

State of California
Department of Fish and Wildlife

Memorandum

Date: October 28, 2014

To: Sonke Mastrup
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: Agenda Item for December 3, 2014, Fish and Game Commission Meeting:
Consideration of an Application from Mr. Geir Nilsen to Transfer the California
Halibut Bottom Trawl Vessel Permit, Permit Number BT0023, Upon the Sale of
the F/V *Sea Bird* (FG12744)

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission consider Mr. Nilsen's application to transfer the California Halibut Bottom Trawl Vessel Permit (CHBTVP) upon the sale of the F/V *Sea Bird* (FG12744) to another owner. The Department has received the application for transfer and provides the supporting documents for the Commission to consider.

Currently, there is not a formal restricted access program for the California halibut fishery, therefore, the Department is requesting the Commission determine if Mr. Nilsen is eligible to transfer the CHBTVP to another owner upon the sale of the F/V *Sea Bird*.

Authority

Pursuant to Fish and Game Code (FGC), Section 8494(a), beginning April 1, 2006, the owner of a registered commercial fishing vessel using trawl gear to take, possess aboard a vessel, or land California halibut for commercial purposes must have a valid CHBTVP that has not been suspended or revoked. A CHBTVP shall be issued annually, beginning with the 2006 permit year. Beginning with the 2007-2008 permit year, in order to be eligible for a CHBTVP, an applicant shall have been issued a CHBTVP in the immediately preceding permit year.

Pursuant to FGC, Section 8494(d)(3), CHBTVPs issued pursuant to this section may be transferred if prior to the implementation of a halibut trawl restricted access program, the Commission may consider requests from a vessel permitholder or his or her conservator or estate representative to transfer a permit with the vessel if both of the following conditions are met:

- (A) The permitholder has died, is permanently disabled, or the permitholder is at least 65 years of age and has decided to retire from commercial fishing.
- (B) California halibut landings contributed significantly to the record and economic income derived from the vessel, as determined by regulations adopted by the Commission. The Commission may request information that it

determines is reasonably necessary from the permit holder or his or her heirs or estate for the purpose of verifying statements in the request prior to authorizing the transfer of the permit.

Documentation Submitted By Mr. Nilsen

The following has been submitted to the Department:

- A California Halibut Bottom Trawl Vessel Permit Transfer Application dated August 19, 2014, received on August 21, 2014, requesting to transfer the CHBTVP from Mr. Nilsen to the buyer, Mr. Jay C. Wheelan, upon sale of the F/V *Sea Bird*. Mr. Nilsen's CHBTVP transfer application indicates that he is applying for transfer based on his certification that he is permanently disabled.
- A letter dated August 14, 2014, from Mr. Nilsen's, physician stating Mr. Nilsen has been advised to desist from pursuing his former profession.
- Copy of the 2014-2015 Commercial Boat Registration for the F/V *Sea Bird*.
- Copy of the 2014-2015 CHBTVP for the F/V *Sea Bird*.
- Copy of the California Department of Motor Vehicles Certificate of Number (CF8918SU), issued October 23, 2013, that shows Geir Nilsen is the current owner of the F/V *Sea Bird*.
- Copy of Mr. Nilsen's 2014-2015 Commercial Fishing License.
- Copy of Mr. Jay C. Wheelan's 2014-2015 Commercial Fishing License.

Department Findings

Department license records show that the F/V *Sea Bird* has held a valid CHBTVP from the 2006-2007 permit year to the current 2014-2015 permit year. In addition, Mr. Nilsen possesses the following commercial fishing entitlements for the 2014-2015 permit year:

Resident Commercial Fishing License

Sea Cucumber Trawl Permit (Permit was transferred on September 30, 2014 to Mr. Jay Wheelan)

Golden & Ridgeback Prawn Permit

Resident Commercial Boat Registration for the F/V *Sea Bird*

On October 14, 2014, the Department received a copy of a California Department of Motor Vehicles Certificate of Number (CF8918SU) for the F/V *Sea Bird*, issued October 6, 2014, that shows Geir Nilsen is not the current owner of the F/V *Sea Bird* (CF8918SU) and the new owner is Sea Bird Enterprises LLC. Also received was a copy of the Secretary of State, State of California Articles of Organization of a Limited Liability Company, documentation that shows Jay C. Wheelan is an organizer of Sea Bird Enterprises, LLC. Copies enclosed.

