

STAFF SUMMARY FOR FEBRUARY 8-9, 2023

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

Consider approving sufficiently related changes to regulations adopted by the Commission on June 16, 2022 for game fish contests.

Summary of Previous/Future Actions

- | | |
|--|----------------------|
| • Notice hearing | Apr 20-21, 2022 |
| • Discussion hearing | May 19, 2022 |
| • Adoption hearing | Jun 15-16, 2022 |
| • Notice of revised proposed regulatory language | Jan 10, 2023 |
| • Today's adoption hearing | Feb 8-9, 2023 |

Background

Section 2003 of the California Fish and Game Code authorizes the Department to issue a permit to a person seeking to offer prizes for taking game fish; the permit is subject to regulations adopted by the Commission. Section 230 of Title 14, California Code of Regulations, establishes the procedures by which the Department issues permits to those seeking to offer prizes for taking game fish.

In June 2022, the Commission adopted regulation changes to improve the current permit and application process, by considering fairness and equity of opportunity for permits and protecting natural resources. On July 6, 2022, Commission staff submitted the rulemaking to the Office of Administrative Law (OAL) for review and approval. In response to clarity and consistency concerns identified by OAL, Commission staff withdrew the rulemaking file from OAL review on August 12, 2022.

On January 10, 2023, Commission staff published a notice of revised proposed regulatory language for a 15-day public comment period (Exhibit 2). Included with the notice was an amended initial statement of reasons for regulatory change (ISOR), a description of specific edits to the regulatory text and forms, revised proposed regulatory language, and revised Department forms (exhibits 3 through 6).

The 15-day public comment period ended on January 25, 2023; no public comments were received.

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

Commission staff: Approve the proposed additional changes to the regulations as reflected in exhibits 3 through 6.

Exhibits

1. [Staff summary from April 20-21, 2022 \(for background purposes only\)](#)

STAFF SUMMARY FOR FEBRUARY 8-9, 2023

2. [Notice of revised proposed regulatory language, dated January 10, 2023](#)
3. [Amended ISOR](#)
4. [Description of specific edits to the regulatory text and forms](#)
5. [Revised proposed regulatory language](#)
6. [Revised Department forms DFW 774, DFW 775, DFW 776, and DFW 777](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the proposed changes to the adopted regulation text and forms for Section 230 related to issuing permits for contests offering prizes for taking game fish.

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

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|---------------------------------|--|
| • WRC vetting | Sep 16, 2021; WRC, Webinar/Teleconference |
| • WRC vetting | Jan 13, 2022; WRC, Webinar/Teleconference |
| • Today's notice hearing | Apr 20-21, 2022; Monterey/Trinidad |
| • 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;

STAFF SUMMARY FOR APRIL 20-21, 2022
(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

STAFF SUMMARY FOR APRIL 20-21, 2022
(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.

Commissioners
Samantha Murray, President
La Jolla
Erika Zavaleta, Vice President
Santa Cruz
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Anthony Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Gavin Newsom, Governor

Melissa Miller-Henson
Executive Director
P.O. Box 944209
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fgc@fgc.ca.gov
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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

January 10, 2023

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a continuation notice concerning the proposed regulations for the amendment of regulations relating to the issuance of permits for contests offering prizes for the taking of game fish, published in the California Regulatory Notice Register on April 29, 2022, Notice No. Z2022-0419-05, and scheduled for approval by the California Fish and Game Commission (Commission) at the February 8-9, 2023 meeting in Sacramento. This notice provides notice of revisions to the proposed regulatory language in Section 230, Title 14, California Code of Regulations (CCR).

Because these regulations are different from, yet sufficiently related to, the originally proposed regulations, the Administrative Procedure Act requires that we make these changes available to you for a written comment period. The proposed changes to the regulations are clearly indicated on the attached revised proposed regulatory text, and DFW Forms 774, 775, 776, and 777 as follows: additions of newly proposed text are shown in double underline; originally proposed text that is now proposed for deletion is shown in ~~single underline double strikeout~~; originally proposed text not affected by the changes described in this notice is indicated in single underline.

Please refer to the attached description of the specific edits to the regulatory text and forms.

Availability of Documents:

Documents relating to the proposed changes as including an amended initial statement of reasons are available for inspection on the Commission's website at <https://fgc.ca.gov/Regulations/2022-New-and-Proposed> and at the Commission's office at 715 P Street, 16th floor, Sacramento, California, 95814, Monday through Friday, except holidays between the hours of 8:00 a.m. and 5:00 p.m. To help maintain the safety of Commission staff and the public during the Covid-19 pandemic, in-person access to the Commission office is limited. Any member of the public wishing to visit the Commission office is requested to send an email to fgc@fgc.ca.gov describing the reason for your visit and your desired date and time.

Comments on the revisions to the proposed regulatory language, proposed forms, and documents incorporated by reference must be received via email to fgc@fgc.ca.gov or

Letter to Interested and Affected Parties

January 10, 2023

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via mail to Melissa Miller-Henson, Executive Director, California Fish and Game Commission, P.O. Box 944209, Sacramento, California, 94244-2090, by noon on February 3, 2022. Comments may also be given verbally to the Commission at its February 8-9 meeting in Sacramento.

