



NATURAL RESOURCES DEFENSE COUNCIL

April 21, 2014

Mr. Sonke Mastrup, Executive Director
California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

RE: Recommendations for Revisions to the California Fish and Game Commission's Predator Management Policies and Regulations

Dear Mr. Mastrup,

On behalf of the Natural Resources Defense Council and our 1.4 million members and online activists, 78,567 of whom live in California, we write to comment on the California Fish and Game Commission's (CFGC) predator management policies and regulations.

First, we will outline five overlying principles on which revisions to CFGC predator management policies and regulations should be based. Next, based on these principles, we will suggest line edits to current CFGC policies and regulations.

A. California Fish and Game Commission Policies and Regulations Should Be Based on Principles that Recognize the Value of Predators

CFGC predator management policies and regulations should be based on principles that recognize the value of predators. In particular, CFGC regulations and policies should recognize: (1) that ecological effects of predator removal can be significant, (2) that there are economic benefits to keeping predators on the landscape, (3) that many of the lethal methods of predator management California currently permits are indiscriminate, ineffective, and inhumane, (4) that nonlethal methods should be utilized and exhausted before lethal methods are used, and (5) that the CFGC should not provide Wildlife Services with any funding for lethal control.

1. CFGC Predator Management Policies and Regulations Should Recognize that the Ecological Effects of Predator Removal Can Be Significant

The CFGC's current policies and regulations fail to fully account for the ecological benefits predators provide and the environmental costs of removing these

species. This is problematic since, as a growing body of literature documents, predators can have profound effects on their ecosystems by dispersing seeds and distributing nutrients through their waste and influencing nutrient cycling, biological productivity, and trophic cascades through their prey consumption.¹

Indeed, some predators influence ecosystem structure by dispersing seeds and distributing rich nutrients after they forage.² While birds tend to disperse seeds short distances, and most large carnivores do not eat seeds due to their size, smaller carnivores of 15-20 kilograms, known as mesocarnivores or mesopredators, including skunks, coyotes, and foxes, move seeds as far as one kilometer, with most seeds dispersed between 650 and 700 meters.³ Mesocarnivores deposit more of the seeds in open habitats, where seed germination rates are predicted to be higher, and are responsible for the greatest proportion of immigrants into adjacent tree populations, based on estimates of gene flow among trees.⁴

In addition, predators can heavily influence nutrient cycling and prey distribution, abundance, and diversity, and the corresponding biological effects, through prey consumption.⁵ For example, the removal of coyotes can completely change the composition of an entire community, as evidenced by a study of the removal of 354 coyotes from study sites in Texas.⁶ In that study, rodent species diversity declined, while rodent density and the abundance of other small mammals and predators, including badgers, foxes, and raccoons, increased.⁷ Because each species plays a different role in its ecosystem – from seed consumption and dispersal by rodents⁸ to soil aeration and native plant recruitment by badgers⁹ – the removal of even “abundant” species like coyotes can have broad ecosystem level effects.

Finally, predators such as mountain lions, black bears, and wolves can have significant trophic cascade impacts by limiting the density and/or behavior of their prey. One of the best examples of this occurred when gray wolves were introduced to Yellowstone National Park. With wolves around, elk and other ungulates became more vigilant and stopped overbrowsing the stream beds. As a result, vegetation returned to

¹ Estes, J., et al. 2001. Predators, Ecological Role of. *Encyclopedia of Biodiversity* 4: 857-858.

² Roemer, G., et al. 2009. The Ecological Role of the Mammalian Mesocarnivore. *BioScience* 59: 165-173.

³ Jordano, P., et al. 2007. Differential Contribution of Frugivores to Complex Seed Dispersal Patterns. *Proceedings of the National Academy of Sciences* 104(9): 3278-3282.

⁴ *Id.*

⁵ Schmitz, O., et al. 2010. Predator Control of Ecosystem Nutrient Dynamics. *Ecology Letters* 13:1199-1209.

⁶ Henke, S. & Bryant, F. 1999. Effects of Coyote Removal on the Faunal Community in Western Texas. *Journal of Wildlife Management* 63: 1066-1081.

⁷ *Id.*

⁸ Roemer, *supra* note 2.

⁹ Eldridge, D. & Whitford, W. 2009. Badger (*Taxidea taxus*) Disturbances Increase Soil Heterogeneity in a Degraded Shrub-steppe Ecosystem. *Journal of Arid Environments* 73:66-73.

the dry, eroding stream beds, attracting beavers, fish, and a host of other species back to the ecosystem.¹⁰

It's worth noting that many of functions predators play provide humans with valuable ecological services. Birds of prey and coyotes help keep pigeon and rodent populations in check.¹¹ Owls are one of the few species that regularly prey on skunks.¹² Coyotes also keep fox, opossum, and other small predator populations down.¹³ In fact, studies of urban coyotes in Chicago have shown that coyotes protect migratory song birds in urban parks by discouraging feral cats from entering them.¹⁴ Coyotes and mountain lions also help control deer populations and mountain lions have been shown to increase vegetation along streams and even boost butterfly diversity.¹⁵

2. CFGC Predator Management Policies and Regulations Should Sufficiently Account for the Economic Benefits of Keeping Predators on the Landscape

CFGC predator management policies and regulations also fail to fully account for the economic benefits associated with keeping predators on the landscape, focusing primarily on the economic losses these species can incur. As stated in *Fuzzy Math*¹⁶ – a published, peer-reviewed NRDC study on the cost-benefit practices used by the U.S. Department of Agriculture's Wildlife Services branch – CFGC policies and regulations should fully account for the values associated with the following:

- Wildlife Viewing – Wildlife viewing is a popular and extremely lucrative activity that should be kept in mind when revising CFGC predator management policies and regulations. Indeed, California benefits greatly from its diverse and abundant species, with 6,733,000 residents and visitors contributing a whopping \$3,777,677,000 to the state's economy in 2011 from wildlife viewing alone.¹⁷
- Existence or Passive Use Value – This refers to the value wildlife has to people who may never see the species in the wild. While these values may at first seem abstract, a value can be assigned to them using such approaches as the Contingent Value Method (CVM). Indeed, as we pointed out in *Fuzzy Math*, the CVM approach has been applied by a number of federal and state agencies,

¹⁰ Ripple, W., et al. 2014. Status and Ecological Effects of the World's Largest Carnivores. *Science* 343:151-162.

¹¹ Henke & Bryant, *supra* note 6.

¹² Estes, *supra* note 1.

¹³ *Id.* at 867.

¹⁴ Gehrt, S. Urban Coyote Ecology and Management. Available at <http://ohioline.osu.edu/b929/pdf/b929.pdf>.

¹⁵ Ripple, W. & Beschta, R. 2006. Linking a Cougar Decline, Trophic Cascade, and Catastrophic Regime Shift in Zion National Park. *Biological Conservation* 133: 397-408.

¹⁶ Loomis, J. 2012. *Fuzzy Math*. <http://www.nrdc.org/wildlife/animals/files/fuzzy-math-IP.pdf>.

