

WORKGROUP STAFF SUMMARY FOR FEBRUARY 21, 2017

2. PREDATOR POLICY**Today's Item**Information Decision

Discuss and possibly revise the draft predator policy.

Summary of Previous/Future Actions

- | | |
|----------------------------------|---------------------------------------|
| • Previous PPWG discussion | Nov 1, 2016; PPWG, Sacramento |
| • WRC discussion | Jan 18, 2017; WRC, Redding |
| • Today's PPWG discussion | Feb 21, 2017; PPWG, Sacramento |

Background

In Nov 2016, the Predator Policy Workgroup (Workgroup) discussed reviewer comments on the Sep 2016 version of the draft policy and made further revisions (Exhibit 1). Following the meeting, per Workgroup direction, FGC staff added language to the beginning of the policy to clearly define which species are covered under the policy. FGC staff then presented the final draft policy to the WRC at its Jan 2017 meeting for review and discussion.

In response to a letter submitted by a subset of Workgroup members (Exhibit 2) and comments made by Workgroup members at the WRC meeting, WRC Co-chair Williams provided the guidance on the draft policy for the full Workgroup's consideration, with the understanding that WRC Co-chair Burns may provide additional guidance during the May WRC meeting. Commissioner William's guidance had two components:

1. While sympathetic to the desire for exhausting all non-lethal and preventative measures prior to the use lethal options, it would be too hard and fast to require it in regulation, which is applicable to every situation. However, Commissioner Williams is agreeable to language that encourages non-lethal options before lethal.
2. Supportive of making changes to incorporate the word "humane" and the inclusion of factors other than just the goals and objectives of existing management plans, similar to the language provided in the staff draft.

Today, the Workgroup will discuss the input received from WRC and consider further revisions to the draft policy.

Significant Public Comments

In response to the feedback from Commissioner Williams at the Jan 2016 WRC meeting, a subset of Workgroup members submitted a letter with proposed revised predator policy text for consideration by the entire Workgroup (Exhibit 3).

Recommendation (N/A)

WORKGROUP STAFF SUMMARY FOR FEBRUARY 21, 2017

Exhibits

1. [Draft predator policy, revised Nov 1, 2016](#)
2. [Joint letter from Workgroup members, received Jan 5, 2017](#)
3. [Joint letter from Workgroup members, received Feb 7, 2017](#)

Workgroup Decision/Recommendation (N/A)

DRAFT California Fish and Game Commission
Terrestrial Predators Policy
Developed by the Wildlife Resources Committee's
Predator Policy Workgroup
Revised Nov 1, 2016

It is the policy of the Fish and Game Commission that:

- I. For the purposes of this policy, terrestrial predators are defined as all native, wildlife species in the Order Carnivora, except those in the Family Otariidae (seals, sea lions) and the Family Phocidae (true seals).
- II. Pursuant to the objectives in Section 1801 of Fish and Game Code, the Fish and Game Commission (Commission) acknowledges that native terrestrial predators are an integral part of California's natural wildlife and possess intrinsic, biological, historical, and cultural value which benefit society and ecosystems. The Commission shall promote the ecological, scientific, aesthetic, recreational, and educational value of native terrestrial predators in the context of ecosystem-based management while minimizing adverse impacts on wildlife and reducing conflicts that result in adverse impacts to humans, including health and safety, private property, and other public and private economic impacts.
- III. The Commission further recognizes that sustainable conservation and management strategies are necessary to encourage the coexistence of humans and wildlife. It is, therefore, the policy and practice of the Fish and Game Commission that:
 - A. Existing native terrestrial predator communities and their habitats are monitored, maintained, restored, and/or enhanced using the best available science. The department shall protect, conserve, and provide consumptive and non-consumptive recreational opportunities. The recreational take of native terrestrial predator species shall be managed in a way that ensures sustainable populations of predator and prey are maintained.
 - B. Human-predator conflicts shall rely on management strategies that avoid and reduce conflict that results in adverse impacts to human health and safety, private property, agriculture, and public and private economic impacts. Efforts should be made to minimize habituation of predators where it is leading to conflict. The department shall consider human safety a priority, and management decisions shall evaluate and consider lethal and non-lethal controls that are efficacious, feasible, and in compliance with all applicable state and federal laws and regulations.

C. Native terrestrial predator management shall be consistent with the goals and objectives of existing management and conservation plans. Management strategies shall recognize the ecological interactions between predators and other wildlife species and consider all available management tools.

