

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Add Section 540
Amend Sections 550, 551, and 630
Title 14, California Code of Regulations
Re: Department Lands

I. Date of Initial Statement of Reasons: November 20, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: October 11, 2023

Location: San Jose

(b) Discussion Hearing

Date: December 13, 2023

Location: San Diego

(c) Adoption Hearing

Date: February 15, 2024

Location: Sacramento

III. Description of Regulatory Action

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

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

The principal purposes of the California Department of Fish and Wildlife (Department) managed lands are to conserve wildlife and its associated habitats and to allow for compatible recreation. The primary purposes of wildlife areas are for wildlife conservation and providing opportunities for compatible recreational uses (pursuant to California Fish and Game Code (FGC) sections 1525 through 1530) and the primary uses 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 (pursuant to FGC Section 1580), provide opportunities for the public to observe native plants and wildlife, and provide opportunities for environmental research (FGC Section 1584) and natural history education (FGC Section 1585). Recreation on ecological reserves must be compatible with the conservation of the property's biological resources.

The proposed regulation changes would:

- Improve the clarity and consistency of the regulations that govern public use of lands owned, managed, and/or administered 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 Department use of neonicotinoid pesticides on Department lands.

A map showing the distribution of the new properties designated in the regulations is included as Attachment 1. A map showing the distribution of properties with proposed property-specific regulations is included as Attachment 2. More detailed information and maps for the new properties designated in this rulemaking are included in the land management summaries provided as Attachment 3.

Background Information

Current regulations that govern public uses of lands owned, managed and/or administered by the Department are found in sections 550, 550.5, 551, 552, and 630:

- 550 contains regulations that pertain to all Department lands.
- 550.5 contains more detailed regulations about reservations, passes, and permits used on Department lands.
- 551 contains regulations that pertain to the Department's wildlife areas.
- 552 contains regulations that pertain to nine national wildlife refuges where the Department manages hunting programs.
- 630 contains regulations that pertain to the Department's ecological reserves.

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 (Commission) as set forth in FGC sections 1526, 1580, and 1584.

Wildlife areas (Section 551) 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 (FGC sections 1525 through 1530, and 1745). Currently, the Department owns, manages and/or administers Department wildlife areas (subsection 551(b)), public hunting on federal areas (subsection 551(c)), and other agency areas (subsection 551(d)).

Ecological reserves (Section 630) are acquired primarily for the purpose of protecting threatened or endangered native plant and animal species or specialized habitat types (FGC Section 1580). Certain public uses, deemed compatible with those purposes, are authorized for ecological reserves. Typically, public uses include hiking on established trails to observe native plants and wildlife (FGC Section 1584). Hunting, fishing, and other uses may be allowed on an individual basis (FGC subdivision 1745(d)).

PROPOSED CHANGES TO REGULATIONS

Add Section 540. Neonicotinoid pesticide use is prohibited on Department lands:

According to the *Wildlife Conservation Board Strategic Plan Update, 2019-2024*, "**Apiculture and Pollinator Support** -The decline of several terrestrial insect species in California—primarily bees and butterflies—has prompted the State Legislature to address their protection through new state laws. In 2016, the Legislature mandated the

consideration of apiculture on public lands. The following year, legislation resulted in an emphasis on protection of Monarch butterflies and other pollinators. This was the basis for creation of the Monarch Butterfly and Pollinator Rescue Program...”

The California Department of Pesticide Regulation recently adopted regulations (sections 6990 through 6990.16, Title 3, CCR) to regulate the use of neonicotinoids in agricultural applications to reduce the impact of this toxic pesticide on honeybees and other pollinators.

The Commission received a petition for regulation change (tracking number 2017-008) to prohibit the use of neonicotinoid pesticides on wildlife habitat under the Commission’s jurisdiction from Trent Orr and Gregory Loarie on behalf of the American Bird Conservancy. The petitioners asserted that these persistent and systemic insecticides are lethal to songbirds, harm mammals such as bats, and are deadly to many terrestrial and aquatic invertebrates that are critical food sources for birds and other vertebrates. At its December 6, 2017 meeting, the Commission granted the petition for further consideration.

The Department does not use these pesticides on its lands, any past use by private parties has not been documented, and public use of hazardous substances on Department lands is prohibited (subsection 550(r)). Nevertheless, including this prohibition in regulation will ensure that the Department refrains from their use in the future. The Department recommends the addition of new Section 540, *Neonicotinoid pesticide use is prohibited on Department lands*, in response to the petition.

Amend Section 550, General Regulations for Public Use on All Department of Fish and Wildlife Lands:

(c)(2)(D)3.: The proposed changes specify that on all Type A and Type B wildlife areas during the waterfowl and pheasant seasons, no entry permits will be issued after 3:00 p.m. Type A and B wildlife areas have used a time of last entry during waterfowl and pheasant seasons for many years, but the hour set or reference to hours before sunset varies between properties. Adding a standardized time of 3:00 p.m. provides clarity and consistency across properties and allows hunters to be informed prior to visiting an area.

(c)(4): The proposed changes prohibit the use of electric bicycles and motorized transportation devices on all Department lands unless permission is posted. Due to the increased use of these devices by the general public, this provision is necessary for the protection of Department lands. Previous subsection (c)(4) for Penalties is thus re-numbered as (c)(5).

(i)(1): The proposed changes replace the pronoun “his” with “their” as the proper possessive determiner which means “belonging to” the regional manager.

(aa): The proposed change will add drones and other unmanned aircraft system (UAS) to the list of aircraft that require a Special Use Permit issued by the Department in order to be operated on Department lands. This addition is necessary for regulating permission for and safety of drone use, and access to and the protection of Department lands and their wildlife resources.

(ee): The proposed changes prohibit woodcutting on all Department lands. Wood debris is an important component to wildlife habitat and benefits all wildlife. The

Department recommends that the Commission clarify that woodcutting is prohibited on all Department land to protect habitat. This change is consistent with the repeal of subsection 551(z).

Amend Section 551, Additional Visitor Use Regulations on Department Lands Designated as Wildlife Areas:

[Note: The addition or deletion of properties listed in the following subsections results in the renumbering of subsequent subsections to maintain alphabetical order. Unless otherwise noted, the descriptions below of the proposed regulatory text follow the new numbering as indicated in the proposed regulatory text.]

