

COMMENTS ON NON-AGENDA ITEMS

This agenda item provides opportunity for advisory bodies, management entities, and members of the public to submit comments to the Council on matters that are not part of the scheduled meeting agenda. Such comments may be comprised of both written documents and oral testimony.

Council Task:

Discussion.

Reference Materials:

1. Agenda Item B.1.c, Public Comment 1: Tri-Marine Letter Regarding Squid Fleet Capacity.

Agenda Order:

- a. Agenda Item Overview
- b. Advisory Body and Management Entity Comments
- c. Public Comment
- d. Council Discussion of Comments as Appropriate

Chuck Tracy

PFMC
8/19/14



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RECEIVED

JUL 10 2014

July 9, 2014

PFMC

Mr. Michael Sutton
Chairman, California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 95814

RE: Management of Squid Resources in California:
The Problem of Excessive Fishing Capacity

Dear Mr. Sutton:

We are writing on behalf of the Tri Marine Group ("Tri Marine"), a privately owned group of fishing, processing, trading, and marketing companies with offices in 14 countries, processing plants located strategically around the world, and a fleet of purse seine, pole-and-line, and support vessels operating in the Pacific Ocean. The Group's headquarters are in Bellevue, Washington. Tri Marine is strongly committed to ensuring the sustainability of all the marine resources important to their business operations and is a founding member of the International Seafood Sustainability Foundation. Tri Marine Fish Company, based in San Pedro, California operates a wetfish plant capable of freezing over 300 tons a day of squid, sardines, and mackerel. Tri Marine is a long-term, committed participant in the State's market squid fishery.

We ask that the Commission and the Department of Fish and Wildlife immediately undertake a review of the issue of excessive capacity in the California market squid fleet given recent developments in the fishery, particularly the fact that the annual 118,000 metric ton quota is being reached much sooner than ever anticipated in the State's Market Squid Fishery Management Plan which was adopted by the Commission in December 2004 and implemented starting in 2005. The market squid fishery is no longer a year-round fishery and, because of pressure to rapidly harvest the resource, just this year the Commission took steps to more finely define the circumstances under which incidental harvests of 2 tons or less are considered "incidental" to other catches after closure of the fishery. However, the more significant concern is that a number of permits holders have brought into the fishery "replacement" vessels, some built in Canada, with exceedingly large fish hold capacity even though they have been measured, under the U.S. Coast Guard's rather flexible measurement rules, as being less than 5 net tons in size.

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Because of its commitment to the market squid fishery in California and the nearby waters of the U.S. Exclusive Economic Zone (EEZ), Tri Marine has become increasingly concerned about indications that this important fishery is not being managed as well as had been promised. In particular, the company is deeply concerned about the failure to meet and maintain the fishing capacity goals in the 2005 California Final Market Squid Fishery Management Plan, in particular with regard to the purse seine fleet, which contained the goal of a limited fleet of vessels that were “moderately productive.” However, the transfer of Canadian vessels to California registration has increased capacity to the point that these vessels are able to harvest far more squid than the ones they replaced. As a consequence of the licensed fleet’s significantly expanded capacity, for the last four years the annual quota of 118,000 tons has been met earlier and earlier in the year, reflecting an “Olympic” management program rather than a limited entry/restricted capacity program. We thought that the 2005 California Squid Management Plan created a rationalized fishery and, on the basis of that understanding, the Pacific Fishery Management Council deferred to the State of California with respect to management of squid in the nearby EEZ. This excessive capacity issue may also extend to vessels registered in Oregon and Washington as well. Tri Marine believes it is time for a detailed reassessment and explanation of what is going on in this important fishery.

Therefore, the purpose of this letter is to request that the Commission and the Department look into the issue of squid fishing vessel capacity with a view to explaining exactly how much capacity has been allowed into this fishery since 2005, how the State of California has calculated the actual fishing capacity of foreign-transferred boats of less than 5 net tons, and whether any of these vessels have been altered or changed after documentation to expand capacity for harvest. Below we set forth some of the considerations that led to this request to you.

The 2005 California Squid Management Plan. The Final Market Squid Fishery Management Plan (the “Plan”) was adopted by the Commission in 2004. The stated goal of the Plan was to manage the market squid (*Loligo opalescens*) resource to ensure long-term resource conservation and sustainability, reduce the potential for overfishing, and institute a framework for management that will be responsive to environmental and socioeconomic changes. To that end, measures were included that (1) set fishing control rules, including a hard limit on total catch (118,000 tons per year), closures, spawning protection, and monitoring; (2) created a restricted access program, including provisions for initial entry and permit transfers, that would produce a moderately productive and specialized fleet; and (3) established a seabird closure in the waters of the Gulf of the Farallones National Marine Sanctuary.

Regulations were then promulgated to carry out the Plan as well as the related squid fishery statutory provisions of the State Fish & Game Code. *See* California Code of Regulations, Title 14, Chpt. 5.5, Art. 4, §§ 53.00-53.03 and Chpt. 6, §§ 149-149.3. In the preamble in § 53.00, the applicable California laws and regulations are referenced and it is then stated that such laws and regulations “and federal regulations for coastal pelagic species, govern management and regulation of market squid stocks and fisheries.” Thus, the California market squid fishery is to abide by California laws and regulations and applicable federal laws and regulations.

In the definition part in § 53.01, the regulations define “fleet capacity goal” as the optimal number of vessels where the number of vessels matches the available squid resource. The term “tons” is defined to mean short tons, or 2,000 pounds, as the standard unit of weight for describing catches and limits for market squid. Vessel capacity is defined as “the gross registered tonnage listed on a federal Coastal Pelagic Species permit or calculated from length, breadth and depth measurements provided on United States Coast Guard documentation papers.” If a vessel does not hold a federal Coastal Pelagic Species permit, the gross tonnage of the vessel will be determined by multiplying the length (L), breadth (B), and depth (D) of the vessel by 0.0067, using the information recorded on the vessel’s U.S. Coast Guard documentation papers. § 149.1(n)(1)(B). However, the regulations fail to provide any guidance on how to calculate the gross tonnage of a vessel that is not documented by the U.S. Coast Guard, i.e. one under 5 net tons as measured under Coast Guard admeasurement rules.

The Plan contains “Capacity Goals”: 55 permitted purse seine vessels; 18 permitted brail vessels; and 34 permitted light boats. § 149.1(m). The Plan, at Section 1-34, stated that, according to Department (of Fish and Game) records, the average purse seine vessel is 18.9 meters (62 feet) and 81 gross tons, with an average hold capacity of 84 tons. Thus, the target capacity size for the entire purse seine fleet would be 4,620 short tons.

The Plan also requires that each purse seine and brail permit be marked with the gross tonnage at the time of initial issuance and the tonnage endorsement is to remain in effect for the lifetime of each permit, regardless of the gross tonnage of the vessel to which it may be transferred. § 149.1(n). The gross tonnage of any vessel to which a permit is transferred may not be more than 110 percent of the original tonnage endorsement on the permit.

The Federal Coastal Pelagic Species FMP: The Pacific Fishery Management Council has implemented a framework fishery management plan for various pelagic species of fish, including market squid. *See* Coastal Pelagic Species FMP, as amended through Amendment 13, September 2011. The Council determined that the appropriate current fleet capacity goal for the entire EEZ Coastal Pelagic Species FMP is 5,650.9 metric tons as represented by the cumulative gross tonnage of the fleet. FMP, at 30. The Council also committed to monitoring the capacity of the fleet every two years. Limited entry permits for the fishery are required and may be transferred to another vessel of comparable capacity, which is determined by NOAA Fisheries using the gross tonnage of the permitted vessel, plus 10 percent. However, NOAA also has no explanation of how the tonnage of a vessel for a permit transfer is calculated if there is no U.S. Coast Guard documentation for that vessel. *See* 68 Fed. Reg. 3819-3823 (Jan. 27, 2003). In theory, transfers are not allowed if the tonnage of the transferee vessel is greater than 110 percent of the tonnage on the original permit.

Thus, both the State of California and NOAA lack precise guidance as to the calculation of capacity with respect to a squid vessel that is less than 5 net tons and not documented by the U.S. Coast Guard.

The Coast Guard Documentation/Admeasurement Rules: Vessel documentation laws require that any vessel of 5 net tons or greater seeking to engage in the U.S. fisheries, including in California waters and the waters of the EEZ, must obtain a certificate of documentation from the U.S. Coast Guard. Such a vessel must be owned by U.S. citizens and be built in the United States. 46 U.S.C. §§ 12102(a), 12103, and 12113. However, a vessel that is admeasured to be less than 5 net tons may be used in the fisheries if it otherwise qualifies, which means it does not have to be built or rebuilt in the United States. Under NOAA's regulations, it is sufficient that the vessel be owned by U.S. citizens. Consequently, vessels admeasured to be less than 5 net tons may be used to harvest squid in California waters if they are registered under California laws and obtain a permit to engage in the fishery. Such a vessel may also operate in the market squid fishery in the EEZ, again with the proper permits and registration under state law.

Admeasurement appears to be as much an art as it is a science and requires a marine architect to confirm compliance with published U.S. Coast Guard regulations, 46 C.F.R. Part 69, Subparts B, C, D and E. Recently, the Coast Guard informed the Pacific Fishery Management Council that the transferred Canadian-built vessels appear to meet that agency's admeasurement rules.

Study by Natural Resources Consultants, Inc. of Fleet Capacity: We requested that the firm of Natural Resources Consultants, Inc. investigate this issue and provide us a report. That report is attached as Exhibit 1. The report concludes that the number of California permitted purse seine squid vessels was 74 in 2013, not the Plan target of 55; that the capacity of these vessels is roughly 6,438 (not the Plan target of 4,620); and that the actual capacity may even prove to much higher on closer examination of the replacement Canadian-built vessels which may have been reconfigured, such as by sponsoning. Just recently, National Fisherman (July 2014) reported that a shipyard in Oregon "pulled off a full sponson job" on a 58-foot squid seiner from Long Beach, California. The "sponson job" extended the beam of the vessel by six feet, from 18 to 24 feet, which also increased the size of the fish hold.

Based on our research, we believe at least three preliminary conclusions have support:

(1) neither the State of California or NOAA have effectively policed the vessel capacity targets set forth in the Plan and the Coastal Pelagic Species FMP with respect, at least, to purse seine market squid vessels:

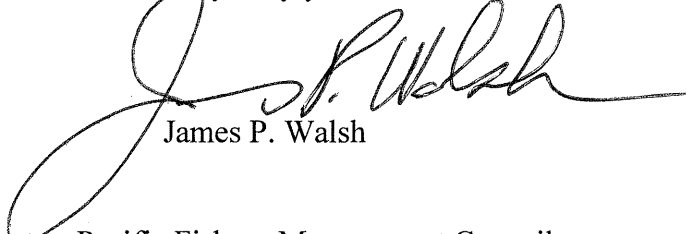
(2) the harvest capacity now operating in the market squid fishery is significantly greater than either regulatory agency considers ideal for the fishery; and

(3) questions arise as to the compliance of recently transferred Canadian-built vessels now working in the market squid fishery with the State's Market Squid Fishery Management Plan capacity limits and goals.

