

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

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

I. Date of Initial Statement of Reasons: January 14, 2009

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: February 6, 2009
Location: Sacramento

(b) Discussion Hearings: Date: March 4, 2009
Location: Woodland

Date: April 9, 2009
Location: Lodi

(c) Adoption Hearing: Date: April 21, 2009 (Teleconference)
Location: Sacramento

III. Description of Regulatory Action:

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

Descriptions of the boundaries of the dog control zones necessarily use county boundaries, county road, forest service roads/trails and other geographical features. Over time many of these features are renamed, realigned or eliminated entirely. As a result, the current descriptions of the various dog control zones are outdated, causing confusion on the part of both dog handlers and enforcement officers. The regulation amendment seeks to update dog control zone boundary descriptions to eliminate such confusion.

Throughout the years the dog tracking and electronic retrieval devices have changed with technology. Dog treeing switches (devices consisting of a switch mechanism which results in a change in the transmitted signals when the dog raises its head to a treed animal) used to be made with a mercury switch. These mercury switches are currently illegal to use. There are now treeing switches used which use magnetic devices to activate the treeing switch. The requirement for the switch to be a “mercury switch” needs to be removed and any treeing switch device needs to be illegal.

Treeing switches on dog collars are activated when a dog raises its head to bark at a treed animal. The activated switch sends a signal to the telemetry device the hunter carries. This activation lets the hunter know that an animal is treed. If the treeing switch were allowed, the hunter would have no need to follow the dogs on foot during the chase. The hunter could just wait until the treeing switch went off and walk to the tree and find the treed animal and dogs with telemetry equipment. Without the use of a treeing switch device, the hunter is required to follow the dogs on foot and be with the dogs when an animal is treed or be close enough to hear the barking of the dogs to determine if an animal is treed. The use of treeing switches on dog collars would limit the sporting aspect of fair chase.

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

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

Reference: Sections 200, 202, 203, 203.1 207 and 4756, 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:

No public meetings are being held prior to the notice publication. There will be adequate time to review this proposal during the comment period

contained in the Commission's regulatory process.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

Regulatory change is the appropriate method to address the issue. Current wording in section 265 already addresses the basic topics. The proposal addresses outdated language describing the boundaries of the dog control zones.

(b) No Change Alternative:

This alternative allows the continued use of incorrect and outdated boundary descriptions for the various dog control zones.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective as and less burdensome to the affected private persons than the proposed regulation

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no 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:

The proposed action will not have a significant adverse economic impact that might result from the proposed regulatory action, 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. These proposals are 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 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.

- (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

Informative Digest/Policy Statement Overview

The dog control zone boundaries descriptions were last amended in 2002. Since that time, various roads and other map features used to delineate the dog control zone boundary have changed. This amendment seeks to update those dog control zone boundary descriptions to utilize current road alignments and designations. To the extent possible, the boundaries were retained in their same location. In some cases, the realignment of road resulted in minor location changes. It is not anticipated that dog handlers will have any unreasonable difficulty in understanding the new boundaries. The boundaries should be more accurate and easier comprehend using commonly available maps.

Throughout the years the dog tracking and electronic retrieval devices have changed with technology. Dog treeing switches (devices consisting of a switch mechanism which results in a change in the transmitted signals when the dog raises its head to a treed animal) used to be made with a mercury switch. These mercury switches are currently illegal to use. There are now treeing switches used that use magnetic devices to activate the treeing switch. The requirement for the switch to be a "mercury switch" needs to be removed and any treeing switch device needs to be illegal.

Treeing switches on dog collars are activated when a dog raises its head to bark at a treed animal. The activated switch sends a signal to the telemetry device the hunter carries. This activation lets the hunter know that an animal is treed. If the treeing switch were allowed, the hunter would have no need to follow the dogs on foot during the chase. The hunter could just wait until the treeing switch went off and walk to the tree and find the treed animal and dogs with telemetry equipment. Without the use of a treeing switch device, the hunter is required to follow the dogs on foot and be with the dogs when an animal is treed or be close enough to hear the barking of the dogs to determine if an animal is treed. The use of treeing switches on dog collars would limit the sporting aspect of fair chase.