¹⁷ U.S. Fish and Wildlife Service. 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, available at <https://www.census.gov/prod/2013pubs/fhw11-ca.pdf>.

including ones in Alaska, California, Idaho, and Montana.¹⁸

- Value of Ecosystem Services – CFGC predator management policies and regulations should also recognize that ecosystem stability provides economic benefits. There is growing recognition that maintaining a functioning ecosystem provides many economic values to society in the form of ecosystem services, such as water purification for drinking purposes, erosion control, pollination of crops, control of pests, and renewal of soil fertility.¹⁹ Formal federal government recognition of the economic values of these ecosystem services was advanced by the National Research Council's 2004 report entitled *Valuing Ecosystem Services: Toward Better Environmental Decision Making*. Additionally, the U.S. Department of Agriculture established an Office of Ecosystem Services and Markets in 2008.
3. *CFGC Predator Management Policies and Regulations Should Recognize that Many Lethal Methods of Predator Control Are Indiscriminate, Ineffective, and Inhumane*

While California prohibits the use of body-gripping traps for recreational and commercial purposes, it still permits their use for other purposes. As explained further below, these types of traps are indiscriminate, ineffective, and inhumane, and should not be permitted in any situation, except for circumstances in which human health and safety is threatened. Therefore, we recommend that the use of traps and snares outlined in Section 3003.1, including Conibear traps, steel-jaw traps, and leghold traps, be prohibited for ALL purposes, with a single exception for human health and safety.

First, body-gripping traps, as defined in Section 3003.1, are indiscriminate and result in capture of both target and non-target species, including endangered species and pets. From 1980-1989, leghold traps injured 23.9% of all bald eagles admitted to the Minnesota Raptor Center—the second most common identified source of injury, after shooting.²⁰ Another study showed that 39% of animals trapped in leghold traps and leg snares were non-target animals, including four dogs and one domestic cat. All small

¹⁸ Fuzzy Math, *supra* note 16, at 11; see also Peterson, G., et al. 1992. *Valuing Wildlife Resources in Alaska*. Westview Press, Boulder, CO; Loomis, J., et al. 1989. *Economic Benefits of Deer in California: Hunting and Viewing Values*. Institute of Ecology Report #32, University of California, Davis, CA; Loomis, J., et al. 1988. *The Montana Elk Hunting Experience: A Contingent Valuation Assessment of Economic Benefits to Hunters*. Montana Fish, Wildlife and Parks, Helena, MT; Donnelly, D., et al. 1985. *Net Economic Value of recreational Steelhead Fishing in Idaho*. Resource Bulletin rM9. Rocky Mountain Forest and Range Experiment Station, U.S. Forest Service, Fort Collins, CO.

¹⁹ Fuzzy Math, *supra* note 16, at 9.

²⁰ Fox, C. & Papouchis, M., eds. 2004. *Cull of the Wild: A Contemporary Analysis of Wildlife Trapping in the United States*, available at <http://www.projectcoyote.org/Book-Cull-of-the-Wild.pdf> (citing Redig, P. & Duke, G. *The Effect and Value of Raptor Rehabilitation in North America*. Transaction of the 60th North American Wildlife & Natural Resources Conference. Wildlife Management Institute, Washington, D.C. 1995).

mammals and bird caught sustained severe injuries, and were found dead in the traps.²¹ A two-year field study in South Dakota showed that breakaway snares caught deer or domestic livestock in 26%, 20% and 11% of all captures. Fifty-six percent of 91 deer were unable to escape.²² And Conibear traps have been shown to capture two non-target animals per target animal.²³ A field study of the Conibear 120 Magnum (an “advanced” Conibear trap used to trap marten, mink, and other small furbearing mammals) found that non-target species comprised more than 73% of all captures.²⁴ At least one other state – Florida – has banned Conibear traps altogether, and states including Connecticut, Florida, Maryland, New Jersey, Oklahoma, Pennsylvania, South Carolina, South Dakota, and West Virginia prohibit Conibear traps on land.²⁵

Predator poisons are also indiscriminate, resulting in countless deaths of non-target animals including endangered species like bald and golden eagles. In many instances, these poisons have also resulted in the deaths of pet dogs, and even, in one case, a human. While Fish and Game Code Section 3003.2 specifically prohibits the use of Compound 1080 and Sodium Cyanide to kill “any animal,” other sections of the Code (e.g., Sections 4003, 4152, 4080, 4080.1), seem to allow the use of such poisons. The CFGC must make clear what poisons it allows and prohibits for predator control purposes. It should expressly prohibit *any* use of Compound 1080 and Sodium Cyanide, and should seriously consider prohibiting other toxicants as well.

Second, lethal removal of predators is often ineffective in achieving its stated purpose. For example, lethal removal of some predators, like coyotes, can disrupt the pack’s social structure and lead to increased breeding, increased populations, and increased predation of easier, non-natural prey such as livestock. Wallach et al. (2009) examined the effects of disrupting the social structure of Australian dingo packs by employing lethal control. They found that an “observable symptom of pack disintegration appears to be an increase in attack rates on livestock.”²⁶ They also noted that “[l]ong-term data on coyote control also indicate that control does not significantly reduce livestock predation nor does it improve production.”²⁷ Dr. Robert Crabtree, Montana State University professor and president and founder of the Yellowstone Ecological Research Center in Bozeman, Montana, found “[t]he predominant responses of coyote populations to lethal control efforts are to: (1) increase the number of pups produced (recruitment), (2) increase immigration into the conflict area, and (3) increase behaviors

²¹ Id. (citing Onderka, D., et al. 1990. Injuries to Coyotes and Other Species Caused by Four Models of Footholding Devices. *Wildlife Society Bulletin* 16: 303-307).

²² Id. (citing Phillips, R. 1996. Evaluation of 3 Types of Snares for Capturing Coyotes. *Wildlife Society Bulletin* 24: 107-110).

²³ Novak, M. 1987. “Traps and Trap Research” in Novak, M., et al. eds. 1987. *Wild Furbearer Management and Conservation in North America*. North Bay: Ontario Trappers Association.

²⁴ Proulx, G. & Barrett, M. 1993. Field Testing the C120 Magnum for Mink. *Wildlife Society Bulletin* 21: 421-426.

²⁵ Cull of the Wild, *supra* note 20.

²⁶ Wallach, A., et al. 2009. More than Mere Numbers: The Impact of Lethal Control on the Social Stability of a Top-Order Predator. *PLoS ONE* 4(9): 6861.