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Therefore, we urge you to investigate this issue and to consider appropriate regulatory action to make the harvest capacity in this fishery more in line with the available quota and the capacity limitation goals set forth in the 2005 Market Squid Fishery Management Plan.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. P. Walsh', with a large, stylized loop at the beginning.

James P. Walsh

cc: Dr. Donald McIssac, Executive Director, Pacific Fishery Management Council

Attachment



NATURAL RESOURCES CONSULTANTS, INC.

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SEATTLE, WASHINGTON 98199
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July 2, 2014

Mr. Bud Walsh
Davis Wright and Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533

Re: California Market Squid Fleet Analysis

Dear Bud:

ASSIGNMENT

On behalf of Tri Marine, you have asked that I conduct independent research to determine and document possible recent year increases in the capacity of the California permitted purse seine fleet to harvest, hold below deck in refrigerated seawater fish holds and deliver market squid to California buyers. The task includes the review of State and Federal Fishery Management Plans which in part established "limited entry" fleets of permitted purse seine fishing vessels, set limits on the gross tonnage capacity of the limited entry fleets, and implement regulations which pertain to the transfer of permits in the fleet and the replacement of ageing/smaller vessels with newer vessels with greater fishing/catch holding capacities.

My assignment in particular includes documenting the increased fleet capacity resulting from the growing practice of importing Canadian built purse seiners, admeasured less than 5 net tons, into U.S. Pacific West Coast commercial fisheries including California market squid. This document provides the above information along with information reviewed and relied upon, a section on fishery background, management and my recommendations.

INFORMATION REVIEWED AND RELIED UPON

In conducting this research and analysis I have reviewed and relied upon the following information:

1. United States Coast Guard Vessel Documentation Files.

2. Canadian Vessel Documentation.
3. State of California Commercial Fishing licenses and Permits 2000-2013.
4. Oregon Sardine Permit Holders in the 2013 Oregon Commercial Permit and License databases.
5. Limited Entry Fleet Capacity Management and a Market Squid Maximum Sustainable Yield Control Rule, Amendment 10 to the Coastal Species Fishery Management Plan, Pacific Fishery Management Council, August 2002.
6. NOAA, Southwest Regional Office, Guide Governing the Transfer of Coastal Pelagic Species Limited Entry Permits, January 2003.
7. Coastal Pelagic Species Fishery Management Plan As Amended Through Amendment 13, Pacific Fishery Management Council, September 2011.
8. Federal Register Vol. 68, No.17, P. 3819-3823, Monday, January 27, 2003 NOAA, Final Rule. Amendment 10, rules and procedures for permit transfers.
9. Final Market Squid Fishery Management Plan, March 25, 2005, State of California Resource Agency Department of Fish and Game Marine Region.
10. State of California Department of Fish and Wildlife (CDFW), Market Squid Fishery Provisions, March 28, 2005.
11. CDFW vessel summary for market squid, November 14, 2013.
12. Status of the Pacific Coast Coastal Pelagic Species Fishery and Recommended Acceptable Biological Catches, Stock Assessment and Fishery Evaluation, 2007, 2008, 2009, 2010 and draft 2012. These documents are referred to as annual "SAFE", produced by the Pacific Fishery Management Council.

BACKGROUND

Market Squid: The California market squid fishery is by far the most valued commercial fishery in California. Recent season landings have been in the range of 100,000-130,000 mt valued just short of \$70 million annually to the fishing fleet (Exhibit 1). The fishing season opens April 1 and closes March 31 or with achievement of the harvest quota which is currently set at 118,000 short tons. The fishery is conducted primarily by purse seine vessels working in conjunction with light boats that attract schools of squid for encirclement by the seiners. Squid catches are pumped aboard purse seiners into the vessel's below deck refrigerated seawater holds for transit to shore based landing stations or processing plants. This fishery is basically a "day boat" operation whereby vessels typically transit to the fishing grounds, conduct their fishing during dark hours, transit back to port and offload during a 24-hour period to repeat the cycle. Trip frequency can also be dictated by their markets, processing plant capacity to handle offloads and by the overall catch rates of the fleet relative to overall processing plant capacity.

Marketing is primarily export of frozen boxed whole squid to China. The fishery also supports a relatively small volume domestic market.

Fishery Management: Management of the California market squid fishery is a bit complicated because of the involvement of two government fishery management agencies. Federal management of the market squid fishery goes back to the 1990's when the National Marine Fisheries Service (NMFS) and the Pacific Fishery Management Council (PFMC) expanded a Northern Anchovy Fishery Management Plan to include a wider range of coastal pelagic finfish (Pacific sardine and Pacific mackerel) and market squid. The expanded fishery management plan was termed the Coastal Pelagic Species Management Plan and it was implemented in December of 1999. These regulations established the basic fishery management rules, which very importantly, included provisions for the issuance of Limited Entry Permits for the Coastal Pelagic Species fishing fleet. In December 2002, further federal regulations were established (CPS Amendment 10) which adopted a capacity goal for the CPS limited entry fleet, set a market squid optimum yield, established a procedure for monitoring fleet capacity relative to the fleet capacity goal, provided for the transferring of limited entry permits and a process for considering new limited entry permits into the CPS fishery.

In March of 2005, management of the California market squid fishery was transferred to California Department of Fish and Wildlife (CDFW) and this fishery has since been managed by CDFW with Federal oversight. Under CDFW management, there is in part, a seasonal market squid catch limit of 118,000 short tons, a State of California limited entry permit system for purse seine, light boat and brailer boats fishing market squid, both transferable and non-transferable limited entry permits and rules under which these permits may and may not be transferred between vessels/owners.

In addition to the Federal CPS limited entry fleet and the CDFW limited entry market squid fleet, the State of Oregon in December 2005 and the State of Washington in 2009 each established a system of limited entry permits for these respective sardines fishery. These fisheries have been recently re-established as viable purse seine fisheries off the southern coast of Washington and off the northern coast of Oregon.

As will be later documented in detail, there are linkages between the above four separate limited entry fleets but the information provided by the government agencies on the vessels comprising the respective fleets is not consistent. The information on the federal CPS limited entry fleet is fairly detailed by vessel as are the Oregon and Washington limited entry sardine limited entry fleets. Unfortunately, the CDFW limited entry market squid vessel specifications are often not fully reported, and to make matters more difficult, by California State regulation vessel name, permit number and owner is not publically disclosed. The incomplete or undisclosed vessel information creates difficulties in the tracking of vessels into this fleet as well as documenting their actual fish hold capacity.

Current Situation: The squid fishing season has shortened substantially in recent years with the 118,000 ton catch limit being landed or exceeded in sequentially record time (Exhibit 2). Increased participation by the fleet during the past decade has been triggered by increased world demand for California market squid and increased prices for the product. Prior to 2010/11 season, catches remained below the catch limit and seasons remained open for fishing during the 12 months between the April 1 opening and the March 31 closure. During the 2010/11 season the closure occurred December 17. During the 2011/12 and the 2012/13 seasons the catch limits were substantially exceeded and the seasons closed November 18 and 21 respectively. The 2013/14 season closure was yet another month earlier—October 18.

Fishermen in the industry reported to the Monterey Herald (Tab 1) in August 2013 that the high rate of squid landings has been caused by an influx of Canadian built purse seine vessels into the squid fishery that have much greater fishing power or capacity than the vessels that they replaced. In addition, fishermen have claimed that the fleet of purse seine vessels fishing squid under the CDFW limited entry system has increased from 55 vessels to 84 vessels in recent years. Fisherman Tim Durr reported that he counts 20 Canadian built purse seine vessels in the current squid fleet and that they are taking 40-50% of the quota. Joe Cappuccio of Del Mar Seafoods in Moss Landing reports that he owns 20 purse seine vessels including 4 Canadian built vessels.

The reported bottom line to the increased fishing pressure, the increased rate of landings and the shortened seasons in the squid fishery are the newer, more efficient and larger Canadian built purse seine vessels brought into the fishery to replace older, less efficient and smaller vessels. Canadian built purse seine vessels have been brought into this U.S. fleet as they were idled by Canadian fishing regulations and subsequently purchased by U.S. interests at heavily discounted prices. The skunk in the parlor centers on the fact that while commercial fishing vessels in the U.S. must be American built and registered with the United States Coast Guard (USCG), an exception is a foreign built boat with a hold capacity of less than 5 net tons or 500 cubic feet. Reports are that the Canadian built purse seiners now fishing in the U.S. fishery have used creative marine architecture or temporary "deep framing" to reduce the measurable fish holds and get the vessel registered as less than 5 net tons and approved by the USCG. Once approved the owners reportedly pull out the false walls and floors to utilize the full hold capacity of the vessel, which could easily accommodate 80 to more than 100 tons of squid. Fisherman Phil Schenck summed up the situation by stating, "How do you put 150 tons in a 4.9 ton hold? I'd say that's fraud. They're using the space but they're measuring another space".

Complaints have reportedly been filed with the USCG's 11th District and with California politicians. USCG coordinator Peg Murphy confirmed that they have received complaints, indicated that they were looking into it and declined further comment.

As things now stand, the key to this assignment is tracking over time of the Canadian built and admeasured at less than 5 net ton purse seiners moving into the CDFW managed market squid fleet. Not surprisingly, we have found that many of these vessels also are permitted in the Federal CPS limited entry fleet and in the Oregon and Washington limited entry sardine fishery. Based on this collective information, suspect vessels have been identified.

The vessel tracking keys include the USCG vessel documentation data, Transport Canada Vessel Listing, CPS Limited Entry Permit Vessel Listing, Oregon Fishing Permit & License Database and the CDFW market squid limited entry data base. "Suspect vessels" were flagged based upon lack of a USCG official number and the vessel being listed in databases as being less than 5 net tons which was inconsistent with reality given the size of the vessel.