DRAFT



Sent via electronic mail

January 5, 2017

Wildlife Resources Committee
Commissioner Anthony Williams
Commissioner Russell Burns

CC: California Fish and Game Commission (“the Commission”)
President Eric Sklar
Commissioner Jacque Hostler-Carmesin
Commissioner Peter Silva
Executive Director Valerie Termini
Wildlife Advisor Erin Chappell

Re: Wildlife Resources Committee Meeting (January 18, 2017), Item #7 – Predator Policy Workgroup, Draft Predator Policy

Dear Committee Co-Chairs Commissioner Williams and Commissioner Burns,

As members of the predator policy workgroup representing the Center for Biological Diversity, Project Coyote, The Humane Society of the United States, and the National Association for Wildlife Emergency Services, we thank the Commission for the opportunity to participate in the drafting workgroup and to work closely with multiple stakeholders toward the reform of California’s predator policy to usher it into the 21st century. While members of the drafting group have put in solid efforts into the proposed policy statement presented to the Wildlife Resources Committee at the January 2017 meeting, we note that the draft statement represents the views only of certain workgroup members who together constitute the majority vote. We write this letter to inform the Commission of the minority opinion of the draft predator policy statement.

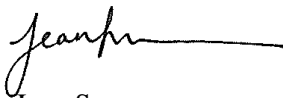
Specifically, we raise the following salient points for your consideration for the final predator policy statement, as it undergoes the review and consideration of the Wildlife Resources Committee and subsequently the full Commission. These points underscore the need for predator policy in California to espouse standards of equitable, humane, and ecologically-sound treatment of the state’s predators.

Section III (Conservation and Management Principles), Part B of the policy statement should adopt the policy that any take of predator species for depredation purposes should be very limited in scope and authorized only where truly necessary, and non-lethal methods should be exhausted before lethal methods are used in such cases. Specifically, we ask that this section require the Department of Fish and Wildlife to not just “consider” lethal and non-lethal methods but instead require that the Department exhaust all non-lethal and preventive measures, including all reasonable efforts at preventing habituation and conflict, prior to resorting to or authorizing any take under depredation. Further, the term “humane” should also be inserted to describe any approved methods of take, including lethal methods that are used.

Further, Section III (Conservation and Management Principles), Part C of the policy statement should also be modified to include the concept that predator management should not only be consistent with “the goals and objectives of existing management and conservation plans” but also take into account the goals and objectives informed by best available science, public values, and other social factors, as public attitudes are increasingly moving toward more humane treatment of wildlife – not less. The current proposed version of this section steeps predator management into an existing and antediluvian paradigm which calls for rethinking, reform, and rejuvenation under a changing ecological climate and public value system.

Thank you for your consideration of these points. If you have any questions, we are happy to discuss them with you.

Sincerely,



Jean Su
Associate Conservation Director & Staff Attorney
Center for Biological Diversity
jsu@biologicaldiversity.org



Jennifer Fearing
Fearless Advocacy, Inc.
jennifer@fearlessadvocacy.com



Rick Hopkins, Ph.D.
Senior Conservation Biologist
Live Oak Associates, Inc.
Science Advisory Board Member
Project Coyote
rhopkins@loainc.com



Rebecca Dmytryk
President and CEO
National Association for Wildlife Emergency Services
Founding Officer
Humane Wildlife Control Association
rebecca@wildlifeservices.org



Sent via electronic mail

February 7, 2017

Wildlife Advisor Erin Chappell
Predator Policy Workgroup Members

Mr. Josh Brones
Ms. Noelle Cremers
Mr. Bill Gaines
Mr. Mark Hennelly
Mr. Tony Linegar
Ms. Erica Sanko

CC: California Fish and Game Commission (“the Commission”)
President Eric Sklar
Commissioner Jacque Hostler-Carmesin
Commissioner Russell Burns
Commissioner Peter Silva
Commissioner Anthony Williams
Executive Director Valerie Termini

Re: Predator Policy Workgroup Meeting (February 21, 2017), Item #2 – Draft Predator Policy

Dear Ms. Chappell and Predator Policy Workgroup Colleagues,

As members of the predator policy workgroup representing the Center for Biological Diversity, Project Coyote, The Humane Society of the United States, and the National Association for Wildlife Emergency Services, we ask that you consider slight changes to the draft predator policy (dated November 1, 2016) prior to its finalization and submission to the Fish & Game Commission. These proposed changes underscore the need for predator policy in California to espouse standards of equitable, humane, and ecologically-sound treatment of the state’s predators.