Section 265 is amended to read:

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

(a) Prohibitions on the Use of dogs. The use of dogs for the pursuit/take of mammals or for dog training is prohibited as follows:

(1) The use of dogs is prohibited during the archery seasons for deer or bear.

(2) The use of dogs is prohibited for the take of elk, bighorn sheep and antelope.

(3) Mountain lions may not be pursued with dogs except under the provisions of a depredation permit issued pursuant to Section 4803 of the Fish and Game Code. Dog training on mountain lions is prohibited.

(4) The use of dogs for the pursuit/take of mammals or for dog training is prohibited from the first Saturday in April through the day preceding the opening of the general deer season in the following dog control zones:

(A) ~~Central California Dog Control Zone: Napa County north of Highway 128 and east of Highway 29; Lake County east of a line beginning at the Lake-Napa county line and Highway 29; northwest on Highway 29 to Highway 20; northwest on Highway 20 to the Lake-Mendocino county line; Mendocino County east of Highway 101, and north of Highway 20; Sierra and Alpine counties, and those portions of Nevada, Placer, Amador and Calaveras counties east of Highway 49; and El Dorado County east of the following line: Beginning at the junction of Highway 49 and the Placer-El Dorado county line; south on Highway 49 to Highway 193 at Cool; east and south along Highway 193 to Highway 49 in Placerville; south on Highway 49 to the Amador-El Dorado county line.~~

(B) ~~Northern California Dog Control Zone: Plumas and Trinity counties; Butte County east of the following line: Beginning at the junction of Highway 99 and the Butte-Tehama county line; south and east along Highway 99 to Highway 149; south and east along Highway 149 to Highway 70; south along Highway 70 to the Butte-Yuba county line; Del Norte County east of Highway 101; Glenn County west of a line beginning at the intersection of the Stonyford-Ladoga Road and the Glenn-Tehama county line; south along this road to the Colusa-Glenn county line; Humboldt County north and east of Highway 36 and 101; Siskiyou County south and west of the following line; from the Oregon-California state line south on Interstate 5 to Highway 97 at the town of Weed; north on Highway 97 to the town of Macdoel; south from Macdoel on the Mt. Hebron Road to the Redrock Road; east on the Redrock Road to the Davis Road; north on David Road to the Gold Digger Pass Road; east on the Gold Digger Pass Road to the western boundary of the Lava Beds National Monument; north and east on said~~

boundary to the Siskiyou-Modoc county line; Shasta County south and west of Highways 89 and 44 and north of the following line; where the Trinity National Forest boundary intersects the Shasta-Tehama county line; north on said boundary to Highway 36 near the town of Platina; east on Highway 36 to County Road A16; north on Road A16 to the city of Redding; north on Interstate 5 to the south shore of Shasta Lake; east and north along the shore of Shasta Lake to Fender's Ferry Road; southeast on Fender's Ferry Road to Highway 299; southwest on Highway 299 to Oakrun; southwest on the Oakrun Road to Fern Road; east and south on Fern Road to the town of Whitmore; south on Ponderosa Way to Highway 44 near Innwood; east on Highway 44 and the Wilson Hill Road to the Shasta-Tehama county line; those portions of Tehama County within the Mendocino and Trinity National Forests and east of the Ponderosa Truck Trail; those portions of Lassen County north and west of the following line: north from the Lassen-Sierra county line on Highway 395 to Highway 36 east of Susanville; northwest on Highway 36 to Highway 139; north on Highway 139 to the Lassen-Modoc county line.

