

## Staff Summary for June 19-20, 2024

**Executive Session****Today's Item**Information Action 

Executive session will include four standing topics:

- (A) Pending litigation to which the Commission is a party
- (B) Possible litigation involving the Commission
- (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, the Commission will call a recess and reconvene in a closed session pursuant to the authority of California Government Code Section 11126, subdivisions (a), (c)(3) and (e)(1). The Commission will address four items in closed session:

**(A) Pending Litigation to Which the Commission is a Party**

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

**(B) Possible Litigation Involving the Commission****(C) Staffing**

For details about staffing, see the executive director's report under Agenda Item 10(A) for today's meeting.

**(D) Deliberation and Action on License and Permit Items**

- I. *Consider the Accusation in Agency Case No. 24ALJ04-FGC, regarding the suspension of John Boling's Dungeness crab vessel permit.*

On February 13, 2024, the Department served a copy of an administrative accusation on John Boling. On March 4, 2024, the Department filed the accusation with the Commission (Exhibit 1). The accusation requests that the Commission suspend Boling's Dungeness crab vessel permit for one year. Boling has not filed a notice of defense with the Commission.

On April 22, 2024 the Department submitted a letter to the Commission advocating that the Commission take action at today's meeting to suspend Boling's permit based on the fact that Boling waived a right to any hearing. The letter with three exhibits to the letter are included as Exhibit 2.

Staff Summary for June 19-20, 2024

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

**Recommendation**

**Commission staff:** suspend John Boling's Dungeness crab vessel permit for a period of one year.

**Exhibits**

1. [Accusation, filed March 4, 2024](#)
2. [Letter from the Department to the Commission, received April 22, 2024](#)

**Motion**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission suspends John Boling's Dungeness crab vessel permit for a period of one year in Agency Case No. 24ALJ04-FGC.

1 KELLY MCDANIEL (SBN 283056)  
Senior Staff Counsel  
2 P.O. Box 944209  
Sacramento, CA 94244-2090  
3 Telephone: (916) 241-7043  
Facsimile: (916) 654-3805  
4 e-mail: kelly.mcdaniel@wildlife.ca.gov  
*Attorney for Complainant*  
5

6 OFFICE OF ADMINISTRATIVE HEARINGS  
7 BEFORE THE FISH AND GAME COMMISSION

8 In the Matter of the Accusation Against )  
9 )  
10 JOHN MORTON BOLING, ) ACCUSATION  
11 )  
12 Respondent. )  
13 )

14 **PARTIES**

15 1. Complainant NATHANIEL ARNOLD is the Chief of the Law Enforcement  
16 Division for the California Department of Fish and Wildlife (“Department”) and brings this  
17 Accusation solely in his official capacity.  
18

19 2. Respondent JOHN MORTON BOLING is, and at all times relevant herein was,  
20 engaged in the business of Dungeness crab commercial fishing in the State of California.

21 3. Respondent JOHN MORTON BOLING currently holds a valid DUNGENESS  
22 CRAB VESSEL PERMIT for the commercial fishing vessel *Kim II*, issued by the  
23 Department under permit number CT0111-T6. Said permit was most recently renewed by  
24 the Department on April 3, 2023, and has been in full force and effect at all times relevant in  
25 this Accusation.

*In the Matter of the Accusation Against JOHN MORTON BOLING*

**JURISDICTION**

This Accusation is brought before the Fish and Game Commission (“Commission”) under the authority of the following laws.

4. California Fish and Game Code section 7857(b)(2), which states:

(b) The commission, after notice and opportunity for hearing, may suspend, revoke, or cancel commercial fishing privileges for a period of time to be determined by the commission for the following reasons:

(2) A violation of this code, the terms of the permit or other entitlement, or the regulations adopted pursuant thereto, by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee’s, permittee’s, or entitled person’s direction or control.

5. California Fish and Game Code section 8276.1(a)(2), which states:

(a) For purposes of this section, the following definitions apply:

(2) “Risk assessment and mitigation program” means the program developed by the California Dungeness Crab Fishing Gear Working Group, as that program may be amended from time to time until the regulations are adopted pursuant to subdivision (b), to identify and assess elevated levels of entanglement risk and determine the need for management options to reduce the risk of entanglement.

6. California Code of Regulations, Title 14, section 132.8(g)(1), which states:

Fishing Activity Reporting Requirement: When participating in the California commercial Dungeness crab fishery, all vessels must submit bi-weekly reports that include permit number, current Fishing Zone, depth range, and number of traps deployed at the time of reporting. Reports shall be submitted on or before the first and 16th day of each month. At the conclusion of the Fishing Season the number of lost traps shall also be reported on the final bi-weekly report that is submitted to the department. All reports shall be submitted via email or text to [Whalesafefisheries@wildlife.ca.gov](mailto:Whalesafefisheries@wildlife.ca.gov).