- (a):** The physical address of the former headquarters building is replaced with a reference that the legal descriptions of the wildlife areas may be requested by contacting the Department via its mailing address. This change is without regulatory effect.
- (b)(9) and (b)(10):** Butte Valley Wildlife Area and Buttermilk Country Wildlife Area are reordered to correct the alphabetical order. This change is without regulatory effect.
- (b)(30):** The proposed changes add the El Dorado Wildlife Area located in El Dorado County as a Type C wildlife area. The Department acquired this property from the Ervin Ranch Partnership in 2019 to protect the habitat in the Upper Cosumnes River watershed. See Attachment 3 for additional information.
- (b)(37):** The proposed changes for Fremont Weir Wildlife Area add Sutter County to the list of counties since recently acquired additional units cross over into Sutter County.
- (b)(50):** The proposed changes for Imperial Wildlife Area correct capitalization and punctuation errors.
- (b)(70):** The proposed changes for Napa-Sonoma Marshes Wildlife Area move text "(Type C)" to the end of the list of management units to clarify that all are Type C and delete duplicative text "management units". These are changes without regulatory effect.
- (b)(74):** The proposed changes for Petaluma Marsh Wildlife Area move text "(Type C)" to the end of the list of management units to clarify that all are Type C and delete duplicative text "management units". These are changes without regulatory effect.
- (b)(84):** The proposed changes for Sacramento River Wildlife Area add Tehama County to the list of counties since recently acquired additional units cross over into Tehama County.
- (b)(101):** The proposed changes for Truckee River Wildlife Area remove Placer County from the list of counties and remove the West River Management Unit. This management unit was transferred from the Department to Truckee Donner Land Trust on January 27, 2022. The parcel was landlocked with no legal access. Truckee Donner Land Trust owns the adjacent property, and its ownership will provide public access to the land.

- (b)(105):** Waukell Creek Wildlife Area is renumbered from (103) to (105) to correct the alphabetical order. This change is without regulatory effect.
- (i)(6):** The proposed changes for Los Banos Wildlife Area adjust dates for dog training and dog trials to avoid conflicts with the proposed addition of deer hunting on the area (see subsection 551(s)(13)). Dog training and trials will continue to be available from the end of waterfowl season through March 31 and only in designated areas.
- (i)(8):** The proposed changes allow dog training (but not dog trials) from July 1 through September 30, and from the end of waterfowl season to the last day in February on the Napa-Sonoma Marshes Wildlife Area. This regulation creates an opportunity for dog training without conflicting with wintering and nesting bird activities.
- (i)(9):** The proposed changes for North Grasslands Wildlife Area adjust dates for dog training and dog trials to avoid conflicts with the proposed addition of deer hunting on the area (see subsection 551(s)(15)). Dog training and trials will continue to be available from the end of waterfowl season through March 31 and only in designated areas.
- (i)(10):** The proposed changes for O'Neill Forebay Wildlife Area limit dog training and dog trials to October 1 through June 15 to avoid conflicts with the proposed addition of deer hunting on the area (see subsections 551(q)(16) and 551(t)(17)).
- (j):** The proposed changes to the heading of subsection (j) add "Except where posted as allowed, electric bicycles are prohibited on all wildlife areas and ecological reserves per subsection 550(c)(4)." This clarifies any confusion between the bicycle regulation and electric bicycle regulation.
- (j)(1):** The proposed changes allow bicycle use on roads open to vehicles on Butte Valley Wildlife Area. This property is located in rural Siskiyou County. Much of the visitor use outside of waterfowl season comes from surrounding communities. Public transportation does not provide access to the area, and residents use bicycles to access fishing outside of waterfowl season. Allowing bicycle use provides more access to the surrounding communities. The use of bicycles in this limited manner would not cause a negative impact on wildlife or wildlife habitat.
- (j)(3):** The proposed changes for Daugherty Hill Wildlife Area allow bicycle use on designated trails and roads throughout the area from May 10 through September 15. The current regulation allows bicycle use on one unit; the Department recommends allowing bicycle use on all units of this property. This improves public access for this recreational use. The use of bicycles in this limited manner would not cause a negative impact on wildlife or wildlife habitat.
- (j)(4):** The proposed changes allow bicycles on designated trails and roads within El Dorado Wildlife Area in El Dorado County. This property is located close to urban areas which could lead to significant bicycle use. To avoid overuse of the property, group size will be limited to no more than 8 bicycles and organized events will be prohibited. The use of bicycles in this limited manner would not cause a negative impact on wildlife or wildlife habitat.

- (j)(6):** The proposed changes allow bicycle use on roads open to vehicles on Honey Lake Wildlife Area in rural Lassen County. Much of the visitor use outside of waterfowl season comes from surrounding communities. Public transportation does not provide access to the area, and residents use bicycles to access fishing outside of waterfowl season. Allowing bicycle use provides more access to the surrounding communities. The use of bicycles in this limited manner would not cause a negative impact on wildlife or wildlife habitat.
- (j)(11):** The proposed changes allow bicycle use on roads open to vehicles on Shasta Valley Wildlife Area in rural Siskiyou County. Much of the visitor use outside of waterfowl season comes from surrounding communities. Public transportation does not provide access to the area, and residents use bicycles to access fishing outside of waterfowl season. Allowing bicycle use provides more access to the surrounding communities. The use of bicycles in this limited manner would not cause a negative impact on wildlife or wildlife habitat.
- (j)(13):** The proposed changes allow bicycles on designated trails and roads on Tehama Wildlife Area in rural Tehama County. Much of the visitor use outside of hunting seasons comes from surrounding communities. Public transportation does not provide access to the area, and residents use bicycles to access the property. Allowing bicycle use provides more access to the surrounding communities. The use of bicycles in this limited manner would not cause a negative impact on wildlife or wildlife habitat.
- (j)(15):** The proposed changes allow bicycles on designated trails and roads on Willow Creek Wildlife Area in rural Lassen County. Much of the visitor use outside of waterfowl season comes from surrounding communities. Public transportation does not provide access to the area, and residents use bicycles to access fishing outside of waterfowl season. Allowing bicycle use provides more access to the surrounding communities. The use of bicycles in this limited manner would not cause a negative impact on wildlife or wildlife habitat.
- (k)(1)(A):** Eel River Wildlife Area. Current regulation only allows vehicles for commercially licensed anglers who are utilizing the wave-slope for fishing access on all units of Eel River Wildlife Area.

The proposed changes restrict motorized vehicles within the Ocean Ranch Unit of the Eel River Wildlife Area. Motorized vehicles will only be permitted on the sand road and within designated parking areas. No motorized vehicles will be allowed on the wave-slope during snowy plover nesting season March 1 through September 15 without written permission from the Department. Additionally, off leash dogs will be prohibited on the wave-slope and/or in signed exclusion zones within the Ocean Ranch Unit during the snowy plover nesting season March 1 through September 15.

The proposed changes restricting areas and times of motor vehicle use and off-leash dogs are needed to protect critical habitat. Snowy plovers are federally listed as threatened under the Endangered Species Act and considered a Species of Special Concern by the State of California.

(1)(5): The proposed changes prohibit gas-powered boat motors on Clifton Court Forebay and specify that electric trolling type motors may be used. Gas powered motors are not compatible with the dry habitat conditions at this property.

