



*via electronic mail*

May 22, 2014

Sonke Mastrup, Executive Director  
California Fish and Game Commission  
1416 Ninth Street, Room 1320,  
Sacramento, CA 95814  
Fax: (916) 653-5040  
[fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

Charlton Bonham, Director  
California Department of Fish and Wildlife Headquarters  
1416 9th Street, 12th Floor  
Sacramento, CA 95814  
[director@wildlife.ca.gov](mailto:director@wildlife.ca.gov)

**Re: Compliance with F&G Code §§ 4006(c) and 4155(e) related to the setting of trapping license fees.**

Directors Mastrup, Bonham and members of the Commission:

On behalf of the Center for Biological Diversity and its over 100,000 members and supporters in California, I am writing to express our concern regarding the Department of Fish and Wildlife and the Fish and Game Commission's apparent non-compliance with provisions of the Fish and Game Code related to the setting of trapping license fees. Both a provision of previously existing law, code section 4006(c), and a provision of the newly operative Bobcat Protection Act of 2013, section 5155(e), require the Commission to set fees to fully recover the costs of both the Commission and the Department in administering, implementing, and enforcing the trapping program in California. Based on information readily available on the Commission's and Department's websites, as well as from Public Record Act responses from the Department, it appears that the Commission has failed to comply with these provisions and the Department is now issuing trapping licenses for the 2014-2015 season in violation of legal requirements.

Trapping license fees for all species subject to commercial trapping in California are governed by code section 4006. Section 4006(a) sets a base level fee for trapping licenses and requires the Department to increase that fee based on federal inflation statistics pursuant to section 713 of the code. Under this regime, trapping license fees have increased from \$45 several decades ago to \$112.25 for the 2013-2014 license year.<sup>1</sup>

However, in addition to the inflation-related increases contemplated by sections 4006(a) and 713, section 4006(c) requires that fees also be adjusted to recover the costs of the Department and

---

<sup>1</sup> Fees by license year are listed on Department forms at  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=59826&inline=1>

Commission. Specifically, this section states:

(c) The commission shall adjust the amount of the fees specified in subdivision (a), as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licenses.

F&G Code § 4006(c). This provision was added to the code as a result of the passage of SB1148 (Pavley) and should have been operative for the 2013-2014 trapping season. The Commission, however, failed to implement section 4006(c) for the 2013-2014 season, and the Department consequently set trapping license fees for that year only pursuant to the provisions of sections 4006(a) and 713, resulting in unlawfully low license fees that failed to recoup the actual costs of the Department and Commission.

The Bobcat Protection Act of 2013 (AB1213, Bloom) was passed, in part, to address the Commission's and Department's failures to implement section 4006(c). Specifically, new code section 4155(e) requires the Commission to implement section 4006(c) for the 2014-2015 season and all subsequent seasons:

(e) Consistent with the requirements of subdivision (c) of Section 4006, the commission shall set trapping license fees and associated fees, including, but not limited to, shipping tags required pursuant to Section 479 of Chapter 6 of Subdivision 2 of Division 1 of Title 14 of the California Code of Regulations, for the 2014-15 season, and any subsequent seasons in which bobcat trapping is allowed, at the levels necessary to fully recover all reasonable administrative and implementation costs of the department and the commission associated with the trapping of bobcats in the state, including, but not limited to, enforcement costs.

F&G Code § 4155(e).<sup>2</sup>

In light of the requirements of sections 4006(c) and 4155(e), we were surprised when the Department started accepting trapping license applications, and presumably issuing licenses, for the 2014-2015 trapping season, apparently without adjustment to fully recover the costs of the program. As is clear from the 2014-2015 application, (attached to this letter),<sup>3</sup> the Department is charging \$115.62 for the resident trapping fee. While the marginal increase (\$4.37) over the 2013-2014 fee may be consistent with the requirements of sections 4006(a) and 713, we do not see how it could possibly be deemed to be consistent with the requirements of sections 4006(c) and 4155(e).

