

to National Wildlife Refuges where the Department manages hunting programs, and Section 630 pertains to the Department's ecological reserves.

If approved, these proposed regulation changes would:

- 1) Consolidate and improve the consistency and clarity of the regulations that govern public use of lands owned and/or managed by the Department, and remove existing regulations that are duplicative or unnecessary. Existing sections of Title 14, CCR, that would be improved include sections 550, 551, 552, 553, and 630. Section 553 regulations for Heenan Lake Wildlife Area would be moved to Section 551.
- 2) Designate seven properties that have been acquired relatively recently by the Department as wildlife areas or ecological reserves in new subsections of 551(b) and 630(b), respectively, of Title 14, CCR.
- 3) Establish new Section 550.5 to consolidated information on reservations, entry permits, fees and passes, as well as special use permits.
- 4) Revise regulations to improve public safety and/or recreational opportunities without causing a significant effect on wildlife or habitat resources.
- 5) Clarify that restrictions on firearms on Department lands do not prohibit the lawful possession of a concealed firearm by an active peace officer, a retired peace officer in lawful possession of an identification certificate issued pursuant to Penal Code Section 25455, or the lawful possession of a concealed firearm pursuant to a concealed carry permit issued pursuant to Penal Code sections 26150 or 26155.
- 6) Standardize the process and form used to issue special use permits for compatible activities, uses, events or gatherings on Department land that are not authorized in sections 550, 551, 552, or 630, Title 14, CCR.
- 7) Propose fees to cover the Department's costs for reviewing and processing an application to conduct special uses on Department lands pursuant to Fish and Game Code Section 1050.

The Department expects that proposed regulatory amendments and additions concerning the management of wildlife areas and ecological reserves will provide a non-monetary benefit primarily to public safety. Changes are proposed which increase public clarity and understanding along with easier reference to topics like: visitor hours, hunter safety, drugs and alcohol, dogs, vehicles, firearms and other restrictions. The added clarity and increased understanding to specific uses of public lands also improves conservation value and benefits to the environment.

Information is also provided to explain the need for the proposed regulation changes. The consolidation and clarification of the regulations and procedure standardization for special events requests or other uses on Department lands will not, with a few minor exceptions, result in new uses being designated by regulations for Department lands and does not remove existing designated uses.

The Need to Consolidate and Clarify Land Regulations

The sections of Title 14, CCR, proposed for revision include many subsections that are unnecessary. The current regulations duplicate other regulations or information

in statutes, or address management issues that are more appropriate to individual land management plans (e.g. Department vegetation management).

The current regulatory structure also makes it difficult for the public and Department staff to fully understand and comply with the regulations. For example, it is difficult to find regulations that pertain to particular types of public use. Site-specific regulations about public uses are organized by property. If one is interested in a particular type of use, one needs to read the regulations for every property to see where it is allowed, and whether there are any specific restrictions.

Additionally, some regulations lack the information necessary to be clear and understandable. Inconsistencies throughout the regulations make it difficult for staff to interpret what is allowable resulting in potential enforcement issues.

Approach to Consolidate and Clarify the Regulations

The proposal will move the general regulations for all wildlife areas and ecological reserves (subsections 550(b), 551(b) through 551(p), and 630(a)) into Section 550, Title 14, CCR. There are some regulations that apply only to wildlife areas or ecological reserves, but these are exceptions.

The proposed addition of a new Section 550.5, Title 14, CCR, is intended to provide more detailed regulations on implementing several provisions of Section 550 to address topics such as reservations and special use permits. This proposal will make Section 550 more readable and focused on covering all of the basic use topics. Where necessary, Section 550 refers the reader to the appropriate part of Section 550.5 for more detailed information.

Property-specific regulations for individual Department lands will remain in Section 551 for wildlife areas and in Section 630 for ecological reserves. Most of these regulations are organized into tables by type of use or activity. The intention is to make it easier for users to find the regulations for the activity of their choice.

Existing regulations that the Department believes are unnecessary are proposed for deletion, or in the case of site-specific regulations regarding research permits, are consolidated into a single general regulation, proposed subsection 550(f), regarding this use.

The proposed regulations communicate more clearly which public uses are allowed on specific Department lands and what restrictions, if any, apply to those uses. Overall, these changes should facilitate responsible use and management of the Department's land. The consolidation will provide better definitions and specific direction on issues such as conducting research on Department lands and special use permits.

Consolidating, clarifying, and standardizing the regulations and procedures will not, with a few minor exceptions, result in new uses being authorized on the Department's land or the removal of uses currently authorized in these regulations.

Designation of Recently Acquired Properties

The Department proposes new designations of seven (7) recently acquired lands as either wildlife areas pursuant to Fish and Game Code sections 1525 and 1526 or ecological reserves pursuant to Fish and Game Code Section 1580. Wildlife areas are currently designated in subsection 550(a), Title 14, CCR. The new designated wildlife areas are proposed for inclusion in subsection 551(b) and the ecological reserves will continue to be designated through addition to subsection 630(b). These new areas, proposed designations and justifications are as follows:

- 1) Designate the Burcham and Wheeler Flats Wildlife Area, Mono County, (Type C), in proposed subsection 551(b)(8).

The proposed Burcham and Wheeler Flats Wildlife Area (BFWFA) is approximately 1,160 acres of sagebrush scrub and meadow habitat located north of the town of Bridgeport in Mono County. The primary management objective for the proposed BFWFA is to conserve and enhance essential wildlife habitat for greater sage grouse (*Centrocercus urophasianus*), pygmy rabbit (*Brachylagus idahoensis*), and other sagebrush obligate species; and, to retain dispersal corridors for migratory mule deer and large carnivores. The area once supported six historical sage grouse strutting grounds, of which two are currently active. BFWFA still supports nesting and brood rearing habitat (mostly wet meadows) as well as winter habitat for this species. An estimated 3,500-4,500 mule deer (*Odocoileus hemionus*) from the East and West Walker deer herds migrate through the area. In addition, the area functions as a portion of the spring and fall holding area for these herds, as well as summer range fawning habitat.

The property is surrounded by U.S. Forest Service and/or private land and has been used by the general public in an uncontrolled manner (e.g., illegal grazing, destruction of signs and fencing, off-road vehicle use). Designation as a wildlife area under the proposed Section 551, Title 14, CCR, will bring the property under the protection of the general regulations in sections 550 and 551. This will assist the Department in controlling destructive activities on-site and better protect federal and state listed species, and the habitat necessary to ensure their continued existence.

- 2) Designate the Bakersfield Cactus Ecological Reserve, Kern County, in proposed subsection 630(b)(8).

The primary management objective for the proposed 658-acre Bakersfield Cactus Ecological Reserve is the protection and long-term preservation of the Bakersfield cactus (*Opuntia basilaris* var. *treleasei*), which is both state and federally listed as Endangered. Additional objectives include preserving San Joaquin Valley upland habitat features, protecting other special status species and wildlife corridors, and allowing appropriate public access and use. The land is currently undesignated Department-owned property located near a high density urban setting and used by the general public in an uncontrolled manner (e.g., illegal dumping, horseback riding, dogs off leash, destruction of signs and

fencing, and off-road vehicle use). The property's designation as an ecological reserve in Section 630, Title 14, CCR, will bring it under the protection of the general regulations for Department lands (proposed Section 550), and other pertinent regulations in Section 630. This will improve enforcement, help to alleviate damaging activities and better protect federal and state listed species and their habitats.

- 3) Designate the Cambria Pines Ecological Reserve, San Luis Obispo County, in proposed subsection 630(b)(30).

The primary management objective for the proposed 106-acre Cambria Pines Ecological Reserve is the protection and long-term preservation of a native stand of Monterey pines (*Pinus radiata*) and associated botanical resources. Native Monterey pine forests occupy a small portion of their historical range and are currently restricted to five coastal locations (Immel, 2003 – see Attachment 17). A secondary objective is to directly and indirectly protect the resources of Santa Rosa Creek through watershed protection and by not utilizing the existing wells on site so that water in this aquifer will be available for the creek. Protection and enhancement of Santa Rosa Creek will provide direct benefits to a number of aquatic and riparian dependent species including southern steelhead (*Oncorhynchus mykiss irideus*), California red-legged frog (*Rana draytonii*), western pond turtle (*Emys marmorata*), two-striped garter snake (*Thamnophis hammondi*), and yellow warbler (*Dendroica petechia*). The land is currently undesignated Department-owned property located near a high density urban setting and used by the general public in an uncontrolled manner (e.g., illegal dumping, horseback riding, dogs off leash, destruction of signs and fencing, off-road vehicle use). The property's designation as an ecological reserve in Section 630, Title 14, CCR, will bring it under the protection of the general regulations for Department lands (proposed Section 550), and other pertinent regulations in Section 630. This will help to alleviate damaging activities and better protect sensitive species and their habitats.

- 4) Designate the Liberty Island Ecological Reserve, Solano County, in proposed Section 630(b)(69).

Liberty Island is a 5,209-acre inundated island at the southern end of the Yolo Bypass (Bypass) in the northern Sacramento-San Joaquin Delta. The portion of the island owned by the Department is 4,308 acres in Solano County. The area lies approximately twelve miles south-southeast of the town of Dixon, ten miles north of Rio Vista. It is accessible via county roads that intersect State Route 113 in Solano County. The property is bound by Liberty Cut, Prospect Slough, Little Holland Tract, and the western levee of the Sacramento Deep Water Ship Channel (which is now the eastern Yolo Bypass levee) to the east. Shag Slough and the Western Bypass Levee bound Liberty Island on the west. The Yolo Bypass Wildlife Area, owned by the Department, lies to the north with agriculture and conservation properties lying directly between Liberty Island and Yolo Bypass Wildlife Area. The southern region of Liberty Island is predominately open water and stands at tidal and subtidal elevations. The area of the Island within Solano County is open to full tidal excursion.

The primary purpose for accepting transfer of the Liberty Island from the Trust for Public Lands was to protect the developing wetland for special status fish species. The U.S. Fish and Wildlife Service classified lands including and near Liberty Island as "critical habitat" for the Central Valley fall-run Chinook salmon (*Oncorhynchus tshawytscha*) and the Delta smelt (*Hypomesus transpacificus*). The National Oceanic and Atmospheric Administration has listed as threatened the Southern Distinct Population Segment of North American Green Sturgeon (*Acipenser medirostris*) and designated Yolo Bypass lands as critical habitat for the species.

Positioned at the downstream end of the Yolo Bypass, Liberty Island is within the statutorily defined flood easement protecting urban Sacramento. The Department recognizes the importance of flood control and acknowledges Liberty Island habitat management constraints may be impacted by flood flow accommodation. Flooding is an important ecosystem process that shapes habitat structure and benefits fish and wildlife. The Department anticipates managing Liberty Island in a manner that is consistent with both flood protection and wildlife needs.

Liberty Island already supports significant existing wildlife and has outstanding potential for restoration, floodplain management, and endangered species recovery. Seven primary management concerns pertain to the Liberty Island Ecological Reserve (LIER):

- a. Endangered Species/ Critical Habitats: To protect, restore, and enhance native habitats, aid the recovery of federally and state listed endangered and threatened species.
- b. Biodiversity: To protect, manage, and restore the riparian woodlands, tidally-influenced wetlands, tidal open water, and non-tidal open water habitats representative of the biological diversity of the Sacramento/San Joaquin River Delta.
- c. Connectivity: Provide habitat linkages and migration corridors for wildlife in the Yolo Bypass and Cache Slough Complex to adjacent habitats.
- d. Cooperative Management: To coordinate land management activities with Federal, State, and local governments and agencies, private conservation organizations and citizens in support of fish and wildlife resource protection at the LIER.
- e. Wildlife: To provide breeding, migration, and wintering habitat for migratory and resident birds; aquatic habitat for spawning, rearing and refugia for endangered or threatened native fish, such as longfin smelt (*Spirinchus thaleichthys*), delta smelt, Sacramento splittail (*Pogonichthys macrolepidotus*) and salmon; and, provide habitat for mammals such as otters, beaver, muskrat, and others.
- f. Public Use: To provide limited, safe, and high quality opportunities for compatible educational and recreational activities that foster public appreciation of the unique natural heritage of the Bay/Delta Ecoregion.
- g. Hunting at such times and in specific areas as designated by the Department is proposed for this reserve in subsection 630(d)(23).

- h. Flood Flow Conveyance: To facilitate flood flow conveyance and the transportation of additional flows through the LIER in a manner that benefits wildlife by managing on-site conveyance features through nonstructural improvements such as vegetation management.

The property is currently undesignated land owned by the Department, located near an urban area. It is used by the general public in an uncontrolled manner (e.g. illegal dumping, destruction of signs, unregulated hunting, overnight camping, unauthorized structures built on property). The property's designation as an ecological reserve in Section 630, Title 14, CCR, will bring it under the protection of the general regulations for Department lands (proposed Section 550), and other pertinent regulations in Section 630. This will help to alleviate damaging activities and better protect federal and state listed species and their habitats.

- 5) Designate the San Antonio Valley Ecological Reserve, Santa Clara County, in proposed subsection 630(b)(106).

The primary management objective of the 2,899-acre proposed San Antonio Valley Ecological Reserve is protection of native habitat types, wildlife and plant species that are present on the property. The site has historically been used for hunting, and limited hunting as part of special opportunities at such times and in specific areas as designated by the Department, is proposed in subsection 630(d)(37).

The native habitat types on the proposed reserve include Valley Oak Woodland, Blue Oak-Foothill Pine Woodland, Mixed Chaparral, and Vernal Pool. The property contains a high abundance and diversity of native flowering plants including five sensitive species. Hospital Canyon larkspur (*Delphinium californicum* subsp. *interius*) and chaparral hairbell (*Campanula exigua*) have not been proposed for state or federal listing as threatened or endangered, but are considered very rare and vulnerable according to the Inventory of Rare and Endangered Plants published by the California Native Plant Society ("CNPS Inventory" (CNPS, 2010)). Santa Clara thorn-mint (*Acanthomintha lanceolata*), spring lessingia (*Lessingia tenuis*), Michael's rein orchid (*Piperia michaelii*) are plants that are thought to be of limited distribution or infrequent throughout a broader area in California, according to the CNPS Inventory. Excerpts from the CNPS Inventory are included as Attachment 6. Special status wildlife species possibly occurring on-site include California tiger salamander (*Ambystoma tigrinum californiense*), red-legged frog (*Rana aurora*) and foothill yellow legged frog (*Rana boylei*). The former two amphibian species are federally listed as Threatened. The salamander is also state-listed as Threatened. Tule elk (*Cervus elaphus*), which were re-introduced into their historical habitat in the 1970s, have been observed on the property.

Cattle grazing and other unauthorized uses have occurred on the property. The property is adjacent to Henry Coe State Park and private ranches. The property's designation as an ecological reserve in Section 630, Title 14, CCR, will bring it under the protection of the general regulations for Department lands

(proposed Section 550), and other pertinent regulations in Section 630. This will provide the level of protection appropriate for the sensitive habitats and species known or anticipated to be on-site.

- 6) Designate the Sands Meadow Ecological Reserve, Tuolumne County, in proposed subsection 630(b)(114).

The primary management objective for the proposed 120-acre Sands Meadow Ecological Reserve (SMER) is the protection of montane meadow, stream and forest habitats in the central Sierra Nevada. Management objectives would be to survey and manage for special status species including great gray owl (*Strix nebulosa*) and willow flycatcher (*Empidonax traillii*), both of which are State-listed as Endangered, known from this general area and utilize the type of habitats available on-site. Other focus species include a suite of mesocarnivores (animals that are mostly carnivorous) including Sierra Nevada red fox (*Vulpes vulpes necator*), State-listed as Threatened, wolverine (*Gulo gulo*), State-listed as Threatened, fisher (*Martes pennanti*) and marten (*Martes americana*). Management of this property as an ecological reserve would also facilitate protection of an adjacent 40-acre property with a conservation easement held by the Department. The 40-acre parcel is bordered on three sides by the SMER. The two properties combined are surrounded by the Stanislaus National Forest and are wholly contained within a designated State Game Refuge. The designation of the Department's parcel as an ecological reserve in Section 630, Title 14, CCR, will bring it under the protection of the general regulations for Department lands (proposed Section 550), and other pertinent regulations in Section 630. This designation will provide the level of protection appropriate for the sensitive habitats on-site and the listed species they support.

- 7) Designate the Vernalis Ecological Reserve, San Joaquin County, in subsection 630(b)(130).

The proposed Vernalis Ecological Reserve (VER) is approximately 136 acres of seasonal emergent wetland and riparian habitat, located along the San Joaquin River, south of Manteca in San Joaquin County. It consists of two separate units, Vernalis and Dredger Island, located on opposite sides of the mouth of a deep oxbow. The Vernalis unit is 115 acres in size and consists primarily of seasonal emergent wetland vegetation, along with a few small scattered cottonwoods. The Dredger Island unit is 21 acres in size and is a remnant stand of riparian habitat dominated by large cottonwoods and valley oaks (*Quercus lobata*), with some willows, elderberry (*Sambucus mexicana*), and other native shrubs in the understory. Both parcels are within the floodplain of the San Joaquin River. Because the habitat value to native species on this property is high and the potential for recreational use is relatively low due to its small size and lack of land-based public access, the Department proposes that this property should be designated as an ecological reserve.

