

## STAFF SUMMARY FOR OCTOBER 11-12, 2017

**7. USE OF GPS-EQUIPPED DOG COLLARS AND TREEING SWITCHES FOR PURSUIT/TAKE OF MAMMALS****Today's Item****Information** **Action** 

Discuss proposed changes to regulations for the use of GPS-equipped dog collars and treeing switches for dogs used to pursue/take mammals or for dog training.

**Summary of Previous/Future Actions**

- Notice hearing April 26-27, 2017; Van Nuys
- **Discussion hearing** **Oct 11-12, 2017; Atascadero**
- Adoption hearing Dec 6-7, 2017; San Diego

**Background**

In Apr 2016, FGC adopted changes to Section 265, to delete language restricting the use of global positioning system (GPS) collars and treeing switches for dogs aiding a hunter; this amendment effectively authorized the use of those devices as an aid in hunting. Subsequently a lawsuit was filed challenging the adoption alleging California Environmental Quality Act (CEQA) process deficiencies; FGC determined that further rulemaking may be necessary to resolve that lawsuit.

In Dec 2016, FGC directed staff to prepare a notice of intent to amend Section 265 to reinstate the prohibition on the use of GPS collars and treeing switches to be considered by FGC immediately after and at the same meeting as any adoption of the regulation that was then under consideration (to allow the use of GPS and treeing switches on dog collars). Also, FGC requested that DFW staff develop an analysis of the impacts of both allowing GPS collars and treeing switches and prohibiting the use of that gear; DFW provided that analysis at the Apr 13, 2017 teleconference. The analysis did not identify any significant environmental effects associated with the use of GPS collars or treeing switches.

At its Apr 26, 2017 meeting, FGC determined that the project was exempt from the California Environmental Quality Act pursuant to the guidelines in Public Resources Code Section 15061(b)(3), and adopted changes to Section 265 prohibiting the use of GPS and treeing switches on dog collars for dogs used in the pursuit/take of mammals, with an effective date of April 26, 2018. Also at the meeting, FGC authorized publication of a notice of its intent to amend Section 265 to delete the prohibitions related to GPS and treeing switches for dog collars.

The discussion today is on the proposed changes to Section 265 as described in the initial statement of reasons (ISOR; Exhibit 1), to allow GPS and treeing switches on dog collars for dogs used in the pursuit/take of mammals.

**Significant Public Comments**

- Opposition to the proposed use of GPS/treeing switch collars based on issues of fair chase and ethical hunting, and a request to increase fines for violations (see Exhibit 2).

## STAFF SUMMARY FOR OCTOBER 11-12, 2017

- Concerns raised about the ISOR being inadequate and that a draft environmental document be developed which includes specific areas of discussion and analysis (Exhibit 3).
- Several letters of support for the proposed return of the use of GPS/treeing switch collars with the statement that their use is humane and consistent with good wildlife management practices, and that prohibiting them is unnecessary since dogs are no longer used for hunting bear and bobcat (which climb trees) (Exhibit 4).

**Recommendation (N/A)****Exhibits**

1. [ISOR](#)
2. [Email from Protecting Earth & Animals with Compassion & Education \(P.E.A.C.E.\), received Sep 27, 2017](#)
3. [Email from Sierra Club Placer Group and the Public Interest Coalition, received Sep 28, 2017](#)
4. [Emails from California Sportman's Lobby, Outdoor Sportsmen's Coalition of California, and Safari Club International California Coalition, received Sep 22, 2017](#)

**Motion/Direction (N/A)**

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 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: August 8, 2017
- II. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: April 26, 2017  
Location: Van Nuys, CA
  - b) Discussion Hearings: Date: October 11, 2017  
Location: Atascadero, CA
  - (c) Adoption Hearing: Date: December 6, 2017  
Location: San Diego, CA
- III. Description of Regulatory Action:
  - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Subsection 265(d)(1): Delete the provision prohibiting the use of treeing switches.

The provision is no longer necessary and the amendment will eliminate the prohibition. This type of equipment might only be used when pursuing an animal that can climb, such as bear or bobcat. However, recent changes in legislation have greatly restricted the use of dogs and the pursuit of bear and bobcat with dogs is prohibited. The use of dogs is now limited to only wild pigs and deer, rendering the current prohibition on the use of treeing switches unnecessary.

Subsection 265(d)(2): Delete the provision prohibiting the use global positioning system (GPS) equipped dog collars.

Based on input from hunters, the use of GPS equipped collars on hunting dogs would provide multiple benefits. A prohibition on the use of GPS equipment increases the possibility that downed game (wild pigs and deer) may be lost to the hunter creating waste. GPS equipped collars would also aid in the retrieval of lost dogs. Because of the value in allowing GPS equipped dog collars, the Commission feels it is appropriate to eliminate the prohibition by deleting that regulatory language.

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

Authority: Sections 200, 203, 3960, 3960.2 and 3960.4, Fish and Game Code.

Reference: Sections 3960, 3960.2, and 3960.4, Fish and Game Code.

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

None.

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

None.

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

At the Fish and Game Commission's Wildlife Resources Committee (WRC) meeting held on September 9, 2015 in Fresno, California. The members of the WRC discussed the proposed changes to the regulation and concurred with the Department's recommendations to remove the prohibitions.

This regulation change proposal was originally adopted by the Fish and Game Commission at their April 14, 2016 meeting in Santa Rosa (noticed at their December 10, 2015 meeting in San Diego, discussed at their February 11, 2016 meeting in Sacramento). Following that action, the Fish and Game Commission's decision was challenged through litigation regarding CEQA. Opponents of the regulation change proposal claimed the CEQA analysis to support the change was deficient. In response to that claim, the Fish and Game Commission took action to rescind the adoption (Notice hearing Oct 19-20, 2016, Eureka; Discussion hearing Dec 7-8, 2016, San Diego; Originally scheduled adoption hearing Feb 8-9, 2017, Rohnert Park; Further discussion March 15, 2017, Teleconference; Further discussion April 13, 2017, Teleconference; Adoption hearing April 26-27, 2017, Van Nuys) and return the regulation to its original state.

At each of the Commission meetings mentioned above, including the WRC meeting, the Commission received input from the public on this proposed regulatory action. Additionally, multiple comment letters on the Commission action to rescind the prior adoption addressed the current proposed regulatory action.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The no change alternative was considered and rejected because it would not eliminate the unnecessary regulation concerning the use of treeing switches. The no change alternative would also continue the regulation prohibiting the use of GPS equipped collars and therefore continue the problem of hunters unable to retrieve wounded game (wanton waste) or locating lost dogs.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will not have a significant negative impact on the environment; therefore, no mitigation measures are needed.

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 the 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 Businesses 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. Removing outdated prohibitions on treeing switches and GPS collars is not anticipated to affect current levels of hunting effort for species that can legally be pursued with dogs.

(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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future

stewards of the State's resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.

(c) Cost Impacts on Representative Private Persons/Business:

The Commission is not aware of any cost impacts that a representative private person or business 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.

## VII. Economic Impact Assessment

The proposed action will have no statewide economic or fiscal impact because the proposed action modifies the regulation regarding the use of electronic dog collars while hunting only for deer and wild pigs. The regulation eliminates unnecessary language prohibiting the use of treeing switches; and, permits GPS equipped collars, increasing the hunter's ability to find and retrieve downed wild pigs and deer as well as lost dogs. There are no costs to businesses or persons.

(a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because it is unlikely to cause an increase or decrease in hunting effort.

- (b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not create new businesses or eliminate businesses within the State because it is unlikely to cause an increase or decrease in hunting effort or in the manufacture and sale of GPS collars.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State:

The regulation will not affect the expansion of businesses currently doing business in the State because it is unlikely to cause an increase or decrease in hunting effort.

- (d) Benefits of the regulation to the health and welfare of California residents:

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources.

- (e) Benefits of the regulation to worker safety.

The proposed regulation will not affect worker safety.

- (f) Benefits of the regulation to the State's environment:

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources of the State. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

## INFORMATIVE DIGEST

### (Policy Statement Overview)

Amend Section 265, Title 14, CCR, by deleting subsections (d)(1) and (d)(2). The current regulations prohibit the use of treeing switches and GPS collar equipment for dogs used in the taking of mammals. Recent changes to statutes have restricted the use of dogs by hunters to only the taking of wild pigs and deer. The prohibition on the use of treeing switches is therefore unnecessary. Allowing the use of GPS collar equipment will improve a hunter's ability to find and retrieve downed game and lost dogs.

#### Benefits of the regulations

The regulation eliminates unnecessary language regarding the prohibition on the use of treeing switches; and, permits GPS equipped collars increasing the hunter's ability to find and retrieve downed wild pigs and deer as well as lost dogs.

#### Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200 and 203, has the sole authority to regulate hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to the use of dogs for hunting mammals to be consistent with the provisions of Title 14. Therefore, the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.



## REGULATORY TEXT

Section 265, Title 14, CCR is amended to read:

### **§265. Use of Dogs for Pursuit/Take of Mammals or for Dog Training.**

*... [No changes to subsections (a) through (c)]*

~~(d) Prohibition on Treeing Switches and Use of Global Positioning System Equipment.~~

~~(1) Treeing Switches. Electronic dog retrieval collars containing functioning treeing switches (devices consisting of a switch mechanism that results in a change in the transmitted signals when the dog raises its head to a treed animal) are prohibited on dogs used for the pursuit/take of mammals.~~

~~(2) Global Positioning System Equipment. Electronic dog retrieval collars employing the use of global positioning system equipment (devices that utilize satellite transmissions) are prohibited on dogs used for the pursuit/take of mammals.~~

Note:-Authority cited: Sections 200, 203, 3960, 3960.2 and 3960.4, Fish and Game Code. Reference: Sections 3960, 3960.2, and 3960.4, Fish and Game Code.

## FGC

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**From:** Pea Ce <pea-ce@live.com>  
**Sent:** Wednesday, September 27, 2017 6:21 PM  
**To:** FGC  
**Cc:** Pea Ce  
**Subject:** Public Comment-GPS Hound Collars--oppose  
**Attachments:** fgc-GPS hound collars-PEACE-9-26-17.pdf

To: FGC

Attached are comments on the proposed amendment to Sec 265 to allow GPS collars on hounds to hunt mammals.

Please acknowledge receipt of this email.

Thank you,

Randall Cleveland

for the PEACE team



**P** **E** **A** **C** **E**  
PROTECTING ARTH & NIMALS OMPASSION & EDUCATION

P. O. Box 846 • Newcastle, CA 95658 • pea-ce@live.com

9-26-17

To: California Fish and Game Comm

Subject: GPS collars for mammal hound hunting

Nothing has changed.

The CA FGC and CDFW refuse to look at the facts and reality of allowing GPS collars on hounds. GPS collars do away with the "hunt" as houndsmen sit in their trucks watching a screen that follows the dogs chasing unsuspecting targeted and untargeted wildlife, disrupting ground nesters, maiming and wounding fawns that usually die, and so much more. This is NOT hunting and can't be called ethical. It's "dog hunting," and if dogs run into a bear, coyote, mountain lion, or even some of the smaller wildlife species, dogs themselves may be severely injured and die. And this is what houndsmen are all about—irresponsibly releasing dogs into the wild to "see what they can do" that will be made worse by allowing GPS collars on hounds to hunt mammals.

Instead of listening to the public, both FGC and DFW have been unduly and erroneously brainwashed by houndsmen with irrelevant and unsubstantiated claims. At least dog safety claims seem to have been recognized for what they were--bogus. GPS collars cannot ensure dog safety. It's been stated repeatedly: When a dog is miles from its handler and immediate intervention is called for, it simply cannot happen physically. GPS collars will allow dogs to roam even further from handlers making interventions even more difficult. So GPS is contradictory to the houndsmen's crocodile-tear claims of dog/pet safety.

Another reason stated for allowing GPS collars is dog retrieval. Dog retrieval may be facilitated, but there are many other, less-invasive and less-damaging measures that can accomplish the same level of retrieval and not impact wildlife. As stated in other comment submissions: Neither the FGC nor the CDFW is, or should be, in the business of domestic animal welfare, especially when wildlife welfare should be the top priority. Domestic animal retrieval concerns rest solely on dog owners.

The real issues are not only impacts to wildlife, targeted and untargeted, but also a disregard for any sense of "Fair Chase" and "Ethical Hunting" concepts that GPS collars represent. The FGC and DFW need to reset their moral compass and look at what they are considering. GPS collars should NOT be approved as they thoughtlessly were before. A pack of technologically equipped dogs that are let go with a "Go GET 'EM!" to chase extremely terrorized animals, under no control of the houndsmen is the opposite of Fair Chase and Ethical Hunting and should be illegal in California.

Historically, hounding never used high technology, but more importantly, hounds were trained to stay with their handlers—either via command or tether—and handlers stayed or kept up with their dogs. Radio collars blew any claims of the "heritage and tradition" façade out of the fair-chase waters. Now, in spite of the fact that except for nine southern states, **no other state in the continental U.S. even allows hound hunting of deer**, the CA FGC diminishes ethics and fair chase even further by adding GPS collars to the already-uneven playing field. Deer drives are common where deer hounding is allowed with GPS collars—like shooting fish in a barrel.

All of this runs contrary to the will of the people. The times are changing and currently, more than ever, wildlife is cherished and revered by almost all citizens of the United States. Californians value their wildlife resources and want them protected, unlike other states that ravage both wildlife and land. When the public even hears that deer hound hunting is allowed, their first reaction is usually disgust, followed by anger. Yet the FGC and the CDFW keep their blinders in place.

Unfortunately, due to an out-dated, good ol' boy, head-in-the-sand mentality, California still allows killing of the best and the healthiest wildlife species—both for trophy and so-called "sport." Riding around in pick ups or ATV's with high tech, electronic scoping, scent attractants, distress and mating calls to draw every species imaginable, tree stands, forage planting that works around illegal baiting, and on the list goes, takes hunting out of any kind of historical ethical or fair chase concepts. As the public becomes more educated, they are becoming outraged.

Allowing GPS hound collars to hunt deer is an embarrassment. For the longer chases, deer cannot outrun dogs due to lung capacity differences. GPS will allow for deer drives that are common in southern states. Those who do the killing are called "stands" and wait at the end of a deer drive. Dogs with GPS collars start at the other end, and as the chase shifts directions, houndsmen call the changing-direction coordinates to the stands. When the deer, one or more, come into sight, it's akin to a canned hunt—illegal in California—but GPS will provide the "wink-wink" go ahead.

Because many, if not most staff and commissioners of both the FGC and CDFW are reported to engage in wildlife hunting or fishing with the goal to kill the biggest and best and probably use some form of high technology to do so, and because agencies appear to have bought into spurious dog safety claims, in spite of evidence to the contrary, there may be a built-in bias. If agency staff members so partake, they should remove or recuse themselves from any decision-making or planned environmental "analysis" in order to keep some semblance of neutrality in tact.

When bear hound hunting was finally banned via legislation because neither the FGC nor the CDFW would protect wildlife as they should, almost every houndsman who testified and signed petitions to oppose SB 1221 vowed that he or she was pulling up stakes and leaving the state—for good! When hounding of bobcats was banned, more said they were leaving. True to form, with their idle threats, they either never intended to leave or went back on their word, or maybe it was all fake declarations and blustering in the first place. Regardless, whether they use hounds or not, they need to keep control of their dogs the old fashioned way, keep up with them, and practice the real traditions of "Fair Chase" and "Ethical Hunting" instead of just playing lip service to those concepts.

We urge the FGC to KEEP THE BAN ON TREEING SWITCHES AND GPS COLLARS IN PLACE and increase the fines for violations.

Thank you,  
/s/

Randall Cleveland—For the PEACE Team



**PLACER GROUP**  
P.O. BOX 7167, AUBURN, CA 95604



## PUBLIC INTEREST COALITION



[sent via email: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) ]

September 28, 2017

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244

Ladies and Gentlemen:

**RE: Proposed Amendments to Section 265—Use of Dogs—GPS collars, Treeing Switches**

Thank you for the opportunity to comment on the proposed amendment to Section 265, Use of Dogs for Pursuit/Take of mammals or for Dog Training. If approved, the proposed amendments would lift the current prohibition of the use of GPS collars and/or treeing switches (GPS) on dogs (“hounds” or “dogs”) in the pursuit/take of mammals hound training activities. As of this writing, the morning of the comment deadline for inclusion in the “Meeting Binder” for Fish and Game Commission (FGC) members, there are no “Meeting Documents” posted; thus more comments will be submitted after agency documents are made public.

As an aside, in a good faith effort, we took the word of the commission that the functional equivalent of the California Environmental Quality Act (CEQA) would be followed, and that a Draft Environmental Document (DED) would be prepared. We are disappointed to learn that is not the case. It appears that what was called a “briefing document” that was contained in a memo, somehow caused the FGC to change its course and not proceed with a DED. We also submit that interpretation of the motions and votes taken on April 26, 2017, were possibly not conducted or interpreted properly.