²⁷ Id.

that further exacerbate the conflict. Collectively, this results in higher predation rates on domestic livestock and wild ungulates.”²⁸

Finally, these traps and poisons typically cause prolonged pain and suffering to the captured species. For example, while Conibear traps are intended to kill animals instantly by snapping the spinal column at the base of the neck, this is only possible “if the ‘right’-sized animal enters the ‘right’-sized Conibear at just the ‘right’ speed so that the striking bars hit the animal correctly.”²⁹ A 1973 report found that Conibear traps generally kill less than 15% of trapped animals quickly, with more than 40% dying slow, painful deaths as their abdomens, heads, or other body parts are crushed.³⁰ While later research and development has produced more efficient Conibear traps, the traps evaluated in the 1973 report are still widely used throughout North America. Further, animals exposed to Compound 1080 experience a slow, excruciating death, typically drawn out over several hours and ultimately resulting in gradual cardiac failure, ventricular fibrillation, or respiratory failure.³¹

In addition to changing its predator policies and regulations, the CFGC should also amend its MOUs with Wildlife Services – particularly its Master Cooperative Agreement – to prohibit the use of indiscriminate, ineffective, and inhumane poisons and traps to the extent it has not already done so.

4. CFGC Predator Management Policies and Regulations Should Emphasize Nonlethal Methods and Require That Nonlethal Methods Be Exhausted before Lethal Methods Are Employed

Instead of emphasizing lethal methods of predator control, the CFGC should emphasize the wide variety of effective nonlethal methods of conflict prevention currently available and require that nonlethal methods be used, and exhausted, before turning to lethal methods of predator control. In particular, CFGC regulations should be revised to require those who experience a predator-livestock conflict to attempt nonlethal conflict resolution before applying for a permit to lethally remove the species.

Especially over the past ten years, ranchers and others have developed effective technologies and animal husbandry methods to reduce predator-livestock conflicts without removing predators from the landscape. In fact, one of the most prominent success stories regarding nonlethal methods is located in California’s Marin County, which uses its funds to help defer the cost to ranchers who protect their livestock using

²⁸ Biological Opinion Letter from Dr. Robert Crabtree to Brooks Fahy, Executive Director of Predator Defense, pp. 4-5 (June 21, 2012), available at http://www.predatordefense.org/docs/coyotes_letter_Dr_Crabtree_06-21-12.pdf (last visited March 7, 2014).

²⁹ Cull of the Wild, *supra* note 20.

³⁰ Lunn, C. 1973. The Conibear Trap — Recommendations for Its Improvement. Humane Trap Development Committee of Canada, Canadian Federation of Humane Societies.

³¹ Atzert, S. 1971. A Review of Sodium Monofluoroacetate (Compound 1080). U.S. Department of the Interior Fish and Wildlife Service, Washington, D.C.

nonlethal control measures, as opposed to funding lethal predator removal. This program has proven to be more effective than the lethal means previously used under the County's former contract with USDA Wildlife Services. In fact, some ranchers have seen their losses due to predation drop by over sixty percent, losing fifteen to twenty lambs per year rather than the fifty they lost prior to instituting nonlethal control measures.

A recent study even indicated that predators can serve as a rancher's first line of defense. Because wolves and coyotes are territorial, a non-depredating pack in the proximity of a ranch can be one of a rancher's best tools to protect his or her livestock since the pack will exclude other packs and individual predators from accessing the area and thus the livestock.³²

Ranchers have successfully utilized the following technologies and barriers to keep predators away from livestock:

- Guard Dogs - Large species of dogs, such as Karelian bear dogs, have proven extremely effective at harassing and chasing off predators that approach livestock and alerting humans to the presence of predators in the area.
- Scare Devices - Scare devices such as strobe lights, firecrackers, and noisemakers frighten predators and reduce their interest in entering or remaining in the area. Radio Activated Guard Boxes ("RAG Boxes"), which fire strobe lights and sound alarms when triggered by the radio signals from approaching radio-collared wolves, have been especially successful.³³
- Fencing - Permanent electric fences or combinations of wire mesh and electric fences have been very successful at keeping predators out of sheep and cow pastures, especially at times when predators are most active, such as nighttime and lambing and calving seasons. Portable fencing can also be used in open range situations to encircle livestock for a short period of time. For example, ranchers can erect fencing for a few hours while their livestock graze in a particular spot.
- Fladry - Sets of red or orange cloth flags that flap in the breeze when hung at intervals along a thin rope or fence have been shown to deter predators, especially when used in conjunction with fencing. Turbofladry – an electrified version of fladry – has proven even more effective.

Not only have ranchers changed the kinds of equipment they use, but they've changed their techniques for managing livestock. For example, many ranchers have

³² Shivik, J. 2004. Non-lethal Alternatives for Predation Management. Sheep and Goat Research Journal 19: 64-71.

³³ Breck, S., et al. 2002. Non-lethal Radio Activated Guard for Deterring Wolf Depredation in Idaho: Summary and Call for Research. Vertebrate Pest Conference 20: 223-226.

found the following animal husbandry practices to be successful at reducing predator-livestock conflicts:

- Increasing Human Presence - Increased human presence around livestock is perhaps the most effective means of nonlethal conflict prevention.³⁴ This technique allows livestock producers to keep an eye on their livestock and any predator activity in the area. For example, a range rider can patrol a ranch or allotment at dawn and dusk when wolves are most active, checking for unusual signs of agitation in the cattle that indicate predators are in the area, and looking for tracks, scat, and hair. The goals of increased human presence are twofold: (1) to scare predators away from the area, and (2) to allow ranchers to find and remove sick, injured, or dead livestock quickly.
- Reducing Attractants - Dead, diseased, or dying animals left in the open attract predators, as does the afterbirth from calving. Removing these attractants by burying or burning them or moving them to an offsite dump or composting site, rather than leaving them to rot, reduces the chances of attracting predators.
- Herding for Deterrence - Some ranchers have successfully warded off predators by modifying their herding practices to emulate those of bison, which are skilled at defending themselves against predators. To do this, ranchers teach their livestock to stay together in a tight bunch instead of dispersing widely to graze. It is much more difficult and risky for predators to isolate an animal from a tightly bunched herd than to pursue individual animals dispersed across the landscape.
- Modifying Calving Practices - Calving season often attracts predators. Therefore, calving in May and June, during which there are longer days and shorter nights – the time when predators are most active – can reduce predation. Calving in a shed or fenced-in area, rather than in the open, has also proven beneficial.

Given the plethora of effective and available methods of nonlethal conflict prevention, California should follow the lead of other states and work with livestock producers to help them employ these techniques instead of resorting to lethal removal. For example, the Washington Department of Fish and Wildlife has developed a successful program in which it enters into cooperative agreements with landowners, tailored to their individual situations, to share the cost of proactive preventative measures, compensate them for their losses, and share information regarding wolf

³⁴ Shivik, J., *supra* note 32; Gese, E., et al. 2005. Lines of Defense: Coping with Predators in the Rocky Mountain Region. Utah State University Cooperative Extension Service, Logan, Utah.

activity.³⁵ Rather than killing more and more predators for no good reason, the CFGC could instead follow this model and develop a win-win program that would benefit landowners, wildlife enthusiasts, elk and other wildlife (and thus hunters), trout and salmon (and thus anglers), and predators alike.