The primary management objective for the proposed VER is to conserve the property's seasonal wetland and riparian habitat and provide limited public

recreational opportunities in the form of fishing and hunting. Other than permitted access across private farms that borders both properties, the only access is by boat from the San Joaquin River, or by walking one to two miles along a levee from a public road. Most anglers access the properties by boat.

Recreational use of the properties is low, but illegal activities such as off-highway vehicle (OHV) use, trash dumping, target shooting, and campfires are fairly common. Department law enforcement personnel regularly patrol the properties and eject individuals engaged in these activities. Designation of the properties as an ecological reserve under proposed Section 630, Title 14, CCR, will provide the level of protection appropriate for the site and allow for more effective law enforcement.

The Vernalis unit was acquired in 1990 by the Department in fee title at no cost from the Federal Farmers Home Loan Administration, under the Federal Agricultural Credit Act of 1987 that donated surplus farm land with significant wildlife values to state wildlife agencies. The transaction also included a conservation easement retained by the U.S. Fish and Wildlife Service (USFWS) that requires that the property be perpetually managed for the maintenance of wildlife habitat, the conservation of soil and water, and maintenance of the natural plant species and ecology of the area. The conservation easement also allows for public use and recreation consistent with the dominant uses for fish and wildlife, and the conservation of the natural environment of the area. Fishing and hunting are compatible uses of this property, but the only feasible hunting opportunities occur during the pheasant season when birds fly to the property, over the levee from adjacent alfalfa fields. The Stockton Sportsmen's Club leases the alfalfa fields every fall to conduct public pay-for-access hunts with pen-raised pheasants. Upland game hunting at such times and in specific areas as designated by the Department is proposed for this unit in subsection 630(d)(42). The Vernalis unit may benefit from some habitat improvement activities, but a plan describing the existing vegetation and proposed actions to benefit and/or increase native vegetation would need to be developed by the Department, and likely approved by the USFWS.

The Dredger Island unit is owned by the Central Valley Flood Protection Board (Board) (formerly known as the State Reclamation Board) and managed by the Department under a 50-year lease that will expire on April 1, 2027. Staff at the Board stated to Department staff that it is common for these leases to be renewed for another 50-year term. The lease was obtained by the Department to preserve the property's wildlife habitat value and provide public recreational use. A copy of the lease is included Attachment 7

The Board reserves the right to use Dredger Island "for the purpose of maintaining, constructing and operating flood control works," and "may suspend...this agreement for any period or periods of time for levee reclamation or flood control purposes..." However, to date, the riparian habitat on the property appears to be quite healthy and intact, therefore, it appears that few, if any, impacts from flood control maintenance have actually occurred. The primary management objective for the Dredger Island unit is to conserve the

property's riparian wildlife habitat and to provide public recreational opportunity in the form of fishing. At only 21 acres, the parcel is too small to sustain an upland game (primarily quail, dove, or rabbits) hunting program. The property is also approximately one mile north of a San Joaquin County school, so safety issues further preclude use of the property for hunting.

Dredger Island contains remnant San Joaquin River riparian habitat that occurs within an area known to be used by nesting Swainson's hawks (*Buteo swainsoni*). Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) may also exist on the property, along with small populations of birds and small mammals that are typical of Central Valley riparian habitat. Neighboring properties along the east side of the parcel are large farms that grow alfalfa and row crops.

The designation of these lands as units of the Vernalis Ecological Reserve in the proposed Section 630, Title 14, CCR, will provide protection for the property through the general regulations proposed under Section 550 and other pertinent regulations in Section 630. Protection under Title 14 will help to prevent damaging activities and better protect the habitats, while still allowing continued use by the public for fishing and hunting on the respective units.

Comparison between Existing and Proposed Regulations and the Necessity of Additional Regulatory Changes

This regulatory proposal is a major reorganization of the lands regulations. The general (non-site specific) regulations for Department lands will be moved into Section 550 to improve regulatory clarity and consistency.

Currently, the site specific regulations are organized primarily by individual property. In order for the public to find where various uses are authorized and what restrictions might apply, the proposed regulations reorganize all of the site-specific regulations primarily by type of use and secondarily by property. The reorganization of the site-specific regulations required breaking up existing subsections and moving each of the regulations to new locations based on the type of activity they regulate. For example existing subsection 551(q)(11)(E) addresses a variety of issues for the Lake Earl Wildlife area: boat motors, dogs, annual closure of a public access, and firearms. Those regulations have been moved into tables in subsections 551(l), (o) and (r) which address boats, closures and special restrictions, and firearms respectively. For all of the proposed regulations listed below that are only being moved into a different location and are not new or substantively changed, the explanation that accompanies them includes only their corresponding sections in the existing regulations.

Where the language of existing regulations is proposed to be changed or new regulations are proposed, the necessity for these changes or additions is described below. The discussion of each subsection begins with listing the corresponding subsections of the existing regulations or else states that the regulation is new. Any new regulation or substantive change from the corresponding existing regulation is explained and justified.

There are existing regulations or parts of regulations that are not being moved to new locations, but are simply being proposed for deletion. The necessity of a deletion is discussed following statements for the proposed new and modified regulations. The subheading for this discussion is: “Existing Regulations Proposed for Deletion”.

Unless otherwise cited, the changes proposed in this regulation package are recommended by the Department based on its expertise and experience in managing wildlife, habitats, associated public uses, and law enforcement. In addition, several changes are proposed based on recommendations from members of the public, primarily those who use the Department lands covered by these regulations.

Proposed Section 550

Subsection 550(a): **Opening Department Lands to Public Uses:** This is a new regulation. The Department has observed that there is confusion among the public and within its own staff regarding who has authority to open Department land to public uses. A misunderstanding the Department routinely encounters is the belief that this authority rests with the land manager assigned to a particular property or with the Department’s regional manager. It would reduce confusion to add proposed subsection 550(a) in order to clarify that this authority rests with the Commission per Fish and Game Code sections 1526, 1580, and 1745. Additionally, in combination with the proposed definition of Department lands in subsection 550(b)(1), subsection 550(a) would add protection to lands that the Department owns but has not yet designated as a particular type of property. These lands are not protected by existing general regulations in sections 550 and 630 and have been especially difficult to protect from human-caused habitat degradation.

Subsection 550(b): **Definitions:** These are new regulations. It is the experience of the Department’s land management staff that there has been confusion about which public uses are allowed, and current regulations regarding entry permits and reservations. The Department proposes to add these definitions to promote a common understanding among the public and Department staff. The Department believes that these definitions are necessary to implement the statutes in the Fish and Game Code that describe the conservation and recreational purposes of Department lands (Fish and Game Code sections 1525, 1528, 1580, 1584, and 1745).

Subsection 550(c)(1): **Visitor Entry and Responsibilities:** For wildlife areas, this is covered in existing subsections 550(b)(23) and 551(q). For ecological reserves, similar regulations apply in existing subsection 630(a)(10). As California’s population has grown, the demands on Department lands have increased. One set of regulations regarding visitor entry will provide greater clarity for the public. Applying these regulations to all Department lands will provide protection for undesignated lands as well as ecological reserves and wildlife areas. This protection is currently absent for undesignated lands because they are not covered by the existing visitor entry regulations in sections 550 and 630. This protection is

necessary to ensure that the conservation purposes of all Department lands are fulfilled as described in Fish and Game Code sections 1525, 1528, 1580, 1584, and 1745.

Subsection 550(c)(2),(3),(4): **Visitor Entry:** These proposed subsections correlate to all or parts the following existing regulations: subsections 550(b)(2), (3), (4) and (22); subsections 551(f),(g),(h)(3),(i) and(o) and Section 630 (first paragraph), 630(a)(9) and (10).

Visitor hours from sunrise to sunset are proposed in subsection 550(c)(2)(C) to be applied to all of the Department's land for public safety and property protection purposes. Existing subsections 630(a)(9) and 630(a)(10) essentially duplicate regulations in existing sections 550 and 551 regarding the Department's authority to limit entry and eject visitors who are acting in violation of the regulations. Unlike sections 550 and 551, subsection 630(a)(10) specifies that visitor hours are generally from sunrise to sunset. In practice, the sunrise to sunset regulation is applied at wildlife areas as well, except for specific activities discussed in other regulations such as hunting and night fishing, or as allowed in individual permits typically issued for research or education purposes. There are many properties with site-specific regulations that stipulate sunrise to sunset hours and replacing them with this single regulation will reduce duplication.

Some of the proposed regulations regarding entry for all Department lands are derived entirely from the existing regulations for wildlife areas. They are more specific than the existing entry regulations for ecological reserves in Section 630, particularly in regard to the processes for issuing and utilizing entry permits and penalties for violating land use regulations. It is necessary to apply these regulations to all Department lands because:

- 1) It contributes to the logical organization and consolidation of the regulations to group all the general entry regulations together to provide clear and consistent regulations for the public. The proposed regulations clarify when special circumstances apply.
- 2) These regulations are currently applied at ecological reserves, in practice, when they are applicable (especially at those ecological reserves that provide hunting programs).
- 3) It is the opinion of the Department that having a single consistent set of regulations promotes the appropriate and safe use of Department properties throughout the state.

Proposed subsection 550(c)(2)(A) is new and is necessary to clarify that allowed public uses of Department lands are those authorized in the Sections 550, 551, 552 and 630 of Title 14, CCR. This ensures that public uses will be consistent with the purposes of Department lands described in Sections 1301, 1525, 1528, 1580, 1584, and 1745 of the Fish and Game Code. Subsection 550(c)(2)(F)(2) is new and is necessary to clarify how to obtain passes that are exchanged for entry permits at the subject properties. The Commission is authorized to prescribe the terms for issuing permits and other entitlements to use Department lands in Fish and Game Code Section 1050. The Automated License Data System (ALDS) has been

adopted (Section 700.4, Title 14, CCR), and is the sole method for purchasing passes, licenses and related items. All ALDS purchases are made either on-line, at a Department license office, or at a license agent (typically a retail store). None of the wildlife areas or ecological reserves has the equipment that is necessary to make sales through ALDS.

Subsection 550(d): **Special Use Permits:** There currently are no statewide procedures for making or processing these requests. Fish and Game Code sections 1528 and 1580 authorize the Department to operate wildlife areas and ecological reserves, respectively, for the purposes described in those sections. Conservation of natural resources is a primary purpose of both wildlife areas and ecological reserves. Current subsection 550(b)(2) authorizes the Department to restrict entry into wildlife areas for safety and management purposes and similar language exists for ecological reserves in subsection 630(a)(10). Existing subsection 550(b)(5) for wildlife areas currently requires prior written authorization from the regional manager for special events, but it does not provide guidance on how this authorization should be issued. The regulation does state that the activity must be compatible with the management objectives of the property. Existing subsection 550(b)(14) states that “special permits” are required for field dog trials on wildlife areas, but it provides no information about what these permits are or how to obtain them. Special uses or events are not addressed in the current Section 630 regulations for ecological reserves, although the Department does receive and respond to requests for special uses of these properties.

Proposed subsection 550(d) clarifies when a special use permit is necessary and standardizes how special use permits are applied for, evaluated and processed. A definition of special uses is provided in proposed subsection 550(b)(7). This does not introduce a new use because, as discussed above, the Department already has authorization to administer entry and uses of its lands and existing regulations specifically direct the public to apply for permits or written authorization for group activities and other special uses on wildlife areas. Although special use permits are not currently required for ecological reserves in Section 630, in practice they have been required by Department staff in response to requests for special uses. A standardized permit process is especially needed to manage special uses on ecological reserves to protect the rare species or habitats that are present on those properties.

Subsections 550(e) and (f): **Environmental Education and Research:** These subjects are not directly addressed in existing general regulations in sections 550 or 630, although a related activity, collecting, is addressed in existing subsection 630(a)(3). Environmental education and research have been conducted on Department lands for many years and are important public uses according to Fish and Game Code sections 1745 and 1584. The Department believes that regulations for these uses are necessary for the safety of visitors participating in these activities, tracking use of Department lands, obtaining biological or other environmental information about Department lands, and ensuring that these uses do not conflict with other purposes of the property or with one another. Subsection 550(f) also reduces duplication in the regulations because currently there are over twenty, nearly identical, site-specific regulations requiring written authorization to

conduct research in existing subsection 630(b). These site-specific regulations are redundant and are proposed for deletion.

Subsection 550(g): **Protection of Resources:** Corresponds with all or part of existing regulations subsections 550(b)(10) and (11) and subsection 630(a)(1). The proposed regulation covers the intent of the existing regulations while reducing duplication by having one regulation that addresses this issue for all Department lands.

Subsection 550(h): **Fishing:** Corresponds with all or part of existing regulations subsections 550(b)(17) and 630(a)(2). Subsection 550(b)(17) is a prohibition on commercial fishing on wildlife areas. There is no general regulation in existing Section 550 that allows recreational fishing on wildlife areas. In practice, for many years, it has been assumed that recreational fishing is allowed where not prohibited in site-specific regulations. Sections 1528 and 1745 of the Fish and Game Code make it clear that the legislature intends for fishing to be generally allowed on wildlife areas. The proposed regulation makes specific the intent of the existing regulations and statutes while reducing duplication by having one regulation address this issue for all Department lands.

Subsection 550(i): **Regional Manager Authority:** Proposed subsection 550(i)(1) corresponds with existing regulation subsections 551(j)(1) and 630(a)(22). The Commission has the authority to designate new public uses for Department lands (Fish and Game Code sections 1525, 1580 and 1745). Existing subsections 551(j)(1) and 630(a)(22) have been misinterpreted as giving this authority to regional managers within the Department, which conflicts with the statutes and causes confusion for the public and Department staff. Proposed subsection 550(i) clarifies that the regional manager has the authority to restrict public uses if it is necessary for the protection of wildlife, habitat, or public safety. It reduces duplication in the regulations by addressing the regional manager's authority in one regulation that applies to all Department lands. Proposed subsection 550(i)(2) corresponds with the last sentences in existing subsections 551(l)(2) and (4) which authorize special pheasant and turkey hunts. These special hunts are existing uses that require year to year flexibility based on staff availability and on-the-ground conditions. They are often focused on offering opportunities for new or underrepresented groups of hunters.

Subsection 550(j): **Wildlife Viewing, Hiking, and Photography:** Existing regulations do not explicitly authorize these uses for Department lands. It is necessary for the Commission to designate these uses to be consistent with the recreational purposes described in Fish and Game Code sections 1528, 1584, and 1745. Proposed subsection 550(j)(1) directs commercial filmmakers and photographers to obtain a Special Use Permit, per proposed Section 550(d), and also obtain a permit from the California Film Commission as required by Government Code sections 14998.8 et seq. This Government Code Section is included as Attachment 8.

Subsections 550(k)(l) and (m): **Introduction of Species, Feeding of Wildlife, and Pets:** Corresponds with all or part of existing subsections 630(a)(11)(12) and (18)

respectively. Section 630 applies only to ecological reserves, but it is necessary to apply these regulations to all Department lands to ensure that their conservation purposes are fulfilled per Fish and Game Code sections 1525 and 1580. Language in proposed subsections (k) and (m) ensure that these regulations do not interfere with authorized activities involving dogs or birds used for hunting, field dog trials or training. The language in proposed subsection 550(m) regarding leashes consolidates the many existing site-specific leash regulations in subsections 551(q) and 630(b). Consequently, the site specific leash regulations are no longer necessary and will be deleted in the proposed regulations.

Subsection 550(n): Use of Dogs for Hunting, Training and Dog Trials: Corresponds to existing subsection 550(b)(14). Proposed subsection 550(n)(3) was added at the request of groups that train bird hunting dogs in order to clarify that Section 265 applies only to dogs used to hunt mammals.

Subsection 550(o): Horses, Pack Stock and Horseback Riding: Corresponds to all or parts of existing subsections 550(b)(16), 630(a)(7) and 11 site-specific regulations in subsection 630(b) that generally prohibit horses. The proposed regulation covers the intent of these sections while reducing duplication by having one regulation that addresses this issue for all Department lands.

Subsection 550(p): Camping, Motorhomes and Camp Trailers: Corresponds to all or parts of existing subsections 550(b)(12), 550(b)(6)(A) and 630(a)(20). Proposed subsections 550(p)(2)(A), (B) and (C) are new, but deemed necessary by the Department for safe and orderly use of designated camping areas.

Subsection 550(q): Fires: Corresponds to all or parts of existing subsections 550(b)(13) and 630(a)(19). Proposed regulation provides for the intent of these sections while reducing duplication by having one regulation that addresses this issue for all Department lands.

