STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Subsection 265,
Title 14, California Code of Regulations (CCR)
Re: Use of Dogs for Pursuit/Take of Mammals or for Dog Training

I. Date of Initial Statement of Reasons: December 16, 2009

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: February 4, 2010
Location: Sacramento, California

(b) Discussion Hearing: Date: March 3, 2010
Location: Ontario, California

(c) Discussion Hearing: Date: April 8, 2010
Location: Monterey, California

(d) Adoption Hearing: Date: April 21, 2010
Location: Sacramento, California

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Modify Boundaries for Dog Control Zones –

Existing regulations provide boundaries for dog control zones where dogs are not allowed to be used for the pursuit/take of mammals or for dog training from the first Saturday in April through the day preceding the opening of the general deer season. The proposed change modifies the boundaries for the dog control zones to better align the boundaries with roads (to the extent possible) and to provide additional areas for dogs to be exercised and trained.

The existing regulations were established in the mid 1980's because wildlife population numbers (especially bears) were low. The dog control zones constitute the prime locations of the bear distribution in California. At the time these regulations were established, the statewide bear population

was estimated at less than 10,000 animals. This regulation was a very conservative step to help eliminate any potential for a dog to pursue a bear outside of the bear hunting season by precluding dogs from these areas. It remained illegal to pursue a big game (including bears) outside the hunting season. Today, bear numbers are robust. The bear population has increased fourfold from the low levels of the early 1980's (currently estimated at 38,000 bears), the time when the existing regulation was promulgated.

The proposed project opens portions of the dog control zones to allow dog training and exercising in locations that have been closed. It remains illegal to pursue big game (including bears) outside the hunting season. Also, the proposed change aligns boundaries with roads to make it easier for the public and law enforcement officers to define the boundaries on the ground. Some of these alignments incorporate additional areas of the state into dog control zones. The following map illustrates the proposed dog control zones for 2010.

Proposed 2010 Dog Control Zones
OREGON
IDAHO
UTAH
NEVADA
ARIZONA
MEXICO
PACIFIC OCEAN
Dog Control Zones
1 Northern California Dog Control Zone
2 Central California Dog Control Zone
3 Southern Sierra Dog Control Zone
4 Southern California Dog Control Zone
National Forest
Redding
Sacramento
Santa Rosa
Napa
Modesto
Santa Cruz
Fresno
Santa Barbara
Los Angeles
San Diego
0 45 90 180 Miles
0 85 170 340 Kilometers
Source: Title 14 CCR 265 -
Use of Dogs for Pursuit /
Take of Mammals or for Dog Training

2. Eliminate Restrictions on the Use of Tip Switches and Global Positioning Systems on Dog Collars -

   Current regulations specify collars worn by dogs during the pursuit or take of mammals shall not be equipped with tip switches or global positioning systems (GPS). The proposed change eliminates this prohibition because the regulation is unnecessarily restrictive.

   The current regulation was put in place before GPS technology was fully developed for collars on dogs. This regulation was intended to assure that hunters did not simply rely on the tip switch and GPS to tell them that their dogs had treed or cornered an animal. Concerns of “fair chase” were raised if hunters simply walked to the location where the dogs had an animal cornered for the kill. These concerns do not accurately fit the way hunting is conducted with the use of dogs. Hunters who use hounds take a great deal of pleasure from watching their dogs work and listening to the barking. The hunters are aware of the dog’s behaviors by the sounds and tone of the dogs through their pursuit. Often when a hunter is not closely behind the dogs and an animal is treed, it will come out of the tree and run until treed again.

   Existing regulations permit the use of very high frequency (VHF) collars on dogs. This technology is outdated and subject to error relative to varying geographic features. As such, the tracking of hounds is currently permitted, and fair chase standards are being met, however dog owners have expressed concern over the inability to rapidly respond to potential emergency situations. The current GPS technology is especially useful for hunters to retrieve their dogs when lost or injured, or to intervene if the dogs are approaching a hazard (highway, cliff, etc.).

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, and 203 Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, and 207 Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Please see 2010 Environmental Document Regarding Bear Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department received input from the public at a scoping meeting held in Davis, CA on November 18, 2009.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Proposed Project

1. Eliminate the Dog Control Zones -

This alternative would eliminate any restrictions on the training and exercising of dogs in the mountainous regions of the State. It would remain unlawful to pursue or take mammals outside the hunting seasons. This alternative was considered and rejected because the Department would prefer a stepwise, conservative approach to opening up portions of the dog control zones.

2. Eliminate Tip Switches but Not GPS on Dog Collars -

This alternative would allow the use of GPS on dog collars, but continue the prohibition of tip switches. This alternative was considered and rejected because the commercially available GPS collars for dogs have a built in tip switch indicator. It would not be feasible to implement this alternative.

(b) No Change Alternative:

1. Modify Boundaries for Dog Control Zones –

The no-change alternative was considered and rejected because it would continue to unnecessarily restrict lawful activities of exercising and training dogs.

2. Eliminate Restrictions on the Use of Tip Switches and Global Positioning Systems on Dog Collars -

The no-change alternative was considered and rejected because it would continue to unnecessarily restrict the use of current technology.

(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.

V. Mitigation Measures Required by Regulatory Action:

None. See 2010 Environmental Document Regarding Bear Hunting.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and 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 Businessmen 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. The proposed action eliminates unduly restrictions on outdoor recreation by modifying dog control zone boundaries and removing restrictions pertaining to the use of tip switches and GPS technology on dog collars. Given the number of individuals who use or train dogs for hunting purposes will remain relatively static in California, this proposal is economically neutral to business.

(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 Private Persons:

The agency is not aware of any cost impacts that a representative private person 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) Other 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.

INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations provide boundaries for dog control zones where dogs are not allowed to be used for the pursuit/take of mammals or for dog training from the first Saturday in April through the day preceding the opening of the general deer season. The proposed change modifies the boundaries for the dog control zones to better align the boundaries with roads and to provide additional areas for dogs to be exercised and trained.

Existing regulations specify collars worn by dogs during the pursuit or take of mammals shall not have tip switches or global positioning systems (GPS). The proposed change eliminates this unnecessary prohibition.