

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections: 200, 202, 203, 355, 713, 1050, 1526, 1528, 1530, 1570-72, 1765, and 10504, of the Fish and Game Code, and to implement, interpret or make specific Sections: 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570-1572, 1585, 1764, 1765, 2006, and 10504, of said Code, proposes to amend Sections 550, 551 and 552, Title 14, California Code of Regulations, relating to Regulations for Hunting and Other Public Uses on State and Federal Areas.

Informative Digest/Policy Statement Overview

Existing regulations in sections 550, 551, and 552, Title 14, CCR provide for various types of public uses on wildlife areas administered by the Department of Fish and Game (Department). The Department also administers the waterfowl hunt program on a number of Federal wildlife refuges. The Department is proposing several regulatory changes to provide greater clarity, impose necessary use restrictions, and increase public use opportunities.

Section 550

Subsection 550(a)(10)(Cache Creek Wildlife Area) would be amended to delete the Destanella Flat Unit and Colusa County, and to add the North Fork Cache Creek Unit to the Cache Creek Wildlife Area. The Destanella Flat Unit was purchased by the Rocky Mountain Elk Foundation and managed by the Department until its sale to the Bureau of Land Management in 1999. The North Fork Cache Creek Unit has been owned by the Department since 1988, but was never formally designated a unit of the wildlife area.

Subsection 550(a)(11)(Camp Cady Wildlife Area) would be amended to correct the spelling for San Bernardino County.

Subsection 550(a)(15) would be amended to add Clear Lake Wildlife Area (Lake County), including the Rodman Slough Unit (Type C)The 97.21 acre parcel was purchased by the Department on February 18, 2000 in conjunction with an adjacent 133 acre parcel that was deeded to the Lake County Land Trust. Only the Rodman Slough Unit will become part of the Clear Lake Wildlife Area. The purpose of the purchases was to protect public access for hunting and fishing.

Subsection 550(a)(35) would be amended to add Fitzugh Creek Wildlife Area (Modoc County) (Type C). The 2,100± acres were recently acquired by the Department to protect and restore riparian and stream habitats, and protect sensitive species such as willow flycatcher, sandhill crane, and winter deer and antelope range. The acquisition will increase public use opportunities such as fishing, hunting, hiking, and birding.

Subsections 550(a)(85)(San Jacinto Wildlife Area) would be amended to add a December 2003, 9,100 acre acquisition, designated the Potrero Unit, to the San Jacinto Wildlife Area. The proposed amendment would also designate the existing wildlife area, the Davis Road Unit. New regulations would be proposed for the Potrero Unit to regulate and manage public use. The existing wildlife area regulations would not be amended and would apply only to the Davis Road Unit.

Subsections 550(a)(73)(Oroville Wildlife Area)and(97)(Spenceville Wildlife Area)would be amended to change Oroville and Spenceville Wildlife Areas from Type C to Type B wildlife areas. Both Oroville and Spenceville Wildlife Areas are located adjacent to growing urban areas. Hunting of game species and increased general public uses such as hiking, bicycling, nature viewing, etc., are beginning to stress wildlife using these areas. The area manager believes that limiting hunting to Saturdays, Sundays and

Wednesdays will actually increase hunter opportunity and quality by not pushing wildlife into inaccessible marginal areas. The amendments will also ease public use conflicts and improve public safety.

Subsection 550(b)(4) (Permit Requirements). The existing regulation does not clearly state that wildlife area users must return their entry permit upon departing any State wildlife area or portion thereof where the department has limited public entry. The proposed amendment would clearly state that any person entering any State wildlife area with limited entry must complete and return the entry permit to the checking station, or drop box.

Subsection 550(b)(14)(Use of dogs and Field Trials). The existing regulation is confusing and could lead users to believe dog training is permitted in all maintained areas on the wildlife area, which could include sensitive habitat areas. The proposed amendment would clarify that dog training is permitted only in designated areas.

