

State of California  
Fish and Game Commission  
Initial Statement of Reasons for Regulatory Action

Amend Section 230  
Title 14, California Code of Regulations  
Re: Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish

I. Date of Initial Statement of Reasons: March 20, 2022

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: April 21, 2022

Location: Monterey

(b) Discussion Hearing

Date: May 19, 2022

Location: Teleconference

(c) Adoption Hearing

Date: June 16, 2022

Location: Los Angeles/ Orange

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

**BACKGROUND**

Section 2003 of the Fish and Game Code authorizes the California Department of Fish and Wildlife (Department) to issue a permit to a person seeking to offer prizes for the taking of game fish. The permit is subject to regulations adopted by the Fish and Game Commission (Commission). The regulations are in Section 230.

Section 230 establishes the rules by which the Department issues these permits. Currently, the Department issues two different types of permits, Type A and Type B, based on the number of participants and value of prizes or other inducements offered. The Department begins accepting permit applications on July 1 for contests to be held in the following year. Fishing contest permits are issued for the taking of approximately 10 different game fish species. Contests targeting black bass are the most popular and account for approximately 80 percent of all permits issued each year. Fishing contests are popular with many sport fish anglers. With the addition of new types of contests, increases in conflict resolution processes, and increased competition for certain times and locations, current permit issuance requirements and processes do not meet the needs of today's contest applicants. Based on the Department's recommendations, the Commission is proposing to amend Section 230, update and replace an existing form, and adopt three new forms to resolve these issues.

## **CURRENT REGULATIONS**

The current regulations (existing Section 230) state that the Department may issue two types of permits depending on expected number of participants and value of prizes and inducements offered at each contest: Type A and Type B permits. Applicants may submit permit applications using form FG 775 beginning July 1 for contests to be held the following calendar year. The Department issues Type A permits through a random drawing conducted by the Department during the month of July preceding the contest date. The Department accepts applications for Type B permits July 1 of the year preceding the contest and issued on a first come, first serve basis. To protect the welfare of fish populations the Department places additional restrictions on contests targeting black bass. All contest applicants must submit a report of contest results to the Department within 30 days after the contest has concluded.

The proposed changes to Section 230 include the following: 1) adding a definitions section to define some terms in Section 230, both existing and proposed; 2) redefining the contest permit types in Section 230 (Type A and Type B permits) and adding two new permit types (Type C and Type D permits) to allow for new types of contests being held today; 3) revising the requirements and procedures to apply for and obtain permits to ensure that all applicants have the same opportunity to conduct fishing contests; 4) revising the number of contests the Department issues per water per month to ensure a satisfactory angling experience for all resource user groups and to allow the Department to consider potential impacts to resources when issuing permits; 5) increasing the observer fee to reflect the current salaries of Department environmental scientists and game wardens charged with monitoring fishing contests for regulation compliance; 6) broadening the criteria to add additional conditions to permits to protect the resource; 7) changing the requirements on how to submit applications and report forms; 8) Require notice to applicants and permittees before the Department denies or revokes a permit application, a permit change request, or a permit; 9) clarifying and broadening the bases for denial and revocation; and 10) adding language allowing an applicant or permittee to request the Department to reconsider any denial or revocation.

Applicants and permittees are also required to use a certain Department form to apply for permits and for permittees, to report on their contests: APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING GAME FISH, FG 775 (REV. 11/98) (form FG 775). In addition to amending Section 230, the Department proposes to update and replace form FG 775 and create three new forms: forms DFW 774, DFW 776, and DFW 777. Form DFW 774 will be used to apply for Type A permits during the initial offering process described in proposed Section 230. Updated form DFW 775 will be used to apply for Type A, Type B, Type C, and Type D permits after, or outside the initial offering process. Form DFW 776 will be used to report on fishing contests. Form DFW 777 will be used by contestants to self-certify that their vessels and equipment they use in contests are free from aquatic invasive species.

## PROPOSED REGULATIONS

The regulatory changes the Commission is proposing are described below by subsection and paragraph.

- **Subsection (a), Definitions.**
  - Replaces existing subsection (a) to define the following terms in Section 230: “angler,” “applicant,” “black bass,” “contest,” “game fish,” “prize compensation,” “permittee,” “resource,” and “weigh-in.” The purpose of defining these terms is to provide clarity which will make it easier for anglers to follow and comply with the regulations, thereby minimizing enforcement issues.
  - Moves the language in existing subsections (a)(1) and (2) for “Type-A” and “Type-B” contests to proposed subsection (c), with modifications.
  - Add subsection (a)(1) to define “angler.” This provision is necessary to clarify who constitutes a contest participant and to eliminate confusion arising from whether everyone on the boat is a participant, or only those actively engaged in fishing.
  - Adds subsection (a)(2) to define “applicant.” This provision is necessary to differentiate between applicant, permittee, and angler.
  - Adds subsection (a)(3) to define “black bass.” This provision is necessary to clarify which species are referred to in Type A, Type B, and Type C permits.
  - Adds subsection (a)(4) to define “contest” or “fishing contest” as defined in existing subsection (b). This provision is necessary to clarify what activities are subject to the provisions in Section 230.
  - Adds subsection (a)(5) to define “game fish.” This provision is necessary to define all species of fish which could be targeted in fishing contests under Section 230.
  - Adds subsection (a)(6) to define “prize compensation.” This provision is necessary to align the definition of “prize compensation” in Section 230 with the definition in Fish and Game Code Section 2003.
  - Adds subsection (a)(7) to define “permittee.” This provision is necessary to clarify the conditions an applicant is subject to after the applicants has obtained contest permit from the Department.
  - Adds subsection (a)(8) to define “resource.” The term “resource” appears in Fish and Game Code section 2003 but is not defined. This provision is necessary to clarify when the Department may deny a permit application or permit adjustment under the proposed regulations or add conditions to a permit, with a focus on the water where a fishing contest will be held and the benefits the water provides, including fish and wildlife and recreation which can be adversely affected by fishing contests with numerous participants. In addition, the proposed definition is consistent with the Department’s mission to manage the state’s fish and wildlife resources “for their ecological values and for their use and enjoyment of the public.” (Fish and Game Code Section 712.1).
  - Adds subsection (a)(9) to define “weigh-in.” This provision is necessary to clarify the “weigh in” requirement for contest permits under Section 230.

