

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 713, 5510, 7121, 7230 and 7232 of the California Fish and Game Code and to implement, interpret or make specific sections 200, 1050, 5510, 7121, 7230 and 7232 of said Code, proposes to amend Section 231, Title 14, California Code of Regulations, relating to processing and donating sport-caught fish.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR), “Department” refers to the California Department of Fish and Wildlife, and “Commission” refers to the California Fish and Game Commission.

Current Regulations

Current law, in Section 7121, California Fish and Game Code (FGC), specifies that except as otherwise provided by the code, selling or purchasing sport-caught fish is prohibited. Section 75, FGC, defines that “Sell” includes barter, exchange or trade. FGC statutes and Title 14 regulations do not prohibit the donation of sport-caught fish to a nonprofit or other organization or individual.

Subsection 231(b) allows for the exchange of sport-caught fish to entities with a valid sport-caught fish exchange permit for the purpose of filleting, smoking or canning if the same fish is returned to the angler or exchanged pound for pound, adjusted for loss during processing. Historically, the provisions in subsection 231(b) were primarily used to exchange fresh-caught tuna species for canned tuna, allowing recreational anglers to retain fish for later consumption. Section 231 does not include a provision to allow anyone other than the individual who caught the fish to receive the processed fish.

Subsection 231(c) prescribes the exchange process based on a sliding scale exchange rate. Subsection (c)(4) includes a provision allowing processors to sell sport caught tuna that is not returned to the angler to commercial canneries in exchange for commercially harvested canned tuna and allows tuna not acceptable for canning to be sold for reduction purposes (the reduction or conversion of fish into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products or byproducts). Subsection (c)(4), however, requires yellowtail not returned to the angler to be donated to “...a non-profit charitable institution for food purposes only and may be fresh or processed.” The provision historically provided an immediate ability to exchange sport-caught tuna for canned tuna, effectively placing the sport-caught tuna into the commercial market through the exchanges. Allowing the practice is inconsistent with the existing prohibition on sale of sport caught fish.

Proposed Changes

The Department recommends that the Commission amend Section 231 to rename the section to “Processing of Sport-Caught Fish,” rename the permit to sport-caught fish processing permit, allow sport-caught fish processing permit holders to donate fish directly to a nonprofit organization that directly supports food access or distribution, California tribe, school, or city/county program that directly supports food access or distribution, reduce the potential for sport-caught fish to be

commercialized through this program, update the permit suspension and revocation process, and clarify existing regulations.

Specifically, the proposed changes are as follows:

- The proposed regulations will change the title of the section from “Exchanging of Sport-Caught Fish” to “Processing of Sport-Caught Fish,” update the permit fee and permit title, and specify that a permit shall be issued unless the permit or privilege to obtain a permit has been suspended or revoked.
- The proposed regulations will clarify permit applicability and add an exception to the sport-caught fish processing permit requirement for fish taken under the authority of a sport fishing license that are filleted on board licensed commercial passenger fishing vessels, if the fish are filleted on board the vessel prior to passenger departure.
- The proposed regulations will remove the list of permit issuing locations that currently restricts the Department’s License and Revenue Branch from issuing permits at additional sites or through authorized agents or eliminating underutilized locations.
- To reduce the potential for sport-caught fish to be commercialized, the proposed regulations add a limitation to only allow same-species exchange, prohibit commercially taken or imported fish to be used in the exchange process, prohibit fish received for exchange or processing to be sold or processed for any other purpose not expressly authorized, require sport-caught fish to be stored and processed separate from commercially taken fish, add requirements for the record-keeping, and add to existing marking requirements for sport-caught fish received from sport fish license holders for exchange or processing.
- The proposed regulations will repeal current subsections prescribing the exchange process of sport-caught tuna for canned tuna, including provisions allowing processors to sell sport-caught tuna that is not returned to the angler to commercial canneries in exchange for commercially harvested canned tuna and allowing tuna not acceptable for canning to be sold for reduction purposes. The process allowing for the exchange of sport caught tuna for commercially harvested canned tuna no longer occurs and is inconsistent with the existing prohibition on the sale of sport-caught fish.
- The proposed regulations will allow the donation of sport-caught fish directly to nonprofit organizations that directly support food access or distribution, California Native American tribes, public schools, and city or county government programs that directly support food access or distribution without the sport fishing license holder being present. Requirements for recording, transporting, and labeling donations, as well as restrictions, are specified. The proposed regulations will prohibit donated fish from being sold, auctioned, raffled, or otherwise utilized for fundraising activities.
- The proposed regulations will allow permittees to transport fish to canneries or processing facilities for the purpose of canning or processing within or outside of California.

