

From: [Mike Boitano](#)
To: [FGC](#)
Subject: Comments on predatory policy
Date: Friday, April 18, 2014 8:06:01 AM
Attachments: [M-comments.docx](#)

Please find attached my comments on Fish and Game predatory policy

Mike Boitano
Amador County Agricultural Commissioner

Fish and Game Commission Wildlife Resources Committee

May 7, 2014

Hiram W Johnson State Office Bldg.
455 Golden Gate Ave.
San Francisco, California
San Diego Room

- 2003 – Possession and Take General
 - The Elimination of Subsection C
 - There is adequate protection in the Fish and Game code to make sure the species used in these contests are not harmed or that the population of these species are reduced to a nonviable level.
 - Since Mark Twain's writing of the Jumping Frog of Calaveras County, the 39th Agricultural District Fair has had as its major entertainment a Jumping Frog contest. This yearly event is both known locally, nationally and internationally.
 - Elimination of Subsection
 - There is adequate protection in the Fish and Game code to make sure that the species used in these contests are not harmed or the population of these species is at a viable level.

General:

The comments by the Humane Society of the United States and Project Coyote are intended to do away with all contests dealing with any type of wildlife. This is to forward their own agenda which does not take into consideration any rights and concerns of any other people. There are many contests put on annually throughout the state that give children and adults that have never experienced any interaction with wildlife an experience they will never forget. Most of these contests are overseen or permitted by the California Department of Fish and Wildlife.

- Section 4000 – Trapping of Fur-Bearing Mammals
 - I agree with the Department of Fish and Wildlife recommendation that there is a need to distinguish between non-game and fur-bearing mammals.
- 4002 – Trapping of Bearing Mammals
 - I would recommend that this section stay as it is written. There may be a time when poisons are needed to control a population during a disease outbreak. The use of dogs is a valuable tool when tracking injured or diseased animals.
- 4003 – Trapping of Bearing Mammals
 - I believe this section should be left as written. The California Department of Fish and Wildlife needs to depopulate a portion of a wildlife species to stop the spread of the disease that threatens wildlife or humans.
- 4004 – Trapping Fur-Bearing mammals
 - Leave this section as written.
Most animals are trapped at night; therefore, the longest interval that an animal would be in a trap would be from the time that it was trapped to the next day. If there is no difference, then allow for the flexibility to daily checks.
 - I am categorically opposed to accepting Project Coyote wish to prohibit the use of snares or cable restraints. Project Coyote and other organizations have limited the trapping tools that are left to protect agriculture (ranching and farming). The only effective tool left are snares and cable restraints. If we eliminate snares or cable restraint devices, what protection will we have?
 - I am very opposed to Project Coyote suggestion of adding a new subsection to prohibit the use snares or cable restraints.
 - They are the only tools left to effectively protect farmers and ranchers in the state of California.
 - State law prohibits the firing of any firearm within 150 yards of any dwelling. How will offending wildlife be effectively managed if not for snare or cable restraint devices?
 - The Collared cable restraint device was invented to overcome target specificity and humane issues.
- 4011 – Trapping of Fur-Bearing Mammals
 - Should be left as written
- 4150 – Nongame Mammals

- Should be left as written

- 4152 – Non-Game Mammals
 - - In subsection b make the trap check requirement daily. Please see comments under Section 4004.
 - Very strongly oppose the insertion of **non-target species shall be released unharmed and may not be taken.**
 - Even the most humane live cage traps can at times cause injury to trapped animals.
 - Flexibility needs to be given to the trapper for those times when an animal is hurt, even though all the laws and regulations have been met.
 - Flexibility of this type is the basis for incidental takes permits via formal consultations with the United States Fish and Wildlife Service for even the rarest and protected, threatened and endangered species. If this process is good enough for the federal government, it should be good enough for animals that are not threatened and endangered.
 - I am adamantly opposed to Project Coyote comments as they are related to the targeting of “individual offending animals.”
 - This would be very detrimental to any individual rancher or farmer whose property was being damaged by wildlife.
 - By the time permits were issued, the offending animal would be long gone.
 - A person should have the right to protect his or her property at any time.

- 4153 – Non-Game Mammals
 - Leave this section as written.

- 4154 – Non-Game Mammals
 - Update this section to reflect US Department of Food and Agriculture who now oversees Wildlife Services.