Sincerely,

Jenn Bacon
Regulatory Analyst

Attachments

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. Information collection is necessary to identify the applicant and their request.
 - Applicants will be required to certify on the application that:
 - (1) they are not coordinating on date selection with other applicants. This is necessary as applicants that coordinate dates and waters can prevent other applicants from being awarded their requested date.
 - (2) they are applying on their individual behalf or on behalf of an organization, independently from other applicants. This is necessary to ensure applicants are identifying their associations accurately and prevent surreptitious permit transfers.
 - (3) if a date is awarded, certify they intend to hold a contest on that date and water. This is necessary to prevent applicants from requesting dates and waters for the sole purpose of making them unavailable to other applicants.
- *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~~contest per water per month. Form DFW 774 is necessary because many applicants apply for multiple dates and multiple waters as part of the initial offering. Submitting a single form and limiting requests to one contest per water per month is necessary so that all applicants have the same opportunity to apply for contests in specific waters. The form creates a uniform application process and assists with tracking and coordinating the information.
- *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)(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.~~ Form DFW 775 is necessary because it is the permit application which all applicants must submit for any permit request. For permit tracking and enforcement, the DFW 775 is necessary because it is where applicants state all relevant contest information including but not limited to date(s), water(s), number of participants, and species targeted. A copy of a Form DFW 775 issued by the department can be provided in the field as proof that a permit was obtained. This form is different from Form DFW 774, which is only required for applicants who choose to participate in the initial offering for Type A permits. Differentiating permit types allow for various contest sizes and configurations, which each can have significantly different impacts on the resource. By offering four permit types, the department can provide fishing contest opportunities to the maximum number of people while still protecting the resource.
- *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). This is necessary to provide a procedure governing permit applications and issuance of Type A permits outside of the initial offering process set forth in subsections (f)(1)(A) through (G).
- *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)(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). This is necessary to provide due process for an applicant or permittee that has received notice of a permit denial or revocation. By giving an applicant or permittee the opportunity to provide any additional information about the action that led to denial or revocation, this provision provides a fair enforcement process.

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 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 Regulation 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 713¹. 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) ².

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

Classification	Task	Hours/ Permit	Rate	Total
Region 1	110 contests			
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
Region 2	414 contests			
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
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
Region 3	338 contests			
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

¹ 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.

² 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.

Classification	Task	Hours/ Permit	Rate	Total
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
Region 4	410 contests			
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
Region 5	277 contests			
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
Region 6	174 contests			
Environmental Scientist, Range C	Communication with applicant	0.20	\$66.32	\$13.26
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
	Total for 6 permits			\$421.82
	Per Permit Average Cost			\$70.30

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

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

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

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

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

Fisheries Branch Staff	Task	Hours per Form	Expanded Hours	Rate	Total
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
	Program Total				\$16,164.09
Average of 70 forms/year	Per Participant	\$230.92		70	\$230.92

(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 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) 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.

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.

Description of Specific Edits to Regulatory Text and Department of Fish and Wildlife Forms

Edits Made to Approved Regulatory Text

Section 230(b)(8): This subsection was shown as deleted in the adopted text out of numerical order, (between new (h) and (i)), there is no change to this deleted text.

Section 230(d)(3): The revision date of the form is changed to reflect the amendment of the form DFW 775.

Section 230(d)(4): “The department may require applicants to submit required forms” is deleted and changed to “Applicants shall submit form DFW 774”. The next two sentences are deleted: “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.” These amendments are necessary to remove the permissive language and clarify that submission of form DFW 774 through ALDS is required. Requiring applicants to use ALDS (Section 700.4, Title 14) is necessary to improve efficiency and tracking of applications and provides a uniform standard for application submission.

Section 230(d)(5): The phrase “unless submission using ALDS is required” is deleted twice; the word “may” is changed to “shall”; the phrase “(see addresses of regional offices attached to form DFW 775)” is deleted and changed to “using the address list on form DFW 775”; “department regional staff document the date and time at which” is added; “accompanied by payment of the permit fee specified in subsection (i) is date-stamped by the receiving regional office or an electronic system” is deleted; these changes remove contingent language for submission of DFW 775 through ALDS. The department intends to amend this section once the form becomes available online at some future point. To clarify the contents of a complete application the word “required” is changed to “applicable”, “and” is deleted “and the application must be accompanied by payment of the permit fee specified in subsection (i).” is added. To clarify where and how an applicant shall submit a DFW 775 “using the address list on form DFW 775” is added.

Section 230(e)(5): For clarification of “multi-day Type A permit” the proposed text is changed to “for contests that begin at or after 4:00 PM and hold a final weigh-in within one hour before sunrise on the next calendar day.” This change allows the department to issue a single-day permit for night contests, which are contests that begin at night on one calendar day and end within one hour before sunset on the following calendar day. It is necessary to distinguish permit type in this section because there are different limits to each permit regarding number of anglers, days of duration, and number of permits issued per day. It is necessary to clarify that the night contest limitation is only applicable to Type A permits under this special condition.

Section 230(f)(1)(A): The first sentence is deleted since the adoption of the new changes will not be effective until after the 2022 season. Subsequently, the 2023 (and later) season is clarified to be offered “annually”. The sentence “The department will choose a time for the initial offering that minimizes conflict with events that are of importance to potential applicants to the extent practicable” is added clarifying the role the department will have in coordinating with applicants the best date available. This provision is further clarified by adding the department website <https://wildlife.ca.gov/Fishing/Inland/Contests> where the

Initial Offering dates can be found. The application form DFW 774 date is changed to reflect the amendment of the form.

Section 230(f)(1)(A)(ii): “for the permit” is added. This amendment is necessary to clarify what the applicant is applying for.

Section 230(f)(1)(C): In the first sentence “assign a random number to each form DFW 774 upon receipt of the form and” has been removed from the regulation because random numbers are no longer used in the conflict resolution process.

Section 230(f)(1)(D): In the second sentence “whether” is changed to “the time and location for”; “and if it” is added; “due to public safety requirements” is added clarifying the reason the department will use to select in person or virtual (online/telephone) process. “up to four” is deleted from the third sentence and “two” hours added. In the fourth sentence deleting “four” and adding “two” weeks. This removes permissive language and specifies the time that will be given for in person resolution and virtual resolution. Department past experience has shown that the time differential is needed to successfully conclude conflict resolution. When participants are in-person conflict resolution can happen quickly; when participants are communicating virtually additional time is necessary.

Section 230(f)(1)(E): In the second sentence “decided” is changed to “resolved”. This amendment is necessary to clarify the regulatory language.

Section 230(f)(1)(F): “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” is deleted. This amendment is necessary to eliminate issues that could arise from changes in personal information in the time between submission of Form DFW 774 and Form DFW 775. Matching is unnecessary because subsections (f)(1)(A)(i) through (iii) require applicants to certify that they are requesting dates without coordinating, independently and individually, for tournaments they intend to hold. These certifications are necessary to provide a fair process to all applicants.

Section 230(f)(1)(G): In the first sentence “inconsistent information” is deleted as it is subjective and not well defined; “subsection may cause” is changed to “section is cause for”. These amendments are necessary to remove the permissive language and clarify that an incomplete submission will result in a rejection or revocation.

