

Page 1 of 11
JOHN CARLSON, JR.
EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

ARNOLD SCHWARZENEGGER



Governor

COMMISSIONERS
Jim Kellogg, President
Discovery Bay
Richard Rogers, Vice President
Carpinteria
Michael Sutton, Member
Monterey
Daniel W. Richards, Member
Upland
Don Benninghoven, Member
Santa Barbara

STATE OF CALIFORNIA

Fish and Game Commission

March 16, 2010


TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action resulting from the Commission's March 3, 2010, meeting, when it made a finding pursuant to Section 2075.5, Fish and Game Code, that California tiger salamander (*Ambystoma californiense*) warrants listing to threatened species status. The notice of proposed regulatory action will be published in the California Regulatory Notice Register on March 19, 2010.

Please note the date of the public hearing related to this matter and associated deadlines for receipt of written comments.

Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,


Sheri Tiemann
Staff Services Analyst

BOARD OF SUPERVISORS
2010 MAR 22 1 P 12: 26

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 2070 and 2075.5 of the Fish and Game Code and to implement, interpret or make specific sections 1755, 2055, 2062, 2067, 2070, 2074.6, 2075.5, 2077, 2080, 2081 and 2835, of said Code, proposes to amend Section 670.5, Title 14, California Code of Regulations, relating to Animals of California Declared to Be Endangered or Threatened.

Informative Digest/Policy Statement Overview

The Department of Fish and Game recommends that the Commission amend subsection (b)(3) of Section 670.5 of Title 14, CCR, to add the California tiger salamander (*Ambystoma californiense*) to the list of threatened animals.

In making the recommendation to list the California tiger salamander pursuant to CESA, the Department identified the following primary threats: 1) continued and long-term habitat loss/conversion and fragmentation (the California tiger salamander requires both aquatic and upland habitats; anything that impedes movements such as roads or other barriers restricts the salamander from moving between the two habitats); 2) hybridization with introduced non-native tiger salamanders over the past 60 years, resulting in decreased population and distribution of genetically "pure" native tiger salamanders; 3) increased predation by, and competition with, other non-native species - particularly fishes and amphibians. More detail about the current status of the California tiger salamander can be found in the "Report to the California Fish and Game Commission, "A Status Review of the California tiger salamander (*Ambystoma californiense*)" (Department of Fish and Game, January 11, 2010; <http://www.dfg.ca.gov/wildlife/nongame/publications/>)

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Stockton Rod and Gun Club, 3120 Monte Diablo Avenue, Stockton, California, on Wednesday, May 5, 2010 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 30, 2010 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on May 3, 2010. All comments must be received no later than May 5, 2010 at the hearing in Stockton, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained

from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) **Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:**

Although (CESA) statutes do not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney General's Office has consistently advised the Commission that it should not consider economic impact in making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing or delisting process.

CESA is basically a two-stage process. During the first stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To accomplish this second stage, the Commission follows the statutes of the Administrative Procedure Act (APA).

The provisions of the APA, specifically section 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. While Section 11346.3 requires an analysis of economic impact of businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other state laws. In this regard, the provisions of CESA leading to a finding are in apparent conflict with Section 11346.3, which is activated by the rulemaking component of CESA.

Since the finding portion of CESA is silent to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 does not exclude the requirement for economic impact analysis. While the Commission does not believe this is the case, an abbreviated analysis of the likely economic impact of the proposed regulation change on business and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this analysis fully meets the intent and language of both statutory programs.

Designation of the California tiger salamander as threatened will subject it to the provisions of CESA. This act prohibits take and possession except as may be permitted by the Department.

