

WORKGROUP STAFF SUMMARY FOR SEPTEMBER 28, 2016

3. PREDATOR REGULATIONS**Today's Item****Information** **Decision**

Review and identify existing predator regulations to propose for revision.

Summary of Previous/Future Actions (N/A)**Background**

Review and discussion of existing predator policies and regulations was scheduled for the Jul 2016 Predator Policy Workgroup (Workgroup) meeting; however, due to time constraints the discussion focused solely on predator policies. The Workgroup agreed to review the regulations on their own between meetings and move the discussion about predator regulations to the next meeting. Following the meeting, FGC staff provided the Workgroup with a template spreadsheet to fill in with their proposed changes to existing regulations; responses proposed by individual Workgroup members are provided in Exhibit 1. FGC staff reviewed and summarized the main concepts and issues that emerged from the proposed changes (Exhibit 2).

Today, the Workgroup will review and discuss those main concepts and issues and identify which regulations to propose for revision.

Significant Public Comments (N/A)**Recommendation**

Provide direction on next steps.

Exhibits

1. [Workgroup spreadsheets with proposed regulatory changes](#)
2. [FGC summary spreadsheet, dated Sep 14, 2016](#)

Workgroup Decision/Recommendation (N/A)

Fish and Game Commission
 Predator Policy Workgroup
 Predator Regulations Review Exercise
 July 21, 2016

Comments submitted by Tony Linegar, dated 09/05/16					
				Is Change Consistent with Existing Fish & Game Code?	
Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training		The use of dogs in depredation control is a critical tool for county and federal wildlife specialists. Proper training of dogs used for this purpose involves pursuit of wildlife as appropriate. Resource agencies and landowners alike have benefitted from trained dogs used by trained wildlife specialists in situations that involve depredation.			
365 - Bear					
366 - Archery Bear Hunting					
401 - Issuance of Permit to Take Animals Causing Damage	(1) Remove "immediately"2) Insert: Department shall respond to all applications within 72 hours after receipt. Failure to respond shall automatically be deemed to be acceptance and issuance of the requested permit.	Failure to be issued a depredation permit in a timely manner has increased property damage and depredation and made it difficult for county and federal wildlife specialists to coordinate an effective and timely response.	Protecting crops, livestock, property from damaging wildlife		
402 - Issuance of Permit to Kill Mountain Lion Causing Damage					
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox					
461 - Badger and Gray Fox					
462 - Muskrat and Mink					
464 - Raccoon					
465 - General Provisions for Taking Furbearers		Allow for take in cases of depredation	Protecting crops, livestock, property from damaging wildlife		
465.5 Use of Traps					
466 - Hours of Taking Furbearers					
472 - General Provisions (nongame)			Protecting crops, livestock, property from damaging wildlife		
474 - Hours for Taking					

Comments submitted by Tony Linegar, dated 09/05/16				
475 - Methods of Take for Nongame Birds and Nongame Mammals				
478 - Bobcat				
478.1 - Bobcat Hunting Tags				

Fish and Game Commission
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Comments submitted by Bill Gaines, dated 09/02/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals	NO CHANGE				
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training	Amend 265(b)(6)(c) as follows: (C) Prohibition on Possession of Equipment. <i>Except as provided in subsection (1), No</i> no firearm, archery gear, crossbow or other instrument capable of killing, injuring or capturing any animal may be possessed by any person training dogs during the seasons described in subsection 265(b)(6)(F) below. <i>Except as provided in subsection (1), Possession possession</i> of a firearm, archery gear, crossbow or other instrument capable of killing or capturing any animal is prohibited while training dogs, but such equipment may be transported to or from a campsite, transported to or from a residence or lawfully possessed by a person at a campsite provided all dogs are secured and under the control of the owner, agent or person training or transporting said dogs. <i>(1) Nothing in this section shall prohibit the lawful possession of a concealed firearm by an active peace officer listed in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code or a retired peace officer in lawful possession of an identification certificate issued pursuant to Penal Code Section 25455 authorizing the retired officer to carry a concealed firearm. Nor shall this section prohibit the lawful possession of a concealed firearm pursuant to a concealed carry permit issued pursuant to Penal Code Section 26150 or 26155.</i>				
365 - Bear	NO CHANGE				
366 - Archery Bear Hunting	NO CHANGE				
401 - Issuance of Permit to Take Animals Causing Damage	NO CHANGE				
402 - Issuance of Permit to Kill Mountain Lion Causing Damage	NO CHANGE				
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	Amend 460 to read as follows: Fisher, marten, river otter, desert kit fox and red fox may not be taken at any time. <u>Red fox may only be taken in the Central Valley west of highway 99.</u>				
461 - Badger and Gray Fox	Amend both 461(a)(1) and 461(b)(1) as follows: (1) Season and Area: November 16 <u>The second Saturday of November</u> through the last day of February, statewide.				
462 - Muskrat and Mink	NO CHANGE				
464 - Raccoon	Amend 464(a)(2) as follows: (2) November 16 <u>The second Saturday of November</u> through March 31 in the balance of the state. Amend 464(c)(1) as follows: (1) When taking raccoon after dark, pistols and rifles not larger than .22 <u>.223</u> caliber rimfire and shotguns using shot no larger than No. BB are the only firearms which may be used during this night period.				
465 - General Provisions for Taking Furbearers	NO CHANGE				

Comments submitted by Bill Gaines, dated 09/02/16

465.5 Use of Traps	NO CHANGE				
466 - Hours of Taking Furbearers	NO CHANGE				
472 - General Provisions (nongame)	Amend 472(a) as follows: (a) The following nongame birds and mammals may be taken at any time of the year and in any number except as prohibited in Chapter 6: English sparrow, starling, coyote, weasels, skunks, opossum, moles, red fox (<u>west of highway 99 only</u>) and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species).				
474 - Hours for Taking	NO CHANGE				
475 - Methods of Take for Nongame Birds and Nongame Mammals	Amend 475(b) as follows: (b) Recorded or electrically amplified bird or mammal calls or sounds or recorded or electrically amplified imitations of bird or mammal calls or sounds may not be used to take any nongame bird or nongame mammal except coyotes, bobcats, <u>badger, gray fox, mink, opossum, raccoon, skunk, weasel.</u> American crows and starlings.				
478 - Bobcat	NO CHANGE				
478.1 - Bobcat Hunting Tags	NO CHANGE				

Fish and Game Commission
 Predator Policy Workgroup
 Predator Regulations Review Exercise
 July 21, 2016

Comments submitted by Noelle Cremers, dated 08/22/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training					
365 - Bear					
366 - Archery Bear Hunting					
401 - Issuance of Permit to Take Animals Causing Damage	<p>1) Add language at the end of subsection (a) stating, "The department shall respond to an application as soon as possible, but no later than 72 hours after receiving the application. Should the department fail to respond, an application shall be deemed accepted and a permit deemed issued."</p> <p>2) Add a new subsection (j) stating: "Take of Bears Damaging or Threatening to Damage Bee Hives. When issuing a permit authorizing take of bears that have damaged or are threatening to damage bee hives, the department shall consider the feasibility of methods to prevent damage and deter future damage. Fencing shall not be required in instances where installation is infeasible."</p>			Yes	
402 - Issuance of Permit to Kill Mountain Lion Causing Damage					
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	Add language so that the regulation reads: "Fisher, marten, river otter, desert kit fox and red fox may not be taken <i>for the purpose of recreation or commerce in fur</i> at any time."		The additional language allows the take of those species except for recreational or commercial trapping. This language appears to get back to the original intent of the regulation without creating defacto fully protected species. This clarification would be helpful when these species injure or kill livestock or poultry.	Yes	
461 - Badger and Gray Fox					
462 - Muskrat and Mink					
464 - Raccoon					
465 - General Provisions for Taking Furbearers					

Comments submitted by Noelle Cremers, dated 08/22/16

465.5 Use of Traps	Add language in subsection (g)(5) to clarify that neck snares are prohibited. The new language would read: "(5) Zones Prohibited to the Use of Conibear-type Traps and Neck Snares. Conibear-type traps and neck snares, except those totally submerged, and deadfall traps are prohibited in the following zones..."		This prohibition was put in place to prevent unintended catch of listed canid species when setting traps for coyotes suspected of injuring, damaging, or killing livestock or property. However, non-lethal traps have been designed since the adoption of this regulation to prevent smaller canids from being trapped. Allowing the use of these new traps would allow more tools to address damage and loss to farmers and ranchers, particularly in the Central Valley.	Yes	
466 - Hours of Taking Furbearers					
472 - General Provisions (nongame)					
474 - Hours for Taking					
475 - Methods of Take for Nongame Birds and Nongame Mammals					
478 - Bobcat	Add language in subsection (c) to clarify the allowance of trapping for depredation. Language to the effect of, "except as authorized in Section 401" should be added.		Fish and Game Code Section 4155(c) authorizes bobcat trapping when they are injuring crops or property. Regulations adopted by the Fish and Game Commission (Title 14 Section 401) authorizes trapping bobcats pursuant to a depredation permit or when found in the act of injuring or killing livestock. These allowances should be incorporated into Section 478.	Yes, Existing regulation is not consistent with current statute. This change would bring regulation into compliance with the statute.	See FGC Section 4155(c)
478.1 - Bobcat Hunting Tags					

Fish and Game Commission
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 California Wool Growers Assn. Comments

