STAFF SUMMARY FOR JUNE 21-22, 2017

2. PUBLIC FORUM (DAY 1)

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

Receipt of public comments, petitions for regulation change, and requests for non-regulatory actions.

Summary of Previous/Future Actions

- **Today's receipt of requests and comments** **Jun 21-22, 2017; Smith River**
- Direction to grant, deny or refer Aug 16-17, 2017; Sacramento

Background

This agenda item is primarily to provide the public an opportunity to address FGC on topics not on the agenda. Staff also includes written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by written comment deadline), or as late comments at the meeting (if received by late comment deadline), for official FGC "receipt."

Public comments are generally categorized into three types under public forum: (1) petitions for regulation change; (2) requests for non-regulatory action; and (3) informational-only comments. Under the Bagley-Keene Open Meeting Act, FGC cannot discuss any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change and non-regulatory requests generally follow a two-meeting cycle (receipt and direction); FGC will determine the outcome of the petitions for regulation change and non-regulatory requests received at today's meeting at the next in-person FGC meeting following staff evaluation.

As required by the Administrative Procedure Act, petitions for regulation change will be either denied or granted and notice made of that determination. Action on petitions received at previous meetings is scheduled under a separate agenda item titled "Petitions for regulation change from previous meetings." Action on non-regulatory requests received at previous meetings is scheduled under a separate agenda item titled "Non-regulatory requests from previous meetings.

Significant Public Comments

1. Petitions for regulation change are summarized in Exhibit 1 and the original petitions are provided in exhibits 3-5.
2. Non-regulatory requests are summarized in Exhibit 2 and the original requests are provided in exhibits 6-7.
3. An informational comment is provided in Exhibit 8.

Recommendation

Consider whether any new future agenda items are needed to address issues that are raised during public comment and are within FGC's authority.

Exhibits

1. Summary table of new petitons for regulation change received by Jun 8 at 5:00 p.m.
2. Summary table of new non-regulatory requests received by Jun 8 at 5:00 p.m.
3. Petiton 2017-003: Parking exemption at Ballona Wetlands Ecological Reserve
4. Petition 2017-004: Market squid fishing quota for northern California
5. Petition 2017-005: Northern pink shrimp permits
6. Email from Marin Audubon Society regarding Tomales Bay aquaculture leases, received May 31, 2017
7. Letter from Chris Markoff regarding experimental permits, received May 31, 2017
8. Informational email from San Andreas Shellfish regarding Tomales Bay aquaculture lease request, received Apr 25, 2017

Motion/Direction (N/A)

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR REGULATION CHANGE PETITIONS: RECEIVED BY 5 PM ON JUNE 8, 2017
Revised 06-09-2017

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

Tracking No.	Date Received	Accept or Reject	Name of Petitioner	Subject of Request	Code or Title 14 Section Number	Short Description	FGC Decision
2017-003	5/26/2017	A	Patricia McPherson	Ballona Wetlands Ecological Reserve existing parking areas	630(h)(3), T14	Eliminate parking use exemption for County of Los Angeles leases	**RECEIPT: 6/21-22/2017** **ACTION: Scheduled 8/16-17/2017**
2017-004	6/6/2017	A	Robert Juntz	Market squid	53.03, T14	Authorize a commercial open access fishing opportunity for market squid in northern California (north of Point Arena to the California/Oregon border) under a seasonal quota of 950 tons and daily boat limit of 5 tons	**RECEIPT: 6/21-22/2017** **ACTION: Scheduled 8/16-17/2017**
2017-005	6/6/2017	A	Scott Hartzell	Northern pink shrimp permits	120.2, T14	Create 20 new, non-transferrable, northern pink shrimp permits with specified fees, annual renewal, modified boundaries, and forfeiture conditions	**RECEIPT: 6/21-22/2017** **ACTION: Scheduled 8/16-17/2017**

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR NON-REGULATORY REQUESTS: RECEIVED BY 5 PM ON JUNE 8, 2017
Revised 06-09-2017