(1)(7): The proposed changes for Daugherty Hill Wildlife Area specify that horses and pack stock are allowed on designated trails. The current text limits horse use to the Daugherty Hill Unit. This change improves public access for this recreational use across all units and will not cause a negative impact on wildlife or wildlife habitat.

(1)(8): The proposed changes add horse and pack stock restrictions for El Dorado Wildlife Area. The proposed regulations allow parking of horse trailers only within the designated parking area; allow horses and pack stock only on designated trails and roads; specify that group size may not exceed 8 horses; and prohibit organized events. This property is located close to urban areas which could lead to significant equestrian use. To avoid overuse of the property, group size will be limited to no more than 8 horses and organized events will be prohibited.

(1)(17): The proposed changes for Lake Earl Wildlife Area include consideration of petition for regulation change 2023-05 to clarify the use of motorized boats during waterfowl season and provide flexibility for use of electric motorized boats, consistent with boat motor regulations in other wildlife areas.

This clarification replaces the language “Motors prohibited during waterfowl season.” with “Only non-motorized boats or boats with electric motors may be used during waterfowl season.”

The revisions to this subsection further prohibit any recreational boarding activity (e.g., windsurfing, kiteboarding, etc.). These activities are not compatible with the marsh and lake within this property due to the disturbance to wildlife, e.g., flocks of birds.

(1)(19), (1)(22) and (1)(27): The proposed changes prohibit horses and pack stock on Los Banos Wildlife Area, Napa-Sonoma Marshes Wildlife Area, and Petaluma Marsh Wildlife Area. These activities are not compatible with managed wetland habitats.

(1)(20): The proposed changes for Mendota Wildlife Area allow the use of boats with motors in Mendota Pool, subject to a 5 mile per hour speed limit, and allow only non-motorized boats in flooded fields outside of Mendota Pool during waterfowl season. Limiting boat use in flooded fields to only non-motorized boats is necessary to protect habitat and for public safety. The proposed changes for this area also prohibit horses and pack stock. These activities are not compatible with managed wetland habitats.

(1)(23): The proposed changes for North Grasslands Wildlife Area prohibit boat trailer parking within wildlife area parking lots and prohibit horses and pack stock. Prohibiting boat trailer parking within wildlife area parking lots is necessary due to the limited number of parking spaces within each parking lot on the wildlife area. The change from the existing text which allows horseback riding is necessary since horseback riding is not a compatible activity with managed wetland habitat.

(l)(31): The proposed changes for Shasta Valley Wildlife Area update text to clarify the type of boats that can be used on the area and when they can be used. The proposed changes provide specific regulations for Bass Lake and Trout Lake. These changes are necessary for hunter safety during waterfowl season.

(m)(6): The proposed changes repeal the provision which allows camping on Daugherty Hill Wildlife Area. There are no facilities at this property, and the Department does not have the resources needed to maintain this property for camping. The repeal of permitted camping will help alleviate dumping and trash build up in parking lots.

(m)(12): The proposed changes for Imperial Wildlife Area (Wister Unit) correct a cross reference to subsection 551(w). Subsection 551(w)(3) was renumbered to 551(w)(17) in a prior rulemaking (file 2017-0310-01SR); however, the cross reference was not revised at that time. It is sufficient to use only the (w) reference to avoid future numbering changes.

(m)(18): The proposed changes for Mendota Wildlife Area specify that a limited number of season trailer parking permits may be issued to hunters. The permit is obtained at the Mendota Wildlife Area by arriving no sooner than the Wednesday prior to the first day of waterfowl season.

Weekend and Wednesday overnight trailer parking for hunters is allowed at the checking station without permit, but trailers must be removed following the hunt day(s). This regulation provides clarity to hunters about the process for overnight trailer parking.

(m)(24): The proposed changes for Shasta Valley Wildlife Area clarify that camping is only allowed in the checking station parking lot. Limiting camping to the checking station parking lot is consistent with other Type A and B properties. Limiting camping on the wildlife area is necessary for public safety issue during the hunt day.

(m)(28): The proposed changes for Upper Butte Basin Wildlife Area allow camping for other hunts that may happen on the wildlife area, in addition to waterfowl hunts. The Department proposes to expand camping the night before additional hunts to accommodate hunters who travel from across California for junior deer hunts, turkey hunts, and other upland game hunts. For example, the junior deer hunt is 9 days and allowing camping the night before a hunt allows folks who have traveled long distances to camp onsite and creates more opportunity for hunters who may not be able to afford travel plus lodging.

(n)(1): The proposed change prohibits fires except for the use of portable gas stoves on Clifton Court Forebay. This regulation is necessary for safety and prevention of wildfires.

(n)(2) through (n)(6): Current subsections (n)(1) through (n)(5) are renumbered (n)(2) through (n)(6) due to the addition of new subsection (n)(1). Subsections (n)(2)(A), (n)(3)(A), (n)(4)(A), (n)(5)(A) and (n)(6)(A) are combined with subsections (n)(2), (n)(3), (n)(4), (n)(5) and (n)(6), respectively, and thus the paragraph header "(A)" is removed.

(o)(2): The proposed changes for Ash Creek Wildlife Area repeal existing text and add new closure details. Text proposed to be repealed states that portions of the

wildlife area may be closed to public entry from March 1 through August 15. This closure, if necessary, can be accomplished by the regional manager pursuant to subsection 550(c)(2). The proposed new text defines public use closures from September 16 until the opening of waterfowl season, except for access for angling from Bassett Road through September 30, and specifies that the wildlife area is closed to all public use during the waterfowl and pheasant hunt seasons except for hunting on Saturdays, Sundays, and Wednesdays. This is necessary because starting September 16 the property will be closed to prepare for waterfowl season and will be closed to general public on waterfowl hunt days for public safety. Bassett Road entry access into the wildlife area provides anglers a route to waterways without conflicting with the portion of the wildlife area being prepared for waterfowl season.

