

**STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
Amend Sections 550, 550.5, 551, 552, 630, 702
Title 14, California Code of Regulations (CCR)
Re: Public Use of Department of Fish and Wildlife Lands**

- I. Date of Initial Statement of Reasons: November 13, 2019
- II. Dates and Locations of Scheduled Hearings
 - (a) Notice Hearing Date: December 11, 2019
Location: Sacramento, CA
 - (b) Discussion Hearing Date: February 21, 2020
Location: Sacramento, CA
 - (c) Adoption Hearing Date: April 16, 2020
Location: Sacramento, CA

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The Department proposes designating recently acquired lands; one as a wildlife area pursuant to Fish and Game Code sections 1525 and 1526; and seven as ecological reserves pursuant to Fish and Game Code Section 1580. The Department proposes removing four properties, that it no longer possesses or manages, from the regulations. The general public's use of Department lands is governed by regulations in sections 550, 550.5, 551, 552 and 630; fees are set forth in Section 702.

The purposes of wildlife areas are to conserve wildlife and their associated habitats and to allow for compatible recreation. The main uses of wildlife areas include hunting, fishing, wildlife viewing, photography, environmental education and research. The purposes of ecological reserves are to conserve threatened or endangered plants and/or animals, and/or specialized habitat types, provide opportunities for the public to observe native plants and wildlife, and provide opportunities for environmental research. Recreation on ecological reserves must be compatible with the conservation of the property's biological resources.

A map showing the distribution of the properties being designated in, or removed from, the regulations is included in Attachment 1. More detailed information and maps for the properties are included in the land management summaries provided in Attachment 2.

Background Information

The majority of acreage the Department of Fish and Wildlife (the Department) administers is classified as either wildlife areas or ecological reserves. Wildlife areas are acquired for the conservation of wildlife and the habitats on which they depend, and to provide opportunities for recreational uses compatible with those conservation goals

(Fish and Game Code 1525 -1530, 1745). There are currently 110 designated wildlife areas encompassing approximately 712,383 acres. 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 1580). Certain public uses, deemed compatible with those goals, are authorized for ecological reserves, typically this includes hiking on established trails to observe native plants and wildlife (Fish and Game Code 1584). Designated ecological reserves currently include 135 properties, encompassing approximately 230,175 acres. Both wildlife areas and ecological reserves are often used for environmental education and scientific research. The designation of Department lands as wildlife areas or ecological reserves, and the authorization of public uses on those lands is the responsibility of the California Fish and Game Commission (the Commission) (Fish and Game Code sections 1526, 1580, 1584).

Existing regulations that govern public uses of lands administered by the Department are in sections 550, 550.5, 551, 552, 630 and 702 of Title 14, CCR. Section 550 contains regulations that pertain to all Department lands. Section 550.5 contains more detailed regulations about reservations, passes, and permits used on Department lands. Section 551 pertains to wildlife areas only. Section 552 pertains to nine National Wildlife Refuges where the Department manages hunting programs, Section 630 pertains to the Department's ecological reserves, and the subsections of concern in Section 702 pertain to the Special Use Permit application and fees.

If approved, these proposed regulation changes would:

- 1) Designate land the Department acquired relatively recently as seven ecological reserves and one wildlife area (subsections 630(b) and 551(b) respectively).
- 2) Remove three wildlife areas and one ecological reserve from subsections 551(b) and 630(b).
- 3) Improve the clarity and consistency of the regulations that govern public use of lands owned and/or managed by the Department.
- 4) Make site-specific regulation changes for certain properties to improve public safety, increase recreational opportunities, provide resource protection and manage staff resources.
- 5) Improve consistency between federal regulations and the state regulations in Section 552 for nine National Wildlife Refuges on which the Department manages hunting programs and remove text that is duplicative or otherwise unnecessary in this section. These refuges are also listed as state wildlife areas in subsection 551(c).
- 6) Update information in the Permit Application for Special Use of Department Lands (DFW 730 (New 01/14)) which is incorporated by reference in Subsection 702(d)(1) and associated subsections of 702 to improve their clarity and consistency.

Designate Recently Acquired Properties in Title 14

The Department proposes new designations of eight 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. Justifications for the designations are provided below. A map showing the distribution of these properties within the State is provided in Attachment 1. More detailed information for the properties are included in the land management summaries provided in Attachment 2.

The purposes of wildlife areas are to conserve wildlife and their associated habitats and to allow for compatible recreation. The main uses of wildlife areas include hunting, fishing, wildlife viewing, photography, environmental education and research. The purposes of ecological reserves are to conserve threatened or endangered plants and/or animals, and/or specialized habitat types, provide opportunities for the public to observe native plants and wildlife, and provide opportunities for environmental research. Recreation on ecological reserves must be compatible with the conservation of the property's biological resources.

Wildlife Areas

1. Designate the Round Valley Wildlife Area (RVWA) in subsection 551(b)(81)

The proposed Round Valley Wildlife Area (RVWA) is composed of two separate management units; the approximately 272-acre Swall Meadows Unit located in southern Mono County at 6,000 feet in elevation, and the approximately 100-acre Pine Creek Unit located 6 miles south in Inyo County (elevation 4,900 ft). The Pine Creek and Swall Meadows Units are located 12 miles and 16 miles northwest of the City of Bishop, California, respectively, with the Pine Creek Unit centrally located in Round Valley proper.

The primary purpose for the RVWA is to provide high quality winter range, migration corridor, and spring holding area habitats for the Round Valley mule deer (*Odocoileus hemionus* ssp. *hemionus*) herd. This herd, which occupies one of the most popular deer hunt zones in the state (X9A), has experienced significant population fluctuations over the last 25-years with habitat loss due to residential development and wildfire identified as significant threats.

The Swall Meadows Unit (Map 1a) is adjacent to lands managed by the Inyo National Forest (INF) to the west and the Bureau of Land Management (BLM) Bishop Field Office to the east. To the south, the land is owned by the City of Los Angeles Department of Water and Power (LADWP) with a single 10-acre private inholding served by a gated private road. To the north and northeast is the residential community of Swall Meadows. In this area the deer migration route between winter range in Round Valley below and the High Sierra above is constrained to only about 1.3 miles in width between the steep Wheeler Ridge of the Sierra Nevada mountain range and the Rock Creek Gorge. Much of Swall Meadows is subdivided into ½-acre parcels with single family homes, which, along with domestic pets, cars, lights, and noise, can impede the natural movement of the deer and provide added stressors in this key connective habitat. The RVWA parcels, along with a number of private conservation easements, have been acquired to help protect the migration corridor.

Management Objectives of the proposed RVWA include:

- a. Management of the Round Valley Deer Herd: Protect and enhance winter range, migration corridor, and spring holding area habitats for the herd.
- b. Biodiversity: Conduct surveys and monitoring to document biodiversity and population trends, identify and track special-status species that utilize the area, and detect potentially harmful introduced plants, animals or pathogens.
- c. Cooperative Partnerships: Continue to partner with non-governmental organizations and government agencies on projects to restore or enhance habitats, monitor species and environmental conditions, conduct research, provide educational activities, and reduce the risk of damaging wildfires.
- d. Public Uses: Based on the experience and expertise of the Department's staff on the biology of the local wildlife and habitats, as well as the management of public uses, walking, hiking, and wildlife viewing from appropriate access points should be encouraged. Hunting is compatible with the purposes of the proposed RVWA; however due to proximity to a residential community hunting will be prohibited on portions of the property under Fish and Game Code Section 3004 (150 yard "safety zone" for buildings and shooting across public roads).

The RVWA is proposed for designation as a Type C wildlife area, therefore, it would be open daily for hunting all legal species (outside of the safety zone) and would not require that hunters purchase a hunting pass for entry. The addition of the RVWA to Section 551(b) clarifies that the primary management purpose of the property is to contribute to a statewide program of ecological conservation, restoration, preservation, development and management of wildlife and wildlife habitat and hunting. The designation also allows the property to be available for public use in a manner that is compatible with the primary purpose.

Ecological Reserves

- 1. Designate the Cañada de San Vicente Ecological Reserve in subsection 630(b)(32).

The proposed Cañada de San Vicente Ecological Reserve (CSVER), located in the County of San Diego southeast of the town of Ramona, is an approximately 5,014-acre reserve. 392 acres were transferred to the Department as mitigation for San Diego County Water Authority's (SDCWA) Carryover Storage and San Vicente Dam Raise Project. The balance of the acreage was acquired between 2008 and 2014 utilizing federal grant funds to conserve, protect and restore core habitat areas and provide crucial wildlife linkages in the San Diego County Subarea Plan under the Multiple Species Conservation Program (San Diego County, 1997). There are known occurrences of multiple plant and animal species of concern on the property. Among others, there are two animals that are federally-listed as endangered: Arroyo toad (*Anaxyrus californicus*) and Quino checkerspot butterfly (*Euphydryas editha quino*), as well as a plant that is state-listed as endangered, and federally-listed as threatened: San Diego thornmint (*Acanthomintha illicifolia*).

Management objectives for the CSVER include:

- a. Endangered Species/Critical Habitats: Protect, restore, and enhance native habitats, aid the recovery of federally and state-listed endangered and threatened species.
- b. Connectivity: Provide habitat linkages and migration corridors for wildlife in the Department's South Coast Region (Region).
- c. Biodiversity: Protect, manage, and restore the riparian woodlands, oak woodlands, grass lands, and upland habitats representative to support the biological diversity of the Region.
- d. Public Use: Provide limited, safe, and high-quality opportunities for compatible educational and recreational activities that foster public appreciation of the unique natural heritage of the Region. The CSVER would have limited public access for public use/recreation that would include a single trail open from sunrise to sunset for hiking and horseback riding and would allow additional access via occasional special hunts and conditioned special use permits geared toward education or horseback riding.

Based upon the purposes for which the property was acquired, and the management objectives developed during the land management planning process, the Department recommends that this property be designated as an ecological reserve as defined in the Fish and Game Code (FGC), Section 1580-1585. Justification for proposed site-specific regulations that close the property to public use, with the exception of a single trail, and authorization for occasional special hunts are addressed in more detail under the subsection of this document titled: "Changes to Site-Specific Regulations for Ecological Reserves (Section 630)".

2. Designate the Cienega Springs Ecological Reserve in subsection 630(b)(39).

The proposed Cienega Springs Ecological Reserve (CSER) is approximately 282 acres located along the Santa Clara River (SCR) in the Santa Clara River Valley, Ventura County. It shares an approximate 0.62-mile boundary with the Department's Fillmore Fish Hatchery, and borders property owned by the Nature Conservancy and private farmland.

The primary purposes for acquiring the property were the protection of threatened and endangered species and riparian floodplain habitat along the SCR, as well as providing for potential wildlife-oriented public use opportunities associated with the fish hatchery.

Federally-listed wildlife species associated with Santa Clara riverine habitat include: Southern steelhead trout (*Oncorhynchus mykiss*), least Bell's vireo (*Vireo bellii pusillus*), Southwestern willow flycatcher (*Empidonax traillii extimus*) and Western yellow-billed cuckoo (*Coccyzus americanus*). The vireo and the cuckoo are also state-listed as endangered.

Various habitat types create a diverse array of vegetation communities providing habitat, refugia, and food for the different species that reside there. Riparian scrub, active river channels, willow-cottonwood forests, and the abandoned agricultural fields are the main habitat types present at the proposed CSER.

