Land Regulations Workshop, California Department of Fish and Game, Wildlife Branch, Lands Program, Julie Horenstein, Brad Burkholder, Kari Lewis, February/March 2011
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.
The main purposes of Wildlife Areas are to conserve wildlife and provide compatible public uses. Key statutes include Fish and Game Code 1525-1530,
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. About 45 funding sources have historically been used in acquiring Department of Fish and Game lands.
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 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
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
Examples of 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.
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.
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 (e.g. waterfowl areas only). A no change option will also be included. Current regulations 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).
Diagram of rule making process available at www.oal.ca.gov
Continuation of rulemaking process diagram available at www.oal.ca.gov
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, Fortuna; Adoption FGC meeting (unless postponed): Nov. 16-17, Santa Barbara; OAL Review – 30 days; Publication – 30-90 days.
Anticipated public notice on July 15. In “Notice Register” at www.oal.ca.gov. Proposed regulation change documents will be available at www.fgc.ca.gov. There will be a mailing about the notice to interested parties.
Information on how to submit comments at 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.
Comments on how to make the regulations more useful and user-friendly would be appreciated.

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
For questions about this issue contact Julie Horenstein at jhorenstein@dfg.ca.gov or Brad Burkholder at 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)