

COMMITTEE STAFF SUMMARY FOR MAY 16-17, 2023 WRC

8. PUBLIC USE OF WILDLIFE AREAS AND ECOLOGICAL RESERVES**Today's Item**Information ☐Action ☒

Discuss and potentially make recommendations on a future rulemaking regarding the public use of Department-managed wildlife areas and ecological reserves.

Summary of Previous/Future Actions

- Initial discussion January 11-12, 2023; WRC
- **Today's discussion and potential recommendation** **May 16-17, 2023; WRC**

Background

Pursuant to California Fish and Game Code sections 1525, 1526 and 1580, the Commission may adopt regulations designating and governing the public uses of wildlife areas and ecological reserves. Public use of Department-managed lands is prohibited until they are designated as a wildlife area or ecological reserve.

The purposes of wildlife areas are to conserve wildlife and their associated habitats and to allow for compatible recreation. 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.

Today, the Department will present, and WRC will discuss, additional information on a potential rulemaking to improve public safety, increase recreational opportunities, provide resource protection, and manage staff resources on Department lands (see exhibits 1 and 2). Among other things, the Department proposes to prohibit electric bicycles (e-bikes) and drones, define a time for admitting hunters, prohibit the use of neonicotinoid pesticides, and promulgate a number of property-specific regulations.

Significant Public Comments

The Endangered Habitats League expresses concerns over what is described as a growing culture of disrespect for rules that is leading to detrimental impacts of recreation to Department lands, and states that enforcement resources are completely inadequate (Exhibit 3).

Recommendation

Commission staff: Based on the Department's presentation and today's discussion, recommend the Commission support a future rulemaking regarding public uses of wildlife areas and ecological reserves.

Exhibits

1. [Department one-page overview of proposed regulation changes, received May 4, 2023](#)
2. [Department presentation from January 17, 2023 WRC meeting \(for background purposes only\)](#)

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3. [Email from Dan Silver, Executive Director, Endangered Habitats League, received May 1, 2023](#)
4. [Department presentation for May 17, 2023 \(to be provided separately\)](#)

Committee Direction/Recommendation

The Wildlife Resources Committee recommends the Commission support a future rulemaking regarding public uses of wildlife areas and ecological reserves, as recommended by the Department and discussed today.



2023 PROPOSED RULEMAKING

CDFW Lands property specific proposed regulations will:

- Protect natural resources
- Clarify existing regulations
- Create opportunities for wildlife viewing, hunting & fishing
- Maintain safety for visitors and staff
- Designate one property as an Ecological Reserve
- Designate two properties as Wildlife Areas

Natural Resource Protection	Wildlife Viewing, Hunting, Fishing	Safety & Clarification
1 Prohibit swimming or boating in sensitive habitat.	8 Open hunts or change hunts on specific properties to special hunts as designated by the Department.	16 Clarify that drones are considered under already prohibited aircraft without a Special Use permit.
2 Prohibit horse and pack stock on specific properties.	9 Open new hunts on specific properties or clarify existing hunt opportunities.	17 Clarify what type of fires/stoves can be used on one property.
3 Limit hunting or hunted species to protect listed species habitat.	10 Allow horse and/or bicycle use on select properties or units in specific areas where designated.	18 Close specific portions of areas for public safety, or remove closure no longer needed.
4 Prohibit wood collection on two wildlife areas.	11 Clarify fishing regulations to align with other regulations or for safety.	19 Update boating regulations for several Wildlife Areas to maintain safety during different seasons.
5 Prohibit off road vehicles on specific units of an area with existing access.	12 Authorize hunting of specific species on specific properties.	20 Define when or if camping, trailers can be used on specific properties.
6 Prohibit electric bicycle use except where posted as allowed.	13 Designate three new properties providing opportunities for public access.	21 Update dog trials and/or dog training on specific properties.
7 Close properties during certain times of the year to protect resources or define when property is open for public access.	14 Designate an end time for entering during waterfowl season as 3:00 p.m.	22 Ban use of neonicotinoid pesticides on CDFW Lands.
	15 Define special drawing criteria for specific properties.	23 Remove archery from Type A Wildlife Area.