Similar to the earlier FGC’s October 8, 2015, meeting confusion, a report of the WRC meeting contained a number of items. For the record, Commissioner Williams stated that the vote needed to be clarified (It was not “...support to delete the prohibition on the use of GPS collars for hounds”). Executive Director Mastrup agreed that the motion was not as previously read, but rather the vote was for support for discussing in consideration of deleting the prohibition. He stated it was a process and that the WRC was recommending that the FGC approve working on a Rulemaking to consider deleting the prohibition on the use of GPS collars. The same is true with the vote on April 26, 2017. The perception of the public was that the FGC was, as stated, “going to do it right,” which meant comply with CEQA. PIC urges the FGC to stop the process until a valid DED can be prepared to study of all negative impacts of GPS collars and tree switches and be circulated for public review. Only then can a responsible decision be made.

The FGC’s stated Mission is to ensure the long-term sustainability of CA’s fish and wildlife resources. Keeping that Mission in mind, we urge the FGC to **not** approve or proceed with the proposal until or unless its many probable, potential, significant negative impacts to wildlife—both targeted and non-targeted—are fully understood. We respectfully urge the lead agency (LA) to prepare and circulate a DED, address negative impacts that will be created with

allowance of GPS collars and treeing switches if the ban is lifted, as required by the California Environmental Quality Act (CEQA), and to use the words of a FGC commissioner, stated at more than one meeting, "...to do it right this time."

Because the current proposed amendment is almost identical to the first Section 265 amendment to allow GPS collars and treeing switches (adopted in April of 2016), we incorporate by reference our submitted comment letters, including but not limited to those dated on or about January 27, 2016, from Public Interest Coalition (PIC); March 31, 2016 (PIC); November 22, 2016 (PIC and Sierra Club [SC]) March 31, 2017; April 13, 2017, (PIC and SC), both of which are in the FGC Staff Summary for April 26-27-2016, Agenda Item 13, Use of Dogs; and any others which were submitted but omitted from the meeting documents or the "Binder." We also incorporate by reference our oral comments made to the FGC, as well as all other comments submitted by others in opposition to the proposed amendment to allow GPS collars and/or treeing/tip switches, whether they were oral comments spoken at any of the FGC meetings, written and included in online FGC's documents, or submitted in writing but omitted from the FGC online documents.

As before, another grave concern is that the current ISOR fails to describe and analyze the whole of the action. These points are described in detail in our comment letter of March 31, 2016, and, as stated above, are included in the record by reference. Our arguments as to why a DED must be prepared are valid and compelling. We urge the preparation and circulation of the DED as soon as possible.

## **I. ISOR Inadequacies**

Although the Initial Statement of Reasons (ISOR) of August 8, 2017, provides minimal information, a number of the "Reasons" stated are neither substantial nor compelling and do not provide a "Factual Basis" to justify that the proposed amendments to Section 265, Title 14, CCR are "Reasonably Necessary."

### [ISOR] III. Description of Regulatory Action.

(a)—Subsection 265(d)(1): There is no evidence presented as to the nexus between the current ban of treeing switches and the claim that the ban is no longer necessary. If anything, the exact opposite is true: Deer and pigs do not climb trees; therefore, there is no need for houndsmen or women (hounders) to use treeing switches when hunting either game animal. In fact, logic dictates that because it is illegal to hound hunt tree-climbing game species (bear and bobcat), as well as being completely illegal to hunt or tree mountain lions, it follows that, if allowed, the use of treeing switches could become an incentive to use as a "work around" of the regulations that prohibit the activity. When hounds "accidentally" tree one of the prohibited game animals, with GPS it is simply a matter of transmitting the hound locations to nearby bear or bobcat hunters, for example. "...no longer necessary" is akin to claiming Wildlife Officers are no longer necessary because mountain lions cannot be hunted. We submit that the lead agency must analyze the increased potential, opportunities, and incentives, created by the use of treeing switches, for hounders to inform bear/bobcat hunters (via cell, radio, or other electronic devices) to inform them of the GPS coordinates of the treed game.

Subsection 265(d)(2): The very first sentence, "*Based on input from hunters, the use of GPS equipped collars on hunting dogs would provide multiple benefits,*" epitomizes the fallacy of the amendment. It is akin to stating, "Based on input from hunters, baiting of game would provide multiple benefits." Fish and Game regulations should be first and foremost for the benefit and/or welfare of wildlife. Hunter benefit is secondary, and regulations must adhere to the Fish and Game's (FGC) reason for existence: wildlife conservation.

The second sentence is equally deceptive. The existing prohibition on the use of GPS equipment does not increase the possibility of downed game loss. Radio telemetry is still allowed to follow tracking dogs, but more importantly, hounds should be able to follow a blood trail to downed game regardless of the technological equipment they're wearing. GPS collars will not increase any hounds' scent receptors—following the scent of a blood trail is not a function of GPS.

Third, GPS collars may aid in the retrieval of lost dogs, but so does radio telemetry, micro chips, solid and certified training of both dogs and handlers, abidance of laws that dogs shall be under control of the handlers at all times,<sup>1</sup> keeping dogs on tethers or leads and following the hunting ethics for hounders to keep up with their dogs. We sympathize with lost dogs, but no one should be allowed to release dogs that cannot be kept under control. We submit that the “lost dog” argument is an excuse to simply release any dogs into the wild, trained or not, and “see what happens.” The responsibility for dog retrieval and welfare lies solely with the hounder, owner, or handler and not with the FGC. We submit that the lead agency must analyze impacts created by this proposed amendment allowing GPS collars especially from increased releases of untrained dogs by irresponsible hounders as well as impacts from increases of both in-state and out-of-state numbers of hound-hunters that are foreseeable due to the nearest nine mainland states that allow deer-hound hunting all being located in the deep south—over 1,000 miles away.

(d) The fact that the ISOR provides no reports or documents to support the regulation change is puzzling, especially in light of the compelling testimony and written comments submitted over the past two years on the same, previously proposed and reversed amendment. Based on the “None” entry, we must conclude the lead agency has no evidence to support the proposed regulation change.<sup>2</sup>

In the previously referenced WRC meeting, when the GPS collar issue was briefly discussed, it was noted that rescinding the GPS prohibition was also attempted back in 2010. However, the reasons for its being dropped, that should have been discussed, were not mentioned. The 2010 ISOR states, “*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.*” We submit that the reasons for the regulation that bans GPS collars and treeing switches are still valid. Hunters or houndsmen are ethically obligated to stay closely behind their dogs, but allowing GPS collars will make that obligation optional. This is just one of many reasons why GPS collars must remain prohibited.

If dropping the prohibition back in 2010 indicated that it was not warranted, and the same conditions exist today, without substantial evidence to the contrary, dropping the prohibition on GPS use cannot be justified and has no merit. For a better understanding of the issues, we urge the lead agency to provide the staff summaries, related documents, and minutes of the FGC hearings from those 2010 meetings and include them in the DED.

(e) A very incorrect perception is presented in this section. Proposed changes to allow GPS collars were discussed at the WRC meeting on September 9, 2015, in Fresno, CA, with two hounders expressing their desire to use GPS collars. There was no GPS collar item on the

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<sup>1</sup> CA FGC § 3008

<sup>2</sup> The meeting documents or staff reports related to this issue for the April 26, 2017, FGC meeting contain a memo from CDFW to FGC that also contains what was referenced as a “Briefing paper.” The memo clearly states that CEQA issues raised led to the development of the briefing paper that is intended to assist the FGC. However, it also clearly states: “**This document is not intended to be a substitute for an environmental document.**” [bold added] Our comment letter of April 13, 2017, which is incorporated by reference, pointed out the errors, omissions, and misleading or incomplete statements and conclusions. In it we concluded that as such, the briefing paper potentially skews the FGC’s decision-making abilities.

agenda, and the ISOR statement that reads, “*The members of the WRC...concurred with the Department’s recommendations to remove the prohibitions,*” is extremely misleading because there were no Department recommendations. [underline added] Transcripts can be provided upon request to show that hounder “wants” dominated the short discussion and caught the Department seemingly by surprise.

The then Chief of DFW’s Wildlife Branch chimed in with, “We can bring it together as a recommendation, run it up through our shop, and it comes over to the Commission...and something we can support it departmentally.” The then Executive Director of the FGC followed up with, “And it doesn’t prevent another short ways. Your staff can put it on the table. The Dept would then be in a position of commenting on it. There’s more than one way to solve this problem if the Commission is interested.... So I will make a note that WRC’s is recommending considering deleting the prohibition on GPS.”

To the public, the appearance is that the proposal gained traction, not by its merits and wildlife conservation benefits, but rather via a bias in the form of an arbitrary prioritization of hound-induced, wildlife-disruptive activities to favor one group of consumptive wildlife users over non-consumptive users and mainstream, fair chase, ethical hunters.

