

JUN 21 2012
#8

25 April 2012

N. Craig Barbre
Marlyse Battistella
1679 5th Street
Los Osos, CA 93402

805 528-4753
805 441-1069 cell

RE: Slip 1R028 / 646391

City of Santa Barbara
Waterfront Department

The intent of this letter is to notify you that on the 1st of May 2012, we wish to terminate our interest in our commercial fishing slip permit and surrender it back to the City of Santa Barbara, Waterfront Department.

Thank you for allowing us to have this slip permit, yet at this time in our fishing career and the state of our industry, we do not foresee us ever using it.

When our 30 day waiting period has been completed our refund and deposit is to be sent to the above address and please notify Harry E. Hagen / Tax Collector of these changes.

Please call if you have any questions.

Sincerely,

N. Craig Barbre
N. Craig Barbre - 25 April 2012

Marlyse Battistella
Marlyse Battistella 25 April 2012

RECEIVED
APR 30 2012
WATERFRONT
DEPARTMENT

ATTACHMENT #1

**COMMERCIAL FISHING SLIP
LOTTERY PARTICIPATION REQUEST FORM**

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Application to participate in a lottery drawing for assignment of a permit for a Commercial Fishing Slip in Santa Barbara Harbor.

The slip permit available for assignment is for slip 1R028. The slip is suitable for a commercial fishing vessel measuring a maximum of 63'6" length overall.

Submit application on official Lottery Participation Request Form only

- Apply in person or by mail to Harbormaster, 132 A Harbor Way, Santa Barbara, CA 93109
- Apply by fax to 805-897-2588
- **All applications must be received by 5:00 pm, July 3, 2012 to be eligible.** Postmarks not accepted. The City does not assume responsibility for any lost, late, misdirected, incomplete, illegible or postage-due mail.

Eligibility:

- An individual must be at least eighteen (18) years of age to participate
- Only one Lottery Participation Request per individual
- An applicant must possess a current California Department of Fish and Game (DFG) Commercial Fishing or Aquaculture permit
- Vessel to be berthed must have a current DFG permit
- **Successful applicant selected by lottery must provide proof of \$15,000 minimum earnings from commercial fishing during the two (2) years prior to the lottery drawing.**
- **An existing marina slip permittee who is offered a Commercial Fishing Slip assignment shall relinquish an existing slip permit to the Waterfront Department prior to, and in exchange for, a Commercial Fishing Slip assignment from the Commercial Fishing Slip Lottery.**

See the full text of Santa Barbara Municipal Code 17.20.005.C.5.c, Resolution 05-018 and Resolution 11-022 for complete regulations, procedures, and eligibility requirements pertaining to the Slip Waiting Lists process (available for review at the Waterfront Administration Office or online at www.SantaBarbaraCA.gov/Government/Departments/Waterfront (under Public Notices).

Please print legibly:

Applicant name: _____

Mailing address: _____

Telephone(s): _____

Signature

Date

For office use only:

Ticket # _____

Selected rank # _____

Certified Mail # _____

Not Selected _____

Received Date Stamp/Initial

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**SANTA BARBARA HARBOR COMMERCIAL
FISHING SLIP PERMIT LOTTERY**

SB Harbor announces an application period to participate in a lottery for assignment of a 60' Commercial Fishing Slip Permit. Application packets accepted from 8 a.m. June 6, 2012 through 5p.m. July 3, 2012.

For application form and program details, please visit the Waterfront Administration Office at 132 A Harbor Way, Santa Barbara, CA 93109, call 805-564-5531 or visit www.SantaBarbaraCA.gov/Government/Departments/Waterfront

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Santa Barbara Municipal Code Section 17.20.005.C.5.c

c. Commercial Fishing Slip Lottery. A Commercial Fishing Slip that remains unaccepted after being offered to all commercial fishermen registered for commercial slips on the Sub-Master List shall be offered for assignment according to a single lottery process called the Commercial Fishing Slip Lottery. Procedures for formation of the Commercial Fishing Slip Lottery shall be established by the Waterfront Department Slip Waiting Lists regulation adopted by resolution of the City Council. To qualify for participation in the Commercial Fishing Slip Lottery, all applicants must timely submit a Lottery Participation Request in accordance with the Slip Waiting Lists regulation containing the applicant's name, telephone number and address. An individual may submit only one Commercial Fishing Slip Lottery List Participation Request.

(1) Procedure for Assignment from Commercial Fishing Slip Lottery.