Threatened status is not expected to result in any significant adverse economic effect on small business or significant cost to private persons or entities undertaking activities subject to the California Environmental Quality Act (CEQA). The CEQA requires local governments and private applicants undertaking projects subject to the CEQA to consider *de facto* endangered species to be subject to the same requirements under the CEQA as though they were already listed by the Commission in Section 670.2 (CEQA Guidelines, Section 15380). California tiger salamander has qualified for protection under the CEQA Guidelines Section 15380 since its designation by the Department in 1994 as a species of special concern and the US Fish and Wildlife Service in 2004 as threatened throughout its range.

Required mitigation as a result of lead agency actions under the CEQA, whether or not the species is listed by the Commission, may increase the cost of a project. Such costs may include, but are not limited to, purchasing off-site habitat, development and implementation of management plans, establishing new populations, installation of protective devices such as fencing, protection of additional habitat, and long-term monitoring of mitigation sites. Lead agencies may also require additional actions should the mitigation measures fail, resulting in added expenditures by the proponent. If the mitigation measures required by the CEQA lead agency do not minimize and fully mitigate to the standards of CESA, listing could increase business costs by requiring measures beyond those required by the CEQA.

- (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:

No significant impact.

(c) **Cost Impacts on a Representative Private Person or Business:**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Designation of threatened or endangered status, per se, would not necessarily result in any significant cost to private persons or entities undertaking activities subject to CEQA. CEQA presently requires private applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) and rare species to be subject to the same protections under CEQA as though they are already listed by the Commission in Section 670.2 or 670.5 of Title 14, CCR (CEQA Guidelines Section 15380).

Any added costs should be more than offset by savings that would be realized through the information consultation process available to private applicants under CESA. The process would allow conflicts to be resolved at an early stage in project planning and development, thereby avoiding conflicts later in the CEQA review process, which would be more costly and difficult to resolve.

(d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None.

(e) **Nondiscretionary Costs/Savings to Local Agencies:** None.

(f) **Programs Mandated on Local Agencies or School Districts:** None.

(g) **Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:** None.

(h) **Effect on Housing Costs:** None.

Effect on Small Business

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

Consideration of Alternatives

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

FISH AND GAME COMMISSION

John Carlson, Jr.
Executive Director

Dated: March 9, 2010

COMMISSIONERS
Jim Kellogg, President
Discovery Bay
Richard Rogers, Member
Carpinteria
Michael Sutton, Member
Monterey
Daniel W. Richards, Member
Upland
Donald Benninghoven, Member
Santa Barbara

ARNOLD SCHWARZENEGGER



Governor

JOHN CARLSON, JR.
EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA

Fish and Game Commission

March 18, 2010

TO ALL INTERESTED AND AFFECTED PARTIES

This is to provide you with a copy of the notice of proposed regulatory actions relative to "Mammal Hunting Regulations," in the sections identified in Title 14, California Code of Regulations, which appeared in the California Regulatory Notice Register on February 19, 2010. **Proposed changes to sections as set forth in Notice Register 2010, No. 8-Z, remain the same, except for Section 265.** These documents as well as supporting documents are also made available on the Commission's website at <http://www.fgc.ca.gov/regulations/new/2010/proposedregs10.asp>.

The proposed language for Section 265 is updated to reflect a request at the Commission's February 4, 2010 meeting. This update provides for four options in proposed regulations requiring houndsmen who use GPS and radio telemetry collars on their dogs to register their frequencies with the Department and maintain the data for at least 24 hours. These proposed changes are intended to improve enforcement of this section. The initially noticed language is listed as "Option 1" and the four new options listed as "Option 2" through "Option 5". The initial statement of reasons is also revised to add road number designations and correct spellings to improve clarity in the language.

NOTE: The Commission is exercising its powers under Section 202 of the Fish and Game Code "Regulations adopted pursuant to this article shall not be subject to the time periods for the adoption, amendment, or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8, and 11347.1 of the Government Code."

Please note the dates of the public hearing related to this matter and associated deadlines for receipt of written and oral comments.

Dr. Eric Loft, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations; and inquiries concerning the regulatory process may be directed to me, at (916) 653-4899.

