

Proposed Regulatory Language

Subsection (b) of Section 27.60, Title 14, CCR, is amended to read:

§ 27.60. Limit.

. . . [*No change to subsection (a)*]

(b) There is no limit on the following species: anchovy, grunion, jacksmelt, topsmelt, Pacific butterfish (pompano), queenfish, sanddabs, skipjack, jack mackerel, Pacific mackerel, Pacific staghorn sculpin, round herring, ~~Pacific herring~~, Pacific sardine, petrale sole and starry flounder.

. . . [*No change to subsection (c)*]

Note: Authority cited: Sections 200, ~~202~~, 205, 265, 7071 and 8587.1, Fish and Game Code.

Reference: Sections 205, ~~210, 255, 7071, and 7120~~, and 8587.1, Fish and Game Code.

Proposed Regulatory Language

Section 28.60, Title 14, CCR, is amended to read:

§ 28.60. Pacific Herring Eggs.

Limit: Twenty-five pounds (including plants) wet weight of Pacific Herring eggs may be taken per day for recreational purposes.

Note: Authority cited: Sections 200, ~~202~~, 205, ~~210~~, ~~219~~, 255, 265 and 275, ~~and 220~~, Fish and Game Code. Reference: Sections ~~200-202~~, ~~203.1~~, ~~205-210~~ and ~~215-222~~, 205, 219, 255, 265 and 270, Fish and Game

Proposed Regulatory Language

Section 28.62 was repealed in 1988, the remaining text in Title 14 is hereby deleted:

~~§ 28.62. Herring. [Repealed]~~

~~Note: Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code. Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.~~

Section 28.62, Title 14, CCR, is added to read:

§ 28.62. Pacific Herring Bag Limit.

Limit: [Zero-Ten (0 - 10)] gallons of Pacific Herring may be taken per day for recreational purposes.

Note: Authority cited: Sections 200, 205, 219, 255, 265 and 275, Fish and Game Code.
Reference: Sections 200, 205, 219, 255, 265 and 270, Fish and Game Code

Proposed Regulatory Language

Article 6 of Chapter 5.5, Title 14, California Code of Regulations, is added to read:

Article 6. California Pacific Herring Fishery Management Plan

Section 55.00, Title 14, CCR, is added to read:

§ 55.00 Purpose and Scope

(a) This Article implements the California Pacific Herring Fishery Management Plan (Herring FMP) as adopted and amended by the Fish and Game Commission (commission), consistent with the requirements of Part 1.7, Conservation and Management of Marine Living Resources, commencing with Section 7050 of the Fish and Game Code, as further set forth in the Marine Life Management Act of 1999. These regulations, in combination with other applicable provisions of the Fish and Game Code and Title 14, CCR, govern management and regulation of the herring resources and fisheries.

(b) Regulations implementing the Herring FMP specific to the recreational take of herring are found in sections 28.60 and 28.62; regulations specific to the commercial take of herring are found in sections 163, 163.1, 163.5 and 164.

(c) Pursuant to Fish and Game Code Section 7071(b), Article 15, Sections 8389, 8550, 8550.5, 8552, 8552.2, 8552.3, 8552.4 8552.5, 8552.6, 8552.7, 8552.8, 8553, 8554, 8556, 8557, 8558, 8558.1, 8558.2, 8558.3 and 8559, Fish and Game Code, are made inoperative.

Note: Authority cited: 7071 and 7078, Fish and Game Code. Reference: Part 1.7 and Article 15, Fish and Game Code.

Proposed Regulatory Language

Section 55.01, Title 14, , is added to read:

§ 55.01 Definitions

(a) “Herring” means Pacific Herring, *Clupea pallasii*.

(b) “Herring FMP” means the *California Pacific Herring Fishery Management Plan* as adopted by the Fish and Game Commission on October 10, 2019.

(c) “Herring Management Strategy” means ‘*Chapter 7 Management Strategy for California Herring*’ of the Herring FMP, as adopted by the commission.

(d) “Quota” means a specified numerical maximum catch (in weight) for each fishing season and sector, the attainment (or expected attainment) of which may cause closure of the fishery.

(e) “Catch” means the total weight of herring reported on commercial landing receipts in a fishing season.

Note: Authority cited: 7071 and 7078, Fish and Game Code. Reference: 7071, 7075 and 7082, Fish and Game Code.

Proposed Regulatory Language

Section 55.02, Title 14, CCR, is added to read:

§ 55.02 Management Strategy

(a) The California Pacific Herring Fishery Management Plan adopted by the commission on October 10, 2019, is incorporated by reference herein and has the effect of regulation in Title 14, CCR.

(b) The Herring Management Strategy will conform to the goals, objectives, criteria, procedures, and guidelines of Chapter 7 of the Herring FMP, and other applicable state and federal laws and regulations.

(c) Annual monitoring and assessment of the herring fishery will be conducted as directed by the Herring Management Strategy, Chapter 7 of the Herring FMP.

(d) The director shall have the authority to set the annual quotas for all areas and fishery sectors, including herring and herring eggs on kelp commercial sectors, using the approach identified in the Herring Management Strategy, Chapter 7 of the Herring FMP.

(e) Other conservation and management measures may be developed, considered, and implemented to achieve management plan goals and objectives at the discretion of the commission.

Note: Authority cited: Sections 7071 and 7078, Fish and Game Code. Reference: 7050, 7055, 7056, 7070, 7071 and 7075, Fish and Game Code.