7. Fish and Game Code section 8026(a), which states:

The commission may require the owner and operator of a commercial fishing vessel, the holder of a commercial fishing license or permit, and the owner and license holder of a commercial passenger fishing boat to keep and submit a complete and accurate record of fishing activities in a form prescribed by the department.

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8. Fish and Game Code section 8043, which states in part:

(a) The following persons shall report all fish sales, deliveries, transfers, and landings using an electronic fish ticket as prescribed under regulations adopted by the commission:

(2) Any commercial fisherman who sells, delivers, or transfers fish to any person who is not a fish receiver licensed under Article 7 (commencing with Section 8030).

9. Fish and Game Code section 8046, which states in part:

(a) The original signed copy of the paper landing receipt made under Section 8043 or 8043.1 shall be delivered to the department on or before the 16th or last day of the month in which the fish were landed, whichever date occurs first after the landing. Landing receipt records completed and submitted electronically shall be submitted to the department within three business days of the landing. A copy of the landing receipt shall be delivered to the commercial fisherman at the time of the purchase or receipt of the fish. That copy of the landing receipt shall be retained by the commercial fisherman for a period of four years and shall be available for inspection at any time during that period by the department. A copy of the landing receipt shall be kept by the person licensed pursuant to Article 7 (commencing with Section 8030) who filled out the landing receipt for a period of four years and shall be available for inspection at any time within that period by the department.

10. Fish and Game Code section 8275, which states in part:

Unless the provision or context otherwise requires, the definitions in this section govern the construction of this article.

(a) "Dungeness crab" or "market crab" means crab of the species *Cancer magister*.

11. Fish and Game Code section 8280.1(a), which states:

(a) A person shall not use a vessel to take, possess, or land Dungeness crab for commercial purposes using Dungeness crab traps authorized pursuant to Section 9011, unless the owner of that vessel has a Dungeness crab vessel permit for that vessel that has not been suspended or revoked.

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**CAUSE FOR DISCIPLINE**

12. Respondent JOHN MORTON BOLING is subject to disciplinary action under Fish and Game Code section 7857(b), in that on or about January 19, 2023 through April 21, 2023, Respondent JOHN MORTON BOLING participated in the California commercial Dungeness crab fishery and failed to submit Risk Assessment and Mitigation Program (RAMP) bi-weekly reports on or before the first and 16<sup>th</sup> day of each month, in violation of California Code of Regulations, Title 14, section 132.8(g)(1). The circumstances are as follows:

- a. On or about January 19, 2023 through April 21, 2023, Respondent JOHN MORTON BOLING made 24 landings of Dungeness crab but failed to submit seven required RAMP bi-weekly reports of those landings.

**PRAYER**

WHEREFORE, Complainant prays that a hearing be held on the charges and that thereafter the Fish and Game Commission issues a decision:

- (1) Suspending Respondent JOHN MORTON BOLING’s California Dungeness crab permit for a period of one year; and
- (2) Taking such other and further action as may be deemed just and proper.

Dated: 2/8/2024

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

DocuSigned by:



AA968532644A4EB...

NATHANIEL ARNOLD  
Chief, Law Enforcement Division

**VERIFICATION**

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I, Nathaniel Arnold, the undersigned, say:

I am a party to this action; the above document is true of my own knowledge, except as to the matters that are stated on my information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the above is true and correct and that this declaration was executed on 2/8/2024, 715 P St., Sacramento, CA 95814.

Dated: 2/8/2024

DocuSigned by:  
*Nathaniel Arnold*  
AA968532644A4EB...  
NATHANIEL ARNOLD  
Declarant



April 17, 2024

California Fish and Game Commission  
715 P Street, 16<sup>th</sup> Floor  
Sacramento, CA 95814

## **RE: One-Year Suspension of John Morton Boling’s Dungeness Crab Vessel Permit**

Dear Commissioners:

Pursuant to Government Code, section 11520, subdivision (a) (“Section 11520(a)”)<sup>1</sup> the Department is requesting that the Fish and Game Commission (“Commission”) suspend John Morton Boling’s Dungeness crab vessel permit for a period of one year at its June 19-20 meeting, without holding a hearing on the matter.

The Commission may suspend Mr. Boling’s Dungeness crab permit at its June 19-20 meeting because Mr. Boling has waived his right to a hearing. On February 13, 2024, the Department of Fish and Wildlife (“Department”) served Mr. Boling with the Accusation via certified mail. Mr. Boling signed the certified mail receipt on February 20, 2024 (Exhibit 1.) Mr. Boling declined to file a Notice of Defense requesting a hearing within 15 days of receiving the accusation, i.e., by February 28, 2024, as required pursuant to Government Code section 11506, subdivision (a)(1).<sup>2</sup> Accordingly, Mr. Boling has waived his right to a hearing. Instead, the Commission may suspend his Commercial Privileges based upon his express admissions or other evidence at its April 17 meeting.

