

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2013-1126-03	REGULATORY ACTION NUMBER 2014-0409-045	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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ENDORSED FILED  
OF THE OFFICE OF

2014 MAY 19 PM 3:11

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

2014 APR -9 PM 4:53  
OFFICE OF  
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission	AGENCY FILE NUMBER (if any)
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Commercial Taking of Market Squid	TITLE(S) 14	FIRST SECTION AFFECTED 149	2. REQUESTED PUBLICATION DATE December 6, 2013
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Sherrie Fonbuena	TELEPHONE NUMBER (916) 654-9866	FAX NUMBER (Optional) (916) 653-5040
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2013, 492	PUBLICATION DATE 12/6/2013	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Commercial Taking of Market Squid	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 149, 149.1
TITLE(S) 14	REPEAL

3. TYPE OF FILING	<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		
	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)		
	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____		
	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____		
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____		
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7. CONTACT PERSON Sherrie Fonbuena	TELEPHONE NUMBER (916) 654-9866	FAX NUMBER (Optional) (916) 653-5040	E-MAIL ADDRESS (Optional) Sherrie.Fonbuena@fgc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Sonke Mastrup</i>	DATE 4/9/14
TYPED NAME AND TITLE OF SIGNATORY Sonke Mastrup, Executive Director	

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ENDORSED APPROVED

MAY 19 2014

Office of Administrative Law

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

**§ 149. Commercial Taking 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) below, and commercial take of market squid for live bait as described in subsection (m) 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 (l) and (m) below, unless the owner of that vessel has a valid market squid permit issued pursuant to Section 149.1 or Section 149.3 for use on that vessel that has not been suspended or revoked.
- (b) Seasonal Catch Limitation.
  - (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 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 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 shall constitute official notice.
- (ac) Fishing days~~Time Closures.~~ North of a westerly extension of the United States - Republic of Mexico boundary line, market squid may not be taken for commercial purposes:
  - (1) Fishing Days: Market squid may not be taken for commercial purposes between 1200 hours (noon) on Friday and 1200 hours (noon) 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) or for live bait as defined in subsection 149(m) through March 31.

~~This regulation applies to vessels catching squid or attracting squid with lights. This regulation does not apply to vessels taking squid for live bait purposes only or to fishing activities which result in squid landings taken pursuant to subsection (g) of this Section. Squid taken for live bait purposes pursuant to this Section shall only be sold as live bait.~~

- (d) Closed Areas for Seabirds. Market squid may not be taken for commercial purposes utilizing attracting lights in all waters of the Gulf of the Farallones National Marine Sanctuary. Boundaries of the Sanctuary are 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.
- (be) 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 squid fishing, lighting, or brailing activities on a form (Market Squid Vessel Logbook - DFG 149a (9/01), or Market Squid Light/Brail Boat Logbook - DFG 149b (10/05), 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) Use of Lights to Aggregate Squid. It is unlawful to attract squid by light except as authorized under permits described in subsection 149.1(b) or Section 149.3. This regulation does not apply to seine skiffs of a permitted vessel, or to vessels pursuing squid for live bait purposes only.
- (eg) 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.
- (dh) 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 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.
- ~~(e) Seasonal Catch Limitation. 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 by vessels permitted under Section 149.1 or 149.3, Title 14, CCR, with the fishery closure implemented as follows:
  - (1) ~~The department shall estimate, from the current trend in landings, when the market squid catch limit will be reached, and will publicly announce the effective date of closure of the directed fishery on VHF/channel 16 between the hours of 10:00 p.m. and 12:00 a.m. (midnight). It shall be the responsibility of all operators of permitted market squid vessels to monitor VHF/channel 16 to determine when the catch limit is expected to be~~~~

reached and the fishery closed. Any announcement issued or made by the department on VHF/channel 16 shall constitute official notice.

- (2) ~~Whenever the market squid catch limit has been reached, market squid may be taken for commercial purposes through March 31 only if the amount taken does not exceed two tons landed in a calendar day or if the squid taken is used for live bait only.~~
- (f) ~~Closed Times and Areas for Seabirds. Market squid may not be taken for commercial purposes utilizing attracting lights in all waters of the Gulf of the Farallones National Marine Sanctuary. Boundaries of the Sanctuary are 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.~~
- (g) ~~Incidental Allowance. It is unlawful to take, land, or possess in excess of two tons of squid per trip or per calendar day except as authorized under a Market Squid Vessel Permit or a Market Squid Brail Permit as described in subsection 149.1(b) or Section 149.3, or for purposes of live bait only.~~
- (hi) ~~Forfeiture. Squid landed or possessed in violation of this Section or any other provision of the Fish and Game Code or Commission regulations of the allowance specified in subsection (g) above shall be forfeited to the department by the signing of an official release of property form. 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.~~
- (i) ~~Use of Lights to Aggregate Squid. It is unlawful to attract squid by light except as authorized under permits described in subsection 149.1(b) or Section 149.3. This regulation does not apply to seine skiffs of a permitted vessel, or to vessels pursuing squid for live bait purposes only.~~
- (j) 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 or 149.3, Title 14, CCR.
- (k) Exemption from Tidal Invertebrate Permit. ~~A. 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.~~
- (l) 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 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) 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, 7923, 8026, 8425 and 8429.5, Fish and Game Code. Reference: Sections 7701, 7708, 7923, 8026, 8425, 8429.5, 8429.7, 12159 and 12160, Fish and Game Code.

Subsection 149.1(a), 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 ~~subsection 149(g)~~ subsections 149(l) and 149(m), 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 149.1(b) through (r)]

Note: 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.