- **Subsection (b)**
  - Strikes most of the language in existing subsection (b) and keeps general information about the Department’s authority to issue revocable permits for fishing contests.
  - Replaces “person” where it appears in existing subsection (b)(1) with “applicant,” as defined in proposed subsection (a)(2).
  - Moves the process for permit issuance in existing subsections (b)(1) and (2) to proposed subsections (d) and (f).
  - Moves the language defining “fishing contests” and “game fish” in existing subsection (b)(1) to proposed subsection (a) to consolidate defined terms.
  - Modifies language in existing subsection (b)(1) to make the Department’s issuance of contest permits permissive and only allows the Department to issue a permit if it determines that such issuance will not harm the resource, as proposed.
  - Moves the language in existing subsection (b)(6) to proposed subsection (h).
  - Strikes subsection (b)(7).
  - Moves the language in subsection (b)(8) to proposed subsection (i), with modifications.
  
- **Subsection (c), Contest Permit Types**
  - Moves existing subsection (c) (“Observer Requirement”) to proposed subsection (j), with modifications, and inserts new subsection (c) (“Contest Permit Types”).
  - Proposed subsection (c) includes language from existing subsections (a)(1) and (2) pertaining to Type A and Type B permits and adds two new permits: Type C and Type D to allow for new types of contests under Section 230. The four types of contests are distinguished by the targeted game fish species, the number of participants, and the weigh-in requirements. The four permit types are described below.
  - *Subsection (c)(1), Type A Permit.*
    - Moves the language from existing subsection (a)(1) for Type A permits and modifies the language as described below.
    - Removes the minimum prize value of \$1,000 or more. This change will remove the inducement requirement for contests and make the permit types (A and B) a condition of the number of anglers expected at each contest. In addition, the \$1,000 inducement requirement is no longer necessary as prizes and other inducements awarded in today’s contests consistently exceed \$1,000.
    - Limits Type A permits to contests targeting black bass. The proposed new Type D permit will be for contests that target game fish species other than black bass.
    - Increases the minimum number of anglers per contest from more than 50 to more than 60. This change will alleviate pressure on the limited Type A permits by allowing some smaller contests to fall within Type B permits. This change is not expected to have an appreciable impact to the resource.

- Removes the language in existing subsection (a)(1), "...the first application received shall be given priority..." This change is necessary because proposed subsection (c) defines permit types and proposed subsections (d)(1) through (5) address the process for issuing permits.
- Allows more than one Type A contest per day on certain waters and allows less than one Type A contest per weekend or month on certain waters. These waters are specified in proposed subsection (e).
- *Subsection (c)(2), Type B Permit.*
  - Includes the language from existing subsection (a)(2) for Type B permits with the modifications described below.
  - Limits Type B permits to contests targeting black bass. The proposed new Type D permit will be for contests that target game fish species other than black bass.
  - Increases the maximum number of anglers per contest from 50 or fewer to 60 or fewer. This change is necessary to remain consistent with the associated change to the angler threshold for Type A permits. This change is being made to reduce pressure on the limited availability of Type A permits.
  - Restricts the number of Type B permits issued for any water on the same day to three. The purpose of this change is to provide a positive experience for contest participants and other users, to meet stakeholder needs, and to reduce the possibility of adverse impacts on fisheries.
  - Allows more than three Type B contests per day on certain waters. These waters are specified in proposed subsection (e).
  - Restricts the maximum number of days per contest to three. This change is necessary for consistency between the revised definitions for Type A and Type B permits for black bass contests that hold a centralized weigh-in.
- *Subsection (c)(3), Type C Permit.*
  - Establishes a new permit, Type C, for contests targeting black bass where anglers do not retain fish for a centralized weigh-in. This new permit is necessary because there is an increasing number of contests in which participants fish from non-motorized vessels. Those vessels lack suitable devices to hold fish alive for later release. Thus, anglers in such contests are required to release all fish caught immediately after capture.
  - Contests under a Type C permit may exceed three days in duration and may be conducted on multiple waters bodies concurrently. This provision is necessary to address contest formats that are currently being conducted, often through online platforms. This will allow for a mechanism to appropriately permit these contests. This change will result in a significant resource impact as anglers in Type C contests may not retain fish for a centralized weigh-in, but instead must release all fish immediately after capture.
  - Type C permits do not limit the number of anglers. This is allowable because catch-photo-release or catch-weigh-release contests, where fish are not retained in live wells, are generally thought to have a much smaller impact to

the resource than centralized weigh-in contests.

- *Subsection (c)(4), Type D Permit.*
  - Establishes a new permit, Type D, for contests that target game fish species other than black bass. This new permit is needed to address the increased diversity of contests being offered and provide a mechanism to appropriately permit these contests.
  - Contests under a Type D Permit may exceed three days in duration and may be conducted on multiple waters bodies, concurrently. These provisions address long-duration contest types that are currently being conducted. These contests are often hosted by tackle shops for an entire season.
  - Type D permits do not limit the number of participants. This provision is necessary to address contest formats that are currently being conducted statewide. This change will not result in a significant resource impact as anglers participating in these types of contests will still be required to follow existing sport fish angling regulations that protect and conserve the resource.
- ***Subsection (d), Application Procedures for Permits Outside Initial Offering***
  - Moves existing subsection (d) (“Compliance with Sport Fishing Regulations”) to proposed subsection (k), with modifications, and inserts proposed subsection (d) (“Application Procedures”). Proposed subsection (d) includes language from existing subsection (b), with the modifications described below, and specifies the requirements to apply for contest permits outside the initial offering described in proposed subsection (f), which is limited to Type A permits.
  - *Subsection (d)(1).*
    - The language in this subsection clarifies that applications for Type A permits outside the initial offering, and Type B, Type C, and Type D permits will not be processed until after the completion of the initial offering for Type A permits. A sentence mentioning the order in which permit applications will be processed is necessary to clarify that these permit applications will be processed on a first-come, first-serve basis.
  - *Subsection (d)(2).*
    - The language in this proposed subsection is moved from existing subsections (b)(3) and (4), stating that 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.
  - *Subsection (d)(3).*
    - Requires applicants to apply for a contest permit using an existing form APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING OF GAME FISH, DFW 775 (revised 3/1/2022) (form DFW 775, incorporated by reference herein), which the Department is revising as part of this rulemaking, as outlined below.