Section 551

Subsection 551(h)(2) (Issuance of One-day Entry Permits). The existing regulation is confusing to some 16 and 17 year old hunters causing them to question whether or not they can hunt by themselves, without an adult. The proposed amendment would state clearly that persons 16 or 17 years of age, in possession of a valid resident or nonresident hunting license, will be issued an entry permit and may hunt by themselves, but may not be accompanied by junior hunters.

Subsections 551(h)(4) (Issuance of One-day Entry Permits), 551(i) (Daily Entry Permit Revocations, Refusals, and Ejections) and 551(o)(3) (Penalties). The existing regulations do not apply penalties in a consistent manner for violations by unruly hunters and/or their nonhunting guests throughout the hunting season. Wildlife area managers state that current regulations which bar or eject a person, or revoke a permit, on any State operated wildlife area or Federal wildlife refuge, only do so from the date the violation is discovered for the remainder of the current season or year. State wildlife area and Federal wildlife refuge managers state that persons violating the regulations late in the hunting season (such as the waterfowl season) may only be banned from these areas for as little as one day or week, while early season violators are subject to being banned for the entire season for the same violation. The proposed changes to the regulations would bar or eject a person, or revoke a permit under the above circumstances and would increase the penalty for unruly behavior and/or dangerous conduct by hunters and nonhunting guests for one calendar year from the date the violation is discovered.

Subsection 551(i) (Daily Entry Permit Revocations, Refusals, and Ejections). The existing regulation currently states that the decision of the Department employee in charge of the area shall be final. The proposed change to the regulation would more fully describe to public users specifically which Department employees have the authority to revoke or refuse to issue, a Daily Entry Permit, or have the authority to eject them from Type A wildlife areas or refuges, or Type B wildlife areas. The change to the regulation would amend the wording to state that Department employees assigned management or enforcement responsibilities for the area would have the authority to enforce the regulation. The amendment would make the wording in Subsection 551(i) consistent with similar wording used in Subsection 551(b)(21).

Subsection (551)(j)(5) (Reservations). The existing regulation states that non-shooters shall not discharge or possess a firearm on the area, but is silent as to whether or not non-shooters can possess ammunition. The proposed regulation would prohibit non-shooters from possessing ammunition on the area. There is no need for non-shooters to possess ammunition and a this change in language would preclude the possibility of a non-shooter from carrying additional shot shells that shooters already possessing the 25 shot shell limit could use. Law enforcement staff currently have no legal authority to cite non-shooters for possessing ammunition while on State wildlife areas and Federal refuges.

Subsection 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS). Existing regulations would be amended to delete the Destanella Flat Unit and Colusa County, and to add the North Fork Cache

Creek Unit to the Cache Creek Wildlife Area. The Destanella Flat Unit was purchased by the Rocky Mountain Elk Foundation and managed by the Department until its sale to the Bureau of Land Management in 1999. The North Fork Cache Creek Unit has been owned by the Department since 1988, but was never formally designated as unit of the wildlife area.

Subsections 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS), 551(q)(33) (Oroville Wildlife Area) and 551(q)(39) (Spenceville Wildlife Area). The existing regulations designate the Oroville and Spenceville Wildlife Areas Type C wildlife areas. The proposed amendments to the regulations would change Oroville and Spenceville Wildlife Areas to Type B wildlife areas. The amendments would also bring the two areas into consistency with other Type B wildlife areas, and with Subsections 551(d)(1) and (2) which define permitted hunt days on Type B areas. Both the Oroville and Spenceville Wildlife Areas are located adjacent to growing urban areas. Hunting of game species and increased general public uses such as hiking, bicycling, nature viewing, etc., are beginning to stress wildlife using these areas. The area manager believes that limiting hunting to Saturdays, Sundays, and Wednesdays will actually increase hunter opportunity and quality by not pushing wildlife into inaccessible marginal areas. The amendments will also ease public use conflicts, improve public safety.

