

Regulatory Language

Section 550.5, Title 14, CCR is added to read:

§550.5 Reservations, Entry Permits, Fees, Passes, and Special Use Permits.

(a) Reservations for Hunting Activities.

(1) Advance reservations for waterfowl and pheasant hunting are available for Type A wildlife areas for all authorized shoot days of the season and are required for the opening weekend of waterfowl season and may be required for the opening of pheasant season on Type B wildlife areas.

(A) Reservations shall be issued by random drawing. Applications are available through the Automated License Data System or made available to the public through license agents and department license offices. Applicants must possess an annual or lifetime hunting license valid for the waterfowl hunting season for which they are applying. Two-day nonresident hunting licenses shall not be used to apply for reservation drawings. To be included in a reservation drawing, applications must be received by the department through the Automated License Data System or at the address specified on the application at least 17 days prior to the hunt date. Late, incomplete, or incorrect applications will not be included in the drawing. The fee to apply for a reservation is specified in Section 702 of this Title 14.

(B) Multiple Applications.

1. An applicant is limited to one application for each wildlife area for each authorized shoot day. Shoot days are specified under subsections 551(e), 551(f), 551(g), 551(r), 551(s), and 552(a).

2. The department may eliminate from any drawing, applications not in compliance with these regulations. Persons who submit more than one application for the same shoot day for the same area may be barred from hunting on department operated areas for a period of one year following the date of discovery of the violation by the department. Any reservation issued to any person as a result of such improper submission, or to any person already barred from the State-operated areas, shall be void and not valid.

(C) Unless otherwise stated on the hunting reservation or on information mailed with the reservation, successful applicants shall be granted a one-day entry permit during the waterfowl or pheasant season. The entry permit shall be granted for the assigned or stated date on the hunting reservation upon presenting a one-day, two-day, or season pass only if the applicant's reservation was issued by the department in the applicant's name and is for the area requested. Unless otherwise provided, the reservation will expire one and one-half hours before waterfowl shoot time for the assigned or stated date on the reservation. For some areas, reservations will be numbered by the department in the order in which they are drawn. These reservations will be accepted at checking stations in that order, only if the reservation holder is present at the time the number is called.

(D) Except as provided for in subsection 551(z), a reservation shall assure entry for up to six persons who must hunt as a party. No more than two may be adult hunters who have valid resident or nonresident hunting licenses and no more than two may be persons 16 or 17 years of age and in possession of a valid resident or nonresident hunting license. Each adult may be accompanied by up to two hunters holding junior

licenses or two non-shooters irrespective of age, or one of each. Non-shooters are defined as persons who wish to accompany a permittee in the field or remain at a designated parking area. Non-shooters shall not discharge or possess ammunition or a firearm on the area.

(E) When hunting a designated hunting zone or blind area, a reservation will only assure entry of the number of persons (adult hunters, junior hunters, and/or nonshooters) not to exceed the capacity of the zone or blind.

(b) Reservations for Wildlife Viewing. Advance reservations for wildlife viewing may be available for certain department lands during peak viewing periods or when guided tours may be available.

(c) Entry Permits, Fees, and Passes

(1) Where the department has determined that entry permits are required per subsection 550(c)(2) and that fees are necessary to offset the costs of providing public recreational opportunities, passes must be purchased through the department's Automated License Data System and presented at the checking station or point of entry to receive an entry permit.

(A) Passes for hunting during the waterfowl season are sold as one day, two day, or Type A or Type B season hunting passes.

(B) Passes for wildlife viewing are sold as one day or annual lands passes.

(2) Entry permits and fees are required for waterfowl hunting activities on all Type A wildlife areas.

(3) Entry permits and proof of either a Type A or Type B season pass are required for waterfowl hunting on all Type B wildlife areas, one or two day passes are not accepted at Type B wildlife areas.

(4) Entry permits and/or fees or special drawings may be required for hunting activities on Type C wildlife areas where the department has determined per subsection 550(c), that restricted access is necessary (see subsection 551(s)).

(5) Entry permits and/or fees may be required for wildlife viewing or other activities on department lands (see the list of lands requiring a fee in subsections 551(y) and 630(c)).

(A) Persons in possession of a valid sport fishing, hunting, or trapping license are not subject to the fee, but must obtain an entry permit and must have the permit and valid license in their immediate possession while on department lands requiring an entry permit.

(6) Visitors must have entry permits in their immediate possession while on department lands.