As described in the Accusation and attached exhibits submitted as uncontroverted evidence of the violations, Mr. Boling participated in the California commercial Dungeness crab fishery and failed to submit Risk Assessment and Mitigation Program (RAMP) bi-weekly reports on or before the first and 16<sup>th</sup> day of each month, in violation of California Code of Regulations, Title 14, section 132.8(g)(1) (“Section 132.8(g)(1)”)<sup>3</sup> Mr. Boling made 24 landings of Dungeness crab during seven required reporting periods, ranging from January 19, 2023 through April 21,

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<sup>1</sup> Section 11520 (a) states in part, “If the respondent either fails to file a notice of defense, or, as applicable, notice of participation, or to appear at the hearing, the agency may take action based upon the respondent’s express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent...”

<sup>2</sup> Government Code, section 11506, subdivision (a)(1) states, “Within 15 days after service of the accusation or District Statement of Reduction in Force the respondent may file with the agency a notice of defense, or, as applicable, notice of participation, in which the respondent may: (1) Request a hearing.”

<sup>3</sup> Section 132.8(g)(1) states in part, “When participating in the California commercial Dungeness crab fishery, all vessels must submit bi-weekly reports that include permit number, current Fishing Zone, depth range, and number of traps deployed at the time of reporting. Reports shall be submitted on or before the first and 16th day of each month.”



2023. Mr. Boling failed to submit RAMP bi-weekly reports of those landings. Wildlife Officers contacted Mr. Boling by telephone and informed him of the requirement to submit bi-weekly reports. Mr. Boling responded that he was aware of the requirement but had forgotten to submit the reports. Additionally, the Department sent letters of warning via certified mail and email, informing Mr. Boling that although Department records showed he had made landings during the 2022-2023 season, fishing activity reports had not been submitted. To date, Mr. Boling has not submitted his fishing activity reports for the referenced seven reporting periods, nor did he submit the required report at the close of the season in 2023.

To assess the risks of marine life entanglement with fishing gear associated with the commercial Dungeness crab fishery, the Department relies on the reports required by Section 132.8(g)(1) to evaluate entanglement risk. The bi-weekly reports provide vital fishing dynamics, including location, depth and number of traps per fishing vessel, so that the Department can assess the risk of entanglement and implement appropriate management actions. It is essential that the Department has current information on all fleet activity so that it can make accurate assessments of the level of entanglement risk as it relates to the Dungeness crab fishery. This information also helps inform the need or effectiveness of management actions, such as gear reductions or closures. Mr. Boling has shown an inability to comply with regulations implemented to prevent further whale and turtle entanglements. The ability to fish in the state's waters requires the fishermen to follow the rules and regulations governing the fishery. The rules and regulations are not optional, and Mr. Boling has blatantly chosen to ignore them even after receiving multiple warnings from the Department. Thus, a one-year suspension of Mr. Boling's Dungeness crab vessel permit is appropriate here.

If you have any questions, please do not hesitate to contact Senior Staff Counsel Kelly McDaniel by mail at 715 P Street, 17<sup>th</sup> Floor, Sacramento, CA 95814, telephone at (916) 241-7043, or e-mail at [Kelly.McDaniel@wildlife.ca.gov](mailto:Kelly.McDaniel@wildlife.ca.gov).

Sincerely,

**ORIGINAL, SIGNED COPY ON FILE**

**NATHANIEL ARNOLD**  
Chief, Law Enforcement Division

Cc: John Morton Boling

1 *In the Matter of the Accusation Against JOHN MORTON BOLING*

2  
3 **PROOF OF SERVICE**

4 I am a resident of the State of California, over the age of eighteen years, and not a party to  
5 the within action. My business address is California Department of Fish and Wildlife, 715 P  
6 Street, Sacramento, California 95814. On February 13, 2024, I served the within documents  
7 described as:

- 8 **1. Accusation;**  
9 **2. Notice of Defense (Under Govt. Code § 11506);**  
10 **3. Statement to Respondent; and**  
11 **4. California Government Code §§ 1150.7, 1107.6 and 11507.7 (2 copies)**

12 X (BY ELECTRONIC SERVICE) by transmitting via electronic service the documents listed  
13 above to the e-mail address set forth below on this date at 2/13/2024. The transmission was  
14 reported as complete and without error.

15 X (BY CERTIFIED MAIL – RETURN RECIEPT REQUESTED) I am familiar with my  
16 employer’s collection and processing of correspondence for mailing with the United States  
17 Postal Service and that each day mail is deposited with the United States Postal Service that  
18 same day in the ordinary course of business. On the date set forth above, I served the  
19 aforementioned documents on the party in said action by placing a true copy thereof  
20 enclosed in a sealed envelope with postage thereon fully prepaid, for collection and mailing  
21 on this date, following ordinary business practices in Sacramento, California addressed as  
22 set forth below.

