

STAFF SUMMARY FOR JUNE 22-23, 2016

15. MARINE PETITIONS AND NON-REGULATORY REQUESTS FROM PREVIOUS MEETINGS**Today's Item**Information Action

This is a standing agenda item for FGC to act on regulatory petitions and non-regulatory requests from the public that are marine in nature. For this meeting:

- (A) Action on petitions for regulation change received at the Apr 2016 meeting.
- (B) Action on requests for non-regulatory requests received at the Apr 2016 meeting.
- (C) Update on pending petitions and non-regulatory requests referred to staff or DFW for review.

Summary of Previous/Future Actions

- (A-B) FGC received the requests for regulatory and non-regulatory action in exhibits A1 and B1, successively, in three ways: (1) Requests received through Mar 30, 2016 published as tables in the Apr 2016 meeting binder; (2) requests received as late comments delivered at the Apr 2016 meeting; and (3) requests received during public forum at the Apr 2016 meeting.
- (C) N/A

Background

FGC provides guidance and direction to staff regarding requests from the public received by mail and email and during public forum at the previous FGC meeting. The public request logs provided in exhibits A1 and B1 capture the regulatory and non-regulatory requests received through the last meeting that require FGC guidance. The exhibits contain staff recommendations for each request.

- (A) Regulatory requests: As of Oct 1, 2015, Section 662, Title 14 requires that any request for FGC to adopt, amend, or repeal a regulation must be submitted on form FGC 1, Petition to the California Fish and Game Commission for Regulation Change. Petitions for regulation change follow a two-meeting cycle to ensure proper review and consideration. Requests received for a FGC meeting by the late comment deadline or at the meeting during public forum are scheduled for consideration at the next business meeting, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b).

Three petitions are scheduled for action today: One marine petition deferred from Apr to Jun and two marine petitions received in Apr (exhibits A1 and A2 - A4).

- (B) Non-regulatory: Public requests for non-regulatory action follow a two-meeting cycle to ensure proper review and consideration. Requests received for a FGC meeting by the late comment deadline or at the meeting during public forum are scheduled for consideration at the next business meeting.

One non-regulatory request received in Apr is scheduled for action at this meeting (Exhibits B1 and B2).

STAFF SUMMARY FOR JUNE 22-23, 2016

- (C) This item is an opportunity for staff to provide any follow-up information on items previously before FGC.

Significant Public Comments

1. Letter from Governmental Advocates in opposition to squid fishery petition (2015-007) (Exhibit A4)

Recommendation

- (A-B) Adopt staff recommendations for the regulatory and non-regulatory requests to (1) deny the request, (2) grant the request, or (3) refer the request to committee, DFW staff, or FGC staff for further evaluation or information gathering. See exhibits A1 and B1 for specific staff recommendations for each request.
- (C) N/A

Exhibits

- A1. [FGC table of marine requests for regulatory change received through Apr 14, 2016](#)
- A2. [Petition #2015-007 from Dan Yoakum and others concerning squid community permits, received Dec 1, 2015](#)
- A3. [Petition #2016-005 from John Demers concerning lobster trap placement, received Apr 8, 2016](#)
- A4. [Petition #2016-009 from Mike McCorkle concerning lobster permit transferability, received Apr 13, 2016](#)
- A5. [Letter from Governmental Advocates opposing Petition #2015-007, received Jun 1, 2016](#)
- B1. [FGC table of marine requests for non-regulatory change received through Apr 14, 2016](#)
- B2. [Request for non-regulatory change from Martin Strain, received Apr 13, 2016](#)

Motion/Direction

- (A-B) Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for actions on April 2016 regulatory and non-regulatory requests.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for actions on April 2016 regulatory and non-regulatory requests, except for item(s) _____ for which the action is _____.