Region 1

Ash Creek WA - 7
Big Springs Ranch WA - 13
Butte Valley WA - 10
Eel River WA - 4, 5
Fay Slough WA - 15
Honey Lake WA - 7, 10
Horseshoe Ranch WA - 10
Lake Earl WA - 18, 19
Shasta Valley WA - 10, 14, 19, 20
South Spit WA - 4
Tehama WA - 9, 10
Willow Creek WA - 7, 10

Region 2

Daugherty Hill WA - 10, 20
El Dorado WA - 10, 13, 15
Feather River WA - 18
Gray Lodge WA - 9, 14
Hallelujah Junction WA - 18
Sacramento River WA - 9,
Upper Butte Basin WA - 12, 14, 20

Region 3

Clifton Court Forebay - 11, 17, 18, 19
Eden Landing ER - 19
Fagan Marsh ER - 11, 19
Grizzly Island WA - 14, 15
Knoxville WA - 15
Napa-Sonoma Marsh WA - 2, 21
Petaluma Marsh WA - 2
Redwood Shores ER - 1, 11, 19
Watsonville Slough ER - 10

Region 4

Bakersfield Cactus ER - 10
Carrizo Plains ER - 3, 10
Chorro Creek ER - 8
Elkhorn Slough ER - 7, 11
Kerman ER - 3, 8
Los Banos WA - 2, 9, 12, 14, 18, 21, 23
Mendota WA - 2, 14, 19, 20
Morro Dunes ER - 7
North Grasslands WA - 2, 9, 12, 14, 18, 19, 21
O'Neill Forebay WA - 9, 12, 18, 21
Stone Corral ER - 3

Region 5

Batiquitos Lagoon ER - 11
Boden Canyon ER - 8
Bolsa Chica ER - 11
Boulder Creek ER - 9
Burton Mesa ER - 8
Peace Valley ER - 8, 13
San Dieguito Lagoon ER - 11
Upper Newport Bay ER - 11

Statewide

Proposals related to all properties - 6, 16, 23

Proposals related to all Type A/B WA - 14

Region 6

Did not propose any property specific changes; however, item 14 will make changes to Imperial WA.

2023 Proposed Rulemaking *CDFW Lands*



Fish and Game Commission
Wildlife Resource Committee
January 12, 2023

Presented by:
Kristi Cripe
Senior Environmental Scientist
Statewide Ecological Reserve
Coordinator



Peace Valley
(proposed Ecological Reserve)

2023 Proposed Rulemaking CDFW Lands

This regulation package proposes site-specific changes to Title 14, California Code of Regulations

- General Regulations for Public Use on CDFW Lands (Section 550)
 - prohibit e-bikes and drones on Department lands
 - define a time limit for entry on hunt days
- Wildlife Areas (Sect. 551) and Ecological Reserves (Sect. 630)
 - 3 property designations
 - improve public safety
 - increase recreational opportunities
 - provide resource protection
- TBD – Ban on Neonicotinoid Pesticides on CDFW Lands



Peace Valley
proposed Ecological Reserve

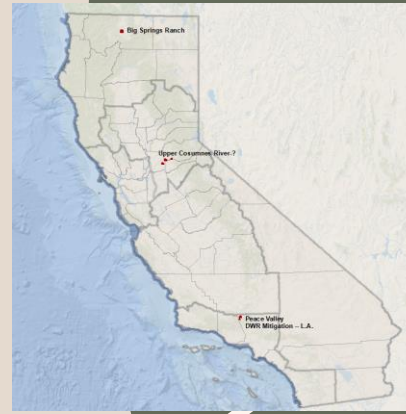


Property Designations

Section 551 (Wildlife Areas) and Section 630 (Ecological Reserves)

Big Springs Ranch Wildlife Area

- Siskiyou County, acquired from The Nature Conservancy
- Type A or B Wildlife Area
- Hunting waterfowl, upland game, junior hunts
- Management plan in process
- This property will be a candidate for renaming once consultations with Tribes have been completed.



Big Springs Ranch
proposed Wildlife Area

El Dorado Wildlife Area

- El Dorado County, acquired from the Ervin Ranch Partnership
- Type C Wildlife Area
- Located in the Upper Cosumnes River watershed
- Intent is to provide hunting, fishing, and wildlife-viewing
- This property will be a candidate for renaming in the next package once consultations with Tribes have been completed.
- Additional regulations to consider with designation
 - (j) Bicycles
 - (l) Wildlife Areas with Boat and/or Horse and Pack Stock
 - (q) Type C Wildlife Areas with Shoot Day Restrictions and/or Special



El Dorado Ranch
proposed Wildlife Area

Peace Valley Ecological Reserve

- Los Angeles County, acquired from Dept of Water Resources 30 years ago as mitigation for the State Water Project
- Adjacent to the Angeles National Forest
- Designation of this property would provide a special hunt program location in Los Angeles County and additional access to other public lands that are open to hunting
- CDFW may be receiving adjacent property from DWR as additional mitigation for State Water Project.
- Additional regulations to consider with designation
 - 630(d) Ecological Reserves with Hunting as a Designated Public Use



Peace Valley
proposed Ecological Reserve

Sect. 550 – General Use Regulations

- 550(c) Visitor Entry and Responsibilities.

