

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

Amend Sections 550, 551, 552  
Regulations for Hunting and Other Public Uses on State and Federal Areas  
Title 14, California Code of Regulations

- I. Date of Initial Statement of Reasons: May 10, 2007
- II. Date of Pre-adoption Statement of Reasons: July 27, 2007
- III. Date of Final Statement of Reasons: September 8, 2007
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing:      Date:            June 8, 2007  
                                  Location:       Truckee, CA
  - (b) Discussion Hearing   Date:            July 13, 2007  
                                  Location:       Bridgeport, CA
  - (c) Adoption Hearing:   Date:            August 10, 2007  
                                  Location:       Santa Barbara, CA

V. Update:

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

The originally proposed language of the Initial Statement of Reasons for Section 550 is amended as follows:

- 1. Add ~~Gartege~~Cartago Wildlife Area (Inyo County) (Type C) to Section 550.

This amendment is to reflect the correct spelling of the name of the proposed Wildlife Area.

19. Minor editorial changes are made for consistency and clarity, specifically amendments to show references to the “department” consistently in lower case and to provide for consistent use of the word “checking” in reference to checking stations.

The originally proposed language of the Initial Statement of Reasons for Section 551 is amended as follows:

- 8. Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Subsections 551(q) and 551(q)(74) to correct the name of

Hollenbeck Canyon Wildlife Area. The existing regulations incorrectly refer to the area as Hollenbeck Wildlife Area. Subsection 551(q)(74)(A) is amended to clarify that a shotgun with a live round in the chamber may be possessed in the designated dog training area during the course of authorized dog training. This language is necessary to clarify that the prohibition of shotguns with a live round in the chamber in areas outside of the designated hunting zone does not apply to those engaged in authorized dog training in the designated dog training area. In addition, Subsection 551(q)(74)(C) Authorized Species for Hollenbeck Canyon Wildlife Area would be amended to include American crow and coyote to expand hunting opportunities on the area. Adequate populations of these species exist to support the additional public hunting opportunities allowed by this proposed amendment.

9. Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to add regulations for the existing Sacramento River Wildlife Area prohibiting motorcycles, all terrain vehicles (ATV's), vehicles, horses and horseback riding for the protection of species and habitats.

The prohibition of motorcycles and all terrain vehicles (ATV's) is not necessary, as the proposed prohibition of vehicles applies to motorcycles, and the prohibition of ATV's is proposed in amendments to Section 550.

- ~~10. Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Subsection 551(q)(1)(B) for Ash Creek Wildlife Area to add deer to the list of species that may be taken during junior hunts only. The department has submitted a proposal to amend the Mammal Hunting Regulations (November 2006) to support this proposed junior hunt. If the junior deer hunt is approved in the mammal regulations, this proposed regulation would allow the junior hunt to proceed on the area.~~

Because the Mammal Hunting Regulations were not amended to allow this junior deer hunt, the proposed regulation is no longer needed.

17. Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Subsection 551(q)(29)(D) Special Restrictions for Hallelujah Junction Wildlife Area to prohibit motorcycles and to extend the closure of the area two additional months from February 1 to June 30.

The prohibition of motorcycles is not necessary as the prohibition of off highway vehicles (OHV's) and all terrain vehicles (ATV's) is proposed in amendments to Section 550.

44. Minor editorial changes are made for consistency and clarity, specifically amendments to show references to the "department" consistently in lower case and to provide for consistent use of the word "checking" in reference to checking stations.

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

The modifications are necessary to reduce redundancy and to improve correctness, consistency and clarity in the regulations for state and federal areas. In addition, the removal of proposed regulatory language that would have allowed a junior deer hunt at Ash Creek Wildlife Area is necessary because the mammal regulations needed to support such an amendment are not in place.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

Responses to public comments received were included in the Pre-adoption Statement of Reasons (see attached).

The following additional comments were received at the Commission's August 10, 2007 Hearing in Santa Barbara:

1. Mr. Douglas Rischbieter, Staff Environmental Scientist, Division of Environmental Services, California Department of Water Resources spoke in support of the Department's proposal to remove the 5 mile per hour speed limit on the Thermalito Afterbay south of the Hwy 162 Bridge.
2. Mr. James Conrad, Political Liaison to the San Diego County Wildlife Federation and Mr. Bill Gaines, President of the California Outdoor Heritage Alliance recommended that the Commission allow all legal species to be hunted at Hollenbeck Canyon and San Felipe Valley Wildlife Areas, stating that the Regional Manager's authority provided in Section 550 is adequate to allow for necessary restrictions for the protection of species.

Department Response: When management goals and objectives are clear, and regulatory needs are known, it is important to place area use and management restrictions into regulation with approval of the Fish and Game Commission. This better serves to notify the public of existing and proposed regulations and allows for clear enforcement of area rules. Section 550(b)(1) is a valuable tool the Department relies on to deal with unforeseen circumstances where the protection of species, habitats, public health, and public safety are necessary. This authority is intended for use as an interim measure, and to be more restrictive in terms of regulating uses until regulations can be formally adopted, or until a temporary condition subsides. Use of this authority beyond this intent constitutes underground regulation and is in violation of the Administrative Procedures Act.