**CALIFORNIA FISH AND GAME COMMISSION
REQUESTS FOR REGULATORY ACTION
Revised 06-01-2016**

FGC - California Fish and Game Commission DFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

is willing to consider the petition through a process **Deny:** FGC is not willing to consider the petition **Refer:** FGC needs more information before deciding whether to grant or deny the petition

White cells: Referrals to DFW for more information
Red cells: Accepted and moved to a rulemaking

 **Blue cells:** Referrals to FGC staff or committee for more information
 **Yellow cells:** Current action items

Date Received	Response Due (10 work days)	Response letter to Petitioner	Accept or Reject	Name of Petitioner	Subject of Request	Code or Title 14 Section Number	Short Description	Staff Recommendation	FGC Decision
12/1/2015	12/15/15	12/15/2015	A	Dan Yoakum	Squid Fishery	53.00 et al., T14	Allow permits and quotas for a community based squid fishery north of Point Arena.	<i>Deny; inconsistent with FMP goals; would require FMP amendment and biological review which is not a priority at this time. Recommend petitioners work with MRC Fishing Communities discussions including the July 20, 2016 public meeting in Petaluma.</i>	RECEIPT: 2/10-11/16 (NOTE: Action originally scheduled 4/13-14/16; petitioner requested to defer action to June 22-23 meeting) ACTION: Scheduled 6/22-23/16
4/8/2016	4/18/2016	4/24/2016	A	John Demers , Harbor Master Port Hueneme	Lobster traps	122, T14	Prohibit placement of lobster traps and similar devices in the entirety of the safety fairway for the Port of Hueneme	<i>Refer to DFW</i>	RECEIPT: 4/13-14/16 ACTION: Scheduled 6/22-23/16
4/13/2016	4/23/2016	6/14/20016	A	Mike Mc Corkle	Lobster Permit Transferability	122, T14	Change non-transferable permits to transferable with a second tier trap limit of 200	<i>Deny; this was discussed at length and not recommended by the Lobster Advisory Committee for Fishery Management Plan.</i>	RECEIPT: 4/13-14/16 ACTION: Scheduled 6/22-23/16

From: dan yoakum [REDACTED]
Sent: Tuesday, December 01, 2015 9:09 AM
To: FGC
Subject: California market squid proposal for northern waters

2015-007

Tracking Number: (Click here to enter text.)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

Person or organization requesting the change (Dan Yoakum, Mary Fairbanks, Bob Juntz, and the Noyo Harbor Community)

Name of primary contact person: Dan Yoakum

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Title 14, Natural Resources, and Code of Regulations, whereby formulation of general policies in commercial fishing are made. The California Procedure Act is a series of acts of the California legislature, enacted in 1945. "Chapter 3.5 requires and provides that any interested person may petition a State agency to change regulation; these changes include the adoption of a new regulation or the amendment or repeal of an existing one." (fgc.ca.gov) In addition, President

Jack Bayliss, Commissioner Rogers and Director Mastrup suggested this direction.

Overview (Required) - Summarize the proposed changes to regulations: We are requesting creation of regulations to allow permits and quotas for a Community based squid fishery north of Point Arena. We are proposing the creation of a separate market squid quota for the ports of Fort Bragg, Eureka, and Crescent City. Quota and allocation to be controlled by a Community fishery Trust. We are proposing 10,000 tons per port, 3 transferable seine permits in each port, and 10 transferable light boat braille permits all with no vessel size limit. A landing cap of 50 tons per 24 hours for seine and 15 tons per 24 hours for braille, ensuring full sustainability and viability of spawns. All three ports and all permits with access to the area of Point Arena to the California/Oregon border, with landings by vessels of another port going against their home port's quota. This amount was chosen so that on a good year when a fleet may catch this quota, they would make enough to build infrastructure to ensure the ongoing sustainability of the port. It is also important to understand the nature of fishing in northern waters. We are governed by the sea here, more than anything else. It is rough up here, and we are lucky to fish even half the time.

This quota should be separate of the state wide quota and in addition to. This would insure the communities chance to flourish, while not taking anything away from central and southern fishermen.

Rationale (Required) - Describe the problem and the reason for the proposed change: The biggest problem we are facing is the FMP unknowingly took the biggest and most abundant fishery in California and gave it to 55 men. The prices of these permits skyrocketed to over a million dollars, and made it unattainable for fishermen of northern California to have access to a resource that's right out in front of the harbor. Another problem is the quota is based on central California south, not taking into account the enormous amount of squid we have up here. These squid are here year in year out, they are not here due to any El Nino condition. The solution is a community based squid fishery with its own quota in the ports of Noyo, Eureka, and Crescent City. This quota and fishery program will not damage the central and southern fishery, it will give fishing-based communities an opportunity to make use of a natural local resource, creating jobs, industry, and saving these precious ports that are in serious danger of failing soon.