- *Subsection (d)(4).*
  - Explains that the Department may require applications to be submitted through the Department’s Automated License Date System (ALDS). The Department is not requiring submittal through ALDS now because it needs to make technical adjustments before ALDS can accept applications.
- *Subsection (d)(5).*
  - Describes how and where to submit applications outside ALDS, when an application will be deemed as received, and when an application will be deemed as complete.
- ***Subsection (e), Permit Limits for Specific Waters***
  - This proposed new subsection replaces existing subsection (e), which is moved to subsection (l). Proposed subsection (e) lists waters with permit limitations that deviate from the statewide standard. This list is necessary because it allows the Department to consider the Sacramento-San Joaquin River Delta (Delta) to be three separate waters for fishing contest permitting purposes under (e)(1). The purpose for this change is that the Delta has over 1,000 miles of navigable waterways. With such an expanse, the Department believes multiple tournaments may be permitted on these waterways without impacting the resource. The number of permits issued will be limited to three for each Delta county: Sacramento, San Joaquin, and Contra Costa. Permit issuance in this manner will distribute contests across the Delta while still providing for positive user experiences. This list also allows the Department to limit Type A permits on three heavily used waters in Southern California (proposed (e)(2) through (e)(4) to limit impacts to the resource. Subsection (e) also clarifies what is to be considered a “Multi-day Type A Permit”.
- ***Subsection (f), Initial Offering of Type A Permits***
  - The purpose of this subsection is to **remove** the requirement of permit issuance by random draw for Type A permits and to define guidelines for a collaborative process for resolving conflicts and issuing permits through an “initial offering” process. Based on significant input from stakeholders, the Department’s understanding, relayed to the Commission, is that the stakeholder preference was for a collaborative process by which applicants could negotiate with each other and resolve conflicts over contest dates and waters. The proposed new procedures for issuing Type A permits are described below in proposed subsections (f)(1)(A) through (l). Existing subsection (f) is moved to proposed subsection (m), with modifications.
  - Proposed subsection (f) is necessary to establish the permitting process for Type A permits, inform potential applicants of the application process for initial offering and Type A permits and the conditions for obtaining and maintaining a permit issued pursuant to this section. These clarifications are necessary to ensure that applicants understand the forms that are required for submission, the order in which the forms will be processed, the information required to be completed on

the forms, and the certifications applicants are required to make prior to submitting the form.

- The conflict resolution period is necessary to provide a fair and equitable process for resolving conflicts under the newly established collaborative Initial Offering process. The information required on form DFW 774 must match the information required on form DFW 775 so that the Department can confirm the applicant that is awarded date and water combinations through the initial offering (DFW 774) matches the applicant submitting Contest Applications (DFW 775) for those same date and water combinations.
- *Subsection (f)(1)(A)*
  - Describes the new initial offering process for Type A permits and requires applicants to use a new Department form which is being adopted as part of this rulemaking: INITIAL OFFERING APPLICATION FOR “TYPE A” GAME FISH CONTESTS, DFW 774 (NEW 2/1/2022) (form DFW 774, incorporated by reference herein). Applicants will specify their desired contest dates and waters on the form. An initial offering of Type A permits will be conducted during July of the year preceding the contest date. Notification of the open period to submit form DFW 774 will be posted to the Department’s Inland Fishing Contest webpage and sent to all previous years’ permittees. Applicants will be required to provide an email address and phone number on form DFW 774, which may be used by the Department to facilitate the initial offering and the conflict resolution period.

Applicants will be required to certify on the application that: (1) they are not coordinating on date selection with other applicants; (2) they are applying on their individual behalf or on behalf of an organization, independently from other applicants; and (3) if a date is awarded, certify they intend to hold a contest on that date and water.
- *Subsection (f)(1)(B)*
  - Specifies that no more than one form DFW 774 may be submitted on behalf of each applicant or organization and that applicants may request no more than one date per water per month.
- *Subsection (f)(1)(C)*
  - Specifies that the Department will assign a random number to form DFW 774 upon receipt and identify conflicts. A “conflict” refers to requests for the same date and water submitted by more than one applicant, as defined in proposed subsection (a)(4).
- *Subsection (f)(1)(D)*
  - Establishes a process for applicants to collaborate and resolve conflicts identified by the Department. The Department will conduct a conflict resolution process that may be held in person or virtually. Conflict resolution conducted in person will be open for up to four hours. Conflict resolution conducted virtually will be open for up to four weeks. During the conflict



resolution period, 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 conflict. Applicants may not request new dates or waters during the conflict resolution period.

- *Subsection (f)(1)(E)*
  - Specifies that at the end of the conflict resolution period, all requests not in conflict will be awarded to the requesting applicant and remaining conflicts will be decided by random selection.
- *Subsection (f)(1)(F)*
  - Specifies that once an applicant's request has been awarded, the applicant shall submit an application using form DFW 775 and payment to the Department. The information on the form DFW 775 application must match the information provided on the form DFW 774 they submitted for the initial offering.
- *Subsection (f)(1)(G)*
  - Lists those factors that may lead the Department to reject an applicant's form DFW 774 or 775 or to revocation an awarded request.
- *Subsection (f)(1)(H)*
  - Specifies that applications for Type A permits received after the due date for the initial offering will be processed following the procedures in proposed subsection (d).
- *Subsection (f)(1)(I)*
  - Specifies how and where form DFW 775 applications must be sent for the initial offering and explains that they may need to be submitted though ALDS.
- ***Subsection (g), Permit Adjustments.***
  - Moves existing subsection (g) to proposed subsection (n), with modifications. Proposed subsection (g) includes the language in existing subsection (b)(5), specifying when the Department will consider a request to adjust an approved permits and limits a permittee to three change requests. Any additional requests will require submission of a new application and payment of fees. Under the existing subsection (b)(5), a permittee can make unlimited change requests without additional cost. Some applicants have made multiple change requests that have been very time consuming for Department staff to process. By placing a limit on the change requests and requiring the submittal of a new application and fees after the third request, the Department will be able to cover its costs to process such requests.
  - *Subsection (g)(1)*
    - This subsection specifies that 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.