Comments submitted by Erica Sanko, dated 09/30/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training		County & federal trappers use dogs to pursue fox/raccoons to keep their dogs trained & in shape for human health & safety response. Without this tool, the effectiveness of these hounds would be diminished. Ranchers rely on government trappers to assist in tracking depredating wildlife to protect their ranches & property.			
365 - Bear					
366 - Archery Bear Hunting					
401 - Issuance of Permit to Take Animals Causing Damage	(1) immediately (2) Insert <u>The department shall respond to an application as soon as possible, but no later than 72 hours after receiving the application. Should the department fail to respond, an application shall be deemed accepted and a permit issued.</u>	DFW should issue permits in a timely manner to ensure damage/losses to property do not continue and/or worsen. DFW should be able to issue permits if historical data supports certain species have previously caused damage in an area & a current animal is exhibiting behaviors that will result in property damage/losses.	Managing damaging animals & protecting property.	Yes - Consistent with FGC Section 4181	
402 - Issuance of Permit to Kill Mountain Lion Causing					
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	Fisher, marten, river otter, desert kit fox and red fox may not be taken <u>for the purpose of recreation or commerce in fur</u> at any time.	Ensure Fisher, marten, river otter, desert kit fox and red fox are fully protected.			
461 - Badger and Gray Fox					
462 - Muskrat and Mink					
464 - Raccoon					
465 - General Provisions for Taking Furbearers		Should allow for take at any time when fur-bearing mammals are threatening to injure property.	Managing damaging animals & protecting property.		
465.5 Use of Traps	Insert 463(a) where the take of beaver is permitted. (5) Zones Prohibited to the Use of Conibear-type Traps and <u>Neck</u> Snares. Conibear-type traps and <u>neck</u> snares, except those totally submerged, and deadfall traps are prohibited in the following zones (see CCR for full list)	Clarifies the allowance of neck snares for trapping purposes.			
466 - Hours of Taking					
472 - General Provisions (nongame)					
474 - Hours for Taking					
475 - Methods of Take for Nongame Birds and Nongame Mammals		Electronic callers are utilized to address many depredation issues.			
478 - Bobcat	Need to reference Section 401 in 478(c)	Consistent with current regulation for exceptions for depredation purposes.	Managing damaging animals & protecting property.	Yes - FGC Section 4155(c).	
478.1 - Bobcat Hunting Tags					

Fish and Game Commission
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Comments submitted by Josh Brones, dated 9/2/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training	Allow use of dogs on private property during archery seasons; eliminate 1 dog/hunter limit during general deer season when using dogs between 1/2 hour after sunset and 1/2 hour before sunrise; eliminate 1 dog/hunter limit during general deer season when using dogs on private property for species other than deer (prima facie as not having deer tag and/or weapon capable of taking deer); modify (b)(6)(c) to explicitly allow exemptions for current and retired peace officers and CCW permit holders; modify (b)(6)(F)(1) and (2) to account for proposed new seasons				
365 - Bear	No change				
366 - Archery Bear Hunting	Allow use of dogs on private property during archery bear season				
401 - Issuance of Permit to Take Animals Causing Damage	Modify (b)(3) to read, 'not to exceed 60 consecutive days" so as to align with (b)(2)				
402 - Issuance of Permit to Kill Mountain Lion Causing	No change				
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	amend language to read, "...Desert Kit Fox and Sierra Nevada Red Fox."				
461 - Badger and Gray Fox	Modify (a)(1) to be second Saturday of November to last day of February, statewide; remove language regarding take of Gray Fox (see 464); add language regarding take of Mink and modify Season to be second Saturday of November to last day of February, statewide.				
462 - Muskrat and Mink	Remove language regarding take of Mink (see 461); remove language regarding take of Muskrat (and move to 463 - Beaver)				
464 - Raccoon	Modify (b)(1) to be second Saturday of November to last day of February, statewide; modify ©(1) to allow for rifles not larger than .223 caliber; move language regarding take of Gray Fox and modify Season to be second Saturday in November to last day of February, statewide; add language regarding take of Gray Fox to align with (c)(1) caliber limitations for raccoon after dark				
465 - General Provisions for Taking Furbearers	No change				
465.5 Use of Traps	No change				
466 - Hours of Taking Furbearers					
472 - General Provisions (nongame)	Add language identifying introduced red fox to (a); add language allowing take of introduced red fox west of Interstate 5 from California-Oregon border to it's convergence with California State Route 99 to its intersection with California State Route 58 and south of California State Route 58 to its intersection with Interstate 15 to the California-Nevada border.				
474 - Hours for Taking	No change				

Comments submitted by Josh Brones, dated 9/2/16

475 - Methods of Take for Nongame Birds and Nongame Mammals	Modify (b) to include badger, gray fox, mink, opossum, raccoon, skunk, and weasel				
478 - Bobcat	Modify (b) to be from second Saturday of November to the last day of February, statewide				
478.1 - Bobcat Hunting Tags	No change				

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Comments submitted by Mark Hennelly, dated 09/02/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training					
365 - Bear					
366 - Archery Bear Hunting					
401 - Issuance of Permit to Take Animals Causing Damage					
402 - Issuance of Permit to Kill Mountain Lion Causing Damage					
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	Revise prohibition on red fox take to only include the Sierra Nevada red fox. Include areas west of Highway 99 to allow the take of non-native red fox.				
461 - Badger and Gray Fox					
462 - Muskrat and Mink					
464 - Raccoon					
465 - General Provisions for Taking Furbearers					
465.5 Use of Traps	Delete the requirement that killing an animal by firearm must be permitted by local ordinance. Add requirement that killing an animal with firearm must be consistent with state firearm safety laws, including those relating to discharging firearms near occupied buildings and public roadways (Section 3004 (a) and (b) of the Fish and Game Code) and discharging firearms in a grossly negligent manner (Section 246.3 (a) of the Penal Code).				
466 - Hours of Taking Furbearers					
472 - General Provisions (nongame)					
474 - Hours for Taking					
475 - Methods of Take for Nongame Birds and Nongame Mammals					
478 - Bobcat					
478.1 - Bobcat Hunting Tags					

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Comments submitted by Rebecca Dmytryk, dated 09/04/16

				Is Change Consistent with Existing Fish & Game Code?	
Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals					
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training	<p>(a) Prohibitions on the Use of dogs. The use of dogs for the pursuit/take of mammals or for dog training is prohibited as follows: (1) The use of dogs is prohibited during the archery seasons for deer or bear. (1) The use of dogs is prohibited for the take of deer, bear, bobcat, elk, bighorn sheep and antelope. (2) Mountain lions may not be pursued with dogs except under the provisions of a depredation permit issued pursuant to Section 4803 of the Fish and Game Code. Bear or bobcat may not be pursued with dogs except under the provisions of a permit issued pursuant to sections 3960.2 or 3960.4 of the Fish and Game Code. Dog training on mountain lions is prohibited.</p> <p>(6) (F) Seasons.</p> <p>1. Gray Fox. Dogs may be trained on gray fox from March 1 September 1 through the day preceding the opening of the general gray fox season (November 24 through the last day of February, statewide.), except for closures and restrictions described in subsections 265(a) and (b).</p> <p>2. Raccoon. Dogs may be trained on raccoon from April 1 September 1 through the day preceding the opening of the general raccoon season (July 1 through March 31 in restricted area and November 16 through March 31 in the balance of the state), except for closures and restrictions described in subsections 265(a) and (b).</p> <p>3. Other Mammals. Except for closures and prohibitions described in this Section 265 and sections 3960 and 4800 of the Fish and Game Code, dogs may be trained on mammals other than gray fox and raccoon at any time.</p>	<p>Remove bear from (1).</p> <p>Gray fox and raccoons - CA gray fox breeding season extends from January to May with peak in March. Gestation up to 63 days. Kits born as late as July. Add dependency period - a minimum of 12 weeks. Raccoons in CA are born March - May, typically. Add dependency period of minimum 18 weeks.</p> <p>Non-native red fox?</p> <p>Deer? Are deer allowed to be trained on or taken by dogs? If so, I would request deer be added to (a)(2). Chase can cause</p> <p>If take or training w/dogs on deer is allowed, then it conflicts with 3960.</p> <p>(a) As used in this section:</p> <p>(1) "Pursue" means pursue, run, or chase.</p> <p>(2) "Bear" means any black bear (Ursus americanus) found in the wild in this state.</p> <p>(b) It is unlawful to permit or allow any dog to pursue any big game mammal during the closed season on that mammal, to pursue any fully protected, rare, or endangered mammal at any time, to pursue any bear or bobcat at any time, or to pursue any mammal in a game refuge or ecological reserve if hunting within that refuge or ecological reserve is unlawful.</p>			
365 - Bear	NO COMMENT	NO COMMENT			
366 - Archery Bear Hunting	NO COMMENT	NO COMMENT			

Comments submitted by Rebecca Dmytryk, dated 09/04/16				
<p>401 - Issuance of Permit to Take Animals Causing Damage *</p> <p>*Staff merged content with adjacent column due to cell size limitation. No content removed.</p>	<p>§401. Issuance of Permit to Take Animals Causing Damage. (a) Application. A person who is a property owner or tenant may apply to the department for a permit to take elk, bear, beaver, bobcat, fox, wild pigs, deer, wild turkeys, or gray squirrels that are damaging or destroying, or immediately threatening to damage or destroy, causing damage to land or property with a fair market value of \$500.00 or more. A fox or bobcat in the act of injuring or killing livestock may be taken immediately provided the property owner or tenant applies for a permit from the department the next working day following the take. (b) Permit Period. (1) Permits issued pursuant to this section for beaver, wild pigs, or gray squirrels shall be valid for a period not to exceed one year. (2) Permits issued pursuant to this section for bobcat, elk, bear, wild turkey, or deer shall be valid for a period not to exceed 60 consecutive days. (3) (2) Permits issued pursuant to this section for bear or bobcat authorizing the use of not more than three dogs shall be valid for a period not to exceed 20 consecutive days. (4) (3) Permits may be renewed if damage or threatened damage to land or property continues to exist. (more)... (E) A full description, including estimated fair market value, of the land or property damaged, or destroyed, or immediately threatened, and the date the damage or threat occurred. (F) The species suspected of damaging, or destroying, or threatening land or property, and the method of identifying the species. (G) A description of all non-lethal or less-lethal measures undertaken to prevent damage caused by animals prior to requesting the permit. (H) A description of corrective actions that will be implemented to prevent future occurrence of the damage. (I) The proposed method of take (more)... (g) Reports Required. (1) Holders of permits authorizing take of animals causing damage wild pigs shall provide a report listing the date and sex of each wild pig animal taken. A report shall be submitted whether or not any animals were taken. The reporting period shall be by calendar month. The permittee or designated agent shall complete and submit the report to the department on or before the 15th day of the following month. Reports shall be submitted to the address provided by the department.</p>			
<p>402 - Issuance of Permit to Kill Mountain Lion Causing Damage**</p> <p>**Staff created second row to accommodate text that exceeded maximum row size (see below). No content removed.</p>	<p>(a) Revocable permits may be issued by the department after receiving a report, from any owner or tenant or agent for them, of property with a fair market value or base value of \$1,000.00 or more being damaged or destroyed by mountain lion. The department shall conduct and complete an investigation within 48 hours of receiving such a report. Any mountain lion that is encountered in the act of inflicting injury to, molesting or killing livestock or domestic animals may be taken immediately if the taking is reported within 24 72 hours to the department and the property and carcass is shall be made available to the department for investigation. Whenever immediate action will assist in the pursuit of the particular mountain lion believed to be responsible for damage to livestock or domestic animals, the department may orally authorize the pursuit and take of a mountain lion. The department shall investigate such incidents and, upon a finding that the requirements of this regulation have been met, issue a free permit for depredation purposes, and carcass tag to the person taking such mountain lion.</p>	<p>I have heard it expressed that there should be a certain monetary value of loss before a depredation permit is issued - as it stands, someone can lose one free-range chicken and be issued a mountain lion depredation permit. Mountain lions are valued. I have also heard that ranchers/farmers consider depredation permits part of their livestock management practices - knowing they can rely on a permit if they suffer any degree of loss.</p> <p>Code 4181. and 4181.1 allows for take of bear causing damage but requires take be reported w/in 24 hours. Also, it requires an explanation of (1) Why the issuance of the permit was necessary, (2) What efforts were made to solve the problem without killing the bears. (3) What corrective actions should be implemented to prevent reoccurrence. It seems appropriate that these requirements be extended to the mountain lion and other predators.</p> <p>I would like to see similar requirements for all depredation permits:</p> <p>(d) With respect to elk, the following procedures shall apply: (1) Prior to issuing a depredation permit pursuant to subdivision (a), the department shall do all of the following: (A) Verify the actual or immediately threatened damage or destruction. (B) Provide a written summary of corrective measures necessary to immediately alleviate the problem. (E) Work with affected landowners to develop measures to achieve long-term resolution, while maintaining viability of the herd.</p>		