Section 230(f)(1)(I): This subsection is deleted and is changed to “When the initial offering is in person, the complete form DFW 775 and permit fee specified in subsection (i) for all awarded requests shall be submitted on site prior to the conclusion of the initial offering. When the initial offering is virtual, the complete form DFW 775 and payment shall be submitted to the department regional office for the region where the applicant will hold the contest within 10 business days of the initial offering.” These amendments are necessary to remove the permissive authority, provide applicants with clear instructions on where to send form DFW 775 after participating in an in-person or virtual initial offering, and to clarify the regulations.

Section 230(g)(1): In the first sentence “consider” is changed to “evaluate”. This amendment is necessary to remove the permissive language. The sentence: “The department will accept or deny requests based on whether the date and water combination requested is available, whether the change violates any special conditions, and whether the change would be detrimental to the resource” is added to clarify the reasons that change requests may be denied or approved.

Section 230(g)(2) “Permittees may request up to three changes to the originally approved permit” is changed to “Permittees may submit up to three change requests, whether approved or denied, to the approved permit.” This amendment is necessary to clarify the process of change requests in the regulatory language.

Section 230(i) “Permit fees shall be subject to annual adjustment pursuant to Section 699” is added. All fees in regulation are subject to annual adjustments in accordance with Fish and Game Code Section 713, which is added as an Authority to this regulation.

Section 230(j): The first sentence is deleted and replaced by “A permittee shall allow an employee of the department to be assigned as an observer and to be present at any contest”; this clarifies that employees of the department will have unfettered access to the contest. The sentence “The department will determine if the assignment of an observer would aid the department’s efforts to ensure compliance with this section and any special conditions” is added to clarify that the department makes the decision.

Section 230(k), former subsection (d) changed to (k). There are no corrections to the adopted text of this subsection.

Section 230(l), former subsection (e) changed to (l). There are no corrections to the adopted text of this subsection.

Section 230(m): The revision date of the form is changed to reflect the amendment of the form DFW 777. There are no other corrections to the adopted text of this subsection.

Section 230(n): The revision date of the form is changed to reflect the amendment of the form DFW 776. There are no corrections to the adopted text of this subsection.

Section 230(o): A new title is given which more closely describes the following provisions.

Section 230(o)(1)(A): “may” is changed to “is authorized to” and “or a request for a permit adjustment” is deleted. The amendments are necessary to clarify the regulatory language.

Section 230(o)(1)(A)(i): The phrase “or approval of a permit adjustment” is deleted. This amendment is necessary to clarify the regulations.

Section 230(o)(1)(A)(ii): The phrase “adhere to” is changed to “substantially comply with”. This amendment is necessary to account for a broader range of circumstances based on the factors in (o)(5).

Section 230(o)(1)(A)(iii): is changed to Section 230(o)(1)(C).

Section 230(o)(1)(B): this subsection is added referencing the factors as set forth in (o)(5) to be used in determining the basis for denial of an application. This amendment is necessary to clarify the regulations.

Section 230(o)(1)(C): The former subsection 230(o)(1)(A)(iii) is changed to (C). “The department notifies” is deleted and changed to “When an application is denied, the department shall notify”. These amendments are necessary to clarify the exclusive conjunction and define the department’s actions.

Section 230(o)(2)(A): “may” is changed to “is authorized to” clarifying the regulatory language.

Section 230(o)(2)(A)(i): The word “substantially” is added to clarify the regulations. This addition is necessary to provide flexibility if the permittee did not comply with permit conditions but the violation was minor, not willful, or due to unforeseen circumstances (such as mechanical failure). The addition of "substantially" relaxes the regulation and gives the permittee the opportunity to work with the department in correcting minor or technical issues with reduced or no penalties. It was added to acknowledge that violations have different levels of severity on a spectrum from slight to egregious. This also allows the department to adapt remedial actions based on the severity of the infraction.

Section 230(o)(2)(A)(ii): The phrase “adhere to” is changed to “substantially comply with”. This addition is necessary to provide flexibility if the permittee made a minor error such as incorrectly completing the form.

Section 230(o)(2)(A)(iii): is changed to Section 230(o)(2)(C).

Section 230(o)(2)(B): This subsection is added referencing the factors to be used in determining the basis for denial of an application. This amendment is necessary to clarify the regulations.

Section 230(o)(2)(C): “The department notifies” is deleted and changed to “When an application is denied, the department shall notify”. These amendments are necessary to clarify the exclusive conjunction and define the department’s actions.

Section 230(o)(3): This subsection is deleted and is now captured in (o)(5). This amendment is necessary to clarify the regulations.

Section 230(o)(4): The subsection is renumbered from to (o)(3).

Section 230(o)(3): The subsection is renumbered from (o)(4). The numbers of the referenced subsections are changed because of the renumbering of those subsections.

Section 230(o)(3)(A): The phrase “or the determination of a request for reconsideration according to (o)(6)” adds the requirement for the department to provide written notice for the determination of reconsideration. This addition matches the uniform and transparent process for termination and revocation and will document clear reasoning for the applicant or permittee.

Section 230(o)(3)(B): “DFW 774 or” is deleted. This amendment is necessary as the address information will be that of the permittee on form DFW 775 and to clarify the regulations.

Section 230(o)(4): A new subsection is added, with a new title, containing the factors to be considered for the termination of a permitted contest. This amendment is necessary to provide permittees with advance information about circumstances and actions which might lead to termination of a permitted contest.

Section 230(o)(4)(A): A new subsection sets the Department's authority in all matters relating to terminating the permitted contest. Termination without notice is necessary due to the immediacy of the violations or impact to the resource.

Section 230(o)(4)(A)(i): Failure to comply with terms and conditions of the application or permit.

Section 230(o)(4)(A)(ii): Violation or substantial impact to the resource of the application or permit.

Section 230(o)(4)(B): New subsection points to the factors in (o)(5) for termination.

Section 230(o)(5): A new subsection (o)(5) is added to specify the factors to be used to determine (o)(1) Denial, (o)(2) Revocation, (o)(4) Termination; and (o)(6) Reconsideration.