(2) On all Units during the waterfowl and pheasant season, no permits will be issued after 3:00 p.m.

(4) Electric bicycles and motorized transportation devices (including but not limited to motorized bicycles, scooters, and carts) are prohibited except where posted as allowed.

- 550(aa) Aircraft. No visitor shall operate any aircraft, **drone or other unmanned aircraft system (UAS)**, hovercraft, or hot air balloon within department lands except as authorized by a Special Use Permit issued by the department.



Peace Valley
proposed Ecological Reserve



Property Specific Regulations

Section 551 (Wildlife Areas) and Section 630 (Ecological Reserves)

Section 551-Additional Visitor Use Regulations on Wildlife Areas

- 551(b) Wildlife Area Designations
- 551(i) Dog Training and/or Dog Trials:
- 551(j) Bicycles
- 551(k) Off-Highway Vehicles
- 551(l) Boats and Horses
- 551(m) WA with camping trailers
- 551(n) Fire restrictions
- 551(o) Closures and Restriction
- 551(p) Type AB shoot restrictions
- 551(q) Type C shoot restrictions
- 551(r) Firearm Restrictions on Type
- 551(s) additional hunt Type AB
- 551(t) additional hunts Type C
- 551(u) Archery
- 551(w) Lands Pass
- 551(x) Waterfowl Reservations
- 551(y) Fishing
- 551(z) Wood cutting



Big Springs Ranch
proposed Wildlife Area

Section 551 -Wildlife Area Regulations

(I) DOG TRAINING &/OR DOG TRIALS

- Change in season to avoid conflicting with proposed deer hunting
 - Los Banos WA
 - North Grasslands WA
 - O'Neil Forebay WA
- New dog training opportunity
 - Napa-Sonoma Marsh WA

(J) BICYCLES

- Proposes to allow bicycle use year-round in designated areas.
 - Butte Valley WA
 - Honey Lake WA
 - Horseshoe Ranch WA
 - Shasta Valley WA
 - Tehama WA
 - Willow Creek WA
- Update text
 - Daugherty Hill WA - Allowed on all Units from May 10 through September 15.
- Proposed El Dorado WA
 - Allowed on trails and roads. No organized group events. Group size not to exceed 8 bicycles.

(K) OFF-HIGHWAY VEHICLES

- Restrict access to Ocean Ranch Unit of Eel River WA
 - Require written permission from the regional manager to enter the Ocean Ranch Unit of Eel River Wildlife Area. Currently the regulation allows off road vehicles on the entire Eel River Wildlife Area.

§ 551 - Wildlife Area Regulations

(L) BOATS AND HORSES

- Horses prohibited on
 - Los Banos WA
 - Mendota WA
 - Napa-Sonoma Marsh WA
 - North Grasslands WA
 - Petaluma Marsh WA
- Horses allowed on existing trails or other details
 - Daugherty Hill WA
 - Proposed El Dorado WA
- Boats
 - Update text of several properties to clarify boat type, motor type, parking of boat trailer, time of year and when boating is open during specific hunts.
 - Clifton Court Forebay
 - Mendota WA
 - North Grasslands WA
 - Shasta Valley WA
 - Sacramento River WA
 - Lake Earl WA New: Recreational boarding equipment is prohibited (including but not limited to windsurfing, sailboarding, kiteboarding, parasailing, and paragliding).

(M) WA WITH CAMPING TRAILERS

- Daugherty Hill WA remove camping
- Mendota WA update trailers, permit and days.
- Shasta Valley WA Allowed only in check station parking lot.
- Upper Butte Basin WA remove “during waterfowl season” so that camping can be allowed for other hunts as well.

(N) FIRE RESTRICTIONS

- Clifton Court Forebay new
Fires are prohibited except for the use of portable gas stoves.