Subsections 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS) and 551(q)(35)(A)(B)and(C) (Red Lake Wildlife Area). The existing regulations do not provide adequate protection to the habitat and sensitive wildlife species using the wildlife area. The regulations would be amended to limit and control inappropriate public use and reduce risk of accidental wildfires on the wildlife area by specifying when hunting is permitted, which species may be taken and prohibiting trailers and camping on the area. The wildlife area was originally acquired to provide fishing access to Red Lake, to protect summer mule deer range and to provide and protect habitat for upland game bird species, willow flycatchers and other sensitive wildlife species including pine marten and fisher.

Subsection 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS), 551(q)(76)(A) (Davis Road Unit) and (B)(1) through (11) (Potrero Unit) (San Jacinto Wildlife Area). The regulations would be amended to create the Davis Road Unit and Potrero Units of San Jacinto Wildlife Area. The units would be added to the listings in subsection 551(q). Subsection 551(q)(76)(B)(1) through (11) would be proposed to regulate public use on the Portreo Unit.

Subsection 551(q)(10)(A) (Method of Take Restrictions) and (E) (Special Restrictions)(Horseshoe Ranch Wildlife Area). The existing regulations include provisions to accommodate the M-2 deer season. Due to declining deer numbers, the M-2 muzzleloader hunt has been eliminated. Consequently the wildlife area is no longer holding the special M-2 hunt. The regulations would be amended to delete all reference to the M-2 hunt in subsection (A), and would eliminate subsection (E) in its entirety.

Subsection 551(q)(11)(E) (Lake Earl Wildlife Area) (Special Restrictions) and Subsection 551(13)(E) (Mad River Wildlife Area) (Special Restrictions). The existing regulations for both wildlife areas require that dogs be on leash from March 1 through August 15. Public users have increasingly disregarded these regulations despite significant efforts by staff to educate them on the reasons dogs must be on leash while on the two areas. Staff reports that the use of dogs for regulated hunting during authorized seasons has not posed a problem on either wildlife area when they are under the control of the hunter, and hunting takes place outside of the ground bird breeding season. This information along with warnings that the Department was considering additional restrictions to protect the wildlife areas from uncontrolled dog use was posted at entry points and throughout both wildlife areas. During the above period, 214 dogs and their owners were observed using the Lake Earl Wildlife Area. Only 37 were in compliance with the regulation. On the Mad River Wildlife Area, staff observed 26 dogs and their owners using the Wildlife area. Only one was in compliance. Staff have determined that there are other nearby areas that can accommodate dogs and their owners and are thereby proposing that dogs would not be allowed on either of the wildlife areas except for hunting during open season for authorized species. The Department has determined that the use of dogs for hunting is not detrimental to wildlife.

Subsection 551(q)(15)(D) (Shasta Valley Wildlife Area) (Special Restrictions). The existing regulations allow hunters and non-hunters to access the wildlife area during the waterfowl hunting season. Nonhunting activities include hiking, horseback riding, mountain biking, and site seeing. Use of the 2,870 acre wildlife area has increased measurably in recent years, particularly during the waterfowl hunting season. This increase has resulted in instances of non-hunter/hunter conflicts both in closed zone and other areas, and sometimes including designated hunt zones. There has also been a noticeable disturbance to wildlife. Staff has tried various management techniques over the last six years to solve the problem, without success. The proposed amendment to the regulation would allow only individuals possessing a Type A or Type B season pass and their guests to enter the Shasta Valley Wildlife Area, on Wednesdays, Saturdays and Sundays, during the waterfowl hunting Season. Other public users would still be allowed to use the wildlife area, on non-hunting days during the waterfowl season, and during the rest of the year.