Sincerely,


Jon D. Snellstrom
Associate Government Program Analyst

Attachment

BOARD OF SUPERVISORS
2010 MAR 22 1 P 12: 26

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

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

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

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

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

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

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

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

Informative Digest/Policy Statement Overview

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

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

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

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

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

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

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

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

Availability of Modified Text

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

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

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in

other states. The proposed action eliminates undue restrictions on outdoor recreation by modifying dog control zone boundaries and removing restrictions pertaining to the use of tip switches and GPS technology on dog collars. Given the number of individuals who use or train dogs for hunting purposes will remain relatively static in California, this proposal is economically neutral to business.

- (b) **Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:**

None.

- (c) **Cost Impacts on Private Persons:**

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

- (d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

None.

- (e) **Other Nondiscretionary Costs/Savings to Local Agencies:**

None.

- (f) **Programs Mandated on Local Agencies or School Districts:**

None.

- (g) **Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:**

None.

- (h) **Effect on Housing Costs:**

None.

Effect on Small Business

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

Consideration of Alternatives

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

FISH AND GAME COMMISSION

John Carlson, Jr.
Executive Director

Dated: March 19, 2010

Subsection (a)(4)(B) is amended as follows:

(B) Northern California Dog Control Zone: Those portions of Butte, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity and Yuba counties within a line beginning at the intersection of Highway 101 and the California-Oregon state line; south along Highway 101 to Highway 36; east along 36 to the Humboldt-Trinity county line, south along the Humboldt-Trinity county line to its intersection with the Mendocino county line; west along the Mendocino-Humboldt county line to its intersection with Highway 101; south along Highway 101 to its intersection with Highway 20; east along Highway 20 to its intersection with Middle Creek west of the town of Upper Lake; north along Middle Creek to its intersection with Rancheria Road; east along Rancheria Road to its intersection with Elk Mountain Road, north along Elk Mountain Road to its intersection with Bear Creek Road; east along Bear Creek Road to its intersection with Grouse Springs-Bear Creek Road; north and east along Grouse Springs-Bear Creek Road to its south then east along the Trinity-Mendocino county line to its intersection with the Tehama county line; south along the Tehama-Mendocino county line to its intersection with the Glenn county line; south along the Mendocino-Glenn county line to its intersection with the Lake county line; east then south along the Glenn-Lake county line to the intersection with Forest Route 18N02 (Open Ridge Black Diamond Road); east along Forest Route 18N02 to County Road 306; north along County Road 306 to County Road 200; west along County Road 200 to the Glenn-Tehama county line; west along the Glenn-Tehama county line to the eastern Mendocino National Forest boundary; north along the eastern Mendocino National Forest boundary to its intersection with the Trinity National Forest boundary; west and north along the Mendocino-Trinity National Forest boundary to the Tehama-Trinity county line; north along the Tehama-Trinity county line to its intersection with the Shasta county line; north and east along the Trinity-Shasta county line to the Highway 299; east along Highway 299 to Highway 273, north along Highway 273 to Interstate 5; north along Interstate 5 to the southern shore of Shasta Lake; east and north along the southern shore of Shasta Lake to Fendler's Ferry Road; southeast along Fendler's Ferry Road to Highway 299; southwest along Highway 299 to Oakrun Road; south along Oakrun Road to Oakrun to Fern Road in town of Oakrun; northeast along Oakrun to Fern Road to East Fern Road in the town of Fern; south along East Fern Road to Whitmore Road in the town of Whitmore; west along Whitmore Road to Ponderosa Way; south along Ponderosa Way to Innwood Road; southwest along Innwood Road to Highway 44; east along Highway 44 to Wilson Hill Road; south along Wilson Hill Road to Rock Creek Road; south along Rock Creek Road to the Shasta-Tehama county line; east along the Shasta-Tehama county line to Ponderosa Way; south along Ponderosa Way to Lassen Trail; south along Lassen Trail to Ponderosa Way; south along Ponderosa Way to Cohasset Stage Road; south along Cohasset Stage Road to the Tehama-Butte county line; east and north along the Tehama-Butte county line to Highway 32; south along Highway 32 to Highway 99 in the town of Chico; south along Highway 99 to Highway 162; east and north along Highway 162 to Oroville-Quincy Highway; north along Oroville-Quincy Highway to the Butte-Plumas county line; south and east along the Butte-Plumas county line to its intersection with the Yuba county line; northeast along the Plumas-Yuba county line to its intersection with the Sierra county line; east along the Plumas-Sierra county line to Highway 395; north along Highway 395 to Highway 36; north and west along Highway 36 to Highway 44 (Feather Lake Highway); northwest along Highway 44 to Highway 89 near Old Station; north and west along Highway 89 to Interstate 5; north along Interstate 5 to Highway 3 (Fort Jones Road); southwest along Highway 3 to Scott River Road in Fort Jones; north along Scott River Road to Highway 96; east along Highway 96 to Interstate 5; north along Interstate 5 to the California-Oregon state line; west along the California-Oregon state line to the point beginning.