Comments submitted by Rebecca Dmytryk, dated 09/04/16

<p>402 - continued</p>	<p>(b) Required Information and Conditions of Permit. (1) The department shall collect the following information before issuing a depredation permit: (A) The name, mailing address, and contact information of the property owner, or tenant if applicable, including telephone and email. If the owner is a business entity, contact information for the person acting on behalf of the business. (B) The name, mailing address, and contact information of any agent acting on behalf of the tenant or property owner, including telephone and email. (C) The county and address of the location of the damage caused by depredation, or the nearest landmark or cross streets. (D) A full description of the land or property damaged or destroyed. (E) A description of all non-lethal or less-lethal measures undertaken to prevent damage or loss by mountain lion prior to requesting the permit. (F) A description of corrective actions that will be implemented to prevent future damage or loss by mountain lion. (c) Methods of Take (1) Permittee and/or agent may take mountain lion in the manner specified in the permit, except that no mountain lion shall be taken by means of poison, leg-hold or metal-jawed traps and or snares. The department may specify the caliber and type of firearm and ammunition to be used based upon safety considerations. (2) The permittee and/or agent shall ensure that all animals are killed in a humane manner instantly and prevent any injured animal from escaping. The permittee and/or agent may not begin pursuit of a lion more than one mile nor continue pursuit beyond a 10-mile radius from the location of the reported damage. (d) Both males and females may be taken during the period of the permit irrespective of hours or seasons. (e) The privilege granted in the permit may not be transferred, and only entitles the permittee or the employee or agent of the permittee to take mountain lion. Such person must be 21 years of age or over and eligible to purchase a California hunting license. (f) Any person issued a permit pursuant to this section shall immediately report by telephone within 24 hours the capturing, injuring or killing of any mountain lion to an office of the department or, if telephoning is not practical, in writing within five days after capturing, injuring or killing of the mountain lion. Any mountain lion killed under the permit must be tagged with the special tag furnished with the permit; both tags must be completely filled out and the duplicate mailed to the Department of Fish and Game, Sacramento, within 5 days after taking any mountain lion. (g) The entire carcass shall be transported within 5 days to a location agreed upon between the issuing officer and the permittee, but in no case will a permittee be required to deliver a carcass beyond the limits of his property unless he is willing to do so. The carcasses of mountain lions taken pursuant to this regulation shall become the property of the state. (h) Animals shall be taken in a humane manner so as to prevent any undue suffering to the animals. (restated above) (i) The permittee shall take every reasonable precaution to prevent the carcass from spoiling until disposed of in the manner agreed upon under subsection (f) of these regulations. (j) The permit does not invalidate any city, county, or state firearm regulation. (k) Permit Period. Permits shall be issued for a period of 10 days. Permits may be renewed only after a finding by the department that further damage has occurred or will occur unless such permits are renewed. The permittee may not begin pursuit of a lion more than one mile nor continue pursuit beyond a 10-mile radius from the location of the reported damage. (moved)</p>			
<p>460 - Fisher, Marten, River Otter, Desert Kit Fox, Sierra Nevada Red Fox and Sacramento Valley Red Fox</p>		<p>Should we distinguish red fox species? Possible language exempting scientific collecting?</p>		
<p>461 - Badger and Gray Fox</p>	<p>(a) Badger may be taken as follows: (2) Bag and Possession Limit: No limit. Set limit. (b) Gray fox may be taken as follows: (2) Bag and Possession Limit: No limit. Set limit.</p>			
<p>462 - Muskrat and Mink</p>	<p>Bag and Possession Limit: No limit. Set limit.</p>			

Comments submitted by Rebecca Dmytryk, dated 09/04/16

<p>464 - Raccoon</p>	<p>(a) Seasons and Areas: (1) Raccoon may be taken from July 1 through March 31 in the following area: All of Imperial County and those portions of Riverside and San Bernardino counties lying south and east of the following line: Beginning at the intersection of Highway 86 with the north boundary of Imperial County; north along Highway 86 to the intersection with Interstate 10; east along Interstate 10 to its intersection with the Cottonwood Springs Road in Section 9, T6S, R11E, S.B.M.; north along the Cottonwood Springs Road and the Mecca Dale Road to Amboy; east along Highway 66 to the intersection with Highway 95; north along Highway 95 to the California-Nevada state line. (1) October 1 through February 15 31 in the balance of the state. (b) Bag and Possession Limit: No limit. Set Limit. (c) Method of Take: (2) When taking raccoon after dark, pistols and rifles not larger than .22 caliber rimfire and shotguns using shot no larger than No. BB are the only firearms which may be used during this night period. (This regulation supersedes Sections 4001 and 4002 of the Fish and Game Code.) (See Sections 264 and 264.5 for light regulations.) (3) The take or attempted take of any raccoon with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1. (d) Dogs may be permitted to pursue raccoons in the course of breaking, training or practicing dogs in accordance with the provisions of Section 265 of these regulations.</p>	<p>Adjust season dates to better reflect breeding / birthing season and dependency.</p>			
<p>465 - General Provisions for Taking Furbearers</p>	<p>(a) Furbearing mammals may be taken only with a firearm, bow and arrow, or with the use of dogs, or traps in accordance with the provisions of Section 465.5 of these regulations and Section 3003.1 and 4004 of the Fish and Game Code. The take or attempted take of any furbearing mammal with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1. The take or attempted take of any furbearing mammal with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1.(REPEATED ONLINE)(b) Pursuant to Fish and Game Code Section 2003, it is unlawful to offer any prize or other inducement as a reward for the taking of furbearers in an individual contest, tournament, or derby.</p>				

Comments submitted by Rebecca Dmytryk, dated 09/04/16					
<p>465.5 Use of Traps**</p> <p>**Staff created second row to accommodate text that exceeded maximum row size (see below). No content removed.</p>	<p>(e) Prohibition on Use of Steel-jawed Leg-hold Traps by Individuals. (more) (1) Exception for Extraordinary Case to Protect Human Health or Safety. (more) (A) Leg-hold Trap Requirements. Leg-hold traps used to implement subsection (e)(1) must be padded, commercially manufactured, and equipped as provided in subsections (A)1. through (A)5. 8. below.</p> <p>1. Anchor Chains. Anchor chains must be attached to the center of the padded trap, rather than the side.</p> <p>2. Chain Swivels. Anchor chains must have a double swivel mechanism attached as follows: One swivel is required where the chain attaches to the center of the trap. The second swivel may be located at any point along the chain, but it must be functional at all times.</p> <p>3. Shock Absorbing Device. A shock absorbing device such as a spring must be in the anchor chain.</p> <p>4. Tension Device. Padded leg-hold traps must be equipped with a commercially manufactured pan tension adjusting device.</p> <p>5. Trap Pads. Trap pads must be replaced with new pads when worn and maintained in good condition.</p> <p>6. Warning Signs. Signs must be posted when traps are set on publicly owned land or land expressly open to public use, at every entrance and exit to the property indicating the presence of conibear traps and at least four additional signs posted within a radius of 50 feet of the trap, one in each cardinal direction, with lettering that is a minimum of three inches high stating: "Danger! Traps Set For Wildlife. Keep Out." Signs shall be maintained and checked daily.</p>	<p>As stated in mountain lion dep. section - should be applied to all animals: Animals shall be taken in a humane manner so as to prevent any undue suffering to the animals.</p> <p>(5) For the last number of years there has been a significant increase in the number of wild mammals and birds mortally wounded by snap traps and glue boards placed outdoors.</p> <p>(8) allows for rescue using various pieces of manned equipment - there are no other sections, no language where Department can authorize groups or individuals to use traps or nets to help aid ill/injured/orphaned wildlife.</p>			
<p>465.5 - continued</p>	<p>(g) Use of Conibear Traps, Snares, Cage and Box Traps, Nets, Suitcase-type Live Beaver Traps and Common Rat and Mouse Traps for Purposes Unrelated to Recreation or Commerce in Fur. (more)</p> <p>(1) Immediate Dispatch or Release. All furbearing and nongame mammals that are legal to trap must be immediately killed or they may be released on site. Unless released, trapped animals shall be killed in a humane manner so as to prevent any undue suffering to the animals and in compliance with Fish and Game Code Section 4004 (g) and California Penal Code Section 597 or by shooting where local ordinances, landowners, and safety permit. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals.</p> <p>(2) Trap Visitation Requirement. All traps shall be visited at least once daily every twenty-four hours (24) by the owner of the traps or his/her designee. (more)</p> <p>(5) Outdoor Use of Rat and Mouse Traps. If placed outdoors or in an area where other animals have access, rat and mouse snap traps and glue boards must be enclosed in protective cases or boxes to prevent wildlife or domestic animals from gaining access.</p> <p>(6) Warning Signs. Except for mouse and rat traps, signs must be posted when traps are set on publicly owned land or land expressly open to public use, at every entrance and exit to the property indicating the presence of conibear traps and at least four additional signs posted within a radius of 50 feet of the trap, one in each cardinal direction, with lettering that is a minimum of three inches high stating: "Danger! Traps Set For Wildlife. Keep Out." Signs shall be maintained and checked daily.</p> <p>(7) Zones (more)</p> <p>(8) Authorization to Capture Ill, Injured, or Orphaned Mammals. The department may authorize individuals to use capture equipment, including cage traps and nets, to contain authorized injured, diseased or orphaned animals for the purpose of rescue or rehabilitation.</p>				
<p>466 - Hours of Taking Furbearers</p>					

