

STAFF SUMMARY FOR JUNE 22-23, 2016

35. DFW LANDS PASS

Today's Item **Information** **Action**

Discuss proposed changes to amend DFW lands pass regulations.

Summary of Previous/Future Actions

- Notice hearing Apr 13-14, 2016; Santa Rosa
- **Today's Discussion hearing** **Jun 22-23, 2016; Bakersfield**
- Adoption hearing Aug 24-25, 2016; Folsom

Background

Currently, most funds used to manage lands under the jurisdiction of DFW are derived from a combination of revenue sources generated by the sale of licenses, stamps, passes, and taxes on equipment for hunting, fishing and trapping. Visitors who engage in wildlife or wildflower viewing, recreational hiking, photography, or similar pursuits are required to contribute through the purchase of a Lands Pass for entry on seven DFW properties that participate in the Lands Pass Program. The existing program requires each visitor who is 16 years of age or older, and who does not possess a valid hunting, fishing or trapping license, to purchase a day or annual pass to enter certain DFW properties. School and organized youth groups are exempt from the pass requirement.

In 2012, Section 1745 of the Fish and Game Code was added, which requires DFW to offer purchase of an entry permit for non-consumptive uses of DFW-managed lands if the DFW finds that it is "practical and would be cost effective" to do so. DFW finds that it would be practical and cost effective to add certain wildlife areas and ecological reserves to the properties which require a Lands Pass for visitor entry. This assumes that the benchmark for being "cost effective" is that, at the very least, the program does not cost more to implement than the revenue that it generates.

DFW proposes the following changes to the Lands Pass program:

1. Expansion of the Lands Pass Program;
2. Implementation of recent changes to the Fish and Game Code regarding nonlead ammunition, the age for possessing a junior hunting license, and trail access at Magnesia Springs Ecological Reserve;
3. Improved consistency with federal regulations for the National Wildlife Refuges that are also designated as state wildlife areas;
4. Improved enforceability by rewording the charging sections; and
5. Minor changes to improve clarity and consistency of the regulations for DFW lands

Since publication of the Notice on May 6, 2016, a small but substantive change is necessary which will require a 15-day notice. The proposed regulation added Napa-Sonoma Marshes Wildlife Area to the list of properties where a lands pass would be required, however DFW intended only to include one unit of the property, the Green Island Unit, in the program. This Unit is proposed to open to public use now that restoration of the site has been completed, and

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a public access trail has opened. Staff will prepare the additional notice to coincide with the adoption hearing in Aug.

Significant Public Comments N/A

Recommendation N/A

Exhibits

1. [DFW Memo \(for reference\), dated Mar 28, 2016](#)
2. [ISOR \(for reference\)](#)

Motion/Direction N/A

Memorandum

Date: March 28, 2016

To: Michael Yaun, Acting Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the April 13-14, 2016 Fish and Game Commission Meeting, Request for Authorization to Publish Notice of the Commission's Intent to Amend sections 550, 550.5, 551, 552, 630 and 702, and Repeal Subsection 703(a)(2), Title 14, California Code of Regulations RE: Department Lands.**

Please find the attached the Initial Statement of Reasons and Informative Digest to amend Sections 550, 550.5, 551, 552, 630 and 702, and repeal Section 703(a)(2), Title 14, California Code of Regulations (CCR). These regulations pertain to public uses of land under the jurisdiction of the Department of Fish and Wildlife (Department). Major topics addressed in this proposal include:

1. Expansion of the Lands Pass Program,
2. Implementation of recent changes to the Fish and Game Code regarding nonlead ammunition, the age for possessing a junior hunting license, and trail access at Magnesia Springs Ecological Reserve,
3. Improved consistency with federal regulations for the National Wildlife Refuges that are also designated as state wildlife areas, and
4. Improved enforceability by rewording the charging sections.

This rulemaking also includes minor changes to improve clarity and consistency of the regulations for Department lands.

If you have any questions or need additional information, please contact Dr. Eric Loft, Wildlife Branch Chief, by telephone at (916) 445-3555 or by e-mail at Eric.Loft@wildlife.ca.gov. The public notice for this rulemaking should identify Senior Environmental Scientist, Julie Horenstein as the Department's point of contact. She can be reached at (916) 324-3772 or by email at Julie.Horenstein@wildlife.ca.gov.

Attachments

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1764 and 1765. Among other things, FGC Section 1765 specifies the base-year fee and how that fee will be annually adjusted.

The following five wildlife areas and two ecological reserves currently participate in the Lands Pass Program:

- Gray Lodge Wildlife Area
- Grizzly Island Wildlife Area
- Los Banos Wildlife Area
- Imperial Wildlife Area
- San Jacinto Wildlife Area
- Elkhorn Slough National Estuarine Research Reserve
- Upper Newport Bay Ecological Reserve

The existing program requires each visitor who is 16 years of age or older, and who does not possess a valid hunting, fishing or trapping license, to purchase a day or annual pass to enter certain Department properties. School and organized youth groups are exempt from the pass requirement.

The current regulations for the Land Pass Program appear in subsections 550(c), 550.5(c), 551(w) and 630(c), Title 14, California Code of Regulations (CCR). For 2016, the daily pass fee is \$4.00 and the annual pass fee is \$22.50 as established in FGC Section 1765 and annually adjusted pursuant to FGC Section 713. The passes may be purchased online through the Automated License Data System (ALDS), from Department license offices, or authorized license agents.

Consistent with FGC Section 1767.5(a), the proceeds from pass sales are deposited in the Native Species Conservation & Enhancement Account within the Fish & Game Preservation Fund to support, the conservation of nongame wildlife and native plant species on Department lands. In 2012, FGC Section 1745 was added, which states that commencing on January 1, 2015, the Department shall require the purchase of an entry permit for non-consumptive uses of Department-managed lands if the Department finds that it is “practical and would be cost effective” to do so.

Adding Properties to the Lands Pass Program

In compliance with FGC Section 1745, the Department finds that it would be practical and cost effective to add certain wildlife areas and ecological reserves to the properties in Title 14, CCR that require a Lands Pass for visitor entry. This assumes that the benchmark for being “cost effective” is that, at the very least, the program does not cost more to implement than the revenue that it generates. Please see the section of this document titled: “Economic Impact Assessment” for an explanation of why adding the following properties is considered cost effective. The 28 wildlife areas listed below would be added to subsection 551(w), Title 14, CCR, and the eight ecological reserves would be added to subsection 630(c), Title 14, CCR:

Ash Creek Wildlife Area
Bass Hill Wildlife Area
Battle Creek Wildlife Area
Butte Valley Wildlife Area
Cache Creek Wildlife Area
Crescent City Marsh Wildlife Area
Eel River Wildlife Area
Elk Creek Wetlands Wildlife Area
Elk River Wildlife Area
Fay Slough Wildlife Area
Hollenbeck Canyon Wildlife Area
Honey Lake Wildlife Area
Hope Valley Wildlife Area
Horseshoe Ranch Wildlife Area
Lake Earl Wildlife Area
Mad River Slough Wildlife Area
Mendota Wildlife Area
Mouth of Cottonwood Creek
Wildlife Area
Napa-Sonoma Marshes Wildlife
Area
North Grasslands Wildlife Area

San Felipe Valley Wildlife Area
Shasta Valley Wildlife Area
South Spit Wildlife Area
Tehama Wildlife Area
Upper Butte Basin Wildlife Area
Volta Wildlife Area
Willow Creek Wildlife Area
Yolo Bypass Wildlife Area

Batiquitos Lagoon Ecological
Reserve
Boden Canyon Ecological Reserve
Bolsa Chica Ecological Reserve
Buena Vista Lagoon Ecological
Reserve
Canebrake Ecological Reserve
North Table Mountain Ecological
Reserve
San Elijo Lagoon Ecological
Reserve
Woodbridge Ecological Reserve

“Pass” vs. “Entry Permit”

The term “entry permit” used in FGC Section 1745 is similar to the term “pass” in sections 1764 and 1765. The Department proposes to continue to use the term “pass” instead of “entry permit” in the implementation of FGC Section 1745 (i.e., the Lands Pass Program).

Historically and at present, hunting passes are purchased and then exchanged at property entrances or hunter checking stations for entry permits. Requiring the exchange of the hunting pass for an entry permit is used to control access for activities where the number of participants is limited, such as hunting on a Type A or B wildlife area. At these wildlife areas, staffing is available to exchange passes for entry permits. Many of the staff are hired seasonally to work for the hunting season. Comparable staffing to collect passes on Department lands is not available outside of the Type A and B wildlife areas during the waterfowl season.

The model of submitting a daily pass, or presenting an annual pass in exchange for an entry permit has not worked well for the Lands Pass Program due to insufficient staffing for the exchange of Lands Passes for entry permits. Because

requiring Lands Pass visitors to exchange their pass for a permit has proven to be impractical, the Department is eliminating the “exchange a pass for a permit” language in Section 550.5(c)(6), Title 14, CCR, to require visitors who are not hunting, fishing or trapping to keep their Lands Pass in their immediate possession while on the subject wildlife area or ecological reserve.

In addition to the above-described changes to the Lands Pass Program, the proposed changes to the regulations would correct errors from the 2014 update of the Department Lands regulations and bring Section 552, Title 14, CCR, into conformity with current federal regulations for National Wildlife Refuges. This is necessary because Section 552, Title 14, CCR, includes regulations for National Wildlife Refuges that are also designated as State Wildlife Areas.

There are also three recent revisions to the Fish and Game Code that necessitate additional changes as follows:

1. FGC Section 1587 regarding public use of the Mirage Trail at the Magnesia Springs Ecological Reserve
2. FGC Section 3004.5 regarding requirements for nonlead ammunition; and
3. FGC Section 3031 regarding the age limit for possessing a junior hunting license.

The proposed regulatory action would:

- 1) Expand the Lands Pass Program to include a total of 33 wildlife areas and ten ecological reserves.
- 2) No longer require Lands Passes to be exchanged on-site for an entry permit. Visitors would carry the pass with them while on the subject property.
- 3) Correct errors that were made during the previous 2014 regulatory update.
- 4) Increase the age limit for people participating as a junior hunter on Department lands from 15 years old, to persons who are under 18 years old as of July 1 of the licensing year.
- 5) Ensure hunting on Department lands complies with the nonlead ammunition requirements of FGC Section 3004.5 and Section 250.1, Title 14, CCR.
- 6) Bring Section 552, Title 14, CCR, into conformity with current federal regulations.
- 7) Relocate fees for Permits for Special Uses of Department Lands from Section 703, Title 14, CCR, (miscellaneous permits, licenses, etc.) to Section 702, Title 14, CCR.
- 8) Clarify and change methods of take for special big game hunts at the Grizzly Island Wildlife Area.
- 9) Resume visitor use of off-highway vehicles on roads that are open to

motor vehicles on the Tehama Wildlife Area.

- 10) Open the Green Island Unit of the Napa-Sonoma Marshes Wildlife Area to public use.
- 11) Implement FGC Section 1587 by adding language to Section 630, Title 14, CCR, stating that the Mirage Trail on the Magnesia Springs Ecological Reserve is open for hiking from May 1 through January 31.