Recommendation: Reject

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  
1416 Ninth Street  
Sacramento, CA 95814

IX. Description of Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

Designation of the properties and management as ecological reserves in Section 630, Title 14, CCR. This alternative is inappropriate because of the purpose for which these properties are acquired and managed. The habitats and species require protection measures, public uses, and maintenance prescriptions, not provided for under Section 630.

(b) No Change Alternative:

By not adding these properties and providing special regulations, the appropriate level of protection and maintenance 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 regulation is proposed or would be as effective, and less burdensome to the affected private persons than the proposed regulation.

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. 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

## Updated 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.

### **The Department of Fish and Game proposes the following amendments to Section 550 Pertaining to Regulations for General Public Use Activities on State Wildlife Areas:**

Add Cartego Wildlife Area, Inyo County as a Type C area to Section 550 for the protection of wetland and upland habitats and to provide public use opportunities. The Wildlife Area is part of Owens Dry Lake Bed and is currently undesignated. The purpose of the Wildlife Area is to provide upland and waterfowl habitat for recreational opportunities to local residents and visitors.

Delete Eureka Slough Wildlife Area, Humboldt County from Section 550 because it is no longer owned or operated by the department. The property was conveyed to the U.S. Fish and Wildlife Service for inclusion within Humboldt Bay National Wildlife Refuge.

Remove Fitzhugh Creek Wildlife Area, Modoc County, Type C area, and replace it in the listing of areas in Section 550 to correct an alphabetizing error

Add French Valley Wildlife Area, Riverside County as a Type C area to Section 550 for the protection of habitat for Stephen's kangaroo rat and burrowing owl, and to provide public use opportunities. The property is currently undesignated.

Delete Indian Tom Wildlife Area, Siskiyou County, Type C area, from Section 550 because the property is no longer owned or operated by the department.

Amend Section 550 for Napa-Sonoma Marshes Wildlife Area, Solano, Napa and Sonoma Counties to add the recently acquired Green Island and Southern Crossing management units as non-Type C management units. An additional amendment would include the existing White Slough management unit in the listing with the other newly acquired non-Type C units for clarity.

Amend Subsection 550 for the Petaluma Marsh Wildlife Area, Marin and Sonoma Counties to add the recently acquired Bahia management unit as a non-Type C management unit. The Day Island, Green Point, Novato Creek, Point Sonoma, and Rush Creek management units would also be included in the listing with the newly acquired non-Type C management unit for clarity.

Add South Spit Wildlife Area, Humboldt County, Type C area to Section 550 for the protection of coastal dune habitat that supports several rare, threatened and endangered plants and birds, and to provide compatible public recreational opportunities.

Delete Spannus Gulch Wildlife Area, Siskiyou County, Type C area from Section 550 because it is no longer owned or operated by the department.

Rename the Walker River Wildlife Area, Mono County, Type C in Section 550 to West Walker River Wildlife Area to reflect the correct name of the area, and to more clearly distinguish it from the East Walker River Wildlife Area.

Amend general Area Regulation 550(b)(6)(A) pertaining to Motor Vehicles to prohibit the use of off-road vehicles or all terrain vehicles on areas owned or managed by the department, except as provided in special area regulations of Subsections 551(q) and 552(a). This amendment is for the protection of species and habitats from damage and disturbance, and for the protection of public safety.

Amend general Area Regulation 550(b)(8)(B)(2) pertaining to Boats and add Subsection 550(b)(8)(B)(5). These amendments would require persons to remove their boats from the beach of an area when requested to do so by a department employee. They would also allow peace officers to remove boats of

persons who do not comply with requests to remove their boats from the beaches or waters of an area, and to allow peace officers to remove any boat that is left unattended on the waters or beach of an area for more than 72 hours. These amendments will clarify that when requested by a department employee, persons are required to remove boats from beaches, just as they would be required to remove them from the waters of an area. In addition, these amendments give the department and other law enforcement agencies the ability to take action to prevent or minimize harm to species, habitats, water quality, public health, and public safety that abandoned boats can cause on wildlife areas.

Amend general Area Regulation 550(b)(8)(B)(4) pertaining to Boats to allow for exceptions in Subsection 551(q) to the 5 mile per hour speed limit for boats on wildlife areas. This amendment will allow the department to evaluate the potential for additional recreational uses on lands it administers, and allow these uses if they are appropriate and consistent with the purpose of the area.

Amend general Area Regulation 550(b)(8)(B)(12) pertaining to Camping to clarify that staying on a boat is considered camping and subject to the same restrictions as camping on land on wildlife areas. These restrictions and clarification are necessary for the protection of species, habitats, public health and public safety from the impacts of boats and their inhabitants remaining on areas for extended periods of time.

Amend general Area Regulation 550(b)(19) to clarify that the subsection pertains to Areas where hunting and possession of firearms and archery equipment are prohibited, and to correct a grammatical error.

Add new general Area Regulation 550(b)(20) to prohibit the possession or use of fireworks, explosives or incendiary devices, unless permission is given in writing by the regional manager, or allowed by Subsections 551(b) or 551(q). These amendments are necessary to protect species, habitats and public safety.

