

STAFF SUMMARY FOR OCTOBER 7-8, 2015

2. FRANCESCO LICATA (CONSENT)**Today's Item**Information Action

Approve an application from Mr. Francesco Licata to transfer California halibut bottom trawl vessel permit (BT0050) upon the sale of the *F/V Joyce* (FG48343).

Summary of Previous/Future Actions (N/A)**Background**

Since April 2006, any vessel using bottom trawl gear in the state-managed halibut fishery must possess a valid California halibut bottom trawl vessel permit (CHBTVP) issued pursuant to Fish and Game Code, Section 8494. A CHBTVP may only be transferred under specific conditions.

Mr. Francesco Licata, who holds a CHBTVP for use on the *F/V Joyce*, has submitted an application to transfer his permit with the vessel to another owner (Exhibit 1). Pursuant to Fish and Game Code Section 8594(d)(3), a CHBTVP permit holder, or his/her conservator or estate representative, may request to transfer the permit with the vessel to a new permit holder if, prior to the implementation of a halibut trawl restricted access program, specific conditions are met. Because there is not a formal restricted access program for the California halibut fishery, FGC must determine if Mr. Licata is eligible to transfer the permit to another owner.

Two conditions must be met for FGC to approve a CHBTVP transfer: (1) The permit holder has died, is permanently disabled, or is at least 65 years of age and is retiring from commercial fishing; and (2) California halibut landings contributed significantly to the record and economic income derived from the vessel, as determined by regulations adopted by the Commission.

DFW has reviewed documentation submitted by Mr. Licata as well as landings data to support FGC consideration (Exhibit 2). Mr. Licata's documentation indicated that he is at least 65 years of age, and his application indicates that he is retiring from commercial fishing, meeting the first condition. Regarding the second condition that landings contributed significantly to the record and economic income derived from the vessel, FGC has not yet adopted any regulations to determine if the condition is met. In the absence of regulations, DFW limited its review of landings data to verifying that Mr. Licata has actively made landings of California halibut from the vessel. DFW has confirmed that, between 2011 and 2015, Mr. Licata made annual California halibut landings as one of 29 permit holders participating of the fishery (Exhibit 2).

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

FGC staff: Approve the application from Mr. Licata to transfer CHBTVP No. BT0050, under the condition recommended by DFW that Mr. Licata not possess a commercial fishing license or otherwise participate/assist in any commercial fishing activity henceforth.

DFW: Consider the application, with approval contingent on agreement that Mr. Licata shall

STAFF SUMMARY FOR OCTOBER 7-8, 2015

not possess a commercial fishing license or otherwise participate/assist in any commercial fishing activity henceforth.

Exhibits

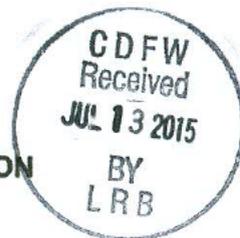
1. Transfer application and non-confidential documentation submitted by Francesco Licata
2. DFW memo, received Sep 4, 2015

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the Consent Calendar, items 2-6.



California Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
CALIFORNIA HALIBUT BOTTOM TRAWL VESSEL PERMIT TRANSFER APPLICATION



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 permit holder has died, is permanently disabled, or the permit holder 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 permit holder 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 Francesco	M.I.	LAST NAME Licata	BUSINESS NAME (if any) / JOINT OWNERS
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MAILING ADDRESS	DAY TELEPHONE (Voluntary)
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E-MAIL ADDRESS	DAY TELEPHONE (Voluntary)
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CHBTVP is attached to F & G BOAT # FG48343	BOAT NAME Joyce	CF/DOC# 670785
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List all commercial fishing permits that you currently possess: BT0050	COMMERCIAL FISHING ID# L 18722
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List all commercial fishing vessels registered with Department of Fish and Wildlife that you are full or part owner of:

F & G BOAT # FG48343	BOAT NAME Joyce	CF/DOC # 670796
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F & G BOAT #	BOAT NAME	CF/DOC #
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PROPOSED NEW PERMIT HOLDER

FIRST NAME Thomas	M.I. T	LAST NAME Nguyen	BUSINESS NAME (if any) / JOINT OWNERS
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MAILING ADDRESS	COMMERCIAL FISHING ID# L 91803	DAY TELEPHONE (Voluntary)
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E-MAIL ADDRESS	DAY TELEPHONE (Voluntary)
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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 <i>Francesco Licata</i>	DATE 6-19-15
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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	DATE
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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	DATE
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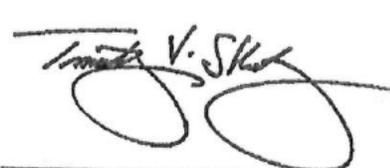
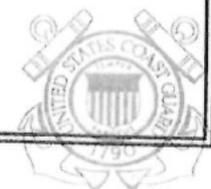
UNITED STATES OF AMERICA