The regulations proposed in this document will result in the following changes to on-the-ground public uses of Department lands:

- 1) Allowance of any legal method-of-take for large game during limited special hunts on the Grizzly Island Wildlife Area to conform to statewide rules for method of take of big game.
- 2) The prohibition of lead ammunition for hunting on Department lands. Environmental quality is expected to benefit as a result of compliance with Section 250.1, Title 14, CCR
- 3) Resumption of visitor use of off-highway vehicles (OHV's) on roads that are open to vehicle traffic on the Tehama Wildlife Area.
- 4) Open the Green Island Unit of the Napa-Sonoma Marshes Wildlife Area to public use in accordance with the current management plan.
- 5) Pursuant to the specifications in FGC Section 1587, a trail previously closed to public use on the Magnesia Springs Ecological Reserve will be open for hiking from May 1 through January 31.

Justification for Proposed Changes to Individual Subsections in Title 14, CCR:

Subsection 550(a): Remove reference to Section 703 due to relocation of the section specifying the fees.

Subsection 550(b): Definitions of the terms "hunting pass" and "Lands Pass" are added to clarify the difference between these two types of passes. These additions required renumbering the remainder of the definitions in subsection 550(b). "Lands Pass" is capitalized because it is affiliated with a unique "Lands Pass Program" while the term "hunting pass" may be used in multiple hunting programs.

Subsection 550(b)(11): A slight change of wording is proposed in the definition of "fishing" to clarify the language. This is necessary to reduce confusion for the public.

Subsection 550(c)(1): The words "passes" and "Special Use Permits" are proposed to be added to the second sentence. Knowledge and compliance with the land regulations are conditions of hunting passes, Lands Passes, and Special Use Permits, just as they are conditions of an entry permit. This language is

necessary due to proposed changes that would require visitors to certain department properties to carry Lands Passes rather than exchange them for permits and to clarify that these same conditions apply to Special Use Permits.

Subsection 550(c)(2): Visitors who will not be hunting, fishing, or trapping on properties requiring possession of a Lands Pass will be required to carry a Lands Pass while on the property, rather than exchange it for an entry permit. Where currently required, entry permits will continue to be part of hunting programs on Department lands.

Subsections 550(c)(2)(A): This subsection is proposed to be amended to improve its enforceability . The recommendation to add the phrase “It shall be unlawful to” is suggested for multiple subsections of the land regulations during this update, based on the experience and expertise of the Department’s law enforcement and legal staff. It is indicated for the affected subsections throughout this section of the Initial Statement of Reasons.

Subsection 550(c)(2)(F): It is necessary to add “or pass” to this regulation because if the proposed regulations are adopted the “Lands Pass” will no longer need to be exchanged for an entry permit. The phrase, “It shall be unlawful to...” is added to improve the enforceability of this subsection.

Subsection 550(c)(2)(F)1. and 2.: Delete previous subsection 1. and create new subsections 1. and 2. from previous subsection 2. This is necessary to show that entry passes for hunting are different from Lands Passes sold to visitors who do not possess a hunting, fishing or trapping license.

- New subsection 1. This subsection states that a pass must be purchased in advance and where to purchase these passes.
- New subsection 2. This revised subsection clearly links entry permits and passes for hunting. The sentence stating that passes are not sold on Department lands is proposed to be deleted because passes are sold at the Elkhorn Slough Ecological Reserve Visitor Center, and to specify additional points of sale.

Subsection 550(c)(2)(F)4.: This subsection was added to clarify that one of the passes sold by the Department is a Lands Pass and explain when that type of pass is required. This clarification distinguishes Lands Passes from hunting passes and is necessary to reduce confusion for the public.

Subsection 550(c)(4)(A)(2): The words “pass and/or” are proposed to be added because, on properties that require a Lands Pass for entry, the Lands Pass will no longer be exchanged for an entry permit, but instead will be carried on the visitor’s person. When a visitor has a Special Use Permit on a Lands Pass

property, he or she will have both the permit and the pass in their possession.

Subsection 550(d): The Department proposes changing the reference to Section 703 to Section 702 because the Department recommends moving the fees for Special Use Permits from Section 703 to Section 702. The justification for moving the fees is discussed below.

Subsection 550(h): Correction of the new subsection reference to the definition of fishing.

Subsection 550(g): The word “permit” is proposed to be replaced with “written authorization” in the first sentence of 550(g) because current subsections 550(e) and (f) use the term “written authorization” for permission to conduct environmental education or research activities on Department lands. It is more clear and consistent to continue that wording in subsection 550(g) where it refers to those same activities.

Subsection 550(p)(3) and (p)(4): A correction to an error in numbering these subsections is proposed to correct the extra “3” to become a “4”

Subsection 550(t): Addition of the word “deface” is proposed to clarify the definition of property vandalism.

Subsection 550(v): The phrase, “It shall be unlawful to...” is added to improve the enforceability of this subsection.

Subsection 550(y)(5): The “natural resources” are proposed to add to the list of items that could be endangered by careless vehicle activity to improve the enforceability of this subsection.

Subsection 550(z)(2)(D) and (G): There is a need to clarify that any and all floating devices as well as boats must be removed from the water or beach when instructed to do so by an employee of the Department, pursuant to subsection 550(z)(2). An example of this need is that “kite surfers” have been disturbing waterfowl and shorebirds on the Napa-Sonoma Marsh Wildlife Area and have refused to remove their surfboards when requested to do so by Department staff because current subsection 550(z)(2)(D) does not specifically refer to floating devices, even though that is the intent of subsection 550(z)(2). This change is necessary to avoid public confusion and improve compliance with Subsection 550(z)(2). The words “and floating device” are proposed to be added to subsection 550(z)(2)(G) for the sake of consistency in addressing the removal of watercraft.

Subsection 550(cc)(2): Typographical correction to improved clarity and

correction of the new subsection reference to the definition of fishing.

Subsection 550(cc)(4)(E): The proposed addition of the regulation regarding compliance with Section 250.1 is necessary to clarify that the rules in Section 250.1 apply to hunting on Department lands. The addition of this subsection contributes to the successful implementation of recent changes to FGC Section 3004.5. It also makes existing language in subsection 551(cc)(4)(E), unnecessary because non-toxic shot is already required for all waterfowl hunting in California pursuant to Section 507.1 of these regulations and for hunting on all national wildlife refuges pursuant to Section 552(a). Section 250.1 satisfies the intent of the existing regulation that allows only federally-approved non-toxic shot to be used at Grizzly Island Wildlife Area and the Tolay Creek Unit of the Napa-Sonoma Marshes Wildlife Area. The phrase, "It shall be unlawful to..." is added to improve the enforceability of this subsection.

Subsection 550.5(a)(1)(E) and (F): The changes proposed in this subsection are in response to amendments to FGC Section 3031. Formerly, a person could possess a junior hunting license prior to reaching 16 years of age. As of July 1, 2015, a person who is under 18 years of age on July 1st of the licensing year may possess a junior hunting license. This necessitates changing wording in these subsections, although the end result is the same number of adults vs. non-adults allowed in a hunting party, designated hunting zone, assigned pond or blind. The intent of the statute was not to change the supervision of young hunters by adults but to allow young people to purchase the less expensive junior hunting licenses and have access to special junior hunting opportunities until they are seventeen or eighteen years old, depending on whether their birthday is before or after July 1st. The previous age limit for junior hunters was 15 years old.

Subsection 550.5(c)(1): "Or" is proposed to be inserted into the first sentence because the proposed changes to the Lands Pass Program would no longer require an entry permit for every property that requires visitors to pay a fee. Hunters on Type A and B wildlife areas will still be required to obtain an entry permit, but visitors to properties in the Lands Pass Program will no longer be required to exchange a Lands Pass for an entry permit. Language addressing phone sales of land passes is also proposed to clarify that this method of payment is available. These changes are necessary to convey accurate information about passes for Department lands.

Subsection 550.5(c)(3): "Hunting" is proposed to be inserted to help clarify that there are different types of passes offered by the Department. Hunting passes show that a hunter has paid the fee to hunt at a Type A or Type B wildlife area. They are exchanged for an entry permit at a hunter checking station on the subject property. This change is necessary to avoid public confusion.

Delete subsection 550.5(c)(6): This subsection will be replaced by a new subsection 550.5(c)(11). Existing subsection 550.5(c)(6) refers to the Lands Pass as a “wildlife viewing pass” and describes the process for exchanging the pass for an entry permit. The proposed regulations, if approved, will no longer require exchange of a Lands Pass for an entry permit. Additionally, to reduce confusion for the public and staff, the Department proposes moving regulations for Lands Passes to 550.5(c)(11), to clearly separate them from a series of subsections that address hunting passes and entry permits.

Subsection 550.5(c)(6): This subsection was renumbered from (7) and revised to simplify and clarify language pertaining to entry permits.

Subsection 550.5(c)(8): Due to replacing and relocating current subsection 550.5(c)(6) as discussed above, this subsection will become 550.5(c)(7). The Department proposes to insert the word “hunting” in the first sentence to clearly distinguish hunting passes from Lands Passes in Title 14.

Subsection 550.5(c)(8): Per the immediately preceding explanation, this subsection is 550.5(c)(9) but will become subsection (8). Language was added to FGC Section 3031 in 2014 that emphasizes that although junior hunters who are 16 or 17 years old are allowed to hunt without an adult present, they may not be accompanied by persons under the age of 16. The proposed insertion into this subsection implements this new statutory language. In the Department’s experience, hunters tend to rely on the regulations in Title 14 and do not necessarily read the Fish and Game Code, so it is important that this rule be included in Title 14 for the sake of public safety.

Subsection 550.5(c)(9): Per the explanation for subsection 550.5(c)(8), this subsection will be changed from 550.5(c)(10) to 550.5(c)(9)..

Subsection 550.5(c)(10): Per the explanation for subsection 550.5(c)(8), the current text of this subsection will become 550.5(c)(10). The word “passes” is proposed to be inserted into the second sentence for the sake of clarity. This should improve compliance and facilitate enforcement of regulations pertaining to passes for Department lands.

Subsection 550.5(c)(11): This is a new subsection to update and replace subsection 550.5(c)(6), which addresses Lands Passes. For reasons discussed in the above section of this document titled: “Pass” vs. “Entry Permit” the regulations for Lands Passes will no longer require visitors to exchange a daily Lands Pass for an entry permit, or present an annual Lands Pass in order to receive an entry permit. Instead, the regulation will require visitors to keep their Lands Pass in their immediate possession while visiting a wildlife area or ecological reserve that requires a Lands Pass.

Subsection 550.5(c)(12): This new subsection is proposed to inform the public of the one Department property where Lands Passes may be purchased on-site. It also specifies that Lands Passes are only sold during the visitor center's business hours to prevent confusion about when they are available for purchase.

Subsection 550.5(d)(2): References to Section 703 as the location of fees for Special Use Permits are proposed to be changed to Section 702. This is because these fees are proposed to be moved to Section 702 as part of this regulation package. The justification for moving the fees is discussed below. The last seven words of this subsection are not necessary and are proposed to be deleted to improve the brevity of the regulations.

Subsection 550.5(d)(2)(B)(1): The word "calendar" is proposed to be added to this subsection because this reflects the intent of the regulation as well as how it has been implemented in practice. This change is necessary to improve the clarity of this subsection.

