

## Regulatory Language

Subsection (h)(6) of Section 163, Title 14, CCR, is amended to read:

§163. Harvest of Herring.

...

(h) Season.

(1) Humboldt Bay: The season shall be from noon on January 2 until noon on March 9.

(2) Crescent City: The season shall be from noon on January 14 until noon on March 23.

(3) San Francisco Bay: The season shall be from 5 p.m. on Monday, December 1, 2008 until noon on Friday, December 19, 2008 and from 5 p.m. on Sunday January 4, 2009 until noon on Friday, March 20, 2009.

(A) In San Francisco Bay, gill net permittees with even permit numbers and "CH" permittees assigned to the "even" fishing group shall be permitted to fish only on the following dates: January 4-9, January 18-23, February 1-6, February 15-20, March 1-6, and March 15-20.

(B) In San Francisco Bay, gill net permittees with odd permit numbers and "CH" permittees assigned to the "odd" fishing group shall be permitted to fish only on the following dates: January 11-16, January 25-30, February 8-13, February 22-27, and March 8-13.

(C) In San Francisco Bay, gill net permittees with "DH" permit numbers and "CH" permittees assigned to the "DH" fishing group shall be permitted to fish only on the following dates: December 1-5, December 7-12 and December 14-19. In the event permittees described under subsections (h)(3)(A) and (h)(3)(B) both reach their quotas pursuant to subsection (g)(4)(A), "DH" permittees, on notification by the department, may resume fishing operations until such group has reached the successive established termination date or quota.

(D) No more than six gill net permittees (designated in writing by the department) participating in research sponsored by the department shall be permitted to fish, under the direction of the department, from 5 p.m. on Monday, December 1, 2008 until noon on Friday, December 19, 2008 and from 5 p.m. on Sunday, January 4, 2009 until noon on Friday, March 20, 2009.

(4) In Tomales Bay, the season shall be from noon on Friday, December 26, 2008 until noon Friday, February 27, 2009.

(5) Herring fishing in San Francisco Bay is not permitted from noon Friday through 5:00 p.m. Sunday night. Herring fishing is allowed in Tomales Bay from noon Friday through 5:00 p.m. Sunday night if the department is reimbursed for the cost of operations. The department shall submit a detailed invoice of its cost of operations within 30 days of providing the service. Party shall remit payment to the department within 30 days of the postmark date of the department's invoice.

(6) Ocean Waters: ~~The season shall be from April 1 to October 31 for all authorized fishing gear except in districts 16 and 17 where the season shall be from April 1 to November 30.~~ The season shall be from April 1 to July 13, 2009 for

all authorized gear. An incidental allowance of no more than 10 percent herring by weight of any load composed primarily of other coastal pelagic fish species or market squid may be landed at any time during 2009.

(7) In the event permittees described under subsections (h)(3)(A) or (h)(3)(B) reach their quota pursuant to subsection (g)(4)(A), the alternate group of permittees on notification

by the department may commence fishing operations until such group has reached the successive established termination date or quota.

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Note: Authority cited: Sections 1050, 5510, 8550, 8553 and 8555, Fish and Game Code. Reference: Sections 1050, 7852.2, 8043, 8550, 8552, 8552.6, 8553, 8554, 8555, 8556, 8557 and 8559, Fish and Game Code.