



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 12, 2011
TO: Mayor and Councilmembers
FROM: Harbor Operations Division, Waterfront Department
SUBJECT: Berthing Policy—Designated Commercial Fishing Slips

RECOMMENDATION:

That Council adopt, by reading of title only, 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.

BACKGROUND:

In March 2001, the Harbor Commission recommended that City Council approve policy guidelines governing specially designated commercial fishing slips in Santa Barbara Harbor. The policy designated certain slips as “commercial fishing only” (Attachment 1), and established performance standards for maintaining permits for those slips, to support commercial fishing and help protect the future of the City’s 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 June 2007. This staff report and its recommendations constitute that three-year review. A “showing changes” draft of proposed amendments to the current Resolution is included to this report.

DISCUSSION:

The Commercial Fishing Policy identifies and designates 42 historic fishing slips in the in Fish Float North, Fish Float South and Marina 1A. It also includes two slips in Marina One and one in Marina Four that were 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 from this requirement in exchange for a “rollback” to slip rates equal to those in Fish Floats North and South (\$4.40 per foot per month in Fiscal Year 2011 - approximately 50% of rates charged for a 35’ vessel berthed elsewhere in the harbor). The earnings requirement also applies to vessels transferring into any specially designated commercial fishing slip, including slips granted “grandfather” status otherwise exempting them from earnings requirements (i.e. slips on Fish Floats North and South, plus slips on Marina 1-A whose permittees chose grandfathering over a rate roll-back).

Currently, 31 of 45 vessels berthed in designated commercial fishing slips must demonstrate fisheries earnings (\$15,000 every two years), either because they transferred into a commercial fishing slip since adoption of the policy in 2001 or because, in the case of slip permittees in Marina 1-A, they chose the earnings requirements in exchange for a partial slip fee subsidy.

In preparation for the current three-year review of the Commercial Fishermen's Berthing Policy, staff reviewed the existing Resolution, drafting proposed changes it believes will help clarify the policy and facilitate accounting of required fisheries earnings. In addition, on February 1, 2011, staff met with eight fisheries representatives who have slip permits in designated commercial fishing slips to discuss proposed staff changes to the policy and hear changes proposed by the fishermen.

Reflecting a combination of recommendations from staff and affected fishermen, the draft, amended Resolution includes the following three (substantive) proposed changes:

- **Section 4, proof of earnings.** Section 4 describes how earnings from commercial fishing shall be demonstrated. In the past, the Department has only required presentation of California Department of Fish and Game Landing Receipts as proof of earnings from commercial fishing. Because these receipt books are readily available to fishermen holding certain types of state-issued licenses, they can be manipulated and, as such, are less than adequate proof of earnings. Staff recommends adding receipt records from Cal Fish and Game's Custodian of Records (see Information Request Form - Attachment 2), as confirmed proof that copies of the earning were forwarded to Sacramento.
- **Section 5, proof of earnings.** Section 5 describes how earnings from commercial fishing shall be demonstrated for fishermen who earn up to 50% of the \$15,000 required of them on vessels other than their own. Since they may not be the licensed permittee on such vessels (e.g. crew in lobster or sea urchin fisheries, where only the license holder may make landings and obtain fish landing receipts or receipt records from Cal Fish and Game's Custodian of Records), staff recommends that earnings requirements for this 50% would be demonstrated by a combination of cancelled payroll checks or their equivalent *plus* copies of Internal Revenue Service 1099 tax forms.
- **Section 13, proof of earnings.** Section 13 provides opportunity for a fisherman who successfully meets earnings requirements during at least three successive earnings periods to lease his boat to another party for the purpose of continuing to meet those requirements. Consistent with Section 5, Section 13 has been amended to require that at least 50% (not 100%) of earnings intended to meet the requirement must be made by the lessee aboard the permitted vessel assigned to a slip in Santa Barbara Harbor. Staff recommends that 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.

CONCLUSION

Staff believes proposed amendments to the berthing policy for designated commercial fishing slips will help ensure that the policy remains current, providing fishermen reasonable opportunities to make required earnings without diluting the intention of the policy to ensure that boats berthed in designated commercial fishing slips continue fishing. On March 17, 2011, the Harbor Commission voted unanimously to forward the amended Resolution to Council for its approval.