SECTION II: Optional Information

Date of Petition: 11-20-15

Category of Proposed Change

Sport Fishing

Commercial Fishing

Hunting

Other, please specify: [Click here to enter text.](#)

The proposal is to: *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

Amend Title 14 Section(s): [Click here to enter text.](#)

Add New Title 14 Section(s): [Click here to enter text.](#)

Repeal Title 14 Section(s): [Click here to enter text.](#)

If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition [Click here to enter text.](#)

Or Not applicable.

Effective date: March 2016

If the proposed change requires immediate implementation, explain the nature of the emergency: Our home port of Noyo, along with Crescent City, and Eureka have been devastated by the closure of fisheries, and loss of employment. Just recently, a bad salmon season and now a delay in dungeness crab opener has set us back even further. People, families, and businesses are failing here.

Supporting documentation: We request the experimental permits be granted by waiving the criteria they were bound to, to be granted temporarily until this new quota and fishery can be put into place, to begin saving these ports, with fishing and creation of jobs.

Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: The Ca. Dept. of Fish & Wildlife will receive substantial profit in landing fees, there will be hundreds of jobs created in the fishing, offloading, processing, and marketing of squid on the north coast. In Noyo Harbor alone, we've lost so many jobs. We've lost our fuel dock, we are losing our ice house... without these a fishing port cannot survive. We hope to bring back life to the harbor by utilizing a resource that is local and sustainable.

Forms: If applicable, list any forms to be created, amended or repealed:

SECTION 3: FGC Staff Only

Date received: Click here to enter text.

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action:

12/15/15

Meeting date for FGC consideration: Feb 10-11, 2016

FGC action:

- Denied by FGC
- Denied - same as petition _____

Tracking Number

- Granted for consideration of regulation change

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2015 DEC -1 AM 10:18



Tracking Number: (2016-005)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: John Demers

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: The section of the California Code of Regulations that governs this activity (14 CCR 122 (o)) is under the authority of the Fish and Game Commission – Department of Fish and Game

3. Overview (Required) - Summarize the proposed changes to regulations: The Port of Hueneme requests that the entirety of the safety fairway for the Port, as shown on NOAA chart 18724, be placed off limits for the placement of lobster traps and similar devices.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: The Port of Hueneme (Port) is formally requesting the California Fish and Game Commission (Commission) to consider and approve regulation changes that will significantly improve the safety of vessel operations in the vicinity of the Port. The justification for this request is that the placement of commercial fishing equipment within operating areas at the Port currently poses a hazard to safe navigation. The Port has been a popular location for the placement of fishing equipment, primarily lobster traps (pots) but also other various items. These items typically contain large amounts of line that attach the trap itself to a float. If this line becomes entangled in the propulsion or steering equipment of a vessel, the vessel could lose the ability to safely navigate, and risks a collision, allision or grounding. The entanglement could cause significant damage which would require lengthy and costly repairs. Also, the Port has a somewhat difficult approach and a narrow entrance channel. As a part of our routine operations, we receive ocean going vessels up to 230 meters LoA. As these vessels enter or depart, our Harbor Safety Plan requires that they receive the assistance of two tugs to ensure safe transit. If one of these tugs should experience a propulsion or steering casualty from entanglement while engaged in



maneuvering a vessel into or out of the harbor, a significant safety hazard would occur since that tug would be unable to continue to provide vessel assistance. The presence of these fishing devices in the vicinity of the Port greatly increases the chance that a tug will experience a mechanical casualty, and creates the possibility of a collision, allision, or grounding, with the risk of significant damage to the vessel and surrounding structures and the possibility of environmental damage from a fuel or oil leak from the damaged vessel. To date, the Port has tried to manage the situation by working with the local fishing community. Where that has not been fully successful, the Port has taken it upon itself to move traps into safer areas. This method has proven inadequate as the traps soon return. We have spoken with local Fish and Wildlife representatives, as well as the U.S. Coast Guard, who have both advised us that they are unable to provide assistance as there is not currently an enforcement mechanism. This situation has necessitated our request for regulatory changes.