- The proposed regulations will add a new subsection to clarify the applicability of the regulation and specify that the requirements of subsections (c) Multi-licensed Business Requirements, (e) Records, (f) Transportation, and (g) Marking apply to persons who are required to hold a permit.
- The proposed regulations will specify that a sport-caught fish processing permit and or the “privilege to obtain a permit” may be suspended or revoked by the Department upon a violation of the terms or conditions of the permit, or violation of any California or federal law related to commercial fishing, recreational fishing, or the receiving, processing or sale of fish by the sport-caught fish processing permit holder, any person required to hold a sport-caught fish processing permit, or the sport-caught fish processing permit holder’s agent, servant, employee or other person acting under the permittee’s direction or control.
- Additionally, the proposed regulations will establish and clarify the Department’s notification process in the event that a sport-caught fish processing permit, or privilege to obtain a permit, is revoked or suspended, as well as clarify and establish procedures for reconsideration and appeal of such suspension or revocation.

Finally, other minor changes are proposed for clarity and consistency.

Benefit of the Regulations:

The proposed changes provide benefits to nonprofit organizations that directly support food access or distribution, California tribes, schools, and city/county programs that directly support food access or distribution who will be able to directly receive donations of fish, and sport fishing license holders who wish to make donations. By facilitating the donation process, all parties involved will be more able to provide and receive donations. The proposed changes also clarify several key regulations in order to ensure that sport-caught fish are not unlawfully commercialized. Removal of unnecessary detail on canned fish exchanges not only prevents commercialization but also eliminates confusion regarding how fish may be processed for a sport fishing license holder.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing entities that process sport-caught fish (California Fish and Game Code Section 7121). Health and Safety Code Section 114031 requires that game animals be received from an approved source and allows the use of legally obtained donated fish by nonprofit organizations authorized to serve meals to indigent persons. Additionally, Health and Safety Code Section 114057.1, subdivision (c) requires a food facility to not use a reduced-oxygen packaging method for non-frozen fish. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any other regulations regarding the processing of sport-caught fish; therefore, the Commission

has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the Code of Federal Regulations (CFR) and, pursuant to California Government Code Section 11346.2(b)(6), has determined that the proposed regulations avoid unnecessary duplication and do not conflict with federal regulations contained in the CFR.

Business Reporting Requirements

The Commission finds it is necessary for the welfare of the people of the state that the proposed changes to reporting requirements apply to business.

Public Participation

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before January 29, 2026 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on February 10, 2026. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

Meetings

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Headquarters Building, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, February 11, 2026, and may continue at 8:30 a.m., on Thursday, February 12, 2026. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in-person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or

Sherrie Fonbuena at FGC@fgc.ca.gov or at the preceding address or phone number. **Pelagic Fisheries and Ecosystem Program Manager, John Ugoretz, Department of Fish and Wildlife, who can be reached at AskMarine@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