(C) Southern Sierra Dog Control Zone: Those portions of Tuolumne, Mariposa, Madera, Fresno and Tulare counties east of the following line: Beginning at the intersection of Highway 49 and the Calaveras-Tuolumne county line; south on Highway 49 to Highway 120; east on Highway 120 to the Smith Station Road (J20); south on the Smith Station Road (J20) to the Greeley Hill Road; east on the Greeley Hill Road to the North Fork of the Merced River at Bower Cave; south on the North Fork of the Merced River to Road 3S15 (Black Mountain Road); east on Road 3S15 to Forest Service Road 3S02; southwest on Forest Service Road 3S02 crossing the U.S. Forest Service-Bureau of Land Management property boundary in Section 28 located in Township 3S, Range 18E to Forest Service Road 2S05 (Bull Creek Road); south on Forest Service Road 2S05 (Bull Creek Road) to the Main Fork of the Merced River; west on the Main Fork of the Merced River to Highway 49; south on Highway 49 to Highway 140 at Mariposa; north on Highway 140 to the South Fork of the Merced River; east along the South Fork of the Merced River to Hite Cove and south on the U.S. Forest Service Road and its continuation from Hite Cove, through Jerseydale Station and Darrah to the Triangle Road; south along the Triangle Road to Highway 49; south along Highway 49 to Highway 41 at Oakhurst; north along Highway 41 to its intersection with the Bass Lake Road at Yosemite Forks; south along Bass Lake Road and Road 274 past Bass Lake on the east side of the lake to the junction with the Mammoth Pool Road at North Fork;

~~south along the North Fork Auberry Road to the San Joaquin River; east along the San Joaquin River to Italian Bar Road at the Italian Bar Bridge; south on Italian Bar Road to Jose Basin Road (County Road M2441; east on Jose Basin Road (County Road M2441) to its intersection with Forestry Service Roads 8S08 (Railroad Grade Road) and 9S07 (Jose Basin Road); south on 9S07 (Jose Basin Road) to Auberry Road near Pine Ridge; east on Auberry Road to Highway 168; east on Highway 168 to Toll House Road; south on Toll House Road to Peterson Mill Road; east on Peterson Mill Road to Rush Creek Road at Soaproot Saddle; south on Rush Creek Road to Big Creek Road; east on Big Creek Road to Dinkey Trimmer Road at Haslett Basin; east on Dinkey Trimmer Road to Sycamore Springs Road; east on Sycamore Springs Road to Black Rock Road at Balch Camp; east on the Black Rock Road to the Rodgers Ridge Road at Black Rock Station; east along Rodgers Ridge Road to Garlic Spur; south on Garlic Spur to the Kings River; west along the Kings River to Verplank Ridge; south on Verplank Ridge-Hoise Ridge to Highway 180 near Cherry Gap; south along Highway 180 to the north boundary of Kings Canyon National Park; south along that park boundary and along the west boundary of Sequoia National Park to the 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 that boundary to Balch Park Road; southeast along that road to the west boundary of Mountain Home State Forest; south and east along that boundary to Forest Trail 30E15; southeast along 30E15 to the Doyle Springs Road; southwest along Doyle Springs Road to Camp Wishon; southeast along the Alder Creek Grove-Hossack Meadow Road to Camp Nelson; south along Highway 190 and the Coy Flat Road to the boundary of the Tule River Indian Reservation; south along the east boundary of that reservation to Parker Peak; southeast through Upper Parker Meadow to Parker Pass; south through Starvation Creek Grove to the southwest corner of Section 15, T23S, R31E, M.D.B.M.; east to the northeast corner of Section 22, T23S, R31E, M.D.B.M.; south approximately 6 miles to Sugarload Campground; southeast along the Forest Road 24S06 through Portuguese Pass to the Tulare-Kern county line; that portion of Kern County within a line beginning where the Tulare-Kern county line intersects the west boundary of the Sequoia National Forest; south along the said boundary to the Poso Flat-Davis Station Road; northeast along said road through Davis Flat and Shirley Meadow to Forest Highway 90 at Greenhorn Summit; northeast along Forest Highway 90, Cow Creek and Bull Run Creek to the Tulare-Kern county line; west~~

~~along said county line to the point of beginning; and those portions of Inyo and Mono counties west of Highway 395.~~