Comments submitted by Rebecca Dmytryk, dated 09/04/16				
472 - General Provisions (nongame)**	<p>Except as otherwise provided in Sections 478 and 485 and subsections (a) through (d) below, nongame birds and mammals may not be taken.</p> <p>(a) The following nongame birds and nongame mammals may be taken at any time of the year and in any number except as prohibited in Chapter 6: English house sparrow, European starling, coyote, weasels, skunks, opossum, moles and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species).</p> <p>(b) Fallow, sambar, sika, and axis deer may be taken only concurrently with the general deer season.</p> <p>(c) Aoudad, mouflon, tahr, and feral goats may be taken all year.</p> <p>(d) American crows (<i>Corvus brachyrhynchos</i>)</p> <p>(1) May be taken only under the provisions of Section 485 and by landowners or tenants, or by persons authorized in writing by such landowners or tenants, when American crows are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. Persons authorized by landowners or tenants to take American crows shall keep such written authorization in their possession when taking, transporting or possessing American crows. American crows may be taken only on the lands where depredations are occurring or where they constitute a health hazard or nuisance. If required by Federal regulations, landowners, or tenants or those persons authorized by such landowners or tenants shall obtain a Federal Migratory Bird Depredation Permit before taking any American crows or authorizing any other person to take them.</p>	<p>Should have limits on take of meso-predators.</p> <p>USFWS MBDP: My understanding is the person actually doing the take is the one that needs the fed permit, not the person hiring/authorizing them.</p>		
472 - continued	<p>(2) American crows may be taken under the provisions of this subsection only by firearm, bow and arrow, falconry or by toxicants by the Department of Food and Agriculture for the specific purpose of taking depredating crows. Toxicants can be used for taking crows only under the supervision of employees or officers of the Department of Food and Agriculture or federal or county pest control officers or employees acting in their official capacities and possessing a qualified applicator certificate issued pursuant to sections 14151-14155 of the Food and Agriculture Code. Such toxicants must be applied according to their label requirements developed pursuant to sections 6151-6301, Title 3, California Code of Regulations.</p> <p>(e) Pursuant to California Fish and Game Code Section 4152, only nongame mammals that are causing damage to property or pose a threat to human health and safety or a threat to recovery of protected wildlife, may be taken by methods consistent with Section 401 of the California Fish and Game Code of Regulations, requiring a permit.</p>			
474 - Hours for Taking				??? 465.5

Comments submitted by Rebecca Dmytryk, dated 09/04/16					
475 - Methods of Take for Nongame Birds and Nongame Mammals	<p>Nongame birds and nongame mammals may be taken in any manner except as follows:</p> <ul style="list-style-type: none"> • (a) Poison may not be used. • (b) Recorded or electrically amplified bird or mammal calls or sounds or recorded or electrically amplified imitations of bird or mammal calls or sounds may not be used to take any nongame bird or nongame mammal except coyotes, bobcats, American crows and starlings. • (c) Fallow deer, sambar deer, axis deer, sika deer, aoudad, mouflon, tahr and feral goats may be taken only with the equipment and ammunition specified in Section 353 of these regulations. • (d) Traps may be used to take nongame birds and nongame mammals only in accordance with the provisions of Section 465.5 of these regulations and sections 3003.1 and 4004 of the Fish and Game Code. • (e) No feed, bait or other material capable of attracting a nongame mammal or nongame bird may be placed or used in conjunction with dogs for the purpose of taking any nongame mammals or birds. Nothing in this section shall prohibit an individual operating in accordance with the provisions of Section 465.5 from using a dog to follow a trap drag,(comma) and taking the nongame mammal caught in that trap in a humane manner and in accordance with California Fish and Game Code Section 4004 (g). • (f) The take or attempted take of any nongame bird or nongame mammal with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1 of these regulations. 				
478 - Bobcat	(c) Trapping: 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 State of California. Any holder of a trapping license who traps a bobcat shall immediately release the bobcat to the wild unharmed.				
478.1 - Bobcat Hunting Tags		<p>Why is there no minimum age to hunt bobcats? Increase tag fee from \$3.24? 11K sold in 2015, how many were reported taken? How many were reported taken by pest control, if any?</p> <p>Not unlimited take - establish quota as with other species.</p>			
251.1. Harassment of Animals.	<p>Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or drive wildlife any game or nongame bird or mammal or furbearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering. This section does not apply to a landowner or tenant who drives or herds birds or mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops.</p>	<p>Would like to see an exemption for wildlife rehabilitators and oil spill responders.</p>			

Comments submitted by Rebecca Dmytryk, dated 09/04/16

<p>251.3. General Prohibition Against Feeding Big Game Mammals Wildlife.</p>	<p>Except as otherwise authorized in these regulations or in the Fish and Game Code, (1) No person shall feed, attempt to feed, or negligently attract wild mammalian predator species (wild carnivore species), including coyote, raccoon, fox, skunk, opossum, bear, mountain lion, and bobcat, to land or a building. (2) No person shall knowingly feed big game mammals, as defined in Section 350 of these regulations, game mammals or game birds. (3) Any person who feeds, attempts to feed, or attracts wild mammalian predator species (wild carnivore species) or game species to land or a building by placing or locating food, food waste, or other edible attractant in, on, or about any land or building, and the food, food waste, or other edible attractant poses a risk to the safety of any person, livestock, or pet because it is attracting or could attract wild mammalian predator species (wild carnivore species) or game species to the land or building, that person commits a misdemeanor, or alternatively, an infraction. (4) No person shall leave or permit to be left out-of-doors any garbage containing food scraps without first securing food scraps in closed containers. (5) Subsection (3) of this section does not apply to: (a) A person who is engaging in hunting or trapping wildlife in accordance with all other applicable provisions of this Title and in accordance with applicable federal, state, and municipal laws; (b) A person who is engaging in a farming or ranching operation that is using generally accepted farming or ranching practices; (c) Waste disposal facilities that are operating in accordance with applicable federal, state, and municipal laws.</p>	<p>Expands on species to include other problematic and potentially dangerous animals. Broadens language. Allows LE discretion on type of citation. Supports growing number of cities and counties prohibiting feeding of wildlife. See San Bernardino County, Los Angeles, San Jose, Torrance, Berkeley. Based on WA ordinance.</p>	<p>Altering behavior of wildlife, increasing potential for human-wildlife conflicts. Will help reduce risks of disease transmission, artificial population increase, and damage to public and private property</p>		
<p>467. Trapping Reports</p>	<p>All holders of trapping licenses for recreational trapping, commerce in fur, or pest control, or those individuals registered with the department to trap authorized mammals for purposes unrelated to recreation or commerce in fur or pest control, including, but not limited to, the protection of property, must submit to the department a sworn statement or report by July 1 of his/her annual take of fur-bearing mammals for the preceding trapping season July 1 through June 30 of the preceding year. The statement or report shall show the number of each kind of fur-bearing mammals and nongame mammals taken, the reason or purpose for the take, number sold, the county in which furs were taken, the disposition of the animal, if the fur was sold, and the names and addresses of the persons to whom furs were shipped or sold. If the annual report is not received by July 1 following the most recent trapping year, or if it is not completely filled out, the trapper's license will be suspended. The commission shall be notified of any suspension and, subsequently, may revoke or reinstate applicant's license renewal application after written notice is given to the applicant and after he/she has been afforded an opportunity to be heard.</p>	<p>Recommend separate licence for trapping for recreation and fur and damage (pest) control</p>			

Fish and Game Commission
 Predator Policy Workgroup
 Predator Regulations Review Exercise
 July 21, 2016

DISCLAIMER: The recommended regulatory changes below represent a consensus proposal from the members representing the interests of Center for Biological Diversity, The Humane Society of the United States, and Project Coyote on the Predator Policy Workgroup. These changes would greatly improve the management of predators in California. However these proposed changes are only a first step and should not be read to indicate that our organizations believe that allowing any recreational or commercial take of predators is consistent with modern ecological principles or the

Comments submitted by CBD, HSUS, and Project Coyote, dated 09/02/16

Existing Title 14 Regulations	Recommended Change to Current Regulation	Question or Comment about Current Regulation	Management Issue Addressed by Change	Is Change Consistent with Existing Fish & Game Code?	
				Yes / No / Not Sure	If Not, Which Section?
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals	Keep as is.	<p>Ultimately, we challenge and urge the clean up of the categorization of species because they are antediluvian and not based on science.</p> <p>However, absent changing definitions, we recommend keeping as is. [FGC Sec. 3500 (Resident GameBirds); FGC Sec. 3950 (Game Mammals); FGC 4000 (Furbearing Mammals)]</p> <p>Throughout code and regulations, there are numerous inconsistencies with regard to references to game birds and mammals. These inconsistencies need to be squarely addressed and resolved to clarify when the Commission and the legislature intended game mammals (excluding nongame and furbearing classifications) as opposed to when code or regulations apply to all terrestrial mammals.</p>	Code and reg consistency; Addressing species categorization based on science rather than antediluvian and no longer relevant definitions		
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training	Blanket prohibition on pursuit/take of mammals via dog/dog training.	We recommend a blanket prohibition on pursuit/take of mammals via dog/dog training because take by dog is both inhumane for the victim prey as well as the dog itself. Moreover, a blanket prohibition would make it easier for law enforcement since it is currently illegal to pursue bobcats and bears but legal for coyotes, raccoons and other species. We note that there may be an exception for scientific research purposes.	Legal enforcement issues; Animal welfare ethics		

