

## STAFF SUMMARY FOR MAY 19, 2022

**5. GAME FISH CONTESTS****Today's Item****Information** ☒**Action** ☐

Discuss proposed changes to game fish contest regulations.

**Summary of Previous/Future Actions**

- |                                     |   |
|-------------------------------------|---|
| • WRC vetting                       | Sep 16, 2021; WRC, Webinar/Teleconference |
| • WRC vetting                       | Jan 13, 2022; WRC, Webinar/Teleconference |
| • Notice hearing                    | Apr 20-21, 2022; Monterey/Trinidad        |
| • <b>Today's discussion hearing</b> | <b>May 19, 2022; Teleconference</b>       |
| • Adoption hearing                  | Jun 15-16, 2022; Los Angeles              |

**Background**

Section 2003 of the California Fish and Game Code authorizes DFW to issue a permit to a person seeking to offer prizes for taking game fish; the permit is subject to regulations adopted by FGC. Section 230 of Title 14 establishes the procedures by which DFW issues the permits. Currently, DFW 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. DFW begins accepting permit applications on July 1 for contests to be held the following year. Fishing contest permits are issued for the take 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.

In Apr 2022, FGC authorized publication of notice of its intent to amend Section 230 to add a definition section to define specific terms, redefine the contest permit types, revise the requirements and procedures to apply and obtain permits, revise the number of contests DFW issues per water per month, update and replace an existing form, adopt three new forms, and clarify the basis for denial and revocation. The proposed changes will help address the needs of today's contest applicants that are not being met with the current regulations.

**Significant Public Comments (N/A)****Recommendation (N/A)****Exhibits**

1. [Staff summary from Apr 21, 2022 \(for background purposes only\)](#)
2. [DFW memo, received Apr 6, 2022](#)
3. [Initial statement of reasons](#)
4. [Proposed regulation text](#)
5. [DFW memo, received May 9, 2022](#)
6. [Draft Negative Declaration](#)
7. [Notice of Completion and Summary](#)

**Motion (N/A)**

STAFF SUMMARY FOR APRIL 20-21, 2022  
**(FOR BACKGROUND PURPOSES ONLY)**

## 25. GAME FISH CONTESTS

### Today's Item

Information ☐

Action ☒

Consider authorizing publication of notice of intent to amend game fish contest regulations.

### Summary of Previous/Future Actions

- |                                 |  |
|---------------------------------|--|
| • WRC vetting                   | Sep 16, 2021; WRC, Webinar/Teleconference  |
| • WRC vetting                   | Jan 13, 2022; WRC, Webinar/Teleconference  |
| • <b>Today's notice hearing</b> | <b>Apr 20-21, 2022; Monterey/Trinidad</b>  |
| • Discussion hearing            | May 19, 2022; Teleconference               |
| • Adoption hearing              | Jun 15-16, 2022; Los Angeles/Orange County |

### Background

Section 2003 of the California Fish and Game Code authorizes DFW to issue a permit to a person seeking to offer prizes for taking game fish; the permit is subject to regulations adopted by FGC.

Section 230 of Title 14 establishes the procedures by which DFW issues the permits. Currently, DFW 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. DFW begins accepting permit applications on July 1 for contests to be held the following year. Fishing contest permits are issued for the take 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, but current permit issuance requirements and processes do not meet the needs of today's contest applicants. DFW requests that FGC amend Section 230, update and replace an existing form, and adopt three new forms to resolve these issues (Exhibit 1).

### ***Proposed Regulations***

The proposed changes to Section 230 include:

- (1) adding a definition section to define specific terms (both existing and new terms);
- (2) redefining the contest permit types and adding two new permit types (Type C and Type D permits) to better 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 DFW issues per water per month to ensure a satisfactory angling experience for all resource user groups and to allow DFW to consider potential impacts to resources when issuing permits;
- (5) increasing the observer fee to reflect the current salaries of DFW environmental scientists and game wardens charged with monitoring fishing contests for regulation compliance;

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**(FOR BACKGROUND PURPOSES ONLY)**

- (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) requiring notice to applicants and permittees before DFW 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 DFW to reconsider any denial or revocation, and placing appropriate limits on that request.

Further details on all these proposed changes are available in the initial statement of reasons and proposed regulatory language (exhibits 2 and 3).