Summary of Landing Information

Based on fish landing records on file with the Department for the F/V *Sea Bird*, Mr. Nilsen participated in the following fisheries, California halibut, sea

Sonke Mastrup, Executive Director
Fish and Game Commission
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cucumber and ridgeback prawn. An average of 29 California Halibut Bottom Trawl Vessel permit holders participate in the California halibut fishery annually. Mr. Nilsen's California halibut landings from 2006-2014 ranges from 3.3 percent to 11.1 percent of the fleet's overall landings. Mr. Nilsen's average overall fleet landing is 6.8 percent annually.

If the Commission should approve Mr. Nilsen's application, the Commission's letter should include a statement that as a necessary condition to transfer a CHBTVP,

Mr. Nilsen agrees that he shall not possess a commercial fishing license or otherwise participate/assist in any commercial fishing activity.

Thank you for your consideration. If you have any questions, please contact Mr. Dan Yparraguirre, Deputy Director, at (916) 653-4673.

ec: Department of Fish and Wildlife

Dan Yparraguirre, Deputy Director
Wildlife and Fisheries Division
Dan.yparraguirre@wildlife.ca.gov

Mike Carion, Deputy Director
Law Enforcement Division
Mike.carion@wildlife.ca.gov

Craig Shuman, Manager
Marine Region (Region 7)
Craig.shuman@wildlife.ca.gov

James Fong, Chief
License and Revenue Branch
Administrative Division
James.fong@wildlife.ca.gov

Vandella Campbell, Analyst
License and Revenue Branch
Administrative Division
Vandella.campbell@wildlife.ca.gov



CALIFORNIA HALIBUT BOTTOM TRAWL VESSEL PERMIT TRANSFER APPLICATION

CDFW
Received
AUG 21 2014
BY
LR

GENERAL PROVISIONS

Pursuant to Fish and Game Code (FGC), Section 8494(d)(3), the permit holder of a California Halibut Bottom Trawl Vessel Permit (CHBTVP), or his or her conservator or estate representative, may transfer the permit simultaneously with the vessel to a new permit holder if the following conditions are met to the satisfaction of the Fish and Game Commission (Commission):

- (A) The permitholder has died, is permanently disabled, or the permitholder is at least 65 years of age and has decided to permanently retire from commercial fishing of all types; and
- (B) California halibut landings contributed significantly to the record and economic income derived from the vessel, to which the CHBTVP is attached, as determined by regulations adopted by the Commission. The Commission may request information that it determines is reasonably necessary from the permitholder or his heirs or estate prior to and for the purposes of authorizing the transfer of the permit.

Permit holder must complete the application and submit the required documentation. Section 8494(d)(3) FGC.
See reverse for instructions and documents required for transfer.

CURRENT PERMIT HOLDER

FIRST NAME Geir		M.I.	LAST NAME Nilsen		BUSINESS NAME (if any) / JOINT OWNERS	
MAILING ADDRESS [REDACTED]						
CITY [REDACTED]						
STATE CA		ZIP CODE [REDACTED]		E-MAIL ADDRESS [REDACTED]		
CHBTVP is attached to F & G BOAT # 12744		BOAT NAME Seabird			CF/DOC# CF8918 SU	
List all commercial fishing permits that you currently possess: Sea Cucumber trawl/ Halibut/ Ridgeback Shrimp				COMMERCIAL FISHING ID# L		
List all commercial fishing vessels registered with Department of Fish and Wildlife that you are full or part owner of:						
F & G BOAT #		BOAT NAME			CF/DOC #	
F & G BOAT #		BOAT NAME			CF/DOC #	

PROPOSED NEW PERMIT HOLDER

FIRST NAME Jay		M.I. C	LAST NAME Wheelan		BUSINESS NAME (if any) / JOINT OWNERS	
MAILING ADDRESS [REDACTED]						
CITY [REDACTED]						
STATE CA		ZIP CODE [REDACTED]		E-MAIL ADDRESS [REDACTED]		
COMMERCIAL FISHING ID# L 02342				DAY TELEPHONE (Voluntary) [REDACTED]		

CHECK THE APPROPRIATE BOX FOR THE TRANSFER YOU ARE APPLYING FOR.

I AM 65 YEARS OF AGE OR OLDER, AGREE TO PERMANENTLY RETIRE FROM COMMERCIAL FISHING OF ALL TYPES, AND AM APPLYING TO TRANSFER TO A NEW PERMIT HOLDER.

CERTIFICATION OF PERMIT HOLDER: I hereby certify that I am the holder of a valid California Halibut Bottom Trawl Vessel Permit and that the information provided by me in connection with this application is true and accurate to the best of my knowledge. If the Commission approves this transfer, I agree to permanently retire from all commercial fishing as a necessary condition for transfer of the CHBTVP (as specified in subsection 8494(d)(3) of the FGC). I understand that I shall not participate/assist in any commercial fishing activity and that any remaining commercial fishing entitlement will not be renewed. I further understand that, in the event of making any such false statement, I will be subject to prosecution pursuant to Section 746, Title 14, of the California Code of Regulations (CCR).