Napa County north of Highway 128 and east of Highway 29; Lake County east of a line beginning at the Lake-Napa county line and Highway 29; northwest on Highway 29 to Highway 53. From Highway 53 turn northwest on Highway 20; northwest on Highway 20 to the Lake-Mendocino county line; north on the Lake-Mendocino county line to the Lake-Glenn county line; south on Lake-Glenn county line to the Lake-Colusa county line; south on the Lake-Colusa county line to the Lake-Yolo county line; southwest on the Lake-Yolo county line to the Lake-Napa county line; west on the Lake-Napa county line to the starting point. Mendocino County east of Highway 101, and north of Highway 20. Sierra and Alpine counties—and those portions of Nevada, Placer, Amador and Calaveras counties east of Highway 49; and El Dorado County east of the following line: Beginning at the junction of Highway 49 and the Placer-El Dorado county line; south on Highway 49 to Highway 193 at Cool; east and south along Highway 193 to Highway 49 in Placerville; south on Highway 49 to the Amador-El Dorado county line; east on the El Dorado-Amador county line to the Alpine-El Dorado county line; east on the Alpine-El Dorado county line to the California –Nevada state line; north on the California-Nevada state line to the Placer-El Dorado county line; west on the Placer-El Dorado county line to the starting point.

(B) Northern California Dog Control Zone:

Plumas and Trinity counties. Butte County east of the following line: Beginning at the junction of Highway 99 and the Butte-Tehama county line; south and east along Highway 99 to Highway 149; south and east along Highway 149 to Highway 70; south along Highway 70 to the Butte-Yuba county line; east on the Butte-Yuba county line to the Butte-Plumas county line; north on the Butte-Plumas county line to the Butte-Tehama county line southwest on the Butte-Tehama county line to the starting point.

Del Norte County east of Highway 101. Glenn County west of a line beginning at the intersection of County Road 200 and the Glenn-Tehama county line; southeast on County Road 200 to County Road 306; south along County Road 306 to the Colusa-Glenn county line; west on the Colusa-Glenn county line to the Glenn-Lake county line; northwest on the Glenn-Lake county line to the Glenn-Mendocino county line; north on the Glenn-Mendocino county line to the Glenn-Tehama county line; east on the Glenn-Tehama county line to the starting point. Humboldt County north of Highway 36 and east of Highway 101. Siskiyou County south and west of the line defined as follows:

Beginnng at the Oregon-California state line at Interstate 5, proceed south on Interstate 5 to Highway 97 at the town of Weed; north on Highway 97 to Meiss Lake Road near the town of Macdoel; east on Meiss Lake Road to Old State Highway; south on Old State Highway to Redrock Road; east on the Redrock Road (forest service road 15[8Q03] to Willow Creek Red Rock Road; north on Willow Creek Red Rock Road to the Gold Digger Pass Road (N8U01); east on the Gold Digger Pass Road to the western boundary of the Lava Beds National Monument; north and east on said boundary to the Siskiyou-Modoc county line; south on the Siskiyou-Modoc county line to the Siskiyou-Shasta county line; west on the Siskiyou-Shasta county line to the Siskiyou-Trinity county line; west on the Siskiyou-Trinity county line to the Siskiyou-Humboldt county line; northwest on the Siskiyou-Humboldt county line to the Siskiyou-Del Norte county line; north on the Siskiyou-Del Norte county line to the California-Oregon state line; east on the California-Oregon state line to the starting point. Shasta County south and west of Highway 89 and north of the line defined as follows: Beginnng at the Shasta-Tehama county line and Highway 36 near the town of Beegum, go west on Highway 36 to County Road A16; north on County Road A16 to Pine Street in the city of Redding; north on Pine Street to Eureka Way (Highway 299); west on Eureka Way (Highway 299) to Highway 273; north on Highway 273 to Interstate 5; north on Interstate 5 to the south shore of Shasta Lake; east and north along the southern shore of Shasta Lake to Fender's Ferry Road; southeast on Fender's Ferry Road to Highway 299; southwest on Highway 299 to Oakrun Road; southwest on the Oakrun Road to Fern Road in the town of Oakrun; northeast on the Oakrun Road to Fern Road to the town of Fern; south and west on Fern Road to Whitmore Road; east on Whitmore Road to the town of Whitmore. From Whitmore Road turn south on Ponderosa Way to Innwood Road; Inwood Road to Highway 44 near Innwood; east on Highway 44 to Wilson Hill Road; south on Wilson Hill Road to Rock Creek Road; south on Rock Creek Road to the Shasta-Tehama county line; east along the Shasta-Tehama county line to Highway 89; North on Highway 89 to the Shasta-Siskiyou county line; west along the Shasta-Siskiyou county line to the Shasta-Trinity county line; southeast along the Shasta-Trinity county line to the Shasta-Tehama county line; east along the Shasta-Tehama county line to the starting point. The following portions of Tehama County: Those portions of Tehama County within the Mendocino National Forest and east of Ponderosa Way. Those portions of Tehama County within the Lassen National Forest. Those portions of Tehama County east of Ponderosa Way. Those portions of