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365 - Bear	<p>Subsection (b) (Seasons). (1) Add "1,700 bears, <i>or any updated limit as the Department determines</i>, have been taken pursuant to the reporting requirement in subsection 708.12(d). <u><i>The department shall lower the take limit of 1,700 bears per season as warranted.</i></u>"</p>	<p>Currently there is a statewide take limit of 1,700 bears per season. This new provision ensures that take limits are regularly revisited.</p> <p>Moreover, we do not support any predator trophy-hunting and trapping because the practice: 1) creates social chaos in a population when territorial adults are removed, which leads to both intraspecific strife and infanticide; and 2) taking trophy-quality animals reduces the gene pool by removing the most fit animals.</p>	Ethics of take limits and trophy hunting and trapping		
366 - Archery Bear Hunting	Blanket ban on this entire practice.	It is ethically wrong to partake in archery bear hunting, and hunting for bears in this manner cuts against hunter ethics of eating what you kill.	Ethics of form of take		
401 - Issuance of Permit to Take Animals Causing Damage	<p>Subsection (a) (1) may and insert <i>must</i>. Strike <u>to take</u> and replace with <u>prior to taking</u> (2) or immediately threatening to damage or destroy, Subsection (b) (1) or threatened damage Subsection (c) (1) Change permit title name to "PERMIT TO KILL TAKE." (2) At the end of the provision, add "bound by all terms of the permit, <i>including use of non-lethal methods of take before resorting to legal take in compliance with subsection (d) below.</i>" Subsection (d) (1) In subsection (1), add after second sentence, "<i>Lethal control may be deployed only after the Department has determined that all appropriate non-lethal measures have been exhausted, and the state has verified that livestock losses have resulted from a predator whose species has been determined.</i>" (2) In subsection (1), add "<i>No body-gripping traps, iron-jawed traps, . . .</i>" (3) In subsection (1) at the end of the final sentence, add: "<i>Any non-target species taken by non-lethal method must be release unharmed and may not be taken. Any non-target species incidentally trapped in a non-lethal trap must be immediately release unharmed.</i>"</p>	<p>Non-lethal methods should be exhausted first before employing lethal methods. While we understand the need to protect against depredating animals and respect the rights of farmers and property owners to do so, we equally respect the rights of target and non-target animals and believe that enforcing the exhaustion of non-lethal methods first is a reasonable way to address the ethics and commercial needs of all sides. We do not object to using lethal methods where necessary in extraordinary circumstances where the animal is threatening public and human safety. To support this practice, we are open to working with the Department to develop a detailed guideline for usage of non-lethal methods.</p>	Exhaustion of non-lethal methods prior to use of lethal methods		

Comments submitted by CBD, HSUS, and Project Coyote, dated 09/02/16

<p>402 - Issuance of Permit to Kill Mountain Lion Causing Damage</p>	<p>Subsection (a) (1) Fix typo "complete and investigation. . . " (2) Fix typo "and carcass tags_e" (3) Add in current last sentence the underlined: "The department shall investigate such incidents and, upon a finding that the requirements of this regulation have been met, <u>may</u> issue a free permit. . . " (4) Add: <u>,"Lethal control may be deployed only after the Department has determined that all appropriate non-lethal measures have been exhausted, and the state has verified that livestock losses, if applicable, have resulted from the mountain lion in question. Lethal methods are permitted in exceptional circumstances where mountain lions immediately threaten human health and safety."</u></p> <p>Subsection (b) (1) Insert "by means of poison, <u>body-gripping</u> . . . "</p>	<p>The current regulation obliges the department to issue a permit to kill for depredation purposes upon investigating an incident and finding that the requirements of this regulation have been met. This should be a discretionary case-by-case decision made by the Department, as opposed to an automatic approval to kill, in order to afford non-lethal methods and other alterantives short of killing to address the damages caused.</p>	<p>Exhaustion of non-lethal methods priot to use of lethal methods</p>		
<p>460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox</p>	<p>Retain as is.</p>	<p>The current regulation prohibits the take of an enumerated subset of fubrearing mammals, which are already or soon will be listed as protected species under federal and CA state law. We defend and support the current regulation. See comment letter for further detail.</p>			
<p>461 - Badger and Gray Fox</p>	<p>(1) Add in provisions that do not permit unlimited take and instead require Department to set bag and season limits in accordance with science, ethics, and other pertinent values. (2) Delete Subsection (b)(3) permitting dogs to pursue gray fox.</p>	<p>The scheme of no bag limits is at odds with any semblance of science-based management, while as a matter of ethics and ecology, predators should not be trophy hunted or trapped at all. We want to ensure that the Dept and Commission set actual take limits and seasons should take be permitted. In addition to bag limits, take should at least be prohibited during the spring time to avoid orphaning of young. Re: pursuit by dog, we oppose the practice due to the inhumane ethics for both prey and dog.</p>	<p>Ethics of take limits and trophy hunting and trapping</p>		
<p>462 - Muskrat and Mink</p>	<p>Add in provisions that do not permit unlimited take and instead require Dept to set bag limits in accordance with science, ethics, and other pertinent values.</p>	<p>The scheme of no bag limits is at odds with any semblance of science-based management, while as a matter of ethics and ecology, predators should not be trophy hunted or trapped at all. We want to ensure that the Dept and Commission set actual take limits and seasons should take be permitted. In addition to bag limits, take should at least be prohibited during the spring time to avoid orphaning of young.</p>	<p>Ethics of take limits and trophy hunting and trapping</p>		

Comments submitted by CBD, HSUS, and Project Coyote, dated 09/02/16

464 - Raccoon	(1) Add in provisions that do not permit unlimited take and instead require Dept to set bag limits in accordance with science, ethics, and other pertinent values. (2) Delete Subsection (d) permitting dogs to pursue gray fox.	The scheme of no bag limits is at odds with any semblance of science-based management, while as a matter of ethics and ecology, predators should not be trophy hunted or trapped at all. We want to ensure that the Dept and Commission set actual take limits and seasons should take be permitted. In addition to bag limits, take should at least be prohibited during the spring time to avoid orphaning of young. Re: pursuit by dog, we oppose the practice due to the inhumane ethics for both prey and dog.	Ethics of take limits and trophy hunting and trapping		
465 - General Provisions for Taking Furbearers	Delete "with the use of the dogs".	Take by dog is both inhumane for the victim prey as well as the dog itself. Moreover, a blanket prohibition on take via use of dog would make it easier for law enforcement since it is currently illegal to pursue bobcats and bears but legal for coyotes, raccoons and other species. We note that there may be an exception for scientific research purposes.	Legal enforcement issues; Animal welfare ethics		
465.5 Use of Traps	See comment letter dated July 16, 2015 for full list of revisions. Amended provisions to address include the following: (1) Prohibition of body-gripping traps, with exception for circumstances where human health and safety are at risk; (2) Maintaining consent requirements of all residents who live 150 yds of location where trap is placed; (3) Misc changes to clarify, reorganize, and clean-up current language	See comment letter.	Ethics of take limits; Exhaustion of non-lethal methods prior to usage of lethal methods		
466 - Hours of Taking Furbearers	Add to the end "Section 474(a) of these regulations-- <i>or any other regulations in this chapter or the Fish & Game Code which prohibit night-time hunting in certain areas.</i> "	Resolution of inconsistencies with Code and other regulations.	Consistency with Code and other regulations		
472 - General Provisions (nongame)	See comment letter dated July 16, 2015 for full list of revisions. Provision amended to address nongame mammals only so that the final reads: "Except as otherwise provided in this chapter, nongame mammals may not be taken."	As a general recommendation, in the case that the take of a specific species is permitted, it should only be done so with a species-specific regulation such as those that exists for bobcats in 14 CCR §478 and furbearers in §§461-464. We believe that coyotes should be the highest priority for such species-specific regulations, and that as predators that play an important ecological role, they should not be trophy hunted or trapped.	Consistency with scientific classification		
474 - Hours for Taking	<u>Subsection (a)</u> (1) Include boundaries of potential wolf territory as closed to night-time hunting. <u>Subsection (b)</u> (2) Delete because night-time hunting on private lands within endangered species territory should not be permitted	Because wolves are both ESA and CESA-listed, regulations should afford protections to wolves that is consistent with these laws.	Consistency with CESA and ESA		

Comments submitted by CBD, HSUS, and Project Coyote, dated 09/02/16

<p>475 - Methods of Take for Nongame Birds and Nongame Mammals</p>	<p>Subsection (b) (1) Delete the following: except coyotes, bobcats, American crows and starlings.</p> <p>Subsection (e) (1) Delete the entire subsection.</p>	<p>Subsection (b): Recorded calls should not be used in the take of any of these species because it is a form of trickery.</p> <p>Subsection (e): No baiting should be allowed in conjunction with dogs; overall, no baiting should be allowed outside of depredation/relocation efforts. Instead of specifying that in this subsection, which specifically relates to dogs, the entire provision should be eliminated to avoid discussion.</p>	<p>Ethics of fair chase and animal welfare</p>		
<p>478 - Bobcat</p>	<p>First preference is to strike entire provision.</p> <p>However, second preference would be: Subsection (b) (1) Add language at the end of the last sentence: "five bobcats per season <u>subject to any revised bag limits set by the Department or Commission.</u>"</p>	<p>First preference reasoning: Bobcats, as an essential predator in the CA ecosystem, should not be hunted, as doing so goes against the majority view of Californians who value wildlife, as reflected in the process of passing the bobcat trapping ban.</p> <p>Second preference reasoning: This opens up the opportunity for Dept/Commission to adjust bag limits later. As discussed above, as a matter of ethics and ecology, bobcats as predators should not be trophy hunted or trapped at all. We do not support any predator trophy hunting or trapping because the practice: 1) creates social chaos in a population when territorial adults are removed, which leads to both intraspecific strife and infanticide; and 2) taking trophy-quality animals reduces the gene pool by removing the most fit animals.</p>	<p>Ethics of predator trapping and hunting</p>		
<p>478.1 - Bobcat Hunting Tags</p>	<p>First preference: bobcat hunting should be eliminated, so this entire provision should be entirely deleted.</p> <p>However, if not possible, second preference: Subsection (a): (1) Add language: "procure only five revocable, nontransferable bobcat hunting tags, subject to any revised bag limits set by the Department or Commission, . . ."</p> <p>Subsection (e) (1) Replace language: "shall not apply be barred from obtaining such tags for any future license year" (2) Add at the end: "year and shall be subject to penalties associated with this chapter."</p>	<p>First preference reasoning: Bobcats, as an essential predator in the CA ecosystem, should not be hunted, as doing so goes against the majority view of Californians who value wildlife, as reflected in the process of passing the bobcat trapping ban.</p> <p>Second preference reasoning: This opens up the opportunity for Dept/Commission to adjust bag limits later. As discussed above, as a matter of ethics and ecology, bobcats as predators should not be trophy hunted or trapped at all. We do not support any predator trophy hunting or trapping because the practice: 1) creates social chaos in a population when territorial adults are removed, which leads to both intraspecific strife and infanticide; and 2) taking trophy-quality animals reduces the gene pool by removing the most fit animals.</p>	<p>Ethics of predator trapping and hunting</p>		