Management objectives for CSER include:

- a. Listed Species/Critical Habitats: Protect, restore, and enhance native habitats, and aid the recovery of federally and state-listed endangered and threatened species.
- b. Connectivity: Provide habitat linkage and migration corridors for wildlife in the SCR to adjacent habitats.
- c. Flood Flow Conveyance: Reconnect leveed portions of the property with its historic active floodplain and river channel to facilitate flood flow conveyance and the transportation of additional flows through the CSER in a manner that benefits wildlife.
- d. Biodiversity: Protect, manage, and restore the riparian woodlands, riverine wetlands, and upland habitats to support the biological diversity of the SCR. Support on-site riverine functions. Conserve breeding, foraging, cover and migration habitat for listed wildlife species.
- e. Cooperative Partnerships: Work in cooperation with our restoration, education, and outreach partners at the University of California at Santa Barbara RIVRLAB and the Santa Clara River Conservancy.
- f. Public Use: Based on the experience and expertise of the Department's land management staff, it is appropriate 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 SCR. This would include perimeter trails open from sunrise to sunset for passive recreation (e.g., bird watching, native plant tours), fishing and occasional, managed special hunts.

The Cienega Springs property is proposed for designation as an ecological reserve. The addition of the Cienega Springs Ecological Reserve to Section 630(b) to these regulations clarifies that the primary management purpose of the property is the conservation of the sensitive natural resources. The designation also allows the property to be available for public use in a manner that is compatible with the primary purpose.

Justification for the proposed site-specific regulation that would authorize occasional, Department-directed, special hunts is addressed in more detail in the subsection of this document titled: "Changes to Site-Specific Regulations for Ecological Reserves (Section 630)".

3. Designate the Deep Springs Lake Ecological Reserve in subsection 630(b)(49).

The proposed Deep Springs Lake Ecological Reserve (DSLER) is approximately 719 acres located at an elevation of 4,900 feet in Deep Springs Valley in Inyo County. The property consists of the Deep Springs Lake playa, a seasonal salt lake which typically dries in summer, and portions of wetlands associated with peripheral springs including Bog Mound Spring to the north, and Corral and Buckhorn Springs to the east and south respectively. The springs, spring brooks, freshwater marshes and alkali meadows associated with these springs provide habitat for the black toad (*Anaxyrus exsul*) which is found only in Deep Springs Valley and is State-listed as threatened and is also a Fully Protected species in California Fish and Game Code subsection 5050(b)(5). The seasonal lake is frequented by migratory birds including western snowy plover (*Charadrius alexandrinus nivosus*) a California Species of Special Concern (California Department of Fish and Wildlife, 2018) and federally-listed as threatened.

The primary purpose for acquiring the Deep Spring Lake property was to protect and manage habitat for black toad and western snowy plover. The property was acquired using funds from the State Beach, Park, Recreational and Historical Facilities Fund of 1974 (PRC 5096.71-5096.97) after being identified by the Department as a priority for conservation.

Management objectives for the DSLER include:

- a. Listed Species/ Critical Habitats: Protect, restore, and enhance native habitats, and protect the current stability of the black toad population and the federally-listed snowy plover.
- b. Biodiversity: Survey and monitor native wildlife and plant populations, particularly the western snowy plover. Monitor for early detection of potentially harmful introduced plants, animals or pathogens and respond if necessary.
- c. Cooperative Partnerships: Continue to coordinate with Deep Springs College and the Bureau of Land Management to ensure that management of the neighboring properties are conducted in a cooperative manner that is beneficial to the black toad.
- d. Public Use: Passive recreation such as walking, hiking, and wildlife viewing from appropriate access points is encouraged. An increase in visitors to black toad habitat should be avoided to minimize risks such as trampling or the introduction of pathogens that cause diseases in amphibians, such as Chytrid fungus.

Both access routes to the Department's property from public land (Bureau of Land Management) are extremely rugged dirt roads. Due to the remote location and challenging nature of access to the Deep Springs Lake property, and the fact that the majority of the toad habitat is located on private lands, the Department determined that impacts to black toad habitat from members of the public would be minimal if at all. As a result, the Department determined it is unnecessary to implement a closure or any other special regulations for the site at this time. Furthermore, the Department's Regional Manager can close the area to the public in the future to protect natural resources if conditions change and the habitat is affected by the public (Section 550(i)).

The Deep Springs Lake property is proposed for designation as an ecological reserve. The addition of the DSLER to Section 630(b) of these regulations clarifies that the primary management purpose of the property is the conservation of the sensitive natural resources.

4. Designate the Indian Wells Valley Ecological Reserve in subsection 630(b)(64).

The proposed Indian Wells Valley Ecological Reserve (IWVER) consists of five parcels totaling 200 acres near the city of Ridgecrest and east of the Red Rock Canyon State Park in the western Mojave Desert, Kern County. The parcels were acquired as mitigation for impacts to two species that are state-listed as threatened: desert tortoise (*Gopherus agassizii*) and Mojave ground squirrel (*Xerospermophilus mohavensis*) and have been maintained in their native creosote scrub habitat since their acquisition. It is anticipated that additional mitigation parcels will be added to this ecological reserve in the future.

Management objectives of the proposed IWVER include:

- a. Listed Species/ Critical Habitats: Protect and enhance native habitats within the ecological reserve to benefit special status species such as desert tortoise and Mojave ground squirrel.
- b. Biodiversity: Survey and monitor native wildlife and plant populations to document biodiversity, population trends, and potentially, the occurrence of additional special status species. Monitor for early detection of potentially harmful introduced plants, animals or pathogens and respond if necessary.

Based on the experience and expertise of Department land management staff, general public access would not be compatible with maintaining the IWVER as a mitigation area. Educational and research uses would be compatible with the purpose of the area, as well as occasional, Department-managed special hunts (particularly when the reserve is enlarged as expected). Justification for proposed site-specific regulations that close the property to general public access, and authorize occasional, department-managed special hunts are addressed in more detail under the subsection of this document titled: “Changes to Site-Specific Regulations for Ecological Reserves (Section 630)”

- 5. Designate the North Carrizo Ecological Reserve in subsection 630(b)(89).

The proposed North Carrizo Ecological Reserve (NCER) surrounds the Topaz Solar Farm, a 3,510-acre installation of photovoltaic modules and related facilities that was constructed in eastern San Luis Obispo County and became fully operational in 2013. Due to the solar farm project impacts to the following native species and habitats, mitigation for the project included the permanent protection and management of the 12,168 acres that comprise the proposed ecological reserve.

- a. San Joaquin kit fox (*Vulpes macrotis mutica*), State-listed: Threatened, federally-listed: Endangered,
- b. Giant kangaroo rat (*Dipodomys ingens*), State-listed: Endangered; federally-listed: Endangered, and
- c. Vernal pool fairy shrimp (*Branchinecta lynchi*), federally-listed: Threatened.

These lands were transferred in fee title to the Department in 2013. The proposed reserve also supports a herd of approximately 200 tule elk (*Cervus elaphus*), as well as a resident herd of pronghorn (*Antilocapra americana*).

Management objectives for the proposed NCER include:

- a. Listed Species/Critical Habitats: Protect, restore, and enhance native habitats, aid the recovery of federally and state-listed endangered and threatened species.
- b. Connectivity: Enhance passage of pronghorn, elk and San Joaquin kit fox through the reserve and to other protected lands in the vicinity, such as the Carrizo Plains Ecological Reserve, and the Carrizo Plains National Monument.
- c. Biodiversity: Protect and enhance native grassland, buckwheat shrub, and vernal pool habitats on-site. Monitor and manage the sensitive native species on site, in addition to those that are state or federally-listed. Conserve diversity of native plant and animal species within the reserve.

d. Cooperative Partnerships: Continue to work cooperatively with the Bureau of Land Management staff assigned to the Carrizo Plains National Monument to benefit the conservation value of both areas.

The subject lands are proposed to be designated as an ecological reserve because the intent of this acquisition was to conserve endangered species and the overall biodiversity of the area in order to mitigate for the loss of habitat caused by the development of the Topaz Solar Farm. Due to limited staff resources to manage public use, and the likely appeal of this site for illegal uses (e.g., riding off-road vehicles, poaching, target shooting, illegal camping that may lead to wildfires), protection of these resources would not be assured if unsupervised public access were allowed. The Department proposes to offer occasional, chaperoned special hunts to provide a safe, compatible recreational opportunity on the site. Justification for proposed site-specific regulations for this property are addressed in more detail under the subsection of this document titled: "Changes to Site-Specific Regulations for Ecological Reserves (Section 630)".

6. Designate the Santa Margarita River Ecological Reserve in subsection 630(b)(121).

The proposed Santa Margarita River Ecological Reserve (SMRER) consists of 251 acres within the City of Temecula in Riverside County, west of Highway 15. It forms the northeastern end of a much larger, similarly named, cooperatively managed open-space area known as the Santa Margarita Ecological Reserve (SMER). Several entities own land within the SMER, but day-to-day management throughout the reserve is conducted by San Diego State University.

The Santa Margarita River, one of the last nearly free-flowing rivers in Southern California, provides critical habitat for state and/or federally-listed species, such as Stephen's kangaroo rat (*Dipodomys stephensi*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) and least Bell's vireo (*Vireo bellii pusillus*). The river also leads to the only passable undercrossing of Interstate 15, a formidable barrier to wildlife movements in the area. The proposed SMRER is practically adjacent to the undercrossing. Human activity here may have a negative effect on use of the undercrossing by carnivores (Clevenger and Waltho, 2000). The Nature Conservancy has preserved the property that includes the opposite side of the undercrossing, east of Highway 15, which improves its likelihood of it being used by wildlife.

Management objectives of the proposed SMRER include

- a. Listed Species/Critical Habitats: Protect, restore, and enhance native habitats, to benefit the recovery of federally and state-listed endangered and threatened species.
- b. Connectivity: Provide habitat linkage and migration corridors for wildlife in the Department's South Coast Region (Region) to adjacent habitats.
- c. Biodiversity: Protect, manage, and restore riparian and upland habitats which support conservation of listed and non-listed native species. This includes providing habitat for breeding, foraging, cover, and migration.

d. Cooperative Partnerships: Continue to work with San Diego State University to protect the biological resources of the SMRER while providing educational and research opportunities.

e. Public Use: Due to the environmental sensitivity of the area, and the need to maintain the integrity of many research sites, the entire SMER is closed to regular public access, but through the cooperative management agreement, organized group hikes and other interpretive activities are provided to the public. School groups of all levels, and researchers also use the SMER.

Because of the listed species and sensitive habitats that are present, and high value of the site as wildlife movement/migration corridor, it is appropriate to designate the Santa Margarita River property as an ecological reserve in Section 630(b) of these regulations.

7. Designate the Tecopa Ecological Reserve in subsection 630(b)(133)

The proposed Tecopa Ecological Reserve (TER) is approximately 84 acres located in extreme southeastern Inyo County at an elevation of 1,400 feet. The property consists of several disjunct parcels managed as a single unit around the community of Tecopa Hot Springs near Death Valley National Park. The TER parcels are part of a larger complex of protected habitat. They are adjacent to, or surrounded by, approximately 250 acres owned by the U.S. Bureau of Land Management (BLM) and near 40 acres owned by the Nature Conservancy. The key natural feature in the area is a system of small marsh patches called the Tecopa Marsh which are fed by natural warm springs in the area.

The primary purpose of the TER will be the protection of habitat for the Amargosa vole (*Microtus californicus scirpensis*) which is both state and federally-listed as endangered. The vole is highly vulnerable due to its limited range, narrow niche, declining habitat quality, and low population size. Between 50 and 500 Amargosa voles remain in the wild. Amargosa voles depend on wetland vegetation dominated by three-square bulrush (*Schoenoplectus americanus*). The small rodent occurs in a single watershed with only 198 acres of habitat occurring in fragmented disjunct patches. The ecological reserve also preserves habitat for the Amargosa niterwort (*Nitrophila mohavensis*), a state and federally endangered plant that occurs only on highly alkaline, moist, salt-encrusted clay soils in the region. Additional rare species of plants and animals are known from the property (see land management summary in Attachment 2).