Lassen County north and west of the following line: North from the Lassen-Sierra county line on Highway 395 to Highway 36 east of Susanvill; northwest on Highway 36 to Highway 139; north on Highway 139 to the Lassen-Modoc county line; west along the Lassen-Modoc county line to the Lassen-Shasta county line; south along the Lassen-Shasta county line to the Plumas-Lassen county line; southeast along the Plumas-Lassen county line to the Lassen-Sierra county line; east along the Lassen-Sierra county line to the starting point.

(C) Southern Sierra Dog Control Zone:

Those portions of Tuolumne, Mariposa, Madera, Fresno and Tulare counties east of the following line beginning at the intersection of Highway 49 and the Calaveras-Tuolumne county line; south on Highway 49 to Highway 108; southwest on Highway 108 to Highway 120; east on Highway 120 to the Smith Station Road (J20); south on the Smith Station Road (J20) to the Greeley Hill Road; east on the Greeley Hill Road to the Briceburg Road; east on Briceburg Road to the North Fork of the Merced River at Bower Cave; south on the North Fork of the Merced River to Road 3S15 (Black Mountain Road/Ponderosa Way); south on Road 3S15 (Ponderosa Way) to Forest Service Road 3S02 (Ponderosa Way) crossing the U.S. Forest Service-Bureau of Land Management property boundary in Section 28 located in Township 3S, Range 18E to Forest Service Road 2S05 (Bull Creek Road); south on Forest Service Road 2S05 (Bull Creek Road) to the Main Fork of the Merced River; west on the Main Fork of the Merced River to the southern boundary of Lake McClure; west on the southern boundary of Lake McClure to Highway 49; south on Highway 49 to Highway 140 at Mariposa; north on Highway 140 to the South Fork of the Merced River; east along the South Fork of the Merced River to Hite Cove Trail at Hite Cove. From Hite Cove south on the U.S. Forest Service Road (Hite Cove Trail) to Hite Cove Road; south on Hite Cove Road to Scott Road; south on Scott Road to Jerseydale Road; south on Jerseydale Road through Jerseydale Station and Darrah to the Darrah Road; south along Darrah Road to Highway 49; south along Highway 49 to Highway 41 at Oakhurst; north along Highway 41 to its intersection with the Bass Lake Road at Yosemite Forks; south along Bass Lake Road to Road 274; south on Road 274 past Bass Lake on the east side of the lake to the junction with the Mammoth Pool Road at North Fork; west on Mammoth Pool Road to Road 222 (Auberry Road); south on Road 222 (Auberry Road) to the San Joaquin River; east along the San Joaquin River to Italian Bar Road (Road 225) at the Italian Bar Bridge; south on Italian Bar Road (Road 225) to Jose Basin Road (County