Sent via electronic mail
July 16, 2015

To: Jack Baylis and Jim Kellogg, Co-Chairs,
Wildlife Resources Committee
California Fish and Game Commission
fgc@fgc.ca.gov

Sonke Mastrup, Executive Director, California Fish and Game Commission
Predator Policy Working Group
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Cc: Charles Bonham, Director
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Caren Woodson
California Fish and Game Commission
Caren.Woodson@fgc.ca.gov

Re: Proposed Revisions to Sections 460, 465.5 and 472, Title 14 of the California Code of Regulations

Dear President Baylis, Vice President Kellogg, and Executive Director Mastrup,

On behalf of Project Coyote, the Center for Biological Diversity, the Natural Resources Defense Council, the Humane Society of the United States, Mountain Lion Foundation, Project Bobcat, California Council for Wildlife Rehabilitators, Sonoma County Wildlife Rescue, Bird Ally X, and Humboldt Wildlife Care Center (collectively, “the Submitters”) and their over 1.6 million members and supporters in California, we are writing to express our strong support for amendments to the regulations implementing the California Fish and Game Code as related to the management of the state's native predators. Specifically, we request that the California Department of Fish and Wildlife (“the Department”) and the Wildlife

Resources Committee (“the Committee”) of the Fish and Game Commission recommend for adoption by the full Commission the following amendments to Sections 465.5 and 472 of Title 14 of the California Code of Regulations. Further, in light of the Committee’s announcement at its May 6, 2015 Los Angeles meeting to streamline the process of amending California provisions on predator management, we recommend that the proposed amendments below serve as a starting basis of discussion in the amendment process.

These suggested amendments reflect policies that would help bring California’s wildlife law into the 21st Century by espousing standards of equitable, humane, and ecologically-sound treatment of the state’s predators. Our reasoning for the amendments directly address and are informed by the discussion among multiple stakeholders at the March 12, 2015 predator work group meeting. In addition, several of our organizations have independently sent letters to the Department, Committee and Commission regarding these provisions; please see Exhibit A for these comment letters, which further elaborate on some of the points discussed below.

As a policy matter, any take of predator species for depredation purposes should be very limited in scope, authorized only where truly necessary, and, non-lethal methods should be exhausted before lethal methods are used. We believe the Commission should adopt regulations to the maximum extent allowed under existing laws to conform to these principles. However, given the mandate of the Committee and the specific directive of the predator work group related to 14 CCR §§460, 465.5 and 472, we confine our comments to these provisions.¹

With respect to proposed amendments, please note the following color key:

- **Black** = Original statutory text.
- **Blue** = Proposed added language.
- **Green** = Original statutory text moved from one section to another section.

A. 14 CCR §460: FISHER, MARTEN, RIVER OTTER, DESERT KIT FOX AND RED FOX

Current Text:

“§460. Fisher, Marten, River Otter, Desert Kit Fox and Red Fox.

Fisher, marten, river otter, desert kit fox and red fox may not be taken at any time.”

Recommendation:

This section of the regulations should be retained as is.

Discussion:

From the Commission Staff Report and as discussed at the March 12, 2015 meeting, our understanding is that the Department intends to propose that the Commission amend this section to prohibit take for fur

¹ Other outdated, unworkable and/or problematic sections of the regulations are in significant need of revision as well. Please see Exhibit B for substantive comments on regulations and policies warranting vetting by the Committee and revisions by the Commission. We note that these comments were submitted by Project Coyote to the Commission 16 months ago but none of these other sections of the regulations have been addressed to date. In stark contrast, the three sections that are the focus of this letter and the March 12, 2015 work group meeting were propositioned by a narrow set of interest groups including the Animal Pest Management Services, the California Farm Bureau Federation and the Shasta County Cattlemen’s Association.

purposes only because this was the purported “original intent” of the regulation. Such a change would open these species up to sport hunting as well as other currently prohibited forms of take.

No change should be made to the current text of 14 CCR §460. Most of these enumerated species are already or soon to be afforded take protections under both state and federal statutes. The native subspecies of red fox is listed pursuant to the California Endangered Species Act (“CESA”), and it, along with the highly imperiled Pacific fisher and Humboldt marten, have or are being considered for listing pursuant to the federal Endangered Species Act (“ESA”). Similarly, the desert kit fox—a focal species in the California Desert Renewable Energy Conservation Plan—is facing severe threats and is also on a trajectory that may lead to it being listed pursuant to CESA and/or the ESA. Any amendment made to 14 CCR §460 that would reduce protections for these species cannot be supported by sound science and would be an unwise policy decision that would put the Commission and the Department on a collision course with the mandates of CESA and the ESA, as well as require extensive review under the California Environmental Quality Act (“CEQA”).

Further, we have researched the “original intent” of this section and found no evidence that the California Legislature or the Commission had intended this section to prohibit take for fur purposes only. In challenging this interpretation, we request that the Department provide any actual evidence of the “original intent” of this section or reasoning as to why these species warrant lesser protection. Even if the supposed intent could be discerned, the rule was promulgated in 1959 and, from a policy standpoint, Californians have since developed strong support for protective wildlife measures—as evidenced through California voters’ support of public ballot measures to protect predators and to restrict take methods deemed cruel and/or indiscriminate under Proposition 4 (1998) and Proposition 117 (1990).

B. 14 CCR §465.5: USE OF TRAPS

Recommended Amended Text:

“§465.5 Use of Traps.

- (a) **Traps Defined.** Traps are defined to include padded-jaw leg-hold, steel-jawed leg-hold, and conibear-type traps, snares, dead-falls, cage traps, common rat and mouse traps and other devices designed to confine, hold, grasp, grip, clamp or crush animals’ bodies or body parts.
- (b) **Affected Mammals Defined.** For purposes of this section, furbearing mammals, game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on January 1, 1997, in sections 3950, 4000, 4150 and 4700 of the Fish and Game Code.
- (c) **Prohibition on Body-Gripping Traps.** ~~ping for the Purposes of Recreation or Commerce in Fur.~~ It is unlawful for any person to trap ~~for the purposes of recreation or commerce in fur~~ any ~~furbearing mammal or nongame mammal~~ animal with any body-gripping trap. A body-gripping trap is one that grips the ~~animal mammal’s~~ body or body part, including, but not limited to all leg-hold and foothold traps (including steel-jawed, spiked-jaw, spiked-tooth, padded, laminated, off-set, and enclosed) ~~padded-jaw leg-hold traps~~, conibear-type traps, and snares. For the purposes of this section, ~~C~~ cage and box traps, nets, and suitcase-type live beaver traps, ~~and common rat and mouse traps~~ shall not be considered body-gripping traps ~~and may be used to trap for the purposes of recreation or commerce in fur any furbearing or nongame mammal.~~
(1) Exception for Extraordinary Case to Protect Human Health or Safety. The prohibition in subsection (c) does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise

prohibited body-gripping trap padded jaw leg hold trap is the only method available to protect human health or safety. All traps used pursuant to this subsection must comply with the specific requirements in subsections (c)(1)(A)-(C) and (g) below.

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

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

(B) Conibear-Type Trap Placement Requirements. Any conibear-type traps used to implement subsection (c)(1) must be consistent with requirements under Section 4004 of the Fish & Game Code. Traps of the conibear-type with a jaw opening larger than 6"x6" may not be used on land. Traps of the conibear-type with a jaw opening larger than 6"x6" but no larger than 10"x10" may be used in sets where the trap is wholly or partially submerged in water.

(C) Zones Prohibited to Body-Gripping Traps ~~the Use of Conibear-type Traps and Snares.~~ Conibear-type traps and snares Body-Gripping Traps, except those totally submerged conibear-type traps and common rat and mouse traps, and deadfall traps are prohibited in the following zones:

1. Zone 1: Beginning at Interstate 5 and Highway 89. . .
2. Zone 2: Beginning in Tehama County at the intersection of Highway 36 . . .

(d) **Prohibition on Exchange of Raw Fur.** It is unlawful for any person to buy, sell, barter, possess, transport, export or otherwise exchange ~~for profit~~, or to offer to buy, sell, barter, possess, transport, export or otherwise exchange ~~for profit~~, the raw fur, as defined by Section 4005 of the Fish and Game Code, of any furbearing mammal or nongame mammal that was trapped in this state, with a body-gripping trap as described in subsection (c) above. Any furbearing mammal or nongame mammal that was lawfully trapped with a body-gripping trap pursuant to subsection (c)(1) above may only be possessed until such time as it surrendered to the department.

(e) ~~Prohibition on Use of Steel-jawed Leg-hold Traps by Individuals.~~ It is unlawful for any person to use or authorize the use of any steel-jawed leg-hold trap, padded or otherwise, to capture any game mammal, furbearing mammal, nongame mammal, protected mammal, or any dog or cat. Use of Conibear Traps, Snares, Cage and Box Traps, Nets, Suitcase-type Live Beaver Traps and Common Rat and Mouse Traps for Purposes of Property Protection Unrelated to Recreation or Commerce in Fur. Conibear traps, snares, cCage and box traps, nets, suitcase-type live beaver traps and common rat and mouse traps may be used by individuals to take authorized mammals for purposes unrelated to recreation or commerce in fur, including, but not limited to, the

protection of property, in accordance with subsections (g) (1) through (5) below. Except for common rat and mouse traps, all traps used pursuant to this subsection must be numbered as required by subsection (f)(1) above. The prohibitions of subsections (c) and (d) above shall apply to any furbearing or nongame mammal taken by a conibear trap or snare pursuant to this subsection (g).