Amend general Area Regulation 550(b)(21) pertaining to the Possession and Use of Alcohol to also prohibit the use of other controlled substances on any area managed or controlled by the department. This proposed regulation is needed to protect public health and safety. Including controlled substances in this Subsection allows penalties for violation of this section that are commensurate with those for possession and use of alcohol.

Section 550 is renumbered and re-lettered to account for the addition of new subsections and deletions.

**The Department of Fish and Game proposes the following amendments to Section 551. Hunting, Firearms, and Archery Equipment Use and Permit Requirements on State and Federal Areas:**

Add Sacramento River National Wildlife Refuge, Tehama, Butte, and Glenn Counties, Type C area to Section 551 for the protection of Central Valley floodplain forests, wetlands, grasslands and aquatic habitats for native fish, wildlife and plants of the Sacramento River ecosystem; to provide educational programs; and promote high quality wildlife-dependent recreational opportunities. The proposed amendments identify the following management units: La Barranca Unit, Blackberry Island Unit, Mooney Unit, Ohm Unit, Flynn Unit, Heron Island Unit, and Rio Vista Unit (Tehama Co.); Pine Creek Unit, Dead Man's Reach Unit, North Llano Seco Island 1 & 2 Units, and Llano Seco Riparian Sanctuary Unit (Butte Co.); and McIntosh Landing North and South Units, Capay Unit, Phelan Island Unit, Jacinto Unit, Ord Unit, Ord Bend Unit, South Ord Unit, Hartley Island Unit, Sul Norte Unit, Codora Unit, Packer Unit, Head Lama Unit, North Drumheller Slough Unit, and Drumheller Slough Unit (Glenn Co.). The refuge will be managed as a Type C area by the U.S. Fish and Wildlife Service in conjunction with the California Department of Parks and Recreation under a Memorandum of Understanding.

Add Stone Lakes National Wildlife Refuge, Sacramento County, Type A area to Section 551 for the protection of wetland and riparian habitats for migratory birds while allowing for hunting, fishing, wildlife observation, photography, and environmental education and interpretation.

Amend Subsection 551(b)(3) to prohibit the use or possession of shot size larger than BB in non-toxic shot other than steel on state and federal areas. The existing regulation prohibits shot sizes larger than BB in lead and size T in steel, and allows the use of shotguns with slugs for areas where big game hunting is allowed. The proposed amendment would place an emergency information item from two years ago into regulation to protect public safety. This amendment will help prevent injury by prohibiting larger shot sizes capable of severely injuring individuals at distances over 100 yards.

Add Subsection 551(b)(4) to state that on areas with ammunition restrictions, only those with a valid hunting permit for that day may possess ammunition in the field. This amendment is necessary to prohibit non-hunters from possessing ammunition in the field.

Amend Subsection 551(h)(3) to require that all game taken on a state or federal wildlife area must be shown to any department employee upon request before leaving the area. This amendment is necessary for department employees to verify reports of game taken by hunters, which is essential for collection of accurate biological data.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS for Napa-Sonoma Marshes Wildlife Area (Solano, Napa, Sonoma Counties) to add the recently acquired Green Island and Southern Crossing management units as non-Type C management units.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS for Petaluma Marshes Wildlife Area (Marin and Sonoma Counties) to add the recently acquired Bahia management unit as a non-Type C management unit.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Subsections 551(q) and 551(q)(74) to correct the name of Hollenbeck Canyon Wildlife Area. The existing regulations incorrectly refer to the area as Hollenbeck Wildlife Area. In addition, Authorized Species for Hollenbeck Canyon Wildlife Area would be amended to include American crow and coyote to expand hunting opportunities on the area. Adequate populations of these species exist to support the additional public hunting opportunities allowed by this proposed amendment.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to add regulations for the existing Sacramento River Wildlife Area prohibiting motorcycles, all terrain vehicles (ATV's), vehicles, horses and horseback riding for the protection of species and habitats. Proposed special access restrictions would specify Colusa South, Colusa North, Moulton South, Moulton North, Stegeman, Princeton South, Beehive Bend, Oxbow, Jacinto, Ord Bend, Shannon Slough, Pine Creek North, Wilson Landing, Dicus Slough, and Merrills Landing as accessible only by boat. Princeton Southeast, Princeton East, Princeton North, Site 21, Pine Creek West and Pine Creek East Units would be accessible only by boat, or by foot. These access restrictions are for the protection of riparian species and habitats and to clarify appropriate means of access for each unit of the wildlife area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS for Ash Creek Wildlife Area to add deer to the list of species that may be taken during junior hunts only. The department has submitted a proposal to amend the Mammal Hunting Regulations (November 2006) to support this proposed junior hunt. If the junior deer hunt is approved in the mammal regulations, this proposed regulation would allow the junior hunt to proceed on the area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS for Big Lagoon Wildlife Area to correct a spelling error. The word "boards" should read "boats".

