

## Staff Summary for December 11-12, 2024

**18. Regulation Change Petitions (Wildlife)****Today's Item**Information Action 

This is a standing agenda item for the Commission to receive new regulation change petitions and act on regulation change petitions received from the public at previous meetings. For this meeting:

- (A) Receive new petitions for regulation change
- (B) Act on previously received regulation change petitions
- (C) Comments received on referred petitions not yet scheduled for action

**Summary of Previous/Future Actions****(A) *Petitions for Regulation Change – Scheduled for Action***

- Received Petition 2021-026 December 6, 2021
- Referred Petition 2021-026 to Department for review and recommendation February 16-17, 2022
- **Today potentially act on petitions December 11-12, 2024**

**(B) *New Petitions for Regulation Change – Receipt***

- **Today receive new petitions December 11-12, 2024**
- Potentially act on new petitions February 12-13, 2025

**(C) *Comments Received on Referred Petitions*****(N/A)****Background****(A) *Act on Previously-Received Regulation Change Petitions***

Petitions received at the previous meeting are scheduled for Commission consideration at the next regularly scheduled business meeting. A petition may be (1) denied, (2) granted, or (3) referred to a Commission committee, staff, legal counsel, or the Department for further evaluation or information-gathering. Referred petitions are scheduled for action once a recommendation is received. Today, three petitions are scheduled for action:

- I. *Petition 2021-026*: Request to remove regulations for areas claimed to be outside the Ballona Wetlands Ecological Reserve and update reserve boundaries (Exhibit A2)
- II. *Petition 2024-11*: Request to amend sport fishing regulations to provide additional protections for coastal rainbow trout in Middle Piru Creek (Exhibit A3)
- III. *Petition 2024-13*: Request to refund license and tag fees due to licensee's death, injury or illness, military deployment, or other extenuating circumstances (Exhibit A4)

Staff recommendations and rationale for each, developed with input from Department staff, are provided in Exhibit A1. A staff memorandum providing a recommendation for Petition 2021-026 is included as Exhibit A5.

## Staff Summary for December 11-12, 2024

**(B) Receive New Petitions for Regulation Change**

Pursuant to Section 662, any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1. Regulation change petition forms submitted by the public are “received” at this Commission meeting if they are delivered by the public comment or supplemental comment deadlines or delivered in person to the Commission meeting.

Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or act on any matter not included on the agenda, other than to determine whether to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change generally follow a two-meeting cycle of receipt and decision. The Commission will act on petitions received at today’s meeting at the next regularly scheduled Commission meeting (currently February 12-13, 2025), following staff evaluation, unless the petition is rejected under the 10-day staff review as prescribed in subsection 662(b).

Today, there are no new petitions for regulation change.

**(C) Comments Received on Referred Petitions**

This agenda sub-item is for receiving public comments for any petition previously referred for review and recommendation, but is not yet ready for Commission action. Action on any referred petition will be scheduled once the Commission receives a recommendation.

**Significant Public Comments (N/A)****Recommendation**

**Commission staff:** Deny Petition 2021-026 for the reasons stated in Exhibit A5, and refer petitions 2024-11 and 2024-13 to the Department for review and recommendation.

**Department:** Refer petitions 2024-11 and 2024-13 to the Department for review and recommendation.

**Exhibits**

- A1. [Summary of petitions for regulation change scheduled for action, and recommendations](#)
- A2. [Petition 2021-026, received December 6, 2021](#)
- A3. [Petition 2024-11, received August 8, 2024](#)
- A4. [Petition 2024-13, received October 1, 2024](#)
- A5. [Staff memorandum regarding Petition 2021-026, dated December 2, 2024](#)

**Motion**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission adopts the staff recommendations in Exhibit B1.

**California Fish and Game Commission**  
**Petitions for Regulation Change — Action (updated November 27, 2024)**

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee , MR - Marine Region

MPA - marine protected area SMR - state marine reserve SMCA - state marine conservation area

Grant: CFGC is willing to consider the petitioned action through a process Deny: Not willing to consider the petitioned action Refer: Need more information before the final decision

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	CFGC Receipt	CFGC Initial Action Date	Initial Staff Recommendation	Referral Date	Referred to	Scheduled for Final Action	Final Staff Recommendation
2021-026	12/6/2021	Patricia McPherson, Grassroots Coalition	Ecological reserves: Ballona Wetlands Ecological Reserve boundaries	Request to separate Ballona Channel regulations from Ballona Wetlands Ecological Reserve regulations	12/15-16/2021	2/16-17/2022	REFER to CDFW for review and recommendation.	2/16-17/2022	DFW	12/11-12/2024	DENY, based on rationale included in the staff memorandum (Exhibit 18B.5 for December 11-12, 2024 meeting).
2024-11	8/8/2024	Andy Reynolds, Southern California Angling Community	Inland sport fishing: Coastal rainbow trout in Piru Creek	Expand trout protections to encompass all of Middle Piru Creek, update and add new signage, and implement low flow restrictions and closures during the hottest times of day during certain times of year.	10/9-10/2024	12/11-12/2024	REFER to CDFW for evaluation and recommendation.				
2024-13	10/1/2024	Chris Lewis	Hunting license and tag fees: Refunds	Refund license and tag fees following circumstances such as licensee's death, injury or illness, military deployment, or other extenuating circumstances.	10/9-10/2024	12/11-12/2024	REFER to CDFW for evaluation and recommendation.				



Tracking Number: (2021-026)

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

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

**SECTION I: Required Information.**

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

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

Name of primary contact person: Patricia McPherson [Click here to enter text.](#)

Address: [here to enter text.](#)

Telephone number: [here to enter text.](#)

Email address: [Click here to enter text.](#)

**2. Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: **CCR Title 14, Section 630 ; CCR Div. 3, Article 3.7 Safe Harbor Agreement ; CCR Chap.1.5,Art. 1, 2052; Div.12,Chap.5 15400-15415; CCR General Provisions 2050-2068; 1666 Destruction of Gov. Property 18 USC 1361** [Click here to enter text.](#)

**3. Overview (Required)** - Summarize the proposed changes to regulations: 1) Remove regulations assigned to the Title 14, Section 630 Ecological Reserve, Ballona Wetlands Ecological Reserve that do not apply to the Ballona Wetlands Ecological Reserve boundaries. 2) CDFW as Board Member of private Playa Vista business known as Ballona Wetlands Conservancy, provide Safe Harbor agreements; 3) Div. 12, Chap. 5 leasing of/ Streambed Agreement per Playa Vista Freshwater Marsh System additional regulation language to add:  
a) The management of the FWM System(CDFW Streambed Agreement) shall not create significant adverse cumulative impacts upon BWER and to abide by BWER Section 630 Purpose and Goals for best management practices of no wasting of freshwater resources. b) To reduce adverse effects on BWER ecological systems, the use of freshwater resources shall be for the health and well-being of BWER where feasible.; [Click here to enter text.](#)

b) **Rationale (Required)** - Describe the problem and the reason for the proposed change: The Ballona Wetlands Ecological Reserve has specific boundaries that are distinct geographic areas. Certain FGC/ CDFW Section 630 Ballona Wetlands Ecological Reserve regulations have been assigned to areas that are outside the boundaries of the Ballona Wetlands



Ecological Reserve (BWER) and are outside the authority of FGC & CDFW. Title 14, Section 630 ER, regulations that are outside the boundaries of the BWER need to be removed as regulations assigned to the Ecological Reserve itself. Confusion arises for the public, agencies and Los Angeles city and county department personnel, when FGC and CDFW extend their Section 630 ER regulatory language for areas that are not a part of the Ecological Reserve and are outside CDFW jurisdictional authority. The federal and LA County Ballona Channel and its levee areas that are outside the Ecological Reserve boundaries are under the jurisdiction of city/county/state and federal jurisdictions. The Ca. Dept of Fish & Wildlife does have certain Fish & Wildlife Codes as fishing regulations or boating regulations on certain bodies of water and/or regulations for activities in areas that are within boundaries of an Ecological Reserve and/or a Marine Preserve. However, in areas that are not within Ecological Reserve boundaries, such as Ballona Wetland Ecological Reserve boundaries, the Title 14, Section 630 site specific regulations should not include regulations for areas not within the boundaries of the Ecological Reserve as a Ballona specific Section 630 Ecological Reserve regulation. The separate, distinguishable CDFW code regulations provide for clarity and for authority of enforcement potentials in areas that are within the authority of CDFW but are outside the Ecological Reserve. And, general Ecological Reserve regulations provide additional oversight regulations that include provisions for further Fish & Game Commission approval needs if potentially required.

Specifically: 1. The Ballona Channel is not a part of the BWER. The Ballona Channel is outside boundaries of the BWER. Therefore, any, all CDFW regulations that may appropriately apply to fishing etc interests, in any particular water body is governed under CDFW Code regulations and should not be a part of the Ballona Wetlands Ecological Reserve's set of Section 630 regulations. Should future fishing or boating etc. be allowed within the Ballona Wetlands Ecological Reserve, the general ER regulations provide notice of need for further approvals by the Fish and Game Commission. Whether CDFW has regulatory authority of what types of boats, or floatation devices may be used or not used on the Ballona Channel, is not at issue. However, any and all current BWER CCR Title 14 Section 630 language that applies to boat use or non- use in the Ballona Channel should be removed, as the Ballona Channel is outside the boundaries of the Ecological Reserve. (It is however, believed that the County of Los Angeles and the US Army Corps of Engineers (not CDFW or FGC) have jurisdiction over boats or floatation devices that can be utilized or not utilized in the Ballona Channel.). 2. Similarly, the US Army Corps of Engineers and the County of LA have jurisdiction over the levees of Ballona Channel which include the roadways/bike paths that are outside the boundary fencing of the Ballona Wetlands Ecological Reserve itself. The CCR Title 14, Section 630 regulations and any/all CDFW regulations pertaining to the use of bicycles and/or vehicular traffic on these levee roadways outside the Ecological Reserve itself, need to be removed as such regulations are outside the authority of FGC and/or CDFW. 3. Additionally, the Playa Vista flood control catch basin, aka the freshwater marsh area is public trust land/water that was removed from the Ecological Reserve and therefore the boundary identification of BWER needs to be updated to reflect the actual boundaries of BWER, inclusive of the removal of the catch basin in the Title 14, Section 630 ER boundary language. 4. CDFW maintains a Streambed Alteration Agreement with Playa Vista which provides CDFW regulations for the entirety of the flood control, catch-basin system, which is outside the boundaries of the BWER but for the CDFW Unpermitted Drains and their connections to the Main Drain and the Main Drain to Ballona Channel. 4.a. Grassroots Coalition requests the insertion into CDFW Streambed Alteration regulation language that stipulates CDFW is a board member of the Playa Vista Ballona Conservancy as cited by CDFW's Rich Burg in communications with the Ballona Wetlands Landtrust. b. Grassroots Coalition requests specific



identification of CDFW's role as a board member of the Ballona Wetlands Conservancy, including its specific requirements or lack thereof of surface and groundwater disposal into the LA City Sanitary Sewer System or the ocean via National Pollutant Discharge System (NPDES) permits for the catch basin/ freshwater marsh system inclusive of the riparian corridor; the Main Drain to Ballona Channel & the unpermitted drains to the Ballona Channel (both of which are within the Ecological Reserve). c. Grassroots Coalition requests specific regulation language additions per its Purpose and Goals stipulations of protection to Ballona's freshwater resources for Ballona within the Ballona specific CCR Section 630, Title 14. The additional language would stipulate that the freshwater marsh's Main Drain ( located within the ER) shall not convey and/or waste freshwater to the Channel that can be safely utilized by Ballona Wetlands Ecological Reserve, without threat of the freshwater overtopping and/or flooding roadways. Similarly, additional regulation language requested is as follows:

That ponding rainwater within the Ecological Reserve, including ponding that moves via numerous drain ditches, shall remain in the ER to provide for both surface ponding and to recharge the underlying aquifers, providing that the drainways can still be allowed to exit the water to the ocean if threat of overtopping or flooding roadways may occur. The CDFW Streambed Alteration Agreement between CDFW and Playa Vista, alongside CDFW's Ballona Wetlands Conservancy's Board membership provides an ability for CDFW to abide by the Fish and Game Commission's stipulations of protection to Ballona's freshwater resources as intended in Ballona's Section 630 Purpose and Goals. Grassroots Coalition believes the board membership of CDFW as part of a private Ballona Wetlands Conservancy to be a conflict of interest, hence the request for Safe Harbor Agreement for transparency purposes and to ensure a mission of protection to BWER.

CDFW also has authority as a board member of the Ballona Wetlands Conservancy with Playa Vista/Brookfield/ Playa Capital LLC-- of CDFW's oversight jurisdiction and /or regulatory governance over the University City Syndicate oilwell (continuous thermogenic outgassing occurs over this well, Playa Vista reabandoned in 2001. ( University City Syndicate is located within the catch-basin outside the ER.) The oilfield gas contaminants and fire/explosion hazards are contrary to CDFW's mission of protection to BWER and its Streambed Agreement per the FWM System.

Grassroots Coalition is unaware of any agreements with either the Army Corps of Engineers and/or the County of Los Angeles that would allow for CDFW to create regulations governing property use under the jurisdiction and dominion of the USACE or the County of LA. If such exists, please provide for clarity.

Information Digest/Policy Statement Overview of CDFW cites its 132 ecological reserves designated in Section 630, Title 14 CCR, for the purpose of protecting sensitive habitats and species. Barclay's official CCR lists Section 630, Ballona specific additional use regulations as **“(10) Ballona Wetlands Ecological Reserve, Los Angeles County.**

Grassroots Coalition believes the following language should be removed and changed to appropriate Ecological Reserve specific language:

**“(B) Bicycle use is allowed only on the designated bike path on the north side of the Ballona Creek flood control channel.”**

For example the Ecological Reserve language should instead read as follows: Bicycle use is not allowed within the Ecological Reserve.

**“(D) Boating shall be allowed only within the Ballona Creek flood control channel.”**

The Ecological Reserve language should eliminate this language altogether as the Channel's boating use or non-use is within the jurisdiction of the County of LA and federal authorities.



Example of CDFW and Section 630 language that does not address boating-- Boating is used within the freshwater marsh area by employees of Playa Vista and no language of either CDFW or the Section 630 language addresses this area's lease agreements or usage for boating/non boating or fishing/non fishing. The freshwater marsh is also outside the boundaries of the Ecological Reserve.

**“(C) Fishing from shore is allowed only in designated areas along Ballona Creek flood control channel. Fishing from boats is allowed only within the Ballona Creek flood control channel. Only barbless hooks may be used.”**

Why is this language contained within the Section 630 ER language? The language pertains to areas outside the BWER boundaries and we request its removal. If CDFW has jurisdiction over whether hooks may or may not be used in the Channel area, is this not a CDFW Code Regulation that is better placed within the CDFW Code of Regulations? The Ballona Channel is within federal and LA County jurisdiction for its usage that does not pertain to wildlife.

In fact, per a **“Meeting 12-20-04, Agenda Item #6, Department of Fish and Game Ecological Reserves**

**NOTE: The following language is taken directly from section 360 (CDFW typo error) of Title 14 of the California Code of Regulations regarding the general rules and regulations associated with ecological reserves. “**

**The language for Section 630 Ecological Reserves covers ie.**

**“(2) Fishing. Fishing shall be allowed in accordance with the general fishing regulations of the commission except that the method of taking fish shall be limited to angling from shore. No person shall take fish for commercial purposes in any ecological reserve except by permit from the commission.”**

Therefore, as can be noted above, the ER language pertains to ERs . This language has been determined as sufficient for the Ecological Reserves' general rules and regulations. The Ballona Wetlands Ecological Reserve has no visitation access except for educational touring from certain organizations, therefore no fishing or non fishing language applies to this particular Reserve within its boundaries. And, should fishing ever be allowed in the canal areas of the Reserve, then that would be within the boundaries of the Reserve and need to be approved by the commission.

Another example is:

**“(B). Boating. No person shall launch or operate a boat or other floating device within an ecological reserve except by permit from the commission.”**

Ballona Wetlands Ecological Reserve has no visitation access except for educational touring via certain organizations with permits for such. Ballona's seasonal ponding and its canal areas would also be covered by this general rule that is mindful of the boundaries of the ER.

Ballona's unique and specific Section 630 language should not contain any further language than is already provided by the general rules for ecological reserves. And, should boating ever be allowed, then it would need to be approved by the commission for within the boundaries of the ER itself.



