

Amended Regulatory Language

Additions of newly proposed text are shown in double underline; ~~deletions of formerly proposed text~~ are shown in double strikeout. Formerly proposed text that is not affected by the changes described in the 15-day notice dated January 24, 2020 is indicated in plain text with no underline or strikeout.

Chapter 5.6, of Subdivision 1. Fish, Amphibians and Reptiles, Title 14, CCR, is added to read:

Chapter 5.6, Experimental Fishing Permit Program.

§Section 90. Issuance of Experimental Fishing Permits.

- (a) ~~The commission may authorize the department to~~ department shall issue experimental fishing permits to any applicant approved by the commission in the year 2018 to receive an experimental gear permit pursuant to Fish and Game Code 8606 (repealed, 2018), under the following requirements and restrictions:
- (1) Permits will be issued as experimental fishing permits pursuant to Fish and Game Code 1022, and are valid for a term of one year, from April 1, through March 31_{st}.
 - (2) The applicant shall submit a written request to the department for issuance of an experimental fishing permit at least 60 days prior to the expiration date of their current permit.
 - (3) Upon review and determination by the department that the applicant can meet the standard terms and special conditions of the experimental fishing permit, as set forth in subsection (b):
 - (A) Experimental fishing permits will be first issued by the department to those applicants who received an experimental gear permit from the department in the year 2018 and submitted a written request for permit issuance pursuant to subsection (a)(2).
 - (B) Whenever there are less than eight valid permits issued, the department may issue experimental fishing permits to another applicant approved by the commission in 2018 for an experimental gear permit, so long as there are no more than eight valid permits at any one time.
 - ~~(C) It is unlawful to operate under an experimental fishing permit in violation of the standard terms and special conditions as set forth in subsection (b), or in violation of applicable laws and shall result in immediate suspension or denial of issuance of an experimental fishing permit at the discretion of the~~

~~department or the commission.~~

- (4) Each year that the experimental fishing permit is issued, the applicant for the experimental fishing permit shall submit the fee, as specified in Section 704, to the department's license and revenue branch. The fee shall be received by the license and revenue branch prior to on or before March 1 of each year, ~~and if the fee is mailed, it must be postmarked prior to March 1.~~

(A) Exception: Prior to April 1, 2020, the fee shall be received by the department's license and revenue branch on or before March 31.

(b) Permit Standard Terms and Special Conditions.

- (1) The permittee shall comply with all standard terms set forth in Experimental Fishing Permit Terms and Conditions, form DFW 1085 (subsection 704(a)(2)).

- (2) The permittee shall comply with any special conditions ~~approved by the commission and~~ attached to form DFW 1085.

(A) Based upon a recommendation from the department, the commission may approve the adoption, amendment, or repeal of special conditions set forth in form DFW 1085 as it deems necessary for research and the conservation and management of marine resources and the environment.

(B) The department shall notify a permittee at least 30 days before recommending an amendment to the special conditions of the experimental fishing permit.

(c) The department shall deny issuance or renewal, suspend or revoke an experimental fishing permit for reasons including:

(1) Failure to comply with the authorizations, conditions, or terms of the permit.

(2) A violation of Fish and Game Code or regulations adopted pursuant thereto including but not limited to those relating to protected species, minimum size limits, and seasons or areas closed to fishing that are not otherwise exempted by the permit.

(3) Reasons listed in Fish and Game Code section 1022(a)(2).

(4) A change in the laws or regulations that prohibits the continuation of the permitted fishing activity.

(d) A person whose experimental fishing permit is suspended or revoked by the department pursuant to this section may file a request for reinstatement, or an appeal in

the case of a denied experimental fishing permit, to the commission by submitting a written request for a hearing within 30 days of the department's action.

~~(e)~~(e) Access to future permits, if a fishery is developed, is not implied by participation in the experimental fishing permit program.

Note: Authority cited: Section 1022, Fish and Game Code. Reference: Section 1022, Fish and Game Code.

Amended Regulatory Language

Section 704, Title 14, CCR is added to read:

Section 704. Experimental Fishing Permits; Fees and Forms

| <i>(a) Permits/Forms</i> | <i>Permit Fees (US\$)</i> |
|--|---------------------------|
| (1) Box Crab Experimental Fishing Permit | \$4,487.75 |
| (2) Experimental Fishing Permit Terms and Conditions, DFW 1085 (New 08/01/2019 <u>01/01/2020</u>), incorporated by reference herein. | |

(b) Pursuant to the provisions of Section 699, Title 14, the department shall annually adjust the fees of all licenses, stamps, permits, tags, or other entitlements required by regulations set forth in this section.

Note: Authority cited: Sections 713, 1022, and 1050, Fish and Game Code. Reference: Sections 713, 1022, and 1050, Fish and Game Code.