

STAFF SUMMARY FOR AUGUST 4-5, 2015

20. BOBCAT TRAPPING**Today's Item**Information Action

Adoption of proposed regulation changes to implement the Bobcat Protection Act of 2013.

Summary of Previous/Future Actions

- | | |
|-----------------------------------|-------------------------------|
| • WRC vetting | Jul 28, 2014; Sacramento |
| • WRC vetting | Sep 17, 2014; Sacramento |
| • Notice hearing | Dec 3, 2014; Van Nuys |
| • Update from DFW | Feb 11-12, 2015; Sacramento |
| • Update from DFW | Apr 8-9, 2015; Santa Rosa |
| • Discussion hearing | Jun 9, 2015; Mammoth Lakes |
| • Today's adoption hearing | Aug 4-5, 2015; Fortuna |

Background

The Bobcat Protection Act of 2013 (Section 4155, Fish and Game Code) was enacted to prohibit sport and commercial bobcat trapping (bobcat trapping) around designated areas of Joshua Tree National Park beginning in 2014. The act requires FGC to initiate a rulemaking effort to prohibit such trapping adjacent to the boundaries of each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited, and adjust the program fees to recover all reasonable administrative and implementation costs. In his signing statement (Exhibit 4), Gov. Brown requested – but did not require – that the legislature work with DFW to secure funding to survey the bobcat population as a means to inform population thresholds and bobcat tag limits.

At its Dec 2014 meeting, FGC authorized staff to work with DFW to prepare a rulemaking to implement the Bobcat Protection Act of 2013 using readily identifiable features to delineate the boundaries of buffer zones where bobcat trapping is prohibited around the national and state parks, national monuments, and national wildlife refuges in which bobcat trapping is prohibited. FGC approved the concept of establishing bobcat trapping zones and prohibiting bobcat trapping in the balance of the state. In addition, FGC authorized inclusion of an option for a complete ban on bobcat trapping.

The notice of proposed regulatory action was published on May 29, 2015 (Exhibit 3). The proposed regulatory changes will not affect the take of bobcats with a hunting license and bobcat tags or trapping under a depredation permit issued by DFW. Two options are proposed for consideration:

- **Option 1:** Create an extensive Bobcat Trapping Closure Area within which trapping of bobcats is not permitted, as well as in the balance of the state delineating property-specific closure areas around national and state parks and national monuments and wildlife refuges in which bobcat trapping is prohibited. Fees to recover the costs of DFW's administration and enforcement of the regulations are also proposed to be established in Section 702.

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- **Option 2:** A complete ban on bobcat trapping in California. With the exception of depredation trapping, this option would ban all trapping of bobcats statewide.

DFW recommends implementing the designated bobcat trapping closures under Option 1 and monitoring the participation of trappers, enforcement effort and administration of the new regulation for a period of at least two years. To recover the costs of the new regulations in Option 1, DFW recommends the following fees:

Bobcat Trapping Validations	\$1,137.00 per validation
Bobcat Shipping Tags	\$ 35.00 per pelt

President Baylis approved three requests to provide brief presentations concerning adopting the statewide ban versus a zonal approach:

- **Tom O'Key, private property owner (5 minutes)**
- **James Schmidt, California Trappers Association (CTA) (15 minutes)**
- **Jean Su, Center for Biological Diversity (CBD) (15 minutes)**

Significant Public Comments (since last meeting)

1. Senators Nielsen and Fuller joined by 21 senate colleagues suggest it is premature to adopt regulations before a population survey is funded and completed, and urge FGC to take more time to prepare regulations within the parameters of AB 1213 (Exhibit 5).
2. Assemblyman Frazier echoes the sentiments of the senate letter urging FGC to consider other options (Exhibit 6).
3. Assemblyman Bloom joined by 12 assembly and senate colleagues expresses strong support for option 2 as the most economically and ecologically sensible option to implement AB 1213 (Exhibit 7).
4. Siskiyou County Board of Supervisors opposes both options and requests consideration and approval of the CTA recommendations (Exhibit 8).
5. CTA, representing the interested and affected party, opposes both options and requests consideration of other options (Exhibit 9).
6. CBD supports option 2 (Exhibit 10).
7. Approximately a dozen comments supporting option 1
8. Over 25,000 comments supporting option 2 (including emails, letters and petitions)
9. Over two dozen comments supporting no change, a moratorium, additional properties such as the Mono Basin Scenic area, and/or deferment until an updated study of the bobcat population is complete (referencing gubernatorial signing statement)

Recommendation

FGC staff: Adopt option 1.

DFW: Adopt option 1.

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Exhibits

1. DFW memo, received Jul 22, 2015
2. Preadoption statement of reasons
3. ISOR – Bobcat trapping
4. Governor Brown signing statement (AB 1213)
5. Letter from Senator Jim Nielsen, Senate Republican Leader-Elect Jean Fuller, et al. received July 22, 2015
6. Letter from Assemblyman Frazier, received Jul 18, 2015
7. Letter from Assemblyman Bloom, et al., received Jul 23, 2015
8. Letter from Siskiyou County Board of Supervisors, received Jul 21, 2015
9. Letter from CTA, received Jul 23, 2015
10. Letter from CBD, received Jul 22, 2015
11. Sample email supporting option 1, from Joseph Becker, received Jul 10, 2015
12. Sample email supporting option 2, from Carol Hernandez, received Jul 17, 2015
13. Sample letter supporting neither option, from Robert Martin, received Jul 23, 2015

Motion/Direction***Close record***

Moved by _____ and seconded by _____ that the Commission closes the administrative record related to bobcat trapping.

AND

Option 1 – Create Bobcat Trapping Closure Area and Property-Specific Closure Areas

Moved by _____ and seconded by _____ that the Commission adopts the proposed changes to sections 478, 479 and 702 to establish a bobcat trapping closure area and property specific closure areas; and, approves the proposed project under the California Environmental Quality Act upon reliance on the Article 19 categorical exemption found in section 15300-15333 of the CEQA Guidelines.

OR

Option 2 – Ban all commercial bobcat trapping

Moved by _____ and seconded by _____ that the Commission adopts the proposed changes to sections 478, 479 and 702 to prohibit bobcat trapping throughout the state; and, approves the proposed project under the California Environmental Quality Act upon reliance on the Article 19 categorical exemption found in section 15300-15333 of the CEQA Guidelines.

State of California
Department of Fish and Wildlife

Memorandum

Date: July 21, 2015

To: Sonke Mastrup
Executive Director
Fish and Wildlife Commission

From: Charlton H. Bonham
Director



Subject: **Agenda Item for the August 4-5 Fish and Game Commission Meeting**
Re: Amend Sections 478, 479, and 702, Title 14, California Code of Regulations (CCR), Bobcat Protection Act

The Department of Fish and Wildlife (Department) is submitting the attached Pre-adoption Statement of Reasons (PSOR) for proposed regulations implementing the Bobcat Protection Act of 2013 (FGC §4155). The Department is not recommending any changes in the regulatory text or the options set forth in the Initial Statement of Reasons.

Two Options are proposed for consideration:

Option 1. Creation of an extensive Bobcat Trapping Closure Area within which trapping of bobcats is not permitted, as well as delineating Property-Specific Closure Areas around national and state parks and national monuments and wildlife refuges in which bobcat trapping is prohibited. Fees to recover the costs of the Department's administration and enforcement of the regulations are also proposed to be established in Section 702.

Option 2. A complete ban on bobcat trapping in California. With the exception of depredation trapping, this option would ban all trapping of bobcats statewide.

As of this date, several thousand public comments have been received by the Commission and Department which overwhelmingly support Option 2, a total ban of bobcat trapping in California, as allowed in FGC §4155(f).

The Department continues to recommend the designated bobcat trapping closures under Option 1, and thereafter monitoring the participation of trappers, enforcement effort and administration of the new regulation for a period of at least two years.

If you have any questions regarding this item, please contact Dr. Eric Loft, Chief, Wildlife Branch at (916) 445-3555 or Eric.Loft@wildlife.ca.gov.

Attachments

Sonke Mastrup, Executive Director

July 21, 2015

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STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-adoption Statement of Reasons)

Amend Sections 478, 479 and 702
Title 14, California Code of Regulations
Re: Implementation of the Bobcat Protection Act of 2013

- I. Date of Initial Statement of Reasons: April 14, 2015
- II. Date of Pre-adoption Statement of Reasons: July 21, 2015
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 3, 2014
Location: Van Nuys
 - (b) Discussion Hearing: Date: June 11, 2019
Location: Mammoth Lakes
 - (b) Adoption Hearing: Date: August 5, 2015
Location: Fortuna
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made in the originally proposed regulatory language.
- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made in the originally proposed regulatory language.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:

From the beginning of the public comment period through July 15, 2015:
About 23 commenters have indicated they support Option 1 or no change from the current trapping regulations.

Option 1 - Supporting Organizations or No Change* Include:

 - California Trappers Association**
 - Outdoor Sportsmen's Coalition of California
 - Safari Club International
 - Inyo County Fish and Wildlife Commission

Over 8,000 form letters (by email) and over 1,000 individual emails and letters have been received supporting Option 2, a statewide ban of bobcat trapping in California.

Option 2 – Supporting Organizations Include:

- Center for Biological Diversity
- Project Coyote
- Mountain Lion Foundation
- Sierra Club California
- Sierra Club Toiyabe Chapter
- Friends of the Inyo
- Morongo Basin Conservation Association
- California Valley Miwok Tribe
- Mono County

* The Commission is mandated to implement Option 1, or similar, establishing boundaries and fees; 'no change' is not an alternative available to the FGC.

** The California Trappers Association considers Option 1 to be a de facto ban on bobcat trapping based on the fees necessary to recover the costs of the trapping program.

On behalf of the Commission, the Department of Fish and Wildlife (Department) used the best available information and has determined that the proposed project, including either Option 1 or Option 2, will implement the Bobcat Protection Act of 2013 as set forth in Fish and Game Code (FGC) Section 4155:

Option 1 implements the mandate in FGC subsection 4155(b)(1) to amend the regulations to prohibit the trapping of bobcats adjacent to the boundaries of each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited; and it imposes fees pursuant to FGC 4155(e).

Option 2 implements the mandates in FGC subsections 4155(b) and (e) by prohibiting the trapping of bobcats statewide and is consistent with FGC section 4155(f).

Upon adoption, either option will be implemented in regulation prior to the start of the 2015 trapping season.

If Option 1, or similar, is adopted, the Commission staff, in accordance with FGC subsection 4155(b)(2), will begin accepting applications for adding preserves, state conservancies, and any additional public or private conservation areas identified to the commission by the public as warranting protection.

Updated Informative Digest/Policy Statement Overview

Amend sections 478, 479, and 702, Title 14, California Code of Regulations.

The statutory mandate to promulgate regulations to place restrictions on bobcat trapping is set forth in Fish and Game Code Section 4155, the Bobcat Protection Act of 2013, which states in subsection (b)(1):

“Through the commission’s next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries of each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited.”

In addition, Fish and Game Code Section 4155(e) directs the Commission to set trapping license fees and associated fees 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. A range of potential fees is presented with the recommended fee combination of \$35 per shipping tag and \$1,137 for the proposed Bobcat Trapping Validation. The proposed regulatory changes will not affect the take of bobcats with a hunting license and bobcat hunting tags under subsection 478.1, or under a depredation permit issued pursuant to Section 401.

PROPOSED REGULATORY CHANGES

Option 1: Partial closure of the state to bobcat trapping and establishing property-specific closure boundaries around protected areas.

- Amend Section 478, Bobcat, by adding descriptions of a statewide “Bobcat Trapping Closure Area” and 18 “Property-Specific Closure Areas” surrounding 23 protected areas and incorporate editorial changes and re-numbering of the text for clarity.
- Amend Section 702, Fees, by adding a new subsection (d)(1) to require (in addition to the trapping license fee set forth in the Fish and Game Code) the payment of a Bobcat Trapping Validation Fee set at \$[0 – 1,325] and subject to annual adjustment.
- Amend Section 479, Bobcat Pelts, by moving the current bobcat pelt shipping tag fee from subsection (c)(5); and Amend Section 702, Fees, adding a new subsection (d)(2), Shipping Tags, and increasing the fee from \$3 to \$[0 - 245] and subject to annual adjustments. Additionally, there are editorial changes and re-numbering of the text for clarity.
- Amend Section 479 by deleting the ‘no cost’ provision and ‘department mark’ on pelts not for sale in subsection (a)(1), each pelt will be required to have a

Department issued shipping tag; and, by eliminating the listed Method of Take in subsection (c)(4).

Option 2: Total prohibition on bobcat trapping in California.

- Amend Section 478 by prohibiting bobcat trapping throughout California.
- Amend Section 479 eliminating pelt tags, fees, and department marks for bobcats taken by trapping.

BENEFITS OF THE PROPOSED ACTION:

The benefits of the proposed regulations to the environment, whether of a partial trapping ban as described in Option 1, or a full ban as described in Option 2, will be through the improved protection of bobcat populations and the enhancement of non-consumptive use benefits. Non-consumptive uses anticipated to potentially increase include: the observation of bobcats in the wild and the perceived value of the bobcat population's contribution to ecosystem functioning.

EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS:

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the commercial trapping of bobcat. No other State agency has the authority to promulgate such regulations. The Commission has searched the CCR for any regulations regarding bobcat trapping and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

No changes have been made to the originally proposed regulatory language. The Department continues to recommend adoption of Option 1 with the establishment of a bobcat trapping validation fee of \$1,137 and a shipping tag fee of \$35.

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

Amend Sections 478, 479 and 702
Title 14, California Code of Regulations
Re: Implementation of the Bobcat Protection Act of 2013

I. Date of Initial Statement of Reasons: April 14, 2015

II. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: December 3, 2014
 Location: Van Nuys
- (b) Discussion Hearing: Date: June 11, 2015
 Location: Mammoth Lakes
- (c) Adoption Hearing: Date: August 5, 2015
 Location: Fortuna

III. Description of Regulatory Action:

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

The Fish and Game Commission (Commission) proposes to implement the provisions of Fish and Game Code (FGC) Section 4155, the Bobcat Protection Act of 2013. Specifically, with this rulemaking the Commission will address the following requirements of Section 4155:

“(b)(1) Through the commission’s next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries of each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited.

(b)(3) The commission shall delineate the boundaries of an area in which bobcat trapping is prohibited pursuant to paragraph (1) or (2) using readily identifiable features, such as highways or other major roads, such as those delineated for Joshua Tree National Park in subdivision (a).

(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) This section does not limit the ability of the department or the commission to impose additional requirements, restrictions, or prohibitions related to the taking of bobcats, including a complete prohibition on the trapping of bobcats pursuant to this code.”

This rulemaking proposes to amend sections 478, 479 and 702, Title 14, CCR to restrict the take of bobcats by trapping in all or portions of the state. The proposed regulatory changes will not affect the take of bobcats with a hunting license and bobcat hunting tags under subsection 478.1, or under a depredation permit issued pursuant to Section 401.

BOBCAT TRAPPING IN CALIFORNIA

Trapping Regulations Generally

In California, bobcats are classified as a nongame mammal (FGC § 4150). Under current regulations, bobcats may be trapped under the authority of a general trapping license (Title 14 § 478). The Department of Fish and Wildlife (Department) requires that individuals successfully pass a written test of competence and proficiency in trapping before applicants can be issued a trapping license (FGC § 4005). A trapping license fee of \$115 is required for residents over 16 years of age; non-resident trapping license fees are set at \$570 (FGC §4006). Licensed trappers may take bobcats during the open season for trapping (Nov. 24 through Jan. 31; Title 14 § 478) and no additional trapping license validation is currently required. It is unlawful for any person to trap for the purposes of recreation or commerce in fur any furbearing or nongame mammal with any body-gripping trap (Title14 § 465.5). The only legal trap for bobcat is a live box trap and all traps must be visited daily. Each trap is uniquely identified with the Trapper’s ID number (Title14 § 465.5). Trappers are required to report all of their harvest annually to the Department (Title 14 § 467).

Shipping Tags

A shipping tag is required to be affixed to bobcat furs (pelts) or products that are sold or traded interstate or out of the country in accordance with the *Convention on International Trade in Endangered Species of Wild Flora and Fauna* (CITES) and Title 14 Section 479. In California, only licensed trappers (or licensed fur dealers) may purchase shipping tags and engage in commerce in bobcat furs or products. The Department makes these shipping tags available to licensed trappers during, and for

two weeks following, the open season for bobcats. Trappers must supply information on the place, time, date and method of take as part of the tagging process. The Department currently charges an administrative fee of \$3 per pelt for the issuance of shipping tags.

Bobcat Trapping Data

The Department monitors the number of trappers and requires all trappers to report their harvest at the end of each license year (fiscal year) in order to maintain a valid trapping license. Together, these data are used to compile the Licensed Fur Trapper and Dealer's Report and the Bobcat Harvest Assessment each year. These reports monitor annual bobcat harvest relative to the quotas established in accordance with the requirements of CITES and allow the Department to understand trends in the amount and distribution of bobcat harvest. These reports are available to the public on the Department's

website: <https://www.dfg.ca.gov/wildlife/hunting/uplandgame/reports/bobcat.html>

In 1981, the Department developed sustainable harvest quotas for bobcats in response to bobcat trapping levels that exceeded 20,000 animals per year in the late 1970's. Estimates of bobcat density were based on data obtained through targeted scientific studies of bobcat populations in San Diego County, Eastern Siskiyou County, and the Mojave Desert region. In accordance with CITES, the Department developed a maximum harvest quota of 14,400 bobcats per year which was submitted to and approved by the U.S. Fish and Wildlife Service Office of Scientific Authority. The quota was established to ensure that trade in bobcat furs was not a potential detriment to the health of the state's bobcat population.

The level of bobcat trappers has declined over for the past two decades (2013-14 Bobcat Harvest Assessment) and the number of all trappers has declined dramatically from an average of over 2,500 trapping licenses sold annually during the 1980's to an average of less than 800. Of these, about 200 trap bobcats, over the past 20 years (refer to Exhibit A). Bobcat trappers have comprised an average of 25 percent of all trappers over this period and harvest by trappers in California has been less than 20% of the annual quota since 1989.

PROPOSED REGULATIONS

The Department is providing two options for the Commission to consider in implementing the Bobcat Protection Act:

OPTION 1 (RECOMMENDED):

PARTIAL CLOSURE OF THE STATE TO BOBCAT TRAPPING AND ESTABLISHING CLOSURE BOUNDARIES AROUND PROTECTED AREAS.

As required in subsection 4155(b)(1) of the FGC, the Department identified each national or state park and national monument or wildlife refuge that would require closure areas in accordance with the statute. The Department's initial assessment based on the Lands Coverage in the Department's Geographic Information System identified 283 individual management units for wildlife refuges and parks. These represent a total of 186 designated national and state parks, national monuments and wildlife refuges (refer to Exhibits B and C). Pursuant to FGC section 4155(b)(2), the Commission may consider whether to prohibit bobcat trapping adjacent to additional conservation areas in 2016.

For clarity, this ISOR will refer to "national or state park and national monument or wildlife refuge" inclusively as "protected area(s)."

Option 1 prohibits trapping of bobcats surrounding all protected areas identified above by: 1) closing certain large areas of the state where harvest of bobcats by trapping has historically been low; and 2) delineating closure boundaries adjacent to 23 specific protected areas in remaining portions of the state.

Delineation of specific highway and road boundaries surrounding each of the 186 protected areas in the state would require dozens of additional pages of regulation resulting in a very complex and difficult to understand mosaic of areas where trapping would be prohibited. By proposing a larger, contiguous closure encompassing most of the 186 protected areas, this proposal fully implements the statute while resulting in a less complicated system of closures that should be clearer to the public, the trapping community, and the Department's enforcement staff.

The map depicted in Exhibit C represents the cumulative distribution of bobcat trapping harvest by county between November 2003 and January 2013. These data indicate that relatively low numbers of bobcats have been harvested over a large part of the central and southwestern portion of the state over the past decade. Trapping harvest is concentrated in two areas in the northeastern and southeastern portions of the state. Therefore, the Department is recommending that a large area of the central and southwestern portion of the state be closed to bobcat trapping. As mentioned above, development of individual closure regulations surrounding all 186 properties in areas with low levels of trapping creates an unnecessarily complicated regulatory scheme that would be both difficult to understand and to enforce. Under the proposed approach, approximately 60% of the state would be closed to bobcat trapping, and the number of protected areas requiring property-specific closure boundaries is reduced from 186 to 23 properties. Exhibit B specifies which protected areas (indicated by reference to the new subsection number) will have delineated closures. Exhibit D shows the location of the "Bobcat Trapping Closure Area" and the 18 "Property-Specific Closure Areas" surrounding the remaining 23 protected areas (note that some protected areas have been grouped within a single property-specific closure).

Effect of a Partial Closure on the Department's Bobcat Program

The Department will incur costs associated with managing bobcat harvest under both options. However, if Option 1 is adopted, the Department anticipates greater costs associated with the development of a bobcat management plan compared to current efforts. Management plan costs under Option 1 are anticipated to be about twice those under Option 2 because of the higher levels of take associated with an ongoing trapping program. Under the recommended option, the Department would:

- 1) Report annual harvest from trapping, hunting, and depredation including compliance with CITES.
- 2) Develop a new management plan for bobcat trapping and hunting.
- 3) Collect biological information from harvested bobcats as identified through the development of the management plan.

Because trapping accounts for the majority of bobcat harvest statewide, costs associated with each of these categories would be higher than those under Option 2 (below). The management plan and harvest reporting would be of greater breadth and more expensive under Option 1.

The implementation costs presented in detail in Table 1 of the Economic Impact Assessment (refer to Section VII) do not include the costs that the Department would incur in developing and implementing a bobcat population survey as proposed in the Governor's signing message. Necessary surveys and monitoring of bobcat populations would likely only be possible with additional funding from the legislature or other sources.

Effect of a Partial Closure on the Department's Law Enforcement Program

Imposing new trapping closures will require learning where bobcat trapping is legal versus prohibited in California by all who are affected. There may be initial uncertainty in distinguishing between areas legal to trap and those that are closed. Enforcement staff anticipates an increase in false reports of illegal trapping activity, and therefore the Department anticipates an increase of approximately ten percent in enforcement costs for at least the first few years.

Proposed Amendments to Existing Regulations (Option 1):

- Amend Section 478, Bobcat, by adding descriptions of a "Bobcat Trapping Closure Area" and 18 "Property-Specific Closure Areas" surrounding 23 protected areas and incorporate editorial changes and re-numbering of the text for clarity.

Necessity: Adding boundary descriptions to the regulations implements the statutory requirement that the protected area around each national or state

park and national monument or wildlife refuge be identified using readily identifiable features, such as highways or other major roads, §4155(b)(1) and (b)(3), FGC.

OPTION 2:

PROHIBIT BOBCAT TRAPPING THROUGHOUT CALIFORNIA. (Requested for consideration by the Commission on December 3, 2014)

Fish and Game Code subsection 4155(f) affirms the Commission's authority to impose greater restrictions including a complete prohibition on bobcat trapping. The Commission, at its December 2014 meeting, directed the Department to include in this proposal an option to prohibit bobcat trapping in California. The regulatory change proposed in Option 2 implements this directive by prohibiting bobcat trapping in California.

Effect of a Prohibition on Bobcat Trapping in California

The Department will incur costs associated with managing bobcat harvest under both options. Option 2 proposes a complete ban on bobcat trapping in California. The take of bobcats with a hunting license and take of bobcats under a depredation permit would continue to be allowed. Under Option 2, the Department would:

- 1) Report annual harvest from hunting and depredation.
- 2) Develop a new management plan focused primarily on bobcat hunting.
- 3) Collect biological information from harvested bobcats as identified in the management plan.

Hunting of bobcats is less likely to result in impacts to the population because the total take is considerably lower than trapping and there are limits on the number of animals each hunter can take. Effort related to harvest reporting costs is projected at approximately 50 percent of existing baseline costs. Similarly, the preparation of a bobcat management plan under Option 2 is projected to be approximately half the cost of a management plan under Option 1. Without trapping, the lower level of bobcats taken under Option 2 will result in a less complicated management plan.

The implementation costs presented in detail in Table 1 of the Economic Impact Assessment (refer to Section VII) do not include the costs that the Department would incur in developing and implementing a bobcat population survey as proposed in the Governor's signing message. Necessary surveys and monitoring of bobcat populations would likely only be possible with additional funding from the legislature or other sources.

The Effect of a Complete Prohibition on the Department's Law Enforcement Program

Under a complete prohibition on bobcat trapping, the nature of the Department's enforcement activities is projected to shift from routine patrol and enforcement of existing trapping regulations to focus on investigative efforts aimed at detecting and preventing unlawful bobcat trapping. Intelligence gathered indicates some in-state and some out-of-state unlawful trappers may move into California in areas wherever bobcat trapping is banned, especially those with historically high bobcat trapping success. Reasons include reduced or no competition, no daily trap check requirement, use of illegal leg-hold traps which are deployed in much greater numbers and are much more difficult to find, and no seasonal restrictions

Unlawful trappers using illicit techniques may trap earlier in the season and well past the normal end of the trapping season resulting in increased law enforcement effort. Banning bobcat trapping will not eliminate the cost of bobcat trapping enforcement. The Law Enforcement Division anticipates that the enforcement effort will increase for at least the first few years after a ban is implemented.

Additionally, there would be no other trappers in the field to provide the tips wildlife officers rely upon to make many good cases. Lawful trappers are keenly aware of other trappers who work in their areas and provide many tips of unlawful activities that wildlife officers would not always discover on their own. Under Option 2, the Department expects some level of illegal take to continue due to the demand for pelts and the potential profits from their sale.

Conclusion: Wherever bobcat trapping is banned (whether a partial or full ban), the Department anticipates illegal trapping will continue based largely upon the high prices derived from bobcat pelts over the last few years. Because California's Sierra Nevada mountains, particularly the southern and east side, have a healthy bobcat population with high-value pelts, this region may continue to attract commercial bobcat trappers. Though unlawfully taken in California, these pelts could be easily transported across state lines and sold in another state where trapping is lawful. This action would violate state and federal laws but would require significant increases in investigative work to detect and prove.

Proposed Amendments to Existing Regulations (Option 2):

- Amend Section 478 by prohibiting bobcat trapping throughout California.

Necessity: Prohibiting bobcat trapping would implement the Commission's authority to regulate take of bobcats pursuant to FGC sections 200, 202, and 4150, and affirmed in subdivision (f) of FGC section 4155.

- Amend Section 479 eliminating pelt tags, fees and department marks for bobcats

taken by trapping.

Necessity: If prohibited, there is no reason for the Department to continue to offer tags or marks, or to collect fees for pelt shipping tags.

Department Recommendation

The Department recommends Option 1. This would include establishment of designated bobcat trapping closures, monitoring bobcat take levels, participation of trappers, enforcement effort and costs, and administration of the new regulation for a period of at least two years. The Department last reviewed its bobcat harvest strategy in its 2004 Environmental Document assessing Furbearing and Nongame Mammal Hunting and Trapping, which concluded that the level of take associated with bobcat trapping in California is insignificant relative to natural production and mortality in the species. Bobcats are a renewable resource, provide opportunity for the public to use and enjoy wildlife, and the Department considers the current levels of take to continue to be sustainable. The history of trapping in California illustrates that the population has sustained significantly higher levels of annual harvest in the past with no lasting consequence.

COST RECOVERY

Fish and Game Code section 4155(e) requires the Commission to set trapping license fees and associated fees at the levels necessary to fully recover all reasonable administrative and implementation costs associated with the trapping of bobcats in the state. Based on factors such as past effort by bobcat trappers, law enforcement effort, and ongoing administrative costs, the Department recommends that new fees be applied to the Trapping License for those intending to take of bobcats and also to the shipping tags for bobcat pelts. Since many licensed trappers do not pursue bobcats, the Department proposes to establish a new "Bobcat Trapping Validation." The range of fees proposed to recover the costs of the Department and the Commission associated with the bobcat trapping program is presented in Section VII of this ISOR.

In evaluating the proposed fees the Department considered the following:

1. The Department will incur ongoing costs even under a full prohibition on bobcat trapping (Option 2). Enforcement costs are projected to increase due to the increased investigation time required to deter unlawful bobcat trapping. Because legal trapping will no longer occur, there would be no mechanism to recover these ongoing costs.
2. Under a partial closure (Option 1), the complex boundary descriptions and unfamiliarity with the regulation could lead to initial difficulty in enforcement, including some unintended illegal take of bobcat, and mistaken reports of illegal activity. These will result in some added cost to current operations which may subside over time.

3. Whether a partial or full ban of trapping is adopted, the Department would pursue development of a management plan for bobcats in California.
4. To fully recover costs of the trapping program under Option 1, the Department proposes that trappers pursuing bobcats be required to purchase an annual trapping license, an annual Bobcat Trapping Validation, and pay a higher per pelt shipping tag charge.
5. It is not possible to accurately predict the outcome of higher fees and reduced trapping opportunity on the viability of bobcat trapping as a business enterprise. A new assessment should be made following at least two seasons with the partial ban and fees in place to determine if the Bobcat Trapping Validation Fee and shipping tag fees require adjustment in order to fully recover costs associated with the trapping of bobcats.
6. The 'no cost' for personal use and "department mark" provisions in Section 479 are proposed to be removed in accordance with the statutory requirement that the Commission "set trapping license fee and associated fees" to fully recover all reasonable costs associated with trapping bobcats. (FGC § 4155(e)). The Department mark is no longer necessary since shipping tags will be attached to every pelt as proposed in amended subsection 479(a)(2). (Note: Up to five bobcat pelts may be taken for personal use (not for sale) each year under a hunting license and bobcat hunting tags).

New Bobcat Trapping Validation and Fee

The Department proposes to establish a new "Bobcat Trapping Validation." At this point the Department is not proposing an increase in the general trapping license fee, but the validation will be required if the licensed trapper intends to take bobcats. A separate fee is proposed to be paid annually for the validation and issued through the Automated License Data System (ALDS) in the same manner as the license.

Increased Fee for Shipping Tags

Bobcat pelt shipping tags (refer to Exhibit E) are required to be placed by the Department on each pelt in order to transport or ship pelts out of state or country. The Department issues the tag in accordance with CITES. (Note: While the bobcat is not listed as a threatened or endangered species, it is included in Appendix II of CITES to control trade and limit opportunity for illegal take). The present fee is \$3.00 per pelt. The Department proposes to increase the fee and require that all bobcat pelts taken under a trapping license shall be tagged.

Fee Determination

In determining the proposed fee schedule to recover its costs, the Department considered how different price points on either item may influence trapper response. Any change in fees designed to recover Department costs must consider that price increases may induce substantial drops in participation such that cost recovery

objectives are defeated. Additionally, in general, fee increases for commercial licenses have been shown to induce an increase in effort that may result in an increase in tagged pelts. Those with lower levels of commitment to trapping may drop out; the moderately committed, may also reduce effort; but the most enterprising may continue to trap but with an increase in trapping effort by placing more traps in more areas over more days during the season.

The cost of a trapping license and the proposed bobcat validation may be perceived as an initial entry cost. The validation is in that way, a “sunk cost” that will effectively diminish as a per unit operating cost with each additional pelt taken. In contrast, shipping tags are a variable cost depending on the number of pelts taken by each trapper. As such, each shipping tag is a recurring cost that may be perceived as more directly cutting into an individual trapper’s profit per pelt.

If the tag price is too high, some may seek to evade that final cost by illegally transferring pelts to other states for shipping. On the other hand, if the combined bobcat validation and license fee exceeds neighboring states’ non-resident trapping fees, California trappers may choose to go out-of-state. At some level, higher license fees may encourage unlawful behavior. While most people are law-abiding, fee setting should be mindful of any possible unintended consequences.

The Department will incur a certain level of bobcat-related enforcement, management and administrative costs whether or not bobcat trapping continues in California. The Department will logically incur incremental increases in enforcement, management, and administrative costs under the partial bobcat trapping closure proposed under Option 1. Total program costs under Option 1 are estimated at approximately \$212,000 per year (refer to Table 1 on page 19).

As described in the Economic Impact Assessment (refer to Section VII), the Department assumed an annual sale of 160 bobcat validations and 860 shipping tags for purposes of calculating cost recovery. At these volumes, the proposed fee for the bobcat trapping validation would range from \$0 to \$1,325 and the proposed fee for each shipping tag would range from \$0 to \$245 per pelt. A range of potential fees is presented with the recommended fee combination of \$35 per shipping tag and \$1,137 for the proposed Bobcat Trapping Validation.

Proposed amendments to fee regulations

- Amend Section 702, Fees, by adding a new subsection (d)(1) to require (in addition to the trapping license fee set forth in the Fish and Game Code) the payment of a Bobcat Trapping Validation Fee set at \$[0 – 1,325] and subject to annual adjustment.

Necessity: Adding the new Bobcat Trapping Validation fee implements the statutory requirement that the Commission set trapping license fees and

associated fees to fully recover all reasonable costs associated with trapping bobcats. (FGC § 4155(e)).

- Amend Section 479, Bobcat Pelts, by deleting the current bobcat pelt shipping tag fee from subsection (c)(5); and Amend Section 702, Fees, adding a new subsection (d)(2), Shipping Tags, and increasing the fee from \$3 to \$[0 - 245] and subject to annual adjustments. Additionally, there are editorial changes and re-numbering of the text for clarity.

Necessity: Increasing the current fee for a bobcat shipping tag implements the statutory requirement that the Commission set trapping license fees and associated fees, including, but not limited to, shipping tags to fully recover all reasonable costs associated with trapping bobcats. (FGC, §4155(e)). The Commission established Section 702 as the location for tags and fees; this section is the logical place for new bobcat fees.

- Amend Section 479 by deleting the ‘no cost’ provision and ‘department mark’ on pelts not for sale in subsection (a)(1) and by eliminating the listed Method of Take in subsection (c)(4).

Necessity: Removing the ‘no cost’ is in accordance with the statutory requirement that the Commission “set trapping license fee and associated fees” to fully recover all reasonable costs associated with trapping bobcats. (FGC § 4155(e)). The Department mark is no longer necessary since shipping tags will be attached to every pelt as amended in subsection 479(a)(2). The use of hounds is prohibited in FGC Section 3960(b), so specifying the method of take is no longer necessary.

Department Fee Recommendation

Price allocation between the two items supports shipping tag fees set at \$35, and bobcat validation fee set at \$1,137.

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

Authority: Sections 200, 202, 4150, and 4155, Fish and Game Code. Reference: Sections 3960, 4150, and 4155, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None

(d) Identification of Reports or Documents Supporting Regulation Change:

2004 Environmental Document

2013-14 Bobcat Harvest Assessment

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Commission and Department received comments from interested parties regarding bobcat trapping regulations at the Wildlife Resources Committee (WRC) meetings in Sacramento in July and September of 2014. The WRC recommended that the Commission authorize staff to work with the Department to prepare a rulemaking to implement the Bobcat Protection Act mandate. The recommendations of the WRC and CDFW staff were further discussed and accepted at the Commission meetings on October 8, 2014 in Mount Shasta; in Sacramento on December 3, 2014 and February 12, 2015; and in Santa Rosa on April 9, 2015.

Prior to publication of the Notice of Proposed Rulemaking, the Commission and Department received more than 49,000 emails and other correspondence from the public largely expressing their desire to have the Fish and Game Commission ban bobcat trapping throughout the entire state, consistent with FGC Section 4155(f). Some alternatives were proposed, such as the use of Global Positioning System (GPS) coordinates to delineate closure areas, but none were found to be consistent with the statutory requirements. Suggestions were made for additional protected areas that were beyond the scope of the current rulemaking. Other areas may be considered by the Commission in 2016 pursuant to FGC Section 4155(b)(2) if the Commission adopts Option 1.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Prohibit trapping adjacent to protected areas by delineating closure boundaries using highways and roads surrounding all protected areas.

The Department has determined that there are 186 protected areas within the state where trapping must be further prohibited to implement the statute. While meeting the letter of the statute, delineation of specific highway and road boundaries surrounding each of the 186 protected areas would require dozens of additional pages of regulation and result in a very complex and difficult to understand mosaic of areas where trapping would be prohibited or authorized.

This alternative would create an unnecessarily complicated regulatory scheme that would be both difficult for the public to understand and for the Department to enforce. The Department does not recommend this as an alternative for further consideration.

2. Prohibit trapping within a predetermined distance adjacent to protected areas and requiring trappers to use GPS technology to determine the location of

traps.

GPS technology is highly effective and in wide use by the public in many applications. With proper equipment trappers may determine their location with adequate precision in a matter of seconds. Trappers have recommended this method as an effective alternative in establishing a closure boundary surrounding each protected area.

The Department has determined that using GPS technology to define closure boundaries is inconsistent with the requirement of the statute to use “readily identifiable features, such as highways or other major roads.” Therefore, the Department does not recommend this as an alternative for further consideration.

(b) No Change Alternative:

The statutory mandate to promulgate regulations is set forth in Fish and Game Code Section 4155(b)(1):

“Through the commission’s next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries of each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited.”

Therefore the Commission has no discretion to consider the no change alternative.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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 have been assessed, 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 Commission does not anticipate significant statewide adverse economic impact directly affecting business, although the proposed fee increases may reduce the ability of California bobcat trapping businesses to compete with businesses in other states.

The principle businesses that are expected to be impacted by the proposed regulatory changes are approximately 200 licensed trappers which Department records indicate have historically taken bobcat and paid the current shipping tag fee. Their income is not derived solely from the take of bobcat pelts during the relatively short bobcat trapping season, but also from other animals lawfully taken for profit. Whether the increase in fees or the reduction in opportunity from limitations on trapping areas, as described in Option 1, or a complete ban as described in Option 2, the economic loss to the state as a whole is expected to be very small and would not significantly affect California businesses or their ability to compete with businesses in other states.

(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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any significant impacts on the creation or elimination of jobs within the State because a partial or full ban would affect only a small number of licensed commercial trappers whose income is not derived solely from bobcat pelts but also from other animals lawfully taken for profit.

The Commission anticipates potential benefits to the health and welfare of California residents through the enhancement of non-consumptive use benefits. Non-consumptive uses that could increase include: the observation of bobcats in the wild and the perceived value of the bobcat population's contribution to ecosystem functioning.

The Commission does not anticipate benefits to worker safety because this regulatory action will not impact health, welfare or worker safety.

The Commission anticipates possible benefits to bobcat populations because the regulations required by statute will place further limitations on the take of bobcats.

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

If Option 1 is adopted, the Commission anticipates increased costs to the business of commercial trappers because of the additional fees for the Bobcat Trapping Validation and increased fees for shipping tags on pelts. The Commission expects these fees to be entirely absorbable by passing on this cost to the consumers of bobcat pelts. Private persons, not involved in commerce in bobcat products will not be impacted by any cost.

A statewide ban would impact a small number of licensed trappers who will no longer derive any income from the sale of bobcat pelts. However, licensed trappers could continue to derive income from the legal take of other animals.

(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, Government Code: None

(h) Effect on Housing Costs: None

VII. Economic Impact Assessment

For purposes of this Economic Impact Assessment the Department considered cost recovery figures based on the statewide 5-year average of 200 licensed bobcat trappers taking an average of 1,070 pelts annually. However given that any increase in fees for trapping bobcats may deter participation in trapping, we have chosen to evaluate the proposed fee structure assuming a 20% decline in both numbers of trappers and numbers of shipping tags sold.

Currently, each trapper is required to purchase an annual trapping license at a cost of \$115 (2014) and a CITES shipping tag at a cost of \$3 (2014) per pelt. There are a very small number of non-resident and junior trappers who do not contribute significantly to the revenues derived from such sales. It should also be noted that the majority of licensed trappers do not target bobcat. In addition, many trappers are licensed for pest control which does not provide allowance to sell any bobcat pelts taken for depredation purposes. The proposed regulatory requirements and fee changes will not affect the take of bobcats under the authority of a depredation permit issued by the Department.

The total revenue received from bobcat trappers, apart from pest control trappers, over the 2013-2014 commercial bobcat trapping season was about \$27,500. The majority of this revenue (\$23,000) came from the sale of licenses, and shipping tag sales accounted for an additional \$4,500.

Subsection 4155(e), FGC, requires the Commission to:

“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.”

Existing Costs

The Department currently incurs approximately \$161,000 in enforcement, management, and administrative costs to implement the bobcat trapping program under existing regulations.

Enforcement Costs

Under current regulations, the Law Enforcement Division expends substantial enforcement effort during the 69 day bobcat trapping season. Twelve officers including a supervising lieutenant put in about 2,000 hours in the field over the season. Along with vehicle mileage, the current costs incurred by the Department in the enforcement and administration of bobcat trapping regulations are approximately \$154,000 annually.

Wildlife Program Costs

In addition to enforcement, environmental scientists and scientific aides in the Department’s Wildlife Branch and regional offices currently expend about 160 hours annually compiling bobcat harvest data for the annual Bobcat Harvest Report. Total Department costs for this effort are estimated at \$6,700.

Option 1 Costs

Regulation Development and Startup Costs

Initial costs associated with both options include Department and Commission

costs associated with the development of the rulemaking. Total rulemaking costs, including overhead, are estimated at approximately \$31,300. Although both options are considered in the current rulemaking, much of this effort has been directed at Option 1. We therefore allocated 75% of the total rulemaking cost, or \$23,500, to development of Option 1 and \$7,800 to Option 2.

The Automated Data License System (ALDS) will incur an item-specific startup cost of approximately \$715 to develop and test the proposed bobcat trapping validation item. The ALDS startup cost and non-recurring regulation development and review costs are amortized over a five-year period in the proposed cost recovery fee schedule.

Enforcement Costs

The proposed bobcat trapping closures under Option 1 are projected to increase annual enforcement costs by about 10% to approximately \$169,000. This increase is anticipated to result from the increased effort to enforce the new closure areas. Additional investigative time is also likely to be necessary to detect and deter unlawful trapping activity within closure areas supporting high bobcat populations.

Wildlife Program Costs

Bobcat Harvest Reports will continue to be prepared under both options. Under Option 1, the Department will continue to incur the same level of costs as under the existing program, or approximately \$6,700 per year. Both options also include development of a Bobcat Management Plan. Under Option 1, the Department envisions developing a more detailed plan requiring approximately three months of staff time at a total cost of approximately \$31,600.

Option 2 Costs

Regulation Development and Startup Costs

Initial costs associated with both options include Department and Commission costs associated with the development of the rulemaking. Because the regulatory effort under Option 2 is less complicated than under Option 1, rulemaking costs were estimated at 25% of the total initial rulemaking cost, or \$7,800 for Option 2. Since Option 2 proposes a complete ban on bobcat trapping, no further startup costs are expected.

Enforcement Costs

Enforcement costs under a complete trapping ban were estimated based on the anticipated shift from routine patrol activities to a focus on detailed investigative

work necessary to detect and deter unlawful bobcat trapping activity. Wildlife enforcement costs under this scenario were derived using data from past investigations targeting unlawful trappers. A typical recent case involved over 800 hours of officer personnel time over a period of 4.7 months and almost 12,000 vehicle miles. The total cost for this single case was approximately \$63,100. If wildlife officers pursue an average of 3 cases per year under Option 2, then total enforcement costs would be approximately \$189,000.

Wildlife Program Costs

Bobcat Harvest Reporting would continue under Option 2, although at a reduced level. Without trapping, the annual report would focus on take of bobcats under a hunting license and bobcat hunting tags as well as bobcats taken under the authority of a depredation permit issued by the Department. The Department's cost of preparing the annual report is estimated at 50% of the current effort, or approximately \$3,300. A Bobcat Management Plan is proposed under Option 2, but at a similarly reduced level; without trapping, the plan would focus on general habitat conditions and monitoring the level of human-caused mortality through hunting and depredation take. The Department's costs for preparing the Bobcat Management Plan under Option 2 are estimated at 50% of the effort under Option 1, or approximately \$16,700.

Table 1. Bobcat Protection Act Implementation Costs by Option

Start up Costs							
Cost Description	Hours (Option 1)	Hours (Option 2)	Rate ¹	Existing Baseline Costs	Total Costs (Option 1)	Total Costs (Option 2)	
CDFW Startup Costs							
Regulation Development & Review				\$ -	\$ 17,400	\$ 5,800	
Validation Item ALDS Development	12	0	\$ 59.58	\$ -	\$ 715	\$ -	
Startup Subtotal				\$ -	\$ 18,115	\$ 5,800	
Overhead			35%	\$ -	\$ 6,340	\$ 2,030	
Total Startup Costs				\$ -	\$ 24,455	\$ 7,830	
Amortized over 5 years:				\$ -	\$ 4,891	\$ 1,566	
Ongoing Costs							
Cost Description	Baseline Hours	Hours (Option 1)	Hours (Option 2)	Rate	Existing Baseline Costs	Total Costs (Option 1)	Total Costs (Option 2)
Law Enforcement Costs							
Routine Patrol							
Officer	1,400	1,540		\$ 49.21	\$ 68,894	\$ 75,783	\$ -
Lieutenant	200	220		\$ 56.38	\$ 11,276	\$ 12,404	\$ -
Vehicle costs (Mileage)	18,750	20,625		\$ 0.565	\$ 10,594	\$ 11,653	\$ -
Case Investigation							
Officer Investigation	400	440	2,445	\$ 49.21	\$ 19,684	\$ 21,652	\$ 120,318
Vehicle costs (Mileage)	6,250	6,875	35,331	\$ 0.565	\$ 3,531	\$ 3,884	\$ 19,962
Enforcement Subtotal					\$ 113,979	\$ 125,377	\$ 140,280
Overhead				35%	\$ 39,893	\$ 43,882	\$ 49,098
Total Enforcement Costs					\$ 153,872	\$ 169,259	\$ 189,379
Wildlife Program Costs							
Harvest Report							
Harvest Report: Data Entry Staff - Scientific Aid	80	80	40	\$ 13.90	\$ 1,112	\$ 1,112	\$ 556
Harvest Report: Data Analysis - Environmental Scientist C	80	80	40	\$ 48.08	\$ 3,846	\$ 3,846	\$ 1,923
Management Plan							
Management Plan: Data Analysis - Environmental Scientist C		400	200	\$ 48.08	\$ -	\$ 19,232	\$ 9,616
Management Plan: GIS - Research Program Specialist II		60	40	\$ 55.24	\$ -	\$ 3,315	\$ 2,210
Management Plan: Scientific Aid		60	40	\$ 13.90	\$ -	\$ 834	\$ 556
Wildlife Program Subtotal					\$ 4,958	\$ 28,338	\$ 14,860
Overhead				35%	\$ 1,735	\$ 9,918	\$ 5,201
Total Wildlife Program Costs					\$ 6,693	\$ 38,256	\$ 20,062
Ongoing Costs Total					\$ 160,565	\$ 207,515	\$ 209,440
Amortized Startup Costs (from Above)					\$ -	\$ 4,891	\$ 1,566
Regulatory Option Annual Costs					\$ 160,565	\$ 212,406	\$ 211,006

1 Rates include wages and benefits together and overhead separately
 Sources: California Department of Human Resources, California Department of Fish and Wildlife Accounting Branch, Law Enforcement Division, Wildlife Branch, Regulations Unit Analysis.

Proposed Future Work

The implementation costs presented in detail in Table 1 do not include the costs that the Department would incur in developing and implementing an additional bobcat population study as proposed in the Governor’s signing message. Extensive field research on bobcat population dynamics would likely only be possible with additional outside funding from the legislature and/or other sources.

Proposed Fee Schedule for Cost Recovery

As shown in Table 1, the Department's implementation costs under Option 1 are approximately \$212,000 per year. The Department proposes to recover these costs by apportioning fees between the sales of a new bobcat trapping validation and shipping tags required for bobcat pelts. The Department considered a range of fee combinations for the bobcat trapping validation and the shipping tags based on the assumption that the number of commercial bobcat trapping licenses and tags sold will decline by approximately 20% from the 5-year average of 200 trappers and 1,070 tags sold.

Table 2: Range of potential fee combinations for cost recovery under proposed Option 1 based on projected annual sales of 160 Trapping Validations and 860 Shipping Tags.

Recovery Ratio Tags / Validations		CITES Tag	Bobcat Validation
0%	100%	\$0	\$1,325
1%	99%	\$3	\$1,309
2%	98%	\$5	\$1,298
4%	96%	\$10	\$1,271
6%	94%	\$15	\$1,244
8%	92%	\$20	\$1,218
10%	90%	\$25	\$1,191
12%	88%	\$30	\$1,164
14%	86%	\$35	\$1,137
16%	84%	\$40	\$1,110
18%	82%	\$45	\$1,083
22%	78%	\$55	\$1,029
26%	74%	\$65	\$976
30%	70%	\$75	\$922
34%	66%	\$85	\$868
39%	61%	\$95	\$814
43%	57%	\$105	\$761
47%	53%	\$115	\$707
51%	49%	\$125	\$653
55%	45%	\$135	\$599
59%	41%	\$145	\$546
63%	37%	\$155	\$492
67%	33%	\$165	\$438
71%	29%	\$175	\$384
75%	25%	\$185	\$331
79%	21%	\$195	\$277
83%	17%	\$205	\$223
87%	13%	\$215	\$169
91%	9%	\$225	\$116
95%	5%	\$235	\$62
100%	0%	\$245	\$0

All fees are subject to annual price indexing in accordance with Section 713, FGC.

The Department's recommended range of allocation options is highlighted in Table 2. The bobcat validation fee is proposed as an additional authorization for any licensed trapper intending to take bobcats, whether for personal use or pelt sales. This charge is proposed to be in addition to the basic resident trapping license fee of \$115. The shipping tag fee is charged for each pelt taken under a trapping license with a bobcat validation, and thus will be a variable cost depending on the number of pelts shipped by each trapper.

The proposed price change on the shipping tag is anticipated to be perceived as more directly cutting into an individual trapper's profit per pelt. The validation is in a sense a "sunk cost" and will effectively diminish as a per unit operating cost with each additional pelt taken. How many bobcats a trapper will take is an unknown at the beginning of the season, so how much the validation expense cuts into a trapper's profit per pelt is also an unknown. Since the tag price is a more readily apparent per pelt levy on a trapper's net income, it is anticipated that higher shipping tag fees may incentivize unlawful behavior to evade the additional charges. For comparison, the price for a shipping tag is \$5 in Nevada and \$3 in Arizona. Some trappers may be willing to take the risk of transferring their pelts to states with lower shipping tag fees. While this violates several laws, fee setting should be mindful of any possible unintended consequences.

Given the potential for unlawful out-of-state pelt transfers, the maximum tag fee is proposed to be around \$35 per pelt. Assuming 160 bobcat validations sold and 860 shipping tags sold, the constraints of price allocation between the two items supports shipping tag fees set at \$35, and the bobcat validation fee set at \$1,137. Conceivably the combinations of shipping tags and bobcat validation fees to either side of the \$35/\$1,137 combination might also be feasible without disrupting trapping activity to the point that declining participation would impact the Department's ability to recover program costs. These other combinations are a \$30 shipping tag fee with a bobcat validation at \$1,164 or a \$40 shipping tag fee with the bobcat validation at \$1,110.

Bobcat pelts prices vary depending on market demand, supply of pelts, and pelt quality. Reported prices for quality pelts have reached highs of \$1200. Bobcat pelts sold at the 2015 fur auction in Fallon, Nevada, had an average price of \$330 (http://www.nvtrappers.org/Fur%20Sale%20Reports/fallon_2015.htm). At the \$35 rate, the proposed shipping tag fee would represent about 10% of the average pelt price.

Under the proposed fee structure of \$35 per shipping tag and \$1,137 per validation, the compliance cost to an individual bobcat trapper with the median take of 10 bobcat pelts would be:

General trapping license	\$115
Bobcat trapping validation	\$1,137

Pelt shipping tag (\$35 each x10)	\$350
Total Compliance Cost (10 pelts)	\$1,602

The market price for bobcat pelts would affect the reasonableness of these costs for each trapper. With the assumption of 10 pelts per season, the trapper cost per pelt would be approximately \$160. The three percent ALDS fee, individual trapper travel and equipment costs are not included in this illustration as this regulatory action does not affect those costs directly.

The response of trappers to new fees will impact the probable revenue collected to recover the costs of this regulatory action. The Option 1 partial closure will have increased costs over current Department costs but the proposed new fees are intended to fully recoup those new costs. Under a complete prohibition, Department costs are projected to be somewhat higher than those incurred currently, with no commercial bobcat trapping fee revenue to offset costs.

(a) Effects of the regulation on the creation or elimination of jobs within the State

Option 1 - The cumulative effects of the changes statewide are estimated to be neutral to the creation or elimination of jobs in California. Although some decrease in trapping effort may result from the increase in fees, no effects on the creation or elimination of jobs are expected because of the relatively small number of bobcat trappers affected.

Option 2 - The cumulative effects of the changes statewide are estimated to be neutral to the creation or elimination of jobs in California. A statewide ban on bobcat trapping will only affect those licensed trappers seeking bobcat and then only to the extent that this seasonal part of their business is eliminated.

(b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State

Option 1 - The cumulative effects of the changes statewide are estimated to be neutral to the creation or elimination of businesses in California. Although some decrease in trapping effort may result from limiting the areas of the state where bobcat trapping is permitted and the increase in fees, no effects on the creation or elimination of jobs are expected because the regulatory action will affect a limited season (2.5 months) for a relatively small number of bobcat trappers.

Option 2 - The cumulative effects of the changes statewide are estimated to be neutral to the creation or elimination of businesses in California. A statewide ban on bobcat trapping will only affect the small number of licensed trappers seeking bobcat and then only to the extent that this seasonal part of their business is eliminated.

(c) Effects of the regulation on the expansion of businesses currently doing business

within the State

Option 1 - The cumulative effects of the changes statewide are estimated to be neutral to the expansion of businesses in California. The regulation may have a limiting effect on trappers and is unlikely to expand business.

Option 2 - The cumulative effects of the changes statewide are estimated to be neutral to the expansion of businesses in California. A statewide ban on bobcat trapping may have a limiting effect on trappers and is unlikely to expand business.

(d) Benefits of the regulation to the health and welfare of California residents

The proposed regulations are anticipated to potentially increase the welfare of California residents through the enhancement of non-consumptive use benefits. Non-consumptive uses that could increase include: the sighting of bobcats in the wild and the perceived value of the bobcat population's contribution to ecosystem functioning.

(e) Benefits of the regulation to worker safety

The proposed regulations are not anticipated to impact worker safety conditions.

(f) Benefits of the regulation to the State's environment

The proposed regulations are in response to the requirements of Section 4155, Fish and Game Code. The statute and regulations will benefit the state's bobcat population by either: Option 1 - extending the protected area where bobcat trapping is already prohibited within national and state parks, national monuments and wildlife refuges; or, Option 2 – a statewide ban on bobcat trapping.

Informative Digest/Policy Statement Overview

Amend sections 478, 479, and 702, Title 14, California Code of Regulations.

The statutory mandate to promulgate regulations to place restrictions on bobcat trapping is set forth in Fish and Game Code Section 4155, the Bobcat Protection Act of 2013, which states in subsection (b)(1):

“Through the commission’s next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries of each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited.”

In addition, Fish and Game Code Section 4155(e) directs the Commission to set trapping license fees and associated fees 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. A range of potential fees is presented with the recommended fee combination of \$35 per shipping tag and \$1,137 for the proposed Bobcat Trapping Validation. The proposed regulatory changes will not affect the take of bobcats with a hunting license and bobcat hunting tags under subsection 478.1, or under a depredation permit issued pursuant to Section 401.

PROPOSED REGULATORY CHANGES

Option 1: Partial closure of the state to bobcat trapping and establishing property-specific closure boundaries around protected areas.

- Amend Section 478, Bobcat, by adding descriptions of a statewide “Bobcat Trapping Closure Area” and 18 “Property-Specific Closure Areas” surrounding 23 protected areas and incorporate editorial changes and re-numbering of the text for clarity.
- Amend Section 702, Fees, by adding a new subsection (d)(1) to require (in addition to the trapping license fee set forth in the Fish and Game Code) the payment of a Bobcat Trapping Validation Fee set at \$[0 – 1,325] and subject to annual adjustment.
- Amend Section 479, Bobcat Pelts, by moving the current bobcat pelt shipping tag fee from subsection (c)(5); and Amend Section 702, Fees, adding a new subsection (d)(2), Shipping Tags, and increasing the fee from \$3 to \$[0 - 245] and subject to annual adjustments. Additionally, there are editorial changes and re-numbering of the text for clarity.
- Amend Section 479 by deleting the ‘no cost’ provision and ‘department mark’ on pelts not for sale in subsection (a)(1), each pelt will be required to have a Department issued shipping tag; and, by eliminating the listed Method of Take in subsection (c)(4).

Option 2: Total prohibition on bobcat trapping in California.

- Amend Section 478 by prohibiting bobcat trapping throughout California.
- Amend Section 479 eliminating pelt tags, fees, and department marks for bobcats taken by trapping.

BENEFITS OF THE PROPOSED ACTION:

The benefits of the proposed regulations to the environment, whether of a partial trapping ban as described in Option 1, or a full ban as described in Option 2, will be through the improved protection of bobcat populations and the enhancement of non-consumptive use benefits. Non-consumptive uses anticipated to potentially increase include: the observation of bobcats in the wild and the perceived value of the bobcat population's contribution to ecosystem functioning.

EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS:

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the commercial trapping of bobcat. No other State agency has the authority to promulgate such regulations. The Commission has searched the CCR for any regulations regarding bobcat trapping and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

Bobcat Trapper Harvest and Participation in Relation to Overall Bobcat Take in California 1977-2013



LIST OF PROTECTED PROPERTIES AS REQUIRED IN SECTION 4155, FGC. (national or state park and national monument or wildlife refuge)

(Properties not identified as Specific are incorporated into the statewide Bobcat Trapping Closure Area 478(d))

Property Specific Closure Areas Section 478	Property Type	PROPERTY NAME	Property Specific Closure Areas Section 478	Property Type	PROPERTY NAME
	State Park	Ano Nuevo SP		State Park	MacKerricher SP
	State Park	Agua Caliente County Park (ABDSP)		State Park	Malakoff Diggins SHP
e(1)	State Park	Ahjumawi Lava Springs SP		State Park	Malibu Creek SP
	State Park	Anderson Marsh SHP		State Park	Manchester SP
	State Park	Andrew Molera SP		State Park	Marconi Conference Center SHP
	State Park	Angel Island SP		Refuge	Marin Islands National Wildlife Refuge
	State Park	Annadel SP		State Park	Marsh Creek State Park (SHP)
	State Park	Antelope Valley Indian Museum (SHP)		State Park	Marshall Gold Discovery SHP
	State Park	Anza-Borrego Desert SP	e(1)	State Park	McArthur-Burney Falls Memorial SP
e(2)	State Park	Arthur B. Ripley Desert Woodland SP		State Park	McLaughlin Eastshore SP
	State Park	Bale Grist Mill SHP		State Park	Mendocino Headlands SP
	State Park	Bidwell Mansion SHP		State Park	Mendocino Woodlands SP
	State Park	Bidwell-Sacramento River SP		Refuge	Merced National Wildlife Refuge
	State Park	Big Basin Redwoods SP	e(12)	Refuge	Modoc National Wildlife Refuge
e(3)	Refuge	Bitter Creek National Wildlife Refuge		State Park	Montana de Oro SP
	Refuge	Blue Ridge National Wildlife Refuge		State Park	Monterey SHP
e(4)	State Park	Bodie SHP		State Park	Morro Bay SP
	State Park	Border Field SP		State Park	Mount Diablo SP
	State Park	Bothe-Napa Valley SP		State Park	Mount San Jacinto SP
	State Park	Burton Creek SP		State Park	Mount Tamalpais SP
	State Park	Butano SP		National Monument	Muir Woods National Monument
	State Park	Calaveras Big Trees SP		State Park	Navarro River Redwoods SP
	State Park	California Citrus SHP		State Park	Old Sacramento SHP
	State Park	California Indian Heritage Center SP		State Park	Old Town San Diego SHP
e(5)	State Park	Castle Crags SP		State Park	Olompali SHP
	Refuge	Castle Rock National Wildlife Refuge		State Park	Pacheco SP
	State Park	Castle Rock SP		State Park	Palomar Mountain SP
	State Park	Caswell Memorial SP		State Park	Patrick's Point SP

LIST OF PROTECTED PROPERTIES AS REQUIRED IN SECTION 4155, FGC. (national or state park and national monument or wildlife refuge)

(Properties not identified as Specific are incorporated into the statewide Bobcat Trapping Closure Area 478(d))

Property Specific Closure Areas Section 478	Property Type	PROPERTY NAME	Property Specific Closure Areas Section 478	Property Type	PROPERTY NAME
	State Park	China Camp SP		State Park	Petaluma Adobe SHP
	State Park	Chino Hills SP		State Park	Pfeiffer Big Sur SP
e(6)	State Park	Chumash Painted Cave SHP		State Park	Pigeon Point Light Station SHP
e(7)	Refuge	Cibola National Wildlife Refuge		National Park	Pinnacles National Park
e(11)	Refuge	Clear Lake National Wildlife Refuge		Refuge	Pixley National Wildlife Refuge
	State Park	Clear Lake SP		State Park	Placerita Canyon SP
	Refuge	Coachella Valley National Wildlife Refuge		State Park	Plumas-Eureka SP
	State Park	Colonel Allensworth SHP		State Park	Point Cabrillo Light Station SHP
	State Park	Columbia SHP		State Park	Point Mugu SP
	State Park	Crystal Cove SP		State Park	Point Sur SHP
	State Park	Cuyamaca Rancho SP		State Park	Portola Redwoods SP
	State Park	D.L. Bliss SP		State Park	Prairie Creek Redwoods SP
e(8)	National Park	Death Valley National Park		State Park	Pio Pico SHP
	State Park	Del Norte Coast Redwoods SP		State Park	Railtown 1897 SHP
	Refuge	Delevan National Wildlife Refuge	e(13)	State Park	Red Rock Canyon SP
	National Monument	Devils Postpile National Monument		National Park	Redwood National Park
	Refuge	Don Edwards San Francisco Bay NWR		State Park	Richardson Grove SP
	State Park	Donner Memorial SP		State Park	Robert Louis Stevenson SP
	State Park	Ed Z'berg Sugar Pine Point SP		State Park	Russian Gulch SP
	State Park	El Presidio de Santa Barbara SHP		Refuge	Sacramento National Wildlife Refuge
	Refuge	Ellicott Slough National Wildlife Refuge		Refuge	Sacramento River National Wildlife Refuge
	State Park	Emerald Bay SP	e(14)	State Park	Saddleback Butte SP
	State Park	Empire Mine SHP		Refuge	Salinas River National Wildlife Refuge
	State Park	Estero Bluffs SP		State Park	Salt Point SP
	Refuge	Fallon National Wildlife Refuge		State Park	Samuel P. Taylor SP
	State Park	Folsom Powerhouse SHP		State Park	San Bruno Mountain SP
	State Park	Fort Humboldt SHP		Refuge	San Diego Bay National Wildlife Refuge
	State Park	Fort Ord Dunes SP		Refuge	San Diego National Wildlife Refuge

LIST OF PROTECTED PROPERTIES AS REQUIRED IN SECTION 4155, FGC. (national or state park and national monument or wildlife refuge)

(Properties not identified as Specific are incorporated into the statewide Bobcat Trapping Closure Area 478(d))

Property Specific Closure Areas Section 478	Property Type	PROPERTY NAME	Property Specific Closure Areas Section 478	Property Type	PROPERTY NAME
	State Park	Fort Ross SHP		National Monument	San Gabriel Mountains National Monument
	State Park	Fort Tejon SHP		Refuge	San Joaquin River National Wildlife Refuge
	State Park	Fremont Peak SP		State Park	San Juan Bautista SHP
	State Park	Garrapata SP		Refuge	San Luis National Wildlife Refuge
	State Park	Gaviota SP		Refuge	San Pablo National Wildlife Refuge
	State Park	Governor's Mansion SHP		State Park	San Pasqual Battlefield SHP
	State Park	Great Valley Grasslands SP		State Park	Santa Susana Pass SHP
	State Park	Grizzly Creek Redwoods SP	e(15)	State Park	Shasta SHP
	State Park	Grover Hot Springs SP		State Park	Sinkyone Wilderness SP
	Refuge	Guadalupe-Nipomo Dunes NWR		Refuge	Sonny Bono Salton Sea NWR
	State Park	Harmony Headlands SP		State Park	Sonoma Coast SP
e(9)	Refuge	Havasu National Wildlife Refuge		State Park	Sonoma SHP
	State Park	Hearst San Simeon SP		State Park	South Yuba River SP
	State Park	Hendy Woods SP		State Park	State Indian Museum (SHP)
	State Park	Henry Cowell Redwoods SP		Refuge	Stone Lakes National Wildlife Refuge
	State Park	Henry W. Coe SP		State Park	Sugarloaf Ridge SP
	Refuge	Hopper Mountain National Wildlife Refuge		State Park	Sutter Buttes SP
	State Park	Humboldt Lagoons SP		Refuge	Sutter National Wildlife Refuge
	State Park	Humboldt Redwoods SP		State Park	Sutter's Fort SHP
	Refuge	Humboldt Bay National Wildlife Refuge		State Park	The Forest of Nisene Marks SP
e(7)	Refuge	Imperial National Wildlife Refuge		Refuge	Tijuana Estuary NP
	State Park	Indian Grinding Rock SHP		Refuge	Tijuana Slough National Wildlife Refuge
	State Park	Jack London SHP		State Park	Tolowa Dunes SP
	State Park	Jedediah Smith Redwoods SP		State Park	Tomales Bay SP
	National Park	Joshua Tree National Park	e(16)	State Park	Tomo-Kahni SHP
	State Park	Julia Pfeiffer Burns SP		State Park	Topanga SP
	Refuge	Kern National Wildlife Refuge	e(11)	Refuge	Tule Lake National Wildlife Refuge
	National Park	Kings Canyon National Park		State Park	Van Damme SP
	State Park	La Purisima Mission SHP		State Park	Washoe Meadows SP

LIST OF PROTECTED PROPERTIES AS REQUIRED IN SECTION 4155, FGC. (national or state park and national monument or wildlife refuge)

(Properties not identified as Specific are incorporated into the statewide Bobcat Trapping Closure Area 478(d))

Property Specific Closure Areas Section 478	Property Type	PROPERTY NAME	Property Specific Closure Areas Section 478	Property Type	PROPERTY NAME
e(10)	National Park	Lassen Volcanic National Park		State Park	Wassama Round House SHP
e(11)	National Monument	Lava Beds National Monument		State Park	Watts Towers of Simon Rodia SHP
	State Park	Leland Stanford Mansion SHP	e(17)	State Park	Weaverville Joss House SHP
	State Park	Leo Carrillo SP		State Park	Wilder Ranch SP
	State Park	Limekiln SP		State Park	Will Rogers SHP
	State Park	Los Angeles SHP	e(18)	State Park	William B. Ide Adobe SHP
	State Park	Los Encinos SHP		State Park	Woodland Opera House SHP
e(11)	Refuge	Lower Klamath National Wildlife Refuge		National Park	Yosemite National Park

Lands Requiring Closure under the Bobcat Protection Act (FGC 4155)

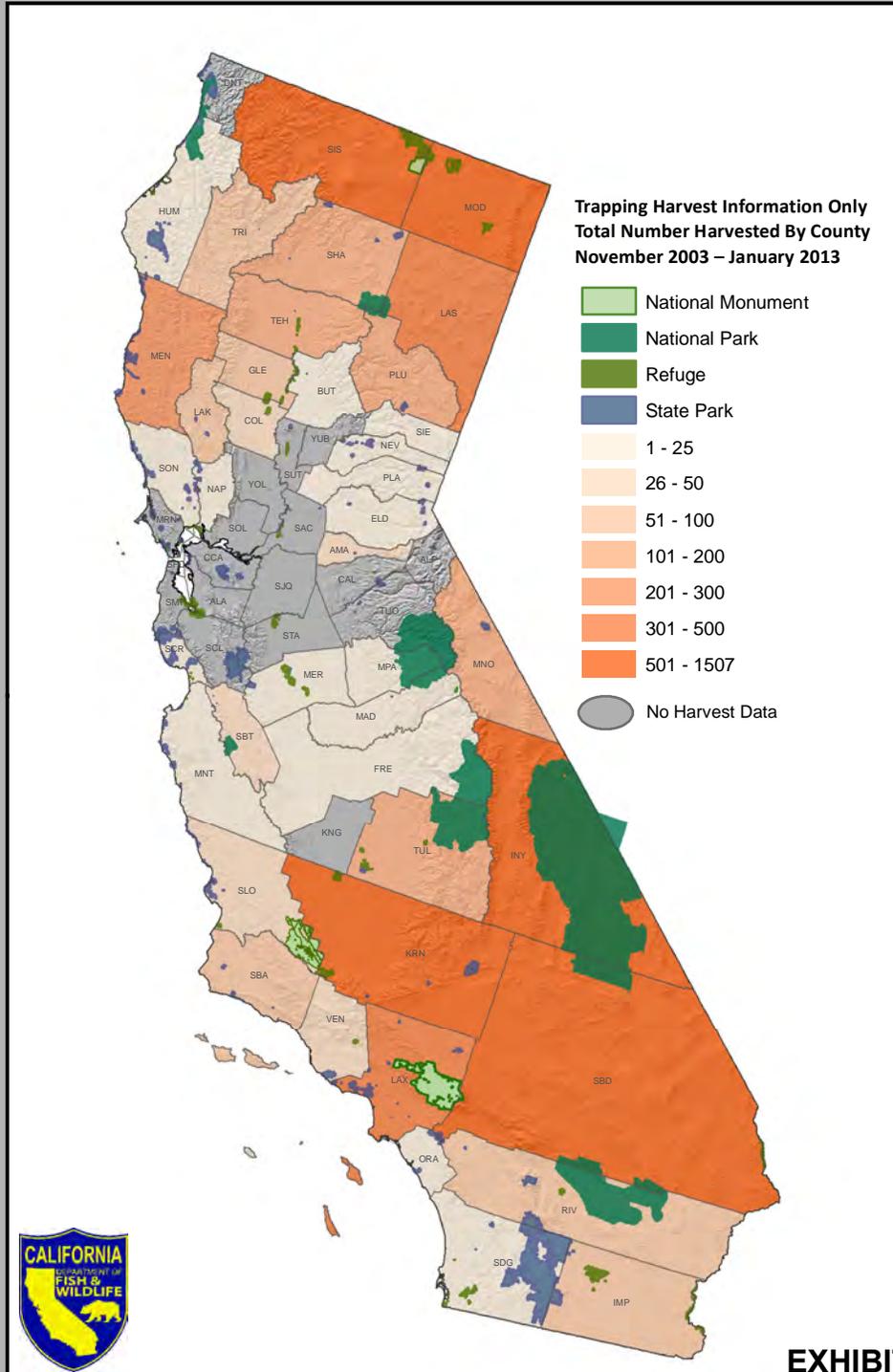
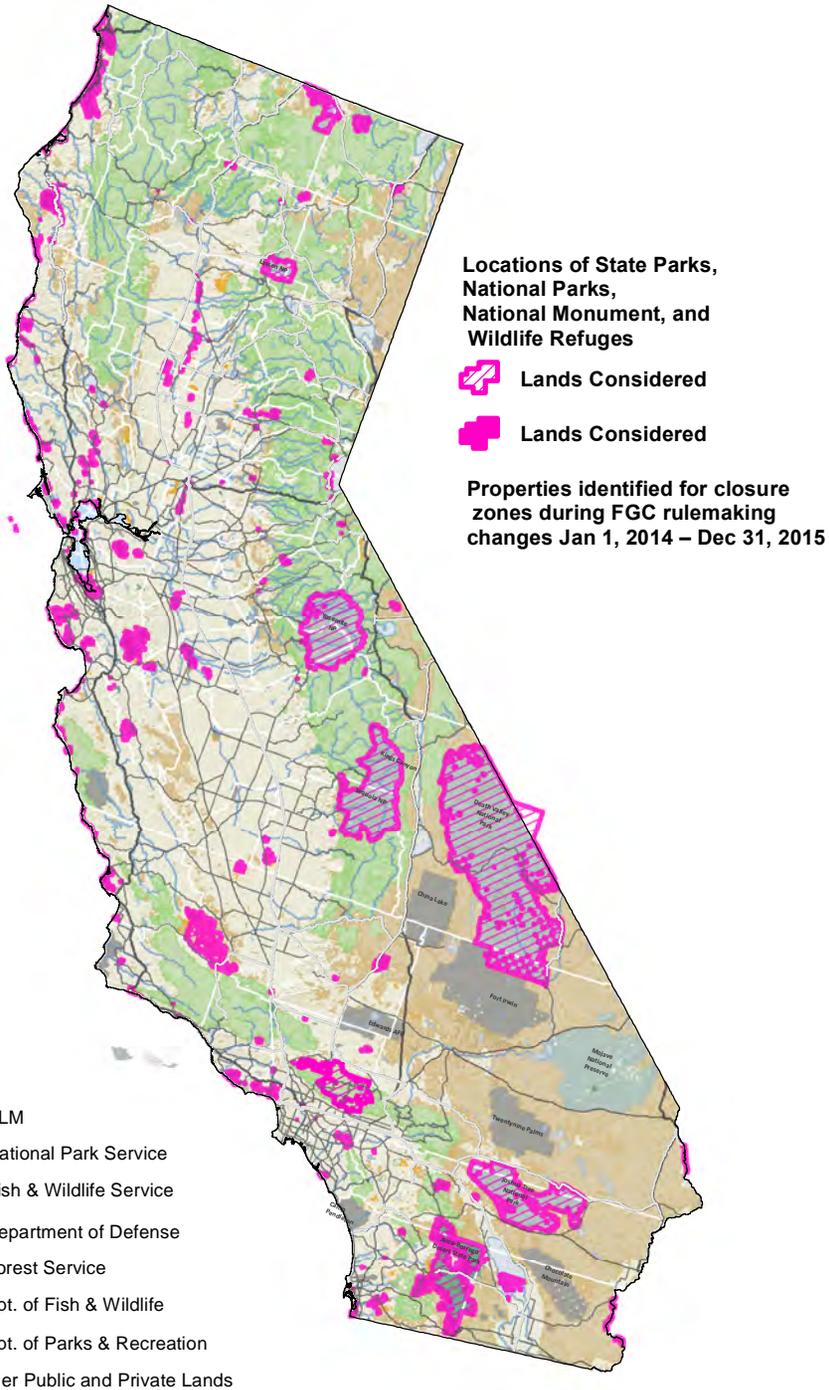
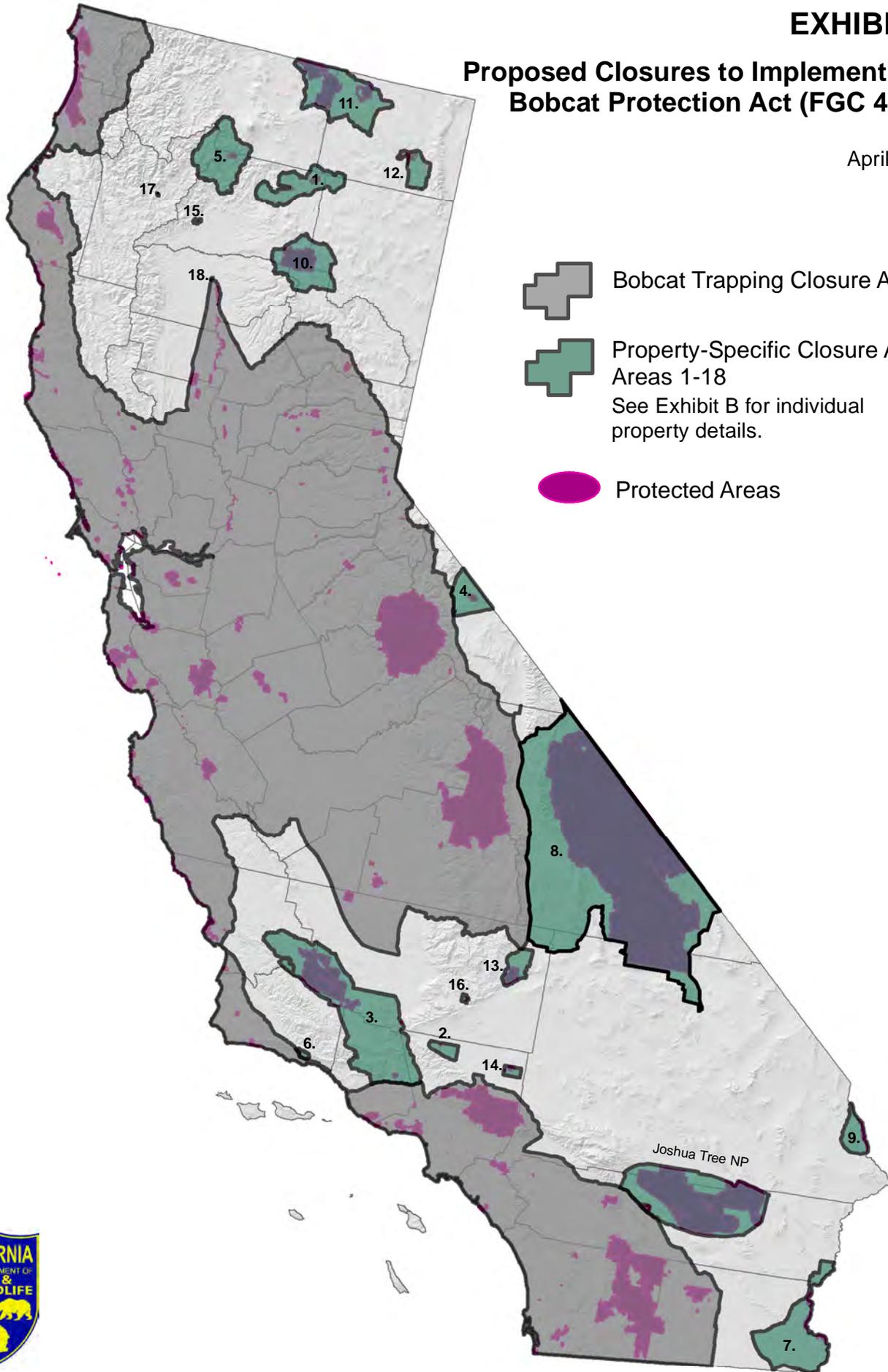


EXHIBIT C

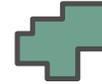
EXHIBIT D

Proposed Closures to Implement the Bobcat Protection Act (FGC 4155)

April 2015



Bobcat Trapping Closure Area



Property-Specific Closure Area
Areas 1-18

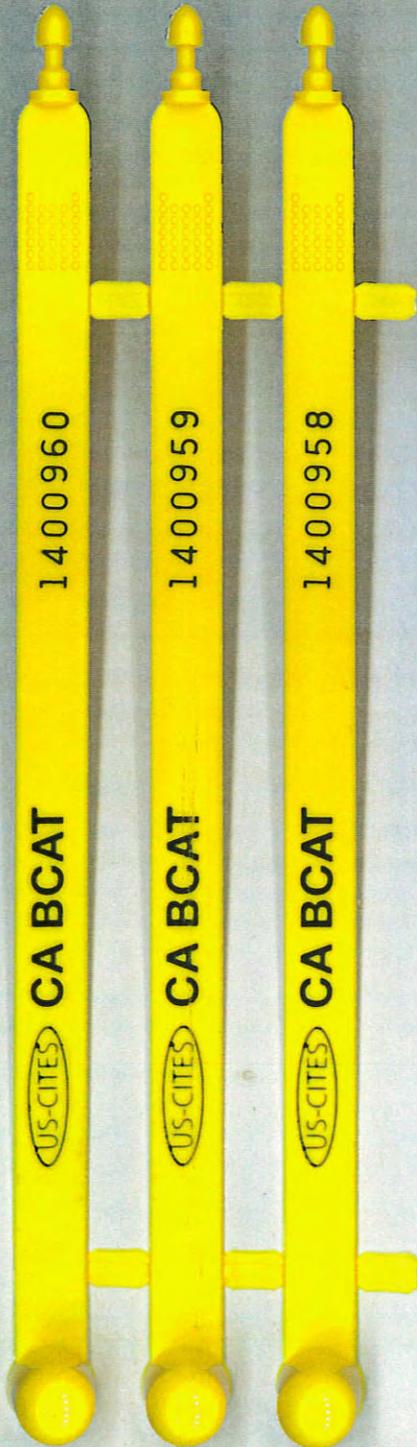
See Exhibit B for individual
property details.



Protected Areas



EXHIBIT E
PELT SHIPPING TAGS





OFFICE OF THE GOVERNOR

OCT 11 2013

To the Members of the California State Assembly:

I am signing Assembly Bill 1213.

This bill would prohibit commercial trapping of bobcats in areas adjacent to national and state parks, national monuments, or wildlife refuges in which trapping is currently prohibited. It would also require the Fish and Game Commission to consider whether to prohibit the trapping of bobcats in land adjacent to preserves, state conservancies, and any other public or private conservation area identified by the public for protection.

In order to ensure appropriate implementation of this Act, I am asking the Legislature to work with my Department to secure funding to survey our bobcat population. Based on this work, the Department and the Commission should consider setting population thresholds and bobcat trapping tag limitations in its upcoming rulemaking.

Sincerely,


Edmund G. Brown Jr.

CAPITOL OFFICE
STATE CAPITOL
SACRAMENTO, CA 95814
(916) 651-4004

CHICO DISTRICT OFFICE
2635 FOREST AVE., STE. 110
CHICO, CA 95928
(530) 879-7424

ROSEVILLE DISTRICT OFFICE
2200A DOUGLAS BLVD., STE. 100
ROSEVILLE, CA 95765
(916) 772-0571

YUBA CITY DISTRICT OFFICE
409 CENTER ST., STE. C
YUBA CITY, CA 95993
(530) 751-8657

California State Senate



**SENATOR
JIM NIELSEN**

FOURTH SENATE DISTRICT

COMMITTEES
APPROPRIATIONS
BUDGET & FISCAL REVIEW
VICE CHAIR
HEALTH
VETERANS AFFAIRS
CHAIR

July 16, 2015

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Commissioners:

We, the undersigned, request that the California Fish and Game Commission not adopt either option one or option two in its currently proposed regulations to implement AB 1213 that banned the trapping of bobcats in some areas of the state.

Option one would in effect ban bobcat trapping in California as it would prohibit trapping for them in large areas where a high percentage of bobcats have traditionally been taken.

Option two would completely ban the trapping of bobcats statewide.

When AB 1213 was moving through the legislative process, a total statewide ban on the trapping of bobcats was proposed by the bill's sponsors and was debated and rejected by the Assembly Water, Parks and Wildlife Committee. The committee rejected the complete statewide ban proposal as there was no scientific wildlife management documentation from the Department of Fish and Wildlife to support it, no broad based public support for it, and no compelling reason to do it.

The Governor, in his signing message for AB 1213, called for a bobcat population survey to be funded by the legislature working in cooperation with the department. The Governor specified that the survey should be completed before regulations imposing limitations are adopted.

This process has not yet occurred and it would be premature to adopt the regulations as proposed before the survey is funded and completed.

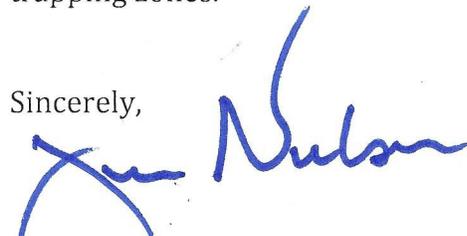
AB 1213 mandated that the regulatory process to implement it begin in 2015, but it did not specify a completion date. The regulatory process can be left open until the survey is completed.

The commission is urged to take more time in order to produce a well thought out, well-reasoned scientific wildlife management approach to the implementation of AB 1213 that stays within the parameters of the bill's provisions.

The commission should consider other options than just the currently proposed options one and two referenced above. The provisions of AB 1213 do not limit how the boundaries of the no bobcat trapping zones around the listed prohibited places can be established. The methodology is not restricted just to the example contained in the bill.

Again, the legislature expressly rejected a ban on bobcat trapping statewide when enacting AB 1213. The commission's currently proposed regulations violate the legislature's actions in this regard and should be changed to comply with the provisions of AB 1213 that allow for other options than just the use of major roads to delineate the boundaries of no bobcat trapping zones.

Sincerely,


JIM NIELSEN
Senator, Fourth District


JEAN FULLER
Senate Republican Leader-Elect


Signature

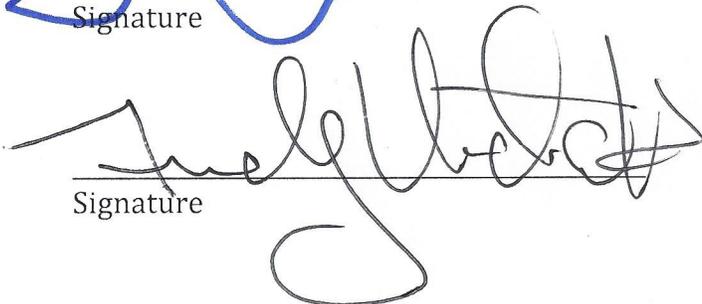
John Moorlach
Name


Signature

Mike Morrell
Name


Signature

TED GAINES
Name


Signature

ANDY VIDAK
Name

Sharon Runner
Signature

Sharon RUNNER
Name

Jeff Stone
Signature

JEFF Stone
Name

Joel Anderson
Signature

Joel Anderson
Name

Bob Huff
Signature

Bob Huff
Name

Patricia Bates
Signature

Patricia Bates
Name

Tom Berryhill
Signature

Tom Berryhill
Name

Janet Nguyen
Signature

Janet Nguyen
Name

Anthony Cannella
Signature

Anthony Cannella
Name

James Gallagher
Signature

James Gallagher
Name


Signature

Jim Patterson
Name

Brian Dable
Signature

Brian Dable
Name

Kristin Olsen
Signature

Kristin Olsen
Name

Frank Siglow
Signature

FRANK Siglow
Name

Scott Wilk
Signature

SCOTT WILK
Name

Brian Jones
Signature

Brian Jones
Name

Bill Brough
Signature

BILL BROUGHT
Name

Rocky J. Chávez
Signature

Rocky J. Chávez
Name

Signature

Name

COMMITTEES
CHAIR: TRANSPORTATION
ACCOUNTABILITY AND
ADMINISTRATIVE REVIEW
INSURANCE
VETERANS AFFAIRS

Assembly California Legislature



JIM FRAZIER
ASSEMBLYMEMBER, ELEVENTH DISTRICT

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WEBSITE
www.assembly.ca.gov/frazier

July 16, 2015

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Commissioners:

I respectfully request that the California Fish and Game Commission not adopt either option one or option two in its currently proposed regulations to implement AB 1213 that banned the trapping of bobcats in some areas of the state.

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This process has not yet occurred and it would be premature to adopt the regulations as proposed before the survey is funded and completed.

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Sincerely,

A handwritten signature in blue ink, appearing to be "D. J. ...", with a long horizontal stroke extending to the right.

cc: Mr. Sonke Mastrup, Executive Director, California Fish and Game Commission
Mr. Charlton Bonham, Director, California Department of Fish and Wildlife
Governor Edmund G. Brown, Jr.

COMMITTEES
BUDGET
BUSINESS AND PROFESSIONS
HIGHER EDUCATION
TRANSPORTATION

SUBCOMMITTEE
SUBCOMMITTEE NO. 6 ON BUDGET
PROCESS OVERSIGHT AND
PROGRAM EVALUATION

Assembly California Legislature



RICHARD BLOOM
CHAIR, BUDGET SUBCOMMITTEE NO. 3 ON RESOURCES & TRANSPORTATION
ASSEMBLYMEMBER, FIFTIETH DISTRICT

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FAX (916) 319-2150

DISTRICT OFFICE
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(818) 596-4141
FAX (310) 450-6090

E-MAIL
assemblymember.bloom@assembly.ca.gov

July 22, 2015

President Jack Baylis and Commissioners
California Fish and Game Commission
1416 Ninth Street, Room 1320,
Sacramento, CA 95814
Fax: (916) 653-5040
fgc@fgc.ca.gov

Cc: Sonke Mastrup, Executive Director,
California Fish and Game Commission
Sonke.Mastrup@fgc.ca.gov

Re: Support for a Statewide Ban on Commercial Bobcat Trapping (Pursuant to Section 4155 of the Fish and Game Code)

Dear President Baylis and members of the Commission:

As legislators concerned with the protection of California's wildlife, we write to express our strong support for the Fish and Game Commission adopting a statewide ban on commercial bobcat trapping. We believe that a statewide ban is the most economically and ecologically sensible option for implementing the provisions of AB 1213, the Bobcat Protection Act of 2013.

In 2013, in response to a rising international demand for bobcat pelts for the luxury fur market and a resulting increase in bobcat trapping in California, including on the boundaries of national parks, the Legislature passed AB 1213. This bill directed the Commission to amend its regulations to prohibit bobcat trapping adjacent to national and state parks and other special wildlife areas in California. While the final bill as signed into law does not require a statewide ban, it explicitly contemplates the Commission enacting a statewide ban and expressly reaffirms the

Commission's existing authority to do so. In short a statewide ban is legally consistent with the legislative findings of AB 1213.

AB 1213 also requires that if the Commission chooses to allow any bobcat trapping to continue, the trapping program must be entirely self-funding, with all administrative and enforcement costs of the Commission and the Department of Fish and Wildlife recovered through license and tag fees. *See F&G Code § 4155(e)*. In light of the significant cost estimates presented by the Department and the relatively limited number of trappers whose payments would have to cover those costs, we have serious doubts that a program of continued bobcat trapping can ever be self-funding. In other words, any option other than a complete statewide ban on trapping would likely fail to comply with the fiscal requirements of F&G Code § 4155(e).

It is our understanding that the AB 1213 rulemaking process has engendered significant public participation, with more people attending and speaking on this issue than on any other subject before the Commission this year. The overwhelming majority of participants in the process have called for a complete end to bobcat trapping in California. Californians clearly prefer their wildlife alive, not as commodities exported as part of the international fur trade. In line with this public mandate, as well as the legal requirements of AB 1213, we urge you to adopt the option of a statewide ban on commercial bobcat trapping.

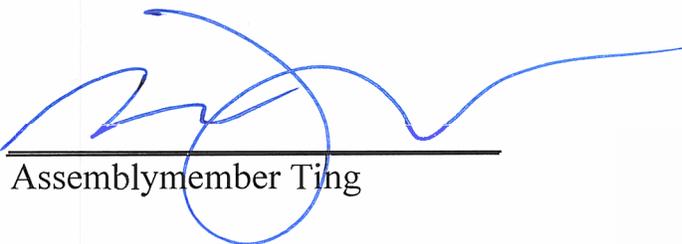
Sincerely,



Assemblymember Bloom



Assemblymember Levine



Assemblymember Ting



Assemblymember Mullin



Senator Block



Senator Pavley



Assemlblymember Stone



Assemlblymember Williams



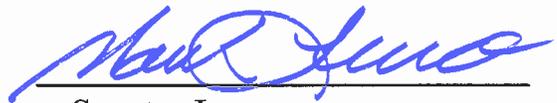
Assemlblymember McCarty



Senator Allen



Senator Hill



Senator Leno



Assemlblymember Rendon



COUNTY OF SISKIYOU

Board of Supervisors

P.O. Box 750 □ 1312 Fairlane Rd
Yreka, California 96097
www.co.siskiyou.ca.us

(530) 842-8005
FAX (530) 842-8013
Toll Free: 1-888-854-2000, ext. 8005

July 21, 2015

Charlton H. Bonham
Director
California Department of Fish & Wildlife
1416 9th Street, 12th Floor
Sacramento, CA 95814

Sonke Mastrup
Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

RE: Implementation of AB 1213 – Bobcat Trapping

Dear Director Bonham and Mr. Mastrup:

The Siskiyou County Board of Supervisors is opposed to the California Fish and Game Commission recommendations to implement AB 1213. The Commission's two recommended options eliminate bobcat trapping for all practical purposes by:

- Making continued trapping cost-prohibitive by proposing a "Bobcat Trapping Validation Card" for \$1,137.00 plus a \$35.00 shipping fee
- Using a methodology to draw buffer zones that effectively bans bobcat trapping in the majority of the State

The California Trappers Association (letters attached) provides an equitable analysis and proposal to implement AB 1213:

1. A fixed-distance (1/4 mile) buffer zone around areas where hunting and trapping are already prohibited
2. Maintaining existing fees for permits or licenses

Siskiyou County supports these recommendations.

The Fish and Game Commission must provide an objective decision-making process that allows those most affected by the implementation – the trappers – to present practical and efficient mechanisms to implement AB 1213 and accomplish the objectives of the new law. A predetermined decision without consideration of valid input from CTA and rural stakeholders threatens to further undermine wildlife management efforts.

Charlton H. Bonham
Sonke Mastrup
July 21, 2015
Page Two

The Commission should reject the two options that have been proposed to implement AB 1213. The Siskiyou County Board of Supervisors requests consideration and approval of the CTA recommendations, which will lead to more effective results in restoring much-needed balance to wildlife management in California.

Sincerely,



Ed Valenzuela, Chair
Siskiyou County Board of Supervisors

CC: Governor Jerry Brown
Assemblyman Brian Dahle
Senator Ted Gaines
Senator Jim Nielsen
Rural County Representatives of California
California State Association of Counties
California Trappers Association
California Deer Association

Attachments:
California Trappers Association Letters (2)

CALIFORNIA TRAPPERS ASSOCIATION

907 Homes flat road Redcrest, Ca. 95569 (707)722-4259



June 9, 2015

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Public Input and Participation – Proposed Bobcat Protection Act Regulations [Amend Sections 478, 478 and 702, Title 14, CCR, Implementation of the Bobcat Protection Act of 2013 (Fish and Game Code Section 4155)]

Dear Commissioners:

The commission overview states: *"A primary responsibility of the Commission is to afford an opportunity for **full public input and participation** in the decision and policy making process of adopting regulations or taking other actions related to the well-being of California's fish and wildlife resources."*

On April 2, 2014 The California Trappers Association wrote a letter to the Fish and Game Commission requesting opportunities for public opportunities and participation and suggesting meetings or "workshops" in the towns of Redding and Bishop before any proposals are sent to the full commission. These are towns where the people most affected by these proposed regulations could more easily attend meetings. They could then provide feedback to the Commission so all could understand the economic, cultural and resource impacts as they perused the proposed Bobcat Protection Act regulations. The California Trappers Association offered to assist in finding suitable meeting locations in these cities.

These recommendations could forever change the way bobcats are managed in our state and have detrimental consequences to our citizens' health and safety, impacts on other species, as well as economic and cultural effects beyond what many may realize. Stakeholders/affected parties should have the opportunity to participate in the rulemaking process and know that they are being heard.

There has been no response to our April 2nd letter and virtually no outreach on the part of the Commission other than regularly scheduled commission and committee meetings. The Environmental Impact Report is full of subjective statements regarding economic impact, trappers and trapping.

We renew our April 2, 2014 request to have an outreach and stakeholder process with the affected parties prior to moving forward with the regulations. It is frankly quite disingenuous and shirking the duties of the Commission to fail to adequately reach out directly to the impacted parties, while at the same time making major proclamations in the regulatory documents regarding trappers/trapping. Clearly both options presented for the regulations are de facto bans on trapping in California, and the most cost effective and reliable method recommended by the directly impacted party was dismissed and is not even presented as an option for consideration.

It is a failure of the regulatory process and the commission that there has been no response to a letter written over a year ago to a statewide association representing trappers, and confidence in the ability of this commission to deal with resource issues fairly and all stakeholders consistently is in question.

On behalf of the trappers statewide we request a process that is unbiased and demonstrates real outreach to the directly impacted parties. We urge you to convene a workshop of the trappers and not dismiss their recommendations, especially since those approaches have been implemented by this commission and the federal government

Sincerely,

A handwritten signature in black ink that reads "Mercer D. Lawing". The signature is written in a cursive style with a large, prominent initial "M".

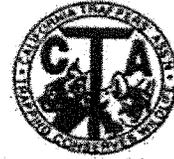
Mercer D. Lawing
Director, California Trappers Association
760-497-1445
mlawing.catrappers@gmail.com

cc: Mr. Sonke Mastrup, Executive Director, California Fish and Game Commission
Mr. Charlton Bonham, Director, Department of Fish and Wildlife
Governor Edmund G. Brown

Attachment: April 2, 2014 Letter to Fish and Game Commission

CALIFORNIA TRAPPERS ASSOCIATION

907 Homes flat road Redcrest, Ca. 95569 (707)722-4259



June 9, 2015

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Comments on Proposed Bobcat Protection Act Regulations [Amend Sections 478, 478 and 702, Title 14, CCR, Implementation of the Bobcat Protection Act of 2013 (Fish and Game Code Section 4155)]

Dear Commissioners:

The California Trappers Association is providing our initial comments on the proposed Bobcat Protection Act Regulations.

ECONOMIC IMPACT

In developing its economic analysis, the California Department of Fish and Wildlife did not survey a significant number, if any, of individual trappers that would be affected by the proposed regulations to determine what the actual cost impact on them, their families and their communities would be. Where did the department obtain its economic impact information, and why weren't they more diligent in gathering accurate information from the trappers themselves?

According to the State Department of Finance, the fees charged to trappers for licenses would have to triple in order to recover all of the costs of AB 1213 [Department of Finance Bill Analysis, AB 1213]. Yet, the department's proposed fee increases for trappers are several times this amount. How did the department decide on what cost items, and their amounts, to charge against bobcat trappers? How much of it could be charged to other accounts?

If no bobcat trapping is allowed in a given area, why would the department project a bobcat trapping law enforcement cost increase there, and how was the amount specified by the department determined? It is more logical to anticipate less game warden costs as there would be no bobcat trapping activity to monitor. Why would there be an increased need for personnel and vehicle usage in these areas? In those areas where bobcat trapping would continue to be allowed under the proposal, such trapping activity is currently occurring and enforcement of the trapping laws is currently in effect. Why would enforcement costs increase in these areas?

These same and similar questions should be asked of the department for every trapping related cost increase it has projected. How were the additional cost figures determined, how was it decided which cost items are to be attributed solely to bobcat trapping laws administration, what cost items are jointly shared with other department programs, is there equity in the pro-ration of cost between programs, etc.?

The department's projected cost figures raise many questions that need to be answered.

The commission's Initial Statement of Reasons for Regulatory Action (ISOR) contains department established line item cost numbers, but it includes no information to substantiate them.

Under the provisions of California Proposition 26, what legally qualifies as a fee is tightly restricted and is clearly defined by the proposition. Amounts charged as fees that exceed these limitations are legally defined as taxes. AB 1213 does not authorize the commission to impose a tax on bobcat trappers. To the extent the department has not tightly controlled its assessment of anticipated costs to be recovered as fees under option one of the proposed regulations, it may have unwittingly proposed an illegal tax on trappers.

The basis for the department's proposed fees to be imposed on trappers should be audited by an independent auditor for compliance with Proposition 26.

DUE PROCESS

Prior to the drafting of the proposed regulations, trappers repeatedly asked for public workshops in areas, such as Redding and Bishop, where many trappers reside and could attend workshops to participate and to provide input relative to the costs and other impacts of the proposed regulations on themselves and their communities [CTA Letter to Commission, April 2, 2014]. However, workshops were not held in these locations and, as a result, many individual trappers did not have an opportunity to participate in discussions of matters that directly affect them. Instead, meetings for public participation were held primarily in areas where those who oppose the trapping of bobcats could more easily attend and make known their ant-trapping views. Trappers believe that this resulted in a disproportionately higher level of input from those who would ban trapping.

INTENT OF LEGISLATION

While AB 1213 moved through the legislative process, legislators made known that it was not their intent to ban bobcat trapping entirely, yet that is exactly what the commission is proposing in option 2 of its regulatory proposal. Even option 1, because of the proposed method of drawing no bobcat trapping zone boundaries, would needlessly ban bobcat trapping in the majority of the state.

State Senator Jim Nielsen made the above intent of the legislature clear to the commission in his remarks presented to the commission earlier this year [Letter from Senator Nielsen, February 12, 2015 (dated February 11, 2015)].

While the commission has a duty to propose regulations that provide bobcat protection where it is mandated in statute, it should do so in a manner that is least disruptive to trappers and other sportsmen.

MANAGEMENT PLAN

The Governor, in his signing message for AB 1213 [dated October 11, 2013], requested that a bobcat population survey be completed, using separate funds specifically appropriated by the legislature working in cooperation with the department for this purpose, before the adoption of regulations by the commission .

The author of AB 1213 is chairman of the budget subcommittee that could provide funds for this purpose, but he has failed to act in accordance with the Governor's expressed wishes that the funds be made available.

Instead, the department has included the costs of a bobcat population survey in the management plan it would require trappers to fund via trapping license, validation and shipping tag fees. The survey is a major cost item that properly should be funded by the legislature pursuant to the Governor's signing message, not paid for through increased fees charged to trappers.

In fact, the public benefit to be derived from such a survey would justify public funding, but not an increase in trapping fees.

ALTERNATIVES FOR ESTABLISHING NO-BOBCAT TRAPPING ZONE BOUNDARIES

In its proposed regulations, option one, the commission has rejected consideration of establishing no-bobcat trapping zone boundaries using alternatives to the commission's proposed method of using major roads as the primary method of delineating boundaries.

AB 1213 clearly allows for methods of establishing boundaries other than the method proposed, such as the use of the Global Positioning System (GPS). Trappers strongly urge that the commission reconsider its proposed method of delineating boundaries to allow for GPS waypoints and other commonly used and well understood systems of establishing geographic position.

The use of GPS waypoints would be an accurate, efficient and economical means of describing no-bobcat trapping zones around parks and other prohibited places designated by AB 1213.

The commission has already set a precedent for the use of GPS waypoints in the establishment of boundaries for the Marine Protected Areas. GPS has also been adopted as a means of establishing position by the federal government, military, commercial interests such as surveyors, hikers, and sportsmen to name just a few.

DUE DILLIGENCE

Bobcat trappers question whether the commission exercised sufficient due diligence in its consideration of the various factors relevant to establishment of the proposed regulations [CTA Letters dated November 19, 2014, January 26, 2015].

It is believed that alternatives to the proposed method of delineating boundaries were not given the serious consideration they should have received, that the alleged costs of implementing AB 1213 were not constrained by necessity or pro-rated to reflect the actual necessary bobcat trapping enforcement and administrative costs of the department, that the boundaries proposed would exclude from bobcat trapping much larger areas than actually necessary pursuant to the provisions of AB 1213, the adverse impact that an increasing number of bobcats would have on prey species and the other wildlife that rely on them as a food source, and that the proposed regulations are not sufficiently based on sound science.

In fact, the regulations appear to trappers to be founded more on social and political factors than on sound science.

ENVIRONMENTAL IMPACT

Bobcats are generally nocturnal and, because of this, would rarely be seen by tourists and other visitors to areas where it is proposed that bobcat trapping be banned. However, an increasing bobcat population would likely result in lower numbers of prey species, such as quail and rabbits, for visitors to see. Thus, the perceived benefits of the proposed boundary regulations proposed by the commission would likely not be enjoyed by many, if any, visitors.

Furthermore, a decline in the numbers of prey species resulting from an increase in the bobcat population could have a negative effect on bobcats themselves due to a dwindling food source.

For these reasons, and others, a total statewide ban on bobcat trapping as proposed in option two of the proposed regulations would be an unwise choice for the welfare of the environment.

As stated above, these are our preliminary comments on the proposed Bobcat Protection Act regulations. We will provide more comprehensive comments at a later date.

Sincerely,



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

cc: Mr. Sonke Mastrup, Executive Director, California Fish and Game Commission
Mr. Charlton Bonham, Director, Department of Fish and Wildlife
Governor Edmund G. Brown
Ms. Kathy Lynch, Legislative Advocate

Attachments: Department of Finance Bill Analysis, AB 1213
April 2, 2014 Letter (CTA) to Fish and Game Commission
February 11, 2015 (Senator Jim Nielsen) Letter to Fish and Game Commission
Governor Edmund G. Brown Signing Message for AB 1213, October 11, 2013
November 19, 2014 Letter (CTA) to Fish and Game Commission
January 26, 2015 Letter (CTA) to Fish and Game Commission

CALIFORNIA TRAPPERS ASSOCIATION

907 Homes flat road Redcrest, Ca. 95569 (707)722-4259



July 21, 2015

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Comments on Proposed Bobcat Protection Act Regulations [Sections 478, 479 and 702, Title 14, CCR, Implementation of the Bobcat Protection Act of 2013 (Fish and Game Code Section 4155)] and Appendix: Prior Comments

Dear Commissioners:

The California Trappers Association (CTA) opposes both options for currently proposed regulations to implement [AB 1213](#) and asks the Commission to consider other less intrusive, scientifically motivated options for the implementation of AB 1213. Both options 1 and 2 would result in the banning of bobcat trapping. As the Legislative history reflects this was clearly not the desire of the State Legislature.

Appendix: Prior Comments

CTA has previously filed several letters with the commission and Department of Fish and Wildlife concerning the proposed regulations for the implementation of AB 1213. Prior to the drafting of these regulations, trappers requested public workshops in areas convenient for trappers to attend after work, such as Redding and Bishop [CTA Letter to commission, Wildlife Resources Committee, April 2, 2014]. Two additional letters were filed questioning whether the commission exercised sufficient due diligence in its consideration of the various factors relevant to establishing the proposed regulations [CTA Letters to the commission, November 19, 2014 and January 26, 2015]. CTA filed its initial comment letter on the proposed regulations on June 9, 2015.

Option One

Option one would, in effect, ban bobcat trapping in California as it would prohibit trapping for them in large areas where trapping activity has traditionally occurred. Approximately 60% of the state would be closed to bobcat trapping. This ban would be contrary to the Legislatures action in rejecting a statewide ban on bobcat trapping.

An example of the overreaching regulatory text resulting from the department's interpretation of the bill's requirement for boundary delineation would be the Bode State Historic Park. This park is 500 acres. The closure area based on major roads would be in excess of 400 square miles. This is over 500 times larger than the property itself.

Contrary to the assertions of the proponents of a trapping ban, bobcat trapping in California is largely a recreational endeavor. California trappers have to operate within some of the most restrictive regulations in the country. California is one of just a few states restricted to the use of cage traps (inherently in-effective when compared to other devices) as the only method of take. There is a daily trap visitation requirement which means that trappers have to drive to every trap every day. This cost,

coupled with a very short season, results in a profit for only a small percentage of trappers, and then only in the best fur market years. Such market years are rare.

Fish and Wildlife department records show that over the last twenty years the, "per trapper harvest" is less than 7 bobcats per trapper. The fees proposed in option 1 would easily surpass any anticipated profits, as well as discourage any desire for recreation. It would likely be the end of bobcat trapping in California, making California the first and only state in the nation to ban bobcat trapping.

Option Two

This option would completely ban the trapping of bobcats statewide.

When AB 1213 was moving through the legislative process, a total statewide ban on the trapping of bobcats was proposed by the bill's sponsors. It was debated and rejected on a bi-partisan basis by the Assembly Water, Parks and Wildlife Committee. The committee rejected the complete statewide ban proposal as there was no scientific wildlife management documentation from the Department of Fish and Wildlife to support it, no broad based public support for it, and no compelling reason to do it.

Lack of Stakeholder Outreach

Prior to the drafting of the proposed regulations, trappers repeatedly asked for public workshops in areas, such as Redding and Bishop, where many trappers reside and could attend workshops in the evenings after work to participate.

Trappers are a valuable resource for the commission and could have provided important input relative to their positive role in wildlife management, the extent and quality of various bobcat habitat areas, knowledge of readily identifiable landmarks and other features specific to such habitat areas, data through harvest surveys and other sources of information, the costs, and other impacts of the proposed regulations on themselves, their families and their communities.

Further outreach and discussion would help all involved move towards a sound science based decision resulting in proper management of the resource. The rapid speed at which this matter is moving through the regulatory process has not allowed for a full discussion and discovery of facts, both within the Commission and between the Stakeholders.

Past deficiencies in process, like the recent Blue Creek Angling Closure, should remind all concerned that a thorough, deliberative process should be prominent in all decision making where a public trust is concerned. Similar solutions need to be found working with trappers on the proposed regulations for the implementation SB 1213 through the stakeholder and study process and the economic impact on the community and trappers.

Economic Factors

In developing its economic analysis, trappers report that the department did not survey a significant number, if any, of them, although they are the very people that would be affected most by the proposed regulations. There was no significant effort to determine what the actual impact on them, their families and their communities would be. Where did the department obtain its economic impact information, and why wasn't it more diligent in gathering accurate information from the trappers themselves?

Trapping license and other related fees should be set at reasonable levels, based on the reasonable costs of the department in implementing AB 1213. The fees proposed are exorbitant, and it appears

there was little or no effort made to include only those items that are unique solely to the trapping of bobcats.

If it is so costly for the department to administer bobcat trapping, why is it not equally as costly on a per-licensee basis to administer the programs for other wildlife species that are harvested using other methods of take such as rabbits or waterfowl taken with a firearm? Where is the justification for charging so much more in fees based solely on the method of take?

Department of Finance Analysis

According to the State Department of Finance in its [analysis of AB 1213](#), the fees charged to trappers for licenses would have to triple in order to recover all of the costs of AB 1213. Yet, the department's proposed fee increases for trappers are several times this amount. How did the department decide on what cost items, and their amounts, to charge against bobcat trappers? How much of it could be charged to other accounts? The department's projected cost figures raise many questions that need to be answered.

Governor's Signing Message – It's about Science

The Governor, in his [signing message](#) for AB 1213, called for a bobcat population survey to be funded by the legislature working in cooperation with the department. The Governor specified that the survey should be completed before regulations imposing limitations are adopted by the commission.

Option Three

This process has not yet occurred, and it would be premature to adopt the regulations as currently proposed (options 1 and 2) before the survey is funded and completed. The commission, instead, should adopt a third option in regard to stakeholders authorizing trapping, utilizing trappers' expertise as part of the study, and implementing regulations in compliance with AB 1213 that are the least disruptive to trappers and the economy. Such regulations could be revised after completion of the survey, if appropriate.

In the meantime, a moratorium on bobcat trapping should not be imposed. A statewide moratorium is the same thing as a statewide ban which was rejected by the legislature when enacting AB 1213.

Regulatory Process

AB 1213 mandated that the regulatory process to implement it begin in 2015, but it did not specify an absolute completion date.

The commission is urged to take more time in order to produce a well thought out, well-reasoned scientific wildlife management approach to the implementation of AB 1213 that is not excessive and which stays within the parameters of the bill's provisions.

The commission should consider other options than just the currently proposed options one and two referenced above. The provisions of AB 1213 do not limit how the boundaries of the no bobcat trapping zones around the listed prohibited places can be established. The methodology is not restricted just to the example of using roads contained in the bill.

Again, the legislature expressly rejected a ban on bobcat trapping statewide when enacting AB 1213. The commission's currently proposed regulations violate the legislature's actions in this regard and

should be changed to comply with the provisions of AB 1213 that allow for other options than just the use of major roads to delineate the boundaries of no bobcat trapping zones.

Legislative Intent

Although proponents of a ban on bobcat trapping often cite what they consider to be legislative intent, their views are not supported by the actual language of the bill as it was enacted.

Acting on legislative intent is appropriate where there is ambiguity in the wording of the law, but usually only when the author of the legislation has published a letter of legislative intent to clarify such ambiguity in the legislature's Daily Journal at the time of a bill's enactment.

No author's letter of legislative intent was published in either the Assembly or the Senate's Daily Journal at the time of enactment of AB 1213. This is undoubtedly because the wording of the law is clear as to its meaning and no interpretation of its provisions is necessary or justifiable.

No Bobcat Trapping Area Boundaries

Section 4155(b)(3) states, "The commission shall delineate the boundaries of an area in which bobcat trapping is prohibited pursuant to paragraph (1) or (2) using readily identifiable features, such as highways or other major roads, such as those delineated for Joshua Tree National Park in subdivision (a)."

With reference to "readily identifiable features," the statute did not specify that they must be physical features such as roads or features appearing on USGS topographical and Forest Service maps. It allows for any identifiable feature. This would include Global Positioning System (GPS) waypoints, as they are in fact readily identifiable features commonly used by sportsmen and others for navigation and to establish locations.

Relative to the example of using roads to establish the no bobcat trapping area around Joshua Tree National Park, the term "such as" is used in the statute twice, thus clearly establishing that the reference to Joshua Tree National Park is for purposes of example only. The exclusive use of roads is not mandated, and any system of establishing boundary locations is authorized. Again, GPS and other forms of determining position are very accurate, versatile and easy to use.

In fact, section 4155(b)(1) provides only that the commission prohibit the trapping of bobcats "adjacent to" the boundaries of each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited. The meaning of "adjacent to" for purposes of AB 1213 is not defined in the statute. The commission is not mandated to establish a no bobcat trapping area around such places of any specific size or dimension. It has discretion in this regard, but should be reasonable and not excessive in exercising such discretion.

For purposes of establishing an area around those places that are specifically designated in AB 1213 where bobcat trapping is prohibited, the use of GPS waypoints, or a specified distance around such places that could be identified by using GPS technology or other form of navigation, would be very easy for trappers to use, inexpensive to enforce, and uncomplicated for all concerned.

In fact, the Fish and Game Commission has already established a precedent for the use of GPS technology by employing GPS waypoints to delineate the boundaries of the Marine Protected Areas. It is not a new concept for the commission.

Other Regulatory Options

Both options one and two are the same as a statewide ban on bobcat trapping. The CTA supports any efforts to reduce the overreaching size of the no bobcat trapping area boundaries.

One possibility would be the establishment of no bobcat trapping areas within a reasonable specified distance from the prohibited places that are specifically designated in AB 1213. GPS waypoints could be used to delineate the boundaries. This could be an easily regulated alternative.

With regard to closed areas such as parks and preserves, it is already the user's responsibility to know where he or she is. Hunters, fishermen and trappers currently utilize modern technology and maps to locate themselves, it has become the standard.

Aftermarket GPS programs delineate all closed areas, private property, complicated hunting zones, fishing closures etc. This technology would be a very simple and effective way of implementing regulations and it should be reconsidered by the commission as an alternative.

The CTA supports the Governor's direction that the department should work with the Legislature to fund a bobcat population assessment. The Governor, from his signing statement, obviously intends for bobcat trapping to continue and it should be the commissions desire to work towards a solution that meets his expectations.

A collaborative effort between the stakeholders and the department would ensure the continued health and availability of the resource for all Californians. Standard population surveying and management plan construction would involve, by all credible standards, participation and input from the user groups. The CTA stands ready and willing to assist in gathering data required for this process.

Adopting a moratorium during this process would constitute a non - science based effort to ban bobcat trapping. The legislature, in enacting AB 1213, rejected a statewide ban.

There is no credible scientific wildlife management basis for either option 1 or 2. In fact, the proposed regulations appear to be founded more on social and political factors than on sound wildlife management science.

The department has provided an overwhelming amount of data which concludes that the status of the bobcat population in California is healthy and is in no danger from trapping.

The Legislature is the appropriate place for the consideration of political philosophy and social values. In the commission science and resources should prevail.

Accordingly, the California Trappers Association urges that the commission not adopt either option one or two, but continue instead to consider other less intrusive, scientifically motivated options for the implementation of AB 1213.