FLEET ANALYSIS and CHANGES OVER TIME

The tracking of purse seine vessels within the fleets begins in December 2000 when the Federal CPS fleet limited entry program closed. At that time the CPS fleet consisted of 65 purse seine vessels. Fifty-five of these vessels reportedly also held California State permits to fish market squid. Each of these 65 permitted vessels was U.S. flag and accordingly was identified in the USCG vessel documentation database. USCG Official Number for each vessel was provided in the reported fleet documentation (Tab 2). The average reported length of vessels in this fleet was 62 ft, and the average gross tonnage of the fleet was 87 tons. Gross tonnage was defined by formula, as $0.67 \times \text{length} \times \text{beam} \times \text{depth}/100$ and these dimensions were required to be derived from the USCG database on each vessel. The formula gross tonnage is what is referred to in the Fishery Management Plan as the "Calculated Vessel Gross Tonnage". The State of California Market Squid Provisions (effective March 28, 2005) reports that "the capacity goal for transferable and non-transferable market squid vessel permits is 55" (purse seine vessels). That same document also references the determination of gross tonnage as by formula above. The following points summarize what now appears to have occurred over time regarding the fleet and the fleet capacity:

1. While the CPS Federally permitted fleet has remained constant over time (2000-2012) at 65 permitted vessels, the State of California permitted market squid fleet has substantially exceeded the reported 55 vessel capacity goal. The State of California reported numbers of transferable and non-transferable permitted market squid vessels has ranged from 89 vessels to 74 vessels during the period of 2005-2013 (Exhibit 3 and Tab 3). The numbers for the 2013 market squid permitted fleet are reportedly 66 transferable squid permits and 8 non-transferable permits for a total of 74 vessels, which now exceeds the 55-vessel harvest capacity goal by 19 vessels.
2. In addition to the numbers of vessels in the fleet exceeding the stated market squid capacity goal, there have been substantial changes of vessels both in the CPS fleet and, not surprisingly, in the market squid permitted fleet. Also, during the past decade, the rebirth of the sardine

fishery of the Washington/Oregon coasts have further attracted a fleet of purse seiners, many of which over time appear to have found their way into the CPS fleet and into the market squid fleet via the vessel/permit transfer process.

3. The transferring of a vessel into a limited entry fishery to replace another "similar vessel" is of course not done without good reason. While a transferred vessel may be of approximate equal size or calculated gross tonnage to the replaced vessel, the transferred in and newly permitted vessel will in all likelihood be more efficient and have much greater fishing power due to a more modern hull configuration, more power, better deck gear, better hold refrigeration/configuration and better electronics to name the obvious. Having equal calculated gross tonnage is absolutely not a measure of equal fishing power.
4. In 2007, the Canadian built 4-year-old 67 ft F/V Pacific Journey was listed in the CPS fleet and in the Oregon limited entry sardine fleet.
5. By 2010, four additional vessels without USCG official numbers were listed in the CPS fleet: the F/V Ocean Angel IV, the New Queen, the Seabound and the Ocean Angel III. The Ocean Angel IV, Ocean Angel III and the New Queen also were listed in the 2010 Oregon sardine fleet and the Seabound was reported to have an Alaskan permit number.
6. By year 2012, five more vessels without USCG numbers were listed in the CPS fleet: the F/V Sea Venture, the Triton, the Rising Spirit, the Pacific Knight and the Pacific Predator. The most recent CPS fleet data available is provided in Tab 4.
7. On request from CDFW, we received a "vessel summary for market squid" (Tab 5) which excludes vessel owner, vessel name and vessel permit number but does provide a record number, year built, length, beam, depth, gross tons, net tons and hp. This vessel information summary has information missing for 21 of the listed 76 records. However, 10 of the vessel records are for large seiners that are reported to be less than 5 net tons. These 10 vessels are very likely Canadian build and admeasured.
8. In addition to the above 10 vessels that are in the California market squid fleet that have clearly been admeasured at less than 5 net tons to gain entry into the U.S. fishery, there are 5 more vessels that lack information to calculate gross tonnage and have no listing for net tonnage. These vessels are also suspect Canadian vessels.
9. Tab 6 provides a portion of a listing of the Oregon Commercial Fishing Permit and License Database, which includes at least two more vessels admeasured at less than 5 net tons that have sardine limited entry permits. These vessels are the 62 ft, 4 net ton, 500 hp F/V Royal Pacific and the 72 ft, 3 net ton, 700 hp F/V Lauren L. Knapp.
10. Tab 7 provides an "in progress worksheet" of information collected on each of the suspect Canadian admeasured vessels. These sheets identify

linkages to the California squid fleet that we have been able to match up with reasonable certainty.

11. The average gross tonnage of the year 2000 CPS fleet was reportedly 87 tons/vessel. If we assume that the average gross tonnage of the 55 permitted squid vessels in this fleet was also about 87 gross tons, the capacity of this fleet of 55 vessels in the 2000 base year equals 4,785 gross tons.
12. Because of the missing information in the California market squid provided by CDFW earlier noted in Tab 5, we cannot determine the year 2013 total fleet capacity, but we can calculate a reasonable estimate.
13. Assuming that the same average 87 gross tons per vessel (very likely very conservative given the upgrades that have occurred), the CDFW reported fleet of 74 purse seine permits equals a 6,438 gross ton capacity. This increase very conservatively represents a 35% increase in the capacity of the California market squid fishery since year 2000 and since the State's management plan capacity goal was published in 2005. In practice the increase in capacity is very likely much greater due to the modernization of the fleet beyond simply the defined calculated gross tonnage of the vessels.

RECOMMENDATIONS

This document provides you with a summary of the situation, how the fleet has changed over time and the influx of less than 5 net ton admeasured Canadian vessels. While we have both made additional requests for more detailed information from CDFW we have received nothing further and we understand that CDFW will not disclose full information. If the missing data on vessel dimensions in their files could be resolved we could recalculate more accurately the "calculated gross tonnage" of the current fleet using the defined formula $0.67 \times \text{length} \times \text{beam} \times \text{depth} / 100$. CDFW's practice of calculating gross tonnages for the obvious Canadian built vessels, absent USCG reported vessel measurements, remains a mystery.

This week I further checked with CPS team members and inquired if further work on squid management has been addressed since December 2013 when I completed the draft of this document. I was told that further work on squid has not occurred and that management rests with the State of California.

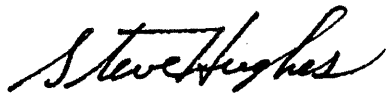
As a final recommendation, requesting that the USCG board the identified admeasured less than 5 net tons Canadian vessels that are engaged in the squid fishery with admeasured plans/details in hand and checking the fish holds as they are presently configured and being used in the fishery would be most informative. Further information documenting the observed vessel's squid offload record via California fish tickets and the buyers purchase records of tons caught/packed/offloaded/sold per delivery would shed the light on this issue that needs to be clearly understood. This procedure would not be difficult and the vessel

checks should be done shoreside at the vessel offload stations as offloading the landed squid catch is being completed.

I hope that this information is of assistance.

Sincerely,

NATURAL RESOURCES CONSULTANTS, INC.

A handwritten signature in black ink, reading "Steve Hughes". The signature is written in a cursive style with a large, stylized "S" and "H".

Steve Hughes
President

Exhibit 2. Summary of California market squid landings and the shortening of the fishing seasons with achievement of the 118,000 ton seasonal catch limit. Source: CDFW.

Season	Total Landings (st)	Seasonal Catch Limit (st)	Ex-vessel Total Value	Ex-vessel Price (\$/st)	Season Closure
2000-01	124,378	NA	\$24,158,785	\$194.24	NA
2001-02	102,914	125,000	\$20,239,493	\$196.66	NA
2002-03	47,016	125,000	\$11,989,856	\$255.02	NA
2003-04	60,476	125,000	\$29,052,936	\$480.40	NA
2004-05	56,572	125,000	\$27,055,085	\$478.24	NA
2005-06	82,108	118,000	\$42,335,964	\$515.61	NA
2006-07	38,366	118,000	\$18,741,534	\$488.49	NA
2007-08	50,635	118,000	\$29,432,950	\$581.28	NA
2008-09	40,146	118,000	\$27,410,268	\$682.76	NA
2009-10	93,616	118,000	\$48,179,937	\$514.65	NA
2010-11	133,642	118,000	\$69,321,846	\$518.71	17-Dec
2011-12	134,910	118,000	\$69,299,278	\$513.67	18-Nov
2012-13	105,258	118,000	\$67,151,552	\$637.97	21-Nov
2013-14	116,859 *	118,000	NA	NA	18-Oct

* reported landings through 12/2/2013

Exhibit 3. Reported numbers of California market squid transferable and non-transferable purse seine permits, 2005-2013. Source: CDFW License Statistics.

Year	Squid Transferable Permits	Squid Non-transferable Permits	Total Permits
2005	75	14	89
2006	74	12	86
2007	74	12	86
2008	77	11	88
2009	71	9	80
2010	72	9	81
2011	69	8	77
2012	69	8	77
2013	66	8	74

TAB 1

Monterey Herald, August 6, 2013

Brail-fleet members allege Canadian-built purse seiners are grabbing all the catch

By VIRGINIA HENNESSEY Herald Staff Writer Monterey County Herald
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A David and Goliath battle is brewing in the commercial squid fishery, with "scoop" fishermen alleging larger purse seiners are robbing them of their livelihoods, sometimes illegally.

Based mostly in Southern California, members of the smaller brail, or scoop net, fleet say they have not been allowed to fish for three years because larger purse seiners, many of them built in Canada, have pulled in the quota of 118,000 tons before the brail season becomes ripe.

Commercial fishing boats in the United States must be American-built and registered with the Coast Guard. An exception is a foreign-built boat with a hold capacity of less than 5 net tons, or 500 cubic feet, which is considered a recreational vessel and can be registered with the state.

Brail fishermen are complaining that competitors are taking advantage of the exception by paying pennies on the dollar for large Canadian-built purse seiners idled by that country's fishing regulations. The American fishermen then use creative marine architecture, or "deep framing," to reduce the measurable holds and get the vessels registered as less than 5 tons.

Once registered, brail fishermen say, the owners pull out false walls and floors and pull in as much as 150 tons of squid a night.

5/2/14
Joe Cappuccio of Del Mar Seafoods in Moss Landing owns 20 purse seiners, four of which he acknowledged were Canadian-built. He said the brail fishermen's claims are "completely inaccurate." His Canadian boats are legally registered, he said, because they have multiple hatches with each measuring under 5 tons.

One person involved with the practice who spoke on the condition of anonymity said the practice is widespread.

"The people who are complaining about it are the people who can't afford to do it," he said.

Separate quota sought

The scoopers want to level the playing field by seeking a separate quota for brail fishermen, who harvest later in the squid's spawning cycle than seiners. So far their complaints and pleas have fallen on deaf ears.

That may be changing. The U.S. Coast Guard is investigating the allegations, which could lead to millions of dollars in fines and forfeiture of illegal boats under a federal law commonly known as the Jones Act.



Peg Murphy, coordinator of the Coast Guard's 11th District commercial fishing vessel division, confirmed that her office received complaints about Canadian-built boats fishing illegally on the West Coast.

"We're looking into it and reviewing the law," she said, declining further comment.

A spokesman for Sen. Dianne Feinstein said she, too, was notified of the concerns and passed them on to the Coast Guard.

The complaints are coming from three fishermen docked in San Pedro who say they represent others who are afraid to speak out. Some of those are fishermen in Monterey and Moss Landing, who say the practice is affecting all fisheries, not just squid.

Brail fisherman Gary Harden said he went through the state chain of command to ask for changes to the brail squid quota. In December he asked for emergency action by the Fish and Game Commission to allow his group to fish.