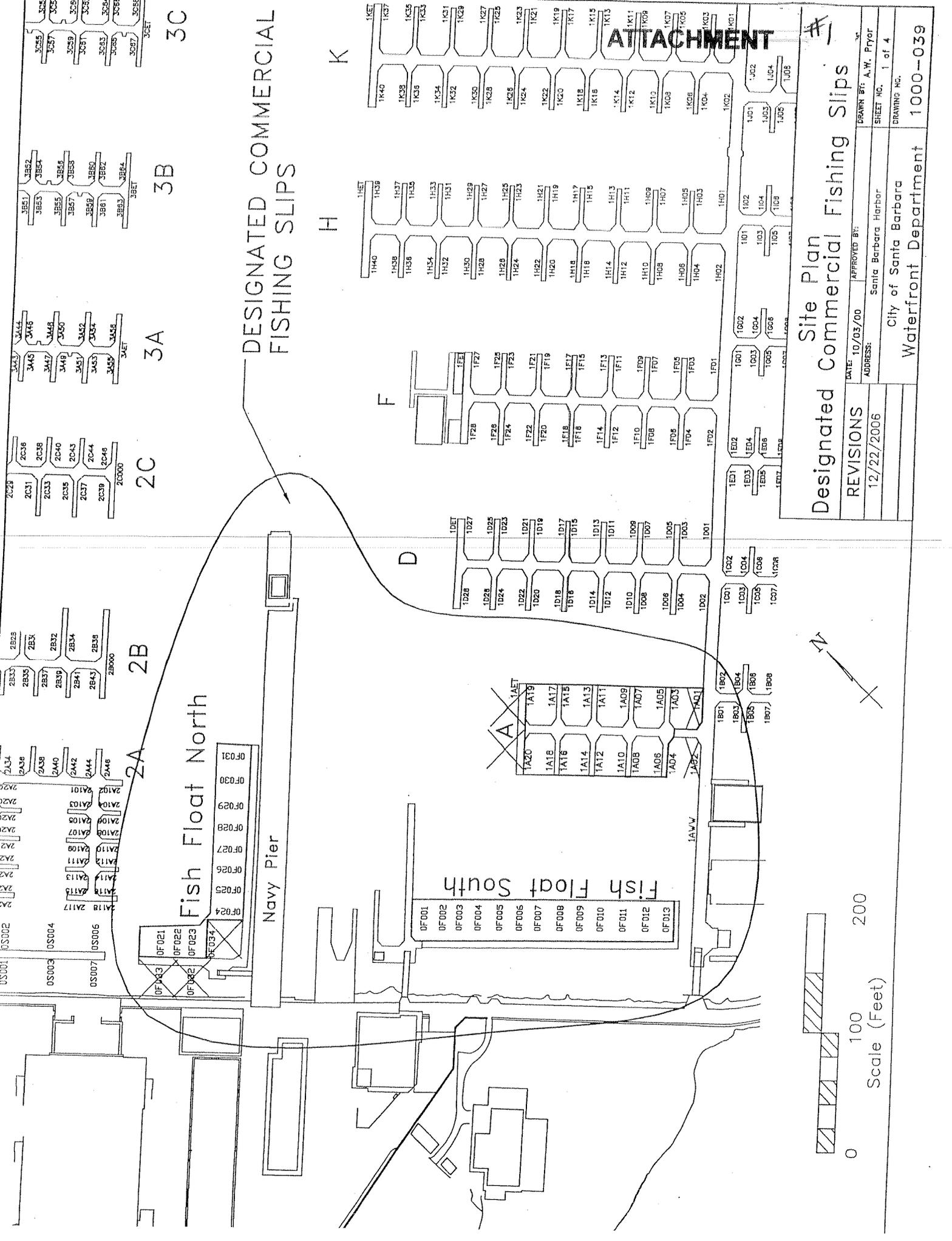
ATTACHMENTS:

1. Designated Commercial Fishing Slips—Marina 1 A, Fish Floats North and South
2. Information Request Form For Commercial Fishing Logbook Information

PREPARED BY: Mick Kronman, Harbor Operations Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office



DESIGNATED COMMERCIAL FISHING SLIPS

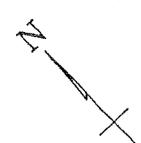
ATTACHMENT

Designated Commercial Fishing Slips

DATE: 10/03/00 APPROVED BY: A.W. Pryor
 ADDRESS: Santa Barbara Harbor
 SHEET NO. 1 of 4
 DRAWING NO. 1000-039

City of Santa Barbara
 Waterfront Department

Scale (Feet)
 0 100 200





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.

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: _____

- List of years from 1972 to 2010 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 []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: _____

- List of years from 2010 to 2004 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 1972):

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