Section 551 - Wildlife Area Regulations

(O) DESIGNATED CLOSURES AND RESTRICTIONS ON WILDLIFE AREAS

- Ash Creek WA proposed change would close to all public uses from September 16 until the opening of waterfowl season.
 - Clifton Court Forebay No hunting from shore, no hunting within 150 yards of the water control gates or public fishing area/pier.
 - Daugherty Hill WA add text: The Black Swan sub-unit of the Yuba Narrows Unit is closed to hunting.
 - Feather River WA remove last line regarding O'Connor Lakes
 - Gray Lodge WA Reduce pheasant hunting to the opening weekend and subsequent upland game shoot days.
 - Hallelujah Junction WA add text: Ranch House area closed to all visitor use.
 - Honey Lake WA remove closure from March 1- August 15.
 - Lake Earl WA Delete entry was for Aleutian goose.
 - Los Banos WA No archery hunting is allowed at any time.
 - Los Banos, North Grasslands & O'Neill WA
 - Closed to deer hunting except with a department issued entry permit. Deer may be taken with shotgun and slug only (see subsection 353(d)).
- Detailed example:
- Willow Creek WA –New
 - Closed to all public uses from September 16 until the opening of waterfowl season. During the waterfowl and pheasant hunt seasons the wildlife area will be closed to all public with the exception of Saturdays, Sundays and Wednesdays for hunting only. Portions may be closed to the public entry from March 1 through August 15. A hunter shall not possess more than 25 shot shells while in the field.

Section 551 - Wildlife Area Regulations (cont'd)

(P) TYPE A OR B AREAS WITH SHOOT DAY OR SHOOTING HOURS RESTRICTIONS DURING WATERFOWL SEASON

- Grizzly Island WA remove flight forecast and update text to read: Open to waterfowl hunting, starting on the first Sunday in December for the remainder of the waterfowl season by permit only, and for special drawing pig hunts.

(R) FIREARM RESTRICTIONS ON TYPE C WILDLIFE AREAS

- O'Neill Forebay WA Rifles, pistols, and shotgun slugs are prohibited except for take of deer.

(Q) TYPE C AREAS WITH SHOOT DAY RESTRICTIONS AND/OR SPECIAL DRAWING REQUIREMENTS

- Clifton Court Forebay delete self-registration requirement.
- Edit and update text
 - Fay Slough WA
 - Knoxville WA
 - O'Neill Forebay WA
- Proposed El Dorado WA
 - Special draw entry permits are required for the first nine days of the spring turkey season

(S) ADDITIONAL HUNTER OPPORTUNITIES ON TYPE A & TYPE B WILDLIFE AREAS

- New species, hunt and permit details
 - Los Banos WA deer & quail
 - North Grasslands WA deer & quail
 - Mendota WA quail
 - Tehama WA deer*
 - Upper Butte Basin WA turkey & quail

(T) SPECIES RESTRICTIONS FOR HUNTING ON TYPE C WILDLIFE AREAS:

- New species, hunt and permit details
 - O'Neill Forebay WA deer

Section 551 - Wildlife Area Regulations

(U) TYPE A WA WHICH ALLOW ARCHERY EQUIPMENT DURING WATERFOWL SEASON PER SUBSECTION 550(CC)(4)

- Remove Los Banos WA

(X) ADDITIONAL WATERFOWL RESERVATION REGULATIONS

- Change in season to avoid conflicting with proposed deer hunts
 - Los Banos WA
 - North Grasslands WA
 - O'Neil Forebay WA

(Y) FISHING REGULATIONS ON WILDLIFE AREAS

- Clifton Court Forebay New entry: Fishing from shore only. No wading into water. No fishing from boats.

(Z) WOODCUTTING

- The Department suggest an adjustment to subsection heading to include either Memorandum of Understanding with regional manager approval or to add additional language to the subsection similar to State Parks, that excludes mechanical means of collection but allows wood that can be picked up and carried by hand.
- Remove South Spit WA— no wood there to collect
- Adjust or remove Eel River Wildlife Area

Section 630 Additional Visitor Use Regulations on Ecological Reserves

- 630(b) Ecological Reserves: Designate one property
- 630(d) Hunting
- 630(e) Fishing
- 630(f) Swimming Boating
- 630(g) Bikes and Horses
- 630(h) Closure and Restrictions