Subsection 550(r): Pesticides and Hazardous Materials: Corresponds to all or parts of existing subsections 550(b)(15) and 630(a)(13). The proposed regulation provides for the intent of these sections while reducing duplication by having one regulation that addresses this issue for all Department lands. Language used in the proposed regulations states that visitors are prohibited from using these materials and unlike the existing regulations, does not address the use of these materials by the Department or its agents. It is unnecessary for the visitor use regulations to address the use of these materials by the Department. The Department is authorized to maintain Department lands in Fish and Game Code sections 1525 and 1580. The use of pesticides as a land management tool is addressed in the Department's land management plans which undergo public review under the California Environmental Quality Act. The Department's use of pesticides or other hazardous materials must comply with state and local statutes and regulations regarding these materials.

Subsection 550(s): Unauthorized Farming or Grazing: Corresponds to all or parts of existing subsections 550(b)(16) and 630(a)(15). The proposed regulation

provides for the intent of these sections while reducing duplication by having one regulation that addresses this issue for all Department lands.

Subsection 550(t): **Vandalism:** Corresponds to all or parts of existing subsections 550(b)(9)(A) and 630(a)(21). Proposed regulation provides for the intent of these sections while reducing duplication by having one regulation that addresses this issue for all Department lands.

Subsection 550(u): **Signs and Markers:** Corresponds to subsection 550(b)(7)(B) which only applies to Wildlife Areas. This regulation needs to be expanded to apply to signage, barriers and markers at all types of Department lands. A large amount of staff time is spent replacing these after they have been damaged or removed by members of the public.

Subsection 550(v): **Litter:** Corresponds to all or parts of existing subsections 550(b)(9)(B) and (b)(12) and 630(a)(14). The proposed regulation provides for the intent of these sections while reducing duplication by having one regulation that addresses this issue for all Department lands.

Subsection 550(w): **Fireworks and Explosives:** Corresponds to subsections 550(b)(20) for wildlife areas and 630(a)(19) for ecological reserves. Consolidating these into a single general regulation to apply to all Department lands is proposed for public safety and habitat protection.

Subsection 550(x): **Possession and Use of Alcohol, Marijuana, and Controlled Substances:** Corresponds to existing subsection 550(b)(21), and generally to subsection 630(a)(9), but was expanded upon at the request of, and with input from, the Department's Law Enforcement Division for clarification and public safety reasons.

Subsection 550(y): **Motor Vehicles:** Corresponds to existing subsections 550(b)(6), 550(b)(7)(A), and 630(a)(4). Existing Section 550, which currently applies only to wildlife areas, contains more details regarding the use of motor vehicles than subsection 630(a)(4), which applies only to ecological reserves. It is necessary to apply these regulations to all Department lands for habitat protection and public safety. It is self-evident in the text of the proposed regulations, when they apply to particular circumstances (not to all properties, all the time). Proposed subsection 550(y) does not group bicycles with motor vehicles, as they currently are within subsection 630(a)(4). This is necessary because they are not motorized, they provide a different type of use of Department lands, and therefore, should be addressed separately. In the proposed regulations, the general regulation regarding bicycles is subsection 550(bb).

Subsection 550(z): **Boats and Swimming:** Corresponds to existing subsection 550(b)(8), and subsections 630(a)(5) and (a)(6). Because boats are treated differently on wildlife areas versus ecological reserves within the existing regulations, separate subsections of proposed 550(z) address each type of property so that the current uses of boats on all Department lands are maintained. Site specific regulations regarding boats in existing subsection 551(q) and boating and

swimming in subsection 630(b) are carried over to proposed site-specific regulations in subsections 551(k) and 630(f) respectively. Although swimming is not mentioned in the current regulations for wildlife areas, it is appropriate to treat it the same way that it is currently treated for ecological reserves since water bodies on wildlife areas are generally managed as habitat for fish and wildlife as well as places to provide opportunities for hunting and fishing per Fish and Game Code sections 1528 and 1745. These areas were not acquired to provide a venue for swimming. Combining the existing regulations to the extent possible is necessary to consolidate the general use regulations for Department lands and provide clear regulations for visitors.

Subsection 550(aa): **Aircraft:** Corresponds with existing subsection 630(a)(17). Although aircraft are not addressed for wildlife areas in the existing regulations (sections 550 and 551), it is appropriate to include this restriction in the regulations for all Department lands since it is not a use that is currently designated for wildlife areas by the Commission and the regular use of aircraft by the general public on Department lands is not compatible with the purposes in Fish and Game Code sections 1301, 1525, 1528, 1580, 1584, and 1745.

Subsection 550(bb): **Bicycles:** Corresponds with existing subsection 630(a)(4). There are a number of problems with the current general regulations regarding bicycles:

- 1) Bicycles are not addressed in the current general regulations for wildlife areas (existing Section 550). There is a common misunderstanding that when a use is not addressed in the regulations, it is generally allowed on wildlife areas, when in fact the opposite is true. The authority to allow a particular use on a wildlife area rests with the Commission (Fish and Game Code sections 1526 and 1745) and regulations for uses are promulgated through the rulemaking process in the Administrative Procedure Act (Government Code Section 11340 et seq.). Since the use of bicycles has not been generally authorized by the Commission, they are generally prohibited. The Department believes that this prohibition needs to be clarified in the regulations.
- 2) Existing subsection 630(a)(4) includes bicycles under the heading of motor vehicles. However, the use of bicycles on Department lands differs from the use of motor vehicles. On Department lands, motor vehicles are driven on authorized access roads by the general public to areas on a Department property where they can engage in one of the priority uses described in Fish and Game Code Section 1745 (hunting, fishing, wildlife viewing, etc.). With the exception of waterfowl hunters, who use bicycles as transportation on authorized roads or levees between parking lots and hunting areas, bicycling, where allowed, is a form of recreation in itself and it is not dependent on the presence of native wildlife or vegetation. Taking a motorized vehicle off-road is a prohibited activity that may be more immediately obvious to land management and law enforcement staff than taking a bicycle off-road. Department staffing on many properties is insufficient to monitor bicycle use and ensure that bicyclists are staying on roads. Off-road bicycling is considered to be a relatively high impact public use of wildlife habitat (Pickering, 2010. See Attachment 9). Recreational use of bicycles is not one of

the purposes for establishing wildlife areas or ecological reserves, nor is it a priority use for Department lands (see Fish and Game Code sections 1528, 1580, and 1745).

- 3) Subsection 630(a)(4) allows bicycles on “designated access roads” on ecological reserves. This means that bicycling is allowed only on ecological reserves that have roads that have been designated for use by bicyclists (typically designated for other uses as well). There is a common misunderstanding that bicycles are allowed on all roads on all ecological reserves that are open to the general public.

It is necessary to apply the regulation proposed in subsection 550(bb) as a general regulation for all Department lands to resolve the misunderstandings regarding the authorized uses of bicycles on Department lands. Bike riding is currently allowed on certain wildlife areas and ecological reserves according to existing site-specific subsections scattered throughout subsections 551(q) and 630(b). The proposed regulations group these together in a table for wildlife areas in subsection 551(j) and a similar table for ecological reserves proposed as subsection 630(g).

Subsection 550(cc): **Firearms:** This proposed section corresponds to all or parts of existing subsections 551(b)(1) through (b)(7) and (b)(10) plus subsection 630(a)(8). Additional details are provided for clarification that is lacking in the existing regulations. The added language addresses the following:

- 1) Proposed subsection 550(cc)(1) clarifies who is authorized to possess concealed firearms while on state wildlife areas to avoid perceived conflicts with Penal Code provisions authorizing persons to carry concealed firearms. The existing regulation generally prohibits the possession of concealed firearms in state wildlife areas. But, pursuant to the Penal Code, many individuals have been issued Carry Concealed Weapons (CCW) permits by their local sheriff or police chief authorizing them to carry concealed firearms for personal protection. Active peace officers may carry concealed firearms, and many retired peace officers are also authorized to carry concealed firearms by their former employing agencies. Some have suggested the existing regulation is invalid or confusing because it doesn't take into account these authorizations. While the Commission disagrees with those who suggest existing regulations conflict with the Penal Code, the proposed amendment will clarify that CCW permit holders, active peace officers, and authorized retired officers may possess concealed firearms pursuant to existing provisions of the Penal Code.
- 2) Proposed subsection 550(cc)(2)(D) includes the definition of a BB gun. This is necessary for clarification now that a wider range of similar firearms is available. This regulation is placed in this subsection rather than proposed subsection 550(b), with all of the other definitions, because BB guns are only referred to in this subsection of the land regulations, and the definition logically fits with this subject area.
- 3) Exceptions made for bow and arrow fishing tackle are provided in proposed subsection 550(cc)(2) and (4) to clarify that the firearms regulations in this section are not intended to interfere with legal bow-fishing.
- 4) Proposed subsection 550(cc)(3)(A) includes authorization to possess and discharge a firearm as part of hunting dog-training in a designated area or with

written authorization from the Department (typically a special use permit issued for a dog trial event). This is a long-standing use of firearms on Department lands that can assist in the development of dogs used in hunting waterfowl or upland game. This clarification was requested by constituent groups involved in these activities and the Department agreed it is appropriate to include in the amended regulations.

- 5) Language proposed for subsection 550(cc)(3)(A) allows the use of pistols to dispatch trapped animals as provided for in proposed subsection 550(ee). See more detailed explanation below for the addition of proposed subsection 550(ee).
- 6) Proposed subsection 550(cc)(4)(D) limits the number of shot shells taken in the field during waterfowl season on Type A wildlife areas and certain Type B and Type C wildlife areas. This is based on the fact that in existing Section 551(q), all of the Type A waterfowl hunting areas have this site specific restriction, as do certain Type B and Type C areas. Rather than have many identical site-specific regulations, they are replaced here with a single general regulation for the sake of brevity and to reduce duplication. A few Type A areas do have certain days during the waterfowl season when the 25 shot shell limit is not in effect. Proposed subsection 550(cc)(4)(D) refers the reader to proposed subsection 551(o) for those exceptions.

Subsection 550(dd): **Falconry:** Corresponds to existing subsections 551(b)(8) and (9) and subsection 630(a)(1).

Subsection 550(ee): **Trapping:** In existing subsection 550(b)(18), trapping of furbearing animals is allowed on wildlife areas as long as it complies with existing subsections 550(b)(19), 551(b)(2) and 551(q). The restrictions in these subsections functionally restrict trapping to Type C wildlife areas. Existing subsection 550(b)(18) conflicts with existing subsection 551(c), which prohibits the non-hunting use of firearms on wildlife areas. Existing subsection 550(b)(18) also conflicts with parts of subsection 551(q) that contain property-specific restrictions on certain Type C wildlife areas that functionally exclude trapping through closure to general public access or a prohibition of pistols. Note that trapped animals are typically dispatched with a pistol in compliance with subsection 465.5(g)(1). Proposed subsection 550(ee) is added to more clearly explain where and when trapping is allowed. Language is also proposed for subsection 550(cc)(3)(A) to allow the use of pistols to dispatch trapped animals.

Proposed Section 550.5

Subsection 550.5(a)(1): **Reservations for Hunting Activities:** Corresponds to existing subsection 551(j)(1). Change in text consolidates information that was formerly presented in various parts of existing subsections 551(q) and 552(a) regarding when reservations are required. The new subsection will provide readers with clearer information “up front” about which areas are likely to require reservations.

Subsection 550.5(a)(1)(A) through (F): **Reservations for Hunting Activities:** Corresponds to existing subsections 551(j)(2) through(7)

Subsection 550.5(b): **Reservations for Wildlife Viewing and Tours:** This is a new regulation. The observation of native wildlife and habitats by the public is an appropriate use of many Department lands (Fish and Game Code sections 1528, 1584, 1745). Certain properties have become very popular for wildlife or wildflower viewing opportunities. It is necessary to establish that the Department has the authority to establish advance reservation opportunities if it is necessary to limit entry to these areas to protect sensitive natural resources. This is analogous to requiring advance reservations for hunting on certain areas at certain times (see existing subsection 551(j)). Also, it has become more common for docent-led tours to be offered on Department lands. These are typically advertised on the Department's website and via press releases. Some of these tours are very popular and individuals or local organizations are sometimes disappointed to find that the number of participants is truly limited. The limitations are due to personnel availability, the need to avoid negative impacts on sensitive natural resources and in many cases, the limited duration of wildflower blooms or the presence of migratory wildlife. It is necessary to establish in regulation that the number of participants on these tours may be limited by the Department.

Subsection 550.5(c)(1): **Entry Permits, Fees and Passes:** This subsection is new and is necessary for clarification about how to obtain passes that are exchanged for entry permits at Department lands. It essentially provides details for the implementation of subsection 550(c)(2). The Commission is authorized to prescribe the terms for issuing permits and other entitlements to use Department lands in Section 1050 of the Fish and Game Code.

Subsections 550.5(c)(2)-(8): **Entry Permits, Fees and Passes:** These sections correspond to existing subsections 551(f), 551(g)(1)-(4), 551(g)(6) and (7), 551(h)(1) and (2), and subsection 630(a)(10).

Subsection 550.5(c)(9): **Entry Permits:** Corresponds to existing subsection 550(b)(3).

Subsection 550.5(c)(10): **Entry Permits:** Corresponds to existing subsection 551(h)(4).

Subsection 550.5(d): **Special Use Permits:** There currently are no statewide procedures for making or processing requests for special uses. Fish and Game Code sections 1528 and 1580 authorize the Department to operate wildlife areas and ecological reserves, respectively, for the purposes described in those sections. Conservation of natural resources is a primary purpose of both wildlife areas and ecological reserves. Current subsection 550(b)(2) authorizes the Department to restrict entry into wildlife areas for safety and management purposes and similar language exists for ecological reserves in subsection 630(a)(10). Existing subsection 550(b)(5) for wildlife areas currently requires prior written authorization from the regional manager for special events, but it does not provide guidance on how this authorization should be issued. The regulation does state that the activity must be compatible with the management objectives of the property. Existing subsection 550(b)(14) states that "special permits" are required for field dog trials on wildlife areas, but it provides no information about what these permits are or how

to obtain them. Special uses or events are not addressed in the current Section 630 regulations for ecological reserves, although the Department does receive and respond to requests for special uses of these properties.

Proposed subsection 550.5(d) clarifies when a special use permit is necessary and standardizes how special use permits are applied for, evaluated and processed. A definition of special uses is provided in proposed subsection 550(b)(7). This does not introduce a new use because, as discussed above, the Department already has authorization to administer entry and uses of its lands and existing regulations specifically direct the public to apply for permits or written authorization for group activities and other special uses on wildlife areas. Although special use permits are not currently required for ecological reserves in Section 630, in practice they have been required by Department staff in response to requests for special uses. A standardized permit process is especially needed to manage special uses on ecological reserves to protect the rare species or habitats that are present on those properties.

Proposed Section 551

Subsection 551(a): **Additional Visitor Use Regulations on Department Lands Designated as Wildlife Areas:** This is a new regulation. The Department has observed that there is confusion among the public regarding the purposes of wildlife areas, who has authority to open wildlife areas to public uses, and visitor responsibilities. This regulation is necessary to provide clarification regarding these issues and ensures that the conservation and recreation purposes of the wildlife areas are fulfilled as described in Fish and Game Code sections 1525, 1528 and 1745. The introduction added to Section 551 is analogous to the existing introduction to Section 630 for the ecological reserves.

Subsections 551(b)(c) and (d): **Wildlife Areas Owned by the Department, Federal Areas Administered by the Department, and Areas Operated by the Department in Cooperation with other State and Federal Agencies:**

Corresponds to existing subsections 550(a) and 551(a). Adds proposed subsections 551(b)(8) for a new property that is proposed to be designated as a wildlife area, Burcham and Wheeler Flats as discussed in the previous section "Designation of Properties." More detailed information is provided in the compilation of reports titled: "Department of Fish and Game Land Management Summaries, June 2011" included in this rulemaking file as Attachment 5.

Subsections 551(e)(1),(2) and (3): **Types of Wildlife Areas:** Corresponds to existing subsections 551(d), 551(j)(1), 551(l)(1),(2),(3) and (4). This section also captures the intent of existing subsection 550(b)(18) with respect to hunting being allowed on State Wildlife Areas.

1. Although the proposed regulations do not contain separate subsections that address just pheasant or turkey (as in existing subsections 551(l)(2) and (4)), these subsections are no longer necessary. The regulation regarding pheasant is captured in 551(e) by specific references to hunting pheasant in proposed subsections 551(e)(1) and (2), the allowance for take of all legal species in subsection (3), and site-specific regulations in proposed subsection 551(s). The

regulation regarding turkeys is captured in subsection 551(e)(3) and site-specific regulations in 551(n) and(s).

2. The allowance for take of all legal species on Type C areas except where restricted in subsections 551(q) or 551(t) results in the same outcome as the existing regulation, subsection 551(l)(i) which requires a regulation for each Type C area that explains which species are allowed (i.e., the proposed regulation allows all legal species, except those that are prohibited as opposed to the existing regulation which is essentially all are prohibited except those that are allowed). The proposed approach is more efficient because it requires fewer site specific regulations.