Management Objectives of the proposed TER include:

a. Listed Species/Critical Habitats: Protect and manage alkali meadow and marsh habitats to benefit the recovery of the Amargosa vole and Amargosa niterwort, and other sensitive species that benefit from the marsh habitat.

b. Connectivity: The proposed TER parcels were acquired as part of an effort to maintain connectivity between the patches of marsh habitat.

c. Biodiversity: Protect and manage the unique complex of alkali marsh, meadow and scrub habitats, which supports the conservation of listed and non-listed native species.

d. Cooperative Partnerships: Continue to partner with BLM, Cal Fire, academic institutions and non-governmental organizations on collaborative management, research, and public education opportunities.

e. Public Use: The parcels of the proposed reserve are inside of, or adjacent to, the town of Tecopa Hot Springs, so it is infeasible to prevent public access. Walking, hiking and wildlife viewing from appropriate access points will be encouraged with signs posted to avoid incompatible uses such as motorized vehicles, camping and campfires.

Because this property was acquired to protect the listed species and sensitive habitats that are present, it is appropriate to designate the Tecopa property as an ecological reserve in Section 630(b) of these regulations.

Remove Properties from the List of Wildlife Areas or Ecological Reserves in Title 14

A map showing the approximate locations of the properties proposed to be removed from Title 14 is included in Attachment 1.

1. Remove Lake Berryessa Wildlife Area from subsection 551(b)(55)

The Lake Berryessa Wildlife Area is in Napa County and is comprised of approximately 2000 acres along the eastern shore of Lake Berryessa from Eticuera Creek to Monticello Dam. The land is owned by the U.S. Bureau of Reclamation (BOR), and in 1995, the Department and BOR signed a 30-year Memorandum of Understanding (MOU), under which the Department managed wildlife, habitats and public use on the area. The land was designated as the Lake Berryessa Wildlife Area by the Fish and Game Commission in 1998. In 2015, the BOR and the Department mutually decided to terminate the MOU (see Attachment 3). The termination of the MOU resulted in the Department no longer having management authority over the Lake Berryessa Wildlife Area, and since that time, the BOR has managed the property according to its own regulations. No signs identify the property as a state wildlife area. The BOR has no plan to enter into a new MOU with the Department in the future. Retaining the designation as a Department wildlife area, as well as the site-specific regulations that allow for Department-organized special hunts (subsections 551(o),(q) and (r)) may confuse the public, partner agencies, and Department staff. Removing the designation and site-specific regulations for Lake Berryessa Wildlife Area would clarify the situation and avoid confusion.

2. Remove the South Fork Wildlife Area from Section 551(b)(96)

The South Fork Wildlife Area is located on the South Fork of the Kern River, ten miles east of the town of Lake Isabella, in Kern County. The approximately 1,400 acres were under the jurisdiction of the U.S. Army Corp of Engineers (COE) until 1991 when it was transferred to the U.S. Forest Service (USFS). In 1988, the COE issued a management license to the Department to manage the South Fork property, and it was designated as a wildlife area in 1990. The license expired in 2008, and the USFS notified the Department in 2013 that it did not intend to renew it (Attachment 3). Since that time, the USFS has managed the property according to its own regulations, and no signs identifying the property as a state wildlife area are posted. There is no plan to enter into a new license in the future. Retaining the designation as a Department wildlife area may confuse the public, partner agencies, and Department staff. Removing the

designation for the South Fork Wildlife Area would clarify the situation and avoid confusion.

3. Remove the White Slough Wildlife Area from subsection 551(b)(109)

White Slough Wildlife Area is located about seven (7) miles west of the city of Lodi in San Joaquin County and consists of approximately 880 acres divided among several narrow north/south-oriented units from Thornton-Walnut Grove Road in the north to North Rio Blanco Road in the south. The units include barrow ponds surrounded by a variety of habitats: riparian, marsh, and grassland. The land belongs to the California Department of Water Resources (DWR), and in 1980, the Department received a five-year encroachment permit to manage public uses on the White Slough property. These included hunting, fishing and wildlife-viewing. In that same year, the property was designated as the White Slough Wildlife Area. Draft agreements were written in 1985, 1993, 1995 and 1998 in order to continue the Department's management of recreation on the wildlife area, but none were signed due to a lack of consensus between DWR and the Department. The Department continued to operate a hunting program on the property without a written agreement with DWR but eventually ceased that practice. DWR has recently installed new gates on the property that make certain ponds less accessible to the public, which further detracts from the property's value as a wildlife area. Under the circumstances, retaining the designation as a Department wildlife area may confuse the public, partner agencies, and Department staff. Removing the designation of the White Slough Wildlife Area would clarify the situation and avoid confusion.

4. Remove the Yaudanchi Ecological Reserve from subsection 630(b)(135)

The approximately 166-acre Yaudanchi Ecological Reserve (YER) is located two miles south of the town of Porterville, on Highway 190 in Tulare County. It is adjacent to the Porterville Developmental Center (formerly Porterville State Hospital) and is on land owned by the California Department of Developmental Services (DDS). The YER was designated as an ecological reserve by the Commission in 1977 and was managed by the Department under an agreement with DDS. In 2017, DDS terminated the agreement with the Department due to plans for the property that were not compatible with the operation of an ecological reserve (Attachment 3). Because the Department no longer has legal authority to work on the property, retaining the designation as a Department ecological reserve may confuse the public and staff from public agencies. Removing the designation of the YER from subsection 630(b) would clarify the situation and avoid confusion.

Minor Corrections and Clarifications to Statewide Regulations (sections 550, 550.5, 702)

550(b)(2): Delete the word "visitors" from the definition of "compatible uses" because compatible uses are sometimes conducted by people who are carrying out official duties (e.g. teachers, researchers) and who, therefore, do not meet the definition of "visitor" in Section 550(b)(5). This change is necessary to clarify the applicability of this definition.

550(b)(7) and (8): Replace the upper-case “D” with a lower case “d” in the word “department” in order to be consistent with the convention used in regulatory language for referring to the subject department.

550(b)(11): Move the definition of “non-shooter” to 550(b)(11) from 550.5(a)(1)(E) because all of the other definitions in the land regulations are in 550(b). This improves consistency. “Hunter” replaced “reservation-holder” within the definition of non-shooter, when the definition was moved to 550(b). This is because on Type A wildlife areas, hunters who do not have a reservation often wait until hunters with reservations either do not show up or are done for the day. The vacancies in the hunting blinds are filled by these hunters who have waited, and who are allowed to bring the same number of people in their party as hunters with a reservation, and this often includes a non-shooter. Therefore, not all non-shooters accompany “reservation holders” and to say that a non-shooter may accompany a hunter is more accurate. This change is necessary to improve the clarity of the subject definitions.

550(c)(2)(B): Insert the word “day” into the regulation to correct an omission which was created when subsection 550.5(c)(11) was amended in 2016. The amendment requires visitors to Department properties that require a lands pass, who do not have a hunting or fishing license, to obtain and carry a one-day or seasonal lands pass with them while they are on the property. One-day passes for hunters on Type A or Type B wildlife areas are exchanged at the hunter check-in station for an entry permit, so hunters on those properties never have a one-day hunting pass on their person after they enter beyond the check-in station.

550(cc)(2) and 550(ee): Delete references to trapping on CDFW lands. These deletions are necessary because fur trapping will be prohibited statewide as of January 1, 2020, per AB 273 (Chapter 216, Statutes of 2019).

550.5(a)(1)(A): Delete “or at the address specified on the application” because all applications are now submitted on-line or filled out in-person at Department license sales offices or sales agents. There is no mailing address provided on the application. This is to ensure that all hunting reservation applications are entered into the Department’s Automated License Data System.

550.5(a)(1)(E): Move the definition of “non-shooter” from 550.5(a)(1)(E) to 550(b)(11) because all of the other definitions in the land regulations are in 550(b). Add “(as defined in subsection 550(b)(11))” to the last sentence in this subsection, so it is clear where to find the definition of a “non-shooter”. These changes are necessary to improve consistency within the regulations, provide clarity and to avoid confusion of the public.

550.5(c)(7): Replace the existing first sentence with two new sentences. Change “visitors” in the first amended sentence to “any visitor” because subsections (c)(6) through (c)(8) discuss closely related rules, and the other sentences in these subsections refer to “visitor” in the singular. This change is necessary to make the regulations easier to read and understand.

In the new second sentence, text is proposed that clarifies that visitors who are under 16 years old must be accompanied by an adult to receive an entry permit and hunt.

This is necessary to provide clarification of that requirement, because “junior hunters” who are 16 or older are not required to be accompanied by an adult.

The current upper age of junior hunters is 17 years of age (Fish and Game Code Section 3031). The upper age limit for junior hunters will expire on July 1, 2020, and the age of a junior hunter will return to 16. The proposed regulatory text will remain accurate when the change occurs.

550.5(c)(8): Sixteen and 17-year olds were allowed to hunt without adults prior to being classified as “junior hunters” in 2015. It is suggested that “junior” in the first sentence of 550.5(c)(8) be deleted because 16 and 17-year olds will be able to obtain an entry permit and hunt without an adult present, whether their hunting license is a junior license or if they are required to purchase one of the hunting license options sold to adults (i.e., whether or not the current age limit in Fish and Game Code Section 3031 is retained after July 1, 2020). This change is necessary for the regulation to remain accurate regardless of whether the upper age limit for a junior hunting license remains 17 years old as of July 1 of the licensing year.

550.5(d)(2)(B): A minor revision that explains that the entire special use permit fee must be paid before the special use permit application will begin to be processed was made to this section. Although the application instructs applicants to mail or deliver the application and fee together, the Department has had problems with applications arriving before the fee is paid in-full and applicants expecting the processing to begin as soon as the application is received. This clarification is necessary for the public’s understanding of how to apply for a Special Use Permit and the timing of processing a permit application. Also, for special use permits that include a cost in addition to the permit fee, it has not been clear to some applicants that the additional cost must be sent to the Region before the Regional Manager or their designee approves the permit. This is clarified by the sentence added to the end of this subsection. Corresponding changes will also be recommended for the Special Use Permit application (DFW 730) that is included with this regulation package. Rather than being unnecessarily duplicative, this confirmation between the regulatory language and the permit application is necessary to improve the public and the Department staff’s understanding of the requirements and processing of Special Use Permits.

550.5(d)(2)(B): The application for Special Use Permits (currently form DFW 730(New 01/14) is incorporated by reference into Section 702. It requires that the special use permit fee be submitted with the completed application. This requirement is not clearly stated in this subsection, and that may contribute to the problem that some applicants do not understand when the permit fee is due. It is necessary to state this requirement clearly and consistently in this regulation as well as in the Special Use Permit application.

550.5(d)(2)(B)1.: Add language to clarify the cancellation of special use permits and conditions for obtaining a refund of the special use permit fee.

Special Use Permits can be written to include multiple special uses over 12 months. The permit fee covers the cost of processing a permit application, whether one or multiple events are to take place on a given permit. Occasionally, permittees conduct one or more of the events allowed by the permit, cancel one or more of the remaining

events, and request a partial refund of the permit fee. The proposed change to the regulatory text is necessary because the existing text does not explain that no partial refunds are available.

Existing regulatory language only requires that a cancellation notice be provided in writing for the largest type of special use (“Type 3”). For the other two types of events, not requiring cancellations in writing has led to scheduling conflicts, extra work for staff, and confusion when multiple people are involved in organizing an event. The hardcopy or email format facilitates processing a refund and storing the cancellation notice. It is necessary to amend the regulatory text to clarify that a cancellation for any type of special use be submitted via email or hardcopy in order for it to qualify for a refund.

550.5(d)(2)(B)2.: Clarify that the written notice of cancellation of Type 3 events must be in hardcopy or email before any of the permitted activities have taken place, in order to qualify for a refund of the permit fee. See the preceding justification for adding similar language to subsection (B)1. Subsection (B)2. is separate from (B)1. because it addresses conditions unique to Type 3 Special Use Permits (i.e. the category of the largest events).