Subsection 550.5(d)(4)(A): The phrase "daily use pass" is being replaced with "Lands Pass" and is proposed to be added to this subsection for alignment with the names changes from subsection 550.5(c).

Subsection 550.5(d)(4)(B): References to Section 703 as the location of fees for Special Use Permits are proposed to be changed to Section 702. This is because these fees are proposed to be moved to Section 702 as part of this regulation package. The justification for moving the fees is discussed below.

Subsection 551(k)(3): This is a proposed new subsection that would allow off-highway vehicles (OHV's) to be used on roads that are open to vehicle traffic on the Tehama Wildlife Area in Tehama County. OHV's have been used on the roads of the wildlife area since its establishment in 1968. In 2007, a statewide prohibition of off-highway vehicles (OHV's) on wildlife areas was added to Section 550. The prohibition did allow for exceptions to be made in site-specific regulations in Section 551. Regardless of the new statewide regulation and the lack of a permissive site-specific regulation in Section 551, visitors (mostly hunters) were allowed to continue using OHV's on roads on the Tehama Wildlife Area until the most recent version of the land use regulations was adopted in 2014, when the lack of explicit authority became more apparent. At that point, Department staff began to prohibit access by off-highway vehicles. The wildlife area covers approximately 45,000 acres and is traversed by rugged, four-wheel drive dirt roads. Currently, only street-legal four-wheel drive vehicles are using the roads (e.g. pick-up trucks and jeeps). The Department recommends a site-specific regulation that allows off-highway vehicles (typically all-terrain vehicles (ATV's)) on the roads of the wildlife area where vehicles are currently allowed for

several reasons:

- The hunting community has used OHV's on the roads of the property for many years and have expressed concern that this use is no longer available. If they do not own a street-legal four-wheel-drive vehicle, they functionally lack access to much of the property, especially for the purposes of hunting and/or camping.
- The system of dirt roads is extensive and the off-road terrain is so rough that visitors (primarily hunters) were not prone to riding off-road during the many years that OHV's were allowed on the wildlife area. The area did not incur visible off-road damage. Hunters focused on reaching hunting areas or campsites as efficiently as possible, with their equipment and supplies intact.
- Since enforcing the ban on OHV's, the number of four-wheel-drive jeeps, SUV's and trucks on the roads has increased considerably. These vehicles are much heavier than the OHV's and are causing more wear-related damage to the roads.

Currently the statewide regulation regarding visitor use of OHV's is located at subsection 550(y)(7) and the site-specific exceptions to this rule are located in 551(k). Prior to 2014, the statewide regulation was in subsection 550(b)(6)(A) and the two existing site-specific exceptions were in 551(q)(6) and 551(q)(15).

Subsection 551(l)(1): Until a major reorganization of the land regulations was approved in 2014, horseback riding was prohibited on the Battle Creek Wildlife Area. This is the functional equivalent of prohibiting horses and pack stock and is consistent with statewide regulations regarding horses and other livestock (subsections 550(o) and 550(s)). During the reorganization, subsection 551(l)(1) was meant to include all of the properties that prohibited horses and pack stock, but Battle Creek was inadvertently left out. Since July 2014, the prohibition of horses at Battle Creek Wildlife Area has been maintained under the Regional Manager's authority (per subsection 550(i) of these regulations. However, the Regional Manager's authority is meant to address temporary situations and is not intended to dictate long-term regulations for public uses. The Department proposes reinstating the prohibition of horses in the property-specific regulations (Section 551) during this update. Before the reorganized regulations took effect in July of 2014, this regulation for Battle Creek Wildlife Area, located in subsection 551(q)(3)(A), read: "Dog field trials, dog training, horseback riding and bicycles are prohibited".

Subsection 551(l)(18): This change for the Mouth of Cottonwood Creek Wildlife Area is the same as that described for subsection 551(l)(1). The pre-2014 subsection that prohibited horses was subsection 551(q)(13)(E).

Subsection 551(m)(8): The word “authorization” is proposed to be substituted for the word “permission” because “written authorization” is the term that is consistently used for similar situations in these regulations.

Subsection 551(o)(1) and (o)(2): This change is proposed to correctly alphabetize the subject wildlife areas in these regulations.

Subsection 551(o)(17) and (o)(18): This change is proposed to correct spacing errors.

Subsection 551(o)(19): This subsection includes exceptions to the closure of Joice Island to public use. It currently does not include the wild pig hunt that has occurred on this unit for years and is already included in subsection 551(s)(10). It is proposed to be added to this subsection to improve the consistency of these regulations.

Subsection 551(o)(39): Under the current version of this subsection, the Green Island Unit of the Napa-Sonoma Marshes Wildlife Area is closed to public use explicitly during habitat restoration. Because the habitat restoration project has been completed, the Department proposes to open this relatively small unit to compatible uses other than hunting. This is consistent with the management plan for the Wildlife Area which was finalized in 2011. A relevant excerpt from the plan is included as Attachment 1 of this regulation package. There are also syntax changes proposed in this subsection to make it easier to read and avoid confusion.

Subsection 551(o)(56): This rule for the Shasta Valley Wildlife Area was inadvertently left out of the 2014 regulation update, but maintained “on-the-ground” in the same manner described above for subsection 551(l)(1) (i.e. Regional Manager’s authority). The pre-2014 version of this regulation was subsection 551(q)(14)(D). The Department proposes to restore this regulation which prohibits non-hunting visitors from entering the area on shoot days during the waterfowl season.

Subsection 551(p)(6) and (p)(8): These changes are proposed to correctly alphabetize the subject wildlife areas in these regulations.

Subsection 551(q)(10): The current subsection only refers generally to a deer tag being required to participate in a deer hunt on the Lake Sonoma Wildlife Area. This conflicts with mammal hunting regulations in subsections 360(c)(26) and 361(b)(22), Title 14, CCR, which specify that hunters must possess either a J-1 or A-25 deer tag to hunt deer on this property. Adding the specific tag requirements to this subsection is necessary to improve consistency within the

regulations and to reduce public confusion.

Subsection 551(r)(37): Language is proposed to clarify that all firearms and archery equipment are prohibited on the Green Island Unit and a described portion of the American River Canyon Unit of the Napa-Sonoma Marshes Wildlife Area. These regulations are also found in Subsection 551(o), however the Area Manager requested, and the Department recommends, including these rules in both subsections to improve hunter awareness and compliance with these rules.

Subsection 551(s)(8): Grizzly Island Wildlife Area hosts an annual tule elk hunt that takes place in August and September, prior to the waterfowl season. It is a limited opportunity, with a relatively small number of tags made available through the annual big game drawing. Unless otherwise authorized, the current legal method of take for big game on Type A and B wildlife areas is shotguns with slugs. It is proposed to allow any legal method-of-take pursuant to Sections 353 and 354, Title 14, CCR, for this hunt because this will conform with the statewide method of take for big game, it will not interfere with the use of the area for waterfowl hunting, and rifles are the most popular method of take for elk. Other legal methods of take have been allowed to occur during this hunt for years and there is some confusion about what is allowed. The word “special” was replaced with the words “an elk” in the first sentence because it is a more accurate description of what is required to participate. These changes are necessary to improve the consistency and clarity of the regulations regarding elk hunting on this wildlife area and to avoid confusion by the public and staff.

Subsection 551(s)(10): Grizzly Island Wildlife Area hosts an annual wild pig hunt that takes place on the Joice Island Unit in March and April, after the waterfowl season. It is a limited opportunity, with a relatively small number of tags made available through a special drawing. Under subsection 550(cc)(4), unless otherwise provided in site-specific regulations, the legal method of take for big game on Type A and B wildlife areas is a shotgun with slugs. It is proposed to add archery as a legal method of take for this hunt because it will offer an additional type opportunity for hunters, it is consistent with legal methods of take for big game in Section 353 of these regulations, and it will not interfere with waterfowl hunting. Based on the experience of Department staff, there is a demand for this opportunity, and it is compatible with the management and other public uses of the Joice Island Unit. This method of take has been allowed historically during this hunt, and it would provide clarification to include it in the regulations. Based on the experience of the area manager, there is also a need to clarify that rifles and pistols are not allowed, and that change is included in the proposed language. This change is necessary to improve the clarity and consistency of the regulations and reduce confusion on the part of the public and staff.

Subsections 551(s)(22), (23), (24) and (26): Minor wording changes are proposed to improve the clarity and consistency of the regulations.

Subsection 551(v)(3)(E): This change proposes to delete the duplication of the word, “any” in one sentence of this regulation.

Subsection 551(w): Part of the title of this section is proposed to be replaced and followed by two new sentences. This is because:

- The proposed change reflects that a Lands Pass will not need to be exchanged or presented to obtain an entry permit if the related changes for subsections 550(c) and 550.5(c) are adopted.
- It is unnecessary, for the purpose of conveying these rules, to cite the related FGC sections or Section 699, Title 14, CCR, in the title of subsection 551(w).
- In order to make the regulations clear to the public and facilitate compliance with the Lands Pass regulations, a couple of major points about using Lands Passes from Sections 550(c) and 550.5(c) are reiterated in the two new sentences.

Twenty-eight wildlife areas are proposed for addition to the Lands Pass Program to implement FGC Section 1745. Adopted by the Legislature in 2012, this section of the code requires implementation of the Lands Pass Program at CDFW wildlife areas and ecological reserves where the Department has determined it is practical and cost effective to do so. The economic analysis included in this document justifies the cost effectiveness of adding these wildlife areas. Language is included to reflect that a Lands Pass, rather than an entry permit, is required for authorized visitor uses other than hunting. The phrase, “It shall be unlawful to...” is also added to improve the enforceability of this subsection.

Subsections 551(x)(4), (5), (7), (8), (9), (12), (13), (16), (20), (21), (26), and (27): Corrections to the use of punctuation, case and wording are proposed for consistency with other subsections of 551(x).

Subsection 551(y)(2): Most of this subsection is proposed for deletion because the Department has not sold fishing permits for the Heenan Lake Wildlife Area in well over a decade and this permit is not available in the ALDS. The Department does not anticipate a need to sell these permits in the foreseeable future. Fishing occurs on this small lake only during September and October and is catch and release only. The restriction of using only boats propelled by oars or electric motors would be retained.

Subsection 552: All proposed changes were requested by the U.S. Fish and Wildlife Service (USFWS) for alignment of State regulations with the Federal regulations for these refuges that are also designated as State Wildlife Areas. These changes are necessary for legal consistency and enforceability. The USFWS letter with enclosures is included as Attachment 2.

Subsection 630(c): Part of the title of this section is proposed to be replaced and followed by two new sentences. These changes will:

- Clarify the regulation by specifically referring to a Lands Pass.
- Simplify the regulation by removing excess verbiage. It is unnecessary, for the purpose of conveying these rules, to cite the related FGC sections or Section 699 of these regulations in the title of subsection 630(c).
- Clarify the regulations for the public and facilitate compliance by reiterating important information about Lands Passes from Sections 550(c) and 550.5(c).