- *Subsection (g)(2)*
  - This subsection specifies that permittees may request up to three changes to the originally approved permit and any additional change requests will require the submission of a new application and payment of all applicable fees.
- ***Subsection (h), No Transfer.***
  - Moves existing subsection (h) to proposed subsection (o). The language in proposed subsection (h) is from existing subsection (b)(6), with no change.
- ***Subsection (i), Fees.***
  - Fish and Game Code Section 2003 provides that an “application for [a fishing contest permit] shall be accompanied by a fee in the amount determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing the permit.” Existing subsection (b)(8) directs the reader to “subsection 699(b) of these regulations of the fee for [a fishing contest] permit.” Section 699(b) reads: “...Unless otherwise provided in this Title 14 or in the Fish and Game Code, the Department shall charge a fee of thirty dollars (\$30.00) for any permit issued pursuant to these regulations.” The fee the Department has been charging is greater than \$30.00. Last year, the fee was \$68.50. However, this fee and past fishing contest fees do not appear in Title 14 itself. Instead, this fee has been shown on form DFW 775, the Department’s application form for fishing contest permits.
  - To avoid any confusion an applicant might have on whether to pay the \$30.00 in Section 699(b) or the fee on form DFW 775, proposed subsection (i) will replace subsection (b)(8) and direct the reader to pay the fee specified therein: \$70.30. The fee is higher than last year’s to account for inflation and the Department confirmed the fee is sufficient to cover the costs it incurs to issue fishing contest permits, all in accordance with Fish and Game Code section 713(a), (b), and (g). (See Section VI(c) below for more information.) The fee will still show on form DFW 775 with reference to proposed subsection (i) to help applicants submit the correct fee.
- ***Subsection (j), Observer Requirement.***
  - The language in this proposed subsection is from existing subsection (c) with the modifications described below.
  - Increases the observer reimbursement fee from \$100 to \$275. For more information on this increase, see Table 2 in Section VI(c), below. This change is necessary due to increased staff salaries. As such, the amount charged should allow the Department to recover the expenses it incurs to have a Department employee observe a contest. The Department typically requires an observer when there is an elevated concern for the welfare of individual fish, fish populations, or the environment that might be based on environmental conditions, resource status, or applicants’ history regarding fishing contests.

- Adds instructions for where to send the observer fee. This language is necessary to inform applicants that payments must be sent to the regional office from which the permit was or will be issued.
- Amends the language taken from existing subsection (c) to clarify who may be required to pay the observer fee. This change is necessary to inform potential applicants that the Department may require payment of the observer fee either during the application phase or after a permit has been issued.
- **Subsection (k), Compliance with Sport Fishing Regulations.**
  - The language in this subsection is from existing subsection (d) with the modifications described below.
  - *Subsection (k)(1)*
    - Changes “participant” to “angler” for clarity and consistency with the definition of angler in subsection (a).
  - *Subsection (k)(1)(A)*
    - Removes “for Type A contests.” This change is being made to expand the availability of special regulation exemptions to Type B permits and add clarification for black bass. This will eliminate the past observed practice of applicants applying for Type A permits to receive the exemption, without meeting the participant/angler threshold.
  - *Subsection (k)(2)*
    - Adds the following language: “...by anglers or permittees to accommodate off-site contest weigh-in locations.” Adding this language is necessary to clarify that the Department may allow for the movement of live fish to facilitate an offsite weigh-in. Fish moved to an offsite weigh-in location must be released back into water of original capture.
    - The change to the word “establish” to “impose” is necessary to allow for case-by-case consideration of off-site weigh ins.
- **Subsection (l), Additional Restrictions for Any Black Bass Contest.**
  - This language in this proposed subsection is from existing subsection (e).
  - Removes the restriction in existing subsection (e)(2) that all contestants must have facilities for keeping bass alive. This change is necessary because not all bass contests will require the transport of fish to a centralized weigh-in location. Thus, not all watercraft used in contests targeting black bass will need to have live wells. This change is necessary to ensure that the appropriate contest types are accommodated.

- ***Subsection (m), Special Conditions.***
  - This language in this proposed subsection is from existing subsection (f) with the modifications described below.
  - Amends the language existing subsection (f) to clarify that standard special conditions applicable to permits are on form DFW 775. This subsection also mentions that special conditions on form DFW 775 require the 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).
  - Existing subsection (f) allows the Department to impose additional conditions to provide for the welfare of fish populations or individual fish. Proposed subsection (m) adds that the Department may also impose such conditions to provide for the welfare of the resource. This addition is necessary to allow the Department to impose a broader range of protective conditions to avoid adverse effects to the resource, as defined in proposed subsection (a)(8).
- ***Subsection (n), Submission of Reports.***
  - This language in this proposed subsection is from subsection (g), with the modifications described below.
  - Removes the following language from existing subsection (g): "... (attached to application form FG 775 (vers. 6/90))." The report form will no longer be an attachment to this form, to be replaced by form DFW 775 as part of this rulemaking. A new report form, FISHING CONTEST REPORT, DFW 776 (NEW 2/1/2022) (form DFW 776, incorporated by reference herein), will replace the attachment as part of this rulemaking.
  - Specifies that form DFW 776 will need to be completed and submitted electronically.
- ***Subsection (o), Denial or Revocation of Applications, Permit Adjustments, and Permits.***
  - The language in proposed subsection (o) is from existing subsection (h) with the modifications described below.
  - Amends the language in existing subsection (h) to clarify and expand when the Department may deny or revoke a permit application or permit; adds language to allow the Department to deny a permit adjustment request; adds language clarifying the circumstances that would allow the Department to deny or revoke applications, permit adjustment request, and permits; adds a notice requirement; and adds language that allows an applicant or permittee to request the Department to reconsider any decision to deny or revoke. These changes amendments are necessary to allow the Department to enforce the new and existing procedures and requirements described in Section 230 with sufficient due process.

