

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.