In the 2012-2013 season, the last year for which complete data is readily available, the Department issued 746 resident and 5 non-resident trapping licenses, recouping a total of

---

<sup>2</sup> While section 4155(e) relates only to bobcats, given existing section 4006(c) applies to all trapping, compliance with both provisions of the law requires the Commission to set trapping fees at a level that capture not just the costs of administering the bobcat trapping program, but also costs associated with the trapping of all other species for which trapping is allowed.

<sup>3</sup> Available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=84525&inline=1>

\$80,755.<sup>4</sup> Previous years had lower, but roughly comparable numbers of licenses sold and revenue generated. Given that \$80,755 would not cover the cost of a single full-time employee of the Department, we do not see how this amount could possibly comply with the requirements of sections 4006(c) and 4155(e).

During the legislative process for AB1213, the Department prepared a fiscal analysis that estimated implementation of the statute would cost \$605,073 in the first year of implementation (2014-2015) and \$341,737 in the subsequent year and thereafter, above and beyond its existing costs to administer, implement and enforce the overall trapping program.<sup>5</sup> Assuming the number of licenses issued in 2014 is similar to the number issued in 2012, the Department's cost estimates for 2014-2015 would necessitate a resident trapping license fee of over \$800 to recoup the costs of implementing and enforcing the provisions of the trapping program related just to bobcats. Given the state also manages a trapping program covering approximately a dozen species in addition to bobcats (including grey fox, badgers, coyotes, muskrats and others), we do not see how a license fee less than \$1000 could be deemed compliant with section 4006(c).

As the above should make clear, the Department and Commission, presumably by oversight rather than design, are in gross noncompliance with unambiguous requirements of the Fish and Game Code. To rectify these violations, the Department should immediately suspend issuance of trapping licenses for the 2014-2015 season, rescind any such licenses already issued, and only issue trapping licenses for the 2014-2015 and any subsequent seasons, if at all, after the Commission has set license fees at a level consistent with the mandates of sections 4006(c) and 4155(e). The Commission likewise should, at its next meeting, begin the process to properly estimate the costs to both itself and the Department in administering and enforcing the trapping program.

Thanks you for your consideration. We look forward to working with the Department and Commission to resolve this problem. If you have any questions, or believe that any information in this letter is in error, please contact me.

Sincerely,



Brendan Cummings  
Senior Counsel  
Center for Biological Diversity  
P.O. Box 549  
Joshua Tree, CA 92252

Attachments:  
2014-2015 Trapping License Application  
DFW Fiscal Analysis of AB1213

---

<sup>4</sup> The data on license sales and revenue is available at <http://www.dfg.ca.gov/licensing/statistics/>.

<sup>5</sup> The fiscal analysis is attached and reflects the Department's analysis of the bill in a form substantially identical to that which was passed by the legislature. The Department's cost estimates for previous versions of the bill were significantly higher.



**DEPARTMENT USE ONLY**  
 PERMANENT TRAP NO.

--

**VALID JULY 1, 2014 THROUGH JUNE 30, 2015.** *If issued after July 1, valid on date issued.*

*\*Fees include a nonrefundable three percent (3%) application fee, not to exceed \$7.50 per item.*

- CHECK ONE:**     RESIDENT - FEE \$115.62\*     NONRESIDENT - FEE \$570.00\*     JUNIOR - FEE \$38.88\*
- CHECK ONE:**     NEW     RENEWAL     CHECK HERE IF MAILING ADDRESS CHANGED
- CHECK ONE OR BOTH:**     RECREATION/INTENT TO SELL FURS     PEST CONTROL OPERATOR

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

FIRST NAME		M.I.	LAST NAME		GO ID NUMBER (FROM ALDS ISSUED LICENSE)		
INDIVIDUAL MAILING ADDRESS				SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		DATE OF BIRTH	
CITY	STATE	ZIP CODE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT	
BUSINESS NAME (If applicable)			TELEPHONE		E-MAIL ADDRESS (Voluntary)		

HAVE RESIDED IN CALIFORNIA CONTINUOUSLY FOR THE LAST SIX MONTHS     YES     NO

("Resident" means any person who has resided continuously in the State of California for six months or more immediately prior to the date of his application for a license or permit, any person on active military duty with the Armed Forces of the United States or auxiliary branch thereof, or any person enrolled in the Job Corps established pursuant to Section 2883 of Title 29 of the United States Code.)

