

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action
Public Use of Department of Fish and Wildlife Lands
Attachment 12

Necessity for Changes to the Permit Application for Special Use of Department Lands (DFW 730 (New 01/14)) November 2019

Page 1 *(Page numbers are per the existing (New 01/14) version of the application form)*

1. References to the form number will change to DFW 730 (Rev [Month]/20) to comply with the convention for numbering forms.
2. Permit Fee
 - a. Delete Special Use Permit fees from the phase-in period from 2014 through 2017 because that text is no longer necessary. Only show the permit fees for 2020. Department fees are adjusted each year in accordance with Section 699, Title 14, California Code of Regulations (CCR), pursuant to the frequency and method required by Fish and Game Code Section 713. Because this implements the exact requirements in the statute, this is not a regulatory change.
3. Instructions
 - a. Replace “the Lands Supervisor” with “Attn: Special Use Permit”. Lands Supervisor” is deleted because there may be multiple lands supervisors in a Regional office, and the office administrative staff are better equipped to process and circulate this paperwork. This change is necessary to improve efficiency in processing applications, based on feedback from Regional staff.
 - b. Insert “calendar” into the third sentence of this paragraph. This is necessary for consistency with subsection 550.5.(d), Title 14, CCR and other references to deadlines within DFW 730 (New 01/14).
 - c. Delete the sentence regarding refunds because the information is not comprehensive, it is redundant with text in Attachment A, and it is not relevant for most applicants for Special Use Permits. Instead the public is simply directed to check Attachment A for information about refunds, where the information is comprehensive. This is necessary to make the overall document more concise and provide greater clarity for the public.
 - d. An instruction for Attachment B and amendments to the instructions for Attachment C are proposed to provide clarification for the public. Department staff who review submitted applications have reported that the public would benefit from clarification about the use of these attachments.
4. Payment Policy

- a. Delete text about credit cards. Special Use Permits are not processed through the Department's Automated License Data System (ALDS). The Department does not have a mechanism for credit card transactions outside of ALDS.

Page 3

1. Addresses of Regional Offices
 - a. Update the address for the headquarters of the Bay-Delta Region for accuracy.

Page 5 (Attachment A)

1. Issuance of Special Use Permits
 - a. It is necessary to amend the language in the second paragraph of this section to clarify that the costs being discussed are in addition to the permit fee, and that payment of these costs is not due until after the applicant has been notified that their application has been approved.
 - b. Under "PLEASE NOTE": Amend language to clarify how the public should utilize Attachment B and submit payment for any additional charges for a Special Use Permit. "Lands Supervisor" is deleted because there may be multiple lands supervisors in a Regional office, and the office administrative staff are better equipped to process and circulate this paperwork. This change is necessary to improve efficiency in processing applications, based on feedback from Regional staff.

Also change "additional charge" to "additional cost" for consistency with other references to additional costs in the document.

2. Types of Special Use Permits: No changes proposed.

Pages 5-6

1. Fees and Costs for Special Use Permits:
 - a. Delete the text that shows the phase-in of fees during the first three years that Special Use Permits because it is no longer necessary. Add a sentence to direct the reader to the top of the first page of the application to see the current permit fees rather than repeating them on this page. It is simple for the reader to find, and more straightforward to change the amount if that is necessary in the future.
 - b. Add language to clarify what is required to obtain a refund. Land management staff have reported that some permittees expect a partial refund of the permit fee if they cancel some but not all of the permit fees after the permit is issued. Also, cancellations need to be in writing for the sake of clarity of everyone involved and documentation to provide a refund of a permit fee if all of the subject activities are cancelled.

- c. Additional costs (page 6): Propose to delete confusing text that states a permit will not be issued unless the permit fee is paid. This is confusing because the permit application will not even be reviewed until the entire permit fee is paid. It conflicts with earlier instructions that the permit fee is due when the application is submitted.
2. Additional text is proposed to clarify when additional charges for a Special Use are due. This is currently stated, in a more general manner, in the above section on the issuance of permits (under PLEASE NOTE). For the sake of clarity this warrants more specific text in this section that focuses on additional costs.
3. Cleaning or damage deposit: Additional text is proposed to clarify when a damage or cleaning deposit is due, if it is required. The due date is stated in a more general manner, in the above section: Issuance of Permits (under PLEASE NOTE). For the sake of clarity, this should be stated more explicitly in this subsection that focuses on cleaning and damage deposits.
4. Revenue generating uses: Additional text is proposed to clarify when a minimum fee is due for special uses that include fund raising or the generation of revenue. The due date is stated, in a more general manner, in the above section: Issuance of Permits (under PLEASE NOTE). For the sake of clarity, this should be stated more explicitly in this subsection that focuses on special uses that generate revenue.

Page 6

1. Terms and Conditions of Special Use Permits
 - a. This change is for item number 9 under Terms and Conditions of Special Use Permits (“Per California Government Code Section 14998...”). According to Department land managers, filmmakers have been confused about when a State Film Permit is needed in order to film on Department lands. They tend to think it must be obtained before a Special Use Permit can be issued, but it is only required before they start filming. Text is proposed to be added to clarify this matter.

Page 9

1. Attachment B: Applicant Acceptance of Terms, Conditions and Costs
 - a. In the introductory paragraph of this page, text is proposed to be added to clarify when the page should be signed and submitted to the Department. Department land managers have indicated that many applicants are confused about this
 - b. Replace “the Lands Supervisor” with “Attn: Special Use Permit” to improve efficiency in processing applications, based on feedback from Regional staff.
 - c. Delete text about credit cards. Special Use Permits are not processed through the Department’s Automated License Data System (ALDS). The Department does not have a mechanism for credit card transactions outside of ALDS.