Sonke Mastrup, executive director of the commission, since re-christened the Fish and Wildlife Commission, shut him down. "The commission is not going to entertain an immediate action for a whole bunch of reasons," he said.

In fact, the commission is moving to rewrite a law that has allowed fishermen, including brail boats, to take 2 tons of squid a night after the season has closed. So if a sardine fisherman accidentally catches squid, for example, he would be allowed to keep the squid up to that limit.

Briana Brady, a senior scientist for the Department of Fish and Wildlife in Monterey, said the law is intended to exempt such "incidental" take, not to give fishermen an open season.

At December's commission meeting, Diane Pleshner-Steele, executive director of the California Wetfish Producers Association, encouraged the commissioners to "close the loophole on the 2-ton" catch. She said 99 percent of the markets were honoring the intent of the law by refusing to buy any of the scoopers' postseason take.

Harden and other brail fishermen said many of those markets also own purse seiners and are using the controversy to further shut the brailers out of the market.

Hard times, hard choices

Shut down by the state and out by the markets, Harden and others felt they had no choice but to go to the feds.

"For the last three years we got cut out of our traditional brail fishing season," said fisherman Phil Schenck, who's been scooping squid for 45 years. "Without those paychecks it makes it really difficult."

Schenck explained that brail fishermen, whose nets are much smaller than purse seiners, harvest squid after they've spawned and are floating on the surface, usually from December

to February. Since 2010, Fish and Wildlife has closed the fishery in November or early December after the 118,000-ton quota was met.

"We started looking around at the reason and see a whole lot of these Canadian boats that hold a lot more than the boats they replaced," said Schenck. "We had no idea what we were doing. We just had to do something."

He, Harden and fisherman Tim Durr decided to seek federal help.

It is not the first time the Coast Guard has focused on the Canadian fleet in the United States. In 2004, the Coast Guard forced a group of commercial anglers in Maryland to stop fishing their boats until they were federally registered, or face forfeiture. The catch: The boats could not be registered because they were Canadian built.

Durr, who's been fishing for 50 years, said he counts as many as 20 Canadian-built boats seining for squid between San Pedro and Monterey. He estimates they are taking 40 percent to 50 percent of the quota.

"It just amazes me these guys have the cojones to put this amount of money into boats that are flat-out illegal," he said.

For a successful fisherman, however, the financial incentive is great. Market squid has been California's most lucrative fishery for several years, bringing in \$70 million or more.

With a Derby-style season, the more hold capacity you have, the more of that profit is yours. An 80-foot seiner that cost \$1 million to build in Canada might go today for \$200,000 or less.

Cappuccio of Del Mar Seafoods said he has pulled in 30,000 to 40,000 tons of squid in recent years, more than 20 percent of California's take — which, despite the 118,000-ton limit, totaled about 135,000 tons in the end. Most of his catch goes to China for about \$1,600 per ton.

He credits the "biblical proportions" of recent record-breaking seasons to the success of no-fishing zones established by state and federal fisheries managers.

Canadian boats, he said, are merely replacing older American boats, and an "80-ton permit is an 80-ton permit" no matter what you're fishing on.

Fishermen like Harden and Schenck, however, note that the number of permits continues to increase, with the number of purse seine permits going from 55 to 84 in recent years. Daily hauls have gone from 1,000 pounds to 4,000.

Boat alterations

The practice of reconfiguring Canadian boats to meet the 5-ton limit is accomplished through "admeasurement," a process accomplished by Coast Guard-qualified marine surveyors who measure a vessel's hold space. Areas like the wheelhouse, engine room and crew space are deducted.

With creative "tonnage reduction techniques," boat owners can rebuild the interior frame to reduce the measurable space. While the space behind or below the frame isn't counted, it is still there and can be used, said Phil Essex, principal with Moorsom Consulting Group LLC, the leading admeasuring firm in the United States.

The process is legal, Essex said, noting that his company measures four dozen boats a year, some as large as 79 feet. All eventually have come in under 5 tons, he said, and when checked, pass Coast Guard inspection.

"The rules are available to any American fisherman," he said. "The key is these owners took the trouble to design (their Canadian vessels) to meet the criteria."

Schenck said the "semantics escape me."

"How do you put 150 tons in a 4.9-ton hold? I'd say that's fraud," he said. "They're using the space but they're measuring another space."

"I never was in the debate society," he added, "but things don't add up to me."

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Tab 2

Coastal Pelagic Species, April 2001, Appendix C: Limited Entry Capacity Goal
and Transferability Options Table 1, Coastal Pelagic Species Limited Entry
Permit Vessel Listing

Table 1. Coastal Pelagic Species Limited Entry Permit Vessel Listing

Vessel Name	Vessel Owner	CG #	LE #
Misty Moon	Misty Moon, Inc.,	578511	1
Paloma	Boat Anna Maria	236642	2
St. George II	St. George II Fishing, Inc., Frank Vuoso	238969	3
Barbara H*	David A. Haworth	643518	4
San Antonio	Mazara Inc., Antonino Ingrande	236947	5
Annie D	St. Teresa Fishing, Inc., Stanley DiMeglio	246533	6
San Pedro Pride	San Pedro Pride, Inc., Ercole (Joe) Terzoli	549506	7
Ferrigno Boy	Ferrigno Enterprises Inc., Nicolina Ferrigno	602455	8
King Philip*	King Philip, inc., Sal Tringali	1061827	9
Sea Wave	Sea Wave, Inc., Sal Tringali	951443	10
Mary Louise	Sea Lanes II, Inc., Tony Mattera	247128	11
Bainbridge	Bainbridge Inc., Richard Mirkovich	236505	12
Pioneer	JCJC Incorporated	246212	13
Maria	Brothers C	236760	14
St. Joseph	St. Joseph, Inc., Robert Cigliano	633570	15
Sea Scout	Sea Scout, Inc., Isidoro Amalfitano	248454	16
Retriever*	William Ford Hargrave and John Aiello	582022	17
Atlantis	F/V Atlantis, L.L.C., Christopher C. Peterson	649333	18
G. Nazzareno	Nazzareno, Inc.	246518	19
Sea Queen	Boat Sea Queen, Inc.	582167	20
Pacific Leader	Southern California Bait Co, Inc.	643138	21
Chovie Clipper	Southern California Bait Co., Inc.	524626	22
Tribute	Stanley J. Nelson	613318	23
Ocean Angel I	Ocean Angel I, LLC	584336	24
Maria T	Maria T., Inc.	509632	25
Manana	Manana Bait Co., Inc.	253321	26
Miss Juli	Stephen L. Lovejoy	548223	27
Mineo Bros.	Domenic Mineo	939449	28
Sea Queen	Sea Queen Corporation	583781	29
Little Joe II	Bella Lea, Inc.	531019	30
Caitlin Ann*	Caitlin Ann General Partnership	960836	31
Eldorado	Gaspare F. Aliotti	690849	32
Kristen Gail*	Bruce E. Joyce	618791	33
Fiore D'Mare*	Fiore Enterprises, Inc.	550564	34
Endurance*	Gaspare Aliotti	613302	35
New Sunbeam	Pacific Live Bait, Inc.	284470	36
Calogera A*	John, Nick R, & Anthony J. Alfieri	984694	37
Eileen	South Sound Fisheries, Inc.	252749	38
Pamela Rose	Pamela Rose, Inc., Stephen Greyshock	693271	39
New Stella	Sal Boy, Inc., Richard Aiello	598813	40
Traveler	Baitall Inc., Lawrence Vernand	661936	41
Lucky Star	Nick Jurlin Jr.	295673	42
Ocean Angel II	Ocean Angel II, LLC	622522	43
Mello Boy*	Arthur Mello	1061917	44
Trionfo	Aniello Guglielmo	625449	45
Jenny Lynn*	Vito Terzoli	541444	46
Heavy Duty*	Heavy Duty LLC, C.D. Franklin	655523	47
Aliotti Bros	Joseph D. Aliotti	685870	48
Lady J	Noto Corporation, Francesco Noto	647528	49
Anna's	Matteo M. Sardina	253402	50

Welcome to California



Commercial Fishing Licenses and Permits

Items reported by License Year
As Of September 2013

Licenses	2010	2011	2012	2013	2014
LOBSTER CREWMEMBER PERMIT	207	224	229	196	0
MARINE AQUARIA COLLECTOR PERMIT	12	10	10	15	0
NORTHERN ROCK CRAB TRAP PERMIT	34	30	26	23	0
SEA URCHIN CREWMEMBER	192	221	229	197	0
SOUTHERN PINK SHRIMP TRAWL PERMIT	19	15	15	15	0
SWORDFISH PERMIT	61	55	44	32	0
TANNER CRAB TRAP VESSEL PERMIT	1	1	0	0	0
TIDAL INVERTEBRATE PERMIT	235	235	236	213	0
TRAP PERMIT	868	891	801	674	0
Permit Transfers					
DRIFT GILL NET PERMIT TRANSFER	4	0	0	2	0
DRIFT GILL NET VESSEL TRANSFER	1	0	0	1	0
DUNGENESS CRAB PERMIT TRANSFER	32	43	75	13	0
DUNGENESS CRAB CHANGE OF OWNERSHIP	0	0	1	17	0
GENERAL GILL NET TRANSFER	6	2	2	3	0
HERRING BOAT TRANSFER	8	0	0	0	0
HERRING PERMIT TRANSFER	5	0	5	1	0
HERRING SUBSTITUTE	3	2	11	0	0
LOBSTER OPERATOR PERMIT TRANSFER	16	18	10	12	0
MARKET SQUID BRAIL PERMIT TRANSFER	7	3	7	3	0
MARKET SQUID BRAIL PERMIT TRANSFER (OWNERSHIP CHANGE)	0	0	0	6	0
MARKET SQUID BRAIL UPGRADE	4	12	5	2	0
MARKET SQUID LIGHT BOAT TRANSFER	6	11	9	3	0
MARKET SQUID VESSEL PERMIT TRANSFER	7	10	18	5	0
MARKET SQUID VESSEL PERMIT (OWNERSHIP CHANGE)	0	0	0	5	0
NEARSHORE FISHERY PERMIT TRANSFER	0	3	3	2	0
NEARSHORE FISHERY TRAP ENDORSEMENT TRANSFER	0	2	2	1	0
NO. PINK SHRIMP VESSEL TRANSFER (NEW OWNER)	1	2	3	0	0
NO. PINK SHRIMP VESSEL TRANSFER (SAME OWNER)	0	0	0	0	0
NO. PINK SHRIMP VESSEL TRANSFER (TEMPORARY)	0	0	0	0	0
SALMON VESSEL PERMIT TRANSFER	21	33	61	31	0
SEA CUCUMBER PERMIT TRANSFER	3	5	2	4	0
SOUTHERN ROCK CRAB TRAP PERMIT TRANSFER	5	5	6	5	0
SPOT PRAWN TRAP VESSEL TRANSFER (CHANGE OF OWNER)	0	0	0	1	0
SPOT PRAWN TRAP VESSEL TRANSFER (SAME OWNER)	2	1	0	0	0
TOTAL	18,261	19,101	19,508	16,312	