In addition to amending Section 230, DFW proposes to update and replace form FG 775 and create three new forms: forms DFW 774, DFW 776, and DFW 777 (exhibits 4-7). 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 the vessels and equipment they use in contests are free from aquatic invasive species.

### **Significant Public Comments (N/A)**

### **Recommendation**

**FGC staff:** Authorize publication of notice of intent to amend regulations regarding the permit process to offer prizes for the take of game fish, as recommended by DFW and discussed today.

**WRC:** Consider the proposed regulation changes for game fish contests.

**DFW:** Authorize publication of a notice of intent to amend regulations governing the permit process to offer prizes for the take of game fish.

### **Exhibits**

1. DFW memo transmitting ISOR, received Apr 6, 2022
2. Draft ISOR and informative digest
3. Proposed regulation text
4. Proposed DFW Form 774
5. Proposed DFW Form 775
6. Proposed DFW Form 776
7. Proposed DFW Form 777
8. Draft economic and fiscal impact statement (Std. 399) and addendum
9. DFW presentation

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(FOR BACKGROUND PURPOSES ONLY)

**Motion**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission authorizes publication of a notice of its intent to amend Section 230 related to issuing permits for contests offering prizes for the take of game fish as discussed today.

## Memorandum

**Date:** March 28, 2022

**To:** Melissa Miller-Henson  
Executive Director  
Fish and Game Commission

**From:** Charlton H. Bonham  
Director

**Subject:** **Initial Statement of Reasons to Amend Section 230, Title 14, California Code of Regulations (CCR), Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission to authorize publishing notice of its intent to amend Section 230, Title 14, CCR for game fish contests. The Department is proposing to update the current permit issuance requirements and processes. The amendments are fully described in the attached Initial Statement of Reasons. The Department also emphasizes the notice be submitted to OAL no later than April 19, 2022 for publication in the California Regulatory Notice Register on April 29, 2022. Discussion is planned at the May 19 Commission teleconference, and adoption proposed for the June 16, 2022 meeting.

If you have any questions, please contact Jay Rowan, Fisheries Branch Chief, at (916) 212-3164. The public notice for this rulemaking should identify Senior Environmental Scientist, Karen Mitchell, as the Department's point of contact. Ms. Mitchell can be reached at (916) 205-0520.

ec: Garry Kelley, Acting Deputy Director  
Wildlife and Fisheries Division

Jay Rowan, Branch Chief  
Fisheries Branch  
Wildlife and Fisheries Division

Wendy Bogden, General Counsel  
Office of General Counsel

Chris Stoots, Assistant Chief  
Law Enforcement Division

Ona Alminas, Program Manager  
Regulations Unit  
Wildlife and Fisheries Division

Melissa Miller-Henson, Executive Director  
Fish and Game Commission  
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Glenn Underwood, Assistant Branch Chief  
License and Revenue Branch  
Wildlife and Fisheries Division

Martha Volkoff, Program Manager  
Fisheries Branch  
Wildlife and Fisheries Division

Ari Cornman, Wildlife Advisor  
Fish and Game Commission

Jennifer Greaves, CESA Analyst  
Fish and Game Commission

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 Data 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)**

<b>Classification</b>	<b>Task</b>	<b>Hours/ Permit</b>	<b>Rate</b>	<b>Total</b>
<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

<b>Classification</b>	<b>Task</b>	<b>Hours/ Permit</b>	<b>Rate</b>	<b>Total</b>
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)**

<b>Classification</b>	<b>Task</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>
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.



## 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 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)~~ (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.

# Memorandum

**Date:** May 6, 2022

**To:** Melissa Miller-Henson  
Executive Director  
Fish and Game Commission

**From:** Charlton H. Bonham  
Director

**Subject:** **Submission of Initial Study and Negative Declaration for Proposed Amendments to Section 230, Title 14, California Code of Regulations**

In compliance with the California Environmental Quality Act, the Department of Fish and Wildlife (Department) has prepared the enclosed *Initial Study/Negative Declaration for Proposed Amendments to Section 230, Title 14, CCR, Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish*. Based on the initial study, the Department has concluded that the proposed amendments will not have any significant or potentially significant effects on the environment. The Department recommends the Commission adopt the proposed negative declaration.