## SECTION II: Optional Information

c) **Date of Petition: December 6, 2021**

d) **Category of Proposed Change**

Sport Fishing

Commercial Fishing

Hunting

Other, please specify: CCR Title 14, Ecological Reserve Section 630 Boundary identification changes & attendant regulation removal for areas not under the authority of FGC or CDFW. Addition of Ballona specific Section 630 freshwater, usage protective regulation as cited above for the Main Drain to the Ballona Channel and for numerous drainage channels that currently allow for syphoning off freshwater to the ocean from the BWER.; CDFW Ballona Wetlands Conservancy board membership regulation additions, if under the authority of FGC as necessary approvals for use of BWER. [Click here to enter text.](#)

e) **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

Amend Title 14 Section(s) add Ballona specific 630 regulations; removal of regulations for areas outside the BWER and not under the jurisdiction of FGC or CDFW; update of actual BWER boundaries 2021 [lick here to enter text.](#)

Add New Title 14 Section(s): Fish & Wildlife regulations in tandem with CDFW's Ballona Wetlands Streambed Alteration Agreement to specify the volumes of freshwater sent into the Freshwater Marsh System to be utilized for the benefit of Ballona's ecosystems and BWER, and to recharge the underlying aquifers. Add regulations per CDFW's board membership in the Ballona Wetlands Conservancy (a Playa Vista business) that provide stipulations for clarity of CDFW's authority and a stipulation to provide updates to the public for full disclosure of CDFW's communications with and authority as a board member of the Ballona Wetlands Conservancy. [ck here to enter text.](#)

Repeal Title 14 Section(s): [Click here to enter text.](#)

f) **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [This is a Petition for specific changes to regulations Title 14, Section 630 BWER& CCR. A previously submitted Petition pertaining to BWER was not approved for clarification of Purpose and Goals \(not regulation change\) language of the Section 630 ER language. \[Click here to enter text.\]\(#\)](#)

Or  Not applicable.

g) **Effective date:** If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency: ASAP per boundary identification and regulations removal that is not under the authority of FGC or CDFW in order to remove confusion to the public/agencies . And, the rainy season is here. Current CDFW management of BWER allows for harm to BWER due to their participation and allowance of Ballona's freshwater resources to be diverted away from BWER and wasted in the ocean and sanitary sewer system. [lick here to enter text.](#)





h) **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Ballona Wetlands Ecological Reserve Section 630, Title 14 CCR specific language; General Ecological Reserve language; CA. Fish & Game Code language. Ca. Coastal Commission 2014 Letter re: harm to Ballona’s hydrology via CDFW non permitted drains. CDFW B. Courtney letter to Playa Vista acknowledging harm to hydrology due to freshwater diversion away from Ballona Wetlands. GC v CDFW lawsuit re: the unpermitted Drains.

i)

j) **As cited in the California Coastal Commission (CCC) Letter (4/11/14) to Playa Vista and CDFW ... draining Ballona is harmful to the ecosystem:**

• • **2017 California Department of Fish & Wildlife, (CDFW) Betty Courtney Cites Harm to Ballona Due to Reduced Water Flow From Playa Vista**

k) Click here to enter text.]

l) **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: [Click here to enter text.]

m) **Forms:** If applicable, list any forms to be created, amended or repealed:

[Click here to enter text. ]

**SECTION 3: FGC Staff Only**

Date received: [12/6/2021 ]

FGC staff action:

- Accept - complete
  - Reject - incomplete
  - Reject - outside scope of FGC authority
- Tracking Number

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

Meeting date for FGC consideration: [Receive 12/15-16/21; action 2/16-17/21\_\_\_\_\_ ]

FGC action:

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



Tracking Number: ([2024-11](#))

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

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

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

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

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

Name of primary contact person: Andrew Reynolds

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

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

a. Authority cited: Sections 200, 205, 265, 270, 315 and 399, Fish and Game Code.

b. Reference: Sections 200, 205, 265 and 270, Fish and Game Code.

**3. Overview (Required) - Summarize the proposed changes to regulations: This petition advocates for the protection of the wild and native coastal rainbow trout (*Oncorhynchus mykiss irideus*) population in "Middle" Piru Creek through three key measures:**

a. Expanding the coverage of Special Regulations (7.50) to encompass all of Middle Piru creek and its tributaries (starting from 300 yards below Pyramid Lake dam to Piru Lake)

b. Updating old / adding new signage at Frenchmen's Flat Day Use Area on "Middle" Piru Creek to ensure clarity and compliance with regulations.

c. Implementing low flow / hoot owl restrictions (closing the creek to fishing during warmest hours of the day during certain times of year) to mitigate adverse impacts on the trout population.



4. **Rationale (Required)** - Describe the problem and the reason for the proposed change: The cessation of stocking programs in “Middle” Piru Creek approximately 15 years ago has rendered current regulations and signage inadequate for protecting the wild and native coastal rainbow trout (*Oncorhynchus mykiss irideus*) population from poaching, unsustainable fishing practices, and the impacts of climate change. Recent years have seen a notable increase in poaching incidents, evident from heightened reports to CAL-Tip and citations issued by CDFW wardens. Both the wild trout section (under Special Regulations 7.50) and sections under general statewide trout regulations witness illegal fishing activity, including during months when zero limit trout regulations are in effect. Furthermore, sporadic and erroneous placement of signage along Middle Piru Creek, particularly at the Frenchmen’s Flat Day Use Area parking lot, fails to effectively communicate regulations or enforce compliance. The escalating threat of climate change exacerbates existing challenges. Historical droughts, elevated water temperatures, and inevitable low flows (minimum 3 CFS) from the Pyramid Lake dam underscore the urgency of implementing seasonal closures and hoot owl measures. These measures are critical to mitigating higher fish mortality rates and preserving vital spawning habitat. Simple yet strategic deployment of new signage, coupled with enhanced enforcement efforts, could serve as effective deterrents against poaching and promote awareness of responsible angling practices.
5. **SECTION II: Optional Information**
6. **Date of Petition:** 8/8/2024 [Click here to enter text.](#)
7. **Category of Proposed Change**  
 Sport Fishing  
 Commercial Fishing  
 Hunting  
 Other, please specify: [Click here to enter text.](#)
8. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>*)  
 Amend Title 14 Section(s): Division 1, Subdivision 3, General Regs [Click here to enter text.](#)  
 Add New Title 14 Section(s): [Click here to enter text.](#)  
 Repeal Title 14 Section(s): [Click here to enter text.](#)
9. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)  
Or  Not applicable.
10. **Effective date:** If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: Immediate implementation requested. Though the necessity of proposed changes is not deemed an emergency, expedited action is preferred. By securing this watershed during



periods of high water flow, we establish vital protections for the wild and native trout population, safeguarding against potential threats during inevitable drought cycles and during months of extreme heat. Any mitigation of poaching sooner rather than later is beneficial to all parties involved. If regulation changes cannot be made in 2024, we request they take effect in January of 2025.

- 11. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Included with this document, please find “FGC1\_Piru\_Creek\_Petition\_Letter\_240808”. [Click here to enter text.](#)
- 12. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Aside from the initial signage installation costs, the adverse impact on CDFW revenues is projected to be minimal. Transforming the entirety of Middle Piru Creek into a year-round catch-and-release fishery enhances sustainability, thereby attracting more anglers and bolstering revenue through increased fishing license purchases. Additionally, with a sustainable, consistent local fishery, the CDFW attracts a potential increase in guide licenses purchased.
- 13. **Forms:** If applicable, list any forms to be created, amended or repealed:  
[Click here to enter text.](#)

**SECTION 3: FGC Staff Only**

Date received: [Click here to enter text.](#)

FGC staff action:

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

Tracking Number

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

Meeting date for FGC consideration: \_\_\_\_\_

FGC action:

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

**From:** Andy Reynolds <[REDACTED]>

**Sent:** Thursday, August 8, 2024 11:54 AM

**To:** FGC <[FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov)>

**Subject:** Southern California - Piru Creek Petition - Re-Submitted

To Whom It May Concern,

Please find attached the re-submitted petition for regulation changes at "Frenchman's Flat" Day use area at Middle Piru Creek in Southern California.

Updated to include a valid authority citation.

I request to waive the 10-day response requirement.

Thank you so much for your time and consideration in this matter.

I look forward to hearing from you soon.

--

**Andy Reynolds**

[REDACTED]

Subject: Petition for Changes to Freshwater Sport Fishing Regulations to Protect Coastal Rainbow Trout (*Oncorhynchus mykiss irideus*) in Middle Piru creek, Southern California

Dear California Fish And Game Commission,

As a group of passionate anglers and advocates for environmental conservation, we write to you today to urgently request changes to the fishing regulations governing “Middle” Piru creek at Frenchmen’s Flat day use area in Southern California. Specifically, the implementation of stricter regulations and new signage to safeguard the wild and native coastal rainbow trout (*Oncorhynchus mykiss irideus*) population inhabiting this precious waterway.

The cessation of stocking programs in “Middle” Piru Creek approximately 15 years ago has rendered current regulations and signage inadequate for protecting the wild and native coastal rainbow trout (*Oncorhynchus mykiss irideus*) population from poaching, unsustainable fishing practices, and the impacts of climate change.

As practicing catch and release anglers, we are deeply concerned about the already present and escalating threat of poaching at Frenchmen’s Flat Day Use Area. Recent years have seen a notable increase in poaching incidents, evident from heightened reports to CALTIP and citations issued by CDFW wardens. Both the wild trout section (under Special Regulations 7.50) and sections under general statewide trout regulations witness illegal fishing activity, including during months when zero limit trout regulations are in effect. These accounts of wrongdoing have been witnessed not only by the anglers writing this letter, but as well as volunteers within the Fisheries Resource Volunteer Corps during patrol and clean up outings.

Furthermore, sporadic and erroneous placement of signage along Middle Piru Creek, particularly at the Frenchmen’s Flat Day Use Area parking lot, fails to effectively communicate regulations or enforce compliance. The escalating threat of climate change exacerbates existing challenges. Historical droughts, elevated water temperatures, and inevitable low flows (minimum 3 cubic feet per second) from the Pyramid Lake dam underscore the urgency of implementing seasonal closures and hoot owl measures. These measures are critical to mitigating higher fish mortality rates and preserving vital spawning habitat.

Simple yet strategic deployment of new signage, coupled with enhanced enforcement efforts, could serve as effective deterrents against poaching and promote awareness of responsible angling practices. It is imperative that we take decisive action to curb these unlawful practices and ensure the long-term viability of this cherished species.

Moreover, recent actions by a Los Angeles County Superior Court judge to reject a challenge from a water agency seeking to strip protections from the Southern California steelhead underscores the importance of protecting this species and population of trout in Piru Creek. Biology reports have proven that the wild and native fish inhabiting Middle Piru creek are in fact genetically identical to the Southern California Steelhead.

We implore the California Fish And Game Commission and the California Department of Fish and Wildlife to recognize the critical importance of prioritizing the conservation of the thriving trout population in Middle Piru creek by considering the following proposed changes to the fishing regulations for “Middle” Piru creek:

- Implement year-round zero limit, catch-and-release-only, with single barbless hook regulations for the entire Middle Piru section and its tributaries (from 300 yards below Pyramid Lake Dam to Piru Lake, approx 16 miles) in order minimize mortality rates and protect breeding populations.
- Replace current signage and install new signage to better communicate fishing regulations and restrictions (specifically in the parking area at Frenchmen’s Flat). The new signage would also include information on how to report poaching or unlawful activity to CALTIP.
- Enforce seasonal closures and hoot owl measures at minimum flows and higher water temperatures to prevent higher fish mortality rates and safeguard critical spawning habitat.

By adopting these measures, we can mitigate the immediate threats facing the coastal rainbow trout population in Middle Piru creek and contribute to the overall conservation of our precious natural resources.

We trust that you will give due consideration to this petition and take decisive action to protect this thriving trout population. Together, we can ensure a sustainable future for both wildlife and the angling community in Southern California.






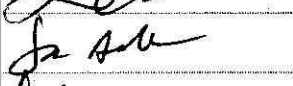


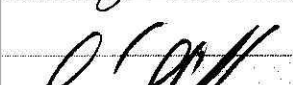


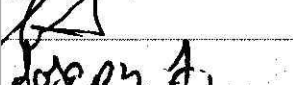




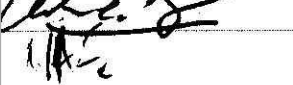





Thank you for your attention to this pressing matter.

Sincerely,

The Southern California Angling Community

NAME	ADDRESS	PHONE	SIGNATURE
HAIK TOPADZHIDIAN			HaiK Topadzhidian
ANDY REYNOLDS			AR
DAVID KORTY			David Korty
Chris Ost;			Chris Ost
L. Scott Clark			L. Scott Clark
Eric Arentsen			Eric Arentsen
JOHN DICKEY			John Dickey
Dave Baumgartner			Dave Baumgartner
Dale Leshaw			Dale Leshaw
Ray Harlow			Ray Harlow
RACHEL FERREIRA			Rachel Ferreira
Michael Perinos			Michael Perinos
Ben Chasanoff			Ben Chasanoff
JOHN KIM			John Kim
Paul Pigman			Paul Pigman
ANDREW CONE			Andrew Cone
LAURA AYALA-HUNT			Laura Ayala-Hunt
Tony G. Kysan			Tony G. Kysan
Zen Dochtrman, Ph.D			Zen Dochtrman
Steve Fernein			Steve Fernein
STEVEN HUNTLY			Steven Huntly
Randy Mullins			Randy Mullins
Jane Baumgartner			Jane Baumgartner
MICHAEL HEMBREE			Michael Hembree
ANTON YUPANGCO			Anton Yupangco
JOE DEKIN			Joe DeKin
Daniel Bray			Daniel Bray
Brooks Bonstini			Brooks Bonstini



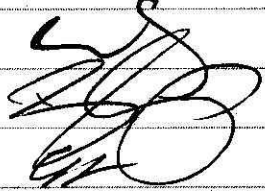
Sam Reese	Samuel A Reese
Steve Ellis	
LARRY KASTER	
Joseph Knawles	
Daniel Esquivias	
ALEX WRIGHT	
CHRIS HELLAND	
JULIEN COHEN	
Jose Aviles	
Andy Becker	
Chris Nichols	
Rodolfo Grechiga	
Gregg Martin	
David Shaffer	
Sara Shaffer	
ARTIN MARCOO	
Abraham Hidalgo	
Joseph Torres	
Henry Truong	
Arlene Tieu	
ROBERT BROWN	
H. Carl Crawford	
Camara Perry	
Andrea Lavie	
MICHAEL FORREST	
Justin Townsend	
Devon Tsuno	
GROSBEE ORTEGA	

Andrew Reynolds		AR2
Christina		Chen
Chandler Andrew		
Delle Cook		
Michael Hathanae		
Sean ...		
James Pexter		
Chris Austin		
ROGER Knudson		Roger Knudson
Tom Page		
Kean ...		
Naomi Kim		
Audrey Kim		

Jeff Jacobs



Chris Torg  
BEN CHUMP



Ethan Drury

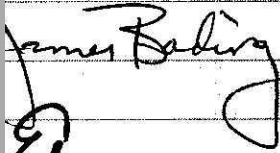
Lauren Drury



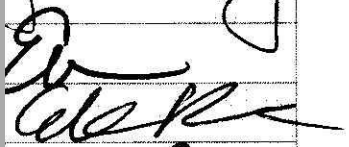
Don Shaul



James Bading



Eza Burke  
Ethan Roseberg

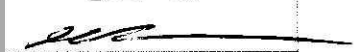



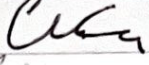











STEVE  
DOUGLAS

Trevor Tanne

MARSHALL BRESLIN

Glenn Hiroyas



NAME	ADDRESS	PHONE	SIGNATURE
Andrew Reynolds			
Christina			
Chandler Auben			
Belle Cook			
Michael Hathaway			
Scott Robinson			
James Pexte			
Chris Austan			
ROGER KNUDSEN			
Tom Page			
KENN GANSEN			
Naomi Kim			
Audrey Kim			





Tracking Number: ( 2024-13 )

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

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

**SECTION I: Required Information.**

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

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

Name of primary contact person: Chris Lewis

Address:

Telephone number:

Email address:

**2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Division 1, Chapter 2 §200 (Commission’s Power to Regulate Taking Fish and Game) and §203 (Bird and Mammal Regulations) and §1050 (Preparation, Issuance, Displaying and Establishment of Fees)**

**3. Overview (Required) - Summarize the proposed changes to regulations: Propose regulation change for big game preference point reinstatement, license, and/or tag fee refunds in the event of death of licensee; illness or injury of licensee which totally disabled the licensee for the entire length of any applicable hunting season; military deployment of licensee due to an armed conflict; or extenuating circumstances. Refund must be substantiated by death certificate, published obituary, written justification by a licensed medical doctor, copy of military orders, or other similar substantiating documents.**

**4. Rationale (Required) - Describe the problem and the reason for the proposed change: Currently, the California Department of Fish and Wildlife (Department) is prohibited from refunding license and tag fees based on circumstance of a licensee’s death, injury or illness, military deployment, or extenuating circumstances. By making changes to current regulations licensee’s or their survivor would enjoy the refund of fees for hunting opportunities not enjoyed by the licensee. The proposed regulation changes would benefit the Department with good will, and reflect fairness by the Department. The states of Nevada, Washington, Idaho, Utah, and Colorado, have in place refund ability and procedures. For this petition it is contemplated wherein circumstances where the Department issues a tag good for archery and general buck**



season, the tag and license can be returned and reviewed for determination of refund with attestation by the licensee that no hunting occurred with the privilege of the license and/or tag and substantiated with documentation from a licensed medical doctor. Attached are the states of Nevada and Idaho return of tag forms for consideration by the Commission. Based on the use of electronic recordation stems, a nominal return processing may be considered. |

## SECTION II: Optional Information

5. **Date of Petition:** | **October 1, 2024.** |

6. **Category of Proposed Change**

Sport Fishing

Commercial Fishing

Hunting

Other, please specify: | [Click here to enter text.](#) |

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

Amend Title 14 Section(s): | §708.2. and §708.14. |

Add New Title 14 Section(s): | [Click here to enter text.](#) |

Repeal Title 14 Section(s): | [Click here to enter text.](#) |

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** | [Click here to enter text.](#) |

Or  Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency: | Proposed changes to take effect prior to 2025/2026 hunting seasons. |

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports, and other documents: | State of Nevada and Idaho return forms. |

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: | Unknown, but references may be made as a “pony” by reviewing the Commission’s March 4, 2022, decision to refund tag fees and preference points due to land closure due to fire. |

12. **Forms:** If applicable, list any forms to be created, amended or repealed:

| [Click here to enter text.](#) |

## SECTION 3: FGC Staff Only

Date received: | [Click here to enter text.](#) |



FGC staff action:

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

Tracking Number

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

Meeting date for FGC consideration: \_\_\_\_\_ |

FGC action:

- Denied by FGC
- Denied - same as petition \_\_\_\_\_ |
- Granted for consideration of regulation change

Tracking Number





# IDAHO STATE DEPARTMENT OF FISH AND GAME NONRESIDENT REFUND REQUEST FORM

- Review the Idaho Administrative Code for refunds: Rule 13.01.04.601 (page 2)
- Complete all information below.
- Attach all licenses, tags, and permits for which you are requesting a refund. Mail this form with the license and tags and supporting documentation to:

**IDFG License Section- Refunds**  
**P.O. Box 25**  
**Boise, ID 83707-0025**

### License Holder's Information:

Name (first, middle, last) \_\_\_\_\_

Date of Birth (mm/dd/yyyy) \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone( ) \_\_\_\_\_

### Reason for Refund:

- Illness or Injury that disables the license holder for the entire applicable hunting season.**
  - Include supporting documentation detailing the medical condition, date of occurrence or diagnosis, and expected recovery date.  
Include completed Hunter Disability Certification Form
  - or
  - Include a letter from a licensed medical doctor on the doctor's letterhead.
- Military Deployment**, Include a copy of your deployment
- Death**, Include a copy of the death certificate or obituary
- Other**, Explain the reason for your request below or on a separate page.

