

## **Attachment 15**

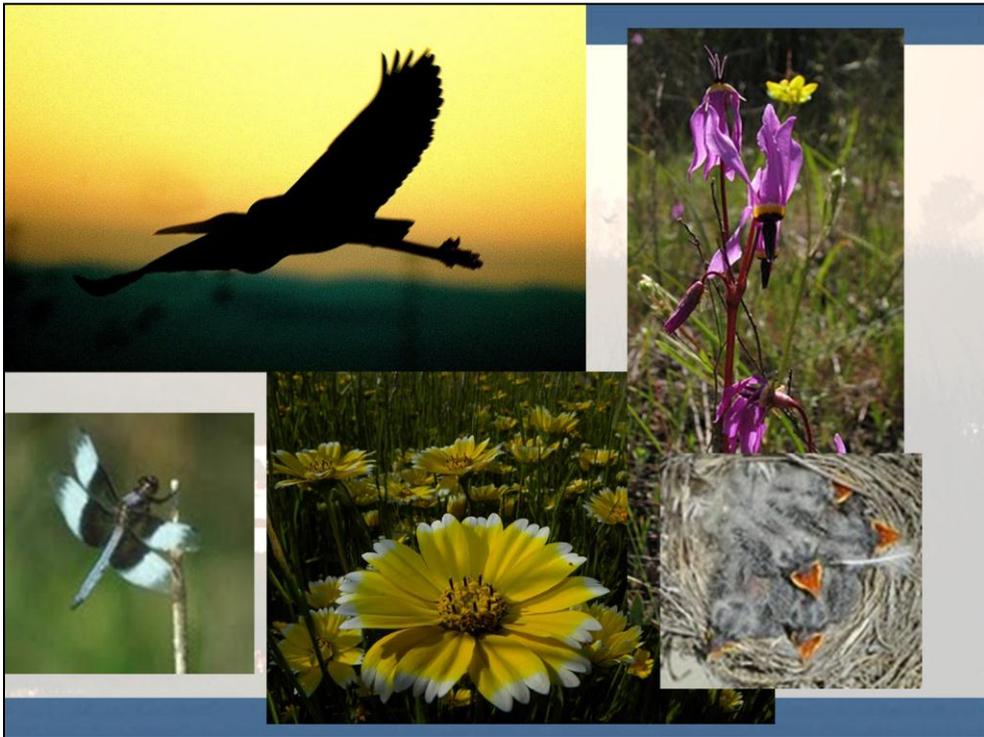


Land Regulations Workshop, California Department of Fish and Game, Wildlife Branch, Lands Program, Julie Horenstein, Brad Burkholder, Kari Lewis, February/March 2011

# Agenda

- **Overview of Fish and Game Lands**
- **Status of Current Regulations**
- **Introduction to the Regulatory Process**
- **Overview of Current Approach**
- **Next Steps**
- **Questions on our Current Approach?**
- **Flip-chart stations**

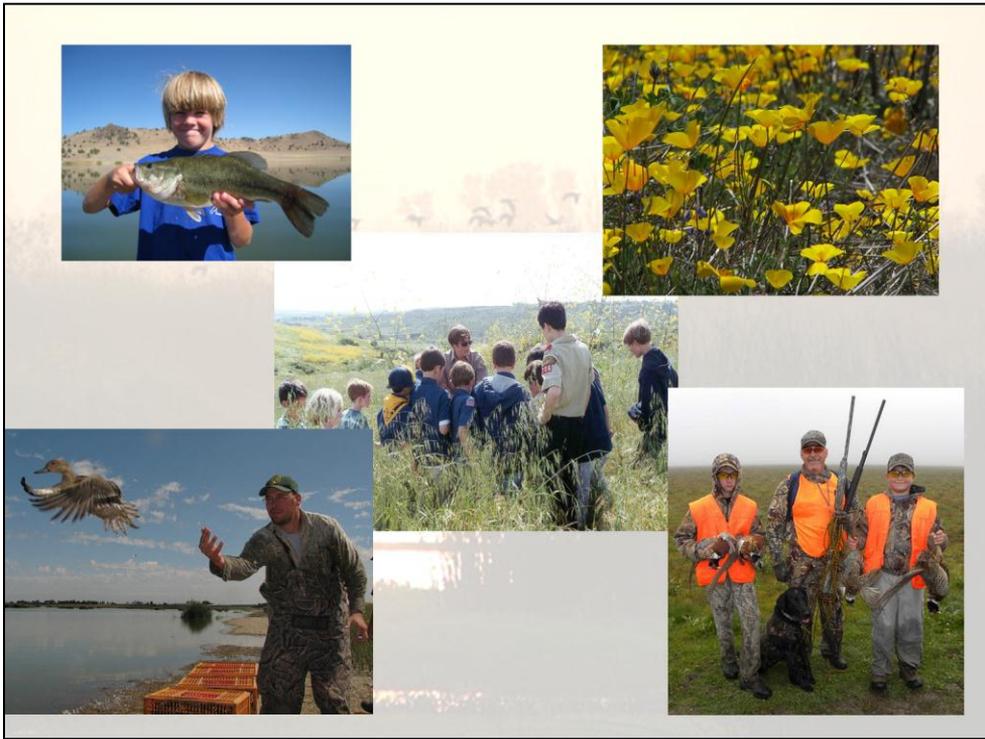
Workshop agenda: 1) Overview of DFG lands; 2) Status of current regulations; 3) Introduction to the regulatory process; 4) Overview of the current approach; 5) Next Steps; 6) Questions on our current approach; 7) Flip-chart stations