23 JOHN MORTON BOLING  
24 349 Cherry Lane  
25 Rio Dell, California 95562  
26 tammersboling@gmail.com

27 CERTIFIED MAIL NO.: 9590 9402 7624 2122 5413 70

28 I declare under penalty of perjury under the laws of the State of California that the foregoing  
is true and correct. Executed on February 13, 2024, at Sacramento, California.

DocuSigned by:

*Shaomoua Cha*

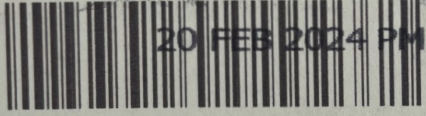
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SHAOMOUA CHA

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature</p> <p>X <i>John Boling</i> <span style="float: right;"><input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</span></p>	
<p>1. Article Addressed to:</p> <p><i>John Morton Boling</i></p> <div style="background-color: black; width: 100px; height: 40px; margin-top: 5px;"></div>	<p>B. Received by (Printed Name)</p> <p><i>John Boling</i></p>	<p>C. Date of Delivery</p> <p><i>2-20-2024</i></p>
<p>2. Article Number (Transfer from service label)</p> <p><i>7022 2410 0001 5210 4517</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>		

USPS TRACKING#

*EUREKA CA 955*



20 FEB 2024 PM 1 L

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7624 2122 5413 70

• Sender: Please print your name, address, and ZIP+4® in this box•


*EDFW-OGC* *KM*

*715 D St. 17th Floor*

*Sacramento, CA 95814*

**United States Postal Service**



Department of Fish and Wildlife		MISDEMEANOR		AD2230974	
NOTICE TO APPEAR		<input type="checkbox"/> Traffic <input checked="" type="checkbox"/> Nontraffic			
Date of Violation	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week	Case No.	
05 162 123				FW-2305-6292	
Name (First, Middle, Last)		<input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001)			
JOHN MORTON BOLING					
Address					
[REDACTED]					
City	State/Country	ZIP Code	Phone #		
[REDACTED]	CA	95562	[REDACTED]		
Driver Lic. No.	State	Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No	Age	Birth Date
[REDACTED]	CA				[REDACTED]
Sex	Hair	Eyes	Height	Weight	Race
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Veh. Lic. No. or VIN		State	Reg. MO/YR	<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))	
DOCUMENTED "KIMI II"		CA		<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)	
Yr. of Veh.	Make	Model	Body Style	Color	
1976			47 FT		
Evidence of Financial Responsibility					
Registered Owner or Lessee			<input checked="" type="checkbox"/> Same as Driver		
Address					
<input type="checkbox"/> Same as Driver					
City					
State ZIP Code					
Correctable Violation (Veh. Code, § 40610)		<input type="checkbox"/> Booking Required (see reverse)		Misdemeanor or Infraction (Circle)	
Yes	No	Code and Section	Description		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCR T 14 132.8(g)(1)		(M)	I
<input type="checkbox"/>	<input type="checkbox"/>	FAILURE TO SUBMIT BIWEEKLY REPORTS		M	I
<input type="checkbox"/>	<input type="checkbox"/>			M	I
<input type="checkbox"/>	<input type="checkbox"/>			M	I
Speed Approx.	P.F./Max Spd.	Veh. Lmt	GPS Lat	Long	
Location of Violation(s)		City/County of Occurrence		Cal TIP: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
at 45 WATERFRONT DR, EUREKA		HUMBOLDT			
Evidence Seized					
N/A					
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.					
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.					
5/11/23	T. Wohl		687		
Date	Arresting or Citing Officer		Badge No.		
1/1					
Date	Name of Arresting Officer, if different from Citing Officer		Badge No.		
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.					
X Signature FORMAL COMPLAINT					
WHEN: ON OR BEFORE THIS DATE: TBN/ Time: TBN <input type="checkbox"/> AM <input type="checkbox"/> PM					
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE					
WHERE: Name of Court: HUMBOLDT SUPERIOR COURT					
Section or Division, Room No.: 825 SIMS					
Street Address: EUREKA CA 95501					
Phone Number: 707 445 7256 Court 12100					
<input checked="" type="checkbox"/> To be notified <input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.					
AD2230974					
					
*AD2230974*					
COURT COPY					
Judicial Council of California Form				SEE REVERSE	
Rev. 06-26-15 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)				TR-130	



Date/Time of Incident/Occurrence 05/02/2023 0:00		City/County/Judicial Jurisdiction EUREKA, HUMBOLT COUNTY, HUMBOLDT SUPERIOR COURT	
Type of Arrest FORMAL COMPLAINT	Type of Contact SELF-INITIATED	RMS Case Number: FW-2305-0292	
Type of Report COMMERCIAL FISHING			
Location/Subject/Incident Name FAILURE TO SUBMIT BIWEEKLY REPORTS AS REQUIRED		Arresting/Case Officer WOLVEK, TIFFANY A 0687	