5. The CFGC Should Not Provide Wildlife Services with Funding for Lethal Predator Control

It is our understanding that the CFGC has entered into several contracts and MOUs with USDA Wildlife Services—an agency that is known for prioritizing lethal over nonlethal control, keeping information from the public, wasting taxpayer money, and using inhumane methods on a consistent basis. We encourage the CFGC to end its contracts and MOUs with Wildlife Services. If this is not possible, we encourage the CFGC to revise its contracts and MOUs with Wildlife Services to require that Wildlife Services only uses the money provided to it by the CFGC for nonlethal methods. The current arrangement under which subsidies for lethal removal are provided to livestock owners and others while nonlethal is typically ignored, incentivizes the use of lethal techniques.

B. Suggested Edits to California Fish and Game Commission Predator Management Policies and Regulations

1. CFGC Policy Changes (Pursuant to Section 703 of the Fish and Game Code)

DEPREDATION CONTROL

It is the policy of the Fish and Game Commission that:

All wildlife species shall be maintained in harmony with available habitat whenever possible. In the event that some birds or mammals may cause injury or damage to private property, depredation control methods directed toward offending animals ~~may~~ shall be implemented in a manner that utilizes and exhausts nonlethal conflict resolution methods before employing lethal control. A distinction between population level controls and control of individual depredating animals shall be sharply drawn. Population level depredation control shall be conducted only after an open, comprehensive planning and review process based on and justified in sound science. ~~Should such depredation be upon wildlife species being intensively managed, the Department may institute appropriate depredation control methods directed towards the offending animals.~~

2. Statutory Changes to CFGC Code Division 4 (Birds and Mammals)

Part 1. Provisions Generally Applicable to Both

³⁵ See http://wdfw.wa.gov/conservation/gray_wolf/livestock/agreements.html (last visited March 5, 2014).

→Chapter 1: General Provisions

3003.1. Notwithstanding Sections 1001, 1002, 4002, 4004, 4007, 4008, 4009.5, 4030, 4034, 4042, 4152, 4180, or ~~4181~~:

Comment [EP1]: Combined with Section 4152, as explained below.

(a) It is unlawful for any person to trap ~~for the purposes of recreation or commerce in fur~~ any fur-bearing mammal or nongame mammal with any body-gripping trap. A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed ~~traps, saw-toothed or spiked-jaw traps,~~ leghold traps, ~~including~~ padded-jaw leghold traps, conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps.

(b) It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit, or to offer to buy, sell, barter, or otherwise exchange for profit, the raw fur, as defined by Section 4005, of any fur-bearing mammal or nongame mammal that was trapped in this state, with a body-gripping trap as described in subdivision (a).

(c) It is unlawful for any person, including an employee of the federal, state, county, or municipal government, to use or authorize the use of any ~~body-gripping trap steel-jawed leghold trap,~~ padded or otherwise, to capture any game mammal, fur-bearing mammal, nongame mammal, protected mammal, or any dog or cat. The prohibition in this subdivision does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise prohibited padded-jaw leghold trap is the only method available to protect human health or safety, as described in Section 465.5.

(d) For purposes of this section, fur-bearing mammals, game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on January 1, 1997.

Section 3003.2

~~Notwithstanding Sections 4003, 4152, 4180, or 4180.1 of this code or Section 14063 of the Food and Agricultural Code,~~ No person, including an employee of the federal, state, county, or municipal government, may poison or attempt to poison any animal by using sodium fluoroacetate, also known as Compound 1080, or sodium cyanide.

Part 3. Mammals

→Chapter 1. Game Mammals

Section 3950

(a) Game mammals are: deer (genus *Odocoileus*), elk (genus *Cervus*), prong-horned antelope (genus *Antilocapra*), wild pigs, including feral pigs and European wild boars (genus *Sus*), black and brown or cinnamon bears (genus *Ursus*), ~~mountain lions (genus *Felis*),~~ jackrabbits and varying hares (genus *Lepus*), cottontails, brush rabbits, pigmy rabbits (genus *Sylvilagus*), and tree squirrels (genus *Sciurus* and *Tamiasciurus*).

(b) Nelson bighorn sheep (subspecies *Ovis Canadensis nelson*) are game mammals only for the purposes of sport hunting described in subdivision (b)

Comment [EP2]: Mountain lions are a "specially protected animal" under California Fish and Game Code Section 4800 and thus should not be referenced in a provision on "game mammals."

of Section 4902.

→Chapter 2. Fur-Bearing Mammals

Section 4002

"Fur-bearing mammals may be taken only with a legal trap, a firearm, bow and arrow, ~~poison under a proper permit~~, or with the use of dogs."

Section 4003

It is unlawful to use poison to take ~~fur-bearing mammals. without a permit from the department. The department may issue such a permit upon a written application indicating the kind of poison desired to be used and the time and place of use.~~

Section 4004

It is unlawful to do any of the following:

~~(a) Use a steel-jawed leghold trap, or use any trap with saw-toothed or spiked jaws.~~

~~(b) (a) Use a body-gripping trap, as defined in subdivision (a) of Section 3003.1, for the purpose of recreation or commerce in fur.~~

~~(c) (b) Set or maintain traps that do not bear a number or other identifying mark registered to the department or, in the case of a federal, state, county, or city agency, bear the name of that agency, except that traps set pursuant to Section 4152 or 4180 shall bear an identifying mark in a manner specified by the department. No registration fee shall be charged pursuant to this subdivision.~~

~~(d) (c) Fail to visit and remove all animals from traps at least once every 24 hours daily. If the trapping is done pursuant to Section 4152 or 4180, the inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.~~

~~(e) Use a conibear trap that is larger than 6 inches by 6 inches, unless partially or wholly submerged in water. Unless prohibited by the department as a permit condition, a lawfully set conibear trap that is 10 inches by 10 inches or less may be set pursuant to subdivision (g) of Section 465.5 of Title 14 of the California Code of Regulations.~~

~~(f) When any conibear trap is set on publicly owned land or land expressly open to public use, fail to post signs at every entrance and exit to the property indicating the presence of conibear traps and at least four additional signs posted within a radius of 50 feet of the trap, one in each cardinal direction, with lettering that is a minimum of three inches high stating: "Danger! Traps Set For Wildlife. Keep Out." Signs shall be maintained and checked daily.~~

~~(g) (d) Kill any trapped mammal in accordance with this section by intentional drowning, injection with any chemical not sold for the purpose of euthanizing animals, or thoracic compression, commonly known as chest crushing. This subdivision shall not be construed to prohibit the use of lawfully set conibear traps set partially or wholly submerged in water for beaver or muskrat or the use of lawfully set colony traps set in water for muskrat.~~

(e) Harm any non-target species found in a trap.

→Chapter 3. Nongame Mammals and Depredators

Comment [EP3]: We can delete this reference since under Section 3003.1, "body-gripping trap" includes steel-jawed leghold trap and we have modified it to include saw-toothed and spiked-jaw traps as well.