- (f) **Use of Cage and Box Traps, Nets and Suitcase-type Live Beaver Traps ~~Non-Body-Gripping Traps for Purposes of Recreation or Commerce in Fur~~.** Cage and box traps, nets and suitcase-type live beaver traps may be used by individuals to take authorized mammals. Any person who utilizes non-body-gripping traps for the take of furbearing mammals and nongame mammals for purposes of recreation or commerce in fur must comply accordance with the provisions of subsections (g)(1) through (5) below.

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

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

- (1) **Immediate Dispatch or Release.** All furbearing and nongame mammals that are legal to trap must be immediately killed or released. Non-target species shall be released unharmed and may not be taken. Unless released, trapped animals shall be killed by shooting where local ordinances, landowners, and safety permit. In jurisdictions where shooting is not permitted, trapped animals shall be released. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals.
- (2) **Trap Visitation Requirement.** All traps shall be visited at least once ~~daily~~ every 24 hours by the owner of the traps or his/her designee. Such designee shall carry on his/her person written authorization, as owner's representative, to check traps. In the event that an unforeseen medical emergency prevents the owner of the traps from visiting traps another person may, with written authorization from the owner, check traps as required. The designee and the person who issues the authorization to check traps shall comply with all provisions of this section Section 465.5. Each time traps are checked all trapped animals shall be removed.
- (3) **Trap Placement Requirement.** Traps may not be set within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps.

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

~~(5) Zones Prohibited to the Use of Conibear-type Traps and Snares. Conibear-type traps and snares, except those totally submerged, and deadfall traps are prohibited in the following zones.~~

(4) Trap Number Requirement. Any person who traps furbearing mammals or nongame mammals shall obtain a trap number issued by and registered with the department. All traps, before being put into use, shall bear only the current registered trap number or numbers of the person using, or in possession of those traps. This number shall be stamped clearly on the trap or on a metal tag attached to the chain of the trap or to any part of the trap. The trapper shall report both the location of the trap via latitude and longitude coordinates and the dates it was set in each location to the department when filing the annual trapping report required under section 467.

(h) **Statutory Penalty for Violation of Provisions. . . .**"

Discussion:

14 CCR §465.5 contains internal inconsistencies and has had amendments proposed from other stakeholders. The above proposed amendments have been made for the following reasons:

- **14 CCR §465.5(c): General Prohibition of Body-Gripping Traps.** The proposed amendments to this provision serve to combine all rules on body-gripping traps in one subsection for clarity and ease of enforcement purposes.

As noted above, trapping of furbearing mammals for depredation purposes should be very limited in scope, authorized only where truly necessary, and, absent emergency circumstances, use non-lethal traps such that trapped animals are kept alive and can be transferred and/or released to appropriate areas or facilities. We support amending 14 CCR §465.5 and all related regulations to reflect these policies. Illinois, Colorado, Washington, Connecticut, New York, New Hampshire, Oklahoma, Rhode Island, Vermont, North Carolina and South Carolina have all adopted policies banning lethal snares. These state policies reflect the belief that lethal wildlife traps are cruel, non-selective, and ecologically unsound.

As such, we propose that the content of 14 CCR §465.5(e)(1) be moved to a new section 14 CCR §465.5(c)(1) for clarity of drafting purposes. Further, to minimize the risk to non-target animals as well as the potential for controversy, 14 CCR §465.5(g) should be amended to move the contents of subsections (g)(4) and g(5) to subsection (c)(1) in order to prohibit the use of body-gripping traps, absent an "extraordinary case to protect human health or safety", matching the standard for the exceptional use of leg-hold traps in the state. From the perspective of clear statutory drafting, moving subsections (g)(4) and (g)(5) to subsection (c)(1) combines the prohibition and exception on the use of leg-hold and lethal traps in one provision as opposed to two different provisions, enhancing the clarity of the rules for trappers and enforcement officials.

Separately, we have added the requirement that all traps used in the extraordinary circumstance to protect human health and safety are required to be numbered in accordance with the proposed new subsection (g)(4) (previously subsection (f)(1)) to match the standards in subsection (g) and ensure that government traps are clearly labeled for enforcement purposes.

Further, for purposes of clarity, we have also enumerated types of body-gripping traps to which this regulation applies. Also, the proposed 14 CCR §465.5(c)(1)(B) outlines the restrictions on the placement and size of conibear-type traps, consistent with Section 4004 of the Fish & Game Code. We note, though, that with respect to allowing “partially submerged” conibear-type traps, we look forward to working with the Commission and Department to concretely define the term “partial submersion” to ensure the effectiveness of this regulation and other relevant legal provisions. Moreover, we have amended the title of new subsection (c)(1)(C) to be zones prohibited to body-gripping traps generally, not just conibear-type traps and snares, to encapsulate the spirit of the original amendment which is to protect the desert kit fox from indiscriminate trapping in its protected habitat. We note that we have included here the exception for common mouse and rat traps.

- **14 CCR §465.5(g)(3): *Maintaining consent requirements.*** All animal pest control operators should continue to be required to provide notification to and receive consent from all residents who live within 150 yards of a location where a trap is placed. Given that licensed animal pest control operators are currently permitted to use lethal traps, the risk of collateral damage to pets and non-target animals is very high. Moreover, wildlife is a shared public resource and, as a matter of policy, residents living near a placed trap have the right to notice that traps are planned for use in the area, at a minimum. Thus, we support retaining the consent requirements of landowners and nearby residents in 14 CCR §465.5(g)(3).

We do, however, acknowledge the practical difficulties of enforcing this provision. In the March 12, 2015 meeting, pest control operators and USDA Wildlife Services representatives conveyed that obtaining the requisite consent is difficult and, as a result, consent is often not obtained and this provision is unenforced. Finding a solution to this problem requires understanding the vested interests of the relevant stakeholders. One key reason that consent from relevant residents is difficult to obtain is because such residents – as well as, oftentimes, the owners who are calling upon the trapping services themselves – oppose the use of lethal traps, as this would lead to the potential killing of non-target animals as well as raise ethical and legal issues of killing wildlife as a shared public resource. The clear regulatory avenue to address their concerns is to require pest control operators and USDA Wildlife Services officers to utilize non-lethal methods and have government officers resort to the use of lethal methods to capture target animals in urban areas only in the “extraordinary case to protect human health or safety.” The representatives of pest control operators and USDA Wildlife Services claimed that their practice is to exhaust non-lethal methods. Therefore, amending the provision to legally require the use of non-lethal methods should not raise opposition from the service providers and will give neighboring residents security in giving their consent.

The pest control operators and USDA Wildlife Services representatives did, however, claim that there are certain species – in particular, the coyote, muskrat, and beaver – that can only be caught using lethal methods. This is simply not accurate. Research has demonstrated that those species can be caught and addressed without using lethal means.

- ***Miscellaneous amendments.***
 - **CCR §465.5(d).** The actions of possession, transportation, and exportation have been added to the list of types of prohibitions on the exchange of raw fur to further clarify this provision. These additional actions are found in comparable regulations, such §4800 of the Fish and Game Code with respect to mountain lions.

- **CCR §465.5(e).** The proposed subsection (e) has been moved from subsection (g) in for purposes of drafting clarity. This proposed subsection encapsulates the rules for using non-body-gripping traps and common rat and mouse traps for purposes of property protection.
- **CCR §465.5(f).** The proposed subsection (f) has been amended to clarify the rules for cage and box traps, nets and suitcase-type live beaver traps for non-depredation purposes. The term “non-body-gripping traps” is too broad, as it arguably includes common rat and mouse traps which are not subject to the same rules for purposes of non-depredation.
- **CCR §465.5(g).** The proposed amendment clarifies general trapping requirements which apply to all trapping permitted in this section.
- **CCR §465.5(g)(1).** The proposed amendment clarifies, for the avoidance of doubt, that in jurisdictions which do not allow firearms, trapped animals shall be immediately released.
- **CCR §465.5(g)(2).** This is a clean-up amendment, as the text of this section should not be referencing itself.
- **CCR §465.5(g)(4).** The proposed amendment requires that trappers report the coordinates and dates of the trap in their annual trapping report in order to ensure that trapping of furbearing and nongame mammals (particularly bobcats) has not occurred in zones prohibiting trapping.
- ***Incentive programs.*** At the March 12, 2015 meeting, incentives for predator-friendly practices were discussed. As an initial matter, we have no interest in seeing livestock harmed or ranchers and farmers suffer economically from depredation. At the same time, maintaining predator populations is critical to the ecosystem and such wildlife are shared public resources over which the ranching and farming communities do not have exclusive ownership rights. Studies show that much of the harm to livestock inflicted by predators can be avoided by the erection of protective barriers around livestock and the use of deflecting technologies which serve to protect all animal populations and economic interests at stake. We propose employing incentive programs that meet the interests of all stakeholders. Existing certification programs that incentivize non-lethal and ecologically sound approaches to address livestock-predator conflicts include “Predator Friendly,” Wildlife Friendly, and Animal Welfare Approved. Submitters would welcome the opportunity to present information about these incentive programs to the Committee, Department staff, and any other interested stakeholder groups, as was already initially done at the May 6, 2015 Committee meeting.

C. 14 CCR §472: GENERAL PROVISIONS

Recommended Amended Text:

“§472. General Provisions.

Except as otherwise provided in [this chapter](#) ~~Sections 478 and 485 and subsections (a) through (d) below,~~ nongame ~~birds and~~ mammals may not be taken.