Subsection (a)(4)(C) is amended as follows:

(C) Southern Sierra Dog Control Zone: Those portions of Alpine, Fresno, Inyo, Madera, Mariposa, Mono, Tulare and Tuolumne counties within a line beginning at the intersection of the California-Nevada state line and the Mono-Alpine county line; south along the Mono-Alpine county line to its intersection with the Tuolumne county line; west along the Alpine-Tuolumne county line to Clark Fork Road; southwest along Clark Fork Road to Highway 108; southwest along Highway 108 to Highway 120; west along Highway 120 to the western boundary of Yosemite National Park; south and east along the western boundary of Yosemite National Park to Highway 41 near the town of Fish Camp; south along Highway 41 to Road 222 (Bass Lake Road); southeast along Road 222 to Road 274 Bass Lake Road to (Malum Ridge Road); south along Road 274 to Road 225 Malum Ridge Road to (Mammoth Pool Road); west along Road 225 Mammoth Pool Road to Road 222; south along Road 222 to Auberry Road; south along Auberry Road to the Madera-Fresno county line; east along the Madera-Fresno county line to Italian Bar Road (Road 225) at the Italian Bar Bridge; south along Italian Bar Road to Jose Basin Road (County Road M2441); east along Jose Basin Road to its intersection with Forest Service Road 8S08 (Old Railroad Grade Road); northeast along Old Railroad Grade Road to Dawn Road; south along Dawn Road to Highway 168 (Tollhouse Road); south along Highway 168 to Dinkey Creek Road; east along Dinkey Creek Road to Dinkey-Trimmer Road (10S69); south along Dinkey-Trimmer Road to Black Rock Road (11S12); east and north along Ross Crossing Road; south along Ross Crossing Road to Trimmer Springs Road (Dinkey-Trimmer Road; 10S69); east along Trimmer Springs Road to Sycamore Springs Road (11S02); east along Sycamore Springs Road to Black Rock Road (11S12) at Balch Camp; east along Black Rock Road to the decommissioned 11S07 (Rodgers Ridge Road) at Black Rock Reservoir Dam; east along Rodgers Ridge Road to Garlic Spur; south along Garlic Spur to the Kings River; west along the Kings River to Verplank Ridge-Hoiste Ridge; south along Verplank Ridge-Hoiste Ridge to Forest Route 13S65; southeast along Forest Route 13S65 to Forest Route 13S03; southeast along Forest Route 13S03 to Highway 180 near Cherry Gap; south along Highway 180 to the north boundary of Kings Canyon/Sequoia National Park; south along the western boundary of Kings Canyon/Sequoia National Park to the northern boundary of Sequoia National Forest between Grouse Peak and Dennison Mountain; south along the common line between R29E and R30E, M.D.B.M. to the boundary of the Sequoia National Forest; east and south along the boundary of the Sequoia National Forest to Balch Park Road; southeast along Balch Park Road to the west boundary of Mountain Home Demonstration State Forest; south and east along the west boundary of Mountain Home Demonstration State Forest to Forest Trail 30E14; southeast along Forest Trail 30E14 to the Doyle Springs Road (Wishon Drive); southwest along Doyle Springs Road to Alder Creek Grove-Hossack Meadow Road; southeast along Alder Creek Grove-Hossack Meadow Road to Highway 190 at Camp Nelson; east along Highway 190 to Coy Flat Road; south along Coy Flat Road to the boundary of the Tule River Indian Reservation; south along the east boundary of the Tule River Indian Reservation (County Highway J42) to Parker Peak; southeast from Parker Peak through Upper Parker Meadow to Parker Pass; south along Parker Pass to Forest Route 22S81; south along Forest Route 22S81 through Starvation Creek Grove to M504 (Parker Pass); south along M504 to Forest Route 23S64; southeast along 23S64 to the southwest corner of Section 15, T23S, R31E, M.D.B.M., continuing to the northeast corner of Section 22, T23S, R31E, M.D.B.M.; south approximately 6 miles to Sugarloaf Winter Recreation Area; southeast along Sugarloaf Drive to Forest Route 24S23; northeast along Forest Route 24S23 to Forest Route 23S16; southeast along Forest Route 23S16 to Portuguese Pass; southeast along Forest Route 23S16 (24S06) though Portuguese Pass to the Tulare-Kern county line; east along the Tulare-Kern county line to the intersection of the Tulare, Kern and Inyo county lines; east along the Inyo-Kern county line to Highway 395; north along Highway 395 to the California-Nevada state line near Topaz Lake; northeast along the California-Nevada state line to the point beginning.

