

Fish and Game Commission
Predatory Policy Review

EXISTING F&G CODE (Statutory)	HSUS RECOMMENDATIONS	HSUS Questions & Comments	Project Coyote RECOMMENDATIONS	Project Coyote Questions & Comments
2003 - Possession and Take General	(1) Eliminate subsections (c) and (d)		(1) Eliminate subsection (d)	**Intent here is to prohibit ALL contest hunts- REGARDLESS of prize \$ or other inducements- hence why section d should be removed
4000 - Trapping of Fur-Bearing Mammals		<p>**what is the consistent rationale to explain which animals are non-game versus fur-bearers?</p> <p>**The trapping regs as pulled off the state site also identify wolverine, cross fox and silver fox. This needs to be addressed.</p>		
4002 - Trapping of Fur-Bearing Mammals	<p>(1) insert <u>legal</u> before trap</p> <p>(2) poison under a proper permit</p>	<p>**Regs §3003.2 specifically exclude 1080 and cyanide. What is left after these?</p> <p>**use of dogs should be reconsidered</p>		**What poisons are currently legal for use to take furbearers?
4003 - Trapping of Fur-Bearing Mammals	(1) Eliminate entire section			
4004 - Trapping of Fur-Bearing Mammals	<p>in subsection (e)</p> <p>(1) daily</p> <p>(2) insert <u>within a 24 hour period daily</u></p>	**3003.1 prohibits the use of the below mentioned devices, but notes a bunch of sections, this one included, that are "notwithstanding". If there are exemptions to 3003.1 they need to be clearly identified and characterized.	<p>(1) Eliminate subsection (c)</p> <p>(2) Eliminate subsection (f)</p> <p>(3) Eliminate subsection (g)</p> <p>(4) Eliminate subsection (h) in subsection (b)</p> <p>(5) with a spread of 5 1/2 inches or larger without offset jaws.</p> <p>(6) Add subsection <u>(e) Use a snare or a cable restraint as a trap.</u></p>	**Need to make consistent w/ provisions of Prop. 4 and AB 789
4011 - Trapping of Fur-Bearing Mammals				
4150 - Nongame Mammals				

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4152 - Nongame Mammals

in subsection (a)
 (1) insert or bartered at end
 in subsection (b)
 (2) ~~daily~~
 (3) insert within a 24 hour period following the setting of a trap
 (4) Non-target species shall be released unharmed and may not be taken.
 In subsection (b)(2)
 (5) ~~the bears~~
 In subsection (b)(3)
 (6) reoccurrence

**No idea what this means – there is no such critter as a “red fox squirrel.” Probably means red or fox squirrel?
 **"injuring growing crops or other property" is too vague.
 **This section should be collapsed into section 4181

in subsection (a)
 (1) insert after 4005 and consistent with the Department’s stated depredation policy which authorizes depredation control measures to be directed towards individual offending animals that pose an immediate threat to private property, or that have caused damage thereto, only
 (2) insert after code including Section 401 of Chapter 14, requiring issuance of a permit to take animals causing or immediately threatening to cause damage to growing crops or private property and requiring

4153 - Nongame Mammals

**Modify section to require the department to issue a finding before allowing any such control, with proper public notice and opportunity to comment.

**Overly broad application
 **What is definition of harmful?

4154 - Nongame Mammals

**Overly broad, no distinction between native and non-native species.

4181 - Depredators

in subsection (a)
 (1) ~~bear~~
 (2) insert wild animal
 in subsection (b)
 (3) ~~bears~~
 (4) insert species

**There are two gray squirrels in CA, one native and the other introduced. Not clear which is referred to here, or if both are intended?

**Species list should be reviewed --- whicg species require permits for depredation control – and what species don’t. Seems rather arbitrary.

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4181.1 - Depredators

in subsection (b)
(1) ..transfer of the carcass to another person or entity, providing such entity is as a nonprofit...

**There is a small work group convened to discuss pig issues. Those efforts should continue with DFW involvement aimed at developing better pig management rules/regs/tools.

**We are aware of serious enforcement issues with this "encounter" section and suggest LE be engaged in the discussion about pig management.

4185 - Depredators

(1) bears may be taken at any time with culvert traps

4190 - Depredators

**This has led to lawsuits in Arizona. Should reconsider.

EXISTING TITLE 14 REGULATIONS

**HSUS
RECOMMENDATIONS**

**HSUS
Questions & Comments**

**Project Coyote
RECOMMENDATIONS**

**Project Coyote
Questions & Comments**

250 - General Prohibition Take Resident Gamebirds, Game Mammals and Furbearing Mammals

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265 - Use of Dogs for Pursuit/Take of Mammals

****Dogs** – if allowed at all - should be limited to pursuing and baying certain mammals but expressly prohibited from any further “take” of them.

in subsection (a)(2) edit to read
 (1) The use of dogs is prohibited for the pursuit and take of all wildlife in California. ~~bear, bobcat, elk, bighorn sheep and antelope.~~

****Pursuit and take** should be prohibited for ALL mammals; training allowed only for purposes of depredation/treeing and scientific research

****Subsection F** -- includes the birth season. There should be no allowed pursuit of any species of mammal that falls within the birth season and the immediate period following when fully dependent young are present. This is consistent with the ethic of wildlife management

In subsection (a)(4)
 (2) ~~the pursuit/take of mammals or for~~
 in subsection (b)
 (3) ~~the pursuit/take of mammals or for~~
 in subsection (b)(1)
 (4) ~~the pursuit/take of mammals or for~~
 (5) Eliminate subsection (b)(2)
 (6) Eliminate subsection (b)(4)
 (7) Eliminate subsection (b)(5)
 in subsection (b)(6)(A)
 (8) insert Training is distinguished from “pursuit”, as used in Section 86 of the Fish and Game Code, in that the animal being chased shall not be killed, captured, or injured.