*I certify that I have read, understand, and agree to abide by, all conditions of this license, the applicable provisions of the FGC, and the regulations promulgated thereto. I certify that I am not currently under any Fish and Wildlife license or permit revocation or suspension, and that there are no other legal or administrative proceedings pending that would disqualify me from obtaining this license. I agree that if I make any false statement as to any fact required as a prerequisite to the issuance of this license, the license is void and will be surrendered where purchased, and I understand that I may be subject to prosecution pursuant to FGC Section 1054 or to other administrative actions pursuant to Section 746, Title 14, of the CCR.*

<b>SIGNATURE</b>  <b>X</b> _____	DATE
--	------

FOR DEPARTMENT OF FISH AND WILDLIFE USE ONLY	
REVIEWED BY/DATE	ISSUED BY/ DATE

**YOU MUST INCLUDE YOUR GO ID# OR A COPY OF YOUR IDENTIFICATION WITH THIS APPLICATION.  
 THIS LICENSE DOES NOT RELIEVE THE LICENSEE FROM REQUIREMENTS FOR APPROPRIATE LOCAL, STATE, OR  
 FEDERAL LAND USE PERMITS**

DEPARTMENT EXAM OFFICE	TRAPPING EXAM RESULTS  _____ SCORE <input type="checkbox"/> PASS <input type="checkbox"/> FAIL
PRINT EXAMINER'S NAME	EXAMINER'S SIGNATURE / DATE

**RETURN ALL COPIES TO THE DEPARTMENT**  
 WHITE – LRB    YELLOW - WL B

**AB 1213 FISCAL IMPACT (06/20/13 Version)**

This bill would require the Wildlife Branch to develop a regulatory package for the Commission to protect a number of national and state parks, monuments and national wildlife refuges from bobcat trapping as outlined in the bill. This would require 0.5 Environmental Scientist to identify numerous protection zones and create regulations. It would also require an additional two Fish and Game Wardens to conduct field surveillance of trap lines to determine if bobcats are unlawfully trapped. The additional wardens will also investigate incidents of bobcat commercialization.

The Department estimates the need for a total of 2.5 positions to develop the regulatory actions for the Commission stipulated in the bill and enforce the no trapping zones for bobcats. The bill stipulates that the Commission shall set trapping license fees for the 2014-2015 season and any subsequent seasons in which trapping is allowed, at a level necessary to fully recover all reasonable administrative and implementation costs of the Department and Commission associated with the trapping of bobcats in the state. The Department currently generates under one hundred thousand per year in trapping license and shipping tag fees. In fiscal year 2012-13, the Department issued 733 trapping licenses of which 723 were for residents (at \$115.50), 5 for non-residents (at \$549.25), and 5 for juniors (at \$37.34). The Department issues between one and three thousand shipping tags per year, each costing only \$3. These fees would need to be increased by about 2.5 times their current price to recover the minimal costs associated with the bill.

**Projected Costs by Expenditure Category**

<b>Expenditure Category</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>	<b>Funding</b>
Staffing	247,026	247,026	Fish & Game Preservation Fund
OE&E	94,741	94,741	Fish & Game Preservation Fund
One Time	263,306		Fish & Game Preservation Fund
Total Expenditures	605,073	341,767	Fish & Game Preservation Fund

**Projected Costs by Classification**

<b>Positions</b>	<b>Classification</b>	<b>Function</b>	<b>Estimated Costs</b>
2.0	Fish and Game Warden	Field surveillance of trap lines, Investigate bobcat commercialization	200,321
0.5	Environmental Scientist	Provide expertise on bobcat management	46,705
2.5	Totals		247,026