

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 149 and
Appendix A of Subdivision 1 of Division 1
Title 14, California Code of Regulations
Re: Commercial Fishing Logbooks
for Market Squid

I. Date of Initial Statement of Reasons: June 26, 2015

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: June 10, 2015
Location: Mammoth Lakes

(b) Discussion/Adoption Hearing: Date: October 7, 2015
Location: Los Angeles

III. Description of Regulatory Action:

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

Market squid (*Doryteuthis (Loligo) opalescens*) is managed under the California Market Squid Fishery Management Plan (MSFMP). Section 149, Title 14, California Code of Regulations (CCR), governs commercial market squid fishing activities off California, pursuant to the MSFMP. Market squid are important to California's commercial and recreational fisheries and as forage species for fish, marine mammals, and birds. Market squid is one of the most valuable California commercial fisheries. Although the market squid population fluctuates due to environmental conditions, commercial harvest typically occurs south of San Francisco with the majority taken from southern California waters.

The proposed regulations will revise and standardize logbooks that are currently in use.

Subsection 149(e), Title 14, CCR, currently requires that 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 fishing, lighting, or brailing activities on a form provided by the California Department of Fish and Wildlife (Department), as appropriate to the type of fishing activity. The forms provided by the Department, referred to as

logs or logbooks, are used to assist the Department in management of the commercial market squid fishery.

Subsection 149(e) currently specifies the fishing, lighting, or brailing activity records for commercial market squid as “Market Squid Vessel Logbook – DFG 149a (9/01), or Market Squid Light/Brail Boat Logbook – DFG 149b (10/05)”.

Proposed Regulation Changes

Amend Subsection (e) of Section 149, Title 14, CCR to update and reorganize existing logbook forms.

Market Squid Vessel Logbook (DFG 149a) and Market Squid Light/Brail Boat Logbook (DFG 149b) are proposed to be updated to bring these forms into compliance with the standards set by the Department’s Forms Management Coordinator, improve instructions that explain how the logs are to be filled out, and improve the quality of data that are received by the Department.

Updated instructions that explain when and how logs are to be filled out as well as when the logs are to be turned in to the Department will accompany the forms. The instructions for completing the market squid logs tell the licensee or operator how to fill out the forms to ensure that accurate and consistent data are recorded (CCR Title 14 sections 149 and 190, Fish and Game Code sections 8010 and 8026). The forms and instructions will be inserted as part of CCR, Title 14, Appendix A and the old forms (DFG 149a (9/01) and DFG 149b (10/05)) will be removed.

Proposed changes to subsection 149(e) refer to the revised forms entitled with an updated version number “Market Squid Vessel Logbook – DFW 149a (Rev. 05/01/15)”, and “Market Squid Light/Brail Boat Logbook – DFW 149b (Rev. 05/01/15).”

Market Squid Vessel Logbook - DFW 149a (Rev. 05/01/15) differs from DFG 149a (9/01) as follows:

1. Form instructions were updated to include additional instructions for new fields and to improve the clarity of existing instructions.
2. Form contents have been updated to replace all instances of “Department of Fish and Game” with “Department of Fish and Wildlife” so that the form reflects the Department’s name change, effective January 1, 2013, pursuant to Assembly Bill 2402.
3. Form header section has been updated to be in compliance with the standards set by the Department’s Forms Management Coordinator.
4. The “Market Squid Vessel Summary Page” has been retitled “Market Squid Vessel Profile”. The page name was changed to be consistent with the name used in the Market Squid Light/Brail Boat

Logbook. The title of profile better fits the type of information collected on this page.