**Explain the reason for your request or provide additional details:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I certify that the above information is true and correct.  
 I have read the Idaho Administrative Code for refunds: Rule 13.01.04.601.

Signature \_\_\_\_\_ Date \_\_\_\_\_

### IDAHO FISH AND GAME OFFICE USE ONLY:

Received By: \_\_\_\_\_ Office: \_\_\_\_\_ Date: \_\_\_\_\_



**IDAHO STATE DEPARTMENT OF FISH AND GAME**  
**IDAHO ADMINISTRATIVE CODE FOR REFUNDS**  
**RULE 13.01.04.601**

The Department will not refund any fee for any nonresident license (as defined in Section 36-202(aa), Idaho Code), except as follows, and provided the refund request is in writing, is accompanied by the original license and tag, and is received or postmarked on or before December 31 of the calendar year in which the license was valid.

01. Refund. Nonresident general or controlled hunt deer or elk tag fees and hunting license fees may be refunded due to
- the death of licensee;
  - illness or injury of licensee that totally disable the licensee for the entire length of any applicable hunting season;
  - or military deployment of licensee due to an armed conflict;

As substantiated by death certificate, published obituary, written justification by a medical doctor, copy of military orders, or similar documentation.

The hunting license fee will not be refunded if it was used to apply for any controlled hunt or to purchase a turkey, mountain lion, or bear tag.

The amount refunded will be the amount applicable deer or elk tag and hunting license fees, less all issuance fees and a fifty dollar (\$50) processing fee.

02. Partial Refund. Nonresident general and controlled hunt deer or elk tag fee may be partially refunded for a reason other than those in the preceding subsection based on the postmark date in the below table. The hunting license fee will not be refunded.

Postmark Date	Refund Percentage
Before April 1	75 percent refund
April 1 - June 30	50 percent refund
July 1 - August 31	25 percent refund
September 1 - December 31	No refund

**Additional Information About the Refund Process:**

- Once IDFG receives your request and supporting information it will go through an administrative review process
- Failure to include all requested information will delay the review process. If the information is missing you will receive a letter requesting the missing information,
- You will receive a written response in about 4 weeks from the date IDFG receives your request.



# NEVADA DEPARTMENT OF WILDLIFE CLIENT RETURN OF GAME TAG

Game tags may be returned to the Department under conditions illustrated in NAC 502. For reasons of **death, medical disability, Armed Forces transfer, or extenuating circumstances**, adequate documentation **MUST** be provided when the tag is returned to the Department before the tag return can be accepted. Tags may be returned for **“any reason”** as defined in NAC 502.422.

**Mail or return physical tag, supporting documentation and completed form to:**

Nevada Department of Wildlife  
Data and Technology Services Division – Tag Return  
6980 Sierra Center Pkwy Ste 120  
Reno, NV 89511

**TAG INFO:**

TAG HOLDER: \_\_\_\_\_ CLIENT ID: \_\_\_\_\_  
SPECIES \_\_\_\_\_ WEAPON: \_\_\_\_\_  
UNIT(S): \_\_\_\_\_ SEASON: \_\_\_\_\_

Pursuant to NAC 502.422, I acknowledge that a game tag must be **RECEIVED** by the Department 1 business day before the opening day of the season for which the tag is issued to qualify for an any reason return. Pursuant to NAC 502.385, I acknowledge that a game tag must be **RECEIVED** by the Department no later than fourteen (14) business days into the earliest season for which the tag was issued to qualify for all other return options. If a tag is returned to the Department after legal shooting hours for the tag's season and is denied eligibility by the Department, the tag will be considered used, and no return options will be available to the tag holder. This request will be processed according to NAC 502.385 and Department approved standard operating procedures.

Client initials \_\_\_\_\_

- YES.  NO. Tag return is due to an Armed Forces location transfer. If yes, continue to section **A & D**.
- YES.  NO. Tag return is due to the tag holder being diagnosed as terminally ill. If yes, continue to section **B & D**.
- YES.  NO. Tag return is due to a death of a family member OR an unanticipated injury or illness of the tag holder or family member of the tag holder that prevents the holder from hunting. If yes, continue to section **C & D**.
- If all above have been answered “NO”, continue to section **D**.

A. If an Armed Forces transfer makes it impractical for the holder to hunt in the area for which the tag was issued, the holder may choose to return their tag for a restoration of bonus points or defer their tag to the next applicable hunting season with the verification of a copy of his or her mobilized and/or deployed orders or other proof satisfactory to the Department. Choose one and continue to section D:

BONUS POINT RESTORATION    **OR**     DEFERANCE

B. If the tag holder is diagnosed as terminally ill before the start of their tag's season, the holder may return their tag for a restoration of bonus points, defer their tag to the next application hunting season or transfer their tag to another person who is otherwise eligible to hunt big game in Nevada. “Terminally ill,” as defined in NRS 449A.081, means a medical diagnosis made by a physician that a person has an anticipated life expectancy of not more than 12 months. Choose one and continue to section D: **Section B. continued on next page.**

BONUS POINT RESTORATION    **OR**     DEFERANCE    **OR**     TRANSFER

**B. Continued**

Complete for transfer only. Transfer recipient and signature information:

NAME: \_\_\_\_\_ CLIENT ID: \_\_\_\_\_

RELATIONSHIP TO TAG HOLDER: \_\_\_\_\_ PHONE: \_\_\_\_\_

D.O.B: \_\_\_\_\_  
(Signature of Transfer Recipient)

**Waiting periods and bonus point cost will be applied to BOTH parties.**

C. If a death of a family member, unanticipated injury or illness to the tag holder or family member of the tag holder occurs after the last day that the holder is entitled to return the tag but before the hunting hours begin on the opening day of the season for which the tag was issued, a certificate of death or medical documentation detailing the unanticipated injury or illness as verified by a physician can be provided to the Department for the restoration of any bonus points or the choice to defer the tag to the next year's identical hunting season. Choose one and continue to section D:

BONUS POINT RESTORATION    OR     DEFERANCE

D. Please document the reason for the tag return. If the return is for an injury or illness of a family member, describe the relationship to the family member. A tag holder may return their tag to the Department for a restoration of bonus points for any reason. Tag returns falling within this category must be **RECEIVED** by the Department at least one (1) business day before the opening day of the tag's season. **Party tag returns will not receive a bonus point refund unless all members of the party return their tag (excluding medical, military, or death exemptions) NAC 502.422 Subsection 5 (CGR 490, approved by the Leg Commission in 2020).** Transfers and deferrals will be denied if this section is left blank. Reason for tag return:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* By signing this form, all parties attest that all information provided is correct and the tag being returned was in no way utilized to pursue game in the field with the intention to harvest. In the case of a death to a family member of the tag holder, the holder attests that their relationship falls within the definition of family provided in NRS 502.103. In the case of a tag transfer, both the original holder of the tag and the new recipient of the tag acknowledge that BOTH parties will be treated as if he/she drew the tag with respect to any applicable waiting periods and bonus points. If a tag is returned to the Department after legal shooting hours for the tag's season and is denied eligibility by the Department, the tag will be considered used, and no return options will be available to the tag holder. Approved deferral customers agree to an account suspension preventing the issuance of alternate, FCFS, or landowner tags for the remainder of the hunt year. Deferrals are subject to approved quotas set by the Board of Wildlife Commission and will be issued by lowest draw number. Deferrals with no available quota or no identical hunt for the next hunt year will be treated as a general tag return.

Signature of tag holder/representative returning the tag:

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Department employee receiving the returned tag:

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**NRS 502.103** – Authorizes the Commission to establish a program allowing for the transfer, deferral or return of a big game tag.

**NAC 502.385 Section 2** – Establishes the tag transfer and deferral program. Extenuating circumstances are defined in NAC as:

- (a) The death of a family member of the holder of the tag, as verified by a certificate of death;
- (b) The holder of the tag or a family member of the holder incurs a severe and unanticipated injury or illness which prevents the holder from hunting during the season for which the tag was issued, as verified in writing by a physician; or
- (c) The holder of the tag is serving in the Armed Forces of the United States and is transferred to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued, as verified by a copy of his or her orders or other proof satisfactory to the Department.

To ensure program consistency and fairness to deferral participants, the Department will utilize NRS 232.4854 as a guide for extenuating circumstance qualifications. Each deferral request will be vetted on an individual basis by the Director or Deputy Director of the agency in a timely manner.

**NRS 232.4854** – “Serious illness” means a medical illness, physical injury or condition that substantially affects the quality of life of a person for more than a short period of time.

Examples of qualifying extenuating circumstances include but are not limited to:

- Motor vehicle accidents resulting in severe personal injury
- Unplanned surgeries resulting from unanticipated accidents or illnesses
- Blood clot
- Broken bones
- Death of a family member, as defined in NRS 502.103

Examples of extenuating circumstances that **DO NOT** qualify:

- Cold and flu
- Return to work notes depicting “light duty”
- Elective or planned surgeries such as knee or hip replacements
- Chronic medical conditions, including but not limited to, hypertension, obesity, high cholesterol, fibromyalgia, arthritis, asthma, COPD, multiple sclerosis, etc.
- Seizures and similar chronic medical conditions that encompass a range of neurological disorders characterized by abnormal electrical activity in the brain
- Injury or death of another member of the tag holder’s hunting party, unless the member is also kindred to the tag holder within the first degree of consanguinity

Examples of events that do not meet the definition of an extenuating circumstance include but are not limited to:

- Natural disasters or property damage such as wildland fires
- Weather related events
- Government closures and shutdowns
- Jury summons
- Biological impacts on herd health or numbers

As used in this section, “family member” has the meaning ascribed to it in NRS 502.103. “Family member” means:

- (1) A spouse of the big game hunter;
- (2) A person who is related to the big game hunter within the first degree of consanguinity (spouse, parent, child); or
- (3) A stepchild of the big game hunter

“Terminally ill” has the meaning ascribed to it in NRS 449A.081. “Terminally ill” means a medical diagnosis made by a physician that a person has an anticipated life expectancy of not more than 12 months.

Tags may also be transferred to a qualifying organization who would facilitate the tag transfer to an individual with a disability or life-threatening medical condition or a youth 16 years of age or younger, whose household income signifies poverty. For more information on this tag transfer program, contact the Department at 775-688-1500.

**NAC 502.422** – Outlines the ability of a tag holder to return their tag to the Department for the restoration of their bonus points. Tag holders selecting this option will be treated as if the tag had not been issued and the applicant was unsuccessful in obtaining the tag. **Per regulation, no tag fees will be returned for this option.**

**STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
MEMORANDUM**

**DATE:** December 2, 2024

**TO:** Samantha Murray, President  
Erika Zavaleta, Vice President  
Jacque Hostler-Carmesin, member  
Eric Sklar, member  
Darius Anderson, member

**FROM:** Melissa Miller-Henson, Executive Director

**SUBJECT:** Staff recommendation for Regulation Change Petition 2021-026, regarding Ballona Wetlands Ecological Reserve

**Background**

Petition 2021-026, regarding Ballona Wetlands Ecological Reserve (BWER), was received on December 6, 2021. Under staff review, two of the petitioned actions were found to be outside the Commission's authority and were rejected: <sup>1</sup>

- Insert language into the streambed alteration agreement between the California Department of Fish and Wildlife (Department) and Playa Vista, and
- identify the Department's role as a board member of the Ballona Wetlands Conservancy.

Four petitioned actions were found to be within the Commission's authority and were accepted:

- Remove boating and flotation device language from Section 630 of Title 14, California Code of Regulations;
- remove bicycling and/or vehicular traffic language from Section 630;
- update the boundaries of BWER to remove the Playa Vista flood control catch basin; and
- amend Section 630 to regulate water usage and conveyance by BWER.

This memorandum, authored by Commission staff, is intended to provide the Commission with a recommendation on the four petitioned actions.

---

<sup>1</sup> Pursuant to California Code of Regulations, Title 14, Section 662.

## **Ballona Creek**

The basis for the first two petitioned actions rests on the claim that the area of Ballona Creek that runs through BWER is “outside the boundaries of the Ballona Wetlands” and therefore “regulations that are outside the boundaries of the BWER need to be removed as regulations assigned to the Ecological Reserve itself.” In other words, if Ballona Creek is not, in fact, part of the ecological reserve then, the petitioner argues, it is confusing to include such regulations as part of Section 630, the section of Title 14 that contains regulations for the public use of ecological reserves; instead, such regulations should be part of the recreational fishing regulations in Title 14. The petition also seems to argue that some or all of the regulations pertaining to the creek are invalid if the Department does not own the channel.

Commission staff searched its records to determine whether Ballona Creek is part of the designation for BWER. Attachment 1 contains a 2005 update sent to the Office of Administrative Law for the Commission rulemaking designating BWER, which includes corrected minutes from the August 19, 2005 meeting when the Commission acted on the designation; notably, the minutes specifically mention both Ballona Creek as part of the designation and the accompanying regulations for pedestrian, bicycle, boating, and fishing along the Ballona Creek flood channel. Attachment 2, the rulemaking’s final statement of reasons, also makes mention of Ballona Creek as part of the designation, along with coincident regulation of public uses along that waterway.

Commission staff also conferred with the California Department of Fish and Wildlife (Department), which provided supplementary information that further supports the contention that Ballona Creek and the levees are part of BWER. Attachment 3 is an email from a Department employee confirming that the Department does own the creek and levees; Attachment 4 contains screenshots from a real estate parcel viewer, showing the State of California (i.e., the Department) as the owner of the channel.

Based on the information described herein, staff concludes that the area of Ballona Creek that flows through BWER is part of the ecological reserve’s designated area and is owned by the Department. Therefore, the Commission does have the authority to regulate public uses on the lands and waters within that border, including boating, flotation, and recreational use of the levees.

Part of the petitioner’s perception appears to be a confusion between *ownership* of an area and *regulatory jurisdiction* over an area. The petition, in several places, seems to imply that the U.S. Army Corps of Engineers (Corps) and/or Los Angeles County own and/or manage the area in question. While the Corps may have jurisdiction to impose permitting requirements or the ability to exercise certain regulatory powers over the creek (for example, due to the channel being a navigable waterway within the meaning of the Clean Water Act), and Los Angeles County may have other regulatory authority over the creek (due to it being within county borders), neither agency has the right to establish fishing, boating, or other public use regulations over the creek unless granted along with their particular jurisdictional authority. The authority to regulate public access

and uses of the lands and waters of BWER is vested in the Commission because of the property's designation as an ecological reserve.<sup>2</sup>

### **Playa Vista Flood Control Basin**

The petition refers to the "Playa Vista flood control catch basin" as a "freshwater marsh area" that staff understands to mean the area of wetlands adjacent to Lincoln Boulevard near Area B of BWER. The petition states that the marsh area "was removed from the Ecological Reserve and therefore the boundary identification of BWER needs to be updated to reflect the actual boundaries of BWER, inclusive of the removal of the catch basin."

Note the Commission's response to comments 1 and 3 in Attachment 2, the final statement of reasons for the designation of BWER, which explain that the area known as the freshwater marsh was not part of the originally proposed reserve designation. The marshland was not designated because the original proposal was adopted, and this remains the case. The official boundaries of BWER already exclude the catch basin, so no action is necessary for this petitioned action.

### **Regulating Water Conveyance**

The Commission has broad authority to regulate the management of ecological reserves as specified in California Fish and Game Code Section 1580. The petition requests that the Commission enact a regulation that would govern the flow and disposition of rainwater that enters the reserve.

Water flows are best managed in a way that is conducive to both conserving biotic and abiotic resources at BWER and flood control. Activities at BWER do not, and are not projected to, affect the underlying deeper freshwater aquifer, which is disconnected from the higher, brackish aquifer (see agenda item 21 and accompanying attachments from the October 2024 Commission meeting, available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=225876&inline>). Therefore, preserving fresh groundwater for drinking or other beneficial uses is not at issue.