Road M2441); east on Jose Basin Road (County Road M2441) to its intersection with Forestry Service Roads 8S08 (Railroad Grade Road) and 9S07 (Jose Basin Road); south on 9S07 (Jose Basin Road) to Jose Basin/Musick Farm Road; southeast on 9S07 to Auberry Road near Pine Ridge; east on Auberry Road to North Toll House Road; south on North Toll House Road to Peterson Road; east on Peterson Road to Big Creek Road; east on Big Creek Road (10S02) near Peterson Mill to Dinkey-Trimmer Road (10S69 Trimmer Springs Road) at Haslett Basin; east on Dinkey-Trimmer Road (10S69) to Sycamore Springs Road (11S02); east on Sycamore Springs Road (11S02) to Black Rock Road (11S12) at Balch Camp; east on the Black Rock Road (11S12) to the decommissioned 11S07 (the old Rodgers Ridge Road) at Black Rock Reservoir Dam; east along decommissioned 11S07 (old Rodgers Ridge Road) to Garlic Spur; south on Garlic Spur to the Kings River; west along the Kings River to Verplank Ridge; south on Verplank Ridge-Hoise Ridge to Forest Route 13S65; southeast on Forest Route 13S65 to Forest Route 13S03; southeast on 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 that boundary to Balch Park Road; southeast along that road to the west boundary of Mountain Home Demonstration State Forest; south and east along that boundary to Forest Trail 30E14; southeast along 30E14 to the Doyle Springs Road (Wishon Drive); southwest along Doyle Springs Road (Wishon Drive) to Camp Wishon; southeast along the Alder Creek Grove-Hossack Meadow Road to 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 that reservation (County Highway J42) to Parker Peak; southeast through Upper Parker Meadow to Parker Pass. Parker Pass to Forest Route 22S81; south through Starvation Creek Grove on Forest Route 22S81 to M504 (Parker Pass); south on M504 to Forest Route 23S64; southeast on 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 on Sugarloaf drive to Forest Road 24S23; northeast on Forest Route 24S23 to Forest Route 23S16; Southeast on 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 Tulare-Inyo county line.; north along the Tulare-Inyo county line to Fresno-Inyo county line; north along the Fresno-Inyo county line to the Fresno-Mono county line; north along the Fresno-Mono County line to the Mono-Madera county line; north along the Mono-Madera county line to the Mono-Tuolumne county line; north along the Mono-Tuolumne county line to the Alpine-Tuolumne county line; northwest along the Alpine-Tuolumne county line to the Calaveras- Tuolumne county line; southwest along the Calaveras- Tuolumne county line to the starting point. That portion of Kern County within a line beginning where the Tulare-Kern county line intersects the west boundary of the Sequoia National Forest; south along the said boundary to the Poso Flat Road; on Poso Flat Road to National Forest Route 25S03 (Rancheria Road); northeast along National Forest 25S03 (Rancheria Road) to National Forest 25S15 (Rancheria Road); north on National Forest 25S15 (Rancheria Road) to Rancheria Road; northeast along Rancheria Road through Shirley Meadow to Forest Highway 90 (Forest Route 23S16) at Greenhorn Summit; northeast on Forest Highway 90 (Forest Route 23S16) to Cow Creek; northeast on Cow Creek to Bull Run Creek; north on Bull Run Creek to the Tulare-Kern county line; west along said county line to the point of beginning. Those portions of Inyo and Mono counties west of Highway 395.

(D) Southern California Dog Control Zone: Those portions of Los Angeles, Ventura and Santa Barbara counties within the Los Padres and Angeles National Forests; and those portions of San Bernardino County within the San Bernardino and Angeles National Forests.

(b) Authorized Use of Dogs. The use of dogs for the pursuit/take of mammals or for dog training is authorized as follows:

(1) Dog Control Zones. The use of dogs for the pursuit/take of mammals or for dog training is permitted in the dog control zones described in subsections 265(a)(4)(A), (B), (C) and (D) from the opening day of the general deer season through the first Friday in April.

(2) Areas of the State outside the Dog Control Zones. The use of dogs for the pursuit/take of mammals or for dog training in areas outside of the dog control zones is permitted year-round, except for closures and restrictions described in this Section 265 and section 364, and the provisions of sections 3960 and 4800 of the Fish and Game Code which prohibit allowing any dog to pursue any big game mammal during the

closed season on such mammal or mountain lions, elk or any fully-protected, threatened or endangered mammal at any time.