Subsection 551(e)(4): **Fees at State Recreation Areas:** Corresponds to existing subsection 551(g)(5). There are no substantive changes.

Subsections 551(f), (g), and (h): **Shooting Hours, Passes, Deferred Openings:** Corresponds to existing subsections 551(e),(k) and (m) respectively. In proposed Section 551(f), the waterfowl hunting hours are the same for all three types of wildlife areas. In existing Section 551(e) only Type A and Type B areas are mentioned. It is not known why the existing regulation does not include Type C wildlife areas. Shooting hours for waterfowl on the Department's wildlife areas should be consistent with the statewide waterfowl regulation. According to Section 506, the shooting hours for waterfowl in California are from one-half hour before sunrise until sunset.

Subsection 551(i): **Wildlife Areas Authorized for Dog Training and Trials:** Corresponds to various subsections of existing subsection 551(q)(see table below). Also see general regulations regarding dog training and trials in proposed Section 550(n) and existing subsection 550(b)(14). The proposed regulations group all site-specific regulations relevant to dog training and trials in one table as opposed to the current approach where each regulation is found in the subsection for each wildlife area that has a regulation regarding dog training and/or trials. This allows the public and staff to see more clearly where these uses are available.

The proposed section also includes new regulations for dog training on wildlife areas that have a long history of this use, although the existing site-specific regulations do not mention that they include areas designated for dog training (per existing subsection 551(b)(14) (corresponds to proposed subsection 550(n)). These activities were allowed under the regional manager's authority. This is problematic because the regional managers' authority is not intended to open areas to new routine or regular uses. Several of these areas have required written authorization from the area manager for dog training and that has been incorporated in the proposed regulation for those areas. Typically this has been required because the fields designated for dog training have varied from year to year, and the area manager directs participants where to go. This causes the dog trainers to come into contact with the area manager and provide them with information about this use on the wildlife area, and allows planning of the activity to avoid conflicts with other users and wildlife, and damage to natural resources. The proposed subsections of 551(i) that include new or updated regulations regarding dog training are (1), (2), (4), (7), (8), (9), (12), and (14).

Three wildlife areas have proposed regulations that state that dog trials are “not authorized” (See proposed subsections 551(i)(3), (11) and (14)). To clarify, dog trails are not authorized as a regular practice on any wildlife area and require a special use permit. These three areas have existing regulations for dog training, but nothing in the existing regulations addresses dog trials on these properties. The table reflects that the status of dog trials on these areas is consistent with all other wildlife areas.

Although dog trials are specifically allowed in certain existing or proposed regulations, they are not exempt from the special use permit requirement (See existing subsections 550(b)(5) and (14) and proposed subsections 550(d) and (n)). Dog trials involve a group of people (dog owners, trainers, judges, spectators) with their dogs, vehicles, and sometimes horses who have exclusive use over significant acreage for typically 2 to 3 days.

The proposed new regulations are necessary for clarification about which properties contain areas designated for dog training or include any special restrictions for dog training or trials. The new regulations are also necessary for compliance with the statutes that give the Commission the authority to designate uses for wildlife areas (Fish and Game Code sections 1526 and 1745).

Proposed Subsections in Proposed Section 551(i), Title 14, CCR, Regarding Dog Training or Trials.	Corresponding Subsections in Existing Section 551(q) Title 14, CCR, that are Relevant to Dog Training or Dog Trials
(1)	New
(2)	(42)(F)
(3)	(72)(F)
(4)	(75)(B)(9)
(5)	(61)(G)
(6)	(62)(H)
(7)	(63)(E)
(8)	(66)(E)
(9)	(67)(F)
(10)	(31)(E)
(11)	(73)(E)
(12)	New
(13)	(36)(D)
(14)	New

Subsection 551(j): **Bicycles:** Proposed and corresponding existing site-specific regulations about bicycles are as follows:

Proposed 551(j)	Existing 551(q)	Proposed 551(j)	Existing 551(q)
(1)	(20)(D)	(6)	(77)(B)(4)
(2)	(23)(E)	(7)	(36)(D)
(3)	(72)(G)	(8)	(39)(G)
(4)	(31)(E)	(9)	(57)(E)
(5)	(73)(E)		

A general regulation for bicycles on all Department lands is proposed in subsection 550(bb). It prohibits bicycles on Department lands except where authorized in subsections 551(j), Section 552 and subsection 630(g). There is no existing general regulation about bicycles on wildlife areas in existing Sections 550 or 551.

A new regulation proposed for all Type A and B wildlife areas at the beginning of subsection 551(j) allows for the use of bikes on roads and levees to travel between parking lots and hunting areas during the waterfowl season. This is a long-standing use that may have originally been established on National Wildlife Refuges (NWRs) in the San Joaquin Valley. At least as early as 1994, regulations in subsections 552(a)(4), (5) and (8), Title 14, CCR, allowed bicycles specifically for the purpose of transporting waterfowl hunters between parking lots and hunting areas for the Kesterson, Merced and San Luis NWR's (Commission rulemaking, 1994, OAL File No. 94-0823-03 S (see Attachment 10)). Apparently, it was assumed by all concerned that this regulation applied to state wildlife areas as well and bicycles have been and are currently used as transportation during waterfowl season by thousands of hunters statewide. The popularity of this practice appears to have grown, possibly because some wildlife areas have increased in size over time without the construction of new parking lots, causing hunters to invest more of their day into getting to and from the hunting areas. This is an appropriate activity because it facilitates hunting and does not damage habitat. Hunting is a use for which the subject properties were acquired (Fish and Game Code sections 1525, 1528 and 1745.) The use of bicycles in this limited manner would not cause a negative impact on wildlife or wildlife habitat. It would only occur on a limited number of properties, uses existing roads and levees, and does not, in the Department's experience, encourage off-road bicycling, probably because much of the land off of the roads and levees is under water during that time of year. Since the bicycles would only be allowed during the waterfowl hunting season (fall and winter), there is no chance of these bicyclists disturbing breeding or nesting wildlife.

There is public demand to expand recreational opportunities for bike riding on Department lands beyond this limited use. However, bicycling, as a stand-alone recreational activity, is not a priority use and may be incompatible with the management purposes of Department lands in Fish and Game Code sections 1520, 1528, 1580, 1584, and 1745. Environmental analysis would be necessary to evaluate the possibility of additional recreational bicycle use on Department lands.

Subsection 551(k): **Off-Highway Vehicles:** This proposed regulation corresponds to existing subsections 551(q)(6)(E) and 551(q)(15)(F).

Subsection 551(l): **Restrictions on Boats and Horses:** No substantive changes are proposed for these uses. Boating and horseback riding are both generally allowed on wildlife areas but there are many site specific restrictions on these uses (see proposed subsections 550(o) and (z) or existing subsection 550(b)(8) and (16)). The proposed regulations group all site-specific regulations regarding boats and horses into one table as opposed to the current approach where each regulation is found in the subsection for each wildlife area that has a regulation regarding bicycles and/or horses. This allows the public and staff to see more clearly where these uses are available.

Corresponding proposed and existing site-specific regulations for boats.

Proposed 551(l)	Existing 551(q)	Proposed 551(l)	Existing 551(q)
(1)	(4)(A)	(15)	61(E)
(2)	(5)(D)	(19)	31(E)
(7)	(42)(F)	(20)	76(F)
(9)	(28)(D)	(21)	35(G)
(11)	(75)(B)	(24)	14(D)
(12)	(75)(A)	(28)	(70)(D)
(14)	11(E)	(29)	(57)(E)

Corresponding proposed and existing site-specific regulations for horses.

Proposed 551(l)	Existing 551(q)	Proposed 551(l)	Existing 551(q)
(3)	20(D)	(17)	(66)(E)
(4)	59(A)(5) and (B)(6)	(18)	(67)(F)
(5)	(23)(E)	(19)	(31)(E)
(6)	(26)(F)	(21)	(35)(F)
(7)	(42)(F)	(22)	(73)(E)
(8)	(27)(D)	(23)	(69)(F)
(10)	(72)(G)	(25)	(15)(F)
(13)	(44)(C)	(26)	(36)(D)
(15)	(61)(G)	(27)	(39)(E)
(16)	(63)(E)	(29)	(57)(E)

Subsection 551(m): **Camping, Camp Trailers and Motorhomes:** The table in this section shows which wildlife areas allow one or more of these uses, along with site-specific restrictions that apply. The proposed regulations group all site-specific regulations related to camping, camp trailers and motorhomes into one table as opposed to the current approach where each regulation is found in the subsection for each wildlife area that includes a regulation regarding these uses. This allows the public and staff to see more clearly where these uses are available. There are no substantive differences between the existing and proposed regulations, however the reference to the pheasant season in existing subsection 551(q)(62)(E) is deleted in the corresponding proposed regulation: subsection 551(m)(18). Since the waterfowl season completely overlaps the pheasant season, it is unnecessary

to refer to the pheasant season. It avoids confusion to simply refer to the waterfowl season. A similar situation exists for camping during organized events. It is unnecessary to mention camping during special events in Section 551(m)(18) because if camping is allowed during a special event on any wildlife area, it would be discussed in the terms of a special use permit.

Corresponding proposed and existing site-specific regulations for camping, camp trailers and motorhomes.

Proposed 551(m)	Existing 551(q)	Proposed 551(m)	Existing 551(q)
(1)	(19)(C)	(16)	(46)(F)
(2)	(1)(C)	(17)	(61)(D)
(3)	(5)(C)	(18)	(62)(E)
(4)	(20)(C)	(19)	(63)(D)
(5)	(59)(L)	(20)	(66)(D)
(6)	(23)(D)	(21)	(67)(E)
(7)	(26)(E)	(22)	(31)(D)
(8)	(42)(E)	(23)	(68)(G)
(9)	(9)(C)	(24)	(69)(E)
(10)	(29)(C)	(25)	(14)(C)
(11)	(10)(D)	(26)	(36)(C)
(12)	(75)(B)(8)	(27)	(16)(C)
(13)	(75)(A)(6)	(28)	(17)(C)
(14)	(30)(C)	(29)	(39)(D)
(15)	(43)(A)	(30)	(70)(D)

Subsection 551(n): **Additional Fire Restrictions on Wildlife Areas:** Proposed subsections 551(n)(1),(2),(4),and(5) respectively correspond to subsection 551(q)(42)(F), (29)(C), (31)(E), and (36)(D) with no substantive changes. These sections are proposed to be relocated in order to have all site-specific regulations regarding fire restrictions grouped together. Proposed subsection 551(n)(3) is new and added to increase fire safety on the Knoxville Wildlife Area which is located in remote, hilly and highly fire-prone habitat located partially in Yolo County and partially in Napa County.

Subsection 551(o): **Designated closures and miscellaneous restrictions on Wildlife Areas:** The subsections of proposed subsection 551(o) listed below correspond with all or part of the subsections of existing subsections 551(q) or 550(b)(19) that are shown in the adjacent column. Some of the existing subsections within Section 551(q) listed below include regulations for multiple types of public uses. These can include uses that are outside of the scope of proposed subsection 551(o). In these cases, the corresponding part of the existing regulation is proposed to be moved to subsection 551(o), while other parts are captured within more appropriate subsections within proposed Section 551. The regulations regarding closures and other restrictions in proposed subsection 551(o) are proposed to be relocated here in order to have similar types of regulations regarding public uses grouped together. In addition to the relocation of these regulations, there are three additional changes:

- 1) In proposed subsection 551(o)(24), language referring to “sight-hounds and coursing dogs” in the corresponding existing regulation (subsection 551(q)(42)(F)) was removed and replaced with language that discusses the actual uses of dogs rather than the types of dogs. The Department’s law enforcement staff recommended this as being more enforceable than the language in the existing regulation.
- 2) In addition to capturing existing regulations for the Laguna Wildlife Area, proposed subsection 551(o)(29) contains new language that prohibits hunting on three very small units of this area because they are located in a suburban environment and lack public access.
- 3) Proposed subsection 551(o)(60) contains a change in the language from the corresponding existing subsection 551(q)(70)(A). The existing regulation explains the two types of occasions when there is no restriction on the number of shot shells taken into the field during the waterfowl season at the Volta Wildlife Area. Normally hunters may only take 25 shot shells in the field during the waterfowl season. One of the exceptions to the normal regulation is on days when only upland game are allowed to be hunted (i.e. days when it is illegal to hunt waterfowl). The other is during “youth only” hunts. However, subsections 551(q)(70)(B) and (C) virtually prohibit hunting on Volta when waterfowl hunting is not allowed. Therefore, the “youth only” hunting days are really the only exception to the usual restriction on the number of shot shells taken in the field. This is conveyed in proposed subsection 551(o)(60).

Proposed 551(o)	Existing 551(q) or 550(b)(19)	Proposed 551(o)	Existing 551(q) or 550(b)(19)
(1)	(1)(D)	(32)	(46)(G)
(2)	(19)(D)	(33)	(61)(G)
(3)	(74)(F)	(34)	(62)(H)
(4)	(3)(B)	(35)	(12)(E)
(5)	(5)(D)	(36)	(63)(E)
(6)	(20)(D)	(37)	(64)(B)
(7)	(59)(C)	(38)	(65)(E)
(8)	550(b)(19)	(39)	(49)(E)
(9)	(7)(B)&(E)	(40)	(66)(A)
(10)	(6)(E)	(41)	(67)(C)
(11)	550(b)(19)	(42)	(31)(E)
(12)	(7)(E)	(43)	(76)(H)
(13)	(8)(E)	(44)	(50)(E)
(14)	(24)(B) & (E)	(45)	(52)(A)&(D)
(15)	(25)(B)	(46)	(53)(B)
(16)	(26)(F)	(47)	(32)(A)
(17)	(42)(F)	(48)	(33)(E)
(18)	(42)(F)	(49)	(35)(B)
(19)	(42)(F)	(50)	(73)(B)&(E)
(20)	(42)(F)	(51)	(77)(A)(7)
(21)	(42)(F)	(52)	(77)(B)(10) & 11)
(22)	(27)(D)	(53)	(68)(A)
(23)	550(b)(19)	(54)	(69)(F)
(24)	(72)(B) & (G)	(55)	(78)(C)
(25)	(9)(D)	(56)	(36)(D)

(26)	(29)(D)	(57)	(37)(E)
(27)	75(B)(2),(3) & (7)	(58)	(17)(D)(1)
(28)	75(A)(7)	(59)	(39)(E)
(29)	(44)(B),(C), & (D)	(60)	(70)(E)
(30)	(45)(D)	(61)	(56)(E)
(31)	(11)(E)	(62)	(57)(E)

Subsection 551(p): **Type A and Type B Wildlife Areas with Shoot Day or Shooting Hour Restrictions During the Waterfowl Season:** The subsections of proposed Section 551(p) listed below correspond with all or part of the sections shown in the adjacent column. Part of proposed subsection 551(p)(6) is a new regulation for San Luis Wildlife Refuge to return permits by 3:00 pm to account for all hunters as they return from the field.

Proposed 551(p)	Existing Regs	Proposed 551(p)	Existing Regs
(1)	551(q)(5)	(6)	552(a)(6)(B)
(2)	551(q)(42)(B)	(7)	551(q)(77)(A)(2)
(3)	551(q)(75)(A)(2)	(8)	551(q)(77)(B)(10)
(4)	552(a)(3)(B)	(9)	551(q)(14)
(5)	552(a)(4)(B)		

Subsection 551(q): **Type C Wildlife Areas with Shoot Day Restrictions and/or Special Drawing Requirements:** In the table below, proposed regulations within subsection 551(q) correspond to all or part of existing regulations within subsection 551(q) that are shown in the adjacent column. Proposed subsection 551(q)(8) is a new regulation that applies to the Occidental Road unit of the Laguna Wildlife Area in Sonoma County. It is necessary to reduce hunting pressure on this very small wildlife area unit. The property has no closed zone and is located in a somewhat suburban/rural area. The hunt days are limited to improve waterfowl/waterbird conservation and hunting success on the property.

Proposed 551(q)	Existing 551(q)	Proposed 551(q)	Existing 551(q)
(1)	(74)(B),(C),(F)	(10)	(46)(A)
(2)	(40)(B)	(11)	(61)(F)
(3)	(59)(F),(J)	(12)	(65)(B),(E)
(4)	(23)(E)	(13)	(49)(B)
(5)	(8)(B)	(14)	(67)(C)
(6)	(42)(B),(F)	(15)	(31)(E)
(7)	(75)(B)(4),(5)	(16)	(76)(B)
(8)	new	(17)	(69)(D)
(9)	(45)(B)	(18)	(36)(D)

Subsection 551(r): **Firearm Restrictions on Type C Wildlife Areas:** In the table below, nearly all of the proposed regulations within subsection 551(r) correspond to all or part of existing regulations within subsection 551(q) that are shown in the adjacent column. A couple of these regulations correspond to part of existing subsection 550(b)(19) which lists wildlife areas where the possession of firearms and archery equipment is generally prohibited. Language at the beginning of proposed Section 551(s) was added to clarify that these regulations do not supersede regulations in the Penal Code regarding the possession of concealed

weapons. A more detailed discussion regarding this issue is provided in the discussion of subsection 550(cc).