Eight ecological reserves are proposed for addition to the Lands Pass Program to implement FGC Section 1745. Adopted by the Legislature in 2012, this section of the code requires implementation of the Lands Pass Program at CDFW wildlife areas and ecological reserves where the Department has determined it is practical and cost effective to do so. The economic analysis included in this document justifies the cost effectiveness of adding these ecological reserves. The phrase, "It shall be unlawful..." is added to improve the enforceability of this subsection.

Subsection 630(e): This change is proposed to correct of typographical errors.

Subsection 630(g)(7): Mirage Trail in Fish and Game Code section 1587 is undefined. The Mirage Trail is located within the Magnesia Spring Ecological Reserve, Section 24, above the gate and west of the intersection with the Herb Jefferies Trail. The Department recommends adding the word "Lower" to further describe the lower portion of the Mirage Trail on the Magnesia Springs Ecological Reserve. FGC Section 1587, amended in 2013, specifically requires that the Mirage Trail be closed from February 1 through April 30. The upper part of the Mirage Trail was formerly closed year round. The lower part of the trail had always been open year-round. To clarify to the public where access is allowed, the Department recommends distinguishing the lower part of the trail with a new name: the "Lower Mirage Trail".

Subsection 630(h)(24): The change and the justification are the same as

described for subsection 630(g)(7) with regard to distinguishing the lower portion of the Lower Mirage Trail. The Department also recommends the inclusion of language to clarify that the upper portion of the Mirage Trail is open for pedestrian use from May 1 through January 31, and is closed to all visitor use from February 1 through April 30 as provided in FGC Section 1587.

Section 702: The Department proposes adding language to the title to reflect that, if the proposed changes to this section are adopted, it will include application and fees for a variety of public uses of Department lands. Currently this section only addresses fees for purchasing items related to hunting. It is the only section that clearly addresses fees for public uses on Department lands. Section 703 addresses miscellaneous fees and currently includes the fees for Special Use Permits for Department lands. The Department proposes moving that subsection to Section 702 to consolidate all fees related to Department lands into one regulation section. This change is necessary to improve the organization and consistency of the subject regulations.

Subsections 702(d), 703(a)(2) and 703(c): In order to consolidate all regulations that state the fees for public uses of Department Lands in one location, the Department proposes to move the regulations currently found in subsection 703(a)(2) to replace the existing subsection 702(d). This would necessitate deleting the reference to Special Use Permits from subsection 703(c).

Subsections 702(d) and 703(c): The reference to the annual fee adjustment pursuant to Section 699 of these regulations is proposed to be removed to reduce duplicative regulations.

Additional minor editorial changes are also proposed to improve the clarity and consistency of the regulations, correct typographical errors, and align regulatory language.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 355, 710, 710.5, 710.7, 713, 1002, 1050, 1053, 1526, 1528, 1530, 1580, 1581, 1583, 1585, 1587, 1761, 1745, 1764, 1765, 1907, 2118, 2120, 2122, 2150, 2150.2, 2157, 2190, 3004.5, 3031, and 10504 Fish and Game Code.

Reference: Sections 355, 711, 713, 1050, 1053, 1055.3, 1526, 1528, 1530, 1580, 1581, 1582, 1583, 1584, 1585, 1590, 1591, 1764, 1745, 1756, 1765, 2006, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2151, 2157, 2190, 2193, 2271, 3004.5, 8314, 10504, 12000, and 12002, 12002.5 Fish and Game Code

(c) Specific Technology or Equipment Required by Regulatory Change:

None

(d) Identification of Reports or Documents Supporting Regulation Change:

Attachment 1: California Department of Fish and Wildlife. October 2011. Final Napa-Sonoma Marshes Land Management Plan. Excerpted pages 3-115 and 3-116. Hardcopy available at CDFW Bay-Delta Region, 7329 Silverado Trail, Napa, CA. Electronic version available at: <https://www.wildlife.ca.gov/Lands/Planning/Napa-Sonoma-Marshes-WA>

Attachment 2: United States Fish and Wildlife Service. June 25, 2015. Letter and enclosures from Daniel Frisk, Project Manager, Sacramento National Wildlife Refuge Complex to Julie Horenstein, Lands Program California Department of Fish and Wildlife, Sacramento CA.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Three public meetings regarding changes to the Lands Pass Program were held during March and April of 2015:

03/19/2015 5:30 p.m. – 8:30 p.m.	Yolo Bypass Wildlife Area Davis
04/13/2015 5:00 p.m. – 8:00 p.m.	Butte Co. Public Library Gridley
04/15/2015 5:00 p.m. – 8:00 p.m.	Faraday Center Carlsbad

The purpose of these meetings was to provide the public with information about the current Lands Pass Program, changes to the Program that were being considered and how to participate in the rulemaking process.

Additionally, this topic was discussed at public meetings of the Wildlife Resources Committee of the Fish and Game Commission on January 14, 2015 in West Sacramento, and May 6, 2015 in Los Angeles. The Wildlife Resources Committee asked the Department to bring its proposal to the full Commission at its August 2015 meeting. The Department updated the Commission on the progress of the Lands regulations package, including refinements to simplify visitor use and expand the program to additional properties, at subsequent meetings leading up to the notice hearing, now scheduled for April 14, 2016.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative:

Without the proposed changes, the Lands Pass Program will continue to be impractical to operate due to the infeasible requirement of exchanging a Lands Pass for an entry permit. Additionally, the Program would not include all of the properties the Department deems practical and cost-effective to include.

(c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

(d) Description of Reasonable Alternatives That Would Lessen Adverse

Impact on Small Business:

No adverse impact on small business is expected as a result of the proposed changes to the subject regulations.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

The following changes to existing on-the-ground uses will occur as a result of this regulatory action:

- 1) Allowance of any legal method-of-take for large game during limited special hunts on the Grizzly Island Wildlife Area to conform to statewide rules for method of take of big game (proposed subsections 551(s)(8) and (10)).
- 2) The prohibition of lead ammunition for hunting on Department lands in compliance with Section 250.1, Title 14, CCR (proposed subsection 550(cc)(4)(E).
- 3) Resumption of visitor use of off-highway vehicles (OHV's) on roads that are open to vehicle traffic on the Tehama Wildlife Area (proposed subsection 551(k)(3).
- 4) Open the Green Island Unit of the Napa-Sonoma Marshes Wildlife Area to public use in accordance with the current management plan (proposed subsection 551(o)(39)).
- 5) Pursuant to the specifications in FGC Section 1587, a trail previously closed to public use on the Magnesia Springs Ecological Reserve will be open for hiking from May 1 through January 31 (proposed subsection 630(h)(24).

Within Section III(a) of this Initial Statement of Reasons there is a subsection titled: "Justification for Proposed Changes to Individual Subsections in Title 14, CCR". The justifications provided for proposed subsections 551(s)(8) and (10); 551(k)(3); and 551(o)(39)), support a conclusion that the proposed regulatory action will have no negative impact on the environment. Environmental quality is expected to benefit as a result of the proposed change to subsection 550(cc)(4)(E), which prohibits the use of lead ammunition for hunting on Department lands. The opening of the trail at the Magnesia Springs Ecological Reserve was prescribed by the legislature. It is not a discretionary land use decision for the Commission, but a reflection of the law in Title 14 to inform the public of the change in visitor access at the reserve. Based on Department experience, visitors to Department lands rely more on Title 14 than on the Fish and Game Code for learning what uses are allowed.

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 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 proposed changes do not add or remove any existing public uses.

- (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:

Because the proposed regulations will not change existing activities on Department lands, the Commission does not anticipate any impact on the creation or elimination of jobs within the state, the creation or elimination of new or existing businesses, or the expansion of businesses in California. The proposed regulations will not affect the health and welfare of California residents or worker safety. The proposed changes may have a beneficial effect on the State's environment by removing lead ammunition from Department lands.

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

Visitors to the properties listed in proposed subsections 551(w) and 630(c), Title 14, CCR, would be required to purchase a daily or annual Lands Pass. The price of Lands Passes and annual adjustments are included in FGC Section 1765. The costs of 2016 Lands Passes are as follows:

1. Daily Lands Pass	\$4.00
2. Annual Lands Pass	\$22.50

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

The Department will have some start-up and ongoing costs in expanding the number of properties that participate in the Lands Pass Program. However the existing fees will recover those costs. Any revenue exceeding the Lands Pass Program costs is to augment ongoing property management costs.

(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:

The proposed regulations update the Department's Lands Pass program, implement recent changes to the Fish and Game Code and improve consistency with federal regulations for National Wildlife Refuges that are also designated as state wildlife areas. They do not add or remove any existing public uses.

The Department may receive an increase in Lands Pass revenue due to the expansion of the Lands Pass Program. This is consistent with FGC Sections 711 and 1756 which explain that it is the policy of the Legislature for users to support the management of Department lands.

(See STD399 Calculations Sheet for itemized program costs and revenue projections detail.)

Table 1. Department Annual Revenue Projection

Land Use Pass Type	Pass Fee	Number Sold	Revenue
Daily Lands Pass	\$ 4.00	35,250	\$ 141,000
Annual Lands Pass	\$ 22.50	500	\$ 11,250
Total Annual Lands Pass Revenue			\$ 152,250
Lands Pass Revenue Apportionments			
Annual Lands Pass Program Costs			\$ 98,932
Property Management Augmentation			\$ 53,318

Fees have been set to recover the Lands Pass Program costs and to augment the ongoing Department Lands property management costs. The historic annual number of visitors to Department properties and Lands Pass sales are considered in the Department annual revenue projections shown in Table 2.

Table 2. Annual Lands Pass Program Costs Summary

<i>Start-up Costs</i>	
Cost Description	Total
Labor Costs (see Table 4)	\$ 21,197
Materials Costs (see Table 3)	\$ 165,193
Startup Costs Total	\$ 186,390
Amortized over 5 years	\$ 37,278
<i>Ongoing Costs</i>	
Cost Description	Total
Labor Costs (see Tables 7 & 8)	\$ 17,712
Materials Costs (see Tables 5 & 6)	\$ 27,957
Ongoing Costs Total	\$ 45,669
Amortized startup costs (from Above)	\$ 37,278
35% Overhead on Ongoing Costs	\$ 15,984
Annual Startup and Ongoing Costs Total	\$ 98,932
Property Management Fund Augmentation	\$ 53,318
Lands Pass Program Revenue Total	\$ 152,250

Note: Tables 3, 4, 5, 6, 7, & 8 are in the attached **STD399 Fiscal Calculation Notes**.

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

The proposed amendments will not create or eliminate jobs within the state because the proposed amendments do not add new uses or remove existing uses and moreover are not expected to result in changes to the number of visits to Department lands by individuals or by group tours.

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

The Department does not anticipate the creation of any new businesses or the elimination of existing businesses because the proposed amendments do not add new uses or remove existing uses and moreover are not expected to result in changes to the number of visits to Department lands by individuals or by group tours.

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

The proposed amendments are not expected to result in the expansion of businesses currently doing business within the state because the proposed amendments do not add new uses or remove existing uses and moreover are not expected to result in changes to the number of visits to Department lands by individuals or by group tours.

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

The Department does not anticipate benefits to the health and welfare of State residents as a result of the proposed action.

(e) Benefits of the Regulation to Worker Safety:

The proposed amendments do not have foreseeable benefits to worker safety because the regulations do not address working conditions.