Section 4152

- (a) Except as provided in Section 4005, and consistent with the department's stated depredation policy which authorizes depredation control measures to be directed towards individual offending animals that pose an immediate threat to private property, or that have caused damage thereto, only, nongame mammals, depredators, black-tailed jackrabbits, muskrats, subspecies of red fox that are not the native Sierra Nevada red fox (*Vulpes vulpes necator*), ~~and~~ red fox squirrels, elk, bear, beaver, wild pig, wild turkeys, ~~or~~ and gray squirrels, that are found to be injuring growing crops or other property may be taken at any time or in any manner in accordance with this code and regulations adopted pursuant to this code by the owner or tenant of the premises or employees and agents in immediate possession of written permission from the owner or tenant thereof as long as they obtain a revocable permit from the department in accordance with Title 14, Section 401.
- (b) Subject to the limitations in subdivisions (b) (c) – (h), the department, upon satisfactory evidence of the damage or destruction, shall issue a revocable permit for the taking and disposition of the animals. The permit shall include a statement of the penalties that may be imposed for a violation of the permit conditions. Animals so taken shall not be sold or shipped from the premises on which they are taken except under instructions from the department. The department shall designate the type of trap to be used to ensure the most humane method is used. The department may require trapped squirrels to be released in parks or other nonagricultural areas. It is unlawful for any person to violate the terms of any permit issued under this section.
- (c) To obtain a permit, the applicant must:
- (1) Explain why such action and the issuance of the permit is necessary.
 - (2) Provide evidence showing he or she has employed nonlethal/husbandry techniques aimed at preventing or reducing predation in a sustained manner and specifying the results.
 - (3) Outline corrective nonlethal actions he or she will take to prevent recurrence.
- (d) With respect to wild pigs, the department shall provide an applicant for a depredation permit to take wild pigs or a person who reports taking wild pigs with written information that sets forth available options for wild pig control, including, but not limited to, depredation permits, allowing periodic access to licensed hunters, and holding special hunts authorized pursuant to Section 4188. The department may maintain and make available to these persons lists of licensed hunters interested in wild pig hunting and lists of nonprofit organizations that are available to take possession of depredating wild pig carcasses.
- (e) With respect to elk, the following procedures shall apply:
- (1) Prior to issuing a depredation permit pursuant to subdivision (a), the department shall do all of the following:

- (A) Verify the damage or destruction.
- (B) Provide a written summary of corrective measures necessary to immediately alleviate the problem.
- (C) Determine the viability of the local herd, and determine the minimum population level needed to maintain the herd.
- (D) Ensure the permit will not reduce the local herd below the minimum.
- (E) Work with affected landowners to develop measures to achieve long-term resolution, while maintaining viability of the herd.
- (2) After completing the statewide elk management plan pursuant to Section 3952, the department shall use the information and methods contained in the plan to meet the requirements of subparagraphs (C), (D), and (E) of paragraph (1).
- (f) They may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city officers or employees when acting in their official capacities pursuant to the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code. Persons taking mammals in accordance with this section are exempt from Section 3007, except when providing trapping services for a fee. Raw furs, as defined in Section 4005, that are taken under this section, shall not be sold or bartered.
- (g) Traps used pursuant to this section shall be inspected and all animals in the traps shall be removed at least once every 24 hours daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.
- (h) Non-target species shall be released unharmed and may not be taken.

Section 4153

The department may enter into cooperative agreements with any agency of the state or the United States for the purpose of controlling harmful nongame mammals, except for contracts for lethal removal of predators, which must be paid entirely by the cooperator. ~~The department may take any mammal which, in its opinion, is unduly preying upon any bird, mammal, or fish.~~

Section 4180

- (a) Except as provided for in Section 4005, fur-bearing mammals that are injuring property may be taken at any time and in any manner in accordance with this code or regulations made pursuant to this code. Raw furs, as defined in Section 4005, that are taken under this section, shall not be sold or bartered.
- (b) Traps used pursuant to this section shall be inspected and all animals in the traps shall be removed at least once every 24 hours daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either. Non-target species shall be released unharmed and may not be taken.

Section 4180.1

It is unlawful to use snares, hooks, or barbed wire to remove from the den, or fire to kill in the den, any immature depredator mammal. ~~Nothing in this section shall prohibit the use of fire-ignited gas cartridges or other products registered or permitted under the Federal Insecticide, Rodenticide, and Fungicide Act (7 U.S.C. 136 et seq.).~~

Section 4181

- ~~(a) Except as provided in Section 4181.1 and subdivision (b) below, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, wild pig, wild turkeys, or gray squirrels, may apply to the department for a permit to kill the animal. Subject to the limitations in subdivisions (b) (c) and (d) (e), the department, upon satisfactory evidence of the damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of the animals under regulations adopted by the commission. The permit shall include a statement of the penalties that may be imposed for a violation of the permit conditions. Animals so taken shall not be sold or shipped from the premises on which they are taken except under instructions from the department. No iron-jawed or steel-jawed or any type of metal-jawed trap shall be used to take any wild animal bear pursuant to this section. No poison of any type may be used to take any gray squirrel or wild turkey wild animal pursuant to this section. The department shall designate the type of trap to be used to ensure the most human method is used to trap gray squirrels. The department may require trapped squirrels to be released in parks or other nonagricultural areas. It is unlawful for any person to violate the terms of any permit issued under this section.~~
- ~~(b) In order to obtain a permit, the applicant must show the following: The permit issued for taking bears pursuant to subdivision (a) shall contain the following facts:~~
- ~~(1) Why That the issuance of the permit was necessary; and~~
 - ~~(2) What efforts were made to solve the problem without killing the bears. In the case of bears, hat at least one nonlethal method was attempted to solve the problem on at least one occasion, and specifying the method and results; and~~
 - ~~(3) What corrective actions the landowner or tenant will take should be implemented to prevent reoccurrence; and~~
 - ~~(4) And in the case of bears, verify the actual or immediately threatened damage or destruction.~~
- ~~(c) With respect to wild pigs, the department shall provide an applicant for a depredation permit to take wild pigs or a person who reports taking wild pigs pursuant to subdivision (b) of Section 4181.1 with written information that sets forth available options for wild pig control, including, but not limited to, depredation permits, allowing period access to licensed hunters, and holding special hunts authorized pursuant to Section 4188. The department may maintain and make available to these persons lists of licensed hunters~~

Comment [EP4]: CFGC should collapse this section with Section 4152 to make the regulations regarding take of nongame mammals and depredators less confusing.

~~interested in wild pig hunting and lists of nonprofit organizations that are available to take possession of depredating wild pig carcasses.~~

- ~~(d) With respect to elk, the following procedures shall apply:~~
- ~~(3) Prior to issuing a depredation permit pursuant to subdivision (a), the department shall do all of the following:~~
 - ~~(F) Verify the actual or immediately threatened damage or destruction.~~
 - ~~(G) Provide a written summary of corrective measures necessary to immediately alleviate the problem.~~
 - ~~(H) Determine the viability of the local herd, and determine the minimum population level needed to maintain the herd.~~
 - ~~(I) Ensure the permit will not reduce the local herd below the minimum.~~
 - ~~(J) Work with affected landowners to develop measures to achieve long-term resolution, while maintaining viability of the herd.~~
 - ~~(4) After completing the statewide elk management plan pursuant to Section 3952, the department shall use the information and methods contained in the plan to meet the requirements of subparagraphs (C), (D), and (E) of paragraph (1).~~

Section 4185

In any district or part of a district within San Bernardino and Riverside Counties, bears may be taken at any time with culvert traps within a good and substantial fence, as such fence is described in Section 17121 of the Food and Agricultural Code, surrounding beehives, if no part of the fence is at a distance greater than 50 yards from a beehive, and if a conspicuous sign is posted and maintained at each entrance to the enclosed premises to give warning of the presence of the traps. No body-gripping trap iron or steel-jawed or any type of metal-jawed trap shall be used to take bear under this section. The culvert trap must be checked at least once every 24 hours. Non-target species shall be released unharmed and may not be taken.