(a) Offer of Commercial Fishing Slip Assignment. A Commercial Fishing Slip that becomes available for assignment in accordance with the Slip Waiting Lists regulation shall be offered for assignment to an applicant according to his or her rank in the Commercial Fishing Slip Lottery. The applicant ranked in the first position shall be offered the available Commercial Fishing Slip. If the first-ranked applicant declines the offer or fails to meet the requirements for a Qualified Commercial Fisherman, the second-ranked applicant shall be offered the Commercial Fishing Slip assignment, and so on.

(b) Acceptance of Commercial Fishing Slip. Acceptance of the slip assignment offer must be made in writing and submitted to the Waterfront Department within thirty (30) days of the date of mailing notice of slip availability. The acceptance form shall include the necessary information to verify qualification for a Commercial Fishing Slip. Any applicant failing to submit the required information to verify eligibility, or any applicant failing to meet the eligibility requirements set forth in Section C. 5 for a Qualified Commercial Fisherman, shall be removed from consideration for slip assignment during that Lottery.

(c) Declined Commercial Fishing Slip Offer. Failure of an applicant to accept the Commercial Fishing Slip assignment offer in writing within thirty (30) days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a slip offer, or failing to meet the requirements for a Qualified Commercial Fisherman shall result in removal of the applicant's name for slip assignment in that Lottery.

(d) An existing marina slip permittee who is offered a Commercial Fishing Slip assignment shall relinquish an existing slip permit to the Waterfront Department prior to, and in exchange for, a Commercial Fishing Slip assignment from the Commercial Fishing Slip Lottery.

(2) Unassigned Commercial Fishing Slips. If a Commercial Fishing Slip assignment offer is declined by all applicants selected in the Commercial Fishing Slip Lottery, or if no selected applicants meet the requirements of a Qualified Commercial Fisherman, the Commercial Fishing Slip shall be held in the Waterfront Department's visitor-slip inventory for a period of six (6) months. After six (6) months, the Commercial Fishing Slip assignment shall be offered to applicants in a new Commercial Fishing Slip Lottery. If the Commercial Fishing Slip remains unassigned, this procedure shall be repeated every six (6) months until the Commercial Fishing Slip is assigned.

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RESOLUTION NO. 05-018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING PROCEDURES FOR CONDUCTING LOTTERIES TO CREATE WAITING LISTS FOR THE ASSIGNMENT OF HARBOR SLIPS.

WHEREAS, Santa Barbara Municipal Code Chapter 17.20 provides that Harbor slips that are not assigned through either the Master Waiting List or the Sub-Master Waiting List, or if either of those lists have no slip applicants, shall be assigned to applicants on waiting lists selected through a lottery process; and

WHEREAS, the procedure for conducting the lotteries are set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

Section 1. General. The following procedure shall apply to the creation of waiting lists by lottery drawing (Lottery Lists) for the assignment of slips that are designated Commercial Fishing Slips or that can be utilized for either commercial or recreational purposes and that have been referred to the Lottery List.

A. LOTTERY LIST FOR THE ASSIGNMENT OF SLIPS NOT SPECIALLY DESIGNATED FOR COMMERCIAL FISHING.

Any slip that remains unassigned after being offered for assignment to the Master Waiting List or Sub-Master Waiting List, or if the Sub-Master Waiting List has no applicants, shall be offered for assignment to an applicant on a Lottery List as established herein.

1. Lottery Participation Request.

To participate in a lottery for placement on a Lottery List for the assignment of a slip that may be utilized either for commercial or recreational purposes, an applicant must submit a completed Lottery Participation Request form to the Waterfront Department. Lottery Participation Request forms shall be submitted to and received by the Waterfront Department within a designated time period that shall conclude no later than two (2) weeks prior to the Harbor Commission hearing scheduled for the lottery drawing. The opening date and duration of the time period for the submission of Lottery Participation Requests to the Waterfront Department shall be publicly noticed and shall be posted at the Waterfront Department. During this time period, Lottery Participation Request forms may be obtained from the Waterfront Department during

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normal business hours. An individual may submit only one Lottery Participation Request. At the conclusion of the time period for accepting Lottery Participation Requests, the Waterfront Department shall place all completed Lottery Participation Requests in a sealed folder ("Request Folder").