(7) Persons hunting under the authority of a junior hunting license are exempt from the entry permit fee and will only be issued an entry permit when accompanied by an adult and upon proof of a valid junior hunting license. An adult is defined as a person 18 years old or older. An adult hunter or non-shooter may accompany up to two junior hunters on department lands.

(8) Any person(s) 16 or 17 years of age in possession of a valid resident or nonresident hunting license will be issued entry permits and may hunt by themselves.

(9) Any required entry permits will be issued on a first-come, first served basis and/or by a reservation drawing to be held at a designated department office. The department shall inform the commission in writing and the public via the news media of any implementation of the provisions of this subsection, when limits imposed under this

subsection differ substantially for a specific area from the prior year. Such notification shall include: the land affected; the time period, the reason for the limitation or closure; the number of entry permits to be issued; and, the method of issuance.

(d) Special Use Permits. Activities outside of the definition of compatible uses in subsection 550(b)(2) or groups wishing to organize an event or gathering are required to have written authorization from the department, typically in the form of a special use permit. The department shall not issue permits for activities that conflict with the current uses or management of a department land.

(1) Types of special use

(A) Type 1 Special Use. A Type 1 special use is an activity that meets all of the following criteria:

1. involves 30 or fewer visitors on site;
2. involves ten or fewer (0-10) animals (such as dogs or horses) or bicycles (or other pedaled vehicle) in total
3. does not require the use of animals, bicycles, vehicles, or large equipment outside of designated parking areas, roads, trails, or areas authorized for visitor use; and,
4. does not require use of the site for more than one calendar day during normal operating hours of the property.

(B) Type 2 Special Use. A Type 2 special use is an activity that meets any one of the following criteria:

1. involves over 30 visitors on site;
2. involves more than ten animals or bicycles in total
3. requires the use of animals, bicycles, vehicles, or large equipment outside of designated parking areas, roads, trails, or areas authorized for visitor use; or,
4. requires use of the site for more than one calendar day during normal operating hours.

(2) Application Process for Special Use Permits

(A) Application for a special use permit shall be made on a standard form as specified in Section 703. Failure to disclose fund-raising or commercial activities or other information per the instructions for Form FG-WLB-730 may result in a citation and fine.

(B) A nonrefundable application fee as specified in Section 703 shall be submitted with the application. The application shall be submitted to the address specified on the application.

(C) All applications shall be submitted at least 45 days prior to the date of the requested activity to allow time for department staff to review the application, communicate with the applicant about the event, meet on-site with the applicant if deemed necessary, and plan for any additional work for department staff that may be related to the special use.

(3) Special Use Permit Application Review and Approval Process

(A) Evaluation Criteria. Criteria used to evaluate special use permit applications shall include, but not be limited to, the following:

1. will the special use create a greater potential hazard or liability to the State, resources, or the public than incurred through typical operations within that unit;
2. will the special use include an activity or activities outside the compatible activities defined in subsection 550(b)(2);
3. will the special use require the exclusive use of a unit within an area;

4. will the special use interfere with other visitors use of the area or a unit within an area;
5. will additional department staffing or staff time be required because of the special use;
6. will fees be charged by the permittee beyond those for department authorized licenses, day use fees, or passes;
7. will items, products, or services be sold; and,
8. has the applicant complied with the terms and conditions of any prior special use permit issued by the department.

(B) Notification of Approval of the Special Use Permit. If the department intends to issue a special use permit, it will provide written notification to the applicant that the permit will be issued upon payment of all fees, charges or deposits and acceptance by the applicant of the permit terms and conditions. Notification of any fees, charges, deposits, terms and conditions required to issue the permit will be provided in a draft permit provided to the applicant. The draft permit will consist of the completed application form with the permit section completed by the department, except for the regional manager or designee signature, plus any and all attachments regarding the permit fee, cost recovery by the department pursuant to subsection 550.5(d)(4), and terms and conditions pursuant to 550.5(d)(5) for the permit. The draft permit is not valid and does not authorize or grant access or any activity or grant access until it is signed by both parties and the fees are paid in full.

(C) Notification of Denial of the Special Use Permit. If the department intends to deny issuance of the permit, it shall provide written notification to the applicant that the application for a special use permit is denied and include the reason(s) for the denial in the notification.