Management of hydrology at BWER will be a major factor in the forthcoming restoration project; the Department has heavily invested in plans for the site, including an environmental impact report/statement that examined the site's hydrology and potential hydrological modifications to help support restoration activities. If the Commission deemed it appropriate to promulgate regulations related to hydrodynamics, it would: (1) require detailed, intensive study as to desirability, efficacy, and safety; (2) may potentially involve infrastructure adjustments or construction for compliance; and (3) likely would be largely duplicative of the hydrological review and analyses already

---

<sup>2</sup> In addition to the regulation of ecological reserves, the Commission also has been granted other authorities that allow it to regulate fishing in any waterway of the state, regardless of ownership, management, or designation as a Department land. These authorities would allow the Commission to regulate fishing in the section of Ballona Creek at question – even if it was not owned by the State of California or designated as an ecological reserve.



completed by the Department. Moreover, freshwater retention could hinder the goal of restoring BWER to a tidally influenced wetland system. Given the work already completed by the Department, staff believes a regulation governing the flow and disposition of rainwater that enters the reserve is inadvisable and that the Commission should not consider enacting such a regulation.

### **Conclusion**

Based on the foregoing analyses, supported by the accompanying attachments, Commission staff recommends that the Commission deny petition 2021-026.

### **Attachments**

1. Memorandum and attachments to OAL File No. 06-0224-03S, dated April 5, 2006
2. Final statement of reasons for regulatory action, dated November 29, 2005
3. Emails from Richard Brody and Sharon Taylor, dated July 29, 2024
4. Screenshots of CDFW parcel viewer

**STATE OF CALIFORNIA**  
**FISH AND GAME COMMISSION**

**DATE:** April 5, 2006

**TO:** William L. Gausewitz, Director and Chief Counsel,  
Office of Administrative Law  
Attention: Barbara Eckard

**FROM:** Assistant Executive Director

OAL File No. 06-0224-03S, Section 630, Title 14, California Code of Regulations,  
Re: Ecological Reserves.

We hereby request and authorize you to add the following Items to the file.

- \$ Revised File Index.
- \$ Index Item 14, Corrected Economic and Fiscal Impact Statement. The substitution submits the same information on the Form 399, but the form is now signed by the Executive Director.
- \$ Index Item 15, Corrected Minutes of August 19, 2005 Commission Meeting. The substitution submits the same information as the minutes originally submitted with the addition of a note that states that Commissioner Kellogg had to leave the meeting prior to this item being heard.
- \$ Index Item 16, Revised Final Text. The Fish and Game Commission authorizes OAL to substitute the attached Revised Final Text for the text attached to the Form 400s. The substitute text contains nonsubstantive changes in order to match the current California Code of Regulations.
- \$ Index Item 17, Addendum to Final Statement of Reasons.
  1. Clarification of the Final Statement of Reasons on page 1 regarding the Management Plan and the State Lands Commission Item C36 and voting record for June 20, 2005. This clarification supersedes "Section III Description of Regulatory Action, subsection (d) Identification of Reports or Documents Supporting Regulation Change is revised to read..." contained on page 1 of the Final Statement of Reasons.

2. Augmentation of Summary and Response to Comments.

Thank you for your assistance in and consideration of this request.

Jon K. Fischer

Attachment

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

See SAM Sections 6600 - 6680 for Instructions and Code Citations

DEPARTMENT NAME	CONTACT PERSON	TELEPHONE NUMBER
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400		NOTICE FILE NUMBER Z

**ECONOMIC IMPACT STATEMENT**

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** *(Include calculations and assumptions in the rulemaking record.)*

1. Check the appropriate box(es) below to indicate whether this regulation:

- a. Impacts businesses and/or employees
- b. Impacts small businesses
- c. Impacts jobs or occupations
- d. Impacts California competitiveness
- e. Imposes reporting requirements
- f. Imposes prescriptive instead of performance standards
- g. Impacts individuals
- h. None of the above *(Explain below. Complete the Fiscal Impact Statement as appropriate.)*

h. (cont.) \_\_\_\_\_

*(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)*

2. Enter the total number of businesses impacted: \_\_\_\_\_ Describe the types of businesses *(Include nonprofits)*: \_\_\_\_\_

Enter the number or percentage of total businesses impacted that are small businesses: \_\_\_\_\_

3. Enter the number of businesses that will be created: \_\_\_\_\_ eliminated: \_\_\_\_\_

Explain: \_\_\_\_\_

4. Indicate the geographic extent of impacts:  Statewide  Local or regional *(list areas)*: \_\_\_\_\_

5. Enter the number of jobs created: \_\_\_\_\_ or eliminated: \_\_\_\_\_ Describe the types of jobs or occupations impacted: \_\_\_\_\_

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

Yes  No If yes, explain briefly: \_\_\_\_\_

**B. ESTIMATED COSTS** *(Include calculations and assumptions in the rulemaking record.)*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ \_\_\_\_\_

a. Initial costs for a small business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

b. Initial costs for a typical business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

c. Initial costs for an individual: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

d. Describe other economic costs that may occur: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 2-98)**

2. If multiple industries are impacted, enter the share of total costs for each industry: \_\_\_\_\_  
\_\_\_\_\_

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.): \$ \_\_\_\_\_

4. Will this regulation directly impact housing costs?  Yes  No If yes, enter the annual dollar cost per housing unit: \$ \_\_\_\_\_ and the number of units: \_\_\_\_\_

5. Are there comparable Federal regulations?  Yes  No Explain the need for State regulation given the existence or absence of Federal regulations: \_\_\_\_\_

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ \_\_\_\_\_

---

---

**C. ESTIMATED BENEFITS** (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

---

1. Briefly summarize the benefits that may result from this regulation and who will benefit: \_\_\_\_\_  
\_\_\_\_\_

2. Are the benefits the result of:  specific statutory requirements, or  goals developed by the agency based on broad statutory authority?  
Explain: \_\_\_\_\_

3. What are the total statewide benefits from this regulation over its lifetime? \$ \_\_\_\_\_

---

---

**D. ALTERNATIVES TO THE REGULATION** (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

---

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: \$ _____	Cost: \$ _____
Alternative 1:	Benefit: \$ _____	Cost: \$ _____
Alternative 2:	Benefit: \$ _____	Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?  Yes  No

Explain: \_\_\_\_\_

---

---

**E. MAJOR REGULATIONS** (Include calculations and assumptions in the rulemaking record.)  
Cal/EPA boards, offices and departments are subject to the following additional requirements per Health and Safety Code section 57005.

---

**ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)***

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million ?  Yes  No *(If No, skip the rest of this section)*

2. Briefly describe each equally as effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: \_\_\_\_\_

Alternative 2: \_\_\_\_\_

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation:                   \$ \_\_\_\_\_                   Cost-effectiveness ratio: \_\_\_\_\_

Alternative 1:                \$ \_\_\_\_\_                   Cost-effectiveness ratio: \_\_\_\_\_

Alternative 2:                \$ \_\_\_\_\_                   Cost-effectiveness ratio: \_\_\_\_\_

**FISCAL IMPACT STATEMENT**

A. FISCAL EFFECT ON LOCAL GOVERNMENT *(Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years)*

1. Additional expenditures of approximately \$ \_\_\_\_\_ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

a. is provided in (Item \_\_\_\_\_, Budget Act of \_\_\_\_\_) or (Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_)

b. will be requested in the \_\_\_\_\_ Governor's Budget for appropriation in Budget Act of \_\_\_\_\_  
(FISCAL YEAR)

2. Additional expenditures of approximately \$ \_\_\_\_\_ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

a. implements the Federal mandate contained in \_\_\_\_\_

b. implements the court mandate set forth by the \_\_\_\_\_  
court in the case of \_\_\_\_\_ vs. \_\_\_\_\_

c. implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_ at the \_\_\_\_\_  
election; (DATE)

d. is issued only in response to a specific request from the \_\_\_\_\_  
\_\_\_\_\_, which is/are the only local entity(s) affected;

e. will be fully financed from the \_\_\_\_\_ authorized by Section  
(FEES, REVENUE, ETC.)  
\_\_\_\_\_ of the \_\_\_\_\_ Code;

f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit.

3. Savings of approximately \$ \_\_\_\_\_ annually.

4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.

**ECONOMIC AND FISCAL IMPACT STATEMENT *cont.* (STD. 399, Rev. 2-98)**




- 5. No fiscal impact exists because this regulation does not affect any local entity or program.
- 6. Other.

**B. FISCAL EFFECT ON STATE GOVERNMENT** *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)*

- 1. Additional expenditures of approximately \$ \_\_\_\_\_ in the current State Fiscal Year. It is anticipated that State agencies will:
  - a. be able to absorb these additional costs within their existing budgets and resources.
  - b. request an increase in the currently authorized budget level for the \_\_\_\_\_ fiscal year.
- 2. Savings of approximately \$ \_\_\_\_\_ in the current State Fiscal Year.
- 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- 4. Other.

**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)*

- 1. Additional expenditures of approximately \$ \_\_\_\_\_ in the current State Fiscal Year.
- 2. Savings of approximately \$ \_\_\_\_\_ in the current State Fiscal Year.
- 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- 4. Other.

SIGNATURE	TITLE	DATE
		
AGENCY SECRETARY <sup>1</sup>		
APPROVAL/CONCURRENCE 	PROGRAM BUDGET MANAGER	
DEPARTMENT OF FINANCE <sup>2</sup>		
APPROVAL/CONCURRENCE 		

1. *The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6600-6680, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*
2. *Finance approval and signature is required when SAM sections 6600-6670 require completion of the Fiscal Impact Statement in the STD. 399.*

**State of California  
FISH AND GAME COMMISSION**

**Corrected Minutes, Meeting of August 19, 2005**

Pursuant to the call of the President, the Commission met at the San Luis Obispo County Board of Supervisors Chambers, 1055 Monterey Street, San Luis Obispo, California, on August 19, 2005. The meeting was called to order at 8:46 a.m. by President Kellogg.

Persons present:

FISH AND GAME COMMISSION

Jim Kellogg	President
Michael Flores	Vice-President
Robert Hattoy	Member
Cindy Gustafson	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Jon Fischer	Assistant Executive Director
Sherrie Koell	Staff Services Analyst
Adrianna Shea	Staff Services Analyst

OFFICE OF THE ATTORNEY GENERAL

William Cunningham	Deputy Attorney General
--------------------	-------------------------

DEPARTMENT OF FISH AND GAME

L. Ryan Brodrick	Director
Paul Stein	Chief Deputy Director
Sonke Mastrup	Deputy Director, Wildlife and Inland Fisheries Div.
Nancy Foley	Chief, Enforcement Branch
Dan Yparraguirre	Wildlife Programs Branch
Marija Vohkovich	Marine Region
Terri Stewart	South Coast Region

The following persons were present and heard:

Walt Mansell	California Rifle and Pistol Association
Bill Gaines	California Waterfowl Association
Betty Winholtz	Morro Bay City Councilwoman
C. Jeff Thomson	Tulare Basin Wetlands Association
Lynda Merrill	Local Resident
Peggy Koteen	Local Resident
Phil Hill	Local Resident
Mandy Davis	Local Resident
Norm Tiber	Local Resident
Johanna Rubba	Local Resident

Nelson Sullivan	Local Resident
Ray McKelligott	Local Resident
Camilla Fox	Animal Protection Institute
Dr. David Dubbink	Local Resident
Marcia Hanscom	Wetlands Action Network
Robert VandeHoek	Biologist
Eric Greening	Local Resident
Andrew Christie	San Luis Obispo Chapter, Sierra Club
Fred Harpster	Black Brant Group
Gene Johe	Black Brant Group
Bob Richardson	Black Brant Group
Fred Harpster, Jr.	Black Brant Group
Dick Dasmann	Arroyo Grande Sportsmen's Club
Mark Van Wagner	Black Brant Group
Bill Cereghino	Black Brant Group
Butch (Harry) Hofland	Commercial Fisherman
Bill Burrows	PLM Operator
Sam Liberati	Commercial Fisherman
Dennis Deaver	Commercial Fisherman
Ernie Koepf	Director's Herring Advisory Committee, Commercial Fisherman
Eddie Genovese	Commercial Fisherman
Kevin P. Marilley	Commercial Fisherman
Andi Culbertson	County of Los Angeles
Otella Wruck	Friends of Ballona Wetlands
Edith Read	Center for Natural Lands Management
Peggy Forster	Concerned Individual
Lisa Fimiani	Board Member, Audubon California
Paul Weakland	Commercial Fisherman
Sabrina Venskus	Ballona Wetlands Land Trust
Kathleen Truman	Latham and Watkins
Bill James	Commercial Fisherman
Tom Hafer	Commercial Fisherman
Jim Marshall	Commercial Fisherman
Steve Rebuck	Commercial Fisherman
Don Thompson	Commercial Fisherman
Richard Pogue	Commercial Fisherman

President Kellogg introduced members of the Commission, its staff, Directorate, and William Cunningham of the Attorney General's Office.

President Kellogg left the meeting at 12:05 p.m., before the following item was heard, leaving a quorum of Michael Flores, Bob Hattoy and Cindy Gustafson.

21. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 630, TITLE 14, CCR, RE: ECOLOGICAL RESERVES.

Summary of Issue

This is the time and the place for the Commission hearing on the possible adoption of the proposed changes to Section 630, Title 14, CCR, regarding ecological reserves.



As background, the Commission, at its May 5, 2005, meeting in Sacramento, authorized its staff to publish notice of Commission intent to amend Section 630, Title 14, CCR. That legal notice has been published.

The Department's proposal can be summarized as follows:

"Currently, there are 132 ecological reserves designated in Section 630, Title 14, CCR, for the purpose of protecting sensitive habitats and species. The Department is requesting that this section be amended to add one new ecological reserve, Ballona Wetlands, to this listing.

"Ballona Wetlands consisting of 553 acres in Los Angeles County is proposed for designation as an ecological reserve for the protection and enhancement of coastal salt marsh and freshwater marsh habitats, and associated species, including the state listed endangered Belding's savannah sparrow. The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands.

"The reasons for listing this property in Title 14 are to regulate public use and provide the best available protection for the species and habitats the property was acquired to protect. Since the property contains sensitive species, including a state listed endangered species, sensitive vegetation communities and acts as a linkage for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources. In order to do this efficiently, the Department has a set of general regulations which apply to all ecological reserves.

"The Department may also write special regulations for individual properties, as it thinks appropriate, to give an additional level of protection, or to permit specific public uses not governed by the general regulations. The Department is requesting special regulations for this reserve based on management information gathered which shows these amendments are necessary to protect the habitat or species the property supports.

"Three special regulations will protect sensitive species and habitats of Ballona Wetlands by allowing pedestrian use only on designated trails; bicycle use only on a designated bike path on the north side of the Ballona Creek flood channel; and boating only within the Ballona Creek flood channel. One special regulation will allow fishing only with barbless hooks from shore in designated areas along the Ballona Creek flood channel or from a boat within the Ballona Creek flood channel for the protection of sensitive species and habitats and to minimize mortality of fish and aquatic species caught by anglers and returned to Ballona Creek. Two additional special regulations will allow licensed recreational use of a portion of an area of the proposed reserve known as Area C, and leased parking use under existing agreements, unless it is determined that other uses are more appropriate for these areas. Because these licensed recreational and parking uses are not normally allowed on ecological reserves, these two special regulations are necessary when the Department has determined these activities are appropriate and will cause no impacts to protected species and habitats.'

Commissioners were provided copies of the Department's Initial Statement of Reasons and Pre-adoption Statement with the text of the proposed changes in strikeout/underline format.

## Action

Executive Director Treanor introduced Terri Stewart to summarize the Department's recommendation.

Terri Stewart reported that the State Lands Commission has approved lease of 24 acre expanded wetlands parcel and the Department has engaged the community in developing the current regulation proposal. Ms. Stewart reported that the Department has accepted Area C, but does not want the 26 acre freshwater marsh. She reported that total size will be 577 acres, and until the property is designated as an Ecological Reserve, enforcement efforts are compromised.

Andi Culbertson supported designation of the property as an Ecological Reserve, but requested recognition of certain local actions on the part of Los Angeles County.

Otella Wruck read a statement from Ms. Ruth Lansford in support of designating the property as an Ecological Reserve. Ms. Wruck opposed the option of including the freshwater marsh, as it currently has protection.

Edith Read stated that the Center for Natural Lands Management is managing the freshwater marsh. Ms. Read supported designating the property as an Ecological Reserve and excluding the freshwater marsh. When asked by Commissioner Hattoy where management funding came from, Ms. Read responded that approximately \$ 500,000.00 is provided for a full-time manager and a crew to periodically remove weeds.

Marcia Hanscomb recommended that the property not be designated as an Ecological Reserve until the freshwater marsh is included in the package.

Peggy Forster recommended that the property not be designated as an Ecological Reserve until the freshwater marsh is included in the package. Ms. Forster stated that the freshwater marsh is an asset of the state and not a private asset.

Lisa Fimiani supported designating the property as an Ecological Reserve so that proper protection can occur.

Andrew Christie said that the Friends of Ballona Wetlands have discussed the value of the freshwater marsh and urged including it as part of the Ecological Reserve.

Paul Weakland stated that naming properties after people should not occur.

Robert VandeHoek said that not including the freshwater marsh curtails public access and recommended including it as part of the Ecological Reserve designation. He stated that he is not now allowed to take children to the state-owned freshwater marsh.