- 4181 – Depredators
 - Update this section to come into alignment with Proposition 4 language.

- 4181.1 – Depredators
 - I would like to see the words or property inserted in subsection a after the word livestock. Bears will come into bee yards and destroy not only the bee population but the hives in which they live.
 - I would oppose a suggestion that the donation of a carcass has to be only to a nonprofit organization. I believe you’ll find it is against the law to donate animals for human consumption that have not been federally inspected.

- 4185 – Depredators
 - Leave this section as written.
 - These two counties should be able to use tools that are authorized in the rest of the state.

- 4190 – Depredator

- I would like to see this section read “the department shall tag..... All depredatory animals relocated...”
- All relocated animals can cause trouble in the ecosystems in which they are placed. That would give the public and wildlife managers a tool to determine where these animals are coming from. These relocated animals will usually continue their bad behavior. These tagging regulations will help identify repeat offenders

Title 14 CCR

- 265 – **Use of Dogs for Pursuit/Take of Mammals**
 - I’m opposed to Project Coyote’s recommendations in Section A to substitute language that dogs are prohibited from the pursuit and take of all wildlife in California.
 - This would do away with the use of dogs in all types of bird hunting applications.
 - Use of dogs in the pursuit of predatory animals is necessary at times to protect an individual’s property.
 - The use of dogs in the pursuit of predatory animals may be necessary to protect human health and safety.
 - The use of dogs may be necessary to fine injured animals
- 365 – Bear
 - I oppose the comments that “no bait shall be allowed for taking of any predatory animal in California.” How would a person use a live trap to take care of problem animals if he could not bait that animal?
- 366 – Archery Bear Hunting
 - Should be left as written
- 400 – Dear Depredation Hunts
 - Should be left as written
- 401 – Permit to Take Animals Causing Damage
 - I think it’s very important that we leave this section as written as it gives landowners, farmers and ranchers the right to protect their property.
 - If we do away with the ability of these people to take an animal that is worrying or destroying their livestock or equipment, it would take away a very essential tool to their livelihood.
 - I would like at this time to say I wholeheartedly support the comments from the Farm Bureau on the issuance of permits. The insertion of the wording into Section 401 (a) and 401 (l) would be very timely.
 - We have seen in the past that the Department of Fish and Wildlife does not have the personnel to issue permits in a timely manner.
- 460 – Fisher, Martin, Desert Kit Fox and Red Fox
 - Should be left as written

- 461 – Badger
 - Oppose Project Coyote’s comment on eliminating Subsection 3. Although the section pertains mostly to hunters it is important that our predator control specialists have the ability to pursue gray foxes for dog training purposes.
- 462 – Muskrat and Mink
 - Should be left as written
- 464 – Raccoon
 - I would oppose any changes that take away the ability to train dogs for use in predator control by wildlife specialists.
- 465.5 – Use of Traps
 - Add the “Neck” before snare in section (g) (5). Title of section to read:
 - *“Zones Prohibited to the Use of Conibear-type Traps and Neck Snares”*
 - The zones described in section (g) (5) (A) and (B) are the San Joaquin Kit Fox and Sierra Nevada Red Fox ranges. The absence of the word “Neck” precludes the use of all types of snares, to include the foot snare.
 - The justification to allow or clarify what type of snare rests in how foot snares operate. They operate similar to a padded leg-hold trap that was allowed to be used in the San Joaquin kit fox range prior to Prop 4 that banned such devices with the exception of HHS work and T&E protection. Foot snares have a pan that activates the device and throws a cable around the foot/leg of the animal. There is a pan tension device on the throwing device that allows it to maintain a minimum of 4.5 lbs. of tension which would exclude kit fox from activating the device.
- 472 – General Provisions
 - I would be opposed to the language Project Coyote wants to insert into this section.
 - It would do away with many types of fundraising programs for nonprofit charities.
- 474 – Hours for Taking
 - Should be left as written
- 475 – Methods of Take for Non-Game Birds and Non-Game Mammals
 - I think this section should be left as written.
 - There are ongoing research projects at the federal level to develop newer, better acting and or specific types of poison to be used on predatory animals. I think it would be better to be able to let our wildlife specialist evaluate these tools.
 - The use of the predator control collar is a very selective way to take care of offending animals. As new poisons are developed it would be a shame if we did not have a good delivery system.
- 478 through 480
 - Should be left as written.

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