We look forward to working with you in conducting the study of the bobcat population and developing proposed changes to the bobcat trapping regulations for the implementation of AB 1213. The study should utilize the stakeholders' expertise as part of the study and should result in implementation

regulations that are compliant with AB 1213 while being the least disruptive to trappers and the local economy, while providing the greatest benefit to the resource.

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, California Fish and Game Commission
Mr. Charlton Bonham, Director, Department of Fish and Wildlife
Governor Edmund G. Brown
California Trappers Association

Attachments: April 2, 2014 CTA Letter to Fish and Game Commission
November 19, 2014 CTA Letter to Fish and Game Commission
January 26, 2015 CTA Letter to Fish and Game Commission
June 9, 2015 CTA Letter to Fish and Game Commission

CALIFORNIA TRAPPERS ASSOCIATION

907 Homes flat road Redcrest, Ca. 95569 (707)722-4259



April 2, 2014

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Public Input and Participation

Dear Commissioners:

The review of California's Predator management policies and regulations by the Wildlife Resources Committee is a large and important task. The California Trappers Association and, judging by the level of interest, all hunting and conservation groups in the state take this task very seriously.

The commission overview states: *"A primary responsibility of the Commission is to afford an opportunity for **full public input and participation** in the decision and policy making process of adopting regulations or taking other actions related to the well-being of California's fish and wildlife resources."*

For 2014 there are a total of three Wildlife Resources Committee (WRC) meetings scheduled. Following the questionable formation of the WRC in 2013, at the January 2014 meeting very little was accomplished. This leaves only two meetings to vet and prepare recommendations to the full committee. These recommendations could forever more change the way predators are managed in our state and have detrimental consequences to our citizens' health and safety, as well as economic effects, far above what many may realize.

We feel that there are not enough opportunities for public involvement and participation. The locations for the meetings make it nearly impossible for the actual user groups for whom these regulations have the potential to make life changing impacts to participate. The entire Northern and Eastern sections of the state have been excluded from any meeting schedules.

We would like to see meetings or "workshops" in the towns of Redding and Bishop before any proposals are sent to the full commission.

The California Trappers Association stands ready to assist in finding suitable meeting locations in these cities.

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 cursive script that reads "Mercer D. Lawing".

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

cc: Mr. Sonke Mastrup, Executive Director, California Fish and Game Commission
Ms. Kathy Lynch, Legislative Advocate

CALIFORNIA TRAPPERS ASSOCIATION

907 Homes flat road Redcrest, Ca. 95569 (707)722-4259



November 19, 2014

Mr. Sonke Mastrup, Executive Director
California Fish and Game Commission
1416 9th Street, Ste. 1320
Sacramento, CA 95814

Mr. Charlton Bonham, Director
California Department of Fish and Wildlife
1416 9th Street, 12th Floor
Sacramento, CA 95814

RE: Agenda Item (Item 16) for the December 3, 2014 Fish and Game Commission Meeting, Re: Request to Authorize Public Notice of the Commission's Intent to Amend Section 478, Title 14 CCR, Establishing Open and Closed Zones for Bobcat Trapping – Zone Concept

Position: Oppose

Dear Mr. Mastrup:

[AB 1213](#) (Chapter 748, Statutes of 2013) requires the Commission to delineate the boundaries of an area in which bobcat trapping is prohibited using readily identifiable features [[Fish & Game Code Section 4155](#) (b) (3)]. Although the legislation did provide some examples of such features, it did not specifically define what the term actually means for purposes of section 4155, nor did it specify what "readily identifiable" means for the purposes of implementation.

The Department of Fish and Wildlife reportedly is proposing that there be only two areas of the state where bobcat trapping would be allowed and that buffer zones around the boundaries of places within them, where bobcat trapping is prohibited by AB 1213, be defined by using highways and other major roads and landmarks. This would result in vast closure areas far exceeding the boundaries of places where bobcat trapping is statutorily prohibited. Most such places do not have major roadways within a reasonable distance and major landmarks are not defined in the law.

In effect, the DFW proposed restrictions would ban bobcat trapping in most of the state. This was proposed before the legislature and rejected for inclusion in AB 1213. It is **not** the intent of the legislation.

Accordingly, this proposal from the Department is strongly opposed.

A far better approach would be to establish GPS waypoints to delineate prohibited area boundaries or to establish a buffer zone of a given distance around prohibited areas.

GPS navigation:

- It has been successfully used to identify boundaries, locations, and other geographic features for years.
- It is the most accurate and widely used means of navigation available to the public.
- The commission has a precedent of using GPS waypoints to define the boundaries of Marine Protected Areas.
- Given its history, it would be inconsistent for the commission to now fail to adopt the use of GPS technology for establishing the boundaries of the bobcat trapping prohibited areas.

- GPS navigation uses waypoints based on latitude and longitude, and it makes no difference whether such waypoints are located on land or water.
- A system not based on GPS waypoints, particularly the use of imprecisely identified landmarks (i.e. – a mountain peak), is less accurate and can lead to persons unintentionally being in prohibited places.

The commission is urged to establish boundaries that employ use of GPS waypoints or a buffer zone of a specified distance away from the boundaries of no bobcat trapping areas.

The method proposed by the Department would be excessively broad in scope and would needlessly ban bobcat trapping in too many areas.

We respectfully submit these recommendations for your consideration. 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 Lawing". The signature is written in a cursive, flowing style.

Mercer Lawing
Director, California Trappers Association

cc: California Fish and Game Commission
Governor Edmund G. Brown, Jr.
Ms. Kathryn Lynch, Legislative Advocate
California Trappers Association

CALIFORNIA TRAPPERS ASSOCIATION

907 Homes flat road Redcrest, Ca. 95569 (707)722-4259



January 26, 2015

Mr. Sonke Mastrup, Executive Director
California Fish and Game Commission
1416 9th Street, Ste. 1320
Sacramento, CA 95814

Mr. Charlton Bonham, Director
California Department of Fish and Wildlife
1416 9th Street, 12th Floor
Sacramento, CA 95814

RE: Agenda Item 29 for the February 11-12, 2015 Fish and Game Commission Meeting Concerning Proposed Changes to Bobcat Trapping Regulations

Position: Oppose

Dear Mr. Mastrup and Mr. Bonham:

When [AB 1213](#) (Chapter 748, Statutes of 2013) was signed into law on October 11, 2013, the Governor's signing message for this bill stated:

"In order to ensure appropriate implementation of this Act, I am asking the Legislature to work with my Department to secure funding to survey our bobcat population. Based on this work, the Department and the Commission should consider setting population thresholds and bobcat tag limitations in its upcoming rulemaking."

This task requested by the Governor for the Legislature and the Department to perform in order to assure appropriate implementation of AB 1213 has not been completed. Accordingly, for the Commission to proceed with the development of AB 1213 regulations is considered premature as the Commission does not have adequate information upon which to base rational and informed implementing regulations. Until there is funding for the survey and receipt of the data the survey would yield, as asked for by the Governor, it is believed the Commission should not proceed to adopt regulations.

The author of AB 1213, as Chair of the Assembly Budget Subcommittee #3 (Resources and Transportation), is in a unique position to assist in meeting the requirements of the Governor's message. Has the Department been working with the Chair in fulfilling the Governor's request?

AB 1213 requires the Commission to delineate the boundaries of an area in which bobcat trapping is prohibited using readily identifiable features [[Fish & Game Code Section 4155](#) (b) (3)]. Although the legislation did provide some examples of such features, it did not specifically define what the term actually means for purposes of section 4155, nor did it specify what "readily identifiable" means for the purposes of implementation.

Yet, the Department of Fish and Wildlife, without the requested survey and its results has proposed that there be only two areas of the state where bobcat trapping would be allowed and that buffer zones around the boundaries of places within them, where bobcat trapping is prohibited by AB 1213, be defined by using only the highways and other major roads and landmarks it has specified.

This would result in vast closure areas far exceeding the boundaries of places where bobcat trapping is statutorily prohibited.

In effect, the DFW proposed restrictions would irrationally ban bobcat trapping in all or most of the state. This was proposed before the legislature and rejected for inclusion in AB 1213. It is not the intent of the legislation that bobcat trapping be banned statewide.

The statewide ban that has been proposed by a commissioner for the Commission's consideration would also be contrary to the intent of the legislature in enacting AB 1213.

Furthermore, the boundaries based on the roads specified in the Department's proposal would often divide current bobcat trapping in "high value" areas in two, making it lawful to trap on one side of a road but not the other. The result would be that the trappers who traditionally trap in the high value area on the side of the road that would be prohibited by the Department's proposal would begin trapping on the other side where a saturation of trappers already exists. The result would be an undesirable increase in the number of trappers crowding into a single area where trapping is allowed in the high value area.

This could also result in an over-population of bobcats on the side of the road where there is no trapping. Over-population could result in the crowding of bobcats in the high value non-trapping habitat and too much pressure there on bobcat prey species, thus possibly resulting in an unhealthy bobcat population in the no trapping zone.

The Department's proposal does not seem to address any of these or other wildlife management concerns. In fact, it seems to address non-wildlife management issues such as political pressures, ease of enforcement and convenience for administrators.

For example, how would enforcement be handled? If a trapper is trapping foxes on the bobcat trapping prohibited side of a road and bobcats trapping on the other side where it is legal, would the trapper be cited if he or she drove their vehicle with bobcat traps in it across the road to check on their fox traps?

The concerns expressed in this letter relative to roads also apply to high value counties where the Department's proposal would not allow bobcat trapping.

The bobcat trapping areas proposed in the Department's proposal would prohibit bobcat trapping in many areas where bobcat trapping currently exists. Except for the areas expressly prohibited by AB 1213, trapping should be allowed statewide.

Pending the results of the survey asked for by the Governor, establishing a buffer zone around prohibited areas and/or using the GPS system would solve all of the ease of administration issues that are reflected in the Department's proposed closure of vast areas of the state where bobcat trapping currently occurs. Sportsmen should not be punished by the Commission's regulations for the convenience of the Department's administration of AB 1213.

Accordingly, the current proposal from the Department, and the commissioner-proposed statewide ban addendum to it, are strongly opposed.

A far better approach would be to establish GPS waypoints to delineate prohibited area boundaries or to establish a buffer zone of a given distance around prohibited areas.

GPS navigation:

- It has been successfully used to identify boundaries, locations, and other geographic features for years.
- It is the most accurate and widely used means of navigation available to the public.
- The Commission has a precedent of using GPS waypoints to define the boundaries of Marine Protected Areas.
- Given its history, it would be inconsistent for the Commission to now fail to adopt the use of GPS technology for establishing the boundaries of the bobcat trapping prohibited areas.
- GPS navigation uses waypoints based on latitude and longitude, and it makes no difference whether such waypoints are located on land or water.
- A system not based on GPS waypoints, particularly the use of imprecisely identified landmarks (i.e. – a mountain peak), is less accurate and can lead to persons unintentionally being in prohibited places.

The Commission is urged to establish boundaries that employ use of GPS waypoints or a buffer zone of a specified distance away from the boundaries of no bobcat trapping areas.

The method proposed by the Department would be excessively broad in scope and would needlessly ban bobcat trapping in too many areas. Until the survey is funded and completed, neither the Department's proposal nor a statewide ban should be adopted.

We respectfully submit these recommendations for your consideration. Should you have any questions, please contact our legislative advocate, Kathryn Lynch, at (916) 443-0202 or lynch@lynchlobby.com.

Sincerely,



Mercer Lawing
Director, California Trappers Association

cc: California Fish and Game Commission
Governor Edmund G. Brown, Jr.
Ms. Kathryn Lynch, Legislative Advocate
California Trappers Association

CALIFORNIA TRAPPERS ASSOCIATION

907 Homes flat road Redcrest, Ca. 95569 (707)722-4259



June 9, 2015

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Comments on Proposed Bobcat Protection Act Regulations [Amend Sections 478, 478 and 702, Title 14, CCR, Implementation of the Bobcat Protection Act of 2013 (Fish and Game Code Section 4155)]

Dear Commissioners:

The California Trappers Association is providing our initial comments on the proposed Bobcat Protection Act Regulations.

ECONOMIC IMPACT

In developing its economic analysis, the California Department of Fish and Wildlife did not survey a significant number, if any, of individual trappers that would be affected by the proposed regulations to determine what the actual cost impact on them, their families and their communities would be. Where did the department obtain its economic impact information, and why weren't they more diligent in gathering accurate information from the trappers themselves?

According to the State Department of Finance, the fees charged to trappers for licenses would have to triple in order to recover all of the costs of AB 1213 [Department of Finance Bill Analysis, AB 1213]. Yet, the department's proposed fee increases for trappers are several times this amount. How did the department decide on what cost items, and their amounts, to charge against bobcat trappers? How much of it could be charged to other accounts?

If no bobcat trapping is allowed in a given area, why would the department project a bobcat trapping law enforcement cost increase there, and how was the amount specified by the department determined? It is more logical to anticipate less game warden costs as there would be no bobcat trapping activity to monitor. Why would there be an increased need for personnel and vehicle usage in these areas? In those areas where bobcat trapping would continue to be allowed under the proposal, such trapping activity is currently occurring and enforcement of the trapping laws is currently in effect. Why would enforcement costs increase in these areas?

These same and similar questions should be asked of the department for every trapping related cost increase it has projected. How were the additional cost figures determined, how was it decided which cost items are to be attributed solely to bobcat trapping laws administration, what cost items are jointly shared with other department programs, is there equity in the pro-ration of cost between programs, etc.?

The department's projected cost figures raise many questions that need to be answered.

The commission's Initial Statement of Reasons for Regulatory Action (ISOR) contains department established line item cost numbers, but it includes no information to substantiate them.

Under the provisions of California Proposition 26, what legally qualifies as a fee is tightly restricted and is clearly defined by the proposition. Amounts charged as fees that exceed these limitations are legally defined as taxes. AB 1213 does not authorize the commission to impose a tax on bobcat trappers. To the extent the department has not tightly controlled its assessment of anticipated costs to be recovered as fees under option one of the proposed regulations, it may have unwittingly proposed an illegal tax on trappers.

The basis for the department's proposed fees to be imposed on trappers should be audited by an independent auditor for compliance with Proposition 26.

DUE PROCESS

Prior to the drafting of the proposed regulations, trappers repeatedly asked for public workshops in areas, such as Redding and Bishop, where many trappers reside and could attend workshops to participate and to provide input relative to the costs and other impacts of the proposed regulations on themselves and their communities [CTA Letter to Commission, April 2, 2014]. However, workshops were not held in these locations and, as a result, many individual trappers did not have an opportunity to participate in discussions of matters that directly affect them. Instead, meetings for public participation were held primarily in areas where those who oppose the trapping of bobcats could more easily attend and make known their anti-trapping views. Trappers believe that this resulted in a disproportionately higher level of input from those who would ban trapping.

INTENT OF LEGISLATION

While AB 1213 moved through the legislative process, legislators made known that it was not their intent to ban bobcat trapping entirely, yet that is exactly what the commission is proposing in option 2 of its regulatory proposal. Even option 1, because of the proposed method of drawing no bobcat trapping zone boundaries, would needlessly ban bobcat trapping in the majority of the state.

State Senator Jim Nielsen made the above intent of the legislature clear to the commission in his remarks presented to the commission earlier this year [Letter from Senator Nielsen, February 12, 2015 (dated February 11, 2015)].

While the commission has a duty to propose regulations that provide bobcat protection where it is mandated in statute, it should do so in a manner that is least disruptive to trappers and other sportsmen.

MANAGEMENT PLAN

The Governor, in his signing message for AB 1213 [dated October 11, 2013], requested that a bobcat population survey be completed, using separate funds specifically appropriated by the legislature working in cooperation with the department for this purpose, before the adoption of regulations by the commission.

The author of AB 1213 is chairman of the budget subcommittee that could provide funds for this purpose, but he has failed to act in accordance with the Governor's expressed wishes that the funds be made available.

Instead, the department has included the costs of a bobcat population survey in the management plan it would require trappers to fund via trapping license, validation and shipping tag fees. The survey is a major cost item that properly should be funded by the legislature pursuant to the Governor's signing message, not paid for through increased fees charged to trappers.

In fact, the public benefit to be derived from such a survey would justify public funding, but not an increase in trapping fees.

ALTERNATIVES FOR ESTABLISHING NO-BOBCAT TRAPPING ZONE BOUNDARIES

In its proposed regulations, option one, the commission has rejected consideration of establishing no-bobcat trapping zone boundaries using alternatives to the commission's proposed method of using major roads as the primary method of delineating boundaries.

AB 1213 clearly allows for methods of establishing boundaries other than the method proposed, such as the use of the Global Positioning System (GPS). Trappers strongly urge that the commission reconsider its proposed method of delineating boundaries to allow for GPS waypoints and other commonly used and well understood systems of establishing geographic position.

The use of GPS waypoints would be an accurate, efficient and economical means of describing no-bobcat trapping zones around parks and other prohibited places designated by AB 1213.

The commission has already set a precedent for the use of GPS waypoints in the establishment of boundaries for the Marine Protected Areas. GPS has also been adopted as a means of establishing position by the federal government, military, commercial interests such as surveyors, hikers, and sportsmen to name just a few.

DUE DILLIGENCE

Bobcat trappers question whether the commission exercised sufficient due diligence in its consideration of the various factors relevant to establishment of the proposed regulations [CTA Letters dated November 19, 2014, January 26, 2015].

It is believed that alternatives to the proposed method of delineating boundaries were not given the serious consideration they should have received, that the alleged costs of implementing AB 1213 were not constrained by necessity or pro-rated to reflect the actual necessary bobcat trapping enforcement and administrative costs of the department, that the boundaries proposed would exclude from bobcat trapping much larger areas than actually necessary pursuant to the provisions of AB 1213, the adverse impact that an increasing number of bobcats would have on prey species and the other wildlife that rely on them as a food source, and that the proposed regulations are not sufficiently based on sound science.

In fact, the regulations appear to trappers to be founded more on social and political factors than on sound science.

ENVIRONMENTAL IMPACT

Bobcats are generally nocturnal and, because of this, would rarely be seen by tourists and other visitors to areas where it is proposed that bobcat trapping be banned. However, an increasing bobcat population would likely result in lower numbers of prey species, such as quail and rabbits, for visitors to see. Thus, the perceived benefits of the proposed boundary regulations proposed by the commission would likely not be enjoyed by many, if any, visitors.

Furthermore, a decline in the numbers of prey species resulting from an increase in the bobcat population could have a negative effect on bobcats themselves due to a dwindling food source.

For these reasons, and others, a total statewide ban on bobcat trapping as proposed in option two of the proposed regulations would be an unwise choice for the welfare of the environment.

As stated above, these are our preliminary comments on the proposed Bobcat Protection Act regulations. We will provide more comprehensive comments at a later date.

Sincerely,



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

cc: Mr. Sonke Mastrup, Executive Director, California Fish and Game Commission
Mr. Charlton Bonham, Director, Department of Fish and Wildlife
Governor Edmund G. Brown
Ms. Kathy Lynch, Legislative Advocate

Attachments: Department of Finance Bill Analysis, AB 1213
April 2, 2014 Letter (CTA) to Fish and Game Commission
February 11, 2015 (Senator Jim Nielsen) Letter to Fish and Game Commission
Governor Edmund G. Brown Signing Message for AB 1213, October 11, 2013
November 19, 2014 Letter (CTA) to Fish and Game Commission
January 26, 2015 Letter (CTA) to Fish and Game Commission



Sent via electronic mail

July 22, 2015

President Jack Baylis
Vice President Jim Kellogg
Commissioner Jacque Hostler-Carmesin
Commissioner Eric Sklar
Commissioner Anthony C. Williams

Director Sonke Mastrup

California Fish and Game Commission
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Re: AB 1213 Implementation of Bobcat Trapping Regulations – August 5, 2015 Fish and Game Commission Meeting (Fortuna, CA)

Dear Director Mastrup and Commissioners:

On behalf of the Center for Biological Diversity (“the Center”) and its over 100,000 members and supporters in California, we submit these comments on the Fish & Game Commission’s (“the Commission”) proposed regulations amending sections 478, 479 and 702 of Title 14 of the California Code of Regulations (“CCR”) to implement AB 1213, the Bobcat Protection Act of 2013 (“AB 1213”). Specifically, the Department of Fish and Wildlife (“the Department”) presented two options to the Commission to implement AB 1213: (1) a partial closure of the State to bobcat trapping (the “zonal approach” or “Option 1”), which the Department has recommended, and (2) a total prohibition on bobcat trapping across the State (the “statewide ban” or “Option 2”).

We strongly urge the Commission to adopt Option 2. As discussed in our prior letters and presentations to the Commission (*See Appendix I*), the statewide ban is the optimal choice for the following reasons:

1. Option 2 is **ecologically sound** because it avoids the substantial environmental impacts that concentrated trapping under Option 1 will have on local bobcat populations and ecosystems across the State.
2. Option 2 is the **financially prudent** choice because its implementation and enforcement costs are far less than those incurred under Option 1, as well as positively contributes to the millions of dollars in annual wildlife tourism revenue for the State.¹

¹ We note that the Initial Statement of Reasons for Regulatory Action, dated April 14, 2015 (“ISOR”), has failed to quantify or even acknowledge the impacts of either options on the tourism revenue that bobcat watching brings to California. While the ISOR has failed to quantify the economic benefits that Option 2 brings to tourism revenue, it equally has failed to calculate the adverse economic effects of Option 1 trapping on state tourism, which is a further deficiency in the ISOR (deficiencies discussed below). We encourage the Commission to factor this economic

3. Option 2 is **legally consistent with the legislative findings of AB 1213 and other provisions of the Fish and Game Code** (“F&G Code”), under which a prohibition on bobcat trapping is the default position and the Commission is required to provide for “aesthetic, educational and non-appropriative uses” of wildlife.²
4. Option 2 **drives California’s wildlife management policy into the 21st Century** and is consistent with a slate of progressive actions taken by the Legislature, Commission and the Department, such as halting inhumane wildlife killing methods and renaming the Department to reflect the public’s value of wildlife not only as game but as living creatures critical to the health of the State’s ecosystems.
5. Option 2 **honors democratic values**, where the conservation and wildlife interests of the greater California public³ overwhelmingly outweigh the profit-driven interests of the less than 100 recorded bobcat trappers serving foreign fashion markets.
6. The Commission is charged with being **stewards of California’s wildlife in the public trust**; adopting a statewide ban that is consistent with the development of public values toward wildlife is essential to carrying out the Commission’s duty.

By stark contrast, Option 1 faces numerous legal, economic and policy challenges, which justify the Commission’s outright rejection of it. Specifically, Option 1 and the ISOR suffer from the following illegalities and deficiencies⁴:

1. Option 1 is **ecologically unsound and scientifically ungrounded**. The Department’s argument that Option 1 will not significantly impact bobcat populations is not based on credible science. First, as both the Governor and Legislature have stated, there exists no reliable scientific data on the status of bobcat populations at statewide, regional or local levels, while the Department relies exclusively on a 36 year-old bobcat population study to scientifically justify the zonal approach. Second, even if trapping has a minimal impact on statewide bobcat populations, concentrated trapping under Option 1 will undoubtedly have a significant impact on the health and sustainability of local bobcat populations and their local ecosystems.
2. Option 1 is **economically unsustainable** and thus **violates the cost recovery provisions** of AB 1213 and F&G Code §§ 4155(3)(e) and 4006(c). The Department’s economic analysis omits key costs and considerations and assumes an inaccurate number of trappers, rendering the proposed fee amounts inadequate for cost recovery of the Option 1 trapping program. The Commission’s

consideration into its decision-making, particularly since it is consistent with the Legislature’s statement that “millions of people visit California’s national and state parks and other public and private conservation areas for the purposes of . . . viewing wildlife, including bobcats” and such visitation “contributes millions of dollars to California’s economy.” AB 1213 § 2(c).

² F&G Code § 4155(f) explicitly contemplates and allows for the enactment of the statewide ban on bobcat trapping. Similarly, F&G Code § 4150 prohibits the take of nongame mammals absent specific regulations by the Commission authorizing such take. In other words, a prohibition on bobcat trapping is the default position of the F&G Code and could be imposed simply by striking the bobcat specific provisions of sections 478, 478.1 and 479 of Title 14 of the California Code of Regulations. Further, a statewide trapping ban ensures compliance with F&G Code § 1755 which requires the Commission to “provide for aesthetic, educational, and nonappropriative uses” of wildlife.

³ Public support for the statewide ban has been evidenced through thousands of public comment letters received by the Commission and the Department (Commission staff verbally reported that over 28,000 letters supporting the ban had been received by early 2015 alone), dozens of phone calls received by the Commission, and hundreds of public comments made at Commission meetings since the commencement of this rulemaking.

⁴ Under F&G Code § 218, any regulation of the Commission shall be subject “to review in accordance with law by any court of competent jurisdiction.”

adoption of Option 1 would be both illegal and fiscally irresponsible toward the State and California taxpayers.

3. Option 1 **violates both the California Environmental Quality Act and the Commission's and the Department's Certified Regulatory Programs** for failure to perform any environmental review, failure to adopt feasible alternatives—the most feasible being the statewide ban itself—and failure to implement and examine additional feasible mitigation measures, including bag limits explicitly suggested in the Governor's signing statement of AB1213.⁵
4. Option 1 is premised on an **incomplete set of protected properties** in violation of AB 1213 and F&G Code § 4115(b)(1).
5. Option 1 brings a host of **additional administrative and fiscal burdens** to the Commission and Department that can be fully avoided by adopting Option 2. One such burden is the cost and time—not only of government agencies but also to the public citizens committed to the rulemaking process—of undergoing a second-year of rulemaking to designate additional no trapping zones across the state as required by F&G Code § 4115(b)(2). This mandatory undertaking is likely to be subject to the resource-intensive petitioning process recently adopted under 14 CCR § 662 (*Petitions for Regulation Change*) and public hearings.
6. As recognized by the Legislature in F&G Code § 710-711, Option 1 **perpetuates imprudent policy decisions** of implementing programs that, due to funding shortages, fail to be adequately managed and enforced, thus undermining the very purpose of the program itself.

In sum, the weight of economic, policy, legal, scientific, and ultimately, ethical factors, is clearly in favor of adopting the statewide ban. **The zonal approach is ecologically unsound, scientifically ungrounded, fiscally unsustainable, policy noncompliant, and—as the true bottom line—unlawful.** Option 1 cannot and should not be adopted. We urge the Commission to honor its role as stewards of wildlife in the public trust, as well as fair and rational arbiters upholding the law.

This letter will specifically discuss the illegalities and deficiencies of Option 1, the zonal approach. For in-depth discussions of Option 2, please see the Center's prior letters to the Commission provided in Appendix I.

I. THE TIMING: A NOTE ON LEGAL CONSIDERATIONS WITH RESPECT TO TIMING OF RULE ADOPTION

Given all Commissioners have presumably reviewed the necessary supporting documentation and are adequately informed of the issues of this rulemaking, the Commission should adopt Option 2 at the Commission meeting in Fortuna, California on August 5, 2015. However, should the Commission choose to delay the final adoption past the August 5, 2015 meeting, the latest date it can legally do so is at the subsequent Commission meeting in Los Angeles, California on October 7, 2015.

Under AB 1213, SB 1148 (Pavley) and F&G Code §§ 4006(c) and 4115(e), the Commission was required to set trapping license and associated fees for the 2014-15 season and is mandated to set such fees for subsequent seasons in which bobcat trapping is allowed at “the levels necessary to fully recover” the costs of both the Department and Commission in administering, implementing and enforcing the existing trapping program. F&G Code § 4006(c). The Commission is already in violation of these provisions for the 2014-15 bobcat trapping season because it failed to adjust the fees accordingly to

⁵ See Governor Edmund Brown, “Signing Message for Assembly Bill 1213”, dated October 11, 2013. Available at: http://gov.ca.gov/docs/AB_1213_2013_Signing_Message.pdf.

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recoup the actual costs borne by the Department and Commission. According to the 2014-15 trapping license data available, the Department issued 567 resident licenses (at \$113.75/license), 3 junior licenses (at \$38.25/license), and 1 non-resident license (at \$570/license), recouping a total revenue of around \$65,000 for the entire trapping program.⁶ Given that this amount would not cover the cost of a single full-time Department employee⁷—let alone a robust trapping program covering more than a dozen species in addition to bobcats⁸—it is clear that the fee structure imposed for the 2014-15 trapping season failed to recoup the costs of the bobcat trapping program. This renders the Commission and Department in gross noncompliance with the unambiguous requirements of the Fish & Game Code. Consequently, should the Commission fail to adopt any regulation before the commencement of the 2015-16 trapping season that adjusts the fees (or implements bobcat trapping validation and tag fees) and nonetheless permits the bobcat trapping season to persist, the resident trapping license fees of \$117.16 and non-resident trapping license fees of \$577.60⁹ are, again, woefully inadequate to comply with the relevant cost recovery statutory mandates.

Therefore, to avoid the legal consequences of the Commission's noncompliance with F&G Code § 4115(e) for a second year, the Commission's rule adoption must take place at the October meeting because it is the final Commission meeting before the November 24, 2015 commencement date of the upcoming 2015-16 bobcat trapping season. In the case that the Commission adopts a statewide ban at that meeting, cost recovery mandates for 2015-16 will no longer be an issue. However, should the Commission adopt Option 1 at the October meeting, it will be statutorily required to compound the unrecouped costs of the 2014-15 trapping season with the costs of the 2015-16 trapping season. Moreover, in accordance with Administrative Procedure Act § 11343.4(b)(4), the Commission is required to provide an effective date of the regulation before November 24, 2015. Otherwise, the Commission's *de facto* practice of following the quarterly basis of rule effectiveness, in accordance with Administrative Procedure Act § 11343.4(a)(1), will result in an effective date of January 1, 2016, which is past the commencement date of the 2015-16 bobcat trapping program and will render the rule noncompliant with the relevant cost recovery provisions. Such violations of law cannot be countenanced. In sum, if the Commission delays the rulemaking adoption past October 2015 or fails to assure its effectiveness before the 2015-16 bobcat trapping season commences, the Center and our allies will be forced to seek redress from the courts.

⁶ Data on license sales and revenue is available at: <https://www.wildlife.ca.gov/Licensing/Statistics>. The majority of these licenses were purchased for pest-control purposes rather than for fur trapping purposes.

⁷ See Memorandum from Charlton Bonham, Director, Cal. Dep't of Fish and Wildlife and Sonke Mastrup, Executive Director, Cal. Fish and Game Comm'n to the Assemblymember Richard Bloom, Member of the Assembly, 50th District, California, "Re: Assembly Bill 2013" (June 13, 2014) ("CDFW Memo to Assm. Bloom (June 2014)"). See [Appendix II](#) for documents cited in this letter, including documentation provided by the Department on June 10, 2015 in response to the Public Records Act Request submitted by the Center to the Department on January 12, 2015. In the case of litigation, these documents provided by the Department are to be considered part of the administrative record.

⁸ Trapping licenses permit trapping for 6 furbearers (badger, beaver, gray fox, mink, muskrat, and raccoon) and 6 nongame mammals (bobcat, coyote, opossum, spotted skunk, striped skunk, and weasel).

⁹ The fee application and fees for the 2015-2016 trapping license is available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=84525&inline>.

II. THE ECONOMICS: OPTION 1 IS ECONOMICALLY UNSUSTAINABLE AND THUS VIOLATES THE COST RECOVERY PROVISIONS OF AB 1213, SB 1148, AND F&G CODE §§ 4155(3)(E) & 4006(C)

AB 1213 was passed, in part, to address the Commission's failure to implement the cost recovery mandate in F&G Code § 4006(c), which was added to the F&G Code as a result of the passage of SB 1148 (Pavley). The Pavley bill specifically required the Commission to recoup program and implementation costs from fee-based programs in an effort to "enable the Department and the Commission to do a better job as public trustees for the state's fish and wildlife, and for the people they serve."¹⁰ Consistent with the requirements of the Pavley bill, F&G Code § 4115(e) specifically charges the Commission with the duty to "set trapping license fees and associated fees . . . at the levels necessary to fully recover all reasonable administrative and implementation costs of the Department and commission associated with the trapping of bobcats in the state, including, but not limited to, enforcement costs."

While we are mindful of the challenges facing the Department in generating a sound fiscal analysis of trapping program costs, there are several fatal flaws in the economic analysis contained in the ISOR that render it unsuitable for the Commission's deference, and ultimately, reliance. Overall, the ISOR grossly underestimates the total cost of the Option 1 trapping program and overestimates the number of bobcat trappers who will shoulder that cost, rendering the proposed fee amounts for validations and tags wholly insufficient to recoup the actual costs of the zonal approach. Should the Commission adopt Option 1 and the proposed fee amounts, the Commission will clearly breach its statutory duty to set appropriate fees for cost recovery.

A. The Department's estimated number of trappers is inaccurately high and factually unsupported.

A critical factor in determining an appropriate license or validation fee is an accurate estimate of the number of trappers who will actually purchase the license or validation. In terms of the total number of trappers who will bear the cost of the Option 1 trapping program, the Department uses a figure of 200 trappers as the baseline number, which is purportedly based off a "5-year average of trappers." ISOR at 20. However, it is unclear as to where these numbers are actually derived, as different Department documents refer to different numbers and data sources. In one version of the Department's excel model of cost recovery calculations, it appears that the 200 trappers figure is an average of the recreational residential trapping licenses issued from 2009 through 2014¹¹, while a prior excel model uses completely different figures that are consistent with data posted by the Department online.¹² Alternatively, the 200 trappers figure could be based on the 5-year average of the number of fur trappers buying licenses and reporting their harvest.¹³ Regardless of its origin, the use of 200 bobcat trappers as a baseline is not

¹⁰ See "Legislature Passes Huffman and Pavley Bills to Improve Fish & Wildlife Conservation" (Sep. 6, 2012). Available at: <http://sd27.senate.ca.gov/news/2012-09-06-legislature-passes-huffman-and-pavley-bills-improve-fish-wildlife-conservation>.

¹¹ See "BobcatProgramCostPermitFees_WB-MM.xlsx", attached to Email from Matt Meshriy to Scott Gardner, "Re: Bobcat program costs/fees" (Feb. 17, 2015) (PRA Request Response).

¹² See "BobcatProgramCostPermitFees_WB.xlsx", attached to Email from Margaret Duncan to Scott Gardner and Matt Meshriy, "Re: Bobcat Costs spreadsheet" (Feb. 13, 2015) (PRA Request Response).

¹³ This data is presented in annual summaries of licensed fur trappers' and dealers' reports. Available at: <https://www.wildlife.ca.gov/Licensing/Trapping>.

appropriate in this rulemaking because it does not isolate bobcat trappers but instead includes all licensed trappers for all furbearing animals—which, in addition to the bobcat, include the badger, beaver, coyote, gray fox, mink, muskrat, opossum, raccoon, spotted skunk, striped skunk and weasel.

Instead, given the Department’s desire to use a 5-year average, the appropriate and factually supported figure of bobcat trappers to use in this rulemaking calculation should be 78 trappers—which is the 5-year average¹⁴ of successful bobcat trappers according to the Department’s annual bobcat harvest assessments. This figure is clearly more accurate than the 200 trappers figure because it factors in only those trappers committed to bobcat trapping as opposed to those who trap other furbearers. Indeed, the Department’s annual bobcat harvest assessments show an average of 78 successful bobcat trappers per year over a period of 5 years, with a low of 45 successful trappers for both the 2009-10 and 2010-11 trapping seasons, a high of 128 successful trappers in the 2011-12 trapping season, which dropped to 80 successful trappers in the 2012-13 trapping season and 93 successful trappers in the 2013-14 trapping season.¹⁵ The fluctuation of these numbers appears to coincide with the fluctuation of global bobcat pelt prices, indicating the relatively high level of elasticity of active bobcat trappers in response to pelt price. In contrast, the average of 200 trappers for general furbearer licenses appears relatively consistent over the past 5 years, demonstrating an inelasticity—and consistency—in general trapper licenses in reaction to pelt prices of other furbearing animals, rendering the figure inaccurate as a basis for estimating bobcat trapper licenses.

For purposes of the proposed fee calculation, we agree with the Department that a rising license (or validation) price will lead to a reduction in the number of trappers applying for licenses. However the Department assumes that this reduction will be only 20%. We believe that—depending on the scale of the fee increase—the actual reduction will be much greater. Nevertheless, assuming only a 20% reduction in the number of trappers willing to pay the increased fees, in light of the proper baseline number of 78 trappers, the estimated number of bobcat trappers who will bear the cost of Option 1 is 62 bobcat trappers.

An estimate of 62 trappers willing to pay increased fees is obviously substantially lower than the figure of 160 trappers used by the Department in its economic analysis. Therefore, as discussed below, even if every other aspect of the Department’s fiscal analysis were correct (which is obviously not the case), and the total annual costs of the trapping program under Option 1 are only \$212,406 (which suffers from fatal flaw calculations), the validation fee would need to be set at well over \$3,000 per trapper.

B. The Department’s proposed validation and tag fees fail to finance the actual costs of Option 1, violating the cost recovery mandates dictated by law.

The Department’s recommended validation and tag fees simply fail to recoup the actual costs of Option 1. The Department recommended that the Bobcat Trapping Validation be set to approximately \$1,137, or within the range of \$0 to \$1,325, and the shipping tag be set to approximately \$35, or within the range of \$0 to \$245. These are woefully inadequate figures for realistic cost recovery of Option 1.

For purposes of illustrating the challenges of cost recovery, let us assume, for argument’s sake, the Department’s estimated total cost of Option 1 in the ISOR of \$212,406 (as explained below, the actual

¹⁴ The Department’s annual bobcat harvest assessments are available at: <https://www.dfg.ca.gov/wildlife/hunting/uplandgame/reports/bobcat.html>. This 5-year average is based on the data available from the 2010 through 2014 trapping seasons.

¹⁵ *Id.*

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number is at least \$700,000). Assuming that 62 bobcat trappers will purchase the bobcat trapping validation (and assuming for the moment we avoid the complexity of incorporating tag fees into this basic analysis), each such bobcat trapper would need to pay \$3,426 per validation. But it is highly unlikely that 62 trappers will actually pay for a validation set at this level.

Assuming the average pelt price of \$390 in the 2013-14 trapping season¹⁶, a single bobcat trapper would need to kill an average of 9 bobcats to break even.¹⁷ In the 2013-14 sample of 99 trappers, over half of the trappers took 9 or fewer bobcats, and a further 18 trappers took between 10 to 15 bobcats.¹⁸ Further, internal Department communication indicates that the average take per trapper is 15 to 20 bobcats.¹⁹ Assuming trappers are rational actors, it is logical to assume that at least 70% of bobcat trappers would not purchase the validations because the breakeven costs are too high to justify bobcat trapping. This reduces the bobcat licensees to 30% of the original estimated number of trappers, which, assuming a baseline of 78 trappers, becomes 23 trappers. Dividing the \$212,406 program cost by 23 trappers exponentially raises the validation tag fee to \$9,235, which requires each trapper to take an average of 23 bobcats to break even. Following the prior analysis, from the data set of trapper take distributions in 2013-14, only 20% of the 99 trappers took over 23 bobcats, and a further 6 trappers took under 30 bobcats. Assuming trappers are rational actors, it is logical to assume again that 91% would not risk purchasing the bobcat license because the breakeven costs are too high to justify bobcat trapping. The perpetual cycle of diminishing number of bobcat trappers willing to bear the cost of a bobcat trapping license leads to the conclusion that Option 1 is simply economically unsustainable.

The above analysis is based on the Department's current gross under-estimate of Option 1's total cost. The reality is that total cost programs are at least \$700,000. This total cost borne by 62 bobcat trappers would result in a validation fee (assuming we avoid calculating in tag fees²⁰) of \$11,290, which requires the take of 29 bobcats, assuming an average global pelt price of \$390, to break even. Only 11% of the bobcat trappers in the 2013-14 data set took more than 29 bobcats. Assuming the number of willing trappers is 11% of the original 78 successful bobcat trappers, that results in 9 bobcat trappers bearing the entire cost of a \$700,000 program, resulting in a validation fee of over \$77,000 per trapper.

This basic yet relatively accurate economic analysis, based on logical assumptions of cost and viable number of bobcat trappers, plainly illustrates the much higher prices of validation and tag fees that the Commission would need to set in order to recover the costs of a bobcat trapping program in accordance with F&G Code §§ 4115(e) and 4006(c). It is also clear that setting such fees at the required

¹⁶ See 2013-14 Bobcat Harvest Assessment, 9. While the Department has quoted higher pelt prices in March 2015 of \$600 for a "good quality pelt" and \$1,200 for "excellent quality pelts" the ISOR properly uses the average pelt price from 2013-14 in the ISOR. See Memorandum from Charlton Bonham, Director, Cal. Dep't of Fish and Wildlife, to Sonke Mastrup, Executive Director, Fish & Game Comm'n, "Subject: Presentation for April 9, 2015 Fish and Game Commission" (March 27, 2015) (PRA Request Response) ("CDFW Memo to Commission (Mar. 2015)").

¹⁷ For breakeven purposes, we only include the costs of validation fees to generally calculate the amount of bobcats that a single trapper would take to rationalize the purchase of a trapping validation. Obviously, though, trapping has other costs, such as the purchase of the traps themselves and the gasoline expended to check such traps every 24 hours. A true breakeven point requires additional bobcats caught to offset these expenses.

¹⁸ See "TrapperBobcatTakeDistribution" (PRA Request Response).

¹⁹ See Email from Terry Mullen to David Bess, "Re: Bobcat costs" (Mar. 26, 2015) (PRA Request Response). ("This year's reported ("word of mouth") average take was approximately 15-20 bobcats.")

²⁰ Under the Department's calculations, a \$35 tag fee will generate \$30,100 annually. This would reduce the validation fee in this scenario from \$11,290 to \$10,804, a difference that is unlikely to significantly change trapper economic decision-making.

levels would result in a far lower number of trappers willing to pay such fees, leading to a cost-recovery shortfall. Yet setting fees at a level low enough that significant numbers of trappers will pay the fees will simply not recoup program costs. This is also legally impermissible. In short, given the substantial administrative and enforcement costs associated with bobcat trapping, and the relatively low numbers of trappers operating in the State, bobcat trapping simply cannot continue in California without a substantial subsidy. Consequently, operating as it must under the cost recovery mandates of F&G Code §§ 4115(e) and 4006(c), we do not see how the Commission can lawfully adopt any option that allows continued bobcat trapping in California.

C. The Department's total cost estimate of Option 1 omits key costs and considerations.

As explained above, the trapping program under Option 1 is not financially viable, and consequently not lawful, even if the Department's low estimate of \$212,406 for annual costs were correct. But the Department's cost estimates are clearly too low, further highlighting the fiscal infirmities of Option 1. We estimate that an accurate total cost of Option 1 is *at least* 3 times greater—or approximately \$700,000—than the Department's estimated price tag of \$212,406 for the implementation and enforcement of Option 1. Notably, in March 2015 (a month before the date of the ISOR), the Department estimated that the cost of implementing Option 1 would be \$605,000²¹, which is more consistent with our assumptions and calculations. The Department fails to explain or account for the apparently arbitrary and capricious 66% cost reduction of Option 1 in its own internal analyses.²² A close examination of the ISOR identifies the following fatal flaws in the economic analysis of Option 1.

1. Regulation Development and Startup Costs

First, the ISOR provides that total rulemaking costs, including overhead, are approximately \$32,300; the Department then allocated 75% of the total rulemaking cost to Option 1 (\$24,500) and 25% to Option 2 (\$7,800). First, as explained below, this estimate is too low. Moreover, while theoretically it may make some intuitive sense to apportion these costs to the two separate regulatory options, regulation development and startup costs as a budgetary item is the total rulemaking costs incurred by the Department and the Commission up to this point in the regulatory process—in other words, the same sunk cost of \$32,300 occurs regardless of which option the Commission chooses. We note though that this hefty sunk cost could have been avoided had the Commission adopted the statewide ban directly, which would have resulted in a singular regulation development cost of \$7,800.

Second, and most critically, Option 1 commits the glaring fatal flaw of failing to include a second year of rulemaking into the costs of Option 1. F&G Code § 4155(b)(2) requires the Commission to undergo a second year of regulation development commencing January 1, 2016 to consider a further set of properties for prohibiting bobcat trapping in “preserves, state conservancies, and any additional public or private conservation areas identified to the [C]ommission by the public as warranting protection.” F&G Code § 4155(b)(2). At the very least, assuming the price tag of the Department's calculation for year 1 regulation development costs for Option 1, an additional baseline amount of \$23,700 (which excludes the

²¹ See CDFW Memo to Commission (Mar. 2015).

²² It appears the Department makes multiple dramatic reductions in the overall cost estimates of implementing Option 1 before presenting the numbers contained in the ISOR. For example, in the economic and fiscal impact statement of the regulation submitted to the California Department of Finance, the estimated cost of Option 1 was \$400,000. See “478BobcatSTD399.pdf” (PRA Request Response). None of these arbitrary reductions are explained in the record.

one-time, non-recurring ALDS development cost) should be added as a budgetary item for the implementation costs of Option 1 to account for the year 2 rulemaking. However, the regulation costs are likely to be even higher than \$23,700 because the second year of rulemaking will likely involve the extensive petition process recently adopted under 14 CCR § 662 (*Petitions for Regulation Change*). Under this process, the public will be required to submit individual petitions identifying areas they believe warrant protection to the Commission, which may amount to dozens if not hundreds of individual petitions for Commission and Department review. The Commission needs to factor in this time-consuming and resource-intensive process²³ in its cost assessment of Option 1. Of course, adoption of Option 2 would completely obviate such costs.

Further, another line item absent from the economic analysis is the *Commission's* costs specific to the rulemaking. In 2014, the Department estimated an additional \$15,000-20,000 of costs incurred by the Commission alone to develop an initial rule, make amendments to the regulations accordingly, and hear appeals for individual permits and citations.²⁴ Given that the Department estimated the Commission's regulation cost to be at least \$15,000 on regulation development in its 2014 estimates, it would be safe to assume that the ISOR's estimate of \$23,500 in total regulation costs for Option 1 does *not* take into account the Commission's separate costs incurred for the initial rulemaking. The Commission should add \$15,000-20,000 as a line item of total costs.

2. *Law Enforcement*

The Department's cost estimates for law enforcement of Option 1 are contrary to common sense as well as the Department's previous statements and internal communications. In the ISOR, the Department stated that total law enforcement costs for Option 1 will only increase by 10% above the baseline case of the status quo trapping program. Given the Department's baseline estimate of enforcement costs being approximately \$154,000, this equates to an increase of only \$15,387 (for a total of \$169,000). This \$15,347 figure stands in stark contrast to the Department's previous estimates that enforcement of no trapping zones under AB 1213 would entail the work of two *additional* wardens at a cost of over \$200,000 per year.²⁵ Moreover, the fact that the Department estimates that the costs of enforcing a complete ban on bobcat trapping would somehow be more expensive than enforcing the zonal approach of Option 1, highlights the facially absurd cost-estimates in this portion of the ISOR.

For the baseline case, the Department provided that patrol and investigative costs related to bobcat trapping total approximately \$154,000 annually, consisting of costs for 12 officers including a supervising lieutenant expending 2,000 hours per bobcat trapping season, as well as their vehicle mileage. This baseline case provides for enforcement of prohibitions against trapping on private lands as well as along the borders of Joshua Tree National Park and other places where trapping is currently prohibited.

²³ 14 CCR § 662 (*Petitions for Regulation Change*) sets out the following process of petition evaluation involving both the Commission and the Department: (i) each party recommending that a regulation be amended must submit a petition; (ii) Commission staff must review the petition to evaluate whether it has met procedural requirements and provide reasons for petition rejection to petitioners; (iii) accepted petitions will be evaluated by the Department; (iv) petitions will then be reviewed by the Commission and undergo regulation proceedings in accordance with the Administrative Procedure Act. See http://www.fgc.ca.gov/regulations/2014/662_regs_3.pdf.

²⁴ See CDFW Memo to Assm. Bloom (June 2014), 4.

²⁵ See AB 1213 FISCAL IMPACT (06/20/13 Version).

Option 1 exponentially increases the number of zones that require enforcement and patrol above this baseline, expanding the areas for patrol to complex borders of both the Bobcat Trapping Closure Area, described in 14 CCR § 478(d)(1) of the proposed regulatory text, as well as the borders of each of the Property-Specific Closure Areas, described in 14 CCR § 478(e).²⁶

In addition to the rise in the number of closure areas to patrol, the substance of the patrol officers' work also rises in complexity; patrol officers need to expend greater time and efforts to identify whether a trap has been lawfully set in a permitted trapping zone and whether the trapper holds a legal validation and trapping license to set such traps. This increase in the number of prohibited trapping zones and substance of patrol logically results in an exponentially higher enforcement cost than the baseline case, likely resulting in an increase in the number of patrol officers in the field. We estimate the routine patrol costs to be at least 1.5-2 times greater than the baseline costs—or over \$123,000.²⁷ Such an increase is consistent with the Department's previous analyses and documents prepared both during the legislative process for AB 1213 as well as in internal communications in the record. The Department's projected 10% increase in routine patrol costs is simply logically and factually ungrounded.

Paralleling the logical fallacies of the routine patrol cost estimates, the Department again projects that case investigations under Option 1 will result in only a 10% increase from the baseline case for a total of \$34,500²⁸. In contrast, the ISOR projects that the statewide ban under Option 2 will require a level of detailed investigative work to detect and deter unlawful bobcat trapping activity, totaling an estimated \$189,000 per year.

First, there is no logical reason to assume wardens will devote substantially more investigative work—and thus, enforcement costs—to violations of a trapping ban under Option 2 as compared to the zonal approach under Option 1. If anything, enforcement of Option 1 should require the opposite. Option 1 will clearly require at least as much investigative case work as Option 2 because, for example, officers will be required to investigate whether a trapper found in possession of a bobcat has legally caught the animal in an open zone, via a lawful method, during the proper season, and has complied with other requirements such as checking traps every 24 hours. None of these complexities occur with regard to Option 2, as possession of a bobcat by any trapper would be prohibited. In the ISOR, the Department failed to explain the difference in cost estimates and instead noted that “wherever bobcat trapping is banned (whether a partial or full ban), the Department anticipates illegal trapping will continue” based on global pelt prices. ISOR at 7. This is far from sufficient justification.

Importantly, the Department's internal communications reveal that wardens had differing opinions on enforcement costs, and at least one warden who “is one of LED's other enforcement experts” predicted that Option 2 would incur the “same amount of patrol effort [as Option 1] for the first few years [of implementation] and then a decline thereafter”²⁹, resulting ultimately in the lower cost of Option 2 in enforcement. This view logically makes much more sense, but was completely discounted by the Department in the ISOR.

²⁶ We note that the Department has only carved out closure areas for 23 specific properties, but at least an additional 20 properties (discussed below) that are statutorily protected under AB 1213 must also be identified as prohibited trapping zones and patrolled accordingly.

²⁷ This includes 35% overhead costs.

²⁸ *Id.*

²⁹ See Email from Patrick Foy to David Bess, “Re: Bobcat enforcement effort – Wdn. Mullen” (March 9, 2015) (PRA Request Response).

In sum, the ISOR severely underestimates the enforcement costs of Option 1. If the Department had used its previous estimates in the ISOR's economic analysis, the costs would be estimated at over \$350,000 per year. Even if those previous estimates could somehow be ignored, simply applying investigative equivalent costs between Option 1 and Option 2 would result in enforcement costs over \$330,000 per year. The ISOR's estimate of \$169,259 is simply not credible.

3. *Environmental Analysis*

The ISOR's economic impact assessment of Option 1 excludes the substantial cost of preparing an environmental review of the bobcat trapping regulation. As discussed below, the Commission and Department are required to perform an environmental review pursuant to the California Environmental Quality Act ("CEQA"). 14 Cal. Code Regs. §781.5. The average cost to perform similar required environmental analysis—excluding litigation costs—is around \$200,000, and this amount should therefore be added to the total costs of Option 1 implementation and enforcement. In contrast, Option 2 does not require the expense of undergoing an environmental review because it does not adversely impact the environment, as discussed below.³⁰

4. *Bobcat Population Surveys*

The ISOR also omits the costs of undergoing bobcat population studies that are required if trapping is allowed to continue. In the ISOR, the Department noted that such extensive field research on bobcat population dynamics "would likely only be possible with additional outside funding from the legislature/and other sources." ISOR at 19. This note on funding serves to distract from the requirement that these studies should be borne by the trappers who are affecting the population of bobcats in the State. In internal emails provided to the Center in response to a PRA request, the Department priced bobcat monitoring surveys at \$160,000 per year³¹. Further, in that same email, Department staff noted that the costs of the population surveys could be borne largely by Pittman-Robertson grants, whereby 75% would be borne by such federal funds and 25% would be borne by the State through trapper fees.³² While Pittman-Robertson grants might be employed to fund such studies if done for non-trapping related purposes, F&G Code §§ 4115(e) and 4006(c) would still require such costs to be fully recouped by trapping fees if they were part of the trapping program. Nevertheless, the Department's acknowledgement that the studies should occur and should be at least partially funded by trappers highlights the arbitrary and unlawful nature of the complete failure to include the costs of such studies in the fee analysis.

³⁰ Of course, if the Commission entirely fails to comply with CEQA's requirements, it will not actually entail such expenses during the rulemaking process itself. Instead the Commission will entail the litigation costs related to this legal failure as well as eventual costs of carrying out such required environmental review following an adverse ruling from the courts. Such costs are likely to be substantially higher than voluntarily complying with CEQA in the first instance.

³¹ See Email from Scott Gardner to Margaret Duncan et al., "Re: Bobcat Act Program Costs" (March 19, 2015) (PRA Request Response). On cost estimations, the email content discusses the addition of "\$160,000/yr to monitor bobcat populations in 2 areas where trapping occurs – this is a radio-telemetry based study that will allow us to understand movements and demographics of bobcats better in a harvested area – and similar to the stuff CBD wanted us to do during earlier drafts of the legislation."

³² *Id.* ("Every one of these activities can be in a PR [Pittman-Robertson] Grant – 75% federal funds, 25% state = from trappers.").

Failing to include these concrete costs serves to lower the total cost estimate of the program but it does not relieve the Department of its legal obligation to undertake such studies in accordance with the Governor's signing message, the Legislature's findings regarding AB 1213, and the statutory requirements of F&G Code § 703.3 to "use ecosystem-based management informed by credible science in all resource management decisions." The total price tag of Option 1 should include an addition of at least \$160,000 per year for such surveys.

5. *Wildlife Program and Additional Costs*

In compliance with the Convention on International Trade in Endangered Species of Wild Flora and Fauna ("CITES"), federal regulations implementing United States treaty obligations require that all bobcat pelts be marked according to specific requirements—including supplying information on the place, time, date and method of take—to ensure they were legally caught and lawfully exported. *See* 50 C.F.R. § 23.69(e). According to Department emails, during the 2012-13 trapping season, the Department's bobcat tags failed to meet federal requirements, rendering every bobcat exported from California to be in violation of federal law and United States treaty obligations.

It is unclear whether tags in subsequent years were also issued in noncompliance with federal law and treaty requirements. At the very least, the Department should include as a separate line item costs to manage and ensure that any bobcat trapping that occurs under Option 1 complies with U.S. CITES obligations. Such costs appear absent from the economic analysis.

D. The legal argument aside, implementing Option 1 absent realistic cost recovery perpetuates a pattern of fiscal irresponsibility that the Legislature has cautioned against.

The reality that the Option 1 trapping program is unlikely to be self-financing means that adoption of this choice plainly violates AB 1213, SB 1147, as codified at F&G Code §§ 4115(e) and 4006(c). The legal arguments aside, the practical implications of implementing an unaffordable trapping program presents an equally compelling reason to reject Option 1: insufficient financial resources will inevitably lead to its inadequate implementation, thereby undermining the purpose and utility of this option entirely. As noted by the Legislature in enacting F&G Code §§ 710-711, the Department has failed to adequately meet its regulatory mandates due, in part, to "a failure to maximize user fees and inadequate non-fee related funding", which has "prevented proper planning and manpower allocation" to carry out its "public trust responsibilities" and the "additional responsibilities placed on the Department by the Legislature." F&G Code § 710-710.5. As a result, the Department is burdened with "the inability . . . to effectively provide all of the programs and activities required under this code and to manage the wildlife resources held in trust by the Department for the people of the state." F&G Code § 710.5.

These failings were readily apparent with regard to the bobcat trapping program prior to the passage of AB 1213 (e.g., reliance on a decades-old bobcat population estimate, failure to utilize CITES-compliant tags). Given that the Department apparently lacks the capacity to properly implement the *existing* bobcat program, absent a substantial increase in funding, we do not see how the Department can properly implement the zonal approach under Option 1. Therefore, we urge the Commission to consider the fiscal irresponsibility and practical implications of choosing the zonal approach; not only is it pregnant with astronomical cost, but it is unlikely to be properly implemented. In contrast, a statewide ban requires minimal resources and is thus likely to be properly implemented, as well as carries out the agency's mandate to protect wildlife in the public trust.

III. THE LEGALLY PROTECTED ZONES: OPTION 1'S INCOMPLETE INVENTORY OF STATUTORILY PROTECTED AREAS VIOLATES AB 1213 AND F&G CODE § 4155(B)(1)

F&G Code § 4155(b)(1) mandates the Commission “prohibit the trapping of bobcats adjacent to the boundaries of each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited.” In violation of this mandate, the proposed regulation 14 CCR § 478(d) (*Bobcat Trapping Closure Area Prohibition*) fails to include a complete inventory of such statutorily protected sites. While the prohibited trapping areas include protection of 100 identified properties, at least 20 properties—9 state game refuges and 11 state parks properties—are excluded from the prohibited trapping zones but are statutorily afforded protection under AB 1213. For Option 1 to legally comply with AB 1213, these 20 properties—and the requisite buffers around them as required under F&G Code § 4155(b)(3)—must be included in the trapping closure areas described in the proposed text of 14 CCR § 478(d).