SECTION II: Optional Information

5. **Date of Petition: April 8, 2016**
6. **Category of Proposed Change**
 - Sport Fishing
 - Commercial Fishing
 - Hunting
 - Other, please specify: [Click here to enter text.](#)
7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
 - Amend Title 14 Section(s):122 (o) (2), by adding a new item (D)
 - Add New Title 14 Section(s): [Click here to enter text.](#)
 - Repeal Title 14 Section(s): [Click here to enter text.](#)
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)
Or Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: October 1, 2016
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Click here to enter text.](#)
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: No known impacts, as fishing could occur nearby and replace any losses from not fishing within the safety fairway.
12. **Forms:** If applicable, list any forms to be created, amended or repealed:
[Click here to enter text.](#)



SECTION 3: FGC Staff Only

Date received: April 8, 2016 8:46 AM

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: May 24, 2016

Meeting date for FGC consideration: June 22-23, 2016

FGC action:

- Denied by FGC
- Denied - same as petition _____
- Granted for consideration of regulation change

Tracking Number

RECEIVED AT



State of California -- Fish and Game Commission
PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE
FGC 1 (NEW 10/23/14) Page 1 of 3

APR 13 2016

COMMISSION MEETING
AGENDA ITEM

Tracking Number: ~~2016-001~~

2016-009 (new) McCorkle
Submittal #

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

- Person or organization requesting the change (Required)**
 Name of primary contact person: MIKE MCCORKLE REPRESENTING MY SELF AND
 Address: A NUMBER OF NON TRANSFERABLE PERMITS
 Telephone number: [REDACTED]
 Email address: [REDACTED]
- Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: 14-CFR 50
- Overview (Required)** - Summarize the proposed changes to regulations: _____
SEE ATTACHMENT A.
- Rationale (Required)** - Describe the problem and the reason for the proposed change: _____
SEE ATTACHED LETTER TO COMMISSION DATED 12-10-15



SECTION II: Optional Information

5. **Date of Petition:** 1-5-16 Resubmitted 4-13-16
6. **Category of Proposed Change**
 Sport Fishing
 Commercial Fishing
 Hunting
 Other, please specify: _____
7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
 Amend Title 14 Section(s): DIV. 1, SUBD. 1, CHAPTER 6, 5122 (14CCR 122)
 Add New Title 14 Section(s): _____
 Repeal Title 14 Section(s): _____
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** _____
 Or Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: EFFECTIVE AFTER ADOPTION OF LOBSTER MANAGEMENT PLAN
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: _____
SEE ATTACHED LETTER TO COMMISSION DATED 12-10-15
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: _____
SEE ATTACHED LETTER TO COMMISSION DATED 12-10-15
12. **Forms:** If applicable, list any forms to be created, amended or repealed: _____
NO NEW FORMS REQUIRED UNLESS DEPT. REQUIRES UNDER NEW MANAGEMENT PLAN.



SECTION 3: FGC Staff Only

Date received: 4/13/16

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: 6/22-23/16

FGC action:

- Denied by FGC
- Denied - same as petition: _____
Tracking Number
- Granted for consideration of regulation change

December 10, 2015

Capt. Mike McCorkle
R/V PIEFACE

Mr. Jack Bayliss, President
CALIFORNIA FISH AND GAME COMMISSION
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109

RE: AGENDA ITEM 12, COMMISSION MEETING OF DEC. 9, 2015: LOBSTER MANAGEMENT
PLAN; PERMIT TRANSFERABILITY

At the Dec 9 Commission meeting, you may recall that I spoke in favor of transferable permits for all permittees in the California Spiny Lobster Fishery Management Plan public comment period. When I was finished, Executive Director Sonke Mastrup noted to the public that several years of meetings went into the Plan.

What Mr. Mastrup didn't say was that at every stage of these stakeholder meetings, many of which I attended, I asked that the issue of permit transferability be addressed. I have also had conversations with DFW staff (many of whom have now either retired or quit during the process of Plan development; this was noted by Dr. Shuman in his introduction to the issue). At the meetings, and during conversations with staff, I was consistently informed by Mr. Mastrup and by Dr. Shuman that "we're not going to talk about this." Biologist Kai (last name?) who quit the Department during the process, told me flat out "I've been told not to talk about permit transferability for your type of permit." When I asked Kai who gave him that direction, he would not answer the question.

So, in essence, the subject of consistency in permit transferability across lobster permit types, and across other crustacean permit types (Dungeness Crab and Rock Crab come to mind), has not been adequately addressed by the Department and its relevant staff, by the Lobster Advisory Committee, nor by the Commission. When Director Bonham noted that "this is the future" of California managed fisheries and suggested that the process be transparent, I would have to say that the issue of consistency of transferable lobster permits was as transparent as mud. Frankly, it has been systematically swept under the carpet, and my purpose in speaking to the Commission on December 9, 2015 was to shed light on this opaque part of the Lobster Plan process.