Unfortunately, based on such apparent misleading or non-factual ISOR statements made to justify the regulation changes as “*Reasonably Necessary,*” a tone is set that questions the validity of the ISOR, but more importantly, further erodes the FGC and DFW’s credibility, which exacerbates lack-of-trust issues.

“Initially a “hook and bullet” organization with a goal of sustainable hunting and fishing, interviewees described DFG’s expanded role to now include habitat protection, stewardship and additional regulatory responsibilities. Constituencies have expanded to include preservationists, recreationalists and other non-consumptive users. Interviewees and respondents opined that the organization has not evolved quickly enough to meet the expectations of all users, **which has fostered mistrust of DFG and F&GC.**”<sup>3</sup> [bold added]

[ISOR] IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change: In comments submitted by multiple groups and/or citizens, numerous reasonable alternatives have been suggested, including but not limited to: micro-chipping, recall/training certification of both the hounder or handler and the dogs before releasing, requiring tethers/leads/leashes for dogs that are not solid or are in training, following the law that requires dogs being under control at all times,<sup>4</sup> keeping up with the dogs, etc. These are in addition to radio telemetry that is not only currently allowed but also in some terrain is considered more reliable than GPS. Hacking of GPS waypoint info is discussed further in this document (DED section, II, C7).

(b) No Change Alternative: As described above, if ever the ban on treeing switches was warranted and necessary, it is now—especially with the ban on hound hunting of bears and bobcats. Deer and pigs do not climb trees so it is a fair argument and logical to conclude that treeing switches could and would serve to inform bear and bobcat hunters that the hounds have treed an animal. This has been the common use of treeing switches in states that allow them and would occur in CA.

(c) Consideration of Alternatives: We submit that the lead agency’s statement, “*in view of information currently possessed,*” suggests that the multitude of written and oral comments submitted over the past two years, as well as Staff Summaries on the almost identical previously

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<sup>3</sup> From Expanded DFG Mission, Strategic Vision, “Barriers to Implementation report”.  
<https://www.wildlife.ca.gov/Strategic-Vision-Stakeholder-Advisory-Group>

<sup>4</sup> CA FGC § 3008



proposed amendment, have been overlooked. The alternatives proposed are not only reasonable, in many states they are the law of the land—Texas, Montana, Colorado and others allow tracking but only with dogs under complete control via leashes, leads, or tethers.

The purpose for any natural resources agency’s regulations are expected to have wildlife conservation as a goal. “*Less burdensome*” or “*more cost effective to affected private persons*” is not the lead agency’s mission. In fact to put private persons’ consumption of wildlife above conservation on the grounds of “*burden*” or “*cost*” would appear to completely disregard the lead agency’s mandate.

[ISOR] V. Mitigation Measures Required by Regulatory Action

We completely disagree with the statement that the GPS “...*proposed regulatory action will not have a significant negative impact on the environment; therefore no mitigation measures are needed.*” With CEQA, impacts to wildlife are considered Biological, and this GPS proposal will create havoc via the release of untrained dogs, an influx of out-of-state” hounders bringing their hounds which may or may/not be trained, and the excessive range of GPS signals under certain conditions (some advertise over 9-10 miles). Regardless, a pack of dogs with GPS collars will be able to run miles through wildlife habitat, which in turn can and does change migratory wildlife patterns, forces wildlife to flee from familiar surroundings into areas where it will be more vulnerable to predation; exposes fawns, ground nesting birds, and other young wildlife to being severely or lethally wounded by hounds. (Evidence cited in previously submitted comments) Even without a physical altercation, vulnerable wildlife species can succumb to capture myopathy. Because GPS will allow more dogs to roam farther, any diseases they carry—such as Parvo, Distemper, etc—will also be increased and will expose more vulnerable species as well.

The mitigation measures required for these significant negative impacts should include annual or biennial renewable certification of both hounder or handler and dogs as proof of their possessing minimal skills in pursuing wildlife, obeying obedience commands, current vaccinations, etc.

[ISOR] VI. Impact of Regulatory Action

(a) Because it is reasonable to assume that if the proposed amendments are adopted, there may be an adverse economic impact due to increased numbers of trained and untrained releases of dogs, which can result in reduced deer hunting efforts. Currently, a number of deer hunters are not pleased with hound interference with their activities. Dogs disrupt wildlife habitat, cause deer to move to other locations, or disturb deer hunt/take opportunities for mainstream hunters.

(b) It is grossly naïve to anticipate benefits to residents when the vast majority of Californians are opposed to killing wildlife for sport or trophy; wildlife rehabbers are appalled at the severe and fatal injuries inflicted by hounds on vulnerable wildlife; and with the exception of fishing, ongoing declines in hunt-to-kill licenses purchased, coupled with ongoing increases in non-consumptive activities (hiking, wildlife watching, photographing, etc.), will continue. GPS will not reverse these ever-increasing trends, and due to negative fair chase and hunting ethics issues created with the use of GPS collars, it is reasonable to assume that GPS dog collar use will incur the wrath of even more Californians. Again the ISOR’s statement of benefits of the GPS amendment has no nexus to “*benefits to health and welfare of California residents*” nor will it provide “*family activities*” or “*respect for California’s environment by the future stewards.*”

(c) The FGC needs to be informed of the costs to rural private persons caused by big game in their fear flights when being chased by GPS-collared hounds, with handlers no where near, as they literally crash through and break down fencing; and/or the cost to nonprofits and private licensed wildlife rehabbers who attend to the injuries of vulnerable wildlife species that

have been severely or fatally injured by a pack of dogs with GPS collars—again with no hounder or hunters in sight.

[ISOR] VII. Economic Impact Assessment

Contrary to the introductory statement, there will be an economic impact to the state for Wildlife Officers to enforce poaching laws. A few hounders maintain they are opposed to poaching as much as anyone else, but that is not the point. Even though all hunters are not poachers, all poachers are hunters, and they will be using “work arounds” to utilize one of the greatest poaching gifts ever delivered to them, if this proposed amendment is approved. Again, the ISOR is misleading in stating that the GPS dog collars will be used only for deer and wild pigs, since once they’re allowed, they will most likely be used for non-game animals.

Regardless, poachers will claim they are only hunting raccoons, or foxes, etc., or even deer or wild pigs, as the hounds range for miles. If the hounds accidentally tree a prohibited species, and Wildlife Officers receive a tip, the costs for catching, citing, and prosecuting GPS collared hound activities that pursue, tree, wound or fatally injure both targeted and non-targeted wildlife will be exceptionally high. The claim that there will be no enforcement is bad enough, but even then, the cost to the environment with the loss and disturbance of wildlife should be an economic consideration.

Retrieving downed and wild pigs and deer can be accomplished with hounds on leads following a blood trail. Claiming that GPS collars will increase the hunter’s abilities to find and retrieve can be equally accomplished in many other ways and reduce the opportunities for poaching activities.

(d) This is a repeat of VI (b) addressed above.

(f) There is no nexus between GPS collar allowance and use to “*sustainable management of natural resources*.” Although consumptives repeatedly claim that they are part of “management” of wildlife, many studies, policies and CA regulatory agency’s own documents state that hunting is NOT a management tool.

**II. Areas that must be analyzed in a Draft Environmental Document (DED)**

For the DED to be a satisfactory, comprehensive analysis, all impacts must be scrutinized in order to judge the proposed amendment on its merits or lack thereof. The lead agency must conduct research to determine impacts of the proposed Sec 265 amendments in order to comply with the CEQA and/or its “functional equivalent.” The SC and PIC remain gravely concerned that the 265 proposal to allow GPS collars will increase hounding activities and lead to an egregious proliferation of wildlife disturbances, including but not limited to severe and/or lethal mauling injuries of targeted and non-targeted species; an unacceptable increase in the numbers of untrained hounds released in wildlife habitat and associated subsequent negative impacts; treeing of bears and bobcats by hounds resulting in killing of those two species in those trees by hunters or poachers who are informed of the GPS coordinates of the treed animals via cell or radio communication with hound handlers (a “work around” to avoid compliance with SB 1221 that bans hound hunting of bear and bobcat); unethical and non-fair chase activities (“deer drives”) as practiced by the nine “Deep South” states of the U.S.<sup>5</sup>

Based on testimony of numerous hounders over the past almost two years at FGC meetings, a fair argument can be made than GPS collars will result in more dogs being released.