Subsection 551(q)(23)(A) (Daugherty Hill Wildlife Area) (Method of Take Restrictions). The existing regulation does not permit the use of air rifles, firing pellets, for taking wild turkey on the area. Subsection 311(f) allows the use of pellet rifles (0.20 caliber or larger for taking wild turkeys and small game) and Section 551(b)(2) allows the use of pellet rifles on Type C Wildlife areas, unless otherwise prohibited. The regulations would be amended to increase hunter opportunity by allowing the use of pellet rifles as defined in the subsections noted above, to take wild turkey in designated areas on the wildlife area.

Subsection 551(q)(23)(D)(Daugherty Hill Wildlife Area)(Camping and Trailers). The existing regulation does not allow camping and trailers on the wildlife area. The proposed amendment to the regulations, although not allowing camping, would allow for overnight parking of trailers in designated parking lots to accommodate hunters and other public users that arrive at the wildlife area, towing trailers.

Subsection 551(q)(23)(E) (Daugherty Hill Wildlife Area) (Special Restrictions). The existing regulations do not preclude licensed hunters from bringing dogs that are not used for hunting activities. The regulation would be amended to clarify that dogs may only be used by licensed hunters, and for the purpose of hunting. The regulations currently states that horses and bicycles are allowed only from May 1 to September 15, on the Daugherty Hill Unit of the wildlife area. The regulations would be amended to change the beginning date to May 10, in order to prevent overlap with the end of the spring turkey season. "Daugherty Hill" has been added to the last sentence in these regulations for clarity purposes.

Subsection 551(q)(26)(B) (Fremont Weir Wildlife Area)(Hunt Days) and Subsection 551(q)(26)(E) (Special Restrictions). The existing regulations allow hunting daily during open seasons for authorized species, and with a special restriction allowing hunting only from September 1 through January 31. The regulations will be amended to increase hunter opportunity by allowing hunting daily from July 1 through January 31 for authorized species, as well as during the spring turkey season. Subsection 551(q)(26)(E) (Special Restrictions) will be deleted. It is no longer applicable since this regulation is covered in the amended Subsection 551(q)(26)(B).

Subsection 551(q)(26)(C) (Fremont Weir Wildlife Area) (Authorized Species). The existing regulation allows only for pheasants, doves, quail, and waterfowl to be taken on the wildlife area. This regulation would be amended to increase hunter opportunity by allowing all legal species to be taken.

Subsection 551(q)(27)(B) (Hunt Days) and (D) (Authorized Species) (Gray Lodge Wildlife Area). The existing regulations do not permit hunting of quail on the wildlife area. The regulations would amended increase hunter opportunity by adding quail the list of authorized species, and would specify in that hunting of quail is only allowed on pheasant hunt days, along with rabbits which are currently hunted on pheasant hunt days.

Subsection 551(q)(27)(E) (Gray Lodge Wildlife Area) (Camping and Trailers). The existing regulations do not prevent public users on the wildlife area from leaving cabover campers at the checking station parking lot where camping is permitted, causing a crowding problem, particularly during the waterfowl hunting season. These campers are often left on the wildlife area for long periods of time without being used.

Since cabover campers are not a motor vehicle, they are not registered making it difficult or even impossible for staff to identify the owners. It is also time consuming to remove abandoned cabover campers or camper shells since they must be declared as abandoned property which is a lengthy process. The regulation would be amended to require that all cabover campers be attached to a registered vehicle which would allow law enforcement to quickly remove them if the Department determines they are illegally parked in the checking station parking lot or camping area.

Subsection 551(q)(28)(D) (Hallelujah Junction Wildlife Area) (Special Restrictions). The existing regulations, though not allowing hunting on the area during the period February 1 through April 30, do permit general public entry to the area. The proposed amendment to the regulation would close the area to all public entry from February 1 through April 30 and require all public users to access the wildlife area at the designated entry point adjacent to Highway 395. The wildlife area was acquired to preserve and protect critical winter range habitat and to maintain and protect the traditional migration corridors(s) of the Loyalton-Truckee deer herd from the encroachment of residential development. Residential development, particularly on the Nevada side of the property, is expanding resulting in increased public use. Unauthorized vehicles, including motorcycles and all terrain vehicles, trespass on the wildlife area, causing severe stress to the Loyalton-Truckee deer herd, during one of the most critical times of the year, their last trimester of pregnancy. This time of year is also important to the overall health of all the deer wintering on the area. Many off road users are accessing the area at unauthorized points from adjacent public and private land. This change in the regulation will not affect public hunting on the area, since all hunting ceases on January 31.