550.5(d)(4)(A): In the second sentence, “daily use” was replaced by “lands pass” for internal consistency within the subsection (which refers to “lands passes” multiple times). Additionally, a participant in a special use event occurring on a lands pass property does not need to purchase a daily lands pass if they already own an annual lands pass, a hunting license or a fishing license. This change is necessary to improve the consistency and accuracy of the regulatory text.

550.5(d)(4)(D): The existing text explains that it is prohibited to conduct special use activities or events held for the purpose of generating revenue on Department land without providing adequate compensation for the use of State resources. The Department uses information on Attachment C of the application for Special Use Permits (incorporated by reference into Section 702), to determine the suitable amount of compensation. Often this attachment is improperly left blank because applicants for a Special Use Permit for a revenue-generating event do not understand that it is required by regulation. This unnecessarily delays the Special Use Permit application process. The added text proposed for this section is necessary to clarify this regulatory requirement and expedite the application process.

550.5(d)(6)(A) and (B): The existing text for these subsections lists the payment of the permit fee as one of the items that is necessary for a Special Use Permit to be considered complete. It is incorrect to list the permit fee in this context because it needs to be paid when the Special Use Permit application is submitted. A proposed amendment to (d)(2)(B) clarifies this. The application will not be processed, let alone result in a complete permit, if the entire permit fee is not submitted with the application. It is necessary to replace the word “permit” with the word “additional” to avoid confusing the public about when the permit fee is due.

630(h): Add text following the title of this subsection that explains what is meant by closure to public entry or access.

- Although the property is closed to general public access, the proposed additional text clarifies that the Department may authorize special access to a closed property through written authorization. This is consistent with existing subsection 550(c)(2)(D)2.. 550(c) provides statewide regulations regarding visitor entry on all types of Department lands.
- The other five subsections of 630(b) that apply to multiple properties throughout the state provide this type of clarifying text following their title, and Department experience indicates that adding this text facilitates the public's awareness and understanding of this subsection. The subject text is proposed to be added to provide clarification for the public and consistency within Section 630(b).

Changes to Site-Specific Regulations for Wildlife Areas (Section 551)

551(b)(41): Since the previous update of the land regulations, the Gold Hills and Garibaldi units of the Grizzly Island Wildlife Area (GIWA), were exchanged for roughly the same amount of acreage adjacent to the existing Crescent Unit. They will be "Type A" areas because hunters will need to check into the check station to show their day/annual passes to exchange for a permit and then need to check out before leaving. This is consistent with the closest GIWA units. It avoids confusion for the public if access is administrated in a consistent manner.

The names of the "Cordelia" and "Montezuma Slough" units are proposed to be deleted because they are outdated. These were smaller units that were incorporated into larger units as more land was acquired. The Cordelia Unit property is part of the Garibaldi Unit that was transferred to the Pacific Flyway Center, and the Montezuma Slough Unit is managed as part of the Grizzly Island Unit. In summary, the proposed changes to this subsection are necessary to avoid confusion for the public.

551(b)(55): Delete the current subsection for Lake Berryessa Wildlife Area. This property is no longer managed by the Department. See item "1." under the above subheading: "Remove Properties from the List of Wildlife Areas or Ecological Reserves in Title 14".

551(b)(57): Delete the current subsection for Lake Sonoma Wildlife Area because 551(b) is for wildlife areas that are owned by the Department, and that wildlife area is owned by the federal government. It is also correctly listed in 551(c).

551(b)(71): Delete "Coon Island" because it is an outdated name for land that is now part of the Huichica Creek Unit. The Huichica Creek Unit is included in the list of units for the Napa-Sonoma Marshes Wildlife Area.

551(b)(81): Add the proposed text for the Round Valley Wildlife Area. See item "2." under "Wildlife Area", under the above subheading: "Designate Recently Acquired Properties in Title 14".

551(b)(102): Update the list of counties that include units of the Truckee River Wildlife Area (TRWA). Since the last time this subsection was updated, two units were added to this wildlife area. The Canyon and the Grey Creek Canyon units are located in Sierra and Placer Counties, respectively.

551(b)(109): Delete the current subsection for the White Slough Wildlife Area. This property is no longer managed by the Department. See item “3.” under the subheading: “Remove Properties from the List of Wildlife Areas or Ecological Reserves in Title 14”.

551(c)(5): Delete the current subsection for the Lake Berryessa Wildlife Area. This property is no longer managed by the Department. See item “3.” under the subheading: “Remove Properties from the List of Wildlife Areas or Ecological Reserves in Title 14”.

551(d)(6): This change is to add the Bogg’s Bend Unit to the list of units within the Sacramento River National Wildlife Refuge. This is not a new unit, and this was an inadvertent omission of the name. Adding the name improves the accuracy of the information provided in subsection 551(c)(6).

551(j)(4): Under subsection 551(j), the use of bicycles is prohibited on wildlife areas unless allowed within this subsection. The proposed changes for the Napa-Sonoma Marshes Wildlife Area will allow regulated bicycle use on two (2) units of the wildlife area, in accordance with the area’s land management plan. (See Attachment 4):

a. Green Island Unit: Bicycles would be allowed on the designated Bay Trail which runs on top of a perimeter levee on the eastern border of the property. Signs will be posted along the trail to eliminate confusion over wildlife area regulations and Bay Trail users. The Bay Trail was planned in 1989 by the Association of Bay Area Governments in 1989, and currently includes approximately 400 miles, linking cities and nine counties in the Bay Area.

b. Southern Crossing Unit: Bicycles would be allowed on the public access easement which bisects the unit. The easement allows for recreational opportunities and access by Stanly Ranch LLC and the City of Napa to the Napa River. Signs will be posted, and fences erected to keep visitors on the trail and avoid confusion over the prohibition of bicycles on the rest of the unit.

551(o)(17): Delete the existing subsection for Garibaldi Unit because it was transferred to the Pacific Flyway Fund in exchange for land that is adjacent to the existing Crescent Unit. The Unit is no longer part of the Grizzly Island Wildlife Area.

551(o)(18): Delete reference to the Gold Hills Unit because it was transferred to the Pacific Flyway Fund in exchange for land that is adjacent to the existing Crescent Unit. It is no longer part of the Grizzly Island Wildlife area.

551(o)(20): Delete current subsection because the Cordelia Unit was part of the Garibaldi Unit that was transferred to the Pacific Flyway Fund, and the Montezuma Slough Unit is now managed as part of the larger Grizzly Island Unit. For management and public use purposes, there is no longer a separately managed unit named the “Montezuma Slough Unit.”

551(o)(24): Currently, all hunting on the Hollenbeck Canyon Wildlife Area (HCWA) is prohibited between February 1 and August 31. To increase hunting opportunities while minimizing negative effects on nesting wildlife, the Department recommends allowing crow hunting in a designated area until the end of the statewide crow season in early April (per Section 485(a)(1)). This change was requested of the Commission by the San Diego Wildlife Federation in December 2018 (see Attachment 5). Based on the Department’s experience and expertise, crow hunting at this wildlife area is expected to

attract minimal numbers of hunters, particularly later in the season. For that reason, and by restricting this use to one part of the property, the Department's opinion is that this change will not significantly increase disruption to wildlife at the HCWA above what already occurs through existing public uses during the early spring (e.g. hiking, bird-watching, photography).

551(o)(30): Delete the current subsection for Lake Berryessa Wildlife Area. This property is no longer managed by the Department. See item "1." under the above subheading: "Remove Properties from the List of Wildlife Areas or Ecological Reserves in Title 14".

551(o)(39): This subsection includes two recommended changes for the Southern Crossing Unit of the Napa-Sonoma Marshes Wildlife Area:

a. Delete the text that closes the section to all visitor uses during restoration. The original restoration plan was very intensive, and the area was closed for public safety and to maximize the establishment of new vegetation. That plan was cancelled, and there is no longer a need to prohibit all public use of the unit.

b. Prohibit hunting, firearms and archery use. This is a narrowly-shaped property that the Department anticipates will be very popular for walks and bike rides to the Napa River. A public access easement bisects the property. These characteristics make it difficult to ensure safe hunting opportunities, and there are other nearby units of the wildlife area that offer hunting.

551(o)(62): Delete current subsection 551(o)(62) for the White Slough Wildlife Area. This property is no longer managed by the Department. See item "3." under the above subheading: "Remove Properties from the List of Wildlife Areas or Ecological Reserves in Title 14".

551(q)(9): Delete current subsection 551(q)(9) for the Lake Berryessa Wildlife Area. This property is no longer managed by the Department. See item "1." under the above subheading: "Remove Properties from the List of Wildlife Areas or Ecological Reserves in Title 14".

551(r)(20): Delete current subsection 551(r)(20) for the Cordelia and Montezuma Slough units of the Grizzly Island Wildlife Area. These units are no longer managed by the Department. See the justification for the amendments to subsection 551(b)(41).

551(r)(27): Delete current subsection 551(r)(27) for the Lake Berryessa Wildlife Area. This property is no longer managed by the Department. See item "1." under the above subheading: "Remove Properties from the List of Wildlife Areas or Ecological Reserves in Title 14".

551(r)(37): Add the Southern Crossing Unit to the units of the Napa-Sonoma Marshes Wildlife Area on which all firearms and archery equipment are prohibited. Currently the Southern Crossing Unit is closed to public use in subsection (551)(o)(36), but this regulation package includes a proposal to remove that closure. This is a long, narrow property that the Department anticipates will be very popular for walks and bike rides to the Napa River. A public access easement bisects the property. These characteristics make it difficult to ensure safe hunting opportunities, and there are other nearby units of the wildlife area that offer hunting.

551(r)(52): Prohibit all firearms and archery equipment on the Boca, Polaris, and West River Units of the Truckee River Wildlife Area (TRWA). Under the current version of this subsection, three units of the TRWA have a rifle and pistol prohibition. Due to their proximity to the town of Truckee, and ongoing concerns received at the Department's Regional Headquarters by other users and neighbors, we are proposing that the Boca, Polaris and West River Units have a firearm and archery prohibition. These units were purchased for fishing access, and hunting is not a reasonable option here because of the lack of legal distance from occupied dwellings and/or Interstate 80. Hunting will still occur on the other nearby units of the TRWA, and this proposal affects less than 4% of the overall acreage of the TRWA. This regulation change will increase safety for non-shooters, including hikers and anglers, and according to Department law enforcement staff, will help prevent illegal take of game, as well as inappropriate target shooting.

551(r)(54): Delete current subsection 551(r)(54) for the White Slough Wildlife Area. This property is no longer managed by the Department. See item "3." under the above subheading: "Remove Properties from the List of Wildlife Areas or Ecological Reserves in Title 14".

551(s)(4), 551(s)(7), 551(s)(15), 551(s)(17), 551(s)(19), 551(s)(27), 551(s)(29): Delete these seven subsections that provide "extra" pheasant hunt days on the subject Type A wildlife areas. The subsections contain regulations that are very similar to one another. These seven "Type A" wildlife areas include, respectively: Gray Lodge, Grizzly Island, Los Banos, Mendota, North Grasslands, Upper Butte Basin, and Yolo Bypass. Under Section 551(e)(1), during the waterfowl hunting season (early fall to late winter), these wildlife areas are open for hunting on Saturdays, Sundays and Wednesdays. In the above-listed subsections of 551(s), these areas are also open for hunting pheasants for an additional five to twelve consecutive days (depending on the wildlife area) at the beginning of the pheasant season in early November.

However, because of the decline in the pheasant population, the Department has utilized its authority, under subsection 550.5(c)(2)(D), to cancel the extra pheasant hunt days on all seven wildlife areas for the last eight years (with the exception that two of those areas have been open on Veteran's Day).

A major factor in the decline of the pheasant population in California is thought to be habitat lost due to development and changes in farming practices over the last three decades (Coates et al, 2017). Given that most farming is unlikely to revert to practices that are more beneficial to pheasants, and that cities will continue to expand into farmland, it is unlikely that there will be a significant, sustained rebound in the wild pheasant population in the foreseeable future.