A tremendous variety of native plant and animal species are protected on lands that are owned and/or managed by the California Department of Fish and Game.



Department lands include many types of habitats.



Examples of public uses of Department lands include hunting, fishing and environmental education.



The Department's lands also provide opportunities for research, volunteering, and the observation of native wildlife, plants and beautiful scenery.



There are many challenges to ensuring that the uses of Department lands are compatible with the goals of conserving native plants, wildlife and the habitats on which they depend.

## Wildlife Areas

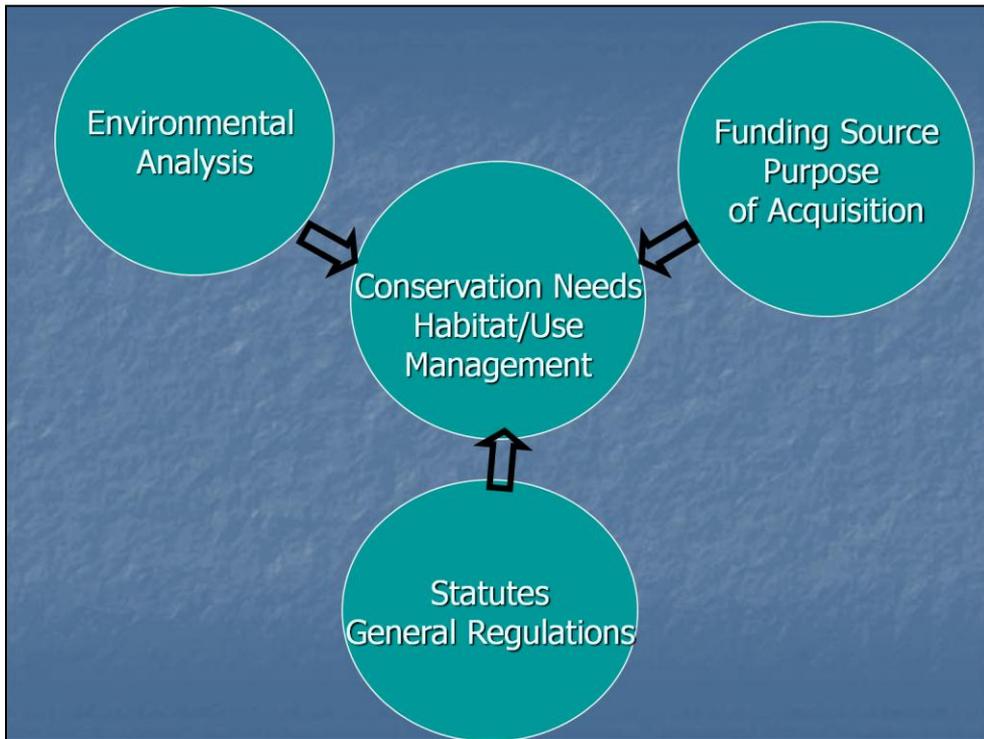
- Fish & Game Code 1525 et seq.
- Purpose: Wildlife Conservation & Compatible Public Use
- Many actively managed habitat and public use programs by DFG
- 110 properties / 707,071 acres

The main purposes of Wildlife Areas are to conserve wildlife and provide compatible public uses. Key statutes include Fish and Game Code 1525-1530,

## Ecological Reserves

- Fish and Game Code 1580 et seq.
- Purpose: Protection of Rare Wildlife and Habitats, Nature Study, Research
- Though most are open to the public, there are fewer actively managed public use programs
- 130 properties / 204,585 acres

The main purpose of Ecological Reserves is the protection of rare wildlife, plants and habitats. Other purposes are nature study and research. Key statutes are Fish and Game Code 1580 - 1585



Factors used in identifying the conservation, public use and habitat management needs for a property include the purpose of the acquisition, funding source, statutes and regulations, and environmental analyses.