→Chapter 10. Mountain Lions

Section 4802

- (a) Any person, or the employee or agent of a person, whose livestock or other property is being or has been injured, damaged, or destroyed by a mountain lion may report that fact to the department and request a revocable permit to take the mountain lion.
- (b) The permit application must:
 - (1) Explain why such action and the issuance of the permit is necessary.
 - (2) Provide evidence showing he or she has employed nonlethal/husbandry techniques aimed at preventing or reducing predation in a sustained manner and specifying the results.
 - (3) Outline corrective nonlethal actions he or she will take to prevent recurrence.
- (c) Upon receipt of a the report and request for a permit to take the mountain lion pursuant to Section 4802, the department, or any animal damage control officer specifically authorized by the department to carry out this responsibility,

Comment [EP5]: Section 4802 and 4803 should be combined to prevent confusion and redundancy.

shall immediately take the action necessary to confirm that there has been depredation by a mountain lion as reported. The confirmation process shall be completed as quickly as possible, but in no event more than 48 hours after receiving the report and permit request.

- (d) If satisfied that there has been depredation by a mountain lion as reported and the permit requirements have been met, the department shall promptly issue a permit to take the depredating mountain lion in a manner consistent with the Department's stated depredation policy which authorizes depredation control measures to be directed towards individual offending animals that pose an immediate threat to private property, or that have caused damage thereto.

Section 4803

~~Upon receipt of a report pursuant to Section 4802, the department, or any animal damage control officer specifically authorized by the department to carry out this responsibility, shall immediately take the action necessary to confirm that there has been depredation by a mountain lion as reported. The confirmation process shall be completed as quickly as possible, but in no event more than 48 hours after receiving the report. If satisfied that there has been depredation by a mountain lion as reported, the department shall promptly issue a permit to take the depredating mountain lion.~~

Comment [EP6]: Combined into the above section.

3. Regulatory Changes to Subdivision 2 (Game and Furbearers) of California Fish and Game Code

→Chapter 1. General Provisions and Definitions

251.2. Permits to Pursue, Drive, Herd or Take Birds and Mammals.

Consistent with the department's stated depredation policy which authorizes depredation control measures to be directed towards individual offending animals that pose an immediate threat to private property, or that have caused damage thereto, only, permits to pursue, drive, herd, or take birds and mammals with or from motorized water, land, or air vehicles may be issued by the department under and subject to the following conditions:

- (a) To Whom Issued. Permits may be issued to landowners, tenants, or lessees suffering damage, ~~actual or immediately threatened,~~ to land or property by birds or mammals. Permits may not be issued to any person less than 18 years of age. The privilege granted in a permit entitles only the permittee, members of his family, his employees or contractors to pursue, drive, herd, or take birds or mammals in accordance with the provisions of the permit. No permittee shall allow any person under 16 years of age to take, pursue, drive, or herd birds or mammals under a permit. No permit may be transferred to another person.
- (b) Exemption from Permit. Federal or state animal control agencies and their employees or contractors, including other public employees supervised by such agencies, engaged in pursuing, driving, herding or taking birds or mammals in the performance of their regular duties are not required to obtain a permit pursuant to this section. This exemption shall not be effective unless the

agencies or their employees or contractors are performing their required duties in accordance with applicable Federal regulations. Agencies taking depredating animals on or over private lands shall do so only through a written landowner agreement. Such agreement shall become valid only upon approval of the department. Federal or state animal control agencies engaged in the foregoing activities shall submit a report to the headquarters office of the Department of Fish and Game each calendar quarter showing the number and species of birds or mammals taken or herded; area where the activity occurred, and such other information the department may require.

- (c) Application Requirements. In order to obtain a permit, the applicant must An application for a permit shall submit a written request to the department that includes:
- a. ~~showing~~ His or her name, address, location and size of the land where damage is occurring, and the names of all individuals and/or State or Federal agencies other than the applicant who may be employed or authorized by the applicant to pursue, drive, herd, or take the birds or mammals which are causing damage, actual or immediately threatened, to land or property.
 - b. A description of the property, including livestock or other domestic animals being damaged.
 - c. The species of birds or mammals causing damage.
 - d. The proposed method of pursuing, driving, herding, or taking the offending animals and why such action is necessary.
 - e. If the landowner or tenant is applying for a permit under which he or she intends to kill species, he or she must (a) provide evidence showing he or she has employed nonlethal/husbandry techniques aimed at preventing or reducing predation in a sustained manner and specifying the results and (2) outline corrective nonlethal actions he or she will take should be implemented to prevent recurrence.
 - f. ~~The period of time a permit is needed to alleviate damage; and~~
 - g. f. Such other information the department may require.
- (d) Time. The permit shall be valid for a period not to exceed 60 days.
- (e) Investigation of Damage. Upon receiving a request for a permit, the department shall investigate the applicant's claim of damage and shall be satisfied that damage has occurred or is immediately threatened before issuing a permit. The department may deny a request for a permit, and the applicant may appeal such decision before the commission.
- (f) Permit Limitations. A permit issued pursuant to these regulations shall not authorize the permittee to kill any game bird or game mammal. A permit shall be valid on public lands only if the permittee has permission from the agency controlling the lands to exercise the privileges of the permit on such lands, or if the permittee, by obtaining a permit under these regulations, has fulfilled applicable requirements set forth in Federal laws and regulations. The department may impose any additional limitation or requirement in a permit as needed to prevent unnecessary harm to any specific of wildlife or for public safety reasons.

- (g) Reports. The permittee shall submit a report within 15 days following expiration of the permit showing the number of birds or mammals taken under the permit, except that any permittee authorized to use any type of aircraft under such permit shall submit a report to the department each calendar quarter showing the number and species of animals taken.

Section 401. Issuance of Permit to Take Animals Causing Damage.

(a) Application. A person who is a property owner or tenant ~~may~~ must apply to the department for a permit to take nongame mammals, ~~depredators~~, black-tailed jackrabbits, muskrats, subspecies of red fox that are not the native Sierra Nevada red fox (*Vulpes vulpes necator*), ~~and~~ red fox squirrels, elk, bear, beaver, bobcat, wild pigs, deer, wild turkeys, or gray squirrels that are damaging or destroying, ~~or immediately threatening to damage or destroy, land or property. A bobcat in the act of injuring or killing livestock may be taken immediately provided the property owner or tenant applies for a permit from the department the next working day following the take.~~

(b) Permit Period. Permits issued pursuant to this section shall be valid for a period not to exceed one year, except that permits for elk, bobcat, bear, wild turkey, predator depredators, or deer shall not be valid for more than 60 days.

