

STAFF SUMMARY FOR FEBRUARY 7-8, 2018

14. MARINE NON REGULATORY REQUESTS**Today's Item**Information Action

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

- (A) Action on non-regulatory requests received at the Dec 2017 meeting.
- (B) Update on pending non-regulatory requests referred to FGC staff or DFW for review.

Summary of Previous/Future Actions

(A)

- FGC receipt of requests Dec 6-7, 2017; San Diego
- **Today's action on requests Feb 7-8, 2018; Sacramento**

(B)

N/A

Background

FGC provides direction regarding requests from the public received by mail and email and during public forum at the previous FGC meeting. Public requests for non-regulatory action follow a two-meeting cycle to ensure proper review and consideration.

- (A) **Non-regulatory requests.** Non-regulatory requests scheduled for consideration today were received at the Dec 2017 meeting in one of three ways: (1) submitted by the comment deadline and published as tables in the meeting binder, (2) submitted by the late comment deadline and delivered at the meeting, or (3) received during public forum.

Today, seven non-regulatory requests received at the Dec 2017 meeting are scheduled for action. Exhibit A1 summarizes and contains staff recommendations for each request; see individual written requests in exhibits A2-A3.

- (B) **Pending non-regulatory requests.** This item is an opportunity for staff to provide a recommendation on non-regulatory requests that were scheduled for action at a previous meeting and referred by FGC to staff or DFW for further review.

No items are scheduled for action today.

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

- (A) Adopt staff recommendations for Dec 2017 non-regulatory requests to (1) deny; (2) grant; or (3) refer to committee, staff or DFW for further evaluation or information-gathering. See Exhibit A1 for staff recommendations.

STAFF SUMMARY FOR FEBRUARY 7-8, 2018

Exhibits

- A1. [FGC decision list for marine non-regulatory requests received through Dec 7, 2017](#)
- A2. [Email from Matthew Logan Liso, received Nov 19, 2017](#)
- A3. [Letter from Ray Fields, The Abalone Farm, Inc., received Nov 22, 2017](#)

Motion/Direction

(A) Moved by _____ and seconded by _____ that the Commission adopts the staff recommendation for actions on December 2017 non-regulatory requests.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for actions on December 2017 non-regulatory requests, except for item(s) _____ for which the action is _____.

CALIFORNIA FISH AND GAME COMMISSION
DECISION LIST FOR MARINE NON-REGULATORY REQUESTS FOR ACTION THROUGH DEC 7, 2017
 Revised 01-25-2018

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	Staff Recommendation
11/19/2017	Matthew Logan Liso	Experimental permit	Requests experimental trap permit for box crab.	Receipt: 12/6-7/2017 Action scheduled: 2/7-8/2018	Deny; in Dec 2017, FGC decided to not issue any permits until program criteria are developed and approved. Note that FGC staff will track individual requests until the criteria are established.
11/22/2017	Ray Fields The Abalone Farm, Inc.	Extend lease of kelp beds	Requests exercise of option to extend leases for kelp beds 204 and 207 for another 5-year term.	Receipt: 12/6-7/2017 Action scheduled: 2/7-8/2018	Grant; add to the meeting schedule once a draft lease is developed by FGC and DFW staff for FGC approval.
12/7/2017	Wayne Kotow	Sewage contamination	Requests that FGC look into impacts to marine ecosystems resulting from sewage contamination and spills out of Tijuana River.	Grant on 12/6-7/2017; FGC requested DFW provide an update at a future FGC meeting. President Sklar offered to follow up with DFW in advance.	
12/7/2017	Pete Halmay	Small scale fisheries	Recommends using fishermen to collect necessary data to open new, small-scale fisheries, which are often hampered by lack of data or priority.	Receipt: 12/6-7/2017 Action scheduled: 2/7-8/2018	No FGC action required; comment received by DFW.
12/7/2017	Wendy Tochihara	Artificial reefs	Requests support to advance artificial reef program.	Receipt: 12/6-7/2017 Action scheduled: 2/7-8/2018	No FGC action required; comment received by DFW.
12/7/2017	Luigi Sanfillipo	Commercial fishery permits	Requests that his permits be restored. DFW "took permits away" from him due to lack of use or not meeting new qualifying criteria despite years of paying for permits. The permits are important for his portfolio in case any fishery he actively fishes becomes economically unviable.	Grant for review on 12/6-7/2017; FGC requested FGC and DFW staff review this request.	
12/7/2017	Joel Rambaud	Abalone poaching	Requests that there be greater penalties for poachers in order to discourage illegal take of abalone and other endangered seafood.	Receipt: 12/6-7/2017 Action scheduled: 2/7-8/2018	Deny; outside FGC authority. The California State Legislature is responsible for establishing enhanced penalties for poaching.

Subject: RE: Experimental trap permit for box crab

From: Robin Eschler

Sent: Sunday, November 19, 2017 5:23 PM

To: FGC <FGC@fgc.ca.gov>

Cc: Matt Liso

Subject: Experimental trap permit for box crab

Dear Fish and Wildlife.

I am requesting an experimental trap permit for box crab. I am a commercial fisherman on the Central Coast out of Santa Barbara. My GO ID is _____, and my Commercial Fishing License ID is L54752.

Please notify me by reply email to both _____ and _____ with any questions or further requirements for gaining an experimental trap license for box crab.

Sincerely,
Matthew Logan Liso

CA

From: Ray Fields <Ray@abalonefarm.com>
Sent: Wednesday, November 22, 2017 9:44 AM
To: FGC
Subject: help bed lease renewal
Attachments: Development Plan Lease Kelp Beds .docx

I am writing to you to express our intent to exercise our option to extend our kelp leases for another 5 year term. Attached please find the development plan for The Abalone Farm, Inc.'s intended lease of kelp beds 204 and 207. Please don't hesitate to call or email me if there is any further information that is required.

Sincerely,

Ray Fields

President

Development Plan for the Lease of Kelp Beds 204 and 207 by The Abalone Farm, Inc.

The Abalone Farm, Inc. has leased and harvested kelp from Beds 204 and 207 for 30 years now. Our present leases are up for renewal next year, and The Abalone Farm, Inc. would like to exercise its option for another 5 year lease agreement for both of these beds with the Department of Fish and Wildlife. The Abalone Farm, Inc. is in the business of growing farm-raised abalone and our business is completely dependent upon the availability and sustainable harvest of kelp, which we utilize as abalone feed. We feel that it is imperative to the long-term survival of our business that we have a secure source of feed for our abalone. I believe that our 30 year history of harvesting kelp and maintaining our kelp leases speaks well of our ability to fulfill our development plan.

The Abalone Farm, Inc. owns and operates all of the equipment required for harvesting and transporting kelp to our production facility. The principal harvest vessel is a modified 56 ton LCM, the "Ocean Rose". The Ocean Rose uses mechanized harvest equipment designed by AFI and has a maximum cargo capacity of 20 tons.

The harvested kelp is transported using the company's own trucks and cranes. AFI currently owns a Volvo crane truck with a maximum capacity of 12 tons.

During the past 5 years (2012-2016), our average annual kelp harvest has been 1713 tons from Bed 207, and 270 tons from Bed 204. We anticipate that our harvest will remain at comparable levels for the next five years.