F&G Code §§ 10820-44 delineate state game refuges. *See Exhibit A* for the Department’s map showing the location of each refuge.³³ At least 9 such state game refuges are located in the northern bobcat trapping zone under Option 1: (1) 10821 (Warner Mountains); (2) 10822 (unnamed); (3) 10823 (unnamed); (4) 10824 (Mt. Hough); (5) 10827 (Long Bell); (6) 10828 (Dixie Mountain); (7) 10830 (Hayden Hill-Slivia Flat); (8) 10831 (Smith Peak); and (9) 10832 (Sheet Iron Mountain). (*See Exhibit B* for maps showing refuges in relation to trapping zones.) Importantly, the F&G Code explicitly prohibits trapping in these refuges. *See* F&G Code §§ 10500(a) (prohibiting take of any mammal) and (b) (prohibiting possession of any trap). Consequently, trapping is already prohibited within these refuges and they therefore fall under the ambit of F&G Code § 4155(b)(1) requiring buffers under Option 1. Further, given the fact that 8 of these refuges are clustered in the eastern half of the northern trapping zone and are surrounded by 5 property-specific closure areas already identified in Option 1, we believe the easiest way to incorporate buffers for these refuge properties would be to prohibit trapping east of Interstate 5. (*See Exhibit B.*) This will serve to enhance enforcement capacities of the no trapping zones.

We have seen no explanation for the exclusion of game refuges from protected sites under Option 1. The only justification that we can imagine the Department invoking is that these properties have been, for decades, labeled “game” refuges rather than “wildlife” refuges. In light of the conscious renaming by the Legislature of the Department from being a “Game” department to a “Wildlife” department it is the height of irony for the agency to now assert that a “game refuge” is not the same thing as a “wildlife refuge.”³⁴

In addition to these 9 state refuges, the proposed Option 1 regulatory text unlawfully excludes at least 11 state park properties which are afforded protection under F&G Code § 4155(b)(1). Under Pub. Res. Code § 5001.6, commercial exploitation of natural resources is prohibited in *all* state park properties, regardless of whether they contain the word “park” in their name. *See also* 14 Cal. Code Regs. §§ 4305(b) (prohibiting trapping on state park properties) and 4313 (prohibiting possession of traps on all state park properties). Moreover, Pub. Res. Code § 5001.5 explicitly applies all compatible statutory obligations applicable to state park properties to recreation areas in the state park system as well. Consequently, neither the Department nor the Commission can rationally interpret the language of F&G Code §

³³ *See also* <http://www.dfg.ca.gov/wildlife/gamerefuges>.

³⁴ Additionally, even if game refuges were somehow exempt from receiving buffers under AB 1213, trapping is still prohibited by statute in these areas. The Department's maps and regulatory language in Option 1 create the misleading (and unlawful) impression that these areas would be open to bobcat trapping.

4155(b)(1) to somehow exclude state recreation areas from the no-trapping buffer requirements. The state park properties that occur within the trapping zones that are not included in the draft regulatory language of Option 1 are the following: (1) Carpinteria State Beach; (2) Castaic Lake SRA; (3) Crafton Hills Reservoir; (4) Emma Wood State Beach; (5) Heber Dunes SVRA; (6) Salton Sea SRA; (7) Silverwood Lake SRA; (8) Tule Elk State Reserve; (9) Wildwood Canyon; (10) Providence Mountains SRA; and (11) Mono Lake Tufa State Reserve. These are shown in Exhibit B.

Separately, we note that Providence Mountains SRA is within the Mojave National Preserve. While the Preserve itself is subject to rulemaking in 2016 under F&G Code §4155(b)(2), given that much or all of the Preserve must be designated as a buffer for the Providence Mountains state parks property, it would seem prudent and cost-effective for the Commission to designate a no-trapping zone in and around the Preserve this year so as to avoid a redundant designation next year.

Finally, since the publication of the ISOR, on July 10, 2015 President Obama designated a new national monument in California, the Berryessa Snow Mountain National Monument. While the southern portion of this monument is within the closure zone under Option 1, the northern portion is not. boundaries of the closure should be modified to include this new protected area.³⁵

In sum, if the Commission is to adopt Option 1, the proposed regulatory text of 14 CCR § 478(d) must be amended to include these additional properties in accordance with F&G Code § 4155(b)(1). Failure to include these properties will result in legal noncompliance with AB 1213 and F&G Code § 4155(b)(1).

IV. THE SCIENCE: OPTION 1 IS ECOLOGICALLY UNSOUND AND SCIENTIFICALLY UNGROUNDED

Under the State's wildlife policy, the Commission and Department are charged with the duty to "maintain sufficient populations of all species" and ensure the "maintenance of healthy and thriving wildlife resources and the public ownership status of wildlife resources" in order to "maintain diversified recreational uses of wildlife". F&G Code § 1801. Critical to this maintenance effort is the legal obligation for the Department and Commission to use "ecosystem-based management informed by credible science" to make informed "resource management decisions" to achieve these policy goals. F&G Code §§ 13.5, 33. Contrary to these legal and policy mandates, the scientific source of the Department's endorsement of unlimited and concentrated bobcat take under Option 1 is outdated, rendering their conclusions scientifically ungrounded. Further, the Department's focus on statewide bobcat populations is misleading because it fails to analyze the impacts of the trapping program at a local level, where the actual environmental harms of concentrated trapping are experienced and should be scientifically monitored to inform ecosystem-based management under any program in which trapping is allowed.

A. The source of the Department's scientific conclusions is outdated and unreliable for the purposes of this rulemaking.

The Department maintains that the unlimited take permitted under Option 1 will have "insignificant" impacts on statewide bobcat populations because bobcats are a "renewable resource" that have "sustained significantly higher levels of annual harvest in the past with no lasting consequence."

³⁵This is most easily accomplished under the proposed regulatory language by extending the closure to all areas south of Highway 36 between Highway 101 and Interstate 5.

ISOR at 8. While we do not dispute that bobcat populations are likely not threatened *per se* on a statewide level, the Department's conclusions are based on grossly outdated and thus inappropriate science. The Department currently asserts a baseline bobcat population of 72,000 adult bobcats and a harvest quota of 14,400 animals per year, but these figures derive from a 1979 monitoring study conducted for submission to the USFWS Office of Scientific Authority.³⁶ Common sense dictates that 36 year-old population and harvest data is inadequate scientific basis to permit unlimited take on today's bobcat populations. In the language of AB 1213, the Legislature acknowledged that "reliable population estimates do not exist" for statewide bobcat populations, and thus "neither [the Department] nor [the Commission possess] adequate data to determine a sustainable harvest limit for populations." AB 1213 § 3(h). Further, in his signing message for AB 1213, Governor Brown stated the necessity to secure funding to undergo bobcat population surveys "in order to ensure appropriate implementation of this Act".³⁷

These statements serve to reaffirm the Department and Commission's fundamental legal obligation to "use ecosystem-based management informed by credible science in all resource management decisions," F&G Code § 703.3, acknowledging the need for "adaptive management" to meet current conservation and management goals. F&G Code §§ 13.5, 33. Credible science is defined as the "best available scientific information" and recognizes the need for "adaptive management", which uses new information gathered through monitoring and evaluation to adjust management strategies and practices to meet conservation and management goals. F&G Code §§ 13.5, 33. Such management must maintain wildlife at "optimum levels," "perpetuate native plants and all species of wildlife for their intrinsic and ecological values" and "provide for aesthetic, educational, and nonappropriative uses" of wildlife. F&G Code § 1755.

In practical terms, implementing Option 1 requires undergoing surveys of *current* bobcat populations—not those of the three decades ago. Because this is not economically feasible at this time, the Commission should reject Option 1 because it is based on outdated and unreliable scientific data.

B. Concentrated local trapping under Option 1 results in significant impacts on local bobcat populations and ecosystems.

Even if trapping under Option 1 has a minimal impact on *statewide* bobcat populations, the appropriate scientific inquiry should examine the impact of Option 1's concentrated trapping on *local* bobcat populations and ecosystems. Impacts of trapping are experienced on a *local* basis—a reality that *both non-consumptive and consumptive users* of bobcats have recognized in spite of the Department's failure to do so. Data from the 2013-14 trapping season recorded that, of a sample size of 99 trappers, over 30% had each trapped over 20 bobcats, while 10% had each trapped over 35 bobcats.³⁸ The highest harvests of a single trapper reached 90 bobcats, with the second and third highest harvests amounting to 69 and 53 bobcat takes per individual trapper.³⁹ While these numbers seem pale in comparison to the over

³⁶ See Cal. Dep't of Fish and Game, "2004 Draft Environmental Document on Furbearing and Nongame Mammal Hunting and Trapping" (June 18, 2014) ("2004 Draft Environmental Document"); Cal. Dep't of Fish and Wildlife, "2013-2014 Bobcat Harvest Assessment (October 2014), 3 ("2013-2014 Bobcat Harvest Assessment"). In addition to being 3 decades old, this population estimate was tossed out by a federal court as unsupported. See *Defenders of Wildlife, Inc. v. Endangered Species Scientific Authority*, 659 F.2d 168 (D.C. Cir. 1981).

³⁷ See Governor Edmund Brown, "Signing Message for Assembly Bill 1213", dated October 11, 2013. Available at: http://gov.ca.gov/docs/AB_1213_2013_Signing_Message.pdf.

³⁸ See "TrapperBobcatTakeDistribution" (PRA Request Response).

³⁹ *Id.*

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1,300 bobcats trapped in 2013-14⁴⁰, these individual trapper harvests reap devastating impacts on local bobcat populations, and accordingly, the experiences (or lack thereof) of bobcats by both non-consumptive and consumptive users.

For non-consumptive users, the incident driving the passage of AB 1213 exemplifies how a single trapper who reportedly took over 45 bobcats depleted the local population of bobcats on the borders of Joshua Tree National Park within a few weeks in the 2012-13 trapping season. Joshua Tree residents who enjoy bobcats for aesthetic, scientific, tourist revenue-generating and other non-appropriative purposes have noted a near complete absence of bobcat sightings in the over two and a half years since.⁴¹ Additionally, consumptive users of bobcats both cause and experience impacts of trapping at a local rather than a statewide level. In a letter to the Commission, the California Trappers Association (“CTA”) stated that Option 1 would result in an unwanted “over-saturation” of trappers in areas where “high value” bobcat populations exist, leading to an “undesirable increase in the number of trappers crowding into a single area where trapping is allowed in the high value area”⁴² and thereby threatening the economic welfare of local trappers.

Importantly, the Department itself acknowledges these significant local impacts. In an internal memo in the Department, the regional manager of Region 6 warned that the zonal approach would “[concentrate] trappers into smaller areas of the state [and] could increase the risk of *extirpating* certain bobcat populations” (emphasis added).⁴³ Such information demonstrates that, in spite of the Department’s public assertion that Option 1 presents no impact on total state bobcat populations, the devil of the Option 1 regulation lies in the details of local bobcat populations.

In addition to these impacts felt by Californians, scientific studies independently affirm that isolated trapping zones threaten important wildlife movement and ecosystem connectivity critical to the health of local bobcat populations. According to a 2010 study conducted by South Coast Wildlands, as a result of isolating wildlife to unconnected, protected areas, bobcat populations will likely face greater risk of genetic isolation, inbreeding, and smaller populations which are more prone to loss from disease, drought and other threats⁴⁴. Further, as acknowledged by the Department itself in its 2004 Draft Environmental Document, trapping altered the age structure of local bobcat populations because trapping victims were primarily young, inexperienced male animals, which negatively affected reproduction for local populations.⁴⁵ The rulemaking implication of these scientific findings is that natural connective

⁴⁰ See 2013-2014 Bobcat Harvest Assessment.

⁴¹ See Oral Public Comments re: Item 29, Fish & Game Commission Meeting, Mammoth Lakes (June 11, 2015). Available at: [http://www.cal-span.org/media.php?folder\[\]=CFG](http://www.cal-span.org/media.php?folder[]=CFG).

⁴² Letter from Mercer Lawing, Director, California Trappers Association to Sonke Mastrup, Executive Director, Cal. Fish & Game Comm’n, “Re: Agenda Item 29 for the February 11-12, 2015 Fish and Game Commission Meeting Concerning Proposed Changes to Bobcat Trapping Regulations” (Jan. 26, 2015).

⁴³ Memorandum from Leslie MacNair, Acting Regional Manager, Inland Deserts Region, to Eric Loft, Branch Chief, Wildlife and Lands Branch, “Re: Recommendations for Implementing the Bobcat Protection Act AB 1213 – Inland Desert Region” (March 10, 2015) (PRA Request Record) (“CDFW Region 6 Memo”).

⁴⁴ See South Coast Wildlands, “California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California” (February 2010). Available at: <http://www.scwildlands.org/reports/CaliforniaEssentialHabitatConnectivityProject.pdf>.

⁴⁵ The 2004 Draft Environmental Document revealed a clear adverse impact of trapping on bobcat populations in northeast California, where intensive trapping of bobcats due to high pelt prices had reduced the mean life expectancy of female bobcats and suppressed reproduction potential entirely. Due to these impacts after monitoring the population, the Department successfully requested for a reduction in the trapping season. Currently, the

habitat for bobcats should be maintained for the viability of the species, but the Department has failed to discuss these scientific implications of the zonal approach in its outright endorsement of Option 1.

Further, Option 1 will result in significant adverse impacts to the greater ecosystem and economic landscape of local trapping areas. As the Legislature recognized, bobcats are “an irreplaceable part of California’s natural habitat” and “as predators of small mammals”, they “play an important role” in regulating the population of small mammals in “California’s deserts, forests, and grasslands.” AB 1213 § 2(b). In a chain reaction, the concentrated depletion of these predators in the trapping zones can lead to an increase in small mammals, including rodent and rabbit populations, which can result in significant impacts to both native and agricultural vegetation. Rodent increases in turn can lead to increased use of rodenticides, that cause widespread suffering and death not just to rodents but to other animals which come into contact with the poisons. The Department, in its assessment of Option 1, has failed to discuss these concrete impacts of trapping on local economies and ecosystems.

In light of these local significant impacts of a zonal approach, the Commission and Department are legally required to base management decisions ensuring the “maintenance of healthy and thriving wildlife resources” in order to meet the policy goals of “provid[ing] economic contributions to the citizens of the state” and “maintain diversified recreational uses of wildlife”. F&G Code § 1801. In practical terms, implementing Option 1 requires undergoing local bobcat population surveys to adequately assess management decisions based on credible science—scientific studies which the Department in internal communication have discussed⁴⁶ but fail to propose in the ISOR. However, given the practical challenges of undergoing such statutorily mandated studies before implementing Option 1, the Commission should reject Option 1 entirely and proceed with Option 2 implementation.

V. ENVIRONMENTAL LEGAL COMPLIANCE: THE COMMISSION HAS FAILED TO CONDUCT AN ENVIRONMENTAL REVIEW OF OPTION 1 IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) AND BOTH THE COMMISSION’S AND THE DEPARTMENT’S CERTIFIED REGULATORY PROGRAMS (“CRPs”)

As the Commission and Department are well aware, CEQA was enacted to “[e]nsure that the long-term protection of the environment shall be the guiding criterion in public decisions.” *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 74 (1974). Particularly, CEQA serves “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988) (“*Laurel Heights I*”). If CEQA is “scrupulously followed,” the public will know the basis for the agency’s action and “being duly informed, can respond accordingly to action with which it disagrees.” *Id.* Thus, CEQA “protects not only the environment but also informed self-government.” *Id.* Contrary to these principles, the Department and Commission have failed to perform any environmental review of Option 1, robbing the public of the opportunity to be fully informed and engage with the agency to “afford the fullest possible protection to the environment.” *Wildlife Alive v. Chickering*, 18 Cal. 3d 190, 206 (1976).

Department fails to monitor and have population studies recording the impact of trapping on bobcat populations. That negative impacts were clearly tracked in the past demonstrates the clear adverse impacts that trapping will have on local populations across California, necessarily triggering environmental review to undergo the type of analyses necessary to protect bobcat populations and the environment.

⁴⁶ The CDFW Region 6 Memo mentions that a bobcat population study funded through a Wildlife Sport Fish and Restoration grant was initiated in 2014-2015 as part of an on-going project to assess bobcat populations in Inyo and Mono Counties. CDFW Region 6 Memo, 4.

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Enacting Option 1 without adequate environmental review clearly violates CEQA and both the Commission and Department's CRPs, rendering the Commission's adoption of Option 1 a prejudicial abuse of discretion.⁴⁷

On a separate note, the Commission's CRP requires that the Commission provide written responses to comments on the environment prior to the final public meeting. 14 CCR § 781.5(h). This written response requirement ensures that members of the Commission will "fully consider the information necessary to render decisions that intelligently take into account the environmental consequences." *Mountain Lion Foundation*, 16 Cal. 4th at 133. The spirit of this requirement is to provide decision-makers and the public with environmental information before decisions are made, *not* after. As the California Supreme Court observed, "[i]f post-approval environmental review were allowed, [CEQA analyses] would likely become nothing more than *post hoc* rationalizations to support action already taken. We have expressly condemned this [practice]." *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 394 (1988) (citation omitted). Here, wildlife advocates in favor of the statewide ban, including the Center, Project Coyote, Project Bobcat, Morongo Basin Conservation Association, Mountain Lion Foundation, the Humane Society of the United States, and many others have raised significant environmental concerns about the zonal approach both in public testimony and written letters. However, the Commission has failed to prepare any written responses to any of these comments, some of which have been raised continuously for the past nine-month rulemaking period. Should the Commission fail to address these concerns in the short time period between the date of this letter and the August 5th meeting, then the Commission will fail to comply with its own CRP, rendering the adoption of Option 1 a prejudicial abuse of the Commission's discretion. No such meaningful public input into the implementation of AB 1213 has occurred, and therefore Option 1 cannot be adopted at the August meeting.

A. Applicable Legal Background

I. CEQA

CEQA⁴⁸ directs public agencies *not* to approve projects that may have a substantial negative effect on the physical environment, where feasible alternatives or feasible mitigation may be adopted to avoid or lessen those impacts. *Id.* § 21002. *See also* *Mountain Lion Foundation v. Fish & Game Com.* 16 Cal.4th 105, 134 (1997) ("*Mountain Lion Foundation*"). To that end, the statute requires the analysis of the environmental impact of any discretionary project that will cause a direct physical change to the environment, or a reasonably foreseeable indirect physical change to the environment. *Id.* §§ 21065(a), 21080(a); 14 CCR §§ 15378(a)(1), 15357, 15358. Where the project may have a significant impact on the environment, the lead public agency must prepare an environmental impact report. Pub. Res. Code § 21080(d). An environmental impact report ("EIR") must "identify the significant effects on the environment of a project, . . . identify alternatives to the project, and . . . indicate the manner in which those significant effects can be mitigated or avoided." *Id.* § 21002.1(a). *See Id.* § 21061. The report also

⁴⁷ The Commission's approval of Option 1 with respect to the adequacy of a certified program's environmental documentation will be subject to the same judicial standard of review as that applied to an EIR. *Ebbets Pass Forest Watch v. Dep't of Forestry & Fire Protection*, 43 CA 4th 936, 944 (2008). The court must assess whether the Commission has prejudicially abused its discretion, which "is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." Pub. Res. Code §§ 21168, 21168.5; *POET, LLC v. State Air Resources Bd.*, 218 CA 4th 681.

⁴⁸ Cal. Pub. Res. Code §§ 21100- 21189.3.

must include a “detailed statement” discussing the project’s significant effects, any unavoidable significant effect, any irreversible significant effect, mitigation measures, alternatives to the project, and the reasons various effects on the environment have been determined to be insignificant. *Id.* § 21100. The report’s analysis must be based on the environmental setting, which “constitute[s] the baseline physical conditions by which a lead agency determines whether an impact is significant.” 14 CCR § 15125(a).

In contrast to its federal counterpart — i.e., the National Environmental Policy Act, 42 U.S.C. §§ 4321- 4370h — CEQA imposes substantive protections for the environment. *Quail Botanical Gardens Found. v. City of Encinitas*, 29 Cal. App. 4th 1597, 1601 (1994), found that “[I]n addition to the intent to require governmental decision makers to consider the environmental implications of their decisions, the Legislature in enacting CEQA also intended to provide certain substantive measures for protection of the environment.” Under CEQA, a public agency may not approve or carry out a project that will have a significant effect on the environment unless: (1) the effect is mitigated to insignificance; (2) the effect is avoided through adoption of an alternative; or (3) the agency determines that mitigation is infeasible and the project’s overriding benefits outweigh the significant effect. *See* Pub. Res. Code § 21081; 14 CCR §§ 15002(h), 15091(a), 15092(b), 15093(c).

2. Certified Regulatory Programs

Both the Commission’s regulatory program under the F&G Code and the Department’s adoption of regulations under the F&G Code are certified regulatory programs (“CRP”), which are limited exemptions under CEQA from conducting EIRs, negative declarations and initial studies. 14 CCR § 15251(b) and 15251(n); Pub. Res. Code, § 21080.5. CRPs are intended to avoid redundancy, as certification of CRPs are premised on the Secretary of Natural Resource’s determination that an agency’s environmental review processes are functionally *equivalent* to CEQA compliance procedures. *Californians for Alternatives to Toxics v. Department of Pesticide Regulation*, 136 CA 4th 1049, 1059 (2006); 2 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2005) § 21.2, 1086 (“The documentation required of a certified program essentially duplicates” that required for an EIR or negative declaration.).

Both the Commission and the Department are mandated to strictly comply with their CRPs. *See Mountain Lion Foundation*, 16 Cal. 4th at 131 (“In order to claim the exemption from CEQA’s EIR requirements, an agency must demonstrate strict compliance with its certified regulatory program”). The Commission’s CRP review procedures are applicable when the Commission is called on to consider the Department’s recommendations regarding the adoption of regulations which “may have a significant effect on the environment, or it is anticipated that a substantial body of opinion will reasonably consider the environmental effect to be adverse”. 14 CCR § 781.5(a). Such a recommendation from the Department must include: “(1) the proposal; (2) reasonable alternatives to the proposal, and (3) mitigation measures to minimize any significant adverse environmental impacts of the proposal.” *Id.* Consistent with the fundamental CEQA mandate, the Commission shall “not adopt regulations as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.” 14 CCR § 781.5(g).

Separately, the Department’s CRP requires that, when proposing to adopt regulations that “may have a significant effect on the environment”, the ISOR shall contain the following⁴⁹:

⁴⁹ In addition to the Commission and the Department’s specific CRP provisions, CEQA separately mandates the contents of CEQA equivalent documents under CRPs. These are: (1) any document used as a substitute EIR must

“(1) A description of the proposed regulations and any possible significant adverse effects of the proposed regulations on the environment. If there are no significant adverse effects, the description shall so state. *Such statement shall be supported by documentation describing the possible effects that the Department examined in reaching its conclusion.*

(2) A statement of feasible alternatives to the proposed regulations and mitigation measures available to substantially lessen any significant or potentially significant adverse effect of the proposed regulations on the environment; or a statement that, because the Department’s review of the proposed regulations showed that the proposed regulations would not have any significant effects on the environment, no alternatives or mitigation measures are proposed to avoid or reduce significant effects on the environment. *Such statement shall be supported by documentation describing the possible effects that the Department examined in reaching its conclusion.*” 14 CCR § 777.6 (emphasis added).

Critically, CRPs do not function as a blanket exemption from CEQA. Rather, CRPs remain subject to the provisions of CEQA outside the scope of the exemption on environmental documentation and review provided by CRPs. CEQA Guidelines § 15250. *See also POET, LLC v. State Resources Bd.*, 218 Cal. 4th 681 (2013); *City of Arcadia v. State Water Resources Control Bd.*, 135 Cal. 4th at 1422; CEQA Guidelines, § 21.2. These include the fundamental duties for government agencies to identify a project’s adverse environmental effects, to mitigate those effects through adoption of feasible alternatives or mitigation measures, and to justify its action based on specific economic, social or other conditions. Pub. Res. Code §§ 21000, 21002; *Sierra Club v. State Bd. Of Forestry*, 7 CA 4th 1215 (1994).

B. Option 1 clearly triggers CEQA review because it will result in significant adverse impacts on the environment.

The Department contends that Option 1 has “no negative impact on the environment” and “therefore, no mitigation measures are needed.” ISOR at 13. In order for an agency to determine the significance of the environmental impact of a proposed project, it must first identify the environmental setting that constitutes the baseline physical conditions against which the agency’s action is measured. CEQA Guidelines § 15125(a). Here, the Department commits the logical fallacy of using the current status quo—consisting of unlimited bobcat trapping across the State excluding private properties and designated protected areas—as the baseline against which Option 1’s environmental impacts are measured. However, the current status quo is the incorrect baseline because the primary inquiry confronting the Commission is the choice between adopting Option 1 versus Option 2—and not the choice between adopting Option 1 versus maintaining status quo. Under AB 1213 (as well as other existing provisions of law) the existing status quo is no longer lawful or acceptable. Moreover, the default

include “[a]lternatives to the activity and mitigation measures to avoid or reduce any significant or potentially significant effects that the project might have on the environment”; and (2) any document used as a substitute negative declaration must include a “statement that the agency’s review of the project showed that the project would not have any significant or potentially significant effects on the environment and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. This statement shall be supported by a checklist or other documentation to show the possible effects that the agency examined in reaching this conclusion.” 14 CCR § 15252; *City of Arcadia v. State Water Resources Control Bd.*, 135 Cal. 4th 1392, 1422 (2006).

provision for nongame mammals such as bobcats under the code is that all take is prohibited. F&G Code § 4150. Therefore, the correct baseline against which the environmental impacts of Option 1 should be measured is the prohibition of take. Under this analysis, Option 1 results in significant adverse impacts because it permits trapping in close to half of the State. Therefore, Option 1 clearly will result in adverse environmental impacts on bobcat populations directly, thus triggering CEQA review.

Even if the current regulatory status quo is used as the baseline for comparison, Option 1 undoubtedly leads to significant adverse impacts on a local level. As a matter of law, actions that are entirely protective of the environment are largely exempt from CEQA's requirements, but ones that result in adverse effects trigger CEQA review. *Mountain Lion Foundation v. Fish & Game Com.*, 16 Cal. 4th 105, 122 (1997) (Finding that protecting a species under the California Endangered Species Act ("CESA") is likely exempt from CEQA, but removing protections for a species triggers CEQA review requirements); *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 74 (1974) (Holding that discretionary activity having no possibility of causing significant environmental effect is not subject to CEQA). Significantly, courts have upheld that a project's significant impacts on a local level are sufficient to trigger environmental review. *See Anderson v. Evans*, 314 F.3d 1006 (9th Cir., 2002) (Court held that the negative impact of whaling activity on a local whale population, as opposed to the action's impact on the overall whale population, is sufficient to trigger detailed environmental review under NEPA). *See also Wildlife Alive v. Chickering*, 18 Cal. 3d 190, 201 (1976) (holding that federal NEPA case law is persuasive authority in CEQA cases). Here, as described above, unlimited bobcat take under the zonal approach will likely result in the following significant environmental impacts: concentrated depletion of local bobcat populations; reduction in enjoyment of bobcat populations by non-consumptive users for aesthetic, educational and tourism-related purposes; the over-saturation in trapping areas by consumptive users; reproductive and genetic harms to the health of bobcat populations due to the isolated zones created by the open trapping areas; and adverse ecological impacts on the balance of local ecosystems. In sum, the Department and Commission must subject Option 1 to environmental review because trapping under this option results in significant adverse environmental impacts.

C. Neither the ISOR nor the 2004 Draft Environmental Document constitutes environmental review compliant with CEQA or either agencies' CRP.

As discussed above, Option 1 will lead to significant adverse environmental impacts, and thus the Department is required to produce an EIR-equivalent document. It appears that the Department has bypassed the requisite environmental review entirely, as the ISOR fails to contain any analysis on the environmental impact of Option 1. However, should the agencies contend that the ISOR or the 2004 Environmental Document constitute the equivalent of an EIR or negative declaration for CEQA purposes, neither of these documents meet the statutory standards under both the Department and Commission's CRPs, as well as CEQA itself.

1. The ISOR does not constitute adequate environmental review under CEQA.

Under the Department's CRP, the ISOR is required to contain "a description of the proposed regulations and any possible significant adverse effects". 14 CCR § 777.6(b). Should the ISOR state that there are no significant adverse effects, such "statement is required to be supported by documentation describing the possible effects that the Department examined in reaching its conclusion." 14 CCR § 777.6; *See also City of Arcadia v. State Water Resources Control Bd.*, 135 CA 4th 1392, 1424 n11; 14 CCR §15252(a)(2)(B) (CEQA requires that a CRP's statement of no significant impact must be supported by documentation showing the potential environmental impacts that the agency examined in reaching its

conclusions). Here, the Department has failed to comply with its CRP because it neither described any possible significant adverse environmental effects nor provided any supporting documentation for the no-impact statement.

Moreover, identification of a project's significant environmental effects is one of the primary purposes of an EIR and is necessary to implement the stated public policy that agencies should not approve projects if there are feasible mitigation measures or project alternatives available to reduce or avoid such environmental impacts. Pub. Res. Code § 21002, 21002.1(a). Consistent with this cornerstone principle of CEQA, the Department's CRP mandates that the ISOR describe and provide supporting documentation of all "mitigation measures available to substantially lessen" a project's adverse effects. 14 CCR § 777.6(b). Here, the Department again violates its own regulatory measures because, complementing its failure to analyze Option 1's adverse impacts, it failed to state and analyze any mitigation measures of such impacts. Among the options that should be analyzed are individual trapper bag limits and overall take limits within each zone, as well as a mandate that population studies be undertaken to accurately prescribe take limits. Given such measures were recommended in the Governor's signing message to AB 1213 and highlighted in the bill's findings, it is clear that these considerations are critical to an adequate analysis of mitigation measures that would serve to lessen the impact of a zonal approach. Further, Department regional managers in internal communication have also raised the necessity of such bag limits should a zonal approach be undertaken; according to the manager of region 6, a specified bag limit is necessary to "prevent overtrapping of specific areas by commercial interests."⁵⁰

2. *The 2004 Draft Environmental Document does not constitute adequate environmental review under CEQA.*

It is unclear as to the extent the Commission relies on the 2004 Draft Environmental Document as a substitute document for an EIR. Any claim that this document is the functional equivalent of an EIR is wholly improper. Under any CRP, an environmental document used as a substitute for an EIR must be a functional equivalent of an EIR under CEQA. *Ebbets Pass Forest Watch v. Dep't of Forestry & Fire Protection*, 43 CA 4th 936, 943 (2008). Specifically, the document must include a description of the proposed activity, its significant adverse impacts and a discussion of alternatives and mitigation measures that could reduce the action's significant environmental impacts, and must be made available for review and comment by the public and other agencies. Pub. Res. Code §21080.5(d)(3); *See also Sierra Club v. State Bd. of Forestry*, 7 CA 4th 1215. Further, because CEQA's broad policy goals apply, the agency's environmental review document must include the same type of basic environmental information as an EIR, including a description of the activity and analysis of impacts, mitigation measures, alternatives and cumulative impacts. *Friends of the Old Trees v. Dep't of Forestry & Fire Protection*, 52 CA 4th 1393 (1997). Here, the 2004 Draft Environmental Document on its face fails to fulfill the basic mandates of an environmental document that is equivalent to an EIR under CEQA. Plainly, because the document dates to 2004, it fails to describe the proposed Option 1 trapping program all together, as the regulation for a zonal approach was only published in April 2015. Instead, the 2004 Draft Environmental Document was prepared specifically to contemplate the regulation of extending the bobcat trapping season alone and is an inappropriate substitute for an environmental review document for Option 1.

Even if the Department and Commission were to rely on the 2004 Environmental Document as the EIR-equivalent of Option 1, they would still be required to conduct a subsequent EIR. Under CEQA,

⁵⁰ CDFW Region 6 Memo at 1.

a subsequent EIR is required where (1) the project changes are substantial and require major revisions to the EIR due to either new significant environmental effects or a substantial increase in the severity of significant effects identified in the EIR; (2) substantial changes in the circumstances surrounding the project require major revisions to the EIR; or (3) new information of substantial importance shows that the project will have a significant effect not discussed in the EIR, significant effects discussed in the EIR will be substantially more severe, mitigation measures or alternatives found to be infeasible will be feasible and would substantially reduce a significant effect, or mitigation measures or alternatives considerably different from those discussed in the EIR would substantially reduce a significant effect. Pub. Resources Code, § 21166; CEQA Guidelines § 15162(a)(2); *see also Federation of Hillside & Canyon Assns. v. City of Los Angeles*, 126 Cal. App. 4th 1180, 1199 (2004). Here, numerous changes to the law, trapping and tourism economies, and the ecosystems bobcats inhabit have occurred since 2004, while the designated open trapping areas constitute substantial changes with respect to the project. Moreover, the significant adverse impacts of Option 1 on local levels constitute effects that were not previously identified in the 2004 Draft Environmental Document. To the degree the Department or Commission intend to rely upon the 2004 document, they are required to conduct a subsequent EIR—or CRP equivalent—to comply with CEQA mandates.

D. The Commission’s failure to adopt the statewide trapping ban, as the feasible alternative to Option 1, would violate CEQA and the Commission’s CRP.

As discussed above, under CEQA and the Commission’s CRP, the Commission is legally bound to reject Option 1 if there are “feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.” 14 CCR § 781.5(g); 14 CCR § 781.5. *See also Mountain Lion Foundation*, 16 Cal.4th at 134 (“[A] decision-making agency is prohibited from approving a project for which significant environmental effects have been identified unless it makes specific findings about alternatives and mitigation measures.”).

Here, it is clear that the statewide trapping ban is a feasible alternative to Option 1 because it entirely avoids the adverse environmental impacts likely to result from the zonal approach. In the 2004 Environmental Document, the Department itself stated that a statewide trapping ban results in no adverse negative environmental impacts. Separately, the Commission is bound to comply with the fundamental duties of CEQA, set forth in Pub. Res. Code §§ 2100 and 21002. Specifically, the Commission will be required to justify Option 1 based on economic and social conditions. As discussed in great detail in prior Center letters (see Appendix I), the superior economic and policy arguments, coupled with the wider public appeal of the statewide ban on bobcat tripping and the legal deficiencies of the zonal approach, make it difficult for the Commission to justify adopting the zonal approach overall. Additionally, even if the Commission chooses to reject Option 2 as a feasible alternative, the Commission must, at a minimum, consider and implement feasible alternatives and mitigation measures such as bag limits—as identified above—to lessen the impacts of Option 1 as currently drafted. Failing to implement such feasible alternatives and mitigation measures violates CEQA and the Commission’s CRP.

E. Option 1 fails to fall into any CEQA exemption.

The ISOR’s unsupported statement that Option 1 has no negative environmental impact seems to suggest that Option 1 is exempt from CEQA review under the so-called “common-sense” exemption. However, this assertion is legally ungrounded.

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CEQA's common-sense exemption applies *only* "where it can be seen *with certainty* that there is *no possibility* that the activity in question may have a significant effect on the environment." CEQA Guidelines § 15061(b)(3) (emphasis added). Both the Commission and the Department shoulder the burden of demonstrating that the exemption applies here. *Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n*, 41 Cal. 4th 372, 386-87 (2007). Moreover, because legitimate questions have been raised regarding the environmental impacts of the Option 1, including, as noted above, by Department staff, the Commission and the Department must identify specific evidence supporting its determination that Option 1 cannot result in significant environmental impacts. *See, e.g., Cal. Farm Bureau Fed'n v. Cal. Wildlife Conservation Bd.*, 143 Cal. App. 4th 173, 194-96 (2006); *Davidson Homes v. City of San Jose*, 54 Cal. App. 4th 106, 114-18 (1997).

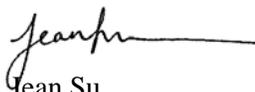
As discussed above, it is clear that Option 1 may have significant direct, indirect, and cumulative environmental impacts. The Commission and Department are responsible for identifying evidence that establishes, to a certainty, that there is no possibility that Option 1 will have an impact. *See Dunn-Edwards Corp. v. Bay Area Air Quality Mgmt. Dist.*, 9 Cal. App. 4th 644, 658 (1992). The Commission and the Department have failed to even attempt to meet this legal burden here.

In sum, the Commission and the Department must comply with CEQA and their respective CRPs before taking any action to approve Option 1. Because common sense supports a fair argument that Option 1's environmental impacts may be significant, the Commission and the Department must prepare an EIR-equivalent document for Option 1.

**

Thank you for your consideration of these comments. We look forward to the Commission's adoption of Option 2 in August 2015 and are happy to discuss any of these points in more detail with the Commissioners.

Sincerely,



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Exhibit A

State Game Refuges

[See attached.]

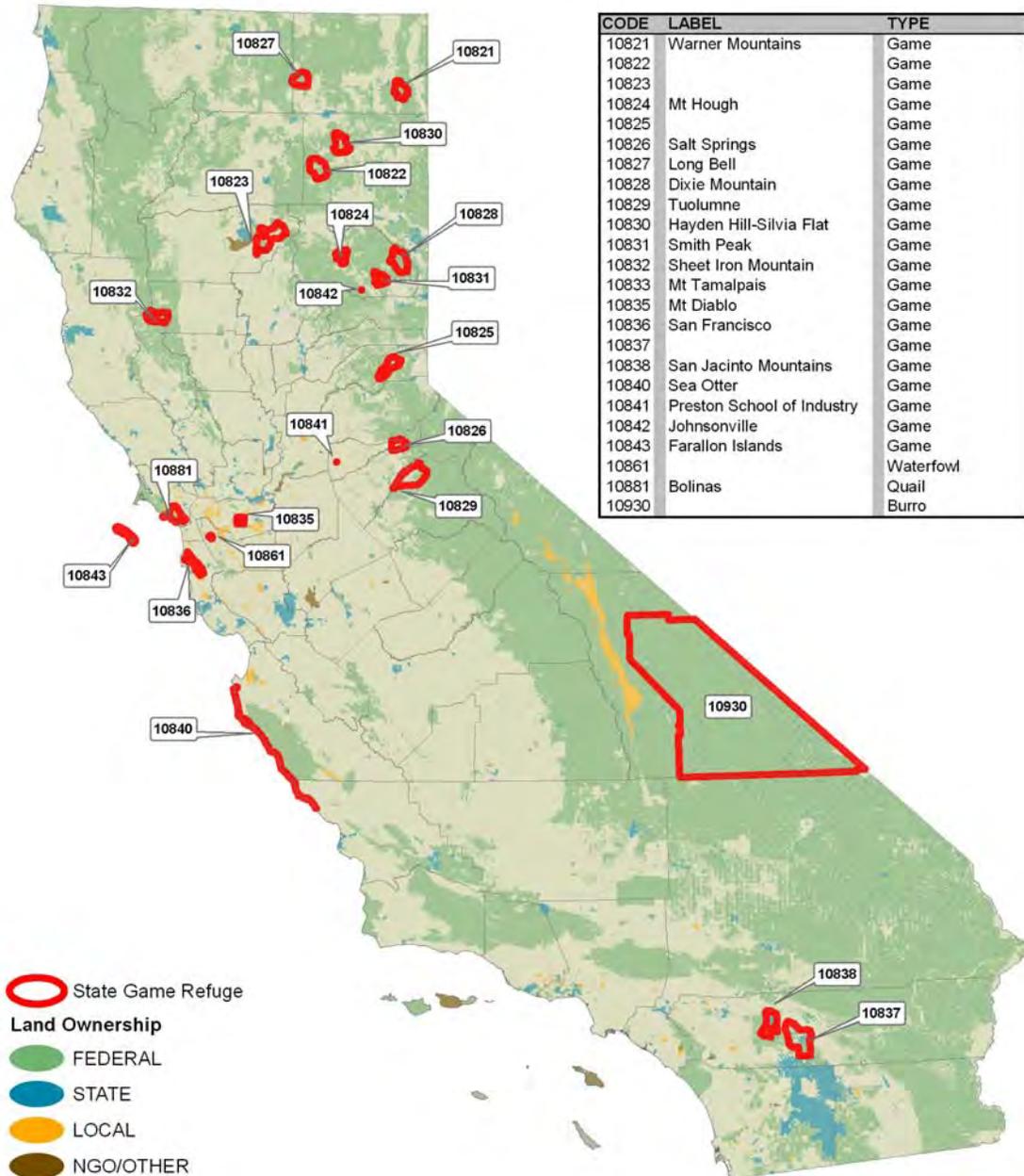
Appendix A. Maps of State Game Refuges in California

Note: All the individual refuge maps can be re-created by anyone by visiting the public data viewer and selecting desired map coverages:

<http://imaps.dfg.ca.gov/viewers/biospublic/app.asp>

(Map below includes some refuges not in consideration by this report)

STATE GAME REFUGES



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Exhibit B

Map of All Statutorily Protected Areas

[See attached.]

Bobcat Trapping Zones under May 2015 Proposed Regulations

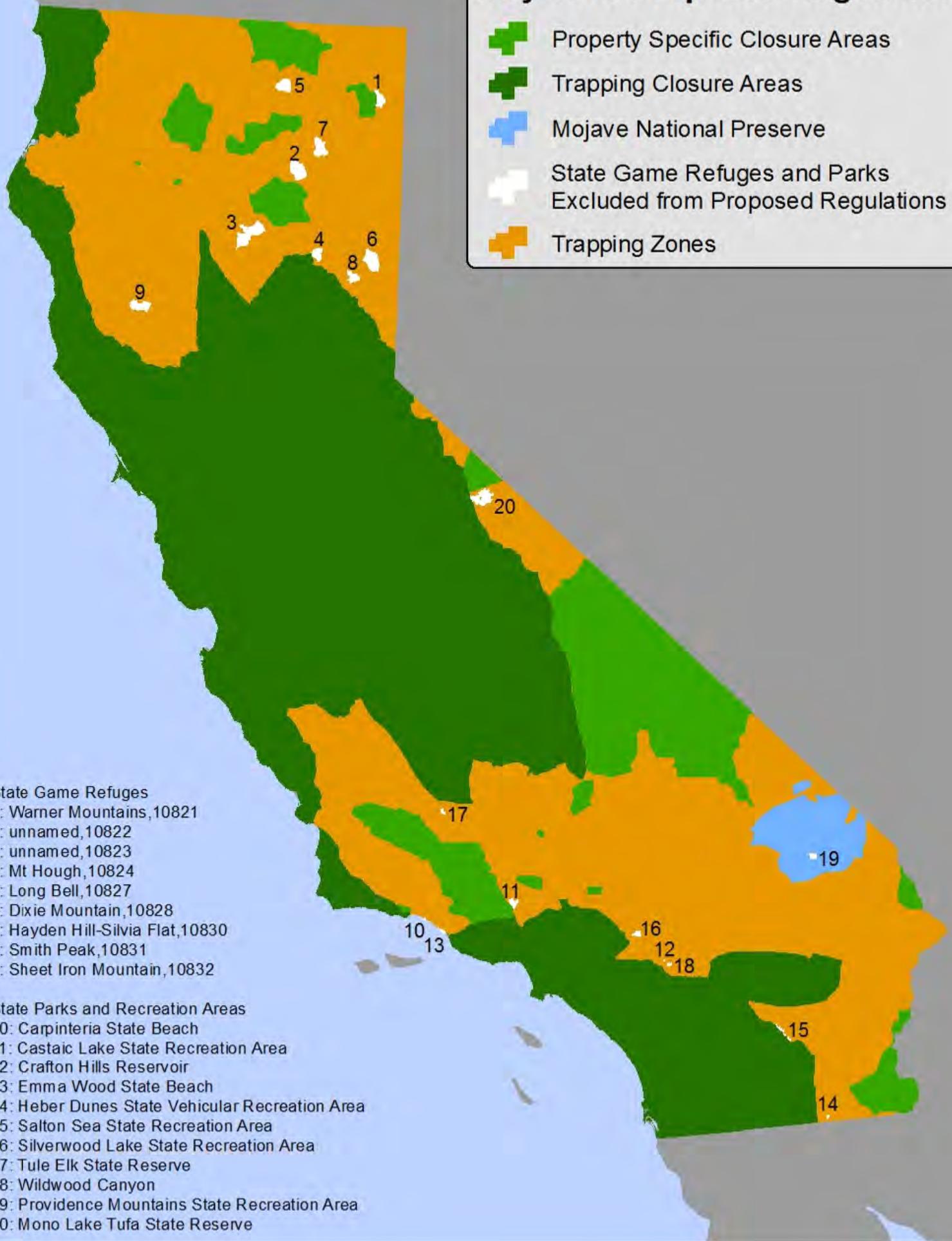
-  Property Specific Closure Areas
-  Trapping Closure Areas
-  Mojave National Preserve
-  State Game Refuges and Parks Excluded from Proposed Regulations
-  Trapping Zones

State Game Refuges

- 1: Warner Mountains, 10821
- 2: unnamed, 10822
- 3: unnamed, 10823
- 4: Mt Hough, 10824
- 5: Long Bell, 10827
- 6: Dixie Mountain, 10828
- 7: Hayden Hill-Silvia Flat, 10830
- 8: Smith Peak, 10831
- 9: Sheet Iron Mountain, 10832

State Parks and Recreation Areas

- 10: Carpinteria State Beach
- 11: Castaic Lake State Recreation Area
- 12: Crafton Hills Reservoir
- 13: Emma Wood State Beach
- 14: Heber Dunes State Vehicular Recreation Area
- 15: Salton Sea State Recreation Area
- 16: Silverwood Lake State Recreation Area
- 17: Tule Elk State Reserve
- 18: Wildwood Canyon
- 19: Providence Mountains State Recreation Area
- 20: Mono Lake Tufa State Reserve



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Appendix I

Letters from and Presentations by the Center for Biological Diversity,
submitted to the Commission in Support of the Statewide Ban on Bobcat Trapping

[*See attached.*]

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Appendix II

Documents cited in this letter.

[See attached.]

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Appendix I

Letters from and Presentations by the Center for Biological Diversity,
submitted to the Commission in Support of the Statewide Ban on Bobcat Trapping

[*See attached.*]

AB 1213 Bobcat Protection Act – Comments on Draft Regulations

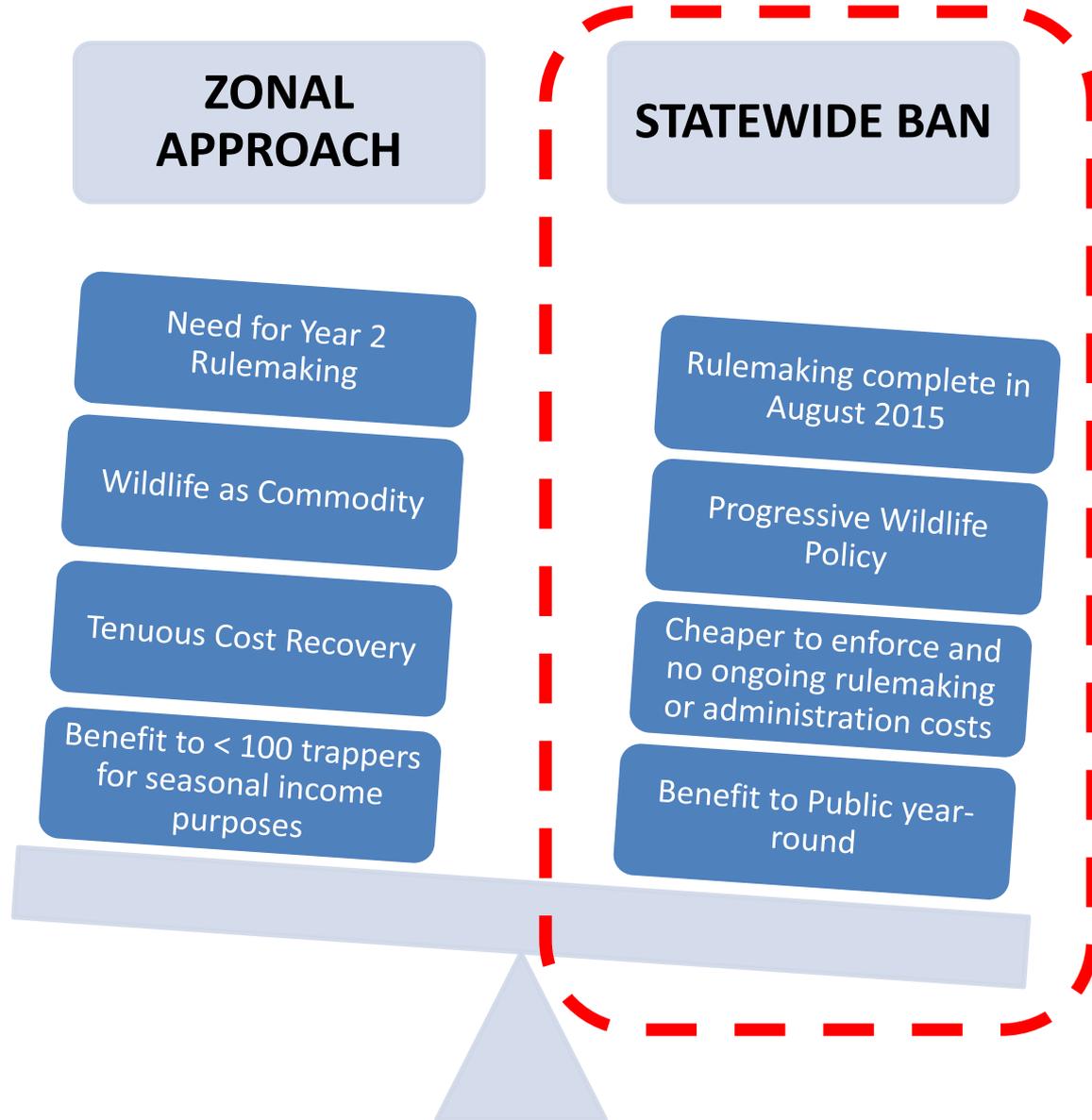
June 11, 2015

Mammoth Lakes Meeting

California Fish & Game Commission



The Optimal Choice is the Statewide Ban



Zonal Approach Trapping Zones:

Incomplete Inventory of Statutorily Protected Areas

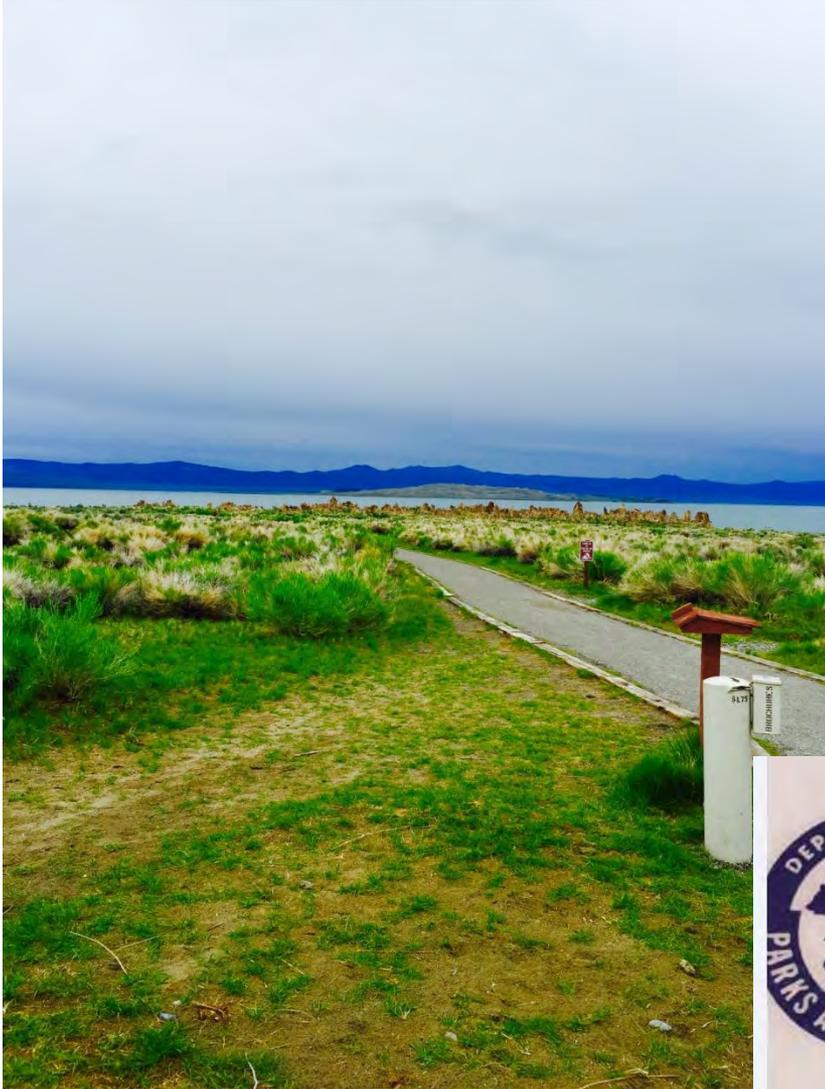


- **At least 20 Properties**— 9 State Game Refuges & 11 State Parks Properties – that statutorily require protection under AB 1213 & F&G Code 4155(b)(1) are excluded from the proposed regulations.

- **Compliance** with AB 1213 requires buffers for each of these areas.

- **Regulation Development and Enforcement Costs** will increase from CDFW's proposed estimates.

Mono Lake Tufa State Reserve

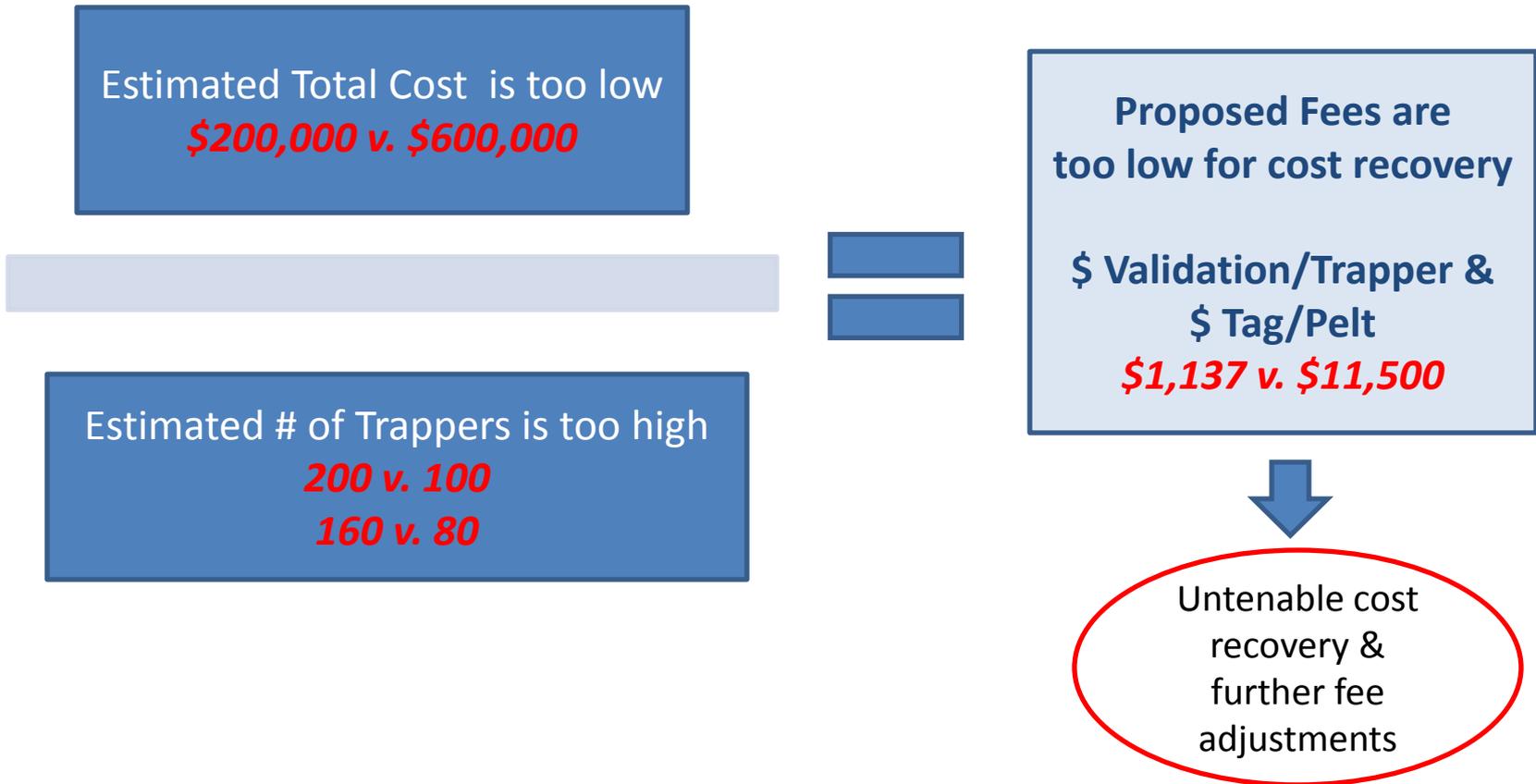


MONO LAKE TUFA STATE RESERVE

The Mono Lake Tufa State Reserve was established in 1981 to preserve the spectacular tufa formations and other natural features found along the shore of Mono Lake. It is a unit of the California State Park System. Naturalists from the State Park and Forest Service work together to interpret the spectacular features of the Mono Basin.