(1) Permits issued pursuant to this section for beaver, wild pigs, red fox, red squirrel, black-tailed jackrabbits, muskrats, or gray squirrels shall be valid for a period not to exceed one year.

(2) Permits issued pursuant to this section for bobcat, elk, bear, wild turkey, or deer shall be valid for a period not to exceed 60 consecutive days.

(3) Permits issued pursuant to this section authorizing the use of dogs for bear or bobcat shall authorize authorizing the use of not more than three dogs and shall be valid for a period not to exceed 20 consecutive days.

(4) Permits may be renewed if damage ~~or threatened damage~~ to land or property continues to exist.

(c) Form Required Information and Conditions of Permit. Applications shall be made on form entitled "PERMIT TO KILL DEER, BEAR, RED SQUIRREL, RED FOX, PREDATOR DEPREDATOR, BLACK-TAILED JACK RABBIT, MUSKRAT, ELK, WILD PIG, GRAY SQUIRREL, BEAVER, OR WILD TURKEY, OR MOUNTAIN LION CAUSING CROP OR PROPERTY DAMAGE" (FG WPB 543 (new 5/05)).

(1) To obtain a permit, the applicant must provide the department with: ~~The department shall collect the following information before issuing a depredation permit:~~

(A) The name, mailing address, and contact information of the property owner, including telephone, facsimile, and email. If the owner is a business entity, contact information for the person acting on behalf of the business.

(B) The name, mailing address, and contact information of the tenant (if applicable), including telephone, facsimile, and email.

(C) The name, mailing address, and contact information of any dog handlers or agents as described in subdivision (e), including telephone, facsimile, and email.

(D) The county and address of the location of the damage caused by depredation or the nearest landmark or cross streets.

(E) A full description of the land or property damaged or destroyed, ~~or~~

~~immediately threatened, and the date the damage or threat occurred.~~

~~(F) The species suspected of damaging or destroying, or threatening land or property, and the method of identifying the species.~~

~~(G) Evidence showing he or she has employed nonlethal/husbandry techniques aimed at preventing or reducing predation in a sustained manner and specifying the results. A description of all non-lethal or less-lethal measures undertaken to prevent damage caused by animals prior to requesting the permit.~~

~~(H) A plan outlining corrective nonlethal actions the landowner or tenant will take should be implemented to A description of corrective actions that will be implemented to prevent recurrence future occurrence of the damage.~~

~~(I) An explanation of why the proposed method of take such action is necessary.~~

~~(J) An explanation of whether dogs will be used to pursue or take the animal, and if so, why dogs are needed, and the number of dogs to be used.~~

(2) The department may add terms and conditions to the permit necessary to protect wildlife and ensure public safety. To be valid, the permit shall contain a statement signed by the applicant that he/she has read, understands, and agrees to be bound by all the terms of the permit.

(d) Methods of Take.

(1) Animals taken pursuant to a permit may be taken in any legal manner except as herein provided and in accordance with the provisions of Section 465.5 of these regulations. Permits to take deer shall include conditions that comply with Fish and Game Code section 4181.5. Permits to take bear and bobcat with dogs shall include conditions that comply with Fish and Game Code Section 3960.2. ~~No steel-jawed leghold body-gripping traps may be used to take mammals, and no iron-jawed or any type of metal-jawed traps may be used to take squirrels or bears.~~ No poison may be used. The department may specify the caliber and type of firearm and ammunition, archery equipment, or crossbow to be used. The department may require that a permittee take animals alive by the use of live traps.

(2) The permittee and/or agent shall ensure that all animals are killed in a humane manner instantly and prevent any injured animal from escaping.

(e) Government Employees and Designated Agent

(1) An employee of a federal, State, or local government agency or local district with responsibilities including but not limited to animal control, animal damage control, irrigation, flood, or natural resource reclamation, while acting in his/her official capacity may take depredating animals on the property designated in a permit issued pursuant to this section.

(2) The permittee may designate up to three other persons, including any dog handler who will be utilized in any pursuit, as his/her agents to take animals under the terms of the permit. A designated agent shall be any person how is acting under the direction and control of the permittee and who is 21 years of age or older. The designated agent(s) shall be named on the permit. The permittee may substitute designated agents with prior written approval of the department.

(f) Persons Prohibited from Taking Animals. No person shall take animals pursuant to the permit if he/she has been convicted of a violation related to the take or

possession of game or furbearing mammals in the past 24 months or if he/she is on probation and may not hunt or possess a firearm as part of the terms of probation. A landowner who is on probation and may not hunt or possess a firearm as part of the terms of probation shall designate a qualified agent to take animals under a permit.

(g) Reports Required.

(1) Holders of permits authorizing take of wild pigs shall provide a report listing the date and sex of each wild pig taken. A report shall be submitted whether or not any animals were taken. The reporting period shall be by calendar month. The permittee or designated agent shall complete and submit the report to the department on or before the 15th day of the following month. Reports shall be submitted to the address provided by the department.

(2) Holders of permits authorizing the use of dogs to take bear or bobcat shall comply with the requirements of Fish & Game Code section 3960.2 and shall submit a report to the department within 30 days of permit issuance. Reports shall be submitted to the address provided by the department. Reports shall include the following information:

(A) Date of kill and the sex of any bear or bobcat that was killed.

(B) Details regarding all pursuits, including any information about a pursued bear or bobcat, even if the animal was not killed.

(C) An explanation of why any pursued bear or bobcat was not killed, and whether such bear or bobcat was harmed.

(h) Tagging Animals. All animals taken pursuant to a permit, except wild pigs, shall be immediately tagged with tags provided by the department. Wild pigs shall be tagged prior to being transported from the property designated in the permit. Tags for animals except wild pigs shall be completed at the time the animal is taken. Tags for wild pigs shall be completed before the wild pigs are removed from the property. Tags shall clearly show the permittee's name, address, date and location the animal was taken and shall include the signature of the person taking the animal. The report portion of each tag shall be mailed to the department without delay. No tags are required for squirrels or beavers.

(i) Utilization of Carcass. Animals taken pursuant to this permit must be disposed of as required in the permit. No animals, except wild pigs, may be utilized by the permittee or designated agent. The permittee or designated agent may leave the carcass of any wild pig where it was taken for reasons of high air temperatures, disease, parasites, or conditions which preclude use of the carcass. A person who makes every reasonable attempt to utilize the carcass of any wild pig as required in this subsection shall be deemed to be in compliance with Section 4304 of the Fish and Game Code.

(1) After any taking of bear, the permittee or agent shall comply with Section 367.5 of these regulations, except the skull shall not be returned to the permittee or agent.

(j) Suspension and Revocation of Permits.

