

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

(Continuation of California Notice Register 2010, No.8-Z,
and Meetings of February 4, 2010 and March 3, 2010)

(NOTE: The Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. "The commission shall exercise its powers under this article by regulations made and promulgated pursuant to this article. Regulations adopted pursuant to this article shall not be subject to the time periods for the adoption, amendment, or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8, and 11347.1 of the Government Code." See the text of this notice.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570-1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330-4333, 4336, 4751, 4756, 4800-4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 265, 360, 361, 362, 363, 364, 365, 366, 555, 708 and 713, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2010-2011 Mammal Hunting Regulations.

At the Fish and Game Commission's meeting on February 4, 2010, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2010-2011 seasons: proposes to amend sections 265, 360, 361, 362, 363, 364, 365, 366, 555, 708 and 713, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2010-2011 Mammal Hunting Regulations.

At the March 3, 2010, meeting in Ontario, the Fish and Game Commission received public testimony on the proposed regulatory changes.

Proposed changes to sections as set forth in Notice Register 2010, No. 8-Z, remain the same, except for Section 265. The Informative Digest for Section 265 has been amended as follows.

Informative Digest/Policy Statement Overview

Amend Subsection 265, Re: Use of Dogs for Pursuit/Take of Mammals or for Dog Training

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.

The proposed language is updated to reflect a request at the Commission's February 4, 2010 meeting. This update provides four options for regulation change to require houndsmen who use GPS and radio telemetry collars on their dogs to register their frequencies with the Department and maintain the data for at least 24 hours. These proposed changes are intended to improve enforcement of this section. The initially noticed language will be listed as "Option 1" and the four new options will be listed as "Option 2" through "Option 5".

The initial statement of reasons is also revised to add road number designations and correct spellings to improve clarity in the language.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in The La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 6, 2010 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than April 8, 2010, at the meeting in Monterey. If you would like copies of any modifications to this proposal, please include your name and mailing address.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a teleconference hearing to be held in the Resources Building, 1416 Ninth Street, Conference Room #1320, on April 21, 2010, at 10:00 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, but must be received no later than April 21, 2000 at the hearing in Sacramento. Consideration for adoption of the new regulations will be by teleconference call meeting on April 27, 2000, in Sacramento. The regulations as proposed in strikeout-underline format and modifications indicated in double strikeout/underline, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Draft environmental documents, associated with the proposed regulatory actions for Bear and Elk Hunting, were made available for comment commencing January 27, 2010. Oral or written comments relevant to these documents will be received at the March 3, 2010, meeting in Ontario. Written comments on these documents may be submitted to the Commission office (address given herein) until 5:00 p.m., March 13, 2010. Draft environmental documents are available for review at the Commission office and at the Department of Fish and Game's, Wildlife Programs Branch office in Sacramento. Copies of the documents are also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Long Beach, Bishop, Eureka, Belmont, Monterey, Chino and San Diego. **NO WRITTEN COMMENTS ON DRAFT ENVIRONMENTAL DOCUMENTS WILL NOT BE ACCEPTED AFTER 5:00 P.M. ON MARCH 13, 2010.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

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 undue 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.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be effective as and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John Carlson, Jr.
Executive Director

Dated: March 19, 2010