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

Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Decision
5/31/2017	Barbara Salzman and Phil Peterson Marin Audubon Society	Aquaculture leases	Recommends FGC not approve any new aquaculture leases in Tomales Bay until an ecological assessment is completed.	**RECEIPT: 6/21-22/2017 ACTION: Scheduled 8/16-17/2017**
5/31/2017	Chris Markoff	Experimental fishing permit	Requests a box crab and California king crab experimental fishing permit .	**RECEIPT: 6/21-22/2017 ACTION: Scheduled 8/16-17/2017**

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 4

2017-003

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

1. **Person or organization requesting the change (Required)**
   Name of primary contact person: Patricia McPherson, Grassroots Coalition

2. **Rulemaking Authority (Required) -** Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish & Game Code Section 1580 ("The commission may adopt regulations for the occupation, utilization, operation,protection, enhancement, maintenance, and administration of ecological reserves..")

3. **Overview (Required) -** Summarize the proposed changes to regulations: This petition proposes to amend Section 630 of the Code of California Regulations, Title 14 to eliminate the parking use exception for "(e)xisting parking areas under leases to the County of Los Angeles" in the Ballona Wetlands Ecological Reserve, by striking paragraph (b)(9)(f). The purpose of this proposed change is to convert approximately 72,000 square feet of paved parking lot, used by an unrelated County agency and by staff and patrons of a private shopping plaza, to a use more compatible for a public ecological reserve.

4. **Rationale (Required) -** Describe the problem and the reason for the proposed change: Ballona Wetlands--During private ownership, destruction of the pickleweed habitat in this protion of Ballona was done roughly 15-20 years ago to create a "temporary" gravel parking lot for use during the Olympics in Los Angeles. The "temporary-ness" of the parking gave way to the private owners' leasing of the site to the County for employees working in the Fisherman's Village site, across the street. Fisherman's Village, as well as restaurants and businesses across from Ballona's Area A—have contiguous parking lots stretching from Lincoln Blvd. and extending through Fisherman's Village. Throughout the past 20 plus years, the Ballona Wetlands were being tenaciously fought for by multiple organizations and individuals, seeking to save the rare wetlands. After over 20 years of lawsuits and new geiotechnical findings, a willing seller emerged in 2004, costing taxpayers over 140 million dollars

in bond funds to acquire and restore Ballona. None of the bond funds approved by the public for acquisition and restoration of Ballona included any foreseeable need of parking features being constructed on the site would would casue a further lessening of habitat acreage in the small Reserve.

Plentiful lots for public parking already exist throughout the area inclusive of free public lots that are directly adjacent to Ballona. There is plentiful roadway parking available. Ample public parking lots currently exist directly adjacent to and just off-site of BWER which include free public parking lots. Numerous public parking lots exist throughout the Marina del Rey, Venice and Playa del Rey area, inclusive of lots that enlist shuttle buses that traverse the area negating any need of development upon the already small wildlife habitat Reserve.

CDFW FAILURE TO DISCLOSE The current EIR/S process did not notice the public of any potential use of any portion of BWER for development into parking or parking structures. CDFW activities regarding Ballona's restoration and CDFW internal communications with the Department of Beaches and Harbor regarding the creation of a 3-story parking structure on Area A (across from Fisherman's Village), were DISCOVERED by Grassroots Coalition in a Public Record Act requests to the County of LA. At no time did CDFW discuss or alert the public to the ongoing use of bond money for contracted architectural diagrams and work planning pertaining to the the parking structure and lot area on Ballona Wetlands. In fact, the area's County Supervisor's office disavowed any knowledge of such ongoing work. Further Public Record Act responses revealed that, at least since 2011, CDFW had been working with County Dept. of Beaches and Harbor and their desire to construct a large 3-story parking structure within Ballona Reserve, across from Fisherman's Village as both looked to the potential future mega development of the marina and Fisherman's Village.

This proposal is currently part of all 3 alternatives in an administrative draft EIR/S. The 'No Project' alternative is the only alternative that excludes the parking structure. The current parking exception was adopted by the Commission at its August 19,2005 meeting. During this timeframe, the public had just recently acquired the Ballona Wetlands Ecological Reserve (BWER) and there was no effort made by CDFW or the Commission to alert the public regarding the parking exemption and its potential negative effects upon the newly acquired BWER. Most of the public are not aware of the current status and situation of this item coming before the Commission.