**SUSPECT INFORMATION**

Name Suspect (First, Middle, Last) JOHN MORTON BOLING	Involvement Type	Sex █	Date of Birth █	Citation Number AD2230974
Suspect Address (Street, Apt., City, State, Zip Code) █ CA, 95562				Home Phone (707) █
Identification Type DL: CA █	Suspect Description			
	General: Height: █ Weight: █	Hair: █	Eyes: █	Race:

**OFFENSES AND CHARGES**

132.8(g)(1) T14 DUNGENESS CRAB BI-WEEKLY REPORTING REQUIREMENTS
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**VEHICLE INFORMATION**

Status: NOT SEIZED	Evidence Photographed? NO
Description: DOCUMENTED "KIMI II" 1976 47FT COMMERCIAL VESSEL	

Preparer's Name and Badge Number WOLVEK, TIFFANY A 0687	Date 5/10/2023	Reviewer's Name CHASE, BRENT A 0678	Date 5/11/2023
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Date/Time of Incident/Occurrence 05/02/2023 0:00		City/County/Judicial Jurisdiction EUREKA, HUMBOLT COUNTY, HUMBOLDT SUPERIOR COURT	
Type of Arrest FORMAL COMPLAINT	Type of Contact SELF-INITIATED	RMS Case Number: FW-2305-0292	
Type of Report COMMERCIAL FISHING			
Location/Subject/Incident Name FAILURE TO SUBMIT BIWEEKLY REPORTS AS REQUIRED		Arresting/Case Officer WOLVEK, TIFFANY A 0687	

**CASE SYNOPSIS**

**California Code of Regulations Title 14 132.8(g)(1)** states when participating in the California commercial Dungeness crab fishery, all vessels must submit bi-weekly reports that include permit number, current Fishing Zone, depth range, and number of traps deployed at the time of reporting. Reports shall be submitted on or before the first and 16th day of each month. John Boling is the owner and operator of the commercial fishing vessel Kimi II. Boling made 24 landings during seven required reporting periods ranging from 01/19/23 - 04/21/23. The California Department of Fish and Wildlife is requesting that Humboldt Superior Court charge Boling with a violation of CCR T 14 132.8(g)(1) for failure to submit biweekly reports as required by law.

**NARRATIVE**

**Background Information:**

California's Commercial Dungeness crab fishery is one of the most lucrative and regulated commercial fisheries in the state. The Dungeness crab fishery has undergone significant changes due to new legislation, changing ocean conditions, and more recently risk of marine life entanglement, specifically related to whales and sea turtles. In order to minimize marine life entanglements, RAMP (Risk Assessment and Mitigation Program) was developed and codified in regulation on November 1, 2020.

Under the Risk Assessment and Mitigation Program, there is a Fishing Activity Reporting Requirement specifying that a vessel participating in the California commercial Dungeness crab fishery must submit a report on or before the first and 16th day of each month. The bi-weekly report provides important fishing dynamics information to the Department. Specifically, the amount and set location of commercial trap gear. The report includes the location, depth, and number of traps per fishing vessel to ensure that the Department is getting a current snapshot of all fleet activity at that point in time. Having updated information on all fleet activity is necessary for the Department to assess the level of entanglement risk as it relates to fishing effort. It also helps inform the need or effectiveness of management actions, such as gear reductions or closures. At the conclusion of the Fishing Season the number of lost traps shall also be reported on the final bi-weekly report that is submitted to the Department. This required information on lost traps also helps inform the lost gear recovery effort and helps to minimize risk of marine life entanglements in the off-season.

**California Code of Regulations Title 14 132.8(g)(1)** states when participating in the California commercial Dungeness crab fishery, all vessels must submit bi-weekly reports that include permit number, current Fishing Zone, depth range, and number of traps deployed at the time of reporting. Reports shall be submitted on or before the first and 16th day of each month. At the conclusion of the Fishing Season the number of lost traps shall also be reported on the final bi-weekly report that is submitted to the department. All reports shall be submitted via email or text to [Whalesafefisheries@wildlife.ca.gov](mailto:Whalesafefisheries@wildlife.ca.gov)

If a commercial fisher fails to submit a biweekly report, the Department sends a certified letter to the Dungeness crab permit holder advising them of the violation and the regulations. Additionally, the Department also emails the fisher the same information.