5. The log page and profile page now ask for “Vessel ID Number” as opposed to “Vessel F&G Number”. This represents a change in language used and not in data collected. The field name was changed to be consistent with language used in landing receipt books and other logbooks.
6. The log page and profile page now ask for “Captain’s Name” and “Captain’s ID Number” as opposed to “Fisherman’s Name” and “Fisherman’s ID Number”. This represents a change in language used and not in data collected. The change was made to make the text consistent with the light/brail boat log.
7. Addition of a field to collect the “Vessel Permit Number”. This new field was added to the profile and log page. The purpose of this field is to better facilitate the link between logbook records and the unique vessel permit numbers in the Department’s Automated License Data System (ALDS).
8. The profile page now asks for “Light Generated” under the heading of “Attracting Lights Used” as opposed to “Wattage”. The captain is instructed to circle the appropriate unit type (“W” for watts or “L” for lumens). The purpose of this change is to offer more options for data collection as technology evolves.
9. An extra line was added under “Attracting Lights Used” to allow for more space for collection of light information.
10. Units of measure have been added next to “Boat Length” and “Hold Capacity” in the “Vessel Characteristics” section of the profile page to ensure clarity and consistency in measurements recorded.
11. Units of measure have been added next to all net characteristics on the profile page to ensure clarity and consistency in measurements recorded.
12. “Auxiliary Engine” was changed to “Generator” in the “Horsepower” section of the profile page since it is more important to know the vessel’s generator size. Changes in generator horsepower over time may indicate changes in efficiency of attractant lights and other fishing gear which has implications for management of the fishery.
13. The “Please mark whether this is:” section of the profile page has been removed as this information is no longer necessary since the intent is to have this page fully completed with each logbook.
14. An “Other” section was added to the section of the profile page that collects details of types of “Electronics Used”. The Department is interested in capturing details of new types of electronics that may be used since new electronics may increase the efficiency of the vessel and associated increases in rate of catch may impact the market squid population.
15. A section to collect “Brail scoop capacity” was added to the profile page in the event that a vessel permitted boat uses brail instead of seine gear. Brail scoop capacity information is important because it can be used to estimate catch per unit effort.

16. The “Crew members” section of the profile page now asks for “ID Number” as opposed to “License No.” This does not represent a change in the data collected but a change in the language used to collect the data. The change makes this field consistent with other language used on the form.
17. The “List Captain first” text was removed from the “Crew members” section of the profile page. Listing of captain in this section of the profile page is not necessary since the captain’s information is already recorded in the “Captain’s Name” and “Captain’s ID Number” fields.
18. A field named “Alpha Code” was added to the log page. This field has been automatically populated with values between “A” and “H”. The presence of this field is related to the accuracy of data entry into the squid logbook database and does not represent extra work for the captain filling out the log.
19. The “Set Number” field description on the log page was updated to include additional text that instructs captains to record “B” in the “Set Number” field if they are recording fishing activity using brail gear. Vessels with valid squid vessel permits have the ability to use both seine gear as well as brail. The previous version of the logbook did not include a way of indicating when this specific gear type was used. This made it difficult for Department staff to determine whether a vessel fishing with seine gear had filled out the logbook incorrectly or if the vessel had been using brail gear. The updated field description will help ensure that the Department can identify records of brail fishing recorded in the Market Squid Vessel Logbook. Identifying when vessels use brail gear as opposed to seine gear may indicate changing trends in the fishery which may have implications for management.
20. The “Set Time” field on the log page was updated so that the captain has the option to record set time in 12 hour format and when using this format, the captain will need to circle “AM” or “PM”. These changes were made to eliminate uncertainty related to whether or not set time had been recorded using 24 hour format.
21. Additional text was added to describe the requirements of the “Set Position” field. The text includes a description of the level of accuracy to which location data should be reported (i.e., decimal minutes to hundredths place) along with examples. This descriptive text was added in an attempt to increase the accuracy and consistency of location information collected.
22. The “Name of light boat used, if any” field name was edited to “Name of light boat set upon”. This does not represent a change to the data collected but ensures clarity and consistency of information recorded.
23. The field that asks whether or not the vessel used its own lights has been removed from the log since the profile page indicates whether the vessel is equipped with its own lights and the Market Squid Light/Brail Boat Logbook dataset will keep track of whether or not a seine vessel was paired with a light boat.