Section 230(o)(5)(A): It is necessary to consider an applicant/permittee's past actions as past behavior provides context to the violation and could indicate the good or bad faith of the applicant/permittee in complying with the requirements of this section.

Section 230(o)(5)(B): It is necessary to consider the willfulness of an applicant/permittee's actions because unintentional or inadvertent violations may warrant less severe remedial action than deliberate violations by the applicant/permittee.

Section 230(o)(5)(C): It is necessary to consider nature, scope, and gravity of the violation because the nature, scope, and gravity of the violation may or may not warrant denial, revocation, or termination, and the violation may be correctable.

Section 230(o)(5)(D): It is necessary to consider an applicant/permittee's cooperation with the department because cooperation and forthright communication may indicate good faith and intent to remediate the effect of a violation, which in turn may dictate the need for remedial action.

Section 230(o)(6): This subsection is renumbered from (o)(5). These amendments are necessary to provide a standard process for reconsideration in the regulations.

Section 230(o)(6)(A): The phrase "or a requested permit adjustment" is deleted because reconsideration does not apply to permit adjustments. The last sentence of the adopted text of (A) is deleted and rephrased as subsection (o)(6)(B).

Section 230(o)(6)(B): In a new subsection (B) the Department will re-evaluate the applicant/permittee's reasons, all information available, and the factors in (o)(5) which led the Department to deny the application or revoke the permit. This section is necessary to clarify the process the department will use to reconsider, and to clarify the factors the department will use to determine whether a reversal of a decision to deny or revoke a permit is warranted.

Section 230(o)(6)(C): The Department will notify the requestor of its decision in accordance with subsection (o)(3) to continue the uniform and transparent process, and document clear reasoning for the applicant or permittee.

Edits Made to Adopted Department Forms

FORM DFW 774 INITIAL OFFERING APPLICATION FOR “TYPE A” GAME FISH CONTESTS

- The date of the form is updated to indicate the amendments.
- Instruction 7(d): “Cannot be more than two days after start date” has been changed to “The Contest shall not exceed 3 days in duration” to clarify how long a contest can be held.
- Instruction 7(e): This instruction has been deleted as it is not needed.
- Instruction 10: “If required by the department under section 230(d)(4),” is deleted; “completed electronically” is changed to “submitted”; “by following the instructions on the department’s Fishing Contest website” is deleted. These amendments are necessary to clarify the process as set forth in the amended regulations that form DFW 774 will be submitted through ALDS.

FORM DFW 775 APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING OF GAME FISH

- Header: Removed “2022” because this form will be used annually. Revision date is changed to reflect this amendment to the form.
- Title: Removed “Permit Fee for 2022” and added “The permit fee is specified in” and “and is subject to annual adjustments in accordance with Section 699, T14, CCR, and Fish and Game Code Section 713.” These changes are necessary to clarify where to find the fee and how it is adjusted.
- “\$70.30” is deleted since the fee is updated annually in accordance with FGC 713.
- The note “*If form DFW 775 ...” is deleted since the form will not be submitted in ALDS.
- Section 2. The note “All non-target species not listed above must be immediately released” has been deleted because this regulation does not preclude harvesting of fish that would otherwise be legal with the possession of a valid fishing license outside the auspices of a contest.
- Section 3. Conditions for all Contests: 2, 3, 4: Deleted since these conditions are specified in regulation and are applicable to all contests. Subsequent numbers are changed accordingly. The word “form” is not capitalized and is changed.
- Section 4. The phrase “Additional conditions as follows:” is deleted, and a new sentence added that any other conditions will be an attachment to the permit.

- Section 5. The first paragraph describing the locations where applications may be submitted is deleted and rewritten. The new instructions clearly state where each type of application shall be submitted in accordance with the amended regulatory text. “unless ALDS is required pursuant to subdivision (d)(4).” is deleted since this application is not submitted in ALDS.
- INSTRUCTIONS FOR APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING OF GAME FISH: “conditions” is changed to “instructions”; “and (f)” is added; and “California Code of Regulations” is changed to “CCR”, these changes add clarity.
- Instruction 5 – Department Regional Office Locations: The original instructions are deleted because they are clearly specified in Section 5 above. The instruction was changed to “Submit your application according to the instructions listed in Section 5 above” to clarify what instructions the form is referencing.

FORM DFW 776, FISHING CONTEST REPORT

- Header: The date of the form is updated to indicate the amendments.
- Section 3: “combined weight of all fish” is added to the Total Weight field; “Required for Type C” is deleted; “Combined length of all fish” is added to the Total Length field; a field to report “Largest Fish” in “length (in.)” is added. These amendments are intended to clarify the reporting questions, remove the requirement to collect length data for Type-C permits, and provide opportunity for permittees to report the length of their largest fish.
- NOTICE: “can” is changed to “may”; “denial of applications or” is added; “current” is deleted; “and/or suspension of right to apply for permits and participate in contests” is deleted; “pursuant to” is added; “Complete contest report online at” is changed to “Find complete contest reporting information on the”. These amendments are necessary to provide clarification of remedial actions and where to find additional information.

FORM DFW 777, AQUATIC INVASIVE SPECIES SELF-INSPECTION CERTIFICATION FOR GAME FISH CONTESTS.

- The date has been changed to be consistent with the other amended forms.

January 5, 2022

The proposed amendments to the adopted regulatory text, and forms as follows:

Original Adopted (6-15-22) Text:

- Verbatim text of Section 230 that was unchanged is not highlighted.
- Verbatim text that was ~~deleted is shown with a single strikethrough.~~
- New text that was added to Verbatim text is shown with a single underline.

New Amendments to the Adopted Text:

- Additions to Verbatim text of newly proposed text are shown in double underline;
- Deletions to Verbatim text ~~are shown with a double strikethrough;~~
- Deletion of ~~Adopted text is shown in single underline and double strikethrough.~~
- Adopted text that was deleted but now added back in is shown with a single strikethrough and double underline.

AMENDMENT OF ADOPTED 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 pursuant to this section.

(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 subdivision 2003(e)(1)(B) of the Fish and Game Code.

(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.~~

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

(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~~ 12/22) (form DFW 775), incorporated by reference herein.