- (o)(3):** The proposed change for Baldwin Lake corrects the name of the area by deleting the words “Wildlife Area.” Subsection 551(c) identifies areas owned and operated by federal agencies where hunting opportunities are administered by the Department. The federal name designation does not include “Wildlife Area” but the area is administered by the Department a Type C wildlife area. This change is consistent with subsections (c)(1), (q)(1) and (r)(1) and with the proposed changes to subsection (t)(1).
- (o)(7):** The proposed changes prohibit hunting from shore and prohibit hunting within 150 yards of the water control gates or public fishing areas/pier at Clifton Court Forebay. This regulation is necessary to avoid conflicting with fishing use and for public safety near water control gates.
- (o)(10):** The proposed changes for Daugherty Hill Wildlife Area prohibit hunting within the Black Swan area of the Yuba Narrows Unit due to public safety. There is a popular trail around the pond there. Nearby hunting creates a potential conflict between nature/wildlife viewing public and hunters.
- (o)(11):** The proposed changes for Eel River Wildlife Area provide additional clarification that off leash dogs are prohibited on the wave-slope and/or in signed exclusion zones of the Ocean Ranch Unit during snowy plover nesting season from March 1 through September 15 to protect the sensitive species, consistent with the proposed amendment of subsection (k)(1).
- (o)(14):** The proposed changes for Fay Slough Wildlife Area clarify how to enter the area, specify where to hunt, and when dogs are allowed. The proposed regulation limits entry to the wildlife area from the designated parking area located off Highway 101; limits hunting to designated ponds only; prohibits boating access; and prohibits dogs except with hunters during the designated hunting season. These regulations are necessary for protection of coastal wetlands, seasonal wetlands, and riparian areas on the property.
- (o)(15):** The proposed changes for Feather River Wildlife Area repeal the prohibition of entry through O’Connor Lakes Management Unit from March 1 through June 30. This closure was initially designated to protect a heron rookery. The rookery has not been active for 10 years, therefore, the regulation is no longer needed.

- (o)(17):** The proposed changes for Gray Lodge Wildlife Area add text to specify that pheasant and quail hunting is only allowed during the pheasant opening weekend and the subsequent waterfowl shoot days occurring during the general pheasant hunt season. This amendment is necessary to respond to hunter requests for clarity that pheasant and quail hunting is allowed on Saturday, Sunday and Wednesday during waterfowl shoot days within pheasant season.
- (o)(18):** The proposed change for Grizzly Island Wildlife Area (Goodyear Slough, Island Slough, West Family and Grey Goose units) corrects a capitalization error.
- (o)(19):** The proposed changes for Grizzly Island Wildlife Area (Joice Island Unit) specify that Joice Island Unit is open to waterfowl hunting on Sundays only, starting on the first Sunday in December for the remainder of the waterfowl season by permit only. Entry permits are obtained through a special drawing and regulate the number of hunters accessing the site. The change in schedule is consistent with the “Sunday only” restriction specified in current and proposed subsection 551(p)(2). The “Sunday only” restriction has been in operation for many years and was enacted minimize disturbance to adjacent landowners.
- (o)(21):** The proposed changes for Hallelujah Junction Wildlife Area prohibit all visitor use in the Ranch House area. The Ranch House area is currently not in use, but is being repaired for use by Department staff for office space, temporary lodging, and equipment storage. The proposed closure of this area is to prevent vandalism of newly refurbished facilities and protect the safety and security of Department staff and equipment in that area.
- (o)(24):** The proposed changes for Honey Lake Wildlife Area repeal existing text and add new closure details. Text proposed to be repealed states that portions of the wildlife area may be closed to public entry from March 1 through August 15. This closure, if necessary, can be accomplished by the regional manager pursuant to subsection 550(c)(2). The proposed new text defines closures from September 16 until the opening of waterfowl season and specifies that the wildlife area is closed to all public use during the waterfowl and pheasant hunt seasons except for hunting on Saturdays, Sundays, and Wednesdays. The property will be closed starting September 16 to prepare for waterfowl season and will be closed to general public on waterfowl hunt days for public safety.
- (o)(26):** The proposed changes for Imperial Wildlife Area (Finney-Ramer Unit) insert a hyphen in the name of the unit. This is a change without regulatory effect.
- (o)(29):** The proposed changes for Lake Earl Wildlife Area prohibit off leash dogs on the wave-slope and/or in signed exclusion zones during the snowy plover nesting season March 1 through September 15 to protect the sensitive species. Snowy plovers are federally listed as threatened under the Endangered Species Act and considered a Species of Special Concern by the State of California.

Additional proposed changes for Lake Earl Wildlife Area repeal the existing closure on Bush Creek public access. The regulation was intended to protect the Aleutian geese, however, there has not been significant goose use on the property for over ten years. If a temporary closure is warranted, it can be addressed by the regional manager pursuant to subsection 550(c)(2).

(o)(32), (o)(38) and (o)(39): The proposed changes for Los Banos Wildlife Area, North Grasslands Wildlife Area and O'Neill Forebay Wildlife Area prohibit deer hunting except with a Department-issued entry permit and specify that deer may be taken with shotgun and slug only, consistent with proposed subsections 551(s)(13), 551(s)(15), and 551(t)(17) and current subsection 550(cc)(4).

(o)(47): The proposed changes for Sacramento River Wildlife Area provide an exemption to the February 1 through August 31 hunting closure during archery deer season when only deer may be hunted. The existing exemption for spring turkey season is unchanged. The new language allowing archery provides additional hunting opportunities to the public.

(o)(54): The proposed changes for Shasta Valley Wildlife Area remove quotation marks on Type A and Type B to make consistent with other subsections and insert a hyphen in nonhunting to read non-hunting. These changes are without regulatory effect.

(o)(59): The proposed changes close Willow Creek Wildlife Area to all public uses from September 16 until the opening of waterfowl season and specify that during the waterfowl and pheasant hunt seasons, the wildlife area is closed to all public use with the exception of Saturdays, Sundays, and Wednesdays for hunting only. The property will be closed starting September 16 to prepare for waterfowl season and will be closed to general public on waterfowl hunt days for public safety.

(p)(2): The proposed changes for Grizzly Island Wildlife Area (Joice Island Unit) repeal text related to using fall flight forecast and/or numbers in the Suisun Marsh to warrant opening this unit to hunting. The Department is no longer using the referenced flight forecast numbers to determine the opening date.

Additional proposed changes for Grizzly Island Wildlife Area (Joice Island Unit) specify that the unit is open to waterfowl hunting on Sundays only, starting on the first Sunday in December for the remainder of the waterfowl season by permit only. This language clarifies use of the area for waterfowl hunting. Refer to (o)(19) for details.

(p)(4), (p)(5) and (p)(6): The proposed changes for Kern National Wildlife Refuge, Merced National Wildlife Refuge, and San Jacinto National Wildlife Refuge change species names from plural to singular for consistency throughout subsection (p).

(q)(2): The proposed changes for Clifton Court Forebay repeal the requirement for self-registration as it is no longer required. This property is managed by the California Department of Water Resources, and it no longer requires self-registration on this property.

(q)(5): The proposed changes specify that special draw entry permits are required for the first nine days of the spring turkey season on El Dorado Wildlife Area. This change is necessary to manage number of hunters accessing the area during the beginning of hunting season, and also allows management to adjust number of drawings when necessary for management of the species.

