

## REGULATORY LANGUAGE

Section 163, Title 14, CCR is amended to read:

### §163. Harvest of Herring.

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(g) Quotas.

(1) Crescent City Area: The total take of herring in the Crescent City area for commercial purposes by use of gill net only shall not exceed 30 tons per season.

(2) Humboldt Bay: The total take of herring in Humboldt Bay for commercial purposes by use of gill net only shall not exceed 60 tons per season.

(3) Tomales Bay: The total take of herring for commercial purposes by use of gill net only shall be 350 tons per season.

(A) The total take of herring for the fresh fish market shall not exceed 10 tons per season.

(4) San Francisco Bay: The total take of herring in San Francisco Bay for commercial purposes shall not exceed ~~4,920~~ 2,854 tons (gill net permittees plus fresh fish allocation) for the ~~2011-2012~~ 2012-2013 season. Tonnage shall be allocated on the following basis:

(A) Gill net permittees (including "CH" permittees): ~~4,900~~ 2,834 tons (~~4,920~~ 2,854 tons minus fresh fish allocation). Tonnage shall be allocated to each fishing group (odd and even) in proportion to the number of permits that are assigned to each fishing group minus the number of permits in each platoon that are suspended for the entire season. Each gill net permittee (designated by the department in writing) participating in research sponsored by the department shall be assigned an individual quota equal to 0.5 percent of the season gill net quota per assigned platoon, unless provided for pursuant to subsection (g)(4)(B) of these regulations.

(B) The total take of herring for the fresh fish market shall not exceed 20 tons per season, except that 10 tons total may be transferred, in proportion determined by the department, to gillnet permittee(s) participating in research sponsored by the department pursuant to subsection (g)(4)(A) of these regulations.

(5) Ocean Waters: Herring may not be taken for roe purposes.

(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 ~~noon on Monday, January 2, 2012, until noon on Friday, March 9, 2012~~ 8:00 a.m. on Wednesday, January 2, 2013, until noon on Friday, March 15, 2013.

(A) In San Francisco Bay, gill net permittees with odd numbered permits shall be permitted to fish only on the following dates: ~~January 8-13, January 22-27, February 5-10, February 19-24, and March 4-9.~~ January 2-4, January 13-18, January 27-31, February 1, February 10-15, February 24-28, March 1, and March 10-15.

(B) In San Francisco Bay, gill net permittees with even numbered permits shall be permitted to fish only on the following dates: ~~January 2-6, January 15-20, January 29-31, February 1-3, February 12-17, February 26-29, and March 1-2.~~ January 6-11, January 20-25, February 3-8, February 17-22, and March 3-8.

(C) 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 ~~noon on Monday, January 2, 2012, until noon on Friday, March 9, 2012.~~ 8:00 a.m. on Wednesday, January 2, 2013, until noon on Friday, March 15, 2013.

(4) In Tomales Bay, the season shall be from ~~noon on Monday, December 26, 2011, until noon on Friday, February 24, 2012.~~ noon on Wednesday, December 26, 2012, until noon on Friday, February 22, 2013.

(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.

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Note: Authority cited: Sections 1050, 5510, 8550, 8552.1, 8553 and 8555, Fish and Game Code. Reference: Sections 713, 1050, 7852.2, 8043, 8550, 8552, 8552.6, 8553, 8554, 8555, 8556, 8557 and 8559, Fish and Game Code.

Subsection (j)(4), Section 164, Title 14, CCR is amended to read:

#### **§164. Harvesting of Herring Eggs.**

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(4) The total amount of herring eggs on kelp that may be harvested by each permittee shall be based on the previous season's spawning population assessment of herring in San Francisco Bay, as determined by the department. This assessment is used to establish the overall herring fishing quotas pursuant to Section 163 of these regulations.

The total amount of herring eggs on kelp that may be harvested by an individual possessing a gill net permit issued pursuant to Section 163 of these regulations shall be ~~2.2~~ 3.1 tons per season. The total amount of herring eggs on kelp that may be harvested by an individual possessing a "CH" permit issued pursuant to Section 163 of these regulations shall be ~~3.4~~ 5.0 tons per season.

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Note: Authority cited: Sections 1050, 5510, 8389, 8552.1, 8553 and 8555, Fish and Game Code. Reference: Sections 713, 1050, 7850, 7850.5, 7852.2, 7881, 8043, 8053, 8389 and 8550-8556, Fish and Game Code.