Zonal Approach: Self-Financing is Unlikely

Proposed Fees are too low for Actual Cost Recovery



Zonal Approach Total Cost: Missing Key Costs & Considerations

	Option 1: Zonal Approach		Option 2: Statewide Ban
Cost Category	CDFW Projections	Adjusted Projections	CDFW Projections
I. CDFW STARTUP			
Regulation Dev't (Y1)	\$17,400	\$23,500	\$5,800*
Regulation Dev't (Y2)	Omitted	\$23,500*	NA (Rulemaking complete in August 2015)
ALDS	\$715	\$715	\$0
Environmental Analysis	Omitted	\$200,000**	NA
II. LAW ENFORCEMENT			
Routine Patrol	\$99,840†	\$149,760†	\$0
Case Investigation	\$25,536	\$140,280††	\$140,280
III. WILDLIFE PROGRAM			
	\$38,256	\$38,256	\$20,062
TOTAL COSTS (rounded and inc. amortization and overhead costs in accordance with Table 1 of the ISOR)	\$212,400	\$574,000	\$211,000

*We assume that Year 2 costs of regulation development of the zonal approach will be similar to Year 1 costs.

**The ISOR fails to include costs for the preparation of an environmental analysis for the regulations, as required under CEQA and the Commission's certified regulatory program (Cal. Code Regs. Tit. 14 § 781.5(a)(2)-(3)). The 2004 CDFW Assessment does not fulfill this requirement.

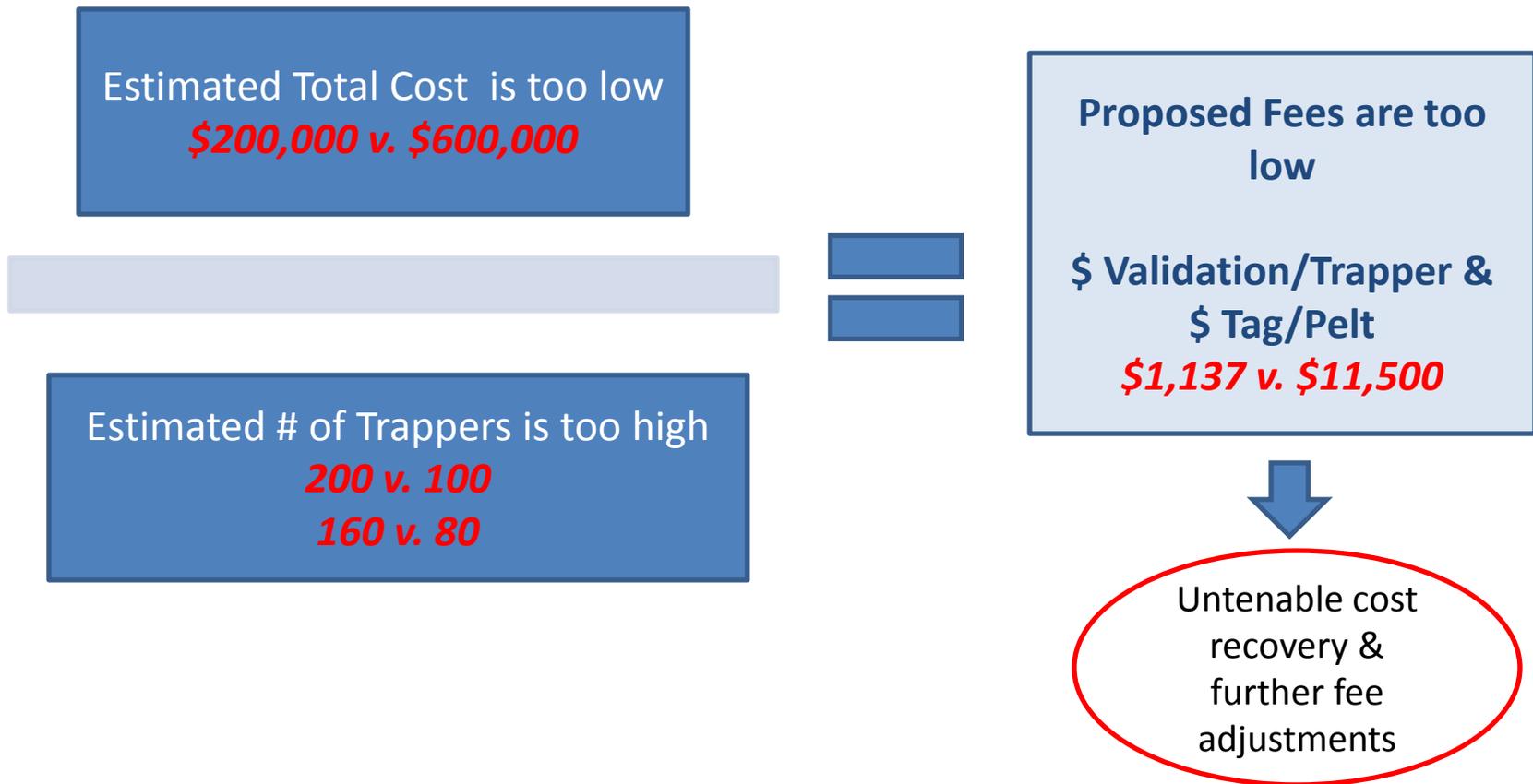
†CDFW's routine patrol figure assumes a 10% increase from existing routine patrol costs. We believe this is an underestimation by at least a factor of 1.5, due to the complexities of patrolling the boundaries of the designated trapping zones, including the ones listed in the regulation as well as additional properties excluded from the proposed rules but statutorily required to be included (see next slide).

††Assuming the accuracy of CDFW's estimation for case investigation, there is no reason why case investigation for a ban is not equal to the costs associated with the zonal approach. Illegal activity will still be taking place regardless, given the complex trapping zone boundaries.

2.5x

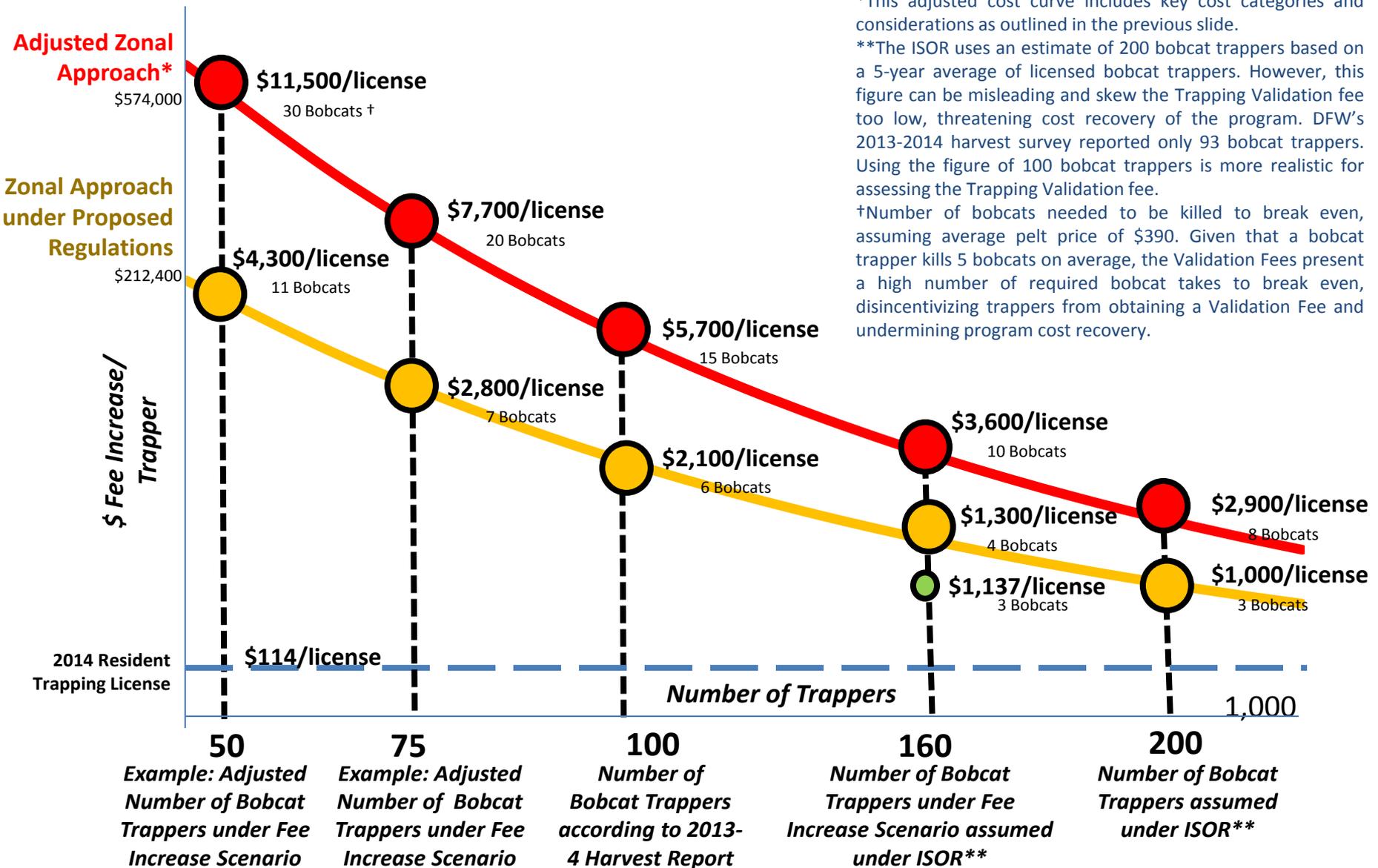
Zonal Approach: Self-Financing is Unlikely

Proposed Fees are too low for Actual Cost Recovery



Zonal Approach Cost Recovery:

Tenuous under Mandated Trapping Validation Fees



*This adjusted cost curve includes key cost categories and considerations as outlined in the previous slide.

**The ISOR uses an estimate of 200 bobcat trappers based on a 5-year average of licensed bobcat trappers. However, this figure can be misleading and skew the Trapping Validation fee too low, threatening cost recovery of the program. DFW's 2013-2014 harvest survey reported only 93 bobcat trappers. Using the figure of 100 bobcat trappers is more realistic for assessing the Trapping Validation fee.

†Number of bobcats needed to be killed to break even, assuming average pelt price of \$390. Given that a bobcat trapper kills 5 bobcats on average, the Validation Fees present a high number of required bobcat takes to break even, disincentivizing trappers from obtaining a Validation Fee and undermining program cost recovery.

Option 2 is the Pragmatic & Progressive Choice

**ZONAL
APPROACH**

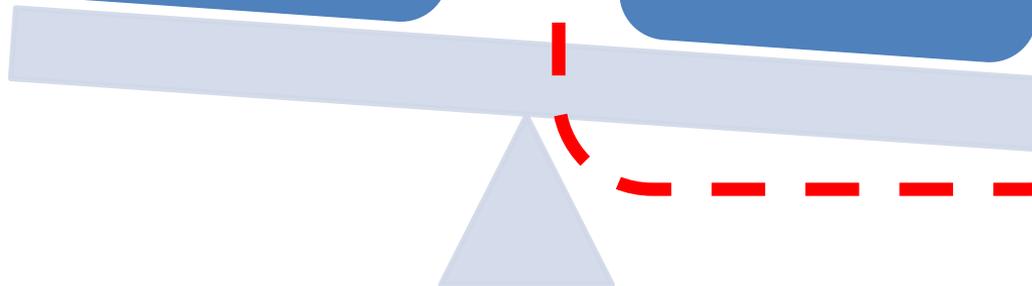


Tenuous Self-
Financing, Policy
that is not supported
by Public

**STATEWIDE
BAN**



Fiscally Sound,
Progressive Wildlife
Policy





Sent via electronic mail

June 9, 2015

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

**Re: Agenda Item #29 for the June 11, 2015 Fish and Game Commission Meeting (Mammoth Lakes)
Re: Proposed Changes to Bobcat Trapping Regulations (Pursuant to Section 4155 of the Fish and Game Code)**

Dear Director Mastrup and members of the Commission:

On behalf of the Center for Biological Diversity (“the Center”) and its over 100,000 members and supporters in California, we provide these initial set of comments regarding the Fish and Game Commission’s (“the Commission”) proposed changes in regulations to implement the provisions of AB 1213, the Bobcat Protection Act of 2013 (“AB 1213”). In May 2015, the Department of Fish and Wildlife (“CDFW”) presented two options to the Commission for proposed regulatory changes to amend sections 478, 479 and 702 of Title 14 of the California Code of Regulations (“CCR”): (1) a partial closure of the state to bobcat trapping (the “zonal approach” or “Option 1”) and (2) a total prohibition on bobcat trapping in the state (the “statewide ban” or “Option 2”). CDFW officially endorsed the adoption of Option 1 in the Initial Statement of Reasons for Regulatory Action (“ISOR”), dated April 14, 2015.

Against the recommendation of CDFW, we strongly urge the Commission to adopt Option 2, the statewide ban on bobcat trapping. The statewide ban is not only cost-effective and legally consistent with the legislative findings of AB 1213 and other provisions of the Fish and Game Code (“the F&G Code”) but also fortifies California’s national leadership in wildlife management and protection.

In stark contrast, Option 1 is subject to a host of legal, economic, administrative and policy challenges. The discussion below highlights some of the key issues that the Commission is required to address and consider in the adoption of Option 1 in order to comply with AB 1213 and California state law. We plan to submit a second set of comments before the August adoption date to more specifically address outstanding legal issues as well as any additional issues raised at the Mammoth Lakes meeting.

Part I. Option 1 Analysis and Challenges

1. The exclusion of at least 20 properties statutorily protected under AB 1213 from the prohibited trapping zones under Option 1 violates AB 1213 and F&G Code § 4155(b)(1).

Under the proposed regulation 14 CCR § 478(d) (*Bobcat Trapping Closure Area Prohibition*), CDFW failed to include a complete inventory of all statutorily protected sites under AB 1213. While the prohibited trapping areas include protection over 123 identified properties, at least 20 properties—9 state

game refuges and 11 state parks properties—are excluded from the prohibited trapping zones but are statutorily afforded protection under AB 1213. For Option 1 to legally comply with AB 1213, these 20 properties—and the requisite buffers around them as required under F&G Code § 4155(b)(3)—must be included in the trapping closure areas described in the proposed text of 14 CCR § 478(d).

F&G Code § 4155(b)(1) requires the designation of no-trapping buffers around state and national parks, national monuments, and wildlife refuges in which trapping is currently prohibited. F&G Code §§ 10820-44 delineate state game refuges. See Exhibit A for the CDFW map showing the location of each refuge; see also <http://www.dfg.ca.gov/wildlife/gamerefuges>. At least nine such state game refuges are located in the northern bobcat trapping zone under Option 1: (1) 10821 (Warner Mountains); (2) 10822 (unnamed); (3) 10823 (unnamed); (4) 10824 (Mt. Hough); (5) 10827 (Long Bell); (6) 10828 (Dixie Mountain); (7) 10830 (Hayden Hill-Slivia Flat); (8) 10831 (Smith Peak); and (9) 10832 (Sheet Iron Mountain). See Exhibit B for maps showing refuges in relation to trapping zones. Importantly, the F&G Code explicitly prohibits trapping in these refuges. See F&G Code §§ 10500(a) (prohibiting take of any mammal) and (b) (prohibiting possession of any trap). Consequently, trapping is already prohibited within these refuges and they therefore fall under the ambit of F&G Code § 4155(b)(1) requiring buffers under Option 1. Further, given the fact that 8 of these refuges are clustered in the eastern half of the northern trapping zone and are surrounded by 5 property-specific closure areas already identified in Option 1, we believe the easiest way to incorporate buffers for these refuge properties would be to prohibit trapping east of Interstate 5. See Exhibit B. This will serve to enhance enforcement capacities of the no trapping zones.

In addition to these 9 state refuges, the proposed Option 1 regulatory text unlawfully excludes at least 11 state park properties which are afforded protection under F&G Code § 4155(b)(1). Under Pub. Res. Code § 5001.6, commercial exploitation of natural resources is prohibited in *all* state park properties, regardless of whether they contain the word “park” in their name. See also 14 Cal. Code Regs. §§ 4305(b) (prohibiting trapping on state park properties) and 4313 (prohibiting possession of traps on all state park properties). Moreover, Pub. Res. Code § 5001.5 explicitly applies all compatible statutory obligations applicable to state park properties to recreation areas in the state park system as well. Consequently, neither CDFW nor the Commission can rationally interpret the language of F&G Code § 4155(b)(1) to somehow exclude state recreation areas from the no-trapping buffer requirements. The state park properties that occur within the trapping zones that are not included in the draft regulatory language of Option 1 are the following: (1) Carpinteria State Beach; (2) Castaic Lake SRA; (3) Crafton Hills Reservoir; (4) Emma Wood State Beach; (5) Heber Dunes SVRA; (6) Salton Sea SRA; (7) Silverwood Lake SRA; (8) Tule Elk State Reserve; (9) Wildwood Canyon; (10) Providence Mountains SRA; and (11) Mono Lake Tufa State Reserve. These are shown in Exhibit B.

Separately, we note that Providence Mountains SRA is within the Mojave National Preserve. While the Preserve itself is subject to rulemaking in 2016 under F&G Code §4155(b)(2), given that much or all of the Preserve must be designated as a buffer for the Providence Mountains state parks property, it would seem prudent and cost-effective for the Commission to designate a no-trapping zone in and around the Preserve this year so as to avoid a redundant designation next year.

In sum, if the Commission is to adopt Option 1, the proposed regulatory text of 14 CCR § 478(d) must be amended to include these 20 properties in accordance with F&G Code § 4155(b)(1). Failure to include these properties will result in legal noncompliance with AB 1213 and F&G Code § 4155(b)(1).

2. *The ISOR’s Economic Impact Assessment of Option 1 omits key costs and considerations, rendering the actual costs of implementing Option 1 significantly higher than CDFW’s*

initial projections. Should the Commission adopt Option 1, any reliance on such cost estimates would be unlawful.

In the economic impact assessment under Section VII of the ISOR, CDFW discusses the bases for the total costs of implementing Options 1 and 2. Overall, CDFW fails to factor in numerous key costs and considerations for the economic assessment of Option 1, resulting in an inaccurate and misleading total cost of implementing and enforcing Option 1. We estimate that an accurate total cost of Option 1 is at least 2.5 times greater—or approximately \$600,000—than CDFW’s current estimated price tag of \$212,000 for the implementation and enforcement of the Option 1 trapping program. Any final reliance on CDFW’s initial cost estimates in the ISOR for the final adoption of Option 1 render the Commission’s decision unlawful and subject to challenge under the Administrative Procedure Act. Gov. Code § 11340 et seq.

A. Regulation Development and Startup Costs.

The ISOR’s rulemaking costs for Option 1 is inaccurate and blatantly excludes key costs in the calculation. The ISOR provides that total rulemaking costs, including overhead, are approximately \$31,300; CDFW then allocated 75% of the total rulemaking cost to Option 1 (\$23,500) and 25% to Option 2 (\$7,800). First, as explained below, this estimate is too low. Moreover, while theoretically it may make sense to apportion these costs to the two separate regulatory options, regulation development and startup costs as a budgetary item is the total rulemaking costs incurred by CDFW and the Commission up to this point in the regulatory process—in other words, the same sunk cost of \$31,300 should be applied to the cost for each of Option 1 and 2. We note though that this hefty sunk cost could have been avoided had the Commission adopted the statewide ban directly, which would have resulted in a singular regulation development cost of \$7,800.

Critically, Option 1 clearly fails to take into account the second year of regulation development costs. Under F&G Code § 4155(b)(2), the Commission is required to undergo a second year of regulation development commencing January 1, 2016 to consider a second set of properties for prohibiting bobcat trapping in “preserves, state conservancies, and any additional public or private conservation areas identified to the [C]ommission by the public as warranting protection.” F&G Code § 4155(b)(2). Given the statutory mandate that the Commission review the public’s proposals for trapping areas, we assume that the regulatory process for the second year of rulemaking will be very time-intensive and costly. At the very least, assuming the accuracy of CDFW’s calculation for year 1 regulation development costs for Option 1, an additional baseline amount of \$23,500 should be added as a budgetary item for the implementation costs of Option 1 to account for year 2 rulemaking.

Further, another line item that appears missing from the economic impact assessment is the regulation development costs incurred by the Commission, in addition to those incurred already by CDFW alone. According to CDFW’s June 13, 2014 response letter addressed to Assemblyman Richard Bloom regarding the costs of implementing a zonal approach, CDFW estimated an additional \$15,000-20,000 of costs incurred by the Commission alone to develop an initial rule, make amendments to the regulations accordingly, and hear appeals for individual permits and citations. Given an estimated cost of at least \$15,000 incurred by the Commission on regulation development, it would be safe to assume that CDFW’s current estimate of \$23,500 in regulation costs for Option 1 does *not* take into account the separate costs of rulemaking incurred by the Commission. CDFW must add in the additional costs incurred by the Commission to reflect an accurate cost estimate for regulation development.

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Moreover, CDFW in its June 2014 letter to Assemblyman Bloom estimated regulation development costs to be \$263,306—ten times the amount of the current estimate in the ISOR of \$23,500. We ask that CDFW urgently provide information to explain the astronomical difference between these two cost estimates and adjust the regulation development cost for Option 1 to an accurate figure.

Separately, the Commission should be aware of the significant fiscal and administrative burdens that implementing Option 1 presents in terms of undergoing a second year of rulemaking. Under F&G Code § 4155(b)(2), the Commission is required to consider the prohibition of bobcat trapping within and adjacent to “preserves, state conservancies, and any additional public or private conservation areas identified to the Commission by the public as warranting population.” Given that the public is invited to comment on which areas they believe is reasonable to be protected against bobcat trapping, we expect that the Commission will receive dozens if not hundreds of comments and petitions from the public nominating areas for bobcat trapping prohibitions. These costs will be part of the Option 1 trapping program and will need to be borne by the trappers through their validation and shipping tag fees.

B. Law Enforcement

CDFW provided inaccurate cost estimates for law enforcement of Option 1. In the ISOR, CDFW merely provided that total law enforcement costs for Option 1 will only increase by 10% above the baseline case. CDFW’s cost projection is inconsistent with its past statements and rests on logical fallacies and any reliance by the Commission on these calculations would be arbitrary and unlawful.

Routine Patrol. For the baseline case, CDFW provided that patrol costs of bobcat trapping totals to \$154,000 annually, consisting of costs for 12 officers including a supervising lieutenant expending 2,000 hours in the field per bobcat trapping season, as well as their vehicle mileage. This baseline case provides for enforcement of prohibitions against trapping on private lands as well as along the borders of Joshua Tree National Park. In stark contrast, Option 1 exponentially increases the number of zones that require enforcement and patrol, expanding the areas for patrol to complex borders of both the Bobcat Trapping Closure Area, described in 14 CCR § 478(d)(1) of the proposed regulatory text, as well as the borders of each of the Property-Specific Closure Areas, described in 14 CCR § 478(e). We note that CDFW has only carved out closure areas for 23 specific properties, but at least an additional 20 properties (identified in the section above) that are statutorily protected under AB 1213 must also be identified as prohibited trapping zones and patrolled accordingly.

In addition to the rise in the number of closure areas to patrol, the substance of the patrol officers’ work also rises in complexity; patrol officers would need to expend greater time and efforts to identify whether a trap has been lawfully set in a permitted trapping zone and whether the trapper holds a legal validation and trapping license to set such traps. This increase in the number of prohibited trapping zones and substance of patrol logically results in an exponentially higher enforcement cost than the baseline case, likely resulting in increasing the number of patrol officers in the field. We estimate the routine patrol costs to be at least 1.5-2 times greater than the baseline costs. CDFW’s projected 10% increase in routine patrol costs is logically and factually ungrounded.

We note that Option 2 will require \$0 routine patrol costs specifically designated for bobcat trapping, as no borders will need to be policed because bobcat trapping will be prohibited across the state. Rather, policing illegal bobcat trapping will be absorbed into the general duties of CDFW patrol officers across the state and the costs, as discussed below, will be covered by the state.

Case Investigation. Paralleling the logical fallacies of the routine patrol cost estimates, CDFW again projects that case investigations under Option 1 will result in only a 10% increase from the baseline case, amounting to \$99,840. This is a gross underestimate. In contrast, CDFW projects that the statewide ban under Option 2 will require a level of detailed investigative work to detect and deter unlawful bobcat trapping activity, totaling to an estimated \$189,000 per year to investigate 3 cases.

First, there is no logical reason to differentiate the level of investigative work—and thus, enforcement costs—required under Option 1 and Option 2. Option 1 will require just as much investigative case work as Option 2 because officers will be required to investigate whether a trapper has legally caught a bobcat given the increase and complexity of the protected zoning. In the ISOR, CDFW failed to explain the difference in cost estimates and instead noted that “wherever bobcat trapping is banned (whether a partial or full ban), the Department anticipates illegal trapping will continue” based on global pelt prices. Second, we question CDFW’s assumption that only 3 cases on average will be pursued, each case with a price tag of \$63,100 to undertake. We expect that there will be numerous cases to investigate and prosecute, at least in the initial years of the rulemaking, to enforce the protected boundaries. Further, cases under Option 1 are likely to require higher investigative costs than Option 2 because officers will need to trace whether the trapping has occurred in a legal or illegal zone; Option 2 avoids this complex level of investigation because all commercial bobcat trapping will be illegal. At the very least, there is no legitimate reason for why Option 1 and 2 differ in case investigation costs. CDFW should adjust the cost estimate of case investigation to be at least \$189,379.

C. Environmental Analysis

The ISOR’s economic impact assessment of Option 1 flagrantly excludes the substantial cost of preparing an environmental review of the bobcat trapping regulation, as required by law under the California Environmental Quality Act (“CEQA”) and the Commission’s certified regulatory program. 14 Cal. Code Regs. §781.5. The Commission to date has failed to prepare any environmental documents concerning the implementation of AB 1213 with respect to Option 1 pursuant to CEQA and the Commission’s certified regulatory program. Cal. Code Regs. Tit. 14 § 781.5(a)(2)-(3). The average cost to perform similar required environmental analysis- not including litigation costs- is around \$200,000 and this amount should therefore be added to the total costs of Option 1 implementation and enforcement. In contrast, Option 2 does not require the expense of undergoing an environmental review because it does not present any negative impacts on the environment.

D. Wildlife Program and Additional Costs

While we applaud CDFW for including costs of the Bobcat Harvest Report, as required under the *Convention on International Trade in Endangered Species of Wild Flora and Fauna* (“CITES”) to which the U.S. is a party, there are several additional costs that are excluded from the calculations that CDFW is required to undergo in order to comply with CITES and several other provisions of the F&G Code.

Shipping Tags and CITES Compliance. In compliance with CITES, federal regulations implementing United States treaty obligations require that all bobcat pelts be marked according to specific requirements—including supplying information on the place, time, date and method of take—to ensure they were legally caught and lawfully exported. *See* 50 C.F.R. § 23.69(e). According to CDFW emails, during the 2012-2013 trapping season, CDFW’s bobcat tags did not meet federal requirements, rendering every bobcat exported from California to be in violation of federal law and United States treaty obligations. It is unclear whether tags in subsequent years were also issued in noncompliance with federal

law and treaty requirements. At the very least, CDFW should include costs to manage and ensure that shipping tags comply with U.S. CITES obligations. Such costs are absent from the ISOR and total cost estimates.

Bobcat Population Study and Other Scientific Studies. In the ISOR, CDFW acknowledges that the cost estimates of the proposed regulations fail to include costs related to developing and implementing a bobcat population study, as proposed in the Governor's signing message of AB 1213. Irrespective of the Governor's signing message, F&G Code § 703.3 requires that CDFW and the Commission "use ecosystem-based management informed by credible science in all resource management decisions." Credible science is defined as the "best available scientific information" and recognizes the need for "adaptive management" which uses new information gathered through monitoring and evaluation to adjust management strategies and practices to meet conservation and management goals. F&G Code §§ 13.5, 33. Such management must maintain wildlife at "optimum levels," "perpetuate native plants and all species of wildlife for their intrinsic and ecological values" and "provide for aesthetic, educational, and nonappropriative uses" of wildlife. F&G Code § 1755. Commercial bobcat trapping under Option, lacking any ecosystem-based limits and based on a severely outdated population estimate, is not premised on "credible science" and thus fails to meet the standard for adaptive management.

The costs to undergo these bobcat population studies are absent from CDFW's cost estimates, but these studies are legally mandated to be included if trapping is to continue. Accordingly, CDFW is required to input this additional cost when presenting the price of Option 1 to the Commission. In the ISOR, CDFW noted that such extensive field research on bobcat population dynamics "would likely only be possible with additional outside funding from the legislature/and other sources." This note on funding serves to distract from the requirement that these studies should be borne by the trappers and hunters who are affecting the population of bobcats in the state.

In sum, the ISOR presented an inadequate economic assessment of Option 1, providing a grossly inaccurate low cost for the implementation and enforcement of Option 1. If Option 1 is adopted based on these initial figures in the ISOR, the Commission's decision to adopt Option 1 will be subject to challenge as arbitrary and capricious under the Administrative Procedure Act.

3. Cost recovery calculations are premised on internally inconsistent information provided by CDFW, rendering the cost recovery of Option 1 highly tenuous and thus likely to violate the cost recovery requirements of AB 1213 and the F&G Code.

AB 1213 and F&G Code § 4155(e) mandate that the Commission set trapping license and associated fees at levels necessary to "recover all reasonable administrative and implementation costs" incurred by CDFW and the Commission associated with the CA bobcat trapping program. Under the ISOR, CDFW recommended that Bobcat Trapping Validation be set to approximately \$1,137, or within the range of \$0 to \$1,325, and the shipping tag be set to approximately \$35, or within the range of \$0 to \$245. These proposed figures are inaccurate, as the numerator and denominator figures are based on incorrect assumptions.

In terms of the total cost of the Option 1 trapping program (i.e. the numerator), the discussion above outlines CDFW's flawed underestimations of the cost due to the failure to integrate key costs and considerations into the economic analysis contained in the ISOR. At a minimum, we believe the actual costs of implementing Option 1 is at least 2.5 times the price tag quoted by CDFW, bringing the total cost

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of Option 1 to, at a minimum, around \$570,000 for the first year of implementation (noting that extra costs will be incurred for the second year of regulation).

In terms of the total number of trappers who bear the cost of the trapping program (i.e. the denominator), CDFW uses an internally inconsistent figure of 200 bobcat trappers as the baseline number. The ISOR assumed that there are currently 200 bobcat trappers based off a 5-year average of licensed bobcat trappers. However, CDFW's 2013-2014 bobcat harvest survey reported only 93 bobcat trappers. To reconcile CDFW's internal inconsistency, we believe the accurate figure to use for the current number of bobcat trappers is 93, as it is based off the most recent public data available. Using CDFW's assumption that the increased fee scenario will result in a 20% drop in the number of trappers applying for the Trapping Validation Fee, this brings the denominator with respect to the number of trappers to 74 bobcat trappers under the increased fee scenario.

With respect to the denominator in terms of the expected take of bobcats, using the 2013-2014 figure of 1,292 bobcats taken from the 2013-2014 Bobcat Harvest Assessment, and assuming a 20% drop in the number of bobcat takes, then the total bobcat pelts requiring shipping tags would be around 1,033.

Based off of these adjusted numerator and denominator figures, a Trapping Validation Fee would be \$7,500 per trapper assuming that the validation fees cover 100% of the program cost. Based on CDFW's method of calculation, the Validation Fee would be within a range of \$0-7,500 per trapper (even though we expect the per trapper fee to be even higher given an attrition rate higher than 20% due to the increased fee scenario). In parallel, a shipping tag fee would be within the range of \$0-\$550. If we use the CDFW's sliding scale of ideal cost apportionment such that the Validation Fee recovers 86% of costs and shipping tags recovers 14% of costs, then this results in a Validation Fee of \$6,625 and a shipping tag of \$77 per pelt—respectively, six times and two times higher than the \$1,137 validation fee and \$35 shipping tag fee proposed by CDFW.

The \$6,625 Validation Fee—which, we note, is an additional cost on top of the basic trapping license fee—is close to 60 times the price of a current trapping license of \$115. If we assume that the average pelt price for bobcats is currently \$390, as quoted in the ISOR, then the Validation Fee alone would require a bobcat trapper to kill 17 bobcat pelts before he/she can break even and start profiting from pelt sales. Given that the ISOR explained that a bobcat trapper on average only kills 5 bobcats per season, this Validation Fee and shipping tag pricing are not likely feasible to be afforded for bobcat trappers. This threatens the capability for Option 1 to be self-financing and squarely shifts the Option 1 trapping program into unlawful waters in violation of F&G Code § 4155(e).

Consequently, estimating a lawful license fee based on the current number of trappers and shipping tags will probably result in a shortfall in revenues received via such fees, necessitating a further fee increase in the subsequent year (and years) to cover the prior year's revenue shortfall. Even though the state has subsidized trappers' license fees until now, it is illegal and economically unfeasible for the Commission or CDFW to continue to do so. Both F&G Code §§ 4006(c) and 4155(e) require the Commission to set fees to fully recover the costs of both the Commission and CDFW for the administration, implementation and enforcement associated with the trapping of bobcats in the state. Further, F&G Code § 4006(a) sets a base level fee for trapping licenses and requires CDFW to increase that fee based on federal inflation statistics pursuant to F&G Code §713. As discussed in a previous letter from the Center to the Commission, dated May 22, 2014, the Commission and CDFW have clearly violated these provisions in past trapping seasons. Separately, under F&G Code § 4006(c), it is illegal for the state to subsidize any

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trapping program, and any continued government subsidization of trapping under a zonal approach would be subject legal challenge under this code section as well.

The reality that the Option 1 trapping program is unlikely to be self-financing plainly violates AB 1213 and the various cited sections of the F&G Code. The legal argument aside, the practical implications of implementing an unaffordable trapping program presents an even more compelling reason to reject the zonal approach: insufficient financial resources will inevitably lead to its inadequate implementation, thereby undermining the purpose and utility of Option 1 entirely. As noted by the Legislature in enacting sections 710 - 711 of the F&G Code, CDFW has failed to adequately meet its regulatory mandates due, in part, to a lack of funding, which has “prevented proper planning and manpower allocation” to carry out its “public trust responsibilities” and “additional responsibilities placed on the department by the Legislature.” F&G Code § 710. As a result, CDFW is burdened with “the inability . . . to effectively provide all of the programs and activities required under this code and to manage the wildlife resources held in trust by the department for the people of the state.” F&G Code § 710.5. These failings were readily apparent with regard to the bobcat trapping program prior to the passage of AB 1213 (e.g., reliance on a decades-old bobcat population estimate, failure to utilize CITES-compliant tags). Given CDFW apparently lacks the capacity to properly implement the *existing* bobcat program, absent a substantial increase in capacity, we do not see how CDFW can properly implement the zonal approach. We therefore urge the Commission to consider the fiscal irresponsibility and practical implications of choosing the zonal approach; not only is it pregnant with astronomical cost, but it is unlikely to be properly implemented. In contrast, a statewide ban requires minimal resources and is thus likely to be properly implemented, as well as carries out the agency’s mandate to protect wildlife in the public trust.

4. *Option 1’s failure to include bag limits on bobcat trapping violates the F&G Code.*

The proposed regulatory text for Option 1 fails to include any bag or possession limits on bobcat harvesting, which directly conflicts against F&G Code § 703.3, requiring that management decisions need to meet a standard for adaptive management that is based on credible science. The proposed regulatory text must be amended to include bag or possession limits on bobcat harvesting, and such limits must be informed by population studies. Any adoption of Option 1 without bag limits would be unlawful. In the absence of such studies, the only lawful alternative for the Commission to adopt is Option 2, the statewide ban.

As noted above, F&G Code § 703.3 requires that CDFW and the Commission “use ecosystem-based management informed by credible science in all resource management decisions.” F&G Code § 703.3. Further, credible science is defined as the “best available scientific information” and recognizes the need for “adaptive management” which uses new information gathered through monitoring and evaluation to adjust management strategies and practices to meet conservation and management goals. F&G Code §§ 13.5, 33. Such management must maintain wildlife at “optimum levels,” “perpetuate native plants and all species of wildlife for their intrinsic and ecological values” and “provide for aesthetic, educational, and nonappropriative uses” of wildlife. F&G Code § 1755.

Should the Commission choose to adopt Option 1, bag and possession limits must be set and premised on “credible science”. While the CDFW and we both acknowledge that such surveys are expensive, given the lack of population surveys in the areas that may be opened to trapping, we do not see how the Commission can meet the “credible science” requirements of F&G Code § 703.3 or ensure protection of the “aesthetic, educational, and nonappropriative uses” of bobcats in any areas in which trapping is allowed.

Absent scientifically credible population studies of bobcats in any areas in which trapping is to be allowed, along with overall caps on take and individual bag limits per trapper, we do not see how any regulations which allow bobcat trapping would be consistent with the requirements of AB 1213, other provisions of the F&G Code, and the Governor's signing message. In the absence of such measures, the only lawful path for the Commission to take at this stage is a statewide ban on bobcat trapping. Should Option 1 be adopted, it must include take limits based on population studies, which must be included as a base cost in Option 1 implementation. Absent such studies, the only lawful option for the Commission to adopt is Option 2.

5. CDFW's failure to prepare an environmental review of the Option 1 trapping program clearly violates CEQA.

In the ISOR, CDFW found that the Option 1 trapping program has “no negative impact on the environment” and “therefore, no mitigation measures are needed.” First, this cursory finding that the Option 1 trapping program presents no negative environmental impact is unsupported and, if relied upon by the Commission for adoption, would render the decision unlawful. Second, the Option 1 trapping program clearly results in a negative impact on the environment with respect to local populations of bobcats around the state, and thus automatically triggers environmental review of the regulation under CEQA and the Commission's certified regulatory program. The failure to undergo environmental review before implementing the Option 1 trapping program will certainly be legally challenged in violation of CEQA. Third, to the extent that CDFW relied on the 2004 Draft Environmental Document regarding Furbearing and Nongame Mammal Hunting and Trapping as a basis for finding no negative environmental impacts of the Option 1 trapping program, CDFW cannot rely on this document because it is severely outdated and fails to contemplate the impact of the Option 1 trapping program on the local bobcat populations as required under CEQA.

CEQA is a comprehensive scheme designed to provide long-term protection to the environment and applies to discretionary projects to be carried out or approved by public agencies. Pub. Res. Code § 21001, § 21080(a). While actions that are entirely protective of the environment are largely exempt from CEQA's requirements, ones that result in adverse effects trigger CEQA review. *Mountain Lion Foundation v. Fish & Game Com.*, 16 Cal. 4th 105, 122 (1997) (Finding that protecting a species under the California Endangered Species Act (“CESA”) is likely exempt from CEQA, but removing protections for a species triggers CEQA review requirements). Here, while a statewide trapping ban under Option 2 would not trigger CEQA, the zonal approach under Option 1 is clearly subject to CEQA. Approval of the boundaries of areas that permit trapping is a discretionary action of the Commission that will cause both direct and indirect adverse physical changes to the environment, many of them potentially significant. In addition to their intrinsic value, and bobcats are also predators of rodents and rabbits, and they are critical to the balance of the ecosystems they inhabit. The zonal approach is also likely to result in the concentrated depletion of bobcats in the permitted trapping zones and directly affect the balance of other species' populations, including rodent populations. This may indirectly influence agricultural producers to use more harmful methods to combat rodents, including the use of toxic rodenticides that cause widespread suffering and death not just to rodents but to other animals which come into contact with the poisons. Any approval of the Option 1 trapping zones in the absence of full CEQA compliance would be a prejudicial abuse of discretion on the part of the Commission. Even if statewide impacts are minimal on the bobcat populations, local impacts to bobcat population trigger CEQA review. *See Anderson v. Evans*, 314 F.3d 1006 (9th Cir., 2002) (Could held that the possible negative impact of a tribe's whaling activity on a local whale population, as opposed to the action's impact on the overall whale population, is

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sufficient to trigger environmental review under NEPA). *See also Wildlife Alive v. Chickering*, 18 Ca. 3d 190, 201 (1976) (holding that federal NEPA case law is persuasive authority in CEQA cases).

Accordingly, All CEQA requirements must be met in implementing Option 1. One such critical requirement is the Commission's mandate to strictly comply with its certified regulatory program, which qualifies as an exemption under CEQA from conducting an environmental impact report ("EIR"). Pub. Res. Code, § 21080.5(a); *see Mountain Lion Foundation v. Fish & Game Com.*, 16 Cal. 4th at 131 ("In order to claim the exemption from CEQA's EIR requirements, an agency must demonstrate strict compliance with its certified regulatory program"). The functional equivalent to the EIR, the Commission's certified regulatory program requires that the Commission produce an environmental proposal identifying reasonable alternatives and mitigation measures to minimize the significant adverse impacts of such a proposal and provide written responses to the comments from the public and other relevant agencies. 14 Cal. Code Regs. §781.5. Importantly, the Commission is legally bound to reject Option 1 if there are "feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." 14 Cal. Code Regs. § 781.5(g). Here, it is clear that the statewide trapping ban is the feasible alternative because it completely avoids the adverse environmental impacts which are likely to result from the zonal approach and is, ultimately, the fiscally, legally, and ethically superior option in implementing AB 1213.

Additionally, if the Commission chooses to adopt the Option 1 trapping program over the Option 2 statewide ban, the Commission must, at a minimum, consider alternatives and mitigation measures to implement within the zonal scheme that would lessen impacts. Among the options that should be analyzed are individual trapper bag limits and overall take limits within each zone. Given such measures were recommended in the Governor's signing message to AB 1213, we do not see how the Commission could dismiss the consideration of such measures on the grounds that they are unreasonable or somehow infeasible. Neglecting this consideration would violate CEQA.

Moreover, although the Commission's certified regulatory program is an exemption from producing an EIR, it does not function as a blanket exemption from CEQA and remains subject to the provisions of CEQA outside the scope of the exemption, including CEQA's broad policy goals and substantive standards. *POET, LLC v. State Resources Bd.*, 218 Cal. 4th 681 (2013); *City of Arcadia v. State Water Resources Control Bd.*, 135 Cal. 4th 1392, 1422 (2006). As these include the fundamental duties set forth in Pub. Res. Code §§ 2100 and 21002, the Commission will be required to justify the zonal approach based on economic and social conditions. As noted above, it is difficult for the Commission to justify the zonal approach against the superior economic and public appeal of the statewide ban on bobcat trapping. The environmental review process is complex and, ultimately, very costly, and we urge the Commission to save fiscal resources and the time required to undergo the environmental review by dismissing the zonal approach and adopting the statewide ban.

Separately, in publishing the notice of proposed regulations to implement AB 1213, CDFW attached the 2004 Draft Environmental Document on Furbearing and Nongame Mammal Hunting and Trapping (the "2004 Draft Environmental Document"). It is not clear from the ISOR if CDFW has relied on this document for environmental review purposes. To the extent that CDFW has relied on the 2004 Draft Environmental Document, CDFW cannot legitimately rely on this document because it is in draft form. The document itself provides that state law requires the Commission to review furbearing and nongame mammal hunting and trapping regulations at least once every three years; clearly, the three-year requirement to update this document in 2007 has clearly passed. Second, the age of the document renders it unreliable for purposes of this rulemaking because severe changes have affected bobcat populations in

the state. AB 1213 itself acknowledged the rapid rise in bobcat pelt harvesting given the recent rise in global market demand. Such factors were not present in 2004 and thus the eleven-year old contents of the Draft Environmental Document no longer accurately reflects the state of bobcat populations today. Finally, the 2004 Draft Environmental Document obviously failed to analyze the impact of the Option 1 trapping program on local bobcat populations, which fails to fulfill the CEQA mandate for adequate environmental review of the impact of a proposed regulation. Any reliance on the 2004 Environmental Document for purposes of fulfilling CEQA will be legally challenged.

6. CDFW's reasoning for recommending Option 1 over Option 2 is unjustified on scientific and policy grounds and violates the F&G Code.

CDFW's reasoning for endorsing Option 1 is both scientifically ungrounded and anathema to California's progressive wildlife policy. CDFW justifies the trapping program on grounds that "bobcats are a renewable resource" and thus "current levels of [bobcat] take . . . continue to be sustainable".

First, CDFW wrongly relied on a 2004 Environmental Document to conclude that bobcat harvesting without take limits, as set out in the proposed regulations for Option 1, is a sustainable practice. The 2004 Environmental Document is outdated by eleven years and cannot be relied upon as a sound scientific basis for predator management decisions. The 2004 Environmental Document clearly fails to satisfy the mandate of F&G Code § 703.3, which requires that the Commission and Department make eco-system decisions based on "credible science" defined as the "best available scientific information" using new information gathered through monitoring and evaluation to adjust management strategies and practices to meet conservation and management goals. F&G Code §§ 13.5, 33. Further, Governor Brown in his signing statement of AB 1213, dated October 11, 2013, explicitly recognized the lack of a comprehensive bobcat population survey and asked the Legislature and CDFW to secure funding for such a survey and encourage CDFW and the Commission to consider setting population thresholds and trapping tag limitations in this rulemaking.

Second, even if bobcat harvesting were "sustainable", this reasoning contradicts California's progressive wildlife policy. The very fact that a predator population is not imperiled does not justify the unlimited take of the species. Such a value judgment of bobcats is epitomized in the passage of AB 1213 itself, as the bill acknowledges that bobcats are more valuable to the state and its residents as living components of the ecosystem than as commodities to be exported. As the Commission is well aware, an overwhelming majority of Californians who are cognizant of the issue support a complete ban on bobcat trapping. Failing to implement a statewide ban against commercial trapping is anathema to the public mandate and California's leadership in wildlife management. This trend is reflected in recent years, where California's wildlife policy has moved to the forefront of implementing progressive wildlife management policies—including halting the use of steel-jawed leg-hold traps and snares, banning trophy hunting of mountain lions, and prohibiting the pursuit of bobcats and bears by dogs. The recent rebranding of CDFW as a "wildlife" rather than a "game" agency is also reflective of this trend.

Part II. Option 2 Analysis and Discussion

1. CDFW's argument against a statewide ban due to enforcement issues is illogical and, if relied upon by the Commission in a final adoption of Option 1, would be unlawful.

CDFW attempts to persuade the Commission that a statewide ban will enhance illicit activities in bobcat trapping because unlawful trappers will move into areas where bobcat trapping is banned. According to

the ISOR, unlawful trappers using illicit techniques may trap earlier in the season and well past the normal end of the trapping season, resulting in increased law enforcement efforts. Moreover, CDFW argues that illegal activity will increase because lawful trappers would not be on the ground to provide tips to wildlife officials about the activities of illicit trappers. Not only is CDFW's position absurd on its face, it is extremely bad policy. Essentially, CDFW is asserting that current bobcat trappers will turn to poaching if legal trapping is outlawed, and therefore bobcat trapping must not be outlawed. Applying this logic more broadly, CDFW seems to believe that any regulated entity who threatens to ignore new regulations should be rewarded by refraining to issue such regulations. Just because a statewide ban may be violated, it does not follow that a statewide ban should not be implemented so as to avoid such violations occurring. The very purpose of law is to address illicit activity, not to avoid it. The Commission cannot reasonably accept CDFW's absurd, and consequently arbitrary and illegal position.

2. A statewide ban may be enforced similarly to every other provision of the F&G Code.

In the ISOR, CDFW notes that the absence of a trapping program means that “there would be no mechanism to recover these ongoing [enforcement] costs.” This statement is misleading. We agree that the enforcement of the bobcat ban would no longer be required to be financed in accordance with AB 1213, which only requires that a trapping program—as opposed to a statewide ban—be covered by license fees and other associated fees. However, it is misleading for CDFW to imply that no financing exists to support and implement the statewide ban on bobcat trapping.

Under section 13220 (*Expenditures*) of the F&G Code, “the money in the Fish and Game Preservation Fund is available for expenditure, upon appropriation by the Legislature” to both CDFW for “expenditure in accordance with all necessary expenses incurred in carrying out this code and any other laws for the protection and preservation of . . . mammals” and the Commission for “expenditure in accordance with the law for payment of the compensation and expenses of the commissioners and employees of the commission.” F&G Code § 13220.

The F&G Code is replete with prohibitions governing everything from mountain lion hunting to endangered species protection that are not self-funding via fees. The trapping of numerous species ranging from all game mammals to furbearers such as fisher and marten is already prohibited, but CDFW does not and cannot claim that it has no ability to enforce these prohibitions. CDFW's claims with regard to a bobcat trapping ban do not stand up to the slightest scrutiny.

3. Option 2 is the optimal choice for implementation based on fiscal, policy, and legal grounds.

Overall, a statewide ban on bobcat trapping trumps the zonal approach for fiscal, policy and legal reasons. Implementing and enforcing Option 2 costs far less than implementing, administering, and enforcing Option 2, a complex patchwork system of permitted trapping areas across the state which require a second year of rulemaking costs and extensive environmental review. Even without the additional costs and considerations highlighted above that CDFW failed to consider, CDFW recorded a lower total cost for Option 2 than Option 1 in the economic assessment section of the ISOR. The argument for the Commission to adopt the less costly option is not only sound economic policy but also is legally consistent with the sections 710 - 711 of the F&G Code, which state that CDFW has failed to adequately meet its regulatory mandates due, in part, to a lack of funding, which has “prevented proper planning and manpower allocation” to carry out its “public trust responsibilities” and “additional responsibilities placed on the department by the Legislature.” F&G Code § 710. Insufficient financial resources will inevitably

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lead to a program's inadequate implementation, thereby undermining the purpose and utility of the zonal approach entirely. As a result, CDFW is burdened with "the inability . . . to effectively provide all of the programs and activities required under this code and to manage the wildlife resources held in trust by the department for the people of the state." F&G Code § 710.5. . In contrast, a statewide ban requires minimal resources and is thus likely to be properly implemented, as well as carries out the agency's mandate to protect wildlife in the public trust.

Moreover, the statewide ban is consistent with principles of the F&G Code and the directives of AB 1213. Section 4155(f) of the F&G Code explicitly contemplates and allows for the enactment of the statewide ban on bobcat trapping. Similarly, section 4150 of the F&G Code prohibits the take of nongame mammals absent specific regulations by the Commission authorizing such take. In other words, a prohibition on bobcat trapping is the default position of the F&G Code and could be imposed simply by striking the bobcat specific provisions of sections 478, 478.1 and 479 of Title 14 of the California Code of Regulations. Further, a statewide trapping ban ensures compliance with section 1755 of the F&G Code which requires the Commission to "provide for aesthetic, educational, and nonappropriative uses" of wildlife. Wildlife watching brings in well over three billion dollars a year to the state, representing a significant portion of the tourism economy of the state, and is clearly meant to be protected under the F&G Code.

Finally, as the Commission is well aware, an overwhelming majority of Californians who are cognizant of the issue support a complete ban on bobcat trapping. Failing to implement a statewide ban against commercial trapping is anathema to the public mandate and California's leadership in wildlife management. In parallel, a statewide ban honors democratic values, where the conservation and wildlife interest of the greater California public outweigh the profit-driven interests of the less than 100 bobcat trappers who are the beneficiaries of a complex and administratively burdensome trapping program espoused under Option 1.

In sum, we urge the Commission to adopt Option 2 because a statewide ban is easier and cheaper to enforce, protects our shared wildlife and propels California wildlife management into the 21st Century.

Thank you for your consideration of these comments. We look forward to providing further legal discussion of Option 1 and look forward to the Commission's adoption of Option 2 in August 2015.

Sincerely,



Jean Su
Staff Attorney
Center for Biological Diversity
1212 Broadway Street, Suite 800
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Phone: (510) 844-7139

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Exhibit A

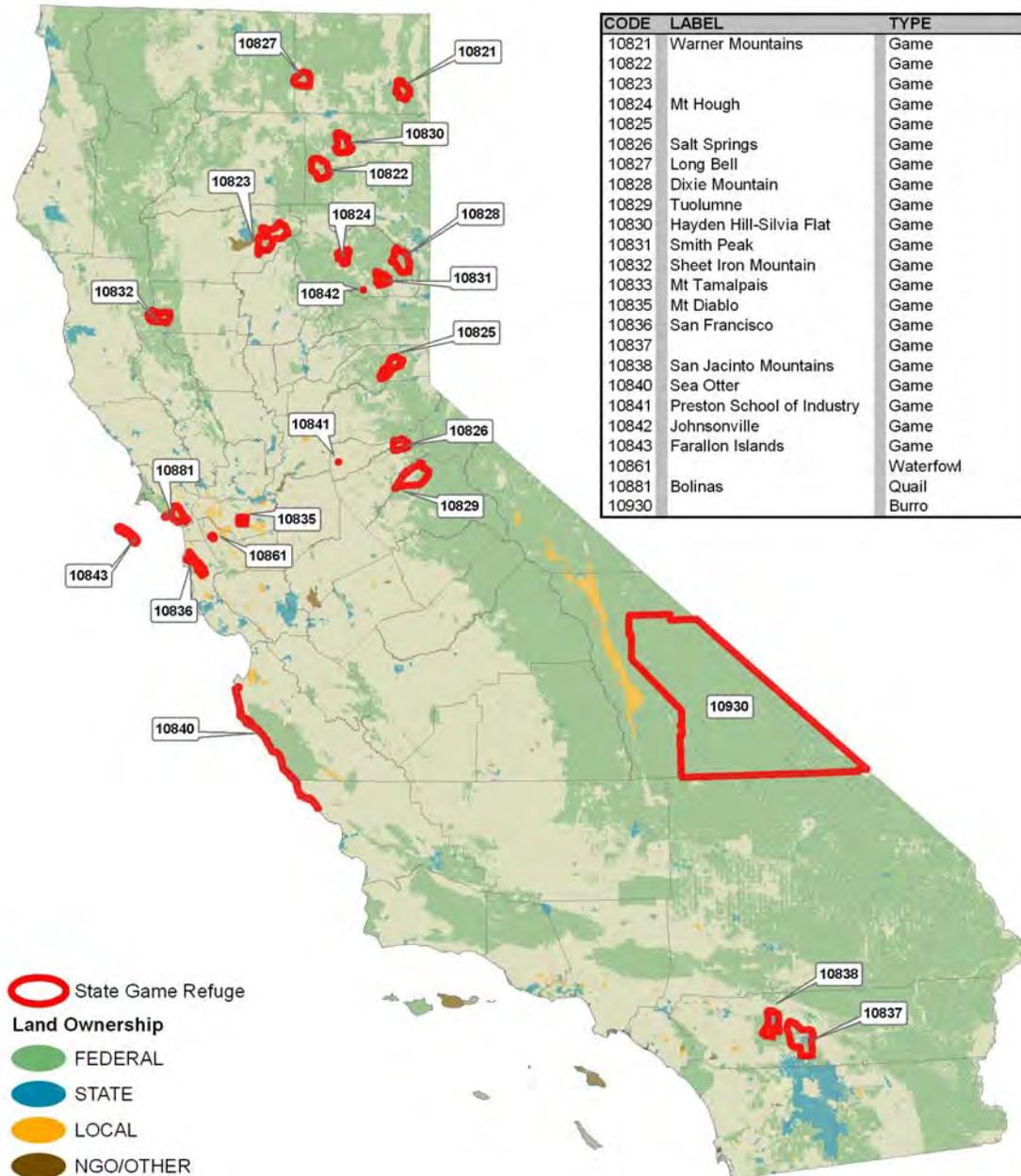
Appendix A. Maps of State Game Refuges in California

Note: All the individual refuge maps can be re-created by anyone by visiting the public data viewer and selecting desired map coverages:

<http://imaps.dfg.ca.gov/viewers/biospublic/app.asp>

(Map below includes some refuges not in consideration by this report)

STATE GAME REFUGES



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Exhibit B

Bobcat Trapping Zones under May 2015 Proposed Regulations

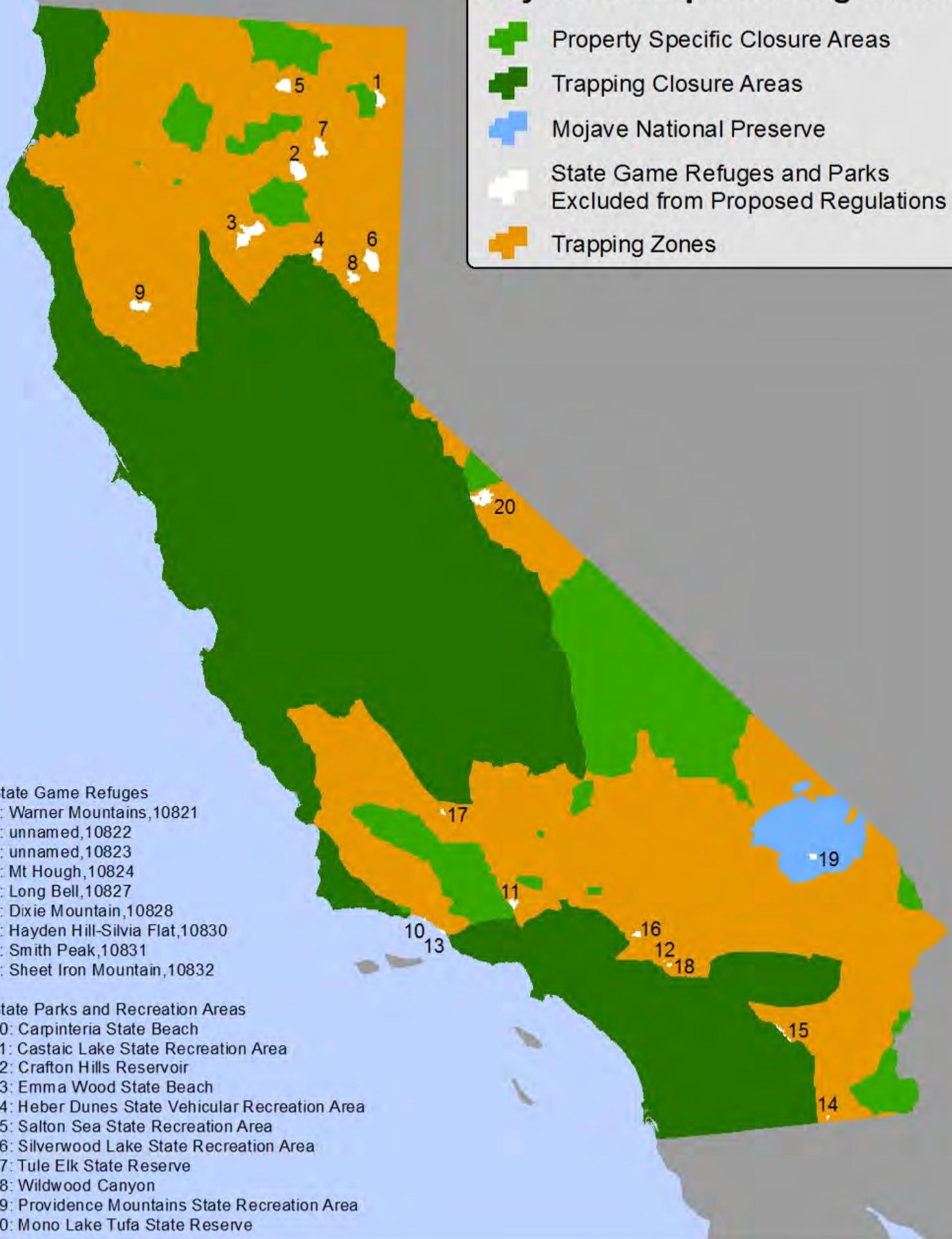
-  Property Specific Closure Areas
-  Trapping Closure Areas
-  Mojave National Preserve
-  State Game Refuges and Parks Excluded from Proposed Regulations
-  Trapping Zones

State Game Refuges

- 1: Warner Mountains, 10821
- 2: unnamed, 10822
- 3: unnamed, 10823
- 4: Mt Hough, 10824
- 5: Long Bell, 10827
- 6: Dixie Mountain, 10828
- 7: Hayden Hill-Silvia Flat, 10830
- 8: Smith Peak, 10831
- 9: Sheet Iron Mountain, 10832

State Parks and Recreation Areas

- 10: Carpinteria State Beach
- 11: Castaic Lake State Recreation Area
- 12: Crafton Hills Reservoir
- 13: Emma Wood State Beach
- 14: Heber Dunes State Vehicular Recreation Area
- 15: Salton Sea State Recreation Area
- 16: Silverwood Lake State Recreation Area
- 17: Tule Elk State Reserve
- 18: Wildwood Canyon
- 19: Providence Mountains State Recreation Area
- 20: Mono Lake Tufa State Reserve



AB 1213 Bobcat Protection Act - Implementation and Costs

April 9, 2015

Santa Rosa Meeting

California Fish & Game Commission



Statewide Ban is Superior Choice

Statewide Ban

- Cost-Effective
- Elegant 1-time regulation scheme
- Legal consistency with existing law
- Fortifies CA's progressive predator management policy

Zonal Approach

- Costly
- Convoluted 2-time regulation scheme
- Legal inconsistency with existing law
- Undermines progress, reinforcing CA's dated predator management policy

Cost Breakdown of Bobcat Protection Regulation*

(above baseline costs of CA trapping program)

Regulation Creation

- FGC & DFW resources to draft, finalize and amend regulation (2-time process for zonal approach)
- FGC resources to address trapping license and citation appeals
- Employment of scientists and technical, legal and other service providers
- Environmental analysis and defense

Enforcement & Implementation

- Employment of wardens
- Purchase of operating equipment and other expenses
- Additional costs (e.g., CITES compliance, tagging, review and compliance of trapping requirements)

*These categorizations are based on a fiscal analysis provided by DFW in a letter to Assemblyman Bloom, dated June 13, 2014, regarding estimated costs of implementing AB 1213. While the Center holds that DFW's fiscal analysis is not fully inclusive of all implicated expenses (e.g., excluded costs include Year 2 (2016) rulemaking costs for the zonal approach and costs incurred for environmental analyses and defense), we use the DFW cost analysis as a baseline for discussion.