CDFW's has had a lack of good faith effort in protective oversight of Ballona. CDFW has had a lack of transparency in dealing with the public and has failed to include the public regarding Ballona. Section 630 provides CDFW, the sole discretion as to whether a more appropriate use of this parcel should take place. It is without a doubt and not questionable that this parcel of land would better serve the flora and fauna of Ballona by being allowed to return as habitat. It is also without question that the public, who purchased Ballona to save it from further destructive development, would be better served by returning the parking lot back to nature.

Under Section 630, CDFW has instead chosen to not exercise its discretion to protect Ballona and has instead, gone behind the backs of the public in its dealmaking regarding Ballonad.

We, as members of the public and as stakeholders, request this regulatory change in order to protect Ballona's habitat for future generations of wildlife and the public's ability to protect and enjoy that wildlife.

Grassroots Coalition also supports the Petition submitted by the Ballona Wetlands Landtrust. Petition 2017-002

5.

SECTION II: Optional Information

6. Date of Petition: May 25, 2017

7. Category of Proposed Change

☐ Sport Fishing
☐ Commercial Fishing
☐ Hunting
☒ Other, please specify: Ecological Reserves

8. 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):630
☐ Add New Title 14 Section(s): Click here to enter text.
☐ Repeal Title 14 Section(s): Click here to enter text.

9. 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.

10. 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: Click here to enter text.

11. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Please note attachments in this email and/or subsequent email citing this petition and support to Petition from Ballona Wetlands Land Trust.#2017-002

12.

13. 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: Elimination of the existing parking lease with Beaches and Harbors would result in $1, 608 in annual lease payuments. Elimination of the existing parking lot and a restoration of the habitat would provide more acreage to the small BWER, hence improve its potentials to function as a wetland habitat and therefore provide the public a higher potential of ecosystem learning and enjoyment benefits.

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

Click here to enter text.

SECTION 3: FGC Staff Only

Date received: ~~Click here to enter text.~~ May 26, 2017

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: June 21-22, 2017

Meeting date for FGC consideration: August 16-17, 2017

FGC action:

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

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

2017-004

Tracking Number: ~~(Reference attached document)~~

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: Robert Juntz, Representing: Caito Fisheries Inc, North Coast Fisheries Inc, Ocean Fresh LLC, Noyo Fish Company, Dan Yoakum (F/V Casey III), Bill Forkner (F/V Shirley) and the Fort Bragg Fishing Community.

2. **Rulemaking Authority (Required) -** Reference to the statutory or constitutional authority of the Commission to take the action requested: Authority cited: Sections 7078, 7701, 7708, 8026, 8425 and 8429.5 and the Fish and Game Code.

3. **Overview (Required) -** Summarize the proposed changes to regulations: We are requesting changes to existing market squid regulations to allow anybody holding a current CA commercial fishing license, and on a CA commercially registered vessel to be able to harvest 5 tons per day of market squid with a cap of 950 tons total in the waters north of Point Arena to the California Oregon border. The fishing methods would be consistent with existing rules, methods, times IE, Methods seine, lampara, braile etc. This 950 tons if not caught between Apr 1st – Jan 1st would revert back to the limited entry permittees. This 950 tons is less than 1 % of existing quota. We are open to variations of this proposal as to fit controlling agencies and user groups. After implementation we would like to reassess this fishery every 3 – 5 years.

4. **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 fishers without taking into account the future needs and access of Northern California Fishing Communities. The prices of these permits have skyrocketed to over one million dollars, and made it unattainable for the fishermen of Northern California to have access to a resource that is 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 here. These squid are here year in and

out; they are not here due to El Nino conditions only. The solution is a community based squid fishery with its own quota in the ports of Noyo, Eureka and Crescent City. This quota will give the local fishing-based communities an opportunity to make use of a natural local resource, create jobs, industry and save these ports that are in serious danger of failing.

SECTION II: Optional Information

5. Date of Petition: 6th of June, 2017

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):149
- ☐ 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 2015-007
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: As Soon As Possible.

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: This proposal would help create jobs and revenue to support the local fishing communities. We are open to current economic taxation on market squid and if this would increase workload on the department an increased tax to accommodate excess workload.

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: 6/8/17 ~~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: June 9, 2017

Meeting date for FGC consideration: August 16-17, 2017

FGC action:

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

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 2

2017-005

Tracking Number: (~~unsure- please enter~~)

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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.