Subsection (d) is amended as follows:

Option 1

(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 tree 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.

Option 2

(d) Use of Global Positioning System (GPS) and Radio Telemetry Equipment on Dogs.

(1) If using a dog to take bear, furbearing or non game mammals, or training a dog on these mammals and there is a GPS or other signal emitting device attached to the dog or dog collar, the following regulations apply:

(A) The device attached to the dog or collar shall be turned on and emitting a signal.

1. If the device is turned on but the battery has gone dead, subsection (A) does not apply.

(B) The frequency(s) and/or channel(s) used for the collar or device used shall be provided to the Department of Fish and Game at least 72 hrs prior to using the collar or device for the first time.

(C) A collar or signaling device frequency and/or channel registry will be kept by the Department. The device signal frequency(s) and/or channel(s) shall be provided to the Department by calling (916) 651-6390 or by email at dogcollarregistry@dfg.ca.gov. The person reporting the device signal frequency(s) and/or channel(s) used shall give their full name, contact phone number, address, county(s) to be hunted, and collar frequency(s) and/or channel(s) when placing the call.

(D) When a GPS device is used, the track log function of the GPS unit shall be turned on and all track logs shall be maintained on the GPS unit for 24 hrs after the end of the trip.

(E) For the purposes of this section, the Department may inspect any device, or data captured by a device, which sends or receives location information.

(F) This section does not apply to collars being used on dogs that belong to a government agency while the dog is acting in an official capacity for that agency.

Option 3

(d) Use of Global Positioning System (GPS) and Radio Telemetry Equipment on Dogs.

(1) Beginning July 1, 2011, if using a dog to take bear, furbearing or non game mammals, or training a dog on these mammals and there is a GPS or other signal emitting device attached to the dog or dog collar, the following regulations apply:

(A) The device attached to the dog or collar shall be turned on and emitting a signal.

1. If the device is turned on but the battery has gone dead, subsection (A) does not apply.

(B) The frequency(s) and/or channel(s) used for the collar or device used shall be provided to the Department of Fish and Game at least 72 hrs prior to using the collar or device for the first time.