At the same time, staff resources on wildlife areas are limited. Department land managers are directed to avoid scheduling staff for overtime, and there is a need to reserve the available staff hours to prepare for and operate during the regular three hunt days per week. For these reasons, the Department recommends deleting the seven subsections listed above.

Pheasant hunting will continue to be available on Saturdays, Sundays and Wednesdays on the Department's Type A and B wildlife areas during the six-week pheasant season. Unless otherwise restricted in Section 551, hunting is available

seven days a week on Type C wildlife areas for all legal species. Colusa, Delevan and Sacramento National Wildlife Refuges (NWRs) offer pheasant hunting on Veteran's Day in addition to the three regular hunt days per week.

551(s)(5): Existing subsection (s)(5), authorizes quail and rabbit hunting on "pheasant hunt days" on Gray Lodge Wildlife Area. This includes the "extra" pheasant hunt days proposed to be eliminated in the preceding justification. If the recommendation to delete the extra pheasant hunt days is adopted (i.e., delete existing 551(s)(4)), then what remains are the regular waterfowl hunt days during the pheasant season (i.e. Saturdays, Sundays and Wednesdays during that six-week period in November and December). This will change the language in renumbered (s)(4) to "waterfowl shoot days during the pheasant season" for the sake of accuracy and internal consistency within the regulations.

551(s)(9): Existing subsection (s)(9), authorizes rabbit hunting daily in July, and on pheasant hunt days during the pheasant season on the Grizzly Island Wildlife Area (Crescent and Grizzly Island Units). As used here, "pheasant hunt days" are the extra, early season, pheasant hunt days that are proposed to be eliminated in this regulation package. If that change is adopted (i.e., delete existing 551(s)(7)), then the rabbit hunt days in the fall will be limited to the regular waterfowl hunt days during the pheasant season, as proposed in renumbered (s)(7). This change will be necessary for the regulations to remain accurate and internally consistent.

551(s)(20): Existing subsection (s)(20) authorizes rabbit hunting during the waterfowl season on waterfowl and pheasant hunt days on the North Grasslands Wildlife Area. As used here, "pheasant hunt days" are the extra, early season, pheasant hunt days that are proposed to be eliminated in this regulation package. If that change is adopted (i.e., delete existing 551(s)(19)), then the rabbit hunt days in the fall will be limited to the regular waterfowl hunt days as proposed in renumbered (s)(15). This change will be necessary for the regulations to remain accurate and internally consistent.

551(s)(25): Existing (s)(25) authorizes rabbit hunting to take place on the Upper Butte Basin Wildlife Area during the late dove season on waterfowl or pheasant hunt days. As used here, "pheasant hunt days" are the extra, early season, pheasant hunt days that are proposed to be eliminated in this regulation package. If that change is adopted (i.e. delete existing 551(s)(27)), then the rabbit hunt days during the late dove season will be limited to the regular waterfowl hunt days as proposed in renumbered (s)(20). This change will be necessary for the regulations to remain accurate and internally consistent.

551(t)(27): Delete current subsection 551(t)(27) for the White Slough Wildlife Area. This property is no longer managed by the Department. See item "3." under the subheading in this document: "Remove Properties from the List of Wildlife Areas or Ecological Reserves in Title 14".

551(u): Delete "and Pheasant" from "Type A Wildlife Areas Which Allow Archery Equipment During Waterfowl and Pheasant Season...". Los Banos is the only wildlife area listed in this subsection. The current text allows archery equipment to be used during the existing "extra" pheasant hunt days that are proposed to be removed from Los Banos (see above discussion for 551(s)(15)). If the extra pheasant hunt days are

deleted, hunting pheasants will only be allowed on waterfowl hunt days during the pheasant season (which is shorter and completely within the waterfowl season). The proposed change will be necessary in order for 551(u) to be consistent with the change proposed for 551(s)(15).

551(w): Delete “trapping” as one of the licenses that provides an exemption from the lands pass requirement on certain wildlife areas. This deletion is necessary because fur trapping will be prohibited statewide as of January 1, 2020, per AB 273 (Chapter 216, Statutes of 2019).

551(x)(2): Per a request from the U.S. Fish and Wildlife Service (USFWS) (Attachment 6), it is proposed to change the time at which hunting reservations expire on the Delevan National Wildlife Refuge. This is to improve the hunter check-in process. The proposed change is from an expiration time of one hour before shoot time, to one and one-half hours before shoot time. This change will improve consistency between the state regulations and federal rules for public uses of National Wildlife Refuges.

Improve Consistency with Federal Regulations on National Wildlife Refuges and Remove Duplication (Section 552)

Section 552 contains state regulations for National Wildlife Refuges (NWRs) that are also listed as state wildlife areas in Section 551(c). The Department manages the hunting program on these NWRs under an agreement with the U.S. Fish and Wildlife Service (USFWS). Federal regulations change over time and making associated changes to Section 552 improves the consistency between the state and federal regulations that govern public uses. Improved consistency should minimize confusion for the public and for staff from both agencies who cooperate on managing these refuges. A letter of support for the proposed changes from the USFWS is included with this ISOR as Attachment 7.

552(a), 552(a)(1)(A), (2)(A), (3)(A), (4)(A), (5)(A), (6)(B)(4), (7)(A), (8)(A), (9)(A): Delete references to federal requirement for non-toxic shot. It is unnecessary since non-toxic shot became required for all hunting in California on July 1, 2019, per Section 250.1 of these regulations.

552(a)(1)(B): The proposed text for the Colusa National Wildlife Refuge (CNWR) adds pheasant hunting on the first Monday of pheasant season and adds turkey as a species to be hunted during the fall turkey season on waterfowl hunt days. These changes were made to 50 CFR section 32.24 on October 1, 2018 for pheasant, and on September 10, 2019 for turkey. Changes to make state regulations consistent with federal regulations will avoid confusion for the public and for staff from both agencies who cooperate on managing this refuge.

552(a)(1)(C), (2)(C), (3)(C), (4)(D), (5)(C), (6)(K), (7)(C), (8)(C), (9)(C):

- Following “Authorized Species”, these subsections will add the words “to be Hunted” for the sake of clarification. This change is necessary because the current text, in which “Authorized species”, is followed immediately by a list of species, is inadequate to convey to members of the public that these are the species that are authorized for hunting on the subject wildlife refuge.

- Subsections (1)(C), (2)(C), (5)(C) and (9)(C) add “turkey” to the list of species that are authorized for hunting in these subsections. The justification for adding turkey to the lists within these subsections is for internal consistency with the earlier subsections that introduce the addition of turkey hunting on these refuges: 552(a)(1)(B), (2)(B), (5)(B) and (9)(B).

- In subsections (3)(C) and (4)(D), it is unnecessary to have language prohibiting snipe

hunting because snipe is not listed as a species that is authorized for hunting on these properties, earlier in each of these subsections.

552(a)(1)(F): The proposed text will improve consistency between Section 552 and the federal authorization for bicycling on CNWR. This use is authorized pursuant to 50 CFR sections 32.3 and 25.31 (Oct. 1, 2018). Changes to make Section 552 more consistent with federal regulations will avoid confusion for the public and for staff from both agencies who cooperate on managing this refuge.

552(a)(1)(G): Existing 552(a)(1)(G) is proposed for deletion because it is redundant with subsections 550(c)(2)(E) regarding where visitors may enter and exit Department lands, and 550(y)(2) which prohibits loading and unloading vehicles between designated parking areas. The subsections in 550 are functionally the same as existing 552(1)(G), but they apply to all Department lands in the state. The CNWR meets the definition of Department lands in subsection 550(b)(1), therefore, the regulations in 550 apply to CNWR.

552(a)(1)(H): The proposed addition of the word “turkey” is necessary because turkey may not be hunted in the assigned pond area on the Colusa NWR (50 CFR Section 32.24 (September 10, 2019)). Changes to make state regulations more consistent with federal regulations will avoid confusion for the public and for staff from both agencies who cooperate on managing this refuge

552(a)(1)(I), (2)(G), (4)(G), (5)(G), (7)(F), (9)(I): Delete the existing text at these subsection numbers. Each one addresses the number of visitors allowed to enter on a single hunting reservation. They are redundant with subsections 551(x)(1), (2), (10), (14), (16), (17), (18), (19) and (20). Note that 551(x)(16), (17), (18) and (19) refer to different units of the San Luis NWR. In Section 552(a)(1)(7)(F), those four units are addressed in one subsection, so there are fewer subsections to delete in Section 552. The subject NWRs meet the definition of Department lands in subsection 550(b)(1) and are listed as wildlife areas in subsection 551(c). Therefore, the regulations in 551 apply to these NWRs and the text proposed for deletion is unnecessary.

552(a)(1)(H), (4)(G), (5)(H), (7)(H), (9)(G): If “day use” hours are not added via these proposed subsections, it would imply that the “visitor” hours for state lands in subsection 550(c)(2)(C) (sunrise to sunset) apply to the subject NWRs. These include the Colusa, Merced, Sacramento, San Luis and Sutter NWRs. Depending on the property, the opening and closing hours for these NWRs are either one-half hour or one hour different from the regulation for state lands.

The day use hours are not codified in federal regulations, but they are in effect pursuant to 50 CFR sections 32.3 and 25.31 (Oct. 1, 2018). Both state and federal

regulations provide exceptions to normal visitor hours for authorized uses that may involve hunting, camping or fishing on state lands, and hunting or camping on federal lands. These changes clarify the difference between the standard visitor hours on Department lands and the hours that are available for day-use visitors on the subject NWRs. This reduces confusion for the public, particularly those who visit both Department-owned lands and the NWRs.

552(a)(1)(I), (2)(G), (3)(F), (4)(H), (5)(I) and (9)(H)): Adding these proposed subsections that prohibit fishing on the Colusa, Delevan, Kern, Merced, Sacramento, and Sutter NWRs would increase the consistency of Section 552 with federal regulations for these properties. Fishing is prohibited at these NWRs in 50 CFR 32.24 (October 1, 2018). Greater consistency between the state and federal regulations avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

552(a)(2)(B), (5)(B) and (9)(B): Add turkey as an authorized species for hunting on waterfowl hunt days (i.e. Saturday, Sunday and Wednesday) at, respectively, the Delevan, Sacramento and Sutter NWRs, during the fall turkey season. The fall turkey season occurs entirely within the waterfowl season. Turkey hunting on these refuges was added to 50 CFR 32.24 on September 10, 2019. Changes to make Section 552 consistent with federal regulations will avoid confusion for the public and for staff from both agencies who cooperate on managing these refuges.

552(a)(2)(F) and (9)(F): These prohibitions of bicycles in the existing regulations are redundant with the prohibition in Section (bb) and are therefore, unnecessary. Delevan NWR and Sutter NWR are listed as wildlife areas in subsection 551(c) and qualify as "Department Lands" under the definition in subsection 550(b), therefore the prohibition in Section 550(bb) applies to these properties.

552(a)(2)(I), (5)(I), (7)(H) and (9)(G): These subsections are proposed for deletion because they are redundant with subsection 550(c)(2)(E) regarding where visitors may enter and exit Department lands, and subsection 550(y)(2), which prohibits loading and unloading vehicles between designated parking areas. Subsections 550(c)(2)(E) and 550(y)(2) are functionally the same as these proposed for deletion, but instead of only applying to a specific NWR, they apply to all Department lands in the state. These NWRs (Delevan, Sacramento, San Luis, and Sutter), are listed in subsection 551(c) and meet the definition of Department lands in subsection 550(b)(1), therefore, the regulations in Section 550 also apply to these properties.

552(a)(3)(D), (4)(E) and (8)(D): It is proposed to delete these subsections that prohibit camping and trailers on, respectively, the Kern, Merced and Sonny Bono NWRs. These subsections are redundant with Section 550(p), the statewide regulation that generally prohibits campers and trailers from Department lands, and therefore, they are unnecessary. These NWRs are listed in subsection 551(c) and meet the definition of Department lands in subsection 550(b)(1); therefore, the regulations in Section 550 also apply to these properties.