## Funding Sources Usually Have Defined Purposes

- 45 Funding Sources Used for DFG Lands
  - State bonds
  - Federal grants and congressional allocations
  - Land Donations
  - Mitigation for habitat loss
  - Federal excise taxes on hunting equipment
  - Specific state general fund allocations (past)
  - State Tax √ Off & Environ. License Plates

Funding sources usually have defined purposes. About 45 funding sources have historically been used in acquiring Department of Fish and Game lands.

## Environmental Analysis

- For regulation changes, an environmental document is submitted to the Fish and Game Commission as part of the regulation package. It is considered a “CEQA equivalent” process.

For regulation changes that may have a significant effect on the environment, an environmental document is submitted with the proposal. It is considered a “CEQA equivalent process”.

# Statutes & Regulations

[www.oal.ca.gov](http://www.oal.ca.gov)

- Statutes are laws passed by the Legislature
  - These include laws that give state agencies their responsibilities.
  - Statutes give authority to state agencies to issue regulations.
  - Fish & Game Code = Statutes
  
- Regulations provide details on how the statutes are implemented. [www.oal.ca.gov](http://www.oal.ca.gov)
  - CA Code of Regulations, Choose title & section
  - Title 14, Sections 550,551,552,630

Statutes are laws passed by the Legislature. Statutes give authority to state agencies to issue regulations. Regulations (California Code of Regulations) provide details on how statutes are implemented. Key regulations for Department lands are Title 14, Sections 550, 551, 552 and 630.



Covers of regulation booklets from 2009-2010 and 2010-2011: Hunting and Other Public Uses on State and Federal Areas

## Status of Lands Regulations

- Unclear organization and wording
- Difficult to find regs. on specific topic
- Huge amount of duplication
- Inconsistencies
- Difficult to analyze potential new regs.
- Is presentation manner most effective?
- Could impede enforcement?

Current land regulations are confusing, inconsistent, duplicative and difficult to use.

## Inconsistencies

- User responsibility for knowing the regulations is addressed for the Wildlife Areas (550(b)(23)) but not in Sec. 630 for the Ecological Reserves.
- Multiple subsections of 550, 551 and 630 address scientific research, educational activities and collecting. Differences in wording may be confusing to the public and DFG staff

Examples of inconsistency

## Redundancy:

- There are about 24 nearly identical regulations regarding biological research for individual Ecological Reserves.
- There are general regulations for fires on Ecological Reserves (630(a)(19)) and Wildlife Areas (Sec. 550 (b)(13) plus 15 site specific regulations about fires, all of which have essentially the same intent.
- Sections 630 and 550 have many nearly identical regulations for destructive activities such as littering, dumping trash, destruction of habitat, archeological artifacts, vandalism, etc.

Examples of redundancy

## Current Effort Objectives

- Consolidate & clarify regulations
  - Easier to understand and use
  - Enforceable
  - More clearly reflect purpose of land acquisition and statutes
- Designations of recently acquired lands
- Provide the Fish & Game Commission with regulatory options regarding lead ammunition on Department lands.

Objectives: The current effort is aimed at making the regulations more clear and concise, designating recently acquired lands as Ecological Reserves or Wildlife Areas, and providing the Fish and Game Commission with regulatory options regarding lead ammunition on Department lands.

## Lead Ammunition

The Fish and Game Commission requested that the Department provide regulatory options regarding the use of lead ammunition on Department lands.

Department staff are developing these options as part of the current regulation update process. These options could affect all or a subset of Department lands (e.g. waterfowl areas only). A no change option will also be included.

Current restrictions on the use of lead ammunition can be found in the California Code of Regulations, Title 14 Sections 355, 475(f), 507.1, 551(b)(5), 551(q)(43)(A), and 551(q)(50)(E).