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

Additional revenues from the Lands Pass program should aid in the maintenance of Department lands that provide habitat for a rich diversity of fish, wildlife, and plant species and comprise habitats from every major ecosystem in the state.

(g) Other Benefits of the Regulation:

The state regulations for public use of National Wildlife Refuges that are

also designated as state wildlife areas will be consistent with federal regulations. Environmental quality is expected to benefit as a result of compliance with Section 250.1, Title 14, CCR which prohibits the use of lead ammunition for hunting on Department lands.

Informative Digest/Policy Statement Overview

The Current Lands Pass Program

The majority of lands managed by the Department of Fish and Wildlife (Department) are designated as wildlife areas or ecological reserves. Current regulations for the public use of Department lands include an entry pass program (“the Lands Pass Program”) for visitors to certain wildlife areas and ecological reserves who do not possess a hunting, fishing or trapping license. This program was established by the Native Species Conservation and Enhancement Act of 1988 (Fish and Game Code (FGC) Sections 1750-1772).

The current Title 14, California Code of Regulations (CCR) regulations that address this program include:

- 550(c): This section discusses passes and entry permits for department lands in general. It does not distinguish between passes for hunting and Lands Passes. It explains that for properties that require a fee for entry, each visitor must purchase a pass and exchange that pass for an entry permit.
- 550.5(c): This section provides more detailed information about obtaining passes and entry permits and:
 - 550.5(c)(6) specifically explains that a daily or annual “wildlife viewing” pass (referred to as a Lands Pass in other Department publications) and an entry permit are required to enter properties listed in subsections 551(w) and 630(c). It also explains how the price of these passes is adjusted each year, and that visitors who present a valid hunting, fishing or trapping license are exempt from purchasing a daily or annual pass.
 - 550.5(c)(6) does not include the requirement in FGC section 1764 and 1765 that all visitors under the age of 16 are exempt from the pass requirement and that organized school and youth groups are exempt from the pass requirement.

For 2016, a daily Lands Pass costs \$4.00 and an annual Lands Pass costs \$22.50. The passes may be purchased online, from department license offices or authorized license agents through the Automated License Data System (ALDS). Like other permits or licenses sold by the Department, the price is adjusted annually according to Section 699, Title 14, CCR. Generally speaking, the price of Lands Passes increases by roughly two percent each year.

Five wildlife areas and two ecological reserves currently participate in the Lands Pass Program. They are:

- Gray Lodge Wildlife Area

- Grizzly Island Wildlife Area
- Los Banos Wildlife Area
- Imperial Wildlife Area
- San Jacinto Wildlife Area
- Elkhorn Slough Ecological Reserve
- Upper Newport Bay Ecological Reserve

Purpose of Amendments to Regulations Regarding the Lands Pass Program:

The Legislature has recognized that the Department does not receive adequate revenue to manage the fish and wildlife resources of the State (FGC Section 710). Voluntary programs, such as a Native Species Stamp, were initiated with a concerted campaign in the late 1980's and early 1990's in compliance with FGC sections 1763, 1766 and 1769. These programs were unsuccessful in generating sufficient revenue to cover their costs. The Legislature also directed that the segment of the public that uses Department lands, but does not support them through the purchase of hunting, fishing or trapping licenses, should provide support through purchase of Lands Passes for the use of designated properties (FGC sections 1745, 1764 and 1765).

By expanding the number of wildlife areas and ecological reserves that participate in the Lands Pass Program, the Department may receive additional funds to manage wildlife areas and ecological reserves. One aspect of the Lands Pass Program that has been impractical to implement, particularly since the adoption of the ALDS as the means for selling passes, is the requirement that Lands Passes be exchanged for an entry permit. This is due to the lack of staff available to exchange Lands Passes for entry permits.

If the proposed regulations are adopted, the following changes will be made to the Lands Pass Program through amendments to Sections 550, 550.5, 551, 630 and 702, Title 14, CCR:

1. The Lands Pass Program will no longer require visitors to exchange their Lands Pass for an entry permit. This requires amendments to sections 550 and 550.5 to more clearly distinguish between passes issued for hunting, which are exchanged for entry permits, and Lands Passes which are not exchanged for entry permits.
2. In Section 551, the following 28 wildlife areas will be added to the Lands Pass Program:

Ash Creek Wildlife Area
 Bass Hill Wildlife Area
 Battle Creek Wildlife Area
 Butte Valley Wildlife Area
 Cache Creek Wildlife Area

Crescent City Marsh Wildlife Area
 Eel River Wildlife Area
 Elk Creek Wetlands Wildlife Area
 Elk River Wildlife Area
 Fay Slough Wildlife Area

Hollenbeck Canyon Wildlife Area
Honey Lake Wildlife Area
Hope Valley Wildlife Area
Horseshoe Ranch Wildlife Area
Lake Earl Wildlife Area
Mad River Slough Wildlife Area
Mendota Wildlife Area
Mouth of Cottonwood Creek
Wildlife Area
Napa-Sonoma Marshes Wildlife
Area

North Grasslands Wildlife Area
San Felipe Valley Wildlife Area
Shasta Valley Wildlife Area
South Spit Wildlife Area
Tehama Wildlife Area
Upper Butte Basin Wildlife Area
Volta Wildlife Area
Willow Creek Wildlife Area
Yolo Bypass Wildlife Area

3. In Section 630, the following eight areas will be added to the Lands Pass Program:

Batiquitos Lagoon Ecological
Reserve
Boden Canyon Ecological Reserve
Bolsa Chica Ecological Reserve
Buena Vista Lagoon Ecological
Reserve

Canebrake Ecological Reserve
North Table Mountain Ecological Reserve
San Elijo Lagoon Ecological Reserve
Woodbridge Ecological Reserve

Purpose of Amendments to Other Wildlife Area and Ecological Reserve Title 14, CCR, Regulations:

1. Three site-specific regulations that were inadvertently omitted when the land regulations were reorganized in 2014 will be re-entered into Section 551. The restrictions have been kept in place on a temporary basis under the authority of the Regional Manager for the subject areas. These regulations prohibit horses on the Battle Creek and Mouth of Cottonwood Creek Wildlife Areas, and prohibit non-hunting visitors from entering Shasta Valley Wildlife Area on shoot days during the waterfowl season.
2. Various changes are proposed in Section 552 for the National Wildlife Refuges that are also designated as state wildlife areas. These changes are proposed in order to improve the consistency of the state regulations with federal regulations for these refuges and were requested by the U.S. Fish and Wildlife Service.
3. Pursuant to FGC Section 3031, the age limit for people participating as junior hunters on Department lands increased from 15 years old, to persons who are under 18 years of age as of July 1 of the licensing year. This necessitated changes to wording to subsections of Section 550.5 that formerly did not include 16, 17 and 18 year olds as junior hunters. The end result in terms of the numbers of adults and younger people who can be included in a hunting party or

assigned to designated hunting zone, blind or pond is the same as with the existing regulations. The change in the age limit for junior hunters also necessitated adding language that 16 and 17 year olds who hunt without adult supervision may not be accompanied by visitors under 16 years of age.

4. Pursuant to FGC Section 3004.5, Section 550 was amended to require hunters to use ammunition consistent with Section 250.1, Title 14, CCR, (i.e., nonlead ammunition) when hunting on Department lands.
5. In Section 551, archery will be added as a method of take for the special wild pig hunt at the Joice Island Unit of the Grizzly Island Wildlife Area and all legal methods of take for big game will be allowed for the special tule elk hunt on that wildlife area. Visitors will also be allowed to resume off-highway vehicles on roads open to motor vehicles on the Tehama Wildlife Area.
6. Also in Section 551, the Green Island Unit of the Napa-Sonoma Marsh Wildlife Area will be opened for public use. This property was closed because it was the site of extensive, multi-phased habitat restoration projects, which are now complete. Opening the unit to public use is consistent with the management plan for the Wildlife Area.
7. FGC Section 1587 will be implemented by adding language to Section 630, Title 14, CCR, stating that the Mirage Trail on the Magnesia Springs Ecological Reserve is open for hiking from May 1 through January 31.
8. Subsection 703(a)(2) will be deleted. The fees for Special Use Permits will be relocated to Section 702, and the title of Section 702 will be amended to reflect that it includes fees for a variety of public uses on Department lands.
9. Subsections 702(d) and 703(c), which repeat the language in existing Section 699, are proposed for deletion to reduce duplicative regulations.
10. Additional minor editorial changes are also proposed to improve the clarity and consistency of the regulations, improve enforceability, correct typographical errors, and align regulatory language.

Benefits of the Regulations:

The addition of 36 properties to the Lands Pass Program may result in additional funds available for the management of wildlife areas and ecological reserves under the jurisdiction of the Department. The Lands Pass Program will be more practical to implement by discontinuing the requirement to obtain an entry permit in exchange for a daily Lands Pass or the presentation of an annual Lands Pass. The state regulations for public use of National Wildlife Refuges that are also designated as state wildlife

areas will be consistent with federal regulations. Environmental quality is expected to benefit as a result of compliance with Section 250.1, Title 14, CCR, which prohibits the use of lead ammunition for hunting on Department lands.

Consistency with State Regulations

The Commission has conducted a search of the California Code of Regulations and has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

3.10.2.2 Fishing

Fishing is a popular activity throughout the sloughs, Sonoma Creek, Napa River, and ponds within the NSMWA (Wyckoff 2000). Most of NSMWA falls within the Ocean and San Francisco Bay District and is regulated by the Sport Fishing Regulations.

Although the NSMWA has no improved facilities on-site, facilities for public fishing are found at Hudeman Slough Launch Ramp, and Cutting's Wharf fishing access in Napa (Jones & Stokes 2004a). Facilities include parking, launching ramps, docks, and restrooms at some locations. Where bank or levee access is available, fishing takes place along the rivers, creeks, sloughs, and southern Ponds 1 and 1A.

3.10.2.3 Wildlife Viewing

The NSMWA is recognized as one of the better places in the North Bay to observe wildlife because of the variety of habitats and species present. Bird watching and hiking are allowed throughout the site. Many species of birds and mammals may be observed in the NSMWA. Visitor may see a multitude of birds of prey, shorebirds, waterfowl and other migratory birds with over 160 known species have been identified within the area. Mammals that can be seen in NSMWA include river otters, beavers, raccoons, coyotes, deer, squirrels, and rabbits.



Wildlife viewing blind

A wildlife viewing blind was constructed in the Huichica Creek Unit with funding from Acacia Winery. The blind is a cozy, roofed hut overlooking a fresh-water pond that shorebirds, ducks, and geese increasingly use.

3.10.2.4 Environmental Education and Interpretative Programs

The NSMWA Field Headquarters has some facilities for work groups, but there is no regular use (Taylor 2008a). DFG has developed an outdoor amphitheater area with a fire pit and barbecue that can be used for school groups, educational events, etc. Additionally, the DFG has set up a native plant nursery on-site.



A school group led by Americorps plant oaks along Huichica Creek (photo by: Tom Huffman, DFG)

For the past several years, Acorn Soupe, a local school, has been doing restoration projects in the Huichica Creek Unit (Taylor 2008a). They obtain access permission from the DFG every year.

3.10.2.5 Research and Scientific Studies

Several studies have been conducted in the NSMWA. Currently, there is no centralized library or database for tracking this information. A brief description of the major research studies is provided below.