- *Subsection (o)(1)*
  - Specifies the Department’s authority to deny a permit application or a request for a permit adjustment if the Department determines in its sole discretion that issuance of a permit or approval of a permit adjustment would be detrimental to the resource, or the applicant or permittee has failed to adhere to the requirements or procedures described in Section 230. Specifies that notice must be given in accordance with proposed subsection (o)(4).
- *Subsection (o)(2)*
  - Specifies that the Department may revoke a permit if the Department determines in its sole discretion that the applicant or permittee has failed to comply with any terms or conditions of its permit or has failed to adhere to the requirements or procedures described in Section 230. This paragraph specifies that notice must be given in accordance with proposed subsection (o)(4).
- *Subsection (o)(3)*
  - Specifies that the Department may consider an applicant’s or permittee’s previous compliance with Section 230 and with previous permits when determining whether to issue a denial or revocation.
- *Subsection (o)(4)*
  - Specifies the notice requirements applicable to denials and revocations under proposed subsections (o)(1) and (o)(2).
- *Subsection (o)(5)*
  - Specifies that an applicant or permittee may request the Department to reconsider any decision to deny or revoke under subsection (o)(1) and (o)(2).

## FORMS

### **INITIAL OFFERING APPLICATION FOR “TYPE A” GAME FISH CONTESTS, form DFW 774 (NEW 2/1/2022)**

This regulatory action includes the adoption of the above-referenced form to standardize the process of receiving initial offering requests and clarify application procedures for the initial offering.

Section 1, Applicant Information. This section collects applicant contact information. This section is necessary to clarify who the applicant is and provide contact information as part of the initial offering.

Section 2, Initial Offering Request. This section requests a table of requested dates and waters by an applicant. This section is necessary to collect requested dates as part of the initial offering. Providing a list of dates and waters is required to determine where conflicts exist, and this information will be used to resolve conflicts. This section limits the number of requested combination of waters and dates to 60. This number was chosen based on understanding from applicants to provide a variety of options of dates and waters.

Section 3, Certification. This section requires the applicant to certify that the information provided on this form is complete and accurate and that the applicant agrees to comply with all provisions outlined in Section 230.

Instructions for Initial Offering Application for Type A Game Fish Contests. The Instruction page of DFW 774 reminds applicants of certain informational items they should be aware of. The instructions provide section-by-section guidance for how to fill out the form. The instructions also remind applicants to create a customer record and obtain a GO ID in ALDS. The instructions themselves outline the form fields, and are necessary to guide the applicant on how to complete the form.

### **APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING GAME FISH, form DFW 775 (REV. 3/1/2022)**

The above-referenced form is an existing form that would be modified to standardize the process of applying for a Type A, B, C, or D permit as part of this regulatory action.

There are two versions of DFW 775 mentioned in the existing Section 230: in subsection 230(b)(2), a form FG 775 (rev. 11/98) is mentioned for the application, and in subsection 230(g), FG 775 (rev. 6/90) is mentioned regarding returning a report on a standard form. Both versions are proposed for a complete strike and replacement due to several updates for the required information applicants must fill out, and how this form is administered.

Section 1, Applicant Information. This section collects applicant contact information. This section is necessary to clarify who the applicant is and provide contact information, and for cross-referencing to applicant information from form DFW 774.

Section 2, Contest Information. This section identifies the type of fishing contest to be held, the start and end date of the contest, the water where contest will be conducted, the estimated number of participants, the weigh-in time and location (if applicable), and the contest target species. This section is necessary to allow an applicant to select the type of contest they are interested in, and for gathering necessary data from applicants to protect the resource, by allowing the department to limit the number of contests held at each water for each day.

Section 3, Special Conditions for Contests. This section identifies special conditions for all contests and select target species such as Chinook Salmon, Sturgeon, and black bass, including special release site instructions. This section is necessary to protect the resource. Previously added by individual Department regional offices, these conditions will now apply to all contests statewide.

Section 4, Certification and Approval. This section is signed by the applicant and provides approval information by the approving regional representative. This section is necessary to show that the applicant agrees to comply to all conditions stated on the permit any special conditions added by the Department. This section also provides a unique permit identifier for the Department upon issuance.

Section 5, Department Regional Office Locations. This section provides the names and addresses of Department regional offices. This section is necessary for applicants to identify the appropriate regional office in which to submit contest applications.

## **FISHING CONTEST REPORT, form DFW 776 (New 2/1/2022)**

This regulatory action includes the adoption of the above-referenced form to collect fishery and participation data after the completion of a fishing contest. This information is important to assess the overall impact fishing contests have on fishery resources. An electronic and online reporting system is planned to facilitate the Department's access and use information on game fish contests for tracking and management purposes.

Section 1, Permit Information. This section collects permit information. This section is necessary to relate contest result information back to corresponding fishing contest permit (DFW 775).

Section 2, Submitter Information. This section collects a permittee's contact information. This section is necessary to confirm the correct permit is being reported and to provide contact information in the event the Department needs to verify any of the information being submitted.

Section 3, Contest Results Information. This section collects fishery and angler data resulting from the contest. This section is necessary to monitor angler pressure, initial mortality, and overall potential impacts to the fishery.

The Notice language at the bottom of form DFW 776 is necessary to remind reporting permittees of the timeline to submit reports, relevant Title 14 sections and who to contact for additional information. It also includes the weblink to the Fishing Contests webpage and an email address for permittees to send questions or concerns.

## **AQUATIC INVASIVE SPECIES SELF-INSPECTION CERTIFICATION FOR GAME FISH CONTESTS, form DFW 777 (New 2/1/2022)**

This regulatory action includes the adoption of the above-referenced form to provide a method for contestants to self-certify that the vessels and equipment they use in fishing contests are free from aquatic invasive species.

Section 1, Background. This section is necessary to educate permittees and anglers about what aquatic invasive species are, their environmental and economic impacts, and actions they should take to prevent their spread.

Section 2, Instructions. This section is necessary to define when the form is required, how to complete it, and how to display it.

Section 3, Self-Certification Questions. This section is necessary to assess the potential for a contestant's vessel or equipment to introduce aquatic invasive species into the contest waterbody. Aquatic invasive species can survive on vessels and equipment for up to several weeks in damp conditions. Fishing contests draw participants who frequently use their vessels and equipment, creating the risk that equipment will not dry between uses, which increases the potential that aquatic invasive species may be present. Contestants may also originate from throughout the state and outside of the state, increasing the diversity of potential aquatic invasive species present on vessels or equipment. These factors increase the potential that aquatic invasive species may be carried on vessels and equipment used in fishing contests. If a vessel or equipment harboring aquatic invasive species is used in a contest, it will introduce

those invasive species into the waterbody, potentially resulting in environmental and economic impacts.

