

CALIFORNIA TRAPPERS ASSOCIATION

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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