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<sup>5</sup> Dogs chase deer to waiting hunters who are kept informed of the hounds’ GPS coordinates/locations via cell phone or radio communication with the houndsmen/handlers. As the direction of the hounds shifts to follow the deer, the waiting hunters move accordingly in order to kill the deer when they emerge from the woods.

Studies previously cited (in comments submitted by reference) have repeatedly shown that free-ranging canines have direct, negative impacts on wildlife.<sup>6</sup>

Furthermore, because there is a reasonable possibility that GPS collars will result in longer-distance ranges of hounds from their handlers, that in turn will mean increased significant impacts associated with trespassing and interference with other users (hikers, photographers, bikers, equestrians, mainstream hunters, dog walkers, etc.). The significant impacts from these GPS-induced activities, and other negative impacts, have the potential to significantly disrupt and reduce wildlife populations of game and non-game animals alike.

Because deer hound hunting is banned in every state of the U.S. on the mainland, except for the previously mentioned nine Deep South states, the potential exists for significant negative impacts created via increased numbers of out-of-state houndsmen coming to California (rather than travel hundreds of miles to the southern states) and wreak havoc with both targeted and untargeted wildlife species.

Below are specific areas that must be analyzed in a DED:

**A. Acknowledge adverse dog impacts in wildlife habitat.**

In preparing the DED, the LA must acknowledge the voluminous research that verifies adverse impacts to wildlife created by any dogs in wildlife habitat, but especially by dogs that are running loose. These impacts include but are not limited to disruption of sensitive species, ground nesters, migration patterns and routes, mortal or injurious altercations, abandonment of new born animals, etc. A list of supporting studies which identify known dog-related negative impacts to wildlife will be provided when the LA circulates the notice.

**B. Acknowledge the apparent lack of data as to how many hunters use dogs as well as how many dogs are utilized in each hunt and/or trained to hunt mammals.**

If the LA has no record or requirement for hound hunting reporting (how many hunters use dogs to hunt mammals; how many dogs are released, retrieved, become involved with “on track” pursuits of targeted game and/or crippled animals, non-targeted, etc.), then it follows that an ISOR prepared by the LA cannot adequately analyze significant or even potential impacts from GPS collars. Without accurate data of at least the basic conditions, the functional equivalent CEQA analysis of the GPS collar impacts will be compromised—if not useless. Proper studies must be conducted that include who/which species or types of hunts used hounds to hunt mammals; how many dogs are used in mammal hunting for each hunt; to what extent are dogs trained or certified; what are handler/hounder training, skills, or certifications; how many cross-scenting incidents occurred; were there non-targeted wildlife or domestic animals altercations; or other types of incidents that impact wildlife.

Just as deer hunters are required to report results of their efforts, or they may be subject to repercussions when applying the following year, hound hunters should be held to similar standards of reporting in order for the LA to not only grasp the significance of the impacts, but also, with proper questions, have the information needed to regulate mammal hound hunting activities.

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<sup>6</sup> “Bad Dog” A [new study](#) published in the journal *Biological Conservation* found that dogs are a known or potential danger to at least 188 different animals, including birds, reptiles, and amphibians as well as mammals—and they’ve already contributed to 11 extinctions.... You can do your part by ensuring that your dog is vaccinated, neutered, and on a leash when visiting the great outdoors. “For the most part, dogs that are leashed and hiking with their owners have relatively mild impacts on wildlife,” according to Arielle Parsons of the North Carolina Museum of Natural Sciences, the lead author of a [study](#) published last fall that looked at the effects of dogs in protected areas in eastern North America. “They will still enjoy their walk but won’t be putting wildlife at undue risk of stress or predation.” [https://sierraclub.org/sierra/bad-dog?](https://sierraclub.org/sierra/bad-dog?suppress=true&utm_source=greenlife&utm_medium=email&utm_campaign=newsletter)

[https://sierraclub.org/sierra/bad-dog?suppress=true&utm\\_source=greenlife&utm\\_medium=email&utm\\_campaign=newsletter](https://sierraclub.org/sierra/bad-dog?suppress=true&utm_source=greenlife&utm_medium=email&utm_campaign=newsletter)

**C. Identify increased adverse impacts that GPS collar use and treeing switches may create with regard to wildlife and habitat.**

Given that the proposed reg amendment's focus is GPS collars and not hound hunting per se, it is incumbent upon the LA to research, analyze, and/or determine to what extent GPS collars will result in more dogs (greater numbers) being released and **what or how those GPS collar-induced increases may cumulatively impact targeted and/or un-targeted wildlife. The LA must evaluate the new opportunities for poaching that GPS collars will create, their impact on wildlife, the degree to which potential poaching increases will impact wildlife officers' enforcement capacities, and additional CDFW costs of investigation.** To this end, the LA should determine and analyze:

1. Increased impacts (such as those stated above) to targeted and non-targeted animals from the **number of dogs** allowed in each type of dog hunting activity—different game and non-game species—and/or different limits of both the numbers of hunters in hunting party and/or dogs per hunter. The LA should analyze the impacts of those increased numbers of released dogs if GPS is allowed.

NOTE: In the GPS collar discussions, disingenuous attempts to minimize such impacts were made with statements that only one dog per deer hunter is allowed. The critical error of omission is that there can be many hunters in a deer hunting party, each with their hound/dog, and there may be no limits to the number of NON-hunters in a party with dogs in “training.” To what degree will GPS collar allowance (hunting or training) increase the number of dogs released into wildlife habitat?

2. In order to provide valid comparative data as to the use of GPS collars and their impacts, the LA should track how many mammal-hunting hounds **are released**, including but not limited to no use of high-tech collars, to use radio telemetry collars, GPS collars; etc. The LA must have comparative data on hound releases before meaningful conclusions can be drawn.

3a. The LA should identify potential adverse impacts that could occur from unlimited numbers of GPS collared dogs being released to hunt different species of mammals, within the same hunting party, and/or cumulatively with other mammal hound hunting activities, or training activities in close proximity or adjacent areas. If no hound hunting “registration” or records are required from houndsmen who release dogs, and therefore if the LA has no way to document the numbers of released mammal hunting/training dogs, then at the very least, the LA must study GPS collared hound/dog impacts on wildlife in light of the very real possibility that the use of GPS collars will create impacts from those additional dog releases that must be analyzed. The LA should consider a condition of the GPS collar reg amendment to require more detailed hound registration, release, reporting, and monitoring records.

3b. California, along with nine other states (all located in the deep South), are the only states on the U.S. mainland that allow deer hound hunting. Therefore, the LA needs to analyze the potential wide array of adverse impacts from increases of out-of-state and/or foreign hound hunters (when guides are hired or dogs are “rented”) in order to use GPS collars when hound hunting deer. If the data indicates an increase in hound hunting by out-of-state hound hunters, adverse impacts must be analyzed.

4a. If the LA cannot determine the number of GPS collared dogs being released to hunt mammals or for training purposes due to a lack of records, then it should immediately take steps to obtain the data on an annual basis, implement required hound-use registration and reporting protocol for all dogs used in mammal hunting or in training. Such records will allow data to be gathered and studies to be conducted (or provide the data for others to pursue such research) to ascertain the actual numbers of released trained and untrained dogs (see suggested minimal requirements in Mitigation Measures, section F).

4b. Because dog impacts to wildlife is so well documented, many areas with known wildlife populations or seasonal migratory species, will not allow any dogs—on leash, trained, or otherwise. The LA needs to analyze (a) how many additional untrained dogs may be freely released in wildlife habitat solely because of a reliance on GPS collars; and (b) the potential impacts that such releases of freely roaming, untrained dogs will create, including but not limited to spreading of diseases, mauling/injuring/killing both targeted and non-targeted wildlife, domestic pets, etc.

5a. The LA should determine the adverse impacts to targeted and non-targeted wildlife if/when hounders using GPS collars are not required, or are unable, to remain, in either control of their dog(s) or in close proximity to them. Related, the LA should identify and define what constitutes “in control” of hounds for compliance of CA FG Code 3008. When hounds are ranging 2 to 5, or more, miles from the hounders or handlers, the LA must conduct a realistic analysis of exactly what level of control is present or absent. In FGC testimony (April 14, 2016), hounders admitted noncompliance with the law, with statements such as “...can’t keep up with them like I used to...” Or “I’m disabled, on oxygen 24/7, with GPS collars it will make it a lot easier for me...” The LA needs to analyze how many citations have been issued over the years for violation of Code 3008 when such testimony validates that such violations may be rampant.

5b. The LA needs to examine the likelihood and subsequent impacts that GPS collars may create by being an incentive to release untrained dogs that will not be controllable and will range many miles. Information should include (a) How dogs with GPS collars that range miles from the hounder or handler are able to avoid altercations with targeted/non-targeted wildlife; (b) how such dogs will be retrieved if/when they have ranged miles into inaccessible, rugged, remote or roadless areas or are trespassing on properties where they are not welcome. Again, this analysis must be in light of the dogs being miles from the hounder/handlers.