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Subsections 551(q)(6)(E), 551(q)(7)(E), 551(q)(8)(E), 551(q)(11)(E), and 551(q)(13)(E) Special Restrictions to close Eel River Wildlife Area, Cannibal Island Unit; Elk River Wildlife Area; Fay Slough Wildlife Area; Lake Earl Wildlife Area, Bush Creek Unit; and Mad River Slough Wildlife Area to all public use from the Monday following youth hunting days until April 1 in accordance with Subsection 502(e) (1)(B)(5). This amendment is necessary to help alleviate depredation on private lands caused by increasing populations of Aleutian geese. Closing these areas to public use during the time period proposed will maximize Aleutian goose use on managed state lands, and help minimize depredation on private lands.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS to add South Spit Wildlife Area to the list of wildlife areas, and to add Subsection 551(q)(16) with additional regulations for the refuge. The following additional regulations are proposed to protect species and habitats and to allow for compatible public use opportunities:

- Subsection 551(q)(16)(A) would prohibit the use or possession of rifles, pistols or archery equipment

- Subsection 551(q)(16)(B) would allow hunting daily for authorized species.
- Subsection 551(q)(16)(C) proposes waterfowl, coot and snipe as authorized species for hunting.
- Subsection 551(q)(16)(D) would prohibit camping
- Subsection 551(q)(16)(E) Special Restrictions are proposed to require dogs to be on leash from March 1 to September 15 on the west side of South Jetty Road. Vehicle use would be allowed on designated access roads, corridors and waveslope only. The use of all-terrain vehicles would be allowed on the west side of South Jetty Road on designated access corridors and waveslope only. In addition, the amendments would allow firewood cutting by permit from September 16 to February 28, and permit equestrian use on the west side of South Jetty Road.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(24) and add the existing language for Decker Island Wildlife Area as Subsection 551(q)(43). This amendment will list the area as a Region 3 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Feather River Wildlife Area to close the Shanghai Bend Unit. This unit immediately adjoins the urban area of Yuba City. Due to its small acreage and close proximity to a highly populated community, the unit is not suitable for hunting or the discharge of any firearm.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Camping and Trailers for Gray Lodge Wildlife Area to clarify that the placement of trailers on the area is allowed one week prior to the beginning of waterfowl hunting season on the area, and that trailers may remain on the area for one week after the close of waterfowl season on the area. This amendment is to clarify that the dates of these restrictions are related to waterfowl seasons of the area, and are not to be based on waterfowl seasons in other areas of the state. In addition, Special Restrictions would be amended to specify that closure dates for non-hunting uses are related to the waterfowl season of the area, and that wildlife viewing areas referenced in the Special Restrictions are those designated by the department.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Hallelujah Junction Wildlife Area to prohibit motorcycles and to extend the closure of the area two additional months from February 1 to June 30. Existing regulations close the area from February 1 to April 30. These amendments are necessary to prevent disturbance to the wintering Loyaltton-Truckee deer herd, particularly gestating females which are in sub-optimal condition during this time of year due to poor winter nutrition. The herd remains on the area into late May or early June before migrating to its summer ranges.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(31) and add the existing language for Lower Sherman Island Wildlife Area as Subsection 551(q)(49). This amendment will list the area as a Region 3 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(32) and add the existing language for Miner Slough Wildlife Area as Subsection 551(q)(50). This amendment will list the area as a Region 3 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Oroville Wildlife Area to allow motorized boat speeds in excess of 5 miles per hour on the south portion of the Thermalito Afterbay Unit, and to limit the speed of motorized boats to 5 miles per hour on all other portions of the area. This amendment is necessary for department consistency with a Federal Energy Regulatory Commission Project 2100 settlement agreement in which the department agreed to submit a regulation proposal to allow boat speeds in excess of 5 miles per hour on the south portion of the Thermalito Afterbay Unit. In addition, this amendment allows historical recreational uses to continue on the area. An additional amendment would allow entry from 1 ½ hour before sunrise to one hour after sunset. The area would be closed to all public uses from one hour after sunset until the legal entry time the following morning, except for designated camping areas, which would be open 24 hours. These amendments are needed to clarify the times and locations the area is open for public use.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(36) and add the existing language for Rhode Island Wildlife Area as Subsection 551(q)(55). This amendment will list the area as a Region 3 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS to add Sacramento River National Wildlife Refuge, a Type C area in Tehama, Butte, and Glenn Counties, to the list of properties. In addition, Subsection 551(q)(37) would be added to provide additional regulations for the refuge. The additional regulations are proposed to provide necessary use restrictions and increased public use opportunities. They are listed below:

- Subsection 551(q)(37)(A) is proposed to limit the method of take to shotgun and archery only. This subsection would also restrict ammunition to federally approved nontoxic shot only while in the field in accordance with Subsection 32.2(k) of the Federal Register. An exception in the proposed regulation would allow shotgun slugs to be used when hunting deer. Rifles, crossbows, air guns and pistols would be prohibited. Falconry and shotgun shooting would also be prohibited.
- Subsection 551(q)(37)(B) is proposed to allow hunting daily during open seasons for authorized species
- Proposed Subsection 551(q)(37)(C) opens to hunting the La BARRANCA, Mooney, Heron Island, Rio Vista, Pine Creek, Capay, Phelan Island, Jacinto, South Ord, Llano Seco Islands 1 & 2, and Sul Norte Units. The Mooney Unit would not be open to waterfowl hunting. The proposed regulation refers users to Refuge maps and signs to identify areas open to hunting. All other areas and species would be closed to hunting. Commercial guiding would be prohibited.
- Subsection 551(q)(37)(D) Migratory Game Bird Hunting is proposed to allow hunting for goose, duck, coot, moorhen, dove and snipe on designated areas in accordance with state regulations subject to the following restrictions:
  - 551(q)(37)(D)(1) would allow shotguns only.
  - 551(q)(37)(D)(2) for the Sul Norte Unit would require firearms to be unloaded, with chamber and magazine of firearm empty, before they are transported between parking and hunting areas.
  - 551(q)(37)(D)(3) would close the Mooney Unit to waterfowl hunting.
  - 551(q)(37)(D)(4) would allow only federally approved nontoxic shot while in the field in accordance with 32.2(k) of the Federal Register.
  - 551(q)(37)(D)(5) would prohibit hunting within 50 feet of any landward boundary adjacent to private property.
  - 551(q)(37)(D)(6) would prohibit hunting within 150 yards of any building.
  - 551(q)(37)(D)(7) would limit units open to public hunting to access by boat only, except on the Sul Norte Unit, which may be accessed by foot or by boat. This proposed regulation would also prohibit bicycles or other conveyances. In addition, mobility impaired hunters would be required to consult with the refuge manager for allowed conveyances.
  - 551(q)(37)(D)(8) would prohibit fires, except that the use of portable gas stoves on gravel bars would be allowed in accordance with Section 27.95 of the Federal Register.
  - 551(q)(37)(D)(9) would allow camping on gravel bars for up to seven days in any 30 day period and prohibit camping on all other refuge lands.
  - 551(q)(37)(D)(10) would allow day-use access from 1 ½ hour before legal shoot time until 1 ½ hour after legal sunset, except that access would be allowed on gravel bars as specified in subsections (D)(8) and (D)(9).
  - 551(q)(37)(D)(11) would require dogs to be kept on a leash, except for hunting dogs engaged in authorized hunting activities and under the immediate control of a licensed hunter or dog handler in accordance with Subsection 26.21(b) of the Federal Register.
  - 551(q)(37)(D)(12) would prohibit permanent blinds and require all personal property, including decoys and boats, to be removed by 1 ½ hour after legal sunset in accordance with Section 27.93 and 27.94 of the Federal Register;
  - 551(q)(37)(D)(13) would prohibit cutting or removal of vegetation for blind construction or making trails, in accordance with Section 27.51 of the Federal Register.
- Subsection 551(q)(37)(E) Upland Game Hunting is proposed to allow hunting for pheasant, turkey and quail on designated areas of the refuge in accordance with state regulations,

subject to restrictions proposed in Subsection 551(q)(37)(E)(1) that would allow shotgun and archery hunting only. In addition, regulations proposed in subsections 551(q)(37)(D)(2) through (D)(12) would apply.

- Subsection 551(q)(37)(F) Big Game Hunting is proposed to allow hunting for black-tailed/mule deer on designated areas of the refuge in accordance with state regulations subject to the following restrictions:
  - Subsections 551(q)(37)(D)(2), (D)(4) through (D)(12), and (E)(1) would apply.
  - Subsection 551(q)(37)(F)(2) would prohibit the use of permanent blinds, platforms, ladders or screw-in foot pegs.
  - 551(q)(37)(F)(3) would require the removal of all personal property, including stands, from the refuge by 1 ½ hour after legal sunset in accordance with Sections 27.93 and 27.94 of the Federal Register.
  - 551(q)(37)(F)(4) would allow shotgun, firing single shotgun slugs, and archery hunting only. The use of rifles, air guns, or pistols would be prohibited.
- Subsection 551(q)(37)(G) Sport Fishing would allow sport fishing on the refuge in accordance with state regulations and subject to Subsections 551(q)(37)(D)(7), (8), (9), and (12). In addition Subsection 551(q)(37)(G)(2) for Packer Lake would allow only boats up to 14 feet and canoes. Only electric motors would be allowed

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS to make an administrative change for Spenceville Wildlife Area for consistency with the rest of the subsection. The number "9" is replaced with the word "nine".

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS to add Special Restrictions for Sutter Bypass Wildlife Area which would close portions of the east and west levees of the area that are adjacent to Sutter National Wildlife Refuge to the pursuit and take of waterfowl (ducks, geese, coots and moorhens). In addition, an area of the east levee would be closed to all hunting pursuant to Section 625, Title 14, CCR. The proposed amendment also defines the geographical extent of the proposed closure. The west levee would be closed from the northern boundary of the Sutter National Wildlife Refuge (SNWR), south to Oswald/Hughes road. The east levee would be closed from the northern boundary of the SNWR, south to the SNWR check station parking lot. An additional closure to all hunting would apply to the east levee from the SNWR parking lot south to the southern boundary of the SNWR, pursuant to Section 625, Title 14, CCR. The proposed amendments also clarify that all other portions of the Sutter Bypass Wildlife Area would continue to remain open for hunting, fishing and other recreation pursuant to Sections 550, 551 and 625, Title 14, CCR. These closures have been implemented under the authority of the Regional Manager for the past two years. Due to the proximity of these areas to the Sutter National Wildlife Refuge closed zone and a public road, it is necessary to close the areas for the protection of species in the closed zone, and for public safety.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Upper Butte Basin Wildlife Area to require hunters to hunt from assigned blinds when within assigned blind areas on all units of the wildlife area. The existing regulations require hunters within the assigned blind areas of the Little Dry Creek Unit to hunt from assigned blinds. The proposed change would require hunters within areas with assigned blinds on all units of the wildlife area to hunt from the assigned blinds for hunter safety and to provide a high quality hunting experience. This change will provide consistency across the wildlife area and provide needed regulations for assigned blind areas as they are developed.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(43) and add the existing language for White Slough Wildlife Area as Subsection 551(q)(57). This amendment will list the area as a Region 3 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete Subsection 551(q)(44) for Yolo Bypass Wildlife Area and replace it with Subsection 551(q)(58), listing the area with the department's Region 3 areas to reflect the department's new regional boundaries. The addition of mourning dove to the list of authorized species is also proposed to allow additional hunting opportunity consistent with the purpose of the area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Grizzly Island Wildlife Area to allow public entry only between sunrise and sunset, except by written

