

## STAFF SUMMARY FOR JUNE 24-25, 2020

**EXECUTIVE SESSION****Today's Item****Information** ☐**Action** ☒

Executive session will include four standing topics:

- (A) Pending litigation to which FGC is a party
- (B) Possible litigation involving FGC
- (C) Staffing
- (D) Deliberation and action on license and permit items

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

During the public portion of its meeting, FGC will call a recess and reconvene in a closed session pursuant to the authority of Government Code subsections 11126(a)(1), (c)(3), and (e)(1), and Section 309 of the California Fish and Game Code. FGC will address four items in closed session:

**(A) Pending litigation to which FGC is a party**

See agenda for a complete list of pending civil litigation to which FGC is a party, at the time the agenda was made public.

**(B) Possible litigation involving FGC**

None to report at the time the meeting binder was prepared.

**(C) Staffing**

For details about staffing, see the executive director's report under Agenda Item 3 for today's meeting.

**(D) Deliberation and action on license and permit items**

- I. *Anderson salmon vessel permit appeal:* Consider the appeal filed by Michael Anderson in Agency Case No. 19ALJ14-FGC regarding his request to renew his salmon vessel permit. On Jun 6, 2019, Mr. Anderson filed an appeal with FGC. On Feb 21, 2020, FGC granted Mr. Anderson's appeal and subsequently entered the attached decision (Exhibit D1). The order requires the fees be paid within 60 days of the decision. Mr. Anderson requested additional time to pay the pending fees due to economic hardship based on the COVID-19 pandemic (Exhibit D2). A proposed revised decision is included as Exhibit D3.
- II. *Buschmann transferable market squid vessel permit appeal:* Consider the appeal filed by Christian Buschmann in Agency Case No. 20ALJ05-FGC, regarding his request to renew his transferable market squid vessel permit. On May 5, 2020, DFW provided Mr. Buschmann notice that DFW could not reinstate Mr. Buschmann's transferable market squid vessel permit (Exhibit D4). On Jun 3, 2020, Mr. Buschmann filed an appeal with FGC (Exhibit D5). On

STAFF SUMMARY FOR JUNE 24-25, 2020

Jun 10, 2020, DFW submitted a letter to FGC stating that DFW does not oppose granting the appeal (Exhibit D6).

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

**Recommendation**

**FGC staff:** Approve the revised order regarding the appeal of Michael Anderson given his stated economic hardship based on the unprecedented circumstances associated with the COVID-19 pandemic. Grant the appeal filed by Christian Buschmann.

**Exhibits**

- D1. [Anderson Decision](#), dated Feb 21, 2020
- D2. [Email from Michael Anderson to FGC](#), dated Apr 21, 2020
- D3. [Revised \[draft\] decision for Michael Anderson](#)
- D4. [Letter from DFW to Christian Buschmann](#), dated May 5, 2020
- D5. [Letter from Chris Buschmann to FGC](#), dated Jun 3, 2020
- D6. [Letter from DFW to FGC](#), dated Jun 10, 2020

**Motion/Direction**

- (D) Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission approves the revised order regarding the appeal of Michael Anderson.

**AND**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission grants the appeal filed by Christian Buschmann.

BEFORE THE FISH AND GAME COMMISSION  
STATE OF CALIFORNIA

In the Matter of the Appeal by:

Case No. 19ALJ14-FGC

Michael Anderson

Appellant.

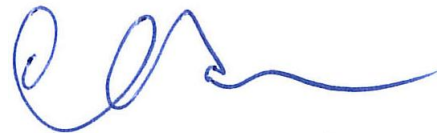
**Decision**

Pursuant to the authority provided in Fish and Game Code Section 7852.2, subdivision (d), and Government Code section 11445.20, the Fish and Game Commission hereby orders that:

1. The Commission hereby grants reinstatement of the salmon vessel permit (#SA0724) (Permit) previously issued to Mr. Anderson by the Department of Fish and Wildlife (Department).
2. The Appellant must pay the Department all license, permit, and late fees owed pursuant to Section 7852.2, subdivision (a) and the fees owed for the 2019-2020 permit year, within 60 days of this Decision, which total **\$ 1,764.98**.
3. The Department shall issue Appellant the Permit if the fees are paid consistent with this Decision.