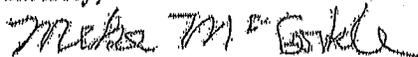
If the Department is worried about "getting the numbers down" (does that mean numbers of permits or numbers of traps), please refer to the information I handed out to the Commission on December 9. If each "second tier" permittee was limited to only 200 traps, that would be an immediate reduction of 4,600 traps (46 permittees reduced from 300 traps to 200 traps). At an average of a pound per trap, that's a reduction of 4,600 pounds of lobster landed every four days throughout the 5 month season, or a reduction of about 172,500 pounds of lobster during a season. Given that the average landings for the

four years this plan has been envisioned is 837,665 pounds, this one action represents a 20 percent reduction in lobster landings. If that isn't "getting the numbers down," I don't know what is. On top of this, when lobster permits were made limited entry (about 15 years ago), and nontransferable permits were issued, there were about 60 (possibly more). Today there are only 46. At that rate of attrition (about one permit per year), there will be continually fewer permits in the future regardless of the transferability issue.

This information could not possibly have been transferred to you in 2 minutes on December 9, hence this letter. Now that you have it before you, I request that you give thorough consideration to including transferability of both "tiers" of lobster permits in the final approved Lobster Management Plan. It is consistent with other crustacean trap permit systems, it reduces effort on the fishery, and it is the right thing to do.

Thank you for giving serious consideration to this proposal. I remain available to answer any questions or address any details you may have.

Sincerely,



CAPTAIN MIKE MCCORKLE
F/V PIEFACE

C: Commissioners
Director Bonham
Marine Region Manager Shuman
Mr. Sonke Mastrup

Mike McCorkle, F/V Pieface, Santa Barbara, CA

CALIFORNIA SPINY LOBSTER DRAFT MANAGEMENT PLAN

IMPROVEMENTS TO PERMIT SYSTEM OVER EXISTING PROPOSAL

BASIC IMPROVEMENT:

ALL LOBSTER PERMITS ISSUED SHOULD BE TRANSFERABLE

1. All tiers of Dungeness Crab permits are transferable
2. All tiers of California Rock Crab permits are transferable
3. Consistency across trap permits is a good goal

THERE SHOULD BE TWO TIERS OF PERMITS:

1. "A" Permit: 300 traps allowed, transferable permit
(or whatever number of traps the Commission ends up deciding)
2. "B" Permit: 200 traps, transferable permit

BY THE NUMBERS:

Transferable:

In 2015 there were 130 transferable permits

There is an unknown number of these transferable permits that do not make landings every year.

Permits recently transferred	<u>2015</u>	<u>2014</u>	<u>2010 to 2015</u>
	6	13	71 (Averaged 14 per year)

Nontransferable:

Nontransferable permits:	<u>2013</u>	<u>2014</u>	<u>2015</u>
	51	48	46

In 2014, only 33 nontransferable permits made landings. 15 made no landings. Some of the 33 permit holders have fished for over 30 years. And the trend is clear: these permits are dwindling anyway.

BENEFITS:

1. Consistency with other trap permit systems in California
2. All lobster permits transferable is simpler, allows value to be retained by fishing businesses
3. Immediately reduces fishing effort by about 4,600 traps (300 down to 200 for 46 permits), improving the lobster stock and the CPUE of remaining traps.



Governmental Advocates, Inc.

May 26, 2016

Ms. Valerie Termini
Executive Director
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2016 JUN - 1 PM 3:16
MNS

RE: Fish & Game Commission Agenda Item - June 22-23, 2016 – Experimental Squid Permits

Dear Ms. Termini,

On behalf of our client, Del Mar Seafood's Inc., we must respectfully oppose the agenda item regarding the proposed issuance of experimental squid permits for a variety of reasons. Although the Commission has the authority to issue these permits under CCR 149.3, we believe that this particular regulation is both unnecessary at this time and disadvantages the current fleet of operators.

It is unclear why the regulation is even necessary given that there are current permits available for sale, so this doesn't appear to be an issue of availability. In addition, this policy would economically disadvantage the current fishing businesses who have invested millions of dollars in their infrastructure, operations and permitting. Additionally, the cost for permits is designed to support the critical enforcement and oversight functions at the Department of Fish and Wildlife. By adding more work to their limited resources without the benefit of additional fees to cover the workload would appear to be bad public policy.

