

PROPOSED REGULATORY LANGUAGE

Section 230 of Title 14 of the California Code of Regulations is amended to read:

§ 230. Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish.

(a) ~~Definition of Contests.~~ Definitions. The definitions below apply to this section.

(1) ~~Type-A Contest.~~ Type-A contests are those events offering prizes totaling more than \$1,000 in value or with more than 50 participants. Type-A contests may not exceed three days in duration and no more than one Type-A event may be held at any water on the same day for the same game fish category listed in subsection 230(b)(1). If two or more applicants have requested a permit for the same date for a water, the application received first shall be given priority except for black bass contests, see subsection (b)(1)(A) through (D), below. (See subsection 230(e) re: additional restrictions for black bass events.) “Angler” means a natural person engaged in the act of angling in a contest permitted under this section.

(2) ~~Type-B Contest.~~ Type-B contests are those events offering prizes of \$1,000 or less and with 50 or fewer participants. “Applicant” means any person applying for a permit to conduct a fishing contest pursuant to this section.

(3) “Black bass” means any species of the genus Micropterus.

(4) “Contest” or “fishing contest” means any derbies, tournaments, tagged fish contests, or similar events offering prize compensation or inducements for the taking of game fish.

(5) “Game fish” means white sturgeon; American shad; all species of salmon and trout; goldfish; common carp; Sacramento pikeminnow; Sacramento (Western) sucker; all species of catfish and bullheads; striped bass; white bass; all species of black bass and sunfish; all species of tilapia; sargo; bairdiella; and all species of corvina.

(6) “Prize compensation” means “prize compensation” as defined in section 2003(e)(1)(B) of the Fish and Game Code pursuant to this section.

(7) “Permittee” means any person issued a permit by the department to conduct a fishing contest pursuant to this section.

(8) “Resource” means the water where a contest will be held, any fish and wildlife resources that use the water, the area surrounding the water, and recreational uses on the water.

(9) “Weigh-in” means any centralized facilitation of measurement or weighing of fish retained and transported as part of a fishing contest.

(b) ~~Issuance of Permits~~ (1) ~~Revocable permits to conduct fishing contests (including tournaments, derbies or tagged fish contests) may be issued by the department to any person (as defined by section 67, Fish and Game Code) applicant, authorizing the permittee to offer prizes or other inducements for the taking of game fish. The~~

department shall ~~may~~ issue such permits if it determines the proposed contest(s) would not be detrimental to the resource. ~~For the purposes of this section, game fish are defined as the following: white sturgeon and green sturgeon; American shad; salmon and trout -all species; goldfish; common carp; hardhead; Sacramento squawfish; western sucker; catfish and bullheads -all species; striped bass; white bass; black bass and sunfish -all species; tilapia -all species; sargo; bairdiella; and orangemouth corvina. Procedures for issuing event permits for black bass fishing contests are specified in subsections (A) through (D), below:~~

~~(A) A random drawing will be conducted by department personnel to issue Type-A permits for black bass fishing contests during July of the year preceding the contest date. Dates will be determined by departmental staff. Applications will not be accepted prior to July 1 of the year preceding the calendar year in which a contest is proposed.~~

~~(B) Applicants may submit a completed application(s) (including appropriate fees) to the appropriate department office (see Section 230(b)(2)) or attend the random drawings in person. Applications received prior to the random drawings must be prioritized by the applicant and if not, will be drawn in chronological order based on the contest date. Prior to the drawing, a random number will be assigned to each applicant in attendance and to each group of applications submitted by an individual not in attendance. A series of random drawings of the assigned numbers will be conducted by department personnel and one application accepted for each number drawn. Only one application shall be accepted from each applicant during each consecutive round of the drawing process. Rounds of drawings will be conducted until all applications have been accepted, or there are no more available dates for a given body of water, whichever occurs first.~~

~~(C) Immediately following the drawing(s), the fees for all successful applications not already submitted must be paid to the department.~~

~~(D) Permits for applications received after the drawings will be issued in chronological order of receipt, subject to availability.~~

~~(2) Application shall be made on a standard form provided by the department (APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING GAME FISH, FG 775 (Rev. 11/98)), which is incorporated by reference herein), and shall include the name of the sponsor, if any, and the name and address of the applicant, the telephone number where the applicant can be reached, and for each contest: the location and date of the event, total value of the prizes, and expected number of participants. The application must be signed by the applicant. Applications for Type-B contests should be submitted to the regional office (see map and addresses of Regional offices attached to application form FG 775 (Rev.11/98)) nearest to the applicant. Applications for Type-A permits must be submitted to the department regional office for the region where the contest(s) is proposed.~~