This decision shall become effective the 25th day of February 2020.

IT IS SO ORDERED this 21st day of February 2020.



Eric Sklar, President

**From:** Mike Anderson [REDACTED]  
**Sent:** Tuesday, April 21, 2020 10:07 AM  
**To:** Yaun, Michael@FGC <[Michael.Yaun@fgc.ca.gov](mailto:Michael.Yaun@fgc.ca.gov)>  
**Subject:** Re: Agency case no. 19ALJ14-FGC, Anderson Appeal - final decision

Me. Yuan,

I am entering week five of no employment due the the Coronavirus virus pandemic. Federal and state assistance has not arrived in a timely fashion. Who must I petition for an extension for the pending fees to reinstate my CA salmon license?

Thank you

Sent from my iPhone

BEFORE THE FISH AND GAME COMMISSION  
STATE OF CALIFORNIA

In the Matter of the Appeal by:

Case No. 19ALJ14-FGC

Michael Anderson

Appellant.

**Revised Decision**

Pursuant to the authority provided in Fish and Game Code Section 7852.2, subdivision (d), and Government Code section 11445.20, the Fish and Game Commission hereby orders that:

1. The Commission hereby grants reinstatement of the salmon vessel permit (#SA0724) (Permit) previously issued to Mr. Anderson by the California Department of Fish and Wildlife (Department).
2. The Appellant must pay the Department all license, permit, and late fees owed pursuant to Section 7852.2, subdivision (a), and the fees owed for the 2019-2020 permit year, which total **\$ 1,764.98**.
3. The Department shall issue Appellant the Permit if the fees are paid consistent with this Decision and any required fees for future fishing years not subject to this order.

This decision shall become effective the \_\_\_\_ day of June 2020.

IT IS SO ORDERED this \_\_\_\_ day of June 2020.

\_\_\_\_\_  
Eric Sklar, President



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
License and Revenue Branch  
1740 N. Market Blvd.  
Sacramento, CA 95834-1997  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



**CERTIFIED MAIL**

May 5, 2020

Mr. Christian W. Buschmann  
[REDACTED]

**SUBJECT: NOTICE OF DENIAL FOR REINSTATEMENT OF A TRANSFERABLE  
MARKET SQUID VESSEL PERMIT, PERMIT NUMBER SVT027**

Dear Mr. Buschmann:

This letter is in response to your request to reinstate your Transferable Market Squid Vessel Permit (TMSVP) for the F/V *St. Teresa* (FG38647).

**Authority-Market Squid Vessel Permit**

Pursuant to California Code of Regulations (CCR), Title 14, Section 149.1(g), all application and permit fees specified in CCR, Title 14, Section 705, for renewal of Market Squid Vessel Permits, Market Squid Brail Permits, and Market Squid Light Boat Permits, must be received by the California Department of Fish and Wildlife (Department) at the address specified on the application, or, if mailed, postmarked on or before April 30 of each permit year. Late fees, late fee deadlines, and late renewal appeal provisions are specified in Fish and Game Code (FGC) Section 7852.2.

**Authority-Late Renewal Applications**

FGC Section 7852.2(a) establishes a graduated late fee for any renewal application that is received after the deadline.

FGC Section 7852.2(b) states the Department shall not waive the applicable late fee. Additionally, FGC Section 7852.2(c) requires the Department to deny any application for renewal received after March 31 of the permit year following the year in which the applicant last held a valid permit for that fishery.

**Reason for Appeal to the Department**

In your email dated April 23, 2020, you requested that TMSVP, permit number SVT027, for the F/V *St. Teresa* (FG38647) be reinstated.