552(a)(3)(D): This proposed subsection requires that hunters assigned to a spaced blind unit remain within 100 feet of their assigned blind (with certain exceptions) and that pheasant hunting be limited to the free roam unit. This is an existing federal

regulation in 50 CFR 32.24 (Oct. 1, 2018). Consistency between the state and federal regulations avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

552(a)(3)(E): This proposed subsection would only allow nonmotorized boats on the Kern NWR. This is an existing federal regulation in 50 CFR 32.24 (Oct.1, 2018). Consistency between the state and federal regulations avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

552(a)(4)(A): The existing subsection restricts hunters to no more than 25 shot shells per day on the Merced National Wildlife Refuge. USFWS is proposing to replace “per day” with “while in the field” in 50 CFR 32.24 in 2019 (Kempf, personal communication, 2019), and in the meantime, refuge managers are authorized to make changes to uses through public notification (50 CFR sections 32.3 and 25.31 (Oct. 1, 2018)). Changes to make Section 552 more consistent with federal regulations will avoid confusion for the public and for staff from both agencies who cooperate on managing this refuge.

552(a)(4)(H): Additional language is proposed for the Merced NWR that allows hunters to leave assigned blinds to place decoys and travel to and from the parking area. It also prohibits shooting outside of the blind. This is an existing federal regulation in 50 CFR 32.24(Oct. 1, 2018). Consistency between the state and federal regulations avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

552(a)(5)(F): The proposed change would replace the prohibition of bicycles with authorization for bicycles to be used under specified conditions. This use is not codified in 50 CFR 32.24, but is in effect pursuant to 50 CFR sections 32.3 and 25.31 (Oct. 1, 2018). Consistency between the state and federal regulations avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

552(a)(5)(H): It is proposed to add “turkey” to the list of species that are illegal to hunt from the assigned blind area on the Sacramento NWR, except on the first Monday of pheasant season. This change will be proposed for 50 CFR 32.24 in 2019 (Kempf, personal communication, 2019), and in the meantime, refuge managers are authorized to implement this restriction through public notification (50 CFR sections 32.3 and 25.31 (Oct. 1, 2018)). Adding “turkey” to this subsection will improve consistency with the federal regulations. Consistency between the state and federal regulations avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

552(a)(6)(E): It is proposed to specify that bicycles are only allowed on designated routes during the time of year that bicycle use is already authorized (May 15 through August 15). This use is not codified in 50 CFR 32.24, but is in effect pursuant to 50 CFR sections 32.3 and 25.31 (Oct. 1, 2018). Consistency between the state and federal regulations avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

552(a)(6)(F): Existing subsection (F) is proposed for deletion because it is redundant with subsections 550(m) and 550(n).

552(a)(6)(F): A new subsection (F) is added specifying that dogs cannot be used for hunting wild pig or for hunting deer. This is already prohibited for this property in 50 CFR 32.24 (Oct. 1, 2018). The change will make the state law consistent with the federal law for this NWR and will reduce confusion for the public and for staff from both agencies who cooperatively manage this property.

552(a)(6)(G): Added text is proposed to specify where campers are allowed at night. This is already a requirement in 50 CFR 32.24 (Oct. 1, 2018). The change will make the state law consistent with the federal law for this NWR and will reduce confusion for the public and for staff from both agencies who cooperatively manage this property.

552(a)(6)(H): Existing subsection 552(a)(6)(H) is proposed to be deleted because it is redundant and therefore, unnecessary. Under Section 550(h), fishing is allowed on Department lands unless it is otherwise stated in subsections 551(o), 551(y) or 630(e). Because the Sacramento River National Wildlife Refuge (SRNWR) is listed as a wildlife area in Section 551(c) and meets the definition of Department lands in subsection 550(b)(1), the authorization of fishing in Section 550 applies. There are no exceptions to this allowance of fishing in subsections 551(o), 551(y) or 630(e).

552(a)(6)(H): The new subsection is proposed that restricts where fire is allowed on the property. This is already a requirement in 50 CFR 32.24 (Oct. 1, 2018). The change will make the state law consistent with the federal law for this NWR and will reduce confusion for the public and for staff from both agencies who cooperatively manage this property.

552(a)(6)(J)(3): This subsection is proposed to be added to close hunting on the Ohm Unit except for a designated area in which all authorized species except waterfowl may be taken. This use is not codified in 50 CFR 32.24, but is in effect pursuant to 50 CFR sections 32.3 and 25.31 (Oct. 1, 2018). Consistency between the state and federal regulations avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

552(a)(6)(J)(7): It is proposed to add a subsection that limits hunting on the SRNWR from August 15 to May 31. This restriction on hunting, to occur only between certain dates, is not codified in 50 CFR 32.24, but is in effect pursuant to 50 CFR sections 32.3 and 25.31 (Oct. 1, 2018). Consistency between the state and federal regulations avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

552(a)(6)(K): The proposed changes to this section would add the words “to be Hunted” following “Authorized Species”. See the above justification for adding “to be Hunted” to 552(a)(1)(C). Additionally, text prohibiting the hunting of all other species on the SRNWR is proposed to be deleted. It is unnecessary because the only species allowed to be hunted are already listed in this subsection.

552(a)(7)(B): It is proposed to add text to this subsection that explains that while hunting is allowed 7 days a week on the Freitas Unit of the San Luis NWR, a department-issued permit is required on Saturdays, Sundays, and Wednesdays. The permit is obtained at the on-site hunter check-in station, which is a standard procedure on all areas where hunter entry is restricted during the waterfowl season. This

restriction is not codified in 50 CFR 32.24, but is in effect pursuant to 50 CFR sections 32.3 and 25.31 (Oct. 1, 2018). This change will improve consistency between the state and federal regulations. This avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

552(a)(7)(F): Note this section is currently subsection (7)(G). Proposed text would specify when the Freitas units (and their associated parking lot) are open to the public. This restriction is not codified in 50 CFR 32.24, but is in effect pursuant to 50 CFR sections 32.3 and 25.31 (Oct. 1, 2018). This change will improve consistency between the state and federal regulations. This avoids confusion for the public and for the staff from both agencies who cooperate on managing the San Luis NWR.

552(a)(7)(G): It is proposed to add this subsection which would authorize fishing in designated areas on the San Luis NWR and restrict the method of taking fish to rod and reel. This is already a requirement in 50 CFR 32.24 (Oct. 1, 2018). The change will make the state law consistent with the federal law for this NWR and will reduce confusion for the public and for staff from both agencies who cooperatively manage this property

552(a)(8)(F): It is proposed to add this subsection which authorizes fishing from a boat on the Sonny Bono NWR from April 1 to September 30 and prohibits all fishing from shore. This is already a requirement in 50 CFR 32.24 (Oct. 1, 2018). The change will make the state law consistent with the federal law for this NWR and will reduce confusion for the public and for staff from both agencies who cooperatively manage this property.

552(a)(9)(F): It is proposed to add “turkey” to the list of species that are illegal to hunt from the assigned blind area on the Sutter NWR, This change will be proposed for 50 CFR 32.24 in 2019 (Kempf, personal communication, 2019), and in the meantime, refuge managers are authorized to implement this restriction through public notification (50 CFR sections 32.3 and 25.31 (Oct. 1, 2018)). Adding “turkey” to this text will improve the consistency between the state and federal regulations. This avoids confusion for the public and for the staff from both agencies who cooperate on managing these NWRs.

Changes to Site-Specific Regulations for Ecological Reserves (Section 630)

630(a): The second sentence of this section provides an out-of-date address for the Department’s lands inventory files. The address is proposed to be deleted. Members of the public who wish to obtain a legal description or other information about Department properties typically contact the Department by email or telephone.

630(b)(4): The existing subsection does not show that the Allensworth Ecological Reserve now includes property in Kern County, so the name of that county is proposed to be added.

630(c): Deleted “trapping” from the list of licenses that provide the bearer with an exemption from the lands pass requirement on certain ecological reserves. This deletion is necessary because fur trapping will be prohibited statewide as of January 1, 2020, per AB 273 (Chapter 216, Statutes of 2019).

630(d)(10): Adding this subsection would authorize limited hunting on the proposed Cañada de San Vicente Ecological Reserve (CSVER), only on specific dates and times and in the specific location designated by the Department. These would be “special hunts” offered to a limited number of participants via a random drawing. These hunts are often offered to a category of hunters who particularly benefit from the more controlled circumstances of a special hunt, such as youth or disabled hunters. For young hunters in particular, special hunts provide an opportunity for the Department to reinforce important lessons about hunter safety, courtesy and ethics that are taught in the hunter safety class that is required to obtain a hunting license in California. A completed management plan for this property includes limited hunting as described here (California Department of Fish and Wildlife, 2016, excerpt included as Attachment 8).

630(d)(14): Adding this subsection would authorize limited hunting on the proposed Cienega Springs Ecological Reserve, only on specific dates and times and within specific areas designated by the Department. These would be “special hunts” offered on an occasional basis to a limited number of participants via a random drawing. These hunts are often offered to a category of hunters that would particularly benefit from the more controlled circumstances of a special hunt, such as youth or disabled hunters. For young hunters in particular, special hunts provide an opportunity for the Department to reinforce important lessons about hunter safety, courtesy and ethics that are taught in the hunter safety class that is required to obtain a hunting license in California

The Department will be creating a hunting opportunity where one does not currently exist, however bird hunting did take place in the Santa Clara River channel until the mid-1990s.

The Department would organize hunts to target a specific common game species. Based on the Department’s experience, these occasional limited opportunities will not have a significant effect on the target species’ population. It is not anticipated that limited regulated hunting would interfere with the primary purpose for which the Reserve was acquired nor would hunting have an adverse impact on non-hunted species or their habitats due to hunts only occurring outside of the breeding/nesting season.

The Department would provide appropriate signage and barriers to keep hunters outside of sensitive habitats and within designated hunting boundaries. Special hunts will be conducted outside of bird nesting season to avoid impacts to nesting birds.

The Department would hold pre-hunt meetings that provide hunters with safety, regulation, boundary, and other pertinent information needed to ensure protection of the public and non-targeted resources. This would also minimize or avoid any potential impacts to nearby development or agricultural operations.

Based on the Department’s experience and expertise in wildlife and natural lands management, by following the above-mentioned impact guidelines and other measures designed to eliminate or minimize impacts to resources; hunting as described above will have no significant or detrimental impacts. According to Fish and Game Code Section 1585, the department may construct facilities and conduct programs in ecological reserves it selects to provide natural history education and recreation if

those facilities and programs are compatible with the protection of the biological resources of the reserve.

630(d)(23): Adding this subsection would authorize limited hunting on the proposed Indian Wells Valley Ecological Reserve, only on specific dates and times and within specific areas designated by the Department. These would be “special hunts” offered to a limited number of participants via a random drawing. These hunts are often offered to a category of hunters that would particularly benefit from the more controlled circumstances of a special hunt, such as youth or disabled hunters. For young hunters in particular, special hunts provide an opportunity for the Department to reinforce important lessons about hunter safety, courtesy and ethics that are taught in the hunter safety class that is required to obtain a hunting license in California.

The Department would organize hunts to target common upland game species. Based on the Department’s experience, these occasional limited opportunities will not have a significant effect on the target species’ population. It is not anticipated that limited regulated hunting would unduly interfere with the primary purpose for which the Reserve was acquired nor would hunting have an adverse impact on non-hunted species or their habitats.

The Department would provide appropriate signage and barriers to keep hunters within designated hunting boundaries. Special hunts will be conducted outside of bird nesting season to avoid impacts to nesting birds.

The Department would hold pre-hunt meetings that provide hunters with safety, regulation, boundary, and other pertinent information needed to ensure protection of the public and non-targeted resources.