(1) Permits may be suspended temporarily by the director for a breach or violation of the permit by the holders thereof, their agents, servants, employees or any person acting under their direction and control. The commission shall be notified of any such suspension and subsequently may revoke or reinstate the permit, or fix the period of its suspension, after written notice to the permittee and the permittee has been

afforded an opportunity to be heard.

(2) Any person who has had his/her permit revoked or suspended by the commission shall be required, upon application for a new or subsequent permit, to appear before the commission and demonstrate to its satisfaction that the use of such a permit will be consistent with depredation control, with these regulations, and with the laws under which they are promulgated.

(k) It is unlawful for a permittee or agent to violate any of the terms or conditions of a permit issued pursuant to this section.

(l) The permit does not invalidate any city, county, or state firearm regulation.

→Chapter 5. Furbearing Mammals.

Sections 461, 462, & 464 - Currently, California does not have bag limits for badgers, gray foxes, muskrats, minks, or raccoons under Sections 461, 462, and 464. Given the value of these species, the CFGC should investigate whether bag limits are appropriate for these species and, if so, promulgate bag limits under its authority in Section 203(b).

Section 465.5 - Use of Traps

(a) Traps Defined. Traps are defined to include padded-jaw leg-hold, steel-jawed leg-hold, and conibear traps, snares, dead-falls, cage traps and other devices designed to confine, hold, grasp, grip, clamp or crush animals' bodies or body parts.

(b) Affected Mammals Defined. For purposes of this section, furbearing mammals, game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on January 1, 1997, in sections 3950, 4000, 4150 and 4700 of the Fish and Game Code.

(c) Prohibition on ~~Body-Gripping Traps Trapping for the Purposes of Recreation or Commerce in Fur~~. It is unlawful for any person to trap for the purposes of recreation or commerce in fur any furbearing mammal or nongame mammal with any body-gripping trap. A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed traps, saw-toothed or spiked-jaw traps, leghold traps, including padded-jaw leghold traps, conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps and may be used to trap for the purposes of recreation or commerce in fur any furbearing or nongame mammal.

(d) Prohibition on Exchange of Raw Fur. It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit, or to offer to buy, sell, barter, or otherwise exchange for profit, the raw fur, as defined by Section 4005 of the Fish and Game Code, of any furbearing mammal or nongame mammal that was trapped in this state, with a body-gripping trap as described in subsection (c) above.

~~(e) Prohibition on Use of Steel-jawed Leg-hold Traps by Individuals. It is unlawful for any person to use or authorize the use of any steel-jawed leg-hold trap, padded or otherwise, to capture any game mammal, furbearing mammal, nongame mammal, protected mammal, or any dog or cat.~~

(1) Exception for Extraordinary Case to Protect Human Health or Safety. The prohibition in subsection ~~(e)~~ (c) does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where

the otherwise prohibited padded-jaw leg-hold- trap is the only method available to protect human health or safety.

(A) Leg-hold Trap Requirements. Leg-hold traps used to implement subsection (e)(1) must be padded, commercially manufactured, and equipped as provided in subsections (A)1. through (A)5. below.

1. Anchor Chains. Anchor chains must be attached to the center of the padded trap, rather than the side.
2. Chain Swivels. Anchor chains must have a double swivel mechanism attached as follows: One swivel is required where the chain attaches to the center of the trap. The second swivel may be located at any point along the chain, but it must be functional at all times.
3. Shock Absorbing Device. A shock absorbing device such as a spring must be in the anchor chain.
4. Tension Device. Padded leg-hold traps must be equipped with a commercially manufactured pan tension adjusting device.
5. Trap Pads. Trap pads must be replaced with new pads when worn and maintained in good condition.

(f) Use of Non-Body-Gripping Traps for Purposes of Recreation or Commerce in Fur. Any person who utilizes non-body-gripping traps for the take of furbearing mammals and nongame mammals for purposes of recreation or commerce in fur must comply with the provisions of subsections (g)(1) through (3) below.

(1) Trap Number Requirement. Any person who traps furbearing mammals or nongame mammals shall obtain a trap number issued by and registered with the department. All traps, before being put into use, shall bear only the current registered trap number or numbers of the person using, or in possession of those traps. This number shall be stamped clearly on the trap or on a metal tag attached to the chain of the trap or to any part of the trap.

(g) Use of ~~Conibear Traps, Snares, Cage and Box Traps, Nets, Suitcase-type Live Beaver Traps and Common Rat and Mouse Traps~~ for Purposes Unrelated to Recreation or Commerce in Fur. ~~Conibear traps, snares, Cage and box traps, nets, suitcase-type live beaver traps and common rat and mouse traps~~ may be used by individuals to take authorized mammals for purposes unrelated to recreation or commerce in fur, including, but not limited to, the protection of property, in accordance with subsections (1) through (5) below. Except for common rat and mouse traps, all traps used pursuant to this subsection must be numbered as required by subsection (f)(1) above. ~~The prohibitions of subsections (c) and (d) above shall apply to any furbearing or nongame mammal taken by a conibear trap or snare pursuant to this subsection (g).~~

(1) Immediate Dispatch or Release. All furbearing and nongame mammals that are legal to trap must be immediately killed or released. Non-target species shall be released unharmed and may not be taken. Unless released, trapped animals shall be killed by shooting where local ordinances, landowners, and safety permit. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals.

(2) Trap Visitation Requirement. All traps shall be visited at least once ~~daily~~ every 24 hours by the owner of the traps or his/her designee. Such designee shall carry on his/her person written authorization, as owner's representative, to check

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April 21, 2014

traps. In the event that an unforeseen medical emergency prevents the owner of the traps from visiting traps another person may, with written authorization from the owner, check traps as required. The designee and the person who issues the authorization to check traps shall comply with all provisions of Section 465.5. Each time traps are checked all trapped animals shall be removed.

(3) Trap Placement Requirement. Traps may not be set within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps.

~~(4) Placement of Conibear Traps. Traps of the conibear type with a jaw opening larger than 8" x 8" may be used only in sets where the trap is wholly or partially submerged in water or is:~~

~~(A) Within 100 feet of permanent water.~~

~~(B) Within 100 feet of seasonally flooded marshes, pastures, agricultural lands or floodways when standing or running water is present.~~

~~(C) Within the riparian vegetation zone, characterized by, but not limited to, willow, cottonwood, sycamore, salt cedar, cattail, bulrush and rushes, when found within the area defined in section 463(a) where the take of beaver is permitted.~~

Thank you for considering these comments.

Sincerely,

Elly Pepper

From: [Pepper, Elly](#)
To: [FGC](#)
Subject: NRDC Comments on CA Predator Management Policies and Regulations
Date: Monday, April 21, 2014 1:25:22 PM
Attachments: [4-21-14 NRDC Comments to CA Fish & Game Commission re Predator Mgmt Policy Regs.pdf](#)

Dear Director Mastrup,

Please find attached, comments from the Natural Resources Defense Council regarding California's predator management policies and regulations.

Please let me know if you have any questions or require any additional information.

Best,

Elly

Elly Pepper
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