APPLICANT'S SIGNATURE
X [REDACTED] DATE

I AM PERMANENTLY DISABLED AND APPLYING TO TRANSFER TO A NEW PERMIT HOLDER.

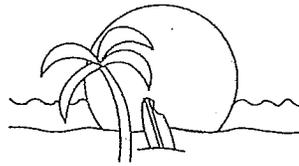
CERTIFICATION OF PERMIT HOLDER: I hereby certify that I am the holder of a valid California Halibut Bottom Trawl Vessel Permit and that the information provided by me in connection with this application is true and accurate to the best of my knowledge. I am permanently disabled from continuing to fish commercially, as described in the statement from my physician accompanying this application. I further understand that, in the event of making any such false statement, I will be subject to prosecution pursuant to Section 746, Title 14, of the California Code of Regulations (CCR).

APPLICANT'S SIGNATURE
X [REDACTED] DATE
8-19-14

DEATH OF PERMIT HOLDER.

I hereby certify that I am the Executor/Executrix/Authorized Representative of _____, deceased, who was the holder of a valid California Halibut Bottom Trawl Vessel Permit immediately preceding his/her death, and that the information provided by me in connection with this application is true and accurate to the best of my knowledge. I further understand that, in the event of making any such false statement, I will be subject to prosecution pursuant to Section 746, Title 14, of the California Code of Regulations (CCR).

APPLICANT'S SIGNATURE
X [REDACTED] DATE



Beach Medical Clinic

5025 8th Street • Carpinteria, CA 93013
Tel (805) 566-1358 • Fax (805) 566-2148



August 14, 2014

Re: Geir Nilsen

Mr. Nilsen first manifested [REDACTED]

In addition, he has [REDACTED]

As a commercial fisherman he is frequently out to sea without access to medical healthcare. At times his [REDACTED]

This puts him at considerable risk for accidental injury or even death. I have advised him to desist from pursuing his former profession.

Sincerely,

Dr. J. Zemjanis



UNDOCUMENTED VESSEL

CERTIFICATE OF NUMBER

VALID TO: 12/31/2015

BUILDER	YR BUILT	YR MODEL	PURCHASE DATE	CLASS	LENGTH FT-IN	TYPE	USE	CF NUMBER
SMITEY	1960	1960	06/22/1990	HX	033-00	82	V5	CF 8918 SI
	FUEL	PROP	VESSEL TYPE	HULL MATL	MO			HULL ID NUMBER
	D	I	X	W	UX			CFZ8918SL060
VESSEL USE		DATE ISSUED	CC/ALCO	DT FEE RECVD	PIC			STICKER ISSUED
COMMERCIAL		10/23/13	42	10/23/13	9			L607544

REGISTERED OWNER
NILSEN GEIR

AMOUNT PAID
\$ 36.00



AMOUNT DUE	AMOUNT RECVD
\$ 36.00	CASH :
	CHCK :
	CRDT :



LIENHOLDER

H01 184 B3 0003600 0070 PS H01 102313 V5 CF8918SU 060

14

C

STATE OF CALIFORNIA
 DEPARTMENT OF FISH AND WILDLIFE
COMMERCIAL FISHING LICENSE
 Valid 04/01/2014 to 03/31/2015



D-0010000555-6

Commercial Fishing License ID: L65560

GO ID: [REDACTED]

STATE ID: [REDACTED]

GEIR NILSEN

[REDACTED]

[REDACTED]

Resident: I have resided in California continuously for the past 6 months

Doc No: D-0010000555-6
 Trans: 00000007501748
 130591534

Outlet No: 310001-002
 2/12/2014 3:15:28 PM

Item	Fee*
Comm Fishing License (Res)	\$134.93
Ocean Enhancement Stamp	\$49.70
Golden & Ridgeback Prawn Permit	\$42.49
Total: \$227.12	

*Includes any applicable application fees, agent handling fees and license buyer surcharge.

Help us tackle California's lost fishing gear!
 Report loss or sightings of lost recreational and commercial fishing gear. Anonymous reports accepted.
 Call 1-800-491-GEAR or report online:
www.lostfishinggear.org

When taking Golden or Ridgeback Prawn, licensee must maintain a Shrimp/Prawn Trawl Log.

