Boat Permits are not eligible for upgrade. (Section 149.1(q)).

### **Classification of Permits and Permit Authorization**

A Market Squid Brail Permit authorizes the use of brail gear including dip and scoop nets to take market squid for commercial purposes. Lights may also be used as specified in regulation to aggregate squid for purposes of commercial harvest. No other gear is authorized under this permit to take or assist in the taking of market squid for commercial purposes.

### **Gross Tonnage Endorsement (GTE) Authority**

The GTE remains in effect for the lifetime of each permit, regardless of the gross tonnage to which it was transferred. Section 149.1(n), requires a Transferable Market Squid Brail Permit (TMSBP) to be endorsed with the gross tonnage at the time of initial permit issuance, regardless of the gross tonnage of a vessel to which it is transferred. Vessel owners must provide a copy of the vessel's Federal Coastal Pelagic Species Permit (FCPSP) to document the gross tonnage. (Section 149.1(n)(2)).

The owner of the replacement vessel must also provide gross tonnage information for the replacement vessel as described above. (Section 149.1(n)).

If the owner of the replacement vessel does not hold a FCPSP for the vessel, the gross tonnage will be determined by multiplying the length (L), breadth (B), and depth (D) of the vessel by 0.0067. Records of length, breadth, and depth used for determining gross tonnage will be those recorded on the vessel's United States Coast Guard (USCG) Certificate of Documentation. (Section 149.1(n)(1)(B)).

In addition, Fish and Game Code Section 7857(a), requires vessel owners to possess a valid California Commercial Fishing License before a TMSBP can be issued.

### **Market Squid Light Boat Permit Upgrade Requirements**

The TMSLBP must be valid at the time of request for upgrade to a TMSBP.

## **Instructions to Upgrade a TMSLBP to a TMSBP**

The permit holder must submit the following documentation:

- A written request in the form of a notarized letter from the permit holder requesting to upgrade a TMSLB to a TMSBP.
- The original current TMSLBP.
- Copy of current proof of ownership for the vessel the TMSBP will be assigned to.
- Copy of documentation to substantiate the gross tonnage. Vessel owners must provide a copy of the vessel's valid FCPSP. If the owner of the vessel does not hold a FCPSP for the vessel, a USCG Certificate of Documentation will document the gross tonnage.
- Copy of the current proof of ownership for the permitted vessel.
- All applicants applying as a business must provide documentation identifying the business entity. Acceptable forms include:
  - Articles of Incorporation
  - Articles of Organization
  - Certificate of Limited Partnership
  - Statement of Partnership Authority
  - Limited Liability Partnership
- Submit an additional \$1,930.00. This is the difference between the 2017-2018 fees for a TMSBP (\$2,764.50) and TMSLBP (\$834.50).
- Nonrefundable upgrade fee of \$1,500.00.

Fish and Game Code Section 7601, defines a vessel owner as the person or persons designated as the registered owner of the vessel on the certificate of documentation issued by the U. S. Coast Guard or a copy of the vessel registration issued by the vessel registration agency of the state where the owner is a resident. The vessel registration agency in California is the Department of Motor Vehicles.

### **APPEAL PROVISIONS AND DEADLINE**

If denied, the Department will notify the permittee in writing, explaining the reason for denial. An applicant who is denied an upgrade may appeal the denial to the Department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked within 60 days of the date of the Department's denial. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Fish and Game Commission. Pursuant to Section 149.1(r), Title 14, of the CCR, appeals must be received by the Commission within 60 days of the Department's denial.

### **DEPARTMENT'S EVALUATION TIME FOR A UPGRADE OF A TMSLBP TO A TMSBP**

Evaluation of the transfer request should be completed within 20 business days after receipt by the License and Revenue Branch provided additional documentation is not required. If approved, a letter authorizing the transfer will be sent to the permittee.

### **Mail documents and transfer fee to:**

California Department of Fish and Wildlife  
License and Revenue Branch  
1740 N. Market Blvd.  
Sacramento, California 95834  
Attn: Genalyn Lobel

Please contact Ms. Lobel at (916) 928-5816 or e-mail [Genalyn.Lobel@wildlife.ca.gov](mailto:Genalyn.Lobel@wildlife.ca.gov), if you have any questions or need additional assistance.

## **TITLE 14, CALIFORNIA CODE OF REGULATIONS EXCERPTS**

### **§149.1 Market Squid Fishery Restricted Access Program.**

(n) Gross Tonnage Endorsement. Each Market Squid Vessel Permit or Market Squid Brail Permit shall be endorsed with the gross tonnage at the time of initial issuance. Any vessel owner transferring a Market Squid Vessel Permit or Market Squid Brail Permit shall also provide gross tonnage information for the replacement vessel as described below.