Self-certification question 1 addresses situations where fishing contests are held on the same body of water as the last water body where the contestant's vessel, trailer, and equipment were last used. The risk of harboring aquatic invasive species is lower if the contestant's vessel/equipment have already been in the contest water. Questions 2 through 5 address whether the contestant's vessel and/or equipment is free of or poses a low risk of harboring living aquatic invasive species (cleaned, drained, and dry), and therefore is not likely to introduce aquatic invasive species to the contest waterbody.

Section 4, Certification. This section is necessary to identify the contest, the waterbody it will take place on, the dates the contest will take place, and the contestant's vessel, and identifies the contestant's attestation that the vessel is clean and dry, or decontaminated, thereby low risk for introducing aquatic invasive species by participating in the contest.

#### (b) Goals and Benefits of the Regulations

The goals and benefits of these regulations will establish contest conditions that provide for the welfare and conservation of fish populations and the environment and limit the impact to other recreational users while also allowing the offering of prizes for the taking of game fish.

The fishing contest types offered to today's anglers have changed significantly. There has also been an increased demand for fishing contest permits, especially for contests targeting black bass. To ensure the welfare of fish populations, the department limits the number and type of contests that may be held on each water each day. The regulatory action proposed herein will provide for equitable distribution of contest permits and ensure the welfare of fish populations.

#### (c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Sections 200, 205, 1050 and 2003 Fish and Game Code.

Reference: Sections 67, 711, 713, 1050, and 2003 Fish and Game Code.

Fish and Game Code section 2 provides that the definitions in Chapter 1 of the Fish and Game Code "govern the construction of [the] code and all regulations adopted under the code." "Person" appears in some of the definitions in the proposed regulations (see subsections (a)(1), (2), (7), and (8)) and in other parts of Section 230. Because "person" is defined in Chapter 1 under Fish and Game Code Section 67, Section 67 is being added as a reference as part of this proposed rulemaking. In addition, because "person" is already defined in the Fish and Game Code, and under Fish and Game Code Section 2 applies to "person" as used in Section 230, "person" is not defined in proposed subsection (a).

#### (d) Specific Technology or Equipment Required by Regulatory Change

No specific technology or equipment is required to meet most of the goals of the proposed regulatory action. However, due to the mainstream use by the regulated community of computer and internet technology, the Department wished to coincide the timing of this regulatory proposal with an improved application submission and reporting system. As described in proposed subsection (d), entering applications through ALDS, when that function



is available, is expected to consolidate the number of applicants applying for the initial offering. Form DFW 776, Fishing Contest Report, is expected to be available in the appropriate electronic format by the time the proposed regulations are effective. Thus, form DFW 776 exhibits the content required of applicants for the online format to direct a permittee to complete the required data based on a particular permit type, and the workflow functionality by indicating the permit type selected (Types A through D) would result in a dynamic form based on selections made in previous sections of the application. Whether shown on paper or implemented in an electronic format, the information requested of all applicants will be the same.

The Department makes available an annual report that summarizes the results of fishing contests that target black bass

(e) Identification of Reports or Documents Supporting Regulation Change

None.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

The Department conducted a survey of stakeholders who participated in the 2020 black bass permit draw. The survey was designed to obtain stakeholder feedback on the first ever virtual permit draw process.

The proposal to amend Section 230 was introduced at the Commission's Wildlife Resources Committee meeting held virtually on September 16, 2021.

Public scoping meetings were held in person and virtually on December 1, 2021, and virtually on December 2, 2021.

The proposed changes to Section 230 were detailed during a presentation at the Commission's Wildlife Resources Committee meeting held virtually on January 13, 2022.

#### IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

Seniority-Based Issuance of Type A Contest Permits

In summary, the proposal states that competition for Type A permits for highly desirable locations and dates has resulted in spurious applications to increase an applicant's odds of receiving their desired location and date. To counter this, an alternative based on seniority, with minimum qualifications establishing a legal business identity, was proposed. Entities with the most consecutive years of participation would receive priority in selecting locations and dates, and limits to the number of permits they request would be based on the number they have purchased in the prior three years.

Fish and wildlife are the property of the people (Fish and Game Code, Section 1600), and it is the mission of the Department to manage California's fish for the use and enjoyment of the public (Fish & Game Code, Section 712.1). It is the policy of the Department to provide for the beneficial use and enjoyment of wildlife by all citizens of the state and to provide for economic contributions to the citizens of the state, through the recognition that wildlife is a renewable

resource of the land by which economic return can accrue to the citizens of the state, individually and collectively, through regulated management. (Fish & Game Code, Section 1801, subdivision (b).) Such management must be consistent with the maintenance of healthy and thriving wildlife resources and the public ownership status of the wildlife resources. Further, the California Natural Resources Agency and the Department are committed to providing equitable access to all Californians to our public natural resources, which includes access to fishing opportunities. Integrating a seniority-based system based on permitting history and/or requiring a business identity immediately precludes equitable access to individuals and businesses/organizations not already engaged in fishing contests or defined as a legal entity. Further, such regulations would perpetuate inequity into the future as newcomers to fishing contest would always be subordinate to those permittees with greater seniority.

(b) No Change Alternative

Stakeholder feedback has consistently shown that the issuance process laid out in current regulatory text does not work for most stakeholders and is not compatible with most business models. If proposed amendments are not adopted, fishing contest permittees would likely file a formal request to change Section 230. Most permit applicants have expressed the need for changes to this regulation in a Department-conducted survey in 2020 and at public meetings of permit holders held in 2021.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

None identified.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no significant adverse effect on the environment, and therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the game fish contests are specific to water bodies within the state of California.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment.

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The Commission does not anticipate any benefits to the health and welfare of California residents or worker safety.

The new regulations will benefit the environment by expanding the Department’s authority to consider potential impacts to the resources when issuing permits. Existing Section 230 states that the Department shall issue a permit if the fishery or health of individual fish are not impacted. The new regulations allow for a holistic consideration of potential impacts to the environment and other resource users before issuing a permit.