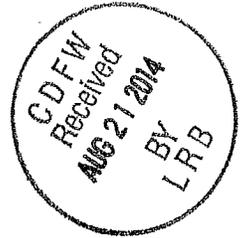
I certify under penalty of perjury under the laws of the State of California that all information on this document is true and correct and that I meet the requirements for these licenses. I understand it is unlawful to make any false statement in this application or to use or possess a license obtained by fraud or deceit (Fish and Game Code §§ 1052(b) and 1054).

X [REDACTED]

Signature NOT VALID UNLESS SIGNED

LICENSE AND PHOTO IDENTIFICATION MUST BE IN IMMEDIATE POSSESSION WHILE FISHING

----- End of Document D-0010000555-6 -----





14

V

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
COMMERCIAL BOAT REGISTRATION
Valid 04/01/2014 to 03/31/2015



D-0010000557-8

Fish & Game Boat Number: FG12744

Vessel Name: SEA BIRD

GO ID: [REDACTED]

State Registration: CA - CF8918SU

Home Port: SANTA BARBARA HARBOR

HULL NUMBER: CFZ8918SL060 YEAR BUILT: 1960

GROSS TONNAGE: NET TONNAGE: 9

LENGTH: 33 BREADTH: 11

DEPTH:

VESSEL OWNER:

GO ID: [REDACTED]

STATE ID: [REDACTED]

GEIR, NILSEN

Resident: I have resided in California continuously for the past 6 months.

Doc No: D-0010000557-8
Trans: 000000007501748
120578914

Outlet No: 310001-002
2/12/2014 3:13:28 PM

Item	Fee ¹
Comm Boat Registration (Res)	\$351.50
Total:	\$351.50

¹Includes any applicable application fees, agent handling fees and license buyer surcharge.

Fish and Game Code Section 7891 requires owners to immediately notify the Department if vessel is lost, destroyed or sunk.

Help us tackle California's lost fishing gear! Report loss or sightings of lost recreational and commercial fishing gear. Anonymous reports accepted. Call 1-800-931-2211 or report online at www.lostfishinggear.org

I certify under penalty of perjury under the laws of the State of California that all information on this document is true and correct and that I understand the requirements for this license and it is unlawful to make any false statement in this application or to use or possess a license obtained by fraud or deceit (Fish and Game Code, Sections 54000-54004).

[REDACTED SIGNATURE]

Signature NOT VALID UNLESS SIGNED

REGISTRATION MUST BE POSTED IN A CONSPICUOUS PLACE ON VESSEL AT ALL TIMES

End of Document D-0010000557-8

14

VLE

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
CALIFORNIA HALIBUT TRAWL
VESSEL PERMIT

Valid only when in possession of a Commercial Boat Registration for the same license year.



D-0010000558-9

California Halibut Bottom Trawl

Permit Number: BT0023

Fish & Game Boat Number: FG12744

Vessel Name: SEA BIRD

GO ID: [REDACTED]

State Registration: CA - CF8918SU

Home Port: SANTA BARBARA HARBOR

VESSEL OWNER:

GO ID: [REDACTED]

STATE: [REDACTED]

GEIR, NILSEN

Doc No: D-0010000558-9
Trans: 000000007501748
125578914

Outlet No: 310001-002
2/12/2014 3:13:28 PM

Item	Fee
CA Halibut Trawl Vessel Permit	\$61.2
Total:	\$61.2

¹Includes any applicable application fees, agent handling fees and license buyer surcharge.

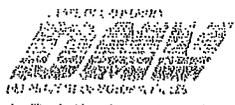
I certify under penalty of perjury under the laws of the State of California that all information on this document is true and correct and that I understand the requirements for this license and it is unlawful to make any false statement in this application or to use or possess a license obtained by fraud or deceit (Fish and Game Code, Sections 54000-54004).

[REDACTED SIGNATURE]

Signature NOT VALID UNLESS SIGNED

THIS DOCUMENT MUST BE CARRIED ON VESSEL WHEN FISHING

End of Document D-0010000558-9



A Public Service Agency

UNDOCUMENTED VESSEL

CERTIFICATE OF NUMBER

VALID TO: 12/31/2015

BUILDER	YR BUILT	YR MODEL	PURCHASE DATE	CLASS	LENGTH FT-IN	TYPE	USE	CF NUMBER
SMITEY	1960	1960	10/06/2014	CJ	033-00	82	V5	CF 8918 SU
	FUEL	PROP	VESEL TYPE	HULL MATL	MO			HULL ID NUMBER
	D	I	X	W	VX			CFZ8918SL060
VESEL USE	DATE ISSUED	CC/ALCO	DT FEE RECVD	PIC	USE TAX			
COMMERCIAL	10/06/14	42	10/06/14	3	800			