Items reported by License Year
As Of April 2013

Licenses									
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
COMM FISHING LICENSE (R)	N/A	N/A	N/A	6,325	5,958	5,682	5,780	5,347	5,466
COMM FISHING LICENSE (NR)	1,145	1,055	961	859	771	677	684	664	682
COMM BOAT REGISTRATION (R)	4,289	4,155	3,680	3,326	3,205	3,062	3,003	2,916	2,873
COMM BOAT REGISTRATION (NR)	461	429	361	325	304	288	301	301	289
COMM PASSENGER FISHING VESSEL	402	416	433	432	450	445	450	431	434
COMM AIRCRAFT REGISTRATION	16	10	12	14	12	6	7	9	8
COMM SALMON STAMP	1,944	1,839	1,865	1,764	1,697	1,557	2,174	1,308	1,244
JOHN DOE SALMON STAMP	315	295	345	335	299	172	795	102	33
COMM OCEAN ENHANCEMENT VALIDATION	753	798	810	807	818	794	788	793	795
Limited Entry & Restricted Access									
CALIFORNIA HALIBUT BOTTOM TRAWL VESSEL PERMIT	N/A	N/A	N/A	N/A	N/A	62	59	52	51
DEEPER NEARSHORE SPECIES FISHERY PERMIT	N/A	N/A	N/A	276	259	249	239	231	220
DRIFT GILL NET SHARK/SWORDFISH PERMIT	127	114	106	100	90	88	86	84	84
DUNGENESS CRAB VESSEL PERMIT (R)	589	588	577	573	526	518	505	508	502
DUNGENESS CRAB VESSEL PERMIT (R) (T)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
DUNGENESS CRAB VESSEL PERMIT (R) (NT)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
DUNGENESS CRAB VESSEL PERMIT (NR)	68	66	65	61	77	84	87	81	79
DUNGENESS CRAB VESSEL PERMIT (NR) (T)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
DUNGENESS CRAB VESSEL PERMIT (NR) (NT)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
DUNGENESS CRAB VESSEL PERMIT (NR) (NR) (NT)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
GENERAL GILL/TRAMMEL NET PERMIT	232	223	209	193	187	172	166	160	150
HERRING GILL NET PERMIT(R)	336	333	329	320	289	254	211	200	189
HERRING GILL NET PERMIT(NR)		119	118	111	106	60	46	45	42
HERRING STAMP	414	409	404	390	374	274	220	210	201
LOBSTER OPERATOR PERMIT	253	247	237	228	220	214	212	204	203
LOBSTER OPERATOR PERMIT (T)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
LOBSTER OPERATOR PERMIT (NT)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
MARKET SQUID BRAIL PERMIT (T)	N/A	N/A	N/A	N/A	14	16	20	21	21
MARKET SQUID BRAIL PERMIT (NT)	N/A	N/A	N/A	N/A	0	0	0	0	0
MARKET SQUID LIGHT BOAT PERMIT (T)	N/A	N/A	N/A	N/A	61	59	55	54	54
MARKET SQUID LIGHT BOAT PERMIT (NT)	N/A	N/A	N/A	N/A	N/A	N/A	3	3	3
MARKET SQUID VESSEL PERMIT (T)	N/A	N/A	N/A	N/A	75	74	74	77	71
MARKET SQUID VESSEL PERMIT (NT)	N/A	N/A	N/A	N/A	14	12	12	11	9
MARKET SQUID VESSEL PERMIT, EXPERIMENTAL (NT)	N/A	N/A	N/A	N/A	3	3	2	0	0
NEARSHORE FISHERY BYCATCH PERMIT	N/A	N/A	N/A	26	25	22	20	19	19
NEARSHORE FISHERY PERMIT - N. CENTRAL COAST	N/A	N/A	N/A	36	35	33	29	29	28
NEARSHORE FISHERY PERMIT - N. CENTRAL COAST (T)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
NEARSHORE FISHERY PERMIT - N. CENTRAL COAST (NT)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
NEARSHORE FISHERY PERMIT - NORTH COAST	N/A	N/A	N/A	29	27	27	26	26	22
NEARSHORE FISHERY PERMIT - NORTH COAST (T)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
NEARSHORE FISHERY PERMIT - NORTH COAST (NT)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
NEARSHORE FISHERY PERMIT - S. CENTRAL COAST	N/A	N/A	N/A	76	69	65	61	60	59
NEARSHORE FISHERY PERMIT - S. CENTRAL COAST (T)				Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.

Welcome to California



Commercial Fishing Licenses and Permits

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As Of September 2013

Licenses	2010	2011	2012	2013	2014
DUNGENESS CRAB VESSEL PERMIT T (R) - TIER 3	N/A	N/A	N/A	48	0
DUNGENESS CRAB VESSEL PERMIT T (R) - TIER 4	N/A	N/A	N/A	46	0
DUNGENESS CRAB VESSEL PERMIT T (R) - TIER 5	N/A	N/A	N/A	47	0
DUNGENESS CRAB VESSEL PERMIT T (R) - TIER 6	N/A	N/A	N/A	146	0
DUNGENESS CRAB VESSEL PERMIT T (R) - TIER 7	N/A	N/A	N/A	97	0
DUNGENESS CRAB VESSEL PERMIT T (R) - TIER 7	N/A	N/A	N/A	17	0
DUNGENESS CRAB VESSEL PERMIT TIER UPGRADE FILING FEE	N/A	N/A	N/A	52	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (T) - TIER 1	N/A	N/A	N/A	52	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (T) - TIER 2	N/A	N/A	N/A	49	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (T) - TIER 3	N/A	N/A	N/A	50	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (T) - TIER 4	N/A	N/A	N/A	140	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (T) - TIER 5	N/A	N/A	N/A	88	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (T) - TIER 6	N/A	N/A	N/A	2	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (T) - TIER 7	N/A	N/A	N/A	2	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 1	N/A	N/A	N/A	1	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 2	N/A	N/A	N/A	3	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 3	N/A	N/A	N/A	1	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 4	N/A	N/A	N/A	3	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 5	N/A	N/A	N/A	4	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 6	N/A	N/A	N/A	132	0
DUNGENESS CRAB TRAP TAG BIENNIAL FEES (NT) - TIER 7	N/A	N/A	N/A	47	0
GENERAL GILL/TRAMMEL NET PERMIT	145	147	141	132	0
HERRING GILL NET PERMIT (R)	182	172	165	47	0
HERRING GILL NET PERMIT (NR)	40	38	39	13	0
HERRING STAMP	199	191	188	53	0
LOBSTER OPERATOR PERMIT	200	See Below	See Below	See Below	See Below
LOBSTER OPERATOR PERMIT (T)	Not Avail.	139	141	140	0
LOBSTER OPERATOR PERMIT (NT)	Not Avail.	59	53	51	0
MARKET SQUID BRAIL PERMIT (T)	25	37	42	43	0
MARKET SQUID BRAIL PERMIT (NT)	0	0	0	0	0
MARKET SQUID LIGHT BOAT PERMIT (T)	50	38	33	31	0
MARKET SQUID LIGHT BOAT PERMIT (NT)	3	3	3	3	0
MARKET SQUID VESSEL PERMIT (T)	72	69	69	66	0
MARKET SQUID VESSEL PERMIT (NT)	9	8	8	8	0
MARKET SQUID VESSEL PERMIT, EXPERIMENTAL (NT)	0	0	0	0	0
NEARSHORE FISHERY BYCATCH PERMIT	16	16	15	13	0
NEARSHORE FISHERY OVER - 2 PERMITS TRANS FOR 1 PERMIT	N/A	N/A	N/A	2	0
NEARSHORE FISHERY PERMIT - N. CENTRAL COAST	28	See Below	See Below	See Below	See Below
NEARSHORE FISHERY PERMIT - N. CENTRAL COAST (T)	Not Avail.	23	23	22	0
NEARSHORE FISHERY PERMIT - N. CENTRAL COAST (NT)	Not Avail.	4	4	4	0
NEARSHORE FISHERY PERMIT - NORTH COAST	22	See Below	See Below	See Below	See Below
NEARSHORE FISHERY PERMIT - NORTH COAST (T)	Not Avail.	21	21	18	0
NEARSHORE FISHERY PERMIT - NORTH COAST (NT)	Not Avail.	0	0	0	0

Tab 4

Federal CPS Limited Entry Fleet, 2012, CPS Draft Safe Table 2-3, 2013

TABLE 2-3. Coastal pelagic species limited entry permit vessel listing, with U.S. Coast Guard registered measurements and calculated gross tonnage (GT) values for each vessel.
(Page 1 of 2)