The Integrated Regional Wetland Monitoring (IRWM) Pilot Project is a CALFED-funded interdisciplinary research effort to examine wetland restoration outcomes in the North Bay and Delta and to aid in developing effective and informative monitoring strategies through a comprehensive and real-time approach. Field sites for this project include Coon Island, Pond 2A, and Pond 3 of the NSMWA.

An interdisciplinary research study was conducted by USGS scientists and scientists from the Point Reyes Bird Observatory (PRBO), UC Davis, and Humboldt State University to provide science support for the Napa-Sonoma Marsh Restoration Project (Takekawa et al. 2000; Takekawa et al. 2005).

Warner (2000) conducted a research study in the Napa-Sonoma Marsh complex to determine the physical processes that control the circulation patterns of water and suspend sediment in the tidal slough network.

Coon Island Unit was used by the U.S. Army Corps of Engineers and the DFG for preliminary data gathering to identify marsh vegetation by remote sensing (CDFG 1975).

3.10.3 Proposed Recreational and Public Access Facilities

The Napa Plant Site Restoration (NPSR) Project at the Green Island Unit would utilize upland areas for site access, public access facilities (**Appendix E**), and DFG personnel housing (URS 2006a). The site access road has been realigned and raised. Gates on the site access road would be used to restrict public vehicle access to daylight hours. A DFG employee would reside in the existing residential housing on Green Island. The DFG warden and Napa County sheriffs would patrol the site on a regular basis. Public access and recreation facilities, including a primary staging area for parking, picnicking, restrooms, and boat launching centered on the barge channel, would be constructed at the Napa Plant Site (**Appendix E**). Hand launching of non-motorized watercraft (e.g., canoes, kayaks) would be possible at the existing boat ramp to the barge channel. Connections to bicycle access trails on Green Island Road and future connections to other outlying areas would be facilitated. A perimeter trail would be developed to support both pedestrians and cycling. The trail has the potential to connect with a regional trail network. The NPSR project team is working with the City of American Canyon to coordinate trail connection opportunities near the end of Eucalyptus Road (**Appendix A**). Smaller nature trails with interpretive signage would also be developed. In the long term, DFG is considering creating an environmental interpretive center on the property. The site access road and upland staging area presents a unique opportunity for locating an interpretive center adjacent to the Napa River and its wetlands.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento National Wildlife Refuge Complex
752 County Road 99W
Willows, CA 95988



June 25, 2015

Julie Horenstein
Senior Environmental Scientist
Lands Program, Wildlife Branch
CA Department of Fish & Wildlife

State of California
Fish and Game Commission
Initial Statement of Reason for Regulatory Action
CA Dept. of Fish and Wildlife, April 2016

Attachment 2

Dear Ms. Horenstein

The U.S. Fish and Wildlife Service, Sacramento NWR Complex(SNWRC) has a longstanding tradition of cooperatively working with the Department of Fish and Wildlife and appreciates the opportunity to have worked with Department staff over the last six months on updates to Section 552, Title 14, CCR. This section contains state regulations for National Wildlife Refuges where hunting programs are cooperatively administered between the Department and the Service. The goal of this effort has been to increase consistency between state and federal public use regulations for the SNWRC.

The federal regulations for the subject refuges have recently been updated so this effort is very timely. The enclosed federal regulations have already gone into effect at the SNWRC, pursuant to 50 CFR 32.3, June 9, 2015, and are anticipated to be published in the federal register in October 2015. We support the adoption of the cooperatively developed draft of Section 552 (enclosed) and would be happy to continue to work with Department staff if modifications are necessary prior to adoption of these regulations. Achieving consistency between the state and federal regulations will make it easier for the public to understand and follow the rules for public use of the SNWRC and facilitate enforcement by state wildlife officer.

If you have any questions regarding this issue, please call me at (530) 934-2801.

Sincerely,

Daniel W. Frisk
Project Leader

U.S. Fish & Wildlife Service
Sacramento National Wildlife Refuge Complex
Hunting Regulations

Colusa National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Visitors must obtain an entry permit from the check station prior to entering the hunt area.
2. Hunters must return entry permit and vacate refuge no later than one and one half hours after legal sunset unless participating in overnight stay in accordance with A13.
3. Junior hunters must be accompanied by an adult (18 years old) at all times while hunting.
4. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.
5. You may enter or exit only at designated locations.
6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment, or stopping between designated parking areas.
7. Firearms must remain unloaded until you are in designated free roam areas or assigned pond/blind areas.
8. Hunters may use shot guns only. No shot guns larger than 12 gauge.
9. Hunters may not possess more than 25 shotgun shells while in the field.
10. Hunters may possess only approved nontoxic shot while in the field. No shot size larger than BB, except steel "T" (.20" diameter) is permitted.
11. We do not allow snipe hunting in the assigned pond areas.
12. No person may build or maintain fires, except in portable gas stoves in designated parking/overnight stay areas.
13. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking areas on Tuesdays, Fridays, and Saturdays (closed on Federal holidays).
14. You must restrain dogs on a leash within all designated parking areas and vehicle access roads.

B. Upland Game Hunting. We allow hunting of pheasant only in the free-roam areas of the refuge in accordance with State regulations subject to the following conditions.

1. We do not allow pheasant hunting in the assigned pond area except during a special 1-day-only pheasant hunt on the first Monday after the opening of the State pheasant hunting season.
2. Conditions A1 through A14 apply.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

Delevan National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Visitors must obtain an entry permit from the check station prior to entering the hunt area.
2. Hunters must return entry permit and vacate refuge no later than one and one half hours after legal sunset unless participating in overnight stay in accordance with A14.
3. Junior hunters must be accompanied by an adult (18 years old) at all times while hunting.
4. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.
5. You may enter or exit only at designated locations.

6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment, or stopping between designated parking areas.
 7. Firearms must remain unloaded until you are in designated free roam areas or assigned pond/blind areas.
 8. Hunters may use shot guns only. No shot guns larger than 12 gauge.
 9. Hunters may possess no more than 25 shotgun shells while in the field.
 10. Hunters may possess only approved nontoxic shot while in the field. No shot size larger than BB, except steel "T" (.20" diameter) is permitted.
 11. We restrict hunters assigned to the spaced blind area to within 100 feet (30 m) of their assigned hunt site except for retrieving downed birds, placing decoys, or traveling to and from the area.
 12. We do not allow snipe hunting in the assigned pond areas.
 13. No person may build or maintain fires, except in portable gas stoves in designated parking/overnight stay areas.
 14. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking areas on Tuesdays, Fridays, and Saturdays (closed on Federal holidays).
 15. You must restrain dogs on a leash within all designated parking areas and vehicle access roads.
- B. Upland Game Hunting.** We allow hunting of pheasant only in the free-roam areas of the refuge in accordance with State regulations subject to the following conditions.
1. We do not allow pheasant hunting in the assigned pond/spaced blind area except during a special 1-day-only pheasant hunt on the first Monday after the opening of the State pheasant hunting season.
 2. Conditions A4 through A14 apply.
- C. Big Game Hunting.* [Reserved]
- D. Sport Fishing.* [Reserved]

Sacramento National Wildlife Refuge

- A. Migratory Game Bird Hunting.** We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:
1. Visitors must obtain an entry permit from the check station prior to entering the hunt area.
 2. Hunters must return entry permit and vacate refuge no later than one and one half hours after legal sunset unless participating in overnight stay in accordance with A14.
 3. Junior hunters must be accompanied by an adult (18 years old) at all times while hunting.
 4. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.
 5. You may enter or exit only at designated locations.
 6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment, or stopping between designated parking areas.
 7. Firearms must remain unloaded until you are in designated free roam areas or assigned pond/blind areas.
 8. Hunters may use shot guns only. No shot guns larger than 12 gauge.
 9. Hunters may possess no more than 25 shotgun shells while in the field.
 10. Hunters may possess only approved nontoxic shot while in the field. No shot size larger than BB, except steel "T" (.20" diameter) is permitted.
 11. We restrict hunters assigned to the spaced blind area to within 100 feet (30 m) of their assigned hunt site except for retrieving downed birds, placing decoys, or traveling to and from the area.
 12. We do not allow snipe hunting in the assigned pond areas.
 13. No person may build or maintain fires, except in portable gas stoves in designated parking/overnight stay areas.
 14. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking areas on Tuesdays, Fridays, and Saturdays (closed on Federal holidays).

15. You must restrain dogs on a leash within all designated parking areas and vehicle access roads.

B. Upland Game Hunting. We allow hunting of pheasant only in the free-roam areas of the refuge in accordance with State regulations subject to the following conditions.

1. We do not allow pheasant hunting in the assigned pond/spaced blind area except during a special 1-day-only pheasant hunt on the first Monday after the opening of the State pheasant hunting season.
2. Conditions A4 through A14 apply.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

Sutter National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Visitors must obtain an entry permit from the check station prior to entering the hunt area.
2. Hunters must return entry permit and vacate refuge no later than one and one half hours after legal sunset unless participating in overnight stay in accordance with A13.
3. Junior hunters must be accompanied by an adult (18 years old) at all times while hunting.
4. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.
5. You may enter or exit only at designated locations.
6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment, or stopping between designated parking areas.
7. Firearms must remain unloaded until you are in designated free roam areas or assigned pond/blind areas.
8. Hunters may use shot guns only. No shot guns larger than 12 gauge.
9. Hunters may not possess more than 25 shotgun shells while in the field.
10. Hunters may possess only approved nontoxic shot while in the field. No shot size larger than BB, except steel "T" (.20" diameter) is permitted.
11. We do not allow snipe hunting in the assigned pond areas.
12. No person may build or maintain fires, except in portable gas stoves in designated parking/overnight stay areas.
13. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking areas on Tuesdays, Fridays, and Saturdays (closed on Federal holidays).
14. You must restrain dogs on a leash within all designated parking areas and vehicle access roads.

B. Upland Game Hunting. We allow hunting of pheasant only in the free-roam areas of the refuge in accordance with State regulations subject to the following conditions.

1. We do not allow pheasant hunting in the assigned pond area.
2. Conditions A1 through A14 apply.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

U.S. Fish & Wildlife Service
Sacramento River National Wildlife Refuge
Hunting & Fishing Regulations

There will be no hunting fees or hunter quotas for the Sacramento River NWR (refuge)

All gravel bars and specified refuge lands are open to hunting and fishing under the following conditions, which can be found in the Federal Register (FR) or online at www.fws.gov/refuge/sacramento_river:

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, dove, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Access to the hunt area on all units open to public hunting is by boat only, except on designated units, which are accessible by foot traffic or boat. We prohibit bicycles or other conveyances. Mobility impaired hunters should consult with the refuge manager for allowed conveyances. Waterfowl hunting is not allowed on the Mooney and Codora Units.
2. On the Codora Unit, hunting is not allowed except for junior hunters on weekends only. Junior hunters must possess a valid junior hunting license and be accompanied by a non-hunting adult.
3. We only allow shotgun hunting.
4. Firearms must be unloaded (*see* § 27.42(b) of the FR) before transporting them between parking areas and hunting areas. “Unloaded” means that no ammunition is in the chamber or magazine of the firearm.
5. You may possess only approved nontoxic shot while in the field (*see* § 32.2(k) of the FR).
6. We prohibit hunting within 50 feet (15 m) of any landward boundary adjacent to private property.
7. We prohibit hunting within 150 yards (45 m) of any occupied dwelling, house, residence, or other building or any barn or other outbuilding used in connection therewith.
8. We prohibit fires on the refuge, except we allow portable gas stoves on gravel bars (*see* § 27.95(a) of the FR).
9. We open the refuge for day-use access from 2 hours before legal sunrise until 1½ hour after legal sunset. We allow access during other hours on gravel bars only (*see* condition A8).
10. We require dogs to be kept on a leash, except for hunting dogs engaged in authorized hunting activities, and under the immediate control of a licensed hunter (*see* § 26.21(b) of the FR).
11. We prohibit permanent blinds. You must remove all personal property, including decoys and boats, by 1½ hour after legal sunset (*see* §§ 27.93 and 27.94 of the FR).
12. We prohibit cutting or removal of vegetation for blind construction or for making trails (*see* § 27.51 of the FR).
13. Commercial guiding is prohibited.

