

Review of Regulations for Issuing Experimental Market Squid Permits



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Overview

- Background
- Review relevant Regulation and FMP Sections
- Process to revise FMP and regulatory provisions under MLMA
- Discussion

Background

- Market Squid Fishery Management Plan (MSFMP) adopted in 2005
- FMP set fleet capacity goals.
- Added provision for 3 non-transferable experimental permits
 - Purpose: To “develop squid fishery in areas previously not utilized for squid production”.

Review of Relevant Regulations

1. The FMP and regulations established experimental Market Squid Vessel Permits:

§ 149.3(a), T14, CCR

(a) The commission may issue 3 Non-Transferable Market Squid Vessel Permits **as described in Section 149.1** to any individual for placement on any vessel for purposes of developing a squid fishery in areas previously not utilized for squid production.

Review of Relevant Regulations

2. Permits were exempted from initial issuance criteria in Section 149.1(c) only; the rest of Section 149.1 applies:

§ 149.3(b), T14, CCR:

(b) Excepting initial issuance provisions defined in subsection 149.1(c), terms and conditions of Section 149.1 apply in entirety to permits issued pursuant to this Section.

These are included explicitly in the FMP as well.

Review of Relevant Regulations

3. Exemption in Section 149.1(c):

Subsection Provisions in §149.1	Exempted under §149.3?
(a) Permit Required.	No
(b) Classification of Permits and Permit Authorization.	No
(c) Initial Issuance Criteria.	Yes - Exempted
(d) Application Deadlines for Initial Permit Issuance.	No
(e) Initial Issuance Appeals.	No
(f) Annual Permit Renewal.	No
... Capacity Goals; Gross Tonnage	No

Bottom Line

- Conclusion: No permits are available under §149.3.
- Option: Any changes to the permit structure or capacity goals must be initiated through a formal FMP review

FMP review process under MLMA

- Initiating a review
- Preparation of plan amendment and regulations
- Environmental review (CEQA)
- Peer review
- Public review at least 30 days prior to hearing
- FMP amendment hearings (at least two)
- Repeal of statute (if needed)
- Adoption of FMP
- Adoption of regulations through rulemaking

- FGC § 7075, 7077, and 7078

Note: More guidance given in MSFMP and regulations

Discussion

- Discussion of interest in squid FMP review, scope of such a review, and how to proceed.

Review of Relevant Regulations

4. Final application deadline for initial market squid permit issuance was July 2005

§ 149.3(d), T14, CCR:

- **(d) Application Deadlines for Initial Permit Issuance.**
- (1) All applications [FG 1315 (8/04), incorporated by reference herein] and permit fees for initial issuance of Market Squid Vessel Permits, Market Squid Brail Permits, and Transferable Market Squid Light Boat Permits must be received by the department, or, if mailed, postmarked on or before June 30, 2005. ... **Applications and permit fees for initial issuance of Market Squid Vessel Permits, Market Squid Brail Permits, and Transferable Market Squid Light Boat Permits received by the department or postmarked after July 31, 2005 will be denied by the department and returned to the applicant.**

Specific Provisions in FMP

5. The MSFMP includes the same specific provision, exemption, and requirements:

MSFMP, Section 3.3.9:

- The Commission has established 3 experimental market squid vessel non-transferable permits. This allows the Commission to issue 3 non-transferable market squid vessel permits to any individual for placement on any vessel for purposes of developing a squid fishery in areas previously not utilized for squid production.
- Individuals issued permits pursuant to this section would be required to adhere to all commercial squid fishing regulations in CCR Title 14 §149, and all terms and conditions for permits defined in CCR Title 14 §149.1, **excepting initial issuance criteria defined in CCR Title 14 §149.1(c)**. These permits count towards the capacity goal.