REGISTERED OWNER
SEA BIRD ENTERPRISES LLC

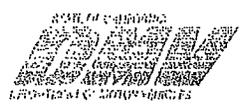
AMOUNT PAID
\$ 815.00



AMOUNT DUE	AMOUNT RECVD
\$ 815.00	CASH :
	CHCK : 815.00
	CRDT :

LIENHOLDER

F00 549 20 0081500 0037 CS F00 100614 V5 CF8918SU 060

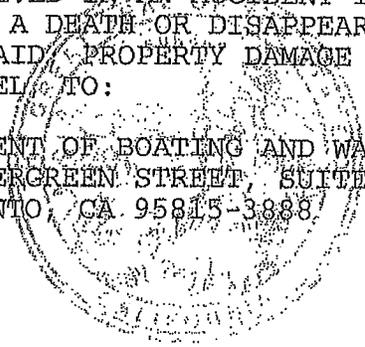


A Public Service Agency

DO NOT DETACH - REGISTERED OWNER INFORMATION

1. RENEWAL OF VESSEL REGISTRATION IS REQUIRED ON OR BEFORE THE EXPIRATION DATE TO AVOID 50% PENALTY. IF YOU DO NOT RECEIVE A BILLING NOTICE, USE THE ATTACHED CERTIFICATE OF NUMBER TO RENEW.
2. THIS CERTIFICATE MUST BE ON BOARD WHENEVER THE VESSEL IS IN OPERATION
3. AN OPERATOR WHO IS INVOLVED IN AN ACCIDENT IS REQUIRED TO REPORT THE ACCIDENT, WHEN THERE IS A DEATH OR DISAPPEARANCE; INJURY REQUIRING TREATMENT BEYOND FIRST AID; PROPERTY DAMAGE OF MORE THAN \$500; OR COMPLETE LOSS OF A VESSEL, TO:

DEPARTMENT OF BOATING AND WATERWAYS
2000 EVERGREEN STREET, SUITE 100
SACRAMENTO, CA 95815-3888



LLC-1

Articles of Organization of a Limited Liability Company (LLC)

201426210178

To form a limited liability company in California, you can fill out this form, and submit for filing along with:

- A \$70 filing fee.
- A separate, non-refundable \$15 service fee also must be included, if you drop off the completed form.

Important! LLCs in California may have to pay a minimum \$800 yearly tax to the California Franchise Tax Board. For more information, go to https://www.ftb.ca.gov.

LLCs may not provide "professional services," as defined by California Corporations Code sections 13401(a) and 13401.3.

Note: Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs.

FILED Secretary of State State of California

SEP 15 2014

This Space For Office Use Only

For questions about this form, go to www.sos.ca.gov/business/be/filing-tips.htm.

LLC Name (List the proposed LLC name exactly as it is to appear on the records of the California Secretary of State.)

SEA BIRD ENTERPRISES, LLC

Proposed LLC Name

The name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Co. or Ltd. Liability Company; and may not include: bank, trust, trustee, incorporated, inc., corporation, or corp., insurer, or insurance company. For general entity name requirements and restrictions, go to www.sos.ca.gov/business/be/name-availability.htm.

Purpose

The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

LLC Addresses

80 SEAVIEW DRIVE SANTA BARBARA CA 93108

Initial Street Address of Designated Office in CA - Do not list a P.O. Box City (no abbreviations) State Zip

Initial Mailing Address of LLC, if different from 3a City (no abbreviations) State Zip

Service of Process (List a California resident or a California registered corporate agent that agrees to be your initial agent to accept service of process in case your LLC is sued. You may list any adult who lives in California. You may not list an LLC as the agent. Do not list an address if the agent is a California registered corporate agent as the address for service of process is already on file.)

WANDA WHEELAN

Agent's Name

80 SEAVIEW DRIVE SANTA BARBARA CA 93108

Agent's Street Address (if agent is not a corporation) - Do not list a P.O. Box City (no abbreviations) State Zip

Management (Check only one.)

The LLC will be managed by:

- One Manager (checked)
More Than One Manager
All Limited Liability Company Member(s)

This form must be signed by each organizer. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are made part of these articles of organization.

Organizer - Sign here

JAY COREY WHEELAN

Print your name here

Make check/money order payable to: Secretary of State

Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.

By Mail

Secretary of State Business Entities, P.O. Box 944228 Sacramento, CA 94244-2280

Drop-Off

Secretary of State 1500 11th Street., 3rd Floor Sacramento, CA 95814