In public testimony, hounders claimed the use of GPS collars will allow for “timely intervention.” The LA must analyze the veracity of such claims and determine how “timely intervention” can ever be realistically accomplished under the conditions described above—dogs ranging many miles away, in rough terrain, roadless, etc. Related to the above, (c) the LA needs to address how GPS collar use will exacerbate impacts of serious or lethal injuries to dogs when immediate intervention or dog retrieval is impossible in rough, thick brush-laden landscapes with no passable roadways.

One of primary arguments used in favor of dropping the ban on GPS collars was “dog safety and welfare,” specifically when immediate intervention is required and can mean the difference between serious injuries or death—such as altercations or mauling/attacks from other wildlife apex predators or other dog packs. Please analyze and identify how GPS collars will or can facilitate rapid physical movement of hounder/handlers to travel miles over remote, rugged or roadless terrain to intervene when seconds count. Please assess the lack of care and responsibility of any dog owner to release a dog and allow hi/her to become not only out of range for control but also to become exposed to such known risks.

A similar argument was made regarding intervention to stop hound trespassing (risk of being shot for harassing livestock) or crossing roadways (possibilities of being hit by vehicles). Please analyze and identify how GPS collars will or can facilitate rapid physical movement of hounder/handlers to travel miles in minutes or seconds needed to catch/control dogs that may be trespassing or on roadways. If hounds cross roads and trespass on to private property, please identify how hounders can physically intervene in timely manners, especially with livestock/pasture fencing where their vehicles cannot proceed.

6. Because of the known impacts that dogs have on wildlife, many areas ban dogs altogether to prevent disruptions of vulnerable wildlife—including but not limited to, stress, abandonment of young, etc. With GPS collars, there is a common sense likelihood that increased

numbers of both trained and non-trained dogs will be released to free roam and may enter public or private wildlife-protected areas. The LA should assess impacts to targeted and non-targeted wildlife of the anticipated increased numbers of free roaming GPS collared dogs that will encroach into such protected refuge-type areas where dogs are banned. In addition to the increased releases of dog impacts, the likelihood of intrusions of greater numbers of hounders into wildlife refuge areas and resultant impacts (disturbances) should be analyzed as well.

7. The LA must identify and assess the ease and vulnerability for GPS coordinates to be shared with others outside the hound hunting party and/or to be hacked. Most hounders, along with consumptives and non-consumptives, are opposed to poaching. Yet, GPS collars will facilitate the very poaching activities that they abhor and the laws were enacted to prohibit, such as hound hunting of bear/bobcat.

For example, if a bear/bobcat is accidentally treed by hounds in training or while deer-hounding, the GPS coordinates may be either intentionally called/texted or otherwise communicated to bear/bobcat hunters in the area, or, the coordinates may be obtained via hacking the GPS collar system. While such GPS hacking is known to have occurred on wildlife preserves, the LA needs to assess potential impacts from hacking GPS collars and/or creating loopholes to find treed animals, remove hounds from the scenes, and allow treed animals to be shot.

Since deer and pigs do not climb trees, the most obvious reason to allow tip switches is to know whether the dogs have treed an animal(s)—which is exactly what poachers are looking for.

**D. Identify and Analyze “Fair Chase” and “Ethical Hunting” concepts as they apply to GPS collar use.**

The LA needs to examine Fair Chase and Ethical Hunting concepts that GPS collars will compromise. The already mind-boggling array of technological gadgets has eroded and diminished adherence to Fair Chase and Ethical hunting. With the use of electronic communication devices (2-way radios, cell phones, etc.) to guide hunters to game, artificial lighting, electronic light intensifying devices (night vision optics), sights with built-in electronic range-finding capabilities (including pinpoint laser scopes and “smart rifles”), drones/unmanned aerial vehicles (UAVs), thermal imaging equipment, electronic game calls, scent attractants, trail cameras/timers/motion tracking devices that transmit images and other information to the hunter, etc., it follows that any semblance of fair chase or ethical hunting is unrecognizable from bygone eras and is creating an ever-growing negative image of hunters as far as the general public is concerned. The desire to kill, especially for a “trophy,” has trumped respected hunting practices as defined in Boone and Crockett Club’s hunting ethics.

The LA should examine the degree to which GPS collars will both exacerbate and be perceived as unfair chase and unethical hunting and will further increase public disdain of hound hunting and spill over into other wildlife killing practices.

The LA should (1) confirm that every other state in the United States mainland, except for nine in the Deep South, have banned deer hound hunting; (2) examine the reasons for 39 states having banned deer-hound hunting; (3) assess the impacts from “deer-drive” hunting opportunities that GPS collars easily create. As one example: GPS collared hounds begin the deer chase from one end of a deer-drive area. As the pursuit directions change, hounders relay GPS coordinates to the “stands”—hunters waiting at other end of the deer-drive area for the deer in order for them to re-locate accordingly and shoot exhausted deer as they emerge. The LA should study deer drives with GPS collars in the context of “fair chase” and hunting ethics and recommend that they be declared illegal in California.

**E. Identify, Clarify, and Correct Misleading information.**

At FGC meeting discussions regarding the GPS collar issue, statements in staff reports and public comments have been misleading and/or blatantly incorrect. Of particular concern were statements included in a “Memorandum” to the FGC Executive Director from CDFW Director, referred to as a “briefing paper” (aka “briefing document”) contained in the FGC staff report for the April 26, 2017, meeting.

The memo clearly states that the briefing paper is “just additional information” and is not intended to be a substitute for an environmental document. However, during the discussions, there was an inference that the briefing paper was, or could be, part of the CEQA review process. With our understanding of the CEQA process, because some of what was contained in the memo and briefing paper was incorrect and unsupported by any environmental review, that therefore it does not suffice as being part of the CEQA process. In a number of written comments and public testimonies, the FGC was informed of such discrepancies and false information; yet it still appeared in the April 26 staff report. We urge the LA to address any erroneous or misleading statements that were generated from the meeting or posted materials related to the following:

1. The LA should identify the reasons for implementing the prohibition on the use of treeing switches and GPS collars in 1994 and evaluate the worthiness of those reasons to keep the prohibition in place for all these years.

2. The LA should clarify the reasons for dropping Sec 265(d) by listening to the WRC meeting in 2015 and subsequent FGC meetings to ascertain actual reasons for their recommendations to drop the Sec 265(d) prohibitions. Unless we missed a FGC meeting discussion, we submit that reasons for dropping Section 265 were never stated as “to simplify and make more understandable the regulations in questions.” Nor were there ever any discussions about Sec 265(d)—the ban— being “unnecessary.”

From our April 13, 2017, letter: The legislative regulatory changes were adopted to protect bears, bobcats, and mountain lions **from** the ravages of hound hunting advantages, which GPS collars will simply exacerbate and provide a loophole to enforcement of those very regulations. Instead of “appeared to have rendered the prohibitions...largely unnecessary...,” the GPS collar prohibition is even more necessary now to ensure compliance with the regulations. In none of the WRC discussion was an “unnecessary” argument ever suggested. To the contrary, early on our arguments pointed out that because hound hunting is banned for bears and bobcats that climb trees, that treeing switches must be banned both for enforcement purposes, misuse or abuse, and to deter the increase of treed bear/bobcat poaching opportunities. The briefing paper moves from the purpose of treeing switches into GPS collar attributes (lost dogs, trespass enforcement), and does not present compelling arguments to support the allowance of treeing switches.

We urge the LA to either debunk those and other erroneous statements in the briefing paper and/or analyze the actual meeting proceedings, documents, and contexts where those statements were claimed to have been made.

3. The LA needs to clarify exactly how many dogs may be allowed in a deer or other permitted species hunt, especially in a hunting party and/or training sessions. As stated previously, the “one dog per hunter” creates a misleading, innocuous image, but omitted is the number of hunters and/or others who may be training or NOT hunting (carrying no firearms) who may also bring dogs into wildlife habitat and can increase the dog “pack” to a substantial and unacceptable number. Additionally, the LA must evaluate the impacts of “three dogs per hunter” to pursue wild pigs when a hunting party contains 4, 5, or 6 hunters—18 dogs will create significant impacts to all wildlife and habitat. What are the cumulative impacts when one hound-hunting party sweeps a specific wildlife habitat on one day, a different party the next, and so on for every day in a row for an entire hunting season?