On 05/02/23 I reviewed the list of permit holders failing to comply with the biweekly reporting requirements and how many times they failed to do so in 2023. I noticed John Boling, Dungeness Crab permit CT 0111-T6, on the commercial Fishing Vessel Kimi II had fished during seven reporting periods and had not completed any biweekly reports for those periods. Boling made 24 landings during that time period which ranged from 01/19/23 - 04/21/23. His catch for those landings were sold to Swanes Seafood and offloaded at 45 Waterfront Drive in Eureka, Ca. Attached to this report is a certified landing report for the Fishing Vessel Kimi II, showing John Boling as the commercial fisher. I also used the Departments Automated Data Licensing System to search vessel and fisher information. John Boling is also the

Preparer's Name and Badge Number WOLVEK, TIFFANY A 0687	Date 5/10/2023	Reviewer's Name CHASE, BRENT A 0678	Date 5/11/2023
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Date/Time of Incident/Occurrence 05/02/2023 0:00		City/County/Judicial Jurisdiction EUREKA, HUMBOLDT COUNTY, HUMBOLDT SUPERIOR COURT	
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Location/Subject/Incident Name FAILURE TO SUBMIT BIWEEKLY REPORTS AS REQUIRED		Arresting/Case Officer WOLVEK, TIFFANY A 0687	

registered owner of the vessel and Dungeness crab permit associated with the Kimi II.

I contacted Boling by phone on 5/8/23. I identified myself as a Lt. for Fish and Wildlife and confirmed I was speaking to John Boling. I asked Mr. Boling about his commercial Dungeness crab activity and Boling confirmed he had been and still was at the time, actively fishing on the Kimi II for Dungeness crab. I asked Mr. Boling if he was aware of the requirement to submit biweekly reports. Boling stated that he was. I asked why he had not submitted them. Boling stated that he forgot. I explained the importance of the biweekly reports and the reason why the Department requires them. I asked Boling if he received the certified letters that were sent out to him. Boling stated he did not. I confirmed that his address was correct in our system. Boling stated it was. Boling then stated that he did have a note to pick up items at the post office but had not done so.

Department records show Boling was sent certified letters that had the following information:

Our records indicate that you have made landings during the 2022-2023 Dungeness crab season but have not submitted a Fishing Activity Report.

**A report is missing for the following time period: Jan 16 - 31, 2023. This report was due on February 1, 2023.**

A Fishing Activity Report is required under the Risk Assessment and Mitigation Program for the Commercial Dungeness crab fishery, which became effective November 1, 2020. The information and instructions of this report are found under subsection 132.8(g), Title 14 of the California Code of Regulations (see Appendix 1 for summary). This regulation specifies that vessels participating in the California commercial Dungeness crab fishery must submit bi-weekly reports on or before the first and 16th day of each month when engaged in fishing activity.

We are providing this letter of warning that you are required to comply with the new regulations. Under Fish and Game Code sections 12000 and 7857, failure to comply with regulatory requirements may be punished criminally as a misdemeanor and/or result in suspension or revocation of commercial fishing privileges.

There is additional information on how to gain compliance. Attached is one of the letters that was sent certified to Boling. The letters were returned to the Department. It is this Officer's assumption that they were returned because Boling did not retrieve them at the post office.

Additionally, the Department emails the permit holder the same information. The email Boling has on file with the Department is [tammersboling@gmail.com](mailto:tammersboling@gmail.com). I asked Boling if he received the email advising him of the violation. Boling stated that he did not. I confirmed the email address we have on file for him. Boling stated he does not regularly check that email. I searched historical biweekly records and noticed that Boling had sent biweekly reports in for five landing periods in 2022, however they were all late, which is problematic since the Department uses the information to inform risk of entanglement contemporaneously.

I explained to Boling that I would be submitting a report to the District Attorney's Office in Humboldt for the violation and the possible consequences of failure to submit the report could be a misdemeanor charge and or actions against his permit. Boling apologized and again reiterated that he forgot to do it this year.

The California Department of Fish and Wildlife is requesting that Humboldt Superior Court charge Boling with a violation of CCR T 14 132.8(g)(1) for failure to submit biweekly reports as required by law. Boling failed to submit the biweekly report during seven different periods that his landings show him fishing.

Preparer's Name and Badge Number WOLVEK, TIFFANY A 0687	Date 5/10/2023	Reviewer's Name CHASE, BRENT A 0678	Date 5/11/2023
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Date/Time of Incident/Occurrence 05/02/2023 0:00		City/County/Judicial Jurisdiction EUREKA, HUMBOLT COUNTY, HUMBOLDT SUPERIOR COURT	
Type of Arrest FORMAL COMPLAINT		Type of Contact SELF-INITIATED	RMS Case Number: FW-2305-0292
Type of Report COMMERCIAL FISHING			
Location/Subject/Incident Name FAILURE TO SUBMIT BIWEEKLY REPORTS AS REQUIRED			Arresting/Case Officer WOLVEK, TIFFANY A 0687



ADP230974

STATE OF CALIFORNIA  
 DEPARTMENT OF FISH AND WILDLIFE  
 NORTHERN ENFORCEMENT DISTRICT

REPORT TO APPEAR: [REDACTED]

