

CALIFORNIA FISH AND GAME COMMISSION OFFICIAL NOTICE OF DETERMINATION (DECISION)

The executive director of the California Fish and Game Commission certifies that the Commission found, on August 23, 2023, the actions listed below were taken in compliance with Section 781.5, Article 3, Chapter 4, Subdivision 3, Division 1, Title 14, California Code of Regulations, and Section 21080.5 of the Public Resources Code and, therefore, has posted this notice of determination (decision) with the Secretary for Natural Resources. Copies of the environmental document, related documents, and action taken are available for inspection during normal office hours by appointment at the Commission's office, 715 P Street, 16th Floor, Sacramento 95814, (916) 653-4899, or electronically by request to FGC@fgc.ca.gov.

Project Title: Commercial Take of Pacific Herring with Lampara Bait Nets (Addendum to the 2019 California Pacific Herring Fishery Management Plan)

Project

Submitted by: California Department of Fish and Wildlife


Location: Waters of Northern California

Description: In compliance with the California Pacific Herring Fishery Management Plan, the department proposed to amend sections 163 and 163.1, Title 14, California Code of Regulations, to allow limited commercial take of herring via small-scale lampara gear by Humboldt Bay herring permit holders. Changes include:

- Amend 163(b)(3) Classes of Permits, Humboldt Bay Herring Permit to include a single small-scale lampara net as allowable gear.
- Amend 163.1(c) Gear Requirements to include small-scale lampara nets, and amend ensuing subsections 163.1(c)(1) and 163.1(c)(2) to specify that these subsections apply to gill nets.
- Add subsections 163.1(c)(5) and 163.1(c)(5)(A) to introduce lampara gear requirements specific to Humboldt Bay herring permit holders, including net dimensions, construction, a single net limit, and to prevent possession of lampara nets alongside gill nets on a vessel participating in the fishery.
- Add subsections 163.1(h)(2) and 163.1(h)(3) to impose additional retentions and discards requirements specific to lampara net use, and refer to new landing requirements in 163.1(j)(7)
- Amend subsection 163.1(j)(5) to specify that it pertains to the 'herring' sector of the commercial fishery, which may include both lampara and gill net participants.

- Add subsections 163.1(j)(7) and 163.1(j)(7)(A) to define maximum daily landing and possession requirements for lampara-caught herring that would count toward any Humboldt Bay herring quota set by the California Department of Fish and Wildlife, and to set a date past which lampara-caught herring may not be landed during the fishing season.
- Repeal form FG MR 674 from subsection 163(c)(2)(C), as it has been superseded by form DFW 1108, which is incorporated by reference in subsection 705.1(c).
- Make non-substantive changes throughout sections 163 and 163.1 to correct typographical errors, increase consistency with other sections of Title 14, and to use inclusive pronouns.

Determination: Adopted August 23, 2023 – The Commission has determined that this project will not have a significant adverse effect on the environment.



Melissa Miller-Henson, Executive Director
California Fish and Game Commission

September 8, 2023
Date