~~(3) The application shall be submitted to the department at least 30 days prior to the proposed contest(s).~~

~~(4) Applications will not be accepted prior to July 1 of the year preceding the calendar year in which any contest is proposed.~~

~~(5) The department will consider requests for adjustments to approved Type A contest dates, if such requests are received by the issuing regional office not later than 30 days prior to the contest date to be changed.~~

~~(6) Permits are not transferable.~~

~~(7) Event and Annual Permits.~~

~~(A) An Event Permit will be issued for each Type A contest (see subsection 230(a)(1)).~~

~~(B) An Annual Permit will be issued on a calendar year basis to cover all Type B Contests (see subsection 230(a)(2)) proposed for that year.~~

(c) Contest Permit Types.

(1) Type A Permit. Type A permits are for contests targeting black bass with more than 60 anglers. Unless otherwise specified in subsection (e), the department may not issue more than one Type A permit for any water on the same day. Contests held under a Type A permit shall not exceed three days in duration.

(2) Type B Permit. Type B permits are for contests targeting black bass with 60 or fewer anglers. Unless otherwise specified in subsection (e), the department may not issue more than three Type B permits for any water on the same day. Contests held under a Type B permit shall not exceed three days in duration.

(3) Type C Permit. Type C permits are for contests targeting black bass in which anglers do not retain fish for a centralized weigh-in. For a contest conducted under a Type C permit, all live fish caught must be released immediately after recording weight or measurement. Contests conducted under a Type C permit may exceed three days in duration and may be conducted on multiple water bodies concurrently. Type C permits do not limit the number of anglers.

(4) Type D Permit. Type D permits are for contests that do not target black bass. Contests conducted under a Type D permit may exceed three days in duration and may be conducted on multiple water bodies concurrently. Type D permits do not limit the number of anglers.

(d) Application Procedures for Permits Outside Initial Offering.

(1) Any applicant seeking a Type A permit outside the department's initial offering described in subsection (f), or a Type B, Type C, or Type D permit shall follow the process described in this subsection to apply for and obtain one or more of these permits. Applications for permits made outside the department's initial offering described in subsection (f) will not be processed until after the completion of the initial offering. Except as specified in subsection (f), all permit applications will be processed in the chronological order in which they are received.

(2) Applications will not be accepted prior to July 1 of the year preceding the calendar year in which the contest will be held and shall be submitted to the department at least 30 days prior to the date of the contest.

(3) Applications shall be made using the department's APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING GAME FISH, DFW 775 (REV. 3/1/2022) (form DFW 775), incorporated by reference herein.

(4) The department may require applicants to submit required forms in the department's Automated License Data System (ALDS). When ALDS is required, applicants will need to obtain a GO ID and must complete all required fields in ALDS. When ALDS is required, the department will provide notice containing instructions.

(5) Applications for Type A permits outside the initial offering described in subsection (f) shall be submitted to the department regional office for the region where the contest(s) is proposed, unless submission via ALDS is required. Applications for Type B, Type C, and Type D permits may be submitted to any departmental regional office (see addresses of regional offices attached to form DFW 775), unless submittal using ALDS is required. An application is deemed as received when a complete application accompanied by payment of the permit fee specified in subdivision (i) is date-stamped by the receiving regional office or an electronic system. For an application to be complete, the correct form must be used, all required fields must be completed, and the application must be signed by the applicant.

(e) Permit Limits for Specific Waters

(1) Sacramento-San Joaquin River Delta (as defined in Section 1.71). No more than three Type A permits and nine Type B permits shall be issued for the Sacramento-San Joaquin River Delta for the same day, such that no more than one Type A permit and three Type B permits shall be issued in each of the three Delta counties: Sacramento, San Joaquin and Contra Costa.

(2) Diamond Valley Lake (Riverside County). No more than one Type A permit shall be issued per weekend (Saturday or Sunday) and not more than one multi-day Type A permit shall be issued per calendar month.

(3) Lake Perris (Riverside County). No more than one Type A permit shall be issued per weekend (Saturday or Sunday) and not more than one multi-day Type A permit shall be issued per calendar month.

(4) Silverwood Lake (San Bernardino County). No more than one Type A permit shall be issued per weekend (Saturday or Sunday) and not more than one multi-day Type A permit shall be issued per calendar month.

(5) "Multi-day Type A permit" as used in this subsection does not include permits that begin at night and hold a single weigh-in during the next calendar day.

