

State of California  
Fish and Game Commission  
Supplement to Final 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. Dates of Statements of Reasons

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|--|-------------------------|
| (a) Initial Statement of Reasons             | Date: November 20, 2023 |
| (b) Pre-adoption Statement of Reasons        | Date: January 26, 2024  |
| (c) Final Statement of Reasons               | Date: February 29, 2024 |
| (d) Supplement to Final Statement of Reasons | Date: June 6, 2024      |

II. Updates to Proposed Regulatory Text

**Section 540, Title 14, California Code of Regulations (CCR)**

The instruction for the proposed regulatory language in Section 540 is revised to clarify that this section is in Subdivision 2, Chapter 8. The proposed regulatory language is revised to replace the reference to Section 6990, Title 3, CCR, with the definition of neonicotinoid pesticides currently listed in that section, and to add “Title 14, California Code of Regulations” following the reference to subsection 551(b)(1). These are non-substantive changes.

**Section 551, Title 14, CCR**

Subsection 551(m)(7) is revised to match existing regulatory text by inserting “the” before “tule elk”.

Subsection 551(s)(15) is revised by replacing the proposed addition of “raccoons and rabbits” with “raccoon and rabbit” for consistency regarding the use of singular species names.

Subsection 551(t)(13) is revised to match existing regulatory text by replacing strikeout text “coots, and moorhen’s” with “coots”, removing the proposed addition of “moorhen” and reinserting existing text “snipe”. The Commission did not intend to change the allowed hunted species for this wildlife area.

Subsection 551(t)(15) is revised to match existing regulatory text by replacing the strikeout text “moorhen’s” with “moorhens”.

Subsection 551(t)(20) is revised to match existing regulatory text by replacing strikeout text “coots, moorhens and rabbits” with “coots, and moorhens” and by replacing the proposed addition of “coot, moorhen, and rabbit” with “coot, and moorhen”. The Commission did not intend to change the allowed hunted species for this wildlife area.

Proposed subsection 551(z) regarding permits for public use is withdrawn. The proposed subsection does not meet the Administrative Procedure Act’s clarity standard and the subsection is separable from the rest of the provisions of the regulations.

## **Section 630, Title 14, CCR**

Subsection 630(d)(14) is revised to change “coyotes and ground squirrels” to “coyote and ground squirrel” for consistency regarding the use of singular species names.

Subsection 630(d)(35) is revised to change “rabbits” to “rabbit” for consistency regarding the use of singular species names.

### **III. Updates to Necessity**

#### **Designated areas**

The term designation is used throughout these regulations in both formal and general ways. The Fish and Game Commission may designate a property as a Wildlife Area or Ecological Reserve, which is the formal use of the term. The term is also used in an informal sense to refer to specific areas within a property where an activity that is allowed in Title 14 can occur (e.g., hiking, fishing, bicycle riding on *designated trails*). In that situation, the term refers to the places where the land manager has determined the activities can occur without detrimental impacts to the species or habitat on the property. Those locations cannot be specified in Title 14 because they are typically unnamed and may not be static. Designated areas for some activities might shift over time due to factors such as weather, seasonality, or presence of sensitive species on the property. Areas designated for usage such as hiking or fishing are marked with signage to help the public know where the desired activities can occur.

Subsection 551(l)(20), Title 14, CCR.

The five mile per hour boating speed limit for Mendota Wildlife Area is consistent with the general boating speed limit of “five miles per hour unless otherwise posted” in subsection 550(z)(1)(F). Five miles per hour is generally considered the slowest possible vessel speed to maintain steerage without creating a visible wake so as not to disturb wildlife habitat or cause unnecessary erosion to the shoreline.