If you have any questions regarding the enclosed documents, please contact Karen Mitchell, Senior Environmental Scientist, at (916) 205-0250.

cc: Chad Dibble, Deputy Director  
Wildlife and Fisheries Division  
California Department of Fish and Wildlife

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Melissa Miller-Henson, Executive Director  
Fish and Game Commission  
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STATE OF CALIFORNIA  
NATURAL RESOURCES AGENCY  
FISH AND GAME COMMISSION

INITIAL STUDY/NEGATIVE DECLARATION

PROPOSED AMENDMENTS TO  
SECTION 230, TITLE 14, CCR  
“ISSUANCE OF PERMITS FOR CONTESTS OFFERING PRIZES  
FOR THE TAKING OF GAME FISH”

Prepared by:

California Department of Fish and Wildlife  
Fisheries Branch

MAY 2022

This Report Has Been Prepared Pursuant to the  
California Environmental Quality Act of 1970

INITIAL STUDY/NEGATIVE DECLARATION  
FOR PROPOSED AMENDMENTS TO  
SECTION 230, GAME FISH CONTESTS,  
TITLE 14, CALIFORNIA CODE OF REGULATIONS

**The Project**

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

The Fish and Game Commission (Commission) proposes to amend Section 230, Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish (Game Fish Contests). The Type A fishing contest permits are issued annually (July) for contests to be held in the following calendar year. Current language creates challenges for enforcing conditions associated with the permit awarding process. It is necessary for the Commission to adopt revisions to Section 230 to allow for issuance of permits under a new framework which would ensure fair business practices.

The proposed revision of Section 230 would enable the Department of Fish and Wildlife (Department) to provide a fishing contest permit application process to distribute limited permits more equitably. The Department has seen a tremendous increase in demand for the limited number of permits that are issued for popular waters. The Department's permitting process directly impacts organizations that require these permits to conduct business. It is critical that the Department offers a clear, fair and enforceable process to issue permits to all interested parties. Revising the application and issuance procedures will allow for fair and reasonable business practices for entities that depend on this permitting process.

The Department has evaluated the proposed amendments and presented its findings to the Commission for consideration.

**The Findings**

The initial study and the Commission's review of the project showed that the project will not have any significant or potentially significant effects on the environment, and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. The project will not have a significant effect on aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

**Basis of the Findings**

Based on the initial study, implementing the project will not have any significant or potentially significant effects on the environment. Therefore, the Commission is filing this negative declaration pursuant to the California Environmental Quality Act, Public Resources Code Section 21080, subdivision (c).

This proposed negative declaration consists of the following:

- Introduction – Project Description and Background Information
- Initial Study Environmental Checklist Form
- Explanation of the Response to the Initial Study Environmental Checklist Form

PROJECT DESCRIPTION AND BACKGROUND INFORMATION FOR  
PROPOSED AMENDMENTS TO  
SECTION 230, GAME FISH CONTESTS

**Introduction**

The Department periodically evaluates the need to update fishing regulations to align with management goals and presents any proposed amendments to the Commission for consideration. The Department is proposing amendments to Section 230 regulations for the purpose of allowing the issuance of permits under a new framework which would ensure fair business practices and improve the fishing contest experience.

Section 230 establishes the procedures by which the Department issues the permits. Currently two different types of permits are issued: Type A and Type B, based on the number of participants and value of prizes or other inducements offered. Permit applications are accepted in July for contests to be held the following year. Fishing contest permits are issued for the take 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, but current permit issuance requirements and processes do not meet the needs of today's contest applicants. The Department has evaluated the proposed amendments to update and replace an existing form, and adopt three new forms to resolve these issues.

**Project Goals and Objectives**

The goal of this project is to amend the sport fishing regulations in furtherance of the state's conservation policy as set forth in Section 1700 of the Fish and Game Code ("FGC"). The conservation policy includes the following objectives:

- (a) The maintenance of sufficient populations of all species,
- (b) The recognition of the importance of recreational uses,
- (c) The maintenance of a sufficient resource to support a reasonable sport use,
- (d) The growth of local commercial fisheries,
- (e) The management of the fisheries under the state's jurisdiction.