2. Lottery List Formation.

The Lottery List shall be established by a drawing of Lottery Participation Requests from the Request Folder by the Harbor Commission Chair during a scheduled public hearing. At the hearing, the Harbor Commission Chair shall draw, by lot, a maximum of seventy (70) Lottery Participation Requests from the Request Folder. The first fifty (50) Lottery Participation Requests drawn from the Request Folder shall be provisionally placed on the Lottery List. The remaining twenty (20) Lottery Participation Requests drawn from the Request Folder shall be placed in a separate folder ("Contingency Folder") to be used on a contingency basis. If any of the fifty (50) applicants whose Lottery Participation Request has been provisionally placed on the Lottery List fail to successfully complete the application process, the Waterfront Director shall add the next-ranked Lottery Participation Request from the Contingency Folder to the end of the Lottery List. This process of adding Lottery Participation Requests from the Contingency Folder shall continue until the Lottery List contains a maximum of fifty (50) completed applications. Upon completion of the Lottery List, all incomplete applications and all Lottery Participation Requests remaining in the Request Folder and the Contingency Folder shall be discarded.

3. Lottery List Ranking.

The Commission Chair shall rank the Lottery Participation Requests according to the order in which each Lottery Participation Request is drawn from the Request Folder. The first applicant whose Lottery Participation Request is drawn from the Request Folder shall be ranked number one on the List. The second applicant whose Lottery Participation Request is drawn from the Request Folder shall be ranked number two on the Lottery List and so on until each of the seventy (70) drawn Lottery Participation Requests are ranked. The final Lottery List shall consist of applicants with the highest ranked Lottery Participation Requests, up to a maximum of fifty (50), who have timely submitted complete applications and paid the Lottery Participation Fee.

B. AUGMENTATION OF THE LOTTERY LIST.

A lottery drawing shall be conducted by the Harbor Commission whenever the Lottery List contains twenty (20) applicants or fewer.

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1. Lottery Participation Requests.
Lottery Participation Requests shall be submitted to and received by the Waterfront Department in accordance with procedures for submitting Lottery Participation Requests set forth in Section A.1 herein.
2. Procedure to Augment the Lottery List.
The lottery shall be conducted by the Harbor Commission in the same manner as established for creating the original Lottery List as set forth in Section A herein. The Harbor Commission Chair shall draw, by lot, a maximum of fifty (50) Lottery Participation Requests from the Request Folder with the intent to augment the Lottery List by up to thirty (30) applicants. Lottery Participation Requests drawn by the Chair from the Request Folder shall be added, in the order drawn, at the end of the Lottery List in accordance with the procedures for Lottery List formation set forth in Section A 2 herein. The process of adding applicants to the Lottery List shall continue until the Lottery List contains a maximum of fifty (50) total completed applications. Upon completion of the Lottery List, all incomplete applications and Lottery Participation Requests not selected and remaining in the Request Folder shall be discarded.
3. Ranking.
Ranking of applicants to augment the Lottery List shall be in accordance with the procedures for ranking set forth in Section A.3. herein.

C. COMMERCIAL FISHING SLIP LOTTERY.

1. Commercial Fishing Slip Lottery Participation Request.
To qualify for placement in a Commercial Fishing Slip Lottery, all applicants must submit a completed Commercial Fishing Slip Lottery Participation Request to the Waterfront Department. Commercial Fishing Slip Lottery Participation Requests shall be submitted to and received by the Waterfront Department within a designated time period that shall conclude no later than two (2) weeks prior to the Harbor Commission hearing scheduled for the Commercial Fishing Slip Lottery drawing. The opening date and duration of the time period for the submission of Commercial Fishing Slip Lottery Participation Requests to the Waterfront Department shall be publicly noticed and shall be posted at the Waterfront Department. During this period Commercial Fishing Slip Lottery Participation Request forms may be obtained from the Waterfront Department during normal business hours. An individual may submit only one Commercial Fishing Lottery Participation Request. At the conclusion of the time period for accepting Commercial Fishing Slip Lottery Participation Requests, the Waterfront Department shall place all completed Lottery Participation Requests in a sealed folder ("Commercial Fishing Request Folder").

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2. Lottery Formation.
The Harbor Commission shall hold a public hearing during which the Commission Chair shall draw, by lot, a maximum of three (3) Commercial Fishing Slip Lottery Participation Requests from the Commercial Fishing Request Folder for potential slip assignment.

3. Lottery Ranking.
The three (3) applicants whose Commercial Fishing Slip Lottery Participation Requests are selected in the lottery shall be ranked according to the order in which their Commercial Fishing Slip Lottery Participation Requests were drawn by the Commission Chair. The first applicant whose Commercial Fishing Slip Lottery Participation Request is drawn shall be ranked number one and so on. The Commercial Fishing Slip available for assignment to the Commercial Fishing Slip Lottery shall be offered for assignment to the applicant whose Commercial Fishing Slip Lottery Participation Request is ranked number one in the Lottery and who satisfies all requirements for assignment of a Commercial Fishing Slip. If the number one ranked applicant cannot satisfy the requirements for assignment of a Commercial Fishing slip, the number two ranked applicant shall be offered the slip assignment, and so on. Once a slip assignment offer is accepted from the Commercial Fishing Slip Lottery, the remaining Commercial Fishing Slip Lottery Participation Requests shall be discarded and the Lottery shall be disbanded.