Upper Newport Bay
Ecological Reserve
Orange County

Sect. 630 - Ecological Reserve Regulations

(D) ER WITH HUNTING AS A DESIGNATED PUBLIC USE

- Updates and edits to existing hunting opportunities
 - Boden Canyon ER
 - Kerman ER
 - Stone Corral ER
- New hunting opportunities on ER's
 - Boulder Creek ER
 - Burton Mesa ER
 - Chorro Creek ER
 - Proposed Peace Valley ER

(E) FISHING RESTRICTIONS & ADDITIONAL REGULATIONS ON ER

- Fishing allowed in designated areas only.
 - Batiquitos Lagoon ER
 - Bolsa Chica ER
 - San Dieguito Lagoon ER
- Allowed from boats only
 - Fagan Marsh ER
 - Redwood Shores ER - Only lightweight, hand-carried boats
- Remove allowed from boats
 - Upper Newport Bay ER to be consistent with MPA regulations
- Elkhorn Slough ER allow for fishing in the Elkhorn Slough Marine Conservation Area.

Sect. 630 - Ecological Reserve Regulations

(F) SWIMMING AND/OR BOATING

- Fagan Marsh ER- update
 - Allowed but only lightweight non-motorized boats may be operated within the reserve
- Eden Landing ER
 - additional text to clarify when motorized boats can be used.
- Redwood Shores ER
 - Change to swimming prohibited
 - Changing boating to Allowed but boats must be launched from outside of the reserve.

(G) BICYCLES, HORSES, PACK STOCK, AND/OR HORSEBACK RIDING

- Propose allowing bicycle and horse use on established trails or designated areas only.
 - Bakersfield Cactus ER New
 - Carrizo Plains ER New (South Chimineas Units of the Carrizo Plains, certain dates) New
- Watsonville Slough ER New
 - Reserve Allow bicycle use year-round on Lee Road Trail
- Carrizo Plains ER New
 - Allow the use of horses on existing roads and trails on the American and South Chimineas .
- Morro Dunes ER New
 - Allow the use of horses on a designated trail on the Pecho Unit of Morro Dunes ER. All use of horses on the Bayview Unit will remain prohibited. The purpose of the change is to allow horses to use an existing trail across the Pecho Unit which connects designated equestrian trails on Montana de Oro State Park.

Sect. 630 - Ecological Reserve Regulations

(H) DESIGNATED CLOSURES AND RESTRICTIONS ON ECOLOGICAL RESERVES

- Elkhorn Slough ER New
 - Pets are prohibited, except when they remain inside a motor vehicle. Visitors must stay on established trails, paths, or other designated areas. The Reserve is closed to visitor access and use on Mondays and Tuesdays and all days from 5:00 PM to 9:00 AM.
- Morro Dunes ER New
 - Allow general public access on Morro Dunes ER on designated trails during daylight hours.



Bolsa Chica Ecological Reserve Orange County



Burton Mesa Ecological Reserve
Santa Barbara County

Ban on Neonicotinoid Pesticide Use on CDFW Lands

- CDFW does not currently use neonicotinoid pesticides on CDFW lands, but in response to Commission petition 2017-008, will propose a formal change to Title 14 to make this policy clear in regulation
- The specific location of this change in Title 14 is unknown at this time



Credit: [UC Berkeley Bee Lab](#)

2023 Proposed Rulemaking *CDFW Lands*



Thank you!

Questions?

Kristi Cripe

Statewide Ecological Reserve Coordinator

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Peace Valley
(proposed Ecological Reserve)

From: Dan Silver <dsilverla@me.com>

Sent: Monday, May 1, 2023 9:29 AM

To: FGC <FGC@fgc.ca.gov>

Subject: Item 8, Wildlife Resources Committee, May 23, 2023, Public use of wildlife areas and ecological reserves

Honorable Chair and Commission Members:

Endangered Habitats League (EHL) is concerned over the detrimental impacts of recreation in wildlife areas and ecological reserves. There is a growing culture of disrespect for rules, manifested by going off-trail, loss of native vegetation, erosion, repeated fence-cutting, etc. There is serious degradation of natural resources and adverse effects on wildlife. *Enforcement resources are completely inadequate.* "Compatible" recreation is becoming an unobtainable if worthy goal. While mountain bikers are often prime offenders, problems are not limited to this user group. Wildlife areas and ecological reserves must serve their primary purpose and not become a substitute for recreation-oriented parks.

Thank you for considering these issues.

Yours truly,
Dan Silver

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