**Background**

FGC section 2003 authorizes the 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 Commission. The regulations are in Section 230 which establishes the rules by which the Department issues these permits. Currently, two different types of permits, Type A and Type B, are issued depending on the number of participants and value of prizes or other inducements offered. Applications are accepted in July 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 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 to provide four permit types depending on the size and scope of contests, implement a new conflict resolution process, update and replace an existing form, and adopt three new forms to resolve these issues.

### **Project Location**

Game Fish Contests are conducted throughout California.

### **Schedule**

At its May 19, 2022, teleconference, the Commission adopted the amendments to Section 230. If approved by the Office of Administrative Law, the proposed regulatory amendments described below are anticipated to go into effect by August 31, 2022.

### **Current Regulations**

Section 230 (adopted in 1975 and periodically revised) establishes the rules by which the Department issues these permits. Currently, two different types of permits issued, 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.

### **ENVIRONMENTAL CHECKLIST FORM**

1. Project Title:  
Proposed Amendments to Section 230, Game Fish Contests
2. Lead Agency Name and Address:  
California Fish and Game Commission  
715 P Street, 16<sup>th</sup> Floor  
Sacramento, CA 95814
3. Contact Person and Phone Number:  
Melissa Miller-Henson, (916) 653-7229
4. Project Location:  
Game Fish Contests are conducted statewide.
5. Project Sponsor's Name and Address:  
California Department of Fish and Wildlife  
Fisheries Branch  
1010 Riverside Parkway  
West Sacramento, CA 95605
6. General Plan designation:  
N/A (statewide)
7. Zoning:  
N/A (statewide)
8. Description of Project:  
The proposed revision of Section 230 would enable the Department to provide a fishing contest permit application process to distribute limited permits more equitably. The Department has seen a tremendous increase in demand for the limited number of permits that are issued for popular waters. The Department's permitting process directly impacts organizations that require these permits to conduct business. It is critical that the Department offers a clear, fair and enforceable process to issue permits to all interested parties. Revising the application and issuance procedures will allow for fair and reasonable business practices for entities that depend on this permitting process.
9. Surrounding land uses and setting:  
N/A

## 10. Other Public Agencies Whose Approval Is Required:

None.

## 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31?

Native American tribes were mailed a tribal notification on April 11, 2022. No consultation has been requested.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture and Forestry | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources       | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils             | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Hydrology/Water Quality   | <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population/Housing       | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation           | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                 | <input type="checkbox"/> Mandatory Findings of Significance |

This project will not have a "Potential Significant Impact" on any of the environmental factors listed above; therefore, no boxes are checked.

**DETERMINATION:**

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the



earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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**Melissa Miller-Henson, Executive Director**

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**Date**

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
<b>I. AESTHETICS.</b> Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
<b>II. AGRICULTURE AND FORESTRY RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) Result in any other emissions (such as those leading to odors) affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
<b>IV. BIOLOGICAL RESOURCES.</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	LTS	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>VI. ENERGY.</b> Would the project:				
a) Result in potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>VII. GEOLOGY AND SOILS.</b> Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>VIII. GREENHOUSE GAS EMISSIONS.</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>IX. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>X. HYDROLOGY AND WATER QUALITY.</b> Would the project:				



	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of pollution runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
<b>XI. LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>XII. MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>XIII. NOISE.</b> Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
in the project area to excessive noise levels?				
<b>XIV. POPULATION AND HOUSING.</b>				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>XV. PUBLIC SERVICES.</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>XVI. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that	<input type="checkbox"/>	<input type="checkbox"/>	LTS	<input type="checkbox"/>

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>XVII. TRANSPORTATION.</b> Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>XVIII. TRIBAL CULTURAL RESOURCES.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
historical resources as defined in Public Resources Code section 5020.1(k), or				
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>XIX. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
<b>XX WILDFIRE.</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

## **EXPLANATION OF RESPONSES TO INITIAL STUDY ENVIRONMENTAL CHECKLIST**

### **I. AESTHETICS**

- a) The project will not have an adverse effect on a scenic vista. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade, in nonurbanized areas, the existing visual character or quality of public views of the site and its surroundings. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

### **II. AGRICULTURE AND FORESTRY RESOURCES**

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- b) The project will not conflict with existing zoning for agricultural use or a Williamson Act contract. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timber zoned Timberland Production. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- d) There will be no loss of forest land and the project will not result in the conversion of forest land to non-forest use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- e) The project will not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.