Sabrina Venskus referred to two letters from the Ballona Wetlands Land Trust which supported including the freshwater marsh as part of the Ecological Reserve. Ms. Venskus recommended a special regulation to require the Playa Vista Developers to continue restoration/management activities on freshwater marsh.

Kathleen Truman stated that Latham and Watkins represents Playa Vista Developers,

and the freshwater marsh can not be designated as part of the Ecological Reserve under Section 1580 of the Fish and Game Code. Ms. Truman reported that more than 100 conditions and/or permits currently are in place for the freshwater marsh, Playa Vista must continue to pay for maintenance and monitoring, and the subject marsh was never slated for inclusion.

Executive Director Treanor announced that there were no more speaker cards on this item, and thus, public comment is concluded. Commissioners discussed this item with the Department as follows:

Chief Deputy Director Stein reported that the Department does not have adequate management funding and the freshwater marsh is fully protected by 12 management agreements which are in perpetuity. If it takes on the freshwater marsh, the Department would have to redirect two people to deal with management and/or ownership liabilities. Mr. Stein responded to concerns of Los Angeles County by indicating that the Department does not intend to propose special ordinances that might override or be incompatible with County provisions for adjacent land. Mr. Stein recommended withholding the freshwater marsh for now, and including other properties within the Ecological Reserve designation.

Commissioner Hattoy inquired about the feasibility of special area regulations, and cited Bolsa Chica Ecological Reserve as an example. Mr. Hattoy stated his desire to protect the freshwater marsh, but under the current circumstances he supports the Ecological Reserve designation for the other parcels, with a condition that the Department further investigate and report to the Commission on the freshwater marsh at a later time.

Commissioner Gustafson supported including the 577 acres that are not under contention, and deal with other areas such as the freshwater marsh later. Ms. Gustafson inquired about the potential of changing some of the more controversial access conditions related to the freshwater marsh, and requested to see the public access rules.

Commissioner Flores supported the Department's recommendation and opposed spending staff time to pursue the matter further.

Terri Stewart explained that access conditions are specified as part of the permit conditions. There was no further discussion, and it was then:

MOVED BY MR. FLORES, SECONDED BY MS. GUSTAFSON, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED IN SECTIONS 1580, 1581, 1583 AND 1907 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET, OR MAKE SPECIFIC SECTIONS 1526, 1528, 1530, 1580-1585, 1590 AND 1591 OF SAID CODE, HEREBY AMENDS SECTION 630, TITLE 14, CCR, RE: ECOLOGICAL RESERVES. (**NOTE: THE REGULATORY LANGUAGE WILL BE INCLUDED AS AN APPENDIX IN THE COMMISSION OFFICE MASTER MINUTES.**)

AYES: Commissioners Flores, Gustafson  
ABSTAINED: Commissioner Hattoy

MOTION PASSED.

Section 630, Title 14, CCR is amended to read:

**§630. Ecological Reserves.**

The areas specified in this chapter have been declared by the Fish and Game Commission to be ecological reserves. A legal description of the boundaries of each ecological reserve is on file at the department's headquarters, 1416 Ninth Street, Sacramento. Ecological reserves are established to provide protection for rare, threatened or endangered native plants, wildlife, aquatic organism and specialized terrestrial or aquatic habitat types. Public entry and use of ecological reserves shall be compatible with the primary purposes of such reserves, and subject to the following applicable general rules and regulations, except as otherwise provided for in the special area regulations:

(a) General Rules and Regulations:

(1) Protection of Resources. No person shall mine or disturb geological formations or archeological artifacts or take or disturb any bird or nest, or eggs thereof, or any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life in an ecological reserve except as provided in subsections 630(a)(2) and (a)(8). The department may implement enhancement and protective measures to assure proper utilization and maintenance of ecological reserves.

(2) Fishing. Fishing shall be allowed in accordance with the general fishing regulations of the commission except that the method of taking fish shall be limited to angling from shore. No person shall take fish for commercial purposes in any ecological reserve except by permit from the commission.

(3) Collecting. No collecting shall be done in an ecological reserve except by permit issued pursuant to section 650 of these regulations. Any person applying for a permit must have a valid scientific collecting permit issued pursuant to part 3 of this title.

(4) Motor Vehicles. No person shall drive, operate, leave, or stop any motor vehicle, bicycle, tractor, or other type of vehicle in an ecological reserve except on designated access roads and parking areas.

(5) Swimming. No person shall swim, wade, dive, or use any diving equipment within an ecological reserve except as authorized under the terms of a permit issued pursuant to subsection (3).

(6) Boating. No person shall launch or operate a boat or other floating device within an ecological reserve except by permit from the commission.

(7) Trails. The department may designate areas within an ecological reserve where added protection of plant or animal life is desirable, and may establish equestrian or walking trails or paths within such designated areas. No person shall walk or ride horseback in such areas except upon the established trails or paths.

(8) Firearms. No person shall fire or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within or into an ecological reserve or possess such weapons within an ecological reserve, except law enforcement personnel and as provided for in individual area regulations that allow for hunting.

(9) Ejection. Employees of the department may eject any person from an ecological reserve for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the ecological reserve or persons thereon is endangered.

(10) Public Entry. Public entry may be restricted on any area at the discretion of the department to protect the wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, may enter any ecological reserve, or portion thereof, which is closed to public entry. No person may enter any Ecological Reserve between sunset and sunrise except with written permission from the Department, which may be granted for purposes including night fishing in accordance with subsection (a)(2) from designated shore areas only.

A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Elkhorn Slough and Upper Newport Bay ecological reserves except for users that possess a valid California sport fishing license hunting license or trapping license, or users that are under 16 years of age or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsections 550(b)(4) and (5), Title 14, CCR, for regulations for fee requirements for wildlife areas.

(11) Introduction of Species. Unless authorized by the commission, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is prohibited. The department may reintroduce endemic species on ecological reserves for management purposes.

(12) Feeding of Wildlife. The feeding of wildlife is prohibited.

(13) Pesticides. The use of pesticides is prohibited on any ecological reserve unless authorized by the commission with the exception that the department may use pesticides for management purposes and for public safety.

(14) Litter. No person shall deposit, drop, or scatter any debris on any ecological reserve except in a receptacle or area designated for that purpose. Where no designated receptacles are provided, any refuse resulting from a person's use of an area must be removed from that area by such person.

(15) Grazing. The grazing of livestock is prohibited on any ecological reserve.

(16) Falconry. Falconry is prohibited.

(17) Aircraft. No person shall operate any aircraft or hovercraft within a reserve, except as authorized by a permit from the commission.

(18) Pets. Pets, including dogs and cats, are prohibited from entering reserves unless they are retained on a leash of less than ten feet or are inside a motor vehicle, except as provided for in individual area regulations that allow for hunting or training activities.

(19) Fires. No person shall light fireworks or other explosive or incendiary devices, or start or maintain any fire on or in any reserve, except for management purposes as provided in subsection (a)(1).

(20) Camping. No person shall camp on/in any ecological reserve.

(21) Vandalism. No person shall tamper with, damage or remove any property not his own when such property is located within an ecological reserve.

(b) Areas and Special Regulations for Use:

(1) Agua Hedionda Lagoon Ecological Reserve, San Diego County.

(A) The department, and the County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(B) All fishing is prohibited.

(2) Albany Mudflats Ecological Reserve, Alameda County.

(3) Alkali Sink Ecological Reserve, Fresno County.

(A) Grazing is permitted under a permit from the department.

(4) Allensworth Ecological Reserve, Tulare County.

(A) Grazing shall be allowed under permit from the department.

(B) Hunting shall be permitted in accordance with general hunting regulations, but only at such times and in specific areas as designated by the department.

(5) Apricum Hill Ecological Reserve, Amador County.

(A) No person, except as provided in subsection (a)(10), shall enter the reserve.

(6) Atascadero Creek Marsh Ecological Reserve, Sonoma County.

(7) Bair Island Ecological Reserve, San Mateo County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve during the period February 15 through May 20.

(B) Waterfowl shall be taken in accordance with the general waterfowl regulations.

(8) Baldwin Lake Ecological Reserve, San Bernardino County.

(A) All fishing is prohibited.

(B) Waterfowl and upland game hunting shall be allowed in accordance with the general hunting regulations. Waterfowl hunting shall be permitted from boats only, and in accordance with general waterfowl hunting regulations and pursuant to the provisions of Section 551, Title 14, CCR.

(C) Boating is permitted for the purpose of waterfowl hunting only. Boats may be launched and retrieved in designated areas only.

(9) Ballona Wetlands Ecological Reserve, Los Angeles County.

(A) Pedestrian use is allowed on designated trails only.

(B) Bicycle use is allowed only on the designated bike path on the north side of the Ballona Creek flood control channel.

(C) Fishing from shore is allowed only in designated areas along Ballona Creek flood control channel. Fishing from boats is allowed only within the Ballona Creek flood control channel. Only barbless hooks may be used.

(D) Boating shall be allowed only within the Ballona Creek flood control channel.

(E) Existing recreational uses may be allowed under license agreement with Playa Vista Little League in that portion of Area C identified in the license agreement unless it is determined by the department that restoration or other uses in this area are more appropriate.

(F) Existing parking areas under leases to the County of Los Angeles may be allowed unless it is determined by the department that restoration or other uses in those areas are more appropriate.

(9)(10) Baticuitos Lagoon Ecological Reserve, San Diego County.

**No changes to subsequent text except for renumbering.**

**[NOTE TO EDITOR:PLEASE RENUMBER ALL SUBSEQUENT PROVISIONS SEQUENTIALLY]**

NOTE:

Authority cited: Sections 1580, 1581, 1583 and 1907, Fish and Game Code. Reference: Sections 1526, 1528, 1530, 1580-1585, 1590 and 1591, Fish and Game Code.

Addendum to Final Statement of Reasons Dated November 30, 2005  
Section 630, Title 14, California Code of Regulations

V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

Section III. Description of Regulatory Action, Subsection (d) Identification of Reports or Documents Supporting Regulation Change is revised to read:

See attached Management Plan Summary, revised July 2005 for the proposed new addition. Also see State Lands Commission Calendar Item C36 and Voting Record dated June 20, 2005 approving a Department of Fish and Game application to lease a 24 acre Expanded Wetlands Parcel for management and authorizing its inclusion within the proposed Ballona Wetlands Ecological Reserve.

**Clarification:**

**The reference to State Lands Commission Calendar Item C36 and the June 20, 2005 vote are not documents supporting regulation change and are not part of this file, but are mentioned only to explain why the Management Plan Summary was revised in July 2005, after the submission of the original Management Plan Summary submitted with the Initial Statement of Reasons.**

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

The following individuals testified at the August 19, 2005 Fish and Game Commission Hearing in support of the proposed regulatory amendments and requested that the area known as the Freshwater Marsh not be included within the proposed Ballona Wetlands Ecological Reserve:

- Andi Culberstson supported the designation of the property as an Ecological Reserve but requested recognition of certain local actions on the part of Los Angeles County.

**Department Response: Page 3 of the Final Statement refers to Mr. Culbertson's concerns regarding development restrictions as they relate to the "certain local actions" described in the minutes. The Final Statement states the proposed regulatory actions will not result in development restrictions, and thus will not affect the discussed Los Angeles County actions.**

- Lisa Fimiani letter of August 12, 2005, supported designating the property as an Ecological Reserve so that proper protection can occur. She did not want Freshwater Marsh in the Ecological Reserve designation.

**Department Response: The Freshwater Marsh already has very strict monitoring and maintenance regulations. There was no proposal to change the current monitoring and maintenance activities so long as it continues to be effective.**

- Ms Venskus recommended a special regulation to require the Playa Vista Developers continue restoration/management activities on freshwater marsh.

**Department Response: Ms. Venskus recommendation regarding a special regulation to require Playa Vista to continue restoration/management activities on the freshwater marsh is not warranted or needed because the freshwater marsh is a mitigation parcel owned by State Lands**

Commission and managed by Center for Natural Lands Management under legally binding agreements with Playa Vista Development. As stated on page 3 of the Final Statement, there is no need to include the Fresh Water Marsh in the Ecological Reserve because its restoration, funding, management and uses are governed by multiple regulatory agencies and funded by Playa Vista Development. Further, the Department of Fish and Game has no authority to regulate the Fresh Water Marsh, as it does not own and is not party to any management agreements for the property. In conclusion, since the Department of Fish and Game has no authority to regulate the Fresh Water Marsh, special regulations for its management and use are not appropriate.

- Kathleen O'Prey Truman, Latham and Watkins letter dated Aug 11, 2005 should be added to the list of supporters on page 2 item 1. Also add to the end of the introductory statement. "Further, Ms. O'Prey Truman, requested clarification that a sliver of land between the Freshwater Marsh and Lincoln Boulevard reserved for an expansion of Lincoln Boulevard".

**Department Response:** This land is not proposed for inclusion within the proposed ecological reserve.



STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 630, Ecological Reserves  
Title 14, California Code of Regulations  
Re: Designation and Special Regulations

- I. Date of Initial Statement of Reasons: March 24, 2005
- II. Date of Pre-adoption Statement of Reasons: July 18, 2005
- III. Date of Final Statement of Reasons: November 29, 2005
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: May 5, 2005  
Location: Sacramento
  - (b) Discussion/Adoption Hearing: Date: August 19, 2005  
Location: San Luis Obispo
- V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

Section III. Description of Regulatory Action, Subsection (d) Identification of Reports or Documents Supporting Regulation Change is revised to read:

See attached Management Plan Summary, revised July 2005 for the proposed new addition. Also see State Lands Commission Calendar Item C36 and Voting Record dated June 20, 2005 approving a Department of Fish and Game application to lease a 24 acre Expanded Wetlands Parcel for management and authorizing its inclusion within the proposed Ballona Wetlands Ecological Reserve.

The revised Management Plan Summary is attached.

The Fish and Game Commission adopted the proposed regulatory amendments at its August 19, 2005 meeting in San Luis Obispo.

Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made to the originally proposed regulatory language.

The attached revised Management Plan Summary describes the June 20, 2005 approval by the State Lands Commission (SLC) of a Department of Fish and Game (DFG) application to lease 24 acres known as the "Expanded Wetlands Parcel" for management, and authorization of its inclusion within the proposed Ballona Wetlands Ecological Reserve. SLC and DFG are in the process of finalizing this lease, and propose the inclusion of this parcel in the proposed Ballona Wetlands Ecological Reserve with this rulemaking. The management plan summary is also revised to include protection of uplands among the management objectives for the property, and includes existing gas and energy easements in the list of agreements affecting the property.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

Responses to public comments received by July 18, 2005 were included in the Pre-adoption Statement of Reasons (attached).

The following is a summary of public comments received since July 18, 2005:

1. The following individuals wrote letters in support of the proposed regulatory amendments, and with the exception of Daniel S. Cooper, requested that an area known as the Freshwater Marsh not be included within the proposed Ballona Wetlands Ecological Reserve.

- Mira Tweti dated August 5, 2005
- Barbara Elliot dated August 5, 2005
- Bob and Sue Krauch dated August 7, 2005
- Jean Pickus dated August 8, 2005
- Edith Read, Ph.D. Center for Natural Lands Management dated August 9, 2005
- Ruth Lansford, Friends of Ballona Wetlands dated August 10, 2005
- Lisa Fimiani dated August 12, 2005
- Lance Williams dated August 15, 2005
- Daniel S. Cooper, Cooper Ecological Monitoring dated August 15, 2005
- Thomas and Catherine Tyrell dated August 18, 2005

The following individuals testified at the August 19, 2005 Fish and Game Commission Hearing in support of the proposed regulatory amendments and requested that the area known as the Freshwater Marsh not be included within the proposed Ballona Wetlands Ecological Reserve:

- Otella Wruck, Friends of Ballona Wetlands
- Andi Culberterson, City of Los Angeles
- Edith Read, Center for Natural Lands Management
- Lisa Fimiani, Audobon Society, Friends of Ballona Wetlands
- Kathleen Truman, Latham & Watkins representing Playa Capital

Department Response: The proposed regulatory amendments do not include the area known as the Freshwater Marsh within the proposed Ballona Wetlands Ecological Reserve

2. Stan Wisniewski, Los Angeles County Beaches and Harbors wrote a letter dated August 17, 2005 supporting the proposed regulatory amendments contingent on recognition of existing Local Coastal Permits and associated regulations and development standards. He also expressed concern regarding designation of the proposed Ballona Wetlands Ecological Reserve and any related development restrictions.

Andi Culbertson, Los Angeles County Beaches and Harbors testified at the August 19, 2005 Fish and Game Commission hearing in support of the proposed regulatory amendments. He also expressed concerns regarding designation of the proposed Ballona Wetlands Ecological Reserve and any related development restrictions.

Department Response: The proposed regulatory action will not result in development restrictions.

3. The following individuals wrote letters requesting that the area known as the Freshwater Marsh be included within the proposed Ballona Wetlands Ecological Reserve:

- Paul Herzog, Ballona Wetlands Land Trust; Joe Geever, Surfrider Foundation; Marcia Hanscom, Sierra Club Angeles Chapter; Patricia McPherson, Grassroots Coalition; Don May, California Earth Corps; Roy Van de Hoek, Wetlands Action Network dated August 13, 2005
- Bill Rosendahl, Los Angeles City Council dated August 16, 2005
- Tracy Egoscue and Dana Palmer, Santa Monica Baykeeper dated August 16, 2005

The following individuals testified at the August 19, 2005 Fish and Game Commission Hearing requesting inclusion of the Freshwater Marsh within the proposed Ballona Wetlands Ecological Reserve:

- Marcia Hanscom, Wetlands Action Network
- Peggy Forster, Grass Roots
- Andrew Christie
- Robert VandeHoek
- Sabrina Venskus, Ballona Wetlands Land Trust

Department Response: The Freshwater Marsh is a mitigation parcel owned by the State Lands Commission and managed by the Center for Natural Lands Management under agreement with Playa Vista Development. There is no need to include the Freshwater Marsh within the proposed Ballona Wetlands Ecological Reserve, because its restoration, funding, management and uses are governed by multiple regulatory agencies and funded by Playa Vista Development.

