

## CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

### MEMORANDUM

**Date:** April 17, 2014  
**To:** Harbor Commission  
**From:** Scott Riedman, Waterfront Director  
**Subject:** Berthing Policy—Designated Commercial Fishing Slips

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#### **RECOMMENDATION:**

That Harbor Commission receive a report on the berthing policy for designated commercial fishing slips in Santa Barbara Harbor and recommend to City Council amendments to that policy regarding method and timing for proof of earnings.

#### **BACKGROUND:**

In 2001, the Harbor Commission recommended that City Council approve policy guidelines governing specially designated commercial fishing slips in Santa Barbara Harbor (see drawing, Attachment 1). The policy designated certain slips as “commercial fishing only” and established performance standards for maintaining permits for those slips, to support commercial fishing and help protect the future of our working waterfront. City Council adopted the policy by Resolution in November 2001. The Resolution required the City to review the policy every five years. Along with other amendments, the review period for the Resolution was changed to three years, as part of its re-adoption in 2007. It was again reviewed and amended during its tri-annual review in 2010. This staff report and its recommendations constitute its next review. A “showing changes” of the current Resolution, including proposed amendments, is included as Attachment 2.

#### **DISCUSSION:**

The Berthing Policy for Designated Commercial Fishing Slips identifies and designates 42 historic fishing slips in Fish Float North, Fish Float South and Marina 1A. It also includes three slips—two in Marina 1 and one in Marina 4—preferentially assigned to fishermen during expansion of those marinas in 1999.

The heart of the policy is an earnings requirement (\$15,000 every two years) for vessels in Marina 1-A who forgo a “grandfather” exemption afforded Fish Float slips in exchange for a “rollback” to slip rates equal to those in the Fish Floats (currently \$4.71 per foot per month, about 50% of rate charged for a 35’ vessel berthed elsewhere in the harbor). The earnings requirement also applies to vessels transferring into any designated commercial fishing slip.

Currently, 31 of 45 vessels berthed in designated commercial fishing slips must demonstrate fisheries earnings. At this time all fishermen are current on their earnings requirements.

After reviewing the current Resolution, staff recommends two amendments, reflected in “track change” edits in Attachment 1. Both are in Section 4:

1. Eliminate requirement for proof of earnings via California Fish and Wildlife (CDFW) landing receipts. Staff has learned over time that requiring fishermen to compile these receipts can be bothersome and time consuming. In addition, experience with the second (required) method for proving earnings (landing records provided by DBFW’s Custodian of Records—Attachment 3) has proven less cumbersome and more efficient.
2. Add language requiring all proof of earnings to be submitted by April 15<sup>th</sup> of any given year, beginning with the first April 15<sup>th</sup> following fishermen’s current earnings period. This will help fishermen know exactly when this requirement is due and will help staff administer the program efficiently, without having to repeatedly check its database to determine when each fisherman’s proof-of-earnings is due.

On April 11, 2014 staff mailed a copy of this report, including attachments, to all slip permittees occupying designated commercial fishing berths, and invited them to attend the Harbor Commission meeting on April 17<sup>th</sup> (Attachment 4).

