

COMMITTEE STAFF SUMMARY FOR MARCH 23, 2017

5. NEARSHORE COMMERCIAL FISHERY PERMIT STRUCTURE**Today's Item**Information Direction

Receive presentation from DFW staff on proposed changes to the current commercial permit structure for nearshore and deeper nearshore fisheries, and present proposed transfer fees.

Summary of Previous/Future Actions

- Public petition for regulation change received Aug 6, 2014; FGC, San Diego
- FGC refers petition to DFW for review Oct 8, 2014; FGC, Mt. Shasta
- MRC receives DFW review and recommendation Nov 15, 2016; MRC, Los Alamitos
- FGC accepts MRC recommendation Dec 7, 2016; FGC, San Diego
- **Today receive DFW update on fees Mar 23, 2017; MRC, San Clemente**

Background

California's nearshore fishery includes 19 species managed jointly through state and federal actions, and is governed in part through the FGC-adopted *Nearshore Fishery Management Plan* (adopted in Aug 2002). The commercial fishing permit program includes two separate permits: The nearshore fishery permit (NFP) for ten nearshore species, and the deeper nearshore species fishery permit (DNSFP) for eight deeper species. Permit transferability rules allow transfer of NFPs on a 2-for-1 basis, while DNSFPs are non-transferable. Fishery participants across the state have expressed dissatisfaction with the permit structure, in part due to constraints on fleet flexibility and viability, leading to FGC receiving a regulation change request in 2014.

At the Nov 2016 MRC meeting, DFW responded with a proposal to streamline and improve the permit structure while still maintaining fishery stability and biological capacity goals by (1) changing NFP transfers to 1-for-1; and (2) allowing DNSFPs to transfer 1-for-1. DFW identified a range for new transfer fees to accompany each permit type transfer. In Feb 2017, FGC approved the MRC recommendation to prepare a rulemaking based on DFW proposed changes. However, FGC requested DFW return to MRC with specific proposed transfer fees at the Mar 2017 MRC meeting.

Today, DFW will provide an update to MRC on the status of the proposed changes and regulatory timeline, and present a specific fee recommendation for permit transfers.

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

FGC staff: Develop an MRC recommendation for specific transfer fees for inclusion in the rulemaking.

DFW: Will present its recommendation at the MRC meeting.

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Exhibits

1. [DFW presentation: *Nearshore Fishery Permits*](#)

Committee Direction/Recommendation

MRC recommends that FGC approve for inclusion in the proposed rulemaking currently under development a permit fee of _____ for nearshore fishery permits and _____ for deeper nearshore fishery permits, and the minor permit processing procedure changes identified by DFW.

Nearshore Fishery Permits



DFW file photos



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Marine Resources Committee Meeting

March 23, 2017



Overview

- * **Background**
 - ❖ **Previous Discussions**
 - ❖ **Describe nearshore permits**
- * **Proposed changes to nearshore permits**
- * **Recommended permit transfer fees**
- * **Additional minor changes**
- * **Regulatory timeline**



Previous Discussions

* MRC meeting, November 2016

- Support for 1-for-1 transfer for both shallow and deeper nearshore permits
- Not limit the number of deeper permit transfers
- Department to come back in March 2017 with transfer fee recommendation

* Commission meeting, December 2016

- Voted to move forward with nearshore permit transfers
- Expressed support for 1-for-1 transfers without limits



Nearshore Fishery Permit aka Shallow Permit

- * Restricted access program
- * Regional permit
- * Hook-and-line, dip net and trap gear
- * Permit fee \$707.25

Transfer Requirements

- Two transferable NFPs for the same region
- Notarized letters from buyer and sellers
- Transfer fee \$500

Species

- * Cabezon
- * California scorpionfish
- * California sheephead
- * Kelp and rock greenlings
- * Rockfishes:
 - Black-and-yellow
 - China
 - Gopher
 - Grass
 - Kelp



Deeper Nearshore Species Fishery Permit aka Deeper Permit

- * Permit moratorium
- * Statewide permit
- * No gear restrictions
- * Permit fee \$180.25

Transfer requirements

- Not transferable

Species

* Rockfishes:

- Black
- Blue
- Brown
- Calico
- Copper
- Olive
- Quillback
- Treefish



Proposed Changes to Nearshore Permits

- * **Change Shallow Permit transfers to 1-for-1**
- * **Allow Deeper Permits to transfer 1-for-1**
- * **Transfer paperwork changes**
 - **notarized letters to notarized form**



Recommended Permit Transfer Fees

- * **Current transfer fees**

- \$500 for shallow permits
- No transfer fee for deeper permits

- * **Proposed transfer fees**

- \$1,000-2,000 for shallow permits
- \$1,000-2,000 for deeper permits



Minor Technical Changes

- * **Allow two years for transferable permits to transfer when permittee dies**
- * **Delay transfer if action pending against permit holder**
- * **Require that nontransferable permits are surrendered to LRB when permittee dies**



Other Minor Changes

- * **Change Section 150.02 title for clarification**
- * **Clarify one shallow permit per person regardless of the region**
- * **Streamline appeals process**



Regulatory Timeline

- * **MRC March 2017-Oceanside**
- * **Notice June 2017-Crescent City/Fortuna**
- * **Discussion August 2017-Sacramento**
- * **Adoption October 2017-Morro Bay/San Luis Obispo**



Thank You

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