4. Paul Weakland testified at the August 19, 2005 Fish and Game Commission hearing that Ecological Reserves should not be named after individuals.

Department Response: It is the policy of the Fish and Game Commission that no facility of the Department of Fish and Game shall be named for persons living or dead.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, CA 95814

VIII. Location of Department Files:

Department of Fish and Game  
1812 Ninth Street  
Sacramento, CA 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

Designation of the properties as wildlife areas in Section 550, Title 14, CCR. This alternative is inappropriate because of the purposes for which these properties were acquired. The sensitive habitats and species require additional protection not provided under Section 550.

(b) No Change Alternative:

By not adding these properties and providing special regulations, the appropriate level of protection for the properties is not provided. Also, appropriate public use activities will not be enforceable unless the amendments are made.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulations are proposed or would be as effective, and less burdensome to the affected private persons than the proposed regulations.

X. 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 proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory action adds one ecological reserve to Title 14 with special regulations. The proposed regulatory action is proposed to provide maximum protection of wildlife and habitat and to manage appropriate public use. It is not expected to negatively affect businesses, because the regulations are enforced only on the specific properties named.

- (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:

None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency 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:

None

- (h) Effect on Housing Costs:

None

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

Currently, there are 132 ecological reserves designated in Section 630, Title 14, CCR, for the purpose of protecting sensitive habitats and species. The department is

requesting that this section be amended to add one new ecological reserve, Ballona Wetlands, to this listing.

Ballona Wetlands consisting of 553 acres in Los Angeles County is proposed for designation as an ecological reserve for the protection and enhancement of coastal salt marsh, freshwater marsh, transitional uplands, and associated species, including the state listed endangered Belding's savannah sparrow. The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands.

The reasons for listing this property in Title 14 are to regulate public use and provide the best available protection for the species and habitats the property was acquired to protect. Since the property contains sensitive species, including a state listed endangered species, sensitive vegetation communities and acts as a linkage for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources. In order to do this efficiently, the department has a set of general regulations which apply to all ecological reserves.

The department may also write special regulations for individual properties, as it thinks appropriate, to give an additional level of protection, or to permit specific public uses not governed by the general regulations. The department is requesting special regulations for this reserve based on management information gathered which shows these amendments are necessary to protect the habitat or species the property supports.

Three special regulations will protect sensitive species and habitats of Ballona Wetlands by allowing pedestrian use only on designated trails; bicycle use only on a designated bike path on the north side of the Ballona Creek flood channel; and boating only within the Ballona Creek flood channel. One special regulation will allow fishing only with barbless hooks from shore in designated areas along the Ballona Creek flood channel or from a boat within the Ballona Creek flood channel for the protection of sensitive species and habitats and to minimize mortality of fish and aquatic species caught by anglers and returned to Ballona Creek. Two additional special regulations will allow licensed recreational use of a portion of an area of the proposed reserve known as Area C, and leased parking use under existing agreements, unless it is determined that other uses are more appropriate for these areas. Because these licensed recreational and parking uses are not normally allowed on ecological reserves, these two special regulations are necessary when the department has determined these activities are appropriate and will cause no impacts to protected species and habitats.

No changes have been made to the originally proposed regulatory language. The attached Management Plan Summary is revised from the version included with the Initial Statement of reasons to include protection of uplands among the management objectives of the property, and to include existing gas and energy easements in the list of agreements affecting the property. The Management Plan Summary is also revised to reflect recent developments in the Department's efforts to include an additional 24 acre parcel, known as the "Expanded Wetlands Parcel" within the proposed Ballona Wetlands Ecological Reserve. On June 20, 2005 the State Lands Commission (SLC)

approved a Department of Fish and Game (DFG) application to lease the Expanded Wetlands Parcel for management, and authorized its inclusion within the proposed Ballona Wetlands Ecological Reserve. SLC and DFG are in the process of finalizing this lease, and propose the inclusion of this parcel in the proposed Ballona Wetlands Ecological Reserve with this rulemaking.

**The Fish and Game Commission adopted the proposed regulatory amendments to designate Ballona Wetlands Ecological Reserve at its August 19, 2005 meeting in San Luis Obispo.**



**§630. Ecological Reserves is amended to read:**

The areas specified in this chapter have been declared by the Fish and Game Commission to be ecological reserves. A legal description of the boundaries of each ecological reserve is on file at the department's headquarters, 1416 Ninth Street, Sacramento. Ecological reserves are established to provide protection for rare, threatened or endangered native plants, wildlife, aquatic organism and specialized terrestrial or aquatic habitat types. Public entry and use of ecological reserves shall be compatible with the primary purposes of such reserves, and subject to the following applicable general rules and regulations, except as otherwise provided for in the special area regulations:

(a) General Rules and Regulations:

(1) Protection of Resources. No person shall mine or disturb geological formations or archeological artifacts or take or disturb any bird or nest, or eggs thereof, or any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life in an ecological reserve except as provided in subsections 630(a)(2) and (a)(8). The department may implement enhancement and protective measures to assure proper utilization and maintenance of ecological reserves.

(2) Fishing. Fishing shall be allowed in accordance with the general fishing regulations of the commission except that the method of taking fish shall be limited to angling from shore. No person shall take fish for commercial purposes in any ecological reserve except by permit from the commission.

(3) Collecting. No collecting shall be done in an ecological reserve except by permit issued pursuant to section 650 of these regulations. Any person applying for a permit must have a valid scientific collecting permit issued pursuant to part 3 of this title.

(4) Motor Vehicles. No person shall drive, operate, leave, or stop any motor vehicle, bicycle, tractor, or other type of vehicle in an ecological reserve except on designated access roads and parking areas.

(5) Swimming. No person shall swim, wade, dive, or use any diving equipment within an ecological reserve except as authorized under the terms of a permit issued pursuant to subsection (3).

(6) Boating. No person shall launch or operate a boat or other floating device within an ecological reserve except by permit from the commission.

(7) Trails. The department may designate areas within an ecological reserve where added protection of plant or animal life is desirable, and may establish equestrian or walking trails or paths within such designated areas. No person shall walk or ride horseback in such areas except upon the established trails or paths.

(8) Firearms. No person shall fire or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within or into an ecological reserve or possess such weapons within an ecological reserve, except law enforcement personnel and as provided for in individual area regulations that allow for hunting.

(9) Ejection. Employees of the department may eject any person from an ecological reserve for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the ecological reserve or persons thereon is endangered.

(10) Public Entry. Public entry may be restricted on any area at the discretion of the department to protect the wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, may enter any ecological reserve, or portion thereof, which is closed to public entry. No person may enter any Ecological Reserve between sunset and sunrise except with written permission from the Department, which may be granted for purposes including night fishing in accordance with subsection (a)(2) from designated shore areas only.

A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Elkhorn Slough and Upper Newport Bay ecological reserves except for users that possess a valid California sport fishing license hunting license or trapping license, or users that are under 16 years of age or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsection 550(b)(16)(B), Title 14, CCR, for regulations for fee requirements for wildlife areas.

(11) Introduction of Species. Unless authorized by the commission, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is

prohibited. The department may reintroduce endemic species on ecological reserves for management purposes.

(12) Feeding of Wildlife. The feeding of wildlife is prohibited.

(13) Pesticides. The use of pesticides is prohibited on any ecological reserve unless authorized by the commission with the exception that the department may use pesticides for management purposes and for public safety.

(14) Litter. No person shall deposit, drop, or scatter any debris on any ecological reserve except in a receptacle or area designated for that purpose. Where no designated receptacles are provided, any refuse resulting from a person's use of an area must be removed from that area by such person.

(15) Grazing. The grazing of livestock is prohibited on any ecological reserve.

(16) Falconry. Falconry is prohibited.

(17) Aircraft. No person shall operate any aircraft or hovercraft within a reserve, except as authorized by a permit from the commission.

(18) Pets. Pets, including dogs and cats, are prohibited from entering reserves unless they are retained on a leash of less than ten feet or are inside a motor vehicle, except as provided for in individual area regulations that allow for hunting or training activities.

(19) Fires. No person shall light fireworks or other explosive or incendiary devices, or start or maintain any fire on or in any reserve, except for management purposes as provided in subsection (a)(1).

(20) Camping. No person shall camp on/in any ecological reserve.

(21) Vandalism. No person shall tamper with, damage or remove any property not his own when such property is located within an ecological reserve.

(b) Areas and Special Regulations for Use:

(1) Abalone Cove Ecological Reserve, Los Angeles County.

(A) Fishing is permitted for fin fish (those having vertebrae) only, from boats as well as from shore. Spear guns may be used for the taking of fin fish.

(B) Swimming, surfing, boating, skin and SCUBA diving are permitted.

(2) Agua Hedionda Lagoon Ecological Reserve, San Diego County.

(A) The department, and the County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(B) All fishing is prohibited.

(3) Albany Mudflats Ecological Reserve, Alameda County.

(4) Alkali Sink Ecological Reserve, Fresno County.

(A) Grazing is permitted under a permit from the department.

(5) Allensworth Ecological Reserve, Tulare County.

(A) Grazing shall be allowed under permit from the department.

(B) Hunting shall be permitted in accordance with general hunting regulations, but only at such times and in specific areas as designated by the department.

(6) Apricum Hill Ecological Reserve, Amador County.

(A) No person, except as provided in subsection (a)(10), shall enter the reserve.

(7) Atascadero Creek Marsh Ecological Reserve, Sonoma County.

(8) Bair Island Ecological Reserve, San Mateo County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve during the period February 15 through May 20.

(B) Waterfowl shall be taken in accordance with the general waterfowl regulations.

(9) Baldwin Lake Ecological Reserve, San Bernardino County.

(A) All fishing is prohibited.

(B) Waterfowl and upland game hunting shall be allowed in accordance with the general hunting regulations. Waterfowl hunting shall be permitted from boats only, and in accordance with general waterfowl hunting regulations and pursuant to the provisions of Section 551, Title 14, CCR.

(C) Boating is permitted for the purpose of waterfowl hunting only. Boats may be launched and retrieved in designated areas only.

(10) Ballona Wetlands Ecological Reserve, Los Angeles County.

(A) Pedestrian use is allowed on designated trails only.

(B) Bicycle use is allowed only on the designated bike path on the north side of the Ballona Creek flood control channel.

(C) Fishing from shore is allowed only in designated areas along Ballona Creek flood control channel. Fishing from boats is allowed only within the Ballona Creek flood control channel. Only barbless hooks may be used.

(D) Boating shall be allowed only within the Ballona Creek flood control channel.

(E) Existing recreational uses may be allowed under license agreement with Playa Vista Little League in that portion of Area C identified in the license agreement unless it is determined by the department that restoration or other uses in this area are more appropriate.

(F) Existing parking areas under leases to the County of Los Angeles may be allowed unless it is determined by the department that restoration or other uses in those areas are more appropriate.

~~(4011)~~ Baticuitos Lagoon Ecological Reserve, San Diego County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purpose of the reserve.

(B) San Diego County, after consultation with the department, may carry out management activities necessary for fish and wildlife management, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

~~(4412)~~ Blue Ridge Ecological Reserve, Tulare County.

(A) Grazing shall be allowed under permit from the department.

(B) Hunting and trapping shall be permitted in accordance with the general hunting and trapping regulations, but only at such times and in specific areas as designated by the department. Trapping may only be done under permit from the department.

~~(4213)~~ Blue Sky Ecological Reserve, San Diego County.

(A) Bicycles prohibited.

~~(4314)~~ Bobelaine Ecological Reserve, Sutter County.

(A) No person, except as provided in subsection (a)(10), employees of the National Audubon Society or employees of the Department of Water Resources, in the performance of their official duties or those persons possessing written permission from the area manager, may enter the reserve for any purpose.

(B) All fishing is prohibited.

(C) The area manager may issue permits to conduct biological research projects and may restrict the use of boats, vehicles and other motorized equipment within the reserve. Such projects and use shall be compatible with the primary purposes of the reserve.

(D) The Audubon Society may carry out operation and management activities necessary for fish and wildlife management, flood control, vector control and public access. Authorized operation and maintenance activities shall include, but not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

~~(4415)~~ Boden Canyon Ecological Reserve, San Diego County.

(A) Upland game hunting shall be permitted in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

~~(4516)~~ Boggs Lake Ecological Reserve, Lake County.

~~(4617)~~ Bolsa Chica Ecological Reserve, Orange County.

(A) No person, except as provided in subsection (a)(10), or employees of Signal Corporation and its invitees, for the purposes of carrying out oil and gas operations, shall enter this reserve and remain therein except on established trails, paths or other designated areas.

(B) Fishing shall be permitted at designated areas around outer Bolsa Bay only.

(C) Horses are prohibited from entering the reserve.

(D) Pets are prohibited from entering the reserve except when they remain inside a motor vehicle.

(E) No person shall enter this reserve between 8:00 p.m. and 6:00 a.m.

(F) Motor vehicles are prohibited between 8:00 p.m. and 6:00 a.m.

(G) Vehicle parking is for reserve visitors' use only.

(H) The County of Orange, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance

activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(~~4718~~) Bonny Doon Ecological Reserve, Santa Cruz County.

(~~4819~~) Boulder Creek/Rutherford Ranch Ecological Reserve, San Diego County.

(~~4920~~) Buena Vista Lagoon Ecological Reserve, San Diego County.

(A) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(B) Fishing is allowed at designated fishing areas only.

(~~2021~~) Burton Mesa Ecological Reserve, Santa Barbara County

(A) Motor vehicles use is prohibited, except by department personnel or department authorized contractors for management or research, or by law enforcement/public safety officers in response to public safety or health hazards.

(B) Upland game hunting may be permitted only at such times and in specific areas as designated by the department.

(~~2422~~) Butler Slough Ecological Reserve, Tehama County.

(A) Livestock grazing may be allowed under permit from the department.

(B) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.

(~~2223~~) Butte Creek Canyon Ecological Reserve, Butte County.

(A) Motor vehicle use in the Reserve is prohibited except by Department personnel, law enforcement officers or firefighters in response to public safety or health hazards.

(B) Horses are prohibited.

(C) Fishing by boat or other flotation device within the Reserve and in the main channel of Butte Creek is permitted only from February 1 through April 30. Only hand-carried boats or flotation devices may be launched and operated.

(D) The use, application or deposition in any form of toxic substances is prohibited unless authorized by the Commission.

(~~2324~~) Butte Creek House Ecological Reserve, Butte County.

(A) Motor vehicle use is prohibited except by Department personnel, law enforcement officers, or firefighters in response to public safety or health hazards.

(B) The use, application or deposition in any form of toxic substances is prohibited unless authorized by the Commission.

(~~2425~~) Buttonwillow Ecological Reserve, Kern County.

(A) Grazing may be allowed under permit from the department.

(B) Hunting may be permitted in accordance with general hunting regulations, but only at such times and in specific areas as designated by the department.

(~~2526~~) By-Day Creek Ecological Reserve, Mono County.

(A) All fishing is prohibited.

(B) Hunting shall be permitted in accordance with general hunting regulations.

(~~2627~~) Calhoun Cut Ecological Reserve, Solano County.

(A) No person, except as provided below and in subsection (a)(10), shall enter this reserve.

(B) Hunting for waterfowl is allowed only from a boat on waters of the main channel of Calhoun Cut and its tributaries, accessible only from Lindsey Slough and subject to the general hunting regulations and the provisions of subsection (a)(10), related to the protection of wildlife, aquatic life and habitat.

(C) Fishing is allowed only from a boat on waters of the main channel of Calhoun Cut and its tributaries, accessible only from Lindsey Slough and subject to the general sport fishing regulations and the provisions of subsection (a)(10), related to the protection of wildlife, aquatic life and habitat.

(D) Grazing may be allowed under permit from the Department.

(~~2728~~) Canada de los Osos Ecological Reserve, Santa Clara County.

(A) No person, may enter the reserve except with written permission from the department, or unless part of an organized group that has received written permission.

(B) Fishing may be allowed only with written permission from the department. Fishing may be permitted from boats, as well as from shore; only lightweight hand-carried boats or floatation devices may be launched and operated. No gasoline-powered boats shall be permitted.

(C) Swimming, diving and wading may be allowed in designated areas with permission from the department.

(D) Hunting may be allowed, but only in participation with department sponsored hunts at such times, areas, and species as designated by the department.

(E) Target and skeet shooting, other discharge of firearms, and use of bow and arrow may be allowed, but only at such times and in specific areas as designated by the department.

(F) Except as otherwise permitted by the department, all public access trails are open to foot access only.

(G) Notwithstanding the provisions of subsections (a)(1), (2), (3), (5), (6), (8), (12) and (17), the department may issue permits to conduct biological research within the reserve, and may allow collection of plants and animals for educational purposes. Such activities must be compatible with the primary purpose of the reserve.

(H) Camping and campfires may be allowed in specified areas with written permission from the department.

(I) The department may restrict any activities on the reserve to persons under 16 and adults supervising those persons.