Vessel Name	Coast Guard Number/ Vessel ID	Year Built	Registered Measurements (ft) ¹			Calculated Vessel GT ²	Permit No.	Permit GT Endorsement	Permit Transfer Allowance
			Length	Breadth	Depth				
PROVIDER	D572344	1976	48.70	18.50	7.60	45.88	1	63.8	70.2
N/A	---	---	---	---	---	---	2	43.5	47.9
SEA VENTURE	WN4232NW	---	---	---	---	118.19	3	98.4	108.2
BARBARA H	D643518	1981	64.90	24.00	11.60	121.06	4	121.1	133.2
N/A	---	---	---	---	---	---	5	82.0	90.2
CACHALOT	D654091	1982	68.50	24.00	9.70	106.84	6	98.1	107.9
SAN PEDRO PRIDE	D549506	1973	90.00	24.50	12.30	181.71	7	160.7	176.8
FERRIGNO BOY	D602455	1978	72.00	18.00	11.00	95.52	8	139.3	153.2
KING PHILLIP	D1061827	1997	79.00	26.00	11.00	151.38	9	156.9	172.6
SEA WAVE	D951443	1989	78.00	22.00	10.00	114.97	10	206.9	227.6
N/A	---	---	---	---	---	---	11	56.2	61.8
ANGELETTE	D608579	1979	49.80	19.60	9.90	64.74	12	114.8	126.3
PIONEER	D246212	1944	78.00	24.00	11.00	137.97	13	141.9	156.1
TRITON	CF7218UH	1977	67.70	20.00	9.30	84.37	14	89.3	98.2
ST. JOSEPH	D633570	1981	62.90	22.00	9.10	84.37	15	84.4	92.8
N/A	---	---	---	---	---	---	16	137.5	---
RISING SPIRIT	WN0416RK	---	---	---	---	60.18	17	61.9	68.1
ATLANTIS	D649333	1982	49.60	19.00	10.10	63.77	18	63.8	70.2
G. NAZZARENO	D246518	1944	78.00	23.00	10.00	120.20	19	124.6	137.1
N/A	---	---	---	---	---	---	20	111.9	123.1
SPERANZA MARIE	D643138	1981	59.50	21.00	9.20	77.02	21	77.0	84.7
OCEAN ANGEL IV	OR868ADK	---	---	---	---	74.15	22	63.5	69.9
PACIFIC JOURNEY	OR661ZK	---	---	---	---	107.79	23	97.7	107.5
OCEAN ANGEL I	D584336	1977	49.60	19.00	10.10	63.77	24	63.8	70.2
MARIA T	D509632	1967	57.30	18.10	9.80	68.10	25	68.1	74.9
MANANA	D253321	1947	45.00	13.20	6.70	26.66	26	23.8	26.2
NEW QUEEN	OR588ADB	---	---	---	---	55.50	27	55.5	61.1
MINEO BROS. ⁵	CF0163TF	---	---	---	---	112.07	28	73.4	80.7
N/A	---	---	---	---	---	---	29	42.0	46.2
MINEO BROS. ⁵	CF0163TF	---	---	---	---	---	30	40.8	44.9
N/A	---	---	---	---	---	---	31	340.2	374.2
ELDORADO	D690849	1985	53.90	22.00	7.50	59.59	32	54.9	60.4
KELSEY NICOLE	D1210115	---	---	---	---	75.80	33	194.0	213.4
CAROL N ROSE	D1211776	2008	68.00	23.20	11.00	116.27	34	125.6	138.2
ENDURANCE	D613302	1979	49.00	16.00	8.00	42.02	35	42.0	---
NEW SUNBEAM	D284470	1961	50.30	20.00	4.00	26.96	36	27.0	29.7
CALOGERA A	D984694	1992	57.80	21.00	10.50	85.39	37	85.3	93.8
EILEEN	D252749	1947	79.40	22.10	10.20	119.92	38	119.9	131.9
PAMELA ROSE	D693271	1985	54.00	19.00	9.00	61.87	39	61.9	68.1
NEW STELLA	D598813	1978	58.00	22.00	8.40	71.81	40	71.8	79.0
TRAVELER	D661936	1983	56.00	17.00	6.90	44.01	41	44.0	48.4
LUCKY STAR	D295673	1964	58	17	7	46.24	42	41.5	45.7
OCEAN ANGEL II	D622522	1980	74.50	28.00	10.70	149.55	43	149.5	164.5
CRYSTAL SEA	D1061917	1999	66.00	26.00	12.00	137.97	44	137.0	151.8
TRIONFO	D625449	1980	63.80	19.30	9.60	79.20	45	79.2	87.1
PACIFIC PREDATOR	OR018ADR	1987	58.00	20.00	8.40	65.28	46	85.0	93.5
HEAVY DUTY	D655523	1983	58.00	21.30	10.20	84.43	47	84.4	92.8
ALIOTTI BROS	D685870	1985	67.60	26.00	9.10	107.16	48	107.2	117.9
LADY J	D647528	1982	50.30	17.00	7.10	40.68	49	40.7	44.8
INVINCIBLE	D1225596	2010	54.20	23.00	6.00	50.11	50	50.2	55.2
ENDEAVOR	D971540	1990	57.40	19.00	9.90	72.34	51	72.3	79.5

TABLE 2-3. Coastal pelagic species limited entry permit vessel listing, with U.S. Coast Guard registered measurements and calculated gross tonnage (GT) values for each vessel. (Page 2 of 2)

Vessel Name	Coast Guard Number	Year Built	Registered Measurements (ft) ¹			Calculated Vessel GT ^{2/}	Permit No.	Permit GT Endorsement	Permit Transfer Allowance
			Length	Breadth	Depth				
ANTOINETTE W	D606156	1978	45.00	16.00	8.00	38.59	52	37.0	40.7
CAPE BLANCO	D648720	1982	73.20	25.00	12.90	158.17	53	158.2	174.0
OCEAN ANGEL III	OR108ADL	---	---	---	---	82.01	54	126.5	139.2
N/A	---	---	---	---	---	---	55	40.4	44.4
KATHY JEANNE	D507798	1967	66.00	22.00	9.00	87.56	56	86.3	94.4
MERVA W	D532023	1971	56.70	17.90	8.00	54.40	57	54.4	59.8
SANTA MARIA	D236806	1937	79.20	19.50	8.80	91.06	58	91.1	100.2
STIKINE	D602429	1979	58.00	19.00	10.10	74.57	59	74.5	82.0
PACIFIC KNIGHT	OR155ABZ	1978	62.00	19.30	8.40	67.34	60	63.4	69.7
ALEUTIAN SPIRIT	D621542	1980	49.60	19.00	10.10	63.77	61	59.9	65.9
SEABOUND	AK9671AF	1975	64.00	18.60	8.50	67.79	62	39.7	43.7
EMERALD SEA	D626289	1980	62.70	26.00	7.90	86.29	63	86.3	94.9
SEABOUND ⁴	AK9671AF	1975	64.00	18.60	8.50	67.79	64	54.5	60.0
BOUNTY	D629721	1980	40.60	14.70	6.00	23.99	65	26.4	29.0

/1 Vessel dimension information was obtained from the Coast Guard Website at: <http://psix.uscg.mil/>.

/2 Vessel Gross Tonnage $GT = 0.67(\text{Length} \times \text{Breadth} \times \text{Depth})/100$. See 46 CFR 69.209.

/3 Maximum transfer allowance is based on permit GT + 10%.

/4 Vessel Seabound is associated with permits 62 and 64

/5 Vessel Mineo Bros is associated with permits 28 and 30

TABLE 2-4. Vessel age and calculated gross tonnage (GT) for the initial and current Federal limited entry fleet.

	Initial Fleet	Current Fleet
Number of Vessels	65	57
Average Vessel Age	35 years	34.6 years
Range of Ages	12 to 66 years	2 to 75 years
Average GT	71.3	83.3
Range of GT	12.8 to 206.9	23.99 to 181.71
Sum of Fleet GT	4,635.9	4,831.5
Capacity Goal (GT) ¹	---	5,650.9
Transferability Trigger	---	5,933.5

1/ Established in Amendment 10 to the CPS FMP.

Tab 5

CDFW Market Squid Fleet, 2013

'Vessel Summary for Market Squid' - provided by CDFW Nov 14, 2013, P. Roberts

Rec	Year Built	Length In Feet	Breadth In Feet	Depth In Feet	Gross Tons	Net Tons	HP
1	1937	79.2	19.5			50	380
2	1939	80.2	22.2	10.2	129	65	425
3	1944	77.8	24.3	11.2	163	85	400
4	1945	66.7	20.2	9.3	76	62	400
5	1947	79.4	22.1	10.2	138	94	500
6	1960	47.4	16.5	8.3	47	32	180
7	1961	50.3	20	4	45	30	180
8	1962	40.7	15.9	7.9	32	22	230
9	1964	58	17	7	46	36	300
10	1966	49.2	17.5	9.1	57	39	335
11	1967	58	18.1	9.8	69	60	325
12	1967	65.9	22.2	8.8	109	41	325
13	1969	58	17	8	52	42	250
14	1971	56.7	17.9	8	61	41	240
15	1973	79.6	24.5	12.3	163	123	800
16	1974	27.5	11	4.7	10	8	210
17	1974	49.7	25	10	83	66	600
18	1975	64			67	4	365
19	1975	49.6	19	10.1	72	52	
20	1976	48.7	18.5	7.6	64	46	360
21	1977	67.7	20	9.3	67	4	500
22	1977	66.7	24			4	610
23	1977	49.6	19	10.1	72	53	365
24	1977	66.7					
25	1977	62	19.3	8.4	52	4	450
26	1978	62.5	19.3	8			
27	1978	66.4	19.8	9.3		3	365
28	1978	58	22	8.4	71	57	440
29	1978	69.6	23.7	12.6	135	68	750
30	1978	55.2	17.8			39	300
31	1978	45.3	15.4	7.5	44	30	230
32	1978	55.6	22.9	7.6	64	51	275
33	1979	68				70	
34	1979	49	16	8	52	35	230
35	1979	49.8	19.6	9.9	86	63	
36	1979	49.8	19.6	9.9	85	62	365
37	1979	49.6	19	10.1	72	52	365
38	1980	62.7	26	7.9	86	69	365

Rec	Year Built	Length In Feet	Breadth In Feet	Depth In Feet	Gross Tons	Net Tons	HP
39	1980	74.5	28	10.7	152	45	
40	1980	63.8	19.3	9.6	93	74	365
41	1980	49.4	18.5	8.8	70	48	300
42	1980	49.6	22	9.7	107	73	490
43	1980	49.6	19	10.1	72	52	
44	1980	44.2	15	7.5	34	18	280
45	1981	62.9	22	9.1	77	54	365
46	1981	64.9	24	11.6	137	107	485
47	1981	59.5	21	9.2	93	77	365
48	1982	50.3	17	7.1	50	34	325
49	1982	58	19.5	10	75	60	
50	1982	73.2	25	12.9	194	95	940
51	1983	58	21.3	10.2	84	67	410
52	1983	57.9	25	9.3	89	71	365
53	1984	29.1	9.5	5	9	6	350
54	1985	56	17	8.6	57	45	300
55	1985	67.6	26	9.1	107	85	500
56	1985	54	19	9	61	49	400
57	1987	58	20	9	70	4	290
58	1988	54	20	9		4	500
59	1988	52.6	21	9.2	66	45	470
60	1988	57.6	24.1	8			
61	1988	56.4	22	8.1			
62	1988	65.7					
63	1988	60	21			69.9	500
64	1989	78	22			91	540
65	1989	42	13.5	5.7	21	17	225
66	1989	64.6	22.3	10.3	99	3	700
67	1990	57.4	19	9.9	72	57	402
68	1991	52.9	22	10			450
69	1992	57.8	21	10.5	85	68	500
70	1993	73	23			1	500
71	1994	37.6	12.5	5	15	12	400
72	1996	71	22			3	600
73	1997	66	26	12	137	110	650
74	1998	79	26			48	850
75	2008	68	23.2	11	116	93	
76	2013	58	22.7	11.5	101	81	

Tab 6

Ocean Sardine Permit Holders in the 2013 Oregon Commercial Fishing Permit
and License Database

Ocean Sardine Permit holders in the 2013 Oregon Commercial Fishing Permit & License Database
Source: ODFW License Services, R. Timm