Per the request of the Fish and Game Commission, Department staff are developing options regarding the use of lead ammunition on lands managed by the Department. This could affect all or a subset of Department lands. A no change option will also be included. Current regulations on the use of lead ammunition are in CCR Title 14 Sections 355, 475(f), 507.1, 551(b)(5), 551(q)(43)(A), and 551(q)(50)(E).

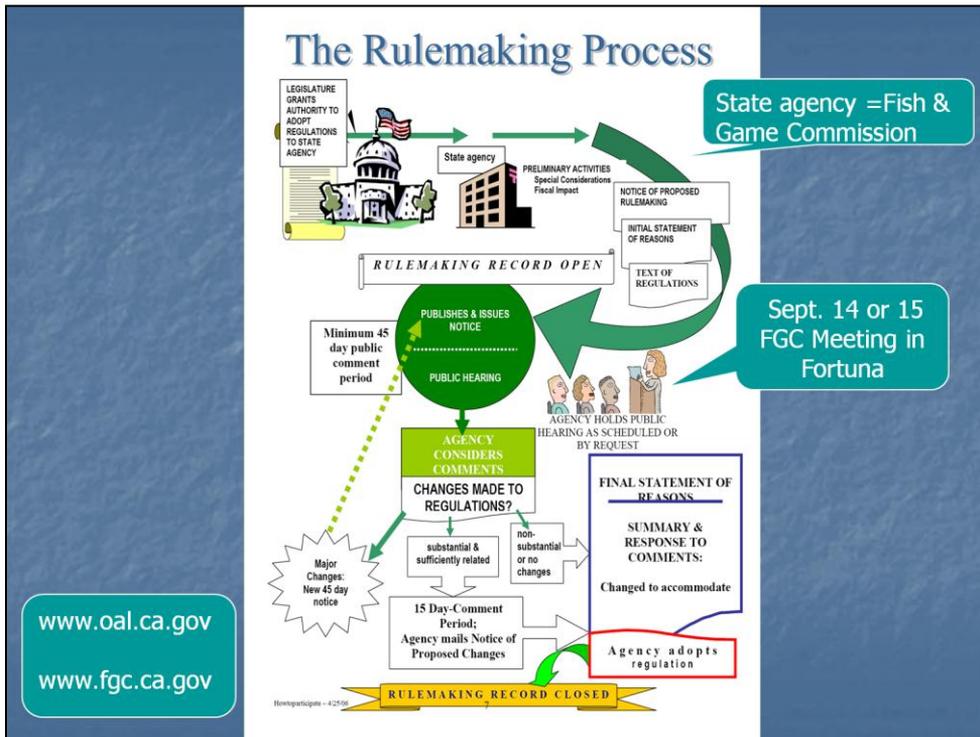
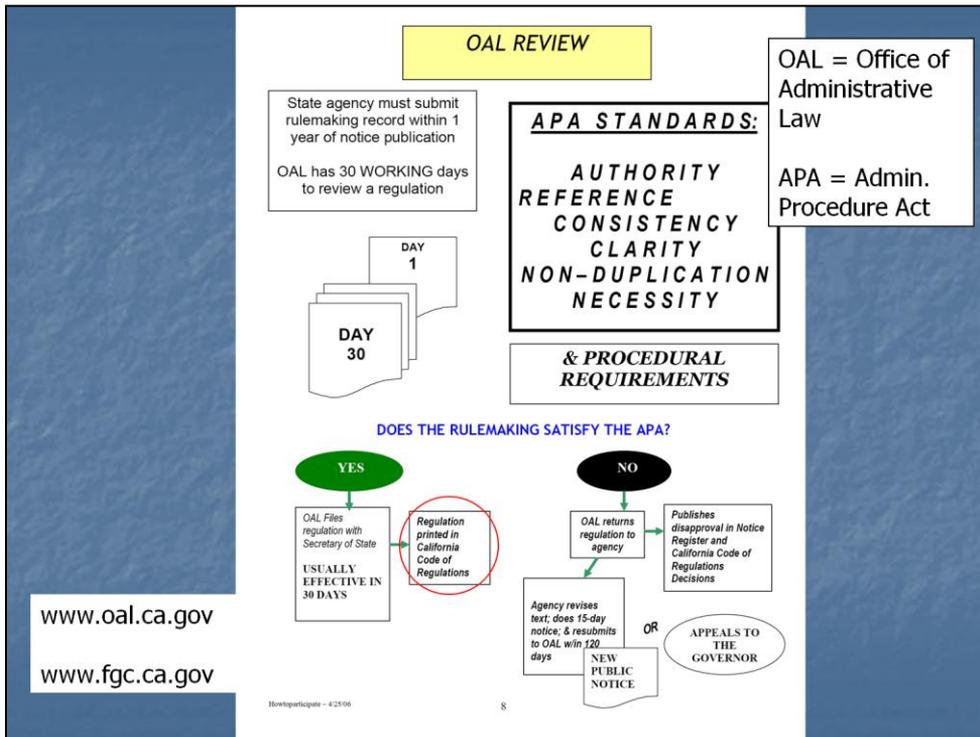


