

REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

19

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0609-02	REGULATORY ACTION NUMBER 2014-0905-01S	EMERGENCY NUMBER
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ENDORSED FILED
IN THE OFFICE OF

2014 OCT 13 PM 3:16

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

2014 SEP -5 PM 1:53
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission	AGENCY FILE NUMBER (If any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2014 252	PUBLICATION DATE 6/20/2014	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Commercial Herring Fishery	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 163 and 164
TITLE(S) 14	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Sheri Tiemann	TELEPHONE NUMBER (916) 654-9872	FAX NUMBER (Optional) (916) 653-5040	E-MAIL ADDRESS (Optional) Sheri.Tiemann@fgc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Melissa Miller-Henson</i>	DATE 9/5/14
TYPED NAME AND TITLE OF SIGNATORY Melissa Miller-Henson, Staff Services Manager	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 13 2014

Office of Administrative Law

REGULATORY LANGUAGE

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

§ 163. Harvest of Herring.

... [No changes to subsections (a) through (f)]

(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 not exceed 350 tons per season.

(4) San Francisco Bay: The total take of herring in San Francisco Bay for commercial purposes shall not exceed ~~3,737~~ 2,500 tons for the ~~2013-2014~~ 2014-2015 season.

Tonnage shall be allocated on the following basis:

(A) Gill net permittees (including "CH" permittees): 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.

... [No changes to subsections (h) through (j)]

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.

REGULATORY LANGUAGE

Section 164, Title 14, CCR, is amended to read:

§ 164. Harvesting of Herring Eggs.

... [No changes to subsections (a) through (f)]

(g) Permit conditions: Every person operating under a permit to harvest herring eggs shall:

(1) Forfeit his or her herring fishing privileges authorized pursuant to Section 163 of these regulations during the same season.

(2) In addition to any license fees required by the Fish and Game Code, pay a royalty of \$500 per ton of herring eggs on kelp taken. (The royalty fee shall include the landing tax imposed pursuant to Article 7.5, (commencing with Section 8040) Chapter 1, Part 3, Division 6, of the Fish and Game Code, and the royalty fee required for the harvesting of kelp pursuant to Section 165, Title 14 CCR).

(3) Submit a Herring-Eggs-on-Kelp Monthly Landings and Royalty Report (FG 143 HR (~~Rev. 5/13~~) (Rev 2/14), which is incorporated by reference herein (available at the department's License and Revenue Branch, Sacramento), with payment due to the department's License and Revenue Branch, Sacramento for each month of the season, within 60 days after the close of the month for which it is due.

... [No changes to subsections (h) through (n)]

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, 8550, 8550.5, 8552.1, 8552.2, 8552.3, 8552.4, 8552.5, 8552.6, 8552.7, 8552.8, 8553, 8554, 8555 and 8556, Fish and Game Code.



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE

**DEPARTMENT OF FISH AND WILDLIFE HERRING-EGGS-ON-KELP
MONTHLY LANDINGS AND ROYALTY REPORT**

This report is required in accordance with the provisions established in Title 14, Section 164, California Code of Regulations, and Fish and Game Code, Section 8389. **(PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM)**

FIRST NAME	M.I.	LAST NAME	GO ID#
MAILING ADDRESS			DAY TELEPHONE (VOLUNTARY)
CITY	STATE	ZIP CODE	E-MAIL ADDRESS (VOLUNTARY)

SECTION I:

REPORTING MONTH:	YEAR:	PERMIT#
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SECTION II:

Check if "NO" herring eggs were harvested during the month:

(Note: This report **MUST** be returned to Department of Fish and Wildlife whether herrings eggs were harvested or not)

SECTION III:

	Pounds Harvested During Month	Royalty Rate Per lb.	Amount
LINE 1. Performance Deposit Credit (50% due with Herring-Eggs-On-Kelp Permit Application)	N/A	N/A	\$
LINE 2. Credit Balance on file with Department as of _____ [DEC: The amount in this column is the total of LINES 1 AND 2. JAN-MARCH: Amount brought forward from LINE 4 (credit balance).]	N/A	N/A	\$
LINE 3. Pounds Harvested, "Royalty" due:		\$.25	\$
LINE 4. Ending Balance. Money remains in your royalty account if the balance is "negative".			\$

NOTE:

The Department will provide each permittee with their beginning balance of "Herring Eggs-on-Kelp" royalty monies on account as of December 1 of the current season. The "Ending Balance" (LINE 4) is to be carried forward to LINE 2, "Credit Balance on file with Department", on your next month's Royalty Report. The Department will then be able to reduce your existing credit balance in a systematic method. Please use () for "negative" balances. A negative balance indicates the amount of money remaining in your account.

CERTIFICATION: I certify that all statements on this report are made in good faith, and all figures are to the best of my knowledge a true and correct report of herring eggs harvested.

SIGNATURE: X	DATE: (month/day/year)
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INSTRUCTIONS FOR COMPLETING HERRING-EGGS-ON-KELP MONTHLY LANDINGS AND ROYALTY REPORT

GENERAL INFORMATION:

As of December 1, 1999 ALL permittees had a credit balance on account with the Department. Permittees are required to report their landings by month and either reduce their royalty balance by the amount due or remit the amount indicated on LINE 4 of the report.

If the balance on LINE 4 of the report is "positive" (no brackets), please submit check or money order in the amount indicated. The check should be made payable to "Department of Fish and Wildlife". DO NOT SEND CASH. Send the report and attached remittance to the address indicated below:

**California Department of Fish and Wildlife
License and Revenue Branch
1740 N. Market Blvd.
Sacramento, CA 95834**

This report must be submitted on a monthly basis, no later than 60 days after close of the month in which the herring eggs were harvested (Section 164(g)(1), Title 14 of the CCR). Failure to submit the report and remittance, if applicable, could result in legal and/or, administrative action against your company.

If you have any questions regarding this report, please contact Department's License and Revenue Branch at (916) 928-5822, or e-mail LRB@wildlife.ca.gov.

INSTRUCTIONS ON PREPARING THE REPORT:

SECTION I: Fill in the month and year for which the report is submitted and permit number.

SECTION II: Check if you did not harvest/receive any herring eggs on kelp during the month.

SECTION III: LINE 1. This is the amount remaining of the current season's performance deposit (50% of quota) submitted with the Herring-Eggs-On-Kelp Permit Application on August 1st each year. At the beginning of the season, this amount will be added to any credit balance from LINE 2.

LINE 2. The Department will fill in this line on your report. The amount in this column is the total of LINES 1 and 2. Each subsequent month, YOU are required to fill in the "month" and the "Amount" columns. The ending balance (LINE 4) of each previous month's report should be inserted in the "Amount" column (LINE 2). As a note, if your credit balance was depleted at the end of the previous month, the amount inserted on this line should be zero (0).

LINE 3. Report the "Pounds harvested during the month". Multiply the pounds by \$.25 per pound and fill in the "Amount" column. Note: If herring eggs were harvested during the month, the "Amount" column will NEVER indicate a negative amount.

LINE 4. Subtract LINE 3 "Amount" column from LINE 2 "Amount" column.

EXAMPLE: If you have a (\$1,000) balance indicated on LINE 2 under the column "Amount" and you harvested 1,000 pounds of roe on kelp during the month, you would:

Record 1,000 pounds on LINE 3 under the column identified as "Pounds Harvested During the Month". Then multiply 1,000 pounds by \$.25. The result should be \$250. Indicate \$250 on LINE 3 under the column identified as "Amount". Subtract LINE 3 "Amount" column from LINE 2 "Amount" column. The result on LINE 4 should be a seven hundred and fifty dollar credit. Credit amounts are to be bracketed (\$750). This (\$750) credit will be recorded on LINE 2 of your next month's report.