**Department Findings**

Department license records show that the F/V *St. Teresa* last held a valid TMSVP in 2018-2019, which made you eligible to renew the permit for the 2019-2020 permit year.

Mr. Christian W. Buschmann

May 5, 2020

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**Department Determination**

Your request to reinstate your TMSVP for the F/V *St. Teresa* is denied because the F/V *St. Teresa* last held a valid TMSVP in the 2018-2019 permit year. The Department received your request for reinstatement on April 23, 2020. FGC Section 7852.2(c) requires the Department to deny any application for renewal received after March 31 of the permit year following the year in which the applicant last held a valid permit for that fishery.

**Deadline to File an Appeal to the Fish and Game Commission**

If you wish to appeal the Department's decision, you must submit a written appeal to the Fish and Game Commission (Commission) either by mail at P.O. Box 944209, Sacramento, CA 94244-2090, or by email at [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov). Pursuant to FGC Section 7852.2(d), your written appeal must be received within 60 days of the date of this letter. The Commission, upon consideration of the appeal, may grant the renewal of the TMSVP. If the Commission grants the renewal, it shall assess the applicable late fees, which amount to **\$7,688.25**. A fee schedule is enclosed.

If you have any questions or require further assistance, please contact Ms. Genalyn Lobel at (916) 928-5816 or [Genalyn.Lobel@wildlife.ca.gov](mailto:Genalyn.Lobel@wildlife.ca.gov).

Sincerely,



Joshua Morgan, Chief  
License and Revenue Branch

cc: Ms. Melissa Miller-Henson  
Fish and Game Commission  
Sacramento, CA

Ms. Genalyn Lobel  
California Department of Fish and Wildlife  
Sacramento, CA





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



May 5, 2020

Mr. Christian W. Buschmann (L91206)  
Fees Required for Reinstatement of a  
Transferable Market Squid Vessel Permit (TMSVP)  
Permit Number SVT027  
F/V St. Teresa (FG38647)

Prior Year Fees		Permit Fees
2019-2020	Nonresident Commercial Boat Registration	\$1,122.00
	TMSVP	\$2,937.00
	Late Fee (61 days to March 31, 2019)	<u>\$627.50</u>
Prior Year Fees Due		<b>\$4,686.50</b>
Prior Year permit fees must be paid before a 2020-2021 TMSVP can be issued.		
Current Year Fees		
2020-2021	TMSVP	<u>\$3,001.75</u>
Total Current Fees		<b>\$3,001.75</b>
Total Fees Due		<b>\$7,688.25</b>

If the Fish and Game Commission grants the renewal of the permit, payment of \$7,688.25 would be due.



Chris Buschmann



California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

June 3, 2020

Sent via email

Re: Appeal of Market Squid Vessel Permit Denial (SVT027)

Dear Commissioners,

I am writing to respectfully request that you reinstate my market squid vessel permit for my fishing vessel, the St. Teresa (SVT027). On May 5, 2020, the Department of Fish and Wildlife (DFW) denied my application to renew my permit because my application was submitted after the March 31, 2020 deadline. As described below, a variety of circumstances contributed to my oversight in failing to timely renew my permit. While this mistake was certainly my fault, I took all possible steps to renew my permit upon becoming aware of the oversight. This permit is absolutely critical to my livelihood, particularly during these trying times, as I struggle to keep afloat and provide for my family. If renewed, I will make sure that I do not repeat this mistake again.

I grew up in a fishing family and have been a fisherman since I purchased my first boat when I was 19 years old. Over the years, I have regularly maintained my fishing licenses in Alaska, Washington, Oregon, and California. Once I was able to purchase the St. Teresa, a 58-foot purse seine vessel, I was excited to obtain a California market squid vessel permit in 2018. I could not wait to participate in a fishery I enjoy for the benefit of my family and become a member of the California squid fishing community.