Diagram of rule making process available at [www.oal.ca.gov](http://www.oal.ca.gov)



Continuation of rulemaking process diagram available at [www.oal.ca.gov](http://www.oal.ca.gov)

## Anticipated Schedule

- Decision to notice FGC Meeting  
June 29/30, San Francisco
- Public Notice & Begin Comment Period  
[www.fgc.ca.gov](http://www.fgc.ca.gov) July 15
- Discussion FGC meeting - Sept. 14/15, Fortuna
- Adoption FGC meeting (unless postponed)  
Nov. 16-17, Santa Barbara
- OAL Review – 30 days
- Publication – 30-90 days

Anticipated schedule: Fish and Game Commission addresses whether to publicly notice the proposed regulation changes: June 29/30, 2011, San Francisco; Public notice and beginning of comment period: July 15, 2011; Fish and Game Commission discussion meeting: Sept. 14/15, 2011, Fortuna; Commission adoption meeting: November 16/17, 2011, Santa Barbara; Office of Administrative Law review: 30 days; Publication: 30-90 days.

## Public Notice

- Mailing from FGC to interested parties
- Posted on Fish & Game Commission Website-July 15 (2 places: Proposed Regs. & Meetings [agenda]) [www.fgc.ca.gov](http://www.fgc.ca.gov)
- Regulatory Notice at [www.oal.ca.gov](http://www.oal.ca.gov)
  - (Notice Register – July 15)

Anticipated public notice on July 15. In “Notice Register” at [www.oal.ca.gov](http://www.oal.ca.gov). Proposed regulation change documents will be available at [www.fgc.ca.gov](http://www.fgc.ca.gov). There will be a mailing about the notice to interested parties.

## Read & Comment

- [www.fgc.ca.gov](http://www.fgc.ca.gov) (regulations tab for text)
  - Available July 15
- Comment in person
  - Sept. 14 or 15, Fortuna
- Comment in writing to the FGC
  - From July 15 through the adoption meeting
    - Currently scheduled for mid-November
    - Suggest sending comments well in advance of adoption
    - [www.fgc.ca.gov](http://www.fgc.ca.gov): how to submit comments

Information on how to submit comments at [www.fgc.ca.gov](http://www.fgc.ca.gov). Comments will be accepted from July 15 through the adoption meeting. We encourage interested parties to submit comments at least several weeks before the adoption meeting in mid-November 2011.

## Public Input Requested During Comment Period

- Preferences related to the presentation type or format for delivery
- Useful tables, summaries or graphics
- Improving clarity in organization or wording
- Additional information needed to clarify what is allowed or prohibited

Comments on how to make the regulations more useful and user-friendly would be appreciated.

## Contact Information

- Julie Horenstein [jhorenstein@dfg.ca.gov](mailto:jhorenstein@dfg.ca.gov)
- Brad Burkholder [bburkholder@dfg.ca.gov](mailto:bburkholder@dfg.ca.gov)
  
- Current Regulations: [www.oal.ca.gov](http://www.oal.ca.gov)  
CA Code of Regulations, Select Title & Section: Title 14,  
Sec. 550,551,552,630
  
- Proposed Regulations (anticipate posting on  
July 15, 2011): [www.fgc.ca.gov](http://www.fgc.ca.gov)

For questions about this issue contact Julie Horenstein at [jhorenstein@dfg.ca.gov](mailto:jhorenstein@dfg.ca.gov) or Brad Burkholder at [bburkholder@dfg.ca.gov](mailto:bburkholder@dfg.ca.gov).

**Questions about the “clean-up” of the  
DFG lands regulations and the  
regulation change process?**



Questions from the audience? (Last slide of presentation)