****Seasons** require revisions (subsection f)

365 - Bear

in subsection (e)
 (1) ~~or bait~~

****No baiting** of any species should be allowed.

****No bait** should be allowed for taking any predators in CA.

366 - Archery Bear Hunting

in subsection (d)
 (1) ~~during the archery season for bear.~~

In subsection (e)
 (2) ~~or bait~~

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400 - Deer Depredation Hunts

401 - Permit to Take Animals Causing Damage

in subsection (a)
(1) ~~may~~
(2) insert must
(3) ~~or immediately threatening to damage or destroy,~~

in subsection (b)
(4) ~~or threatened damage~~

in subsection (c)
(5) insert DEPREDATING

460 - Fisher, Marten, Desert Kit Fox and Red Fox

in subsection (a)
(1) insert bobcat
(2) insert a bobcat in the act of injuring or killing livestock may be taken immediqely provided the property owner or tenant applies for a permit frim the department the next working day following the take .

In subsection (b)
(1) strike entire section
(2) insert
1. Permits issued purusant 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 days.
3. Permits issued pursuant to this section authorizing the use of dogs for bear or bobcat shall authorize no more than three dogs and shall be valid for a period not to exceed 20 consecutive days.
4. Permits may be renewed if damage or threatened damage to land continues to exist. (more...)

in subsection (c)
(1) Strike section
(2) Insert Required Information, and

**Subsection (d): Should incorporate protocols for non-lethal before lethal methods of take

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461 - Badger and Gray Fox

in subsection (b)
(1) eliminate subsection (3)

**Should not allow unlimited take

462 - Muskrat and Mink

**Should not allow unlimited take

464 - Raccoon

**These specific dates to allow take should steer clear of birth and dependent young rearing seasons.

(1) Eliminate subsection (d)

**Should not allow unlimited take

472 - General Provisions

**There should be limitations on the take of these species – “any time and in any number” is not in keeping with ethical species management.

in the preamble insert
(1) Except ...provided in California Fish and Game Code Section 4152 , Code of Regulations...

in subsection (a)
(2) ~~and mammals ... coyote, weasels, skunks, opossum, moles and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species).~~

Insert subsection (e)
(e) Consistent with the Department's stated depredation policy and California Fish and Game Code Section 4152, only nongame mammals that have damaged growing crops or private property or to have posed an immediate threat thereto may be taken by methods consistent with Section 401 of the California Fish and Game Code of Regulations, requiring a permit. It shall be unlawful for citizens of the State of California to conduct, organize, sponsor or participate in mass indiscriminate killing of nongame mammals, including those for any type of prize, recognition or financial reward.

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<p>474 - Hours for Taking 475 - Methods of Take for Nongame Birds and Nongame Mammals</p>	<p>in subsection (b) (1) except coyotes, bobcats, American crows and starlings</p>	<p>**Poisons should be outlawed for all take, depredation and recreation/hunting.</p> <p>**No baiting should be allowed outside of depredation/relocation efforts.</p>	<p>(1) Eliminate subsection (b)</p> <p>In subsection (e) (2) 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 and taking the nongame mammal caught in that trap.</p>	<p>**Overly broad. Default should be cannot be taken except as provided- instead of default as "in any manner except" ...</p>
<p>478 - Bobcat</p>		<p>**We think bobcats should not be hunted or trapped in California. It is largely a commercial hunt and not justified.</p>	<p>(1) Strike entire section</p>	<p>**Should not allow unlimited take</p>
<p>478.1 - Bobcat Hunting Tags 480 - Bobcat Depredation</p>				

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**Farm Bureau
RECOMMENDATIONS**

DFW RECOMMENDATIONS

FGC RECOMMENDATIONS

**CONSENSUS (General
Agreement)**

**Require consistent rationale to distinguish non-game and fur-bearers.

**Need to clarify that all poisons prohibited. If not, what is permitted?

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****Verify list of critters and use scientific
names**

~~immediately~~

~~immediately~~

****Verify which gray squirrel is referenced**

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~~immediately~~

Farm Bureau RECOMMENDATIONS	DFW RECOMMENDATIONS	FGC RECOMMENDATIONS	CONSENSUS/General Agreement
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(1) ~~immediately~~

(2) Insert to 401(a) 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.

(3) Insert subsection 401(j) 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.

Options:

(1) insert for fur before at any time

(2) insert except for incidental or depredation.