

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) Reservations for waterfowl and pheasant hunting are available for Type A wildlife areas for all authorized shoot days of the season. Reservations 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 at license agents, department license offices and online. To find the locations of department license agents, department license offices or to apply for a reservation on-line, go to the department's website at www.wildlife.ca.gov. Applicants must possess an annual or lifetime hunting license valid for the 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 these regulations. The application fee is non-refundable.

(B) Unless otherwise provided in Section 551 of these regulations, the reservation system only serves to assure entry onto a wildlife area and does not necessarily constitute a method for prioritization over other users.

(C) 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(o), 551(p), 551(q), 551(s), and 552(a) of these regulations.

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

(D) Unless otherwise stated on the hunting reservation or on information mailed with the reservation, each successful reservation applicant shall be granted a one-day entry permit during the waterfowl or pheasant season. The entry permit shall be issued to the successful applicant for the date and wildlife area stated on the hunting reservation upon the applicant presenting a one-day, two-day, or season pass. Verification of the successful applicant/reservation holder shall require identification per subsection 700.4(c) of these regulations. Unless otherwise provided, the reservation will expire one and one-half hours before shoot time for the date stated on the reservation. For some wildlife areas, the department will number reservations in the order in which they are drawn. These reservations will be accepted at checking stations in numerical order. The reservation holder must be present at the time the number is called in order to have priority over other, lower-priority reservations.

(E) Except as provided in subsection 550.5(a)(1)(F) or subsection 551(x) of these regulations, a reservation shall be valid for entry for up to six visitors who must hunt as a party. No more than two visitors in a hunting party may be adult hunters (18 years of age or older) and no more than two may be 16 or 17 years of age. Each adult may be accompanied by up to two hunters holding junior licenses or two non-shooters irrespective of age, or one of each. All hunters must be in possession of a valid resident or nonresident hunting license. Non-shooters are defined as visitors who accompany a reservation holder in the field or remain at a designated parking area. Non-shooters shall not discharge or possess ammunition or a firearm on the wildlife area.

(F) When hunting a designated hunting zone, assigned pond, or blind area, a reservation will assure entry only for the number of visitors (adult hunters, persons 16 or 17 years of age, junior hunters, and/or non-shooters) that does not exceed the capacity of the designated zone, assigned pond or blind area.

(b) Reservations for Wildlife Viewing. Reservations for wildlife viewing may be available for certain department lands during peak viewing periods or when guided tours are offered. The department may limit the number of reservations available for each of these opportunities.

(c) Entry Permits, Fees, and Passes.

(1) Where the department has determined that entry permits are required per subsection 550(c)(2) of these regulations and that fees are necessary to offset the department's costs of providing public recreational opportunities, an appropriate pass must first be purchased for a fee through the department's Automated License Data System at a license agent, department license office or online. To find the locations of license agents, department license offices or to purchase a pass on-line, go to the department's website at www.wildlife.ca.gov. The entry permit will be issued only when an appropriate pass is presented at the checking station or point of entry.

(2) Passes for hunting during the waterfowl season are sold as one day, two day, or Type A or Type B season hunting passes. Applicable fees are listed in subsection 702(b) of these regulations.

(3) Entry permits and passes are required for waterfowl hunting on all Type A wildlife areas.

(4) Entry permits and proof of either a Type A or Type B season hunting 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.

(5) Entry permits and/or passes or special drawings may be required for hunting on Type C wildlife areas where the department has determined that restricted access is necessary per subsection 550(c) of these regulations (see subsection 551(q) of these regulations).

(6) A daily or annual wildlife viewing pass and an entry permit are required for wildlife viewing or other activities on those department lands listed in subsections 551(w) and 630(c) of these regulations. Information about how to purchase a pass and obtain an entry permit is explained in 550.5(c)(1) of these regulations. The cost of the wildlife viewing pass is adjusted each calendar year according to Fish and Game Code sections 713 and 1765.

(A) Visitors presenting a valid sport fishing, hunting, or trapping license issued in the visitor's own name are not required to purchase a daily or annual pass in order to obtain an entry permit for the department lands listed in subsections 551(w) and 630(c) of these regulations. They will be issued an entry permit upon presenting their valid license.

(7) Each visitor must obtain and have a valid entry permit in their immediate possession while on department lands that require an entry permit.