(c) Cost Impacts on a Representative Private Person or Business

Fish and Game Code Section 2003 provides that an “application for [a fishing contest permit] shall be accompanied by a fee in the amount determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing the permit.” Last year, the application fee was \$68.50. For 2022, the fee is being adjusted for inflation to \$70.30 in accordance with Fish and Game Code Section 713<sup>1</sup>. The total cost for application is \$72.41, which includes a 3% non-refundable ALDS fee (Section 700.4(e)). In addition, the Department confirmed this fee will be sufficient to cover the Department’s costs by completing the analysis shown in Table 1 below consistent with Fish and Game Code subsection 713(g).<sup>2</sup>

**Table 1. Department Costs to Issue Fishing Contest Permits (Processing of Form DFW 775)**

Classification	Task	Hours/ Permit	Rate	Total
<b>Region 1</b>	<b>110 contests</b>			
Environmental Scientist, Range C	Review, Communication, Entering	0.30	\$66.32	\$19.90
Office Technician	Receive, scan, process payment	0.30	\$33.72	\$10.12
<b>Region 2</b>	<b>414 contests</b>			
Environmental Scientist, Range C	Communication with applicant	0.30	\$66.32	\$19.90
Office Technician	Receiving/processing application	0.20	\$33.72	\$6.74
Environmental Scientist, Range C	Reviewing application	0.25	\$66.32	\$16.58
Environmental Scientist, Range C	Approving application	0.20	\$66.32	\$13.26

<sup>1</sup> Fish and Game Code 713(a) requires the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, to be used as the index to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, tags, or other entitlements issued by the department.

<sup>2</sup> Under Fish and Game Code 713(g), the Department and the Commission, at least every five years, shall analyze all fees for licenses, stamps, permits, tags, and other entitlements issued by it to ensure the appropriate fee amount is charged.

<b>Classification</b>	<b>Task</b>	<b>Hours/ Permit</b>	<b>Rate</b>	<b>Total</b>
Environmental Scientist, Range C	Entering application	0.20	\$66.32	\$13.26
Environmental Scientist, Range C	Issuing/regional communication	0.20	\$66.32	\$13.26
Scientific Aide	issuing/regional comm.	0.10	\$17.14	\$1.71
<b>Region 3</b>	<b>338 contests</b>			
Staff Services Analyst	Communication with applicant	0.20	\$46.75	\$9.35
Office Technician	Receiving/processing application	0.10	\$33.72	\$3.37
Staff Services Analyst	Entering application	0.10	\$46.75	\$4.68
Staff Services Analyst	Reviewing application	0.20	\$46.75	\$9.35
Environmental Program Manager	Approving application	0.20	\$117.71	\$23.54
Staff Services Analyst	Issuing/regional communication	0.20	\$46.75	\$9.35
<b>Region 4</b>	<b>410 contests</b>			
Environmental Scientist, Range C	Communication with applicant	0.15	\$66.32	\$9.95
Office Technician	Receiving/processing application	0.20	\$33.72	\$6.74
Office Technician	Entering application	0.10	\$33.72	\$3.37
Environmental Scientist, Range C	Reviewing application	0.20	\$66.32	\$13.26
Environmental Program Manager	Approving application	0.10	\$117.71	\$11.77
Office Technician	Issuing permit	0.20	\$33.72	\$6.74
<b>Region 5</b>	<b>277 contests</b>			
Environmental Scientist, Range C	Communication with applicant	0.20	\$66.32	\$13.26
Office Technician	Receiving/processing application	0.10	\$33.72	\$3.37
Environmental Scientist, Range C	Reviewing and approving application	0.20	\$66.32	\$13.26
Environmental Scientist, Range C	Entering application	0.10	\$66.32	\$6.63
Office Technician	Receiving/processing application	0.20	\$33.72	\$6.74
<b>Region 6</b>	<b>174 contests</b>			
Environmental Scientist, Range C	Communication with applicant	0.20	\$66.32	\$13.26

Classification	Task	Hours/Permit	Rate	Total
Environmental Scientist, Range C	Reviewing application	0.20	\$66.32	\$13.26
Environmental Scientist, Range C	Entering application	0.20	\$66.32	\$13.26
Environmental Scientist, Range C	Issuing/regional communication	0.30	\$66.32	\$19.90
Office Technician	Receiving/processing application	0.30	\$33.72	\$10.12
	All Regions Subtotal		--	\$339.30
	Overhead		24.32%	\$82.52
	<b>Total for 6 permits</b>			<b>\$421.82</b>
	<b>Per Permit Average Cost</b>			<b>\$70.30</b>

Notes: CalHR California State Civil Service Pay Scales by Classification. Rate is the median hourly salary including benefits (staff benefit rates for non-peace officer = 52.734%). Overhead for non-federal projects (24.32%) is applied to program subtotal costs.

In addition, the contest observer fee is proposed to increase from \$100 to \$275. Although a contest observer is rarely required, this adjustment is necessary to allow the Department to more fully recover staff salary and benefit costs when an observer is required. To minimize the fee increase, travel time and vehicle expenses have not been included. Thus, the amount charged for a Department contest observer will allow for only the partial recovery of necessary expenses incurred by the Department.

**Table 2. Department Game Fish Contest Observer Cost (Fee Per Day)**

Classification	Task	Hours	Rate	Total
Environmental Scientist, Range C	Travel to & from Region HQ to tournament weigh-in location*	---	\$66.32	\$0.00
Environmental Scientist, Range C	Observe fishing contest weigh-in	2.5	\$66.32	\$165.80
Environmental Scientist, Range C	Complete a report detailing observations/recommendations	0.83	\$66.32	\$55.27
	Vehicle mileage*	---	\$0.55/mile	\$0.00
	Program Subtotal			\$221.07
	Overhead	---	24.32%	\$53.76
	<b>Program Total</b>			<b>\$274.83</b>
	<b>Rounded up to nearest \$0.25</b>			<b>\$275.00</b>

Notes: CalHR California State Civil Service Pay Scales by Classification. Rate is the median hourly salary including benefits (staff benefit rates for non-peace officer = 52.734%). Overhead for non-federal projects (24.32%) is applied to program subtotal costs.

