

Section 401, Title 14, CCR, is amended to read:

**§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, wild pigs, deer, wild turkeys, or gray squirrels that are damaging or destroying, or immediately threatening to damage or destroy, land or property.

(b) Permit Period. Permits issued pursuant to this section shall be valid for a period not to exceed one year, except that permits for elk, bear, wild turkey, or deer shall not be valid for more than 60 days. Permits may be renewed if damage or threatened damage to land or property continues to exist.

(c) Form and Conditions of Permit. Applications shall be made on form entitled "PERMIT TO KILL DEER, BEAR, ELK, WILD PIG, GRAY SQUIRREL, BEAVER, WILD TURKEY, OR MOUNTAIN LION CAUSING CROP OR PROPERTY DAMAGE" (~~FY99/00 WPB 50K~~) (FG WPB 543 (new 5/05)). The department may add terms and conditions to the permit necessary to protect wildlife and ensure public safety. To be valid, ~~the~~ permit shall contain a statement signed by the applicant that he/she has read, understands, and agrees to be bound by all the terms of the permit.

(d) Methods of Take.

(1) Animals taken pursuant to a permit may be taken in any legal manner except as herein provided and in accordance with the provisions of Section 465.5 of these regulations. Permits to take deer shall include conditions that comply with Fish and Game Code section 4181.5. No iron-jawed or any type of metal-jawed traps may be used to take squirrels or bears. No poison may be used. The department may specify the caliber and type of firearm and ammunition, archery equipment or crossbow to be used based upon safety considerations. The department may require that a permittee take animals alive by the use of live traps.

~~(2) All traps set for bear must be set within a pen with the entrance guarded by a cross-bar no more than 24 inches above the ground. Two signs, at least 8 x 10 inches in size, worded "DANGER-- BEAR TRAP" must be posted within 15 feet on two sides of the trap. No trail or blind sets may be used for bear.~~

~~(3 2)~~ The permittee and/or agent shall ensure that all animals are killed in a humane manner ~~and shall make every effort to kill the animals instantly and prevent any injured animal from escaping.~~

(e) Government Employees and Designated Agents.

(1) An employee of a federal, State, or local government agency or local district with responsibilities including but not limited to animal control, animal damage control, irrigation, flood, or natural resource reclamation, while acting in his/her official capacity may take depredating animals on the property designated in a permit issued pursuant to this section.

(2) The permittee may designate up to three other persons as his/her agents to take animals under the terms of the permit. A designated agent shall be any person who is acting under the direction and control of the permittee and who is 21 years of age or older. The designated agent(s) shall be named on the permit. The permittee may substitute designated agents with prior written approval of the department.

(f) Persons Prohibited from Taking Animals. No person may take animals pursuant to the permit if he/she has been convicted of a violation related to the take or possession of game or furbearing mammals in the past 12 months or if he/she is on probation and may not hunt or possess a firearm as part of the terms of probation. A landowner who is on probation and may not hunt or possess a firearm as part of the terms of probation must designate a qualified agent to take animals under a permit.

(g) Written Report Required for Wild Pigs. The permittee shall provide a report listing the date and sex of each wild pig 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 mail the report to the department on or before the 15th day of the following month. Reports shall be mailed to: ~~Department of Fish and Game, Wildlife Programs Branch, 1416 Ninth St., Sacramento, CA 95814~~ the address provided by the department.

(h) Tagging Animals. All animals taken pursuant to a permit, except wild pigs, shall be immediately tagged with tags provided by the department. Wild pigs shall be tagged prior to being transported from the property designated in the permit. Tags for animals except wild pigs shall be completed at the time the animal is taken. Tags for wild pigs shall be completed before the wild pigs are removed from the property. Tags shall clearly show the permittee's name, address, date and location the

animal was taken and shall include the signature of the person taking the animal. The report portion of each tag shall be mailed to the department without delay. No tags are required for squirrels and beavers.

(i) Utilization of Carcass. Animals taken pursuant to this permit must be disposed of as required in the permit. No animals, except wild pigs, may be utilized by the permittee or designated agent. The permittee or designated agent may leave the carcass of any wild pig where it was taken for reasons of high air temperatures, disease, parasites, or conditions which preclude use of the carcass. A person who makes every reasonable attempt to utilize the carcass of any wild pig as required in this subsection shall be deemed to be in compliance with Section 4304 of the Fish and Game Code.

(j) Suspension and Revocation of Permits.

(1) Permits may be suspended temporarily by the director for a breach or violation of the permit by the holders thereof, their agents, servants, employees or any person acting under their direction and control. The commission shall be notified of any such suspension and subsequently may revoke or reinstate the permit, or fix the period of its suspension, after written notice to the permittee and the permittee has been afforded an opportunity to be heard.

(2) Any person who has had his/her permit revoked or suspended by the commission shall be required, upon application for a new or subsequent permit, to appear before the commission and demonstrate to its satisfaction that the use of such a permit will be consistent with depredation control, with these regulations, and with the laws under which they are promulgated.

(k) It is unlawful for a permittee or agent to violate any of the terms or conditions of a permit issued pursuant to this section.

(l) The permit does not invalidate any city, county, or state firearm regulation.

NOTE:

Authority cited: Sections 202, 3003.1 and 4181, Fish and Game Code. Reference: Sections 3003.1 and 4181, Fish and Game Code