(1) The gross tonnage shall be determined as follows:

(A) If the owner of the vessel holds a Federal Coastal Pelagic Species Permit issued by the National Marine Fisheries Service for that vessel, the owner of the vessel shall submit a copy of the vessel owner's current valid Federal Coastal Pelagic Species Permit with the vessel's endorsed gross tonnage.

(B) If the owner of the vessel does not hold a Federal Coastal Pelagic Species Permit for the vessel, the gross tonnage will be determined by multiplying the length (L), breadth (B), and depth (D) of the vessel by 0.0067. Records of length, breadth, and depth used for determining gross tonnage will be those recorded on the vessel's United States Coast Guard documentation paper.

(2) The gross tonnage endorsement will remain in effect for the lifetime of each permit, regardless of the gross tonnage of a vessel to which it was transferred.

(3) In cases where a permit is transferred to a vessel with a smaller gross tonnage, the original gross tonnage endorsement will remain, and excess gross tonnage cannot be split out from the original permit endorsement for any purpose.

(4) In cases where two or more permits are transferred to a replacement vessel pursuant to guidelines in subsection (o), the replacement vessel shall be issued a transferable permit which reflects a gross tonnage endorsement which is recorded as either the sum of the gross tonnage endorsements from the original vessels, or the gross tonnage of the replacement vessel, whichever of the two values is less.

(q) Market Squid Brail Permit Upgrade. Purchase of a Transferable Market Squid Brail Permit by a permittee who holds a Transferable Market Squid Light Boat Permit may occur with surrender of a Transferable Market Squid Light Boat Permit. Non-Transferable Light Boat Permits are not eligible for upgrade.

(1) An application for upgrade to a Market Squid Brail Permit shall be submitted to the department by a Transferable Market Squid Light Boat permittee in the form of a notarized letter, and shall include a copy of the permit which is being sought for surrender, current proof of vessel ownership, and gross tonnage information as described in subsection (n).

(2) Upon determining that the applicant is qualified to upgrade the permit, payment of all permit and upgrade fees, and surrender to the department of the original permit, the department shall issue the replacement permit that is valid for the remainder of the fishing season. Gross tonnage endorsement provisions defined in subsection (n) above shall apply.

(r) Market Squid Brail Permit Upgrade Appeals. Any applicant who is denied upgrade of a Transferable Market Squid Light Boat Permit to a Transferable Market Squid Brail Permit may appeal the denial to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked within 60 days of the date of the department's denial. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's written decision.

### **§ 700.4. Automated License Data System.**

(a) Defined:

For the purposes of this Division the "Automated License Data System" or "ALDS" is an automated system that replaced the Department's paper license inventory system. ALDS allows license items to be printed instantly using point of sale terminals and is

available at Department license agents and Department license sales offices located throughout the state. ALDS also allows applicants to apply for licensing via the Internet.

(b) Get Outdoors Identification Number

The first time any applicant applies for any license, tag, permit, reservation or other entitlement via ALDS, the applicant shall receive a unique Get Outdoors Identification number or "GO ID." The GO ID shall not be transferable to any other person.

(c) Identification Required; Acceptable forms of.

Any applicant applying for any license, tag, permit, reservation or other entitlement issued via ALDS shall provide valid identification. Acceptable forms of identification include:

- (1) Any license document or GO ID number previously issued via ALDS
- (2) A valid driver's license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile
- (3) US Birth Certificate
- (4) US Certificate or Report of Birth Abroad
- (5) Tribal Identification Card, as defined by each sovereign tribal nation
- (6) Birth Certificate or passport issued from a US Territory
- (7) US Passport
- (8) US Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel)
- (9) Certificate of Naturalization or Citizenship.
- (10) A foreign government-issued photo identification

(d) Any applicant less than 18 years of age applying for any license, tag, permit, reservation or other entitlement issued via the ALDS shall provide valid identification.

Acceptable forms of identification include:

- (1) Any form of identification described above
- (2) A parent or legal guardian's identification as described above.

(e) Nonrefundable Application Fee

All licenses, tags, permits, reservations or other entitlements purchased via ALDS shall be subject to a three percent nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) per item, to pay the Department's costs for issuing that license, tag, permit, reservation or other entitlement.

**§ 705. Commercial Fishing Applications, Permits, Tags and Fees.**

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| (b) Transfer, Upgrade, or Change of Ownership | Fees       |
| (3) Market Squid Brail Upgrade                | \$1,500.00 |