

CALIFORNIA TRAPPERS ASSOCIATION

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August 28, 2014

Dr. Eric Loft
California Department of Fish and Wildlife
1416 9th Street, 12th Floor
Sacramento, CA 95814

Re: AB 1213 Implementation

Dear Dr. Loft:

I am writing as a follow up to our discussion on August 13, 2014 concerning the implementation of AB 1213, bobcat trapping.

As I pointed out, section 4155 (d) is ambiguous in its drafting and is in need of regulatory clarification by the department and commission as to what it actually means.

Specifically it states "The placing or possession of any trap or the possession of a bobcat or part thereof on any land is prima facie evidence of a violation of the this subdivision."

Although the bill does not so state, it would seem that "any land" is a reference to just private land as that is the subject of the rest of the subdivision. However, the term "any land" could be interpreted to mean all lands regardless of ownership, both private and public. This needs clarification through regulations and in enforcement memos to game wardens.

Secondly, this subdivision also bans the placement or possession of "any trap". It does not specify that such trap must be of a type and size that is used for trapping bobcats. Thus, this provision could be interpreted to mean non-bobcat traps as well as bobcat traps. Again, it is asked that the department and commission clarify through regulations and enforcement memos that this reference is to the size and type of trap used for bobcat trapping only.

Thirdly, and most importantly, the bill does not specify what is meant by the term "private land", other than to specify that it applies to lands not owned by the trapper. There are many private lands where subdivision (d) should not apply. For example, private lands where public access is permitted without the "express written consent of the owner of that property" such as gas stations, stores, motels, apartments, restaurants, parking lots, property leased or rented by the trapper or other person, easements across private lands, other ways open to the public, etc. This provision, again, is subject to interpretation and is potentially a source of serious difficulties for trappers and enforcement personnel. This needs clarification by the department and commission through regulations and enforcement memos as to what it means.

Thank you again for taking the time from your busy schedule to discuss the implementation of AB 1213. Trappers are hopeful that the department and the commission can provide clarification relative to the issues discussed above. As it stands now, section 4155 (d) is not clear enough in its drafting for trappers, and no doubt game wardens, to understand for purposes of compliance and enforcement.

Should you have any questions, please contact our legislative advocate, Kathryn Lynch, at 916-443-0202 or lynch@lynchlobby.com.

Sincerely,

A handwritten signature in black ink that reads "Mercer D. Lawing". The signature is written in a cursive, flowing style.

Mercer D. Lawing
Director, California Trappers Association
760-497-1445
mlawing.catrappers@gmail.com

cc: Mr. Sonke Mastrup, Executive Director
Fish and Game Commissioners
Mr. Michael Sutton, President
Mr. Jack Baylis, Vice President
Ms. Jacque Hostler-Carmesin
Mr. Jim Kellogg
Mr. Richard Rogers
Wildlife Resources Committee
Ms. Kathy Lynch, Legislative Advocate
Mr. Jerry Upholt, Legislative Advocate