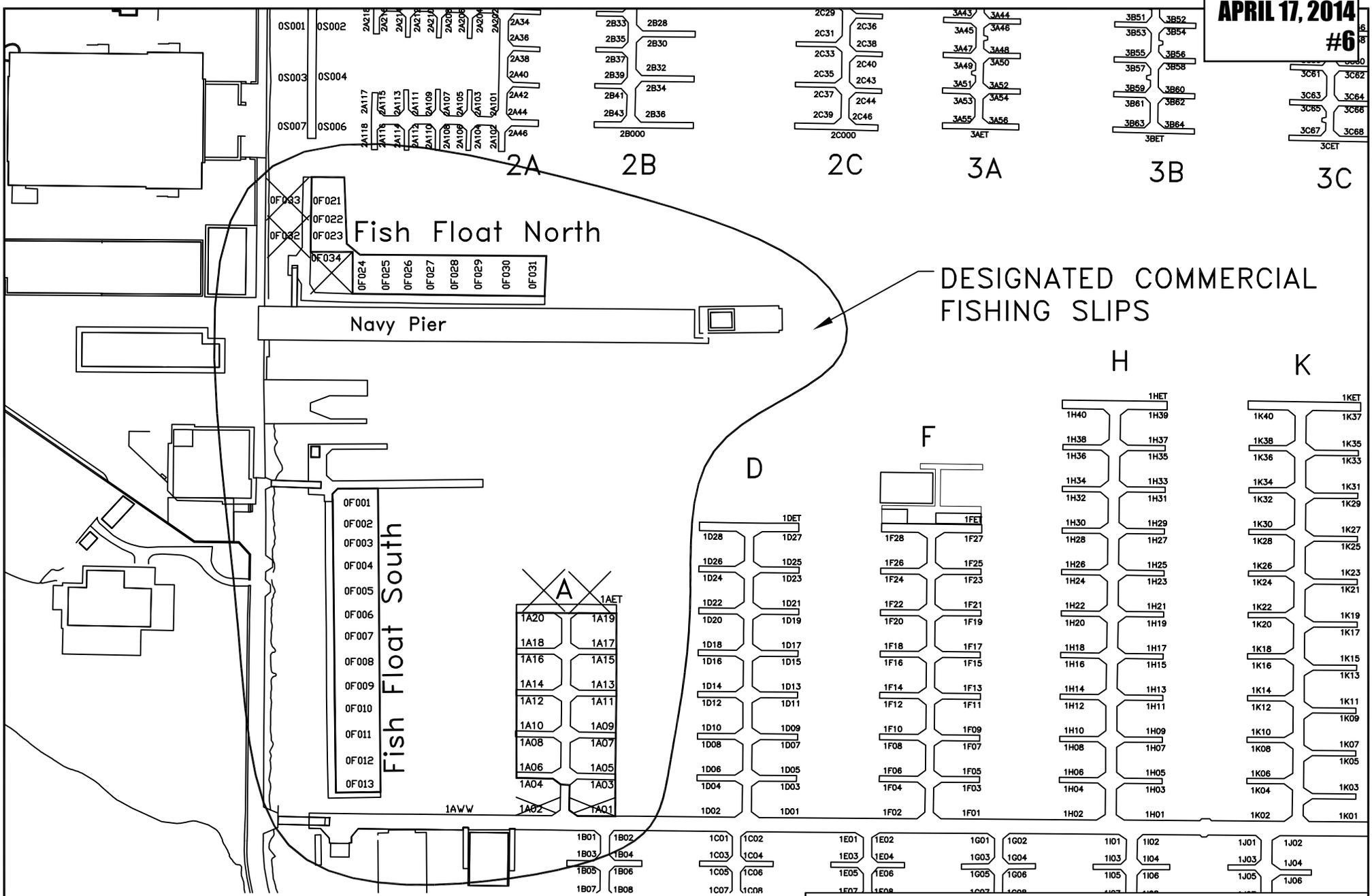
#### **CONCLUSION/TIMELINE:**

Staff believes the berthing policy for designated commercial fishing slips is working well, helping advance and protect the interests of our working Waterfront. Proposed amendments simplify and streamline proof-of-earnings requirements for fishermen and staff alike. Pending Commission approval, staff will proceed to City Council in May 2014 to request adoption of a new Resolution reflecting the proposed changes.

#### **Attachments:**

1. Designated Commercial Fishing Slips—Marina 1A, Fish Floats North & South
2. Proposed “Showing Changes” Amendments to Resolution 11-022
3. Information Request Form for Commercial Fishing Logbook Information
4. April 11, 2014 Letter to Fishermen

Prepared by: Mick Kronman, Harbor Operations Manager



**Site Plan  
 Designated Commercial Fishing Slips**

<b>REVISIONS</b> 12/22/2006	<b>DATE:</b> 10/03/00	<b>APPROVED BY:</b>	<b>DRAWN BY:</b> A.W. Pryor
	<b>ADDRESS:</b> Santa Barbara Harbor		<b>SHEET NO.</b> 1 of 4
<b>City of Santa Barbara          Waterfront Department</b>			<b>DRAWING NO.</b> 1000-039

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 Wildlife~~ and shall have and maintain a Fish and ~~Game Wildlife~~ 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 receipts issued to the permittee, plus~~ landing receipt records provided by the

Department of Fish and ~~Game's-Wildlife'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. All proof of earnings shall be due by April 15<sup>th</sup> of the second year of any two-year earnings cycle, beginning with the April 15<sup>th</sup> date following earning cycles in place at the time this Resolution is adopted.