### **III. AIR QUALITY**

- a) The project will not conflict with or obstruct implementation of the applicable air quality plan. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.



- b) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Such an impact will not occur because the project involves no ongoing sources of air pollution.
- c) The project will not expose sensitive receptors to substantial pollutant concentrations. Such an impact will not occur because the project will not increase pollutant concentrations.
- d) The project will not create objectionable odors affecting a substantial number of people.

#### **IV. BIOLOGICAL RESOURCES**

- a) The project may have a Less Than Significant Impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, National Marine Fisheries Service (NMFS) or U. S. Fish and Wildlife Service (USFWS).

The project adjusts the definitions of type-A and type-B permits and creates new type-C and type-D permits. These four permit types more clearly accommodate contests that are already being conducted under the current regulations. Changes to the permit definitions are not expected to lead to any additional contest pressure on fishery resources. The list of permissible target species is not being changed and is not expected to create any impact to additional biological resources. None of the proposed changes are expected to increase the scope, geographic range, or intensity of fishing contest impact throughout the State.

Anglers participating in a fishing contest must abide by all state sport fishing regulations. These regulations are in place to protect the resource and allow more anglers to enjoy more success. In many contests, the contest sponsor implements conditions that are more restrictive than the standard state regulations. Research has shown that since black bass tournaments require anglers to maintain captive fish alive and in good condition, fishing contests have not negatively impacted the fish populations within a given water body.

- b) The project will not have an adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies and regulations, or by the California Department of Fish and Wildlife or the USFWS. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- c) The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through

direct removal, filling, hydrological interruption, or other means. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

- d) The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Such an impact will not occur because the project will not result in any construction, land alteration, or land use changes.
- f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

## **V. CULTURAL RESOURCES**

- a) The project will not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. There is no ground disturbing work or work permanently modifying any existing structure or resource and thus no potential to affect historical resources.
- b) The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. There is no ground disturbing work and thus no potential to affect archaeological resources.
- c) The project will not disturb any human remains, including those interred outside of formal cemeteries. There is no ground disturbing work and thus no potential to affect human remains.

## **VI. ENERGY**

- a) The project would not result in a potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations. Such an impact will not occur because the project will not use energy resources.
- b) The project will not affect nor obstruct any state or local plan for renewable energy or energy efficiency.

## **VII. GEOLOGY AND SOILS**

- a i) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of

a known fault. Such an impact will not occur because the project will not create any structures for human habitation.

- a ii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Such an impact will not occur because the project will not create any structures for human habitation.
- a iii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Such an impact will not occur because the project will not create any structures for human habitation.
- a iv) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Such an impact will not occur because the project will not create any structures for human habitation.
- b) The project will not result in substantial soil erosion or the loss of topsoil. Such an impact will not occur because the project will not involve ground disturbing work.
- c) The project will not be located on a geologic unit or soil that is unstable, or that would become unstable and potentially result in on- or off- site landslides, lateral spreading, subsidence, liquefaction, or collapse. Such an impact will not occur because the project will not involve ground disturbing work.
- d) The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Such an impact will not occur because the project will not involve ground disturbing work.
- e) The project will not create any sources of waste water requiring a septic system.
- f) The project will not indirectly destroy a unique paleontological resource or site or unique geologic feature.

## **VIII. GREENHOUSE GAS EMISSIONS**

- a) The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will not involve construction, land alternation, or land use changes.
- b) The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. The project would result in the production of very low GHG emissions.

## **IX. HAZARDS AND HAZARDOUS MATERIALS**

- a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project will not involve the transport, use, or disposal of hazardous materials.
- b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release

of hazardous materials into the environment. The project will not involve the transport, use, or disposal of hazardous materials.

- c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project will not involve the transport, use, or emission of any hazardous materials.
- d) The project will not be located on any site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) The project will not be located within an airport land use plan area.
- f) The project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The project will not involve any construction, land alteration, or land use changes.
- g) The project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The project will not involve any construction, land alteration, or land use changes.