Projected *Additional* Costs of Bobcat Regulations (Years 1 & 2)

Cost Category	Option 1: Zonal Approach* (DFW Estimates)	Option 2: Statewide Ban
REGULATION CREATION		
Drafting (Year 1)	\$263,306	\$263,306 (or \$0)**
Drafting (Year 2)	<i>Omitted</i>	\$0
FGC Regulatory Package and Hearings	\$20,000***	\$0
Scientists & Other Advisors	\$46,705	\$0
Environmental Analysis	<i>Omitted</i>	\$0
ENFORCEMENT AND IMPLEMENTATION		
Wardens	\$200,321	\$100,160****
OE&E	\$94,741	\$47,370
Additional Costs	<i>Omitted</i>	\$0
TOTAL COSTS	\$625,073*	\$410,836

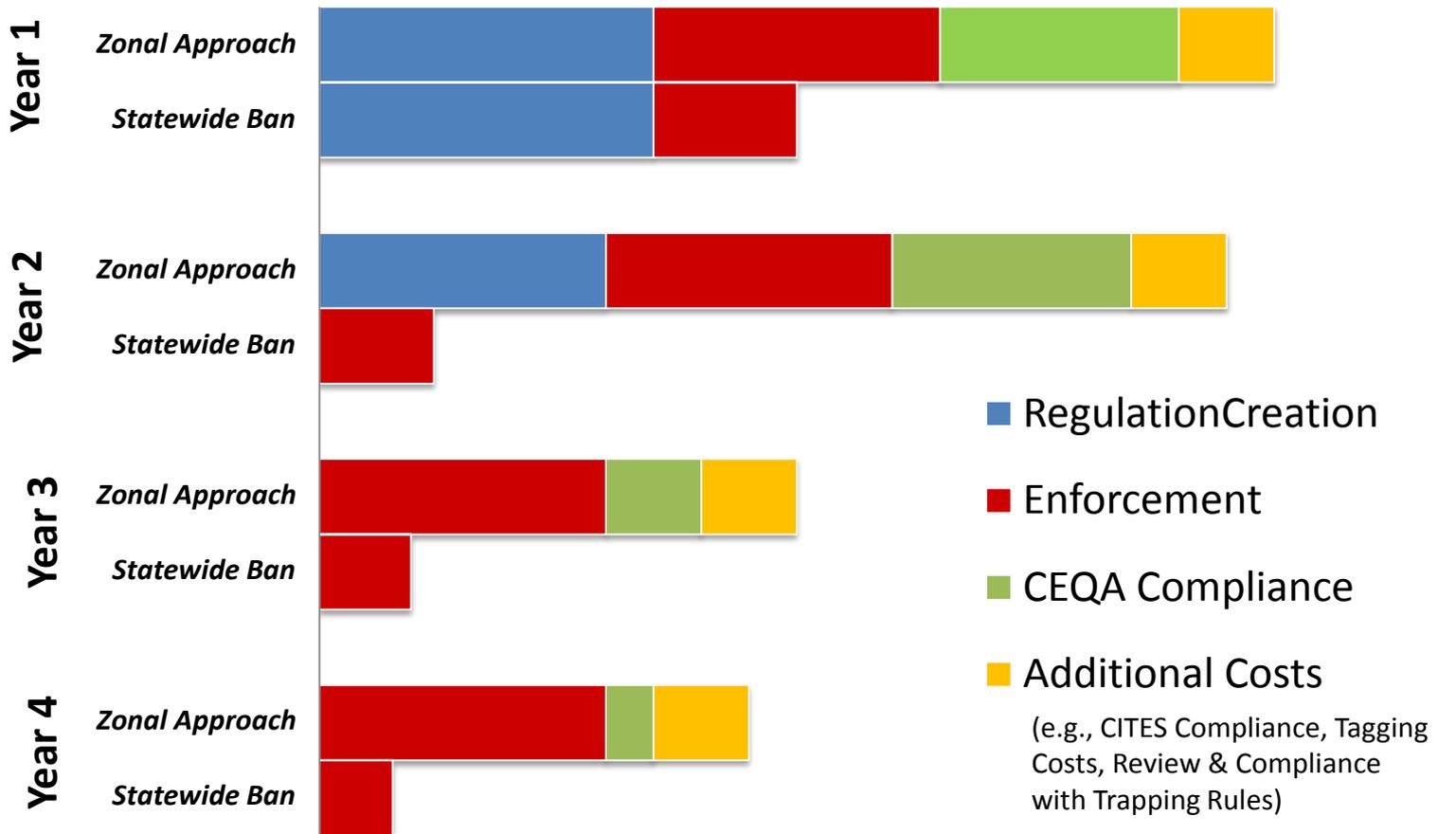
*As noted on the previous slide, DFW has excluded key costs (e.g., Year 2 drafting costs, environmental analysis costs, and estimations of FGC's regulatory package costs) into its total implementation estimate. Hence, we believe DFW's total cost figure is an under-estimation of the actual implementation costs of a zonal approach regulation by a factor of 1.5-2 at a minimum.

**We note that the drafting regulation cost for the statewide ban could have been close to \$0 had the ban been adopted upfront. However, because the deliberation process has included an analysis of the zonal approach and given the complexity of including all statutorily protected areas (of which only a portion were included in DFW's proposal in December 2014) in the zonal approach regulation, we estimate the drafting costs to increase by a factor of 1.5 at a minimum.

***The FGC costs to "develop and amend regulations as well as to hear appeals for individual permits and citations" were not included in DFW's total implementation estimate of \$605,073 (cited in paragraph 5 of DFW's June 2014 letter to Assemblyman Bloom and in DFW's Memorandum to the FGC, dated March 27, 2015). The "regulatory package" costs incurred by the FGC was estimated to cost \$15,000-20,000 (\$10,000 for the initial rule development and \$5-10,000 for amendments), and each permit or citation appeal was estimated to cost \$3,000-4000. This chart adds these FGC regulatory package costs to DFW's \$605k estimate to total an estimated \$625k for the zonal approach cost (which, as noted above, is a gross under-estimation).

****We estimate enforcement costs of a statewide ban to be 50% of those for the zonal approach. In reality, given enforcement of a ban is vastly easier than of continued trapping, the cost difference is likely significantly greater.

Zonal Approach v. Statewide Ban: Illustrative Comparison of Above-Baseline Costs by Year



This chart is based on the following assumptions:

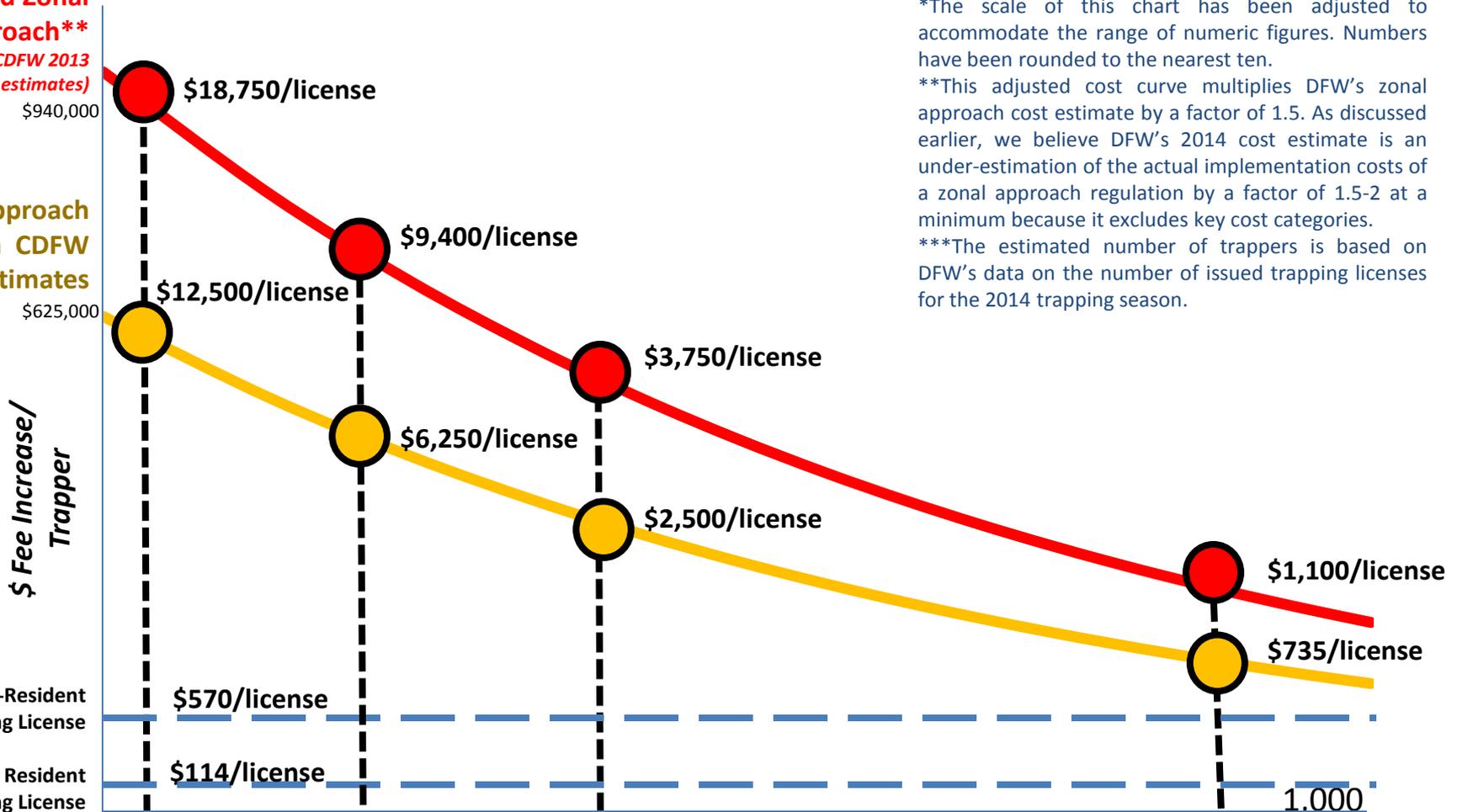
- Under AB 1213, regulation creation for the zonal approach is a 2-year process, whereas a statewide ban only requires one year of costs (involving the complex analysis of the zonal approach v. statewide ban). We note that had the Commission adopted a statewide ban upfront, such costs could have been avoided.
- Enforcement costs for the zonal approach will remain consistent over the initial years of implementation due to the complexity of policing closure zone borders (especially if using GPS coordinates or other border markers that are not based on highways or easily identifiable features). In contrast, enforcement costs for the statewide ban will be lower to begin with and decrease over the same time period due to the clarity that all bobcat trapping is illegal and the ease of policing a ban by wardens and citizens.
- CEQA compliance costs consists of undertaking required environmental analysis (within the first 2 years) and legal defense of such analysis, which is assumed to carry over after the initial implementation period of a zonal approach regulation.

License Fee Increases per Trapper (Year 1)*

Adjusted Zonal Approach**
(1.5x CDFW 2013 estimates)

Zonal Approach based on CDFW 2014 Estimates

2014 Non-Resident Trapping License
 2014 Resident Trapping License



*The scale of this chart has been adjusted to accommodate the range of numeric figures. Numbers have been rounded to the nearest ten.

**This adjusted cost curve multiplies DFW's zonal approach cost estimate by a factor of 1.5. As discussed earlier, we believe DFW's 2014 cost estimate is an under-estimation of the actual implementation costs of a zonal approach regulation by a factor of 1.5-2 at a minimum because it excludes key cost categories.

***The estimated number of trappers is based on DFW's data on the number of issued trapping licenses for the 2014 trapping season.

50
Example: Number of Bobcat Trappers under Fee Increase Scenario

100
Estimated Number of Current Bobcat Trappers

250
*Total Number of Recreational/Pest Control Trappers****

850
*Total Number of All Trappers (including Pest Control Trappers)****

Number of Trappers

1,000



Thank you for your consideration.

Based on implementation and costs and valuing the bobcat as an invaluable member of the ecosystem rather than a commodity, we urge the Commission to adopt the statewide ban on bobcat trapping.



Sent via electronic mail

April 3, 2015

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

Re: Agenda Item #29 for the April 9, 2015 Fish and Game Commission Meeting Re: Proposed Changes to Bobcat Trapping Regulations (Pursuant to Section 4155 of the Fish and Game Code)

Dear Director Mastrup and members of the Commission:

On behalf of the Center for Biological Diversity (“the Center”) and its over 100,000 members and supporters in California, we provide these comments regarding the Fish and Game Commission’s (“the Commission”) rulemaking to implement the provisions of AB 1213, the Bobcat Protection Act of 2013 (“AB 1213”).

We strongly urge the Commission to adopt the optimal option for implementing AB 1213: **a statewide ban on bobcat trapping**. As stated in our January 29, 2015 letter to the Commission (see [Exhibit A](#)), a blanket ban is superior to a zonal approach for the following reasons:

1. A statewide ban renders a **statutorily elegant** rule as opposed to complex statutory language for a zonal approach.
2. A statewide ban is **fiscally prudent and substantially more cost-effective** than a zonal approach. While both the statewide ban and zonal approach involve baseline enforcement costs, the zonal approach requires numerous *additional costs* for proper implementation, including costs associated with:
 - (i) complex designation of the boundaries for the trapping zones and the inclusion of all statutorily mandated areas prohibiting bobcat trapping under AB 1213 and Section 4155 of the Fish and Game Code (“the F&G Code”);
 - (ii) employment of scientists and technical, legal, administrative and other service providers required for the development and implementation of the regulation;
 - (iii) employment of additional wardens, purchase of operating equipment and other expenses for adequate enforcement of the regulation;
 - (iv) environmental analysis and legal defense of such analysis of the regulation; and
 - (v) time and effort of the Commission and the Department of Fish and Wildlife (“the Department”) for regulation development and addressing license appeals.
3. A statewide ban **avoids the fiscal, political, and administrative burden of setting trapping license and associated fees**, which, in aggregate, are legally required to fully recover all costs of the trapping program under AB 1213 and F&G Code §§ 4155(3)(e) and 4006(c). Given the high costs of the trapping program and the likelihood that the exponential rise in license fees will lead to a decrease in license applications, the **zonal approach is unlikely to be self-financing, as is statutorily mandated**. Under F&G Code § 4006(c), it is illegal for the state to subsidize any

trapping program, and any continued government subsidization of trapping under a zonal approach regulation may trigger legal challenge.

4. A statewide ban is **legally consistent** with the legislative findings of AB 1213 and other F&G Code provisions, which value wildlife both for its aesthetic, educational and non-appropriative uses as well as for the **billions of dollars in tourism revenue** it brings to the state.
5. A statewide ban **fortifies California's national leadership** in wildlife management and protection, following a slate of progressive actions taken by the Commission and Department, such as halting inhumane wildlife killing methods and renaming the Department to reflect the public's value of wildlife not only as game.
6. A statewide ban **honors democratic values**, where the conservation and wildlife interests of the greater California public outweigh the profit-driven interests of the less than 100 bobcat trappers serving foreign fashion markets.

In the event the Commission chooses to adopt a zonal approach, we remind the Commission that the two designated trapping zones must include closure zones over a complete inventory of *all* statutorily protected sites under AB 1213: state and national parks, national monuments and wildlife refuges.¹ The Department has identified 34 protected properties in its presentation at the December 3, 2014 Commission meeting and an additional set of protected properties including the San Gabriel Mountains National Monument in its presentation at the February 12, 2015 Commission meeting.² As the Department did not provide an updated list of all proposed protected closure zones in its February 12, 2015 presentation, we assume that any adopted zonal approach will include all statutorily protected properties in the state, including the 19 properties identified in our January 19, 2015 letter.³

In analyzing the map of the proposed closure zones in the Department's February 12, 2015 presentation, it appears that the following statutorily protected areas are not included: (i) closure zones around several state game refuges corresponding to identification numbers 10821, 10822, 10823, 10824, 10828, 10830, 10831, 10842, and the south-eastern parts of 10930⁴ in the Department's map of state game refuges, (ii) closure zones around certain state park properties, including state reserves and recreation areas such as the Salton Sea State Reserve Area, the Providence Mountains State Recreation Area, and the Hungry Valley State Vehicular Reserve Area⁵, and (iii) an ecologically meaningful buffer boundary at the southern edge of the Mono Lake Tufa State Reserve. Additionally, while protective boundaries around the Mojave National Preserve are not required to be in place until the second phase of rulemaking in 2016 under F&G Code §4155(b)(2), the ecologically appropriate buffer zone around Providence Mountains State Recreation Area is the boundary of the Mojave National Preserve. Therefore, we recommend that the Department and Commission adopt the protected closure zones around the Mojave National Preserve in the 2015 rulemaking to avoid work duplication for the 2016 rulemaking phase.

¹ F&G Code § 4155(b)(1).

² As the Department did not provide an updated list of protected zones in its February 12, 2015 presentation, we look forward to reviewing that updated list to compare against the complete list of statutorily protected zones across the state.

³ These 19 properties include 9 state game refuges, 9 state park properties, and 1 national monument.

⁴ These state game refuge identification codes are in reference to the Department's "Maps of State Game Refuges", available at: <http://imaps.dfg.ca.gov/viewers/biospublic/app.asp> (last visited April 2, 2015).

⁵ Please refer to the Center's January 29, 2015 letter to the Commission (*see Exhibit A*) for a complete list of state park properties that are required to be protected under AB 1213.

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April 3, 2015

Separately, it is clear that the final bobcat regulation will not be in place prior to the start of the period for issuing trapping licenses, which typically occurs prior to the beginning of the license year on July 1 of every year. We advise that the Commission refrain from issuing licenses for bobcat trapping until the proper regulations and legally-required fee increases are in place so as to avoid any legal disputes about the legality of such trapping licenses.

Thank you for your consideration of these comments. We look forward to the Commission moving forward with a statewide ban on bobcat trapping at the Commission's meeting on April 9, 2015.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jean Su", followed by a horizontal line extending to the right.

Jean Su
Staff Attorney
Center for Biological Diversity
351 California Street, Suite 600
San Francisco, CA 94104
Phone: (415) 632-5339

California Fish & Game Commission
Re: Bobcat Trapping Regulations
April 3, 2015

Exhibit A



Sent via electronic mail

January 29, 2015

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

Re: Agenda Item #29 for the February 11-12, 2015 Fish and Game Commission Meeting Re: Proposed Changes to Bobcat Trapping Regulations (Pursuant to Section 4155 of the Fish and Game Code)

Dear Director Mastrup and members of the Commission:

On behalf of the Center for Biological Diversity (“the Center”) and its over 100,000 members and supporters in California, we provide these comments regarding the Fish and Game Commission’s (“the Commission”) rulemaking to implement the provisions of AB 1213, the Bobcat Protection Act of 2013 (“AB 1213”). We strongly urge the Commission to adopt the optimal option of implementing AB 1213: a statewide ban on bobcat trapping. Such a simple blanket ban would:

1. be fiscally prudent, as enacting and enforcing a statewide ban costs significantly less than the alternative option of enforcing trapping regulations across a scattered patchwork of permitted trapping zones throughout the the state (the “zonal approach”);
2. be legally consistent with the legislative findings of AB 1213 and other provisions of the Fish and Game Code (“the F&G Code”); and
3. fortify California’s national leadership in wildlife management and protection.

In the event the Commission chooses to adopt the zonal approach as recommended by the Department of Fish and Wildlife (“CDFW”), the Commission must first address the numerous considerations and risks associated with implementing such a complex and costly option, namely:

1. the zonal approach requires the Commission to undergo the costly and controversial exercise of delineating the borders of over 50 protected areas (this number includes 19 statutorily protected properties in addition to the 34 sites identified by CDFW in its presentation at the December 3, 2014 Fish and Game Commission meeting);
2. the zonal approach necessitates an additional rulemaking next year to designate additional no-trapping areas in and adjacent to public and private conservancies and preserves pursuant to section 4155(b)(2) of the F&G Code;
3. the zonal approach requires updated statewide assessments of bobcat populations and the imposition of bag limits consistent with the Governor's AB 1213 signing statement;
4. the zonal approach necessitates extensive environmental impact reviews pursuant to the Commission’s environmental review process and the California Environmental Quality Act (“CEQA”) both for this as well as next year’s rulemaking;
5. the zonal approach mandates the exponential increase in trapping fees in order to fully recoup the full cost of implementing, enforcing and administrating the trapping program; and

6. the zonal approach requires additional modifications of the bobcat trapping program to come into compliance with various provisions of the F&G Code as well as the Convention on International Trade in Endangered Species (“CITES”).

Given neither CDFW nor the Commission have apparently prepared a proposed regulatory package that would bring the bobcat trapping program under zonal management into full compliance with AB 1213 and other provisions of the F&G Code, we do not see how the zonal management option can be lawfully adopted at this stage.¹

A. A Statewide Ban on Bobcat Trapping is the Optimal Option for Implementing AB 1213.

1. A statewide ban is the fiscally responsible option.

A statewide ban on bobcat trapping is an elegant, simple and ultimately cost-effective way to implement AB 1213. Implementing and enforcing a statewide ban on bobcat trapping would cost far less than implementing, administering, and enforcing a complex patchwork system of permitted trapping areas across the state.

While costliness alone is a strong argument against implementing the zonal approach, the practical consequence of the high price tag presents an even more compelling reason to reject the zonal approach: insufficient financial resources will inevitably lead to its inadequate implementation, thereby undermining the purpose and utility of the zonal approach entirely. As noted by the Legislature in enacting sections 710 - 711 of the F&G Code, CDFW has failed to adequately meet its regulatory mandates due, in part, to a lack of funding, which has “prevented proper planning and manpower allocation” to carry out its “public trust responsibilities” and “additional responsibilities placed on the department by the Legislature.” F&G Code § 710. As a result, CDFW is burdened with “the inability . . . to effectively provide all of the programs and activities required under this code and to manage the wildlife resources held in trust by the department for the people of the state.” F&G Code § 710.5. These failings were readily apparent with regard to the bobcat trapping program prior to the passage of AB 1213 (e.g., reliance on a decades-old bobcat population estimate, failure to utilize CITES-compliant tags). Given CDFW apparently lacks the capacity to properly implement the *existing* bobcat program, absent a substantial increase in capacity, we do not see how CDFW can properly implement the zonal approach. We therefore urge the Commission to consider the fiscal irresponsibility and practical implications of choosing the zonal approach; not only is it pregnant with astronomical cost, but it is unlikely to be properly implemented. In contrast, a statewide ban requires minimal resources and is thus likely to be properly implemented, as well as carries out the agency’s mandate to protect wildlife in the public trust.

¹ The Center submits these comments consistent with the schedule for submission noted in the agenda for the February 11-12, 2015 Commission meeting. At the time of submission, further information on the zonal approach, including proposed regulatory language and maps of buffer zones, have yet to be made available to the public. We therefore base these comments on the maps and proposal of CDFW presented at the December 3, 2014 Commission meeting. In the event the proposal actually considered by the Commission differs from that proposal, we will provide additional comments before and/or at the February meeting.

2. *A statewide ban is consistent with principles of the F&G Code and the directives of AB 1213.*

Section 4155(f) of the F&G Code explicitly contemplates and allows for the enactment of the statewide ban on bobcat trapping. Similarly, section 4150 of the F&G Code prohibits the take of nongame mammals absent specific regulations by the Commission authorizing such take. In other words, a prohibition on bobcat trapping is the default position of the F&G Code and could be imposed simply by striking the bobcat specific provisions of sections 478, 478.1 and 479 of Title 14 of the California Code of Regulations. Further, a statewide trapping ban ensures compliance with section 1755 of the F&G Code which requires the Commission to “provide for aesthetic, educational, and nonappropriative uses” of wildlife. Wildlife watching brings in well over three billion dollars a year to the state, representing a significant portion of the tourism economy of the state, and is clearly meant to be protected under the F&G Code.

3. *A statewide ban secures California’s role as the national leader in wildlife protection.*

In recent years, California has moved to the forefront of implementing progressive wildlife management policies—including halting the use of steel-jawed leg-hold traps and snares, banning trophy hunting of mountain lions, and prohibiting the pursuit of bobcats and bears by dogs. The recent rebranding of CDFW as a “wildlife” rather than a “game” agency is reflective of this trend. The passage of AB 1213 itself is an acknowledgement that bobcats are more valuable to the state and its residents as living components of the ecosystem than as commodities to be exported. As the Commission is well aware, an overwhelming majority of Californians who are cognizant of the issue support a complete ban on bobcat trapping. Failing to implement a statewide ban against commercial trapping is anathema to the public mandate and California’s leadership in wildlife management.

B. *A Zonal Approach Permitting Bobcat Trapping Faces Substantial Legal and Practical Barriers to Proper Implementation.*

1. *The zonal approach is premised on an incomplete inventory of sites requiring protection under AB 1213.*

In its presentation to the Commission at the December 3, 2014 meeting, CDFW identified 34 properties occurring in the two trapping zones as requiring protection under AB 1213. Assuming the proposed regulations are based upon this list, such a list is incomplete, as it inexplicably leaves out 9 state game refuges, at least 9 state park properties, and 1 national monument that occur in the trapping zones. For the zonal approach to comply with AB 1213, it must include buffers for each of these areas as well.

Section 4155(b)(1) of the F&G Code requires the designation of no-trapping buffers around state and national parks, national monuments, and wildlife refuges in which trapping is currently prohibited. Sections 10820 to 10844 of the F&G Code delineate state game refuges. See [Exhibit A](#) for the CDFW map showing the location of each refuge; see also <http://www.dfg.ca.gov/wildlife/gamerefuges>. Nine of these refuges occur in the northern bobcat trapping zone. See [Exhibit B](#) for maps showing refuges in relation to trapping zones. Importantly, the F&G Code explicitly prohibits trapping in these areas. See F&G Code §§ 10500(a) (prohibiting take of any mammal) and (b) (prohibiting possession of any trap). Consequently, trapping is already prohibited within these refuges and they therefore fall under the ambit of section 4155(b)(1) of the F&G Code requiring buffers in the current rulemaking. Given the fact that 8 of these refuges are clustered in the eastern half of the northern trapping zone, and this area contains the

majority of parks also requiring buffers, we believe the easiest way to incorporate buffers for these properties would be to prohibit trapping east of Interstate 5. See Exhibit B.

In addition to stage refuges, CDFW's proposal leaves out at least 9 state park properties. Under section 5001.65 of the Public Resources Code, commercial exploitation of natural resources is prohibited in *all* state park properties, regardless of whether they contain the word "park" in their name. See also 14 Cal. Code Regs. §§ 4305(b) (prohibiting trapping on state park properties) and 4313 (prohibiting possession of traps on all state park properties). Moreover, section 5001.5 of the Public Resources Code explicitly applies all compatible statutory obligations applicable to state park properties to recreation areas in the state park system as well. Consequently, neither CDFW nor the Commission can rationally interpret the language of section 4155(b)(1) of the F&G Code to somehow exclude state recreation areas from the no-trapping buffer requirements. The state park properties that occur within the trapping zones that are not on CDFW's list are the following: Antelope Valley California Poppy Reserve, Castaic Lake SRA, Heber Dunes SVRA, Hungry Valley SVRA, Picacho SRA, Providence Mountains SRA, Salton Sea SRA, Silverwood Lake SRA and Wildwood Canyon. These are shown in Exhibit B. Additionally, at least 2 state park properties occur on the edge of the trapping zones and likely warrant buffers or modification of the trapping zone boundaries. These are Verdugo Mountain and Lake Oroville.²

Lastly, CDFW's proposal leaves out the recently designated San Gabriel Mountains National Monument. This monument of almost 350,000 acres was designated on October 10, 2014. Given the new monument is on the southern edge of the southern trapping zone, it would seem that the easiest way to protect this monument would be to move the southern edge of the trapping zone from the southern edge of the Transverse Ranges along Interstate 10 and 210 to the northern edge along Highways 247, 18 and 138. Doing so would also protect several state park properties in this area.

In sum, if the Commission is to adopt the zonal approach recommended by CDFW, it must establish buffers for all section 4155(b)(1) properties in those proposed zones, not just the 34 properties identified by CDFW.

2. The zonal approach requires extensive environmental review under the Commission's certified regulatory program and CEQA.

To the best of our knowledge, the Commission to date has failed to prepare any environmental documents concerning the implementation of AB 1213 pursuant to CEQA and the Commission's certified regulatory program (Cal. Code Regs. Tit. 14 § 781.5(a)(2)-(3)). CEQA is a comprehensive scheme designed to provide long-term protection to the environment and applies to discretionary projects to be carried out or approved by public agencies. Pub. Res. Code § 21001, § 21080(a). While actions that are entirely protective of the environment are largely exempt from CEQA's requirements, ones that result in adverse effects trigger CEQA review. *Mountain Lion Foundation v. Fish & Game Com.*, 16 Cal. 4th 105, 122 (1997) (Finding that protecting a species under the California Endangered Species Act ("CESA") is likely exempt from CEQA, but removing protections for a species triggers CEQA review requirements). Here, while a statewide trapping ban would not trigger CEQA, the zonal approach is clearly subject to CEQA.

² One of these properties, Providence Mountains SRA, is within the Mojave National Preserve. While the Preserve itself is subject to next year's rulemaking under section 4155(b)(2) of the F&G Code rather than this year's rulemaking, given that much or all of the Preserve must be designated as a buffer for the Providence Mountains state parks property, it would seem prudent for the Commission to designate a no-trapping zone in and around the Preserve this year so as to avoid a redundant designation next year.

California Fish & Game Commission
Re: Bobcat Trapping Regulations
January 29, 2015

Approval of the boundaries of areas that permit trapping is a discretionary action of the Commission that will cause both direct and indirect adverse physical changes to the environment, many of them potentially significant. In addition to their intrinsic value, bobcats are also predators of rodents and rabbits, and they are critical to the balance of the ecosystems they inhabit. The zonal approach is likely to result in the concentrated depletion of bobcats in the permitted trapping zones and directly affect the balance of other species' populations, including rodent populations. This may indirectly influence agricultural producers to use more harmful methods to combat rodents, including the use of toxic rodenticides that cause widespread suffering and death not just to rodents but to other animals which come into contact with the poisons. Any approval of the trapping zones in the absence of full CEQA compliance would be a prejudicial abuse of discretion on the part of the Commission.

The Commission must meet all CEQA requirements if it pursues the zonal approach. One such critical requirement is the Commission's mandate to strictly comply with its certified regulatory program, which qualifies as an exemption under CEQA from conducting an environmental impact report ("EIR"). Pub. Res. Code, § 21080.5(a); see *Mountain Lion Foundation v. Fish & Game Com.*, 16 Cal. 4th at 131 ("In order to claim the exemption from CEQA's EIR requirements, an agency must demonstrate strict compliance with its certified regulatory program"). The functional equivalent to the EIR, the Commission's certified regulatory program requires that the Commission produce an environmental proposal identifying reasonable alternatives and mitigation measures to minimize the significant adverse impacts of such a proposal and provide written responses to the comments from the public and other relevant agencies. 14 Cal. Code Regs. §781.5. Importantly, the Commission is legally bound to reject the zonal approach if there are "feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." 14 Cal. Code Regs. § 781.5(g). Here, it is clear that the statewide trapping ban is the feasible alternative because it completely avoids the adverse environmental impacts which are likely to result from the zonal approach and is, ultimately, the fiscally, legally, and ethically superior option in implementing AB 1213.

Additionally, if the Commission pursues the zonal approach over the statewide ban, it must, at a minimum, consider alternatives and mitigation measures to implement within the zonal scheme that would lessen impacts. Among the options that should be analyzed are individual trapper bag limits and overall take limits within each zone. Given such measures were recommended in the Governor's signing message to AB 1213, we do not see how the Commission could dismiss the consideration of such measures on the grounds that they are unreasonable or somehow infeasible.

Moreover, although the Commission's certified regulatory program is an exemption from producing an EIR, it does not function as a blanket exemption from CEQA and remains subject to the provisions of CEQA outside the scope of the exemption, including CEQA's broad policy goals and substantive standards. *POET, LLC v. State Resources Bd.*, 218 Cal. 4th 681 (2013); *City of Arcadia v. State Water Resources Control Bd.*, 135 Cal. 4th 1392, 1422 (2006). As these include the fundamental duties set forth in sections 2100 and 21002 of the Public Resources Code, the Commission will be required to justify the zonal approach based on economic and social conditions. As noted above, it is difficult for the Commission to justify the zonal approach against the superior economic and public appeal of the statewide ban on bobcat trapping. The environmental review process is complex and, ultimately, very costly, and we urge the Commission to save fiscal resources and the time required to undergo the environmental review by dismissing the zonal approach and adopting the statewide ban.

3. A zonal approach necessitates an exponentially higher license fee to cover the costs of the bobcat trapping program.

Current trapping license fees violate both preexisting provisions of the F&G Code and the additional requirements of AB 1213 because they do not sufficiently cover the administration, implementation and enforcement costs of the state's existing commercial fur trapping program. Adoption of a zonal approach to bobcat trapping rather than a statewide ban will result in substantially greater costs of the trapping program and, consequently, much higher license fees. Raising the fees to cover these costs will likely result in license fees higher than many current trappers are willing to pay, and hence a reduction in the number of trapping licenses purchased. Consequently, estimating a lawful license fee based on the *current* number of trappers will probably result in a shortfall in revenues received via such fees, necessitating a further fee increase in the subsequent year to cover such shortfall. Even though the state has subsidized trappers' license fees until now, it is illegal and economically unfeasible for the Commission or CDFW to continue to do so.

Both sections 4006(c) and 4155(e) of the F&G Code require the Commission to set fees to fully recover the costs of both the Commission and CDFW for the administration, implementation and enforcement associated with the trapping of bobcats in the state. Further, section 4006(a) of the F&G Code sets a base level fee for trapping licenses and requires CDFW to increase that fee based on federal inflation statistics pursuant to section 713 of the F&G Code. As discussed in a previous letter from the Center to the Commission, dated May 22, 2014, the Commission and CDFW have clearly violated these provisions in past trapping seasons. For example, in the 2012-2013 season, the last year for which complete data is readily available, CDFW recouped only a total of \$80,755. Given that \$80,755 would not cover the cost of a single full-time employee of CDFW, we do not see how this amount could possibly comply with the requirements of sections 4006(c) and 4155(e) of the F&G Code. Further, in a letter from CDFW to Assemblymember Bloom, dated June 13, 2014, CDFW itself estimated that the implementation of AB 1213 would cost \$605,073 in the first year of implementation and \$341,737 in the subsequent year and thereafter, and that trapping license fees would need to be in excess of \$2,250—almost 20 times the cost of the actual trapping license fee of \$115.50—to recoup the costs of implementing and enforcing the provisions of the bobcat trapping program. Inexplicably, notwithstanding their acknowledgement of the scale of the necessary fee increase, and the legal requirement to impose such an increase, neither CDFW nor the Commission complied with these clear requirements of the F&G Code. The Commission and CDFW must implement the overdue license fee increase prior to the sale or issuance of any trapping licenses for the 2015-2016 trapping season.

In the event the Commission chooses the zonal approach, the costs of managing the trapping program will rise exponentially and require a dramatic increase in trapping license fees. As noted above, CDFW estimated that the cost for implementation of AB 1213 is \$605,073 in the first year of implementation and \$341,737 for each year thereafter. These cost estimates are based on the creation of 2.5 positions to develop the regulatory actions for the Commission and to enforce the no-trapping areas for bobcats. Importantly, these estimates are only for the *additional* costs of the trapping program resulting from AB 1213 and do not cover the *existing* costs of administering and enforcing the program. Given CDFW *already* expends substantial staff time and material resources issuing trapping licenses, holding trapper education courses, administering trapping license exams, distributing shipping tags and inspecting and marking pelts, preparing reports required for compliance with CITES, and investigating and prosecuting

violations of the trapping laws, we would expect the total cost of the current trapping program to likely exceed \$500,000 per year and possibly exceed \$1,000,000 per year.³

In addition to the costs of CDFW, both sections 4006(c) and 4155(e) of the F&G Code require the Commission's costs also be recovered via trapping license fees. We expect these to include a proportional share of the costs for each meeting of both the full Commission and the Wildlife Resources Committee in which bobcat trapping regulations are discussed, as well as the time expended by Commission staff and counsel. However, one of the most significant costs to the Commission is likely that entailed in complying with CEQA. As noted above, assuming the Commission adopts the zonal approach, it must prepare an analysis consistent with CEQA pursuant to its certified regulatory program. Given the need to analyze the impacts of bobcat trapping in the 2 broad regions opened for trapping under this scheme, various buffer boundaries for over 50 properties in the 2 zones, as well as alternatives and mitigation measures, we would expect this to be a rather resource-intensive process. We would expect the total costs of the Commission to easily exceed \$100,000 for this license year, and entail a comparable amount next year when the Commission carries out the rulemaking mandated by section 4155(b)(2) of the F&G Code.

Taken together, the total costs of a bobcat trapping program related to CDFW and the Commission, including the completion of mandated environmental reviews, likely amount to at least \$1 million dollars for the first year of implementation and over half a million dollars for each subsequent year. Given there are currently approximately 100 bobcat trappers, recovering these costs would require that a license for a bobcat trapper would be close to \$10,000 for the initial year of implementation and \$5,000 for each subsequent year—fees that are incomparable to the \$115 trapping license fee currently in place for the 2014-2015 season. Given such fees are likely to result in fewer trappers, yet the costs of the program would remain roughly the same, license fees would have to be increased in subsequent years to make up for the shortfall. It is hard to see how the Commission and CDFW could justify such a costly program in light of the budgetary and workload constraints acknowledged in section 710 of the F&G Code.

As noted above, section 710.7 of the F&G Code acknowledges that the CDFW continues to face “serious funding instability due to revenue declines from traditional user fees . . . and the addition of new and expanded program responsibilities”, which has directly led to the inadequate implementation of so many of the F&G Code's requirements. The astronomical cost of a continued bobcat trapping program coupled with the inability of both the trappers and state to afford the implementation of the zonal approach are compelling reasons to reject the zonal approach all together. If such a scheme itself cannot be practically funded and enforced, then it should not be implemented at all.

4. A zonal approach must be implemented in a manner that complies with several provisions of the F&G Code and CITES.

If the Commission adopts the zonal approach and allows bobcat trapping to continue in California, it must bring the program into compliance with several existing statutes. Unfortunately, there is no indication that CDFW has proposed or that the Commission is considering such necessary steps. Even prior to the

³ One of the difficulties in developing an accurate cost estimate for the existing trapping program is that CDFW apparently has no mechanisms in place to track its costs. In response to Public Record Act requests for such information, CDFW was unable to find any responsive documents. Notably, several years ago the fiscal analysis for the legislation creating section 4006(c) of the F&G Code estimated that carrying out an internal audit to determine how much CDFW spends on the trapping program would itself cost an additional \$50,000 to \$75,000, costs that would then have to be passed on to the trappers via license fee increases.

passage of AB 1213, the bobcat regulations were and remain at odds with the F&G Code. Section 703.3 of the F&G Code requires that CDFW and the Commission “use ecosystem-based management informed by credible science in all resource management decisions.” F&G Code § 703.3. Credible science is defined as the “best available scientific information” and recognizes the need for “adaptive management” which uses new information gathered through monitoring and evaluation to adjust management strategies and practices to meet conservation and management goals. F&G Code §§ 13.5, 33. Such management must maintain wildlife at “optimum levels,” “perpetuate native plants and all species of wildlife for their intrinsic and ecological values” and “provide for aesthetic, educational, and nonappropriative uses” of wildlife. F&G Code § 1755. Commercial bobcat trapping under the current regulations, lacking any ecosystem-based limits and based on a severely outdated population estimate, is not premised on “credible science” and thus fails to meet the standard for adaptive management. Moreover, as the trapping that occurred in the Joshua Tree area during the 2012-2013 season demonstrates, a single trapper can in short order deplete a local bobcat population such that the “aesthetic, educational, and nonappropriative uses” of residents and tourists are substantially impaired. If the Commission had complied with these requirements in its oversight of the bobcat trapping program, the specific mandates of AB 1213 would likely not have been necessary. In any event, in its implementation of AB 1213, the Commission must comply with the standards set out in sections 703.3 and 1755 of the F&G Code.⁴

Further, it is our understanding that, notwithstanding the Governor’s directive, CDFW has not carried out any population surveys, either at the statewide level or at the relevant scale necessary to ensure compliance with legal requirements. While we acknowledge that such surveys are expensive and CDFW lacks the resources to carry them out, given the lack of population surveys in the areas that may be opened to trapping, we do not see how the Commission can meet the “credible science” requirements of section 703.3 of the F&G Code or ensure protection of the “aesthetic, educational, and nonappropriative uses” of bobcats in any areas in which trapping is allowed. Absent such measures, the only lawful alternative would be a statewide trapping ban.

Similarly, when Governor Brown signed AB 1213 into law, he directed the Commission to consider setting trapping thresholds and tag limits for any trapping that is allowed. Carrying out these tasks would be one way to better ensure compliance with sections 703.3 and 1755 of the F&G Code. Such thresholds and bag limits would be particularly necessary should the Commission decide to pursue the zonal approach, resulting in increased concentration of trapping in specified zones. However, it appears CDFW has made no recommendations as to thresholds or bag limits. Any rulemaking by the Commission must account for these deficiencies.

Absent scientifically credible population studies of bobcats in any areas in which trapping is to be allowed, along with overall caps on take and individual bag limits per trapper, we do not see how any regulations which allow bobcat trapping would be consistent with the requirements of AB 1213, other provisions of the F&G Code, and the Governor's signing message. In the absence of such measures, the only lawful path for the Commission to take at this stage is a statewide ban on bobcat trapping.

⁴ In addition to being inconsistent with sections 703.3 and 1755 of the F&G Code, the existing regulations are internally contradictory. The first sentence of section 478 refers to subsection (c) when it logically should refer to subsection (d). Similarly, subsection (d) contains a reference to section 480, which is no longer in existence having been superseded by amendments to section 401.

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Separately, bobcats are listed under Appendix II of CITES. Federal regulations implementing United States treaty obligations require that all bobcat pelts be marked according to specific requirements to ensure they were legally caught and lawfully exported. *See* 50 C.F.R. § 23.69(e). According to CDFW emails, during the 2012-2013 trapping season, CDFW's bobcat tags did not meet federal requirements, rendering every bobcat exported from California to be in violation of federal law and United States treaty obligations. It is unclear whether tags in subsequent years were also issued in noncompliance with federal law and treaty requirements. Similar to the "credible science" mandates in the F&G Code, to ensure that any commercial take does not act to the detriment of an Appendix II species, CITES regulations also require that California submit a CITES furbearer activity report to the U.S. Management Authority by October 31 of each year. 50 C.F.R. § 23.69(b)(3). If the Commission were to implement and successfully enforce a statewide ban on bobcat trapping, California would not need to submit such harvest reports in the future.

Thank you for your consideration of these comments. We look forward to the Commission moving forward with a statewide ban on bobcat trapping at the Commission's meeting on February 12, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Su", followed by a horizontal line extending to the right.

Jean Su
Staff Attorney
Center for Biological Diversity
351 California Street, Suite 600
San Francisco, CA 94104
Phone: (415) 632-5339

California Fish & Game Commission
Re: Bobcat Trapping Regulations
January 29, 2015

Exhibit A

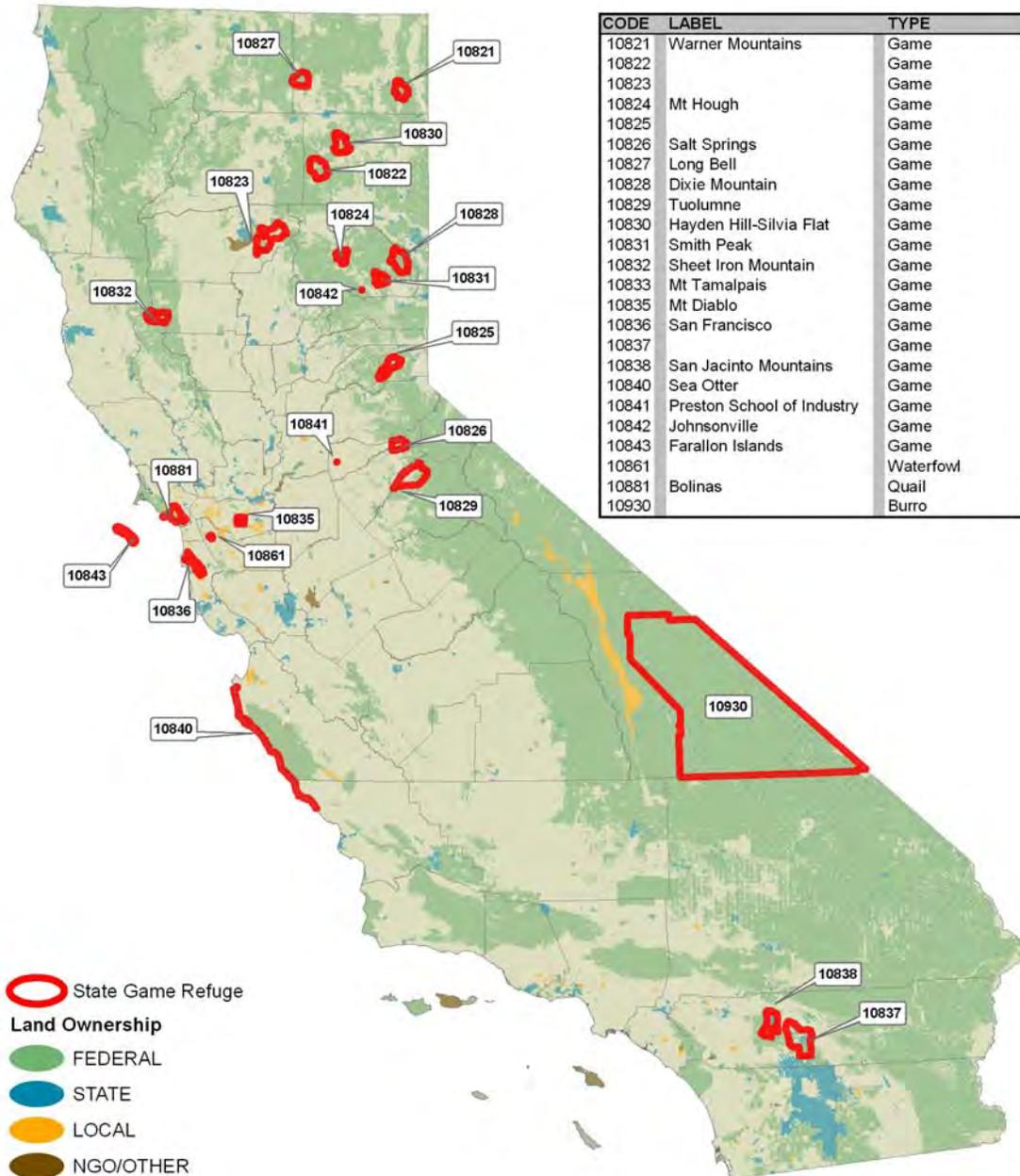
Appendix A. Maps of State Game Refuges in California

Note: All the individual refuge maps can be re-created by anyone by visiting the public data viewer and selecting desired map coverages:

<http://imaps.dfg.ca.gov/viewers/biospublic/app.asp>

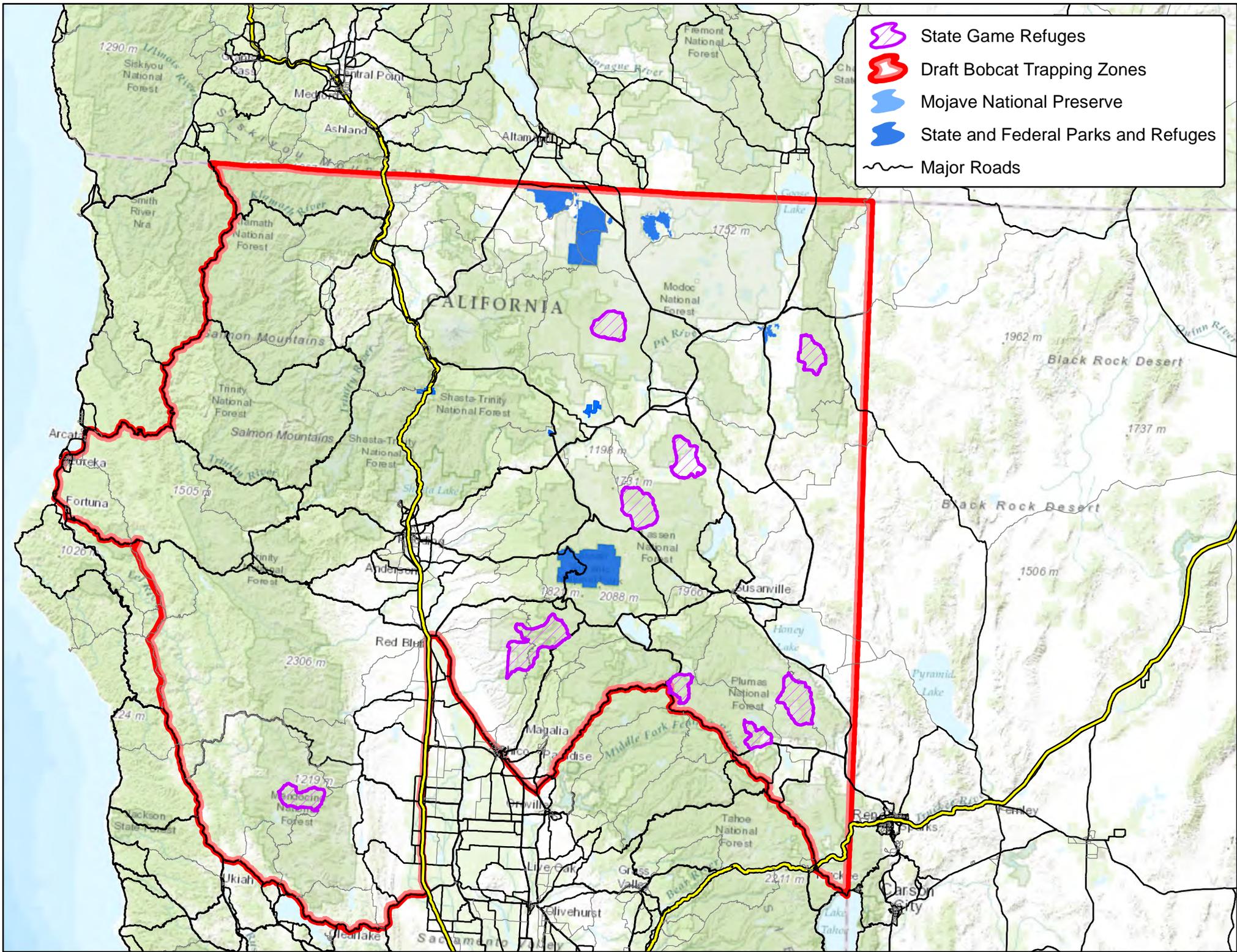
(Map below includes some refuges not in consideration by this report)

STATE GAME REFUGES

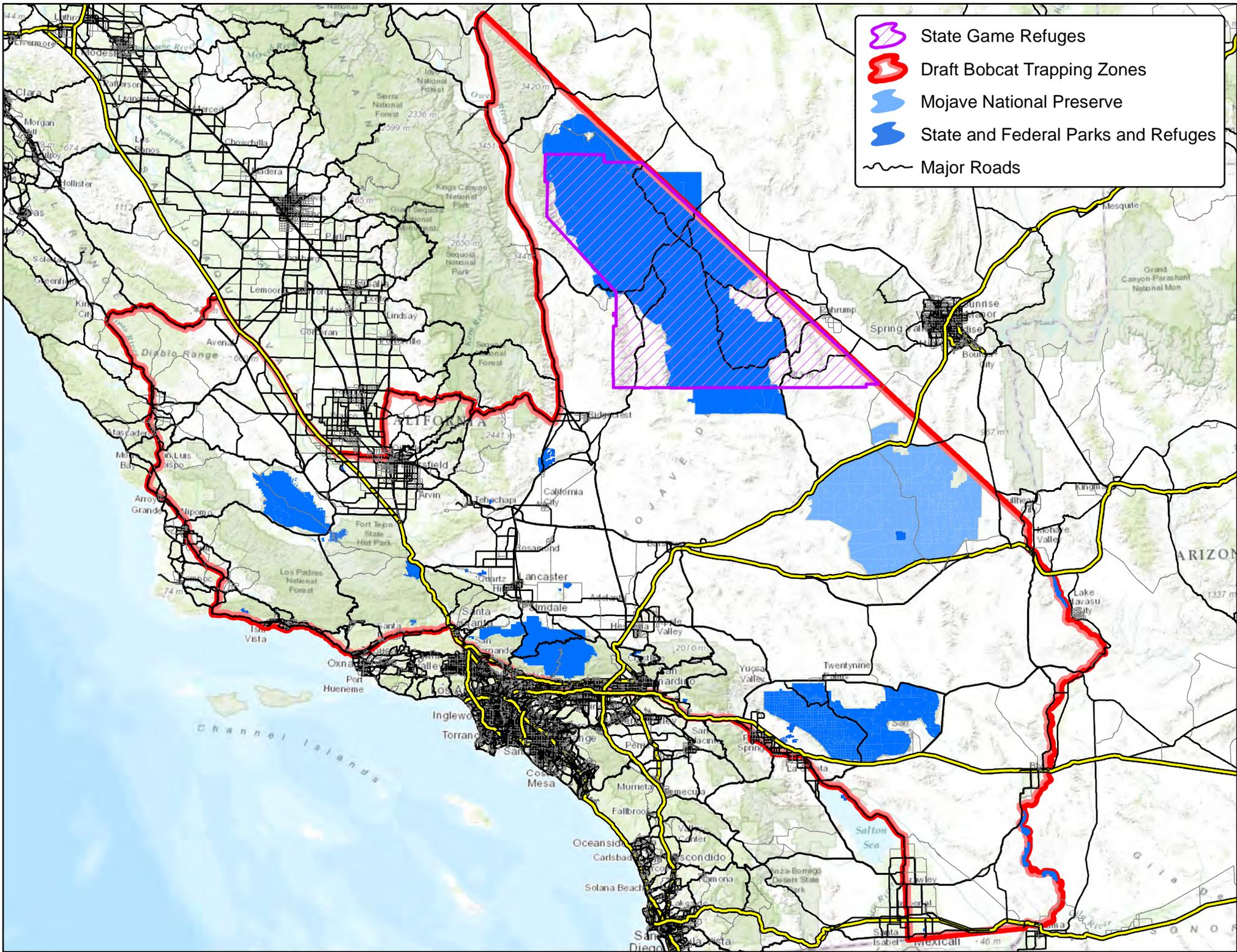


California Fish & Game Commission
Re: Bobcat Trapping Regulations
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Exhibit B



-  State Game Refuges
-  Draft Bobcat Trapping Zones
-  Mojave National Preserve
-  State and Federal Parks and Refuges
-  Major Roads



-  State Game Refuges
-  Draft Bobcat Trapping Zones
-  Mojave National Preserve
-  State and Federal Parks and Refuges
-  Major Roads



via electronic mail

November 26, 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

Re: December 3, 2014 Meeting; Item 14: Request For Authorization To Publish Notice Of Intent To Amend Bobcat Trapping Regulations (Pursuant To Section 4155, Fish And Game Code)

Director Mastrup and members of the Commission:

On behalf of the Center for Biological Diversity and its over 100,000 members and supporters in California, we provide these comments regarding the Fish and Game Commission's pending rulemaking to implement provisions of AB 1213, the Bobcat Protection Act of 2013. As explained below, we believe that the best option is a statewide ban on bobcat trapping. Doing so would be consistent with the legislative findings of AB 1213 and other provisions of the Fish and Game Code. However, in the event the Commission decides to adopt regulations that allow bobcat trapping in any portions of the state, any such regulation must be compliant with the mandates of not only AB 1213 but also the requirements of F&G Code §§ 703.3 and 1755, as well as the Governor's signing statement for AB 1213. Unfortunately, the proposal advanced by the Wildlife Resources Committee, which we assume will be the starting point for the Commission's rulemaking, fails to meet these standards.

