

From: [REDACTED]
To: [FGC](#)
Cc: [Ashcraft, Susan@FGC](#); Dan Yoakum; [ilsonatlaw@yahoo.com](#); Richard Ivey
Subject: Experimental Market Squid Vessel Permits
Date: Thursday, November 20, 2014 2:32:25 PM

Dear Commissioners,

Due to new interpretation of existing Market Squid FMP regulations, and possible rejection of granting said permits, I would like to formally request to be heard on this matter at the March MRC meeting.

My second request was to ask you to consider a tiny amendment to change small parts that the Department believes would prevent us from having these permits, but upon much further study, I don't believe any changes will be necessary in order for you to grant them.

The Department stated on 11/18/14: *"Experimental Market Squid Vessel Permits under Section 149.3, T14 CCR, are only exempted from initial issuance CRITERIA in Section 149.1(c), but the rest of Section 149.1 applies. So the next subsection (Section 149.1(d)(1) gives an application deadline for initial permit issuance. It says that "applications and permit fees for initial issuance of Market Squid Vessel Permits...received by the Department or postmarked after July 31, 2005 will be denied by the department and returned to the applicant." In other words, that deadline would still apply. Therefore, at this time, any new applications are not eligible."*

Two reasons for denial, both not so. Firstly, since the language of 14CCR ss149.1 is being examined so closely, let's look at the precise wording of 149.3, as well. It states **"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."**

TERMS AND CONDITIONS. It does not say CRITERIA. There is much criteria throughout 149.1 that doesn't apply to these experimental permits, isn't applicable, and isn't capable of compliance. That's why it states TERMS AND CONDITIONS. The Commission and the Department are well versed on verbage used in the FMP, and other legal, binding documents. TERMS AND CONDITIONS has a clearly set forth different definition than CRITERIA.

Secondly, 149(d), as quoted by the Department as reason for denial, is a criteria for transferable permits, which these are not, and has no bearing on this. Which is why the Department received funds from Mr. Yoakum in the amount of \$1050.50 on 4/17/06, and issued Permit #3 to Mr. Yoakum on 5/4/06.

The Department stated yesterday, *"I did meet with DFW's legal counsel yesterday. He also said that the Fish and Game Code defines what an Experimental Permit is. And that experimental permits for using legal gear in new locations may be issued annually but no more than four years."*

Firstly, we are NOT using legal gear in new locations- this is an EXPERIMENTAL NON-TRANSFERABLE MARKET SQUID VESSEL PERMIT. Where we want to fish has been open for years, just not utilized. Fort Bragg, Eureka, Point Arena, and Crescent City are all well-established fishing communities. We are a quarter of the state, and we have a right to harvest our local resources! Secondly, The Fish & Game Code defines only EXPERIMENTAL GEAR PERMITS in Chapter 3 8606 (c) where it states "**The Commission shall not authorize the issuance of EXPERIMENTAL GEAR PERMITS concerning the use of a gear type in an area, or portion of an area, for more than four consecutive years.**" That's where your lawyer found the four years from. Again, not us.

That brings me to my next point, something I heard at the Mount Shasta meeting. The Commission stated that this fishery is now fully developed because some squid was landed in Eureka. Making a few sets off Eureka and trucking it home to central and southern California is in **no way " developing a squid fishery in areas previously not utilized for squid PRODUCTION."** That is what the permits read. That is what we want to do, desperately. At least try. What they're doing is, in fact, the opposite. They're taking our local resource away, away from already terribly economically depressed fishing villages. The Commission and the Department, in all its wisdom, knew that when you placed these permits into the Fishery Management Plan. What happened?

These permits were written in the spirit of leaving a door open to communities to create just what you wrote, - "**To develop a squid fishery in areas previously not utilized for squid PRODUCTION**" That's why they are available on the Fish & Wildlife website, under available permits, which is where I found them. These permits were written into the FMP with full knowledge and responsibility for your California communities, in your guidelines set forth in **National Standards 8 - ss 600.345, (b) (1) "This standard requires that an FMP take into account the importance of fishery resources to fishing communities." (3) The term fishing community means a community that is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew, and fish processors that are based in such communities.**" That's us. And we're starving up here.

You wrote these experimental permits into the FMP, in accordance with your responsibility under the Magnuson-Stevens Act, and all that's followed after. These 3 permits were written into the **original capacity of the 52 plus 3 experimental. We don't belong at the tail end of trying to shrink down a fleet. We are written into it originally, and need to stay there. Why is prejudice being shown now, now that someone can actually utilize this permit?**

If there does, in fact, have to be a exact small change, a tiny surgical amendment, to make this work, then please, let's do it! But as it reads to me, and my advisors, we may pursue this, upon your approval, without any change. We can simply follow the guidelines already set forth.

Thank you for your consideration, and your time!

Sincerely,

Mary Fairbanks