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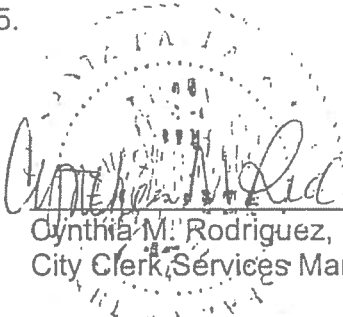
RESOLUTION NO. 05-018

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on March 1, 2005, by the following roll call vote:

- AYES: Councilmembers Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Helene Schneider, Mayor Marty Blum
- NOES: None
- ABSENT: Councilmembers Dan B. Secord, Das Williams
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on March 2, 2005.



Cynthia M. Rodriguez

 Cynthia M. Rodriguez, CMC
 City Clerk, Services Manager

I HEREBY APPROVE the foregoing resolution on March 2, 2005.

Marty Blum

 Marty Blum
 Mayor

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RESOLUTION NO. 11-022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ESTABLISHING A SLIP OCCUPANCY
POLICY FOR DESIGNATED COMMERCIAL FISHING
SLIPS IN SANTA BARBARA HARBOR AND REPEALING
RESOLUTION 07-041

WHEREAS, the Santa Barbara Harbor serves a variety of functions including that of being a working harbor for commercial fishermen;

WHEREAS, it is the desire of the City Council that the harbor continue to serve the needs of commercial fishermen; and

WHEREAS, those needs can best be met if certain criteria are established to ensure that spaces are allotted to persons who are engaged in commercial fishing, while at the same time minimizing disruption to the operations of commercial fishermen who currently berth their fishing vessels at the harbor.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. This policy applies to commercial fishermen granted preferential consideration for assignment of slips in Santa Barbara Harbor off the Waterfront Department's Slip Waiting List, and to fishermen assigned slips in Fish Float North, Fish Float South and 18 slips in Marina 1-A, specially designated by the Waterfront Director.

SECTION 2. No slip in Fish Float North, Fish Float South and the 18 specially designated slips in Marina 1-A shall be assigned or transferred to a permittee who does not meet the criteria for a "commercial fisherman" established by this policy. Any permittee subject to such criteria shall be required to satisfy the standards applicable to commercial fishing as long as the slip is occupied. The criteria established by this policy shall also apply to permittees identified in Sections 13 and 14 hereof.

SECTION 3. A "commercial fisherman" pursuant to this policy shall have and maintain a commercial fishing or aquaculture permit issued by the California Department of Fish and Game and shall have and maintain a Fish and Game permit for the vessel that is berthed in the harbor slip as a commercial fishing vessel.

SECTION 4. A "commercial fisherman" pursuant to this policy shall be required to document, in a manner satisfactory to the Waterfront Director, income from commercial fishing that is at least \$15,000 every two years following issuance of the slip permit. In some cases, as described in Section 12 of this Resolution, the requirement shall also be applied during the immediate two-year period preceding the issuance of the permit. Proof of income shall be provided by Fish and Game landing

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receipts issued to the permittee, plus landing receipt records provided by the Department of Fish and Game's Custodian of Records. Earnings pursuant to Section 6 shall be in a form acceptable to the Waterfront Director. For aquaculture operations, receipts indicating the value of product delivered or monthly aquaculture tax reports of harvest in pounds may be used to confirm earnings.

SECTION 5. Once a slip permit is issued, 50% of the income requirement must be earned aboard the vessel assigned to the designated slip. Up to 50% of the income requirement may derive from a permittee's employment aboard a commercial fishing vessel or vessels other than the designated vessel, demonstrated by a combination of cancelled payroll checks or their equivalent, *plus* copies of Internal Revenue Service 1099 or W2 tax forms.

SECTION 6. Earnings from sustainable-fisheries research or activities may apply to the minimum earnings requirement if authorized in writing by the Waterfront Director prior to the research.

SECTION 7. If a commercial fisherman's vessel is destroyed or ruined, by accident, damage, fire, sinking or other unintended casualty, the permittee may, upon written approval of the Waterfront Director within 30 days of that loss, be granted an extension up to one year in which to meet the earnings requirement.