\*Travel time and vehicle mileage are not included in the determination of the Contest Observer fee per day.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

None. No change in costs or savings to state agencies are expected as a direct result of the proposed amendments to Section 230. However, the Department has estimated that the initial offering process continues to engage staff time throughout the state, and particularly Fisheries Branch staff in the Department’s headquarters. An estimate of the time per entry and total program cost is detailed in Table 2. Currently, there is no fee to submit a form DFW 774 to participate in the initial offering. The following table is to disclose that the Department cost per entry is estimated to be approximately \$230.92. The Department receives an average of 70 forms DFW 744 per year. The total annual staff time costs (with benefits and overhead) are estimated to be approximately \$16,165 in a typical year.

**Table 3. Department Cost Per Form 774 and Total Program Costs**

<b>Fisheries Branch Staff</b>	<b>Task</b>	<b>Hours per Form</b>	<b>Expanded Hours</b>	<b>Rate</b>	<b>Total</b>
Senior Environmental Scientist – (Sup)	Program oversight, process bass reporting	0.4	30	\$101.80	\$3,054.00
Environmental Scientist - C	Draw planning	0.5	35	\$66.32	\$2,321.20
Environmental Scientist - C	Conducting draw (online)	0.6	40	\$66.32	\$2,652.80
Environmental Scientist - C	Draw back-end work	0.6	40	\$66.32	\$2,652.80
Environmental Scientist - C	Communication throughout year	0.5	35	\$66.32	\$2,321.20
	HQ Program Subtotal	2.6	180		\$13,002.00
	Overhead			24.32%	\$3,162.09
	<b>Program Total</b>				<b>\$16,164.09</b>
Average of 70 forms/year	<b>Per Participant</b>	\$230.92		<b>70</b>	<b>\$230.92</b>

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code

None.

(h) Effect on Housing Costs

None.

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

There is no perceived effect on the creation or elimination of jobs within the State by amending regulations for game fish contests because no impact on the demand for services is anticipated as a direct result of the proposed administrative amendments.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

There is no anticipated creation of new businesses or elimination of existing business within California due to the proposed amendment to the regulations for game fish contests because no impact on the demand for goods or services is anticipated as a direct result of the proposed administrative amendments.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The effects of the regulations should have no impact on the expansion of businesses currently doing business within the state because the proposed amendment to the regulations for game fish contests should have no impact on the demand for goods or services as a direct result of the proposed administrative amendments.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission does not anticipate any benefits to the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The proposed regulations will have no benefits for worker safety because they have no bearing on working conditions.

(f) Benefits of the Regulation to the State's Environment

The proposed regulations will continue to protect the natural resources of the state by limiting the number of contests permitted at each water thus minimizing impacts to targeted fish populations by fishing contests.

(g) Other Benefits of the Regulatory Action

The proposed changes to Section 230 and form DFW 775 and new forms DFW 774, 776, and 777 will enable the Department to align the fishing contest permit application process to better meet the needs of today's applicants. The Department has seen a tremendous demand for the limited number of permits that are issued to popular waters. Revising the application procedure will help minimize financial impacts to permit applicants.

Fishing contests are popular with sport fish anglers. Revising the permit application process will facilitate the continuation of the many annual fishing contests and may encourage new contests. Providing fishing contests may encourage new anglers to participate in sport fishing activities, keep those anglers already engaged, or encourage anglers who have not sport fished in recent years to join this outdoor activity that they previously participated in.



## Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

Section 2003 of the Fish and Game Code authorizes the California Department of Fish and Wildlife (Department) to issue permits for persons seeking to offer prizes for the taking of game fish, subject to regulations adopted by the Fish and Game Commission (Commission). The regulations are in Section 230. Section 230 establishes the rules by which the Department issues these permits. Consistent with the Department's recommendations, the Commission is proposing to amend Section 230 and to revise one form and adopt three new forms associated with these fishing contests to resolve issues with the current permit issuance requirements and processes which do not meet the needs of today's contest applicants.

The proposed changes to Section 230 include the following:

- Define certain terms used in Section 230.
- Remove the use of "random draw" for Type A permits.
- Establish an "initial offering" process for Type A permits to resolve conflicts for contest dates and waters.
- Revise the requirements for Type A and Type B permits for fishing contests.
- Establish two new contest permit types: Type C and Type D.
- Revise the number of permits for contests issued per water per month.
- Make changes to the application process for contest permits outside the initial offering process.
- Limit the number of permit adjustment requests to three.
- Increase the observer fee from \$100 to \$275.
- Specify the permit fee that must accompany form DFW 775.
- Remove the restriction that all contestants must have facilities for keeping bass alive due to the new permit Types C and D.
- Restrict the number of changes to approved permits to three.
- Require permittees to complete and file fishing contest reports electronically.
- Require notice to applicants and permittees before the Department denies or revokes a permit application, a permit change request, or a permit.
- Allow applicants and permittees to request the Department to reconsider any decision to deny, or revoke a permit application, a permit change request, or a permit.
- Adopt form DFW 774, the Initial Offering Application for "Type A" Game Fish Contests, incorporate the form into Section 230 by reference and require applicants this use this form.
- Update existing Form DFW 775, the Application for Permit to Offer Prizes for the Taking of Game Fish.
- Adopt form DFW 776, Fishing Contest Report, to collect fishery and participation data and incorporate the form into Section 230 by reference and require permittees to use this form.
- Adopt form DFW 777, Aquatic Invasive Species Self-Certification for Game Fish Contests, and incorporate the form into Section 230 by reference, and require contestants to use this form.

## **Benefit of the Regulations**

This regulatory action will establish contest conditions that provide for the welfare and conservation of fish populations benefiting the environment, and limiting the impact to other recreational users, while also allowing the offering of prizes for the taking of game fish.

The fishing contest types offered to today's anglers has changed significantly. There has also been an increased demand for fishing contest permits, especially for contests targeting black bass. To ensure the welfare of fish populations, the Department limits the number and type of contests that may be held on each water each day. The regulation changes proposed herein will provide for equitable distribution of contest permits as well as ensure for the welfare of fish populations.

## **Consistency and Compatibility with Existing Regulations**

Section 20 of Article IV of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Commission has reviewed its own regulations and finds that the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to the permitting of game fish contests.