(f) Initial Offering of Type A Permits.

(1) This subsection describes the procedures to obtain Type A permits through an “initial offering” by the Department.

(A) The department will conduct an initial offering of Type A permits during September 2022 for contest dates in 2023. Thereafter, commencing with the 2023 contest year, the initial offering will be conducted between July and September. Notification of the open period to submit the department’s INITIAL OFFERING APPLICATION FOR “TYPE A” GAME FISH CONTESTS, DFW 774 (NEW 2/1/2022) (form DFW 774), incorporated by reference herein, will be posted to the department’s Inland Fishing Contest webpage and sent to all previous years’ permittees. To apply for a Type A permit during the initial offering, applicants shall submit a completed form DFW 774 to identify the applicant’s desired contest dates and waters. The department will use the email address and telephone number the applicant includes on form DFW 774 to facilitate the initial offering and the conflict resolution described in subsection (f)(1)(D). Form DFW 774 shall require applicants to certify the following:

(i) The applicant will not request conflicting dates or waters in coordination with any other applicant;

(ii) The applicant is applying on their individual behalf or on behalf of an organization, independent of any other applicants; and

(iii) If a request is awarded, the applicant intends in good faith to hold a contest on that date and water.

(B) No more than one form DFW 774 shall be submitted on behalf of each applicant. If the applicant is not a natural person, the applicant shall select one individual to submit one form DFW 774 on behalf of the applicant. Applicants may request no more than one date per water per month on form DFW 774.

(C) The department will assign a random number to each form DFW 774 upon receipt of the form and identify conflicts among all applicants. For purposes of this subsection, “conflict” shall mean requests for the same date and water submitted by more than one applicant.

(D) The department will conduct a conflict resolution process for applicants to collaborate and resolve conflicts identified by the department. Prior to opening the conflict resolution process, the department will announce whether the conflict resolution process will be conducted in person or virtually. If the conflict resolution process is conducted in person, applicants will be given up to four hours to resolve conflicts. If the conflict resolution process is conducted virtually, applicants will be given up to four weeks to resolve conflicts. During the conflict resolution process, applicants may withdraw a request completely or move a request in conflict to a new water and/or date if the new selection does not result in a conflict with another applicant. Applicants may not otherwise request new dates or waters during the conflict resolution process.

(E) At the end of the conflict resolution process, all requests not in conflict will be awarded to the requesting applicant. Remaining conflicts will be decided by random selection.

(F) Upon receipt of confirmation from the department that a request has been awarded, the applicant shall submit to the department a complete form DFW 775 and pay the permit fee specified in subdivision (i) for all awarded requests. All information listed on the applicant's form DFW 775 must match the information the applicant provided on form DFW 774 for the initial offering.

(G) Incomplete applications, incorrect or missing payment, inconsistent information, or failure to adhere to the requirements set forth in this subsection may cause the department to reject an applicant's form DFW 774 or DFW 775 or to revoke an awarded request.

(H) Applications for Type A permits during the initial offering received after the due date will be processed following the procedures described in subsection (d).

(I) Applications for Type A permits during the initial offering shall be submitted to the department regional office for the region where the applicant will hold the contest, unless the department provides notice that applications must be submitted through ALDS pursuant to subsection (d)(4).

(g) Permit Adjustments.

(1) The department will consider requests for adjustments to approved permits if such requests are received by the issuing regional office at least 30 days prior to the contest date.

(2) Permittees may request up to three changes to the originally approved permit. Any additional change requests will require the submittal of a new application and fee payment.

(h) No Transfer. Permits are not transferable.

~~(8) Cost of permit: See subsection 699(b) of these regulations for the fee for this permit.~~

(i) Fees. The permit fee that must accompany form DFW 775 is \$70.30.

~~(e)~~(j) Observer Requirement. An employee of the department may be assigned as an observer and be present at any contest. The applicant or permittee shall reimburse the department \$400 \$275 per day for the cost of the observer's services and associated administrative and incidental costs. Payment shall be sent to the regional office from which the permit was or will be issued.

~~(d)~~(k) Compliance with Sport Fishing Regulations.

(1) No provisions of these regulations exempt any participant angler in a contest from the applicable freshwater sport fishing regulations, except that the department may, for permitted contests, authorize an exemption to:

(A) ~~Regulations~~ Black bass regulations which impose an increased minimum size limit larger than 12 inches, a slot size limit, or a reduced bag limit less than five fish for ~~Type A contests~~, and;

(B) Daily bag and possession limits for all permitted black bass contests, insofar that once the daily bag and possession limit has been reached by an individual angler, that same angler may continue to fish under the condition that each additional fish caught must immediately be returned to the water alive and in good condition or be used to replace a fish being maintained alive and in good condition from the ~~participant's angler's~~ angler's livewell or other suitable holding facility.

