



Tracking Number: (\_2023-01\_)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

## **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

### **1. Person or organization requesting the change (Required)**

Name of primary contact person: Dale Tobiassen

Address:

Telephone number:

Email address:

### **2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: 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.**

### **3. Overview (Required) - Summarize the proposed changes to regulations:** To create a "Night Use Pass" for the Type C Wildlife areas in North Central Region 2 for night hunting and fishing with a valid license.

### **4. Rationale (Required) - Describe the problem and the reason for the proposed change:** I've hunted the 11,900 acres of the Spenceville wildlife area (WLA) and other North Central Region 2 WLA's for over 35 years at night, through these many years I have been checked by the wardens at least once a year and in those numerous encounters I have never been cited or informed that it wasn't legal to be in the WLA's at night. In March of 2021 I was informed that Spenceville was going to enforce a regulation (14CCR 550 c (C) that had been a regulation for years but that law enforcement was not enforcing on most WLA's, specifically not in Spenceville WLA since its creation in 1968. The Spenceville WLA was posted "Day Use Only" with modified hours from 1.5 hours before sunrise to 1 hour after sunset (the Oroville WLA is the only WLA I know of that was enforcing the night closure of sunrise to sun set before 2021). This closure started at the Spenceville WLA with the change in the CDFW law enforcement lieutenant for Yuba County who



had been transferred from the Oroville WLA. I have been told that this regulation is being enforced on most of the Region 2 WLAs now.

The reasoning for the sudden enforcement of the above regulation stated by CDWF to the sportsmen and women was due to illegal activity, (vandalism, graffiti, trash, illegal camping and camp fires) by the general public mostly around the swimming hole area of Dry Creek in Spenceville I was told by the area manager.

In the past year and a half, I have been involved in several zoom meetings with the department trying to come up with an equitable solution to allow continued night hunting for the hunters who hunt legal nocturnal animals.

In June of 2021 I attended a zoom meeting with the Region 2 management representing the biology and law enforcement departments of CF&W to see if we could work out a reasonable and rational solution that would address both the departments concerns while keeping WLA's open for the night hunters. During this meeting the Region 2 manager stated "Houndsmen have not and are not the problem at the Wildlife areas and that the department considers the houndsmen another set of eyes and ears for law enforcement and their presence acts as a deterrent for illegal activity". I explained to him that we have always had unrestricted access at night without any issues and that we shouldn't be restricted to only being allowed access from 1.5 hours before sunrise to 1 hour after sunset to hunt **nocturnal** nongame mammals because of the public's illegal activity, he assured us that he was aware that this closure was having unintended consequences putting the hunters in the middle, and that it was not the departments intent to close night hunting but to stop illegal activity at night. He stated he would meet with the area manager and see about getting night access back for the houndsmen.

After the above-mentioned meeting, the Region 2 managers choose to allow us continued night hunting privileges if we would hunt under our local houndsmen clubs "Special Use Permit" the club is required to purchase to hold special events, this permit is purchased by our houndsmen club so we may host our annual field trials held at the Spenceville WLA.

While I appreciated the department's efforts to accommodate us, after hearing the requirements we would have to implement and administer, I had to inform the Department that their proposed option to allow night hunting under the clubs Special Use Permit would not work for the following reasons:

(1) I am asking for this change as an individual, not as a member of our houndsmen club that hosts the field trials and we are not looking as a club to host hunting events.

(2) The first requirement for obtaining a special use permit is it to provide liability insurance for field trials, our houndsmen clubs' insurance will not crossover to cover hunting of any kind and our club can't assume the liability of all the hunters who want access to the Spenceville WLA.

(3) The three "dog training areas" the department designated for night hunting under the Special Use permit are small areas, the largest of them being only 700+/- acres of the entire WLA's 11,900 acres. The dog training areas were set up where they are by the prior Wildlife habitat supervisor in the early 1990's because hunters don't utilize the areas due to the lack of huntable habitat, he understood the



process of hunting with dogs and chose these areas specifically so our field trials wouldn't interfere with the other hunters pursuing game during our field trial races.

These areas while being able to accommodate the use of a designated track in the controlled environment of the field trial races, is not large enough for running live game with dogs, we are concerned for the safety of our dogs while hunting as two of the three areas are bordered by Beale ABF to the West which is a restricted area while the East side of the area is a fastmoving public road and the third is bordered by a fastmoving public road on its three sides.

(4) The area manager would require our club to submit the following information with our application for our club's Special use permit:

- A). The names of all "statewide hunters" that would like to hunt.
- B). Number of dogs.
- C). Specific date (only one night of hunting a week)
- D). Reserve one of the three small designated dog training areas (making sure the area isn't already booked), all of these hunters would only have permission to hunt one day a week, rotating weekly between the three areas.

All of this a year in advance. We would be required to prepare and submit our application for our permit by November the prior year we are booking. While we can schedule our field trial's a year in advance, it is not possible for our club to administer and meet these requirements.