Subsection 551(r)(19) is a new regulation that the Department deems necessary to ensure only authorized species are taken and that they are taken in a legal manner. Rifles and pistols are not legal methods of take for the species authorized for take on the Grey Goose unit of the Grizzly Island Wildlife Area, per existing subsection 551(q)(42)(D): waterfowl, snipe, coots, moorhens, and pheasants.

Subsection 551(r)(34) is a new regulation for the Morro Bay Wildlife Area that is necessary to ensure public safety within the hunt area, which can be as close as 200 yards from occupied residences. This distance is well within the range of rifles and handguns. This will not impact existing hunting activities because waterfowl are the only game species available on this perennially inundated property, and rifles and handguns are not legal methods of take for waterfowl.

Proposed 551(r)	Existing 551(q) & 550(b)(19)	Proposed 551(r)	Existing 551(q) & 550(b)(19)
(1)	(74)(A)	(29)	(46)(A)
(2)	(2)(D)	(30)	(61)(A)
(3)	(3)(B) & 550(b)(19)	(31)	(47)(A)
(4)	(58)(A)	(32)	(12A)
(5)	(40)(A)	(33)	(48)(A)
(6)	(21)(A)	(34)	new
(7)	(22)(A)	(35)	(65)(A)
(8)	(59)(B)	(36)	(13)(A)
(9)	(59)(H)	(37)	(49)(A) & 550(b)(19)
(10)	(550)(b)(19)	(38)	(67)(A)
(11)	(23)(A)	(39)	(31)(A),(E)
(12)	(41)(A)	(40)	(76)(A)
(13)	(6)(A)	(41)	(50)(A) &
(14)	550(b)(19)	(42)	(51)(A)
(15)	(7)(A)	(43)	(54)(A)
(17)	(24)(A)	(44)	(33)(A)
(18)	(25)(A)	(45)	(35)(A)
(19)	New	(46)	(73)(A)
(20)	550(b)(19)	(47)	(69)(A)
(21)	550(b)(10)	(48)	(55)(A)
(22)	(72)(A)	(49)	(78)(C)
(23)	(10)(A)	(50)	(15)(A)
(24)	(75)(B)(1)	(51)	(37)(A)
(25)	(60)(A)	(52)	(38)(A)
(26)	(44)(A)	(53)	(71)(A)
(27)	(45)(A)	(54)	(56)(A),(E)
(28)	(11)(A),(E)		

Subsection 551(s): **Additional Hunter Opportunities on Type A and Type B Wildlife Areas:** In the table below, proposed subsections of subsection 551(s) correspond to all or part of existing subsections of subsection 551(q) that are shown in the adjacent column. Proposed subsection 551(s)(6) is a new regulation that would add a turkey hunting opportunity in the spring on Gray Lodge Wildlife Area. This is consistent with sustainable management of the local wild turkey population. Proposed subsection 551(s)(23) is added to implement the apprentice deer hunt at Tehama Wildlife Area, explained in existing subsection 360(c)(27), Title 14, CCR.

Proposed 551(s)	Existing 551(q)	Proposed 551(s)	Existing 551(q)
(1)	(1)(B)	(16)	(62)(B)
(2)	(5)(B)	(17)	(63)(B)
(3)	(26)(B)	(18)	(63)(C)
(4)	(26)(B)	(19)	(66)(B)
(5)	(26)(B)	(20)	(66)(B)
(6)	new	(21)	(14)(A)
(7)	(42)(D)	(22)	(17)(D)(2)
(8)	(42)(D)	(23)	new
(9)	(42)(D)	(24)	(17)(D)(3),(4)
(10)	(42)(D)	(25)	(39)(B)
(11)	(9)(A)	(26)	(39)(B)
(12)	(75)(A)(2)	(27)	(39)(B)
(13)	(75)(A)(2)	(28)	(70)(C)
(14)	(75)(A)(2)	(29)	(57)(B)
(15)	(62)(B)		

Subsection 551(t): **Species Restrictions for Hunting on Type C Areas:** In the table below, proposed subsections of Section 551(t) correspond to all or part of existing subsections of Section 551(q) that are shown in the adjacent column.

Proposed 551(t)	Existing 551(q)	Proposed 551(t)	Existing 551(q)
(1)	(74)(D)	(15)	(65)(C)
(2)	(41)(C)	(16)	(49)(C)
(3)	(21)(C)	(17)	(67)(D)
(4)	(6)(C)	(18)	(76)(E)
(5)	(7)(C)	(19)	(50)(C)
(6)	(8)(C)	(20)	(51)(C)
(7)	(42)(B)	(21)	(54)(C)
(8)	(72)(C)	(22)	(33)(C)
(9)	(44)(C)	(23)	(55)(C)
(10)	(11)(C)	(24)	(78)(B)
(11)	(46)(E)	(25)	(15)(C)
(12)	(47)(C)	(26)	(71)(C)
(13)	(12)(C)	(27)	(56)(C)
(14)	(48)(C)		

Subsection 551(u): **Type A Wildlife Areas Which Allow Archery Equipment During Waterfowl and Pheasant Season per Subsection 550(cc)(3)**: Proposed subsection 551(u)(1) corresponds to existing subsection 551(q)(62)(A).

Subsection 551(v): **Shooting Areas**: In the table below, proposed subsections of Section 551(v) correspond to all or part of existing subsections of Section 551(q) that are shown in the adjacent column.

Proposed 551(v)	Existing 551(q)	Proposed 551(v)	Existing 551(q)
(2)(A)	(31)(E)	(3)(E)	(68)(E)
(3)(A)	(68)(A)	(3)(F)	(68)(H)
(3)(B)	(68)(B)	(3)(G)	(68)(I)
(3)(C)	(68)(C)	(4)(A)	(36)(D)
(3)(D)	(68)(D)		

Subsection 551(w): **Wildlife Areas that Require Entry Permits and Fees for Wildlife Viewing or Other Visitor Uses (see subsections 550(c)(2)(D) and 550.5(c)(5))**: Proposed subsections 551(w)(1) through (5) correspond respectively to existing subsections 551(q)(26)(C), (42)(C), (75)(A)(3), (62)(C), (77)(A)(3).

Subsection 551(x): **Additional Waterfowl Reservation Regulations**: Some of the proposed subsections of subsection 551(x) in the table below correspond to all or part of existing regulations identified in the adjacent column. The majority of the regulations in the table are new and taken from informational text (not currently regulations) published for each wildlife area in the Department’s booklet titled “Waterfowl & Upland Game Hunting and Department Lands Public Use Regulations” (Attachment 11).

In the 2012-2013 edition of the booklet, the informational text for each wildlife area that has site-specific regulations is located from page 35 through page 61. The informational text is italicized and immediately follows the heading for each subsection of 551(q). The booklet is available on-line from the regulations page on the Department’s website: www.wildlife.ca.gov. The informational text that is proposed to be converted into regulations restricts the number of hunters per reservation or the number of hunters per hunting blind on specific wildlife areas. Much of the italicized text should remain “non-regulatory” (e.g., location and contact information) because it does not fall within the definition of a regulation under the Administrative Procedure Act. . An excerpt from the booklet that provides an example of “informational text” that is more appropriate to include as a regulation is included as Attachment 11. The proposed regulations regarding the number of hunters per reservation and the number of hunters per blind are necessary to provide a safe and potentially more successful hunting experience.

Proposed 551(x)	Existing Regulation or New	Proposed 551(x)	Existing Regulation or New
(1)	New	(15)	551(q)(77)(A)(4)
(2)	New	(16)	New
(3)	New	(17)	552(a)(6)(F)
(4)	New	(18)	552(a)(6)(F)

(5)	New	(19)	552(a)(6)(F)
(6)	551(q)(75)(A)(4)	(20)	552(a)(6)(F)
(7)	New	(21)	New
(8)	551(q)(62)(F)	(22)	New
(9)	New	(23)	New
(10)	552(a)(4)(G)	(24)	New
(11)	New	(25)	New
(12)	New	(26)	New
(13)	New	(27)	New
(14)	552(a)(5)(G)		

Subsection 551(y): **Fishing Regulations on Wildlife Areas:** Proposed subsection 551(y)(1) is identical to the sentence within existing subsection 551(q)(42)(F) pertaining to fishing at Montezuma Slough. Proposed subsection 551(y)(2) corresponds with all of existing Section 553. Section 553 is proposed for deletion as part of this update of the lands regulations because it will no longer be necessary.

Subsection 551(z): **Woodcutting:** Proposed subsections 551(z)(1) and (2) correspond to language within existing subsection 551(q)(15)(F) which allows firewood cutting with written permission on the South Spit Wildlife Area. This wildlife area is managed under a cooperative agreement with the Bureau of Land Management and this regulation follows the regulations in the Federal regulations for this site (Federal Register: May 29, 2009, pp. 25767-25771 (see Attachment 12). The Department also has had a long-standing practice of issuing permits for woodcutting on the adjoining Eel River Wildlife Area, also managed under the cooperative agreement, although this is not addressed in the existing regulations for this property. The proposed regulations regarding woodcutting would apply to both properties and it is appropriate to allow this practice, to continue on both properties. Proposed subsection 551(z) adds new language that emphasizes that woodcutting is not allowed on any Department lands outside of those listed in this section, per proposed subsection 550(g). This language is necessary for clarification regarding where this public use may be allowed.

Proposed Section 552

Subsection 552(a): **National Wildlife Refuges that are also Designated as Wildlife Areas by the Commission:** All of the regulations in proposed subsection 552(a)(1) through 552(a)(5) correspond to the same numbered regulations in existing subsection 552(a). Following proposed subsection 552(a)(5), we inserted the regulations for the Sacramento River National Wildlife Refuge as subsection 552(a)(6). The regulations that are currently subsections 552(a)(6) through 552(a)(8) are proposed to be renumbered as 552(a)(7) through 552(a)(9). The regulations for the Sacramento River National Wildlife Refuge (SRNWR) were moved from subsection 551(q)(34) to subsection 552(a)(6) in order to consolidate into one location, all of the site-specific regulations for National Wildlife Refuges that are also wildlife areas designated by the Commission. This consolidation necessitated the proposed changes to the heading of Section 552. Existing subsection 552(a)(9) is proposed for deletion because the Department no longer manages the hunting program for the subject refuge (Stone Lakes National Wildlife

Refuge), nor does the Department have any other management authority or responsibility for that refuge.

The language in proposed subsections 552(a)(1)(D), (2)(E), (5)(E) and (9)(D) has been changed from the existing language in the corresponding regulations ((552)(a)(1)(D), (2)(D), (5)(E) and (8)(E)). These existing subsections do not allow for any camping or tents on the subject refuges. This conflicts with the federal regulations (50 CFR 32.24, October 1, 2012 (see Attachment 13), which specifically allow overnight camping during waterfowl season in vehicles, motorhomes and trailers in the hunter check station parking area for each of the refuges. The intention of the federal regulation is to allow camping by hunters in the check station parking area on the nights before waterfowl shoot days. Many hunters choose to do this because if they did not obtain a reservation in advance for the next day, they can participate in processes for issuing entry permits for any remaining spaces that take place after 6pm. If they do get an entry permit, there are not many hours left until it is time for hunters to be checked-in and enter the hunting areas. The check-in process begins at least an hour and a half before sunrise. The language regarding camping in proposed subsections 552(a)(1)(D), (2)(E), (5E), and (9)(D) is consistent with the federal regulations. Those proposed subsections allow camping the night before waterfowl shoot days in vehicles, motorhomes and trailers in the hunter check station parking area.

The language in existing subsection 552(a)(6)(C) is confusing with regard to when and where pheasant hunting is allowed on the San Luis National Wildlife Refuge. Proposed subsection 552(a)(7)(C) clarifies this matter. It also makes a change with regard to pheasant hunting within the spaced hunting blind area within the Kesterson Unit. In existing subsection 552(a)(6)(C), it states that pheasant hunting will be allowed in that area on the first Monday of pheasant season. In the proposed subsection it states that hunting **may** be allowed in that area on the first Monday of pheasant season. Within the last few years, the first Monday hunt has been cancelled due to reduced staff levels. The Department requires flexibility from year to year to determine whether it can provide staff for pheasant hunting on that day at the San Luis National Wildlife Refuge.

Proposed Section 630

Subsection 630(a): **Additional Visitor Use Regulations on Department Lands Designated as Ecological Reserves:** This proposed regulation corresponds to a preamble at the beginning of existing Section 630. The proposed language is slightly different from the existing language. The Department has observed that there is confusion among the public regarding the purposes of ecological reserves; who has authority to open ecological reserves to public uses and visitor responsibilities. The amended language in this regulation is necessary to provide clarification regarding these issues and ensure that the conservation and other purposes of the ecological reserves are fulfilled as described in Fish and Game Code sections 1580 and 1584.

Subsection 630(b): **Ecological Reserves Owned and Operated by the Department:** Proposed subsection 630(b) is a list of the names of the ecological reserves generated from the reserve names at the beginning of each site-specific

subsection in existing subsection 630(b). This accounts for 130 of the names in proposed subsection 630(b). There are six additional reserve names that are new. They belong to properties that are proposed for designation as ecological reserves in this regulation package. The rationale for proposing that these properties be designated as ecological reserves is previously discussed in the section “Designation of Recently Acquired Properties”. More detailed information is provided in the compilation of reports in Attachment 5, titled: “Department of Fish and Game Land Management Summaries, June 2011”.

Including a list of all of the names of the ecological reserves without applicable site specific regulations is new to Section 630. It is necessary for clarification, because in the proposed regulations, there will be no other section or subsection that contains the names of all of the ecological reserves in one location. The other proposed subsections address only subsets of the reserves that are relevant to certain types of public uses.

Subsection 630(c): Ecological Reserves that Require Daily or Annual Use Pass for Wildlife Viewing or Other Visitor Uses: This proposed regulation corresponds to existing subsection 630(a)(10). The existing regulation specifically states the fee of the daily use pass and annual pass as the base amounts that were established in 1988. It does not explain that, according to Fish and Game Code Section 1765, the cost must be adjusted each calendar year according to the method specified in Fish and Game Code Section 713. Proposed subsection 630(c) lists the ecological reserves which require purchase of a daily or annual pass for entry and refers the public to the these sections of the Fish and Game Code. The annually adjusted fees for daily and annual passes are published every year on the Department’s website. These annually adjusted fees for daily and annual passes have never been specified in regulation since Fish and Game Code 1765 took effect.

In a subsequent phase of updating the regulations for Department lands, we will consider consolidating all of the “fee regulations” for Department lands into Section 702. At the same time we can consider adding a “fee regulation” for the daily and annual passes. This regulation would need to be updated each year, along with the other fees (e.g., reservations for Type A and B wildlife areas). The Department does not propose that Section 702 be “opened” during this initial phase of updating and reorganizing the land regulations.

630(d): Ecological Reserves with Hunting as a Designated Use: In the table below, proposed sections of subsection 630(d) correspond to all or part of existing sections of subsection 630(b) that are shown in the adjacent column. The three new regulations in the table are for new properties that are proposed for designation as ecological reserves in proposed subsection 630(b). These include Liberty Island Ecological Reserve (Solano County), San Antonio Valley Ecological Reserve (Santa Clara County), and Vernalis Ecological Reserve (San Joaquin County). In the Department’s opinion, the hunting uses proposed for these new ecological reserves are compatible with the conservation of wildlife and habitat on these lands. Attachment 5 titled “Department of Fish and Game Land Management

Summaries June 2011” discusses public uses, such as hunting, for each new property.

Proposed 630(d)	Existing 630(b) Or New	Proposed 630(d)	Existing 630(b) Or New
(1)	(4)(A)	(23)	New
(2)	(7)(B)	(24)	(71)(A)
(3)	(8)(B)	(25)	(82)(B)
(4)	(12)(A)	(26)	(83)(B)
(5)	(15)(A)	(27)	(85)(A)
(6)	(26)(A)	(28)	(87)(B)
(7)	(27)(B)	(29)	(88)(A)
(8)	(28)(B)	(30)	(89)(A)
(9)	(29)(D)	(31)	(94)(A)
(10)	(30)(A)	(32)	(96)(A)
(11)	(33)(A)	(33)	(98)(B)
(12)	(34)(C)	(34)	(99)(B)
(13)	(38)(A)	(35)	(101)(A)
(14)	(42)(E)	(36)	(102)(A)
(15)	(44)(A)	(37)	New
(16)	(47)(D)	(38)	(107)(A)
(17)	(48)(C)	(39)	(114)(A)
(18)	(49)(A)	(40)	(116)(A)
(19)	(52)(B)	(41)	(123)(A)
(20)	(58)(A)	(42)	New
(21)	(60)(A)	(43)	125(A)
(22)	(60)(A)	(44)	(127)(A)

Hunting rabbit, doves, quail and waterfowl in accordance with general hunting regulations is currently allowed at the Palo Verde Ecological Reserve (current subsection 630(b)(87)(B)). The Reserve is adjacent to a Riverside County park that allows overnight and long-term camping. Many people who stay at the park regularly visit the ecological reserve. The Department proposes to add language to that will limit methods of take for hunting on the reserve for the safety of adjacent park users. Proposed subsection 630(d)(28) is similar to the existing regulation, but also states that hunting the above-mentioned species on that ecological reserve will be limited to hunting with a shotgun. Archery deer hunting is also proposed as an allowable use in subsection 630(d)(28). This is compatible with management of the property for the purposes for which it was acquired, sustainable management of the local deer herd and public safety.