- (q)(8):** The proposed changes for Imperial Wildlife Area (Finney-Ramer Unit) insert a hyphen in the name of the unit. This is a change without regulatory effect.
- (q)(9):** The proposed changes for Knoxville Wildlife Area specify that special draw entry permits are required for all visitor use during first week of the A-zone deer season. This change is necessary to manage number of hunters accessing the area during the beginning of A-zone deer season, and also allows management to adjust number of drawings when necessary for management of the species.
- (q)(16):** The proposed changes for O'Neill Forebay Wildlife Area prohibit deer hunting except with a Department-issued entry permit and clarify self-registration requirements and exceptions. The proposed text states, "Closed to deer hunting except with a Department-issued entry permit. Deer may be taken with shotgun and slug only (see subsection 353(d)). Self-registration is required at the parking lot at all times except for junior pheasant hunts, the day following junior pheasant hunts, and deer hunts when entry is controlled through special drawings." See details of proposed deer hunting on O'Neill Forebay Wildlife Area in subsection 551(t).
- (r)(36):** The proposed changes for O'Neill Forebay revise firearm restrictions to accommodate for proposed deer hunting on the area. The proposed changes prohibit shotgun slugs except for the take of deer. The existing prohibition of rifles and pistols is unchanged.
- (s)(4), (s)(7), (s)(8), (s)(11), (s)(12), (s)(13), (s)(14), (s)(15), (s)(17) and (s)(19):** The proposed regulations in these subsections change species names from plural to singular and for the second and subsequent species listed, change uppercase to lowercase for consistency throughout subsection (s).
- (s)(8):** The proposed changes for Grizzly Island Wildlife Area correct the word "tag" to "entry permit" as the proper terminology.
- (s)(13):** The proposed changes for Los Banos Wildlife Area add quail and deer to the list of hunted species, specify that self-registration is required for raccoon and rabbit hunting, specify that a Department-issued entry permit is required to hunt deer, specify that Eurasian collared dove hunting is allowed during mourning dove open season, and specify that snipe hunting is restricted to waterfowl shoot days during the general waterfowl season. Quail and deer hunting can be allowed because the quail and deer populations have increased in the region. Specifying self-registration is required for raccoon and rabbit hunting is necessary due to the addition of quail and deer as authorized species. Pursuant to subsection 550(c), for public safety purposes, the Department will require entry permits to limit the number of hunters accessing the wildlife area for deer hunting. While Eurasian collared dove season is year-round pursuant to subsections 300(a)(1)(I), 300(a)(2)(I) and 300(a)(3)(I), they can only be hunted during mourning dove season on this property to avoid accidental take of mourning doves out of season. General requirements for hunting in Type A wildlife areas are listed in 551(e)(1), but pursuant to hunter requests, language is added for clarity that snipe hunting is restricted to waterfowl shoot days during the general waterfowl season because the property is closed to hunting on non-waterfowl shoot days during the waterfowl season.

(s)(14): The proposed changes for Mendota Wildlife Area add quail to the list of hunted species, specify that Eurasian collared dove hunting is allowed during mourning dove open season, and specify that snipe hunting is restricted to waterfowl shoot days during the general waterfowl season. Quail hunting can be allowed because the quail population has increased in the region. While Eurasian collared dove season is year-round, they can only be hunted during mourning dove season on this property to avoid accidental take of mourning doves out of season. General requirements for hunting in Type A wildlife areas are listed in 551(e)(1), but pursuant to hunter requests, language is added for clarity that snipe hunting is restricted to waterfowl shoot days during the general waterfowl season because the property is closed to hunting on non-waterfowl shoot days during the waterfowl season.

(s)(15): The proposed changes for North Grasslands Wildlife Area add quail and deer to the list of hunted species, specify that self-registration is required for raccoon and rabbit hunting, specify that a Department-issued entry permit is required to hunt deer, specify that Eurasian collared dove hunting is allowed during mourning dove open season, and specify that snipe hunting is restricted to waterfowl shoot days during the general waterfowl season. Quail and deer hunting can be allowed because the quail and deer populations have increased in the region. Specifying self-registration is required for raccoon and rabbit hunting is necessary due to the addition of quail and deer as authorized species. Pursuant to subsection 550(c), for public safety purposes, the Department will require entry permits to limit the number of hunters accessing the wildlife area for deer hunting. While Eurasian collared dove season is year-round, they can only be hunted during mourning dove seasons on this property to avoid accidental take of mourning doves out of season. General requirements for hunting in Type A wildlife areas are listed in 551(e)(1), but pursuant to hunter requests, language is added for clarity that snipe hunting is restricted to waterfowl shoot days during the general waterfowl season because the property is closed to hunting on non-waterfowl shoot days during the waterfowl season.

Current subsections (s)(17), (s)(18) and (s)(19): The proposed changes move entries for Tehama Wildlife Area to subsection (t)(26). Subsection (s) pertains to additional hunting opportunities on Type A and B wildlife areas; however, Tehama Wildlife Area is a Type C wildlife area and therefore belongs in subsection 551(t) which pertains to species restrictions for hunting on Type C wildlife areas.

(s)(17): The proposed changes for Upper Butte Basin Wildlife Area add turkey and quail to the list of hunted species, clarify that rabbit hunting is allowed only during the September dove season and on waterfowl hunt days during the late dove season, specify that turkey hunting is allowed by draw during the spring turkey season and during the fall turkey season concurrent with the pheasant season, and specify that quail hunting is allowed during the general season concurrent with pheasant season. Turkey and quail hunting can be allowed because the turkey and quail populations have increased in the region. The rabbit season clarification is necessary due to the addition of turkey and quail as authorized species. Using a draw for turkey hunting limits the number of turkeys harvested, and also allows management to adjust number of drawings when necessary for management of the

species. Quail and pheasant hunts are combined to limit the impact of upland game hunting conflicting with waterfowl hunting. Limiting quail hunting to pheasant hunt days is consistent with other Type A properties in the area.

(t)(1), (t)(2), (t)(3), (t)(4), (t)(5), (t)(6), (t)(7), (t)(9), (t)(10), (t)(11), (t)(12), (t)(13), (t)(15), (t)(16), (t)(17), (t)(18), (t)(19), (t)(20), (t)(21), (t)(23), (t)(24), (t)(25) and (t)(29): The proposed regulations in these subsections change species names from plural to singular for consistency throughout subsection (t).

(t)(1): The proposed change for Baldwin Lake corrects the name of the area by deleting the words “Wildlife Area.” This change is consistent with subsections (c)(1), (q)(1) and (r)(1) and with the proposed changes to subsection (o)(3).

(t)(17): The proposed changes for O’Neill Forebay Wildlife Area add deer to the list of hunted species and specify that the area is closed to deer hunting except with a Department-issued entry permit. Deer hunting can be allowed because the deer population has increased in the region. Pursuant to subsection 550(c), for public safety purposes, the Department will require entry permits to limit the number of hunters accessing the wildlife area for deer hunting.