## **X. HYDROLOGY AND WATER QUALITY**

- a) The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The project will not involve any construction, land alteration, water use, or water discharge.
- b) The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The project will not involve any construction, land alteration, or groundwater use.
- c i) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in substantial erosion or siltation on- or off-site because the project will not involve any construction or land alteration.
- c ii) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in flooding on- or off-site because the project will not involve any construction or land alteration.
- c iii) The project will not create or contribute runoff water that would exceed the capacity of existing or planned storm-water drainage systems, or provide substantial additional sources of polluted runoff because the project will not involve any construction or land alteration.
- c iv) The project will not impede or redirect flood flows because the project will not involve any construction or land alteration.

- d) In flood hazard, tsunami, or seiche zones, the project would not risk release of pollutants due to project inundation because the project would not involve any construction or land alteration.
- e) The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project will not involve any construction, land alteration, or groundwater use.

## **XI. LAND USE AND PLANNING**

- a) The project will not physically divide an established community. The project will not involve any construction, land alteration, or land use changes.
- b) The project will not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The project will not involve any construction, land alteration, or land use changes.

## **XII. MINERAL RESOURCES**

- a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- b) The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

## **XIII. NOISE**

- a) The project will not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The project will not involve construction or physical alteration of land, and its implementation will not generate noise levels in excess of agency standards.
- b) The project will not result in generation of excessive ground-borne vibration or ground-borne noise levels. The project will not involve construction or physical alteration of land.
- c) The project will not be located within the vicinity of a private airstrip or an airport use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

## **XIV. POPULATION AND HOUSING**

- a) The project will not induce substantial unplanned population growth in an area, either directly or indirectly. Such an impact will not occur because the project will not construct any new homes, businesses, roads, or other human infrastructure.

- b) The project will not displace any existing people or housing and will not necessitate the construction of replacement housing elsewhere.

## **XV. PUBLIC SERVICES**

- a) The project will not have any significant environmental impacts associated with new or physically altered governmental facilities. The project will not involve any construction, land alteration, or land use changes.

## **XVI. RECREATION**

- a) The project will have a less than significant impact on recreation, and will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

### General practice of fishing contest:

During a fishing contest, anglers target specific fish which are retained for a scheduled weigh-in. During contests targeting black bass, captured fish are maintained alive and in good condition in the vessels live well. Immediately after weigh-in all fish are released to the same water where captured. For non-black bass contests, all fish are retained by anglers after weigh-in. The primary recreational facilities used by contest anglers is the boat ramp and parking lot adjacent to each contest water. The number of participants in a contest varies, but typically range between 10 – 100 anglers.

### Use of recreational facilities and number of people:

The project will change the number of fishing contest permit types from two to four. The number of participants required for each permit type will vary, but no increase in the number of anglers participating in fishing contests is expected. The project will not cause impacts to recreation because the project will limit the number of permits that may be issued water per day. Some waters will have limits to the number of permits issued per month. By reducing the number of permits this may reduce the number of anglers present fishing a water each day. As a result, the project is not expected to result in a significant increase in the number of anglers/visitors to these waters nor increase use of existing facilities. Existing facilities such as boat ramps and parking lots utilized by anglers are designed for such use and no deterioration would occur or be accelerated. Additionally, the project will not require any new facilities or repurposing of existing facilities. Therefore, the project would not have a significant impact on recreation.

- b) The project does not require construction or expansion of recreational facilities.

## **XVII. TRANSPORTATION**

- a) The project will not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project involves no land use or transportation system modifications.

- b) The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b), which pertains to vehicle miles traveled. The amount and distance of vehicle miles traveled by recreational anglers should not change substantially under the proposed regulations.
- c) The project will not increase hazards due to a geometric design feature or incompatible uses with equipment. There will be no land use or transportation system modifications.
- d) The project will not result in inadequate emergency access. The project involves no land use or transportation system modifications.

## **XVIII. TRIBAL CULTURAL RESOURCES**

- a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Further,
  - ai. The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). There is no ground disturbing work and thus no potential to affect tribal cultural resources.
  - aii. The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. There is no ground disturbing work and thus no potential to affect tribal cultural resources.

## **XIX. UTILITIES AND SERVICE SYSTEMS**

- a) The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities. There will be no construction or land alteration.
- b) The project requires no new water supplies.
- c) The project will not produce wastewater.
- d) The project will not generate solid waste. Thus, the project will be in compliance with state and local standards for solid waste.
- e) The project will not create solid waste. Thus, the project will be in compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

## **XX. WILDFIRE**

- a) The project will not impair an adopted emergency response plan or emergency evacuation plan.