(2) To prevent the movement of live fish from one body of water to another, the department also may ~~establish~~ impose permit conditions governing the movement of live fish ~~associated with tournament activities. by anglers or permittees to accommodate off-site contest weigh-in locations.~~

~~(e)~~ (l) Additional Restrictions for Any Black Bass Contests. Contest:

(1) Insofar as possible, all fish shall be returned to the water alive and in good condition, except the department may for scientific or management purposes, take possession of any fish caught during the contest and provide for retention of unusually large fish by participants. The department shall notify the permittee or his designated representative of such exceptions prior to the start of the contest.

~~(2) All contestants shall have facilities for keeping bass alive and in good condition. The contest or department officials shall have the authority to disqualify any individual from competing if suitable facilities are not available.~~

~~(3)~~ (2) Only artificial lures may be used.

~~(f)~~ (m) Special Conditions. To provide for the welfare of fish populations, ~~or individual fish, or the resource,~~ the department may impose special conditions in addition to those specified in this section and those listed on form DFW 775 not specifically covered herein for any contest. Special conditions on form DFW 775 outline required use of the AQUATIC INVASIVE SPECIES SELF-INSPECTION CERTIFICATION FOR GAME FISH CONTESTS, DFW 777 (NEW 2/1/2022) (form DFW 777), incorporated by reference herein to this section. ~~The Department~~ department shall provide such conditions in writing to the applicant when issuing the permit. The permittee shall provide copies or otherwise inform every angler of the special conditions. It is unlawful for any person participating in a contest permitted under the authority of this ~~Section~~ section to violate any condition of the permit.

~~(g)~~ (n) Submission of Reports. Permittees shall electronically complete and return submit a report on a standard form ~~(attached to application form FG 775(6/90)), FISHING CONTEST REPORT, DFW 776 (NEW 2/1/2022) (form DFW 776), incorporated by reference herein,~~ provided by the department, ~~or an equivalent form,~~ within 30 days after the completion of each contest, following the submission procedures described on the form. Completed reports shall be submitted online via the department's Inland

Fishing Contest webpage. The permittee shall answer all the questions thereon relating to the contest, so that department personnel may monitor the impact of such contests on fisheries resources.

~~(h)(o) Revocation or Denial or Revocation of Applications, Permit Adjustments, and Permits. Failure of a permittee to comply with the provisions of this section, and any special conditions applied under this section, can result in the revocation of current permits or denial of applications for future permits, as determined by the department.~~

(1) Denial.

(A) The department may deny a permit application or a request for a permit adjustment if the department determines in its sole discretion that:

(i) Issuance of a permit or approval of a permit adjustment would be detrimental to the resource; or

(ii) The applicant or permittee has failed to adhere to the requirements or procedures set forth in this section; and

(iii) The department notifies the applicant of the basis for its determination in accordance with subsection (o)(4).

(2) Revocation.

(A) The department may revoke a permittee's permit if the department determines in its sole discretion that:

(i) The permittee has failed to comply with any terms or conditions of its permit; or

(ii) The applicant or permittee has failed to adhere to the requirements or procedures set forth in this section; and

(iii) The department notifies the applicant or permittee of the basis for its determination in accordance with subsection (o)(4).

(3) Previous compliance. The department may consider an applicant's or permittee's previous compliance with this section and with previous permits when determining whether to issue a denial or revocation.

(4) Written notice. The notice provided pursuant to subsection (o)(1)(A)(iii) and (o)(2)(A)(iii) shall:

(A) Explain in writing the basis for the department's determination and the effective date of the denial, or the effective date of the revocation; and

(B) Be sent by email and certified mail using the email and mailing addresses included in the form DFW 774 or DFW 775 submitted by the applicant or permittee.

(5) Reconsideration.

(A) An applicant or permittee who receives a notice of denial from the department of a permit application or a requested permit adjustment under subsection (o)(1) or a

revocation of a permit under subsection (o)(2) may submit a written request for reconsideration to the department no later than 30 calendar days following the date of the notification, and shall state the reasons for the requested reconsideration. The department shall consider any information submitted with the request and may reverse or amend its decision.

NOTE: Authority: Sections 200, 205, 1050 and 2003, Fish and Game Code. Reference: Sections 67, 711, 713, 1050, and 2003, Fish and Game Code.