(t)(26): The proposed changes move language for Tehama Wildlife Area from subsections (s)(17), (s)(18) and (s)(19) and amend the language for clarity and to reflect its new location. Subsection (s) pertains to additional hunting opportunities on Type A and B wildlife areas; however, Tehama Wildlife Area is a Type C wildlife area and therefore belongs in subsection 551(t) which pertains to species restrictions for hunting on Type C wildlife areas.

(t)(26)(A): The language from current subsection (s)(17) is moved to this subsection and amended for clarity and consistency. The proposed regulations specify that a G-1 deer tag and a Department-issued entry permit are required during the G-1 deer season and that only deer and wild pig may be taken during the G-1 deer season. Current regulations in subsection (s)(17) state that only persons with Department-issued entry permits may enter the wildlife area during the G-1 deer season, but do not specify the requirements to be eligible for an entry permit. To be eligible to apply for an access permit through the Automated License Data System (ALDS), one must have already successfully drawn a G-1 deer tag. The addition of language specifying that a G-1 deer tag is required is necessary for consistency with Section 708.1 and helps to clarify eligibility for an entry/access permit. Language regarding wild pig is added here for consistency with proposed subsection (t)(26)(C).

(t)(26)(B): The language from current subsection (s)(18) is moved to this subsection and amended for clarity. The proposed regulations specify that deer may only be taken with an apprentice tag, available through the big game drawing, during the J-3 deer season and that all legal species, except wild pig, may be taken during the J-3 deer season. Current subsection (s)(18) does not specify when a J-3 apprentice tag is required; the proposed change clarifies it is required during the J-3 deer season. Current subsection (s)(18) does not specify what other species may be taken during the J-3 deer season because subsection (s) addresses *additional* hunting opportunities. However, since subsection (t) pertains to species restrictions, it is necessary to clarify that all legal species, except wild pig, may be

taken during the J-3 deer season. The exception for wild pig is necessary for consistency with proposed subsection (t)(26)(C).

(t)(26)(C): The language from current subsection (s)(19) is moved to this subsection and amended. The proposed changes specify that wild pig may only be taken during the G-1 deer season, with a G-1 deer tag and a Department-issued entry permit. It is necessary to restrict pig hunting (limited to deer hunters only) on this wildlife area to reduce impact to the property and limit overcrowding of hunters for safety. The phrase “tag obtained through a special drawing” is changed to “entry permit” as the proper terminology.

The language that dogs are not permitted is unchanged from the current subsection (s)(19) and is consistent with (renumbered) subsection (o)(57).

(x)(6): The proposed change for Imperial Wildlife Area (Wister Unit) replaces the word “people” with “persons” to make it consistent with the regulations for other properties.

(x)(23): The proposed changes for Upper Butte Basin Wildlife Area (Howard Slough Unit) replace the word “hunters” and with “persons,” specifying that the number limits visitors whether hunting or not. This change is consistent with the regulations for other properties.

(y)(1): The proposed changes add Clifton Court Forebay proposed text: “Fishing from shore only. No wading into water. No fishing from boats.” This regulation is necessary to avoid conflicting with hunting use and for public safety.

(y)(2) and (y)(3): Current subsections (y)(1) and (y)(2) are renumbered (y)(2) and (y)(3) due to the addition of new subsection (y)(1). Subsections (y)(2)(A) and (y)(3)(A), are combined with subsections (y)(2) and (y)(3), respectively, and thus the paragraph header “(A)” is removed.

(z): Current subsection (z) which permits woodcutting on certain wildlife areas is repealed and new subsection 550(ee) is added specifying that woodcutting is prohibited on all Department lands. Current regulations prohibit woodcutting on all Department lands except with written authorization during specified dates on the Eel River Wildlife Area and South Spit Wildlife Area, located in Humboldt County. These exemptions were implemented to allow cutting wood that was deposited on the properties from the Eel River. The Eel River Wildlife Area suspended woodcutting during habitat restoration in order to protect restored habitat and maintain a healthy estuarine system. Due to changes in the river course, South Spit Wildlife Area no longer receives wood deposits; therefore, the woodcutting exemption is not needed on this property.

(z) Proposed subsection (z) specifies that the Department may issue any permit for public use which is not specified elsewhere in Title 14 or the Fish and Game Code, and for which an issuing entity is not otherwise identified, and for which the public use is otherwise authorized; the Department shall determine whether to issue the specified permits, as well as how permits are distributed, the maximum duration of each type of permit, terms and conditions, and other specifications based on the purposes of the wildlife area designation, the potential for visitor conflict, the infrastructure, capacity, and staffing available to support the permitted activity, and

the protection of natural resources. The proposed regulation further specifies that the Department may revoke a permit issued pursuant to this section.

This subsection is necessary to clarify the issuing entity for various permits listed in Section 551.

Amend Section 630, Additional Visitor Use Regulations on Department Lands Designated as Ecological Reserves:

[Note: The addition or deletion of ecological reserve properties listed in the following subsections results in the renumbering of subsequent subsections to maintain alphabetical order. The descriptions below of the proposed regulatory text follow the new numbering as indicated in the proposed regulatory text.]

- (a):** The proposed changes clarify the Commission's original intent of the language in this subsection. In 2013, the Commission made a number of changes to regulations governing Department lands to address a common misunderstanding that the Department had authority to open Department managed lands. A clause related to that 2013 clarification in this subsection has been interpreted as an obligation to make affirmative findings related to certain regulations. That clause in this subsection is being deleted to preserve the Commission's original intent.
- (b)(86):** The proposed changes add the Pecho Unit to the Morro Dunes Ecological Reserve, San Luis Obispo County; this change clarifies that the Pecho Unit is a part of the Morro Dunes Ecological Reserve.
- (b)(97):** The proposed changes add Peace Valley Ecological Reserve, located in Los Angeles County, to the list of ecological reserves. The Department acquired this property through mitigation for the State Water Project by the Department of Water Resources. See Attachment 3 for additional information.
- (b)(102):** The proposed changes for Pine Hill Ecological Reserve add the Pine Hill Unit, along with existing Salmon Falls Unit so that both units of the ecological reserve are represented in 630(b).
- (d)(5):** The proposed changes for Boden Canyon Ecological Reserve expand hunting opportunities; deer hunting is restricted to archery only. The original restriction, which allowed upland game hunting, was done for precautionary reasons when the area was first obtained by the Department. Additional biological surveys were conducted for the Boden Canyon Ecological Reserve Management Plan, March 2021, and indicated that these hunting opportunities can be allowed. The Department proposes archery only take for deer to minimize disturbance on the property.
- (d)(6):** The proposed changes allow hunting on Boulder Creek/Rutherford Ranch Ecological Reserve. Specifying hunting as allowed will provide additional hunting opportunities in San Diego County. This property was acquired through mitigation with the California Department of Transportation and is approximately 30 acres and surrounded on all sides by Cleveland National Forest. The Department selected this site in order to provide additional hunting opportunities in San Diego County. The Department recommends that hunting be allowed so that land use will be consistent with surrounding national forest lands and to reduce confusion for hunters trying to

locate boundaries between state and federal ownership. The addition of hunting to this property would not cause a negative impact on wildlife or wildlife habitat in the region.