~~(4) The department may require applicants to submit required forms. Applicants shall submit form DFW 774 in the department's Automated License Data System (ALDS, Section 700.4). When ALDS is required, applicants will need to obtain a CO 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~~ shall be submitted to any department regional office ~~(see addresses of regional offices attached to form DFW 775), unless submittal using ALDS is required,~~ using the address list on form DFW 775. An application is deemed as received when ~~department regional staff document the date and time at which a complete application was received accompanied by payment of the permit fee specified in subsection (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~~ applicable fields must be completed, ~~and~~ the application must be signed by the applicant, and the application must be accompanied by payment of the permit fee specified in subsection (i).

(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 for contests that begin at night or after 4:00 PM and hold a single final weigh-in no later than one hour before sunrise on 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 2023 contest year, the~~ The initial offering will be conducted annually between July and September of the year prior to the Contest year. The department will choose a time for the initial offering that minimizes conflict with events that are of importance to potential applicants to the extent practicable. Notification of the open period to submit the department’s INITIAL OFFERING APPLICATION FOR “TYPE A” GAME FISH CONTESTS, DFW 774 (NEW ~~2/4/22~~ 12/22) (form DFW 774), incorporated by reference herein, will be posted to the department’s Inland Fishing Contest webpage <https://wildlife.ca.gov/Fishing/Inland/Contests> and sent to all ~~permittees who held permits during the previous calendar year~~ 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). Applicants shall submit form DFW 774 in the department’s Automated License Data System (ALDS). 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 for the permit 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 time and location for the conflict resolution process, and if it will be conducted in person or virtually due to public health and safety needs.~~ If the conflict resolution process is conducted in person, applicants will be given ~~up to four~~ two hours to resolve conflicts. If the conflict resolution process is conducted virtually, applicants will be

given ~~up to four~~ two 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~~ resolved 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 subsection (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~~ section is cause for 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).~~

(I) When the initial offering is in person, the complete form DFW 775 and permit fee specified in subsection (i) for all awarded requests shall be submitted on site prior to the conclusion of the initial offering. When the initial offering is virtual, the complete form DFW 775 and payment shall be submitted to the department regional office for the region where the applicant will hold the contest within 10 business days of the initial offering.

(g) Permit Adjustments.

(1) The department will ~~consider~~ evaluate 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. The department will accept or deny requests based on whether the date and water combination requested is available, whether the change violates any special conditions, and whether the change would be detrimental to the resource.

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

(h) No Transfer. Permits are not transferable.

(i) Fees. The permit fee that must accompany form DFW 775 is \$70.30. Permit fees shall be subject to annual adjustment pursuant to Section 699.

~~(c) (j) Observer Requirement. An employee of the department may be assigned as an observer and be present at any contest. A permittee shall allow an employee of the department to be assigned as an observer and to be present at any contest. The department will determine if the assignment of an observer would aid the department's efforts to ensure compliance with this section and any special conditions. The applicant or permittee shall reimburse the department \$100-\$275 per day for the cost of the observer's services and associated administrative and incidental costs. Payment shall be sent to the department 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) 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 ~~2/4/22~~ 12/22) (form DFW 777), incorporated by reference herein. 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 ~~2/4/22~~ 12/22) (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.~~ Denial of Applications, Revocation of Permits and Termination of Contests. ~~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 is authorized to 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 substantially comply with the requirements or procedures set forth in this section,; and~~

~~(B) In determining whether to deny an application the department shall consider the factors listed in subsection (o)(5).~~

~~(iii) The department notifies~~ (C) When an application is denied, the department shall notify the applicant of the basis for its determination in accordance with subsection (o)(4)(3).

(2) Revocation.

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

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

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

(B) In determining whether to revoke a permit the department shall consider the factors listed in subsection (o)(6).

~~(iii) (C) The department notifies~~ When an application is denied, the department shall notify the permittee of the basis for its determination in accordance with subsection (o)~~(4)~~(3).

~~(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) (3) Written notice. The notice provided pursuant to subsections (o)(1)(A)(iii) and (o)(2)(A)(iii)~~ (o)(1)(C) and (o)(2)(C) 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~~;~~, or the determination of a request for reconsideration according to (o)(6); 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.

(4) Termination of Contests.

(A) The department may terminate a contest without prior notice if the department determines in its sole discretion that:

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

(ii) A violation or substantial impact to the resource is reasonably foreseeable, and efforts to mitigate the violation or impact would be unsuccessful.

(B) In determining whether to terminate a contest, the department shall consider the factors listed in subsection (o)~~(6)~~(5).

(5) In making the determinations herein the department shall consider the following factors:

(A) The applicant/permittee's history of violations;

(B) The willfulness of the violation;

(C) The nature, scope, and gravity of the violation; and

(D) The extent to which the permittee cooperated with the department.

~~(5) (6) 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.~~

(B) The department shall evaluate any information submitted with the request and determine if it warrants reversal or amendment of its decision based on all available information and the factors set forth in subsection (o)(5).

(C) Written notice of the department's determination of reconsideration shall be in accordance with subsection (o)(3).

NOTE: Authority: Sections 200, 205, 265, 713, 1050 and 2003, Fish and Game Code.
Reference: Sections 37, 67, 711, 713, 1050, and 2003, Fish and Game Code.



Pursuant to Section 230(f), Title 14, California Code of Regulations (CCR)

Section 1. Applicant InformationApplicant: _____ Sponsor: _____
Please print first and last name clearly. Example: club, association, chamber of commerce, not applicable

GOID: _____

Mailing Address: _____ Email: _____

City: _____ State: _____ Zip: _____ Phone: _____

Check box if the contest is for the following participants: ☐ Children under 16 years ☐ Physically or mentally challenged individuals**Section 2. Initial offering request****Type A Event Permit**

Type A permits are those contests targeting black bass with more than 60 anglers. Unless otherwise specified in Title 14, California Code of Regulations, section 230(e), no more than one Type A permit shall be issued for any water on the same day. Contests held under a Type A permit may not exceed three days in duration. Only one form per applicant will be accepted. If the applicant is not a natural person, the applicant shall select one individual to submit one form on behalf of the applicant. No more than one request per water per month. No requests for simultaneous Delta contests will be considered (e.g., no requesting Delta-CC and Delta-Sac or Delta-SJ on the same day).