(J) Dogs may be allowed in the reserve with written permission from the department.

(K) Livestock grazing may be allowed for habitat management purposes under permit from the department.

~~(2829)~~ Canebrake Ecological Reserve, Kern County.

(A) Notwithstanding the provision of subsection (a)(15), grazing may be allowed under permit from the department.

(B) Firearms, archery equipment, and hunting dogs, either on leash or in a vehicle, may be possessed only by licensed hunters only at such times and in specific areas as designated by the department.

(C) Fishing may be allowed only in those specific areas designated by the department.

(D) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6), and (12), the department may issue permits to conduct biological or archaeological research. Such research shall be compatible with the primary purpose of the reserve.

(E) Notwithstanding the provisions of subsection (a)(18), only those animals assisting visually impaired or disabled persons are permitted.

(F) Notwithstanding the provisions of subsection (a)(7), equestrian use may be allowed, but only in specific areas designated by the department.

~~(2930)~~ Carlsbad Highlands Ecological Reserve, San Diego County.

~~(3031)~~ Carmel Bay Ecological Reserve, Monterey County.

(A) Sport fishing with hook and line, spear gun or hand-held implements shall be permitted from boats as well as from shore. No invertebrates may be taken, possessed or destroyed.

(B) Swimming, boating, surfing, skin and SCUBA diving are permitted.

(C) Within Stillwater Cove kelp may be removed at any time to allow the passage and mooring of boats between Pescadero Rocks and Arrowhead Point.

(D) If, at any time, the director of the department finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of any food for fish or wildlife, the director shall serve on every person licensed to harvest kelp a 48-hour advance, written notice that the kelp bed, or a part thereof, will be closed to the harvesting of kelp for a period not to exceed one year. After service of such a notice the person upon whom notice is served may appeal to the commission for a hearing to reopen the kelp bed or part thereof.

(E) Not more than five percent (5%) of the total weight of kelp harvested in any one day shall consist of *Nereocystis* (bull kelp).

(F) Any licensed person or company intending to harvest kelp within the ecological reserve shall give the department's regional manager of the Marine Resources Region, or his designee, at least 48-hours oral notice of the intention to harvest. At the option of the department, an observer selected by the department may accompany the harvester during such a harvesting.

(G) Not more than 50 percent of the kelp within Bed 219 shall be harvested in any four-month period.

~~(3432)~~ Carrizo Canyon Ecological Reserve, Riverside County.

(A) No person, except as provided in subsection (a)(10), and employees of the Bureau of Land Management in the performance of their official duties shall enter this reserve during the period June 15 to September 30.

(B) The County of Riverside may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(C) Pets are prohibited from entering the reserve except when they remain inside a motor vehicle.

~~(3233)~~ Carrizo Plains Ecological Reserve, San Luis Obispo County, including the American, Panorama, Elkhorn Plain and Chimineas Units.

(A) Hunting shall be allowed in accordance with the general hunting regulations and only at such times and in such places as designated by the Department.

(B) Target shooting is permitted in designated areas.

(C) Notwithstanding the provisions of subsection (a)(15), grazing may be allowed under permit from the department.

(D) Notwithstanding the provisions on subsections (a)(1), (3), (5), (6), (10), (12) and (20), the department may issue permits to conduct biological research or monitoring compatible with the purposes of the reserve.

~~(3334)~~ China Point Ecological Reserve, Siskiyou County.

(A) No person, except as provided in subsection (a)(10) and employees of the U.S. Forest Service in the performance of their official duties, shall enter this reserve during the period February 15 through July 31.

(B) Fishing shall be permitted from boats as well as from shore; boats may be launched and operated in the Klamath River.

(C) Hunting shall be allowed in accordance with the general hunting regulations and subject to subsection ~~(3334)~~(A) above.

~~(3435)~~ Chorro Creek Ecological Reserve, San Luis Obispo County.

(A) Except as otherwise designated by the department, all public access trails are open to foot access only.

(B) Notwithstanding the provisions of subsections (a)(1), (2), (3), (5), (6), (8), (12) and (17), the department may issue permits to conduct biological research within the reserve, and may allow collection of plants and animals for educational purposes. Such activities must be compatible with the primary purpose of the reserve.

(C) Livestock grazing may be allowed for habitat management purposes under permit from the department.

~~(3536)~~ Clover Creek Ecological Reserve, Shasta County.

(A) Livestock grazing may be allowed under permit from the department.

(B) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.

~~(3637)~~ Coachella Valley Ecological Reserve, Riverside County.

(A) The Bureau of Land Management, the Fish and Wildlife Service and The Nature Conservancy may carry out management activities necessary for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

~~(3738)~~ Coal Canyon Ecological Reserve, Orange County.

(A) Hunting shall be permitted in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

(B) Method of take restrictions: Shotguns and archery equipment only.

~~(3839)~~ Coldwater Canyon Ecological Reserve, Ventura County.

(A) The existing travel corridor through the area is open to foot traffic only. All other areas are closed to public entry.

- (~~3940~~) Corral Hollow Ecological Reserve, San Joaquin County.  
 (A) No person, except as provided in subsection (a)(10), shall enter the reserve.
- (~~4041~~) Corte Madera Marsh Ecological Reserve, Marin County.  
 (A) Boating is permitted, except only lightweight hand-carried boats may be launched within the reserve.
- (~~4442~~) Cosumnes River Ecological Reserve, Sacramento County.  
 (A) Walking is allowed only on established trails, paths or other designated areas.  
 (B) Horses, except by written permission of the department for grazing management, are prohibited.  
 (C) Boating is permitted subject to the limitation that only lightweight, hand carried, non-gasoline powered floating devices may be launched and operated from designated launching sites. The department or its designee may further restrict the use and operation of boats to protect resources or provide for the orderly operation of recreational programs. Boating restrictions may include, but are not limited to, seasonal closures.  
 (D) Fishing is allowed only from a boat on the waters of the main channel of the Cosumnes River and sloughs accessible from the Mokelumne River in accordance with the general fishing regulations and the provisions of subsection (a)(10), related to the protection of wildlife, aquatic life and habitat.  
 (E) Hunting may be permitted in accordance with general hunting regulations, but only at such times and in specific locations as designated by the department.  
 (F) Picnicking shall occur only at such times and in those areas designated by the department.  
 (G) Pets are prohibited from entering the reserve, except when they remain inside a motor vehicle.  
 (H) The department, the State Lands Commission, the Bureau of Land Management, The Nature Conservancy, Ducks Unlimited, Inc. and the County of Sacramento may carry out management activities necessary for fish and wildlife management, flood control, vector control and public access. Authorized operation and maintenance activities shall include, but not be limited to, use of chemicals, vegetation control, animal control, water control and associated use of equipment.  
 (I) Grazing may be allowed under permit from the department.  
 (J) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological or archaeological research. Such research shall be compatible with the primary purpose of the reserve.  
 (K) Farming may be allowed under permit from the department when such farming is compatible with the primary purpose of the reserve.
- (~~4243~~) Crestridge Ecological Reserve, San Diego County.  
 (A) Non-motorized mountain biking may be allowed on designated roads during designated seasons as determined by the department. Closures may be implemented at the discretion of the department.
- (~~4344~~) Dairy Mart Ponds Ecological Reserve, San Diego County.  
 (A) San Diego County, after consultation with the department, may carry out management activities for vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.
- (~~4445~~) Dales Lake Ecological Reserve, Tehama County.  
 (A) Waterfowl hunting shall be permitted in accordance with the general waterfowl regulations per Section 502, Title 14, CCR.  
 (B) Livestock grazing may be allowed under permit from the department.  
 (C) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.
- (~~4546~~) Del Mar Landing Ecological Reserve, Sonoma County.  
 (A) Fishing is permitted for fin fish (those having vertebrae) only. Spear guns may be used for the taking of fin fish.  
 (B) Swimming, boating, skin and SCUBA diving are permitted.
- (~~4647~~) Del Mar Mesa/Lopez Ridge Ecological Reserve, San Diego County.  
 (~~4748~~) Del Monte Dunes Ecological Reserve, Monterey County.  
 (~~4849~~) Eden Landing Ecological Reserve, Alameda County.

(A) No person shall enter this reserve except on designated trails without written permission or by posted notice of the regional manager.

(B) No person shall walk, ride horses or bicycles, except on designated trails.

(C) Dogs are restricted to designated trails and designated hunting areas during the waterfowl season. In designated hunting areas, dogs may be off leash only for hunting during waterfowl season and must be under voice control at all times.

(D) Waterfowl hunting shall be permitted, but only at such times and in specific areas as designated by the department. Waterfowl shall be taken in accordance with the general waterfowl regulations.

(E) Fishing shall be permitted from boats and from shore, but only at such times and in specific areas as designated by the department.

(F) Notwithstanding the provisions of section (a)(2), commercial bait fishing for brine shrimp may occur only at such times and in specific areas as designated by the department.

(G) Notwithstanding the provisions of subsections (a)(1), (2), (3), (5), (6), (8), (10), (12) and (20), the department may issue permits to conduct biological research or monitoring compatible with the primary purposes of the reserve.

~~(4950)~~ Elkhorn Slough Ecological Reserve (National Estuarine Research Reserve), Monterey County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) Fishing shall be conducted from only those specific areas of the reserve designated by the department.

(C) Hunting shall be permitted in accordance with general hunting regulations, but only at such times and in specific areas as designated by the department.

(D) Grazing shall be allowed under permit from the department. The department may restrict the use of horses by grazing permittees.

(E) All designated public access trails are opened to foot access only.

(F) The causing of excessive noise especially that amplified electronically is prohibited.

(G) Picnicking shall be conducted in only those areas designated by the Department.

~~(5051)~~ Estelle Mountain Ecological Reserve, Riverside County.

(A) Upland game hunting shall be permitted in accordance with the general hunting regulations.

~~(5452)~~ Fagan Marsh Ecological Reserve, Napa County.

(A) Fishing shall be permitted from boats, as well as from shore; only lightweight hand-carried boats may be launched and operated.

(B) Swimming and diving are permitted.

~~(5253)~~ Fall River Mills Ecological Reserve, Shasta County.

~~(5354)~~ Farallon Islands Ecological Reserve, San Francisco County

(A) Subsections (a)(1) through (a)(21) do not apply.

(B) Except as specifically prohibited under this section, boating, sport and commercial fishing, swimming, and skin and SCUBA diving are permitted within the ecological reserve, which extends one nautical mile from the coastline of Southeast Farallon and North Farallon Islands.

(C) All vessels shall observe a five (5) nautical mile per hour speed limit within 1,000 feet of any shoreline in the reserve.

(D) All commercial abalone and sea urchin diving vessels operating in the reserve shall terminate their vessel engine exhaust system either through a muffler for dry exhaust systems, or below the vessel waterline for wet exhaust systems.

(E) All commercial abalone and sea urchin diving vessels equipped with an open, deck-mounted air compressor system, while operating in the reserve, shall have the air compressor's engine exhaust system terminate below the vessel waterline.

(F) From March 15 through August 15 of each year no vessel shall be operated or anchored less than 300 feet from the shoreline of any of the four islets comprising the North Farallons, including North Farallon, the Island of St. James and the two unnamed islets located between them, all as shown at about 370 46' N, 1230 06' W on the 21st edition of NOAA chart 18645, dated August 11, 1990 and herein incorporated by reference, except in the area beginning at a line extending due west magnetic from the northernmost point of land on North Farallon and continuing clockwise to a line drawn due west magnetic



from the southernmost point of land on North Farallon and in the area beginning at a line drawn due west magnetic from the northernmost point of land on the northernmost of the two unnamed islets extending clockwise to a line drawn due south magnetic from the southernmost point of land on that islet.

(G) From March 15 through August 15 of each year no vessel shall be operated or anchored less than 300 feet from the shoreline in the area beginning at the south end of Jordan Channel, westward around Indian Head, then generally northward past Great Arch Rock, then generally following the shoreline to a line extending due west from the northernmost point of land on Sugarloaf Island or in the area from the east end of Mussel Flat, generally southward to the northeasternmost point of land on Saddle Rock (Seal Rock) then generally southwest along the northerly shoreline of Saddle Rock to the southwesternmost point of land on Saddle Rock and continuing generally northward to the west end of Mussel Flat, both areas at Southeast Farallon Island.

(H) Nothing in this section shall prohibit emergency anchorage or vessel operation necessary to protect property or human life.

~~(5455)~~ Farnsworth Bank Ecological Reserve, Los Angeles County.

(A) No purple coral (*Allopora californica*) or geological specimens may be taken.

(B) Subsections (a)(1) through (a)(21) do not apply.

~~(5556)~~ Fish Slough Ecological Reserve, Inyo and Mono counties.

(A) Fishing is prohibited within the 20-acre fenced and posted plot of land encompassing two spring areas and an artificial impoundment of 5.6 acres located in the northwest corner of that area known as "Fish Slough," northern Inyo and southern Mono counties.

(B) Hunting shall be allowed in accordance with the general hunting regulations.

~~(5657)~~ Fremont Valley Ecological Reserve, Kern County.

~~(5758)~~ Goleta Slough Ecological Reserve, Santa Barbara County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) No person, except as provided in subsection (a)(10) or designated employees of Santa Barbara Airport, City of Santa Barbara and Goleta Valley Mosquito Abatement District for the purposes of carrying out official duties shall enter this reserve and remain therein except on established trails, paths or other designated areas.

(C) No fishing shall be allowed except at designated areas.

(D) Horses are prohibited.

(E) The department, City of Santa Barbara and the Goleta Valley Mosquito Abatement District may carry out management activities necessary for fish and wildlife management and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, minor ditching for mosquito abatement when approved by department and use of associated equipment.

~~(5859)~~ Harrison Grade Ecological Reserve, Sonoma County.

~~(5960)~~ Headwaters Forest Ecological Reserve, Humboldt County.

(A) Horses are prohibited from entering the reserve.

(B) Bicycles are allowed only on the northern 3.5-mile designated corridor.

(C) Dogs on leash are allowed only on the northern 3.5-mile designated corridor.

(D) Camping may be authorized with written permission from the department or the Bureau of Land Management for research and monitoring.

(E) Swimming may be authorized with written permission from the department or the Bureau of Land Management for research and monitoring.

(F) Aircraft operations and motorized vehicle use may be authorized with written permission from the department or the Bureau of Land Management for emergency operations, monitoring, research and other management activities.

(G) The Bureau of Land Management may carry out operation and maintenance activities necessary for fish and wildlife management and public access. Authorized operation and maintenance activities shall include, but not be limited to use of chemicals, vegetation control, forestry management, controlled burning and use of associated equipment.

~~(6061)~~ Heisler Park Ecological Reserve, Orange County.

(A) All fishing is prohibited.

(B) Swimming, boating and other aquatic sports are permitted. Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.

~~(6462)~~ Hidden Palms Ecological Reserve, Riverside County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve.

~~(6263)~~ Indian Joe Springs Ecological Reserve, Inyo County.

(A) Upland game hunting shall be permitted in accordance with the general hunting regulations.

~~(6364)~~ Joshua Creek Canyon Ecological Reserve, Monterey County.

~~(6465)~~ Kaweah Ecological Reserve, Tulare County.

(A) Grazing may be allowed only under permit from the department.

(B) Hunting shall be allowed in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

~~(6566)~~ Kerman Ecological Reserve, Fresno County.

(A) Grazing may be allowed under permit from the Department.

(B) Hunting shall be permitted in accordance with general hunting regulations from July 1 through January 31. Only licensed hunters will be permitted to possess firearms. Shotguns only, discharging not larger than number 2 lead or size T steel shot, will be allowed on the area. Possession of firearms for other than law enforcement purposes will not be permitted on the area, except as provided herein.

(C) No plinking, firearms practice, or target shooting is allowed within the area.

~~(6667)~~ King Clone Ecological Reserve, San Bernardino County.

~~(6768)~~ Laguna Laurel Ecological Reserve, Orange County.

~~(6869)~~ Lake Hodges Ecological Reserve, San Diego County.

~~(6970)~~ Lake Mathews Ecological Reserve, Riverside County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) No person except as provided in subsection (a)(10) and employees and consultants of Metropolitan Water District and member public agencies of the District, in the performance of customary reservoir maintenance activities or other official duties, may enter or utilize boats, aircraft or motor vehicles within this reserve.

(C) All fishing is prohibited.

(D) Collections may be made by the department for the purposes of fish and wildlife management, or by Metropolitan Water District for the purpose of water quality testing.

(E) The department and Metropolitan Water District may carry out management activities necessary to ensure water quality and the proper operation and maintenance of Lake Mathews as a water supply facility and natural area. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, rodent control and use of associated equipment.

~~(7071)~~ Leek Springs Ecological Reserve, El Dorado County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve without written permission from the regional manager.

(B) All fishing is prohibited.

(C) Pets are prohibited from entering the reserve.

(D) Vehicles are prohibited, except for use by adjacent landowners and their invitees, United States Forest Service personnel, fire personnel or other authorized persons who may only use the road easement which bisects the property.

(E) Horses and bicycles are prohibited.

~~(7472)~~ Limestone Salamander Ecological Reserve, Mariposa County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve.

~~(7273)~~ Little Butte Ecological Reserve, Mendocino County.

~~(7374)~~ Little Red Mountain Ecological Reserve, Mendocino County.

~~(7475)~~ Loch Lomond Vernal Pool Ecological Reserve, Lake County.

~~(7576)~~ Lokern Ecological Reserve, Kern County.

