

AMENDED IN ASSEMBLY AUGUST 23, 2001

AMENDED IN ASSEMBLY JULY 16, 2001

AMENDED IN ASSEMBLY JUNE 30, 2001

AMENDED IN ASSEMBLY JUNE 20, 2001

AMENDED IN SENATE MAY 17, 2001

**SENATE BILL**

**No. 209**

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**Introduced by Senator Sher**

*(Principal coauthor: Assembly Member Lowenthal)*

February 9, 2001

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An act to amend Sections 8420, 8423, and 8429 of, and to repeal and add Sections 8425, 8428, and 8429.7 of, the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 209, as amended, Sher. Commercial fishing: market squid.

(1) Existing law required the Director of Fish and Game, on or before April 1, 2001, to submit a report to the Legislature on the status of the market squid fishery with recommendations for a market squid conservation and management plan.

This bill would require the Fish and Game Commission, after considering that report, and after public hearings, to adopt a market squid fishery management plan on or before December 31, 2002. By imposing these duties on the commission, the bill would make an appropriation.

(2) Under existing law, until April 1, 2003, the fee for a commercial market squid vessel permit and the fee for a commercial squid light boat owner’s permit is \$400.

This bill would ~~authorize~~ *require* the commission to establish fees for market squid vessel permits ~~beginning with the 2003–04 permit year~~ *and commercial squid light boat owner’s permits annually commencing April 1, 2003.*

(3) The bill also would prohibit each person who is issued a commercial squid light boat owner’s permit from selling, trading, or transferring the permit to another person. Because existing law would make a violation of this provision a crime, the bill would impose a state-mandated local program.

(4) Existing law specifies that the above provisions will become inoperative on April 1, 2003, and repealed as of January 1, 2004.

This bill would provide that specified provisions will become inoperative upon the adoption by the commission of a market squid fishery management plan and the adoption of implementing regulations and will be repealed 6 months thereafter.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8420 of the Fish and Game Code is  
2 amended to read:  
3 8420. (a) The Legislature finds and declares that the fishery  
4 for market squid (*Loligo opalescens*) is the state’s largest fishery  
5 by volume, generating millions of dollars of income to the state  
6 annually from domestic and foreign sales. In addition to  
7 supporting an important commercial fishery, the market squid  
8 resource is important to the recreational fishery and is forage for  
9 other fish taken for commercial and recreational purposes, as well  
10 as for marine mammals, birds, and other marine life. The growing  
11 international market for squid and declining squid production



1 from other parts of the world has resulted in an increased demand  
2 for California market squid, which, in turn, has led to newer,  
3 larger, and more efficient vessels entering the fishery and  
4 increased processing capacity.

5 (b) The Legislature finds that the lack of research on market  
6 squid and the lack of annual at-sea surveys to determine the status  
7 of the resource, combined with the increased demand for, and  
8 fishing effort on, market squid could result in overfishing of the  
9 resource, damaging the resource, and financially harming those  
10 persons engaged in the taking, landing, processing, and sale of  
11 market squid.

12 (c) The Legislature further finds that ~~many~~ *some* individuals,  
13 vessels, and processing plants engaged in the market squid fishery  
14 have no other viable alternative fisheries available to them and that  
15 a decline or a loss of the market squid resource would cause  
16 economic devastation to the individuals or corporations engaged  
17 in the market squid fishery.

18 (d) The Legislature declares that to prevent excessive fishing  
19 effort in the market squid fishery and to develop a plan for the  
20 sustainable harvest of market squid, it is necessary to adopt and  
21 implement a fishery management plan for the California market  
22 squid fishery that sustains both the squid population and the  
23 marine life that depends on squid.

24 (e) The Legislature finds that a sustainable California market  
25 squid fishery can best be ensured through ongoing oversight and  
26 management of the fishery by the commission. With regard to the  
27 market squid fishery, the Legislature urges that any limited entry  
28 component of a fishery management plan, if necessary, should be  
29 adopted for the primary purpose of protecting the resource and not  
30 simply for the purpose of diminishing or advancing the economic  
31 interests of any particular individual or group.

32 SEC. 2. Section 8423 of the Fish and Game Code is amended  
33 to read:

34 8423. (a) No person shall operate a squid light boat unless the  
35 owner of the boat has been issued a commercial squid light boat  
36 owner's permit by the department and a permit number is affixed  
37 to the boat in the manner prescribed by the department.

38 (b) The department shall issue a commercial squid light boat  
39 owner's permit to a person who submits an application, pays the  
40 permit fee, and meets the other requirements of this section.



1 (c) The department may regulate the use of squid light boats  
2 consistent with the regulations established for commercial squid  
3 vessels.