Prior to the passage of AB 1213, the bobcat regulations were and remain at odds with existing law. Section 703.3 of the F&G Code requires that the Department of Fish and Wildlife and the Commission "use ecosystem-based management informed by credible science in all resource management decisions." F&G Code § 703.3. Such management must maintain wildlife at "optimum levels," "perpetuate native plants and all species of wildlife for their intrinsic and ecological values" and "provide for aesthetic, educational, and nonappropriative uses" of wildlife. F&G Code § 1755. Commercial bobcat trapping under the current regulations, lacking any ecosystem-based limits and based on a severely outdated population estimate, is not premised on "credible science." Moreover, as the trapping that occurred in the Joshua Tree area during the 2012-2013 season demonstrates, a single trapper can in short order deplete a local bobcat population such that the "aesthetic, educational, and nonappropriative uses" of residents and tourists are substantially impaired. If the Commission had complied with these requirements in its oversight of the bobcat trapping program, the specific mandates of AB 1213 would likely not have been necessary. In any event, in its implementation of AB 1213, the Commission must

comply with the standards set out in sections 703.3 and 1755.¹

Similarly, when Governor Brown signed AB 1213 into law he directed the Department to seek funding to carry out updated population surveys for bobcats, and to consider setting trapping thresholds and tag limits for any trapping that is allowed. Carrying out these tasks would be one way to better ensure compliance with sections 703.3 and 1755. Such thresholds and bag limits would be particularly necessary should the Commission decide to pursue regulations along the lines of the Wildlife Resources Committee's recommendation, resulting in increased concentration of trapping in specified zones. However, it appears the Wildlife Resources Committee made no recommendations as to thresholds or bag limits. Any rulemaking by the Commission must account for these deficiencies.

It is our understanding that, notwithstanding the Governor's directive, the Department has not carried out any population surveys, either at the statewide level or at the relevant scale necessary to ensure compliance with legal requirements. Given the lack of population surveys in the areas that may be opened to trapping, we do not see how the Commission can meet the "credible science" requirements of section 703.3 or ensure protection of the "aesthetic, educational, and nonappropriative uses" of bobcats in any areas in which trapping is allowed. Absent such measures, the only lawful alternative would be a statewide trapping ban.

As you are aware, AB 1213 contains two complementary directives regarding the setting of no-trapping buffer to protect parks and other special areas of the state. Section 4155(b)(1) requires the setting of no-trapping zones along the boundaries of national and state parks, monuments and refuges. This rulemaking must be completed no later than this spring so as to be effective for the 2015-2016 trapping season.² Subsection (b)(2) requires the Commission to subsequently carry out a rulemaking to address preserves, conservancies and additional public and private areas warranting protection from trapping. While AB 1213 therefore allows the Commission to split the rulemaking over two years, there is no requirement that it do so. In the event the Commission proceeds with regulations that allow trapping in any part of the state, it must address (b)(2) buffers in those areas as well.³

Absent scientifically credible population studies of bobcats in any areas in which trapping is to be allowed, along with overall caps on take and individual bag limits per trapper, we do not see how any regulations which allow bobcat trapping would be consistent with the requirements of AB 1213, other provisions of the Fish and Game Code, and the Governor's signing message. In the absence of such measures, the only lawful path for the Commission to take at this stage is a

¹ In addition to being inconsistent with F&G Code §§ 703.3 and 1755, the existing regulations are internally contradictory. The first sentence of section 478 refers to subsection (c) when it logically should refer to subsection (d). Similarly, subsection (d) contains a reference to section 480, which is no longer in existence having been superseded by amendments to section 401.

² Under the plain language of AB 1213, regulations establishing buffers should have been imposed prior to the 2014-2015 season, rather than being deferred to the 2015-2016 season.

³ Deferring the rulemaking an additional year will only increase the costs of the Commission and Department, including the costs of preparing a CEQA analysis of various alternatives. Given AB 1213 requires the Commission and Department to recover all costs of implementing any bobcat trapping program in the State, this will also result in increased costs of trapping licenses for subsequent years.

statewide ban on bobcat trapping. Such action is consistent with AB 1213 which explicitly recognizes the Commission's authority to adopt such a ban, as well as existing provisions of the F&G Code which prohibit take of non-game mammals absent specific regulations authorizing such take. F&G Code §§ 4155(f) & 4150.⁴

In addition to AB 1213's requirements that the Commission promulgate regulations setting all or portions of the state off-limits to bobcat trapping, the law also requires the Commission to set fees to fully recover the costs of both the Commission and the Department in administering, implementing, and enforcing the bobcat trapping program in California. F&G Code § 5155(e). This requirement is *in addition to* a provision of previously existing law, F&G Code § 4006(c), which requires such measures for *all* trapping in California. AB 1213 required these provisions be implemented for licenses issued for the 2014-2015 season. Notwithstanding this unambiguous mandate, the Commission and Department has failed to implement the cost-recovery provisions of both F&G Code §§ 5155(e) and 4006(c).

On May 22, 2014 the Center sent a letter to the Department and Commission regarding this violation of law. In subsequent meetings we were assured that the requirements of sections 5155(e) and 4006(c) would be addressed as part of the rulemaking to implement the trapping prohibition provisions of AB 1213. However, given that the Wildlife Resources Committee recommendations are silent on this subject, and the Commission's agenda does not otherwise address trapping license fee increases, we remain concerned that the Department and Commission will fail to comply with this clear legislative directive.

Lastly, as you are likely aware, bobcats are listed under Appendix II of the Convention on International Trade in Endangered Species (CITES). Federal regulations implementing United States treaty obligations require that all bobcat pelts be marked according to specific requirements to ensure they were legally caught and lawfully exported. *See* 50 C.F.R. § 23.69(e). According to Department emails, during the 2012-2013 trapping season, the Department's bobcat tags did not meet federal requirements, *rendering every bobcat exported from California to be in violation of federal law and United States treaty obligations*. It is unclear whether tags in subsequent years were also issued in noncompliance with federal law and treaty requirements. Moreover, in February of this year, the White House announced a major initiative to combat illegal wildlife trafficking, a part of which is improving global compliance with CITES obligations.⁵ It is an unfortunate irony that the Department and Commission's oversight of bobcat trapping and trade has been so lax that California itself has contributed to the problem rather than being part of the solution.⁶

⁴ Given the F&G Code prohibits take of nongame mammals absent regulations from the Commission authorizing such take, the easiest way for the Commission to effectuate a prohibition on bobcat trapping would be to simply strike those regulations authorizing bobcat trapping. Specifically, section 478 should be amended by striking subsection (a), (c)(2) and (d), and otherwise eliminating references to trapping in the provision. Additionally, references to trapping in section 478.1 should be eliminated while section 479 should be struck in its entirety.

⁵ *See* <http://www.whitehouse.gov/the-press-office/2014/02/11/fact-sheet-national-strategy-combating-wildlife-trafficking-commercial-b>.

⁶ The provisions of CITES are implemented in the United States via the Endangered Species Act (ESA). The ESA provides that suit can be filed in federal court against any violator (including responsible state officials) of CITES or regulations implementing CITES, even for a non-endangered animal such as the bobcat. *See* 16 U.S.C. §§ 1538(c) & 1540(g). The easiest way for California to remedy its CITES issues is to ban the trapping and trade of bobcats.

Thank you for your consideration of these comments. We look forward to the Commission moving forward with regulations that faithfully implement AB 1213 and other applicable provisions of law.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Cummings", written in a cursive style.

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



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

Charlton Bonham, Director
California Department of Fish and Wildlife Headquarters
1416 9th Street, 12th Floor
Sacramento, CA 95814
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.¹

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

¹ 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).²

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),³ 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

² 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.

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

\$80,755.⁴ 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.⁵ 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

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

⁵ 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.

SIGNATURE X _____	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

Expenditure Category	FY 2014-15	FY 2015-16	Funding
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

Positions	Classification	Function	Estimated Costs
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

California Fish & Game Commission
Re: Bobcat Trapping Regulations
July 22, 2015

Appendix II

Documents cited in this letter.

[See attached.]



January 12, 2015

To: Public Records Act Coordinator
Office of the General Counsel
Department of Fish and Wildlife
1416 Ninth Street, 12th Floor, Suite 1341
Sacramento, CA 95814
Telephone: (916) 654-3821
Facsimile: (916) 654-3805
PRACoordinator@wildlife.ca.gov

Re: California Public Records Act (CA Government Code § 6250 et seq.) Request for Documents Related to AB1213 Implementation

Pursuant to the California Public Records Act, CA Government Code § 6250 et seq., the Center for Biological Diversity requests the following information:

- 1) **All documents generated or received by the Department since January 1, 2014 related to the implementation of AB1213, the Bobcat Protection Act of 2013, including, but not limited to, documents related the development of regulations.**
- 2) **All documents related to the Department's tracking, calculating and accounting of its costs related to the administration of trapping licenses, including any documents related to compliance with and/or implementation of F&G Code §§ 4006(c) and 4155(e) since January 1, 2014.**

For the purposes of this request, the term "documents" includes, but is not limited to, any written material, electronic material, facsimile, e-mail, photograph, map, data, report, record, minutes, drawing, videotape, audiotape, note of telephone call or meeting, factual or legal analysis, and any and all correspondence and memoranda in any written form. **Such request specifically includes any maps and GIS data layers used to generate such maps in electronic format.**

Should the Department elect to withhold any documents, please explain under which provision this is justified as required by CA Government Code § 6255.

The Center would prefer to receive the documents in electronic format. Pursuant to CA Government Code § 6253(c) we expect a response from the Department within ten days of receipt of this request.

The Center respectfully reminds DFG that in addition to our request for the prompt release and transmittal of the documents identified above in electronic format, direct access to these documents should be immediate and without charges. "[P]ublic records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record." CA. Govt Code § 6253(a). Any fees "for a copy of a public record

would have no effect upon the public's right of access to and inspection of public records free of charge.” 85 Ops. Cal. Atty. Gen. 225, 229 (Cal. AG 2002).

The Center respectfully requests a fee waiver in this matter. The Center is a public interest organization seeking to protect native wildlife species and uphold the laws of the State of California. We believe that a fee waiver is consistent with the letter and spirit of the California Public Records Act. In the event the Department declines to grant a fee waiver, the case *North County Parents Organization v. Department of Education* (1994) 23 Cal. App. 4th 144, firmly establishes that agency copying fees may only cover the direct cost of duplication, and that direct costs do not include agency staff time associated with any task other than, “conceivably,” operating the copy machine. 23 Cal. App. 4th at 148.

If you have further questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Cummings', written in a cursive style.

Brendan Cummings
Senior Counsel
Center for Biological Diversity
P.O. Box 549
Joshua Tree, CA 92252
(760) 366-2232x304
bcummings@biologicaldiversity.org



OFFICE OF THE GOVERNOR

OCT 11 2013

To the Members of the California State Assembly:

I am signing Assembly Bill 1213.

This bill would prohibit commercial trapping of bobcats in areas adjacent to national and state parks, national monuments, or wildlife refuges in which trapping is currently prohibited. It would also require the Fish and Game Commission to consider whether to prohibit the trapping of bobcats in land adjacent to preserves, state conservancies, and any other public or private conservation area identified by the public for protection.

In order to ensure appropriate implementation of this Act, I am asking the Legislature to work with my Department to secure funding to survey our bobcat population. Based on this work, the Department and the Commission should consider setting population thresholds and bobcat trapping tag limitations in its upcoming rulemaking.

Sincerely,


Edmund G. Brown Jr.

Memorandum

2015 MAR 27 PM 2:07

Date: March 27, 2015

To: Sonke Mastrup
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

FOR


Subject: **Presentation for April 9, 2015 Fish and Game Commission (Commission)
Meeting re: Update on Bobcat Protection Act Implementing Regulations.**

The Department of Fish and Wildlife (Department) has developed our proposed recommendation for delineating the boundaries in which bobcat trapping would be prohibited consistent with Fish and Game Code §4155(a, b). The boundaries are based on readily identifiable features in accordance with the statute. Additionally, as directed by the Commission, we will include in the regulatory package the option for a statewide ban on bobcat trapping.

Department staff from several units continue our evaluation of alternative fee structures for recovering the Department's costs to implement the bobcat trapping program under Fish and Game Code §4155(e). The Department's fiscal analysis of AB 1213 estimated a total cost to the Department of \$605,073 in the FY 2014/15 and ongoing annual costs of \$341,767 beginning in the FY 2015/16 for enforcement personnel. Those estimates were based on the effort to delineate and enforce closure areas around over 280 state and national parks, national monuments and wildlife refuges in California. The Department recommends a larger network of closed zones that encompass the majority of parks and protected properties, with property-specific closures surrounding individual protected properties that fall within areas that remain open to bobcat trapping.

It is important to note that regardless of the option that the Commission selects there will be enforcement cost. The Department's recommended approach will certainly require enforcement staff to ensure compliance with closed zones and specific protected property restrictions. But, under the option for a statewide ban on bobcat trapping, enforcement costs do not drop to zero.

Part of the Department's ongoing analysis has included seeking input from wildlife officers with the most experience in enforcing existing trapping regulations in areas where bobcats are regularly trapped in the Northern and Central Enforcement Districts. Based on that input and other factors, it is reasonable to conclude that the prospect of banning bobcat trapping in California will still likely require at least a similar level of enforcement effort.

Sonke Mastrup, Executive Director
Fish and Game Commission
March 27, 2015
Page 2

This projected similar level of enforcement is mostly a function of market prices, which could motivate some trappers regardless of the option selected. Bobcat pelt prices are currently about \$600 per good quality pelt, with prices for excellent quality pelts increasing to \$1,200. Although down from the record prices during the 2014-15 season of about \$2,100, the Department expects these prices to continue to draw trapping interest. Because of the amount of money to be made, the following is expected to occur if bobcat trapping is banned outright:

- Unlawful trappers will transition to leg hold traps, which are difficult to find, requiring additional surveillance efforts by wildlife officers. These traps are considered by many to be inhumane, and are illegal for use in California.
- As with many other CalTIPs, many leads to successful cases come from law abiding hunters, anglers and trappers who are our eyes and ears in the field. Legitimate trappers recognize the behaviors of unlawful trappers better than anyone and have been the source of many good cases. Hence, removing legitimate trappers from the field will likely reduce potential reporting of illegal trapping behavior.
- The probability of bobcats taken with a hunting license and a recreational bobcat hunting tag and being sold on the black market may go up considerably and result in increased enforcement effort.
- Spotlighting for bobcats may increase.

Either under the property-specific closure option or under a total trapping ban enforcement effort is projected to remain substantial. Of course, enforcement effort is not the sole factor that should be used for the Commission's determination. But, the perspective of wildlife officers with substantial experience in the field enforcing existing bobcat trapping regulations has not been a major part of the discussion to date. Therefore, we prepared this summary memorandum and as the Commission desires, enforcement staff will be prepared to brief the Commission with a short PowerPoint presentation as part of the Bobcat Protection Act update (Item 29) on April 9, 2015.

Please contact Chief David Bess, Law Enforcement Division at (916) 654-3812 or David.Bess@wildlife.ca.gov if you have questions or need additional information.

ec: Department of Fish and Wildlife

Dan Yparraguirre, Deputy Director
Wildlife and Fisheries Division
Dan.Yparraguirre@wildlife.ca.gov

David Bess, Chief
Law Enforcement Division
David.Bess@wildlife.ca.gov

Sonke Mastrup, Executive Director
Fish and Game Commission
March 27, 2015
Page 3

Patrick Foy, Captain
Law Enforcement Division
Patrick.Foy@wildlife.ca.gov

Eric Loft, Chief
Wildlife Branch
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Eric.Loft@wildlife.ca.gov



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
FISH AND GAME COMMISSION
1416 Ninth Street
Sacramento, CA 95814

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director
SONKE MASTRUP, Executive Director



June 13, 2014

The Honorable Richard H. Bloom
Member of the Assembly, 50th District
California State Capitol, Suite 2179
Sacramento, CA 95814

Dear Assemblymember Bloom:

ASSEMBLY BILL 1213 (BOBCAT PROTECTION ACT OF 2013)

Thank you for your recent letter inquiring about the status of the California Department of Fish and Wildlife's (CDFW) and California Fish and Game Commission's (FGC) plans and efforts to implement the AB 1213 the Bobcat Protection Act of 2013. We have responded to your questions in the order you posed them.

1. *What measures have the Department and/or Commission taken to notify individuals holding trapping licenses for the 2013/14 season of this new provision?*

CDFW has posted information about the Joshua Tree National Park closure on its website: <http://www.dfg.ca.gov/wildlife/hunting/uplandgame/trappinginfo.html>. Individual communication with trappers regarding potential impacts to them from implementing the legislation and associated regulations continue to be provided through phone conversations and/or emails.

2. *What measures has the Department taken to enforce this provision of law?*

The various CDFW Law Enforcement Division squads located throughout the state have been educated about the requirements of this law and are enforcing it as part of regular patrol duties.

3. *What measures has the Department and/or Commission taken to come into compliance with these requirements?*

CDFW has completed a preliminary estimate (attached) regarding the scope of this effort and an estimate of the resources necessary to complete it. Given that this level of support is not currently available, CDFW is: 1) reassigning existing staff to develop maps of the potential closure areas; 2) updating harvest data to write the annual bobcat take report; and, 3) coordinating with FGC staff to develop an initial statement of reasons for regulations to fully implement the legislation.

4. *Will the setting of new trapping license fees for 2014/2015 be subject to a public process through Commission meetings or otherwise?*

Conserving California's Wildlife Since 1870

Yes. Outreach to constituents will take place this summer, including the September FGC Wildlife Resources Committee meeting. The public will have an opportunity to provide input at the FGC "notice" meeting currently scheduled for December 3, 2014. Public comments will be accepted in written form as well as public testimony at two subsequent FGC meetings. Final adoption of regulations is anticipated at the FGC's April 2015 meeting.

5. *What are the Department's estimated costs for administering, implementing and enforcing the trapping program, both overall and specifically as to bobcats?*

When AB 1213 was being considered by the legislature, CDFW estimated that it would cost an additional \$605,000 to administer, implement and enforce the provisions of the bill in its first year and \$342,000 annually thereafter, above and beyond its existing costs to administer, implement and enforce the overall trapping program.

6. *What are the Commission's estimated costs for administering and implementing the trapping program, both overall and specifically as to bobcats?*

Costs for administering and implementing the trapping program are primarily incurred through developing and amending regulations and through the appeals program. In general, this type of regulatory package is estimated to cost about \$10,000, future amendments needed to adjust or modify the program would cost in the range of \$5,000 to \$10,000, and individual permit or citation appeals cost on average \$3,000 - \$4,000 each for staff time and administrative hearing fees.

7. *How are the Department and Commission incorporating such costs into their calculations of the appropriate trapping license fee for 2014/2015?*

CDFW develops cost estimates that are based on cost recovery if fees are not specifically established in statute. These become fee proposals and are submitted to FGC for consideration. A preliminary analysis suggests that a trapping license would have to cost in excess of \$2,250 to cover CDFW program costs, well above the current \$111.00 license fee. These calculations do not include any costs incurred by FGC. Implementation of new fees will be included in the regulatory process expected to be completed and effective in 2015.

8. *On what schedule and by what process do the Department and Commission intend to implement these provisions of law and when do you anticipate there will be opportunities for public participation.*

Outreach to constituents will take place this summer, including the September FGC Wildlife Resources Committee meeting. The public will have an opportunity to

The Honorable Richard Bloom
Member of the Assembly
June 13, 2014
Page 3

provide input at an FGC "notice" meeting currently scheduled for December 3, 2014. Public comments will be accepted in written form as well as public testimony at two subsequent FGC meetings. Final adoption of regulations is anticipated at the FGC's April 2015 meeting.

Thank you for the opportunity to provide this information. If you have any further questions please contact Susan LaGrande, Deputy Director for Legislation at 916-653-5581 or at Susan.LaGrande@wildlife.ca.gov.

Sincerely,



Charlton H. Bonham, Director
California Department of Fish and Wildlife



Sonke Mastrup, Executive Director
California Fish and Game Commission

Enclosure

ec: Dan Yparraguirre, Deputy Director
CDFW Wildlife and Fisheries Division
Dan.yparraguirre@wildlife.ca.gov

Mike Carion, Deputy Director
CDFW Law Enforcement Division
Mike.carion@wildlife.ca.gov

Susan LaGrande, Deputy Director
CDFW Legislative Affairs Division
Susan.lagrande@wildlife.ca.gov

Eric Loft, Ph.D., Chief
CDFW Wildlife Branch
Eric.loft@wildlife.ca.gov

California Department of Fish and Wildlife
Fiscal impact associated with implementation AB 1213
The Bobcat Protection Act of 2013

The Wildlife Branch will incur costs 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 will require 0.5 Environmental Scientist to identify numerous protection zones and create regulations. It will 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 to enforce the no trapping zones for bobcats. The bill required that the Commission 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 2012-2013, 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

Expenditure Category	FY 2014-15	FY 2015-16	Funding
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

California Fish and Game Commission
Fiscal impact associated with AB 1213
The Bobcat Protection Act of 2013

The Fish and Game Commission (Commission) will also incur costs to develop and amend regulations as well to hear appeals for individual permits and citations. This type of regulatory package is estimated to cost approximately \$15,000 to \$20,000 (\$10,000 for initial development and \$5,000 to \$10,000 for amendments). Individual permits and citation appeals cost on average \$3,000 to \$4,000 each for staff time and administrative hearing fees.

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.

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One Time	263,306		Fish & Game Preservation Fund
Total Expenditures	605,073	341,767	Fish & Game Preservation Fund

Projected Costs by Classification

Positions	Classification	Function	Estimated Costs
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

From: [Meshriy, Matt@Wildlife](mailto:Meshriy.Matt@Wildlife)
To: [Gardner, Scott@Wildlife](mailto:Gardner,Scott@Wildlife) (Scott.Gardner@wildlife.ca.gov)
Subject: Bobcat program costs/fees
Date: Tuesday, February 17, 2015 10:50:00 AM
Attachments: [BobcatProgramCost&PermitFees_WB-MM.xlsx](#)

LicStats updated on page 3

Matt Meshriy
Environmental Scientist
Upland Game Program
California Department of Fish and Wildlife
Wildlife Branch
1812 9th Street
Sacramento CA 95811
916-322-6709

Items		2009	2010	2011
Trapping License	(R) (Recreational)	164	152	200
Trapping License	(NR) (Recreational)	4	4	5
Trapping License	(Junior) (Recreational)	1	2	3
Trapping License	(R) (Pest Control Only)	349	437	527
Trapping License	(NR) (Pest Control Only)	n/a	n/a	n/a
Trapping License	(Junior) (Pest Control Only)	n/a	n/a	n/a
Trapping License	(R) (Recreational/Pest Control)	n/a	n/a	n/a
Trapping License	(NR) (Recreational/Pest Control)	n/a	n/a	n/a
Trapping License	(Junior) (Recreational/Pest Control)	n/a	n/a	n/a
Table 1	total	518	595	735

Fees		2009	2010	2011
Trapping License	(R) (Recreational)	102.5	103.5	105.25
Trapping License	(NR) (Recreational)	513.5	518	526.75
Trapping License	(Junior) (Recreational)	34.5	34.75	35.25
Trapping License	(R) (Pest Control Only)	n/a	n/a	n/a
Trapping License	(NR) (Pest Control Only)	n/a	n/a	n/a
Trapping License	(Junior) (Pest Control Only)	n/a	n/a	n/a
Trapping License	(R) (Recreational/Pest Control)	n/a	n/a	n/a
Trapping License	(NR) (Recreational/Pest Control)	n/a	n/a	n/a
Table 2	Trapping License (Junior) (Recreational/Pest Control)	n/a	n/a	n/a

Revenue Statistics From LRB's website (02/17/2015 am)				
		2009	2010	2011
Trapping License	(R) (Recreational)	\$53,095.00	\$60,962.00	\$76,517.00
Trapping License	(NR) (Recreational)	\$2,054.00	\$2,072.00	\$2,634.00
Trapping License	(Junior) (Recreational)	\$35.00	\$70.00	\$106.00
Trapping License	(R) (Pest Control Only)	n/a	n/a	n/a

Trapping License	(NR) (Pest Control Only)	n/a	n/a	n/a
Trapping License	(Junior) (Pest Control Only)	n/a	n/a	n/a
Trapping License	(R) (Recreational/Pest Control)	n/a	n/a	n/a
Trapping License	(NR) (Recreational/Pest Control)	n/a	n/a	n/a
Trapping License	(Junior) (Recreational/Pest Control)	n/a	n/a	n/a

Revenue Statistics Calculated Using Table 1 and Table 2 above (02/17/11)

		2009	2010	2011
Trapping License	(R) (Recreational)	\$16,810.00	\$15,732.00	\$21,050.00
Trapping License	(NR) (Recreational)	\$1,054,729.00	\$1,073,296.00	\$1,387,459.50
Trapping License	(Junior) (Recreational)	\$1,207.50	\$2,432.50	\$3,736.50
Trapping License	(R) (Pest Control Only)	n/a	n/a	n/a
Trapping License	(NR) (Pest Control Only)	n/a	n/a	n/a
Trapping License	(Junior) (Pest Control Only)	n/a	n/a	n/a
Trapping License	(R) (Recreational/Pest Control)	n/a	n/a	n/a
Trapping License	(NR) (Recreational/Pest Control)	n/a	n/a	n/a
Trapping License	(Junior) (Recreational/Pest Control)	n/a	n/a	n/a

2012	2013	* 2014	5- year Av. 2009-2013
216	267	127	199.8
5	5	5	4.6
5	6	4	3.4
520	589	580	484.4
n/a	1	1	1
n/a	0	1	0
n/a	102	104	102
n/a	0	2	0
n/a	1	1	1
746	857	825	690.2

Notes

*2014 SEASON STILL ACTIVE (statistics 02/17/2015 am)

estimated

n/a NO DATA AVAILABLE

limited data available

2012	2013	2014	2015	See prev tab
108.25	111	112.25	113.75	115.62
541.75	556	562.50	570.00	570.00
36.25	37.25	37.75	38.25	38.88
n/a	111	112.25	113.75	
n/a	556	562.50	570.00	
n/a	37.25	37.75	38.25	
n/a	111	112.25	113.75	
n/a	556	562.50	570.00	
n/a	37.25	37.75	38.25	

2012	2013	*2014
\$80,755.00	\$16,983.00	\$14,256.00
\$2,709.00	\$2,780.00	\$2,813.00
\$181.00	\$224.00	\$151.00
\$65,379.00	\$65,105.00	

n/a	\$556.00	\$563.00
n/a	\$38.00	
n/a	\$11,322.00	\$11,674.00
n/a	n/a	\$1,125.00
n/a	\$37.00	\$38.00

2015 am)

	2012	2013	*2014
	\$23,382.00	\$29,637.00	\$14,255.75
	\$1,467,600.75	\$2,780.00	\$2,812.50
	\$6,561.25	\$223.50	\$151.00
n/a	\$65,379.00	\$65,105.00	
n/a	\$556.00	\$562.50	
n/a	\$0.00	\$37.75	
n/a	\$11,322.00	\$11,674.00	
n/a	\$0.00	\$1,125.00	
n/a	\$37.25	\$37.75	

From: [Duncan, Margaret@Wildlife](mailto:Duncan.Margaret@Wildlife)
To: [Gardner, Scott@Wildlife](mailto:Gardner.Scott@Wildlife); [Meshriy, Matt@Wildlife](mailto:Meshriy.Matt@Wildlife)
Subject: Bobcat Costs spreadsheet
Date: Friday, February 13, 2015 1:37:48 PM
Attachments: [BobcatProgramCost&PermitFees_WB.xlsx](#)

Hi Scott and Matt,

Here's the latest spreadsheet in case this helps you. The far right tab has the startup costs removed.

Have to run to a meeting now.

Margaret

RPSII - Regulations Unit Economist
1416 9th St., 13th floor
Sacramento, CA 95814
916 653-4676

Items		2010	2011	2012
Trapping License	(R) (Recreational)	589	727	746
Trapping License	(NR) (Recreational)	4	5	5
Trapping License	(Junior) (Recreational)	2	3	5
Trapping License	(R) (Pest Control Only)			
Trapping License	(NR) (Pest Control Only)			
Trapping License	(Junior) (Pest Control Only)			
Trapping License	(R) (Recreational/Pest Control)			
Trapping License	(NR) (Recreational/Pest Control)			
Trapping License	(Junior) (Recreational/Pest Control)			
ANNUAL Total		595	735	756
ANNUAL w/no PestControl		595	735	756

Fees		2010	2011	2012
Trapping License	(R) (Recreational)			
Trapping License	(NR) (Recreational)			
Trapping License	(Junior) (Recreational)			
Trapping License	(R) (Pest Control Only)			
Trapping License	(NR) (Pest Control Only)			
Trapping License	(Junior) (Pest Control Only)			
Trapping License	(R) (Recreational/Pest Control)			
Trapping License	(NR) (Recreational/Pest Control)			
Trapping License	(Junior) (Recreational/Pest Control)			

Commercial Trappers

Revenue		2010	2011	2012
Trapping License	(R) (Recreational)			
Trapping License	(NR) (Recreational)			
Trapping License	(Junior) (Recreational)			
Trapping License	(R) (Pest Control Only)			
Trapping License	(NR) (Pest Control Only)			
Trapping License	(Junior) (Pest Control Only)			
Trapping License	(R) (Recreational/Pest Control)			
Trapping License	(NR) (Recreational/Pest Control)			
Trapping License	(Junior) (Recreational/Pest Control)			

Commercial Trappers

2013	2014	
153	117	
5	5	
6	4	
589	572	
1	1	
0	1	
102	99	
0	2	
1	1	
857	802	749 5 year average
164	126	475

2013	2014	2015	See prev tab
	112.25	113.75	115.62
	562.50	570.00	570.00
	37.75	38.25	38.88

2013	2014
------	------

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON Margaret Duncan margaret.duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER 916 653-4676
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Section 478, Title 14, Re: Bobcat Protection Act			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input checked="" type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below): |

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

Fish and Game Commission2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- Below \$10 million
 Between \$10 and \$25 million
 Between \$25 and \$50 million
 Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: ~200Describe the types of businesses (Include nonprofits): Commercial Bobcat Trappers, Pest Control TrappersEnter the number or percentage of total businesses impacted that are small businesses: ~2004. Enter the number of businesses that will be created: 0 eliminated: 0Explain: The affected businesses are sole proprietor bobcat fur trade and pest control trappers over a 69 day bobcat trapping season.5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): proposed trapping closure areas are defined in the ISOR6. Enter the number of jobs created: 0 and eliminated: 0Describe the types of jobs or occupations impacted: bobcat fur trade trappers7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NOIf YES, explain briefly: Bobcat pelts will incur approximately \$70 more in per pelt costs via an increase in shipping tag fees and a new bobcat trapping validation.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**SAM Section 6601-6616

STD 399 (REV 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 60,000a. Initial costs for a small business: \$ 300 Annual ongoing costs: \$ 300 Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ 300 Annual ongoing costs: \$ 300 Years: _____d. Describe other economic costs that may occur: Increase in CITES shipping tag fee of approximately \$25 per tag.

10 tags per trapper = \$250 increase in costs

2. If multiple industries are impacted, enter the share of total costs for each industry: N/A

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements.

Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ N/A4. Will this regulation directly impact housing costs? YES NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? YES NOExplain the need for State regulation given the existence or absence of Federal regulations: State statute necessitates new regulations

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Resident health and welfare may be enhanced by increased chances of bobcat sightings in the wild and appreciation for their role in ecosystem function. The environment may benefit by the expansion of preserved areas.No impact on worker safety is anticipated.2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?Explain: Bobcat Protection Act of 2013, Fish and Game Code, section 4155.3. What are the total statewide benefits from this regulation over its lifetime? \$ N/A4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: N/A**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: Alternatives are a Partial Closure of the State to Bobcat Trapping and a complete Ban of Bobcat Trapping within the state unless for depredation.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ non-monetary Cost: \$ 400,000

Alternative 1: Benefit: \$ non-monetary Cost: \$ 300,000

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: The non-monetary benefits in the perception of enhanced ecosystem function are difficult to quantify.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? YES NO

*If YES, complete E2. and E3
If NO, skip to E4*

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____
Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

a. Implements the Federal mandate contained in _____

b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain Option 1 ongoing enforcement & administration costs will exceed current bobcat trapping program costs but with cost recovery from proposed fees. Option 2 costs expected to exceed current program costs, along with less license and tag sales revenue than currently received.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

DATE

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE

From: [Bess, David@Wildlife](mailto:Bess.David@Wildlife)
To: [Mullen, Terry@Wildlife](mailto:Mullen.Terry@Wildlife)
Cc: [Halverson, Andrew@Wildlife](mailto:Halverson.Andrew@Wildlife)
Subject: Re: Bobcat costs
Date: Thursday, March 26, 2015 6:24:43 AM

Thanks!

Sent from my iPhone
David Bess
Chief / Deputy Director
Law Enforcement Division
Department of Fish and Wildlife
(916) 654-3812

On Mar 26, 2015, at 4:54 AM, "Mullen, Terry@Wildlife"
<Terry.Mullen@wildlife.ca.gov> wrote:

Chief Bess,
Trappers and adjacent game wardens in my area have reported a significant reduction in the "take" of bobcats.
The "take" of bobcats (by trapping) a couple years ago averaged about 60 and the top trapper trapped over 110 bobcats.
This year's reported ("word of mouth") average take was approximately 15-20 bobcats.
The effects of the drought are evident in my area; small rodents, rabbits, birds and snakes are noticeably absent (very few road kills as well).
The reduction of this food source affected the apex predators such as bobcats, gray fox, coyotes.
Calls for service reference "bobcat depredation/nuisance" have increased as well i.e., "bobcat eating cat food on back porch", "bobcat in garage" and bobcat attacked my cat".
Since the food source is scarce in the wild, the bobcats moved down into residential areas, away from the bobcat trappers usual and historic trap sites. (trappers typically return year after year to the same trap site).
Oil prices are down nearly 50% and since bobcat fur prices are primarily governed by oil prices (subsidies in Russia, etc.) some trappers have elected to freeze their hides until next year and await higher fur/oil prices.
Hope this helps
Terry

From: Bess, David@Wildlife
Sent: Wednesday, March 25, 2015 12:32 PM
To: Baker, John@Wildlife; Mullen, Terry@Wildlife
Subject: FW: Bobcat costs

Terry,

Can you offer you anything to this?

David Bess
Chief / Deputy Director
Law Enforcement Division
California Department of Fish and Wildlife
(916) 654-3812

From: Yparraguirre, Dan@Wildlife
Sent: Wednesday, March 25, 2015 11:52 AM
To: Bess, David@Wildlife
Subject: Fwd: Bobcat costs

Can Terry offer an explanation?

Sent from remote. Please excuse typos

Begin forwarded message:

From: "Loft, Eric@Wildlife" <Eric.Loft@wildlife.ca.gov>
Date: March 25, 2015 at 10:47:29 AM PDT
To: "Straw, Tony@Wildlife" <Tony.Straw@wildlife.ca.gov>, "Martz, Craig@Wildlife" <Craig.Martz@wildlife.ca.gov>, "Gardner, Scott@Wildlife" <Scott.Gardner@wildlife.ca.gov>, "Stowers, Craig@Wildlife" <Craig.Stowers@wildlife.ca.gov>
Cc: "Yparraguirre, Dan@Wildlife" <Dan.Yparraguirre@wildlife.ca.gov>, "Bess, David@Wildlife" <David.Bess@wildlife.ca.gov>, "Griffith, Roy@Wildlife" <Roy.Griffith@wildlife.ca.gov>, "Foy, Patrick@Wildlife" <Patrick.Foy@wildlife.ca.gov>, "Randall, Mike@Wildlife" <Mike.Randall@wildlife.ca.gov>, "Duncan, Margaret@Wildlife" <Margaret.Duncan@wildlife.ca.gov>, "Goedde, Nathan@Wildlife" <Nathan.Goedde@wildlife.ca.gov>, "Underwood, Glenn@Wildlife" <Glenn.Underwood@wildlife.ca.gov>, "Melchiorre, Maria@Wildlife" <Maria.Melchiorre@wildlife.ca.gov>, "Sivak, Damian@Wildlife" <Damian.Sivak@wildlife.ca.gov>
Subject: RE: Bobcat costs

That is an interesting change for us to pay attention to- and mention I bet.
Thanks.

From: Straw, Tony@Wildlife
Sent: Wednesday, March 25, 2015 10:23 AM

To: Martz, Craig@Wildlife; Gardner, Scott@Wildlife; Loft, Eric@Wildlife; Stowers, Craig@Wildlife
Cc: Yparraguirre, Dan@Wildlife; Bess, David@Wildlife; Griffith, Roy@Wildlife; Foy, Patrick@Wildlife; Randall, Mike@Wildlife; Duncan, Margaret@Wildlife; Goedde, Nathan@Wildlife; Underwood, Glenn@Wildlife; Melchiorre, Maria@Wildlife; Sivak, Damian@Wildlife
Subject: RE: Bobcat costs

Just wanted to note that we issued just over 800 pelt tags in the 2014 season – not sure why such a significant drop from the 1400+ in 2013.

From: Martz, Craig@Wildlife
Sent: Wednesday, March 25, 2015 9:35 AM
To: Gardner, Scott@Wildlife; Loft, Eric@Wildlife; Stowers, Craig@Wildlife
Cc: Yparraguirre, Dan@Wildlife; Bess, David@Wildlife; Griffith, Roy@Wildlife; Foy, Patrick@Wildlife; Randall, Mike@Wildlife; Duncan, Margaret@Wildlife; Goedde, Nathan@Wildlife; Underwood, Glenn@Wildlife; Melchiorre, Maria@Wildlife; Straw, Tony@Wildlife; Sivak, Damian@Wildlife
Subject: RE: Bobcat costs

Thanks, Scott. Eric and Craig, please refer to the attached spreadsheets. The version I sent Scott yesterday was accurate in terms of the revised program costs, but the validation and shipping cost fees were for a previous version.

It occurs to me that we may not want to rely on current volumes of shipping tags (1500/year) and bobcat trappers (200) for our cost recovery estimate since we're closing approximately 60% of the state and fees are going up substantially. I prepared a separate analysis assuming a 20% reduction in participation (160 trappers) and shipping tag sales (1200/year). We could reduce the numbers further, but that would in turn result in higher fees. The fees in the attached spreadsheets are base fees; the 3% ALDS cost would need to be added to all of them.

Anyway, I think we should look at both program costs and fees pretty carefully. Whatever numbers we present we're going to have to live with. If we're not solid at this point, it may be better to simply focus on the LED presentation to get the concept across that we still have some fixed costs that don't go away under a total ban on bobcat trapping. Under that scenario we wouldn't present the cost analyses until the ISOR stage.

Let me know your thoughts.

Craig

From: Gardner, Scott@Wildlife
Sent: Tuesday, March 24, 2015 3:36 PM
To: Loft, Eric@Wildlife; Stowers, Craig@Wildlife
Cc: Martz, Craig@Wildlife

Subject: Bobcat costs

Eric - You need to see this spreadsheet that Craig M. put together and we helped populate. It is cost recovery for bobcat - with our costs all 25% or the state match for PR. Admittedly, this is difficult without better explanation and I only have a couple of minutes. The partial ban option includes trapping and hunting, the other option includes just hunting and Dan wanted a management plan under either scenario. We modeled some ideas after bears - could do genetic hair snares as an overall population monitoring for either option and then more intensive monitoring like currently in Bishop with trapping.

Really wish I could explain in person! This stuff all needs to get to the Commission by Thursday. Is this off base and where, we can try to fix...
Thanks!

From: Gardner_Scott@Wildlife
To: Duncan_Margaret@Wildlife; Meshriy_Matt@Wildlife
Cc: Martz_Craig@Wildlife; Randall_Mike@Wildlife; Stowers_Craig@Wildlife; Lofl_Eric@Wildlife
Subject: RE: Bobcat Act Program Costs
Date: Thursday, March 19, 2015 3:12:29 PM
Attachments: [jimage001.png](#)

Hi Margaret

I would say these are the categories of cost associated with managing bobcat harvest:

- 1 – **Harvest Management Strategy** - Let's go with ½ of the ES time for a new Harvest Management Strategy and associated Environmental Document and keep the GIS analyst time.
- 2- **Jaw collection/Tooth analysis** = \$12,000 for 1,000 teeth/year.
- 3 – **Bobcat Harvest Assessment** - we already had the estimate for the bobcat harvest assessment that should stay in there.
- 4 – **Population Monitoring** = I would add \$160,000/yr to monitor bobcat populations in 2 areas where trapping occurs – this is a radio-telemetry based study that will allow us to understand movements and demographics of bobcats better in a harvested area – and similar to the stuff CBD wanted us to do during earlier drafts of the legislation.

Can you use the overall figure for the monitoring costs or do you need it broken down further? Estimating mileage is really in the weeds at this point and tough because we don't know where we would even do it yet. I think the overall cost is a defensible estimate based on previous studies we have done.

Every one of these activities can be in a PR Grant – 75% federal funds, 25% state = from trappers.

Let me know what else you need and thanks for your patience, Scott

From: Duncan_Margaret@Wildlife
Sent: Thursday, March 19, 2015 2:24 PM
To: Gardner_Scott@Wildlife; Meshriy_Matt@Wildlife
Cc: Martz_Craig@Wildlife; Randall_Mike@Wildlife
Subject: Bobcat Act Program Costs

Hi Scott,

As it stands the Management Plan totals to about \$71,000 annually (with no "amortization," over the next five years). We apply those costs only to the Zones option, and not for the Ban.

The Management Plan is missing the Jaw/tooth analysis. Do you have any figure for us to work with? Do you want to adjust the Management Plan hours down from one year down to a third?

Margaret

From: Gardner_Scott@Wildlife
Sent: Wednesday, March 18, 2015 4:03 PM
To: Duncan_Margaret@Wildlife; Meshriy_Matt@Wildlife
Cc: Martz_Craig@Wildlife; Randall_Mike@Wildlife
Subject: RE: Other state's Bobcat Management Plans

Thanks Margaret - I had this one in the works when I just saw yours, so cleared up some of my questions. Yes, I have jaw analysis info and can send to you. The only other thing I wonder now is should we include the bobcat study – which goes beyond trapping. If we keep this just to trapping related costs, then the management plan would not be as involved or take as much time.

I'm starting to think that the trapping related part of this would include:

Trapping plan – would not take a year just to deal with trapping
Jaw/tooth analysis – monitoring
Bobcat harvest assessment – harvest reporting
Enforcement

From: Duncan_Margaret@Wildlife
Sent: Wednesday, March 18, 2015 3:05 PM
To: Gardner_Scott@Wildlife; Meshriy_Matt@Wildlife
Cc: Martz_Craig@Wildlife; Randall_Mike@Wildlife
Subject: RE: Other state's Bobcat Management Plans

Hi Scott and Matt,

We are assuming that the Bobcat Management Plan would not be pursued under a full ban of bobcat trapping. Does that sound right to you also? Is there any more info on the costs of "jaw collection and analysis?"

Thanks,

Margaret

From: Duncan_Margaret@Wildlife
Sent: Monday, March 16, 2015 4:17 PM
To: Gardner_Scott@Wildlife; Meshriy_Matt@Wildlife
Cc: Martz_Craig@Wildlife; Randall_Mike@Wildlife
Subject: RE: Other state's Bobcat Management Plans

Hi Scott,

I plugged in your cost estimates. Does it look about right? Vehicle costs are not itemized out. Does the \$40,000 for bobcat population monitoring include operations capital outlay? Would we spend the same on a bobcat management plan under a Full Ban of bobcat trapping? ~ Margaret

Bobcat Management Plan/ED – 1 year of ES time, 1 month GIS analyst, 4 months sci aid
Monitoring bobcat populations locally intensively in 2 areas of the state per year - \$160,000/yr

(\$40,000 or 25% from the state to match with PR).
Jaw collection and analysis \$_____



From: Duncan, Margaret@Wildlife
Sent: Friday, March 13, 2015 4:02 PM
To: Gardner, Scott@Wildlife; Meshriy, Matt@Wildlife
Cc: Martz, Craig@Wildlife; Randall, Mike@Wildlife
Subject: RE: Other state's Bobcat Management Plans

Hi Scott,

Thanks for the start! I was wondering how much of the harvest report personnel time would also be considered work towards the Management Plan? Also, would the monitoring of bobcat populations include vehicle and mileage costs?

Looks like we are getting close to a budget!

Have a great weekend, Margaret

From: Gardner, Scott@Wildlife
Sent: Friday, March 13, 2015 3:53 PM
To: Duncan, Margaret@Wildlife; Meshriy, Matt@Wildlife
Cc: Martz, Craig@Wildlife; Randall, Mike@Wildlife
Subject: RE: Other state's Bobcat Management Plans

Hi Margaret – Has it been a week, sorry, but here are some ideas for costs, please everyone help us think through this...

Bobcat Harvest Assessment Report – we already provided this information

Bobcat Management Plan/ED – 1 year of ES time, 1 month GIS analyst, 4 months sci aid - then 25% of those costs come from the state to match with PR – need figures from budgets

Bobcat Harvest Assessment Monitoring – Jaw collection and analysis (sorry, but we have questions out to some other folks to get this info – hopefully on Monday).

- Monitoring bobcat populations locally intensively in 2 areas of the state per year - \$160,000/yr (\$40,000 or 25% from the state to match with PR).

It's a start and hopefully we can reason through this early next week to get it done.

Thanks, Scott

From: [Foy, Patrick@Wildlife](mailto:Foy.Patrick@Wildlife)
To: [Bess, David@Wildlife](mailto:Bess.David@Wildlife)
Cc: [Griffith, Roy@Wildlife](mailto:Griffith.Roy@Wildlife)
Subject: RE: Bobcat enforcement effort - Wdn. Mullen
Date: Tuesday, March 10, 2015 8:45:07 AM

Dan Yp's analysis as he explained in our meeting last week was consistent with what we have been saying. Enforcement effort between statewide trapping today, a partial ban, and a whole ban will not be much, if any difference. He recognizes the need to deliver the message and prove the enforcement predictions on paper. Having Mullen's independent assessment be consistent with Buckler's will help. We all realize it will take a good write up and effective delivery and is likely to be challenged. -Patrick

From: Bess, David@Wildlife
Sent: Monday, March 09, 2015 5:44 PM
To: Foy, Patrick@Wildlife
Cc: Griffith, Roy@Wildlife
Subject: Re: Bobcat enforcement effort - Wdn. Mullen

How do you see that analysis playing out in the EIS? How does that compute with Dan Yp's thoughts on the economic analysis of a total ban versus a partial band?

Sent from my iPhone
David Bess
Chief / Deputy Director
Law Enforcement Division
Department of Fish and Wildlife
(916) 654-3812

On Mar 9, 2015, at 5:39 PM, "Foy, Patrick@Wildlife" <Patrick.Foy@wildlife.ca.gov> wrote:

The most interesting takeaway is how similar their predictions were. What surprised me with my conversation with Terry was that he anticipated an increase in patrol effort with an all out ban. Nick projected the same amount of patrol effort for the first few years and then a decline thereafter.

Terry had a better grasp on the economics and why they are a driving force in bobcat trapping.

Sent from my iPhone
Capt. Patrick Foy
916-508-7095

On Mar 9, 2015, at 16:44, Bess, David@Wildlife <David.Bess@wildlife.ca.gov> wrote:

Pat,

If you compare and contrast the NED input and the CED input where is the difference or varying opinions between Nick and Terry?

Sent from my iPhone
David Bess
Chief / Deputy Director
Law Enforcement Division
Department of Fish and Wildlife
(916) 654-3812

On Mar 9, 2015, at 4:26 PM, "Griffith, Roy@Wildlife"
<Roy.Griffith@wildlife.ca.gov> wrote:

Chief,

See below... Captain Foy prepared a brief for you on input from the field regarding the potential impacts on LED with Bobcat take restrictions.

Roy

From: Foy, Patrick@Wildlife
Sent: Monday, March 09, 2015 11:18 AM
To: Griffith, Roy@Wildlife
Subject: Bobcat enforcement effort - Wdn. Mullen

Per Chief Bess' request, I had a conversation with Lake Isabella Wdn. Terry Mullen who provided input to help quantify enforcement effort of bobcat trapping as is compared to a partial ban or a total ban.

According to Mullen, the prospect of banning trapping in California will create at least the same amount of enforcement effort, if not more than with no ban in place. Pelt prices are running around \$600 per good quality pelt, with prices for excellent quality pelts going up to \$1,200 and the record price of the 2014-15 season of \$2,100. Because of the amount of money to be made several things will likely happen if bobcat trapping is banned outright:

1. Legitimate trappers will fade away or work in other states.
2. All trapping will transition to leg hold traps, which are very difficult to find, considered by many to be cruel and inhumane, and have been illegal for use in California for many years.
3. There are a number of out-of-state trappers and in-state illicit trappers who are waiting for the ban to go into effect because they know they will leg hold trap with much less competition and there will be no other formerly legitimate trappers out there who can gain the information on their activity to turn them into the local warden. As with many other CalTIPs, we get many leads to successful cases from legitimate hunters and anglers who are our eyes and ears in the field. Legitimate trappers recognize the behaviors of illegitimate trappers better than anyone and have been the source of many good cases.
4. Leg hold traps are very hard to find. Wdn. Mullen, who has as much experience working trappers as any California warden, has stood next to a leg hold trap and not seen it because of how discreetly it was hidden. The trapper demonstrated it to him by purposefully stepping his boot heel into it.
5. Illegitimate trappers will no longer fill out CITES tags and will no longer meet with the warden
6. Illegitimate trappers will likely launder their illegally taken California bobcats through accomplices in other states.
7. Probability of bobcats taken with a hunting license and a recreational bobcat hunting tag and being sold on the black market will go up considerably.
8. Spotlighting bobcats will likely increase.

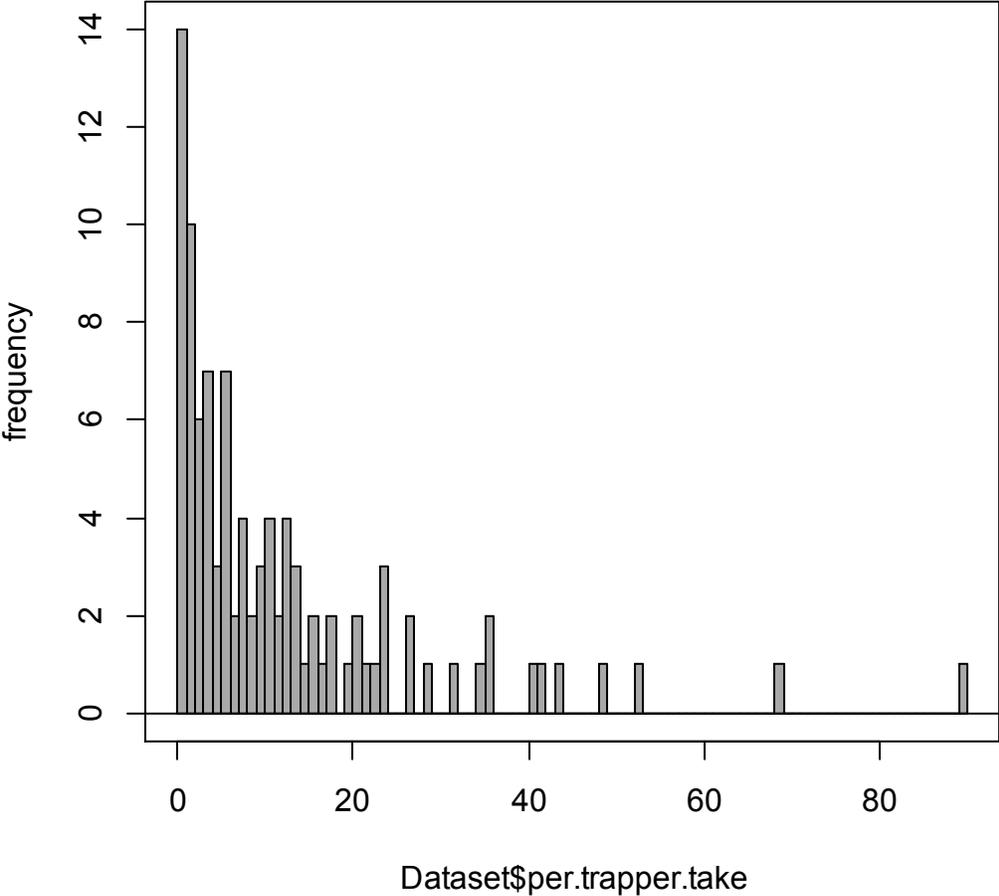
Warden Mullen has a Powerpoint presentation he would be happy to come up and present to whoever Chief thinks is appropriate.

Enforcement effort of a partial ban will likely result in no significant change in enforcement either, for above stated reasons. Wdn. Mullen stated many of the same predictions as Wdn. Nick Buckler who is one of LED's other bobcat enforcement experts, except for his prediction that his

bobcat trapping enforcement effort would actually increase as a result of a ban, and not decrease over time, as we previously predicted.

Patrick Foy
Captain, Law Enforcement Division
California Department of Fish and Wildlife
1416 9th St. Room 1342-C
Sacramento, CA 95814
Office: 916-651-6692
Cell: 916-508-7095

Trapper take of bobcat 2013-2014



Observations: 99
Mean: 12.939
SD: 15.36

per
trapper
take

2	2	2
11	11	24
1	1	6
14	14	8
1	23	4
4	9	4
3	44	6
17	16	4
1	6	12
1	2	11
14	1	9
4	0	18
4	10	7
15	1	8
24	3	10
5	13	2
13	5	42
27	13	11
2	6	10
21	13	1
1	1	3
2	7	1
4	27	3
22	35	1
2	6	3
16	6	3
1	18	1
6	29	21
12	53	32
5	90	20
8	8	69
36	2	41
2	36	24
49	11	
14		

CALIFORNIA TRAPPERS ASSOCIATION

907 Homes flat road Redcrest, Ca. 95569 (707)722-4259



January 26, 2015

Mr. Sonke Mastrup, Executive Director
California Fish and Game Commission
1416 9th Street, Ste. 1320
Sacramento, CA 95814

Mr. Charlton Bonham, Director
California Department of Fish and Wildlife
1416 9th Street, 12th Floor
Sacramento, CA 95814

RE: Agenda Item 29 for the February 11-12, 2015 Fish and Game Commission Meeting Concerning Proposed Changes to Bobcat Trapping Regulations

Position: Oppose

Dear Mr. Mastrup and Mr. Bonham:

When AB 1213 (Chapter 748, Statutes of 2013) was signed into law on October 11, 2013, the Governor's signing message for this bill stated:

"In order to ensure appropriate implementation of this Act, I am asking the Legislature to work with my Department to secure funding to survey our bobcat population. Based on this work, the Department and the Commission should consider setting population thresholds and bobcat tag limitations in its upcoming rulemaking."

This task requested by the Governor for the Legislature and the Department to perform in order to assure appropriate implementation of AB 1213 has not been completed. Accordingly, for the Commission to proceed with the development of AB 1213 regulations is considered premature as the Commission does not have adequate information upon which to base rational and informed implementing regulations. Until there is funding for the survey and receipt of the data the survey would yield, as asked for by the Governor, it is believed the Commission should not proceed to adopt regulations.

The author of AB 1213, as Chair of the Assembly Budget Subcommittee #3 (Resources and Transportation), is in a unique position to assist in meeting the requirements of the Governor's message. Has the Department been working with the Chair in fulfilling the Governor's request?

AB 1213 requires the Commission to delineate the boundaries of an area in which bobcat trapping is prohibited using readily identifiable features [Fish & Game Code Section 4155 (b) (3)]. Although the legislation did provide some examples of such features, it did not specifically define what the term actually means for purposes of section 4155, nor did it specify what "readily identifiable" means for the purposes of implementation.