24. The “Catch Estimate” field was updated to specify that “short tons” should be recorded. The purpose of this addition is ensure clarity and consistency in measurements recorded.
25. The word “Primary” was removed from the “Bycatch” field since the intent of this field is to collect all bycatch information. The Department’s knowledge of bycatch is necessary to ensure that the squid fleet is limiting take of sensitive species. It also benefits the fishing industry by ensuring that the bycatch allowance needs of the commercial squid fleet are taken into account when making management decisions that limit take of a bycatch species.
26. The “Comments” section description was modified to include a new example of the type of information that should be recorded and to delete examples of information that are not as necessary for management. Specifically a request for additional bycatch information was added since the Department’s knowledge of bycatch is important in that it helps ensure that the squid fleet is limiting take of sensitive species. It also benefits the fishing industry by ensuring that the bycatch allowance needs of the commercial squid fleet are taken into account when making management decisions that limit take of a bycatch species.
27. “Certified under penalty of perjury as true and correct” was added under the area for captain’s signature. This step was taken to make the logbooks consistent with landing receipt books.
28. The citation of Fish and Game Code Section 7923 was removed from item (C) of the “Notice to Individuals” section of this form because Section 7923 does not apply to squid logbooks.
29. Text related to a Memorandum of Understanding (MOU) with the National Oceanic and Atmospheric Administration was removed from the “Notice to Individuals” section of this form since this MOU is no longer in place.
30. Other minor clerical changes were made to the “Notice to Individuals” section.

Market Squid Light/Brail Boat Logbook - DFW 149b (Rev. 05/01/15) differs from DFG 149b (10/05) as follows:

1. Form instructions were updated to include additional instructions for new fields and to improve the clarity of existing instructions.
2. Form contents have been updated to replace all instances of “Department of Fish and Game” with “Department of Fish and Wildlife” so that the form reflects the Department’s name change, effective January 1, 2013, pursuant to Assembly Bill 2402.
3. Form header sections have been updated so that they are in compliance with the standards set by the Department’s Forms Management Coordinator.
4. The log page and profile page now ask for “Vessel ID Number” as opposed to “Vessel F&G Number” (log page) and “Vessel FG Number” (profile page). This represents a change in language used and not in data collected. The field name was changed to be

consistent with language used in landing receipt books and other logbooks.

5. The profile page now asks for “Captain’s Name” and “Captain’s ID Number” as opposed to “Fisherman’s Name” and “Fisherman’s L#”. This represents a change in language used and not in data collected. The change was made to make the text consistent with the log page.
6. Addition of a field to collect the “Light or Brail Boat Permit Number”. This new field was added to the profile and log pages. The purpose of this field is to better facilitate the link between logbook records and the unique light or brail permit numbers in the Department’s Automated License Data System (ALDS).
7. The profile page now asks for “Light Generated” under the heading of “Attracting Lights Used” as opposed to “Wattage”. The captain is instructed to circle the appropriate unit type (“W” for watts or “L” for lumens). The purpose of this change is to offer more options for data collection as technology evolves.
8. An extra line was added under “Attracting Lights Used” to allow for more space for collection of light information.
9. Units of measure have been added next to “Boat Length” and “Hold Capacity” in the “Vessel Characteristics” section of the profile page to ensure clarity and consistency in measurements recorded.
10. The “Mark whether this is:” section of the profile page has been removed as this information is no longer necessary.
11. An “Other” section was added to the section of the profile page that collects details of other types of “Electronics Used”. The Department is interested in capturing details of new types of electronics that may be used since new electronics may increase the efficiency of the vessel and associated increases in rate of catch may impact the market squid population.
12. The “Net Type” section was removed from the profile page since purse seine, drum seine, and lampara are not legal gear types for the fishing activity recorded in this logbook.
13. The “Scoop Capacity” field was expanded to specifically ask for circumference in feet, depth in feet, and average pounds per scoop. The previous version of the logbook asked for “dimensions” which did not adequately describe what information was needed. Scoop capacity information is important because it can be used to estimate catch per unit effort.
14. A section was added to the profile page to collect information about the vessel’s fish hold’s water system. Information about vessel fish hold water systems is collected as part of the Market Squid Vessel Logbook. This field was added to the Market Squid Light/Brail Boat Logbook to ensure consistency in information collected by the two logbooks. The Department is interested in gathering information related to the attributes of a fishing vessel so that changes can be tracked over time. The ability to monitor changes in fishing gear is

important since changes that increase fishing efficiency may have an impact on rate of catch.