Based on the Department’s experience and expertise in wildlife and natural lands management, by following the above-mentioned impact guidelines and other measures designed to eliminate or minimize impacts to resources; hunting as described above will have no significant or detrimental impacts. According to Fish and Game Code Section 1585: “The department may construct facilities and conduct programs in ecological reserves it selects to provide natural history education and recreation if those facilities and programs are compatible with the protection of the biological resources of the reserve”.

630(d)(28): Adding this subsection would authorize limited hunting on the proposed North Carrizo Ecological Reserve (NCER), only on specific dates and times and in the specific location designated by the Department. According to Fish and Game Code Section 1585: “The department may construct facilities and conduct programs in ecological reserves it selects to provide natural history education and recreation if those facilities and programs are compatible with the protection of the biological resources of the reserve.”

These special hunts are likely to focus on tule elk. They would conform with regulations adopted under Section 364, Title 14: “Elk Hunts, Seasons, and Number of Tags”. The parcels in the proposed NCER were previously privately-owned lands that were enrolled in the Private Lands Management (PLM) hunting program administered by the Department. Since the Department’s acquisition of the property in 2011, no hunting as

occurred because undesignated Department lands are not open to public use (Section 550(a)).

The NCER is located within the La Panza Tule Elk Management Unit. For 15 years prior to the Department's acquisition, approximately 46 elk were harvested each year from the proposed NCER, and adjacent private lands and the herd size remained stable at around 110 animals. Since that time, the allowable elk harvest on the adjacent PLM lands has been 25 elk each year, and the elk population has almost doubled in size to 200 animals. Providing limited and supervised elk hunting opportunities would be consistent with prior hunting activities and with the recently approved elk management plan for California (California Department of Fish and Wildlife, 2018, excerpt included as Attachment 9). The issues identified with general public access to the NCER (see justification below for 630(h)(29)) would not be a problem for the special hunts because Department personnel would supervise any hunting activities.

630(g)(2): Adding this regulation would authorize limited horseback riding on an existing trail within the proposed Cañada de San Vicente Ecological Reserve (CSVER). Horseback riding would be limited to the trail from Holly Oaks Park and the Luelf Pond OSP trail to Southern Oak Road. The trail crosses the boundary into the ecological reserve for approximately one quarter mile before exiting onto adjacent public land. According to Fish and Game Code Section 1585: "The department may construct facilities and conduct programs in ecological reserves it selects to provide natural history education and recreation if those facilities and programs are compatible with the protection of the biological resources of the reserve". The management plan for CSVER envisioned that pedestrian and equestrian use of this trail would be an exception to the general closure to public access on this property, and the associated mitigated negative declaration found that this would have a less than significant effect. (Department of Fish and Wildlife, 2016 (Volume 2, page 16)).

630(h): It is necessary to add text after the title for this subsection to improve clarity and enforceability by explaining that closed ecological reserves shall not be entered by the public. At the same time, the added text also clarifies that there are instances when the Department may allow access through written authorization. Typically, this is for environmental education or research activities. Department staff experience indicates that this clarification will reduce confusion for both the public and some Department staff.

630(h)(10): Delete the two references to "(9)" from the text in this subsection. These references are unnecessary and may create future organizational issues for 630(d) and 630(e).

630(h)(11): Adding this regulation would close the proposed Cañada de San Vicente Ecological Reserve (CSVER) to visitor use with the exception of hiking and horseback riding on the existing trail from Holly Oaks Park and the Luelf Pond OSP trail to Southern Oak Road, and occasional Department-organized special hunts (see above, subsection 630(d)(10)).

This closure is recommended for the following reasons:

- With the exception of the single public hiking and horseback riding connector trail that connects Holly Oaks Park and Luelf Pond Open Space Park (OSP) to Southern Oak Road, CSVER is land-locked on the south, east, and west by Native American Reservation land and/or private property. Because of this situation, other trails on the property would have no 'through-route' capability, only an 'out and-back loop' trail. The Department, based on its expertise and experience, thinks this would cause an over-use of these trails and impacts to surrounding habitat and wildlife.
- Of particular concern is trail use in close proximity to San Vicente Creek, which is known to contain federally-listed species, and trail use within the buffer zone of a nesting site used by a pair of golden eagles.
- Open public trails within the main portion of the Reserve would likely interfere with current and future research and restoration activities within the Reserve.
- There is limited Department staffing available to monitor and patrol the Reserve.

Details regarding special hunts and horseback riding on CSVER, are discussed above in the justifications for changes to subsections 630(d)(10) and 630(g)(10).

630(h)(18): This subsection would be amended to close the Del Mar Mesa/Lopez Ridge Ecological Reserve (DMMER) to visitor access. DMMER was acquired as mitigation for impacts caused by development projects to chamise chaparral, scrub oak chaparral, Diegan coastal sage scrub, and vernal pools habitats. The vernal pools at DMMER include three species that are federally-listed as endangered: San Diego mesa mint (*Pogogyne abramsii*), San Diego button celery (*Eryngium aristulatum* var. *parishii*), and San Diego Fairy Shrimp (*Branchinecta sandiegonensis*). The mesa mint and button celery are also state-listed as endangered. A fourth species, spreading navarretia (*Navarretia fossalis*) is federally-listed as threatened. Other sensitive species on the site include San Diego golden star (*Bloomeria clevelandii*) which exists only in coastal scrub and grassland habitats in a strip running from San Diego County into Baja California; western spadefoot toad (*Spea hammondi*) and San Diego horned lizard (*Phrynosoma coronatum blainvillii*). Much of the surrounding area receives heavy use by hikers, mountain bikers, equestrians, and off-road vehicles. Because of the high sensitivity of the biological resources on-site and the intensive recreational use surrounding the reserve, the Department has kept the DMMER fenced and closed to public use through the Department's authority under subsection 550(c)(2)(D). However, trespass is a frequent problem on this property. It is the Department's opinion, based on its expertise and experience in managing properties for the protection of listed species, that it is necessary to formally close this property through the proposed regulation to clarify its status for the public and provide adequate protection for the sensitive natural resource on-site.

630(h)(22): Adding this regulation would close the proposed Indian Wells Valley Ecological Reserve to visitor use with the exception of occasion Department-managed special hunt opportunities. The property was acquired to mitigate the loss of habitat for desert tortoise (*Gopherus agassizii*), which is state and federally-listed as threatened, and for the Mojave ground squirrel (*Xerospermophilus mohavensis*) which is state-listed as threatened. There is also sensitive desert wash habitat onsite, which tends to have greater bird species diversity than upland desert habitats. According to the land

management summary for this property (Attachment 2), there is possibility that this site will be connected to additional mitigation lands, which would further enhance its habitat value. To maintain the high level of protection that is appropriate for a mitigation site, the Department, based on its experience and expertise in the management of sensitive species and habitats, recommends closing this property to general visitor access. There is a history of hunting in the area, particularly for upland game birds, therefore, the Department recommends allowing occasional, Department-managed special hunts. More details regarding possible special hunts on this property are provided in the above discussion for the addition of subsection 630(d)(23).

630(h)(29): Adding this regulation would close the proposed North Carrizo Ecological Reserve (NCER) to all visitor use except for occasional special hunt opportunities. This site was protected to mitigate for impacts to listed species described above in the justification for the designation of this property as an ecological reserve (proposed subsection 630(b)(89). Based on the Department's experience and expertise in managing sensitive species and habitats, protection of these resources would not be assured if unsupervised public access were allowed. Areas open to public access on the Carrizo Plains National Monument to the south have been subject to illegal OHV use, vandalism, poaching, and habitat degradation. The justification to allow occasional Department-managed special hunts on the proposed is provided above for the addition of subsection 630(d)(28).

630(h)(32): Delete the reference to "(33)" from the text in this subsection. This reference is unnecessary and may create future organizational problems for this subsection.

630(h)(34): Delete the reference to "(25)" from the text in this subsection. This reference is unnecessary and may create future organizational issues for this subsection.

630(h)(37): The 251-acre property that comprises the proposed Santa Margarita River Ecological Reserve is currently closed to the public, and if this proposed regulation is adopted, it would remain closed after its designation. The justification for the closure is that the subject property is part of a larger open space area that is closed to general public use due to the environmental sensitivity of the area and the need to maintain the integrity of many research sites. This area, including the Department's property, is managed primarily by San Diego State University (SDSU) under a cooperative agreement. Through this agreement, there are organized group hikes, school field trips and other interpretive activities on less sensitive portions of the larger reserve. The Department's property is adjacent to a wildlife underpass below Highway 15. Human activity has been associated with reduced use of wildlife underpasses (see Attachment 10).

630(h)(40): The Stone Ridge Ecological Reserve is currently closed to all visitor access and use. In addition to stating the closure, the existing language provides an exemption for department authorized interpretive, educational or research programs. This site-specific exemption for education and research is redundant and is proposed for removal.

Section 550(c)(2)(D)(2) allows entry to closed Department lands with written authorization from the Department. Authorization to conduct educational or research activities on Department lands is addressed in subsections 550(e) and (f).

Minor Changes to Special Use Permit Regulations (702)

702(d)(1)(A): This section refers to the application form for Special Use Permits, which is currently “DFW 730 (New 01/14)”. “New 01/14” will be replaced with “REV Month/20” if the Commission adopts the proposed changes to the form. This change will maintain consistency with the standard practice of how state forms are numbered.

Proposed changes to the “Special Use of Department Lands Permit Application” are in Attachment 11, and the justifications for those changes are in Attachment 12.

702(d)(1)(B) through (G): The phasing in of the Special Use Permit fees from 2014 through 2017 is complete and those fee amounts are proposed to be deleted because they are no longer necessary. The subsections of the regulation are re-numbered accordingly. The fees in these subsections are proposed to be made current in accordance with subsection 702(d)(2), pursuant to Section 699, Title 14, CCR and Fish and Game Code Section 713. The latter is the statutory mandate that Department fees shall be annually updated according to the method provided in that section. The application of this requirement has no regulatory effect since no new fee is proposed:

	Fee currently in regulation (starting 1/1/2017)	Updated fee (eff. 1/1/ 2020)
Type 1 Special Use Permit	\$122.50	\$132.75
Type 2 Special Use Permit	\$308.25	\$502.25
Type 2 Special Use Permit	\$462.50375.25	\$582.00

(b) Goals and Benefits of the Regulation:

The proposed regulations will allow the Department to pursue its mission to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.

(c) Authority and Reference

Section 550:

Authority cited: Sections 200, 203, 265, 710, 710.5, 710.7, 1050, 1530, 1583, 1745, 1764, 1765, 3003.1, 3004.5, 3039, 4001, 4004, 4150 and 10504, Fish and Game Code.

Reference: Sections 355, 711, 713, 1050, 1055.3, 1301,1526, 1528, 1530, 1570, 1571, 1572, 1580, 1581, 1582, 1583, 1584, 1585, 1745, 1761, 1764, 1765, 1907, 2006 and 10504, Fish and Game Code; and Sections 25455, 26150 and 26155, Penal Code.

Code.

Section 550.5:

Authority: Sections 200, 1050, 1530, 1764, 1765, 3031 and 10504, Fish and Game Code. Reference: Sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1764,

1765, 2006, 2020, 10504 and 12000, Fish and Game Code; and Section 14998, Government Code.

Section 550.5:

Authority: Sections 200, 203, 205, 265, 355, 710, 710.5, 710.7, 1050, 1530, 1583, 1745, 1764, 1765, 3003,1, 3039, 4001, 4004, 4150 and 10504, Fish and Game Code.

Reference: Sections 355, 711, 713, 1050, 1055.3, 1301, 1526, 1528, 1530, 1570, 1571, 1572, 1580, 1581, 1582, 1583, 1584, 1585, 1745, 1761, 1764, 1765, 2006 and 10504, Fish and Game Code; Sections 5003 and 5010, Public Resources Code; and Sections 25455, 26150 and 26155, Penal Code.

