

STAFF SUMMARY FOR JUNE 10-11, 2015

9. SANTA BARBARA MARICULTURE REQUEST FOR NEW LEASE (CONSENT)**Today's Item**Information Action

Receive Santa Barbara Mariculture's application for new state water bottom lease for aquaculture, adjacent to existing lease M-653-02.

Summary of Previous/Future Actions

- FGC approved one year lease extension Dec 3, 2014; Van Nuys
- **Today receive new lease application Jun 10-11, 2015; Mammoth Lakes**

Background

FGC has the authority to lease state water bottoms to any person for aquaculture if FGC determines that such a lease is in the public interest (Section 15400, Fish and Game Code). Requirements for new lease applications and their consideration by FGC are specified in Section 15403 et seq. of the Fish and Game Code.

Santa Barbara Mariculture currently holds FGC-issued state water bottom lease (lease) number M-653-02, which is set to expire January 17, 2016. As described in Agenda Item 8, the lessee, Mr. Bernard Freidman, wishes to renew the lease under a reconfigured shape anticipated to be more compatible with vessel traffic patterns. The proposed new shape overlaps with ~46 acres of the current 72 acre lease, while the seaward-most 26 acres would be relocated to an area adjacent to, but outside, the current lease area (see agenda item 8, exhibits 8.1 and 8.2).

Legal counsel has advised that surrender of the seaward portion of the existing lease and its relocation to a new adjacent area constitute separate actions, where amending the existing lease footprint would be considered under lease renewal (Agenda Item 8) and the proposed new area would be considered through an application for a "new lease". Mr. Freidman has submitted the lease renewal request and new lease application within the same letter and supporting documentation (see Agenda Item 8, Exhibit 8.3).

The new lease application must undergo DFW and California Environmental Quality Act (CEQA) review and public notice before final consideration by FGC. Staff is consulting with legal counsel concerning the process and timing for the CEQA review. As the lease renewal and new lease application are inextricably linked to each other, both items will be scheduled concurrently for FGC consideration.

Following receipt by FGC, DFW will review the application, consult with agencies of overlapping jurisdiction, and provide its evaluation and CEQA review to inform FGC consideration later this year

Significant Public Comments (N/A)**Recommendation (N/A)**

STAFF SUMMARY FOR JUNE 10-11, 2015

.

Exhibits (N/A) (see Agenda Item 8, exhibits 8.1, 8.2 and 8.3)

Motion/Direction

Moved by _____ and seconded by _____ that the Fish and Game Commission adopts the Consent Calendar, items 8-11