Subsection 630(e): **Fishing Restrictions and Additional Regulations on Ecological Reserves pursuant to (proposed) Subsection 550(h):** In the table below, proposed sections of subsection 630(e) correspond to all or part of existing subsections of Section 630(b) that are shown in the adjacent column.

Existing subsection 630(b)(54)(C) allows fishing only from designated areas on the Goleta Slough Ecological Reserve (GSER). The corresponding proposed

subsection 630(e)(17) entirely prohibits fishing from the property because, apparently, no fishing areas have ever been designated and the GSER shares shoreline acreage with the Goleta Slough State Marine Conservation Area (GSSMCA) where fishing is prohibited. Subsection 632(b)(100)(B), Title 14, CCR, prohibits take of all living marine resources from the GSSMCA and it is desirable for the regulations for the two properties to be consistent. Sources checked to determine whether there are designated fishing areas for the GSER include e-mail communication with the area manager, a search of the Department's lands inventory files and a review of the property's management plan, prepared in 1996. A copy of the e-mail correspondence and an excerpt from the management plan are included as Attachment 19. The regulations for marine protected areas are currently being updated, but it is not anticipated that the relevant regulation will change for the GSSMCA.

Proposed subsection 630(e)(18) for the Leek Springs Ecological Reserve is redundant with the area closure for this in proposed subsection 630(h), but it is proposed to be retained because the local staff have found that the "no fishing" regulation, in addition to the closure of the area, has been useful in discouraging unauthorized use of the property.

Proposed subsection 630(e)(22) is a new regulation that authorizes night fishing on the Palo Verde Ecological Reserve. This is outside of the normal sunrise to sunset use of the Ecological Reserves (per proposed subsection 550(c)(2)(C)), but the property is located in the desert, adjacent to the Colorado River and during the summer, it is too hot to fish during the day. It is necessary to authorize this local desert fishing approach for the reserve due to public health reasons.

Proposed Sections 630(e)(19) and (28) are new and allow fishing from boats as well as from shore for two ecological reserves that are proposed for designation in this rulemaking action: the Liberty Island and Vernalis Ecological Reserves (proposed Sections 630(b)(60) and (130)).

Proposed 630(e)	Existing 630(b)	Proposed 630(e)	Existing 630(b) Or New
(1)	(1)(B)	(15)	(50)(A)
(2)	(8)(A)	(16)	(52)(A)
(3)	(9)(C)	(17)	(54)(C)
(4)	(17)(B)	(18)	(66)(B)
(5)	(21)(B)	(19)	New
(6)	(24)(C)	(20)	(80)(A)(1)
(7)	(27)(A)	(21)	(83)(A)
(8)	(28)(C)	(22)	New
(9)	(29)(B)	(23)	(90)(A)
(10)	(30)(B)	(24)	(100)(A)
(11)	(34)(B)	(25)	(108)(D)
(12)	(42)(B)	(26)	(123)(B)
(13)	(47)(E)	(27)	(124)(A)
(14)	(48)(A)	(28)	New

Subsection 630(f): **Swimming and/or Boating:** In the table below, proposed sections of subsection 630(f) correspond to all or part of existing subsections of 630(b) that are shown in the adjacent column. Sections 630(f)(9) and (f)(16) are new regulations, proposed to allow boating at the new Liberty Island and Vernalis Ecological Reserves. These ecological reserves are both adjacent to navigable waterways in the Sacramento-San Joaquin Delta. Liberty Island also includes navigable waters within the property boundaries, and there is a long-standing history of boats being used for waterfowl hunting on this property.

Proposed 630(f)	Existing 630(b)	Proposed 630(f)	Existing 630(b)
(1)	(8)(C)	(9)	New
(2)	(9)(D)	(10)	(81)(B)
(3)	(29)(C) & (D)	(11)	(90)(B) & (C)
(4)	(34)(B)	(12)	(100)(A) & (B)
(5)	(41)(A)	(13)	(108)(C)
(6)	(42)(C)	(14)	(123)(C)
(7)	(47)(E)	(15)	(124)(B) & (C)
(8)	(50)(A)&(B)	(16)	New

630(g): **Bicycles, Horses, Pack Stock and/or Horseback Riding:** In the table below, proposed subsections of Section 630(g) correspond to all or part of existing subsections of Section 630(b) that are shown in the adjacent column. Crestridge and Magnesia Springs Ecological Reserves (Proposed Sections 630(g)(4) and (7)) do not have existing site-specific regulations regarding horseback riding, but each property includes a trail that meets the existing trail regulation in Section 630(a)(7). These trails have historically been posted and used for horseback riding and the proposed language will clarify where horseback riding is allowed on these properties.

The differences between the trail descriptions in the existing subsections 630(73)(D) and proposed subsection 630(g)(7) for the Magnesia Springs Ecological Reserve reflect the rerouting and renaming of the trails under the terms of Section 7.3.3.2 of the Coachella Valley Multiple Species Habitat Conservation Plan and Natural Communities Conservation Plan, adopted by state, federal and local agencies in 2008. A relevant excerpt from this plan is included as Attachment 14.

Proposed 630(g)	Existing 630(b)	Proposed 630(g)	Existing 630(b)
(1)	(9)(B)	(6)	(56)(B)
(2)	(30)(E)	(7)	(73) (D),(E) and 630(a)(7)
(3)	(38)(C)	(8)	(100)(C)
(4)	(43)(A) and 630(a)(7)	(9)	124(D) and new re: bikes
(5)	(47)(b)		

The new regulation regarding bicycles for the Upper Newport Bay Ecological Reserve (see proposed 630(g)(9) in table above), involves a public road that goes through the reserve, connecting urban development on either end. It is the opinion of the Department that this regulation is necessary to clarify that this road is the only part of the property that is available for bike riding. This has always been the case in practice.

Subsection 630(h): **Designated Closures and Restrictions on Ecological Reserves:** In the table below, proposed sections of subsection 630(h) correspond to all or part of existing of subsection 630(b) that are shown in the adjacent column.

The differences between the trail descriptions in the existing subsection 630(73)(D) and proposed subsection 630(h)(23) for the Magnesia Spring Ecological Reserve reflect the rerouting and renaming of the trails in Section 7.3.3.2.1 of the Coachella Valley Multiple Species Habitat Conservation Plan and Natural Communities Conservation Plan adopted by state, federal and local agencies in 2008. An excerpt from this section of the Coachella Valley plan utilizing these new trail names is included as Attachment 14.

Proposed 630(h)	Existing 630(b)	Proposed 630(h)	Existing 630(b)
(1)	(5)(A)	(20)	(65)(B)
(2)	(7)(A)	(21)	(66)(A)
(3)	(9)(E),(F) & (G)	(22)	(67)
(4)	(14)(A)	(23)	(72)(A)
(5)	(17)(D)	(24)	(73)(A) & (D)
(6)	(22)(A)	(25)	(80)(A)(1)
(7)	(24)(A)	(26)	(91)(A)
(8)	(25)(A)	(27)	(93)(A)
(9)	(28)(A)	(28)	(98)(A)
(10)	(29)(A)	(29)	(105)(B)
(11)	(30)(A)	(30)	(108)(A)
(12)	(32)(A) & (C)	(31)	(110)(A)
(13)	(33)(D)	(32)	(111)(A)
(14)	(39)(A)	(33)	(112)(A)
(15)	(40)(A)	(34)	(117)(A)
(16)	(42)(G)	(35)	120(B)
(17)	(54)(B)	(36)	123(D)
(18)	(56)(C)	(37)	128(A)
(19)	(57)(A)		

Subsection 630(i): **Ecological Reserves Authorized for Dog Training:** Proposed subsection 630(i)(1), regarding the Rancho Jamul Ecological Reserve, corresponds to existing subsection 630(b)(99)(A). The existing regulation states that retriever training “may be permitted.” This could imply that some type of standard permit form is used, or that we have charged a fee for dog training because we are required to charge a fee when we issue a permit (Section 699, Title 14, CCR). Neither of these circumstances is true here. Written authorization in a letter format

has been issued to individuals and groups that have requested to use the dog training area. The proposed change in wording is necessary for clarification.

Subsection 630(j): **Shooting Areas:** Proposed subsection 630(j)(1)(A) corresponds to existing subsection 630(b)(33)(B).

Existing Title 14 Regulations Proposed for Deletion:

Subsection 550(b)(19): Delete the reference to Eureka Slough because it is no longer owned or managed by the Department, nor is it designated as any type of Department land in Title 14, CCR.

Subsections 551(q)(3): Delete the sentence that states that Battle Creek Wildlife Area is open from 6:00 a.m. to 10:00 p.m. With this deletion, the open hours will conform to the general regulation in proposed in subsection 550(c)(1)(C). This change is necessary for public safety and law enforcement purposes.

Subsection 551(j)(2)(B): Delete language referencing one-choice, five-choice and season-long reservations. It is obsolete with the implementation of the ALDS system.

Subsections 551(q)(39)(F) and (46)(D): Delete language that provides details about logistics for special hunts at the Howard Slough Unit of the Upper Butte Basin Wildlife Area and the Lake Sonoma Wildlife Area. The logistics for special hunts are determined administratively on all other Department lands and can vary depending on staffing and current environmental conditions. It is unnecessary for these logistics to be in regulation.

Subsection 551(q)(47)(E): Delete provision to leave decoys on-site with permission from the regional manager. This is inconsistent with the general regulation that prohibits leaving unattended personal property on-site (existing subsection 550(b)(12) and proposed subsection 550(v)(1)). It is unnecessary to make an exception to this regulation for Lower Sherman Island Wildlife Area.

Subsections 551(q)(62)(H) and (66)(E): Delete the language to close Los Banos and North Grasslands Wildlife Areas for seven days after the close of the waterfowl season. This regulation is unnecessary. If closure is necessary for maintenance reasons, it can be done through the regional manager's authority.

Subsection 551(q)(70)(F): Delete "Persons entering together on a reservation will receive the same hunting assignment." This is a standard administrative procedure statewide. It does not need to be a site-specific regulation for the Volta Wildlife Area.

Section 553: This is a relatively short section that consists entirely of five regulations that pertain to fishing at the Heenan Lake Wildlife Area. As part of the effort to consolidate the regulations, these regulations are being relocated to proposed subsection 551(y), which is dedicated to fishing regulations for wildlife areas. It is unnecessary to have an entire separate section for these regulations.

Subsections 630(b)(1)(A), (17)(H), (21)(A), 32(A), 32(B), 37(A), 42(H), 54(E), 56(G), (73)(B), (80)(A)(2), (87)(D), 105(D) and (E), 106(B) and (C), (124)(E): It is unnecessary to have site-specific regulations that give authority to one or more partner agencies or organizations to enter and/or to conduct land management activities on an ecological reserve. The Department has the authority to enter into management agreements with other organizations. These agreements spell out the responsibilities of each party. In this capacity, a partner agency or organization acts as the Department's designee, carrying out work that the Department is authorized to conduct under Section 1580 of the Fish and Game Code. The management activities that are the subject of these agreements are addressed in each property's land management plan. The Department's Land Management Plans are subject to review under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000–21177).

Subsection 630(b)(14)(B): Delete the “no fishing” regulation on Bobelaine Ecological Reserve. It is unnecessary because this reserve is closed to general visitor use (existing subsection 630(b)(14)(A) and proposed subsection 630(h)(4)).

Subsections 630(b)(23)(A),(36)(A), (44)(B), (87)(D), (108)(B) and (F), (120)(A), (122)(A): Delete regulations that allow the Department to carry out land management activities on ecological reserves that are owned and managed by the Department. They are unnecessary because the Department has statutory authority to maintain ecological reserves in Section 1580 of the Fish and Game Code. Management plans are prepared for each reserve and are subject to review under CEQA.

Subsections 630(b)(29)(H) and (I): The sections addressing campfires and age restrictions for event participants on the Canada de los Osos Ecological Reserve are unnecessary. The property is closed to general public access. Camping and campfires are generally prohibited on ecological reserves (see proposed subsections 630(p)(3) and (q)(2)). The age groups of participants for special events are addressed administratively when an event is developed by the Department or when the Department reviews a request for a special use permit (see Section 550(d)).

Subsection 630(b)(34)(A): Delete the seasonal closure of the China Point Ecological Reserve because it is no longer necessary. The peregrine falcon nesting site that prompted the closure is no longer used. If peregrine falcons utilize the property in the future, the regional manager has the authority to close the area during the nesting season per proposed subsection 550(i).

Subsection 630(b)(42)(F): Delete the restriction regarding picnicking on the Cosumnes River Ecological Reserve because it is unnecessary. Uses that are not authorized by the Commission are generally prohibited per proposed subsection 550(c)(2)(A). This general regulation should obviate the need to have specific regulations for every conceivable activity.

Subsection 630(b)(47)(F): Delete this regulation which states that commercial bait fishing for brine shrimp may occur on the Eden Landing Ecological Reserve when a

specific time and area is designated by the Department. This could be handled through a Special Use Permit (subsection 550(d)) and does not require a regulation in Title 14.

Subsections 630(b)(54)(B): The part of this regulation which provides exceptional access to the Goleta Slough Ecological Reserve for employees of the Santa Barbara Airport, the City of Santa Barbara, and the Goleta Valley Mosquito Abatement District is not included in the proposed Section 630(h)(17) because it is unnecessary. There is a cooperative agreement between the City and the State (acting through the Department) that allows City and Airport employees to access the property as necessary for the operation and maintenance of the airport (State of California, City of Santa Barbara, 1987). With this agreement in place, a regulation in Title 14, CCR, is unnecessary. An excerpt from this agreement is attached as Attachment 18. Also the reference to the Goleta Valley Mosquito Abatement District is deleted because the District has authority to access and work on the Reserve under Section 2040 of the Health and Safety Code. There is no need for a regulation in Title 14 that provides access for the District.

630(b)(56)(E) and (F): These regulations regarding swimming, aircraft operations and motorized vehicle use specifically for the Headwaters Forest Ecological Reserve are unnecessary because these uses are generally prohibited for visitors on ecological reserves (proposed subsections 550(c)(2)(A), 550(z)(3), 550(aa), 550(y), 630(f)). These activities could be allowed on an individual basis for research purposes per proposed subsections 550(f).

Subsections 630(b)(99)(C) and (D): Delete the regulation that gives the Department the authority to develop and operate educational and land management facilities on the Rancho Jamul Ecological Reserve because they are unnecessary. The Department has statutory authority to construct these types of facilities under Fish and Game Code sections 1580 and 1585. Facility development and management plans undergo environmental analysis and review through the CEQA process.

Subsections 630(b)(105)(A) and (C): Subsection (A) allows fishing from shore and from the Grand Avenue Bridge on the San Dieguito Lagoon Ecological Reserve. It is proposed for deletion because the part of the bridge that abutted the ecological reserve has been removed and fishing from shore is already allowed on most Department lands through a general regulation and does not need to be repeated in a site-specific regulation. The general regulation that allows fishing from shore is existing subsection 630(a)(2). In the proposed regulations that regulation is subsection 550(h)(1). Subsection 630(b)(105)(C) is proposed for deletion because it is redundant with proposed general regulation regarding the opening and closing times for Department properties (proposed subsection 550(c)(2)(C)).

Subsection 630(b)(108)(G): This regulation specifies that aircraft flying in a normal take-off pattern are allowed to fly over the San Joaquin River Ecological Reserve. This regulation is unnecessary because neither the Commission nor the Department have jurisdiction over airspace. It also refers to existing subsection 630(a)(17), which pertains to the operation of aircraft within ecological reserves and has been moved to proposed subsection 550(aa).

Proposed Amendments to Section 703

Subsection 703(a)(2): **Permits for Special Use of Department Lands:** This subsection is new and provides information that is necessary to implement the process and recover Department costs associated with Special Use Permits described in proposed subsection 550.5(d). The Permit Application for Special Use of Department Lands (Form DFW 730 (New 08/13)) and its associated attachments are incorporated into this section by reference.

Standardize Processing for Special Use Permits

In order for the Department to meet its public trust responsibilities with regard to lands management, it is necessary for the regulations in Title 14, CCR, to provide a consistent method for authorizing special uses of all Department lands.

Individuals and organizations may desire to conduct an activity on Department land that is not a designated public use by the Commission or they may desire to hold a group event on Department land. Examples of these types of uses or events include organized horseback trail rides, mountain bike access, running events (e.g. 10K runs), weddings and commercial filming. These special uses may conflict with regular public uses and the underlying conservation purposes of Department lands.