BOAT NAME	NAME	ADDRESS	CITY	ST	ZIP	PHONE	LENGTH	TONS	HP	DOC #	PMT #	Resident	YEAR	ISSUE DATE
CRYSTAL SEA	CAL CRYSTAL SEA LLC	1912 E VERNON AVE	VERNON	CA	90058	3232349000	66	110	600	1061917	57012	Resident	2013	12/18/2012
CRYSTAL SEA	CRYSTAL SEA INC	1483 OLD RIVER RD	SILETZ	OR	97380	5414442620	66	110	600	1061917	57012	Resident	2013	12/18/2012
BAINBRIDGE	DULCICH INC	PO BOX 97	CLACKAMAS	OR	97015	5039054512	78	68	510	236505	57017	Resident	2013	12/18/2012
LADY LAW	LADY LAW INC	754 OLALLA RD	TOLEDO	OR	97391	5413362645	82	128	700	1131965	57022	Resident	2013	12/17/2012
HARBOR GEM	LOVROVICH, TIM	7021 120TH ST NW	GIG HARBOR	WA	98332	2532093797	58	75	10	974306	57021	Resident	2013	11/10/2013
ST TERESA	OCEAN ANGEL III LLC	331 FORD STREET	WATSONVILLE	CA	95075	8317633000	58	56	365	623983	57027	Resident	2013	9/17/2013
OCEAN ANGEL III	OCEAN ANGEL III LLC	331 FORD STREET	WATSONVILLE	CA	95076	8317633000	68	70	365	OR108ADL	57027	Resident	2013	12/27/2012
SEA VENTURE	OCEAN ANGEL VI LLC	331 FORD ST	WATSONVILLE	CA	95076	8317633000	66	4	150	WN4232NW	57025	Resident	2013	12/26/2012
PACIFIC KNIGHT	PACIFIC KNIGHT LLC	PO BOX 97	CLACKAMAS	OR	97015	5039054500	62	4	365	OR155ABZ	57011	Resident	2013	12/18/2012
EMERALD SEA	SCHONES, STANLEY J	1483 OLD RIVER RD NE	SILETZ	OR	97380	0	62	69	365	626289	57020	Resident	2013	12/7/2012
OCEAN DREAM	BABICH, ANDREW P	8306 25TH AVE CT NW	GIG HARBOR	WA	98332	2532090535	58	75	365	621541	57026	Non-Res	2013	12/18/2012
OCEAN ANGEL II	CAPPUCCIO, JOSEPH	331 FORD ST	WATSONVILLE	CA	95076	8317633000	74	45	10	622522	57024	Non-Res	2013	12/6/2012
SUNRISE	CHAING, JOHN	625 W ANAHEIM ST	LONG BEACH	CA	90813	6267579288	82	62	425	238918	57013	Non-Res	2013	12/18/2012
ARCTIC FOX	CROME, DANIEL J	1122 A N 92ND STREET	SEATTLE	WA	98103	2065956952	57	103	700	1187928	57018	Non-Res	2013	8/12/2013
SEQUOIA	EXCELLER FISHERIES INC	PO BOX 5993	BELLINGHAM	WA	98227	3606712530	588	3	479	1240646	57001	Non-Res	2013	12/10/2012
ROYAL PACIFIC	GEORGE, RICHARD	515 N FOREST	BELLINGHAM	WA	98225	3607342307	62	4	500	WN1924RR	57002	Non-Res	2013	12/17/2012
PACIFIC VENTURE	GLENOVICH, ROBERT	480 S STATE ST UNIT 102	BELLINGHAM	WA	98225	3609615928	59	45	400	WN7995RP	57019	Non-Res	2013	6/28/2013
ST ZITA	GLENOVICH, ROBERT P	480 S STATE ST NO 102	BELLINGHAM	WA	98225	3609615928	50	54	570	648115	57019	Non-Res	2013	1/2/2013
DELTA DAWN	JERKOVICH, MARC	3710 HARBORVIEW DR	GIG HARBOR	WA	98332	2538512663	50	10	365	647246	57015	Non-Res	2013	12/18/2012
PACIFIC RAIDER	JERKOVICH, NICK, JR	3710 HARBORVIEW DRIVE	GIG HARBOR	WA	98332	2538512663	58	77	540	972638	57010	Non-Res	2013	12/18/2012
JOHNNY A	JERKOVICH, NICKOLAS, III	3710 HARBORVIEW DR	GIG HARBOR	WA	98332	2538512663	59	73	475	625595	57004	Non-Res	2013	6/19/2013
PACIFIC PREDATOR	JERKOVICH, NICKOLAS, III	3710 HARBORVIEW DRIVE	GIG HARBOR	WA	98332	2538512663	57	5	360	OR018ADR	57004	Non-Res	2013	12/18/2012
JOURNEYMAN	KAPP, DARRELL	338 BAYSIDE ROAD	BELLINGHAM	WA	98225	3607335455	45	10	200	613399	57018	Non-Res	2013	6/4/2013
CHIEF KWINA	KAPP, RYAN	955 COLONY COURT	BELLINGHAM	WA	98229	3607140882	60	34	300	228721	57009	Non-Res	2013	6/5/2013
EVERMORE	KAPP, RYAN	955 COLONY CT	BELLINGHAM	WA	98229	3607140882	76	103	500	248555	57009	Non-Res	2013	3/29/2013
MISS ROXANNE	KAPP, RYAN	955 COLONY CT	BELLINGHAM	WA	98229	3607140882	58	75	100	976542	57009	Non-Res	2013	6/4/2013
LAUREN L KAPP	KAPP, SUSAN	338 BAYSIDE RD	BELLINGHAM	WA	98225	3607335455	72	3	700	OR072ACX	57008	Non-Res	2013	6/4/2013
PACIFIC VENTURE	MCCLURE, KRAAI/EDWARD	270 PAPPALA RD	NASELLE	WA	98638	0	59	45	400	WN7995RP	57019	Non-Res	2013	6/28/2013
PACIFIC JOURNEY	NELSON, LAETH	24 SHOREWOOD DRIVE	BELLINGHAM	WA	98225	3602201113	71	81	600	OR661ZK	57006	Non-Res	2013	12/18/2012
PACIFIC PURSUIT	NELSON, STANLEY J	24 SHOREWOOD DRIVE	BELLINGHAM	WA	98225	3607339475	73	1	590	OR873ABY	57003	Non-Res	2013	12/18/2012
DARLENE Z	SANDELIN LLC	409 LONGTIME LANE	SEDRO WOOLEY	WA	98284	3607700446	50	52	300	611694	57005	Non-Res	2013	12/10/2012
WESTWIND	SMITH, ALLEN	3974 SALT SPRING DRIVE	FERNDALE	WA	98248	8053403715	72	65	425	246530	57016	Non-Res	2013	12/7/2012
ANTHONY G	STARLIGHT ONE LLC	PO BOX 188	BELLINGHAM	WA	98227	3608154492	58	50	350	605599	57013	Non-Res	2013	9/12/2013
SUNRISE	THOMAS BROTHERS LOGISTICS LLC	2208 SIGNAL PLACE	SAN PEDRO	CA	90731	3108491296	82	62	425	238918	57014	Non-Res	2013	12/18/2012
SEA DIAMOND	TOMICH BROTHERS LOGISTICS LLC	2208 SIGNAL PLACE	SAN PEDRO	OR	90731	3108491296	57	47	450	509632	57018	Non-Res	2013	7/19/2013
SEA JADE	TOMICH BROTHERS LOGISTICS LLC	2280 SIGNAL PLACE	SAN PEDRO	CA	90731	3108491296	82	62	425	238918	57013	Non-Res	2013	12/18/2012

Tab 7

Worksheet Regarding Suspected Canadian Built Admeasured Vessels

Vessel Name Lauren L Kapp

Transport Canada Official Number _____

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC _____

Washington Sardine _____

Oregon Sardine or072acx

Federal CPS _____

California Market Squid _____

Vessel Stats

Length 72 ft Breadth _____ Depth _____

Reported Tonnage Gross _____ Net 3

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ _____

Vessel Tracking Information:

Reported owner Susan Kapp, 338 Bayside Road, Bellingham WA 98225.
72 ft purse seiner, Oregon commercial fishing permit and license database
list this vessel as 3 net ton, 700 hp with Oregon sardine permit.
Not enough information on vessel to match up, could be market squid
record #66, 3 net ton and 700 hp match.

Vessel Name New Queen

Transport Canada Official Number 194895

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC

Washington Sardine

Oregon Sardine or588adb

Federal CPS #64 & # 27 (55.5 and 54.5 permit gt endorsement)

California Market Squid

Vessel Stats

Length 66 ft Breadth Depth

Reported Tonnage Gross Net

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 112

Vessel Tracking Information:

Reported owner Arctic Alaska Fisheries, Box 873332, Wasilla, AK 99623
FV New Queen built 1954, wood hull, 66 ft loa, removed from Canadian
registry 5/30/07. Previously registered in Vancouver BC.
CPS permit may have been combined with FV Mineo Bros.

Vessel Name Ocean Angel III

Transport Canada Official Number 825831

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC

Washington Sardine

Oregon Sardine or108adl

Federal CPS # 54 (126.5 permit gt endorsement)

California Market Squid

Vessel Stats

Length 68 ft Breadth Depth

Reported Tonnage Gross Net 70

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 82.01

Vessel Tracking Information:

Reported owner Ocean Angel III LLC, 331 Ford St. Watsonville CA 95076
No USCG # identified, 68 ft, 70 tons, 365 hp with Oregon sardine permit.
Need more information. No USCG listing and 70 net tons is a red flag.
Likely Canadian with incorrect tonnage.

Vessel Name Ocean Angel IV

Transport Canada Official Number 825831

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC

Washington Sardine

Oregon Sardine or868adk

Federal CPS # 22 (63.5 permit gt endorsement)

California Market Squid

Vessel Stats

Length Breadth Depth

Reported Tonnage Gross Net

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 74.15

Vessel Tracking Information:

Very limited information. Likely the same owner as Ocean Angel I, II & III
331 Ford Street, Watsonville CA 95076

Vessel Name Pacific Journey

Transport Canada Official Number 817603

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC

Washington Sardine

Oregon Sardine or661zk

Federal CPS # 23 (97.7 permit gt endorsement)

California Market Squid record # 72

Vessel Stats

Length 71 ft Breadth 22 ft Depth 10.3 ft

Reported Tonnage Gross 98 Net 71

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 107.79

Vessel Tracking Information:

Reported owner is Maritime Management, 4394 River Road West, Ladner BC V4K 1S2. FV Pacific Journey built 1996, aluminum hull, 98 gross tons, 71 net tons, 695 hp, full capacity 2775. Oregon license database list owner as Laeth Nelson, 24 Shorewood Drive, Bellingham, WA 98225 likely the same family that owned Pacific Pursuit.

Vessel Name Pacific Knight

Transport Canada Official Number 810126

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC

Washington Sardine

Oregon Sardine or155abz

Federal CPS # 60 (63.4 permit gt endorsement)

California Market Squid # 25

Vessel Stats

Length 72 ft Breadth 19.3 ft Depth 8.4 ft

Reported Tonnage Gross Net 4

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 67.34

Vessel Tracking Information:

Canadian registry closed march 21 2002. Oregon license database lists owner Pacific Knight LLC, PO Box 97, Clackamas, OR 97015. This 62 ft purse seiner is listed in Oregon database as 4 net tons.