(8) Visitors with a valid junior hunting license are exempt from purchasing a daily or annual pass but will only be issued an entry permit when accompanied by an adult and upon presenting a valid junior hunting license issued in that visitor's own name. 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.

(9) Any visitor 16 or 17 years of age presenting a valid resident or nonresident hunting license issued in his or her own name will be issued an entry permit and may hunt independently.

(10) 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 when limits imposed under this section 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.

(11) Entry permits are non-transferable. Forgery, duplication, alteration or and fraudulent use of entry permits, or processes for obtaining them, is prohibited. Any person who violates these regulations may be barred from department lands for one calendar year from the date the department discovers the violation.

(d) Special Use Permits. Special uses, as defined in subsection 550(b)(7) of these regulations, on department lands require written authorization from the department. Such authorization will typically be in the form of a Special Use Permit (per subsections 550(d) and 550(n)(2) of these regulations). The department shall not issue Special Use Permits for activities or uses that conflict with the current uses, management or purposes of a department land, would have a significant environmental effect, or would constitute an unlawful use of state resources under Government Code Section 8314.

(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 vehicles) in total;

3. does not require the use of animals, bicycles, vehicles, or large equipment outside of designated parking areas, roads, trails, or other 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 department land.

(B) Type 2 Special Use. A Type 2 special use is a hunting dog trial or testing event or activity.

(C) Type 3 Special Use. A Type 3 special use is an activity that meets any one of the following criteria:

1. involves more than 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 other areas authorized for visitor use; or

4. requires use of the site for more than one calendar day or outside of normal operating hours of the department land.

(2) Application Process for Special Use Permits.

(A) Application for a Special Use Permit shall be made on the "Permit Application for Special Use of Department Lands", as specified in Section 703 of these regulations. Failure to disclose fund-raising or commercial activities or other information per the instructions on the application may result in a citation and fine.

(B) Applications and Special Use Permit fees shall be submitted at least 45 days prior to the date of the requested activity or event to the appropriate regional office. The permit fees for Type 1, Type 2, and Type 3 Special Uses are specified in Section 703 of these regulations and are also on the application form.

1. If a special use event or activity is entirely canceled, Type 1 and Type 2 permit fees are refundable. Type 3 permit fees are refundable until ten calendar days prior to the scheduled start of the special use, after which the permit fee will be forfeited if the permittee cancels the special use. Cancellations prior to ten days before the start of a Type 3 special use must be provided to the Area Manager in writing.

2. All Special Use Permit fees are refundable if the department does not approve a special use permit application or does not have adequate staff available to review an application.

(3) Special Use Permit Application Review Process

(A) Evaluation Criteria. Criteria used to evaluate Special Use Permit applications shall include, but not be limited to, the following:

1. Will the proposed special use create a greater potential hazard or liability to the State, resources, or the public than typical operations within the department land on which the special use is proposed?;

2. Is the special use a compatible use as defined in subsection 550(b)(2)?;

3. Can the use be conducted so as not to conflict with the current uses, management or purposes of the property?;

4. Will the special use require the exclusive use of part or all of a property?;

5. Will the special use interfere with other visitors' use of the property?;

6. Will additional department staffing or staff time be required to prepare for, monitor or assist with, or return department land to its previous condition following the special use?;

7. Will the permittee charge any fees and, if so, will the proposed fees exceed those the department charges for licenses, day use fees, or passes?;

8. Will any items, products, or services be sold?; and,

9. Has the applicant complied with the terms and conditions of any prior Special Use Permit issued by the department?.

(B) Notification of Approval of Special Use Permit. If the department intends to issue a Special Use Permit, it will provide written notification to the applicant. The notification will provide an itemized explanation of any fees, charges or deposits that need to be paid, as well as terms and conditions that need to be accepted by the applicant/permittee, in order for a Special Use Permit to be finalized and valid. Payment instructions will be included with the notification.

(C) Notification of Denial of Special Use Permit. If the department intends to deny issuance of a Special Use 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) Possible Costs In Addition to the Special Use Permit Fee.

(A) For department lands that normally require a fee for a daily use pass or entry permit, the daily use or entry fee will be required in addition to the Special Use Permit fee.

Whether the daily use or entry fee for each special use participant will be paid directly to

the Department by the participants or by the permittee will be determined as part of the development of the Special Use Permit.