However, in some cases, upon review by the Department and under specified conditions, such activities could potentially be conducted in a manner that is consistent with the overall management of particular properties. It should be noted that numerous permits have been and are currently issued for a variety of activities on Department lands, all of which come at some cost to the Department. The review of these requests, and the development and implementation of permit conditions requires additional work by Department staff whose time is often fully committed under their existing workload. The lack of sufficient Department staff can be a limiting factor for authorizing these activities.

Cost Recovery for Special Use Permits

There is also no mechanism at present for the Department to recover the costs of reviewing special use requests, meeting with applicants, writing conditions and conducting on-site work required for special uses (e.g. posting and removing signs, assisting with or monitoring the special use, clean up or repairs). Fish and Game Code sections 710 and 711 discuss the need to develop funding sources to cover the Department's costs. Fish and Game Code Section 1050 authorizes the Commission to set fees to cover reasonable costs incurred by the Department to implement and administer permitting activities. Fish and Game Code Section 1528 authorizes the Commission to set fees for any use privileges on wildlife areas and for the Department to collect fees. Fish and Game Code Section 1585 allows the Department to collect fees for selected ecological reserves.

In addition to the special use activities mentioned above, there are numerous hunting dog field trials and hunt tests held on Department wildlife areas each year. According to existing subsection (550) (b)(14) of Title 14, CCR, field dog trials

require a “special permit”, but this has not been implemented yet. Field dog trials are usually multi-day events, involving many people, animals and vehicles. They require exclusive use of portions of the public wildlife area. Reservations to use parts of a wildlife area for this purpose are made months in advance. Department staff set conditions of the events with the organizers, reviewing the locations for the activities, trash pick-up, toilet facilities, signage, regulations for using the property, etc. Department staff will also inspect the area afterwards for compliance with the permit conditions and follow-up with organizers as necessary. It is appropriate to establish and collect fees for field dog trials and hunt tests on Department lands to recover Department costs.

Special Use Permit Fees. The proposed regulations introduce a special use permit fee to cover the Department’s costs for reviewing and processing an application to conduct special uses on Department lands.

Department Permit Review Tasks Covered by the Following Fees:

- Application Review
- Site visit, phone conversations, e-mails with Applicant
- Notify other Department staff (law enforcement, other land management staff)
- Evaluate any policy issues and consult with Department staff as needed
- Write any special conditions of permit
- Prepare written notification to applicant
- Review and approval of permit by management staff
- Distribution and filing of paperwork
- Fee processing

The calculations for the new fees proposed to be added to Section 703(a), Title 14, CCR, are listed below:

Special Use Type 1 Permit Fee – \$122.50

A “Type 1” special use involves 30 or fewer visitors on-site, ten or fewer (0 -10) animals or bicycles (or other pedaled vehicles) in total, 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 does not require use of the site for more than one day during regular operating hours for the subject property. Visitor is defined in Section 550(b), Title 14, CCR. A Type 1 Special Use is not a dog trial as defined in Section 550(b)(14).

	Review Time (hours)	Hourly Rate	Total Cost
Interpreter II, Environmental Scientist (ES) , Staff ES, Senior ES, or Habitat Supervisor II	1.0	\$49.32	\$49.32
Environmental Program Manager	0.5	\$63.83	\$31.91
Office Technician	0.5	\$27.50	\$13.75
Subtotal			\$94.99
Overhead	29.00%		\$27.55
Permit Cost			\$122.54

Special Use Type 2 Permit Fee - \$462.50

A Type 2 Special Use is a hunting dog trial or test as defined in Section 550(b)(14).

	Review Time (hours)	Hourly Rate	Total Cost
Interpreter II, Environmental Scientist (ES) , Staff ES, Senior ES, or Habitat Supervisor II	6.0	\$49.32	\$295.94
Environmental Program Manager	0.5	\$63.83	\$31.91
Office Technician	0.5	\$27.50	\$13.75
Vehicle expenses (miles)	30		\$16.95
Subtotal			\$358.56
Overhead	29.00%		\$103.98
Permit Cost			\$462.54
Rounded to nearest \$0.25 per FGC Section 713			\$462.50

Special Use Type 3 Permit Fee - \$536.00

“Type 3” special uses involve any of the following: over 30 visitors on-site, more than 10 animals or bicycles in total, require the use of animals, bicycles, vehicles, or large equipment outside of designated parking areas, roads, trails, or areas authorized for visitor use, or use of the site for over one day. A Type 3 Special Use is not a hunting dog trial or test as defined in Section 550(b)(14).

	Review Time (hours)	Hourly Rate	Total Cost
Interpreter II, Environmental Scientist (ES) , Staff ES, Senior ES, or Habitat Supervisor II	6.0	\$49.32	\$295.94
Environmental Program Manager	1.0	\$63.83	\$63.83
Office Technician	1.0	\$27.50	\$27.50
Vehicle expenses (miles)	50		\$28.25
Subtotal			\$415.52
Overhead	29.00%		\$120.50
Permit Cost			\$536.02
Rounded to nearest \$0.25 per FGC Section 713			\$536.00

Footnotes for permit fee tables

¹Hourly rate = Monthly salary ÷ 173.333 hours per month x 1.418% (benefits).

Salaries for civil service classifications dated 8/2/2013 accessed at www.calhr.ca.gov.

Average hourly salary is used for the positions that review and process special use permit applications.

²Department 2013-2014 non-federal overhead rate = 29%

The proposed regulations in subsection 550.5(d) allow the Department to recover additional costs that might be incurred and also to collect a refundable cleaning/damage deposit. Information fields for Department staff to fill out are provided in the permit section of the proposed special use permit application form

for the purpose of explaining any additional cost or deposit to the applicant. Examples of additional costs are site preparation (e.g. posting and subsequently removing signs), monitoring the special use, cleaning up or conducting repairs afterwards as a result of the special use. On properties that require a per person day use fee, the special use permit and any additional charges are in addition to the per person day use fee.

Application Process

The applicant would submit the appropriate permit fee (per proposed Section 703(a), Title 14, CCR), with the permit application to the appropriate regional office at least 45 calendar days in advance of the special use. No Department staff will be assigned exclusively to processing special use permits. The 45 days allow sufficient time for staff with multiple responsibilities to review the application, communicate with the applicant about the proposed activity or event, meet on-site with the applicant if it is deemed necessary, and plan for any additional work related to the special use that may be required after the permit is issued. The proposed application form, standard permit conditions and informational attachments that would be provided to the applicant are incorporated by reference into proposed Section 703(a). The permit application is titled "Permit Application for Special Use of Department Lands" (DFW 730 (New 08/13)). It is impractical to include the application and its attachments (described below) into the text of the regulations because it is nine pages long. If adopted, this document or "packet" regarding special use permits, will be available on the Department's website (<http://www.dfg.ca.gov/licensing/forms/>), or can be supplied by mail upon request.

The first page of the application requests information about the event and contact information from the applicant. The second page is filled out by Department staff and indicates the terms, conditions and cost of the permit and the Department's approval. The attachments are:

Attachment A: Explains the process for obtaining a special use permit and the standard terms and conditions.

Attachment B: Indicates the applicant's acceptance of the terms, conditions, fees and any other costs for the special use permit. It is meant to be signed and submitted with payment due after the Department has reviewed the application, decided to approve it and sent the application back to the applicant with the information on the second page filled out.

Attachment C: An application supplement to collect information about proposed fund raising or for-profit activities. Under the proposed regulation subsection 550.5 (d)(4)(D), unless an activity is sponsored or co-sponsored by the Department, the regional manager or their designated representative may charge a guaranteed minimum fee or percentage of the gross profits as a condition of issuing a permit. The criteria to determine the fee or percentage are included in the proposed regulation section. The criteria include consideration of whether the applicant is a non-profit organization. Requiring that the state be compensated for the use of public land is consistent with Section 6 of Article XVI of the California Constitution

(see Attachment 2), which prohibits making “any gift, of any public money or thing of value to any individual, municipal or other corporation whatever.”

The permit application and many of the standard terms and conditions were adapted from similar processes and programs elsewhere in the state. An example of similar forms utilized by the California Department of Parks and Recreation (DPR) and an excerpt from the DPR Operations Manual are included as Attachments 3 and 4.

If the Department intends to issue a special use permit, the Department’s regional staff will issue a Type 1 or 2 permit or “draft” Type 3 permit to the applicant that will include the valid dates for the permit, all terms and conditions, including any that are special or unique for that permit, and notification of any additional payment or deposit that is due. Type 1 or 2 permits are not considered valid until Attachment C is signed by the Applicant and returned to the regional office with any payment that is due. A finalized, valid Type 3 permit is not provided to an applicant until Attachment C and any additional payment due is received at the regional office. At the applicant’s request, the Department may reschedule a special use and amend the special use permit accordingly. If an applicant entirely cancels the special use after the permit has been signed by the Regional Manager or his designee, the permit fee will be forfeited by the applicant. It should be noted that educational activities are listed as a compatible use in proposed subsection 550(b)(2) and will not require a special use permit, though written authorization from the regional manager or designee will be required per proposed subsection 550(e), Title 14, CCR.

If the Department denies a special use permit, the regional manager or designee will send notification to the applicant explaining the reason that the permit was denied and the permit fee will be refunded. The criteria for approving a special use permit application are included in proposed subsection 550.5(d)(3)(A).

(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, 1761, 1745, 1764, 1765, 1907, 2118, 2120, 2122, 2150, 2150.2, 2157, 2190, and 10504, Fish and Game Code.

Reference: Sections 355, 700.4, 711, 713, 1050, 1053, 1055.3, 1526, 1528, 1530, 1580, 1581, 1582, 1583, 1584, 1585, 1590, 1591, 1764, 1745, 1765, 2006, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2151, 2157, 2190, 2193, 2271, 8314, 10504, 12000, and 12002, Fish and Game Code; Section 14998, Government Code; Sections 26150 and 26155, Penal Code.

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

None.

(d) Identification of Reports or Documents Supporting Regulatory Change

Economic Impact Assessment

Attachment 2: California Constitution, Article XVI, Section 6. Available at:
<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

Attachment 3: California Department of Parks and Recreation, 1998, Special Event Permit Application and Application Supplement Form (DPR 246, DPR 246A). Accessed February 18, 2013.
http://www.parks.ca.gov/?page_id=24482. Links for these forms are near the bottom of the page.

Attachment 4: California Department of Parks and Recreation, 1990, Excerpt from: "Special Events Permits. Chapter 14. Field Operations. Operations Manual". Accessed February 18, 2013.
<http://www.parks.ca.gov/pages/735/files/dn90-05,%20special%20event%20permit.doc>
(or go to www.parks.ca.gov and type "DOM Chapter 14" into the search box).

Attachment 5: California Department of Fish and Game. 2011. Department of Fish and Game Land Management Summaries June 2011. This document is a compilation of unpublished reports on-file at the Department of Fish and Game Lands Program, Sacramento, CA. For current contact information:
<http://www.dfg.ca.gov/lands/>

Attachment 6: California Native Plant Society. 2010. Excerpt from the CNPS Inventory of Rare and Endangered Plants. Accessed April 19, 2011.
<http://www.cnps.org/cnps/rareplants/inventory/>

Attachment 7: California Department of Fish and Game and the Bureau of Reclamation. 1977. Excerpt from the "Lease Between the Department of Fish and Game and the Reclamation Board, Units L and M, San Joaquin River, Dredger Island." Lease #77-738G, Department of General Services Parcel ID #82-1670. This lease is on-file at the Department of Fish and Game Lands Program, Sacramento, CA. For current contact information:
<http://www.dfg.ca.gov/lands/>

Attachment 8: State of California. 2004. Government Code Section 14998.8 (A subsection of the Motion Picture, Television, and Commercial Industries Act of 1984). This amendment took effect August 16, 2004. Available at:
<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

Attachment 9: Pickering, C.M. 2010. Ten factors that affect the severity of environmental impacts of visitors in protected areas. AMBIO. Volume 39, Issue 1, pp. 70-77.

Attachment 10: California Fish and Game Commission. 1994. Rulemaking file to amend Sections 550, 551 and 552, Title 14, CA Code of Regulations. Office of Administrative Law File Number 94-0823-03 S. State Archives

Accession Number 2004-061. State Archives Location: B09702-B09748, C00699. Excerpts: Section 552(a)(4)(E) and (5)(F) on page 52 and Section 552(a)(8)(E) on page 55.

Attachment 11: California Department of Fish and Game. 2012. Pages 1 and 52-54 from the "Waterfowl & Upland Game Hunting and Department Lands Public Use Regulations". Effective July 1, 2012 through June 30, 2013. Published by the California Department of Fish and Wildlife, Sacramento CA. The entire publication can be downloaded from:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=54748&inline=1>

Attachment 12: Department of the Interior, Bureau of Land Management. 2009. Establishment of Interim Final Supplementary Rules Within the South Spit Cooperative Management Area, Managed by the Arcata Field Office, California. Federal Register: May 29, 2009 (Volume 74, Number 102). Notices. Page 25767-25771.

Attachment 13: U.S. National Archives and Records Administration. October 1, 2012. Code of Federal Regulations. Title 50. Part 32.24. California. Also available at:
<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

Attachment 14: Coachella Valley Association of Governments. 2007. Final Recirculated Coachella Valley Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan. Section 7.3.3.2.1 (Trails Management Program). Pages 7-53 through 7-71. Accessed June 10, 2012.
<http://www.cvmshcp.org/index.htm>

Attachment 15: California Department of Fish and Game. 2011. Land Regulations Workshop Slide Show. Shown at three public meetings in February and March of 2011. Also available at
<http://www.nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=28694>

Attachment 16: California Fish and Game Commission. 2013. Addendum to the Final Environmental Document for Proposed Regulations Governing Public Use of California Department of Fish and Wildlife Lands. March 2013. 5 pp. Also available from the Commission office: 1416 Ninth Street, Sacramento, CA 95814. Phone: (916) 653-4899. E-mail: fgc@fgc.ca.gov.

Attachment 17: Immel, Diana L. 2003. Plant Guide: Monterey Pine, *Pinus radiata* D. Don. United States Department of Agriculture, Natural Resource Conservation Service, National Plant Data Center. Excerpted pages 1 and 2. Accessed April 20, 2011. Entire publication available at:
http://plants.usda.gov/plantguide/pdf/cs_pira2.pdf

Attachment 18: State of California, Department of Fish and Game; City of Santa Barbara. 1987. Pages 1,2,3 and 8 from the Cooperative Agreement Between the State of California, Department of Fish and Game and the

City of Santa Barbara, August 27, 1987. Agreement is for the Goleta Slough Ecological Reserve, Santa Barbara County. Dept. of General Services Parcel ID #82-0836. For a copy of the entire agreement contact the Lands Inventory Coordinator, Lands Program, Wildlife Branch, California Department of Fish and Wildlife, 1416 Ninth Street, 12th Floor, Sacramento, CA 95814.

Attachment 19: California Department of Fish and Wildlife. (2013, 1996) E-mail correspondence from Christine Thompson, Manager, Goleta Slough Ecological Reserve, South Coast Region, CDFW to Julie Horenstein, Lands Program, Wildlife Branch, CDFW. June 4, 2013; Excerpt from Draft Goleta Slough Ecosystem Management Plan, 1997. Prepared by the City of Santa Barbara. Pages II-8 – II-9. E-mail and management plan excerpt available from the lands inventory files maintained at the Lands Program, Wildlife Branch, CDFW, 1812 Ninth Street, Sacramento, CA 95811. Lands Inventory Contact: Sharon Taylor, phone: (916) 323-7194, e-mail: Sharon.taylor@wildlife.ca.gov. The entire management plan is available on-line at: <http://www.goletaslough.org/> .

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

Three public workshops were held in February 2011 to discuss the Department's plans for making regulatory changes to Department lands. In general terms, it was explained to the participants that clarification and consolidation of regulations that govern public uses of lands owned or managed by the Department of Fish and Wildlife was necessary before any new, site specific regulations would be considered. The current regulations had become too inconsistent and confusing. The intention to designate recently acquired properties was also discussed in general terms.

The workshop agenda included a presentation on:

- 1) The need to improve the clarity and consistency of the regulations to avoid further confusion and the Department's plan to address this problem
- 2) Designate recently acquired lands
- 3) The regulation change process
- 4) Opportunities for public participation in the regulation change process.

The slide show that accompanied the presentation as Attachment 15 and also posted on the Department's Document Library at:

<http://www.nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=28694>
and is included in this rulemaking file as Attachment 15.