Also, since the catch limits would remain the same, it is only logical that this would negatively affect all the existing commercial fishing operations.

Finally, there doesn't appear to be a timeframe for how long these permits are valid or if they would ever expire. If they are allowed to keep these experimental permits indefinitely, then this creates an inequitable permitting process for the industry and would be counter to the very definition of experimental.

We believe that the Commission's ongoing collaboration with the industry is critical to ensure California's competitiveness in the global market and ensure that California's fishing industry continues to provide critical jobs and revenue to the state.

Thank you for your consideration of our comments and concerns.

Sincerely,


Traci Stevens



Andrew Govonar

Cc: Ms. Susan Ashcraft

**CALIFORNIA FISH AND GAME COMMISSION
 REQUESTS FOR NON-REGULATORY ACTION 2016
 Revised 06-01-2016**

FGC - California Fish and Game Commission **DFW** - California Department of Fish and Wildlife **WRC** - Wildlife Resources Committee **MRC** - Marine Resources Committee

Grant: FGC is *willing to consider* the petition through a process **Deny:** FGC is *not willing to consider* the petition **Refer:** FGC *needs more information* before deciding whether to grant or deny the petition

 **Green cells:** Referrals to DFW for more information
 **Lavender cells:** Granted

 **Blue cells:** Referrals to FGC staff or committee for more information
 **Yellow cells:** Current action items

Date Received	Name of Petitioner	Subject of Request	Short Description	Staff Recommendation	FGC Decision
4/13/2016	Martin Strain	Pt. Reyes Oyster Company	Requests lease renewals be rescheduled for consent at a future FGC meeting.	N/A; Item granted by FGC in Apr	RECEIPT: 4/13-14/2016 ACTION: FGC granted on 4/13/16 and scheduled for June agenda

RECEIVED AT

Martin Strain
Point Reyes Oyster Company

APR 13 2016

April 12, 2016

COMMISSION MEETING
AGENDA ITEM 2

Martin Strain

California Fish & Wildlife Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Dear Commissioners,

We are part of a long tradition of farmers that have cultured shellfish along the shores of Tomales Bay since the 1870's. We began farming mussels in Tomales Bay after the Commission granted our first 5-acre lease in 1985. Since then we have been granted an additional 87 acres of leases over the years and we have managed to culture millions of oysters, clams, and mussels in that time period. Our farming activities have enabled us to feed millions of people in the greater Bay Area and further afield.

It has been a tremendous privilege to be able to farm the waters of the state. And we realize that along with this privilege comes the responsibility for environmental stewardship. We have taken our environmental responsibilities seriously over the past thirty years.

We are one of the few companies that have consistently year in and year out cleaned up after ourselves and others along the bay shores. And while we try to minimize the amount of our culture gear that we lose, we have been unable to eliminate all gear loss. The environment where we work is sometimes very harsh and oftentimes gear wears, brakes, and fails and is blown away in storms. Other times gear is not properly attached due to a number of factors and blows away before it is attached. Any gear lost is a cost to us. We strive to minimize these losses.

But all in all, we have been diligent in improving our gear, pursuing the gear that we have lost, and recovering the vast majority of it. We have come under a lot of criticism recently by some members of the public who have made claims that we are responsible for all lost gear on the bay. We wish to inform you that this is untrue. These individuals are unable to identify the ownership of the gear and are trying to lay all the blame of what they are finding on Pt. Reyes Oyster Company. In fact, none of the gear that we have recovered in recent cleanups belonged to us. All of the gear that we recovered originated on other farms.

We are committed to environmental stewardship and upholding the best management practices which growers in Tomales Bay have cooperatively prepared. These management practices are included with this submission.

We do participate in quarterly cleanups of lost aquaculture gear and other debris that accumulates on the shores of the bay. The Tomales Bay shellfish growers organize and execute the cleanups; much of which has been documented by Hog Island Oyster Company.

The staff from the Department of Fish and Game has inspected our lease and their reports on the conditions of our leases will corroborate our account. Furthermore the Fish and Game staff put forward the renewal of our two leases M430-13 and M430-17 on the consent calendar specifically because they had no reservations about our past and current aquaculture practices. We respectfully request that you place these two lease renewals back on the Commission agenda for one of your upcoming meetings.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martin Strain", written in black ink. The signature is fluid and somewhat stylized, with a long horizontal line extending from the end of the name.

Martin Strain
President,
Point Reyes Oyster Company, Inc.