

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

**Amend Sections 460, 465.5, and 478
Add Sections 458.1, 458.2, 458.3, and 460.1
Title 14, California Code of Regulations
Re: Trapping Furbearers and Nongame Mammals Nonnative Red Fox**

- I. Date of Initial Statement of Reasons: May 11, 2004
- II. Date of Pre-adoption Statement of Reasons July 23, 2004
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: June 24, 2004
Location: Crescent City, California
 - (b) Discussion Hearing: Date: August 6, 2004
Location: Bridgeport, California
 - (c) Adoption Hearing: Date: August 27, 2004
Location: Morro Bay, California
- IV. Description of Modifications of Originally Proposed Language of Initial Statement of Purpose:

Language that was originally proposed for Subsection 465.5(g) stated that bats may not be trapped and may only be excluded from structures during the period October through March, except to prevent property damage, or to protect human health or safety. Revised language amends the times during which bats may be excluded from structures to the following: February 15 through April 15, and September 1 through October 15.
- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Purpose:

Wording proposed previously was intended to reduce the likelihood that young bats would be left in structures to starve if the adults were excluded during the maternity season. The new language is intended to also protect bats that may be emerging temporarily from structures during the winter roosting period.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

Description of Proposed Action by Public:

Change the proposed dates when bats can be excluded from structures to more accurately reflect both the bat maternity period, and the period when bats may temporarily emerge from winter roosts.

Proposal Source:

Greg Tartarian
Santa Rosa, Ca
July 15, 2004 (letter)

Recommendation:

Accept

Analysis:

The Department believes that the new language may be helpful in avoiding the exclusion of bats from winter roosts, as well as preventing young bats from being left to starve inside structures.

Updated Informative Digest/Policy Statement Overview

Under current regulations (Sections 460, 461, 462, 463, 464, 465, 465.5, 466, 467, 472, 473, 474, 475, 478, 478.1, and 479 Title 14, CCR), furbearing and nongame mammals may be taken for recreation and commerce in fur and for other purposes under a Department-issued trapping license, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify furbearing and nongame mammal seasons, areas, bag and possession limits; methods of take; use of traps; hours of take; and requirements for trapping statements or reports.

The proposed regulatory changes will create separate sections regarding leg-hold trap use; trapping license examination fees; exemption from Department of Fish and Game trapping licensure when trapping certain furbearing and nongame mammal species that are a nuisance or injuring crops or property, and; nonnative red fox trapping and hunting season. Additionally, the proposed changes will amend existing sections that prohibit the take of red fox; regulate trap use; and regulate the bobcat hunting and trapping seasons.

The following is a summary of the changes proposed by amending sections 460, 465.5, and 478, and adding sections 458.1, 458.2, 458.3, and 460.1, Title 14, CCR:

- Establish a separate section regarding leg-hold trap use to clarify that they may not be used, except in extraordinary cases to protect human health or safety;
- Establish a separate section authorizing the Department of Fish and Game to charge a fee to apply for a trapping license examination to help the Department recoup its costs of administering this examination;
- Establish a separate section that exempts from the trapping license requirement the trapping of fox squirrels, gophers, ground squirrels, mice, moles, opossums, raccoons, rats, skunks, and voles that are a nuisance or injuring crops or property. This would relieve persons, who have trapping licenses or their equivalent from the Department of Pesticide Regulation or the Structural Pest Control Board to trap these same mammals, from having to procure a second license from the Department of Fish and Game. The proposed regulation also would stipulate that no raw furs of these animals taken pursuant to this section may be sold;
- Identify the native and threatened Sierra Nevada red fox as the red fox subspecies which may not be taken at any time and distinguish it from the nonnative red fox subspecies;
- Establish a nonnative red fox hunting and trapping season and area to provide additional hunting and trapping opportunity and to control the spread of and possibly reduce the nonnative red fox population. The proposed regulation will also make unlawful the take of red fox for any profit-making purposes, which is consistent with Fish and Game Code Section 4012. The existing regulation in Section 460, Title 14, CCR, was established to protect the native Sierra Nevada red fox (*Vulpes vulpes necator*), a high-elevation subspecies now classified as threatened in California. The nonnative red fox (*Vulpes vulpes regalis*) was introduced decades ago for fur farming and hunting. It has proliferated in low elevation habitats to the extent that it is now considered an agricultural pest, and a threat to some wildlife species. This proposal adds Section 460.1, Title 14, CCR, in an effort to permit hunting and trapping for nonnative red foxes in an area of lower elevations that is far removed from the range of the native Sierra Nevada red fox. Controlling and/or reducing the nonnative red fox population in California is desirable, as these mammals prey on rodents, rabbits, reptiles, shorebirds, waterfowl, and other ground-nesting bird species, including some threatened and endangered species;

- Amend the regulation governing the use of traps in order to:
 - Exempt completely submerged traps from the daily visitation requirement because of their kill-type design and the intensive labor required to set up;
 - Allow for other practical methods of dispatch to ensure rapid death of trapped furbearing or nongame mammals;
 - Provide that the existing requirement, that trappers have written consent of the landowner to place traps within 150 yards of a structure used as a residence, apply only to body gripping traps;
 - Match the zones of protection for the Sierra Nevada red fox and San Joaquin kit fox with their current ranges;
 - Add an exception to the prohibited use of conibear traps, deadfall traps, and snares within these zones to protect human health or safety, and;
 - Add a provision that bats may not be trapped and may only be excluded from structures during the period October through March, except to prevent property damage, or to protect human health or safety. This would be added due to public concern regarding the protection of bats as there are 11 bat species classed as Species of Special Concern.
- Extend the bobcat trapping season an additional 51 days. Existing Section 478, Title 14, provides a 69-day trapping season. Inclement weather typically restricts or prevents trapping activity during portions of this period. In an effort to offset trapping time lost during these events and to increase trapping opportunity, while assuring bobcat harvest levels remain well below allowable thresholds, the proposed regulation change expands the season to 121 days, and;
- Adjust the bobcat hunting season so that it opens on the second Saturday of October instead of October 15. Providing for seasons to open on Saturdays is consistent with Commission policy.

Language that was originally proposed for Subsection 465.5(g) stated that bats may not be trapped and may only be excluded from structures during the period October through March, except to prevent property damage, or to protect human health or safety. Revised language amends the times during which bats may be excluded from structures to the following: February 15 through April 15, and September 1 through October 15. Wording proposed previously was intended to reduce the likelihood that young bats would be left in structures to starve if the adults were excluded during the maternity season. The new language is intended to also protect bats that may be emerging temporarily from structures during the winter roosting period.