



DEPARTMENT OF FISH AND WILDLIFE

License and Revenue Branch  
1740 N. Market Blvd  
Sacramento, CA 95834  
<http://www.wildlife.ca.gov>



Certified Mail

January 7, 2015

Mr. Ross Bailey  
Relentless Seafood LLC  
2165 Commissioner Street  
Vancouver, BC V5L 1A4

Subject: **NOTICE OF DENIAL FOR REINSTATEMENT OF SALMON VESSEL PERMIT,  
PERMIT NUMBER SA1196, FOR THE F/V *Restless* (FG40871)**

Dear Mr. Bailey:

This is in response to your request to reinstate the Salmon Vessel Permit (SVP), Permit Number SA1196, for the F/V *Restless* (FG40871).

**Authority-Salmon Vessel Permit**

Pursuant to Fish and Game Code (FGC) Section 8235(a), the owner of a permitted vessel, or that owner's agent, may apply for renewal of the permit annually on or before April 30, upon payment of the fees without penalty. Upon receipt of the application and fees, the Department of Fish and Wildlife (Department) shall issue the permit for use of the permitted vessel in the subsequent permit year only to the owner of the permitted vessel.

**Authority-Late Renewal Applications**

Effective April 1, 2008 pursuant to FGC Section 7852.2, a graduated late fee was established for any renewal application that is received after the deadline.

In addition, FGC Section 7852.2(b), states the Department shall not waive the applicable late fee. Pursuant to FGC Section 7852.2(c), the Department shall deny any application for renewal received after the March 31 if the permit year following the year in which the applicant last held a valid permit for that fishery.

**Reason for Appeal to the Department**

In your letter dated June 5, 2014, received June 12, 2014, you are requesting reinstatement of the SVP for the F/V *Restless*. You state that Relentless Seafood LLC purchased the vessel in March 2012. At the time of purchase you were under the impression that the license on FG 40871 and the Commercial Fishing ID #L47007 were renewed. You further state that it came to your attention a few months ago that they were not renewed and are now requesting reinstatement of the SVP.

**Documentation Submitted**

- Copy of an expired United States Coast Guard (USCG) Certificate of Documentation for the F/V *Restless*, dated March 20, 2013, received July 15, 2014, showing Relentless Seafood LLC is the owner.
- Copy of the USCG Certificate of Documentation for the F/V *Restless*, dated December 9, 2014, showing Relentless Seafood LLC is the owner.

- A copy of an undated, unsigned purchase agreement between Relentless Seafood, LLC, Restless, Inc., and Douglas C. Devine.

### **Department Findings**

Department license records show that the *F/V Restless* held a valid 2011-2012 SVP, when Relentless Seafood LLC states it purchased the vessel. The owner of the *F/V Restless* was eligible to renew the SVP for the 2012-2013 permit year. Department license records do not show that Relentless Seafood LLC or the previous owner renewed the SVP.

Pursuant to FGC Section 7881, when a vessel registered with the Department is lost, destroyed, or sold, the owner of the vessel must immediately report the loss, destruction or sale to the Department. Based on Department records, the sale of the *F/V Restless* was not reported until July 15, 2014, two years and four months from March 2012 the date you state that Relentless Seafood LLC purchased the vessel. No documentation was submitted from the previous owner or Relentless Seafood LLC to substantiate the change of ownership of the *F/V Restless* in March 2012.

### **Department Determination**

Based on the previously stated information, your request to reinstate the SVP for the *F/V Restless* is denied, because the *F/V Restless* last held a valid SVP during the 2011-2012 permit year. The Department received your request to renew the SVP for the *F/V Restless* on June 12, 2014. FCG Section 7852.2(c), states the Department shall deny any application for renewal received after March 31 of the permit year following the year in which the applicant last held a valid permit for that fishery.

### **Deadline to File an Appeal to the Fish and Game Commission**

If you wish to appeal the Department's decision, you must submit a written request to the Fish and Game Commission (Commission) at 1416 Ninth Street, Sacramento, California 95814. Pursuant to FGC Section 7852.2(d), your appeal must be received within 60 days of this letter. The Commission, upon consideration of the appeal, may grant renewal. If the Commission grants renewal, it shall assess the applicable late fee.

The Commission will review the information you submit and will notify you in writing if your appeal will be scheduled before the Office of Administrative Hearings. If the Commission should recommend approval, full payment of \$4,207.03 would be due 60 days after receipt of the Commission's approval letter. A fee schedule is enclosed.

If you have any questions or require further assistance, please contact Ms. Ruth Flores, of my staff, at the letterhead address, by telephone at (916) 928-7470, or e-mail [Ruth.Flores@wildlife.ca.gov](mailto:Ruth.Flores@wildlife.ca.gov).

Sincerely,

James Fong, Chief  
License and Revenue Branch

Enclosure

Mr. Ross Bailey  
January 7, 2015  
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cc: Mr. Sonke Mastrup  
Fish and Game Commission  
Sacramento, California

Ms. Ruth Flores  
California Department of Fish and Wildlife  
Sacramento, California

Flores:irl      File: Commercial Records, LRB-Chron