



Tracking Number: (2020-015 AM1)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).

## **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

### **1. Person or organization requesting the change (Required)**

Name of primary contact person: Ken Bates

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

### **2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:**

“The MLMA requires that fishery management be adaptive. The MLMA defines adaptive management as a policy that seeks to improve management by viewing management actions as tools for learning, even if they fail [90.1]. **The MLMA stipulates that management should: ensure that management is proactive and responds quickly to changing environmental conditions and market or other socio-economic factors and to the concerns of fishery participants [7056(1)].**” This is quoted directly from the Commission's 2018 Master Plan for Fisheries, Implementation of the MLMA. *Staff Note: Petitioner-identified authority of Fish and Game Code Section 8780, under I.3-Overview, satisfies this requirement. (Note was added 11/17/2020)*

### **3. Overview (Required) - Summarize the proposed changes to regulations:**

I am requesting an amendment to Title 14 CCR Sect. 163 (2), Harvest of Herring. Amended as follows: Sect. 163 (2) “the use of round haul nets (**except Lampara bait nets as described in Fish and Game code section 8780**) to take herring is prohibited.

### **4. Rationale (Required) - Describe the problem and the reason for the proposed change:**

I am applying to take limited amounts of Pacific Herring with Lampara Bait Net gear as described in the Fish and Game code. In 2008, Eureka Ice and Cold Storage, located in Eureka closed. Loss of freezing capacity shut down the “herring roe” fishery in both Humboldt and Crescent City permit areas. In 2018/2019, I developed limited markets for fresh Pacific herring. Catching herring for these markets by use of gillnet gear is irresponsible, as there is



no way to control harvest rate with gillnet gear. I can say this with much assurance as I have 24 years experience with small scale Lampara gear and have done two years of volunteer sampling of Humboldt Bay Herring for the Fish and Game Commission and the Department. This is the logical way to take small amounts of fish and avoid wanton waste and discards. All unused fish in the net are released alive ( see YouTube- Humboldt Bay Herring Lampara Net).

## SECTION II: Optional Information

5. **Date of Petition: October 14, 2020**

6. **Category of Proposed Change**

Sport Fishing

Commercial Fishing 0

Hunting

Other, please specify: [Click here to enter text.](#)

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>).* **The goal of the proposal is to exercise provision [7056(1)] of the Commissions Marine Life Management Act 2018 Implementation Plan by amending Title 14, Section 163 (2)**

X Amend Title 14 Section(s): 163(2)

Add New Title 14 Section(s): N/A

Repeal Title 14 Section(s): N/A

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition**

Or  Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation. **January 2, 2021**

If the proposed change requires immediate implementation, explain the nature of the emergency:

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents:

During the public comment process of the Herring FMP, I repeatedly lobbied Ryan Bartling, Sarah Valencia, Nick Sorhakoff and other team members to include a provision in the FMP to consider “alternative fishing gears” to take herring. Contained in \*Appendix A of the Herring FMP is a discussion of the use of “Lampara round haul gear” as a potential alternative gear type to take small amounts of Pacific Herring. \*See Pacific Herring FMP; Appendix A.

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:

Increased revenue to Fish and Wildlife through landing and research taxes, economic benefit to the recipients of fresh fish.



**12. Forms:** If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

**SECTION 3: FGC Staff Only**

Date received: [Click here to enter text.](#)

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: \_\_\_\_\_

Meeting date for FGC consideration: \_\_\_\_\_

FGC action:

- Denied by FGC
- Denied - same as petition \_\_\_\_\_

Tracking Number

- Granted for consideration of regulation change