Yet, the Department of Fish and Wildlife, without the requested survey and its results has proposed that there be only two areas of the state where bobcat trapping would be allowed and that buffer zones around the boundaries of places within them, where bobcat trapping is prohibited by AB 1213, be defined by using only the highways and other major roads and landmarks it has specified.

This would result in vast closure areas far exceeding the boundaries of places where bobcat trapping is statutorily prohibited.

In effect, the DFW proposed restrictions would irrationally ban bobcat trapping in all or most of the state. This was proposed before the legislature and rejected for inclusion in AB 1213. It is not the intent of the legislation that bobcat trapping be banned statewide.

The statewide ban that has been proposed by a commissioner for the Commission's consideration would also be contrary to the intent of the legislature in enacting AB 1213.

Furthermore, the boundaries based on the roads specified in the Department's proposal would often divide current bobcat trapping in "high value" areas in two, making it lawful to trap on one side of a road but not the other. The result would be that the trappers who traditionally trap in the high value area on the side of the road that would be prohibited by the Department's proposal would begin trapping on the other side where a saturation of trappers already exists. The result would be an undesirable increase in the number of trappers crowding into a single area where trapping is allowed in the high value area.

This could also result in an over-population of bobcats on the side of the road where there is no trapping. Over-population could result in the crowding of bobcats in the high value non-trapping habitat and too much pressure there on bobcat prey species, thus possibly resulting in an unhealthy bobcat population in the no trapping zone.

The Department's proposal does not seem to address any of these or other wildlife management concerns. In fact, it seems to address non-wildlife management issues such as political pressures, ease of enforcement and convenience for administrators.

For example, how would enforcement be handled? If a trapper is trapping foxes on the bobcat trapping prohibited side of a road and bobcats trapping on the other side where it is legal, would the trapper be cited if he or she drove their vehicle with bobcat traps in it across the road to check on their fox traps?

The concerns expressed in this letter relative to roads also apply to high value counties where the Department's proposal would not allow bobcat trapping.

The bobcat trapping areas proposed in the Department's proposal would prohibit bobcat trapping in many areas where bobcat trapping currently exists. Except for the areas expressly prohibited by AB 1213, trapping should be allowed statewide.

Pending the results of the survey asked for by the Governor, establishing a buffer zone around prohibited areas and/or using the GPS system would solve all of the ease of administration issues that are reflected in the Department's proposed closure of vast areas of the state where bobcat trapping currently occurs. Sportsmen should not be punished by the Commission's regulations for the convenience of the Department's administration of AB 1213.

Accordingly, the current proposal from the Department, and the commissioner-proposed statewide ban addendum to it, are strongly opposed.

A far better approach would be to establish GPS waypoints to delineate prohibited area boundaries or to establish a buffer zone of a given distance around prohibited areas.

GPS navigation:

- It has been successfully used to identify boundaries, locations, and other geographic features for years.
- It is the most accurate and widely used means of navigation available to the public.
- The Commission has a precedent of using GPS waypoints to define the boundaries of Marine Protected Areas.
- Given its history, it would be inconsistent for the Commission to now fail to adopt the use of GPS technology for establishing the boundaries of the bobcat trapping prohibited areas.
- GPS navigation uses waypoints based on latitude and longitude, and it makes no difference whether such waypoints are located on land or water.
- A system not based on GPS waypoints, particularly the use of imprecisely identified landmarks (i.e. – a mountain peak), is less accurate and can lead to persons unintentionally being in prohibited places.

The Commission is urged to establish boundaries that employ use of GPS waypoints or a buffer zone of a specified distance away from the boundaries of no bobcat trapping areas.

The method proposed by the Department would be excessively broad in scope and would needlessly ban bobcat trapping in too many areas. Until the survey is funded and completed, neither the Department's proposal nor a statewide ban should be adopted.

We respectfully submit these recommendations for your consideration. Should you have any questions, please contact our legislative advocate, Kathryn Lynch, at (916) 443-0202 or lynch@lynchlobby.com.

Sincerely,



Mercer Lawing
Director, California Trappers Association

cc: California Fish and Game Commission
Governor Edmund G. Brown, Jr.
Ms. Kathryn Lynch, Legislative Advocate

California Trappers Association

Memorandum

Date: March 10, 2015

To: Eric Loft
Branch Chief
Wildlife and Lands Branch

From: Leslie MacNair 
Acting Regional Manager
Inland Deserts Region

Subject: Recommendations for Implementing the Bobcat Protection Act AB1213 – Inland Desert Region (R6)

Proposed Action

The Fish and Game Commission is considering new regulations for implementing the requirements of the Bobcat Protection Act of 2013 (Assembly Bill 1214, Fish and Game Code Section 4155) (See Appendix A). The regulation changes being considered are:

- 1) Prohibit bobcat harvest statewide
- 2) The development of two Bobcat Trapping Zones with buffers around 33 protected areas (e.g., national parks) found within the proposed Bobcat Trapping Zones.

Region 6 Recommendation

The Region 6 Wildlife Programs Branch (Region) believes that prohibiting bobcat harvest statewide is unwarranted based on harvest tag returns for bobcat hunting and trapping. With the removal of foothold trapping in November of 1998, bobcat harvest has declined well below previous levels which were considered sustainable at that time. The Region does recommend amending Fish and Game Code Section 478 (c) (2) (See Appendix B) from No limit to a specified bag limit (e.g. 20 animals) per trapping season Statewide to prevent over trapping of specific areas by commercial interests. If the Fish and Game Commission chooses to adopt the two Bobcat Trapping Zones, the Region recommends including all of Mono and Inyo Counties in the Southern Trapping Zone.

Zone Concept Discussion

If two Bobcat Trapping Zones for the State of California are created, the Region recommends the inclusion of the northern end of Mono County west of U.S. Highway 395 in the Southern Trapping Zone. Supporting evidence for doing so can be found in the Bobcat Closure Review maps provided on page 4 of the Implementing the Bobcat Protection Act Power Point. The maps indicate that at least as many bobcats, if not more, were harvested from Mono County as were harvested from several of the counties in the Northern Trapping Zone, including Shasta, Trinity, Tehama, Plumas, Humboldt and Mendocino Counties. Yet, all or portions of these counties appear to be included in the Northern Trapping Zone. Furthermore, the data in the "Local Landmark" field on the Bobcat Export Tag Reports elucidate all of Mono County and the western portions of Inyo County are popular bobcat harvest areas. Below are two alternatives we recommend for defining the Southern Bobcat Trapping Zone.

The Region would like bobcat trapping to continue in Inyo and Mono Counties because such removals may aid in the management of other wildlife species. For example, bobcats are a common predator of both adult and juvenile greater sage-grouse, a proposed threatened species under the federal Endangered Species Act, (Schroeder and Baydack 2001), and it may be necessary to manage bobcat populations when considering reintroductions of greater sage grouse. Translocations of greater sage-grouse for augmentations or reintroductions have been identified as potential conservation actions in the Bi-state Action Plan for the purpose of recovering some smaller subpopulations. Translocated or reintroduced individuals may suffer higher predation rates due to stress associated with capture and transport and the unfamiliarity of habitat and hiding cover (Hagen 2011). Therefore, predator reductions may be necessary in some cases to buffer predation levels and increase survivorship among translocated individuals (Hagen 2011). Eliminating bobcat trapping in portions of Mono County would remove a management tool used by the California Department of Fish & Wildlife (CDFW) to manage bobcats in areas of sage-grouse habitat targeted for augmentations or reintroductions. One of the areas proposed for sage-grouse reintroduction is the Parker Meadows area (Appendix C) just outside of Yosemite National Park, south of Tioga Rd (Hwy 120), and northwest of the June Lake Loop (Hwy 158).

Buffers

The proposal to create a Northern and a Southern Bobcat Trapping Zones would include buffer zones around National Parks. The buffer zones would mimic a buffer zone placed around Joshua Tree National Park based upon roads and readily identifiable landmarks. The purpose of creating these buffers would be to reduce the risk of extirpating bobcats that have daily activities along the edges of these National Parks. Yosemite National Park and Death Valley National Park are the two National Parks that fall within the proposed Southern Bobcat Trapping Zone in Region 6. The Region has been asked to recommend a feasible way to create a buffer zone around these two National Parks. The Region has conducted a literature search and has not found scientific research to support the creation of such a buffer zone. Therefore, the Region strongly recommends not implementing a buffer zone.

If there is no alternative to creating a buffer zone, it is the opinion of the Region that the most scientifically credible way to develop a buffer zone would be to base it upon the home range of the species the buffer is intended to protect (see Appendix D for additional information on bobcat home ranges). A reasonable approach would be to use the average home range as a buffer around the National Parks. Another approach would be to use a boundary at least $\frac{1}{4}$ of the average home range size assuming that a bobcat that spends more than $\frac{1}{2}$ of its life in the National Park is considered a protected bobcat (see Appendix E). This is consistent with the buffer created around Joshua Tree National Park. This alternative could be implemented using GPS technology or by providing a KMZ file for Google Earth. To clarify, the Region's preferred GPS alternatives are as follows:

- Average Home Range around National Parks (protected areas)
- $\frac{1}{4}$ Home Range around National Parks (protected areas)

If existing boundaries are required to develop a GPS buffer the Region recommends the following:

- GPS Alternative for Yosemite National Park: Close the Ansel Adams, Hoover, and Emigrant Wilderness areas to bobcat trapping.

- Preferred Alternative for Death Valley National Park: A buffer zone using GPS technology could be created by closing bobcat trapping to the Argus Range, Sylvania Mountains, Piper Mountain, Inyo Mountains, Malpais Mesa, Darwin Falls, Surprise Canyon, Manly Peak, Ibex, Nopah, South Nopah Range, Saddle Peak Hills, Kingston Range, Resting Spring Range, and Funeral Mountains Bureau of Land Management Wilderness areas.

The Region understands that using GPS technology may not be the preferred method for identifying the boundary of the Bobcat Trapping Zones. One alternative could be to place a pre-determined distance measurable by a range finder around the park boundaries. Another alternative would be to define a buffer zone using identifiable surrounding roads. The Region would recommend the following for the two National Parks:

- Preferred Road Closure Alternative for Yosemite National Park: Close to bobcat trapping: south of Highway 108 (Sonora Pass) from the Mono County line to the intersection of Hwy 395; west of Hwy 395 to the intersection of Hwy 120 (Tioga Pass); north of Hwy 120 to the YNP boundary.
or
- Second Alternative for Yosemite National Park: Close to bobcat trapping: south of Highway 108 (Sonora Pass) from the Mono County line to the intersection of Hwy 395; west of Hwy 395 to the intersection of Hwy 203; north of Hwy 203 to the Mono County line; north and east of the Mono County line to YNP boundary.
- Preferred Road Closure Alternative for Death Valley National Park: Close to bobcat trapping: from the state line south along Highway 266 to the intersection of Highway 168; south along Highway 168 to the intersection of Highway 395; east of Highway 395 to the intersection of Highway 136; north of Highway 136 to the intersection of Highway 190 to DVNP boundary; east from the intersection of Panamint Valley Rd and the DVNP boundary to the intersection of Panamint Valley Rd and Indian Ranch Rd; east of Indian Ranch Rd to the intersection of Wingate Rd; east of Wingate Rd. to the boundary of the China Lake Naval Weapons Center; north of the Fort Irwin National Training Center boundary to East Gate MSR Rd.; north of East Gate MSR Rd. to the intersection of Powerline Rd.; west of Powerline Rd. to the intersection of Highway 127; west of Highway 127/Death Valley Rd. to the intersection of Highway 178; west of Highway 178 to state line.

Summary

Region 6 has supported healthy bobcat populations as shown by bobcat harvest records for over 40 years. Bobcats are a prolific, adaptable species. They have been sustainably harvested in California for decades. It is, however, important that we monitor bobcat populations in our region to ensure that these bobcat populations remain healthy. Bobcats play an important role in maintaining healthy ecosystem function and the majority of the public enjoy having them in California. Concentrating trappers into smaller areas of the state could increase the risk of extirpating certain bobcat populations. Climate change may further exacerbate the need to monitor bobcat populations in the Bobcat Trapping Zones because prey base may change and increase stress on the bobcats. Though overall road access is limited in our region, climate change may improve road access to areas traditionally closed due to snow. This could reduce the size of the source populations and areas of refuge. Thus, the Region recommends implementing bag limits for commercial trappers to address these possible issues.

All California bobcat trappers and hunters are required to complete trapping reports and return them to CDFW. The data from these reports serve as an index for population trends, distribution, and sex ratios. However, trapping reports do not provide more detailed information such as population age structure, detailed population demographics, seasonal distribution, and specific habitat use. More precise data is needed to assess bobcat populations in the Bobcat Trapping Zones which could lead to a greater understanding of the species and its specific management needs. Increased revenues from future bobcat trapping could be used to implement a bobcat monitoring program in both of the proposed Bobcat Trapping Zones to collect data not captured in the harvest reports returned by trappers and hunters.

The Region has identified the importance of obtaining data to provide additional information regarding the management of bobcats in the Eastern Sierra. This data can come from both hunters/trappers and CDFW studies. The Region would like to propose regulation changes for the upcoming 2015-16 trapping season to include mandatory collection of biological data and samples that will assist the CDFW in the management of this species as well as mandatory completion of the Bobcat Export Tag Report at the time of harvest. In addition, a bobcat study funded through a Wildlife Sport Fish and Restoration grant was initiated in 2014-2015 as part of an on-going project to assess current bobcat populations in Inyo and Mono Counties. Specific data to be collected during the study includes bobcat population size, density and age structure, as well as home range size, habitat selection, prey base, survival, and reproduction. The project will initially focus on two study areas in Inyo and Mono Counties where it is assumed that healthy populations of bobcats exist. One study area is thought to be less-exploited through trapping and hunting than the other but further data will be collected throughout the coming trapping and hunting season to support that assumption. Data from this study can be used to help better manage bobcats in our region.

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Appendix A Bobcat Protection Act

SECTION 1.

This act shall be known, and may be cited, as the Bobcat Protection Act of 2013.

SEC. 2.

The Legislature finds and declares all of the following:

- (a) It is the intent of the Legislature in adopting this act to ensure that the bobcat (*Lynx rufus*) remains a fully functional component of the ecosystems it inhabits throughout its range in California.
- (b) The Legislature recognizes that bobcats are an irreplaceable part of California's natural habitat, and that, as predators of small mammals, bobcats play an important role in regulating the population of rodents in California's deserts, forests, and grasslands.
- (c) The Legislature further recognizes that millions of people visit California's national and state parks and other public and private conservation areas for the purposes of, among other things, viewing wildlife, including bobcats, and that this visitation contributes millions of dollars to California's economy.
- (d) The Legislature further recognizes that bobcats and other native wildlife often cross the boundaries of national parks and other protected areas into adjacent areas where the taking of bobcats is currently allowed pursuant to the Fish and Game Code and the regulations adopted pursuant to that code.
- (e) Current California laws and regulations provide no limits on the sex, age, location, or number of bobcats that may be taken by licensed trappers on private and public lands in California where the taking of wildlife is not otherwise prohibited.
- (f) Current regulations provide for the commercial sale and export of bobcat pelts taken by hunters or trappers in California.
- (g) The Legislature further finds that a rise in the demand for bobcat pelts in China and other foreign markets has resulted in a substantial increase in the number of trappers taking bobcats as well as in the number of bobcats taken for commercial purposes in California.
- (h) Reliable population estimates do not exist for bobcats statewide in California and neither the Department of Fish and Wildlife nor the Fish and Game Commission possess adequate data to determine a sustainable harvest limit for bobcats.

SEC. 3.

Section 4155 is added to the Fish and Game Code, to read:

4155.

- (a) Beginning January 1, 2014, it shall be unlawful to trap any bobcat, or attempt to do so, or to sell or export any bobcat or part of any bobcat taken in the area surrounding Joshua Tree National Park, defined as follows: East and South of State Highway 62 from the intersection of Interstate 10 to the intersection of State Highway 177; West of State Highway 177 from the intersection of State Highway 62 to the intersection with Interstate 10; North of Interstate 10 from State Highway 177 to State Highway 62.
- (b) (1) Through the commission's next regularly scheduled mammal hunting and trapping rulemaking process occurring after January 1, 2014, the commission shall amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries of each national or state park and national monument or wildlife refuge in which bobcat trapping is prohibited.
- (2) Commencing January 1, 2016, the commission shall consider whether to prohibit bobcat trapping within, and adjacent to, preserves, state conservancies, and any additional public or private conservation areas identified to the commission by the public as warranting protection. The commission, as necessary, shall amend its regulations through its next subsequently scheduled mammal hunting and trapping rulemaking process to prohibit bobcat trapping in any area determined by the commission to warrant protection.
- (3) The commission shall delineate the boundaries of an area in which bobcat trapping is prohibited pursuant to paragraph (1) or (2) using readily identifiable features, such as highways or other major roads, such as those delineated for Joshua Tree National Park in subdivision (a).
- (c) The prohibition on the trapping of bobcats in the areas designated pursuant to subdivisions (a) and (b) shall not apply to the taking of any bobcat by employees of the department acting in an official capacity, to a taking in accordance with the conditions of a scientific, educational, or propagation permit pursuant to Section 1002 by the holder of that permit, or to the lawful taking of bobcats found to be injuring crops or other property pursuant to Section 4152 or other provisions of this code or regulations adopted pursuant to this code.
- (d) Notwithstanding Section 2016 or any other provisions of this code, on and after January 1, 2014, it shall be unlawful to trap any bobcat, or attempt to do so, on any private land not belonging to the trapper without the express written consent of the owner of that property. 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 this subdivision.
- (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) This section does not limit the ability of the department or the commission to impose additional requirements, restrictions, or prohibitions related to the taking of bobcats, including a complete prohibition on the trapping of bobcats pursuant to this code.

SEC. 4.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Appendix B Fish and Game Bobcat Regulations

§478. Bobcat.

Except as provided in subsection (c) below no person shall pursue, take or possess any bobcat without first procuring a trapping license or a hunting license and bobcat hunting tags. The pursuit, take and/or possession of a bobcat under the authority of a hunting license and a bobcat hunting tag shall be in accordance with the provisions of this section and sections 472, 473, 474, 475, 478.1 and 479 of these regulations.

Bobcats taken under the authority of a trapping license shall be taken with traps or other means in accordance with this section and sections 465, 465.5 and 475. Bobcats taken under a trapping license must be tagged in accordance with the provisions of Section 479.

- (a) Trapping Season and Area: Bobcat may only be taken under the authority of a trapping license as follows:
 - (1) Area: Statewide.
 - (2) Season: November 24 through January 31.
- (b) Hunting Season and Area: Bobcats may only be taken under the authority of a hunting license and bobcat hunting tags as follows:
 - (1) Area: Statewide.
 - (2) Season: October 15 through February 28.
- (c) Bag and Possession Limit:
 - (1) Bobcats taken under a hunting license and bobcat hunting tags: Five bobcats per season.
 - (2) Bobcats taken under a trapping license: No limit.
- (d) This section shall not apply to bobcats trapped under the provisions of sections 4152 and 4180 of the Fish and Game Code (also see Section 480 of these regulations).

Amendment filed 3/5/2013; operative 3/5/2013.

§478.1. Bobcat Hunting Tags.

- (a) Any person who possesses a valid hunting license may, upon payment of the fee specified in Section 702, procure only five revocable, nontransferable bobcat hunting tags. Such tags shall be acquired through the department's Automated License Data System terminals at any department license agent or department license sales office. These tags do not act as shipping tags as required in Section 479 for pelts taken under a trapping license.
- (b) Bobcat hunting tags are valid only during that portion of the current hunting license year in which bobcats may be legally harvested as provided in Section 478.
- (c) The holder of a bobcat hunting tag shall carry the tag while hunting bobcats. Upon the harvesting of any bobcat, the hunter shall immediately fill the tag completely, legibly, and permanently, and cut out or punch out and completely remove notches or punch holes for the month and date of the kill. One part of the tag shall be immediately attached to the pelt and kept attached until it is tanned, dried or mounted. The other part of the tag shall be sent immediately to the department.
- (d) Possession of any untagged bobcat taken under the authority of the hunting license shall be a violation of this section except that the provisions of this section shall not apply to the owner or tenant of land devoted to

the agricultural industry nor to authorized county, state or federal predatory animal control agents operating under a written trapping agreement with the appropriate landowner while on such land and in connection with such agricultural industry. It is unlawful for any person to sell, offer for sale, barter, trade, purchase, transport from this state, or offer for out-of-state shipment by any common carrier any bobcat pelts, or parts thereof taken pursuant to this provision.

- (e) Any person who is convicted of violating any provision of this chapter shall forfeit his bobcat hunting tags, and shall not apply for additional tags during the then current hunting license year.

Amendment filed 7/8/11; effective 7/8/11.

§479. Bobcat Pelts.

Bobcat pelts may be taken only pursuant to the provisions of sections 465.5 and 478 of these regulations.

- (a) Any person who takes a bobcat shall, at any time during the trapping season or within 14 days after the end of the bobcat season, have the following appropriate department mark or tag affixed to the pelt.
 - (1) Pelts from bobcats taken under a hunting license shall be tagged as provided in Section 478.1. Pelts taken by a licensed trapper for only his personal use shall, at no cost, be marked by the department. Such pelts shall not be sold.
 - (2) Pelts from bobcats taken for commercial purposes under a trapping license shall be tagged with a department shipping tag.
- (b) It is unlawful for any person to sell, offer for sale, barter, trade, purchase, transport from this state, or offer for out-of-state shipment by any common carrier any bobcat pelts, or parts thereof unless the department has affixed a shipping tag to the pelt or parts thereof.
- (c) Shipping tags and marking are available from the department. All persons taking bobcat pelts under provisions established by the commission must personally present the pelt to a representative of the department for placement of the nontransferable tag or mark and shall furnish the following:
 - (1) Date of take;
 - (2) County of take and nearest major geographical landmark;
 - (3) Sex; and
 - (4) Method of take (trap, call or hounds).

The department shall mark bobcat pelts and issue bobcat shipping tags for export of pelts at designated department offices during the trapping season and for a 14-day period immediately following the trapping season.

An administrative fee of \$3.00 shall be charged for the issuance of each shipping tag. There is no fee for marking bobcat pelts not for sale.
- (d) It is unlawful for any person to import, receive from out-of-state, or receive for sale, any bobcat pelt, or parts thereof that is not:
 - (1) Marked with the current export or shipping tag from the state of origin.
 - (2) Accompanied by an import declaration in accordance with Section 2353 of the Fish and Game Code, and specifying the number and kind of raw pelts in the shipment, the state in which the bobcats were taken, the license number under which they were taken and attesting that they were legally taken. Demonstration of the declaration of entry, pelt ownership and proof of legal take and marking is required of anyone receiving bobcat pelts from out-of-state upon the request of the department. The provisions of subsections (a), (b) and (c) shall not apply to raw bobcat pelts, or parts thereof, which were not taken in California.

Appendix C Sage Grouse Translocation – Parker Bench Area



Appendix D
Additional Information on Bobcat Home Range

Home range is the area a bobcat uses to obtain all of their required resources (i.e., prey, water, shelter, denning sites). Creating a buffer based on adult home range would reduce the risk that adult bobcats that have home ranges that overlap protected area boundaries would get harvested. Individual bobcats defend their home range (i.e., territory) from other bobcats of the same sex and inhabit their home range until they die (Litvaitis et al. 1987, Anderson 1988). Male, adult bobcat home ranges average 1.65 times larger than female, adult bobcat home ranges and home ranges vary in size based on habitat type (Ferguson et al. 2009). We do not have reliable data on home ranges for the bobcats that inhabit our region. The Eastern Sierra Nevada Bobcat Study (ESNBS) is working toward acquiring the data necessary to perform home range analyses in the Inland Desert Region (R6).

Ferguson et al. (2009) summarized home range data from bobcat studies across North America including one in southeastern Idaho (Knick 1990) and one central Utah (Karpowitz and Flinders 1989) that also occur in the Great Basin Desert with habitats akin to the mesic eastern Sierra Nevada (Table 1). Bobcat home range studies took place in northeastern (Zezulak 1980), southwestern (Riley 2003), and west central (Riley 2006) California, which would serve as good references for delineating home-range based buffers in other areas of California (Table 1). However, the habitat types are not similar to the mesic eastern Sierra; therefore, we do not recommend using home range size estimates from those studies for Region 6.

Table 1. Table adapted from Ferguson et al. 2009. Study-site locations and details on estimates of home ranges of bobcats.

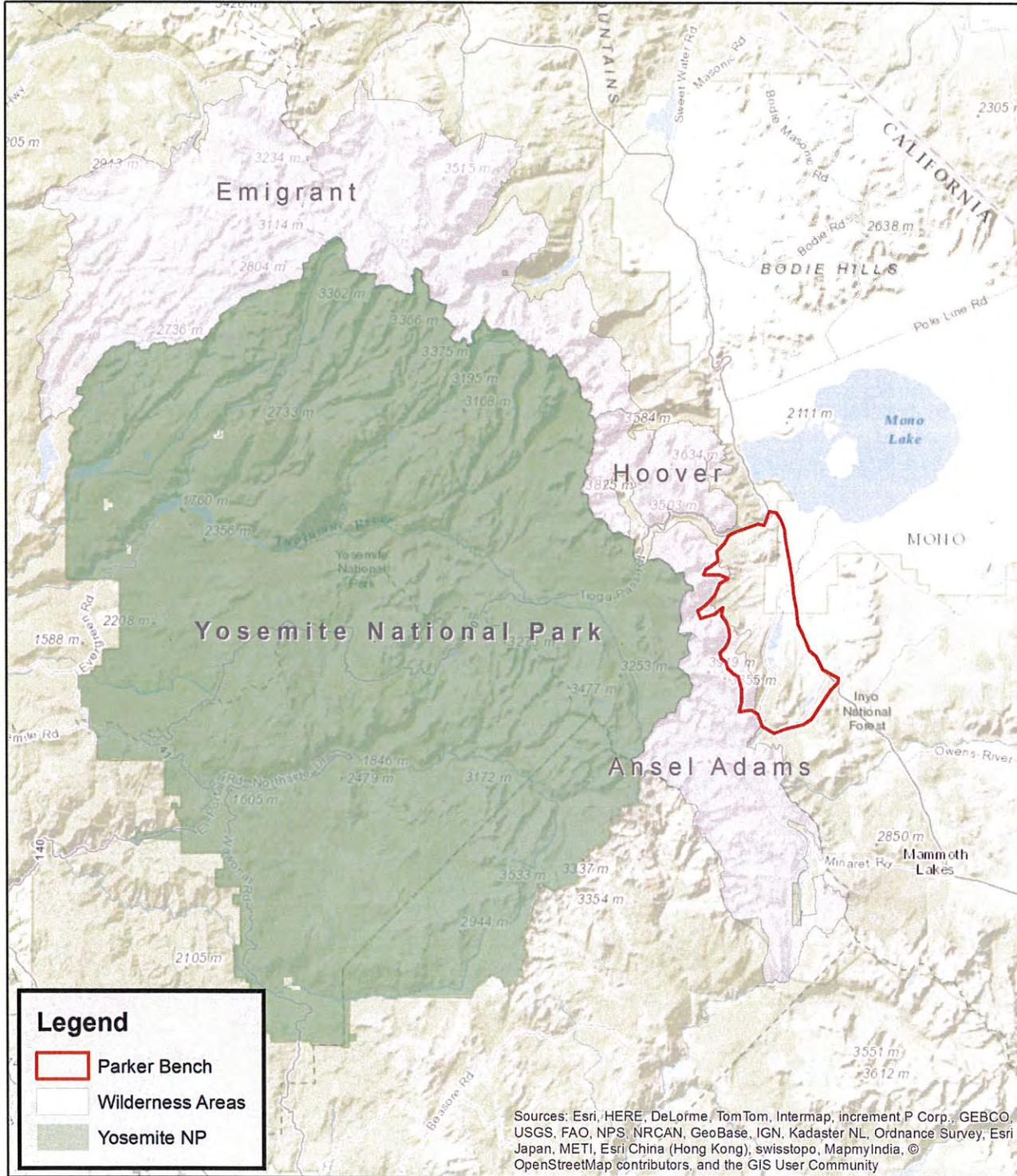
Study Site	No. of animals		Home-range size (km ²)		Home-range estimator*	Reference
	Male	Female	Male	Female		
Utah Co., Utah	3	3	22.5	16.4	IP	Karpowitz and Flinders 1989
Butte Co., Idaho	5	11	25	20.9	95MCP	Knick 1990
Marin Co., California	7	11	10.47	3.67	95MCP	Riley 2006
Ventura Co. and Los Angeles Co., California	13	11	3.03	1.72	95MCP	Riley et al. 2003
Siskiyou Co. and Modoc Co., California	3	4	73.8	42.7	IP	Zezulak 1980

*IP, irregular polygon; 95MCP, 95% minimum convex polygon.

Eric Loft, Branch Chief
Bobcat Protection Act
March 10, 2015
Page 12

Appendix E
Maps Showing Boundaries Using Recommended Buffers

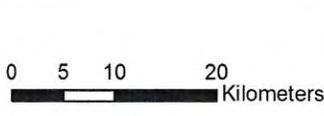
Yosemite National Park - Bobcat Trapping Buffer Alternative 2a



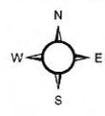
Legend

- Parker Bench
- Wilderness Areas
- Yosemite NP

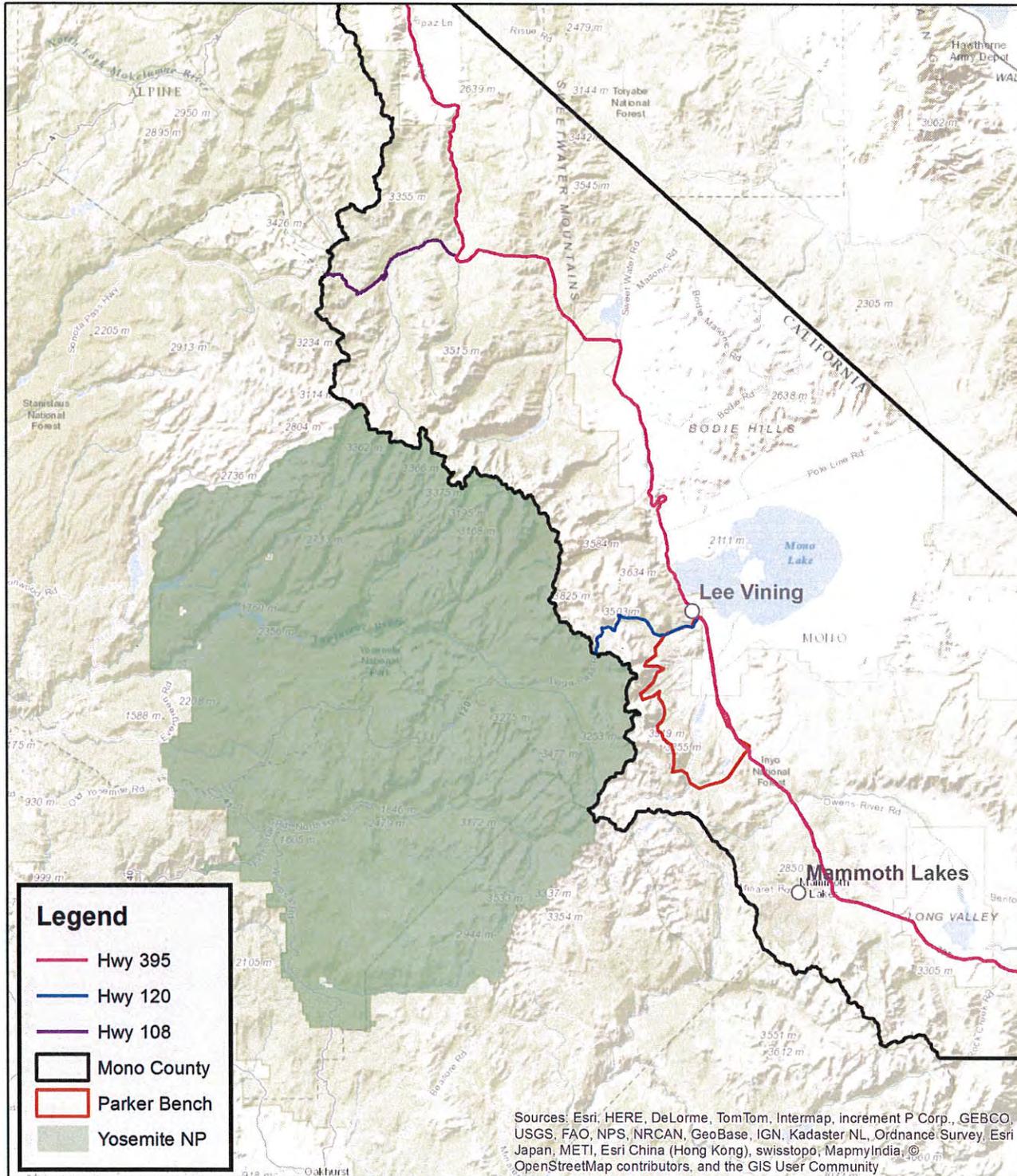
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapnyIndia, © OpenStreetMap contributors, and the GIS User Community



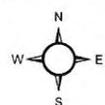
Close the Ansel Adams, Hoover, and Emigrant Wilderness areas to bobcat trapping.



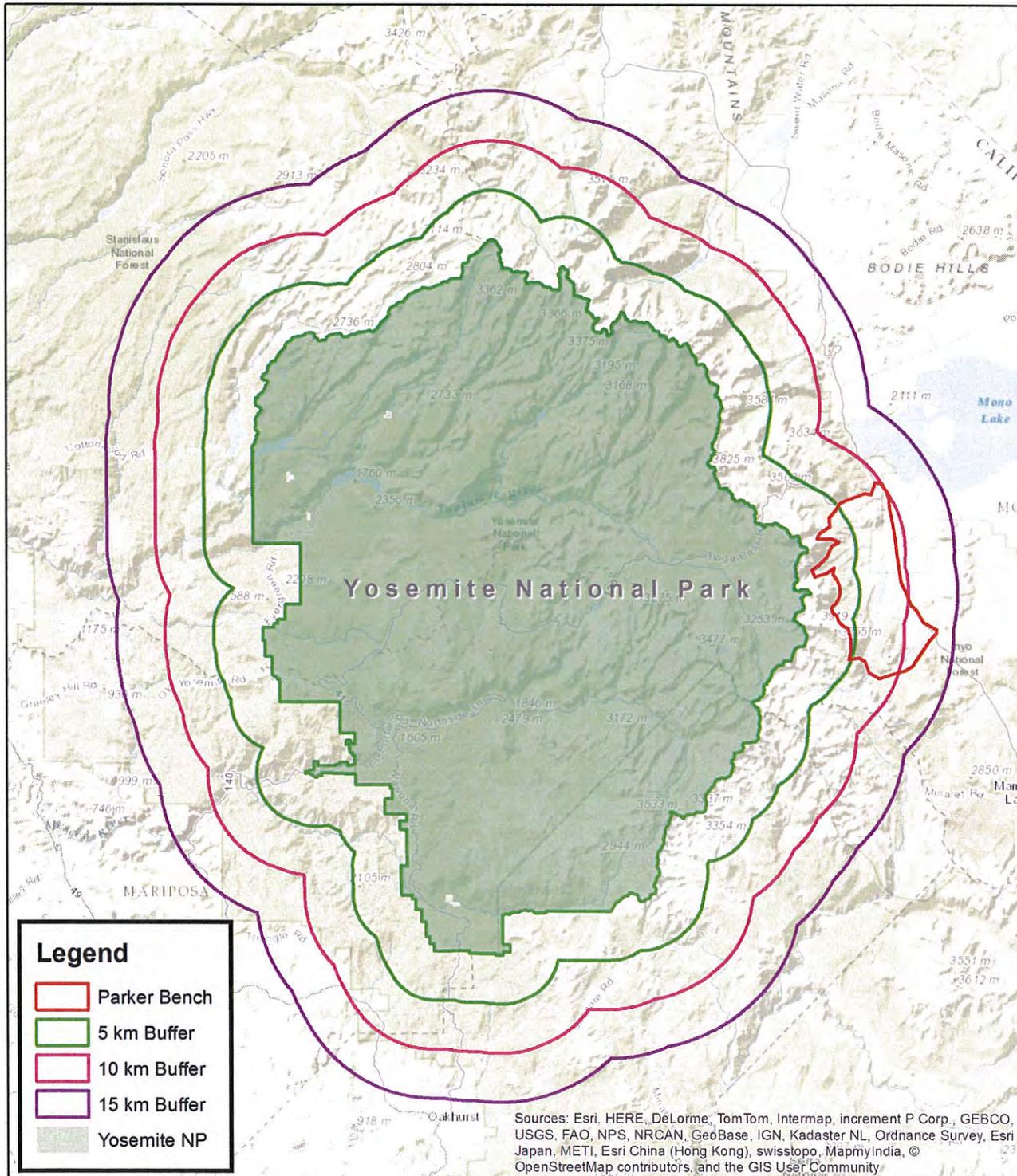
Yosemite National Park - Bobcat Trapping Buffer Alternative 1b



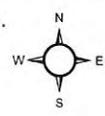
Close to bobcat trapping: south of Highway 108 (Sonora Pass) from the Mono County line to the intersection of Hwy 395; west of Hwy 395 to the intersection of Hwy 120 (Tioga Pass); north of Hwy 120 to the YNP boundary.



Yosemite National Park - Bobcat Trapping Buffer Alternative 2b

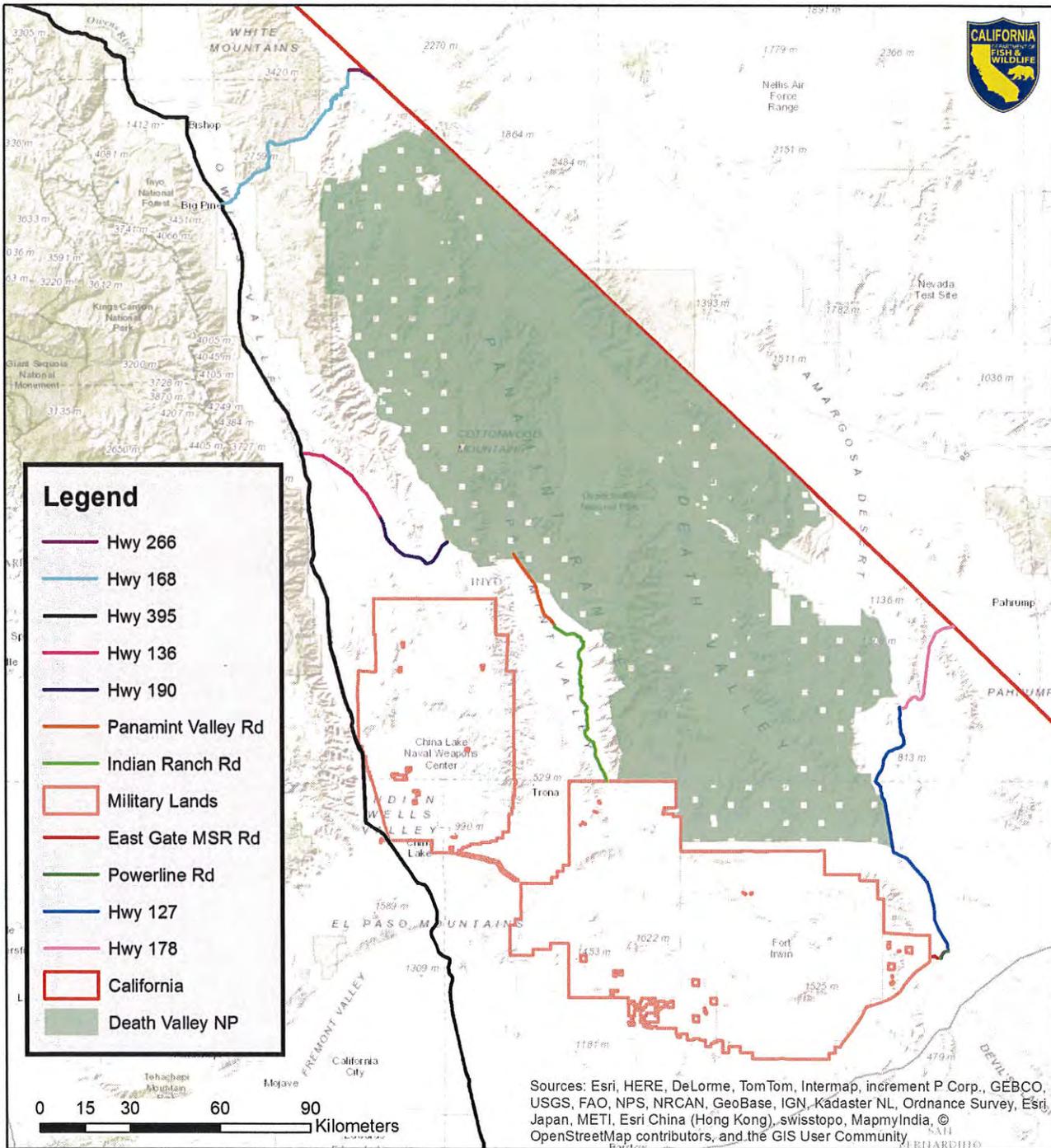


Delineate a buffer around YNP based on bobcat home range size.
 The average home range size is 21 km²
 i. Use ¼ of the average home range size
 ii. Use ½ of the average home range size
 iii. Use ¾ of the average home range size





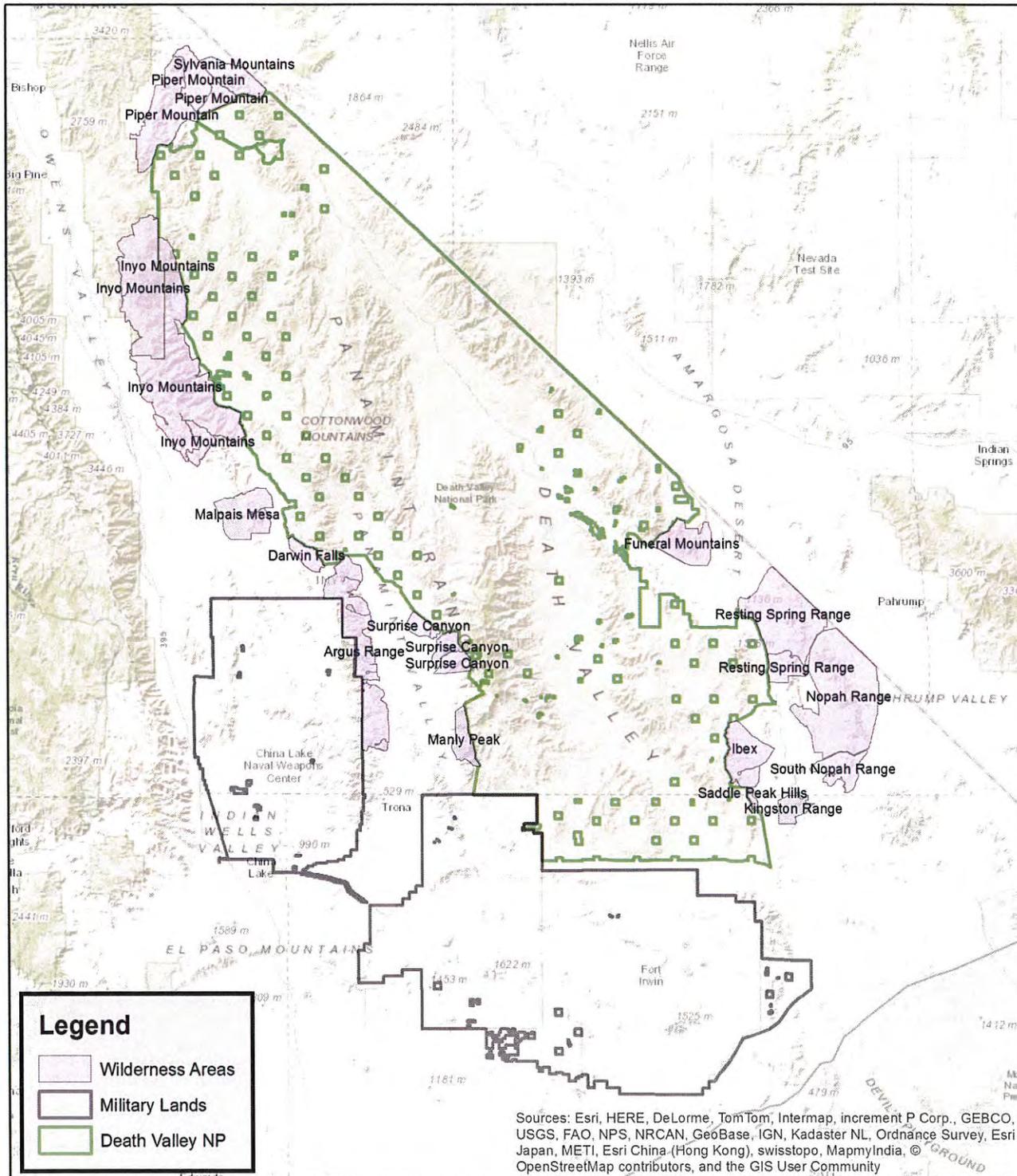
Death Valley National Park - Bobcat Trapping Buffer Alternative 1a



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Close to bobcat trapping: from the state line south along Highway 266 to the intersection of Highway 168; south along Highway 168 to the intersection of Highway 395; east of Highway 395 to the intersection of Highway 136; north of Highway 136 to the intersection of Highway 190 to DVNP boundary; east from the intersection of Panamint Valley Rd and the DVNP boundary to the intersection of Panamint Valley Rd and Indian Ranch Rd; east of Indian Ranch Rd to the intersection of Wingate Rd; east of Wingate Rd. to the boundary of the China Lake Naval Weapons Center; north of the Fort Irwin National Training Center boundary to East Gate MSR Rd.; north of East Gate MSR Rd. to the intersection of Powerline Rd.; west of Powerline Rd. to the intersection of Highway 127; west of Highway 127/Death Valley Rd. to the intersection of Highway 178; west of Highway 178 to state line.

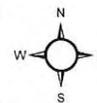
Death Valley National Park - Bobcat Trapping Buffer Alternative 2a



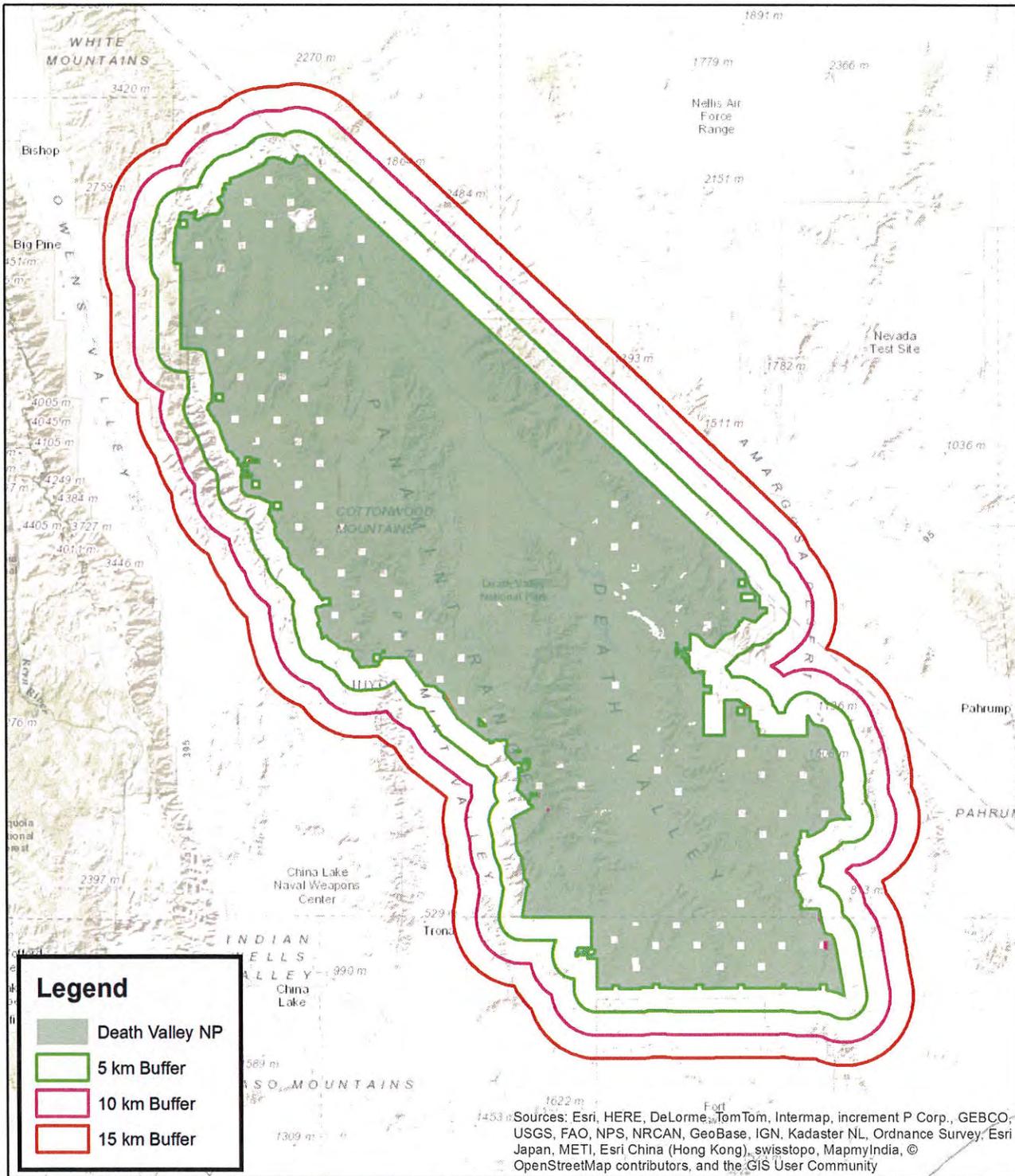
0 15 30 60
 Kilometers



Close the Argus Range, Sylvania Mountains, Piper Mountain, Inyo Mountains, Malpais Mesa, Darwin Falls, Surprise Canyon, Manly Peak, Ibex, Nopah, South Nopah Range, Saddle Peak Hills, Kingston Range, Resting Spring Range, and Funeral Mountains Bureau of Land Management Wilderness areas to bobcat trapping.

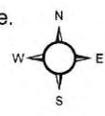


Death Valley National Park - Bobcat Trapping Buffer Alternative 2b



Delineate a buffer around DVNP based on bobcat home range size.
 The average home range size is 21 km²

- i. Use ¼ of the average home range size
- ii. Use ½ of the average home range size
- iii. Use ¾ of the average home range size



From: [JOSEPH BECKER](#)
To: [FGC](#)
Cc: [Robert Moore](#); [Faulkner Teri](#)
Subject: Management of our Bobcat Population.
Date: Friday, July 10, 2015 8:33:56 AM

Attention: Bobcat Management.

Dear California Fish & Game Commissioners:

For the past few years, much discussion and a new State Law concerning California's Bobcat Management and Population has been discussed at many of your Meetings. This new law does not instruct you to eliminate all management of Bobcats by trapping. Just recommendations for a small area of our state in the desert region. Thus those working for the Department of Fish & Wildlife who are trained in scientific management of wildlife, especially the Bobcat in this instance have studied, researched and examined past years of bobcat management, harvests and populations. Determining that our Bobcat population is not in any danger of over management by trapping.

Thus My wife Joan and I request that you the Commissioners vote for the Department of Fish and Wildlife Biologists #1 Option of trapping management. Which will follow the law past by the state Legislature, but also allow for a balanced trapping management of our total state Bobcat populations. Please let the employees of DF&W do what we the taxpayers hire them to do, keep emotions and politics out of Natural Resource Management.

Thank you & God Bless this states Total Scientific Management of our Natural Resources.

Sincerely;

Joe & Joan Becker


Paradise, CA. 95969



From: [Carol Hernandez](#)
To: [FGC](#)
Subject: Bobcat Regulations
Date: Friday, July 17, 2015 8:36:10 AM
Importance: High

Dear Mr. Mastrup,
Please adopt a Statewide ban to end trapping of the Bobcat in California.

Adopting a Statewide ban will be the most efficient and cost effective method of preventing this cruel, unnecessary and inhumane practice.

In California, it is only legal to take bobcats in live traps, but this method has serious issues of its own. Dispatching the Bobcats requires methods that include suffocation by snare, injection of poisons, blows to the head and shooting in the brain, all of which are inhumane and objectionable. All because the trappers do not want the Bobcat fur to be damaged.

People who continue to inhumanely kill the Bobcat (along with the other animals who are inadvertently caught in their traps) should be criminally prosecuted as the murderers they are and face Mandatory Prison sentences of 15 years or more.

The damage these poachers do to the people of California by harming our delicate ecosystem is criminal.

There is no need for anyone to wear the pelt of a Bobcat to keep them warm. With modern manufacturing methods fake fur can easily be replicated.

There is no market for such products in the United States. The people of Russia and China do not need to wear California Bobcat fur for any reason.

Finish the job that our California legislators started.

Your Commission has been given the authority to completely ban the trapping of Bobcats. Please do your job and assist our California legislators and adopt a Statewide ban to end trapping of the Bobcat in California.

Thank You,
Carol Hernandez

July 20, 2015

California Fish and Game Commission
1416 9th Street, Ste. 1320
Sacramento, CA 95814

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2015 JUL 23 PM 2:29
MLS

Re: Comments on Proposed Bobcat Protection Act Regulations [Amend Sections 478, 478 and 702, Title 14, CCR, Implementation of the Bobcat Protection Act of 2013 (Fish and Game Code Section 4155)]

Dear Commissioners:

I'm writing this letter in regards to Option 1 and Option 2 as proposed by the Fish and Game Commission for the implementation of AB 1213. I urge the commission to **NOT** adopt either Option 1 or Option 2 due to several serious flaws in the proposed Options.

Fatal Flaws in Proposed Option 1:

The Proposed Map:

I would like to bring your attention to the Commissions' "EXHIBIT D" "Proposed Closures to Implement the Bobcat Protection Act (FGC 4155)". Remember AB 1213 states the Commission shall develop buffer zones around these "non-hunting/non-trapping" areas similar to that around Joshua Tree National Park. If you look at the buffer zone around Joshua Tree National Park you see it stays relatively close to the actual park. Yet, the department decided to needlessly ban bobcat trapping in nearly 60-75% of the state using the sloppiest and quickest method of developing a buffer zone around these other "non-hunting/non-trapping" areas. There are many counties that don't even contain a "non-hunting/non-trapping" area, but given the departments method of developing a buffer zone, these entire counties would be closed to Bobcat Trapping! This in nowhere near the intent of AB 1213, and this fact alone should render Option 1 inadequate.

Negative impact on Non-Consumptive uses:

The "Proposed Changes in Regulations" list "Benefits of the Proposed Action" as "*enhancement of non-consumptive use benefit*". However I am certain there will be a net **NEGATIVE** impact on non-consumptive uses if Option 1 or Option 2 is adopted. Bobcats are generally nocturnal and, because of this, would rarely be seen by tourists and other visitors to areas where it is proposed that bobcat trapping be banned. However, an increasing bobcat population will result in lower numbers of bobcat prey species, such as quail, squirrels, and rabbits, for visitors to see. Thus, the perceived benefits of the boundary regulations proposed by the commission would likely not be enjoyed by many, if any, visitors, instead visitors will be seeing less wildlife altogether.

Options 1 will essentially Ban Bobcat Trapping:

Option 1 is proposing a "Bobcat Trapping Validation" card for \$1,137 and an increase on shipping tags from \$3 to \$35. Please note: a California Trappers License is already \$115.62. For

reference I would like to compare this to Montana; a Trapping License in Montana is \$20 and the Shipping tags for Bobcats are free. The shipping tag increase alone would be enough to essentially ban me from bobcat trapping, and the \$1,137 "Bobcat Trapping Validation" card would completely seal the deal, and I would most certainly never be able to trap bobcats again. Bobcat trapping for many is a family endeavor, as it is with me and my family. If Option 1 is adopted we will not only loose an important skill set, but also a heritage of trapping. Some would say California's trapping heritage dates back to the early 1800s when trappers such as Jedediah Smith explored California primarily for beaver trapping. I would argue that California's trapping heritage predates Jedediah Smith and others, considering that Native Americans would have relied on trapping and snaring well before the beaver explorations of the early 1800s. Because the enormous fee increase would essentially ban me, and every trapper I know, from Bobcat trapping, Option 1 should not be considered, and in any event the fees should be reasonable, such as the Salmon or Steelhead Validation Card.

Commissioners should be well informed before acting:

Before acting on a proposal that would ban bobcat trapping, the commission should conduct the bobcat population study asked for by the Governor and take other science based actions to become fully informed about the actual impacts, and potential impacts, of adopting the regulations it is considering.

Fatal Flaws in Proposed Option 2:

A Total Prohibition of Bobcat Trapping in California was proposed to the legislature and rejected in the early stages of AB 1213. For the department to even consider Option 2 is the same type of "Judicial Activism" that resulted in the expulsion of Former Commissioners Sutton and Rodgers. I certainly hope the current commission will not even consider Option 2.

There are several other issues with the Proposed Options 1 and 2, but in the spirit of saving your valuable time, and mine I will only bring up those listed above. I appreciate you taking the time to read this letter, and I sincerely hope you consider my points and "Option 3" that I outlined. I plan on attending the commission meeting in Fortuna on August 5th, and I would like to make myself available to anyone to answer any questions you may have.

Sincerely,

 7-20-15

Robert Martin

Date

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Montague, CA 96064
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cc: Mr. Sonke Mastrup, Executive Director, California Fish and Game Commission
Mr. Charlton Bonham, Director, California Department of Fish and Wildlife
Governor Edmund G. Brown, Jr.