Section 552:

Authority: Sections 200, 203, 265, 710, 710.5, 710.7, 1050, 1530, 1764, 1765 and 10504, Fish and Game Code.

Reference: Sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570, 1571, 1572, 1761, 1764, 1765, 1907, 2006 and 10504, Fish and Game Code.

Section 630:

Note: Authority cited: Sections 200, 203, 265, 710, 710.5, 710.7, 1050, 1530, 1583, 1587, 1745, 1764, 1765 and 10504, Fish and Game Code.

Reference: Sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570, 1571, 1572, 1580, 1581, 1582, 1583, 1584, 1585, 1745, 1761, 1764, 1765, 1907, 2006 and 10504, Fish and Game Code.

Section 702:

Authority cited: Sections 200, 203, 265, 331, 332 and 1050, Fish and Game Code.

Reference: Sections 200, 203, 203.1, 265, 331, 332, 713, 1050, 1055, 1055.1, 1570, 1571, 1572, 1573, 1745, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 10500 and 10502, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None

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

Attachment 1: California Department of Fish and Wildlife. 2019. Map indicating the approximate location of CDFW lands that are proposed in this ISOR to be added to, or deleted from, Title 14, California Code of Regulations.

Attachment 2: California Department of Fish and Wildlife. 2019. Department of Fish and Game Land Management Summaries September 2019. 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 3: Documents related to the termination of land management by the Department of Fish and Wildlife on the Lake Berryessa Wildlife Area, Yaudanchi Ecological Reserve, and South Fork Wildlife Area.

Attachment 4: California Department of Fish and Wildlife. October 2011. Final Napa-Sonoma Marshes Land Management Plan. Excerpted page 3-116.

<https://www.wildlife.ca.gov/Lands/Planning/Napa-Sonoma-Marshes-WA>

Attachment 5: San Diego Wildlife Federation. 2018. Letter/Petition to the California Fish and Game Commission. December 5, 2018.

Attachment 6: Garrett Spaan, 2019. Email correspondence from Garrett Spaan, Visitor Services Specialist, Sacramento National Wildlife Refuge Complex, U.S. Fish and Wildlife Service, to Glenn Underwood, Staff Services Manager, License and Revenue Branch, California Department of Fish and Wildlife. May 24, 2019, regarding the expiration time for hunting reservations on the Delevan National Wildlife Refuge.

Attachment 7: United States Fish and Wildlife Service. October, 2019. Letter and enclosures from Anthony Merrill, Regional Chief, Division of Refuge Law Enforcement, Pacific Southwest Region-8, National Wildlife Refuge System, U.S. Fish and Wildlife Service, to Julie Horenstein, Lands Program California Department of Fish and Wildlife, Sacramento CA.

Attachment 8: California Department of Fish and Wildlife. 2016. Cañada de San Vicente Vol 1: Final Land Management Plan. Prepared by the Southern Service Center, California Department of Parks and Recreation. State Clearinghouse #2015051017. Feb 2016. Excerpted pages 4-44 – 4-46. <https://www.wildlife.ca.gov/Lands/Planning/Canada-de-San-Vicente>

Attachment 9: Elk Conservation and Management Plan, December 2018, Appendix E: La Panza Tule Elk Management Unit. Excerpted pp E260-E262, E266-267. <https://www.wildlife.ca.gov/Conservation/Mammals/Elk>

Attachment 10: Clevenger, Anthony & Waltho, Nigel. 2000. Factors Influencing the Effectiveness of Wildlife Underpasses in Banff National Park, Alberta, Canada. Conservation Biology. Vol. 14. DOI: 10.1046/j.1523-1739.2000.00099-085.x. Excerpted abstract.

Attachment 11: Proposed updates to the “Special Use of Department Lands Permit Application” (currently DFW-730 (New – 01/2014))

Attachment 12: Justifications for the proposed updates to the “Special Use of Department Lands Permit Application”.

Additional References:

California Department of Fish and Wildlife, Natural Diversity Database. August 2019. Special Animals List. Periodic publication. 67 pp. <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>

Coats, P.S., Brussee, B.E., Howe, K.B., Fleskes, J.P., Dwight, I.A., Connelly, D.P., Meshriy, M.G. and Gardner, S.C. 2017. Long-term and widespread changes in agricultural practices influence ring-necked pheasant abundance in California. Ecology and Evolution. 7: 2546 – 2559. DOI:10.1002/ece3.2675

San Diego County. 1997. Multiple Species Conservation Program. County of San Diego Subarea Plan. 156pp.

https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/MSCP_CountySubarea_Plan.pdf

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

Four public outreach meetings to discuss the possible changes to the lands regulations and how to participate in the rulemaking process were held in June 2019. They were held from 6:00 to 8:00 p.m. on the following dates and locations:

Tuesday, June 18	Monday, June 24
California Department of Fish and Wildlife	Grassland Environmental Education Center
South Coast Region Headquarters	Los Banos Wildlife Area
3883 Ruffin Road	18110 Henry Miller Ave.
San Diego, CA 92123	Los Banos, CA 93635
Wednesday, June 19	Tuesday, June 25
Oroville Branch Library	Yolo Bypass Wildlife Area
1820 Mitchell Ave.	45211 County Road 32B (Chiles Road)
Oroville, CA 95966	Davis, CA 95618

San Diego Meeting: Fifty people signed the sign-in sheets, but approximately 60 people attended. About one-third of the group were concerned with opening more Department lands to mountain biking, one third of the group were interested in having greater hunting opportunities on Department lands, and the remainder represented a variety of other interests, or mentioned that they had attended just to listen.

Oroville Branch Library Meeting: One person attended. He was a representative from the California Rifle and Pistol Association and was interested in opportunities for more shooting sports on Department lands, particularly hunting.

Grassland Environmental Education Center Meeting: Two people attended, both hunters who were interested in learning about what changes were being considered for the land regulations.

Yolo Bypass Wildlife Area Meeting: Eight people attended. Two were supportive of bike riding being proposed at Napa-Sonoma Marsh Wildlife Area. Several supported more access for hunting, and one was concerned about whether there would be negative impacts to natural resources as a result of the Department no longer managing certain properties (due to the end of management agreements, or land exchanges).

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of the Commission staff that would have the same desired regulatory effect. No adverse impact is anticipated for small businesses.

(b) No Change Alternative:

Without the proposed changes, the designation of seven ecological reserves and one wildlife area would not take place. Through designating these properties, four will offer at least occasional public use opportunities, such as special hunts and educational activities. Three will generally be open to authorized public uses. Additional public uses that would be added in this regulation package on specific properties would not be allowed. The Bolsa, XYZ and ABC units of the Truckee River Wildlife Area will continue to be used for shooting sports, even though these units are far less appropriate for these uses from a public safety standpoint than the nearby larger units of that wildlife area.

(c) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business:

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

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. Please refer to the Negative Declaration enclosed with this regulation package.

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 significant statewide adverse economic impacts directly affecting business, including the ability of California businesses to compete with businesses in other states because the regulatory actions affect undeveloped land and are not anticipated to have any net impact on recreational uses.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed action will not impact 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 regulatory actions affect undeveloped land and are not anticipated to have any net impact on recreational uses. No benefits to worker safety are anticipated because this regulatory action will not impact working conditions. The proposed site-specific regulation changes for certain properties are expected to benefit the health and welfare of California residents by increasing public safety and recreational opportunities and benefit the environment by improving resource protection and the management of staff resources.

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

The California Department of Fish and Wildlife (Department) may experience a small increase in draw application fees for additional special hunts that have been proposed, as well as a small decrease in one-day or two-day hunting passes because some pheasant hunts are proposed to be no longer permitted in certain Type A wildlife area lands. The net revenue change is estimated to be \$149.52 per budget year.

The proposed changes are to designate seven ecological reserves and one wildlife area. Through designating these properties, four will offer at least occasional public use opportunities, such as special hunts and educational activities. Three will generally be open to authorized public uses.

The proposed regulation changes would increase special hunt opportunities offered to a limited number of participants via a random drawing. These hunts are often offered to a category of hunters that would particularly benefit from the more controlled circumstances of a special hunt, such as youth or disabled hunters.

Most of the proposed special hunt opportunities would be for upland game. One would be for tule elk. The anticipated number of applicants for each new special hunt and potential new revenue is shown in Table 1. The draw application fee for an upland game special hunt is \$2.42, and the application fee for tule elk is \$8.13. The estimated new revenue for the proposed upland game bird and tule elk special hunts is estimated to be as much as \$653.40.

Some proposed changes would decrease public use opportunities such as the elimination of early season pheasant hunting days on seven Central Valley Type A wildlife areas. Regular shoot days for the Type A wildlife areas during the waterfowl hunting season (basically September through January) are Saturday, Sunday, and Wednesday. No hunting occurs outside of those days for waterfowl or any other species, except for the possibility that pheasant could be permitted. In the current regulations (subsections within 551(s)) there are exceptions to the regular shoot days on seven Type A wildlife areas. Depending on the property, five to twelve consecutive days of pheasant hunting are allowed at the beginning of the six-week pheasant season which begins in early November.

However, starting approximately nine years ago, because of the steep decline in the wild pheasant population, the Department has annually issued a press release that excluded nearly all those extra pheasant hunt days. The Department had to exercise its authority to restrict or close a public use for conservation purposes. Only one extra day was retained on two properties via the press releases: the first Monday of pheasant season on Gray Lodge and Upper Butte Basin. In practice, this one day on two areas have been the only extra opportunity available, regardless of the current language in Section 551(s). So functionally, the proposed regulatory change would be a very small change from the current practices over the last nine years.

In order to hunt on a Type A wildlife area, people must purchase a hunting pass. One-day, two-day, and season-long hunting passes are sold through the Department's online license sales program. The current fee for a one-day Type A hunting pass is \$21.42. The current fee for a two-day hunting pass is \$36.21.

The hunter participation on "pheasant Mondays" in recent years at Gray Lodge and Upper Butte Basin has been very low compared to regular weekend shoot days. The Department estimates that five one-day passes are sold for each property for the first Monday, and four two-day passes are sold for each property for hunting on Sunday and Monday. If this day is no longer available for upland game hunting on those two properties, this could result in a total loss of \$503.88 in hunting pass sales.

The Department estimates that removing this one-day from two properties will not affect the sale of season-long hunting passes, hunting licenses or upland game stamps.

In sum, the proposed rulemaking could result in \$653.40 in new revenue to the Department along with a reduction in revenue estimated to be about \$503.88, resulting in a \$149.52 net revenue change for the Department that is absorbable within existing budgets and resources.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

VII. Economic Impact Assessment

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

No impacts to the creation or elimination of jobs within the state is anticipated because the regulatory actions affect undeveloped land and are not anticipated to have any net impact on recreational uses.

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

No impacts to the creation of new businesses or the elimination of existing businesses within the state is anticipated because the regulatory actions affect undeveloped land and relate solely to recreational uses. However, any increase in compatible recreational opportunities could provide some benefit to businesses that provide recreational equipment, and supplies, and local businesses that sell food or other goods to people who recreate on Department lands.

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

No impacts to the expansion of businesses currently doing business within the state is anticipated because the regulatory actions affect undeveloped land and relate solely to

recreational uses. However, any increase in compatible recreational opportunities could provide some benefit to businesses that provide recreational equipment, and supplies, and local businesses that sell food or other goods to people who recreate on Department lands.

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

The site-specific regulation changes for certain properties are proposed to improve public safety and increase recreational opportunities, thus benefitting the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety:

No benefits to worker safety are anticipated because this regulatory action will not impact working conditions

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

The site-specific regulation changes for certain properties are anticipated to benefit the State's environment through the improvement of resource protection and the management of staff resources.

(g) Other Benefits of the Regulation:

Ecological reserves and wildlife areas provide venues for science education and scientific research.