(4) Fees and Cost Recovery and Compensation for Special Use Permits

(A) Special Use Permit Fees. Special use permit fees apply in addition to the non-refundable application fee required with the Application for a Special Use Permit. The fees for a Type 1 and Type 2 Special Use Permits are specified in Section 703. The permit fee shall be received by the department before a valid Special Use Permit is issued. For department properties that normally require a fee for a daily use pass or entry permit, the special use permit fee is in addition to the regular entry fee.

(B) Additional Anticipated Costs. If it is determined in advance by the regional manager or designee that department staff will need to conduct work outside of normal duties to prepare for the special use, monitor or assist with the special use, or return the site to its previous condition following the special use, payment of the additional anticipated cost to the state will be added to the fee specified in Section 703 and required in advance of the department issuing a valid special use permit. The additional cost shall be based on the number of hours and the job classification of state personnel required to conduct the work, the department's costs for employee benefits, overhead, mileage, and use of department equipment and supplies.

(C) Cleaning or Damage Deposit. Depending on circumstances and the anticipated need for cleaning or damage repair, the applicant may be charged a cleaning or damage deposit as determined by the regional manager or designee. Costs to return the site to its previous condition shall be deducted from this deposit. The regional

manager or designee shall determine whether all or only a portion of the deposit is refunded based on department costs to clean up or repair damage.

(D) For-Profit or Fund Raising Activities. Section 6, Article XVI of the California Constitution prohibits any person, entity, or organization from holding, sponsoring, leading, or otherwise conducting a recreational, educational, or other activity occurring wholly or partially within or on any department land for the purpose of generating revenue for profit or fund raising without adequate compensation for the commercial use of state resources. Unless an event is sponsored or co-sponsored by the department, a charge by the department for a guaranteed minimum fee or percentage of the gross profits shall be a condition of any special use permit that authorizes activities on department lands that are intended to generate revenue. The amount required for compensation shall be specified in the draft permit. The criteria used to determine said fee or percentage shall include:

1. the extent of the subject property to be used;
2. the size and scope of the event;
3. the impact on resources and facilities;
4. consideration of prevailing fees for comparable facilities in the locality;
5. amount and types of permittee's equipment to be used on the subject property;
6. the number of people, vehicles, bicycles, and/or domestic animals on the subject property because of the special use;
7. the amount of profit the permittee expects to make from the event;
8. the cost of services or time required of or by the department;
9. whether the applicant is a charitable non-profit organization with tax-exempt status under section 503(c)(3), Subtitle A of the U.S. Internal Revenue Code; or,
10. any other considerations as appropriate.

(5) Terms and Conditions of Special Use Permits

(A) To protect human health and safety, natural or cultural resources, or department facilities, the Regional Manager or designee may impose special conditions in addition to the standard terms and conditions included in Form FG-WLB-730. Any special conditions must be provided as part of the notification of approval referenced in subsection 550.5(d)(3)(B).

(6) Acceptance of the Terms and Conditions of Special Use Permits and Payment of Fees. If an applicant receives written notification of approval for a special use permit per section 550.5(d)(3)(B) and wishes to obtain a valid permit, the applicant shall submit payment in full, a signed and dated draft permit to the address on the application.

(7) Valid Special Use Permit. A valid special use permit includes the completed application (Form FG-WLB-730 (New 08/2011)) including the permit section of the form, signed by the Regional Manager or designee and any and all attachments referenced in the permit.

(8) The permittee or their representative shall have the valid special use permit in immediate possession and on-site during the special use and shall present it to any department employee upon request.

(9) Only the activities or uses included and covered in the special use permit are authorized. Issuance of a special use permit does not grant visitors any special rights for activities not covered by the special use permit. Conducting such activities or uses

not covered by the special use permit shall result in revocation of the special use permit, and may result in a citation and fine.

(10) The Regional Manager or designee may terminate without prior notice any special use permit when it is necessary for human health and safety or protection of natural or cultural resources or department facilities, or for violation of any rules or regulations of the department or conditions of the special use permit. In addition, any special use permit may be cancelled without notice in the event of a disaster or unforeseen emergency.

(11) Revocation of Special Use Permit. The Regional Manger or designee may revoke a special use permit and deny future special use permit applications for violation of any rules or regulations of the department or conditions of a special use permit.

Note: Authority cited: Sections 200, 713, 1050, 1526, 1528, 1530, 1761, 1764, 1765 and 10504, Fish and Game Code. Reference: Sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570, 1571, 1572, 1764, 1765, 2006 and 10504, Fish and Game Code; Section 14998, Government Code.