- (d)(7):** The proposed changes to Burton Mesa Ecological Reserve allow upland game bird hunting and Department sponsored special hunt program events. The allowed methods of take are proposed to be shotgun and archery only. This area was identified in the Land Management Plan as a site to provide hunting opportunities. Several former agricultural fields have been managed to increase hunting area, wildlife value, and the upland game bird population. As the only property in Santa Barbara County managed by the Department, the change specifies new hunting opportunities and greater public use of this ecological reserve.
- (d)(14):** The proposed changes for Carrizo Plains Ecological Reserve prohibit hunting of coyotes and ground squirrels on all Carrizo Plains Ecological Reserve units. The Department believes it is necessary to prohibit ground squirrel and coyote hunting across all units of Carrizo Plains Ecological Reserve to protect special status species, including San Joaquin kit fox (State Threatened, Federal Endangered), antelope ground squirrel (State Threatened), nesting burrowing owls (Department Bird Species of Special Concern), and American badgers (Department Mammal Species of Special Concern). Ground squirrel and coyote hunting elevates the risk of illegal take of the listed species and conflicts with the listed species management goals. California ground squirrels are important prey for the resident badgers, golden eagles, and other resident and wintering raptors, and their burrows are modified for occupancy by burrowing owls.
- (d)(16):** The proposed changes allow pig and turkey hunting, by archery only, on the area of Chorro Creek Ecological Reserve that is located south of Highway 1. Wild pigs and turkeys (both non-native species) compete with native species for resources, and cause property damage on neighboring properties. This proposal provides additional public hunting access in San Luis Obispo County. Archery only hunting is proposed to reduce disturbance to adjacent property owners.
- (d)(28):** Kerman Ecological Reserve currently allows hunting from July 1 through January 31. The proposed change would limit hunting opportunities to Department special hunts or at such times and in the specific areas designated by the Department. An additional change corrects a publication error by moving the text "Shotguns only" from the first column to the second column. Public access to this property is closed and parking on the highway shoulders is not permitted. Creating special hunt opportunities will alleviate the parking issue because public access will be provided within the property during these events.
- (d)(31):** The proposed change for North Carrizo Ecological Reserve corrects a spelling error.
- (d)(37):** The proposed changes authorize limited hunting, only at specific times and within specific areas designated by the Department, on Peace Valley Ecological Reserve. This will provide additional hunting opportunities in Los Angeles County and provide routes to hunters accessing the adjacent Angeles National Forest land. See Attachment 3 for additional information.

- (d)(48):** The proposed changes for Stone Corral Ecological Reserve prohibit the hunting of ground squirrels on this location because they provide burrowing structures for resident threatened California tiger salamanders. Additional proposed changes limit hunting to use of shotguns only for public safety purposes.
- (e)(4):** The proposed changes clarify fishing regulations for Batiquitos Lagoon Ecological Reserve to allow fishing in designated areas only. The designated fishing area regulation would allow the Department to identify locations that would not have significant impacts to sensitive species.
- (e)(5):** The proposed changes for Bolsa Chica Ecological Reserve align the ecological reserve regulations with the Bolsa Bay State Marine Conservation Area (SMCA) and Bolsa Chica Basin SMCA recreational fishing regulations by specifying that fishing is allowed in designated areas only. In Bolsa Bay SMCA (subsection 632(b)(122)), finfish may be taken by hook and line from shore in designated areas only. Fishing is prohibited in Bolsa Chica Basin SMCA (subsection 632(b)(122)).
- (e)(15):** The proposed changes for Elkhorn Slough Ecological Reserve align the ecological reserve regulations with the Elkhorn Slough SMCA and Elkhorn Slough State Marine Reserve (SMR) recreational fishing regulations. Fishing is prohibited in Elkhorn Slough SMR (subsection 632(b)(71)). In Elkhorn Slough SMCA (subsection 632(b)(70)), finfish may be taken by hook and line only and clams may be taken on the north shore of the slough in the area adjacent to the Moss Landing State Wildlife Area.
- (e)(16):** The proposed changes for Fagan Marsh Ecological Reserve prohibit fishing from shore to protect sensitive shoreline habitat. Fishing from boats will continue to be allowed.
- (e)(24):** The proposed changes for Redwood Shores Ecological Reserve prohibit fishing from shore to protect sensitive shoreline habitat. Fishing from boats will continue to be allowed.
- (e)(26):** The proposed changes specify that fishing is allowed only in designated areas of the San Dieguito Lagoon Ecological Reserve. The change would allow the Department to identify fishing locations that will not have significant impacts to sensitive species.
- (e)(27):** The proposed changes for San Joaquin Ecological Reserve replace “hand carried” with “hand-carried” for consistency throughout subsection (e).
- (e)(29):** The proposed changes for Upper Newport Bay Ecological Reserve repeal language stating that fishing is “allowed from boats” for consistency with Upper Newport Bay SMCA regulations. In Upper Newport Bay SMCA (subsection 632(b)(132)), the recreational take of finfish by hook and line from shore only is allowed.
- (f)(6):** The proposed changes for Cosumnes River Ecological Reserve replace “hand carried” with “hand-carried” for consistency throughout subsection (f).
- (f)(7):** The proposed changes for Eden Landing Ecological Reserve specify that hunters may launch and use motorized boats for waterfowl hunting only on designated Eden Landing waterfowl hunt days. Non-motorized boats may be

launched and used all other days of the year. The regulation specifies the use of motorized boats during waterfowl season, consistent with boat motor regulations in other hunted areas. These changes are necessary for hunter safety during waterfowl season.