4. The LA needs to address the erroneous statement that GPS collars (deer and pigs) would allow the hunter to find crippled game more efficiently. Assuming hounders curtail shooting when the dogs are upon the targeted wildlife, then it follows that “crippled” game refers to animals crippled by an errant attempt to kill (wounding via firearm discharge) when the dogs are being held a safe distance away. The dogs would not be released until AFTER the shot is taken. Bow hunters often do not track wounded deer immediately. If “crippled” game means releasing dogs to find any game “crippled” by means other than injuries inflicted by the hunting party, then this is a disingenuous use of GPS and will create more mayhem and mauling of crippled animals when “found” by hounds. Unless the handler/hunter is closely following the dogs, and has them under control, which is less likely with GPS collars, the LA should examine “crippled game” claims, especially since tracking a blood trail would create less disruption to wildlife if dogs were leashed or tethered—as is required in at least one other state.

5. Related to what has been stated multiple times and must be addressed: (1) Since a stated reason for allowing GPS collars is dog safety and welfare, then the LA needs to verify that is a regulatory mandate of the FGC. (2) Dog safety includes keeping them under control and staying with them. Locating lost dogs is not dependent on GPS collars. The LA must evaluate the multitude of alternatives to locate dogs, lost or otherwise and analyze reduced risks for lost dogs when using reliable alternatives to GPS collars, including, but not limited to microchipping, recall/training certification before releasing, handler certification, and requiring tethers/leads/leashes for dogs that are not trained or certified. (3) The current law requires dogs to be “under control.” The LA should study dog retrieval, safety, welfare, etc., if that one regulation was followed and enforced, and report on the subsequent likelihood of few-to-no lost dogs without GPS collars.

6. The LA should refute the briefing paper’s unsubstantiated statement that suggests GPS tracking will be an aid to enforcement for tracking trespass (“...by using data from the dog’s GPS collar as evidence...during hunter trespass investigations”). Unless a property owner observes and reports trespassing, it is unlikely that any action will be taken. If a trespassing complaint is made to CDFW, in addition to valuable wildlife officers’ time involved in searching GPS points on a track, wading through old track logs, and possibly requiring “probable cause,” this most often becomes a civil matter or a local law enforcement issue. If a Search Warrant is required, it is reasonable and foreseeable to conclude that the cost to CDFW will prohibit such an investigation, will result in an infraction, or, most likely, no charges will be filed (no prosecution will ensue).

Another most misleading statement made to exalt the use of GPS collars on dogs is the claim of gathering GPS collar data as evidence for code enforcement. At its April 14, 2016, meeting, the FGC may have been unduly influenced by a hounder’s erroneous information and exaggerated claims that GPS collars would be an enforcement tool in that it would leave a trail—a breadcrumb trail of all the waypoints of the poacher. As stated in our oral testimony at a FGC Tele Conference meeting (April 18, 2017, Agenda item 7, public comment), it is a well-known fact that because GPS tracking device records can be deleted (units turned off, factory resets for permanent deletion, etc.) if/when a poacher does not want tracking data saved. This renders the GPS dog tracking collar useless for trespassing or poaching waypoint discovery, or any other type of investigation.

As a part of the CEQA functional equivalent analysis, the LA should report on how many hound-hunting trespassing or poaching complaints have been investigated by CDFW wildlife officers over the years. The final prosecutorial disposition of each of those cases should be analyzed to support or negate the GPS collar trespassing or poaching waypoint evidence claims.

7. The LA should validate the following questionable or erroneous statement from the briefing paper: “Since the Fish and Game Commission banned the use of dogs for pursuing big-



game species except for deer (during the general season only) and wild pigs, dogs fitted with GPS collars would be **used primarily to find wounded animals.**”

The use of dogs fitted with GPS collars would not and are not used **primarily** to “find wounded animals.” GPS dog collars are used primarily to hunt and pursue mammals—with deer chased to exhaustion—or other game for the hunter to take (aka “kill”). If GPS collar-fitted dogs were primarily used to **find wounded animals**, then it follows that hunters would seldom release any dogs until they had discharged their firearms. Only then would they know if they had a clean kill or a wounded animal that needed to be blood-trail tracked. The LA needs to verify as accurate or not this statement from the briefing paper. As alluded to before: If the primary use of GPS collars is to find wounded animals, then there is no need for them to roam freely and tethering or leashes should be required for that activity to reduce impacts to other wildlife.

8. The LA should clarify potentially misleading information and validate the intent of the briefing paper in light of statements made by Counsel at the April 26, 2017 meeting:

[The staff report—aka, “briefing paper”] “...provided a general background document that analyzed the potential effects related to the breadth of effects that could be contemplated in a CEQA analysis. Strictly speaking since it was looking at the various forms of the regulation, it wasn’t necessarily a CEQA document, but you could think of it almost like an Initial Study...”

The innuendo or potential take-home message to the FGC and public was that the staff’s briefing paper (“effects that **could be** contemplated” [emphasis added] and considered “almost like an Initial Study”) was to give it undo and undeserved credibility as a legitimate CEQA document. We strongly disagree for reasons which include:

The briefing paper was neither a CEQA analysis nor did it come close to complying with CEQA as an Initial Study. Rather, the briefing paper was an opinion-driven document with unacceptable, incorrect information. We submit that to the degree that the FGC’s votes relied on incorrect statements, that the need for a true, impartial, and accurate analysis is even more apparent and critical. If the LA includes any aspects of the briefing paper in the environmental analysis, it must verify all as to accuracy.

Another statement was made to the effect that “That background document [briefing paper] essentially didn’t find any connection to the impacts, any potential impacts, related to this potential regulation which is just changing the GPS collars and the treeing switches, and the staff summary points that out. And so as this is currently proposed, this would be relying on a common sense exemption for CEQA, which is concluding that there is no potential impacts.”

This statement may be accurate if it solely referred to reinstating the ban on GPS collars. However, because the motion to ban GPS collars was followed by motions to both delay ban implementation, and to go to notice to allow GPS collars, it may have mislead the FGC and the public. In referring to the delay in implementation and going to notice to allow GPS collars, the briefing paper gave an impression that the LA was not required to analyze any data for “connection to impacts.” Testimonies and written comments presented many legitimate arguments of the impacts, supported by studies that identified numerous impacts which would occur with GPS collars, both in motions to delay implementation and to go to notice to allow them. As public trust agencies, (1) the LA must be precise and clear, especially with all the twists and turns this issue has taken, along with misleading and erroneous statements. CEQA requires good faith efforts to respond to potential impacts via genuine, impartial, in-depth analysis. The LA needs to adhere to the mandates of CEQA, take heed of both facts and studies that have been submitted by the public, and without prejudice examine any and all potential impacts of the GPS collar proposal.

**F. Analyze Alternatives and Mitigation Measures to eliminate the need for GPS collars.**

Under CEQA, a project may not be approved as submitted if feasible alternatives or mitigation measures (MM) are able to substantially lessen the significant environmental effects of the project. The LA should examine the following MM and/or alternatives to determine if benefits outweigh the negative impacts of GPS collars, and therefore keep them banned.

1. Dogs released in wildlife habitat must be CDFW registered, micro chipped, local jurisdiction licensed, fully vaccinated, and certified as having met specific obedience standards for compliance with codes and regulations related to "...[dogs] must be under control at all times." Houndsmen (hounders), handlers, trainers, etc., must be certified to meet dog handling standards.

2. As a further condition for the use of GPS collars, in addition to hounder certification, the LA should analyze the benefits of requiring hound-hunting permits with stipulations that all the above-mentioned MM conditions be met before any dog may be released in wildlife habitat. In addition, the posting of surety bonds should be required for proof of dog retrieval. For example, if four dogs meet the registration requirements and are GPS collar eligible, then when the hound hunting season is over, those four registered dogs must be positively identified and accounted for. Otherwise, the bond is forfeited to the LA to reimburse costs to Animal Control agencies, rescue nonprofits that care for and rehabilitate hounds that are never retrieved, wildlife care nonprofits that incur expenses in caring for wildlife with dog- or hound-induced mauling injuries, and CDFW for administration expenses.

3. The LA should examine other state's banning of GPS collar use and their requirements for hounds to be tethered/leashed whenever they are tracking.

4. The LA should assess an additional requirement with the use of GPS collars: No hound hunting or training shall occur within 50 miles of any wildlife refuge or sanctuary, public or private, or within 50 miles of any known wildlife (all species) migratory route areas, with possibly broader buffers from migratory routes of listed species.

5. The LA should analyze and compare of releasing GPS collared dogs (to chase wildlife) to life wildlife "coursing," most of which is illegal in CA.