At this point, when their offer of the Special Use Permit wouldn't work I proposed the use of a modified "Land Use Pass"(title 14 550 (c) 11) for night access, the "Land Use Pass" is used on some of the Type A & B wildlife areas for public access, the department's response was that it would be too confusing for the wardens to figure out who was allowed in the WLA at night, I stated that even with the WLA being posted "Day Use Only" most of the WLA's are still accessible at night to the public, as all the roads in and out of the area are open public county maintained roads that cannot be closed, the main artery of roadways are the only access to many private property owners beyond the WLA boundaries. These roads while being open public roads in and beyond the WLA still needs to be patrolled due to the potential of illegal activity, and by not allowing night access to sportsmen/women would not change the fact the public has 24/7 unimpeded access into the entire WLA.

The department has chosen to allow overnight camping from 1 September through the closure of spring turkey season the 1<sup>st</sup> Sunday of April approximately 8+ months of the year to the public at the Spenceville WLA's camping area, that is located in the center of the WLA and the dates of use are clearly during the height of fire season, this being another reason for the night closure, illegal campfires during high fire danger

After going back and forth without a resolution that would work for both the department and the WLA users I'm proposing the commission create a **"Night Use Stamp" for the Region 2, type C Wildlife Areas**, similar to the Hunting Pass ( title 14 550 (b) 7 ) I believe this will provide an equitable remedy to the satisfaction of all the parties involved, this would accomplish both the departments' goals of keeping WLA's day use only for the general public and night access to the WLA for legal Sportsmen/women.

The **"Night Use Stamp"** proposal will alleviate one other issue brought up by the area manager that they could not just close the WLA to the general public but allow the hunters and anglers to keep using the area at night. We would be purchasing our right to access the WLA at night, not unsimilar to



the offer of us using the Special Use Permit our club purchases to access the WLA or a Hunting Pass.

Implementing a “**Night Use stamp**” would generate income for the department with the fee to be determined by the CDFW. This should be an easy and inexpensive option for the Department to add as there is already a stamp program in place through the departments automated license data system and can be purchased through licensed agents and licensed sales offices, the same as hunters purchasing upland game stamps, hunting passes, anglers when purchasing specialized stamps for strippers, salmon and steel head fishing.

We are asking for the Night Use Stamp to be valid from the night of the closure of general deer season this date of course would vary year to year, and there will not be a conflict with deer season, though 15 March (the closure of dog training in the WLA’s) for hunters and open year-round for the anglers.

The bottom line is the night sportsmen and women should not be the victims of unintended circumstance by losing more of our extremely limited hunting area that we have had the use of for over 50 years because of the illegal activities of others when there can be a simple resolution to this problem. I believe my proposal will meet everybody’s concerns by keeping the areas closed to the general public intent on illegal activities, which according to the department management was their main intent in closing the WLA’s for night use.

Please note I am wanting to bring to the commission’s attention a letter in the R3 action Plan from director Bonham, this letter is basically mandating the department to follow the R3 program, to regenerate, retention and reactivate hunters and anglers, and as you will see the number one priority is “access and opportunity” for hunters. Not allowing this does not in any way work towards achieving the goal for our states R3 action plan, a link to the R3 is included in the supporting documentation section.

## SECTION II: Optional Information

1. **Date of Petition:** 1/6/2023
2. **Category of Proposed Change**
  - ☒ Sport Fishing
  - ☐ Commercial Fishing
  - ☒ Hunting
  - ☐ Other, please specify: Click here to enter text.
3. **The proposal is to:** (To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)
  - ☒ Amend Title 14 Section(s): 550.5
  - ☒ Add New Title 14 Section(s): 550,5
  - ☐ Repeal Title 14 Section(s): Click here to enter text.
4. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.



Or ☒ Not applicable.

5. **Effective date:** If applicable, identify the desired effective date of the regulation.  
If the proposed change requires immediate implementation, explain the nature of the emergency:  
June 1, 2023
6. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: From the R3 Action Plan. The plan is structured under eight topics of interest that reflect the work of the R3 subcommittees (1) Access and Opportunity, (2) Adult-Onset Participation, (3) Mentorship, (4) Youth and Families, (5) Reactivation, (6) Marketing and Public perception, (7) License Structure and (8) Funding and Grants.  
R3 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=165196&inline>  
"Special Use Permit "(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=89249&inline>)  
[2023 Permit Application for Special Use of Department Lands](#)
7. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: .
8. **Forms:** If applicable, list any forms to be created, amended or repealed:  
[Click here to enter text.](#)

### SECTION 3: FGC Staff Only

Date received: 01/09/2023

FGC staff action:

- ☒ Accept - complete  
☐ Reject - incomplete  
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: \_\_\_\_\_

Meeting date for FGC consideration: \_\_\_\_\_ 4/19-20/2023 \_\_\_\_\_

FGC action:

- ☐ Denied by FGC  
☐ Denied - same as petition \_\_\_\_\_  
Tracking Number  
☐ Granted for consideration of regulation change