

**STATE OF CALIFORNIA
FISH AND GAME COMMISSION
MEMORANDUM**

DATE: September 12, 2019

TO: Senator Mike McGuire, Chair
Assembly Member Mark Stone, Vice Chair
Joint Committee on Fisheries and Aquaculture
California State Legislature

FROM: Melissa Miller-Henson, Executive Director

SUBJECT: Fishery management plan for California Pacific herring scheduled for adoption

Melissa A. Miller-Henson

To guide future sustainable management of the Pacific herring fishery in California, a fishery management plan (FMP) has been under development by the California Department of Fish and Wildlife (DFW) since 2016. FMPs form the primary basis for managing California's sport and commercial marine fisheries (Section 7072 et seq., California Fish and Game Code) as well as the framework through which implementing regulations are adopted by the California Fish and Game Commission (Commission).

Pacific herring, an important forage species in California and along the West Coast, is harvested commercially as a roe fishery and managed through Commission regulations that establish fishing quotas based on herring spawning population size. Developed by a cross-interest steering committee, the Pacific herring FMP establishes a new harvest control rule, integrates ecosystem considerations, revises the existing commercial limited entry permit system and related fishing regulations, and identifies regulations for the recreational herring fishery.

During FMP development, regular updates were presented to the Commission's Marine Resources Committee and the Commission; after public vetting and discussion, the committee recommended that the Commission support the FMP.

Following scientific peer review, the draft FMP and proposed regulations necessary to implement the plan were received by the Commission in June 2019. In August 2019, the Commission received a revised FMP and held a discussion hearing. Adoption of the FMP and associated regulatory changes intended to implement the FMP are expected in October 2019, with the goal of having regulations in place for the 2020-2021 fishing season.

California Fish and Game Code Section 7078(d) requires that, prior to adopting an FMP or plan amendment that would make a statute inoperative, the Commission provide a copy to the California State Legislature for review by the Joint Committee on Fisheries and Aquaculture, or the appropriate policy

committee in each house. Therefore, the Commission is providing you a copy of the draft final Pacific herring FMP. Due to its size, the electronic file cannot be sent via email; however, it is available at

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=172866&inline>.

Listed in Table 1 are those statutes that will become inoperative upon the Commission's adoption of the FMP, pursuant to Fish and Game Code Section 7088 (also included in Section 9 of the FMP).

Questions regarding the Commission adoption process can be directed to Susan Ashcraft, Acting Deputy Executive Director, at (916) 653-1803 or Susan.Ashcraft@fgc.ca.gov.

Table 1. Statutes made inoperative by the adoption of the California Pacific Herring FMP

Fish and Game Code Section	Topic	Superseded by Proposed Regulation Subsections
8389	Herring Eggs; Authority to prescribe regulations, permits, royalty fee, and limits, incidental take, herring-eggs-on-kelp (HEOK)	55.02(a), (d), and (e); 163(b) and (c); 164(a) and (b); 705(a)
8550	Fish and Game Commission (Commission) regulates herring, number of permits, amount of take per permit	55.02(a), (d), and (e)
8550.5	Herring net permit fee	163(a) and (b), 705(a)
8552	Herring Roe permit conditions	163(a), (b), and (h)
8552.2	Herring permit transferability - experience points	163(b), (h)
8552.3	Commission regulates permit transfers	55.02(e); 163(b), (c), and (h)
8552.4	Department to hold drawing for revoked permits - experience points	163(b) and (d)
8552.5	Commission may revoke herring permits	55.02(e), 163(g)
8552.6	Herring permit ownership	163(c), (h), and (e)
8552.7	Transfer fee is \$5000	705(b)
8552.8	Experience points – permit sales and transfers	163(d) and (h)
8553	Commission regulates herring	55.02(d), 55.02(e)
8554	Commission may regulate temporary substitution of permittee	163(e)
8556	Commission regulates take by gill net and mesh size	55.02(e), 163.1(c)
8557	Commission regulates herring take by round net	55.02(b), 163.1(c)
8558	Herring Research Account	163(b), (c), and (d), 705(a)
8558.1	Herring Stamp and Fee	163(b), (c), and (d), 705(a)

8558.2	Difference between resident and non-resident fees to be deposited in Herring Research Account	163(b), (c), and (d), 705(a)
8558.3	1/2 of herring roe fees goes to research	163(b), (c), and (d); 705(a)
8559	Commission shall set experience requirements	163(c), (d), and (h); 705(a)

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