B. Upland Game Hunting. We allow hunting of pheasant, turkey, and quail on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow shotgun and archery hunting.
2. Conditions A1, A2, and A4 through A13 apply.

C. Big Game Hunting. We allow hunting of black-tailed deer and feral pigs on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A4, A6 through A13, and B1 apply.
2. Shotgun, firing single shotgun slugs, and archery hunting only. No rifles or pistols may be used or possessed on the refuge.
3. You may only possess non-lead ammunition while in the field (consistent with State Law AB 711 related to Wildlife Areas ammunition restrictions).
4. Feral pigs may be hunted September 1st through March 15th.
5. Dogs are prohibited while hunting feral pigs.
6. We prohibit construction or use of permanent blinds, platforms, ladders or screw-in foot pegs.
7. You must remove all personal property, including stands or hunting blinds from the refuge by 1½ hour after legal sunset (*see* §§ 27.93 and 27.94 of the FR).

E. Sport Fishing We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A3, A9 through A13 apply.
2. On Packer Lake and Drumheller North, due to primitive access, we only allow boats up to 14 feet (4.2 m) and canoes. Electric motors only.

§ 552. Public Use Regulations for National Wildlife Refuges That Are Also Designated as Wildlife Areas by the Commission.

(a) The power to control entry on the National Wildlife Refuges that are also designated as wildlife areas in subsections 551(c) and (d) is at the discretion of the Director of the U.S. Fish and Wildlife Service. The hunting programs for the "Type A" areas listed below are administered by the department. Requirements in this section for steel or other non-toxic shot approved by the U.S. Fish and Wildlife Service are in accordance with Title 50 of the Code of Federal Regulations (CFR), Section 32.2(k), October 1, 2012 edition.

(1) Colusa National Wildlife Refuge, Type A.

(A) Area Firearms Restrictions: Only shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service are permitted. A hunter shall not possess more than 25 shot shells while in the field. Firearms must remain unloaded until you are in designated free roam or assigned ponds areas.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasant: Waterfowl hunt days during the pheasant season.

(C) Authorized Species: Waterfowl, coots, moorhens, snipe, and pheasants.

(D) Hunters must return entry permit and vacate refuge no later than one and one half hours after legal sunset unless participating in overnight stay in accordance with subsection (a)(1)(E).

~~(D)~~(E) Camping is prohibited, except on the night before each waterfowl shoot day, when camping in a vehicle, motorhome or trailer within the check station parking area is allowed. Tents are prohibited. No person may build or maintain fires, except in portable gas stoves.

~~(E)~~(F) Bicycles: Prohibited.

~~(F)~~(G) Hunters may enter or exit only at designated locations. Stopping vehicles between designated parking areas to drop off passengers or hunting equipment is prohibited.

~~(G) Nonreservation Drawing: Nonreservation hunters may enter the drawing for Colusa, Delevan, or Sacramento National Wildlife Refuge, but for no more than one of these locations on any single hunt date.~~

(H) Special Restrictions: When assigned hunting sites, hunters shall hunt only within the assigned pond boundary and are prohibited from hunting from levee roads. Pheasant and snipe hunting is not permitted in the assigned pond area except on the first Monday of pheasant season.

(I) Reservations: Each reservation assures entry of up to four individuals. No more than 2 junior hunters or non-shooters per 1 adult hunter.

(2) Delevan National Wildlife Refuge, Type A.

(A) Area Firearms Restrictions: Only shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service are permitted. A hunter shall not possess more than 25 shot shells while in the field. Firearms must remain unloaded until you are in designated free roam or assigned pond/spaced blind areas.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasant: First Monday of pheasant season and on waterfowl hunt days during the pheasant season.

(C) Authorized Species: Waterfowl, coots, moorhens, snipe, and pheasants.

~~(D) Nonreservation Drawing: Nonreservation hunters may enter the drawing for Colusa,, Delevan, or Sacramento National Wildlife Refuge, but for no more than one of these locations on any single hunt date.~~

(D) Hunters must return entry permit and vacate refuge no later than one and one half hours after legal sunset unless participating in overnight stay in accordance with subsection (a)(2)(E).

(E) Camping is prohibited, except on the night before each waterfowl shoot day, when camping in a vehicle, motorhome or trailer within the check station parking area is allowed. Tents are prohibited. No person may build or maintain fires, except in portable gas stoves.

(F) Bicycles: Prohibited.

(G) Reservations: Each reservation assures entry of up to four individuals, ~~whether adult hunters, junior hunters, or non-shooters.~~ No more than 2 junior hunters or non-shooters per 1 adult hunter.

(H) Special Restrictions: When assigned hunting sites, hunters shall hunt only within 100 feet of their assigned sites, except to retrieve downed birds. Pheasant and snipe hunting is not permitted in the assigned blind area except on the first Monday of the pheasant season.

(I) Hunters may enter or exit only at designated locations. Stopping vehicles between designated parking areas to drop off passengers or hunting equipment is prohibited.

(3) Kern National Wildlife Refuge, Type A.

(A) Area Firearms Restrictions: Only shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service are permitted. A hunter shall not possess more than 25 shot shells while in the field.

(B) Hunt Days: Waterfowl, coots, and moorhens: Saturdays and Wednesdays during open seasons. Pheasant: Waterfowl hunt days during the regular pheasant season.

(C) Authorized Species: Waterfowl, coots, moorhens, and pheasants. Hunting of common snipe is prohibited.

(D) Camping and Trailers: Prohibited.

(4) Merced National Wildlife Refuge, Type A.

(A) Area Firearms Restrictions: Only shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service are permitted. A hunter shall not possess more than 25 shot shells per day.

(B) Hunt Days: Saturdays and Wednesdays during waterfowl season.

(C) Shooting Hours: Waterfowl shooting hours will be from one-half hour before sunrise until 12:00 noon.

(D) Authorized Species: Waterfowl, coots, and moorhens. Hunting of common snipe is prohibited.

(E) Camping and Trailers: Prohibited.

(F) Bicycles: Allowed.

(G) Reservations: Each reservation assures entry of no more than three persons if three-person blinds are available, or no more than two persons, if two-person blinds are available. All persons entering on the same reservation will receive the same hunt assignment.

(H) Special Restrictions: Hunters must hunt from assigned blinds, except to retrieve downed birds.

(5) Sacramento National Wildlife Refuge, Type A.

(A) Area Firearms Restrictions: Only shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service are permitted. A hunter shall not possess more than 25 shot shells while in the field. Firearms must remain unloaded until you are in designated free roam or assigned pond/spaced blind areas.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasants: The first Monday of pheasant season and on waterfowl hunt days during the pheasant season.

(C) Authorized Species: Waterfowl, coots, moorhens, snipe, and pheasants.

~~(D) Nonreservation Drawing: Nonreservation hunters may enter the drawing for either Colusa, Delevan, or Sacramento National Wildlife Refuge, but for no more than one of these locations on any single hunt date.~~

(D) Hunters must return entry permit and vacate refuge no later than one and one half hours after legal sunset unless participating in overnight stay in accordance with subsection (a)(5)(E).

(E) Camping is prohibited, except on the night before each waterfowl shoot day, when camping in a vehicle, motorhome or trailer within the check station parking area is allowed. Tents are prohibited. No person may build or maintain fires, except in portable gas stoves.

(F) Bicycles: Prohibited.

(G) Reservations: Each reservation assures entry of up to four individuals, ~~whether adult hunters, junior hunters, or non-shooters.~~ No more than 2 junior hunters or non-shooters per 1 adult hunter.

(H) Special Restrictions: When assigned hunting sites, hunters shall hunt only within 100 feet of their assigned sites, except to retrieve downed birds. Pheasant and snipe hunting is not permitted in the assigned blind area except on the first Monday of the pheasant season.

(I) Hunters may enter or exit only at designated locations. Stopping vehicles between designated parking areas to drop off passengers or hunting equipment is prohibited.

(6) Sacramento River National Wildlife Refuge, Type C.

(A) Units: The refuge includes the La BARRanca Unit, Blackberry Island Unit, Todd Island Unit, Mooney Unit, Ohm Unit, Flynn Unit, Heron Island Unit, ~~and Rio Vista Unit,~~ Foster Island Unit (Tehama Co.); Pine Creek Unit, Dead Man's Reach Unit, ~~North-Llano Seco Island 1 & 2 Units,~~ and Llano Seco Riparian Sanctuary Unit₁ (Butte Co.); and McIntosh Landing North and South Units, Capay Unit, Phelan Island Unit, Jacinto Unit, North Ord Unit, Ord Bend Unit, South Ord Unit, Hartley Island Unit, Sul Norte Unit, Codora Unit, Packer Unit, Afton Unit, ~~North-Drumheller North Slough Unit,~~ and Drumheller Slough Unit (Glenn Co.), and Bogg's Bend Unit (Colusa Co.).