~~(a) The following nongame birds and mammals may be taken at any time of the year and in any number except as prohibited in Chapter 6: English sparrow, starling, cCoyote, weasels,~~

~~skunks, opossum, moles and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species).~~

~~(b) Fallow, sambar, sika, and axis deer may be taken only concurrently with the general deer season.~~

~~(c) Aoudad, mouflon, tahr, and feral goats may be taken all year.~~

~~(d) American crows (*Corvus brachyrhynchos*) may be taken only under the provisions of Section 485 and by landowners or tenants, or by persons authorized in writing by such landowners or tenants,”~~

Discussion:

Overall, 14 CCR §472 currently contains several inconsistencies with respect to definitions of animal categorizations and the text of other regulatory sections. The above amendments have been made for the following reasons:

- ***Species-specific regulation; reformation of current classification system.*** As a general recommendation, in the case that the take of a specific species is permitted, it should only be done so with a species-specific regulation such as those that exists for bobcats in 14 CCR §478 and furbearers in §§461-464.² We believe that coyotes should be the highest priority for such specific regulations. Additionally, regulations for skunks should distinguish between spotted and striped skunks and explicitly prohibit take for the endemic Channel Islands spotted skunk. Similarly, any take regulations for moles and rodents should prohibit targeted take of all endemic subspecies considered species of special concern.

Moreover, the current classification of predators as “game,” “nongame,” and “furbearing” has no scientific basis and is outdated under concepts of modern conservation biology and ecological principles. We advocate for wide-scale reform of the outdated predator classification system found in the California Code of Regulations and Fish & Game Code, recognizing that the Commission itself can only change the regulations to the degree consistent with the code.

- ***Birds.*** References to birds have been struck as they are clearly not “nongame mammals.” Any regulation of their take should be addressed elsewhere in the regulations. We are happy to work with the Commission to amend the relevant regulations accordingly.
- ***Non-nongame mammals.*** The mammals currently listed in 14 CCR §472(b)-(c) are not nongame mammals as defined in F&G Code §4150 because they are not “naturally occurring” in California. Therefore, they should be excluded from 14 CCR §472 and addressed, if at all, in separate regulations.
- ***Bobcats and American crows.*** We note that of the two regulations cited in 14 CCR §472, §478 relates to bobcats and is undergoing revision, while §485 addresses American crows, which are obviously not mammals. Consequently, any references in §472 to other nongame mammal regulations are best made more generically as “in this chapter.”

² We note that we have significant disagreement with the *content* of these species-specific regulations, but still believe that the *structure* of these regulations is preferable to that in §472

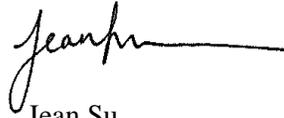
Thank you for your consideration of these recommended amendments. We look forward to continuing to work with the Department, Committee, Commission and other stakeholders to modernize California's predator management policy.

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Sincerely,



Camilla H. Fox
Founder & Executive Director
Project Coyote



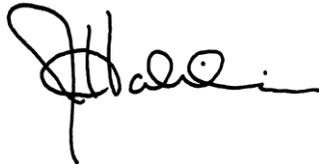
Jean Su
Staff Attorney
Center for Biological Diversity



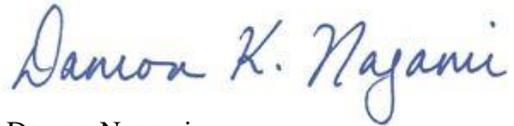
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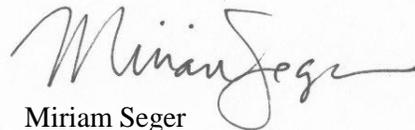
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**Fish and Game Commission
 Predator Policy Workgroup
 Compilation of Concepts and Issues from the Predator Regulations Review Exercise
 Prepared by FGC Staff
 September 14, 2016**

Existing Title 14 Regulations	Change Recommended*	Concepts/Issues	Notes
250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals	No - BG, JF, JS, RH		Inconsistencies in code and regs. with use of terms game, non-game, furbearers, and all terrestrial mammals Categorization of species in general
265 - Use of Dogs for Pursuit/Take of Mammals or for Dog Training	Yes - JB, BG, JF, JS, RH, RD	Use at night during deer season Use during deer season on private property when targeting other species Allow for firearms for peace officers/CCW permit holders Ethics regarding the use of dogs Role for scientific purposes Dog training during breeding/rearing season for gray fox and raccoons Pursuit/take or training for non-native red fox	Dates may need to be adjusted if seasons changed for gray fox or raccoons (b)(6)(F)(1) and (2) Change broader than project scope (applies to broader suite of species; firearm use) Value of training for wildlife services (ES, TL) Training option shorten to Sept 1 to start of season
365 - Bear	Yes - JF, JS, RH No - JB, BG	Use a set take limit or one that is regularly revisited	Currently set at 1700 with no apparent mechanism for adjustment
366 - Archery Bear Hunting	Yes - JB, JF, JS, RH No - BG	Use of dogs on private property during archery season Ethics regarding the use of archery	Dog provision would require change to Section 265

Existing Title 14 Regulations	Change Recommended*	Concepts/Issues	Notes
401 - Issuance of Permit to Take Animals Causing Damage	Yes - JB, JF, JS, RH, ES, NC, RD No - BG	Alignment of permit period with period for use of dogs Time limits for processing applications Use of non-lethal methods prior to lethal methods Release of non-target species taken by non-lethal methods Inclusion of body-gripping and iron-jaws traps in list of prohibited methods Methods to prevent/deter damage to bee hives from bears Addition of fox to list of species requiring permit Minimum dollar amount for damages to issue permit Reporting requirements for all species taken not just wild pig	Permit 60 days (b)(2) while dogs 20 days (b)(3) - bears and bobcats Permits for elk, <u>bear</u> , <u>bobcat</u> , beaver, wild pigs, turkeys, or gray squirrels - so changes broader than project scope
402 - Issuance of Permit to Kill Mountain Lion Causing Damage	Yes - JF, JS, RH, RD No - JB, BG	DFW discretion on whether or not to issue permits Requirements for non-lethal methods prior to use of lethal methods Inclusion of body gripping traps in list of prohibited methods Minimum dollar amount for damages to issue permit Immediate take notification period (72 hours) Required information and permit conditions	Typos noted Notification option 24 hours
460 - Fisher, Marten, River Otter, Desert Kit Fox and Red Fox	Yes - JB, BG, ES, MH, RD No - JF, JS, RH	Include/exclude non-native red fox Clarify original intent (recreation/commerce)	Red fox option - use boundaries to designate (see 472) Some of these are ESA and/or CESA listed species or candidate species
461 - Badger and Gray Fox	Yes - JB, BG, JF, JS, RH, RD	Standardize season dates in regulations - 2nd Saturday to last day of February, statewide Species categorization Bag/season limits Ethics regarding the use of dogs (gray fox)	Categorization options - badger/mink and gray fox/raccoon
462 - Muskrat and Mink	Yes - JB, JF, JS, RH, RD No - BG	Species categorization Bag/season limits	Categorization options - mink/badger and muskrat/beavers (463)

Existing Title 14 Regulations	Change Recommended*	Concepts/Issues	Notes
464 - Raccoon	Yes - JB, BG, JF, JS, RH, RD	Standardize season dates in regulations - 2nd Saturday to last day of February, statewide Adjust season to avoid breeding/rearing (i.e. Oct 1 - Feb 15) Caliber limitations(.223) Species categorization Bag/season limits	Standardize date option - shortens season in Imperial and portions of Riverside and San Bernardino counties raccoon/gray fox (note: would need to add language for gray fox to align with caliber limitations at night)
465 - General Provisions for Taking Furbearers	Yes - JF, JS, RH, ES, MH, TL, RD No - JB, BG	Ethics regarding the use of dogs Take provisions for depredation Reference Fish and Game Code Section 3004 Reference Fish and Game Code Section 4004	
465.5 Use of Traps	Yes - JF, JS, RH, ES, NC, RD No - JB, BG	Prohibition of body-gripping traps, except for human health and safety reasons Leg-hold trap requirements Conibear-type trap placement requirements Possession, transportation, and exportation of raw fur Use of traps for property protection Use of traps for recreation or commerce Release of non-target species Trap visitation requirements Requirements for trap identification and location reporting Consent requirements (150 yards) Addition of beaver zone Limiting prohibition to neck snares (g)(5)/ use of non-lethal options Addition of warning sign requirements Humane dispatch and release options Provisions for outdoor use of rat/mouse traps Authorization for capture of ill, injured, or orphaned animals	General need to clarify, reorganize, and clean-up language Potentially broader than project scope Placement in regulations
466 - Hours of Taking Furbearers	Yes - JF, JS, RH No - BG	Inclusion of language denoting where night hunting prohibited	

Existing Title 14 Regulations	Change Recommended*	Concepts/Issues	Notes
472 - General Provisions (nongame)	Yes - JB, BG, JF, JS, RH, RD No - ES	Specific inclusion of non-native red fox Use of species-specific regulations where take allowed (i.e. bobcats) Set limits of take for coyote, weasel, opossum, and skunks Provisions for methods of take and permit requirements consistent with Section 401	Would need to add language on boundary for red fox (i.e. west of I-5)
474 - Hours for Taking	Yes - JF, JS, RH No - JB, BG	Inclusion of boundaries for wolf in closed area Exemption for private property within closed area	Wolf petition in process
475 - Methods of Take for Nongame Birds and Nongame Mammals	Yes - JB, JF, JS, RH, RD	Species categorization Use of recorded/electronic calls Use of bait/dogs Reference Fish and Game Section 4004 in subsection e	Categorization option add badger, gray fox, mink, raccoon Methods for non-game more specific than general provisions for furbearers Change broader than project scope (applies to broader suite of species)
478 - Bobcat	Yes - JB, JF, JS, RH, ES, NC No - BG	Standardize season dates in regulations - 2nd Saturday to last day of February, statewide Prohibit hunting altogether Set bag limit or one that is regularly revisited Reference to Section 401 (depredation permits)	Standardization option would shorten season, currently 10/15-2/28
478.1 - Bobcat Hunting Tags	Yes - JF, JS, RH No - JB, BG	Penalties for violations	

*Column used to indicate where Workgroup members specifically noted if regulation should be modified in some way or if there should be no change made. Initials were not included than spreadsheet was left blank. A 'yes' indicates that a particular member contributed at least one of concepts/issues included but not all of the concepts/issues are attributed to them. The comments provided by each Workgroup member are provided in Exhibit 3.1.

Other Possible Regulation Sections for Consideration:

251.1 Harrassment of Animals

251.3 Prohibition Against Feeding Big Game Mammals

467 Trapping Reports