Subsections 551(q)(33)(B) (Oroville Wildlife Area) (Hunt Days) and 551(q)(39)(A) (Spenceville Wildlife Area)(Hunt Days). The existing regulations for these wildlife areas are for Type C wildlife areas, but are proposed to become Type B wildlife areas. The proposed amendments to the regulations would bring the two areas into consistency with other Type B wildlife areas and with Subsections 551(d)(1) and (2), which define permitted hunt days on Type B areas. Both the Oroville and Spenceville Wildlife Areas are located adjacent to growing urban areas. Hunting of game species and increased general public uses such as hiking, bicycling, nature viewing, etc., is beginning to stress wildlife in these areas. The area manager believes that limiting hunting to Saturdays, Sundays and Wednesdays will actually increase hunter opportunity and quality by not pushing wildlife into inaccessible marginal areas. In addition, dove hunting would be allowed daily during for the first fifteen days of the early dove hunting season on both areas. The amendments will also ease public use conflicts and improve public safety on the two wildlife areas.

Subsections 551(q)(35)(A) (Hunt Days), (B) (Authorized Species), and (C) (Camping and Trailers) (Red Lake Wildlife Area). The existing general regulations in Sections 550 and 551 do not provide adequate protection to the habitat and sensitive wildlife species using the wildlife area. The regulations would be amended to limit and control inappropriate public use and reduce the risk of accidental wildfires on the wildlife area by specifying when hunting is permitted, which species may be taken, and would prohibit trailers and camping on the area. The wildlife area was originally acquired to provide fishing access to Red Lake, to protect summer mule deer range and provide and protect habitat for upland game bird species, willow flycatchers and other sensitive wildlife species including pine marten and fisher.

Subsection 551(q)(37)(C) (Sacramento Bypass Wildlife Area) (Authorized Species). Existing regulations only allows hunting of upland game and waterfowl species. The regulation would be amended to increase hunter opportunity by allowing all legal species, except big game species, to be hunted while in season. The area manager states that the existing regulation is confusing to some hunters who are not sure if they can hunt rabbits and other game species.

Subsection 551(q)(38)(B) (Hunt Days) and (E) (Special Restrictions) (Sacramento River Wildlife Area). The existing regulations do not accurately reflect the intent of the wildlife area management plan which recommends regulatory consistency with the nearby Feather River Wildlife Area. Subsection (B) would be amended to adopt language similar to the language used for the Feather River Wildlife Area, which allows hunting daily from July 1 through January 31, and during the spring turkey season. Subsection (E) would be deleted as it is now covered in subsection (B), and is no longer necessary.

Subsection 551(q)(42)(D) (Upper Butte Basin Wildlife Area) (Camping). The existing regulation permits trailers and motor homes only in checking station parking lots. The proposed amendment to the regulation would add language for clarity, stating that trailers and motor homes shall not be allowed past checking station parking lots. This change would prevent large vehicles and trailers from becoming stuck, or stranded on narrow levee roads, as there are no safe areas to make U turns. The amendment would also prevent damage to roads and levees by large vehicles during periods of ground saturation.

Subsection 551(q)(44)(B) (Yolo Bypass Wildlife Area) (Hunt Days). The existing regulations allow pheasant hunting only on waterfowl hunt days that occur during the pheasant season. The proposed amendment to the regulations would increase hunter opportunity to hunt pheasant on the wildlife area by allowing pheasants to be hunted each day during the first nine days of the general pheasant season and then on Saturdays, Sundays, and Wednesdays, during the remainder of the pheasant season.