15. The crew member section of the profile page now asks for “ID Number” as opposed to “License #”. This does not represent a change in the data collected but a change in the language used to collect the data. The change makes this field consistent with other language used on the form.
16. The “List Captain first” text was removed from the “Crew members” section of the profile page. Listing of captain in this section of the profile page is not necessary since the captain’s information is already recorded in the “Captain’s Name” and “Captain’s ID Number” fields.
17. The “General Location” field was replaced with a “Location” field that asks for the Department block code if operating as a light boat, or latitude and longitude in degrees decimal minutes to the hundredths place if operating as a brail boat. The purpose of this change is to collect higher resolution spatial data for brail fishing activities and to collect more standardized and easy to interpret location data for light boat activity.
18. Addition of a field to collect start and end time of brail fishing activity (brailing). The purpose is to collect additional data related to time of day and duration of fishing which is needed for management of the fishery.
19. Addition of a field to collect bottom depth during brail fishing activity. Changes in trend of fishing depth can indicate changes in behavior of market squid which would influence how the fishery is managed.
20. Addition of fields to collect bycatch species and weight associated with brail fishing activity. The Department’s knowledge of bycatch is important in that it helps ensure that the squid fleet is limiting take of sensitive species. It also benefits the fishing industry by ensuring that the bycatch allowance needs of the commercial squid fleet are taken into account when making management decisions that limit take of a bycatch species.
21. The “Comments” section description was expanded to include additional examples of the type of information that should be recorded. Specifically a request for additional bycatch information was added since the Department’s knowledge of bycatch is important in that it helps ensure that the squid fleet is limiting take of sensitive species. It also benefits the fishing industry by ensuring that the bycatch allowance needs of the commercial squid fleet are taken into account when making management decisions that limit take of a bycatch species.
22. “Certified under penalty of perjury as true and correct” was added under the area for captain’s signature. This step was taken to make the logbooks consistent with the landing receipt books.
23. The citation of Fish and Game Code Section 7923 was removed from item (C) of the “Notice to Individuals” section of this form because Section 7923 does not apply to squid logbooks.

24. Text related to a Memorandum of Understanding (MOU) with the National Oceanic and Atmospheric Administration was removed from the “Notice to Individuals” section of this form since this MOU is no longer in place.
25. Other minor clerical changes were made to the “Notice to Individuals” section.

Amend Section 149, Title 14, CCR, to make non-substantive changes for clarity and ease of use.

Additional changes are also proposed to improve the organization, clarity and consistency of the regulations.

Benefits of the Regulations

The updated logbooks and regulation will assist the Department’s environmental staff in managing the market squid fishery. Consistent with Fish and Game Code Section 7055, the proposed regulations benefit persons engaged in the market squid fishery because the changes are aligned with sustainable fishing activities as described in the MSFMP. The proposed regulatory action will benefit fishermen, processors, the State’s economy, and the environment by maintaining a healthy and sustainable market squid fishery.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

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.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None

- (d) Identification of Reports or Documents Supporting Regulation Change:

CDFG 2005. Final Market Squid Fishery Management Plan (dated March 25, 2005). California Department of Fish and Game, Sacramento, California. <http://www.dfg.ca.gov/marine/msfmp/>

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative:

The no change alternative was considered and rejected because the current forms do not meet the Department's Forms Management standards and collect data that is less efficient in assisting the Department in management of the commercial market squid fishery.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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 proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations continue to allow all actively permitted market squid vessels (vessel, light, and brail) to participate in a directed fishery for market squid during the commercial market squid season until the season closes. The proposed regulations update the logbooks currently in use by commercial squid fishermen. These changes are not expected to increase the time spent to complete the log.

- (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 Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses in California.

The Commission does not anticipate any benefits to the health and welfare of California residents or worker safety.

The Commission anticipates benefits to the environment in the sustainable management of a healthy squid resource.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (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

The proposed regulations will revise logbooks that are currently in use.

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

The proposed action will not affect the creation or elimination of jobs in the State because the proposed amendments update the logbooks currently in use by commercial squid fishermen. These changes are not expected to increase the time spent to complete the log and will not change the volume of economic activity. This change is administrative in nature and will not require new gear, impose compliance costs or impact the volume of fishing activity.