Specifically, these proposed changes reflect points which received positive reception at the Wildlife Resources Committee meeting on January 18, 2017. At the meeting, Commissioner and WRC Chair Williams, while expressing his desire to give Commissioner Burns *in absentia* the opportunity to weigh in on the draft policy prior to making a recommendation to the greater Fish & Game Commission, expressed that he is (i) agreeable to language that encourages non-lethal options prior to resorting to lethal options; (ii) supportive of incorporating the word “humane” to describe approved methods of non-lethal and lethal take; and (iii) supportive that native terrestrial predator management should consider, in addition to the goals and objectives of existing management plans, other factors, similar to those proposed in the original staff draft. Commissioner Williams actively encouraged the Predator Policy Workgroup to take this feedback into account and strive to reach consensus on a final predator policy prior to submitting it to the Committee and subsequently the Commission.

Given Commissioner William’s feedback, we propose the following changes to the draft predator policy for your consideration:

Proposed change to Section III(B):

Revised text:

“Human-predator conflicts shall rely on management strategies that avoid and reduce conflict that results in adverse impacts to human health and safety, private property, agriculture, and public and private economic impacts. Efforts should be made to minimize habituation of predators where it is leading to conflict. The department shall consider human safety a priority, and management decisions shall **give priority consideration to non-lethal conflict resolution methods, and any methods used shall be evaluate and consider lethal and non-lethal controls that are** efficacious, **humane**, feasible, and in compliance with all applicable state and federal laws and regulations.”

Reasoning: It is our position that the take of predator species for depredation purposes should be very limited in scope and authorized only where truly necessary, and non-lethal and preventative methods should be prioritized and required before lethal methods are used in such cases. This section should require the Department of Fish and Wildlife to give *priority* consideration—and not just evaluation and consideration—to non-lethal conflict resolution methods.

Further, the term “humane” should also be inserted to describe any approved methods of take, including lethal methods that are used. The use of the term “humane” has substantial precedence in describing take of species in the Fish & Game Code and Title 14 of the California Code of Regulations—including, very relevantly, provisions which require the use of “humane methods” to trap gray squirrels (FGC § 4181), ensure “humane killing” of deer (FGC § 4181.5), mandate that birds injured by shooters be “humanely dispatched” (FGC § 3307), and require that animals taken pursuant to a depredation permit “be killed in a humane manner instantly” (14 CCR § 401(d)(2)). It is appropriate to use the term “humane” to describe take methods in the state predator policy here.

Proposed change to Section III (C):

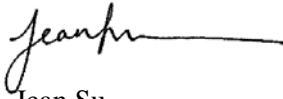
Revised text:

“Native terrestrial predator management shall be consistent with the goals and objectives of existing management and conservation plans. Management strategies shall recognize the ecological interactions between predators and other wildlife species and consider all available management tools, **best available science, affected habitat and other biological and social constraints.**”

Reasoning: the proposed changes incorporate ideas embodied in the Commission staff’s first draft of the policy, presented at the November 1, 2016 Predator Policy Workgroup meeting. Predator management should not only be consistent with “the goals and objectives of existing management and conservation plans” but also take into account the goals and objectives informed by best available science, public values, and other social factors, especially in light of the reality that public attitudes are increasingly moving toward more humane treatment of wildlife—not less.

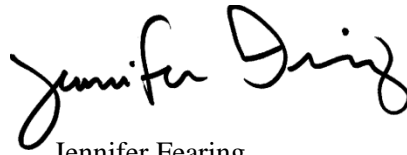
We thank you in advance for your reasonable and measured consideration of these points, as we work in cooperation to finalize a draft policy statement that is representative of California values.

Sincerely,



Jean Su

Associate Conservation Director & Staff Attorney
Center for Biological Diversity
jsu@biologicaldiversity.org



Jennifer Fearing

Fearless Advocacy, Inc. on behalf of
The Humane Society of the United
States
jennifer@fearlessadvocacy.com



Rick Hopkins, Ph.D.

Senior Conservation Biologist
Live Oak Associates, Inc.
Science Advisory Board Member
Project Coyote
rhopkins@loainc.com



Rebecca Dmytryk

President and CEO
National Association for Wildlife
Emergency Services
Founding Officer
Humane Wildlife Control Association
rebecca@wildlifeservices.org