- (f)(8):** The proposed changes for Fagan Marsh Ecological Reserve replace the term “hand-carried” with “non-motorized boats” so that only lightweight, non-motorized boats may be launched and operated within the reserve. This regulation is necessary to protect sensitive shoreline habitat.
- (f)(12):** The proposed changes for Redwood Shores Ecological Reserve prohibit swimming, allow boating, and specify that boats must be launched from outside of the reserve. These changes are necessary to protect the shoreline pickleweed vegetation which provides habitat for the listed salt marsh harvest mouse. Restricting these activities is necessary to protect this critical habitat.
- (g):** The proposed changes to the heading of subsection (g) add “Except where posted as allowed, electric bicycles are prohibited on all wildlife areas and ecological reserves per subsection 550(c)(4).” This clarifies any confusion between the bicycle regulation and electric bicycle regulation.
- (g)(2):** The proposed changes allow bicycle and horse use on established trails or designated areas only on the Hart Park Unit of the Bakersfield Cactus Ecological Reserve. This unit is adjacent to a county park and the proposed changes will provide trail continuity without impacting Bakersfield cactus.
- (g)(5):** The proposed changes allow bicycle use on existing roads on the South Chimineas Unit of the Carrizo Plains Ecological Reserve between December and September. Bicycle use would not be allowed during elk season (October through November). The purpose of the addition is to allow the use of bicycles on this unit outside of elk season. These activities have been requested by the public and are in the management plan.
- A second change will allow the use of horses on roads and designated trails on the American and South Chimineas units of the Carrizo Plains Ecological Reserve. The purpose of the proposed change is to allow for horseback riding opportunities, especially since road system for the reserve also provides access to United States Forest Service and Bureau of Land Management lands. The secondary purpose is to allow for periodic off-road use of horses to aid in retrieving elk taken during the legal hunting season.
- (g)(11):** The proposed changes allow the use of horses on designated trails on the Pecho Unit of Morro Dunes Ecological Reserve. All use of horses on the Bayview Unit will remain prohibited. The purpose of the change is to allow horses to use existing trails across the Pecho Unit which connects designated equestrian trails on Montana de Oro State Park.
- (g)(14):** The proposed changes will allow bicycle use year-round on Lee Road Trail at the edge of the Struve Slough Unit of Watsonville Slough Ecological Reserve. The trail is being developed by the City of Watsonville and will be located along the edge of the reserve and Lee Road. Allowing bicycle riding and wildlife viewing from the perimeter of the property creates additional recreational opportunities without

impacting the ecological reserve.

(h)(3): The proposed changes for Ballona Wetlands Ecological Reserve correct a grammatical error. This is a change without regulatory effect.

(h)(19): The proposed changes for Elkhorn Slough Ecological Reserve prohibit pets except when they remain inside a motor vehicle, specify that visitors must stay on established trails, paths, or other designated areas, and close the reserve to visitor access and use on Mondays and Tuesdays and all days from 5:00 p.m. to 9:00 a.m. This is necessary to protect sensitive habitat as well as Department facilities at the site.

(h)(29): The proposed changes allow general public access on designated trails during daylight hours on Morro Dunes Ecological Reserve. This change is intended to keep visitor access to daytime use. This change would reduce safety issues when public enter the property after dark and it also protects sensitive habitat from visitors walking off trail.

(h)(32): The proposed changes close Peace Valley Ecological Reserve to all visitor use/access except for special hunting opportunities as provided in subsection 630(d) of these regulations. This property is immediately adjacent to the State Water Project that provides drinking water to Southern California, limited access is necessary for the protection of water quality. See Attachment 3 for additional information.

(h)(39): The proposed changes for Santa Margarita River Ecological Reserve correct a spelling error. This is a change without regulatory effect.

(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 Sections from Fish and Game Code for Regulation

Section 540:

Authority cited: 1526, 1580, 1581 and 10504 Fish and Game Code.

Reference: 1526, 1580, 1581, 1584 and 10504 Fish and Game Code.

Section 550:

Authority cited: Sections 200, 203, 205, 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, 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.

Section 551:

Authority cited: Sections 200, 203, 205, 355, 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, 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 630:

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

Reference: Sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1580, 1581, 1582, 1583, 1584, 1585, 1745, 1761, 1764, 1765, 1907, 2006 and 10504, 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. 2023. CDFW Lands Proposed for Designation.

Attachment 2: California Department of Fish and Wildlife. 2023. CDFW Lands with Proposed Regulations.

Attachment 3: California Department of Fish and Wildlife. Department of Fish and Wildlife Management Summaries El Dorado Wildlife Area October 2022; Peace Valley Ecological Reserve June 2023.

Orr, Trent and Loarie, Gregory (2017). Petition to the California Fish and Game Commission for Regulation Change 2017-008 RE: Ban the use of neonicotinoid pesticides on refuge lands subject to the Commission's management jurisdiction.

Reed, Jeff (2023). Petition to the California Fish and Game Commission for Regulation Change 2023-05 RE: Clarification of Use of Boats on Lake Earl Wildlife Area During the Waterfowl Season.

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

Wildlife Resources Committee meeting, January 12, 2023, Sacramento, California.

Wildlife Resources Committee meeting, May 17, 2023, Monterey, California.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

At its June 20-21, 2018 meeting, the Commission granted for consideration in the next lands rulemaking a public petition for regulation change (tracking number 2018-003) requesting an addition to subsection 551(i) to permit dog training in the Big Sandy Wildlife Area. However, since that meeting, it has been determined that dog training is not compatible with the other uses and resources on the Big Sandy Wildlife Area. Big Sandy Wildlife Area is habitat for the federally endangered, state threatened species San Joaquin kit fox (*Vulpes macrotis mutica*). Dogs off leash are generally not compatible with kit foxes, so it is reasonable to limit dogs to those on leash or those that are actively engaged in upland game hunting during the upland game seasons. Big Sandy Wildlife Area is also open for hunting every day of the year for other species, and dog training will interfere with

hunters' ability to hunt for species such as deer, rabbit, and pig. Dog training will also interfere with those who utilize Big Sandy Wildlife Area for passive wildlife-dependent activities, namely bird watching in the Salinas River riparian corridor. The Department recommends that the Commission reject this alternative based on the impact dog training would have on listed species on this property.

No other alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

Without the proposed changes, proposed property specific regulations that improve public safety, increase recreational opportunities, and provide resource protection will not be implemented. Improvements to existing regulations that clarify current regulations will not be incorporated. The designation of one ecological reserve and one wildlife area would not take place. These two properties will offer occasional public use opportunities, such as special hunts, wildlife viewing and educational activities.

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.

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 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.

VII. Economic Impact Assessment

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

The Commission does not anticipate any impacts on the creation or elimination of jobs within the state because this proposed action is to improve the clarity and consistency of the regulations that govern public use of Department lands that will not affect the demand for jobs.

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

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 within the state because this action will not affect the demand for goods and services related to outdoor recreation within the state.

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

The Commission does not anticipate any impacts on the expansion of businesses in California because this action will not affect the demand for goods and services related to outdoor recreation within the state.

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

The Commission anticipates generalized benefits to the health and welfare of California residents who participate in outdoor activities on Department lands.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety in California because this action will not affect working conditions.

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

The Commission anticipates benefits to the state's environment through refinements in the management of 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, Title 14, CCR, provide the regulatory framework for the public use of lands owned, managed and/or administered by the California Department of Fish and Wildlife (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.