Thank you for reading this far and considering our views,



Marilyn Jasper, Chair

Cc Mike Yuan, Acting Executive Director  
Director Bonham, CDFW

## FGC

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**From:** Kathy Lynch <lynch@lynchlobby.com>  
**Sent:** Friday, September 22, 2017 11:36 AM  
**To:** FGC  
**Cc:** Kathy Lynch  
**Subject:** Comment Letter on Repeal of Regulations Prohibiting Treeing Switches and GPS Collars for Dogs -- California Sportsman's Lobby  
**Attachments:** CSL to FGC\_Dogs\_\_9-19-17.doc

Attached please find a comment letter on Repeal of Regulations Prohibiting Treeing Switches and GPS Collars for Dogs from the California Sportsman's Lobby (CSL) for the FGC meeting on October 11-12. Thank you.

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Lynch & Associates  
1127 11<sup>th</sup> Street, Suite 610  
Sacramento, CA 95814  
Tel: (916) 443-0202  
Fax: (916) 443-7353  
Cell: (916) 838-6600  
E-Mail: [lynch@lynchlobby.com](mailto:lynch@lynchlobby.com)



The California  
Sportsman's Lobby, Inc.

September 22, 2017

**VIA E-Mail**

Ms. Valerie Termini, Executive Director  
Fish and Game Commissioners  
California Fish and Game Commission  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814

**Re: Comments on Repeal of Regulations Prohibiting Treeing Switches and GPS Collars for Dogs** (Item 7, Fish and Game Commission October 11-12, 2017 Meeting Agenda)

Dear Ms. Termini and Commissioners:

The California Sportsman's Lobby is a nonprofit organization of sportsman's clubs and individuals dedicated to preserving outdoor recreation in California. Our principal activities are to monitor legislation that might negatively impact hunting, fishing and other recreation, and to oppose unwise changes in the laws relating to these activities.

The California Sportsman's Lobby (CSL) promotes the conservation, enhancement, scientific management, and wise use of all our natural resources; CSL seeks an end of activities needlessly destructive to natural resources; CSL endeavors to educate and encourage the public generally, and the youth specifically, to an understanding of the advantages and importance of the conservation, enhancement, and wise use of all our natural resources; and CSL works to secure more and better outdoor opportunities for all citizens, regardless of race, creed, or color as essential to the physical and spiritual well being of all the people.

This is to notify you of the support of the California Sportsmen's Lobby (CSL) for the repeal of regulations that currently prohibit the use of treeing switches and Global Positioning System (GPS) collars for dogs while hunting mammals.

The **Informative Digest/Policy Statement Overview** published by the commission in its [Notice of Proposed Changes in Regulations](#) notes that dogs are now used for hunting wild pigs and deer, not for hunting bear and bobcats, thus making the prohibition on treeing switches unnecessary. Allowing the use of GPS collars on dogs will also help in finding downed game and recovering dogs that are lost.

CSL supports the repeal of the ban on treeing switches and GPS dog collars as proposed by the commission. The banning of treeing switches is now pointless and allowing the use of GPS collars while hunting is both humane and consistent with good wildlife management practices.

Sincerely,

Randy Walker  
President, California Sportsman's Lobby

cc: California Sportsman's Lobby

## FGC

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**From:** Kathy Lynch <lynch@lynchlobby.com>  
**Sent:** Friday, September 22, 2017 11:39 AM  
**To:** FGC  
**Cc:** Kathy Lynch  
**Subject:** Comment Letter on Repeal of Regulations Prohibiting Treeing Switches and GPS Collars for Dogs -- Outdoor Sportsmen's Coalition of California  
**Attachments:** OSCC to FGC\_Dogs\_9-19-17.docx

Attached please find a comment letter on Repeal of Regulations Prohibiting Treeing Switches and GPS Collars for Dogs from the [Outdoor Sportsmen's Coalition of California \(OSCC\)](#) for the FGC meeting on October 11-12. Thank you.

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Lynch & Associates  
1127 11<sup>th</sup> Street, Suite 610  
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## **Dedicated to Preserving Your Rights To Hunt and Fish In the State of California**

September 22, 2017

**VIA E-Mail**

Ms. Valerie Termini, Executive Director  
Fish and Game Commissioners  
California Fish and Game Commission  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814

**Re: Comments on Repeal of Regulations Prohibiting Treeing Switches and GPS Collars for Dogs** (Item 7, Fish and Game Commission October 11-12, 2017 Meeting Agenda)

Dear Ms. Termini and Commissioners:

The Outdoor Sportsmen's Coalition of California is a nonprofit organization of sportsman's clubs and individuals dedicated to preserving outdoor recreation in California. Our principal activities are to monitor legislation that might negatively impact hunting, fishing and other recreation, and to oppose unwise changes in laws and regulations relating to these activities.

The Outdoor Sportsmen's Coalition of California (OSCC) promotes the conservation enhancement, scientific management, and wise use of all our natural resources; OSCC seeks to end activities needlessly destructive to natural resources; OSCC endeavors to educate and encourage the public generally, and the youth specifically, to an understanding of the advantages and importance of the conservation and enhancement of our natural resources.

OSCC works to enhance outdoor opportunities for all citizens. With several thousand members located throughout California, we stay in contact with our membership via newsletters and the internet so they can be involved as they see fit.

This is to notify you of the support of the Outdoor Sportsmen's Coalition of California (OSCC) for the proposed repeal of regulations which prohibit the use of treeing switches and Global Positioning System (GPS) collars for dogs while hunting mammals.

As the commission stated in its [Informative Digest/Policy Statement Overview](#) for this proposed repeal, dogs are now used for hunting wild pigs and deer (no longer for bear and bobcats), thus making the prohibition on treeing switches unnecessary since these mammals do not climb trees. Allowing the use of GPS dog collars will also improve a hunter's ability to find and recover downed game and lost dogs.

For the above reasons, OSCC supports the adoption of the proposed regulations by the commission. The banning of treeing switches is unnecessary and allowing the use of GPS collars while hunting is both humane and consistent with good wildlife management practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Ringgenberg". The signature is fluid and cursive, with a large loop at the end.

Keith Ringgenberg  
President, Outdoor Sportsmen's Coalition

cc: Outdoor Sportsmen's Coalition of California

## FGC

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**From:** Kathy Lynch <lynch@lynchlobby.com>  
**Sent:** Friday, September 22, 2017 11:59 AM  
**To:** FGC  
**Cc:** Kathy Lynch  
**Subject:** Comment Letter on Repeal of Regulations Prohibiting Treeing Switches and GPS Collars for Dogs -- SCI CA Coalition  
**Attachments:** SCI Letter to FGC\_Dogs\_9-19-17.docx

Attached please find a comment letter on Repeal of Regulations Prohibiting Treeing Switches and GPS Collars for Dogs from the [SCI CA Coalition](#) for the FGC meeting on October 11-12. Thank you.

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Lynch & Associates  
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# Safari Club International

A NON-PROFIT ORGANIZATION ♦ DEDICATED TO CONSERVING WILDLIFE AND PRESERVING HUNTING



## SCI CA Coalition

September 22, 2017

### VIA E-Mail

Ms. Valerie Termini, Executive Director  
Fish and Game Commissioners  
California Fish and Game Commission  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814

### **Re: Comments on Repeal of Regulations Prohibiting Treeing Switches and GPS Collars for Dogs (Item 7, Fish and Game Commission October 11-12, 2017 Meeting Agenda)**

Dear Ms. Termini and Commissioners:

This is to notify you of the support of the SCI CA Coalition (SCI) for the proposed repeal of regulations previously adopted by the commission which prohibit the use of treeing switches and Global Positioning System (GPS) collars for dogs while hunting mammals.

There is no scientific or other credible wildlife management reason to continue to ban the use of them.

As the commission has correctly pointed out in its [Informative Digest/Policy Statement Overview](#) for this proposal, the use of dogs to take game mammals is currently limited to wild pigs and deer, thus making the prohibition on treeing switches unnecessary as these species do not climb trees. Permitting the use of GPS dog collars will improve a hunter's ability to find and retrieve downed game and lost dogs.

GPS collars are a valuable and humane aid in the recovery of missing dogs which, if not found, can wander for days and travel several miles. Without such collars, these dogs may unnecessarily suffer or even perish before they can be recovered.

Accordingly, SCI supports the adoption of the proposed regulations by the commission. The banning of treeing switches is no longer relevant to its original intended purpose, and allowing the use of GPS collars while hunting is both humane and consistent with good wildlife management practices.

Sincerely,

Lisa C. McNamee  
Co-Legislative Coordinator  
SCI CA Coalition

Don Giottonini  
Co-Legislative Coordinator  
SCI CA Coalition

cc: SCI CA Coalition