#	WATER	COUNTY	START DATE	END DATE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				



#	WATER	COUNTY	START DATE	END DATE
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42				
43				
44				
45				
46				



#	WATER	COUNTY	START DATE	END DATE
47				
48				
49				
50				
51				
52				
53				
54				
55				
56				
57				
58				
59				
60				

INSTRUCTIONS FOR INITIAL OFFERING APPLICATION FOR “TYPE A” GAME FISH CONTESTS

The following conditions are set forth pursuant to Section 230(f) of Title 14 California Code of Regulations.

1. Enter first and last name of applicant. ~~This name should also be the same name that will appear on Fishing Contest Application (DFW 775).~~
2. Enter sponsor name if applicable.
3. Enter GO ID. Use the instructions below to retrieve your GO ID or create a customer record and obtain a GO ID.
 - a. Visit <https://www.ca.wildlifelicenses.com/InternetSales/>.
 - b. Click on the “Customer Login/Register” tab.
 - c. Enter your Date of Birth and Last Name and click “Next.”
 - d. Under “Select Official Document ID Type,” select appropriate ID (i.e., State ID, Passport, Green Card, Military ID, or Foreign Government ID), enter the requested information, and click “Next.”
 - i. If no existing record is located, click “Create New Customer Record” to create a customer record.
 - ii. Fill in the required fields and click “Save.”
 - e. Your GOID is visible at the top of the page and in the Customer Profile Info section of your account page.
4. Enter mailing address of applicant.
5. Enter email address where applicant may be contacted.
6. Enter telephone number where applicant may be contacted.
7. Enter up to 60 requests per applicant. For each contest request, enter:
 - a. Water name
 - b. County where water is located
 - c. Start date of contest
 - d. End date of contest. ~~Cannot be more than two days after start date.~~ The Contest shall not exceed 3 days in duration.
 - e. ~~Enter up to 60 requests per applicant.~~
8. Sign after form is completed. Applicants may print and sign by hand, then scan, or sign electronically.
9. Insert date when form was completed.
10. ~~If required by the department under section 230(d)(4), DFW 774 Initial Offering Application Forms must be completed electronically submitted through the Automated License Data System (ALDS) by following the instructions on the~~



State of California – Department of Fish and Wildlife

INITIAL OFFERING APPLICATION FOR “TYPE A” GAME FISH CONTESTS

DFW 774 (NEW ~~2/1/22~~, 12/22)

DRAFT

~~department's Fishing Contest website.~~

Section 3: Certification

Pursuant to subsection 230(f) of Title 14, CCR, I, the undersigned, hereby certify that:

1. I will not request conflicting dates or waters in coordination with any other applicant.
2. I am applying on my individual behalf or on behalf of the organization identified above, independently from any other applicants; and
3. If a request is awarded, I intend, or my organization intends, in good faith to hold a contest on that date and water.

APPLICANT SIGNATURE: _____

DATE: _____

**Permit Fee for 2022**

The permit fee is specified in Section 230(i), Title 14, California Code of Regulations (CCR) and is subject to annual adjustments in accordance with Section 699, Title 14, CCR, and Fish and Game Code Section 713.

~~\$70.30~~

~~*If form DFW 775 is submitted through ALDS, a three percent nonrefundable application fee will be charged pursuant to Section 700.4(e), Title 14, CCR.~~

Section 1. Applicant Information

Applicant: _____

Please print first and last name clearly.

Sponsor: _____

Example: club, association, chamber of commerce, not applicable

Mailing Address: _____ Email: _____

City: _____ State: _____ Zip: _____ Phone: _____

Check box if the contest is for the following participants: ☐ Children under 16 years ☐ Physically or mentally challenged individuals**Section 2. Contest Information**

Check box and complete a form DFW 775 for only one permit type (A, B, C or D). Refer to subsection 230(c) for descriptions of each permit type.

☐ **Type A (Event*):** Contests targeting black bass with more than 60 anglers. Only one contest with a maximum of three days duration allowed.

Water: _____	County: _____	Estimated Participants:
-----------------	------------------	-------------------------

Day	<u>START DATE</u>	<u>START TIME</u>	<u>WEIGH-IN TIME(S)</u>	<u>WEIGH-IN LOCATION (BE SPECIFIC)</u>
Day 1				
Day 2				
Day 3				

*Previously referred to as an "Event Permit"



- ☐ **Type B (Annual):** Contests targeting black bass with 60 or fewer anglers. Contests may not exceed three days in duration. -OR-
- ☐ **Type C (Catch & Release -C&R):** contests targeting black bass in which anglers do not retain fish for a centralized weigh-in. These contests require the angler to immediately release all live fish caught 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. -OR-
- ☐ **Type D (Other):** Contests *not* targeting black bass. Contest may exceed three days in duration and be conducted on multiple waters concurrently.

	Start Date	End Date	Water	Estimated Participants	Weigh-in Location & Time (If applicable)	Target Species/Group*
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						

~~*All non target species not listed above must be immediately released.~~



Section 3. Special Conditions for Contests

The following conditions are set forth pursuant to Section 230(m) Title 14 California Code of Regulations. All contests shall abide by regulations.

Conditions for all contests:

1. All contest sponsors and/or organizations are responsible for advising their participants of all Special Conditions and to monitor their compliance.
- ~~2. Failure to comply with the Special Conditions may result in the termination of the contest and/or cancellation of remaining permits for that organization.~~
- ~~3. Department employees may terminate a contest if, in their opinion, any permit condition has been violated or a substantial impact to the resources by the contest is observed or expected.~~
- ~~3. Additional Special Conditions may be added by Regional Department staff as deemed necessary.~~
- ~~5-2.~~ 2. To prevent the movement of invasive species all vessels, trailers, and equipment must be clean, drained, and dry prior to participating in the contest, and cleaned of debris and drained of water at the conclusion of the contest.
- ~~6-3.~~ 3. Unless inspected by the contest organizer or water manager (or their agent), each contest participant must perform a self-inspection of their vessel, trailer, and/or equipment prior to participating in the contest to confirm that it is clean, drained, and dry, and complete form DFW 777, Aquatic Invasive Species Self-Inspection Certification for Game Fish Contests. Contest organizers shall confirm and document each participant's completion of their ~~Form~~ form DFW 777. Completed forms shall be kept on the participant's vessel for the duration of the contest.