It appears that DFW sent a notice to my Alaska business address in December 2019, stating that I needed to renew my permit. I was not in Alaska at the time and did not see any written notification regarding my permit renewal until I tried to renew my permit in April and learned that I had missed the deadline. During this time, I was consistently engaged in both the crab fishery in Oregon and Washington and the squid fishery in Oregon. In March, I was extremely busy trying to do everything possible to land whatever product I could, given the very uncertain times during the coronavirus pandemic. This contributed to my oversight in missing the permit renewal deadline. In previous years, I have made sure to stay on top of these deadlines and file on time. Regardless, it was my mistake that I did not renew on time.

In April, I discovered this oversight when I tried to renew my permit at the same time as my other state permits and licenses. I found my California permit was unavailable to renew because I had inadvertently missed the deadline for doing so. After learning I needed to renew my permit, I

immediately tried to do so but communications with DFW were difficult given that DFW's offices were shut down due to COVID-19. I tried nine different numbers within DFW in an effort to discuss with staff.

This permit is essential to my business, particularly given the economic downturn. I am missing critical fishing time right now and my small fishing operation may not survive if I am not able to fish for squid this year. I humbly ask that you allow me to renew my permit, with the appropriate late fees and any other fees required for reinstatement.

I realize this is a failure on my part and I will not let it happen again. I have already taken steps to ensure better tracking of California permit and license renewals so that this does not fall through the cracks in the future. I will prioritize this renewal every year and I promise we will not have this issue again. Please let me fish!

Thank you for your time and consideration.

Chris Buschmann



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Office of the General Counsel  
P.O. Box 944209  
Sacramento, CA 94244-2090  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



June 10, 2020

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

Re: *In the Matter of Christian Buschmann*

Dear Commissioners:

This letter is in response to Christian Buschmann's appeal of the Department of Fish and Wildlife's ("Department") denial of his request to renew his Transferable Market Squid Vessel Permit, #SVT027 ("Permit"). The Permit was last valid during the 2018-19 fishing year. Mr. Buschmann submitted his appeal to the Commission on June 3, 2020. The Department will not be participating in this appeal and accordingly, does not oppose the renewal of the Permit for the 2020-2021 fishing year provided that he pays all applicable fees.

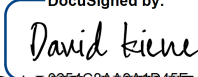
The fees that Mr. Buschmann must pay to renew the Permit are described in Fish and Game Code, section 7852.2 ("Section 7852.2"), subdivision (a). Section 7852.2, subdivision (a) states:

- (a) In addition to the base fee for the license, stamp, permit, or other entitlement, the department shall assess a late fee for any renewal the application for which is received after the deadline, according to the following schedule:
- (1) One to 30 days after the deadline, a fee of one hundred twenty-five dollars (\$125).
  - (2) Thirty-one to 60 days after the deadline, a fee of two hundred fifty dollars (\$250).
  - (3) Sixty-one days or more after the deadline, a fee of five hundred dollars (\$500).

To emphasize that these fees must be paid, Section 7852.2, subdivision (b) states that "The department shall not waive the applicable late fee," while subdivision (d) states "If the commission grants renewal, it shall assess the applicable late fee pursuant to subdivision (a)." The fees total **\$7,688.25** and are described in the attached fee statement.

If you have any questions please contact me at the address above or by telephone number (916) 651-7646, or e-mail at [David.Kiene@wildlife.ca.gov](mailto:David.Kiene@wildlife.ca.gov).

Sincerely,  
DocuSigned by:

  
0251C8A4A1D45E

DAVID KIENE  
Senior Staff Counsel

Cc: Robert Smith  
Attorney for Christian Buschmann



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



May 5, 2020

Mr. Christian W. Buschmann (L91206)  
Fees Required for Reinstatement of a  
Transferable Market Squid Vessel Permit (TMSVP)  
Permit Number SVT027  
F/V St. Teresa (FG38647)

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If the Fish and Game Commission grants the renewal of the permit, payment of \$7,688.25 would be due.