Subsection 551(q)(44)(D) (Yolo Bypass Wildlife Area) (Camping and Trailers). The existing regulation states that camping and trailers are not allowed. The proposed amendment to the regulation would also prohibit overnight parking of trailers and motor homes on the wildlife area. Staff believe the amendment is necessary because some users believe they may park their motor homes and trailers overnight on the wildlife area, even though they claim they are not camping.

Subsection 551(q)(44)(E) (Yolo Bypass Wildlife Area) (Special Restrictions). The existing regulations do not require hunters hunting from blinds to hunt only from their assigned blinds. The proposed amendment to regulations would prohibit hunters from hunting outside their assigned blind, except to retrieve downed birds. The regulation is necessary to prevent hunters from hunting outside their blind, causing disturbance to other hunters working the same general area. The regulation would also be amended to make it clear that pheasant hunting is not permitted in the assigned blind areas of the wildlife area, in order to prevent disturbance to other hunters using the area. The amended regulations would prohibit hunters from accessing the free-roam hunt area from locations north of parking lot H. This change would preclude hunters from entering the area from the north disturbing hunters already in the field. The regulations would also be amended to restrict exit and entry to the wildlife area to designated locations, and would prohibit stopping vehicles between parking areas to drop off passengers or equipment.

Subsection 551(q)(46)(D) (Cache Creek Wildlife Area) (Special Restrictions). The existing regulations do not control and manage equestrian and mountain bike use in the Harley Gulch Unit of the wildlife area. Equestrian and bicycle use on the wildlife area is currently restricted annually under Subsection 550(b) (1) (Regional Managers Authority). These regulations will be amended to allow horses and bicycles within the Harley Gulch Unit of the wildlife area only from the third Saturday in April through the third Saturday in November. This is to control trail damage and erosion caused in winter by equestrians' and bike riders' use of the trail system.

Subsection 551(q)(47)(B) (Grizzly Island Wildlife Area) (Hunt Days). The existing regulations do not allow the hunting of snipe during the first 12 days of the general pheasant season, except on waterfowl hunt days. The proposed amendment to the regulation would increase hunter opportunity by removing snipe from the list of species restricted from hunting by allowing hunting only on Saturdays, Sundays and Wednesdays, during open seasons.

And, would permit snipe to be taken on waterfowl hunt days and pheasant hunt days including the first 12 days of the general pheasant season.

Subsection 551(q)(47)(F) (Grizzly Island Wildlife Area) (Special Restrictions). The existing regulations, restrict fires to portable gas stoves, throughout the year, but is not clear as to where they may be used. The proposed amendment would clearly state that portable gas stoves are to be used only in designated parking areas and sites.

,Subsection 551(q)(61)(A)(5) (Cottonwood Creek Wildlife Area) (Special Restrictions). The existing regulation for the Lower Cottonwood Creek Unit of the wildlife areas does not clearly specify hunting hours that are allowed. The proposed amendment to the regulations would clarify that hunting is permitted only during daylight hours.

,Subsection 551(q)(61)(B)(6) (Cottonwood Creek Wildlife Area) (Special Restrictions). The existing regulations for the Upper Cottonwood Creek Unit of the wildlife areas does not clearly specify hunting hours that are allowed. The proposed amendment to the regulations would clarify that hunting is permitted only during daylight hours.

Subsection 551(q)(63)(G) (Little Panoche Reservoir Wildlife Area) (Special Restrictions). The existing regulation does not clearly specify hunting hours that are allowed. The proposed amendment to the regulations would clarify that hunting is permitted only during daylight hours. The regulation would also be amended to clarify that motor vehicles are allowed only in designated areas and only during authorized dog trials.