OMB APPROVED
1625-0027

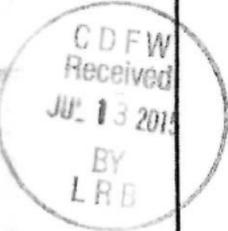
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD

NATIONAL VESSEL DOCUMENTATION CENTER

CERTIFICATE OF DOCUMENTATION

VESSEL NAME JOYCE		OFFICIAL NUMBER 670785	IMO OR OTHER NUMBER NONE	YEAR COMPLETED 1993	
HAILING PORT SAN FRANCISCO CA		HULL MATERIAL STEEL		MECHANICAL PROPULSION YES	
GROSS TONNAGE	NET TONNAGE	LENGTH	BREADTH	DEPTH	
26 GRT	19 NRT	47.0	13.0	5.7	
PLACE BUILT SANTA BARBARA CA					
OWNERS FRANCESCO LICATA			OPERATIONAL ENDORSEMENTS FISHERY		
					
MANAGING OWNER FRANCESCO LICATA 					
RESTRICTIONS NONE					
ENTITLEMENTS NONE					
REMARKS NONE					
ISSUE DATE JANUARY 08, 2015		 DIRECTOR, NATIONAL VESSEL DOCUMENTATION CENTER			
THIS CERTIFICATE EXPIRES JANUARY 31, 2016					
					

FOR PAUL FROM MRS LUCATA



15 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-0013170358-8

California Harbor Section Trawl
Permit Number: B10050

Fish & Game Boat Number: FG48343

Vessel Name: JOYCE

Coast Guard 670766
Home Port: SAN FRANCISCO

VESSEL OWNER:

STATE ID: NS54-CA
FRANCISCO LUCATA

Doc No: D-0013170358-8
Trans: 000000009927917
275019555

Item: CA Halibut Trawl Vessel Permit
Total: \$82.00

*Includes 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 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 §§10520(b) and 10541).

Signature: NOT VALID UNLESS SIGNED
THIS DOCUMENT MUST BE CARRIED ON VESSEL WHEN FISHING

End of Document D-0013170358-8

15 C
STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
COMMERCIAL FISHING LICENSE
Valid 04/01/2015 to 03/31/2016



D-0013170319-5

Commercial Fishing License ID: L18722

STATE ID: NS54-CA
FRANCISCO LUCATA

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

Doc No: D-0013170319-5
Trans: 000000009927917
090691535

Item: Comm. Fishing License (resi)
Total: \$136.73

*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 1-888-491-GEAR or report online: 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 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 §§10520(b) and 10541).

Signature: NOT VALID UNLESS SIGNED
LICENSE AND PHOTO IDENTIFICATION MUST BE IN IMMEDIATE POSSESSION WHILE FISHING

End of Document D-0013170319-5

15 V
STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
COMMERCIAL BOAT REGISTRATION
Valid 04/01/2015 to 03/31/2016



D-0013170357-7

Fish & Game Boat Number: FG48343

Vessel Name: JOYCE

Coast Guard 670766
Home Port: SAN FRANCISCO
HULL NUMBER: 1
GROSS TONNAGE: 26
LENGTH: 47
DEPTH: 6

YEAR BUILT: 1992
NET TONNAGE: 10
BREADTH: 13

VESSEL OWNER:
STATE ID: NS54-CA
FRANCISCO LUCATA

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

Doc No: D-0013170357-7
Trans: 000000009927917
275019555

Item: Comm. Boat Registration (Resi)
Total: \$356.00

*Includes any applicable application fees, agent handling fees and license buyer surcharge.
Fish and Game Code Section 7881 requires owners to immediately notify the Department if vessel is lost, destroyed or sold.
Help us tackle California's lost fishing gear! Report loss or sightings of lost recreational and commercial fishing gear. Anonymous reports accepted. Call 1-888-491-GEAR or report online: 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 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 §§10520(b) and 10541).

Signature: NOT VALID UNLESS SIGNED
REGISTRATION MUST BE POSTED IN A CONSPICUOUS PLACE ON VESSEL AT ALL TIMES

End of Document D-0013170357-7

15

C

STATE OF CALIFORNIA
 DEPARTMENT OF FISH AND WILDLIFE
COMMERCIAL FISHING LICENSE
 Valid 04/01/2015 to 03/31/2016



D-0013243602-1

Commercial Fishing License ID: **L91803**

STATE ID: C556**** CA

THOMAS THANH NGUYEN

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

Doc No: D-0013243602-1
 Trans: 00000009989557
 070591425

Outlet No: 310009-001
 3/10/2015 12:05:00 PM

Item	Fee*
Comm Fishing License (Res)	\$136.73
Commercial Salmon Stamp	\$87.55
Total: \$224.28	

*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 1-888-491-GEAR or report online:
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 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

Signature NOT VALID UNLESS SIGNED

LICENSE AND PHOTO IDENTIFICATION MUST BE IN IMMEDIATE POSSESSION WHILE FISHING

— End of Document D-0013243602-1 —

CDIW
Received
JUL 1 2015
BY
L.P.P.