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 Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed 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. It is prohibited for sport-caught fish to be sold commercially, and the costs for processing are borne by the sport fishing license holder who caught the fish, so processing businesses do not face any increased costs besides the adjustment of the permit fee. The marking requirement for packages and cans of fish added by the proposed regulations will require sport-caught fish processing permit holders to add the species name to the labels they already create for each individual package/can of fish and will require sport-caught fish processing permit holders to add the words “not to be sold” to the labels they already create for packages of filleted fish. These new markings can be done with a permanent marker instead of printing, but this will not create a significant difference in labor hours that would impose new costs to sport-caught fish processing permit holders. Similarly, the marking requirement for fish received for donation to be labeled “for donation” is not expected to adversely impact a sport-caught fish processing permit holder’s operations. The new record keeping requirements for donated fish may add a minute or two to processing the donated fish, but it is unlikely to expand the existing labor requirements or costs of processing in a way that will adversely impact those businesses, as the activity would be folded into their existing procedures that require gathering similar information. While the baseline for the fee is being reset to \$96 (which is the 2026 fee as adjusted per the procedure set by FGC Section 713), it does not change the amount that permittees must pay or the mechanism for annual adjustments set by FGC Section 713, thus it does not impose a direct cost impact that would adversely affect businesses.

- (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 businesses, the elimination of existing businesses or the expansion of businesses in California. The marking requirement for packages and cans of fish added by the proposed regulations will require sport-caught fish processing permit holders to add the species name to the labels they already create for each individual package/can of fish and will require sport-caught fish processing permit holders to add the words "not to be sold" to the labels they already create for packages of filleted fish. These new markings can be done with a permanent marker instead of printing, but this will not create a significant difference in labor hours that would increase a sport-caught fish processing permit holder's operational costs. Similarly, the marking requirement for fish received for donation to be labeled "for donation" is not expected to adversely impact a sport-caught fish processing permit holder's operations. The new record keeping requirements for donated fish may add a minute or two to processing the donated fish, but this is unlikely to expand the existing labor requirements or costs of processing in a way that adversely impacts those businesses, as similar information is already gathered. While the baseline for the fee is being reset to \$96 (which is the 2026 fee as adjusted per the procedure set by FGC Section 713), it does not change the amount that permittees must pay or the mechanism for annual adjustments set by FGC Section 713.

The Commission does not anticipate any direct benefits related to the health and welfare of the California residents, except that, as stated above, by facilitating the donation process, the proposed changes provide benefits to recipients of food support from nonprofit organizations and city/county programs that directly support food access or distribution, California Tribes and schools. The Commission does not anticipate any benefits related worker safety, or the state's environment.

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The marking requirement for packages and cans of fish added by the proposed regulations will require sport-caught fish processing permit holders to add the species name to the labels they already create for each individual package/can of fish and will require sport-caught fish processing permit holders to add the words "not to be sold" to the labels they already create for packages of filleted fish. These new markings can be done with a permanent marker instead of printing, but this will not create a significant difference in labor hours that would increase a sport-caught fish processing permit holder's operational costs. Similarly, the marking requirement for fish received for donation to be labeled "for donation" is not expected to adversely impact a sport-caught fish processing permit holder's operations. The new record keeping requirements for donated fish may add a minute or two to processing the donated fish, but this is unlikely to expand the existing labor requirements or costs of processing in a way that adversely impacts those businesses, as similar information is already gathered. While the baseline for the fee is being reset to \$96 (which is the 2026 fee as adjusted per the procedure

set by FGC Section 713), it does not change the amount that permittees must pay or the mechanism for annual adjustments set by FGC Section 713, thus it does not impose a direct cost impact.

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

None. The proposed regulation resets the baseline value for the permit fee to \$96 (which is the 2026 fee as adjusted per the procedure set by FGC Section 713). Doing so does not increase the Department's revenue, as the fee is still the same value that is set using the procedure as defined in FGC Section 713, and future increases for the fee will still follow the same adjustment procedure using the annual change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce. Further details about how the fee's annual adjustments are made can be found in the STD 399 addendum.

(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.

(i) Business Reporting Requirements:

The Commission finds it is necessary for the welfare of the people of the state that the proposed changes to reporting requirements apply to business.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 16, 2025

Melissa Miller-Henson
Executive Director