- b) The project will not exacerbate wildfire risks due to slope, prevailing winds, and other factors.
- c) The project will not require the installation or maintenance of any infrastructure.
- d) The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.

#### **XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

- a) The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The project is consistent with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.
- b) The project does not have adverse impacts that are individually limited, but cumulatively considerable. Cumulative adverse impacts will not occur because there are no potential adverse impacts due to project implementation.
- c) The project does not have environmental effects that will cause substantial adverse effects on humans, either directly or indirectly. The project will not involve any construction, land alteration, or the creation of new infrastructure.



**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

**SCH #****Project Title:** Proposed Amendments to Section 230, Title 14, CCR: Issuance of Permits for Contests Offering Prizes for the Taking of Game FishLead Agency: California Fish and Game CommissionContact Person: Melissa Miller-HensonMailing Address: PO Box 944209Phone: (916) 653-7229City: SacramentoZip: 94244-2090County: Sacramento**Project Location:** County: various City/Nearest Community: Statewide

Cross Streets: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Longitude/Latitude (degrees, minutes and seconds): \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " N / \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " W Total Acres: \_\_\_\_\_

Assessor's Parcel No.: \_\_\_\_\_ Section: \_\_\_\_\_ Twp.: \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: \_\_\_\_\_ Waterways: \_\_\_\_\_

Airports: \_\_\_\_\_ Railways: \_\_\_\_\_ Schools: \_\_\_\_\_

**Document Type:**

CEQA: ☐ NOP ☐ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document  
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document  
☒ Neg Dec (Prior SCH No.) \_\_\_\_\_ ☐ Draft EIS ☐ Other: \_\_\_\_\_  
☐ Mit Neg Dec Other: \_\_\_\_\_ ☐ FONSI \_\_\_\_\_

**Local Action Type:**

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation  
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment  
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit  
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other: \_\_\_\_\_

**Development Type:**

☐ Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_ ☐ Transportation: Type \_\_\_\_\_  
☐ Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ ☐ Mining: Mineral \_\_\_\_\_  
☐ Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ ☐ Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
☐ Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ ☐ Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
☐ Educational: \_\_\_\_\_ ☐ Hazardous Waste: Type \_\_\_\_\_  
☐ Recreational: \_\_\_\_\_ ☒ Other: Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish  
☐ Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_

**Project Issues Discussed in Document:**

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☐ Vegetation  
☒ Agricultural Land ☒ Flood Plain/Flooding ☐ Schools/Universities ☒ Water Quality  
☒ Air Quality ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater  
☒ Archeological/Historical ☒ Geologic/Seismic ☐ Sewer Capacity ☒ Wetland/Riparian  
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement  
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use  
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects  
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Other: GHG, Fishing

**Present Land Use/Zoning/General Plan Designation:****Project Description:** (please use a separate page if necessary)

California Fish and Game Commission adoption of amendments to Section 230 would enable the Department to provide a fishing contest permit application process to distribute limited permits more equitably. The Department has seen a tremendous increase in demand for the limited number of permits that are issued for popular waters. Our permitting process directly impacts organizations that require these permits to conduct business. It is critical that the Department offers a clear, fair and enforceable process to issue permits to all interested parties. Revising the application and issuance procedures will allow for fair and reasonable business practices for entities that depend on this permitting process.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".

If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input checked="" type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Regional WQCB # _____
<input checked="" type="checkbox"/> Caltrans Planning	<input checked="" type="checkbox"/> Resources Agency
<input checked="" type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input checked="" type="checkbox"/> San Joaquin River Conservancy
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input checked="" type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input checked="" type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input checked="" type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input checked="" type="checkbox"/> Other: <u>Fish and Wildlife Dept. of (Headquarters)</u>
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input type="checkbox"/> Native American Heritage Commission	

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### Local Public Review Period (to be filled in by lead agency)

Starting Date \_\_\_\_\_ Ending Date \_\_\_\_\_

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### Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

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Signature of Lead Agency Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

N/A

Provide a list of the responsible or trustee agencies for the project.

California Department of Fish and Wildlife