4470256272641



CLASS: C - Veh w/CDWR 125000, No MVC
EXPIRES: 03/03/2016
RESTRICTIONS: 01-Must wear corrective lenses when driving



This document cannot be changed or
altered. It is a legal document and
must be kept safe and secure. It
is not valid if it is altered or
tampered with in any way.

James Smith
11/11/2014

CALIFORNIA DRIVER LICENSE



CLASS: C
END NONE

EXP: 03/03/2016
LICATA
SAN FRANCISCO

James Smith

05/30/2014

2015 SEP 4 AM 7:31

Memorandum

Date: September 1, 2015

To: Sonke Mastrup
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: **Agenda item for the October 7 - 8, 2015, Fish and Game Commission Meeting: Consideration of an Application from Mr. Francesco Licata to Transfer the California Halibut Bottom Trawl Vessel Permit (CHBTVP), Permit Number BT0050, Upon the Sale of the F/V Joyce (FG48343)**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission (Commission) consider Mr. Francesco Licata's application to transfer his CHBTVP from Mr. Licata to Mr. Thomas Thanh Nguyen for use on the F/V *Joyce* (FG48343). The Department has received the application and supporting documents for the Commission to consider.

Pursuant to Fish and Game Code (FGC), Section 8494(d)(3), CHBTVPs may be transferred if, prior to the implementation of a halibut trawl restricted access program, specific conditions are met. Currently, there is not a formal restricted access program for the California halibut fishery; therefore, the Department is requesting the Commission determine if Mr. Licata is eligible to transfer the CHBTVP to another owner upon the sale of the F/V *Joyce*.

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.

Further, FGC, Section 8494(d)(3), specifies that 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 permit holder 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 permit holder has died, is permanently disabled, or the permit holder 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. Licata

Mr. Licata has indicated that he is at least 65 years of age and has decided to retire from commercial fishing, consistent with Section 8494(d)(3)(A). He has submitted the following documentation to the Department:

- A California Halibut Bottom Trawl Vessel Permit Transfer Application dated June 19, 2015, received on July 13, 2015, requesting to transfer the CHBTVP from Mr. Licata to Mr. Thomas Nguyen, for use on the F/V *Joyce*.
- Mr. Licata's California Driver License, which documents that he is at least 65 years of age.
- Copy of the 2015-2016 CHBTVP for the F/V *Joyce*.
- Copy of the 2015-2016 Resident Commercial Boat Registration for the F/V *Joyce*.
- Copy of the United States Coast Guard Certificate of Documentation (USCG) for the F/V *Joyce*, dated January 8, 2015, that shows Mr. Francesco Licata is the owner.
- Copy of Mr. Licata's 2015-2016 Commercial Fishing License.
- Copy of Mr. Nguyen's 2015-2016 Commercial Fishing License.

Department Findings

Department license records show that the F/V *Joyce* has held a valid CHBTVP from the 2006-2007 permit year to the current 2015-2016 permit year. In addition, Mr. Licata possesses a 2015-2016 Resident Commercial Fishing License and Resident Commercial Boat Registration for the F/V *Joyce*. Mr. Licata acquired the CHBTVP through a permit transfer. In December 2010, the Commission approved the transfer of the CHBTVP, Permit Number BT0050, for the F/V *Joyce* (FG48343), from Mr. Manuel R. Figueiredo to Mr. Licata.

Summary of Landing Information

Based on fish landing records on file with the Department for the F/V *Joyce*, Mr. Licata participated in the California halibut fishery during the 2010 to 2015 permit years. Mr. Licata was one of 29 CHBTVP holders that contributed to the record of California halibut landings.

Sonke Mastrup, Executive Director
Fish and Game Commission
September 1, 2015
Page 3

The Department recommends that if the Commission approves Mr. Licata's application, that it stipulates that, as a necessary condition to transfer the CHBTVP, Mr. Licata 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 or by email at Dan.Yparraguirre@Wildlife.ca.gov.

Attachments

ec: Department of Fish and Wildlife

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

David Bess, Deputy Director
Law Enforcement Division
David.bess@wildlife.ca.gov

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

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

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