(C) A collar or signaling device frequency and/or channel registry will be kept by the Department. The device signal frequency(s) and/or channel(s) shall be provided to the Department by calling (916) 651-6390 or by email at dogcollarregistry@dfg.ca.gov. The person reporting the device signal frequency(s) and/or channel(s) used shall give their full name, contact phone number, address, county(s) to be hunted, and collar frequency(s) and/or channel(s) when placing the call.

(D) When a GPS device is used, the track log function of the GPS unit shall be turned on and all track logs shall be maintained on the GPS unit for 24 hrs after the end of the trip.

(E) For the purposes of this section, the Department may inspect any device, or data captured by a device, which sends or receives location information.

(F) This section does not apply to collars being used on dogs that belong to a government agency while the dog is acting in an official capacity for that agency.

Option 4 (not include Radio Telemetry for 2 yrs)

(d) Use of Global Positioning System (GPS) and Radio Telemetry Equipment on Dogs.

(1) If using a dog to take bear, furbearing or non game mammals, or training a dog on these mammals and there is a GPS device attached to the dog or dog collar, the following regulations apply:

(A) The device attached to the dog or collar shall be turned on and emitting a signal.

1. If the device is turned on but the battery has gone dead, subsection (A) does not apply.

(B) The frequency(s) and/or channel(s) used for the device used shall be provided to the Department of Fish and Game at least 72 hrs prior to using the device for the first time.

(C) A GPS device frequency and/or channel registry will be kept by the Department. The device signal frequency(s) and/or channel(s) shall be provided to the Department by calling (916) 651-6390 or by email at dogcollarregistry@dfg.ca.gov. The person reporting the device signal frequency(s) and/or channel(s) used shall give their full name, contact phone number, address, county(s) to be hunted, and collar frequency(s) and/or channel(s) when placing the call.

(D) When a GPS device is used, the track log function of the GPS unit shall be turned on and all track logs shall be maintained on the GPS unit for 24 hrs after the end of the trip.

(E) For the purposes of this section, the Department may inspect any device, or data captured by a device, which sends or receives location information.

(F) This section does not apply to collars being used on dogs that belong to a government agency while the dog is acting in an official capacity for that agency.

2. Effective July 1 2012, if using a dog to take bear, furbearing or non game mammals, or training a dog on these mammals and there is a GPS, radio telemetry or other signal emitting device attached to the dog or dog collar, subsections 1(A)-(F) apply.

Option 5

(d) Use of Global Positioning System (GPS) and Radio Telemetry Equipment on Dogs.

(1) Beginning July 1, 2012, if using a dog to take bear, furbearing or non game mammals, or training a dog on these mammals and there is a GPS device attached to the dog or dog collar, the following regulations apply:

(A) The device attached to the dog or collar shall be turned on and emitting a signal.

1. If the device is turned on but the battery has gone dead, subsection (A) does not apply.

(B) The frequency(s) and/or channel(s) used for the device used shall be provided to the Department of Fish and Game at least 72 hrs prior to using the device for the first time.

(C) A GPS device frequency and/or channel registry will be kept by the Department. The device signal frequency(s) and/or channel(s) shall be provided to the Department by calling (916) 651-6390 or by email at dogcollarregistry@dfg.ca.gov. The person reporting the device signal frequency(s) and/or channel(s) used shall give their full name, contact phone number, address, county(s) to be hunted, and collar frequency(s) and/or channel(s) when placing the call.

(D) When a GPS device is used, the track log function of the GPS unit shall be turned on and all track logs shall be maintained on the GPS unit for 24 hrs after the end of the trip.

(E) For the purposes of this section, the Department may inspect any device, or data captured by a device, which sends or receives location information.

(F) This section does not apply to collars being used on dogs that belong to a government agency while the dog is acting in an official capacity for that agency.