(3) Take of Depredating Mammals. The use of dogs is permitted for pursuing/taking depredating mammals by federal and county animal damage control officers or by permittees authorized under a depredation permit issued by the department.

(4) Take of Furbearers and Nongame Mammals. Furbearers and nongame mammals as specified in Section 472(a) may be taken with the aid of dogs during the appropriate open season, except for closures and restrictions described in subsections 265(a) and (b).

(5) Prohibition on Starting Pursuit Within 400 Yards of Baited Area. Pursuits may not be started within 400 yards of a baited area as described in Section 257.5 of these regulations.

(6) Dog Training. Except for the prohibitions of subsection 265(a), dog training is permitted pursuant to the following provisions:

(A) Dog Training Defined. For purposes of these regulations, dog training is defined as the education of dogs through "breaking" or "practicing" under strict provisions that preclude the injuring or take of animals. Training is distinguished from "pursuit", as used in Section 86 of the Fish and Game Code, in that the animal being chased shall not be killed, captured, or injured.

(B) Prohibition on Killing, Capturing or Injuring Mammals. No person shall kill, capture or injure any mammal, nor shall any person's dog be allowed to kill, capture or injure any mammal during dog training.

(C) Prohibition on Possession of Equipment. No firearm, archery gear, crossbow or other instrument capable of killing, injuring or capturing any animal may be possessed by any person training dogs during the seasons described in subsection 265(b)(6)(F) below. Possession of a firearm, archery gear, crossbow or other instrument capable of killing or capturing any animal is prohibited while training dogs, but such equipment may be transported to or from a campsite, transported to or from a residence or lawfully possessed by a person at a campsite provided all dogs are secured and under the control of the owner, agent or person training or transporting said dogs.

(D) Prohibition on Starting Dog Training Within 400 Yards of Baited Area. Dog Training may not be started within 400 yards of a baited area as described in Section 257.5 of these regulations.

(E) Prohibition on Training Dogs on Bear and Other Big Game Mammals or on

Protected, Threatened or Endangered Mammals. It shall be unlawful to train any dog on any big game mammal or to train any dog on any fully-protected, threatened or endangered mammal at any time. A person in possession of a valid bear tag may utilize the general bear season for purposes of educating dogs for bear. A person in possession of a valid deer tag may utilize the general deer season for purposes of educating a dog for deer. Only one dog may be used for training in areas where the general deer season (as described in subsection 360(a) and (b)) is open.

(F) Seasons.

1. Gray Fox. Dogs may be trained on gray fox from March 1 through the day preceding the opening of the general gray fox season, except for closures and restrictions described in subsections 265(a) and (b).

2. Raccoon. Dogs may be trained on racoon from April 1 through the day preceding the opening of the general raccoon season, except for closures and restrictions described in subsections 265(a) and (b).

3. Bobcat. Dogs may be trained on bobcat from the day following the close of the bobcat seasons through the day preceding the opening of the general bobcat seasons, except for closures and restrictions described in subsections 265(a) and (b).

4. Other Mammals. Except for closures and prohibitions described in this Section 265 and sections 3960 and 4800 of the Fish and Game Code, dogs may be trained on mammals other than gray fox, raccoon and bobcat at any time.

(c) Restrictions on the Number of Dogs per Hunter.

(1) One Dog per Hunter Limitation During Deer Season. No more than one dog per hunter may be used in the area where the general deer season is open.

(2) Three Dogs per Hunter Limitation for the Take of Wild Pigs. Up to three dogs per hunter may be used for the purpose of taking wild pigs, pursuant to the following provisions:

(A) No more than one dog per hunter may be used in an area where the general deer season is open.

(B) No dogs may be used within the closures described in subsection 265(a).

(C) After the general deer season (as described in subsections 360(a) and (b)) closes, there is no limit on the number of dogs that may be used during the general bear season.

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

(1) Treeing Switches. ~~Effective July 1, 1995, e~~Electronic dog retrieval collars containing

functioning treeing switches (devices consisting of a ~~mercury~~ 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, 202 and 203, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207 and 4756, Fish and Game Code.