permission. In addition, existing regulations allowing public use on the Island Slough Unit from the end of waterfowl season to September 30 would be amended to close this unit to public use during this period, except with written permission from the area manager for the protection of the salt marsh harvest mouse and its habitat. Fishing access along Montezuma Slough would be open all year without hour restrictions on the Island Slough and Montezuma Slough Units. An additional amendment would exempt Goodyear Slough south of Lake Herman Road and east of the eastern most railroad tracks from the prohibition on boat access. The Grey Goose Unit and Goodyear Slough Unit would be restricted to prohibit foot access, allowing boat access only. These proposed amendments are necessary to regulate public access for the protection of species, habitats, public health, public safety and area infrastructure, and to allow appropriate public use and access to the area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(45) and add the existing language for Big Sandy Wildlife Area as Subsection 551(q)(59). This amendment will list the area as a Region 4 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(46) and add Subsection 551(q)(21) for Cache Creek Wildlife Area. The purpose of this change is to list the area as a Region 2 area to reflect the department's new regional boundaries. An additional proposed amendment would eliminate the requirement for an entry permit for the first two days of the spring turkey season. The issuance of entry permits is no longer necessary because there is an adequate number of parking areas to safely distribute hunters on the area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Laguna Wildlife Area to allow waterfowl hunting within designated areas of the Laguna de Santa Rosa between Occidental Road and Guerneville Road. These regulations are necessary to allow, and identify areas for appropriate public use. In addition, horseback riding and permanent blinds would also be prohibited to protect sensitive species and habitats on the area from disturbance and habitat damage.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(48) and add the existing language for Indian Valley Wildlife Area as Subsection 551(q)(32). This amendment will list the area as a Region 2 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Napa-Sonoma Marshes Wildlife Area to close the American Canyon Unit to hunting and the use of firearms and archery equipment south of the PG&E power lines. This amendment is necessary to protect public safety. Closure of the Green Island and Southern Crossing Unit is also proposed until restoration activities are near completion for the protection of important species and habitats. In addition, only steel or other non-toxic shot approved by the U.S. Fish and Wildlife Service would be allowed south of Highway 37 for consistency with adjacent federal areas. Dogs would be required to be on leash at all times, except when they accompany a valid hunting license holder during hunting season. This amendment is necessary for the protection of species, habitats and public safety. An amendment prohibiting permanent blinds is for the protection of species and habitats on the area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Petaluma Marsh Wildlife Area to add the recently acquired Bahia management unit to the list of areas closed to hunting and the use of firearms and archery equipment. Existing restrictions that would apply to the Bahia Unit under this subsection are the prohibition of dogs from March 2 through June 30, and the requirement that dogs must be on leash at all times. These amendments are necessary for the protection of species and habitats.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(53) and add the existing language for Morro Bay Wildlife Area as Subsection 551(q)(65). This amendment will list the area as a Region 4 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(54) and add the existing language for Moss Landing Wildlife Area as Subsection 551(q)(66). This amendment will list the area as a Region 4 area to reflect the department's new regional

boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(59) and add the existing language for San Luis Obispo Wildlife Area as Subsection 551(q)(69). This amendment will list the area as a Region 4 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Cottonwood Creek Wildlife Area, Lower Cottonwood Creek Unit to require a special permit obtained by special drawing for all entry during the opening weekend of the Zone A general deer season. This amendment is necessary to regulate public use on the area for the safety of visitors and to provide a high quality hunting experience.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Camping and Trailers for Los Banos Wildlife Area to allow camping at the main office parking area only during waterfowl and pheasant seasons and during organized events for the protection of species and habitats, and to limit costs of maintaining camping areas while allowing camping to occur during periods of peak use. An amendment to Special Restrictions is also proposed to permit the department to allow wildlife observation in authorized locations on Mondays, Tuesdays, Thursdays and Fridays during the waterfowl season, rather than on Saturdays, Sundays and Wednesdays as allowed in the current regulations. A new interpretive area is now available for wildlife watching. Since the interpretive area is adjacent to a hunting area, it will be open to viewing only on non-shoot days. In addition, dogs would not be allowed in the interpretive viewing area at any time to prevent the harassment of wildlife using the area, and the fouling of interpretive paths. Another proposed amendment would disallow the use of horses for authorized dog trials by prohibiting horses on the area. This amendment is necessary for the protection of species and habitats from disturbance and damage, and from invasive weed seeds carried by horses and their manure.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Method of Take Restrictions for O'Neill Forebay Wildlife Area to prohibit the use or possession of shotgun slugs. Because the hunting of deer and pig is not permitted on the area, the prohibition of shotgun slugs is necessary to prevent the illegal take of these species, and to protect public safety. An amendment to the regulations for Entry Permits removes the exception to the requirement of self registration during the opening day of dove and pheasant seasons. This exception in the existing regulations states that self registration is not needed because hunter capacity is controlled for the opening days of pheasant and dove seasons. The amendment to this regulation is necessary because the department will no longer control hunter capacity on these opening days due to the small number of pheasants on the area and the typically poor opening day of dove season. Self registration on these days will be adequate to meet department needs for management and tracking of public use.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Entry Permit for San Luis Reservoir Wildlife Area to require a special permit obtained by special drawing for all entry during the opening weekend of the Zone A general deer season. This amendment is necessary to regulate public use on the area for the safety of visitors and to provide a high quality hunting experience.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Volta Wildlife Area to close the area to public use one month earlier by moving the closure start date from September 15 to August 15. The Volta Wasteway Channel would remain open to fishing during this closure as provided in the existing regulations. This closure is necessary to avoid disruption of rest and feeding needed by early arriving migratory waterfowl and shorebirds following long flights from the north.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Reservations for the Davis Road Unit of San Jacinto Wildlife Area to remove the requirement of a reservation for pheasant hunting. This amendment is necessary for the department to fill vacancies in the field created when pheasant hunters with reservations leave the area. By making reservations available, but not required, the department can provide increased opportunity for pheasant hunting.

Section 551 is renumbered and re-lettered to account for the addition of new subsections and deletions.

**The Department of Fish and Game proposes the following amendments to Section 552.**

## **Regulations for National Wildlife Refuges Where Hunting Programs are Administered by the Department of Fish and Game:**

Amend Subsection 552(a)(4)(A) Area Firearms Restrictions for Merced National Wildlife Refuge to clarify that a hunter shall not possess more than 25 shot shells per day, and that exiting the field to retrieve additional shells is prohibited, in contrast to regulations on other Type A areas that allow this practice. In addition, Subsection 552(a)(4)(G) is amended to correct a typographical error.

Amend Subsection 552(a)(6)(G) Special Restrictions to prohibit boat speeds over 5 miles per hour. In addition, inboard water thrust and air-thrust boats would be prohibited, as would construction of permanent blinds, and cutting or breaking of woody vegetation. An amendment is also proposed requiring the removal of all blinds and equipment after each day's hunt. These existing federal regulations are proposed for inclusion in Section 552 to clarify all regulations that apply to the area and for consistency with the federal regulations.

Add Subsection 552(a)(9) to include Stone Lakes National Wildlife Refuge as a refuge with hunting programs administered by the Department of Fish and Game. The following additional regulations are proposed to provide necessary use restrictions for the protection of Central Valley wetland and riparian habitats and the species they support, and to provide increased public use opportunities consistent with the purpose of the refuge:

- Subsection 552(a)(9)(A) Area Firearms Restrictions would allow shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service Only, and allow a hunter to possess no more than 25 shot shells while in the field.
- Subsection 552(a)(9)(B) Hunt Days would allow hunting on Wednesdays and Saturdays from ½ hour before sunrise until 12 noon.
- Subsection 552(a)(9)(C) Authorized Species would allow hunting for waterfowl, coots, moorhen and snipe.
- Subsection 552(a)(9)(D) would require reservations for hunting.
- Subsection 552(a)(9)(E) would prohibit camping, tents or the building or maintaining of fires.
- Subsection 552(a)(9)(F) would allow decoy carts.
- Subsection 552(a)(9)(G) would prohibit bicycles.
- Subsection 552(a)(9)(H) Reservations would assure each reservation holder of up to two individuals per blind, except for youth draw blinds on Saturdays, which may include two youth hunters accompanied by one adult. Only youths would be able to apply. An additional regulation would specify that the pontoon boat for persons with disabilities is for use by one disabled hunter and one able bodied companion.
- Subsection 552(a)(9)(I) Special restrictions would require hunters assigned to hunting sites to remain in the assigned blind, unless placing decoys, traveling to and from the parking area, retrieving downed birds, or when shooting and retrieving crippled waterfowl.
- Subsection 552(a)(9)(J) would require hunting dogs to remain under leash or voice control at all times.

**Minor editorial changes are made to Sections 550 and 551 for consistency and clarity, specifically amendments to show references to the “department” consistently in lower case and to provide for consistent use of the word “checking” in reference to checking stations.**

**The Original Informative Digest/Policy Statement Overview contained the following language, with updates shown in bold below:**

Add Cartago Wildlife Area, Inyo County as a Type C area to Section 550 for the protection of wetland and upland habitats and to provide public use opportunities. The Wildlife Area is part of Owens Dry Lake Bed and is currently undesignated. The purpose of the Wildlife Area is to provide upland and waterfowl habitat for recreational opportunities to local residents and visitors.