SECTION 8. If a permittee believes commercial fishing in general or a specific commercial fishery in the Santa Barbara Channel region upon which he/she depends has been rendered infeasible for a significant period due to natural disaster, climatic shift, regulatory action or other reason, he/she may request that the Waterfront Director temporarily waive the time requirement for proof of earnings for a period not to exceed one year. Any request for temporary waiver must be submitted at least 60 days before expiration of the earnings period in effect at the time. The Director's decision regarding the waiver request shall be final.

SECTION 9. If illness or extended family emergency precludes a permittee's ability to demonstrate sufficient earnings during a given earnings period, he/she may request that the Waterfront Director temporarily waive the time requirement for proof of earnings for a period not to exceed one year. Any request for temporary waiver must be submitted at least 60 days before expiration of the earnings period in effect at the time. The Director's decision regarding the waiver request shall be final.

SECTION 10. Persons holding slip permits in Fish Float North, Fish Float South and the 18 specially designated slips in Marina 1-A prior to July 1, 2001 need not comply with the provisions of this policy. The provisions of this policy will be applied to any person to whom a slip in these areas is transferred or assigned on or after July 1, 2001.

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SECTION 11. Any slip permittee not subject to the provisions of this policy per Section 10, may exchange his or her vessel for a different one (change boats) without triggering application of eligibility criteria, as long as the new vessel is and remains licensed as a commercial fishing craft, as outlined in Section 3.

SECTION 12. Slip permittees in Marina 1-A who are otherwise exempt from this policy per Section 10 may elect to become subject to its provisions in exchange for a slip fee reduction to levels commensurate with monthly rates in Fish Float North and Fish Float South. To exercise this option, a permittee must meet and continue to meet criteria established by this policy for commercial fishermen. In addition, they must provide proof of earnings equaling at least \$15,000 from commercial fishing during the immediate two-year period preceding the election. Once made, this election may not be reversed.

SECTION 13. A commercial fisherman who successfully meets earnings requirements during at least three complete and successive earnings periods, beginning with the earnings period in effect on June 6, 2007, may lease his/her boat to another party for the purpose of continuing to meet those requirements. The Waterfront Director must approve said lease agreement before earnings can be credited to the slip permittee and his/her vessel. Following approval of the lease agreement, at least 50% of earnings intended to meet the earnings requirement must be made by the lessee aboard the vessel assigned to the permitted slip in Santa Barbara Harbor, proof of which must be demonstrated by requirements outlined in Section 4. Up to 50% of the income requirement may derive from the lessee's employment aboard a commercial fishing vessel or vessels other than the designated vessel, demonstrated by a combination of cancelled payroll checks or their equivalent, plus copies of Internal Revenue Service 1099 tax forms or W2 tax forms

SECTION 14. A transfer of a slip permit by a person subject to this policy shall be allowed only if the new permittee agrees in writing to earn and report any required commercial fishing earnings not accrued by the current permittee for the then-current earnings period. At the completion of that earnings period, a new earnings period for earnings compliance will commence.

SECTION 15. Permittees who transfer into or who are assigned slips subject to this policy may apply for Business Activity Permits (as available) for passenger-carrying charters accommodating up to six persons per trip. Income from operations authorized by such permits may not be applied against the minimum earnings requirements. Those earnings must be satisfied from commercial fishing activities only.

SECTION 16. Any slip in areas of the harbor described in Section 1 that revert to the City will be assigned to the next qualified commercial fisherman who meets the requirements of this policy and is registered for a slip of that size on the Waterfront Department's waiting list. If no such applicant is available on the waiting list, the slip will be assigned to a commercial fisherman who in the preceding two-year period meets the income requirements of this policy, following an advertised lottery

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conducted by the Waterfront Department. This element of the policy applies until a future waiting-list policy for Fish Float North, Fish Float South and the 18 specially designated slips in Marina 1-A, or for the overall harbor, supersedes it.

SECTION 17. Any slip permittee from any part of the harbor outside the slips designated in Section 1 who exchanges slips with a slip permittee within this area must comply with the provisions of this policy in the same manner as any other transferee or assignee, including meeting earnings requirements.

SECTION 18. It is the intention of the City that this policy be reviewed every three years.

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RESOLUTION NO. 11-022

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on April 12, 2011, by the following roll call vote:

- AYES: Councilmembers Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Bendy White, Mayor Helene Schneider
- NOES: None
- ABSENT: None
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on April 13, 2011.



Cynthia M. Rodriguez

Cynthia M. Rodriguez
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on April 13, 2011.

Helene Schneider

Helene Schneider
Mayor