Vessel Name Pacific Predator

Transport Canada Official Number _____

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC _____

Washington Sardine _____

Oregon Sardine or018adr

Federal CPS # 46 (85.0 permit gt endorsement)

California Market Squid _____

Vessel Stats

Length 58 ft Breadth 20 ft Depth 8.4 ft

Reported Tonnage Gross _____ Net 5

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 65.28

Vessel Tracking Information:

Reported owner Nicholas Jerkovich III, 3710 Harborview Drive, Gig Harbor WA 98332. This 58 ft siener is listed in Oregon database at 5 net tons.

Vessel Name Pacific Pursuit

Transport Canada Official Number _____

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC _____

Washington Sardine _____

Oregon Sardine or873aby

Federal CPS _____

California Market Squid _____

Vessel Stats

Length 63 ft Breadth _____ Depth _____

Reported Tonnage Gross _____ Net 1

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ _____

Vessel Tracking Information:

Oregon database reports owner Stanley J Nelson, 24 Shorewood Drive, Bellingham, WA 98225. Vessel also reported to be 73 ft, 590 hp. Oregon sardine permit admeasured 1 net ton.

Vessel Name Resolution II

Transport Canada Official Number _____

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC _____

Washington Sardine wn9665rj

Oregon Sardine _____

Federal CPS _____

California Market Squid _____

Vessel Stats

Length 59 ft Breadth _____ Depth _____

Reported Tonnage Gross _____ Net _____

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 60.18

Vessel Tracking Information:

Need more information.

Vessel Name Rising Spirit

Transport Canada Official Number _____

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC _____

Washington Sardine wn0416rk

Oregon Sardine _____

Federal CPS #17 (61.9 permit gt endorsement)

California Market Squid _____

Vessel Stats

Length _____ Breadth _____ Depth _____

Reported Tonnage Gross _____ Net _____

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 60.18

Vessel Tracking Information:

Need more information.

Vessel Name Royal Pacific

Transport Canada Official Number _____

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC _____

Washington Sardine _____

Oregon Sardine yes

Federal CPS _____

California Market Squid _____

Vessel Stats

Length 62 ft Breadth _____ Depth _____

Reported Tonnage Gross _____ Net 4

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ _____

Vessel Tracking Information:

Owner George Richard, 515 Forest Street, Bellingham WA 98225.
Listed as 62 ft, 500 hp, 4 net ton vessel with Oregon sardine permit.
Could match to market squid record #25.

Vessel Name Sea Bound

Transport Canada Official Number 370229

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC ak9671af

Washington Sardine

Oregon Sardine

Federal CPS #62 & 64 (54.5 & 39.7 gt endorsement

California Market Squid #18

Vessel Stats

Length 64 ft Breadth 18.6 ft Depth 8.5 ft

Reported Tonnage Gross 67 Net 4

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 67.79

Vessel Tracking Information:

Reported owner Trojan Fisheries LLC, 243 Foam St, Monterey CA 93940.
Built 1975, aluminum hull, 67 gross tons 4 net tons, 385 hp, 64 ft,
hold capacity 3072. Removed from Canadian registry May 12, 2008.

Vessel Name Sea Venture

Transport Canada Official Number _____

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC _____

Washington Sardine wn4232nw

Oregon Sardine yes

Federal CPS #3 (98.4 permit gt endorsement)

California Market Squid _____

Vessel Stats

Length 66 ft Breadth _____ Depth _____

Reported Tonnage Gross 118.19 Net 4

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 118.19

Vessel Tracking Information:

Reported owner is Ocean Angel VI LLC, 331 Ford St, Watsonville CA 95076
This 66 ft purse seiner listed in Oregon database at 4 net tons.

Vessel Name Triton

Transport Canada Official Number _____

USCG Official Number NONE

U.S. Limited Entry or other Permits

Alaska CFEC _____

Washington Sardine _____

Oregon Sardine _____

Federal CPS #14 (89.3 permit gt endorsement)

California Market Squid # 21

Vessel Stats

Length 67.7 ft Breadth 20 ft Depth 9.3 ft

Reported Tonnage Gross _____ Net 4

Tonnage by Formula $0.67 \times L \times B \times D/100 =$ 84.37

Vessel Tracking Information:

Built in 1977, 610 hp, listed CDF&G records as 4 net tons matches record # 21.

September 2014

W.F. "Zeke" Grader, Jr.

Executive Director

Glen H. Spain

Northwest Regional Director

Vivian Helliwell

Watershed Conservation Director

In Memoriam:

Nathaniel S. Bingham

Harold C. Christensen

David Bitts
President
Larry Collins
Vice-President
Duncan MacLean
Secretary
Mike Stiller
Treasurer

PACIFIC COAST FEDERATION of FISHERMEN'S ASSOCIATIONS



Please Respond to:

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29 August 2014

The Honorable Tani G. Cantil-Sakauye
Chief Justice
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-7303

RE: Support for Petition for Review in *North Coast Rivers Alliance v. Westlands Water District*, Docket No. S220532

Dear Chief Justice Cantil-Sakauye:

The Pacific Coast Federation of Fishermen's Associations ("PCFFA") supports the Petition for Review filed by appellants North Coast Rivers Alliance, *et al.*, in the above-referenced matter. PCFFA is a non-profit tax exempt organization founded in 1976 which represents 14 fishermen's organizations from throughout California, and one each in Oregon and Washington, with a combined membership of 750 fishing men and women. Our mission is to restore Pacific Coast waterways because commercial fishermen and their families depend on abundant salmon populations and other marine fish and shellfish stocks for their livelihood. To this end, PCFFA advocates proper resource management to assure conservation and replenishment of the Pacific Coast's fishery resources.

The survival of our industry depends on informed resources management. Proper court interpretation of the California Environmental Quality Act (CEQA) is essential to guide agencies that manage the public's waters and watersheds. The salmon stocks on which our industry depends have suffered severe declines due to habitat degradation from many sources, including excessive diversions of freshwater from the Sacramento River Delta that cause increased salinity and temperature in the Delta, and entrain thousands of juvenile salmon in the diversion pumps. For this reason we are particularly concerned about the effects of Westlands' diversions of up to 1.193 million acre-feet annually on the hydrology and aquatic habitat of the Delta.

STEWARDS OF THE FISHERIES

We urge this Court's review of the Court of Appeal's Opinion in *North Coast Rivers Alliance*. The Opinion misinterprets and undermines CEQA in three significant respects. First, the Opinion adopts an unduly expansive definition of CEQA's "ongoing project" exemption that conflicts with 40 years of jurisprudence. Previously, in determining whether an approval is exempt from CEQA as an "ongoing project," the courts have distinguished between, on the one hand, the continued operation of a pre-1970 project, and on the other, an *expansion or modification* of a pre-1970 project. *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 806-807. In the former case, the project is exempt; in the latter case, it is not. *Id.* But contrary to this bright-line distinction between pre-1970 projects that continue unaltered, and those that are expanded or modified, the Opinion misapplies cases that make no mention of CEQA's ongoing project exemption, such as *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 134-139. Based on these inapposite cases, the Opinion holds that the ongoing project exemption applies so long as the earliest commitment to a loosely defined project can be traced back prior to 1970. Opinion at 30-37. But this interpretation ignores the proper question under the existing case law: whether a pre-1970 project has been *expanded or modified* in a way that renders the changed project subject to CEQA.

Because of this error, the Opinion takes case law such as *Save Tara* – that properly *advances* CEQA's objectives by requiring environmental review *early* in agency decision making – and uses those rulings instead to *frustrate* CEQA by applying its requirements too *late*. This Court's review is urgently needed to clarify that where an agency proposes to *expand* an older project that partly antedates CEQA's adoption, CEQA compliance is required for the expansion. Otherwise, projects such as Westlands that have been expanded to take more water from the Delta than they did prior to 1970 will never be subject to CEQA review. Yet CEQA review is essential to protect the Delta's declining salmon and other aquatic species from extinction.

Second, the Opinion conflicts with settled case law by exempting from CEQA projects with significant cumulative impacts such as the practice of exporting more water from the Delta than its declining ecological health can sustain. For nearly 40 years, this Court has consistently ruled that "only those activities which do not have a significant effect on the environment" may be exempted from CEQA. *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 205 (citing Public Resources Code section 21084). This Court has repeatedly held that "where there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption [from CEQA] would be improper." *Id.* at 206. Thus, "an activity that may have a significant effect on the environment cannot be categorically exempt." *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 124. But contrary to this established CEQA law, the Opinion holds that regardless of whether a project such as Westlands' Delta diversions will have potentially significant cumulative impacts, it is exempt from CEQA as an "existing facility." Opinion at 53-54. Of course, Westlands' diversions, deliveries and consumption of the Delta's public waters are not an "existing facility." They are a consumptive *use*. But even if these *uses* were erroneously considered a "facility," they cannot be exempted from CEQA for the simple reason that "an activity that may have a significant effect

The Honorable Tani G. Cantil-Sakauye
Chief Justice, California Supreme Court
29 August 2014
Page Three

on the environment cannot be categorically exempt.” *Mountain Lion Foundation, supra*, 16 Cal.4th at 124. Because the Opinion departs from settled CEQA case law by exempting projects that pose significant impacts from CEQA, its legal errors should be examined, addressed, and rectified by this Court.

Third, the Opinion erroneously holds that a project’s impacts can be determined by comparing the project to itself. The Opinion states that Westlands’ exports of fresh water from the Delta have no effect on the environment because these diversions are “part of the existing environmental baseline.” Opinion at 50. This holding is contrary to settled law. This Court has emphasized that CEQA requires that an agency must examine “the environment’s state absent the project” as the baseline in order to assure that the agency considers the actual impacts of project approval on the environment. *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 315, 322. Assuming instead as the Opinion does, that approval of the project is itself the baseline, “results in ‘illusory’ comparisons that ‘can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,’ a result at direct odds with CEQA’s intent.” *Id.*, quoting *Environmental Planning & Information Council v. County of Eldorado* (1982) 131 Cal.App.3d 350, 358.

Here, Westlands proposes to authorize 2 more years of massive water deliveries from the Delta. If Westlands disapproves the project, no deliveries would occur. Accordingly, Westlands can meaningfully evaluate the environmental consequences of the Project only by comparing the impacts of contract *approval* to the impacts of its *disapproval*. But the Opinion holds, contrary to settled law and CEQA’s purposes, that Westlands’ decision to divert water for 2 more years has *no* environmental impacts subject to CEQA scrutiny. Opinion at 50.

For each of these reasons, this Court should grant review in this matter to overturn the Opinion’s mistaken interpretation of CEQA and to ensure its correct and consistent interpretation by the courts in the future.

Sincerely,

W.F. “Zeke” Grader, Jr.
Executive Director

cc: All parties as listed in the attached Proof of Service