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January 24, 2015

President Michael Sutton
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Mr. Sutton,

We are writing to express a concern that we have with a Fish and Wildlife Code that we believe endangers the public and private property owners.

We are fourth generation cattle ranchers in the Greenhorn Mountains of Kern County. A Kern County road, Poso Flat Rd., traverses our property and terminates in Sequoia National Forest. Poso Flat Rd. is a county maintained dirt road (the pavement ends 3 mi. west of our house), and is marked with the expected Kern County road markers, signs etc. The road is in mountainous terrain, twisty, steep in places and surrounded by oak woodland.

The Department of Fish and Wildlife maintains that it is legal to shoot from a "gray area" between our fences and one step off of the county road citing Fish & Game Code Section 3004(b) and California Penal Code 374(c) neither of which prescribes a limit to how far one must be from the road before they can shoot. This concerns, and perplexes us. The county easement is 60' wide, with the grading and our meandering fences, that leaves only a few feet to shoot up or down the side of a county road with high power rifles. The "gray area" doesn't have the range or visibility to shoot safely.

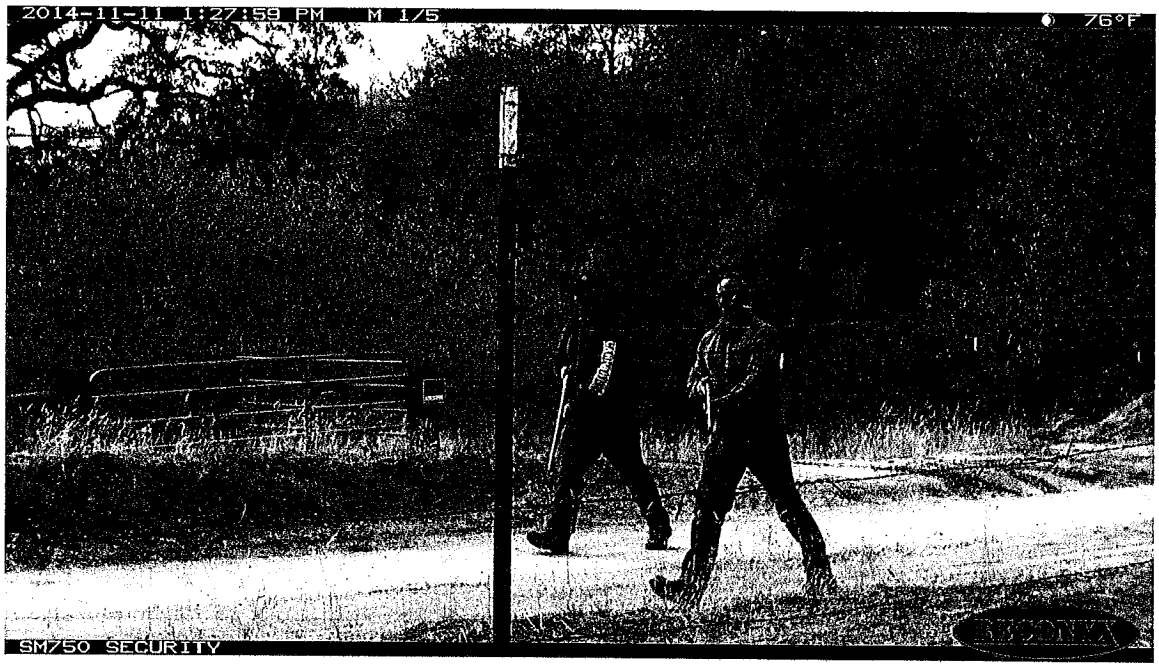
We understand that law enforcement officers can only enforce the law as it is written, and we believe that the omission of a prescribed limit to how far one must be from the road before they can shoot is a serious and potentially dangerous omission from the law.

We have corresponded with Mr. John Baker, Assistant Chief, Central Enforcement District of the Department of Fish and Wildlife, and he has suggested that we lobby to change the law to correct this ambiguity in the Fish and Wildlife Code and/or the California Penal Code. Assistant Chief Baker cited examples of similar law that addressed the omission in the California Dept. of Fish and Wildlife Code and the California Penal Code:

The state of Georgia has Title 16-11-103: "A person is guilty of a misdemeanor when, without legal justification, he discharges a gun or pistol on or within 50 yards of a public highway or street.

Imperial County in California has what seems to us a sensible ordinance 11.08.010 which states: *"It is unlawful for any person, other than a peace officer action in official line of duty, to shoot, fire or discharge or for any person, firm or corporation to cause or permit any rifle, shotgun, piston, revolver, or firearm to be shot, fired or discharged upon, along, across or within fifty (50) yards of any state maintain highway or county paved or unpaved maintained highway except when necessary to do so in protection of life or property."*

Our concern is that the Code, as enforced, permits hunters to be beside the road, hunting with a loaded weapon.



This photo is of two hunters, completely focused on game on our property. They do not see the red and white signs or the camera, or traffic, water tanks, troughs, etc. They are intensely focused on the game to the exclusion of everything. This is dangerous. The gap in the Code instigates the dangerous behavior of hunting in a very confined area, i.e. between the road and fence. We agree that lawlessness is not dissuaded by statutes, but gaps in the Code, such as noted, tacitly condone behavior as depicted in this photo.

When we contact them The Department of Fish and Wildlife has always been responsive and professional, but, as Assistant Chief John Baker states, "Unfortunately as law enforcement officers we can only enforce the law as it is written."

We believe that this law should be rewritten. Can you help us with this matter?

Sincerely,

Charlie and Kristy Hodson

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