(A) Notwithstanding the provision of subsection (a)(15), grazing may be allowed under permit from the department.

(B) Hunting may be permitted in accordance with general hunting regulations only at such times and in specific areas as designated by the department.

~~(7677)~~ Macklin Creek Ecological Reserve, Nevada County.  
 (A) No person, except as provided in subsection (a)(10), shall enter this reserve without written permission from the regional manager.  
 (B) All fishing is prohibited.

~~(7778)~~ Magnesia Spring Ecological Reserve, Riverside County.  
 (A) No person, except as provided in subsection (a)(10), and employees of the City of Rancho Mirage in the performance of their official duties shall enter this reserve during the period June 15 to September 30.  
 (B) The County of Riverside may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.  
 (C) Pets are prohibited from entering the reserve except when they remain inside a motor vehicle.

~~(7879)~~ Marin Islands Ecological Reserve, Marin County.  
~~(7980)~~ Mattole River Ecological Reserve, Mendocino County.  
~~(8081)~~ McGinty Mountain Ecological Reserve, San Diego County.  
~~(8182)~~ Meadowbrook Ecological Reserve, San Diego County.  
~~(8283)~~ Moro Cojo Ecological Reserve, Monterey County.  
~~(8384)~~ Morro Dunes Ecological Reserve, including the Bayview Unit, San Luis Obispo County.  
~~(8485)~~ Morro Rock Ecological Reserve, San Luis Obispo County.  
 (A) No person shall enter into or upon this reserve for any purpose except as follows:  
 1. For the purpose of fishing and sightseeing, persons may enter upon that portion of Morro Rock between the low tide mark and a point ten (10) feet in elevation above the mean high tide mark.  
 2. Those persons provided for in subsection (a)(10), and employees of the Department of Parks and Recreation may enter the reserve in the performance of their official duties.

~~(8586)~~ Napa River Ecological Reserve, Napa County.  
 (A) Grazing is permitted under a permit from the department.  
 (B) No person, except as provided in subsection (a)(10), shall enter this reserve between sunset and sunrise.  
 (C) Swimming is permitted.  
 (D) The possession and/or consumption of alcoholic beverages is prohibited.

~~(8687)~~ North Table Mountain Ecological Reserve, Butte County.  
 (A) Horses and bicycles are prohibited from entering the reserve.  
 (B) Livestock grazing for habitat management is permitted under permit from the department.  
 (C) Hunting is permitted for deer and upland game in accordance with the general hunting regulations through November 15. Hunting is prohibited after November 15 and through the spring turkey season.

~~(8788)~~ Oasis Springs Ecological Reserve, Riverside County.  
 (A) All fishing is prohibited.  
 (B) Hunting shall be permitted in accordance with general hunting regulations.

~~(8889)~~ Offshore Rocks and Pinnacles, coastal counties.  
~~(8990)~~ Otay Mountain Ecological Reserve, San Diego County.  
 (A) Hunting shall be allowed in accordance with the general hunting regulations and the Bureau of Land Management's Wilderness Area Restrictions.

~~(9091)~~ Owl Creek Ecological Reserve, Humboldt County.  
~~(9192)~~ Panoche Hills Ecological Reserve, Fresno County.  
 (A) Grazing may be allowed under permit from the department.  
 (B) Hunting shall be permitted in accordance with general hunting regulations from July 1 through January 31. Only licensed hunters will be permitted to possess firearms.  
 (C) No plinking, firearms practice, or target shooting is allowed within the area.

~~(9293)~~ Peytonia Slough Ecological Reserve, Solano County.  
 (A) Fishing shall be permitted from boats as well as from shore.  
 (B) Swimming, wading and diving shall be permitted within the reserve.  
 (C) Boats may be operated within the reserve; however, only lightweight, hand-carried boats may be launched within the reserve.

~~(9394)~~ Pilgrim Creek Ecological Reserve, San Diego County.  
~~(9495)~~ Phoenix Field Ecological Reserve, Sacramento County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve.

~~(9596)~~ Pine Hill Ecological Reserve, El Dorado County including the Salmon Falls Unit.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve.

(B) No horses are permitted within the boundaries of the reserve.

~~(9697)~~ Pismo Lake Ecological Reserve, San Luis Obispo County.

(A) All fishing is prohibited.

~~(9798)~~ Piute Creek Ecological Reserve, San Bernardino County.

(A) Hunting shall be allowed in accordance with the general hunting regulations.

~~(9899)~~ Plaisted Creek Ecological Reserve, San Diego County.

~~(99100)~~ Pleasant Valley Ecological Reserve, Fresno County.

(A) Grazing may be allowed under permit from the department.

(B) Hunting may be permitted in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

~~(100101)~~ Point Lobos Ecological Reserve, Monterey County.

(A) All fishing is prohibited.

(B) Swimming, boating, and other aquatic sports are permitted. Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.

~~(101102)~~ Quail Hollow Ecological Reserve, Santa Cruz County.

~~(102103)~~ Quail Ridge Ecological Reserve, Napa County.

(A) No person, except as provided in subsection (a)(10) shall enter this reserve without permission from the department.

(B) Hunting will be permitted only as specially authorized hunts determined by the department.

~~(103104)~~ Rancho Jamul Ecological Reserve, including the Headquarters Unit, San Diego County.

(A) Controlled retriever training may be permitted within a designated area. This area shall be clearly posted.

(B) Hunting shall be allowed in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

(C) Within the 50.51 acre Headquarters Unit, the Department may develop facilities and conduct activities consistent with training programs, meeting and storage needs, fire suppression and control, and educational programs under guidelines established by the regional manager.

(D) Uses associated with occupied state housing shall be allowed within the 50.51 acre Headquarters Unit.

~~(104105)~~ Redwood Shores Ecological Reserve, San Mateo County.

(A) Fishing shall be permitted from boats as well as from shore; only lightweight, hand-carried boats may be launched and operated.

(B) Swimming, wading and diving shall be allowed within the ecological reserve.

(C) Bicycles are allowed along levee-top road system.

~~(105106)~~ River Springs Lakes Ecological Reserve, Mono County.

(A) Hunting shall be permitted in accordance with the general hunting regulations.

~~(106107)~~ Saline Valley Ecological Reserve, Inyo County.

(A) Hunting shall be allowed in accordance with the general hunting regulations.

~~(107108)~~ San Bruno Mountain Ecological Reserve, San Mateo County.

~~(108109)~~ San Diego-La Jolla Ecological Reserve, San Diego County.

(A) Commercial bait fishing for squid, only by use of hand-held scoop net, is authorized offshore west of a line drawn due north from Goldfish Point. All other forms of fishing are prohibited.

(B) Swimming, boating, and other aquatic sports are permitted. Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.

~~(109110)~~ San Diego River Ecological Reserve, San Diego County.

~~(110111)~~ San Dieguito Lagoon Ecological Reserve, San Diego County.

(A) Fishing shall be permitted from shore and from the Grand Avenue bridge.

(B) No person, except as provided in subsection 630(a)(10), shall be permitted on the California least tern nesting island.

(C) No person, except as provided in subsection 630(a)(10), shall enter this reserve between 8:00 p.m. and 5:00 a.m.

(D) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance

activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(E) Collections of fish, wildlife, water and soil may be made by the Department for the purposes of fish and wildlife management or by San Diego County for the purposes of water quality testing and vector control.

~~(444112)~~ San Elijo Lagoon Ecological Reserve, San Diego County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) San Diego County, after consultation with the department, may carry out management activities for fish and wildlife management, flood control, vector control and regional park recreational activities. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, minor ditching and use of associated equipment.

(C) Collections may be made by the department for purposes of fish and wildlife management or by San Diego County for the purpose of water quality testing and vector control.

~~(442113)~~ San Felipe Creek Ecological Reserve, Imperial County.

(A) Hunting shall be permitted in accordance with the general hunting regulations.

~~(443114)~~ San Joaquin River Ecological Reserve, Fresno and Madera Counties.

(A) No person shall enter into any unit of this reserve except as provided in subsection a(10), or as provided by written permission or by posted notice of the regional manager who will designate appropriate times and/or areas open to public use.

(B) The Department may carry out or cause to be carried out management activities for fish and wildlife, flood control, and vector control. Authorized operation and maintenance activities shall include, but not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(C) Boating is permitted, subject to the limitations of subsection (A) above. Except in the execution of law enforcement, emergency services, or official duties of department employees or contractors, only lightweight, hand carried, non-gasoline powered floating devices may be launched and operated from designated launching sites. The Regional Manager or his designee may further restrict the use and operation of boats to protect the resource or provide for the orderly operation of recreational programs maintained on the area. Boating restrictions may include, but are not limited to, seasonal closures.

(D) Angling shall be permitted from boats as well as from shore, subject to the limitations in subsections (A) and (C), above.

(E) Subsection (a)(20) notwithstanding, late night or over-night use for camping and other purposes may be allowed subject to limitations in subsection (A) above.

(F) Subsection (a)(11) notwithstanding, the Department may, for management purposes, introduce or cause to be introduced nonendemic fish species which are naturalized in the San Joaquin River system, primarily to establish and maintain urban sport-fishing opportunities.

(G) Subsection (a)(17) shall not be construed to prohibit aircraft from operating within a normal flight pattern when taking off from or landing at the Sierra Skypark airport located approximately one-quarter mile south of the reserve.

(H) Grazing for vegetation management may be allowed under permit from the department.

~~(444115)~~ San Luis Rey River Ecological Reserve, San Diego County.

~~(445116)~~ Santa Cruz Long-toed Salamander Ecological Reserve, Santa Cruz County.

(A) No person shall enter the reserve for any purpose except as follows:

1. Those persons provided for in subsection (a)(10), and employees of the departments of Parks and Recreation and Transportation in the performance of their official duties.

~~(446117)~~ Santa Rosa Plain Vernal Pool Ecological Reserve, Sonoma County, including the Hall Road, Todd Road, Wikiup and Yuba Drive Units.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve without written permission of the department. Public use of a trail to be constructed on the Hall Road Unit will be allowed under conditions established by the regional manager.

(B) Ecological research and environment education may be conducted with written permission of the department.

(C) Notwithstanding the provision of subsection (a)(15), livestock grazing may be allowed for habitat management purposes under permit from the department.

- (~~417~~118) Santa Rosa Plateau Ecological Reserve, Riverside County.  
(A) Notwithstanding the provisions of subsection (a)(18), only those animals assisting visually impaired or disabled persons are permitted.
- (~~418~~119) Springville Ecological Reserve, Tulare County.  
(A) No person, except as provided in subsection (a)(10), shall enter between sunset and sunrise.
- (~~419~~120) Stone Corral Ecological Reserve, Tulare County.  
(A) Notwithstanding the provision of subsection (a)(15), grazing may be allowed under permit from the department.  
(B) Hunting may be permitted in accordance with general hunting regulations only at such times and in specific areas as designated by the department.
- (~~420~~121) Sycamore Canyon Ecological Reserve, Riverside County.  
(~~421~~122) Sycuan Peak Ecological Reserve, San Diego County.  
(~~422~~123) Table Bluff Ecological Reserve, Humboldt County.  
(A) Livestock grazing may be allowed under permit from the department.  
(B) The department may carry out management activities for the preservation and expansion of the endangered western lily (*Lilium occidentale*). Authorized management activities may include, but not be limited to, controlled livestock grazing, controlled burning, chemical treatment and mechanical treatment.  
(C) Except as provided in subsection (a)(10) no persons shall enter the fenced western lily area.
- (~~423~~124) Theiller Sebastopol Meadowfoam Ecological Reserve, Sonoma County.  
(~~424~~125) Thomes Creek Ecological Reserve, Tehama County.  
(A) Livestock grazing may be allowed under permit from the department.  
(B) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.
- (~~425~~126) Tomales Bay Ecological Reserve, Marin County.  
(A) Waterfowl may be taken in accordance with the general waterfowl regulations.  
(B) Fishing shall be permitted from boats as well as from shore; only lightweight, hand-carried boats may be launched and operated.  
(C) Swimming, wading, and diving shall be allowed within the reserve.  
(D) The land area only of the reserve shall be closed to all entry from March 1 through June 30.
- (~~426~~127) Upper Newport Bay Ecological Reserve, Orange County.  
(A) Fishing shall be permitted from boats. Fishing is also permitted from shore in designated areas. Clamming or wading is not permitted.  
(B) Swimming is permitted only in that area bayward from North Star Beach to mid-channel.  
(C) Boating is limited to non-motorized craft, with the exception of law enforcement, emergency, and department vessels and authorized operators under permit from the regional manager. Boating shall occur in designated areas only and is limited to five miles per hour.  
(D) No person shall walk, or ride horseback except on established trails, paths, or other designated areas.  
(E) The County of Orange may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.
- (~~427~~128) Walker Canyon Ecological Reserve, San Diego County.  
(A) Hunting shall be allowed in accordance with the general hunting regulations.
- (~~428~~129) Watsonville Slough Ecological Reserve, Santa Cruz County.  
(~~429~~130) West Mojave Desert Ecological Reserve, San Bernardino County.  
(A) Hunting shall be permitted in accordance with the general hunting regulations from July 1 to January 31. Only licensed hunters shall be permitted to possess firearms.  
(B) No plinking, firearms practice or target shooting is allowed within the ecological reserve.
- (~~430~~131) Woodbridge Ecological Reserve, San Joaquin County.  
(A) No person, except as provided in subsection (a)(10), shall enter this reserve.
- (~~431~~132) Yaudanchi Ecological Reserve, Tulare County.  
(A) Grazing is permitted under a permit from the department.

(B) No person, except as provided in subsection (a)(10), shall enter this reserve between sunset and sunrise.

(C) No person shall walk except on established trails, paths, or other designated areas.

(D) Horses, except by written permission of the Department for the purpose of grazing, are prohibited.

(~~132~~133) Yorkville Ecological Reserve, Mendocino County.

NOTE

Authority cited: Sections 1580, 1581, 1583 and 1907, Fish and Game Code. Reference: Sections 1526, 1528, 1530, 1580-1585, 1590 and 1591, Fish and Game Code.

**From:** Taylor, Sharon@Wildlife <[Sharon.Taylor@wildlife.ca.gov](mailto:Sharon.Taylor@wildlife.ca.gov)>  
**Sent:** Monday, July 29, 2024 12:12 PM  
**To:** Brody, Richard@Wildlife <[Richard.Brody@wildlife.ca.gov](mailto:Richard.Brody@wildlife.ca.gov)>  
**Subject:** RE: BWER Ballona Creek Levee Ownership

Hi Brody,

This same issue comes up periodically. The acquisition of Areas A & B from Playa Capital in 2003 indicate the creek & levees are included in that deed. The topo with parcel boundaries was also based on county ap ownership maps.

The WCB 9-30-2003 min state that the Playa acquisition included the Ballona Creek channel.

Sharon

**From:** Brody, Richard@Wildlife <[Richard.Brody@wildlife.ca.gov](mailto:Richard.Brody@wildlife.ca.gov)>  
**Sent:** Monday, July 29, 2024 10:15 AM  
**To:** Taylor, Sharon@Wildlife <[Sharon.Taylor@wildlife.ca.gov](mailto:Sharon.Taylor@wildlife.ca.gov)>  
**Subject:** BWER Ballona Creek Levee Ownership

Hi Sharon,

The question of who actually owns the Ballona Creek levees, that the Corps built and LA County Flood Control maintains, has been kicked a round for years. Would you be able to help me settle the issue. LandVision shows our parcels as including them.

Thank you,

Brody





**R.C. Brody (he)**

Land Manager

South Coast Region (LA, Ventura, SB Counties)

California Department of Fish and Wildlife

P.O. Box 1653 Topanga, CA 90290

(o) 310-455-3243 [Chat/call in Teams](#)



Site Address  
Parcel No. (APN) **4211-016-903**  
LightBox Parcel ID **0206LPAUHJN011A2OELUGU**

Land Use **VACANT LAND**  
**INDUSTRIAL**  
Buildings **None**  
Building Area  
Lot Area **460,440 SF (10.57 ACRES)**  
Adj. Lots Owned **19 (474.07 TOTAL ACRES)**  
Year Built

Owner (Assessor) **STATE OF CALIFORNIA**  
Owner Address (Assessor) **1807 13TH ST STE 103 SACRAMENTO, CA 95811**  
Last Market Sale **10/16/97**  
Total Assd. Value **\$1,120**  
Opportunity Zone **No**  
Hazards **0/4 Present**

[Add to List](#) [Full Property Detail](#) [^ More](#)

Structures

[Turn Layer On/Off](#)

Reports

Full Property Detail [View Report](#)

Transaction History [View Report](#)



Site Address  
Parcel No. (APN) **4211-017-901**  
LightBox Parcel ID **0201MI7NW7GGUK9PQ32NFO**

---

Land Use **VACANT LAND**  
**INDUSTRIAL**

Buildings **None**

Building Area

Lot Area **701,361 SF (16.1 ACRES)**

Adj. Lots Owned **19 (474.07 TOTAL ACRES)**

Year Built

---

Owner (Assessor) **STATE OF CALIFORNIA**

Owner Address (Assessor) **1807 13TH ST STE 103 SACRAMENTO, CA 95811**

Last Market Sale **10/16/97**

Total Assd. Value **\$1,120**

---

Opportunity Zone **No**

Hazards **2/4 Present**

[Add to List](#) [Full Property Detail](#) [^ More](#)

**Structures** [v](#)

[Turn Layer On/Off](#)

**Reports** [v](#)

Full Property Detail [View Report](#)

Transaction History [View Report](#)