RECEIVED
2017 JUN -6 PM 2:11
CALIFORNIA
FISH AND GAME
COMMISSION

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: Scott R. Hartzell .

2. **Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: **Sections 713, 1050, 8591, 8841, & 8842 Fish & Game Code Ref: Sections 1050, 7852.2, 7858, 8101, 8591,& 8842.**

3. **Overview (Required)** - Summarize the proposed changes to regulations: Create 20 new non-transferable Northern Pink Shrimp permits. To be sold @ $50,000 each & renewed every year or forfeiture. No overall length limit to be associated with the permit. Move the fishery back inside the 3 mile demarcation line with certain exceptions. Require: 10 shrimp deliveries within 5 years or forfeiture

4. **Rationale (Required) -** Describe the problem and the reason for the proposed change: Under utilized fishery, needed revenue for the state and commercial fishermen.

SECTION II: Optional Information

5. **Date of Petition: May 29, 2017**.

6. **Category of Proposed Change**
   ☐ Sport Fishing
   x 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*)
x Amend Title 14 Section(s):Section 120.2, Title 14, CCR, H
☐ 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 x 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: as soon as possible.

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: none.

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: The current Pink Shrimp Fishery has evolve: to have minimal impact on the bottom terrain & its non-targeted species. Create economic gains for California's much needed commercial fisheries.

12. **Forms:** If applicable, list any forms to be created, amended or repealed:
none

SECTION 3: FGC Staff Only

Date received: ~~Click here to enter text.~~ June 6, 2017

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: _____

Meeting date for FGC consideration: _____

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

Marin Audubon Society

P.O. Box 599 | Mill Valley, CA 94942-0599 | marinaudubon.org

May 31, 2017

VIA EMAIL
Valerie Termini, Executive Director
CA Fish and Game Commission
Members of the Fish and Game Commission

Dear Ms. Termini and Commissioners:

This is to convey Marin Audubon Society's concern about possible Commission approval of new aquaculture leases for oyster and geoduck farming on Tomales Bay. We recommend that an environmental assessment be prepared before any further leases are approved. The assessment should recommend whether any leases, in addition to those that already exist, be approved.

As stated in Audubon California's April 13, 2013 letter on this subject, "Tomales Bay's intertidal hand subtidal habitats have extraordinary resource values for birds, commercial fish and herring." Aquaculture farms are a monoculture that exclude the diversity of species that depend on Tamales Bay. Tomales Bay waters are essential habitat for migratory waterfowl particularly Black Brant which are only found along the coast and nowhere else in the San Francisco Bay Area. It is our understanding that the Black Brant population is showing signs of stress and that scientists think declining habitat quality along migratory routes and overwintering areas is the cause. Eelgrass is a valuable resources that supports many fish and bird species. Aquaculture directly impacts shorebird use of intertidal habitats. As identified in John Kelly's 2001 study, western sandpipers and dunlin avoid intertidal aquaculture areas. During their critical winter migratory period, waterbirds are disturbed by vessel traffic to maintain the aquaculture facilities. In addition, Lagunitas Creek, which empties into Tomales Bay, is a major spawning habitat for the endangered Coho and steelhead. Young of these species depend on wetlands and shallow waters of Tomales Bay as they make their way to the ocean.

A new 45-acre aquaculture farm would cover intertidal habitat and affect water quality of the Bay. It is essential that any approvals for an activity that would have such significant influence on this marine ecosystem be approached with caution and study, and be based on understanding of the resources that it could impact. To ensure Tomales Bay and its resources are not damaged and destroyed, we recommend that:

- A biological assessment be prepared that provides basic information on the biological resources of Tomales Bay to inform the current and any future decision on aquaculture in the Bay. The assessment should identify the potential impacts of aquaculture farming the resources that could be impacted, the locations that are most vulnerable, and sensitive and those that should be avoided.

- A cumulative impact analysis that looks at current uses that already impact the resources, including aquaculture, boating, camping and agriculture, must be prepared.

- Suitable areas that would avoid or minimize impacts to biological resources should be identified, should it be determined that additional aquaculture farms could be operated without damage to the resources.