Additional conditions for contests that target **Chinook Salmon** (does not include Landlocked Salmon, CCR Title 14, Section 5.41):

1. Anglers must keep the first legal fish captured up to the legal daily bag limit.
2. Permittee must provide current freshwater sport fishing regulations for salmon to each participant.

Additional conditions for contests that target **Sturgeon**:

1. Only White Sturgeon may be targeted.
2. Permittee will randomly pick a size in the legal White Sturgeon size range immediately before the start of the tournament or some other approved random selection process. Winners will be anglers with fish closest to that randomly selected target size.
3. Each angler fishing for White Sturgeon must possess all documents and equipment required by fishing regulations, which may include a Sturgeon Fishing Report Card, tags, suitable measuring device, net, etc.
4. Permittee must provide freshwater sport fishing regulations for sturgeon to each participant.

Additional conditions for contests that target **black bass** and require anglers to retain fish for a centralized weigh-in or measurement:

1. All contestants shall have facilities for keeping bass alive and in good condition.
2. At the completion of the weigh-in, insofar as possible, all fish shall be returned to the water alive and in good condition.
3. Dead bass that are legal to retain shall be disposed of consistent with California Sport Fishing Regulations (Sec 1.87, Title 14, CCR: Wastage of fish is not permitted). For contests granted an exemption, dead bass within the slot limit or below the minimum size may be held in possession of an angler with proper documentation (see 7 below) until disposed of in a legal manner.
4. Bass shall be transported to and from the vessel to the weigh-in site in water-filled containers with sufficient water to cover the fish, except during the actual measuring/weighing process. Individual bass over approximately five (5) lbs. shall be held in separate containers both before and after weighing. Fish shall be held in water-filled containers no longer than three (3) minutes prior to or after the weigh-in unless the water in that container is replenished. Contest organizers shall ensure that all fish are handled expeditiously in a manner that maximizes the survival of all fish. All bass shall be released immediately after weigh-in near the weigh-in site unless otherwise specified by the Department or a local entity. Bass shall not be towed to the release site in devices made of mesh or netting to prevent fish from being impinged upon the mesh.
5. Because of high water temperatures and low dissolved oxygen levels, in contests held during the period June 15 through September 15, the maximum allowable period before and between weigh-ins is six (6) hours. All participants are required to weigh-in and release any and all black bass at each required weigh-in time. Livewells shall be inspected so that no fish are retained by the competitors prior to the final weigh-in on each day of the contest. Multiple weigh-ins do not allow teams or individual competitors to weigh in more than a single daily possession limit of black bass per day.
6. The sponsor shall provide personnel and necessary equipment to decompress bass that cannot swim down to deep water. Decompression can be by hypodermic needle or cage release at 35 feet or deeper.
7. For contests with an exemption to size and/or bag limits, organizations shall provide all participants with written identification containing the following information: (1) Name of contest sponsor; (2) name of participant(s); (3) contest permit number; (4) date of contest; (5) contest weigh-in location. This information shall be in possession of all participant(s) for the duration of the contest and afterwards if possessing dead bass under the exemption rule.
8. Only artificial lures may be used. _____

Special Release Site Instructions for Black Bass Contests:

Water	County	Instructions
Clear Lake	Lake	All bass shall be released at least (2) miles from the weigh-in site, and 400 yards offshore.
Pine Flat Reservoir	Fresno	All bass shall be released outside 5 MPH or “no Wake” buoys
Diamond Valley	Riverside	All bass shall be released outside of the wave attenuator

Section 4. Certification and Approval**FOR CDFW USE ONLY
GAME FISH CONTEST PERMIT**

Permit Number _____ - _____ - _____ Date Issued _____

Observer Fee [] Will not be required

[] Will be required for [] days at \$275 per day

~~Additional conditions as follows:~~[] If checked, additional conditions will be provided on an attached sheet.

The applicant is hereby authorized to offer prizes or inducements for the taking of game fish as described above, and in accordance with Section 230, Title 14, CCR, and the special conditions in this permit related to the welfare of fish populations or individual fish.

By: _____

Date: _____

Regional Manager, Branch Chief, or Designated Representative

APPLICANT SIGNATURE: _____ Date: _____

I, the permittee, agree to be bound by the Special Conditions as listed on this permit and any Additional Conditions as stated above.

Section 5. Department Regional Office Locations

~~All other Type-A permit applications (not utilizing the initial offering) may be submitted to the department regional office for the region where the contest(s) is proposed. Except as specified in section 230(f)(1) for Type-A permits, all other permit applications will be considered for approval in the chronological order in which they are received. An application is deemed received when a completed application (DFW 775) required accompanied by payment of all applicable fees is date-stamped by the receiving regional office, or an electronic system. Applications for Type-A permits outside the initial offering, and Type-B, C, and D permits shall be submitted to any departmental regional office unless ALDS is required pursuant to subdivision (d)(4).~~

Instructions for Type-A permit applications utilizing the initial offering: When the initial offering is in person, the complete form DFW 775 and permit fee for all awarded requests shall be submitted on site prior to the conclusion of the initial offering. When the initial offering is virtual, the complete form DFW 775 and payment shall be submitted to the department regional office for the region where the applicant will hold the contest within 10 business days of the initial offering.

Instructions for Type-A permit applications not utilizing the initial offering: Applications for Type A permits shall be submitted to the department regional office for the region where the contest(s) is proposed.

Instructions for all other permit types: Applications for Type-B, C, and D permits shall be submitted to any departmental regional office.