CHARGE: FAILURE TO SUBMIT BIWEEKLY REPORTS AS REQUIRED

ARRESTING OFFICER: WOLVEK, TIFFANY A 0687

DATE: 05/02/2023

TIME: 00:00

LOCATION: EUREKA, HUMBOLT COUNTY, HUMBOLDT SUPERIOR COURT

STATUS: [REDACTED]

ADP230974

Preparer's Name and Badge Number WOLVEK, TIFFANY A 0687	Date 5/10/2023	Reviewer's Name CHASE, BRENT A 0678	Date 5/11/2023
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State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Marine Region  
1933 Cliff Dr., Suite 9  
Santa Barbara, CA 93109  
[wildlife.ca.gov](http://wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



March 2, 2023

Subject: Compliance with Fishing Activity Report Requirement

Dear Dungeness Crab Permitholder,

Our records indicate that you have made landings during the 2022-2023 Dungeness crab season but have not submitted a Fishing Activity Report.

**A report is missing for the following time period: Jan 16 - 31, 2023. This report was due on February 1, 2023 (see other side of this page for more information).**

A Fishing Activity Report is required under the Risk Assessment and Mitigation Program for the Commercial Dungeness crab fishery, which became effective November 1, 2020. The information and instructions of this report are found under subsection 132.8(g), Title 14 of the California Code of Regulations (see Appendix 1 for summary). This regulation specifies that vessels participating in the California commercial Dungeness crab fishery must submit bi-weekly reports on or before the first and 16<sup>th</sup> day of each month when engaged in fishing activity.

We are providing this letter of warning that you are required to comply with the new regulations. Under Fish and Game Code sections 12000 and 7857, failure to comply with regulatory requirements may be punished criminally as a misdemeanor and/or result in suspension or revocation of commercial fishing privileges.

Should you have any further questions or need further assistance, please contact Christy Juhasz at [Christy.Juhasz@wildlife.ca.gov](mailto:Christy.Juhasz@wildlife.ca.gov) or by phone at (707) 292-2480.

Sincerely,

Craig Shuman  
Marine Regional Manager

cc: Eric Kord, Assistant Chief  
Marine Enforcement District  
[Eric.Kord@wildlife.ca.gov](mailto:Eric.Kord@wildlife.ca.gov)

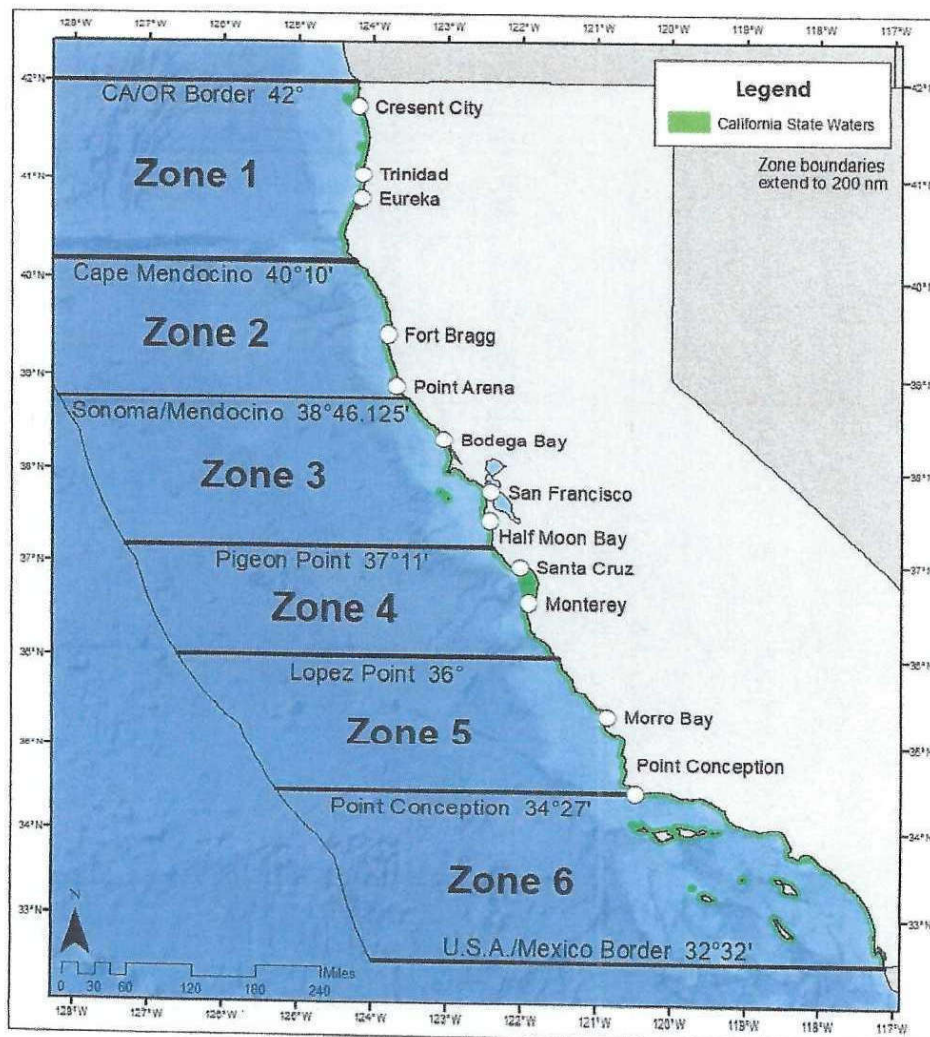
## Appendix 1: Fishing Activity Reports

**Reporting Duration:** Fishing activity reports need to be submitted on or before the first and 16<sup>th</sup> day of each month when participating in the California commercial Dungeness crab fishery.