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

(C) Cleaning or Damage Deposit. Depending on the anticipated need for cleaning or repair to department property, including land, infrastructure and/or equipment, the department may charge the applicant a cleaning or damage deposit in an amount determined by the regional manager or his designee. Costs to return department property to its previous condition following the special use shall be deducted from this deposit. The regional manager or his designee shall determine whether all, a portion or none of the deposit is refunded based on department costs to clean up or repair damage.

(D) For-Profit or Fund Raising Activities. Any person, entity, or organization is prohibited 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 or fund raising without adequate compensation for the use of State resources. Unless an event is sponsored or co-sponsored by the department, payment to the department of a guaranteed minimum fee or percentage of the gross revenue of the event shall be a condition of any Special Use Permit that authorizes activities on department land that are intended to generate revenue or raise funds. The rate or amount of compensation shall be specified in the draft Special Use Permit. The criteria used to determine the rate or amount of compensation shall include, without limitation:

1. the extent of the department land to be used;
2. the duration, size and scope of the event;
3. the anticipated impact on department resources and facilities;
4. prevailing fees for comparable facilities in the locality;
5. amount and type of permittee's equipment and materials to be used on the department land;
6. the number of people, vehicles, bicycles, and/or domestic animals on the department land because of the special use;
7. the amount of gross revenue the permittee expects to generate from the event;
8. the cost of services or time required of or by the department;
9. whether the applicant is a non-profit organization with tax-exempt status under section 501(c), Subtitle A of the U.S. Internal Revenue Code; and
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 his designee may impose special conditions in addition to the standard terms and conditions included in the Permit Application for Special Use of Department Lands as specified in Section 703. The department must

provide notice of any special conditions as part of the notification of approval referenced in subsection 550.5(d)(3)(B) of these regulations.

(6) Acceptance of the Terms and Conditions of Special Use Permits and Payment of Fees.

(A) Type 1 or Type 2 Special Use Permit. The notification of approval for a Type 1 or Type 2 Special Use Permit will include a Special Use Permit signed by the wildlife area or ecological reserve manager and the regional manager or his designee. The Special Use Permit will include an attachment titled: Attachment B: Applicant Acceptance of Terms, Conditions and Costs as specified in Section 703. The Special Use Permit is not valid unless the permittee accepts the terms and conditions of the Special Use Permit by signing and submitting the signed original of Attachment B and the full payment of the permit fee and all other costs indicated on the permit to the appropriate regional office at least five calendar days before the beginning of the event or activity. The permittee should make and keep a copy of the signed Attachment B with the Special Use Permit. Conducting a special use event or activity without a valid permit is a violation of subsections 550(c)(2)(A) and 550.5(d)(8) of these regulations.

(B) Type 3 Special Use Permit. The notification of approval for a Type 3 Special Use Permit will include a draft permit (not valid). The draft Special Use Permit will include an attachment titled: Attachment B: Applicant Acceptance of Terms, Conditions and Costs as specified in Section 703. In order to receive a final, valid Special Use Permit, the applicant must accept the terms and conditions of the Special Use Permit by signing Attachment B, and send the signed original draft permit and the full payment of the permit fee and all other costs indicated on the permit to the appropriate regional office at least ten calendar days before the beginning of the event or activity. After the Special Use Permit is signed by the wildlife area or ecological reserve manager and the regional manager or his designee, it will be mailed back to the permittee as the valid permit. Conducting a special use event or activity without a valid permit is a violation of subsections 550(c)(2)(A) and 550.5(d)(8) of these regulations.

(7) Valid Special Use Permit. A valid Special Use Permit includes the completed application, including the permit section of the form signed by the wildlife area or ecological reserve manager and the regional manager or his designee, and any and all attachments referenced in the Special Use Permit. In order for a Special Use Permit to be valid, all costs that are required to be paid in advance, as indicated on the permit, must be paid-in-full by the permittee.

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

(9) Authorized Activities. Only the activities or uses specifically authorized in the Special Use Permit are permitted. Issuance of a Special Use Permit does not grant visitors any right to conduct activities not covered by the Special Use Permit. Conducting 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) Termination of Special Use Permit. The regional manager or his designee may terminate any Special Use Permit when the department deems termination necessary for human health and safety, protection of natural or cultural resources or department facilities. 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 manager or his 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, 1764, 1765, 2006, 2020, 10504, 12000, Fish and Game Code; Section 14998, Government Code.