**DEPARTMENT OF FISH AND WILDLIFE****Regional Offices**

Region	Counties
NORTHERN REGION (1) 601 Locust Street Redding, CA 96001 (530) 225-2300	Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama, & Trinity
NORTH CENTRAL REGION (2) 1701 Nimbus Road Rancho Cordova, CA 95670 (916) 358-2900	Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, Yuba and the portions of Sacramento, San Joaquin and Yolo counties that are north of I-80 and east of I-5
BAY-DELTA REGION (3) 2825 Cordelia Road, Suite 100 Fairfield, CA 94534 (707) 428-2002	Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Santa Cruz, San Francisco, Solano, Sonoma and the portions of Sacramento, San Joaquin and Yolo counties that are south of I-80 and west of I-5
CENTRAL REGION (4) 1234 East Shaw Avenue Fresno, CA 93710 (559) 243-4005	Fresno, Kern, Kings, Madera, Mariposa, Monterey, Merced, San Benito, San Luis Obispo, Stanislaus, Tulare, and Tuolumne
SOUTH COAST REGION (5) 3883 Ruffin Road San Diego, CA 92123 (858) 467-4299	Los Angeles, Orange, San Diego, Santa Barbara, and Ventura
INLAND DESERTS REGION (6) 3602 Inland Empire Boulevard Suite C-220 Ontario, CA 91764 (909) 484-0167	Imperial, Inyo, Mono, Riverside and San Bernardino



INSTRUCTIONS FOR APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING OF GAME FISH

The following ~~conditions~~ instructions are set forth pursuant to Section 230(d) and (f) of Title 14 ~~California~~
~~Code of Regulations, CCR.~~

1. Section 1-Applicant Information

1. Complete all applicable fields

2. Section 2 Selection of Contest Type

1. Select only one permit type per application
2. Complete all fields for selected permit type
3. Applications for Type-A permits will be considered for one contest of up to 3 days duration
4. Applications for Type-B, C, or D permits will be considered for up to 12 individual contests

3. Section 3 Special Conditions for Contests

1. Read all conditions for all contests and species-specific conditions if applicable

4. Section 4 Certification and Approval

1. Certify your acknowledgement of all conditions by signing
2. Approval will be completed by CDFW staff

5. Section 5 -Department Regional Office Locations

- ~~1. Submit Type-A permit applications under the initial offering to the regional office where the water is proposed.~~
- ~~2. Submit applications for Type-A permits outside the initial offering, and applications for Type-B, C, or D permits to the nearest regional office.~~
1. Submit your application according to the instructions listed in Section 5 above.



Pursuant to Section 230(n), Title 14, California Code of Regulations

Section 1. Permit Information

Permit Type (select one): Type A <input type="checkbox"/> (Event) Type B <input type="checkbox"/> (Annual) Type C <input type="checkbox"/> (C&R) Type D <input type="checkbox"/> (Other)		
Permit #:	Water Name:	
Starting Date:	End Date:	Target Species:

Section 2 Submitter Information

Contact Information

Submitter: _____ <small>Please include first and last name</small>	Sponsor (if applicable): _____
Email: _____	Telephone: _____
Contest Cancelled? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, submit report	

Section 3 Contest Results Information

Contest Results

Number of Participants:

Anglers

Contest Duration:

Day(s)

Total Fish by Species:	Alive	Dead
1)		
2)		
3)		
4)		
Total Number of Fish		

Total Weight:

Combined weight of all fish = _____ lbs

Required for Type A, B, and D; Optional for Type C

Total Length:

~~Required for Type C~~ Combined length of all fish = _____ Inches

Largest Fish: _____ Species

Largest Fish: _____ Weight (lbs.)

Largest Fish: _____ Length (in.)

NOTICE: Contest reports are due within 30 days of each contest end date. Failure to do so ~~can~~ may result in denial of applications or revocation of current permits and/or suspension of right to apply for permits and participate pursuant to Section 230(o) of Title 14, California Code of Regulations.

~~Complete contest report online at~~ Find complete contest reporting information on the [Fishing Contests, Tournaments and Derbies webpage](#)

For questions, please contact tournaments@wildlife.ca.gov



Section 1: Background

Invasive species are organisms (plants, animals, or microbes) that are not native to an environment, and once introduced, establish, quickly reproduce and spread, and cause harm to the environment, economy, or human health. Aquatic invasive species pose a threat to lakes and other waterbodies throughout California and can disrupt food chain, impact fish populations, foul docks and ramps, encrust vessels and clog engines, litter shorelines, clog water distribution systems, and could lead to access closures.

Anglers can prevent spreading invasive species by following procedures to Clean, Drain, and Dry their vessels and equipment before launching. Clean, Drain, and Dry procedures are available at

www.wildlife.ca.gov/invasives/CDD.

Section 2: Instructions

Use this self-inspection certification when launching on waterbodies that do not have an inspection program, or if the station is closed. **Complete this form prior to launching in the contest water and keep it on the vessel throughout the duration of the contest.**

Section 3: Self-Certification Questions

1. Is the fishing contest being held on the same body of water as the last water body where your vessel, trailer, and equipment were last used? (If yes, skip questions 2-5)
Yes ____ **No** ____
2. Is your vessel, trailer, and/or equipment **clean** of all mud, dirt, plants, fish, and animals inside and outside, including flushing of all live-wells, bilge areas, ballast tanks, and cooling systems?
Yes ____ **No** ____
3. Is your vessel, trailer, and/or equipment **drained** of all water, including all bilge areas, cooling systems, lower outboard units, ballast tanks, live-wells, buckets, etc.?
Yes ____ **No** ____
4. Is your vessel, trailer, and/or equipment **completely dry, or has it been completely dry since its last use?**
Yes ____ **No** ____
5. Has your vessel, trailer, and/or equipment been decontaminated (flushed throughout with 140° F water with a contact time of at least 10 seconds) since its last use?
Yes ____ **No** ____

If you answered “Yes” to question 1, OR “Yes” to questions 2, 3, and 4, OR “Yes” to questions 2, 3, and 5, you may affirm you are Clean, Drained, and Dry by completing the form below.

If you answered “No” to one or more of questions 1, 2, 3, or 4 you are not Clean, Drained and, Dry, and you must completely dry or decontaminate your vessel, trailer, and/or equipment before completing this form and participating in the contest.

Section 4: Certification

I affirm that my vessel, trailer, and/or equipment is/are clean, drained, and dry prior to participating in the
(Contest Name) _____

at (Waterbody) _____ on (Start Date) _____ (End Date) _____

Vessel Registration Number: _____

Signature _____ **Print Name** _____