- A CEQA document must be prepared to analyze the potential impacts of the project

The goal of the environmental assessment, along with review and planning, should be to ensure that the resources of Tomales Bay are not adversely impacted. Whether or not to issue additional leases should be determined after the above assessment and planning efforts are completed.

Tank you for considering our input. The Marin Audubon is a 501(c) (3) organization and the chapter of National Audubon Society in which county Tomales Bay is located. We have approximately 2,000 members.

Sincerely,

Barbara Salzman, Co-chair
Conservation Committee

Phil Peterson, Co-chair
Conservation Committee

cc: Craig Shuman, Director Marin Region CDFW
Susan Ashcraft, Marine Advisor CFGC

F/V JOANNA

CHRIS MARKOFF, Owner and Captain:

May 31, 2017

TO: California Fish and Game Comission

RE: experimental permit for Box Crab and California King Crab

Dear Commission members-

I am a commercial fisherman in San Diego fishing Spot Prawns and Rock Crab. I understand there is a pending experimental permit targeting Box Crab and California King Crab. I would like to be included in this fishery. There is one commercial fisherman in SD that is bragging that he is the only one to get this permit and will have the market cornered for these two products. I don't know if that is accurate but I'd find it very unfair if it were. I am honest, work hard and would like not to be excluded from this experimental fishery.

From reading on the internet. NOAA considers these two species underutilized species.

Please include me in this experimental fishery. The traps I would like to use are made of 2"X2" mesh

Thank You Very Much,

Chris Markoff

A-Mark Superior Seafoods, Inc
16027 Summer Sage Road. Poway, CA 92064

San Andreas Shellfish

April 25, 2017
Re: Update status from Applicant for aquaculture lease in Tomales Bay

Dear Fish and Wildlife Commission,

We write as a courtesy to inform the commission about current development for the proposed aquaculture lease in Tomales Bay.

We would like to thank the commission for accepting the application for a new aquaculture operation on February 2017, as we are sure you are aware of the importance to help promote the growth of this industry. Due to the nature and complexity of such proposals, we realize that the proposal remain transparent. We encourage input from the Commission and others, while understanding the need for flexibility and amendments to a proposal is vital for its success.

Our current mission is to address the many concerns brought forth with detailed and absolute precision to encompass public use, environmental values and protection.

One item that has been contingent upon completion prior to the next step in the application process; (in the public's interest, and initial study), is eelgrass. "Eelgrass provides important foraging areas and shelter to young fish and invertebrates, food for migratory waterfowl and sea turtles, and spawning surfaces for invertebrates and fish such as the Pacific herring." "All mapping efforts should be completed during the active growth period for eelgrass (typically May through September for northern California) and should be considered valid for a period of 60 days to ensure significant changes in eelgrass distribution and density do not occur between survey date and the project start date. The 60 day period is particularly important for eelgrass habitat survey conducted at the very beginning of the growing season, if eelgrass habitat expansion occurs as the growing season progresses."

Because the original application was submitted outside the recommended eelgrass survey season, we are aware the footprint of the proposed area may be altered due to further analysis of actual eelgrass locations. We are aware the Commission and Department recommend avoid farming within 10 feet of eelgrass. NOAA Fisheries, California Eelgrass Policy and Implementing Guidelines, notes "The influence of eelgrass on the local environment can extend up to 10 m from individual eelgrass patches" For this reason and until a more detailed survey has been completed, we outlined our original footprint inside both recommended buffers. Due to the fluctuation of weather and tidal patterns, scheduling an ideal time for surveys can be challenging. We currently have a survey team scheduled for a low tide in June, 2017. The middle of the eelgrass-growing season. This should provide an accurate base survey, which may be verified by the CDFW and can be repeated within 60 days prior to the acceptance of the proposal if needed.

It is not the intent of San Andreas Shellfish to have this letter included as part of the agenda at the upcoming Fish and Wildlife Commission meeting on April 26th and 27th, but rather to inform the commission that we have been working diligently to address the many topics and concerns presently, and in the future. We are aware of the degree of severity, to protect and enhance the delicate ecosystem in and around the waters of Tomales Bay in a responsible and sustainable manner through communication and accountability.

- http://www.slc.ca.gov/About/Public_Trust.html
- http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final%20CEMP%20October%202014/cemp_oct_2014_final.pdf