4 (d) For the 2002–03 permit year, the fee for a commercial squid  
5 light boat owner’s permit is four hundred dollars (\$400).  
6 ~~Commencing with the 2003–04 permit year and thereafter, the fee~~  
7 ~~for a commercial squid light boat owner’s permit shall be in an~~  
8 ~~amount established by the commission sufficient to cover the~~  
9 ~~department’s and commission’s costs for managing the market~~  
10 ~~squid fishery pursuant to Section 8425.~~

11 (e) It is unlawful for a person to engage in the following  
12 activities, unless the vessel used for the activity has been issued a  
13 commercial market squid vessel permit or the person holds a  
14 commercial squid light boat owner’s permit:

15 (1) Attracting squid by light displayed from a vessel, except  
16 from a vessel deploying nets for the take, possession, and landing  
17 of squid or except from the seine skiff of the vessel deploying nets  
18 for the take, possession, and landing of squid.

19 (2) Attracting squid by light displayed from a vessel whose  
20 primary purpose is other than the deployment, or assistance in the  
21 deployment, of nets for the take, possession, and landing of squid.

22 (f) A commercial squid light boat owner’s permit shall be  
23 issued to a person who is the owner of record of a vessel that is  
24 registered with the department pursuant to Section 7881. For  
25 purposes of this subdivision, an owner includes any person who  
26 has a lease-purchase agreement for the purchase of a vessel.

27 (g) No person who is issued a commercial squid light boat  
28 owner’s permit shall sell, trade, or transfer the permit to another  
29 person.

30 SEC. 3. Section 8425 of the Fish and Game Code is repealed.

31 SEC. 4. Section 8425 is added to the Fish and Game Code, to  
32 read:

33 8425. (a) On or before December 31, 2002, the commission,  
34 after consideration of the report and recommendations prepared by  
35 the department pursuant to subdivision (c) of Section 8426, and,  
36 after public hearings, shall adopt a market squid fishery  
37 management plan and regulations to protect the squid resource and  
38 manage the squid fishery at a level that sustains healthy squid  
39 populations, taking into account the level of fishing effort and  
40 ecological factors, including, but not limited to, the species’ role



1 in the marine ecosystem and oceanic conditions. The management  
2 plan shall be consistent with the requirements of ~~Chapter 5~~  
3 ~~(commencing with Section 7070), Chapter 6 (commencing with~~  
4 ~~Section 7075), and Chapter 7 (commencing with Section 7080) of~~  
5 ~~Part 1.7. Part 1.7 (commencing with Section 7050)~~ Development  
6 of the plan shall be coordinated with the federal Coastal Pelagic  
7 Species Fishery Management Plan.

8 (b) On and after January 1, 2002, the commission shall manage  
9 the squid fishery in accordance with the requirements of ~~Chapter~~  
10 ~~5 (commencing with Section 7070), Chapter 6 (commencing with~~  
11 ~~Section 7075), and Chapter 7 (commencing with Section 7080) of~~  
12 ~~Part 1.7. Part 1.7 (commencing with Section 7050).~~

13 SEC. 5. Section 8428 of the Fish and Game Code is repealed.

14 SEC. 6. Section 8428 is added to the Fish and Game Code, to  
15 read:

16 8428. Commencing ~~with the 2003-04 permit year~~ *April 1,*  
17 *2003,* and annually thereafter, the fees for a commercial market  
18 squid vessel permit and for a commercial squid light boat *owner's*  
19 permit shall be established by the commission. The total amount  
20 of fees collected pursuant to this section, including any revenue  
21 derived from any other appropriate source, as determined and  
22 allocated by the commission, shall not exceed the department's  
23 and the commission's costs for managing the market squid fishery  
24 pursuant to Section 8425. The fees collected pursuant to this article  
25 shall be used only for the management of the market squid fishery  
26 pursuant to Section 8425.

27 SEC. 7. Section 8429 of the Fish and Game Code is amended  
28 to read:

29 8429. Any statement made to the department, orally or in  
30 writing, relating to a permit issued under this article, shall be made  
31 under penalty of perjury. The commission shall revoke the  
32 commercial fishing license, the commercial boat registration of  
33 any vessel, and, if applicable, any licenses issued pursuant to  
34 Section 8032, 8033, or 8034 that are held by any person submitting  
35 material false statements, as determined by the commission, for  
36 the purpose of obtaining a commercial market squid vessel permit  
37 or a commercial light boat owner's permit.

38 SEC. 8. Section 8429.7 of the Fish and Game Code is  
39 repealed.



1 SEC. 9. Section 8429.7 is added to the Fish and Game Code,  
2 to read:

3 8429.7. Sections 8420.5 to 8423.5, inclusive, and Sections  
4 8426 and 8427 shall become inoperative upon the adoption by the  
5 commission of a market squid fishery management plan and the  
6 adoption of implementing regulations pursuant to Section 8425,  
7 and are repealed six months thereafter.

8 SEC. 10. No reimbursement is required by this act pursuant  
9 to Section 6 of Article XIII B of the California Constitution  
10 because the only costs that may be incurred by a local agency or  
11 school district will be incurred because this act creates a new crime  
12 or infraction, eliminates a crime or infraction, or changes the  
13 penalty for a crime or infraction, within the meaning of Section  
14 17556 of the Government Code, or changes the definition of a  
15 crime within the meaning of Section 6 of Article XIII B of the  
16 California Constitution.