**Report Submission:** email or text fishing activity report information to [WhaleSafeFisheries@wildlife.ca.gov](mailto:WhaleSafeFisheries@wildlife.ca.gov)

**Required Information:** Fishing activity reports must contain the following information:

- 1) Dungeness Crab Vessel Permit Number (CT or CN with 4-digit number and tier number)
- 2) RAMP Zone: 1-6 (do not use Zone 7) – see map below
- 3) Depth Range (in fathoms)
- 4) Total Number of Traps in each RAMP Zone
- 5) Once season concludes or done crab fishing, please report number of lost traps on final report





Receipts For kimi 2 26753 2023



I hereby certify that the Document to which this statement is affixed is a true and correct copy of the original document on file with the California Department of Fish and Wildlife.



Signature: *[Handwritten Signature]*  
 Date: May 10, 2023  
 Custodian of Records

Serial Number	Landing Date	Species Code & Common Name	Pounds	Unit Price	Total Price	Block ID	Port Code & Name	Vessel ID	CFL	FBusLicense	Gear Code & Name	Cond. Name
280329E	1/19/2023	800 Crab, Dungeness	40.00	0.00	\$0.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
280329E	1/19/2023	800 Crab, Dungeness	2,259.00	2.25	\$5,082.75	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
280351E	1/21/2023	800 Crab, Dungeness	5,136.00	2.25	\$11,556.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
322112E	1/28/2023	800 Crab, Dungeness	2,421.00	2.25	\$5,447.25	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
322132E	1/31/2023	800 Crab, Dungeness	2,958.00	2.00	\$5,916.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
322146E	2/2/2023	800 Crab, Dungeness	81.00	0.00	\$0.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	00 DEAD
322150E	2/7/2023	800 Crab, Dungeness	2,726.00	2.00	\$5,452.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	06 LIVE
322167E	2/9/2023	800 Crab, Dungeness	2,068.00	2.00	\$4,136.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	06 LIVE
322167E	2/9/2023	800 Crab, Dungeness	50.00	0.00	\$0.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	06 LIVE
322181E	2/17/2023	800 Crab, Dungeness	2,115.00	2.00	\$4,230.00	0217 220 EUREKA	26753 L01205	26753	L01205	85706	27 CRAB OR LOBSTER TRAP	06 LIVE

322192E	2/27/2023	800	Crab, Dungeness	1,066.00	2.25	\$2,398.50	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
322192E	2/27/2023	800	Crab, Dungeness	40.00	0.00	\$0.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
322204E	3/3/2023	800	Crab, Dungeness	1,000.00	2.25	\$2,250.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
322213E	3/8/2023	800	Crab, Dungeness	40.00	0.00	\$0.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
322213E	3/8/2023	800	Crab, Dungeness	1,566.00	2.50	\$3,915.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327571E	3/17/2023	800	Crab, Dungeness	20.00	0.00	\$0.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327571E	3/17/2023	800	Crab, Dungeness	2,629.00	2.30	\$6,046.70	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327595E	3/27/2023	800	Crab, Dungeness	1,706.00	2.30	\$3,923.80	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327608E	3/31/2023	800	Crab, Dungeness	2,489.00	2.30	\$5,724.70	0210	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327621E	4/5/2023	800	Crab, Dungeness	827.00	2.30	\$1,902.10	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327639E	4/15/2023	800	Crab, Dungeness	1,158.00	3.00	\$3,474.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE



May 10, 2023

327639E	4/15/2023	800	Crab, Dungeness	30.00	0.00	\$0.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327640E	4/17/2023	800	Crab, Dungeness	358.00	3.00	\$1,074.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
327647E	4/21/2023	800	Crab, Dungeness	605.00	3.00	\$1,815.00	0217	220	EUREKA	26753	L01205	85706	27	CRAB OR LOBSTER TRAP	06	LIVE
274117E	5/5/2023	800	Crab, Dungeness	1,092.00	5.00	\$5,460.00	0217	220	EUREKA	26753	L01205	84201	27	CRAB OR LOBSTER TRAP	06	LIVE

**Total All Landing Receipts: 25      Grand Total      Pounds      Value**  
 \$79,803.80



May 10, 2023