

## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 203, 205, 355, 1050, 1526, 1530, 1580, 1581, 1583, 1587, 1745, 1764, 1765, 3003.1, 3004.5, 3039, 4001, 4004, 4150 and 10504 of the Fish and Game Code and to implement, interpret or make specific sections 355, 711, 713, 1050, 1055.3, 1301, 1526, 1528, 1530, 1580, 1581, 1582, 1583, 1584, 1585, 1745, 1761, 1764, 1765, 1907, 2006 and 10504 of the Fish and Game Code, sections 5003 and 5010 of the Public Resources Code, and sections 25455, 26150 and 26155 of the Penal Code, proposes to add Section 540 and amend sections 550, 551 and 630, Title 14, California Code of Regulations, relating to California Department of Fish and Wildlife (Department) lands.

### **Informative Digest/Policy Statement Overview**

*Note: All section references in this document are to Title 14, California Code of Regulations (CCR), unless otherwise indicated.*

Current regulations in sections 550, 551, and 630 provide the regulatory framework for the public use of lands owned, managed and/or administered by the Department, including wildlife areas and ecological reserves.

The proposed regulation changes would:

- Improve the clarity and consistency of the regulations that govern public use of lands owned and/or managed by the Department (Section 550).
- Designate land the Department has recently acquired, one as a wildlife area and one as an ecological reserve (subsections 551(b) and 630(b) respectively).
- Make site-specific regulation changes for certain properties to improve public safety, increase recreational opportunities, provide resource protection, and manage staff resources (subsections 551(i) through (z) and 630(d) through (h)).
- Add new Section 540 to prohibit use of neonicotinoid pesticides on Department lands.

The principal purposes of Department managed lands are to conserve wildlife and its associated habitats and to allow for compatible recreation. The primary uses of wildlife areas include hunting, fishing, wildlife viewing, photography, environmental education, and research. The primary 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.

The proposed regulations package includes the following changes:

- Add Section 540: Neonicotinoid use is prohibited on Department lands.
  - Prohibit the use of neonicotinoid pesticides.

- Amend Section 550: General Regulations for Public Use on All Department of Fish and Wildlife Lands.
  - Sets a 3:00 p.m. deadline for waterfowl and pheasant season hunters to obtain their entry permit.
  - Prohibits electric bicycles on all lands except where posted as allowed.
  - Adds drones and other unmanned aircraft to the list of devices prohibited without a Special Use Permit issued by the Department.
  - Prohibits woodcutting on all Department lands.
- Amend Section 551: Additional Visitor Use Regulations on Department Lands Designated as Wildlife Areas.
  - Add El Dorado Wildlife Area, El Dorado County.
  - Amend site-specific regulations regarding permitted uses on wildlife areas affecting dog training and dog trials, bicycles, off-highway vehicles, boats, horse and pack stock, camping, fires, closure and restriction, hunt requirements, firearms, species, and reservations.
- Amend Section 630, Additional Visitor Use Regulations on Department Lands Designated as Ecological Reserves.
  - Add Peace Valley Ecological Reserve, Los Angeles County.
  - Amend site-specific regulations regarding permitted uses on ecological reserves affecting fishing, swimming, boating, bicycles, horse and pack stock, closures and restrictions, hunting opportunities and restrictions.
- Minor editorial changes are also proposed to clarify the regulations.

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. The Commission anticipates general benefits to the health and welfare of California residents, no impacts to worker safety, and benefits to the state’s environment.

#### Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations and conducted a search for other regulations on this topic and has concluded that the proposed amendments are neither inconsistent nor incompatible with existing state regulations. No other state agency has the authority to promulgate regulations concerning the public use and conservation of wildlife areas and ecological reserves.

### **Public Participation**

#### **Comments Submitted by Mail or Email**

It is requested, but not required, that written comments be submitted on or before February 1, 2024 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, or emailed to**

**the Commission office, must be received before 12:00 noon on February 9, 2024.** If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

## **Meetings**

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Handlery Hotel San Diego, 950 Hotel Circle North, San Diego, California, which will commence at 8:30 a.m. on Wednesday, December 13, 2023, and may continue at 8:30 a.m., on Thursday, December 14, 2023. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Natural Resources Headquarters Building, Second Floor, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, February 14, 2024, and may continue at 8:30 a.m. on Thursday, February 15, 2024. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

## **Availability of Documents**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikethrough format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sherrie Fonbuena at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Kristi Cripe, Senior Environmental Scientist, Department of Fish and Wildlife, telephone (916) 834-3763 or email [Kristi.Cripe@wildlife.ca.gov](mailto:Kristi.Cripe@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.**

## **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

## Impact of Regulatory Action/Results of the Economic Impact Assessment

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 Business, Including the
- The Commission does not anticipate significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed regulation is largely administrative in nature to improve the clarity and consistency of the regulations that govern public use of Department lands and is not anticipated to affect the demand for goods and services related to outdoor recreation in California
- (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 Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed regulation is largely administrative in nature to improve the clarity and consistency of the regulations that govern public use of Department lands and is not anticipated to affect the demand for goods and services related to outdoor recreation in California. The Commission anticipates general benefits to the health and welfare of California residents, no impacts to worker safety, and benefits to the state's environment.
- (c) Cost Impacts on a Representative Private Person or Business:
- The Commission 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:
- None.
- (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.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: November 21, 2023

Melissa Miller-Henson  
Executive Director