**Add Cartago Wildlife Area, Inyo County as a Type C area to Section 550 for the protection of wetland and upland habitats and to provide public use opportunities. The Wildlife Area is part of Owens Dry Lake Bed and is currently undesignated. The purpose of the Wildlife Area is to provide upland and waterfowl habitat for recreational opportunities to local residents and visitors.**

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Subsections 551(q) and 551(q)(74) to correct the name of Hollenbeck Canyon Wildlife Area. The existing regulations incorrectly refer to the area as Hollenbeck Wildlife Area. In addition, Authorized Species for Hollenbeck Canyon Wildlife Area would be amended to include American crow and coyote to expand hunting opportunities on the area. Adequate populations of these species exist to support the additional public hunting opportunities allowed by this proposed amendment.

**Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Subsections 551(q) and 551(q)(74) to correct the name of Hollenbeck Canyon Wildlife Area. The existing regulations incorrectly refer to the area as Hollenbeck Wildlife Area. Subsection 551(q)(74)(A) is amended to clarify that a shotgun with a live round in the chamber may be possessed in the designated dog training area during the course of authorized dog training. This language is necessary to clarify that the prohibition of shotguns with a live round in the chamber in areas outside of the designated hunting zone does not apply to those engaged in authorized dog training in the designated dog training area. In addition, Authorized Species for Hollenbeck Canyon Wildlife Area would be amended to include American crow and coyote to expand hunting opportunities on the area. Adequate populations of these species exist to support the additional public hunting opportunities allowed by this proposed amendment.**

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to add regulations for the existing Sacramento River Wildlife Area prohibiting motorcycles, all terrain vehicles (ATV's), vehicles, horses and horseback riding for the protection of species and habitats. Proposed special access restrictions would specify Colusa South, Colusa North, Moulton South, Moulton North, Stegeman, Princeton South, Beehive Bend, Oxbow, Jacinto, Ord Bend, Shannon Slough, Pine Creek North, Wilson Landing, Dicus Slough, and Merrills Landing as accessible only by boat. Princeton Southeast, Princeton East, Princeton North, Site 21, Pine Creek West and Pine Creek East Units would be accessible only by boat, or by foot. These access restrictions are for the protection of riparian species and habitats and to clarify appropriate means of access for each unit of the wildlife area.

**Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to add regulations for the existing Sacramento River Wildlife Area prohibiting vehicles, horses and horseback riding for the protection of species and habitats. Proposed special access restrictions would specify Colusa South, Colusa North, Moulton South, Moulton North, Stegeman, Princeton South, Beehive Bend, Oxbow, Jacinto, Ord Bend, Shannon Slough, Pine Creek North, Wilson Landing, Dicus Slough, and Merrills Landing as accessible only by boat. Princeton Southeast, Princeton East, Princeton North, Site 21, Pine Creek West and Pine Creek East Units would be accessible only by boat, or by foot. These access restrictions are for the protection of riparian species and habitats and to clarify appropriate means of access for each unit of the wildlife area.**

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS for Ash Creek Wildlife Area to add deer to the list of species that may be taken during junior hunts only. The department has submitted a proposal to amend the Mammal Hunting Regulations (November 2006) to support this proposed junior hunt. If the junior deer hunt is approved in the mammal regulations, this proposed regulation would allow the junior hunt to proceed on the area.

~~**Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS for Ash Creek Wildlife Area to add deer to the list of species that may be taken during junior hunts only. The department has submitted a proposal to amend the Mammal Hunting Regulations (November 2006) to support this proposed junior hunt. If the junior deer hunt is approved in the mammal regulations, this proposed regulation would allow the junior hunt to proceed on the area.**~~

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Hallelujah Junction Wildlife Area to prohibit motorcycles and to extend the closure of the area two additional months from February 1 to June 30. Existing regulations close the area from February 1 to April 30. These amendments are necessary to prevent disturbance to the wintering Loyaltton-Truckee deer herd, particularly gestating females which are in sub-optimal condition during this time of year due to poor winter nutrition. The herd remains on the area into late May or early June before migrating to its summer ranges.

**Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Hallelujah Junction Wildlife Area to extend the closure of the area two additional months from February 1 to June 30. Existing regulations close the area from February 1 to April 30. These amendments are necessary to prevent disturbance to the wintering Loyalton-Truckee deer herd, particularly gestating females which are in sub-optimal condition during this time of year due to poor winter nutrition. The herd remains on the area into late May or early June before migrating to its summer ranges.**

**The Commission adopted the proposed regulatory amendments to Sections 550, 551 and 552, Title 14, California Code of Regulations at its meeting on August 10, 2007.**

ADDENDUM TO FINAL STATEMENT OF REASONS  
AMEND SECTIONS 550, 551 AND 552, TITLE 14, CCR  
RE: STATE AND FEDERAL WILDLIFE AREAS

VI. Summary Of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations. – Continued

Comment: Paul Weakland testified at the July 13, 2007, meeting in Bridgeport, stating that he was concerned that the public was losing access to State and Federal areas.

Response: Mr. Weakland's comments were vague, overlybroad and nonspecific in regards to the proposed amendments; therefore, the Commission is not required to respond to his comments.