,Subsection 551(q)(66)(E) (North Grasslands Wildlife Area) (Special Restrictions). The proposed amendment to the regulation is for clarity. The existing regulations state that horseback riding is allowed during authorized dog trials only. The proposed amendment to the regulation would reword the phrase to allow horseback riding only in conjunction with authorized dog trials. The regulation would also be amended to allow the area manager to close the wildlife area to all public uses for seven days following the close of waterfowl season. This is to allow staff to accomplish post season maintenance and cleanup activities.

,Subsection 551(q)(67)(F) (O'Neill Forebay Wildlife Area) (Special Restrictions). The existing regulations would be amended for clarity and would state that motor vehicles are permitted only in designated areas and only during authorized dog trials. The existing regulation does not specify what hours during the day hunting is allowed. The proposed amendment to the regulation would clarify that hunting is permitted during daylight hours only.

Subsection 551(q)(68)(F) (San Luis Reservoir Wildlife Area) (Special Restrictions). The existing regulation does not specify what hours during the day that hunting is allowed. The proposed amendment to the regulation would clarify that hunting is permitted during daylight hours only.

Subsection 551(q)(75)(A) (San Felipe Valley Wildlife Area) (Method of Take Restrictions). The proposed amendment is for clarity and would adjust the existing language in the regulations to allow for the hunting of predators and antlerless deer on the west side of Highway S-2. The current restrictions on rifles and pistols west of Highway S-2 were developed to limit the take of bucks to provide for a higher buck to doe in the area. The resulting prohibition of hunting predators and antlerless deer was inadvertent. The proposed amendment to the regulations would allow for the hunting of both predators and antlerless deer on the entire wildlife area while still limiting the take of bucks through the general D-16 tag restriction. Additionally, the proposed amendment to the regulations will allow for buck hunting during the D-16 general deer season (archery and shotgun), special hunt A-22 (archery), and special hunt M-6 (muzzleloader).

Subsection 551(q)(75)(E) (San Felipe Valley Wildlife Area) (Special Restrictions). The regulation would be amended to clearly state that D-16 general deer zone tags may not be used west of Highway S-2.

Subsection 551(q)(76)(A) (Davis Road Unit) (San Jacinto Wildlife Area). The existing regulation would be amended to create two distinct units of the wildlife area, the Davis Road Unit and the Potrero Unit.

Subsection 551(q)(76)(B)(1) through (11) (Potrero Unit) (San Jacinto Wildlife Area). The existing regulation would be amended to add new recreational opportunities for a range of public uses on the Potrero Unit of the wildlife area. The addition of the proposed regulations would allow the Department to establish access to the area at designated entry and exit points and control public access through use of

a day pass. The proposed regulations will allow for hunting of upland game and resident small game species in designated areas, and allow dogs on the area which must be on a leash unless actively involved in legal hunting or other authorized activity. The proposed regulations would also permit the Department to designate trails or routes on the area for bicycles. Paintball guns, parts and supplies would be prohibited. Overnight camping, fires and alcohol possession and/or consumption would be prohibited. Motorized vehicles would be prohibited except by written permission of the regional manager

Subsection 552(a)(6)(G) (San Luis National Wildlife Refuge). The proposed amended regulation would make it clear that the only way to access the Freitas Unit is by boat.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Elk Valley Rancheria, 2500 Howland Hill Road, Crescent City, California on Thursday, June 24, 2004, at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mono Memorial Hall, 100 Sinclair Street, Bridgeport, California on August 6, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 30, 2004, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 6, 2004 at the hearing in Bridgeport, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916)653-4899. Please direct inquiries to Robert R. Treanor or Jon D. Snellstrom at the preceding address or phone number. John Anderson, Department of Fish and Game, phone (916) 445-3472, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action

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) 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. These actions are proposed to provide maximum protection of wildlife and habitat, clarity to language and appropriate management for public use. These regulation changes are sufficiently minor that any economic impact, positive or negative, would not be significant.
- (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

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Robert R. Treanor
Executive Director

Dated: May 11, 2004