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.

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 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.



APRIL 17, 2014 #6



CALIFORNIA DEPARTMENT OF FISH AND GAME
INFORMATION REQUEST FORM
FOR COMMERCIAL LANDING/CPFV LOGBOOK INFORMATION

I, \_\_\_\_\_, request that the Dept. of Fish & Game provide me with the following information.
(Name)

Part I - Fish Landing Receipt Records - I request fish landing receipt records for:

\*Fish and Game Vessel or Fish Business ID# \_\_\_\_\_ Commercial Fishing License ID # L \_\_\_\_\_

Please list/check years: \_\_\_\_\_ Please list/check years: \_\_\_\_\_

- Grid of years from 1972 to 2011 with checkboxes for selection.

Reason for requesting records: \_\_\_\_\_

Landing/Log ID Information is confidential and released only according to applicable policy, regulations and/or laws.

Part II & \*Custom Reports-(years from 1972) Include fields: [ ]Year [ ]Port [ ]Origin [ ]Species

[ ] I prefer my records be provided in spreadsheet format. [ ]Pounds [ ]Value [ ]Gear [ ]Condition [ ]Use

Reports - List Species and Year (s): List Origin and Year (s):

Species (1) \_\_\_\_\_(2)\_\_\_\_\_(3)\_\_\_\_\_ Origin (1) \_\_\_\_\_(2)\_\_\_\_\_(3)\_\_\_\_\_

Year(s) (1)\_\_\_\_\_(2)\_\_\_\_\_(3)\_\_\_\_\_ Year(s) (1)\_\_\_\_\_(2)\_\_\_\_\_(3)\_\_\_\_\_

\* for Custom reports indicate F&G Name and ID number Origin = block/catch area number

Part III - Commercial Passenger Fishing Vessel (CPFV) Log Book Records - I request a copy of the CPFV records for

\*Fish and Game Vessel ID # \_\_\_\_\_ Please list/check years: \_\_\_\_\_

- Grid of years from 2011 to 2005 with checkboxes for selection.

Landing/Log ID Information is confidential and released only according to applicable policy, regulations and/or laws.

Part IV - California Commercial Landings (Bulletin Tables 7 through 21-years from 1978):

Total Tables Ordered: \_\_\_\_\_

List Table # (s) \_\_\_\_\_ List Year(s) \_\_\_\_\_

Signature of requester: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Information

Please print neatly - Name of requester: \_\_\_\_\_

(Mailing Address- number & Street/or P.O.B.) (City and State) (Zip Code)

(Area Code & Telephone Number) (Fax Number) (E-mail)

Information Delivery Preference: [ ] Fax [ ] Mail [ ] E-mail

Return form to: California Department of Fish and Game, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720

For questions regarding information requests, contact: Jana Robertson (562)342-7126 Fax (562)342-7137 E-mail: jroberts@dfg.ca.gov

\*For fisherman license/commercial vessel registration verification, contact: Dept. of Fish & Game, License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834 - Ph: (916) 928-5822 FAX: (916) 419-7586

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ATTACHMENT #3

**APRIL 17, 2014**  
**#6**

April 10, 2014

NAME  
Address  
CITY St Zip

**Re: Harbor Commission Review of Designated Commercial Fishing Berth Policy**

Dear \*\*\*\*\*.

On April 17<sup>th</sup>, the Harbor Commission will conduct its triennial review of the City's Berthing Policy for Designated Commercial Fishing Slips. I have enclosed a copy of the Waterfront Department's staff report and attachments that Commissioners will review. They include proposed minor amendments intended to simplify administrative aspects of compliance requirements intended to benefit fishermen and Waterfront staff alike.

The Commission meeting will commence at 6:30 p.m. in City Council Chambers on the second floor of City Hall at 735 Anacapa Street. I invite you to attend this meeting if you wish. It will also be broadcast live on local Channel 18.

Meanwhile, please call me if you wish to discuss any matters related to this agenda item.

Sincerely,

Mick Kronman  
Harbor Operations Manager  
805-897-2587

**ATTACHMENT #4**