After each presentation, a question and answer session was held. Finally, the public was invited to participate in discussions at one or more stations staffed by Department personnel. There were three stations set up, each with flip charts for obtaining recommendations from the public. Department staff also provided individual recommendation forms at the beginning of the workshop that participants could turn in before leaving. In summary, the recommendations received from the public at the workshops were:

1. Make information easier to find by using tables
2. Provide maps of the properties showing where various uses are allowed
3. Continue to print and distribute regulation booklets
4. Allow more uses overall, throughout the year
5. Give more authority to regional staff over use of the properties
6. In addition to recommendations, requests were made for specific uses on specific properties

The public workshops were held on February 3, 2011 from 6 p.m. – 9 p.m. in Carlsbad, San Diego Co.; February 15, 2011 from 2 p.m. – 5 p.m. in Redding, Shasta Co.; and February 24, 2011 from 6 p.m. – 9 p.m. in Sacramento, Sacramento, Co.

Subsequent to these workshops, proposed land regulations were approved for public notice by the Fish and Game Commission on September 15, 2011. Discussion hearings were held by the Commission on November 17, 2011, February 2, 2011 and May 23, 2012. Public testimony was also taken at the adoption hearing on June 20, 2012. The proposed regulations were very similar to the regulations proposed for the current rulemaking action, and they were adopted by the Commission at the adoption hearing in June 2012. Below is a table that lists meetings that took place between Department staff and representatives of constituent groups from December 14, 2011 through June 14, 2012. In addition to these meetings, Department staff frequently communicated with members of the public regarding the proposed land regulations via e-mail and telephone.

Date	Location	Venue/Purpose
12/14/11	San Diego	HQ and Region 5 staff met w/ local constituents in person. Additional Department staff and constituents participated by conf. call. Discussed dog training/trialing regulations.
02/28/12	Statewide	Conference call to discuss dog training/trialing regulations.
05/22/12	Statewide	Conference call to discuss dog training/trialing regulations. Also discussed designation of the Liberty Island Ecological Reserve.
06/04/12	Sacramento	In-person meeting to discuss regulations re: 10 gauge shotguns, bb guns, shot shell limits, dog training and trialing.
06/08/12	Sacramento	In-person meeting to discuss regulations re: 10 gauge shotguns, bb guns, shot shell limits, dog training and trialing.
06/14/12	Statewide	Conference call to discuss dog training/trialing regulations. Similar discussion regarding Liberty Island as during the May conference call.
Constituents at one or more meetings and/or conference calls from Dec. 2011 through June 2012 included representatives from: Amateur Field Dog Clubs of America, CA Outdoor Heritage Alliance, CA Waterfowl Association, Sacramento Bird Dog Club, San Diego County Wildlife Federation, San Diego Hunting Retriever Club		

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

No alternatives were identified

(b) No Change Alternative:

- 1) Regulation Clarification and Consolidation: The no change alternative would leave the regulations in Sections 550, 551, 552, 553, and 630, Title 14, CCR, as currently written - inconsistent, confusing, difficult to use and highly duplicative.
- 2) Special Use Permit: The no change alternative would maintain the current language without regulations requiring special use permits for events or special uses of Ecological Reserves or undesignated lands, and no specific direction in Title 14, CCR, for evaluating special use requests. The Department would not recover costs for the staff time required to review requests for special uses or events, negotiate the terms of feasible requests, and follow-up, as necessary, when conditions for special uses or events are not followed.
- 3) Designation of Ecological Reserves and Wildlife Areas: By not adding the properties described above to Title 14, CCR, the appropriate level of protection for the properties is not provided and the appropriate public uses for the property are not made clear to the public and Department staff.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulations are proposed, would be as effective as, and less burdensome to the affected private persons than the proposed regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no significant negative impact on the environment and therefore, no mitigation measures are needed. Please see Attachment 16: "Addendum to the final environmental document for proposed regulations governing public use of California Department of Fish and Wildlife Lands".

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. The proposed regulations are intended to clarify existing regulations and will not substantially change existing activities on Department lands.

- (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:

Because the proposed regulations will not substantially 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.

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

Per proposed regulation subsection 550.5(d), Title 14, CCR, persons or organizations that apply for a special use permit would pay an appropriate permit fee based upon their proposed use. The proposed permit fee is \$122.50 for a Type 1 Special Use Permit, \$462.50 for a Type 2 Special Use Permit or \$536.00 for a Type 3 Special Use Permit. The permit fee recovers the Department's cost to review the permit application, coordinate with the applicant, develop terms and conditions, and issue the permit. An additional amount may be charged or a deposit may be required to recover other Department costs associated with a special use (e.g. site preparation, monitoring during the special use, clean up). Definitions of the types of special uses are in proposed subsection 550.5(d)(1) , Title 14, CCR.

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

The reduction of duplication within the lands regulations is expected to reduce the number of pages in the regulation booklets which are published each year ("Hunting and Other Public Uses on State and Federal Areas"). This may save the state money in publishing costs.

The state would recover the cost of regulating special uses or events on Department land through the special use permit fee.

- (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:

None

(h) Effect on Housing Costs:

None

INFORMATIVE DIGEST
(Policy Statement Overview)

California Wildlife Areas and Ecological Reserves

The majority of acreage administered by the Department of Fish and Wildlife (Department) is included in either wildlife areas or ecological reserves. Wildlife areas are acquired primarily for wildlife conservation and providing opportunities for compatible recreational uses. There are currently 110 wildlife areas, encompassing approximately 711,726 acres. The authority for regulating wildlife areas is established in Fish and Game Code sections 1525 through 1530.

Ecological reserves are acquired primarily for the purpose of protecting rare and/or endangered native plant and animal species and specialized habitat types (Fish and Game Code Section 1580). Other purposes for the establishment of ecological reserves are the observation of native plants and animals by the general public and scientific research (Fish and Game Code Section 1584). There are currently 130 ecological reserve properties, encompassing approximately 212,640 acres. The authority for regulating ecological reserves is established in Fish and Game Code sections 1580 and 1584.

The Department also administers public access lands and properties which are not yet designated. The latter are typically properties that have been recently acquired but have not yet been designated as either wildlife areas or ecological reserves by the Fish and Game Commission (Commission).

Fish and Game Code Section 1745 describes the priority public uses for Department-managed lands as “hunting, fishing, wildlife viewing, wildlife photography, conservation education, and fish and wildlife research, except for ecological reserves where uses shall be considered on an individual basis.”

Purpose of Amendments to Wildlife Area and Ecological Reserve Regulations

- (1) Currently public uses of Department lands are governed by sections 550, 551, 552, 553, and 630, Title 14, Code of Regulations (CCR). Cumulatively these sections contain hundreds of subsections with both general regulations (applicable to all or most lands) and specific regulations (applying only to one or a limited number of areas), mixed together in an often confusing and hard to find manner. Furthermore there are inconsistencies, duplication, and unnecessary regulations which need resolution.
- (2) This rulemaking action is being proposed to accomplish the following objectives:
 - Consolidate and improve the consistency and clarity of the regulations that govern public use of lands owned and/or managed by the Department of Fish and Wildlife, and remove existing regulations that are duplicative or unnecessary.
 - Clarify that restrictions on firearms on Department land do not prohibit the lawful possession of a concealed firearm by an active peace officer, a retired peace officer in lawful possession of an identification certificate issued pursuant

to Penal Code Section 25455, or the lawful possession of a concealed firearm pursuant to a concealed carry permit issued pursuant to Penal Code sections 26150 or 26155.

- Improve public safety and recreational opportunities without causing a significant effect on wildlife or habitat resources.
- Standardize the process used to issue special use permits for activities on Department land. Fees associated with Special Use Permits are proposed in Section 703(a), Title 14, CCR.

(3) To accomplish these objectives, the Commission proposes to amend and re-order these sections, and to add a new section, so that the public can more easily determine what uses are allowed upon which lands:

- General regulations that apply to all, or most, Department lands will be found in amended Section 550, Title 14, CCR.
- The addition of Section 550.5, Title 14, CCR, within this rulemaking action contains detailed information regarding entry permits, reservations and special use permits for Department lands.
- Specific regulations that pertain to Department lands designated as wildlife areas will be found in amended Section 551, Title 14, CCR. (Note that the current provisions of Section 553, Heenan Lake Wildlife Area, will be incorporated within Section 551. Section 553, Title 14, CCR, will therefore be repealed).
- Specific regulations for the nine National Wildlife Refuges that have also been designated as wildlife areas by the Commission will be found in amended Section 552, Title 14, CCR.
- Property-specific regulations for lands designated as ecological reserves will be found in amended Section 630, Title 14, CCR.
- Subsection 703(a)(2) is a new regulation within this rulemaking action which includes fees for special use permits and incorporates by reference "Permit Application for Special Use of Department Lands" (DFW 730, New 08/13).

(4) AMEND SECTION 550, Title 14, CCR. This rulemaking proposes the consolidation of generally applicable land regulations within an amended Section 550, Title 14, CCR. The most significant step in the proposed regulations is the combining of general regulations contained in the current sections 550, 551, and 630 into one set of regulations generally applicable to all Department lands as proposed in the new Section 550. These general regulations are for the protection of lands and natural resources.

Additionally, some regulations lack the information necessary to be as clear and understandable as possible. Language was changed or added in many subsections to improve the clarity of the regulations. Also 15 terms are defined in subsection 550(b) for the purpose of improving clarity. Subjects which were a particular focus in the effort to clarify the regulations included, but were not limited to: hunting, fishing, education, research, photography, and wildlife viewing.

- (5) ADD SECTION 550.5, Title 14, CCR. Requirements for reservations, entry permits, fees, passes, and special use permits will be moved to, or provided in, new Section 550.5, Title 14, CCR.

As the amended Section 550 will address the basic, general regulations for public use, a new added Section 550.5 will address detailed topics. These include the “how to” details and specific requirements for entry permits and passes; hunting area reservations, including moving those currently found in Section 551; and, special use permits. The proposed Section 550 will direct readers to appropriate subsections of Section 550.5 to obtain more details where necessary. The necessity for new regulations regarding entry permits, fees, passes and special use permits is summarized below:

550.5(b), Title 14, CCR: Reservations for Wildlife Viewing and Tours. The observation of native wildlife and habitats by the public is an appropriate use of many Department lands (Fish and Game Code Sections 1528, 1584, 1745). Certain properties have become very popular for wildlife or wildflower viewing opportunities. The new regulation establishes advance reservation opportunities if it is necessary to limit entry to these areas to protect sensitive natural resources.

550.5(c), Title 14, CCR: Entry Permits, Fees and Passes. This section is necessary for clarification about how to obtain passes that are exchanged for entry permits at Department lands. The Commission is authorized to prescribe the terms for issuing permits and other entitlements to use Department lands in Fish and Game Code Section 1050.

550.5(d), Title 14, CCR: Special Use Permits. Proposed subsection 550(d) explains that Special Use Permits are required for organized events or gatherings on Department lands. There currently are no statewide procedures for making or processing requests for Special Use Permits. There is also no mechanism for the Department to recover costs incurred by processing requests for Special Use permits. Section 550.5 is proposed to fulfill the need to have statewide methods for requesting and processing Special Use Permits for Department lands and also to explain new associated fees associated with Special Use Permits

- (6) AMEND SECTION 551, Title 14, CCR. Specific regulations for individual wildlife areas are proposed in amended Section 551, Title 14, CCR.

In the existing regulations specific regulations for wildlife areas are listed by property and not by type of use. If a person is interested in a particular type of use it is necessary to read the regulations for every wildlife area to learn where that use is allowed or where use restrictions exist. To make it easier for readers to find regulations regarding a use, the property-specific regulations for wildlife areas have been reorganized within the amended Section 551, primarily by type of use and secondarily by property. For most uses, the property-specific regulations are organized into tables, with each table dedicated to one or two types of uses. New regulations regarding visitor hours, hunter safety, firearms, dogs, and other restrictions are also proposed in this section to improve public safety.

Designation of a New Wildlife Area

The Department designates recently acquired lands described as wildlife areas in accordance with Fish and Game Code Sections 1525 and 1526. The list of all Department lands designated wildlife areas are included in the proposed amendment to subsection 551(b) and all future acquired wildlife areas will be added there. The property proposed at this time for designation in subsection 551(b)(8) is Burcham and Wheeler Flats Wildlife Area, Mono County.

- (7) AMEND SECTION 552, Title 14, CCR. Specific regulations for National Wildlife Refuges that are also designated as wildlife areas by the Commission are proposed in amended Section 552, Title 14, CCR.

All of the regulations in proposed subsection 552(a)(1) through 552(a)(5) correspond to the same numbered regulations in existing subsection 552(a). Following proposed subsection 552(a)(5), we inserted the regulations for the Sacramento River National Wildlife Refuge as subsection 552(a)(6). The regulations that are currently subsections 552(a)(6) through 552(a)(8) are proposed to be renumbered as 552(a)(7) through 552(a)(9). The regulations for the Sacramento River National Wildlife Refuge (SRNWR) were moved from subsection 551(q)(34) to subsection 552(a)(6) in order to consolidate into one location, all of the site-specific regulations for National Wildlife Refuges that are also wildlife areas that have been designated by the Commission. Existing subsection 552(a)(9) is proposed for deletion because the Department no longer manages the hunting program for the subject refuge (Stone Lakes National Wildlife Refuge), nor does the Department have any other management authority or responsibility for that refuge.

As previously discussed in more detail under Proposed Section 552, the language regarding camping in proposed subsections 552(a)(1)(D), (2)(E), (5E), and (9)(D) has been changed from the corresponding existing regulations ((552)(a)(1)(D),(2)(D),(5)(E), and (8)(E)). The existing subsections do not allow for any camping or tents on the subject refuges. This conflicts with the federal regulations (50 CFR 32.24, October 1, 2012) which allows "overnight" camping (meaning one night) on the nights before waterfowl shoot days, but only in campers, motorhomes or trailers and only in the hunter check-station parking area. The proposed changes eliminate the conflicts with both the federal regulations, and also with the decades-long practice of allowing camping under these restricted circumstances for the subject refuges.

- (8) REPEAL SECTION 553, Title 14, CCR, Heenan Lake Wildlife Area. As part of consolidating the regulations, all of Section 553 is proposed for deletion. Existing Section 553 includes site specific fishing and boating regulations for a single property, Heenan Lake Wildlife Area. These regulations are proposed to be incorporated into proposed subsection 551(l) which, when adopted, will also include property-specific regulations regarding boating.
- (9) AMEND SECTION 630, Title 14, CCR. Specific regulations pertaining to individual ecological reserves are proposed in amended Section 630, Title 14, CCR.

In the existing regulations specific regulations for ecological reserves are listed by property and not by type of use. If a person is interested in a particular type of use it is necessary to read the regulations for every ecological reserve to learn where that use is allowed or where use restrictions exist. To make it easier for readers to find regulations regarding a use, the property-specific regulations for ecological reserves have been reorganized within the amended Section 630, primarily by type of use and secondarily by property. For most uses, the property-specific regulations are organized into tables, with each table dedicated to one or two types of uses. New regulations are also proposed to improve public safety.

Existing regulations in Section 630 give authority to the Department, partner agencies or organizations, to conduct management actions on ecological reserves. Because the Department already has statutory authority for these activities, these existing regulations are duplicative and unnecessary and have therefore been proposed for deletion.

Designation of Six New Ecological Reserves

The Department proposes designations of recently acquired lands described as ecological reserves in accordance with Fish and Game Code Section 1580. Ecological reserves will continue to be designated through addition to existing subsection 630(b) , Title 14, CCR, under the proposed regulations. The properties proposed for designation as ecological reserves include:

- Subsection 630(b)(8), Bakersfield Cactus Ecological Reserve, Kern County
- Subsection 630(b)(30), Cambria Pines Ecological Reserve, San Luis Obispo County
- Subsection 630(b)(69), Liberty Island Ecological Reserve, Solano County
- Subsection 630(b)(106), San Antonio Valley Ecological Reserve, Santa Clara County
- Subsection 630(b)(114), Sands Meadow Ecological Reserve, Tuolumne County
- Subsection 630(b)(130), Vernalis Ecological Reserve, San Joaquin County

- (10) AMEND SECTION 703(a), Title 14, CCR to add subsection 703(a)(2) Permits for Special Use of Department Lands. An application form for requesting a Special Use Permit is proposed to be incorporated by reference into Section 703(a). The title of the application is “Permit Application for Special Use of Department Lands” (Form DFW 730 (New 08/13). This application is referred to in proposed subsection 550.5(d), which when adopted, will provide regulations regarding the process for obtaining a Special Use Permit. The application included attachments that provide information about Special Use Permits, standard terms and conditions, and a supplementary form for commercial or fund-raising events.

Section 703(a) also includes the fees that would be associated with Special Use Permits. The fees are proposed to recover Department costs of evaluation and processing special use permit applications.

Benefits of the Regulation

The proposed regulations will make it easier for the public to understand and follow the rules that apply to Department lands. The Department also anticipates non-monetary benefits to public safety as a result of the changes to regulations proposed in this rulemaking. Proposed amendments to Section 552 will resolve existing conflicts with federal regulations on National Wildlife Refuges that are also designated as wildlife areas by the Commission.

Consistency with State Regulations

The proposed regulations in this rulemaking action are neither inconsistent nor incompatible with existing state regulations. The primary purpose of the proposed regulations is a re-ordering and clarification of existing regulations.