~~B) Area Firearm Restrictions: Only shotguns and archery equipment are permitted. Ammunition is restricted to only nontoxic shot approved by the U.S. Fish and Wildlife Service while in the field, except for shotgun slugs when hunting deer. No rifles, crossbows, air guns, or pistols may be used or possessed (see species specific restrictions below). Falconry is prohibited. Target shooting is prohibited.~~

~~(C) Hunt Days: Daily during open seasons for authorized species (see authorized species below).~~

~~(D) Units open to hunting of authorized species include: La Barranca, Mooney (no waterfowl hunting), Heron Island, Rio Vista, Pine Creek, Capay, Phelan Island, Jacinto, South Ord, Llano Seco Islands 1 & 2, Sul Norte, Afton, North Drumheller Slough, and Drumheller Slough. Refer to Refuge maps and signs for areas open to hunting. All other areas and species are closed to hunting. Commercial guiding is prohibited.~~

~~(E) Migratory Game Bird Hunting. Hunting is allowed for goose, duck, coot, moorhen, dove, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:~~

- ~~1. Only shotgun hunting is permitted.~~
- ~~2. On Sul Norte and Drumheller Units, firearms must be unloaded before transporting them between parking areas and hunting areas. "Unloaded" means that no ammunition is in the chamber or magazine of the firearm.~~
- ~~3. Waterfowl hunting is not allowed on the Mooney Unit.~~
- ~~4. Ammunition is restricted to only nontoxic shot approved by the U.S. Fish and Wildlife Service while in the field.~~
- ~~5. Hunting is prohibited within 50 feet (15 m) of any landward boundary adjacent to private property.~~
- ~~6. Hunting is prohibited within 150 yards (135 m) of any occupied dwelling, house, residence, or other building or any barn or other outbuilding used in connection therewith.~~
- ~~7. All units open to public hunting are boat accessible only, except on the Sul Norte and Drumheller Slough Units where access to the hunt area is by foot traffic or boat only. Bicycles or other conveyances are prohibited. Mobility impaired hunters should consult with the refuge manager for allowed conveyances.~~
- ~~8. Fires on the refuge are prohibited, except for portable gas stoves on gravel bars~~
- ~~9. Camping is allowed on gravel bars up to 7 days during any 30-day period. Camping on all other refuge lands is prohibited.~~
- ~~10. The refuge is open for day-use access from 2 hours before legal shoot time until 1 1/2 hours after legal sunset. Access during other hours is allowed on gravel bars only.~~
- ~~11. Dogs must be kept on a leash, except for hunting dogs engaged in authorized hunting activities, and under the immediate control of a licensed hunter or dog handler.~~
- ~~12. Permanent blinds are prohibited. All personal property, including decoys and boats, must be removed by 1 1/2 hours after legal sunset.~~
- ~~13. Cutting or removal of vegetation for blind construction or for making trails is prohibited. Introduction or importation of non-native vegetation is prohibited except as authorized.~~

~~(F) Upland Game Hunting. Hunting is allowed for pheasant, turkey, and quail on designated areas of the refuge in accordance with State regulations subject to the following conditions:~~

- ~~1. Only shotgun and archery hunting is permitted.~~
 - ~~2. The conditions in subsections 552(a)(6)(E)(2) through (E)(12) apply.~~
- ~~(G) Big Game Hunting. Hunting is allowed for black-tailed/mule deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:~~

~~1. The conditions in subsections 552(a)(6)(E)(2), (E)(4) through (E)(12), and (a)(6)(F)(1) apply.~~

~~2. Construction or use of permanent blinds, platforms, ladders or screw-in foot pegs is prohibited.~~

~~3. All personal property, including stands, must be removed from the refuge by 1 1/2 hours after legal sunset.~~

~~4. Only shotgun, firing single shotgun slugs, and archery hunting is permitted. No rifles, air guns, or pistols may be used or possessed on the refuge.~~

~~(H) Sport Fishing. Sport fishing is allowed on designated areas of the refuge in accordance with State regulations subject to the following conditions:~~

~~1. The conditions in subsections 552(a)(6)(E)(7), (E)(8), (E)(9), and (E)(12) apply.~~

~~2. On Packer Lake, due to primitive access, only boats up to 14 feet (4.2 m) and canoes are allowed. Electric motors only.~~

(B) Area Firearm Restrictions:

1. Only shotguns and archery equipment are allowed. No rifles, crossbows, air guns, paintball guns or pistols may be used or possessed.

2. Target shooting is prohibited

3. No firearms or archery equipment are allowed in areas closed to hunting.

4. Ammunition is restricted to only federally approved nontoxic shot while in the field except for hunting deer or pigs. For hunting deer or pigs, hunters may possess nonlead shotgun slugs in accordance with Section 250.1 of these regulations.

5. Firearms must be unloaded before transporting them between parking areas and hunting areas. "Unloaded" means that no ammunition is in the chamber or magazine of the firearm. This is in addition to the requirement in subsection 550(cc) of these regulations that requires firearms to be unloaded in parking lots, check-in stations and other facilities.

(C) Public Access:

1. The following units are closed to public access: Ohm, McIntosh North and South, North Ord, Llano Seco Riparian Sanctuary, and Hartley Island.

2. Access is allowed by boat only on the following units: La Barranca, Blackberry Island, Todd Island, Mooney, Flynn, Heron Island, Foster Island, Phelan Island, Jacinto, Dead Man's Reach, South Ord, Llano Seco Island 1, 2, and Afton

3. Access is allowed on foot or by boat only on the following units: Rio Vista, Pine Creek, Capay, Ord Bend, Sul Norte, Codora, Packer, Drumheller North, Drumheller Slough and Bogg's Bend.

a. On Packer Lake and Drumheller North, only boats up to 14 feet in length are allowed.

4. All units that are open to public hunting may only be accessed by boat, except for Sul Norte, Codora, Drumheller North, Drumheller Slough, Capay and Bogg's Bend, which may be accessed only on foot or by boat.

(D) Day Use Hours: Day use hours are from 2 hours before sunrise to 1 and half hours after sunset.

(E) Bicycles: Bicycles are allowed May 15 through August 15, other conveyances are prohibited. Mobility impaired hunters should contact the refuge manager for allowed conveyances.

(F) Dogs and Pets In General

1. Pets shall be controlled in accordance with subsection 550(m) of these regulations, and hunting dogs shall be controlled in accordance with subsection 550(n) of these regulations.

2. Dogs are prohibited for the take and pursuit of pigs.

(G) Camping: Camping is allowed only on gravel bars up to 7 days during a 30 day period.

(H) Sport Fishing: Sport fishing is allowed on designated areas of the refuge in accordance with State regulations.

(I) Falconry is prohibited.

(J) Areas Open for Hunting In Accordance with State and Federal Regulations:

1. Units open to hunting of authorized species include: La Barranca, Todd Island, Mooney, Heron Island, Flynn, Rio Vista, Foster Island, Pine Creek, Capay, Phelan Island, Jacinto, Dead Man's Reach, South Ord, Llano Seco Islands 1 & 2, Sul Norte, Codora, Afton, North Drumheller, Drumheller Slough, and Bogg's Bend.

2. The Mooney Unit is open to hunting for authorized species except that waterfowl hunting is prohibited.

3. The Codora Unit is open for hunting only for hunters holding a junior hunting license who are accompanied by a non-hunting adult and only on Saturdays and Sundays.

a. Waterfowl hunting is prohibited on the Codora Unit

4. All other units are closed to hunting.

5. Hunting is prohibited within 50 feet of any landward boundary adjacent to private property.

(K) Authorized Species (unless otherwise stated in subsection (J) or restricted in this subsection): goose, duck, coot, moorhen, dove, snipe, turkeys, pheasants, quail, deer, pig. Hunting of all other species is prohibited.

1. Pigs may be hunted only from September 1 through March 15.

(L) Commercial Guiding: Commercial guiding is prohibited.

(M) Personal Property: Permanent blinds, ladders and screw-in foot pegs are prohibited. All personal property, including tree stands, decoys and boats must be removed by 1 and half hours after sunset.

(7) San Luis National Wildlife Refuge, Type A.

(A) Area Firearms Restrictions: Only shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service are permitted. A hunter shall not possess more than 25 shot shells while in the field.

(B) Hunt Days: Saturdays, Sundays, and Wednesdays during waterfowl season. Waterfowl hunting is prohibited on the West Bear Creek Unit prior to the third Saturday in November.

(C) Authorized Species: Waterfowl, coots, and moorhens. Hunting for pheasants will be allowed with an entry permit and only in a special zone on the Kesterson Unit on the first Saturday and Sunday of pheasant season and in the San Luis Unit free roam area on waterfowl shoot days for the duration of pheasant season. Pheasant hunting may also be allowed on the first Monday of pheasant season, but only within the spaced blind area of the Kesterson Unit. Snipe hunting is allowed only within the San Luis Unit free roam area, and only on waterfowl shoot days when the area is open to hunting by adult license holders.

(D) Camping and Trailers: Prohibited on the San Luis, Blue Goose, and the west Bear Units.

(E) Bicycles: Allowed.

(F) Reservations: For the Kesterson and Blue Goose units, each reservation assures entry of no more than three persons if three-person blinds are available, or no more than two persons if two-person blinds are available. For the Freitas units (north and south), each reservation assures entry of one boat with up to four persons. All person's entering on the same reservation will receive the same hunt assignment.

(G) Special Restrictions: Hunters in the Kesterson and Blue Goose units must hunt from assigned blinds, except to retrieve downed birds. Hunters in free roam areas are not restricted to blinds. Access to the Freitas units are by boat only. Maximum boat speed may not exceed 5 mph. Inboard water thrust and air-thrust boats are prohibited. Construction of permanent blinds is prohibited. Cutting or breaking of woody vegetation is prohibited. All blinds and equipment must be removed following each day's hunt.

(H) Hunters may enter or exit only at designated locations. Stopping vehicles between designated parking areas to drop off passengers or hunting equipment is prohibited.

(8) Sonny Bono Salton Sea National Wildlife Refuge, Type A.

(A) Area Firearms Restrictions: Only shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service are permitted. A hunter shall not possess more than 25 shot shells while in the field. Firearms must be unloaded when being transported between parking areas and blind sites.

(B) Hunt days: Saturdays, Sundays, and Wednesdays during open seasons.

(C) Authorized Species: Waterfowl, coots, and moorhens.

(D) Camping and Trailers: Prohibited.

(E) Special Restrictions: Hunters in the Hazard Unit shall hunt only from within 100 feet of their assigned blind sites or stakes, except to retrieve downed birds. Hunters in the Union Tract shall hunt only from within their blinds, except to retrieve downed birds.

(F) Blind Limitation: Not more than four individuals may occupy a blind site.

(9) Sutter National Wildlife Refuge, Type A.

(A) Area Firearms Restrictions: Only shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service are permitted. A hunter shall not possess more than 25 shot shells while in the field. Firearms must remain unloaded until you are in designated free roam or assigned ponds areas.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasant: Waterfowl hunt days during the pheasant season.

(C) Authorized Species: Waterfowl, coots, moorhens, snipe, and pheasants.

(D) Hunters must return entry permit and vacate refuge no later than one and one half hours after legal sunset unless participating in overnight stay in accordance with subsection (a)(9)(E).

~~(D)~~(E) Camping is prohibited, except on the night before each waterfowl shoot day, when camping in a vehicle, motorhome or trailer within the check station parking area is allowed. Tents are prohibited. No person may build or maintain fires, except in portable gas stoves.

~~(E)~~(F) Bicycles: Prohibited.

~~(F)~~(G) Hunters may enter or exit only at designated locations. Stopping vehicles between designated parking areas to drop off passengers or hunting equipment is prohibited.

(H) Special Restrictions: When assigned hunting sites, hunters shall hunt only within the assigned pond boundary and are prohibited from hunting from levee roads. Pheasant and snipe hunting is not permitted in the assigned pond area.

(I) Reservations: Each reservation assures entry of up to four individuals. No more than 2 junior hunters or non-shooters per 1 adult hunter.

Note: Authority cited: Sections 200, 202, 203, 355, 710, 710.5, 710.7, 713, 1050, 1526, 1528, 1530, 1570, 1571, 1572, 1580, 1581, 1583, 1761, 1764, 1765, 1907, 2118, 2190 and 10504, Fish and Game Code. Reference: Sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570, 1571, 1572, 1585, 1590, 1591, 1764, 1765, 2006 and 10504, Fish and Game Code.