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

The proposed regulations are not anticipated to result in the elimination of existing businesses in the State, nor spur the creation of new businesses because the proposed amendments update the logbooks currently in use by commercial squid fishermen. These changes are not expected to increase the time spent to complete the log and will not change the volume of economic activity. This change is administrative in nature and will not require new gear, impose compliance costs or impact the volume of fishing activity.

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

The proposed regulations are not anticipated to result in the expansion of businesses currently doing business in the State because the proposed amendments update the logbooks currently in use by commercial squid fishermen. These changes are not expected to increase the time spent to complete the log and will not change the volume of economic activity. This change is administrative in nature and will not require new gear, impose compliance costs or impact the volume of fishing activity.

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

The Commission anticipates generalized benefits to the health and welfare of California residents through the improved protection of the market squid population and the fish and wildlife resources that depend upon them.

The proposed regulations are intended to add administrative clarity that should help to fulfill the goals set forth in the MSFMP, adopted by the Commission in August 2004. Adherence to the MSFMP is anticipated to benefit persons engaged in the market squid fishery by supporting the long-term viability of market squid fisheries and associated business activities.

(e) Benefits of the Regulation to Worker Safety

The proposed regulations represent a neutral effect, offering neither benefits nor detriment to worker safety in the State.

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

The proposed regulations are consistent with the goals set forth in the MSFMP; “to manage the market squid resource to ensure long-term resource conservation and sustainability, and to develop a framework for management that [is] responsive to environmental and socioeconomic changes.”

The Commission anticipates benefits to the environment in the sustainable management of the squid resource and benefits to species dependent upon a healthy squid resource. The proposed changes to the regulations support the Marine Life Management Act (MLMA) [MLMA, Statutes 1999 Chapter 483], which declares that “conservation and management programs prevent overfishing, rebuild depressed stocks, ensure conservation, facilitate long term protection and, where feasible, restore marine fishery habitats” [FGC, subsection 7055(b); see also Section 7056(b), (c)].

The Legislature declared that to prevent excessive fishing effort in the market squid fishery and to develop a plan for the sustainable harvest of market squid, it was necessary to adopt and implement a fishery management plan (FMP) for the California market squid fishery that sustains both the squid population and the marine life that depends on it. The proposed regulation change clarifies the implementation of the market squid FMP.

Informative Digest/Policy Statement Overview

The Market Squid Fishery Management Plan (MSFMP) was developed under the provisions set forth by the Marine Life Management Act (MLMA) and sets goals and objectives to govern the conservation, sustainable use, and restoration of the market squid resource. Section 149, Title 14, California Code of Regulations (CCR), governs commercial market squid fishing activities off California, pursuant to the MSFMP.

Current regulations prescribe the use of logbooks for the collection of fishing data. Market Squid Vessel Logbook (DFG 149a) and Market Squid Light/Brail Boat Logbook (DFG 149b) are proposed to be updated to bring these forms into compliance with the standards set by the Department of Fish and Wildlife's (Department) Forms Management Coordinator, improve instructions that explain how the logs are to be filled out, and improve the quality of data that are received by the Department. Updated instructions will accompany the forms. The forms and instructions will be inserted as part of CCR, Title 14, Appendix A, and the old forms (DFG 149a (9/01) and DFG 149b (10/05)) will be deleted.

The follow changes are proposed:

- Subsection 149(e) is proposed to be amended to refer to the revised forms entitled with an updated version number "Market Squid Vessel Logbook – DFW 149a (Rev. 05/01/15)", and "Market Squid Light/Brail Boat Logbook – DFW 149b (Rev. 05/01/15)."
- Additional changes are also proposed to improve the organization, clarity and consistency of the regulations.

Benefits of the Regulations

The proposed regulatory action will benefit fishermen, processors, the State's economy, and the environment by maintaining a healthy and sustainable market squid fishery.

Consistency with State Regulations

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Commission staff has searched the California Code of Regulations and statutes and has found no other State regulations related to the take of market squid and no other State agency with authority to promulgate commercial squid fishing regulations.